

**DECEMBER 9, 2014
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 DECEMBER 9, 2014

CALL TO ORDER

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

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

Absent: None

Staff: Cindy Grice, Michael Cain, Barb Brooks, Dan Meads, Annie Doyle, Scott McPherson, Jeff Gaither and John Lamont

Others: There were 13 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

**CONSENT AGENDA
MOTION**

2014-12-176
Moved by Towne
Second by Gaylord

To approve of the November 25, 2014 City Regular City Commission meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Charlevoix County Transit Director Jill Drury provided information regarding House Bill 4539 and its potential negative impact on road funding. If approved, this bill would mean significant cuts to funding for Cities, schools and transit systems.

CORRESPONDENCE

Correspondence from John Mccahan and Susan Stockman regarding the noise ordinance was received and filed.

CITY MANAGERS REPORT

City Manager Cain reported:

- We hope to hear more next week regarding our Place Plans services grant application. 13 projects were submitted statewide, out of which 6 will be selected.
- It looks like our Safe Routes to School grant application has been approved. Certain sections are still under review.
- City Manager Cain wished everyone a very Merry Christmas and happy and productive new year.

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

Draft Minutes of the November 4, 2014 Zoning Board of Appeals Meeting; the November 6, 2014 Main Street Board Meeting; the November 6, 2014 Parks and Recreation Board Meeting; the November 10, 2014 LDFA Board Meeting and the November 10, 2014 EDC Board Meeting were received and filed.

Consideration of Public Hearing and adoption of the proposed amendment to Article V, Section 34.141 – Noise Ordinance as presented

Noise Ordinance Public Hearing

Mayor Grunch opened the Public Hearing at 7:20 p.m.

Planning Director Scott McPherson stated for many years the City had a noise ordinance in effect. Our Police Department does receive noise complaints on a regular basis – at an average of 61 noise complaints per year. Most are due to music with an average of 28 complaints per year followed by neighbor complaints, dog complaints, vehicle and loud party complaints. A first reading of this ordinance was presented at the October 28, 2014 meeting. The City Attorney has reviewed it and provided a copy with revisions.

Staff Comments: Police Chief Gaither agreed with the recommendation.

Citizens Comments: None

Board Discussion: Commissioner Sansom inquired about terminology. We are trying to encourage residential in the downtown. She added that she felt the regulation of sound amplifying equipment should be under the City Commission oversight rather than the City Manager. Commissioner Gaylord agreed with that and also said there is still vagueness in the word “reasonable” adding that we don’t have objective standard but a portion of the ordinance relies on decibel levels. He inquired who the building official in this ordinance would be. Mayor Pro-Tem Town asked Chief Gaither if he could effectively handle noise complaints with this ordinance and was told the majority and it is generally a good, useful tool to keep peace within the City. Commissioner Neidhamer said the individual ruling is not the City Commissioner’s job, it would be up to the police officers to enforce the ordinance and he feel’s it is a tool the department could use. Mayor Grunch said he is in favor of an ordinance that does not include decibel levels.

City Manager Cain said he agrees with removing the “building official” language and replacing with Zoning Administrator or City Manager.

Mayor Grunch closed the public hearing at 8:00 p.m.

2014-12-177
Moved by Neidhamer
Second by Towne

MOTION

To adopt of the proposed amendment to Article V, Section 34.141 – Noise Ordinance changing “Building Official” language to Zoning administrator and “regulating authority” to City Manager

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

2014-12-178
Moved by Grunch
Second by Gaylord

Brief Recess
MOTION

To briefly recess the meeting at 8:05 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Reconvene
MOTION**

2014-12-179
Moved by Grunch
Second by Gaylord

To reconvene the meeting at 8:10 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Revised Draft Sommerset
Point Agreement**

City Manager Cain presented the latest draft utility agreement as proposed by Sommerset Point, along with a partial draft area coverage map. This is a draft, we are continuing discussion and he doesn't think we are in a position to approve this agreement tonight. The most urgent issue is the Sanitary Sewer. At this point we had spent thousands of dollars from the 2007 proposed agreement. Sommerset Attorney Dan Barron said they would prefer to have an agreement in place. Further discussion will be taking in place in the near future.

