



REVISED

BOYNE CITY
CITY COMMISSION REGULAR MEETING
Tuesday, July 14, 2020 at 7:00 p.m.

Due to the COVID-19 situation and per the Governor's Executive Orders, this meeting will be held electronically **only**. To participate via Zoom, connect to:

<https://us02web.zoom.us/j/86747281958> from your computer

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The public will be allowed to comment during the usual public comment opportunities during the meeting per City Commission policy and practice. All other times the public will be muted.

Written comments will be accepted until 4:30 p.m. Monday, July 13th. They may be mailed to or deposited in the City Hall Drop Box, 319 North Lake Street, Boyne City, MI 49712 to the attention of Cindy Grice, Boyne City Clerk/Treasurer or emailed to cgrice@boyne-city.com

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 June 23, 2020 City Commission Special meeting minutes as presented
 - B. Approval of the June 23, 2020 City Commission regular meeting minutes as presented
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT

7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

- A. Draft minutes of the June 4, 2020 Main Street Board regular meeting
- B. Draft minutes of the June 6, 2020 Historical Commission meeting
- C. Draft minutes of the June 15, 2020 Planning Commission meeting

8. OLD BUSINESS

9. NEW BUSINESS

- A. Boyne Heritage Collection Policy
Consideration to approve an agreement with the Boyne Heritage Center regarding its role as stewards of the historical collections resources owned by the City of Boyne City and held in public trust and authorize the City Manager to execute the documents
- B. Elmers Site Use Proposal
Introduction and discussion of mining and future development concept
- C. International Property Maintenance Code
Consideration of a first reading of an ordinance to adopt a property maintenance code and schedule a second reading for August 25, 2020
- D. Boyne Valley EMS Service Contract
Consideration to approve an agreement with Boyne Valley Township to provide EMS services and authorize the City Manager to execute the documents

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for July 28, 2020 at noon

12. ADJOURNMENT

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



**JUNE 23, 2020
SPECIAL MEETING**

RECORD OF THE PROCEEDINGS OF THE SPECIAL BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT VIA ZOOM, ON TUESDAY JUNE 23, 2020

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 5:39 p.m. followed by the Pledge of Allegiance.

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

Absent: None

Staff: Michael Cain, Cindy Grice, Scott McPherson, Patrick Kilkenny

Others: City Attorney Jim Murray

**CLOSED SESSION
MOTION**

2020-06-064

Moved by Neidhamer
Second by Grunch

To approve the request of the City Manager to go into closed session with our attorney regarding Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) at 5:40 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Return To Open Session
MOTION**

2020-06-065

Moved by Neidhamer
Second by Solomon.

To return to Open Session at 6:32 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

ADJOURNMENT

Motion by Mayor Neidhamer, second by Commissioner Conklin to adjourn the Special City Commission meeting of Tuesday, June 23, 2020 at 6:34 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk/Treasurer

**JUNE 23, 2020
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD VIA ZOOM MEETING, ON TUESDAY JUNE 23, 2020

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance. Mayor Neidhamer also discussed the rules of the Zoom meeting.

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

Absent: None

Staff: Michael Cain, Cindy Grice, Patrick Kilkenny, Barb Brooks, Dennis Amesbury, Kelsie Kind-Duff, Scott McPherson, Tim Faas, Kevin Spate and Mark Fowler

Others: There were ten citizens in attendance via the Zoom meeting platform

**CONSENT AGENDA
MOTION**

2020-06-066
Moved by Conklin
Second by Page

Approval of the May 26, 2020 City Commission regular meeting minutes as presented

Approval of a Resolution to set an alternate date for the July or December Board of Review per the State of Michigan Governor's Executive Order 2020-87 and authorize staff to execute the document

Approval to purchase five sets of Fire-Dex fire gear in the amount of \$11,560 and authorize the City Manager to execute the documents

Approval of the contract extension offer from M&M Pavement Marking, Inc. of Grand Blanc MI and issue a purchase order in an amount not-to-exceed \$32,000 for pavement marking and authorize the City Manager to execute the documents

Approval to grant approval to Boyne City Main Street to apply for a raffle license for the virtual Food Truck Rally

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

**CITY MANAGERS
REPORT**

City Manager Cain reported:

- The pavilion will be open for public use this weekend
- The North Lake Street project is nearly complete
- Compost screening is about 65% complete
- The first application of dust control has been completed
- Crews are still flushing hydrants
- Stroll the Streets is still slated to start July 17th

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

Approved minutes of the May 7, 2020 Main Street Board regular meeting; approved minutes of the May 14, 2020 Main Street Board special meeting; Draft minutes of the May 19, 2020 Parks & Recreation Commission meeting and the May 2020 Financial Statement were received and filed.

**Boyne Heritage
Collection Policy**

The Boyne Heritage Center has asked that the Commission postpone the item regarding the agreement with the Boyne Heritage Center regarding its role as stewards of the historical collections until the July 14, 2020 Commission meeting

MOTION

2020-06-067
Moved by Conklin
Second by Page

To postpone discussion of an agreement with the Boyne Heritage Center regarding its role as stewards of the historical collections owned by the City of Boyne City until the July 14, 2020 Commission meeting

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Shoreline Repairs
Recommendations**

Consideration to approve the recommended erosion control strategies as presented and authorize the design team to proceed with submitting permits, preparing bid documents and in the case of Lakeshore Drive engaging the residents whose properties are affected.

Director of Public Works Tim Faas said at the May 26, 2020 meeting, the City Commission awarded contracts to C2AE and Armstrong Environmental to develop plans, specifications, permits, bids and construction engineering for the emergency shoreline repairs at the following locations:

1. John Street road end park
2. Veterans Park (peninsula area and the Marina)
3. Lakeshore Drive (4 locations between Marshall Road and the City Limits)

Since that time, the field topographical survey work has been completed and a few meetings have been held by the design team to review the recommended alternatives. Attached to this memo is a brief set of mock-up drawings that depict the strategies being proposed by the design team. If the City Commission is satisfied with the recommended strategies, then the design team will move forward with submitting permits, preparing bid documents and in the case of Lakeshore Drive engaging the residents whose properties are affected.

The 2020/2021 Parks & Recreation capital budget includes \$100,000 for shoreline erosion repairs on city-owned properties. Tim

is recommending the City offer to cover the professional services and permit costs for the repairs on Lakeshore Drive, since those are private properties, and further require the property owners to cover the construction costs through one, or more, agreements.

Staff Comments: None

Citizens Comments: Bill Brady asked if there would be access to the lakes, such as steps.

Board Discussion: Mayor Pro-Tem Grunch said we need to get this going ASAP. Commissioner Grunch inquired about the status of the Marina grant funding for the sidewalk along the marina. Tim Faas said it is looking favorable. All Commissioners are in favor of the recommendation.

MOTION

2020-06-068

Moved by Conklin

Second by Solomon

To approve the recommended erosion control strategies as presented and authorize the design team to proceed with submitting permits, preparing bid documents and in the case of Lakeshore Drive engaging the residents whose properties are affected

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Old Horton Bay Road Property Boyne Forest Trail Parking Lot & Trailhead Project

Consideration to authorize the City Manager to proceed with the construction of the Boyne Forest Trail parking lot and trailhead project.

Director of Public Works Tim Faas stated that the City Commission authorized the City Manager to sign the parks millage agreements with Charlevoix County for the two (2) \$10,000 appropriations for the Boyne Forest Trail System. At the time, based on the budget for the project, the City of Boyne City would have been left with a \$25,173 gap in funding. Those agreements were delivered to the Charlevoix County Administrator on May 28, 2020 prior to the deadline.

The Top of Michigan Mountain Bike Association (TOMMBA) fund raising committee has met since then and is proposing to raise \$15,000 (about 60%) to help bridge the gap. This would significantly reduce the City contribution, outside of our in-kind services, down to \$10,173 which is more manageable given the budget concerns of the City. The difference would be funded from the Parks Capital Outlay Account #101-751-970.000. It is being recommended that we proceed with construction as soon as possible.

Tim recently met with the State of Michigan Department of Environment, Great Lakes and Energy (EGLE) to discuss the project and the City has submitted a request to the EGLE for approval to proceed. The meeting was favorable and I hope to receive an

approval in the subsequent weeks should the City Commission approve moving forward.

Staff Comments: None

Citizens Comments: Steve Schnell spoke for TOMMBA who are offering \$15,000 in support of the project. Michele Cortright said she is really pleased with TOMMBA's offer of financial support.

Board Discussion: All are in favor of the recommendation.

MOTION

2020-06-069
Moved by Conklin
Second by Solomon

To authorize the City Manager to proceed with the construction of the Boyne Forest Trail parking lot and trailhead project

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Gaming License Resolution

Consideration to approve of a request by the Boyne City Firefighters Association for a Local Governing Body Resolution for Charitable Gaming License and authorize the City Manager to execute the documents.

Fire Chief Dennis Amesbury discussed the request from the Boyne City Firefighters Association to hold legal raffle fundraisers in the State of Michigan. In order to do so, they need a resolution from the City Commission to recognize them as a non-profit organization.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement

MOTION

2020-06-070
Moved by Conklin
Second by Grunch

To approve of a request by the Boyne City Firefighters Association for a Local Governing Body Resolution for Charitable Gaming License and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Police Department Laptop Purchase

Consideration to authorize the purchase of three laptops for the Police Department along with the accompanying equipment from

Tel-Rad at a cost not to exceed \$10,542 and authorize the City Manager to execute the documents.

Police Chief Kevin Spate discussed the need to purchase new laptops for the patrol cars. Our current laptops have windows 7 that is no longer supported and we have been advised against attempting to upgrade them. They will also not work with the new 800 MHz systems later this year. Tele-Rad provided the lowest cost out of the four quotes received at \$10,542.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the request.

MOTION

2020-06-071

Moved by Page

Second by Grunch

To authorize the purchase of three laptops for the Police Department along with the accompanying equipment from Tel-Rad at a cost not to exceed \$10,542 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Police Vehicle Purchase

Consideration to approve the purchase of a 2021 Police SUV from Bob Mathers Ford in the amount of \$36,273.24 less a rebate of \$2,850 for a total amount not to exceed \$33,423.24 and authorize the City Manager to execute the documents.

Police Chief Kevin Spate discussed the request to purchase a new patrol vehicle to replace the 2013 Interceptor. When we purchased the last patrol vehicle, we switched to an SUV style. The officers have much more room in the drive compartment. Gear storage far exceeds the sedan as well. Funds were budgeted in this current year including the equipment and up-fitting costs.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in agreement with the recommendation.

MOTION

2020-06-072

Moved by Grunch

Second by Page

To approve the purchase of a 2021 Police SUV from Bob Mathers Ford in the amount of \$36,273.24 less a rebate of \$2,850 for a total

amount not to exceed \$33,423.24 and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Vector Truck Purchase

Consideration to purchase a Vector truck from Fredrickson Supply in the amount of \$422,883.45 and authorize the City Manager to execute the documents.

Water/Wastewater Superintendent Mark Fowler discussed the replacement of our current 2009 Vector truck. There are two distributors in Michigan we are aware that distribute the vehicles. After inspection of two different units that were brought here, it was determined by the operators that will use the vehicle they preferred the 900 ECO from Fredrickson Supply. Mark spoke to operators in other communities that switched to this vehicle and they are pleased with the operation and also the service from Fredrickson Supply.

Staff Comments: City Manager Michael Cain also discussed a updated proposal received from Doheny that changed their original one.

Citizens Comments: Adam Mazarra from Doheny discussed the changes that were provided in their updated proposal for the Vector truck.

Board Discussion: All are in agreement with the recommendation from Mark Fowler

MOTION

2020-06-073
Moved by Solomon
Second by Grunch

To approve the purchase of a 900 ECO Vector truck from Fredrickson Supply in the amount of \$422,883.45 and authorize the City Manager to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

1910 Building Boiler

Consideration to accept the quote from Ballard's Plumbing & Heating in the amount of \$6,935 to repair the boiler at the 1910 Building and authorize the City Manager to execute the documents.

Water/Wastewater Superintendent Mark Fowler said at the end of March, the boiler that provides heat to the 1910 building failed. Due to the stay at home order, we could not get any quotes to replace it so we used an electric heater. We obtained two quotes with the low proposal from Ballard's Plumbing & Heating in the amount of \$6,935.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners agree with the recommendation.

MOTION

2020-06-074

Moved by Grunch

Second by Page

To accept the quote from Ballard's Plumbing & Heating in the amount of \$6,935 to repair the boiler at the 1910 Building and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Veterans Pavilion
Expansion Project Fire
Suppression System
Alarm Monitoring
Recommendation**

Consideration to approve the contract with Habitec Security of Charlevoix, Michigan for the installation and monitoring of the fire suppression alarm system for the Veterans Pavilion.

Director of Public Works Tim Faas was notified that the Charlevoix County building department informed our general contractor (R. Kroondyk Construction) that the newly constructed fire suppression system in the pavilion will require 24/7/365 alarm monitoring. This cost was not anticipated in the contractor's original bid proposal to the City of Boyne City.

Our contractor solicited two prices, on our behalf, to have the equipment installed and the monitoring services performed thereafter prior to the June 17, 2020 completion date. The quotes are summarized below:

<u>Contractor Name</u>	<u>Installation Cost</u>
<u>Monitoring Cost</u>	
Engineered Protection Systems \$70.00/month	\$3,250.00
Habitec Security \$65.00/month	\$4,918.43

Unfortunately the lower priced contractor was not available to install the equipment until mid-July which is well past the completion deadline. Habitec Security already monitors all of the other main city facilities, so adding another contractor for that service would also not be ideal. In order to meet the scheduled completion date, the proposal from Habitec Security was accepted. The installation cost for the equipment will be charged to the Parks & Recreation Capital Budget Account #101-751-970.000 and monitoring will be charged to Parks & Recreation Maintenance Account #101-751-730.00

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2020-06-075
 Moved by Page
 Second by Solomon

To approve the contract with Habitec Security of Charlevoix, Michigan for the installation and monitoring of the fire suppression alarm system for the Veterans Pavilion

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Compost Screener

Consideration to award a purchase order contract for rental of a compost screener to Maverick Environmental Equipment of Alma, Michigan in an amount not-to-exceed \$10,500 and authorize the City Manager to execute the documents.

