

**FEBRUARY 12, 2013
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY
COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY
HALL, 319 NORTH LAKE STREET, ON TUESDAY FEBRUARY 12, 2013
AT 7:00 pm

CALL TO ORDER

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

Present: Mayor Ron Grunch, Commissioners Derek Gaylord, Laura
Sansom and Tom Neidhamer

Absent: Mayor Pro-Tem Gene Towne

Staff: Dan Meads, Scott McPherson, Leslie Meyers, Andy Kovolski,
Michael Cain, Hugh Conklin, John Lamont, Kevin Spate, Dennis
Amesbury, Jeff Gaither, Barb Brooks, City Attorney Jim Murray and Cindy
Grice

Others: There were three citizens in attendance, including a
representative from the Charlevoix County News

**EXCUSE MAYOR PRO-
TEM TOWNE
MOTION**

2013-02-011
Moved by Towne
Second by Sansom

To excuse Mayor Pro-Tem Towne from attending tonight's meeting.

Ayes: 4
Nays: 0
Absent: 1
Motion carried

**CONSENT AGENDA
MOTION**

2013-02-012
Moved by Neidhamer
Second by Sansom

2013-02-012A
Approval of the January 22, 2013 regular City Commission meeting
minutes with verbage change on page one.

2013-02-012B
Approval of the January 28, 2013 Charlevoix County Leadership Summit
meeting minutes as presented

2013-02-012C
Approval to accept resignation of John McCahan from the Planning
Commission effective January 20, 2013

2013-02-012D
Approval to appoint Aaron Place to the Planning Commission to complete
the remaining term of John McCahan, with a term expiring on May 31,
2013

2013-02-012E
Approval to appoint Darryl Parish to the Parks & Recreation Board to fill
the remainder of Carl Wehner's term expiring on 12/31/2015

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

Mark Kowalske commented on the recent presentation by Robert Gibbs where parking meters were discussed. He would like there to be continued thinking about the parking meter idea. He also added that Court Street paving needs to be kept on our minds as well.

CITIZENS COMMENTS

Correspondence from the Northwest Michigan Council of Governments regarding upcoming regional transportation planning meetings was received and filed.

CORRESPONDENCE

City Manager Cain reported:

CITY MANAGERS REPORT

- The Redevelopment Ready Community Grant application was submitted to the MEDC last Friday.
- We have been informed we were not successful in the grant application with our insurance carrier for the fire department's infra red camera.
- Michigan Main Street announced this week that Boyne City has been chosen to receive the Retail Merchandising service later this year including a public work shop and individual site visits, specifically assisting small retailers in devising their own merchandising models and methods. We expect to receive this service in October.
- Boyne City Public Schools have been contacted to see if any students are interested in the upcoming MML Capital Conference in Lansing.

Draft Minutes of the January 3, 2013 Parks and Recreation Board Meeting; the January 8, 2013 Special Historical Commission Meeting; the January 10, 2013 Main Street Board Meeting; the January 14, 2013 Main Street Planning Session Meeting; the January 24, 2013 Airport Advisory Board Meeting and the January 21, 2013 Planning Commission Meeting were received and filed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

City Attorney Jim Murray provided an update on recent events relating to Kirtland Products.

Kirtland Update

Citizens Comments: A citizen asked who is going to pay the wages for this man, do we not want to see citizens in Boyne City. 80% of the town is in favor of this. She has never heard or smelled the plant. We need the money and we need his jobs. How can we say it's causing all these problems? Are you not thinking ahead or just not thinking?

Don Nessen stated that he can hear Kirtland loud in clear in the middle of the night.

Lisa Liebgott asked if we have reviewed the DEQ information.

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

Fireworks Ordinance Revision

Assistant Planner Leslie Meyers discussed the draft language presented regarding fireworks usage within the City. Under the new Fireworks safety act, a local unit of government is expressly prohibited from enacting or enforcing any ordinance that regulates the sale, display, storage, transportation or distribution of fireworks. A local unit of government may regulate the ignition, discharge and use of consumer fireworks, but not on the day before, the day of, nor the day after a national holiday. Local units still retain the right to regulate the ignition, discharge and use of display fireworks.

An ordinance offering limiting the use of fireworks for the 30 days allowed by law, but allowing the City Commission to issue special permits for other days as they find appropriate for display fireworks was presented.

Staff Comments: Police Chief Gaither has read and had input on this ordinance change as presented, it is workable for the Police Department. He thinks it is a good ordinance.

Citizens Comments: None

Board Deliberation: Commissioner Gaylord said his viewpoint has not changed from his comments the last time this was discussed. He is against further restrictions beyond what the state mandates and cannot support the language as presented. Commissioner Sansom inquired about fees. Commissioner Neidhamer asked for clarification on the three days and said he is in support. Mayor Grunch said he is in support. Commissioner Gaylord inquired about fines and was informed we would provide those amounts to him.

MOTION

2013-02-013

Moved by Neidhamer

Second by Sansom

To introduce the language presented today as a first reading for revision to the Fireworks ordinance and bring back in 30 days.

