

**SEPTEMBER 23, 2014
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY SEPTEMBER 23, 2014

CALL TO ORDER

Mayor Pro-Tem Towne called the meeting to order at Noon followed by the Pledge of Allegiance.

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

Absent: Mayor Grunch

Staff: Cindy Grice, Michael Cain, Scott McPherson, Dan Meads, Andy Kovolski, Annie Doyle, Barb Brooks, John Lamont and Jeff Gaither

Others: There were 10 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

EXCUSE MAYOR GRUNCH

2014-09-121

Moved by Towne

Second by Gaylord

To excuse Mayor Grunch from attending today's meeting

Ayes: 4

Nays: 0

Absent: 1, Mayor Grunch

Motion carried

CONSENT AGENDA

MOTION

2014-09-122

Moved by Neidhamer

Second by Gaylord

2014-09-122A

To approve of the September 9, 2014 City Regular City Commission meeting minutes as presented

2014-09-122B

To approve to reappoint Bob Carlile to the Zoning Board of Appeals for a three-year term expiring on September 1, 2017

2014-09-122C

To approve to schedule a City Facilities Work Session for Tuesday, October 21, 2014 at 6:00 p.m.

Ayes: 4

Nays: 0

Absent: 1, Mayor Grunch

Motion carried

CITIZENS COMMENTS

Ron Crozier thanked Barb Brooks and marina staff for their help keeping the Veteran's Memorial looking good.

CITY MANAGERS REPORT

City Manager Cain reported:

- The Fall rubbish collection is done.
- Good progress is being made on the Ray and East Street Construction project

- There have been some problems reported of people cleaning fish on the new shopper's dock.
- A reminder that election signs should be on private property
- Absentee Ballots are here and available.
- A good meeting was held last week with Eveline Township and Sommerset Pointe
- 6 Well points have been installed on both sides of Division Street.

None

The August, 2014 Financial Statement was received and filed.

Consideration to hold a public hearing to receive public comment regarding the transfer of a 13 foot portion of excess right of way from the City of Boyne City to FO Barden, and authorize the City Manager to execute the documents..

Mayor Pro-Tem Towne opened the public hearing at 12:17 p.m.

Planning Director Scott McPherson discussed the proposed transfer. Paul Barden of FO Barden said it is advantageous to them and also the City. There was no other public comment.

Mayor Pro-Tem Towne closed the public hearing at 12:18 p.m.

Board Discussion: All Commissioners are in agreement.

2014-09-123
 Moved by Sansom
 Second by Gaylord

To approve the transfer of a 13 foot portion of excess right of way from the City of Boyne City to FO Barden as presented.

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

Consideration to extend the Food Truck moratorium for an additional 90 days.

Planning Director Scott McPherson discussed the 90 day moratorium on permitting transient mobile food vendors that expires on September 24. Staff has continued to accumulate and review information on the topic and has been attempting to find an impartial mediator to facilitate a committee that would be comprised of various stakeholders. The committee would be charged with the task of developing recommendations for the development of a food truck ordinance. It is being recommended that the City Commission extend the current moratorium for an additional 90 days.

Citizens Comments: None

Staff Comments: None

CORRESPONDENCE

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

**Public Hearing – East
 Street Portion Vacation**

Food Truck Moratorium

Commissioner Gaylord said he feels this is a passionate matter on multiple sides. We need to do due diligence. He is in support of extending the moratorium making sure the City Manager directs staff to garner feedback on what's taken place so far. Commissioner Neidhamer said it is a topic that needs thorough vetting and agrees with the extension. Commissioner Sansom and Mayor Pro-Tem Towne agree with the recommendation.

MOTION

2014-09-124

Moved by Neidhamer

Second by Gaylord

To extend the current food truck moratorium for an additional 90 days.

Ayes: 4

Nays: 0

Absent: 1, Mayor Grunch

Motion carried

Trail Towns Master Plan

Consideration to adopt the Trail Town Master Plan..

Assistant Planner Annie Doyle discussed the creation of a Trail Town Master Plan for the purposes of capturing the potential for trail based tourism in Boyne City and Boyne Falls. Harry Burkholder, a Land Information Access Association planner has worked with local citizens and community leaders toward the development of this comprehensive recreational trail plan. It is representative of a long term commitment our community has to the recreational trails throughout the City and around the region.