Director of Public Works Tim Faas said the City of Boyne City accepts leaves & grass at the North Boyne Compost Facility throughout the year to turn into reusable compost offered free to our residents. One of the required steps in producing usable finished compost is to screen it in order to remove sticks, rocks, plastic and other coarse material after one to two years. Our North Boyne Compost Facility is nearly full and we need to process the material to meet the State's operating requirements.

The Public Works Streets Foreman has been researching companies that rent screener equipment and found two (2) that service Northern Lower Michigan. Vermeer Midwest located in Marne has screeners for rent on a weekly/monthly basis; however, it was not the lower cost vendor. We rented a tub grinder from Vermeer Midwest last year for the brush material grinding. The weekly rental costs from the other vendor Maverick Environmental Equipment, located in Alma, was less at \$3,500 per week. The monthly charge is \$10,500. The City would also be responsible to truck the screener equipment from Alma and back.

An opportunity arose last week when Maverick Environmental indicated it had a screener unit in Boyne Falls that was scheduled to return to Alma this week. By renting it early, prior to Commission approval, it saved us several hundred dollars in contracted trucking costs to pick up the screener. An amount of \$40,000 was included in the 2020-2021 Budget for screening compost and brush grinding work at the North Boyne Compost Site.

Staff Comments: None

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Grunch asked if the service fees the contractors pay to use the compost area cover this cost and was informed that it covers some of it. All are in agreement with the recommendation.

2020-06-076
 Moved by Conklin
 Second by Grunch

To award a purchase order contract for rental of a compost screener to Maverick Environmental Equipment of Alma, Michigan in an amount not-to-exceed \$10,500 and authorize the City Manager to execute the documents

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Future Meeting Format Discussion

City Manager Cain discussed the currently used method of conducting public meeting since the COVID-19 related Executive Orders allowed us to do so. The end date for electronic meetings has been extended in the past and could be extended again in the future. While we are authorized to do so, we are not required to. As things continue to improved, he felt it is time to discuss if the Commission was ready to make a change from our current Zoom processes. Three options were presented. 1) We continue conducting entirely remote meetings using Zoom or some other platform; 2) we go back to only in-person meetings and drop the electronic component, or 3) we blend the two.

Option 1 would be the safest from a health perspective. Option 2 is the easiest for staff since it doesn't require operating a second meeting format, but is also the most likely to spread Covid-19, although the risk in this area seems to be pretty low. Option 3 is the most difficult since we would need to run two meetings, a physical one and an electronic one. Another option along with that would be to just have the Commission and staff meet in the Commission Chambers and use our computers like we have been lately so the public could participate remotely. For any option using computers in the Commission Chambers where we are all zooming at once, we would need to make sure our wireless system could handle it.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Conklin asked if there was any way to incorporate the use of the pavilion. Mayor Neidhamer said it would be nice to get back together – 6 feet apart and require masks. Commissioner Solomon said it would be good to get together following health and CDC guidelines. A sound system is a must because of the masks. Mayor Pro-Tem Grunch said he would be comfortable moving back to City Hall. Commissioner Page said she is nervous about the increased cases being reported in other states.

The general consensus of the Commission was to move forward with holding the meetings at City Hall using the Zoom electronic component.

Good of The Order

None

ADJOURNMENT

Motion by Mayor Neidhamer, second by Mayor Pro-tem Grunch to adjourn the Regular City Commission meeting of Tuesday, June 23, 2020 at 9:17 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT



Approved: _____

Meeting of June 4, 2020 MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, JUNE 4, 2020 at 8:30 AM VIA ZOOM MEETING

Call to Order Chair Rob Swartz called the meeting to order at 8:34 a.m.

Roll Call Present: Jodie Adams, Anna Burkhart, Michael Cain, Michelle Cortright, Patti Gabos, Patrick Little and Rob Swartz

Absent: Bob Grove and Becky Harris

Meeting Attendance City Staff: Executive Director Kelsie King-Duff, Recording Secretary Jane Halstead, Executive Assistant Barb Brooks

Public: Two

Approval of Minutes MOTION Adams moved, Cortright seconded, PASSED UNANIMOUSLY, to approve the May 7, 2020 minutes as presented.

Adams moved, Cortright seconded, PASSED WITH 7 AYES, 1 NAY, to approve the May 14, 2020 minutes as presented.

Hearing Citizens Present Citizens Michele and Chris Frasz will be heard during Old Business.

None.

Correspondence

Committee Reports Organization Committee Minutes received and filed. An evaluation for Board members is being developed. Refunds are being processed for Boyne Thunder. Jordan Peck is doing a great job with the Farmer’s Market. Mac McClelland will be at the next Main Street meeting to provide a timeline on the TIF renewal.

Promotions/Marketing Committee Photography bids were reviewed. Work plans were discussed. Advertising was discussed. Because many events have been cancelled, ads will be more focused on businesses.

Design Committee The Façade Grant was discussed.

Economic Vitality

A sub-group of Economic Vitality has been meeting on how to stimulate the economy and working on grant applications available through the State.

Director's Report

Received and filed. The purchase of the theatre is complete and has been announced publicly. People are excited. The National Register of Historic Places sign is in production.

Unfinished Business

2020 Façade Grants

2020 Façade Grants

Consideration to approve \$10,000 in façade grant funding for the Water Street Atrium building, as recommended by the Design Committee.

Michele and Chris Frasz attended the meeting via Zoom. They are seeking a \$20,000 grant for their renovations. They recently obtained an updated quote from Northern Restoration for \$42,920 which is nearly double the original quote. The Board discussed and agreed that the new information should be reviewed by the Design Committee at their next meeting.

MOTION

Cortright moved, Little seconded, PASSED UNANIMOUSLY to return the Façade Grant application for the Water Street Atrium building to the Design Committee for review at their next regularly scheduled meeting.

New Business

Photography Contract

Photography Contract

Consideration to approve a 1 year photography contract with Michigan Barefoot Memories Photography in the amount of \$1,500 as recommended by the Marketing Committee.

MOTION

Adams moved, Cortright seconded, PASSED UNANIMOUSLY to approve a 1 year photography contract with Michigan Barefoot Memories Photography in the amount of \$1,500 as recommended by the Marketing Committee.

Plant Watering Contract

Plant Watering Contract

Consideration to approve a contract with Ryan's Landscaping in the amount of \$40 per hour for watering of the downtown planters for the 2020 season, not to exceed a total seasonal cost of \$10,800.

MOTION

Cain, Adams seconded, PASSED UNANIMOUSLY to approve a contract with Ryan's Landscaping in the amount of \$40 per hour for watering of the downtown planters for the 2020 season not to exceed a total seasonal cost of \$10,800.

Electric Charging Stations

The City has the opportunity to install two electric charging stations for which Consumers Energy would provide a \$5,000 grant for each. Locations being considered are 214 Ray Street in the City parking lot and 95 East Street by Old City Park. City Manager Cain has received 2 quotes. He would like to get 3 complete quotes before moving forward.

Financial Report

Financial Report Review

The Financial Report was received and filed.

Good Of The Order

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- A parade will be held on June 19th at 7:00 p.m. to honor BCHS 2020 graduates.
 - Pre-school will be opening the week after July 4th.
 - Anna Burkhart reopened her business Forgotten Treasures on May 22nd and stated that there has been a lot of community support.
 - Harbor House remains cautious with reopening. Currently two employees work on site at a time.
 - The paving work on N Lake Street and W Michigan is going well and should be finished by the weekend.
 - The Boyne Valley Bike Trail is near completion. There remains a gap at the railroad crossing in Boyne Falls.
 - The Veteran's Park Pavilion is nearly completed. The project should be done in a week or so.
 - City Hall remains closed to the Public due to Covid-19.
 - The City, Main Street and the Chamber continue to work together to open up outdoor public spaces such as sidewalks and alleys for businesses to use.
 - The City Commission meeting scheduled for next Tuesday is cancelled due to lack of agenda items and the absence of two Commissioners.

Adjournment MOTION

Cain moved, Adams seconded, to adjourn the June 4, 2020 meeting of the Boyne City Main Street Board at 9:40 a.m.

Jane Halstead, Recording Secretary

BOYNE CITY HISTORICAL COMMISSION

Minutes

Special Meeting

Boyne City Historical Commission

Call to Order: 5:10 pm

Present: Sansom, Hewitt, Barden, Dawson, Alexander.

Absent: None

Collections Policy Review:

Board discussed the items to be recommended along with the Collections Policy. The following list was compiled.

Recommendations

- 1). Need to add addendum to Collections policy for the Miller Collection to ensure that it remains with the city, also not to be loaned or deaccessioned.
- 2). Change wording in policy on page 3, section C, item 1 to read as follows; Any policy changes will be recommended to the Board of Directors along with Historical Commission and City Commission for final approval.
- 3). City Commission to establish a specific timeline with the Boyne Heritage Center for completion of Phase III.
- 4). Provide quarterly progress reports to the City Commission and Historical Commission.
- 5). Have City Attorney review Collections Policy.
- 6). Establish regular communication with the public, for example;

Place fundraising board in city lobby showing progress towards goals.

Articles in City Newsletter and City Website.

7). Need to continue having liaison between Boyne Heritage Center and Historical Commission Board.

8). Request a member of the City Commission attend Historical Commission and Boyne Heritage Center meetings.

motioned by Dawson as read to accept list of recommendations, second by Alexander, all ayes.

Adjournment: 6:07pm

Approved:

**Meeting of
June 15, 2020**

Record of the proceedings of the Boyne City Planning Commission meeting held via Zoom Meeting on Monday June 15, 2020 at 5:00 pm.

Call to Order

Chair Place called the meeting to order at 5:00 p.m. and discussed the rules of the Zoom meeting.

Roll Call

Present: Larry Chute, Skylar MacNaughton, Nichole Moblo, Tom Neidhamer, Aaron Place and Jeff Ross
Absent: Rose Newton
Vacancy: Two

**Excused Absences
Motion**

2020-5-15-2
Neidhamer moved, Ross seconded, PASSED UNANIMOUSLY, to excuse the absence of Newton

Meeting Attendance

City Officials/Staff: Planning and Zoning Director Scott McPherson, Assistant Planning and Zoning Director Patrick Kilkenny and Recording Secretary Pat Haver
Public Present: Two in attendance via the Zoom meeting platform

**Consent Agenda
Motion**

Neidhamer moved, Chute seconded, a motion to approve the consent agenda, the Planning Commission minutes from February 17, 2020 as presented.

Roll Call:

2020-6-15-3

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Place and Ross

Nays: None

Absent: Newton

Abstain: None

Vacancy: Two

Motion Carries

**Citizen comments on
Non-Agenda Items**

None

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

Planning Director McPherson reported there have been no committee meetings, and that the Marijuana Taskforce has not met recently due to the Covid - 19 restrictions, but anticipates them resuming their meetings within the next couple of months.

Unfinished Business

None

New Business

**Lakeview Village
Development Plan
Review
526 N. Lake Street**

Planning Director Scott McPherson reviewed his staff report included in the agenda packet. Back in August of 2019 they received development plan approval for a proposed expansion; and after some issues that arose with a portion of the residential development of the area along Lake Street a new plan was developed and is being submitted for review. A contaminated site which was remediated is located in the corner of Lake Street and the entrance to the park at the access site. There are no hazards they are concerned about, however redesigned that area to include a community building; maintenance facilities and activity area including a pickle ball court instead of residential houses. With the relocation of the maintenance building from the Park Street side, additional dwelling units are being proposed with a new

through access drive off of Park Street. Additional landscaping in the right of way on Lake Street around the parking lot areas and around the community center needs to be looked at. There are no sidewalks proposed and staff would like to see something along the lines of what is existing currently throughout the park; or at least on one side. This will help with providing needed housing in the area, and the revisions are not major and the plans are great in scope.

Kathy Emig – Manager of Lakeview Village – As the plans were being developed, we did not include all of the proposed landscape that is needed as we were not sure if the plans would be approved as proposed, however, are very willing and flexible in working with city and staff to come up with a comprehensive plan for landscaping and sidewalks. With discussion, the board would like to see additional landscaping along the Park Street side of the development as well as the Lake Street side and utilizing the berms and natural features already in existence.

Chute – Is there the same number of units?

Emig – Yes, we maybe down 1 in total

McPherson – Originally proposed 11 units on Park Street and 11 on Lake Street, now are proposing 14 on Park St with 3 being doublewide and 11 single, and only 5 now on Lake Street.

Moble – What is the difference in the hazardous area exposure levels with having proposed office and play area and not residential units?

Emig – Soil testing shows the area has been remediated; however, they do not want any residential digging of more than 18” in depth to for gardens and trees. The management company redesigned the area so that there would be concrete pads and parking areas and community buildings to alleviate those concerns. We plan on maintaining the natural berms, and the foundation work will be slabs. There is an artesian well in the Lake street area that we would like to incorporate into some sort of water feature, maybe a drinking fountain depending on the water quality.

Place – What about the increase of impervious surfaces with the water run off?

McPherson – permits will need to be obtained, as the city currently has a storm water ordinance that must be met.

Emig – Benchmark engineering went by the state rules for water runoff and we are proposing underground wells to be put in; it would be much safer to have buried retention ponds with little ones running around and playing. The water will be captured and filtered prior to being put into the city’s storm sewer system.

At this point Chair Place facilitated in the review of the Development Site Plan Review Standard - Finding of Facts. Because the plans have no major changes, it was suggested that the board concentrate on Section G. *Sidewalks, Pedestrian and Bicycle circulation* and Section K – *Landscaping, Screening and Open Space*. One question was brought up about parking numbers and if they meet our ordinance standards? Two spaces have been provided for each proposed development site, the additional parking proposed for various uses exceeds our parking ordinance requirements. The proposal meets our definition of density; the state has stricter standards, and the development plan must meet those standards in order to get their approval.

Motion

After board discussion with staff overseeing the requirements and approval of additional landscaping and sidewalks, **motion by Ross, seconded by McNaughton** to approve the Finding of Facts as presented with coordination of Section G Sidewalk specifically the addition along Terrace St/Park St. and Section K Landscaping to include additional landscaping with staff review and approval on the Park Street and Lake Street sides of the development to include the areas around all proposed residences, community center, maintenance buildings, open activity areas including the city’s right of way.

Roll Call:

2020-6-15 7

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Place and Ross

Nays: None

Absent: Newton

Abstain: None

Vacancy: Two

Motion Carries

Staff Report

- The Boyne City – Boyne Valley trail is 99% complete and is being heavily used. There is a section at the railroad tracks that is left to be completed.
- There is some upcoming Redevelopment Ready Community training at the end of June available to all Planning Commissioners and staff on economic development, capital improvement planning and affordable housing, check out the MAP website, coordinate with Pat if you are interested in going. Staff will send out the dates.

Good of the Order

- It was confirmed that the new trail is extremely busy, is easy to ride as it is level and is just over 6.5 miles in length. The trailheads are at the city's airport near the terminal building and at Boyne Mountain tennis courts. On Dam Road there is an area for rest and use of restroom facilities.
- The construction along US 131 north of Thumb Lake will continue, just not sure of timeframe at this point
- What is the status on short term rentals? McPherson – Staff has not gotten any direction from the City Commission as this is a better discussion with public input and is not conducive to a Zoom meeting platform, hopefully this item will move forward when having face to face meetings is allowed.
- Lofts on Lake street project is moving forward, however, with the Covid – 19 pandemic and restrictions they were shut down also for a while and progress was stalled.
- McNaughton will not be in attendance at the July meeting, as he will be out of town.

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, July 20, 2020 at 5:00 p.m.

Adjournment

**Motion

2020-6-15-10

MacNaughton moved, Chute seconded a motion to adjourn the June 15, 2020 meeting at 5:40 pm

Chair Aaron Place

Recording Secretary Pat Haver



City of Boyne City

MEMO

Date: July 10, 2020

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager 

Subject: Heritage Center Collections Policy

Attached for the City Commission's review and consideration is a proposed collections policy from the Heritage Center Board. This matter was withdrawn at our last meeting so the city's Historical Commission could review it and provide recommendations. The Commission may recall that the Historical Commission is the City's advisory Board currently overseeing the artifacts of the City's former museum while the Heritage Center Board is the groups formed as a non-profit seeking to open our future museum.

The recommendations of the Historical Commission are attached. Items 1, 2 and 5 appear to most directly apply to the proposed collections policy while the balance of the items appear to be more general in nature.

Also attached is a review of the proposed policy from our legal firm. Jim Murray was tied up with other matters so he referred this matter to one of his associates who we have worked well within the past.

The Heritage Center Board has been provided with the recommendations from the attorney and appear fine with them. They will attempt to provide an updated collections policy incorporating the attorney's recommendations prior to our meeting on Tuesday.

I am fine with adoption of the collections policy after incorporating the relevant recommendations from both groups.

RECOMMENDATION: That the City Commission approved the Collections Policy as recommended by the Heritage Center Board contingent upon the incorporation of the attorney's recommendations and items 1,2 and 5 from the Historical Commission.

Other options:

1. Postpone for further review and/or information.
2. Deny the request.
3. Modify the request.
4. Other options as may be determined by the City Commission.

Cindy Grice

From: michele hewitt <thehewittfamily@hotmail.com>
Sent: Tuesday, July 7, 2020 11:04 AM
To: Cindy Grice
Subject: Memo for City Commission

To: City Commission

From : Boyne City Historical Commission

Re: Musuem Collections Policy

At our July 6, 2020 meeting the Boyne City Historical Commission made the list of the following recommendations regarding the Boyne City Museum Collections Policy that is being presented by the Boyne Heritage Board.

Recommendations

- 1). Need to add addendum to Collections policy for the Miller Collection to ensure that it remains with the city, also not to be loaned or deaccessioned.
- 2). Change wording in policy on page 3, section C, item 1 to read as follows; Any policy changes will be recommended to the Board of Directors along with Historical Commission and City Commission for final approval.
- 3). City Commission to establish a specific timeline with the Boyne Heritage Center for completion of Phase III.
- 4). Provide quarterly progress reports to the City Commission and Historical Commission.
- 5). Have City Attorney review Collections Policy.
- 6). Establish regular communication with the public, for example;
 - Place fundraising board in city lobby showing progress towards goals.
 - Articles in City Newsletter and City Website.
- 7). Need to continue having liaison between Boyne Heritage Center and Historical Commission Board.
- 8). Request a member of the City Commission attend Historical Commission and Boyne Heritage Center meetings.

motioned by Dawson as read to accept list of recommendations, second by Alexander, all ayes.

Michael Cain

From: Stowers, Rhonda <RStowers@plunkettcooney.com>
Sent: Thursday, July 9, 2020 10:43 PM
To: Michael Cain
Cc: Murray, James
Subject: RE: Final Collections Policy

I've reviewed and agree – overall it looks good – just a couple comments:

Section I, B – (Title) – “Personel” should be “Personnel”

Sec. I, B, 1 should state “properties that house”

Sec. I, B, 2 – “charged” by the City – do we want to appoint/contract with BHC?

Sec. I, B, 3 – although it indicates the Collections Committee is “within” BHC, we might also want to expressly state that it is a “within and a part of BHC” – does the City have any say as to who is appointed to the Committee?

Sec. I, B, 5 – volunteers must abide by the policy – do we want to specifically state that visitors shall sign an acknowledgement and agreement to abide by the policies?

Sec. I, D, 2 – should state “also lack provenance, lack physical integrity, be a duplicate or replication, or be regarded as expendable”

Sec. II, A, 5, ii – might read better to state “good physical condition or able to be conserved”

Sec. II, A, 5, v – you might want to consider allowing a board override – I envision a circumstance of an extraordinary item an individual wishes to donate, but wants it returned if ever deaccessioned – under the current policy, you could not accept that item. Might want a vote of the board to allow restrictions in certain instances. (Same with Sec. II, A, 8 – may want to have a limited board decision on some conditions)

Sec. II, A, 6 – might want to specify flammable chemicals, rather than merely flammable.

Sec. IV, A, 7 – the “select staff” should be specified

Sec. V, B, 7 – the cited law has been repealed. I believe the intended reference is The Museum Disposition of Property Act, Public Act 24 of 1992, Michigan Compiled Laws Sec. 399.601 *et seq.* Note that this Act also has certain requirements and protocols for museum loans that should be followed.

Sec V, C, 1 – who makes the decision whether or not an object will be loaned?

Sec. V, C, 3 – how will this value be determined? Is there going to be any appraisals of loan property prior to the loan? An agreed-upon value prior to the loan? Will photographs or an inspection of the item take place before to establish when any loss/damage occurred?

Sec. VI (misabeled “CI”), A, 4 – It should be clear who must approve (Committee or staff)

Sec. VI, B, - 2d Paragraph – should read “about the origin and copyright, but the BHC [and the City?] is not required to pursue”

Sec. VII, A – should also include Collections Committee in the list – note that “anyone associated with the BHC” may be too vague to enforce (another reason for volunteers to sign acknowledgments of the policies) – also may want to state, “In fulfilling their duties” at the beginning

Sec. VII, D – may want to state “BHC and its committees, staff and volunteers” as we have previously been distinguishing between the BHC and its staff

Sec. VII, F, 3 – may want to provide for the limited acquisition by staff with City approval. Staff may be the most likely buyers of deaccessioned goods, or may have something the museum very much wants – this policy provision would bar such accession.

Note that I did not have any of the exhibits or bylaws to review.

I'm available to discuss further on Friday if needed.

Rhonda



Rhonda R. Stowers

Plunkett Cooney
Attorneys & Counselors at Law
T 810.342.7003 C 810.730.7258

[bio](#) | [office](#) | [vcard](#) | [web](#) | [linkedin](#)

From: Michael Cain <mcain@boynecity.com>
Sent: Thursday, July 9, 2020 2:56 PM
To: Stowers, Rhonda <RStowers@plunkettcooney.com>
Subject: RE: Final Collections Policy

[EXTERNAL]

I have reviewed it and have no real concerns. M

From: Stowers, Rhonda <RStowers@plunkettcooney.com>
Sent: Thursday, July 9, 2020 7:10 AM
To: Michael Cain <mcain@boynecity.com>
Subject: RE: Final Collections Policy

Hi Mike,

Am I reviewing the entire policy, or are there specific sections that we're focused on? I don't want to reinvent the wheel, particularly if all thumbs are up.

Rhonda



BOYNE
HERITAGE
CENTER

MEMO

June 18, 2020

Boyne City City Commission

Boyne Heritage Center

Collections Policy Draft

Me

The Boyne Heritage Center Board of Directors submits this attached pdf draft of our Collections Policy to be reviewed and considered for approval by the commissioners at their meeting of June 23, 2020. The intent of this policy is to serve as the formal agreement between the City of Boyne City and the Boyne Heritage Center in its role of stewards of the historical collection and resources owned by the City of Boyne City and held in public trust.

Thank you,

Kecia Freed

President, Board of Directors

Boyne Heritage Center



BOYNE
HERITAGE
CENTER



Historical Collections Policy
of the Boyne Heritage Center
and City of Boyne City

7-8-20

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I) INTRODUCTION TO COLLECTIONS POLICY

A) STATEMENT OF PURPOSE

The purpose of the Boyne Heritage Center (BHC) is to promote and manage the collection, preservation, educational interpretation and display of the Boyne City area's artifacts, documents, events and history, its people and institutions, its cultural and economic development. Likewise, the primary goal of the corporation is to preserve the Boyne City area's heritage for the benefit of present and future citizens.

B) STATEMENT OF AUTHORITY AND PERSONEL

- 1) City of Boyne City (City) – A Michigan municipal corporation governed by a City Commission, who has full ownership of the Collection and provides certain properties that houses the Boyne Heritage Center's exhibit and storage facilities.
- 2) Boyne Heritage Center (BHC) – A private 501(c)3 organization governed by a Board of Directors (Board), charged by the City to manage the City Collection and promote the history of Boyne region. As per the BHC Bylaws, all assets and records will be provided to the City if it were ever to be dissolved as an organization.
- 3) Collections Committee – A committee within the BHC which is delegated to assist with managing the Collection, and to make recommendations to the BHC Board pertaining to the Collection.
- 4) Staff – Personnel employed, or contractors hired by the Boyne Heritage Center.
- 5) Volunteers – Any unpaid person(s) who dedicates time to advance the goals of the BHC. Any volunteers working directly with the collection must abide by this policy.

C) COLLECTIONS COMMITTEE

(Cited from the Boyne Heritage Center Bylaws)

“Collections and Conservation Committee shall assist staff, officers, Directors with the acquisition and maintenance of corporate properties and facilities and conduct an annual equipment inventory.

The committee shall also submit recommendations to the Board on leases, licenses, insurance, real property purchases and similar related matters. Additionally, this committee shall be responsible for those policies, procedures and forms that provide for the acquisition, preservation, storage, security, cataloging and display of items donated or loaned to the museum. Other duties include oversight of an annual inventory of collections and the periodic assessment of preservation and conservation needs.”

1) Policy Review

The Collections Committee shall be charged with the establishment and periodic review of the Collections Policy and related procedures. Any suggested Policy changes will be recommended to the Board of Directors who will approve any suggestions to be recommended to the City Commission for final approval.

2) Plans and Procedures

The Collections Committee is responsible for developing plans and procedures for the Collection management, according to the annual budget, and will work with paid staff on implementation. The Boyne Heritage Center Board is the authorizing body to approve policy and maintain oversight over the Collection Committee plans and procedure.

3) Reporting

The Collections Committee must report to the Board of Directors at all regular meetings. Reports may include any updates on potential or current objects, recommendations on acquisitions, deaccessions, policy or other requirements of the Committee stated in this policy.

D) SCOPE OF COLLECTIONS

The Mission Statement and Interpretive Framework of the Boyne Heritage Center provides general guidelines for acquiring objects for the City's Collections. The Scope of Collections Statement outlines more specific criteria for determining the types of objects that may be added to the specific named collections.

The BHC collects objects on behalf of the City relating to the history of the Boyne region. Although we have no fixed boundaries, the Boyne Heritage Center will feature historical content primarily from the service area of the Boyne District Library, with the addition of Boyne Falls, Walloon Lake and the area west of Horton Bay.

1) Permanent Collections

These objects, present and future, belong to the City of Boyne City, and are acquired and preserved because of their potential value as examples, as reference material, or as objects of aesthetic or educational importance, all relating to the BHC's Mission and themes of the Interpretive Framework. Objects in the Permanent Collection will be protected, preserved and held to the highest standards in the Collection. These objects have the most restrictive level of access. These accessioned materials are held in trust for public use in exhibitions, programs or research by responsible scholars. The Boyne Heritage Center has the authority to use and promote any objects in the entire collection.

2) Auxiliary Collection

Objects not accessioned into the Permanent Collections that are used to support the BHC's education programs, exhibits, and research. These objects may also lack provenance, lack physical integrity, is a duplicate or replication, or is regarded as expendable.

3) Temporary Collection

In order to meet the goal of complete accountability for all objects in custody of the City, objects left for review or on loan will be placed in this collection for up to (1) year. Unwanted objects are subject to removal using the guidelines in the Disposal of an Object section if the previous owner refuses to take it back or cannot be determined.

E) INTERPRETIVE FRAMEWORK

1) Interpretive Focus

(i) Exhibit title "*Boyne Before Us*"

(ii) The history of the Boyne City region is a record of peoples' stewardship of the landscape.

2) Concept Summary

The extraordinary gifts of the land and waters attracted people over thousands of years to the Boyne region. These gifts included the soils, the spring waters, the wildlife, and the trees. After settlement in the early 1800s, the explosive harvest of these gifts - lumbering, fishing and hunting, industry – built the region but left the land and waters degraded and abandoned. In revival, the Boyne community has embraced a sustainable economy that enjoys, protects and shares its gifts with the future.

3) Accompanying Themes

The Museum proposes to build its interpretation around 8 themes:

(i) **Foundation**

This series of natural history displays introduce the landscape and resources of the region that have supported human life and have been the subject of human stewardship and history.

(ii) **Settlement (1850s-1880s)**

Discovering the reasons and the ways people came to settle the area in the 1800s. Introductions to the first settlers and their first exploitation of resources, with displays of the Miller collection objects.

