

**JUNE 10, 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 JUNE 10, 2014

CALL TO ORDER

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

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

Staff: Cindy Grice, Scott Mpherson, Jeff Gaither, Andy Kovolski, Hugh Conklin, Michael Cain and Barb Brooks

Others: There were 12 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

CONSENT AGENDA

MOTION

2014-06-080

Moved by Gaylord
Second by Towne

2014-06-080A

Approval of the May 27, 2014 City Facilities Public Meeting minutes as presented

2014-06-080B

Approval to purchase 10 new Discraft Baskets for the disc golf course at Avalanche Park from Discraft in the amount of \$3,077 and authorize the City Manager to execute the document

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

John McCaan said he is very happy to see movement on the noise ordinance.

CORRESPONDENCE

Tom Ericksen said he also owns an Atrium Unit and he has loved this community since he came here. The government work well, along with business, volunteers. There are thousands of people who come into town. There are so many great things. Step back, take a breath and recognize. He sees the noise ordinance as one more piece of the mosaic. Look at the different areas and structure the ordinance that way. Talk to the prosecuting attorney and he bets we can come up with a great ordinance.

CITY MANAGERS REPORT

Pat Kujawski asked if anyone can tell her if there is a deadline when something will be done to stop the water from running into her basement. It has been going on for years. How much longer. The development in the area the last several years have made the problem worse.

Correspondence from the Good Samaritan Church was received and filed.

City Manager Cain reported:

- This is the final week of the Spring Rubbish clean up. Program resumes for three weeks in the fall.

- The Charlevoix County Household Hazardous Waste collection will be held this Saturday.
- There was a ribbon cutting ceremony today for the Shopper's Dock opening.
- Drainage on Division Street has been installed and appears to be working properly.
- Evangeline Township board has voted to participate in the design and construction of Court Street.
- 19 applications have been received for the Main Street Director's position.
- The new wireless speed and traffic counter has been installed

Draft Minutes of the May 1, 2014 Main Street Board Meeting; the May 1, 2014 Parks & Recreation Advisory Board Meeting; the May 5, 2014 Historic District Commission Work Session; the May 6, 2014 Zoning Board of Appeals Meeting; the May 12, 2104 Economic Development Corp Meeting; the May 12, 2014 LDFA Meeting; the May 19, 2014 Planning Commission Meeting and the May 22, 2014 Airport Advisory Board Meeting were received and filed.

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

City Manager Cain discussed the City Attorney opinion letter stating that the City Commission acted in a legal manner and their decision was valid and it stands.

**City Attorney fluoride vote
opinion**

Public Hearing and consideration to approve the recommendation from the Economic Development Corporation Board to approve a twelve year Industrial Facilities Exemption request (IFEC) from Jervis B Webb Company and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement as requested.

**Jervis B Webb Company
Industrial Facilities
Exemption**

Mayor Grunch opened the Public Hearing at 7:38 p.m.

City Manager Cain discussed the application received and reviewed by the City's EDC who recommended a 12 year abatement based upon information provided and criteria reviewed. 37 jobs will be retained with no new jobs created.

Citizens comments: Jim Baumann said he wholeheartedly supports this. They are good corporate citizens. Mr. Baumann also urged everyone to support the upcoming ballot proposal to eliminate personal property tax.

Mark Anthony of Jervis B. Webb Company said they are looking to stay competitive and above the game.

Board Discussion: Mayor Pro-Tem Towne supports the request and the reinvestment in the business. Commissioner Gaylord said he is absolutely for this. It's a small tool to allow them to reinvest the capital in the community and reinvest otherwise tax dollars in the community. Commissioner Sansom said she is in favor. It's a great business with a good reputation. Commissioner Neidhamer and Mayor Grunch are in support of the recommendation.

Mayor Grunch closed the public hearing at 7:46 p.m.

MOTION

2014-06-081
 Moved by Towne
 Second by Gaylord

To approve the recommendation from the Economic Development Corporation Board to approve a twelve year Industrial Facilities Exemption request (IFEC) from Jervis B Webb Company and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement as requested.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Airport Improvement Plan

Consideration to approve the revised Airport Capital Improvement Plan.

City Manager Cain introduced Mike Borta from Qoe Consulting. An Airport Capital Improvement Plan was recently presented to the Airport Board who considered the plan, discussed revisions and recommended that the City Commission approve the revised plan. The plan was presented to the City Commission.

