



BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, February 24, 2015 at Noon

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 February 10, 2015 City Commission regular meeting minutes as presented
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
 - A. January, 2015 Financial Statement
8. UNFINISHED BUSINESS
 - A. 2nd Reading – Drive Thru Ordinance amendment
Consideration of second reading and adoption of an amendment to the Central Business District Drive Thru Ordinance, Section 10.30 of the Boyne City Zoning Ordinance
 - B. Sommerset Point Update
 - C. Maple Lawn Cemetery Entrance Gate
Consideration to authorize the purchase of an Ameristar single slide gate as proposed by Harbor Fence in the amount of \$10,645 and authorize the City Manager to execute the documents
9. NEW BUSINESS
 - A. 1st Reading One Water Street Conditional Rezoning Request
Consideration of a First Reading for a Conditional Rezoning request from One Water Street for a drive thru bank in the Central Business District
 - B. Financial support of the Boyne Valley Trailway Support

Consideration to approve the request of Boyne Valley Trailway Committee and authorize the City to support the project through items such as applying for grants and providing administrative support as approved by the City Manager

C. Recreation Plan

Consideration to adopt the Boyne City Recreation Plan 2015-2020 as presented and as recommended by the Parks & Recreation Commission and the Planning Commission (color print version available online)

D. Street Closure Request – Mushroom Festival Craft Beer Block Party

Consideration to approve the request proposed by the Boyne Area Chamber of Commerce to approve the Mushroom Festival Craft Beer Block Party for Thursday, May 14, 2015 as part of the annual Mushroom Festival and authorize the City Manager to take the necessary steps to help implement the request

E. Consumers Energy Meter Replacement Program Information

F. Grant request for the Sobo Arts Festival

Consideration to authorize staff to apply for a \$1,900 grant from the Charlevoix County Community Foundation for the 2015 SOBO Arts Festival and authorize the City Manager to execute the documents

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, March 10, 2015 at 7:00

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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**FEBRUARY 10, 2015
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 FEBRUARY 10, 2015

CALL TO ORDER

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

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

Absent: None

Staff: Cindy Grice, Michael Cain, Barb Brooks, Annie Doyle, Scott McPherson, Jeff Gaither, Andy Kovolski, Kevin Spate, John Lamont

Others: There were 10 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

**CONSENT AGENDA
MOTION**

2015-02-009

Moved by Towne

Second by Sansom

Approval of the January 27, 2015 City Commission regular meeting minutes as presented

Approval to appoint Rose Rau to the Board of Review for a three year term expiring on January 31, 2018

Approval to contract with C2AE for bid and construction engineering services for the Lower Lake Storm Outfall project in the amount of \$9,750 and authorize the City Manager to execute the documents

Approval of a mutual aid agreement with the Jordan Valley Emergency Medical Service Authority

Approval to support and endorse the 2015 Boyne Thunder event to be held July 9 – 12, 2015 support the application to the Liquor Control Commission for a special license for the sale of beer, wine and spirits on the premises; and authorize City staff to work with the Boyne Thunder committee on needs and issues that may arise as event plans move forward

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

Correspondence from Leslie M. Neilson regarding fluoridated water usage in baby formula preparation and correspondence from Patrick McGow of Miller Canfield discussing their scope of services as bond counsel related to the City Facilities Improvement project was received and filed.

CITY MANAGERS REPORT

Mayor Grunch presented a check to members of the Boyne Valley Garden Club for \$3,000 for the upcoming 2015 season.

City Manager Cain reported:

- We have advised our water drip list customers to begin running water. We have had no exterior lines freeze yet.
- We were selected as one of the seven communities across the State to receive a PlacePlans services grant through MML and MSHDA. This will help the community develop plans to improve and provide better connections to public waterfront areas from Peninsula Beach Park, Sunset Park and the portions of Veterans Park, south of the Veterans Memorial.
- Lori Meeder has been hired as our new Main Street Executive Director and will officially begin her duties March 1.
- We are currently advertising for a General Office Clerk to fill the vacancy when Karen Seeley retires at the end of May.
- The Boyne City Marina received a \$5,000 risk reduction grant from our liability insurance provider for an electrical ground fault monitoring device.

Draft Minutes of the January 5 2015 Parks and Recreation Board Meeting; the January 8, 2015 Main Street Board Meeting; the January 15 2015 Airport Board Meeting and the January 19, 2015 Planning Commission Meeting were received and filed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Consideration to approve a resolution provided to place on the May 5th ballot, the Boyne City Facility Improvement Proposal and authorize the City Clerk / Treasurer to submit it to the County Clerk prior to the 4:00 p.m. deadline and authorize City staff to take appropriate steps to inform the public of the election and the issues.

City Facilities Bond Proposal

City Manager Cain discussed the ballot proposal and language to place the City Facilities improvement proposal on the May 5th ballot. There is no good time to ask the public for additional money. The road funding ballot measure could cut either way. Placing the matter on the May ballot also gives the Commission the option of placing another measure on the November ballot if it doesn't pass. Ultimately it will be up to the voters to determine if the need exists and if this is the appropriate way to address those needs.

Staff Comments: None

Citizens Comments: Don Smith said the Petoskey News Review quoted that the new facility would be more efficient and asked how much we will save on labor? How much will we save on the EMS facility rent? What percentage of the increase in taxes would be paid for by landlords and businesses? We could price ourselves out of affordable housing. Would money go the City & DDA? He thinks the DDA should kick in \$200,000 per year. What would be our return on investment from the MSU extension office? How much would the cost of square footage of the museum be? Mr. Smith added that he believes the DDA office should be in City Hall and be fully reimbursed for all employees.

Ken Allen said the question is should we do a bond proposal or not. The problem is the primary burden is on property owners, now and future. He thinks we should go forward.

Board Discussion: Commissioner Neidhamer said we need to go forward

for the May election. We have done our due diligence and have vetted the issues. He feels totally confident. The process started back when we hired a consultant. We got to a date and price. Commissioner Neidhamer added that he feels this process has been very open and transparent. Everyone agreed the need is there. It's the best time to borrow money. We talked about the 4H office, the museum, the design and savings on the EMS facilities. He added that he thinks it's been a very open discussion with logical conclusions.

Mayor Pro-Tem Towne said he agrees with Commissioner Neidhamer. This should go on the May 5 ballot.

Commissioner Gaylord said he feels the DDA should help with this process. He also talked about combining his concept with pay as we go. He thinks if this passes, we should set aside funds to pay down the debt. Are we going to create a climate where business comes to Boyne City. If this passes, it's another cost to do business as well. Commissioner Gaylord added that he thinks it's something we need to think very carefully about. If there's an overwhelming defeat, it would mean the folks would have clearly spoken. Like anything, details matter because that is when things and people become affected. There are things that need to be put in place before we put it to a vote. He's not sure if it's something we need to rush into. If it does go forward, this project becomes the sole focus and sole source of funding and paying it down to save taxpayers money in interest costs. The citizens will make the right decision, but he's not in favor of putting this on the May ballot.

Commissioner Sansom said she thinks we've finally reached a point to do this. She doesn't like paying higher taxes either, she's on a fixed income now, but thinks it's a worthwhile project moving forward. She added she thinks the community deserves a new EMS, Police, Fire and office facilities. This project is a lot of money. But we did set aside funds to do the DPW facilities and thinks it's from due diligence. We are getting heavy equipment off the water. She would like to see where voters stand on this and is in favor of putting it on the ballot and see where it goes.

Mayor Grunch said it's a culmination of long term planning. It became part of the top 10 list in 2003. It's a process of doing what the people have asked us to do. Regarding the millage of 2.7 mills, there is a correlation of timelines. Selling bonds will take place in early 2016. With the coming school millage rolling off. Timing wise, it could be the best because of the cost of money right now. Also, looking at inflation, what a mill brings in, with no prepayment costs, there is a good likelihood we could pay this off sooner. He added he thinks it should go to voters to ask and put it on the May ballot.

City Manager Cain said to keep it in perspective, over 8 million dollars were spent just on the Wastewater Treatment plant. These funds will cover all other departments. Look at the High School facility and it is a source of pride for us. Look at the investment made in the Library. City facilities say a lot about us. The DPW is our down payment of an overall project. There will be fine tuning. We'll never know until we try. This will be a lot of hard work for all of us.

Commissioner Neidhamer added that combining DDA dollars with grants,

20 to 30 cents on a dollar. Commissioner Gaylord added that in his opinion, the data provided by the City Manager on ballot issues placed on ballots in May versus November and percentages of these measures passing, does it really have a direct bearing. Its' all about the facts. We have to be very careful and not circumnavigate the voters to get an outcome. Commissioner Sansom said it could pass or fail. She is not looking at the data they were presented today like that.

MOTION

2015-02-010
 Moved by Towne
 Second by Sansom

To approve a resolution provided to place on the May 5th ballot the Boyne City Facility Improvement Proposal and authorize the City Clerk / Treasurer to submit it to the County Clerk prior to the 4:00 p.m. deadline and authorize City staff to take appropriate steps to inform the public of the election and the issues

Ayes: 4
 Nays: 1, Commissioner Gaylord
 Absent: 0
 Motion carried

City Manager Cain presented Mark Fowler for confirmation as our new Water / Wastewater Superintendent. He was selected out of a pool of 9 applicants for the position. His extensive water and wastewater experience as well as teaching experiences should serve him well in this position. Mr. Fowler has all the required State of Michigan licenses for operating our systems. He has already toured our facilities and spent time with all of the Water / Wastewater personnel and is anticipated to start March 2nd. His salary will be \$61,500 annually.

Staff Comments: None

Citizens Comments: None

**Water/Wastewater
 Superintendent
 Confirmation**

Board Discussion: All are in support of the recommendation to confirm Mr. Fowler and welcomed him.

2015-02-011
 Moved by Gaylord
 Second by Sansom

To approve to confirm the appointment of Mark Fowler as Water/Wastewater Superintendent for the City of Boyne City

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Veterans Park Pavilion

Consideration to authorize staff to 1) continue to refine and develop plans for the pavilion to keep the project moving forward, 2) support budgeted funds in the upcoming 2015/16 budget that would be used to match potential grants, 3) start applying for grants and soliciting contributions

with a goal to hire a consultant and start construction as soon as it is financially feasible.

Barb Brooks discussed the Veterans Park Pavilion project, the refinement of the plans for Concept 2 and investigating ways to cover the costs. This design uses the base foundation of the current pavilion and expands it to provide for additional amenities and accommodate a larger number of people. After reviewing all of the public input and researching grant opportunity specifications, we have asked the architect to incorporate a lower roof line and commercial kitchen components. The current estimate for the project is approximately \$700,000 which would include final design, engineering, bid documents, construction and construction oversight. Federal and state grant opportunities have been identified as well as local resources. Preliminary conversations have been ongoing with the MEDC who would be the main funding sources of the project. A draft spreadsheet showing sources of potential funding, possible financial contribution and budget was presented as well. The project was reviewed by the Main Street board who are in full support and unanimously voted to dedicate funds for this project. With all of the grant opportunities we have the opportunity to apply for, we may only need to pay around \$170,000 for the project. Construction could possible take place in the fall of 2015/2016 and take approximately 4 – 6 months. We know the project is within the MEDC criteria.

Staff Comments: None

Citizens Comments: Michele Cortright, representing the Charlevoix County Community Foundation said they have set up a project fund for the pavilion and some interfund agreements.

Ken Allen said 10 years ago the Commission decided to remove the bandshell. This is a huge improvement and a great project that's too important.

Board Discussion: Mayor Pro-Tem Towne said he has been in favor from day 1. He wants to see the pavilion used year around, and especially done with the grants. Commissioner Gaylord said to be consistent, he can't support City funds directed to this project. It looks nice but he can't support it. Commissioner Sansom said it will be a well used facility used by many individuals, families and organizations and she thinks we can make it happen. Commissioner Neidhamer said he is 1,000% in support of going forward with this. It is another example of getting something built for 20 cents on the dollar. Mayor Grunch also said he is support and thanked Barb Brooks and team for putting this project together.

2015-02-012

Moved by Towne

Second by Sansom

To to authorize staff to 1) continue to refine and develop plans for the pavilion to keep the project moving forward, 2) support budgeted funds in the upcoming 2015/16 budget that would be used to match potential grants, 3) start applying for grants and soliciting contributions with a goal to hire a consultant and start construction as soon as it is financially feasible

Ayes: 4
Nays: 1, Commissioner Gaylord
Absent: 0
Motion carried

Good of the Order

None

ADJOURNMENT

Moved by Mayor Grunch seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, February 10, 2015 at 1:18 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT

CASH SUMMARY BY FUND FOR BOYNE CITY

FROM 01/01/2015 TO 01/31/2015

FUND: 101 202 203 206 209 210 211 226 242 248 251 285 295 410 590 592 661
CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 01/01/2015	Total Debits	Total Credits	Ending Balance 01/31/2015
101	GENERAL FUND	3,360,053.02	242,172.39	168,048.25	3,434,177.16
202	MAJOR STREET FUND	(4,250.01)	335,693.55	331,443.54	0.00
203	LOCAL STREET FUND	(3,624.99)	73,067.72	69,442.73	0.00
206	FIRE FUND	234,812.24	98,773.49	13,249.47	320,336.26
209	CEMETERY FUND	7,375.23	260.00	246.23	7,389.00
210	AMBULANCE FUND	8,036.71	31,698.46	39,735.17	0.00
211	SPECIAL PROJECTS FUND	3,563.20	84.08	0.00	3,647.28
226	RUBBISH COLLECTION FUND	0.00	0.00	0.00	0.00
242	BOYNE THUNDER FUND	33,929.33	38,500.00	0.00	72,429.33
248	DOWNTOWN DEVELOPMENT AUTHORITY	207,872.90	4,863.25	10,237.04	202,499.11
251	LDFA FUND	1,116,310.81	100.00	2,636.00	1,113,774.81
285	MARINA FUND	140,965.89	130.00	1,298.49	139,797.40
295	AIRPORT FUND	14,330.56	2,247.52	4,693.50	11,884.58
410	BOYNE SENIORS CENTER FUND	0.00	0.00	0.00	0.00
590	WASTEWATER FUND	2,263,959.15	39,859.79	44,296.68	2,259,522.26
592	WATER FUND	526,102.43	57,329.60	29,544.80	553,887.23
661	MOTOR POOL FUND	846,928.34	62,031.29	11,143.43	897,816.20
	TOTAL - ALL FUNDS	8,756,364.81	986,811.14	726,015.33	9,017,160.62

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 101 - GENERAL FUND					
Revenues					
031-REVENUES	3,656,995.00	2,459,261.30	27,288.98	1,197,733.70	67.25
032-REVENUES	992,078.00	294,535.08	65,689.00	697,542.92	29.69
033-REVENUES	142,500.00	106,499.97	11,833.33	36,000.03	74.74
034-REVENUES	152,500.00	66,621.85	2,629.23	85,878.15	43.69
035-REVENUES	13,200.00	8,917.34	1,267.43	4,282.66	67.56
036-REVENUES	77,784.00	88,454.28	9,048.39	(10,670.28)	113.72
TOTAL Revenues	5,035,057.00	3,024,289.82	117,756.36	2,010,767.18	60.06
Expenditures					
101-LEGISLATIVE	20,695.00	19,409.14	0.00	1,285.86	93.79
151-PLANNING	170,363.00	117,916.75	14,677.99	52,446.25	69.21
173-GENERAL SERVICES	586,324.00	419,751.06	54,322.71	166,572.94	71.59
191-ELECTIONS	2,300.00	2,644.74	0.00	(344.74)	114.99
208-ACCOUNTING/AUDIT	12,800.00	10,202.50	0.00	2,597.50	79.71
209-ASSESSMENT/TAXES	70,610.00	50,545.25	4,513.33	20,064.75	71.58
210-LEGAL	60,000.00	17,967.29	21.00	42,032.71	29.95
248-GENERAL/OTHER SERVICES	161,300.00	70,122.61	8,761.50	91,177.39	43.47
250-HOUSING	0.00	3,779.11	62.59	(3,779.11)	100.00
265-PUBLIC BUILDINGS	1,195,240.00	135,620.34	9,464.15	1,059,619.66	11.35
301-POLICE DEPARTMENT	673,774.00	456,266.39	53,366.11	217,507.61	67.72
706-ENVIRONMENTAL	825.00	1,000.00	0.00	(175.00)	121.21
751-PARKS & RECREATION	327,900.00	189,542.92	12,133.63	138,357.08	57.81
804-MUSEUM	3,177.00	1,314.39	151.08	1,862.61	41.37
809-SIDEWALKS	808,000.00	3,113.25	0.00	804,886.75	0.39
899-CONTINGENCY	35,992.00	24,013.52	1,445.74	11,978.48	66.72
965-TRANSFERS OUT	905,757.00	973,070.38	(122,621.58)	(67,313.38)	107.43
TOTAL Expenditures	5,035,057.00	2,496,279.64	36,298.25	2,538,777.36	49.58
Fund 101 - GENERAL FUND:					
TOTAL REVENUES	5,035,057.00	3,024,289.82	117,756.36	2,010,767.18	60.06
TOTAL EXPENDITURES	5,035,057.00	2,496,279.64	36,298.25	2,538,777.36	49.58
NET OF REVENUES & EXPENDITURES	0.00	528,010.18	81,458.11	(528,010.18)	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 202 - MAJOR STREET FUND					
Revenues					
030-REVENUES	1,540,719.00	1,412,459.53	173,989.39	128,259.47	91.68
TOTAL Revenues	1,540,719.00	1,412,459.53	173,989.39	128,259.47	91.68
Expenditures					
451-CONSTRUCTION	1,021,070.00	1,111,609.98	105,893.77	(90,539.98)	108.87
463-ROUTINE MAINTANCE	197,700.00	129,209.91	12,144.02	68,490.09	65.36
474-TRAFFIC SERVICE	32,200.00	6,431.15	332.75	25,768.85	19.97
478-WINTER MAINTENANCE	148,000.00	98,353.93	45,708.77	49,646.07	66.46
482-ADMINISTRATION	141,749.00	49,753.95	5,660.07	91,995.05	35.10
TOTAL Expenditures	1,540,719.00	1,395,358.92	169,739.38	145,360.08	90.57
Fund 202 - MAJOR STREET FUND:					
TOTAL REVENUES	1,540,719.00	1,412,459.53	173,989.39	128,259.47	91.68
TOTAL EXPENDITURES	1,540,719.00	1,395,358.92	169,739.38	145,360.08	90.57
NET OF REVENUES & EXPENDITURES	0.00	17,100.61	4,250.01	(17,100.61)	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 203 - LOCAL STREET FUND					
Revenues					
030-REVENUES	537,381.00	328,629.99	73,067.72	208,751.01	61.15
TOTAL Revenues	537,381.00	328,629.99	73,067.72	208,751.01	61.15
Expenditures					
451-CONSTRUCTION	20,763.00	14,035.98	9,793.67	6,727.02	67.60
463-ROUTINE MAINTANCE	308,100.00	170,414.04	13,009.55	137,685.96	55.31
474-TRAFFIC SERVICE	19,625.00	5,730.62	669.37	13,894.38	29.20
478-WINTER MAINTENANCE	120,610.00	88,650.42	40,868.53	31,959.58	73.50
482-ADMINISTRATION	68,283.00	47,221.33	5,101.61	21,061.67	69.16
TOTAL Expenditures	537,381.00	326,052.39	69,442.73	211,328.61	60.67
Fund 203 - LOCAL STREET FUND:					
TOTAL REVENUES	537,381.00	328,629.99	73,067.72	208,751.01	61.15
TOTAL EXPENDITURES	537,381.00	326,052.39	69,442.73	211,328.61	60.67
NET OF REVENUES & EXPENDITURES	0.00	2,577.60	3,624.99	(2,577.60)	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 206 - FIRE FUND					
Revenues					
030-REVENUES	293,000.00	12,136.17	98,773.49	280,863.83	4.14
TOTAL Revenues	293,000.00	12,136.17	98,773.49	280,863.83	4.14
Expenditures					
040-EXPENDITURES	266,341.00	137,334.64	13,249.47	129,006.36	51.56
TOTAL Expenditures	266,341.00	137,334.64	13,249.47	129,006.36	51.56
Fund 206 - FIRE FUND:					
TOTAL REVENUES	293,000.00	12,136.17	98,773.49	280,863.83	4.14
TOTAL EXPENDITURES	266,341.00	137,334.64	13,249.47	129,006.36	51.56
NET OF REVENUES & EXPENDITURES	26,659.00	(125,198.47)	85,524.02	151,857.47	469.63

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 209 - CEMETERY FUND					
Revenues					
030-REVENUES	68,755.00	20,280.00	260.00	48,475.00	29.50
TOTAL Revenues	68,755.00	20,280.00	260.00	48,475.00	29.50
Expenditures					
040-EXPENDITURES	68,755.00	39,395.00	246.23	29,360.00	57.30
TOTAL Expenditures	68,755.00	39,395.00	246.23	29,360.00	57.30
Fund 209 - CEMETERY FUND:					
TOTAL REVENUES	68,755.00	20,280.00	260.00	48,475.00	29.50
TOTAL EXPENDITURES	68,755.00	39,395.00	246.23	29,360.00	57.30
NET OF REVENUES & EXPENDITURES	0.00	(19,115.00)	13.77	19,115.00	100.00

User: Cindy

DB: Boyne City

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 210 - AMBULANCE FUND					
Revenues					
030-REVENUES	749,535.00	521,907.41	47,254.60	227,627.59	69.63
032-REVENUES	147,527.00	121,664.00	31,044.50	25,863.00	82.47
TOTAL Revenues	897,062.00	643,571.41	78,299.10	253,490.59	71.74
Expenditures					
040-EXPENDITURES	749,535.00	630,950.37	64,671.71	118,584.63	84.18
045-EXPENSES	182,000.00	0.00	0.00	182,000.00	0.00
TOTAL Expenditures	931,535.00	630,950.37	64,671.71	300,584.63	67.73
Fund 210 - AMBULANCE FUND:					
TOTAL REVENUES	897,062.00	643,571.41	78,299.10	253,490.59	71.74
TOTAL EXPENDITURES	931,535.00	630,950.37	64,671.71	300,584.63	67.73
NET OF REVENUES & EXPENDITURES	(34,473.00)	12,621.04	13,627.39	(47,094.04)	36.61

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 211 - SPECIAL PROJECTS FUND					
Revenues					
030-REVENUES	0.00	29,043.81	84.08	(29,043.81)	100.00
TOTAL Revenues	0.00	29,043.81	84.08	(29,043.81)	100.00
Expenditures					
040-EXPENDITURES	0.00	27,676.98	0.00	(27,676.98)	100.00
TOTAL Expenditures	0.00	27,676.98	0.00	(27,676.98)	100.00
Fund 211 - SPECIAL PROJECTS FUND:					
TOTAL REVENUES	0.00	29,043.81	84.08	(29,043.81)	100.00
TOTAL EXPENDITURES	0.00	27,676.98	0.00	(27,676.98)	100.00
NET OF REVENUES & EXPENDITURES	0.00	1,366.83	84.08	(1,366.83)	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 226 - RUBBISH COLLECTION FUND					
Revenues					
030-REVENUES	35,100.00	35,527.51	0.00	(427.51)	101.22
TOTAL Revenues	<u>35,100.00</u>	<u>35,527.51</u>	<u>0.00</u>	<u>(427.51)</u>	<u>101.22</u>
Expenditures					
040-EXPENDITURES	35,100.00	35,527.51	0.00	(427.51)	101.22
TOTAL Expenditures	<u>35,100.00</u>	<u>35,527.51</u>	<u>0.00</u>	<u>(427.51)</u>	<u>101.22</u>
Fund 226 - RUBBISH COLLECTION FUND:					
TOTAL REVENUES	35,100.00	35,527.51	0.00	(427.51)	101.22
TOTAL EXPENDITURES	<u>35,100.00</u>	<u>35,527.51</u>	<u>0.00</u>	<u>(427.51)</u>	<u>101.22</u>
NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	0.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 242 - BOYNE THUNDER FUND					
Revenues					
030-REVENUES	165,000.00	159,731.04	38,500.00	5,268.96	96.81
TOTAL Revenues	<u>165,000.00</u>	<u>159,731.04</u>	<u>38,500.00</u>	<u>5,268.96</u>	<u>96.81</u>
Expenditures					
040-EXPENDITURES	140,100.00	193,015.42	0.00	(52,915.42)	137.77
TOTAL Expenditures	<u>140,100.00</u>	<u>193,015.42</u>	<u>0.00</u>	<u>(52,915.42)</u>	<u>137.77</u>
Fund 242 - BOYNE THUNDER FUND:					
TOTAL REVENUES	165,000.00	159,731.04	38,500.00	5,268.96	96.81
TOTAL EXPENDITURES	<u>140,100.00</u>	<u>193,015.42</u>	<u>0.00</u>	<u>(52,915.42)</u>	<u>137.77</u>
NET OF REVENUES & EXPENDITURES	24,900.00	(33,284.38)	38,500.00	58,184.38	133.67