Citizens Comments: None

Staff Comments: None

Board Discussion: Commissioner Neidhamer said we need to make sure we're not losing money, but making it. It would enhance Lake Charlevoix watershed without overtaking our system. This helps the residents along that route. Mayor Pro-Tem Towne agrees and thinks it is to everyone's advantage. Commissioner Gaylord inquired if the City would be capping it's capacity. Commissioner Sansom asked where we are at regarding capacity levels and was informed by Dan Meads that we are now at about 60% to 65% capacity including Boyne Mountain. He added he thinks it's a good idea to move forward with this. All Commissioners had a general consensus to move forward with this.

Street Sweeper

Consideration to award the contract for the purchase of the 2016 Elgin Crosswind Sweeper to Bell Equipment of Lake Orion, MI in the amount of \$195,111.00 including the trade in allowance and authorize the City Manager to sign the required documents.

Public Works Superintendent Andy Kovolski discussed the proposed purchase of a street sweeper to replace the 1998 Broom Bear. Funds in the amount of \$250,000 have been budgeted. After several staff demonstrations and opportunities to operate different machines, it has been determined that the Elgin Crosswind Sweeper was the easier machine to operate with a much simpler control system, a more ergonomic layout and a tighter turning radius.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement.

2014-12-180

Moved by Towne

Second by Gaylord

MOTION

To approve to purchase the 2016 Elgin Crosswind Sweeper from Bell Equipment of Lake Orion, MI for \$195,111.00 including the trade in allowance and authorize the City Manager to sign required documents.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Grant Administration Agreement

Consideration to approve the proposal from Northern Lakes Economic Alliance at a cost not to exceed \$5,000 for grant administration of the Boyne Mountain Expansion Community Block Grant project and authorize the City Manager to sign and execute the documents.

Assistant Planner Annie Doyle presented the only proposal received for the Certified Grant Administrator for the Boyne Mountain Expansion Community Development Block Grant project. Invitations were sent to the three certified individuals / organizations in Northern Michigan that provide this service. This one proposal received was publically opened and is from Northern Lakes Alliance on behalf of their two Certified Grant Administrators, Jan Kellogg and Sara Christensen. It meets the projects not to exceed \$5,000 budget. This is a cost of the project and not paid for by the City. We have used NLEA for this type of work many times with excellent results.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement with the recommendation.

2014-12-181

Moved by Sansom

Second by Towne

MOTION

To approve the proposal from Northern Lakes Economic Alliance at a cost not to exceed \$5,000 for grant administration of the Boyne Mountain Expansion Community Block Grant project and authorize the City Manager to sign and execute the required documents.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

PA 152 of 2011 Compliance Consideration to opt out of the requirements of PA 152 of 2011 for the coming year and authorize the City Manager and City Clerk / Treasurer to submit any required paperwork.

City Manager Cain discussed PA 152 of 2011 that deals with employer paid health insurance and his recommendation to once again opt out. Annually since December of 2011, to be in compliance with that act. The City Commission has approved recommendation to opt out of the State's health insurance options. We need to take action each year on this matter in order to remain compliant with the act. If we were found not to be in compliance with this act, we would face all sanctions generally available to enforce a law, such as the Michigan Department of Transportation withholding all or part of the distributions to a local road agency from their transportation fund for the period the local road agency is not in compliance with the Act.

Citizens Comments: None

Staff Comments: None

Board discussion: All are in agreement with the recommendation.

MOTION

2014-12-182
 Moved by Gaylord
 Second by Sansom

To approve to opt out of the requirements of PA 152 of 2011 for the coming year and authorize the City Manager and City Clerk / Treasurer to submit any required paperwork.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Review Budget Schedule

Review of proposed FYE 2016 Budget Adoption Schedule and consideration of budget meetings dates that was
 Citizens Comments: None

Staff Comments: None

Board discussion: All are in agreement with the recommendation with a date correction for the April meeting.

MOTION

2014-12-182
 Moved by Gaylord
 Second by Sansom

To adopt the proposed FYE 2016 Budget Adoption Schedule and consideration of budget meetings dates correcting the April 28, 2014 date

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Good of the Order

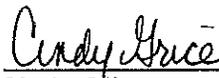
Commissioner Neidhamer wished everyone a good holiday. We got a lot of things accomplished in the past few years. Commissioner Gaylord discussed the comments he has heard regarding the professionalism and response of our fire department at the recent fire at Reh Acres. Commissioner Samson wished everyone a Merry Christmas.

ADJOURNMENT

Moved by Mayor Grunch seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, December 9, 2014 at 9:15 p.m.



Ron Grunch
Mayor



Cindy Grice
Clerk / Treasurer