

**JULY 9, 2019  
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY JULY 9, 2019

**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: Cindy Grice, Michael Cain, Scott McPherson, Mark Fowler, Tim Faas, Jeff Gaither and Kelsie King-Duff

Others: There were 9 citizens in attendance.

**CONSENT AGENDA  
MOTION**

2019-07-081

Moved by Solomon

Second by Grunch

Approval of the June 25, 2019 City Commission regular meeting minutes as presented

Approval of a proposal from Jett Pump to perform the maintenance on the lift stations at a cost of \$3,700 and authorize the City Manager to execute the documents

Approval of a proposal from Jett Pump to repair the Raptor Fine Screen at a cost of \$5,455.80 and authorize the City Manager to execute the documents

Approval to purchase three ballistic plate carriers from Armor Express in the amount of \$2,878.29 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**CITIZENS COMMENTS**

None

**CORRESPONDENCE**

Correspondence from the State of Michigan Department of Licensing and Regulatory Affairs regarding the transfer of ownership of a Class C License from K A M Associates to Water Street Café LLC for the Water Street Café located at 113 Water Street, Boyne City was received and filed.

**CITY MANAGERS  
REPORT**

City Manager Cain reported:

- Updates on the construction projects were provided
- Another great July 4<sup>th</sup> celebration last week. Many thanks to all who made this possible
- Playground chips are delivered and were installed today
- Boyne Thunder is this weekend

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

**Lofts on Lake PA 210  
Public Hearing**

Draft minutes of the June 6, 2019 Main Street Board Meeting; the June 13, 2019 Parks & Recreation Commission and the June 17, 2019 Planning Commission Meeting were received and filed.

Consideration of a public hearing to hear public comments and adopt the Resolution to Approve a Commercial Rehabilitation Exemption Certificate for Lots on Lake Street, LLC for the development at 100 and 120 Lake Street and 114 State Street and authorize the City Manager and City Clerk/Treasurer to execute the Tax Incentive Agreement between Lofts on Lake Street, LLC and the City of Boyne City.

Mayor Neidhamer opened the Public Hearing at 7:11 p.m.

Mac McClelland from Otwell Mawby provided a summary of the project and overview of PA 210. This act encourages the rehabilitation of commercial property by abating local property taxes generated from a new investment for a period of up to 10 years. The proposed project is for the development of a three story, mixed use building with commercial space on the first floor and 42 residential units at 80% Average Median Income rental rates for Charlevoix County. Lofts on Lake Street, LLC is owned 100% by Michigan Community Capital, an independent non-profit 501 ( c )(3) tax-exempt public charity funded through various public and private sources with a mission to invest in communities to support underserved individuals and families in Michigan. The final step is this public hearing and considering a resolution approving the Application for Commercial Rehabilitation Exemption Certificate as well as authorizing the City Manager and City Clerk/Treasurer to execute the Tax Incentive Agreement.

Marilyn Crowley with Michigan Community Capital discussed the project further.

Ross McLaine said he has no opposition to the project and had several questions that were answered by Marilyn Crowley.

Barbara Malpass-Young had questions about contaminated soils and where they would go. She expressed concerns about current storefronts that are empty. Do we really want more storefronts when restaurants are already struggling and not getting a tax abatement.

Chris Liesmer said her concerns is about the units being used as short term rentals. A single person would not be able to afford the rent. She is also concerned about the commercial space not being filled.

Ron Crozier said he has talked to the locals and they don't want this project. There is no parking. Listen to the people.

Mayor Neidhamer closed the Public Hearing at 8:00 p.m.

Board Discussion: Mayor Pro-Tem Grunch said he thinks this project is win-win and is in support of it. Commissioner Solomon said his concerns have been addressed and kudos to all involved in this

complicated project. It is the right project at the right time. Commissioner Page said this is a good project and well planned. Commissioner Conklin said he thinks it's a great project. Mayor Neidhamer agrees with all other statements by the other Commissioners

**MOTION**

2019-07-082  
 Moved by Conklin  
 Second by Solomon

Approval to adopt the Resolution to Approve a Commercial Rehabilitation Exemption Certificate for Lots on Lake Street, LLC for the development at 100 and 120 Lake Street and 114 State Street and authorize the City Manager and City Clerk/Treasurer to execute the Tax Incentive Agreement between Lofts on Lake Street, LLC and the City of Boyne City

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**Wright Alley Vacation  
 Public Hearing**

Consideration to hold a Public Hearing to hear public comments and, based on all the information received, approve the request of Richard Wright to vacate 198 feet of the alley north of Edmund, south of Division, west of Hull and east of Sydney Streets

Planning Director Scott McPherson discussed the request to vacate a portion of the alley request from Richard Wright. The alley portion lies north of Edmund Street, South of Division Street, runs parallel to bot of those streets and is 132' west of Hull Street. The Planning Commission supports the request. Staff foresees no future need for the property. The alley does not currently go all the way between Sydney and Hull streets.

