

**October 13, 2015
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 13, 2015

CALL TO ORDER

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

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

Absent: None

Staff: Lisa Schrock, Michael Cain, Lori Meeder, Andy Kovolski, Scott McPherson, Jeff Gaither, Mark Fowler and Barb Brooks

Others: There were 16 citizens in attendance including representatives from the Charlevoix County News and Petoskey News Review

**CONSENT AGENDA
MOTION**

2015-10-125
Moved by Towne
Second by Neidhamer

2015-10-125A
To approve the September 22, 2015 City Commission special meeting minutes as presented
2015-09-125B
To approve traffic control orders #132, 133 and 134

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Bill Kuhn spoke about the bow shoot that took place a couple of weeks ago. He would like to move it to the first Saturday after Labor Day next year and thanked the City and the Parks and Rec Department. The water issue on Division Street, he is seeing some improvements and would like to see that continue. He would like to see some way to bring the water to that area quicker; we will see what happens in the winter.

CORRESPONDENCE

Correspondence from Charter Communications regarding rate adjustments.

CITY MANAGERS REPORT

City Manager Cain reported:

- The DPW is on track, it is really coming along
- Court Street is a little behind schedule, a plan is developed to pick up some speed
- Business Park drainage project is complete
- Division Street boring project is completed and fully operational
- Sommerset Pointe force main project—residents can still sign up for connections until October 23 for the same price
- Both water tanks have been inspected, cleaned and returned to service as of late last week
- Recently approved road maintenance program is scheduled to

- start Thursday, it should take two weeks, weather permitting
- First valve turning program begins November 2
- Archery tournament that took place at Avalanche Park on September 24 was a great success
- The City is now accepting credit card payments for some transactions with more coming soon
- Monday started fall leaf pickup, that will continue on Mondays and Fridays through November 9
- The marina closes October 15 for the season
- Work bee at the community playground to remove contaminated wood chips is this Saturday at 9 a.m. We are waiting for the results on new samples of the surface structure and would like to retreat it this fall with sealant and reevaluate it in the spring
- Final Boyne on the Water meeting is November 17 at St. Matthews Parish Hall at 5:30 p.m.
- Chamber of Commerce State of Community program at the Boyne Mountain Civic Center on Thursday at noon

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Draft Minutes of the September 01, 2015 Airport Board Meeting; the September 03, 2015 Main Street Board Meeting; the September 09, 2015 Parks and Recreation Board Meeting; the September 14, 2015 Economic Development Corporation Board Meeting; the September 14, 2015 Local Development Finance Authority Board Meeting; the September 21, 2015 Planning Commission Meeting; and the September 21, 2015 Historical Commission Meeting were received and filed.

Public Hearing for the Boyne City Master Plan

Planning Director Scott McPherson discussed the Master Plan and said they contracted with Mary Campbell about a year ago to help develop goals and objectives. The draft plan was submitted to the commission at the beginning of this past summer. It was also distributed to the surrounding municipalities and counties. The County did have some comments and there were minor changes made. The required Public Hearing was held by the Planning Commission last month and received additional public input. The Commission adopted the resolution and the final step of the process is to come to the City Commission. This will be the final requirement for the RRC certification.

Mayor Grunch opened the Public Hearing at 7:12 p.m.

Mary Campbell spoke about the goals, objectives, noise and quality of life being addressed. Things were updated as needed.

Staff Comments: None

Citizens Comments: John McCahan spoke about the 2007 Master Plan and how it addressed quality of life and noise. John was disappointed that noise was not addressed in the new master plan. In John's opinion the new noise ordinance is very vague.

Board Discussion: Commissioner Sansom had some questions and suggestions for the plan. Commissioner Neidhamer feels it is a good working document and accomplishes what we need to do. Mayor Pro-Tem Towne is in support. Commissioner Gaylord appreciates all the work put in so far and supports it. Mayor Grunch said as a redevelopment ready community and the way grants work with such short time lines, having

money invested in these tools allows us to be ready when writing grants. It is a valuable tool and is in support.

Mayor Grunch closed the Public Hearing at 7:30 p.m.

MOTION

2015-10-126

Moved by Neidhamer

Second by Towne

To pass a resolution of adoption of the City of Boyne City Master Plan

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Revised ACD Antenna Package

City Manager Michael Cain said last year we received a proposal from ACD with regards to placing antennas (they called poles) at five locations around the City. The locations were unacceptable and the Commission directed him to take whatever steps necessary to oppose them. City Manager Michael Cain and Attorney Mike Watza had multiple discussions with ACD and they came back with alternate locations that were found to be acceptable. Included in the agenda packet was a draft DAS (Distributed Antenna System)/Small Cell License Agreement and a draft Right-of-Way telecommunications Permit for DAS/Small Cell System for the Commissions consideration. These were provided to ACD as well. With the revised locations, the local choice of wood or steel at the antenna locations, their proposed purchase, installation and donation of decorative poles that will tie into our downtown streetscape theme for replacement of the existing pole that hold up the traffic signal at Water and Lake Street. With an agreement that better meets our needs and a reoccurring source of revenue for the use of the City's right ways, City Manager Michael Cain feels more comfortable recommending that we proceed with this project. Once completed, this should improve cellular and data services to customers in Boyne City. Feedback was received yesterday from ACD in response to Attorney Mike Watza's proposal. There will be a one time payment in the amount of \$30,000 for upgraded infrastructure, landscape and possibly legal engineering or permitting costs if necessary along with reoccurring monthly payments. City Manager Michael Cain and Attorney Mike Watza reviewed the ACD response and they didn't see anything that would stop them from moving forward.