(iii) **Boom (1880s-1910)**

Learning about the explosion of industry and resource exploitation on the Lake Charlevoix waterfront in Boyne City and its impact on the community and region. Lumber mills were at the core, and other industries were related to lumber. Collection displays pertaining to this industry and history.

**LaFrance and tower clock: Collection displays, graphics, and lighting support the singular roles of the fire department and the tower clock in the community.*

(iv) **Booming Boyne (1900-1920)**

A portrait of booming Boyne and its people is offered by graphics, collection displays, and architecture.

(v) **Downtime and Revival (1920-2000s)**

The lumber boom in the region was unsustainable. As the woods were exhausted the economy declined even before the jolt of the Great Depression. What seemed powerful and permanent, like the local industries and shipping wealth, became fragile and transitional. Mills and factories closed, people left town and buildings were torn down. Smeltania became a symbol of humor and survival.

(vi) **Boyne Today**

A portrait of contemporary Boyne and our unfolding history.

(vii) **Multi-purpose**

An open area for changing exhibits, events, demonstrations and significant historical discoveries.

II) ACQUISITIONS

Objects may be added to the collection by means of gifts, bequests, purchases, transfer, exchange, objects found on City property, fieldwork acquisition, or any other events by which title to the objects passes to the City of Boyne City for the purpose of the Boyne Heritage Center Exhibit.

A) ACCESSIONING

- 1) Every effort will be made to accept only those objects into the Permanent Collections which fit the mission statement of the BHC, have potential use in the research and interpretation of Boyne's history, and warrant a long-term commitment toward their preservation. Accessioning is undertaken in order to fulfill the responsibilities of holding objects in public trust. It insures proper documentation and management of the objects.
- 2) The Collections Committee will put in place plans and procedures for acquiring new objects for the collections.
- 3) The City of Boyne City and the BHC shall take all possible precautions to ensure the physical safety of objects in the Permanent Collections, and to store objects in the Permanent Collections in an environmentally controlled space in a location approved by the City.
- 4) In order to empower members of the Board and staff to obtain potential objects for the Permanent Collection when a unique opportunity arises, these personnel are authorized to purchase an object up to an amount budgeted by the board without approval from the Board. Any object over the budget must be approved by the President or Treasurer of the Board in an expedited manner. Policy in the BHC bylaws applies to all purchasing matters. All efforts to obtain object by donation are to be exercised before purchasing objects.
- 5) An object shall be considered for accessioning into the Permanent Collections only if it meets the following criteria:
 - (i) An object must contribute to the interpretation and understanding of the history and material culture of Boyne and its state, regional, national, or international contexts.
 - (ii) An object must be in reasonably good physical condition or can be conserved with the BHC's resources.
 - (iii) An object must be sufficiently complete to convey historical information.
 - (iv) An object must have historical significance, or it must be sufficiently useful for research or interpretive purposes.
 - (v) An object must have free and clear title and shall be offered without restrictions imposed by the depositor.
 - (vi) No object shall be knowingly accepted or acquired which has been illegally imported into, or collected in, the United States contrary to any applicable law, regulation, treaty, or convention.
- 6) The BHC will not accept an object which contains flammable, unstable, perishable, or toxic materials such as medicines, foodstuffs, household cleaners, toiletries or lubricants. It will be the responsibility of the depositor to remove such materials before the object is brought to the BHC for consideration.

- 7) The Collections Committee is obligated and authorized to accession any object into the collections in adherence with this Policy. A list of recent accessioned objects is to be provided to the City no less than once per fiscal year by the BHC.
- 8) The depositor must transfer unconditional title of all objects gifted or sold to the City of Boyne City.
- 9) BHC Board of Directors and staff shall not make verbal or written appraisals of objects donated. Board and staff may direct donors to professional appraisers' organizations but will not make endorsements of any specific appraiser. Donors shall bear the cost of appraisals.
- 10) Objects shall not be accessioned into the collections unless the BHC or City can provide for the storage, protection, and preservation-friendly environment of the objects under conditions that ensure their physical integrity and availability, in keeping with professional standards.
- 11) The City, BHC and staff shall abide by the Conflict of Interest Policy, as well as the American Alliance for Museums' and the Museum's Code of Ethics with regarding personal collecting and shall avoid any apparent conflicts of interest in collecting. All potential conflicts of interest should be declared to the Board.

B) COPYRIGHT CONSIDERATIONS

The BHC may obtain ownership and control of copyright on behalf of the City of Boyne City in the following matters:

- 1) As the "author" of a work made for hire, either of work performed by staff within the scope of employment or work commissioned from another under certain circumstances.
- 2) By the transfer of copyright through assignment.
- 3) By the transfer of copyright through licensing.
- 4) When the BHC acquires an object on behalf of the City that appears to be protected by copyright, it is important to establish, if possible, who holds copyright and to clarify whether any of the existing copyright interests pass to the City with the object. Lack of interests should be noted on the accession records along with any information on the actual copyright holder. If copyright interests exist and the BHC wishes to obtain them, or the right to exercise some or all, this must be negotiated with the copyright holder and expressly noted on the Deed of Gift and all related forms.

III) DEACCESSIONS

A) DEACCESSION OF AN OBJECT

- 1) An object shall be deaccessioned from the Permanent Collections by recommendation of the Collections Committee to the Board of Directors, who will in turn recommend to the City Commission for final approval.
- 2) The removal of objects from the Permanent Collection shall be undertaken only after careful consideration. The objectives of the deaccessioning process are to ensure that the collection

is representative of the BHC's mission; to reflect changes in the BHC's mission or collection policy; or to maintain sound collection management practices.

- 3) An object that has been part of the BHC permanent collection for at least 3 years may be considered for deaccessioning only if it meets one or more of the following criteria:
 - (i) An object does not fall within the scope of this collection policy, does not fit the mission statement of the BHC, cannot serve a foreseeable purpose for research, exhibits or educational purposes, is out of compliance with local, state or federal law, or has been approved for repatriation under the Native American Graves Protection and Repatriation Act (NAGPRA).
 - (ii) An object is found to be a clear forgery, replica, or reproduction that lacks historic significance.
 - (iii) An object is potentially hazardous to other objects or to human health.
 - (iv) An object is a duplicate of other objects in the collection which are of higher quality, are in better condition, have a Boyne provenance, or are more representative of objects used in Boyne in the past.
 - (v) An object is in imminent danger of deterioration or destruction, and it is beyond the resources of the BHC to stabilize or conserve the object at that time.
 - (vi) An object has deteriorated to the point where it is no longer restorable or cannot be used for exhibits, research or education purposes.
 - (vii) An object is used for destructive analysis which is deemed to be of more value to the BHC than retaining the object intact.
 - (viii) An object is found not to have had free and clear title at the time of donation or was not offered without restriction.
- 4) The Collections Committee shall create and maintain complete and accurate records for objects deaccessioned.
- 5) The staff and Board must not purchase or acquire objects deaccessioned from the BHC which are not offered at public auction or sale. However, these individuals may participate in public auctions and public sales.

B) DISPOSAL OF AN OBJECT

- 1) Disposal of an object from the Permanent Collection is the responsibility of the BHC as approved by the City, using the following methods of disposal of deaccessioned objects:
 - Reclassification as an auxiliary material within the heritage center for a specific use.
 - Transfers or exchanges to cultural, scientific or educational institutions, with priority given to institutions in the Charlevoix County area, or in the state of Michigan, respectively.
 - Sale at a BHC-sponsored public auction or sale, only in the event that no cultural, scientific, or educational institution is willing to accept the object.
 - Donation to charity.
 - Destruction, if no other method is feasible.
- 2) Disposal of objects through sale, trade, or research activities is solely for the advancement of the BHC's mission. Proceeds from the sale of collections are to be used for acquisition or direct care of collections.

- 3) No deaccessioned materials shall be sold through any BHC retail platforms.
- 4) The BHC shall abide by the Conflict of Interest Policy of the Boyne Heritage Center with regards to disposal of an object.

IV) DOCUMENTATION

A) RECORD DEVELOPMENT, MANAGEMENT AND MAINTENANCE

- 1) A collection management system for intellectual control of the collections shall be maintained by the Collections Committee and staff. This includes both physical and electronic documentation.
- 2) Development, management and maintenance of all records and documents shall be in accordance with museum standards and best practices.
- 3) Official records, associated records and resource management records will be maintained in perpetuity.
 - (i) Non-official copies or duplicate documents will be maintained until their use is no longer required.
 - (ii) Electronic records will be backed up to the City of Boyne City IT system at a minimum of once annually.
 - (iii) All records in the depositor accession files will be maintained in a hard copy and digital format.
- 4) Official records, un-official copies, resource management records as well as associated records will be developed, managed and maintained by the Collections Committee and staff.
 - (i) The Collections Committee will report any financial related information and documents to the Treasurer of the Board.
- 5) The Collections Committee is responsible for the creation and revision of the official record forms.
 - (i) The Collections Committee shall review all official record forms, agreements and contracts for proper legal terminology and content before submitted to the Board for approval.
- 6) New acquisition records will be completed in a timely manner, accurately recorded and stored in secure assigned areas as approved by the City.
 - (i) Depositor Accession File Folders will contain all official records and associated records related to activities surrounding the acquisition. Acquisition Records will be maintained in the official record files by the Collections Committee.
- 7) The Collections Committee and select staff is responsible for any additions, changes or deletions made to the records of objects.
- 8) Access to these files will be through the Collections Committee and select staff.
- 9) Files and records are subject to review and/or audit by the Board of Directors.
- 10) Records may be kept in a digital format. All digital records must be backed up and stored in a location approved by the City on a periodic basis no less than once per fiscal year.

- 11) All original documents, files and hard drives must stay on City property at all times, unless approved by the City.
 - (i) When necessary, duplicates of digital images may be created by the Collections Committee and taken off property for the sole purpose of image restoration and Boyne Heritage Center promotional efforts.
 - (ii) Any current or former Committee Member may not use any copies of documents or images belonging to the City or BHC for any other purpose other than previously stated ("i") without proper permission.
- 12) The Boyne Heritage Center has full copyrights, patent, and royalty rights for any publications, images, photographs, filmstrips, videotapes, procedures, website, etc., produced as part of any personnel's assigned duties or when the personnel utilizes City/BHC property or benefits directly from knowledge, information, and skills derived at the BHC. No personnel shall duplicate, copy, or reproduce any property of the City or BHC without permission, except in the normal course of performing assigned work.

B) CATALOGING AND OBJECT DOCUMENTATION

- 1) All object documentation shall be in accordance with generally accepted museum standards and best practices.
- 2) Documentation of objects will include physical description, provenance, and storage location.
- 3) Numbering systems will be used to track objects and associated records.
- 4) Depositor files will contain Deeds of Gift, correspondence, and any other documentation related to the transfer of ownership to the City of Boyne City.
- 5) Records of objects on loan from other institutions or individuals will be developed and maintained by the Collections Committee. Copies will be provided to the loaning institution when the object is returned.

V) LOANS

A) LOAN STATEMENT

Loans will be made to and from individuals, institutions and other organizations in the interest of fulfilling the mission of the BHC. Loans may be used for use in special exhibitions, as well as research and developing other interpretive projects.

B) INCOMING LOANS

- 1) The following factors shall be considered before accepting any in-coming loan: the intended use of the object, costs of storage, security, transportation and insurance, the object's condition, ability to withstand shipment, the lender's restrictions, and problems of provenance or copyright.
- 2) The Board President or Treasurer and the lender or an authorized representative of the lending institution must sign incoming loan agreements.

- 3) Objects taken on loan to the BHC will be given the same care as objects in the Permanent Collections, unless otherwise specified in the agreement with the lending institution or owner. No alterations, embellishments, modifications, dismantling, or conservation treatment of loaned objects will be undertaken without written consent from an authorized representative of the lending institution or owner.
- 4) Loans will be accepted for a period of no longer than one year. Loans may be renewed annually.
- 5) Researchers will not be granted access to objects which are on loan to the BHC, unless so stipulated in the loan agreement.
- 6) Should an object on loan be offered for donation, it must undergo the formal process of accessioning.
- 7) If the owner fails to take possession of an object upon termination of the in-coming loan agreement, the disposition of the object shall be governed by the (Michigan Revised Statutes, Chapter 3.1, Unclaimed Property in Museums: §44-352 Acquiring title to loaned property §44-355 Museum obligation to the lender §44-356 Lender obligation to the museum).

C) OUTGOING LOANS

- 1) The intended use of the object, the object's condition and the borrower's ability to ensure the proper care, physical stability, and security of the object are to be considered when evaluating an outgoing loan request. Objects which are extremely rare or fragile or need extensive conservation may not be considered available for loan.
- 2) The borrower must be a bona fide scientific, historical or educational institution. In some cases, loans may be granted to other institutions when the good of the heritage center and the edification of the general public will be served.
- 3) The borrower must reimburse the museum for any loss or damage incurred to the loaned object(s)
- 4) No alterations, embellishments, modifications, dismantling, or conservation treatment of loaned objects will be undertaken without the written consent of the Board.
- 5) Use of photographs of loaned objects in educational publications or reports is permissible as long as credit is given to the Boyne Heritage Center. All other use of images of loaned objects must adhere to the Image Use section of this policy.
- 6) Objects which cannot be properly preserved or documented on City-approved storage locations may be taken off-site using this Outgoing Loans section as a guideline for policy and procedure, with the exception of Section 4. Any and all intended conservation treatment must be clearly expressed in the Outgoing Loan Contract.

CI) IMAGE USE

A) REQUESTS TO ACCESS AND USE COLLECTION IMAGES

In order to fulfill its mission of promoting Boyne Area history, the BHC will accept requests for image use of objects in its collections.

