

**OCTOBER 9, 2018
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 OCTOBER 9, 2018

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Ron Grunch, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: None

Staff: Dennis Amesbury, Michael Cain, Mark Fowler, Jeff Gaither, Jane Halstead, Christie Hoenicke, Darcy Kotalik, John McLeod, Scott McPherson, Jake Michels, Craig Remsburg, Kevin Spate and Mike Wiesner

Others: There were fourteen citizens in attendance.

**CONSENT AGENDA
MOTION**

2018-10-109

Moved by Conklin

Second by Grunch

Approval of the September 25, 2018 City Commission regular meeting minutes with the deletion of the reference to jumping off the docks in the good of the order

Approval of the October 2, 2018 City Commission Goals Work Session minutes as presented

Approval to purchase a Boss V Plow in the amount of \$5,365.50 from Truck & Trailer Specialties and authorize the City Manager to execute the documents

Approval to purchase a bagger for the zero-turn mower from Ginop Sales in the amount of \$4,380 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

**CITY MANAGERS
REPORT**

City Manager Michael Cain reported:

- The new wave attenuator has been installed at the marina.
- The West Michigan/Woodland water main project is in progress. There have been slight delays due to weather.
- Inspection of the sewer/storm sewers throughout the City continues.
- The storm water filtration system in Sunset Park behind the Chamber of Commerce has been cleaned out.

- Four of the seven water filtration gardens have been installed in Sunset Park along the water. The remaining gardens will be installed during the next few weeks.
- City Manager Cain will participate in court ordered mediation with the parties responsible for the damage to the new concrete at the Veteran's Park Pavilion.
- Well #2 behind the 1910 building is being repaired and will cost approximately \$7,000 above what was previously approved.
- Twenty-six applications have been received for the open position of DPW Director.
- The mosaic sculpture is being installed at Peninsula Beach Park.
- Absentee ballots are now available for the November Election.
- The Boyne Valley Lions Club will hold a dedication at the Open Space Wednesday, October, 17th at 12:45 p.m. They installed a new seating group near the lake to celebrate their 50th Anniversary.
- Governor Snyder has appointed Mark Fowler to the newly formed Environmental Rules Review Committee. Mark is one of 16 members.

Officer Hoenicke Honored

Representatives from the Charlevoix County Prosecutors Office and the Women's Resource Center of Northern Michigan presented Officer Christie Hoenicke with an Award of Excellence in honor of Domestic Violence Awareness Month. Only one officer in 5 counties is given the award. Chief Gaither stated that Officer Hoenicke goes above and beyond to take care of crime victims. Scott MacKenzie stated that he has been a witness to Christie's compassion and leadership - she is a role model who is making a difference.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Draft minutes of the September 6, 2018 Main Street Board meeting; the September 7, 2018 EDC meeting; the September 7, 2018 LDFA meeting; the September 11, 2018 Zoning Boards of Appeals meeting; the September 13, 2018 Parks & Recreation Commission meeting and the September 27, 2018 Airport Advisory Board meeting were received and filed.

Parking Study Presentation

Annaka Norris of Rich & Associates presented the final result of the parking study which has been ongoing since June. Recommendations include changing all current 2 hour parking into 3 hour parking to give tourists ample time to visit multiple destinations. Employees need to be encouraged to park farther away during busy times. We need to manage the parking that we have. There should be 1 barrier free space per block and we need to appoint a parking manager. A GIS demand model has been given to the City to use as parking and land use changes. Copies of the parking report are available at the Boyne District Library, City Hall and online.

Citizens Comments: Ken Allen said that it is important to make accommodations for bikes and electric cars.

Board Discussion: Mayor Neidhamer asked for hints on how to follow through on recommendations. Norris indicated we need to continually monitor turnover and occupancy. We need to champion the report and approach parking pro-actively.

**World Polio Day
Resolution**

Consideration to approve the request by the Rotary Club of Boyne City to adopt the World Polio Day Resolution and proclaim October 24, 2018 as World Polio Day in the City of Boyne City.

Mark Muniak of the Rotary Club of Boyne City stated that Rotary is working to eradicate Polio throughout the world. In 1988, polio still existed in 125 countries. Today polio only remains in 3 countries. Rotary wants to declare October 24th as World Polio Day. The local chapter is trying to organize an event in Boyne City that date.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

MOTION

2018-10-110
Moved by Neidhamer
Second by Page

To approve the adoption of the World Polio Day Resolution and proclaim October 24, 2018 as World Polio Day in the City of Boyne City.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**City Facilities HVAC
Maintenance Agreement**

Consideration to approve an Inspection and Service agreement with D & W Mechanical of Traverse City to provide maintenance for the HVAC system in the City Facilities in the amount of \$17,960 and authorize the City Manager to execute the documents.

