

**JULY 14, 2020
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD VIA ZOOM MEETING, ON TUESDAY JULY 14, 2020

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance. Mayor Neidhamer also discussed the rules of the Zoom meeting.

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

Absent: None

Staff: Michael Cain, Cindy Grice, Patrick Kilkenny, Mark Fowler, Tim Faas, Scott McPherson, Barb Brooks, Dennis Amesbury, Kevin Spate, Kelsie King-Duff and John Lamont

Others: There were 16 citizens in attendance via the Zoom meeting platform

**CONSENT AGENDA
MOTION**

2020-07-077

Moved by Conklin
Second by Grunch

Approval of the June 23, 2020 City Commission Special meeting minutes as presented

Approval of the June 23, 2020 City Commission regular meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

**CITY MANAGERS
REPORT**

City Manager Cain reported:

- City Offices are open as of this past Monday
 - Kudos to the 4th of July Committee for producing the virtual parade
 - The conclusion of the pavilion project was celebrated last Friday
 - Tree removals are to begin this week
 - The compost screening is complete
 - A microphone system was purchased for the Commission chambers
 - The Boyne Gazette is ending its publication this week.
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**REPORTS OF
OFFICERS, BOARDS
AND STANDING
COMMITTEES**

Draft minutes of the June 4, 2020 Main Street Board regular meeting; the June 6, 2020 Historical Commission meeting; and the June 15, 2020 Planning Commission meeting were received and filed.

Boyne Heritage Collection Policy

Consideration to approve an agreement with the Boyne Heritage Center regarding its role as stewards of the historical collections resources owned by the City of Boyne City and held in public trust and authorize the City Manager to execute the documents.

City Manager Michael Cain discussed the proposed collections policy from the Heritage Center Board. The Historical Commission met to review the proposed policy and provided recommendations. Our legal firm also reviewed the policy. After receiving the recommendations from the Historical Commission and the attorney, the Heritage Center Board appeared fine with them. Three of the Historical Commission's recommendations 1) that an addendum to the Collections policy for the Miller Collection to ensure that it remains with the City, also not to be loaned or deaccessioned, 2) changing the wording that any policy changes will be recommended to the Board of Directors along with Historical Commission and City Commission for final approval and 3) to have the City Attorney review the Collection policy were agreed upon.

Staff Comments: None

Citizens Comments: Michele Hewitt, member of the Historical Commission thanked everyone for reviewing their list of the recommendations and inquired if the other recommendations would be considered. They would also like to continue to have Asuka Barden to act as the liaison between the two boards.

Board Discussion: Mayor Pro-Tem Grunch supports the recommendation from the City Manager and also thanked the two boards for their hard work. Commissioner Solomon said he agrees with Michele's and Mayor Pro-Tem Grunch's comments about the need for communication. Boyne Heritage Center President Kecia Freed provided a brief update of the current status of the Center. Commissioner Conklin said it's important to keep everyone in the loop.

MOTION

2020-07-078
Moved by Solomon
Second by Page

To approve an agreement with the Boyne Heritage Center regarding its role as stewards of the historical collections resources owned by the City of Boyne City and held in public trust and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Elmers Site Use Proposal

Introduction and discussion of mining and future development concept.

City Manager Michael Cain discussed the proposal from Elmers. They have purchased the Smith mining facility just south of the City

on Fall Park Road several years ago. Working with Wilson Township, they have cleaned up that operation. They have also purchased property north of the old Smith site and adjacent and east of Fall Park Road. Representatives of Elmers have approached the City and expressed a desire to conduct mining operations on their property in the City. After mining is completed, they have also proposed donating that property, after it has been cleaned up, to the City for possible use to address housing needs.

No formal application has been received nor is any formal action required at this meeting. If this or a revised plan is to proceed, it would need to go before the Planning Commission for possible rezoning which would come back to the City Commission at a future date for final consideration.

Joseph Quandt spoke representing Elmers. The site has been substantially cleaned up. Elmers is looking at property to the north for extraction purposes. They would mine the property to the North and when complete, would contour the site nicely for housing development for the City. The City would get the property first with a contract with Elmers to do the extraction. Elmers would implement best industry standards with this project.

Staff Comments: None

Citizens Comments: Ashly Pinkleman said she has huge concerns about the water quality if this project would move forward. Tammy Beckman said she could hear alarms and noise from the current site. She read a letter expressing her family's concerns and opposition to this project.

