

**MAY 24, 2016
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 364 NORTH LAKE STREET, ON TUESDAY MAY 24, 2016

CALL TO ORDER

Mayor Neidhamer called the meeting to order at noon followed by the Pledge of Allegiance.

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Gene Towne, Commissioners Ron Grunch, Laura Sansom and Hugh Conklin

Absent: None

Staff: Cindy Grice, Michael Cain, Andy Kovolski, John Lamont, Mark Fowler, Jeff Gaither, Scott McPherson, Craig Remsberg, Patrick Kilkenney, Syrina Dawson, Don Sproul and Barb Brooks.

Others: There were 11 citizens in attendance including representatives from the Charlevoix County News and Petoskey News Review

**Moment of Silence for
Jeff Gettel**

City Manager Cain announced the passing of our former Assistant Police Chief Jeff Gettel this past weekend at his home in Georgia. Jeff began his employment with the City as a police officer in 1985 and was promoted to Police Chief in 1991. He retired four years ago. Jeff was a pleasure to work with and provided dedicated service to the citizens of Boyne City. He will be greatly missed.

Former Charlevoix County Sherriff George Lasater spoke about Jeff, stating that Jeff worked for the County Sheriff's Department prior to working for the City. He was very professional, a good people person and also received a Medal of Valor while working for the County. We lost him too early.

Office Craig Remsberg stated that he has known Jeff since 1980 starting when they worked together on Mackinaw Island, then working for the City of Boyne City together. Jeff was a good guy who is gone too soon.

Police Chief Jeff Gaither said he is very sorry to hear the news and for Jeff's family. Jeff was well respected in our community and with the Police Department.

Mayor Neidhamer called for a moment of silence in memory of Officer Jeff Gettel.

**CONSENT AGENDA
MOTION**

2016-05-065
Moved by Conklin
Second by Grunch

2016-05-065A
Approval of the May 10, 2016 City Commission regular meeting minutes as presented

2016-05-065B
Approval to reappoint Aaron Place to the Planning Commission for a three year term expiring on May 31, 2019

2016-05-065C
Approval to reappoint Joe St. Dennis to the Planning Commission for a three year term expiring on May 31, 2019

2016-05-065D

Approval to reappoint Ken Allen to the Planning Commission for a three year term expiring on May 31, 2019

2016-05-065E

Approval to reject the offer from the Charlevoix County Treasurer to purchase tax foreclosed properties

2016-05-065F

Approval of a grant application to the Grand Traverse Band of Ottawa & Chippewa Indians in the amount of \$36,315 for the purpose of purchasing three Lucas automatic CPR machines and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

Barb Brooks, Leadership Charlevoix County Class of 2016, thanked the City Commission for coming to the Ribbon Cutting for the Born Learning Trail. She also thanked the City for their support and sending her to LCC. It was a great experience and she learned a lot.

John Clements inquired about the status of sidewalks from the development behind the Shell station to the schools. City Manager Cain said as part of the Safe Routes to Schools program, we are hoping this project to be under construction by the end of the summer.

Aaron Hagan from the Lake Charlevoix Brewing Co introduced himself. They will be opening the Boyne City Taproom in June.

CORRESPONDENCE

A thank you card from Bill & Clare Brady thanking the water department for taking care of a recent water issue in a safe and professional manner was received and filed.

CITY MANAGERS REPORT

City Manager Cain reported:

- The old City Hall is now gone, dewatering is currently taking place.
- A recent meeting was held with Bill Kuhn regarding the water issues on Division Street, planning to get more water to drain quicker
- Congratulations to Barb Brooks for graduating from the Leadership Charlevoix County program

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

None

Goal Setting / Community Input

Consideration to direct City Staff to review the information and prepare a recommendation of top goals and issues to address and bring it back to the City Commission at its June 14, 2016 meeting; or schedule a City Commission Work Session for June 7, 2016 at 1:30 p.m. to review all of the information, prioritize and adopt a set of goals

City Manager Cain discussed the options regarding setting goals. In February, a summary was provided to the Commission capturing the issues that arose from a combination of the meeting and online survey for the review. A link to the survey site was also provided for the review of all comments and suggestions that were provided from the survey. Reviewing

this information, prioritizing the subjects and adopting a set of goals will assist City Staff in where they should focus their attention and resources and provide guidance to boards and commissions as they review requests and concerns of citizens, groups and businesses within our community.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners would like to schedule a formal meeting to prioritize and adopt a set of goals. The City Manager will provide available dates and times as soon as possible and the meeting will be posted.

