



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712

www.cityofboynecity.com

Phone 231-582-6597

Fax 231-582-6506

BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, October 9, 2018 at 7:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
 - A. Approval of the September 25, 2018 City Commission regular meeting minutes as presented
 - B. Approval of the October 2, 2018 City Commission Goals Work Session minutes as presented
 - C. Approval to purchase a Boss V Plow in the amount of \$5,365.50 from Truck & Trailer Specialties and authorize the City Manager to execute the documents
 - D. Approval to purchase a bagger for the zero-turn mower from Ginop Sales in the amount of \$4,380 and authorize the City Manager to execute the documents
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. Draft minutes of the September 6, 2018 Main Street Board Meeting
 - B. Draft minutes of the September 7, 2018 EDC Meeting
 - C. Draft minutes of the September 7, 2018 LDFA meeting
 - D. Draft minutes of the September 11, 2018 Zoning Board of Appeals Meeting
 - E. Draft minutes of the September 13, 2018 Parks & Recreation Commission Meeting
 - F. Draft minutes of the September 27, 2018 Airport Advisory Board Meeting
8. OLD BUSINESS
 - A. Parking Study Presentation and Review by Rich and Associates

An Equal Opportunity Provider and Employer

Hometown Feel, Small Town Appeal

9. NEW BUSINESS

- A. World Polio Day Resolution – October 24, 2018
Consideration of the request of the Rotary Club of Boyne City for adoption
- B. City Facilities HVAC Maintenance Agreement
Consideration to approve an Inspection and Service agreement with D & W Mechanical of Traverse City to provide maintenance for the HVAC system in the City Facilities in the amount of \$17,960 and authorize the City Manager to execute the documents
- C. City Facilities Elevator Maintenance Agreement
Consideration to review the recommendation regarding obtaining elevator maintenance services once it is provided and determine how to proceed
- D. Fire Department FEMA Grant Award
Consideration authorize the purchase of a compressor and fill station from Breathing Air Systems at a cost of \$33,939 and authorize the City Manager to sign all the necessary documents
- E. Rotary Park Soccer Fields Post Lines
Consideration the recommendation of the Parks and Recreation Commission to allow volunteer employees from Great Lakes Energy to install posts at the Rotary Park Soccer Field at no charge to the City
- F. River Diving Discussion
- G. MDEQ Concurrence form
Consideration to authorize the City Manager as the City's representative to sign the Concurrence Form and submit it to the MDEQ
- H. Sick Leave Bank Policy
Consideration to approve the Employee Sick Leave Bank Policy, donation form and leave request form as presented and authorize the City Manager to execute the policy
- I. Request of the City Manager to go into closed session to consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The Joint Board and City Commission Goals Work Session is scheduled for October 16 2018 at 6:00 p.m.
- The next regular City Commission meeting is scheduled for October 23, 2018 at noon

12. ADJOURNMENT

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



Scan QR code or go to
www.cityofboyne.com
click on Boards & Commissions for complete
agenda packets & minutes for each board

**SEPTEMBER 25, 2018
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 SEPTEMBER 25, 2018

CALL TO ORDER

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

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

Absent: None

Staff: Cindy Grice, Scott McPherson, Kelsie King-Duff, Patrick Kilkenny, Jeff Gaither and Barb Brooks

Others: There were four citizens in attendance including a representative from the Petoskey News Review.

**CONSENT AGENDA
MOTION**

2018-09-106
Moved by Grunch
Second by Solomon

Approval of the September 11, 2018 City Commission regular meeting minutes as presented
Approval to reappoint George Ellwanger to the Planning Commission for a three year term expiring May 31, 2021
Approval to reappoint Chris Frasz to the Planning Commission for a three year term expiring May 31, 2021

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

**CITY MANAGERS
REPORT**

Clerk / Treasure Grice reported:

- There is currently a \$500 reward being offered for information leading to the arrest and prosecution of the individual (s) responsible for the graffiti on the Holiness Camp building and city sidewalks.

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

The August 2018 Financial Statement has been received and filed.

**Poverty Exemption
Policy & Guideline**

Consideration to approve Poverty Exemption Guidelines, including the asset test in compliance with State Tax Commission guidelines as presented

Clerk / Treasurer Grice said time to time, the Board of Review receives Poverty Exemption Requests to exempt property taxes in whole, or part, by reasons of poverty. Michigan's General Property

Tax Act requires local units of government to adopt guidelines that set income levels, along with an asset level test. The asset level test sets a maximum dollar amount for the assets to be considered, while state requires that income levels not be set lower than the federal poverty guidelines that are updated annually. The Board of Review should follow these guidelines for granting or denying poverty exemptions. These guidelines will be updated annually meet the statutory requirements of MCL 211.7u.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

MOTION

2018-09-107

Moved by Conklin

Second by Grunch

To approve Poverty Exemption Guidelines, including the asset test in compliance with State Tax Commission guidelines as presented

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Property Transfer Affidavit Penalties and Fees Waiver

Consideration to approve a resolution waiving penalty fees and interest for failure to file a property transfer affidavit and authorize the City Manager and / or City Clerk / Treasurer to execute the document

Clerk / Treasurer Grice said the General Property Tax Act, Section 211.27a requires a buyer, grantee or other transferee to file a property transfer affidavit with the appropriate assessor of the local unit of government of which the property is located. Section 211.27b of the Act imposes penalties for the failure to file a property transfer affidavit after 45 days. That penalty is \$5.00 per day, with a maximum fee of \$200. That same section also provides that the local unit of government may waive, by Resolution, the penalties levied for the failure to file a property Transfer Affidavit. Since 99% of the affidavits are received timely, the occasional late one is difficult for the assessors to track. These fees have also never been a revenue stream for the City

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

MOTION

2018-09-108

Moved by Solomon

Second by Page

To approve a resolution waiving penalty fees and interest for failure to file a property transfer affidavit and authorize the City Manager and / or City Clerk / Treasurer to execute the document

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Grant Opportunity

Consideration to apply for a \$5,000 grant from the Charlevoix County Community Foundation for one of three proposed project; 1) purchase of the Draco View Art Sculpture currently displayed in Sunset Park; 2) purchase a heating unit for the Veterans Park Pavilion or 3) construct internal walls for the proposed kitchen area within Veterans Park Pavilion and authorize the City Manager to execute the documents.

Executive Assistant Barb Brooks discussed the grant application for community projects that is due on October 1, 2018. Three items are being presented as potential projects. We are proposing to choose one project to focus on for a \$5,000 grant from the foundation. At this time, we are focusing on the purchase of a heating unit for the pavilion that would allow the facility to be used year around.

Staff Comments: Kelsie King-Duff said the Main Street Board members were hoping for consideration of a project for the pavilion.

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

2018-09-108
 Moved by Solomon
 Second by Page

To apply for a \$5,000 grant from the Charlevoix County Community Foundation for the purchase of a heating unit for the Veterans Park Pavilion and authorize the City Manager to execute the documents

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

800 Mhz Radio System Ballot Proposal Information

Pam Woodbury from CCE – 911 Dispatch presented the City Commission with information regarding the ballot proposal for the upcoming November election. The proposal is to permit the County to levy up to .5 mills for the purpose of providing funds to pay its share of the costs of the radio equipment upgrade for use by the CCE 911 Dispatch Authority and the emergency services. The current system has many gaps in coverage. Ms. Woodbury supplied several recent examples of non-coverage during extremely critical times.

Staff Comments: Police Chief Gaither said the system we currently have is poor at best. The system being proposed is a very robust system that works in most place. It is a need, not a want.

Citizens Comments: None

Board Discussion: Commissioners discussed a possible resolution in support of the ballot proposal for future meeting discussion.

Good of the Order

Three members of the 2018/2019 Leadership Charlevoix County class were in attendance and introduced themselves.

ADJOURNMENT

City Commissioner Conklin inquired about an upcoming item regarding individuals jumping off the boardwalk.

Motion by Mayor Neidhamer to adjourn the Regular City Commission meeting of Tuesday, September 25, 2018 at 1:09 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT

**OCTOBER 2, 2018
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE BOYNE CITY COMMISSION SPECIAL GOALS WORK SESSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY OCTOBER 2, 2018

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 10:00 a.m. followed by the Pledge of Allegiance.

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

Absent: Commissioner Hugh Conklin

Staff: Michael Cain, Cindy Grice, Scott McPherson,

Others: There were two citizens in attendance.

GOALS

City Commissioners further refined the goals as follows:

Be excellent stewards of taxpayer funds. Develop tools and processes to allocate City funds efficiently and better forecast future City financial needs and challenges

- Create a five year financial forecast model using internal and external sources with a 9 month to one year time frame
- Improve the City's Capital Improvement Plan process and product within two years.

Engage our Community. Get residents involved in Boyne City government more often. Make it easy for residents to learn about City policies, operations and actions.

- Update and upgrade City's website. Work on a social media strategy to Improve quality of email newsletter, social media communications, including processes to board and commission appointments.

Increase housing availability. Work with all segments of the community to develop and implement a common vision leading to a sustainable mix of housing options in and around Boyne City that maintains our community character. Align our City regulations and plans to support this vision.

- Inventory all available City properties for potential housing development
- Develop Property Maintenance Standards
- Review Planning & Zoning opportunities Master Plan to reduce barriers
- Examine short term rentals and community impact

Protect Lake Charlevoix and Boyne River. Protect and enhance lake and river water quality, especially impacts of storm water runoff.

- Engage regional partners and City engineer to :

1. Review already identified issues and recommended remedies
 2. Evaluate additional areas of concern
 3. Determine estimated costs for improvements and possible timeline
 4. Review City's practices along lakeshore and Boyne River
 5. Review development standards for both public and private
- Develop City storm water ordinance in cooperation with East Jordan, Charlevoix and other regional partners within one year.

Keep Boyne City's economy strong and resilient. Foster a strong local year-round economy that builds upon existing businesses and welcomes compatible ones. Focus efforts and resources to create family sustaining jobs. Enhance City plans and policies to further support business development.

- Determine a master plan creating community consensus.
- Develop and implement strategy for recruiting and retaining businesses creating family sustaining jobs

Enhance recreational opportunities in Boyne City's parks and public spaces. Complete current and planned recreation projects and develop a vision for future recreation programs.

- Catch up on maintenance backlog.
- Move forward with items that foster economic development as a priority.

ADJOURNMENT

Motion by Mayor Neidhamer to adjourn the City Commission Goals Work Session of Tuesday, October 2, 2018 at 12:51 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer

MEMORANDUM

TO: Michael Cain, City Manager

Mc

FROM: Darcy Kotalik, DPW Foreman

DK

DATE: October 5, 2018

R E: New Boss V- Plow for 2011 truck

In 2011 we purchased a new one ton truck with a Boss straight blade plow, Although the truck is in good working order the plow is in need of replacement.

We received two prices from venders for this unit. The lowest price we received was from Truck and Trailer Specialties for the price of \$5365.50. There is currently enough money in the budget for this purchase. With the amount of plowing we do, a V-plow would save time and therefore be more efficient. At this time the current plow still has some value so I believe now would be the time to replace it. Once replaced, we will sell the current plow.

RECCOMENDATION:

It is my recommendation that the City Commission approve the purchase of the V-Plow from Truck & Trailer Specialties in the amount of \$5365.50 and authorize the City Manager to sign the required documents.

**QUOTATION
TRUCK & TRAILER SPECIALTIES OF**

BOYNE FALLS, INC.

P.O. Box 473 – 00399 US 131 – Boyne Falls, MI 49713

Phone: 231-549-3500 – Fax: 231-549-3555

Date: 10/4/2018

Name: CITY OF BOYNE CITY

Att: DARCY

Quote #:

Address:

Phone:

Email:

Prices quoted are FOB: Boyne Falls

Delivery: IN STOCK

We are pleased to quote you prices and terms in accordance with specifications described below. Prices are in effect for 30 days only. Sales taxes are not included and will be added if applicable.