The new City Hall facility has a state of the art HVAC system which is complicated. It has approximately 40 filters and numerous other adjustments and checks that need to be performed. City staff does not currently have the expertise or licenses to maintain the system. City Manager Michael Cain stated that the architect who designed the building recommended that we contract with the company who installed the systems, at least initially. D & W is the contractor that installed the system and they submitted a maintenance proposal. They were able to reduce the proposed costs by choosing an alternative filter brand.

Staff Comments: None.

Citizens Comments: None

Board Discussion: In our old building, DPW staff was able to maintain the heating and cooling system but this is new and complicated technology. It is not foreseeable that we will have an employee with the expertise to maintain such a system. Commissioner Conklin asked if we had budgeted for this amount and no we did not. City Manager Cain stated that we have not seen any energy savings offset as of yet. We are still tweaking the system.

MOTION

All are in agreement with the recommendation.

2018-10-111
 Moved by Solomon
 Second by Conklin

To approve an Inspection and Service agreement with D & W Mechanical of Traverse City to provide maintenance for the HVAC system in the City Facilities in the amount of \$17,960 and authorize the City Manager to execute the documents

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

City Facilities Elevator Maintenance Agreement

Consideration to approve entering into a five year agreement for elevator maintenance services from the company with the lowest fees which happens to be the firm which built and installed our elevator Thyssenkrupp at their gold level at an initial cost of \$1,680 per year and authorize the City Manager to execute the agreement

The new City facilities building contains the first elevator we have ever had. The elevator included a one year service agreement which has expired. We are a required by law to have the elevator inspected on a quarterly basis to meet State standards.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Page asked how many service calls we have had so far and Cain said approximately 10. The company provides 24 hour service.

All are in agreement with the recommendation.

MOTION

2018-10-112
 Moved by Conklin
 Second by Grunch

To approve entering into a five year agreement for elevator maintenance services from the company with the lowest fees which happens to be the firm which built and installed our elevator

Thyssenkrupp at their gold level at an initial cost of \$1,680 per year and authorize the City Manager to execute the agreement

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Fire Department FEMA Grant Award

Consideration to authorize the purchase of a compressor and fill station from Breathing Air Systems at a cost of \$33,939 and authorize the City Manager to sign all the necessary documents

Fire Chief Dennis Amesbury stated that the Fire Department was recently awarded a grant through FEMA Assistance to Firefighters which provided for new air packs but it did not fund the air compressor to fill them. The BCFD requires a new compressor and fill station to properly utilize the new equipment. The old compressor is from 1984. There is money in the Fire budget and the old compressor will be traded in to offset the cost of the new equipment.

Staff Comments: None

Citizens Comments: None

Board Discussion: A new compressor is needed. The Commissioners were all in agreement with the recommendation

MOTION

2018-10-113
Moved by Page
Second by Conklin

To approve the purchase of a compressor and fill station from Breathing Air Systems at a cost of \$33,939 and authorize the City Manager to sign all the necessary documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Rotary Park Soccer Fields Post Lines

Consideration of the recommendation from the Parks and Recreation Commission to allow volunteer employees from Great Lakes Energy to install posts at the Rotary Park Soccer Field at no charge to the City.

Mike Sheehan of the Parks & Recreation Commission stated that there are problems with parking and cars doing damage to the soccer fields and Rotary Park. Eric Leaman, representing Boyne United Soccer Club has been working with Great Lakes Energy to create post lines around the fields in hopes of preventing cars from driving on the fields. GLE is willing to donate old utility posts, drill

holes and place the posts in the ground. The soccer club will place wood chips around the posts to make mowing easier. The posts will be of various sizes and condition but will be cut to a uniform height. There will still be gates to allow access for necessary vehicles.

Staff Comments: DPW Director Mike Wiesner thought it would cost about \$5,000 to do the project with new 6 X 6 lumber. Police Officer Spate said turfing of the fields is a problem. Darcy Kotalik of the DPW indicated that similar posts were used to fence off the Community Garden. The posts do have nails, tar, splinters etc.

Citizens Comments: None

Board Discussion: Commission Solomon wondered if the final appearance will be something we are proud of due to the fact the posts are not all uniform. After further discussion it was decided that a sample section (20-30 feet) should be installed and see if the appearance is satisfactory. If the appearance is not satisfactory, other options will be explored by the Parks and Recreation Commission.