**Public Hearing for
Munson Healthcare
Charlevoix Hospital**

Consideration of a request from Munson Healthcare Charlevoix Hospital, financing through Charlevoix Township Hospital Finance Authority to hold a Public Hearing for utilizing tax exempt bond proceeds for the purpose of purchasing and installing medical equipment at the Boyne Area Medical facility located in Boyne City

Mayor Neidhamer opened the Public Hearing at 12:36 p.m.

City Manager Cain discussed the request the City received to schedule a public hearing regarding Munson Healthcare Charlevoix Hospital's desire to be able to bond for improvements including those at the hospital and others at the Boyne Area Health Center in Boyne City. At that time, the City Commission scheduled today's public hearing on the matter. These bonds, while needing a resolution of support from the City Commission will not create any sort of financial obligation for us. We are looking to consider adopting this proposed resolution. Given that a portion of this funding will be used to improve health care in our community and that there is no responsibility on the City's part to pay for this funding, he sees no reason to not support this request.

Mike Jarema, representing Munson Healthcare Charlevoix Hospital said the plan is for additional equipment at the hospital and the Boyne Area Health Center in Boyne City

There was no further public comment.

Mayor Neidhamer closed the Public Hearing at 12:40 p.m.

Board Discussion: Commissioner Sansom inquired how much would be spent in the Boyne Area Health Center and was informed around \$300,000. All Commissioners are in support of the proposed resolution.

MOTION

2016-05-065
Moved by Conklin
Second by Sansom

To approve of the request from Munson Healthcare Charlevoix Hospital, financing through Charlevoix Township Hospital Finance Authority to hold a Public Hearing for utilizing tax exempt bond proceeds for the purpose of purchasing and installing medical equipment at the Boyne Area Medical facility located in Boyne City and to approve of the resolution as presented

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Street Vacation Request

Consideration to proceed with a request from Stephanie Moody for the vacation of the south portion of Willow Street and authorize staff to schedule and notice the required public hearing

Planning Director Scott McPherson discussed the application received for the vacation of a public way that was submitted by Stephanie Moody who owns 100 West Court Street. She is requesting the south portion of Willow Street, located in Caldwell's addition between lots 11 and 12, owned by Tom Lasater and Lot 2 owned by her to be vacated. This portion of the street is 66 feet wide and 132 feet in length and is the only remaining portion of the street that has not been vacated. While the street is undeveloped and does not have any utilities located on it, the house located at 100 W. Court Street does encroach significantly into the right of way. In 1991, an addition to the home was constructed. A plot plan and zoning permit for the addition was submitted and approved by the City. It was not discovered until relatively recently that the addition encroached into the platted street. While many years have passed since the initial encroachment, the property owner does not have legal nonconforming status or an adverse possession claim as these cannot be obtained for encroachments onto public property. The street vacation request was reviewed by all City departments and there were no objections to the request. It is being recommended that an easement be obtained for the maintenance of the water and wastewater mains that are installed on the east side of the house at 100 W Court Street. The Planning Commission reviewed the request and based on their findings, recommended the street as requested be vacated.

Staff Comments: None

Citizens Comments: Marty Moody was in attendance representing the property owner.

Board Discussion: Commissioner Conklin inquired if an easement now exists and was informed that none were found. All are in agreement with the recommendation.

MOTION

2016-05-066
 Moved by Towne
 Second by Sansom

To proceed with a request from Stephanie Moody for the vacation of the south portion of Willow Street and authorize staff to schedule and notice the required public hearing

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Clean Air Act Interpretation

Consideration of the recent re-interpretation of the federal Clean Air Act and its effect on local business and determine what, if any, role it wishes to take on the matter

City Manager Cain stated the he recently learned of a recent-re-interpretation of the Clean Air Act by the EPA, if allowed to go forward, could have serious negative implications for on of our Business Park businesses, Classic Instruments. This change could result in significant business losses and result in fewer jobs at this business and others across the nation.

