



**BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, October 23, 2012 at Noon**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
 - A. Approval of the October 9, 2012 regular City Commission meeting minutes as presented
 - B. Approval to accept Jerry Kelt's resignation from the Boyne City Housing Commission effective October 8, 2012
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
 - A. Correspondence from Lowell Taylor of Airwolf Enterprises
 - B. Correspondence from the State of Michigan Department of Environmental Quality Public Notice
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
 - A. September, 2012 Financial Statement
8. UNFINISHED BUSINESS
 - A. Kirtland Update
9. NEW BUSINESS
 - A. Land Division Ordinance
Consideration of second reading and approval of proposed amendments to Article 58 Land Division Ordinances Articles II and IV

- B. Cemetery Contract
Consideration to award a bid to B & W Natures Maintenance for a three year contract for Cemetery Maintenance at a cost of \$21,000 per year and authorize the City Manager and City Clerk / Treasurer to execute the documents
- C. Assistant Planner Position
Review of Planning Department staffing levels and recommendation that staffing levels be maintained. No formal action required
- D. Mower Repairs
Consideration to approve the repairs to the Kubota Zero Turn Mower in the amount of \$5,559.42 and authorize the City manager to execute the documents
- E. Joint Board and Commission Meeting
Consideration to schedule a Joint Board and Commission meeting to be held on Tuesday, December 4, 2012 at 6:00 p.m. in the City Hall Auditorium
- F. City Commission Tour
Discussion of whether or not to schedule a group City Commission tour, if so, when to hold the tour and specific places to tour
- G. 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 City Commission Work Session is scheduled for Tuesday, October 30, 2012 from 3:00 to 5:00 p.m.

- The next regular City Commission meeting is scheduled for Tuesday, November 13, 2012 at 7:00 p.m.
- Trick or Treat hours will be from 5:00 p.m. to 8:00 p.m. on Wednesday, October 31
- City Hall will be open on Saturday, November 3, 2012 from 9:00 am until 2:00 p.m. to issue and received absentee ballots
- The General Election will be on Tuesday, November 6, 2012 and polls will be open from 7:00 a.m. until 8:00 p.m.

12. ADJOURNMENT

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



*Scan QR code or go to
www.cityofboynecity.com
click on boards
commissions for complete
agenda packets & minutes
for each board*

**OCTOBER 9, 2012
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY OCTOBER 9, 2012 AT 7:00 P.M.

CALL TO ORDER

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

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

Staff: Andy Kovolski, Scott McPherson, Michael Cain, Hugh Conklin, Dennis Amesbury, Jeff Gaither, Michele Hewitt, John LaMont, Barb Brooks and Cindy Grice

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

**CONSENT AGENDA
MOTION**

2012-10-128

Moved by Neidhamer

Second by Towne

2012-10-128A

Approval of the September 11, 2012 regular City Commission meeting minutes as presented

2012-10-128B

Approval to appoint Jerry Schmidt to the Airport Advisory Board for a term expiring on August 24, 2015

2012-10-128C

Approval to appoint Oral Sutliff to the Airport Advisory Board for a term expiring on August 24, 2015

2012-10-128D

Approval to appoint Rod Cortright to the Airport Advisory Board for a term expiring on August 24, 2015

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

John McCahan stated he celebrated the 3 year anniversary of when the Boyne City noise ordinance was declared vague and overbroad. The City was to come up with a new noise ordinance. He added that he started gathering other cities noise ordinances hoping the research would lead to action. He then hired a consulting firm to do a noise study, gave the study to the City Manager in January. The sample ordinance has objective standards. It is now three years with nothing. Citizens should ask why the City doesn't want a noise ordinance. He will continue to count the days. Every other town has a noise ordinance.

Jim Baumann commented that a recent observation of the leadership program group is that the current Commission Chambers at City hall is not citizen friendly. We should just move over to the auditorium. Tim Petroskey of Consumers Energy commented on his perspective of Proposal 3 on the upcoming ballot stating that Consumers supports

renewable energy, but can't support this proposal. 3100 wind turbines would be needed to meet this requirement at a cost of 12 billion dollars. A wind park is hard to sell to communities. He urges everyone to vote against Proposal 3.

Mark Kowalske said a week ago he showed (in Realtor terms) a really nice condo off of Hawkridge. As they drove up gravel Court Street, the potential buyer asked how long Court Street would be gravel. He added that he would like to see that get on the list.

Ron Crozier commented on the issue of dogs in the Park. He asked why do they bring things to the City Commission if they don't want to make decisions.

Correspondence from Louhon Tucker of Colson Associates, Inc. was received and filed.

CORRESPONDENCE

City Manager Michael Cain reported:

CITY MANAGERS REPORT

- Good progress is being made on the Hannah and South Park Street projects. Paving should take place by the end of next week. Both projects are about 1 to 2 days behind schedule.
- The City has completed the first phase of EVIP. This guarantees acceptance of 1 of 3 requirements.
- Water levels are dropping quickly on Lake Charlevoix.
- The Marina closes this weekend for the season.
- 114 applications for the Police Officer position have been received.
- 23 applications for the Assistant Planner position have been received.

Commissioner Gaylord asked if the Assistant Planner position is an automatic renewal.

The August, 2012 Financial Statement; Draft Minutes of the September 6, 2012 Main Street Board Meeting; Draft Minutes of the September 10, 2012 Economic Development Corporation Meeting; Draft Minutes of the September 10, 2012 Local Development Finance Authority Meeting; Draft Minutes of the September 12, 2012 special Main Street Board Meeting; Draft Minutes of the September 17, 2012 Economic Development Corporation Meeting; Draft Minutes of the September 17, 2012 Planning Commission Meeting were received and filed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Leon Tupper of Kirtland Products provided an update. Still working with the Kodiak Group to optimize the airflow system within the facility which they believe will have an impact on noise. The last piece of equipment was installed, data has been collected and additional recommendations will be provided to optimize the changes they had proposed. In addition to that, they have considered recommendations from a number of noise expert firms within the area to do an additional evaluation of sound mitigation.

Kirtland Update

Mayor Pro-Tem Towne said he has heard that the noise is better. He would like to see Kirtland re-evaluated after Kodiak's recommendations are done. Commissioner Neidhamer inquired about

the stack test results and was informed by Mr. Tupper that the testing has been done but the company is unable to pay the \$30,000 it will take to release that report. They cannot gain access to that document at this time. As quickly as they are financially able to do so, they will. Commissioner Sansom asked if they are still planning to operate for 3 days and was informed yes, and the City Manager is notified of the intent at the beginning of each week.

Fireworks Discussion

Consideration and discussion of options regarding the recent Firework legislation changes.

Police Chief Jeff Gaither discussed the legislation from the State that provided an opportunity for certain fireworks in Michigan that had never been allowed before. This has brought about concerns of others that the use of fireworks creates a disturbance in the normal tranquility of their neighborhoods. The Police Department fielded more complaints about fireworks this year than in the past. The callers seemed to be more frustrated because we couldn't do anything to stop the fireworks. Most of the call reported what is now the legal use of fireworks. A few calls were received about the use of fireworks after midnight. Chief Gaither added from the Police Department perspective, it is not something terrible but he understands Citizens concerns. Options were provided to the Commissioners.

City Manager Michael Cain added there is a wide range of options communities are facing. Some are banning completely, others are not doing anything with it. We did look to see what type of feedback we got from Citizens and what if anything the state was going to do with this.

Staff Comments: None

Citizens Comments: Jim Baumann said he did a survey and would like to see usage days hit the middle point. He never called the Police Department because it was legal.

Board Deliberation: Commissioner Sansom had a number of incidents night after night of fireworks that she didn't call and report. It is very disturbing and would be in favor of the 10 holidays, day before and day after, designating a time frame and add something that fireworks should not be set off by a minor. They aren't allowed to purchase them in the first place. Also, during high fire season, we could request caution; other communities require a permit from the City for anything outside of holidays for people to use. Commissioner Gaylord asked Chief Gaither if he had the statistics for this year and the previous year and was provided with them. In 2011, there were 12 complaints, in 2012, there were 27 fireworks related complaints. Commissioner Gaylord added that a few other townships, referred to in an article from the Record Eagle provided by the City Manager, are doing an outright ban, the largest township in Grand Traverse County is leaving it like it is. Mayor Pro-Tem Towne agreed we should consider option two. Commissioner Neidhamer agrees with option two that was presented and it would be a good compromise and makes good sense. The fire ban is handled in other ways. Mayor Grunch said the legislators probably won't deal with this until next year. We should control our own turf and look at option two. Commissioner Gaylord said it is interesting, no complaints up until June, one in March, three in August, none in September or to date October. Fire's a personal

responsibility. If there is a burn ban and you cause a fire you are responsible for it. Regarding minors, parental responsibility is pretty simple. Permits and fees are exactly what we don't need in this economy right now. Commissioner Gaylord said he finds it interesting when finally some regulations are loosened, there are some folks who can't wait to put the strangle back on some citizens. It was a crime to light those kinds of fireworks off until this and every other state around us allowed this. If they are lighting them off after midnight, then you write them a ticket. History shows that the numbers will decrease over time, not discounting the folks that called in. Commissioner Gaylord added at this time he cannot support any restriction other than what the state allowed us. This further handcuffs law abiding citizens that wish to take advantage of an opportunity that is now legal in the State of Michigan. He has no problem with a time constraint, after midnight, the police can address it. Mayor Grunch said that if everyone called in, we might have different statistics. He agreed that history does show it will decrease.

MOTION

2012-10-129
Moved by Sansom
Second by Towne

To pass an ordinance similar to what several other communities have done prohibiting the use of fireworks at any time other than the State law mandated periods of the day before a holiday, the holiday and the day after a holiday.

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

Fire Siren Usage

Consideration to restore fire siren to its previous usage.

City Manager Cain discussed the six month fire siren testing that was tried. To simplify usage of the siren, it has only been used for the daily 10:30 p.m. curfew and for monthly severe weather tests held in conjunction with the Cities of East Jordan and Charlevoix. While there have been no accidents from not using the siren for fire calls, the Fire and Police Departments would prefer that it be returned to its previous use pattern.

Staff Comments: Fire Chief Dennis Amesbury added that the department feels strongly to reinstate the siren for safety issues. The siren is an asset that creates awareness. Police Chief Gaither agrees and is in full support to reinstate the siren. Firefighter Chuck Witte said the radios are not always functional, but you can hear the whistle.

Citizens Comments: John McCahan said the last six months showed no issues, but we don't need the noise to get people to the firehouse. The truck has it's own siren. It seems excessive. Chris Christensen agrees that it should be reinstated.

Board Deliberation: Mayor Pro-Tem Town said he supports the reinstatement. Commissioner Gaylord said he has heard from citizens that it is a tradition in Boyne City, people like it and had questions to Mr. Witte about the possible radio problems. It was clarified, that in some

buildings, the reception is not that great. Chief Amesbury added that someone near a firefighter could hear the siren and notify the firefighter. Commissioner Sansom said she is not in favor of unnecessarily creating noise, but in this case, she supports the reinstatement. Commissioner Neidhamer and Mayor Grunch are also in favor of reinstatement.

MOTION

2012-10-130
Moved by Towne
Second by Gaylord

That the previous usage of the Fire Siren be restored for Fire Department runs.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Audit Presentation

Presentation of FYE April 30, 2012 Financial Statement by Rebecca Remondini with Anderson, Tackman & Company, PLC. The audit was presented with a brief overview of the highlights. An explanation of how the audit was conducted was provided. Graphs were provided with the audit highlighting such items as assets, liabilities, cash and debt, and capital assets such as road, water, land and land improvements. Discussion of fiscal year end fund balances took place. Mayor Grunch discussed how we are insured based on the assets value and also assets vs liabilities being summarized. Discussion of simplifying the presentation of the audit for those without an accounting background to show that we are in good shape and fairly stated, to simplify in laymen's terms. Fund balances were also discussed and how we much we should have to be fiscally conservative and responsible. While the Other Post Employment Liabilities were not shown separately in the fund balance, they are shown in the footnotes of the audit. There was discussion of those liabilities and suggestions of how the funds that the City has already set aside for future costs be shown. There was also discussion regarding insured cash and FDIC rules. No difficulties were found in performing the audit. The City is doing very well.

Liquor License Transfer

Consideration to approve the transfer of ownership of Class C Resort, SDM liquor license issued under MCL 436-1531(3) located at 5 W. Main Street, Unit 1, Boyne City, Michigan, Charlevoix County, from Y & T Properties LLC to DML Property Management LLC as requested, and subject to background checks.

Main Street Program Manager Hugh Conklin discussed the liquor license transfer application. This transfer is related to action taken by the City Commission at its June 12, 2012 meeting. At that time, the Commission approved a resolution supporting the transfer of the liquor license at 5 W Main St. to Y & T Properties, owner of the building. As was originally outlined, there is now a request to transfer the license to the new restaurant owner from the building owner.

Citizens Comments: Jim Baumann said he is support of this. This will give us another good restaurant. All other issues will be ironed out.

Commissioner Neidhamer said he is in support. Let's help a business get going. Mayor Pro-Tem Towne said he is in support. Commissioner Gaylord said the prior transfer already included outdoor and entertainment. He has heard no objections. Do we have other Sunday sale permits and the City Manager said yes. Commissioner Gaylord also asked how many venues have dance permits. It is important to know that and we may have some citizens who could raise issues on potential noise. City Manager Cain said he doesn't think allowing the dance permit is breaking new ground. Commissioner Gaylord added he is all for helping businesses thrive. Commissioner Sansom said she hopes this will work. She is glad the license will stay with the property.

2012-10-131

Moved by Neidhamer

Second by Gaylord

MOTION

To approve the transfer of ownership of Class C Resort, SDM liquor license issued under MCL 436-1531(3) located at 5 W. Main Street, Unit 1, Boyne City, Michigan, Charlevoix County, from Y & T Properties LLC to DML Property Management LLC as requested, and subject to background checks

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to continue retaining the services of attorney Todd Millar, now associated with Swogger & Bruce, P.C. , for the matters he has been representing the City on, and authorize the City Manager and /or City Clerk / Treasurer to submit the necessary documents in order to do so.

**Insurance Attorney
Services**

City Manager Cain discussed that Todd Millar, the attorney the City has used through several instances thru our insurance carrier is moving his practice to a different firm. Attorney Millar has indicated that he would be pleased to continue to represent us if we chose. Our insurance claims department has decided to continue to use Todd Millar's services with his new firm. Our experience with Mr. Millar has been that he is efficient, knowledgeable, prompt, effective, reasonable and easy to communicate with.

Staff Comments: Scott McPherson said he agrees with the recommendation.

Board Deliberation: Commissioner Neidhamer agrees. Mayor Pro-tem Towne stated if the city's happy, he supports it. Commissioner Gaylord said if he is leaving firms, this is an opportunity to discuss remuneration. It is time to negotiate the rate. City Manager Cain said yes, we have that ability. Commissioner Gaylord also asked if Mr. Millar referenced any additional resources he would be bringing and was informed, he did not. Commissioner Sansom said she is in support of regaining Todd Millar. Mayor Grunch said he is in support.

2012-10-132

Moved by Towne

Second by Sansom

MOTION

To continue retaining the services of attorney Todd Millar, now associated with Swogger & Bruce, P.C. , for the matters he has been representing the City on, and authorize the City Manager and /or City Clerk / Treasurer to submit the necessary documents in order to do so.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to establish a courtesy car program for short term airport visitors

Courtesy Car

City Manager Cain discussed the possibility of providing a courtesy car to visitors at the airport when they fly in short term. This is a service that is available at most local airports and is very popular. It encourages people to visit and is pretty much trouble free. Our current insurance agent said this would be covered at no additional cost if we use an existing vehicle. The Airport advisory board discussed and unanimously approved the recommendation for the City Commission's approval. If approved, we would start out using an existing City vehicle, probably the marina pickup that we acquired a few years ago for about \$1,200. If an acceptable vehicle is proposed to be donated to the City, that would be brought before the City Commission for consideration.

This is another way to encourage people to visit Boyne City and possible turn a stop to get fuel into a visit and possible sale at some of our local merchants. Currently people flying in have the options to leave a car there, rent a car, use the area transit or cab service when available, walk or have family and friends pick them up.

Citizens Comments: Michele Cortright said everywhere they fly, they borrow the courtesy car. They are typically junkers. It is great for business development and would be a nice enhancement. Rod Cortright added that a survey could be taken to quantify the use.

Staff Comments: Barb Brooks said when she worked at the Chamber, they would get calls. She occasionally loans out the vehicle at the marina.

Board Deliberation: Commissioner Neidhamer and Mayor Pro-Tem Towne are in support. Commissioner Gaylord said at first glance it seems like a simple request, the first one gets the car? Rod Cortright said it is usually first come first serve although some airports take reservations.

Commissioner Gaylord asked if any chamber members looked at advertising shuttles to their places of business. Jim Baumann said he has not heard of any. Rod Cortright said his usual experience with that is with lodging.

Commissioner Gaylord said this would be a perfect example of use of funds raised during the drag races without additional general fund money. City Manager Cain said the airport has not needed General Fund transfers in several years. Commissioner Gaylord added that it would be appropriate that the airport would bear costs. Commissioner Sansom asked what the anticipated usage rate is. Rod Cortright said a courtesy car at an airport is a huge draw and may times people donate funds. City Manager Cain said accidents would be under the city's insurance. Commissioner Sansom also likes the idea of adding bicycles. Mayor Grunch said in summer, we'll need

a second vehicle and he is in full support. Commissioner Gaylord said maybe having this service could be brought up at the next business after hours.

2012-10-133

Moved by Towne
Second by Sansom

MOTION

To establish a courtesy car program for short term airport visitors

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to purchase a refurbished Auto Pulse unit to perform cardiac compressions in the amount of \$1,900 from the Charlevoix Fire Department and authorize the City Manager to execute the documents.

**Purchase of refurbished
Auto Pulse Cardiac
Compression Unit**

EMS Director John LaMont discussed the donation the EMS department received from a family who suffered a tragic accident in our community. The family wished to donate a piece of equipment to the ambulance service. Our staff has also been providing CPR/AED training as a fund raiser towards equipment purchases. Our staff is interested in an Auto Pulse for use with a cardiac arrest patient. This would free the medic to provide immediate interventions while the Auto Pulse would provide continuous quality compressions for the cardiac arrest patient. Bob Roloff of the Charlevoix Fire Department recently acquired multiple Auto Pulse Units and has offered the purchase of one of these units to Boyne City EMS. These units provide quality compressions allowing the rescuers to perform the necessary medical interventions for a positive outcome for the patient. The units normally cost greater than \$10,000 but a refurbished unit is available to us at a cost of \$1,900.00.

Citizens Comments: None

Staff Comments: Fire Chief Amesbury and Harbormaster Brooks agree.

Board Deliberation: Mayor Pro-Tem Towne is in support. Commissioner Gaylord inquired of the warranty and was informed, 90 days. Commissioner Gaylord inquired how often the unit is certified and the answer is unknown. John added that replacement compression apparatus needs to be replaced after each use. Commissioner Gaylord also thanked Bob Roll of Charlevoix for his generous offer. Commissioner Sansom said she is in support of anything to help save lives. All Commissioners are in support of this request.

2012-10-134

Moved by Gaylord
Second by Towne

MOTION

To purchase a refurbished Auto Pulse unit to perform cardiac compressions in the amount of \$1,900 from the Charlevoix Fire Department and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Review and further discussion of topics and items learned at the MML Conference.

MML Convention Follow-up

Mayor Grunch said he would like to schedule a work session and compare notes from the recent MML conference that the Commissioners attended. Mayor Pro-Tem Towne said City Manager Cain did a great job promoting Boyne City at his session. Commissioner Neidhamer said he is in favor of a work session. If we take our goals and department heads and have work sessions, those are good concepts we can pursue. There is creativity potential.

2012-10-135
Moved by Grunch
Second by Towne

MOTION

To schedule a work session for follow up of the MML Convention to be held on Tuesday, October 30, 2012 from 3:00 p.m. to 5:00 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Commissioner Gaylord followed up on the dogs in Veterans Park comment. Mr. Crozier is very upset about this. If we find people violate the ordinance we should ticket them. Police Chief Gaither said he and Andy Kovolski have been there many times and he has not seen any evidence at all. Commissioner Sansom asked if we have a dog waste dispenser there and was informed that there are dispensers in Veteran's park.

Good of the Order

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of October 9, 2012 at 10:02 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

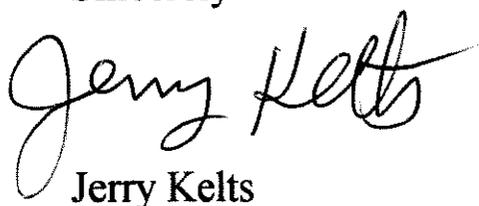
October 8,2012

To Michael Cain , City Manager
BCHS Members

I am regretfully submitting my resignation from the Housing
Commission effective immediately (29-8-12) for personal reasons.

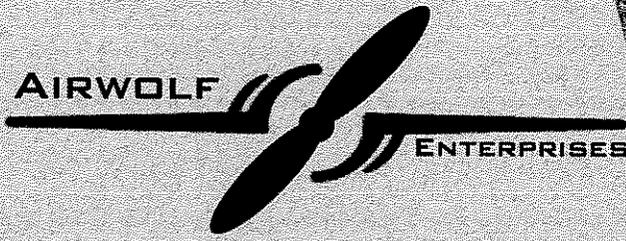
It has been my pleasure working with the Commission and
Wish the best for the Commission in the future .

Sincerely

A handwritten signature in cursive script that reads "Jerry Kelts". The signature is written in black ink and is positioned above the printed name.

Jerry Kelts

AIRWOLF



ENTERPRISES

RECEIVED
OCT 17 2012
BY: _____

LOWELL TAYLOR

AIRWOLFENTERPRISESLLC@GMAIL.COM

Bozome City -

October 15, 2012

Thank you for the great airport and services
of the City. Very nice to have met the City Office
and look forward to further conversations.

Kind regards -
Lowell

**State of Michigan
Department of Environmental Quality**

Water Resources Division
Gaylord Field Office
2100 West M-32
Gaylord, MI 49735-9282
989-731-4920



File Number 12-15-0045-P

Date: October 15, 2012

PUBLIC NOTICE

City of Boyne City, 319 North Lake Street, Boyne City, MI 49712, has applied to this office for a permit under authority of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The applicant proposes to construct three 4-foot wide elevated boardwalks totaling 480 linear feet, and associated platforms within wetland contiguous to the Boyne River, for the purpose of facilitating a public pathway. The project is located in T32N, R5W, Section 6, City of Boyne City, Charlevoix County, Michigan, in accordance with plans attached to this notice.

THIS NOTICE IS NOT A PERMIT

The proposed project may also be regulated by one or more additional parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) that are administered by the Water Resources Division (WRD). The requirements of all applicable parts are considered in determining if it is in the public interest to issue a permit.

When a permit application is received requesting authorization to work in wetlands of the State of Michigan, pursuant to Part 303, Wetlands Protection, of the NREPA, the NREPA provides that the department submit copies for review to the department of public health, the city, village or township, and the county where the project is to be located, the local soil conservation district, any local watershed council organized under Part 311, Local River Management, and the local port commission. Additional notification is provided to certain persons as required by statute or determined by the department.

A city, village, township, or county wanting to make comments on the proposed project shall furnish this office with its written comments no later than 45 days from the date of this notice. All other persons wishing to make comments shall furnish their written comments to this office within 20 days after the date of this notice. Written comments will be made part of the record and should reference the above file number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Unless a written request for a public hearing on this project is filed with the department within the 20-day public comment period, the department may make a decision on the permit application without a public hearing. The determination as to whether a permit will be issued or a public hearing held will be based on evaluation of all relevant factors defined in Sections 30106 and 30311, or permit criteria defined by other appropriate parts of the NREPA. These Sections address the effect of the proposed work on the public trust or interest including navigation, fish, wildlife, and water quality among other criteria. Public comments received will also be considered.

The entire copy of the public notice package may be viewed at the local district office (address listed on the top of this public notice), or the WRD Central Office in Lansing, or online at <http://www.deq.state.mi.us/lwmpnh/>. To access the public notice package online, enter the file number on the left panel and view by clicking on the icon next to the public notice date. Comments may be sent electronically by clicking on the icon next to the comment period date. A hard copy of the public notice may be requested by calling the above number or by e-mailing deq-wrd-jointpermit@michigan.gov.

cc: City of Boyne City, applicant
DNR, Wildlife, Bay City
Charlevoix County Clerk
Charlevoix County Drain Commissioner
Local Postmaster
Michael & Mary Long
Charlevoix County Planning Commission
Tip of the Mitt Watershed Council

DNR, Fisheries, Cadillac
Charlevoix County Health Department
City of Boyne City Clerk
Charlevoix Conservation District
Nancy Cunningham
Charlevoix Co. Soil Erosion Control – CEA
Lake Charlevoix Association

CASH SUMMARY BY FUND FOR BOYNE CITY

FROM 09/01/2012 TO 09/30/2012

FUND: 101 202 203 206 209 210 211 226 244 248 251 285 295 401 410 590 592 661

CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 09/01/2012	Total Debits	Total Credits	Ending Balance 09/30/2012
101	GENERAL FUND	2,023,869.68	1,838,449.46	229,538.09	3,632,781.05
202	MAJOR STREET FUND	21,065.62	52,478.79	73,544.41	0.00
203	LOCAL STREET FUND	(2,902.47)	20,121.58	17,219.11	0.00
206	FIRE FUND	336,368.54	0.00	17,898.73	318,469.81
209	CEMETERY FUND	584.01	1,835.59	2,419.60	0.00
210	AMBULANCE FUND	0.00	24,939.20	24,939.20	0.00
211	SPECIAL PROJECTS FUND	690.45	0.00	0.00	690.45
226	RUBBISH COLLECTION FUND	0.00	3,200.26	3,200.26	0.00
244	FIRE DEPARTMENT FUND	0.00	0.00	0.00	0.00
248	DOWNTOWN DEVELOPMENT AUTHORITY	187,381.97	308,197.13	102,141.90	393,437.20
251	LDFA FUND	893,850.75	179,904.36	70.00	1,073,685.11
285	MARINA FUND	214,712.95	3,668.67	11,526.93	206,854.69
295	AIRPORT FUND	18,652.66	23,170.60	19,569.46	22,253.80
401	VIBRANT SMALL CITIES INITIATIVE FUND	0.00	0.00	0.00	0.00
410	BOYNE SENIORS CENTER FUND	529.92	0.00	169.97	359.95
590	WASTEWATER FUND	1,528,687.85	115,750.05	39,699.36	1,604,738.54
592	WATER FUND	143,463.24	70,581.68	29,005.66	185,039.26
661	MOTOR POOL FUND	811,936.80	9,998.64	114,596.29	707,339.15
	TOTAL - ALL FUNDS	6,178,891.97	2,652,296.01	685,538.97	8,145,649.01

User: Cindy
DB: Boyne City

PERIOD ENDING 09/30/2012

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 09/30/2012 (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 101 - GENERAL FUND					
Revenues					
031-REVENUES	3,984,662.00	2,231,072.12	1,751,084.76	1,753,589.88	55.99
032-REVENUES	244,068.00	110,838.75	58,573.85	133,229.25	45.41
033-REVENUES	142,000.00	47,333.32	0.00	94,666.68	33.33
034-REVENUES	142,000.00	31,742.31	432.50	110,257.69	22.35
035-REVENUES	13,900.00	3,360.50	0.00	10,539.50	24.18
036-REVENUES	362,633.00	124,632.48	24,366.55	238,000.52	34.37
TOTAL Revenues	4,889,263.00	2,548,979.48	1,834,457.66	2,340,283.52	52.13
Expenditures					
101-LEGISLATIVE	19,518.00	10,620.02	1,920.00	8,897.98	54.41
151-PLANNING	150,390.00	55,867.01	9,677.31	94,522.99	37.15
173-GENERAL SERVICES	559,353.00	212,734.21	55,066.24	346,618.79	38.03
191-ELECTIONS	2,900.00	1,158.88	0.00	1,741.12	39.96
208-ACCOUNTING/AUDIT	13,000.00	12,437.23	0.00	562.77	95.67
209-ASSESSMENT/TAXES	100,723.00	7,770.75	4,605.33	92,952.25	7.71
210-LEGAL	60,000.00	3,182.28	555.00	56,817.72	5.30
248-GENERAL/OTHER SERVICES	134,520.00	56,770.40	11,897.20	77,749.60	42.20
250-HOUSING	255,000.00	67,612.78	12,633.12	187,387.22	26.51
265-PUBLIC BUILDINGS	1,176,646.00	52,978.84	9,063.46	1,123,667.16	4.50
301-POLICE DEPARTMENT	639,004.00	220,237.74	50,998.52	418,766.26	34.47
706-ENVIRONMENTAL	1,000.00	0.00	0.00	1,000.00	0.00
751-PARKS & RECREATION	286,521.00	130,839.45	23,329.71	155,681.55	45.66
804-MUSEUM	2,492.00	682.67	176.43	1,809.33	27.39
809-SIDEWALKS	108,000.00	1,049.35	843.75	106,950.65	0.97
899-CONTINGENCY	64,223.00	2,578.92	264.54	61,644.08	4.02
965-TRANSFERS OUT	1,315,973.00	221,631.00	48,956.32	1,094,342.00	16.84
TOTAL Expenditures	4,889,263.00	1,058,151.53	229,986.93	3,831,111.47	21.64
Fund 101:					
TOTAL REVENUES	4,889,263.00	2,548,979.48	1,834,457.66	2,340,283.52	52.13
TOTAL EXPENDITURES	4,889,263.00	1,058,151.53	229,986.93	3,831,111.47	21.64
NET OF REVENUES & EXPENDITURES	0.00	1,490,827.95	1,604,470.73	(1,490,827.95)	100.00
Fund 202 - MAJOR STREET FUND					
Revenues					
030-REVENUES	1,499,208.00	106,517.30	52,478.79	1,392,690.70	7.10
TOTAL Revenues	1,499,208.00	106,517.30	52,478.79	1,392,690.70	7.10
Expenditures					
451-CONSTRUCTION	960,800.00	152,906.28	59,221.54	807,893.72	15.91
463-ROUTINE MAINTANCE	332,100.00	85,829.19	9,652.76	246,270.81	25.84
474-TRAFFIC SERVICE	31,500.00	2,557.87	223.15	28,942.13	8.12
478-WINTER MAINTENANCE	97,300.00	8,031.47	863.37	89,268.53	8.25
482-ADMINISTRATION	77,508.00	26,755.48	3,583.59	50,752.52	34.52
TOTAL Expenditures	1,499,208.00	276,080.29	73,544.41	1,223,127.71	18.42
Fund 202:					
TOTAL REVENUES	1,499,208.00	106,517.30	52,478.79	1,392,690.70	7.10
TOTAL EXPENDITURES	1,499,208.00	276,080.29	73,544.41	1,223,127.71	18.42
NET OF REVENUES & EXPENDITURES	0.00	(169,562.99)	(21,065.62)	169,562.99	100.00
Fund 203 - LOCAL STREET FUND					
Revenues					
030-REVENUES	943,460.00	155,203.09	20,121.58	788,256.91	16.45
TOTAL Revenues	943,460.00	155,203.09	20,121.58	788,256.91	16.45
Expenditures					
451-CONSTRUCTION	431,970.00	26,142.33	4,319.99	405,827.67	6.05
463-ROUTINE MAINTANCE	339,800.00	100,327.21	8,173.68	239,472.79	29.53
474-TRAFFIC SERVICE	18,500.00	1,037.24	278.90	17,462.76	5.61
478-WINTER MAINTENANCE	97,110.00	7,624.28	863.07	89,485.72	7.85
482-ADMINISTRATION	56,080.00	25,921.44	3,583.47	30,158.56	46.22

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 09/30/2012 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 203 - LOCAL STREET FUND					
Expenditures					
TOTAL Expenditures	943,460.00	161,052.50	17,219.11	782,407.50	17.07
Fund 203:					
TOTAL REVENUES	943,460.00	155,203.09	20,121.58	788,256.91	16.45
TOTAL EXPENDITURES	943,460.00	161,052.50	17,219.11	782,407.50	17.07
NET OF REVENUES & EXPENDITURES	0.00	(5,849.41)	2,902.47	5,849.41	100.00
Fund 206 - FIRE FUND					
Revenues					
030-REVENUES	295,500.00	(37,216.41)	0.00	332,716.41	(12.59)
TOTAL Revenues	295,500.00	(37,216.41)	0.00	332,716.41	(12.59)
Expenditures					
040-EXPENDITURES	246,485.00	68,455.44	17,898.73	178,029.56	27.77
TOTAL Expenditures	246,485.00	68,455.44	17,898.73	178,029.56	27.77
Fund 206:					
TOTAL REVENUES	295,500.00	(37,216.41)	0.00	332,716.41	12.59
TOTAL EXPENDITURES	246,485.00	68,455.44	17,898.73	178,029.56	27.77
NET OF REVENUES & EXPENDITURES	49,015.00	(105,671.85)	(17,898.73)	154,686.85	(215.59)
Fund 209 - CEMETERY FUND					
Revenues					
030-REVENUES	51,017.00	21,076.25	1,835.59	29,940.75	41.31
TOTAL Revenues	51,017.00	21,076.25	1,835.59	29,940.75	41.31
Expenditures					
040-EXPENDITURES	51,017.00	21,016.16	2,419.60	30,000.84	41.19
TOTAL Expenditures	51,017.00	21,016.16	2,419.60	30,000.84	41.19
Fund 209:					
TOTAL REVENUES	51,017.00	21,076.25	1,835.59	29,940.75	41.31
TOTAL EXPENDITURES	51,017.00	21,016.16	2,419.60	30,000.84	41.19
NET OF REVENUES & EXPENDITURES	0.00	60.09	(584.01)	(60.09)	100.00
Fund 210 - AMBULANCE FUND					
Revenues					
030-REVENUES	644,227.00	273,198.19	34,284.40	371,028.81	42.41
040-EXPENDITURES	0.00	3,135.00	3,135.00	(3,135.00)	100.00
TOTAL Revenues	644,227.00	276,333.19	37,419.40	367,893.81	42.89
Expenditures					
040-EXPENDITURES	629,425.00	236,341.80	48,405.55	393,083.20	37.55
TOTAL Expenditures	629,425.00	236,341.80	48,405.55	393,083.20	37.55
Fund 210:					
TOTAL REVENUES	644,227.00	276,333.19	37,419.40	367,893.81	42.89
TOTAL EXPENDITURES	629,425.00	236,341.80	48,405.55	393,083.20	37.55
NET OF REVENUES & EXPENDITURES	14,802.00	39,991.39	(10,986.15)	(25,189.39)	270.18
Fund 211 - SPECIAL PROJECTS FUND					
Revenues					
030-REVENUES	0.00	60.00	0.00	(60.00)	100.00

