

**JUNE 26, 2012  
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, 2012

**CALL TO ORDER**

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

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

Staff: Andy Kovolski, Scott McPherson, Dan Meads, Barb Brooks, Craig Remsberg, John LaMont, Michael Cain and Cindy Grice

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

**CONSENT AGENDA  
MOTION**

2012-06-092  
Moved by Grunch  
Second by Sansom

Approved to table approval of the June 12, 2012 minutes until changes are made to the South Park Street board deliberation section

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**CITIZENS COMMENTS**

Ron Crozier commented that people walking their dogs are not picking up after them in the parks.

Mark Kowalske inquired if an officer could be present on the corner of North East and Water Street during Stroll the streets. He has concerns of safety with people on motorcycles and pickups on that corner.

**CORRESPONDENCE**

None

**CITY MANAGERS REPORT**

City Manager Cain reported:

- Police Chief interviews will be taking place on June 22
- The City's new website should be up and running soon thanks to Barb Brooks and staff.
- The drinking fountain at the top of Avalanche is not running and hopefully the changes to it should make the fountain more reliable
- Summer tax bills will be mailed out on Friday, June 29.
- Bunny Garlock passed away this week. Bunny has been very active in several community committees and will be greatly missed

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

The May, 2012 financial statement was received and filed.

Planning Director Scott McPherson said we are still awaiting the sound analysis and should receive it by the end of this week. A review of the report will be scheduled. Tom Monley of Kirtland discussed a possible production schedule for the upcoming week. Commissioner Sansom stated that it may not be a good idea to have the plant running on July 4<sup>th</sup> with so many people in town.

## **Kirtland Update**

Consideration to approve the contract with C2AE for design engineering services in the amount of \$34,095 and authorize the City Manager to sign the required documents.

## **Douglas Street Storm Sewer Engineering Services**

Public Works Superintendent Andy Kovolski discussed the undersized storm sewer piping on Douglas Street from the intersection of Pleasant Avenue to Lincoln Street. The current piping arrangement has 12 to 15 inch pipes from the corner of Cedar Street and Douglas Street going up hill to tie into the 24 inch line that comes from further south causing a bottleneck in this area. Further complicating the situation is the current piping does not extend straight to tie into the 36" pipe on Division street, but it makes a turn to follow Cedar Street to Division. This causes a deadhead situation in the manhole which has caused the system to back up on Division Street several times in the last few years. C2AE has provided a proposal to perform engineering work to complete this project.

Staff Comments: None

Citizens Comments: Jerry Kragebrink of 127 W Division street said he has been flooded out five times in the past nine years, only during the severe rainfalls. In his opinion, the recent Division Street construction has been a failure. The flooding continues to be a problem. Within 45 minutes of a major rainfall, the flooding is in his garage. He hopes the proposed storm sewer engineering for Douglas Street is the solution and wishes the construction could be done this year. City Manager Cain confirmed the flooding, most recently with a heavy rain this past week.

Board deliberation: Commissioner Neidhamer said we should go forward with the process. Mayor Pro-Tem Towne agreed that the service needs to be updated and he is in full support. Commissioner Gaylord asked Andy if other residents further down are experiencing the same problem and Andy said yes. Commissioner Gaylord also said if the water is gone within a ½ hour, this is close to handling the problem. Andy said he feels by going to a 24" or 30" pipe and getting rid of the turn, yes. Dan Meads said a 2" rain is going to back the water up, and yes, this fix is going to help and should carry the flow for every storm we normally have. Commissioner Gaylord said this definitely will be an improvement. Commissioner Sansom asked is this the only bottleneck on Douglas and was informed by Andy, yes, as far as ne knows. She also asked Andy if there is anything we can do internally to help Mr. Kragebrink and was informed yes, we can have a pump on standby. City Manager Cain said we are open to short term suggestions. This is anticipated to be a \$250,000 project.

## **MOTION**

2012-06-093

Moved by Towne

Second by Sansom

Ayes: 5

To approve the contract with C2AE for design engineering services for the Douglas Street Storm Sewer in the amount of \$34,095 and authorize the City Manager to sign the required documents.

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

## **Fireworks Discussion**

Discussion of recent updates to the State of Michigan Fireworks law.

Interim Police Chief Craig Remsberg discussed the new fireworks law recently enacted by the State of Michigan. The law has rendered most of our previous fireworks ordinance obsolete. The new law does allow for local government to place restrictions on the sale and use of fireworks, but only to a certain extent. It specifically prohibits restriction of regulating consumer fireworks use on the day preceding, the day of or the day after a national holiday. Also provided to the Commissioners were some suggested revisions to the old City ordinance.

Citizens Comments: Jim Baumann said he thinks we should do something similar to what Petoskey has done. He urged the Commissioners to keep the fireworks use to national holidays only.