Staff Comments: None

Citizens Comments: Chris Christensen asked about locations and sizes of the antennas by Lynda's Real Estate. He also expressed concerns with resident's view of the lake.

Chris Frasz echoes Mr. Christensen's comments; he owns the building adjacent to Lynda's Real Estate and is concerned that the owners would be negatively affected.

Board Discussion: Commissioner Gaylord had some concerns while looking out for citizens in Boyne City, after clarification he was in support. Mayor Pro-Tem Towne believes this plan is better than the first plan and is okay to move forward. Commissioner Neidhamer and Commissioner

Sansom had questions and are both in support. Mayor Grunch thanked City Manager Michael Cain for his efforts and he was in support.

MOTION

2015-10-127

Moved by Towne

Second by Sansom

To approve the revised draft agreements that would allow for the installation of five cellular antennas as requested by ACD at various locations in the City

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Vacate Alley

Planning Director Scott McPherson spoke about the application his office received to vacate a portion of an alley on Lincoln and undeveloped Spruce St, between lots 95 and 101; both lots are owned by The Frasz's. The DPW department does not have an issue as long as there is an easement maintained to allow for plowing of snow in that area. At this step in the process, if the Commission would like to proceed with this request, it will be noticed for three consecutive weeks, there will be a Public Hearing and then a formal determination to vacate the alley. If not the request stops here.

Staff Comments: None

Citizens Comments: Chris Frasz stated the area in question is a steep hill with heavy vegetation and they would like to do some maintenance and make it look better.

Board Discussion: All Commissioners are in support of this request.

MOTION

2015-10-128

Moved by Gaylord

Second by Towne

To approve the alley vacation request between lots 95 and 101, next to 130 W Lincoln St.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Public Hearing for Dilworth Hotel Blight Elimination and Job Creation Project

Main Street Director Lori Meeder stated the City has been invited to submit a Community Development Block grant for a million dollars from MEDC. Part one has been submitted and the environmental review is completed.

Mayor Grunch opened the Public Hearing at 8:12 p.m.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in support of this request.

Mayor Grunch closed the Public Hearing at 8:14 p.m.

MOTION

2015-10-129

Moved by Towne

Second by Sansom

To approve and pass a resolution on the project authorizing the application for the Community Development Block Grant

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Parkview Apartments
payment in lieu of taxes
request**

City Manager Michael Cain said a number of years ago Parkview Apartments requested a PILOT from the City and he recommended to deny that request at that time, one of his major concerns was the financial implications to the City. Parkview has provided a proposal that addresses the City's financial concerns that makes us whole but it doesn't make everybody that levies taxes whole. He discussed some of the documents that are in the agenda packet. The introduction of the ordinance is what is on the agenda. Per City requirements, we cannot take action on it today, that would have to wait until after 30 days which would be the November 24 meeting. There is plenty of time to tweak the agreement outside of the ordinances. If we do want to do something on November 24 in regard to the ordinance we need to introduce it today in a way that we would want to approve it on November 24. We can make minor changes to an ordinance but anything of significance we would need to start over again. Parkview Apartments Attorney Joe Quandt referred to the recent drainage issues and discussed the need to make repairs to Parkview. The PILOT requested would address the repairs and rehabilitation. There was discussion between the Commissioners, City Manager Michel Cain, City Attorney Jim Murray, Parkview Apartments Attorney Joe Quandt and Bob Brooks about the financial impact on the other taxing entities, how this PILOT affects all involved, what the PILOT requirements are and the improvements that will be made to the property. There was discussion about making all the taxing entities whole and Bob Brooks stated the numbers don't work and there had to be some savings to Parkview Apartments to go through the whole process of getting a loan to rehabilitate the apartments. There was discussion about whether the rent would increase.

Staff Comments: Barb Brooks said that supporting affordable housing has been on the City's goals for many years.

Citizens Comments: Chris Christensen said if reductions need to be made it should be shared with all three of the taxing entities and his main concern is the schools. He also had concerns that this is only addressing a small portion of the affordable housing problems in the City but recognizes it does need to be addressed. He was also concerned with the commitments already made and items being removed from the tax roll.

Hugh Conklin asked how many students are at Parkview and City Manager Michael Cain said approximately 15. Hugh also asked what would happen to the apartments if they do not receive the PILOT. Bob Brooks said it might just fall apart at the seams.

