



BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, November 11, 2014 at 7:00 pm

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
 - A. Approval of the October 28, 2014 City Regular City Commission meeting minutes as presented
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
 - A. 2014 Broadband Hero Award Presentation – Chris Christensen
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
 - A. Draft Minutes of the October 2, 2014 Main Street Board Meeting
 - B. Draft Minutes of the October 2, 2014 Parks and Recreation Board Meeting
 - C. Draft Minutes of the October 7, 2014 Zoning Board of Appeals Meetings
 - D. Draft Minutes of the October 20, 2014 Planning Commission Meeting
 - E. Draft Minutes of the October 21, 2014 Historical Commission Meeting
 - F. Draft Minutes of the October 23, 2014 Airport Board Meeting
8. UNFINISHED BUSINESS
 - A. Fluoride Update
No action is required by the City Commission on this matter
 - B. Lower Lake Outfall
Consideration of options to proceed with the Lower Lake Street storm outfall
9. NEW BUSINESS
 - A. Marina Permit
Consideration to approve the Boyne City Marina Renovation Proffered Permit from the USACE as presented and authorize the City Manager to sign and submit the documents for signature

- B. Michigan Main Street Agreement
Consideration to approve the proposed Michigan Main Street agreement and authorize the City Manager to sign it
- C. Placemaking Grant
Consideration to approve to continue with the PlacePlans applications process and authorize the Mayor, City Manager and City Clerk / Treasurer to submit the necessary documents to complete the full application process
- D. 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)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The ribbon cutting for the Boyne River Nature area will be held at 11:00 am on Monday, November 10, 2014
- The ribbon cutting for the East & Ray Street project is tentatively set for 9:30 am, Tuesday, November 11, 2014 at the Library Parking Lot
- The next regular City Commission meeting is scheduled for Tuesday, November 25, 2014 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



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agenda packets & minutes for each board

**OCTOBER 28, 2014
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY OCTOBER 28, 2014

CALL TO ORDER

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

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

Absent: None

Staff: Cindy Grice, Michael Cain, Scott McPherson, Dan Meads, Andy Kovolski, Barb Brooks and Jeff Gaither

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

**CONSENT AGENDA
MOTION**

2014-10-150
Moved by Neidhamer
Second by Towne

2014-10-150A
Approved the October 14, 2014 Regular City Commission meeting minutes as presented
2014-10-150B
Approved the October 21, 2014 City Commission Facilities Work Session minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

None

CITY MANAGERS REPORT

City Manager Cain reported:

- The East and Ray Street project is coming together.
- The Boyne Area Medical Center expansion is moving forward. The trees removed for that project have been moved to the dog park.
- Congratulations to the Rambler football team for their undefeated season.

CORRESPONDENCE

None

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

September, 2014 Financial Statement was received and filed.

**Division Street Water Issue
Update**

Consideration to authorize staff to spend up to \$20,000 to further reduce water levels on City property south of Division Street as recommended.

City Manager Cain discussed the ongoing issues with standing and underground water occurring on Division Street between Lewis and Grant Streets. There have been theories that our construction of Division Street in 2008 has somehow affected the water flowing in its natural or at least

historic course from South to North. Based upon what verifiable information seen or made aware of to date that demonstrates that the Division Street project, or anything else the City has or has not done has affected what the water is doing in this area. This issue did not arise until a couple of years after this project was completed. This issue arose during a period where the last two years were above average precipitation levels. The National Weather Service data for this area for the most recent 15 years was presented. Information from the Army Corp of Engineers showing that Lake Michigan and Lake Huron have experienced one of the quickest rises in lake levels in their recorded histories. Despite persistent rumors there was a culvert across Division Street in the vicinity of Division / Parkview / Grant Intersections, we have been unable to find any evidence that this ever existed. We found plans that when the Senior Center was built, they constructed underground water collection lines that drained into the water feature / storm drain west of their building that flows north along Grant Street towards the woods. Those were not affected by the road project. A culvert further east on Division Street towards Lewis apparently at one time flowed under Division Street was noted and capped since it was not functional. The property it flowed to north of Division Street had been filled by the property owner over the years so the pipe had nowhere to flow any water. City Manager Cain added that it appears there are at least two levels of water in this area. Surface and shallow ground water and lower levels. The lower levels we pump water from south of the Water Works building have remained pretty constant despite the recent precipitation. Staff has experienced increased and unusual water complaints and observations all over the City the last couple of years that could have nothing to do with the Division Street work. Opportunities to reduce the water on our property and possible on that of others were discussed.

Kevin Klevorn presented a packet of information to the City Commission of the information he knows so far. He has consulted and hired an engineer on behalf of his clients and they do not have information back yet. Larry Fox of C2AE said he agrees with everything in the City Manager's memo regarding this issue.

Citizens Comments: Bill Kuhn said it turned out to be a defense of Division Street. Option C presented at this meeting would fix this problem, but he would like us to explore and pick our best option. It is a great big problem and we need to fix it. He added that he has paid taxes for 35 years and now he couldn't sell it. The house is worth nothing. He's not going to pay taxes on a house that's not worth anything. Pat Kujawski said her concern is she has been at her residence for over 30 years. Since the Spring of 2013, the sump pump in her basement runs all of the time.

Commissioners Discussion: Commissioner Neidhamer said it is a very complicated issue. We, as a Commission need to come up with a solution. He likes the idea of both teams coming together to come up with a solution. We need to pursue cooperation and continue with a solution, continue addressing the experts. Mayor Pro-Tem Towne said if we could reduce the water by 3 to 4 feet that would solve a lot of problems. Commissioner Gaylord said he is willing to move forward because it's the right thing to do. He is in favor of taking it down 4 feet. Commissioner Sansom asked Larry Fox what provides the best relief and was informed option C, that would take the pipe west to the front of Park View

Apartments and tie into the storm water main stub we installed there. If we did that, he didn't think there would be a problem with the volume of water. Mayor Grunch added that he appreciates Kevin's research and input.

City Manager Cain cautioned the Commissioners to be careful what we want to do. The City doesn't have the responsibility to make every lot buildable.

MOTION

2014-10-151
 Moved by Towne
 Second by Gaylord

To authorize staff to spend up to \$20,000 to further reduce water levels on City property south of Division Street as recommended

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**RECESS
MOTION**

2014-10-152
 Moved by Grunch
 Second by Towne

To recess at 2:12 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**RECONVENE
MOTION**

2014-10-153
 Moved by Grunch
 Second by Gaylord

To reconvene at 2:22 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**AGENDA ITEMS MOVED
MOTION**

2014-10-154
 Moved by Grunch
 Second by Gaylord

To move agenda item 9B before item 9A

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Court Street Design Review

Review and comments on draft construction plans with Larry Fox of C2AE.

Larry Fox from C2AE presented preliminary plans for the reconstruction of Court Street. The distance covered will be 2,600 feet. It will connect pavement together on both sides. The budget for the project is \$890,000 with the City and Township paying 20% of the project.

Citizens Comments: None

Staff Comments: Barb Brooks asked if the lanes will be wide enough to stripe for a bike lane and was told no. Andy Kovolski said he is glad this is happening. Dan Meads said it is a project that has been needed for a long time. Jeff Gaither agreed and said he is looking forward to getting it fixed.

Board Discussion: Mayor Pro-Tem Towne said it has been on the list a long time. We should proceed. Commissioner Gaylord said it is a safety issue that needs to be addressed. Commissioner Sansom, Neidhamer and Mayor Grunch agree and are in favor of the project.

AGENDA ITEMS MOVED MOTION

2014-10-155
Moved by Grunch
Second by Gaylord

To move agenda item 9E to the next order of business

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Tree Planting Bids

Consideration to approve a contract with Robinson's Landscape and Nursery of Boyne City in an amount not to exceed \$9,140 and authorize the City Manager to sign the necessary documents.

Public Works Superintendent Andy Kovolski discussed the tree planting bids received. This year we allotted for 42 trees to be planted in the City right of way based on the list of requests from residents. The tree watering bags have been ordered and should be here in time for planting.

Citizens Comments: None

Staff Comments: None

Board Discussion: Commissioner Sansom inquired how the juneberry and nannyberry's trees did. Andy said they are doing well. All other Commissioners are in agreement with the recommendation.

MOTION

2014-10-156
Moved by Sansom
Second by Gaylord

To approve a contract with Robinson's Landscape and Nursery of Boyne City in an amount not to exceed \$9,140 and authorize the City Manager to sign the necessary documents.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

1st Reading Noise Ordinance

Consideration to review the amendment to Article V, Section 34.141 – Noise Ordinance and schedule a second reading for the December 9, 2014 City Commission meeting.

Planning Director Scott McPherson discussed the noise ordinance the city currently has in effect. In 2009, in response to complaints stemming from music being played at what was 220 Lake Street, a citation was issued to their owner for violation of the noise ordinance. A hearing on the matter was held and the Charlevoix County District Court's opinion was that the noise ordinance was unconstitutionally vague due to the subjective nature violations were determined, and the Court dismissed the City's claims against the owner. Given this opinion, the Boyne City Police Department has not issued any subsequent citations for noise violation and has not used the noise ordinance to address noise complaints. The Police Department does receive noise complaints on a regular basis at an average of 61 complaints per year. In May of this year, the City Commission passed a motion that directed staff to work on a draft noise ordinance for the City based on the City of Mason model, not the decibel model, both of which were provided to them at that time.

Staff Comments: Chief Gaithers said they were trying to come up with something that works, keeps peace, not over-regulating, and enforceable. This proposed ordinance is modeled after the City of Mason's ordinance but they also looked at some of the things the Court dictated to us, which is why specific causes were identified.

Citizens Comments: None

Board Discussion: Commissioner Neidhamer said he is in full support of moving forward. The Planning Commission went through this thoroughly. He thinks we are in the right ball park. It's a tool needed and has been vetted by staff. Mayor Pro-Tem Towne said he believes this gives the Police Department something to work with. Commissioner Gaylord asked what instrument the officers are using to determine decibels. It's subjective. Chief Gaither said they looked at court cases to get language so it's not subjective. Commissioner Gaylord also discussed the noisy cats in the neighborhood and inquired about the time frames specified. What if someone is working midnights and sleeps during the day? Chief Gaither said they would have to go to what's most normally reasonable. Commissioner Gaylord asked if this applies to everybody in the Industrial Park. He said he sees nothing that remotely addresses that its part of the City. Make sure it's appropriate, not exclusionary and not affecting businesses negatively. Commissioner Sansom said she doesn't like the word "etc" used and wants it specific. Chief Gather said we are protecting people and their right to a peaceful community. Commissioner Sansom said she didn't see any fireworks addressed here and was informed the fireworks ordinance covers that.

MOTION

2014-10-157
 Moved by Towne
 Second by Sansom

To review the amendment to Article V, Section 34.141 – Noise Ordinance and schedule a second reading for the December 9, 2014 City Commission meeting, including the Commissioner's comments from today's meeting.

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

**Audit of Minimum
 Assessing Standard
 Results**

Consideration to authorize the City Manager and / or City Assessor to submit the action plan to the State Tax Commission as presented.

