

JUNE 11, 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 JUNE 11, 2013 AT 7:00 P.M.

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, Commissioner Laura Sansom, Tom Neidhamer and Derek Gaylord

Absent: Mayor Pro-Tem Gene Towne

Staff: Andy Kovolski, Michael Cain, Hugh Conklin, Jeff Gaither, Scott McPherson, John Lamont, Barb Brooks, Dennis Amesbury and Karen Seeley

Others: There were 12 citizens in attendance, including representatives from the Charlevoix County News and Petoskey News Review

EXCUSE MAYOR PRO-
TEM TOWNE
MOTION

2013-06-083
Moved by Grunch
Second by Gaylord

To excuse Mayor Pro-Tem Towne from attending tonight's meeting.

Ayes: 4
Nays: 0
Absent: 1 Commissioner Towne
Motion carried

CONSENT AGENDA
MOTION

Commissioner Sansom requested that the motion she made regarding Outdoor Sidewalk Cafes be amended to read: To approve of a first reading of amendments to the Boyne City Zoning Ordinance to remove Sidewalk Cafes and schedule a second reading for July 9, 2013; and ii) Consideration of a first reading of a new general ordinance allowing Outdoor Sidewalk Cafes *without alcohol* and to schedule a second reading for July 9, 2013. Also the vote was 4/1

Ayes: 5/ 4
Nays: 0/ 1
Absent: 0
Motion carried

These will be amended to be approved at the June 25th meeting.

2013-06-083-B
Moved by Neidhamer
Second by Gaylord

Ayes: 4
Nays: 0
Absent: 1 Commissioner Towne

Motion carried

REPORTS OF OFFICERS,
BOARDS AND STANDING
COMMITTEES

None

CITIZENS COMMENTS

Ron Crozier; Veterans Memorial Committee: Reported at 6 p.m. on May 14th the Memorial Committee will be holding a flag burning ceremony for Flay Day. Sometime this summer we will be repainting the 3 inch gun on site. There are two new flower pots at the Memorial thanks to the Garden Club. They will be installing 40 new bricks in the next two weeks. They have an old light out of the old Memorial and would like to donate it to Maple Lawn Cemetery so they can fly a flag. He asked that the guys that plow the sidewalk be a little more careful, there was some damage last winter.

Joe Benneicki, Hawkridge; Comment on condition of Court Street, it is getting worse. In a heavy rain, if you don't have a four wheel drive, it is a dangerous situation. The water runs through a wetland, and with the washouts it is slowly becoming a gravel pit. Also, would like to know what the water pressure is? Would like a current printout of what the water is supposed to be and what the minimum standard? City Manager Cain will direct the correct staff people to contact Mr. Benniecki.

Dan Chapp, 350 Terrace; He owns the house with the large old Maple tree in front; for several years he has been asking for someone to come and look because the sidewalk is heaved up more than 2 feet where the tree is. I have offered to re-route the sidewalk into my property, so that the tree wouldn't have to be taken down. The neighbors are having trouble navigating over the sidewalk. Whatever side walk has to be replaced, please reroute and leave the tree.

Jim that will enable disabled people to access the beach and even the water. We are in the process of looking for our next Leadership Charlevoix County Bauman, Chamber of Commerce Director; Just completed the 2nd class of Leadership Charlevoix County. They will have a ribbon cutting at Whiting Park 11a.m. Saturday. The class raised more than \$10,000 to purchase mobile mats and chairs members.

None

CORRESPONDENCE

City Manager Cain reported:

- Attended the Evangeline Township Board meeting and again broached the subject of possible cost sharing for road improvements, and will be following up with Supervisor Jim Howell
 - Kirtland Products was operating part of last Thursday and Friday, still waiting for the judge to set a date for oral arguments on the matter. Classic Instruments will be holding a ground breaking on their expansion project June 18th at 10 a.m.
 - Wednesday, June 19th is the Main Street 10th anniversary celebration at Old City Park
 - Things are coming together well for next week's Mayors Exchange in Boyne City on Friday the 21st and the morning of Saturday the 22nd.
 - Consumers Energy reports they just a few trees left to complete their project.
 - Various crews have been working on line transfers on some of the double poles previously reported to Consumers.
-

CITY MANAGER'S REPORT

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

May 2, 2013 Main Street Board Meeting, Draft Minutes of the May 2, 2013 Parks & Recreation Commission Meeting; Draft Minutes of the May 20, 2013 Planning Commission Meeting; Draft Minutes of the May 21, 2013 Historical District Meeting; Draft Minutes of the May 23, 2013 Airport Advisory Board Meetings were received and filed.