Staff Comments: None

Board Deliberation: Commissioner Gaylord stated that he likes what Interim Chief Remsberg has done and wants this followed up on at the July 10 commission meeting. There is room for slight restraint. Commissioner Neidhamer said he is worried we are going down a slippery slope, but refers this to staff. Waiting and observing what happens over the upcoming holiday makes sense. Mayor Pro-Tem Towne said he is good with the suggestions presented. Commissioner Sansom said she has done a lot reading and research into this and has found there is a definite difference between a national or federal holiday. It is a very loose description. This could determine how the law is interpreted. City Manager Cain encouraged the Commissioners to be very observant during the upcoming Fourth of July holiday.

## **Boyne Brush Grinding**

Consideration to approve a bid from Northeast Trucking in the amount of \$5,500 to grind the brush pile and haul away the chips at the North Boyne Yard and authorize the City Manager to execute the documents.

Public Works Superintendent Andy Kovolski said it is time again to have the brush pile at North Boyne chipped and hauled away. One bid was provided that was from Northeast Trucking, the low bidder last year and this year, their bid is the same for approximately the same quantity.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Gaylord said he is looking forward to the day of a zero sum operation. All other Commissioners are in agreement with the recommendation:

**MOTION**

2012-06-094  
 Moved by Towne  
 Second by Gaylord

To approve a bid from Northeast Trucking in the amount of \$5,500 to grind the brush pile and haul away the chips at the North Boyne Yard and authorize the City Manager to execute the documents.

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**Lot Division Process**

Consideration to review the Lot Reconfiguration Ordinance and make a determination if the existing Lot Reconfigurations or Adjustment ordinance should be changed to have the review and approval process for land divisions and lot reconfigurations completed administratively by City staff.

Planning Director Scott McPherson discussed the Lot Reconfiguration procedures. The Land Division Act does not stipulate the method of review or who the approving authority needs to be for lot reconfigurations, only that the approval must be completed in 45 days. To establish a procedure for reviewing lot divisions and reconfigurations in accordance with the Land Division Act, the City adopted the Lot Configuration and Adjustment ordinance in 2001. The ordinance put in place a review and approval procedure that requires a review of proposed lot spits or reconfigurations by the Zoning Administrator and the Planning Commission prior to the final approval by the City Commission.

The number, size and area of parcels are specifically regulated by the state statute and zoning ordinance requirements. Proposed divisions that meet all the requirements must be approved and proposed division that do not must be denied. The municipality has no discretion in the review. The current process in the City for lot divisions and reconfigurations is to have staff complete a review of the proposed division to make sure it is in compliance with the statute and ordinance requirements and then submit it to the Planning Commission and City Commission for review and approval. Typically applications are approved as part of the consent agendas. Given that there is no discretion in the decision, it is the opinion of staff that the current approval procedure for lot reconfigurations is too complicated and time consuming and is not warranted. It is staffs opinion that lot reconfiguration applications could be handled more efficiently if the review and approval process are completed administratively by City staff. After reviewing with the Planning Commission the issues staff had with the existing lot configuration ordinance the Planning Commission concurred with the staff recommendation that the existing ordinance should be changed in an effort to streamline the process for the citizens.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Neidhamer said he is in favor. Commissioner Sansom inquired of the current fee. Scott said it is currently \$250, or if the ordinance is changed, the fee could be \$100 and

the process would take no longer than 30 to 40 days. Scott added that it either meets criteria or it doesn't. Commissioner Sansom asked if someone could appeal to the Commission, and was informed it would be appealed to the ZBA. Commissioner Gaylord said he wants to make sure a citizen could still appeal and to make sure this proposed change wouldn't interfere with that. Mayor Grunch said this process either meet it or doesn't. We have a competent staff and also the appellate process. Mayor Pro-Tem Towne said he agrees the process should be administered by City Staff. Commissioner Sansom said we can always change it back if needed.

2012-06-095

Moved by Neidhamer

Second by Towne

## **MOTION**

To approve that the Lot Configuration or adjustments process portion of the ordinance be changed and that staff comes back with a draft ordinance to do so

Ayes: 5

Nays: 0

Absent: 0

Motion carried

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Discussion of recommended Business Park road improvements.

## **Business Park Road Improvements**

Public Works Superintendent Andy Kovolski discussed the issue with vehicles running off the road edges in the curves and intersections of the Business Park roads. During wet weather, this causes the gravel shoulders to push away from the road edge which allows the edge to start to break up. Also noted were the drainage issues at the Precision Edge site and the building Classic Instruments purchased. The EDC / LDFA boards authorized the hiring of C2AE to find remedies for these situations. Recommendations were provided by the engineers for the Commissioner review.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom inquired if the drainage will be now going to the Boyne River and was informed that it will be drained into the gully area toward the direction of the river, not directly into the river. Commissioner Sansom said it sounds like a fix we need to do. Commissioner Gaylord inquired who the engineer was on this project originally and was informed Wade – Trim. City Manager Cain said we have had a lot of problems with this. Commissioner Gaylord asked if we have met with the business owners in the Business Park and was informed that yes, a preliminary meeting was held.

No further action of the City Commission is required for this item.

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Consideration to approve to purchase a John Deere 524K Loader from AIS Equipment in the amount of \$100,738.90 (including the trade in) and authorize the City Manager to sign the required documents.