City Assessor Debra Chavez discussed the recent audit the City had regarding their assessing standards for the State Tax Commission. There was one finding, and that was "lack of documented land value determinations". The cause of this finding was because of the number of adjustments in the land value tables. Adjustments are generally given for shape of lot, buildability of lot, high traffic or special topography. The state feels it would be better to have a set rate when possible for these conditions to ensure equity within the role. Overall, Boyne City was place among the top units in the County for its compliance. Debra also presented a recommendation for the action plan to submit to the State Tax Commission for corrective action for the 2015 tax roll.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement.

2014-10-158
 Moved by Neidhamer
 Second by Gaylord

To authorize the City Manager and / or City Assessor to submit the action plan to the State Tax Commission as presented.

MOTION

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Emmet County Mutual Aid
 Agreement**

Consideration to approve a Mutual Aid Agreement with Emmet County EMS beginning December 31, 2014 and authorize the City Manager to execute the documents.

City Manager Cain discussed the request from Emmet County to enter into a mutual aid agreement with the new EMS service that Emmet County is going to provide starting December 31, 2014. This agreement

is both necessary and practical for both parties. It is necessary for Emmet County in the pursuit of their Advance Life Support License and it is practical for us as to the limited resource we face in the delivery of emergency medical services. There are no fees and each agency is held harmless. Each agency can invoice for service rendered as is their normal daily function to the patient and the patient's insurance. City Manager Cain added that we don't have to say yes.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement

MOTION

2014-10-159

Moved by Towne

Second by Neidhamer

To approve a Mutual Aid Agreement with Emmet County EMS beginning December 31, 2014 and authorize the City Manager to execute the documents.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

ACD Antennas

Discussion of ACD Antennas and consideration of direction to staff.

City Manager Cain discussed the recent METRO Act agreement approved with ACD. Since that was approved, ACD has come forward and indicated they wanted to install 20 foot antennas and control boxes in five locations around the City. This was not spelled out in the METRO and is in violation of the METRO act although State Policy since puts that prohibition into question. These antennas would be used by Verizon to improve cell service in the City. We have contacted an experienced attorney to determine what our options are. The concern is if we allow one of these to go in, have we opened the door to an unlimited number, by various vendors, a door we can't close.

Citizens Comments: Jim Baumann said he is glad this has been brought to the attention of the Commissioners. Possibly put the towers on buildings.

Staff Comments: None

Board Deliberation: Commissioner Sansom said she is really opposed to putting towers in downtown. Commissioner Gaylord said he agrees to put them on buildings. It's nice having technology, but they need to look at something to fit our community. Commissioner Neidhamer thanked the City Manager for having this.

Good of the Order

Commissioner Neidhamer brought back a book to share from the recent MML conference. Commissioner Gaylord discussed the upcoming election day and the topic of hydrofluorosilicic acid in the water system. It is interesting how this has played out, very intriguing. He added that he thinks the citizens of Boyne City can research on their own and is very

is firm in his conviction. Commissioner Sansom said she hopes voter turnout is good on Tuesday. There is a lot of information out there.

**ADJOURNMENT
MOTION**

Moved by Mayor Grunch seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, October 28, 2014 at 4:32 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT



Approved: _____

**Meeting of
October 2, 2014**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY OCTOBER 2, 2014 AT 8:30 A.M. CITY HALL, 319 NORTH LAKE STREET

Call to Order

Chair Swartz called the meeting to order at 8:31 a.m.

Roll Call

Present: Jodie Adams, Michael Cain, Larry Lenhart, Rob Swartz, and Ben Van Dam

Absent: Robin Berry Williams (arrived 8:36 a.m.), Jim Jensen (arrived 8:32 a.m.), Michelle Cortright and Pat O'Brien

**Meeting
Attendance**

City Staff: Assistant Planner Annie Doyle and Recording Secretary Karen Seeley

Public: One

**Excused Absences
MOTION**

Cain moved Adams second PASSED UNANIMOUSLY to excuse Michelle Cortright and Pat O'Brien from today's meeting.

**Approval of Minutes
MOTION**

Adams moved Van Dam second PASSED UNANIMOUSLY to approve the September 4, 2014 regular meeting minutes.

Citizens Comments

Kristen Balog of Camp Quality thanked the board for another successful Boyne Thunder event. She reported that Camp Quality raised between \$6500/7000 from the Champagne Cruise, which is a little down from last year.

**Main Street Committee
Reports**

Design: Holiday Lighting Services have installed a test tree in front of Boyne Provisions and another will be done in the next few weeks. Etna Nu would like to bring back the Lights of Love fund raiser for Hospice. They would like to work with the Girl Scouts' lighting of the tree, and have one Community Tree.

Organization Committee: Continuing with the Main Street Manager Search

Team Boyne: Working on business visits and recruitment.

Unfinished Business

Main Street Manager-Search update:

The committee held a face to face interview and continues to keep the process going. Two phone interviews will take place today. The position is open until filled.

New Business

Rural Partners Grant: The City became aware of a small grant opportunity through the Rural Partners of Michigan (RPM) for up to \$800 for organizations engaged in rural community development. Assistant Planner Annie Doyle submitted a proposal for the sponsorship of one artist (\$800) for the Walkabout Sculpture Show.

TIF Legislation-update: City Manager Cain reported that he and Mayor Grunch went to Lansing to testify at the hearing on TIF changes. The change in this legislation would not only affect the DDA district but the Business Park as well. He explained what this would mean to TIF districts if it gets approved. At this point no action was taken by the state.

Good of the Order

City Manager Cain stated we are in a time of transition with the closing of Water Street Café and Sunburst. We will need to keep an eye on what is happening there.

The City Commission approved accepting the draft permit from the MDEQ for the Marina Expansion.

The East and Ray Street project is moving along well and on schedule.

Jim Jensen reported that a two year lease on the front half of the former ReMax building.

Robin Berry-Williams asked about increasing the DDA boundaries to include Peninsula Beach. She also suggested a “rotation” of the music at Stroll the Streets to move them to different locations. She inquired if there was any way to bring the Boyne Thunder boats down further on Lake Street.

Chair Rob Swartz stated that each of the committees should have board participation and a Chair, Vice Chair and a secretary.

Chair Rob Swartz reminded the board of the Michigan Main Street Visit on October 23rd.

ADJOURNMENT
MOTION

Adams moved Berry seconded PASSED UNANIMOUSLY to adjourn the October 23, 2014 meeting of the Boyne City Main Street Board at 10:04 am.

Karen Seeley, Recording Secretary



Approved: _____

**MEETING OF
OCTOBER 2, 2014**

RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY
PARKS AND RECREATION COMMISSION MEETING HELD AT
6:00 P.M. AT CITY HALL ON THURSDAY, OCTOBER 2, 2014.**

CALL TO ORDER

Meeting was called to order by Chair Sheean at 6:00 p.m.

ROLL CALL

Present: Mike Sheean, Heath Meeder, Jo Bowman, Darryl Parish, Marie Sheets, Jerry Swift and Gail VanHorn

Absent: Bill Kuhn

**MEETING
ATTENDANCE**

City Staff: Streets/Parks & Recreation Superintendent Andy Kovolski
Recording Secretary Barb Brooks

Public Present: None

**APPROVAL OF
MINUTES ****MOTION****

Sheets moved, Meeder seconded, PASSED UNANIMOUSLY, a motion approving the September 4, 2014 meeting minutes as presented.

**CITIZENS COMMENTS
(on non-agenda items)**

None

DIRECTOR'S REPORT

Kovolski reported that all the parks facilities and irrigation systems are starting to get shut down and winterized; the pavilion in Veterans Park will be kept open as long as possible. The Gravel Grinder event is coming up and he is working closely with Paul. The event is in Rotary Park and due to the amount of recent rain there will be some limitations to areas that can be used.

CORRESPONDENCE

None

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

Park Inspection Reports

- Riverside Park – Parish reported that vehicles are driving on the mowed path. He proposed the path continued to be mowed but make it more narrow (one pass with the mower) to deter vehicles and also extend the mowed area to lengthen the trail. He is happy to meet with staff and plot out the potential trail that is accessible to mowing.
- Several members of the board inquired about the status of the Moody Property and the grant received from the MDNR

- Old City Park – VanHorn informed the board and staff that the metal handrail needs painting.

Disc Golf Update – Kovolski spoke with Forest Omland from the Boyne Valley Disc Golf Club; they will be coming to the board in the near future with a proposal to make improvements to the course but did not have any new updates for this meeting.

Trail(s) Updates – Sheean reported things are progressing on all trails. Grant applications for the Boyne Valley Trail are being reviewed and we should hear something soon on the status of award and the committee is continuing to work on a few other grant opportunities. The Boyne City to Charlevoix Trail, phase I is still scheduled for spring construction. The City Commission approved to accept the assistance from TOMMBA for Avalanche Trails and approved the Trail Town Master Plan. The City received a “Community Growth” grant to place signage, an information kiosk and WiFi in Old City Park which are some of the elements suggested in the Trail Town Master Plan for a trail head.

Dog Park Update – Committee Chair Carter was not able to attend the meeting; however Brooks gave an update on the amount of use it has been getting and brought the board up to speed on the grant application the City submitted to the Charlevoix County Community Foundation to receive funds towards an improvement project for tree plantings, picnic tables, benches and shade pavilions.

**UNFINIHSED
BUSINESS**

Avalanche Signage

The board inquired as to whether the additional signage has been completed and installed by the Wood Shop. Kovolski reported that we are still waiting on the Wood Shop for the remaining signs. The board requested that Kovolski follow up and see if he can get a timeframe from them.

**Avalanche Tree
Removals (Face of the
Hill)**

Kovolski reported that he is trying to arrange a time that he and the City Manager can meet at Avalanche to assess the situation prior to any work being done.

NEW BUSINESS

**Boyne Valley Lions
Club Project Proposal**

Recording Secretary Brooks informed the board that Lion Woody has not been in good health and is not able to follow through with a community project proposal at this time.

Recreation Master Plan

The board reviewed the current Recreation Master Plan and focused on the capital improvement plan, reviewing the projects list and timeline. Kovolski stated that we would be working with the Planning Department and gathering public input during the work session

scheduled for October 23rd for the City Master Plan. Brooks informed the board that the requirements are to hold two public input sessions and one advertised public hearing. The meeting on the 23rd will be considered one of the public input sessions and the second can be at the November regular meeting. A draft plan could be ready for review as early as the December meeting and then schedule a public hearing for either January or February. The board was encouraged to review the current plan in more depth prior to the November meeting.

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, November 6, 2014 at 6 pm at City Hall.

ADJOURNMENT

The October 2, 2014 meeting of the Parks and Recreation board was adjourned at 7:12 p.m.

Barb Brooks, Recording Secretary

Approved: _____

**Meeting Of
October 7, 2014**

Record of the proceedings of the regular Boyne City Zoning Board of Appeals meeting held at Boyne City Hall, 319 N. Lake Street, on Tuesday, October 7, 2014 at 5:00 p.m.

Call To Order

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

Roll Call

Present: Bob Carlile, John McClorey, Lynn Murray and Roger Reynolds
Absent: Pat Kubesh (arrived at 5:06 pm)

Meeting Attendance

City Officials/Staff: Assistant Planning Director Annie Doyle and Recording Secretary Pat Haver
Public Present: Eight

**Approval of the Minutes
MOTION**

ZBA 2014-10-07-2
McClorey moved, Murray seconded, PASSED UNANIMOUSLY, a motion to approve the July 1, 2014 minutes as presented.