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 09/30/2012 (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 211 - SPECIAL PROJECTS FUND					
Revenues					
TOTAL Revenues	0.00	60.00	0.00	(60.00)	100.00
Fund 211:					
TOTAL REVENUES	0.00	60.00	0.00	(60.00)	100.00
TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES	0.00	60.00	0.00	(60.00)	100.00
Fund 226 - RUBBISH COLLECTION FUND					
Revenues					
030-REVENUES	28,000.00	19,038.98	3,200.26	8,961.02	68.00
TOTAL Revenues	28,000.00	19,038.98	3,200.26	8,961.02	68.00
Expenditures					
040-EXPENDITURES	28,000.00	19,038.98	3,200.26	8,961.02	68.00
TOTAL Expenditures	28,000.00	19,038.98	3,200.26	8,961.02	68.00
Fund 226:					
TOTAL REVENUES	28,000.00	19,038.98	3,200.26	8,961.02	68.00
TOTAL EXPENDITURES	28,000.00	19,038.98	3,200.26	8,961.02	68.00
NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	100.00
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY					
Revenues					
030-REVENUES	665,941.00	404,731.00	240,062.57	261,210.00	60.78
TOTAL Revenues	665,941.00	404,731.00	240,062.57	261,210.00	60.78
Expenditures					
031-EXPENDITURES	749,014.00	198,755.98	34,007.34	550,258.02	26.54
TOTAL Expenditures	749,014.00	198,755.98	34,007.34	550,258.02	26.54
Fund 248:					
TOTAL REVENUES	665,941.00	404,731.00	240,062.57	261,210.00	60.78
TOTAL EXPENDITURES	749,014.00	198,755.98	34,007.34	550,258.02	26.54
NET OF REVENUES & EXPENDITURES	(83,073.00)	205,975.02	206,055.23	(289,048.02)	(247.94)
Fund 251 - LDFA FUND					
Revenues					
030-REVENUES	192,195.00	179,904.36	179,904.36	12,290.64	93.61
TOTAL Revenues	192,195.00	179,904.36	179,904.36	12,290.64	93.61
Expenditures					
040-EXPENDITURES	501,989.00	72,679.65	70.00	429,309.35	14.48
TOTAL Expenditures	501,989.00	72,679.65	70.00	429,309.35	14.48
Fund 251:					
TOTAL REVENUES	192,195.00	179,904.36	179,904.36	12,290.64	93.61
TOTAL EXPENDITURES	501,989.00	72,679.65	70.00	429,309.35	14.48
NET OF REVENUES & EXPENDITURES	(309,794.00)	107,224.71	179,834.36	(417,018.71)	(34.61)
Fund 285 - MARINA FUND					
Revenues					
030-REVENUES	213,092.00	65,380.50	3,591.67	147,711.50	30.68
TOTAL Revenues	213,092.00	65,380.50	3,591.67	147,711.50	30.68

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 09/30/2012 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 285 - MARINA FUND					
Expenditures					
040-EXPENDITURES	315,400.00	59,263.61	11,335.93	256,136.39	18.79
TOTAL Expenditures	315,400.00	59,263.61	11,335.93	256,136.39	18.79
Fund 285:					
TOTAL REVENUES	213,092.00	65,380.50	3,591.67	147,711.50	30.68
TOTAL EXPENDITURES	315,400.00	59,263.61	11,335.93	256,136.39	18.79
NET OF REVENUES & EXPENDITURES	(102,308.00)	6,116.89	(7,744.26)	(108,424.89)	(5.98)
Fund 295 - AIRPORT FUND					
Revenues					
030-REVENUES	99,126.00	80,096.50	19,206.50	19,029.50	80.80
TOTAL Revenues	99,126.00	80,096.50	19,206.50	19,029.50	80.80
Expenditures					
040-EXPENDITURES	118,650.00	11,632.93	3,607.93	107,017.07	9.80
TOTAL Expenditures	118,650.00	11,632.93	3,607.93	107,017.07	9.80
Fund 295:					
TOTAL REVENUES	99,126.00	80,096.50	19,206.50	19,029.50	80.80
TOTAL EXPENDITURES	118,650.00	11,632.93	3,607.93	107,017.07	9.80
NET OF REVENUES & EXPENDITURES	(19,524.00)	68,463.57	15,598.57	(87,987.57)	(350.66)
Fund 590 - WASTEWATER FUND					
Revenues					
030-REVENUES	1,106,281.00	144,445.28	14,688.11	961,835.72	13.06
TOTAL Revenues	1,106,281.00	144,445.28	14,688.11	961,835.72	13.06
Expenditures					
590-EXPENDITURES	1,102,086.00	229,295.51	39,472.30	872,790.49	20.81
TOTAL Expenditures	1,102,086.00	229,295.51	39,472.30	872,790.49	20.81
Fund 590:					
TOTAL REVENUES	1,106,281.00	144,445.28	14,688.11	961,835.72	13.06
TOTAL EXPENDITURES	1,102,086.00	229,295.51	39,472.30	872,790.49	20.81
NET OF REVENUES & EXPENDITURES	4,195.00	(84,850.23)	(24,784.19)	89,045.23	(2,022.6)
Fund 592 - WATER FUND					
Revenues					
032-REVENUES	580,800.00	123,606.83	3,328.39	457,193.17	21.28
TOTAL Revenues	580,800.00	123,606.83	3,328.39	457,193.17	21.28
Expenditures					
592-EXPENDITURES	586,914.00	159,565.14	28,796.88	427,348.86	27.19
TOTAL Expenditures	586,914.00	159,565.14	28,796.88	427,348.86	27.19
Fund 592:					
TOTAL REVENUES	580,800.00	123,606.83	3,328.39	457,193.17	21.28
TOTAL EXPENDITURES	586,914.00	159,565.14	28,796.88	427,348.86	27.19
NET OF REVENUES & EXPENDITURES	(6,114.00)	(35,958.31)	(25,468.49)	29,844.31	588.13
Fund 661 - MOTOR POOL FUND					
Revenues					
J30-REVENUES	301,800.00	121,737.09	9,998.64	180,062.91	40.34

User: Cindy
DB: Boyne City

PERIOD ENDING 09/30/2012

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 09/30/2012 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 661 - MOTOR POOL FUND					
Revenues					
TOTAL Revenues	301,800.00	121,737.09	9,998.64	180,062.91	40.34
Expenditures					
040-EXPENDITURES	345,500.00	150,741.97	114,596.29	194,758.03	43.63
TOTAL Expenditures	345,500.00	150,741.97	114,596.29	194,758.03	43.63
Fund 661:					
TOTAL REVENUES	301,800.00	121,737.09	9,998.64	180,062.91	40.34
TOTAL EXPENDITURES	345,500.00	150,741.97	114,596.29	194,758.03	43.63
NET OF REVENUES & EXPENDITURES	(43,700.00)	(29,004.88)	(104,597.65)	(14,695.12)	66.37
TOTAL REVENUES - ALL FUNDS					
TOTAL REVENUES - ALL FUNDS	11,509,910.00	4,209,893.44	2,420,293.52	7,300,016.56	36.58
TOTAL EXPENDITURES - ALL FUNDS					
TOTAL EXPENDITURES - ALL FUNDS	12,006,411.00	2,722,071.49	624,561.26	9,284,339.51	22.67
NET OF REVENUES & EXPENDITURES	(496,501.00)	1,487,821.95	1,795,732.26	(1,984,322.95)	299.66



Date: October 19, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager 
Subject: Kirtland Update

Since our last meeting:

-The Planning Commission discussed this matter at its regular October meeting and approved their minutes in such a way as not to force Kirtland to take legal action to protect their rights, while still working to address outstanding concerns. At this time Kirtland plans on continuing to operate on a 3 day a week, 24 hours a day maximum schedule. A fuller account of this matter before the Planning Commission is available in their draft minutes on the City's website.

-Kirtland Products has informed us that they are not currently planning to operate next week, but if their plans change they will inform us.

-Arrangements have been made to have Traverse City's noise officer to come up and visit Boyne City while the plant is operating and share his impressions and suggestions with us. We are currently looking to have him in town sometime during the week of October 29th.

-On Thursday, October 18th six additional pages of petitions containing sixty signatures supporting Kirtland were submitted. These petitions, along with all the others we have previously received, pro or con, are available for review in the City Clerk/Treasurer's office. Copies can also be provided to the City Commission either on paper or electronically, if so desired.

RECOMMENDATION: This is provided for your information and no action is required.

CITY OF BOYNE CITY

To: Michael Cain, City Manager

From: Scott McPherson, Planning Director *SM*

Date: October 9, 2012

Subject: Lot Reconfiguration Ordinance Second Reading

**Background**

In 1998 the State of Michigan passed the Land Division Act which established the requirement of municipal review and approval prior to the division of any lands in the State. The act does not stipulate the method of review or who the approving authority needs to be, only that the approval must be completed in 45 days. To establish a procedure for reviewing lot divisions and reconfigurations in accordance with the Land Division Act the City adopted the Lot Configuration and Adjustment ordinance in 2001. The Ordinance put in place a review and approval procedure that requires a review of proposed lot splits or reconfigurations by the zoning administrator and the Planning Commission prior to the final approval by the City Commission.

Discussion

The number, size and area of parcels are specifically regulated by the state statute and zoning ordinance requirements. Proposed divisions that meet all the requirements must be approved and proposed division that do not must be denied. The municipality has no discretion in the review. The current process in the City for lot divisions and reconfigurations is to have staff complete a review of the proposed division to make sure it is in compliance with the statute and ordinance requirements and then submit it to the Planning Commission and City Commission for review and approval. Typically applications are approved as part of the consent agendas. Given that there is no discretion in the decision, it is the opinion of staff that the current approval procedure for lot reconfigurations is too complicated and time consuming and is not warranted. It is staffs opinion that lot reconfiguration applications could be handled more efficiently if the review and approval process are completed administratively by City staff. After reviewing with the Planning Commission the issues staff had with the existing lot configuration ordinance the Planning Commission concurred with the staff recommendation that the existing ordinance should be changed. In June the issue was reviewed by City Commission and it was determined that the Lot Configuration or adjustments process portion of the ordinance be changed and directed staff to come back with a draft ordinance to do so. The proposed ordinance amendment would repeal Article II Lot Reconfigurations or Adjustments of Chapter 58, and amend Article IV Lot Reconfigurations and Adjustments of Chapter 58 to change the approval process for lot divisions and reconfigurations. The proposed amendments are in Section 58-123(3) and (4) and Section 58-126.

Process

The proposed ordinance was developed with guidance from the City legal council and the Planning Commission. The proposed ordinance was submitted to the City Commission for a First Reading on August 28th, 2012 and scheduled for a second reading. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is

introduced and was scheduled for a second reading on October 9, 2012. If adopted by the Commission the ordinance must be published at least one week prior before its final passage.

Options

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

Recommendation

The proposed ordinance is recommended for adoption as presented.

**CITY OF BOYNE CITY
COUNTY OF CHARLEVOIX**

AN AMENDMENT TO THE BOYNE CITY CODE OF ORDINANCES TO REGULATE THE DIVISION OF EXISTING PARCELS OF LAND PURSUANT TO ACT 288 OF THE PUBLIC ACTS OF 1967, AS AMENDED, AND ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PRESCRIBE PROCEDURES THEREFOR, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

NOW THEREFORE, THE CITY OF BOYNE CITY ORDAINS:

Section 1. Article II Lot Reconfigurations or Adjustments of Chapter 58 Subdivision and other Divisions of Land of City of Boyne City Code of Ordinances shall be repealed in its entirety.

Section 2. Article IV Lot Reconfigurations or Adjustments of Chapter 58 Subdivision and other Divisions of Land of City of Boyne City Code of Ordinances shall be amended to read as follows

Article IV-Lot Configurations or Adjustments

Sec 58-120 - Purpose.

The purpose of this article is to carry out the provisions of the Land Division Act (MCL 560.101 et seq.), to prevent the creation of lots and parcels that do not comply with applicable city ordinances, to minimize potential boundary disputes, to maintain the orderly development of the city, and to otherwise protect the public health, safety and general welfare of the residents and the present and future property owners of the city. This shall be accomplished by regulating the division of existing lots and parcels and the property transfer between two or more adjacent lots or parcels. It is further the purpose of this article to prescribe the procedures for the submission and review of proposed lot and parcel divisions and property transfers, to authorize fees for review of applications submitted under this article, and to provide penalties for violations of this article.

Sec. 58-121. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessible means, in reference to a lot or parcel, that the lot or parcel meets one or both of the following requirements:

(1)

The lot or parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the department of public works and the city police department, the state department of transportation or the county road commission under Act 200 of the Public Acts of 1969, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and can meet all such applicable local standards; and

(2)

The lot or parcel is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the department of public works and city police department, the state department of transportation or the county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.), or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable local standards.

Applicant means an owner of a lot or parcel of land, or his designee.

Convey or *conveyance* means a transfer of an ownership interest in real property.

Development site means any lot, parcel, or tract of land on which exists or which is intended for building development other than the following:

(1)

Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities; or

(2)

Forestry use involving the planting, management, or harvesting of timber.

Divide or *division* means the partitioning or dividing of a lot, parcel or tract of land by the owner for the purpose of sale or conveyance. Lease for more than one year, the creation of a development site, or the creation of separate lots, parcels or tracts of land on the tax roll that results in one or more lots or parcels of less than 40 acres or the equivalent.

Exempt split means the partitioning or dividing of a lot, parcel or tract of land by the owner for the purpose of sale or conveyance, lease for more than one year, the creation of a development site, or the creation of separate lots, parcels or tracts of land on the tax roll that does not result in one or more lots or parcels of less than 40 acres or the equivalent.

40 acres or the equivalent means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Land means all land areas occupied by real property, except the submerged bottomlands of inland lakes, rivers, and streams.

Lot means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat. A lot's legal description is referred to as Lot (A) of the Plat of (Name of Plat).

Metes and bounds means a description of land by boundary lines with their terminal points and angles.

Owner means a person holding any legal, equitable, option or contract interest in a lot or parcel of land.

Parcel means a continuous area or acreage of land of any size, shape or nature, which is described by metes and bounds.

Parent parcel means first a tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, or, if one does not exist, a parcel lawfully in existence on March 31, 1997.

Person means an individual, firm, corporation, association, partnership, estate, trust, limited liability company, or other legal entity.

Plat or *recorded plat* means a map or chart of a subdivision of land created pursuant to the Land Division Act (MCL 560.101 et seq.) or predecessor statutes to such act.

Property transfer means a transfer of property between two or more adjacent lots or parcels, if the property taken from one lot or parcel is added to an adjacent lot or parcel and if all resulting lots or parcels conform to the requirements of the Land Division Act (MCL 560.101 et seq.), the city zoning ordinance, as amended, and this article. If the property transferred does not independently conform to the requirements of the city, the city zoning ordinance, as amended, and this article, then it shall not be considered a development site, but may only be used in conjunction with the lot or parcel to which it was transferred.

Tract of land means two or more parcels that share a common property lien and are under the same ownership.

Sec. 58-122. - Approval of land divisions or property transfers required; establishment of exempt splits.

(a)

The owner of a lot, parcel, or tract of land shall not divide or effect a property transfer involving, or cause any person to divide or effect a property transfer involving, that lot, parcel, or tract of land except as provided in this article, unless the division or property transfer is approved as part of a subdivision plat at the time of plat approval under this section, the division or property transfer is part of a condominium project developed under the Condominium Act (MCL 559.101 et seq.), or the division or property transfer is done pursuant to an order of a court of competent jurisdiction.

(b)

The owner of a lot, parcel, or tract of land claiming an exempt split as defined in section 58-121 shall submit to the city zoning administrator either a survey map of the land claimed to be an exempt split prepared pursuant to the survey map requirements of Public Act No. 132 of 1970 (MCL 54.211 et seq.), certified by a land surveyor licensed by the state, or other clear evidence documenting that the proposed exempt split of a parcel or tract of land will not result in one or more parcels of less than 40 acres or the equivalent. In addition, the owner of a lot, parcel, or tract of land claiming an exempt split shall submit to the city zoning administrator a permit or other documentation from the department of public works and the city police department, the state department of transportation or the county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) documenting that each new lot, parcel, or tract of land resulting from the proposed exempt split has or can have a driveway or easement

that provides vehicular access to an existing road or street and meets all applicable location standards of the department of public works and the city police department, the state department of transportation or the county road commission under Act 200 of the Public Acts of 1969, as amended. If the city zoning administrator finds that the proposed division is an exempt split and that each new lot, parcel, or tract of land that will result from the division is accessible, then no further action under this article shall be required. If the city zoning administrator finds that the proposed division is either not an exempt split or that each new lot, parcel, or tract of land that will result from the division is not accessible, then he shall give the owner written reasons for his decision, In that event the owner shall be required to proceed under section 58-123 to obtain approval of the proposed division. If the owner disagrees with the city zoning administrator's decision, the owner can submit revised information to the city zoning administrator or appeal the city zoning administrator's decision to the zoning board of appeals pursuant to section 58-126.

Sec. 58-123. - Procedure for division or property transfer.

The following procedure shall be followed to divide a lot, parcel or tract of land or to affect a property transfer:

(1)

The applicant shall submit an application to the city planning director, the city zoning administrator or other designated authority on a form supplied by the city for that purpose. The application shall include, but not be limited to the following:

a.

Proof of ownership of the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer;

b.

The names and addresses of all persons having an interest in the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer and a statement of the type of interest each holds;

c.

A map showing the location of the parent parcel within the city;

d.

A survey map of the land proposed to be divided or the land involved in the property transfer prepared pursuant to

the survey map requirements of Public Act No. 132 of 1970 (MCL 54.211 et seq.), certified by a land surveyor licensed by the state and depicting the dimensions of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, the dimensions of the lots, parcels, or tracts of land that will result from the division or property transfer, the location of all current easements on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer, and the location of all proposed easements on the lots, parcels or tracts of land that will result from the division or property transfer. The easements required by this subsection shall include both utility and utility maintenance easements and ingress/egress easements. The survey shall also depict all buildings and structures on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer and the distances between these buildings and structures and the original property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer and shall depict the distances between these buildings and structures and the property lines of the lots, parcels, or tracts of land that will result from the division or property transfer;

e.

Legal descriptions, certified by a registered land surveyor licensed by the state, of the lots, parcels, or tracts of land that will result from the division or property transfer;

f.

A duly executed instrument of conveyance (deed, land contract, lease, etc.) suitable in form for recording at the county register of deeds office which the applicant intends to use to document the lots, parcels, or tracts of land that will result from the division or property transfer. If the grantor intends to convey the right to future divisions of the parcel being conveyed, the deed or land contract shall contain the following statement as required by the Land Division Act, as amended: "The grantor grants to the grantee the right to make (insert number) division(s) under section 108 of the Land Division Act (MCL 560.108)." Finally, all deeds and land contracts of unplatted land shall contain the following statement as required by the Land

Division Act: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act";

g.

If the lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then the applicant shall submit evidence establishing adequate easements for public utilities and utility maintenance from each such resulting lot, parcel, or tract of land to existing public utility facilities. In addition, the applicant shall submit a permit or other documentation from the department of public works and the city police department, the state department of transportation or the county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) that each such resulting lot, parcel, or tract of land has or can have a driveway or easement that provides vehicular access to an existing road and street, and meets all applicable location standards of the department of public works and the city police department, the state department of transportation or the county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.);

h.

A brief statement as to the purpose of the proposed division or property transfer and whether the lots, parcels or tracts of land that will result from the division or property transfer will be used for residential (single-family, multifamily, etc.), commercial, or manufacturing purposes;

i.

The history of the prior divisions of the parent parcel from which the applicant's parcel or tract of land came and proof that the applicant holds the right to divide the parcel or tract of land proposed for division;

j.

A certification from the city treasurer that no delinquent real property taxes or special assessment payments exist for the lot, parcel, or tract of land to be divided, or the lots or

parcels involved in a property transfer, and that no municipal liens exist on the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, that are currently due and payable; and

k.

Such other documentation that the city zoning administrator may require relating to the application.

(2)

The application shall be accompanied by an application fee as established and set forth in the city fee schedule.

(3)

After receiving the information required in subsection (1) of this section, the zoning administrator shall review the application according to the standards in section 58-124. An approval or disapproval shall be based on the criteria in section 58-124.

(4)

An approval or disapproval of the application shall be made by the zoning administrator within 45 days of receiving a complete application. If the zoning administrator grants final approval of an application, the approved application shall be forwarded to the city clerk. The city clerk shall certify the application and submit the certification and attached papers to the county register of deeds.

(5)

The city clerk shall record in the county register of deeds office an instrument of conveyance documenting the division or property transfer and file a copy of the recorded instrument within the city's permanent files.

Sec. 58-124. - Standards for approval of divisions or property transfer.

An application to divide a lot, parcel, or tract of land or to affect a property transfer shall be granted when all of the following standards are met:

(1)

The proposed division or property transfer shall comply with all requirements of the Land Division Act (MCL 560.101 et seq.);

(2)

The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the city zoning ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots,

parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have existing buildings or structures. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance; provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel;

(3)

Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description certified by a land surveyor licensed by the state, and shall be serviced by a public utility easement, and shall be accessible;

(4)

Each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than ten acres, shall have a depth of not more than four times its width as measured under the requirements of the city zoning ordinance. This standard shall not apply to a property transfer;

(5)

If a lot, parcel, or tract of land will result in an open space community development, the planning commission shall be the approving body according to the standards of this article, and the city zoning ordinance (appendix A to this Code);

(6)

If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public facilities from each such resulting lot, parcel, or tract of land to existing public utility facilities;

(7)

If the land proposed to be transferred between two or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act (MCL 560.101 et seq.), the city zoning ordinance, as amended, and this article, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot, parcel, or tract of land;

(8)

Each lot, parcel, or tract of land that will result from the division or property transfer shall be accessible;

(9)

The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer;

(10)

The property lines of the lots, parcels, or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, and/or the property liens of adjacent lots, parcels, or tracts of land (i.e., the new lot lines shall be parallel and/or perpendicular to existing lot lines). When, in the opinion of the city, exceptional or extraordinary circumstances or conditions exist that do not generally apply to other property and have not resulted from any act of the applicant, and such circumstances or conditions warrant a deviation from this standard, the new lot lines may be approved which are not consistent and in harmony with existing lot lines; and

(11)

The lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, shall have no delinquent real property taxes or delinquent special assessment payments levied against it or against them. In addition, the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, shall have no municipal liens filed against it or against them that are due and payable.

Sec. 58-125. - Land configuration variances.

(a)

If a lot, parcel, or tract of land that will result from a division or property transfer does not meet the requirements of the city zoning ordinance as specified in section 58-124(2), then the applicant may seek a variance from the zoning requirements from the zoning board of appeals pursuant to the procedures of the city zoning ordinance.

(b)

If a lot, parcel, or tract of land that will result from a division does not meet the depth to width requirements of section 58-124(4), then the

applicant may seek a variance from those requirements from the zoning board of appeals pursuant to the procedures of this section.

(c)

The zoning board of appeals may grant a variance under this section from the depth to width requirement of section 58-124(4), if all of the following exist:

(1)

Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions that do not generally apply to other lots, parcels, or tracts of land in the city; and

(2)

The exceptional or extraordinary circumstances or conditions existing on the parent parcel are not the result of any act or omission by the applicant or his predecessors in title.

(d)

The granting of the variance shall not be injurious or otherwise detrimental to adjoining lots, parcels, or tracts of land or to the general health, safety, and general welfare of the city.

(1)

The resulting lots, parcels, or tracts of land with the variance granted shall be compatible with surrounding lots, parcels, or tracts of land.

(2)

The variance granted shall be the minimum variance that will make possible the reasonable use of the parent parcel.

(e)

The zoning board of appeals shall follow the procedures of the city zoning ordinance relating to variances when deciding whether to grant a variance under this section.

(f)

In granting any variance under this section, the zoning board of appeals may prescribe appropriate conditions and safeguards in order to ensure that the lot, parcel, or tract of land that will result from the division or property transfer complies with the variance granted under this section. Violations of such conditions and safeguards shall be deemed a violation of this article, punishable under section 58-127.

Sec. 58-126. - Appeals to the zoning board of appeals.

Any person aggrieved by a decision of the city zoning administrator, may appeal that decision to the zoning board of appeals following the procedures of the city zoning ordinance, as amended, for appeals to the zoning board of appeals. Any such appeal shall be filed within 30 days from the date of approval of the minutes from that meeting. During the appeal, the zoning board of appeals shall conduct a de novo hearing of the matter and to that end shall have all the powers of the zoning administrator. In rendering its decision, the zoning board of appeals shall receive and consider evidence and data relevant to the case and shall issue its decision in writing within 30 days after receiving all evidence and data in the case. The decision of the zoning board of appeals shall then be sent promptly to the person who filed the appeal and to the city zoning administrator.

Sec. 58-127. - Violations and penalties.

Any person who shall violate any provision of this article shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than \$500.00. Each day this article is violated shall be considered as a separate violation. Any action taken under this section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Sec. 58-128. - Enforcement officer.

The zoning administrator is hereby designated as the authorized city official to issue municipal civil infraction citations directing alleged violators of this article to appear in court.

Sec. 58-129. - Nuisance per se.

A violation of this article is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Sec. 58-130. - Separate court action.

In addition to enforcing this article through the use of a municipal civil infraction proceeding, the city may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this article.

Section 3. Conflicting Standards.

If any of the standards set forth in this amendment conflict with any other standards of previous or future ordinances or amendments, the stricter standards shall apply.

Section 4. Repeal; Savings Clause.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

Section 5. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date

This Ordinance shall become effective fifteen (15) days from its enactment.

CITY OF BOYNE CITY



To: Michael Cain/City Manager *MC*
From: Cindy Grice, City Clerk/Treasurer *CG*
Date: October 17, 2012
Subject: Cemetery Maintenance Contract

Recently, bids were requested and received for the Cemetery Maintenance Contract. The usual bid procedure was followed again this year, with two bids received:

B & W Natures Maintenance	East Jordan	\$21,000 (per year)
Boyne Country Lawn Service	East Jordan	\$23,500 (per year)

In June of this year, a contract to provide cemetery maintenance for the remainder of 2012 was approved by the City Commission with B & W Natures Maintenance in the amount of \$18,000. This was done in response to our previous contractor requesting to terminate his three year contract early. The previous contractor's fee was also \$21,000 per year for a contract term of three years.

Staff has been pleased with the working relationship we have with B & W Natures' Maintenance. They have been prompt, pay attention to detail, are pleasant to work with and communications with staff are productive and pleasant. We have received positive feedback from members of the community as well.

SUMMARY/ RECOMMENDATION

I am recommend awarding the bid to B & W Natures Maintenance for a three year contract for Cemetery Maintenance at a cost of \$21,000 per year and authorize the City Manager and City Clerk / Treasurer to execute the documents.

CITY OF BOYNE CITY

CEMETERY MAINTENANCE AGREEMENT

THIS AGREEMENT, made this _____ day of October, 2012 by and between the City of Boyne City, a Michigan Municipal Corporation, 319 North Lake Street, Boyne City, MI 49712 (CITY) and B & W Natures Maintenance, 3400 Roberts Road, East Jordan, MI 49727 (CONTRACTOR) with reference to the following:

WHEREAS, CONTRACTOR has bid to provide the CITY with Cemetery Maintenance Service from December 1, 2012 thru November 30, 2015 in accordance with the CITY'S specifications, for the amount of \$21,000 per year and,

WHEREAS, CITY has agreed to compensate CONTRACTOR in said amount, in eight monthly payments per year of \$2,625 each, beginning April 1, 2013 in consideration of the performance of the functions and duties specified below. All work must be inspected jointly by the contractor and an authorized representative of the city once a month before payment is made, payment will be withheld for work considered not completed;

NOW, THEREFORE, in consideration of the mutual promises herein contained, it is agreed by the parties as follows:

1. CONTRACTOR shall, according to specifications hereinafter set forth, perform such listed work under the direction of the Boyne City Clerk/Treasurer, her designee, or another person designated by the City Manager. CONTRACTOR shall operate in a professional manner at all times while under this contract with the City.

ACTIVITIES INCLUDED ARE:

Regular Routine Maintenance Work:

Regular weekly routine maintenance work shall include the mowing and trimming of grounds, around the headstones, monuments, markers, trees and shrubs, curbs, posts, bushes, fences, and along sidewalks; trimming as close as possible along these objects without damaging them using hand and power tools. Grass shall not be allowed to reach more than three (3) inches in height before mowing. Papers, tree limbs, sticks and other debris shall be picked up before each mowing so that they will not be chopped up and scattered around the premises. In addition, CONTRACTOR shall conduct weed control and remove dead plants as necessary to maintain grounds in a neat and attractive condition.

Other Occasional Work:

Maintains sprinkler systems and sees that cemetery grounds are watered as needed.

Clean (with broom or blower) sidewalk adjacent to cemetery along Boyne Avenue.

Straightens or resets markers and headstones.

Fills graves sites as settling occurs, spreads black dirt and seeds, fertilizes and waters.

Trim low hanging or obstructive tree limbs out of road/walkway.

Trim all spirea bushes on an as needed basis, approximately three times a year.

Fall Cleanup:

After Labor Day and before October 1, all grave site flags will be removed and stored in the cemetery maintenance building in a container and labeled.

During October/November fall clean up, but no later than December 1, leaves, debris, trash, dead and plastic flowers, and floral arrangements shall be picked up and disposed of as outlined.

Debris and Trash Disposal:

Responsible for and removal of the trash barrel receptacles in the fall of the year, prior to November 15. Receptacles may be stored in or near cemetery maintenance building.

All papers, trash, dead and plastic flowers, and floral arrangements shall be placed in dumpster or trash receptacle, furnished by the City. Trash receptacles will be emptied to the larger dumpster on a regular basis.

Leaves, Grass, and Other Yard Clippings:

Branches, limbs, leaves, grass and other compostable yard clippings must be placed in compost pile on site or hauled by Contractor and disposed of in a manner meeting the requirements of Michigan Act 264 of 1990 and/or other Acts that may now or later apply.

2. CONTRACTOR shall provide all maintenance equipment, tools and hoses. Grass seed, black dirt, fertilizer and all such non routine supplies will be provided by the City.
3. CONTRACTOR shall perform this work within the specified period per this contract, and shall not assign, subcontract or otherwise transfer its duties and/or obligations under the contract, without the prior written consent of the City. Such consent does not release the contractor from any of his obligations and liabilities under the contract.
4. CONTRACTOR shall conduct activities related to contracted work to conform with all laws related to MI O.S.H.A., safety, right to know, and blood borne pathogens.
5. CONTRACTOR shall provide to the CITY and maintain proof of BONDING in the amount of \$100,000.
6. The parties acknowledge and agree that the CONTRACTOR is an Independent Contractor and is not an employee or agent of the CITY, and the CITY is not liable for the misfeasances, malfeasances or non-feasances of the CONTRACTOR. CONTRACTOR agrees to pay his/her/its own applicable social security taxes; withholding income taxes; state and federal unemployment taxes, if necessary; and to carry worker's compensation insurance, all as CONTRACTOR deems to be required by law or in his/her/its best interest. CONTRACTOR agrees to INDEMNIFY AND HOLD THE CITY HARMLESS from any claims for damages arising out of any accident or injury occurring during the performance of this agreement.

7. All work by CONTRACTOR shall be accomplished during the period beginning April 1 and December 1 of each year and the term of the AGREEMENT shall be for a period of three (3) years, December 1, 2012 until November 30, 2015. If the CONTRACTOR should persistently or repeatedly refuse to disregard or violate any provisions of this contract, the City may, terminate the agreement immediately. However, either party may terminate this AGREEMENT at any time upon giving 60 days notice.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this _____ day of October, 2012

CITY OF BOYNE CITY:

Michael Cain, Boyne City Manager

witness

Cindy Grice, City Clerk/Treasurer

witness

CONTRACTOR:

Dave Wheeler

witness

Nick Bolser

witness

clerk\contracts\cemetery maint contract 2012 to 2015



Date: October 19, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager 
Subject: Planning Department Staffing

In October of 1996 the City hired City Planner Tim O'Leary. In April of 1997 the City executed planning services agreements with the neighboring Townships of Evangeline, Wilson and Melrose. In June of 1998 the City hired Chuck Stewart as our Assistant Planner. At some point around 2002 Melrose Township withdrew from the partnership and went out on their own. Since Chuck's hiring in 1998, despite some sort gaps as some of the personnel have changed, we have operated as a two person Planning Department. This setup has been reviewed on several occasions by staff and by the City Commission, usually around budget times, especially since the economic downturn. We have determined in the past that we as a City benefit from this partnership and are able to offer better high quality and better coordinated planning services than most other communities our size at an efficient cost due to our joint operating arrangement.

With the resignation of Shannon McMaster as our Assistant Zoning Administrator/Planner effective at the end of August I reviewed our options with our Planning Director Scott McPherson and the Supervisors of Wilson and Evangeline Townships. Those options included: 1) seeking a person to fill the upcoming vacancy, 2) operate with one full time person and a part time or contractual person, 3) operate with our existing purpose. All felt the current arrangements were operating and serving the needs of the communities very well and should be maintained as is. The City Commission was then advised of our intent to advertise the vacancy. A copy of the current job description is attached for your review and information. Also included is a listing of responsibilities of our Planning Department. In recent years in addition to staff support for our Zoning Board of Appeals, conducting local Code Enforcement, assisting the Main Street Design Committee, working with our Historic District Commission among others we began developing his grantsmanship skills. A listing of the grants he has worked on is included for your review.

The current agreements for Planning and Zoning Services provide that Wilson Township provides \$36,207.52 while Evangeline Township provides \$25,075.12 annually to support these services for a total of \$61,282.64 per year. These contracts were last reviewed and approved by the City Commission in April of this year. In recent years in addition to their City duties Scott has provided the majority of the support services for Wilson Township while Shannon provided them mainly to Evangeline Township. Office hours for all three communities are based here at the Boyne City Hall. Prior to his departure Shannon was paid \$44,306 in salary per year plus another \$23,477 in fringe benefits for a total annual compensation package of \$66,533.84. These numbers were used to develop, and are included in this year's approved budget.

The City of Boyne City does things differently, and we are accomplishing a lot because of it and are getting recognized for it across the state and across the nation. The excellence and cooperative nature of our Planning Department is regarded as a model. We hated to lose Shannon, but those things happen. On the departure of any staff person it is appropriate to see if that position is still needed or if there is a better way to do things. That is why I have always done that with every opening we have, and outside of openings. We have changed how, who and if we do things since my arrival and will continue to do so. Exactly how this position functions in the

future is subject to change depending on the needs of the organizations involved and the skills and capabilities of any person filling it.

In short I do not see any advantage to us, the City of Boyne City, in eliminating or changing this position at this time. For all that we accomplish I believe we have a pretty lean administrative staff. It is working well and serving the citizens and taxpayers of Boyne City well. To the contrary I fear that eliminating this position would cost us both financially and operationally. Without this position I do not believe we would be able to maintain our current service contracts with the Townships. Let's play that out and say that one of the Townships decided to leave. If the other Township remained we would be trying to support two thirds the work with half the staff. I know the work load that Scott was already under before Shannon left and we would not be able to maintain the levels of service we currently provide and it's those levels of service and skill that are allowing us to compete as a community in the marketplace and succeed.

RECOMMENDATION: That the current staffing levels of the Planning Department be maintained. Since this position is included in the current budget no City Commission action is required to maintain the status quo.

Options:

- Postpone this matter for further information or consideration.
- Approve a motion directing the City Manager not to fill the position at this time.
- Other options as determined by the City Commission.

ASSISTANT ZONING ADMINISTRATOR/PLANNER

SUMMARY

Performs a variety of administrative, technical and professional work in the current and long range planning programs of the City and Townships related to the development and implementation of land use and related plans and policies of local units of government. Performs a variety of routine and complex work in the interpretation and enforcement of adopted codes and related rules and regulations of the City and each of the Townships.

SUPERVISION RECEIVED

Works under the direction of the Planning Director and City Manager.

RESPONSIBILITIES AND DUTIES

The Assistant Zoning Administrator/Planner will assist with the following services:

1. Manages planning operations to achieve goals within available resources.
 - a. Assists in the development of short and long range plans; gathers, interprets, and prepares data for studies, reports and recommendations; coordinates department activities with other departments and agencies as needed.
 - b. Makes private and public presentations to supervisors, boards, commissions, civic groups and the general public. Prepares and/or coordinates the preparation of graphic materials for use by staff in public presentations.
 - c. Reviews development plans and plats and makes recommendations to the Planner, relative to design issues and ordinance conformance.
 - d. Assists with the development and implementation of growth management, land use, economic development, housing, transportation, parks and open spaces, facilities, or other plans and codes to meet the City and Townships' needs and any inter-governmental agreements or requirements.
 - e. Assists with the evaluation of land use proposals for conformity to established plans and ordinances; evaluates proposals' development impact as they relate to the adopted plans of the City and Townships and makes recommendations.
 - f. Provides staff support to the various Planning Commissions and Zoning Boards of Appeal as needed and assigned.

- g. Responds to local citizens inquiring about planning and zoning regulations and ordinances.
 - h. Assists in the enforcement of local ordinances and in interpreting City and Township codes and master plans.
2. Periodically patrols or inspects an assigned area to monitor for violations of local codes.
- a. Responds to complaints of potential code violations relating to signing, building occupancy, nuisances, or other conditions, housing conditions, construction, land use, polluting, or other code related matters.
 - b. Meets with owners, tenants, contractors, developers, businesses, etc. to review and explain code requirements and violations or potential violations; secures code compliance.
 - c. Provides information to persons who request information or assistance in code enforcement related matters.

DESIRABLE QUALIFICATIONS FOR EMPLOYMENT

The individual awarded the position for the above specified work should have the equivalent of the following knowledge, training, and experience:

Graduation from a high school or GED equivalent;

Graduation from an accredited four-year college or university with a degree in land-use planning, urban planning, landscape architecture or a closely related field, desired.

Knowledge of zoning laws and comprehensive plans including their formation, process of adoption, and enforcement;

Knowledge of planning programs and processes;

Working knowledge of personal computers and GIS applications;

Knowledge of code enforcement principles, practices and methods as applicable to a municipal setting;

Ability to communicate effectively orally and in writing with architects, contractors, developers, owners, supervisors, employees, and the general public;

Ability to prepare, organize and maintain inspection field data, reports and systems;

Ability to produce or obtain reports, graphs, charts, photographs or exhibits of evidence;

Ability to establish and maintain effective working relationships with citizens, supervisors and the general public;

Ability to follow verbal and written instructions;

Ability to handle stressful situations and effectively deal with difficult or angry people;

Valid Michigan Driver's License, or the ability to obtain one.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing and data base software; motor vehicle; phone, copy and fax machine; tape measure; mobile or portable radio.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by the contracted individual to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed mostly in office settings. Some work is required in the inspection of various land use developments and construction sites. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

While performing the specified duties, the Assistant Zoning Administrator/Planner will frequently be required to talk, or hear; sit; use hands to fingers, handle, feel or operate objects, tools or controls; reach with hands and arms and occasionally required to stand or walk.

The Assistant Zoning Administrator/Planner must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an individual providing the above described services encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions and is sometimes exposed to wet and/or humid conditions, fumes or airborne particles. The noise level in the work environment is usually quiet in the office and moderate in the field.

SELECTION GUIDELINES

Formal proposal; education and experience; oral interview and reference check.

CONDITIONS

The duties listed above are intended only as illustrations of the various types of work that will be required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

Planning Department Responsibilities

Report to the following Legislative Bodies

- City of Boyne City Commission
- Wilson Township Board
- Evangeline Township Board

Tasks: Attend all meetings as required, prepare reports and give presentations on issues brought by the Planning Department to the Commission or Board.

Staff support for the following Commission, Boards and Committees:

- Boyne City Planning Commission
- Boyne City Zoning Board of Appeals
- Main Street Design Committee
- Wilson Township Planning Commission
- Wilson Township Zoning Board of Appeals
- Evangeline Township Planning Commission
- Evangeline Township Zoning Board of Appeals

Tasks: Attending all meetings, prepare staff reports and give presentations on all applications, appeals, ordinances, plans or any other issues being brought to the various boards. Prepare agendas, publish notices, maintain records and keep all applicable ordinances and by-laws current.

Administration and Enforcement of the following ordinances

- Boyne City Zoning Ordinance
- Boyne City Weed Ordinance
- Boyne City Lot Reconfiguration Ordinance
- Boyne City Dilapidated Buildings Ordinance
- Boyne City Sign Ordinance
- Wilson Township Zoning Ordinance
- Wilson Township Land Division Ordinance
- Wilson Township Nuisance Ordinance
- Wilson Township Inoperable Vehicle Ordinance
- Evangeline Township Zoning Ordinance
- Evangeline Township Land Division Ordinance
- Evangeline Township Nuisance Ordinance

Tasks: Maintain and update ordinances as required. Explain ordinances and answer questions from public on all ordinances. Receive and review applications and maintain records for conditional use permits, development plan approvals, zoning permits, sign permits, lot reconfigurations, home occupations, and sidewalk use permits. Complete site inspections and investigations to verify compliance with permits. Receive complaints and verify and document code violations. Patrol and conduct inspections in 3 different municipalities covering over 50 square miles. Initiate code enforcement action as

necessary to include sending notice of violations, enacting compliance orders, issuing citations and making court appearances.

Develop, produce and update of the following Plans

- City of Boyne City Master Plan
- City of Boyne City Recreation Plan
- Wilson Township Master Plan
- Wilson Township Annual Road Improvement Plan
- Wilson Township Recreation Plan
- Evangeline Township Master Plan
- Evangeline Township Recreation Plan

Tasks: Obtain and analyze data for the various communities in regards to socio-economics, demographics, infrastructure, transportation, land use, recreation, environment and other relevant factors. Assemble data and prepare draft plans. Facilitate and coordinate mandated public input, review, notice, and adoption processes. Since 2003 all above plans have all been done in house to include, 2003-2008 Boyne City Recreation Plan, 2009-2013 Boyne City Recreation Plan, 2007 Boyne City Master Plan, 2007-2011 Wilson Township Recreation Plan, 2012-2016 Wilson Township Recreation Plan, 2006 Wilson Township Master Plan, 2012 Wilson Township Master Plan, Wilson Township Road Improvement Plans for 2007, 2009, 2010, 2011 Evangeline Township Recreation Plan 2009-2013.

GIS Development and Support

- Create, obtain and maintain hundreds of GIS data sets for use in the development and production of maps and graphics.
- Develop and produce digital and hard copy map products and 3D renderings for all city departments and Townships
- Coordinate with County GIS Department to procure current color orthography imagery.

Flood Insurance Rate Maps (FIRM)

- Contact and repository for Boyne City and Evangeline Township FIRM maps
- Maintain records of letters of map amendments and revisions
- Currently coordinating with FEMA with map update and digitization.
- Implement adoption process of new FIRM maps when finalized.

US Census Local Update of Current Address List (LUCA).

- Reviewed US Census Bureau address list for the entire City. Verified and documented all address and submitted corrected address list to the Census Bureau for review and approval. 431 corrections to the list were accepted by the Census Bureau and of those 214 were residential addresses that were additions to the list.

Grant Support

Administered Certified Local Government grant from the State Historic Preservation Office and prepared application for National Register of Historic Places listing of the downtown as a district.

Prepared grant applications for the North Bank Boyne River Path extension project between N. Park Street and N. Lake Street. Applications for grant support of this project went to Michigan Department of Natural Resources (Coastal Zone Management Program), the Charlevoix County Community Foundation, and the Great Lakes Energy People Fund.

Prepared CELCP grant application for riverfront property acquisition to the Coastal and Estuarine Land Conservation Program (CELCP) of the National Oceanic and Atmospheric Agency for strategic land acquisition.

Prepared grant application in collaboration with John Lamont for a new ambulance from the Federal Emergency Management Agency (FEMA, under the Assistance to Firefighters Grant Program).

Assisted Cindy Grice in preparation of Downtown Infrastructure Grant (DIG) application for work on S. Park Street

Assisted Barb Brooks in preparation of additional grant applications for North Bank Boyne River Path project, and North M-75 pedestrian path project.

Prepared and administered LIAA Partnership for change grant for Boyne City Wilson Township and Boyne Valley Township for M-75 corridor study.

Prepared and administered Community Foundation grant for Glennwood shoreline restoration project.

Assisted in grant preparation for energy audit for efficiency in public building program administered in northern Michigan by the regional council of governments.

Grants - Shannon

		Grant \$	Required match
2010 SHPO-CLG	Assisted w/ 1910 Water Works Building Rehabilitation	\$ 54,450	\$ 36,300
2011 GLE People Fund	River Bank sidewalk/stabalization	\$ 1,000	\$0
2011 GTB Indian Tribe	M-75 sidewalk	\$ 10,000	\$0
2011/2012 CCCFoundation	River Bank sidewalk/stabalization	\$ 4,698	\$0
2011/2012 SHPO-CLG	Downtown Historic District Designation	\$ 35,000	\$0
	Total	\$ 105,148	\$ 36,300

Grants - Pending

NWMCOG

2012 (Place Making) Bike Racks / Bicycle Friendly \$ 1,500

Add'l Grants - Submitted

MDNR

2011 (Costal Zone) Riverbank restoration/walkway
2010 CELCP acquisition of riverfront parcel - Spring Street
2011 CCCFoundation Cemetery Fence

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT



DATE: 10/19/2012

RE: KUBOTA ZERO TURN MOWER

The 2004 Kubota Zero Turn Mower is in need of some fairly substantial repairs to the drive system and also some more routine repairs to the mower deck and parking brake. This mower is used quite extensively by the Parks Department to mow at many locations thru out town. It typically gets about 30 hours of use per week in the summer months or about 600 to 700 hours per season. It has been a very reliable piece of equipment and has not had any major failures in the past.

The drive system is an all wheel drive hydrostatic system. The hydraulic pump and the drive assembly are badly worn and leaking fluid. The cost to repair this problem is \$4,509.29. The mower deck repairs entail replacement of all the moving parts of the deck. This would be the second time these repairs have been performed on the deck. However with the usage the machine gets that would not be out of line. The cost of the deck repairs would be \$758.85. The parking brake assembly is cracked and needs to be replaced at a cost of \$97.50. Also included in the repair cost is the semi annual engine service at a cost of \$212.47. This includes an oil and filter change and replacement of the air and fuel filters also. Attached is a quotation from Ginop Sales to complete these repairs for a total cost of \$5,549.43.

Another option for this equipment would be to replace it with a similar machine. Attached is a quote from Ginop Sales for a new replacement machine. The cost of the new machine less trade-in of our old machine is \$11,967.42.

Other than the repairs needed from above, our current machine is still in good condition. The Diesel Engine is in good running condition. The tires

and metal work are all in good condition as well. I feel that performing the needed repairs on this equipment would give us a few more years of service at a relatively low cost versus replacement.

RECOMMENDATION:

It is my recommendation the City Commission approve the repairs to the Kubota Zero Turn mower in the amount of \$5,559.42 and authorize the City Manager to execute the required documents.

OPTIONS:

1. Direct staff to advertise for bids to replace this equipment.
2. That this matter be approved subject to some revision.
3. Other options as determined by the City Commission.

GINOP SALES Inc.

WWW.GINOPSALES.COM

11274 M-68 West
Alanson, MI 49706
(231) 548-2272
1-800-344-4667
Fax (231) 548-2278

9040 M-72 East
Williamsburg, MI 49690
(231) 267-5400
1-800-304-4667
Fax (231) 267-5477

20831 M-32 West
Hillman, MI 49746
(989) 742-7500
1-877-334-4667
Fax (989) 742-7419



SOLD TO
ABOY02 CITY OF BOYNE CITY *
ANDY
319 N LAKE ST
BOYNE CITY, MI 49712

SHIP TO

Sold By: ALESHI PO #: REPAIR ZD QUOTE
Ship By: Tax #: ON FILE

QUOTE
15:36:53

AQ01254
Open

Quote Summary

1 LH CONTROL SLOPPY - PULLING TO THE RIGHT SIDE - WEAK - LEAKING OIL BADLY.	4504.29
2 COMPLETE CK OVER DECK, R/R WHEELS. BELT BAD.	758.85
3 SERVICE	212.47
4 PARKING BRAKE FIX	97.50
** DISCOUNT	-13.68
** TOTAL	5559.43

Tax	D	Qty	Description	Price	Amount
-----*					
1 LH CONTROL SLOPPY - PULLING TO THE RIGHT SIDE - WEAK - LEAKING OIL BADLY.					
COMMENT					
PARTS COUNTER					
F		1	KUB K3111-98360	KIT HST (T	1265.00 1265.00
F	C	1	KUB HHK20-36990	HYD FILTER H 6 C	14.53 14.53
F		1	KUB K3111-11310	O RING	5.53 5.53
F		1	KUB 04816-00110	O RING G 5 E	.91 .91
F		1	KUB 04811-10300	O-RING G 5 E	1.40 1.40
F		1	KUB 05411-00636	PIN G 5 D	.91 .91
F		1	KUB K3151-98060	KIT PUMP,	1760.00 1760.00
F		1	KUB K3111-98600	KIT TANK,	275.00 275.00
				** TOTAL PARTS COUNTER	3323.28
F			OILS/GREASE MIS		
F		5	QTS UDT	2.98	14.90
				** TOTAL SERV. CUSTOME	1105.00
F			FREIGHT		
F			INBOUND SHIPPING & HANDLING		61.11
				* SEGMENT SUBTOTAL	4504.29

TERMS: NET 10TH OF THE MONTH. FINANCE CHARGE OF 1.7% PER MONTH, 20.4% APR WILL BE CHARGED ON ALL PAST DUE ACCOUNTS. ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS INVOICE. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS.

PAY THIS AMOUNT

GINOP SALES Inc.

WWW.GINOPSALES.COM

11274 M-68 West
Alanson, MI 49706
(231) 543-2272
1-800-344-4667
Fax (231) 548-2278

9040 M-72 East
Williamsburg, MI 49690
(231) 267-5400
1-800-304-4667
Fax (231) 267-5477

20831 M-32 West
Hillman, MI 49746
(989) 742-7500
1-877-334-4667
Fax (989) 742-7419



SOLD TO
ABOY02 CITY OF BOYNE CITY *
ANDY
319 N LAKE ST
BOYNE CITY, MI 49712

SHIP TO

Sold By: ALESHI PO #: REPAIR 2D QUOTE
Ship By: Tax #: ON FILE

QUOTE
15:36:53

AQ01254
Open

Tax	D	Qty	Description	Price	Amount
2 COMPLETE CK OVER DECK, R/R WHEELS. BELT BAD.					
COMMENT					
PARTS COUNTER					
F		2	KUB K5668-42122	SHAFT, GAU G 3 F	16.50 33.00
F		2	KUB K1042-15142	NUT, LOCKI G 2 F	3.08 6.16
F		4	KUB 04011-60160	WASHER, PL G 5 F	.28 1.12
F		4	KUB 08511-02525	BUSHING G 6 F	5.25 21.00
F		2	KUB K5763-46250	ROLLAR ASS G 3 E	15.81 31.62
F		1	KUB K5677-34710	BELT, TENS N WALL	106.65 106.65
F		2	KUB K5668-42202	ASSY WHEEL JJ 2 B	62.98 125.96
F		2	KUB 75599-51235	PIN, CLEVI E 6 B	.70 1.40
F		1	KUB K5112-72730	RING, SNAP G 2 B	1.33 1.33
F		1	KUB K5112-72733	RING (SNAP	1.33 1.33
F		3	KUB K5677-34340	HI LIFT BL D 4 B	24.54 73.62
F		2	KUB K5645-42200	ASSY GAUGE	41.58 83.16
				** TOTAL PARTS COUNTER	486.35
				** TOTAL SERV. CUSTOME	260.00
F			FREIGHT INBOUND SHIPPING & HANDLING		12.50
				* SEGMENT SUBTOTAL	758.85

TERMS: NET 10TH OF THE MONTH. FINANCE CHARGE OF 1.7% PER MONTH, 20.4% APR WILL BE CHARGED ON ALL PAST DUE ACCOUNTS. ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS INVOICE. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS.

PAY THIS AMOUNT

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Fax (231) 548-2278

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1-800-304-4667
Fax (231) 267-5477

20831 M-32 West
Hillman, MI 49746
(989) 742-7500
1-877-334-4667
Fax (989) 742-7419



SOLD TO
ABOY02 CITY OF BOYNE CITY *
ANDY
319 N LAKE ST
BOYNE CITY, MI 49712

SHIP TO

Sold By: ALESHI PO #: REPAIR 2D QUOTE ! QUOTE
Ship By: Tax #: ON FILE 15:36:53 AQ01254 Open

Tax	D	Qty	Description	Price	Amount	
3 SERVICE						
COMMENT						
PARTS COUNTER						
F	C	1	KUB K1211-82320	OUT AIR FI H7E/H8E	22.50	
F	C	1	KUB HH150-32094	ENG OIL FI H 4 A	12.99	
F	C	2	KUB 12581-43012	FUEL FILTE H 5 B	9.17	
					** TOTAL PARTS COUNTER	53.83
F			OILS/GREASE MIS			
		3	QTS 15W40		2.88	
					** TOTAL SERV. CUSTOME	130.00
F			MISC SHOP SUPPL			
			MISC. SHOP SUPPLIES		15.00	
F			HAZARDOUS MAT. DISPOSAL		5.00	
					** TOTAL MISC SHOP SUPP	20.00
					* SEGMENT SUBTOTAL	212.47

4 PARKING BRAKE FIX

COMMENT						
SERV. CUSTOMER						
					** TOTAL SERV. CUSTOME	97.50
					* SEGMENT SUBTOTAL	97.50

TERMS: NET 10TH OF THE MONTH. FINANCE CHARGE OF 1.7% PER MONTH, 20.4% APR WILL BE CHARGED ON ALL PAST DUE ACCOUNTS. ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS INVOICE. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS.

** SUBTOTAL 5573.11
** DISCOUNT -13.68

X _____ Charge Sale

Phone: (231) 582-0371
Page 3 Last Page

PAY THIS AMOUNT

\$5559.43

GINOP SALES Inc.

WWW.GINOPSALES.COM

11274 M-68 West
Alanson, MI 49706
(231) 548-2272
1-800-344-4667
Fax (231) 548-2278

9040 M-72 East
Williamsburg, MI 49690
(231) 267-5400
1-800-304-4667
Fax (231) 267-5477

20931 M-32 West
Hillman, MI 49746
(989) 742-7500
1-877-334-4667
Fax (989) 742-7419



SOLD TO
ABOY02 CITY OF BOYNE CITY *
ANDY
319 N LAKE ST
BOYNE CITY, MI 49712

SHIP TO

Sold By: DICK PO #: ZD331-72 UNIT SALE AU18541
Ship By: TAMMY Tax #: ON FILE 15:45:11 Open

Tax	D	Qty	Description	Price	Amount
			OTHER MISC.		
F		1	KUBOTA ZD331-72	16677.00	16677.00
F		1	TRADE-IN		
F		1	KUBOTA Z28 W/72" MOWER	4709.58-	4709.58-
			** TOTAL OTHER MISC.		11967.42

COMMENT
THANK YOU FOR YOUR BUSINESS!

TERMS: NET 10TH OF THE MONTH. FINANCE CHARGE OF 1.7% PER MONTH, 20.4% APR WILL BE CHARGED ON ALL PAST DUE ACCOUNTS. ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS INVOICE. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS. I AGREE TO PAY TOTAL AMOUNT ACCORDING TO YOUR TERMS.

** SUBTOTAL 11967.42

X _____ Charge Sale

Phone: (231) 582-0371

PAY THIS AMOUNT



\$11967.42



Date: October 19, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager 
Subject: Joint Board and Commission Meeting

On December 6th 2005 Boyne City held its first Joint Board and Commission meeting. We have been holding them on a regular basis since that time, at about the same time each year. The consensus from those who that attended those meetings was that they were time well spent and that future joint meetings should be held.

As we wind down from the busy summer season, but before we get into next years budget processes, I am thinking that it would be a good time to schedule another Joint meeting. City calendars for October, November and December are attached at the end of the agenda packet for your reference. We've usually held the meeting on the 1st Tuesday in December, which would be the 4th this year. It's possible that a ZBA meeting could take place that night at 5:00 p.m., but that usually has not been a problem, especially if the Joint Meeting starts at 6:00 p.m. Given that the 1st Tuesday in November is Election Day we want to avoid that date. Tuesday November 20th and 27th also appear to be possible meeting dates. I think that anything much past December 4th starts to interfere with people's holiday activities.

Although Tuesday's at 6:00 p.m. have been used in the past another day of the week or time could be selected.

RECOMMENDATION: That the City Commission schedules the City's next Joint Board and Commission meeting to be held on Tuesday, December 4th at 6:00 p.m. in the City Hall Auditorium.

Options:

- Other date and/or time acceptable to the City Commission.
- Do not schedule a Joint meeting at this time.
- Other options as determined by the City Commission.



Date: October 19, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: City Commission Tour

Every so often, generally every couple of years, the City Commission has met as a group to tour the City. These tours have included in the past, as time and interest allowed, City facilities, City properties, project sites, and areas of general interest. The tours usually run 2 to 3 hours. They can be done before or after an existing meeting, or on their own.

Prior to the weather getting too cold and before we get into the budget process I wanted to see if this was something the Commission would be interested in doing yet this year. The tours are treated as work sessions and therefore as open meetings. I have contacted Charlevoix County Transit to see if a vehicle that could hold all of us would be available, as we have done in the past.

We have included calendar pages for October and November if the Commission was interested in doing tours yet this year so we could select a date. The tours could also be done next spring or summer, if the City Commission preferred.

RECOMMENDATION: That the City Commission discuss whether it would like to hold a group tour, and if so when they would like the tour to be held and if there were any specific places they wanted to go.

OPTIONS:

- Postpone this matter for further information or consideration.
- Choose not to schedule a tour at this time.
- Other options as determined by the City Commission.

October 2012

October 2012

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

November 2012

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

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

November 2012

November 2012

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

December 2012

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			November 1	2	3
			8:30am Main Street Board mtg. 6:00pm Parks & Rec		4
					Salute to Veterans
5	6	7	8	9	10
	General Election 5:00pm ZBA				11
					11:00am Veterans Day Ceremony
12	13	14	15	16	17
12:00pm EDC/LDFA	7:00pm City Commission		6:30pm Housing Commission		7:00am Earlier than the Bird
					18
19	20	21	22	23	24
5:00pm Planning Commission	7:00pm Historic District 7:00pm Historic District		City Offices Closed Thanksgiving 9:00am Turkey Trot 2:30pm Thanksgiving Dinner (Eagles Hall) 5:30pm Airport Advisory Board	City Offices Closed 5:00pm Holiday Open House 6:00pm Santa Parade	25
26	27	28	29	30	
	12:00pm City Commission				

December 2012

December 2012						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January 2013						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					December 1
					Craft Shows
					2
3	4	5	6	7	8
	5:00pm ZBA		8:30am Main Street Board mtg. 6:00pm Parks & Rec		9
10	11	12	13	14	15
	7:00pm City Commission				16
17	18	19	20	21	22
5:00pm Planning Commission 7:00pm Historical Commission			6:30pm Housing Commission		23
24	25	26	27	28	29
Christmas Eve (United States) City Offices closed	Christmas City Offices Closed 11:00am Christmas Dinner (Presbyterian Church) 12:00pm City Commission		5:30pm Airport Advisory Board		30
31					
City Offices closed New Year's Eve (United States)					