



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712

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BOYNE CITY

CITY COMMISSION REGULAR MEETING

Boyne City Hall

319 North Lake Street

Tuesday, September 11, 2012 at 7:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. CONSENT AGENDA

The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.

- A. Approval of the August 28, 2012 regular City Commission meeting minutes as presented

4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)

5. CORRESPONDENCE

- A. Thank you and donation to Boyne City EMS from the family of Mathew Huffman
- B. Letter from Grenetta Thomassey, Tip of the Mitt Watershed and Marc Seeyle, Charlevoix County Soil Erosion Officer

6. CITY MANAGER'S REPORT

7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

- A. Draft Minutes of the August 2, 2012 Main Street Board Meeting
- B. Draft Minutes of the August 2, 2012 Parks and Recreation Commission Meeting
- C. Draft Minutes of the August 20, 2012 Planning Commission Meeting
- D. Draft Minutes of the August 23, 2012 Airport Board Meeting

8. UNFINISHED BUSINESS

- A. Kirtland Update

9. NEW BUSINESS

- A. Gravel Streets Engineering Services
Consideration to approve the contract with C2AE for Gravel Street Engineering Services in the amount of \$3,500 and authorize the City Manager to sign the required documents.

An Equal Opportunity Provider and Employer

Hometown Feel, Small Town Appeal

B. Road Maintenance Bids

Consideration to approve the contract for the 2012 Pavement Maintenance Project to Payne and Dolan for the amount of \$165,333 and authorize the City Manager to sign the required documents.

C. Placemaking Grant Opportunities

Consideration to approve a motion supporting pursuing and participating in a Placemaking Technical Assistance opportunity for the redevelopment of the existing City Hall site and surrounding area and authorize City Manager and/or City Clerk/Treasurer to submit the necessary documents in order to do so.

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- Business after hours September 20 at the Boyne City Airport 1048 E. Main Street
- The next regular City Commission meeting is scheduled for Tuesday, September 25, 2012 at noon

12. ADJOURNMENT

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334



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**AUGUST 28, 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 AUGUST 28, 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, Barb Brooks, Michael Cain, Shannon McMaster, Dan Meads, Hugh Conklin, Jeff Gaither and Karen Seeley

Others: There were 12 citizens in attendance, including representatives from the Petoskey News Review and Charlevoix County News

**CONSENT AGENDA
MOTION**

2012-08-118
Moved by Sansom
Second by Gaylord

2012-08-118A
Approval of the August 8, 2012 special City Commission meeting minutes as presented

2012-08-118B
Approval of the August 14, 2012 regular City Commission minutes as presented

2012-08-118C
Approval to appoint Mayor Ron Grunch as the City of Boyne City's voting delegate at the upcoming 2012 Michigan Municipal League's annual Convention with City Manager

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Chamber Director Jim Bauman reminded the Commission of the State of the Community luncheon September 13, Sommerset Point at noon

CORRESPONDENCE

Mayor Grunch read a letter from seven year old Bashar Fakhoura, of Birmingham, Michigan. His family climbs Avalanche Mountain when they visit and he is requested that two slides be built there, one a water slide and one a plain slide.

Kirtland petitions: The city received a number of petitions on Friday, August 24, which contained 168 signatures in support of Kirtland, and an additional 16 pages with 442 signatures on August 27th. A sample of the petition and letter were included in the agenda packet. All of the petitions are available for your review in the City Clerk/Treasurers office.

Commissioner Neidhamer inquired if it mattered if the petitioners were inside or outside the city limits?

City Manager Cain explained that is up to each commissioner. These are informal petitions; there is no legal requirement either way.

CITY MANAGERS REPORT

- The new police car was on display in front of city hall before the meeting. In the process of getting it fully equipped.
 - After six years, the city just received a deed for 17 acres of excess property that runs along the Boyne River.
 - Charlevoix County became the first Certified Connected Community in the state, for excellence in broadband access, adoption and use.
 - About 40-50 people turned out to be a part of the Pure Michigan lip dub project on the roof of Catt Development One Water project.
 - The construction of the road improvements in the Boyne Business Park is complete.
 - DPW staff has been busy repairing and extending new sidewalks on Cedar, Pine and Pearl Streets.
 - Hannah Street construction has begun, existing pavement was removed yesterday, and a dewatering system will be installed by the end of the week. Access to Hannah from Clark Street to North Street will be closed for the duration of the project.
 - Park Street construction signs will go up Wednesday, August 29, 2012, they will start with the removal of curbs on the Pine Street intersection.
 - Labor Day will be busy with the Labor Day Car Show, Del Mac, Police Department Drag races and the Red Fox Regatta at the Marina.
 - Main Street has decided to extend Stroll the Streets through September 14th.
 - Our new assessor will be here Wednesday, September 5th.
 - Wednesday, September the 5th marks the three week return of the rubbish collection program on Wednesdays and Thursdays.
 - Will be out of the office end of week.
-
- July 2012 financial statement was received and City Manager Cain clarified the Vibrant small cities initiative fund balance.

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

Mayor Grunch asked Planning/Zoning Administrator McPherson to give an update on Kirtland Products.

The conditional use is being referred back to the Planning Commission and the hearing will be held at the next scheduled meeting which is Monday, September 17 at 5:00 p.m.

Mayor Grunch asked the representatives from Kirtland if they wished to update commission. Leon Tupper reported that Kirtland is receiving and installing specific equipment recommended by the design and engineering firm The Kodiak Group, to optimize the conveyor system and correct some of the issues with that system. The plan is to resume production upon completion of the first phase of recommendations from Kodiak, which is expected to be completed by end of this week. A second phase is a particular piece of equipment that has to be fabricated and will not be available for a couple of weeks. Once that is installed it should meet our requirements from the Kodiak group. Kirtland is still required to perform the MDEC stack test on September 10, which will require them to resume a 24 hour a day operation.

Commissioner Sansom inquired about the 24 hours for how many days would that take? We won't know for sure how many days it will take to get to the 6 tons power limit which is a requirement of the MDEQ

probably two or three days.

Citizens Comments: None

Staff Comments: None

Board Deliberation:

Commissioner Neidhamer: All set. Mayor Pro-Tem Towne said that he has been looking at the petitions, I do respect the opinions on both sides of this issue, and I am ready to hear what the Planning Commission has to say. Commissioner Gaylord: All set. Commissioner Sansom is confused by all the petitions; it creates a divisive feeling in the community. The people signing the petition for Kirtland don't seem to have any empathy for the people who have been living with this for the past nine months. I was quite surprised to see it on the agenda today, as we have decided to send it back to Planning.

**Resolution of Support
for the National Register
of Historic Places
Application**

Main Street Manager Hugh Conklin explained this process started about a year ago with Boyne City, working with architectural historian William Rutter. He has been working on an application for downtown Boyne City and the Pearl Street Neighborhood to be listed as a district on the National Register of Historic Places. This will not include Old City Park or the Boyne District Library. The application will be considered for nomination to the National Register of Historic Places on Sept. 14, 2012 at 10 a.m. at the Michigan State Housing Development Authority and State Historic Preservation Office (SHPO) in Lansing. The City was awarded a \$35,000 grant from SHPO to hire a contractor to prepare the application. After working with them to prepare and solicit proposals from qualified consultants, Mr. Rutter of Trout Lake, MI., was hired to complete the nomination application. Attendance at the July 30 public meeting was light but of those in attendance there were only positive comments.

I am requesting the City Commission approve the resolution of support for the Boyne City Central Historic District nomination to the National Register of Historic Places.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom in support, it is a good designation to have. I am still sorry the Old City Park wasn't included. Commissioner Gaylord: I have one question for Scott McPherson; if we are awarded this description would this in anyway affect our zoning down town? This is a voluntary program that people choose to participate in and will have no effect on us. Mayor Pro-Tem Towne: I see this is a positive thing, I support the recommendation. Commissioner Neidhamer I'm in support. Mayor Grunch: We have buildings on Pearl Street that should be torn down, would this preclude that? Pearl Street is already a Historic District and has its own local ordinance, completely different from zoning.

MOTION

2012-08-19

Moved by Neidhamer

Second by Towne

To approve a resolution of support for the Boyne City Central Historic District nomination to the National Register of Historic Places.