## **John Deere 524K Loader Purchase**

Public Works Superintendent Andy Kovolski discussed the proposed

purchase of a John Deere 524K Loader. This proposed purchase is to replace the current 2003 John Deere 544H wheel loader. The current machine has been an excellent piece of equipment and has performed well. It is, however, at the point where the probability of expensive repairs is quickly approaching. Current repairs necessary are anticipated to cost around \$9,500 to \$12,500. The replacement loader is slightly smaller, but will match the performance of our existing machine and is less expensive. Andy added that Commissioner consideration to purchase a skid steer instead of a loader, while keeping the current loader we have at the North Boyne Yard to perform tasks only there would provide us with an excellent piece of equipment, he does not believe that the skid steer could replace the loader on most of the jobs the loader performs on most of the jobs outside of its North Boyne Yard use. We currently have equipment to do the jobs a skid steer could do for us, such as the Holder and Trackless tractors.

Dan Novak from AIS said we need to replace the current unit. It has 11,000 hours on it and is past 70 to 80% of its life. This is an essential unit for the City. The skid steer can do a lot of tasks, but with sidewalk and smaller areas. The way to go would be to replace either the Holder or Trackless with a skid steer.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Mayor Pro-Tem Towne asked Andy if he looked at equipment for snow removal at the bump outs? Andy said he is looking at blade edges for that. Commissioner Gaylord said in reference to Andy's recommendation memo, with a large number of trees down, has anyone said we wouldn't use the existing loader in that situation. Andy said the loader could push the trees out of the way. Commissioner Gaylord added that who said we wouldn't use the existing loader in those situations. Couldn't we financially get one to two years out of the current loader? Why haven't we been using the other equipment for snow removal? Andy said the snow has to be dry, not slushy. Commissioner Gaylord asked why we spent \$40,000 for curb repair if we had equipment and that is why he is recommending something smaller and more maneuverable.

Mr. Novak said he agrees the skid steer would be beneficial. We need a shovel and a rake to do a good job; the loader is the shovel, the skid steer is a rake and added that replacing a loader every five years is wasteful. We are trying to narrow down the right machine and make sure the unit is in order so you don't have to make a quick decision when equipment is down. When it comes time to replace the Holder, it could be replaced with a skid steer, although we would be disappointed with the scuff marks it would leave on a sidewalk.

Commissioner Gaylord said he is not proposing that the skid steer replaces the loader, but by relegating the loader, we are looking at saving \$60,000 now. Dan Novak said 11,000 hours is beyond the point where he feels safe. Any skid steer life of 5,000 to 7,000 hours. Even with a \$15,000 fix, the trade in will still be \$30,000. Dan Meads added that we have looked several times at having a skid steer. The front end loader is used for fixing water and sewer repairs, construction, etc. He agrees with Andy's recommendation. Andy added that the front end loader has many uses and

the current loader is past its useful life.

Commissioner Sansom said she is never in favor of sinking more money in old equipment. A skid steer sounds good to have down the road and thinks the current loader is at a point of replacement. Commissioner Neidhamer agrees. Mayor Grunch also agrees.

2012-06-096

Moved by Towne

Second by Sansom

**MOTION**

To approve to purchase a John Deere 524K Loader from AIS Equipment in the amount of \$100,738.90 (including the trade in) and authorize the City Manager to sign the required documents.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Commissioner Sansom commented that the Charlevoix County Transit now runs on Saturdays. Commissioner Gaylord said the Farmers Market looks like it is becoming a flea – market with non foods. City Manager Cain said the direction is on more food, less crafters. Commissioner Sansom said she has heard that a lot of crafters have been denied space at the market. Mayor Pro-Tem Towne said he has had two citizen concerns about standing water on the corner of Pine and South East Streets. Commissioner Neidhamer asked if the facilities are still on the front burner and was informed by City Manager Cain, yes. A 3D map of these facilities has been created. Commissioner Neidhamer asked how things are going with out a City Mechanic and was informed, well. Mayor Grunch said he has had two complaints about the swim site at Lower Lake Street. Why is there no rip rap around the drain pipe? Andy said we are waiting to get the go-ahead from the Army Corp. Mayor Grunch also said the mooring buoy is still out at the end of Charlevoix Street.

**Good of the Order**

2012-06-097

Moved by Grunch

Second by Gaylord

**Closed Session  
MOTION**

To approve the request of the City Manager to go into closed session with our attorney regarding pending litigation provided in MCL 15.268 (e) of the Michigan Open Meetings Act (PA 267 of 1976) at 2:01 p.m.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

2012-06-098

Moved by Grunch

Second by Towne

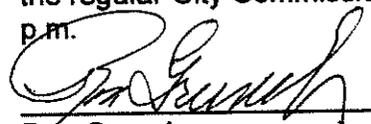
**Return to Open Session  
MOTION**

To return to open session at 3:06 p.m.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn  
the regular City Commission meeting of Tuesday, June 26, 2012 at 3:07  
p.m.

**ADJOURNMENT  
MOTION**

  
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Ron Grunch  
Mayor

  
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Cindy Grice  
Clerk / Treasurer