



BOYNE CITY
CITY COMMISSION REGULAR MEETING
Tuesday, September 8, 2020 at 7:00 p.m.

Due to the COVID-19 situation and per the Governor's Executive Orders, this meeting will be held electronically. To participate via Zoom, connect to:

<https://us02web.zoom.us/j/86518484681?pwd=dVVzWm1najB4NnEzdC82WkQrdjdTUT09>
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For this and the other meetings below you can dial by your location using the phone numbers below and the highlighted meeting id for that meeting:

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The public will be allowed to comment during the usual public comment opportunities during the meeting per City Commission policy and practice. All other times the public will be muted.

Written comments will be accepted until 4:30 p.m. Monday, September 7th. They may be mailed to or deposited in the City Hall Drop Box, 319 North Lake Street, Boyne City, MI 49712 to the attention of Cindy Grice, Boyne City Clerk/Treasurer or emailed to cgrice@boynecity.com

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. CONSENT AGENDA

The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.

A. Approval of the August 25, 2020 City Commission regular meeting minutes as presented

B. Approval to purchase three computer towers from Common Angle with Microsoft Home, Office and Business for a total not to exceed \$3,414 and authorize the City Manager to execute the documents

C. Approval to appoint James Richman to the Main Street Board to fill a vacancy with a term expiring January 18, 2021

D. Approval to appoint Adam Graef to the Main Street Board to fill a vacancy with a term expiring January 18, 2022

4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
 - A. Draft minutes of the August 6, 2020 Main Street Board meeting
 - B. Draft minutes of the August 13, 2020 Parks & Recreation Board meeting
 - C. Draft minutes of the August 17, 2020 Planning Commission meeting
8. OLD BUSINESS
9. NEW BUSINESS
 - A. 2nd Reading IPMC
Consideration to adopt the International Property Maintenance Code and enforcement policy as proposed
 - B. Transfer of Business Park Lot 5 – Phase II
Consideration to approve the recommendation of the EDC to transfer Lot 5 in Phase II of the business park back to Industrial Magnetics Incorporated in exchange for tax losses and associated fees and authorize the City Manager and/or City Clerk/Treasurer to execute the necessary documents
 - C. Sale of Business Park Lots 3 & 4 – Phase I
Consideration to approve the recommendation of the EDC to sell lots 3 & 4 in Phase I of the Business Park back to Flying Dutchman Holdings for \$36,500 and authorize the City Manager and/or City Clerk/Treasurer to execute the necessary documents
 - D. 2020 Pavement Rehab Project Additional Work Recommendations
Consideration to amend purchase order #5696 to Rieth-Riley Construction for the 2020 Road Rehabilitation Project by \$2,947 for an amount not-to-exceed \$277,952 and authorize the City Manager to execute the documents
 - E. 2020 Parks & Erosion Control Projects
Consideration to authorize the Director of Public Works to procure materials for the Parks and Erosion Control Projects to be completed this fall and winter subject to budgeted amounts and final approval of the City Manager.
 - F. Newspaper of Record
Consideration to approve the Petoskey News Review as the Newspaper of Record for the City of Boyne City
10. GOOD OF THE ORDER
11. ANNOUNCEMENTS
 - The next regular City Commission meeting is scheduled for September 22, 2020 at noon

12. ADJOURNMENT

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334



**AUGUST 25, 2020
REGULAR MEETING**

Mayor Neidhamer called the meeting to order at Noon followed by the Pledge of Allegiance. Mayor Neidhamer also discussed the rules of the Zoom meeting.

CALL TO ORDER

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Ron Grunch, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: None

Staff: Michael Cain, Cindy Grice, Barb Brooks, Patrick Kilkenny, Tim Faas and Mark Fowler

Others: There were 5 citizens in attendance via the Zoom meeting platform

**CONSENT AGENDA
MOTION**

2020-08-089

Moved by Solomon

Second by Conklin

Approval of the August 11, 2020 City Commission regular meeting minutes as presented

Approval of the Planning Commission recommendation to reappoint Jeff Ross to the Planning Commission for a term ending May 31, 2023

Approval of the Planning Commission recommendation to reappoint Larry Chute to the Planning Commission for a term ending May 31, 2023

Approval of the Planning Commission recommendation to appoint Jim Baumann to the Planning Commission for a term ending May 31, 2022

Approval of the Planning Commission recommendation to appoint Monica Ross to the Planning Commission for a term ending May 31, 2023

Approval of a Mutual Aid agreement with Emmet County EMS.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

None

CORRESPONDENCE

**CITY MANAGERS
REPORT**

City Manager Cain reported:

- The pavement marking has been completed
- We are out for bids for tree planting and the newspaper of record
- The lights for the new City parking lot next to the theater have been repaired
- City personnel started work at the airport for non-motorized trail to Boyne Falls.
- The labor day drag race has been cancelled
- We are getting additional quote for the city facility patio furnishings

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

**Dewatering System
Contract
Recommendation**

- The State has let us know we will be receiving an additional grant for \$150,000 for cleanup of the Lofts on Lake project site.

The July 2020 Financial Statement was received and filed.

Consideration to approve the contract with Dewind Dewatering of Zeeland, MI and issue a purchase order in an amount not-to-exceed \$7,300 and authorize the City Manager to execute the documents.

Director of Public Works Tim Faas discussed the storm sewer system upstream of the large underground stormwater treatment system in Sunset Park that is experiencing surcharging (filling above its capacity). As a result the stormwater manholes at the far west end of Water Street overflow during large rain events. The residential condominium units have flooded during the last significant rain event and the commercial building at One Water Street is in jeopardy of flooding. To correct the surcharging the City of Boyne City's consulting engineer (C2AE) designed a relief pipe that would allow some stormwater flows to by-pass the treatment system and outflow directly to Lake Charlevoix during significant rain events. The pipe needs to be installed about five (5) feet deep in a trench between an existing manhole and an existing catch basin under the sidewalks and parking lot area.

Due to the high lake levels, the current ground water level is just below the top of the existing paved surfaces. As such, a dewatering system is needed to lower the ground water levels for about a week while our Public Works crew install the new pipe. This is similar to what was done for the shallow foundations at the Veterans Pavilion project late last year.

Dewatering is a highly specialized service involving the installation of a well field with vertical well points drilled below ground attached to a piping system and large diesel pump used to draw the water up out of the ground and discharge it to the lake. DeWind Dewatering from Zeeland, Michigan who successfully dewatered the site around the Veterans Pavilion for Kroondyk Construction last year has been contacted. A site meeting was held on August 14, 2020 with DeWind Dewatering prior to submission of its proposal to the City to ensure the scope was well understood. The cost of this service is \$7,300 as outlined in the proposal. This work would be charged to the local streets #203-463-930.000 Maintenance account.

The intent is to complete the installation around the last week of September or first week of October. Tim added that he has met with representatives of Café Santé and Catt Development regarding the work and they have requested we wait as long as possible as it will disrupt the current outdoor food service area in the parking lot along Water Street. We intend to work with them on a schedule.

Staff Comments: None

Citizens Comments: None
Board Discussion: All are in favor

MOTION

2020-08-090
 Moved by Conklin
 Second by Page

To approve the contract with Dewind Dewatering of Zeeland, MI and issue a purchase order in an amount not-to-exceed \$7,300 and authorize the City Manager to execute the documents.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Road Deicing Salt
 Contract
 Recommendation**

Consideration to approve the contract for road deicing salt to Compass Minerals in an amount not-to-exceed \$58,506 per the State of Michigan MiDEAL bids and authorize the City Manager to execute the documents.

Director of Public Works Tim Faas stated that for the past several years, the City has participated in the State of Michigan (MiDEAL) bids for road salt. Public Works has used 640 tons of road salt each winter season on average over the past decade. The crews blend the deicing salt with road sand at the Public Works facility for better road adhesion before loading the mixture into the trucks.

We have about 90 tons of salt & salt/sand mix in bulk storage in our salt storage barn. The amount of salt included in the State bid, which was awarded a couple of years ago to Compass Minerals of Overland Kansas, was as follows:

1. Early fill (in September) was 600 tons @ \$77.06 per ton; and
2. Back-up fill (in February) was an additional 150 tons @ \$81.80 per ton

As such the cost for 600 tons would be \$46,236 plus 150 tons later in the season at \$12,270 for a total amount of \$58,506 to be charged to the Major & Local Roads Winter Maintenance accounts.

While the cost of road salt has increased by 66% over the past decade, the cost this season is about 3% less than last season based on the early fill rates provided. The price quoted includes delivery to our facility from Alpena, subject to City Commission approval.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

MOTION

2020-08-091
 Moved by Page
 Second by Conklin

To approve the contract for road deicing salt to Compass Minerals in an amount not-to-exceed \$58,506 per the State of Michigan MiDEAL bids and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Pipe Locator Purchase
Order Recommendation**

Consideration to approve a purchase order in the amount of \$3300 for a pipe locator from Sub Surface Instruments and authorize the City Manager to execute the documents.

Water/Wastewater Superintendent Mark Fowler discussed the difficulty locating curb stops. We currently have the wand type metal detectors but they are not always effective. We would like to purchase a pipe located that we can clip on to the service in the house and trace the line back out into the street. It will show us where the service line is so we have a starting point.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2020-08-092
Moved by Solomon
Second by Conklin

To approve a purchase order in the amount of \$3300 for a pipe locator from Sub Surface Instruments and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Michigan Municipal
League Annual Meeting
Designation**

Consideration of designation of delegates for the 2020 Michigan Municipal League Annual Convention.

City Manager Cain discussed the request. The Annual Meeting will be held virtually.

MOTION

2020-08-093
Moved by Conklin
Second by Grunch

To approve to designate Mayor Neidhamer as delegate and Commissioner Solomon as the alternate delegate for the 2020 Michigan Municipal League Annual Convention.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Good of The Order

None

ADJOURNMENT

Motion by Mayor Neidhamer, second by Commissioner Conklin to adjourn the Regular City Commission meeting of Tuesday, August 25, 2020 at 12:43 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT



Memo

Date: 9/02/2020

To: Michael Cain, City Manager

From: Kevin Spate, Chief of Police

Re: Office computer replacements

Our office has 6 computer towers of varying ages dating back to 2012. They have been showing their age by bogging down, running slower than normal and a few crashes. We have done all of the updating, defragmenting and maintenance that can be done.

It is time to start replacing these computers. We have budgeted to replace three of the computers this year. We would look to replace the other three computers in the next budget.

We have received a quote from our IT company, Common Angle, for a cost of \$899.00 per computer tower. Internet pricing of a comparable tower is \$860.00

As Common Angle will be doing the installing and IT support for these computers, I think it is worth the extra \$39 each to purchase from them. Common Angle will also handle the installing of Microsoft Office on each computer at a cost of \$239.00 each.

Recommendations:

1. Authorize the purchase of three computer towers from Common Angle with Microsoft Home, Office and Business for a total not to exceed \$3414.00
2. Delay the purchase
3. Any other action the commission feels appropriate



To: Michael Cain, City Manager 
Boyne City City Commission

From: Kelsie King-Duff, Executive Director

Date: September 3, 2020

Subject: Boyne City Main Street Board Appointments

OVERVIEW:

At the September 3rd meeting of the Boyne City Main Street Board, the board unanimously voted to recommend to City Commission approval of James Richman and Adam Graef for partial terms to the board. James Richman appointment would expire 1/18/21 and Adam Graef's term would expire 1/18/2022. These are filling the vacancies on the board from the resignations of Becky Harris and Pat Little. James is already involved with Main Street through the economic vitality committee and Team Boyne. Adam Graef is currently involved as the chair of the design committee.

RECOMMENDATION:

It is my recommendation the Boyne City City Commission appoint James Richman to a partial term on the Main Street board expiring 1/18/21 and Adam Graef to a partial term on the Main Street board expiring 1/18/22.

Options include:

1. Approve as presented
2. Do not approve as presented
3. Postpone for further consideration
4. Other options as determined by commission



Approved: _____

Meeting of August 6, 2020 MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, AUGUST 6, 2020 at 8:30 AM VIA ZOOM MEETING

Call to Order Chair Rob Swartz called the meeting to order at 8:30 a.m.

Roll Call Present: Jodie Adams, Anna Burkhart, Michael Cain, Michelle Cortright and Rob Swartz

Absent: Patti Gabos and Bob Grove

Meeting Attendance City Staff: Executive Director Kelsie King-Duff, Recording Secretary Jane Halstead, Assistant Planner Patrick Kilkenny

Public: One

Excused Absences MOTION Cortright moved, Cain seconded, PASSED UNANIMOUSLY to excuse Patti Gabos.

Approval of Minutes MOTION Adams moved, Cain seconded, PASSED UNANIMOUSLY, to approve the June 4, 2020 minutes as presented.

Hearing Citizens Present None.

Correspondence

Committee Reports Organization Committee Minutes received and filed. The TIF renewal was discussed. A meeting and walking tour is scheduled for August 13 to discuss project ideas. Interviews will be held this week for the Main Street Administrative Assistant position. Boyne Thunder discussed the possibility of hiring a coordinator for the event. The Board member evaluation form is being tweaked. The Farmers Market received a \$5,000 from the Charlevoix County Community Foundation and a \$1,000 grant from the Health Department. The environmental analysis for the theatre came back with no concerns. The National Main Street Conference is scheduled for April 21, 2020 in Boston.

