JUNE 28, 2016
REGULAR MEETING

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 364 NORTH LAKE STREET, ON TUESDAY JUNE 28, 2016

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 12:02 p.m. followed by the Pledge of Allegiance.

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

Absent: Commissioner Conklin

Staff: Cindy Grice, Michael Cain, Andy Kovolski, Scott McPherson, Mark Fowler, Jeff Gaither, Lori Meeder and Patrick Kilkenny

Others: There was 6 citizen in attendance including representatives from the Charlevoix County News and the Petoskey News Review

Excuse Commissioner Conklin

2016-06-080
Moved by Neidhamer
Second by Towne

To excuse Commissioner Conklin from attending today's meeting

Ayes: 4
Nays: 0
Absent: 1
Motion carried

CONSENT AGENDA

2016-06-081
Moved by Sansom
Second by Towne

2016-06-081A
To approve the June 13, 2016 City Commission special meeting minutes as presented
2016-06-081B
To approve the June 14, 2016 City Commission regular meeting minutes as presented

Ayes: 4
Nays: 0
Absent: 1
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

Correspondence from the Premier of Ontario regarding their receipt of the Enbridge Pipeline resolution was received and filed.

CITY MANAGERS REPORT

City Manager Cain reported:

- The compaction phase of the City Hall project is now complete. Concrete blocks are now being set.

- The City Clock has been dissembled and being prepped for shipping to Maine.
- Most of the trees transplanted from the City facilities site are not doing well.
- The Safe Routes to School construction project will begin next week.
- The first Phase of the non-motorized trail is ahead of schedule.
- Interviews have taken place for the two open positions at the City.
- Eric Kujawski has earned his new D Wastewater License from the State
- Congratulations to Mark Fowler for receiving the Michigan Water Environment Association Maintenance Professional of the Year award from his peers.
- Our auditors will be here next week.
- Summer tax bill are going out this week.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

The May, 2016 Financial Statement was received and filed.

Street Vacation

Public Hearing and consideration of request from Stephanie Moody for the vacation of the south portion of Willow Street as proposed.

Mayor Neidhamer opened the Public Hearing at 12:13 p.m.

Planning Director Scott McPherson discussed the requested vacation of a public way request that was submitted by Stephanie Moody who owns 100 W. Court Street. She is requesting the south portion of Willow Street located in Caldw2ell's addition between lots 11 and 12 owned by Tom Lasater and lot 3 owned by her to be vacated. This portion of the street is 66 feet wide and 132 feet in length and is the only remaining portion of the street that has not been vacated. While the street is undeveloped and does not have any utilities located in it, the house located at 100 W. Court Street does encroach significantly into the right of way. In 1991 an addition to the home was constructed. A plot plan and zoning permit for the addition was approved by the City. It was not discovered until recently that the addition encroached into the platted street. While many years have passed since the initial encroachment, the property owner does not have legal nonconforming status or an adverse possession claim as these cannot be obtained for encroachments onto public property. The street vacation request was reviewed by all City departments are there were no objections to the request.

All appropriate publications took place after the City Commission determined at their May 24, 2016 meeting that the application should proceed and staff was directed to schedule a public hearing.

There was no public comment.

Mayor Neidhamer closed the Public Hearing at 12:15 p.m.

Staff Comments: None

Board Discussion: All Commissioners are in support of the request.

MOTION

2016-06-082
Moved by Towne

Second by Sansom

To approve the request from Stephanie Moody for the vacation of the south portion of Willow Street as proposed

Ayes: 4
Nays: 0
Absent: 1
Motion carried

Chamber of Commerce Fountain Request

Consideration to approve the request of Muddypaw, LLC. to donate and maintain a fountain at their expense as proposed to be located immediately South of the Chamber of Commerce office upon coordination with and approval from City Staff.

City Manager Cain discussed the donation proposal from David Austin and Kristen David at Muddypaw, LLC. They are proposing to install the fountain on the south side of the Chamber office. This matter was discussed at the Chamber of Commerce meeting last week and they approved a motion recommending the City's Park Board and City Commission approve the request contingent upon working out any details with the Garden Club. The Garden Club and Park & Recreation Board have given their approval, although the Parks Board will not meet until August.

Given that Muddypaw has an excellent track record with these fountains, will provide it to us and maintain it at no cost, this will provide an interesting and attractive new feature in Sunset Park without interfering with existing uses or views and that it can be easily removed in the future if necessary staff supports the proposal. The Chamber is fine with supplying the power necessary to run the pumps and lights. There is also no known conflict between this proposal and our Boyne on the Water PlacePlanning effort. This plan supports the goal of providing vibrant public spaces that complement our natural resources.

Citizens Comments: Chamber Director Jim Baumann said they are very pleased about this proposed donation. It will be a nice addition to the corner.

David Austin of Muddypaw said he loves the community and they want to add and enhance it. This will create a nice stop for people to pause and it will fit with the proposed Water PlacePlan.

Staff Comments: None

Board Discussion: Mayor Pro-Tem Towne inquired about the depth and was informed about 17". Mr. Austin added they are very aware of safety. It will be lit with a rock edge and also in a high profile location. Mayor Neidhamer asked if kids could reach in and was informed yes. Commissioner Sansom said she has had back and forth thoughts. It looks like something the community would like. She worries about safety. Her only qualm is too much is already going into this corner. Were there alternative locations? Mr. Austin said power is already there. There is easy access and it will blend in with what is already there. They will work with what's already there. City Manager Cain said we have had good luck with the fountain at Old City Park.

MOTION

Commissioner Grunch said he supports the project and thanked David and Kristen.

2016-06-082
Moved by Grunch
Second by Towne

To approve the request of Muddypaw, LLC. to donate and maintain a fountain at their expense as proposed to be located immediately South of the Chamber of Commerce office upon coordination with and approval from City Staff.

Ayes: 4
Nays: 0
Absent: 1
Motion carried

Good of the Order

Mayor Pro-Tem Towne and Commissioner Neidhamer wished everyone a happy and safe 4th of July. Mayor Neidhamer commended staff ahead of time before the next two very busy weeks.

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Commissioner Grunch to adjourn the Regular City Commission meeting of Thursday, June 28, 2016 at 12:39 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer