



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712

Phone 231-582-6597

www.boynecity.com

Fax 231-582-6506

**BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, July 24, 2012 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 July 10, 2012 regular City Commission meeting minutes as presented
 - B. Approval of the June 17, 2012 City Commission Kirtland Products Noise Assessment Work Session 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. June, 2012 Financial Statement
8. UNFINISHED BUSINESS
 - A. Kirtland Update
9. NEW BUSINESS
 - A. Second Reading Conditional Rezoning
Consideration of second reading of an amendment and approval to allow conditional rezoning of a parcel located at 1 Water Street subject to review and approval of the final development plan by the Planning Commission
 - B. Park Street Intersection Alignment
Consideration to rescind the June 12, 2012 City Commission vote on the Park Street construction project as it relates to the Water Street intersection south to the alley and approve the plan with parallel parking on both sides of Park Street between the intersection south to the alley

C. Marina Fueling Request

Consideration to deny the request of Boyne Parasail for a permit for fueling in the F. Grant Moore Municipal Marina

D. Backhoe Purchase

Consideration to approve the purchase of a JCB 4CX15 Backhoe from AIS Equipment in the amount of \$93,818 and authorize the City Manager to execute the necessary documents

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, August 14, 2012 at 7:00 p.m.

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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City Commission Agendas/Agenda Packet*

**JULY 10, 2012
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY JULY 10, 2012

CALL TO ORDER

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

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

Staff: Andy Kovolski, Scott McPherson, Dennis Amesbury, Barb Brooks, Craig Remsberg, John LaMont, Michael Cain, Hugh Conklin, Michele Hewitt, Kevin Spate, Syrina Dawson, Craig Remsberg, Tavis Tannehill, Todd McGuire, Shannon McMaster and Cindy Grice

**CONSENT AGENDA
MOTION**

Others: There were 13 citizens in attendance, including representatives from the Petoskey News Review and Charlevoix County News

2012-07-099

Moved by Neidhamer
Second by Towne

2012-07-099A

Approval of the corrected June 12, 2012 regular City Commission meeting minutes as presented

2012-07-099B

Approval of the June 26, 2012 regular City Commission meeting minutes as presented

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

CORRESPONDENCE

None

CITY MANAGERS REPORT

None

City Manager Cain reported:

- The first use of the child is missing system was used this past week for a missing adult. The system worked beautifully with volunteers coming out to help in the search.
- The Fourth of July Committee did another wonderful job this year.
- 10 additional picnic tables have been purchased and placed throughout the parks.
- EMS Director filed for an EMS grant. Possible projects include the replacement of the oldest ambulance, the lifepak 12 and an upgrade stretcher.
- Boyne Thunder is this coming weekend, with the largest event ever planned.
- The Boyne City Municipal Airport has a new official GPS approach which will make it easier and safer to fly into our airport.
- The Absentee ballots are now available for the August 7 primary.

Draft Minutes of the June 7, 2012 Main Street Meeting; of the June 7, 2012 Parks and Recreation Commission Meeting; of the June 18, 2012 Planning Commission Meeting; the June 18, 2012 Historical Commission Meeting; of the June 28, 2012 Election Commission Meeting; and the June 28, 2012 Airport Advisory Board Meeting were received and filed.

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

Consideration to schedule a work session for the purpose of reviewing the Community Noise Assessment & Mitigation of the Kirtland Products Plant report from RSG, Inc. on Tuesday, July 17th at 6:00 p.m. subject to the report actually being received in a reasonable timeframe and staff securing an appropriate meeting location.

Kirtland Update

Staff Comments: Planning Director Scott McPherson stated the Citizens committee will meet this coming Thursday to go over the Kirtland Noise Assessment report received from RSG.

Citizens Comments: None

Board Deliberation: All are in agreement.

2012-07-100

Moved by Sansom
Second by Gaylord

MOTION

Approved to schedule a work session for the purpose of reviewing the Community Noise Assessment & Mitigation of the Kirtland Products Plant report from RSG, Inc. on Tuesday, July 17th at 6:00 p.m. subject to the report actually being received in a reasonable timeframe and staff securing an appropriate meeting location

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Review and discussion what, if any, regulations to be considered in a revised City Fireworks Ordinance for staff to work with and bring back in ordinance form for further consideration at upcoming meetings

Fireworks Ordinance Discussion

City Manager Cain discussed that since the last meeting when the fireworks ordinance were discussed, he received some concerns that were expressed by some residents that some late night fireworks were excessive. There are certainly more and larger fireworks than there were in the past under the old law.

Staff Comments: Interim Police Chief Remsberg stated that he still recommends his suggestions that he presented earlier. City Manager Cain added that there is nothing requiring us to do anything with this right now.

Citizens Comments: Correspondence from Jim Baumann was read by Mayor Grunch encouraging the Commission to take action on this. Charlevoix County Commissioner Joel Evans said that most of the noise is in the townships and suggested we get something together county wide. City Manager Cain said that is an interesting concept. It may be different in rural areas than in cities. Bob Taylor added that you would

expect a little noise from the fireworks and didn't think it was too bad. Chris Christensen said you may want to take hard look at the time, if you try to limit, consider times.

Board Deliberation: Commissioner Neidhamer said all of the comments made make sense. Have staff study but not jump into it right away. It is not a priority. Commissioner Gaylord said the experience in his neighborhood is that people wait until late at night. He is opposed to banning it other than national holidays. With freedom comes responsibility and there needs to be a nice balance. There is a short time window for enjoyment. Commissioner Sansom said her experience is that it has been every night of the week for several weeks. She doesn't want to hear fireworks every night. It is aggravating, annoying and frustrating. She added that she thinks it needs to be restricted and it waters down the 4th of July. It is way over done and what she witnessed with the fireworks was upsetting. Commissioner Sansom said this is also upsetting to veterans who have PTSD and the fines could be increased. We also may want to reconsider a fire department reimbursement of incurred costs.

Mayor Grunch said we need to find parameters to enforce and find unity with law enforcement. We need to work with different entities to make it safe. Commissioner Sansom said she has read where lawmakers may be revisiting this legislation. Joel Evans added that we need to focus on the noise ordinance, not banning fireworks. John McCahan said Boyne City does not have a sound ordinance and state law trumps any community ordinance.

2012-07-101

Moved by Neidhamer

Second by Towne

Approved to postpone discussion of the fireworks laws and ordinance and refer to staff to report within 90 days.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Police Chief Confirmation

Consideration to confirm the appointment of Jeffrey D. Gaither as Chief of Police for the City of Boyne City

City Manager Cain introduced Jeffrey D. Gaither to the City Commission for confirmation as Boyne City's next Chief of Police. Mr. Gaither was selected out of a pool of 23 applicants for this position, and his extensive law enforcement and leadership service with the Michigan Department of Natural Resources should serve him well as Boyne City's Police Chief. His experience as a part time Police Officer for Boyne City since 2007 will help him hit the town running. City manager Cain added that Mr. Gaither will make a fine Chief of Police and will build on the strong foundation our department has.

Citizens Comments: None

Staff Comments: Interim Chief Craig Remsberg spoke on behalf of the staff who wholeheartedly back the City Manager's recommendation. The

City is in good hands with a bright future.

Board Deliberation: Mayor Pro-Tem Towne said Mr. Gaither has a very impressive work record and he highly supports the recommendation. Commissioner Gaylord asked Mr. Gaither if he is comfortable with operating within the City's budget parameters and asked what his short term goals are. Mr. Gaither said he understands budgeting and his strong point is community involvement. Commissioner Sansom said City Manager Cain's recommendation is a good choice. Commissioner Neidhamer said he supports the nomination and the process the City Manager went through. Mayor Grunch said he supports the recommendation and looks forward to the future.

MOTION

2012-07-102

Moved by Towne
Second by Sansom

Approved to confirm the appointment of Jeffrey D. Gaither as Chief of Police for the City of Boyne City.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

City Manager Cain invited everyone to an official ceremony to have Jeff Gaither sworn in as Chief of Police of Boyne City to be held on Monday, July 16 at 10:00 a.m.

RECOGNITION OF SERVICE OF CRAIG REMSBERG AND KEVIN SPATE

Mayor Grunch presented Interim Police Chief Craig Remsberg and Interim Assistant Kevin Spate with certificates of appreciation for their dedicated service since December of 2011.

National Register for Historic Places project update

National Register for Historic Places project update

Main Street Program Director Hugh Conklin discussed the \$35,000 grant that Main Street received from the State Historic Preservation Office to hire a contractor to prepare an application to list a portion of downtown Boyne City as a district on the National Register of Historic Places. There is no local match component to the grant. After working with SHPO to prepare and solicit proposals from qualified consultants, William Rutter, an historic architect from Trout Lake, Michigan was hired to complete the nomination process.

Working since last October, Mr. Rutter completed a final draft of the nomination and submitted it to SHPO for final review and critique. The next step in the process is for a public meeting to explain the work involved with preparing the nomination and what, if approved, the historic district nomination will mean to the community. This meeting is scheduled for July 30 at 7:00 pm in the Boyne District Library Community Room. Tonight's presentation is an update on what has transpired since last fall and the process from this point forward.

Mr. Rutter presented the nomination application. We have a lot of history here and historical architecture will allow for financial incentives. Not all

of the significant buildings are obvious. A slide show was presented of significant buildings and streetscapes that are contributing. A proposed district map was presented. Historic Preservation tax credits were discussed.

Citizens Comments: Ron Crozier inquired about the True Value Coop building and was informed that their recent façade improvements were approved at the SHPO level, so it is part of the district.

Board Deliberation: Commissioner Sansom said a lot was included, but she feels bad that the Library didn't qualify, along with the little church next to the Library. Commissioner Gaylord said he is hopeful that we are accepted, it is on more positive for Boyne City. Commissioner Neidhamer said if this is recognized, this is more tool and Mr. Rutter agreed. The tax incentive is very attractive to developers.

Consideration to approve the purchase of an ISG HRXR-Elite Thermal Imager Camera for the Fire Department from Douglas Safety Systems in the amount of \$10,250 and authorize the City Manager to execute the documents.

Fire Department equipment purchase

Fire Chief Dennis Amesbury discussed his request to purchase a new thermal image camera for the fire department. Two models were considered and his recommendation is superior and with the included extras, a better value. This purchase has been budgeted for.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Gaylord said it is an electronic gadget with a useful purpose and inquired if the old unit will be kept in service and was informed, yes, as a backup. All other Commissioners agreed with the purchase of the life saving equipment.

2012-07-103

Moved by Towne
Second by Gaylord

MOTION

Approved the purchase of an ISG HRXR-Elite Thermal Imager Camera for the Fire Department from Douglas Safety Systems in the amount of \$10,250 and authorize the City Manager to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Mayor Pro-Tem Towne said he has received complaints of high speed on North Park Street, north of Vogel Street. He has also heard citizens concerns of dogs in the park on July 4th.

Good of the Order

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, July 10, 2012 at 8:39 p.m.

**ADJOURNMENT
MOTION**

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer



**JULY 17, 2012
SPECIAL WORK SESSION**

RECORD OF THE PROCEEDINGS OF THE SPECIAL WORK SESSION
BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT
THE BOYNE CITY SENIOR CENTER, 411 DIVISION STREET, ON
TUESDAY JULY 17, 2012

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

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

Staff: Barb Brooks, Scott McPherson, Michael Cain, and Cindy Grice

Others: There were 35 citizens in attendance, including representatives from the Petoskey News Review and The Boyne Gazette, four members of the EDC board and three members of the Planning Commission.

**NOISE ASSESSMENT
REVIEW**

Review of Community Noise Assessment and Mitigation of the Kirtland Products Plant by RSG, Inc.

Main Street Program Director Hugh Conklin, who is also a member of the Kirtland Citizens Committee made introductions of committee members present at the meeting.

Eddie Duncan, the Noise System Engineer from RSG, was teleconferenced into the meeting. Mr. Duncan provided a summary of the assessment and report including the area description, the operation description, and a description and discussion of how the sound is modeled.

Sound level monitoring method procedures, timing and equipment used to monitor the noise, areas in the community that were monitored along with the weather during the monitoring period were discussed.

Determination and results of the study were presented. The low frequency pulsating noise produced by Kirtland is the most highly annoying.

Mitigation Recommendations were discussed including addressing the low frequency pulsating noise produced by Kirtland which is the most highly annoying. Kirtland has already taken some steps to mitigate the operation's noise. Reducing the sound levels from all primary outdoor noise sources was recommended, heavily enclosing all primary outdoor noise sources at an approximate cost of \$180,000 to \$250,000 for general construction, not including design. Addressing the loader backup alarm by replacing the current alarm with a broadband back up was recommended. Sealing the air openings in the dryer / conveyor room, possibly adding siding on the inside of the conveyor.

CITIZENS COMMENTS / QUESTIONS:

Tom Monley of Kirtland asked if the goal of 40 decibels is what the City asked for, not what he recommended and Mr. Duncan said yes and added that background sound can exceed 40 decibels (dB). 45 dB at night protects against sleep disturbance and health impacts. Mr. Monley stated that the standard would have to apply to all the community.

Don Smith said a sound monitor was placed off of M75. He chose not to live near the Industrial Park and out of Boyne City. He added that he should not hear any noise from the City and asked if Kirtland does all this, will it eliminate the noise and resolve the problems at his house? Mr. Duncan said most of the time, no. It will certainly be less than what is there now.

Joe Jones asked if the material that goes thru the dryer, such as freshly cut or dried will make a difference in the sound level and was informed by Mr. Duncan, it would require the same sound levels.

Ryan Giem, resident and also a member of the Kirtland Citizens Committee referred to the graphs and inquired if the mitigation results would take in account low winter temperatures. Mr. Duncan said they modeled the temperatures for a highly stable atmosphere, worst case, so yes, this accounts for low temps. Mr. Giem stated all graphs were before and after, are these day / night averages? Mr. Duncan said it does not include the loader, but all significant stationery equipment. These are just night time levels.

Nancy Loening who lives near Young State Park stated that she is troubled by the unusual odor and has had sinus and choking problems. Are there any complaints regarding pollution in the air?

Diane Hausler responded that there have been numerous complaints. She said she would hate to see Kirtland go through all the work and money and not address that issue. She added that an oncologist told her he would never put his kids in Boyne City schools. Mike Hausler said he has not been able to get the City to bid out the emissions issue. Hugh Conklin said the Kirtland Committee met with the MDEQ who has done an extensive review process. Anything the City would do would duplicate what the MDEQ would do, so that was the consensus of the committee.

Emily Jones said she is home during the day when the plant is running. The sound drives her nuts and the smell is so bad that it burned her nose. It has affected the quality of their lives.

John Harris said he lives next to the airport and as time goes on and fixes are in place, how do we monitor the noise levels. Mr. Duncan said to set a baseline level.

John McCahan commented that Mr. Duncan has done an excellent job with the report and thanked him.

Mark Kowalske said he agrees it is unfair to Kirtland to give them this project to work on when there are other issues. Mr. Kowalske also cited stories of real estate deals that did not occur because of the Kirtland issue including his representation of the people who have the old Carter's store who are trying to put another store in.

Tom Monley said from the audibility or annoyance stand, can it be said what's causing the annoyance, or the pulsating. Mr. Duncan said not one single thing. He recommends fixing the pulsating sound first. By enclosing, we can reduce the sound levels.

Joe Jones said it is not just the decibel level or the frequency, but the longevity even though levels will be reduced.

Mr. Duncan said to some people, the audibility will be an annoyance. Levels are designed for night time. Background daytime levels will make the noise less audible.

Board Discussion: Mayor Pro-Tem Towne thanked the Citizens Committee and Mr. Duncan. The first step has been taken for the noise. The next step should be taken by Kirtland; see if they can be designed out.

Commissioner Sansom asked if Kirtland implements changes, how do we monitor if they have been successful? Mr. Duncan said by monitoring at night when the plant is running or not.

Commissioner Neidhamer asked where do we go from here? If we tell them to implement, do they have to do it? If they put a lot of money into this, how do we solve this as a community? Also, the emissions are a state regulated issue. He added that he is looking to Scott McPherson and Mike Cain for solutions. Scott McPherson said it is in Kirtland's hands and abilities to implement the changes. City Manager Cain said these are all good questions that need to be address. We are here tonight to get the scope of the sound component. We will take it back to the City Commission to see where it will go. This is a first step, it is a methodical process to figure out how we use the information and where do we go from here.

Mayor Grunch said based on the information and the three step approach presented, he would personally like to see some type of plan brought to the Commission at its August 14th meeting.

City Manager Cain said early on, it was thought the noise was coming up thru the stacks. Mr. Duncan said the main stack is not the primary source but didn't have access to the top of the stack. Most of the noise is from the fans and air pump outside. Mr. Cain also asked about the auger screw and Mr. Duncan said nothing was unusual about it while he was there. Mr. Cain inquired of any success stories from other organizations?

Commissioner Gaylord said he would like to follow up from tonight and to continue on and discuss further. He directed the City Manager to work with Scott McPherson to come up with a timeline with Kirtland. The process needs to continue on. If the conditions of the permit are not being met, the community will continue to get further upset. Commissioner Gaylord added that his recommendation is to get this moving forward in a rapid manner. MDEQ testing also needs to be done. We have citizens concerned about the emissions.

Don Nessen asked if when this is all done, will he still hear the plant at his house and Mr. Duncan said on quiet nights, it will still be audible.

Debbie Ferris said she lives a few blocks from the airport and hears the plant night and day. They are annoying sounds they cannot live with.

Barb Brooks inquired what is the sound level the closest neighborhoods could hear? Mr. Duncan said it will sound like the plant, but quieter. Low frequency sounds will be most readily audible.

City Manager Cain asked if there is a way to duplicate the plant without the pulsation noise? Tom Monley said they have done some testing without the pellet mill running and can still hear the plant. They are getting recommendations from the equipment manufacturers and have sent the report to another consultant as well.

Al Aown, a member of the citizens committee said he tried to be objective but now needs leadership from the Commission. What do we need to do to comply with the special use permit?

Mayor Grunch said his recommendation is that Kirtland bring their plan and be given a reasonable timeline to put the plan in place, and make it available to the citizens.

City Manager Cain said this will also be on the City Commission's meeting agenda for July 24th. He added that the Northern Lakes Economic Alliance is looking to see if there is funding assistance out there.

**ADJOURNMENT
MOTION**

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the Special Work Session of the City Commission of Tuesday, July 17, 2012 at 8:16 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

Fund	Description	Beginning Balance 06/01/2012	Total Debits	Total Credits	Ending Balance 06/30/2012
101	GENERAL FUND	1,342,272.34	26,775.14	314,727.18	1,054,320.30
202	MAJOR STREET FUND	118,842.68	36,593.67	55,420.06	100,016.29
203	LOCAL STREET FUND	11,841.32	22,981.79	34,823.11	0.00
206	FIRE FUND	331,791.41	30,782.22	19,689.40	342,884.23
209	CEMETERY FUND	4,120.00	4,515.00	4,736.89	3,898.11
210	AMBULANCE FUND	0.00	37,762.99	37,762.99	0.00
211	SPECIAL PROJECTS FUND	630.45	60.00	0.00	690.45
226	RUBBISH COLLECTION FUND	0.00	15,838.72	15,838.72	0.00
244	FIRE DEPARTMENT FUND	0.00	33,590.59	33,590.59	0.00
248	DOWNTOWN DEVELOPMENT AUTHORITY	187,480.83	106,991.90	78,094.81	216,377.92
251	LDEA FUND	941,041.74	2,545.00	8,126.68	935,460.06
285	MARINA FUND	215,658.04	4,278.56	13,718.82	206,217.78
295	AIRPORT FUND	22,537.01	7,849.63	15,130.19	15,256.45
401	VIBRANT SMALL CITIES INITIATIVE FUND	721,161.00	0.00	0.00	721,161.00
410	BOYNE SENIORS CENTER FUND	529.92	0.00	0.00	529.92
590	WASTEWATER FUND	1,464,411.66	79,121.96	26,097.06	1,517,436.56
592	WATER FUND	125,541.35	53,671.38	35,441.08	143,771.65
661	MOTOR POOL FUND	750,353.97	38,876.73	7,178.70	782,052.00
	TOTAL - ALL FUNDS	6,238,213.72	502,235.28	700,376.28	6,040,072.72

PERIOD ENDING 06/30/2012

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 06/30/2012 (ABNORM NORMAL)	ACTIVITY FOR MONTH 06/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 101 - GENERAL FUND					
Revenues					
031-REVENUES	3,984,662.00	0.00	0.00	3,984,662.00	0.00
032-REVENUES	244,068.00	(27.34)	662.90	244,095.34	(0.01)
033-REVENUES	142,000.00	23,666.66	11,833.33	118,333.34	16.67
034-REVENUES	142,000.00	15,101.14	908.50	126,898.86	10.63
035-REVENUES	13,900.00	1,419.20	200.00	12,480.80	10.21
036-REVENUES	362,633.00	28,672.92	547.45	333,960.08	7.91
TOTAL Revenues	4,889,263.00	68,832.58	14,152.18	4,820,430.42	1.41
Expenditures					
101-LEGISLATIVE	19,518.00	8,700.02	2,241.00	10,817.98	44.57
151-PLANNING	150,390.00	23,570.79	14,374.64	126,819.21	15.67
173-GENERAL SERVICES	559,353.00	77,779.95	44,726.47	481,573.05	13.91
191-ELECTIONS	2,900.00	331.50	0.00	2,568.50	11.43
208-ACCOUNTING/AUDIT	13,000.00	0.00	0.00	13,000.00	0.00
209-ASSESSMENT/TAXES	100,723.00	1,169.10	67,289.10	99,553.90	1.16
210-LEGAL	60,000.00	951.20	951.20	59,048.80	1.59
248-GENERAL/OTHER SERVICES	134,520.00	27,015.79	24,766.62	107,504.21	20.08
250-HOUSING	255,000.00	27,895.75	16,110.41	227,104.25	10.94
265-PUBLIC BUILDINGS	1,176,646.00	25,265.98	14,099.98	1,151,380.02	2.15
301-POLICE DEPARTMENT	639,004.00	77,047.10	40,929.75	561,956.90	12.06
706-ENVIRONMENTAL	1,000.00	0.00	0.00	1,000.00	0.00
751-PARKS & RECREATION	286,521.00	57,843.04	32,151.64	228,677.96	20.19
804-MUSEUM	2,492.00	174.34	103.34	2,317.66	7.00
809-SIDEWALKS	108,000.00	205.60	205.60	107,794.40	0.19
899-CONTINGENCY	64,223.00	1,837.27	264.54	62,385.73	2.86
965-TRANSFERS OUT	1,315,973.00	92,318.42	43,523.66	1,223,654.58	7.02
TOTAL Expenditures	4,889,263.00	422,105.85	301,737.95	4,467,157.15	8.63
Fund 101:					
TOTAL REVENUES	4,889,263.00	68,832.58	14,152.18	4,820,430.42	1.41
TOTAL EXPENDITURES	4,889,263.00	422,105.85	301,737.95	4,467,157.15	8.63
NET OF REVENUES & EXPENDITURES	0.00	(353,273.27)	(287,585.77)	353,273.27	100.00
Fund 202 - MAJOR STREET FUND					
Revenues					
030-REVENUES	1,499,208.00	15,527.16	35,177.00	1,483,680.84	1.04
TOTAL Revenues	1,499,208.00	15,527.16	35,177.00	1,483,680.84	1.04
Expenditures					
451-CONSTRUCTION	960,800.00	14,723.11	6,202.31	946,076.89	1.53
463-ROUTINE MAINTANCE	332,100.00	52,692.59	36,126.28	279,407.41	15.87
474-TRAFFIC SERVICE	31,500.00	788.87	724.34	30,711.13	2.50
478-WINTER MAINTENANCE	97,300.00	3,245.88	1,362.94	94,054.12	3.34
482-ADMINISTRATION	77,508.00	13,623.41	9,587.52	63,884.59	17.58
TOTAL Expenditures	1,499,208.00	85,073.86	54,003.39	1,414,134.14	5.67
Fund 202:					
TOTAL REVENUES	1,499,208.00	15,527.16	35,177.00	1,483,680.84	1.04
TOTAL EXPENDITURES	1,499,208.00	85,073.86	54,003.39	1,414,134.14	5.67
NET OF REVENUES & EXPENDITURES	0.00	(69,546.70)	(18,826.39)	69,546.70	100.00
Fund 203 - LOCAL STREET FUND					
Revenues					
030-REVENUES	943,460.00	59,478.23	21,773.46	883,981.77	6.30
TOTAL Revenues	943,460.00	59,478.23	21,773.46	883,981.77	6.30
Expenditures					
451-CONSTRUCTION	431,970.00	4,771.37	4,771.37	427,198.63	1.10
463-ROUTINE MAINTANCE	339,800.00	47,290.76	18,005.79	292,509.24	13.92
474-TRAFFIC SERVICE	18,500.00	455.54	198.44	18,044.46	2.46
478-WINTER MAINTENANCE	97,110.00	3,142.49	1,260.14	93,967.51	3.24
482-ADMINISTRATION	56,080.00	13,206.48	9,379.04	42,873.52	23.55

PERIOD ENDING 06/30/2012

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 06/30/2012 NORMAL (ABNORM)	ACTIVITY FOR MONTH 06/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 203 - LOCAL STREET FUND					
Expenditures					
TOTAL Expenditures	943,460.00	68,866.64	33,614.78	874,593.36	7.30
Fund 203:					
TOTAL REVENUES	943,460.00	59,478.23	21,773.46	883,981.77	6.30
TOTAL EXPENDITURES	943,460.00	68,866.64	33,614.78	874,593.36	7.30
NET OF REVENUES & EXPENDITURES	0.00	(9,388.41)	(11,841.32)	9,388.41	100.00
Fund 206 - FIRE FUND					
Revenues					
30-REVENUES	295,500.00	(53,687.90)	29,615.55	349,187.90	(18.17)
TOTAL Revenues	295,500.00	(53,687.90)	29,615.55	349,187.90	(18.17)
Expenditures					
40-EXPENDITURES	246,485.00	27,569.53	18,522.73	218,915.47	11.19
TOTAL Expenditures	246,485.00	27,569.53	18,522.73	218,915.47	11.19
Fund 206:					
TOTAL REVENUES	295,500.00	(53,687.90)	29,615.55	349,187.90	18.17
TOTAL EXPENDITURES	246,485.00	27,569.53	18,522.73	218,915.47	11.19
NET OF REVENUES & EXPENDITURES	49,015.00	(81,257.43)	11,092.82	130,272.43	(165.78)
Fund 209 - CEMETERY FUND					
Revenues					
30-REVENUES	51,017.00	6,466.54	4,515.00	44,550.46	12.68
TOTAL Revenues	51,017.00	6,466.54	4,515.00	44,550.46	12.68
Expenditures					
40-EXPENDITURES	51,017.00	6,628.34	4,736.89	44,388.66	12.99
TOTAL Expenditures	51,017.00	6,628.34	4,736.89	44,388.66	12.99
Fund 209:					
TOTAL REVENUES	51,017.00	6,466.54	4,515.00	44,550.46	12.68
TOTAL EXPENDITURES	51,017.00	6,628.34	4,736.89	44,388.66	12.99
NET OF REVENUES & EXPENDITURES	0.00	(161.80)	(221.89)	161.80	100.00
Fund 210 - AMBULANCE FUND					
Revenues					
30-REVENUES	644,227.00	102,678.67	18,160.33	541,548.33	15.94
TOTAL Revenues	644,227.00	102,678.67	18,160.33	541,548.33	15.94
Expenditures					
40-EXPENDITURES	629,425.00	81,679.35	37,762.99	547,745.65	12.98
TOTAL Expenditures	629,425.00	81,679.35	37,762.99	547,745.65	12.98
Fund 210:					
TOTAL REVENUES	644,227.00	102,678.67	18,160.33	541,548.33	15.94
TOTAL EXPENDITURES	629,425.00	81,679.35	37,762.99	547,745.65	12.98
NET OF REVENUES & EXPENDITURES	14,802.00	20,999.32	(19,602.66)	(6,197.32)	141.87
Fund 211 - SPECIAL PROJECTS FUND					
Revenues					
30-REVENUES	0.00	60.00	60.00	(60.00)	100.00
TOTAL Revenues	0.00	60.00	60.00	(60.00)	100.00

PERIOD ENDING 06/30/2012

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 06/30/2012 NORMAL (ABNORM)	ACTIVITY FOR MONTH 06/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 211 - SPECIAL PROJECTS FUND					
Fund 211:					
TOTAL REVENUES	0.00	60.00	60.00	(60.00)	100.00
TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES	0.00	60.00	60.00	(60.00)	100.00
Fund 226 - RUBBISH COLLECTION FUND					
Revenues					
030-REVENUES	28,000.00	15,838.72	15,838.72	12,161.28	56.57
TOTAL Revenues	28,000.00	15,838.72	15,838.72	12,161.28	56.57
Expenditures					
040-EXPENDITURES	28,000.00	15,838.72	15,838.72	12,161.28	56.57
TOTAL Expenditures	28,000.00	15,838.72	15,838.72	12,161.28	56.57
Fund 226:					
TOTAL REVENUES	28,000.00	15,838.72	15,838.72	12,161.28	56.57
TOTAL EXPENDITURES	28,000.00	15,838.72	15,838.72	12,161.28	56.57
NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	100.00
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY					
Revenues					
030-REVENUES	665,941.00	116,866.90	106,156.90	549,074.10	17.55
TOTAL Revenues	665,941.00	116,866.90	106,156.90	549,074.10	17.55
Expenditures					
031-EXPENDITURES	749,014.00	87,951.16	77,259.81	661,062.84	11.74
TOTAL Expenditures	749,014.00	87,951.16	77,259.81	661,062.84	11.74
Fund 248:					
TOTAL REVENUES	665,941.00	116,866.90	106,156.90	549,074.10	17.55
TOTAL EXPENDITURES	749,014.00	87,951.16	77,259.81	661,062.84	11.74
NET OF REVENUES & EXPENDITURES	(83,073.00)	28,915.74	28,897.09	(111,988.74)	(34.81)
Fund 251 - LDFA FUND					
Revenues					
030-REVENUES	192,195.00	0.00	0.00	192,195.00	0.00
TOTAL Revenues	192,195.00	0.00	0.00	192,195.00	0.00
Expenditures					
040-EXPENDITURES	501,989.00	31,000.34	5,581.68	470,988.66	6.18
TOTAL Expenditures	501,989.00	31,000.34	5,581.68	470,988.66	6.18
Fund 251:					
TOTAL REVENUES	192,195.00	0.00	0.00	192,195.00	0.00
TOTAL EXPENDITURES	501,989.00	31,000.34	5,581.68	470,988.66	6.18
NET OF REVENUES & EXPENDITURES	(309,794.00)	(31,000.34)	(5,581.68)	(278,793.66)	10.01
Fund 285 - MARINA FUND					
Revenues					
030-REVENUES	213,092.00	23,406.07	2,617.56	189,685.93	10.98
TOTAL Revenues	213,092.00	23,406.07	2,617.56	189,685.93	10.98
Expenditures					
040-EXPENDITURES	315,400.00	18,743.49	11,984.32	296,656.51	5.94

PERIOD ENDING 06/30/2012

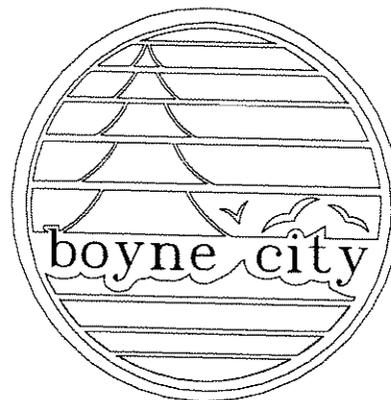
ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 06/30/2012 NORMAL (ABNORM)	ACTIVITY FOR MONTH 06/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 285 - MARINA FUND					
Expenditures					
TOTAL Expenditures	315,400.00	18,743.49	11,984.32	296,656.51	5.94
Fund 285:					
TOTAL REVENUES	213,092.00	23,406.07	2,617.56	189,685.93	10.98
TOTAL EXPENDITURES	315,400.00	18,743.49	11,984.32	296,656.51	5.94
NET OF REVENUES & EXPENDITURES	(102,308.00)	4,662.58	(9,366.76)	(106,970.58)	(4.56)
Fund 295 - AIRPORT FUND					
Revenues					
030-REVENUES	99,126.00	21,249.47	9,933.63	77,876.53	21.44
TOTAL Revenues	99,126.00	21,249.47	9,933.63	77,876.53	21.44
Expenditures					
040-EXPENDITURES	118,650.00	4,190.61	2,483.24	114,459.39	3.53
TOTAL Expenditures	118,650.00	4,190.61	2,483.24	114,459.39	3.53
Fund 295:					
TOTAL REVENUES	99,126.00	21,249.47	9,933.63	77,876.53	21.44
TOTAL EXPENDITURES	118,650.00	4,190.61	2,483.24	114,459.39	3.53
NET OF REVENUES & EXPENDITURES	(19,524.00)	17,058.86	7,450.39	(36,582.86)	(87.37)
Fund 590 - WASTEWATER FUND					
Revenues					
030-REVENUES	1,106,281.00	(89,126.99)	51,971.73	1,195,407.99	(8.06)
TOTAL Revenues	1,106,281.00	(89,126.99)	51,971.73	1,195,407.99	(8.06)
Expenditures					
090-EXPENDITURES	1,102,086.00	46,683.96	23,133.31	1,055,402.04	4.24
TOTAL Expenditures	1,102,086.00	46,683.96	23,133.31	1,055,402.04	4.24
Fund 590:					
TOTAL REVENUES	1,106,281.00	(89,126.99)	51,971.73	1,195,407.99	8.06
TOTAL EXPENDITURES	1,102,086.00	46,683.96	23,133.31	1,055,402.04	4.24
NET OF REVENUES & EXPENDITURES	4,195.00	(135,810.95)	28,838.42	140,005.95	(3,237.4)
Fund 592 - WATER FUND					
Revenues					
032-REVENUES	580,800.00	5,196.17	37,733.60	575,603.83	0.89
TOTAL Revenues	580,800.00	5,196.17	37,733.60	575,603.83	0.89
Expenditures					
092-EXPENDITURES	586,914.00	50,036.80	30,832.74	536,877.20	8.53
TOTAL Expenditures	586,914.00	50,036.80	30,832.74	536,877.20	8.53
Fund 592:					
TOTAL REVENUES	580,800.00	5,196.17	37,733.60	575,603.83	0.89
TOTAL EXPENDITURES	586,914.00	50,036.80	30,832.74	536,877.20	8.53
NET OF REVENUES & EXPENDITURES	(6,114.00)	(44,840.63)	6,900.86	38,726.63	733.41
Fund 661 - MOTOR POOL FUND					
Revenues					
030-REVENUES	301,800.00	61,212.81	38,418.40	240,587.19	20.28
TOTAL Revenues	301,800.00	61,212.81	38,418.40	240,587.19	20.28

PERIOD ENDING 06/30/2012

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 06/30/2012 NORMAL (ABNORM)	ACTIVITY FOR MONTH 06/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% B DGT USED
Fund 661 - MOTOR POOL FUND					
Expenditures					
040-EXPENDITURES	345,500.00	16,254.84	6,720.37	329,245.16	4.70
TOTAL Expenditures	<u>345,500.00</u>	<u>16,254.84</u>	<u>6,720.37</u>	<u>329,245.16</u>	<u>4.70</u>
Fund 661:					
TOTAL REVENUES	301,800.00	61,212.81	38,418.40	240,587.19	20.28
TOTAL EXPENDITURES	345,500.00	16,254.84	6,720.37	329,245.16	4.70
NET OF REVENUES & EXPENDITURES	<u>(43,700.00)</u>	<u>44,957.97</u>	<u>31,698.03</u>	<u>(88,657.97)</u>	<u>(102.88)</u>
TOTAL REVENUES - ALL FUNDS	11,509,910.00	353,998.43	386,124.06	11,155,911.57	3.08
TOTAL EXPENDITURES - ALL FUNDS	12,006,411.00	962,623.49	624,212.92	11,043,787.51	8.02
NET OF REVENUES & EXPENDITURES	<u>(496,501.00)</u>	<u>(608,625.06)</u>	<u>(238,088.86)</u>	<u>112,124.06</u>	<u>122.58</u>

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Scott McPherson, Planning Director
Date: July 24, 2012 *SM*
Subject: One Water Street Conditional Rezoning Request

**BACKGROUND**

An application for conditional rezoning and development plan review has been submitted by Mansfield and Associates for the parcel located at 1 Water Street owned by Catt Land Investments LLC. The parcel is 83,200 square feet and is a wedge shaped corner lot with 299 feet of frontage on Front Street and 383 feet of frontage at the end of Water Street. The parcel has approximately 200 feet of frontage on Lake Charlevoix. The parcel is located in the Waterfront Marina District (WMD) and is adjacent to Central Business District (CBD) on the east, Community Service District (CSD) on the north and Multifamily Residential District (MFRD) on the south.

In 2009 a conditional use and development plan was approved for a mixed use development that included marina facilities, retail, restaurant, and 37 unit hotel condominium that included 20 single room units and 17 units with full kitchens and dining rooms. Since the 2009 approval the marina, retail, office and restaurant components of the project have been completed.

DISCUSSION

Proposed Uses-The proposed plan is to replace the approved 37 unit hotel and construct 13 detached resort cottage structures. The ground floor of the structures would primarily consist of motel units designed for short term transient occupancy and would have only a bedroom and bathroom. It is anticipated that 3 of the ground floor units will be used for commercial uses however, this could fluctuate depending on market demand. One unit would be dedicated as a bathroom and shower facility for marina users. The second and third floors would contain 15 two bedroom units intended to be used as vacation rentals that could be used for short term or long term occupancy. The applicant is applying for approval of the uses as principal permitted uses in the CBD as per section 10.20(J) and 10.20(M) which are as follows:

10.20(J)

Hotels, motels, bed and breakfast inns and bed and breakfast houses.

10.20(M)

Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.

Motel (Motor Court): A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Viewshed – The previously approved plan is located in the Waterfront Marina District the Boyne City Zoning Ordinance (BCZO) and Section 20.20 note(o) requires lake front properties in the WMD must have a minimum side yard setback of 30% of the corresponding lot width. The previously approved plan did not meet this requirement and a setback of 23% was approved by the Planning Commission as per the allowances of BCZO Section 20.20 note(e). The approved plan provided for 138 feet of water view across the parcel from Front Street. The viewshed provided by the approved site plan is shown in the image below.

The proposed development plan will replace the single 3.5 story structure with 13 three story structures. Similar to the approved plan the buildings will be placed on the north property line



adjacent to Water Street. The location of the buildings on the property line is permitted and is encouraged by the ordinance. A side yard setback of 33.3 feet from the south property line is proposed which would equal 16% of the corresponding lot width and will provide a lake view. The buildings on the proposed plan will have 8ft spacing between the walls of structures which will provide two other lake views from Front Street. The views are shown on the image below as viewshed 1, viewshed 2 and viewshed 3. Viewshed 1 would have a total of 35ft of view from Front Street, of which 15ft would be somewhat obstructed by the dumpster enclosure. Viewshed 2 would have 35 feet of view from Front Street with 7 feet obstructed. Viewshed 3 would provide unobstructed views from Front Street for 102 feet. Because the applicant is proposing a

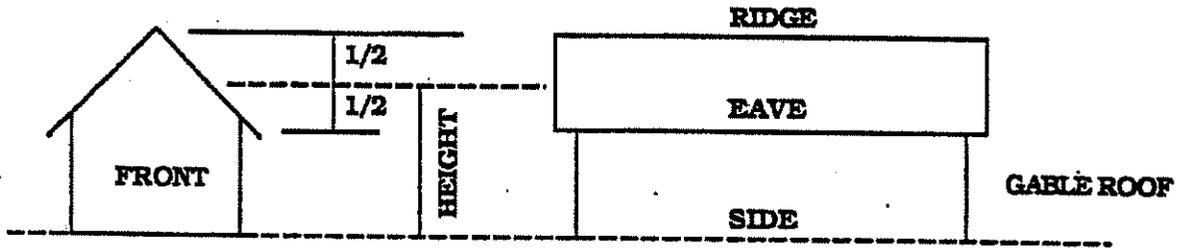
conditional rezoning to CBD, the 30% side yard requirement of BCZO 20.20 note(o) does not apply. While the Planning Commission is not required to make a finding in regards to the viewshed as it did with the previous application, it is totally appropriate to consider the changes in the viewshed in the context of this conditional rezoning request.



Building Height - The proposed project is comprised of basically two different building types. All the proposed buildings are 3 stories. The total height of the buildings as measured from the grade to the ridge is 37' and 40'. All the buildings will have 8/12 gable roofs and building heights as measured per the ordinance requirements would be 33 feet and 35 feet. In the CBD district the maximum building height is 45 feet or 3.5 stories. The proposed plan would be a reduction in the building height as per the approved plan that has a 3 ½ story building that measured 45' from the grade to the ridge with a building height of 37' 6" as per the ordinance standards. The approved buildings exceeded the 35 height limit in the WMD and received approval by the Planning Commission as per the allowances of BCZO Section 20.20 note(e).

Building height for buildings with gable roofs is measured as follows:

Building Height: The vertical distance measured from the natural grade, prior to any excavation of construction, to the highest point of the surface for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.



Parking

The submitted application has included parking calculations for the existing and the proposed uses. The uses as requested would require 132 parking spaces for existing developed portion of the project and the proposed changes. The parking calculations for the approved and proposed developments are shown below:

		ONE WATER STREET			
		Parking Calculations currently approved hotel concept		Parking Calculations proposed cottage motel concept	
Retail	1 per 250sf	2,500 square feet	10	2,500 square feet	10
Restaurant	1 per 100sf	3,800 square feet	38	3,800 square feet	38
Office	1 per 330sf	6,300 square feet	18	6,300 square feet	18
Hotel	1 per room	37 rooms	37	- rooms	-
	1 per employee	1 employee	1	1 employee	1
Marina	1.5 per slip	24 slips	36	24 slips	36
Motel	1 per unit	- units	-	29 units	29
		140 total		132 total	
		-20% -28 shared use credit		-20% -28.4 shared use credit	
		112 required		105.6 required	
		on-site spaces provided 98		on-site spaces provided 92	
		additional off-site spaces 14		additional off-site spaces 14	
		112 provided		106 provided	
		One Water St public spaces 23		One Water St public spaces 23	
		111		135	

As with the previous approved plan the applicant is requesting that the Planning Commission approve a 20% reduction for collective use of parking spaces as provided by BCZO section 24.20(F) which is as follows:

Variance for Collective Uses. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap and there is an opportunity for a patron to visit more than one use, the Planning Commission may grant a reduction to the required number of spaces of up to twenty percent (20%) provided a signed agreement is provided by the property owners.

The submitted site plan shows a total of 106 parking spaces will be provided with 92 spaces located on site and 14 spaces that are located off site. The onsite spaces will be consist 16 paved spaces located on Front Street, 30 paved spaces in a parking lot, 7 spaces that will be reinforced turf parking and 39 paved spaces that will be located in the access drive, driveways and garages of the resort cottages. The off site spaces are located on a parcel 126' away at 210 Front Street which is owned by Integrity Land Company and is currently occupied by the Boyne Arts Collective. Section 24.20(A) allows off site parking for developments as long as property is owned by the applicant and the spaces are within 300' feet of the proposed development. These

spaces were also included in the previous approval and were given a deferment by the Planning Commission as provided by section 24.10(B)(3) which is as follows:

Variance and Deferment. The Planning Commission may, without proof of unnecessary hardship, waive the requirements of this Article if the Planning Commission finds from the evidence presented that the intended use of a proposed building does not require parking or loading facilities to the degree specified herein. However, the Planning Commission shall require that adequate open areas be retained around such a building to permit development of the required parking or loading areas should the use of the building change at a later date. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout.

The deferment of the 14 spaces was approved with the condition that the Planning Commission was to review the demand for parking 1 year after the total buildout of the development and determine in if the spaces were needed. As part of this conditional zoning application the applicant is requesting that these 14 off site spaces be permanently waived.

As the conditional rezoning request would change the property from WMD to CBD the Planning Commission would now have the ability to consider a reduction of the parking requirements as per standards of Section 10.50 which state:

Parking and Loading. The Planning Commission shall determine if the number of off-street parking and loading/unloading spaces required per Article XXIV of this Ordinance shall be met, or if a lesser number spaces or no spaces are required due to the following: the availability of on-street parking spaces, off-site parking lots, or municipal parking lots; a finding that patrons will either walk to the site from nearby neighborhoods, or will park at other sites and visit several uses at one time; or the placement and configuration of existing buildings.

Design Criteria -Section 10.50 of the BCZO establishes the design standards for buildings located in the CBD district. A design pattern book with specific design requirements has been provided by the applicant to the City Commission for review.

Boyne City Comprehensive Plan

The Future Land Use map in the City of Boyne City Comprehensive Plan shows the One Water Street Parcel as part of the Downtown Core which is described in the plan as follows:

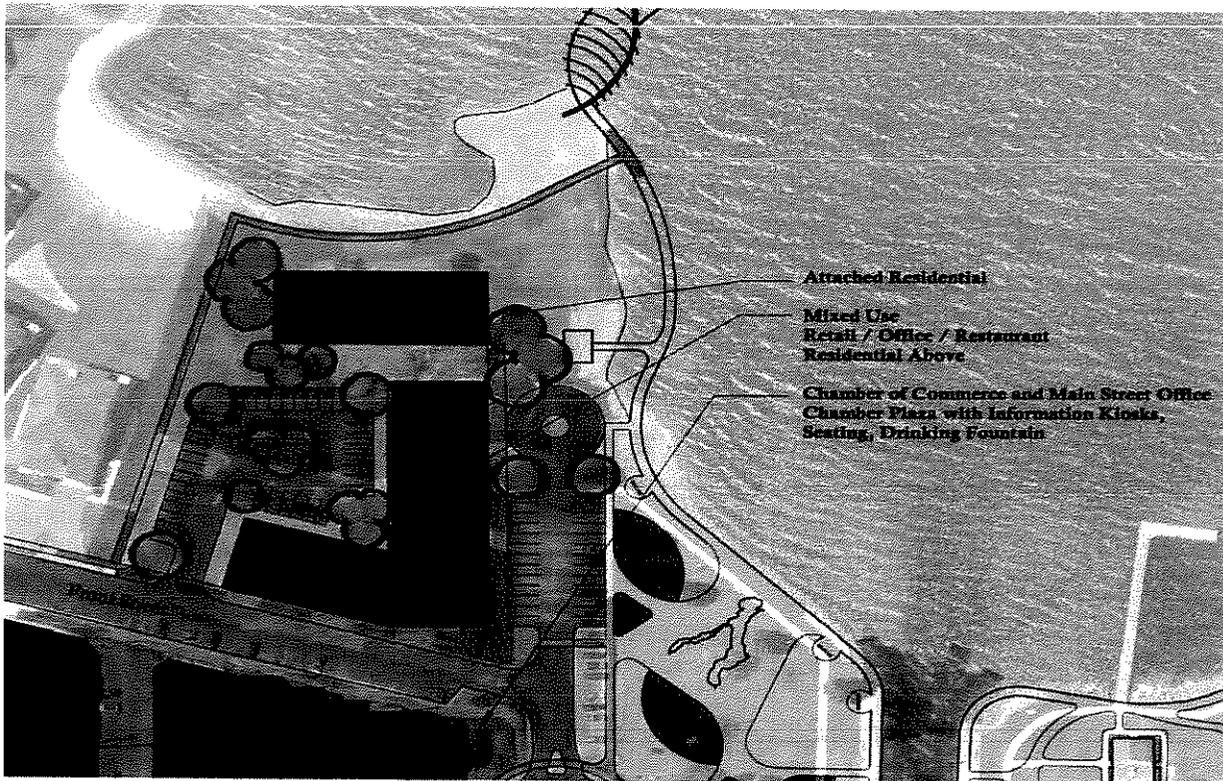
Downtown Core - The downtown and historic core is the focal point of Boyne City with retail, office, residential, and public uses, supported by a transportation system that creates a pedestrian friendly atmosphere, provides improved access for local businesses and enhances the streetscape. This plan promotes mixed use development in the Downtown Core to reinforce the unique identity and attractive pedestrian environment.



Water Front Master Plan

The parcel is specifically referenced and illustrated in the Water Front Master Plan as follows:

One Water Street – This parcel is shown to extend party wall commercial buildings from Front Street toward the lake along the south side of Water Street. Residences would occupy the second story of these buildings. The restaurant would remain, but is a smaller configuration. Residential structures area proposed faces the lake to the west. A private marina is also proposed. Public participation in the marina for transient and or shoppers slips would be desirable.



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

Process

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 May 21, 2012 and the conditional rezoning as presented was recommended for approval. The Planning Commission recommended approval of the request as submitted which included the approval the 20% reduction in parking for collective uses as provided by section 24.20(F), and approval of the request to waive the 14 offsite spaces as provided by 10.50. In the recommendation of approval the Planning Commission made the stipulation that if the Conditional Rezoning is approved by the City Commission the final site plan must be approved by the Planning Commission. The proposed amendment was presented to the City Commission at its June 12, 2012 meeting for a first reading and was scheduled for a second reading on July 24, 2012. As the proposed request is for a change in a mapped district the City Commission should review the proposed amendment and the draft conditional use contract and use the amendment criteria as listed in section 2.50C of the zoning ordinance as a guide in making a decision on the proposed amendment. Section 2.50 C is as follows:

- C. For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:
1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district.
 2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property.
 3. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.
 4. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.
 5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.
 6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise

the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, population density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning.

7. The rezoning would constitute and create an isolated and unplanned "spot zone" granting a special privilege to one landowner not available to others.
8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the Schedule of Regulations.
9. There has been a change of conditions in the area supporting the proposed rezoning.
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.
11. There was a mistake in the original zoning classification.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

Options

The City Commission has the following options:

1. Approve the proposed Conditional Rezoning as presented
2. Disapprove the proposed Conditional Rezoning
3. Send the proposed Conditional Rezoning back to the Planning Commission for further consideration.
4. Postpone action on the proposed Conditional Rezoning

Recommendation

The City Commission should review and approve the conditional zoning amendment as presented, subject to review and approval of the final development plan by the Planning Commission.

SECTION 1 - TITLE

CONDITIONAL REZONING AGREEMENT

between

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

(the applicant)

and the

City of Boyne City, Charlevoix County, Michigan

for the rezoning of property located at

One Water Street, Boyne City, MI. 49735

Property Identification Number 15-051-445-082-10

SECTION 2 - PROPERTY AND PARTIES

THIS CONDITIONAL REZONING AGREEMENT is made of this 24th day of July 2012, by Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735 herein after referred to as the applicant being the property owner of certain property having the Property Identification Number 15-051-445-082-10 and the City of Boyne City, Charlevoix County, Michigan herein after referred to as the City of Boyne City.

SECTION 3 - REQUESTED ACTION

WHEREAS, The applicant being the owners of certain property located at One Water Street, Boyne City, MI. 49735 **Property Identification Number** 15-051-445-082-10 legally described on the attached Exhibit "A" which is incorporated herein by reference, have petitioned the City of Boyne City Planning Commission for the rezoning of this property from the Waterfront Marina District (WMD) Zoning to Central Business District (CBD) Classification with Conditions as set forth in the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date, for the purpose of permitting, constructing and operating a mixed-use cottage development consisting of 15 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.

SECTION 4- STATUTORY AUTHORITY

WHEREAS, the applicant has requested the conditional rezoning of the subject property to allow for the operation a mixed-use cottage development consisting of 15 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable

space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may be permitted by right, by special use permit, or by any other means in the CBD Zoning Classification by a contract that stipulates the terms of and conditions for use, of the property under the authority of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006 (MCL125.404) and Article X of the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date.

SECTION 5 - TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the premises and rights reserved, herein, and in order to accomplish the forgoing purposes, the undersigned hereby agree:

1. To rezone the land as described in Exhibit "A" as attached hereto to CBD with Conditions for the purpose of permitting, constructing, operating and maintaining a mixed-use cottage development consisting of 15 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may be permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.
1. The subject property is deemed to be a *Conditional Rezoning*, that being a land use that will, if not undertaken within three (3) years of the date of adoption, revert to a use in conformance with the City of Boyne City Master Plan and Zoning Ordinance.
2. It is understood by all parties that this Zoning Agreement and the corresponding Conditional Rezoning Offer were proposed voluntarily by the landowner, and applicant, and that the City in its review and determination have relied upon the same.
3. This agreement shall be recognized as meeting the intentions and authorizations of all state and federal law and in its signature is valid.
4. The property identified in Exhibit "A" attached hereto shall be developed or used in a manner that conforms to the requirements of the CBD with Conditions District and the incorporated Zoning Agreement and specifically per the attached preliminary plan set.

5. That this Zoning Agreement shall be binding upon and inure to the benefit of the applicant and landowner and the City of Boyne City, and their respective heirs, successors, assigns receivers or transferees.
6. That if the rezoning becomes void under the Zoning Ordinance no development shall take place and no permits will be issued unless and until a new Zoning District classification for the property has been established or a new rezoning has been approved.
7. That each of the requirements and conditions in the Zoning Agreement are necessary and reasonably related and roughly proportional in nature and extent to the impact created by the uses or activities authorized in the Zoning Agreement.
8. That no part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise be prohibited in the Zoning District to which the property is rezoned.
9. That the Condominium Master Deed will provide the conditions of the maintenance and operations standards and escrowed funds to sustain all common elements of the development.
10. That the plans submitted with and for the Conditional Rezoning offer and referenced herein are preliminary in nature and while it is the intent that they meet the rules and regulations that promulgate such a development they are subject to final review and permitting by the City and several other agencies and in such subject to change.
11. That the intent of this development is it be constructed in phases of 3-units starting from the northwest corner of the site, with the pool amenity to be constructed at mid-term of complete build-out, and marina restroom and shower facilities to be located in a ground floor area of a cottage unit.
12. All conditions contained in the Development Agreement dated November 4, 2009, between the City and Integrity Land Company shall remain in full force and effect.

SECTION 7 - OTHER REPRESENTATIONS AND AGREEMENTS

7. This agreement constitutes the entire agreement between the parties with respect to the matter set forth herein, and there are no representations, warranties, covenants, or obligations except as set forth herein. This Agreement supersedes all prior contemporaneous agreements, understandings, negotiations statements and discussion, written or oral, of the parties hereto, relating to the matters contemplated by the Agreement.

SECTION 8 - VIOLATION AND ENFORCEMENT

8. The failure of any party to complain or enforce of any act or omission on the part of another party, no matter how long the same may continue, shall not be deemed to be an acquiescence or waiver by such party of any of its rights hereunder. No waiver by any party at any time, expressed or implied, or any breach of any provision of this Agreement

shall be deemed a waiver of a breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision of this agreement. If any action by any party shall require the consent or approval of another party(ies), such consent or approval of such action shall not be deemed a consent to or approval of any other provision of this agreement.

SECTION 9- GOVERNING LAW

9. This Agreement shall be governed by the laws of the State of Michigan.

SECTION 10 - DELIVERY OF NOTICES

10. Notice shall be deemed as given hereunder upon personal delivery to the addresses set forth below, or if properly addressed, one (1) day after depositing such notice, with postage prepaid, in a United States mailbox or one (1) day after depositing such notice in the custody of a nationally recognized overnight delivery service. Notice shall be deemed properly addressed if sent to the following address.

Applicant and Property Owner:

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

SECTION 11 - SIGNATURE BY FACSIMILE

11. The parties agree that this Agreement may be executed by facsimile or in counterparts, and that all counterparts together, with or without facsimile signatures, shall constitute one integrated agreement and be deemed an original document.

Section 12 - Recording with Register of Deeds

12. This document or Affidavit or Memorandum giving notice of this document shall be recorded with the Charlevoix County and City of Boyne City Register of Deeds Office.

SECTION 13 - PLANNING COMMISSION REVIEW AND PUBLIC HEARING

CITY OF BOYNE CITY PLANNING COMMISSION REVIEW AND RECOMMENDATION

After proper public notice was given and a public hearing held on May 21, 2012 before the City of Boyne City Planning Commission, a motion was duly made and approved as recorded in the minutes of the Planning Commission meeting of the same date recommending the City of Boyne City Commissioners approve this Conditional Rezoning Agreement.

Chair

Secretary

SECTION 14 - SIGNATURE AND NOTARIZATION



Date: July 20, 2012

To: City Manager Michael Cain *Mc*
 Boyne City Commissioners

From: Hugh Conklin, program manager

RE: Park Street Construction Project

The Main Street board held a special meeting Friday, July 20, to review issues related to the approved plan for the Park Street project, specifically the segment between the Water Street intersection and the alley between Ray and Water streets. The most pressing concern is how the approved plan, which maintains the current parking configuration of angle parking on the Ace Hardware side and parallel on the Pat O'Brien and Associates side, creates severe safety issues with the lane alignment.

This issue became obvious last week when the outline of the new layout was marked on the street. While the plan looked acceptable on paper, it was obvious looking at the markings and actually standing in the street, that the issues created by the uneven lane alignment were too severe and would create a hazardous situation at the intersection. To get a full understanding of the layout, a special Main Street board meeting was held at 7 a.m. July 20 with Larry Fox of C2AE, Andy Kovalski, DPW director, police chief Jeff Gaither and officer Craig Remsberg, and members of the DPW staff, for the purpose of understanding "in the field" the issues involved. After seeing a demonstration on traffic movement under the new alignment, it was agreed by all Main Street board members that the plan needed to be revised.

As a result, the Main Street board is unanimously recommending to the city commission that it rescind its vote approving the Park Street project which maintains the parking alignment as it currently is, and approve the plan with parallel parking on both sides of Park Street between the intersection and alley. The board feels this will address most of safety concerns that have been raised and it will meet the streetscape goals of the project: curb and gutter along the east side of Park Street between Water and Ray streets; wider sidewalks along the east side of Park; and parking spaces that meet city standards. The board realizes this will reduce the number of parking spaces by two, but it accepts that tradeoff.

Recommendation:

The city commission rescind its previous vote on the Park Street construction project as it relates to the Water Street intersection south to the alley, and approve the plan with parallel parking on both sides of Park Street between the intersection south to the alley.

**JUNE 12, 2012
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY JUNE 12, 2012

CALL TO ORDER

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

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

Staff: Andy Kovolski, Scott McPherson, Dan Meads, Barb Brooks, Craig Remsberg, Dennis Amesbury, Hugh Conklin, Michael Cain and Cindy Grice

Others: There were 22 citizens in attendance, including representatives from the Petoskey News Review and Charlevoix County News

CONSENT AGENDA

MOTION

2012-06-077

Moved by Towne

Second by Gaylord

2012-06-077A

Approval of the May 22, 2012 regular City Commission meeting minutes as presented

2012-06-077

Approval of lot reconfiguration for Irene Brannon to reconfigure parcels at 604 Earl Street by dividing parcel 051-369-364-00 in half and conveying the west half to parcel 051-369-348-00 and combining the east half with parcel 051-369-349-00

2012-06-077C

Approval to appoint Heath Meeder to the Parks and Recreation Board to fill a vacancy left by Paul Nicholls for a term expiring on 12/31/2014

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

Ron Crozier from the Boyne City Veteran's Memorial Committee thanked Craig Remsberg and the Police Department staff and the DPW staff as well for their assistance during the Memorial Day service.

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- Three new businesses have opened in town, the Brook, Boyne Parasail and the Thirsty Goat.
- The Boyne City Provisions will be having a ribbon cutting ceremony on Friday to celebrate their renovations and new look.
- The 2011 Drinking Water Quality Report is now available on the City's website and at City Hall.
- Stroll the Streets starts this Friday.
- Police Chief interviews will take place on Friday, June 22

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

Draft Minutes of the April 26, 2012 Airport Advisory Board meeting, the May 3, 2012 Main Street Meeting, the May 3, 2012 Parks and Recreation Commission Meeting, the May 14, 2012 Economic Development Corporation Meeting, the May 14, 2012 Local Development Authority Finance Authority meeting, the May 21, 2012 Planning Commission Meeting, the May 24, 2012 Airport Advisory Board Meeting and the May 22, 2012 Historical District Board Meeting were received and filed.

Kirtland Update

City Planning Director Scott McPherson stated that RSG continues to work on the noise assessment for Kirtland. The study is about 75% complete with the data. A 3D sound model will be developed this week.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom inquired what the operational schedule will be in the future and Tom Monley of Kirtland said not sure at this point. Commissioner Gaylord inquired what the State deadline for the stack testing was and was informed, the original deadline was in April.

**South Park Street
Reconstruction Project**

Consideration to authorize seeking of bids for the South Park Street Reconstruction Project as revised, with the exception of changing the first four parking spaces on the west side of Park Street south of Water Street to six angle parking spaces.

City Manager Cain discussed the revised plan presented for further review and consideration. The changes were made since the Commission's May 22nd meeting. The revised plan would add two additional parking spaces to the downtown area. Based on information and discussion regarding the angle versus parallel parking, it is recommended that the City Commission authorize the project to go forward for bidding if we hope to have any chance to complete it this year. It is anticipated that bids will be advertised for by the end of June.

Staff Comments: None

Citizens Comments: Ron Crozier said he has a work van and at the first parking spot in front of Ace Hardware, you cannot see a car coming if you are trying to back out. He added that he wishes the bump outs weren't there. Jim White, owner of Ace Hardware stated he would rather see the angle parking closer to his store.

Board Deliberation: Commissioner Neidhamer said a two parking space net gain is valuable so he agrees with the City Manager's recommendation. Mayor Grunch agreed. Commissioner Gaylord asked Officer Remsberg if there have been a lot of accidents in that area and was informed no major incidents. He also asked Larry Fox from C2AE which plan would be more beneficial and was informed either plan would work. Commissioner Sansom asked if it was necessary to have a right turn lane in that intersection? Mayor Grunch said he doesn't see a problem with angle parking on either side of the street adding that we need to keep this process going. Commissioner Gaylord asked City Manager Cain what his recommendation was, and was informed, the angle parking in front of Pat O'Brien's. Commissioner Gaylord also stated in his opinion, retaining the angle parking on the Ace Hardware side would be least restrictive and he

recommends that we move forward on the project based on factual information, with angle parking in front of the Co-op and Ace Hardware Mayor Pro-Tem Towne agrees we should move forward with this project.

MOTION

2012-06-078
 Moved by Towne
 Second by Gaylord

To authorize seeking of bids for the South Park Street Reconstruction Project as revised, with the exception of changing the first four parking spaces on the east side of Park Street south of Water Street to six angle parking spaces

Ayes: 3
 Nays: 2, Commissioner Neidhamer and Mayor Grunch
 Absent: 0
 Motion carried

MOTION

2012-06-079
 Moved by Grunch
 Second by Gaylord

To recess for five minutes at 8:10 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

MOTION

2012-06-080
 Moved by Grunch
 Second by Towne

To resume the meeting at 8:15 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**One Water Street
 Conditional Rezoning
 Request**

Consideration of first reading of an amendment to allow conditional rezoning of a parcel located at 1 Water Street and to schedule a second reading for July 24, 2012

Planning Director Scott McPherson discussed the application for conditional rezoning and development plan review that has been submitted for One Water Street owned by Catt Land Investments, LLC. marina, retail, office and restaurant components of the project have been completed.

The parcel is 83,200 square feet and is a wedge shaped corner lot with 299 feet of frontage on Front Street and 383 feet of frontage at the end of Water Street. The parcel has approximately 200 feet of frontage on Lake Charlevoix. The parcel is located in the Waterfront Marina District and is adjacent to the Central Business District on the east, Community Service



City of Boyne City

MEMO

Agenda Item 9C

Date: July 20, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *MC*
Subject: Marina Fueling Request

Recently the City has received a request from Parasail Adventure in Boyne City to permit private fueling of their commercial boat at the small boat launch. Section 74-28 of the Boyne City Code Ordinances allows the City to grant a permit for fueling at the marina. To my knowledge this section has never been used and a permit has never been requested or granted. The City of Charlevoix has similar ordinance language and does not grant such permits.

Since there was no guidance on this matter we consulted our City Attorney and insurance agent. Both were very cautious regarding this matter and said we are not required to issue any permit and that if we did it should only be done under strict conditions to protect the public, the environment and the City if something went wrong.

The specific request is to allow their boat, and their boat only, to come to the small boat launch to refuel with diesel fuel from a transfer tank in the back of a shore based (in the ramp) pickup truck. The 90 some gallon tank in the back of the truck has a commercial grade fuel hose and nozzle, similar to those at the gas station. I have seen the equipment in question and it all looks new and in very good condition.

They would pump the fuel from the tank to the boat while it is still in the lake.

It appears that such an operation could be permissible under state and fire regulations, if certain conditions are met. Copies of relevant language are attached.

Our insurance agent informs me that due to very limited standard insurance coverage for pollution and environmental issues if there was a spill we would only have \$10,000 worth of coverage. He suggested that if we were to grant a permit that we should require Parasail Adventures to provide a minimum of 5 million dollars worth of coverage that specifically lists the City as an additional insured and provides for environmental and pollution coverage.

The requestors have indicated they would be willing to do the fuelings on times and days that the City would allow, possibly avoiding busy times like weekends and when there are events in the adjoining park.

We looked at moving the requested fueling to the main boat launch but, although it is further from general pedestrian traffic, wave action is usually rougher there and that is usually a busier launch.

The main reasons the company has sited for this request is avoiding water in their fuel, using special additives they mix into their fuel and reducing costs by about \$1 per gallon.

Costs bring up the point that there are existing fueling options for this business. The Harborage Marina is an existing City based business that provides in lake fueling service. Local gas stations sell this type of fuel also

and they could take their boat to a relative's business in the Business Park where they keep their transfer equipment and fuel supply.

It should be noted when this issue first arose our Harbormaster Barb Brooks provided them the option of trailering their boat onto shore and filling it there. They have indicated that the extra work in that option negated the benefits of the self fueling they are proposing. That option, in our opinion, would not require a permit from us. If a spill did occur, it would also be much easier to contain and clean up. The Fire Department, which has concerns regarding the water based refueling proposal as well, thought this would be a better compromise.

While the risk of a negative occurrence may be small, the results of one could be very unfortunate and expensive to deal with.

RECOMMENDATION: Despite my desire to help a fledgling business get started I do not feel that the benefits are worth the risks and recommend that the City Commission not authorize the issuing a permit for fueling in our marina.

OPTIONS:

- A. -Postpone the request for additional information or review
- B. -Approve the request for a permit for the remainder of the 2012 boating season for Parasail Adventure in Boyne City for their one commercial vessel with conditions such as:
 - 1) Insurance as outlined above
 - 2) Time and dates to be designated by the City Manager
 - 3) Safety equipment as required by the City to include but not be limited to:
 - a) Signs
 - b) Fire Extinguishers
 - c) Spill cleanup and containment devices
 - 4) Compliance with all applicable laws and standards
 - 5) Payment of a \$100 permit fee
 - 6) That the City Manager, Harbormaster, Chief of Police or their designees may revoke or suspend any permit issued due to unsafe conditions.
- C. -Some other action as determined as appropriate by the City Commission.

ARTICLE I. IN GENERAL

Sec. 74-1. Obstructing rivers.

- (a) No person shall obstruct any river.
- (b) A person who violates this section is responsible for a municipal civil infraction. (Comp. Ords. 1986, § 20.201)

Secs. 74-2—74-20. Reserved.

ARTICLE II. HARBOR AREA, BOAT LAUNCHING RAMP AND WATER SAFETY*

Sec. 74-21. Definitions.

Boyne City Harbor means the bay at the mouth of the Boyne River and extending from the northwesterly point of parcel 051-245-002-00, south, to the extension of Water Street on and extending 500 feet west of a line connecting those two points.

City marine regulations means the policies, operating procedures, rules and regulations, from time to time, established by the city commission to regulate the use of the municipal piers, docks, launch ramps, and related areas and facilities of the city.

Launch ramp means a sloping surface that allows a vessel to enter and/or exit a lake.

Marine facility means any building or property owned or operated by the city for the purposes of activities associated with the harbor, marina, boat launch and/or use of the waters; such as, but not limited to, operating any type of vessel, fishing, or swimming.

Municipal dock means the space between two adjacent piers and the space alongside any single pier.

Municipal pier means a pier, dock or wharf built, owned and/or operated by the city.

Person means an individual, a firm, a partnership or co-partnership, a corporation (public or

*State law references—Marine safety, MCL 324.80101 et seq.; authority to regulate harbors, waterways, etc., MCL 324.79302, 324.80111 et seq.

private), an organization, a trust, a limited liability company, an association (incorporated or unincorporated) or any other entity recognizable as a person under the laws of the state, including the master, owner, pilot or other person in charge or in control of a vessel.

Swimming area means any area designated as a public beach or swimming area.

Revetment means a facing added to a structure such as a wall or building that provides additional support

Vessel means any watercraft, including sailing vessels and watercraft propelled by any kind of motor power, personal watercraft, row boats, canoes, kayaks, scows, pile drivers and dredges.

The singular includes the plural and vice versa. (Amd. of 4-22-2008, §§ 12.350, 12.351(1)A.—K.)

Editor's note—Amendment of April 22, 2008, § 12.350, repealed § 74-21 in its entirety. Section 12.351(1)A.—K. enacted new provisions to read as herein set out. Prior to amendment, § 74-21 pertained to similar subject matter and derived from Comp. Ords. 1986, § 12-351.

Sec. 74-22. Violations.

(a) Persons who violate any of the provisions of this article are responsible for a municipal civil infraction.

(b) In addition, if any such vehicle, trailer, or boat is parked in violation of this article for more than 48 continuous hours, the city may immediately remove such vehicle, trailer, or boat and impound the same, and thereafter process such impounded vehicle, trailer, or boat in accordance with the provisions of law or the Uniform Traffic Code, as adopted by the city.

(c) In any proceeding for a violation of this article, proof that the particular vehicle, trailer, or boat described in the complaint was parked in violation of this article, together with proof that the respondent named in the complaint was, at the time of such parking, the registered owner of such vehicle, trailer or boat, shall constitute in evidence a presumption that the registered owner thereof was the person who parked or placed such vehicle, trailer, or boat at the point where, and for the time during which, such violation occurred.

Sec. 74-23. Powers and duties of the harbormaster.

(a) The harbormaster or his/her designee, under the direction of the city manager or his/her designee, shall have full supervision and control over the movements and anchorage of all vessels within the corporate limits and jurisdiction of the city, subject to the laws of the United States in relation thereto.

(b) The harbormaster shall have the power, whenever the needs of navigation and the rights and safety of persons and property require, to order the moving or change of anchorage or docking of any vessel within said waters; and any person or persons who shall refuse, fail or neglect to comply with such order shall be deemed guilty of a municipal civil infraction and be punishable under the provisions of Ordinance No. A-73.

(c) The harbormaster shall have supervision and control of all municipal docks and piers, marine facilities, and launch ramps subject to the provisions of this article and the city marine regulations adopted by the city commission.

(d) The harbormaster shall have power to and it shall be his duty to seize and remove any vessel moored at any municipal pier, wharf, dock, or area contrary to the city marine regulations or contrary to any order of the harbormaster or other authorized officials of the city. The harbormaster shall cause said vessel to be placed in storage under his control, and the vessel shall not be released until the expense and charges for moving, docking and/or storage are paid, to the harbormaster by the owner or persons lawfully in charge of said vessel.

(e) It shall be his duty to make prompt complaint to the local authorities for any violation of the provisions of this article and aid in the prosecution thereof.

(Amd. of 4-22-2008, § 12.354(4))

Editor's note—Amendment of April 22, 2008, § 12.354(4), repealed § 74-23 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 74-21 pertained to harbormaster powers and duties and derived from Comp. Ords. 1986, § 12-354.

Sec. 74-24. City police.

It shall be the duty of all police officers of the city to aid and assist the harbormaster in the

enforcement of the provisions of this article; and such police officers shall, during the absence or inability of the harbormaster, or when so instructed by the city manager, enforce the provisions of this article with like powers and authority as are therein conferred upon the harbormaster. (Comp. Ords. 1986, § 12.355; Amd. of 4-22-2008, § 12.355(5))

Sec. 74-25. Rules and regulations.

The city commission may, by resolution, adopt suitable rules and regulations for the control, management and operation of all municipal docks and piers, and launch ramps, including the fixing of rates and charges for the use of the marine facilities thereof, the purposes for which the marine facilities may be used, and the duration of such use, and the kind and location of all signs, posters or notices to be placed regulating use, not inconsistent with the provisions of this article and the laws of the State of Michigan and of the United States. Copies of the then current rules and regulations governing the Boyne City Harbor, launch ramps, and related facilities with current fees shall be kept in the office of the city clerk, harbormaster and the marina.

- (1) The piers, docks and wharfs of the city are numbered and in accordance with the berthing spaces as shown on the drawing on file in the office of the city clerk, harbormaster, marina, or designated assistant harbormaster.
- (2) All such piers, docks and wharfs are to be used for noncommercial purposes only and for berthing of vessels not engaged in commercial enterprises unless specifically permitted by the city or authorized agent.
- (3) No person shall moor a vessel at a city dock without first obtaining an official permit and berth assignment from the harbormaster, assistant harbormaster or marina attendant. A fee shall be charged from May 15 through October 15 each year for dockage and services of water, waste disposal, electricity and garbage collection. The day period in the permit shall extend from 1:00 p.m. to noon and

the permit shall reserve the berth for the vessel for the duration of the permit. Fees will be charged according to rates set annually by the Michigan State Waterways Commission and adopted annually by the city commission.

- (4) The duration of the permit is limited to not more than 14 days, maximum. Advance reservations may be made in accordance with the city's reservation policy adopted June 12, 2007. (See section 74-42.)
- (5) No person shall moor a vessel in the berth other than that assigned to the vessel.
- (6) The harbor master is authorized to change the assigned berth of a vessel.
- (7) Permits shall not be required for docking to load or unload passengers or to receive provisions provided the stay is less than two hours and does not interfere with an assigned berth.
- (8) No permit or fee shall be required of government vessels when berthing space is available in the judgment of the harbor master, but they shall obtain a berth assignment.
- (9) Overnight dockage is not permitted at the shoppers dock located near the mouth of the river. Berthing hours of the shoppers dock is between 7:00 a.m. to midnight.
- (10) Charcoal burners are not to be used on your boat or on the docks.
- (11) Pets must be under the control of the owner at all times. Owners are required to clean up after their pets.
- (12) No camping is allowed on the waterfront.
- (13) The harbor master and attendants reserve the right to move boats or adjust lines when necessary.
- (14) Quiet hours are observed between 11:00 p.m. and 7:00 a.m.
- (15) Permittees using the harbor shall be responsible for the conduct of all persons visiting or occupying the boat.

- (16) The harbor master is authorized to refuse to grant a permit to anyone who has failed to abide by these regulations, other rules and regulations adopted by the city commission or the provisions of Ordinance A-25.

(Comp. Ords. 1986, § 12.356; Amd. of 4-22-2008, §§ 12.352(2), 12.356(6); Res. of 4-22-2008, § I)

Sec. 74-26. Vessel speed limits.

It shall be unlawful for any person to navigate or operate, or cause to be navigated or operated, in the city harbor any vessel at a speed greater than a slow/no wake speed, nor at a greater rate of speed than is safe and reasonable under the then existing conditions and circumstances.

(Comp. Ords. 1986, § 12.352(A); Amd. of 4-22-2008, §§ 12.357(7)A.)

State law reference—Reckless operation of vessels, MCL 324.80147.

Sec. 74-27. Littering.

It shall be unlawful for any person to deposit or discharge, or cause to be deposited or discharged in the waters of the city harbor, or in any waters within the corporate limits of the city, any rubbish, garbage, refuse, offal, sewage, oil or any other foreign material or substance, or to place, deposit or leave, or cause to be placed deposited or left, any such foreign material or substance upon any municipal dock or pier, launch ramp, marine facility, or swimming area in the city limits, except in a receptacle provided by the city or its harbor master for that purpose.

(Comp. Ords. 1986, § 12.352(B); Amd. of 4-22-2008, §§ 12.357(7)B.)

State law reference—Littering, MCL 324.8901.

Sec. 74-28. Unloading, loading and refueling vessels.

It shall be unlawful for any person to use any municipal pier, dock or wharf for the purpose of unloading or loading freight, machinery or other cargo, or for refueling any vessel, except such docks, piers or wharfs as are specially designated for such use and purposes; provided that the required permit is first obtained from the proper officials of the city and the city marine regulations, the orders of the harbor master, or other

authorized officers of the city are complied with; provided further, that this provision shall not apply to vessel supplies or provisions other than fuel.

(Comp. Ords. 1986, § 12.352(C); Amd. of 4-22-2008, §§ 12.357(7)C.)

Sec. 74-29. Docking or mooring vessels engaged in commercial business.

It shall be unlawful for any person to use or occupy any municipal dock or pier or swimming area for docking or mooring any vessel engaged in commercial business or other business for gain or profit, or for the storage of any such vessel or cargo or other material other than as may be permitted by city marine regulations; except those docks, piers or wharfs which are specially designated for such use and purposes, provided that the permit therefore is first obtained from the officials of the city, the city marine regulations and the orders of the harbormaster or other authorized city officials are complied with.

(Comp. Ords. 1986, § 12.352(D); Amd. of 4-22-2008, §§ 12.357(7)D.)

Sec. 74-30. Anchoring or storing vessels.

It shall be unlawful for any person to use any municipal dock, pier, swimming area or wharf for mooring, docking, anchoring or storing any vessel for a longer period of time than is permitted, or in any other manner contrary to the city marine regulations, adopted and published by the city commission of said city pursuant to the provisions of this article, or to moor, dock or store any vessel without a license or permit, issued under the provisions of this article or said city marine regulations.

(Comp. Ords. 1986, § 12.352(E); Amd. of 4-22-2008, §§ 12.357(7)E.)

Sec. 74-31. Disturbing official signs, posters or notices.

It shall be unlawful for any person to destroy, mutilate, molest, remove, change the location of, or in any manner interfere with any official sign, poster or other notice of regulatory device placed

upon or adjacent to any municipal dock, wharf, pier, swimming area, launch ramp, or marine facility.

(Comp. Ords. 1986, § 12.352(F); Amd. of 4-22-2008, §§ 12.357(7)F.)

Sec. 74-32. Landing or docking vessels near swimming areas.

It shall be unlawful for any person to land or dock any vessel at any swimming area or to anchor any vessel within 100 feet of such area.

(Comp. Ords. 1986, § 12.352(G); Amd. of 4-22-2008, §§ 12.357(7)G.)

Sec. 74-33. Speeding near swimming areas.

It shall be unlawful for any person to navigate or operate any vessel in the harbor area or near any swimming area in such a manner or at a rate of speed so as to endanger the lives or safety of persons using such swimming area, or in such a manner as to interfere with the free and proper use of the swimming area and waters.

(Comp. Ords. 1986, § 12.352(H); Amd. of 4-22-2008, §§ 12.357(7)H.)

Sec. 74-34. Swimming, bathing and diving.

Swimming, bathing, and diving shall be prohibited in the city harbor and at city launch ramps.

(Comp. Ords. 1986, § 12.352(I); Amd. of 4-22-2008, §§ 12.357(7)I.)

Sec. 74-35. Fishing prohibited.

Fishing shall be prohibited from all docks, piers and finger piers within the city harbor. Fishing shall be permitted from the shoppers dock near the mouth of the river and from the northwesterly point of land north of the city harbor from the location of the floating breakwall to the west and north.

(Comp. Ords. 1986, § 12.352(J))

Sec. 74-36. Official permit and berth assignment required.

No person shall moor a vessel at a city dock without first obtaining an official permit and berth assignment from the harbormaster, assis-

tant harbormaster or marina attendant. A fee shall be charged from May 15 through October 15 each year for dockage and services of water, waste disposal, electricity and garbage collection. The day period in the permit shall extend from 1:00 p.m. to noon and the permit shall reserve the berth for the vessel for the duration of the permit. Fees will be charged according to rates set annually by the state waterways commission and adopted annually by the city commission. Fees are based on the length of the vessel and include the entire length of the vessel and any extensions protruding from the bow or stern of the vessel. (Comp. Ords. 1986, § 12.352(K); Res. of 4-22-2008, § I)

Sec. 74-37. Specific berth assignment to be followed.

No person shall moor a vessel in the berth other than that assigned to the vessel. (Comp. Ords. 1986, § 12.352(L))

Sec. 74-38. Observance of signs.

Every person shall observe, heed and obey all signs, posters and notices placed by lawful authority upon or adjacent to any municipal pier, swimming area, marine facility, launch ramp, or revetment for the regulation and control of navigation and for the regulation and control of said facilities. (Comp. Ords. 1986, § 12.353; Amd. of 4-22-2008, § 12.353(3))

Sec. 74-39. City launch ramps; North Lake Street and Veterans Park.

The following provisions apply to the city launch ramps located at North Lake Street and Veterans Park:

- (1) All launch ramp users must pay the daily launch fee which is adopted annually by the city commission; unless an annual seasonal launch sticker has been obtained and is displayed as directed. In addition an overnight parking fee is required for each night a vehicle with attached trailer is parked at the launch or other designated parking areas. A payment tube and

payment envelopes are located at each launch. Envelopes shall be filled out completely.

- (2) Parking at the North Boyne launch ramp in the designated parking spaces is restricted to only vehicles with attached, empty, boat trailers. The parking of passenger vehicles, empty trailers unattached to a vehicle, or any vessel on a trailer is prohibited. For passenger vehicle parking, see either the launch attendant or marina staff at the municipal marina located in Veterans Park for instruction.
- (3) Overnight vehicle with attached trailer parking at the Veterans Park launch ramp parking area is not allowed.
- (4) Overnight parking at the North Boyne Launch is limited to 14 days.
- (5) Vehicles with attached trailers must be able to fit within the designated parking spaces. If your overall length extends beyond the markings, you must make arrangements with the launch attendant or marina staff.
- (6) Fishing off the launch ramp docks is prohibited.
- (7) No overnight camping is allowed. (Comp. Ords. 1986, § 12.357; Res. of 4-22-2008, § III)

Sec. 74-40. Violations and penalties.

(a) Any person who violates any provision of this article is responsible for a municipal civil infraction (Municipal Civil Infraction Ordinance 12.600—12.610), subject to payment of a civil fine pursuant to the City of Boyne City Municipal Civil Infraction Ordinance 12.607, as amended, plus costs and other sanctions, for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the City of Boyne City Municipal Civil Infraction Ordinance, and other applicable laws). Repeat offenses under this article shall be subject to increased fines, as provided by the City of Boyne City Municipal Civil Infraction Ordinance, as amended. Each day on which any violation of this

article occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this article shall not exempt the offender from meeting the requirements of this article. The city's authorized city officials (as defined by the Municipal Civil Infraction Ordinance 12.602 Section 2, as amended) are hereby designated as the Authorized city officials to issue municipal civil infraction citations for violations of this article. A violation of this article is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this article.

(b) A violation of any provision of this article that is not defined by the laws of the State of Michigan as a municipal civil infraction or state civil infraction shall be punishable as a misdemeanor, and upon conviction thereof shall be punished by a fine not more than \$500.00 or imprisonment of not more than 90 days, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate offense. Nothing in this section shall preclude the city attorney from enforcing this article or abating violations of this article in any other manner provided by law.

(Amd. of 4-22-2008, § 12.358(8))

Sec. 74-41. Rate adjustments.

The city manager, acting with the approval of the city commission, shall have the right to adjust the fees based on a review of the marina and launch ramp system costs. Such review shall be conducted annually.

(Amd. of 4-22-2008, § 12.358(9))

Sec. 74-42. Reservation policy.

(a) A two night minimum is required to make advance reservations for Friday and Saturday nights.

(b) The rate per night is dependent on the overall length of the boat. (Failure to report the correct length of your boat may result in the termination of your reservation upon arrival or additional fees.)

(c) The first two nights stay is immediately charged to your credit/debit card at the time of reservation and will be applied to your balance, if any, at the time of check in.

(d) Cancellation notice is required by 9:00 a.m. of the scheduled check-in day to receive a refund. Anything beyond that will result in the loss of your first night's fee.

(e) Cancellation with the appropriate notice will result in a refund of the charges to your credit/debit card; less a two dollar cancellation fee.

(f) Boaters arriving by water should radio the marina when approaching the harbor for additional instructions and slip assignment. (Channel 16.)

(g) Boaters trailering their boats should check in at the marina office, for launch and parking instructions.

(h) Boaters arriving any time after 8:00 p.m. on your check-in date must contact the marina office before 8:00 p.m. on the day of arrival for any additional instructions and to receive your assigned slip number.

(i) Check in/out time is 12:00 p.m. (noon).
(Res. of 4-22-2008, § II)

2009 International Fire Code®

SECTION 2210 MARINE MOTOR FUEL-DISPENSING FACILITIES

2210.1 General.

The construction of marine motor fuel-dispensing facilities shall be in accordance with the *International Building Code* and NFPA 30A. The storage of Class I, II or IIIA liquids at marine motor fuel-dispensing facilities shall be in accordance with this chapter and Chapter 34.

2210.2 Storage and handling.

The storage and handling of Class I, II or IIIA liquids at marine motor fuel-dispensing facilities shall be in accordance with Sections 2210.2.1 through 2210.2.3.

2210.2.1 Class I, II or IIIA liquid storage.

Class I, II or IIIA liquids stored inside of buildings used for marine motor fuel-dispensing facilities shall be stored in *approved* containers or portable tanks. Storage of Class I liquids shall not exceed 10 gallons (38 L).

Exception: Storage in liquid storage rooms in accordance with Section 3404.3.7.

2210.2.2 Class II or IIIA liquid storage and dispensing.

Class II or IIIA liquids stored or dispensed inside of buildings used for marine motor fuel-dispensing facilities shall be stored in and dispensed from *approved* containers or portable tanks. Storage of Class II and IIIA liquids shall not exceed 120 gallons (454 L).

2210.2.3 Heating equipment.

Heating equipment installed in Class I, II or IIIA liquid storage or dispensing areas shall comply with Section 2201.6.

2210.3 Dispensing.

The dispensing of liquid fuels at marine motor fuel-dispensing facilities shall comply with Sections 2210.3.1 through 2210.3.5.

2210.3.1 General.

Wharves, piers or floats at marine motor fuel-dispensing facilities shall be used exclusively for the dispensing or transfer of petroleum products to or from marine craft, except that transfer of essential ship stores is allowed.

2210.3.2 Supervision.

Marine motor fuel-dispensing facilities shall have an attendant or supervisor who is fully aware of the operation, mechanics and hazards inherent to fueling of boats on duty whenever the facility is open for business. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I, II or IIIA liquids or flammable gases.

2210.3.3 Hoses and nozzles.

Dispensing of Class I, II or IIIA liquids into the fuel tanks of marine craft shall be by means

of an *approved* -type hose equipped with a *listed* automatic-closing nozzle without a latch-open device.

Hoses used for dispensing or transferring Class I, II or IIIA liquids, when not in use, shall be reeled, racked or otherwise protected from mechanical damage.

2210.3.4 Portable containers.

Dispensing of Class I, II or IIIA liquids into containers, other than fuel tanks, shall be in accordance with Section 2204.4.1.

2210.3.5 Liquefied petroleum gas.

Liquefied petroleum gas cylinders shall not be filled at marine motor fuel-dispensing facilities unless *approved*. *Approved* storage facilities for LP-gas cylinders shall be provided. See also Section 2207.

2210.4 Fueling of marine vehicles at other than approved marine motor fuel-dispensing facilities.

Fueling of floating marine craft with Class I fuels at other than a marine motor fuel-dispensing facility is prohibited. Fueling of floating marine craft with Class II or III fuels at other than a marine motor fuel-dispensing facility shall be in accordance with all of the following:

1. The premises and operations shall be *approved* by the *fire code official*.
2. Tank vehicles and fueling operations shall comply with Section 3406.6.
3. The dispensing nozzle shall be of the *listed* automatic-closing type without a latch-open device.
4. Nighttime deliveries shall only be made in lighted areas.
5. The tank vehicle flasher lights shall be in operation while dispensing.
6. Fuel expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase.

2210.5 Fire prevention regulations.

General fire safety regulations for marine motor fuel-dispensing facilities shall comply with Sections 2210.5.1 through 2210.5.7.

2210.5.1 Housekeeping.

Marine motor fuel-dispensing facilities shall be maintained in a neat and orderly manner. Accumulations of rubbish or waste oils in excessive amounts shall be prohibited.

2210.5.2 Spills.

Spills of Class I, II or IIIA liquids at or on the water shall be reported immediately to the fire department and jurisdictional authorities.

2210.5.3 Rubbish containers.

Metal containers with tight-fitting or self-closing metal lids shall be provided for the temporary storage of combustible trash or rubbish.

2210.5.4 Marine vessels and craft.

Vessels or craft shall not be made fast to fuel docks serving other vessels or craft occupying a berth at a marine motor fuel-dispensing facility.

2210.5.5 Sources of ignition.

Construction, maintenance, repair and reconditioning work involving the use of open flames, arcs or spark-producing devices shall not be performed at marine motor fuel-dispensing facilities or within 50 feet (15 240 mm) of the dispensing facilities, including piers, wharves or floats, except for emergency repair work *approved* in writing by the *fire code official* . Fueling shall not be conducted at the pier, wharf or float during the course of such emergency repairs.

2210.5.5.1 Smoking.

Smoking or open flames shall be prohibited within 50 feet (15 240 mm) of fueling operations. "No Smoking" signs complying with Section 310 shall be posted conspicuously about the premises. Such signs shall have letters not less than 4 inches (102mm) in height on a background of contrasting color.

2210.5.6 Preparation of tanks for fueling.

Boat *owners* and operators shall not offer their craft for fueling unless the tanks being filled are properly vented to dissipate fumes to the outside atmosphere.

2210.5.7 Warning signs.

Warning signs shall be prominently displayed at the face of each wharf, pier or float at such elevation as to be clearly visible from the decks of marine craft being fueled. Such signs shall have letters not less than 3 inches (76 mm) in height on a background of contrasting color bearing the following or *approved* equivalent wording:

WARNING
NO SMOKING—STOP ENGINE WHILE FUELING,
SHUT OFF ELECTRICITY.
DO NOT START ENGINE UNTIL AFTER BELOW
DECK SPACES ARE VENTILATED.

2210.6 Fire protection.

Fire protection features for marine motor fuel-dispensing facilities shall comply with Sections 2210.6.1 through 2210.6.4.

2210.6.1 Standpipe hose stations.

Fire hose, where provided, shall be enclosed within a cabinet, and hose stations shall be labeled: FIRE HOSE—EMERGENCY USE ONLY.

2210.6.2 Obstruction of fire protection equipment.

Materials shall not be placed on a pier in such a manner as to obstruct access to fire-fighting equipment or piping system control valves.

2210.6.3 Access.

Where the pier is accessible to vehicular traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access by fire apparatus.

2210.6.4 Portable fire extinguishers.

Portable fire extinguishers in accordance with Section 906, each having a minimum rating of 20-B:C, shall be provided as follows:

1. One on each float.
2. One on the pier or wharf within 25 feet (7620 mm) of the head of the gangway to the float, unless the office is within 25 feet (7620 mm) of the gangway or is on the float and an extinguisher is provided thereon.

The use of an approved container for filling of ones boat is acceptable under Michigan's Storage and Handling of Flammable and Combustible Liquids Rules. However, the rules are silent on where a boat can be filled from a container. They regulate how and where the container can be filled, but not how and where the boat can be filled from the container.

As to your issue with the transfer tanks in the back of a truck being used to fill a boat, that would be considered wet hosing and is only allowed for Class II liquids and higher, per Section 11.9 of Part 3 of the FUL Rules. Also, I am unaware of any back of the truck type tank that has been approved for use to store or dispense a Class I liquid. In addition, wet hosing is only allowed for boats at a commercial, industrial, government or manufacturing facility, and intended for fueling of the marine craft used in connection with the business, not at a private residence or for personal use. Retailing to the public via wet hosing is strictly prohibited.

Our group here would regulate any storage and dispensing systems for a liquid with a flashpoint less than 200 degrees Fahrenheit.

Hopefully this helps. If there is anything else I can help with, let me know.

Thanks

R. Jeff Tanner, Engineer
Remediation Division/Storage Tanks & Contracts Unit
Department of Environmental Quality
517-335-2137 (phone)
517-335-2245 (fax)
tannerj@michigan.gov

-----Original Message-----

From: tjn@state.gov
Sent: Wednesday, July 20, 2011 11:45 AM
To: Farr, Ronald R (DELEG)
Subject: Boat refueling

Good Morning Ron!

I would like to tap your resources if I may. The city of South Haven has had an ongoing controversy regarding the refueling of boats in the harbor. Mipa and the international fire code clearly state that fueling with class 1 at other than an approved fueling site is prohibited. The questions that keep coming up are, can one fuel a boat from a portable can if they are at an approved fill site? Also the question of filling from transfer tanks carried in the beds of pickup trucks. The organization requesting the latter has a designated fuel dock with fire extinguishers and grounding cable. Are city is also exploring the possibility of putting a fuel dock at one of its marinas and would like to know what agency governs this process. Thank You for your help.

Tony Marsala Sr
Deputy Chief/Fire Marshal
South Area Emergency Service.

5

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Dan Meads, W/WW Superintendent *DM*
Date: 7/17/2012
Subject: Backhoe Purchase

Background

Funds were included in this year's budget for the replacement of our 14 year old 1998 JCB backhoe. This has been a very good piece of equipment and served us well, but is beyond its scheduled replacement time. It has needed two major repairs in the last three years and is coming in need of more. I believe that the cost to do the repairs that are needed at this time could well exceed its present trade in value.

For these reasons I have requested and received the attached pricing for replacement of the backhoe for your consideration. This pricing is through Mi Deal, the state purchase program. As you can see from the quotation the state purchase program offers a very good discount on this equipment. This price also reflects the trade-in value of our current backhoe of \$15,000.00.

Discussion

The specifications for our existing backhoe were used to find the closest match from the present Mi Deal pricing list (specifications attached). The JCB 4CX15 is the closest match to our existing backhoe. Other manufacturers equipment were also reviewed, specifically John Deere because they have two dealerships in the area. John Deere equipment in the same size did not match the specification, requiring the next size larger machine to match our specs at about \$50,000.00 more. I believe the JCB offers the most capability for the price.