Boyne City Schools Superintendent Peter Moss spoke of the taxes and operational millage and debt for the schools and Char-Em. He also spoke of the cuts the district made last May and the impact on the staff and students. Bill Kuhn said he has been a neighbor of Parkview since its existence and said they are due for upgrades and a facelift; let's find a way to fix them up.

City Manager Michael Cain said we heard comments tonight of the adjustments that we could possibly make so other parties are not hurt as badly and he feels that can be accomplished between now and November 24. We could come back with additional options for the Commission and see if there is a balance that could work for everyone. He spoke of the ordinance in the packet and said that is all that needs to be introduced to move forward.

MOTION

2015-10-130
 Moved by Neidhamer
 Second by Towne

To introduce the first reading of the PILOT Ordinance and schedule a second reading at the November 24th City Commission meeting.

Ayes: 4
 Nays: 1
 Absent: 0
 Motion carried

**Reschedule City
 Commission meeting**

City Manager Cain said the current November 24th meeting is at noon and some of us will need to be in Lansing because of the Dilworth project.

MOTION

2015-10-130A
 Moved by Neidhamer
 Second by Towne

To reschedule the November 24th City Commission meeting from noon to 7 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Recess
 MOTION**

2015-10-130B
 Moved by Grunch
 Second by Towne

To recess the meeting for five minutes at 9:28 p.m.

Ayes: 5
 Nays: 0
 Absent: 0

Motion carried

Reconvene Meeting
MOTION

2015-10-130C
Moved by Neidhamer
Second by Towne

To reconvene the meeting at 9:37 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Request of License for use
of City property**

Planning Director Scott McPherson stated that Mr. Castiglione has acquired the Railroad office building located at 112 S Park St. for the purpose of opening up Stiggs Brewery Company. Most of the renovations will be on the interior but there are a couple of exterior additions that require approval. The first is a handicap accessibility ramp which went in front of the Planning Commission and they recommended doing a lift instead of a ramp and Mr. Castiglione agreed. The second is adding an 8x10 dumpster with a concrete pad and an enclosure around it on City property west of the building if a license agreement is approved. The last request is to have a public parking space delegated to a handicap parking space and that would be located in front of the lift. Scott explained where other handicap spaces were located in the immediate area and given the vicinity and current use of them, at this time he does not think it warrants additional space.

Staff Comments: None

Citizens Comments: Jim Baumann from the Chamber of Commerce supports the request for the building.

Board Discussion: All Commissioners are in support of this request.

MOTION

2015-10-131
Moved by Towne
Second by Gaylord

To approve granting a license agreement for a dumpster enclosure on the west side of the building and deny the request for the designation of a handicap parking space at 112 S. Park St.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Non-motorized trail
agreement**

City Manager Michael Cain spoke of the proposal agreement he received from MDOT for the Boyne City/Charlevoix non-motorized trail—Phase one. This is the final step on the City's end to proceed with this project.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in support of this request.

MOTION

2015-10-132

Moved by Gaylord

Second by Sansom

To approve and authorize the City Manager and City Clerk to execute the contract documents proposed by MDOT for \$768,900 for phase one of the Boyne City to Charlevoix Trail.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Veteran's Park pavilion grant

Barb Brooks spoke about the staff looking for different funding for the pavilion project. We were recently notified that we were approved for a \$10,000 allocation from the Charlevoix County Parks Millage. To receive this allocation, we must sign a standard contractual agreement. This may be the case for other grants that we have applied for.

Staff Comments: None

Citizens Comments: None

Board Discussion: There were some questions and all of the Commissioners are in support of this request.

MOTION

2015-10-133

Moved by Sansom

Second by Towne

To approve the City Manager to review and sign documents required to implement the receipt of grant funds for the pavilion project.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Tree removal bids

Public Works Superintendent Andy Kovolski said the bids were advertised this year for tree trimming and removal. This year there are 33 trees and we received one bid.

Staff Comments: None

Citizens Comments: None

Board Discussion: Sansom Commissioner had some concerns that were addressed and all Commissioners are in support of this request.

MOTION

2015-10-134

Moved by Gaylord

Second by Towne

To approve and award the bid to All Aspects Forestry for the amount of \$16,500 to remove 33 trees and trim 6 trees.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Tree planting bids

Public Works Superintendent Andy Kovolski said bids were advertised for our annual tree planting project. This year 58 trees will be planted and we received one bid.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in support of this request.

MOTION

2015-10-135
Moved by Neidhamer
Second by Gaylord

To approve the contract with Robinson’s Landscape and Nursery in the amount not to exceed \$14,345, to plant 58 trees.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

GOOD OF THE ORDER

Commissioner Gaylord echoed what Bill Kuhn said about the archery event. He was there and was pleasantly surprised at the turnout and hopes it continues to grow. He also talked about the possibility of archery range signage. Commissioner Neidhamer said he was at Avalanche Hill last weekend and there were 96 disc golfers.

**ADJOURNMENT
MOTION**

Moved by Mayor Grunch seconded by Commissioner Towne to adjourn the regular City Commission meeting of Tuesday, October 13, 2015 at 10:10 p.m.

Ron Grunch
Mayor

Lisa Schrock

