

**MARCH 27, 2012
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 MARCH 27, 2012

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at noon followed by the Pledge of Allegiance.

Present: Mayor Ron Grunch, Mayor Pro-Tem Gene Towne, Commissioners Derek Gaylord, Laura Sansom

Absent: Commissioner Tom Neidhamer

Staff: Scott McPherson, Barb Brooks, Dan Meads, Craig Remsberg, Hugh Conklin, John LaMont, Andy Kovolski, Brenda Thompson, Cindy Grice and Michael Cain

Others: There were eight citizens in attendance, including a representatives from the Petoskey News Review

**MOTION TO EXCUSE
COMMISSIONER
NEIDHAMER**

2012-03-042
Moved by Grunch
Second by Sansom

To excuse Commissioner Tom Neidhamer from attending today's meeting

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

CONSENT AGENDA

2012-03-043
Moved by Sansom
Second by Towne

2012-03-043A
Approval of the March 13, 2012 Regular City Commission meeting minutes as presented

2012-03-043B
Approval of the March 20, 2012 City Commission Budget work session minutes as presented

2012-03-043C
Approval to reappoint Charles Stutzman to the Historical Commission for a three year term to expire on November 30, 2014

2012-03-043D
Approval of resolution recognizing March as Social Work Month

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

CITIZENS COMMENTS

Mark Contrucci of Mark C's Trees Nursery and Landscape said he was surprised about the \$500 dump for the North Boyne site. He agrees the fee is understandable but stated there should be a better way to do so, maybe looking at tax records and using gross incomes for a sliding scale.

He added that the fee should be assessed in July rather than March.

Correspondence from Clerk / Treasurer Grice regarding the Budget Process was received and filed.

City Manager Cain reported:

- The planning for the South Park Street reconstruction project is underway.
- Spring leaf pick up has been scheduled
- City Offices will be closing on Good Friday at noon.

Planning Director Scott McPherson reported that the Citizens Committee will be meeting with engineers to discuss proposals this coming week. They want to talk to Sentinel Systems regarding a lot of similar types of work to be done.

The February, 2012 Financial Statement was received and filed.

Consideration of amendments to add Section I to Article III and Section H to Article IV of the zoning ordinance and add an exclusion clause in Section 6 of the City Animal Ordinance to allow chickens in residential areas

Planning Director Scott McPherson discussed the proposed amendment to the zoning ordinance that would allow chickens in residential areas. Several City residents approached the Planning Commission requesting that consideration be given to amend this ordinance. The Planning Commission reviewed model ordinances and directed staff to develop and draft an ordinance amendment that would allow chickens in the Traditional Residential District and the Rural Estate Districts. An amendment to section 6 of the Animal Ordinance would also be required to add a clause to exempt the keeping of animals as allowed by ordinance from being unlawful. Some specifics of the proposed amendments would allow keeping up to 4 chickens, no roosters allowed, and coops must be at least 10 feet from adjacent property lines.

Staff Comments: None

Citizens Comments; None

Board Discussion: Mayor Pro-Tem Towne said he is ok with the proposed amendments. Commissioner Gaylord said he is not opposed and would like to received ample input from Citizens and asked if any plans for citizen notification were planned. Commissioner Sansom said she is not pro-chicken in the community. What is the purpose anyway? Chicken is not expensive. How many residents will be raising chickens? She doesn't like the idea. Mayor Grunch said he is okay with the first draft.

2012-03-044

Moved by Towne

Second by Gaylord

CORRESPONDENCE

CITY MANAGERS REPORT

Kirtland Products Update

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

**First Reading of Proposed
Ordinance Amendment to
allow chickens**



Approved the first reading of ordinance amendments to add Section I to Article III and Section H to Article IV of the zoning ordinance and add an exclusion clause in Section 6 of the City Animal Ordinance to allow chickens in residential areas and schedule a second reading for the May 8, 2012 regular Commission Meeting

Ayes: 4

Nays: 0

Absent: 1, Commissioner Neidhamer

Motion carried

**Boyne City Housing
Commission / HUD
Agreement**

Consideration to review the proposed Recovery Agreement and draft Action Plan from the US Department of Housing and Urban Development, approve entering into the Recover Agreement and authorize the City Manager to sign it subject to the parties finalizing an acceptable Action Plan

City Manager Cain discussed the agreement for review and consideration for a proposed Recovery Agreement and Draft Action Plan as proposed by the US Department of Housing and Urban Development (HUD). For some time, HUD has been working with the Boyne City Housing Commission to improve its operations, primarily procedural and financial operations. First and foremost from all accounts, the facilities that the BCHC oversees are all well maintained and good places to live. However, HUD has conducted several reviews over the past few years and determined that the BCHC, until recently, was not functioning in accordance with its policies and procedures. HUD, working with the BCHC feels that good progress has been made on resolving the outstanding issues and is looking to formalize its understanding with the BCHC and the City as its originating and appointed body to insure that progress continues to be made and any outstanding issues are resolved in a timely manner. HUD has been keeping the City updated on the outstanding issues and the progress in resolving them. There have been significant changes in both the staff and the governing body of the BCHC. It is my firm belief that these changes and the actions of the BCHC and the seriousness with which the City supported necessary changes are large factors in the progress HUD has seen and gives them the encouragement that the necessary steps still remaining will be completed. While HUD desires the BCHC to resolve its own issues with minimum intervention from the City, if the need arises and the BCH is either unable or unwilling to handle the matters before it, HUD would call upon the City to intercede and help do what needs to be done. This understanding is one of the reasons HUD would like us to be a party to the proposed Recovery Agreement.