- 1) All requests must include the name, address and phone number of the requestor as well as the intended use of the reproduction.
- 2) If requesting to reproduce an image for publication, the title of the publication, the publisher, and the expected date of publication must be included.
- 3) If requesting for commercial use of an image, the name of the requestor, any aliases, company/institution name and a full description of the reproduction must be included.
- 4) Once the request has been approved by the Collections Committee or staff, the requestor must complete and sign the Agreement For Use of Photographs and Digital Images.
- 5) The Agreement is valid only for the individual, company or institution to whom it is specifically issued and may not be transferred, assigned or sold.
- 6) The publisher is to provide the BHC with one complete, gratis copy of the publication in which the image is reproduced as per the Agreement.
- 7) Full documentation credit, COURTESY OF BOYNE HERTIGE CENTER/CITY OF BOYNE CITY, must appear on the object/image or in immediate proximity to the object/image.
- 8) If so requested, a proof must be approved by the BHC before permission to reproduce is granted.
- 9) No permission will be granted to requests for use of images that conflict with the mission of the BHC or damage the integrity of the BHC or City.

B) COPYRIGHT CONSIDERATION

The BHC may grant permission to use images in the Collection on behalf of the City for which the City may or may not hold copyright as described in this policy and the Agreement for Use of Photographs and Digital Images.

The City's collection includes some images and recordings for which it does not hold copyright. If the City doesn't hold copyright for the requested images, it is the requestors responsibility to determine the copyright status of the material. The BHC will provide any available information about origin and copyright, but we are not required to pursue copyright research or to acquire copyright permission on your behalf.

The requesting party is solely responsible for ensuring that all appropriate copyright permissions are granted before publication. The BHC cannot provide legal advice regarding fair use or copyright. The BHC will only release copies for private use and research with the user's acknowledgement of these responsibilities.

VII) STATEMENTS OF STANDARDS OF CONDUCT AND ETHICS

A) HISTORICAL ARTIFACT COLLECTIONS

The ethical duty of the BHC is to hold its collections in public trust. In fulfilling its duties toward the collections, the BHC Board of Directors, staff and anyone associated with the BHC should act in accordance with current museum standards and practices in the acquisition, research, preservation, interpretation and deaccessioning of objects in the collections.

B) APPRAISALS

No member of the heritage center staff shall offer appraisals of the monetary value of objects to depositors or members of the public. Depositors must obtain an independent appraisal at their expense. Staff may assist depositors in locating qualified appraisers. Such assistance does not imply that the Boyne Heritage Center endorses these appraisers or any appraisals that they may provide. When recommending outside appraisal services, staff should provide more than one appraiser whenever possible in order to avoid any appearance of favoritism.

C) AVAILABILITY

The BHC will seek to provide the public with reasonable access to the collections on a nondiscriminatory basis at the discretion of the Collections Committee and staff. The BHC will provide research access to the physical Collections, and publish a digital exhibit to the public. However, public access must be weighed against the safeguarding and preservation of the collections. Researchers, scholars and members of the public may be granted supervised access to objects in the collections. All access to the Collections will be documented, except for objects on display to the public.

D) TRUTH IN PRESENTATION

The public trust of the Boyne Heritage Center is built on the belief that the BHC strives to maintain the highest degree of authenticity, integrity, objectivity, truth and transparency in all of its public activities. It is incumbent upon the BHC staff to present to the public the most accurate, current information possible about the objects in the Collections. Object documentation and publicly disseminated information must be revised as promptly as possible when new facts come to light.

E) PLURALISM

The BHC's collections should reflect the ethnic and cultural diversity of the Boyne region. Care must be taken so that the collecting practices of the museum do not reflect the perpetuation of myths or stereotypes. Cultural sensitivity should be maintained with regard to the beliefs and practices associated with particular objects.

F) PERSONAL COLLECTING

Personal collecting should not compete with the acquisition of objects for the collections of the BHC. Personal collecting is subject to the following guidelines for BHC staff and Board members:

- 1) Staff and board members shall not become involved in transactions that give rise to a conflict of interest.
- 2) When presented with an opportunity to acquire and object, staff and board members will use ethics and sound judgements on behalf of the BHC and its interpretive framework.
- 3) Objects should not be purchased from, sold to or traded with the BHC.
- 4) These guidelines do not apply to objects acquired prior to the date when a staff or board member became affiliated with the BHC.

VIII) GLOSSARY OF TERMS

Accession: the formal process used to accept and record an object as part of the permanent collections. The object may be donated, purchased, exchanged, or acquired by any other transaction whereby it formally becomes the legal property of the City of Boyne City, managed by the Boyne Heritage Center.

Appraisal: the assignment of a monetary value to an object by a qualified appraiser.

Conservation: scientific examination and treatment of museum objects and the study of the effects of the environment in which they are placed.

Deaccession: To remove an object from a museum's permanent collection.

Depositor: an individual who has deposited objects with the BHC to consider for donation or purchase.

Disposal: the process of physically divesting the City of an object in its possession in accordance with the Collections Policy.

Incoming Loan: the temporary transfer of collection objects from another museum, institution or individual to the Museum for stated museum purposes. The transfer does not involve a change of ownership.

Object: a tangible item, or artifact which is assigned an Object ID in the Collection cataloging system.

Official Records: the original records transferring ownership of objects to the City.

Preservation: action taken to retard or prevent deterioration of or damage to objects by control of their environment and/or treatment of their structure in order to maintain them as nearly as possible in an unchanging state.

Provenance: the chronology of the ownership, custody or location of a historical object. Provisional Deposit: any object deposited with the museum for consideration as a potential donation or purchase for the Museum's purposes.

Resource Management Records: documentary products of archaeological surveys and/or excavations that accompany the archaeological collections; documents pertaining to historic preservation activities.

IX) EXHIBITS

- A) DEED OF GIFT
- B) INCOMING LOAN AGREEMENT
- C) OUTGOING LOAN AGREEMENT
- D) TEMPORARY CUSTODY AGREEMENT
- E) AGREEMENT FOR USE OF PHOTOGRAPHS AND DIGITAL IMAGES

City of Boyne City**MEMO**

Date: July 10, 2020

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Elmers Mining Proposal discussion

As Commissioners may be aware Elmers purchased the old Smith mining facility just south of the City on Fall Park Road several years ago. Working with Wilson Township they have cleaned up that operation. They have also purchased property north of the old Smith site and adjacent and east of Fall Park Road.

Representatives of Elmers have approached the City and expressed a desire to conduct mining operations on their property in the City. After mining is completed they have also proposed donating that property, after it has been cleaned up, to the City for possible use to address housing needs.

Representatives of Elmers have requested the opportunity to come before the City Commission to review and discuss their ideas and receive initial feedback. They have provided the attached materials to provide some background and as a basis for discussion. Representatives for Elmers will be present at the meeting.

At this point no formal application has been received nor is any formal action required at our upcoming meeting. If this or a revised plan is to proceed it would need to go before the Planning Commission for possible rezoning, which would then come back to the City Commission at a future date for final consideration.

RECOMMENDATION: That the City Commission allow the representatives from Elmers to make their presentation regarding proposed mining in the City and hold what, if any, discussions on this matter the Commission may choose to have at this time.

Other options:

1. Do not allow any presentation at this time.
2. Allow the presentation but not provide any feedback at this time.
3. Other options as may be determined by the City Commission.



R. EDWARD KUHN
 TERRY C. ROGERS
(LLM, Taxation)
 EDGAR ROY III
 JOSEPH E. QUANDT
 GREGORY J. DONAHUE
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 TRAVERSE CITY, MICHIGAN 49684
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LANSING OFFICE:
 2937 ATRIUM DRIVE, STE 200
 OKEMOS, MI 48864

MOUNT PLEASANT OFFICE:
 3046 JEN'S WAY
 MT. PLEASANT, MI 48858

CHRISTOPHER G. ROGERS
(also admitted in Illinois)
 J.D. PRAASTERINK
(also admitted in Arizona)
 MARC S. McKELLAR II
 PATRICK M. ELLIS
OF COUNSEL:
 LEWIS G. GATCH
 A. BROOKS DARLING

February 17, 2020

VIA EMAIL mcain@boynecity.com

Michael Cain
 City Manager
 City of Boyne City
 319 N. Lake Street
 Boyne City, MI 49712

Re: Elmer's

Dear Mr. Cain:

As you know, I represent Elmer's Crane and Dozer, Inc. and Elmer's Real Estate Company, LLC who own and operate a sand/gravel pit in Wilson Township, on Fall Park Road, formerly owned by CH Smith. As you are aware, Elmer's also owns a parcel directly to the north of the aforementioned property just off Fall Park Road in the City of Boyne City.

Upon purchase of the property in Wilson Township, my client has demolished the old home, recycled rubble concrete and generally cleaned up the property, removing scrap, debris and assorted refuse. My client is still in the process of transitioning the property into something in which we believe Wilson Township and the City of Boyne City can take pride.

In that effort, we had the pleasure to meet you and Mr. McPherson approximately one month ago to discuss the Elmer's parcel that rests within the Boyne City boundaries. Elmer's is not in the business of holding idle vacant property and Elmer's has no long-term plans for the development of this parcel in Boyne City. Because of my engagement in previous Boyne City development projects, I am acutely aware of the City's desire to find affordable housing solutions for Boyne City residents. Elmer's senior management has indicated that they are willing to donate this parcel to the City to facilitate whatever municipal objectives the City may have, including a potential location for affordable housing. As I believe you are aware, the parcel currently has significant elevation and topographic relief, such that it is not positioned well for any use in its current state. Elmer's is currently conducting sand and gravel extraction activities on the south side of this hill and would propose to the City that the land be donated to the City with a contract agreement between the City and Elmer's, whereby Elmer's will remove the sand and gravel from the hill, leaving the property with a flat relief at a grade level consistent with the surrounding

KUHN ROGERS PLC

February 17, 2020
Page 2

parcels and suitable for immediate residential development at the conclusion of Elmer's extraction activities.

In order to assure that the entire area (both the Boyne City parcel and the adjoining Hayes Township parcel) is harmoniously compatible, Elmer's would also agree to contour the Wilson Township parcel and plant tree cover, so that the Wilson Township parcel is likewise a beautifully contoured and landscaped site, which transitions nicely into the Boyne City parcel. Elmer's would contemplate that all of this activity can be completed within a fifteen to twenty year time frame.

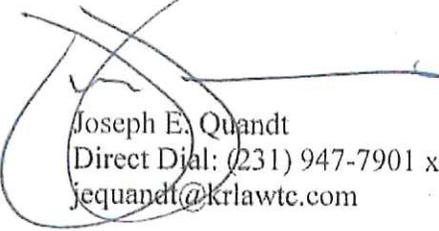
In order to screen the proposed activity and make it as unobtrusive as possible, Elmer's would agree to install a vegetated and treed berm along West Dietz Road and portions of Fall Park Road. Further, Elmer's would agree to retain a one hundred (100') foot buffer of existing trees along the east, west and northern perimeter while the extraction activities are being undertaken. This 100' buffer would significantly conceal the extraction activities taking place on the Boyne City hill parcel. Finally, Elmer's would also agree that it would delay any additional expansion of their operations on the Wilson Township parcel until the activities on the Boyne City parcel have been completed.

My client believes that this is an outstanding opportunity for the City to execute some long-term planning for affordable housing and also allows Elmer's to access the sand and gravel next to an existing excavation operation, so that construction materials for road projects and other improvements in Northwest Michigan can be obtained. Thus, it would seem to be a "win-win" opportunity for both the City and Elmer's. My client would like the opportunity to present a plan to the Boyne City Commission at a time which you think would be appropriate to introduce this proposal. Please review the enclosed maps and the plan as contained within this letter, and let us know when you think it would appropriate to present such an opportunity to the City of Boyne City Commission.

We look forward to your response.

Sincerely,

KUHN ROGERS PLC

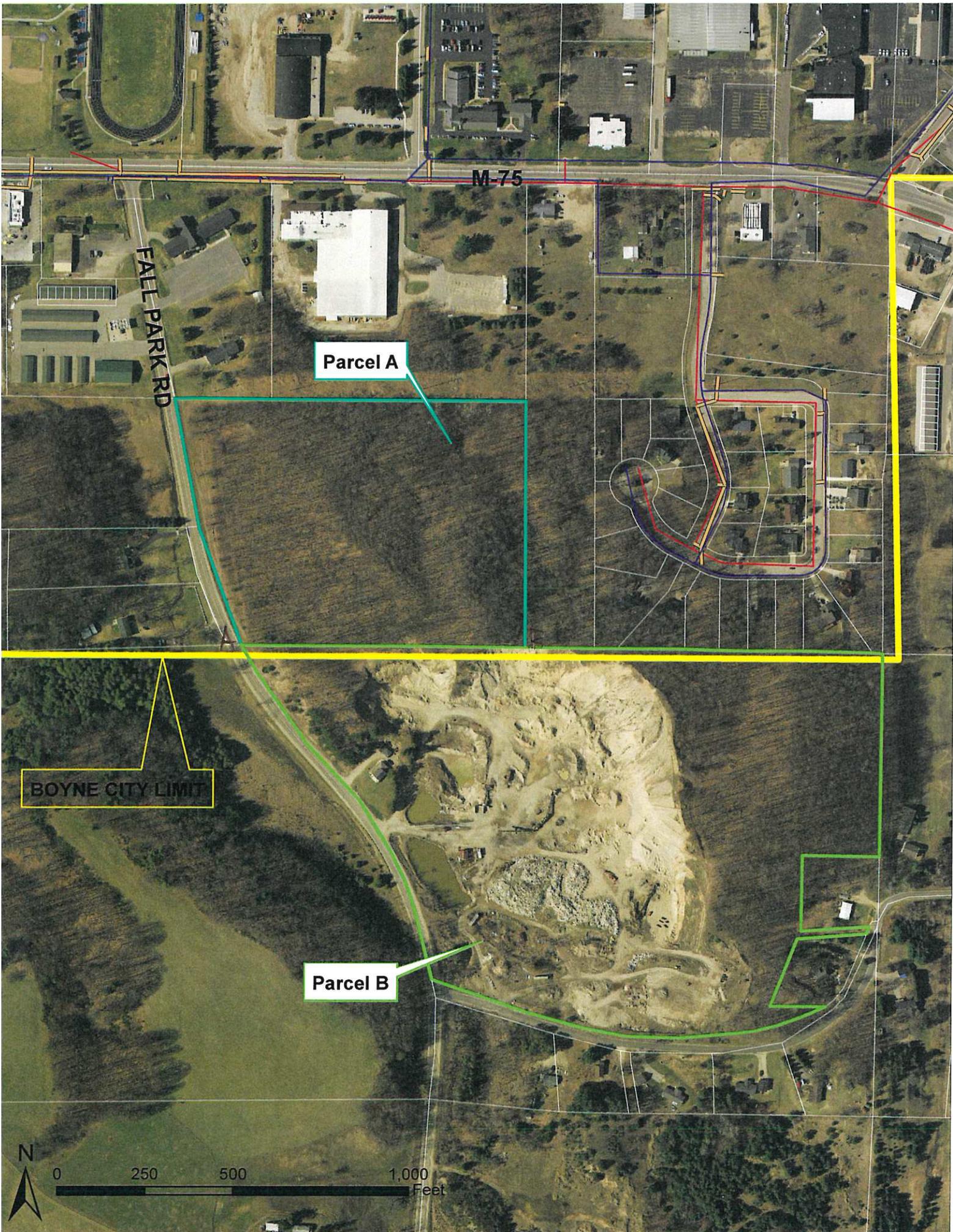


Joseph E. Quandt
Direct Dial: (231) 947-7901 x115
jequandt@krlawtc.com

JEQ:shp

enclosures

cc: Scott McPherson (via email smcpherson@boynecity.com)
Eric Ritchie



Parcel A

M-75

FALL PARK RD

BOYNE CITY LIMIT

Parcel B



N ↗

100 foot buffer - trees to remain

FOREIGN
WAR
VETERAN'S

PARCEL A

Parcel to be donated to Boyne City, with a contract to excavate the site for a housing development; no cost will be charged for the excavation in exchange for the sand and gravel on the site. A 100 foot wooded barrier will remain on the North, East and West sides of the parcel. This will provide ample screening for the activity on the parcel. The parcel will be excavated to flat lot to be used to construct housing or apartments. The excavation period will take no longer than 20 years. No mining will occur on parcel to the South, except recycle crushing, until this parcel is fully excavated. We expect to enter the 100 foot buffer areas on the east and west the last few years in order to adequately grade the site and protect any slopes from erosion. At that point, the work will equate more to site preparation than fill re-location.