**REDEVELOPMENT READY
COMMUNITY RESOLUTION**

Consideration to adopt a resolution of support to proceed with the Redevelopment Ready Community process and sign the Redevelopment Ready Communities Joint Memorandum of Understanding

Planning Director Scott McPherson explained that a requirement to proceed with the Redevelopment Ready Community (RRC) certification is the City Commission must pass a resolution of support to proceed with the evaluation process and sign a memorandum of understanding with the Michigan Economic Development Corporation (MEDC) within 30 days of the initial RRC presentation that was done on May 28th. A draft copy of the memorandum of understanding has been provided for your review.

City Manager Cain stated when MEDC came to here to give their presentation on May 28th they spoke to us about how we could improve our process and become more marketable. Addition to that, Peter Allen from Michigan State University came with his "fellows" to do a analysis of certain parts of downtown that need help; specifically on South Lake Street. We just received the plan last week, which was an added benefit to go along with the process. I encourage and support Scott's recommendation to proceed with the Redevelopment Ready Community certification.

Staff Comments:

Main Street Manager Conklin: Strongly encourages the commission to enter into this with the MEDC. It is number 3 on our goals list. This is a great opportunity. Barb Brooks: The complete plan is available on our web site.

Citizens: None

Board Deliberation: Commissioner Sansom: This will be very beneficial. Very interested in seeing some different prospective from the very talented young people. I don't believe we would have to do anything that is mandated to us. It is something that will be reviewed thoroughly. We were one of only eight communities to be chosen. We should move forward, and see where it goes. Commissioner Gaylord: I think Boyne has done a fantastic job; we have not put impediments in place to keep developers from coming here. I did appreciate the people coming up here to give us another view point of what could happen. I still have reservations. I'm not convinced that having a "seal" to put on our website will make or break Boyne City. At this time I do not support moving forward. Commissioner Neidhamer: I am in support of this. This is a great tool to become a better town. I agree with Laura and Hugh. Mayor Grunch: In support, there are a lot of ingredients to make Boyne City successful. It's a chance for us to grow, and grow wisely.

MOTION

2013-06-084
Moved by Sansom
Second by Neidhamer

To adopt a resolution of support to proceed with the Redevelopment Ready Community process and sign the Redevelopment Ready Communities Joint Memorandum of Understanding

Ayes: 3

Nays: 1

Absent: 1 Commissioner Towne

Motion carried

Consideration to award the contract for engineering for the Pleasant and Division Street project to C2AE in the amount of \$21,350.00 and authorize the City Manager to sign the required documents

**Pleasant / Division Street
Road Repair Engineering**

Public Works Superintendent Andy Kovolski explained that we need to proceed with the Engineering for the Mill and Fill project on Pleasant and Division Streets very quickly. The reason we need to move quickly is to meet deadlines established by MDOT's bid-letting processes to get funds allocated for the project. For your review is the proposal from our engineering consultant C2AE for this engineering work. Because this is not a total reconstruction of the roadway the engineering work is not as entailed as we normally see. The scope of the work on this project is as follows:

- Cold milling of 1.5 inches of the existing road surface
- Intersection improvements only where there is existing sidewalk to meet ADA Standards.
- Resurfacing with 1.5 inches of Asphalt.

C2AE proposes to complete the required engineering for this project for the amount of \$21,350. This cost reflects the complete engineering package from design through construction.

Larry Fox of C2AE presented the board with a summary of the scope requirement for MDOT Local Agency Projects-"Strings" (received and filed). The timing is critical, the scope of the project was due last Friday, which was done and submitted. We are now obligated to follow MDOT requirements. Because of the timing in the proposal, 75% of the plans are due by June 21st. The funding is \$130,000 grant with a 20% local match.

Staff Comments: None

Citizens Comments: Dan Chapp; what is this work being proposed at the corners of Division Street and Pleasant? From Division Street South to the city limits on Pleasant and from Pleasant west to Front Street. Mill off inch and a half of existing pavement, and correct any adjustments we need to make to the surface so it will ride more smoothly.

