

City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

Phone 231-582-6597
Fax 231-582-6506

BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, July 9, 2013 at 7:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
 - A. Approval of the June 25, 2013 City Regular City Commission meeting minutes as presented
 - B. Approval to accept the recommendation of the Boyne City Historical Commission's acceptance of the resignation of Pam Crumpler from their board.
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
 - A. Correspondence from The Northwest Michigan Council of Governments regarding a Placemaking Micro Grants Program due August 2, 2013
 - B. Correspondence from the City of Manistee
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
 - A. Draft Minutes of the June 6, 2013 Main Street Board Meeting
 - B. Draft Minutes of the June 6, 2013 Parks & Recreation Commission Meeting
 - C. Draft Minutes of the June 17, 2013 Planning Commission Meeting (canceled, no quorum)
 - D. Draft Minutes of the June 17, 2013 Historical Commission Meeting
 - E. Draft Minutes of the June 27, 2013 Airport Advisory Board Meeting
8. UNFINISHED BUSINESS
9. NEW BUSINESS
 - A. 2nd Reading Outdoor Sidewalk Cafe Ordinances
 - i) Consideration of a second reading of amendments to the Boyne City Zoning Ordinance to remove Sidewalk Cafes
 - ii) Consideration of a second reading of a new general ordinance allowing Outdoor Sidewalk Cafes

Hometown Feel, Small Town Appeal

- B. Pleasant Avenue / Division Streets Repair Upgrade
Consideration to approve the recommendation to add Storm Sewer to the Division / Pleasant Street Mill and Fill project at an estimated additional cost of \$69,400; and authorize the Design Engineering for the pipe upsize work from Division Street to Morgan Street for future construction and authorize the City Manager to sign the required documents
- C. 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)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- Funeral service for former City Commissioner Mike Cummings will be Friday, July 12, 2013 at 11:00 am at St Matthews Church with visitation beginning at 10:00 am prior to the service.
- The Boyne Thunder Event will be Friday and Saturday, July 12 and 13
- The next regular City Commission meeting is scheduled for Tuesday, July 23, 2013 at noon.

12. ADJOURNMENT

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334



Scan QR code or go to
www.cityofboyne.com
click on Boards & Commissions for complete
agenda packets & minutes for each board

**JUNE 25, 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 25, 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, Commissioner Laura Sansom, Tom Neidhamer and Derek Gaylord

Absent: Mayor Pro-Tem Gene Towne

Staff: Andy Kovolski, Dan Meads, Michael Cain, Hugh Conklin, Blake Scheller, Leslie Meyers, John Lamont, Barb Brooks, Dennis Amesbury and Cindy Grice

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

**EXCUSE MAYOR PRO-
TEM TOWNE
MOTION**

2013-06-087
Moved by Grunch
Second by Gaylord

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

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

**CONSENT AGENDA
MOTION**

2013-06-088
Moved by Sansom
Second by Gaylord

2013-06-088A
Approved the May 28, 2013 City Regular City Commission meeting minutes with corrections as presented

2013-06-088B
Approved the June 11, 2013 City Regular City Commission meeting minutes as presented

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

CITIZENS COMMENTS

None

CORRESPONDENCE

Correspondence from the Michigan Liquor Control Commission regarding an application for a New Resort SDD License for Family Fare, LLC (Glens) located at 430 N Lake Street was received and filed.

CITY MANAGERS REPORT

City Manager Cain reported:

- He met with Main Street architect Kelly Larson on possible design services for our facilities project.
- Beach grooming is taking place today continuing our cooperative efforts with the City of Charlevoix who is providing this service for us.
- Grub control applications are now underway on various city properties.
- A public information meeting on Douglas Street improvement project will be held this evening.
- The public hearing on the Slow No Wake ordinance for Lake Charlevoix around our marina will also be held this evening.
- We have been informed that a subcontractor for Consumers Energy will be conducting transmission line vegetation management using herbicides this summer for lines connected to their sub-station off of Spring Street.
- He has had initial discussions with the Boyne Valley Township Supervisor Sue Hobbs and they are exploring the possibility of working jointly on Master Plan updates for both of our communities.

The May, 2013 Financial Statement was received and filed.

Mayor Grunch opened the public hearing at 12:16 p.m.

City Manager Cain discussed the updates Boyne Mountain will be making. The City and Boyne Mountain have an agreement governing Boyne Mountains use of the City's wastewater treatment facility of up to 43.5% and the cost sharing and other issues related to it. Boyne Mountain is planning to increase the size of the force main line that runs along the south side of M75 from the old railroad crossing east of the Boyne Valley School west to the Moll Drive entrance to the Boyne Business Park. Originally a 6" force main connected Boyne Mountain to our system. Several years ago, a portion of that force main was increased to 10". Boyne Mountain is now looking to increase the balance of that force main to 10" as well. The new larger force main will give them increased pumping and storage capacity as further development is undertaken on their property and is estimated to cost \$423,000. Boyne Mountain is responsible for the cost of the project. MEDC is requiring that both Boyne City and Boyne Valley Township be participating in this grant. Project. Boyne Mountain is a huge economic engine in this region. We have a very good working relationship with all parties involved.

Jan Kellogg of Northern Lakes Economic Alliance added that she has been working with Boyne Mountain, Boyne City and Boyne Valley Township and they have lined up a grant with the MEDC for \$382,500 for this project. Boyne Mountain will pay for the \$45,000 local match and is pledging 45 new employees. Boyne Mountain will be constructing new condominium units and an Alpine Mountain coaster as part of this expansion.

Ed Grice of Boyne Mountain stated that Boyne Mountain has worked together with the City since 1995/1996. At the time, the DEQ was encouraging Boyne to not create a separate treatment facility. This is a

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

**Boyne Mountain Expansion
Grant**

great case study of government working with private business. It all starts with infrastructure. Boyne Mountain has invested over \$170,000,000 since that time. This is a win-win for everybody. Boyne Mountain is able to add an additional 200,000 people to the area on an annual basis and many of those people come into Boyne City. The new Alpine Coaster will be installed using the contours of the hill. A new half million dollar water slide is also being added to Avalanche Bay Water Park.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer said this is a good thing and we should move forward. Commissioner Gaylord said his concern is the citizens of Boyne City and inquired about the 43.5% of total capacity and Boyne Mountain exceeding that. Dan Meads said future growth was looked at when the new plant was being built. Engineering has been done. Boyne Mountain has paid for all costs associated with increasing capacity. We monitor the flow. Mike Cain added this pipe will give more capacity. These projects won't come anywhere near to that 43.5 % amount of capacity. Commissioner Sansom asked the distance of main being replaced and was informed 1 ½ miles. Mayor Grunch said Boyne is to be commended. We're happy you're here. Mayor Grunch also discussed the future needs and timeline of cleaning our lagoons.

Mayor Grunch Closed the Public Hearing at 12:38 p.m.

MOTION

2013-06-089
 Moved by Neidhamer
 Second by Sansom

To approve the Roles and Responsibilities agreement between Boyne City and Boyne Valley Township for the Boyne Mountain Expansion project grant

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

MOTION

2013-06-090
 Moved by Neidhamer
 Second by Sansom

To approve the resolution authorizing the City Manager to sign the required application forms and grant agreement for the Boyne Mountain Expansion Project.

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

2013-06-091
 Moved by Neidhamer
 Second by Gaylord

To approve the City Manager Michael Cain as Environmental Review Certifying Officer for the Boyne Mountain Expansion Project for this job based grant. Boyne Mountain will be responsible for any grant funds that need to be returned and will there will be no costs associated with this grant to the City of Boyne City.

Ayes: 4

Nays: 0

Absent: 1 Commissioner Towne

Motion carried

Consideration to award a contract for conduit boring to Roemer Utility Services for the amount of \$7,124 and also to award a bid to Ed's Electric for the electrical work for this project in the amount of \$10,850 and authorize the City Manager to sign the required documents

North Lake Street Lighting and Electrical Upgrades

Public Works Superintendent Andy Kovolski discussed the upgrades Bay Winds Credit Union was required to participate in during the installation of 3 of our city standard decorative light fixtures in the right of way adjacent to their location. We are ready to proceed with this project. In conjunction with this project we need to replace the underground wiring serving the lights and plugs in the lawn area at City Hall. The current wiring has shorted out and cannot be replaced. To complete this project, conduits bored from City Hall to the light and plug locations, installation of concrete bases for the light fixtures, and installation of electric circuits to these locations from the museum circuit panel need to be completed. Bids were advertised and received for conduit boring to Roemer Utility Services for the amount of \$7,124 and Ed's Electric for the electrical work in the amount of \$10,850. The cost of the project including the lights is anticipated to be \$26,701.92 with Bay Winds Credit Union contributing \$15,536.92 towards their share.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Sansom inquired if this would save dollars and was informed, not initially. Commissioner Gaylord inquired how the formulas for the project sharing took place. Commissioner Neidhamer inquired about the power needs. Commissioner Gaylord also inquired about the DDA commitment to the project and was informed it is part of their \$75,000 annual payment to the City.

2013-06-092

Moved by Sansom

Second by Neidhamer

MOTION

To award a contract for conduit boring to Roemer Utility Services for the amount of \$7,124 and also to award a bid to Ed's Electric for the electrical work for this project in the amount of \$10,850 and authorize the City Manager to sign the required documents

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

Consideration to support the Boyne City Farmers Market grant application to create a design for converting the Veterans Park Pavilion into a multipurpose facility

Farmers Market Grant

City Manager Cain discussed the Farmer's Market Grant Program the MEDC recently announced details for. It offers a wide variety of opportunities to help improve and expand existing farmers markets.

The Boyne City Farmer's Market, through the Main Street Program and City of Boyne City is interested in applying for a planning / design grant to convert the Veteran's Park Pavilion into a multi purpose facility that can be used as the home of the farmers market from November thru April and multiple community events year-round. The grant application is due July 1 with a 50 / 50 cash match. The purpose of this grant is to hire consultants to evaluate the current facility, solicit input from the community on desired uses and design plans for a renovated multipurpose facility. Matching funds would be paid from the Farmers Market reserve fund and Main Street if the grant is received.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Gaylord stated this appears to be driven by the Farmer's Market and Main Street. We are getting a little ahead of ourselves without getting information from the Citizens. Who's going to pay for all of this? Obviously the Citizens of Boyne City. We need to slow down at this point and make sure this is absolutely required before we hire a consultant. Mayor Grunch added that just because a plan is in place, it doesn't mean it will come to fruition. The plan could include something besides the pavilion. Commissioner Sansom said it doesn't mean you go forward with any plan. There may be some things we're not looking at. It may not be all just the Farmer's Market. Andy Kovolski added that Hugh Conklin did bring this before the Parks and Recreation Board. Commissioner Neidhamer said this is an opportunity we should jump at. It is a facility that is used extensively. There is a potential for it to be warmer and upgraded. Any time we can upgrade at 50 cents on the dollar, that's smart. Mayor Grunch said he is in full support.

MOTION

2013-06-093
 Moved by Neidhamer
 Second by Sansom

To support the Boyne City Farmers Market grant application to create a design for converting the Veterans Park Pavilion into a multipurpose facility

Ayes: 3
 Nays: 1, Commissioner Gaylord

Absent: 1 Commissioner Towne
 Motion carried

Consideration to authorize the City manager to sign grant documents if the Placemaking and Neighborhoods grant is awarded to the City and authorize City Staff to submit grant applications to the Boyne City Public Library, Charlevoix County Community Foundation, the Frey foundation, and the Grant Lakes Energy People Fund if the Placemaking and Neighborhood Grant is awarded and accepted

MSHDA Planning Grant Opportunity

City Manager Cain discussed the need for Boyne City to update its master plan and the memo provided from Scott McPherson. The State mandates the Master Plan be reviewed every five years. To help complete the update, the Planning Department would like to take advantage of the Placemaking and Neighborhoods Funding opportunity provided by MSHDA to help obtain public input and development of the Master Plan. The grant would be used to engage the services of a professional planning consultant to assist with community engagement and the development of the master plan. We are projecting a total cost of \$25,000 with a grant request of \$10,000 from MSHDA and \$15,000 of matching funds from the City and its other partners. As required by the grant, the City has reached out to several other organizations for possible collaboration on this project which include the Boyne City Public Library, Charlevoix County Community Foundation, the Frey Foundation and the Great Lakes Energy People Fund. Representatives from each of the organizations have been contacted and all have indicated the proposed project would qualify for funding thru their various programs. The amount requested from the City and each of its partners would be \$3,000. At this time, no funds have been committed from any organization for this proposal.

Leslie Meyers said we received the original notice in Mid May and Scott McPherson submitted a letter of interest in this grant. On June 17th, we received notice that we had three days to apply for this grant which would now be due on June 20th. If we received it, we don't have to accept it if the City Commission chooses so.

City Manager Cain added that since there was not a meeting of the City Commission scheduled between the time the Planning Department became aware of this opportunity on June 17 and the submittal deadline of June 20, the application for the grant was submitted to MSHDA with the recognition that the City Commission must give approval to accept the grant if awarded. We have been notified by MSHDA that the grants will be awarded and documents must be executed by June 30th.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer said we have to do our master plan update. We had three days notice. Staff competently hustled and put this together so our local money goes further. It's needed, wanted, lets go forward with it. Mayor Grunch agreed adding a competent team that can move quickly.

Commissioner Sansom inquired how soon will the Master Plan be discussed and was informed very soon. Also what is the cost of this. City Manager Cain added we were going to do the vast majority in house. This provides us with other opportunities. Commissioner Gaylord said looking at communications provided to him, who was the author of that and where is the email communication on that. Why since the May 13th original notice, at no point was the City Commission notified of this intent. Who generated it, who was the author and what is the timeline. Leslie Meyers said she assumes it was Scott. Commissioner Gaylord said he is looking for the actual email. He wants verification of the date, time and who it went to. We talk about not knowing about the potential grant, but it started in May. We did put the cart before the horse. We submitted for a grant without the City Commission approving it. It's not how it's supposed to be done and he has a problem with that. City Manager Cain said this is the first City Commission meeting available after we sent the letter of intent. Scott McPherson, who applied for the grant acted under his approval so it could be considered. It's coming to the City Commission once it became available. There is not doubt this is an expedited process. Mayor Grunch said bottom line, we need to trust in our management team. He doesn't like being squeezed on the timeline. City Manager Cain said the State wants to make sure all ducks are in a row. Commissioner Sansom said when the letter of intent was sent, could it have been included as part of the Manager's report. This way, they'd know what's coming. Commissioner Neidhamer said our job is to not micromanage, it is staff's job every day.

Commissioner Gaylord said the requirement is review it not change it. He asked what has not been accomplished since the last review and City Manager Cain said quite a bit. Commissioner Gaylord also expressed concerns of using a charette as part of the process. He is very concerned about bringing in an outside person using this system as part of the grant. When government works at an accelerated pace, generally good things don't come of it. The citizens of Boyne City are very capable of giving feedback. The issue is the process. City Manager Cain said we've been using the charette process here for years, at goal settings, joint county meetings. There is not bait and switch. Commissioner Sansom said this is an assurance that you do involve community, do get input, using someone trained. It insures you involve your community to get more feedback that way. Commissioner Gaylord said there was no communication with the commissioners for over three weeks.

MOTION

2013-06-094

Moved by Neidhamer

Second by Sansom

To authorize the City manager to sign grant documents if the Placemaking and Neighborhoods grant is awarded to the City and authorize City Staff to submit grant applications to the Boyne City Public Library, Charlevoix County Community Foundation, the Frey foundation, and the Grant Lakes Energy People Fund if the Placemaking and Neighborhood Grant is awarded and accepted

Ayes: 3
 Nays: 1, Commissioner Gaylord
 Absent: 1 Commissioner Towne
 Motion carried

Mower Purchase

Consideration to purchase a Kubota F3680 Mower package from Ginop Sales of Alanson in the amount of \$25,896 and authorize the City Manager to sign the required documents

Public Works Superintendent Andy Kovolski discussed the quote received from Ginop Sales for the purchase of a replacement unit in the amount of \$21,896 which reflects a Mideal discount of \$9,487 and a trade in allowance of \$7,000 for our current equipment. This is an exact replacement of the current unit with the addition of a snow blower attachment for winter use. We would like to add the snow blower to serve as a backstop for the Trackless and blower we use downtown if it breaks down.

Citizens Comments: None

Staff Comments: Keith Hausler said it's a piece of equipment that is used daily.

Board Deliberation: All are in agreement

2013-06-095
 Moved by Gaylord
 Second by Sansom

To purchase a Kubota F3680 Mower package from Ginop Sales of Alanson in the amount of \$25,896 and authorize the City Manager to sign the required documents

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

MOTION

Emergency Siren Receiver / Controller Issues

Consideration to authorize staff to proceed with necessary siren repairs up to \$2,500 and report back to the City Commission upon completion

City Manager Cain said earlier this year, CCE 911 updated their transmission capabilities to comply with Federal requirements. This change, known as narrow banding, makes more frequencies available by tightening them and using less of a frequency footprint. The radios used by our departments have been adjusted to comply with these requirements and after working some bugs out, seem to be functioning well except for our Emergency Siren on top of the DPW / Fire Building. The siren, which itself works fine, still sounds each night for the curfew due to the activations taking place by a local timing circuit. We are still working on solutions as we try to get the siren fully back on line as soon as possible.

Citizens Comments: None

Staff Comments: None
Board Deliberation: All are in agreement.

MOTION

2013-06-096
Moved by Gaylord
Second by Sansom

To authorize staff to proceed with necessary siren repairs up to \$2,500 and report back to the City Commission upon completion

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

Good of the Order

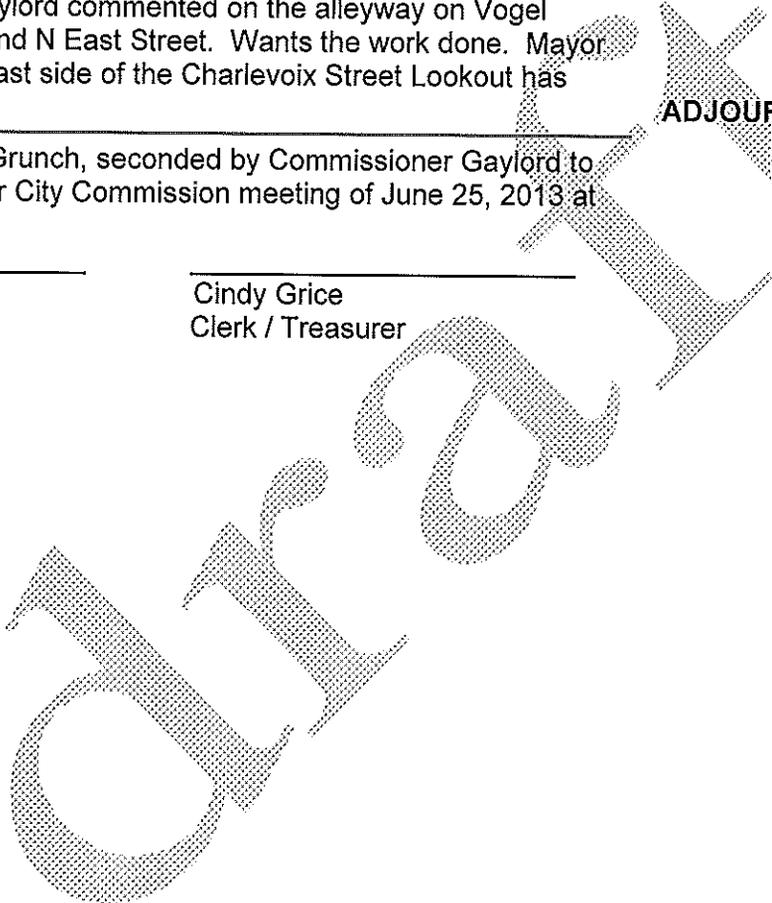
Commissioner Gaylord commented on the alleyway on Vogel between N Park and N East Street. Wants the work done. Mayor Grunch said the east side of the Charlevoix Street Lookout has some washouts.

ADJOURNMENT

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of June 25, 2013 at 2:40 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer



INTEROFFICE MEMORANDUM

TO: MICHAEL CAIN- CITY MANAGER *Mc*
FROM: MICHELE HEWITT-DEPUTY TREASURER
SUBJECT: BOYNE CITY HISTORICAL COMMISSION BOARD APPOINTMENT *WH*
DATE: 7/1/2013

At our June 17, 2013 Boyne City Historical Commission meeting the board accepted a letter of resignation from Pam Crumpler. The Historic Commission voted to accept this resignation and make a recommendation to the City Commission to also accept her request.

PLACEMAKING MICRO-GRANTS PROGRAM

With support from:



PURE MICHIGAN



Release Date: July 1, 2013

Due Date: August 2, 2013

Placemaking is a community-based approach involving the discovery and implementation of practices that make our communities distinctive, economically viable, accessible, and visually pleasing. Placemaking capitalizes on a local community's assets, inspiration and potential, creating good public spaces that promote people's health, happiness, and economic well-being. In support of assisting communities with their placemaking goals, the Placemaking Micro-Grants Program is intended to provide resources to communities looking to realize their placemaking efforts.

Placemaking Micro-Grant applicants are encouraged to review the Northwest Michigan Council of Governments (NWMCOG) Placemaking website [CreatMIplace.org \(http://www.createmiplace.org/\)](http://www.createmiplace.org/) for additional information on the principals of placemaking. This website is designed to empower local citizens and unique collaborative groups in communities across northwest lower Michigan to foster community pride through better public spaces. It also provides the Northern Michigan Community Placemaking Guidebook that offers critical approaches to creating and managing successful public spaces. The level of a community's local pride plays a significant role in the quality and maintenance of local places, an overall sense of place and identity, and ultimately economic prosperity.

Grants of up to \$5,000 in cash and/or technical assistance will be made available on a competitive basis to city, village, and township governments from Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, and Missaukee, and Wexford Counties.

Purpose

The Placemaking Micro-Grant Program is intended to improve all of the spaces that comprise the gathering places within a community – its streets, sidewalks, parks, buildings, and other public spaces – so they invite greater interaction between people and foster healthier, more social, and economically viable communities. Examples of small starts Placemaking efforts include, but not limited to; park

benches and picnic tables, flower plantings, public gardens, wayfinding signage, recreational equipment, public art and murals, and gathering places such as gazebos and other shade structures. Strong linkages to economic development and innovative ideas are encouraged.

Project Application and Selection

All city, township, and village governments in Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, and Missaukee, and Wexford Counties are eligible to apply. The application can be for cash and/or technical assistance.

On behalf of the Michigan Economic Development Corporation's Northwest Lower Michigan Collaborative Development Council (CDC), the NWMCOG is accepting applications in the form of clear and concise proposals of no more than 2 pages. Proposals must contain all of the following:

- **Purpose Statement.** Summarize the purpose of the project.
- **Background and Need.** What has led you to apply for this grant? What is the need for this activity?
- **Project Goals and Activities.** In a brief statement, please identify the project goals. What do you hope to achieve? What activities will be completed to meet the community's needs?
- **Participant Information.** Describe your community's capacity and leadership to complete the project including any groups that will provide assistance.
- **Project Area.** Please provide a brief description and/or map.
- **Project Commitment.** The proposal must include a commitment to provide either cash or in-kind match within one month of project start-up.
- **Innovation.** Does your program/project incorporate a new approach, technique or methodology?
- **Community impact.** What will be different in the community if your project is successful? How will the outcomes of the project impact economic development?

The application review committee will evaluate all applications received. The success of an application will be determined by its completeness and clarity of purpose, the likelihood of project success, and the level of commitment offered by participants. Successful applicants will be notified by no later than August 23, 2013.

To apply:

Grant applications must be received no later than 4 p.m. on August 2, 2013. Please submit applications as Adobe Acrobat .pdf documents (preferred method), to mccauley@nwm.cog.mi.us or mail to:

Northwest Michigan Council of Governments
Attn: Matt McCauley, Director of Regional Planning
600 E. Front St., Suite 104
PO Box 506
Traverse City, MI 49685



P. O. Box 358 • Manistee, Michigan 49660-0358 • www.manisteemi.gov

CITY HALL
70 Maple Street

CITY MANAGER
231.398.2801

CITY ASSESSOR
231.398.2802

BUILDING INSPECTOR
231.398.2806

**PLANNING, ZONING &
COMMUNITY DEV.**
231.398.2805

CITY CLERK
231.398.2803

CITY TREASURER
231.398.2804

WATER BILLING
231.723.2559

ADMINISTRATION
FAX 231.723.1546

CLERK/TREASURER
FAX 231.723.5410

POLICE DEPARTMENT
70 Maple Street
231.723.2533
FAX 231.398.2012

FIRE DEPARTMENT
281 First Street
231.723.1549
FAX 231.723.3519

PUBLIC WORKS
280 Washington St.
231.723.7132
FAX 231.723.1803

PARKS DEPARTMENT
231.723.4051

WATER MAINTENANCE
231.723.3641

WASTEWATER PLANT
50 Ninth St.
231.723.1553

July 2, 2013

Mr. Michael Cain, City Manager
City of Boyne City
319 North Lake Street
Boyne City MI 49712-1101

Dear Mike:

Just wanted to thank you for participating in a Mayors Exchange Program with the City of Manistee. Our trip to Boyne City was memorable and informative. We came away with so much by way of hospitality, gifts, education and new friends.

Our two communities are very similar. The exchange gave us several ideas to explore. I was particularly impressed with the vibrancy of your downtown and the collaboration of Team Boyne. I guess that's the whole idea behind the Mayors Exchange program; it's a chance to experience another point of view and exchange ideas. Making new friends is a bonus.

You can be very proud of your community and staff. Everyone made us feel right at home.

Sincerely,

CITY OF MANISTEE

Mitchell D. Deisch, City Manager
mdeisch@manisteemi.gov

MDD:cl





Approved: _____

**Meeting of
JUNE 6, 2013**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, JUNE 6, 2013 AT 8:30 A.M. IN THE COMMISSION CHAMBERS AT CITY HALL, 319 NORTH LAKE STREET

Call to Order

Chair Swartz called the meeting to order at 8:31 a.m.

Roll Call

Present: Jodie Adams, Mike Cain, Bob Carlile, Michelle Cortright Jim Jensen
Larry Lenhart, Pat O'Brien, and Rob Swartz

**Meeting
Attendance**

Absent: Robin Berry Williams

City Staff: Main Street Manager Hugh Conklin and recording secretary Karen Seeley

Public: There were two people in attendance

**Approval of Minutes
MOTION**

Carlile moved, Adams second: **PASSED UNANIMOUSLY** to approve the May 2, 2013 regular meeting minutes

Citizens Comments

None

Correspondence

None

**Main Street Committee
Reports**

In addition to the committee reports included in the agenda packet Main Street Manager Conklin reported on a few items:

- Stroll the Streets sponsorships are about \$3,500 shy of their goal.
- Boyne Thunder planning is going well. The one issue is the availability of slips at the Harborage for boats from the city marina.
- The Design Committee received the support of the Planning Commission for the art bike rack concept. It will be presented to the City Commission for approval at its June 11th meeting.

Manager's Report

Main Street Manager Conklin reported on:

- Our maintenance enhancement employee this summer is Brett Baxter. He started the week before Memorial Day and will continue through the summer.
- The Boyne Valley Garden Club has done its work in the downtown flower planters. Mark Contrucci of Mark C's Trees will be maintaining the flowers again this summer.
- Attended the Michigan Main Street Quarterly training in Grand Haven on Tuesday. The training was on Historic Preservation Tools.
- The proposal to allow alcohol service at sidewalk cafes was presented to the city commission last week. Even though the proposed change was supported by the planning commission, Main Street board, and chamber board as well as the police chief and city manager, a motion to approve a first reading of the ordinance to allow alcohol service failed to receive a second.

- The 2013-14 downtown map and guide is being delivered to the printer on Friday and will be available for distribution by the end of the month.
- Hugh will be away on vacation on two occasions this month. I will be out June 14-18 the week of June 24.

New Business

MOTION

River Walk Maintenance:

The river walk needs regular cleaning and sealing. It was the summer of 2011 when the river walk was last power washed and sealed and the railing touched up. The work was done by Performance Painting. This summer, the river walk needs maintenance again. Two proposals were received for the work from the same businesses that submitted proposals in 2011. Verbal proposals were received from both, but received a written proposal from one of the contractors. For the fiscal year 2013-14, \$2,500 was budgeted. The bid from Performance Painting (received and filed) included a high pressure wash and apply stain/wood sealer to wood decking \$1,400 Power sand, apply epoxy primer and finish coat of PPG Pit thane urethane finish in color and sheen to match \$3,500. Board discussion regarding the bid and the most cost effective way to continue the maintenance of the boardwalk. **Adams moved Cortright second, PASSED UNANIMOUSLY** to award the contract to Performance Painted to clean and seal the wood decking and touch up the railing for an amount up to \$2000.

MOTION

Lake Street Market- Request for Streetscape Improvement:

Lake Street Market has requested permission to replace the grass area in front of its business between the sidewalk and the curb with stamped concrete, similar to what was used at the Veterans Park Memorial. In reviewing the request with department heads, there was concern that stamp concrete is hard to match if ever in the future there was a need to replace underground utilities. They are aware of this and willing to take the risk. Liz Glass co-owner was there to answer any of the board's questions. Board discussion on continuity in the DDA. This should look like an extension of what we have in the downtown. Are there different tones that would match the brick downtown? Ken Kruzel should be in this discussion as well, as he has approached the city for brick pavers in front of his complex. **Adams moved O'Brien seconded PASSED UNANIMOUSLY** that Liz, Ken Kruzel and the Legion work with the design committee to work on a design that would fit with the downtown streetscape.

Historic Mural:

For the past couple of years, the Design Committee has been talking about developing a historic mural program within the Main Street / DDA district primarily in the downtown area. The purpose of the mural program is to celebrate the community's historic past and to bring a "sense of place" to Boyne City. The proposed murals would be 12'x16' banner attached on a frame and hung on the highly noticeable side of a downtown building. The banner cost is \$625 plus \$870 for the frame. Installation is estimated at \$2,500 making the total cost \$3,995. If the program moves forward, the Design Committee would recommend the side of the Northwestern Bank building for the first mural. The wall is highly visible and the open space works well for the banner. Two photos are under consideration by the committee.

The board reviewed the two possibilities for the mural. Jodi Adams stated that she could do the mural for \$750-\$1000, on an aluminum panel then attach to the wall. The board liked the photo of the three boats. Board consensus is to move forward with the mural.

Farmers Market Grant Opportunity: Requests for Proposals is being sought for the MEDC's Farmers Market Grant Program. This one time

allocation will require a minimum 50/50 cash match. The match can be provided by the community, or a private or non-profit source. Application are due buy July 1, 2013 at 3:00 p.m. and project will have a completion date of May 31, 2014. Board discussion on selecting a project, there is \$7,000 in the Farmers Market reserve fund, maybe \$10,000 for the match. We will need to submit a well-defined and focused project. Suggestion of converting the Veteran's Park Pavilion into a year round Farmers Market site. We would be enhancing what we already have there. There is extra scoring for local commitment and documented match. Adams stated that the Wood Shop would make a sign with "in kind" funds. **Cain moved Adams seconded PASSED UNANIMOUSLY** to submit the redevelopment of Veterans Park Pavilion for year round use for the Farmers Market along with other community activities and Boyne City Main Street will provide a \$1000 match.

MOTION

Main Street Administrative Staff: The board received a copy (received and filed) of the job description for the Administrative Assistant. This would be a contact employee and would not exceed 10 hours per week average. **Carlile moved Cain seconded PASSED UNANIMOUSLY** to support the position of the Administrative Assistant. Cain strongly encourages this position be advertised.

MOTION

July Main Street Meeting: The next Main Street meeting is scheduled for July 4th. The last two years it has been our practice to cancel the July meeting, taking into consideration Boyne Thunder, which is a big event for Main Street. **Cain moved Adams seconded PASSED UNANIMOUSLY** to cancel the July meeting of the Main Street Board.

MOTION

GOOD OF THE ORDER

- Pat O'Brien informed the board of a video of Boyne City that Randy Calcattera is planning. Some of the downtown businesses are willing to participate and help pay. He would like to include the entire community. He will start collecting videos this summer. **Cain moved O'Brien seconded PASSED UNANIMOUSLY** to authorize Main Street and the Promotions Committee to participate in the Boyne City video as outlined by Pat O'Brien and authorize \$1000 toward this multi-purpose project.
- Mayor's Exchange with the City of Manistee is the 21st and 22nd of June. They will visit a Team Boyne Meeting, Stroll the Streets and the Farmers Market.
- MML's Place Making Conference will be held next Wednesday, June 12th in Mackinaw City.

MOTION

ADJOURNMENT MOTION

Cortright moved O'Brien seconded PASSED UNANIMOUSLY to adjourn the June 6, 2013 meeting of the Boyne City Main Street Board at 10:19 am.

Karen Seeley, Recording Secretary

Approved: _____

**MEETING OF
JUNE 6, 2013**

**RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY
PARKS AND RECREATION COMMISSION MEETING HELD AT
6:00 P.M. AT CITY HALL ON THURSDAY, JUNE 6, 2013.**

CALL TO ORDER

Meeting was called to order by Chair Sheean at 6:02 p.m.

ROLL CALL

Present: Jerry Swift, Heath Meeder, Marie Sheets, Darryl Parish, Jo Bowman, Gail Van Horn and Mike Sheean

Absent: None

**MEETING
ATTENDANCE**

City Staff: Streets/Parks & Recreation Superintendent Andy Kovolski and Recording Secretary Barb Brooks

Public Present: Six

**EXCUSED ABSENCES
MOTION**

VanHorn moved, Parish seconded **PASSED UNANIMOUSLY**, a motion to excuse from the June 6, 2013 meeting as he is out of town.

**APPROVAL OF
MINUTES
MOTION**

Swift moved, Parish seconded, **PASSED UNANIMOUSLY**, a motion to approve the May 2, 2013 meeting minutes as presented

CITIZENS COMMENTS

Disc Golf

Rob Wiltjer and Forest Omland gave an update on the disk golf course condition and activity. They had a list they went over with the board of items that should be addressed either by their club (as volunteers), staff or a combination of. They will continue to work with staff on issues, concerns and suggestions but feels things are improving and are excited about the amount of interest and activity they are seeing there.

**Farmers Market Grant
Opportunity**

Main Street Manager Conklin shared with the board information about a grant opportunity from the MEDC that could benefit the Farmers Market and the pavilion in Veterans Park. The premise is to enhance the pavilion so it can be used as a year around facility for the market and other users. Conklin stated at this time he would like to hear the boards thoughts and if they support the general concept. The board discussed

that they were in support of the concept, especially if there is grant money to take on the project.

DIRECTOR'S REPORT

Parks are all in full swing and all of the irrigation has been turned on. The Garden Club has all of their plantings in for the summer.

Parish inquired about the condition of Tannery Beach after it was used by a contractor for an adjacent property owner. Superintendent Kovolski stated that the property owner and contractor had asked the City for permission and insured that any disturbance would be returned back to the original condition.

CORRESPONDENCE

None

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Park Inspections - Spring St. leading to Riverside Park has been graded and looks good. Concerns are still being expressed at the Lower Lake outfall. Kovolski discussed the draft plan options that are being discussed at the City Commission level to best address the situation. Events from Memorial weekend went well.

Avalanche Signage update - Waiting for a proof from the Wood Shop to review and submit to the City Commission for Consideration.

Boyne City/Charlevoix Non-motorized Trail update - Groups continue to have successful fund-raising events to put towards funding the project.

Boyne Valley Non-motorized Trail - The last piece of property (easement) needed has been obtained and things are still moving forward.

UNFINISHED BUSINESS

Horse Trail Ride Services at Avalanche Request

Board Discussion - Board members Kuhn and Swift walked the proposed trail area with Don and Becky, Boyne Valley Equine to see if more trail separation could be created from the walking trail and disc golf course. Swift reported that while they were able to mark a trail that provided separation, it did not provide one hundred percent separation the full length. There were two areas that the trails crossed paths. Also, to achieve this some branch trimming and brush clearing should be done. Kuhn was not able to attend the board meeting; however he conveyed to recording secretary Brooks that he felt that the proposed trail looks like it could work and there is very limited interaction between the current and proposed trail area and trail uses. He felt the only way we were really going to know is to give it a try. He was comfortable moving forward and recommending this proposal to the

City Commission with the caveat that if there were issues that couldn't be resolved the City reserves the right to pull the plug. Parrish stated that he was not able to get up to Avalanche to see the marked trail area since it has been marked. He expressed concerns over not having total separation and it interfering with the current uses. Without seeing it, he was not in favor of moving forward with a recommendation at this time. VanHorn stated that she has heard nothing but positive feedback regarding the proposal and thinks it could be a good thing for the community. She also agreed that we won't know until we try it and it can be rescinded at anytime. Recording Secretary Brooks added that she was in attendance the day of the ride as a walker on the trail and stated that it was not intimidating to encounter the horses on the trail. You could here them coming before you actually saw them. It was not a surprise encounter that caught you off guard. Two members of the Boyne Valley Disc Golf League stated they didn't see a problem with trying it and does not believe it will interfere with the use of the course. Meeder stated that he has not been able to walk the course since the new trail has been marked but trusts that board members Swift and Kuhn used good judgment when walking it with Don and Becky and believes they would not recommend it if they didn't feel it had merit.

****MOTION**

Meeder moved, Bowman seconded to request Don & Becky better mark the proposed trail and recommend the proposal of horse trail rides at Avalanche from Boyne Valley Equine to the City Commission for consideration and approval at their June 11th meeting.

Discussion – Parrish was still not comfortable making a recommendation without personally viewing the marked proposed trail. Brooks informed the board they could wait a few days to give the board the opportunity to walk the trail and then either hold a special meeting to further discuss and make a recommendation but it would not go to the city commission until their June 25th meeting. If a special meeting was not held and the board waited to discuss it at their July 18th meeting, it would not go before the commission until July 23rd.

Motion approved: six YES and one NO

Dog Park

Board member VanHorn stated that she met with fellow board member Meeder and Superintendent Kovolski prior to the board meeting. Kovolski will work on getting cost estimates for the fence and VanHorn and Meeder will work on getting more people from outside the board involved in the planning and fund-raising. They hope to have more information to present at the July meeting.

NEW BUSINESS

Recycling Containers

****MOTION**

Kovolski inquired as to if the board thought it would be a good idea or if they had any concerns about placing recycling bins (barrels) in various parks for recyclable collections. Mainly plastic bottles or cans that are non-returnable. The general consensus of the board was that this is a good idea. Bowman moved, Meeder seconded, PASSED UNANIMOUSLY have staff work with the Charlevoix County Recycling committee to locate collection bins in some of the our parks.

Public Service Projects

There is a group looking to perform community service projects June 16 - June 22 and August 4 - 10. Kovolski will work with parks foreman Hausler to see if we have any possible projects.

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, July 18, 2013 at 6:00 p.m. at Veterans Park. (The meeting schedule adopted for the year allowed for the July and August meetings to not be held on the 1st Thursday due to conflicts with holidays and events.)

ADJOURNMENT

****MOTION**

The June 6, 2013 meeting of the Parks and Recreation board was adjourned at 7:18 p.m. Moved by Sheets, seconded by VanHorn, PASSED UNANIMOUSLY.

Barb Brooks, Recording Secretary

**Meeting of
June 17, 2013**

Notes of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, June 17, 2013 at 5:00 pm.

There was no quorum, so no meeting was held

Meeting Attendance

Present: Lori Meeder, and Aaron Place

Absent: Gretchen Crum, George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Tom Neidhamer and Joe St. Dennis

City Officials/Staff: Recording Secretary Pat Haver

Public Present: None

The next meeting of the Boyne City Planning Commission is scheduled for July 15, 2013 at 5:00 pm in the Auditorium.

Pat Haver, Recording Secretary

DRAFT

BOYNE CITY HISTORICAL COMMISSION

Minutes of June 17, 2013

7:00 pm

Boyne City Hall Commission Chambers

CALL TO ORDER: 7:00 PM

PRESENT: Fulkerson, Sansom, Dole, Kuhn.

ABSENT: Howie, Hewitt

GUEST: none

Swear in new board member Bill Kuhn

APPROVAL OF MINUTES: Minutes of the March 27, 2013 meeting, Dole to approve Sansom second, all ayes.

OLD BUSINESS:

- A. Past perfect volunteers, Dole working on it and will be getting back into it and also will help get volunteers. Continue to pursue volunteers.
- B. Summer window display, Keisha will continue to help but for now continue to use the lumber scene until we can come up with a new plan.
- C. Morgan family visit is July 27th. Fulkerson will do a display for them in the library. If the family is interested the display could be brought to the pavilion. Georganna Monk will have some stuff, Fulkerson provided the board. Did Hewitt contact Georganna? Hewitt will call the family contact for Morgan family reunion and see what the schedule will be so we can offer to assist. Kuhn will try to locate yellow bricks for the Morgan family.

7:16 Hewitt arrived

- D. Boyne bricks that are available from Gary Gray in old house on Pleasant Ave, Kuhn will get bricks and store in his garage. Sansom suggested we sell them at Stroll the Streets they will need to be cleaned up before selling. Set schedule for Stroll the Streets.
- E. LaFrance anniversary, Fulkerson has some old photos to share. Hewitt had pictures that she copied from Kelly Martin. Do pictures on the fire truck during the 4th of July. Need to form a committee.

NEW BUSINESSES:

Review of board resignation from Crumpler, Kuhn motioned, Fulkerson second, all ayes.
Will need to fill this new vacancy.

COMMUNICATIONS:

None

Next Meeting: September 16, 2013

Adjourned at 8:06, Dole motioned, second by Kuhn, all ayes.

DRAFT



Approved: _____

**MEETING OF
JUNE 27, 2013**

**RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE
BOYNE CITY AIRPORT ADVISORY BOARD HELD JUNE 27, 2013**

CALL TO ORDER

Chair Reynolds called the meeting to order at 5:30 p.m. followed by the pledge of allegiance.

ROLL CALL

Present: Richard Bouters, Bud Chipman*, Rod Cortright*, Ed Hennessey, Leon Jarema*, Jim Kozlowski* Roger Reynolds

ATTENDANCE

Absent: Jerry Schmidt, Oral Sutliff and Larry Trumble*
*Ex Officio Members

Staff: Airport Manager/City Manager Michael Cain

EXCUSED ABSENCES

Hennessey moved Reynolds seconded PASSED UNANIMOUSLY to excuse Jerry Schmidt and Oral Sutliff.

**APPROVAL OF MINUTES
MOTION**

Bouters moved Reynolds seconded PASSED UNANIMOUSLY to approve the May 23, 2013 minutes as presented.

CORRESPONDENCE

None

CITIZENS COMMENTS:

None

UNFINISHED BUSINESS

- **Hangar Inquires/Leasing:** Currently a city owned hangar with attached garage is vacant and the Airport Manager is making inquires. The damaged aircraft currently stored in hangar A-12 will be removed soon.
- **Open House:** A progress report regarding planning details was given by Bouters (received and filed). The board and sub-committee will meet on July 10, 2013 at 1:00pm at the airport to finalize planning.
- **Crack Sealing:** Research for Crack Sealing is in progress by the City.

NEW BUSINESS

- **Memorial Day Expense Report:** The report was reviewed by the board. The Boyne City Police Dept. will now only hold the Drag Race once a year, on Labor Day weekend.
- The plan for boat trailer parking at the Airport has been at the Airport has been implemented by the Harbor Master and the parking boundaries are set,

- U.S. Custom & Boarder Authority have sent the Airport signs to be posted
- Cain and Bouters attended a Webinar at city hall on June 12th. This program provided good information regarding Operation of Small Airports. Information was available for download and use by the airport.
- The Airport Manager addressed an issue of an aircraft parked and blocking a taxiway for a few days. The owner was contacted and the issue discussed.
- Thank you to Leon Jarema for having some chair repair and upholstery done at the terminal. This added new life to some favorite old chairs.
- The 2013 Michigan VFR map is in place in the terminal as well as the new Airport Directory.
- Grub control application has been applied at the airport.
- Thank you to the city workers for the great mowing this summer at the airport. The grounds look great.

GOOD OF THE ORDER

- AV Fuel price \$5.81 as of 6/10/2013

NEXT MEETING

The next Airport Advisory Board will be held Thursday, July 25, 2013 at 5:30 p.m.

ADJOURNMENT

Chair Reynolds adjourned the Airport Advisory Board meeting at 6:45 p.m.

Richard L. Bouters

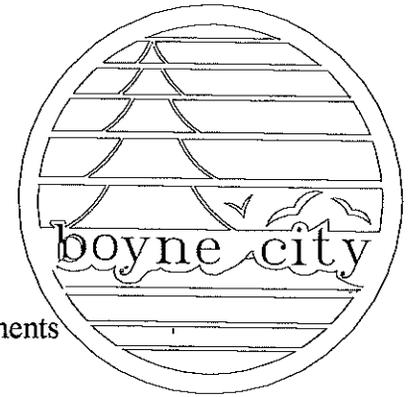
CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*

From: Scott McPherson, Planning Director *SM*

Date: July 9, 2013

Subject: Proposed Outdoor Sidewalk Café Ordinance Amendments
2nd Reading

**Background**

Currently the Boyne City zoning ordinance allows outdoor eating areas that do not serve alcohol on the public sidewalk in the Central Business District. This ordinance provision has been in place since the ordinance rewrite in 2001. An annual \$10 permit is required and in the spring of each year the Planning Department mails permit application forms that contain all of the ordinance requirements to the restaurants in the Central Business District.

Each year several establishments obtain permits and offer outdoor eating areas on the public sidewalk and the planning department is unaware of any specific complaints in regards to their operation. Last summer Magnum Hospitality submitted an application to the City that specifically requested alcohol service on the public sidewalk at Café Santé. Since the ordinance specifically prohibits alcohol the application could not be approved. Subsequently, Magnum Hospitality submitted a request for the City to consider changing the existing ordinance to also allow the serving of alcohol in outdoor eating areas which are located on the public sidewalk.

At the April 15, 2013 Planning Commission meeting the Commission considered the request from Magnum Hospitality. After review and discussion about the proposal and possible ordinance changes the Planning Commission directed staff to develop an amendment to the zoning ordinance to eliminate the provisions for outdoor café's on the public sidewalk and develop a new stand alone ordinance to regulate outdoor sidewalk cafés that would include a provision that would allow alcohol service. The reason for this approach is due to the fact that zoning ordinances confer grandfathering rights. Uses that are established lawfully under a zoning ordinance can continue as a legal use indefinitely even if the ordinance is changed or repealed at a later date. This is not the case for stand alone police power ordinances as these types of ordinances do not have grandfathering rights.

The ordinances changes as originally proposed would have allowed for the service of alcohol in sidewalk cafés. At the first reading the Commission determined that the ordinances should not be expanded to allow alcohol service at sidewalk cafés and directed staff to remove those provisions from the Ordinance. Accordingly, the provision allowing alcohol was removed (section 54-172 (i)) and an addition was made to the definition of a sidewalk café that states that the serving of alcohol is excluded from a sidewalk café.

Process

In accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures, a public hearing was held by the Planning Commission on May 20, 2013, and after reviewing the Amendment Criteria as required by the Boyne City Zoning Ordinance Section 2.50 (A), the Planning Commission recommended approval of the proposed the proposed zoning ordinance amendment. The Planning Commission also held a public hearing on the proposed Sidewalk Café Ordinance and recommended adoption of the ordinance. The proposed ordinances were submitted to the City Commission for a First Reading on May 28th, 2013 and the proposed ordinances were reviewed and the Commission required changes to the provision that allowed alcohol. The proposed ordinances with the changes scheduled for a second reading.. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced and was scheduled for a second reading on July 9, 2013. If adopted by the Commission the ordinance must be published at least one week prior before its final passage.

Options

1. Approve the ordinances as presented.
2. Do not approve as presented
3. Postpone for further consideration or review.
4. Other options as determined by the City Commission

Recommendation

The proposed ordinances are recommended for adoption as presented.

CITY OF BOYNE CITY COUNTY OF CHARLEVOIX

AN AMENDMENT TO THE BOYNE CITY ZONING ORDINANCE (A-80)

THE CITY OF BOYNE CITY HEREBY ORDAINS:

Section 1. Purpose.

The purpose of this ordinance is to amend Article X Section 10.20(Q) to eliminate zoning ordinance provisions that regulate outdoor cafés on public sidewalks.

Section 2. Amendment of Section 10.20(Q) Outdoor cafés of Article X Central Business District.

Section 10.20 (Q) Outdoor Cafés is amended to read as follows:

- Q. Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, subject to the following site design standards:
1. Outdoor cafés may be permitted within the boundaries of a parcel or lot, on a building roof top, or as part of a patio or deck.
 2. The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.
 3. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors.
 4. Other additional signs are not permitted beyond those permitted for the existing restaurant.

Section 3. Conflicting Standards.

If any of the standards set forth in this amendment conflict with any other standards of previous or future ordinances or amendments, the stricter standards shall apply.

Section 4. Repeal; Savings Clause.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

Section 5. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date

This Ordinance shall become effective fifteen (15) days from its enactment.

Public Hearing May 20, 2.13

First Reading: May 28, 2013

Second reading: July 9, 2013

Enacted:

Effective:

**CITY OF BOYNE CITY
COUNTY OF CHARLEVOIX**

AN AMENDMENT TO THE BOYNE CITY CODE OF ORDINANCES TO REGULATE THE LICENSING AND OPERATION OF OUTDOOR SIDEWALK CAFÉS ON PUBLIC SIDEWALKS AND TO PRESCRIBE PROCEDURES THEREFOR, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

NOW THEREFORE, THE CITY OF BOYNE CITY ORDAINS:

Section 1. Article VI Outdoor Sidewalk Cafés of Chapter 54 Street Sidewalks and Other Public Places of Boyne City Code of Ordinances shall be adopted as follows:

Article VI Outdoor Sidewalk Cafés

Sec 54-170. Outdoor Sidewalk Café.

No person or entity shall operate an Outdoor Sidewalk Café without an Outdoor Sidewalk Café license. This license shall be required in addition to any other license, permit or approval required by the city, county or state agencies for operation of a restaurant, bar or similar establishment. The license shall be valid for the calendar year of the date of issuance.

- (a) Definition: Outdoor Sidewalk Café – A type of outdoor café consisting of a service area set aside for the customers of a restaurant or similar establishment to be served food and drink with the exception of alcoholic beverages, on a public sidewalk or other public property other than a public parking space.

Sec 54-171 Outdoor Sidewalk Café license.

An Outdoor Sidewalk Café license may be issued upon approval of the City Manager or designee with a finding that the applicant meets the requirements below:

- (a) Outdoor Sidewalk Café hours shall be between 8:00 a.m. and 11:00 p.m., from April 1 to November 1.
- (b) A minimum of four (4) feet of public sidewalk shall be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants, and similar structure. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor sidewalk café shall not be permitted on a public sidewalk.
- (c) Furnishings of an Outdoor Sidewalk Café shall all be readily removable, including railings and planters.
- (d) Furnishing materials and finishes shall be durable, smooth and easily cleanable and shall be kept in sound condition and good repair. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors and may not include signage of any type.

- (e) Outdoor Sidewalk Cafés may only be located in the sidewalk that is adjacent to the business they are associated and may not extend in front of any other business or residence.
- (f) Outdoor Sidewalk Cafés may not interfere with any public service facility such as a bench, waste receptacle, bike rack or mailbox.
- (g) The Outdoor Sidewalk Café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs.
- (h) The Outdoor Sidewalk Café or its operation shall not damage, stain, or discolor any part of the sidewalk or public right-of-way.

Sec 54-172. Application Requirements for Outdoor Sidewalk Cafés License.

An application for any Outdoor Sidewalk Café License shall include:

- (a) A completed application form provided by the City.
- (b) A plot plan drawn to scale showing the proposed arrangement of the chairs, tables, railings and any other equipment proposed for the Outdoor Sidewalk Café.
- (c) A narrative explaining the proposed operation of the café, including hours of operation.
- (d) Samples or pictures showing the materials and colors of all tables, chairs, railings planters, waste receptacles or any other items proposed for the Outdoor Sidewalk Café.
- (e) The Outdoor Sidewalk Café shall provide evidence of insurance coverage naming the City as an additional insured party in an amount acceptable to the City.
- (f) The fee as established by the City Commission.

Sec 54-173. Revocation of an Outdoor Sidewalk Café's license.

The City Manager may revoke any Outdoor Sidewalk Café license for failure of the licensee to comply with the conditions of this ordinance or their license or if the operation for any reason creates a nuisance or hazard. The City Commission on its own motion may, without cause, revoke an Outside Sidewalk Café permit upon 30 days' written notice to the permittee.

Sec 54-174. Penalty.

Any person who violates any of the provisions of this section is responsible for a municipal civil infraction.

Section 2. Conflicting Standards.

If any of the standards set forth in this amendment conflict with any other standards of previous or future ordinances or amendments, the stricter standards shall apply.

Section 3. Repeal; Savings Clause.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

Section 4. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date

This Ordinance shall become effective fifteen (15) days from its enactment.

Public Hearing May 20, 2013

First Reading: May 28, 2013

Second reading: July 9, 2013

Enacted:

Effective:

MEMORANDUM**TO: MICHAEL CAIN; CITY MANAGER** **FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT** **DATE: 7/5/2013****RE: PLEASANT/DIVISION ROAD REPAIR UPGRADE**

At the regional task force meeting held on June 24th we were made aware that \$44,000 in additional STP funds had become available for use to close out the fund surplus held. It was decided to see if we could use those funds to add storm sewer work to our Pleasant/Division Mill and Fill Project.

Currently we have storm sewer only on the block between Division Street and Trent St. This sewer is collecting the water flow from that point to the City limits. This results in a lot of water flowing down the roadway in heavy rains which at times exceeds the height of the asphalt tip up curb causing wash-outs to happen. I asked Larry Fox of C2AE to provide estimated construction costs and engineering costs required to complete this work

Attached to this memorandum is a proposal from C2AE outlining the costs associated with this additional work. At my direction it is broken down into sections we could do if bid costs exceed the estimated cost. I feel that option #3 is the best way for us to proceed. If costs need to be reduced I would recommend we proceed with option #1. Option #2 should not be considered. The estimated total cost for Option #3 results in an additional \$69,400.00 in costs (local match + engineering) to complete this project. As you recall the original work scope for this project resulted in \$53,850.00 in cost (local match + engineering).

As Larry Fox indicates in his project narrative there remains a 200 foot section of 15 inch storm sewer from Division Street north to Morgan Street that will need to be upsized to 24 inch in the future to avoid having a bottleneck situation. I feel the City should proceed with the design of this upgrade to have the project ready to proceed quickly if the need arises. I asked him to provide a proposal to design this section of Storm Sewer upgrade and provide an estimated construction cost. Attached to this memorandum is a copy of that proposal. Design Engineering costs would be \$3,400.00 with an estimated construction cost of \$30,000.00. Note this proposal does not include Construction Engineering costs. I feel that I can handle this small project myself saving the City some money.

RECOMENDATION:

It is my recommendation that the City Commission approve the recommendation to add

Storm Sewer to the Division/Pleasant Street Mill and Fill Project at an estimated additional cost of \$69,400; and authorize the Design Engineering for the pipe upsize work from Division Street to Morgan for future construction and authorize the City Manager to sign the required documents. Funds for this work are available in the Street Department budget for this fiscal year.

OPTIONS:

- That this matter be postponed for additional information or consideration
- That this matter be approved subject to some revision
- Other options as determined by the City Commission

Boyer City Pleasant/Division Resurfacing Project Add Storm Sewer Options

Basis of Cost Opinion and Option Descriptions

The existing storm sewer on Pleasant consists of a 36" diameter north of Morgan, 15" from Morgan to Division, 12" from Division to Trent and nothing existing further south. The previously completed storm sewer master plan indicates the need for:

24" from Morgan to Division
18" from Division to Trent
12" from Trent to Prospect (on the basis that storm drainage south of Prospect will be collected in a future retention basin).

During the recently completed Division Street project, a new 24" stub was placed to just north of the new curb ending on Pleasant and a new 18" stub was placed to just south of the new curb ending on Pleasant in anticipation of the required upgrades. This leaves about 200 feet of 24" storm still to be constructed north of the Division.

Options to improve storm drainage to utilize additional STP funding, with a targeted goal of approximately \$55,000 to \$60,000 in construction cost addition. All of these options anticipate that storm sewer construction will be down the center of the roadway, requiring HMA surface removal, storm sewer installation at about a 3.5' depth, aggregate base replacement, HMA leveling course replacement in the trench area and then a full width HMA overlay.

Option 1

Pick up the existing 18" stub on the south side of Division and place new 18" south to Trent, replacing the existing 12" sewer. Add a mid-block manhole and catch basins as well as a manhole and catch basins at the Trent intersection. Continue with 12" storm south to Ann Street, with a mid block storm manhole and catch basins and a manhole and catch basins in the Ann Street intersection.

Option 2

Leave the existing 12" storm sewer in place from Division to Trent and extend a new 12" storm sewer to the south to Prospect Street. Add mid block manholes and catch basins on both blocks as well as manholes and catch basins in the Ann and Prospect intersections.

Option 3

Replace the existing 12" storm from Division to Trent with an 18" and extend 12" storm sewer south to Prospect Street, including the items as described in Options 1 and 2 above.

Pleasant Avenue
Storm Sewer Block by Block Costs (Additional, Preliminary)

	<u>Construction</u>	<u>Engineering</u>
A) Division to Trent	\$ 28,000	\$ 5,600
B) Trent to Ann	\$ 32,000	\$ 6,400
C) Ann to Prospect	\$ 34,500	\$ 6,900

<u>Options</u>	<u>Construction</u>	<u>Engineering</u> <u>(Design & Const)</u>	<u>Fed/State</u>	<u>Local Match</u> <u>Construction</u>	<u>Total Local</u> <u>(Match + Eng)</u>
A + B = 1	\$ 60,000	\$ 12,000	\$ 44,000	\$ 16,000	\$ 28,000
B + C = 2	\$ 66,500	\$ 13,300	\$ 44,000	\$ 22,500	\$ 35,800
A + B + C = 3	\$ 94,500	\$ 18,900	\$ 44,000	\$ 50,500	\$ 69,400



July 3, 2013

Mr. Andy Kovolski, DPW Superintendent
City of Boyne City
319 N. Lake Street
Boyne City, MI 49712

RE: Pleasant Avenue Storm Sewer Project
Design Services

Dear Mr. Kovolski:

In response to your request, C2AE is pleased to submit this proposal for design engineering services for the Pleasant Avenue Storm Sewer Project.

If this proposal and attached Standard Contract Provisions are acceptable, please sign in the space provided below and return one copy to our office as your authorization for us to proceed with this project.

C2AE greatly appreciates the opportunity to submit this proposal for consideration and look forward to assisting you with this project. Should you have questions or comments, please contact us at your convenience. Thank you.

Respectfully,

C2AE

Larry M. Fox, P.E.
Principal, Director of Northern Municipal Infrastructure

Approved By:
City of Boyne City

By: _____

Date: _____

LMF/keb

http://sharepoint.c2ae.com/marketing/Proposals/00-InProgress/BoyneCity_Pleasant_StormSewer/ltr_Pleasant_Storm.doc



Table of Contents

Project Background

Scope of Services

Engineering Fee and Schedule

Standard Contract Provisions



Project Background

The City of Boyne City has requested that C2AE provide a proposal for topographic survey, and design phase services for the construction of storm sewer on Pleasant Avenue from Division north to Morgan Street, a distance of approximately 200 feet.

The City is proceeding with the design and construction of storm sewer improvements south of Division Street under a current MDOT Local Agency project. The construction of these improvements will increase the amount and intensity of storm flows in the Pleasant Avenue storm system. Once these improvements are made, one bottleneck in the system remains – the storm sewer between Division and Morgan. From Morgan Street to the north the existing storm sewer is 36" diameter. From Morgan to Division the existing storm sewer is 15" diameter. The new sewer to the south of Division will be 18" diameter. Based on a previous storm sewer study completed by C2AE, the required storm sewer size from Division to Morgan should be 24" diameter.

Therefore, this proposal is for the design of a new 24" diameter storm sewer on Pleasant Avenue from Division Street to Morgan Street. The City would like to have this design in hand, in case that the capacity of this existing sewer creates capacity or backup issues once the new southerly section of storm sewer is constructed. That way, the City would be in position to quickly either bid the project for contractor construction or construct this section of storm sewer themselves in a short time period.

The project is anticipated to specifically include the following improvements:

- Approximately 200 feet of 24" storm sewer.
- 1 new storm drainage structure.
- Pavement removal and replacement only in the sewer trench area. Roadway reconstruction, curb and gutter, sidewalks or grade adjustments are not anticipated.

A preliminary estimate of construction cost is \$30,000.



C2AE proposes to provide design, bidding and construction phase services for the Pleasant Avenue Storm Sewer Project as follows:

Design Phase Services

1. Topographic Survey: Prepare a topographic survey of the project area. The topographic survey will be completed with ground crews utilizing "total station" or GPS electronic data collection for direct input into computer software.
2. Plan Drawings: Prepare plan drawings which will show the placement and grade of all improvements as well as construction notes.
3. Profile and Cross-Section Drawings: Prepare profile and cross-section drawings for placement of improvements as required for further definition from the plan drawings.
4. Detail Drawings: Prepare detail drawings and cross sections of individual items of construction or installation.
5. Technical Specifications: Prepare technical specifications to establish quality of all materials, equipment, installation and construction.
6. Interim Meetings: Meet with the City one time during the project to review preliminary drawings, costs and review progress. Provide written progress reports.
7. Public Input Meetings: No public information meetings are anticipated for this project.
8. Bid Documents: Prepare contract documents for competitive bidding by contractors.
9. Cost Estimate: Prepare quantities and engineers detailed itemized cost opinion for the project.
10. City Review: Provide near-final plans and specifications for review and comment.
11. Permit Applications: None anticipated
12. Final Revisions: Make final revisions based on the above review and comment.



Engineering Fee and Schedule

Engineering Fee

C2AE proposes to provide engineering services as follows:

Total Design Fee	\$3,400 Lump Sum
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July 2013

July 2013

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2013

S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
July 1	2	3	4	5	6
		4th of July Activities 8:00am Farmers Market 5:30pm Evenings at the Gazebo	Independence Day (United States)	5:30pm Stroll the Streets	8:00am Farmers Market
8	9	10	11	12	13
12:00pm EDC/LDFA	7:00pm City Commission	8:00am Farmers Market 5:30pm Evenings at the Gazebo		Boyne Thunder 5:30pm Stroll the Streets	Airport Open House / Aviation Day 8:00am Farmers Market
					Boyne Thunder
15	16	17	18	19	20
5:00pm Planning Commission		8:00am Farmers Market 5:30pm Evenings at the Gazebo	6:00pm Parks & Rec	5:30pm Stroll the Streets	8:00am Farmers Market 9:00am Pooch Fest
22	23	24	25	26	27
	12:00pm City Commission	8:00am Farmers Market 5:30pm Evenings at the Gazebo	5:30pm Airport Advisory Board 6:30pm Dancin in the Street	Flywheelers 5:30pm Stroll the Streets	8:00am Farmers Market
					Flywheelers
29	30	31			
		8:00am Farmers Market 5:30pm Evenings at the Gazebo			

August 2013

August 2013							September 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			August 1	2	3
			8:30am Main Street Board mtg.	Pride of Baltimore	
				5:30pm Stroll the Streets	6:00am Ride the Charx 8:00am Farmers Market
					Pride of Baltimore
5	6	7	8	9	10
	5:00pm ZBA	8:00am Farmers Market 5:30pm Evenings at the Gazebo	6:00pm Parks & Rec	5:30pm Stroll the Streets	Antique Auto Show/Flea Market Summer Celebration 8:00am Farmers Market
					Antique Auto Show/Flea Market
12	13	14	15	16	17
Antique Auto Show/Flea Market	7:00pm City Commission	8:00am Farmers Market 5:30pm Evenings at the Gazebo		Norfolk Harvest Fest.	
				5:30pm Stroll the Streets	8:00am Farmers Market
					Norfolk Harvest Fest.
19	20	21	22	23	24
5:00pm Planning Commission	7:00pm Historic District	8:00am Farmers Market 5:30pm Evenings at the Gazebo	5:30pm Airport Advisory Board		8:00am Farmers Market
26	27	28	29	30	31
	12:00pm City Commission	8:00am Farmers Market 5:30pm Evenings at the Gazebo	6:30pm Dancin in the Street		Dalmac 7:00am Labor Day Car Show More Items...