The BCHC approved the resolution regarding the proposed HUD document now before the commission for consideration. The City's attorney reviewed them and found no requirements in the proposed documents that would expand the City's responsibilities beyond those currently provided for.

Staff Comments: Interim BCHC director Brenda Thompson said HUD requests particular actions be taken, the rest is up to the BCHC.

Citizens Comments: Housing Commissioner Chuck Vondra said this has been going on for a year. The BCHC will make sure that if the action plan

Is signed, they can actually implement these actions.

Board Deliberation: All are in agreement. Commissioner Gaylord said he clearly supports signing the document. The BCHC must remain financially sound and learn from the mistakes. Thru the Action Plan, they can continue to move forward. Commissioner Sansom inquired about a timeline for items to be improved. Chuck Vondra said many of the items have been started and implemented already.

2012-03-045
 Moved by Towne
 Second by Gaylord

To approve entering into the Recover Agreement with HUD and authorize the City Manager to sign it subject to the parties finalizing an acceptable Action Plan.

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

**Request for letters of
 Support From the
 Charlevoix County Parks
 Manager**

Consideration to review the information from Charlevoix County Parks Manager Ross Maxwell regarding 1) the undertaking of a second phase of the Boyne City / Charlevoix Road non-motorized trail and 2) the purchase of 72.4 acres of property adjacent to Whiting Park; obtain public input on those matters, and after considering all information received, consider to authorize staff to prepare letters supporting the projects and authorize the City Manager and City Clerk / Treasurer to sign them on behalf of the City

City Manager Cain and County Parks Manager Ross Maxwell discussed the proposed projects the Charlevoix County parks department is working on. The non-motorized trail from inside Boyne City to slightly past Young State Park is slated to begin construction this year and has been actively supported by Boyne City. Mr. Ross is requesting non-monetary support from the City in the way of a letter supporting the project, to build towards the trails greatest potential as a complete connector between Boyne City and the wheelway along US 131, thereby providing connections to Charlevoix, Petoskey, Harbor Springs, beyond and back. Also presented was an expansion of Whiting Park. The county has been making significant improvements to the park in recent years and making it a much more pleasant place to visit. Many of their visitors come to our town and visit our businesses. Having a stronger and more interesting Whiting Park to visit gives people one more reason to visit this area and our community.

Citizens Comments: Michael Sheean strongly supports this request stating it is a good thing for the whole community. Jim Baumann agrees and supports the project, adding that the Boyne Area Chamber would be sending letters of support as well.

Staff Comments: None

Citizens Comments; None

Board Deliberation: Commissioner Samson said she is in full support.

Commissioner Gaylord said clearly, Boyne City has approved the trail from Boyne City to Young State Park. In the county, he would prefer we leave that to the townships and county boards. He added that he is not in favor of a letter of recommendation from the City. Mayor Pro-Tem Towne and Mayor Grunch said they are in support of the recommendation.

2012-03-046

Moved by Towne

Second by Sansom

To authorize staff to prepare letters supporting the undertaking of a second phase of the Boyne City / Charlevoix Road non-motorized trail and the purchase of 72.4 acres of property adjacent to Whiting Park projects and authorize the City Manager and City Clerk / Treasurer to sign them on behalf of the City.

Ayes: 3

Nays: 1, Commissioner Gaylord

Absent: 1, Commissioner Neidhamer

Motion carried

Consideration to approve a contract with C2AE for design, bidding and construction engineering services for the Hannah Street Construction project in the amount of \$51,200 and authorize the City Manager to sign the required documents.

**Hannah Street
Engineering Services**

Public Works Superintendent Andy Kovolski discussed the proposed contract for engineering services for Hannah Street. This represents all of the required engineering services to complete the project.

Staff Comments: Dan Meads said the street is adjacent to Rotary park and one of the worst roads in the City.

Citizens Comments: Chris Christensen said he would like to see construction for sidewalks along Vogel to the entry of Rotary Park.