Promotion Committee The July meeting of the Promotion Committee was cancelled.

Design Committee

Received and filed.

Team Boyne

Received and filed. Three guest speakers were in attendance including Adam Graef of Spuds, Steve Schnell of the Charlevoix County Housing Ready Program and Steve Bratschie a developer who wants to put a manufactured housing development off of Jefferson Street.

Director’s Report

The environmental study on the theater came back with no concerns. There is a small amount of coal in the basement which needs to be removed. Communication is ongoing with the people in Manistee involved in restoring their theater and they are providing helpful information. Work continues on the TIF renewal. Two electric vehicle charging stations will be installed in Boyne City by the end of summer or early fall.

Unfinished Business

2020 Façade Grants

2020 Façade Grants

Consideration to approve \$10,000 in façade grant funding for the Water Street Atrium building, as recommended by the Design Committee.

Michele Fraaz attended the Zoom meeting and thanked the Board for the grant. They are scheduled to start the renovation of Water Street Atrium in September.

MOTION

Adams moved, Burkhard seconded, PASSED UNANIMOUSLY to approve \$10,000 in façade grant funding for the Water Street Atrium building as recommended by the Design Committee.

New Business

Boyne Thunder Chair

Boyne Thunder Chair

Discussion and consideration to create an Event Coordinator position for Boyne Thunder, as recommended by the Organization Committee.

Bob Alger is retiring as chair of the Boyne Thunder committee and no one has expressed interest in chairing the event. It has been proposed that someone be hired to coordinate the event. The Board was in support of the idea and would like the Boyne Thunder Committee to determine the details and come up with a job description and salary recommendation and bring it back to the Board.

Holiday Lights

Holiday Lights

Consideration to approve a 1 year contract with Holiday Lighting Services in an amount not to exceed \$8,955.

We are in the 5th year of our five year holiday lighting plan. The plan is working well by keeping lights updated in order to manage the year to year cost. There are two

additional trees in front of Provisions that could be lit by if we use the building owner's power source which he has offered to allow. In addition, the large tree in Sunset Park which is usually lit up died this summer. Holiday lighting provided a quote to light a different tree in the park. Even with lighting the additional trees the lighting cost will come in under budget.

MOTION

Cortright moved, Adams seconded, PASSED UNANIMOUSLY to approve a 1 year contract with Holiday Lighting Services in an amount not to exceed \$8,955.

Financial Report

Financial Report Review

The Financial Report was received and filed.

Good Of The Order

- There has been a big increase in bike traffic throughout town since the Boyne Valley Bike Trail was completed.
- The water level is still an issue but it is hoped that Lake Michigan has reached its peak this year.
- There will be a ribbon cutting at the newly refurbished Evangeline Township Hall on Tuesday, August 8th at 5:30.

The August 6, 2020 meeting of the Boyne City Main Street Board was adjourned at 9:29 a.m.

Jane Halstead, Recording Secretary



Approved:

**Meeting of
August 13, 2020**

RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY PARKS AND RECREATION COMMISSION MEETING** HELD AT 5:00 P.M. AT ROTARY PARK ON TUESDAY, AUGUST 13, 2020.

Call to Order

Meeting was called to order by Vice Chair Sterling at 5:04 p.m.

Roll Call

Present: Tom Smith, Diane Sterling, Rob Weick, Hugh Conklin

Absent: Mike Sheean, Greg Vadnais, Lisa Alexander, Heather Huffstutler
(NO QUORUM)

Meeting Attendance

City Staff: DPW director Tim Faas

Public Present: none

Approval of Minutes

No action was taken

**Citizens Comments
(on non-agenda items)**

None

Director's Report

Faas handed out the hard copies of the final Parks & Recreation Plan 2020-2024 for the Commissioners. Faas updated the Commission on the Boyne Forest Trail parking lot and trailhead project which requires relocating the lot due to the presence of the landfill liner. Conklin asked if it made sense to delay until next year given the financial uncertainty and the delay. Faas explained that the delay in approval from the State should not take too long anticipating the project could still be built this year. Faas gave an update on the Avalanche Trail Signage project expecting the final designs to be ready for the September meeting. Faas also updated the Commission on the tennis court reconstruction which was recently completed.

Correspondence

None

**Reports of Officers,
Boards, and Standing
Committees**

Park Inspection Reports –

Conklin reported the following items from recent park inspections:

1. Fountain at the top of Avalanche is still non-functional
2. Signage from downtown along E Main is needed to direct trail users to the new Boyne Valley Trail
3. STOP sign at the intersection of E Main @ Boyne Avenue needs to be trimmed
4. The soap dispenser at Peninsula Beach rest room is missing
5. Signage at the River Mouth Rest Room is needed directing people to the rest rooms at the Veterans Pavilion and City Hall

6. Lawn area by the small boat launch is really damaged
7. Is there a plan for furniture for Veterans Pavilion, under the new canopies?
8. When will the board walk along the Boyne River be rehabilitated?
9. Aren't the mobi-matts at Peninsula Beach supposed to be rolled up and stored each season?
10. Is DPW planning to fill the holes at 6:05 the soccer field at Rotary Park?

Faas said he would address the items noted.

Smith reported the TOMMBA map & sign at the top of Avalanche along the ridge as missing. Conklin mentioned TOMMBA was replacing the signs due to animal damage.

User Groups – None

Unfinished Business

None

New Business

Board Member(s)

Sterling asked if student members were considered as members to the Parks & Recreation Commission. After some discussion, Faas said he would report back at the next meeting on the matter.

The September 10, 2020 regular meeting of the Parks and Recreation Board was adjourned at 6:05 p.m.

Barb Brooks, Recording Secretary

Adjournment

Approved:

**Meeting of
August 17, 2020**

Record of the proceedings of the Boyne City Planning Commission meeting held via Zoom on Monday August 17, 2020 at 5:00 pm.

Call to Order

Chair Place called the meeting to order at 5:00 p.m. and discussed the rules and procedures for the Zoom meeting.

Roll Call

Present: Larry Chute, Skylar MacNaughton, Nichole Moblo, Tom Neidhamer, Rose Newton and Aaron Place
Absent: Jeff Ross
Vacancy: Two

**Excused Absences
Motion**

Newton moved, MacNaughton seconded to excuse the absence of Ross

2020-8-17-2

Roll Call:
Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place
Nays: None
Absent: Ross
Abstain: None
Vacancy: Two
Motion Carries

Meeting Attendance

City Officials/Staff: Planning and Zoning Director Scott McPherson, Assistant Planning and Zoning Director Patrick Kilkenny and Recording Secretary Pat Haver
Public Present: Two in attendance via the Zoom platform

Consent Agenda

Motion

Prior to the approval of the consent agenda, Newton wanted to express her concern about a portion of the minutes that she would like stricken as she felt that they were inaccurate. Staff listened to the portion of the audio that was mentioned, and in fact heard the phrases that she thought to be erroneous, so the draft minutes will stand for approval as presented. **Chute moved, Neidhamer seconded**, a motion to approve the consent agenda, the Planning Commission minutes from July 20, 2020 as presented.

2020-8-17-3

Roll Call:
Ayes: Chute, MacNaughton, Moblo, Neidhamer and Place
Nays: None
Absent: Ross
Abstain: Newton
Vacancy: Two

**Citizen comments on
Non-Agenda Items**

None

**Reports of Officers,
Boards and Standing
Committees**

None

Unfinished Business

None

New Business

**Planning Commission
Reappointment of
Larry Chute
Motion**

The term of Larry Chute expired in May of 2020. Chute has indicated he is willing to serve another three year term. After board discussion, **motion by Newton, seconded by Moblo**, to recommend to the City Commission the reappointment of Larry Chute to a three year term on the Planning Commission to expire on May 31, 2023.

2020-8-17- 7A.1

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

**Planning Commission
Reappointment of Jeff
Ross**

Motion

The term of Jeff Ross also expired in May of 2020. Although staff has not been able to speak directly with Ross to see if he is willing to serve another three year term, the Commission would like to see him continue sitting on the board. After board discussion, **motion by Newton, seconded by Chute**, to recommend to the City Commission the reappointment of Jeff Ross to a three year term on the Planning Commission to expire on May 31, 2023.

2020-8-17- 7A.2

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

Addendum after this portion of the meeting – Staff was contacted by Jeff Ross and he is more than willing to serve another term on the Planning Commission.

**Planning Commission
Appointment
Recommendations**

Motion

Planning Director McPherson reviewed his staff report included in the agenda packet. There are two vacancies on this commission with a term ending May 31, 2022 and May 31, 2023. There were 2 submitted applications for the positions, and both applicants were invited to the meeting to meet and speak with the board. Each applicant was given an opportunity to introduce themselves, and to give a history of their background, the reasons they wish to serve and other community or civic service activities. After a question and answer session, **motion by Newton, seconded by MacNaughton** to recommend Monica Ross to the City Commission to fill the vacancy.

2020-8-17- 7A.3

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

The second applicant is Jim Baumann, and after board discussion **motion by Chute, seconded by Neidhamer** to recommend to the City Commission to fill the vacancy.

Motion

2020-8-17- 7A.4

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

Review Manufactured Housing District Density Requirements

Planning Director Scott McPherson reviewed his staff report included in the agenda packet. As requested from the July meeting, the recent amendments to Manufactured Housing Development District density in Section 7.4D are being brought back for review and discussion with the commission. The previous ordinance section 7.4D1.b Lot Area and Density was long and cumbersome. The amended language was simplified to read: The manufactured home development may have a maximum density of 10 units per acre. This has produced many questions with two different manufactured housing developments within the last few months. The board began with questions about the density of the existing Lakeview Village park and the recently approved expansion and it is believed to be 6 to 7 units per acre. The proposed second development, which is in the preliminary design stage has somewhere in the area of 4.9 to 5 units per acre proposed. The state has very strict guidelines that must be adhered to such as setbacks, open space, utility and street space along with unit layout, so they do not regulate by density. Because these type of developments must meet state standards, municipalities cannot have or enforce stricter requirements/standards. It is unknown how the number of 10 units per acre was decided upon within the city ordinance it can only be speculation as staff was not here at that time. The board agreed that eliminating the language in 7.4D1.b was the best way to go and staff will draft amendment language for commission consideration at the next meeting.

Conditional Rezoning Training

Planning Director McPherson facilitated review of a power point presentation that was provided by the MEDC when the city was working towards becoming a Re-Development Ready Community. As the board has several new members and recent questions have come up about conditional rezoning, staff thought it would be a good idea to review the presentation. The old contract zoning became illegal and has been eliminated; for traditional rezoning requests any of the uses allowed in the requested zoning district can be established, regardless of representation by the applicant. Conditional rezoning requests provide flexibility to both the property owners/developers and the city. Conditional rezoning can only be voluntarily offered by the property owner/developer and such conditions are attached to the rezoning request including use, site layout, type of buildings, landscaping, etc. The city is able to establish a time period for completion of the project, however, it cannot add to or amend any conditions, the applicant has the ability to apply for and the city can approve, a time extension for completion of the conditions of the request, the city cannot require the applicant to offer conditions as a requirement for rezoning. With these, the applicant can only guess what the required conditions may be, which would be a significant investment to provide detailed conditions without knowing if they are acceptable. It would be a good idea to have the applicant work with the city staff and any consultants to identify possible issues and solutions prior to submitting a request. With any offered conditions, there is rational nexus which is what they are offering has some connection to what they are trying to develop; ie. if fire protection is an issue, they may offer to place hydrants or extend water lines, and rough proportionality is putting in hydrants or water lines, however, offering to put in a new fire hall; is not proportional and it may appear that they may be trying

to buy the rezoning with new amenities. Conditional zoning is a tool to use and must be used wisely and sparingly.

Chute – If we were to have discussions with developers and commissioners would that violate the Open Meetings Act?

McPherson - You would need a quorum of the commission to violate the Open Meetings Act. Ex parte' communication is never a good idea to talk with a developer individually, and in our bylaws is not appropriate. I would not recommend any one commissioner talk with a developer on their own but as a group so that everyone hears the same information. If it does happen, it is best to share the information with everyone else.

Neidhamer – It is not good practice for commissioners to talk to each other concerning official business either.

McPherson – If anyone has any questions, feel free to contact staff at any time.

Staff Report

-
- The rezoning recommendation for GISA LLC has been heard by the City Commission under the 1st reading, and a second reading has been set for Tuesday, October 13, 2020 at 7:00 pm
 - The International Property Maintenance Code (IPMC) 2nd reading has been set for some time in September, staff will verify the date and let the commissioners know. There is some concern from citizens that this will infringe on property rights and some feel that it will over reach the boundaries of propriety. That is not the intent, it is a tool to use to assist staff with making determinations on the condition of property before it becomes a greater issue. Perhaps the City Commission can do some due diligence in education of the citizens, and it might be beneficial if the Planning Commissioners were to attend the meeting if available.
 - On the trail near the water wastewater plant ponds are some heavy leaning trees that with the next good windstorm will be down on the trail. Staff will take a look and inform the DPW department.