Harry Burkholder presented and discussed the proposed plan. He commended the Committee for their enthusiasm and commitment to the project.

Citizens Comments: Chamber Director Jim Baumann said he thinks it has been a great process. Harry had some great ideas and the knowledge to make the recommendations.

Staff Comments: None

Board Discussion. Commissioner Neidhamer said he thinks that was a fantastic presentation. It's just one more tool in our toolbox to make Boyne City a special place to be. He also thanked Bo Mayfield and Mike Sheean. There have been over 40 to 50 people involved, including the Planning Commission, the Parks & Recreation Board, Main Street and the Chamber. Implementation won't cost us a lot of money. He pointed out that people already come to Avalanche. People come in from the State Park. We have Boyne Mountain. It's a fantastic document and could be one more feather in our cap. Commissioner Sansom thanked everyone involved and she is in for promoting a healthy lifestyle. She personally doesn't want to have the trails motorized.

Commissioner Gaylord said he appreciates the positive comments. We do have a lot of people when they're interested in a project they enjoy, they step up. Economically, it's a good thing. If you bring people from out of the area and they bring their money. His point is no problem with an

entity giving us information, his problem is being bound to something. He has no issues with signs going up and is not opposed to the concept and potential community impact. He doesn't like specific guidelines to have to follow. Mayor Pro-Tem Towne supports the plan.

MOTION

2014-09-125
 Moved by Neidhamer
 Second by Sansom

To adopt the Trail Town Master Plan

Ayes: 3
 Nays: 1, Commissioner Gaylord
 Absent: 1, Mayor Grunch
 Motion carried

Safe Routes to School

Consideration to approve a resolution to submit a Safe Routes to School grant application with the project changes as described and authorize the City Manager to execute the documents.

Planning Director Scott McPherson discussed the proposed resolution to submit a grant with the new priorities presented.

Staff Comments: Police Chief Gaither said he thinks it is a fantastic opportunity for the City to get these funds to assist in these priorities and feels it is a good plan.

Citizens Comments: None

Board Discussion: Commissioner Sansom asked if the primary route changed the roadway width and was informed no. Commissioner Gaylord said it's good to see Boyne Hill community represented on the map. He is in favor of getting kids to school safely. He added that by reading the grant, some of it's trying to promote change in behaviors. He has a problem when a government tries to change behaviors. It should be done as a family unit to promote the healthy lifestyle. It's a very slippery slope to engage in that behavior. He doesn't endorse their ideology or methodology on the program that has no bearing on getting kids to school safely. He has no issue with the routes presented. Commissioner Neidhamer said the bigger issue is we have an opportunity to get \$400,000 in grant funds. He thinks it's our responsibility to approve and take advantage of that. The fact is we're getting kids to school safely. Commissioner Sansom and Mayor Pro-Tem Towne support the recommendation.

MOTION

2014-09-126
 Moved by Neidhamer
 Second by Sansom

To approve a resolution to submit a Safe Routes to School grant application with the project changes as described and authorize the City Manager to execute the documents.

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

Dog Park Grant Application

Consideration to approve the request of the Ridge Run Dog Park Committee to submit a grant in the amount of up to \$6,000 (1/4 of the total project costs) to the Charlevoix County Community Foundation on behalf of the City and authorize the City Manager to sign the necessary documents.

Executive Assistant / Harbormaster Barb Brooks presented a grant application to the Charlevoix Community Foundation to assist in the installation of shade pavilion furnishings, trees and shrubs. The project is estimated to cost approximately \$30,000 with the remaining \$24,000 raised by donations and in kind services. The dog park is becoming very popular and people are bringing their dogs from all over Charlevoix County and parts of Emmet county. Further development of the park and amenities will encourage even more use.

Citizens Comments: Mike Sheean said this committee has done an excellent job and thinks the City should take this opportunity to further enhance the dog park. Jim Baumann agrees. There are always people there. People are cleaning up after their pets. It's working out and it is great to have a few more amenities.

