



**BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, February 12, 2013 at 7:00 pm**

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 January 22, 2013 regular City Commission meeting minutes as presented
 - B. Approval of the January 28, 2013 Charlevoix County Leadership Summit meeting minutes as presented
 - C. Approval to accept resignation of John McCahan from the Planning Commission effective January 20, 2013
 - D. Approval to appoint Aaron Place to the Planning Commission to complete the remaining term of John McCahan, with a term expiring on May 31, 2013
 - E. Approval to appoint Darryl Parish to the Parks & Recreation Board to fill the remainder of Carl Wehner's term expiring on 12/31/2015
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
 - A. Correspondence from the Northwest Michigan Council of Governments regarding upcoming regional transportation planning meetings
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
 - A. Draft Minutes of the January 3, 2013 Parks and Recreation Board Meeting
 - B. Draft Minutes of the January 8, 2013 Special Historical Commission Meeting
 - C. Draft Minutes of the January 10, 2013 Main Street Board Meeting
 - D. Draft Minutes of the January 14, 2013 Main Street Planning Session Meeting
 - E. Draft Minutes of the January 24, 2013 Airport Advisory Board Meeting
 - F. Draft Minutes of the January 21, 2013 Planning Commission Meeting

8. UNFINISHED BUSINESS

A. Kirtland Update

B. Fireworks Ordinance Revision

Consideration to repeal Section 34, Article 34, Division 2 – Fireworks of Boyne City's Code of Ordinances and adopt a new division to provide for the ignition, discharge and use of consumer and display fireworks

9. NEW BUSINESS

A. Echo Vehicle / Patrol Vehicle Transfer

Consideration to approve the transfer of the Police Department Vehicle (2011 Ford Expedition) to the Ambulance Department for use as an ECHO vehicle and authorize the transfer of \$22,000 from the Ambulance Department to the Police Department, with \$17,500 of the funding from the insurance pay-out received by the Ambulance Department for the totaled 2008 Ford Expedition and authorize the City Manager to execute the documents

B. New Police Department Patrol Vehicle

Consideration to purchase a 2013 Ford Interceptor for the Police Department from Bob Mathers Ford in the amount of \$23,726 utilizing funds received from the transfer of the 2011 Ford Expedition to the EMS Department plus an additional \$12,500 to fully equip the vehicle and authorize the City Manager to execute the documents. The \$12,500 will be from unused funds within line items in the current Police Department's FYE 2013 budget

C. Sale of Wrecked EMS Department Ford Expedition

Consideration to sell the 2008 Ford Expedition (ECHO vehicle) to Gene's Auto Sales Inc. in the amount of \$2,600 and authorize the City Manager to execute the documents

D. Boyne Thunder 2013

Consideration to support and endorse the 2013 Boyne Thunder event to be held July 10 – 14, 2013; support the application to the Liquor Control Commission for a special license for the sale of beer, wine and spirits on the premises; and authorize City staff to work with the Boyne Thunder committee on needs and issues that may arise as event plans move forward

E. Request of the City Manager to go into closed session to consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, February 26, 2013 at noon

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



*Scan QR code or go to
www.cityofboyne.com
click on Boards & Commissions for complete
agenda packets & minutes for each board*

**JANUARY 22, 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 JANUARY 8, 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 Derek Gaylord, Laura Sansom and Tom Neidhamer

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

Others: There were three citizens in attendance, including a representative from the Charlevoix County News

**CONSENT AGENDA
MOTION**

2013-01-003
Moved by Towne
Second by Sansom

2013-01-003A
Approval of the January 8, 2013 regular City Commission meeting minutes as presented

2013-01-003B
Approval to reappoint Rob Swartz to the Main Street Board with a term to expire January 18, 2017

2013-01-003C
Approval to appoint James Jensen to the Main Street Board with a term to expire January 18, 2017

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Jim Baumann commented on UN Agenda 21 citing an article from someone with beliefs that Agenda 21 is misguided.

CORRESPONDENCE

Correspondence from the Health Department of NW Michigan offering assistance to establish a policy for tobacco free parks.

Commissioner Sansom stated this is just correspondence that doesn't require any action. She added she has seen a tremendous decline in smoking and doesn't see it as a problem in the parks. Commissioner Gaylord agrees with and added that building regulations are sufficient and is not for moving forward. Mayor Pro-Tem Towne agrees, but does think it would help clean up the beaches. Commissioner Neidhamer also agreed and cited an example that someone who is staying at our marina should be regulated if they choose to have a cigarette.

CITY MANAGERS REPORT

City Manager Michael Cain reported:

- Congratulations to the awards winners at the recent Boyne Area Chamber meeting

- The new EMS monitors were received late last week.
- The Fire Department's new infrared camera is also available for the City Commission to view
- Thanks to the City DPW staff for the fine job keeping streets clean from the recent heavy snows
- Our new police officer, Blake Scheller begins working on February 4th

The December, 2012 Financial Statement was received and filed.

Scott McPherson reported that at the Planning Commission's meeting the conditional use permit for Kirtland has been terminated.

Commissioner Gaylord asked if the stack test results had any bearing on the decision. Scott said the results were discussed. Commissioner Neidhamer said people were there in strong force. It was not just the plume and noise, but the particulate. Comments from other Planning Commission members were that patience had been run out of, enough is enough. There have been meetings with Kirtland all along. The decision was unanimous.

Consideration to authorize staff to proceed with an application submittal for the Redevelopment Ready Community Certification

Planning Director Scott McPherson stated the Redevelopment Ready Communities Program is currently accepting applications from communities seeking to achieve redevelopment ready certification status. The RRC is a program administered by the MEDC and supports Michigan communities to become development ready and competitive in today's economy by promoting the use of effective redevelopment strategies. RRC envisions communities that creatively reuse space, embrace economic innovation and best practices and proactively plan their future making them more attractive to redevelopment investments that create thriving places where people want to live, work and play. The program measures and certifies communities that integrate transparency, predictability and efficiency into their daily development practices. It taps the vision of local residents and business owners to help shape a community supported plan for growth. There is no cost to submit the application.

Staff Comments: Main Street Program Director Hugh Conklin said he had the opportunity to meet with the MEDC reps, one of the key things about this is that it gives the point of view from the developer. A lot of the homework has been done. This would be a good thing for our town. City Manager Cain added that in many respects, we have already demonstrated we are already doing that. This would take it one step further, give us another avenue to be on the State's radar that we do this well. It will help sharpen our game even more.

Citizens Comments: None

Board Deliberation: Commissioner Neidhamer said thanks to staff, a lot is already in practice. Mayor Pro-Tem Towne said this is a plan of direction for the future and supports it. Commissioner Gaylord said if there were to be a poster child for doing things right, Boyne City is clearly the one who doesn't need direction. He doesn't want someone from the State telling

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Kirtland Update

Redevelopment Ready Community Application

us what we should or should not have and he is not in full support. We are already doing the right things. We have competent people in place. We already have demonstrated who we are as a community, we are already successful and he cannot support this in any way shape or form at this time. Commissioner Sansom said she agrees in part with Commissioner Gaylord. Are there particular sights that we will be focusing on? If it is then maybe she can stand behind it. Scott said yes, if we are certified, the State will help market three sites and the City could determine what the sites are. Commissioner Sansom said any ordinance changes would come before the City Commission and could be dealt with one by one anyway. She also inquired about time involved in the application. Commissioner Neidhamer said he sees this not as a tool for the State to tell us what to do but more of a documentation of the things that we do and we use that tool to apply for any opportunities that come our way and not that the state telling us to follow these steps. That is the way he interprets this. Scott said the master plan needs to be updated regardless. City Manager Cain said we are already seen as a good place for developers to come and get a straight answer. This is a good way to get another outside perspective. One of the reasons we are successful is that we are open to new ideas. A good example is Team Boyne. It does require more work, more maintenance, more staff time but the benefits are seen all around us. The benefits and upsides are huge. It is good for us to have someone else take a look at us too so we can see that we are not missing anything. Commissioner Gaylord said he looks at this as a tool to solve a non-existing problem. Precision Edge didn't get here by accident. It was hard work using the processes and procedures we have in place. He has the utmost faith in board members and volunteers. We haven't stopped moving forward. City Manager Cain said we don't need to worry about a negative. There may be an opportunity missed we were not even aware of. It can help us step up our game. Commissioner Neidhamer said he remembers when Main Street was presented, it was not unanimous at the Planning Commission and look what it has done.

Mayor Grunch said this is another networking tool. We could be given support. In depth assessment will be welcome and might foster new ideas.

MOTION

2013-01-004

Moved by Towne

Second by Neidhamer

To authorize staff to proceed with an application submittal for the Redevelopment Ready Community Certification

Ayes: 4

Nays: 1, Commissioner Gaylord

Absent: 0

Motion carried

2013 Planning Department Report

Planning Director presented the 2012 Planning Department Report highlighting the activities for the year of the Planning and Zoning Departments.

One Water Marina Proposal for 2013

Consideration to update and renew the operating agreement for the One Water Marina with Catt Development and Mr. Krueger (if the opportunity presents itself) for the 2013 boating season, and authorize the City Manager to sign the agreement on the City's behalf

Harbormaster Barb Brooks presented the proposal for the City to update and renew the operating agreement with One Water Marina for the 2013 boating season. All parties involved believe the One Water Marina has been successful in several ways including profitability, additional accommodations of seasonal and transient boaters, additional people to the downtown shops and restaurants, assistance to Boyne Thunder and positive PR for Boyne City.

Staff Comments: Main Street Director Hugh Conklin said he fully supports the recommendation.

Citizens Comments: None

Board Deliberation: Commissioner Neidhamer disclosed that he keeps his boat there seasonally and it was determined there is not a conflict. Commissioner Neidhamer said he is in full support. Mayor Pro-Tem Towne said the marinas are an asset and with the water levels, we need it for larger boats. Commissioner Gaylord concurs and it is a mutual benefit. We need to understand this is a bonus. Commissioner Sansom said it is a huge asset.

2013-01-005

Moved by Towne

Second by Gaylord

MOTION

To update and renew the operating agreement for the One Water Marina with Catt Development and Mr. Krueger (if the opportunity presents itself) for the 2013 boating season, and authorize the City Manager to sign the agreement on the City's behalf

Ayes: 5

Nays: 0

Absent: 0

Motion carried

City Manager Cain stated there is a budget of one million dollars set aside in our current budget for improvements to our City facilities. In June of last year, the City Commission authorized him to seek out design bids to work on concept and costs for improvements. We applied for and were unsuccessful getting a grant thru a new state program that could have provided many of the services we needed to help implement results and opening up new funding sources.

City Facilities Update

An issue that keeps arising is where to place the different facilities, specifically should all of the facilities be placed here on our current site. The most common idea heard is moving the DPW off of this site to the North Boyne Site.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom said this is something we need to focus and get moving on. She feels the DPW should be moving off the waterfront. Heavy equipment and trucks do not belong on the waterfront. Commissioner Gaylord said he would like to see the DPW with a simple building and continue with bringing the ambulance facility back here. We are the last line of defense for the taxpayers for the City of Boyne City. It would pay off for the ambulance to be here in the long run. We should continue to see what our options are, different steps as we move forward. Mayor Pro-Tem Towne said we should move forward, and it should be done in phases with all facilities on site. Move forward with caution and take care of citizens needs first. Commissioner Neidhamer said he is motivated by the substation in Boyne Falls costing under \$300,000. We could see a DPW facility in north Boyne area for around \$500,000. The crew would start and end there, could be less travel time. He is not opposed to the City Manager to look at all types of options. Maybe it's time to give the City Manger direction. We need to spend the million dollars in the most efficient way.

City Manager Cain stated there are a few grants in sight, but they are a long shot. Mayor Grunch said there would be public hearings and before we spent any money, citizens will be brought in on it. He added that his perspective is to concur with the North Boyne site being first and a cost analysis for the first phase. Commissioner Sansom added that the new facility should be built large enough for future growth. Commissioner Gaylord stated we need open and transparency before any actions are taken, exposure thru as many places as possible showing costs and reasons.

Commissioner Sansom inquired about the orange tape near the library and City Manager Cain said that could be there until Spring. Commissioner Gaylord said the Boyne City has the best plow crews going, hands down and good job guys. Mayor Pro-Tem Towne agreed. Commissioner Neidhamer inquired if there were cost savings without a mechanic.

Good of the Order

2013-01-006
Moved by Grunch
Second by Gaylord

CLOSED SESSION

To approve the request of the City Manager to go into closed session with our attorney regarding Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) at 1:27 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried
2013-01-007
Moved by Grunch

Second by Gaylord

RETURN TO OPEN SESSION

To return to open session at 2:17 p.m.

Ayes: 5

Nays: 0

Absent: 0

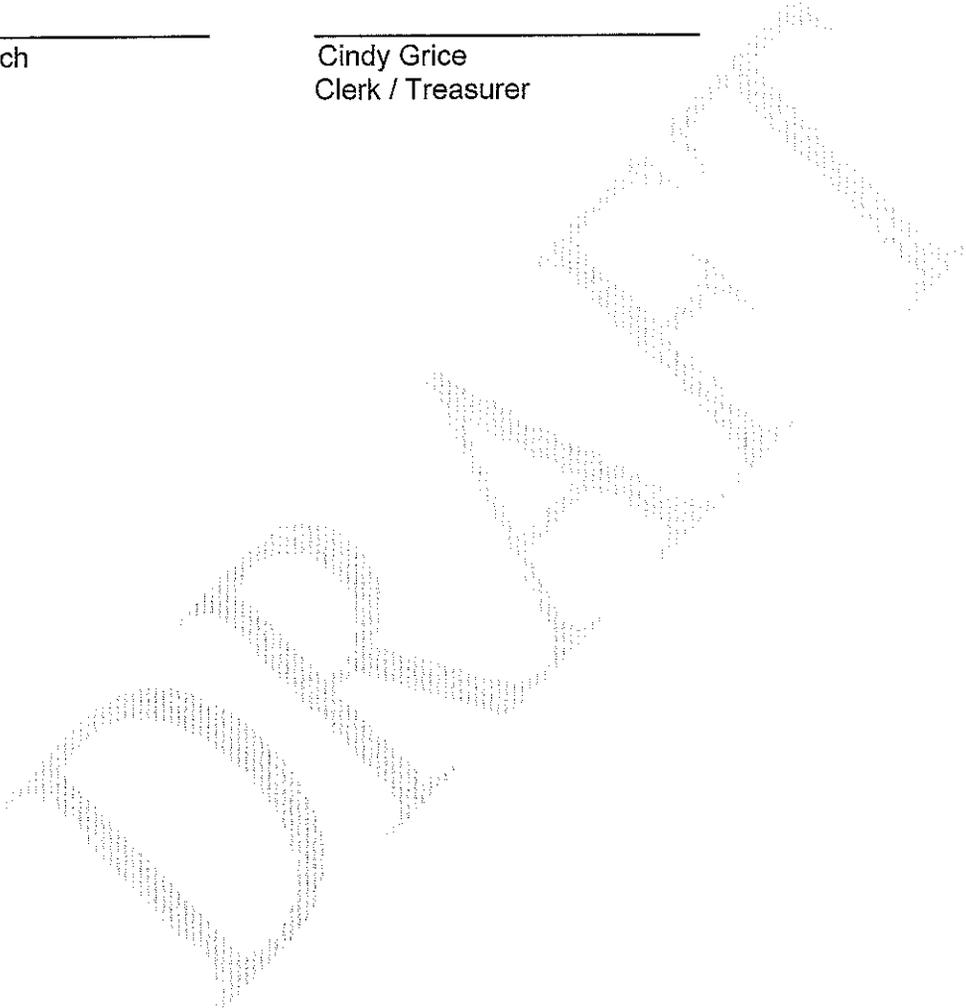
Motion carried

Moved by Mayor Grunch, seconded by Commissioner Sansom to adjourn the regular City Commission meeting of January 22, 2013 at 2:18 p.m.

ADJOURNMENT

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer



**JANUARY 28, 2013
SPECIAL MEETING**

RECORD OF THE PROCEEDINGS OF THE SPECIAL BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE AREA SENIOR CENTER 411 E. DIVISION STREET, ON MONDAY JANUARY 28, 2013

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at 6:32 PM.

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

Staff: Michael Cain, Barb Brooks, Andy Kovolski, Scott McPherson, John Lamont, Jeff Gaither and Karen Seeley

**COUNTY BOARD OF
COMMISSIONER'S ROLL
CALL**

Charlevoix County Clerk Cherie Browe called the Charlevoix County Board of Commissioners to order. Quorum present.

Mayor Grunch and MTA Charlevoix County Chapter Chair Robin Berry welcomed everyone to the meeting and stated the object of this meeting is to work together toward suggestions or solutions to some of the most pressing issues facing the county.

Chris Christensen spoke on behalf of Northwest Michigan Council of Governments and what resources they offer.
State Representative Greg MacMaster spoke about the need for dredging in our area and securing grants to do so.

Robin Berry gave each table an exercise to complete; what being a "LEADER" (characteristics, personalities and actions) stands for. Results are attachment A of these minutes.

Smaller groups of four to six each choose a topic to focus on and discussed solutions and presented the finding to the rest of the room. Topics included:

- Health Insurance
- Ambulance Service (two groups)
- Broadband (two groups)
- Communications
- Water Quality
- Recreational Trails (two groups)
- County Administrator (two groups)

The results are attachment B to these minutes.

The group then shared success stories of combining resources since the meeting two years ago.

- The Cities of Boyne City, East Jordan and Charlevoix partnered to hire an assessor with a savings of approximately \$15,000 each.
- The Charlevoix County Sheriff Department has taken over the enforcement of ordinances in Boyne Falls
- The Boyne Falls sub station that was recently built, houses the Fire Department, EMS and the Sheriff's department which helps them serve the east side of the county
- The County is looking at a building to house the Transit, Sheriff and Road Commission.

- The Boyne Area Senior Center is the perfect example of the joint efforts of the city and surrounding townships sharing services.
- The Boyne City Schools and the private industry partnered with the cities to create a Manufacturing Tech Program which gives High School students a training opportunity to get the skills to go to work locally.

City Manager Cain thanked Martha Radcliffe from Senator Howard Walker's office for attending. County Commissioner Chris Christensen also thanked Eric Grandstaff of Merit Network for attending and stated he is available for any of the townships that want to speak with him.

Mayor Grunch thanked the meeting sponsors, Northwest Michigan Council of Government, City of Boyne City, and the Charlevoix County Chapter of Michigan Townships Associations.

ADJOURNMENT

The special City Commission and County Commission meeting of Monday, January 28, 2013 was adjourned at 8:22 p.m.

Ronald Grunch
Mayor

Karen Seeley
Deputy Clerk

What is a LEADER (characteristics, personalities, actions, etc.)?

The words below were polled from the group and describe all of the people in the room; who they are, what they do and what they should always strive for as an official.

L	E	A	D	E	R
<ul style="list-style-type: none"> • Loyal • Listener • Lobby • Lead • Level Headed • Longevity • Learn • Leadership • Love (service) • Life Long Learning • Liaison 	<ul style="list-style-type: none"> • Energetic • Execute • Educate • Efficient • Enthusiastic • Ethical • Empathy 	<ul style="list-style-type: none"> • Accountable • Aware • Assist • Adaptable • Attitude • Attend(ance) • Attentive • Advise • Administrative • Active • Advocate 	<ul style="list-style-type: none"> • Dedicated • Decisive • Discuss • Disciplined • Diplomat • Delegate • Diligent • Duties • Driven • Dependable • Director 	<ul style="list-style-type: none"> • Efficient • Exemplary • Educable • Envision • Enlighten • Educational • Electable 	<ul style="list-style-type: none"> • Responsible • Resourceful • Resilient • Ready • Respectful • Resource • Reliable • Reasonable • Responsive • Rewarding

Topic Discussion Summaries

<p>County Administrator/Manager</p> <p>Issue(s)</p> <ul style="list-style-type: none"> • Personnel problems • Lawsuits <p>Action Steps</p> <ul style="list-style-type: none"> • Recognize the need • Come up with a job description • Legality (Charter, Ordinance, etc) • Evaluate financial cost • Hire a qualified individual 	<p>County Administrator/Manager</p> <p>Initial Steps</p> <ul style="list-style-type: none"> • Public Info Session • Needs Assessment (Info gathering from MAC, MLGMA, etc) for Pros / Cons • Blue Ribbon Panel to review information gathered and investigate financial pros/cons • Report all info to public <p>Long Term Action Steps</p> <ul style="list-style-type: none"> • County Board Decision • Public Referendum • County Charter Commission
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<p>Ambulance / EMS Services</p> <p>Issue(s)</p> <ul style="list-style-type: none"> • Future Funding • Demographics • Geography <p>Steps taken</p> <ul style="list-style-type: none"> • Propionate costs between Boyne City and 6 twps. • Boyne City / Boyne Valley twp. agreement 	<p>Ambulance / EMS Services</p> <p>Issue(s)</p> <ul style="list-style-type: none"> • Townships (no start up funds) • Concerns that the townships may not have an equal vote with the City(s) they contract with • Townships concerned w/ contract price • E.J. contracts with Antrim County townships • If townships contract with a city then leave, city's may end up w/ equipment surplus and not enough funds <p>Actions Steps</p> <ul style="list-style-type: none"> • County-wide ambulance service funding • Fire to include EMS for funding • May have enough ambulances (county-wide)
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Topic Discussion Summaries

<p>Health Insurance</p> <p>Issue(s)</p> <ul style="list-style-type: none"> • Cost increases • Obama Care – difficult to understand how it will affect everyone 	<p>Water Quality</p> <p>Issue(s)</p> <ul style="list-style-type: none"> • Silt • Plant & animal invasive species • Chemicals from road applications • Amount of paved areas • Erosion control • Low water (lake) levels
<p>Communication</p> <p>Initial & Long Term Action Steps</p> <ul style="list-style-type: none"> • Twps should keep web pages updated • Joint mtgs. & forums • Communication & coordination between County, Cities & Twps. (sharing info and working together on common issues) • Semi-annual joint mtgs. with representatives from every community in the County and County leaders • Officials in similar positions meet periodically to share ideas (clerks, planners, etc.) • Encourage the public to call and ask questions <p>Officials need to be available for calls even outside of work hours.</p>	<p>Initial Action Steps</p> <ul style="list-style-type: none"> • Enforce existing ordinances • Education • Study to determine where water quality is jeopardized throughout the county (using WATCH, Tip of the Mitt and Lake Associations) <p>Long Term Options</p> <ul style="list-style-type: none"> • Encourage the State of Michigan to take more responsibility of their lakes & streams (more funding) • Create additional local ordinances to enhance water quality • Storm water studies

Topic Discussion Summaries

<p>Broadband / Internet</p> <p>Issue(s)</p> <ul style="list-style-type: none"> • Shortage of internet for rural areas <p>Initial Action Steps</p> <ul style="list-style-type: none"> • Surveys (collect resident input) • Identify possible vendors (private vs. public) • Determine cost • Educate residents on an ongoing basis <p>Long Term Steps</p> <ul style="list-style-type: none"> • Find a consortium of providers (cost based on geography & demographics) • Know who will keep up with the technology (public or private vendor) 	<p>Broadband / Internet</p> <p>Issue(s)</p> <ul style="list-style-type: none"> • Lack of service (Townships / Rural) • Availability is sketchy • Need of a multi-governmental approach (county, cities, townships, schools & ISD) • Funding • Lack of redundancy • Need / access to services (BS&A, Assessing, etc.) <p>Initial Action Steps</p> <ul style="list-style-type: none"> • Feasibility study • Defining individual user needs / assets • Multi-government agreements to proceed • Financing model (test program – i.e. City of Boyne City, Wilson Twp. & City of East Jordan.)
<p>Broadband / Internet</p> <p>Initial Action Steps</p> <ul style="list-style-type: none"> • Identify the need • Articulate it to the public • SWAT analysis • Prioritize • Census building <p>Long Term Steps</p> <ul style="list-style-type: none"> • Funding • Cooperation among government units • Implementation 	<p>Long Term Steps</p> <ul style="list-style-type: none"> • County-wide fiber loop • Advertising broadband availability • Re-investment • Public / Private Partnership(s)

Topic Discussion Summaries

Trails - ORV's / ATV's	Trails (motorized & non-motorized)
<p data-bbox="233 407 342 436">Issue(s)</p> <ul data-bbox="289 445 812 695" style="list-style-type: none">• Two tracks are used by cars, trucks, jeeps, motorcycles & snowmobiles on state land• Currently illegal for ORV's / ATV's to use two tracks on state land• Missed revenue opportunities• Unfair <p data-bbox="233 732 396 762">Action steps</p> <ul data-bbox="289 770 764 835" style="list-style-type: none">• Open more county roads for ORV / ATV use <p data-bbox="289 844 805 909">Push state to prohibit use on state land and treat motorized vehicles the same.</p>	<p data-bbox="829 407 943 436">Issue(s)</p> <ul data-bbox="885 445 1414 743" style="list-style-type: none">• Costs• Upkeep & maintenance• Master Plan• Connectivity• Signage• Liability• User vs. Taxation• Charlevoix Co. Parks & Rec. has plans <p data-bbox="829 781 948 810">Benefits</p> <ul data-bbox="885 819 1305 926" style="list-style-type: none">• Attract tourism \$\$• Health benefit• Promoting Northern Michigan

Exit Survey

Did you meet new people?	Follow-up action / steps:	What topics would you like to learn more about?	Was this mtg. beneficial and should we hold it again?	How often?
39 Yes	<ul style="list-style-type: none"> • Hold county-wide public meetings on ambulance, broadband and trails • Report back to group if any of the recommendations happen • Develop an action plan • Hold additional meetings • Encourage more county-wide participation • Create and distribute a summary of the meeting info/discussions • Hold additional meeting, narrow & prioritize topics • Create workgroups for topics • Follow up on broadband • Continued discussions • Hire a County Manager/Administrator • Follow-up meeting(s) • Work together to address the concerns @ mtg. • County-wide departmental meetings (i.e. clerks, planning, etc) • Quarterly Skype meeting opportunities • Collaborate with County agencies • Track progress of issues discussed & share updates 	<p>13 - County-wide Broadband</p> <p>7 - Regional Cooperation (Consolidation/Collaboration of transportation, mechanic, maintenance, purchasing, etc.)</p> <p>3 – County Administrator</p> <p>2 – Ambulance Authority</p> <p>1 – County-wide zoning for lakefront properties</p> <p>1 – Economic Development</p> <p>1 – State Responsibility</p> <p>1 – County-wide Trail System</p> <p>1 – Water Quality</p> <p>1 – All topics</p>	38 Yes / Yes	<p>5 Quarterly</p> <p>5 Twice/year</p> <p>18 Once/year</p> <p>3 Two years</p>
1 No				

Additional Comments: Too many topics / narrow the focus, Encourage townships to maintain their websites

12/27/2012

Ms Jane MacKenzie
847 W Division Street
Boyer City, MI 49712

Jane,

It is with great regret that I will have to resign from the Planning Commission effective January 20, 2013. This is due to a change in our plans. My wife and I will be spending 4 to 6 months away from the Boyer City area during 2013. This schedule is likely to extend into 2014 as well. Consequently, I will not be able to provide the diligence that is needed and expected as a member of the Commission.

It has been a privilege to serve with you and the other members of the Commission. I will greatly miss the opportunity to participate and in some small way contribute to the success of Boyer City.

Sincerely,

John McCahan
6 W Main Street--Ste 12
Boyer City, MI 49712

Cc: Ms Pat Haver
Scott McPherson

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*

From: Scott McPherson, Planning Director *SM*

Date: February 12, 2013

Subject: Planning Commission Appointment



Background Information

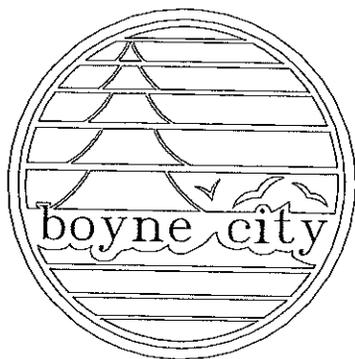
John McCahan resigned his appointment to the Planning Commission effective as of January 21, 2013. John was originally appointed to the Planning commission on May 31, 2010 for a 3 year term expiring on May 31, 2013.

Process

The procedure for the appointments to the Planning Commission is regulated by Ordinance A-21. The ordinance stipulates that Planning Commissioners are appointed by the Mayor subject to the majority vote of the City Commission. As per City policy prior to appointment by the City Commission the Planning Commission makes a recommendation to the City Commission on the appointment. At the January 21, 2013 Planning Commission meeting Aaron Place was recommended for appointment.

Recommendation

Appoint Aaron Place to the Planning Commission to complete the remaining term of John McCahan ending May 31, 2013.



CITY OF BOYNE CITY

MEMO

To: Michael Cain, City Manager *Mc*
From: Barb Brooks, Executive Assistant *BB*
Date: February 8, 2013
Subject: Parks and Recreation Board Member Appointment

At the Thursday, February 7, 2013 meeting of the Parks and Recreation Board, the board unanimously voted to recommend to the City Commission the appointment of Darryl Parish to the Parks and Recreation Board to fill a board vacancy left by Carl Wehner. This is a remainder of a four year term, expiring 12/31/2015.

*The board reviewed volunteer board applications from Darryl Parish and Jason Biskner. Several of the board members stated they were acquainted with Mr. Parish from other organizations and thought he would be a good fit for the board as he has a passion for recreation, the outdoors and the community. **Sheean moved, Kuhn seconded, Passed Unanimously** to recommend the City Commission appoint Darryl Parish to the Parks & Recreation Board with a term expiration of December 31, 2015.*

CITY OF BOYNE CITY

319 North Lake Street Boyne City, Mi 49712 (231) 581-2200



BOARD MEMBER APPLICATION

The City understands you are interested in becoming a member on one of the City Advisory Boards/Commissions. We appreciate your interest and future dedication to Boyne City. In order for the City to have information on file as reference when the next board has an opening, we ask you please complete the following and return to City Hall.

Name: Darryl Parish
 Address: 1113 MARSHALL ROAD
 Telephone: 231 497 4410 (daytime) ditto (evening)
 Email: darryl.p Parish@gmail.com
 Occupation: Retired

Please check any Advisory Board or Commission you may be interested in.

- | | |
|---|---|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Historical Commission | <input type="checkbox"/> Main Street / DDA Program |
| <input type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Parks and Recreation Commission |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> Housing Commission |
| <input type="checkbox"/> Local Development | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Finance Authority | <input type="checkbox"/> District Library Board |
| <input type="checkbox"/> Historic District Commission | |

Reason(s) you wish to serve: VERY ACTIVE RUNNER, BIKER, HIKER, FLY FISHERMAN.
I AM INTERESTED IN SERVING THE COMMUNITY
OF BOYNE CITY. OUR PARKS AND RECREATIONAL
RESOURCES ARE A BIG PART OF WHAT MAKES

Other community or civic service activities: THIS A GREAT PLACE TO LIVE
BOARD MEMBER - FRIENDS OF THE BOYNE RIVER
MEMBER PETOSKEY ANGLER AND ACTIVE
IN THEIR LOCAL PROJECTS AS IT IMPACTS
OUR WILDLIFE.

Signature: [Signature] Date: 2/7/13



February 4, 2013

Dear Elected and Appointed Officials:

As a result of your suggestions to give more attention to transportation planning in northwest lower Michigan, the Northwest Michigan Council of Governments (NWMCOG) with the Michigan Department of Transportation (MDOT) will be coordinating and providing an opportunity for local elected officials to learn and comment transportation planning, outreach and implementation of projects. For more information on the State's transportation planning please go to www.michigan.gov/mdot, then Projects and Programs, Strategic Planning. And, for regional transportation planning process, please see: <http://www.nwm.org/citizensguide.asp>.

The NWMCOG and MDOT request your participation at this meeting (agenda attached). It is important that we have input from our local elected officials regarding the transportation planning process meets local needs. Due to the overwhelming number of participants in last year's meeting, there will be two (2) opportunities to participate this year.

You are invited to attend the regional transportation planning meetings at:

Elk Rapids Village/Township Hall (321 Bridge St.) on Thursday, February 21st, from 2:00pm – 4:00pm. This location will cover MDOT projects in Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, and Leelanau counties.

MDOT Cadillac Transportation Service Center (7915 US-131 Hwy.) on Tuesday, February 26th from 2:00pm – 4:00pm. This location will cover MDOT projects in Lake, Manistee, Mason, Missaukee, Osceola, and Wexford counties.

I look forward to working with you on the continuation of a viable rural transportation planning process in northwest lower Michigan! In order to accurately gauge attendance, please RSVP to my email address michaelwoods@nwm.cog.mi.us or office number, 231-929-5056.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Woods".

Michael P. Woods, AICP
NWMCOG Regional Planner

cc: Patty O'Donnell, MDOT North Region; Rise Rasch, Traverse City TSC; Rick Liptak, Cadillac TSC; Jason Gailitis, Gaylord TSC

Approved: _____

**MEETING OF
JANUARY 3, 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, JANUARY 3, 2013.**

CALL TO ORDER

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

ROLL CALL

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

Absent: None

**MEETING
ATTENDANCE**

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

Public Present: Two

Meeder informed the board that he had asked to be excused from both the November and December meeting as he was out of town. He had been excused for the November meeting but not December.

MOTION

VanHorn moved, Sheean seconded, PASSED UNANIMOUSLY a motion to excuse Meeder from the December 6, 2012 meeting.

**APPROVAL OF
MINUTES
MOTION**

Sheean moved, Meeder seconded, PASSED UNANIMOUSLY, a motion to approve the December 6, 2012 meeting minutes as corrected (adjournment date).

CITIZENS COMMENTS

Eric Leaman representing 4-H Soccer inquired about desired improvements at Rotary Park for the soccer program which include; barriers to keep vehicles off the field, an additional field and bleachers. Leaman stated the program is growing but they are limited because of the number of fields. He also stated there are opportunities for tournaments and things if we had the fields and amenities. The board suggested thanked Mr. Leaman for attending the meeting and suggested that he work with city staff to come up with a more formal request/proposal to bring back to the board for review.

DIRECTOR'S REPORT

- Avalanche is up and running. The staff includes Bud Ferris and Bill Kuhn. The hours of the warming house are Monday - Friday from 4 - 9 p.m. and Saturday and Sunday from 11 a.m. - 9 p.m. Avalanche also was heavily used over the holiday.
 - Budget item discussions will be placed on the February agenda.
-

CORRESPONDENCE

Email received from Karlie Parker regarding Avalanche sledding & skating.

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

- Kuhn reported that Avalanche was as busy as he has ever seen it. "Unbelievably busy". The Christmas/New Year holiday brought people vacationing in the area from all over the nation and few other countries. He compared it to the 4th of July in Boyne City. He also stated that he witnessed a great deal of users other than the skating rink and sledding hill; including walkers and disc golfers. There was a great deal of positive feedback from the users. Many of the users/guests were sent by Boyne Mountain as they did not have their tubing or skating facilities up and running. Kuhn directed many of these people to downtown establishments for lunch and dinner.
 - Other members of the board reiterated the amount of use they witnessed and positive feedback they received regarding Avalanche over the holiday.
-

UNFINISHED BUSINESS

Avalanche Trail Signage update

The committee is meeting later in the month and will have an update at the February meeting.

Dog Park

Sheean reported that he introduced the idea of a dog park at the Charlevoix County Parks and Recreation meeting. It was discussed that the interest seems to come from more than just City residents. Whiting Park was discussed as a possible location. It was also discussed that it still is worth the city considering having one located in town. It would be one more thing Boyne City has that could draw people to Boyne City and businesses located within. The general consensus from the board was to continue to research the prospect, logistics, costs, funding concerns and opportunities, maintenance, etc. and have more board discussion prior to recommending anything formal to the City Commission.

Boyne City/Charlevoix Rd. Trail Update

No new information to report at this time.

Boyne City to Boyne Falls Trail Update

Sheean reported that there isn't anything new on the forefront. The committee continues to remain optimistic and still anticipates moving forward one step at a time.

Board Member Recruitment

No new board applications have come in at this time. It was suggested to put out some type of notice that we are looking for members.

MOTION

Brooks brought to the board's attention with the resignation of Carl Wehner; the board does not have a vice-chair. After board discussion, **Kuhn moved, Sheean seconded, PASSED UNANIMOUSLY** to nominate Jerry Swift as the board vice chair. Swift accepted.

NEW BUSINESS

None

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, February 7, 2013 at 6:00 p.m. at City Hall.
(VanHorn stated that she would be absent for February and March meetings as she will be out of town)

**ADJOURNMENT
MOTION

The January 3, 2013 meeting of the Parks and Recreation board was adjourned at 6:45 p.m.

Barb Brooks, Recording Secretary

BOYNE CITY HISTORICAL COMMISSION
Special Meeting
Minutes of January 08, 2013
10:00 a.m.
Boyne City Hall

CALL TO ORDER: 10.00 a.m.

PRESENT: Fulkerson, Hewitt, Sansom, and Dole.

ABSENT: Crumpler, Stutzman and Howie

GUEST:

APPROVAL OF MINUTES: To be done at our regular meeting on March 18, 2013

NEW BUSINESS:

Window display in the downtown area.

Jim White from Ace Hardware has given us permission to use the right window in the old Odd Fellows building for our winter display.

The board selected a few winter scene photos from the museum to use in the window display.

Hewitt to contact Kecia Freed about our selection and have her come and talk about our plans for the display.

Next Meeting: March 18, 2013 7:00 p.m.

Adjournment: 10:30 a.m.

Approved: _____

**Meeting of
 January 10, 2013**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, JANUARY 10, 2013 AT 8:30 A.M. IN THE COMMISSION CHAMBERS AT CITY HALL, 319 NORTH LAKE STREET

Call to Order

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

Roll Call

Present: Jodie Adams, Kathy Anderson, Mike Cain, Bob Carlile, Michelle Cortright, Larry Lenhart, Pat O'Brien, Rob Swartz and Robin Berry Williams

Absent: None

Meeting Attendance

City Staff: Main Street Manager Hugh Conklin, Assistant Planner Leslie Meyers and recording secretary Karen Seeley

Public: There were four people in attendance

**Approval of Minutes
 MOTION**

Cain moved, Adams PASSED UNANIMOUSLY to approve the December 6, 2012 regular meeting minutes

Chamber Director Jim Baumann reminded the board of the Chamber of Commerce Annual Meeting January 17th at Boyne Mountain.

Citizens Comments

None

Correspondence

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

Main Street Committee Reports

Promotions

- The Boyne City Winter Fest is the weekend of January 26th. The committee is moving many of the events to Old City Park.
- The Farmers Market Committee elected Dean Solomon as Chair and Lucy Hartlove as Vice Chair.

Design

- **Bike Racks** – Main Street Manager Conklin shared some pictures of a few general ideas for the bike racks in the downtown area. They are ready to put together a RFP (Request for Proposal) for general designs and costs. Once a design is chosen, it will be reviewed by the City's insurance company for liability issues.
- **Sunset Park Ice Rink** – The Sunset Park Ice Rink fundraiser at Café' Santé raised \$1,655, an amount that should cover all the expenses this winter. Santé and Magnum Hospitality have raised \$5,125 over the past two years. To date, no Main Street funds have been used to support the rink.

Organization

- Members of the committee participated in the accreditation conference call with the Michigan Main Street Center.

Team Boyne – Creating Entrepreneurial Communities (ER committee)

- The Boyne-area business visits are continuing. The completion deadline is the end of this month.

Manager's Report

Main Street Manager Conklin reported on:

- Reminded the board of the Main Street Planning Session, Monday, Jan. 14, 3 to 6 p.m. Boyne District Library Community Room. Two members of the Michigan Main Street Center will be in attendance.
- A Façade grant that was submitted for 419 E Main St. (the former body shop gym), which is now owned by Bill Noblett, and 109 Water Street, was denied. It was not seen as an impact project. Conklin said it may be time to revisit the façade grant and loan program through our program. Board suggestions to possibly repackage the grant with 417 Boyne Avenue; both of these buildings are at the main entrance to our downtown.

Unfinished Business

Boyne Theatre Update: Main Street Manager gave the board the following update:

- Two work parties held: December 9 and 16 with about 15 volunteers. Theatre is completely cleaned out and chairs have been moved to the stage. You can now get an idea of its potential.
- Power for lights is on. ACE Electric was instrumental in making this happen. ACE also provided a generator until the power was hooked up. Having lights for the cleanup made a huge difference.
- Rob McKay, State Historic Preservation architect, toured the theatre and met with some members of the steering committee. He has determined that what the theatre is now is what it was in 1938 and it should be restored to that time period. The theatre is plain and not ornate. However, with renovation the theatre can be made into an attractive and inviting space. The lobby area is a different story since it was added later.
- Operator/owner of Grand Ledge Theatre visited and toured our theatre. He has had an interest in the Boyne theatre over the years. He was very encouraging about the project. It was good to hear this from an operator.
- Structural/building analysis is underway. This effort is being coordinated by Floyd Wright. Roof contractor and heating, cooling and plumbing contractor have toured the building. Electrical contractor is expected this week.
- Draft Mission Statement completed:
"To restore the historic Boyne Theatre in a vibrant movie and entertainment venue, a community gathering place, and a source of economic vitality for downtown Boyne City."
- Have solicited proposals from three architects with historic theatre experience to do an evaluation and provide a report on the work needed and an estimated cost. Have received one proposal and the cost is \$3600 plus an estimated \$600 in expenses. This will be the first step in the working on a renovation plan. More detailed and expensive work will need to be done later.
- Conklin will make a presentation, with the assistance of Bill Aten, at the chamber's annual meeting next week.
- Cost to date: approximately \$900. Revenue from items sold: approximately \$400.
- Many people have contributed their time and energy to move this project forward. Bill Aten has been a huge help, coordinating the clean up and getting everything organized. Floyd Wright has also been a great help. Without them we wouldn't be making the progress that we are.
- Conclusion: At this point, nothing has surfaced that would give me pause

that we should not continue to move forward.

New Business

Boyne City Mushroom Festival: The Mushroom Festival is expecting changes in leadership after this year's event. Key members of the committee have indicated they will be stepping down. Paul Nichols and Tony Williams were present to share their insights and discuss what role if any Main Street should play in the transition. Paul explained that there is a core of six people on the Executive Committee and five are leaving after this year. They would like to be able to train their replacements during their last year. The Lions Club will not be doing the competitive hunt any longer. However, the committee will continue with the guided and private hunts. Board discussion that this is a great festival and has been ongoing for many years. A suggestion of a community meeting to inform the citizens of the need for volunteers for this event and others. Board consensus that this would fall under the Organization Committee and agreed to forward to them with the suggestion they work with the Chamber to hold a community meeting.

Property donation: As part of the project to move utility lines underground along Ray Street, there was a need to find a location for the new electric box at the west end of Ray Street. The desired location was behind the Johnson Oil gas station. The property is owned by Dr. Dennis Kirkby, who also owns the building at 209 and 211 S. Lake Street. A meeting was held with Dr. Kirkby to see if he would grant an easement to the City next to the sidewalk on the north end of the parking lot to locate the electrical box. Dr. Kirkby not only agreed to the easement but he offered to give the city the entire piece of property running parallel along the alley, which has a total of 13 parking spaces, and also creates possible future opportunities to expand public parking in the downtown area. A request to the Planning Commission to amend the site plan which called for the two parcels to be combined into one was approved by unanimous vote at its November meeting as follows:

1. That the parking area not be combined with the main parcel at 209 South Lake St
2. The 17 parking space requirement for the building be waived.

Board discussion that this is a win-win situation for Main Street. Maybe in the future we could acquire the piece of property next to the carwash and combine the two for public parking.

MOTION

Cortright moved O'Brien seconded PASSED UNANIMOUSLY that the Main Street Manager proceed and work with city staff to take the necessary steps to accept the property behind 209 and 211 South Lake St. as a donation from Dr. Dennis Kirkby.

Board member appointments: Six candidates applied for the two open seats on the Main Street Board. The seats are currently held by Kathy Anderson and Rob Swartz. All candidates were interviewed by organization committee members Bob Alger, Bob Carlie, Mike Cain and Michelle Cortright.

MOTION

After discussion the Organization Committee voted to recommend Rob Swartz and Jim Jensen to four year terms on the board. **Carlie moved, O'Brien seconded PASSED UNANIMOUSLY** to recommend the City Commission approves the appointments of Rob Swartz and Jim Jensen to the Main Street board with terms expiring January 18, 2017.

MOTION

Election of Officers: The Organization Committee voted to nominate Rob Swartz to serve as board Chair and Pat O'Brien to serve as Vice Chair beginning February 2013 through January 2014. **Carlie moved, Cortright seconded PASSED UNANIMOUSLY** to accept the nominations of the OR Committee.

Good of the Order

Main Street Manager Conklin is still trying to coordinate a meeting with Bob Gibbs, a urban retail planning consultant and the Main Street board, City Commission, Planning Commission and Chamber board
City Manager Cain said that City staff is still in discussions with the owners of the Devlon property. He also reported that they have been in discussion with the DEQ regarding the lake levels and dredging.

Adjournment

Swart moved Adams seconded PASSED UNANIMOUSLY to adjourn the January 10, 2013 meeting of the Boyne City Main Street Board at 9:49 am.

Karen Seeley, Recording Secretary



Approved: _____

**MAIN STREET
BOARD PLANNING
SESSION**

MINUTES OF THE MAIN STREET PLANNING SESSION HELD
JANUARY 14, 2013, AT 3:00 P.M. IN THE COMMUNITY ROOM, BOYNE
DISTRICT LIBRARY COMMUNITY ROOM 201 EAST MAIN STREET.

CALL TO ORDER

Chair Swartz called the meeting to order at 3:08 p.m.

ROLL CALL

Present: Michael Cain, Bob Carlile, Michelle Cortright,
Rob Swartz, Robin Berry Williams

Absent: Jodie Adams (arrived 3:10 pm) Larry Lenhart and Pat O'Brien

**MEETING
ATTENDANCE**

City Staff: Main Street Manager Hugh Conklin, Assistant Planner Leslie
Meyers and Recording Secretary Karen Seeley
Public: There were seven people in attendance, including two
people from the Michigan Main Street group

Main Street Manager Conklin handed out a summary of the board retreat
strategic focus (received and filed). He explained his goal for today's planning
session is to identify goals; build a budget and give the priorities to the
committees.

He introduced Brittany Hoszkiw, Organization specialist, and Jesse Harger
Promotions specialist, with the Michigan Main Street group. They gave a
presentation regarding volunteer recruitment and retention and promoting our
accomplishments with a ten-year celebration. They also provided a sample of a
worksheet for volunteer opportunity and pre-volunteer interest survey (received
and filed) that may be helpful in the volunteer recruitment.

Then board reviewed the summary of the board retreat and voted on the top
four as priorities for the coming year.

**MEETING
ADJOURNED**

The January 14, 2013 meeting of the Main Street Board's planning session was
adjourned at 5:35 p.m.

Karen Seeley, Recording Secretary



Approved: _____

**MEETING OF
JANUARY 24, 2013**

**RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE
BOYNE CITY AIRPORT ADVISORY BOARD HELD JANUARY 24, 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, Rod Cortright*, Ed Hennessey, Leon Jarema*, Roger Reynolds, Jerry Schmidt, and Oral Sutliff

ATTENDANCE

Absent: Bud Chipman*, Jim Kozlowski* and Larry Trumble*
*Ex Officio Members
Staff: Airport Manager/City Manager Michael Cain

**APPROVAL OF MINUTES
MOTION**

Sutliff moved Schmidt seconded PASSED UNANIMOUSLY to approve the October 25, 2012.

CORRESPONDENCE

None

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

None

UNFINISHED BUSINESS

- Hangar Inquires/Leasing: A few inquires, but no hangars available
- Open House: Bouters reported on the results of a meeting with Schmidt and Kozlowski and presented the board with a detailed list of twenty six proposals as well as miscellaneous Items that should be covered. (Received and filed).
- ACIP-CIP: The 10 year improvement plan, compiled by QoE consulting was discussed by the board with differences of opinion regarding priorities.

NEW BUSINESS

- Budget Requests: Cain said items to be considered are land acquisition, computer upgrade and some items on the open house proposal might require a budge request. Bouters offered to donate a printer to the computer system.
- Emergency Plan update: Copy of updates included in agenda. Board review and email changes were made.

GOOD OF THE ORDER

- AV Fuel price as of 11/14/2012: \$5.17
- Hennessey advised the board he is resigning as recording secretary. Bouters offered to take over the task. **Schmidt made a motion** to accept the resignation of Hennessey as recording secretary with regret and thanks for his years of service as secretary and to appoint Richard Bouters as recording secretary with a term to expire October 2013. After

MOTION

discussion, **Sutliff seconded PASSED UNANIMOUSLY.**

Hennessey's will remain a board member with a term expiring in August 2013

- Cain reported an incident where a pilot wanted to take off while the runway was covered with snow. He asked to have the plow clean the runway-Cain refused since it not an emergency. The party apparently wanted the runway cleared immediately. He took off anyway.

NEXT MEETING

The next Airport Advisory Board will be held Thursday, February 28, 2013 at 5:30 p.m.

ADJOURNMENT

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

Ed Hennessey, Recording Secretary

Approved: _____

**Meeting of
January 21, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, January 21, 2013 at 5:00 pm.

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

Call to Order

Present: Gretchen Crum, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Lori Meeder, Tom Neidhamer and Joe St, Dennis

Roll Call

Absent: George Ellwanger (arrived at 5:04 pm)

Vacancy: One

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, Assistant Planning Director Leslie Meyers and Recording Secretary Pat Haver

Public Present: Twenty, including representatives from the press

Consent Agenda

2013-01-21-3

Minutes of December 17, 2012 have been tabled until the next meeting for clarification.

**Comments on
Non-Agenda Items**

None

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

None

Lori Meeder excused herself, due to a conflict of interest.

Unfinished Business

**Kirtland Products
follow-up**

Planning Director McPherson reviewed the staff report included in the agenda packet. In December the Planning Commission identified a combination of elements in the 3 proposals from Kirtland as a way to move forward. Staff and representatives from the Commission and Kirtland met on January 7th & 14th and discussed the proposals, the building enclosures in proposal #3 specifically, with some concerns expressed about their effectiveness and is there a way to identify reduction in noise levels? Could Eddie Duncan at RSG input the proposed structures into the model to get some idea if the buildings would work in limiting the sound to existing background and ambient noise levels? Would he be able to tell if these would be effective, or if additional mitigation would be needed? Kodiak Group are designing the enclosures, and they will be sent to Eddie Duncan, who has indicated he could begin working on the designs on January 23rd. The designed structures were included as a part of the packet for consideration.

Tom Monley: Kirtland Products - Discussed the conceptual drawings that were included in the agenda packet. The enclosure on the south side will be made up of acoustical panels that will enclose two equipment units; the 115-035 & 115-045. The existing structure around the piece of equipment 115-045 will be taken out, and replaced with this structure. Acoustic louvers were being looked at for venting; however, the venting will now be done into the building, so no louvers will be used that could add additional noises. The second structure, on the west end of the building, will house the 140-010 bag house fan, also up against the building, so will be vented into the main building. We have been working with Kodiak on these structures, and once the final design of the structures is done, they will be sent to Eddie Duncan at RSG.

McPherson - The stack test results have not been received from the DEQ as of yet,

but in Friday's paper, an article was written of a finding of non-compliance on some of the emissions and believe that there is an appeal period, that Kirtland may work through with the DEQ to resolve. A number of letters and emails from various people voicing their concerns which were received have been forwarded to the commission. We also received communication from Kirtland's attorney regarding the minutes and determination of final decision, which this commission pretty clearly stated that the decision was not final yet (received and filed as Appendix A.)

Monley - We are working with the Kodiak Group to finalize the drawings and make sure the design is technical. RSG can not start this project until the 23rd of January, and were hoping to have something back by the 31st regarding the modeling of the two enclosures on the overall sound levels with the 125/250 hertz noises that we are focusing on.

MacKenzie - So the city has not had any formal communications from the DEQ?

McPherson - No, we have not received anything.

Monley - We have not either.

Public comment opened at 5:11 pm

Ryan Glem: 421 Boice St. - It has been a year, and there has been no progress from where we started. Mr. Cain's comments from a couple of meetings ago, urged you to consider how the conditional use permit was granted in the first place with the information that was provided in the Fall of 2008. Noise and visual impacts were important. The noise has been found to be non-compliant. They have some plans in place to have evaluated to the 125/250 hertz frequencies. Eddie Duncan made comments that you will still hear the noise, it won't go away completely. Kirtland made statements that they needed objective criteria to evaluate to and goals to work towards. These were given during the findings of fact; you were told that the plant would not be any louder than the rest of the park. You have to look at the visual impact and image of Boyne City with emissions. Would you have considered the conditional use permit with the current permitted VOC output of 161,000 lbs. per year and the permitted 105,000 lbs. per year of particulate matter? Noise levels, visual impact and emissions they are not doing so well. I encourage you, as you go forward to keep all of these items in consideration.

Mike Hausler: State St. - You have to realize the particulate is a fine dust, and with it being near schools, it is not a good thing. When I purchased the CDs from the city for the 2008 meeting, I heard you ask the questions, and you were not given the right answers. It is time now to rescind the permit. We have waited long enough and have been patient. I am not against the owners, but they did not do their homework. The plant needs to be on flat land, with higher stacks and not near residences. I wish there was a solution, but I don't think there is one. When the plant first opened, they mailed letters to 30 of us, and held a meeting admitting that there was a noise problem, and they did not realize how much noise would be coming out of the stack.

Debbie Ferris: Brockway St. - Question; once they do this enclosure, will they guarantee it will take care of the noise; really take care of it? What happens if we sign an agreement to pass the design, if it doesn't take care of the noise, what do we do? I'm really concerned about the emissions, we see it on the snow, we are breathing it, my grandkids are breathing it at the schools, and I don't think it is a good thing.

Nick Liebgott: M-75 - The noise is higher than the promised 24dB; which has been recorded up to 69dB. Recently the Petoskey News Review reported that up to ½ pound of fine sawdust is coming from the stacks every hour. A DEQ report for work order # 12090865, on page 5, emissions of acetone and hexane with side

effects were reported, which include irritations to the eyes and throat, headaches, dizziness and nausea. On several dates given, he had experiences with some of these side effects along with hoarseness and loss of his voice. He is not able to accomplish work outside on his property when Kirtland is running. Kirtland is not in compliance with the conditional use permit, and ask that you act in due capacity and force a shut down until they are in full compliance.

Mark Kowalski: Fall Park Rd. - I agree with what has already been said. This has gone on long enough, for 14 months now. The plant that was permitted is not the plant that was built. The noise issue is a big factor, and it affects a lot of people depending on the wind directions. Odors can be smelled downtown and all over town. The plume is the first thing you see when coming into Boyne City. The emissions reported in the paper are important stuff, with the output of fine sawdust, carbon monoxide and formaldehyde. VOCs floating around in Boyne City are not good, and we must protect our town. You approved this plant based on mis-information supplied by the applicant. You must pull the permit based on false statements given. It is not CO2 and water coming from the stacks as stated; it is time to take action, the citizens of Boyne City have been through enough. A picture of St. Matthew's Church was passed around to the commission members showing what the snow looked like with the fine sawdust particles that came from Kirtland's stacks.

Donald Nessen: Boice St. - If you go and modify Kirtland's permit in any shape or form, what kind of justice is that for us citizens? What happens if it gets real noisy in the future, or any other company you may negotiate with? Your job is to protect Boyne City and its citizens, we have been real patient. Can we afford even one more day, or the pollution falling on the kids in the school yard?

Mike Smith: Evangeline Township - Live north as the crow flies. I can hear the plant as if it was right down the street. I'm here because of a quote in the Petoskey News Review, one of the owners stated that the factory is no louder than Boyne City's ambient noise. The citizens have been patient. Southerly breezes I can smell the plant, and I can hear the plant.

Emily Jones: 1124 Nordic Dr. - I am tired of emailing the city and DEQ. The plant has been dishonest from the beginning. We have a shop in the Industrial Park, and it is a mess with sawdust. The plant is blowing down on us; I have to hold my breath going in and out of my shop. My 8 month old daughter can't hold her breath. I encourage you to protect the citizens and do what is right. What is the adverse reaction on the kids, no one knows.

Bill Kuhn: 1010 Kuhn Dr. - If you have any doubt about the noise, I invite you to come to my house and spend the night in one of our guest rooms or in the basement with me.

Bridgette Nesses: 416 Boice St. - I am shocked, this has been going on for a year, enough of this. It is not fair to Boyne City.

Public Comments closed at 5:40 pm

Board Discussion

Kozlowski - I came from an industrial environment so am familiar with some of the things going on. The people who presented this to the commission, they have the most knowledge of their equipment. They did not present problems with noise, smell or emissions. What is the present plan to alleviate the problem? The burden needs to be on Kirtland, how do they plan to move forward? We have conceptual drawings that are speculation at this point. My opinion, until they have all of their information back, they need to not operate in the current form.

Ellwanger - I agree with what was said last month with the four points, that have not been done. We need something solid that is going to work, I know they are trying, but the residents have been very patient. Unless something comes up, the conditional use permit can not go on any further until the noise and the emission problems have gone away. I know they are trying, but that is my position.

St. Dennis - I agree. Trying to figure out how to keep them going, but I can't figure it out, and have to leave it to Kirtland to figure it out. It has been going on for a long time.

Frasz - I agree with all the comments stated. We were presented information, and made our decision on that information, which proved to be inconsistent. We have been very accommodating in trying to work with the applicant. My position even last month before a last minute document was presented is they were non-compliant based on the 4 points stated in September. We have been looking at only one aspect of these four issues. With the testing coming in from the 5 stacks, it is alarming that 3 of the 5 stacks exceeded the permitted levels; there are particulates in the air which are more than water vapor and carbon dioxide. The pellet grinder is 10 times the permitted levels, and that is by a school in our community. In my eyes, the issues have not been addressed over a long period of time. We should not have to wait any longer for something to be done. My hesitancy, even at the last meeting was what if this goes to court, it would be out of our hands, and taxpayers' money would be going to a court case. We have to look back at how we found them non-compliant, agree that they are still non-compliant for the same issues, and with more evidence of what is coming out of the stacks, rescind the conditional use permit. We need to stop the permit because of non-compliance.

Crum - My views align best with what Jim said, with the proposals presented we still can't make a determination today, and it would go back to another meeting, and I am not comfortable with that.

Neidhamer - I believe every public comment that has been made the past 14 months; I have been out there visiting, listening and watching, I also at the first meeting said let's solve this problem with patience, data, time and money. The patience has worn out; the city is not into it for any more money, are we at a point when we can't problem solve any longer? We have met with Kirtland and came up with the sound enclosures designed by sound engineers as a way to solve the noise. Do we give them an opportunity to complete the enclosures? The dilemma is we are so close; do we give them another month to try to abate the sound? What if they build it and it is still audible? We might be close, or we may not be? What is the scenario if we vote tonight to revoke the conditional use permit?

McPherson - You would need to make the determination that you made earlier of non-compliance final, which would start the clock today, and I'm assuming they would immediately appeal.

Neidhamer - Rhetorical question, if they appeal would they begin construction for sound abatement or not? We are back to not solving any problems, other than the clock is now ticking and we are forcing the issues.

McPherson - I believe you would be forcing a legal course of action. I personally feel that they would not begin construction of anything.

Kozlowski - Is there a possibility of a voluntary shutdown, until things are resolved and proven?

Frasz - If we rescind the permit could move towards a legal position.

Neidhamer - I am saddened that we can't solve this. We may be close. If we find them today non-compliant can they stay open for another 30 days?

McPherson - The permit would be rescinded immediately, if that is the determination tonight, this puts in place legal time lines that they would need to act on.

Frasz - I think we are all saddened by this that is why it has taken so long, everyone has wanted to try to make this work. At some point, we have to look at the information, and then to have the report on the particulate matter, it is a whole other aspect than just the noise. Who deals with that and measures it? We make the previous determination final, and if the applicant wants to go back and look at what they are doing, they can come back with a process that does not have any particulate emissions and noise issues. We can then make a decision at that point. We just can't keep going on and on because they are not in compliance.

Ellwanger - I have an industrial background and got on the initial committee to help them. We have all tried, we just can't keep going on.

MacKenzie - After our meetings, hoped we were coming to a solution. Seemed like there was a plan for noise reduction to a level that would not invade the homes. That is just one of the 4 items, I realize DEQ is in charge of emissions, and the amount going on for 5, 10, 20 years, it just adds one more thing that I did not realize how much was out there. Are there processes that are less impactful?

****MOTION**

With no further board discussion, **motion by Frasz, seconded by Ellwanger** to make the previous determination of non-compliance final, to rescind the conditional use permit based on the 4 specific points when they were earlier found non-compliant.

2013-01-21-6A

Roll Call:

Aye: Crum, Ellwanger, Frasz, Kozlowski, MacKenzie, Neidhamer, and St. Dennis

Nay: None

Abstain: Meeder

Vacancy: One

Motion Carries

Meeder returned to the meeting at 6:03 p.m.

**New Business
2012 Planning & Zoning
Report**

Planning Director McPherson reviewed the 2012 Planning and Zoning report that was included in the agenda packet. A lot of good things have been happening, and a lot has been accomplished as a department and with both boards.

**Resignation of Planning
Commissioner John
McCahan**

Planning Director McPherson reviewed the memo and letter of resignation that was submitted by John McCahan. His appointment was due to expire in May of 2013. Aaron Place who had applied earlier is still interested, and more than happy to serve. There were a couple of other applicants, however, the Planning Commission was listed pretty far down on their listed choices of boards to serve on, and felt that Aaron was the leading candidate. With no further board discussion, **motion by Ellwanger, seconded by Crum, PASSED UNANIMOUSLY**, to recommend to the City Commission Aaron Place to fill the remainder of John McCahan's open position, to expire in May 2013.

****MOTION**

Staff Report

None

Good of the Order

- Master Plan update: The entire document needs to be updated. As of tomorrow, a request will be made to the City Commission to apply for the “Re-development Ready Community” designation, which has specific items for Master Plans. It would be a good coordination of the process for the designation with grant approvals to update our plan at that time. It will give us more opportunities. The Market Study that was recently completed could also be included in the plan. The review process could begin as early as next month’s meeting and could be done at each meeting.
 - Shoveling of sidewalks – We have done a great job of promoting Boyne City as a walkable community, and with the recent snow fall, we have large banks that we have to walk over, and because we have several places that the sidewalks and bridges are not cleared off and accessible, you have to walk in the roadway, which is not safe.
 - Kudos to the people who are doing the plowing of the streets with the recent snowfall.
-

Adjournment

The next meeting of the Boyne City Planning Commission is scheduled for February 18, 2013 at 5:00 pm in the Auditorium.

2013-01-21-10

****MOTION**

Crum moved, MacKenzie seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 6:22 p.m.

Jane MacKenzie, Chair

Pat Haver, Recording Secretary

7

Appendix A

1137

Kirtland

KUHN, DARLING, BOYD AND QUANDT, PLC
LAW OFFICES

Ed
Copy

Ed
Copy

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P.O. BOX 987
TRAVERSE CITY, MICHIGAN 49685-0987
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CHARLES H. MENMUIR
1903-1987
Of Counsel:
LEWIS G. GATCH

December 27, 2012

James J. Murray

349-6413

James J. Murray
Plunkett Cooney
303 Howard Street
Petoskey, MI 49770

Re: Kirtland Products - Boyne City, MI

Dear Jim:

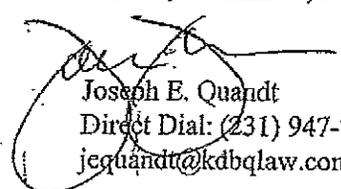
As a follow-up to the December Planning Commission meeting, I went back to review the minutes for the October and November meetings, and noticed that the minutes do not properly reflect the decisions made by the Planning Commission in October. Specifically, in October it was decided to not finalize the September actions of the Planning Commission, either in the context of finding the Kirtland facility out of compliance or recommending that the permit be modified to allow continued use for 24-hours a day, three days a week, while recommendations and proposed solutions could be considered.

As you know, the entire purpose of making the adjustment to the minutes was to reflect that the decision of non-compliance was not final and to eliminate the necessity of immediate legal challenge to that decision. I noted in the final approved minutes that the notation amending the status of the September decision as a non-final decision was made only with respect to the second motion (page 10 of the minutes), rather than on both motions (pages 8 and 10). Please make sure this is on the agenda for the correction of the September 17, 2012 minutes for the January 2013 meeting.

We will continue to proceed as though the September 17, 2012 minutes were appropriately amended, as discussed in the October meeting, unless I hear otherwise from you.

Sincerely,

KUHN, DARLING, BOYD AND QUANDT, PLC


Joseph E. Quandt
Direct Dial: (231) 947-7901 x115
jequandt@kdbqlaw.com

JEQ:shp
cc: Leon Tupper

2

KUHN, DARLING, BOYD AND QUANDT, PLC
ATTORNEYS AT LAW

R. EDWARD KUHN
A. BROOKS DARLING
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CHARLES H. MENMUIR
1903-1987
Of Counsel:
LEWIS G. GATCH

Email: eroy@kdbqlaw.com

January 21, 2013

James Murray
Plunkett Cooney
303 Howard Street
Petoskey, MI 49770

Via Email

Re: Boyne City Planning Commission/Meeting Minutes

Dear Jim:

I am following up with you concerning Joe Quandt's letter of December 27, 2012, and our exchange of voice mail messages over the last few days. Your most recent message was to the effect that you did not see anything confusing or requiring clarification in any of the prior meeting minutes - as it is clear that the P/C has yet to make a "final decision" in any of its previously approved motions. We take this to mean that no appeal period has commenced with regard to filing a Circuit Court action as there has been no "final decision".

Accordingly, it is my understanding that the P/C will not take up Mr. Quandt's request set forth in the attached December 27 letter; and, as the parties are continuing to work together to hopefully find a mutually satisfactory result, no final P/C decision has occurred triggering any deadline to take an appeal to Circuit Court.

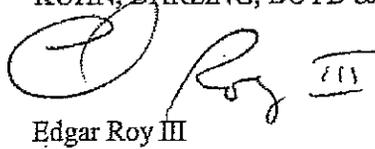
It is my understanding that neither you nor I will attend tonight's P/C meeting; however, I am asking that this letter and the December 27 letter be made part of the formal record. I anticipate Kirtland representatives to deliver both letters to the P/C tonight.

3

Thank you for your continued cooperation.

Sincerely,

KUHN, DARLING, BOYD & QUANDT, PLC

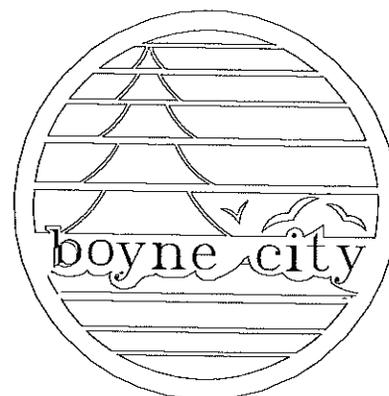
A handwritten signature in cursive script, appearing to read "Edgar Roy III", with a horizontal line underneath the name.

Edgar Roy III

ER/ljd
Enclosures
cc Leon Tupper (via email)

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Leslie Meyers, Assistant Planner *JR LAM*
Date: January 9, 2013
Subject: Draft Language – Fireworks



Per your request, and with the assistance of Chief Gaither, we offer the following for consideration on firework usage within the City:

Background

On January 1, 2012 the Michigan Fireworks Safety Act, Public Act 256 of 2011, became effective. The Act repealed the former section of the Michigan Penal Code regarding Fireworks, and established new regulations regarding the purchase, possession, sale and use of fireworks.

Under the Act, a local unit of government is expressly prohibited from enacting or enforcing any ordinance that regulates the sale, display, storage, transportation or distribution of fireworks. A local unit of government may regulate the ignition, discharge and use of **consumer fireworks** but not on the day before, the day of, nor the day after a national holiday. Local units still retain the right to regulate the ignition, discharge and use of **display fireworks**.

Consumer fireworks are defined in the act as “fireworks devices that are designed to produce visual effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States.....” (firecrackers, bottle rockets and roman candles as examples).

Display fireworks are large firework devices that are explosive materials intended for use in firework displays and designed to produce visible or audible effects by combustion, deflagration, or detonation..... (explosive materials used by commercial operators).

National holiday's have been defined as the following for the purposed of this Act: New Years Day, MLK Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving and Christmas.

Discussion

The current ordinance offers the following:

34-113 Those selling fireworks within the city limits must post our ordinance

34-114 Allows for the sale of fireworks as permitted by law but further limits the sale of certain fireworks that are now legal.

34-115 Limits the sale or use of permitted fireworks by those under the age of 18.

34-116 Limits the use & possession of any fireworks on public property without a special permit from the City Commission.

34-117 Allows for the use of certain fireworks (not what is allowed under the act today) on private property and only with the permission of the owner.

34-118 Prohibits the use of fireworks between the hours of Midnight and 7 a.m. which is in conflict with the current State law.

34-119 Addresses the sale of fireworks which is in conflict with the new law.

34-120 requires that sparklers and their wires must not be left on the ground or disposed of in a body of water.

The City of Boyne City is quite unique based on its location on a body of water with a vibrant downtown. The City hosts, sponsors and/or endorses festivals, activities and events all year long. Lake Charlevoix offers a "safer" venue for the display of fireworks. Based on this, I offer an ordinance that limits the use of fireworks for the 30 days allowed by law, but allow for the City Commission to issue special permits for other days as they find appropriate for **display** fireworks.

AN ORDINANCE TO REPEAL EXISTING SECTION 34, ARTICLE IV, DIVISION
2, "FIREWORKS," AND ADOPT A NEW DIVISION TO PROVIDE FOR THE
IGNITION, DISCHARGE AND USE OF CONSUMER AND DISPLAY
FIREWORKS.

34.112 Fireworks Defined:

- a) "APA standard 87-1" means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties and theatrical pyrotechnics published by the American Pyrotechnics Association of Bethesda, Maryland.
- b) "Consumer fireworks" mean firework devices that are designated to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.
- c) "Display fireworks" mean large firework devices that are explosive materials intended for use in firework displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172 and APA standard 87-1, 4.1.
- d) "Fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visual or audible effect by combustion, deflagration, or detonation.
- e) "Low-impact fireworks" means ground and handheld sparkling devices that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- f) "Minor" means an individual who is less than 18 years of age.
- g) "National holiday" means the following legal public holidays:
 - 1. New Years' Day, January 1
 - 2. Birthday of Martin Luther King, Jr., the third Monday in January
 - 3. President's Day, the third Monday in February
 - 4. Memorial Day, the last Monday in May
 - 5. Independence Day, July 4
 - 6. Labor Day, the first Monday in September
 - 7. Columbus Day, the second Monday in October
 - 8. Veteran's Day, November 11
 - 9. Thanksgiving Day, the fourth Thursday in November
 - 10. Christmas Day, December 25.

34.113 Ignition, discharge and use of consumer fireworks

A person shall not ignite, discharge or use consumer fireworks except for the day proceeding, the day of, or the day after a national holiday.

34.114 Possession of consumer fireworks by a minor

A minor shall not possess consumer fireworks.

34.115 Ignition, discharge and use of display fireworks

Display fireworks shall only be allowed by special permit from the City Commission.

34.116 Determination of Violation; Seizure

If a police officer determines that a violation of this ordinance has occurred, the officer may seize the fireworks as evidence of the violation.

34.117 Penalty

- a) Any person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to section 1-7.
- b) Repeat offenses under this article shall be subject to increased fines as provided by section 1-7.
- c) Each day in which any violation of this article occurs or continues constitutes a separate offence, subject to separate sanctions. The paying of a fine or sanctions under this article shall not exempt the offender from meeting the requirements of this article.
- d) Following final disposition of a finding of responsibility for violating this ordinance, the City may dispose of or destroy any fireworks that were retained as evidence in that prosecution.



BOYNE CITY POLICE

319 North Lake St. Boyne City, MI 49712 • police@boynecity.com • Phone: (231) 582-6611 • Fax (231) 582-3670

October 5, 2012

To: Michael Cain, City Manager
Boyer City Commission

From: Jeff Gaither, Police Chief 

RE: Fireworks enforcement options

Addressing the subject of fireworks use in the city is complex because of the strong feelings on both sides of the issue. For some, last year's state legislative action provided an opportunity to enjoy certain fireworks in Michigan that had never been allowed before. This enjoyment is tempered by the concern of others that the use of fireworks creates an disturbance in the normal tranquility of their neighborhoods.

The Boyne City Police Department fielded more complaints about fireworks this year than in the past. The callers that identified themselves seemed to be more frustrated because we couldn't do anything to stop the fireworks. Most of the calls reported what is now the legal use of fireworks. We had a few calls about the use of fireworks after midnight, which is the cutoff time stated in the city ordinance.

There is a movement by several legislators to review the current law but early indications are that the review only deals with the sale of fireworks and not the use. Although the expected tax revenues from the sale of fireworks is down, the hope is high that it will increase. This further indicates that the law will most likely stay in place.

At this time, we have at least 3 options.

1. Leave the ordinance as it is. Enforce the time periods of prohibited use as we did this year and continue to allow fireworks the rest of the time.
2. Pass an ordinance similar to what several other communities have done prohibiting the use of fireworks at any time other than the state law mandated periods of the day before a holiday, the holiday, and the day after a holiday.
3. Change the existing fireworks ordinance to further restrict the hours that fireworks may be used. This option may be the most difficult because of the length of daylight hours in the summer and the fact that most users enjoy fireworks after dark.

Jeff Gaither, Chief of Police

7/10/12 CC Mtg
 Postpone discussion of the
 fireworks laws + ordinance and
 refer to staff to report within
 90 days

Fireworks Discussion

10/9/12
 CC Mtg.

the stack test results and was informed by Mr. Tupper that the testing has been done but the company is unable to pay the \$30,000 it will take to release that report. They cannot gain access to that document at this time. As quickly as they are financially able to do so, they will. Commissioner Sansom asked if they are still planning to operate for 3 days and was informed yes, and the City Manager is notified of the intent at the beginning of each week.

Consideration and discussion of options regarding the recent Firework legislation changes.

Police Chief Jeff Gaither discussed the legislation from the State that provided an opportunity for certain fireworks in Michigan that had never been allowed before. This has brought about concerns of others that the use of fireworks creates a disturbance in the normal tranquility of their neighborhoods. The Police Department fielded more complaints about fireworks this year than in the past. The callers seemed to be more frustrated because we couldn't do anything to stop the fireworks. Most of the call reported what is now the legal use of fireworks. A few calls were received about the use of fireworks after midnight. Chief Gaither added from the Police Department perspective, it is not something terrible but he understands Citizens concerns. Options were provided to the Commissioners.

City Manager Michael Cain added there is a wide range of options communities are facing. Some are banning completely, others are not doing anything with it. We did look to see what type of feedback we got from Citizens and what if anything the state was going to do with this.

Staff Comments: None

Citizens Comments: Jim Baumann said he did a survey and would like to see usage days hit the middle point. He never called the Police Department because it was legal.

Board Deliberation: Commissioner Sansom had a number of incidents night after night of fireworks that she didn't call and report. It is very disturbing and would be in favor of the 10 holidays, day before and day after, designating a time frame and add something that fireworks should not be set off by a minor. They aren't allowed to purchase them in the first place. Also, during high fire season, we could request caution; other communities require a permit from the City for anything outside of holidays for people to use. Commissioner Gaylord asked Chief Gaither if he had the statistics for this year and the previous year and was provided with them. In 2011, there were 12 complaints, in 2012, there were 27 fireworks related complaints. Commissioner Gaylord added that a few other townships, referred to in an article from the Record Eagle provided by the City Manager, are doing an outright ban, the largest township in Grand Traverse County is leaving it like it is. Mayor Pro-Tem Towne agreed we should consider option two. Commissioner Neidhamer agrees with option two that was presented and it would be a good compromise and makes good sense. The fire ban is handled in other ways. Mayor Grunch said the legislators probably won't deal with this until next year. We should control our own turf and look at option two. Commissioner Gaylord said it is interesting, no complaints up until June, one in March, three in August, none in September or to date October. Fire's a personal

responsibility. If there is a burn ban and you cause a fire you are responsible for it. Regarding minors, parental responsibility is pretty simple. Permits and fees are exactly what we don't need in this economy right now. Commissioner Gaylord said he finds it interesting when finally some regulations are loosened, there are some folks who can't wait to put the strangle back on some citizens. It was a crime to light those kinds of fireworks off until this and every other state around us allowed this. If they are lighting them off after midnight, then you write them a ticket. History shows that the numbers will decrease over time, not discounting the folks that called in. Commissioner Gaylord added at this time he cannot support any restriction other than what the state allowed us. This further handcuffs law abiding citizens that wish to take advantage of an opportunity that is now legal in the State of Michigan. He has no problem with a time constraint, after midnight, the police can address it. Mayor Grunch said that if everyone called in, we might have different statistics. He agreed that history does show it will decrease.

MOTION

2012-10-129

Moved by Sansom

Second by Towne

To pass an ordinance similar to what several other communities have done prohibiting the use of fireworks at any time other than the State law mandated periods of the day before a holiday, the holiday and the day after a holiday.

Ayes: 4

Nays: 1, Commissioner Gaylord

Absent: 0

Motion carried

Fire Siren Usage

Consideration to restore fire siren to its previous usage.

City Manager Cain discussed the six month fire siren testing that was tried. To simplify usage of the siren, it has only been used for the daily 10:30 p.m. curfew and for monthly severe weather tests held in conjunction with the Cities of East Jordan and Charlevoix. While there have been no accidents from not using the siren for fire calls, the Fire and Police Departments would prefer that it be returned to its previous use pattern.

Staff Comments: Fire Chief Dennis Amesbury added that the department feels strongly to reinstate the siren for safety issues. The siren is an asset that creates awareness. Police Chief Gaither agrees and is in full support to reinstate the siren. Firefighter Chuck Witte said the radios are not always functional, but you can hear the whistle.

Citizens Comments: John McCahan said the last six months showed no issues, but we don't need the noise to get people to the firehouse. The truck has it's own siren. It seems excessive. Chris Christensen agrees that it should be reinstated.

Board Deliberation: Mayor Pro-Tem Town said he supports the reinstatement. Commissioner Gaylord said he has heard from citizens that it is a tradition in Boyne City, people like it and had questions to Mr. Witte about the possible radio problems. It was clarified, that in some



BOYNE CITY POLICE

319 North Lake St. Boyne City, MI 49712 • police@boynecity.com • Phone: (231) 582-6611 • Fax (231) 582-3670

To: City Manager Mike Cain *MC*

From: Police Chief Jeff Gaither

Date: February 4, 2013

Subject: Budget Item- Vehicle

As you know, the EMS ECHO vehicle has been in an accident and received substantial damage. That vehicle is a 2008 Ford Expedition full sized SUV with 58,000 miles. The Police Department has a 2011 Ford Expedition in our current fleet with 16,000 miles on it.

I feel that the Expedition is not a necessity for our routine patrols in the city. It is a large vehicle with a big engine and quite frankly, it wastes a lot of gas. Our recently purchased Ford Police Interceptor on the Taurus platform equipped with All Wheel Drive has been exceptional for our patrols. It gets around in the snow very well, it gets much better gas mileage and is a more traditional patrol unit for routine police work.

After meeting with John Lamont, we have come up with a proposal for a transfer of the Police Department Expedition to The Ambulance Department for use as an ECHO vehicle. The insurance will pay \$17,500 for the damaged vehicle and EMS would pay an additional \$4500 from their budget for a total of \$22,000. The current value of our Expedition is around \$20,000 according Bob Mathers. We would also be leaving some of the emergency lights, siren, and protective rear seat screen in the vehicle. We would remove any other equipment and any blue lights in the vehicle. With this extra equipment, the value of the Police Expedition would be around \$22,000.

I believe the transfer of this vehicle will benefit the city in several ways. EMS needs a large SUV for their operation. Our vehicle has low miles and is newer than what they were using. Purchasing and using a new Ford Police Interceptor will save considerably on gas. There is no need for both departments to run a large SUV, it just costs the city more money.

Using the figures that I supplied you earlier from our gas mileage study, and figuring the Expedition has useful life of 100,000 miles, we would save about \$11,300 in gas alone. The gas usage was figured using 85,000 miles left in service for the Expedition which gets about 11mpg on routine patrol. The new PI (Taurus) gets about 19mpg on routine patrol. Using \$3.50 per gallon of gas, the savings add up to \$11,300 over the life of the vehicle.

My current budget projected activity will be under the adopted budget and has room for the \$12,500 expenditure. I am requesting to utilize \$7500 of this budget to pay the difference on a new vehicle which is less than the projected savings from using a new vehicle and \$5000 to purchase an in car video camera. The new vehicle cost is about \$29,500 fully equipped and the additional \$5000 would allow for the camera system that is currently installed in our other two patrol cars.

This camera system starts recording when the emergency lights are activated and can also be activated manually by the officer when other recordings are needed. The camera is always powered up and when activated, it starts saving video from 30 seconds prior. The camera protects the officers and the city from

Jeff Gaither, Chief of Police

false claims, aids in prosecution of various offenses such as driving while intoxicated and provides recorded evidence of citizen interactions with officers.

We have a price of \$23,726 from Bob Mathers Ford for the new 2013 Police Interceptor, which would be ordered identical to our current vehicle. The State Contract Bid price for the same vehicle is \$23,793.

I recommend that the City Commission approve the transfer of the Police Department vehicle (Expedition) to the Ambulance Department for use as an ECHO vehicle, and authorize the transfer of \$22,000 from the Ambulance Department to the Police Department (\$17500 coming from the insurance payoff).

I recommend that the City Commission authorize the Police Department to use that \$22,000 and an additional \$12,500 from the Police Department budget to purchase and fully equip a new Ford Police Interceptor (Taurus).



2/1/13



All designs represented her
those of the Wood Shop.
reproduction without writ
authorization is prohib

Bruce Janssen

111 East Street 231-582-9835 PHC
Boyne City, Mich. 49712 231-582-9868 FA

Memorandum

To: Michael Cain 
From: John M Lamon 
Date: 2/8/2013
Re: Salvage of the 2008 Expedition

Attached for your authorization is a salvage offer for the 2008 Ford Expedition (ECHO) of \$2,600 from Gene's Auto Sales Inc.

This with the proposed Insurance of \$17,400 (less deductible) will provide total cash out for \$ 19,750.00. The vehicle is listed online with a resale value of \$20,000 for a non-municipal vehicle. Mathers Ford as well as Gene's Auto sales states that value would be difficult to achieve because it is an emergency municipal vehicle. Both stated the vehicle would resale at least \$5,000 less.

It is my recommendation not to repair the vehicle, but, to accept both the insurance and salvage amount as presented.

2013 FEB 11 10:30 AM

SWORN STATEMENT

IN PROOF OF LOSS

\$45,000.00
AMOUNT OF POLICY AT TIME OF LOSS

10/01/2012
DATE ISSUED

10/01/2013
DATE EXPIRES

HMP-082966
POLICY NUMBER

MUNICIPAL UNDERWRITERS OF
MICHIGAN
AGENCY AT

MI1 163077
CLAIM NUMBER

To the HCC Public Risk Claim Service, Inc., the Michigan Township Participating Plan, and the U.S. Specialty Insurance Company of Auburn Hills, Michigan. At time of loss, by the above-indicated policy of insurance you insured the City of Boyne City against loss by collision to the property described under Schedule "A," according to the terms and conditions of the said policy and all forms, endorsements, transfers and assignments attached thereto.

1. **Time and Origin:** Automobile losses occurred about the 18th day of January, 2013. The cause and origin of the said loss was due to a collision with a tree involving the insured 2008 Ford Echo Unit.
2. **Occupancy:** The building described, or containing the property described, was occupied at the time of the loss as follows, and for no other purpose whatever: _____
3. **Title and Interest:** At the time of the loss the interest of your insured in the property described therein was: _____
No other person or persons had any interest therein or encumbrance thereon, except: _____
4. **Changes:** Since the said policy was issued there has been no assignment thereof, or change of interest, use, occupancy, possession, location or exposure of the property described, except: _____
5. **Total Insurance:** The total amount of insurance upon the property described by this policy was, at the time of the loss, \$45,000.00 as more particularly specified in the apportionment attached under Schedule "C," besides which there was no policy or other contract of insurance, written or oral, valid or invalid.
6. **The Actual Cash Value** of said property at the time of the loss was \$
7. **The Whole Loss and Damage** was \$17,422.05
8. **Less Amount of Deductible** \$250.00
9. **Amount Claimed under the above numbered policy** is \$17,172.05

The said loss did not originate by an act, design or procurement on the part of your insured, or this affiant; nothing has been done by or with the privity or consent of your insured or this affiant, to violate the conditions of the policy, or render it void; no articles are mentioned herein or in annexed schedules but such as were destroyed or damaged at the time of said loss; no property saved has in any manner been concealed, and no attempt to deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished and considered a part of this proof.

The furnishing of this blank or the preparation of proofs by a representative of the above insurance company is not a waiver of any of its rights.

State of _____ Insured

County of _____

Subscribed and sworn to before me this _____ day of _____ 20 _____

Notary Public



GENE'S AUTO SALES, INC.
2695 M-37, South
Traverse City, Michigan 49684
Tel: (231) 943-8044 Fax: (231) 943-3590

We will pay \$ 2600- for
2008 Expedition Fire Truck with
municipal title

Thank you,

Tony Dan

Boyne City Main Street
mainstreet@boynecity.com
112 S Park St, Suite F
Boyne City, MI 49712
(231) 582-9009
boynecitymainstreet.com

Agenda Item 9D



Date: February 12, 2013
To: City Commissioners and Michael Cain, City Manager *Mc*
From: Hugh Conklin, Program Manager
Re: Boyne Thunder Resolution of Support

The Boyne Thunder Poker Run returns to Boyne City the weekend of July 12-13. This will be the 10th anniversary of the poker run and all signs point to another great event. Activities begin on Friday and include a dinner reception, auction, and boat and car show downtown during Stroll the Streets. Highlighting Saturday's events is the Poker Run. Other activities include the Lake Charlevoix Cruise and a reception and dinner Saturday evening.

The Boyne Thunder Committee is under the direction of the Main Street Board. In addition to representatives of Main Street, members of the Boyne Thunder committee are Angela Behling, Bob Alger, Karen Sherwood, Ward Collins, Pat O'Brien, Greta Zumbaugh, Peter Oppermann, Bob Mathers, Tracy Nemecek, Jeff Wellman, Michael Knoblock, Rachel Swiss, Camp Quality Executive Director Kristyn Balog, and Bill Aten of Challenge Mountain.

The Boyne Thunder committee is seeking the following from the City Commission:

- The support and endorsement of the event by the City Commission;
- Approval of July 10 through July 14 for the event. The actual dates for the event are July 12-13, however, extra days on each end of the event will provide flexibility to the committee in case they add a special feature to the overall event plus provide time for set-up and clean-up;
- Support Main Street's application to the Liquor Control Commission for a Special License for the sale of beer, wine and spirits for the consumption on the premises to be in effect on July 12 and 13, 2013.
- Approval for City staff to work with the Boyne Thunder committee on needs and issues that may arise as event plans move forward. An event of this size requires a high degree of coordination with the City on a wide variety of issues including the use of the public marina and staff, boat launch, pavilion usage, park layout and set-up, and signage permits.

In its nine years, Boyne Thunder has grown to be a signature event for Boyne City. The event has raised more than \$250,000 for Camp Quality and more than \$82,000 for the Main Street Program. Without the support of the City Commission, City Staff, volunteers, this event would not be possible.

Recommendation: The City Commission support and endorse the 2013 Boyne Thunder event to be held July 10-14, 2013; support the application to the Liquor Control Commission for a special license for the sale of beer, wine and spirits on the premises; and authorize City staff to work with the Boyne Thunder committee on needs and issues that may arise as event plans move forward.

WHERE LIFE MEETS LAKE.®

March 2013

March 2013						
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3	4	5	6	7	8	9
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17	18	19	20	21	22	23
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31						

April 2013						
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21	22	23	24	25	26	27
28	29	30				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				March 1	2
					3
4	5	6	7	8	9
	5:00pm ZBA		8:30am Main Street Board mtg.		10
					11
11	12	13	14	15	16
12:00pm EDC/LDFA	7:00pm City Commission				17
					Saint Patrick's Day (United States)
18	19	20	21	22	23
5:00pm Planning Commission 7:00pm Historical Commission	8:00am Budget Work Session (City Hall)				24
					25
25	26	27	28	29	30
	12:00pm City Commission		5:30pm Airport Advisory Board		9:00am Easter Egg Hunt
					31

February 2013

February 2013						
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March 2013						
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				February 1	2
					3
4	5	6	7	8	9
			8:30am Main Street Board mtg.		10
11	12	13	14	15	16
	7:00pm City Commission	5:30pm Douglas St. Public Info	Valentine's Day (United States) Winter Tax Due Date		17
18	19	20	21	22	23
President's Day (United States) 5:00pm Planning Commission	7:00pm Historic District				24
25	26	27	28		
	12:00pm City Commission		5:30pm Airport Advisory Board		