

**MARCH 12, 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 MARCH 12, 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, John Lamont, Dan Meads, Kevin Spate, Blake Scheller, Dennis Amesbury, Craig Remsberg, Barb Brooks, and Cindy Grice

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

**CONSENT AGENDA
MOTION**

2013-03-026
Moved by Sansom
Second by Gaylord

Approved the February 26, 2013 regular City Commission meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Don Nessen asked if there was any update or change on Kirtland and was informed no change from the last commission meeting.

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- Consumers Energy has plans to trim or remove trees around town
- We have been approached by someone who would like the City to consider horseback trails at Avalanche. This will be taken to the Parks and Recreation board.

Police Chief Jeff Gaither introduced our new police officer, Blake Scheller to the Commissioners. Mayor Grunch and the Commissioners welcomed Officer Scheller on board.

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

Draft Minutes of the February 7, 2013 Main Street Board Meeting; the February 7, 2013 Parks and Recreation Board Meeting; the February 18, 2013 Planning Commission Meeting and the February 26, 2013 Historic District Commission Meeting were received and filed.

**Redevelopment Ready
Communities**

Consideration to schedule a date for the Redevelopment Ready Community presentation. Planning Director Schott McPherson stated the City has received notification from the MEDC that the City of Boyne City has been selected as one of 8 cities to take part in the Redevelopment Ready Communities Program. City staff has had a preliminary discussion

with representatives of the MEDC in regards to the process. MEDC representatives will come to the City to do an initial presentation and will require the City Commission to pass a resolution of support and also sign a memorandum of understanding. Inquiries have been made to the MEDC to see if we could make the RRC presentation at the Planning Commission meeting as a joint session with the City Commission and have the City Commission take action on the resolution at the following regularly scheduled City Commission meeting on May 28th.

Staff Comments: None

Citizens Comments: None

Board Deliberation. All Commissioners are in agreement with the recommendation of a joint meeting with the Planning Commission and City Commissioner at a scheduled evening meeting on either May 20th or May 28th.

Public Hearing to hear comments regarding the Marina Slow / No Wake Local Watercraft ordinance resolution.

Marina Public Hearing

Mayor Grunch opened the Public Hearing at 7:15 p.m.

Harbormaster Barb Brooks discussed the procedures set forth by the MDNR for a local watercraft control ordinance. The City has its own local ordinance that addresses slow / no wake, however it appears that we do not have the full authority to impose the ordinance nor do we have the means to enforce it. While No Wake buoys are seen around Lake Charlevoix, the only enforceable areas are the narrows in Ironton and Round Lake in Charlevoix. DNR staff has worked with the City in the past to temporarily permit the placement of buoys of our harbor but has reminded us they can only enforce violations within the 100' of any dock / pier. Due to the variety of recreational uses on the lake and the fact that once you reach this end of the lake, you are basically at a dead end, it seems it would only make sense that the boating traffic slow its speed to one that is safe for all users of the lake. Taking into consideration all of these factors and various activities on the Lake, along with working with the MDNR and Charlevoix County Marina patrol staff, Barb is recommending that the City request the DNR consider increasing the 100' rule to 200' in the vicinity of our harbor area.

Police Chief Jeff Gaither said he is in full support of this recommendation. It is more of a safety issue and gives the Police Department authority to enforce it. Andrea Erratt, representing the MDNR agreed also requesting that when we adopt the wording of the resolution it could include wording that would cover any future expansion of our marina. Charlevoix County Sheriff Patrol officer Don Richards said he is in full support as well. This will slow the boats sooner, it is better safety wise.

Commissioner Sansom inquired what a safe speed is and Mr. Richards said fast enough to steer the vessel. She also inquired what would happen when someone is in violation and was informed that mostly the first time there would be a warning, but it would depend upon the severity of the situation. Commissioner Gaylord inquired how many accidents or injuries have been reported and there haven't been any reported that

anyone was aware of. Officer Richards said there haven't been very many. Commissioner Gaylord asked if we are trying to implement a fix for a problem that doesn't exist and that no one has given him any evidence of any need. Harbormaster Brooks said the buoys there are around the 200' mark but are not enforceable. Mayor Pro-Tem Towne said he believes the possibility is there for safety issue and to be proactive. Commissioner Neidhamer agreed the key is to be proactive.

Mayor Grunch closed the Public Hearing at 7:30 p.m.

MOTION

2013-03-027

Moved by Towne

Second by Sansom

Approved to adopt the Local Watercraft Resolution and submit it with the minutes from the meeting to the MDNR Law Enforcement Division and request the MDNR hold a public hearing and consider adoption of a Local Watercraft Ordinance that would enforce Slow / No Wake within 200' off the end of any Boyne City Municipal Pier and the One Water Marina.

Ayes: 4

Nays: 1, Commissioner Gaylord

Absent: 0

Motion carried

Marina Sedimentation

Consideration of Harbormaster's recommendation for sediment sampling and structural boring proposals.

