

**AUGUST 12, 2014
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 12, 2014

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at 7:00 pm followed by the Pledge of Allegiance.

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

Staff: Cindy Grice, Scott McPherson, Jeff Gaither, Andy Kovolski, Hugh Conklin, Michael Cain, Annie Doyle, Dan Meads and Barb Brooks

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

CONSENT AGENDA

MOTION

2014-08-108

Moved by Neidhamer

Second by Gaylord

To approve the July 22, 2014 City Regular City Commission meeting minutes as presented

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

Ron Crozier discussed the parking area at Veteran's Memorial that is being used as a drive thru to events and the Farmer's market in the park. He added that he shouldn't have to police Veterans Park, what people are abusing.

CORRESPONDENCE

Mayor Grunch presented correspondence received from the Arbor Day Foundation.

CITY MANAGERS REPORT

City Manager Cain reported:

- The two entrances at Maple Lawn Cemetery have been closed
- There will be a meeting this week regarding interest in continuing the Labor Day Drag Race
- The City Manager's group will be returning to Boyne Mountain for their conference next week.
- Thank you to Barb Brooks and the rest of the staff for taking care of things while he was on vacation.

**REPORTS OF OFFICERS,
BOARDS AND STANDING
COMMITTEES**

Draft Minutes of the July 1, 2014 Zoning Board of Appeals; the July 10, 2014 Main Street Board Meeting; the July 17, 2014 Parks and Recreation Commission and the July 21, 2014 Planning Commission Meeting were received and filed.

City Facilities Update

Consideration to approve the proposal from Environment Architects in the amount of \$85,802 to provide construction and bid documents for the new DPW facility and to continue to develop Concept Four as presented at the July 8, 2014 City Commission meeting and authorize the City Manager to execute the documents.

City Manager Cain discussed the proposal from Environment Architects to develop construction and bid documents for the new DPW facility located at the North Boyne Property, to conduct the bidding process and help in selecting a contractor to begin construction in the spring of 2015. It would also include the continuance of the development of Concept Four for the City Hall, EMS, Fire and Police Department, development phases for that project only.

Citizens Comments: Dr. Richard Fish asked if we have locked in a number yet and was told no.

Staff Comments: No

Board Discussion: Commissioner Sansom asked where this puts us in the process. Ray Kendra said this is for developing new plans, reducing costs, survey, developing bids while basing this on the \$1,500,000 budget. It would provide detailed plans.

Commissioner Gaylord asked if the first contract with Environment Architects was completed and Ray said yes, and that they exceeded the scope of work. Commissioner Gaylord added that this was his concern that we got a low price on the first part and hammered on the second part. Ray Kendra from EA said they are being extremely fair in their pricing. Work done to date has been fair. It's customary and typical and he stands by his amounts. Commissioner Gaylord said there are arguments to be made for both sides. We own the materials. If there was another firm, they could take that.

Mayor Pro-Tem Towne said he is ok with moving forward. Commissioner Neidhamer said this reflects the 1.5 million dollars. The pencil has been sharpened. He said he sincerely believes what Ray is telling us and supports it. All time invested give his company the basis to continue forward. Someone else would have to start over. He thinks we have money saved, we need to proceed and he supports moving forward with the DPW portion and take it to the next step. Commissioner Neidhamer added he would like to entertain the idea of taking it to the next step. We proceed with the DPW building and with the cash in hand we may be able to start moving forward with the emergency service portions. The third phase would be City Hall.

Mayor Grunch said he goes back to the process and believes Ray has done a thorough job reviewing the previous study and also indentifies our needs. Commissioner Sansom asked if we did move forward on the emergency services, we should reference that we would save money on the current EMS facility rent and utilities to offset some costs. Commissioner Gaylord said he has been a proponent of moving forward as well and also concurs with the process for EMS to be done ASAP. He just wanted to get it on the record about other firms.

MOTION

2014-08-109

Moved by Towne

Second by Neidhamer

To approve the proposal from Environment Architects in the amount of \$85,802 to provide construction and bid documents for the new DPW

facility and to continue to develop Concept Four as presented at the July 8, 2014 City Commission meeting and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Division Street Drainage Update

City Manager Cain discussed the drainage issue off Division Street. We aren't sure what is causing the water to stand there. There are comments that it is due to the Division Street construction. We are also looking for outside people to give us a different, independent perspective and trying to figure out the cause of more water.