Good of the Order

-
- Newton – Apologized for the misunderstanding of the context of the minutes; it was not a type of loan, but a lender that allows for manufactured lending.
 - Perhaps the City Commission can put out talking points that would be able to be used when speaking with anyone that has concerns about the IPMC

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, September 21, 2020 at 5:00 p.m.

Adjournment

**Motion

Newton moved, MacNaughton seconded a motion to adjourn the August 18, 2020 meeting at 6:05 pm

2020-8-17-10

Roll Call:

Ayes: Chute Moblo, Neidhamer, Newton, Place and Ross

Nays: None

Absent: MacNaughton

Abstain: None

Vacancy: Two

Motion Carries

Chair Aaron Place

Recording Secretary Pat Haver

CITY OF BOYNE CITY

To: Michael Cain, City Manager

From: Scott McPherson, Planning Director

Date: September 8, 2020

Subject: Second Reading-International Property Maintenance Code

Background

Currently the City does not have any type of property maintenance code. The only tool the City has to address dilapidated structures is the City's Dangerous Building's Ordinance. To initiate an action using the Dangerous Building Ordinance a structure has to be significantly degraded or damaged, usually to the point that it is economically unfeasible to repair or restore the structure. Over the years the City has discussed the possible adoption of a property maintenance code, however, an ordinance has never been developed and submitted to the City Commission for their consideration. In 2018 the City goals adopted by the City Commission included the goal of "Increase Housing Availability". To help achieve that goal the City Commission tasked the Planning Department to "Develop a property maintenance standard ordinance to provide additional tools for improving substandard housing units." To accomplish this task the International Property Maintenance Code (IPMC) has been submitted to the City Commission for consideration for adoption. A hard copy of the ordinance is available at City hall and it can be found online here: <https://codes.iccsafe.org/content/IPMC2018/preface>.

Discussion

Given the experiences with dilapidated buildings over the past few of years, and the time and effort required to enforce the dangerous building ordinance, a property maintenance code could offer a more efficient and less time-consuming enforcement tool and advance the City's goal to increase housing availability. A property maintenance code would provide the City the ability intervene to require deteriorating structures have defects corrected prior to becoming unfixable issues. After reviewing the challenges and issues raised with the creation of a customized property maintenance code, it was determined that the most cost-effective way to adopt an ordinance was to adopt the IPMC by reference. The IPMC is developed by the International Code Council (ICC). The ICC is a nonprofit member-based association that develops a wide variety of model codes. Historically, model codes were prepared by several different code bodies such as Building Officials Code Administrators International, Inc. (BOCA), Southern Building Code Congress International (SBCCI), and the International Conference of Building Officials (ICBO). With different bodies developing different codes the application of the varying standards across jurisdictions was very difficult for builders, architects, manufactures and other users of the codes. In 1999, the code bodies began to work together to prepare a unified code under the auspices of the ICC. The ICC is dedicated to developing a minimum set of standards to be used in the design, building and maintenance of safe, sustainable and affordable structures. The first set of ICC codes were published in 2000 and included the International Building Codes. ICC Codes have since been adopted in all 50 states and the IPMC has been adopted by many municipalities in Michigan and throughout the country. In Michigan the International Building Codes developed by the ICC were adopted by the State of Michigan and are now the State of Michigan Construction Code. The State Construction Code does reference the IPMC and it could be enforced by municipalities that have adopted the State Construction Code. In Charlevoix County the choice has been made not to enforce the IPMC so municipalities would need to adopt the code individually if the municipality wished to enforce it. In Charlevoix County the City of East Jordan has adopted the IPMC. Other northern Michigan city's that have adopted the code are Petoskey, Cheboygan and Alpena. In the cities of Petoskey and Cheboygan the

code is enforced by the police departments, in the City of Alpena they have their own building department that enforces the code, in City of East Jordan the enforcement is done by the zoning administrator.

As identified by City attorney Rhonda Stowers there are several benefits to simply adopting the IPMC by reference including the following:

- **Thoroughness** - The IPMC is drafted with input from code compliance officers, industry officials, and other interested parties. The codes are carefully formulated with input from specialists in the fields, municipal entities, and members of the public. As such, it is less likely that a particular issue will “slip through the cracks.”
- **Balance** – Because the code is created with the input of various perspectives, it tends to represent a balance between the needs of the industry, the concerns of the public, and the interests of code enforcement.
- **Readability** – as the IPMC has been in place for a significant time, its provisions have been honed over the years to eliminate ambiguity and improve clarity.
- **Ease of Enforcement** – The IPMC has gained acceptance as a definitive code in the industry and in the court system. This makes its enforcement less subject to challenge than an untested local code provision. Also, contractors are more likely to be familiar with (and therefore more likely to comply with) the code provisions of the IPMC than a tailored local code, lowering the overall number of potential violations. A licensed contractor should not be able to plead ignorance.
- **Ease of Adoption** – If the City adopts the IPMC by reference, it will not be burdened with creating its own property maintenance code. The IPMC is a copyrighted document (as are other codes), so a municipality that is copying and pasting code provisions from other sources runs the risk of unintentionally violating copyright laws. Adoption by reference avoids the risk and the burden of creating a new code.
- **Ease of Amendment** – If the City adopts the IPMC by reference and has the latest manual available for inspection and review by citizens, the City will not be burdened with frequent reviews of its property maintenance code to determine if an update is needed; it will simply be a matter of having the most recent version on file.

One of the primary concerns that has been expressed with proposed adoption of the IPMC has been how it will be enforced. This is an understandable concern and all of the northern Michigan municipalities that have adopted the IPMC had similar concerns expressed during the adoption process. In all cases the these concerns have not materialized. While it is staff’s position that would also be the case in Boyne City, if the IPMC is adopted it is suggested that if City Commission also adopt an enforcement policy insure the ordinance is enforced as intended. A draft enforcement policy has been provided with the Ordinance for your consideration. Please note the addition of the required revisions in section 5 of the ordinance that fill in specific provisions for the City of Boyne City.

Process

The proposed ordinance was submitted to the City Commission for a First Reading on July 28, 2020 and was scheduled for a second reading. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced and the ordinance was scheduled for a second reading on September 8, 2020. If adopted by the Commission the ordinance will become effective 15 days after publication.

Recommendation

Adopt the International Property Maintenance Code and enforcement policy as proposed.

Other Options

1. Do not approve.
2. Refer proposed ordinance back to staff for further review or changes.

3. Other action as the Commission deems appropriate.

City of Boyne City
Code Enforcement Policy for the International Property Maintenance Code (IPMC)
September 2020

Background

The Boyne City Commission and city officials were challenged over the years to address issues with deteriorating structures that posed threats to the health, safety and welfare of their residents. Prior to adoption of the IPMC, the only regulatory remedy for these situations was to wait until a structure became so degraded that the city's Dangerous Building and Structures ordinance could be applied to force demolition. This was a long, difficult and costly process. The IPMC was developed with the specific purpose to secure public health, safety and welfare by establishing minimum standards for structures and premises.

Intent

The goal of the city's use of the IPMC is to protect public health, safety and welfare by providing a means to intervene and improve deteriorating structures prior to them becoming a serious risk to city residents or so dangerous as to require demolition. This goal is the guiding principle for enforcement.

Enforcement

The items addressed by the IPMC are wide ranging and comprehensive, and minor violations will not be considered a threat to public health safety and welfare. As such, city officials or their designees will only utilize the IPMC investigate and take further action if they find that:

- building(s) and/or property which is blighted and affects the economic well-being of the surrounding properties, and/or is detrimental to the health, safety and welfare of the residents in the home (if any) and in the surrounding neighborhood, and
- by requiring minimal maintenance standards as prescribed by the IPMC, the building(s) and properties can be rehabilitated and maintained to provide safe and sanitary housing or commercial facilities, and
- such rehabilitation and maintenance would eliminate, remedy and prevent blight and help reduce or eliminate the deterioration of building(s) and/or properties, to the point where they will not become a serious risk to city residents or so dangerous that they need to be demolished.

If city officials find that the above criteria for enforcement are met, every effort will be made to work with the property owner to establish reasonable timelines and remedy the violations to a standard acceptable under the IPMC. If the property owner makes little or no effort to bring the property into compliance, city officials will pursue enforcement action as prescribed by the IPMC.

CITY OF BOYNE CITY

ORDINANCE NO. _____

PROPERTY MAINTENANCE ORDINANCE

ADOPTED: _____

An ordinance adopting by reference the most recent edition of the *International Property Maintenance Code*, except as provided herein; regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City; providing for the issuance of permits and collection of fees therefor; and repealing and all other ordinances and parts of ordinances in conflict therewith.

THE CITY OF BOYNE CITY ORDAINS:

Section 1. Purpose. The purpose of this ordinance is to adopt a property maintenance code to regulate and govern the conditions and maintenance of all property, buildings and structures, to provide uniform standards for occupation and use to ensure that they are safe, sanitary, and fit.

Section 2. Title. This Ordinance shall be known and cited as the "*City of Boyne City Property Maintenance Code.*"

Section 3. Adoption. Pursuant to MCL 117.3(k), that certain document marked and designated as *The International Property Maintenance Code*, most recently adopted edition, as published by the International Code Council, is hereby adopted as the Housing/Property Maintenance Code of the City, and each and all of the provisions of such Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, save and except such provisions as may be hereinafter amended or deleted.

Section 4. Definitions. Wherever the term "building official," "administrative authority" or "code official" appears in *The International Property Maintenance Code*, as adopted in Section 3, it shall be deemed to mean the Authorized City Official (as defined in Chapter II, Article V of the City Code of Ordinances, as amended) and also includes the City Planner and City Zoning Administrator, or his or her duly authorized agent. Wherever the term "Municipality," "City" or "local jurisdiction" appears in such Code, it shall be deemed to mean the City of Boyne City. Wherever the term "Board of Appeals" appears in such Code, it shall be deemed to mean the Zoning Board of Appeals of the City of Boyne City.

Section 5. Revisions. The following sections of the International Property Maintenance Code, as adopted in Section 3 above, are also hereby revised:

101.1 Insert: City of Boyne City

103.5 Insert: Fees, if any, shall be in accordance with the City's fee schedule which may, from time to time, be adopted by the City by resolution

111.2 Insert: Appeals shall be made to the Zoning Board of Appeals

302.4 Insert: The maximum allowable height of grass is fifteen (15) inches

304.14 Insert: Insect screens are required from April 1 through November 1

602.3 Insert: Heat shall be supplied from January 1 through December 31

602.4 Insert: Heat shall be supplied from January 1 through December 31

Section 103.5. Fees, if any, shall be in accordance with a resolution or resolutions which may, from time to time, be adopted by the City.

Section 5. File Copies. Printed copies of The International Property Maintenance Code, as adopted in Section 3, shall be kept in the office of the City Clerk, available for review and inspection by the public at all times.

Section 6. Severability. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

Section 8. Inconsistent Ordinances. Where a provision of The International Property Maintenance Code, as adopted in this Ordinance is found to be in conflict with a provision of any zoning, housing, fire, safety or health law of the City, the County or the State, the provision which establishes the higher standard or assumes the higher jurisdiction for the promotion and protection of the health, safety and welfare of the City shall prevail.

Section 9. Effective Date. This Ordinance shall become effective on fifteen (15) days after enactment or upon publication, whichever shall later occur as provided in Section 7.14 of the City Charter.

CITY CLERK

Passed and adopted by the City of Boyne City on _____, 2020.

, Mayor

, Clerk

STATE OF MICHIGAN)

) ss.

COUNTY OF _____)

I, the undersigned, the duly qualified and acting Clerk of the City of Boyne City, Charlevoix County, Michigan, do hereby certify that the foregoing Ordinance was adopted by the City of Boyne City at a regular City Council meeting duly held on the _____ day of _____, 2020, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the _____ on the _____ day of _____, 2020.

, Clerk

Open.06056.60760.24363169-2



City of Boyne City

MEMO

Date: September 4, 2020

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager 

Subject: Transfer of Business Park Lot 5 – Phase II

In November 2010 Bud and Nancy Shear and Industrial Magnetics Incorporated (IMI) donated vacant lot 5 in Phase II of the Business Park to the City. Lot 5 still remains vacant but IMI now needs the lot for access to their current site in Wilson Township and future expansion. IMI is currently getting an expansion approved thru Wilson Township where it resides to significantly expand its operations. In another few years IMI would like to build a 20,000+ sq./ft facility on Lot 5. As part of their current expansion they would also like to build a new access drive to Lexamar Drive to give vehicles an alternate route to access their current, soon to be expanded facility. Lot 5 is 4.95 acres in size and has a natural gas transmission main that bisects the property generally east to west. It is shown on the attached map outlined in black with the yellow 'X'.

Indirectly related to the IMI donation in 2010 was the then plan of the Humane Society to purchase our lot 11 in Phase II of the business park for a nominal \$1 fee. That sale never took place, instead the Humane Society purchased the former Charlevoix County building which is their current site. I have spoken with their executive Director Scott MacKenzie several times and he indicates that they have no need for lot 11.

The return of Lot 5 to IMI was discussed at our Economic Development Commission's (EDC) August 31st meeting.