Hearing Citizens Present

None

Correspondence(s)

None

New Business

**Variance Request
351 Collins (Collings) St.
Tammy Siwarga**

Assistant Planning Director Annie Doyle reviewed the staff report that was included in the agenda packet. Tammy Siwarga is requesting a variance from Section 4.40 which states *“attached garages shall have a front setback that is at least ten (10) feet greater than the front setback of the principal building that is located on the portion of the lot”*. The purpose of the request is to build a 20 ft by 20 ft attached garage in front of the current garage. She also reviewed the general findings of facts as presented:

GENERAL FINDINGS OF FACT

1. The property is owned by applicant, Tammy Siwarga.
2. The property identification number is 15-051-026-027-00.
3. The property is in the Traditional Residential District (TRD).
4. The property is currently developed with a single family dwelling.
5. Access to the property is provided by Collins (Collings) Street which is a public road that bounds the front side of the parcel.
6. The adjacent properties are also in the Traditional Residential District (TRD).
7. The north and east sides of the property share a lot line with other privately owned properties.
8. To the west, the adjacent property is a public alley owned by the City of Boyne City.
9. To the south, the property is bounded by Collins (Collings) Street.
10. The property is not irregularly shaped.
11. The topography of the property is typical.
12. The TRD minimum lot area requirement is 5,445 SF.
13. Square footage of the lot is approximately 23,500 SF.
14. The TRD requires that attached garages shall have a front yard setback 10 ft greater than that of the primary structure.
15. The proposed attached garage is located in the front yard of the property and would extend approximately 10 ft in front of the primary structure.

16. The proposed attachment would have an approximately 38 ft front yard setback from the public right-of-way.
17. The proposed attachment to the primary dwelling would be located on the south side of the property.
18. The primary structure and proposed attachment have a eastern side yard setback of approximately 23 ft
- ~~19. The primary structure has a 0 ft side yard setback to the west.~~
20. The TRD requires at least a 5 ft side yard setback.
- ~~21. The primary structure is nonconforming.~~
21. *The proposed extension is for garage/storage purposes only*
22. *The existing engineered septic system is located behind the existing garage*

Public Hearing opened by Vice Chair Carlile at 5:06 pm.

Ron Siwarga: applicant – I don't understand this zoning requirement; I see a lot of houses with garages out in front of them. The current garage will remain as a garage; we are requesting to add 20 ft more in front for expanded storage of equipment to get it out of the yard. The back side of the house and garage is our engineered septic tank and drain field. There is no room to build the garage on either side of the house; so it is the most viable option that we can see.

Public hearing closed at 5:09 pm. Meeting turned over to Chair Kubesh at this time.

Board discussion

Murray – I visited the location; on the west side is a gas meter and power line directly above that impedes access to the back of the property. The engineered system is 20 to 30 ft behind the house with a lift station; and can't come off of Jefferson as it is privately owned. This house has a long paved driveway.

Carlile – For clarification, none of the proposed new space will be used for anything other than a continuation of garage space and storage.

Siwarga – That is correct

Kubesh – Would like added to the findings of fact, the extension will be used as an extension of the existing garage; stated item #19 and #21 will be deleted.

Chair Kubesh facilitated the board through section 27.45 for non-use variances

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

1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome. *Affirmative 4 Nay 1: Because of the engineered septic system located directly behind the existing garage, it would prevent the owner from using the property for a permitted use.*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners. *Affirmative 4 Nay 1: In order to store equipment, the size requested is the smallest variance necessary*
3. The variance can be granted in such a fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. *Affirmative*

4. The need for the variance is not self created. *Affirmative 4 Nay 1; not self created due to placement of the engineered septic system*
5. The need for the variance is due to unique circumstances of the property itself, and not due to general conditions in the area or to circumstances related to the owner personally or to others residing on the property. *Affirmative; unique circumstances due to the placement of the engineered septic system*

MOTION

Motion by Carlile, seconded by Reynolds to approve the variance as requested; relief from Zoning Ordinance regulation, Section 4.40, which states that *“attached garages shall have a front setback that is at least ten (10) feet greater than the front setback of the principal building that is located on the portion of the lot.”*

ZBA 2014-10-07 5A

Roll Call

Ayes: Carlile, Murray and Reynolds

Nays: Kubesh and McClorey

Absent: None

Motion carries

Chair Kubesh opened the public hearing at 5:29 pm

**Variance Request
710 Lake Park Drive
Dino Franchino**

The applicant Dino Franchino presented an updated site plan drawing to the board with the placement of the garage moved an additional 4 ft. back towards the rear of the lot; different than what was included in the agenda packet. It shows a side yard 3 foot setback from the drip line; and 5 feet distance between the house and the garage. The lot has a steep slope in the back, making it difficult to build without adding a lot of fill and building up the foundation of the garage.

Roger Reynolds asked to recuse himself, as he is a close neighbor and also on the Architectural Review Board with the Harborage Park Association who reviewed this plan several times prior to coming to the ZBA for the variance approval.

The building has been downsized in width to 12 ft, from the proposed 13 ft; however, the length will remain at 22 ft. It is the narrowest lot in the association; our main goal is to make it functional and visually appealing. It will only have a 6” overhang. The driveway was already there, just trying to place the garage with the existing lines.

Michael Shean Representing the Architectural Review Committee - We have reviewed the plan very carefully, looking from Front and Lake Park Dr. The plan he presented to us, we approved aesthetically as long as it conformed to city code, it would be acceptable to us. The plan he presents to you tonight, is not that plan, he has move the garage a considerable distance “back” or towards Front Street and will stick out from the imaginary line that you see going down the street than what was presented to our committee. It will expose more foundation wall. We would like to look at again, the approval given is not for this design, and I hesitate to speak for the entire committee.

Franchino - Thought it would make sense, and open up the view; also the garage was moved, to allow me to help divert water running down the driveway away from the main garage door, I didn’t think moving it back would be a problem.

Richard Cook Neighbor – Showed pictures of his house and garage. I am against this variance; he knew what he was getting into when he bought the property. We

are not against moving the garage closer to ours; if they put a fire wall between us, instead of going back towards Front St. I have nothing against him as a neighbor; he is a heck of a guy, I just don't like the structure going back.

MOTION

After board discussion, motion **by Kubesh, seconded by Carlile**, to table the request until next month to allow additional review of the changed proposal by the Homeowners Association.

Staff did clarify that the ZBA decision was not bound by the Homeowner Association's decision.

ZBA 2014-10-07 5B

Roll Call

Ayes: Carlile, Kubesh, McClorey, Murray and Reynolds

Nays: None

Absent: None

Motion carries

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

None

**Good of the Order
Announcements**

Charlevoix County Planners Forum will be held on October 30th at 6:00 pm at the Charlevoix District Library, if you are interested in going, advise staff.

Next Meeting

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for November 4, 2014 at 5:00 p.m.

**Adjournment
MOTION**

ZBA 2014-10-7-10

Carlile moved, Murray seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, October 7, 2014 Boyne City Zoning Board of Appeals meeting at 6:09 p.m.

Patrick Kubesh, Chair

Pat Haver, Recording Secretary

Approved: _____

**Meeting of
October 20, 2014**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, October 20, 2014 at 5:00 pm.

Call to Order

Acting Chair Place called the meeting to order at 5:02 p.m.

Roll Call

Present: Jason Biskner, George Ellwanger, Jim Kozlowski, Lori Meeder, Tom Neidhamer, Aaron Place and Joe St. Dennis
Absent: Chris Frasz and Jane MacKenzie

**Excused Absence(s)
MOTION

2014-10-20-02
Neidhamer moved, St. Dennis seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Chris Frasz and Jane MacKenzie

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson and Recording Secretary Pat Haver
Public Present: One, a member of the press

Consent Agenda

2014-10-20-03
Meeder moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from September 15, 2014 as presented.

**Citizen comments on
Non-Agenda Items**

None

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

None

Unfinished Business

None

New Business

Planning Director McPherson reviewed his report included in the agenda packet. Last month the board directed staff to put together amendment language for drive thru uses as a conditional use in the Central Business District. That language is before the board tonight. Even with this amendment, any conditional use still has to go through the review process.

**Public Hearing - Zoning
Ordinance Amendment for
section 10.30 Drive Thru
uses in Central Business
District**

Public Hearing opened at 5:05 pm
With no public comments, closed at 5:05 pm

Board Discussion

Kozlowski - Has anyone been denied a drive thru in the central business district?
McPherson - Over the years no one has made an application, the department has had some inquires, so no; no one has been denied.
Kozlowski - What about the position of crosswalks and sidewalks for pedestrians with this proposal and the design of the drive thru?
McPherson - All of that can be determined with the review of the site plan. That process must still continue.
The board had concerns about the space above the drive thru lanes. They would like to see additional language added to reflect that the space above the first must be finished and occupiable.

****MOTION**

After board review and discussion, **motion by Ellwanger, seconded by St. Dennis** to make a recommendation to the City Commission the zoning ordinance amendment language to section 10.30, the addition of (M)(1) as proposed, meeting criteria 3, 4, 6, & 7 under section 2.50; also adding language that the space above the first must be finished and occupiable.

2014-10-20-7A

Roll Call:

Aye: Biskner, Ellwanger, Kozlowski, Meeder, Neidhamer, Place, and St. Dennis

Nay: None

Absent: Frasz and MacKenzie

Motion Carries

Smart Growth America Grant Application

Planning Director McPherson reviewed the memo in the agenda packet from Annie Doyle, Assistant Planner. The City Commission approved the submission of a grant application for technical assistance from Smart Growth America. A total of 14 communities nationwide, will be awarded this grant. The board reviewed the 12 technical assistant tools that were available, and supported the recommendation the complete streets component was the preference.

2014 Goals

In the agenda packet was the list of the 2014 adopted goals by the City Commission. The goals listed were developed and prioritized based on public input from the goal setting session held earlier this year and from an online survey. The board reviewed the goals and felt that it was a great working document and a great tool.

Staff Report

There are some upcoming meetings, public forums and training sessions available:

- October 21, 2014 at 6 pm City Facilities work session
- October 23, 2014 at 7 pm Master Plan public input session
- October 30, 2014 5 to 9 pm Charlevoix County Planners Forum at the Charlevoix Public Library

Good of the Order

- What is the status on the fishing dock that was to be installed by Catt Development at One Water? Believe that after (4) units were built, the dock would be installed.
- What is the status on the Devlon property? Nothing new
- Lori Meeder will not be attending the November meeting

Adjournment

****MOTION**

The next meeting of the Boyne City Planning Commission is scheduled for November 17, 2014 at 5:00 pm in the Auditorium.

2014-10-20-10

Meeder moved, St. Dennis seconded, PASSED UNANIMOUSLY a motion to adjourn October 20, 2014 meeting at 5:44 p.m.

Acting Chair Aaron Place

Pat Haver, Recording Secretary

BOYNE CITY HISTORICAL
DISTRICT COMMISSION
MINUTES of the October 21, 2014 meeting

Present: Bandy, Martin, Glassford, Sheets.

Absent: Wellman

Staff: McPherson, Hewitt

1. Call to Order: 10:00 am

2. Approval of Minutes of June 19, 2014 meeting Bandy motioned, Martin second, all ayes.

3. Public Comments on Non-Agenda Items

None

4. Old Business:

None

5. New Business:

A. McPherson gave a brief explanation.

Motion by Bandy to table discussion pending review definitions of minor classes of work and to specific written standards for the delegation of responsibility to the planning department, be prepared to discuss this at our February meeting, second by Martin, all ayes.

B. 411 Pearl Street, review of Soil Erosion permit, work determined to be ordinary maintenance.

6. Communications

2015 Calendar dates set, third Tuesday of the month at 7:00 pm

February 17, 2015

May 19, 2015

October 20, 2015

7. Announcements

401 Pearl Street, exterior painting in progress, work is ordinary maintenance.

8. Adjournment, 10:28 am

9. Next Meeting

February 17, 2015



Approved: _____

**MEETING OF
OCTOBER 23, 2014**

**RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE
BOYNE CITY AIRPORT ADVISORY BOARD HELD October 23, 2014**

CALL TO ORDER

Chair Schmidt called the meeting to order at **5:30 p.m.** followed by the pledge of allegiance.

ROLL CALL

Present: Richard Bouters, Jerry Schmidt, Oral Sutliff, Ed Hennessy
Brian Harrington, *Bud Chipman* Leon Jarema*Rod Cortright

Absent:, *Jim Kozlowski * Larry Trumble

ATTENDANCE

**Ex Officio Members*

Citizens:

Staff: Airport Manager/City Manager, Michael Cain

EXCUSED ABSENCES

None

MOTION

APPROVAL OF MINUTES

Sutliff moved Harrington seconded PASSED UNANIMOUSLY to approve the **September 25, 2014** minutes as written.

MOTION

CORRESPONDENCE

NONE

COMMITTEES/REPORTS

NONE

UNFINISHED BUSINESS

A. Hangar Inquires/Leasing

Currently, all City owned hangars are under long term lease. The City has a waiting list for hangars.

B. Projects

1. **Crack Sealing:** The Crack Sealing project at the airport has been completed.

2. **Roof Replacement:** Work is expected to start on Friday, October 24, 2014 to replace the roof at the Airport Terminal.

3. **Property:** The board's research into property by the Airport is moving forward.

C. **Airspace Penetration Report:** In response to an FAA letter regarding airspace obstructions around the Boyne City Airport, Michael Cain, Jerry Schmidt and Rod Cortright will research and report back to the board.

D. **Other:** None

NEW BUSINESS

A. Election of Airport Board Officers:

1. Moved by Sutliff, seconded by Harrington, PASSED UNANIMOUSLY to retain the current officers for 2015, with Jerry Schmidt – Chair, Oral Sutliff – Vice Chair, Richard Bouters – Secretary.

B. Pre-Wedding Party, September 22, 2015 in Hangar B-5:

1. A request from the hangar tenant to use Hangar B-5 for a Wedding party was discussed by the board and Michael Cain has been authorized to work out details with the tenant.

C. Adoption of the 2015 Airport Board Calendar:

1. Moved by Harrington, seconded by Sutliff PASSED UNANIMOUSLY to hold the Boyne City Airport Advisory Board meetings in 2015 on the 4th Thursday of the month at 5:30pm in the Airport Terminal with the months of November & December excluded from the calendar due to Holiday conflicts.

GOOD OF THE ORDER

A. Fuel price is \$5.62 per gallon as of August 25, 2014.

B. Leon Jarema reported that a donor would like to purchase “Runway Length Remaining” signs for the airport.

1. **Moved by Sutliff, seconded by Harrington PASSED UNANIMOUSLY to proceed with research and appropriate installation of the signs.**

2. Jarema will coordinate this project with the City.

C. Brian Harrington reported that he cautioned a Hangar tenant regarding allowing dogs to run loose on the Airport. Michael Cain will research the city position and report back to the board.

D. Wildlife continues to be a problem on the Airport with control measures being evaluated.

ANNOUNCEMENTS

NEXT MEETING

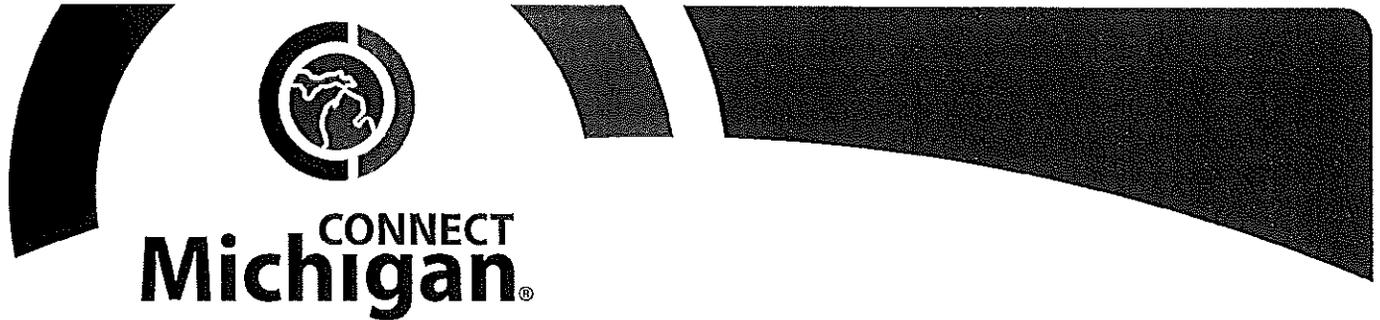
MOTION

*The next regular Airport Advisory Board meeting is scheduled for **Thursday, January 22, 2015 at 5:30pm** in the Airport Terminal.

ADJOURNMENT

Chair Schmidt adjourned the Airport Advisory Board meeting at **5:56pm**.

Richard L. Bouters-Secretary _____



2014 Broadband Hero Award Recipients

Air Advantage

Air Advantage has constructed more than 450 miles of fiber throughout Michigan's Thumb Region. Its fiber routes connect eight hospitals, 17 libraries, 25 healthcare providers, 87 educational institutions, and numerous other businesses throughout the region. Most recently, Air Advantage began working with the Village of Sebawaing and its Board of Light & Water to create a gigabit community. Air Advantage's fiber and fixed wireless network serves the counties of Huron, Saginaw, Sanilac, Tuscola, and Lapeer. Air Advantage has been participating with community stakeholders in Connect Michigan's Connected Community Engagement Program for at least the past two years.

Charter Communications

Charter Communications has upgraded nearly 100% of its Michigan cable operations to an all-digital broadband network. From September to the end of 2014, Charter will be upgrading several of its one-way cable systems in Gratiot, Iosco, Isabella, Montcalm, Ogemaw, and Ottawa counties, (some of Michigan's more rural locations), providing nearly 10,000 households with 60 Mbps connections, many experiencing such speeds for the first time. Charter Communications has been working with community stakeholders throughout Michigan through the Connected Community Engagement Program for more than three years.

Ogemaw County Technology Planning Team

The Ogemaw County Technology Planning Team has been an active participant in the Connected Community Engagement Program since the fall of 2012. The public/private, multi-sector team, lead by Mandi Chasey, Director of Ogemaw County Economic Development, recognized the need for expanded access, adoption, and use of broadband in the community. The team completed its Technology Action Plan in 2013 and immediately began on implementation. By administering a community survey with 1,400 respondents, establishing digital literacy classes, helping small businesses get online, and working with broadband providers to expand infrastructure, the Ogemaw County Technology Planning Team achieved Connected Certification in July of 2014; one of only 27 in the United States to do so.

HARBOR, Inc. Broadband Team

HARBOR, Inc., lead by Executive Director Rachel Smolinski, has brought together a broadband committee with representatives from area local units of government and service providers. HARBOR, Inc. has worked to increase broadband availability and has done so by conducting a survey of area residents as to what services they have/need/would pay for and by working with area providers. After completing the community Technology Action Plan in early 2013 and working on implementing various projects, HARBOR, Inc. has achieved Connected Certification in Connect Michigan's Connected Community Engagement Program; joining only nine other Michigan communities to achieve this designation.

Chris Christensen, Charlevoix County

In his capacity as a County Commissioner, Chris uses his foresight, knowledge of current and future infrastructure and resources, and connections to put Charlevoix County, in rural Northern Michigan, in a strategic position for broadband expansion. Chris has propelled his vision forward by working with many local units of government, the local school district, public libraries, economic developers, the local hospital and medical facilities, the County and its many departments and boards including emergency services, Merit Network, and many local Internet providers. His participation and facilitation has led to increased understanding and awareness of high-speed Internet connectivity, capacity, and needs in Charlevoix County.

Upper Peninsula 911 Authority

The UP 911 Authority identified the need for Next Generation 911 service in the UP, and the benefits to the UP population, years ahead of much of the rest of the State. Its plan leveraged high-volume broadband connectivity between Public Service Answering Points (PSAPs) to allow workload sharing between multiple PSAPs to provide faster response in the event of an emergency or catastrophic event. In addition, the deployment of large-scale broadband has readied the UP 911 PSAPs for new technology 911 contacts like text, video, and On-Star services. The UP 911 Authority is one of the first 911 administrations in the United States to enable resource sharing and other NextGen 911 services across all types of callers including landline, wireless, text, and special services.

Melanie Bell, Chelsea District Library

Melanie Bell seized an opportunity to work with a community group of stakeholders to learn how to work together to expand technology opportunities in the community. Melanie has been a leader in this effort from day one by becoming co-chair of the Washtenaw County Broadband Committee and helped put together a survey to determine need in the library service area. Over 2,000 surveys were returned, forming a clear picture of the county's digital pulse; where Internet was available, unavailable, or wanted. The surveys revealed that more than 98% of unconnected residents were using libraries to fill the void. By leading an effort to address a key community concern like broadband in a rural setting, Melanie Bell is helping the library bring people together, strengthen community identity, and contribute to the overall health of a small town as they try to revitalize for the twenty-first century.

Representative Gretchen Driskell

Representative Gretchen Driskell has been the primary leader in launching and supporting the work of the Washtenaw County Broadband Committee. Since the end of 2013, Rep. Driskell has been actively involved in identifying key stakeholders from her district and across Washtenaw County to participate on the Committee to help improve the access, adoption, and use of broadband in the more rural areas of the community. Her partnership with Connect Michigan and direct participation in committee meetings and action plans has been invaluable in moving this effort forward. The Committee has now identified specific areas in need of new or improved broadband service, shared this information with local providers to pursue solutions, and is now exploring opportunities for local townships/villages to combine their resources and explore public/private partnerships to enhance service to their residents and local businesses.

Senator Goeff Hansen

In his capacity as a Michigan State Senator, Goeff uses both his passion and his knowledge of broadband technology to work towards the increased access, adoption, and use of high-speed connectivity to improve the lives of the constituents in his district. Goeff has been working side-by-side with a multitude of stakeholders in every sector and at every scale in order to diversify the state and local economy, and ensure his district's competitiveness in the connected global economy of the twenty-first century. As of today, motivated by Goeff's leadership, the state, regional and local leaders in his district are not waiting to complete their Technology Action Plans, but rather are moving forward with many already identified solutions including scheduling free social media classes and Internet safety workshops for the community's local businesses and non-profits, conducting research surveys and market analyses to validate a business case for broadband expansion in the unserved and underserved areas of their community, and reviewing local policies, ordinances, and other barriers to broadband deployment.