Harbormaster Barb Brooks discussed bids received for sediment sampling. It is recommended that Sagasser and Associates be awarded the bid for an amount not to exceed \$4,587 to perform the sampling that are necessary as part of the MDEQ dredging permit application.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Mayor Pro-Tem Towne said we need to keep this moving and supports the recommendation. Commissioner Gaylord inquired who the other marina's selected for their testing and was informed that One Water used Sagasser. What about the timelines and ice. Harbormaster Brooks said most of the areas where sampling will take place are open. All other Commissioner are okay with the recommendation.

MOTION

2013-03-027

Moved by Sansom

Second by Towne

Approved to award the proposal for sediment sampling to Sagasser & Associates for an amount not to exceed \$4,587 and authorize the City Manager to execute the documents.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Motion carried

Consideration to approve the proposal from Abonmarche for harbor dredging engineering services for an amount not to exceed \$17,900 and authorize the City Manager to execute the documents

**Marina Dredging Services
Engineering Proposal**

Harbormaster Barb Brooks discussed the proposal received for Engineering services for dredging within our Harbor. This work requires an engineering firm to oversee the project. We have already contracted with Abonmarche to supply engineering services for our upcoming renovation project and overall marina plan. It makes sense to use them for this portion of the marina renovation as well.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Neidhamer said this is a step in the process and he is in support. Mayor Pro-Tem Towne said the marina and lake are Boyne's biggest asset and supports this recommendation as well. Commissioner Gaylord said he thinks the citizens are the best assets and inquired if we will only be billed for the hours used and was informed yes. Commissioner Sansom said that Barb's experience with Abonmarche is good and doesn't see a reason to not go ahead. Mayor Grunch is in support.

2013-03-028

Moved by Neidhamer
Second by Towne

MOTION

Approved the proposal from Abonmarche for harbor dredging engineering services for an amount not to exceed \$17,900 and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion Carried

Consideration to purchase four Scott carbon air bottles from Argus Hazco in the amount of \$2,956 and authorize the City Manager to execute the documents.

Fire Department Equipment

Fire Chief Dennis Amesbury presented a request to purchase 4 Carbon Air Bottles for the fire department. These bottles are lighter and more user friendly than the older heavier aluminum bottles and the money is available in the budget to purchase them.

Staff Comments:

Citizens Comments: None

Board Deliberation: Commissioner Sansom inquired why we did not purchase them earlier in the year. Chief Amesbury said he found a different supplier. Commissioner Gaylord asked the life length of the

carbon and was informed 5 years. Commissioner Gaylord added these will be lighter and more efficient to save lives. Mayor Pro-Tem Towne said safety is first and foremost. Mayor Grunch and Commissioner Gaylord agree with the recommendation.

2013-03-029
 Moved by Towne
 Second by Gaylord

MOTION

Approved to purchase four Scott carbon air bottles from Argus Hazco in the amount of \$2,956 and authorize the City Manager to execute the documents.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion Carried

**Michigan Natural Resources
 Trust Fund Application**

Consideration to authorize staff to proceed with a grant application to the Michigan Natural Resources Trust fund for property purchase on the Boyne River and authorization to schedule a public hearing on this matter at the March 26, 2013 meeting.

Planning Director Scott McPherson discussed the Boyne River frontage the Moody family owns and has expressed future interest in selling this vacant frontage to the City. The Michigan Natural Resources Trust Fund is currently accepting applications for land acquisition until April 1, 2013. Funded by the sale of oil, gas and mineral leases and royalties, the fund assists state and local units of government with public acquisition of recreation lands. The funding is determined by fair market value and a minimum of 25% match is required. Purchase of waterfront property is a goal of the Parks and Recreation Plan approved in 2010. Due to timing and winter residents, the Parks and Recreation Board will not meet until after the application deadline. The application requires a public hearing be held prior to submittal.

Staff Comments: Andy Kovolski said he can see the Parks board being in support of this.

Citizens Comments: Don Smith asked if this connects to any city owned property and was informed it currently would abut Riverside Park and Consumers Energy as well. Jim Baumann said the Chamber of Commerce gets a lot of request for trail locations and this would be a great piece to pick up.

Board Deliberation: Commissioner Gaylord said he is still perplexed with our desire to take property off the tax rolls. Even tho the state is willing to pay for 75% of it with other people's money. He has talked to people who are not in favor. He has a strong concern for spending taxpayers money. Other property may be beneficial to the taxpayers. He is looking at the actual need. There are always grant deadlines.

City Manager Cain said that to his knowledge, the Moody's haven't listed the property. They offered it to the City first. This doesn't commit us to anything other than applying for the grant.