Correspondence from Danielle Cameron expressing opposition was received and filed.

Chuck Vondra said he is speaking on behalf of the Boyne Hills subdivision. His association's concern is how does this end and what does it look like. Take the time to figure this out. He would also like to be made aware of further official discussions of this matter.

Chuck Hoffman said he opposes the quarry inside the City limits and that he hopes the City Commission can ask themselves as to what the character of Boyne City is. This would be removing a very large natural feature from our City.

Joe Quandt said he appreciates the comments. He said there can be no groundwater impact with the project. This is not a 35 year project.

Board Discussion: Commissioner Solomon said he is not sure this is a conditional rezoning proposal. Commissioner Conklin said he needs time to absorb. Mayor Pro-Tem Grunch said it is not the right place or right time. He doesn't think it's good for Boyne City. Mayor Neidhamer said he has many concerns and is very skeptical.

Joe Quandt said the pathway forward was to get initial thoughts. If there's significant resistance, they will let it drop. This is an opportunity for both Elmers and the City.

International Property Maintenance Code

International Property Maintenance Code

Consideration of a first reading of an ordinance to adopt a property maintenance code and schedule a second reading for August 25, 2020.

Planning Director Scott McPherson discussed the first reading of the International Property Maintenance Code. Over the past few years, the City has discussed the possible adoption of a property maintenance code and tasked staff with the development of an ordinance. After reviewing the challenges and issues raised with the creation of a customized property maintenance code, it is being recommended to the Commission that the IPMC be adopted by reference. The adoption of the attached ordinance would adopt the IPMC by reference with the additions to identify authorized enforcement personnel for the City and to designate of the Boyne City Zoning Board of Appeals as the appeal body for the ordinance.

If adopted, the IPMC will provide a means to intervene prior to a structure becoming a dangerous structure that needs to be demolished. The method of enforcement will be primarily compliant based with priority given to vacant structures that are not being maintained. The City will initiate enforcement action on its own initiative for observed code violations where there are apparent and immediate health, safety and welfare concerns for occupants or neighbors.

After receiving a complaint, City Staff will investigate to verify and document any violations. Upon finding a code violation, the property owner will be contacted and informed of the violations and the corrective actions needed to remedy the violations. Based on the specific conditions of the site and the corrective measures required, reasonable time lines will be established for compliance. In the case that little or no efforts are made to bring the property into compliance, the City will send a written violation notice in the manner and form as prescribed by the IPMC. The notice will include a description of the property, a statement of the violation, why the notice is being issued, a correction order and reasonable time to make required repairs and inform the property owner of the right and method to appeal. It is being proposed that the Zoning Board of Appeals be appointed as the IPMC appeal board. If the applicant files for an appeal, the ZBA will hear the case and make a determination. Upon making a finding for the applicant, the case would be over. Upon making a finding for the City, or after the appeal period expires, a civil infraction citation could be issued requesting a hearing at the Circuit Court.

From time to time, it may be necessary to enter a property to complete a transaction. If an inspection is needed, a request for permission to enter the property will be made to the property owner. If permission is not granted, an administrative search warrant may be requested. It is anticipated that in most cases, City staff will

conduct the inspections, however, in the event additional expertise is required, it is proposed that a consultant be contracted to perform inspection services on an as needed basis. To this end, City staff has contacted Don Gilmet, the current hearing officer for the City and he indicated that he would be agreeable to serve in that capacity.

Staff Comments: None

Citizens Comments: Chris Christensen said his concern is that the proposed code was not provided in the packet. He added that if our real issue is blight, there are too many other concerns he has based on the detail in the standards that he has read.

Chuck Vondra said when Charlevoix County adopted the code, it double the costs of building a house. He thinks come complaints could be overreaching. Scott McPherson said it is not the intent to add costs to people and look for little violations. We would approach this with discretion.

Tim Nemecek said he agrees that it should be clear what a violation is. We do need a tool, but it should not be selective. It should be black and white.

Chuck Vondra said he doesn't disagree with some sort of code, but agrees with a guidelines scope within the code.

Board Discussion: Commissioner Page said there's a lot of discretion that could go one way or the other, but she is good with going forward. Mayor Pro-Tem Grunch said we would be adopting by reference. This can be far reaching and can be punitive if in the wrong hands. He is not in favor of adopting without further information. Commissioner Solomon said we should give it one more round before adopting. We may also want to clarify the time commitment of enforcement. It would be worthy of us to articulate to connect those who aren't in compliance with appropriate resources. Mayor Neidhamer said is in full favor of moving forward to the second reading.

