

**FEBRUARY 26, 2013  
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 FEBRUARY 26, 2013 AT NOON

**CALL TO ORDER**

Mayor Grunch called the meeting to order at noon followed by the Pledge of Allegiance.

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

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

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

**CONSENT AGENDA  
MOTION**

2013-02-020  
Moved by Neidhamer  
Second by Gaylord

2013-02-020A  
Approval of the February 12, 2013 Special City Commission meeting minutes as presented

2013-02-020B  
Approval of the February 12, 2013 regular City Commission meeting minutes as presented

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**CITIZENS COMMENTS**

Don Nessen stated the East Street bridge has a lot of pedestrian traffic and is not plowed. Staff will look into this.

**CORRESPONDENCE**

None

**CITY MANAGERS REPORT**

City Manager Cain reported:

- The new backhoe was here for display this morning.
- Staff is currently reviewing the revised street light maps.
- We have received preliminary information from C2AE for paving the unpaved streets in the City.
- The Northern Lakes Economic Alliance annual luncheon will be held this year in Petoskey.

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

The January, 2013 Financial Statement was received and filed.

**Kirtland Update**

Consideration of recommendation by City Manager to remove the Kirtland Update from future City Commission meeting agendas

City Manager Cain discussed the recommendation to remove the Kirtland Update from future City Commission Meeting agendas. As events warrant, this matter could still be reported on at future meetings either during the City Manager's report or added as a separate item.

Staff Comments: None

Citizens Comments: Don Nessen said that every day the plant is a little louder and louder. He could even hear it on Jefferson street. Last night was a living hell at his house. Nick Leibgott said last night it was very loud, even over the TV volume loud. Is the City tracking days of operation? Yes and City Manager Cain added that we appreciate the additional information we get from others also.

Board Deliberation: Commissioner Sansom said she keeps hearing about the noise and it has been more noise than in the past. As long as anything does come up and is on the agenda, she is ok with the recommendation. Commissioner Gaylord agrees and said it was there to keep transparency, but there are other mechanisms for update. If something big is announced, it can be added to the agenda if appropriately posted. Mayor Pro-Tem Towne agrees as long as it is open to Citizens Comments. Commissioner Neidhamer is in favor. It gives people a false appearance that it is a discussion item. It can be added thru other means. Mayor Grunch also agrees.

2013-02-021

Moved by Towne

Second by Sansom

MOTION

To approve the recommendation by City Manager to remove the Kirtland Update from future City Commission meeting agendas and as events warrant, will be added to the agenda

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to approve the preliminary design of the Douglas Street reconstruction project as presented and direct staff to advertise for bids to complete the project.

**Douglas Street  
Reconstruction**

Public Works Superintendent Andy Kovolski discussed the plans presented for the Douglas Street reconstruction project. This will address storm drainage and run off issues that include the surrounding areas as well. A public meeting was held and the project has met the attendees overall approval.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer stated he is in favor of moving forward. There is a need, there has been the proper process, meetings, budgeted funds. We should proceed. Mayor Pro-Tem Towne agrees. Commissioner Gaylord said he wants more input on the drawings that he did not received. He also inquired how often flooding occurred due to the current infrastructure and was informed four times last summer. He also inquired about the ramifications of the four times

per year events. Andy said here has been localized flooding in people's residences, including on Division Street. Barb Brooks added several calls for complaints have been resolved. Commissioner Gaylord asked if this will resolve the Division Street flooding issues and was informed yes. The storm sewer will be increased to 36", the road block will be removed and the 90 degree angle pipe will be straightened. Commissioner Sansom said this is a problem that needs fixing and this is a good fix. She is in favor of turning the paved area into green space. Mayor Grunch said he is in favor.

**MOTION**

2013-02-022

Moved by Towne

Second by Sansom

To approve the preliminary design of the Douglas Street reconstruction project as presented and direct staff to advertise for bids to complete the project.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Georgiana Monk and Susan Vondran of the Charlevoix County History Preservation Society discussed the project they have been involved with related to historic displays at the recently restored Boyne City Water Works Building. A plan to provide interchangeable displays, incorporating original brick and benches at the building that would give a sense of history of the building and site along with providing community awareness of how the building relates to Boyne City's history to people who visit is proposed. An estimated project budget of \$7,000 was provided, with funding provided by grants, donations, in-kind services and a contribution from the City of Boyne City.

Staff comments: None; Citizens Comments: None; Board Deliberation: All Commissioners are in agreement with the recommendation.

**MOTION**

2013-02-023

Moved by Sansom

Second by Towne

To approve to support the Water Works Historical Display project as developed by the Charlevoix County History Preservation Society committee and authorize staff to provide the necessary letters of support, grant preparation support and budget for the requested \$500 match in this coming fiscal year's budget

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**2013 Marina Seasonal and Transient Rates**

Consideration to approve charging the same rates as 2012 for both transient and seasonal for FY 2013-2014 instead of the proposed increased Michigan Waterways Commission Rates and allow staff to

adjust rates for transient boaters within the season and offer discounted group rates.

Harbormaster Barb Brooks presented the recommendation. The rate schedule received from the MDNR for the 2013 boating season proposed a slight increase in both seasonal and transient from the 2012 season. Due to the proposed construction of our marina, she doesn't believe it is in the best interest of the city to increase rates for this season. The DNR has been contacted and have agreed to accept our rates remain the same.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement. Commissioner Gaylord added that he likes the concept and could apply that across the board.