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDT USED
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY					
Revenues					
030-REVENUES	452,558.00	234,085.93	3,941.25	218,472.07	51.73
TOTAL Revenues	452,558.00	234,085.93	3,941.25	218,472.07	51.73
Expenditures					
731-EXPENDITURES	452,558.00	150,092.90	10,215.04	302,465.10	33.17
TOTAL Expenditures	452,558.00	150,092.90	10,215.04	302,465.10	33.17
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:					
TOTAL REVENUES	452,558.00	234,085.93	3,941.25	218,472.07	51.73
TOTAL EXPENDITURES	452,558.00	150,092.90	10,215.04	302,465.10	33.17
NET OF REVENUES & EXPENDITURES	0.00	83,993.03	(6,273.79)	(83,993.03)	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 251 - LDFA FUND					
Revenues					
030-REVENUES	887,841.00	230,007.49	0.00	657,833.51	25.91
TOTAL Revenues	887,841.00	230,007.49	0.00	657,833.51	25.91
Expenditures					
040-EXPENDITURES	887,841.00	110,712.62	2,536.00	777,128.38	12.47
TOTAL Expenditures	887,841.00	110,712.62	2,536.00	777,128.38	12.47
Fund 251 - LDFA FUND:					
TOTAL REVENUES	887,841.00	230,007.49	0.00	657,833.51	25.91
TOTAL EXPENDITURES	887,841.00	110,712.62	2,536.00	777,128.38	12.47
NET OF REVENUES & EXPENDITURES	0.00	119,294.87	(2,536.00)	(119,294.87)	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 285 - MARINA FUND					
Revenues					
030-REVENUES	372,000.00	235,858.13	52.59	136,141.87	63.40
TOTAL Revenues	<u>372,000.00</u>	<u>235,858.13</u>	<u>52.59</u>	<u>136,141.87</u>	<u>63.40</u>
Expenditures					
040-EXPENDITURES	372,000.00	294,562.91	1,221.08	77,437.09	79.18
TOTAL Expenditures	<u>372,000.00</u>	<u>294,562.91</u>	<u>1,221.08</u>	<u>77,437.09</u>	<u>79.18</u>
Fund 285 - MARINA FUND:					
TOTAL REVENUES	372,000.00	235,858.13	52.59	136,141.87	63.40
TOTAL EXPENDITURES	372,000.00	294,562.91	1,221.08	77,437.09	79.18
NET OF REVENUES & EXPENDITURES	0.00	(58,704.78)	(1,168.49)	58,704.78	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 295 - AIRPORT FUND					
Revenues					
030-REVENUES	143,400.00	76,270.18	21.00	67,129.82	53.19
TOTAL Revenues	143,400.00	76,270.18	21.00	67,129.82	53.19
Expenditures					
040-EXPENDITURES	143,400.00	55,572.46	4,665.53	87,827.54	38.75
TOTAL Expenditures	143,400.00	55,572.46	4,665.53	87,827.54	38.75
Fund 295 - AIRPORT FUND:					
TOTAL REVENUES	143,400.00	76,270.18	21.00	67,129.82	53.19
TOTAL EXPENDITURES	143,400.00	55,572.46	4,665.53	87,827.54	38.75
NET OF REVENUES & EXPENDITURES	0.00	20,697.72	(4,644.53)	(20,697.72)	100.00

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 590 - WASTEWATER FUND					
Revenues					
030-REVENUES	1,221,522.00	623,026.32	107,565.28	598,495.68	51.00
TOTAL Revenues	<u>1,221,522.00</u>	<u>623,026.32</u>	<u>107,565.28</u>	<u>598,495.68</u>	<u>51.00</u>
Expenditures					
590-EXPENDITURES	1,159,840.00	356,524.35	43,583.70	803,315.65	30.74
TOTAL Expenditures	<u>1,159,840.00</u>	<u>356,524.35</u>	<u>43,583.70</u>	<u>803,315.65</u>	<u>30.74</u>
Fund 590 - WASTEWATER FUND:					
TOTAL REVENUES	1,221,522.00	623,026.32	107,565.28	598,495.68	51.00
TOTAL EXPENDITURES	<u>1,159,840.00</u>	<u>356,524.35</u>	<u>43,583.70</u>	<u>803,315.65</u>	<u>30.74</u>
NET OF REVENUES & EXPENDITURES	61,682.00	266,501.97	63,981.58	(204,819.97)	432.06

PERIOD ENDING 01/31/2015

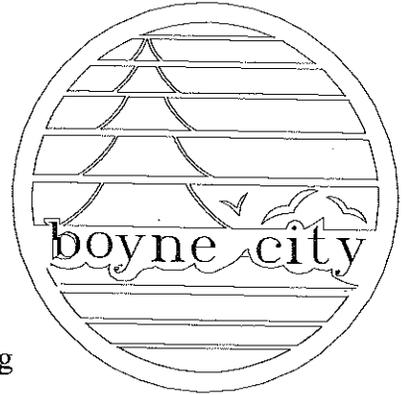
ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 592 - WATER FUND					
Revenues					
032-REVENUES	605,380.00	402,947.93	85,906.38	202,432.07	66.56
TOTAL Revenues	605,380.00	402,947.93	85,906.38	202,432.07	66.56
Expenditures					
592-EXPENDITURES	564,400.00	265,002.41	28,922.51	299,397.59	46.95
TOTAL Expenditures	564,400.00	265,002.41	28,922.51	299,397.59	46.95
Fund 592 - WATER FUND:					
TOTAL REVENUES	605,380.00	402,947.93	85,906.38	202,432.07	66.56
TOTAL EXPENDITURES	564,400.00	265,002.41	28,922.51	299,397.59	46.95
NET OF REVENUES & EXPENDITURES	40,980.00	137,945.52	56,983.87	(96,965.52)	336.62

PERIOD ENDING 01/31/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 01/31/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 01/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 661 - MOTOR POOL FUND					
Revenues					
030-REVENUES	481,950.00	214,483.14	46,319.86	267,466.86	44.50
TOTAL Revenues	481,950.00	214,483.14	46,319.86	267,466.86	44.50
Expenditures					
040-EXPENDITURES	481,950.00	117,489.66	11,143.43	364,460.34	24.38
TOTAL Expenditures	481,950.00	117,489.66	11,143.43	364,460.34	24.38
Fund 661 - MOTOR POOL FUND:					
TOTAL REVENUES	481,950.00	214,483.14	46,319.86	267,466.86	44.50
TOTAL EXPENDITURES	481,950.00	117,489.66	11,143.43	364,460.34	24.38
NET OF REVENUES & EXPENDITURES	0.00	96,993.48	35,176.43	(96,993.48)	100.00
TOTAL REVENUES - ALL FUNDS	12,736,725.00	7,682,348.40	824,536.50	5,054,376.60	60.32
TOTAL EXPENDITURES - ALL FUNDS	12,616,977.00	6,631,548.18	455,935.06	5,985,428.82	52.56
NET OF REVENUES & EXPENDITURES	119,748.00	1,050,800.22	368,601.44	(931,052.22)	877.51

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Scott McPherson, Planning Director *SM*
Date: February 24, 2015
Subject: CBD Drive Thru Ordinance Amendment Second Reading



Background

In August Glenn Catt presented to the Planning Commission a pre-application proposal for the redevelopment of the parcels located at 202 and 210 Lake Street which are currently the locations of the Lake Street Mall and parking lot and the Boyne Arts Collective. After review and discussion of the proposal, that included a drive thru lane for a bank which is a prohibited use in the Central Business District (CBD), the Planning Commission directed staff to put the issue of drive thru lanes in the CBD on the September Planning Commission meeting agenda for review and discussion.

At the September Planning Commission meeting the different options and actions that could be taken were explored. The options included a variance request, a rezoning, conditional rezoning, an ordinance amendment and taking no action which would prohibit the project as proposed. After reviewing the various options it was the Planning Commission's determination that the most appropriate course of action would be to amend the zoning ordinance to allow a drive thru for a bank or financial institution as a conditional use in the CBD with the specific criteria. The criteria would require that the drive thru terminal, ingress and egress and queuing lanes must be enclosed within a multi story structure and the floors above the first floor must be finished space that can be occupied for residential or commercial uses. The proposed amendment as proposed would add the following language to section 10.30 of the Boyne City Zoning Ordinance:

M. Banks, savings and loans and credit unions with drive-thru lane meeting the following criteria

- 1 Drive-Thru terminal, ingress, egress and queuing areas must be completely enclosed within the first story of a multi story structure. All floors above the first floor must be finished space that can be occupied for commercial or residential uses as permitted in the district.*

Process

In accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures, a public hearing was held by the Planning Commission on October 20, 2014, and after reviewing the Amendment Criteria as required by the Boyne City Zoning Ordinance Section 2.50 (A), the Planning Commission recommended approval of the proposed the proposed zoning ordinance amendment. The proposed ordinance amendment was submitted to the City Commission for a First Reading on January 13, 2015 and the proposed ordinances were reviewed and the Commission and the proposed amendment was scheduled for a second reading.. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced and was scheduled for a second reading on February 24, 2015. If adopted by the Commission the ordinance must be published at least one week prior before its final passage.

Options

1. Approve the ordinance as presented.
2. Do not approve as presented
3. Postpone for further consideration or review.
4. Other options as determined by the City Commission

Recommendation

The proposed ordinance amendment is recommended for adoption as presented.



City of Boyne City

MEMO

Date: February 20, 2015

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Updated Draft Sommerset Pointe Agreement Review

Attached for the City Commission's information and review is the latest highlighted draft of a proposed development agreement between the City, Eveline Township and Sommerset Pointe to provide utility services to that development and the homes along the way. The grey (green in color versions) highlighted text is new to the document the text with a line thru it is being removed.

Also included is a listing of the major changes from the last version.

The document is presented for you as an update and not a request for approval. If the Commission is comfortable with the concepts presented to date, the documents will be referred to our legal counsel for their review with the goal of hopefully bringing this forward as an action item at our March 10th City Commission meeting.

I anticipate that Sommerset's attorney Dan Barron, or another representative for them, will be present at our meeting to address any questions that may arise. Our incoming Water/Wastewater Superintendent Mark Fowler and our consulting engineer Larry Fox of C2AE have been active throughout this process.

If you have any questions, comments or suggestions on this matter, please let me know.

RECOMMENDATION: That the City Commission review the materials presented and share any questions, concerns, or comments with staff.

OPTIONS:

- Postpone further action for additional information or review.
- Some other action as determined as appropriate by the City Commission.

Mike:

Per your request, the following is a brief summary which highlights the significant revisions to the newly revised 2015 Development Agreement. Page references relate to the "green highlighted/blacklined" version of the document.

1. The document now solely relates to extension of the wastewater system. Prior references to a potential extension of the water system have been excised.
2. With respect to the annual "Availability Charge":
 - a. The charge has been confirmed as \$75,000.00 per year, together with CPI increases, with no additional amounts payable for a water system extension (section 1.e./page 2 and 6.b.i./page 14).
 - b. Availability Values for the SP (Sommerset Pointe) Establishments currently existing, as well as the future Lake Charlevoix marina, have been proposed within section 3.a./page 9.
 - c. The City may allow "stubbed-off connections" to the sewer system, for Township property other than that located within the Sommerset Property, (section 6.b.ii/pages 15 & 16), and the property receiving such connection shall be obligated for payment of their Availability Charge within two (2) years from the sewer tap. The City may still charge a full connection fee up front (section 6.b.iii/page 17).
3. The provision of wastewater treatment services by the City is increased from 38,500 gallons per day to 50,000 gallons per day, due to revisions of the flow projection at full connection/build-out of Township property situated outside of Sommerset Pointe (section 3.b./page 9).
4. Due to significant increases in construction expense, Township property which is outside of Sommerset Pointe, shall pay a Capital Implementation Fee which has been increased to \$5,000.00 for each connection which is effected within 15 years (section 7.c./page 22). This fee is treated in similar manner as the prior drafts of the Agreement whereby the City shall collect and remit the fee to Sommerset Pointe Development. The City shall also assess a connection fee, which the City shall retain.

Please feel free to contact me if you should have any questions.