Bill Kuhn, a resident of the area said the water issue started in the Spring of 2013. He provided pictures to the Commissioners. He added he is not sure Division Street construction is the cause. Maybe it's the smoking gun. The sludge is terrible, the mesquitos are out of control. We need to go deeper to get rid of this water and need to get a good fix, not quick fix.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer said he has been in communication with Mr. Kuhn since 2013. He has walked the property with him and Andy Kovolski. Our property is draining onto Bill's property. This is somewhat our responsibility; however Bill's property is lower than ours. It is the City's responsibility to further explore with professionals. Mayor Pro-Tem Towne said he also looked at the property before and after this work was done. It has helped but not changed much. Commissioner Gaylord said he concurs with the City Manager that we need to bring in as many resources in to look at this. Engineers said it should flow better, not worse. He thinks we need to move forward with everything we need to do. We did the first step with hope it would provide full relief. At this point, it has not. We need to not back burner this and find a resolution. Commissioner Sansom said we need to move forward to resolve this. She would really like to get something figured out by the end of this month. Get other experts.

Initiation of Legislation Petitions

Petitions to re-establish the addition of fluoridation to the City of Boyne City municipal water system.

City Clerk/Treasurer Grice stated that on July 29, 2014, petitions were presented to City Hall for a ballot question on an ordinance amendment to re-establish the fluoridation of the City of Boyne City's municipal water system. After verification of the name and signatures on the petitions, it has been determined that 677 of the signatures submitted are valid. 558 signatures were required, based on City Charter language. Clerk / Treasurer Grice discussed the sections of the City Charter that related to this matter. If the City Commission chose to select option 7.21© from the Charter tonight, this matter could appear on the upcoming November 4th ballot. If this option was chosen at a later date with the 30 days provided for in the Charter, it would appear on a February, 2015 ballot.

Emailed correspondence from the Vacationland District Dental Society of the Michigan Dental Association supporting continuation of fluoridating Boyne City's public water supply was received and filed.

Citizens Comments: Dr. Fish said when you voted, you were essentially challenging the citizens. Listen to what people said. You have other options. He added that they are asking to do the right thing.

Ward Collins said he worked on collecting signatures. He knocked on doors, and of the people he spoke with, only two declined, of approximately 70 people. He tried to keep the conversation about the petitions. People made strong motions and negative comments. He encouraged the Commission to allow it to be on the ballot ASAP.

Dr. Tom Veryser said he had an opportunity to speak before, and obviously spoke on deaf ears. As a dentist that deals with the poorest of the poor, to deny this is a travesty. The notion this is a matter of choice is absurd. Fluoride can be denied economically. For the public good, you must put fluoride back in the water.

Board Discussion: Mayor Pro-Tem Towne said if there are the required amount of signatures, he would support it on the November ballot. Commissioner Gaylord said he also concurs with Mayor-Pro-Tem Towne about it going on the November ballot. He heard from someone who signed a petition that they didn't know it was hydrofluorosilicic acid and was purchased from a company that purchased it from Mosaic and that it is a by-product. They were befuddled about that fact. He doesn't know if circulators presented full information. They may change their minds at the end of the vote. Commissioner Sansom said she talked to a number of people and also told them about the hydrofluorosilicic acid. People are not really aware when she tells them. She inquired if we know what type of fluoride will be put back in the water. People who signed the petition are not sure. She added she is in favor of putting it on the ballot. Commissioner Neidhamer said everything done to water levels is regulated. Dan Meads said by State and Federal government and we do use approved chemicals.

Commissioner Neidhamer said over 700 signatures proves without a doubt people are mad and upset. The whole process was done by professionals and supported by professionals. He trusts the experts and also supports it being on the November ballot.

MOTION

Commissioner Sansom inquired of Dr. Veryser about systems to remove fluoride from water and said she could not find economical systems.

2014-08-110
 Moved by Towne
 Second by Gaylord

To put the proposed Fluoride ordinance on the November ballot

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration to approve proposed METRO Act agreement and permits with ACD.NET and authorize the City Manager to sign the required documents to implement this action as required by state law.

Metro Agreement

City Manager Cain discussed the application from ACD.NET for a right of way telecommunications permit. This would allow them to install their communication lines in the city's road right of way pursuant to PA 48 of 2002.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom said she is not excited about something else in the right of way. How many more can be done? City Manager Cain said we can regulate that by ordinance. All other commissioners are in support of the recommendation.