Roscommon County Social Media & Small Business Project – Rosalie Myers, Roscommon County Economic Development, Brenda Bachelder, Michigan Works! Region 7B Consortium, and Adele Woskobochnik, Marketing Sense Consulting
The Roscommon County economy is incredibly dependent on tourism and recreation. The Roscommon County Social Media & Small Business Project aims to assist local businesses with obtaining broadband connectivity and increasing their web presence to make them more visible to local patrons and visitors. The team, made up of Rosalie Myers, Brenda Bachelder, and Adele Woskobochnik, assists a wide variety of businesses, non-profit organizations, and local events with creating and maintaining social media accounts in order to sustain and grow in the region. The team has also partnered with local broadband providers who provide temporary Wi-Fi hotspots at community events.



City of Boyne City

MEMO

Agenda Item 8A

Date: November 7, 2014
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Fluoride Update

At around 2:30 p.m. today I received a verbal request from Commissioner Gaylord to add an item on this agenda regarding his desire to call for the use of Certified Analysis Fluoride as fluoride is reintroduced into the City's water system.

Although staff is not required to add items to an agenda based upon such requests, given the public interest on the topic of fluoride and the recent vote on the matter I thought it would be best to include it.

After receiving the request I asked our Water/Wastewater Superintendent to look into the matter and see what he could find out prior to our meeting Tuesday evening.

Some other related updates for your information that I planned on reporting during the Managers Report, but will do now:

-We have been notified by the Charlevoix County Clerk that our local election results have been certified by the County Board of Canvassers, including those on the fluoride initiative.

-We have reviewed the results of the Fluoride vote with our City Attorney and see no obstacles to implementing the results and objectives of that vote.

-We are advertising the new ordinance as approved by the voters, consistent with the City Charter.

-Our fluoride related equipment that was taken out of service after the Commission's May 13th decision is being prepared for reuse.

-The same Fluoride additive that we had been using previously has been ordered and should arrive as early as next week.

-Unless something changes we should be fully prepared to resume fluoridization of the City water system on Wednesday, November 19th.

RECOMMENDATION: No action is required by the City Commission on this matter.

Options:

- 1) Postpone for further information or consideration.
- 2) Other options as determined by the City Commission.

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER 
FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT 
DATE: 11/7/14
RE: LOWER LAKE STORM OUTFALL

As you are aware we have been working with C2AE and the DEQ to find a solution to the erosion problems at the Lower Lake Storm Outfall. The City Commission previously approved two options that we felt would rectify the erosion situation. Those options both contained the following work items:

- Installation of a new outfall pipe, headwall and rip rap stone
- Installation of a drop manhole to help dissipate flow energy
- Combining the two existing outfalls into one 36 inch pipe

The only real difference between the two proposals was the length of the pipe extension added and the amount of Rip Rap Stone required.

Since that time C2AE has submitted an application and plans to the DEQ for the required permits for this project. The DEQ has responded with their list of issues with the design. The DEQ would still rather see a solution with minimal piping extension and rip rap stone used; but now are requesting we use an Elliptical Pipe to help lower the exposed area of the pipe, eliminate covering the pipe with sand and vegetation and keep the rip rap stone from going past the current water edge.

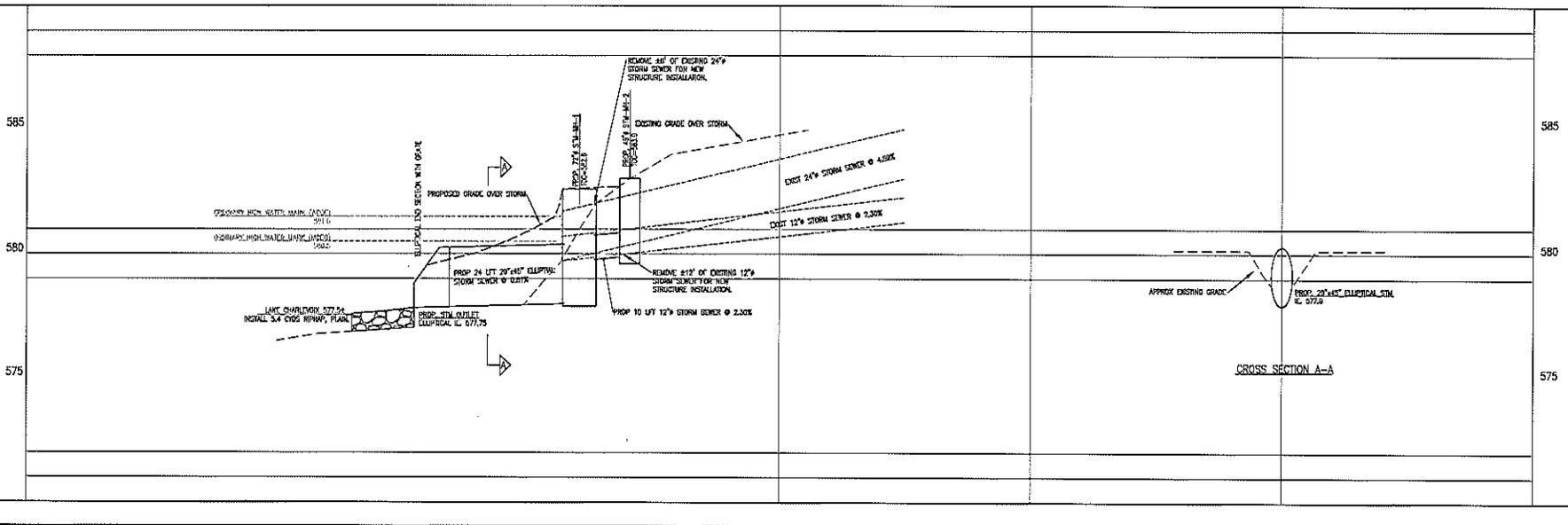
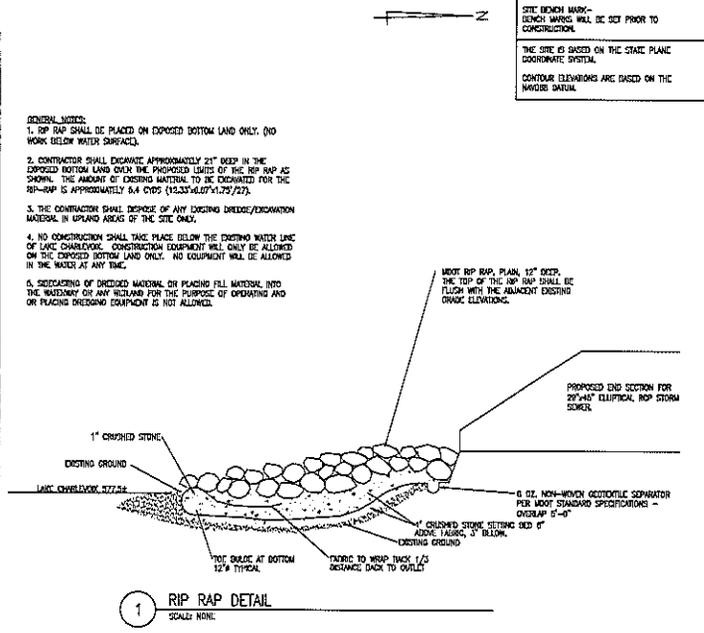
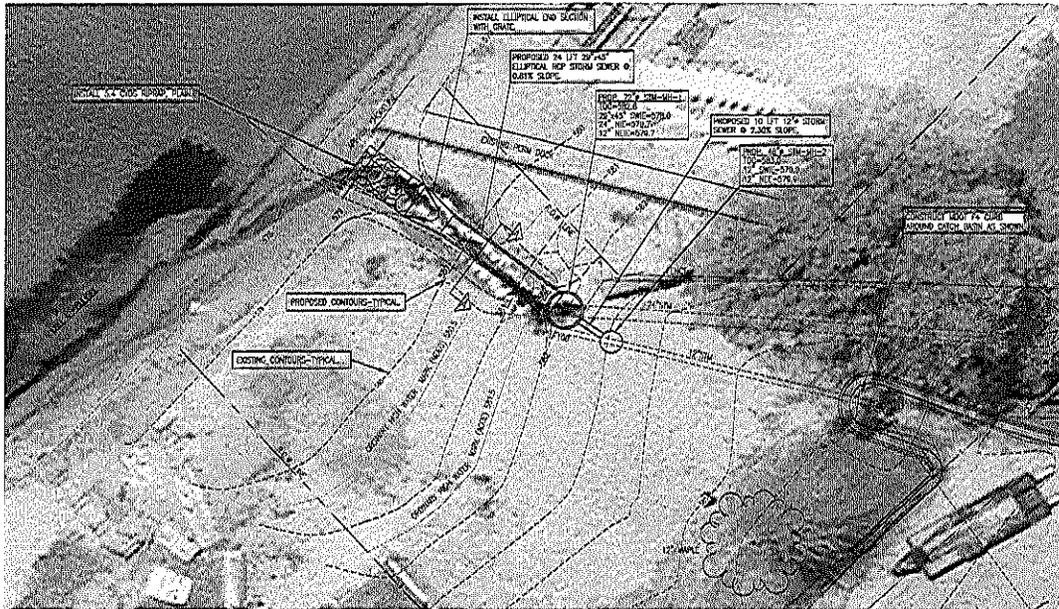
At this point the City needs to decide whether the changes proposed by the DEQ are acceptable and proceed with obtaining the permit; or do we want to see if our application as submitted is denied which would require us to start the process over again.

RECOMENDATION:

It is staffs recommendation that the City commission advise staff on which option they would like us to proceed with and authorize the City Manager to sign the required documents. Funds for this work are available in this year's Street Department budget.

OPTIONS:

- That this matter be postponed for additional information or consideration
- That this matter be approved subject to some revision
- Other options as determined by the City Commission



c2ae
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 WWW.C2AE.COM

CITY OF BOYNE CITY
BOYNE CITY LOWER LAKE STREET
STORM SEWER IMPROVEMENTS
 CITY SELECTED OPTION

PROJECT NO. 15-001
 SHEET NO. 15-001-01
 DATE: JULY 2014
 SCALE: 1"=10'-0"
 PROJECT: STORM SEWER IMPROVEMENTS
 SHEET: 15-001-01

1



CITY OF BOYNE CITY

MEMO

To: Michael Cain, City Manager *Mc*

From: Barb Brooks, Executive Assistant / Harbormaster *BB*

Date: November 6, 2014

Subject: Marina Renovation/Expansion Permit (File Number: LRE-1989-410114-S14)

Attached for your review is a copy of correspondence and a permit for signature from the U S Department of the Army Corps of Engineers (USACE). This is the last required document to secure a permit for a marina renovation and/or expansion. The project description mirrors those of the signed and accepted MDEQ permit. Unlike the MDEQ permit which is good for five years, the USACE permit is good for three years with an opportunity for an extension upon request.

This permit was first received earlier in October was reviewed by our engineering firm Abonmarche. There were a couple items we felt would be beneficial to have further discussions on: 1) A request to extend the expiration date to match the DEQ's five year timeframe and 2) delete the dates of mandatory blackout for dredging and insert language referencing any mandates set by the DEQ. The response from the Army Corps was that they preferred to keep the language regarding the dredging window dates and that with the opportunity to apply for an extension they felt there was no reason to change the permit's expiration date and that if the City wanted to appeal the conditions we could do so through their formal appeals process. In the end we did not feel either of these items were significant enough to appeal the conditions of the permit.