The discussion they had and motion they are approved are as follows:

'IMI is planning a major expansion and is interested in acquiring lot 5 which is adjacent to their current location. Lot 5 was given to the City by IMI (Bud Shear) years ago. The Board discussed and agreed the lot should be given back to IMI rather than sold to them. The Board also agreed that the City should be reimbursed for the lost tax revenue and fees incurred when transferring the property.'

Cortright moved, Anzell seconded, PASSED UNANIMOUSLY to return lot 5 of the Business Park which was donated to the City, back to IMI subject to reimbursement of tax losses and associated fees which were incurred when transferring the property.'

Cindy's calculation of the lost tax revenues back to 2010 is \$18,952.28. It will return to the tax rolls next year. This cost has been discussed with Mr. Shear and he finds it acceptable. The other fees to transfer the property back, have not yet been calculated.

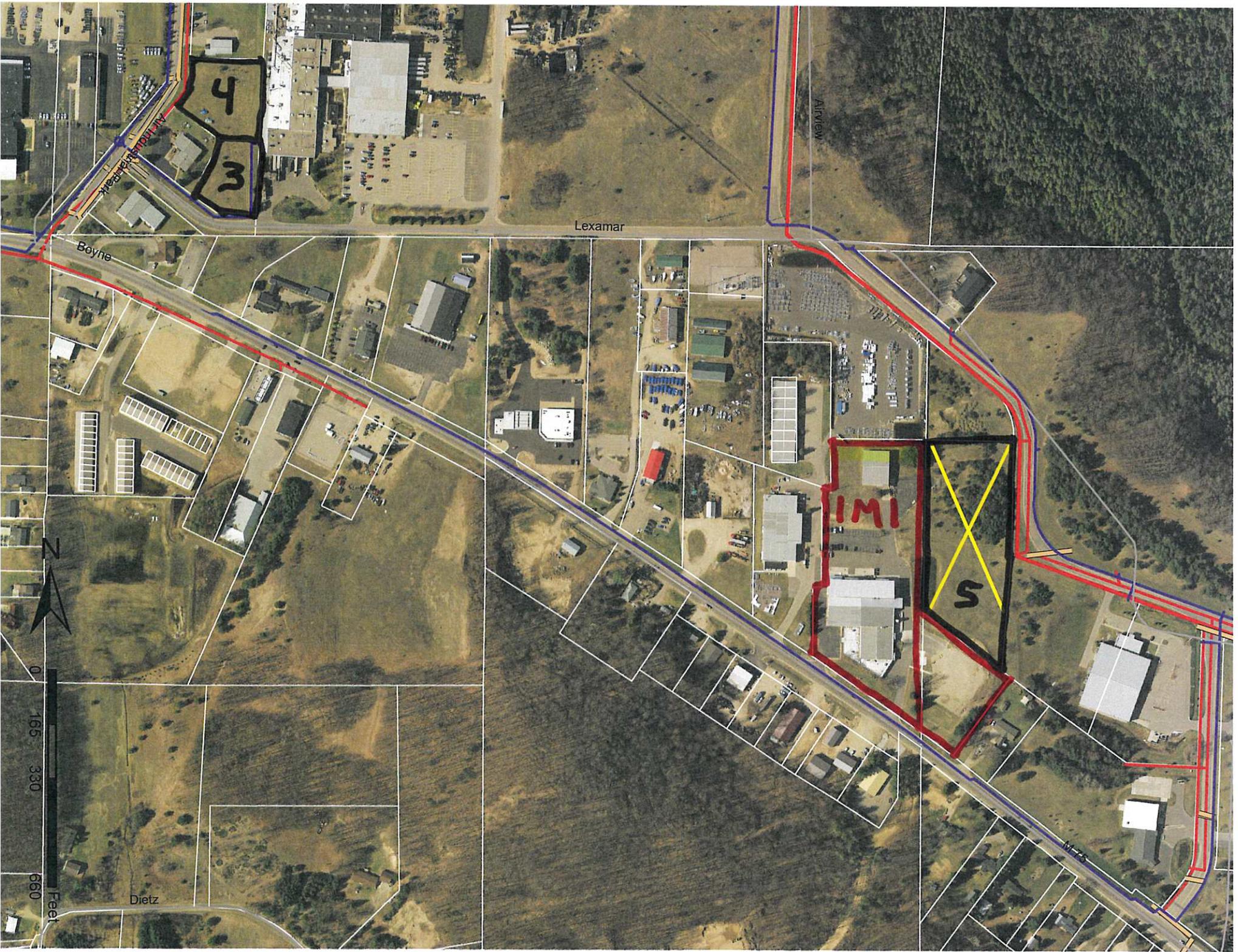
This property will be subject to the same easement and restrictions that apply to other properties in Phase II of the Business Park.

RECOMMENDATION: That the City Commission approve the recommendation of the EDC to transfer lot 5 in Phase II of the business park back to Industrial Magnetics Incorporated in exchange for tax losses and

associated fees and authorize the City Manager and or City Clerk/Treasurer to execute the necessary documents.

Other options:

1. Postpone for further review and/or information.
2. Deny the request.
3. Modify the request.
4. Other options as may be determined by the City Commission.



Lexamar

Boyne

Alview

4

3

IMI

5

Dietz

W-25

0 165 330 660 Feet

N

- The cemetery fence is now complete.
- The groundbreaking for the Water System improvement project to take place next week.
- The temporary Fochtman lot is almost complete with an anticipated ribbon cutting within a few days.

Draft Minutes of the October 5, 2010 Zoning Board of Appeals Meeting; Draft Minutes of the October 7, 2010 Main Street Board Meeting; Draft Minutes of the October 13, 2010 Main Street Board Retreat Meeting; Draft Minutes of the October 18, 2010 Planning Commission Meeting; Draft Minutes of the October 21, 2010 Parks and Recreation Commission Meeting; Draft Minutes of the October 28, 2010 Airport Advisory Board Meeting were received and filed

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

Consideration to adopt a Fraud Policy as presented

Fraud Policy

City Manager Cain discussed the revised draft fraud policy that was presented. This matter was first raised by our Auditors as part of last year's audit. At that time, it was recommended that we adopt a policy consistent with Statement on Accounting Standard No. 99. The prior draft policy was based on another sample provided by our auditors earlier. The current proposal is more straightforward and less confusing than the previous one. The draft policy has been reviewed by our City Attorney's firm and found to be in order and not in conflict with the City Charter.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Mayor Pro-Tem Adkison said he is fine with it. Mayor Vondra said he thinks the policy should follow the flow chart. He agrees there should be a policy, but thinks the one presented is left to interpretation or subjective opinion. City Manager Cain said this policy will give any employee a direct person to go to. Commissioner Grunch said there needs to be a clear chain of responsibility. Commissioner Cummings does not agree with the policy presented. City Manager Cain will coordinate with the Mayor to provide specifics on the policy.

2010-11-156
 Moved by Grunch
 Second by Cummings



To postpone the Fraud Policy and bring back to the Commission in January, 2011

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration to approve the acquisition of Lot 5 in the Air Industrial Park from IMI as proposed and authorize the City Manager and City Clerk to execute the necessary documents after review, approval and drafting (if necessary) by the City Attorney.

Industrial Park Property Acquisition



City Manager Cain reported that the City has been working with Industrial Magnetics on ways to increase business growth in the City's Industrial park. Those discussions have been wide ranging and from my perspective, very positive. During the course of the discussions, the status of IMI's lot 5 located immediately north of their parking lot came up. As a result of further discussion, IMI has graciously offered to donate that lot to the City. While there are no conditions on this donation, it is hoped by the parties that this donation will help the City attract new or expanding businesses to the park.

Staff Comments: None

Citizens Comments: Bud Shear, of IMI commented on the need to do whatever they can to bring opportunities to the Industrial Park.

Board Deliberation: All are in agreement.

2010-11-156
 Moved by Adkison
 Second by Sansom

To approve the acquisition of Lot 5 in the Air Industrial Park from IMI as proposed and authorize the City Manager and City Clerk to execute the necessary documents after review, approval and drafting (if necessary) by the City Attorney

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Industrial Park Property
 Sale**

Consideration to approve the sale of Lots 1 and 11 to Classic Instruments and the Charlevoix County Humane Society respectively for their development purposes at the cost of \$1 each and authorize the City Manager and City Clerk to execute the necessary documents after review, approval and drafting (if necessary) by the City Attorney

City Manager Cain stated the City has been working for quite some time with two organizations seeking to relocate to Phase II of the Industrial Park. The first one is Classic Instruments. They are in the process of acquiring the Points North Building and property (Lot 2) They are interested in also acquiring Lot 1 from the City, which is immediately west of Points North along M75. Classic Instruments develops and builds guage packages and related supplies for a wide variety of vehicles. Classic Instruments share a facility with Great Lakes Motorworks in Wilson Township just west of the proposed new facility. They currently have about 22 employees and have been rated by Inc. Magazine as one of the top 5,000 businesses in the United States for the last three years and have also been ranked as one of the 50 businesses to watch in Michigan. They are looking to double in size in the next ten years and have been exploring sites throughout the region to handle their growth needs.

The second one is the Charlevoix County Humane Society. They are

interested in acquiring Lot 11 from the City. That lot is located just northeast of the Moll Drive/Lexamar Drive intersection. They currently share a facility with the Charlevoix County Animal Control at the Brockway/Beardsley intersection and are looking for an expanded facility where they can provide more services to the community.

City Manager Cain added that given the current economic situation, the desire to grow new jobs in our community, the investment in buildings and equipment they will make on these sites among other factors, it is recommended that both of these sites be sold to these parties for development at the cost of \$1 each. The proposal has been discussed with the Economic Development Commission and Local Development Finance Authority is fully supportive of the proposed sales to these organizations as proposed.

Staff Comments: None

Citizens Comments: John McLeod from Classis Instruments added that he appreciates the City of Boyne City and Bud Shear for their assistance in this project.

Board Deliberation: Mayor Pro-tem Adkison said he is thankful to have the jobs in Boyne City. Commissioner Grunch inquired how the property will be taxed. Bud Shear said a recent appraisal had been done. Mayor Vondra said the plan is great and he is very thankful John McLeod made the choice he did.

MOTION

2010-11-157

Moved by Adkison
Second by Sansom

To approve the sale of Lots 1 and 11 to Classic Instruments and the Charlevoix County Humane Society respectively for their development purposes at the cost of \$1 each and authorize the City Manager and City Clerk to execute the necessary documents after review, approval and drafting (if necessary) by the City Attorney

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to appoint the Boyne City Fire Department officers as presented for a one year term expiring October, 2011

Fire Officers Approval

Fire Chief Dennis Amesbury discussed the recent election of fire officers. All officers maintain their current positions. Chief Dennis Amesbury, Assistant Chief Jack Bush, Captain Ray Leist and Lieutenant James Farley. The recommendation is that the City Commission appoint the officers for a one year term expiring October, 2011.

Citizens Comments: None

Staff Comments: None



City of Boyne City

MEMO

Date: September 4, 2020

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Sale of Business Park Lots 3 & 4 – Phase I

Earlier this year Brook Walsh and his Northern Michigan Escapes purchased the building on lot 2 in Phase I of the Business Park located in the northeast corner of the Air Industrial Drive /Lexamar Drive intersection. He is interested in purchasing the abutting vacant lots 3 and 4 as shown on the attached map and has agreed to the terms on the attached term sheet. The property would be sold to the firm he has known as Flying Dutchman Holdings, LLC. The lots are 0.82 and 1.17 acres respectively or 1.99 acres total. Specific plans for the site will be provided after the lots are sold.

The sale of Lots 3 and 4 to Mr. Walsh were discussed at our Economic Development Commission's (EDC) August 31st meeting.