2014-08-111

Moved by Gaylord

Second by Towne

To approve proposed METRO Act agreement and permits with ACD.NET and authorize the City Manager to sign the required documents to implement this action as required by state law

MOTION

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to authorize the City Manager to complete the transfer of a 13 foot portion of excess right of way from the City of Boyne City to FO Barden

South East Street Right of Way

Dan Meads discussed the Ray and East Street CDBG project. In order to provide both a useable pedestrian sidewalk and parking along the east side of South East Street, an easement is required along the FO Barden property. During discussions with the property owners, the issue of the right of way width on the East side of S. East Street between Ray Street and main Street was discussed. The right of way is 66 ft wide on the north half and the south end of the block is 82 ft wide. The Barden's have paved and maintained a portion of the right of way as part of their business for years. They have requested that the 13 foot portion of excess right of way not used by the City be transferred to them.

MOTION

Citizens Comments: None

Staff Comments: Dan Meads added the change in the design and parking in the plans on the lot makes the sidewalk more accessible to pedestrians.

Board Discussion: Commissioner Neidhamer said it makes sense, is logical and beneficial to both parties. All other Commissioners are in full support.

2014-08-112

Moved by Towne

MOTION

Second by Sansom

To authorize the City Manager to complete the transfer of a 13 foot portion of excess right of way from the City of Boyne City to FO Barden

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to approve the purchase of 10 Cyclone Streetscape lights from the Dynamic Group in the amount of \$24,180 and authorize the City Manager to sign the required documents.

Street Lighting Purchase

City Manager Cain discussed the proposed purchase of the streetscape lights. These are designed as an LED product and will have 44 watt LEDs and a 120 volt plug on the pole for a decorative circuit.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement. Commissioner Sansom said she is in favor of LED any way.

2014-08-113
Moved by Towne
Second by Sansom

MOTION

To approve the purchase of 10 Cyclone Streetscape lights from the Dynamic Group in the amount of \$24,180 and authorize the City Manager to sign the required documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to approve a contract with MC Planning & Design for an amount not to exceed \$9,750 to complete the Master Plan work as proposed

Master Planning Services

Planning Director Scott McPherson discussed the proposal for the Master Plan work. The Master Plan was last updated in 2007. This updating process will include collecting community input and develop the goals and objectives of the plan. We obtained a quote from Mary Campbell from MC Planning and design to complete the services. Scott has worked with Mary in the past and is very confident of her services in moving this forward.

Staff Comments: City Manager Cain said he agrees and supports working with Mary as well.

Mary Campbell added she is familiar with the community. She is also a landscape architect. What Scott has asked for is very common in the Master planning process.

Board Discussion: Commissioner Neidhamer said he has been thru this process as a Planning Commissioner. This is a natural process to bring in an expert and he is in full support.

Mayor Pro-Tem Towne said we need to move forward and get community input. He is in support. Commissioner Gaylord asked if there was a reason we didn't have more than one proposal. Scott said he is very confident Mary could prove the work. Commissioner Gaylord asked Mary for an overview of her philosophy. Mary said she will work closely with her community. She has been told she's a good listener and takes what she has heard to make sure it's the Boyne City Plan, not her plan. It matters what the community as a whole thinks. She gathers input and synthesizes it. She added she thinks Boyne City is on track. Overall the City has done well.

Commissioner Sansom said she is good with this relationship. Mayor Grunch said there are a lot of advantages of being local with a regional view and he is in support.

2014-08-113
 Moved by Towne
 Second by Sansom

MOTION

To a contract with MC Planning & Design for an amount not to exceed \$9,750 to complete the Master Plan work as proposed

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Commissioner Sansom said she was approached by a resident who would like to see the rubbish pick up done around the time of buff up Boyne. She also inquired if there are any plans for the 200th Anniversary of the Star Spangled Banner. Commissioner Sansom also inquired about the condition of the trees planted by the cemetery. Where are the watering bags? Mayor Grunch said he received a letter from Oral Sutliff acknowledging the water problem. Barb Brooks announced the full Waterways Commission is going to be in Boyne City this coming Thursday afternoon and to let her know if anyone had any questions.

Good of the Order

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, August 12, 2014 at 9:15 p.m.


 Ron Grunch
 Mayor


 Cindy Grice
 Clerk / Treasurer

ADJOURNMENT
MOTION