

**MARCH 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 MARCH 26, 2013 AT 7:00 PM

CALL TO ORDER

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

**ACKNOWLEDGEMENT
QUORUM PRESENT
OF PARKS &
RECREATION BOARD**

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

A presence of a quorum of the Parks & Recreation Board was duly noted.

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

Others: There were 21 citizens in attendance, including representatives from the Charlevoix County News and Petoskey News Review

**MOMENT OF SILENCE FOR
GARY COLE**

Mayor Grunch called for a moment of silence for Gary Cole, a Boyne City firefighter who passed away this week.

**CONSENT AGENDA
MOTION**

2013-03-036
Moved by Towne
Second by Sansom

To approval the March 12, 2013 Regular City Commission meeting minutes as with changes as noted

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- The new patrol car was delivered on Monday
- A print of the River Boyne in Ireland is on display
- Sediment samples for the dredging have been taken and submitted.
- The Grain Train is taking a serious look at opening a store in Boyne City.
- Kirtland has not been running this past week.

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

The February, 2013 Financial Statement was received and filed.

**Fireworks Ordinance
Change 2nd Reading**

Second reading and consideration to repeal Section 34, Article 34, Division 2 – Fireworks of Boyne City's Code of Ordinances and adopt a new division to provide for the ignition, discharge and use of consumer and display fireworks

Assistant Planner Leslie Meyers discussed the proposed addition of a new division to provide for changes to the Fireworks of Boyne City's

Code of Ordinances. Under the new laws, local units still retain this right. A first reading of this proposal has already been held.

Staff Comments: Chief Jeff Gaither agrees with this proposal.

Citizens Comments: None

Board Deliberation: Commissioner Sansom is not in favor of the new state law. She inquired if we have laws in place for property damage and was informed that would be a civil liability issue. Mayor Grunch said the purpose of this is to give our Police Department authority to take action. Discussion took place regarding minor usage and purchase of fireworks. Commission Neidhamer asked if staff should issue special permits instead of the City Commission due to time constraints. Commissioner Sansom said she thinks this was specified for the Commissioners to be that decision maker. Mayor Pro-Tem Towne believes it is a good ordinance and supports the recommendation. Commissioner Gaylord requested official clarification on age usage during the specified days. He added that he isn't reading where we can restrict the possession of fireworks by a minor and wants to make sure we are fully compliant. Commissioner Gaylord also requested the time frame parameter of the penalties and was informed six months. Commissioner Neidhamer said to make it easier and more consistent, we should eliminate the line on age limits. Commissioner Sansom wants to see the age limits left in.

MOTION

2013-03-037

Moved by Neidhamer

Second by Gaylord

To postpone a decision and refer to staff to clarify section 34.114 regarding ages

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Public hearing to hear public comments regarding the possibility of applying for a Michigan Natural Resources Trust Fund grant application for the purpose of purchasing the Moody property and consideration to authorize the City Manager, Staff and City Clerk to execute the documents

Public Hearing regarding Michigan Natural Resources Trust Fund Grant Application to purchase property

Assistant Planner Leslie Meyers presented information regarding a Michigan Natural Resources Trust Fund grant application for the purpose of purchasing the Moody property. The site was displayed, an overview of the grant, it's funding sources and requirements was presented along with grant application highlights. Potential costs are \$62,500 plus closing costs. The City match is \$16,800. We should know in June if this application would move forward to the next step. Letters of support have been received and were provided to the Commissioners.

Staff Comments: Andy Kovolski said this is a good acquisition and would provide more recreation opportunities.

Mayor Grunch opened the Public Hearing at 7:58 p.m.

Bill Kuhn said he thinks it is a great idea. Jerry Swift and Gail Van Horn agree. All are Parks & Recreation board members. Ken Allen said it is a great move forward and a good start. Nancy Cunningham is in fully support. People will value this. Ward Collins supports the purchase. Carl Wehner, of the Friends of the Boyne River said their board has taken action to support this purchase. The area proximity will attract more visitors to the City and would enhance kayaking on the river.

Joe Kimmel of the Lake Charlevoix Association said they strongly support this project. It will rebuild and enhance the greenbelt around the lake. The Boyne River is one of the biggest contributors to Lake Charlevoix.