Mayor Neidhamer opened the Public Hearing at 8:24 p.m.

There was no public comment

Mayor Neidhamer closed the Public Hearing at 8:24 p.m.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the request.

**MOTION**

2019-07-083  
 Moved by Solomon  
 Second by Conklin

Approval of the request of Richard Wright to vacate 198 feet of the alley north of Edmund, south of Division, west of Hull and east of Sydney Streets

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

## River Jumping Ordinance

Consideration to adopt the proposed ordinance to prohibit jumping into the Boyne River under certain circumstances

Police Chief Gaither stated at the October 9<sup>th</sup> 2018 commission meeting information was brought before you about the dangers of diving into the river from the boardwalk and other objects. The discussion was centered on the fact that it was not a safe practice. The safety of people was the biggest concern, but it could also leave the City open to liability issues.

As directed by the City Commission, a draft ordinance was presented on May 14. The ordinance approved for second reading by the City Commission with suggestions for some minor changes in the wording.

At the June 25 City Commission meeting, other language was suggested to clarify the proposed ordinance.

The following is the ordinance wording with the recommend changes.

Sec. 34-9. - Jumping into bodies of water from man-made structures prohibited.

Jumping or diving into the Boyne River from any man made structure, or from any elevated height from any property owned by the City of Boyne City shall be prohibited.

(1) - On property owned by the City of Boyne City, a person shall not jump or dive into Lake Charlevoix or the Boyne River from any man-made structure, or from any object higher than the river bank (including, but not limited to, docks, walkways, trees and fences).

(2) - A person who violates subsection (1) is guilty of a Civil Infraction

(3) - The City manager or his/her designee may authorize in writing, permission for exemptions to sections (1)

Staff Comments: None

Citizens Comments: Ron Crozier asked why we are trying to stop people from jumping in the river. He has never heard of any problems in the past.

Board Discussion: All are in agreement with the proposed ordinance.

## MOTION

2019-07-084  
 Moved by Solomon

Second by Page

Approval to adopt the proposed ordinance to prohibit jumping into the Boyne River under certain circumstances

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**Pavement Marking  
Contract Extension**

Consideration to approve the contract extension offer from M&M Pavement Marking, Inc. of Grand Blanc MI in an amount not-to-exceed \$30,000 and authorize the City Manager to execute the documents

Public Works Superintendent Tim Faas said he received a contract extension offer from the firm who was awarded our pavement marking contract last year. The total value of the contract awarded last year was \$28,681.80 based on a detailed unit price quote. The final amount paid was slightly less than the total approved by the City Commission. The contractor is willing to extend the same unit prices to 2019 provided the scope of work is at least 70% of what was performed in 2018.

Given the fact we often only receive one (1) bid for this work, it would save us time to prepare the Invitation to Bid documents, place the advertisement, award and schedule the work if we accepted the offer. The recommendation is that it is in the City's best interest to accept the offer perhaps with a cap of \$30,000 in value.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the proposal.

**MOTION**

2019-07-085  
Moved by Conklin  
Second by Grunch

To approve the contract extension offer from M&M Pavement Marking, Inc. of Grand Blanc MI in an amount not-to-exceed \$30,000 and authorize the City Manager to execute the documents

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

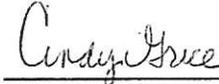
**Good Of The Order**

Mayor Neidhamer said the staff did a great job with the July 4<sup>th</sup> Celebration. The City looked great before and after.

**ADJOURNMENT**

Motion by Mayor Neidhamer, second by Mayor Pro-Tem Grunch to adjourn the Regular City Commission meeting of Tuesday, July 9, 2019 at 8:38 p.m.

  
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Tom Neidhamer  
Mayor

  
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Cindy Grice  
Clerk/Treasurer