

**September 28, 2021
REGULAR MEETING**

CALL TO ORDER

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

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

Absent: None

Staff: Michael Cain, Kevin Spate, Tim Faas, Jessica Puroll, Barb Brooks, and Scott McPherson

Others: There were 50 citizens in attendance.

**CONSENT AGENDA
MOTION**

2021-09-120
Moved by Conklin
Second by Page

-Approve the September 14, 2021 regular meeting minutes as presented.

-Approve the recommendation from the Director of Public Works Tim Faas to approve the purchase order contract with Robinson's Landscaping and Nursery Inc. of Boyne City, MI in an amount not-to-exceed \$22,735, and authorize the City Manager to execute any necessary documents.

-Approve the recommendation from the Director of Public Works Tim Faas to approve the attached letter of support for the TOMMBA grant application to the Charlevoix County Community Foundation.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

*Mayor Neidhamer started the citizens comment portion by stating in effort to be responsive to the citizens the Commission has decided to start the citizens comment process different than normal. The City Manager will begin by answering citizen questions from previous meetings.

-City Manager Cain responded to the citizen question of why a non-resident was selected over a resident on the EDC board. The general rule from the City attorney is that only citizens are to be on Boyne City boards and commissions, however, there are exceptions. The EDC/LDFA has requirements of the state statute to have ownership or other business interest in those areas. The plant manager at Precious Edge meets these qualifications, and is in compliance with the State statute law.

-Sandy Pritchard would like to receive a report on the EMS consolidation that was on the January agenda.

-Penny Hardy wants to make sure you believe as Commissioners your duty is to reflect what the majority opinion is what you represent. Recommends a public survey.

CORRESPONDENCE

None

**CITY MANAGERS
REPORT**

City Manager Cain reported:

-The September 18th Household Rubbish collection program went smoothly.

-City Manager Cain completed his 3-year term on the Michigan Municipal League's Board of Directors at their annual conference last week.

-Congratulations to all those involved with the successful Harvest Festival this past weekend.

-We are reviewing the applications we've received for our DPW Director, Treasurer, and Main Street Executive Director and look to be conducting interviews soon.

-The preparation of our parks for winter (sprinkler, restroom shutdown, etc.) is underway.

-Staff anticipates the trusses for the extension of the peak rook of the pumphouse/river mouth restroom building are expected to arrive later this week or next.

-The Health Department will be offering free drive-thru COVID testing at the Fire Hall Saturday, October 2nd between 10:00 a.m. and 4:00 p.m. The next testing at our Fire Hall will be on Saturday, October 23rd.

-The City's seasonal Leaf Collection program begins for this fall on Monday, October 11th.

-We received the ballots for our November election and they are being mailed out to those who have returned completed absentee ballot applications. As of 12:30 p.m. on September 28th 429 absentee ballots have been issued.

-A reminder that the Chamber of Commerce will be holding their 2nd City Commission Candidates Forum on Thursday, October 14th, from 6 to 8 p.m., here in the Commission Chambers, two days after our next meeting.

-The water department is working on valve repairs on Front Street.

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

Received and Filed:

-August 2021 Financial Statement

**OLD BUSINESS
Pickleball Courts
Fencing
MOTION**

2021-09-121

Moved by Conklin

Second by Solomon

Approve the recommendation from the Director of Public Works Tim Faas to award a purchase order contract for the installation of pickleball safety fencing as proposed by the Harbor Fence Company of 2009 US-31N, Petoskey, MI 49770 in an amount not-to-exceed \$11,525.17.

Director of Public Works Tim Faas discussed the pickleball courts fencing recommendation. The original recommendation was presented to the City Commission in August 2021. At this time a representative from another user group that plays at night raised concerns about the design. During this meeting the City Commission chose to table it for future consideration after the design concern was evaluated further. After receiving feedback from both the night and day user groups a majority agreed to the revised design. The revised design is repriced at \$11,525.17 for Phase 1 of the fencing plan. A future phase, including benches, would be considered as part of the 2022-2023 fiscal year budget. Grant applications would be pursued to offset the costs. Players have agreed to raise \$4,000 towards the project. The delay in moving forward last month could impact getting fencing installed this season.

Staff Comment: None

Public Comment:

Bob Parish asked how much donation money has been raised.

Rotary raised \$500 in donation money.

Marty Moody questioned if the Parks and Recreation board is fully on board with spending this money. How did we double to cost?

Sandy Hill questioned if this was put out to bid.

Carl VanDomelen stated 35% of the cost of the project is going to be raised by the players. Cost to the City is about \$7,000. This is a worthwhile investment to add value to the City.

Woody Hardy questioned who gets to use the courts.