Dan

~~~~~

**Daniel B. Barron, Esq.**



## 2015 DEVELOPMENT AGREEMENT

This 2015 Development Agreement (this "Agreement") is made on the \_\_\_\_ day of \_\_\_\_\_, 2015, 2007, among the CITY OF BOYNE CITY, a Michigan municipal corporation, whose address is 319 N. Lake Street, Boyne City, MI 49712 (the "City"), SOMMERSET POINTE DEVELOPMENT, LLC, a Michigan limited liability company, whose address is 00970 Marina Drive, Boyne City, Michigan 49712, P.O. Box 309, Charlevoix, MI 49720 (the "LLC"), the Sommerset Pointe Association, a Michigan nonprofit corporation ("Association"), whose address is 4416 Lakeshore Drive, Boyne City, Michigan 49712 and EVELINE TOWNSHIP, whose address is 08825 Ferry Road, East Jordan, MI 49727 (the "Township").

### RECITAL OF FACTS

The City is a Michigan municipal corporation organized and existing as a Michigan home rule city in Charlevoix County, Michigan. The LLC is a Michigan limited liability company, which owns certain real property located in Eveline Township, Charlevoix County, Michigan, the description of which is attached as Exhibit A (the "Sommerset Property"). ~~The Association is a Michigan nonprofit corporation, whose purpose is to manage and administer the affairs of a condominium project which the LLC wishes to establish upon the Sommerset Property.~~ The Township is a Michigan municipal corporation organized and existing as a general law township in Charlevoix County, Michigan.

Various residential dwellings and commercial establishments are currently situated on the Sommerset Property and the LLC desires to develop thereon additional marina facilities and residential condominium projects and/or dwellings. Such developments require infrastructure improvements including, among others, sanitary sewers. The City has the capacity and the ability

and will allow the extension of sanitary sewer service subject to the terms of this Agreement, and ~~an proposed~~ Intergovernmental Agreement between the City and the Township.

The City, the LLC, ~~the Association~~ and the Township have agreed to the terms and conditions relating to the provision of sanitary sewer service to the Sommerset Property, and enter into this Agreement to set forth their understandings and obligations regarding the provision of such services.

**NOW, THEREFORE,** in consideration of the mutual covenants contained herein, the City, the LLC, ~~the Association~~ and the Township agree as follows:

1. DEFINITIONS: For the purpose of this Agreement, the terms defined in this paragraph shall have the meanings hereinafter indicated, except when otherwise indicated by the context:
  - a. AVAILABILITY VALUE: The value assigned to property situated within the Township Service Area which obtains connection to the sanitary sewer system, for utilization in calculating, assessing and collecting the Equity Investment/Availability Charge. Said Availability Values are designated in section 3.b. and in section 6.b.(ii).
  - b. CITY: The City of Boyne City, a Michigan municipal corporation, organized pursuant to 1909 PA 279, as amended. When reference in this Agreement is made to the territory of the City, it shall mean the corporate boundaries of the City of Boyne City.
  - c. CITY MANAGER: : References to the City Manager shall mean the City Manager of Boyne City or his/her designee(s).
  - d. COLLECTION SYSTEM: All sanitary sewers and appurtenances used for collection and transmission of sanitary sewage, including sanitary sewer pipes and lines of all types, force mains, and lift stations with their appurtenances and properties, but excluding private sanitary sewer leads and pumping devices.
  - e. EQUITY INVESTMENT/AVAILABILITY CHARGE (the "Availability Charge"): A charge to owner(s) of the Sommerset Property, as well as the owners of other property situated within the Township Service Area whose property has been connected to the City's sanitary sewer system, in the initial amount of \$75,000.00 per year. in the initial amount of \$100,000 per year. commencing Said Availability Charge shall be calculated, administered and governed by the terms of this Agreement, including section 6.b.(i), section 6.b.(ii) and section 7.b. below, and shall commence on the date (if any) that the sanitary sewer system within the

Township Service Area is accepted by the City, which charge will be indexed annually to inflation occurring in the preceding year, utilizing the U.S. Consumer Price Index for all urban areas, which index adjustment shall commence on the five year anniversary date of the initial Availability Charge. Said Availability Charge shall not, however, be increased by more than 3.5% over the amount in effect for the prior year.

- f. LLC: Sommerset Pointe Development, LLC, or its successor(s), transferee(s), or assign(s). ~~which as the case may be, may include the Association.~~
- g. SANITARY SEWAGE: Sewage and wastewater discharged from residences or authorized commercial establishments in the Township Service Area.
- h. SANITARY SEWER SYSTEM: All sanitary sewers, pumping stations, force mains, and appurtenances and properties, or parts thereof, used or useful in connection with the collection, transmission, treatment, and disposal of sanitary sewage.
- i. SANITARY SEWER ORDINANCES: The ordinances of the City relating to sanitary sewer service and/or system, and all amendments made to said City ordinances from time to time.
- j. SEWER CONNECTION CHARGE: The fee the City charges any prospective user of the sewer system to connect to the City's sewer system.
- k. SEWER PERMIT: The permit the City issues to allow a prospective user of the City's sewer system to connect the user's premises to the City's sewer system.
- l. SEWER USER FEES: Fees or charges periodically levied on all premises discharging sewage into the sewer system, based upon a rate schedule for use as established by the City Commission.
- m. SOMMERSET PROPERTY: Certain land within the Township currently or formerly owned by the LLC, which land is described in attached Exhibit "A." ~~upon a portion of which the LLC wishes to develop the condominium~~ Various condominium projects, residential dwellings, commercial establishments and a marina are currently located upon portions of the Sommerset Property, and the LLC or its successors in title may hereafter develop additional marina facilities and various residential condominium projects and/or residential dwellings upon other portions of such land.
- n. SP ESTABLISHMENTS: The existing establishments and/or residences situated within the Sommerset Property as well as the Lake Charlevoix marina which has not yet been constructed, which are so identified in section 3.b., which establishments and/or residences may effect connections to the sanitary sewer system.
- o. SP RESIDENCES: Up to 86 residential units and/or dwellings which are currently existing or which may hereafter be established within the Sommerset Property, which

are so identified in section 3.b., which residential units and/or dwellings may effect connections to the sanitary sewer system.

- p. TOWNSHIP: Eveline Township, a Michigan general law township, organized under the laws of the State of Michigan. Any reference to the territory of the Township shall refer to the corporate boundaries of Eveline Township.
  - q. TOWNSHIP SERVICE AREA: The portion of the Township for which the City will provide wastewater and sanitary sewer service pursuant to this Agreement and which is designated in Exhibit B, attached hereto and made a part hereof by reference.
  - r. TREATMENT SYSTEM: As provided and maintained at the sewage treatment plant, sewage treatment appurtenances and facilities necessary to provide sewage and wastewater treatment.
  - s. TSA PARCEL(S): That land comprising the Township Service Area which is not otherwise situated within the Sommerset Property.
2. CONDITION PRECEDENT: The City, the LLC, ~~the Association~~ and the Township acknowledge and agree that their obligations under this Agreement are expressly conditioned upon the execution and consummation of an amendment to the Intergovernmental Agreement between the City and the Township dated August 27, 2007, which grants to the City, pursuant to the terms contained therein, the right to provide sanitary sewer service to the Township Service Area.
3. SANITARY SEWER SYSTEM IMPROVEMENTS:
- a. The LLC's Responsibilities: The LLC shall construct the sanitary sewer improvements to serve its developments including the extension of the sewer lines as set forth in Exhibit C, to be connected with the City's sewer system at locations to be determined by the City. The construction of the sanitary sewer improvements shall be done at the LLC 's expense. The LLC shall guarantee sufficient funds for the sanitary sewer improvements and removal of the sanitary sewer improvements in the event the City does not accept those systems, by obtaining and maintaining either an

irrevocable letter of credit or a performance bond in favor of the City and the Township in an amount (i) not less than ~~One Two Million Dollars (\$2,000,000.00)~~ (\$1,000,000.00), in a commercially reasonable form acceptable to the City and the Township. The LLC shall pay for project costs of the City and the Township to the extent required by this contract. In addition to project costs, the LLC shall reimburse the City and the Township for all reasonable expenses incurred by the City and the Township in review of preliminary reports, design and inspection of the project, as well as attorney fees incurred by the City in an amount not to exceed \$5,000.00 and attorney fees incurred by the Township in an amount not to exceed \$2,500.00. The parties shall endeavor to utilize the same engineering and other project consultants in such regards. The LLC shall obtain City approval of all plans and specifications for its proposed improvements to the sanitary sewer system and any changes to the plans and specifications which are proposed during construction. All improvements constructed by the LLC shall comply with the approved municipal construction standards of the City.

When the LLC desires to construct a sewer collection system, the LLC shall submit to the City a written request to construct. The request shall include at a minimum, the following information:

- (1) The legal description of the area to be served;
- (2) Anticipated volumes (maximum volumes and character of flow);
- (3) The names and addresses of all the land owners of record of all parcels of land located within the Township Service Area, ~~said area,~~ to be provided by the Township;

- (4) Land use plan for the Township Service Area, area, including but not limited to, the zoning and a layout of streets and all existing and proposed utilities, to be provided by the Township;
- (5) Preliminary cost estimates setting forth anticipated costs of construction;
- (6) Detailed plans and specifications, prepared by a registered engineer of the proposed construction job; and
- (7) All data in the LLC's possession regarding topography, proposed sizes and pitch of tributary lines, and other information of like character.

No construction shall begin until the City has approved the plans and specifications, a DEQ construction permit has been obtained, the City and the Township have been given a copy of an insurance policy as required below, and the City and the Township have been given seventy-two hours written notice prior to the planned start of construction. The LLC shall pay all costs incurred by the City and the Township, including professional or engineering fees, relating to their review of plans and specifications and inspection during and after construction of all improvements, and the parties shall endeavor to utilize the same engineering and other project consultants in such regards. The LLC or its general contractor shall provide a policy of comprehensive general liability insurance for the City and the Township as named insureds in amounts not less than Two Five—Million Dollars(~~\$5,000,000.00~~) (\$2,000,000.00). The insurance policy shall be in effect until the City accepts the improvements and ownership of the improvements to the sanitary sewer system is transferred to the City pursuant to the terms of this contract.

The LLC shall acquire all necessary permits for the improvements to the sanitary sewer system, including permits from all applicable jurisdictions, except for the NPDES permit. There shall be no cost to the City or Township in obtaining the consents or approvals. The LLC shall provide to the City all necessary permanent utility easements and rights-of-way in recordable form to extend sanitary sewer service throughout the Township Service Area at mutually agreeable locations. The LLC will provide such utility easements and rights-of-way at no cost to the City. The Township must grant to the City and to the LLC the right to use all public rights-of-way in the Township Service Area as necessary for construction, operation, and maintenance of the sanitary sewer system. Should either the City or Township need to acquire easements within the Township Service Area by whatever means, including condemnation as allowed by law, all costs of acquiring the easements, including attorney fees and the cost of the condemnation, if any, shall be borne by the LLC. At the conclusion of construction and prior to use, the LLC shall provide as-built construction drawings in both electronic and paper form acceptable to the City. Prior to use, the LLC shall provide the City ~~with a warranty by the general contractor of the work performed in constructing the sanitary sewer improvements, with a five-year maintenance and guarantee bond for the maintenance and/or repair of the improvements for the first five years in operation~~ in a commercially reasonable form acceptable to the City, ~~consistent with similar warranties provided to the City relative to City sanitary sewer infrastructure projects.~~ The LLC shall also have all other responsibilities set forth in this agreement.

b. **Availability Values:** The LLC shall be entitled to effect or assign connections to the sanitary sewer system for **up to eighty-six (86)** ~~one hundred (100)~~ residential units and/or dwellings, which are currently existing or may hereafter be established situated within the Sommerset Property (the "SP Residences" or an "SP Residence"), as to which the connection fees will be equal to those paid in the City. . **An Availability Value, for purposes of assessment and collection of the Availability Charge set forth in section 6.b.(i) below (the "Availability Value"), shall be assigned to and shall equal 1% for each such SP Residence connected to the City sanitary sewer, with attendant obligation of the SP Residence so connected to pay 1% of the annual Availability Charge set forth in section 6.b. below.** ~~Up to eighty-four residential units may be located within the Sommerset Pointe, LLC condominium development. The remaining residential units shall be located within portions of the Sommerset Property other than the Sommerset Pointe condominium development and shall be comprised of single family residences, duplexes or quad plexes.~~

**The LLC shall be further entitled to effect or assign additional connections to the sanitary sewer system to the following existing establishments and/or residences situated within the Sommerset Property, as well as the Lake Charlevoix marina which has not yet been constructed (the "SP Establishments" or an "SP Establishment"). The SP Establishments shall be assigned the following "Availability Values," with attendant obligation of the SP Establishments to pay that percentage of the Availability Charge set forth in section 6.b. below, which corresponds to their Availability Value, if and when the same are connected to the City sanitary sewer system:**

| SP ESTABLISHMENTS                          | LOCATION            | AVAILABILITY VALUES<br>(percentage of Availability Charge when connected) |
|--------------------------------------------|---------------------|---------------------------------------------------------------------------|
| - Inland Marina                            | existing            | 2%                                                                        |
| - Lake Charlevoix Marina                   | not yet constructed | 2%                                                                        |
| - Restaurant/Yacht Club                    |                     | 2%                                                                        |
| - Retail Store with<br>2 Rental Apartments | 4672 Lakeshore Road | 3% (1% each)                                                              |
| - Health Club Facilities                   |                     | 1%                                                                        |
| - Office Facility or<br>Rental Apartment   |                     | 1%                                                                        |
| - Office Facility or<br>Residence          |                     | 1%                                                                        |
| - 2 Rental Houses                          |                     | 2% (1% each)                                                              |

b. City's Rights and Responsibilities: Upon construction by the LLC and acceptance by the City, the City agrees to accept into its sanitary sewer system from premises situated in the Township Service Area up to ~~38,500~~ 50,000 gallons per day of sanitary sewage. The City shall reserve and maintain sufficient service capacity in such regards to thereby provide to the Sommerset Property those sewer connections and resulting service to the SP Residences and the SP Establishments which is set forth in section 3.b. above, which provision of connections and service to the Sommerset Property shall take priority over the provision of connections and service to other areas within the Township Service Area. In the event that an owner of an SP Establishment wishes to effect an expansion or a change in land use which results in an increase of more than 50% in sanitary sewage flow, and also wishes to continue to utilize the City sanitary sewer system, such owner must first obtain written consent from the City, which shall not be unreasonably withheld, provided this requirement

shall not apply to the construction of the Lake Charlevoix marina or the connection of the same to the sanitary sewer system.

The City shall have the right to review and approve or disapprove all engineering plans and specifications for the improvements to the sanitary sewer system and to have its consultants inspect construction to ensure that it complies with the approved plans and specifications. The City and the LLC shall endeavor to utilize the same engineering and other project consultants in such regards, provided that such engineering and other project consultants are acceptable to the City. ~~It is agreed between the parties that, the harbor master, marina septic pump-out, and pool facilities at the Sommerset Property, may be connected to the sanitary sewer system.~~ The City shall have the right to reasonably require the use of specific materials, construction methods or components when in the City's opinion such materials, construction methods or components result in longer life or permit lower operation or maintenance costs for the planned improvements. The City shall have the right to inspect on-site all construction in progress. The City's representatives shall have direct access to the LLC's engineers and shall be provided a copy of all engineering reports. No portion of the improvements to the sanitary sewer system shall be placed into operation and no connections will be permitted until the City, through its representatives or designees, determines that the improvements meet the approved plans and specifications, the improvements are accepted by the City via a formal letter of acceptance, the LLC has provided the City with the required maintenance and guarantee bond, as-built drawings have been provided and all engineering, consulting, and other fees and costs incurred by the City and the Township have been paid by the

LLC. The LLC shall make any changes in construction or construction plans requested **in good faith** by the City. The City shall apply on behalf of the LLC for any required MDEQ permits for the planned improvements only after it has received and approved the LLC construction plans. The City shall have the right to hire engineers and other consultants so that it may exercise its rights under this contract and all costs incurred shall be paid for by the LLC, **provided the parties shall endeavor in good faith to utilize the same engineering and other project consultants in such regards.** All discretionary decisions permitted by the City in this contract shall be made within a reasonable time period unless a specific time period is required.

- d. Township Responsibilities: The Township shall enact and enforce, either directly or by agreement with the City, sewer ordinances substantially similar in form and identical in regulatory substance to the sewer ordinances of the City, and shall amend its ordinances to maintain consistency with the City ordinances. The Township shall agree to place unpaid sewer rates, fees and charges on the tax rolls for collection as requested to do so by the City. The Township shall allow the City to bill the Sommerset Property owners and users within the Township Service Area directly for all charges and fees, to accept payment directly from the Sommerset Property owners and users in the Township Service Area, and to discontinue service if rates, charges and fees are not paid. The Township contractually assigns to the City all rights the Township may have relating to the sanitary sewer system by virtue of the systems being partially located within the Township. The Township agrees to provide any easements or rights of way in its control needed for construction of the project or for maintenance and operation of the sanitary sewer system following completion of

construction, and the Township agrees to use its powers of eminent domain as allowed by law and necessary to obtain easements and rights of way with the understanding that all costs associated therewith will be paid by the LLC.

4. CONNECTION: The City is not obligated to accept connection of the improvements to the sanitary sewer system constructed by the LLC to the City's sanitary sewer systems until (a) it is satisfied that the LLC improvements have been constructed according to the plans and specifications previously approved by the City and the Township and it has accepted the improvements in writing and (b) the LLC is not in breach of any of its obligations under this contract, which include, but are not limited to, the LLC providing the City with a five-year maintenance and guarantee bond and as-built construction drawings. The location of the connections between the improvements constructed by the LLC and the City's sanitary sewer systems shall be at locations determined by the City.
5. OWNERSHIP: Following acceptance of the systems, the City shall be the owner of the all sanitary sewer collection systems constructed pursuant to this contract as set forth on Exhibit C. The City shall become the owner of the of the sanitary sewer collection system once the City notifies the LLC in writing that the sanitary sewer collection system has been constructed according to plans and specifications previously approved by the City, that the City accepts the system, the LLC has paid all fees and costs required by the contract and is not otherwise in breach of the agreement, and the LLC has provided the City with a five-year maintenance and guarantee bond and as-built construction drawings. The LLC shall notify the City in writing when it believes that the sanitary sewer system improvements are complete. The City shall have thirty (30) days to decide whether the improvements are in fact complete and have been constructed in accordance with the plans and specifications previously approved by the

City. The City shall notify the LLC of its decision in writing and specify the grounds therefor.

The City shall accept ownership of the sanitary system improvements via a letter of acceptance once it is reasonably satisfied that the improvements are complete and have been built in accordance with previously approved plans and specifications. Nothing in this contract shall prohibit the City from charging fees for sanitary sewer service to any parcel connected to the City's sanitary sewer system.

Nothing herein shall be interpreted as indicating that the City will have any ownership of or responsibility to maintain private property, including but not limited to the plumbing at private residences or commercial establishments and/or service leads and facilities situated on private property which connect to the sanitary sewer system of the City. The lines and facilities to be owned and maintained by the City are designated on Exhibit C.

6. COMPENSATION TO THE CITY: In consideration of the City making available to the Township Service Area capacity in its treatment plant and transmission mains, providing sanitary sewer service to the Township Service Area, and all of the administration, operation, maintenance and protection of such services, the City shall receive the following:

- a. Cost for Design, Construction, and Inspection. The LLC shall pay for all costs to design, construct, and inspect the sanitary sewer system improvements in order to bring sewer service to the Sommerset Property and the Township Service Area. The City will not be required to pay any monies from the sewer fund or any other fund to provide for sanitary sewer service to the Township Service Area.
- b. In further consideration of the City making available to the Township Service Area capacity in its sanitary sewer system, the City shall be entitled to receive from users of the sanitary sewer system and owners of the such land within the Township Service

Area, sewer fees, charges or rentals in addition to any other compensation to which the City is entitled under other provisions of this Agreement or by ordinance, as follows:

i. **EQUITY INVESTMENT/AVAILABILITY CHARGE (the "Availability Charge"):**

Commencing on the date the sanitary sewer system within the Township Service Area is accepted by the City, the owners of the Sommerset Property referenced as the SP Residences and the SP Establishments in section 3.b. above, as well as the owners of TSA Parcels (i.e., that land comprising the Township Service Area which is not otherwise situated within the Sommerset Property), whose land and/or residential dwelling(s) have been connected to the City's sanitary sewer system, shall pay to the City an annual Equity Investment/Availability Charge (the "Availability Charge"). The Availability Charge shall equal \$75,000.00 per year, payable in the respective component amounts set forth in section 6.b.(ii) below.