(1) Boss Plow, Commercial Grade 9'-2" Poly V-XT with the following features:

- **Smart Hitch 2 Attachment System**
- **Smart Light 3 LED Plow Lights w/ turn signals**
- **Boss Smart touch plow controller**
- **Reinforcement ribs – 8 Vertical / 2 Diagonal**
- **(4) Trip springs / (2) Return springs**
- **Blade Height 37.5" at ends and 30" at center**
- **3/8" poly moldboard thickness**
- **1/2" x 6" high performance cutting edges w/ built-in curb guards**
- **Full moldboard trip design**
- **H.D. Push frame and Quadrant**
- **Enclosed Hydraulics – w/chainless hyd. cylinder lifting system**
- **Smartlock angling cylinders 1-3/4" x 10" – Installed**
- **Lift cylinder 2" x 1-1/8" x 10"**
- **Boss Rubber V-Plow Snow Deflector**
- **Two year limited warranty**

Above Plow assembled: \$ 5,365.50

Options: Boss V-Plow Cast plow shoes (3-required) Add \$ 40.00 Ea

Accepted

by: _____

Date: _____

Bid submitted by: RORY _____

For Truck and Trailer Specialties of Boyne Falls, Inc.

10/04/2018 21:50 GTR Equipment
 GTR EQUIPMENT CO
 2098 M-37S.
 TRAVERSE CITY, MI 49685
 231-943-9640

(FAX) 12319439790 P.001/001

Quote No: 27929
 Date: 10/04/18

Page: 1

Sold To: SNOWPLOW SALES	Customer No: 649
	Phone No:
Ship To:	

Cust. Order #:

Salesperson: #4 - JERRY

Product Code	Item Description	Qty	Unit Price	Amount
SC10292B	BLADE CRATE 9'2" POLY XT	1	1776.20	1776.20
SC15005C	FLOW BOX V RT3 SL3	1	3410.89	3410.89
YD1835	BOSS HYDRAULIC OIL (QUART)	3	6.65	19.95
SC01565	SNOW DEFLECTOR BOSS KIT	1	195.54	195.54
SC09601	CONTROL HAND HELD EXPRESS V BL	1	241.96	241.96
AB	LABOR 1 HOUR	3	75.00	225.00
ASSEMBLE 9'2" BOSS POLY XT V-PLOW WITH SNOW DEFLECTOR AND LED PLOW LIGHTS. INCLUDE SMARTTOUCH CONTROL.				

Price is good as long as it is in stock.

CUSTOMER: CITY OF BOYNE CITY
 ATTN: DARCY
 31-675-6635
 FAX 231-535-0006

Sub-Total:	5869.54
Shipping:	0.00
Tax [6]:	0.00 *
Total:	5869.54

Terms: Net 30****Remit to:
 GTR Equipment Co.
 985 W. Commerce Dr.

Amount Paid:	0.00
Amount Due:	0.00
Change:	0.00

*Thank you
 Jerry*

MEMORANDUM

TO: Michael Cain, City Manager *Mc*

FROM: Darcy Kotalik, DPW Foreman *DK*

DATE: October 4, 2018

R E: Bagger for Zero Turn Mower

In 2016 we purchased a new zero turn mower. At that time a bagger was not included in the purchase. At this time for efficiency we feel the need to purchase the bagger unit for this piece of equipment. We currently only have one bagger. With the amount of leaf pickup in our parks this would be a great asset and a time saver.

We received two prices from venders for this unit. The lowest price we received was from Ginop's of Alanson for the price of \$4380.00 installed. There is currently enough money in the budget for this purchase.

RECCOMENDATION:

It is my recommendation that the City Commission approve the purchase of the bagger unit from Ginop Sales in the amount of \$4380.00. and authorize the City Manager to sign the required documents.



**GINOP
SALES
Inc.**



11274 M-68 WEST ALANSON, MI 49706 (231) 548-2272 1-800-344-4667
 9040 M-72 EAST WILLIAMSBURG, MI 49690 (231) 267-5400 1-800-304-4667
 20831 M-32 WEST HILLMAN, MI 49746 (989) 742-7500 1-877-334-4667

SALES ORDER

11110

CUSTOMER ORDER NO. _____ DATE _____

TAX EXEMPT NO. _____ SALESPERSON _____

SHIP TO: _____

SOLD TO:

Boyer City

James

Fax 231 582 6506

TERMS:

CASH CHARGE C.O.D. MOSE. RETD PAID OUT SHIP VIA F.O.B. POINT

QUANTITY STOCK NUMBER DESCRIPTION UNIT PRICE AMOUNT

Kubota

G-CK 60H-ZD1211

Hopper style Bagger System Installed

4380 ⁰⁰

emailed 10/1/18
1:10 PM

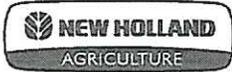
10/1/18
12:42 PM

Thank You

RECEIVED BY

TOTAL

SALES QUOTATION



WILLARD'S EQUIPMENT CO.
 Ph: (989) 345-3128 • Fax: (989) 345-2311
 255 S. M-33
 WEST BRANCH, MICH. 48661



CUSTOMER NAME: Boyer City Public Works DATE: 10-3-18 QUOTE VALID FOR 30 DAYS.
 ADDRESS: _____ CUSTOMER PHONE NO.: _____
 CITY STATE ZIP: _____ SALESMAN: Jerry WANGLEN

DESCRIPTION	PRICE
1- KUBOTA GCK60H-2D1211 Hopper style catcher	4100.00
6- FRONT WEIGHTS 40 EACH =	240.00
FOR WEST BRANCH	4340.00
E MAIL TO PUBLIC WORKS @ Boyer City . com	
Not installed	

TRADE-IN

TRADE ALLOWANCE

TOTAL



Approved: _____

Meeting of September 6, 2018 MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, SEPTEMBER 6, 2018 at 8:30 AM CITY HALL, 319 NORTH LAKE STREET

Call to Order Chair Michelle Cortright called the meeting to order at 8:30 a.m.

Roll Call Present: Chris Bandy, Michael Cain, Michelle Cortright, Patrick Little, Pat O'Brien, Don Ryde, Rob Swartz

Meeting Attendance Absent: Jodie Adams, Becky Harris

City Staff: Main Street Director Kelsie King-Duff, Recording Secretary Jane Halstead, Assistant Planner Patrick Kilkenny, Main Street Assistant Ingrid Day

Public: 3

Excused Absences MOTION Bandy moved, Ryde seconded, PASSED UNANIMOUSLY to excuse Becky Harris.

Approval of Minutes MOTION Ryde moved, Bandy seconded, PASSED UNANIMOUSLY to approve the August 2, 2018 minutes as presented.

Citizens Comments Ashley Cousens of the Boyne Area Chamber of Commerce stated that the recent housing forum the Chamber hosted went very well. The next Business After Hours will be at Boyne Boat Yard on September 20th and the Expo/Taste of Boyne is October 30th.

Correspondence None.

Committee Reports Organization Rob Swartz reminded everyone of the Main Street 15th Anniversary Party scheduled for Wednesday, September 12th. The Parking Study is being reviewed. The Committee is working on the letters of understanding for Boyne Thunder with November 1st being the goal for completion. Kelsie King-Duff will have her evaluation in January 2019. The co-working space idea is in the early discussion phase.

Promotion

The last Stroll the Streets for this year is tomorrow September 7th. Harvest Festival is at the end of September.

Design

Discussion in ongoing regarding recycling downtown. The pros and cons of the Walk-About-Sculpture Tour were discussed.

Team Boyne

Glen Catt and Kyle Marshall of the new Lake Street Pub attended and shared how their first summer in operation went.

Boyne Thunder

The Boyne Thunder Committee has not met since the last Main Street Board Meeting. The financials are expected to be wrapped up in the next couple weeks.

Farmer’s Market

There are four more doors left to purchase to enclose the Pavilion. The Farmer’s Market will be held in the Pavilion in the winter if all the doors get installed.

Director’s Report

Received and filed.

Unfinished Business

None.

New Business

Parking Study Review

The Parking Study conducted by Rich & Associates did not reveal any surprising results. Boyne City currently has ample parking. Employee parking needs to be better defined. It should be welcoming and feel safe – good lighting etc. Shared parking between private lots and public lots is encouraged. Fifteen minute parking should be limited and spread evenly throughout the area not just in front of some stores. Any additional feedback we have should be provided to the consultants this week. Rich & Associates will be back for final analysis.

Financial Report Review

The Financial Report was received and filed.

Good Of The Order

- The new owners of the First Merit Bank and Lally Building are still working on a development plan.
- We are reaching a saturation point with donated benches on the waterfront.
- The first phase of marina improvements is underway.
- Paper copies of the financial statement can be made available if anyone wants one for review.
- The Triathlon was a success. There were over 300 participants. Thanks to the Boyne City Police Department, EMS and the City.

- The Library's Book Mobile is here. It will be a great addition to our community.
- Patrick Little will be at Provisions this Friday for Superintendent Coffee Talk.
- The BBQ held at the Pavilion with current staff and retirees of BCPS was a nice event. The new Pavilion accommodated a large group well.
- There are 5 candidates for 2 spots on the Boyne City School Board. There will be a candidate forum in October.
- King-Duff was interviewed on NPR as Boyne City is a National Main Street finalist.
- The 15th Anniversary Celebration is next Wednesday, September 12th at the Veteran's Memorial Park Pavilion.

Adjournment

The August 2, 2018 meeting of the Boyne City Main Street Board was adjourned at 9:07 a.m.

Jane Halstead, Recording Secretary



Approved _____

**MEETING OF
September 7, 2018**

**MINUTES OF THE BOYNE CITY ECONOMIC DEVELOPMENT CORPORATION
MEETING DULY CALLED AND HELD ON FRIDAY, September 7, 2018 at CITY
HALL ~ 319 N Lake St, Boyne City**

CALL TO ORDER

Chair Gillett called the meeting to order at 10:04 a.m.

ROLL CALL

Present: Pat Anzell, Kelly Bellant, Michael Cain, Michelle Cortright, Pete
Friedrich, Ralph Gillett, Josette Lory, Drew May
Absent: Marilea Grom

**EXCUSED ABSENCES
MOTION**

Friedrich moved, Bellant seconded, PASSED UNANIMOUSLY to excuse
Marilea Grom

MEETING ATTENDANCE

Staff: Recording Secretary Jane Halstead
Public: None

**MINUTE APPROVAL
MOTION**

Bellant moved, Friedrich seconded, PASSED UNANIMOUSLY to approve the
minutes of July 9, 2018.

**HEARING CITIZENS
PRESENT**

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

City Manager Cain requested to go into closed session to consider the purchase of
real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act
(PA 267 of 1976).

**CLOSED SESSION
MOTION**

Cortright moved, May seconded, PASSED UNANIMOUSLY to go into closed
session to consider the purchase of real property as provided in MCL 15.268 (d) of
the Michigan Open Meetings Act (PA 267 of 1976) at 10:06 a.m.

**RETURN TO OPEN
SESSION
MOTION**

Cortright moved, May seconded, PASSED UNANIMOUSLY to return to open
session at 11:00 a.m.

MOTION

Friedrich moved, May seconded, PASSED UNANIMOUSLY to authorize the
City Manager to execute the necessary documents required to purchase property.

GOOD OF THE ORDER

Efforts should be made to reach out to the new owner of the Mascow building.

ANNOUNCEMENTS

The next regular meeting of the EDC is scheduled for November 12, 2018 at Noon.

ADJOURNMENT

The September 7, 2018 Economic Development Corporation meeting was adjourned at 11:04 a.m.

Jane Halstead, Recording Secretary



Approved: _____

**MEETING OF
September 7, 2018**

**MINUTES OF THE BOYNE CITY LOCAL DEVELOPMENT FINANCE
AUTHORITY MEETING DULY CALLED AND HELD ON FRIDAY, September 7,
2018 at City Hall ~ 319 N Lake St, Boyne City**

CALL TO ORDER

Chair Gillett called the meeting to order at 11:04 a.m.

ROLL CALL

Present: Pat Anzell, Kelly Bellant, Michael Cain, Michelle Cortright, Pete Friedrich, Ralph
Gillett, Josette Lory, Drew May
Absent: None

**MEETING
ATTENDANCE**

Staff: Recording Secretary Jane Halstead
Public: None

**APPROVAL OF
MINUTES
MOTION**

Cain moved, May seconded, PASSED UNANIMOUSLY to approve the July 9, 2018 minutes.

