

**APRIL 23, 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 APRIL 23, 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, Commissioner Laura Sansom

Absent: Commissioner Neidhamer and Commissioner Gaylord (who arrived at 12:31 p.m.)

Staff: Andy Kovolski, Michael Cain, Hugh Conklin, Kevin Spate, Leslie Meyers, Dan Meads, Barb Brooks, and Cindy Grice

Others: There were 6 citizens in attendance, including representatives from the Charlevoix County News and Petoskey News Review

**EXCUSE COMMISSIONER
NEIDHAMER
MOTION**

2013-04-050
Moved by Grunch
Second by Towne

To excuse Commissioner Neidhamer from today's meeting.

Ayes: 3
Nays: 0
Absent: 2
Motion carried

**CONSENT AGENDA
MOTION**

2013-04-051
Moved by Towne
Second by Sansom

To approve the April 9, 2013 Regular City Commission meeting minutes as presented

Ayes: 3
Nays: 0
Absent: 2
Motion carried

CITIZENS COMMENTS

Chris Glassford made a formal request to have something permanent done to the alley between his home and CindiFranco's. The gravel is always a mess. It is a busy alley, very dusty and has deep furrows in it.

CORRESPONDENCE

Correspondence from the Michigan State Housing Development Authority regarding recapture and closeout of Grant # MS-2011-6409-HO (Cancelled Kruzel apartment project); the Michigan Department of Natural Resources regarding 2013 DTE Energy Tree Planting Grant; the Michigan Department of Transportation regarding road funding; a Public Notice for the upcoming the Charlevoix County Local Road Task Force Public Hearing and a copy of MML letter to Governor Rick Snyder regarding the Economic Vitality Incentive Program were received and filed.

Mayor Grunch called for a moment of silence for the father of Police Chief Jeff Gaither who passed away last week and for Evelyn Dodds, mother of City retiree Richard Dodds, who also passed away.

MOMENT OF SILENCE

City Manager Cain reported:

- Plans for the Classic Instrument Expansion project have been approved.
 - The City Manager and Hugh Conklin were panelists for the Creating Entrepreneurial Communities conference.
 - Free seedlings will be available on Thursday, April 25 for Arbor Day.
 - Beginning on April 25 and running through May 15, the water department will be flushing hydrants.
 - Leaf pick up begins this Friday.
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CITY MANAGER'S REPORT

The March 2013 Financial Statement was received and filed.

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

2013-04-052

Moved by Grunch
Second by Sansom

MOTION

To move the Fireworks Ordinance and Budget Amendment agenda items to the end of the meeting awaiting Commissioner Gaylord's arrival

Ayes: 3

Nays: 0

Absent: 2

Motion carried

Consideration to approve the FYE 2012/2013 Wilson Township Planning and Zoning Contract for \$36,931.67 and the Evangeline Township Planning and Zoning Contract for \$25,576.62.

**Township Planning and
Zoning Contracts**

City Manager Cain discussed the proposed contracts that have been approved by the Townships and include a 2% increase over last year.

Citizens Comments: None

Staff Comments: None

Board Deliberation: All are in agreement

MOTION

2013-04-053

Moved by Grunch
Second by Sansom

To approve the FYE 2012/2013 Wilson Township Planning and Zoning Contract for \$36,931.67 and the Evangeline Township Planning and Zoning Contract for \$25,576.62

Ayes: 3

Nays: 0

Absent: 2

Motion carried

Douglas Street Bids

Consideration to approve the Douglas Street Construction bid to Tri County Excavating in the amount of \$287,406.95 and authorize the City Manager to execute the documents

City Manager Cain discussed the upcoming project. Construction timeframe is July 7 thru August 10.

Citizens Comments: None

Staff Comments: None

Commissioner Gaylord arrived at 12:31 p.m.

Board Deliberation: All are in agreement with the recommendation.

MOTION

2013-04-054

Moved by Grunch

Second by Sansom

To approve the Douglas Street Construction bid to Tri County Excavating in the amount of \$287,406.95 and authorize the City Manager to execute the documents

Ayes: 4

Nays: 0

Absent: 1

Motion carried

Pavement Marking

Consideration to approve a bid for pavement marking services to M & M Pavement Marking for an estimated amount of \$20,320.10 and authorize the City Manager to execute the documents

Andy Kovolski discussed the pavement bid received in response to our second bid request for pavement marking. The only bid received from the original request was for \$41,843.75. After seeking bids again because the first bid was over two times the cost of last year's services, we received a quote from M & M Pavement Marking for an estimated amount of \$20,320.10. This contractor is on the MDOT pre-approved contractor's list.

Citizens Comments: None

Staff Comments: None

Board Deliberation: All are in agreement.