Bob Parish stated that we play Monday, Wednesday, Friday if you show up we put you in. We welcome anybody.

Board Discussion: All agree with the recommendation.

Solomon states this is a sport that has exploded in popularity.

We've made similar investments, and the scope is appropriate. This fits within the budget, and is a long term investment. One more improvement to give our residents.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Marina Grant Application
MOTION**

2021-09-122

Moved by Page

Second by Grunch

Approve the recommendation from Executive Assistant/Harbormaster Barb Brooks to move forward with the EDA – Travel, Tourism, and Outdoor Recreation grant application to provide funding 67% funding of the construction costs in the amount of \$3,210,043, approve the proposal from Abonmarche to complete and submit the grant application based on an hourly rate; not-to-exceed \$10,000, and authorize the City Manager to execute any necessary documents.

Executive Assistant/Harbormaster Barb Brooks spoke regarding the Economic Development Administration (EDA) grant application recommendation. Staff has been researching a grant opportunity through the EDA under the American Rescue Plan, EDA was allocated \$3 billion in supplemental funding to assist communities nationwide. One of their funding categories is "Travel, Tourism, and Outdoor Recreation". This is a competitive grant. This is an opportunity to look at funding the entire marina project. In the previous months we have been discussing phase 2 of the marina project. The current docks (fixed peers) are estimated to have been in place since the 1950's – 1960's. A few have been replaced, and upkeep on these docks has been kept. This grant would allow us to replace the existing dock structures without general fund contribution. There are no application submission deadlines, however, EDA encourages eligible applicants to submit their applications as soon as possible. Their process is that they wait until they receive a handful (10-20) of applications, review them, award funds to approved projects, and then use what funds are remaining for the next round of application reviews. The grant is an all or nothing consideration. A community cannot go back to EDA a second time for additional funds. The only stipulations we are aware of at this time is that the project remain in place as its intended purpose for the life of the facility, the applicants provide a local contribution, and enhance and promote tourism. The EDA is not interested in managing or participating in the day to day operations of their approved projects. They only want to protect their investment and use the funds as intended. Staff is proposing a 33% match. There are possible resolutions to address concerns. For instance to help with the view concern 6x6 post can be adjusted. Brooks has meant with Ann Parks, Kathy Leist, and Mark Smith to discuss the 4th of July fireworks. A resolution that could be put in writing is that the slips in the firework area are not rented out on the 4th of July. Marina user fees can support bond payments so this will not be a burden to tax payers. Marina user funds are for the marina and cannot be used for other City projects. Other than special events or holidays parking is not ever an issue. Not all users are there at the same time, and everyone has always figured it out. What you see will be different. This is a great opportunity to replace the full marina. To give the City the best chance of obtaining this grant application is to contract with Abonmarche to complete and submit the application. The application is lengthy and time consuming, and staff is not versed in it.

Brooks responses to questions submitted by Penny Hardy that are directed towards the marina. The docks have been floating since the 80's. Brooks cannot answer why they didn't do things prior to when she started with the City. It is her understanding that the marina fund and the general fund were not separated at this time, and that they might not have had a good way to determine tracking of marina funds. Maintenance work has been done to the marina over the years. The question was how much were we going to do if we thought we were going to move forward with the full redevelopment plan for the marina which has been in discussion for approximately 20 years. The floating breakwaters have always been scheduled to be replaced. These have lived much longer than

their expected lifespan. They work as they were intended to serve, and still function. There is nothing in the plans to expand the bathroom and showers. The marina has always ended the fiscal year with a fund balance for at least the last 15 years. Water levels can be extreme either up or down. All docks are floating docks. Water level will not affect floating docks. Everyone has the opportunity to use the marina. Seasonal does not refer to address it refers to how it's used. Transient refers to how you rent the dock meaning nightly use. Anyone can rent a slip on a nightly basis.

Brooks addresses concerns presented. In regards to dock maintenance. The docks do receive maintenance which is why we are able to use them and they are still operational. We haven't replaced them. Construction costs have approximately \$624,000 built in for contingency budgeted in case something unexpected arises. The numbers do not reflect anything to do with the mooring field. The grant is strictly for enhancing and building tourism it cannot be used to fix just what we have. This project has been permitted twice now. The marina has not drawn from the general fund in over 15 years.

Staff Comment:

City Manager Cain stated that when he first came to Boyne City there was not a separate marina fund. There was no tracking of what came in and out of the marina. When changing it to its own fund it gave us much better financial control. There has been a change since August. After the August meeting staff become aware of a new possible grant opportunity. The City Attorney has advised us in writing that the City Commission cannot put an advisory matters on the City ballot.