The Availability Charge shall be indexed annually to the rate of inflation occurring in the preceding year using the U.S. Consumer Price Index for all urban areas, which index adjustment shall commence on the five year anniversary date of the initial Availability Charge. Said Availability Charge shall not, however, be increased by more than 3.5% over the amount in effect in the prior year. The Availability Charge shall be charged only in the event that the sanitary sewer system is constructed by the LLC within the Township Service Area and is accepted by the City, which Availability Charge

shall be paid whether or not any property within the Township Service Area is connected to the City sanitary sewer system. The obligation for payment of the Availability Charge shall constitute an encumbrance running with the land.

It is understood and agreed between the parties that this Availability Charge was voluntarily offered by the LLC and is based upon the City making its water sanitary sewer system available to the development and upon the historical investment of the City in its sanitary sewer system. It is understood and agreed that this charge will be assessed, billed and collected by the City as part of the normal billing cycle along with other charges.

- ii. Each SP Residence which has been connected to the City sanitary sewer system shall be assigned an "Availability Value" of 1% each. Each SP Establishment which has been connected to the City sanitary sewer system shall be assigned an "Availability Value" which is set forth in section 3.b. above. Each TSA Parcel shall be assigned an "Availability Value" equal to 1% for each actual and potential residence which may be serviced by means of the connection to the City sanitary sewer system of such TSA Parcel. Each premises within the Township Service Area which is connected to the City sanitary sewer system shall pay to the City that percentage of the entire annual Availability Charge set forth in section 6.b.(i) above, which corresponds and is equal to the Availability Value assigned and designated for such premises.

The City may, in its discretion, allow a TSA Parcel to effect a sewer tap to the City sanitary sewer system which is accompanied with a shut-off valve. In such event, the same shall not be considered a connection

to the sanitary sewer system, for purposes of assignment of an "Availability Value" only, until the first to occur of either (i) the two (2) year anniversary date of said sewer tap, or (ii) the date which wastewater is first transmitted from the TSA Parcel for treatment by the City sanitary sewer system (the "Connection Event"). Upon the occurrence of a Connection Event, the TSA Parcel shall be assigned an "Availability Value" equal to 1% for each actual and potential residence which may be serviced by means of such sewer tap, and the owner(s) of such TSA Parcel shall be obligated to pay to the City that percentage of the entire annual Availability Charge set forth in section 6.b.(i). above, which corresponds and is equal to the Availability Value assigned to and designated for such TSA Parcel.

Until such time as the sum total of Availability Values should equal 100%, relative to premises within the Township Service Area which have been connected to the City sanitary sewer system, the LLC shall be obligated to pay to the City the difference between the cumulative amount of Availability Charges which have been billed pursuant to this section 6.b.(ii), and the entire amount of the Availability Charge set forth in section 6.b.(i) above (the "Availability Subsidy"). At such time as the sum total of Availability Values should equal or exceed 100%, the LLC shall no longer be obligated to pay to the City the Availability Subsidy. If and to the extent that the total of Availability Values would otherwise exceed 100%, said Availability Values and the attendant obligation for proportional payment of

the Availability Charge, shall be adjusted and reduced in a proportionate and rateable manner such that the sum of all Availability Values shall equal 100%.

In the event any connections are effected within the Township to those portions of the City sanitary sewer system constructed by the LLC, or to any extensions thereto or therefrom, which may not be otherwise addressed by this Agreement, the owner of each premises obtaining such connection shall be obligated to pay a rateable percentage of the Availability Charge, similar and proportionate in the manner and amount which such charges are otherwise assessed under this Agreement.

- iii. SEWER CONNECTION FEES: Subject to the terms below, prior to any TSA Parcel connecting to the sanitary sewer system, irrespective of whether such connection encompasses a full connection or a sewer tap accompanied with a shut-off valve, the owner(s) thereof ~~user~~ shall pay the City fees equivalent to one and one half times the sewer connection fees the City charges a City resident to make similar connection to the City's sanitary sewer system as then established through City Ordinance. In consideration for its implementation of the sanitary sewer system, the LLC shall be entitled to effect and/or assign to any successor in title to the Sommerset Property, for the benefit of the Sommerset Property only or portions thereof, those connections to the sanitary sewer system which are set forth in section 3.b. above, ~~for one hundred (100) residential units situated within the Sommerset Property, as well as the harbor master, marine septic pump-out and pool facilities as to~~ which the connection fees shall be equal to those paid in the City.

- iv. SEWER USER RATES: The sewer user rates charged Township residents and Township property owners under this Agreement shall be one and one half times the rates the City charges its residents. It is understood and agreed between the parties that this rate is consistent with 40 C.F.R. § 135.2140(a) in requiring that each user pays its proportionate share of operation and maintenance (including replacement) costs of treatment works.
- v. This Agreement does not include nor is it intended to restrict the City or the Township from charging any other user fee, service charge, permit, inspection or utility rates or fees otherwise permitted by law.
- vi. As part of the consideration of this contract, the parties agree to waive any right they may have now or hereafter to challenge the reasonableness, legality or fairness of the Availability Charge, the Sewer Connection Fees, the Capital Implementation Fee and Sewer User Rates (hereinafter collectively referred to in this Paragraph 6(b)(vi) as the "System Charges"). Each and every party acquiring any interest in the Sommerset Property or in any portion thereof, shall also be bound by a restriction hereby imposed which shall encumber their property interest(s) and shall run with the land, whereunder they shall be prohibited from challenging the reasonableness, legality or fairness of the System Charges. ~~It is additionally acknowledged and agreed that the purpose of the Association is solely to manage and administer the affairs of the condominium, and the Association shall not possess standing to pursue any claims challenging the reasonableness, legality or fairness of the System~~

~~Charges, as it is not and will not be a residential user of the water and sewer systems.~~

The parties understand and agree that the System Charges were proposed voluntarily by the LLC. ~~and the Association.~~ Further, the parties agree that the System Charges and the collection terms set forth herein and in Section 8 will be disclosed in the master deed of ~~the~~ **any condominium hereafter established upon the Sommerset Property**, along with the owner's private maintenance obligations, and in purchaser disclosures required by the Michigan Condominium Act, 1978 PA 59, and that users of the sanitary sewer system owning land or condominium units within the Sommerset Property will be obligated to pay their share of the annual Availability Charge, **in the manner and amount provided in this Agreement**, in addition to all connection fees and user fees. With respect to the **Township Service Area**, if any charges, fees or rates are not paid by an owner **of land who bears such obligation**, the unpaid amount shall be a lien against ~~the~~ **such owner's** property both as a matter of contract as well as pursuant to statute, MCL 123.161 *et seq.* The LLC further agrees that it will provide the City with an opportunity to review the master deed, purchaser disclosures and form agreements prepared in connection with the **establishment of additional condominium projects upon the Sommerset Property and the** proposed sale of individual units, prior to finalizing such documents.

~~In the event that the sommerset Property to the south of Lakeshore Road is developed into condominiums, the procedures set forth above shall apply.~~

Prior to effecting the connection to the sanitary sewer system of any land situated within the Township Service Area, including but not limited to any property or units located within the Sommerset Property, the City may require a subscription agreement and/or the obligation to pay the System Charges shall be included in a restrictive covenant applicable to all such land, executed by the affected landowner(s), which confirms among other things that such landowner(s) and their successors in title shall be bound by all terms of this Agreement relating to the obligations to pay System Charges. Such document may be parcels or units, the restrictive covenant shall be recorded with the Charlevoix County Register of Deeds and all terms relating to the obligations to pay System Charges shall run with the land. It is understood and agreed that the Availability Charge will be billed and collected directly by the City, and shall be chargeable once the sanitary sewer system within the Township Service Area, is accepted by the City. The LLC will initially be obligated to pay 100% of the Investment Equity/Availability Charge until such time as a parcel of land, a residential condominium unit or a boat slip condominium unit within the Sommerset Property is sold by the LLC and connected to the systems. Once the same should occur, (i) 16% of the Equity Investment/Availability Charge shall be chargeable and billed in equal amounts to all boat slip condominium units, and (ii) each parcel of land or residential condominium unit within the Sommerset Property which has been sold and connected to the systems, and the owner(s) thereof, shall thereafter be obligated to pay 1% of the Equity Investment/Availability Charge. In the event that any

~~residential dwellings or units situated within the Sommerset Property, other than the contemplated 84 residential condominium units, should connect into the water and sanitary sewer systems, the owners thereof shall be responsible to pay an equal share of the Equity Investment/Availability Charge otherwise chargeable to the contemplated 84 residential condominium units, the amount of which shall be adjusted pro rata for all such residential dwellings or units. The LLC shall remain obligated to pay the proportionate share of the Equity Investment/Availability Charge for all unsold and/or yet to be established residential condominium units and all boat slip condominium units, thereby resulting in cumulative obligations to the City equal to 100% of the Equity Investment/Availability Charge.~~

7. COMPENSATION TO THE LLC: In consideration for its implementation of the sanitary sewer system, the LLC shall be entitled to the following:

- a. The LLC may effect and/or assign connections to the sewer system for **all potential users of the same within the Sommerset Property, as set forth in section 3.a. above, one hundred (100) residential parcels or units** as to which the connection fees shall be equal to those paid in the City.
- b. **In the event that the sanitary sewer system is implemented by the LLC and accepted by the City, the sum of \$75,000.00 per year (the "Availability Charge") will be payable to the City, pursuant to the terms of section 6.b.(i) and 6.b.(ii) above. The City shall pay to the LLC 33.33% of the Availability Charge revenue until the first to occur of (i) completion of revenue collection attributable to the Availability Charge which is billed on or about the 25 year anniversary date of the initial Availability Charge, or (ii)**

payment by the City to the LLC of Availability Charge revenue in a cumulative amount which equals the sum of the Availability Subsidy paid to the City by the LLC (per section 6.b.(ii)), together with the documented expense incurred by the LLC in implementing the improvements to the sanitary sewer system, after which time the City shall then be entitled to retain all Availability Charge revenue. The City may, in its discretion, administer collection of the Availability Subsidy from the LLC and payment of the Availability Charge revenue to the LLC, by way of offset.

- c. The LLC shall , for a period of fifteen (15) years from and after the anniversary date of acceptance by the City of the sanitary sewer system, be entitled to a Capital Implementation Fee with respect to all TSA Parcels which obtain connection to the City's sanitary sewer system. ~~payable prior to connection to the water system or the sanitary sewer system by any user located within the Township Service Area, other than areas situated within the Sommerset Property.~~ The City shall assess and collect the Capital Implementation Fee from the owners of affected TSA Parcels, such users pursuant to duly adopted City and Township ordinances, which shall be payable prior to the connection to the water system and/or the sanitary sewer system, irrespective of whether such connection encompasses a full connection or a sewer tap accompanied with a shut-off valve. Upon receipt of such charges the City shall remit payment of the same to the LLC. The amount of the Capital Implementation Fee shall be \$5,000.00 for each actual and potential residence within a TSA Parcel which may be serviced by means of such sewer connection . The City's responsibility to collect the Capital Implementation Fee will be limited to refusing to connect into the sewer system, the TSA Parcels whose owner(s) have not paid the Capital Implementation Fee. The City's

responsibility to collect the Capital Implementation Fee will terminate on the fifteen (15) year anniversary date of acceptance by the City of the sanitary sewer system. The LLC is intended to constitute a third party beneficiary relative to the obligations of the owners of users TSA Parcels to pay to the City the Capital Implementation Fee, and the LLC shall be entitled to pursue legal action to collect the same from any users the owners of any TSA Parcel who should fail to make such payment, which legal action shall include the right of the LLC to impose and foreclose a lien and to collect all actual attorneys fees incurred by the LLC in such regards. The LLC may, in its sole and absolute discretion, waive all or any portion of a Capital Implementation Fee with respect to any TSA Parcel whose owner(s) has afforded to the LLC, the City and/or the Township beneficial use of their land relative to construction, maintenance, repair or replacement of the sanitary sewer system.

8. COLLECTION OF FEES AND CHARGES: The City will bill users of the sanitary sewer system directly for all connection charges and user fees which they may owe, including but not limited to the Availability Charge. In addition, the Township agrees to place any unpaid rates, charges and fees, including the Availability Charge, on the tax rolls as part of the Intergovernmental Agreement between the parties, and agrees that the City and Township may use any and all other legal remedies for the collection of fees and charges as may be permitted by law. The LLC shall possess no liability to the City or the Township for nonpayment by any other individuals or entities of their System Charges.

Notwithstanding the foregoing, the City shall have the right to terminate sewer service to any property that is in default for failure to pay any rates, fees or charges for sanitary sewer service, including but not limited to property situated within the Sommerset Property.

The property owners shall be fully responsible for all costs associated with terminating the services. For services to be resumed to the property, the property owners shall first pay all costs of terminating the service, and all costs, including construction costs, to reinstate the sanitary sewer service.

9. NOTICE OF DEFAULT:

- a. In the event any party defaults in the performance or observance of any term, covenant, condition, or provision of this Agreement, and such default is of a kind which is curable or remediable, a non-defaulting party may give the defaulting party notice of default. In the event such default continues for a period of thirty (30) days after service of a notice of default, a non-defaulting party may proceed to take such action or invoke such remedy as may be allowed by law or in equity.
- b. In the event of a breach or a threatened breach by any party of any of the terms, covenants, conditions or provisions of this Agreement, the other parties shall have the right to apply for an injunction to restrain the same and the right to invoke any remedy allowed by law or in equity, including without limitation the right to money damages, as if specific remedies, indemnity or reimbursement were not provided for in this agreement.
- c. The rights and remedies given to the non-defaulting parties in this Agreement are distinct, separate and cumulative remedies, and no one of them, whether or not exercised by the non-defaulting parties, shall be deemed to be in exclusion of any of the others herein or by law or equity provided.
- d. In the event of a breach by the LLC of the terms of this Agreement, the City may prohibit any future connections to its system by the LLC owners of the ~~Sommerset~~

Property, until such time as said breach is cured. This shall be in addition to any other remedies available to the City at law or in equity.

10. TEMPORARY LIMITATIONS ON CAPACITY: The City shall have the right to place a temporary moratorium on further connections to the City's sanitary sewer system at any time the City determines that the City sanitary sewer system has reached its designed capacity or an emergency exists which prudent engineering practice dictates a temporary moratorium on further connections. If such an emergency develops, the City shall take reasonable steps to rectify the emergency.
11. RESTRICTIONS ON THE TYPE OF SANITARY SEWAGE: The parties agree that the use of the Collection System to be constructed in the Township Service Area shall be limited to residential properties, with the exception of the "SP Establishments" and their successors, identified in section 3.a above, which that the harbor master, marina septic pump-out and pool facilities situated upon the Sommerset Property shall also be entitled to use of the Collection System. All use of the system within the Township Service Area shall be subject to the City's and Township's sanitary sewer ordinance and rates and regulation provided therein as shall be enacted from time to time.
12. SUCCESSORS AND ASSIGNS: This Agreement shall be binding upon the parties hereto and all successors and assigns. The LLC may assign its rights under this Agreement, only with the written consent of the City and the Township, which consent shall not be unreasonably withheld. It is anticipated by the parties that various responsibilities of the LLC under this Agreement may be assigned to the Association, at a yet to be determined date. By way of example and not limitation, the LLC may assign to an individual or entity which acquires title to a portion of the Sommerset Property, the right to connect to the sanitary sewer systems,

which assignee may be also granted the right to further assign such connection rights to other owners of property within the Sommerset Property. However, the obligation to pay the LLC's share of the Availability Charge may not be assigned to the Association to any property owner's association within the Sommerset Property.

13. WARRANTY: ~~The LLC warrants and guarantees for five (5) years from the date of acceptance of the improvements to the water system and sanitary sewer system, respectively, that the construction of the improvements by it has been done in a workmanlike fashion and is free from any defects due to faulty materials, workmanship, and/or design and that the systems will operate in a good and workmanlike manner.~~ ~~Concurrent with written acceptance by the City of the sanitary sewer system, the LLC shall provide the City with a warranty by the general contractor of the work performed in constructing sewer system improvements, in a commercially reasonable form acceptable to the City, consistent with similar warranties provided to the City relative to City sanitary sewer infrastructure improvements.~~ ~~Concurrent with~~ ~~Upon~~ ~~written acceptance~~ ~~by the City~~ of the sanitary sewer system, the LLC shall provide the City with a five (5) year, \$500,000.00 maintenance and guaranty ~~letter of credit or bond~~ from a ~~financial institution or~~ surety reasonably satisfactory to the City and in a form approved by the City Attorney, ~~which shall among other things, provide for reasonable system renovations in the event of unacceptable performance of the sanitary sewer system constructed by the LLC, relative to such matters as odors and flow restrictions.~~ ~~The LLC will hold the City and Township harmless from any costs associated with the repair and replacement within the five (5) year period.~~ ~~The only warranty of the LLC with respect to the sanitary sewer system improvements is that the LLC shall have complied with its obligations under this Agreement.~~ This provision ~~section~~ shall not impair the rights of any party to seek a remedy for loss or

damages occasioned by an act or omission of another party or third-party including, but not limited to, loss or damages caused by hidden defects.

14. CASUALTY: The parties hereto shall be excused from any material breach of this Agreement and from any liability for damage when caused by riots, strikes, disaster, war, acts of God, or causes beyond their reasonable control.
15. TERM: This Agreement shall remain in effect until it is terminated by the written agreement of the parties.
16. SAVING CLAUSE: Should any part of this Agreement be held by a court of competent jurisdiction to be illegal or unenforceable, such event shall not be deemed to affect the validity of any other portion hereof. Any such court holding materially affecting the commitments herein contained may serve as the basis to initiate reconsideration of the provisions herein as they relate to consideration, and in any such event, any party may seek to reopen this Agreement for the purpose of renegotiating said consideration.
17. OWNERSHIP OF SEWER SYSTEM: Notwithstanding the fact that the City is allocating limited capacity in its sanitary sewer system to the LLC, subject to the terms and conditions of this Agreement, nothing herein shall be considered as transferring ownership of the City's sanitary sewer system or any of the sanitary sewer improvements being constructed under this Agreement (once accepted by the City), **from the City to any other party or entity.**
18. **PRIOR DEVELOPMENT AGREEMENT: The parties acknowledge that the matters addressed within this Agreement were previously addressed within a Development Agreement bearing the date of August 27, 2007 (the "Prior Agreement") which was executed by the City, the LLC, the Township and the Sommerset Pointe Association, a Michigan nonprofit corporation (the "Association"). The parties to this Agreement hereby ratify the Prior Agreement and further**

agree that between and amongst the City, the LLC and the Township, if and to the extent that the terms and conditions of this Agreement (i) address in a differing manner any matter which was previously addressed by the Prior Agreement, and (ii) do not otherwise restrict the rights of the Association under the Prior Agreement relative to said matter, the terms and conditions of this Agreement in such regards shall supercede those of the Prior Agreement.

19. NOTICE: All notices, request and approvals under this Agreement shall be sufficiently delivered if sent by certified mail to the following addresses of the parties, or such other address as may be designated from time to time in writing to the other party.

City: CITY OF BOYNE CITY  
c/o City Manager  
319 N. Lake Street  
Boyne City, MI 49712

~~Association: SOMMERSET POINTE ASSOCIATION  
Attn: Frederick B. Taylor, President  
4416 Lakeshore Drive  
Boyne City, MI 49712~~

LLC: SOMMERSET POINTE DEVELOPMENT, LLC  
Attn: Fredrick B. Taylor, President ~~Authorized Member~~  
00970 Marina Drive ~~4416 Lakeshore Drive~~  
Boyne City, MI 49712

Township: EVELINE TOWNSHIP  
c/o Township Clerk  
PO Box 454  
Charlevoix, Michigan 49720

20. SUNSET CLAUSE The right of the LLC to construct sanitary sewer system improvements in accordance with the terms of this Agreement, shall expire and terminate on the five (5) year anniversary date of this Agreement, unless prior to such time the LLC has submitted to the City a written request to construct sanitary sewer system improvements as provided in section 3.a. above, and the construction process and procedures hereunder are thereafter pursued and



\_\_\_\_\_  
Notary Public  
Charlevoix County, Michigan  
My commission expires:

**SOMMERSET POINTE DEVELOPMENT, LLC**

\_\_\_\_\_  
By: Fredrick B. Taylor  
Its: President

**STATE OF MICHIGAN**            )  
                                          )ss  
**COUNTY OF CHARLEVOIX**    )

On this \_\_\_\_\_ day, of \_\_\_\_\_, 2015, before me, a Notary Public, personally appeared Fredrick B. Taylor, the President of Somerset Pointe Development, LLC, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public  
Charlevoix County, Michigan  
My commission expires:

**EVELINE TOWNSHIP**

---

By: John E. Vrondran  
Its: Supervisor

---

By: Michelle Johnson  
Its: Clerk

**STATE OF MICHIGAN**            )  
                                          )ss  
**COUNTY OF CHARLEVOIX**    )

On this \_\_\_\_ day, of \_\_\_\_\_, 2015, before me, a Notary Public, personally appeared John E. Vrondran, Supervisor and Michelle Johnson, Clerk, respectively, for and on behalf of Eveline Township, a Michigan township, to me known to be the same persons described in and who executed the within instrument, who acknowledged the same to be the free act and deed of said municipal corporation.