100 foot buffer - trees to remain until last few years

100 foot buffer - trees to remain until last few years

Parcel to have no further mining until parcel to the north is complete; with exception for the recycle of concrete and asphalt rubble.

S ↘

W

E

S

NA

B+

A

Demo home and install berm along Fall Park Road to reduce visibility

PARCEL B

Install asphalt drive to reduce on dust from traffic in and out;

ELMERS REAL ESTATE COMPANY LLC

Purple area to remain untouched until parcel to north is excavated.

Install gates at Fall Park and Dietz Roads and clean up scrap to increase security and safety of the site.

Install berm along Dietz Road to reduce visibility;

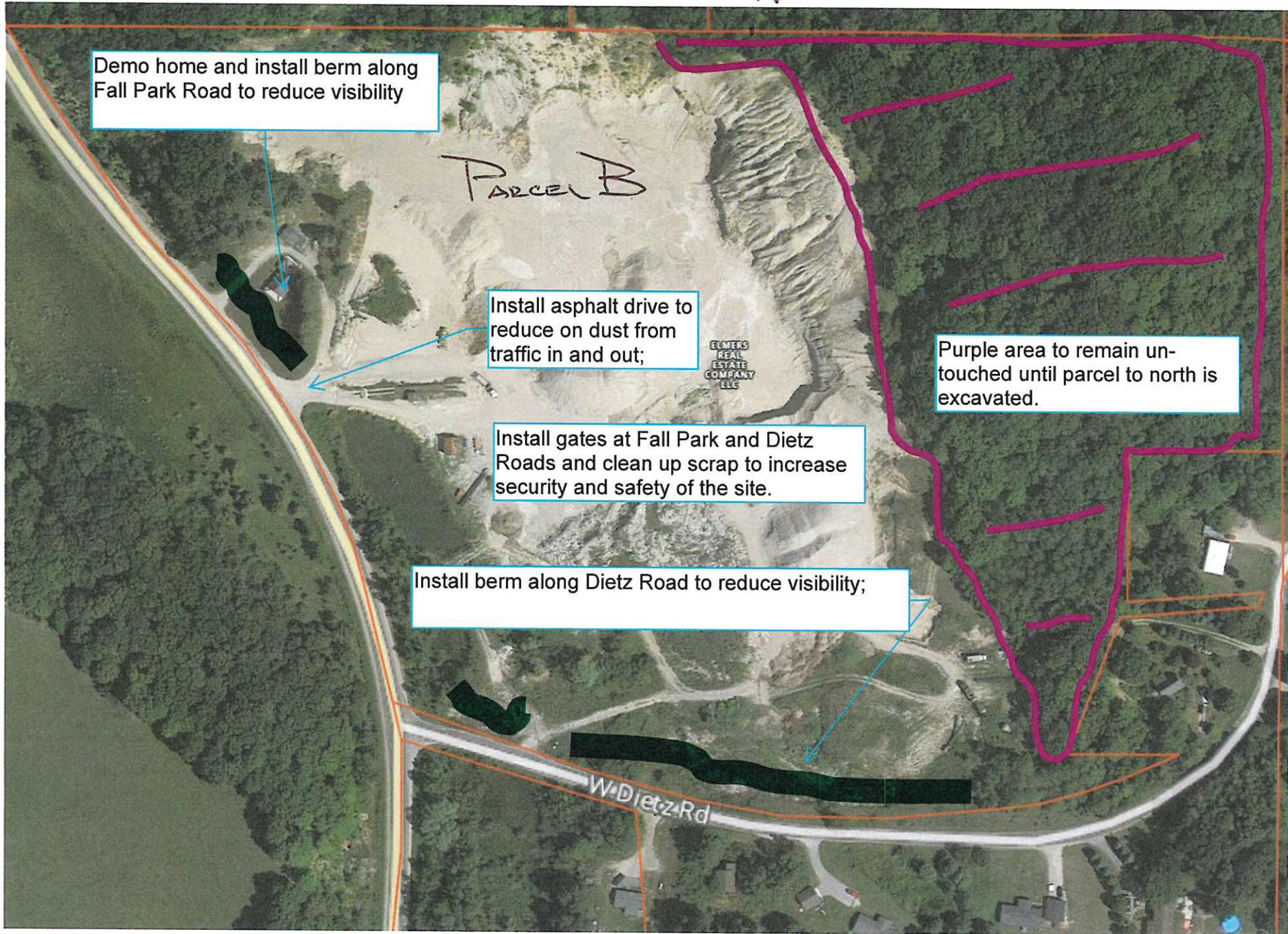
W Dietz Rd

E

B

S

S



ADDRESS

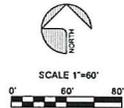
380 FALL PARK RD
BOYNE CITY, MI 49712

TAX ID

015-001-020-10

LOCATION

WILSON TOWNSHIP & BOYNE CITY
CHARLEVOIX COUNTY
SEC 1 T32N R6W



AERIAL

FLOWN 6 25 2020
GOOGLE EARTH IMAGE OUTSIDE
DRONE FLIGHT LIMITS

SOURCE FILE

FALL PARK RD SCAN v.c6

REVISIONS

NO.	DATE	DESCRIPTION



3600 Rennie School Rd
Traverse City, MI 49685
Phone (231) 943-3443
Fax (231) 943-5599
www.teamelmers.com

FALL PARK RD PIT
BOYNE CITY, MI



Opposing Elmer's Pit Expansion Into City of Boyne City Limits

To: City Manager of Boyne City – Mike McCain

Commissioners of the Board

From: Shawn & Tammy Beckman

179 Fall Park Rd

Boyne City, MI 49712



All,

I would like to present my opinion or facts on the proposed site plan that Elmer's Crane and Dozer would like to expand their pit from Wilson Township into the City of Boyne City. I oppose the idea based on it being a safety issue to the traveling public, negative environmental impact, and not a necessity to the city or tax payers that will have to fund future developments.

Safety Concern:

1. The current entrance in Wilson Twp does not meet AASHTO design standards for safe sight distance for the traveling public. It doesn't come close to meeting "Commercial Sight Distance Standards". If someone gets in a wreck and killed by hitting gravel trains entering and leaving the property, this evidence is what I would use in a lawsuit.
2. To make a safe future entrance (Residential or Commercial) on the proposed property in city limits that will be granted to Boyne City after Elmer's has their way with it would more than likely not meet current standards for sight distance requirements. Therefore deeming the entrance not safe for the traveling public, traveling along the road or entering the property.
3. The steep grade and reversing curves coming out of Wilson Twp making it very difficult to achieve proper sight distance to meet national standards. The city/planning and zoning could waive these standards and issue their own sight distance requirements if they don't want to follow national standards if liability is not of concern. My drive doesn't meet requirements.
4. Increased truck traffic in the city would increase risk of endangering children/pedestrians, cyclist, and normal traveling public. Increased gravel export for their project creates more congestion in the city than we already have in the summer with tourist and seasonal residents. Do we want to have gravel trains as a trademark of Boyne City? People come to visit and love natures gifts, not see the pellet plant and gravel trains with Elmer's name plastered on the side. Increased gravel trains running as many loads as they can in a day. Paid by the load not the hour means more dangerous industrial traffic. Elmer's does not follow the posted 35 MPH speed in

the city as it operates in Wilson Twp. I have two children that like to play outside but we have to watch them very closely and warn them because most all traffic on Fall Park Rd speeds.

5. What is the ADT (average daily traffic count) on Fall Park Rd? With the large volume of commercial and residential traffic already present, I think it's a bad location to have large heavy slow trucks pulling in and out on a hill of either property having poor sight distance.

Negative Environmental Impact:

1. The rolling hills around Boyne are part of our picturesque landscape, and have been since the earliest photos to date. We are known for a hilly ski destination and summer lake community. When out on Lake Charlevoix you look at Boyne City and you see three distinct ridges as the back drop of Boyne City. Avalanche Mountain is one of them; another one is behind my house (Crozier Crest) and Nordic Drive hill top across the road from me. I can't believe we would even discuss changing the rolling natural skyline of the Boyne area also known for Boyne Mountain as a hilly mountainous ski area where Michigan is not a mountainous state but in Northern Michigan we are proud of them Mtn/hills. There is not many hill tops that have such a tremendous view of Boyne City and Lake Charlevoix like the hill on Fall Park Rd that Elmer's wants to demolish. Once you change the permanent landscape you can never put it back.
2. Increased Pollution like dust(causes Silicosis from Silica) from mining activities, a lot more diesel exhaust fumes, surface water pollution, ground water contamination, tire particles, and higher levels of noise pollution. Michigan private/public nuisance laws are to protect peoples use and enjoyment of your property and public health and safety. We already have the pellet plant that my kids get to enjoy breathing in.
3. Open strip mining is what it means, stripping the land of it's protective vegetation cover. Exposed soil erodes by wind, water, and vehicular tires tracking off site. Dust caused by wind and crushing material, rain events erode the slopes and could cause off site contamination as well as tracking mud on to the street. The road commission was already notified of site run-off from the Elmer's/Smith pit that undermined the asphalt and dispersed the shoulder gravel into the ditches.
4. Is the demand of gravel that high that one must perform a mining operation within a city's limits? Plus in the beautiful city of Boyne. Rare case, I don't know of many cities that have gravel pits so close. Charlevoix Road Commission has a huge pit behind my house that is a large source of gravel for their use. I don't see how the city would benefit by allowing this. The little saving you would see on gravel prices for city projects wouldn't be large enough. All the gravel will get outsourced to Private, State, and Township projects. How many crush and shape projects does the city have where they add gravel?
5. That is a vacant lot that is 100% forest in mostly hard woods. Trees produce oxygen, valuable ecological ecosystem, habitat for animals, and the aesthetics of northern Michigan forested hill country. Elmer's will log it off to clear the land so they can make money. Disturbing the natural environment.

Not a Necessity:

1. It would make sense to find 40 acres out in some rural township if they allow it. Bear Creek Township planning and zoning didn't issue Elmer's Crane and Dozer a permit to mine gravel on Pickerel Lake Rd because of noise and the increased presence of industrial traffic. Since then they bought the CH Smith Pit living behind the curtain of "Grandfather Clause" according to planning and zoning and hoping they can ease their way into the city. Heavy truck traffic is a major contributor to ruining roads faster because the higher volume of heavy axle loads cause premature degradation. Where does the funding come from to fix city roads? Tax payers shouldn't have to pay for new roads because forestry or gravel industry tears them up.
2. The proposed parcel after being gifted to the City from Elmer's will be a challenging site to develop based on the slopes left behind. The elevation change from top of the hill by Nordic Dr down to Fall Park Rd is quite extensive. If the parcel is 14 acres how many acres will be usable after shaping the slopes to be safe and to produce vegetation so erosion isn't a constant problem? Look at the Tractor Supply Slope behind the store. That's what you will end up with, an erosion nightmare. Not to mention eye sore. Water runs down hill pretty fast. What lists as 14 acres as gifted ends up being about 7 usable acres.
3. Property value before, during, and after mining? Tax assessor will not lower my taxes because I have an active mine in Wilson Twp and proposed one in city limits. If this goes through property owners will be stuck with high taxes and difficult time selling because nobody that I know wants to live across from a mine when they live in a city. Plus I have one behind me that also serves as a shooting range. Houses don't last long on the market in the Boyne area. My neighbors that are basically across from the Elmer's pit finally sold their house after being on the market for 9 months and lowered the cost three times. They reduced it by \$70K just to sell. Was it because it was located across the road from an active pit? Not sure but they didn't want to live across from Elmer's and the new owners were from out of town and didn't know but they got a good deal. I worked hard to provide a home for my family and don't want to lose my rear in my investment so Elmer's can come destroy the land across from me all for money. Does any Elmer's employees live next to a active pit or live in Boyne City?

In summary my wife and family are strongly opposing the Elmer's Crane and Dozer proposal to move into the city of Boyne City to mine gravel. As we are adjacent to the proposed location on the Fall Park Rd frontage on the west side and have to look at it and hear it every day. That's not the ideal life I wanted to provide for my wife and kids when I relocated them to Boyne City so we could live in the industrial side of Boyne with smoke stacks and mining operations. Please consider to preserve the natural landscape of Boyne City. The hills of Mother Nature are only put here on earth once.