Available Options

The commission may choose to postpone action, refer this back to staff with directions, or approve the purchase and authorize the City Manager and staff to complete the necessary documents.

Financial

Funds were included in both the Water and Wastewater budgets for this purchase, and the purchase price is below the budgeted amount.

Recommendation

I recommend that the commission approve the purchase of the JCB 4CX15 Backhoe from AIS Equipment for \$93,818.00 and authorize the City Manager and staff to complete the necessary documents.



AIS Construction Equipment
 8300 M-72 East
 Williamsburg, MI 49690
 PHONE 231-267-5060 / FAX 231-267-5257

JCB 4CX15 BACKHOE - STATE BID

Customer			
Name	City of BOYNE CITY - Water/Wastewater Dep.		
Address	319 N. Lake Str.		
City	Boyne City	State MI	ZIP 49712
Phone	231 582 0375		

Misc	
Date	7/3/2012
Attn	Dan Meads
	231-267 5060
Contact	231-631 6168
	dnovak@aisequip.com

Qty	Description	Unit Price	TOTAL
1	NEW TRACTOR BACKHOE model JCB 4CX15 (see attachment Equipment Details) <i>100hp, Xdig, 15FT, powershift, Manual SEA controls</i>		\$135,750.00
	TOTAL COST after municipal discout applied via MI Deal STATE CONTRACT # 071B1300081		\$ 108,818.00
	This price includes delivery to Boyne City wastewater plant, manuals TWO YEAR full manufacturers warranty included		
1	TRADE IN VALUE USED JCB 215 S tractor backhoe hourmeter 5,139 in operating condition, inspected 5/2012 (loose backhoe pins - linebooring, rusted out battery box and steps, clean up radiator, tires at15%)		\$ (15,000.00)

SubTotal	na
Shipping	na
MI Sales Tax	na
TOTAL NET DUE	\$ 93,818.00

Payment
TERMS: bid valid for 30 days payment due 30 days after delivery DELIVERY in 90-120 days from PO

TOTAL COST TO CITY OF BOYNE CITY
after MI DEAL STATE CONTRACT
DISCOUNT and TRADE IN

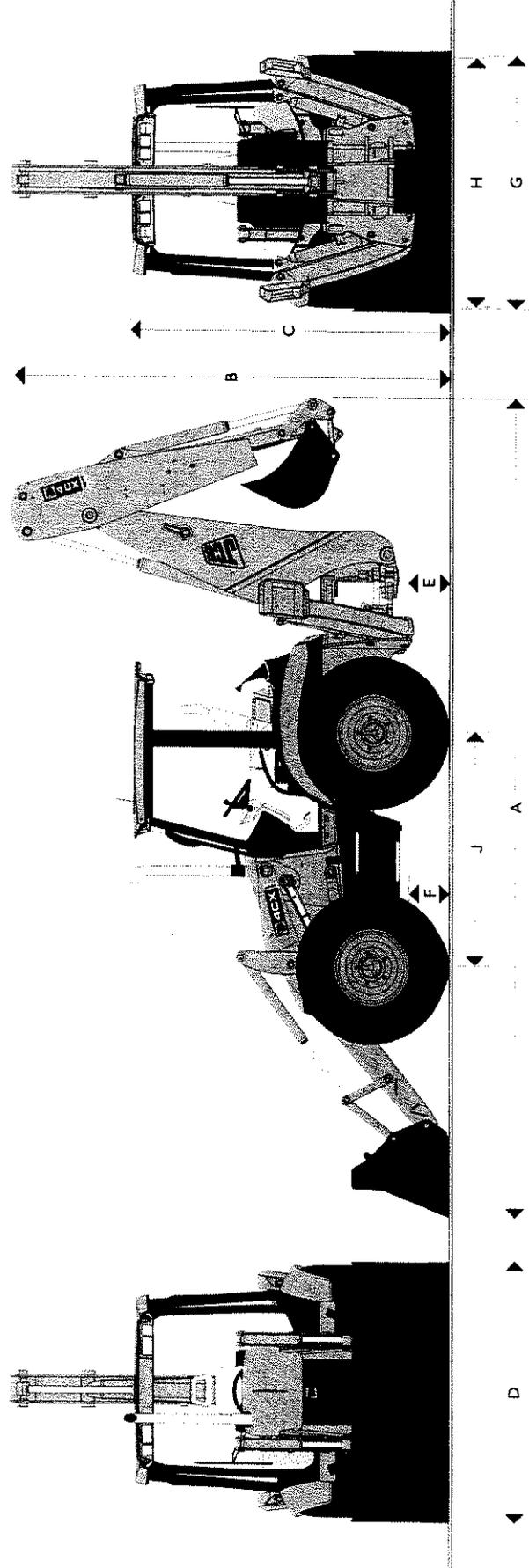
QUOTED PRICES FIRM FOR 30 DAYS. ALL QUOTES SUBJECT TO AVAILABILITY.



JCB BACKHOE LOADER 4CX 15FT

Helping You Get
the Job Done!

JCB BACKHOE LOADER | 4CX 15FT (215S)



STATIC DIMENSIONS

JCB Backhoe Loaders feature a heavy duty one piece mainframe, componentized driveline and fully enclosed engine compartment. All fluid and component compartments are lockable using the ignition key.

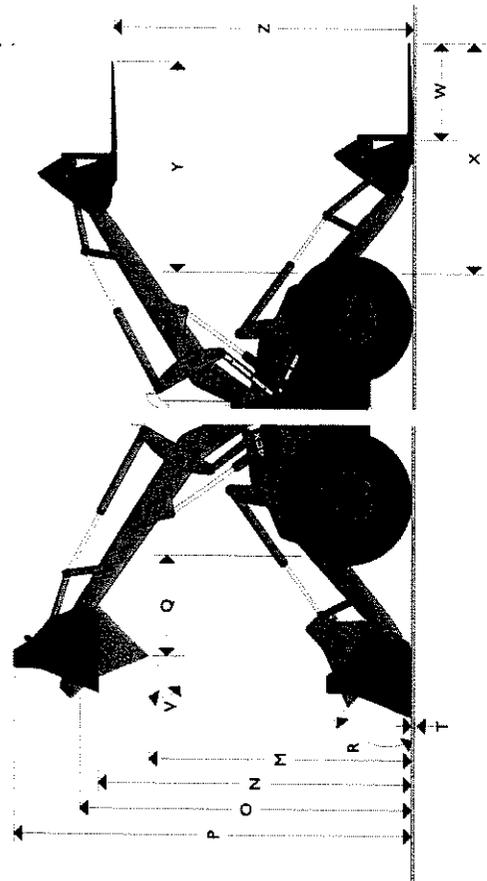
Machine model	4CX 15 FT	Machine model	4CX 15 FT
A Transport height - standard backhoe	21.6 (7.47)	E Ground clearance - mainframe	1.15 (0.34)
B Transport height - ExtraDuty	12.9 (3.89)	F Ground clearance - front axle	1.57 (0.45)
C Height to top of cab canopy	12.10 (3.91)	G Front wheel track	7.35 (2.22)
D Overall width with backhoe	9.5 (2.87)	H Rear wheel track	7.35 (2.22)
	7.8 (2.35)	J Wheelbase	7.7 (2.31)

JCB BACKHOE LOADER | 4CX

JCB BACKHOE LOADER | 4CX

Helping You Get the Job Done!

LOADER DIMENSIONS



LOADER DIMENSIONS

Machine model	4CX
Overall width with bucket	ft-in (meter) 8-0 (2.44)
M Dump height	8-10 (2.69)
N Load over height	10-6 (3.20)
O Loader hinge pin height	11-2 (3.40)
P Maximum operating height	13-4 (4.06)
Q Dump reach at full height	2-10 (0.86)
R Rollback @ ground - degrees	45°
T Digging depth	0-8 (0.20)
V Dump angle - degrees	53°
6-in-1 Bucket fork dimensions	
W Forks - tine length	3-6 (1.07)
Forks - tine width	0-3.3 (0.08)
X Forks reach at ground level	8-10 (2.69)
Y Forks reach at full height	7-6 (2.29)
Z Forks lift height - max.	9-3 (2.82)
Fork spacing - min/max.	10" (260mm) to 68" (1725mm)

LOADER PERFORMANCE-GP Bucket

JCB loaders provide parallel lift self leveling on the up and down cycle enhancing load retention and use of optional pallet forks. High capacity buckets combined with high lift and breakout forces maximize productivity. Optional heavy lift loader cylinders increase overall lift capacity.

4CX	14FT	15FT	17FT
	lb (kg)	lb (kg)	lb (kg)
Bucket breakout force	12638 (5734)	14567 (6609)	14567 (6609)
Lift capacity to full height	9046 (4104)	9046 (4104)	9046 (4104)

LOADER PERFORMANCE - 6-in-1 Bucket

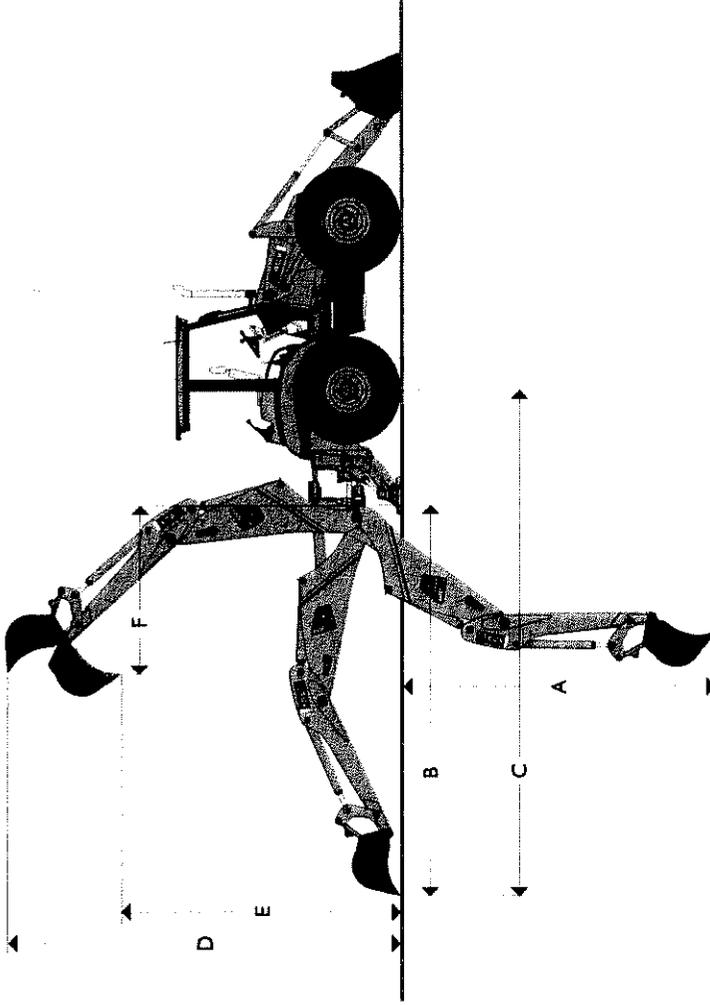
JCB loaders provide parallel lift self leveling on the up and down cycle enhancing load retention and use of optional pallet forks. High capacity buckets combined with high lift and breakout forces maximize productivity. Optional heavy lift loader cylinders increase overall lift capacity.

4CX	14FT	15FT	17FT
	lb (kg)	lb (kg)	lb (kg)
Bucket breakout force	13696 (6214)	15770 (7155)	15770 (7155)
Lift capacity to full height	8043 (3649)	8043 (3649)	18043 (3649)
6-in-1 bucket clamp force	6486 (2943)	6486 (2943)	6486 (2943)
Fork lift capacity - 24" center	4000 (1815)	4000 (1815)	4000 (1815)



JCB BACKHOE LOADER | 4CX

JCB BACKHOE LOADER | 4CX



BACKHOE DIMENSIONS

JCB Backhoe Loaders feature a heavy duty, one piece mainframe, componentized driveline and fully enclosed engine compartment. All fluid and component compartments are lockable using the ignition key.

	4CX	14FT		15FT		17FT		
		standard backhoe	Extradig - retracted	Extradig - extended	Extradig - retracted	Extradig - extended	Extradig - retracted	Extradig - extended
A SAE dig depth - max.	ft-in (meter)	14-7 (4.45)	14-7 (4.45)	18-6 (5.63)	16-3 (4.95)	20-1 (6.12)	17-7 (5.36)	21-6 (6.55)
A SAE dig depth - 2' flat bottom	ft-in (meter)	14-5 (4.39)	14-5 (4.39)	18-4 (5.59)	16-1 (4.90)	20-0 (6.10)	17-5 (5.31)	21-5 (6.53)
B Reach from swing pivot	ft-in (meter)	17-10 (5.44)	17-10 (5.44)	21-6 (6.55)	19-5 (5.92)	23-0 (7.01)	20-11 (6.38)	24-8 (7.52)
C Reach from rear axle center	ft-in (meter)	21-9 (6.63)	21-9 (6.63)	25-6 (7.77)	23-4 (7.11)	26-11 (8.20)	24-10 (7.57)	28-7 (8.71)
D Maximum operating height	ft-in (meter)	17-8 (5.38)	17-8 (5.38)	20-6 (6.25)	18-8 (5.69)	21-0 (6.40)	20-6 (6.25)	23-1 (7.04)
E Loading height	ft-in (meter)	11-2 (3.40)	11-2 (3.40)	14-0 (4.27)	13-0 (3.96)	15-3 (4.65)	13-0 (3.96)	14-8 (4.47)
F Loading reach	ft-in (meter)	5-3 (1.66)	5-5 (1.73)	9-1 (2.77)	6-6 (1.98)	10-2 (3.10)	7-2 (2.18)	10-10 (3.30)
Swing arc - degrees		180°	180°	180°	180°	180°	180°	180°
Stabilizers - transport	ft-in (meter)	7-6 (2.29)	7-6 (2.29)	7-6 (2.29)	7-4.75 (2.25)	7-4.75 (2.25)	7-4.75 (2.25)	7-4.75 (2.25)
Stabilizers - operating	ft-in (meter)	10-10 (3.30)	10-10 (3.30)	10-10 (3.30)	10-10 (3.30)	10-10 (3.30)	10-10 (3.30)	10-10 (3.30)
Leveling angle - degrees		15°	15°	15°	15°	15°	15°	15°
Bucket rotation - degrees		185° max. power/201° max. rotation	185° max. power/201° max. rotation	185° max. rotation	185° max. power/201° max. rotation	185° max. rotation	185° max. power/201° max. rotation	185° max. rotation

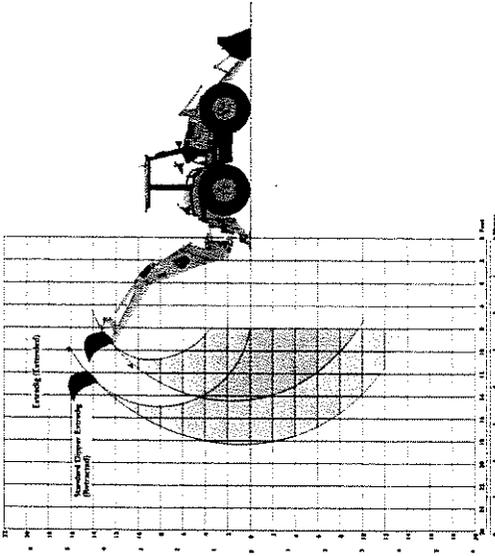


JCB BACKHOE LOADER 4CX

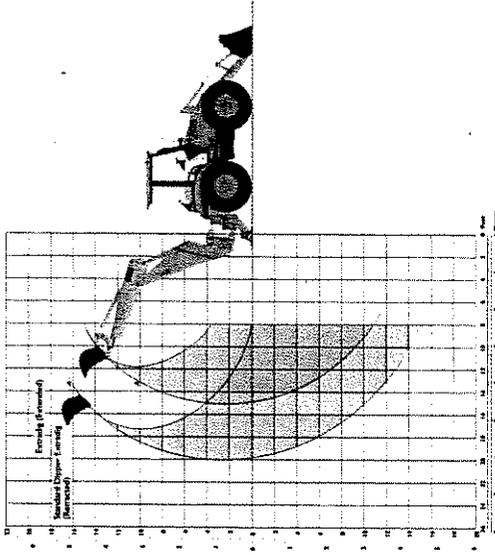
Helping You Get the Job Done!

JCB BACKHOE LOADER | 4CX

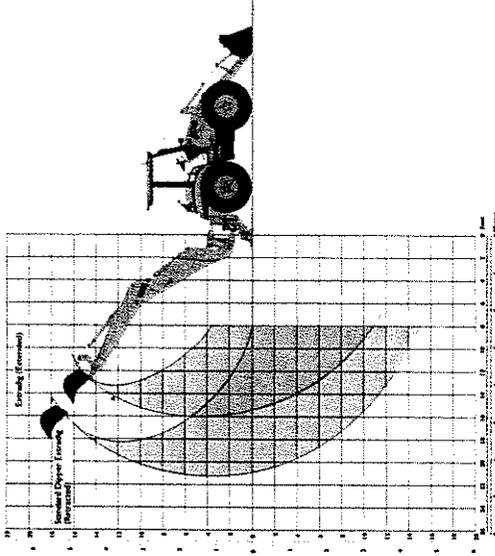
BACKHOE PERFORMANCE-4CX 14FT



BACKHOE PERFORMANCE-4CX 15FT



BACKHOE PERFORMANCE-4CX 17FT



BACKHOE PERFORMANCE

4CX	14FT		15FT		17FT		
	standard backhoe	Extradig - retracted	Extradig - extended	Extradig - retracted	Extradig - extended	Extradig - retracted	Extradig - extended
Bucket force	lb (kg)	11600 (5263)	11600 (5263)	12200 (5538)	12200 (5538)	12200 (5535)	12200 (5535)
Dipper force	lb (kg)	7919 (3593)	7919 (3593)	8235 (3963)	8235 (3963)	9110 (4133)	6720 (3049)
Dipper lift capacity - SAE J31							
+ 4 feet	lb (kg)	8200 (3721)	8150 (3698)	7800 (3539)	7800 (3539)	8500 (3857)	4290 (1946)
+ 6 feet	lb (kg)	6100 (2768)	6000 (2722)	6340 (2877)	6340 (2877)	6680 (3031)	3960 (1797)
+ 8 feet	lb (kg)	5400 (2450)	5340 (2423)	5730 (2600)	5730 (2600)	6030 (2736)	3710 (1683)
+ 10 feet	lb (kg)	4800 (2178)	4680 (2123)	5360 (2432)	5360 (2432)	5740 (2604)	3940 (1788)
+ 12 feet	lb (kg)	3680 (1670)	3580 (1624)	4860 (2205)	4860 (2205)	5120 (2323)	3240 (1470)
Boom lift capacity - SAE J31							
+ 18 feet	lb (kg)			1500 (681)	1500 (681)	2650 (1202)	2150 (1139)
+ 16 feet	lb (kg)			1820 (826)	1820 (826)	2960 (1343)	2540 (1152)
+ 12 feet	lb (kg)			2150 (975)	2150 (975)	2810 (1275)	2410 (1093)
+ 8 feet	lb (kg)			3160 (1434)	3160 (1434)	2810 (1275)	2340 (1062)
+ 4 feet	lb (kg)			2950 (1338)	2950 (1338)	2810 (1275)	2330 (1057)
Ground level	lb (kg)			1950 (885)	1950 (885)	2990 (1357)	2240 (1016)
- 4 feet	lb (kg)			2489 (1129)	2489 (1129)	2730 (1239)	2030 (921)
- 8 feet	lb (kg)			2330 (1057)	2330 (1057)	2830 (1284)	2100 (953)
- 10 feet	lb (kg)			2150 (975)	2150 (975)	2400 (1089)	2030 (921)
- 12 feet	lb (kg)			1910 (867)	1910 (867)	2920 (1325)	2040 (926)

Lift capacity figures comply with SAE J31. All figures are stated in pounds (kilograms). The small arc indicates dipper lift with the boom at 63 degrees. Units are equipped with standard equipment as listed in this data sheet and a 2'4" backhoe bucket.

**GENERAL BID SPECIFICATIONS
JCB Model 4CX-15 Backhoe Loader
Powered by JCB 444 Engine**

I. GENERAL

Current production model 15-foot class 4 wheel steer backhoe loader. Manufacturer to supply minimum 12 month unlimited hour with an additional 12 month or 2,000 hour limited warranty on all components. All specifications advertised must comply with SAE or ISO standards.

II. SAFETY AND SECURITY

Unit to be equipped with the following: Roll over protective structure (ROPS) and falling object protective structure (FOPS), retractable seat belt meeting SAE J1040, SAE J386 and SAE 231 criteria. Unit to also be equipped with lever type park brake, which automatically disengages transmission when engaged. Vandalism protection to include the following lockable components: cab doors, front engine grill, fuel fill, and external toolbox. All locks must be opened with the engine start key. Loader service strut. Front and rear buttons for horn. Reverse alarm.

III. ENGINE:

Turbocharged, water-cooled, 4-cycle, direct injection diesel engine with 4 valves per cylinder. Equipped with cold start aid (ether start aid will not be accepted). Coolant protection to -30 degrees F. . Must conform to current U.S. EPA tier III regulations.

- Displacement: 4 cylinder, 268 in³ (4.4 liter) minimum.
- Air Cleaner: A self cleaning pre-cleaner with automatic expulsion of excess dust. Filtration provided by two-stage system consisting of primary and secondary elements.
- Fuel Filtration: Two-stage fuel filtration system utilizing a water/sediment separator and spin-on secondary filter element. Warning lamp, which indicates the presence of water in the fuel, is included in the instrument cluster.
- Lubrication: Full flow pressure lubrication with spin-on filter cartridge.
- Horsepower Output: Minimum 100 SAE gross engine HP at 2,200 RPM per SAE J1349.
- Throttle Control: To be hand and foot operable.
- Cooling System: Air to fluid coolers. Separately serviceable radiator, hydraulic cooler and transmission cooler.

IV. TRANSMISSION:

Separate unit mounted to engine containing torque converter and all transmission components. Connected to the drive axles via driveshafts.

Type: Four speeds forward and reverse. Single lever powershift transmission. 12 inch torque converter

Lubrication and Cooling systems: Air to fluid type transmission oil cooler equipped. Pressure lubrication with spin-on cartridge filter.

Transmission Disconnect: Electrically operated on loader control lever to allow disengagement of transmission for shifting or loader operations.

V. REAR AXLE:

Separate unit rigidly mounted to mainframe and connected to transmission via driveshaft.

Type: Heavy-duty double reduction. Outboard planetary gear final reduction. With no less than 55,125 lbs static load rating.

Traction control: Limited slip differential to provide automatic equalization of wheel spin under conditions of unequal footing.

VI. BRAKES:

Type: Sealed wet multiple disc. Must be able to operate brake pedals independently as turning brakes or locked together for road operation.

Actuation: Hydraulically operated.

Park Brake: Over center actuation disc type brake. Transmission shifts to neutral when brake is actuated.

Steering: Hydrostatic power, with priority valve or dedicated steering pump.

VII. FRONT AXLE:

- Type: Industrial duty, with outboard planetary final reduction, shift on the go. 11 degrees of axle oscillation either side of centerline.
- Ground Clearance: 17 inches minimum
- Tread width: Front tires must ride inside specified loader bucket cutting width.
- Steering: Hydrostatic power, with priority valve or dedicated steering pump. Steering wheel lock to lock turns - no greater than 3.25 in each direction.
- Traction control: Limited slip differential to provide automatic equalization of wheel spin under conditions of unequal footing.

VIII. ELECTRICAL SYSTEM:

- Type: 12-volt system with 95 amp (minimum) alternator. Electrical connections meet IP67 for connections located in the cab and meet IP69K for connections outside the cab.
- Battery: Single, rated at 900 cold cranking amps. Maintenance free design.
- Lighting: Four halogen work lights front and four halogen work lights rear (total of eight), stop lights, turn signals, four way hazard flashers.
- Instrumentation: Gauges and readouts consisting of a tachometer, fuel gauge, engine coolant temperature gauge, digital hour meter and clock. Light and alarm for battery charge condition, coolant temperature, engine oil pressure, transmission oil pressure, transmission oil temperature, air cleaner restriction, parking brake engagement, and water in the fuel. Light indicators for front work lights on, rear work lights on, turn signal, and 4 way flashers
- Circuit Protection: Fuses and relays located in common panel.
- Accessory: 12-volt outlet for accessories; mobile phone holder.

IX. SEAT/OPERATOR PLATFORM:

- Seat: Suspension seat with adjustments for weight, seat angle, back angle. Armrests and 2 inch retractable seat belt as standard.
- Enclosed Cab: Entry from right and left side. Full sure grip molded floor, tilt steering column, front windshield with 2 speed plus intermittent wiper and washer and interior rear view mirror. Openable side windows, one piece rear window to open overhead, cup holders, storage compartment, upper and lower vent system, face level ventilation fan, rear wiper with washer, radio pre-wire including speakers. Operator ear noise level at 72 dB (A) or below at rated speed no load.

X. LOADER - General Purpose:

Unit to be equipped with an integrally mounted front-end loader meeting the following criteria:

- Loader control with integral transmission disconnect switch.
- Mechanical Self Leveling to maintain level load on raise and lower cycles.
- Minimum 1.4 cubic yard capacity heavy duty bucket.
- Minimum 10,225 lbs lift capacity.
- Minimum 13,728 lbs breakout force.
- Minimum 8' 10" dump height.
- Three spool loader valve.
- Bucket return-to-dig (equipped with "off/on" switch).

XI. BACKHOE, MAINFRAME AND HYDRAULICS:

Unitized, one piece mainframe with integral backhoe meeting the following criteria:

- Heavy-duty mainframe with sealed swing post pins and swing cylinder pins.
- Fabricated boom and dipper.
- Backhoe Control: Floor mounted two lever mechanical controls for operation of the backhoe. Controls must allow the operator to utilize the backhoe both while facing rearward.
- Backhoe with Extending dipper: Dipper extended and retracted by floor-mounted pedal. Maximum dig depth to equal or exceed 16' 3" retracted and 20' 1" extended. Stabilizer operating width to equal or exceed 10' 10"

Dipper lift at 8 ft. to equal or exceed 7,294 lbs.
Boom lift at ground level to equal or exceed 4,373 lbs.
Dipper breakout force to equal or exceed 10,145 lbs.
Bucket breakout force to equal or exceed 16,387 lbs.
Bucket rotation capable of 201 degrees minimum.
Extending dipper to extend inner section to trench
Synthetic wear pads with external adjustment for extending dipper. Dry type lubricant to be used on extending dipper

XII. HYDRAULIC SYSTEM:

Type:	Open center
Hydraulic Pump:	Triple gear pumps - 41 GPM combined flow at rated engine rpm. Engine driven, rear mounted for protection and extended service life.
System Pressure:	3,650 psi
Hydraulic Reservoir:	Separate oil reservoir not shared with other systems. Externally mounted to mainframe for easy servicing.
Oil Cooler:	Separate loader/backhoe hydraulic system oil cooler.
Hydraulic Hoses:	Abrasion protection of valve to boom hoses. Hoses to have burst pressure at 4 times working pressure.
Pipe work:	Structural steel pipe to withstand minor impacts.

XIII. TIRES 4WD:

Front & Rear:	16.9 x 24 Industrial tread pattern
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XIV. SERVICEABILITY AND MAINTENANCE:

Service and maintenance design to enhance operator convenience and ease of maintenance.
Tilt engine hood that allows easy access to service points and provides vandal protection.
Front grill screen that is key lockable
All locks must be opened using the engine start key.
Maintenance free battery
External toolbox with integral locking handle

- XV. WARRANTY:**
 Standard Warranty
 12 months, no hour limitation, with an additional 12 months 2,000 hours

OPTIONAL EQUIPMENT SPECIFICATIONS:

**IV TRANSMISSION:
 OPTION 1**

Separate unit mounted to engine containing torque converter and all transmission components. Connected to the rear axle via driveshaft.

- Type: 6 speeds forward and reverse. Single lever AUTOSHIFT transmission. Automatically changes gear between 4th / 5th & 6th. Engages hydraulic speed control to dump one pump to tank when roading the machine in 4th / 5th & 6th gear automatically. 12 inch torque converter
- Lubrication and Cooling systems: Air to fluid type transmission oil cooler equipped. Pressure lubrication with spin-on cartridge filter.
- Transmission Disconnect: Electrically operated on loader control lever to allow disengagement of transmission for shifting or loader operations.
- Transmission Torque convertor: Torque Lock – Locks the torque convertor between engine and transmission – providing direct drive – no torque convertor slippage loses.

IX. SEAT/OPERATOR PLATFORM:

- Seat: Air Suspension seat with adjustments for weight, seat angle, back angle, heated and air-lumbar. Armrests and 2 inch retractable seat belt as standard.
- Canopy Platform: Entry from right and left side. Full sure-grip floor, tilt steering column, front windshield with 2 speed plus intermittent wiper and washer, interior rear view mirror, four halogen work lights front and rear (total of 8). Key lockable vandal cover for instrument panel

XI. BACKHOE, MAINFRAME AND HYDRAULICS:

Unitized, one piece mainframe with integral backhoe meeting the following criteria:

Heavy-duty mainframe with sealed swing post pins and swing cylinder pins.
Fabricated boom and dipper.

Backhoe Control: Seat mounted, hydraulic over hydraulic servo controls for operation of the backhoe. Controls must allow the operator to utilize the backhoe from any facing position (full 180 degrees of seat movement). ISO/SAE pattern change valve to be located inside the cab.

XII. WARRANTY:

Optional Warranty **Specify warranty desired:**

XIII. OPTIONAL ATTACHMENTS:

Specify attachments and specifications desired for the following:

Backhoe buckets
Backhoe quick coupler
Hydraulic breaker circuit
Hand held tools hydraulic circuit
Ultra cold ambient cab & engine heater - Eberspacher
Loader SRS (Smooth Ride System)
Loader Q-fit
Loader Q-fit attachments
Coolant heaters
Cab air conditioning
Loader bucket other than specified
Hydraulic breaker
Exterior rear view mirrors
Three inch wide seat belt
AM/FM Radio
Roof mounted beacon or strobe
SMV emblem

August 2012

August 2012

September 2012

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		August 1	2	3	4
		Evenings @ the Gazebo 8:00am Farmers Market	8:30am Main Street Board mtg. 6:00pm Parks & Rec	Polish Festival 6:00pm Stroll the Streets	Ride the Charx 8:00am Farmers Market
	7	8	9	10	11
	Primary Election 5:00pm ZBA	Evenings @ the Gazebo 8:00am Farmers Market		Antique Auto Show/Flea Market 6:00pm Stroll the Streets	Summer Celebration 8:00am Farmers Market
13	14	15	16	17	18
	7:00pm City Commission	Evenings @ the Gazebo 8:00am Farmers Market		6:00pm Stroll the Streets	8:00am Farmers Market
20	21	22	23	24	25
5:00pm Planning Commission	7:00pm Historic District 7:00pm Historic District	Evenings @ the Gazebo 8:00am Farmers Market	5:30pm Airport Advisory Board 6:30pm Dancin in the Streets 6:30pm Housing Commission	6:00pm Stroll the Streets	8:00am Farmers Market
27	28	29	30	31	
	12:00pm City Commission	Evenings @ the Gazebo 8:00am Farmers Market		6:00pm Stroll the Streets	