MOTION

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Storm Water Ordinance

Consideration to schedule the proposed Storm Water Management Ordinance for a second reading on October 9, 2012

Scott McPherson, Planning Director explained that prior to 2006 Charlevoix County administered and regulated storm water. In 2006 the County repealed the Ordinance in response to a determination by the Attorney General that Michigan Counties do not have the authority to regulate storm water in this matter. Since then a new storm water management ordinance was drafted by the County and has been distributed to all the municipalities for their review and consideration. The County has indicated that for all municipalities that adopt the ordinance it would agree to enter into an intergovernmental agreement with the municipality to administer and enforce the ordinance. The draft ordinance was reviewed August 20 by the Planning Commission. They were in support of the Ordinance but concurred with the staff recommendation that the City have its own Zoning Board of Appeals. In checking with Marc Seeyle of the County, they would allow us to do that with an intergovernmental agreement. The proposed amendment is being presented to the City Commission at tonight's meeting for a first reading. As required by the Boyne City Charter, ordinance amendments cannot be adopted until at least one month after the meeting it is introduced. The next available City Commission meeting that meets this requirement would be October 9th. The County has presented the proposed ordinance to all municipalities and being recommended that municipalities that wish to adopt the ordinance do so at the same time. This would allow sharing the costs of publishing the ordinance, estimated at \$1300. The target date for that is October 13th.

Mayor Grunch inquired if this gives us options to make changes to the proposed ordinance. If you wish to change the ordinance, the County could refuse to administer and enforce it.

Citizens Comments: None

Board Deliberation: Mayor Pro-Tem Towne: I am in support of the ordinance, but agree that the City should have its own Zoning Board of Appeals. Commission Gaylord inquired if we are mandated by the state to enter into this agreement? No. What is the advantage? They have the expertise to administer and enforce this ordinance and at no cost now. Do we have anyone here that could carry out the same duties? There is specific training regulated by the state and I don't know if we have that here. Water Wastewater Supervisor Dan Meads said he has most of the training and it is only a few days of training to be storm water certified. Do you feel that this is something that staff could handle in house? Meads said the storm water control is a good idea; however his largest concern is giving up total control to the County. Having an outside agency be in control is a big concern for our engineer, as you can see by his email. He suggested that the City have a direct appeal route.

Whether we contract it out and keep a local appeal board, leave some control to the commission. Commissioner Gaylord said reading Mr. Fox's comments he does raise some pointed concerns. Scott, if we didn't adopt the proposed ordinance with the county, how would we continue? We don't have any specific storm water standards there is some general language in the zoning ordinance. All the projects that have been done in the city since 2006, have voluntarily complied with the old ordinance. Commissioner Sansom:

If we don't go with the county, can't we just do a more specific ordinance for the city? This would be your ordinance, you just wouldn't enter into the intergovernmental agreement, it would be our responsibility to enforce and administer it ourselves. Commissioner Neidhamer: We discussed this at length at the Planning Commission. On a positive note is the collaboration with the other municipalities. Everyone would be on the same page. The one concern was the language; our needs are different than the townships. We do have to adopt something, correct? We don't have to have one; we are allowed to have one. I see where an ordinance would help us, especially with the steep driveways. I appreciate the concerns the staff has. The Planning Commission did pass it unanimously with some conditions that we have our own ZBA to evaluate our appeals. Mayor Grunch: My concern is in the future you have projects held up. Boyne City is definitely different than the townships. I think Boyne City should create its own ordinance. Taylor: I think we should tailor it to our needs. Commissioner Gaylord: In 2006 the county repealed the ordinance. Was there a state mandate that the county have a storm water position? Mr. Seeyle appointed as a Soil Erosion Officer and elected as the Drain Commissioner. I don't think we need to advocate the responsibility to someone else, between our engineer and Dan Meads, even if he needs a couple of day's additional training we should be fine. I am very concerned about giving up control, if it's not a law or mandate that we do this, I am clearly against it. Meads: You should have some sort of ordinance in place, rather this one or some other. Once you sign an intergovernmental agreement with the County, and want to change any part of it, you have to get out of the agreement. If it stays in house, it would be your ordinance, you change it as you see fit. City Manager Cain: One concern about this process is the local control issue. Boyne City has gone above and beyond on how we handle storm water already. I think the process will work fine, to have the County come forward to administer and an expert in the area to handle the enforcement is a good thing. We can drop out at anytime. City staff has plenty on their plates already and I think this is worth pursuing. Mayor Grunch: All that is asked for today is to set the date for the second reading? Yes. I have trouble releasing the control to anyone but ourselves. We have new people coming on; we could have someone take that training or maybe already had the training. Commissioner Neidhamer: If we take it to a second reading, are we just buying time, or giving false impressions that we are on board. City Manager Cain: There are two issues before the commission. Do we want to put into effect some kind of storm water ordinance? Yes. Is the ordinance before you today the ordinance you would like. We could adopt this ordinance and enforce it ourselves and never enter into the intergovernmental agreement which is required as part of this. If at some time we want a storm water ordinance, we either adopt what is in front of you now, or adopt something different. Mayor Grunch: I like the proposed ordinance, but we should be the ones to enforce it. If that is direction the commission wants to go in, we have the first reading today and take it to the next meeting and just adopt it ourselves set up or own staff to enforce it, and not enter into the intergovernmental agreement.

Mayor Grunch: I would be more comfortable with that. There is a lot of unintended circumstances not having control. Mayor Pro-Tem Towne: I agree. Commissioner Gaylord: The City has chosen C2AE for a number of projects and I am going to go to Mr. Fox's comments in writing to Scott McPherson. I am seeing some serious concerns and questions from him. I am not comfortable with moving forward with what has been presented and I have concerns about. This has been a six year process and I don't think we need to move something forward when there may be some issues with it. Commissioner Samson: If we don't go along with this intergovernmental agreement, there would be no hurry to do an ordinance would there? The only the advantage in doing so right now is the split between the municipalities. How much would that cost? \$1300 to publish the whole thing. I don't think we should rush through this.

2012-08-120

Moved by Neidhamer

Second by Towne

To schedule a second reading for the proposed ordinance for October 9, 2012.

Ayes: 2

Nays: 3

Absent: 0

Motion failed

MOTION

**Lot Reconfiguration
Ordinance First Reading**

Consideration to schedule proposed amendments to Article 58 Land Division Ordinances Articles II and IV for a second reading on October 9, 2012. Scott McPherson: In 1998 the State of Michigan passed the Land Division Act which established the requirement of municipal review and approval prior to the division of any lands in the State. The number, size and area of parcels are specifically regulated by the state statute and zoning ordinance requirements. Proposed divisions that meet all requirements must be approved and proposed division that do not must be denied. 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. It is staff's 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 recommendations that the existing ordinance should be changed. The proposed ordinance amendment would repeal Article II Lot Reconfigurations or Adjustments of Chapter 58, and amend Article IV Lot Reconfigurations and Adjustments of Chapter 58 to change the approval process for lot divisions and reconfigurations. The proposed amendments are in Section 58-123(3) and (4) and Section 58-126. The proposed amendment is being presented to the Commission for a first reading and if you wish to pursue this we will have a second reading October 9, 2012.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Neidhamer: I am in favor of this I think it's just cleaning or housekeeping of our ordinance. Commissioner Sansom: Would approval process being done administratively be done by city staff? The Assessor and the Zoning Administrator. How often do these come before the Commission? Four or five a year. If someone were to be turned down, they would still have the right to appeal? Yes, that is written in our appeal process. Commissioner Gaylord: This eliminates another step on a board who is not an expert in that field. This is an example of creating efficiency for the city and the citizens. I'm in favor. Mayor Pro-Tem Towne: I believe city staff can handle lot reconfigurations. I support the recommendation. Mayor Grunch: I also support the recommendation.

2012-08-120

Moved by Towne
Second by Gaylord

MOTION

To move to schedule a 2nd reading for proposed ordinance amendment that would repeal Article II Lot Reconfigurations or Adjustments of Chapter 58, and amend Article IV Lot Reconfigurations and Adjustments of Chapter 58 to change the approval process for lot divisions and reconfigurations. The proposed amendments are in Section 58-123(3) and (4) and Section 58-126. on October 9, 2012

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration of the City Commission to authorize the City Manager and City Clerk to take the steps necessary to renew the City's Liability insurance through the Michigan Township Participating Plan (MTPP) for 2012-2013 for an estimated price of \$58,612. City Manager Cain: In 2005 we switched our property and liability insurance coverage's from the Michigan Municipal Leagues' Liability and Property pool to the Michigan Township Participating Plan, which is represented by Paul Olson who is here today. At that time our annual premium went from \$105,259 to \$82,273. Over the years that we have been with the Michigan Township Participating Plan we have saved a little over \$200,000. Two years ago we received four quotes for our liability insurance. We do this every few years to make sure we are getting fair pricing and services. At that time the Commission chose to remain with our current provider, Michigan Township Participating Plan, over a lower cost provider, Cadillac Insurance/Trident that we did not have any experience with and they didn't have much experience in Northern Michigan. We have received a quote for the coming year which starts October 1 and their summary of coverage's. The price has increased \$2,980 to an estimated \$58,612. This price will go up or down slightly as we add or subtract equipment or property. This would happen pretty much with any carrier. With the proposed increase the cost is about 56% of what we paid to the Michigan Municipal League's program in 2004-2005.