Mike Borta provided a brief overview of the plan. The Airport is in good condition. We are doing things right and have a very nice airport.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer is in support. Commissioner Gaylord is support and added that every single one of the projects is important. Commissioner Sansom is in support. Mayor Pro-Tem Towne likes the long range plan and is in favor if it helps get grants.

MOTION

2014-06-082
 Moved by Towne
 Second by Gaylord

To approve the Airport Capital Improvement Plan as presented

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Marina Phase I Renovation

Consideration to approve the additional concrete and bracing work by R B Lyons Inc (materials and labor) for the fixed finger pier reconstruction project at the marina at a cost of \$7,400 and authorize the City Manager to execute the documents

Harbormaster Barb Brooks discussed the additional concrete and bracing work that was suggested by the contractor after a better look was taken at

the concrete abutments and steel framing. The engineer reviewed this proposal and felt it would be beneficial to the longevity of the docks and the cost proposed by the contract to perform the additional work was within reason.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom is in favor, do it right, it's well worth it. Commissioner Gaylord agreed that now is the time do to it and take care of what we have to make it last as long as we can. Mayor Pro-Tem Towne, Commissioner Neidhamer and Mayor Grunch are in full support.

MOTION

2014-06-083

Moved by Gaylord

Second by Sansom

To approve the additional concrete and bracing work by R B Lyons Inc (materials and labor) for the fixed finger pier reconstruction project at the marina at a cost of \$7,400 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Marina Pedestal Replacement

Consideration to authorize the purchase of up to 15 pedestals from Advance Electric for \$395 each with an added allowance of up to \$400 for 50 amp upgrade on four pedestals and \$23 for LED lighting upgrade on all 15 to a total estimated maximum purchase cost of \$6,670 and authorize the City Manager to execute the documents

Harbormaster Brooks discussed the pedestals that supply power, water and nightlights to the docks and their poor condition. Many of them are unattractive due to normal wear, fading and brittleness. Some are cracked, lights not working and missing covers. Due to the age of these units, its very difficult and sometimes impossible to get parts for them. We received pricing from Advance Electric on some units they have in stock that are sitting in their warehouse that are brand new but never installed.

Also discussed was the estimate of costs of electrical installation of the pedestals. City Manager Cain said he thinks it would be okay to recommend \$4,000 for installation and Barb agrees its reasonable.

Staff Comments: Hugh Conklin said this is the first impression of Boyne City. We have to put our best foot forward.

Board Discussion: Commissioner Neidhamer thinks the \$4,000 estimate for installation is too low. Commissioner Sansom said she would be in favor of purchasing more than two extra pedestals, buy them all. Can we try to sell our old ones? Commissioner Gaylord inquired if this design is a

new, older model, is it still available? Barb said not the exact pedestal, but the company is. Commissioner Gaylord agreed safety is #1 paramount. He also concurs with raising the cap of the cost of installation to get as many done as possible. Mayor Pro-Tem Towne said we should take Advance Electric's offer on these pedestals.

MOTION

2014-06-084

Moved by Sansom

Second by Neidhamer

To authorize the purchase of up to 23 pedestals from Advance Electric for \$395 each with an added allowance of up to \$400 for 50 amp upgrade on four pedestals and \$23 for LED lighting upgrade on all and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

MOTION

2014-06-085

Moved by Neidhamer

Second by Sansom

To authorize the Harbormaster to review the estimates provided and use the best judgment and knowledge for installation of the pedestals at the Marina.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Cemetery Entrance
Closures**

Consideration to close off the two entrances to Maple Lawn Cemetery on Boyne Avenue as noted on the attached map at a cost of \$1,827.50 and authorize the City Manager to execute the documents; in addition, authorize staff to create a green space where the roads and entrances exist at an approximate cost of \$1,000.

Clerk/Treasurer Grice provided a proposal from Harbor Fence to permanently close two of the entrances from Boyne Avenue into Maple Lawn Cemetery at a cost of \$1,827.50. This is based on a recommendation from the Cemetery Fence Advisory committee. It is anticipated that there will be an additional \$1,000 expense to create a green space where the roads and entrances currently exist.

Staff Comments: None

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Towne said he believes it would enhance the look and supports the recommendation. All other Commissioners are in support as well.

2014-06-086
 Moved by Towne
 Second by Gaylord

MOTION

To close off the two entrances to Maple Lawn Cemetery on Boyne Avenue as noted on the attached map at a cost of \$1,827.50 and authorize the City Manager to execute the documents; in addition, authorize staff to create a green space where the roads and entrances exist at an approximate cost of \$1,000.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration to approve a resolution to establish a request for funding, designate an agent, attest to the existence of funds to carry out various infrastructure projects, and commit to implementing a maintenance program for infrastructure funded by the Safe Routes To School program.