During the three year life of the permit, the City can choose to build some or none of the project. The permit does not commit the City to move forward with the project. Minor modifications may be requested to this permit during design and/or construction at no cost and taken care of administratively by the DEQ and Corps. Major modification requests will require re-noticing / public comment period or require a new permit application be filed at the regular filing fee costs. When and if the City decides it is ready to expand and/or renovate all or portions of the current marina and proposed expansion, the permit is in place and the outlined project would not be held up by the permitting process. It will also look favorable when talking to grant funding agencies to show that we have a permitted project.

The estimated cost of the proposed plan is in the ball park of 4 million dollars. The next steps will be a current evaluation of finances, further research demand and overall facilities, construction design, proper phasing and cost refinement and discussions with funding agencies.

Recommendation: Approve the Boyne City Marina Renovation Proffered Permit from the USACE as presented and authorize the City Manager to sign and submit the documents for signature.

of our approved JD.

Should you have any questions on this matter, please contact Katie Otanez at the above address, by E-Mail at Katie.L.Otanez@usace.army.mil, or by telephone at 313-226-5479. In all communications, please refer to File Number LRE-1989-410114-S14.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0. Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

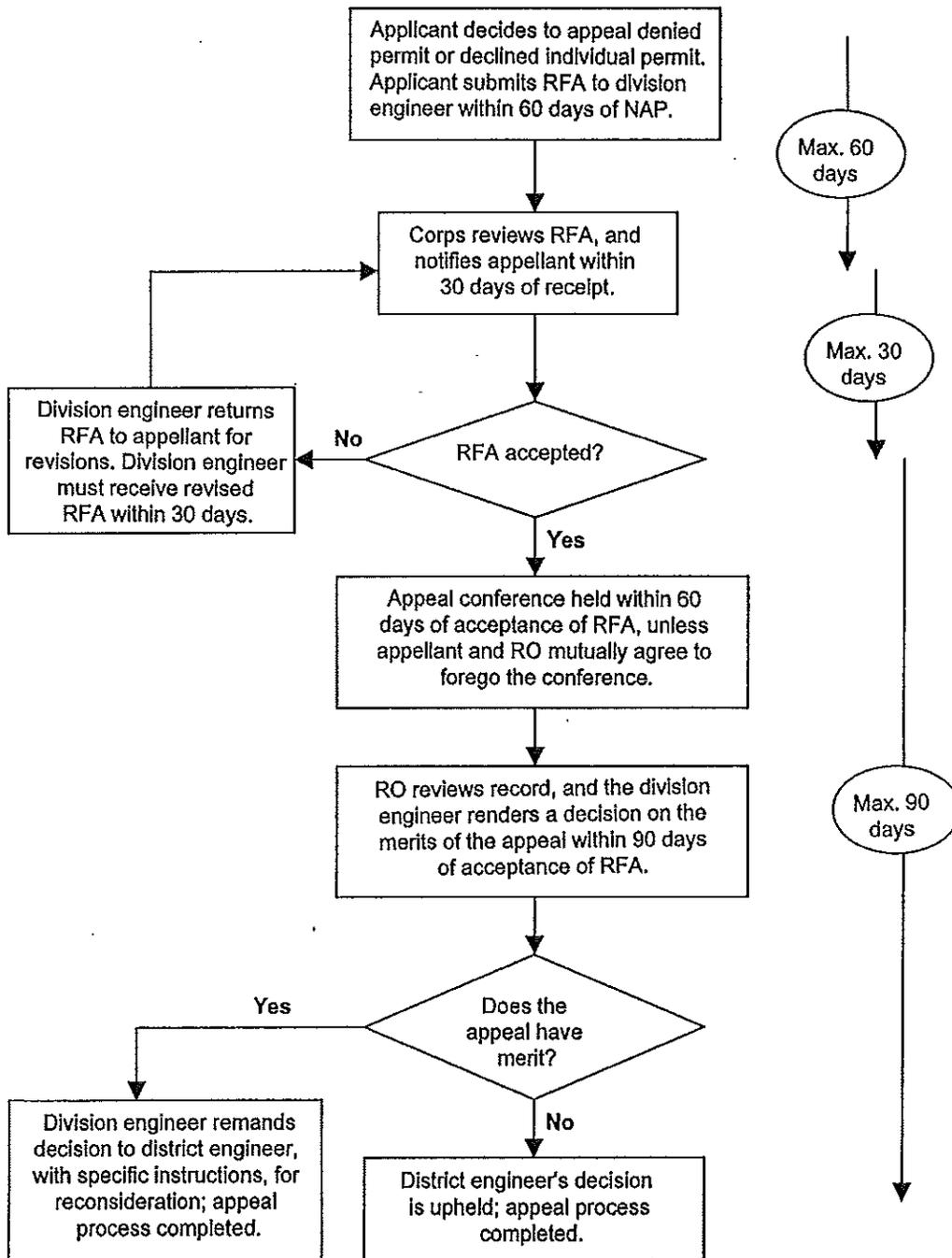
Sincerely,

A handwritten signature in black ink, appearing to read "John Konik". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

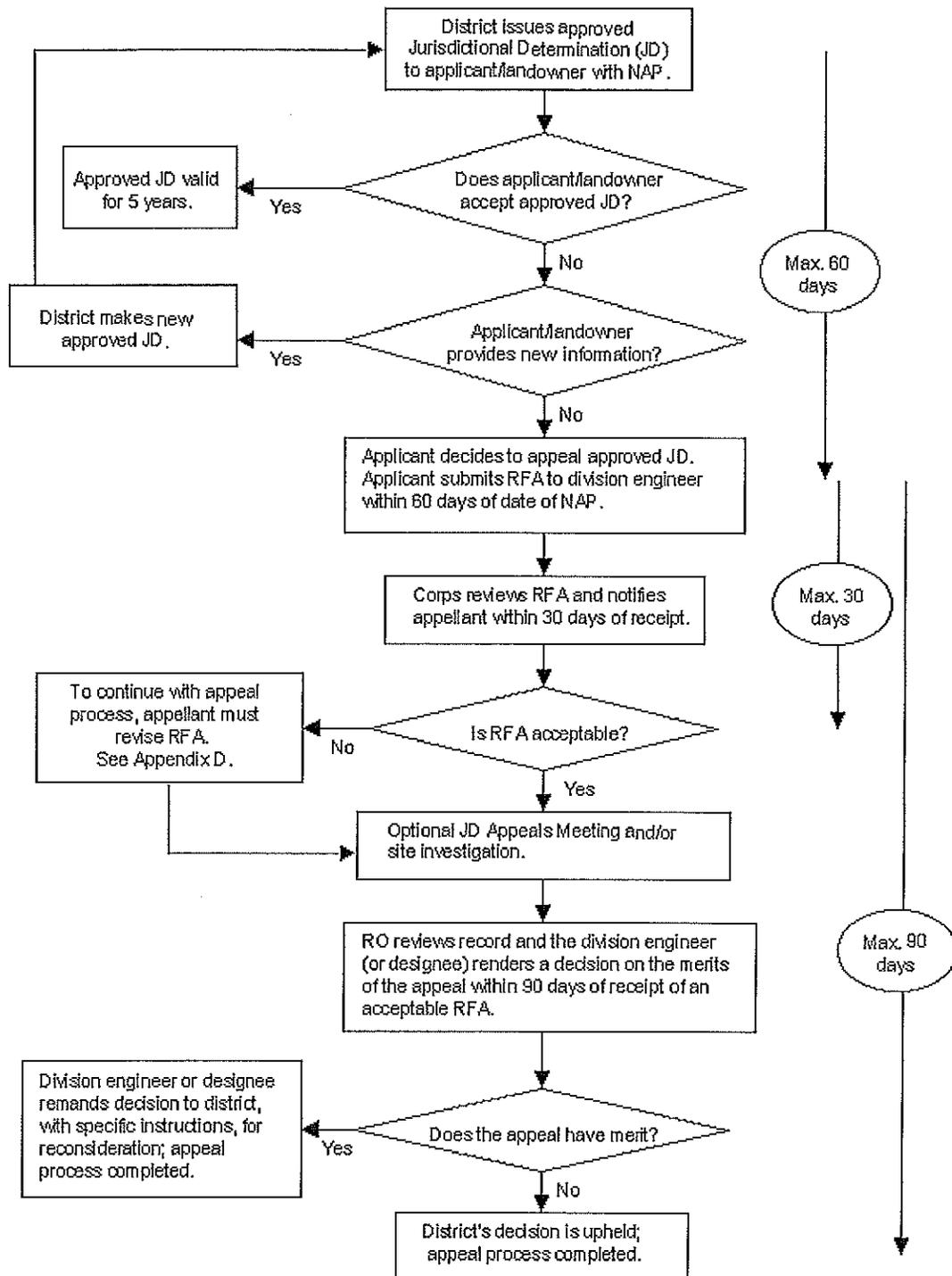
John Konik
Chief, Regulatory Office
Engineering and Technical Services

Enclosure

Administrative Appeal Process



Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: City of Boyne City		File Number: LRE-1989-410114-S14	Date: October 22, 2014
Attached is:			See Section below
XX	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
XX	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Katie Otanez
U.S. Army Corps of Engineers
Regulatory Office
477 Michigan Avenue
Detroit MI 48226-2550

313-226-5479

If you only have questions regarding the appeal process you may also contact:

U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
ATTN: Appeal Review Officer
550 Main Street RM 10032
Cincinnati, OH 45202-3222

Tel. (513) 684-6212 Fax (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date: _____

Telephone number: _____

DEPARTMENT OF THE ARMY PERMIT

Permittee City of Boyne City

Permit No. LRE-1989-410114-S14

Issuing Office U.S. Army Engineer District, Detroit

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Expand the existing marina to provide a total of 98 boat slips and 583 feet of broadside dockage, with work conducted as follows:

Remove two existing floating head docks, associated finger piers, and seven floating wave attenuators.

Install a new floating wave attenuator pier consisting of a 213-foot head pier and walkway perpendicular to shore, ending in the 825-foot pier parallel to the shore, including a dogleg. Install six 40-foot, four 50-foot, and four 60-foot finger piers off the pier. Install an 80-foot extension off a finger pier to form an L-shape at the southeastern-most end of the pier. Install a 253-foot transverse pier with seven 30-foot finger piers off the northerly side of the head pier approximately 57 feet offshore. Install 50 ice piles along the lakeward side of the floating wave attenuator pier.

Install a floating head pier 283 feet long, with six 40-foot and seven 30-foot finger piers and associated piles providing a total of 24 boat slips 30 to 40 feet long. Install a floating head pier 200 feet long, with twelve 25-foot finger piers providing 22 boat slips, each 25 feet long. Install a floating pier, extending approximately 55 feet offshore, with a 70-foot by 16-foot L-shaped segment at the waterward end providing pump-out facilities.

At the base of each of the three new head piers, remove approximately 8 cubic yards of riprap from an area approximately 15 feet wide and 10 feet long to accommodate the new pier installation. Discharge the same 8 cubic yards of riprap and grout over 6 inches of mattress stone in the same areas following installation of the new gangways.

