

**JUNE 12, 2018
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 12, 2018

CALL TO ORDER

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

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Ron Grunch, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: None

Staff: Michael Cain, Scott McPherson, Cindy Grice, Barb Brooks, Kelsie King-Duff, Mark Fowler and John Lamont

Others: There were nine citizens in attendance

**CONSENT AGENDA
MOTION**

2018-06-069

Moved by Conklin

Second by Page

Approved the May 22, 2018 City Commission regular meeting minutes as presented

Approved the May 22, 2018 City Commission Tour Work Session meeting minutes as presented

Approved to purchase seven office cabinets for the Police Department at a cost of \$6,665 using \$2,800 from the Police Department budget and \$3,865 from the City Facilities Building fund and authorize the City Manager to execute the documents

Approve to purchase 3 Golden Eagle radar units from Kustom Signals at a cost of \$7,044 and a Lidar Unit Truspeed S from Laser Technology Inc. for a cost of \$1,398 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

Boyne Area Chamber Director Ashley Cousens announced the final Business After Hours for this summer to be held this Thursday. Also, July 4th Duck race tickets are also now for sale.

CORRESPONDENCE

Correspondence from the State of Michigan Department of Licensing and Regulatory Affairs regarding transfer of Liquor License to 202 Lake Street Partners, LLC was received and filed.

**CITY MANAGERS
REPORT**

EMS Director John Lamont and Mayor Neidhamer presented Shirley Matz with a certificate of appreciation for her over 22 years of service on the Boyne City EMS department as a paramedic.

City Manager Cain reported:

- Our new aerial photographs have arrived along with the topographic and LIDAR data that goes along with them
- The White Family, descendants of the business people who helped Boyne City thrive during our early days held their 5th annual visit to Boyne City and donated a new bench in Old City Park to honor of their family members
- New bike racks and a concrete slab have been constructed and installed by the DPW personnel
- The vast majority of the National Main Street Center's board and staff were in Boyne City for several days last week. They held meetings, toured the community and met with many representatives while they were here. Kudos to Kelsie and all involved in a very successful visit and sharing what we have learned.
- This morning Chief Gaither and I were in Petoskey to help send off members of the Voices without Borders performing groups on their trip to Scotland and Ireland. While in Ireland they will be visiting the Boyne Valley and see their Boyne River. They are also taking with them a message of greeting and invitation to the people of the Boyne Valley in Ireland to establish a possible Sister City or 'twinning' relationship between us.
- All fire hydrants in the City are reported to be fully operational which is just in time for the beginning of our annual fire hydrant flushing next week. The flushing will continue for several weeks. Signs and areas of the City most affected will be posted and shared with the media. Care should be given to avoid rusty water, especially during the day and while doing laundry

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Approved minutes of the April 26, 2018 Airport Advisory Board Meeting ; draft minutes of the May 1, 2018 Zoning Board of Appeals Meeting; the May 3, 2018 Parks and Recreation Board Meeting; of the May 3, 2018 Main Street meeting; the May 21, 2018 Planning Board Meeting; the May 14, 2018 EDC Board Meeting; the May 14, 2018 LDFA Board meeting; the May 14, 2018 Historical Commission Board Meeting and the May 24, 2018 Airport Advisory Board Meeting were received and filed.

MOTION

2018-06-070
 Moved by Solomon
 Second by Grunch

To add Pat Kujawski's discussion of her water issues to the end of this meeting's agenda.

Ayes: 4
 Nays: 1, Mayor Neidhamer
 Absent: 0
 Motion carried

West Michigan Water Extension Financing Update

Consideration to authorize the City Manager and City Clerk/Treasurer to internally fund the proposed Michigan/Woodland Street Special Assessment project using wastewater reserve funds

thru a loan or as an alternative necessary to secure the professional services required to secure outside financing for the estimated amount of \$8,700.

City Manager Cain discussed the option of funding the water extension special assessment project using Wastewater Funds. We believe there is enough available capacity in that fund to cover this expense and meet any anticipated funding needs going forward. We have confirmed with Superintendent Mark Fowler. We have verified with our bond counsel and this is legal. We have used this process in the past when loaning funds to the DDA. The internal loan would benefit the wastewater fund by generating more revenue in a relatively low risk endeavor, lower the costs to the special assessment project and give us great flexibility with things like loan prepayments.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioners had questions regarding the interest rates currently being earned in the fund's investments.

MOTION

2018-06-071

Moved by Grunch

Second by Solomon

To authorize the City Manager and City Clerk/Treasurer to internally fund the proposed Michigan/Woodland Street Special Assessment project using wastewater reserve funds thru a loan or as an alternative necessary to secure the professional services required to secure outside financing for the estimated amount of \$8,700

Ayes: 4

Nays: 1, Commissioner Conklin

Absent: 0

Motion carried

Property Maintenance Code

Review and discussion of property management code and provide direction for staff to proceed

Planning Director Scott McPherson stated the City currently does not have any type of property maintenance code. The only tool the City has to take action against dilapidated properties is the City's Dangerous Building Ordinance. To take action using that ordinance, a structure has to be significantly damaged to the point that it is economically unfeasible to repair or restore the structure. While this ordinance has been used, it would be beneficial to have the ability to intercede prior to a structure becoming dangerous. Over the years, the City has discussed the possible adoption of a property maintenance code, although an actual ordinance has never been developed and submitted to the City Commission for adoption.

Given our experiences with dilapidated buildings over the past couple of years, and the time and effort required to enforce the

dangerous building ordinance, a property maintenance code could offer a more efficient and less time consuming enforcement tool. A property maintenance code would provide the City the ability to take action to have small defects corrected prior to becoming unfixable issues. Locally, the City of East Jordan and the City of Petoskey have adopted property maintenance codes. These codes are customized versions of the International Property Maintenance Code. For your reference a copy of the Petoskey code has been provided.

As can be seen in the example provided, a property maintenance code is comprehensive and covers all aspects of a property to include the exterior, interior, plumbing, mechanical, and electrical and fire safety among other things. The code details the methods for administration and enforcement to include the duties and powers of the code official, methods of notification and appeals processes. When considering a property maintenance code some of the details that need to be considered are the methods of enforcement, penalties and appeals board. While existing staff could enforce some aspects of the a property maintenance code, such as deficiencies to the exterior of a structure and grounds, other areas such as plumbing, mechanical, electrical and fire safety would take a level of expertise beyond our current capabilities. The penalty provision for violations of the property maintenance code could be a misdemeanor or a civil infraction. Currently in the City the penalty provisions for most other similar type ordinances is a civil infraction. The appeal process for the property maintenance code starts with an appeal to a board of appeals. This board could be comprised of a newly appointed board just to hear appeals regarding the property maintenance code, or the authority could be given the existing zoning board of appeals. In the sample ordinance from Petoskey the zoning board of appeals was given the authority to hear appeals of the property maintenance code.

This issue is being brought to the City Commission to begin the discussion regarding a property maintenance code. If the Commission wishes to move forward with the development of a code, City Staff can develop a code, meeting the preferences of the Commission and bring it back for a first reading.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Conklin would like to pursue this. Commissioner Page said her concern is for the people that are doing the best they can. Mayor Pro-Tem Grunch stated we should vet it out to fit our needs. Commission Solomon said he likes the idea of having a tool we can use. The art will be to do something that's right for the City, make it a tool to be proactive. The general consensus was for staff to move forward.

Business Park

Consideration of upcoming recommendation of Economic Development Commission regarding park property.

City Manager Cain discussed the proposal to sell Parcel 16 of the business park to a firm wishing to build a 7,000 to 8,000 square foot building. It will be a medical professional, outpatient facility employing approximately 15 people. Members of the EDC board are in favor of the lot sale. The lot is on the corner of M-75 and Moll Drive. The proposed purchase price is \$65,000 and the net amount to be received is \$63,050 after closing costs are considered.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in favor of the proposal.

MOTION

2018-06-072

Moved by Conklin

Second by Page

To authorize the City Clerk and City Manager to execute the purchase agreement and other necessary documents as reviewed by the City Attorney to conclude the sale of lot 16 of the Business Park.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Evangeline Township Property

Consideration to initially support the concept of the possible use of the City's 80 acre wooded property in Evangeline Township as a mountain biking area including the possibility of selective timber harvesting and authorize staff to work with appropriate parties to further explore and work out draft particulars for the further consideration of the Parks & Recreation Board and City Commission.

City Manager Cain reported that at our May 22nd work session we toured various areas and properties of interest to the City, including part of the 80 acres woods we own in Evangeline Township, east of Old Horton Bay Road. Recent options discussed regarding that property have included: selling it, harvesting the timber off of it, and/or using it for some recreational purpose, such as mountain biking. After our tour my impression of the leading options favored by the City Commission were a combination of the mountain biking and some possible level of sustainable timber harvesting.

This matter was discussed by the Park Board at their regular June 7th meeting. At that meeting, Michael Cortright stated that TOMMBA members have walked the property and were pleased with what they saw. They said it was better than they expected; better terrain than the school forest property and just as good as Avalanche. The board discussed forest management from leaving everything as is to select cutting to limited tree clearing. Cortright expressed that TOMMBA would most likely be disinterested if any cutting was going to take place on the property. The equipment

and dragging of the logs can be damaging to the trails and the natural wooded property is what draws many people to ride and enjoy a trail. There was also discussion about the positive economic impact from having trails but keeping a balance so we don't lose our feel and appeal from overcrowding in our community. Also, at the meeting the board unanimously agreed to support TOMMBA's interest in building mountain bike trails on the City owned property in Evangeline Township and recommend the City Commission continue to move forward with the proposal.

In addition, this property is of interest for mountain bike trail improvements due to its proximity to the school property trail system which lies to the east. While there is another property between the two there is a possibility that there could be a link established that would allow the two areas to function as one greater area, enhancing it further for mountain biking and the resulting economic development opportunities that could be derived from it.

Prior to expending much further effort in exploring this possibility City staff and TOMMBA would like to obtain the City Commission's thoughts on this matter and possible support for further development of this concept. That is why the matter is brought before the City Commission tonight.

While this matter is only at the preliminary stage at this point staff believes that the mountain biking concept has enough merit, possibly combined with a selective timber harvesting and management program on this property, to warrant further investigation and development.

Staff Comments: None

Citizens Comments: Michael Cortright voiced his support for bike trails on this property. There would be a significant positive economic impact for the community if bike trails were created. Christie Hoenike stated she was born and raised a timber person. There has to be a good 50/50 mix regarding the timber management. The possibilities are there if people have an open mind. Michele Cortright said her township thinks the thought of doing something native based is a great idea.

Board Discussion: Commissioner Conklin inquired the cost to construct a mile of trail and was informed this would be done by volunteers. Commissioner Solomon said he thinks biking and forest management can be compatible. We should use a professional forester. All Commissioners are in support of the recommendation.

MOTION

2018-06-073

Moved by Solomon

Second by Grunch

To initially support the concept of the possible use of the City's 80 acre wooded property in Evangeline Township as a mountain biking area including the possibility of selective timber harvesting and

authorize staff to work with appropriate parties to further explore and work out draft particulars for the further consideration of the Parks & Recreation Board and City Commission.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Goal Setting Process Update

Review of Community-wide survey tool and public outreach.

City Manager Cain presented the updated goal setting process and schedule. This can be available tomorrow, will be on our website and in this week's Chamber newsletter.

All Commissioners are in agreement with the revised survey and gave a consensus to move forward as presented.

Pat Kujawski

Pat Kujawski said that four years ago, the City agreed to do something to alleviate the water problems she has at her residence on Earl Street. The corrections made have not worked. She said the problem is getting worse on the north side of Division Street and is looking for the City to stop this.

City Manager Cain said all of the projects done on the south side of Division Street have diverted the water and none of that water goes towards her property. The water is being diverted to other locations.

Good of the Order

Mayor Neidhamer said the housing sub-committee has discussed the possibility of allowing duplexes in the TRD. Commissioner Conklin asked if there has been any follow up on the financial planning.

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Commissioner Solomon to adjourn the Regular City Commission meeting of Tuesday, June 12, 2018 at 9:13 p.m.


Tom Neidhamer
Mayor


Cindy Glice
Clerk / Treasurer