Staff Comments: None

Board Discussion: Commissioner Gaylord said he wants details on the training and obedience classes that are taking place there. Is this a for-profit business? He would like follow up on that. He doesn't recall us authorizing anyone setting up a business in our dog park and wants the answer on that. Barb said there is someone who meets with dog owners there. Commissioner Gaylord added that he is not opposed to using the City as conduit to get apply for the grant. Commissioner Neidhamer said the dog park has been an asset to our community, is highly used and he agrees with the recommendation.

Commissioner Sansom she has also heard very good comments and is in favor of this. Commissioner Gaylord inquired who is doing the enforcement of all the rules and City Manager Cain said we would respond on a complaint basis but has not heard of any.

MOTION

2014-09-127
 Moved by Sansom
 Second by Neidhamer

To approve the request of the Ridge Run Dog Park Committee to submit a grant in the amount of up to \$6,000 (1/4 of the total project costs) to the Charlevoix County Community Foundation on behalf of the City and authorize the City Manager to sign the necessary documents.

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

Avalanche Mountain Bike Trail

Consideration to allow TOMMBA to develop an improvement plan for the Avalanche Mountain Bike Trail and direct staff to work with TOMMBA on this process.

Public Works Superintendent Andy Kovolski discussed the Mountain Bike Trail at Avalanche that the Parks and Recreation Commission has been talking about. This trail is in need of work and updating. Steve Schnell and Bo Mayfield representing the Top of Michigan Mountain Bike Association presented a plan to possible take on the trail project. They propose to develop a plan to alleviate the erosion issues that have started and the conflicts at trail crossing with other trails. At this point, TOMMBA has funds available for this project and would like to start the process. Parks and Recreation Commission are in support of this. Steve Schnell discussed this project. This would place this trail on the maps on their website.

Citizens Comments: Mike Sheean agreed this is a great opportunity. Jim Baumann said this is a slam dunk and a generous offer.

Staff Comments: City Manager Cain agrees. It's another opportunity to take a great place and enhance it for a wider range of people to take advantage of. It will help make our community more viable.

Board Discussion: Commissioner Sansom said it would draw more people. Any other purpose like cross country or snow shoe trail? Yes. Steve Schnell also added that it is going to be built so there won't be the need to do much maintenance. Commissioner Gaylord said this is an example of user groups and organizations that promote it by providing resources but not saying you have to do it a certain way. Would this put us on the map to gain nationwide notice? Yes. He added that it this increases safety and utilization, it's a definite win for the City. Commissioner Neidhamer said he is in full supports. This meets one of our city goals. People do search for website of trails. Mayor Pro-Tem Towne agrees.

MOTION

2014-09-128
 Moved by Sansom
 Second by Neidhamer

To approve to allow TOMMBA to develop an improvement plan for the Avalanche Mountain Bike Trail and direct staff to work with TOMMBA on this process.

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

Brief Recess

MOTION

2014-09-129
 Moved by Sansom
 Second by Neidhamer

To recess at 2:05 p.m.

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

Reconvene
MOTION

2014-09-130
 Moved by Sansom
 Second by Gaylord

To reconvene at 2:15 p.m.

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

Marina Renovation Draft Permit

Consideration to approve the Boyne City Marina Renovation Draft Permit from the MDEQ as presented and authorize the City Manager to sign and submit the documents for countersignature and authorize the City Manager to sign and submit the pending permit when received from the USACE providing there are no significant changes from what is proposed by the MDEQ.

Harbormaster Barb Brooks discussed the presented Draft Permit for Countersignature from the MDEQ. Once the permit is signed by the City and sent back to the MDEQ for processing, we should hear from the USACE as well. We have been in contact with the Corp throughout the summer and they have indicated they have all the information needed and would make a decision after the MDEQ to finalize their process. This permit has been reviewed by staff and Abonmarche, our engineering firm. We see nothing of concern with the draft permit as modified. Minor modifications may be requested to this permit during design and / or construction at no cost and will be taken care of administratively by the MDEQ and USACE.

During the five year life of the permit, the City can choose to build some or none of the project. The permit does not commit the City to move forward with the project. When and if the City decides it is ready to expand and / or renovate all or portions of the current marina and proposed expansion, the permit is in place and the outlined project would not be held up by the permitting process. It will also help when we are talking to granting agencies to show we have a permitable project.