Commissioner Gaylord added that he hasn't seen anything in the master plan where there would be any use. He thinks we are getting the cart before the horse. Commissioner Neidhamer said he thinks it is an opportunity we can't pass up. It does fit into our long range plans. We are at a timeline where we should work with staff. The process might take two years. He has talked to people who think that's a role of government, to provide the trails. City Manager Cain said this item is to decide to schedule a public hearing for March 26, 2013. Mayor Pro-Tem Towne asked how much this property generates in tax dollars. He is not in favor of taking property off the rolls and would like to hear what the public has to say. Commissioner Sansom said she wants to hear comments from the Community. Applying doesn't mean we'll get the grant. Mayor Grunch supports holding a public hearing and that it be a 7:00 pm meeting.

MOTION

2013-03-030

Moved by Neidhamer
Second by Sansom

Approved to authorize staff to proceed with preparing the grant application paperwork to the Michigan Natural Resources Trust fund for property purchase on the Boyne River and authorization to schedule a public hearing on this matter at the March 26, 2013 meeting.

Ayes: 5

Nays: 0

Absent: 0

Motion Carried

2013-03-031

Moved by Neidhamer
Second by Sansom

**March 26, 2013 Meeting Time
Change**

MOTION

Approved to change the March 26, 2013 meeting time from noon to 7:00 p.m

Ayes: 5

Nays: 0

Absent: 0

Motion Carried

Discussion and consideration of an invitation from the City of Manistee to participate in Mayor's Exchange with them this year, and if interested to authorize staff to work out the details

Mayor Exchange Request

City Manager Cain discussed the call received from the City of Manistee expressing interest in holding a Mayor's Exchange with them. Exchanges are usually held on dates agreeable to the communities in May and June. Costs are generally in the \$2,000 range and are well received, educational and a good use of time by those who have participated. We have exchanged with Manistee before with many items in common such as being a waterfront community with active city marinas and having an active downtown.

Staff Comments: Hugh Conklin and Cindy Grice voiced support of

participating in the Mayor Exchange.

Citizens Comments: None

Board Deliberation: Commissioner Neidhamer is in favor, it will be money well spent and an opportunity for us to learn. Commissioner Sansom said it is a good opportunity and we should do it more frequently. Commissioner Gaylord said he is not against the concept but has a problem with the \$2,000 price tag versus phone communications. He added he is trying to justify to the taxpayers. Mayor Grunch said he has participated in the past. It has been beneficial and time well spent. You can't place a dollar value on that. We should go for it. Mayor Pro Tem Towne said anytime time we can learn, let's go for it.

2013-03-032

Moved by Grunch

Second by Sansom

MOTION

Approved authorize staff to work out the details to participate in Mayor's Exchange with the City of Manistee this year.

Ayes: 5

Nays: 0

Absent: 0

Motion Carried

Consideration to proclaim the week of March 10 – 17, 2013 to be Boyne City Irish Heritage Week

**Irish Heritage Week
Proclamation**

Main Street Director Hugh Conklin discussed the Irish Historic Event that was begun six years ago by Linn Williams. It has grown to a week long family oriented celebration of our cultural heritage. This year, music, Irish History, fine food and fun highlight the week's activities. A special guest for the week is Patrick Macguire who grew up in the City of Drogheda which is located at the mouth of the River Boyne in Ireland.

Citizens Comments: None

Staff Comments: None

Board Deliberation: All are in full support. Commissioner Gaylord inquired about Boyne City becoming a sister city and was informed that Mr. Macguire is checking on this. Other Commissioners agreed that it would be a good idea. Mayor Grunch thanked Linn Williams and all those who put this event together. Also thanked was the Chamber of Commerce for their support

2013-03-033

Moved by Grunch

Second by Towne

MOTION

To proclaim the week of March 10 – 17, 2013 to be Boyne City Irish Heritage Week.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion Carried

**City Manager's Presentation
 of FYE 2014 Budget**

City Manager Cain presented the FYE 2014 Budget to the Mayor and City Commissioners. A summary of the previous 12 fiscal years has been provided. The key aspect of this budget is that we are maintaining the quality of life and services of what we have come to expect despite maintaining the lowest millage rates.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord inquired at what point it would it look like with a ½ mill reduction. Also a follow up day to the Budget Work Session would be very beneficial.

None

Good of the Order

2013-03-034
 Moved by Grunch
 Second by Gaylord

CLOSED SESSION

Request of the City Manager to go into closed session with our attorney regarding 1) Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) and 2) consider strategy connected with the negotiation of a collective bargaining agreement as provided in MCL 15.268 (c) of the Michigan Open Meetings Act (PA 267 of 1976) at 8:55 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion Carried

2013-03-035
 Moved by Grunch
 Second by Gaylord

RETURN TO OPEN SESSION

To return to open session at 10:14 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion Carried

Moved by Mayor Grunch, second by Commissioner Gaylord to adjourn the regular City Commission meeting of March 12, 2013 at 10:15 p.m.

ADJOURNMENT


 Ron Grunch
 Mayor


 Cindy Grace
 Clerk / Treasurer