MOTION

2018-10-114
 Moved by Conklin
 Second by Solomon

To approve the recommendation of the Parks and Recreation Commission to allow volunteer employees from Great Lakes Energy to install posts at the Rotary Park Soccer Field at no charge to the City with the condition that a test section of 20 to 30 feet be installed and if the feedback on the test section from the Parks and Recreation Commission and City Commission is satisfactory, continue the installation.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

River Diving Discussion

Police Chief Gaither stated that people jumping off the boardwalk behind Red Mesa has been a recurring problem. It is not a safe practice and it leaves the City open to liability. Kids do not understand the danger. Office McLeod stated that kids are also climbing trees along the river to jump as well. There are rocks in the river and a current that could drag a person under a rock shelf that is in the river. We need to keep kids safe.

Currently the City does not have any ordinance prohibiting the practice so the Police Department does not have the ability to stop people from doing it. There is a State law that prohibits jumping from bridges. The Police Department would like to have an ordinance that makes jumping in the river a civil infraction.

Board Discussion: Commissioner Conklin stated that this is an important matter brought to us by the Police Department that needs

to be addressed. Commission Page inquired as to what the fines would be. All were in agreement that an ordinance should be drafted.

MOTION

2018-10-115
 Moved by Solomon
 Second by Page

To authorize City Staff to craft an ordinance to address the issue of river jumping/diving and present it the City Commission for further review.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

MDEQ Concurrence Form

Consideration to authorize the City Manager as the City's representative to sign the Concurrence Form and submit it to the MDEQ.

Water/Waste Water Superintendent Mark Fowler reported that the MDEQ released new Lead and Copper rules on June 14th, 2018. The Great Lakes Water Authority, Detroit Water and Sewage Department and Oakland County Water Resources Commission (Petitioners) have filed a request for a Declaratory Ruling to challenge the validity of these rules. If the MEDQ rules stand, it will put a huge financial burden on municipalities to replace services lines with lead anywhere in the line including service lines which are on private property. Fowler believes the MDEQ is exceeding their authority. Fowler is asking the City to sign a Concurrence Form and show support for the Petitioners.

City Manager Cain stated that is it an unfunded mandate from the State. We should stand behind fellow communities. The State Constitution states we shall not do public improvements on private property.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Solomon stated that this will have a real impact on taxpayers. How do we equitably solve this problem?

Commissioner Conklin asked if this had been approved by the State – answer is no.

All Commissioners are in agreement with the recommendation

MOTION

2018-10-116
 Moved by Grunch
 Second by Page

To authorize the City Manager as the City's representative to sign the Concurrence Form and submit it to the MDEQ.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Sick Leave Bank Policy

Consideration to approve the Employee Sick Leave Bank Policy, donation form and leave request form as presented and authorize the City Manager to execute the policy.

The City is sponsoring a sick leave bank policy that permits employees to donate excess paid leave to a Sick Leave Bank which can be used by other employees in the event of a medical emergency when they are in need of additional time off in excess of their available sick/personal time. This practice has been done informally in the past but it was recommended by our Labor Attorney that we adopt a formal policy. All participation in this program is strictly voluntary.

City Manager Cain said the informal plan has work well to this point and has been well received.

Staff Comments: None

Citizens Comments: None

Board Discussion: Other municipalities and organizations have similar plans. The policy will apply to all employees, union and non-union.

All are in agreement with the recommendation

MOTION

2018-10-117
Moved by Conklin
Second by Grunch

To approve the Employee Sick Leave Bank Policy; donation form and leave request form as presented and authorize the City Manager to execute the policy

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Request by City Manager to go into Closed Session

City Manager Cain withdrew his request to go into closed session

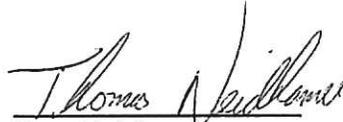
Good Of The Order

Commissioner Conklin inquired about the food truck currently located across from Veteran's Park. The truck is parked there with the permission of the owner. There is no prohibition of food trucks on private property.

Mayor Neidhamer suggested we do an inventory of signs in the community and encourage signage that promotes a more positive tone.

ADJOURNMENT

Motion by Mayor Neidhamer to adjourn the Regular City Commission meeting of Tuesday, October 9, 2018 at 9:16 p.m.



Tom Neidhamer
Mayor



Jane Halstead
Secretary