Citizens Comments: None
 Staff Comments: None

Board Discussion: Commissioner Gaylord said he moves to adjourn this matter due to it's importance and thinks that Mayor Grunch's opinion in this is important. Commissioner Neidhamer said he doesn't want to jeopardize any timeline. Commissioner Sansom asked Barb if she is comfortable with this and she said yes. City Manager agrees with Barb to move forward on this matter. Commissioner Neidhamer said he would rather proceed and Commissioner Sansom and Mayor Pro-Tem Towne agree.

MOTION

2014-09-131
 Moved by Sansom
 Second by Neidhamer

Consideration to approve the Boyne City Marina Renovation Draft Permit from the MDEQ as presented and authorize the City Manager to sign and submit the documents for countersignature

Ayes: 3
 Nays: 1, Commissioner Gaylord
 Absent: 1, Mayor Grunch
 Motion carried

Water System General Plan Update

Consideration to accept the proposal from C2AE to update the water system General Plan, hydraulic modeling, and reliability study and supporting documents as outlined in their proposal in the amount of \$13,850.00 and authorize the City Manager to sign the necessary documents

Water / Wastewater Superintendent Dan Meads presented the yearly Sanitary Survey of our water system received and conducted by the MDEQ. We received copies with the findings and recommendations. Per MDEQ requirements, our General Plan, Hydraulic Modeling and Reliability study need to be updated. They are currently overdue to be updated. C2AE has proposed to update these plans and studies at a cost of \$13,850.

Citizens Comments: None

Staff Comments: None

Board Discussion. Commissioner Gaylord said this was an unfortunate document to read from the DEQ, two deficiencies and 8 recommendations. Regarding Item 4 of the recommendation, in his opinion, the State has no business recommending what a community adds to a water system if it's not law. He would like to direct the City Manager to obtain something in writing from Mr. Thurston's supervisor why they are recommending that and provide that in written form. It's absolutely out of line. It's a regulatory monitoring agency. They have no business telling the community or recommending that, if it's outside of the law. He wants something in writing why they're making that recommendation. It's inappropriate.

Commissioner Neidhamer said he has talked to Mr. Thurston at length. He's the professional, the expert. He is support of spending the money to get the documentation in order. It provides the most complete record.

MOTION

2014-09-132
 Moved by Neidhamer
 Second by Gaylord

To accept the proposal from C2AE to update the water system General Plan, hydraulic modeling, and reliability study and supporting documents as outlined in their proposal in the amount of \$13,850.00 and authorize the City Manager to sign the necessary documents

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

MOTION

2014-09-133
 Moved by Gaylord
 Second by Sansom

To authorize the City manager to contact Brian Thurston as requested by Commissioner Gaylord

Ayes: 3
 Nays: 1, Commissioner Neidhamer
 Absent: 1, Mayor Grunch
 Motion carried

Ambulance Bid Award

Consideration to accept the low bid from Kodiak Emergency Vehicles of Lansing in the amount of \$286,986 for two, 2015 Type One Ambulances and equipment, including trade-ins, and authorize the City Manager to complete and sign any necessary documents.

EMS Director John Lamont stated two bids were received for the 2 - 2015 F450 4x4 type one ambulances. This is in compliance with the FEMA, Fire Fighters Grant. The total grant funding package is \$147,000 on a 95/5 matching basis. The bid request included trading in the 2002 Osage, the 2001 PL Custom Ambulance and purchase a MX Pro cot. Kodiak, of Lansing came in with the low bid of \$286,986.

Citizens Comments: None

Staff Comments: City Manager Cain said we are getting the 2 for 1 special due to the grant.

Board Discussion: Commissioner Neidhamer said he is in full support. Good job, we're headed in the right direction. Commissioner Sansom said she is okay with it, it's important for the community. Commissioner Gaylord said he appreciates John's contribution with the grant submission. He was in support of the two new identical rig concept. Our citizens will be better served with it.

MOTION

2014-09-134
 Moved by Neidhamer
 Second by Gaylord

To accept the low bid from Kodiak Emergency Vehicles of Lansing in the amount of \$286,986 for two, 2015 Type One Ambulances and equipment, including trade-ins, and authorize the City Manager to complete and sign any necessary documents including a 10% down payment.

Ayes: 4
 Nays: 0
 Absent: 1, Mayor Grunch
 Motion carried

Airport Terminal Roof Replacement

Consideration to approve a contract with Jordan Construction to replace the Airport Terminal roof in the amount of \$10,375 and authorize the City Manager to execute the documents.