MOTION

2013-04-055

Moved by Grunch

Second by Sansom

To approve bid for pavement marking services to M & M Pavement Marking for an estimated amount of \$20,320.10 and authorize the City Manager to execute the documents

Ayes: 4

Nays: 0

Absent: 1

Motion carried

Consideration to accept a grant from the Michigan DNR and Waterways Commission, adopt the authorizing resolution and authorize the City Manager to sign the necessary documents and move forward with the project

Waterways / DNR Grant Agreement

Harbormaster Barb Brooks presented the grant agreement for the 2013 Emergency Dredging plan. This grant calls for 100% funding. Grant funds are intended to cover the cost of permitting, engineering, dredging and disposal. As previously indicated, we will dredge what we can with the funds we have. We are unclear, but have seen references to Boyne City funds at \$105,000.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord inquired about the sediment testing results. Harbormaster Brooks stated three locations tested higher levels and we are awaiting MDEQ response how to handle this. Commissioner Gaylord also discussed the Attorney General opinion regarding funding and Harbormaster Brooks said it sounds like it won't impact us. Mayor Pro-Tem Towne said he believes it needs to be done and fully supports it. Commissioner Sansom said she is concerned that \$105,000 is not enough. Mayor Grunch supports the recommendation.

2013-04-056

Moved by Towne

Second by Sansom

MOTION

To accept a grant from the Michigan DNR and Waterways Commission, adopt the authorizing resolution and authorize the City Manager to sign the necessary documents and move forward with the project

Ayes: 4

Nays: 0

Absent: 1

Motion carried

Consideration to authorize the purchase of a 2013 F25 pickup truck from Bob Mathers' Ford in the amount of \$21,534.52 and authorize the City Manager to execute the documents

Water / Wastewater Departments Pick-up Truck Purchase

WWW Superintendent Dan Meads discussed the replacement of the 2002 pick up truck during FYE 2014. This item has been budgeted. Bob Mathers Ford has matched the pricing we can get through the MIDeal program and has provided good service when needed.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement. Commissioner Sansom likes we are purchasing locally. Commissioner Gaylord said the age of the prior vehicle goes to show we are not replacing just because. The 2002 vehicle will then be sold.

2013-04-057
Moved by Gaylord
Second by Towne

MOTION

To authorize the purchase of a 2013 F25 pickup truck from Bob Mathers' Ford in the amount of \$21,534.52 and authorize the City Manager to execute the documents

Ayes: 4
Nays: 0
Absent: 1
Motion carried

2013-04-058
Moved by Grunch
Second by Towne

Brief Recess

MOTION

To recess for five minutes at 1:00 p.m.

Ayes: 4
Nays: 0
Absent: 1
Motion carried

2013-04-059
Moved by Grunch
Second by Towne

Return to Meeting

MOTION

To reconvene the meeting at 1:06 p.m.

Ayes: 4
Nays: 0
Absent: 1
Motion carried

Consideration to approve the FY 2012/2013 budget amendments in compliance with accounting and budgeting standards

FY 2012/2013 Budget Amendments

Clerk / Treasurer Grice presented the proposed amendments to the FYE 2013 budget.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement.

MOTION

2013-04-060
Moved by Towne
Second by Gaylord

To approve the proposed FY 2012/2013 budget amendments in compliance with accounting and budgeting standards

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

Fireworks Ordinance

Consideration of revised draft ordinance for possible approval.

Assistant Planner Leslie Meyers discussed the proposed fireworks ordinance amendments. Police Chief Gaither had provided a memo with information from the state law stating that while the City does have the authority to regulate the use of fireworks by minors, it cannot regulate that use on the day preceding, the day of, or the day after a national holiday. His memo also added that section 34.114 of the proposed ordinance should also be removed. If the intent of the City Commission is to prohibit the use of fireworks other than on the holidays and the day before and after, it would not be necessary to specifically regulate minors outside of the holiday exceptions because consumer fireworks use would be prohibited by everyone. It is also recommended that Section 34.113 to allow for use of consumer fireworks with a permit from the City Commission. Section 34.113 would read; a person shall not ignite, discharge or use consumer fireworks except for the day preceding, the day of, or the day after a national holiday, or by permit from the City Commission.

Staff Comments: None

Citizens Comments. Jim Baumann said this state law was poorly conceived legislation.

Board Deliberation: Mayor Pro-Tem Towne said his views haven't changed. We have to live with the 3 day holiday period. He has been approached by citizens who would like to see this ordinance passed. Commissioner Gaylord said he remains steadfast and opposes any additional regulations other than what the state has. Commissioner Sansom expressed concerns about no age limits. How does a 4 year old light a firework when they are not even allowed to purchase matches or a lighter? She is not happy with the state ordinance. Mayor Grunch said he has had citizens approach him also. We need to take control of our fireworks and he supports the proposed amendments.

2013-04-061

Moved by Towne
 Second by Grunch

MOTION

To approved the Fireworks ordinance revisions as proposed, removing section 34.114, removing the word " special" from section 34.115 and in section 34.112, eliminate section F. In conjunction with all above, renumber accordingly.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

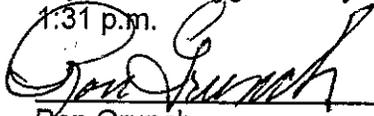
Commissioner Sansom urges everyone to keep an eye out where

Good of the Order

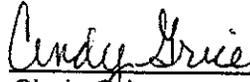
Consumers will be cutting trees and questioned the legitimacy on the tree removals. We should all be vigilant. Mayor Grunch said he agrees and is somewhat dismayed with the process and very poor planning.

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of April 23, 2013 at 1:31 p.m.

ADJOURNMENT



Ron Grunch
Mayor



Cindy Grice
Clerk / Treasurer