Pam Chipman said she would like to see something worked out in the future with the property they own along the river. She is also in favor any time the City can pick up waterfront.

Marty Moody, one of the co-owners of the property said he is overwhelmed by the support. His original intent was never to sell the property to the City, but to give it in return to keep his parent's house via a tax trade. Lots of misconceptions were at the last meeting. This property has never been for sale in the open market. He stated he didn't approach asking to sell the property. He also added he would like to see the City put campsites down there in the dry area.

Mayor Grunch said we can go thru the process to get the grant and he is comfortable with proceeding with this.

City Manager Cain said he doesn't have the legal basis to waive taxes. We have ordinances in place.

Chris Christensen said that for everything the Moody's have done, could the City retain naming rights for the Moody family.

Jim Baumann said the Chamber Board has endorsed this project. He hopes we can this going through.

Mayor Grunch closed the Public Hearing at 8:20 p.m.

Board Deliberation: Commissioner Neidhamer said we have overwhelming support. Improving the Parks and trails are in the top 15 goals of the City. He appreciates the generosity of the Moody family.

Mayor Pro-Tem Towne agrees with the proposal as presented.

Commissioner Gaylord said he would like to see a definitive ruling regarding ruling out a tax abatement with a private resident. He added that it makes more sense if it is legal, to do a tax abatement and he appreciates hearing the other side of the coin. It is a game changer to him. It changes the whole environment. Can the tax trade be done being compliant with applicable laws. It saves up front money immediately. That becomes the win-win-win.

Commissioner Sansom said she appreciates the generosity of the Moody family. When you tie up something for a 25 year tax abatement, it ties up a lot of time managing that. She added that for her, it makes it a lot cleaner to do this in one lump. Mayor Grunch supports going through with the grant. He is not in favor of the tax abatement.

Mayor Grunch said buying it outright is a clear deal and is a reasonable use of funds based on goal setting.

City Manager Cain said he thinks the outright purchase is the clearest and cleanest way.

Commissioner Neidhamer stated that the proposed trade of land for property tax abatement on the Moody family house was discussed in closed session with the Commissioners.

2013-03-038
 Moved by Neidhamer
 Second by Towne

MOTION

To proceed to apply for a Michigan Natural Resources Trust Fund Grant application for the purpose of purchasing the Moody property as identified and authorize the City Manager and City Clerk to complete, sign and submit the application.

Ayes: 4
 Nays: 1, Commissioner Gaylord
 Absent: 0
 Motion carried

2013-03-039
 Moved by Neidhamer
 Second by Towne

MOTION

To approve the resolution to commit to an application for a Michigan Natural Resources Trust Fund Grant application for the purpose of purchasing the Moody property.

Ayes: 4
 Nays: 1, Commissioner Gaylord
 Absent: 0
 Motion carried

Consideration for the Police Department to trade in old handguns and other Department firearms and purchase 7 new Glock .40cal pistols from CMP Distributors and receive a credit of \$407 for future police equipment purchases and authorize the City Manager to execute the documents

**Weapon Replacement
 Proposal**

Police Chief Jeff Gaither discussed the need to upgrade our duty firearms. Several gun dealers have been contacted and a proposed trade for new guns, using our currently used handguns as trading stock.

Staff Comments: Officer Spate agrees with the recommendation.

Citizens Comments: None

Board Deliberation: All Commissioners are in agreement with the recommendation and that we are getting a good price on the new firearms.

MOTION

2013-03-040
Moved by Towne
Second by Gaylord

To approve for the Police Department to trade in old handguns and other Department firearms and purchase 7 new Glock .40cal pistols from CMP Distributors and receive a credit of \$407 for future police equipment purchases and authorize the City Manager to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Good of the Order

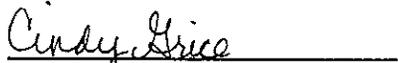
Commissioner Samson inquired about Christmas light removal.

ADJOURNMENT

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of March 26, 2013 at 9:05 p.m.



Ron Grunch
Mayor



Cindy Grice
Clerk / Treasurer