Board Deliberation: Commissioner Neidhamer, in support, I appreciate the work put into this and the timing.

Commissioner Gaylord: I was excused from this discussion at the last meeting, so to clarify is this project separate from the rest of Pleasant? The actual construction work under the state project will be done in the summer of 2014. We were accumulating monies for Court Street as we had in the past and the State is now saying we cannot accumulate over multiple years. So we are trying to keep the money here in town, rather than losing it. Will there be any curbing

done? No concrete curbing is proposed. This is more of a maintenance type of project. There is a five year life expectancy standard. Will you curb it up to contain the water? Yes.

Commissioner Sansom: This is a project that desperately needs to be done, I am in support. Mayor Grunch: Will C2AE manage all the closeout agreements with the State? Yes, the State will manage the project the same as in the past, and there will be an on site person also. I am in support of the project.

2013-06-084

Moved by Neidhamer

Second by Sansom

MOTION

To award the contract for engineering for the Pleasant and Division Street project to C2AE in the amount of \$21,350.00 and authorize the City Manager to sign the required documents

Ayes: 4

Nays: 0

Absent: 1 Commissioner Towne

Motion carried

Main Street Art Bike Rack Project

Consideration to support the Main Street Art Bike Rack project
Main Street Director Conklin reported that for the past several months the Main Street design committee has been working on a bike-art project that combines a bike rack into a public work of art. The committee has selected four designs to produce in the first phase of the project. The designs received support from the Main Street Board and Planning Commission. The Design Committee is now presenting the project to the Commission for its input and support. The Commissioners reviewed the proposed art bike racks. The project budget for the first phase is \$4000, which includes a \$1500 grant from the Northwest Michigan Council of Governments. The designs and possible locations are an apple placed in Veterans Park; Book ends at the Library, a juggler on a unicycle in front of Pat O' Brien's real estate and a fork, down by the Thirsty Goat. Racks that you would lean your bikes in and secure it with a chain. Aaron Place of the Wood Shop has put a lot of time and effort into these. Are these retractable in the winter? Yes, also are interchangeable.

Staff Comments: Barb Brooks, really likes them and likes the idea of have more art and being useful as well.

Citizens Comments: Shaney Chapp: Some of them are kind of tacky. I strongly recommend more regular bike racks especially at the Library. The idea for these bike racks is not to increase the number of bike racks we already have, the goal is public art first, and the bike racks are secondary.

Chris Christensen: Are you going to work with business owners to place the racks? Not yet, however we have had business owners that have offered to pay for one even if it's not in front of their business.

Jim Baumann: There cool, fun and creative it's what's Boyne City is all about and will be locally done. Let's do it.

Board Deliberation: Commissioner Neidhamer: There cool, fun, whimsical and unique. I appreciate the process; it's been through

the Design Committee, Main Street Board, Planning Commission and staff in a favorable light. It is what makes Boyne City fun. I'm in full support. Commissioner Gaylord: I'm looking at the practicality of these; clearly there is a need for more bike racks around town. With the Apple, which direction will the tires be facing? The back tire will be on the grass. The juggler, is seems to be right in the middle of the walkway and could potentially render it impassible for foot traffic. There is a bike rack already there and it will be placed in a direction as not to impede foot traffic. If approved, are we green lighting every design or can we modify the motion to certain designs? Mayor Grunch: Yes you could make stipulations, but being Boyne City, we have always taken a chance on new ideas. I personally like all four of them. Commissioner Sansom: I appreciate the comments that Mrs. Chapp made, I also feel we need more utilitarian bike racks, at certain locations. The book is very appealing, but doesn't park a lot of bikes. The books and the unicycle go together, but the fork and the apple are more modern. Are they any other designs than these four that you have presented? The plan is to do four and see how the community responds to them. If people respond favorably, we'll build on that. Art is a very individual thing. Commissioner Neidhamer added that we have to be careful; we are not the jury, weather we like the designs or not, we are just being asked to be supportive. Its doing exactly what we want to do, to create conversation, uniqueness, art and whimsical. Our roll is to support or not support.

Mayor Grunch: I'm support; we should give it a try.