Install ten mooring buoys 180 to 330 feet offshore to the north of the proposed wave attenuator pier, at coordinates specified on drawing sheet 6 of 17.

Install a turbidity curtain approximately 820 feet long around the dredge area. Mechanically or hydraulically dredge approximately 1,980 cubic yards of material from an area approximately

322 feet long and 110 feet wide, to a bottom depth of 569.0 feet, IGLD 1985, removing all material to an upland area.

Mechanically remove approximately 210 cubic yards of riprap toe-stone from the toe of an existing seawall along 105 feet of shoreline in an area 9 feet wide and 6 feet deep, temporarily stockpiling the riprap in the onsite upland dredge dewatering area or on a work barge. Install approximately 165 feet of steel sheetpile seawall approximately 1 foot waterward of an existing steel seawall. Remove the existing steel sheetpile seawall to 4 feet below grade. Discharge approximately 61.5 cubic yards of engineered backfill material landward of the new seawall in an area 165 feet long, 1 foot wide, and approximately 10 feet deep. Discharge the stockpiled riprap in an area 105 feet long, 9 feet wide, and 6 feet deep, at the toe of the new seawall.

Project Location:

In Lake Charlevoix, offshore property in 197 North Lake Street, Boyne City, Michigan.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2017**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately stop work in that area and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Your signature, as permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit.

2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
3. All fill shall consist of clean, inert materials from an upland source. The fill material must be free from toxic substances, fines, oil and grease, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt, oil-based material, or metal.
4. Prior to beginning any dredging, the permittee shall install commercial-grade silt curtains that extend from a floating boom on the lake surface down to the bed of the waterway. The silt curtain shall continuously and completely enclose the dredge area. The silt curtain shall be properly anchored onshore, and anchored offshore at 25-foot intervals to provide a stable and functional barrier. The silt curtain shall be maintained in effective working condition until all dredging is completed and turbidity has returned to background levels. In the event that the silt curtain remains in place overnight, the applicant will coordinate proper marking of the silt curtain with the USCG and their requirements (e.g. lighting, reflective paints, etc.) will become special conditions under this permit.
5. Temporary and/or permanent sidecasting of dredged or removed material into the waterway or wetland for any purpose, including operating and/or placing equipment, is not authorized.
6. All dredged and/or excavated materials will be disposed of in upland location(s) with no placement in, or return to, any waterway or wetland. Liability for proper placement of all materials, including those disposed of off-site by any party, notwithstanding ownership, remains with the permittee.
7. All dredging is prohibited during the period May 15 to July 15 and from November 1 to April 18, as designated in the issued Michigan Department of Environmental Quality (MDEQ) permit. If the MDEQ modifies the dredge window, the permittee must provide a copy of such modification to the Corps of Engineers prior to the start of dredging.
8. Erosion controls, such as silt fencing, shall be placed around the dredged material dewatering area and upland work areas to prevent discharge material from entering wetlands or waterways. These must be erected prior to starting work, and their effectiveness must be maintained until all work at the site is completed and the area has been stabilized against erosion.
9. The mooring buoys shall conform to all U.S. Coast Guard requirements. Permittees

should contact the Private Aids to Navigation Office at telephone 216-902-6073, or in writing at: Commander (OAN), 9th Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199-2060.

10. The mooring buoys shall be clearly marked with the Corps of Engineers' Permit/File number in characters at least 3 inches high and of contrasting color to the background color of the buoy.

11. All work vessels shall be marked in accordance with U.S. Coast Guard requirements.

Further Information:

1. Congressional Authorities: You have been so authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modifications, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance of the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.

- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

John Konik for:
(DISTRICT ENGINEER)
Michael L. Sellers
Lieutenant Colonel, U.S. Army

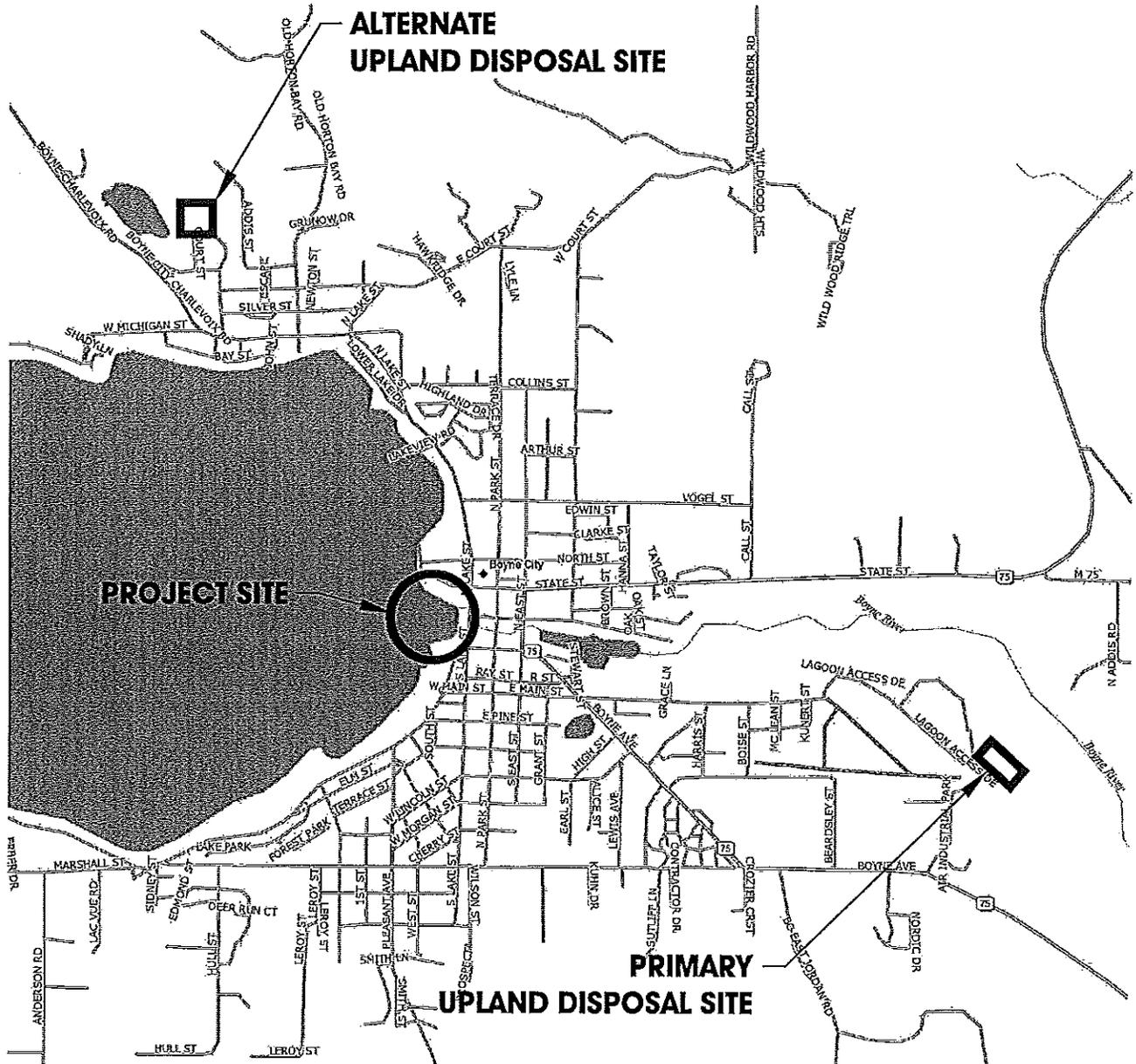
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

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LOCATION MAP
NOT TO SCALE

BOYNE CITY MUNICIPAL MARINA
MARINA EXPANSION
BOYNE CITY, MICHIGAN
REVISED 09-11-2014



95 West Main Street
Benton Harbor, MI 49022
T 269.927.2295
F 269.927.1017

Manistee, MI
South Haven, MI
South Bend, IN
Portage, IN

Engineering
Architecture
Land Surveying
Marina/Waterfront
Community Planning
Landscape Architecture
Development Services

PREPARED FOR:
**BOYNE CITY MUNICIPAL
MARINA EXPANSION**

NUMBER: LRE-1989-410114-S14

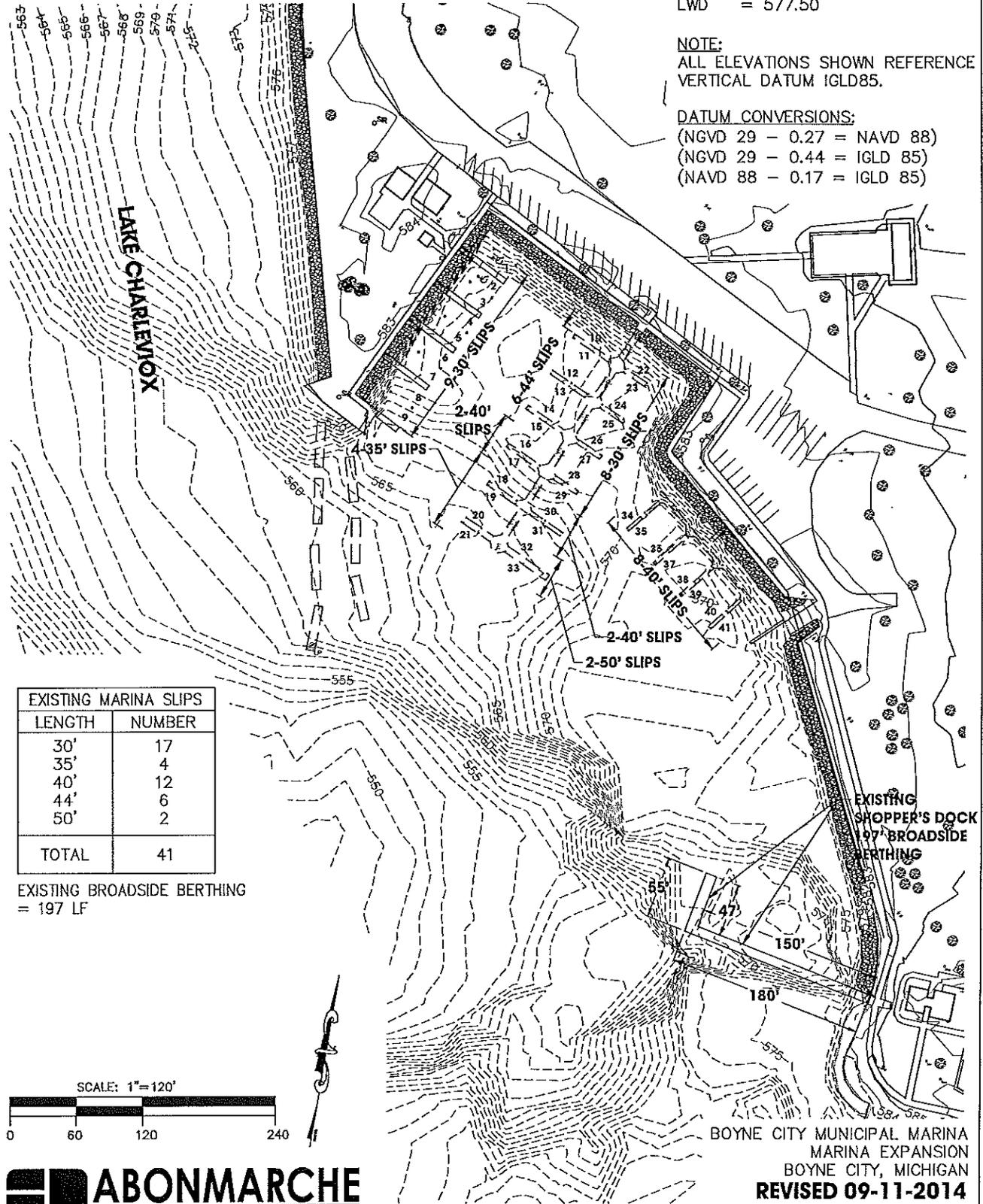
Boyne City Marina Expansion
By: City of Boyne City
Lake Charlevoix
Charlevoix County, MICHIGAN
SHEET 1 OF 17

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OHWM = 581.50
LWD = 577.50

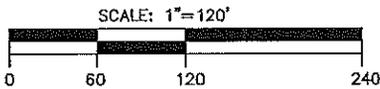
NOTE:
ALL ELEVATIONS SHOWN REFERENCE
VERTICAL DATUM IGLD85.