MOTION

2020-07-079
 Moved by Conklin
 Second by Grunch

To table the first reading until the July 28, 2020 meeting

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Boyne Valley EMS Service Contract

Consideration to approve an agreement with Boyne Valley Township to provide EMS services and authorize the City Manager to execute the documents.

City Manager Cain asked that this agreement discussion be moved to the July 28 meeting. There are some minor language changes

that have been recommended by our City Attorney prior to adoption of the agreement.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement

MOTION

2020-07-080

Moved by Solomon

Second by Conklin

To table the approval and discussion of this contract to the July 28, 2020 meeting

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Good of The Order

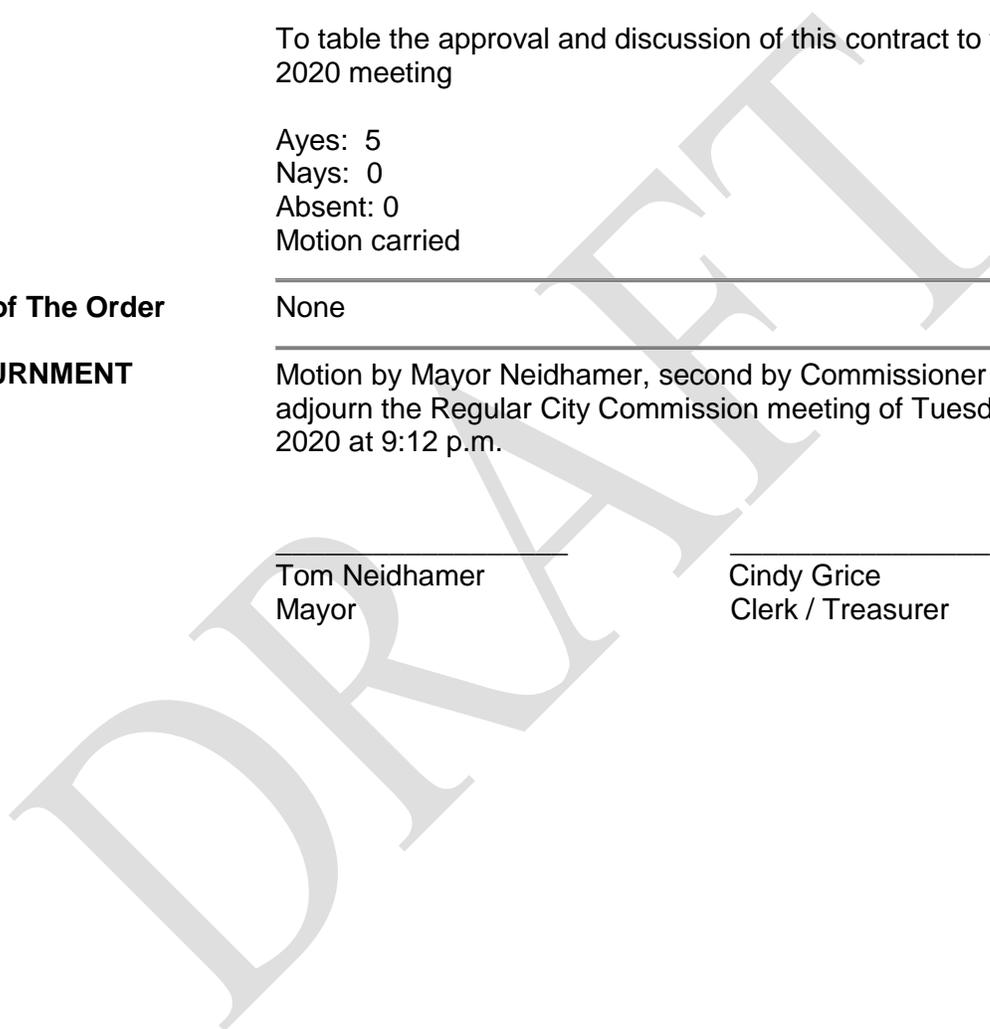
None

ADJOURNMENT

Motion by Mayor Neidhamer, second by Commissioner Conklin to adjourn the Regular City Commission meeting of Tuesday, July 14, 2020 at 9:12 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer



DRAFT