Liability Insurance Renewal

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Sansom: In support, I feel comfortable and confident we're at. Commissioner Neidhamer and Mayor Pro Tem are both in support. Commissioner Gaylord: Do we have any numbers on the new loader coming on board? No. Mr. Olson: With one going on and the other coming off it should be pretty much a wash. The one thing that was not included is the new vehicle. We will get that added. Who is in charge of the audit of the equipment? Cindy does a very good job throughout the year getting the information to me. City Manager Cain explained that we go through this on a regular basis, when we get the list we circulate it throughout the department heads. Mayor Grunch: Asked Mr. Olsen how big is the pool of participating townships? You have been able to reduce the price. The market drives where the price should be. Everything we deal with is a public entity. We have a good track record. I have fifteen cities in Northern Michigan. Do you carry the insurance for board members and volunteers? Yes. General liability insurance which covers Property damage, personal injury and bodily injury. The public officials' wrongful act liability is in place for your decision making process coverage's. How much is the personal liability? 5 Million dollars for personal liability on a no aggregate basis.

2012-08-121
 Moved by Towne
 Second by Gaylord

MOTION

To authorize the City Manager and City Clerk to take the steps necessary to renew the City's Liability insurance through the Michigan Township Participating Plan for 2012-2013 for an estimated price of \$58,612.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Crack Sealing Bids

Consideration of the City Commission to award the contract for Overband Crack Sealing to Applied Pavement Maintenance for the amount of \$4,975 and authorize City Manger to sign the required documents: Andy Kovolski, Public Works Superintendent: Bids were advertised and received for this year's crack sealing project. Bids were received from Applied Pavement Marking in the amount of \$4,975 and Scodeller Contracting for \$19,095. APM has been doing the work the last four years.

It is my recommendation that the City Commission award the contract for Overband Crack Sealing to Applied Pavement Maintenance for the amount of \$4,975.

Staff Comments: None

Citizens Comments:

Board Deliberation: Mayor Pro-Tem: There is a big difference in the pricing. I support the recommendation. All are in agreement.

2012-08-122
 Moved by Towne
 Second by Samson

To award the contract for Overband Crack Sealing to Applied Pavement Maintenance for the amount of \$4,975 and authorize the City Manager to sign the required documents.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Road Maintenance Bids

City Manager Cain explained that he and Andy have discussed this and at this time requesting that this item be pulled for further investigation of overall cost.

Mayor Grunch accepts the request.

2012-08-123

Moved by Gaylord

Second by Samson

That the Road Maintenance Bids be postponed for further information to a time recommended by the City Manager

Good of the Order

Commissioner Neidhamer: I would like to keep the facilities on the front burner. Are we still down an assistant Chief of Police? We are down one person in the police department, how we staff that is a matter of discussion. The position has been advertised.

Mayor Pro-Tem Towne: Thanked everyone for the permanent benches behind the Little League Field.

2012-08-124

Moved by Gaylord

Second by Samson

Closed Session

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 1:46 p.m.

MOTION

Ayes: 5

Nays: 0

Absent: 0

Motion carried

2012-08-124

Moved by Grunch

Second by Gaylord

Return to open Session

To return to open session at 2:29 p.m.

MOTION

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 August 28, 2012 at 230p.m.

**ADJOURNMENT
MOTION**

Ron Grunch
Mayor

Karen Seeley
Deputy Clerk

[Faint, large, diagonal watermark text, possibly reading "DRAFT" or similar]

August 27, 2012

Ms. Grice,

My husband and I have a condominium at the Harborage. We have brought our family to Boyne City for 18 years and we love this town. On August 3rd our 20-year-old nephew, Mathew Huffman, suffered severe head injuries in a skateboarding accident while he was here on vacation with us. He died just a few hours after the accident.

We can't even begin to express our appreciation for the Boyne City EMS. In an absolutely horrific situation, they were prompt, professional, and kind. We will always be grateful.

Enclosed is a check for the Boyne City EMS Equipment Fund. We appreciate the individuals that answer the emergency calls in Boyne City. We want to thank them.

We are very grateful to everyone who tried to save Mathew. And we truly appreciate the support from so many citizens of Boyne City.

Thank you,

Nancy P. Quigley
 Nancy Quigley

CITY OF BOYNE CITY
 319 N LAKE ST
 BOYNE CITY, MI 49712
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Received From: NANCY QUIGLEY
 Date: 08/31/2012 Time: 11:51:15 AM
 Receipt: 33599 *** REPRINT ***
 Cashier: Pat

ITEM REFERENCE	AMOUNT
AMBONA AMBULANCE FUND DONATION EQUIPMENT DONATION	\$500.00
TOTAL	\$500.00
CHECKS 3053	\$500.00
Total Tendered:	\$500.00
Change:	\$0.00

September 7, 2012
Boyne City Commission
319 North Lake Street
Boyne City, MI 49712

Agenda Item 5B

Dear Boyne City Commissioners,

We apologize for not being able to visit with you, in person, this evening.

We are writing to ask you to consider two things related to the Storm Water Control Ordinance (SWCO) that you decided not to support, during your last meeting:

1. Please re-consider passing the SWCO as a 1-year pilot project. The benefits of doing so are many. First, you can opt out of the process, at any time. Second, you would continue to be covered by the county as you are now, until or if you decide to act on your own. Third, the **ONLY** cost to you, and the only cost anticipated you will have to cover in the entire year is the cost of publishing the public notice. The summary to do so is about \$1300, but with all the jurisdictions participating, that will probably work out to less than \$100 for your part. ***History simply does not show that this ordinance is a cost burden to the local government.*** But again, if a cost arises that you do not agree with – and this is NOT expected – you can opt out.
2. Please send a representative to the meeting we are having on September 18. This is where the Appeals Board will be designed, and your input is important and welcomed. We want to design something that is efficient and effective, and takes local issues seriously. And – we could certainly design the ability for the City to do your own Appeals Board, as long as the standard of review remains consistent.

Regrettably, we also could not attend the last meeting, but we listened to the Audio that is available online. You had questions that were not addressed adequately. It is important to remember that the city has been covered by the county for the past decade, in this regard. The county has been administering and enforcing this ordinance without any trouble. Yes, there have been some rare issues with certain properties, but that is always the case with any ordinance; nothing is perfect. However, the overall track record is stellar, and our concern stems from ensuring essential, basic protections are in place for Lake Charlevoix and the Boyne River, during construction.

Bottom line, the SWCO asks you to formalize a process that was in place, working well, until actions in another county – unrelated to Charlevoix – created an interpretation that caused all counties in the state to rescind their stormwater ordinances. This was, in our view, a complete overreaction to a questionable opinion. However, this solution we are proposing re-creates a successful approach taken in Grand Traverse County. That is, the county puts back in place what it had that worked well, but it simply takes on a different form. Instead of one single ordinance, each jurisdiction passes the same wording and gives the county authority to administer and enforce, on your behalf. You can opt out at any time, if you think it does not work well or tries to create burdensome costs.

Thanks again for your time and consideration.

Sincerely,

Grenetta Thomassey
Program Director, Tip of the Mitt Watershed Council

Marc Seelye,
Charlevoix County Soil Erosion Officer



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click on minutes & agendas

Approved: _____

**Meeting of
August 2, 2012**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, August 2, 2012 AT 8:30 A.M. IN THE COMMISSION CHAMBERS AT CITY HALL, 319 NORTH LAKE STREET

Call to Order

Chair Lenhart called the meeting to order at 8:30 a.m.

Roll Call

Present: Jodie Adams, Kathy Anderson, Mike Cain, Bob Carlile, Michelle Cortright Larry Lenhart, Pat O'Brien, Rob Swartz and Robin Berry Williams

Absent: None

City Staff: Main Street Manager Hugh Conklin, Assistant Planner/Zoning Administrator Shannon McMaster, recording secretary Karen Seeley

**Meeting
Attendance**

Public: There were four people in attendance

**Approval of Minutes
MOTION**

Cain moved, Carlile seconded, PASSED UNANIMOUSLY to approve the June 7, 2012 minutes as corrected. Anderson moved, Cain seconded PASSED UNANIMOUSLY to approve the July 20, 2012 minutes.