2013-02-024

Moved by Towne

Second by Gaylord

MOTION

To approve charging the same rates as 2012 for both transient and seasonal for FY 2013-2014 instead of the proposed increased Michigan Waterways Commission Rates and allow staff to adjust rates for transient boaters within the season and offer discounted group rates

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to allow Abonmarche to submit a joint MDEQ / USACE application for marina renovation on the City's behalf including the \$500 application fee; Consideration to approve the City Manager to sign and submit a joint application to the MDEQ / USACE for maintenance dredging within the harbor including the \$500 application fee; and Consideration to allow staff to solicit proposals for this professional service without going through a formal bid process as allowed by the City Charter and bring a recommendation back to the City Commission

**Marina Renovation Project**

Harbormaster Barb Brooks discussed the Marina Renovation projects. The City has been working with MDEQ for several years through the contested case process since the 2009 denial of our MDEA/ USACE joint marina permit application. In November 2012, we hired Abonmarche to assist us with finalizing overall plans, obtaining a permit and engineering, bidding and overseeing the fixed docks and shopper's dock renovation project. It has been explained to City by DEQ staff that minor changes in the plan can be made under the same permit application as long as it does not increase in footprint or change the scope of the project. It has been our intent to make minor revisions to the overall plan, submit those and hopefully walk away with a marina renovation and expansion permit. Due to

low water levels, dredging is now called for in the renovation plans but was not included in the original permit application. Abonmarche has recommended for the sake of moving forward with the current renovation of the fixed piers and shoppers dock, that we amend the contested case permit to include only the portion of work that needs to be done this season so we are not in jeopardy of losing our grant funds. We would then take a little more time to work through the overall marina expansion plan and submit that at a later date.

Also presented was the Dredge Permit Application. The City was fortunate enough to receive a grant in the approximate amount of \$105,000. This grant has a zero match requirement. In order to dredge, we will need to obtain a permit by submitting a joint application to the MDEQ / USACE at a cost of \$500. We don't anticipate any issues obtaining this permit. The MDEQ is aware of the dredging needs and the urgency to turn the permits around fairly quickly to not miss the window of opportunity to dredge and are doing what they can to issue permits in a timely manner. A map of the suggested dredging areas was provided. We can incur costs now. The concern is the timing.

As part of the permit applications, it is required to take sediment samples of the bottom land and submit the results with the application. These samples will determine the type of landfill where the materials can be disposed of and will require a geotechnical engineer. It is mandatory and we will not be able to obtain a permit without it. Structural borings are necessary to continue on with the overall marina expansion planning.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer said the whole bay is filled with plant growth and was informed we have not treated the growth the past two years. Commissioner Neidhamer added this is a win-win-win situation. We have the grant funds, the engineering and 100% of funds to dredge. It's go time. He also agreed with the proposed bid process. Commissioner Sansom inquired if the \$105,000 was enough for dredging and was informed, yes, based on the Abonmarche and State of Michigan estimates. There may be some advantages in teaming up with another community in the equipment mobilization process. Commissioner Gaylord said he thinks we tell them we have \$105,000 in funds to work with. Do the two types of sediment change costs? Barb said yes, it is not her intent to go over the funding we receive and we are hoping to get this done by this boating season. The state's intent is to process these applications ASAP. Commissioner Gaylord inquired how much it would cost to get samples, and was informed maybe \$10,000. Commissioner Gaylord also inquired of other potential costs and to make sure that we are not over committing. He was informed there are none known at this point.

Mayor Grunch said if there are any red flags, he agrees with Commissioner Gaylord, but there is the trust that it is going to happen. Mayor Pro-Tem Towne agreed the dredging has to be

done. Mayor Grunch added that time is of the essence. It is a win-win-win situation. We need to allow the City Manager and team to get these documents prepared.

MOTION

2013-02-025  
 Moved by Neidhamer  
 Second by Towne

To approve to allow Abonmarche to submit a joint MDEQ / USACE application for marina renovation on the City's behalf; to approve the City Manager to sign and submit a joint application to the MDED / USACE for maintenance dredging within the harbor including the \$500 application fee; and to allow staff to solicit proposals for this professional service without going through a formal bid process as allowed by the City Charter and bring a recommendation back to the City Commission.

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

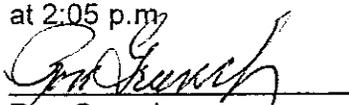
Good of the Order

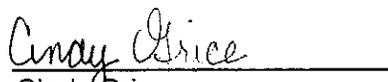
Commissioner Sansom said she would like to see the current set up of the auditorium changed for Commissioner meetings. She likes to see the person that is speaking. Commissioner Gaylord said he has done some research on the health care issue and the law that says we cannot combine with other entities. What does the law say we can or cannot do? Also, look at what entities that are currently involved in doing when combining health care and the possibility of forming a consortium.

Mayor Pro-Tem Towne asked how the Sunset Park skating rink worked and said it went well over the Holidays but not since. There is a lot of wind and much snow removal is required. Commissioner Neidhamer said he is reading the article in Time Magazine regarding health care and costs. He also asked that the Commission could get a report on other items that are being worked on, whatever is on the burner. Commissioner Gaylord inquired about what deems what items make it on the agenda. What is the process? Is there an application process? City Manager Cain said if someone requests something, the City Commission is informed and there is a process for being on the agenda. Mayor Grunch asked if we have hired an architect for the facilities yet and was informed no. Could we add a vehicle wash bay into the design?

ADJOURNMENT

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of February 26, 2013 at 2:05 p.m.

  
 Ron Grunch  
 Mayor

  
 Cindy Grice  
 Clerk / Treasurer