The discussion they had and motion they are approved are as follows:

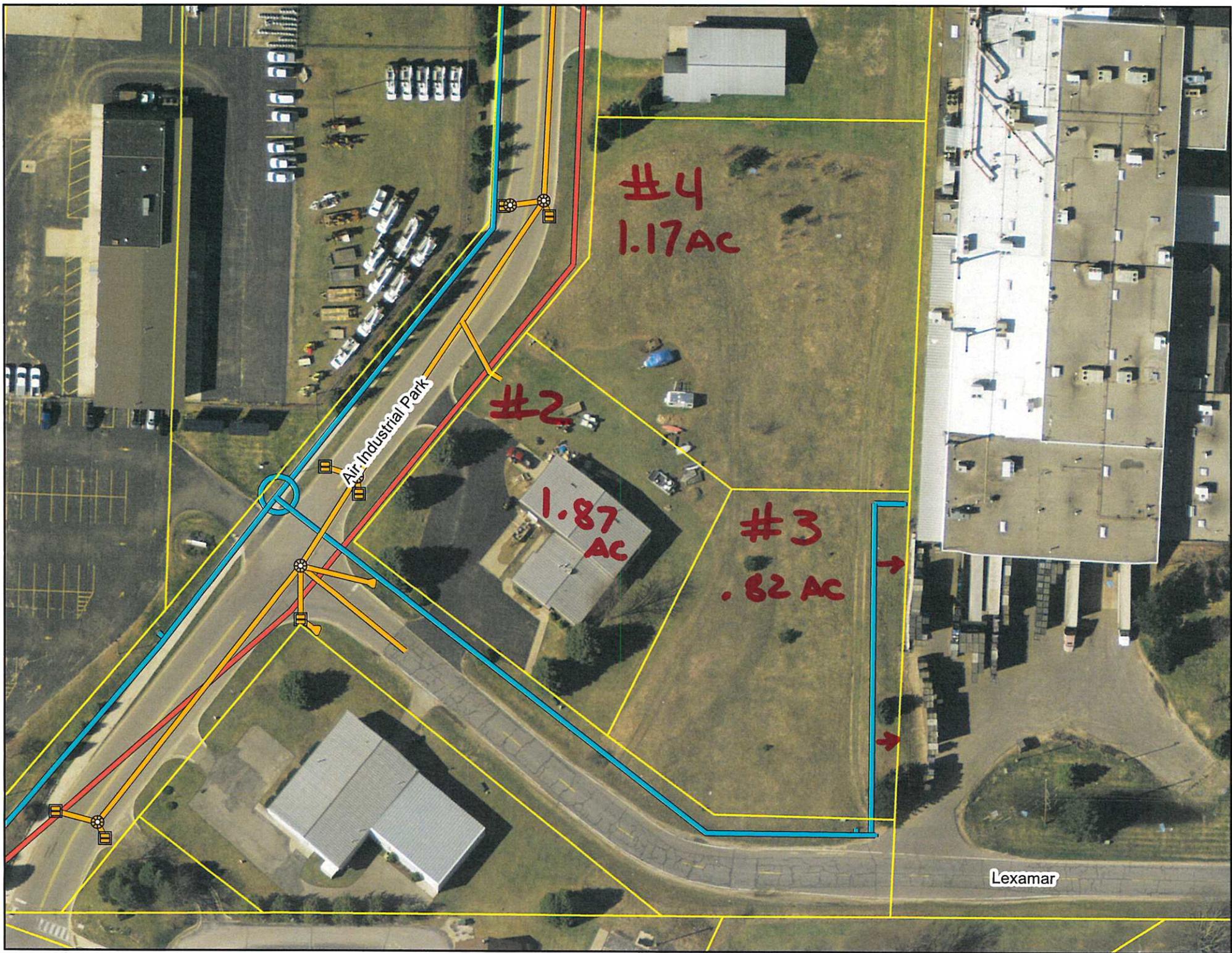
'City Manager Cain reported that there are three potential sales for sites in the Business Park. Brook Walsh of Northern Escapes is interested in lots 3 and 4 of the Park. He currently owns lot 2 and is looking for space for future expansion. Walsh also inquired on the possibility of second story housing in the Park. The Board discussed potential second story housing for seasonal workers and were receptive to the idea. Storage units are not permitted in the Business Park and there are restrictions on outdoor storage. There is plenty of water and sewer capacity in the Business Park to accommodate new business. The City Attorney is working on the sales agreement.

Cortright moved, Anzell seconded, PASSED UNANIMOUSLY to recommend to the City Commission the sale of lots 3 and 4 in the Business Park to Brook Walsh of Northern Escapes as outlined in the term sheet, incorporating comments made by the Economic Development Board regarding not allowing storage units and outdoor storage.'

RECOMMENDATION: That the City Commission approve the recommendation of the EDC to sell lots 3 & 4 in Phase I of the Business Park back to Flying Dutchman Holdings for \$36,500 and authorize the City Manager and or City Clerk/Treasurer to execute the necessary documents.

Other options:

1. Postpone for further review and/or information.
2. Deny the request.
3. Modify the request.
4. Other options as may be determined by the City Commission.



#4
1.17 AC

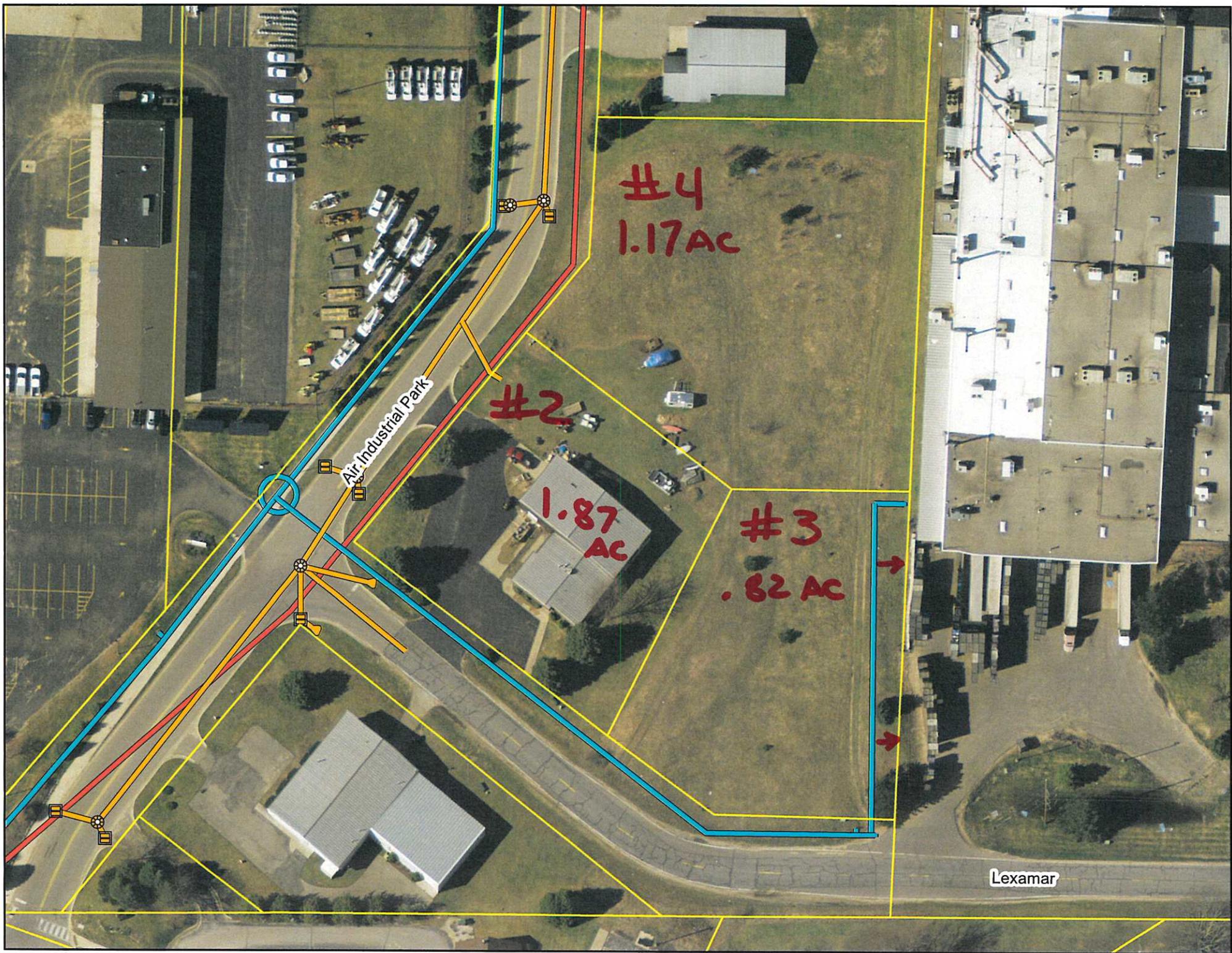
#2

1.87
AC

#3
.82 AC

Air Industrial Park

Lexamar



Michael Cain

From: Michael Cain
Sent: Monday, August 17, 2020 4:54 PM
To: 'Brook Walsh'
Subject: FW: Property Prices
Attachments: doc20200817163428.pdf; doc20200817163428.pdf

Importance: High

Good afternoon Brook,

Per our discussion last week I am providing you pricing for the property owned by the City that we have been discussing.

For the 1.98 acres of property making up lots 3 & 4 of Phase I of the business park: \$36,500

These prices are contingent upon the following:

- a) -Purchaser shall comply with the requirements of the attached declarations deed restrictions, easement, rights and responsibilities, Zoning requirements and all other related City requirements.
- b) -Purchasing and building a building on lot 3 first.
- c) -Ultimately purchasing both lots 3 & 4.
- d) -Property may not be sold by purchaser to others if not developed as called for..
- e) -If not developed within the required timeframes the City may purchase the property back from purchaser as provided.
- f) -Site and building shall be developed by the purchaser per City's requirements (zoning, Business Park requirements, etc.).
- g) -Final approval of sale subject to the Boyne City City Commission's approval.

Please note that existing items in a) above do not allow residential uses other than for a caretaker or watchman. I am still open to exploring the on-site housing concept you mentioned and considering modifying language if we could work something out.

If you have any questions or comments, please let me know.

Thanks.

Mike

Michael Cain. City Manager
City of Boyne City
231.582.0377

STATE OF MICHIGAN
COUNTY OF CHARLEVOIX
RECEIVED FOR RECORD

00 DEC 21 PH 2:00

Chavira M. Jantroy

REGISTER OF DEEDS

BOYNE CITY
AIR INDUSTRIAL PARK PHASE II
(A Certified Business Park)

DECLARATIONS OF DEED RESTRICTIONS, EASEMENTS,
RIGHTS AND RESPONSIBILITIES

THE CITY OF BOYNE CITY, a Michigan municipal corporation, whose address is 319 N. Lake Street, Boyne City, Michigan 49712 ("City"), being the owner of the property described on the attached Exhibit A, hereby makes the following declarations.

The declarations contained herein are based upon the following factual recitals:

- A. The City developed the "Boyne City Air Industrial Park Phase I" ("Phase I Industrial Park") in 1986, which is a Certified Industrial Park under The Local Development Finance Act, being P.A. 281 of 1986, as amended ("LDFA").
- B. The City has determined there exists a need to encourage more local development, to prevent conditions of unemployment, to promote economic growth and to otherwise provide additional industrially zoned property.
- C. The City has coordinated and obtained loan and grant funding for land purchase and park construction in order to provide additional industrially zoned property.
- D. The City rezoned the property described on the attached Exhibit A as a Planned Industrial District ("PID") in order to permit the uses that are more particularly described in the City's Zoning Ordinance,

(as the Zoning Ordinance now exists and as it may be amended from time to time), and in order to be compatible with the City's Phase I Industrial Park and the City's Municipal Airport ("Airport").

- E. The City has approved a site plan for the property described on the attached Exhibit A, pursuant to a Certificate of Survey prepared by Jason Caverson, PS Registration No. 46658 of Wade-Trim, Inc. ("Certificate of Survey"), which property is commonly known as the "Boyne City Air/Industrial Park Phase II". The City intends to divide the property into sixteen (16) separate parcels (hereafter the Boyne City Air/Industrial Park Phase II is, for convenience, sometimes referred to as the "Park" and each of the sixteen (16) parcels referred to separately as a "Parcel").
- F. The City has caused the existing Lexamar Drive located within the Phase I Industrial Park to be extended to serve the Air Industrial Park Phase II ("Park") and has dedicated additional land within the Park for the benefit of a public road commonly known as Moll Drive, as more particularly described on the attached Exhibit B.
- G. The City intends to have the Park designated as a certified business park pursuant to amendments to the LDFA (P.A. 248 of 2000).
- H. The City intends to bind each owner of a Parcel within the Park to these restrictions in order to ensure the Park remain a certified business park and to keep the Park compatible with the City's Phase I Industrial Park and City Airport.
- I. It is essential to the City that the restrictions, easements and responsibilities contained in this instrument burden each Parcel within the Park and benefit and run with the public land within the Park and the adjacent property owned by the City described on the attached Exhibit C.
- J. The Charlevoix County Soil Erosion Officer has reviewed and approved the City's stormwater drainage facilities within the Park, provided the City creates the drainage easements provided herein.

THE CITY HEREBY DECLARES:

I. PARK RESTRICTIONS

1. PURPOSES

It is the purpose of these restrictions to ensure the Park is attractive, well maintained, and marketable for job creation and retention opportunities in the industrial manufacturing fields. These restrictions are imposed upon the Park (and each Parcel within the Park) to insure proper use and appropriate development and improvement of each Parcel; to protect the owners of Parcels against improper use of surrounding Parcels that may depreciate the value of their property; to guard against the erection of structures built of improper or unsuitable materials; to insure adequate and reasonable development of the Park; to encourage the erection of attractive improvements thereon, with appropriate locations of structures on all Parcels; to prevent haphazard and inharmonious improvements on the Parcels; to secure and maintain proper setbacks from streets; and in general to provide adequately for a high quality of development within the Park and for the orderly development and efficient maintenance of all Parcels within the Park.

2. PLAN AND SITE APPROVAL

No construction of any kind shall be commenced upon any Parcel within the Park until a development plan meeting the requirements of the Boyne City Zoning Ordinance has been submitted to and approved by the City.

3. USES PERMITTED

All Parcels within the Park are subject to permitted uses in the Boyne City Planned Industrial Zoning District, (PID). In addition:

- A. No activity or use shall be permitted on any Parcel or anywhere within the Park that would interfere with or be a hazard to the flight of aircraft over the land or to and from the Boyne City Municipal Airport, or interfere with air-navigation facilities serving the airport.