Public Comment:

Penny Hardy was previously told to submit questions in writing ahead of time which she did, and asked to be on the agenda which she is not. The people that submitted questions ahead of time should have their questions answered first.

Barb Malpass Young wants to remind the Commission and City Manager it is the citizens first, then the Commission, and then the City Manager. People do not want the marina to expand. Put it on the ballot. Need to use marina funds to fix it.

Sandy Hill questioned why haven't you put this on the ballot to vote? Why would five Commissioners make this decision for all of us?

Bonnie Johnson states this was a proposal in August. Are we considering that there is another way to fix the marina without the grants? More to look into than just this grant. Asking to slow it down.

Jerry Froats spoke. The waterfront belongs to the people. Inflation costs of the project are going to double.

Connie Constaler when you put in for that grant you have to show everything you want to do with that money.

Don Lockman is questioning the parking situation it will create. Does not want to lose the view. Not enough planned parking. Does the City provide use of the City vehicles to the marina?

Richard Cook questioned how many feet of the lakefront will be used for the marina. How many slips would that add?

Christina Rouleau if we know that we do not have enough current revenue to fix the marina why haven't we gone back to the drawing board to fix what we have instead of combining it with the project making it a mess when the people do not want it. Proposes that this should go to a public vote.

Jim Baumann spoke. All we are doing tonight is applying for a grant to see if we can get \$3.5 million bucks.

Sandy Pritchard questioned if there has ever been a design that deals with the existing footprint. Frustrated with the numbers not matching.

Jeff Gaither is in favor of the marina, expansion, and applying for the grant. Wants people to take a look at it from another perspective. Just because you don't use it doesn't mean it doesn't have value. The marina is not private property. This is an opportunity for the City to apply for money.

Corey Toornman a local who owns a boat would rather have a dock in Boyne City so that she can spend her money in town rather than going to different areas.

Asuka Barden questioned if there have been any other plans talked about. Challenges the Commission to make a different motion.

John McCahan has seen a lot of marinas. Boyne City has a third class marina. We need to expand our marina to get close to satisfying the demand. Parking is not going to be an issue.

Transient users do not need parking. Will still have plenty of view, and will have the open space for a view.

Eileen Belleau questioned if this is the only plan the consultant came up with. Is this the only place the docks can go? If you apply for the grant can we then say no?

Brian Holm spoke. Cannot maintain marina with money that is being made is the biggest problem, and if you add more to it you will not be able to take care of it.

Marty Moody questioned if we submit this current plan can it be changed if we get the grant money? With the grant that we have now the State is going to dictate how we are going to use the boats slips. With the grant we are applying for now we won't be dictated? What happens if boaters do not get out of the slips on the 4th of July? Not sure how we get to a sustainable debt service.

Board Discussion: All agree with the recommendation.

Solomon we need to replace the docks. They are well past their useful service. How are we going to handle a demand that is greater than the slips we have in a way to be able to fund it without leaning on our general fund? We can solve the problem by a large grant. The plan is not perfect, but if this works out we will be able to sustain the marina for a long time without having to go to the tax payers. We need to address the marina. We do not have a project until we approve the construction bids. There is a lot more to happen. The issues related to the view impact are manageable. We can use our parking study to see what may or may not be parking impacts. We can also keep working on our strategies to communicate with the public. We need to continue to explore the options we have.

Page believes this grant could solve the problem, and supports moving forward.

Conklin thinks we need to address the 4th of July, and a parking plan to see how we are going to address this as we move forward.

What does the \$10,000 include for the grant preparation? Do we have an estimated cost of refurbishing the existing dock? Inflation of favorable bond rate should be considered.

Grunch states that the purpose is to decide if we should apply for the grant, and it would be foolish not to. Our purpose is to make Boyne City the best it can be.

Neidhamer states that economic vitality and economic engine is our responsibility. Why did we get grant money to redo the pavilion, to buy the open space, why did we pursue cooperation to get new trails, and use grant money to edge it with our money to redo streets? Because that is our job. Our job is to improve, enhance, and maintain amenities. We make our town better by improving our assets. Our job is to create economic vitality.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

NEW BUSINESS
Proposed Amendment to
Section 21.68
MOTION

2021-09-123
Moved by Solomon
Second by Page

Approve the recommendation from Planning Director Scott McPherson to direct staff to schedule a second reading of the proposed zoning text amendment for the City Commission agenda on or after November 9, 2021.

Planning Director Scott McPherson discussed the proposed amendment to section 21.68. A request for a conditional use permit for a Bed and Breakfast was heard by the Planning Commission on June 21, 2021. After reviewing the application, it was determined that the request could not be approved as it did not meet the 500-foot separation requirement as stipulated by section 21.68(G) of the Boyne City Zoning Ordinance. After further discussion there was a consensus that the 500-foot separation distance was too restrictive. Since the development of the Boyne City Zoning Ordinance standards for Bed and Breakfast uses in 1989 there have been a total of four applications submitted.