According to Classic Instruments owner, John McLeod, this re-interpretation would have devastating implications for his business and others that support this industry. He also goes on to state that the modification of existing motor vehicles to those to be used solely for competition purposes is a long established and accepted practice across the country. He further states that one of the reasons for its acceptance is the minute amount of pollution that this industry creates. He compares it to less pollution that is created by a semi-truck driving across the country.

This matter was discussed yesterday at the Economic Development Commission meeting. They made a recommendation to oppose the re-interpretation of the Act.

Staff Comments: None

Citizens Comments: Jim Baumann asked the Commissioners to follow the lead of the EDC and send a letter of opposition to this re-interpretation of the Act.

Board Discussion: Commissioner Sansom said this makes absolutely no sense and would have horrible, negative impact. All Commissioners support the recommendation to oppose the re-interpretation of the ACT.

MOTION

2016-05-067
Moved by Grunch
Second by Sansom

To authorize the City Manager to proceed with a letter of opposition regarding the EPA's recent re-interpretation of the Clean Air Act.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Mosaic Mural

Consideration to approve of the construction and installation of a mosaic mural piece in the marina and authorize the City Manager and Main Street Director to execute any necessary contracts or documentation to move the project forward.

City Manager Cain discussed the request from Svetlana Ottley, a mosaic artist, who will be moving to Boyne City later this year, to Main Street Director Lori Meeder. Svetlana would like to donate a mosaic sculpture to our community. Main Street would pay for the materials and installation. The estimated cost was included in this year's budget. Under the oversight of the

Main Street design committee, Bruce Jannsen and Martha Sulfridge worked directly with Svetlana to come up with a design and potential location that is now being presented. The rough size of the free standing structure is 5' tall by 3' wide. The possibility of using some of the Onaway stone from the old City Hall was discussed as a potential material for the base/wall. A stone mason will need to be secured to construct the free standing wall, with the possibility of getting a bid from the brick contractors working on the new City Hall. At their May meeting, the Main Street Board approved the construction and placement of the mosaic structure.

Staff Comments: Harbormaster Barb Brooks said she looked at the spot, doesn't think it will be impacting, however since it is permanent, she needs to consider it further.

Citizens Comments: None

Board Discussion: Commissioner Conklin said that sometimes when something is new, we like a trial run. This is a permanent structure. Who will maintain it? Could Parks & Recreation look at it? Commissioner Grunch agrees. Commission Sansom said she totally supports the arts, but this mosaic didn't excite her the same way as other art does. Where do we draw the line? Do we have to say yes every time there is a request? Do we pick other spots? She also wants to check other projects this artist has done and see some finished pieces. Mayor Pro-Tem Towne agrees. Mayor Neidhamer said it is important that we stress the arts, but this needs to be looked at further.

2016-05-068
 Moved by Neidhamer
 Second by Grunch

To postpone this request to a future date bringing considerations of other locations and costs

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Good of the Order

None

Closed Session

MOTION

2016-05-069
 Moved by Neidhamer
 Second by Towne

To approve the request of the City Manager to go into closed session to consider strategy connected with the negotiation of a collective bargaining agreement as provided in MCL 15.268 (c) of the Michigan Open Meetings Act (PA 267 of 1976) at 1:17 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Return to Open
Session**
MOTION

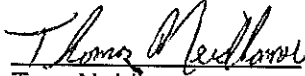
2016-05-070
Moved by Neidhamer
Second by Towne

To return to Open Session at 2:02 p.m.

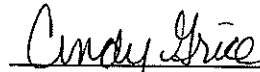
Ayes: 5
Nays: 0
Absent: 0
Motion carried

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Commissioner Grunch to adjourn the regular City Commission meeting of Tuesday, May 24, 2016 at 2:02 p.m.



Tom Neidhamer
Mayor



Cindy Grice
Clerk / Treasurer