2013-06-085

Moved by Neidhamer

Second by Sansom

MOTION

The City Commission support the Main Street Art Bike Rack project

Ayes: 3

Nays: 1

Absent: 1 Commissioner Towne

Motion carried

Horse Trail Rides at Avalanche Park

Andy Kovolski; Becky Keubler and Don Cowell co-owners of Boyne Valley Equine Tours and Services approached to see if the City would be interested in allowing them to offer Horseback Rides at Avalanche Park. After several meetings of the Parks and Recreation Board and a trail ride, it was discussed to adjust the trail. It was readjusted for better separation from the other activities. There are 2 places where the horses will cross other trails. Minor tree trimming and some scrub brush would need to be removed in a few areas to facilitate the trail. Becky Keubler: We have also offered to donate 14% of our revenues to help maintain the park. With the relocation of the trail, there is very little interference with other users. We hope to pre schedule rides and will clean up after the horses. There are no shoes on the horses, which should cut down on the wearing of soil. Don Cowell, we would also like to have a day when we can donate rides to kids that can't afford the rides.

Staff Comments: Michael Cain: They also offer carriage rides in the downtown area during Stroll the Streets. The horses will only be

there a limited time, only during scheduled rides. We will be evaluating the messes that are made, interference with other users, erosion, and the wearing of the soil as time goes on. The only way we will know for sure if it will work for is to try it and as noted in Andy's memo, if we decide at any time it isn't working, we can stop it. I will concur with the recommendation of the Parks and Recreation Board. They have done their due diligence on this; they have located a trail with minimum conflicts.

Citizens Comments: Bill Kuhn, Parks and Recreation board member, I had my reservations when this was first presented. As we have worked through this, I believe this could work. We should give this a try; they are on a very short leash, shorter than any of the other user groups at Avalanche. I would encourage the Commission to support this. Jim Bauman, Chamber Director; great idea, we should support this. They are on a totally separate path. Forrest Donald, a frequent user at Avalanche, I did walk the proposed course and didn't see any issues with it.

Board Deliberation: Commission Gaylord: What amount of liability insurance will we require? Our insurance carrier recommended \$500,000. How will we handle it if another horse user wants to ride horses up there, I don't think we can restrict that. It's a unique thing, as long we keep it fair and open with proper insurance I'm in support.

Commissioner Sansom: I agree, it's a unique addition. Will you operate year round? We could offer rides in the winter. Which day are you not offering rides? Mondays. It says you will be charging \$35 for the rides with \$5 back to the Parks and Recreation, is that necessary? It is more of a courtesy. I would think if you going to offer free rides to kids who can't afford it would be donation enough.

Commissioner Neidhamer: Will this trail be usable to other recreational horse riders? They already ride horses at Avalanche. The more uses the better. I'm in full support. Mayor Grunch: In support.

MOTION

2013-06-086

Moved by Sansom

Second by Gaylord

To allow staff to move forward with allowing Boyne Valley Equine Services to offer trail rides at Avalanche Park with the following caveats: 1) Proof of proper Liability insurance coverage naming the City as additional insured. 2) Proof of proper Workers Compensation Insurance coverage 3) That all waste from the horses be removed from the riding trail and staging area at the end of each riding session 4) That contract language include a clause that the City can terminate the contract at any time for any reason it deems the activity is not living up to it expectations

Ayes: 4

Nays: 0

Absent: 1 Commissioner Towne

Motion carried

Commissioner Sansom: There is a fund raiser for former commissioner Mike Cummings and his wife Lynn, who are both battling on June 30th noon to 4pm at the Eagles. Commissioner

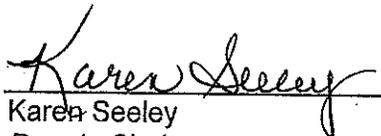
Good of the Order

Gaylord: I looked at the location of Mr. Chapp's tree, can we get staff to look at changing the sidewalk, see what can be done about saving the tree and decide who is responsible financially and report back? Commissioner Neidhamer: Anything new on the facilities? Next meeting. Mayor Grunch: The next regular Commission Meeting should be Tuesday at noon, not 7:00 p.m.

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of June 11, 2013 at 8:40 p.m.

MOTION


Ron Grunch
Mayor


Karen Seeley
Deputy Clerk