---

Charlevoix County, Michigan  
My commission expires: \_\_\_\_\_  
Notary Public

**CITY OF BOYNE CITY**

To: Michael Gain, City Manager *Mc*  
 From: Cindy Grice, City Clerk/Treasurer *cg*  
 Date: February 20, 2015  
 Subject: Maple Lawn Cemetery Entrance Gate



At their December 13, 2013 meeting, the City Commission directed staff to meet with the Cemetery Fence Advisory Committee regarding entrance closures and a more elaborate presence of the main entrance into Maple Lawn Cemetery. In June of 2014, the City Commission approved the closure of two entrances on Boyne Avenue, at a cost of \$1,827.50 which took place in the summer of 2014. This project was paid for from funds that were donated for Cemetery gates in memory of Jim Stackus, along with other contributions for that project. This left a balance of \$8,480.50 in donated funds.

The Cemetery Fence Committee recently met to discuss plans for the main entrance of the Cemetery on Boyne Avenue. We discussed a more elaborate entrance, but the need to get heavy equipment along with the vault truck was a staff concern. We determined it would be best to recommend a single gate that could be closed if needed. I received a drawing and cost estimate from Harbor Fence to purchase construct an Ameristar single slide gate at the main entrance at a cost of \$10,645. This would match the current fence that is in place. This gate would not have mechanical slides and would remain open unless a need to temporarily close it was determined. We have had an offer of a donation of \$1,000 and there are sufficient funds in the Cemetery Fund budget for the remaining \$1,165. If approved, the gate will be installed prior to Memorial Day.

The Cemetery Fence Committee will be meeting in the future for further discussion to determine if there are other entrances that could be permanently closed or have gates installed that could be closed on an as needed basis.

On an added note, the Maple Lawn Cemetery sign has been removed and is currently being refurbished. We are also discussing new signage to coincide with the fence installation

**RECOMMENDATION:**

To authorize the purchase and installation of a single slide gate as proposed by Harbor Fence in the amount of \$10,645

**OPTIONS:**

- Do nothing
- Postpone for further consideration and / or information
- Other options as determined by the City Commission.

# PROPOSAL

## HARBOR FENCE COMPANY

2009 U.S. 31 North ♦ Petoskey, MI 49770  
(231)348-5566 ♦ Fax (231) 348-5032 ♦ 800-968-3362  
Kent C. Warner

**Proposal submitted to: Maple Lawn Cemetery** **\*SINGLE SLIDE GATE\* (no operator)**

**Address: 319 North Lake Street – Boyne City, Michigan 49712**

**County & Twp.                      Crossroads                                              Sides Flagged      N S E W**

**Date: 2/13/2015    Phone: (231) 582-6597    Fax:**

*Specifications for the professional installation of one custom welded/fabricated Ameristar – Black Steel Single Slide Gate with Posts & Fittings. Note: Does not include the automatic electric gate operator – that will be bid as a separate proposal.*

|                                                                                                                                                                      |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <i>ECGB55192, TP-EST, CNT GEN 5R FLB 4" Gap Galvanized Steel Black Custom Fabricated Single Slide Gate 60" High Arching To 72" High – Made To Fit A 16' Opening:</i> | <i>\$7,227.00</i>                   |
| <i>3 – 4" Square Galvanized Steel Black – 11 Gauge x 9' Long Posts:</i>                                                                                              | <i>\$317.00 Each x 3 = \$951.00</i> |
| <i>1 – TGTKODNI TRANSPORT – Gate Kit – Counter Balance:</i>                                                                                                          | <i>\$1,127.00 x 1 = \$1,127.00</i>  |
| <i>6 – 80lb Bags Of Redi-Mix:</i>                                                                                                                                    | <i>\$60.00</i>                      |
| <i>Total Cost Of Materials:</i>                                                                                                                                      | <i>\$9,365.00</i>                   |
| <i>Labor To Professionally Install:</i>                                                                                                                              | <i>\$1,280.00</i>                   |
| <i>Total:</i>                                                                                                                                                        | <i>\$10,645.00</i>                  |

**Terms: 50% Down With The Balance Due Upon Installation.**

Home Owner Is Responsible For All Local & County Permits Required.  
Home Owner Is Also Responsible For Any Needed Variance's.  
No returns on vinyl products and special orders.

**Shipping and handling fee & 25% restocking fee apply to all other items.**

Authorized Signature \_\_\_\_\_

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance.

**Note:** A 50 % deposit of total is required upon acceptance, also this proposal may be withdrawn by us if not accepted within 7 days.

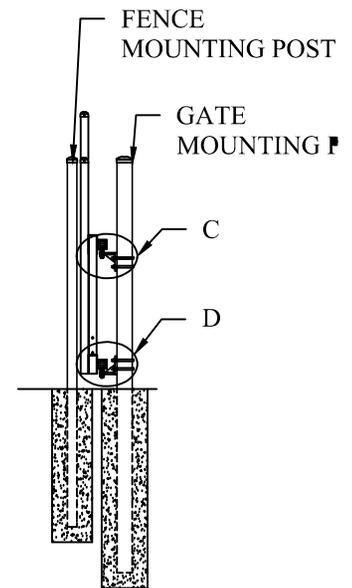
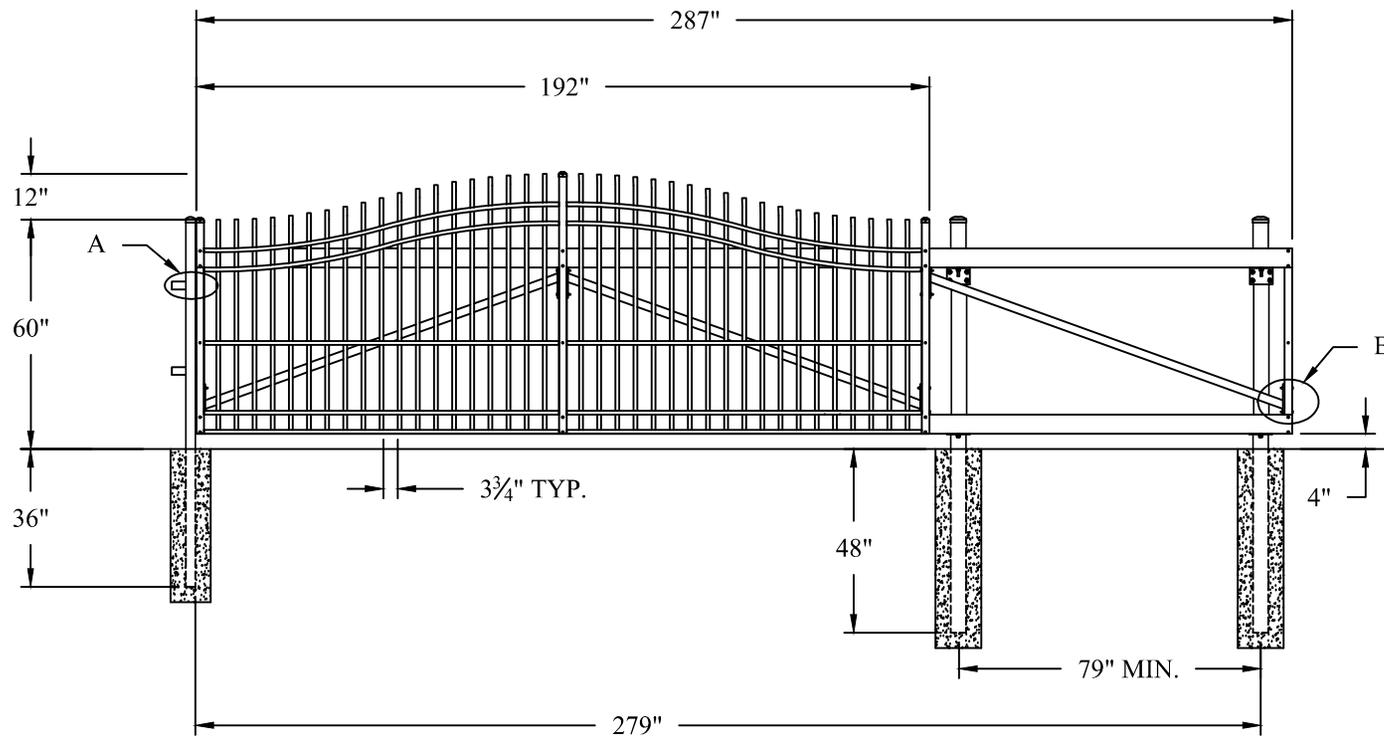
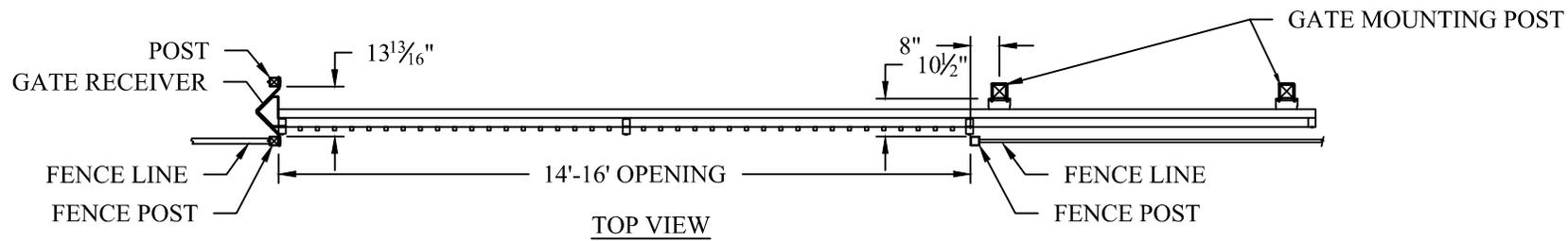
**Acceptance of proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

**Owner is responsible for property lines, Miss Dig, and All buried improvements. (Example – gas lines, high voltage, telephone, cable, irrigation) The Customer Is Also Responsible For Any Approvals Or Permissions By Any Local Government Or Associations, Boards Or Community Bylaws. No Refunds.**

**Date of Acceptance** \_\_\_\_\_

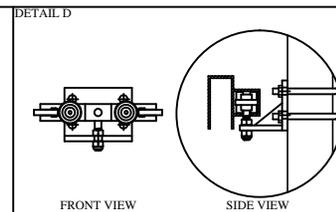
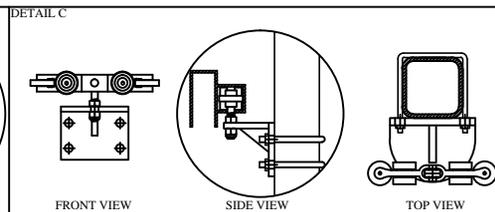
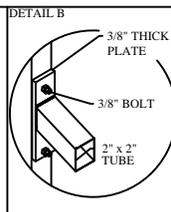
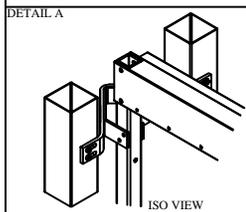
**Signature** \_\_\_\_\_

Payment to be made as follows: **Balance due upon installation.**  
Late charge of 1.8% interest from the date of completion.



ELEVATION VIEW

SIDE VIEW



**PROPRIETARY INFORMATION**

This drawing is the proprietary property of AMERISTAR, Tulsa, OK and must not be duplicated or used in whole or in part for the making of drawings, prints or parts to the detriment of, or harm to, the owner. In accepting this drawing, the recipient agrees to keep the information contained confidential.



**AMERISTAR®**

1555 N. Mingo  
Tulsa, OK 74116  
1-888-333-3422  
www.ameristarfence.co

TITLE: ESTATE GEN 5'H 12"RISE 14' - 16' CANTILEVER GA'

DATE: 05/04/10      SCALE: DNS      SHEET:

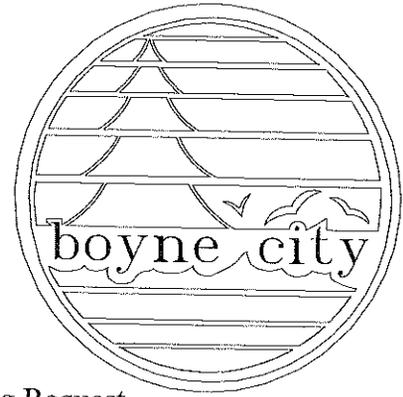
DRN BY: NJB      CHK BY: JDB      REV:

DRAWING NO: ECGX55192

**CITY OF BOYNE CITY**

**To:** Michael Cain, City Manager *Mc*  
**From:** Scott McPherson, Planning Director *SM*  
**Date:** February 24, 2015  
**Subject:** First Reading One Water Street Conditional Rezoning Request

---



**BACKGROUND**

An application for an amendment to the One Water Street conditional rezoning, a conditional use for a drive through bank in the Central Business District and development plan review has been submitted by Catt Development.

In 2012 a conditional rezoning and development plan was approved the One Water Street property. This approval conditionally rezoned the property from Waterfront Marina District to Central Business District and approved a development plan for the existing uses of the restaurant, commercial and office uses and for the construction of 13 mixed use cottages. Three of the cottages are currently under construction.

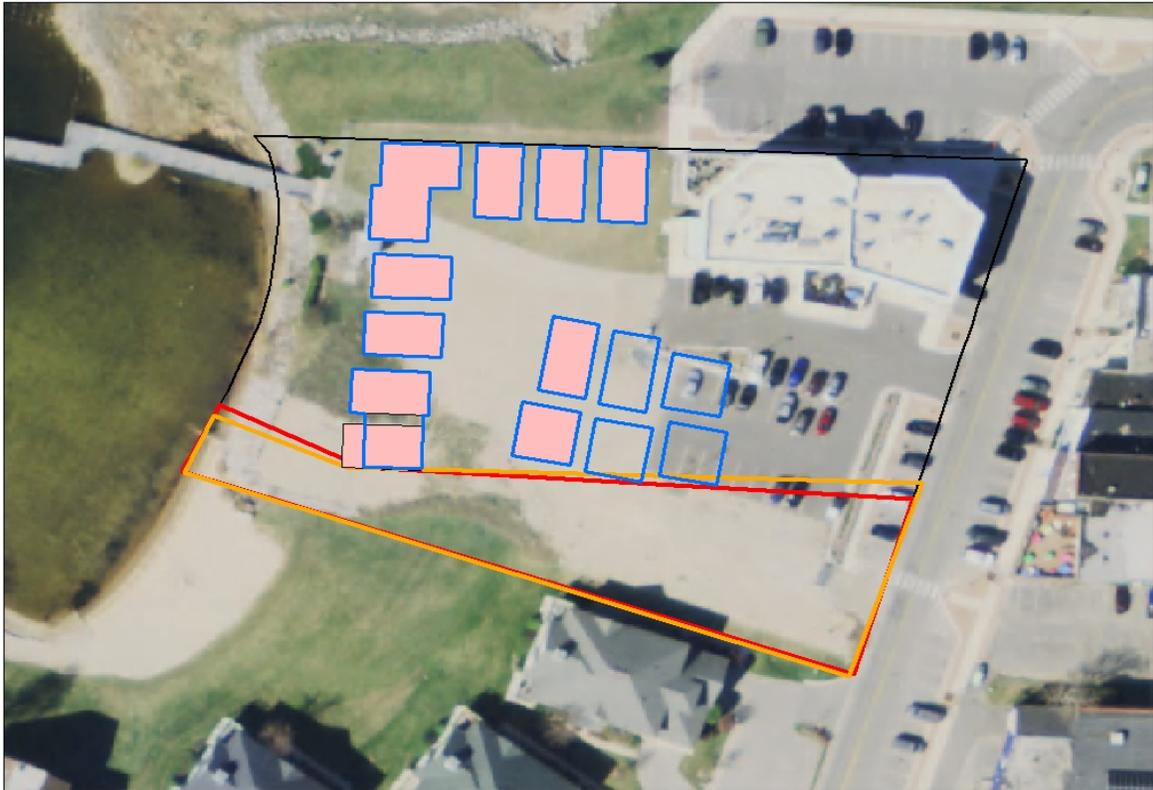
As the request includes a change to the development plan approved in conjunction with conditional rezoning this aspect of the proposal must be reviewed in accordance with the procedures and requirements for zoning amendments as stipulated by the Michigan Zoning Enabling Act and Boyne City Zoning Ordinance.

**DISCUSSION**

**Proposed Uses-** While the uses on the One Water Street are not being changed the applicant is proposing to remove 4 of the 13 approved detached resort cottage structures. The 4 structures that will be eliminated are located in the interior of the site. The proposed changes also include detaching the existing duplex unit that is located on the south west corner creating two independent single units. As a result of detaching these units the setback distance for the south lot line will be reduced from approximately 33 feet to 28 feet. In the space of the 4 eliminated cottages a new parking area will be created which will result in an increase of 25 parking spaces on the site. For your reference the existing and proposed site plans for the One Water Street property have been attached.

**Viewshed** – The existing view shed on the south side of the property provided unobstructed views from Front Street for 102 feet. While the setback for south property line is being decreased from 33 feet to 28 feet, because of the elimination of some of the interior cottages the unobstructed views from Front Street are increase by approximately 10 feet as shown on the graphic below.

Because the property is conditional rezoned to CBD, the 30% side yard requirement of BCZO 20.20 note(o) does not apply. While the Planning Commission was not required to make a finding in regards to the view shed, it is totally appropriate to consider the changes in the viewshed in the context of this change to the conditional rezoning request.



## Process

The authority to approve a Conditional Zoning became effective 2004 and allows an owner of land to voluntarily offer a specific use and development of land as a condition to a rezoning of the land. The act allowing conditional rezoning in its entirety is as follows:

### ***125.3405 Use and development of land as condition to rezoning.***

*Sec. 405.*

*(1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.*

*(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.*

*(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.*

*(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.*

*(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state*

A conditional rezoning is a zoning map amendment and is processed in accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures. It is important to remember that the City is under no obligation to consider or approve the request for conditional rezoning irregardless if the proposed plan meets all zoning criteria. This is a voluntary process for both the City and the applicant. A public hearing in front of the Planning Commission was held on February 16, 2015, and the conditional rezoning as presented was recommended for approval. As part of the recommendation of approval the Planning Commission attached the stipulation that if the Conditional Rezoning is approved by the City Commission the final site plan must be approved by the Planning Commission.

### **Recommendation**

The City Commission should review the amendment and if the Commission wishes consider adoption of the proposed amendment a second reading for the proposed amendment should be scheduled for no earlier than July 24<sup>th</sup> 2012.



# City of Boyne City

# MEMO

Date: February 20, 2015

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager : 

Subject: Boyne Valley Trailway Support

Attached please find a request from the Boyne Valley Trailway Committee requesting that the City of Boyne City provide administrative support services for their proposed trail project from inside Boyne City to ultimately Boyne Falls. As shown on the attached map the project is currently proposed to be undertaken in three phases.

In many ways the support they are requesting is very similar to the support we are providing for the Boyne City to Charlevoix Trailway. As an Act 51 Road Agency we are eligible to apply for grants in support of this project that Boyne Valley Township and other entities can not. By acting to facilitate and implement these grants and the project we actually simplify the entire process and keep costs down without creating any significant burden on the City, its staff or operations.

If successful the City will have a future financial contribution to make in about two years of about \$30,000. Staff currently sees no problem in providing that funding when needed.

**RECOMMENDATION:** That the City Commission approve the request of Boyne Valley Trailway Committee and authorize the City to support the project through items such as applying for grants and providing administrative support as approved by the City Manager.

**OPTIONS:**

- Postpone further action for additional information or review
- Some other action as determined as appropriate by the City Commission.
- Deny the request.

## Boyne Valley Trailway

To the Boyne City Commission,

The Boyne Valley Trailway Committee is requesting that the City of Boyne City serve as fiduciary for the construction funds and be the grant applicant for the major funds which will come from the federal TAP Fund, the Michigan Natural Resource Trust Fund (MNRTF) and the Frey Foundation. Other funding is being provided by Private Contributions and Foundations, Boyne City, Boyne Valley Township. (93.5% of the funding will come from federal and state funds and 6.5% for local matching funds )

Background:

The Boyne Valley Trailway Committee appreciates the initial support that has been provide by this Commission with your letter of support back in September of 2011. Since that time we have been working the City, Boyne Valley Township, Boyne Falls, Boyne Falls School, Boyne Mountain and individual property owners to secure ownership or easements for the entire length of the trail. This has been accomplished and we are now ready to move into the construction period of the project. Grant Applications for the First Phase are to be submitted in April of this year and for the Second phase in November of this year with construction possible in 2016 and 17.

Northwest Design Group has been retained to do the preliminary engineering, develop the overall plan and cost estimate, provide a cost estimate and funding plan. All of the NDG expenses this point (\$12,000) have been handled with private donations and two grants from the Peoples Fund of Great Lakes Energy. The Boyne Valley Trailway Committee plans to continue to handle the remaining preliminary expenses.

Qualification of a Grant Applicant:

Grant Applicants for a TAP and MNRTF Grants must be Act 51 government agencies and Boyne City meets this requirement. The Boyne Valley Township is

not an act 51 agency. This would operate very much like the City's role in the first phase of the Boyne City to Charlevoix trail. We have checked with your City Manager Michael Cain and City Clerk/Treasurer Cindy Grice and they see no problems in doing this. This will not increase the costs to the City and should actually simplify the first two phases of this project significantly. All the parties involved are quite appreciative of the City's willingness to consider taking on these roles to help make this project a reality.

Therefore we are asking Boyne City, through action of the City Commission, to formally accept this responsibility with the support of NDG and all the other parties involved. NDG has been working with both MDOT, the administrator of the TAP Funds, and MDNR, who administers the MNRTF.

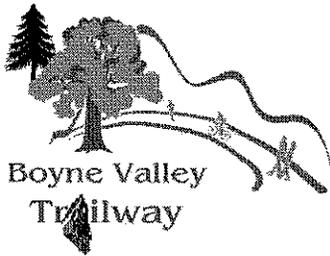
**Additional Information Provided:**

With this letter you are being provided our four page brochure with additional information about the Trailway and it references our website: [www.boynevalleytrailway.org](http://www.boynevalleytrailway.org) This site is a good narrative that brings you right to the trail and it's value to the community.

We will have representatives present at your meeting on Tuesday to addresses any questions you may have. You may also contact me prior to your meeting at 582.4030.

Michael Sheean

Boyne Valley Trailway Committee



# Boyne Valley Trailway Information

## Take Action Today!

1. Provide a letter of support for the trail.

Mail to:

Boyne Valley Trailway  
Committee  
633 Forest Park Lane  
Boyne City, MI 49712

Mike Sheean  
m\_sheean@yahoo.com

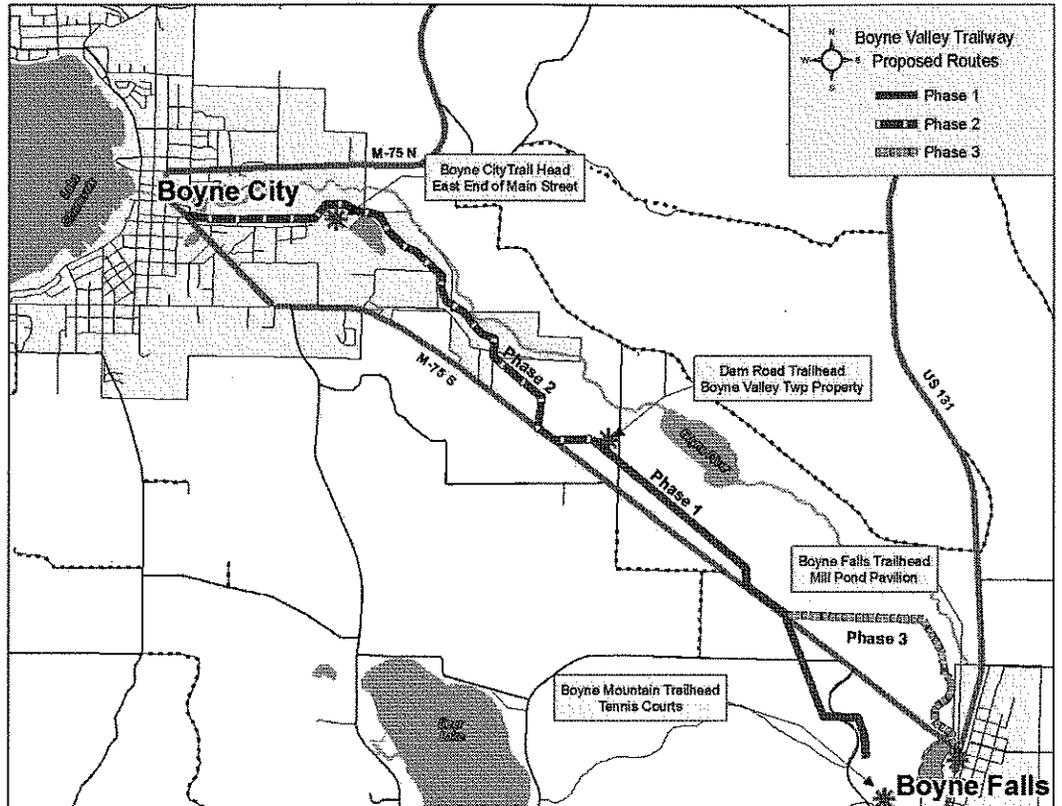
2. Donate to the Trailway Fund

Mail checks to:  
Top of Michigan Trails  
Council  
% Boyne Valley Trailway  
Fund  
445 E. Mitchell St.  
Petoskey, MI 49770

3. Volunteer to Join the Friends of the Boyne Valley Trail (BVT)

Help advocate for the BVT, fundraising, community outreach, trail maintenance and support.

Email: Mike Sheean at  
m\_sheean@yahoo.com

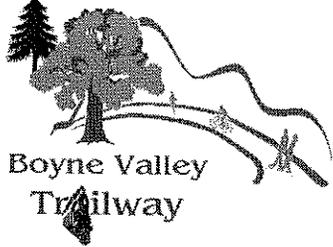


You are invited to join in establishing a non-motorized recreational trail that closely follows the Boyne River and retraces the route of the Boyne City, Gaylord & Alpena Railroad. Late in the nineteenth century this was the railroad that connected Boyne City to the rest of the world and brought logs from the forest of Northern Michigan to feed the lumber mills on the shores of Pine Lake, now known as Lake Charlevoix.

In 2000 a few folks became interested in re-establishing this route for recreational purposes. Since then Boyne Valley Township has acquired several pieces of property and has easement agreements with others.

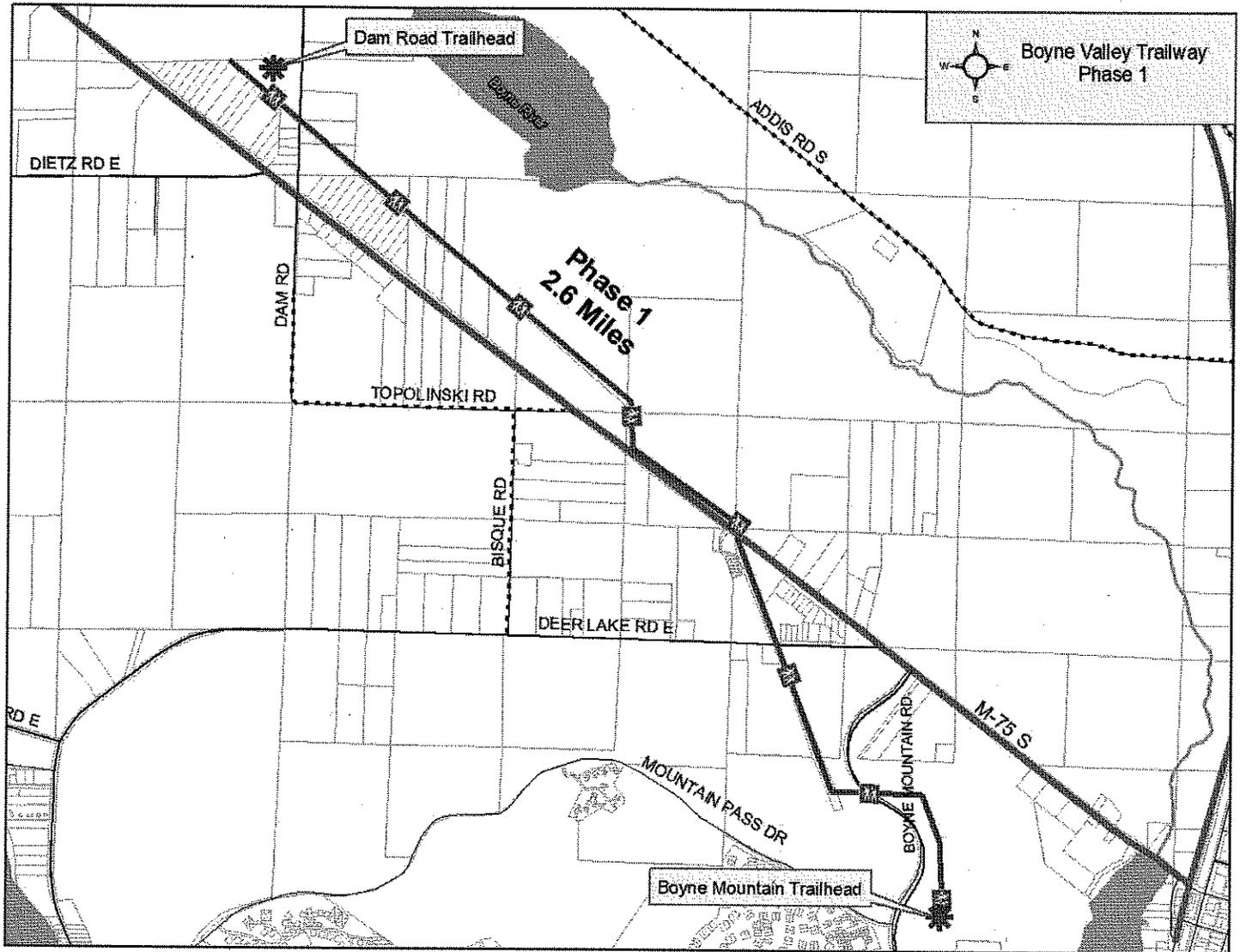
The Boyne Valley Trailway Committee has been working to finally build this trail that will help make walking, running, biking in our community safer. The trail will run along the bluff that overlooks the Boyne River, transit through beautiful woods and connect Boyne City with both Boyne Mountain and Boyne Falls. It will provide recreation and healthy activity for our citizens, bolster tourism and strengthen our local economy.

There is a lot more information on our website at :  
[www.boynevalleytrailway.org](http://www.boynevalleytrailway.org)



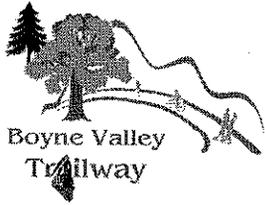
Boyne Valley  
Trailway

# Phase One



## Trailway Amenities

- Travel along the historic Boyne City, Gaylord & Alpena Railway that brought our first economic boom.
- Travel between one of America's most beautiful lakes to a premier water-sports and golf facility.
- Bring four area schools closer together with a safe off-highway route for our children.
- Enjoy the splendor of nature along the way and visit the Boyne River Nature Area.
- Explore the high banks overlooking the beautiful Boyne River.
- View the Boyne Falls.
- Begin, end or rest during your experience at one of the five beautiful trailheads.



## Plan, Engineering and Funding

The Committee has been working with Boyne Valley Township, Boyne City, Boyne Falls and Boyne Mountain to develop the trail. A grant from the Peoples Fund of Great Lakes Energy provided preliminary engineering which was done by Northwest Design Group.

The project will be built in three phases:

**Phase 1** will extend from Dam Road into the Boyne Mountain property. There will be two trail heads: One at a new Township Park on Dam Road and the other at the Cross Country Ski Center/Tennis House at Boyne Mountain.

**Phase 2** will extend from the east end of Main Street in Boyne City to the trail head at Dam Road.

**Phase 3** will run from the Boyne Falls School into the Village of Boyne Falls and end on an existing trail head just south of M-75 on Nelson Avenue.

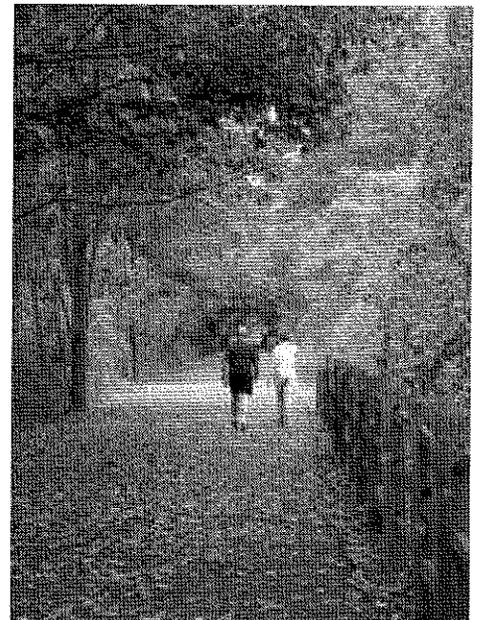
Engineering has been completed and we are applying for grants from the Federal Transportation Fund, the Michigan Natural Resources Trust Fund and the National Safe Routes to School fund. These grants could cover 94% of the costs with the rest coming from local government, private foundations and citizens like you.

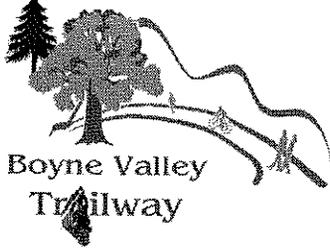
### Boyne Valley Trailway Committee

|                |                                                          |
|----------------|----------------------------------------------------------|
| Bill Aten      | Trustee, Charlevoix County Community Foundation          |
| John McCahan   | Former member, Boyne City Planning Commission            |
| John McClorey  | Owner Bikefix and Boyne City ZBA Member                  |
| Tom Neidhammer | Boyne City Comm. and Planning Commission Chair           |
| Michael Sheean | Boyne City Parks and Rec. Comm. Chair and NCBC President |

### Boyne Valley Trailway Partners

|              |                                  |
|--------------|----------------------------------|
| Ed Grice     | President, Boyne Mountain        |
| Michael Cain | Boyne City Manager               |
| Sue Hobbs    | Boyne Valley Township Supervisor |
| Bill Carson  | Boyne Falls Village President    |





Boyne Valley  
Trailway

# Phase One



## Trailway Amenities

- Travel along the historic Boyne City, Gaylord & Alpena Railway that brought our first economic boom.
- Travel between one of America's most beautiful lakes to a premier water-sports and golf facility.
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- Enjoy the splendor of nature along the way and visit the Boyne River Nature Area.
- Explore the high banks overlooking the beautiful Boyne River.
- View the Boyne Falls.
- Begin, end or rest during your experience at one of the five beautiful trailheads.

# Boyne Valley Township Meeting

February 9, 2015 – 7:00 p.m.

*This meeting is a meeting of the Boyne Valley Township Board in public for the purpose of conducting the township's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated on the agenda.*

## Minutes

|                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>I. Call to Order</b>                        | The meeting was called to order by Hobbs, at 7:05 p.m.                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>II. Roll Call</b>                           | Members Present: Hobbs, Sparks, Kelenske, Kondrat, Matelski<br>Members Absent: None<br>Others Present: Tom Towne, Sarah Towne, Sasha Durant, James Hawkins, Mike Richards                                                                                                                                                                                                                                                                         |
| <b>III. Approval of Agenda</b>                 | Motion by Sparks, support by Kelenske, to approve the agenda as printed.<br>Motion carried 5 to 0.                                                                                                                                                                                                                                                                                                                                                |
| <b>IV. Approval of Minutes and Corrections</b> | Motion by Kelenske, support by Kondrat to approve the minutes of the regular board meeting of January 12, 2015.<br>Motion carried 5 to 0.                                                                                                                                                                                                                                                                                                         |
| <b>V. Approval of Financial Report</b>         | Motion by Kelenske, support by Kondrat, to approve the financial report for January 31, 2015.<br>Motion carried 5 to 0.                                                                                                                                                                                                                                                                                                                           |
| <b>VI. Recognition of Audience</b>             | <ul style="list-style-type: none"><li>• None</li></ul>                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>VII. Board Update</b>                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| a.                                             | Appoint Boyne Valley Landscaping as Cemetery Sexton for 2015 season<br>Motion by Kondrat, support by Matelski, to renew the contract with Boyne Valley Landscaping as Cemetery Sexton for the 2015 season at the current rate.<br>Motion carried 5 to 0.                                                                                                                                                                                          |
| b.                                             | Report on AMAR audit<br>Hobbs explained the State AMAR report and updated the board on Kevin Keller's expected completion date of 2017 for correction of errors discovered in assessment audit.                                                                                                                                                                                                                                                   |
| c.                                             | Consideration of acknowledging that Boyne City will be applying for and administering the DNR Trust Fund Grant for Phase 1 and 2 of the Boyne Valley Trail.<br>Motion by Kondrat, support by Sparks to approve Boyne Valley Township apply and manage the DNR Trust Fund grant for phase 1 of the non-motorized trail, while the City of Boyne City will apply for the DNR grant and manage the second phase of the trail. The City of Boyne City |

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <p>will apply for and administer the MDOT Tap Fund grants for both phases 1 and 2.<br/>Motion carried 4 to 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                     |
| d.           | <p>Consideration of purchase of desk for Assessor in a not to exceed budgeted amount of \$1,200.<br/>Motion by Kondrat, support by Kelenske, to purchase desk or have a desk built for the assessor, not to exceed \$1200.<br/>Motion carried 5 to 0.</p>                                                                                                                                                                                                                                                             |
| e.           | <p>Discussion of off road vehicle crossings.<br/>Motion by Kelenske, support by Matelski to approve Hobbs contacting the Michigan DNR to request highway crossings as shown on the presented map.<br/>Motion carried 5 to 0.</p>                                                                                                                                                                                                                                                                                      |
| f.           | <p>Budget Workshops scheduled.</p> <ul style="list-style-type: none"> <li>• Budget workshop for General Fund, Liquor Fund, Transfer Station, and Cemetery Fund on Feb 19 at 6:00 pm</li> <li>• Budget workshop for Fire Fund and Ambulance Fund on Feb 25 at 6:00 pm.</li> </ul>                                                                                                                                                                                                                                      |
| g.           | <p>Consideration of appointing Marilyn Seelye to the Board of Review<br/>Motion by Kelenske, support by Kondrat to appoint Marilyn Seelye to the Board of Review beginning with the March 2015 meeting.<br/>Motion carried 4 to 0. 1 abstained.</p>                                                                                                                                                                                                                                                                   |
| h.           | <p>Township survey regarding road millage<br/>Discussion regarding the results of the township master plan survey regarding the support of a township road millage.</p>                                                                                                                                                                                                                                                                                                                                               |
| <b>VIII.</b> | <p><b>Board Salaries</b><br/>Motion by Matelski, support by Kondrat that board salaries will remain the same for the 2015-2016 budget year:</p> <ul style="list-style-type: none"> <li>• Supervisor: \$15,000.00</li> <li>• Clerk: \$20,000.00</li> <li>• Treasurer: \$20,000.00</li> <li>• Trustees: \$ 5,000.00 each</li> </ul> <p>Motion carried by Roll Call vote of: Hobbs: aye, Sparks: aye, Kelenske: aye, Kondrat: aye, Matelski: aye</p>                                                                     |
| <b>IX.</b>   | <p><b>Building and Grounds</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>X.</b>    | <p><b>Education</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>XI.</b>   | <p><b>Fire &amp; Rescue Report</b><br/>Jim reported a quiet month.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>XII.</b>  | <p><b>Ambulance Report</b><br/>Coordinator Richards requested board hire 2 new EMT basics: Sasha Durant and Scott Moore. Both have EMT Basic licensing and Firefighter I &amp; II.<br/>Motion by Kondrat, support by Sparks to appoint Sasha Durant and Scott Moore to EMS Department.<br/>Motion carried 5 to 0.</p> <p>Richards reported ordering two new hand held radios for the growing department. Discussion regarding policy on how long a department member who is no longer active, can keep radios and</p> |

|              |                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <p>other equipment. Policy to be developed.</p> <p>Richards reported ambulance number 1 was at Brown Motors for new brakes and ambulance number 2 will be at Brown Motors this week for oil change and to be checked over.</p> <p>Clerk will make up a certificate of appreciation for local businesses that support our ambulance and fire departments by allowing employees to leave work to serve the public.</p> |
| <b>XIII.</b> | <p><b>Planning Report</b></p> <p>Hobbs reported on joint meeting with Willson Township, City of Boyne City and Trail Committee. Good discussion.</p>                                                                                                                                                                                                                                                                 |
| <b>IVX.</b>  | <p><b>Transfer Station Report</b></p>                                                                                                                                                                                                                                                                                                                                                                                |
| <b>XV.</b>   | <p><b>Public Comments</b></p>                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>XVI.</b>  | <p><b>Payment of the Bills</b></p>                                                                                                                                                                                                                                                                                                                                                                                   |
| a.           | <p>Motion by Kelenske, support by Kondrat, to approve the payment of the February bills<br/>Motion carried 5 to 0.</p>                                                                                                                                                                                                                                                                                               |
| <b>XVII.</b> | <p><b>Adjournment</b></p> <p>Motion by Sparks, support by Kelenske to adjourn.<br/>Motion carried 5 to 0.</p> <p>Time adjourned: 8:25 pm</p>                                                                                                                                                                                                                                                                         |

Respectfully submitted,

Lynn Sparks  
Clerk

**MEMORANDUM****TO: MICHAEL CAIN; CITY MANAGER** *Mc***FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT** *AK***DATE: 2/19/15****RE: CITY RECREATION PLAN**

Over the past few months the City Recreation Commission has been developing the Boyne City 2015-2020 Recreation Plan. The Plan will replace the previous 5 year recreation plan that expired at the end of last year. To qualify for some types of State grants such as those offered through the Natural Resources Trust Fund and the Coastal Zone Management Programs an approved recreation plan must be on file with the State. The plan must meet specific requirements in its development and content and must be adopted in accordance with the procedures established by the State. The Boyne City Recreation Plan contains the recreation goals of the City which were developed based on community input and based on those goals an action program and project list for the next 5 years was developed. While the project list seems ambitious it is important to remember that it only serves as a guide for future recreation improvements and to be grant eligible the project must be listed in the plan. The City is not bound to complete any of the projects or abide by any particular time frame. And as always prior approval from the City Commission must be given prior to the initiation of any project. In addition to the 5 year project list the plan also has the Boyne City Waterfront Master Plan, The Old City Park Plan, the Marina Plan and the Avalanche Master Plan as attached sub-area plans. By attaching these plans to the City Recreation Plan the improvements listed in these plan also become grant eligible. While the Recreation Commission has attempted to be as inclusive as possible with the project list, in the event the City wishes to pursue a project that is not on the list the plan can be amended in a relatively short period of time to include additional projects.

On January 5th the Recreation Commission reviewed the draft of the Boyne City 2015-2020 Recreation plan and approved the draft for the mandatory 30 day review period. A copy of the plan was made available in the planning office and on the city website and comments on the plan were received up until the required public hearing that was held at the regular meeting of the Recreation Commission on February 12th at 7pm. The Planning Commission reviewed the plan and at their regular meeting on January 19th made comments on the plan and recommended adoption of the plan. After the public hearing on February 12th the plan was recommended for adoption by the Recreation Commission and is now being submitted to the City Commission for their consideration.

**RECCOMENDATION:**

It is recommended that the City Commission adopt the Boyne City Recreation Plan 2015-2020 as presented and as recommended by the Recreation Commission and the Planning Commission.

**OPTIONS:**

1. That the matter be postponed for additional information or consideration.
2. That the matter be approved subject to some revisions
3. Any other option as determined by the City Commission

**CITY OF BOYNE  
RECREATION PLAN  
Resolution of Adoption  
City of Boyne City**

WHEREAS, the Parks and Recreation Commission of City of Boyne City has undertaken a Five Year Parks and Recreation Plan which describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the period between 2015 and 2020, and

WHEREAS, the City of Boyne City has developed the plan for the benefit of the entire community and to adopt the plan as a document to assist in meeting the recreation needs of the community, and

WHEREAS, a public input session was held October 23, 2014 at City of Boyne City, City Hall to provide an opportunity for citizens to provide input on the recreation needs and goals of the City and discuss all aspects of the City Recreation Plan, and

WHEREAS, a draft of the Recreation Plan was made available to the public for review and comment from January 8, 2015 to February 12, 2015, and

WHEREAS, a public hearing was held February 12, 2015 at Boyne City City Hall 319 North Lake Street, to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Recreation Plan, and

WHEREAS, after the public hearing, the Parks and Recreation Commission of the City of Boyne City voted to recommend adoption of said Recreation Plan.

NOW, THEREFORE BE IT RESOLVED THE City Commission of the City of Boyne City hereby adopts of the Boyne City Recreation Plan as a guideline for improving recreation for the residents of the City of Boyne City,

Yeas:

Nays:

Absent:

I, Cindy Grice, City of Boyne City Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the City Commission of Boyne City at a Regular Meeting thereof held on the 24<sup>th</sup>, day of February 2015.

---

Recording Secretary



# Boyne City Recreation Plan 2015



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## APPENDIX

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## SUB-AREA PLAN ATTACHMENTS

|                           |                                    |
|---------------------------|------------------------------------|
| <b>Attachment A</b> ..... | Boyne City Water Front Master Plan |
| <b>Attachment B</b> ..... | Old City Park Master Plan          |
| <b>Attachment C</b> ..... | Avalanche Master Plan              |
| <b>Attachment D</b> ..... | Trail Town Plan                    |
| <b>Attachment E</b> ..... | Veterans Park Pavilion             |
| <b>Attachment F</b> ..... | Boyne City Marina Plan             |

## **INTRODUCTION**

### Location and Regional Setting

Boyne City is located in Charlevoix County in the northwest region of Michigan's Lower Peninsula. The City shares its northern and eastern border with Evangeline Township and its southern border with Wilson Township and Boyne Valley Township. Boyne City is a lake shore community covering 5.3 square miles located on the southern shore of the north arm of Lake Charlevoix. The City has almost 18,000 feet of shoreline and is bisected by the Boyne River which meanders through the center of the City and empties into Lake Charlevoix.



Boyne City was first settled in 1856 by John and Harriet Miller and from its quiet beginnings the City quickly developed into a bustling industrial center. The deep water of Lake Charlevoix with its connection to the Great Lakes and the Boyne River made Boyne City a natural location to tap the rich lumber resources of the area and the town grew dramatically during the lumbering boom that started in the 1880's. In addition to the lumber mills, heavy industries also located in the City and by the early 1900's a variety of products were produced in the City including charcoal, bricks, iron, chemicals, and leather. As the lumber resources became depleted the mills and industries located on the City's shoreline eventually closed.

The City maintains many of the features of a small "port town" community that evolved from the lumbering industry. While Boyne City has maintained its small town feel, it is a vibrant and proactive community. Over the years the City has been making a

transformation from an industrial based economy to more of a tourism economy but it still depends on industries and businesses unrelated to tourism for much of its economic base.

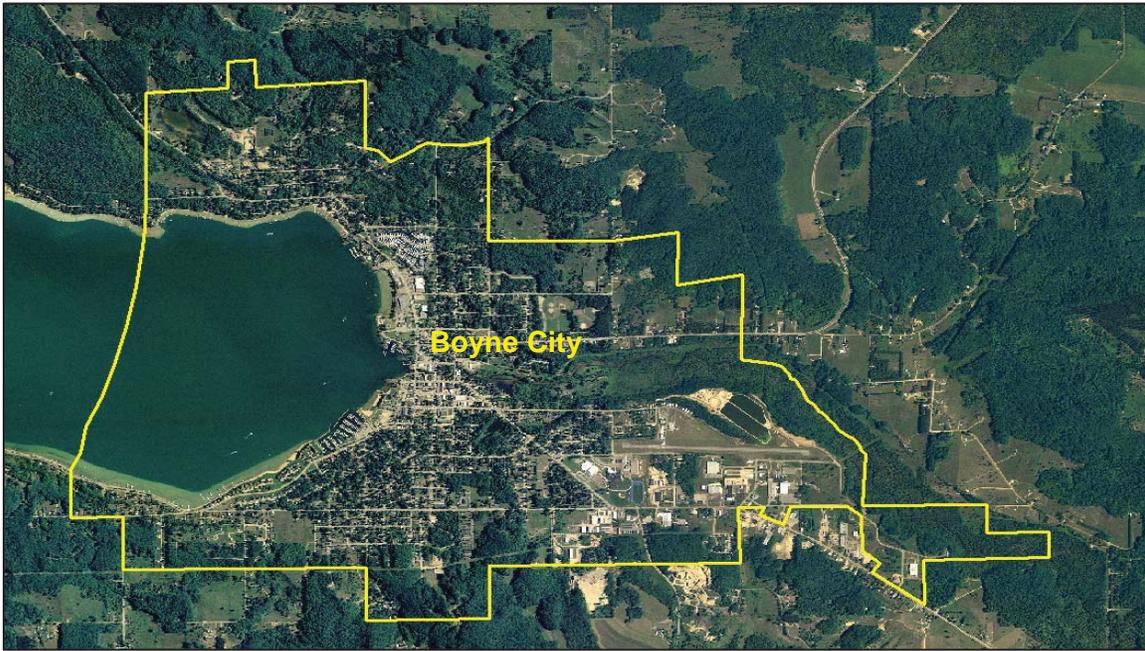
The rich natural resources of the area that previously supported the community through exploitation now help support the community through recreation. The woods, hills, lakes and rivers are cherished as valuable natural resources and economic assets to the region and offer abundant recreational opportunities. In the summer recreation opportunities such as boating, swimming and fishing and in the winter time activities such as hunting, snowmobiling, skiing and skating are extremely popular. Six miles from the City is Boyne Mountain, a year around full service destination resort that has an indoor water park and conference center, offers downhill skiing, cross county skiing, golf and mountain bike trails.

The distinct and historic qualities of Boyne City's downtown are being capitalized on to strengthen Boyne City's identity. The City is a home town that caters to the everyday needs of the local population and is an up north "getaway" offering unique attractions and experiences for seasonal residents and visitors.

The regions proximity to several major population centers has contributed to the strong tourism industry of the area. With Detroit, Chicago, Grand Rapids and other urbanized areas within a half day's drive, it has been natural for persons of all income levels to migrate northward. Because many people residing within these nearby metropolitan areas may be traveling shorter distances due to rising gas prices, they may be looking for alternative vacation spots that are closer to home.

### Plan Jurisdiction and Focus

The Boyne City recreation plan is primarily a plan for the development of recreation opportunities within the municipal boundaries of the City; however, some recreational interests of the City do extend outside the City limits. Approximately 3 miles to the north of the City in Evangeline Township the City owns approximately 140 acres of vacant land. The property consists of a mix of woods and open land and has much potential for future recreational uses. Adjacent to the south of the City in Wilson Township the City owns approximately 215 acres of land that is part of Avalanche Park. Currently the property is used for recreational uses associated with the Park. In addition to planning for future recreational uses for these specific lands outside the City limits, the City also continues to work towards establishing trail connections within the City limits of Boyne City and to destinations outside the City such as Young State Park and Boyne Mountain.



## SUB-AREA PLANS

In addition to the overall recreation planning for the City, The Boyne City Recreation plan also contains specific sub area plans. Over the past few years the City has developed and adopted sub area plans for the use and development of its waterfront and two of its parks. The sub area plans that are attached and included in the Boyne City Recreation Plan are the Boyne City Waterfront Master Plan, the Old City Park Plan and The Avalanche Park Master Plan. A brief description of each of the plans is provided below and a complete copy of each plan is included as an attachment to the Boyne City Recreation Plan.

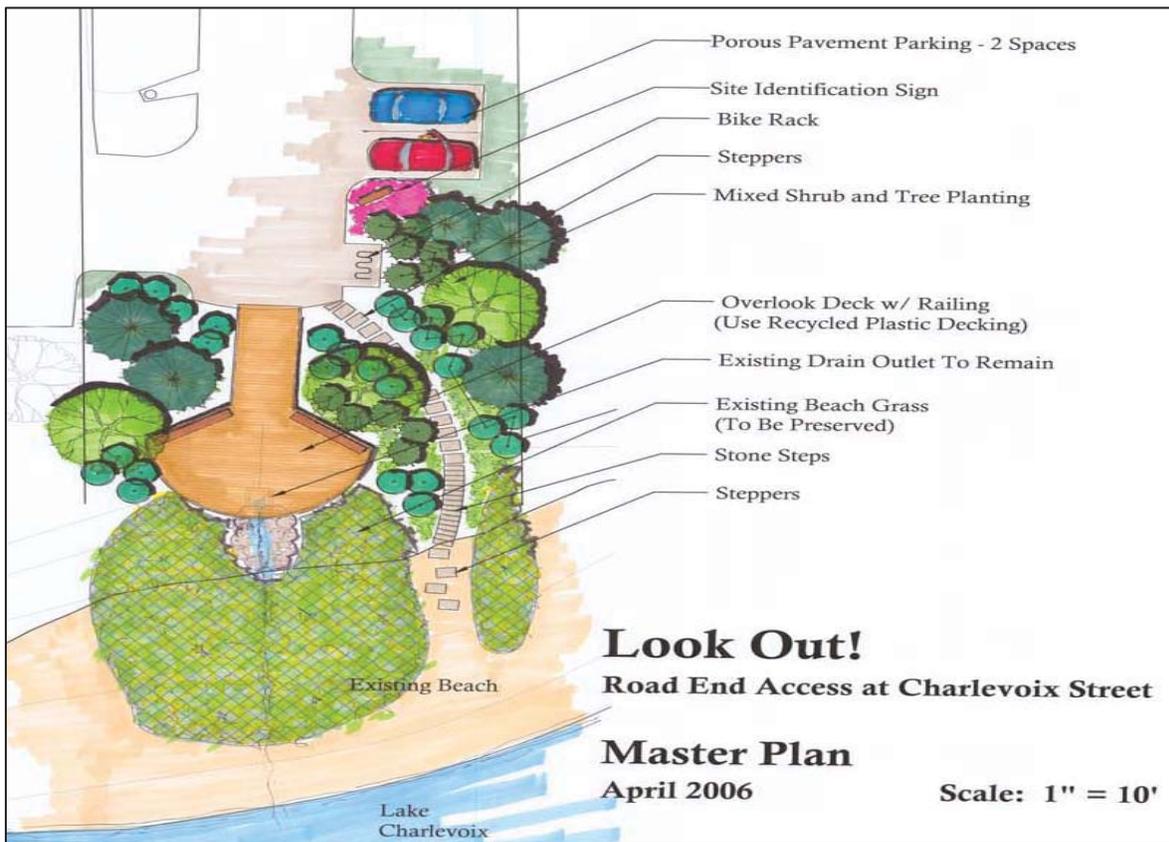
### Water Front Master Plan

The importance of the City’s water resources cannot be understated and the community recognized the need to have an all-inclusive plan for the future use and development of this important resource. In May 2006, after a year of planning, the City adopted the *Boyne City Water Front Master Plan*. The plan is included in this plan as attachment “A”. The plan developed a comprehensive vision for all of Boyne City’s water resources. The plan included specific development plans for all city owned properties with high quality graphics and cost estimates for specific projects. The goal and purpose of the *Boyne City Water Front Master Plan* is best summed up in its introduction which states:

*“This Waterfront Master Plan is part of an effort to focus competing viewpoints into a unified vision for the extension, development, and stewardship of public and private lands along the lake and river shore lines within the city’s boundaries. Further, this plan seeks to anticipate and encourage land use patterns adjacent to these public lands that transform the community in positive ways without deleteriously compromising the value, integrity and quality of those assets held in common, namely the waterfront public lands. The waterfront lands are the core physical elements in the next wave of the city’s transformation. These lands are coveted equally by those who see value in building upon*

*them and by those who see value in preserving them as open spaces. This plan represents the city's effort to balance these competing viewpoints and establish a philosophical platform on which the city can evolve and change in positive ways over the next 50 years."*

The City has begun implementing some of the components of the Waterfront Master Plan and the plan is heavily relied upon when the City is considering site plans or the future use or development of parcels that are on or near the waterfront. In 2008 the City completed one of the road end projects that were included in the plan. The LOOKOUT project is an ADA compliant viewing platform that provides spectacular views of Lake Charlevoix and the surrounding hills and countryside. The project also included water access and a much improved storm water discharge system.

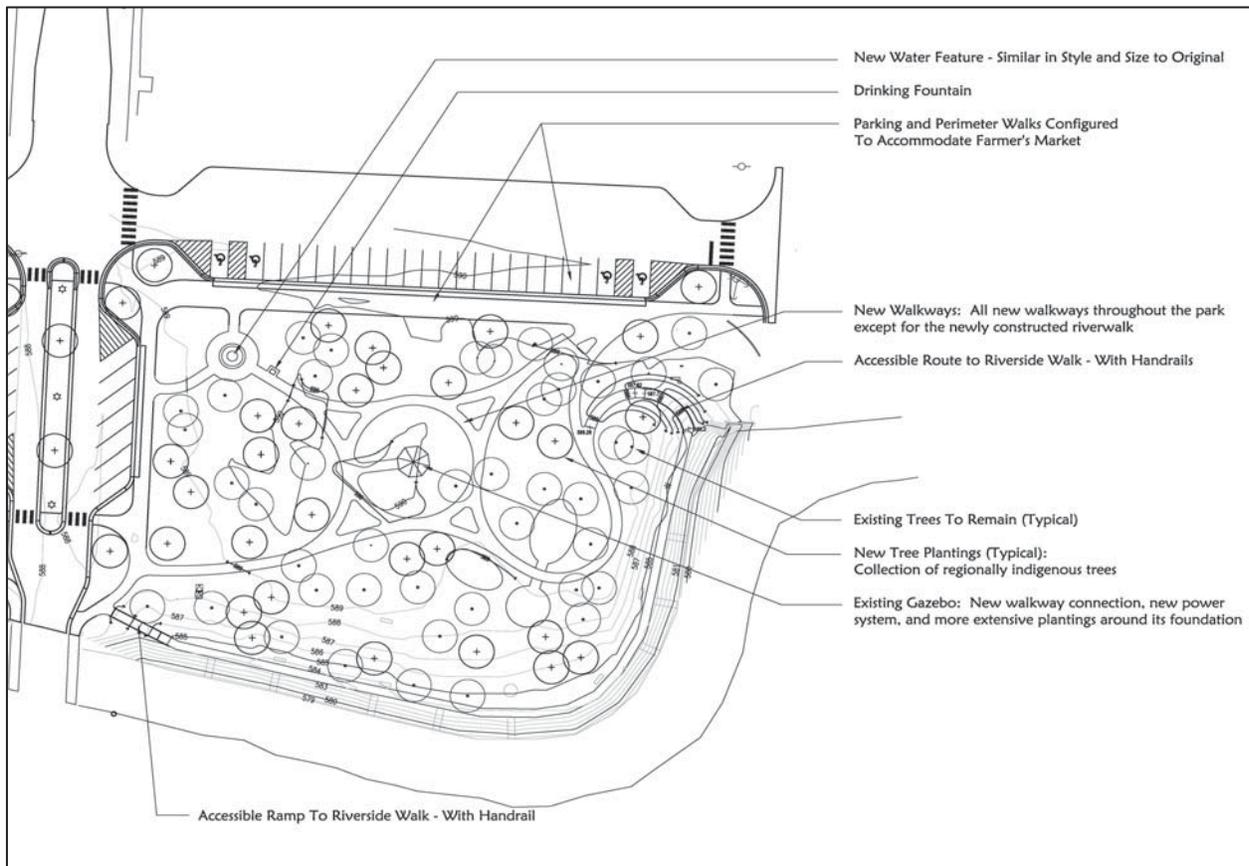


Old City Park Plan

Old City Park is a 1.5 acre park that is located in the center of town on the Boyne River. The park is boarded on the north by River Street, on the west by Park Street and on the East by East Street. The park is a focal point of the community and is an important gathering place. The park is host to many community activities and functions to include the farmers market and weekly summertime concerts. Residents use the park for private functions and the gazebo is a popular place for weddings. A river bank restoration project completed in 2008 by the Friends of the Boyne River provided a much improved river walk

that offers a popular place for a relaxing stroll or fishermen can select one of several fishing newly created access points to try their luck.

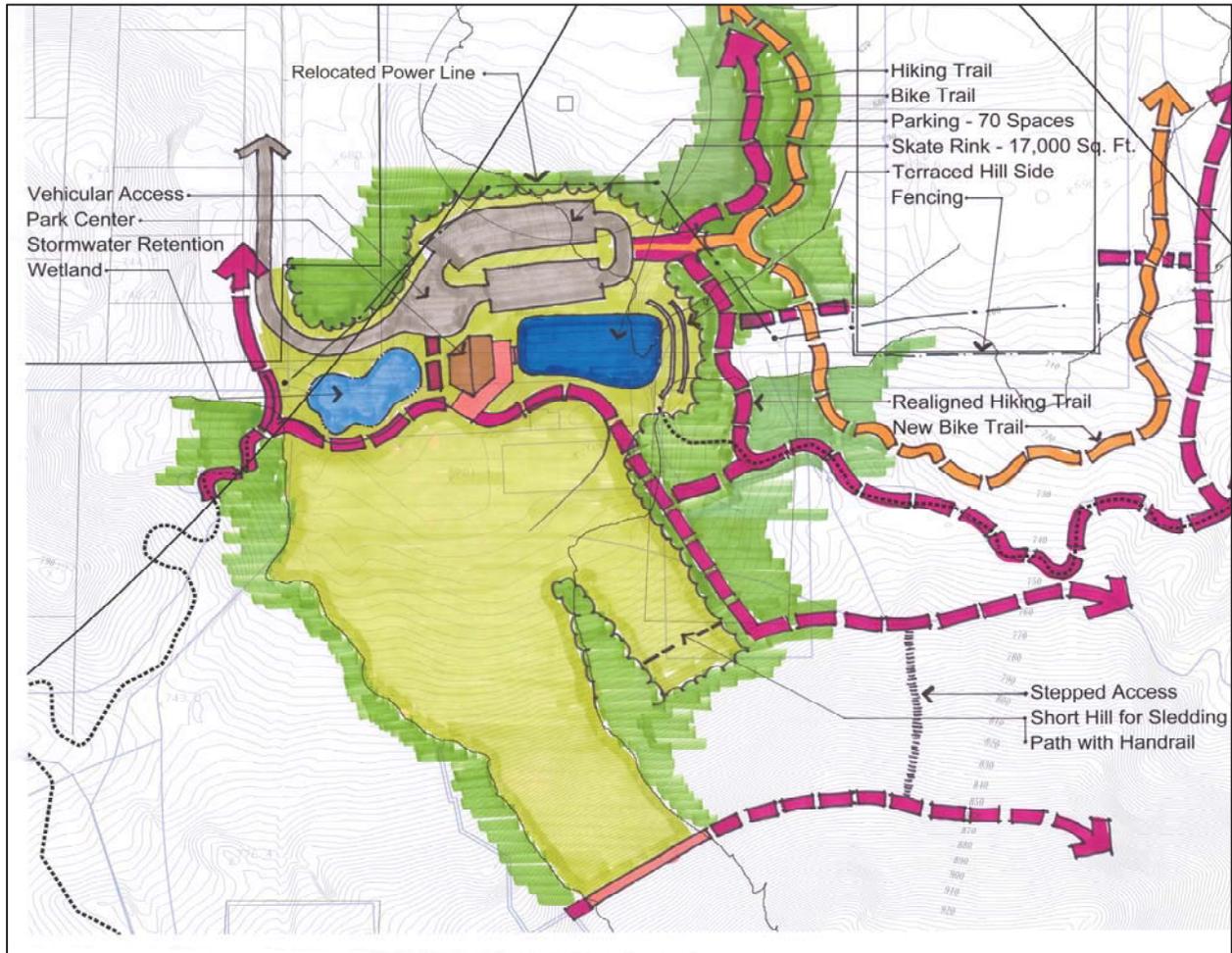
In 2008 the City was successful in its application for a Vibrant Small Cities Initiative grant (VSCI). This new grant program offered through MSHDA required grant awardees to identify potential projects then develop specific plans for the projects after the grant was awarded. One of the projects selected for the VSCI grant was improvements to Old City Park. The improvements completed in the park included new sidewalks, tree plantings, landscaping, irrigation and a decorative fountain. Additional improvements that were planned for, but not completed, included additional landscaping and plantings, restrooms and additional children’s play equipment. The Old City Park plan has been included and attached to this plan as attachment “B”. While many of the improvements detailed in the plan were completed in 2009, the master plan also included several improvements that were not part of the renovations. These additional improvements may be completed in the future as needs arise or as additional funding becomes available.



Avalanche Park Plan

The Avalanche Mountain Preserve comprises 300 plus acres of woodland located on the southern border of Boyne City, Michigan in Charlevoix County and extends beyond the City limits into Wilson Township. The area is predominantly sloping terrain with approximately 90% of the park wooded. The area offers many types of recreational activities including hiking, biking, cross country skiing, skating, jogging, disc golf,

snowmobiling and sledding. Avalanche was chosen as the top sledding hill in the state by Michigan Blue magazine. There are 462 steps to the top of Avalanche with a platform available to view the City and Lake Charlevoix. While there are many activities currently available at Avalanche it was recognized that a master plan for the park was needed to insure the park would continue to develop in a planned and thoughtful manner. In 2009 the City completed the Avalanche Master Plan and the plan is included and attached to the Boyer City Recreation Plan as attachment “C”.



### Trail Town Plan

Through a grant from The Charlevoix Community Foundation and the Frey Foundation, the Land Information Access Association (LIAA) facilitated the creation of a Trail Town Master Plan for the City of Boyer City. A Trail Town is an active, attractive and interesting place with accessible and comfortable spaces, hosting a variety of activities and promoting social interaction and a strong sense of place. A Trail Town should meet both the needs of the trail users and the resident’s of the community. A Trail Town has the physical amenities that support trail uses such as wide sidewalks, drinking fountains, and benches with shade. A Trail Town also has the business amenities to support day trip uses and overnight trail uses.

Recreational Trails can have a significant impact on the local economy. Trails can attract and support tourism and new business opportunities. In addition local residents often spend money on trail-related activities and related businesses.

The Trail Town Plan was developed for the purpose of capturing the potential for trail based tourism in Boyne City and surrounding area. The plan is representative of a long-term commitment of the community to recreational trails throughout the City and around the region. Specifically, the Trail Town Concept is one of realizing the economic potential of recreational trails and bringing dollars into the communities they serve.



A major component of the plan is the proposed trail connections from Boyne Falls to Charlevoix through Boyne City. This non-motorized asphalt trail would be comprised of a 6.2 mile connection from Boyne Falls to Boyne City and a 14.9 mile section from the City of Boyne City, through Horton Bay to the City of Charlevoix. When completed this trail system will provide users with scenic and picturesque views of the surrounding hills and countryside and access to Lake Charlevoix and the Boyne River. In addition to connecting the three municipalities, the trail will also provide direct connections to the major recreation destinations of Boyne Mountain and Young State Park. The Boyne City Trail Town Plan is included and attached to the Boyne City Recreation Plan as attachment “D”.

Veterans Park Pavilion

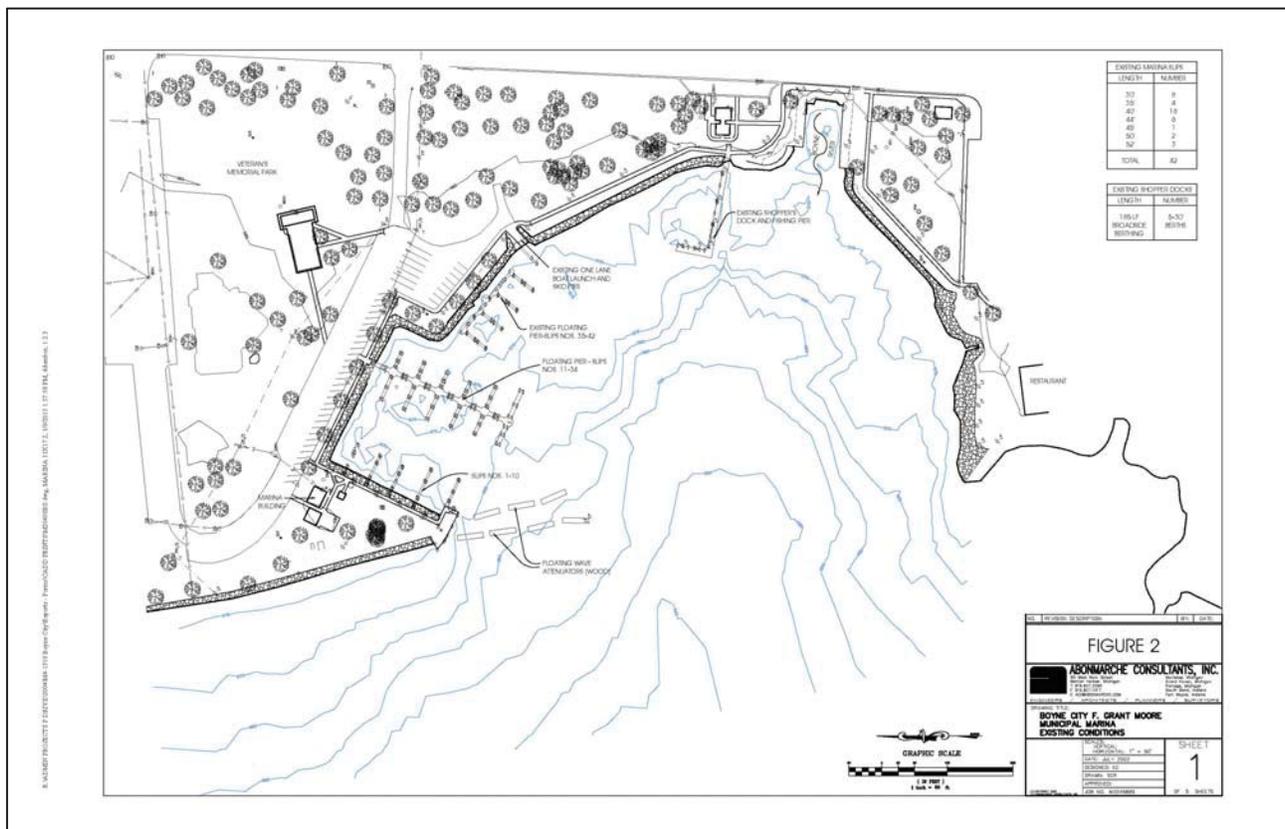
With grant funding provided through the Charlevoix County Community Foundation, the Boyne City Main Street Program and the City of Boyne City who contracted with Environmental Architects to develop design options for the renovation or replacement of the existing Veterans Park pavilion. To develop the design concepts, Environmental Architects facilitated a three day public design charrette. The goal of the charrette was to gather public input and consider possibilities to create a year-round, multi-activity structure in Veterans Memorial Park to be used by residents and organizations and which could also serve as a permanent winter farmers market. The adaptation and reuse of the existing facility as well as new construction at a new location were all explored as possible options. Through the design process three different design concepts were developed. A full description of the charrette process and the design concepts are included in the “Planning the Pavilion at Veterans Park” Charrette summary report which is included and attached to the City of Boyne City Recreation Plan as attachment “E”.



Boyne City Marina Master Plan

Within Veterans Memorial Park the City of Boyne City operates the Grant F. Moore Municipal Marina. Originally constructed in the 1950's the marina consists of 42 slips, fixed and floating docks, electrical service, a marina service building with office, storage and restroom facilities, seven floating wave attenuators and a small boat launch. Immediately south of the marina near the mouth of the Boyne River the City also operates and maintains a "Shoppers Dock" which is used for limited, short term boat parking. Approximately ¼ mile north of the marina the City operates a two-lane public boat launch.

Over the years demand for marina slips has increased and due to this demand the City retained the Abonmarche Group to study the City's Marina and boat launch facilities and determine the feasibility of expanding these facilities. While the plan and study are now over 10 years old and several improvements to the marina have been accomplished since the plan was completed, the number of slips has not been increased and many of the findings and recommendations in 2005 Boyne City Marina Master Plan are still relevant today. The Plan is attached to the Boyne City Recreation Plan as attachment "F".

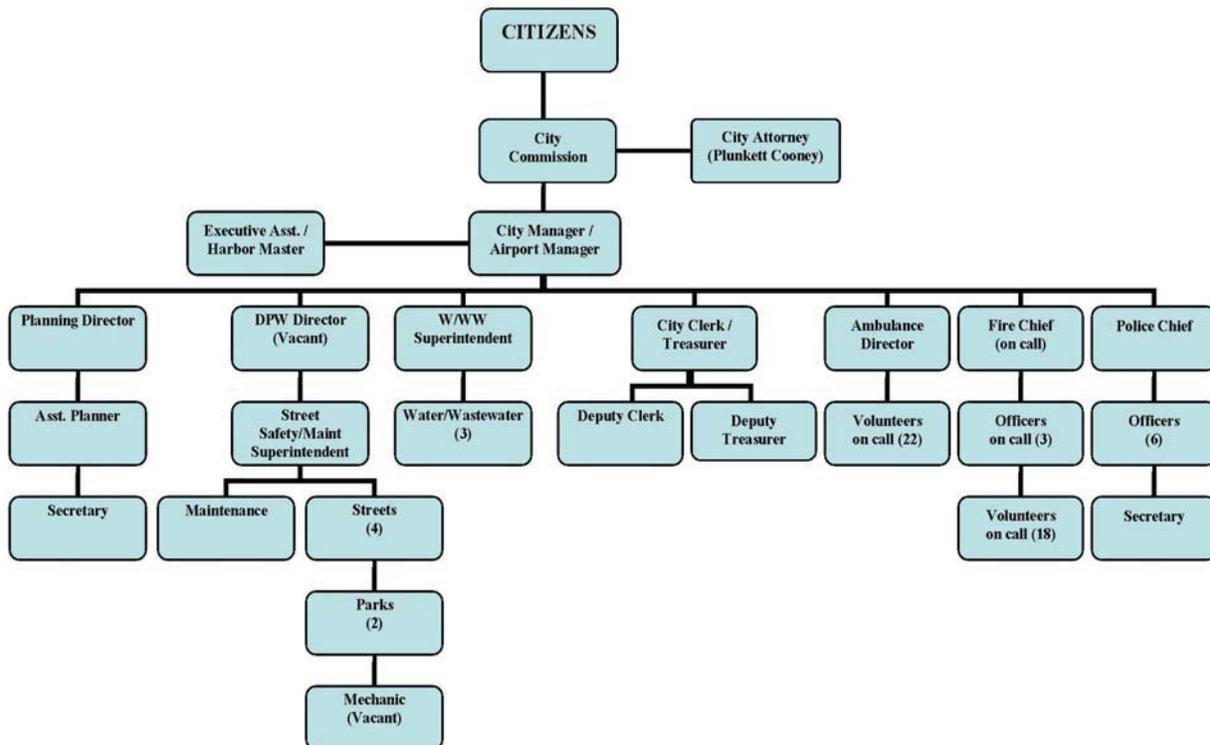


### ADMINISTRATIVE STRUCTURE

The City of Boyne City’s Parks and Recreation Commission, created by the City Commission, consists of eight (8) regular members who are city residents. Of the eight (8) members, not more than one may be from the City Commission. This Board serves as an Advisory Board to the City Commissioners.

The City Manager oversees all city activities and the Department of Public Works director is the city staff liaison assigned to the recreation commission. The Public Works Department head assists the recreation commission with planning and development of recreation projects in the City and schedules park workers for year round maintenance and operation of the parks. During the summer months, an employee is transferred from the Street Department to Parks Foreman. The City employs a part—time attendant at the ice skating rink, a harbor master, and boat launch attendants.

### Boyne City Organizational Chart

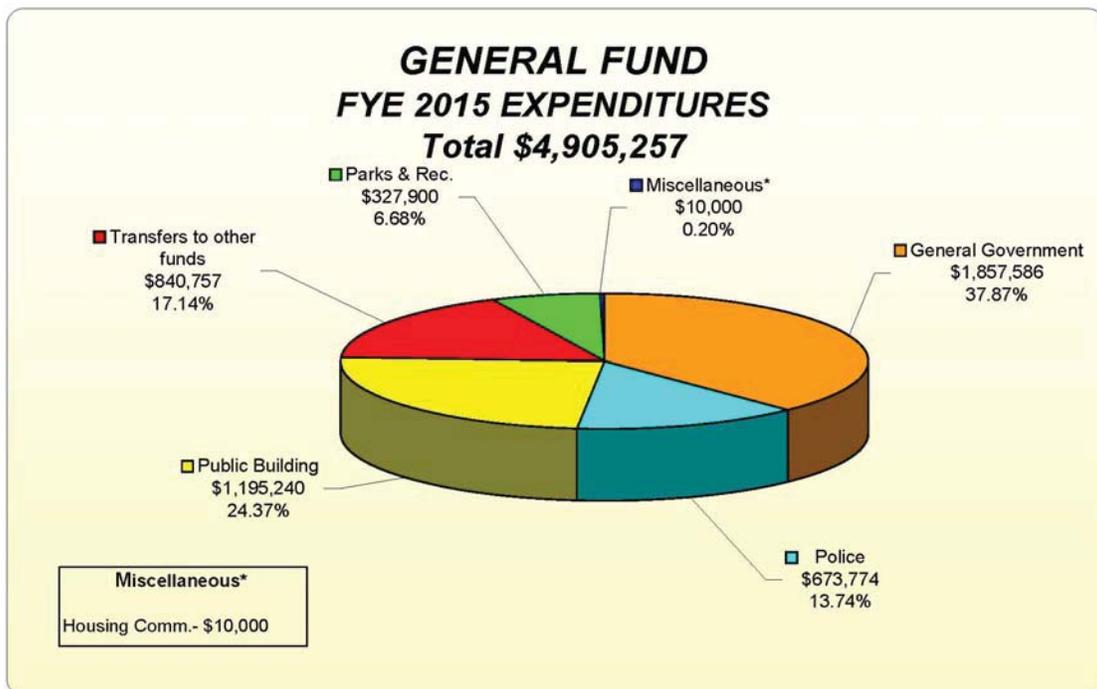


Recreation Programming

Recreational programming in Boyne City is conducted on an as needed basis by Charlevoix County and Charlevoix County Cooperative Extension Service funded 4H program and through the Boyne City Public Schools Community Education Programs. These organizations in addition to baseball, softball, little league, soccer and other associations, provide recreational programs. Most of these programs are operated on a volunteer basis with the city, the schools and community organizations funding the improvements and operational aspects of both the facilities and the programs themselves. Other community groups and organizations such as the Garden Club, Rotary, Girl and Boy Scouts and the Friends of the Boyne River donate money, materials, and labor to improve the parks and community facilities.

Operating Budget

The fiscal year for Boyne City begins on the first of May. The FYE 2015 approved Parks and Recreation budget is shown on pages 9-10. In the current budget year of FYE 2015 the Boyne City Commission budgeted \$327,000 for the maintenance and operation of its parks system which account for 6.68% of the total budget. In FYE 2014 the City spent over \$266,000 on its parks and recreation program with \$16,000 spent on capital improvements. Funds for developing new, or for making major improvements to existing facilities, are made available via the city’s capital improvement budget. As a result of long standing city policy, improvements for active recreation facilities that will benefit specific groups of the recreating populace are a specific primary responsibility of the specific group. The city will assist in the maintenance and upkeep of the facility in the future.



## PARKS AND RECREATION

General Fund  
Fund Code: 101-751

Expenditures

See page 23 on 12 Yr History

| Code | Account Title                 | Prior yr<br>FYE<br>2013 | Current Year FYE<br>2014 |                | Proposed<br>FYE 2015 |
|------|-------------------------------|-------------------------|--------------------------|----------------|----------------------|
|      |                               |                         | Budgeted                 | Projected      |                      |
| 702  | Salaries/Wages: Part Time     | 8,924                   | 7,000                    | 6,000          | 7,000                |
| 705  | Salaries/Wages: General Parks | 49,236                  | 75,000                   | 70,000         | 75,000               |
| 709  | Overtime                      | 3,410                   | 2,500                    | 3,500          | 3,500                |
| 711  | Safety Equipment              | 4                       | 0                        | 0              | 0                    |
| 713  | Insurance: Medical            | 13,285                  | 21,000                   | 18,000         | 21,000               |
| 714  | Social Security               | 4,399                   | 5,600                    | 5,000          | 5,600                |
| 715  | Pension                       | 500                     | 500                      | 500            | 500                  |
| 716  | Unemployment Compensation     | 1,341                   | 600                      | 1,500          | 1,500                |
| 719  | Vacation/Sick Time            | 19                      | 3,600                    | 3,600          | 3,600                |
| 727  | Supplies                      | 27,446                  | 30,000                   | 32,820         | 35,000               |
| 730  | Maintenance                   | 4,919                   | 10,000                   | 11,000         | 11,000               |
| 738  | Civic Projects                | 1,000                   | 1,000                    | 1,000          | 4,000                |
| 740  | Utilities/Telephone           | 23,759                  | 24,000                   | 21,000         | 24,000               |
| 808  | Professional Services         | 0                       | 5,000                    | 0              | 5,000                |
| 818  | Contracted Services           | 22,742                  | 22,000                   | 22,000         | 24,000               |
| 860  | Motor Pool                    | 41,301                  | 50,000                   | 47,000         | 50,000               |
| 870  | Training / Travel             | 0                       | 0                        | 310            | 400                  |
| 910  | Ins: Liability/Equipment      | 488                     | 1,200                    | 310            | 400                  |
| 911  | Workers Compensation          | 413                     | 600                      | 2,300          | 2,400                |
| 970  | Capital Outlay/Equipment      | (1,273)                 | 20,000                   | 16,000         | 34,000               |
| 975  | Avalanche Improvements        | 9,396                   | 10,000                   | 5,000          | 20,000               |
|      | <b>TOTAL</b>                  | <b>211,309</b>          | <b>289,600</b>           | <b>266,840</b> | <b>327,900</b>       |

**A. MISSION STATEMENT**

*To provide a safe, pleasing and useable open space in an economically feasible manner for recreational pursuits of our residents and visitors.*

**B. PERSONNEL**

Andy Kovolski ..... Parks Director  
 Keith Hausler..... Parks Foreman  
 (Also a Heavy Equipment Operator in Street Department)

**C. LINE-ITEM CLARIFICATION**

*705 - Salaries/Parks General Wages ..... \$ 75,000*

*727 – Supplies..... \$ 35,000*

This item covers materials related to all of the parks, including paper products, garbage bags, hand tools, etc. The cost of fertilizer spray, picnic tables, grills, etc. and other miscellaneous, routine expenses are included in this item.

*738 - Civic Projects..... \$ 4,000*

These funds have generally been used to help finance community-sponsored Parks and Recreation activities. The allocation this year includes participation in:

- a. Garden Club Contribution ..... \$3,000
- b. Swim School ..... \$1,000

*970 - Capital Projects ..... \$ 34,000*

Replace lavatory privacy stalls, purchase benches and Irrigation improvements, plus the Old City Park Grant

*975 – Avalanche Improvements..... \$ 20,000*

View corridor maintenance and signage Improvement / upgrades

## RECREATION INVENTORY

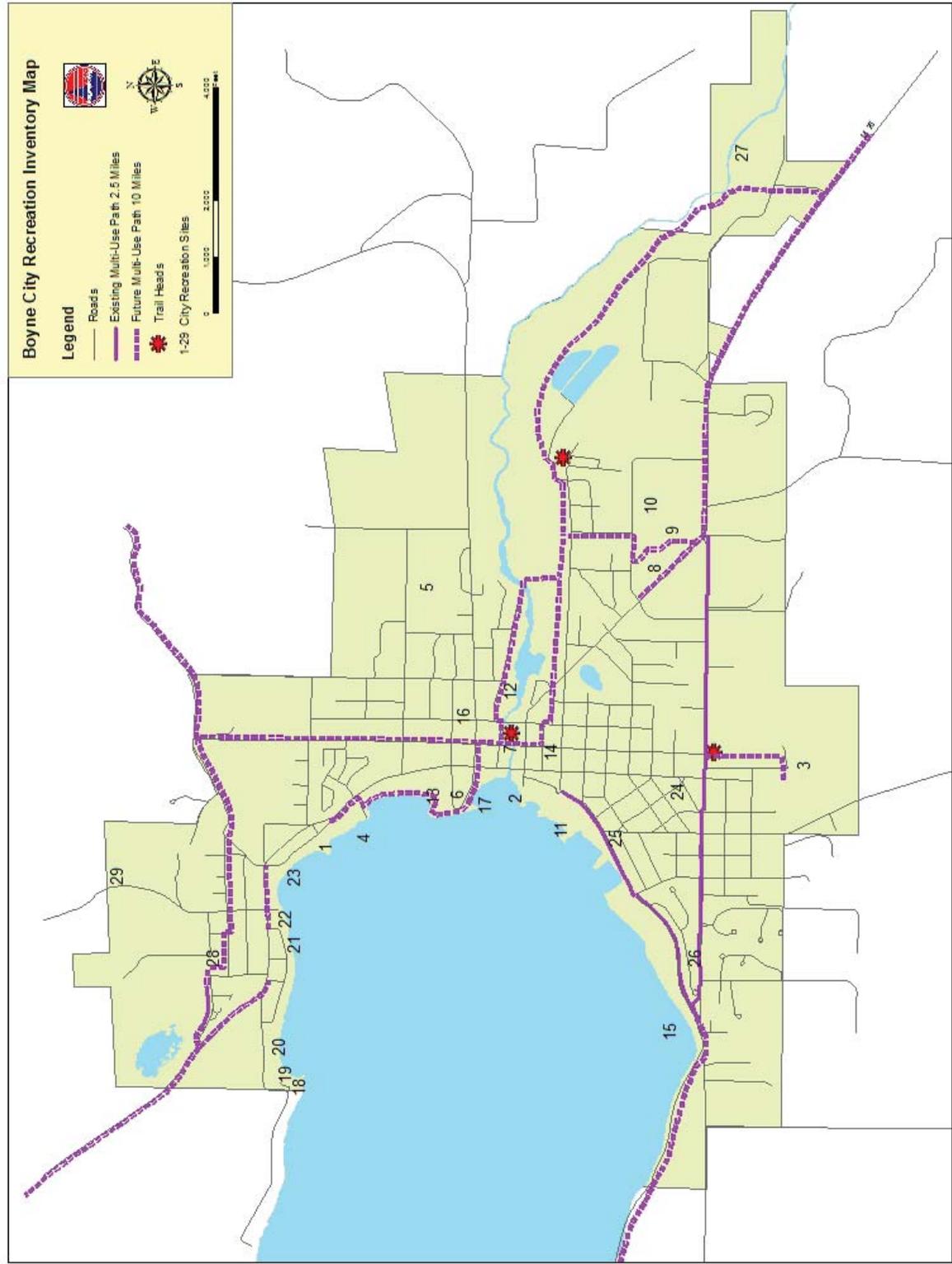
### Description of Methods

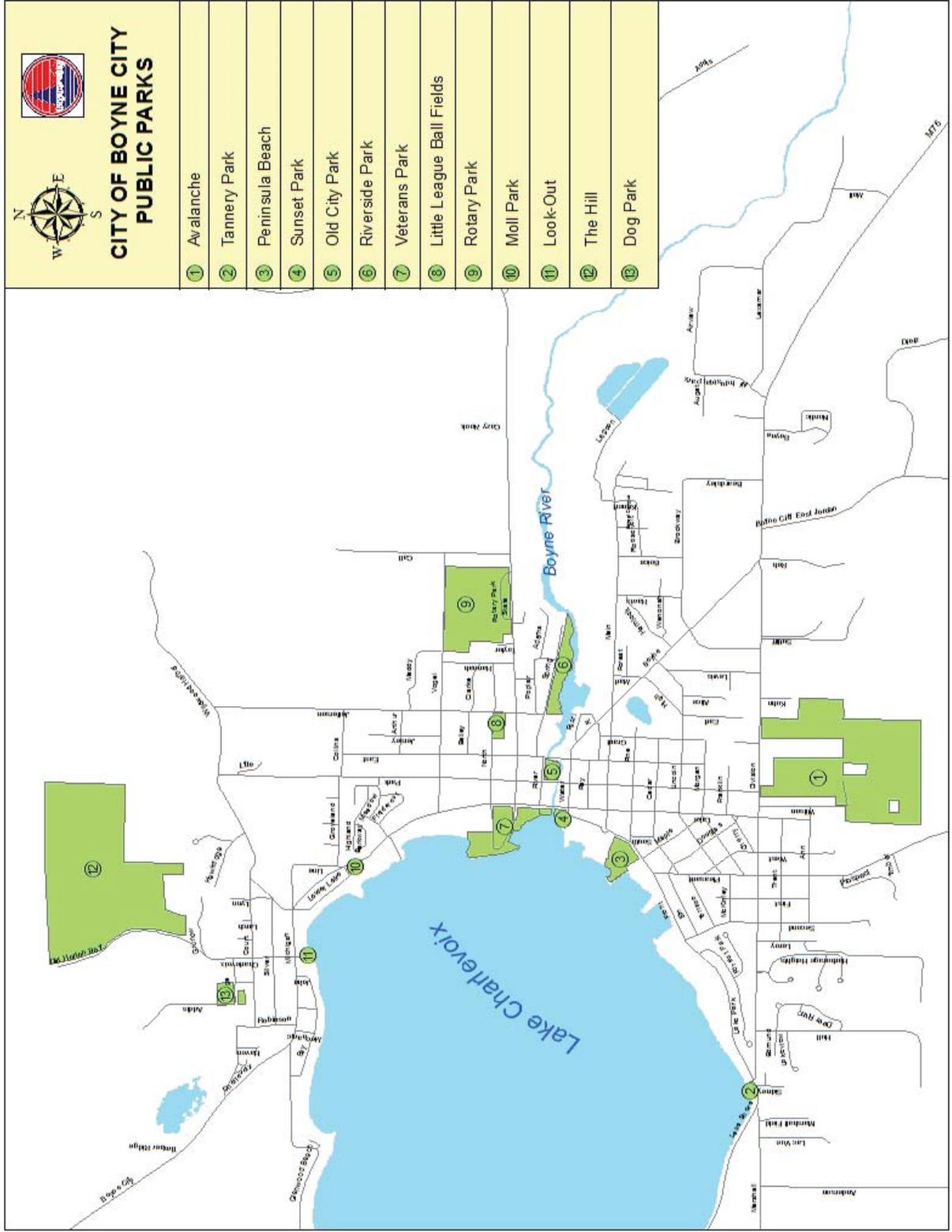
Information on City parks and recreational resources in the area was gathered by the City planning and public works department staff and reviewed by the City Parks and Recreation Commission. In developing and implementing recreation improvements the City is always mindful of possible access limitations. City parks were inspected by City staff and recreational assets were inventoried and assessments of ADA compliance were completed.

### Inventory and ADA Assessment

| No. | FACILITY NAME                | OWNER  | OPEN TO PUBLIC | SIZE       | FACILITIES                                                                                                                                                                                                         | ADA COMPLIANCE                                                                                                                              |
|-----|------------------------------|--------|----------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | North Lake Street (Mol) Park | City   | Yes            | 1/2 Acre   | Open space, Swing set.                                                                                                                                                                                             | Grassy mowed area. On street parking only.                                                                                                  |
| 2   | Sunset Park                  | City   | Yes            | 5 Acres    | Rest Rooms, Multi-Use Dock, Fishing, Boating.                                                                                                                                                                      | Restrooms are barrier free, dock access and fishing pier are not barrier free.                                                              |
| 3   | Avalanche Preserve           | City   | Yes            | 320 Acres  | Cross Country Ski Trail, Hiking Trails and bike trails. Shelter House, Rest Room, Nature Preserve, Sledding Hill, Lighted Ice Skating & Hockey Rink, Disc Golf, Stairway To Summit Viewing Deck, Snowmobile Trail. | Restroom is not barrier free and no designated barrier free parking. Summit viewing deck is not wheel chair accessible.                     |
| 4   | Lake Charlevoix Boat Launch  | City   | Yes            | 1 Acre -   | Boat Launch, Rest Rooms.                                                                                                                                                                                           | Restrooms are barrier free                                                                                                                  |
| 5   | Rotary Park                  | City   | Yes            | 40 Acres   | Tennis Courts, Picnic Sites, Children's Play Equipment, Nature Study Trails, Lighted Ball Diamonds, Heart Trail & Rest Rooms.                                                                                      | Restrooms are barrier free. Play equipment is old and not barrier free. Picnic area is accessible, no barrier free tables.                  |
| 6   | Veterans Memorial Park       | City   | Yes            | 10.5 Acres | Boating, Picnic Sites, Community Play Ground, Open space, Fishing, Ball Diamond, Benches, Rest Rooms, Pavilion, Boat Launch.                                                                                       | Sidewalks around park and Parking are ADA compliant. Picnic area barrier free. Play equipment is barrier free, Rest rooms are barrier free. |
| 7   | Old City Park                | City,  | Yes.           | 1.0 Acres  | Picnic Sites, Benches, Fishing, Gazebo, Concerts, Farmers Market.                                                                                                                                                  | Parking is designated. Gazebo is not barrier free. Ground cover for play area is needed.                                                    |
| 8   | Elementary School            | School | Limited Hours  | 1/2 Acre   | Playfields, Basketball Courts, Children's Play Equipment, Meeting Rooms, Gymnasium, Kitchen, All Purpose Room, Library.                                                                                            | Barrier free                                                                                                                                |

|    |                              |                       |                  |           |                                                                                                                             |                                                                                             |
|----|------------------------------|-----------------------|------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 9  | Middle School                | School                | Limited Hours    | 12 Acre   | Basketball Courts, Children's Playground, Indoor Gym.                                                                       | Barrier free                                                                                |
| 10 | High School                  | School                | Limited          | 20 Acres  | Playfields, Organized Sports Field, Ball Diamonds, Meeting Room gymnasium, Kitchen, All Purpose Room, Weight room, Library. | Barrier free                                                                                |
| 11 | Peninsula Beach              | City                  | Yes              | 6 Acres   | Swimming, Volleyball Courts, Rest Rooms, Picnic Sites, Children's Tot Lot, Benches.                                         | Rest rooms meet current barrier free standards. Picnic area is accessible but beach is not. |
| 12 | Riverside Park               | City                  | Yes              | 5 Acre    | Fishing, Canoe Launch.                                                                                                      | Rustic site with limited improvements                                                       |
| 13 | City Hall                    | City                  | Limited Hours    |           | Meeting Room, Museum.                                                                                                       | Barrier free compliant                                                                      |
| 14 | Library                      | City                  | Yes              | N/A       | Library, Meeting Room.                                                                                                      | Barrier free compliant                                                                      |
| 15 | Tannery Park                 | City                  | Yes              | 0.5 Acres | Picnic Area, Sunset View, Swimming                                                                                          | Picnic area and viewing area are barrier free.                                              |
| 16 | Minor League Ball field      | City                  | Yes              | 1 Acres   | Ball field & Rest Rooms                                                                                                     | Barrier free                                                                                |
| 17 | City Marina                  | City                  | Members / Rental | 0.5 Acres | 49 Boat Slips, Picnic Area, Bathhouse, Lighthouse                                                                           | Picnic area and bathhouse is barrier free.                                                  |
| 18 | Woodland St. Road Ends       | City                  | Yes              | .25 Acres | Water access                                                                                                                | Not barrier free                                                                            |
| 19 | Shady Lane Road End          | City                  | Yes              | .25 Acre  | Water access                                                                                                                | Not barrier free                                                                            |
| 20 | Bay (West) St. Road End      | City                  | Yes              | .25 Acre  | Water access                                                                                                                | Not barrier free                                                                            |
| 21 | John St. Road End            | City                  | Yes              | .25 Acre  | Water access                                                                                                                | Not barrier free                                                                            |
| 22 | Charlevoix St. Road End      | City                  | Yes              | .25 Acre  | Viewing deck with benches, water access, bike rack                                                                          | Barrier free                                                                                |
| 23 | Lower Lake St. Road End      | City                  | Yes              | .25 Acre  | Water access                                                                                                                | Not barrier free                                                                            |
| 24 | S. Lake and Cherry Mini Park | City                  | Yes              | .5 Acre   | Open space                                                                                                                  | Barrier free                                                                                |
| 25 | West and Pleasant Mini Park  | City                  | Yes              | .5 Acre   | Open space with picnic table                                                                                                | Barrier free                                                                                |
| 26 | Bike/Pedestrian Path         | City                  | Yes              | 3 miles   | Paved path                                                                                                                  | Barrier free                                                                                |
| 27 | Industrial Park Open Space   | City                  | Yes              | 85 Acre   | Wooded natural area                                                                                                         | Not Barrier free compliant                                                                  |
| 28 | Dog Park                     | City                  | Yes              | 3 Acres   | 2 Fenced dog play areas, benches, water fountains, dog agility course.                                                      | Barrier free                                                                                |
| 29 | The Hill                     | Little Traverse Cons. | Yes              | 107 Acres | Natural area, hiking trails, cross country ski trails                                                                       | Not barrier free                                                                            |





## Status of Previous Grants

### Boyne River Walk Project TF99-180

In late 1999, the MNRTF assisted the City with the development of the Boyne River Walk. The Boyne River Walk runs along the Boyne River and allows strolling, fishing and access to businesses, while providing connections to Old City Park and Veterans Park. Both parks currently provide riparian access to the Boyne River and Lake Charlevoix, respectfully. The River Walk is heavily used all year and is impeccably maintained by the Parks and Street Division of the City. The River Walk played an integral part of Boyne City's achievement of the "Promoting Active Communities Award," as it ties two parks with our central business district.



### Riverside Park Acquisition TF13-107

Several years ago, the Moody family expressed future interest in selling their vacant Boyne River frontage to the City. In response to this offer the City submitted a property acquisition grant request to the MDNRTF in 2013. The MDNRTF approved a grant request of \$48,600 to acquire the 6.5 acres of riverfront property. The project would have allowed the City to preserve and protect vital forested wetlands, floodplain, juvenile eagle habitat and critical fish habitat. Further, the project would have facilitated the creation of additional fishing and passive recreational opportunities for our community and visitors. Since approval of the grant request the Moody family has reconsidered their options in regards to the property and the acquisition has not moved forward. While the ultimate disposition of the property remains unknown at this time, it is a possibility that the family may wish to convey the property to the City at some time in the future.

## **PUBLIC INPUT AND PLANNING PROCESS**

The Boyne City Parks and Recreation Commission developed its first City Recreation Plan in 2004. It was the first time the Commission was solely responsible for development of the Plan. In past years, the City recreation planning comprised of being a component of the Charlevoix County Recreation Plan. In addition to the adoption of its own City recreation plan in 2004, the City and the Recreation Commission have done considerable recreation planning for the future development and use of the City's resources.

### Citizen Input

In addition to comments, suggestions, requests and complaints that are received at the regular monthly meetings of the Recreation Commission throughout the year, the City has solicited and obtained public input on the proposed recreation plan and the future growth and direction of the City. In addition to notices placed a City Hall and on the City website, an advertisement in the Petoskey News Review and Boyne Gazette invited the public to a community input session held on October 23, 2014. At this meeting the goals of the previous planning efforts were reviewed and ideas and suggestions for future recreation improvements were gathered. In addition to this opportunity for public input the City also held a community wide goal setting session on January 9<sup>th</sup>, 2014. This meeting was publicized with articles in the Petoskey News Review, The Charlevoix Courier and the Boyne City Gazette. The City also provides meeting information on its website and allows people to submit input through an on line survey if they cannot attend a meeting or have additional ideas they wish to share after the meeting. The input received from both of these sessions was considered in the development of this plan and has been attached.

In addition to newspaper ads and web page postings, the City has recently adopted a relatively low tech but effective method of public notice. Prior to adopting or developing any plan or project the City places signs throughout the community to increase awareness of a meeting that is being held to discuss the particular plan or project. The use of the signage was first implemented in the summer of 2009 and it has been extremely effective and popular. The use of the signs has significantly increased public awareness and participation in the planning process.



### Planning Process

As stated in the introduction, the Boyne City Recreation Plan includes several sub area plans that have been completed since 2005. Each of these planning efforts included a comprehensive effort to obtain a wide variety of input. In each

of the attached sub area plans the planning process and public participation used to develop the plan is specifically detailed and documented.

In May of 2006 the City adopted the *Boyne City Water Front Master Plan*. The plan is included in this plan as attachment "A". The plan developed a comprehensive vision for Boyne City and its water resources and produced high quality plans and graphics for specific projects. The planning process used to develop the plan was comprehensive and inclusive. Prior to developing any specific plans the initial effort focused on gaining insight and understanding of the issues then later input sessions focused on the community's response to the preliminary plans. In addition to the 15 public input meetings held over a period of 10 months, an effort was also made to reach out to individuals from a variety of backgrounds. Twenty four individuals were personally interviewed and an additional 5 other persons submitted written comments. The process and approach proved to be a positive and appropriate means to gain understanding of the views and interests of a wide variety of groups and individuals and resulted in the adoption of a plan that received broad support throughout the community.

In 2009, as part of a Vibrant Small City Initiative grant, Boyne City was able to develop a master plan for Old City Park Plan and complete a major renovation of the park. The planning process for the Old City Park master plan was initiated in January 2009. A sequence of 12 meetings was held with the steering committee, various boards and commissions and the public. The program objectives and the plan were shaped and conditioned throughout the process with numerous interactions along the way. The completed plan was adopted by the City Commission on March 24, 2009 and is included in the Boyne City Recreation Plan as attachment "B".

One of the goals noted in the 2004 recreation plan was the development of a master plan for Avalanche Park. In 2009 the City began a planning process for the future use and development of the park and the completed plan was adopted by the City Commission in January 2010. In addition to general input sessions held for the park, specific user groups of the park were contacted and solicited for input. In all 12 different meetings over a period of 6 months were held to gather input and discuss the plan. The Avalanche Park Master Plan is included in this plan as attachment "C".

Beginning in the winter of 2013, the City began developing the Trail Town Master Plan. Supported by grants from the Charlevoix County Community Foundation and the Frey Foundation a 16 member steering committee comprised of City Staff, commission members, businesses people and residents working with professional planning assistance provided by the Land Information Access Association (LIAA) developed the plan. Through the spring and summer multiple public input sessions were held to solicit input on the plan. In the Fall of 2014 the draft plan was reviewed and recommended for adoption by the Boyne City Recreation Commission, Boyne City Planning Commission and Main Street

Board. On September 23, 2014 the plan was formally adopted by Boyne City City Commission. The Trail Town Master Plan is included in this plan as attachment "D".

With grant funding provided through the Charlevoix County Community Foundation, the Boyne City Main Street Program and the City of Boyne City contracted with Environmental Architects to develop design options for the renovation or replacement of the existing Veterans Park pavilion. To develop the design concepts Environmental Architects facilitated a three day public design charrette. The goal of the charrette was to gather public input and consider possibilities to create a year-round, multi-activity structure in Veterans Memorial Park to be used by residents and organizations and which could also serve as a permanent winter farmers market. The adaptation and reuse of the existing facility as well as new construction at a new location were all explored as possible options. Through the design process three different design concepts were developed. A full description of the charrette process and the design concepts are included in the "Planning the Pavilion at Veterans Park" Charrette summary report which is included and attached to the City of Boyne City Recreation Plan as attachment "E".

In addition to the community input and the previous sub area planning initiatives, a number of other resources have also been used to help develop the 2010 Boyne City Recreation Plan. Information from the 2000 Census, the Boyne City Master Plan adopted in 2007, the Charlevoix County Recreation Plan the Charlevoix County Master Plan, and responses from community opinion surveys completed by the MSU extension have provided valuable information and insight.

These items taken together with the citizen input provided the foundation of the planning process and based on this foundation the Recreation Commission developed the goals and objectives of the plan and the corresponding capital improvements schedule.

### Plan Adoption

On January 5, 2015 the Recreation Commission reviewed the completed draft plan and the plan was distributed for review and comment. Notice for the 30 day comment period was posted on the City website and published in the Boyne Gazette on January 7, 2015. Copies of the plan were made available at City hall and the plan was posted on the City website. On January 19<sup>th</sup> the Boyne City Planning Commission reviewed the plan and made a recommendation that the plan be approved. On February 12, 2015, the Recreation Commission held a public hearing on the plan. Notice for the public hearing was posted on the City's website and published in the Boyne Gazette on January 28, 2015. After the public hearing the plan was recommended for approval by the Recreation Commission and was then submitted to the City Commission for final approval. The City Commission reviewed and approved the Plan on February 24<sup>th</sup>, 2015.

**GOALS AND ACTION PROGRAM**

Goals

Based on the public input received the recreation goals of the City are as follows:

1. As resources and opportunities allow, implement the recreation objectives of the adopted sub area plans including the Avalanche Master Plan, Old City Park Master Plan, The Waterfront Master Plan, The Trail Town Plan and Veterans Park Pavilion Plan.
2. Continue to improve and develop existing parks.
3. Maintain existing recreational areas and assets.
4. Improve, extend and connect trail system.
5. Plan for and develop unimproved recreational areas.

Capital Improvement Schedule 2015-2019

Based on the above goals the following is a list of projects that have been included in the parks and recreation capital improvement schedule for the 2015-2019.

| <b>FACILITY</b>   | <b>PROJECT</b>                                                                                          | <b>ESTIMATED COST</b> | <b>REVENUE SOURCES</b>             | <b>YEAR</b> |
|-------------------|---------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------|-------------|
| Avalanche Park    | Complete tree removal from face                                                                         | \$15,000              | City of Boyne City<br>MDNR         | 2015        |
| Avalanche Park    | Slope stabilization                                                                                     | \$5,000               | City of Boyne City<br>MDNR         | 2015        |
| Sunset Park       | Extend break wall to south end of property, install canoe/kayak racks and launch, remove and fill pipe. | \$30,000              | City of Boyne City<br>MDNR         | 2015        |
| BC-Char Trail     | Develop multi-use trail connection from City to Young State Park                                        | \$100,000             | City of Boyne City<br>MDNR<br>MDOT | 2015        |
| Veterans Park     | Remodel river mouth bathroom                                                                            | \$50,000              | City of Boyne City<br>MDNR         | 2015        |
| Rotary Park       | Install split rail fence along west parking lot by ball fields and install safety net                   | \$5,000               | City of Boyne City                 | 2015        |
| Riverside Park    | Develop canoe/kayak launch area                                                                         | \$2,000               | City of Boyne City                 | 2015        |
| Peninsula Beach   | Landscape pump station                                                                                  | \$7,000               | City of Boyne City                 | 2015        |
| North Boyne Beach | Extend drain pipe and cover and install rock                                                            | \$12,000              | City of Boyne City                 | 2015        |

|                                 |                                                                                                  |           |                                              |      |
|---------------------------------|--------------------------------------------------------------------------------------------------|-----------|----------------------------------------------|------|
| Dog Park                        | Construct pavilion                                                                               | \$20,000  | City of Boyne City<br>MDNR                   | 2015 |
| Avalanche Park                  | Develop ski trails and interpretive nature trails                                                | \$25,000  | City of Boyne City<br>MDNR                   | 2016 |
| Boyne City to Boyne Falls Trail | Develop multi-use trail from Boyne City to Boyne Falls                                           | \$750,000 | City of Boyne City<br>Boyne Fall Twp<br>MDNR | 2016 |
| Riverside Park                  | Develop picnic site and replant and restore shoreline, apply topsoil and seed.                   | \$5,000   | City of Boyne City                           | 2016 |
| Veterans Park                   | Additional bike racks and trash receptacles                                                      | \$5,000   | City of Boyne City                           | 2016 |
| Veterans Park                   | Walkway lighting                                                                                 | \$20,000  | City of Boyne City                           | 2016 |
| Tannery Park                    | Replenish sand on beach, extend drain, install canoe launch                                      | \$4,000   | City of Boyne City<br>Tipp of the Mitt       | 2016 |
| Riverside Park                  | Install signage                                                                                  | \$5,000   | City of Boyne City                           | 2016 |
| Peninsula Beach                 | Install irrigation around old water dept building and add horse shoe pits                        | \$15,000  | City of Boyne City                           | 2016 |
| Veterans Park                   | Update and remodel pavilion                                                                      | \$750,000 | City of Boyne City<br>MDNR                   | 2017 |
| Sunset Park                     | Install furnishings                                                                              | \$10,000  | City of Boyne City                           | 2017 |
| Veterans Park                   | Bury utilities, paving curbing and drainage improvements                                         | \$100,000 | City of Boyne City<br>MDNR                   | 2017 |
| Riverside Park                  | Develop trails and walks throughout park                                                         | \$10,000  | City of Boyne City<br>MDNR                   | 2017 |
| Avalanche Park                  | Pave parking lot                                                                                 | \$80,000  | City of Boyne City<br>MDNR                   | 2018 |
| Rotary Park                     | Resurface tennis courts and pave parking lot and walking trails                                  | \$75,000  | City of Boyne City<br>MDNR                   | 2018 |
| Waterfront                      | Develop expand public beach areas                                                                | \$50,000  | City of Boyne City<br>MDNR                   | 2018 |
| Veterans Park                   | Pedestrian walkway along lake, extend waterfront sidewalk from marina to north side of City hall | \$10,000  | City of Boyne City<br>MDNR                   | 2019 |
| Avalanche Park                  | Install mid slope boardwalk                                                                      | \$50,000  | City of Boyne City<br>MDNR                   | 2019 |
| Rotary Park                     | Develop new ball diamond                                                                         | \$60,000  | City of Boyne City<br>MDNR                   | 2019 |

| ANNUALLY       |                                    |          |                    |        |
|----------------|------------------------------------|----------|--------------------|--------|
| City Wide      | Beach improvements and maintenance | \$1,000  | City of Boyne City | Annual |
| City Wide      | Improve bike paths                 | \$5,000  | City of Boyne City | Annual |
| City Wide      | Grills and Tables                  | \$1,000  | City of Boyne City | Annual |
| City Wide      | Tree replacement Program           | \$5,000  | City of Boyne City | Annual |
| City Wide      | Upgrade road ends                  | \$2,000  | City of Boyne City | Annual |
| Avalanche Park | Building fund                      | \$10,000 | City of Boyne City | Annual |
| Avalanche Park | Trim and chip trails               | \$10,000 | City of Boyne City | Annual |

Other goals the Parks and Recreation Commission have suggested which are important include;

1. Adopt a comprehensive park rules and policies for exclusive party use.
2. Adopt a signage program.
3. Adopt a maintenance program to enable maintenance personnel to project replacement of equipment and apparatus.
4. Identify small parcels for neighborhood playgrounds.
5. Identify waterfront lands for acquisition and use by public.
6. Establish active communication with the Main Street Board and the Planning Commission.
7. Extend the open hours for the bathrooms
8. Encourage community events and attractions such as art exhibits and historical attractions.
9. Provide support for youth water safety and recreation programs.
10. Development of marina space and facilities for water safety and sailing instruction programs.
11. Support development of the Boyne Trail from Boyne City to Boyne Falls.
12. Support bike path along Boyne City – Charlevoix Road to US 31.

Long Term Recommendations

Long term recreation projects which the City is interested in include development of a complete pathway between Sunset Park, at the mouth of the Boyne River and Lake Charlevoix, along the Boardwalk to Old City Park, across East Street, and along the River to Riverside Park. Eventually, this path system could be extended to reach out towards Dam Road, in Boyne Valley Township.

Another long term project is to begin to develop ideas for the future development of the old City Dump, located north of Boyne City, in Evangeline Township. This is an 80 acre parcel of land, approximately 20 percent of which is still forested. Several ideas for active and passive uses have been discussed regarding this property, including development of a municipal golf course, soccer fields, cross country ski trails, and a sportsman’s club.

Continued improvements at Rotary Park is also an ongoing long range goal. Some future improvements to the park include the installation of dugouts, irrigation for all the fields, paving the tennis courts and paving the parking areas for each of the playing fields.

Other facilities that are long range goals for the community are an indoor ice rink and indoor pool. The development of additional neighborhood parks and tot lots is also a long term recommendation as these amenities benefit local residents of specific neighborhoods.

An ongoing dedication to the maintenance of the parks and park system is also a long term recommendation. It is recognized by the City that a robust maintenance program helps preserve and extend the life of City recreation assets and is a critical component to the long term stability of a parks and recreation system.



# City of Boyne City

# MEMO

Date: February 20, 2015

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager : *Mc*

Subject: Mushroom Festival Craft Beer Block Party

Attached is a request from the Boyne Area Chamber of Commerce to hold a new downtown event on Thursday, May 14<sup>th</sup> as part of the annual Mushroom Festival. This event involves several items the Commission should be aware of. They include:

- Allowing them to hold the event on public property – Water Street.
- Closing the 100 block of Water Street from approximately 1:00 to 9:00 p.m.
- Serving alcohol (craft beers) on Water Street.
- Allowing two food trucks on Water Street in the event area as proposed.

The proposal has been reviewed by City staff and we see no problems with it. To the contrary we see this effort as a positive way to build on the already strong Mushroom Festival and potentially bring more people and business to Boyne City.

I expect that Boyne Area Chamber of Commerce Executive Director Jim Baumann and other members of the event committee to be present to address any questions the City Commission may have on this issue.

**RECOMMENDATION:** That the City Commission approve the Mushroom Festival Craft Beer Block Party as proposed by the Boyne Area Chamber of Commerce and authorize the City Manager to take the necessary steps to help implement the request.

#### OPTIONS:

- Postpone further action for additional information or review.
- Some other action as determined as appropriate by the City Commission.
- Deny the request.

# ***Proposal for*** **Mushroom Festival Craft Beer Block Party**

From 4 to 8 p.m. Thursday, May 14<sup>th</sup>

In the 100 block of Water Street

**The Boyne Area Chamber of Commerce is requesting permission from the Boyne City Commission to produce this event for two main reasons:**

- (1) Connect our popular Mushroom Festival to downtown Boyne City. This makes it easy for downtown restaurants/delis to participate as food vendors, because they can do it directly in front of (or close to) their locations. Sunset Park is not available due to vendors setting up in that location.
- (2) Finally add a successful Thursday night event to the festival. Previous events at the tent in Veterans Park have not been successful in drawing attendance on Thursday nights.

**Here's what the event would include:**

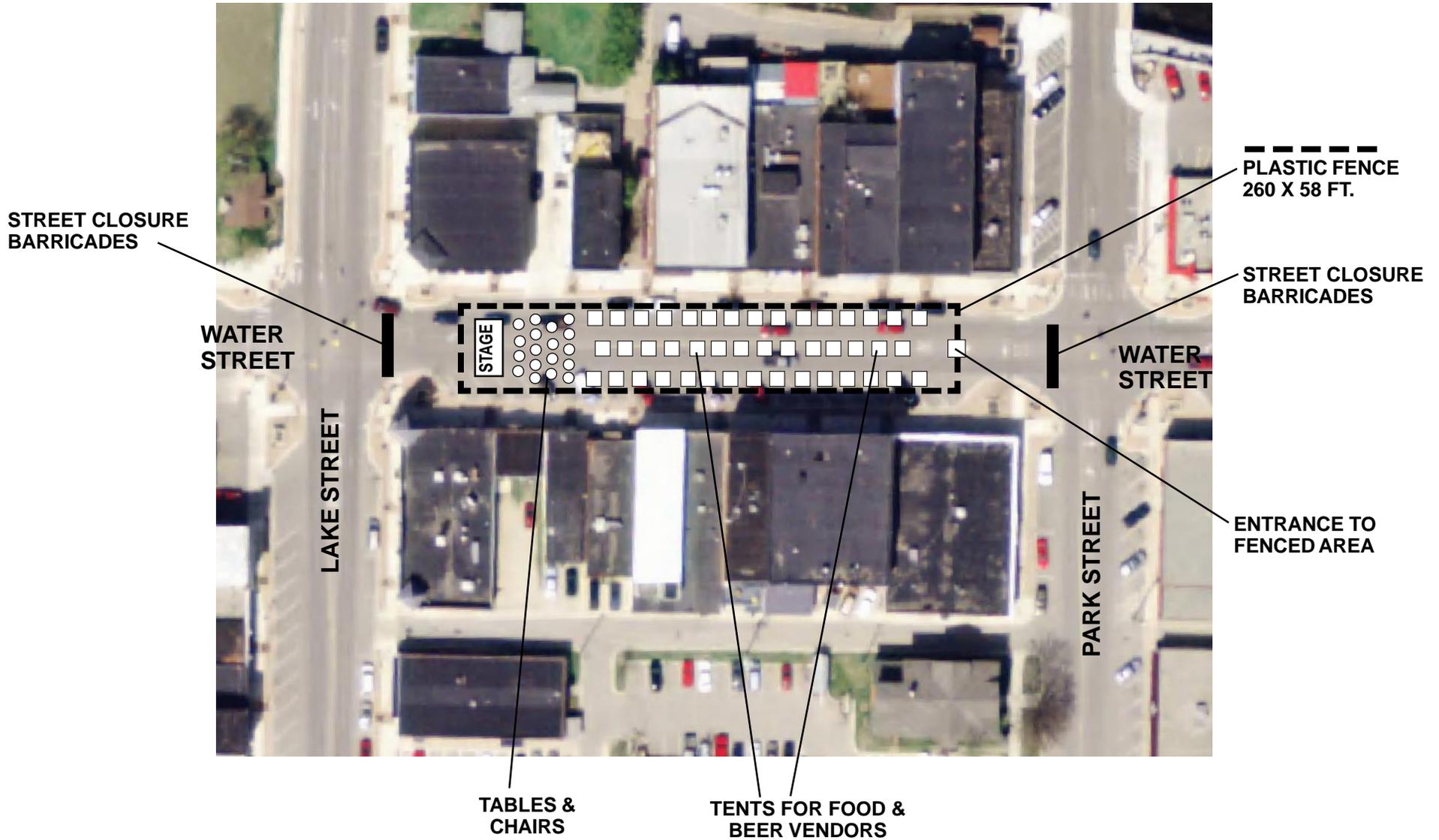
- Closing the 100 block of Water Street and fencing off most of the street from curb to curb, between the "bump-outs." Sidewalks would remain open and would not be in the fenced area.
- Approximately 20 craft beer brewers will be invited, each with pop-up tents providing 3 oz. tastes.
- Local restaurants with pop-up tents will sell food. This would be especially easy for nearby downtown restaurants. Several have already indicated they would be interested in participating, including Red Mesa Grill, Thick & Juicy Diner, and the Wine Emporium Deli.
- Two food trucks will sell food – Happy's Tacos and The Landing, both of which are members of the Boyne Area Chamber.
- A stage will be set up for performers with upbeat, family-friendly music.
- One or two entrances to the fenced area, where ID's would be checked and wrist bands would be given to all who enter – different colors for those over and under age 21. Younger people would be allowed in to enjoy the music, food and soft drinks.
- Attendees would be able to leave the fenced area to shop at the adjacent stores, and re-enter by showing their wristband.
- Security volunteers would monitor the area to be sure people are not over-served and do not take beer outside the fenced area.
- The event would run from 4 to 8 p.m., so there will be no late-night noise. Sunset is at 9:01 p.m. on May 14.
- Volunteers would clean up trash before reopening the street.

**Additional notes:**

- > We will obtain a one-day license from the Michigan Liquor Control Commission.
- > We will obtain a special event insurance policy through Korthase Flinn Insurance
- > This event is being organized by a committee of these Chamber staff and board members:
  - Jim Baumann, executive director of the Chamber, 582-6222
  - Kristine Brehm, owner of the Wine Emporium, 582-2151
  - Mike Doumanian, food and beverage manager of Boyne Mountain
  - Kelly Woodard, owner of Bella Vita restaurant
  - Greta Zumbaugh, manager of of 4Front Credit Union's Boyne City office

# Proposal for Mushroom Festival Craft Beer Block Party

4 to 8 p.m. Thursday, May 14, 2015 -  
100 block of Water Street, downtown Boyne City



**NOTE: THE LAYOUT OF TENTS, TABLES & CHAIRS IS APPROXIMATE AND WOULD BE ADJUSTED WHEN WE KNOW HOW MANY VENDORS WE HAVE**



# City of Boyne City

# MEMO

Date: February 20, 2015

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Consumers Energy Smart Energy Meter Replacement Program

In a few months Consumers Energy will be in our area replacing all their electric meters on their residential, and then, commercial customers. Attached please find materials from Consumers Energy regarding that effort. A representative from Consumers Energy will be at our meeting to explain their program and the benefits they see coming from it.

No action is required. This is for information only.

**RECOMMENDATION:** That the City Commission review the information from Consumers Energy and address any questions, comments or concerns with them.

**OPTIONS:**

- Postpone further action for additional information or review.
- Some other action as determined as appropriate by the City Commission.





# CONGRATULATIONS!

SOON YOU'LL RECEIVE AN UPGRADED METER FROM CONSUMERS ENERGY!



Sample A. Sample  
1234 Anystreet  
Anytown USA 12345-6789

Re: Installation at 1234 Anystreet  
Installation at 1234 Anystreet

Dear Sample A. Sample,

In the next few weeks, we'll be in your area to install upgraded meters. We're upgrading to enhance our customer service and provide new tools and information to help you make better-informed energy choices. The first step to help us serve you better is to install your smart meter. Already, more than 65 million state-of-the-art meters like the one you'll receive have been installed in homes and businesses nationwide. We'll be installing 1.8 million of them for our electric customers in Michigan by 2017.

Here's some important information about your installation:

- You only need someone present if your meter is being installed inside your home or office.
- If your current meter is outside, please make sure it's clear of any obstructions so our service technician can access it.
- If you operate sensitive medical or electronic equipment we should be aware of in your home or office, **or if you'd prefer to schedule an installation appointment**, please call 1-888-862-2199.
- Our technician will let you know when he or she arrives. At that time, you may power down your electronic devices. There will be a 5- to 10-minute interruption to your electric service during installation. We apologize for any inconvenience. The technician will leave a door hanger notifying you that your upgraded meter has been installed.
- Once installed, smart meters begin sending daily energy usage to Consumers Energy. To ensure accuracy, meter readers will continue to read meters for a period of time.

For more information, please contact us at 1-888-862-2199 or visit [ConsumersEnergy.com/smartenergy](http://ConsumersEnergy.com/smartenergy). Energy that works smarter for you. That's our Promise to Michigan.

Sincerely,

Garrick J. Rochow  
Vice President, Customer Operations & Quality

Para ayuda en español, llame al 1-888-862-2199.



## TAKE CHARGE OF YOUR ENERGY USE ONLINE

Thanks to your smart meter, now you can visit [ConsumersEnergy.com/smartenergy](http://ConsumersEnergy.com/smartenergy) and explore new tools that let you:

- Review your energy use by hour, day or month
- Discover energy-saving tips
- Receive automated alerts when your energy use is trending higher

## RECOGNIZING YOUR CONSUMERS ENERGY AUTHORIZED CONTRACTOR

The service technician installing your meter will be wearing a photo ID badge and safety vest and will be driving a vehicle displaying the Consumers Energy logo.



SAFETY VEST



ID BADGE



MARKED VEHICLE



# City of Boyne City

# MEMO

Agenda Item 9F

**Date:** February 20, 2015

**To:** Michael Cain, City Manager *Mc*

**From:** Annie Doyle, Assistant Planner (on behalf of the Main Street Program) *AD*

**Subject:** SOBO Arts Festival Grant Application

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The SOBO Arts Festival is requesting your support to apply to the Charlevoix County Community Foundation for a grant supporting the 2015 event. Specifically, the SOBO Arts Festival Committee has targeted the Friday evening concert at a cost of \$1,900 to be requested from the foundation. This grant has been received from the Charlevoix County Community Foundation for the past four years.

The Main Street Board approved the SOBO Arts Festival grant application to the Charlevoix Country Community Foundation at their February meeting.

### **Recommendation**

The City Commission authorize City Staff to apply for a \$1,900 grant from the Charlevoix County Community Foundation for the 2015 SOBO Arts Festival.

# March 2015

| March 2015 |    |    |    |    |    |    |
|------------|----|----|----|----|----|----|
| 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 |    |    |    |    |

| April 2015 |    |    |    |    |    |    |
|------------|----|----|----|----|----|----|
| 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 |    |    |

| Sunday  | Monday                                                                              | Tuesday                                                     | Wednesday                                      | Thursday                                                 | Friday                                | Saturday                    |
|---------|-------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------|---------------------------------------|-----------------------------|
| March 1 | 2                                                                                   | 3                                                           | 4<br>8:00am Farmers Market                     | 5<br>8:30am Main Street Board mtg.<br>6:00pm Parks & Rec | 6<br>11:00am BOR Organization meeting | 7<br>8:00am Farmers Market  |
| 8       | 9<br>12:00pm EDC/LDFA<br>5:00pm Special Planning Commission                         | 10<br>7:00pm City Commission                                | 11<br>8:00am Farmers Market                    | 12                                                       | 13                                    | 14<br>8:00am Farmers Market |
| 15      | 16<br>Board of Review<br>5:00pm Planning Commission<br>7:00pm Historical Commission | 17<br>Budget Work Session<br>Saint Patrick's Day (United St | 18<br>Board of Review<br>8:00am Farmers Market | 19                                                       | 20                                    | 21<br>8:00am Farmers Market |
| 22      | 23                                                                                  | 24<br>12:00pm City Commission                               | 25<br>8:00am Farmers Market                    | 26<br>5:30pm Airport Advisory Board                      | 27                                    | 28<br>8:00am Farmers Market |
| 29      | 30                                                                                  | 31                                                          |                                                |                                                          |                                       |                             |

# April 2015

| April 2015 |    |    |    |    |    |    | May 2015 |    |    |    |    |    |    |
|------------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| S          | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  |
|            |    |    | 1  | 2  | 3  | 4  |          |    |    |    |    | 1  | 2  |
| 5          | 6  | 7  | 8  | 9  | 10 | 11 | 3        | 4  | 5  | 6  | 7  | 8  | 9  |
| 12         | 13 | 14 | 15 | 16 | 17 | 18 | 10       | 11 | 12 | 13 | 14 | 15 | 16 |
| 19         | 20 | 21 | 22 | 23 | 24 | 25 | 17       | 18 | 19 | 20 | 21 | 22 | 23 |
| 26         | 27 | 28 | 29 | 30 |    |    | 24       | 25 | 26 | 27 | 28 | 29 | 30 |
|            |    |    |    |    |    |    | 31       |    |    |    |    |    |    |

| Sunday | Monday                     | Tuesday                       | Wednesday                                              | Thursday                                                 | Friday | Saturday                    |
|--------|----------------------------|-------------------------------|--------------------------------------------------------|----------------------------------------------------------|--------|-----------------------------|
|        |                            |                               | April 1<br>8:00am Farmers Market                       | 2<br>8:30am Main Street Board mtg.<br>6:00pm Parks & Rec | 3      | 4<br>8:00am Farmers Market  |
| 5      | 6                          | 7<br>5:00pm ZBA               | 8<br>8:00am Farmers Market                             | 9                                                        | 10     | 11<br>8:00am Farmers Market |
| 12     | 13                         | 14<br>7:00pm City Commission  | 15<br>Tax Day (United States)<br>8:00am Farmers Market | 16                                                       | 17     | 18<br>8:00am Farmers Market |
| 19     | 20                         | 21                            | 22                                                     | 23                                                       | 24     | 25                          |
|        | 5:00pm Planning Commission |                               | National Volunteer Week                                |                                                          |        | 8:00am Farmers Market       |
|        |                            |                               | 8:00am Farmers Market                                  | 8:00am Business Expo<br>5:30pm Airport Advisory Board    |        | 8:00am Farmers Market       |
| 26     | 27                         | 28<br>12:00pm City Commission | 29<br>8:00am Farmers Market                            | 30                                                       |        |                             |