- B. It is understood that this is to be an industrial park (also known as a certified business park) and that all Parcels shall be used for light industrial purposes, or commercial or office purposes secondary to the industrial use of the property. No buildings shall be constructed or used for retail or residential purposes except as set forth above, or as may be permitted in writing by the City. The City is authorized to approve uses other than industrial uses, not otherwise prohibited by this declaration.
- C. No noxious or offensive trade or activity shall be carried on, nor shall anything be done within the Park which may be or become an annoyance or nuisance to neighboring properties in or around the Park (such as noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, waste, noise or vibration beyond that normally and reasonably expected in a light industrial area.)
- D. The following specific uses are specifically PROHIBITED:
1. Asphalt or tar manufacturing or refining.
 2. Manufacture of gas, coke, or coal tar products.
 3. Slaughtering of animals for the reduction or recovering of products from dead animals or animal offal or garbage.
 4. Petroleum refining or other similar processes.
 5. Auto wrecking, salvage yards or junkyards.
 6. Central mixing plant for asphalt, mortar, plaster or concrete except as may be required in connection with paving of roads or other construction within the Park.
 7. Heavy drop forge stamping plant or malleable iron foundry.
 8. Retail operations not related to industrial operations.
 9. Waste transfer stations.
- E. All manufacturing operations shall be carried on within fully enclosed buildings and no outside activities shall be carried on except the parking of motor vehicles, the loading or unloading of motor vehicles, and the storage of materials within the restrictions provided in this document without the written approval of the City.

4. BUILDING CONSTRUCTION

- A. Individuals or organizations purchasing or redeveloping Parcels within the Park shall, within twelve (12) months from the date of purchase, commence construction on any unimproved Parcel conveyed. The individual, industry or organization shall have the Parcel ready for occupancy for a permitted use within twenty-four (24) months from the date of purchase, unless this provision is waived in writing by the City. The City reserves the right to require a surety bond to be submitted as a condition of development plan approval to insure that the proposed improvements are completed as approved.
- B. If the owner of the Parcel has not received a certificate of occupancy within twenty-four (24) months after purchasing the Parcel, the City shall have the option to repurchase the Parcel at a price equal to ninety (90%) percent of the original purchase price.
- C. All buildings shall be constructed of those approved materials suitable for the proposed use and compatible with adjacent areas. All sides of any building facing upon a public street must be of a finished material. Finished material is defined as face brick, glass, ornamental stone or other decorative materials such as wood or metal with special treatment. In the event of a dispute as to whether or not a particular material qualifies as "finish material," the decision of the City shall be final. All exposed concrete block or metal must be painted or varnished within sixty (60) days from the date of occupancy except those materials not normally painted or those materials which have been pre-finished. All buildings shall be constructed in accordance with applicable codes and ordinances of local governmental bodies. No used material shall be incorporated within any building without the express written permission of the City. No structure, covering, garage, barn, or other outbuilding of a temporary nature shall be situated, erected or maintained on any Parcel. This paragraph shall not apply to construction buildings or storage facilities used in the course of construction of any permanent building.

5. ADDITIONAL DEVELOPMENT PLAN REQUIREMENTS

In reviewing a request for a proposed use within the Park, all standards shall be according to the Boyne City Zoning Ordinance (as amended from time to time), unless preempted by this Deed Restriction. The following restrictions shall be in addition to, and cumulative with, those standards described in the Boyne City Zoning Ordinance:

- A. The front yard setback shall be maintained as a greenbelt, landscaped with lawn, shrubbery, trees, bushes, vines or suitable plants as indicated in approved plans provided. No uses shall be made of the greenbelt except for driveways, walks, or other means of access to the interior of the structure, landscaping and visitor parking. The front yard setback may be used for underground public utility purposes.
- B. Parking requirements shall conform to those within the Boyne City Zoning Ordinance. On-street parking within the Park is prohibited. Loading and unloading areas shall be afforded and designated in such a manner as to permit the pickup and delivery of materials from the site by motor vehicles consisting of normal tractor and semi-trailer types without the necessity of any maneuvering being done on public streets. No loading or unloading docks shall face any public streets or be located in the front yard of any lot. All driveways, walks, parking areas, truck turn-a-round areas and loading zones shall be paved with concrete or asphalt. Employee parking and visitor parking shall be allowed on side street setbacks provided that a greenbelt may be required by the City in the development plan approval process.
- C. The area within side and rear setbacks may, however, be used for screened open storage, loading and unloading.
- D. Fences shall be prohibited within the front yard. Where fences are permitted and erected, they shall be of the "cyclone" or other metal type and shall not be higher than eight (8) feet unless approved in writing by the City. In the case of open storage, the City may require an obscuring type fence be provided to screen the viewing of the stored materials from adjacent Parcels or streets.

- E. Signage shall conform to that specified within the Boyne City Sign Ordinance. This restriction shall not apply to any signs erected by the City, its agents or assigns, in connection with the development and sale of property within the Park nor shall it apply to decorative signs identifying the Park and placed at the entrances thereto. Number, location, size, construction and lighting of all signs, other than those advertising a Parcel for sale, must have the written approval of the City. The City shall have the right to remove signs, which in its opinion are in poor repair, from Parcels owned by others than the City.

- F. Outdoor storage of equipment, raw materials and/or semi-finished or finished products may be permitted by the City only when such outdoor storage is necessary and incidental to the operations being carried on in the building located on the Parcel. No storage shall be permitted on the setback required in the front yard and all storage shall be shielded by an approved fence, wall or landscaping to effectively screen the storage area from public land, public streets and adjoining Parcels. No waste materials, rubbish, or discarded matter of any kind shall be permitted to be stored in open areas except in approved containers. Such containers must have tops to prevent paper or other trash from escaping and littering the area. Containers must be screened with materials deemed appropriate by the Boyne City Planning Commission consistent with the Boyne City Zoning Ordinance.

- G. It is the intent of the City that these restrictions shall be required of each owner of a Parcel within the Park in addition to the requirements contained in the City's Zoning Ordinance. Any ambiguity shall be construed so as to apply both standards, and in any event, the most restrictive standard shall be applied so as to maintain the standards of the Park.

6. MAINTENANCE OF PROPERTY

- A. All owners of Parcels in this Park shall maintain all buildings, landscaping, fences, drives, parking lots, or other structures located within the Park in good and sufficient repair. This shall include the requirement to keep such buildings painted, lawns cut, shrubbery trimmed, windows glazed and otherwise maintain the Parcels in an aesthetically pleasing manner and in the condition approved by the City.

- B. Any structure, planting, driveway, or parking lot surface which is damaged by the elements, vehicles or from fire or any other cause, shall be repaired as promptly as the extent of damage will permit.
- C. Buildings within this Park, which should happen to be vacant for any reason, shall be kept locked and the windows shall be glazed in order to prevent entrance by vandals.
- D. In the event of the violation of any of the restrictions set forth in this section, the City, or its successors, agents or assigns shall have the right to go upon the Parcel to eliminate nuisance conditions, to mow lawns, to trim shrubbery, or do anything necessary to maintain the aesthetic standards of the Park for the benefit of other Parcel owners. In the event the City incurs any costs in the enforcement of these restrictions, or of any provision contained in this Agreement, all costs, including reasonable attorney fees, shall become of debt due to the City from the owner of a Parcel to whom they are assessed. The amount assessed by the City shall become a lien upon such Parcel for such amounts and for all interest and charges thereon. Such lien shall be enforced by the City by adding the amount of the lien against the Parcel on the City's tax roll, consistent with the City's Charter and applicable law, under the same procedure utilized by the City for non-payment of taxes.

II. EASEMENTS

1. A perpetual easement appurtenant is hereby established over the Park for the purpose of allowing the uninterrupted flight of aircraft over the Park ("Aviation Easement"). The Aviation Easement shall burden the entire Park and shall benefit and run with the Boyne City Municipal Airport and the Phase I Industrial Park. Inherent with the Aviation Easement is the right to cause aircraft noise over the Park.
2. A perpetual easement appurtenant is hereby established and dedicated across, over and through the property described on Exhibit B attached for the purpose of extending the existing Lexamar Drive from the Phase I Industrial Park to the Park (Phase II); for the purpose of establishing a public road in the Park, commonly known as "Moll Drive"; and for the construction, maintenance and repair (including reconstruction) of public utilities located therein.

3. A perpetual easement appurtenant is hereby established across, over and through each Parcel within the Park described as a strip of land not to exceed ten (10) feet in width along the rear, side, and front lines of all Parcels within the Park ("Utility Easement"). The Utility Easement shall benefit the City, its successors or assigns for the purpose of constructing, maintaining and repairing (including reconstruction) public utilities and to operate sewers, storm drains, water mains, gas lines and electrical transmission lines. In addition, the City reserves unto itself, its successors and assigns, the right to utilize this described ten (10) foot Utility Easement for emergency access purposes. In the event contiguous Parcels are owned by the same individual or entity and the City approves a Development Plan for a building to be constructed over the common boundary, then that portion of the Utility Easement which burdens the common boundary of each Parcel shall be extinguished to the extent such approved building would encroach on the Utility Easement. In no event shall the Utility Easement be extinguished if any of the foregoing utilities have already been constructed within such easement area.

III. SOIL EROSION/STORMWATER MAINTENANCE AGREEMENT

1. The City has agreed with the Charlevoix County Stormwater Control Office to the following terms and conditions. These provisions shall be binding on the City and subsequent owners of Parcels within the Park.
2. The City (or the applicable owner of a subject Parcel) shall comply with the terms of the Maintenance Plan on Exhibit D attached.
3. In the event any changes or alterations are to be made to the detailed facilities which affect flow, capacity or locations, or the nature of the improvements, said changes are to be approved, in writing, by the Soil Erosion Control Officer and any such changes will be noted as to be in compliance with this Agreement.
4. The City shall maintain, at its own expense, the drainage facilities to include, but not be limited to, removal of accumulated sediment, quarterly inspection of debris and other obstructions which alter or

reduce the effective operation of the drainage facilities' capacity or function and remove if necessary; quarterly mowing of side slopes or other lawful vegetation control. Vegetation control measures shall be taken when growth significantly hinders the facilities' capacity or function, or becomes unsightly or hinders clear vision for the roadways.

5. Upon the sale of a Parcel within the Park, the successor, or successors in interest, shall be responsible for the costs and maintenance of the stormwater drainage facilities as provided herein. Upon the sale, conveyance or transfer of any Parcel within the Park, the City shall notify the Soil Erosion Control Officer of such sale, conveyance or transfer specifying the name of the successor in interest and the description of the Parcel conveyed, at which time the City shall have no liability for the subject Parcel.
6. In the event maintenance is not conducted, the Soil Erosion Control Officer shall notify the City (and any owner of an affected Parcel) specifying the necessary maintenance. Within thirty (30) days of the notice, the City (or the applicable owner of a subject Parcel), shall perform the specified routine maintenance at its own expense. Within thirty-six (36) hours of notice, the City (or the applicable owner of the subject Parcel) shall perform any specified emergency maintenance.
7. In the event the City (or the applicable owner of the subject Parcel) fails to perform the maintenance so specified, the Soil Erosion Control Officer can either perform the maintenance or contract with third parties to perform the maintenance. In either instance, the applicable owner shall be responsible for all, actual costs and expenses incurred for the specified maintenance and shall pay same within thirty (30) days of receipt of the statement. If the applicable owner fails to pay the amount set forth in the statement, the Soil Erosion Control Officer may place a lien or other encumbrance against the Parcel described to include an assessment to be made by the Charlevoix County Treasurer, as taxes due and owing, or repayment of costs incurred by the Soil Erosion Control Officer.
8. This Agreement shall not be altered, amended, vacated, released or abandoned without prior written approval of the Charlevoix County Soil Erosion Control Officer.

IV. MISCELLANEOUS

1. The restrictions, easements, rights and responsibilities set forth in this instrument shall be perpetual and run with the land. This instrument shall burden the land described herein and shall run with each Parcel within the Park, the public land within the Park, and the adjacent property described on Exhibit C attached. The provisions of this instrument may be amended or waived, by either the (a) consent of the City of Boyne City and all owners of Parcels within the Park, or (b) resolution of the City Commission for the City of Boyne City.

2. ACCEPTANCE

It is specifically provided, and the acceptance by any person of title to any of the Parcels included within the Park shall constitute the agreement of such person that, in the event of disagreement as to the precise meaning of any term contained herein, the interpretation of the City, or its successors of interest, shall be final. It is specifically provided and agreed that the usual rule requiring written documents to be construed against the party preparing such documents shall not apply to the restrictions.

3. RESALE

Upon resale, any subsequent purchaser of a Parcel or Parcels within the Park shall be required to present plans to the City indicating the proposed use of the Parcel, any subsequent changes to the Development Plan due to a change of use, as well as any other information required by the City.

