

**JUNE 9, 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 JUNE 9, 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, Michael Cain, Andy Kovolski, Kevin Spate, Jeff Gaither, Scott McPherson, Lori Meeder, Patrick Kilkenney, Mark Fowler and Barb Brooks

Others: There were 22 citizens in attendance including representatives from the Boyne Gazette and Charlevoix County News.

**CONSENT AGENDA  
MOTION**

2015-06-066

Moved by Towne

Second by Neidhamer

2015-06-066A

Approval of the May 26, 2015 City Commission regular meeting minutes as presented

2015-06-066B

Approval to adjust the fee schedule to include a \$200 per season charge for non-marina guests to store board and/or boat and trailer at the airport overflow parking area

2015-06-066C

Approval to submit an application request in the amount of \$25,000 to the Charlevoix County Parks Millage Fund, adopt the attached resolution supporting the application for the Community Pavilion Project and authorize the City Manager to sign all of the required documents to secure the funds

2015-06-066D

Approval of the Parks Use Request from the Charlevoix County Relay for Life to have their event in Veteran's Park as presented

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**CITIZENS COMMENTS**

Bill Kuhn, said he spoke with someone who gave him information on a culvert that used to be on Division Street, a 10 ft. slip sleeve culvert that went into a storm sewer. This individual is willing to talk to city representatives. He is on his third year of issues with water on this property, water that continues to flow. We need to resolve this. His property is starting to sink and settle.

Ron Crozier said he supports Bill. He doesn't understand why this has gone on three years with nothing being done. We need to support our local people. Ron also discussed the t-shirts the American Legion is

selling as a fundraiser. Also, a reminder that Sunday is Flag Day.

## CORRESPONDENCE

The 2014 Water Quality Report and correspondence from the US Department of Interior, Fish & Wildlife Service regarding sea lamprey population control in the Boyne River were received and filed.

## CITY MANAGERS REPORT

City Manager Cain reported:

- The new DPW facility construction is progressing well.
- Plans for the new City facilities continue to be refined.
- Our bi-annual rubbish pickup started last week.
- The Boyne City second graders visited City Hall this past week. It was the last class to visit City Hall at this facility.
- Construction on the Ridge Run Dog Park pavilion shelter has begun.
- Congratulations to the recent graduates of Boyne City High School.
- Congratulations to Water/Wastewater staff member Eric Kujawski for passing the exam to receive his D4 license.
- For the first time since 1951, the City clock is in possession of the City. It is now safely stored.
- The Lower Lake Street drainage project is scheduled to begin this week.

## REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Draft Minutes of the May 5, 2015, Zoning Board of Appeals Meeting; the May 7, 2015, Main Street Board Meeting; the May 7, 2015, Parks & Recreation Board Meeting; the May 18, 2015, Planning Commission Meeting (no quorum); the May 19, 2015, Historic District Meeting (no quorum) and the May 28, 2015, Airport Board Meeting were received and filed.

## Freedom of Information Act Policy

Consideration to adopt the written procedures and guidelines for Freedom of Information Act (FOIA) requests, including a separate written summary informing the public on how to submit FOIA requests, how to understand the City's responses to FOIA request, deposit requirements, fee calculations, and avenues for challenging and appealing the City's denial of a request and authorize the City Manager and City Clerk / Treasurer to execute these documents in compliance with PA 563 or 2014

## Sommerset Pointe Update

Clerk / Treasurer Cindy Grice discussed new legislation (PA 563 of 2014) has been approved in the State of Michigan that will require public bodies to establish specific written procedures and guidelines for Freedom of Information Act (FOIA) requests, including a separate written summary informing the public on how to submit FOIA requests, how to understand the City's responses to FOIA request, deposit requirements, fee calculations, and avenues for challenging and appealing the City's denial of a request.

The new guidelines also require that if the City maintains a website, then it is required to post these procedures, guidelines and written summary on its website. We are also required to provide free copies of the procedures, guidelines and written summary if they are requested and are required to include a free copy or a link to these policies on all FOIA responses.

The Michigan Municipal League has provided a sample policy, procedures and guidelines and fee itemization form examples. Based on those examples, we put together the policies that will meet the State's

requirements. These policies have been sent to our City Attorney for his review.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in support of the recommendation.

**MOTION**

2015-06-067

Moved by Gaylord

Second by Towne

To adopt the written procedures and guidelines for Freedom of Information Act (FOIA) requests, including a separate written summary informing the public on how to submit FOIA requests, how to understand the City's responses to FOIA request, deposit requirements, fee calculations, and avenues for challenging and appealing the City's denial of a request and authorize the City Manager and City Clerk / Treasurer to execute these documents in compliance with PA 563 or 2014

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Fee Schedule changes**

Consideration to approve the additions to the Fee Schedule for the Police Department.

Clerk / Treasurer Cindy Grice said consistent with the FOIA policy, and the necessity for detailed cost itemization, a detailed fee structure has been developed to further clarify the City's costs incurred while responding to a Freedom of Information Act. Attached is the detailed list from the Police Department. The costs presented directly correspond with costs incurred by staff. Some of the fees are already in place. Those fees denoted with \*\* are new, while those with \* are existing. If approved, these costs will be assessed and adjusted annually with budget preparation and approved by the Fee Schedule Resolutions. If there is a change necessary during the course of the fiscal year, it would be brought back to the Commission for approval prior to implementing the fee adjustment

**MOTION**

2015-06-068

Moved by Towne

Second by Sansom

To approve the additions to the Fee Schedule for the Police Department presented and authorize the City Clerk / Treasurer to make the appropriate corrections to the FYE 2016 Budget Fee Schedule and implement them beginning July 1, 2015

Ayes: 5

Nays: 0

Absent: 0

Motion carried

## Well House Security Fencing

Consideration to approve to contract with Harbor Fence to install security fencing around the City's water well housing at a cost of \$14,583 and authorize the City Manager to execute the documents.

WWW Superintendent Mark Fowler discussed his proposal to install security fencing around the water well houses. With the increased emphasis on security, especially at utilities, these well houses are not readily visible from any streets. A quote was received from Harbor Fence to install fencing at all of the well houses. There are funds to cover this in the current year budget.

Staff Comments: Police Chief Gaither agrees with the importance of this project.

Citizens Comments: None

Board Discussion: All Commissioners are in support. Commissioner Gaylord said he wants to make sure we have good locks for the gates.

### MOTION

2015-06-068

Moved by Neidhamer

Second by Sansom

To approve to contract with Harbor Fence to install security fencing around the City's water well housing at a cost of \$14,583 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

## Marina Electrical Bid

Consideration to hire Ed's Electric, Inc to perform electrical work at the marina, including installation of a MarinaGuard Monitoring System Beacon, at a cost not to exceed \$9,500 and authorize the City Manager to sign the required documents.

Harbormaster Barb Brooks stated one bid was submitted for the installation of the Bender MarinaGuard monitoring system, replacement of metal junction boxes with plastic to meet current code, replacement of corroded wire connections, replacement of the main feed wire from pedestal #34 to junction box and replacement of pedestal #34 with a 50 amp pedestal. The majority of this work is being performed as part of the grant the City received from the City's liability insurance company.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer said this will make the marina area safer with the project being done with grant funds. The sooner the better. All other Commissioners are in agreement with the recommendation.

**MOTION**

2015-06-069  
 Moved by Towne  
 Second by Gaylord

To approve to hire Ed's Electric, Inc to perform electrical work at the marina, including installation of a MarinaGuard Monitoring System Beacon, at a cost not to exceed \$9,500 and authorize the City Manager to sign the required documents

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**Sommerset Pointe**

Review and consideration of Proposed 2015 Development agreement between Sommerset Pointe Development LLC, Eveline Township and the City of Boyne City as presented and authorize the City Manager and City Clerk to execute the proposed agreement, including minor de minimus changes

City Manager Cain discussed the draft development agreement between Sommerset Pointe, Eveline Township and the City dealing with the creation and operation of a new sanitary force main. The force main would run from Sommerset Pointe to the City's main pump station at Peninsula Beach park and would be available to service properties of the City, Sommerset Pointe, Eveline Township between Sommerset Pointe and the City along the main.

The force main and related infrastructure would be built and paid for initially by Sommerset Pointe Development LLC to serve their developments in Advance in Eveline Township. During the first 15 years after the line is put into operation, properties that connect to the system in the township would each pay a \$10,000 fee to help offset the developments cost at the time. The first \$550,000 of those fees would first go to the City's Sewer fund to help offset future maintenance and equipment replacements costs. Further revenues from this source would be used to help pay for the project's construction.

The draft agreement has been prepared by the attorneys of all parties in close consultation with their clients. The draft as presented achieves the goals of the City of protecting our system and our customers over the long term in a cost effective and operational manner, providing new capabilities for potential customers between the end points of the force main outside of the development and meeting the long term needs of the development. Doing so helps all parties and their customers and helps to protect the quality of one of our greatest assets, Lake Charlevoix. We will be able to accomplish this without limiting future planned growth in our community or impacting our ability to meet our existing sanitary sewer obligations to Boyne Mountain.

This agreement would replace an earlier agreement between the same parties that was executed in 2007. That agreement was never implemented. This agreement will automatically sunset if the project is not begun within three years of the agreement being executed or completed within four and one-half years.

Sommerset Pointe's Attorney Dan Barron complimented Mike Cain, Jim Murray and the rest of the City Staff. There were tough issues to resolve. This is a win-win-win for the City, Eveline Township and Lake Charlevoix.

Larry Fox, project engineer from C2AE said this project has been designed as if it was a City project.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer said it is a unique opportunity that we've vetted thoroughly. The City, township, developer and attorneys are all on the same page. He is in full support. Mayor Pro-Tem Towne said it is good for all parties involved and will help the lake environment. Commissioner Gaylord said he wants to be good neighbors, but make sure we protect Boyne City. This agreement will leave us plenty of room for growth to move forward. Commissioner Sansom said she is full support and glad to see this. Mayor Grunch said he is in full support.

2015-06-070

Moved by Neidhamer

Second by Sansom

**MOTION**

To approve the proposed 2015 Development agreement between Sommerset Pointe Development LLC, Eveline Township and the City of Boyne City as presented and authorize the City Manager and City Clerk to execute the proposed agreement, including minor de minimus changes

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**GOOD OF THE ORDER**

Commissioner Sansom suggested looking into another type of storage or system for fish cleaning garbage. Commissioner Gaylord said he is looking forward to hearing about the culvert, and getting this done. Mayor Pro-Tem Towne inquired about possible reserved parking spaces at the Marina for unloading. Commissioner Neidhamer noted that crews are maintaining the public restrooms. Mayor Grunch announced an upcoming meeting regarding plans for a possible new food pantry.

**CLOSED SESSION**

**MOTION**

2015-06-071

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 8:12 p.m.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**RETURN TO OPEN  
SESSION  
MOTION**

2015-06-072  
Moved by Grunch  
Second by Gaylord

To return to Open Session at 9:24 p.m.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**Lease Agreement with  
447 Lake Street LLC**

City Manager Cain discussed the proposed lease agreement with 475 North Lake Street LLC to lease the property at 475 North Lake Street on a temporary basis, while applying for funding to obtain the property for the City. There is a \$1.00/year payment for the lease. The City will have day to day operations of the property, the lessor will be indemnified, the City will insure the property. We will install a sign, identifying the property for what it is and would like to have the property available to the public by July 4 of this year.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Sansom said it is exciting to secure this piece of property and she is in favor of the lease. Commissioner Gaylord said the public has wanted this for years. This lease agreement is the appropriate stop gap. He is please for this opportunity and there has been a lot of public support on this for years. Logically, it makes sense. A new era can begin. Mayor Pro-Tem Towne said he agrees. There is plenty of potential with the property and we should move forward. Commissioner Neidhamer said he agrees with everything. He is pleased surprised and excited about the opportunities. The lease gives us time. We can quickly turn the property into an asset for the City and he appreciates the generosity of Mr. Grove and Mr. Dow. Mayor Grunch offered personal thanks to Mr. Grove and Mr. Dow and their intentions for this property to be for public use. There will be some great opportunities and community involvement.

**MOTION**

2015-06-073  
Moved by Neidhamer  
Second by Sansom

To approve to the lease agreement between 475 North Lake Street and the City, authorizing the City Manager and Clerk / Treasure to execute the document including minor d eminimus changes if the City Attorney finds them necessary

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

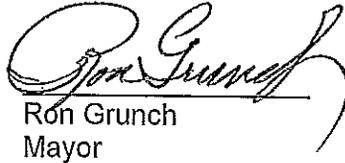
City Manager Cain said he will announce a public unveiling to take place on Wednesday, June 10. The ceremony will take place at that time, the

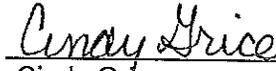
document will be executed on the site and the DPW crew will be allowed in. City Manager Cain also thanked Mr. Grove and Mr. Dow.

**ADJOURNMENT**  
**MOTION**

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Moved by Mayor Grunch seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, June 9, 2015 at 9:50 p.m.

  
Ron Grunch  
Mayor

  
Cindy Grice  
Clerk / Treasurer