Sincerely and Boyne Tuff

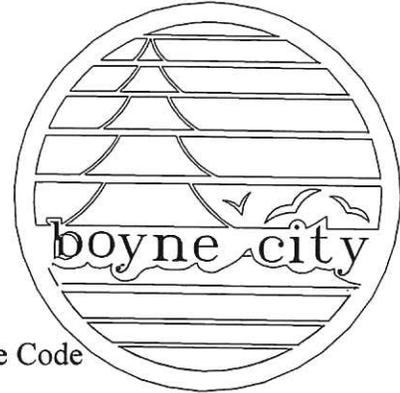
CITY OF BOYNE CITY

To: Michael Cain, City Manager *MC*

From: Scott McPherson, Planning Director *SM*

Date: July 14, 2020

Subject: First Reading-International Property Maintenance Code

**Background**

Over the past few years the City has discussed the possible adoption of a property maintenance code and last fall tasked staff with the development of an ordinance. After reviewing the challenges and issues raised with the creation of a customized property maintenance code, it is being recommended to the Commission that the International Property Maintenance Code (IPMC) be adopted by reference. The adoption of the attached ordinance would adopt the IPMC by reference with the additions to identify authorized enforcement personnel for the City and to designate of the Boyne City Zoning Board of Appeals as the appeal body for the ordinance.

Discussion

If adopted, the IPMC will provide a means to intervene prior to a structure becoming a dangerous structure that needs to be demolished. The method of enforcement will be primarily complaint based with priority given to vacant structures that are not being maintained. The City will initiate enforcement action on its own initiative for observed code violation where there are apparent and immediate health, safety welfare concerns for occupants or neighbors.

After receiving a complaint, City staff will investigate to verify and document any violations. Upon a finding of code violations, the property owner will be contacted and informed of the violations and the corrective actions needed to remedy the violations. Based on the specific conditions of the site and the corrective measures required, reasonable time lines will be established for compliance. In the case that little or no efforts are made to bring the property into compliance the City will send a written violation notice in the manner and form as prescribed by the IPMC. The notice will include a description of the property, a statement of the violation(s), why the notice is being issued, a correction order and reasonable time to make required repairs and inform the property owner of the right and method to appeal.

It is being proposed that the City Zoning Board of Appeals be appointed as the IPMC appeal board. If the applicant files for an appeal, the ZBA will hear the case and make a determination. Upon making a finding for the applicant, the case would be over. Upon making a finding for the City, or after the appeal period expires, a civil infraction citation could be issued requesting a hearing at the Circuit Court.

From time to time it may be necessary to enter a property to complete an inspection. If an inspection is needed a request for permission to enter the property will be made to the property owner. If permission is not granted an administrative search warrant may be requested. It is anticipated that in most cases City staff will conduct the inspections; however, in the event additional expertise is required it is proposed that a consultant be contracted to perform inspection services on a as needed basis. To this end City staff has contacted Don Gilmet, the current hearing officer for the City and he indicated that he would be agreeable to serve in that capacity.

Process

The proposed ordinance is being presented to the City Commission at its July 14, 2020 meeting for a first reading. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced. The next available City Commission meeting that meets this requirement would be August 25, 2020.

Options

1. Schedule a second reading for August 25, 2020 or later.
2. Send the proposed ordinance back to staff for further consideration.
3. Take no action.

Recommendation

Review proposed ordinance and schedule a second reading for August 25, 2020.

CITY OF BOYNE CITY

ORDINANCE NO. _____

PROPERTY MAINTENANCE ORDINANCE

ADOPTED: _____

An ordinance adopting by reference the most recent edition of the *International Property Maintenance Code*, except as provided herein; regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City; providing for the issuance of permits and collection of fees therefor; and repealing and all other ordinances and parts of ordinances in conflict therewith.

THE CITY OF BOYNE CITY ORDAINS:

Section 1. Purpose. The purpose of this ordinance is to adopt a property maintenance code to regulate and govern the conditions and maintenance of all property, buildings and structures, to provide uniform standards for occupation and use to ensure that they are safe, sanitary, and fit.

Section 2. Title. This Ordinance shall be known and cited as the "*City of Boyne City Property Maintenance Code.*"

Section 3. Adoption. Pursuant to MCL 117.3(k), that certain document marked and designated as *The International Property Maintenance Code*, most recently adopted edition, as published by the International Code Council, is hereby adopted as the Housing/Property Maintenance Code of the City, and each and all of the provisions of such Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, save and except such provisions as may be hereinafter amended or deleted.

Section 4. Definitions. Wherever the term "building official," "administrative authority" or "code official" appears in *The International Property Maintenance Code*, as adopted in Section 3, it shall be deemed to mean the Authorized City Official (as defined in Chapter II, Article V of the City Code of Ordinances, as amended) and also includes the City Planner and City Zoning Administrator, or his or her duly authorized agent. Wherever the term "Municipality," "City" or "local jurisdiction" appears in such Code, it shall be deemed to mean the City of Boyne City. Wherever the term "Board of Appeals" appears in such Code, it shall be deemed to mean the Zoning Board of Appeals of the City of Boyne City.

Section 5. Revisions. The following sections of the International Property Maintenance Code, as adopted in Section 3 above, are also hereby revised:

Section 103.5. Fees, if any, shall be in accordance with a resolution or resolutions which may, from time to time, be adopted by the City.

Section 5. File Copies. Printed copies of The International Property Maintenance Code, as adopted in Section 3, shall be kept in the office of the City Clerk, available for review and inspection by the public at all times.

Section 6. Severability. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

Section 8. Inconsistent Ordinances. Where a provision of The International Property Maintenance Code, as adopted in this Ordinance is found to be in conflict with a provision of any zoning, housing, fire, safety or health law of the City, the County or the State, the provision which establishes the higher standard or assumes the higher jurisdiction for the promotion and protection of the health, safety and welfare of the City shall prevail.

Section 9. Effective Date. This Ordinance shall become effective on fifteen (15) days after enactment or upon publication, whichever shall later occur as provided in Section 7.14 of the City Charter.

CITY CLERK

Passed and adopted by the City of Boyne City on _____, 2020.

, President

, Clerk

DRAFT

STATE OF MICHIGAN)

) ss.

COUNTY OF _____)

I, the undersigned, the duly qualified and acting Clerk of the City of Boyne City, Charlevoix County, Michigan, do hereby certify that the foregoing Ordinance was adopted by the City of Boyne City at a regular City Council meeting duly held on the _____ day of _____, 2020, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the _____ on the _____ day of _____, 2020.

, Clerk

Open.06056.60760.24363169-1



City of Boyne City EMS

MEMO

TO: Michael Cain, City Manager *Mc*
FROM: John M. Lamont, EMS Director *JML*
Date: July 14, 2020
RE: EMS Services Agreement with Boyne Valley Township

During the Township Board meeting last night, I requested that Boyne Valley Township table the current proposed agreement until it can be redrafted to represent that it is an intergovernmental agreement between the City and the Township. The recommendation by Plunkett and Cooney is that this would provide better protection for both communities with governmental immunity. The additional suggestion is to tighten the lease agreement for the facility so as to ensure appropriate indemnification from liabilities for both parties. Lastly, it was suggested to better define the assets of both the building and the EMS equipment. The changes proposed by our attorney can be rapidly accomplished so the Township made a motion to table the agreements and call a special meeting when they are complete.

RECOMMENDATION: My recommendation would be the City Commission postpone action on these agreements until the next scheduled council meeting after the changes are completed, hopefully on July 28th.

Other Possible Actions:

1. Approve the current agreements authorizing the City Manager to overview changes as presented by Plunkett and Cooney.
2. Other action as prescribed by the Council



City of Boyne City EMS

MEMO

Date: July 8, 2020

To: Michael Cain, City Manager *Mc*

From: John M Lamont, EMS Director *JML*

Subject: Agreement with Boyne Valley Township for continued EMS services and building and equipment lease.

As the Commission is aware the City has been having ongoing discussions with Boyne Valley Township regarding our provision of EMS services in their Township. Attached are a set of proposed agreements for your review and possible consideration. These documents are scheduled to be considered by the Township Board at their meeting on Monday, July 13th. Based on the latest conversations and meetings we have had with a committee for the Township and then the Township Board we hope this will receive favorable consideration at their meeting. If something else happens at their meeting on Monday this recommendation may need to be modified or withdrawn at our meeting on Tuesday.

Using the formula of dwelling and utilization, Boyne Valley has 1011 dwellings, with a three-year response average of 330 runs. Attached with Agreement is Addendum A outlining all the Townships and their assessment of subsidy.

This notice also acknowledged that our agreement to provide coverage started May 1st, 2020. Annual support as shown in Addendum A will be \$60,971.12 The Township also provides to their residents a “no out of pocket” clause for ambulance use. The Township will be responsible to cover any revenue not covered by resident’s insurance which is estimated at \$7,000 annually.

In addition to the service contract, Boyne City will lease from the Township their current station and the two ambulances 52A1, and 52A2 as equipped to continue to provide the current level of coverage, primary vehicles in Boyne City and in Boyne Township. The agreed lease for the property is \$1,500/month and \$1,500/month for the vehicles. The \$36,000 annual remittance will be credited to the Township against their subsidy support of \$60,971.12, which will after the credit be \$24,971.12

It is my recommendation to authorize the City Manager to sign the agreement as presented.

Recommendation: That the City Commission authorize the City Manager and or City Clerk to sign the agreements as presented.

Other Options:

1. Modify the proposed Agreement.
2. Table the Agreement for further discussion.
3. Reject the agreement as presented.
4. Other action as the City Commission may determine

Ambulance Service Contract

City of Boyne City and Boyne Valley Township

THIS AGREEMENT effective as of **May 1, 2020** (the effective date), is between the City of Boyne City (City), 319 N Lake Street, Boyne City Michigan, 49712, and Boyne Valley Township (Township) 2489 Railroad, P.O. Box 191, Boyne Falls, 49713-0191.

WHEREAS, the City and the Township has determined that it is cost-efficient to cooperatively deliver Emergency Medical Services (EMS) on the terms and conditions set forth herein; and

WHEREAS, the EMS service includes the operational implementation, personnel, accounting and related services necessary to Advance Life Support (ALS) coverage (as defined by Public Act 368 of 1978)

WHEREAS, the City has the provisions of these Services, and is willing to continue the cooperative arrangement with the Township for the provisions of said service for the residents and visitors to the Township.(Service Area)

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the parties agree as follows:

I. Duties of the City

1.1 General.

- A. Subject to the provisions of below, the City shall provide to the Township all management, administrative and other services desirable for the proper operation of Service in the Service Area for the residents and visitors in the Township in an efficient and cost-effective manner. In furtherance of the foregoing, but without limitation, the City shall supervise and manage the day-to-day operations of the Service and perform the specific functions set forth in this agreement.
- B. The City shall assure the coverage level of Advanced Life Support for the primary response vehicle from the Township Facilities as governed by The State of Michigan, Public Act 368 of 1978 as amended. The City shall maintain the Vehicles State of Michigan license.
- C. The City will provide the Service within the geographical area without discrimination on the basis of race, creed, color, sex, sexual preference, age, physical handicap, marital status, national origin, ancestry, location in the community, ability to pay, or on any other basis prohibited by law.

- D. The City shall act in good faith and with reasonable diligence in its delivery of the Service.
 - E. The City shall manage the Service in a manner that is consistent with all applicable federal, state, and local laws, rules and regulations and the program requirements of third party payers.
 - F. The City shall perform any other services that the City and the Township jointly determine to be necessary for the delivery of efficient and effective ambulance service.
- 1.2 Employees. Personnel utilized by the City to satisfy the terms of this Agreement above shall be employed by the City. The hiring, supervision, discipline, firing, establishing of wages, staffing level determination, employee benefits and other personnel actions involving the City employees will be sole responsibility of the City.
- 1.3 Independent Provider Status. In the performance of the services to be rendered pursuant to this agreement, it is mutually understood and agreed that the City and the Township shall be, and at all times are, acting and performing as independent contractors. As such, except as specifically provided herein, neither the City nor the Township shall be deemed the agent, legal representative, joint venture, partner, employee, or servant of the other for any purpose whatsoever.
- 1.4 Assets. The Township will lease the assets to the City for the delivery of the ambulance Service,
- 1.5 The City shall maintain insurance and licensing requirements (Marine and Vehicle) for the Assets leased to the City.
- 1.6 Facility: The City will lease and maintain the existing facility as currently provided by the Township for the housing of the equipment and staff. (Not to include ground maintenance, snow removal, and or structural systems repair or replacement including HVAC, water heater, garage doors etc.)
- 1.7 The City will maintain and provide routine maintenance service for the vehicles and equipment. The Township will be responsible for major repairs, replacement, and upgrades to the vehicles.

II. Duties of the Township

2.1 Financial. The Township shall retain responsibility to participate with the consolidated support of the City and Townships Bay, Eveline, Evangeline, Hudson, Melrose, and Wilson for the cost of delivering all Services by the City as an independent contractor pursuant to Section 1 hereof. See Addendum A.

2.2 Operating Quarters. The Township agrees to lease operation quarters for the delivery of the Service, to include climate control vehicle storage, sleeping quarters with appropriate access to restroom, shower, and cooking and food storage.

2.3 Operating assets. The Township agrees to lease to the City's EMS operation two equipped (in compliance with the State of Michigan requirement) ambulances. Each vehicle will meet or exceed licensing requirements set by the State's regulatory requirements. (See 1.4 above)

III. Compensation

3.1 Subsidy. The Township is responsible for a percentage of the proposed operational shortfall for a fiscal year with the participation of the City and Townships listed. The Township percentage of subsidy will be based upon Dwelling, as listed by the current Census with a 2.5 occupancy, and utilization as averaged over a three year period. Addendum A

3.2 Billing. The City shall bill and collect for Services from the state or federal government under any applicable state or federal program, from other third party payers, and from the individual to whom the City provides services. Establishment of said charges shall be at the sole discretion of the City.

3.3 Limitation. The City will honor limitation on invoicing Township residents, assuring the resident of no out of pocket expense. The Township will be assessed in their annual subsidy the cost of such waivers not covered by resident's insurance. Resident (as identified as a property owner or renter at Mountain Vue Motel in the Township) are responsible to remit their insurance payment and or information to be eligible for the waiver. Resident's failure to provide documentation of insurance coverage or non-coverage will result in the Resident being responsible for the invoice for service provided by the EMS service. The Township will be provided access to records to verify charges upon request. Such charges will be for normal and actual typical write-offs normally the responsibility of the user of EMS services.