Citizens Comments

None

Correspondence

None

**Main Street Committee
Reports**

Promotions

- Stroll the Streets is having issues associated with its growing popularity that will need to be discussed in the off season. Primarily what's happening is that the demand for "vendors" to set up on the sidewalk is increasing and the policy used in the past may not be working. We also have received some complaints from businesses claiming some of the non-profit groups setting up booths are creating competition for them.
- The SOBO Arts Festival committee met recently to review the third annual event and to begin work on next year's festival. The one thing that was missing from the festival was food vendors on the street. Board discussion regarding non-profit organizations selling food. This was the first year the event fell under the umbrella of Main Street.
- The farmers market will move downtown on Saturday, August 11, from 8 a.m. to 1 p.m. to make room for the Antique Car Show in Veteran's Park. The market will be set up on Water Street.

Design

- At the meeting on June 11 they reviewed and discussed revisions to the downtown banners. Main Street Manager Conklin shared the renderings with the Main Street board.
- Three property owners are interested in pursuing a façade grant. Plans and estimates are being gathered and a decision on how to proceed will be made after the project has been more clearly defined. Work on Boyne Country Provisions is expected to resume in September and work is expected to commence at the Radio Shack after Labor Day.

Organization

Boyne Thunder set a record this year with 68 registrations. While a financial report is still not complete, all indications point to a successful event. A survey of the boaters went out August 2nd.

Team Boyne – Creating Entrepreneurial Communities (ER committee)

The business recruitment team recently had the opportunity to host a potential new business owner.

A major project of the Team Boyne this fall is to conduct visits with all businesses in the Main Street district.

Manager's Report

Main Street Manager Conklin reported on:

- The One Water Street conditional rezoning has been approved with a signing ceremony to be held at 9:00 a.m. Friday August 3rd.
- The National Register of Historic Places nomination has been submitted to SHPO.
- Lake Charlevoix was voted number two most beautiful inland lake in the nation in a USA Today poll, with Lake Tahoe being voted number one. There will be a celebration at Sunset Park from 8 to 10:00 p.m.
- On July 16th the MEDC CA Team was in town to do a site visit, Boyne City was their first stop.
- November 8th will be our annual review for Michigan Main Street.
- Main Street Manager will be on vacation Aug. 13-15.

UNFINISHED BUSINESS

Park Street project update:

Main Street Manager Conklin reviewed with the board the rendering of what the City Commission ultimately decided. There will be angle parking on both sides of the street, and the center turn lane will be eliminated. Board discussion regarding the safety issues, C2AE does not see a problem. The board had some major concerns; City Manager Cain assured the board that if this concept doesn't work it can easily be undone with some striping.

NEW BUSINESS

Camp Quality-new executive director: Eleanor West has officially retired and the board was introduced to the new director Kristin Balog.

Main Street Board retreat: Main Street Manager Conklin suggested the board retreat this year concentrate on the Farmers Market; grant opportunities, how to fund and where to hold a year-round market. Board discussion to have the market committee bring their ideas to us for discussion and keep the board retreat as in the past.

Good of the Order

The library has hired a space consultant, which will include the red building. The Sunset Grill is still operating without a liquor license. The Boyne Area Chamber is supporting the Parks milage proposal on the August ballot. Kudos' to Andy Kovolski and the street department for a job well done after Boyne Thunder.

Closed Session

MOTION

Swartz moved Cain seconded PASSED UNANIMOUSLY to go into closed session at the request of Main Street manager Conklin to discuss possible real estate transaction provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976) at 9:51

Return to Open Session

MOTION

Cain moved Adams seconded PASSED UNANIMOUSLY to return to open session at 10:11 a.m.

MOTION

Adams moved Williams seconded PASSED UNANIMOUSLY to authorize Main Street Manager Conklin to sign the option agreement between the Thirsty Goat property Holdings, LLC and the Boyne City Downtown Development Authority dba as Boyne City Main Street (DDA/Mainstreet) to explore the feasibility of restoring the Boyne Theatre.

Adjournment

Swartz moved Adams seconded PASSED UNANIMOUSLY to adjourn the August 2, 2012 meeting of the Boyne City Main Street Board at 10:13 am.

Karen Seeley, Recording Secretary

Approved: _____

**MEETING OF
August 2, 2012**

RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY
PARKS AND RECREATION COMMISSION MEETING** HELD AT
6:00 P.M. AT OLD CITY PARK ON THURSDAY, AUGUST 2, 2012.

CALL TO ORDER

Meeting was called to order by Chair Sheets at 6:00 p.m.

ROLL CALL

Present: Heath Meeder, Mike Sheean, Marie Sheets, Jerry Swift and Gail VanHorn

Absent: Carl Wehner, Bill Kuhn and Lou Awodey (arrived 6:10)

**MEETING
ATTENDANCE**

City Staff: Streets/Parks & Recreation Superintendent Andy Kovolski, Recording Secretary Barb Brooks, Main Street Manager Hugh Conklin and City Manager Michael Cain

Public Present: one (2)

****MOTION**

Sheean moved, Meeder seconded PASSED UNANIMOUSLY to excuse the absence of Wehner and Kuhn.

**APPROVAL OF
MINUTES**

****MOTION**

Sheean moved, VanHorn seconded, PASSED UNANIMOUSLY, a motion to approve the July 12, 2012 meeting minutes as presented.

CITIZENS COMMENTS

None

DIRECTOR'S REPORT

- Parks holding up fairly well considering all of the use they have been getting.
- New / Refurbished grills placed in Veterans Park and Peninsula Beach
- Several benches have been repaired and placed back out in the parks
- Ride the Charx takes place on August 4th

Swift inquired as to whether there were any tables, benches or furnishings that could be placed in Riverside Park to encourage use. Kovolski stated there were no extras at this time.

CORRESPONDENCE

Emailed suggestion for a wheelchair accessible swing. Board discussion as to whether it could be added to the play structure in Veterans Park and how much does it cost. The general consensus was that it was something to consider as a future improvement.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Park Inspections

- Awodey advised there was a pile of wood on the beach that appears to be picked up and stacked by citizens that needs to be picked up. Kovolski said parks' crew picks up wood and other debris at that location weekly.
 - Riverside Park has not been mowed. Kovolski stated that it has not been mowed due to mechanical issues with the mower that is normally used.
-

UNFINISHED BUSINESS

Boyne City/Charlevoix Rd. Trail Update

Sheean reported that community funding still going well and the Governor signed the bill for \$300,000 in funding

Boyne City to Boyne Falls Trail Update

Sheean stated that the group is still working on one other piece of property. They are looking at a possible name for the trail "*Boyne Valley Trailway*"

Avalanche Trail Signage update

Nothing to report, due to summer activities, this to be placed on the agenda for September.

Avalanche Archery target replacement

Kuhn was not present to report on progress; no targets have been purchased at this time.

Tree Removals at Avalanche

Kovolski stated the Avalanche Master Plan calls for no tree removals other than to maintain view corridor. The board discussed that are diseased and dying trees near trailways that could pose a hazard.

**MOTION

Sheean moved, Meeder Seconded, PASSED UNANIMOUSLY to recommend the removal of trees at Avalanche that are in close proximity to trailways and are dead or dying to address safety issues.

NEW BUSINESS

Peninsula Beach Project

Mark Peters would like to take on projects at Peninsula Beach as an Eagle Scout project. Peters stated that he lives near and uses the beach and notices that sometimes it appears under utilized and could be improved to be more attractive to residents and visitors. He proposes general cleaning up of the area and applying sealer to the play equipment (City will provide the sealer). The general consensus of the board is that it is a great idea and thanked Mark for his interest and willingness to take on the project. **Sheean moved, Sheets seconded,**

****MOTION**

PASSED UNANIMOUSLY to support the project as presented by Mark Peters.

Bicycle Audit

Jim Harrington from the Michigan Community Health Department was in Boyne for a bike tour and audit. Mr. Harrington, City Manager Michael Cain and Main Street Manager Hugh Conklin came to speak with the Parks & Recreation Board to discuss opportunities and ideas for becoming more bike friendly, which would encourage more use and increase physical activity and good health through non-motorized trail usage. Ideas and opportunities discussed were trails, trailhead locations, signage, informational kiosks, road/lane markings and additional racks. The general consensus of the board was that all of these ideas were worth exploring further and done correctly would enhance the recreation opportunities in Boyne. Mr. Harrington indicated there are grants and programs out there and would be interested in working with the City to further explore some of these ideas and grant opportunities. **Sheean moved, Seconded by Awodey, Passed Unanimously** to recommend the City Manager write a letter of support to pursue the installation of way finding signage, bike racks and explore options for a trail head, bike lanes and kiosk location to encourage increased physical activity and good health through non-motorized trail use.

****MOTION**

Good of the Order

None

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, August 2, 2012 at 6:00 p.m. at Peninsula Beach

ADJOURNMENT

The August 2, 2012 meeting of the Parks and Recreation board was adjourned at 6:42 p.m.

