

**JULY 14, 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 JULY 14, 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: Cindy Grice, Scott McPherson, Jeff Gaither, John Lamont, Dennis Amesbury, Andy Kovolski and Michael Cain

Others: There were 21 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

**CONSENT AGENDA
MOTION**

2015-07-081

Moved by Towne
Second by Gaylord

To approve the June 23, 2015 City Commission regular meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Roger Perreault said he is part of the Boyne City Senior Tennis Club. He wants to make it official that they appreciate the work done on the tennis courts. It's been wonderful. He has heard there's money available to resurface the courts. The City is just humming.

Don Clemmer said he echos the same praise. It's a wonderful opportunity to get together, exercise and socialize. He loves tennis. Consider painting lines for pickleball. Thank you so much for all you do.

Chuck Story said the tennis courts are used a lot. They come to town, play tennis, eat and shop while they're here. He would like to see pickleball lines on the courts.

Ron Crozier asked if there was someway the July 4 parade route could stop at City Hall. It needs to be stopped sooner than Vogel Street due to people exiting the floats.

CORRESPONDENCE

Correspondence from Marilyn Goby was received and filed.

CITY MANAGERS REPORT

City Manager Cain reported:

- On June 29, Congressman Dan Benishek came and toured a large portion of Boyne City.
- Tax bills and newsletters went out the first of the month.
- On Thursday, July 2, after much hard work by our DPW, the Boyne City open space opened to the public. Nick Evans and Fresh

Exteriors donated the power washing of the building shell.

- We just finished a record setting Boyne Thunder last weekend where crowns rivaled those of the successful 4th of July weekend.
- The LDFA awarded the bids for major drainage improvements to the east end of the Business Park to the low bidder MDC Contracting of Charlevoix for \$327,322.
- Work on the DPW facility is progressing well

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Draft Minutes of the June 01, 2015, Economic Development Corporation Board Meeting; the June 01, 2015, Local Development Finance Authority Board Meeting; the June 02, 2015, Zoning Board of Appeals Meeting; the June 04, 2015, Main Street Board Meeting; the June 15, 2015, Planning Commission Meeting and the June 25, 2015, Airport Board Meeting were received and filed.

Division Street Drainage Alternative

Consideration to authorize C2AE to develop plans and the City Manager to seek bids to implement option 2 as proposed at a combined estimated cost of \$45,398

City Manager Cain discussed the memo received from our City Attorney, since the original memo for this commission meeting, regarding a letter from Attorney Joe Quandt from Parkview Apartments. It doesn't change his request at all to implement Option 2 as proposed. The letter also pertains to an easement we are requesting across the Parkview property. Also, since the agenda went out, we may have a lead on the mystery pipe that Jack Bush discussed based on his recollections. We have some plans we are looking at and our DPW is preparing to dig to see what we may find at that site. We have waited long enough. Its' time for us to take action and move forward with the recommendation as presented, to get the same level of drainage and we don't have the easement available.

Staff Comments: None

Citizens Comments: Pat Kujawski said this has taken years. This is another possible resolution. It could take more years. There is obviously enough evidence. Her situation is multiplied by other people affected. City Manager Cain said his recommendation is the ability to take immediate action now.

City Manager Cain said he doesn't think the majority of the problems are due to work being done on Division Street. Water issues have existed in Boyne City. There is no guarantee this is going to fix everything. Water from two years ago is still working its way to Lake Charlevoix. Pat Kujawski added since all the development has gone on, that is when her water problem increased; because of all of the development.

Bill Kuhn said he would like to know if Jack Bush knew how deep the pipe was. He doesn't think three feet is deep enough to alleviate the problem and thinks the issue is a constant flow of water that used to drain, and now has nowhere to go. Is three feet going to be enough?

Bob Brooks who owns Parkview Apartments said he wants the City to take a look at the proposal from Joe Quandt. Get the problem fixed, get the water flowing again. A Payment in Lieu of Taxes was proposed to take care of the problems.

Board Discussion: Commissioner Neidhamer asked Bill Kuhn if we go across Division Street and get a three foot drop, that may not be adequate? Bill said yes. Commissioner Neidhamer added if we're taking that water deeper, that could dump into Mrs. Kujawski's property. He added he likes the idea of exploring a few more options, taking action quickly and solve it. Mayor Pro-Tem Towne said the area is a problem and needs to be fixed. He would like C2AE to develop a plan to solve this. Commissioner Gaylord said no one wants to assign blame. We have interrupted nature with construction and development. This has continued to develop and increase dramatically. Nature is forcing us to do something. He's not sure he's prepared to move forward tonight. City Manager Cain said the ultimate question is, do we want to move that water, how and how much. Commissioner Gaylord said he thinks we're making progress of narrowing things down and thinks it's worthwhile to wait a few weeks. Commissioner Sansom asked if during excessive rain, could there be a pump system for a back up plan? City Manager Cain said yes, but engineers recommend against it. Commissioner Sansom asked if we could bore in the road instead of cutting through it? Mayor Grunch questioned if there is a fix out there right now that would take the drainage deeper than three feet without dumping water into someone's property. The fix may need to be further west to start with. He thinks we should give this two more weeks to investigate.

MOTION

2015-07-082

Moved by Towne

Second by Gaylord

To postpone for further information at the July 28, 2015 meeting and see what the status is at that point

Ayes: 5

Nays: 0

Absent: 0

Motion carried

New Patrol Bike Presentation

Police Chief Jeff Gaither presented the Commissioners with our new patrol bike. Funds from a Classic Instrument fundraiser were raised to purchase the bike from North Country Cycling who provided the bike at their cost. Officer Kyle Smith recently completed the training, also. Commissioners expressed their appreciation to Classic Instruments and North Country Cycling. Positive feedback has been heard about the bike patrol program.

Revised ACD Antenna Locations

Consideration to review the revised ACD antenna locations for their suitability and be prepared to determine whether to proceed further with ACD's request.

City Manager Cain discussed the revised ACD antenna locations. The five original locations proposed were totally unacceptable. At that time, the Commission direction was to take whatever steps necessary to oppose them. Since that time, several discussions were held, along with our attorney on that matter, and ACD has come back with alternate locations which staff generally finds acceptable. ACD is fine with some tweaking of exact locations if necessary. Mike Watz, our attorney in this matter has been contacted on how we could possibly approve the locations and not undercut our position regarding future antenna locations

from ACD or other possible carriers or providers.

There is some potential benefit to our citizens, businesses and visitors if improved alternate communication options are available. As long as it does not put the City in an untenable position, it is generally preferred to encourage competition in the private sector and the provide quality services. Draft agreements have since been received by our attorney in this matter with legal options.

MOTION

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Gaylord said he would like to see photos of the actual devices. We have to start at what the law says we must do. It doesn't sound like we have the ability to say now. We should get every penny we can legally be owed to protect our city. If they want to come in, they know there will be fees. Commissioner Sansom agrees with franchise fees. She is not excited about the poles around town. If we have to, her preference is the streamlined poles. She also prefers the new sites over the originally proposed ones, she would like the poles to blend in with the landscape. She inquired if there was any sound given off the poles or frequency output. She would like to say no, but understands the need for service. Commissioner Neidhamer said he is in favor of the more discreet locations and with the City Manager getting the best deal possible. Mayor Pro-Term Towne said he believes there is benefit to the citizens with this. He wants compensation for using City Property. Mayor Grunch said he endorses going after franchise fees and supports the City Manager negotiating this.

MOTION

2015-07-083

Moved by Neidhamer

Second by Towne

To authorize the City Manager to negotiate with ACD for antennae locations and contract

Ayes: 5

Nays: 0

Absent: 0

Motion carried

City Facilities Plan Review

Ray Kendra of Environment Architects to present. Plans are available on the City's website at www.cityofboyncity.com and at City Hall.

The floor plans presented have been reviewed and adjusted by staff several times. Commissioners and Citizens discussed the plans. A color board of proposed finishes was also provided for the public. There will be further presentations of the plans at future dates before final approval.

Brief Recess

MOTION

2015-07-084

Moved by Grunch

Second by Gaylord

To take a brief recess at 9:40 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Return from break
MOTION

2015-07-085
 Moved by Grunch
 Second by Gaylord

To resume meeting at 9:47 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Parks Ordinance

Consideration of introduction and first reading to introduce the proposed ordinances dealing with City Parks in general and the Veteran's Park Pavilion respectively and to schedule a second reading at the August 25, 2015 City Commission Meeting

City Manager Cain presented some ordinances he is recommending to move forward with. In 2008, the City Commission adopted the codification of our old ordinances. In some areas, changes were found after the fact, that were not intended to happen. Sections 20.100 through 20.168 of our old ordinance book dealing with parks, were replaced with chapter 38 of our new code. For some unknown reason, the sections dealing with the vast majority of our general park regulations and those for the Veterans Park Pavilion were not brought forward. This has caused some issues at times. Two ordinances were introduced. One dealing with general park regulations and the other with the Veterans Park Pavilion. These are primarily the old language brought forward for readopting. Also proposed are penalties of municipal civil infraction rather than misdemeanors.

Staff Comments: None

Citizens Comments: None

Board Discussion. Language corrections were addressed regarding section 38.69, 38.75 and 38.70. All agree to move forward with discussed language corrections.

MOTION

2015-07-086
 Moved by Towne
 Second by Sansom

To approve the first reading to introduce the proposed ordinances dealing with City Parks in general and the Veteran's Park Pavilion respectively and schedule a second reading at the August 25, 2015 City Commission Meeting with language changes

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Veterans Park Playground Discussion

Consideration to keep the Community Playground in Veteran's Park closed to the public until further notice and that the Parks and Recreation board be authorized to establish a temporary subcommittee to research available options going forward and provide recommendations for doing so

City Manager Cain discussed the completed report of soils, woodchips and structure testing on the Community Playground in Veterans Park. The playground has been closed to the public since June 22 after receiving the preliminary results indicating high levels of arsenic. Despite the assurances from the firm hired to help the community build the project and sealing the structure every two years as recommended, test results show very high levels of arsenic in most locations. The site continues to be closed and is secure.

The Boyne City Community put their time, treasure and passion into building the Community Playground. It has been a valued and active part of our community since its creations. City Manager Cain's recommendation is that we call on the community again, under the Park and Recreation Board to look into this matter in detail, through the creation of a temporary subcommittee. We should let the public know we are looking for volunteers and make appointments based on the responses.

Staff Comments: None

Citizens Comments: Nord Schroeder, who was part of the construction of the playground asked if we have any legal grounds. He added that he thinks it's a shame. We were given assurances of the process.

Board Discussion: All Commissioners are in agreement with the recommendation.

2015-07-087

Moved by Gaylord
Second by Sansom

MOTION

To keep the Community Playground in Veteran's Park closed to the public until further notice and that the Parks and Recreation board be authorized to establish a temporary subcommittee to research available options going forward and provide recommendations for doing so

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Former Patrol Vehicle Usage

Consideration to authorize the retention of the City's 2010 Ford Crown Victoria as a general use staff vehicle

City Manager Cain discussed the option of keeping our retired police vehicle. The car is in pretty good shape with no major known issues. It has 103,613 and seems sound enough for possible use as a general staff car. It doesn't get the best mileage and is a rear wheel drive vehicle. The vehicle is worth an estimated \$3,340 if we were to sell it. It will cost an additional \$829 per year to insure it along with other maintenance and operational costs. Having a shared staff car is a common governmental practice. We would have to develop policies for its use. It would not

completely eliminate employee mileage requests, but would significantly reduce them. We would learn over time if actual cost savings would be realized.

Staff Comments: None

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Towne said he agrees to do this on a trial basis. Commissioner Gaylord said this is definitely worth pursuing. Let's see how the numbers come out. Commissioner Sansom said for now we can try it. Commissioner Neidhamer said he'd rather it be sold, but there's not a market for it. Mayor Grunch supports the recommendation.

MOTION

2015-07-088

Moved by Gaylord

Second by Towne

To authorize the retention of the City's 2010 Ford Crown Victoria as a general use staff vehicle

Ayes: 5

Nays: 0

Absent: 0

Motion carried

MDOT Contract for Court Street

Consideration to approve the contract with MDOT for the reconstruction of Court Street and the required resolutions and authorize the City Manager and Clerk / Treasurer to sign the required documents

Public Works Superintendent Andy Kovolski discussed the contract from MDOT for the Court Street reconstruction project. This is their standard contract language and is the same as what was approved for the Division Street project. The cost figures will be adjusted downward as the project's apparent low bidder was \$36,795.75 under the Engineers estimate of \$847,922.60. If MDOT reviews and approves the bid, the project cost will be \$811,126.85. City Manager Cain added this has not been fully funded at this point.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer said he is in full support. Mayor Pro-Tem Towne said he is in full support. Commissioner Gaylord said he fully supports the Court Street project, but for due diligence, we should wait until it's funded. Commissioner Sansom said a large chunk of the money is split right now. Mayor Grunch said Evangeline Township is paying 25% of the costs.

MOTION

2015-07-089

Moved by Grunch

Second by Neidhamer

To approve the contract with MDOT for the reconstruction of Court Street

and the required resolutions and authorize the City Manager and Clerk / Treasurer to sign the required documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Utility Trailer

Consideration to approve the purchase of a 2015 US Cargo Widebody Landscape / Utility Trailer from Petoskey RV in the amount of \$2,059 and authorize the City Manager to sign the required documents

Public Works Superintendent Andy Kovolski discussed the proposed Landscape/.Utility trailer for the purpose of transporting our two large Kubota mowers from the new facilities at North Boyne to the areas we utilize them. This would help with the amount of road miles that we put on them and allow us to get more life out of the tires. We looked at models from USA Trailer and US Cargo. Both are 18 feet in length with a ramp gate, electric brakes and 7,000 pound capacity. It is recommended to purchase the trailer from US Cargo Trailer from Petoskey RV.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Gaylord said it makes perfect sense, give equipment more longevity and is a great price. Commissioner Sansom asked if there is any space we can leave the mowers here and was informed there is nothing planned at this site. It also makes more sense to keep them cleaned and lubed in the DPW garage. All other Commissioners agree with the recommendation.

MOTION

2015-07-090
Moved by Towne
Second by Gaylord

To approve the purchase of a 2015 US Cargo Widebody Landscape / Utility Trailer from Petoskey RV in the amount of \$2,059 and authorize the City Manager to sign the required documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

City Manager Compensation

MOTION

2015-07-091
Moved by Grunch
Second by Neidhamer

To appoint Commissioner Sansom and Mayor Pro-Tem Towne as the subcommittee to review the City Manager's compensation

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

GOOD OF THE ORDER

Commissioner Gaylord thanked the City staff for their hard work done on the open space in short order. Another successful 4th of July and Boyne Thunder was a tremendous event. Commissioner Sansom asked if we could get the word out again about the fireworks ordinance.

Closed Session

MOTION

2015-07-092
 Moved by Grunch
 Second by Gaylord

To approve the request of the City Manager to go into closed session to consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976) at 10:45 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Return to Open Session

MOTION

2015-07-093
 Moved by Grunch
 Second by Towne

To return to open session at 10:55 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Land Purchase

City Manager and the Commissioners discussed the purchase of property next to Rotary Park. It is adjacent to our parking area. An offer to sell the property to the City for \$3,000 has been received. The current SEV is \$17,400. The parcel has potential in the long term. There are not immediate plans at this point.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer said it is a good investment, adjacent to Rotary Park and he is in support. Mayor Pro-Tem Towne said he is in support. Commissioner Gaylord said there is definitely good value and it is a good price. Commissioner Sansom said she is in support, there is good potential for future use.

MOTION

2015-07-094
 Moved by Gaylord
 Second by Sansom

To authorize the City Manager to proceed with the property purchase of

parcel 051-235-052-00, near Rotary Park, from Robert Redmond in the amount of \$3,000 and authorize the City Manager to submit the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

ADJOURNMENT
MOTION

Moved by Mayor Grunch seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, July 14, 2015 at 11:02 p.m.



Ron Grunch
Mayor



Cindy Grice
Clerk / Treasurer