Board Deliberation: Mayor Pro-Tem Towne said we should move forward. Commissioner Sansom stated the Brooke Development is providing some sidewalk along that stretch that would partially address the sidewalk issue. Commissioner Gaylord asked if bids from engineers other than C2AE were received. Andy Kovolski stated the previous Commissioners agreed that C2AE is the engineer of record. City Manager Cain added that percentages of project costs are considered. The City is getting good value with C2AE. Commissioner Gaylord added that on large projects, we can tell citizens that we are being open and fair and that his stated philosophy is to earmark the most needed roads. Mayor Grunch supports the proposal. C2AE has done a great job following up. He is happy to have a reputable firm that does a good job. Commissioner Sansom agreed their knowledge facilitates a project being done well. Commissioner Gaylord said he wants to make sure we can tell a citizen we are being good stewards with their money and that there are no perceived influences. City Manager Cain said we make sure they keep their pencils sharp. We can get grants because we don't have problems with our projects. Commissioner Gaylord asked if we have been approached by other firms like Northwest Design. City Manager Cain said yes and they understand a good track record accounts for something.

2012-03-047
 Moved by Sansom
 Second by Towne

To approve a contract with C2AE for design, bidding and construction engineering services for the Hannah Street Construction project in the amount of \$51,200 and authorize the City Manager to sign the required documents.

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

Consideration to approve a contract with Marshall Concrete for up to \$40,000 to repair areas of damaged curb and authorize the City Manager to execute the documents

Curb Repair Bids

Public Works Superintendent Andy Kovolski discussed the bids that were received for repairing the damaged concrete curbs in town. Two bids were received. Low bid was from Marshall Concrete for \$43.50 per lineal ft. City Manager Cain said all curb damage wasn't done in one year. We will do the most visible damage repair in the first year.

Staff Comments; None

Citizens Comments: Scott MacKenzie said this is great, but maybe we should dome some training to get skill sets so we don't have do to this again. So much time and effort has been spent.

Board Deliberation; Mayor Pro-Tem Towne asked if any special equipment can be used in these areas. Andy said we have implemented measures to minimize the damage, for example as we have done on the new curbs on Division Street. Commissioner Gaylord said he agrees. This certainly will not be funded on an annual basis. Commissioner Sansom said she also agrees and inquired as to why the extreme cost discrepancy in the bids. Andy said he felt it was due to pricing for the beginning of the season. Mayor Grunch added that he agrees.

2012-03-048
 Moved by Towne
 Second by Gaylord

To approve a contract with Marshall Concrete for up to \$40,000 to repair areas of damaged curb and authorize the City Manager to execute the documents

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

Consideration to approve the purchase of a replacement motor for an aeration blower for the wastewater treatment plant from Bridgeway Power the amount of \$3,847.65 and the purchase of a new blower from Kaeser in the amount of \$4,998.53

Aeration Blower Purchases

WWW Superintendent Dan Meads discussed that two of the four aeration blowers at the wastewater treatment plant have failed over the last few months. We used parts from the motor that failed to repair the first one and are left with three working units and one that needs both the motor and blower replaced. These blowers operate 2 or 3 at a time, 24 hours per day, all year and are at the point where they need increased maintenance and / or replacement parts.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord inquired about the functions of the blowers and stated that he appreciated the efforts to negotiate the costs. All Commissioners are in agreement with the request.

2012-03-049

Moved by Towne

Second by Sansom

To approve the purchase of a replacement motor for an aeration blower for the wastewater treatment plant from Bridgeway Power the amount of \$3,847.65 and the purchase of a new blower from Kaeser in the amount of \$4,998.53

Ayes: 4

Nays: 0

Absent: 1, Commissioner Neidhamer

Motion carried

Consideration to approve the purchase of 10 picnic tables from Belson Outdoors in the amount of \$6,320 and authorize the City Manager to execute the documents

Picnic Table Purchase

Public Works Superintendent Andy Kovolski discussed the bids he received for 10 new 8 ft. aluminum picnic tables for the park system. These are the same tables we have purchased in the past years.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement. Mayor Pro-Tem Towne inquired if there were no companies in Michigan and Andy said he could not find any firms from Michigan. Commissioner Gaylord asked what line item these purchases come.

2012-03-050

Moved by Sansom

Second by Gaylord

To approve the purchase of 10 picnic tables fro Belson Outdoors in the amount of \$6,320 and authorize the City Manager to execute the documents

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

2012-03-051
Moved by Grunch
Second by Sansom

To approve to change the regularly scheduled meeting of Tuesday, April 24, 2012 meeting time from noon to 7:00 pm

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

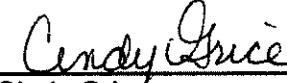
Commissioner Sansom reported potholes on the west end of Division Street. Mayor Pro-Tem Towne discussed a concern regarding water drainage on East Lincoln Street.

City Manager Cain read a press release from the City regarding a recent fraud involving a now former volunteer Fire Department employee who allegedly embezzled over \$20,000 in fuel.

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, March 27, 2012 at 1:46 p.m.



Ron Grunch
Mayor



Cindy Grice
Clerk / Treasurer

**April 24, 2012 City
Commission Meeting
Time Change**
[Redacted]

Good of the Order

**Press Release
Regarding Employee
Fraud**

ADJOURNMENT
[Redacted]