Barb Brooks, Recording Secretary

Approved: _____

**Meeting of
August 20, 2012**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, August 20, 2012 at 5:00 P.M.

Call to Order

Chair MacKenzie called the meeting to order at 5:00 p.m.

Roll Call

Present: Gretchen Crum, George Ellwanger , Jim Kozlowski, Jane MacKenzie, John McCahan Lori Meeder, Tom Neidhamer and Joe St, Dennis
Absent: Chris Frasz

**Excused Absence(s)
MOTION**

2012-08-20-2
Kozlowski moved, St. Dennis seconded, PASSED UNANIMOUSLY a motion to excuse the absence of Franz.

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, City, City Manager Mike Cain and Recording Secretary Karen Seeley
Public Present: Three

**Consent Agenda
MOTION**

2012-08-20-3
Ellwanger moved, St Dennis seconded, PASSED UNANIMOUSLY a motion to approve the consent agenda. Approval of the July 30, 2012 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

Mark Kowalske spoke with the board regarding speed issue on the corner of Water and East Streets. When the larger SUV's and trucks park in the first two parking spaces, drivers can't see the sign indicating the crosswalk. Something should be done to alleviate this problem, such as compact cars only in the first two parking spaces on Water Street.

**Reports of Officers, Boards
and Standing Committees**

None

Unfinished Business

None

**New Business
Review draft Storm
Water Management
Ordinance**

Marc Seelye, Drain Commissioner for Charlevoix County was present to review the proposed ordinance. He explained that this ordinance is similar to the previous county storm water ordinance that was rescinded in 2006 due to a determination by the Attorney General that Michigan Counties do not have the authority to regulate storm water in this matter. A new storm water management ordinance was drafted by the County and has been distributed to all the municipalities in Charlevoix County. This ordinance would be a municipal ordinance that would be adopted by each local government. The municipality, if they choose, then can enter into intergovernmental agreement with the County to administer and enforce the ordinance. There are very little changes in the substance of the document; the most notable is the proposed ordinance would now regulate residential driveway that exceed 10% grade that slopes towards and intersecting road. This document is not intended to stop development, just regulate activity. The intergovernmental agreement would allow the county to administer & enforce the ordinance.

McPherson: Explain the difference between soil erosion sediment versus storm water.

Seelye: The way the soil erosion law reads, you cannot have soil erosion sediment run off of your project into someone else's property and we can help with that, but we can't do anything about excess storm water coming to a adjacent property owners at this time, their only recourse would be to go to court. But this new ordinance would help protect adjacent property owners as far as storm water.

Neidhamer: Most townships have a driveway "grade" ordinance already? This ordinance has very specific purposes; Do we need it? Yes, now is the time to join, it would be split 15 or 19 ways. It would be fee based.

Crum: Is this all or nothing? No, the municipalities that want to get on board should do so now to get the cheaper rate with the split.

Kozlowski: At Air Industrial Park, if someone takes over a property or purchases it, would they fall under the same requirements? We would look at the sites detention and retention and the process could change, yes if they increase their impervious surface.

McPherson: If they come and say they want to handle hazardous materials, it would come back to the board.

Cain: There is also a wastewater ordinance that regulates what they can discharge into the storm water.

Kozlowski: Retention ponds, who maintains the quality? The business, they file a maintenance agreement. How is it monitored; Drain Commissions office will monitor.

MacKenzie: How will this affect municipal project? If the City builds a new DPW building, it will fall under the new ordinance. Street renovation would not be affected.

Meeder: Could you explain the process and impact this might have? They would be issued a thirty day soil erosion permit, and my office would make sure this moves along in the thirty day process.

Ellwanger: What is the cost for a drive way permit? It would still be the \$50.00-75.00 permit fee.

McPherson: Explain how the appeals process would work. There would be a new board appointed by the municipalities. We will place an ad in the paper for interested parties for the board and each municipality would get five votes, the top five vote getters would be appointed to the board.

McPherson: Could we have are own board at the municipal level? No, it will be a county wide board you help appoint.

McCahan: What is the cost involved with this? Grand Traverse County cost was \$1300 for publishing, which would be shared 15 or 19 ways if you get on board now and then the cost of your legal council to review the document.

Meeder: How many municipalities are on board? We don't have an exact number yet.

Crum: Protecting the water is a good thing.

Seelye: There is a meeting set for all the municipalities to discuss the issues with Attorney Bryan Graham, September 18th, at City Hall Auditorium

City Manager Cain: We need to be good stewards of the environment. I am pretty comfortable if this goes to the county if we have a "check value" to bring any appeal back to the city. We get five votes out of possibly 19 communities, having all the control outside the city concerns me.

Meeder: This would bring constancy through out the county. Are we able to draft our own ordnance and not joint the county? Yes.

Cain: Scott and staff would have to go through training, and Marc is the expert in this, and will make sure the City's interest is protected. The county would manage and enforce.

McCahan: The appeals board seems to be Mr. Cain's biggest concern. What are the qualifications to be on the board? No specific qualifications.

The County will place an ad in the paper, and accept applications; each municipality will review them and have five votes.

Neidhamer: Collaboration makes sense. The townships will be more willing to work with us.

St. Dennis: The townships don't have the same needs as the city does. Nineteen municipalities working together is better than nineteen working individually.

Crum: I stand by the collaborative effort. The townships don't have the teeth to enforce storm water.

McCahan: I am in favor of the appeals process the way it's presented.

Neidhamer: The appeals board for the County will not be any more qualified than the City's Zoning Board of Appeals.

Cain: Where should an appeals board be seated?

Neidhamer: I would be in favor if the local appeals come back here, and the City Commission make the appointments.

McPherson: Whatever board would review the appeal, there would be specific standards to help with the decision.

Meeder: If we adopt the ordinance and do our own appeals process, would that affect the other municipalities? No

Seelye: We will have one set of standards, not nineteen. You can opt out at any point.

2012-08-20-4

Crum moved, Neidhamer seconded, to recommend the City Commission adopt the Storm Water Management Ordinance with the caveat that the City of Boyne City has its own appeal process.

Roll Call:

Aye: Crum, Ellwanger, Kozlowski, MacKenzie, McCahan, Meeder, Neidhamer, St. Dennis.

Nay: None

Absent: Frasz

Motion Carries

****MOTION**

Planners Moments review

DVD presentation of Planners Moments – New restrictions on zoning

Staff Report

Kirtland: The City Commission has remanded this issue back to the Planning Commission for review of the permit to see if they are in compliance. A public hearing has been set for September 18. The board was encouraged to listen to the minutes on line and refresh their memories on the matter. They will have to review the permit, decide what was approved by the Planning Commission and decide if Kirtland is in compliance of the special use permit.

Good of the Order

Kozlowski – There are cars driving on the new sidewalk across the road from the Brook.

McPherson – The Brook is holding their open house Thursday, August 23 from 3:00pm to 6:00pm

The next meeting of the Boyne City Planning Commission is scheduled for September 18, 2012 at 5:00 pm in the Commission chambers.

Adjournment

2012-08-20-5

St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 7:05 p.m.

****MOTION**

Karen Seeley, Recording Secretary

Jane MacKenzie, Chair



Approved: _____

**MEETING OF
AUGUST 23, 2012**

**RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE
BOYNE CITY AIRPORT ADVISORY BOARD HELD AUGUST 23, 2012**

CALL TO ORDER

Chair Reynolds called the meeting to order at 5:30 p.m. followed by the pledge of allegiance.

ROLL CALL

Present: Richard Bouters, Bud Chipman*, Rod Cortright*, Ed Hennessey, Leon Jarema* Jim Kozlowski* , Roger Reynolds, Jerry Schmidt, and Oral Sutliff

ATTENDANCE

Absent: Larry Trumble*

*Ex Officio Members

Staff: Airport Manager/City Manager Michael Cain

**APPROVAL OF MINUTES
MOTION**

Sutliff moved, seconded by Bouters PASSED UNANIMOUSLY to approve the June 28, 2012 minutes as presented.

CORRESPONDENCE

None

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

None

UNFINISHED BUSINESS

MOTION

- Hangar Inquires/Leasing: No hangars available
- Business after hours: Thursday, September 20th. Cortright reported Harbor House will help with cost. **Bouters moved, Sutliff seconded PASSED UNANIMOUSLY** to authorize Schmidt to handle the food for board. Board discussion regarding having some planes out or offer flights.
- GPS: Schmidt reported the GPS is in place. He tried the system just prior to the meeting. Presented the board with copies of the details.
- Wind Sock: Has been replaced.