**HEARING CITIZENS
PRESENT**

None

CORRESPONDENCE

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

GOOD OF THE ORDER

None.

NEXT MEETING

The next meeting of the Local Development Finance Authority is scheduled for November 12, 2018.

ADJOURNMENT

The September 7, 2018 Local Development Finance Authority meeting was adjourned at 11:05 a.m.

Approved: _____

**Meeting Of
September 11, 2018**

Record of the proceedings of the Boyne City Zoning Board of Appeals meeting held at Boyne City Hall, 319 N. Lake Street, on Tuesday, September 11, 2018 at 5:00 p.m.

Call To Order

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

Roll Call

Present: Bob Carlile, Pat Kubesh and Lynn Murray
Absent: John McClorey and Roger Reynolds

Meeting Attendance

City Officials/Staff: Assistant Planning and Zoning Administrator Patrick Kilkenny and Recording Secretary Pat Haver
Public Present: One

Excused Absences

ZBA 2018-9-11-1

MOTION

Murray moved, Kubesh seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of McClorey

**Approval of the Minutes
MOTION**

ZBA 2018-9-11-2

Murray moved, Carlile seconded, PASSED UNANIMOUSLY, a motion to approve the May 1, 2018 meeting minutes as presented.

**Hearing Citizens Present
Correspondence(s)**

None

Public Hearing opened at 5:02 pm

New Business

**Variance Request
409 Bay St.
David and Denise Wade**

Assist Zoning Administrator Patrick Kilkenny reviewed his staff report that was included in the agenda packet. The applicant is seeking relief from the 15 foot rear yard setback; due to the steep slopes and smaller building envelope, in the amount of fourteen feet, nine inches (14'9"). In reviewing ZBA records in the vicinity, three relevant cases on Bay Street have been before the ZBA also requesting relief from the rear yard setback.

Eric Render: Contractor for the applicant. – The topography is very limiting for a building envelope. As evidenced in the past, this issue has come up with other lots in the area.

Carlile – How do the homeowners in the area handle the amount of drainage and run off? Are there special things to be done?

Render – With the steep slopes, water runoff will be handled by bringing in a lot of clean sand, drain tiles will be placed all around the house and we will be using a driveway spillway. We hope by moving the house closer to the road we will get the first floor level with Bay Street and we will be able to eliminate a very steep driveway and the challenges that winter snow and ice will cause.

Kubesh – What is the square footage of the home including the garage?

Render - This will be a modest sized house only 1400 sq. ft. and the garage will be about 500 sq. ft.

Public Hearing closed at 5:08 pm

Board Discussion

Carlile – Is this request, not like the others that have been before this board from Bay Street?

Kilkenny – Yes, the others were also asking for relief because of similar reasoning due to steep slopes with this one having a smaller building envelope than the others to the west.

With no further discussion, *Kubesh facilitated the discussion on the General Findings of Fact and wanted one point added; Bay Street has limitations as the right of way is pushed to the North due to existing topography and narrowness of the road*, and then moved onto the Findings of Fact under Section 24.80

FINDINGS OF FACT UNDER SECTION 24.80. – NON-USE VARIANCES

In hearing and deciding appeals for variances, the Board shall adhere to the following criteria in determining whether or not practical difficulties and/or unnecessary hardships exist:

MOTION

1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome. *Affirmative looking at the practical difficulties, smaller building envelope and the steep slopes*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners. *Affirmative*
3. The variance can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured. *Affirmative; other previous variance requests have been granted in the vicinity due to the topography. Concerned about safety with the winter snow and ice pack on a steep driveway*
4. The need for the variance is not self-created. *Affirmative, due to the topography of the area*
5. The need for the variance is due to unique circumstances of the property itself, and not due to general conditions in the area or to circumstances related to the owner personally or to others residing on the property. *Affirmative, due to the steep topography of this lot.*

The Board shall grant no variance if it finds an application does not meet all of the above listed criteria for determining whether or not a practical difficulty and/or unnecessary hardship exists.

MOTION

Motion by Carlile, seconded by Murray to recommend approval of the requested variance as presented; fourteen feet nine inches (14'9") of relief from the fifteen foot (15') rear yard setback.

2018-5-01-5A.

Roll Call

Ayes: Carlile, Kubesh and Reynolds

Nays: None

Abstain: None

Absent: McClorey and Reynolds

Motion Carries

**April 2018 Local Government
Law Bulletin**

This was originally distributed at the May meeting, and Chair Kubesh wanted to discuss the content in further detail. The board has struggled with the language for the Findings of Fact Under Section 24.80 specifically items 1 & 4. The content of this bulletin has some good ideas on how to reconstruct some of the language so that it is easy to understand for the Zoning Board and the public. Staff has been tasked with putting together proposed language changes for this board and the Planning Commission to review and begin the process of setting up a public hearing.

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

None

Good of the Order

- Bob Carlile has asked for an updated list of the board members, staff will email to the board members
 - Lynn Murray advised that this will be his last ZBA meeting, his house has sold and he will be moving to Southern Florida. The entire board wished him well in his future endeavors.
-

Announcements

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for October 2, 2018 at 5:00 p.m.

**Adjournment
MOTION**

ZBA 2018-9-11-10

Carlile moved, Murray seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, September 11, 2018 Boyne City Zoning Board of Appeals meeting at 5:35 p.m.

Pat Kubesh, Chair

Pat Haver, Recording Secretary



Approved:

**Meeting of
September 13, 2018**

RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY PARKS AND RECREATION COMMISSION MEETING** HELD AT 4:30 P.M. AT CITY HALL ON THURSDAY, SEPTEMBER 13, 2018.

Call to Order

Meeting was called to order by Board Chair Sheean at 4:30 p.m.

Roll Call

Present: Lisa Alexander, Jo Bowman, Hugh Conklin, Gow Litzenburger, Mike Sheean, Diane Sterling and Greg Vadnais (arrived 4:49)

Absent: Tom Smith

Meeting Attendance

City Staff: Streets/Parks & Recreation Superintendent Mike Wiesner, City Manager Michael Cain and Recording Secretary Jane Halstead

Public Present: four (4)

**Excused Absences
MOTION

Alexander moved, Litzenburger seconded, PASSED UNANIMOUSLY to excuse Tom Smith from today's meeting.

**Approval of Minutes
MOTION

Conklin moved, Sterling seconded, PASSED UNANIMOUSLY a motion approving the August 2, 2018 meeting minutes with the correction of the meeting being called to order by Jo Bowman.

**Citizens Comments
(on non-agenda items)**

- Patrick Hood, President of the Boyne Valley Disc Club, requested that they be allowed to hold an all-day disc golf tournament at Avalanche Park on Saturday, October 13th. The Board discussed and approved of the tournament provided the required paperwork is completed. Conklin asked Hood if the disc golf players had any conflict with the bike riders at Avalanche. Patrick Hood said no, they are very aware of where the bikers are riding.

**Approval of Disc Golf
Tournament
MOTION

Sterling moved, Litzenburger seconded, PASSED UNANIMOUSLY a motion approving the October 13th, 2018 Boyne Valley Disc Club Tournament at Avalanche park, provided the necessary paperwork is completed at City Hall.

Director's Report

DPW Director Mike Wiesner provided a written report which was received and filed. Mike Wiesner is the interim DPW Director and is expected to be here until December.

Wiesner prefers that the Board communicate directly with him if they have issues that need to be addressed.

Lisa Alexander said there are trees down on the Blue hiking trail at Avalanche.

The gate at the soccer field at Rotary Park is not working.

Correspondence

None.

Reports of Officers, Boards, and Standing Committees

- Avalanche has some trees down.
 - The face of Avalanche eroding. Signs/saw horse indicating trail closed may help.
 - The Mobi Mat has been repaired at Peninsula Beach. The park is in good shape.
 - Riverside Park has some trees down and plastic tarp near entrance. The new signage will be nice.
 - Rotary Park fields look good. The doors in the men's bathroom are rusted and need maintenance or replacement. There is only 1 trash can on either side of soccer field- are more needed?
 - The sidewalk between the river mouth bathrooms and Veteran's Park needs more garbage cans.
 - The kayak launch was removed for Boyne Thunder and hasn't been reinstalled. Mike Wiesner is looking into it.
 - Boyne River Nature Area is looking good however the boardwalks are slippery.
 - Planting will begin this week at Sunset Park for the shoreline project.
 - Ridge Run Dog Park has dead trees that need to be replaced. Some are shedding bark and need to come down.
 - More benches are needed at Dog Park – were these included as part of the grant?
 - Thanks to Michelle Carter for all of her work at the Dog Park.
 - Gow Litzenburger and Mike Wiesner are doing a tree survey of the City and are working to formulate a maintenance plan to water trees etc. The drought has caused a lot of trees to fail.
-

Unfinished Business**Tennis Court Update**

Negotiations are ongoing. It is not likely that the courts will be fixed this year as there is a work stoppage with bituminous workers.

Proposed Mountain Bike Trail on City Owned Property in Evangeline Township

The mountain bike trails in Evangeline Township are moving forward. Nothing has been finalized on foresting or trail placement.

Pump Track at Avalanche

The draft conceptual plan indicates a pump track will need an asphalt pad approximately $\frac{3}{4}$ of the size of the skating rink pad that is at Avalanche now. We need to determine where we can put it.

Avalanche RFP Update

There has been no progress on the RFP.

Off-leash dogs at Avalanche

It is difficult to enforce the leash law. A sign by the bag dispenser may be helpful. Before next summer we should get some signage installed and have a conversation with the police department on how to go about enforcement.

New Business

Consideration to Tour Parks for the October 4th Meeting

Because several members of the board will be absent from the next meeting, it was decided not to tour the parks at the next meeting.

Good Of The Order

- Everyone is invited to the Joint Board and Commission meeting on Tuesday, October 16th to discuss the six Community-wide goals that have been adopted by the City Commission.
 - Beach cleaning was recently done at Peninsula Beach Park.
 - Trash cans are being relocated throughout the City.
 - Plans for locations of park benches are being revised.
 - Different methods to control the geese were discussed.
-

Next Meeting

The next meeting of the Parks and Recreation Board will be Thursday, October 4, 2018 at 5:00 pm at City Hall.

Adjournment

The September 13, 2018 meeting of the Parks and Recreation Board was adjourned at 5:39p.m.

Jane Halstead, Recording Secretary



Approved: _____

**MEETING OF
September 27th, 2018**

**RECORD OF THE PROCEEDINGS OF THE MEETING OF THE BOYNE
CITY AIRPORT ADVISORY BOARD** held September 27th, 2018.

CALL TO ORDER

Chair Richard Bouters called the meeting to order at 5:30 PM followed by the pledge of allegiance.

ROLL CALL

Present: Richard Bouters, Richard Wright, Leon Vercruysee, Jerry Schmidt*, Leon Jarema*, Brian Harrington

Excused Absences: Oral Sutliff

**Ex Officio Members*

Staff: Airport/City Manager - Michael Cain

Citizens: Chris Cheadle

**READING AND
APPROVAL OF
MINUTES**

Motion by Brian Harrington seconded by Richard Wright unanimously passed to approve the August 23rd, 2018 minutes as written.

CORRESPONDENCE

The City of Boyne City received a revision of the 1957 easement from Wolverine Power regarding the land in the approach zone to runway 27 at the Boyne City Airport. The revised easement was sent to the Michigan Department of Transportation (MDOT) for review.

**CITIZENS COMMENTS
(NON-AGENDA ITEMS)**

None

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

None

UNFINISHED BUSINESS

A. Overnight Parking Summary – Richard Bouters

1. Richard Bouters provided a consolidated summary of expected versus actual aircraft revenues for the months of June, July and

August 2018.

2. Total unrealized revenues are \$1115.
3. Options discussed to recover uncollected aircraft parking revenues include;
 - i. The addition of a small fee to the price of sold aviation fuel
 - ii. Encourage increased intenerate air traffic to the Boyne City Airport via completely eliminating aircraft parking fees.
4. Summary analysis continues towards a final recommendation to the Airport Advisory Board.

B. Runway Distance Remaining Signs Update – Richard Wright

1. Additional sign vendor information was request by Mr. John Cooper (sign purchaser) and provided in September.
2. Follow-on meeting with Mr. Cooper and AAB members Leon Jarema and Richard Wright scheduled for Monday, Oct., 1st, 2018.

C. Drag Race Review – Michael Cain, Richard Wright

1. The 2018 Labor Day Drag Races at the Boyne City Airport were conducted safely.
2. The recently relocated water spigot (underground) providing burn-out area washing worked flawlessly.
3. Airport movement painted areas discolored by drag racer vehicles was to the taxiway edge markings. Runway painted markings were unaffected. Richard Wright suggested the relocation of the burn-out area near the water spigot but away from painted areas, i.e. the runway for future drag race events.
4. Michael Cain reported the drag race event garnered a total of \$8560 with \$1000 of expenses yielding a net of \$7560. Fifty percent of proceeds are earmarked for airport expenditures.

D. October Rotary Club Presentation – Bud Chipman

1. Unavailable for comment.

E. Recommendation for Termination of Efforts to Gain General Utility Airport Status – Richard Wright

1. Richard Wright based his recommendation from previous discussions with Mr. Randy Coller (MDOT Airport Inspections) regarding the high terrain east and in the approach safety zone of runway 27.
2. Issue deferred to the January 2019 Airport Advisory Board meeting.

F. Release of commitment of Request For Proposal (RFP) to Mead and Hunt

for assistance in gaining General Utility Status – Richard Wright

1. Reconsideration for a release of sending an RFP to Mead and Hunt was based on the previous suggestion to abandon efforts towards obtaining General Utility Airport status.
2. Following further discussions in October Michael Cain and Richard Wright will call Mead and Hunt.

NEW BUSINESS

A. Welcome to Michigan Aeronautics Commission (MAC) Visitor

1. Richard Wright gave a standing invitation to MAC member Roger Salo to attend any future Boyne City AAB meetings.

B. Michigan Association of Airport Executives (MAAE)

1. Takeaways from the September MAAE meeting in Harbor Springs focused on the process of defining and creating organizational goals. Goal setting for 2019 is slated for discussion at the October 2018 AAB meeting.

C. Airport Terminal Equipment for Electronic Presentations

1. Moving forward with meeting technology, Richard Bouters kindly provided multimedia equipment for the entire AAB meeting agenda via electronic presentation.
2. Richard Bouters will discuss splitting the cost of purchasing multimedia devices (large screen TV) with Northern Homes. Equipment will remain in the airport terminal.

D. Boyne City Chamber of Commerce Presentation

1. Richard Wright provided a brief airport economic benefit presentation to the Boyne City Chamber of Commerce on September 18th, 2018.

E. Other

1. Relocation of Airport Fuel Pump Emergency Shut-Off Switch

- i. Richard Wright expressed concern regarding the current remote location of the fuel pump emergency shut-off switch. Richard will conduct further investigation and report back to the AAB at the October 2018 AAB meeting.

GOOD OF THE ORDER

A. Aviation 100LL Fuel Price

1. As of August 13th, 2018 the price of 100LL at the Boyne City Airport is \$4.65 per gallon.

B. Boyne Business Expo

1. Oct. 30th. 3pm to 7pm at Boyne Mt
2. AAB representation Richard Bouters and Richard Wright

ANNOUNCEMENTS

C. October AAB Meeting

1. AAB 2018 goals review
2. 2019 goals primer

A. None

B. Next Meeting

- a. The next and last 2018 regular Boyne City Airport Advisory Board meeting is currently scheduled for Thursday, October 25th, 2018.

ADJOURNMENT

The meeting was adjourned at 6:57 P.M. by meeting chair, Richard Bouters.

Richard K. Wright-Secretary_____

***Proclamation for World Polio Day
2018-10-09***

WHEREAS, the Rotary Club of Boyne City is a member of Rotary International, the world's first, and still one of its largest, non-profit service organizations, founded in Chicago, Illinois, in 1905; and

WHEREAS, the Rotary motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary in 1985 launched PolioPlus and spearheaded the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF and the Bill & Melinda Gates Foundation, to immunize all the children of the world against polio; and

WHEREAS, polio cases have dropped by over 99.9 percent since 1988, and the world now stands on the threshold of eradicating this dread disease and thereby eliminating the threat of polio-caused paralysis to every child in the world; and

WHEREAS, members of the Rotary Club of Boyne City continue to contribute their time and their resources to support PolioPlus and the Global Polio Eradication Initiative; and

WHEREAS, their efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents;

Now, therefore, I Thomas Neidhamer , Mayor for the City of Boyne City, do hereby proclaim October 24, 2018, as World Polio Day in the City of Boyne City, and do hereby encourage all residents to join the Rotarians of our local club in the fight for a polio-free world.

*Thomas Neidhamer, Mayor
Dated this 9th day of October, 2018*

MEMORANDUM

TO: Michael Cain, City Manager

FROM: Michael Wiesner, DPW

DATE: October 5, 2018

RE: Inspection and Service Agreement for the City Hall Facilities

Attached is a proposal from D & W Mechanical of Traverse City for an Inspection and Service Agreement for the City Hall Facility. The facilities HVAC system is state of the art, but complicated. The system has approximately 40 filters alone to inspect and change plus all the other checks, adjustments and reports that have to be completed. The city crew does not have the knowledge or the licenses to perform the inspections.

D & W was the sub-contractor that installed most of the system, therefore they are the most familiar with it.

The original proposal was for approximately \$23,000 with filters supplied by the vendor who supplied the complete units. It was decided that other filter brands would work fine and were probably cheaper. After costing other filters, the price was reduced by approximately \$5,000.

Recommendation: That the City enter into the attached Inspection and Service Agreement with D & W Mechanical of Traverse City, with an annual cost of \$17,960.00



September 18, 2018

City of Boyne City
319 North Lake Street
Boyne City, MI 49712

Attn: Mike Wiesner

Re: Inspection and Service Agreement to commence on January 1, 2019

Mike,

The following is our Inspection and Service Agreement designed to not only meet the maintenance requirements but optimize the efficiency and performance of the HVAC equipment currently installed in your Facility located at 319 N. Lake St. in Boyne City.

This Proposal provides the following:

- (4) routine, scheduled inspections per year
- Adjust equipment to maintain operating efficiency and reliability.
- Electronic Service History maintained for future reference and analysis
- Priority emergency service
- Preferred customer service rates Monday-Friday, 8:00 a.m.-5:00 p.m., overtime and weekends to be billed 1-1/2 times current rate.
- A competent, trained service technician will be assigned to your account

Total for Above Proposal \$17,960.00 annually
\$4,490.00 per inspection

Note:

- See attached equipment schedule and inspection services
- Customer agrees to all terms and conditions attached

City of Boyne City:

D&W Mechanical:

By: _____

By: Shawn M. Wolf Sr.

Title: _____

Title: Service Agreement Manager

Signature: _____

Signature: _____

Date: _____

Date: September 18, 2018

EQUIPMENT SCHEDULE

The following items of equipment are covered under this contract:

	Boyne City Hall	J	F	M	A	M	J	J	A	S	O	N	D
2	Lochinvar FTX400 Boilers	X									X		
1	Lochinvar FTX850 Boiler	X									X		
24	Water Furnace USH Heat Pump				X						X		
3	Reznor VPS60 Unit Heater	X									X		
6	Reznor UDAP175 Tube Heater	X									X		
3	RenewAire HE2XRT ERV's	X			X			X			X		
1	Liebert DDNT Dry Cooler				X			X					
2	Armstrong 5HP Base Pumps	X			X			X			X		
3	Grundfos Magna 3 Circ. Pumps	X			X			X			X		
3	Armstrong Snowmelt Circ. Pumps	X									X		
1	Tekmar 654 Controller	X									X		
3	Marley FRC1812 Elec. Wall Heaters	X									X		
1	Berko FFCH Elec. Ceiling Heater	X									X		
5	Exhaust Fans				X						X		

INSPECTION SERVICES

SPRING – Air Conditioning Service

- Replace filters – pleated filters included (MERV 8 High Capacity)
- Check amp draw on all motors against name plate rating
- Replace belts – included during spring service
- Check drive alignment
- Check refrigerant charge and operating pressures
- Lubricate dampers and linkages – lubrication materials included
- Check and tighten electrical connections (inside equipment enclosures)
- Brush out evaporator coils
- Condenser coil cleaning included
- Check all operating and safety controls
- Test thermostat operation
- Clean condensate drain pans, lines and trap

Fall – Heating Service

- Replace filters – pleated filters included (MERV 8 High Capacity)
- Check amp draw on all motors against name plate rating
- Check heat exchanger
- Check and adjust burners
- Check belts – charged extra if needed
- Check drive alignment
- Check all operating and safety controls
- Check and tighten electrical connections (inside equipment enclosures)
- Check venting where applicable
- Test thermostat operation
- Perform CSD-1 reports on boilers

Note any additional service or repairs on dispatch detail. Include model and serial number of unit and description of additional service or repair.

As a contract account of D&W Mechanical, The City of Boyne City is an especially valued customer and as such the Boyne City Hall is extended the following special considerations over non-contract customer:

- Priority service over non-contract customers during rush periods or whenever emergency service is required.
- Overtime and weekends to be billed at one and one-half times current rate. Our current first hour rate is \$124.00 per hour, each additional hour billed at \$94.00 per hour.
- Labor and repair parts will be billed at a ten (10%) percent discount.

After each service inspection, our service technician will meet with your management personnel to review the equipment operation and any recommended improvements. At your request, these recommendations will be separately quoted under the preferred arrangements listed above

GENERAL CONDITIONS

Under this contract, D&W Mechanical will inspect and perform preventive maintenance for the equipment listed in the attached Equipment Schedule. A competent, thoroughly trained service technician will be specifically assigned to handle your account.

The inspection service will be provided on each piece of equipment, as shown on the Equipment schedule. System changes or additions when required will be made only after a quotation for same has been submitted to and approved by customer.

This contract shall remain in effect until terminated by thirty (30) days written notice given by either of the parties. Hourly service rates are subject to change to reflect current service rate without notice.

It is further agreed that D&W Mechanical's service labor rates will be adjusted annually to reflect current service labor rates, such adjustment will be made within thirty days of the anniversary date of the agreement in each year.

All work under this contract shall be performed during our regular working hours unless otherwise specified.

It is agreed that D&W Mechanical shall be free to start and stop the equipment for reasonable periods and that customer will provide means of access to the equipment.

It is agreed that D&W Mechanical shall not be liable for operation of the equipment or for injuries to persons or damages to property, except those due to the negligent acts or omission of employees of D&W Mechanical and in no event shall D&W Mechanical be liable for consequential incidental damages. D&W Mechanical shall not be liable for any loss or damage or delay caused by acts of government, difficulties with workers, vendor strikes or shortages of material, fire or for any reason beyond D&W Mechanical's control.

Since the normal operation of the equipment is a function of the Owner, D&W Mechanical cannot be responsible for the failure of equipment, its controls, or for obsolescence. However, our inspection service, together with the recommended operation and any improvements, should result in satisfactory performance.

The owner agrees to pay in accordance with D&W Mechanical's payment term policy as stated on the back of all invoices.

This contract is subject to our determination upon our first seasonal inspection of the heat and air conditioning system that equipment is in good working order. Any repairs, parts, or incidentals required to correct the condition of any equipment deemed not in good working order at that time will be brought to your attention for a separate time and material work order, or as a firm quote in addition to prices listed in this agreement prior to coverage of the equipment in question.



City of Boyne City

MEMO

Date: October 9, 2018
 To: Mayor Neidhamer and the Boyne City City Commission
 From: Michael Cain, City Manager *Mc*
 Subject: Elevator Maintenance Proposals

As the Commission is aware our City facilities building contains an elevator, the first elevator we have had. It is a ThyssenKrupp Elevator that went into service last June. The elevator included a one year service agreement with it, which has expired. The elevator required service several times during its first year and the State requires quarterly inspections be performed. I have reached out to other organizations with elevators such as the Boyne City Public Schools, the Boyne District Library, Boyne Mountain and the cities of Charlevoix and Petoskey to see who they use and at what level of service. There are basically three levels to choose from (different companies call them different things but should line up close to what I have below):

- a) Full coverage – gold standard full maintenance coverage which pretty much covers everything except after hour /weekend/ holiday calls
- b) Middle ground – similar to above but does not cover major components
- c) Basic – covers state required quarterly state inspections but all else is on a time and material basis

Coverages:

Company:	Full	Middle	Basic
Thyssenkrupp	\$1,680 yr	\$1,500 yr	\$720 yr
Schindler	\$1,896 yr	\$1,548 yr	\$804 yr
Otis	\$2,460 yr	\$1,980 yr	\$864 yr

Each of these proposals are for five year terms and allow the contractors to increase their rates annually based on the rate of inflation and similar factors.

Looks like several companies serve the areas and each organization seems happy with who they use. I have planted the seed with the others to see if there is some potential cost savings by combining our efforts in securing these services. But that’s a discussion for a different day. Just because you have one brand of elevator doesn’t mean that you need or should use that firm to service your equipment.

RECOMMENDATION: Based on the quotes received I recommend that the City Commission approve entering into a five year agreement for elevator maintenance services from the company with the lowest fees which happens to be the firm which built and installed our elevator Thyssenkrupp at their gold level at an initial cost of \$1,680 per year and authorize the City Manager to execute the agreement.

Options:

- 1) Postpone the matter for further information or consideration.
- 2) Approve an alternate method to proceed.
- 3) Deny the request.
- 4) Other options as determined by the City Commission.

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*

From: Dennis Amesbury, BCFD Fire Chief *D-G.*

Date: October 5, 2018

Subject: Fire Department FEMA Grant Award



The Boyne City Fire Department (BCFD) was recently awarded a grant through the FEMA Assistance to Firefighters program for new air packs in the amount of \$137,473. The grant includes a 5% match based on service area population and 5% to the grant specialist for assistance. Funds were set aside in the 2017 BCFD budget to account for both 5% match requirements.

In addition to the outdated air packs, the BCFD is currently operating with an obsolete air compressor and filling station used for filling the air pack bottles. A new compressor was included in the grant request, however, only the air packs were funded. With the FEMA grant award and subsequent addition of new air packs, the BCFD requires a new compressor and fill station to properly utilize the equipment.

Acquiring a new compressor and fill station is essential to the BCFD as the existing compressor cannot fill the new air packs properly. The proposed new compressor and fill station can fill the new packs quickly and efficiently, and will be beneficial in quicker response times and overall benefit to the community.

The BCFD Fire Chief Amesbury has secured 3 bids for new compressors which are attached for your review. The new/demo compressor and fill station from Breathing Air Systems was identified as the preferred equipment, and is in stock ready to ship, and can be utilized immediately following manufacturer installation. Additionally, the current compressor and bottles will be traded in to offset the cost of the new equipment as shown on the attached invoice totaling \$33,939.

RECOMMENDATION:

That the City Commission authorize the purchase of compressor and fill station from Breathing Air Systems at a cost of \$33,939 and allow the City Manager to sign all necessary documents.

Options:

- a) Postpone action on this matter for further information or consideration.
- b) Deny the request.
- c) Other option as determined by the City Commission.

8855 E BROAD ST
 REYNOLDSBURG, OH 43068

CORPORATE HQ 614.864.1235	FLORIDA 352.629.7712	INDIANA / KENTUCKY 614.986.1025	ILLINOIS 217.768.4408
PENNSYLVANIA / WEST VIRGINIA 412.564.5756	MICHIGAN 517.786.4060	TENNESSEE / GEORGIA 423.634.3184	

WWW.BREATHINGAIR.COM

THE NATION'S LARGEST DISTRIBUTOR OF **BAUER COMPRESSORS**

DATE: October 4, 2018

PROPOSAL

SUBMITTED TO: Boyne City Fire Department
 319 N Lake St
 Boyne City, MI 49712

REQUESTED BY: Dennis Amesbury

TITLE: Chief

EMAIL:

PHONE: (231) 582-6597

MOBILE PHONE: (231) 675-7643

FAX: (231) 582-5705

ESTIMATED DELIVERY TIME: From stock

F.O.B.: Delivery included

TERMS: Net 30

ITEMS QUOTED:

JOB LOCATION:

ACCOUNT # 850762

NOTE: Our quote does not include off loading, uncrating, placement or the wiring to or into an electrical compressor to the electrical supply. Warranty is as proposed.

Quote

Part Number	Description	Adjusted Price	Qty	Extended Price
DEMO 13	DEMO 13 cfm 6000 psi 10 HP 1 phase Bauer H13VTC compressor. Includes auto drains, Securus filter monitor and interstage gauges. This unit has been used in our shop and will have less less than 400 hours on it when delivered. Balance of factory 2 year warranty	\$16,036.00	1	\$16,036.00
DEMO CFS5.5-2SX4X4	DEMO Fill Station - Bauer - Class 2. Independently tested containment fill station meets NFPA 1901. Fills two SCBA cylinders and has four cascade controls with valves and gauges. Features cylinder scuff guard - fill control panel with adjustable regulator - SCBA fill connection - top mounted cascade control panel with regulated remote outlet - Two fill hoses with bleed valves and safety door interlock. 5500 psi fill pressure.	\$10,528.00	1	\$10,528.00
CS6	Cascade cylinder, 6000 psi, includes CGA connection, elbow, hose and mounting rail.	\$1,475.00	4	\$5,900.00
BAS218	Monitor, Carbon Monoxide, Includes air reduction panel with flow control and flow sensor 6000 PSI inlet 20 PPM test gas included. Please specify 120 VAC or 12 VDC	\$2,575.00	1	\$2,575.00
TRADE	Trade in our your breathing air system towards the purchase of a new system.	(\$1,100.00)	1	(\$1,100.00)

Price includes delivery and set up. We will deliver in our box truck with lift gate. With your assistance we will set in place for your electrician to wire (must be coordinated to be done while we are there on delivery), connect the components and train you in the operation of the new system. We will also haul away your old compressor and cascade.

Quote Total \$33,939.00

PAYMENT TO BE MADE AS FOLLOWS: (UNLESS OTHERWISE NOTED, TERMS ARE NET PAYMENT DUE WITHIN 30 DAYS AFTER DELIVERY)
 Note: Payment by Credit Card will incur a convenience fee totaling 3.0% of the transaction amount on all transactions exceeding \$1,500.00.

Proposal Submitted By: Doug Ballmann Prices Good For 60 Days



Douglass Safety Systems LLC **
2655 N. M-30
Suite #6
Sanford, MI 48657

Phone 800-316-3255

Quotation

Quote Number
34271

Quote Date:
Jan 19, 2018

Customer ID
B070

Quoted to:

BOYNE CITY FIRE DEPT
319 N LAKE STREET
BOYNE CITY, MI 49712

Shipping Terms	Quote Good Thru	Payment Terms	Sales Rep
NOT INCLUDED	2/18/18	Net 30 Days	JM001-SR

Quantity	Item	Description	Unit Price	Extension
1.00		#Mu13 - Bauer - Mini Unicus All In One Compressor, 2 Position Fill Station, (2) Air Storage Cylinders, 13 scfm, 10 HP	38,539.94	38,539.94
1.00		#HC6000-2 - Bauer - (2) Air Storage Cylinders	3,507.00	3,507.00
1.00		#RCK-0037 - Bauer - Rack for Cylinders	563.79	563.79
			Subtotal	\$ 42,610.73
			Sales Tax	
			Freight/Handling	
			Total	\$ 42,610.73





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DATE: March 7, 2017

PROPOSAL
SUBMITTED TO: Boyne City Fire Department
 319 N Lake St
 Boyne City, MI 49712

REQUESTED BY: Dennis Amesbury

TITLE: Chief

EMAIL:

PHONE: (231) 582-6597

MOBILE PHONE: (231) 675-7643

ESTIMATED DELIVERY TIME: 6-8 weeks or less

F.O.B.: Delivery included

TERMS: Net 30

JOB LOCATION:

NOTE: Our quote does not include off loading, uncrating, placement or the wiring to or into an electrical compressor to the electrical supply. Warranty is 2 years.

QUOTE SYSTEM TO REFILL 4500 PSI SCBA

Part Number	Description	List Price	Adjusted Price	Qty	Extended Price
S3-6K13E1-VTC	Compressor system Bauer Vertecon Air System 6000 psi, 13 cfm. Charging rate with pressure switch for automatic start & stop control. Locally mounted interstage pressure gauges. P2S 67,000 cu ft purification system with SECURUS electronic cartridge monitor. Pressure lubricated with low oil protection. Automatic condensate drain system and PLC controller with E-Stop Button. Entire electrical assembly is UL LISTED. Single phase electric.	\$26,015.00	\$22,112.75	1	\$22,112.75
BAS813	Monitor, carbon monoxide, Includes air reduction panel with flow control and flow meter. CO20 test gas included. 6000 psi inlet pressure.	\$2,575.00	\$2,300.00	1	\$2,300.00
CS6	Cascade cylinder, 6000 psi, includes CGA connection, elbow, hose and mounting rail.	\$1,450.00	\$1,300.00	4	\$5,200.00
CFS5.5-2SX4X4	Fill Station - Bauer - Class 2. Independently tested containment fill station meets NFPA 1901. Fills two SCBA cylinders and has four cascade controls with valves and gauges. Features cylinder scuff guard - fill control panel with adjustable regulator - SCBA fill connection - top mounted cascade control panel with regulated remote outlet - Two fill hoses with bleed valves and safety door interlock. 5500 psi fill pressure.	\$10,789.00	\$9,700.00	1	\$9,700.00

Quote Total \$39,312.75

Proposal Submitted By: Doug Ballmann Prices Good For 60 Days

MEMORANDUM

TO: Michael Cain, City Manager

FROM: Michael Wiesner, DPW

DATE: October 5, 2018

RE: Proposal for post lines to be placed at the Rotary Park soccer fields

Attached is a sketch showing proposed post lines with cable/chain gates at the Rotary Park soccer fields. The reason for the proposal was for safety purposes and to limit access to the fields because of a history of cars causing turf damage.

The posts are proposed at approximately 6' spacing to prevent vehicle access. The gates are proposed for maintenance access.

It is my understanding that Great Lakes Energy employees have offered to supply and install telephone post pieces for the project, at no cost to the city. I am told that they may do the installations yet this fall.

The Parks and Recreation Commission approved the proposal at their October 4th meeting.

I am recommending that the project be approved.