Staff Comment: None
Public Comment: None
Board Discussion: All agree with the recommendation.
Conklin questioned why haven't there been more applications, and if there were any concerns from the Planning Commission.
Solomon inquired on why the 500-foot rule was established.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Peninsula Beach
Pavilion Projects Letters
of Support for the Boyne
City Rotary Club**

MOTION

2021-09-124
Moved by Conklin
Second by Solomon

Approve the recommendation from the Director of Public Works Tim Faas to approve the City Manager to sign the attached letters of support for the Boyne City Rotary Club Peninsula Beach Pavilion Project with final design subject to review by the Parks and Recreation Commission and the City Commission.

Director of Public Works Tim Faas discussed the pavilion project letters of support recommendation. On August 4, 2021 the Boyne City Rotary Club presented a request to the City Parks and Recreation Commission about sponsoring a project at Peninsula Beach as part of its one hundred year anniversary in the City of Boyne City. The project discussed was an open air picnic pavilion to be constructed at Peninsula Beach in 2022.

Staff Comment:

City Manager Michael Cain thinks this is an exciting opportunity. We have seen what the Rotary has done in the past, and we have been talking for quite some time adding amenities to the park.

Public Comment:

Woody Hardy questioned if the construction would be connected to the bathrooms.

Carl VanDomelen questioned roughly how many square feet do you envision this shelter to be.

Board Discussion: All agree with the recommendation.

Solomon asked if the construction is done through the City or Rotary, and what the expected cost would be for the lifespan of the building.

Conklin questioned if this will look something like the pavilion at the Waterworks park.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Election Commission
Appointment**
MOTION

2021-09-125
Moved by Solomon
Second by Page

Approve the appointment of Carl VanDomelen to the Election Commission with a term that does not expire.

Deputy City Clerk Jessica Puroll discussed the Election Commission appointment. The Election Commission has an opening for one member. The Election Commission consists of the clerk and two other members as appointed by commission. The opening was advertised through social media, and two applications of interest were received.

Staff Comment:

Executive Assistant/Harbormaster Barb Brooks thanked and stated her appreciation for the applicant's willingness to be involved.

Public Comment:

Asuka Barden submitted her application in July when she heard through word of mouth that there was a vacancy. She was recently appointed to the County Board of Canvassers, and due to this is withdrawing her application for the Election Commission.

Carl VanDomelen has been a resident of Boyne City since 2001. He wishes to contribute to the election process to ensure integrity of local, state, and federal elections.

Board Discussion: All agree with the recommendation.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Compensation
Commission
Appointment
MOTION**

2021-09-126

Moved by Conklin

Second by Page

Approve the appointment of Pat Anzell to the Compensation Commission for a full term expiring October 1, 2025, and approve the appointment of Peter Friedrich to the Compensation Commission for a partial term expiring October 1, 2024.

City Manager Cain spoke regarding the Compensation Commission appointments. The Compensation Commission has two openings. One term is to fill a vacancy that would expire October 1, 2024, and the other is for a full term that would expire October 1, 2025. The Compensation Commission consists of five members. The Compensation Commission will make recommendations regarding salaries of each elected official, including the Mayor and City Commission. The Compensation Commission conduct a meeting every odd numbered year.

Staff Comment:

City Manager Cain reported that around 4:45 p.m. Jim Baumann withdrew his application.

Public Comment: None

Board Discussion: All agree with the recommendation.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Parks and Recreation
Board Member
Appointment
MOTION**

2021-09-127
Moved by Conklin
Second by Page

Approve the recommendation from the Parks and Recreation Board to appoint Peter Friedrich to the Parks and Recreation Board to fill a partial term expiring December 31, 2022.

Executive Assistant/Harbormaster Barb Brooks discussed the Parks and Recreation Board member appointment. At the September 9th meeting of the Parks and Recreation Board it was unanimously voted to recommend Peter Friedrich. A vacancy was left on the board when Lisa Alexander was no longer able to serve as she moved outside the City.

Staff Comment: None
Public Comment: None
Board Discussion: All agree with the recommendation.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Good of the Order

None

Announcements

- The next regular City Commission meeting is scheduled for October 12, 2021 at 7:00 p.m.

ADJOURNMENT

Motion by Mayor Neidhamer, second by Commissioner Grunch to adjourn at 10:22 p.m.

Tom Neidhamer
Mayor

Jessica Puroll
Deputy City Clerk