Ayes: 3

Nays: 1, Commissioner Gaylord

Absent: 1

Motion carried

Echo Vehicle / Patrol Vehicle Transfer

Consideration to approve the transfer of the Police Department Vehicle (2011 Ford Expedition) to the Ambulance Department for use as an ECHO vehicle and authorize the transfer of \$22,000 from the Ambulance Department to the Police Department, with \$17,500 of the funding from the insurance pay-out received by the Ambulance Department for the totaled 2008 Ford Expedition and authorize the City Manager to execute the documents

EMS Director John Lamont discussed the need to replace the 2008 Ford Expedition that served as the EMS Echo vehicle. The vehicle was involved in an accident resulting in approximately \$17,500 in damages that will be reimbursed to the City from our insurance carrier. Salvage value of the vehicle is \$2,600. The Police Department currently has a 2011 Ford Expedition that the department does not consider a necessity

for its needs. It is too large, has too large an engine and fuel costs are excessive.

Police Chief Gaither discussed the additional costs for the Expedition versus the Ford Interceptor that is currently the newest patrol car. At this time, the Police Department is also requesting to purchase a 2013 Ford Taurus Interceptor patrol car to replace the expedition. The EMS Department will pay the Police Department \$22,000 for the 2011 Ford Expedition. Additional funds to purchase the new patrol car and equipment will be from unused funds within the Police Department's current budget.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord said he spoke with Officer Spate to get input regarding giving up the 4wd vehicle and if that would limit response to anywhere. Police Chief Gaither said they have run the Ford Taurus, with snow tires, testing it in different situations. If necessary, they would be able to use another 4wd vehicle the city has. Commissioner Sansom asked if it was a good fit for the ambulance department and was informed yes. This vehicle gets even better gas mileage than the 2008 Expedition did, plus it only has 16,000 miles on it. Commissioner Neidhamer said it seems logical and he commended staff for working together. It is win-win. Mayor Grunch agreed.

2013-02-014

Moved by Neidhamer

Second by Sansom

MOTION

To approve the transfer of the Police Department Vehicle (2011 Ford Expedition) to the Ambulance Department for use as an ECHO vehicle and authorize the transfer of \$22,000 from the Ambulance Department to the Police Department, with \$17,500 of the funding from the insurance pay-out received by the Ambulance Department for the totaled 2008 Ford Expedition and authorize the City Manager to execute the documents

Ayes: 4

Nays: 0

Absent: 1

Motion carried

2013-02-015

Moved by Sansom

Second by Gaylord

New Police Department Patrol Vehicle

MOTION

To purchase a 2013 Ford Interceptor for the Police Department from Bob Mathers Ford in the amount of \$23,726 utilizing funds received from the transfer of the 2011 Ford Expedition to the EMS Department plus an additional \$12,500 to fully equip the vehicle and authorize the City Manager to execute the documents. The \$12,500 will be from unused funds within line items in the current Police Department's FYE 2013 budget

Ayes: 4
Nays: 0
Absent: 1
Motion carried

2013-02-016
Moved by Neidhamer
Second by Gaylord

**Sale of Wrecked EMS
Department Ford Expedition**

MOTION

To approve to sell the 2008 Ford Expedition (ECHO vehicle) to Gene's Auto Sales Inc. in the amount of \$2,600 and authorize the City Manager to execute the documents

Ayes: 4
Nays: 0
Absent: 1
Motion carried

Consideration to support and endorse the 2013 Boyne Thunder event to be held July 10 – 14, 2013; support the application to the Liquor Control Commission for a special license for the sale of beer, wine and spirits on the premises; and authorize City staff to work with the Boyne Thunder committee on needs and issues that may arise as event plans move forward

Boyne Thunder 2013

Main Street Director Hugh Conklin discussed the upcoming 10th Boyne Thunder Poker Run. Since the first event, over \$250,000 has been raised for Camp Quality and more than \$82,000 for the Main Street Program. The event is growing and there is a need for more volunteers. In the past nine years, Boyne Thunder has grown to be a signature event for Boyne City. Cooperation with the marina staff makes this possible.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer said he is in full support. Commissioner Gaylord asked if the LCC license has been done every year and was informed yes. He also asked Chamber Director Jim Baumann if there is any negative feedback from the downtown business owners and was informed that Boyne Thunder brings so many people into town. Commissioner Sansom said she is good with it.

2013-02-017
Moved by Sansom
Second by Gaylord

MOTION

To approve to support and endorse the 2013 Boyne Thunder event to be held July 10 – 14, 2013; support the application to the Liquor Control Commission for a special license for the sale of beer, wine and spirits on the premises; and authorize City staff to work with the Boyne Thunder committee on needs and issues that may arise as

event plans move forward

Ayes: 4
Nays: 0
Absent: 1
Motion carried

Commissioner Neidhamer asked about updates regarding the facilities and City Mechanic. City Manager Cain said the mechanic would be discussed within the budget discussions.

Good of the Order

2013-02-018
Moved by Grunch
Second by Gaylord

CLOSED SESSION

Request of the City Manager to go into closed session to consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976) at 7:58 p.m.

Ayes: 4
Nays: 0
Absent: 1
Motion carried

2013-02-019
Moved by Grunch
Second by Gaylord

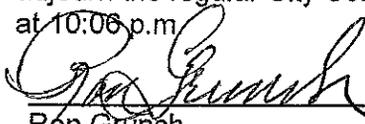
RETURN TO OPEN SESSION

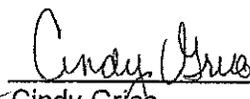
To return to open session at 10:05 p.m.

Ayes: 4
Nays: 0
Absent: 1
Motion carried

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of February 12, 2013 at 10:06 p.m.

ADJOURNMENT


Ron Grunch
Mayor


Cindy Grice
Clerk / Treasurer