

**AUGUST 25, 2015
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY AUGUST 11, 2015

CALL TO ORDER

Mayor Grunch called the meeting to order at 12:08 p.m. followed by the Pledge of Allegiance.

Present: Mayor Ron Grunch, Mayor Pro Tem Gene Towne, Commissioners Laura Sansom, Tom Neidhamer and Derek Gaylord

Absent: None

Staff: Cindy Grice, Michael Cain, Barb Brooks, Lisa Schrock, Jeff Gaither, Andy Kovolski, Scott McPherson and Mark Fowler

Others: There were 12 citizens in attendance including representatives from the Charlevoix County News and Petoskey News Review

**CONSENT AGENDA
MOTION**

2015-08-107
Moved by Gaylord
Second by Neidhamer

To approve the August 11, 2015 City Commission regular meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Mike Dow, one of the partners who purchase 475 N Lake Street said he has learned of the 2006 Waterfront Master Plan that included moving the City Facilities off the waterfront. He is appealing to the Commission to look at the new lakefront potential with the now open 475 N Lake Street property. Let's work on a new effort to look at a much needed new location for the city facilities. He and Bob Grove would like to assist the City in any way they can. This is a once in a lifetime opportunity to give the City the entire open waterfront. They have been contacted by citizens who are in agreement with this. Bob Grove said he agrees with Mr. Dow. He agrees the City does need new facilities badly, but is concerned about the location. He has received a copy of the 2006 Waterfront Master plan as well. It's a good plan that brings up some good points. The playground situation is going to change things. There are some interesting ideas out there and they'd like to establish a meeting with the City Commissioners. There are better potential sites in the City.

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- We have received funds from our insurance carrier for the fence replacement that was necessary due to tree damage at the Wastewater Treatment Plant. Commissioner Sansom inquired about that at the last meeting and we contacted our insurance carrier that approved the claim.
- The DPW facilities project, the Business Park storm water

improvement project and Court Street are all now underway and moving along well.

- There have been about 60 new water meters installed by our personnel since March 1, with hopes to have about 200 installed by the end of the year.
- The City's new internet access for viewing tax and utility bill information is now available through the City's website.
- Our regular end of Summer Rubbish Collection program resumes on Wednesday September 2.
- The third Boyne on the Water public participation session will be held the evening of Tuesday, September 15 in the High School Performing Arts Center starting at 5:30 p.m.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Second Reading –Veterans Park Ordinance / Parks, Beaches and Public Place Ordinance

The July, 2015 Financial Statement was received and filed.

Consideration of second reading and adoption of the proposed ordinances dealing with City Parks in general and the Veteran's Park Pavilion respectively.

Public Works Superintendent Andy Kovolski discussed the updated Parks and Veteran's Park Pavilion Ordinance that is being presented for the second reading. The changes as requested by the Commissioners at the first reading along with recommendations by the Police and Park Department have been included in the update. All violations are now Civil Infractions.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Sansom said the changes make more sense. Commissioner Gaylord said he is in no way opposed to have the executive make a decision on the parks, because there is an appellate process in place. All other Commissioners are ok with the ordinances as presented with two word changes.

MOTION

2015-08-108
Moved by Towne
Second by Gaylord

To approve of second reading and adoption of the proposed ordinances dealing with City Parks in general and the Veteran's Park Pavilion respectively with the minor word changes as requested

Ayes: 5
Nays: 0
Absent: 0
Motion carried

ACD Antenna Proposal

Review and consideration of ACD proposal to install telecommunication antennas throughout the City.

City Manager Cain said there hasn't been much movement since the last Commissioner meeting regarding this matter. Suggestions were made to

incorporate an antenna in the new City facilities. He thinks there is additional information that needs to be discussed with ACD and is not recommending additional action at this point.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Gaylord said this is a matter of trying to strike the balance with legal requirements and maintaining the balance of the Community. He also thinks the METRO Act was for fiber optic lines. Did the original Act call for those antennas? City Manager Cain said no, we learned about those later. Commissioner Gaylord said this has an appearance of bait and switch. City Manager Cain said antennas are specifically excluded under the METRO Act. Mayor Pro-Tem Towne said he would like to see further information regarding compensation to the City for the antennas. Commissioner Neidhamer said we are in a grey area between federal and state laws not being up to date. Our job is to protect our right of ways and the compensation for the antennas. Commissioner Sansom said she agrees. Mayor Grunch said the City Manager will continue to keep the Commissioners posted.

Sommerset Pointe Sanitary Sewer Update

City Manager Cain discussed a proposal to spread out the payments for collection of the Reserve Fees for those who wish to connect to the Sommerset Pointe Sewer Line. The first \$550,000 of the Reserve Fees collected are to be paid to the City's Wastewater fund to help offset future maintenance costs of the system the City will take over and be responsible for in the future, while the amounts after that for the first 15 years are to help offset some of the developers construction costs. After consulting with City Staff, some affected Eveline Township Residents, and our City Attorney Jim Murray, we are prepared to recommend that we establish a payment plan for the \$10,000 Reserve Fee that would include; a time period of 10 years; an annual interest rate of 4%; an executed agreement between the parties that would incorporate these terms approved by our city attorney; it would be open to property owners who sign the required agreement and pay the required other fees by September 8, 2015 (or other date the contractor would need to know by; it would be open to the first 55 connections; customers would be responsible for payment of any increase in City connection fee between now and time of turn on, prior to turn on; debt would run as a lien on the affected property; payments would be made once a year; a person could pay it off sooner if they choose, without penalty.

The reason we would do this would be to encourage people to connect as the pipe was being installed so to reduce any possible issues that might come from doing it later. It would probably save the prospective customer from a higher cost also. There is no requirement of any sort for the City make any payment arrangements. The City would be allowing extension of its sanitary sewer system mainly as a benefit to our neighbors in Eveline Township along Lakeshore up to and including those in Sommerset Pointe. The direct benefits to the City itself are relatively small.

Staff Comment: Mark Fowler said the construction will begin on September 8 and the Construction Company wants to know who wants to hook up.

Citizens Comments: Mark Fruge asked if it would be easier to do the tap-in now? Would the health department require those whose septic systems fail to hook up to the sewer system? Jim Jaarsma asked if it is possible to pay the lateral and tap later? Robin Berry said this is a short timeline to let the residents know. The \$10,000 reserve fee is a very serious amount of money. She is requesting to reconsider the reserve fee. Vic Miller thanked the Commissioner for considering their situation. Robin Berry asked if we could wait on the \$10,000 Reserve Fee until the sewer is connected. He said he has a horrible landscape situation. This makes it possible for him to consider his \$25,000 investment on this short notice. Roger Perreault said the timing is unbelievable and the numbers are shocking. He doesn't think we are going to get that entire capacity and thinks the funding is strange.

Board Discussion: Commissioner Neidhamer said he thinks the 10 year payment plan for the opportunity is a better scenario that paying it all if their system fails. He added he feels this is justified. Mayor Pro-Tem Towne said this gives the property owner another option and their choice whether or not to hook up. Commissioner Gaylord said the City didn't have to do this all. He inquired if the 4% interest rate is appropriate and was informed, yes. Commissioner Sansom said she is sympathetic to all and understand it's a lot of money to come up with. Mayor Grunch said he supports the recommendation. Our job is to be good stewards of our assets.

2015-08-109

MOTION

Moved by Grunch

Second by Towne

To authorize City Staff, working with the City Attorney to put in place as a Sommerset Point Sanitary Sewer Extension Project Reserve Payment plan as outlined allowing the \$10,000 cost to be spread in annual payments for up to 10 years at a 4% annual interest rate.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Division Street Lift Station Pump

Consideration to purchase a Keen Pump to replace the existing pump at the lift station at the corner of Division and Front Streets from Keen, in the amount of \$1,948 and authorize the City Manager to execute the documents

Water/Wastewater Superintendent Mark Fowler discussed the lift station at the corner of Division and Front Street that requires replacement. Its running at about one-half of its capacity. Parts are no longer being made for that pump any more. We received a quote from Keen to replace it.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in agreement with the recommendation:

MOTION

2015-08-110
 Moved by Towne
 Second by Gaylord

To purchase a Keen Pump to replace the existing pump at the lift station at the corner of Division and Front Streets from Keen, in the amount of \$1,948 and authorize the City Manager to execute the documents

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Boyne Area Archery Club
Novelty Shoot Event**

Consideration to approve a Boyne Area Archery Club novelty shoot event at the Avalanche Archery Range on September 26, 2015 from 8:00 a.m. to 5:00 p.m.

Public Works Superintendent Andy Kovolski discussed the request from Bill Kuhn for permission to hold an Archery shooting event at the Avalanche Park Archery Range. He has secured sponsorship for an event from G5 Archery and a few other entities as well. All of these companies are well respected and mostly family owned. The main goal of the event is to increase local interest in Archery and to make this an annual event. There are not any archery events currently held in northern Michigan. This could become an event that would draw people to the area which is beneficial to our businesses. The request has been reviewed by the Parks and Recreation board and they recommend its' approval.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement and very supportive of this event.

MOTION

2015-08-111
 Moved by Gaylord
 Second by Towne

To approve a Boyne Area Archery Club novelty shoot event at the Avalanche Archery Range on September 26, 2015 from 8:00 a.m. to 5:00 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**MML Conference
Registration Guests**

Consideration to invite up to four individuals from our community as a part of the City of Boyne City team attending the MML 2015 Annual Conference in Traverse City.

City Manager Cain discussed the invitation from MML encouraging registered participants to bring a community leader as part of our team to the convention. We have four paid registrations, so we are allowed four guests.

Staff Comments: None

Citizens Comments: None

Board Discussion: Board members had several ideas such as the Chamber Director, Main Street Director and possibly the candidates in the upcoming Commission election. City Manager Cain said we will ask for volunteers from within the community.

GOOD OF THE ORDER

Commissioner Neidhamer inquired about the status of the Playground Committee. Mayor Pro-Tem Towne said he went to the Relay for Life and it went quite well. The City received lots of good exposure. \$22,000 was raised. He wished more people had been there. Commissioner Gaylord asked if we have a cost on the underground boring for Division Street yet and Andy said not at this time.

**ADJOURNMENT
MOTION**

Moved by Mayor Grunch seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, August 25, 2015 at 2:00 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer