

**SEPTEMBER 13, 2016  
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 364 NORTH LAKE STREET, ON TUESDAY SEPTEMBER 13, 2016

**CALL TO ORDER**

Mayor Pro-Tem Towne called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

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

Absent: None

Staff: Mark Fowler, Cindy Grice, Michael Cain, Barb Brooks, Scott McPherson, Andy Kovolski, Jeff Gaither, John McLeod and Patrick Kilkenny

Others: There were seven citizens in attendance including a representative from the Petoskey News Review.

**MOMENT OF SILENCE**

Mayor Neidhamer called for a moment of silence in honor of Janet Stahl who recently passed away. Janet is our Planning Department assistant Pat Haver's mother.

**CONSENT AGENDA  
MOTION**

2016-09-104  
Moved by Sansom  
Second by Towne

To approve of the August 23, 2016 City Commission regular meeting minutes as with correction as noted

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**CITIZENS COMMENTS**

Chamber Director Jim Baumann introduced Ashley Cousens, the new Chamber Director. Ashley said she is excited to be here. Boyne City has a wonderful energy and she is looking forward to her new opportunity. Wilma Tysse, Good Neighbors Food Pantry said the first year has been quite successful for the pantry. 47 families are currently served. There are 90 active volunteers. Ms. Tysse invited everyone to attend the Business After Hours at the Pantry on Thursday, September 15 at the Boyne Area Free Clinic / Good Neighbors Food Pantry.

**CORRESPONDENCE**

A thank you from Boyne Thunder 2016; correspondence from State of Michigan DNR regarding the award of the 2016 DTE Energy Foundation Tree Planting Grant Program and the 2015 Report to the Community from the Health Department of Northwest Michigan were received and filed.

**CITY MANAGERS  
REPORT**

City Manager Cain reported:

- We are receiving good comments on the Safe Routes to School project
- Parkview Apartments improvements have begun
- The Avalanche trail build is currently underway

Draft Minutes of the August 4, 2016 Parks & Recreation Commission meeting; the August 8, 2016 Economic Development Corporation meeting; the August 8, 2016 Local Development Finance Authority meeting; the August 15, 2016 Planning Commission meeting; the August 24, 2016 Historical Commission Special meeting and the August 14, 2106 Airport Board meeting were received and filed.

## SAW Grant Acceptance

Consideration to accept the MDEQ SAW Grant and authorize the City Manager to execute the documents.

## REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Planning Director Scott McPherson discussed the Storm Water Management and Wastewater (SAW) grant application that was approved for submittal in November of 2013. The City recently received notice that we have become eligible for this funding and formal offer of the grant is expected in October. The submitted grant request was for a total estimated project amount of \$749,373 of which the City would be required to match 10% totaling \$74,973. Force account reimbursements are estimated at \$16,412 and are grant eligible. To implement the grant and develop the Wastewater and Stormwater Asset Management Plan and Stormwater Management Plan, the City has requested and received a proposal for engineering services from C2AE.

The MDEQ established the Strategic Water Quality Initiatives Fund for the planning, design and construction of improvements for the collection and treatment of wastewater and/or storm water systems. Its primary focus is to encourage developing asset management programs that outline cost-effective operation and maintenance measures. Through the grant program, funding is provided to communities to develop Wastewater Management Plans, Stormwater Asset Management Plans, and Stormwater Management Plans. In addition to the development of the plans, the purchase of computer hardware, software and training to develop and maintain the data are also grant eligible. Approved grants will be 90% funded up to the first 1 million dollars and 75% funded for the second 1 million dollars. It is anticipated this is the final year of awards from this grant fund.

The proposal from C2AE for engineering services for development of a SAW Wastewater and Storm Water Asset Management Plan and Storm Water Management Plan, along with a spreadsheet breaking down the cost basis of the grant basis was also presented to the Commission.

Staff Comments: City Manager Cain added this is another step to make our systems more reliable.

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Towne said it a great program that will provide a lot of good information and possibly save some money. Commissioner Sansom said we should definitely take advantage of this grant. Commissioner Conklin inquired if there would be an annual investment after this initial one and Larry Fox from C2AE said this gives the opportunity for GIS information for everything. Commissioner Grunch thinks it is money well spent and Mayor Neidhamer said he is in full support.

**MOTION**

Moved by Grunch  
Second by Sansom

To approve to accept the MDEQ SAW Grant and authorize the City Manager to execute the documents

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**Fireworks Ordinance**

Consideration to direct staff to start the process to amend the City Fireworks ordinance Sec 34-113 by adding "On these days the ignition, discharge, and use of Consumer Fireworks is prohibited between 1:00 a.m. and 8:00 a.m."

Police Chief Jeff Gaither said the City Commission has directed staff to look at our current Fireworks Ordinance and State Laws to see if there is anything that can be done to reduce the negative issues associated with fireworks use. He added that he has also been approached several times by citizens asking if there is anything else we can do to control fireworks use in the City. Our current ordinance was as restrictive as state law allowed when it was passed in 2013. By our ordinance, consumer fireworks are legal to use on the day before, on and the day after a holiday. This discouraged some fireworks use on other days, however state law prohibited any other restrictions on fireworks use at that time.

The Michigan Legislature amended the fireworks law in 2014 allowing for local ordinances to prohibit fireworks use on the 3 "legal days" around the holidays during the hours of 1:00 a.m. to 8:00 a.m. This change was designed to give local jurisdictions even more control of fireworks use, and if adopted here, may contribute to more peaceful nights in the City. Some of our neighboring communities have adopted the new "prohibited hours" including Evangeline Township and East Jordan.

Chief Gaither provided statistics of fireworks complaints received. He also recommended amending the ordinance by adding the sentence "On these days, the ignition, discharge and use of Consumer Fireworks is prohibited between 1:00 a.m. and 8:00 a.m."

Staff Comments: None

Citizens Comments: Jim Baumann said this is a terrible law that was forced on us and this small step being recommended is a good idea.

Board Discussion: All Commissioner support the recommendation.

2016-09-106

Moved by Towne  
Second by Sansom

**MOTION**

To approve for staff to start the process to amend the City Fireworks ordinance Sec 34-113 by adding "On these days the ignition, discharge, and use of Consumer Fireworks is prohibited between 1:00 a.m. and 8:00 a.m."

Ayes: 5

Nays: 0  
 Absent: 0  
 Motion carried

**Avalanche Trails  
 Horseback Riding Ban**

---

Consideration to approve the recommendation of the Parks & Recreation commission to ban horseback riding on the new mountain bike trails at Avalanche Park and direct staff in install signage as required

Public Works Superintendent Andy Kovolski discussed the concerns expressed regarding occasional horseback riding in Avalanche Park. The trail building experts have stated that horses will cause heavy damage to a trail quickly on trails not designed for their use. The Parks and Recreation Board have discussed this issue in the past and again at their recent meeting and came to the consensus to recommend that the City Commission allow the new mountain bike trails at Avalanche Park to be closed to horseback riding and direct staff to have signage installed as required, to facilitate this action.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioner support this recommendation.

**MOTION**

2016-09-107  
 Moved by Sansom  
 Second by Conklin

To approve the recommendation of the Parks & Recreation commission to ban horseback riding on the new mountain bike trails at Avalanche Park and direct staff in install signage as required.

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**Police Department Staff  
 and Command School  
 Request**

---

Consideration to approve to send Assistant Police Chief Kevin Spate to Northwestern University's Police Staff and Command School in February, 2017 for a cost of \$4,100 plus travel expenses and authorize Police Chief Jeff Gaither and City Manager Michigan Cain and staff to execute the documents necessary to accomplish this

Police Chief Jeff Gaither discussed the request for approval for Assistant Chief Kevin Spate to attend a Police Staff and Command School this coming Winter. This is a very strong opportunity to develop future leaders from within the department. It ties in seamlessly with the succession plan for the department and leadership development at every level is essential to a successful overall mission. This program starts in February and runs two weeks on and two to three weeks off, concluding in June.

Staff Comments: City Manager Cain reiterated that there is no more valuable resource than the people.

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Towne said he thinks we should increase the meal stipend. Commissioner Conklin asked if it could be offered to others in the department and was informed that they must be in a supervisory position for at least two years. All Commissioners are in support of the request.

**MOTION**

2016-09-108  
 Moved by Conklin  
 Second by Sansom

To approve to send Assistant Police Chief Kevin Spate to Northwestern University's Police Staff and Command School in February, 2017 for a cost of \$4,100 plus travel expenses and authorize Police Chief Jeff Gaither and City Manager Michigan Cain and staff to execute the documents necessary to accomplish this

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**Michigan Natural  
 Resources Trust Fund  
 Open Space Grant  
 Requirements**

---

Assistant Planning Director Patrick Kilkenny discussed the additional information required for the grant review process from the Michigan Natural Resources Trust Fund (MNRTF). These items are due by October 4, 2016. The Due Care Plan is required and is generally developed based on the proposed use of the property and the potential exposure to contaminants based on that use. The results of the MDEQ sampling event conducted in July will be used to complete the Due Care Plan. The initial results from the study have been received. Additionally a proposal for the Due Care Plan was solicited and received from Sagasser & Associates. A revised project funding resolution is also required and was provided to the Commissioners.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation and the plan to move forward.

**MOTION**

2016-09-109  
 Moved by Grunch  
 Second by Towne

To approve the Due Care Plan proposal from Sagasser & Associates at a cost not to exceed \$3,500 and allow the City Manager to complete the contract documents as necessary

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**MOTION**


---

2016-09-110  
 Moved by Towne  
 Second by Sansom

To approve the Michigan Natural Resources Trust Fund Grant – Project Funding and Explanation of Match Sources Resolution for the Boyne City Open Space application and allow the City Manager and City Clerk / Treasurer to complete the document as necessary

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

### **PROTEC Membership**

Consideration to approve membership in the PROTEC at an annual cost of about \$467 and authorize the City Manager and City Clerk / Treasurer to execute the necessary paperwork.

City Manager Cain presented the annual request for voluntary membership in PROTEC. This group is made up of local communities across the state to help protect our common interests in the use of our public rights of ways. The group is associated with the Michigan Municipal League. Our ability to control what happens in our rights of ways have been eroded over the years. The most recent example of this has been the extended discussions regarding the placement of private communication antennas in our road right of ways. We appear to have, at long last, successfully concluded that process with ACD. Our attorney during that process is PROTEC's main attorney.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

### **MOTION**

2016-09-111  
Moved by Towne  
Second by Sansom

To approve membership in the PROTEC at an annual cost of about \$467 and authorize the City Manager and City Clerk / Treasurer to execute the necessary paperwork

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

### **Boyne City Trails Week Resolution**

City Manager Cain presented a proclamation declaring September 17- 24, 2016 as Boyne City Trails week in conjunction with Michigan Governor Rick Snyder's declaration of September 17-24 as Trails Week in the State of Michigan. Trails have been a priority of our Governor.

Boyne City has worked for years providing a variety of trail based opportunities for its citizens and visitors. We also became a certified Trail Town Community in 2014.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

**MOTION**

2016-09-112  
Moved by Grunch  
Second by Sansom

To proclaim September 17 – 24, 2016 as Boyne City Trails Week.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**Good of the Order**

None

**CLOSED SESSION  
MOTION**

2016-09-112  
Moved by Neidhamer  
Second by Towne

To approve the 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) at 8:19 p.m.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**RETURN TO OPEN  
SESSION  
MOTION**

2016-09-113  
Moved by Neidhamer  
Second by Grunch

To return to open session a 9:12 p.m.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**ADJOURNMENT**

Motion by Mayor Neidhamer seconded by Mayor Pro-Tem Towne to adjourn the Regular City Commission meeting of Tuesday, September 13, 2016 at 9:12 p.m.

  
Tom Neidhamer  
Mayor

  
Cindy Grice  
Clerk / Treasurer