**Safe Routes To School
 Grant Proposal**

Planning Director Scott McPherson discussed the Safe Routes to School program. This program provides funds to the states to substantially improve the ability of primary and middle school students to walk and bicycle to school safely. Each state administers its own SRTS program and develops its own procedures to solicit and select projects for funding. It is administered by the Office of Economic Development of the Michigan Dept of Transportation. Each elementary and middle school is eligible for funding up to \$200,000 per school for infrastructure improvements and eligible for up to \$8,000 per school for education programs. To be eligible for SRTS funding, the community must complete a community assessment. With the assistance of the Northwest Michigan Health Department, community representatives, Boyne City Schools and City staff completed the community assessment. Now that our community assessment and action plan have been completed, the City is eligible to submit a grant request. Based on the plans, the City is eligible to submit a grant request for projects identified in the Engineering category. Funding for infrastructure projects is 100%. Scott provided a list of the priorities identified based on the assessment.

Susan Pulaski of the Northwest Michigan Health Department stated this is geared for k-8 grades, trying to motivate kids to walk or bike to school.

Boyne City Schools Superintendent Peter Moss said any way to get them walking and riding. Student safety is of utmost importance. This has been a good partnership. He added the School Board held discussion and is totally behind this.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord said he doesn't hate children, he doesn't hate bicycles or hate tennis shoes, but the devil is in the details. \$400,000 sounds great. His concern is the advocacy language. It's a personal choice in the family unit how they want their kids to get to school. He added we have to be careful, no matter how well intended the outcome

is. Commissioner Gaylord also said he disagreed with using taxpayer's money to buy the encouragement gifts for the students. Of course we want our kids to be safe, but to mandate or encourage, that's the government making decisions for parents. Using taxpayer money. We have to be very careful.

Commissioner Sansom said she is supportive of a lot of it. What are the encouragement items? She doesn't agree with encouragement items, but likes the concept of providing sidewalks and encouragement.

Susan Pulaski said the items are bike helmets, pedometers, drawstring bags with reflective lights, flashing lights and water bottles. The school is the fiduciary of that money. Commissioner Sansom said she likes the interaction with the Boyne City Police department. We do need new sidewalks.

Mayor Pro-Tem Towne said he thinks Lewis Street definitely needs a sidewalk and believes we should always look out for safety. Commissioner Neidhamer said he is in total supports this. The roll of government is to provide information, safety and opportunity. This is a win, win, win situation. Mayor Grunch said he is in full support.

2014-06-087

Moved by Towne

Second by Neidhamer

MOTION

To approve a resolution to establish a request for funding, designate an agent, attest to the existence of funds to carry out various infrastructure projects, and commit to implementing a maintenance program for infrastructure funded by the Safe Routes To School program.

Ayes: 4

Nays: 1, Commissioner Gaylord

Absent: 0

Motion carried

Consideration of recommendation that the Planning Commission annually review potential candidates for the Marvin Loding Community Pride award, considering awards for industrial, business and residential land use categories as outlined.

Marvin Loding Award

Planning Director discussed the recommendation from the Planning Commission to resume this award. From 1987 to 2006, approximately 64 awards were given out to various individuals, groups, businesses and industries. It has not been given out since 2007. The original intent of creating the award was to recognize businesses and industries that do an outstanding job in promoting and keeping Boyne City a beautiful place in which to live, work and play.

Citizens Comments: Jim Bauman said he likes the idea from the business standpoint and also sees things in his own neighborhood.

Staff Comments: None

Board Deliberation: Commissioner Neidhamer said he is in support. Mayor

Pro-Tem Towne said he there a lot of citizens take pride in their businesses and homes and is in support. Commissioner Gaylord said he is in support. It's a nice recognition when it is heartfelt and genuine. Commissioner Sansom and Mayor Grunch are also in support.

2014-06-088

Moved by Towne

Second by Sansom

MOTION

To approve that the Planning Commission annually review potential candidates for the Marvin Loding Community Pride award, considering awards for industrial, business and residential land use categories as outlined.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Police Chief Salary

Consideration of increase in Police Chief Jeff Gaither wages.

