



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

Phone 231-582-6597
Fax 231-582-6506

BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, June 11, 2013 at 7:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
 - A. Approval of the May 28, 2013 City Regular City Commission meeting minutes as presented
 - B. Approval of the May 28, 2013 Joint City Commission / Planning Commission meeting minutes as presented
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
 - A. Draft Minutes of the May 2, 2013 Main Street Board Meeting
 - B. Draft Minutes of the May 2, 2013 Parks & Recreation Commission Meeting
 - C. Draft Minutes of the May 20, 2013 Planning Commission Meeting
 - D. Draft Minutes of the May 21, 2013 Historical District Meeting
 - E. Draft Minutes of the May 23, 2013 Airport Advisory Board Meeting
8. UNFINISHED BUSINESS
9. NEW BUSINESS
 - A. Redevelopment Ready Community Resolution
Consideration to adopt a resolution of support to proceed with the Redevelopment Ready Community process and sign the Redevelopment Ready Communities Joint Memorandum of Understanding

- B. Pleasant / Division Street Road Repair Engineering
Consideration to award the contract for engineering for the Pleasant and Division Street project to C2AE in the amount of \$21,350.00 and authorize the City Manager to sign the required documents
- C. Main Street Art Bike Rack Project
Consideration to support the Main Street Art Bike Rack project
- D. Horse Trail Rides at Avalanche Park
Consideration to allow staff to move forward with allowing Boyne Valley Equine Service to offer trail rides at Avalanche Park and authorize the City Manager to sign the documents

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, June 25, 2013 at 7:00 p.m.

12. ADJOURNMENT

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334



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agenda packets & minutes for each board

**MAY 28, 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 MAY 28, 2013 AT NOON

CALL TO ORDER

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

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

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

Others: There were 13 citizens in attendance, including a representative from the Petoskey News Review

**CONSENT AGENDA
MOTION**

2013-05-069

Moved by Neidhamer
Second by Towne

2013-05-069A

Approval of the May 14, 2013 City Regular City Commission meeting minutes as presented

2013-05-069B

Approval to appoint Kelly Martin to the Boyne City Historic District Commission with a term to expire on November 30, 2016

2013-05-069C

Approval to cancel the May 28, 2013 7:00 pm meeting

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

CITY MANAGER'S REPORT

City Manager Cain reported:

- Consumers Energy reported the power outage from the prior week was due to tree damage during the storm.
- Consumers Energy also reported 90% of their tree project is complete
- We anticipate dredging to take place some time late summer.

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

None

**Dr. Kirkby Property
Donation**

Main Street Program Director Hugh Conklin discussed the property donation from Dr. Dennis Kirkby that was presented at the last Commission meeting. There was a question regarding a possible agreement with an adjoining property owner regarding parking spaces on the donated property. That property owner, Bob Banner provided a letter stating he did not have an issue with the proposed donation.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom said she is fine with it. Commissioner Neidhamer and Mayor Pro-Tem Towne agreed. Commissioner Gaylord inquired about Main Street's desire for these spots and was informed the intention is to use them as public parking. Mayor Grunch agreed and thanked Dr. Kirkby for his generosity.

2013-05-070

Moved by Towne

Second by Sansom

MOTION

To authorize the City Manager to take the necessary steps to accept the property behind 209 and 211 South Lake Street as a donation from Dr. Dennis Kirkby.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration of a first reading of amendments to the Boyne City Zoning Ordinance to remove Sidewalk Cafes and schedule a second reading for July 9, 2013; and ii) Consideration of a first reading of a new general ordinance allowing Outdoor Sidewalk Cafes with alcohol and to schedule a second reading for July 9, 2013.

**1st Reading Outdoor
Sidewalk Cafe Ordinances**

Planning Director Scott McPherson discussed the current zoning ordinance that allows outdoor eating areas that do not serve alcohol on the public sidewalk in the Central Business District. Each year, several establishments obtain permits and offer outdoor eating areas on the sidewalk and the planning department is unaware of any specific complaints in regards to their operation. Last summer Magnum Hospitality submitted an application to the City that specifically requested alcohol service on the public sidewalk at Café Sante. Since the ordinance specifically prohibits alcohol the application could not be approved. Subsequently Magnum Hospitality submitted a request for the City to consider changing the existing ordinance to also allow the serving of alcohol in outdoor eating areas which are located on the public sidewalk. At the April 15, 2013 meeting, the Planning Commission considered the request and directed staff to develop an amendment to the zoning ordinance to eliminate the provisions for outdoor cafes on the public sidewalk and develop a new stand alone ordinance to regulate outdoor sidewalk cafes what would include a provision that would allow alcohol service.

Staff Comments: Harbormaster Barb Brooks said alcohol is already allowed in City public spaces. Main Street Director read on behalf of Main Street a statement recommending the City move forward and try this.

Citizens Comments: Fred Moore of Magnum Hospitality thanked everyone

everyone for their hard work and efforts. He doesn't see any downside. The businesses do not want to represent themselves badly. This would increase sales and sales taxes. Bill Bolger said the issue came before the Alano club. No adverse comments from that board were received and they are in favor due to the benefits to the community.

Board Deliberation: Commissioner Gaylord said he has had opportunity to research and with information he is getting back, he is not comfortable with alcohol on the sidewalks. Lots of families walk by with kids. His main concern with the ordinance is with the sidewalk dimensions. There may be some businesses with liquor licenses that cannot comply with that. For the reason of it not being equal, he cannot endorse a discriminatory ordinance if not every single business could take advantage of it. Commissioner Gaylord also asked what the return is directly to the taxpayer and Mayor Grunch said the return is investments in a vibrant economy. City Manager Cain added we have a successful community. Storefronts use the sidewalks to display their wares. All pieces make Boyne City a successfully community. We are trying to create vibrant spaces. Commissioner Sansom said she researched other communities and their fees are higher. She also talked to some community people and most are not in favor. They don't want to expose their kids. She is not in favor at this point.

Commissioner Neidhamer said he is in full favor of both ordinances. Public support was heard at forums. We need to move forward. Obstacles can be overcome. We have people saying yes at public forums without opposition. This can happen. We owe it to the majority of business leaders, civic leaders who are in support. Mayor Pro-Tem Towne said he understands, but doesn't believe there is a need for it. He believes people come to Boyne City because it is a family oriented town.

Mayor Grunch said he is in favor of the ordinance changes without the alcohol provisions. He thinks about the unintended consequences. After talking to citizens at large, its 3 or 4 to 1 not in favor of it. Many people bring their children into town. He doesn't want to see special events spoiled and is not seeing anything that favors this at all.

Commissioner Gaylord added he is not anti-business. He understands we have the public hearings, but not everyone goes. He wants a balance of all aspects.

Citizen Monica Ross said she is favor of the outdoor dining. There are tables already. We've already dealt with that issue. It adds to the ambiance of our community. She added she can't see where 5 or 6 tables is going to create this huge problem for the city to manage. It's a nice pleasant experience. Open up our minds at least give it a chance. We can always revoke that right.

Fred Moore added he doesn't want to do anything that would hurt Stroll the Streets. He doesn't think the alcohol served would diminish that. They want to be good neighbors, good citizens and stewards. This could create another 3 – 5 part time positions.

Corinne Capp said she said the public wants alcohol served on sidewalk cafes.

Commissioner Neidhamer made a motion to approve of a first reading of amendments to the Boyne City Zoning Ordinance to remove Sidewalk Cafes and schedule a second reading for July 9, 2013; and ii) Consideration of a first reading of a new general ordinance allowing Outdoor Sidewalk Cafes with alcohol and to schedule a second reading for July 9, 2013. There was no second to this motion.

2013-05-071

Moved by Sansom
Second by Grunch

MOTION

To approve of a first reading of amendments to the Boyne City Zoning Ordinance to remove Sidewalk Cafes and schedule a second reading for July 9, 2013; and ii) Consideration of a first reading of a new general ordinance allowing Outdoor Sidewalk Cafes and to schedule a second reading for July 9, 2013.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Review of Lower Lake Street drainage analysis and consideration to provide direction to staff as how to proceed further

Lower Lake Street Drainage Improvement Options

City Manager Cain stated for several years, the City has been receiving complaints regarding the Lower Lake Street storm drain outfall, specifically that when the water comes out of the pipe, it veers towards the north and the adjacent property. Despite our repeated efforts to redirect the water, it usually chooses to find it own way after some major rain event. We have requested C2AE look at this issue and provide options. Options were provided for the Commissioners. Larry Fox with C2AE discussed the options that were presented, favoring option 2.

Staff Comments: None

Citizens Comments: John Ross said his family has used this beach for many years. The City has done a nice job cleaning the beach. Over time the rock line has eroded, it looks bad the way it is now and is a hazard for children. Gary Blakeslee agrees.

Board Deliberation: Mayor Pro-Tem Towne said he believes option #2 is best. It leaves as much beach as possible. Commissioner Gaylord said looking at wants versus needs, minimizing beach impacts and protecting property lines, move forward with looking at finite options and cost estimates. Commissioner Sansom also is in favor of doing something.

2013-05-072

Moved by Grunch
Second by Towne

MOTION

To excuse Commissioner Gaylord from this meeting.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

2013-05-073
 Moved by Neidhamer
 Second by Towne

MOTION

To hire C2AE for further research and development of option 2, get costs and engineering details for the Lower Lake Street drainage

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

Review of materials presented regarding cost estimates for paving gravel streets and consideration to provide direction to staff as how to proceed further

Gravel Road Paving Estimates

City Manager Cain discussed the report from C2AE providing us with cost estimates for paving the 24 gravel streets within the City. This report does not include alleys. The estimate to do so is \$4,405,300. Adding or subtracting items such as curbs, water lines, sewer lines could add to subtract from that total.

Larry Fox from C2AE added that some of the streets are eligible for MDOT funding.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom said we could vote a bond issue. Mayor Pro-Tem Towne said he would like to see the list prioritized. Commissioner Neidhamer said he is an advocate of extending water / sewer lines and streets. Court Street is right up there. Staff and a workshop to delve deeper into this makes sense.

Consideration to direct staff to proceed in using MDOT Local Road Funds to undertake road improvements on Division and Pleasant Streets at the earliest reasonable opportunity.

Pleasant and Division Streets

City Manager Cain discussed the bids that were opened in April for the milling and resurfacing of the pavements on Pleasant Street from Division west to Front Street and Division Street from Pleasant south to the City limits. The proposed project would mill through the existing caps and underlying pavement and replace those with one and a half inches of new pavement that we expect to last for between 10 and 15 years. This project was included in this years budget. Two bids were received and the low bidder was Reith Riley Construction at \$107,740.15. Complicating this is that MDOT has changed the procedure for spending some federal funds that they normally pass thru to local road and transit agencies. In our case, this involves the Charlevoix County Road Commission, Charlevoix

County Transit and the cities and villages in the county. We used such funds for our recent Division Street project and had scheduled Court Street to be in line for over \$700,000 of funding a few years from now. In order to accumulate such an amount, funds that passed thru the State over several years would need to be accumulated. MDOT no longer allows funds to be saved over several years like we have done in the past and were discussing in the future. They want us to use those funds now and not be able to save them for bigger projects. These funds can only be used for improvements on certain federal aid eligible roads, which are usually more major class roads. Roads like most of Lake Street qualify while more residential roads would not. The segments of Division and Pleasant scheduled for the mill and fill noted above would qualify to use these funds. It was looking like a very good option until MDOT told us the mill and fill project would need to be rebid using their rebid process meaning the work on those streets couldn't be done until the Spring of 2014. The dilemma we are facing is do we want to save over \$100,000 by delaying the project and driving over two pretty rough roads for another season.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in favor of waiting.

2013-05-074

Moved by Towne

Second by Sansom

To direct staff to proceed in using MDOT Local Road Funds to undertake road improvements on Division and Pleasant Streets at the earliest reasonable opportunity.

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

MOTION

2013-05-075

Moved by Grunch

Second by Sansom

To take a brief break at 2:37 p.m.

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

MOTION

2013-05-076

Moved by Grunch

Second by Towne

To reconvene at 2:47 p.m.

Ayes: 4

MOTION

Nays: 0
Absent: 1, Commissioner Gaylord
Motion carried

SOBO Arts Festival Grant Consideration to authorize the City Manager to sign the necessary documentation to accept the grant from the Charlevoix County Community Foundation in the amount of \$1,900 for the 2013 SOBO Arts festival

Main Street Director Hugh Conklin discussed the grant received for the event schedule for June 28 and 29. The festival is part of the Main Street. This is the fourth annual festival.

Citizens Comments: None

Staff Comments: None

Board Deliberation: All are in agreement.

2013-05-077
Moved by Sansom
Second by Towne

MOTION

To authorize the City Manager to sign the necessary documentation to accept the grant from the Charlevoix County Community Foundation in the amount of \$1,900 for the 2013 SOBO Arts festival

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

Consideration to authorize the City Manager to sign and complete necessary documents related to the Michigan Economic Development Corporation's Downtown Planning Grant.

Theater Planning Grant

Main Street Director Hugh Conklin discussed the grant opportunity from MEDC for not to exceed \$25,000. This grant is for the Boyne Theatre project for a feasibility study. A cash match equal to the funds received is required.

Citizens Comments: None

Staff Comments: None

Board Deliberation: All are in agreement.

2013-05-078
Moved by Towne
Second by Sansom

MOTION

To authorize the City Manager to sign and complete necessary documents related to the Michigan Economic Development Corporation's Downtown Planning Grant

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

Motion carried

Consideration to approve a resolution of support to apply for a grant of \$4,700 from the Michigan Township Participating Plan's Risk Reduction Grant Program and authorize the City Manager and/or City Clerk / Treasurer to prepare and sign the necessary documents to apply for an implement the grant as proposed

PAR Plan Insurance Grant

Police Chief Gaither discussed the Risk Reduction Grant from the PAR plan. A computer storage server is needed to allow the Police Department to download, store, copy and view video files that have been recorded by the department's in-car cameras and the body worn video cameras. These cameras consume a large quantity of memory that a stand alone computer cannot accommodate. We are currently using a regular computer with an external hard drive to download and store this data, however, our computer is overloaded at this point. The purchase of a complete media storage system would enable the Police Department to manage and view video files of enforcement encounters by police officers with the public with the goal of reducing civil liability.

Citizens Comments: None

Staff Comments: None

Board Deliberation: All are in support.

2013-05-079

Moved by Neidhamer

Second by Towne

MOTION

To approve a resolution of support to apply for a grant of \$4,700 from the Michigan Township Participating Plan's Risk Reduction Grant Program and authorize the City Manager and/or City Clerk / Treasurer to prepare and sign the necessary documents to apply for an implement the grant as proposed

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

Consideration to approve the use of boat trailer storage at the Boyne City Airport through October and adopt the proposed fees into the City's fee schedule as part of the FY 13/14 Budget.

Airport Parking

Harbormaster Barb Brooks discussed recommendation to approve the use of boat trailer storage at the Airport. Each year, a number of people contact her looking for a place to store their boat trailer. They are generally referred to other marine service businesses. At their May 23rd meeting, the Airport Board discussed this and unanimously approved the proposal as presented.

Staff Comments: Police Chief Gaither agreed. This will simplify things for both the Marina Staff and the Police Officers. Andy Kovolski also agreed.

Citizens Comments: None

Board Deliberation: Mayor Pro-Tem Towne said as long as there are no safety issues, he agrees. All other Commissioners agree with the recommendation.

Good of the Order

2013-05-080

Moved by Towne
Second by Sansom

MOTION

To approve the use of boat trailer storage at the Boyne City Airport through October and adopt the proposed fees into the City's fee schedule as part of the FY 13/14 Budget.

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

None

Good of the Order

2013-05-081

Moved by Grunch
Second by Sansom

**CLOSED SESSION
MOTION**

To approve the Request of the City Manager to go into closed session with our attorney regarding Attorney/Client Privilege communications as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) at 3:10 pm.

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

2013-05-082

Moved by Grunch
Second by Towne

**RETURN TO OPEN SESSION
MOTION**

To return to open session at 3:53 pm.

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

Moved by Mayor Grunch, seconded by Commissioner Sansom to adjourn the regular City Commission meeting of May 28, 2013 at 3:54 p.m.

ADJOURNMENT

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

**MAY 28, 2013
SPECIAL MEETING**

RECORD OF THE PROCEEDINGS OF THE SPECIALK JOINT BOYNE CITY COMMISSION / PLANNING COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY MAY 28, 2013 AT 6:00 PM

CALL TO ORDER

Mayor Grunch called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

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

Planning Commissioner Members Present: Gretchen Crum, Jane Mackenzie, Lori Meeder and Tom Neidhamer. There was no quorum present of the Planning Commission

Staff: Michael Cain, Hugh Conklin, Scott McPherson, Barb Brooks, and Cindy Grice

Others: There were 26 citizens in attendance, including a representative from the Petoskey News Review

**MEDC REDEVELOPMENT
READY COMMUNITY
PROGRAM**

Jennifer Rigternik of the Michigan Economic Development Corporation presented information about the Redevelopment Ready Community Program that Boyne City was recently selected to participate in. The certification is good for 3 years and adds predictability to the community. It works for community of all sizes and standards provided are a good baseline for developers. Other topics discussed include training / education, public outreach and community plans.

**PROJECT SITE
FEASIBILITY ANALYSIS**

A presentation was made by Peter Allen and his students from the University of Michigan Urban Land Institute for a SOBO Lakefront Development. The students spent time working on a feasibility analysis and has come up with a \$13,000,000 development plan for the area. Key strengths noted are: a true redevelopment community, enthusiastic entrepreneurs, collective economic health, walkable downtown, small town camaraderie, minutes from Boyne Mountain, form, tools and structure an great infrastructure.

Moved by Mayor Grunch, seconded by Commissioner Sansom to adjourn the Special City Commission meeting of May 28, 2013 at 7:38 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

**MAY 28, 2013
SPECIAL MEETING**

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Moved by Mayor Grunch, seconded by Commissioner Sansom to adjourn the Special City Commission meeting of May 28, 2013 at 7:38 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer



Approved: _____

**Meeting of
May 2, 2013**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, MAY 2, 2013 AT 8:30 A.M. IN THE COMMISSION CHAMBERS AT CITY HALL, 319 NORTH LAKE STREET

Call to Order

Chair Swartz called the meeting to order at 8:30 a.m.

Roll Call

Present: Jodie Adams, Mike Cain Bob Carlile, Jim Jensen
Larry Lenhart, Pat O'Brien, and Rob Swartz

**Meeting
Attendance**

Absent: Michelle Cortright and Robin Berry Williams (arrived 8:32)

City Staff: Main Street Manager Hugh Conklin, Planning/Zoning Administrator Scott McPherson, Assistant Planner Leslie Meyers and recording secretary Karen Seeley

Public: There were two people in attendance

**Excused Absence
MOTION**

Cain moved Adams second PASSED UNANIMOUSLY to excuse Michelle Cortright from today's meeting.

**Approval of Minutes
MOTION**

Carlile moved, Adams second PASSED UNANIMOUSLY to approve the April 4, 2013 regular meeting minutes

Citizens Comments

None

Correspondence

None

**Main Street Committee
Reports**

Jim Jensen gave an overview of the Small Town Rural Conference he attended at Crystal Mountain and Robin Williams Berry reported on the National Main Street convention that she attended in New Orleans.

In addition to the committee reports included in the agenda packet Main Street Manager Conklin reported on a few items:

- Reminded the board of Buff of Boyne, May 4th, 9 a.m. Sunset Park.
- The SOBO Arts festival was successful in its application to the Charlevoix County Community Foundation for a \$1,900 grant to fund the performance on June 28 of the Bay Area Big Band.
- Shirley Matz found a new location for her barbershop, as of April 30 she is located at 211 ½ South Lake Street, formerly the home to Meg McClorey Pottery.
- Jim Howell has moved his appraisal business to Main Street, next to Sweetgrass Framing.

Main Street Manager Conklin reported on:

Manager's Report

- There were no viable candidates for the Sunset Park Intern program
- The Business expo was a huge success and congratulations to Chamber Executive Director Jim Bauman.
- Challenge Mountain surveyed their membership and has agreed to enter into a one year contract with Boyne Thunder. **Cain moved Adams seconded PASSED UNANIMOUSLY** to approve Boyne Thunder entering into a one year contract with Challenge Mountain for 10% of proceeds.
- A meeting with theatre owner Paul Mitchell was held April 12 and was very productive. The Downtown Planning grant for the theatre was submitted to the MEDC on Friday. A decision is expected by the end of May with approval by the Michigan Strategic Fund in June.

Unfinished Business

Bike rack designs:

The board reviewed some renderings of different art designs for new bike racks in the downtown. Main Street Manager Conklin reported that the Design Committee discussed the RFP's that were originally submitted. There were issues with the RFP identifying the quantity and maximum price.

The committee reached a consensus that detailed design of the racks is needed as the original drawings were conceptual only. The completed drawings are the renderings the board is reviewing today. The board liked the concept submitted by the Wood Shop. Board discussions if four were enough? Four would get us started and give us something to build on with possible sponsorships in the future. These would be unique to the community, a piece of art that is also functional. **Adams moved Cain seconded PASSED UNANIMOUSLY** to support the concept, to obtain bids of the artistic rendering of bicycle racks and send the designs out for bids once they are finalized and given the blessing of the Planning and City Commissions.

MOTION

Sidewalk Café alcohol service:

At the April meeting, the board had discussion about a change in city ordinance to allow alcohol to be served at sidewalk café, in downtown Boyne City. The board was in support of the change but wanted more details in regards to how it would be managed. They received a draft of a proposed new ordinance to regulate sidewalk cafes by City Planner Scott McPherson. The proposed ordinance as written would allow a sidewalk café to obtain an annual permit if they meet the criteria. The permit would be required for all sidewalk cafes not just those serving alcohol. McPherson reviewed the ordinance with the board and stated the one change recommended would be the deletion of the July 4th restriction on sidewalk cafes. The board concurs that it should be allowed on the 4th as well. A public hearing has been scheduled for the next Planning Commission meeting, Monday, May 20th at 5 p.m. A public hearing is required to consider any ordinance change. The planning commission is generally supportive of the alcohol aspect, but did have considerable discussion on the requirements for a clear zone on the sidewalk (4 foot). Board question if we would need it to come back to this board after the Public Hearing. It could always come back. **Adams moved Williams seconded PASSED UNANIMOUSLY** that the Main Street Board recommends to the Planning Commission that it support the proposed new ordinance regulating sidewalk cafes.

MOTION

Stroll the Street Hayrides:

At the April meeting there were various questions/ concerns and a follow-up meeting was held with Becky Kuebler of Boyne Valley Tours and Services to discuss them. The board reviewed the list from Boyne Valley Equine to address their concerns. City Manager Cain said that he is in support and we should give them some leeway. The board feels they should have an immediate "out" clause in the contract. They would need to add the City of Boyne City and Main Street as additional insured on

MOTION

their policy. There has been some talk about them purchasing a buggy and using that instead of the wagon. The allowable route would be different for a horse and buggy. **Cain moved Lenhart seconded PASSED UNANIMOUSLY** to support the concept of horse drawn rides through downtown, with the route and schedule to run through the Main Street Manager. Their insurance will need to have the City of Boyne City and Main Street added as insured and the contract can be withdrawn immediately if problems arise by the Main Street Manager or the Police Department.

MOTION

Use of the Main Street Logo:

The board reviewed a draft of a user agreement to allow the Boyne City Main Street logo and tagline to be used by businesses. All designs would have to be approved by the Main Street Manager and if approved a use agreement between Boyne City Main Street and the vendor/artist/business is required. Board discussion regarding fees. Let's try it for the first year with no fees and revisit next year. **Cain moved Carlile seconded PASSED UNANIMOUSLY** to move forward with the agreement and add a bullet to include a "opt out" clause in case they are not following the agreement.

Michigan Main Street Agreement:

Boyne City Main Street's Master-Level Agreement with Michigan Main Street is up for renewal. The contract is for two years and outlines the services we receive from the state program and the expectations the state program has with Boyne City Main Street. The new agreement has been revised to include more comprehensive insurance requirement for the community, and Main Street Manager Conklin has reviewed the changes with Paul Olsen, the city's insurance representative. He will add Michigan Main Street as an additional insured. **Cain moved O'Brien seconded PASSED UNANIMOUSLY** the Main Street board approves the Michigan Main Street Program Community Requirements and Expectations Agreement as proposed. **10th Anniversary Celebration Update:** The committee has been very active, the 10th anniversary logo was designed by Kecia Freed and we will be ordering twelve banners with the logo for the poles downtown. The celebration will take place at Old City Park with a program from 6-8 pm. There will be a memorial tree planting of a white oak and the Chamber has sent out a survey to compile a top ten list of what people love about Main Street.

New Business

MOTION

Graphic design services-Kecia Freed:

Kecia's current contract expired in April 2013 and the board is being asked to again accept her design services for the 12-month period between May 2013 and April 2014 in the amount of \$3,600. **Cain moved Adams seconded PASSED UNANIMOUSLY** to accept the service agreement with Kecia Freed of Kecia Freed design.

MOTION

-
- The Thirsty Goat will reopen on May 16th.
 - There is now another option for internet in town with the addition of MySpot.net
 - The House at 417 Pearl Street is up for tax foreclosure.

GOOD OF THE ORDER

Cain moved Williams seconded PASSED UNANIMOUSLY to adjourn the May 2, 2013 meeting of the Boyne City Main Street Board at 10:28 am.

**ADJOURNMENT
MOTION**

Karen Seeley, Recording Secretary

Approved: _____

**MEETING OF
MAY 2, 2013**

RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY
PARKS AND RECREATION COMMISSION MEETING** HELD AT
6:00 P.M. AT CITY HALL ON THURSDAY, MAY 2, 2013.

CALL TO ORDER

Meeting was called to order by Chair Sheets at 6:00 p.m.

ROLL CALL

Present: Jerry Swift, Heath Meeder, Marie Sheets, Darryl Parish, Bill
Kuhn, Gail Van Horn and Mike Sheean

Absent: None

**MEETING
ATTENDANCE**

City Staff: Streets/Parks & Recreation Superintendent Andy Kovolski
and Recording Secretary Barb Brooks

Public Present: Six

**EXCUSED ABSENCES
MOTION**

Swift moved, Parish seconded PASSED UNANIMOUSLY, a motion
to excuse Gail VanHorn from the April 11, 2013 Meeting and Mike
Sheean from the March 28, 2013 special meeting and the April 11, 2013
meeting.

**APPROVAL OF
MINUTES
MOTION**

Swift moved, Parish seconded, PASSED UNANIMOUSLY, a motion
to approve the April 11, 2013 meeting minutes as presented

CITIZENS COMMENTS

Rob Wiltjer, Jason McCary and Forest Omland informed the board that they have formed the Boyne Valley Disc Golf Club and now have leagues playing at the course and their numbers have been growing. They expressed wanting to work with staff to address safety, litter, and good use of the course by promoting etiquette. They would like to see more trash cans a long the course and coordinate regular disposal (may need to be more than once a week). Board members inquired about the condition of the course. Olmand and McCary stated that the overall condition of the course is in pretty good shape. New signage is needed a couple of the holes, needs to be hand raked and would like to see more benches and less picnic tables. The club's website is boynevalleydiscgolf.org. The thanked Olmand, McCary and Wiltjer for

attending the meeting, taking a leadership role and representing disc golf and to continue to work with staff on issues, concerns and suggestions.

DIRECTOR'S REPORT

All parks' facilities are open and water turned on. The farmers market is moving back to Veterans Park for the season and the Mushroom Festival will be held May 16 - 19.

CORRESPONDENCE

None

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Park Inspections

- Meeder stated that the water at the top of Avalanche was not on yet.
- Meeder also informed Kovolski that there were downed trees along the walking trail. Swift inquired as to whether board members or volunteers could cut and remove these branches and/or trees that are impeding on the path and are potentially dangerous. Kovolski stated that he would rather not have anyone cutting branches or trees other than city staff and downed trees or branches should be reported to him.
- Kuhn stated that the rocks that have fallen into the river from the riverbank in Old City Park still need to be addressed.

UNFINISHED BUSINESS

Horse Trail Ride Services at Avalanche Request

There were 3 members of the board and 2 members of the public that went on a preliminary test horseback ride at Avalanche Don with Boyne Valley Equine stated that he thought the ride was successful with no real issues and everyone seemed to enjoy it. VanHorn stated that she and her husband enjoyed the ride. Swift stated that he felt there needed to be more separation for the disc golf and walking trail. He thought that more consideration should be given to starting behind the 1910 Building as suggested earlier by Sheean. There is shade and it is a quieter area. They encountered walkers, pets and disc golfers and everyone seemed to work around each other. Brooks added that she did not go on the ride, she did walk a portion of the trail waiting for everyone to return and was surprised that the distance she walked seeing hoof prints on the trail and wondered at what point they veered from the trail if at all. He also came across some manure on the trail when he walked the trail on the following Tuesday and wondered if they cleaned up after their Saturday ride. She also indicated that there was manure on the trail and a definite odor and stated that you could hear the horses from a distance so there was no element of surprise when you encountered them. Meeder expressed that he thinks this is a good idea and supports it is on a separate trail; he is not in favor at all if it is on the walking and/or disc golf trail. Parish agreed with Meeder.

Don stated that part of the reason they stayed on the trail is because at the time there were still some low hanging branches off the trail where he is proposing to ride and didn't want anyone to get hurt. VanHorn was not present to give any update on the proposed dog park. Kovolski stated that hopefully the committee can meet and get things back on track. A couple of the board member agreed to meet Don at Avalanche again to see if they could work together to come up with some trail options and asked Kovolski if any staff members would be able to join them at 2 p.m. on Saturday, May 4 and then have a special board meeting to discuss the request further before making a recommendation. **Kuhn moved, Swift seconded, PASSED UNANIMOUSLY** to call a special meeting to be held on May 8, 2013 at 6 p.m. at Avalanche.

****MOTION**

Dog Park

VanHorn reported that she will work with interest individuals, regroup and report back to the board next month.

Boyne City/Charlevoix Rd. Trail Update

Sheean reported that the trail plans are moving ahead and fund-raising efforts to support the trail continue

Boyne City to Boyne Falls Trail Update

Sheean reported that there isn't anything new on the forefront. The committee continues to persevere and remain optimistic.

Board Member Recruitment

The board reviewed volunteer board applications from Jo Bowman and Jason Biskner. Both Mr. Biskner and Ms. Bowman were in attendance of the meeting. Ms. Bowman stated that she has been coming to Boyne City for over 20 years and is very excited to be retired and here full-time. She enjoys the outdoors, has a passion for the parks and recreation and would like to be more involved in the community. Mr. Biskner stated that he had been visiting the area prior to moving here a few years ago. Part of his family's decision to relocate in Boyne City was based on our beautiful parks and the recreation opportunities. Mr. Biskner has two young children and the family enjoys our parks on a regular basis. The board was thrilled to have two willing and competent citizens to choose from. Both candidates seemed to be a good fit. After board discussion, based on the time commitment and meeting availability, **Swift moved, Sheean seconded, Passed Unanimously** to recommend the City Commission appoint Jo Bowman to the Parks & Recreation Board with a term expiration of December 31, 2014.

****MOTION**

NEW BUSINESS

Election of Officers

VanHorn moved to re-elect the current officers, Sheets as Chair and Swift as Vice Chair. There was no second, the motion died. Sheets explained to the board that she has enjoyed her time serving as the chair and has learned a lot but feels that with other involvements that she has,

it would be best if someone else from the board stepped in and thought that Jerry Swift would be a good candidate. Swift, who appreciated the sediments and confidence in his ability that was shared by his fellow board members, felt that the board should be led by someone with more experience and history with the board and parks and recreation department, such as Kuhn or Sheean. Kuhn stated that he and his wife plan to do more traveling and was concerned about living up to the commitment of serving as board chair. Kuhn suggested that even though Sheean has served as the board's chair in the past, he really is a good fit, has the passion and commitment. **VanHorn moved, Kuhn Seconded, PASSED UNANIMOUSLY** to elect Sheean as the board's Chair and re-elect Jerry Swift as Vice Chair.

****MOTION**

The board also thanked Marie Sheets for her service and leadership to the board as the Chair.

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, June 6, 2013 at 6:00 p.m. at Rotary Park.

**ADJOURNMENT
MOTION

The May 2, 2013 meeting of the Parks and Recreation board was adjourned at 7:20 p.m. Moved by Kuhn, seconded by Swift, **PASSED UNANIMOUSLY**.

Barb Brooks, Recording Secretary

Approved: _____

**Meeting of
May 20, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, May 20, 2013 at 5:00 pm.

Call to Order

Chair MacKenzie called the meeting to order at 5:00 p.m.

Roll Call

Present: George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Lori Meeder, and Tom Neidhamer
Absent: Gretchen Crum, Aaron Place (arrived at 5:04 pm), and Joe St. Dennis

2013-05-20-2

Frasz moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to excuse the absences of Crum and St. Dennis

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, Main Street Manager Hugh Conklin, City Manager Michael Cain and Recording Secretary Pat Haver
Public Present: Nine

2013-05-20-3

Consent Agenda

Neidhamer moved, Meeder seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda. Approval of the April 15, 2013 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

None

**Reports of Officers, Boards and
Standing Committees**

None

Unfinished Business

None

New Business

Planning Director McPherson reviewed the staff report included in the agenda packet. Last month the board went over draft language allowing alcohol on the sidewalks. The proposed change to the zoning ordinance deletes and/or changes much of the language of section 10.20(Q) that contains standards for outdoor cafés on public sidewalks. The effect of the amendment would eliminate outdoor cafés on public property as a use regulated by the zoning ordinance, and put it into a free standing ordinance. Outdoor cafés on private property would continue to be allowed by the zoning ordinance. Staff reviewed section 10.20 of the ordinance.

**Public Hearing zoning
ordinance amendment to
Section 10.20(Q)**

Public hearing opened at 5:06 pm
Hearing no comments, public hearing was closed at 5:07 pm

Board Discussion

Place – Is this to stream line?

McPherson – The intent is to move the request for alcohol on the sidewalk that was brought before the board forward, also to remove this section from the zoning ordinance, as it is not appropriate for the zoning ordinance to regulate things in the public domain. Even if the City Commission does not pass this request, I recommend taking this aspect out of the zoning ordinance and placing it in a stand alone ordinance.

Neidhamer – For private property only?

McPherson – The current zoning ordinance allows on public and private property, and this change will take out the public aspect.

Neidhamer – Current private establishments are allowed now?

McPherson – Yes, we are not eliminating that aspect.

Section 2.50 amendment criteria were reviewed, with sections 3, 4, & 5 the most applicable.

****MOTION**

With no further board discussion, **motion by Ellwanger, seconded by Place** to recommend to the City Commission the amendments to Section 10.20 (Q); as presented tonight, as Section 2.50 amendment criteria sections 3, 4, & 5 most applicable.

2013-05-20-7A

Roll Call:

Aye: Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, and Place

Nay: None

Absent: Crum and St. Dennis

Motion Carries

**Public Hearing for
proposed Sidewalk Café
Ordinance**

Planning Director McPherson reviewed the staff report included in the agenda packet. This would be a new free standing ordinance, which will be incorporated into the Code of Ordinances, Chapter 54 article 6: Street, sidewalk and other public places. Sidewalk cafés will be regulated under this section. The proposed Article 6 Outdoor Sidewalk Cafés was read. At any time, a free standing ordinance can be changed without having to “grandfather” anything/activity.

Public hearing opened at 5:20 pm

Hugh Conklin: Main Street Manager – Concerns were expressed about the placement of tables, whether up against the building or out by the curbside. Various communities handle this differently. The Main Street Board has reviewed this, and are in full support. Contact has been made with several communities that offer this service with no problems, possibly a couple of occasional issues. Magnum Hospitality is bringing this forward, as a business advantage. Let's give it a try. If it doesn't work out, we can always change. Don't see anything to keep us from moving forward.

Frasz – Were any of those communities allocating just 4 feet or did they have something different?

Conklin – It varied, 6 feet was the standard. A lot depends on how wide the sidewalks are.

Becky Harris: citizen – I am here to speak up in support of this, it is a wonderful experience and is a family setting as well.

Justin Gibbert: Manager of Red Mesa Grill – Looking forward to having this move forward. See good things happening. It will be fully regulated with one server only; we are also concerned about alcohol leaving the premises. It would be a family destination, and I believe people would appreciate it.

Scott MacKenzie: - Thank you on behalf of the community for being pro-active enough to get this far with the hearing, and being open to new ideas. We are progressive which is garnering a sense of place and excitement; we are staying ahead of other communities in the state. With responsible management, it should be no problem in our community, and urge you to continue to move forward, and vote in favor of this.

Tony Williams: Fresh Water Gallery Business Owner – Robin and I are in full support of this. The key is if we have problems we can stop. It is more than worth a try.

Jim Baumann: Chamber Director – I think this is a great thing, Hugh has contacted a lot of other cities, they have not had any problems, it adds to the ambiance of the town. Would encourage you to support this.

Nate Jason: Café Sante – We are excited about the opportunity this presents. Outdoor dining is our most requested seating, this gives up more possibilities. We are excited that you are entertaining this idea. Thank You.

Robin Berry: Fresh Water Gallery Owner- Main Street has been able to address and discuss some of the negative issues, with the fears and potential problems being addressed and handled very appropriately. The important element is the ability to stop if needed. I also, am in full support of this.

Conklin – 4th of July, encourage you to strike this. I don't see any problems with this, and see no reason to restrict no tables on the sidewalk or time frame.

With no further comments, the public hearing was closed at 5:32 pm

Board Discussion

Meeder – Section 54.171, regarding the grandfathering; is this going to impact somebody with an outdoor café last year?

McPherson – Any one, who had an outdoor café last year, will be protected by the current zoning ordinance clause, and will be allowed to continue on. If the new ordinance were repealed, if they were started up after the new ordinance, they would have no right to continue.

Meeder – Noise ordinance, what creates a nuisance or hazard? Who decides that? Do the businesses have to sign an acknowledgement that the discretion would fall under the City Manager?

McPherson – There is no specific form other than the application and by signing the permit application they are acknowledging they will abide by the rules.

Place – 54.171B – Benches, waste receptacle, etc are listed - are tree planters considered part of that?

McPherson – Yes, it talks about clear zones

Place – I would like to see the 4th of July amended time wise or taken out.

Neidhamer – I would support Aaron, and taking that out.

Kozlowski – Parallel parking, how do you capture for clear walking zone?

McPherson – It will be case by case basis and each circumstance. Would have to look at site for possible obstructions.

Kozlowski – 4th of July item, the timing won't hurt anything, you have to be fair to everybody across the board.

Ellwanger – Very much in favor of this, I would like to see the 4th of July taken out. If there are problems they can be addressed at that time, it will be positive for the community. Scott you did a great job on putting this together, in favor of the whole proposal.

Frasz – Water Street Café serves breakfast before 9 am, and the hours noted are 9:00 am to 11:00 pm. I think it is a great direction we are headed in. Change the 9:00 am start to 8:00 am. 4th of July, strike that and make amendments if needed in the future. Item D: if table umbrellas are used, should compliment building colors. I think we should add not to have signage on them. Section F should take into consideration and should be fair with what public items are located in front of what cafés. If you have a bench in front of one, and not in front of another one, we should be consistent and take into consideration placement. How will pedestrian traffic funnel? Thank you Hugh for providing the information you presented. In areas that I am familiar with, they are on the street side, and I like that for a number of reasons: (1) safety for foot traffic which is up against the building, (2) retail shops the foot traffic stays tight up against the building and you have the

window experience which is huge for business, and (3) consistent foot traffic, and not going in and out. My vote is put it to the street side.

Neidhamer – Item F: I’m not sure this requirement is necessary. Full support to eliminate the 4th of July. Chris, you make very legitimate discussion points about foot traffic.

With no further board discussion, **motion by Place, seconded by Meeder** to recommend to the City Commission to adopt Article VI Outdoor Sidewalk Cafés with changes to 54.171 (a), change the time to read 8:00 am to 11:00 pm; also from this section strike “No outside sidewalk café shall be permitted on the 4th of July”; and (d) add: If table umbrellas will be used, they shall complement building colors, and no signage allowed on the umbrellas.

2013-05-20-7B

Roll Call:

Aye: Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, and Place

Nay: None

Absent: Crum and St. Dennis

Motion Carries

**Review Main Street
proposed bike rack art
project for downtown**

Hugh Conklin: Main Street Manager - Reviewed the renditions of various bike racks that were included in the agenda packet. The Main Street Design committee deals with façade, streetscapes elements; and visual items within the downtown. This idea has been in the development process for awhile, a grant was applied for and the group received \$1,500.00 towards the project. Slides were viewed of conceptual ideas, which could be unique to Boyne City, such as beautiful pieces of art as well as serve a function. Proposed ideas are an apple, fork, books, and juggler on a unicycle. This will be very visible and visual, and wanted to make sure everyone was comfortable with the designs that we will have created for us.

Becky Harris: Design committee member – As a member of the design committee, this has been in the development stages for a long while, they are functional pieces of art.

Michael Cain: City Manager and design committee member – This will generate a lot of discussion; the committee believes they are a good idea, it adds one more unique feature to the community, and we want to encourage people to get to Boyne City any way they can, and this would be a fun places to put bikes. These are concepts and proposed locations, if these are allowed to take place; the community will have discussions about the type of racks.

Jim Baumann: Chamber Director – I think they are great, and commend the design committee for the work they put into this. It will generate discussion and I believe is cool. I see people taking pictures by the fish all the time.

Conklin – We would like to have input from the board. This is very public, and will be talked about for along time.

Board Discussion

Meeder – I think they are pretty cool, I am worried about the placement of the racks, which I feel is quite important.

Place – Where we have showed you possible locations, there are existing bike racks there now. These could be made to add unique bike racks. Discussion will need to be had about removing the existing bike racks and replacing them with new ones, or in addition to the existing.

MacKenzie – I think they are clever, and like art which adds to the vibrancy and vitality of the community.

Frasz – Wonderful job design committee. Very cool when you start thinking about place making. To have something that distinguishes location, they do that; apple by farmers market, fork down by restaurants, books at the library. Thinking about taking pride in the community, and getting them involved with the decisions.

Kozlowski – This is a great idea, and I'm all for the art, and it makes you look at the surroundings. It could cause some congestion, and will need to look at placement.

Ellwanger – I agree with everyone and am very much in favor of the project. I think it is a novel idea, and will bring more flair into the community.

With no further board discussion, **motion by Ellwanger seconded by Kozlowski, PASSED UNANIMOUSLY**, Planning commission board support of the Main Street Design Committee art bike rack concept to the City Commission with full support to move forward.

Staff Report

- Re-development Ready Community joint meeting is set for Tuesday, May 28, 2013 at 6:00 pm in the auditorium.
- MEDC had some available funding for a feasibility study. The city submitted Lake Front Square, and we were selected for the project. U of M students came up to begin the project under the direction of Peter Allen. They not only looked at this property, but other areas around town. They have a budget of \$4,000.00 to develop a plan. Presentation/report will be done after the re-development meeting.
- Possible planning grant for assistance in Master Plan process. It would be for place making/design, which we have had a strong focus on. A letter of intent is due by May 24th.
- Webinar: May 29th from 6:00 – 8:00 pm: *Planning and Zoning for Small Scale Alternative Energy*. Coordinate with Pat Haver by May 24th, if you are interested in participating.

Good of the Order

Frasz – What is the status of Kirtland?

McPherson – The attorneys exchanging briefs.

Cain – As of a couple weeks ago, they are about a month behind the original time line.

Adjournment

The next meeting of the Boyne City Planning Commission is scheduled for June 17, 2013 at 5:00 pm in the Auditorium.

2013-04-15-10

Meeder moved, Place seconded, PASSED UNANIMOUSLY a motion to adjourn the May 20, 2013 meeting at 6:21 p.m.

**MOTION

Jane MacKenzie, Chair

Pat Haver, Recording Secretary

Meeting of May 21, 2013

Call to Order: Meeting was called to order by Jeff Wellman at 7:01 PM.

Present: Chris Bandy, Marie Sheets, Jeff Wellman.

Absent: none

Guest: Jane Mckenzie, Bill Beeman, Kelly Martin

Staff: Michele Hewitt, Scott McPherson

Approval of

Minutes: It was moved by Sheets, second by Bandy to approve the minutes from the February 26, 2013 meeting, all ayes. Motion carried.

Public

Comment: Jane McKenzie gave a brief update on 417 Boyne Avenue property that Northern Homes is working with the Charlevoix County land bank to purchase. Once purchased the home would be renovated back to its original state and transferred into senior housing which would include four rental units. Parking lot changes with entrance coming in off of Pearl Street only. Remove dumpster enclosure.

Grant money is being sought to help with costs. Jane asked the commission what she would need to do once property has been purchased. Commission replied that first step would be the Certificate of Appropriateness and drawings.

Old

Business: none

New

Business: A. 411 Pearl Street Certificate of Appropriateness application review for driveway reconstruction. McPherson would liked to of seen more information on materials to be used but was ok with it. Motion by Bandy, Second by Sheets, all ayes, motion carried.

B. Scott McPherson explained the procedures that will begin immediately for filing applications within the Historic District. The Planning/Zoning department will be the first point of contact for homeowners who are looking to do any type of work or construction within the Pearl Street Historic District. Once they have the proper applications and supporting documents they will contact the Historic District Commission to schedule the review at the next meeting or special meeting.

McPherson indicated that we need to have a formal denial process, and our application for Certificate of Appropriateness would need some changes

Notice to Proceed must meet standards in order to be issued. Do good fact finding, if denied it kicks in appeal process.

Bill Beeman resident of Pearl Street spoke, expressed concerns in regards to the ordinance and indicated that the commission should be aware of 36 CFR 67.7.

Wellman asked for copies of the 36-CFR67.7 that Beeman referred to so it could be reviewed with the commission.

C. Board applications:

Kelly Martin was asked to give a few words, she explained her strong longstanding interest with history and her involvement with Bob Morgridge regarding Boyne City History. Bandy motioned to recommend her application to the City Commission, second by Sheets, all ayes, motioned carried.

Chris Glassford application was tabled until next meeting allowing the applicant to update information on his application.

Announcements: none

Next Meeting: October 15, 2013

Adjournment: motioned by Bandy to adjourn, second by Sheets, all ayes. Motion carried.

Meeting adjourned at 7:41 PM



Approved: _____

**MEETING OF
MAY 23, 2013**

**RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE
BOYNE CITY AIRPORT ADVISORY BOARD HELD MAY 23, 2013**

CALL TO ORDER

Chair Reynolds called the meeting to order at 5:30 p.m. followed by the pledge of allegiance.

ROLL CALL

Present: Richard Bouters, Bud Chipman*, Rod Cortright*, Ed Hennessey, Leon Jarema*, Jim Kozlowski* Roger Reynolds, Jerry Schmidt and Oral Sutliff

ATTENDANCE

Absent: Larry Trumble*
*Ex Officio Members

Staff: Airport Manager/City Manager Michael Cain
Michael Borta of OoE Consulting

**APPROVAL OF MINUTES
MOTION**

Sutliff moved Schmidt seconded PASSED UNANIMOUSLY to approve the March 28, 2013 minutes as presented.

CORRESPONDENCE

None

CITIZENS COMMENTS:

None

UNFINISHED BUSINESS

- **Hangar Inquires/Leasing:** Airport Manager Cain reported that hangar C-19 will be released back to the city by the current tenant.
- **Open House:** Bouters reported on the progress of the Open House planning. Flyers will be finished soon by Harbor House Publishing and go out for distribution.
- **Crack Sealing:** Cain reported that the City is talking with MDOT regarding cost sharing for Crack Sealing at the Airport and expect work to be complete in July.

NEW BUSINESS

- **ACIP-CIP:** Michael Borta of OoE (Engineering Consultants) gave a presentation regarding working with the board to develop a 5 year Airport Capital Improvement Plan (received and filed). He indicated that an updated plan is a requirement to qualify for Airport improvement funding from the State of Michigan as well as the FAA. The board asked questions and offered comment and will research this proposal and meet again with Mr. Borta at a future meeting. No action was taken.
- **Operator Repairs:** An automatic door opener on one of the city owned hangar's is in need of repair and prices are being reviewed.

- **Boat and Trailer Storage:** Barb Brooks, Harbor Master, presented a proposal to have boat and/or boat trailer storage on Airport property. Harbor Master Brooks handed out a memo (received and filed) that outlined proposed fees as well as actions by the marina staff regarding storage. This proposal includes a distribution of fees collected with 60% to the marina and 40% to the Airport. Board discussion included concerns regarding location of the storage area, as the board would like input on the location. It was also expressed that the storage not disrupt the normal operations of the Airport. Brooks indicated that the final plan for storage would be at the approval of the Airport Board. **Bouters moved Schmidt seconded, PASSED UNANIMOUSLY** that Harbor Master Brooks proceed with the plan to include boat and/or trailer storage on Airport property.

GOOD OF THE ORDER

- AV Fuel price as of 5/6/2013
- The 2013 Michigan VFR Sectional map has been posted in the terminal.
- The City is considering options regarding trees along the North boundary of the Airport.

NEXT MEETING

Airport closed at noon on Saturday, May 25th for the Memorial Drag Race. The next Airport Advisory Board will be held Thursday, June 27, 2013 at 5:30 p.m.

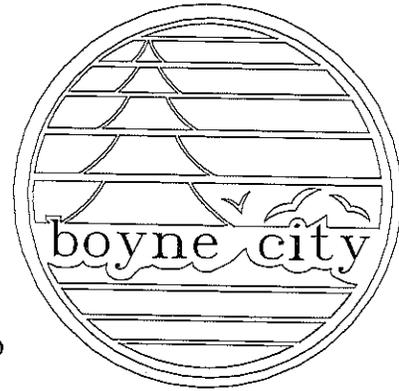
ADJOURNMENT

Chair Reynolds adjourned the Airport Advisory Board meeting at 7:00 p.m.

Richard L. Bouters

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Scott McPherson, Planning Director *SM*
Date: June 11, 2013
Subject: Redevelopment Ready Community Resolution to Proceed and Memorandum of Understanding



Background

A requirement to proceed with the Redevelopment Ready Community (RRC) certification is the City Commission must pass a resolution of support to proceed with the evaluation process and sign a memorandum of understanding with the Michigan Economic Development Corporation (MEDC) within 30 days of the initial RRC presentation that was done on May 28th. A draft copy of the memorandum of understanding has been provided for your review.

Recommendation

Adopt a resolution of support to proceed with the RRC process and sign the Redevelopment Ready Communities Joint Memorandum of Understanding.

Options

1. Decide not to proceed with the RRC evaluation.
2. Take no action pending further information.
3. Other action as the Commission deems appropriate.



Redevelopment Ready Communities® Joint Memorandum of Understanding

This Memorandum of Understanding (“MOU”) by and between the Michigan Economic Development Corporation (“MEDC”), 300 North Washington Square, Lansing, Michigan and the City of Boyne City (“Community”), 319 N. Lake Street Boyne City, Michigan, jointly referred to as the “Parties” and individually as the “Party” is effective as of July 8, 2013 (“Effective Date”).

The Community is interested in applying to the MEDC under the Redevelopment Ready Communities® Program (“Program”) to become certified as a Redevelopment Ready Community (“RRC”) and receive assistance from the Program in promoting sites within the Community.

The MEDC is interested in evaluating the Community and making recommendations for the Community to become certified as a RRC under the Program and help market the Community to the public for redevelopment purposes.

Therefore, the above entities have come together in a strategic collaboration to achieve the above stated goals. This collaboration is based on the following understandings:

Community Responsibilities

1. Identifying a primary Program contact who will serve as the lead contact and provide overall technical support for all aspects of this project on behalf of the Community.
2. Provide adequate staff personnel to attend trainings, perform research collection and assessment of current practices of the Community and to implement the recommendations of the MEDC after the evaluation.
3. Within fifteen (15) days of this MOU, complete the Pre-Evaluation document and provide supporting information as required by the MEDC.
4. Within sixty (60) days of the Certification Assessment Report of Findings presentation, provide a resolution adopted by the Community’s elected governing body that supports the Community’s intent to implement the MEDC identified recommendations if necessary to meet the Program best practices.
5. Within one hundred eighty (180) days, complete implementation of MEDC identified recommendations, if necessary, to meet the Program best practices.
6. Provide documentation that the Community meets the Program best practices as determined by the MEDC prior to being awarded certification.

MEDC Responsibilities

Execution Copy

1. Provide general training on the Program.
2. Provide general technical support to the primary Program contact of the Community in collecting the information necessary to complete the Pre-Evaluation document and implementation of the best practices.
3. Evaluate the information from the Pre-Evaluation documents.
4. If necessary, make recommendations of steps to meet the best practices as identified by the MEDC.
5. Once the Program best practices are met, the MEDC will coordinate with the RRC Advisory Council to receive input in certifying the Community as a RRC.
6. If certified as a RRC, assist the Community in marketing to the public up to three sites as redevelopment ready.
7. Prepare a license agreement between the Community and the MEDC for Community's use of the RRC logo.

This MOU sets forth the intent of the Parties only and does not, and is not intended to, impose any binding obligations on the Parties nor shall it be the basis for any legal claims or liabilities by or among the Parties. Any liability of the Parties, whether in contract, tort or under any other legal or equitable theory, arising out of or in connection with this MOU shall be explicitly excluded. Neither Party shall be entitled to claim compensation for any expenses or losses incurred in bad faith if the intention of this MOU cannot be reached entirely or in part.

This MOU constitutes the entire agreement between the Parties hereto. This MOU may be modified, altered, revised, extended or renewed by mutual written consent of all Parties, by the issuance of a written amendment, signed and dated by all the Parties.

This MOU may be signed in multiple copies and in counterparts which, when taken together, shall constitute the executed MOU. Faxed or scanned copies shall be considered an original.

This MOU is effective until the three year anniversary of the date the Community is certified as a RRC, unless terminated earlier. However, either Party may terminate the MOU by providing notice in writing to the other Party thirty (30) days in advance of the termination.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their respective authorized representatives.

Ron Grunch, Mayor
City of Boyne City

Date

Jennifer Nelson, Chief of Staff & General Counsel
Michigan Economic Development Corporation

Date



Redevelopment Ready Communities® Joint Memorandum of Understanding

This Memorandum of Understanding (“MOU”) by and between the Michigan Economic Development Corporation (“MEDC”), 300 North Washington Square, Lansing, Michigan and the City of Boyne City (“Community”), 319 N. Lake Street Boyne City, Michigan, jointly referred to as the “Parties” and individually as the “Party” is effective as of July 8, 2013 (“Effective Date”).

The Community is interested in applying to the MEDC under the Redevelopment Ready Communities® Program (“Program”) to become certified as a Redevelopment Ready Community (“RRC”) and receive assistance from the Program in promoting sites within the Community.

The MEDC is interested in evaluating the Community and making recommendations for the Community to become certified as a RRC under the Program and help market the Community to the public for redevelopment purposes.

Therefore, the above entities have come together in a strategic collaboration to achieve the above stated goals. This collaboration is based on the following understandings:

Community Responsibilities

1. Identifying a primary Program contact who will serve as the lead contact and provide overall technical support for all aspects of this project on behalf of the Community.
2. Provide adequate staff personnel to attend trainings, perform research collection and assessment of current practices of the Community and to implement the recommendations of the MEDC after the evaluation.
3. Within fifteen (15) days of this MOU, complete the Pre-Evaluation document and provide supporting information as required by the MEDC.
4. Within sixty (60) days of the Certification Assessment Report of Findings presentation, provide a resolution adopted by the Community’s elected governing body that supports the Community’s intent to implement the MEDC identified recommendations if necessary to meet the Program best practices.
5. Within one hundred eighty (180) days, complete implementation of MEDC identified recommendations, if necessary, to meet the Program best practices.
6. Provide documentation that the Community meets the Program best practices as determined by the MEDC prior to being awarded certification.

MEDC Responsibilities

Execution Copy

1. Provide general training on the Program.
2. Provide general technical support to the primary Program contact of the Community in collecting the information necessary to complete the Pre-Evaluation document and implementation of the best practices.
3. Evaluate the information from the Pre-Evaluation documents.
4. If necessary, make recommendations of steps to meet the best practices as identified by the MEDC.
5. Once the Program best practices are met, the MEDC will coordinate with the RRC Advisory Council to receive input in certifying the Community as a RRC.
6. If certified as a RRC, assist the Community in marketing to the public up to three sites as redevelopment ready.
7. Prepare a license agreement between the Community and the MEDC for Community's use of the RRC logo.

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This MOU constitutes the entire agreement between the Parties hereto. This MOU may be modified, altered, revised, extended or renewed by mutual written consent of all Parties, by the issuance of a written amendment, signed and dated by all the Parties.

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Ron Grunch, Mayor
City of Boyne City

Date

Jennifer Nelson, Chief of Staff & General Counsel
Michigan Economic Development Corporation

Date

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER *Mc*

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT *AK*

DATE: 6/7/2013

RE: PLEASANT/DIVISION ROAD REPAIR ENGINEERING

As we discussed with the City Commission at their May 28th meeting; we need to proceed with the Engineering for the Mill and Fill project on Pleasant and Division Streets very quickly. The reason we need to move quickly is to meet deadlines established by MDOT's bid-letting process to get funds allocated for the project.

Attached to this memorandum is the proposal from our engineering consultant C2AE for this engineering work. Because this is not a total reconstruction of the roadway the engineering work is not as entailed as we normally see. The scope of the work on this project is as follows:

- Cold milling of 1.5 inches of the existing road surface.
- Intersection improvements only where there is existing Sidewalk to meet ADA Standards.
- Resurfacing with 1.5 inches of Asphalt

C2AE proposes to complete the required engineering for this project for the amount of \$21,350.00. This costs reflects the complete engineering package from design thru construction.

RECOMENDATION:

It is my recommendation that the City Commission award the contract for Engineering for the Pleasant and Division Street project to C2AE for the amount of \$21,350.00; and authorize the City Manager to sign the required documents. Funds for this work are available in the Street Department budget for this fiscal year.

OPTIONS:

- That this matter be postponed for additional information or consideration
- That this matter be approved subject to some revision
- Other options as determined by the City Commission

Proposal for Engineering Services
For Pleasant Avenue/
Division Street Resurfacing Project
Design and Construction Services

June 6, 2013





June 6, 2013

Mr. Andy Kovolski, DPW Superintendent
City of Boyne City
319 N. Lake Street
Boyne City, MI 49712

RE: Pleasant Avenue and Division Street Resurface Project
Design and Construction Services

Dear Mr. Kovolski:

In response to your request, C2AE is pleased to submit this proposal for design and construction engineering services for the Pleasant Avenue and Division Street Resurface Project.

As you know, time is of the essence in completing this project in order to have the MDOT funding obligated in Fiscal Year 2013. For that reason we started the preliminary design and program application immediately after the City Commission meeting on May 28th.

If this proposal and attached Standard Contract Provisions are acceptable, please sign in the space provided below and return one copy to our office as your authorization for us to proceed with this project. Because the topographic survey is already completed, we can begin the design work immediately upon your authorization.

C2AE greatly appreciates the opportunity to submit this proposal for consideration and look forward to assisting you with this project. Should you have questions or comments, please contact us at your convenience. Thank you.

Respectfully,

C2AE

Larry M. Fox, P.E.
Principal, Director of Northern Municipal Infrastructure

Approved By:
City of Boyne City

By: _____

Date: _____

LMF/keb

[http://sharepoint.c2ae.com/Marketing/Proposals/00-InProgress/Boyne City Pleasant/ltr_BC_Div_Pleasant.doc](http://sharepoint.c2ae.com/Marketing/Proposals/00-InProgress/Boyne%20City%20Pleasant/ltr_BC_Div_Pleasant.doc)



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Project Background

The City of Boyne City has requested that C2AE provide a proposal for topographic survey, design and construction phase services for the construction of resurfacing of Pleasant Avenue from Division Street to the City limits and Division Street from Pleasant Avenue to Front Street. The project will utilize MDOT funding and therefore all design and construction activities must be completed in compliance with MDOT requirements.

The estimated project construction cost is \$150,000. The MDOT grant will pay 80% of eligible construction costs, which do not include engineering services. The project construction will be in 2014.

The project will need to be designed in a very short time period in order to meet the MDOT schedule requirements for obligation of funds in FY 2013. Therefore, C2AE has completed the programming paperwork and documentation for submittal by June 7, 2013 and must complete 75% plans by June 21, 2013. A copy of the MDOT Local Agency Project Planning Guide is attached for your information.

The project will specifically include the following improvements, some of which are required by MDOT funding participation:

- HMA cold milling and resurfacing.
- HMA curb in certain portions of the project.
- Intersection upgrades to provide for ADA accessible sidewalk ramps with detectable warning plates at all intersections that currently have sidewalk approaches.

As this project is being funded through MDOT, all design and construction work must comply with MDOT standards. Project documentation during construction will need to be kept utilizing the FieldManager software.

As was the case on the City's previous Division Street project, the Pleasant and Division Resurfacing project will proceed somewhat differently than a typical local street project. The design work and programming paperwork will be in accordance with MDOT requirements, including the use of established MDOT work items. MDOT will review the project plans and will handle the project bidding. Only MDOT prequalified contractors will be allowed to bid the project. The construction contract will be between MDOT and the construction contractor. MDOT will make payments directly to the Contractor (as recommended by the City's engineer). MDOT will then invoice the City its share of the construction cost. Design and construction engineering services are to be provided by the City, as these are non-participating costs.

**Local Agency Programs (LAP)
FY 2013 Project Planning Guide**

*IN ORDER TO ACHIEVE OBUIGATION
OF FUNDS BY SEPT 30, 2013*

TS&L OR PRE G.I.	PROGRAM APPLICATION	SUBMIT ACCEPTABLE G.I. PACKAGE (8)	APPROX G.I. DATE	ROW CERT, PERMITS, FINAL PLANS, PROPOSAL, & ESTIMATE TO LAP	ALL MDOT REQUESTED REVISIONS TO LAP (4)	LETTING DATE	COMMISSION MEETING (TENTATIVE THURSDAY)	AD BOARD MEETING (1ST & 3RD TUESDAY, TENTATIVE)
04/13/12 F	05/11/12 F	05/25/12 F	06/22/12 F	07/27/12 F	08/10/12 F	10/05/12	10/25/12	11/06/12
05/11/12 F	06/08/12 F	06/22/12 F	07/20/12 F	08/24/12 F	09/07/12 F	11/02/12	11/15/12	12/04/12
06/15/12 F	07/13/12 F	07/27/12 F	08/24/12 F	09/28/12 F	10/12/12 F	12/07/12	12/20/12 *Th	01/15/13
07/20/12 F	08/17/12 F	08/31/12 F	09/28/12 F	11/02/12 F	11/16/12 F	01/11/13	01/24/13	02/05/13
08/10/12 F	09/07/12 F	09/21/12 F	10/19/12 *F	11/21/12* W	12/07/12 F	02/01/13	02/21/13	03/05/13
09/07/12 F	10/05/12 F	10/19/12 F	11/16/12 F	12/21/12 F	01/04/13 F	03/01/13	03/21/13	04/02/13
10/12/12 F	11/09/12 F	11/23/12 F	12/21/12 F	01/25/13 F	02/08/13 F	04/05/13	04/25/13	05/07/13
11/09/12 F	12/07/12 F	12/21/12 F	01/18/13 F	02/22/13 F	03/08/13 F	05/03/13	05/16/13	06/04/13
12/14/12 F	01/11/13 F	01/25/13 F	02/22/13 F	03/29/13 F	04/12/13 F	06/07/13	06/20/13	07/02/13
01/18/13 F	02/15/13 F	03/01/13 F	03/29/13 F	05/03/13 F	05/17/13 F	07/12/13	07/25/13	08/06/13
02/08/13 F	03/08/13 F	03/22/13 F	04/19/13 F	05/24/13 F	06/07/13 F	08/02/13	08/22/13	09/03/13
03/15/13 F	04/12/13 F	04/26/13 F	05/24/13 F	06/28/13 F	07/12/13 F	09/06/13	09/26/13	10/15/13
04/12/13 F	05/10/13 F	05/24/13 F	06/21/13 F	07/26/13 F	08/09/13 F	10/04/13	10/24/13 ^	11/05/13
05/10/13 F	06/07/13 F	06/21/13 F	07/19/13 F	08/23/13 F	09/06/13 F	11/01/13	11/21/13 *^	12/03/13
06/14/13 F	07/12/13 F	07/26/13 F	08/23/13 F	09/27/13 F	10/11/13 F	12/06/13	12/19/13 *^	01/07/14

1. All bridge projects (bridge replacement and major rehabilitation regardless of funding) require a Type, Size and Location (TS&L) submittal. 08/01/12
2. For projects that may require an Environmental Assessment, the Program Application and supporting documents must be submitted to LAP at least one year prior to advertisement date.
3. For reconstruction (4R) projects on the National Highway System (NHS) and over \$5,000,000 in total cost, submit Plans, Proposal, and Estimate to LAP at least two weeks prior to the dates shown in this guide.
4. Final date that all MDOT requested revisions are to be received by MDOT LAP, so that all modifications identified during the final plan review can be incorporated.
5. * : Date adjusted due to holiday. ! : Earlier turn in date due to busiest lettings. ^ : Tentative Date
6. Schedule is based on requirements for letting projects through E-Proposal and ProjectWise
7. M- Monday, T-Tuesday, W- Wednesday, TH- Thursday, F- Friday
8. Grade inspection submittals shall include hard (paper) copies of the plans, unique special provisions, cost estimate in MERL format, and programming application.



C2AE proposes to provide design phase services for the Pleasant and Division Resurfacing project as follows:

Design Phase

1. **Project Initiation Meeting:** Conduct a project initiation meeting with the City to review the project parameters, scope of services and project schedule contained in the project management plan. Review the previous plans with the City with respect to any desired changes. Obtain a clear understanding of the role of all parties.
2. **Topographic Survey:** Provide a topographic survey only of items necessary for the project completion. Because this is a resurfacing project, the survey will be limited to a centerline profile of both Pleasant and Division Streets as well as the necessary intersection detail where new sidewalk ramps are required. We plan to utilize "log style" plans to the extent possible to save on design effort and costs.
3. **Program Application:** Assist the City in preparing the MDOT Program Application information, including environmental and historical clearances, accident history report, pavement design and other required elements. (The program application has been completed and submitted as of June 6).
4. **Soil Borings:** Because this is a resurfacing project, no soil borings are anticipated.
5. **Preliminary Plans:** Prepare plan view drawings for the resurfacing project, indicating the limits of resurfacing and intersections/sidewalk ramp improvements. A profile will be completed to verify that the design meets the required 3R construction guidelines, but a profile will not be included in the plan set. No vertical corrections are anticipated.
6. **Special Provisions:** Prepare special provisions to be used in conjunction with the 2012 MDOT Standard Specifications for Construction to establish the quality of all materials, equipment, installation and construction.
7. **Preliminary Quantities and Cost Estimate:** Provide an itemized breakdown of estimated quantities, estimated unit costs and estimated total cost for all project components. The estimate will utilize the MDOT-required MERL software.
6. **Grade Inspection/Review Meeting:** Provide the necessary plan submittals, coordinate and participate in an on-site Grade Inspection/Review meeting with representatives of the City, MDOT and other interested members of the project team and affected utility companies.
7. **Final Engineer's Cost Estimate:** Provide a final itemized breakdown of construction quantities and unit cost for all of the pay items used on the project.
8. **Permits:** Assist in the preparation all necessary permit applications for submission by the City to the applicable governmental agencies. Permit fees for such permits (where applicable) shall be paid for by the City. No permits are currently anticipated.
9. **Final Plans and Special Provisions:** Prepare final plans and any special provisions applicable for the project. Include maintaining traffic, striping and signing plans in accordance with the Michigan Manual of Uniform Traffic Control Devices. Submit the required plans, special provisions and MERL cost estimate for inclusion in a MDOT bid letting.



Construction Phase Services

Provide construction phase services, including administration and on-site observation and testing, throughout project construction:

1. Construction Administration:
 - a. Attend and conduct a preconstruction conference to review the project with the City, Contractor, Sub-contractor(s), utility companies, and other interested parties. Review project schedule. Record meeting minutes and distribute.
 - b. Consult with City during construction.
 - c. Prepare modifications and supplementary sketches required to resolve actual field conditions encountered.
 - d. Review product and material certifications. Maintain status of tested materials information.
 - e. Issue instructions from the City to the contractor; issue necessary interpretations and clarifications of contract documents; and prepare-required change orders.
 - f. Prepare biweekly pay estimates utilizing MDOT's FieldManager program.
 - g. Arrange and attend progress meetings as required.
 - h. Attend final project inspection with the City and Contractor representatives. Prepare final punch list for project completion.
 - i. All construction documentation will be performed utilizing the current version of FieldManager software.
2. Construction Observation and Testing:
 - a. Provide on-site observation services based upon the type of construction work in progress (to monitor compliance with plans, specifications and all other contract documents). Provide appropriate reports to MDOT and the City.
 - b. Provide field material density testing services for hot mix asphalt courses.
 - c. Provide laboratory testing services for concrete and hot mix asphalt.
3. Project Closeout
 - a. Initiate the Project Acceptance Report and conduct a final project inspection with the City, Contractor and MDOT.
 - b. Initiate and conduct a final project records review with MDOT and submit the required paperwork for project closeout and final payment.



Engineering Fee and Schedule

Engineering Fee

C2AE proposes to provide engineering services as follows:

Total Design Fee	\$9,500 Estimated, Time and Materials
Construction Fee	\$10,250 Estimated, Time and Materials
HMA & Conc. Testing (subconsultant)	\$1,600 Estimated, Time and Materials

The following assumptions are used to form the basis for the determination of the construction engineering fee for the project.

- For the purposes of this proposal, C2AE is basing the required construction hours on a 1 week, 5 working day construction period. The construction period will be during the spring of 2014.
- We estimate that the Contractor's work will require one person, full time for construction observation. We estimate a total of 50 observation and testing hours for an Engineering Technician.
- We estimate that contract administration will require approximately 30 hours of combined time for a Project Manager and Project Engineer.
- We estimate that HMA Quality Assurance Testing and Concrete Quality Assurance testing will require a subconsultant, with an estimated fee of \$1,600.
- The hourly estimate provided in this proposal is based on 5 working days (50 observation and testing hours) by the Contractor to complete the work. The Engineer has no control over the Contractor's schedule or ability to complete the work in a timely fashion. Should the Contractor require more than 5 working days (50 observation and testing hours) to complete the work, a prorated budget increase will be necessary.

Project Schedule

C2AE proposes the following project schedule:

C2AE will attempt to complete the project design based on a November 2013 bid letting schedule.

Program Application Submittal	6/6/13 (Completed)
GI Package Submittal (75% complete design)	6/21/13
Final Plan Submittal	8/23/13
Letting Date	11/01/13
Construction Period	May 2014



Standard Contract Provisions Design and Construction

The parties to this agreement, C2AE, Lansing, Gaylord, Grand Rapids, Escanaba, and Kalamazoo, Michigan, hereinafter called the A/E CONSULTANT and the City of Boyne City, Michigan, hereinafter called the OWNER, hereby agree to the following conditions:

- A. **Limit of Scope:** The services provided by the A/E CONSULTANT shall be limited to those described in the Scope of Services.
- B. **Changed Conditions:** If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to the A/E CONSULTANT are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, the A/E CONSULTANT may call for renegotiation of appropriate portions of this Agreement. The A/E CONSULTANT shall notify the OWNER of the changed conditions necessitating renegotiation, and the A/E CONSULTANT and the OWNER shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.
- C. **Additional Services:** Additional services not specifically identified in the Scope of Services shall be paid for by the OWNER in addition to the fees previously stated, provided the OWNER authorizes such services in writing. Additional services will be billed monthly as work progresses and invoices are due upon receipt.
- D. **Standard of Care:** In providing services under this Agreement, the A/E CONSULTANT will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.
- E. **Code Compliance:** The A/E CONSULTANT shall put forth reasonable professional efforts to comply with applicable laws, codes and regulations in effect as of the date of submission to building authorities. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the A/E CONSULTANT to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provision of this Agreement.
- F. **Permits and Approvals:** The A/E CONSULTANT shall assist the OWNER in applying for those permits and approvals normally required by law for projects similar to the one for which the A/E CONSULTANT's services are being engaged. This assistance shall consist of completing and submitting forms to the appropriate regulatory agencies having jurisdiction over the construction documents, and other services normally provided by the A/E CONSULTANT and included in the scope of Basic Services of this Agreement.
- G. **Opinions of Probable Construction Cost:** In providing opinions of probable construction cost, the OWNER understands that the A/E CONSULTANT has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the A/E CONSULTANT's opinions of probable construction costs are made on the basis of the A/E CONSULTANT's professional judgment and experience. The A/E CONSULTANT makes no warranty, express or implied, that the bids or the negotiated cost of the work will not vary from the A/E CONSULTANT's opinion of probable construction cost.
- H. **Schedule for Rendering Services:** The A/E CONSULTANT shall prepare and submit for OWNER approval a schedule for the performance of the A/E CONSULTANT's services. This schedule shall include reasonable allowances for review and approval times required by the OWNER, performance of services by the OWNER's consultants, and review and approval times required by public authorities having jurisdiction over the project. This schedule shall be equitably adjusted as the project progresses, allowing for changes in scope, character or size of the project requested by the OWNER, or for delays or other causes beyond the A/E CONSULTANT's reasonable control.
- I. **Ownership of Reports, Drawings and Other Materials:** The OWNER agrees that all reports, drawings, letters, work sheets, plans, preliminary material tables, supportive data, documents and other materials produced by the A/E CONSULTANT in the course of and for the purpose of meeting this contract are the property of the A/E CONSULTANT, and shall remain in the possession of the A/E CONSULTANT. The OWNER shall have access to the above named material during normal business hours of the A/E CONSULTANT during and after completion of this contract. The OWNER may obtain copies of any of the above named material. Copies of electronic media may be



Standard Contract Provisions Design and Construction

obtained by the OWNER. (See Alteration and Reuse of CAD information provision of this Agreement.)

- J. **Alteration and Reuse of CAD Information:** Because computer aided design/drafting (CAD) information stored in electronic form can be modified by other parties, intentionally or otherwise, without notice or indication of said modifications, the A/E CONSULTANT reserves the right to remove all indications of its ownership and/or involvement in the material from each electronic medium not held in its possession. The OWNER may retain copies of the work performed by the A/E CONSULTANT in CAD form. Copies shall be for information and used by the OWNER for the specific purpose for which the A/E CONSULTANT was engaged. Said material shall not be used by the OWNER, or transferred to any other party, for use in other projects, additions to the current project, or any other purpose for which the material was not strictly intended without the A/E CONSULTANT's express written permission. Any unauthorized modification or reuse of the materials shall be at the OWNER's sole risk, and the OWNER agrees to defend, indemnify, and hold the A/E CONSULTANT harmless, from all claims, injuries, damages, losses, expenses, and attorneys' fees arising out of the unauthorized modification of these materials.
- K. **Record Documents:** Upon completion of the work, the A/E CONSULTANT shall compile for and deliver to the OWNER a reproducible set of Record Documents. The A/E CONSULTANT shall also provide electronic information utilizing the appropriate elevation datum and State Plane coordinate system for insertion of the record information into the City's GIS base draw. These Record Documents will show significant changes made during construction.
- L. **Payment Terms:** Invoices will be submitted by the A/E CONSULTANT monthly, are due upon receipt and shall be considered past due if not paid within thirty (30) calendar days of the due date.
- M. **Disputed Invoices:** If the OWNER objects to any portion of an invoice, the OWNER shall so notify the A/E CONSULTANT in writing within ten (10) calendar days of receipt of the invoice. The OWNER shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after receipt of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest at one-and-one-half (1.5) percent (or the maximum rate allowable by law, whichever is less) shall be paid by the OWNER on all disputed invoice amounts that are subsequently resolved in the A/E CONSULTANT's favor and shall be calculated on the unpaid balance from the due date of the invoice.
- N. **Abandonment of Work:** If any work is abandoned or suspended, the A/E CONSULTANT shall be paid for services performed prior to receipt of written notice from the OWNER of abandonment or suspension.
- O. **Betterment:** If, due to the A/E CONSULTANT's negligence, a required item or component of the project is omitted from the A/E CONSULTANT's construction documents, the A/E CONSULTANT shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event will the A/E CONSULTANT be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the project.
- P. **Indemnification:** The A/E CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the OWNER, its officers, directors and employees (collectively, OWNER) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the A/E CONSULTANT's negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom the A/E CONSULTANT is legally liable.
- Q. **Consequential Damages:** Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the OWNER nor the A/E CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation or any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the OWNER and the A/E CONSULTANT shall require similar waivers of consequential damages protecting all the entities or persons



**Standard Contract Provisions
Design and Construction**

named herein in all contracts and subcontracts with others involved in this project.

The parties do not intend to confer any benefits on any person, firm, or corporation other than A/E CONSULTANT and OWNER. There are no third party beneficiaries. In no event shall either party, or their agents, servants, representatives or employees be liable for indirect, special or consequential damages to third parties. Both OWNER and the A/E CONSULTANT shall require waivers of consequential damages protecting all the entities or persons herein and all contracts and subcontracts with others involved in this project.

- R. Full-Time Construction Observation: The A/E CONSULTANT will provide full-time project representation in order to observe the progress and quality of the work completed by the Contractor. Such observation is not intended to be an exhaustive check or a detailed inspection of the Contractor's work but rather is to allow the A/E CONSULTANT, as an experienced professional, to become generally familiar with the work in progress and to determine, in general, if the work is proceeding in accordance with the Contract Documents.

The A/E CONSULTANT shall keep the OWNER informed about the progress of the work and shall endeavor to guard the OWNER against deficiencies in the work.

The A/E CONSULTANT shall not supervise, direct or have control over the Contractor's work nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents.

The A/E CONSULTANT shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the work, or any agents or employees of any of them. The A/E CONSULTANT does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

- S. Jobsite Safety: Neither the professional activities of the A/E CONSULTANT, nor the presence of the A/E CONSULTANT or its employees and subconsultants at a construction/project site, shall relieve the General Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the work in accordance with the Contract Documents and any health or safety precautions required by any regulatory agencies. The A/E CONSULTANT and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The OWNER agrees that the General Contractor shall be solely responsible for jobsite safety, and warrants that this intent shall be carried out in the OWNER's contract with the General Contractor. The OWNER also agrees that the OWNER, the A/E CONSULTANT and the A/E CONSULTANT's subconsultants shall be indemnified by the General Contractor and shall be made additional insureds under the General Contractor's policies of general liability insurance.

- T. Hazardous Materials: As used in this Agreement, the term hazardous materials shall mean any substances, including but not limited to asbestos, toxic or hazardous waste, PCBs, combustible gases and materials, petroleum or radioactive materials (as each of these is defined in applicable federal statutes) or any other substances under any conditions and in such quantities as would pose a substantial danger to persons or property exposed to such substances at or near the project site.

Both parties acknowledge that the A/E CONSULTANT's Scope of Services does not include any services related to the presence of any hazardous or toxic materials. In the event the A/E CONSULTANT or any other party encounters any hazardous or toxic materials, or should it become known to the A/E CONSULTANT that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of the A/E CONSULTANT's services, the A/E CONSULTANT may, at its option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until the OWNER retains appropriate consultants or contractors to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations.

The OWNER agrees, without waiving defenses of governmental immunity, and notwithstanding any other provision of this agreement but only to the extent permitted by law, to indemnify and hold harmless the A/E CONSULTANT, its



Standard Contract Provisions Design and Construction

officers, partners, employees and consultants (collectively, A/E CONSULTANT) from and against any and all claims, suits, demands, liabilities, losses, damages or costs, including reasonable attorneys' fees and defense costs arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action, except for the negligence or misconduct of the A/E CONSULTANT.

- U. Change Orders/Stop Work Orders: The A/E CONSULTANT and the OWNER agree that any construction contract change orders or stop work orders must be approved in writing by the OWNER.

- V. Dispute Resolution: The OWNER agrees, without waiving defenses of governmental immunity, and notwithstanding any other provision of this agreement but only to the extent permitted by law, that all claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or breach thereof first shall be submitted for nonbinding mediation to any one of the following, as agreed to by the parties: American Arbitration Association, American Intermediation Service, Americord, Dispute Resolution, Inc., Endispute, or Judicate. Any party hereto may initiate mediation within the time allowed for filing for arbitration as set forth below and the parties hereto agree to fully cooperate and participate in good faith to resolve the dispute(s). The cost of mediation shall be shared equally by the parties hereto. Any time expended in mediation shall not be included in calculating the time for filing arbitration.

If mediation fails to resolve the claim or dispute, the matter shall be submitted to arbitration with the American Arbitration Association under the Construction Industry rules, unless the parties agree otherwise or unless a plaintiff not a party hereto institutes litigation in a court of competent jurisdiction and said court takes personal jurisdiction over one of the parties hereto regarding the same subject matter as in dispute between the parties hereto.

No arbitration arising out of or relating to this Agreement shall include, by consolidation, joinder, or in any other manner, any additional person not a party to this Agreement except by written consent of the parties and such consent to arbitration involving an additional person(s) shall not constitute consent to arbitration of any dispute not described therein. This Agreement to arbitrate and any agreement to arbitrate with an additional person(s) shall be specifically enforceable under the prevailing arbitration law.

The decision rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. In the event either party makes a claim or brings action against the other party for any act arising out of the performance of the services hereunder, and the claimant fails to prove such claim or action, then the claimant shall pay all legal and other costs (including attorneys' fees) incurred by the other party in defense of such claim or action.



Date: June 11, 2013

To: Michael Cain, City Manager, and City Commissioners *Mc*

From: Hugh Conklin, program manager *HC*

RE: Bike Rack Project

For the past several months the Main Street design committee has been working on a bike rack-art project that combines a bike rack into a public work of art. After considering several options, the committee has selected four designs to produce in the first phase of the project. They are included in your packet.

The designs were presented to the Main Street Board at its May meeting and received strong support. With the Main Street Board's approval the committee then solicited input from the Planning Commission at its May 20 meeting. Planning Commissioners were supportive of the project and unanimously passed a motion supporting the art bike rack concept. The Design Committee is now presenting the art bike rack project to the City Commission for its input and support.

Possible locations for the racks include:

- the southwest corner of the Water-Park street intersection;
- the Boyne District Library;
- Veterans Park (two possible locations);
- the Lake-Main Street intersection;
- Sunset Park near the Boyne Area Chamber office;
- the pedestrian bump-out at the intersection of Lake and Ray Street, near the Sportsman Bar.

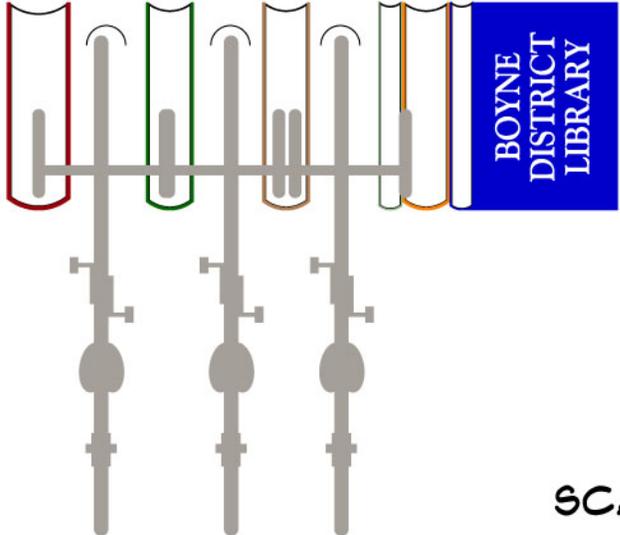
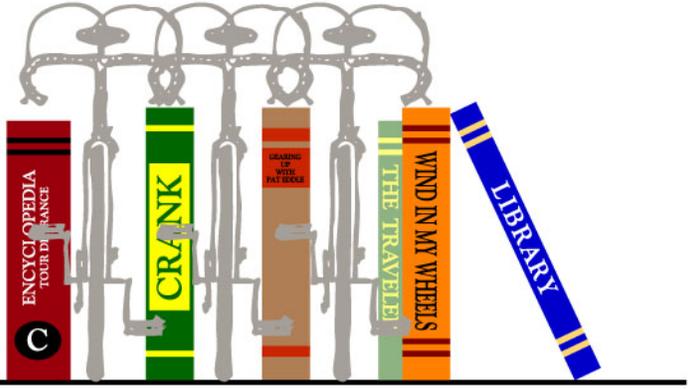
The project budget for the first phase is \$4,000, which includes a \$1,500 grant from the Northwest Michigan Council of Governments.

Recommendation

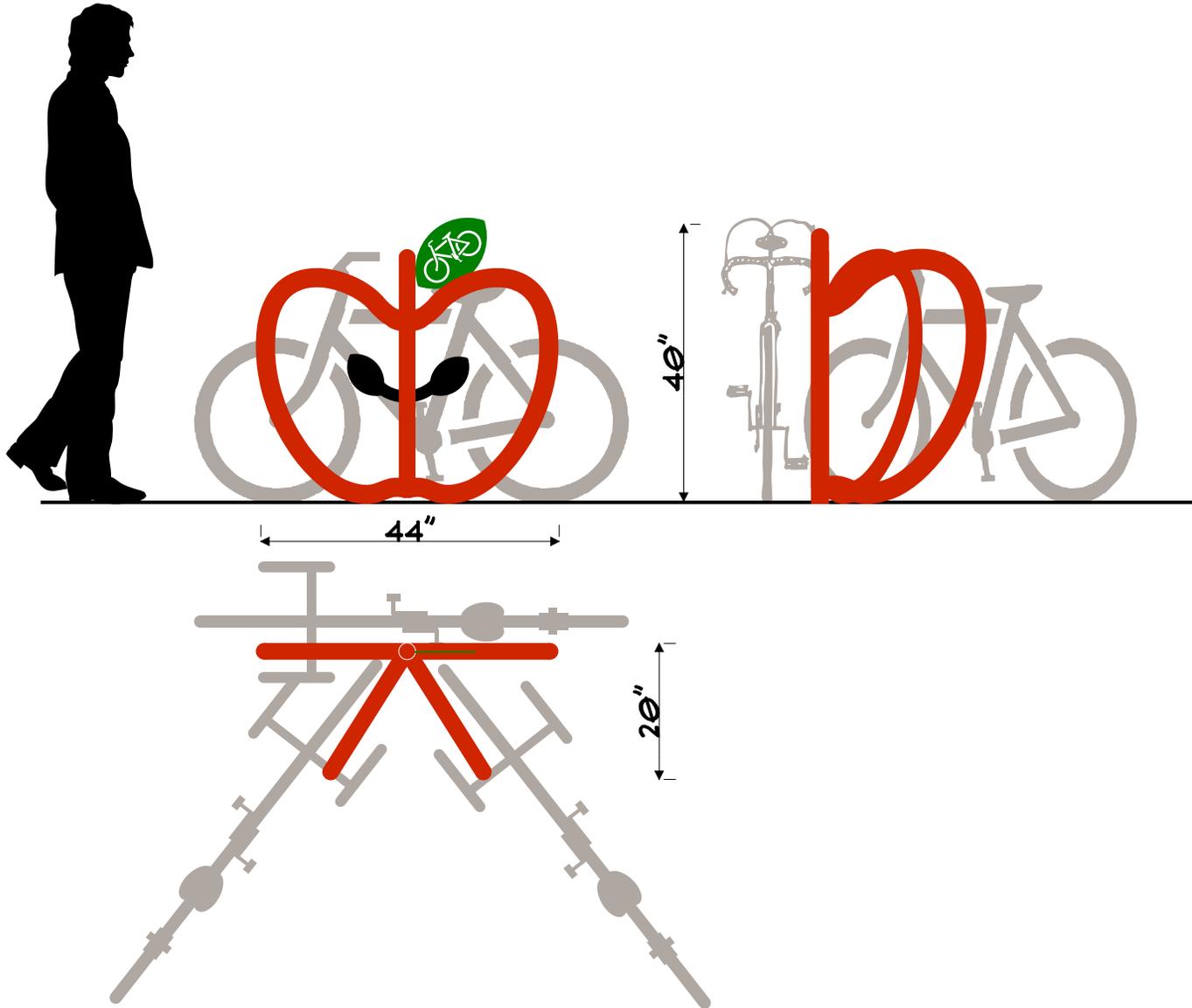
The City Commission support the Main Street Art Bike Rack Project.



34"



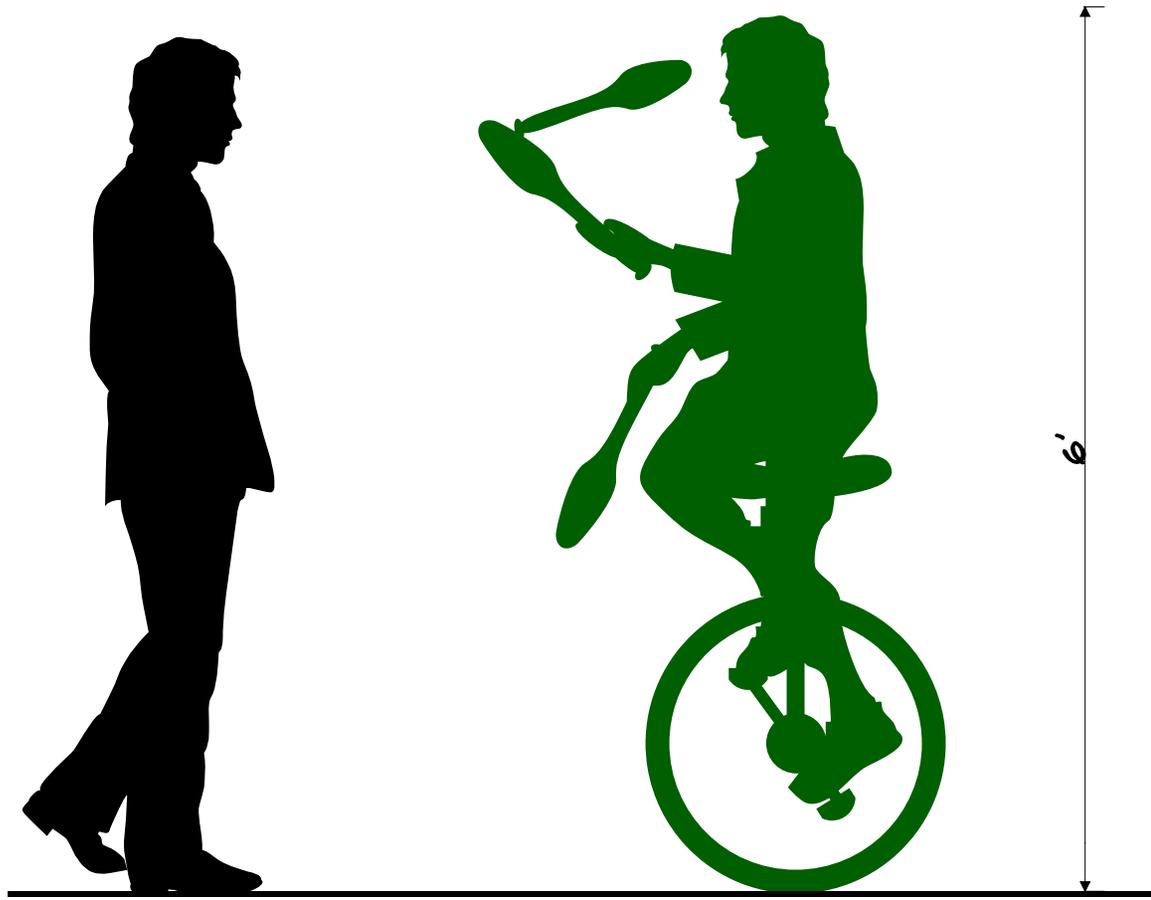
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SCALE: 1/2" = 1' 5/1/13







SCALE: 3/4" = 1' 5/1/13



www.PatOBrien.com

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Manager's Report

Main Street Manager Conklin reported on:

- There were no viable candidates for the Sunset Park Intern program
- The Business expo was a huge success and congratulations to Chamber Executive Director Jim Bauman.
- Challenge Mountain surveyed their membership and has agreed to enter into a one year contract with Boyne Thunder. **Cain moved Adams seconded PASSED UNANIMOUSLY** to approve Boyne Thunder entering into a one year contract with Challenge Mountain for 10% of proceeds.
- A meeting with theatre owner Paul Mitchell was held April 12 and was very productive. The Downtown Planning grant for the theatre was submitted to the MEDC on Friday. A decision is expected by the end of May with approval by the Michigan Strategic Fund in June.

Unfinished Business

Main St.
5/2/13

Bike rack designs:

The board reviewed some renderings of different art designs for new bike racks in the downtown. Main Street Manager Conklin reported that the Design Committee discussed the RFP's that were originally submitted. There were issues with the RFP identifying the quantity and maximum price.

The committee reached a consensus that detailed design of the racks is needed as the original drawings were conceptual only. The completed drawings are the renderings the board is reviewing today. The board liked the concept submitted by the Wood Shop. Board discussions if four were enough? Four would get us started and give us something to build on with possible sponsorships in the future. These would be unique to the community, a piece of art that is also functional. **Adams moved Cain seconded PASSED UNANIMOUSLY** to support the concept, to obtain bids of the artistic rendering of bicycle racks and send the designs out for bids once they are finalized and given the blessing of the Planning and City Commissions.

MOTION

Sidewalk Café alcohol service:

At the April meeting, the board had discussion about a change in city ordinance to allow alcohol to be served at sidewalk café, in downtown Boyne City. The board was in support of the change but wanted more details in regards to how it would be managed. They received a draft of a proposed new ordinance to regulate sidewalk cafes by City Planner Scott McPherson. The proposed ordinance as written would allow a sidewalk café to obtain an annual permit if they meet the criteria. The permit would be required for all sidewalk cafes not just those serving alcohol. McPherson reviewed the ordinance with the board and stated the one change recommended would be the deletion of the July 4th restriction on sidewalk cafes. The board concurs that it should be allowed on the 4th as well. A public hearing has been scheduled for the next Planning Commission meeting, Monday, May 20th at 5 p.m. A public hearing is required to consider any ordinance change. The planning commission is generally supportive of the alcohol aspect, but did have considerable discussion on the requirements for a clear zone on the sidewalk (4 foot). Board question if we would need it to come back to this board after the Public Hearing. It could always come back. **Adams moved Williams seconded PASSED UNANIMOUSLY** that the Main Street Board recommends to the Planning Commission that it support the proposed new ordinance regulating sidewalk cafes.

MOTION

Stroll the Street Hayrides:

At the April meeting there were various questions/ concerns and a follow-up meeting was held with Becky Kuebler of Boyne Valley Tours and Services to discuss them. The board reviewed the list from Boyne Valley Equine to address their concerns. City Manager Cain said that he is in support and we should give them some leeway. The board feels they should have an immediate "out" clause in the contract. They would need to add the City of Boyne City and Main Street as additional insured on

MOTION

window experience which is huge for business, and (3) consistent foot traffic, and not going in and out. My vote is put it to the street side.
Neidhamer – Item F: I’m not sure this requirement is necessary. Full support to eliminate the 4th of July. Chris, you make very legitimate discussion points about foot traffic.

With no further board discussion, **motion by Place, seconded by Meeder** to recommend to the City Commission to adopt Article VI Outdoor Sidewalk Cafés with changes to 54.171 (a), change the time to read 8:00 am to 11:00 pm; also from this section strike “No outside sidewalk café shall be permitted on the 4th of July”; and (d) add: If table umbrellas will be used, they shall complement building colors, and no signage allowed on the umbrellas.

2013-05-20-7B

Roll Call:

Aye: Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, and Place
Nay: None

Absent: Crum and St. Dennis

Motion Carries

Hugh Conklin: Main Street Manager - Reviewed the renditions of various bike racks that were included in the agenda packet. The Main Street Design committee deals with façade, streetscapes elements; and visual items within the downtown. This idea has been in the development process for awhile, a grant was applied for and the group received \$1,500.00 towards the project. Slides were viewed of conceptual ideas, which could be unique to Boyne City, such as beautiful pieces of art as well as serve a function. Proposed ideas are an apple, fork, books, and juggler on a unicycle. This will be very visible and visual, and wanted to make sure everyone was comfortable with the designs that we will have created for us.

Becky Harris: Design committee member – As a member of the design committee, this has been in the development stages for a long while, they are functional pieces of art.

Michael Cain: City Manager and design committee member – This will generate a lot of discussion; the committee believes they are a good idea, it adds one more unique feature to the community, and we want to encourage people to get to Boyne City any way they can, and this would be a fun places to put bikes. These are concepts and proposed locations, if these are allowed to take place; the community will have discussions about the type of racks.

Jim Baumann: Chamber Director – I think they are great, and commend the design committee for the work they put into this. It will generate discussion and I believe is cool. I see people taking pictures by the fish all the time.

Conklin – We would like to have input from the board. This is very public, and will be talked about for along time.

Board Discussion

Meeder – I think they are pretty cool, I am worried about the placement of the racks, which I feel is quite important.

Place – Where we have showed you possible locations, there are existing bike racks there now. These could be made to add unique bike racks. Discussion will need to be had about removing the existing bike racks and replacing them with new ones, or in addition to the existing.

Boyne City
Planning Commission
Review Main Street
proposed bike rack art
project for downtown

5/20/13

1042

BC Planning
Commission

2 of 2

MacKenzie - I think they are clever, and like art which adds to the vibrancy and vitality of the community.

Frasz - Wonderful job design committee. Very cool when you start thinking about place making. To have something that distinguishes location, they do that; apple by farmers market, fork down by restaurants, books at the library. Thinking about taking pride in the community, and getting them involved with the decisions.

Kozlowski - This is a great idea, and I'm all for the art, and it makes you look at the surroundings. It could cause some congestion, and will need to look at placement.

Ellwanger - I agree with everyone and am very much in favor of the project. I think it is a novel idea, and will bring more flair into the community.

With no further board discussion, **motion by Ellwanger seconded by Kozlowski, PASSED UNANIMOUSLY**, Planning commission board support of the Main Street Design Committee art bike rack concept to the City Commission with full support to move forward.

Staff Report

- Re-development Ready Community joint meeting is set for Tuesday, May 28, 2013 at 6:00 pm in the auditorium.
- MEDC had some available funding for a feasibility study. The city submitted Lake Front Square, and we were selected for the project. U of M students came up to begin the project under the direction of Peter Allen. They not only looked at this property, but other areas around town. They have a budget of \$4,000.00 to develop a plan. Presentation/report will be done after the re-development meeting.
- Possible planning grant for assistance in Master Plan process. It would be for place making/design, which we have had a strong focus on. A letter of intent is due by May 24th.
- Webinar: May 29th from 6:00 - 8:00 pm: *Planning and Zoning for Small Scale Alternative Energy*. Coordinate with Pat Haver by May 24th, if you are interested in participating.

Good of the Order

Frasz - What is the status of Kirtland?

McPherson - The attorneys exchanging briefs.

Cain - As of a couple weeks ago, they are about a month behind the original time line.

Adjournment

The next meeting of the Boyne City Planning Commission is scheduled for June 17, 2013 at 5:00 pm in the Auditorium.

2013-05-20-10

Meeder moved, Place seconded, PASSED UNANIMOUSLY a motion to adjourn the May 20, 2013 meeting at 6:21 p.m.

****MOTION**

Jane MacKenzie, Chair

Pat Haver, Recording Secretary

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER 

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT 

DATE: 6/7/2013

RE: HORSE TRAIL RIDES AT AVALANCHE PARK

In late March I was approached by Becky Keubler and Don Cowell; co-owners of Boyne Valley Equine Tours and Services to see if the City would be interested in allowing them to offer Horseback Rides at Avalanche Park. After a brief discussion I asked them to put together an information package that we could take to the Parks and Recreation Commission's April 11, 2013 meeting for their review and input. A copy of their submittal is attached for your review.

At the April 11 meeting there was much discussion by the Parks and Recreation commission on this topic. It was generally well received and all concerns of the members seemed to be addressed. It was suggested that a trial ride take place on April 20th with the Commission members to see if it would be a good fit for the park. This invitation was also extended to members of the City Commission. No further action was taken at this time and the item was added to the May meeting agenda for further discussion. Attached to this memorandum is a copy of the meeting minutes for your review.

At the May 2, 2013 Parks and Recreation Meeting the item was brought back for further discussion. It seemed that those on the ride enjoyed the experience overall but felt that the trail should be adjusted for better separation from the walking trail and Disc Golf course. A meeting was scheduled for May 4th to further refine the trail location; however this did not take place due to a misunderstanding of the meeting time by Mr. Cowell. This meeting was rescheduled for May 22nd at 6:00 pm. It was ultimately decided to take no action on the item at the May 4th meeting and it was placed on the June 6th meetings agenda for further discussion. A copy of the meeting minutes are attached for your review.

At the June 6th meeting it was reported that the trail had been readjusted for better separation from the other activities and that there would be 2 places where they would cross other trails. A copy of a map showing the proposed trail location is attached for your review. Minor tree trimming and some scrub brush would need to be removed in a few areas to facilitate the trail. After some discussion a motion of support was made to send this matter to the City Commission for their consideration and approval.

RECOMENDATION:

It is my recommendation that the City Commission allow staff to move forward with

allowing Boyne Valley Equine Services to offer trail rides at Avalanche Park with the following caveats:

1. Proof of proper Liability insurance coverage naming the City as an additional insured.
2. Proof of proper Workers Compensation Insurance coverage
3. That all waste from the horses be removed from the riding trail and staging area at the end of each riding session
4. That contract language include a clause that the City can terminate the contract at any time for any reason it deems the activity is not living up to its expectations.

OPTIONS:

- That this matter be postponed for additional information or consideration
- That this matter be approved subject to some revision
- Other options as determined by the City Commission



Becky Kuebler
Boyne Valley Equine Tours & Services, LLC
03075 Bersano Drive
Boyne City, MI 49712

2013 year

Andy Kovolski
Streets/Parks Superintendent
319 North Lake Street
Boyne City, MI 49712

Dear Andy Kovolski:

As a member of the Boyne City community and the local Chamber of Commerce, Boyne Valley Equine Tours & Services, LLC has developed a plan to help promote the economic development of the community that would be mutually beneficial.

This correspondence outlines the complete scope of work we are proposing at Avalanche Mountain, including objectives and identification of responsibilities.

OBJECTIVE

Implementation of horseback trail rides at Avalanche Mountain

SCOPE OF SERVICES

1. Procedures
 - A. Set up available riding schedule.
 - B. Determine location of trail for a 1 and 2 hour ride slot.
 - C. Establish clean-up protocol.
2. Training and Testing
 - A. Work with you and your staff during initial implementation to help you gain a general understanding of the procedures.

YOUR RESPONSIBILITIES

1. Review trail layouts
2. Review Clean-up protocol

BENEFITS

Upon final implementation and proper marketing by Boyne Valley Equine Tours & Services, LLC, more visitors will be drawn to the Boyne City community for an amenity not previously available.

Andy Kovolski
[Pick the Date]
Page 2

Boyne Valley Equine Tours & Services, LLC is also willing to donate \$5 per rider back to the city of Boyne City toward the Parks and Recreation budget.

CLOSING

We appreciate the opportunity to serve the community of Boyne City. If you want to accept this proposal, please sign one copy and return it to Boyne Valley Equine Tours & Services, LLC with any amendments deemed necessary.

Sincerely,

Becky Kuebler
General Manager

for profit. It was discussed that this happens more often than anyone realizes. Some events are non-profit and sometimes non-profits will bring in other vendors to their event that are for profit. Examples given were; Mushroom Festival carnival, arts and craft vendors, farmers market, organized bike ride events, food vendors, etc. Also, some of the groups we look at as non-profits are not non-profits under the 501c3 of the Federal Government. For profit proposals should be looked at on a case by case basis and not give a blanket approval.

- Kovolski stated that he has conferred with his parks supervisor Keith Hausler and they are open to giving it a try as long as the City can pull the plug at anytime if there are problems that can't be resolved.
- There was quite a bit of discussion regarding concerns over potential conflicts with the disc golf users, stray discs, etc. and the need for more substantial separation. Kuhn stated that his experience with the disc golf users is that they are generally always courteous to other trail users; letting walkers pass and waiting for the area to clear before throwing. He expects this would be the case with horseback riders. Mr. Cowell stated that they would go both ways, they would expect to be courteous to the disc golfers on their rides, such as if they see golfers taking off, give them ample time to get ahead before they start their trail ride, waiting at the tees, watching at crossings, etc. Mr. Cowell invited the board to take a ride along the proposed trail so there could be more informed discussions about the possible conflicts and impacts. Some of the board members were very interested and it was suggested that the invitation be extended to the City Commission. Saturday, April 20 at noon.
- Trail cleanup was a concern - Mr. Cowell understood the expectation of keeping the trail clean and stated they have no problems going back to clean up after each trail ride.
- City Manager Cain added that unless the board feels there are some really solid reasons to prevent this proposal, we may want to consider continue to explore it, try it and see how it goes instead of saying no out of fear of the unknown. Adjustments can be made along the way to address issues and if we find it can't be worked out, we pull the plug. The board needs to weigh the opportunity and the concerns to decide if the concerns are great enough to prevent the opportunity. Cain also referred to the Avalanche Master Plan where horseback riding had been discussed but ultimately was not listed as either an acceptable or unacceptable trail activity. The plan simply does not address this subject either way.
- There were further discussions about the possibility of starting

head. Phase 1 of the project, Boyne City to Park of the Pines is behind schedule due to paperwork from the County to the residents along the trail were not sent in a timely manner and will now make fall construction highly unlikely.

Boyne City to Boyne Falls Trail Update

Sheean reported that there isn't anything new on the forefront. The committee continues to persevere and remain optimistic.

Board Member Recruitment

Brooks reported there is still one vacancy on the board (the remainder of Low Awodey's term). There are currently two applications on file. One from Jason Biskner and Jo Bowman. Ms. Bowman attended the February board meeting to get a feel for the board and then turned in an application. After reviewing Ms. Bowman's application, it was revealed that she did not have one full year of residency at the time; however she will have in May (according to her voter registration card). Mr. Biskner's application has been reviewed by the board on other occasions and the board was concerned that his passion might not be parks & rec. as he indicated an interest in serving on other boards. Brooks stated that Mr. Biskner did mark several boards that he had an interest in but they were not in any priority order of first and last choice. Brooks also stated that in recruiting a new board member the board should consider attendance availability so we do not continue to have issues with ensuring a quorum to hold meetings. The board requested that Brooks contact the two potential board members and invite them to the next meeting. Kuhn stated that he thought he had another potential board member who is a young adult and has an interest in disc golf.

NEW BUSINESS

Horse Trail Ride Services at Avalanche Request

Boyne Valley Equine Tours and Services, LLC is requesting permission to utilize Avalanche to provide horse trail rides to the public. Business owner Mr. Don Cowell stated they are looking at charging a fee of \$35 and \$5 of the fee would be donated back to the City for Parks and Recreation. The rides would be offered 6 days a week on an on call appointment basis with three to eight people riding at one time. There could potentially be several rides on any given day or none if there is no demand. The trail being proposed is mostly all flat land and is not part of the walking or biking trail. There are a few locations that it runs close to or crosses the path of the disc golf. A separate trail would not have to be cut although some tree trimming and pruning would be necessary. Mr. Cowell also stated the placing woodchips on the path may help with compaction and he would be happy to participate in having it done.

Board and Staff discussion:

- Concern was expressed regarding a business using a City Park

the rides at the 1910 Building and if any other public or private locations have been considered. Also giving opportunities for the local children to ride for free.

No action was taken and the item will be placed on the May agenda for further discussion.

4-H Swim School
program Support
Request

****MOTION**

Kovolski went over the request by the 4-H swim school board. He stated that the board has supported this cause in previous years and there was money ear marked in the budget. The board feels that with being a lakefront community it is important for the kids to learn to swim. **Kuhn moved, Meeder seconded, PASSED UNANIMOUSLY**, to recommend the Boyne City Parks and Recreation monetarily contributes to the 4-H Swim School program.

Outdoor Board Meeting
Schedule May - October

Each year the Parks & Recreation board meets at various parks to hold their board meetings. Locations are as follows:

May - Avalanche (outside or warming house in case of bad weather)

June - Rotary Park

July - Veterans Park

August - Old City Park

September Riverside Park

October - TBA

In case of inclement weather, the meetings will be moved back to City Hall with the exception of May.

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, May 2, 2013 at 6:00 p.m. at Avalanche.

ADJOURNMENT
****MOTION**

The April 11, 2013 meeting of the Parks and Recreation board was adjourned at 7:24 p.m. Moved by Swift, seconded by Kuhn, **PASSED UNANIMOUSLY**.

Barb Brooks, Recording Secretary

attending the meeting, taking a leadership role and representing disc golf and to continue to work with staff on issues, concerns and suggestions.

DIRECTOR'S REPORT

All parks' facilities are open and water turned on. The farmers market is moving back to Veterans Park for the season and the Mushroom Festival will be held May 16 - 19.

CORRESPONDENCE

None

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Park Inspections

- Meeder stated that the water at the top of Avalanche was not on yet.
- Meeder also informed Kovolski that there were downed trees along the walking trail. Swift inquired as to whether board members or volunteers could cut and remove these branches and/or trees that are impeding on the path and are potentially dangerous. Kovolski stated that he would rather not have anyone cutting branches or trees other than city staff and downed trees or branches should be reported to him.
- Kuhn stated that the rocks that have fallen into the river from the riverbank in Old City Park still need to be addressed.

UNFINISHED BUSINESS

Horse Trail Ride Services at Avalanche Request

There were 3 members of the board and 2 members of the public that went on a preliminary test horseback ride at Avalanche Don with Boyne Valley Equine stated that he thought the ride was successful with no real issues and everyone seemed to enjoy it. VanHorn stated that she and her husband enjoyed the ride. Swift stated that he felt there needed to be more separation for the disc golf and walking trail. He thought that more consideration should be given to starting behind the 1910 Building as suggested earlier by Sheean. There is shade and it is a quieter area. They encountered walkers, pets and disc golfers and everyone seemed to work around each other. Brooks added that she did not go on the ride, she did walk a portion of the trail waiting for everyone to return and was surprised that the distance she walked seeing hoof prints on the trail and wondered at what point they veered from the trail if at all. He also came across some manure on the trail when he walked the trail on the following Tuesday and wondered if they cleaned up after their Saturday ride. She also indicated that there was manure on the trail and a definite odor and stated that you could hear the horses from a distance so there was no element of surprise when you encountered them. Meeder expressed that he thinks this is a good idea and supports it is on a separate trail; he is not in favor at all if it is on the walking and/or disc golf trail. Parish agreed with Meeder.

Don stated that part of the reason they stayed on the trail is because at the time there were still some low hanging branches off the trail where he is proposing to ride and didn't want anyone to get hurt. VanHorn was not present to give any update on the proposed dog park. Kovolski stated that hopefully the committee can meet and get things back on track. A couple of the board member agreed to meet Don at Avalanche again to see if they could work together to come up with some trail options and asked Kovolski if any staff members would be able to join them at 2 p.m. on Saturday, May 4 and then have a special board meeting to discuss the request further before making a recommendation. **Kuhn moved, Swift seconded, PASSED UNANIMOUSLY** to call a special meeting to be held on May 8, 2013 at 6 p.m. at Avalanche.

****MOTION**

Dog Park

VanHorn reported that she will work with interest individuals, regroup and report back to the board next month.

Boyne City/Charlevoix Rd. Trail Update

Sheean reported that the trail plans are moving ahead and fund-raising efforts to support the trail continue

Boyne City to Boyne Falls Trail Update

Sheean reported that there isn't anything new on the forefront. The committee continues to persevere and remain optimistic.

Board Member Recruitment

The board reviewed volunteer board applications from Jo Bowman and Jason Biskner. Both Mr. Biskner and Ms. Bowman were in attendance of the meeting. Ms. Bowman stated that she has been coming to Boyne City for over 20 years and is very excited to be retired and here full-time. She enjoys the outdoors, has a passion for the parks and recreation and would like to be more involved in the community. Mr. Biskner stated that he had been visiting the area prior to moving here a few years ago. Part of his family's decision to relocate in Boyne City was based on our beautiful parks and the recreation opportunities. Mr. Biskner has two young children and the family enjoys our parks on a regular basis. The board was thrilled to have two willing and competent citizens to choose from. Both candidates seemed to be a good fit. After board discussion, based on the time commitment and meeting availability, **Swift moved, Sheean seconded, Passed Unanimously** to recommend the City Commission appoint Jo Bowman to the Parks & Recreation Board with a term expiration of December 31, 2014.

****MOTION**

NEW BUSINESS
Election of Officers

VanHorn moved to re-elect the current officers, Sheets as Chair and Swift as Vice Chair. There was no second, the motion died. Sheets explained to the board that she has enjoyed her time serving as the chair and has learned a lot but feels that with other involvements that she has,

~~attending the meeting, taking a leadership role and representing disc golf and to continue to work with staff on issues, concerns and suggestions.~~

DIRECTOR'S REPORT

~~All parks' facilities are open and water turned on. The farmers market is moving back to Veterans Park for the season and the Mushroom Festival will be held May 16 - 19.~~

CORRESPONDENCE

None

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Park Inspections

UNFINISHED BUSINESS

Horse Trail Ride
Services at Avalanche
Request

Board Discussion - Board members Kuhn and Swift walked the proposed trail area with Don and Becky, Boyne Valley Equine to see if more trail separation could be created from the walking trail and disc golf course. Swift reported that while they were able to mark a trail that provided separation, it did not provide one hundred percent separation the full length. There were two areas that the trails crossed paths. Also, to achieve this some branch trimming and brush clearing should be done. Kuhn was not able to attend the board meeting; however he conveyed to recording secretary Brooks that he felt that the proposed trail looks like it could work and there is very limited interaction between the current and proposed trail area and trail uses. He felt the only way we were really going to know is to give it a try. He was comfortable moving forward and recommending this proposal to the City Commission with the caveat that if there were issues that couldn't be resolved the City reserves the right to pull the plug. Parrish stated that he was not able to get up to Avalanche to see the marked trail area since it has been marked. He expressed concerns over not having total separation and it interfering with the current uses. Without seeing it, he was not in favor of moving forward with a recommendation at this time. VanHorn stated that she has heard nothing but positive feedback regarding the proposal and thinks it could be a good thing for the community. She also agreed that we won't know until we try it and it can be rescinded at anytime. Recording Secretary Brooks added that she was in attendance the day of the ride as a walker on the trail and stated that it was not intimidating to encounter the horses on the trail. You

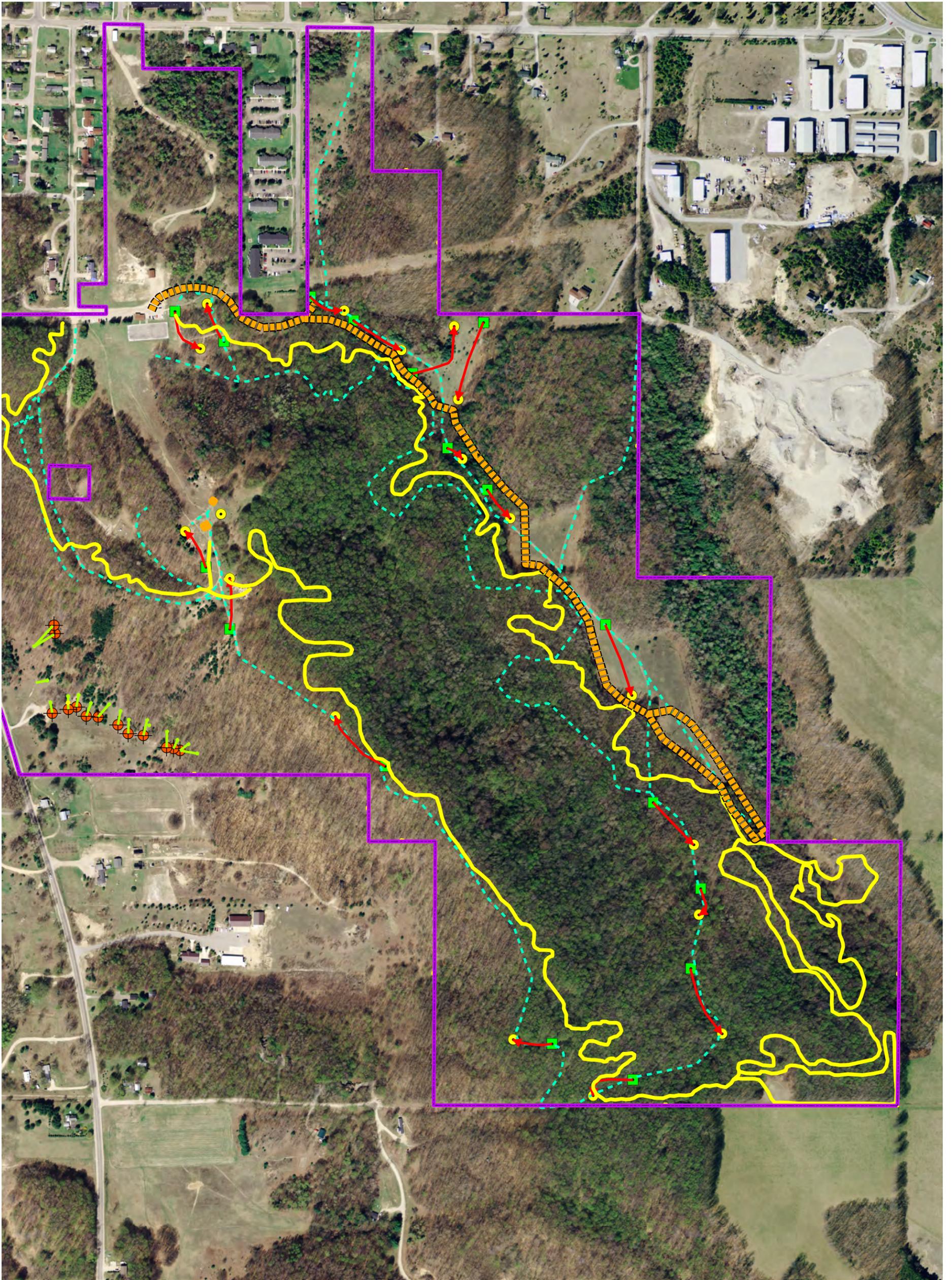
could here them coming before you actually saw them. It was not a surprise encounter that caught you off guard. Two members of the Boyne Valley Disc Golf League stated they didn't see a problem with trying it and does not believe it will interfere with the use of the course. Meeder stated that he has not been able to walk the course since the new trail has been marked but trusts that board members Swift and Kuhn used good judgment when walking it with Don and Becky and believes they would not recommend it if they didn't feel it had merit.

****MOTION**

Meeder moved, Bowman seconded to request Don & Becky better mark the proposed trail and recommend the proposal of horse trail rides at Avalanche from Boyne Valley Equine to the City Commission for consideration and approval at their June 11th meeting.

Discussion – Parrish was still not comfortable making a recommendation without personally viewing the marked proposed trail. Brooks informed the board they could wait a few days to give the board the opportunity to walk the trail and then either hold a special meeting to further discuss and make a recommendation but it would not go to the city commission until their June 25th meeting. If a special meeting was not held and the board waited to discuss it at their July 18th meeting, it would not go before the commission until July 23rd.

Motion approved: six YES and one NO



**CITY OF BOYNE CITY
 AVALANCHE PRESERVE
 RECREATION AREA**



LEGEND

-  OVERLOOK DECKS
-  PARK BOUNDARY
-  PROPOSED HORSE TRAIL
-  BIKE TRAIL
-  ARCHERY SHOOTING LANE
-  WALKING TRAIL
-  DISC GOLF FAIRWAY
-  ARCHERY TARGET
-  DISC GOLF BASKET
-  DISC GOLF TEE

June 2013

June 2013						
S	M	T	W	T	F	S
	2	3	4	5	6	7
	9	10	11	12	13	14
	16	17	18	19	20	21
	23	24	25	26	27	28
	30					

July 2013						
S	M	T	W	T	F	S
	1	2	3	4	5	6
	7	8	9	10	11	12
	14	15	16	17	18	19
	21	22	23	24	25	26
	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					June 1 8:00am Farmers Market
					2
3	4	5	6	7	8
	5:00pm ZBA	8:00am Farmers Market	8:30am Main Street Board mtg. 6:00pm Parks & Rec		8:00am Farmers Market 9:00am Michigan Mountain 4:00pm Mark Madness
					9
10	11	12	13	14	15
	7:00pm City Commission	8:00am Farmers Market	5:00pm County Wide BAH	Flag Day (United States) 5:30pm Stroll the Streets	Golf Outing-Humane Society 5:30am Pink Ribbon Ride More Items...
					16
					Father's Day (United States)
17	18	19	20	21	22
5:00pm Planning Commission 7:00pm Historical Commission		Main Street 10th Anv. 8:00am Farmers Market		Mayor's Exchange - here 5:30pm Stroll the Streets	8:00am Farmers Market
					23
24	25	26	27	28	29
	12:00pm City Commission 5:30pm Douglas St. Mtg. 7:00pm Public Hearing-Slow/NoWake	8:00am Farmers Market 5:30pm Evenings at the Gazebo	Mayor's Exchange-Manistee 5:30pm Airport Advisory Board	5:30pm Stroll the Streets	SOBO Arts Festival 8:00am Farmers Market
					30

July 2013

July 2013							August 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	1	2	3	4	5	6	4	5	6	7	1	2	3
14	8	9	10	11	12	13	11	12	13	14	15	16	17
21	15	16	17	18	19	20	18	19	20	21	22	23	24
28	22	23	24	25	26	27	25	26	27	28	29	30	31
	29	30	31										

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
July 1	2	3	4	5	6
	5:00pm ZBA	4th of July Activities 8:00am Farmers Market 5:30pm Evenings at the Gazebo	Independence Day (United States) 8:30am Main Street Board mtg.	5:30pm Stroll the Streets	8:00am Farmers Market
8	9	10	11	12	13
12:00pm EDC/LDFA	7:00pm City Commission	8:00am Farmers Market 5:30pm Evenings at the Gazebo		Boyne Thunder 5:30pm Stroll the Streets	Airport Open House / Aviation Day 8:00am Farmers Market
15	16	17	18	19	20
5:00pm Planning Commission		8:00am Farmers Market 5:30pm Evenings at the Gazebo	6:00pm Parks & Rec	5:30pm Stroll the Streets	8:00am Farmers Market 9:00am Pooch Fest
22	23	24	25	26	27
	12:00pm City Commission	8:00am Farmers Market 5:30pm Evenings at the Gazebo	5:30pm Airport Advisory Board 6:30pm Dancin in the Street	Flywheelers 5:30pm Stroll the Streets	8:00am Farmers Market
29	30	31			
		8:00am Farmers Market 5:30pm Evenings at the Gazebo			Flywheelers