NEW BUSINESS

MOTION

Bouters moved Reynolds seconded PASSED UNANIMOUSLY to recommend the City Commission reappoint Jerry Schmidt, Oral Sutliff and Rod Cortright to the Airport Board with terms expiring August 24, 2015

GOOD OF THE ORDER

- Jarema mentioned there is a 4x4 with a leaky water spigot attached near the runway. He feels the water will eventually cause damage.
- Fuel Price: \$5.49 as of 7/25/12
- Safety Seminar September 13 at 6:30 p.m. Board to provide coffee & cookies.

NEXT MEETING

The next Airport Advisory Board will be held Thursday, September 27 2012 at

5:30 p.m.

ADJOURNMENT

Chair Reynolds adjourned the Airport Advisory Board meeting at 6:35 p.m., followed by the board picnic.

Ed Hennessey, Recording Secretary



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commissions for
complete agenda
packets & minutes
for each board*



City of Boyne City

Agenda Item 8A
MEMO

Date: September 6, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager 
Subject: Kirtland Products Updates

The City Commission, at our February 14, 2012 regular meeting, unanimously approved a motion which, referring to Kirtland Products, stated, in part, that we should 'keep as a standard matter of unfinished business at every Commission meeting...'.

As the Commission is aware, Kirtland Products is scheduled to go before the Planning Commission at its Monday, September 17th regular meeting at 5:00 p.m.

At the last City Commission meeting there was some discussion about whether Kirtland Products should continue to be on the City Commission's agenda since action was taken by the Commission to refer this matter Planning Commission.

If the City Commission wishes to remove this item as a regular item from future agendas a new motion, removing Kirtland Products as a standard matter of unfinished business, would be in order.

RECOMMENDATION: City Commission preference.

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER *Mc*

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT *AKC*

DATE: 9/6/12

RE: GRAVEL STREETS ENGINEERING SERVICES

As you are aware we have 23 streets that are either gravel for the whole length or a portion of their length. The total length of these segments is approximately 11,279 feet or approximately 2.2 miles. A list of the Streets and their lengths are attached for your review. Some of these streets are very maintenance intensive; such as Court Street and the north end of Jefferson Street. For future planning and budget development purposes I feel it would be a good plan to have some cost opinions on hand to improve our gravel streets.

Attached to this memorandum you will find a proposal from C2AE for engineering work required to develop cost opinions to upgrade these streets. The project will entail the following work:

- Field review of each individual street segments current condition and topography.
- Determine infrastructure improvements that will be required.
- Selection of the appropriate cross section for the improved street

C2AE proposes to complete this work for a Lump Sum fee of \$3,500.00. I feel that this is a very reasonable amount to get a valuable tool for future planning for our street system.

RECOMENDATION:

It is my recommendation that the City Commission approve this contract with C2AE for Gravel Street Engineering Services in the amount of \$3,500.00 and authorize the City Manager to sign the required documents. Funds for this work are available in this year's Street Department budget.

OPTIONS:

- That this matter be postponed for additional information or consideration
- That this matter be approved subject to some revision
- Other options as determined by the City Commission

Boyne City Gravel Streets

Street	Length in feet	Act - 51
Addis	990	Yes
Ridge	750	Yes
Newton	625	Yes
Lynn	225	Yes
N. Lake	490	Yes
Court	1,460	Yes
Fremont	200	Yes
Ottawa	260	Yes
Grove	200	Yes
Collings	695	Yes
Jefferson	1,135	Yes
Union	165	No
Edwin	200	No
Call	1,250	Yes
Taylor	254	Yes
Knollwood	200	Yes
Marl	220	Yes
Forest	450	Yes
McLean	290	Yes
Wilson	150	Yes
Ann	410	Yes
First	240	Yes
Prospect	250	Yes
Timber Trl.	170	No
Total	11279	



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info@c2ae.com
www.c2ae.com

August 29, 2012

Mr. Andy Kovolski, DPW Superintendent
City of Boyne City
319 N. Lake St
Boyne City, MI 49712

RE: Proposal for Engineering Services
Develop Cost Opinions for Gravel Streets Infrastructure and Paving

Dear Andy:

We are pleased to provide the City with this proposal for developing detailed cost opinions for the potential development of the remaining gravel streets within the City. It is our understanding that the City would like to have an analysis completed for of each of these street segments for necessary infrastructure improvements, applicable pavement cross section, sidewalks and other factors so that detailed cost opinions can be developed to use as a budgeting tool for future projects.

C2AE's Scope of Services will include the following:

- Approximately three meetings with City staff and one meeting with City Commission/Public, or some similar combination of meetings.
- Provide a field review of each street segment with the Streets Superintendent.
- Meetings with staff will provide detailed input on utility needs (water, sewer, storm) and information on soils when known, and input on the selection of an applicable typical cross section.
- C2AE will provide a separate detailed preliminary cost opinion and basis for cost estimate for each street individually.
- We will utilize previous studies and preliminary design information to the extent possible
- The cost opinions will include all of the remaining gravel streets in the City based on the attached list.

C2AE proposes to perform the above Design Engineering Services for a Lump Sum fee of \$3,500.

We greatly appreciate the opportunity to submit this proposal for consideration and look forward to assisting you with this project. If the terms, as stated in this proposal, are acceptable, please return one signed copy to our office. If you have questions or comments, feel free to contact us. Thank you.

Respectfully Submitted,

C2AE

Larry M. Fox, P.E.

Principal, Director of Northern Michigan Infrastructure

AUTHORIZATION TO PROCEED
City of Boyne City

By: _____
(signature)

Date: _____

ARCHITECTURE LMF/keb

ENGINEERING G:\Marketing\Proposals\00-InProgress\BoyneCity_GravelStEst\Ltr_120830_Boyne_GravelSts_Estimates.docx

PLANNING

IT'S THE PEOPLE



*Standard Contract Provisions
Studies/Reports/Mapping Services*

IT'S THE PEOPLE

The parties to this agreement, C2AE, Lansing, Gaylord, Grand Rapids, Escanaba, and Kalamazoo Michigan, hereinafter called the A|E CONSULTANT and the City of Boyne City, Michigan, hereinafter called the OWNER, hereby agree to the following conditions:

- A. **Limit of Scope:** The services provided by the A|E CONSULTANT shall be limited to those described in the Scope of Services.
- B. **Changed Conditions:** If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to the A|E CONSULTANT are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, the A|E CONSULTANT may call for renegotiation of appropriate portions of this Agreement. The A|E CONSULTANT shall notify the OWNER of the changed conditions necessitating renegotiation, and the A|E CONSULTANT and the OWNER shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.
- C. **Additional Services:** Additional services not specifically identified in the Scope of Services shall be paid for by the OWNER in addition to the fees previously stated, provided the OWNER authorizes such services in writing. Special services will be billed monthly as work progresses and invoices are due upon receipt.
- D. **Standard of Care:** In providing services under this Agreement, the A|E CONSULTANT will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Upon notice to the A|E CONSULTANT and by mutual agreement between the parties, the A|E CONSULTANT will without additional compensation, correct those services not meeting such a standard.
- E. **Opinions of Probable Construction Cost:** In providing opinions of probable construction cost, the OWNER understands that the A|E CONSULTANT has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the A|E CONSULTANT's opinions of probable construction costs are made on the basis of the A|E CONSULTANT's professional judgment and experience. The A|E CONSULTANT makes no warranty, express or implied, that the bids or the negotiated cost of the work will not vary from the A|E CONSULTANT's opinion of probable construction cost.
- F. **Schedule for Rendering Services:** The A|E CONSULTANT shall prepare and submit for OWNER approval a schedule for the performance of the A|E CONSULTANT's services. This schedule shall include reasonable allowances for review and approval times required by the OWNER, performance of services by the OWNER's consultants, and review and approval times required by public authorities having jurisdiction over the project. This schedule shall be equitably adjusted as the project progresses, allowing for changes in scope, character or size of the project requested by the OWNER, or for delays or other causes beyond the A|E CONSULTANT's reasonable control.
- G. **Ownership of Reports, Drawings and Other Materials:** The OWNER agrees that all reports, drawings, letters, work sheets, plans, preliminary material tables, supportive data, documents and



other materials produced by the A|E CONSULTANT in the course of and for the purpose of meeting this contract are the property of the A|E CONSULTANT, and shall remain in the possession of the A|E CONSULTANT. The OWNER shall have access to the above named material during normal business hours of the A|E CONSULTANT during and after completion of this contract. The OWNER may obtain copies of any of the above named material. Copies of electronic media may be obtained by the OWNER via execution of this Agreement. (See Alteration and Reuse of CAD Information provision of this Agreement.)