IV. Term of Agreement

4.1 Term. This Agreement shall supersedes earlier agreements and shall be effective May 1, 2020 and shall continue for 18 months until November 30, 2021 at 17:00hrs. This agreement will thereafter be automatically renewed for successive one (1) year periods, unless either the City or the Township notifies the other in writing at least ninety days (90) before the end of the current term or any renewal term so thereafter. If such notice is properly and timely given, this Agreement will terminate at the end of such term.

4.2 Termination of Agreement. This Agreement may be terminated prior to the expiration of its term:

- A. By mutual agreement of the City and the Township;
- B. By either the City or the Township, upon ninety (90) days prior written notice, in the event of a material breach of this Agreement by the other, provided that if

such breach or default is cured between the date notice is provided and the date of termination, such notice shall be considered null and void and of no effect,

C. By either the City or the Township, without cause, upon 180 day written notice.

4.3 Method and effect of Termination

A. The Township acknowledges that the City is entering into this Agreement based on the provision of Services throughout the entire service area and to all member communities or political subdivisions who are recognized as part of the Service area.

B. Upon termination, any Asset owned by the Township, and used in the delivery of this Service agreement, will be returned to the Township in like condition, less reasonable operational wear and tear subject to any other Agreements leases between the parties.

C. Any existing Accounts Receivable for runs provided in the Township up to the time of Termination of this agreement shall continue towards the operational expenses of the service.

V Insurance and Indemnification

5.1 Required Insurance. The City shall maintain during the term of this agreement all insurance required by federal law or state laws, including but not limited to, general liability insurance and worker's compensation insurance. Proof of insurance shall be submitted to the Township prior to commencing work under this Agreement and thereafter upon reasonable request of the Township. The Township shall be named as an additional insured on said insurance policies.

5.2 Indemnification by the City. The City agrees to indemnify and hold harmless the Township and all agents, officers and employees of the Township for any and all claims arising out of or related to its negligent performance or nonperformance of services by the City under this Agreement and all claims that may be made against the Township as a result of the City's breach of this agreement and for any and all claims that may be made

VI Binding Effect and Authority to Execute.

This Agreement shall be binding upon and inure to the benefit of the respective parties hereto and their successors and assignees. Each of the Undersigned, warrant that they are authorized to execute this Agreement on behalf of their respective political subdivisions, or on behalf of the City, as the case may be, as set forth below.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS Agreement as of the day and year stated above.

City of Boyne City

By: _____ Date: _____

Michael Cain

Its: City Manager

By: _____ Date: _____

Cindy Grice

Its: Clerk

Boyne Valley Township

By: _____ Date: _____

Sue Hobbs

Its: Township Supervisor

By: _____ Date: _____

Lynn Sparks

Its: Township Clerk

Township Subsidy 06/12/2020

Addendum A

Township Support 2020-21
2010

	Dwelling	served	avg hh	pop served	% serv	vol 19/20	3 yr ** ave vol	% total	pop+util	% total	296,601.00	Membership est.	Twshp credit	subsidy	subsidy /w membership	
Bay	847	1	847.00	2.5	2,117.50	0.129	42	3.92%	16.78%	7.94%	23,537.95					
B Valley	1011	1	1011.00	2.5	2,527.50	0.153	323	28.11%	43.46%	20.56%	60,971.12	7,000	67,971.12	36,000	24,971.12	31,971.12
Chandler	146	1	146.00	2.5	365.00	0.022	8	0.68%	2.90%	1.37%	4,065.78					
Evangeline	504	1	504.00	2.5	1,260.00	0.077	28	2.39%	10.04%	4.75%	14,081.12					
Eveline	1381	0.6	828.60	2.5	2,071.50	0.126	23	2.21%	14.79%	7.00%	20,755.90					
Hudson	249	1	249.00	2.5	622.50	0.038	30	2.21%	5.63%	2.66%	7,892.88					
Melrose	935	1	935.00	2.5	2,337.50	0.142	75	6.39%	20.58%	9.74%	28,878.01					
Wilson	876	0.6	525.60	2.5	1,314.00	0.080	64	5.57%	13.54%	6.41%	19,002.79					
Boyne	2292	1	2292.00	2.5	5,730.00	0.348	568	48.89%	83.69%	39.59%	117,415.46					
					16,467.75	1.000	1161		2.114	1.000	296,601.00	7,000.00				
											118,214.43	(Twnshp Support total)				

Explanation of Titles
Dwelling Served: Based off of the 2010 census
Avg. H H : number of individuals in a household
Pop Served: based on 2010 census
% served: percentage of total served
Volume: year activity
average

Township Utilization 05/18/2020

	Act	Act	Act	16/17 Act	17/18 Act	18/19 Act	19/20 Act		
Boyne	385	462	472	482	585	569	568	574	0.496111
Bay	44	53	49	34	45	51	42	46	0.039758
Chandler							8	8	0.006914
Evangeline	25	30	49	49	25	31	28	28	0.024201
Eveline	22	26	38	35	23	32	23	26	0.022472
Hudson	28	34	23	35	17	18	30	22	0.018727
Melrose	29	35	34	36	33	66	75	58	0.05013
Wilson	64	77	63	36	62	70	64	65	0.056468
Boyne v	185	222	204	218	257	410	323	330	0.28522
	782	939	932	925	1047	1247	1161	1157	1
							270	253	

population & utilization the two, population and utilization added together
total : percentage of total

Ambulance Station and Equipment Lease

THIS Agreement to lease the Ambulance Station at 2286 Railroad St, Boyne Falls, MI 49713, and said ambulances and equipment as currently present at the Station is entered into to be effective May 1, 2020, by and between Boyne Valley Township, a Michigan general law township, whose address is P.O. Box 191, Boyne Falls, Michigan 49713 (Township) and the City of Boyne City a Michigan municipal corporation, whose address is 319 N Lake Street, Boyne City, Michigan, 49712 (City).

In consideration of the mutual covenants and promises contained herein the parties agree as follows:

1. Description

The Township hereby leases to the City the Ambulance Station facilities located at 2286 Railroad St, Boyne Falls, Michigan, hereinafter referred to as the “property” housing the Ambulance station.

The Township hereby leases the 2010, and the 2017 ambulances identified as 52A1 and 52A2, with all of the equipment as required by the State of Michigan to meet and or exceed licensing requirements.

2. Term of Lease

The term of the lease shall be for (18) months from the date hereof, unless terminated earlier pursuant to Section 16 below. This agreement will thereafter be automatically renewed for successive one (1) year periods, unless either the City or the Township notifies the other in writing at least ninety days (90) before the end of the current term or any renewal term that the Agreement.

3. Building Lease

Rent for the term of this lease shall be \$1,500.00 a month for the property. Annual remuneration for the property (\$18,000/annual) shall be credited to reduce the Townships subsidy obligation as identified in the Ambulance Contract and shown in Addendum A.

4. Vehicle Lease The lease will be \$1,500.00 a month for both trucks as equipped with audited value of \$229,872.00. Equipment is identified as that which meets or exceeds the State of Michigan licensing requirements for both vehicles identified as 52A1, 52A2. Annual remuneration for the equipment (\$18,000/annual) shall be credited to reduce the Townships subsidy obligation as identified in the Ambulance Contract and shown in Addendum A.

5. Renewals

This lease may be renewed upon the same or different terms as shall be agreed upon between the parties in writing. If the City should remain in possession of the property after termination of this lease or any renewal thereof, the City shall be deemed a holdover tenant, subject to eviction as provided by law.

6. Assignment

This lease may not be assigned or sublet by the City.

7. Repair and Maintenance Station

The City shall maintain the property and vehicles in as good condition as it is on the date that possession is given to the City, reasonable wear and tear excepted. The Township under this lease is responsible for major equipment maintenance and replacement, (roof, garage doors, water heater, furnace, and air conditioner).

8. Repair and Maintenance Equipment

The City will maintain and provide routine service for the vehicle and equipment. The Township will be responsible for major repairs, replacement, and upgrades of the vehicles.

9. Improvements

The City shall not make any improvements to the property or equipment unless it is approved in advance by the Township in writing. The Township's decision whether to authorize any improvements shall not be unreasonably withheld. All improvements shall remain the property of the Township upon the expiration or termination of this lease.

10. Default

A default shall be deemed to have occurred if either Party breaches any provision of this lease and such breach continues for thirty (30) days after receipt by the Party of written notice of the breach. If such a breach occurs, the Party shall have the right to re-enter the property and regain possession or to take such actions as permitted by law.

11. Utilities

The City shall be responsible for the payment of all utilities (electric, natural gas, internet, and phone), as identified with the Ambulance Station. The City shall see that those payments are made before any liens attach to the property for nonpayment. In addition, the City may, at its sole expense, obtain such other utility services or providers that it deems necessary or advisable.

12. Snow Removal and Mowing

The Township shall have the sole responsibility to keep the property free from unreasonable accumulation of ice and snow. In addition, the Township shall have sole responsibility to mow the grass on the property.

13. Indemnification

The City shall indemnify and hold harmless the Township, its officers, elected or appointed board members, successors, assigns, agents, servants, employees,, and insurance companies from any damages, legal fees or expenses, awards, demands, rights, causes of action, including but not limited to, causes of action for contribution, indemnification, or recovery of any liens of any kind or nature, losses, claims and actions which may, do, or shall arise out of the grow out of the City's use or occupancy of the leased property. This provision shall apply to any and all claims by the City, its directors, officers, agents, servants, employees, successors or assign, or to any and all claims by the third parties.

14. Causality Insurance

The Township shall obtain and maintain insurance covering the Ambulance Station facilities against loss or damage under a policy or policies of "all risk" fire and casualty coverage insurance, to the full extent of the replacement cost of the Ambulance Station facilities. The City at is sole expense shall be responsible for obtaining and maintaining insurance covering all personal property and equipment leased.

15. Liability Insurance

During the term of this lease and any renewals, the City shall at its sole expense obtain and maintain liability insurance in the amount or amounts customarily obtained for equipment and operation and undertaking similar to the Ambulance Station facilities and leased property's and equipment protecting the City and the Township, and their respective officers, elected or appointed board members, successors, assigns, agents, servants, employees, and insurance companies agents, officers, elected or appointed officials, and employees against loss or liability on account of injury or death to persons or damage to property imposed by reason of the use or ownership of the Ambulance Station and or vehicles described in the agreement, or the leased property's. The insurance policy shall name the Township as an additional insured and shall contain a provision that the policy cannot be terminated or canceled or the limits of the liability coverage reduced without thirty (30) days written notice to the Township.

16. Fire or Casualty Loss

It is understood and agreed that if the Ambulance Station facilities hereby leased shall be destroyed in whole or in part by fire or cause during the term of this lease or any renewals, the Township shall repair and restore the same to a good, tenantable condition with reasonable dispatch, unless the City and the Township mutually agree not to repair and restore the property damaged or destroyed. In such event, the insurance proceeds shall be paid to the Township.

17. Notices

All notices required under this lease shall be deemed properly served if delivered in writing personally or by first class mail to the Township Clerk and to the City Clerk at the addresses specified above, or to any subsequent address which the parties may designate in writing for such purpose. The date of service of a notice served by mail shall be two (2) business days after the date on which the mailing occurred.

18. Termination

Either party may terminate this lease by giving a 180 day written notice to the other party of the intent to terminate.

19. Miscellaneous

- A. The property covered by this lease shall be used for ambulance service only and may not be used for any unlawful purpose.
- B. The City shall abide by all State and local laws in respect to the operation of an ambulance service on the leased property and in respect to the manner in which it uses the leased property.
- C. The City agrees that if the interest created by this lease shall be taken in execution or by the other process of law or if the City shall become insolvent, according to law, or any receiver appointed for the property of the City, if any assignment shall be made of the City's property for the benefit of creditors, then and in such event, this lease may be canceled at the option of the Township.
- D. The City acknowledges that it has examined the leased property prior to the execution of this lease and that it knows the condition thereof. The City acknowledges that all representations as to the condition of the property or the state of repairs thereof have been made by the Township only as set forth in this lease. The City specifically accepts the leased property "as is". The City acknowledges that it has had the opportunity to examine the leased equipment for any hidden defects.
- E. If any provisions of this lease shall be declared invalid or unenforceable, the remainder of the lease shall continue in full force or effect.
- F. This lease contains the entire agreement between the parties and any subsequent agreement made hereafter shall be ineffective to change, modify or discharge this lease, either in whole or in part, unless such an agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

IN WITNESS WHEREOF this lease has been executed to be effective on the day and year set forth above.

BOYNE VALLEY TOWNSHIP

By: _____ Date _____

Sue Hobbs, Supervisor

By: _____ Date _____

Lynn Sparks, Clerk

CITY OF BOYNE CITY

By: _____ Date _____

Michael Cain, City Manager

By _____ Date _____

Cindy Grice, Clerk/Treasurer

July 2020

July 2020							August 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4	2	3	4	5	6	7	8
12	13	14	8	9	10	11	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 28	29	30	Jul 1	2 8:30am Main Street Board mtg.	3	4 Independence Day (United States)
5	6	7	8	9	10	11
12	13 12:00pm EDC/LDFA	14 7:00pm City Commission	15	16 5:30pm Airport Advisory Board	17	18
19	20 5:00pm Planning Commission	21	22	23	24	25
26	27	28 12:00pm City Commission	29	30	31	Aug 1

August 2020

August 2020							September 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 26	27	28	29	30	31	Aug 1 6:00am Mich Mtn. Mayhem
2	3	4 5:00pm ZBA	5	6 8:30am Main Street Board mtg.	7	8 Antique Auto Show/Flea M
9 Antique Auto Show/Flea Market	10	11 7:00pm City Commission	12	13 5:00pm Parks & Rec	14	15
16	17 5:00pm Planning Commission	18	19	20 5:00pm Historic District	21	22
23	24	25 12:00pm City Commission	26	27 5:30pm Airport Advisory Board	28	29
30	31	Sep 1	2	3	4	5