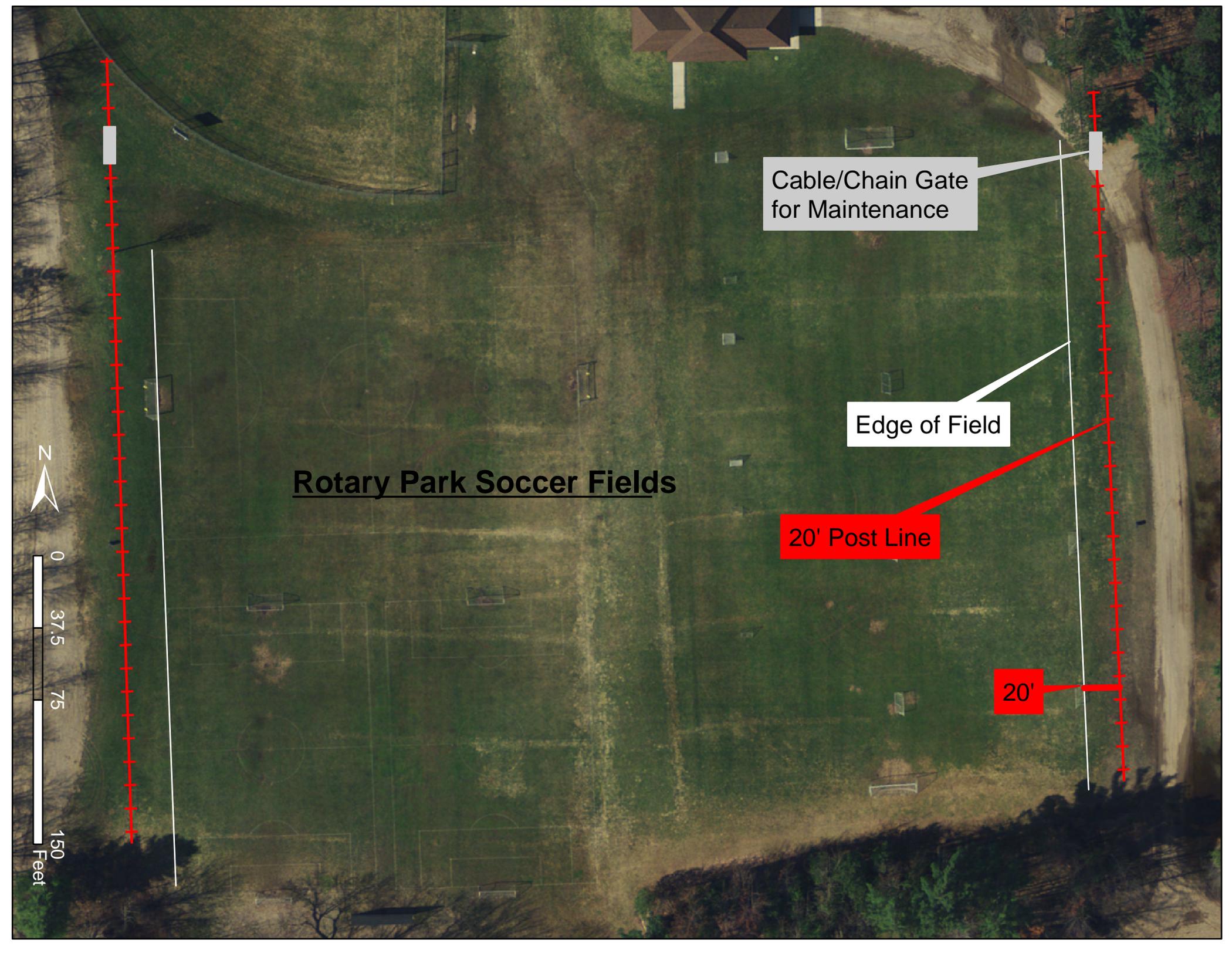
Rotary Park Soccer Fields

Cable/Chain Gate
for Maintenance

Edge of Field

20' Post Line

20'



CITY OF BOYNE CITY

To: Michael Cain, City Manager 
From: Mark Fowler, W/WW Superintendent
Date: 10/03/18
Subject: Concurrence Form

Discussion

The Great Lakes Water Authority, Detroit Water and Sewage Department and Oakland County Water Resources Commission (the Petitioners) have filed a request for a Declaratory Ruling with the MDEQ to challenge the validity of the MDEQ's Lead and Copper Rules which became final on June 14th, 2018. The request for the declaratory ruling is attached.

It states they believe the MDEQ exceeded its authority in putting out the new rules and that the Regulatory impact statement and cost benefit analysis are incomplete, deficient and fail to provide the necessary legal support and foundation for the new Lead and Copper Rules.

The Petitioners are looking for support from other Governmental Entities. They have provided a preformatted Concurrence Form for a signature of support.

I believe that portions of the new rule will end up in court. The petitioners are requesting this Declaratory ruling as a first step to avoid a law suit.

Recommendation

I recommend that the City Commission authorize the City Manager as the City's representative to sign the Concurrence Form and submit it to the MDEQ.

Options:

- 1) Deny the request
- 2) Postpone for further consideration
- 3) Approve the Concurrence
- 4) Other options as determined by the City Commission



Member Outreach



REMINDER: LEAD & COPPER RULE UPDATE & CONCURRENCE FORM

Dear Member-Partners,

On Monday, August 13, 2018, the Great Lakes Water Authority ("GLWA"), Detroit Water and Sewerage Department and the Oakland County Water Resources Commissioner (the "Petitioners") timely filed a Request for a Declaratory Ruling with the Michigan Department of Environmental Quality (the "MDEQ") to challenge the validity of the MDEQ's Lead and Copper Rules (LCRs), which became final on June 14, 2018.

As water service providers, the Petitioners take very seriously their responsibility in protecting the public health. However, they do not believe that the new LCRs achieve this goal in an effective or fiscally responsible manner. The significant financial investment required in the LCRs will not lead to a meaningful decrease in blood lead levels in children, and may, in fact, put public health more at risk because it would have an adverse impact on the Petitioners' asset management plans which focus on protecting, improving and enhancing the long-term sustainability of their systems.

The new LCRs presume that lowering the action level from 15ppb to 12ppb will lower blood lead levels in children and adults. However, multiple scientific studies confirm that the primary sources for lead poisoning in children is lead paint. Further, it is well established that with proper corrosion control, the vast majority of lead service lines do not pose a health risk. Therefore, it would be of better public benefit to schedule the methodical replacement of lead service lines in conjunction with a thorough analysis of all public health risk factors – which is a central consideration in water utilities asset management programs.

The Petitioners believe that the consideration of improvements to the LCRs are warranted. But, any changes must be thoughtful and based on a scientific foundation in order to provide the greatest value, both locally and broadly, to the people of the state of Michigan. **To support this effort, click [here](#) to find a copy of the Request for Declaratory Ruling (without exhibits) and click [here](#) to find a copy of the "Concurrence Form" that may be completed by your municipality and mailed to the Executive Division – Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48933.**

Please contact Randal Brown, GLWA's General Counsel, at randal.brown@glwater.org for further information. We would request that member-partners submit the concurrence form on or before September 29, 2018.

**CONCURRENCE WITH
PETITIONERS' REQUEST FOR DECLARATORY RULING
Re: MDEQ's Lead and Copper Rules**

NAME OF GOVERNMENTAL ENTITY	STREET ADDRESS		
CITY	STATE	ZIP CODE	TELEPHONE NO. () - -
E-MAIL ADDRESS			
<p>On June 14, 2018, the MDEQ filed the MDEQ Lead and Copper Rules ("LCRs") with the Secretary of State. On August 13, 2018, the Great Lakes Water Authority, Detroit Water and Sewerage Department and the Oakland County Water Resource Commissioner (the "Petitioners") timely filed their Request for Declaratory Ruling, pursuant to 2003 MR 2, R 324.81. The Petitioners challenged the validity of the LCRs, asserting that the LCRs exceed the scope of the MDEQ's authority under state law and are arbitrary and capricious. The above stated governmental entity has reviewed the Petitioners' Request for Declaratory Relief and incorporates it by reference and concurs in its Relief Requested.</p>			
<p>Indicate below whether the request relates to a Statute, Administrative Rule, or an Order administered by the Department.</p> <p><input type="checkbox"/> Part of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 <i>et seq.</i></p> <p><input type="checkbox"/> Part of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 <i>et seq.</i></p> <p><input type="checkbox"/> Other statute:</p> <p><input checked="" type="checkbox"/> Administrative Rule, R 325.10102-.11606 Title: Supplying Water to the Public (Lead and Copper Rules)</p> <p><input type="checkbox"/> Order No. ; Title</p>			
<p>Please state the specific question or request to be addressed: The above stated governmental entity concurs in the Petitioners' request that:</p> <p>(1) the MDEQ issue a declaratory ruling finding that key provisions of the LCRs exceed the MDEQ's authority under the Michigan Safe Drinking Water Act ("MSDWA"), and are arbitrary and capricious, and</p> <p>(2) the MDEQ issue a declaratory ruling finding that the rulemaking record for the LCRs, Regulatory Impact Statement and Cost Benefit Analysis are incomplete, deficient and fail to provide the necessary legal support and foundation for the LCRs.</p>			
<p>Please state the actual <i>uncontested facts</i>, including your status as an interested person or your standing to request a declaratory ruling:</p> <p>Like the Petitioners, the above stated governmental entity is a supplier of water, as defined under the MSDWA, and thus has a direct interest in the scope and applicability of the LCRs and has standing to challenge the validity of the LCRs. As described in the Petitioners' Request for Declaratory Ruling, the LCRs impose a myriad of new and additional regulatory, technical and cost burdens on suppliers of water. As such, the above stated governmental entity incorporates by reference the statements and allegations made in the Request for Declaratory Relief. Further, the above stated governmental entity concurs in the Petitioners' Relief Requested in the Request for Declaratory Ruling.</p>			
[Additional pages, maps, drawings, etc., may be attached]			
TITLE IF SIGNING FOR THE GOVERNMENTAL ENTITY	NAME OF GOVERNMENTAL ENTITY		
SIGNATURE	DATE		

Submit this Concurrence with Petitioners' Request for Declaratory Ruling and attachments to:
EXECUTIVE DIVISION
DEPARTMENT OF ENVIRONMENTAL QUALITY
525 WEST ALLEGAN STREET
LANSING, MI 48933

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

STEVEN E. CHESTER
TEL (517) 483-4933
FAX (517) 374-6304
E-MAIL chester@millercanfield.com

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August 13, 2018

VIA HAND DELIVERY

Ms. Heidi Grether
Director
Executive Division
Department of Environmental Quality
525 W. Allegan St.
Lansing, MI 48933

Re: Request for Declaratory Ruling

Dear Director Grether:

Enclosed for filing is a Request for Declaratory Ruling on behalf of Great Lakes Water Authority, Detroit Water and Sewerage Department, and Jim Nash in his capacity as Oakland County Water Resources Commissioner and as County Agent for the County of Oakland.

Please feel free to contact me if you have any questions regarding this letter or the enclosed Request.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: 
Steven E. Chester

SEC

cc w/enc: ALJ Daniel L. Pulter (via hand delivery)
Attorney General Bill Schuette (via hand delivery)

**STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY**

Petitioners:

Great Lakes Water Authority ("GLWA"), Detroit Water and Sewerage Department ("DWSD"), and Jim Nash in his capacity as Oakland County Water Resources Commissioner and as County Agent for the County of Oakland ("Oakland Water Resources Commissioner")

REQUEST FOR DECLARATORY RULING

Petitioners DWSD and GLWA, by and through their attorneys Miller, Canfield, Paddock and Stone, PLC, and Petitioner Oakland Water Resources Commissioner, by and through their counsel Dickinson Wright PLLC, (collectively "Petitioners") submit this Request for Declaratory Ruling to the Michigan Department of Environmental Quality ("MDEQ" or the "Department") pursuant to Sections 63 and 64 of the Michigan Administrative Procedures Act ("APA"), MCL 24.263 and MCL 24.264, and Administrative Rules R 792.10301 and R 324.81.¹ As set forth herein, Petitioners challenge the validity of the MDEQ Lead and Copper Rules ("LCRs")² which were filed with the Secretary of State on June 14, 2018. Petitioners assert that the LCRs exceed the scope of the MDEQ's authority under state law and are arbitrary and capricious.

In support of the Request, Petitioners state the following:

Petitioners

1. Petitioner Great Lakes Water Authority ("GLWA") is an authority established pursuant to Act 233, Michigan Public Acts of 1955, as amended and a wholesale water supply provider to over 127

¹ In accordance with Section 64 of the APA, before challenging the validity or applicability of a rule in circuit court, a petitioner/ plaintiff must first request the agency that promulgated the rule for a declaratory ruling. MCL 24.264. Section 63 of the APA and the rules cited above identify the criteria for seeking a declaratory ruling from the MDEQ. The relevant APA sections and rule citations are set forth in the attached **Addendum**.

² The LCR amends the MDEQ "Supplying Water to the Public" Rules, specifically R 325.10102, R 325.10105, R 325.10108, R 325.10401a, R 325.10405, R 325.10410, R 325.10413, R 325.10420, R 325.10604f, R 325.10710a, R 325.10710b, R 325.10710d, R 325.11506, R 325.11604, and R 325.11606 of the Michigan Administrative Code.

325.1002 (t). In turn, a “*public water supply*” is defined, in pertinent part, as: “a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water....” MCL 325.1002(p). Lastly, a “*waterworks system*” is: “a system of pipes and structures through which water is obtained and distributed, including but not limited to wells and well structures, intakes and cribs, pumping stations, treatment plants, storage tanks, pipelines and appurtenances, or a combination thereof, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.” MCL 325.1002(x).

5. As suppliers of water, Petitioners have a direct interest in the scope and applicability of the LCRs. As described below, the LCRs impose myriad new and additional regulatory, technical and cost burdens on Petitioners. As such, Petitioners have standing to challenge the validity of the LCRs.

Background

6. In March, 2017, the MDEQ submitted a Request for Rulemaking to the Office of Regulatory Reinvention to amend the lead and copper provisions of the state's existing Supplying Water to the Public Rules. Up to this point, the MDEQ's lead and copper drinking water regulations, enacted under the MSDWA, substantially tracked and incorporated the requirements of the federal Lead and Copper Rule, 40 CFR 141.80-.91, promulgated by the U. S. Environmental Protection Agency (“U.S. EPA” or “the Agency”) under the federal Safe Drinking Water Act, 42 USC 300f *et seq.*³ The MDEQ's proposed rule changes were intended to impose additional requirements on state drinking water suppliers beyond those imposed by the federal rule.

7. The MDEQ formed a stakeholder group and held stakeholder meetings from July through November, 2017. Draft LCRs were published in January, 2018. As required by Section 45 of the APA, MCL

³ U.S. EPA has granted Michigan primacy to implement the federal SDWA and federal Lead and Copper Rule.

10. The LCRs impose new obligations on water suppliers without duly considering the legal, scientific and technical support for such unfunded mandates. Without limitation, these obligations include:

- a. removing privately owned lead service lines using public monies, R 325.10604f(5)(c) and (6)(e);
- b. with limited exceptions, removing all lead service lines within 20 years even where existing lines fall below lead action levels, R 325.10604f(6)(b);
- c. accessing private property to complete a distribution system materials inventory, R 325.11604(c);
- d. reducing the lead action level from 15 parts per billion ("ppb") to 12 ppb triggering additional regulatory actions, R325.10604f(1)(c), (e), and (f), and R325.10604f(4) and R325.10604f(5);
- e. requiring sequential sampling in addition to first flush sampling for water suppliers with lead service lines, R325.10710a(2)(b);
- f. anticipating partial lead service line replacements in emergencies without defining an emergency, R325.10604f(6)(e)(iv); and
- g. creating and providing support for local Drinking Water Advisory Councils, R325.10410(7).

11. As discussed herein, the LCRs exceed the scope of the MDEQ's rulemaking authority under the MSDWA in several key ways. To begin with, the LCRs require municipal water suppliers to pay the cost of removing and replacing private lead service lines with the consent of the owner **at the supplier's cost.** 325.10604f(5)(c) and (6)(e).] The MSDWA simply does not authorize the MDEQ to shift the financial burden of removing private lead lines from property owners to municipal providers and their ratepayers who did not install and do not own the lines. Yet, this is precisely what the LCRs require. The MDEQ cannot, through adopting rules, redefine the statutorily defined term "waterworks system" to expand the system's scope to include private lines which are not legally part of the system.

knowledge to take a water sample that can actually be used. Then, the even more intrusive lead line replacement work begins. Petitioner DWSD has already experienced the lack of cooperation by home owners in its pilot program for lead line replacement on just one street in Detroit. Countless hours, numerous requests and manpower have been expended to gain access to homes, but many home owners, to no avail, still refuse. Home owners simply do not want to be bothered with having to take time away from work and other obligations to attend to municipal projects. Municipal water suppliers are faced with the reality that compliance with the LCRs depends on decisions by these home owners over which the suppliers have no control.

14. The LCRs also mandate that a city with a population over 50,000 establish and provide support for a Water Advisory Council. R325.10410(7). There is no authority in the MSDWA empowering the MDEQ to require water suppliers to create such councils. A water supplier may independently decide to create and consult an advisory board or council, but that is a choice to be made by the municipal supplier and not a mandate imposed by state law.

15. Although not clearly stated in either the LCRs or its accompanying RIS, it is presumed that the overarching public health purpose of the LCRs is to lower blood lead levels in children and adults. The LCRs lower the lead action level from 15 ppb to 12 ppb. R325.10604f(1)(c). Lowering the action level then triggers a number of regulatory responses and actions on the part of water suppliers. R325.10604f(4) and R325.10604f(5). Yet, the MDEQ offers no technical rationale for how lowering the action level will contribute in any meaningful way to reducing blood lead levels amongst the general public and specifically in children because the rule does not in any way address the primary source for lead poisoning in children, which is lead paint. **Attachment A, Petitioners' Comments on the RIS, (pp. 4-5).**

sampling (U.S. EPA presently is seeking input on sampling protocols and might require an entirely different approach to sequential sampling).

18. The LCRs even require water suppliers in compliance with the lead action level and corrosion control requirements to replace, on average, 5% of their lead service lines per year, not to exceed 20 years for total line replacements unless an alternative schedule has been approved by the MDEQ. R 325.10604f(6)(b). Petitioners maintained that line replacement should not be subject to an arbitrary 20 year timeline, but should be implemented through a water supplier's asset management plan that also accounts for numerous other infrastructure objectives sought by the state. *Attachment A, Introduction and Petitioners' Comments to RIS, Question 4, (pp. 4-5)*. The purpose of Michigan's on-going pilot asset management project is to find more holistic approaches that align the multiple public health and safety needs water suppliers are required by law to achieve. An asset management approach will allow state and local governments to implement a lead reduction program that is both protective of public health and within a level of resources that does not compromise other public health protections. It will also ensure that local governments have the ability to continue investing in needed drinking water, sanitary sewer, and stormwater infrastructure improvements thereby avoiding an entirely different set of public health problems and unintended consequences. For instance, in Southeast Michigan's old drinking water infrastructure, a significant number of breaks occur annually; if left unaddressed each break is an opportunity for backflow or microbes in the soil to enter the drinking water supply. See the 21st Century Infrastructure Report regarding the benefits of asset management programs.⁴

⁴ Petitioner DWSD's asset management plan provides for \$37 Million in improvements system wide annually. DWSD has issued over 400 work orders to address leaks and main breaks since January 2018 on the public side of the system. (There have been another 600 work orders issued that turned out to be leaks on the customer's private side of the line.) Replacement of 5% of Detroit's 125,000 service lines in one year would cost an estimated \$42 Million – far exceeding the entire amount allocated to its asset management plan and leaving nothing to address
Continued on next page.

line replacement demands prior proper planning so as to not unduly negatively affect the customer during the replacement. The myriad of activities that happen in the street both by the water supplier and others necessitates having the operational flexibility to safely and carefully and prudently perform partial lead service replacements. The LCRs fail to take into account any of these considerations.

20. As noted elsewhere, the LCRs reduce the lead action level from 15 ppb to 12 ppb, which triggers a water supplier's obligation to apply corrosion control treatment to its waterworks system. R325.10604f(4). The most common and cost-effective form of corrosion control treatment is through addition of orthophosphate. If waterworks systems that exceed 12 ppb but do not exceed 15 ppb choose to add orthophosphate for corrosion control, this may have the undesirable outcome of increasing phosphorus levels in Michigan's waterways. Downstream regulated NPDES permitted wastewater treatment plants, such as GLWA's Water Resource Recovery Facility, would then have an added burden to remove phosphorus being added by upstream water systems and bear the additional costs, or risk exceeding their phosphorus discharge limits or TMDLs at downstream regulated MS4 communities. This is a significant potential environmental consequence of the LCR that has not been sufficiently studied or addressed by the MDEQ. *Petitioners' Comments to RIS, Question 1 (pp. 1-2)*.

RIS Deficiencies

21. The APA now requires that state departments prepare and include with a notice of rulemaking a regulatory impact statement. MCL 24.245(3). The statement must contain specific information and analysis pertaining to the proposed rules, including comparing the rules to federal and state counterparts, identifying the harms avoided by and the benefits of the rules, estimating the costs associated with implementation of and compliance with the rules, and identifying alternatives to the rules. Executive Order 2011-5

can the MDEQ move forward with the LCRs under the APA where both the water suppliers and the public have grossly misleading information about the LCRs' impact?

24. Also, the RIS required the MDEQ to compare the LCRs to "parallel federal rules or standards;" indicate if the LCRs were required by state law or federal mandate; indicate if the LCRs exceeded a federal standard and if yes describe why it was necessary that the proposed LCRs exceed federal law; and specify the costs and benefits arising out of the deviation from federal law. **Attachment C, RIS, Question 1.** The MDEQ did not address this requirement. The Department acknowledged that there is a federal Lead and Copper Rule but then failed to: 1) identify if the proposed MDEQ revisions to the LCRs are required by state law or federal mandate; 2) describe why it is necessary for the MDEQ to exceed the regulatory standards of the federal Lead and Copper Rule; and 3) specify the costs and benefits associated with deviating from the federal Lead and Copper Rule.

25. In December 2017, the U.S. EPA sent letters to state drinking water agencies inviting them to participate in the Agency's rulemaking process to update and revise the existing federal Lead and Copper Rule. This rulemaking demonstrated U.S. EPA's commitment to assume responsibility for, and take a leadership role in, identifying how the rule can be improved to better protect human health. The MDEQ failed to articulate why it is necessary for the State of Michigan to act before the federal government on this issue rather than participate in and contribute to federal efforts to revise the existing federal Rule. A revised federal rule will apply standards applicable not only to Michigan communities but communities across the country. Also, the federal Rule will be based on scientific and technical expertise possessed by the U.S. EPA but lacking at the state level. Moreover, it will reflect input and the experiences of many more stakeholders than involved in the MDEQ process thereby resulting in a more-informed and effective rule. **Attachment A, Petitioners' Comments to RIS, Question 1 (pp. 1-2).**

28. Further, the RIS required the MDEQ to identify "laws, rules, and other legal requirements" that may duplicate, overlap, or conflict with the proposed LCRs. This included describing how the LCRs have been coordinated with other comparable federal, state, and local laws, and efforts undertaken to avoid or minimize duplication. **Attachment C, RIS, Question 3.** In response, the MDEQ tersely asserted "No other rules or legal requirements pertain." The MDEQ's response was an obvious non-response to the Question.

29. The MDEQ ignored the potential duplication, overlap and conflict the state LCRs have with the existing federal Lead and Copper Rule, or might have with any revisions to the federal Lead and Copper Rule. Also, Petitioners are not aware of (and the RIS does not identify) any effort on MDEQ's part to coordinate the development of the its LCRs with the U.S. EPA, or to avoid duplication. In addition, the MDEQ response did not consider the adverse impact the LCRs would have on water suppliers' asset management plans (i.e.; "other legal requirement"). These plans are intended to ensure that local governments have the ability to continue investing in needed drinking water, sanitary sewer, and stormwater infrastructure improvements given available financial resources. The LCRs would prioritize virtually all available funds for lead service line replacement, thereby depriving water suppliers of funds to address other pressing public health issues, such as replacing 100 year old mains at risk of rupture. **Attachment A, Petitioners' Comments to RIS, Question 3 (pp. 3-4).**

30. Moreover, in its comments on the LCRs and RIS, and during the stakeholder meetings and rulemaking process, Petitioners expressed significant concerns about the validity of the LCRs' requirement that local governments pay for the replacement of privately-owned lead lines, R 325.10604f(5)(c) and (6)(e), given certain provisions of the Michigan Constitution. See **Attachment A, Legal Memorandum.** Similar comments were raised during the MDEQ's LCR Public Hearing on March 1, 2018. **Attachment D,**

replacements that benefit other ratepayers, not for replacements that particularly benefit each of them directly). In the rulemaking record, the MDEQ failed to explain how the LCRs do not ultimately lead to a violation of *Bolt* and Section 31 of the Headlee Amendment.

31. Despite Petitioners' warning that a key provision of the LCRs could conflict with the Michigan Constitution, **the MDEQ failed to address a single constitutional concern** as part of the rulemaking record. It is as if these concerns simply do not exist. But ignoring them does not alleviate the significant legal and financial risk that scores of municipalities will bear by implementing the LCRs and by financing the replacement of privately-owned lead lines. Municipal water suppliers who follow the LCRs (many of whom are already cash-strapped) will incur substantial expense, first to implement the LCRs, and then to defend the LCRs' requirements if faced with a challenge to the LCRs' constitutionality. These municipalities will lose millions of dollars (in sunk replacement costs, in legal fees and in possible damages) if the LCRs and the municipal rates imposed to finance the improvements mandated by the LCRs are later found to be unconstitutional by the courts. These risks are absolutely unnecessary.

32. The RIS also required the MDEQ to describe how the proposed LCRs would protect public health, safety, and welfare while promoting a regulatory environment that is the "least burdensome alternative." **Attachment C, RIS, Question 6.** In response to this Question, the MDEQ asserted that removing lead service lines is the most effective way to remove lead exposure in drinking water. This is true only if the lead service line has been identified as the source of lead in drinking water – but this isn't always the case. As written, the LCRs fail to allow water suppliers, local health departments and other agencies to work collaboratively to pinpoint sources of lead exposure in waterworks systems - which may be attributed to other sources like indoor lead plumbing and fixtures. Consequently, lead service line removal may **not** be the most effective technique to eliminate lead exposure. Also, during the stakeholder process, Petitioners repeatedly expressed technical, scientific and legal concerns with the burdens imposed by the LCRs.

a recommendation Petitioners repeatedly made, i.e.; that a more effective rule would evaluate the multiple pathways contributing to lead exposures and use this as the yard stick for allocating resources to reduce overall risk. Lastly, the MDEQ provides only generic "benefit" declarations (e.g.; reducing exposure to lead, protecting public health, creating jobs), making no effort to articulate any specific benefits, or quantify the value of any benefits. **Attachment A, Petitioners' Comments to RIS, Question 29 (pp. 18-19).**

35. The RIS required the MDEQ to identify the sources it relied on in compiling the RIS, including the methodology used to determine impacts of and a cost benefit for the proposed LCRs. **Attachment C, RIS, Question 32.** In response, the MDEQ provided a list of documents/reports it relied on to prepare the RIS, but failed to provide any analysis or description of methodology used to determine the impact of the draft LCRs or the cost-benefit analysis. Consequently, as Petitioners pointed out, the relevancy of the cited documents/reports to the development of the LCRs is ambiguous at best (and, as pointed out above, the Report explicitly does *not* support the LCRs). Also, Petitioners identified two reports missing from the MDEQ's list that should have been reviewed and considered in development of the RIS and the LCRs, those being the Child Lead Poisoning Elimination Board report, "***A Roadmap to Eliminating Child Lead Exposure***"; and the Infrastructure Commission's "***21st Century Infrastructure Commission Report***." **Attachment A, Petitioners' Comments to RIS, Question 32 (pp. 19-21).** As with all other comments on the RIS made by Petitioners, the MDEQ never responded or otherwise revised the RIS in consideration of the comments.

36. The RIS required MDEQ to identify any reasonable alternatives to the proposed LCRs. **Attachment C, RIS, Question 33.** The MDEQ declared no reasonable alternatives existed. In commenting on the RIS, Petitioners provided a list of provisions that would constitute the foundation of an alternative,

Relief Requested

WHEREFORE, Petitioners respectfully request:

A. That the MDEQ issue a declaratory ruling finding that key provisions of the LCRs exceed the MDEQ's authority under the Michigan Safe Drinking Water Act, and are arbitrary and capricious; and

B. That the MDEQ issue a declaratory ruling finding that the rulemaking record for the LCRs, including the RIS, is incomplete, deficient, and fails to provide the necessary legal support and foundation for the rules;

C. That the MDEQ discontinue implementation of the LCRs and re-engage Petitioners and other stakeholders to develop alternative lead and copper rules and a regulatory impact statement that are legally valid and provide an accurate analysis and assessment of the regulatory impacts, costs and benefits associated with the rules; and

D. That Petitioners shall have such further relief as is warranted and equitable.

Miller, Canfield, Paddock and Stone, P.L.C.
Attorneys for Petitioners Great Lakes Water Authority and
Detroit Water and Sewerage Department

DATED: August 13, 2018

By:



Steven Chester, Esq.
Scott Eldridge, Esq.

Dickinson Wright PLLC
Attorneys for Petitioner Jim Nash as Oakland County
Water Resources Commissioner and as County Agent for
the County of Oakland

By:

 (with Permission)

Peter H. Webster, Esq.

CITY OF BOYNE CITY

To: Michael Cain, City Manager *McCain*
From: Cindy Grice, City Clerk/Treasurer
Date: October 3, 2018
Subject: Sick Leave Bank Policy



In years past, there have been at least two occasions where an employee needed additional sick time for various reasons and their sick leave bank wasn't sufficient enough to cover the time of necessary for themselves or to tend to a spouse or child who had a medical emergency. During those minimal occasions, fellow employees donated time to be deducted from their sick leave bank to that individual in need so they were able to continue to be paid during their leave time. Our Attorney has drafted a Sick Leave Bank Policy that she determines would comply with IRS regulations on the issue.

RECOMMENDATION:

To approve the Employee Sick Leave Bank Policy, donation form and leave request form as presented and authorize the City Manager to execute the policy

SICK LEAVE BANK POLICY

Policy

The City of Boyne City recognizes that employees may have medical emergencies that cause a severe impact to them resulting in a need for additional time off in excess of their available sick/personal time. To address this need the City of Boyne City will sponsor a leave sharing program that permits all eligible employee to donate excess paid leave to a Sick Leave Bank which employees may use in the event of a Medical Emergency, in accordance with the policy outlined below.

This policy is strictly voluntary.

Eligibility

Employees who donate sick/personal time must have been employed with the City of Boyne City for a minimum of 1 year.

Employees who request leave must be qualified for the use of sick leave under the City's Personnel Policies or Collective Bargaining Agreements. They must not have a record of sick leave abuse.

Employees will also be required to provide sufficient medical documentation to substantiate an absence for the time period covered by the Leave Bank Request, and must in all likelihood be able to return to work.

Employees receiving Workers' Compensation or Disability benefits are not eligible for Sick Leave Bank Benefits.

Guidelines

Employees who would like to make a request to receive donated sick/personal time from the Sick Leave Bank must have a situation that meets the following criteria:

Medical Emergency - For purposes of this policy defined as "a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan."

An employee who has exhausted his leave may seek to draw from the leave bank if the employee needs more paid leave in the event that he experiences a medical emergency, needs to tend to a parent, spouse, or child who has experienced a medical emergency, or needs additional time off for bereavement in the event of the death of a parent, spouse, or child.

Employees who receive donated sick/personal time may receive no more than 240 hours (6 weeks) within a rolling 12 month period.

Donors

Employees who donate sick/personal time from their unused balance must adhere to the following requirements:

- The minimum donation that may be made is 4 hours.
- The maximum donation that may be made is 40 hours or no more than 50% of your current leave balance, whichever is less.

Employees who donate time must have sufficient time in their balance and will not be permitted to exhaust their balances due to the fact that they may experience their own personal need for time off. Employees can't borrow against future sick/personal time to donate.

Employees who are currently on an approved leave of absence can't donate sick/personal time while on leave.

Employees may only donate sick/personal time to the Leave Bank generally, not to specific individual employees.

The privacy of both Donors and Recipients will be protected to the extent possible.

Procedure

Employees who wish to donate sick/personal time to the Sick Leave Bank for use by co-workers in need, must complete a Sick Leave Bank Employee Donation Form and return it to the City Clerk.

Employees who would like to make a request to receive donated sick/personal time are required to complete a Sick Leave Bank Request Form and return it to the City Clerk. All applications must be accompanied by a health care provider's statement which includes the beginning date of the condition and a description of the illness or injury. All applications must indicate the number of sick leave days being requested.

Application for receipt of time must be made within 10 days of the occurrence of the medical emergency or the exhaustion of the employee's paid leave, whichever is later.

Approval

Requests for donations of sick/personal time must be approved the employee's supervisor, the City Clerk and the City Manager.

There is no appeal procedure if the Request for Leave is denied as the decision of the Sick Leave Bank Committee is final.

If the recipient employee has available paid time off in their balance, this time will be used prior to any donated sick/personal time.

Donated sick/personal time may only be used for time off related to the approved request.

Any balance of days approved but not required for the illness/injury will remain the property of the Sick Leave Bank.

Donated sick/personal time will be paid to the recipient at the recipient's normal compensation rate.

Recipients may not receive a cash payout in lieu of paid time off.

Termination of Sick Leave Bank Hours

Sick Leave Bank hours terminate:

- When the employee separates from the City, or
- Upon the death of the employee, or
- When the health care provider releases the employee to return to work, or
- The maximum sick leave benefit awarded has been exhausted.

Sick Leave Bank Employee Donation Form

Employees may donate a minimum 4 hours of compensable sick or personal leave to the Sick Leave Bank. The employee who donates must have at least ten (10) days of accrued sick leave remaining for his personal use following the donation. The maximum donation that may be made is 40 hours or no more than 50% of your current leave balance, whichever is less.

Donations to the Sick Leave Bank must be made during the annual benefits enrollment period.

Subject to City policies, employees who donate to the Sick Leave Bank under this program will be eligible to request sick leave through the Sick Leave Bank in the event that paid leave benefits become exhausted while experiencing a qualifying illness or injury.

Section 1. (To be completed by employee. Please type or print clearly.)

Name: _____ Department: _____

I voluntarily donate the following number of days of my compensable sick leave to the Sick Leave Bank. I understand that the sick leave I donate will be deducted from my sick leave balance.

Number of Days Donated	Signature	Date

Section 2. (To be completed by City Clerk/Human Resources)

Date Received: _____ Sick Leave Balance after Donation: _____

Request Approved: _____ Request Denied: _____

Reason for Denial: _____

Sick Leave Bank Administrator Date

Participation in the Sick Leave Bank is subject to the City's Sick Leave Bank Policy rules.

Sick Leave Bank Request Form

Qualified employees may request a maximum of 240 hours/30 days from the Sick Leave Bank. The employee making the request must have exhausted all his available paid leave.

Employees requesting Sick Bank Leave must provide medical certification to support the need for the requested Leave, from their medical provider at the time of requesting the leave. Such certification must include the beginning date of the condition, a description of the illness or injury and an anticipated duration of the condition/leave.

Section 1. (To be completed by employee. Please type or print clearly.)

Name: _____ Department/position: _____

Reason for Request (include brief description of the nature, severity, and anticipated duration of the medical emergency and affected family member if applicable):

Sick Leave Balance

Number of Days requested

Signature

Date

Section 2. (To be completed by City Clerk/Human Resources)

Date Received: _____

No. Hours Bank Time in last 12 mos

Medical Certification Provided: Yes _____ No _____

Request Approved: _____ Request Denied: _____

Amount of Sick Leave Approved: _____ or

Reason for Denial: _____

Sick Leave Bank Administrator

Date

Participation in the Sick Leave Bank is subject to the City's Sick Leave Bank Policy rules.

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October 2018

October 2018						
Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
28	22	23	24	25	26	27
	29	30	31			

November 2018						
Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	1	2	3
11	12	13	14	8	9	10
18	19	20	21	15	16	17
25	26	27	28	22	23	24
				29	30	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 30	Oct 1	2	3	4 8:30am Main Street Board mtg. 6:00pm Parks & Rec	5	6
7	8	9 7:00pm City Commission	10	11	12	13
14	15 Marina Closes 5:00pm Planning Commission	16	17	18	19	20
21	22	23 12:00pm City Commission	24	25 5:30pm Airport Advisory Board	26	27
28	29	30	31 5:00pm Trick or Treat 5:00pm Spook House	Nov 1	2	3

November 2018

November 2018						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2018						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 28	29	30	31	Nov 1 8:30am Main Street Board mtg. 6:00pm Parks & Rec	2	3
4	5	6 5:00pm ZBA	7	8	9	10
11 11:00am Veterans Day Ceremony	12 12:00pm EDC/LDFA	13 7:00pm City Commission	14	15 5:00pm Historic District	16	17
18	19 5:00pm Planning Commission	20	21	22 City Offices Closed Thanksgiving 2:30pm Thanksgiving Dinner (Eagles Hall)	23 City Offices Closed 5:00pm Holiday Open House 6:00pm Santa Parade	24
25	26	27 12:00pm City Commission	28	29	30	Dec 1