- H. **Alteration and Reuse of CAD Information:** Because computer aided design/drafting (CAD) information stored in electronic form can be modified by other parties, intentionally or otherwise, without notice or indication of said modifications, the A|E CONSULTANT reserves the right to remove all indications of its ownership and/or involvement in the material from each electronic medium not held in its possession. The OWNER may retain copies of the work performed by the A|E CONSULTANT in CAD form. Copies shall be for information and used by the OWNER for the specific purpose for which the A|E CONSULTANT was engaged. Said material shall not be used by the OWNER, or transferred to any other party, for use in other projects, additions to the current project, or any other purpose for which the material was not strictly intended without the A|E CONSULTANT's express written permission. Any unauthorized modification or reuse of the materials shall be at the OWNER's sole risk, and the OWNER agrees to defend, indemnify, and hold the A|E CONSULTANT harmless, from all claims, injuries, damages, losses, expenses, and attorney's fees arising out of the unauthorized modification of these materials.
- I. **Payment Terms:** Invoices will be submitted by the A|E CONSULTANT monthly, are due upon presentation and shall be considered past due if not paid within thirty (30) calendar days of the due date. Optional (suggest leaving in both options for new or recently established clients): If payment in full is not received by the A|E CONSULTANT within forty-five (45) calendar days of the due date, invoices shall bear interest at one-and-one-half (1.5) percent (or the maximum rate allowable by law, whichever is less) of the Past Due amount per month, which shall be calculated from the invoice due date. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal.
- J. **Disputed Invoices:** If the OWNER objects to any portion of an invoice, the OWNER shall so notify the A|E CONSULTANT in writing within ten (10) calendar days of receipt of the invoice. The OWNER shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after presentation of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest at one-and-one-half (1.5) percent (or the maximum rate allowable by law, whichever is less) shall be paid by the OWNER on all disputed invoice amounts that are subsequently resolved in the A|E CONSULTANT's favor and shall be calculated on the unpaid balance from the due date of the invoice.
- K. **Abandonment of Work:** If any work is abandoned or suspended, the A|E CONSULTANT shall be paid for services performed prior to receipt of written notice from the OWNER of abandonment or suspension.



- L. **Errors and Omissions Insurance:** The A|E CONSULTANT maintains an errors and omissions insurance policy as part of normal business practice. The OWNER agrees to limit the A|E CONSULTANT's liability to the OWNER and to all Construction Contractors and Subcontractors on the project due to the A|E CONSULTANT's negligent acts, errors, or omissions, such that the total aggregate liability of the A|E CONSULTANT to all those named shall not exceed \$3,500.
- M. **Indemnification:** The A|E CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the OWNER against damages, liabilities and costs arising from the negligent acts of the A|E CONSULTANT in the performance of professional services under this Agreement, to the extent that the A|E CONSULTANT is responsible for such damages, liabilities and costs on a comparative basis of fault and responsibility between the A|E CONSULTANT and the OWNER. The A|E CONSULTANT shall not be obligated to indemnify the OWNER for the OWNER's own negligence.
- N. **Consequential Damages:** Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the OWNER nor the A|E CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation or any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the OWNER and the A|E CONSULTANT shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.
- P. **Dispute Resolution:** The OWNER agrees that all claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or breach thereof first shall be submitted for nonbinding mediation to any one of the following, as agreed to by the parties: American Arbitration Association, American Intermediation Service, Americord, Dispute Resolution, Inc., Endispute, or Judicate. Any party hereto may initiate mediation within the time allowed for filing per State law and the parties hereto agree to fully cooperate and participate in good faith to resolve the dispute(s). The cost of mediation shall be shared equally by the parties hereto.

If mediation fails to resolve the claim or dispute, the matter shall be submitted to a court of competent jurisdiction.

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER *Mc*

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT *AK*

DATE: 8/28/2012

RE: ROAD MAINTENANCE BIDS

As we discussed in our phone conversation of 8/27/12; I would like change my original recommendation for the award of this contract. After further reviewing the bids it became apparent that based on unit pricing Payne and Dolan's bid may be a better value to the city. Following is a breakdown of the Square Yard unit pricing by each contractor:

Contractor	Crush and shape Single course	Crush and shape w/ roll curb. Single course	Crush and shape w/ 3inch 2 course
Payne and Dolan	\$10.85	\$11.60	\$12.15
Reith Riley	\$11.10	\$12.50	\$13.00

I have gone out to the areas to be paved and verified the quantities required to complete the project. Following is a tabulation of the quantities; the unit pricing and total costs for each:

Treatment	Quantity	Payne and Dolan	Total	Reith Riley	Total
Crush and shape single course	4,915 Sq Yd	\$10.85	\$ 53,327.75	\$ 11.10	\$ 54,556.50
Crush and shape w/ roll curb. Single course	5,530 Sq Yd	\$11.60	\$ 64,148.00	\$ 12.50	\$ 69,125.00
Crush and shape w/ 3inch 2 course	3,635 Sq Yd	\$12.15	\$ 44,165.25	\$ 13.00	\$ 47,255.00
Concrete Curb	142 Lin Ft	\$26.00	\$ 3,692.00	\$ 15.50	\$ 2,201.00
		Total Cost	\$ 165,333.00		\$173,137.50

RECOMENDATION:

It is my recommendation that the City Commission award the contract for the 2012 Pavement Maintenance Project to Payne and Dolan for the amount of \$165,333.00; and authorize the City Manager to sign the required documents. Funds for this work were included in both the Major Street and Local Street Maintenance fund budgets for this year.

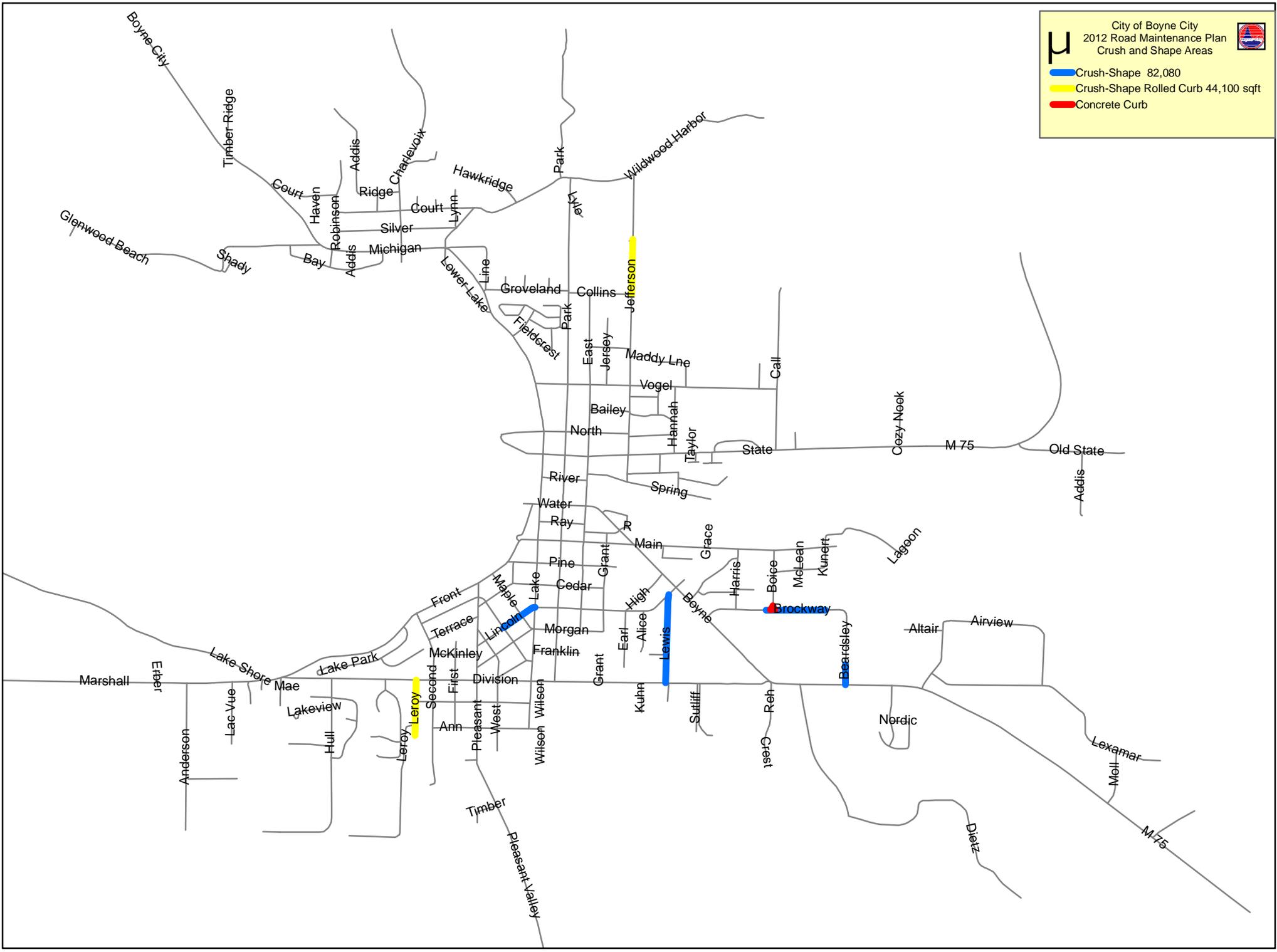
OPTIONS:

- That this matter be postponed for additional information or consideration
- That this matter be approved subject to some revision
- Other options as determined by the City Commission

City of Boyne City
 2012 Road Maintenance Plan
 Crush and Shape Areas



- █ Crush-Shape 82,080
- █ Crush-Shape Rolled Curb 44,100 sqft
- █ Concrete Curb





City of Boyne City

Agenda Item 9C
MEMO

Date: September 7, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Placing Making Grant Opportunity

Attached is information received late last week regarding a Placemaking Technical Assistance opportunity which may be helpful in our efforts to develop layout and design plans for reworked City facilities here on our current site. The importance of the proper use of this site to the community has been reflected in numerous goal setting sessions and our Waterfront Master Plan. The assistance being offered will bring in outside expertise that could provide a fresh perspective and new ideas as we work to balance all the different uses we have going on in this area and work to insure that they complement and do not conflict with each other.

If we are successful in obtaining the support offered I am hopeful that the benefits of participation noted on page two of the attached email would help us move this project forward, especially the assistance in identifying state and outside resources to help implement the plan (second to last bullet in this section)

I have contacted the Michigan Municipal League regarding this opportunity and may have additional information by the time of our meeting.

As I have mentioned before there are no guarantees in applying for any of these opportunities, except that if we do not apply we definitely will get nothing.

As noted at the bottom of page two letters of intent are due by Friday, September 21st.

RECOMEMNDATION: That the City Commission approve a motion supporting pursuing and participating in a Placemaking Technical Assistance opportunity for the redevelopment of the existing City Hall site and surrounding area and authorize the City Manager and/or City Clerk Treasurer to submit the necessary documents in order to do so.

OPTIONS:

- Postpone the matter for further information (note 9/21 deadline)
- Deny the request
- Other action as determined by the City Commission

Michael Cain

From: Michigan Municipal League [hvanpoucker@mml.org]
Sent: Thursday, August 30, 2012 8:44 AM
To: Michael Cain
Subject: Request for Applications - Placemaking Technical Assistance Opportunity



Request for Applications Placemaking Technical Assistance Opportunity

As part of the [MIPlace Partnership](#), the Michigan State Housing Development Authority (MSHDA), the Michigan Municipal League (MML) and Michigan State University's School of Planning, Design and Construction (MSU) have developed PlacePlans, an initiative to help communities design and plan for transformative placemaking projects. In fall 2012 and winter/spring 2013, approximately five communities will be chosen to receive the first round of PlacePlans technical assistance. MSHDA, MML and MSU are soliciting applications from interested local government or non-profit organizations through September 21, 2012 .

Why "Place"?

National data and anecdotal evidence in Michigan is showing that people of all ages are looking for a style of living that includes quality physical design, walkability, transit options, arts and culture, diversity and a green environment. This style of living is often summed up as "Quality of Place". The competition for attracting and retaining a talented workforce is no longer with neighboring communities or states, it is now global. People, young and old alike, are choosing Place first. Now, more than ever, strategically investing in communities that are committed to creating quality Places is a critical element of any economic development policy, and is central to the long-term success of Michigan.

In the last year, Governor Snyder has focused on Place as a critical component of Michigan's economic and community development strategy in three of his special addresses to the Legislature. In May 2012, he approved the creation of the MIPlace Partnership. MSHDA is the lead agency in state government to implement this new initiative, and MML and MSU are key partners representing communities and academic experts.

Objectives and Project Scale

The PlacePlans initiative aims to assist communities in Michigan to inclusively plan for projects that will substantially impact the Quality of Place where they are conducted. Projects will be led by professional planners, public policy experts and landscape architects and supported by MSU students. MSU, MML and MSHDA will use the lessons learned and projects completed as best practice models for many other communities in Michigan of similar size and type. Thus, projects of different scales and from varied geographic locations around the state would be ideal candidates for this first round.

Project scale could include specific project sites, neighborhoods, downtowns and/or traditional commercial districts with the potential to make a real impact at both the local and regional levels.

Benefits of Participation

MML and MSU, building on the successes of their Center for 21st Century Communities and Small Town Design Initiative, respectively, will collaboratively offer participating communities:

- Recommendations on key community Quality of Place assets and opportunities (September-October)
- Orientation meeting and interviews with local and regional stakeholders (October-December)
- Community visioning session focused on the specific project (October-December)
- On-site design workshop to develop project ideas and incorporate input from community residents (December-February)
- Public presentation of refined designs and plans (March-April)
- Assistance identifying state and other outside resources to assist in project implementation (May-June)
- Final report including specific design and planning recommendations (July)

Expectations of Participating Organizations

PlacePlans relies on input and active involvement from the local government, residents, non-profit and for-profit organizations. Participating communities are expected to:

- Make lead staff and other key stakeholders available for a project launch meeting the week of **October 8**.
- Make key staff of lead organizations available to assist the MSU and MML team in their research, marketing, and meeting planning for the initiative
- Assist in marketing the process to residents, business owners and other key stakeholders
- Provide connections to leaders from partner organizations, anchor institutions, property owners and other stakeholders
- Cover any direct costs for on-site meetings, such as refreshments, facility rental or audiovisual equipment
- Follow through with implementation or continued support of implementation into the future
- Continue to participate in training opportunities to learn more about placemaking

Application Requirements

Submit a letter of interest to hvanpoucker@mml.org by **3:00pm Eastern, Friday September 21**. While project partners may include other entities, the lead entity should be a city, village or a non-profit organization working with a city or village. Letters should be limited to three pages, not including supporting attachments and support letters. Letters should succinctly address the following topics:

- Description of the project and the impacted property(ies)
- How this project fits into a broader vision for the community and the surrounding region
- Opportunities for near-term action on the project site, including property owner interest, possible funding sources, etc.
- Past or planned investments in Quality of Place in the community, including investments by state/federal agencies and private sector entities
- Evidence of local support for the project
- Support the community is able to provide, such as staff or volunteer hours, local dollar match, meeting venues, etc.

Review and Notification Process

Staff from MML and MSU will review all applications by September 27. They will then contact the top applicants to attempt to complete a formal participation agreement, beginning approximately October 1. After participation agreements are completed, all other applicants will be notified of their status.

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Michigan Municipal League, 1675 Green Road, Ann Arbor, MI 48105



September 2012

September 2012							October 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					September 1 Airport Closed Red Fox Regatta More Items... 2 Airport Closed Red Fox Regatta Drag Race
Labor Day (United States) 3	5:00pm ZBA 4	8:00am Farmers Market 5	8:30am Main Street Board mtg. 6:00pm Parks & Rec 6		8:00am Farmers Market 7 9 Community Picnic
12:00pm EDC/LDFA 10	7:00pm City Commission 11	8:00am Farmers Market 12			8:00am Farmers Market 13 14 15 16
5:00pm Planning Commission 7:00pm Historical Commission 17		8:00am Farmers Market 10:30am Flu Shots 18	5:30pm Business after hours-Airport 19		8:00am Farmers Market 20 21 22 23
	12:00pm City Commission 24	8:00am Farmers Market 3:30pm Flu Shots 25	5:30pm Airport Advisory Board 6:30pm Housing Commission 26		8:00am Farmers Market 27 28 29 30

October 2012

October 2012

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2012

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
October 1	2	3	4	5	6
	5:00pm ZBA	8:00am Farmers Market	8:30am Main Street Board mtg. 6:00pm Parks & Rec		Harvest Fest 8:00am Farmers Market
8	9	10	11	12	13
	7:00pm City Commission	8:00am Farmers Market			8:00am Farmers Market
15	16	17	18	19	20
Marina Closes 5:00pm Planning Commission		8:00am Farmers Market			8:00am Farmers Market
22	23	24	25	26	27
	12:00pm City Commission	8:00am Farmers Market	5:30pm Airport Advisory Board 6:30pm Housing Commission		8:00am Farmers Market
29	30	31			
		8:00am Farmers Market 5:00pm Spook House 5:00pm Trick or Treat			