Public Works Superintendent Andy Kovolski provided a recommendation to contract with low bidder, Jordan Construction to replace the roof at the airport terminal. We also received a price of \$1.78/square foot to replace any bad sheathing encountered.

Staff Comments: City Manager Cain said the past two months, the roof has been leaking.

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2014-09-135
Moved by Gaylord
Second by Sansom

To approve a contract with Jordan Construction to replace the Airport Terminal roof in the amount of \$10,375 and authorize the City Manager to execute the documents.

Ayes: 4
Nays: 0
Absent: 1, Mayor Grunch
Motion carried

Airport Crack Seal Bids

Consideration to award a contract for Overband Crack Sealing at the Airport to Applied Pavement Maintenance in the amount of \$14,890 and authorize the City Manager to execute the documents

Public Works Superintendent Andy Kovolski provided a recommendation to contract with Applied Pavement Maintenance to provide crack-sealing on the runway, taxiways and all parking areas at the airport.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement.

MOTION

2014-09-136
Moved by Gaylord
Second by Sansom

To contract for Overband Crack Sealing at the Airport to Applied Pavement Maintenance in the amount of \$14,890 and authorize the City Manager to execute the documents.

Ayes: 4
Nays: 0
Absent: 1, Mayor Grunch
Motion carried

**Rural Partners of Michigan
Grant Opportunity**

Consideration to approve to submit a grant application to the Rural Partners of Michigan for a community grant opportunity of up to \$800 and authorize the City Manager to sign all necessary documents to implement the grant if awarded.

Annie Doyle discussed the small grant opportunity thru the Rural Partners of Michigan of up to \$800 for organizations engaged in rural community development. The grant application deadline was September 19, 2014 and staff was made aware of it on September 15, 2014. The grant focuses on areas including community economic development projects in rural communities and is awarded to five communities bi-annually. It requires no match for the approved proposals. Staff submitted a proposal for the sponsorship of one artist for the recently approved Walkabout Sculpture Show.

Citizens Comments: None

Staff Comments: City Manager Cain said we got an email from the State at 8:30 am and got the grant out on Friday. There are no city dollars involved and he directed Annie to go forward.

Board Discussion: Commissioner Neidhamer said this is an opportunity to get some funds. We were late in receiving the application process. Commissioner Sansom said she is support of the artist. Mayor Pro-Tem Towne is in support. Commissioner Gaylord said the issue is that another grant application was submitted without Commission approval. If we don't follow it, what process should we ignore. There may need to be a consequence that we withdraw this. We should have requested an extension. He added that he is standing up for the process we have in place. The reality is that it didn't get approved by the City Commission ahead of time. City Manager Cain said there is no end-around. Also this \$800 is within the City Manager's responsibility and within his spending amount. Commissioner Gaylord asked why it was brought forward, looks like you're trying to have it both ways.

Commissioner Neidhamer said he respectfully disagrees and commends staff for taking the initiative. If the state was late, we're not going to jeopardize the community. Commissioner Sansom said she understands and would always prefer it comes before them. Based on the previous meeting, there was a lot of enthusiasm about this and she doesn't have an issue with it.

MOTION

2014-09-137
Moved by Neidhamer
Second by Sansom

To approve to submit a grant application to the Rural Partners of Michigan for a community grant opportunity of up to \$800 and authorize the City Manager to sign all necessary documents to implement the grant if awarded.

Ayes: 3
Nays: 1, Commissioner Gaylord
Absent: 1, Mayor Grunch
Motion carried

Good of the Order

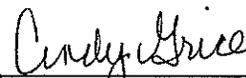
Commissioner Gaylord congratulated football Coach Hills and team for another victory. He also reminded everyone of the October 11 Fluoride debate at the library with a renowned expert on this matter. He encouraged everyone to come in with an open mind. Commissioner Sansom said there will be a repeat of the lecture on the Hotel at the Senior Center this coming weekend.

**ADJOURNMENT
MOTION**

Moved by Mayor Pro-Tem Towne, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, September 23, 2014 at 3:25 p.m.



Mayor Pro-Tem Towne
Mayor



Cindy Glice
Clerk / Treasurer