4. VIOLATION

A. The covenants within this document shall run with the land and bind the present owner, its successors and assigns, and all parties claiming, by, through, or under these restrictions to hold, agree, and covenant with the owner of all Parcels within the Park, their successors and assigns, and with each of them to conform to and observe said restrictions as to the use of Parcels and the use and construction of improvements thereon. All owners agree that any violation of these restrictions is likely to cause

damage that may be irreparable or impossible to ascertain. The City or the owner or owners of any Parcel within the Park shall, as a matter of course, be entitled to civil action or an injunction restraining any violation of these restrictions and such injunction shall be cumulative, in addition to ordinary legal action for damages. The failure of the City or the owner of any other Parcel or Parcels to enforce any of the restrictions set forth at the time of this violation shall in no event be deemed to be a waiver of the right to do so as to any subsequent violation.

- B. In addition to the remedies provided above, any owner of a Parcel who violates any of the provisions of this instrument or any written order of the City is also responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to the City of Boyne City Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions, for each violation (as authorized by Section 3 of Act 246 of Public Acts of Michigan of 1945, as amended, the Boyne City Civil Infraction Ordinance, the Boyne City Zoning Ordinance and other applicable laws.) Repeat offenses shall be subject to increased fines as provided by the City's Municipal Civil Infraction Ordinance and Zoning Ordinance, as amended. Each day in which any violation of these restrictions shall occur constitutes a separate offense, subject to sanctions. The Authorized City Officials (as defined in the City's Zoning Ordinance) are hereby designated as the Authorized City Officials to issue municipal civil infraction citations for violations of these restrictions. In addition to any remedies provided above or available by law, the City may bring an action for an injunction or other process against any owners of a Parcel, or any of their agents or assigns to restrain, prevent or abate any violation of these restrictions.

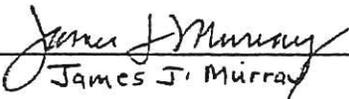
WHEREFORE, the City has executed this Declaration of Restrictions effective November 14, 2000, at a meeting of the Boyne City Commission held in Boyne City, County of Charlevoix, and State of Michigan.

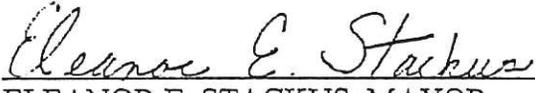
The City, an Incorporated Municipality existing under the laws of the State of Michigan, by its Mayor, Eleanor E. Stackus, and its Clerk, Sue Hobbs, as duly authorized officials, have caused the land to be surveyed, divided, mapped, and dedicated as represented herein and on the Certificate of Survey. The

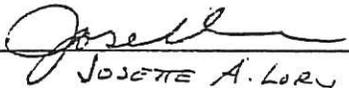
undersigned certify that the streets are for the use of the public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

CITY OF BOYNE CITY,
A Michigan municipal corporation

WITNESS:


James J. Murray


ELEANOR E. STACKUS, MAYOR


JOSETTE A. LORY


SUE HOBBS, CLERK

STATE OF MICHIGAN)
) SS.
COUNTY OF CHARLEVOIX)

The foregoing agreement was acknowledged before me this 21 day of Dec, 2000 by Eleanor E. Stackus the Mayor of Boyne City and Sue Hobbs the City Clerk, on behalf of the City of Boyne City, a Michigan municipal corporation.

JOSETTE A. LORY
NOTARY PUBLIC CHARLEVOIX CO., MI
MY COMMISSION EXPIRES Nov 2, 2001.


Notary Public
11/2/2004 County, Michigan.
My Commission Expires:

Prepared by and when recorded return to:

Timothy O'Leary
City of Boyne City
319 North Lake Street
Boyne City, Michigan 49712

EXHIBIT 'A'

LEGAL DESCRIPTION FOR BOYNE CITY AIR INDUSTRIAL PARK PHASE II

A parcel of land on part of the NE ¼ of Section 1, T32N-R6W, Wilson Township, and the fractional NW ¼ of Section 6, T32N-R5W, Boyne Valley Township, Charlevoix County, Michigan, described as BEGINNING at the NE corner of said Section 1; thence S89°40'12"E, 231.18' along the North line of said Section 6; thence S65°25'54"E, 82.31'; thence S12°20'28"E, 78.27'; thence S56°34'23"E, 187.72'; thence S31°35'13"W, 122.62'; thence S07°12'06"E, 117.07'; thence S34°34'12"E, 180.85'; thence N83°31'36"E, 191.11'; thence S31°40'22"E, 345.26'; thence N85°15'22"E, 82.21'; thence N44°28'11"E, 297.96'; thence S74°35'52"E, 245.18'; thence S58°23'37"E, 535.50'; thence S30°24'57"E, 256.57'; thence S26°43'15"W, 134.38'; thence S89°18'15"W, 629.18' along the North 1/8 line of said Section 6; thence S01°18'09"W, 1146.05' along the West 1/8 line of said Section 6; thence N52°49'48"W, 1388.62' along the North right-of-way line of Highway M-75; thence N36°15'07"E, 296.78'; thence N53°45'47"W, 476.85'; thence N00°44'49"E, 841.70' to the South line of Boyne Valley Railroad; thence N50°13'50"W, 432.25' along said South line of Boyne Valley Railroad; thence S89°59'20"E, 335.84' along the North line of said Section 6 to the Point of Beginning.

EXHIBIT 'B'

LEGAL DESCRIPTION OF LEXAMAR DRIVE AND MOLL DRIVE
(DEDICATED AS PUBLIC ROADS IN THE CITY OF BOYNE CITY)

A PARCEL OF LAND IN THE NE 1/4 OF SECTION 6, T32N-R6W, AND THE NW 1/4 OF SECTION 6, T32N-R5W, CITY OF BOYNE CITY, CHARLEVOIX COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 6; THENCE N89°59'20"W, 232.64' ALONG THE NORTH LINE OF SECTION 1, T32N-R6W TO THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY AND EASTERLY LINE OF LEXAMAR DRIVE FOR THE FOLLOWING EIGHT (8) COURSES: 1.) S50°13'50"E, 620.55', 2.) 143.03' ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 266.00', A DELTA ANGLE OF 30°48'34", AND A LONG CHORD OF 176.80' BEARING S34°24'01"E, 3.) 93.63' ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 266.00', A DELTA ANGLE OF 20°10'06" AND A LONG CHORD OF 93.15' BEARING S09°20'13"E, 4.) S00°44'49"W, 179.36', 5.) 208.44' ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 167.00', A DELTA ANGLE OF 71°30'46" AND A LONG CHORD OF 195.17' BEARING S35°00'34"E, 6.) S70°45'57"E, 947.82', 7.) 58.09' ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 167.00', A DELTA ANGLE OF 19°55'48" AND A LONG CHORD OF 57.80' BEARING S80°43'51"E, 8.) N89°18'15"E, 247.48' TO THE EAST END OF SAID LEXAMAR DRIVE; THENCE S00°41'45"E, 66.00' ALONG THE EAST END OF SAID LEXAMAR DRIVE TO THE SOUTH LINE OF THE NE FRACTIONAL 1/4 OF THE NW 1/4 OF SAID SECTION 6 AND THE SOUTH LINE OF LEXAMAR DRIVE; THENCE ALONG SAID SOUTH LINE OF LEXAMAR DRIVE FOR THE FOLLOWING THREE (3) COURSES: 1.) S89°18'15"W, 322.92' ALONG THE SOUTH LINE OF THE NE FRACTIONAL 1/4 OF THE NW 1/4 OF SAID SECTION 6 TO THE EAST LINE OF THE NW FRACTIONAL 1/4 OF THE NW 1/4 OF SAID SECTION 6, 2.) N01°18'09"E, 12.36' ALONG SAID EAST LINE, 3.) N70°45'57"W, 430.18'; THENCE ALONG THE EASTERLY LINE OF MOLL DRIVE FOR THE FOLLOWING FIVE (5) COURSES: 1.) 35.79' ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 19.00', A TANGENT OF 26.12' AND A CHORD OF 30.73' WHICH BEARS S55°16'06"W, 2.) S01°18'09"W, 642.20', 3.) 56.11' ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 233.00', A TANGENT OF 28.19' AND A CHORD OF 55.97' WHICH BEARS S08°12'04"W, 4.) 89.75' ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 233.00', A TANGENT OF 26.12' AND A CHORD OF 89.18' WHICH BEARS S26°08'08"W, 5.) S37°10'13"W, 99.77' TO THE NORTHERLY LINE OF STATE HIGHWAY M-75; THENCE N52°53'48"W, 66.00' ALONG THE NORTHERLY LINE OF SAID STATE HIGHWAY M-75 TO THE WESTERLY LINE OF MOLL DRIVE; THENCE ALONG THE WESTERLY LINE OF SAID MOLL DRIVE FOR THE FOLLOWING FOUR (4) COURSES: 1.) N37°10'13"E, 99.77', 2.) 104.54' ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 167.00', A TANGENT OF 54.05' AND A CHORD OF 102.84' WHICH BEARS N19°14'11"E, 3.) N01°18'09"E, 675.85'; THENCE ALONG THE SOUTHERLY AND WESTERLY LINE OF LEXAMAR DRIVE FOR THE FOLLOWING FIVE (5) COURSES: 1.) 23.90' ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 19.00', A TANGENT OF 13.82' AND A CHORD OF 22.35' BEARING N34°43'54"W, 2.) N70°45'57"W, 580.81', 3.) N00°44'49"E, 347.13', 4.) 183.11' ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00', A DELTA ANGLE OF 30°48'34" AND A CHORD OF 172.13' BEARING N24°44'30"W, 5.) N50°13'50"W, 699.88' TO THE NORTH LINE OF SAID SECTION 1, T32N-R6W; THENCE S89°59'20"E, 103.20' ALONG THE NORTH LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING.

EXHIBIT 'C'

REMAINDER (PARENT PARCEL)

A parcel of land located in the Northwest 1/4 of Section 6, T32N-R5W described as commencing at the Northwest corner of said Section 6; thence $S00^{\circ}44'49''W$, 15.00' along the West line of said Section 6; thence $S89^{\circ}40'13''E$, 126.67' parallel with the North line of said Section 6; thence $S41^{\circ}34'50''E$, 123.02'; thence $N60^{\circ}12'59''E$, 103.39'; thence $S12^{\circ}25'22''E$, 65.49'; thence $S55^{\circ}37'20''E$, 176.21'; thence $S29^{\circ}03'29''W$, 111.12'; thence $S05^{\circ}38'45''E$, 163.42'; thence $S40^{\circ}16'12''E$, 165.29'; thence $N82^{\circ}53'54''E$, 187.80'; thence $S22^{\circ}12'50''E$, 300.88'; thence $S88^{\circ}01'31''E$, 167.51'; thence $N49^{\circ}34'55''E$, 236.46'; thence $S04^{\circ}49'13''E$, 499.57' to the North line of Lexamar Drive; thence $S70^{\circ}45'57''E$, 136.46' along the North line of said drive; thence $N08^{\circ}03'07''E$, 572.08'; thence $S57^{\circ}34'22''E$, 565.50'; thence $S28^{\circ}28'25''E$, 245.04'; thence $S34^{\circ}49'08''W$, 142.03' to the South line of the NE fractional 1/4 of the NW 1/4 of said Section 6; thence $N89^{\circ}27'15''E$ (recorded as $N89^{\circ}18'15''E$ on Certificate of Survey for Boyne City Air Industrial Park Phase II) 2027.67' to the East 1/8 line of said Section 6; thence $N01^{\circ}04'01''E$ 636.02' along said East 1/8 line; thence $N89^{\circ}44'31''W$ 1317.67' to the North-South 1/4 line of said Section 6; thence $N01^{\circ}06'48''E$ 650.70' along said North-South 1/4 line to the North 1/4 corner of said Section 6; thence $N89^{\circ}40'12''W$ 2667.99' along the North line of said Section 6 to the POINT OF BEGINNING.

AND

A parcel of land located in the Northeast 1/4 of Section 1, T32N-R6W described as commencing at the Northeast corner of said Section 1; thence $S00^{\circ}44'49''W$ 15.00'; thence $N89^{\circ}59'20''W$ 214.42' to the East line of Lexamar Drive; thence $N50^{\circ}13'50''W$ 23.45' to the North line of said Section 1; thence $S89^{\circ}59'20''E$ 232.64' along said section line to the POINT OF BEGINNING.

EXHIBIT 'D'

City of Boyne City - Air Industrial Park Expansion (Phase II) Stormwater
Maintenance PlanAuthority

Charlevoix County Department of Building Inspection
301 State Street
Charlevoix, MI 49720

Easements

Easement areas include all stormwater easements shown on the Stormwater Plan on record at the Charlevoix County Department of Building and Inspection.

Maintenance

All maintenance shall be performed on a regular basis as outlined below.

Inspection Item	Inspection	Disposition
Debris Cleanout inlets and outlets clear of debris? Filtration facility clear of debris?	Quarterly	Identify areas requiring cleanout and severity of buildup.
Vegetation drainage area to facility stable? Area mowed, and clippings removed? Cover vegetation less than 18"?	Monthly during growing season. Quarterly during non-growing season.	Identify evidence of erosion, vegetation needing mowing, or unstabilized areas.
Sedimentation Chamber Permanent pool wet? Evidence of leaking? Sediment buildup less than 12 inches?	Semi-annual	Identify problems, specify actions required.
Structural Components Evidence of structure deterioration? Pipes in good condition?	Annual	Identify problems, specify actions required.
Evidence of clogging of outlet pipe? Evidence of downstream erosion?	Annual	Identify problems, specify actions required.