City Manager Cain discussed his recommendation to increase Police Chief Jeff Gaither's wages by \$5,000/year effective 1/1/14, receive the same 3% increase as other non-union employees effective 5/1/14 making the total wage \$62,700, receive the same general wage increase given other non union employees effective 5/1/15, plus an additional \$2,000/year wage increase added on top of the increase effective 5/1/15. Our fine police department has gotten even better under Jeff's leadership. With quality new hires, expanded training, improved equipment and better coordination with other departments, both in the City and in the area, our department is thriving. Jeff's approachable leadership style has garnered many favorable comments.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer thanked the Chief for a job well done. The Police Department is in excellent shape. Mayor Pro-Tem Towne said he does agree with the great job and totally supports the recommendation. Commissioner Gaylord asked what the discussion was at the time of hiring. City Manager Cain said he started with a lower wage, Jeff started higher. No promises were made other than an evaluation of performance. He also recollected that there was an understanding they would evaluate as we moved forward. Commissioner Gaylord asked what he thinks is a cap. City Manager Cain said he thinks this is a balanced recommendation for this fiscal year and next. Commissioner Gaylord asked if we have comparables and was informed that the City manager did share them with the Commissioners earlier. Commissioner Gaylord asked the Police Chief what his version of where he's at and where he thinks he should be. Chief Gaither said thru a series of meeting with the City Manager, they came up with an agreement. He felt it was fair where he's at and the things he's brought to the department. He doesn't have any comparables and thinks where we ended up is somewhere in the middle. He added it's a comfortable level they both agree on. Commissioner

Sansom told the Chief we are fortunate to have you. Mayor Grunch said he's in full support, the Chief is an excellent team leader, has professionalism and is out there in the public above and beyond.

2014-06-089

Moved by Neidhamer

Second by Sansom

MOTION

To increase Police Chief Jeff Gaither's wages by \$5,000/year effective 1/1/14, receive the same 3% increase as other non-union employees effective 5/1/14 making the total wage \$62,700, receive the same general wage increase given other non union employees effective 5/1/15, plus an additional \$2,000/year wage increase added on top of the increase effective 5/1/15.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to schedule a public hearing at the July 8, 2014 City Commission meeting to receive input on City Facilities and the concepts presented by Environment Architects.

City Facilities Public Hearing

City Manager Cain recommended a public hearing to consider recommendations regarding selecting a concept to move forward with. Such a determination could take place at that or at a subsequent Commission meeting.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement. Commissioner Gaylord said we need to keep the process moving forward.

2014-06-090

Moved by Grunch

Second by Gaylord

MOTION

To schedule a public hearing at the July 8, 2014 City Commission meeting to receive input on City Facilities and the concepts presented by Environment Architects.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to change the start time of the June 24, 2014 City Commission meeting from noon to 7:00 pm.

June 24, 2014 Meeting Time

City Manager Cain discussed the recommendation due to the 2nd reading for the food truck ordinance schedule to be considered at that meeting.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

2014-06-091
Moved by Grunch
Second by Towne

MOTION

To change the start time of the June 24, 2014 City Commission meeting from noon to 7:00 pm.

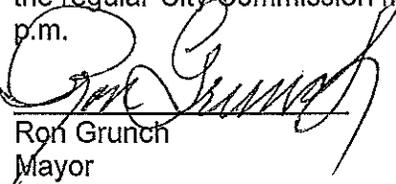
Ayes: 5
Nays: 0
Absent: 0
Motion carried

Commissioner Sansom discussed the hanging electrical box on the pole on the corner of Water and S. Park next to Ace Hardware that is an obstruction and seems like a hazard. Is there any way to move it? Commissioner Gaylord said he received a call from a business owner regarding food trucks. He asked the City Manager for information on case law on setbacks legality in the Central Business District. That would have an impact on how he would move forward. He doesn't want to make a decision that would lead to litigation right out of the gate. He also received information regarding an incident of a food truck in Traverse City next to a 22 year old business that suffered from this. Look at unintended consequences. Do due diligence. Commissioner Neidhamer said a shout out to staff. The next eight weeks are crazy and he thanked all for making Boyne City a pretty special place in the summer.

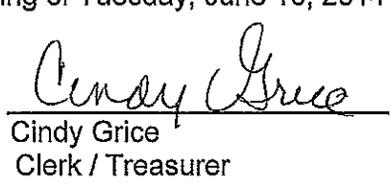
Good of the Order

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, June 10, 2014 at 9:52 p.m.

ADJOURNMENT
MOTION



Ron Grunch
Mayor



Cindy Grice
Clerk / Treasurer