F:\boy2662\01g\Project Management\ATTACHMENT D - DEED RESTRICTIONS.doc

CITY OF BOYNE CITY

To: Michael Cain, City Manager 

From: Tim Faas, Director of Public Works 

Date: September 3, 2020

Subject: **2020 Pavement Rehabilitation Project
Additional Work Recommendation**

**BACKGROUND:**

In April 2020, the City Commission awarded a contract to Rieth-Riley in an amount of \$275,005 for our 2020 Pavement Rehabilitation Project. The work was substantially completed in June at a final cost of \$257,112. As such, the contract has \$17,893 remaining.

I requested pricing from Rieth-Riley on performing some asphalt preservation overlay work on a couple short sections of local streets with the remaining funds. This work would involve the Public Works staff saw cutting a butt-joint at each end of the area to be overlaid and then Rieth-Riley crews paving a minimum of 1.5" thick asphalt over the existing pavement. The city would assist with traffic control as well as restoration. Overlays have been proven to extend the useful life of pavements by about 5 to 7 years.

The streets I had priced are listed below (see attached map):

1. Mechanic Street (W Michigan Avenue to Bay Street)
2. Bay Street (either side of Mechanic Street)
3. Second Street (McKinley Street to Terrace Street)

The cost to perform the overlays would be \$20,840 as outlined in the proposal from Rieth-Riley. This is \$2,947 more than what remains under the contract.

The approved budget for Local Road Construction for 2020/2021 was \$456,868. Of that budget, \$250,200 (55%) has been deferred until next year. As such, we have enough funds to complete the work. The \$20,275 in cost for this project would be charged to the following account #203-451-987.000 (Local Roads – Construction).

RECOMMENDATION:

It is my recommendation that the City Commission amend purchase order #5696 to Rieth-Riley Construction for the 2020 Road Rehabilitation Project by \$2,947 for an amount not-to-exceed \$277,952. Further, I would recommend that the City Manager be authorized to execute the documents.

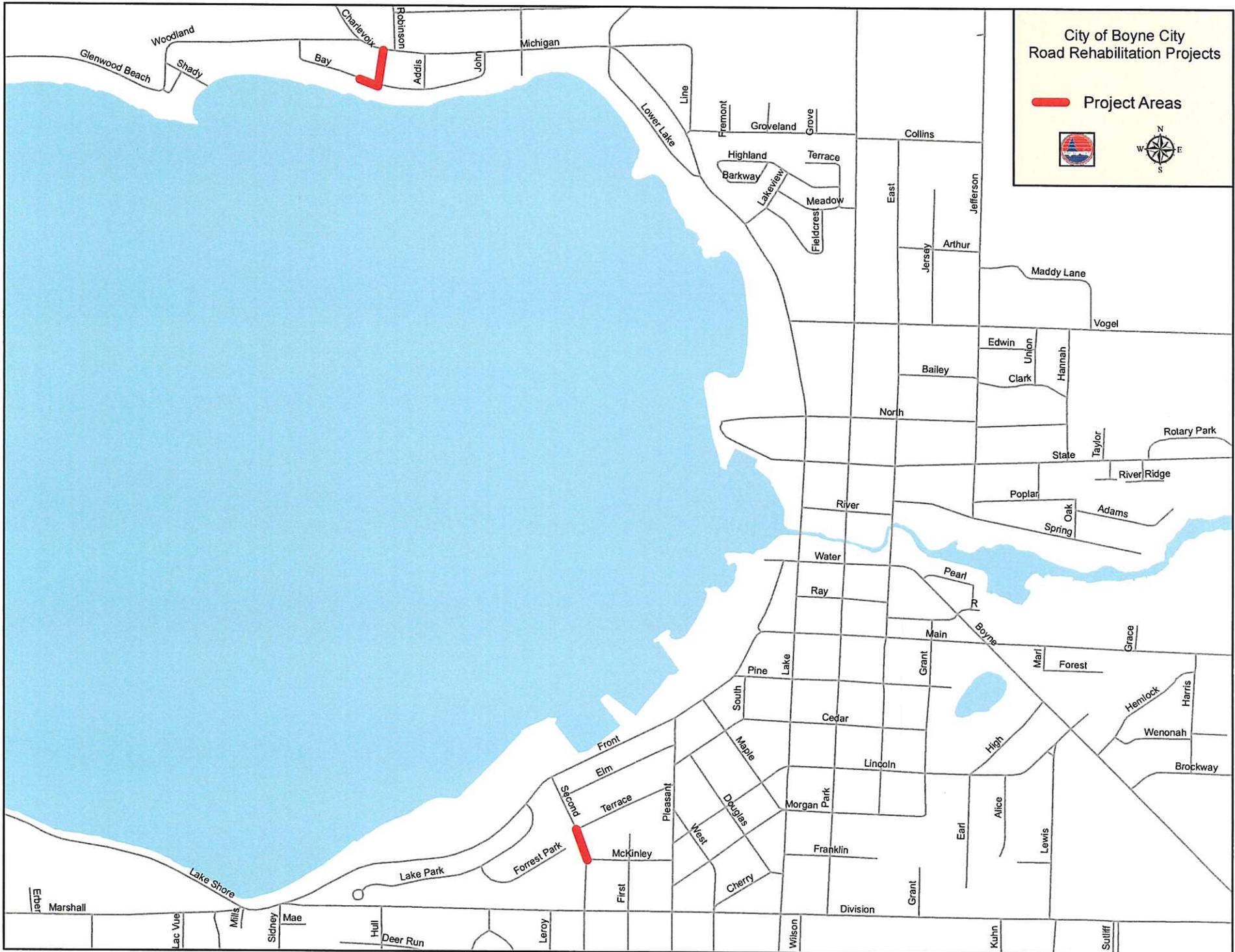
OPTIONS:

1. That this matter be postponed for further information or consideration
2. That this matter be approved subject to some revision
3. Other options as determined by the City Commission

Encl: Additional Work Proposal Rieth-Riley August 31, 2020
Additional Work Map

City of Boyne City
Road Rehabilitation Projects

 Project Areas





RIETH-RILEY CONSTRUCTION Co., Inc.

100% Quality • 100% Employee Owned • Over 100 Years

Proposal

06795 US 31 North Charlevoix, MI 49720 Phone: (231) 439-5757 Fax: (231) 347-8862 www.rieth-riley.com

Submitted To:

Date: August 31, 2020

City of Boyne City
Attn: Tim Faas

Job Name: Addis / Mechanic / Bay Overlays
Location:

Boyne City, MI 49712

Boyne City, MI 49712

Rieth-Riley Construction Co., Inc ("Contractor") submits to Owner/ General Contractor ("Customer") this Proposal based on plans and specifications prepared by n/a and dated n/a and the following addenda, if any: n/a

Included

Yes/No	Item of Work	Quantity	Unit	Description of Items
Yes	Mobilization	1	LSUM	
Yes	Adjustment Rings	3	Each	
Yes	Sweep & Bondcoat	13783	Sft	Prior to overlay
Yes	Asphalt Paving	13783	Sft	1.5 Inch Minimum Thickness
Yes	Asphalt Curbing	1	LSUM	Per existing layout

Notes:

- Proposal is based on wedging/overlaying portions of Mechanic/Bay St and Second St per on site walk-thru.
- Assumes all necessary prep to be done by others.
- Existing asphalt to be swept, bondcoat applied, wedged as needed and overlaid with a minimum 1.5" asphalt.
- Adjustment rings to be added to existing structures for height.
- Does not include 1. Butt joint prep 2. Trimming edges 3. Flag control 4. Restoration. 5. Pavement markings.

Total Bid Price: \$20,480.00

THIS PROPOSAL SHALL REMAIN VALID ONLY FOR 15 DAYS FROM THE ABOVE PROPOSAL DATE.

THIS PROPOSAL INCLUDES ALL OF THE STANDARD TERMS & CONDITIONS SET FORTH ON THE REVERSE SIDE OF THIS DOCUMENT.

Rieth Riley Construction Co., Inc.

By: Michael G. Ellwanger
Mike Ellwanger, Project Manager
mellwanger@rieth-riley.com

ACCEPTANCE OF PROPOSAL

I (we) have read the above Proposal, including the standard terms & conditions on the reverse side, and hereby accept this Proposal. You are hereby authorized to begin the work as proposed.

City of Boyne City

By: _____
(Authorized Signature)

(Date Signed)

(Printed Name & Title)

CITY OF BOYNE CITY

To: Michael Cain, City Manager 

From: Tim Faas, Director of Public Works 

Date: September 3, 2020

Subject: **2020 Parks & Erosion Control Projects
Materials Procurement Recommendation**

**BACKGROUND:**

The following list of projects are scheduled for construction by the Public Woks staff this fall and winter. The projects have a mix of revenues from private donations, grants, or County millage funds to help offset the City of Boyne City costs.

1. Boyne Forest Trail Trailhead Parking Lot & Pathway (2020 Charlevoix Co Parks Millage Allocation)
2. Ridge Run Dog Park Agility Area (Private Donations & Community Foundation Grant)
3. Avalanche Trail Signage (2019 Charlevoix Co Parks Millage Allocation)
4. F Grant Moore Marina Sidewalk Erosion (2020 MDNR Waterways Grant)
5. Sunset/Veterans Park & John Street Road End Erosion
6. Airport Parking Lot Trailhead Rest Rooms

In order to expedite the construction delivery, I am requesting approval to work directly with vendors to procure the required materials to satisfy the designs for each of these projects. Where possible competitive written quotes will be solicited; however, some products will be sole sourced.

Examples of the materials required include stone, geotextile fabric, wood posts & fencing, signs, concrete, erosion control products, etc. I will work within the confines of the grants and agreements with a pledge not-to-exceed the approved budgets without seeking City Commission approval. If materials can be procured locally, I will indeed do that.

RECOMMENDATION:

It is my recommendation that the City Commission authorize the Director of Public Works to procure materials for the Parks and Erosion Control Projects to be completed this fall and winter subject to budgeted amounts and final approval of the City Manager.

OPTIONS:

1. That this matter be postponed for further information or consideration
2. That this matter be approved subject to some revision
3. Other options as determined by the City Commission

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Cindy Grice, City Clerk/Treasurer *cg*
Date: September 3, 2020
Subject: Newspaper of Record



In late July of this year, the Editor of the Boyne Gazette notified me that the publication would cease effective immediately. The Boyne Gazette has been our newspaper of record since 2011, meeting all of the requirements for the City to publish all of our required notices and publications.

We published a notice in the Petoskey News review requesting proposals to be the Newspaper of Record for the City. We also sent the request to the Charlevoix County News, Petoskey News Review and Charlevoix Courier via mail. One proposal was received from the Charlevoix Courier/Petoskey News Review with pricing as follows:

Petoskey News Review	\$16.35 per column inch (Tuesday- Thursday, Saturday) \$18.80 per column inch (Friday) \$14.85 per inch for Classified ads
Charlevoix Courier	\$9.50 per column inch (weekly publication only) \$14.85 per column inch for Classified ads

The Petoskey News Review has a total circulation of 4,200 and the Courier has a total circulation of 1,200.

The primary purpose in publishing information is to help keep our citizens and taxpayers informed. Selecting a newspaper of record lets people know where to look for information about the City without having to guess about which newspaper it may be in. While we usually share information with all the media, and they do a good job reporting it, there is typically designated one official place to go, the newspaper of record. So in addition to the legal implications the convenience of our customers should be considered as well.

RECOMMENDATION

Based on the results and circulation I am recommending that the City of Boyne City utilize the Petoskey News Review as the Newspaper of Record.

September 2020

September 2020							October 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	4	5	6	7	1	2	3
13	14	8	9	10	11	12	11	12	13	14	8	9	10
20	21	15	16	17	18	19	18	19	20	21	15	16	17
27	28	22	23	24	25	26	25	26	27	28	22	23	24
		29	30								29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 30	31	Sep 1	2	3 8:30am Main Street Board mtg.	4	5
6	7 Labor Day (United States)	8 7:00pm City Commission	9	10 5:00pm Parks & Rec	11	12
13	14 Summer Taxes due 12:00pm EDC/LDFA	15	16	17	18 9:00am Team Boyne	19
20	21 5:00pm Planning Commission 7:00pm Historical Commission	22 12:00pm City Commission	23	24 5:30pm Airport Advisory Board	25	26
27	28	29	30	Oct 1	2	3

October 2020

October 2020							November 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	8	2	3	1	2	3	4	5	6	7
11	12	13	14	15	9	10	8	9	10	11	12	13	14
18	19	20	21	22	16	17	15	16	17	18	19	20	21
25	26	27	28	29	23	24	22	23	24	25	26	27	28
					30	31	29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 27	28	29	30	Oct 1 8:30am Main Street Board mtg.	2	3
4	5	6 5:00pm ZBA	7	8 5:00pm Parks & Rec	9	10
11	12	13 7:00pm City Commission	14	15 Marina Closes	16	17
18	19 5:00pm Planning Commission	20	21	22 5:30pm Airport Advisory Board	23	24
25	26	27 12:00pm City Commission	28	29	30	31 5:00pm Trick or Treat