DATUM CONVERSIONS:
(NGVD 29 - 0.27 = NAVD 88)
(NGVD 29 - 0.44 = IGLD 85)
(NAVD 88 - 0.17 = IGLD 85)



EXISTING MARINA SLIPS	
LENGTH	NUMBER
30'	17
35'	4
40'	12
44'	6
50'	2
TOTAL	41

EXISTING BROADSIDE BERTHING
= 197 LF



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MARINA EXPANSION
EXISTING SLIP COL
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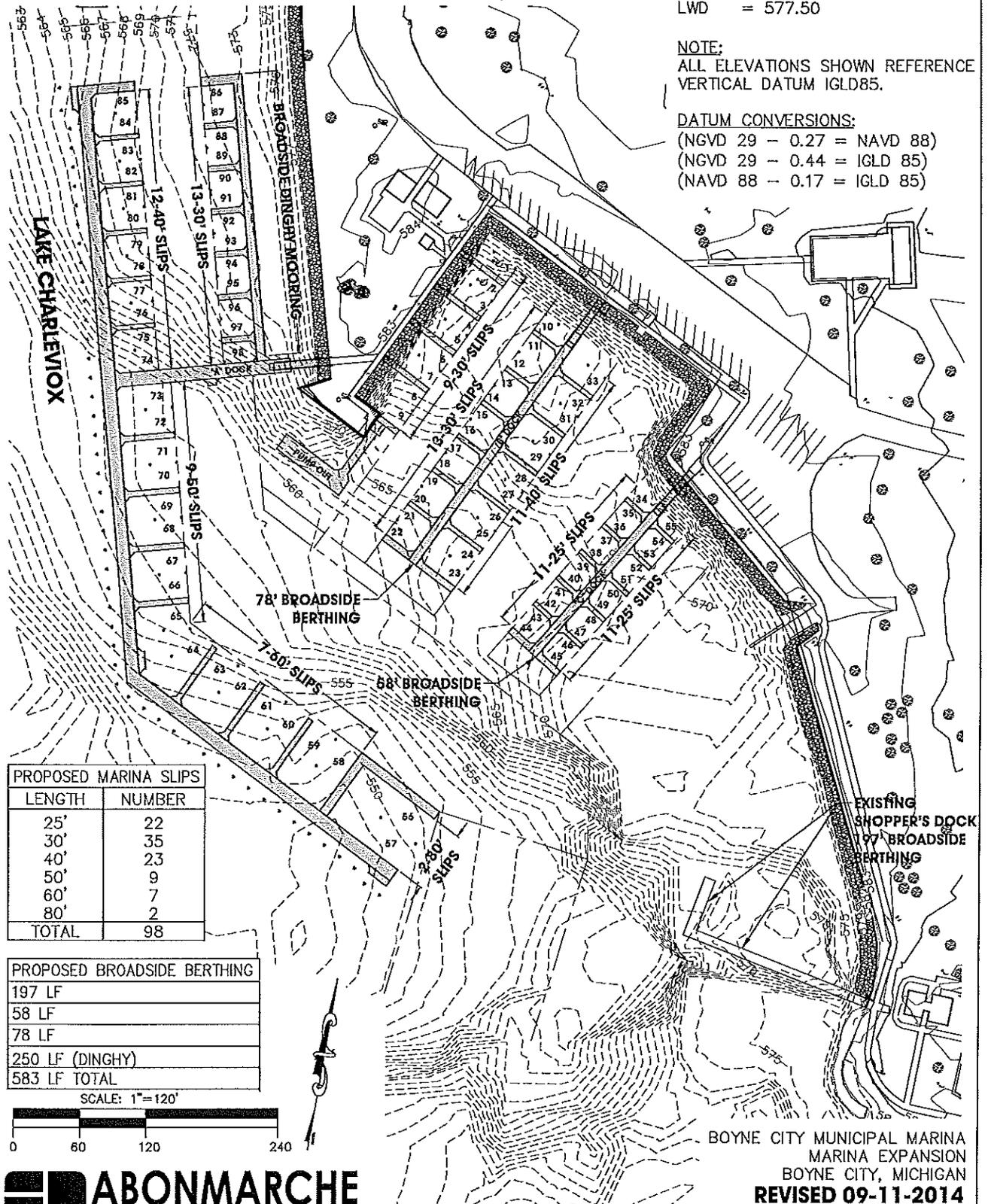
NUMBER: LRE-1989-410114-S14
Boyne City Marina Expansion
By: City of Boyne City
Lake Charlevoix
Charlevoix County, MICHIGAN
SHEET 2 OF 17

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OHWM = 581.50
LWD = 577.50

NOTE:
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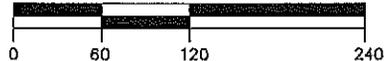
DATUM CONVERSIONS:
(NGVD 29 - 0.27 = NAVD 88)
(NGVD 29 - 0.44 = IGLD 85)
(NAVD 88 - 0.17 = IGLD 85)



PROPOSED MARINA SLIPS	
LENGTH	NUMBER
25'	22
30'	35
40'	23
50'	9
60'	7
80'	2
TOTAL	98

PROPOSED BROADSIDE BERTHING	
197 LF	
58 LF	
78 LF	
250 LF (DINGHY)	
583 LF TOTAL	

SCALE: 1" = 120'



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BOYNE CITY MUNICIPAL MARINA EXPANSION - P PROPOSED SLIP COUNTS

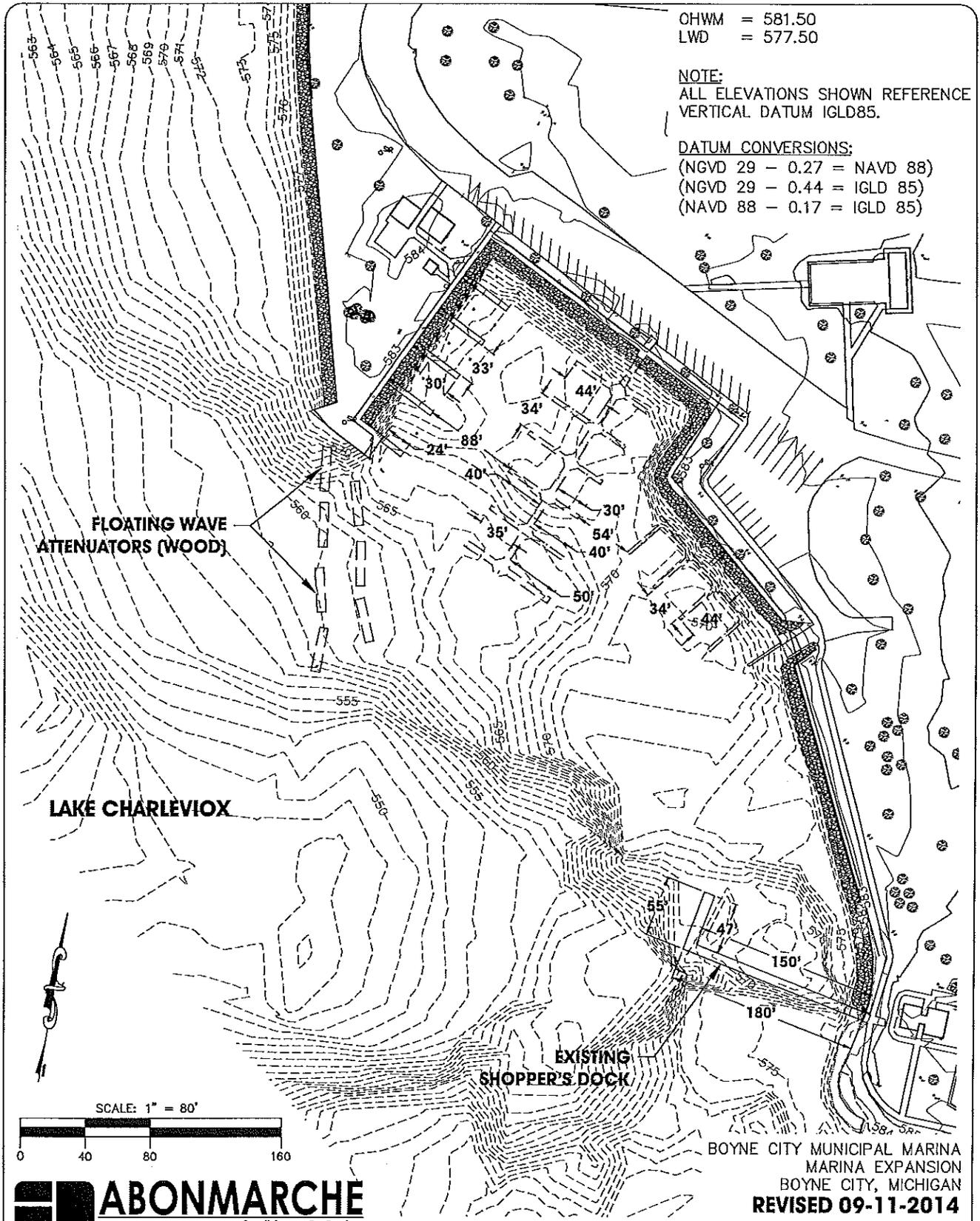
NUMBER: LRE-1989-410114-S14

Boyne City Marina Expansion
By: City of Boyne City
Lake Charlevoix

Charlevoix County, MICHIGAN
SHEET 3 OF 17

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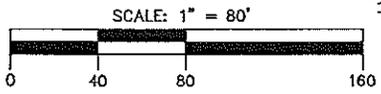
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OHWM = 581.50
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(NAVD 88 - 0.17 = IGLD 85)



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BOYNE CITY MUNICIPAL MARINA EXPANSION - EXISTING CONDITION
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NUMBER: LRE-1989-410114-S14
Boyne City Marina Expansion
By: City of Boyne City
Lake Charlevoix
Charlevoix County, MICHIGAN
SHEET 4 OF 17

BOYNE CITY MUNICIPAL MARINA
MARINA EXPANSION
BOYNE CITY, MICHIGAN
REVISED 09-11-2014

SEE SHEET 6

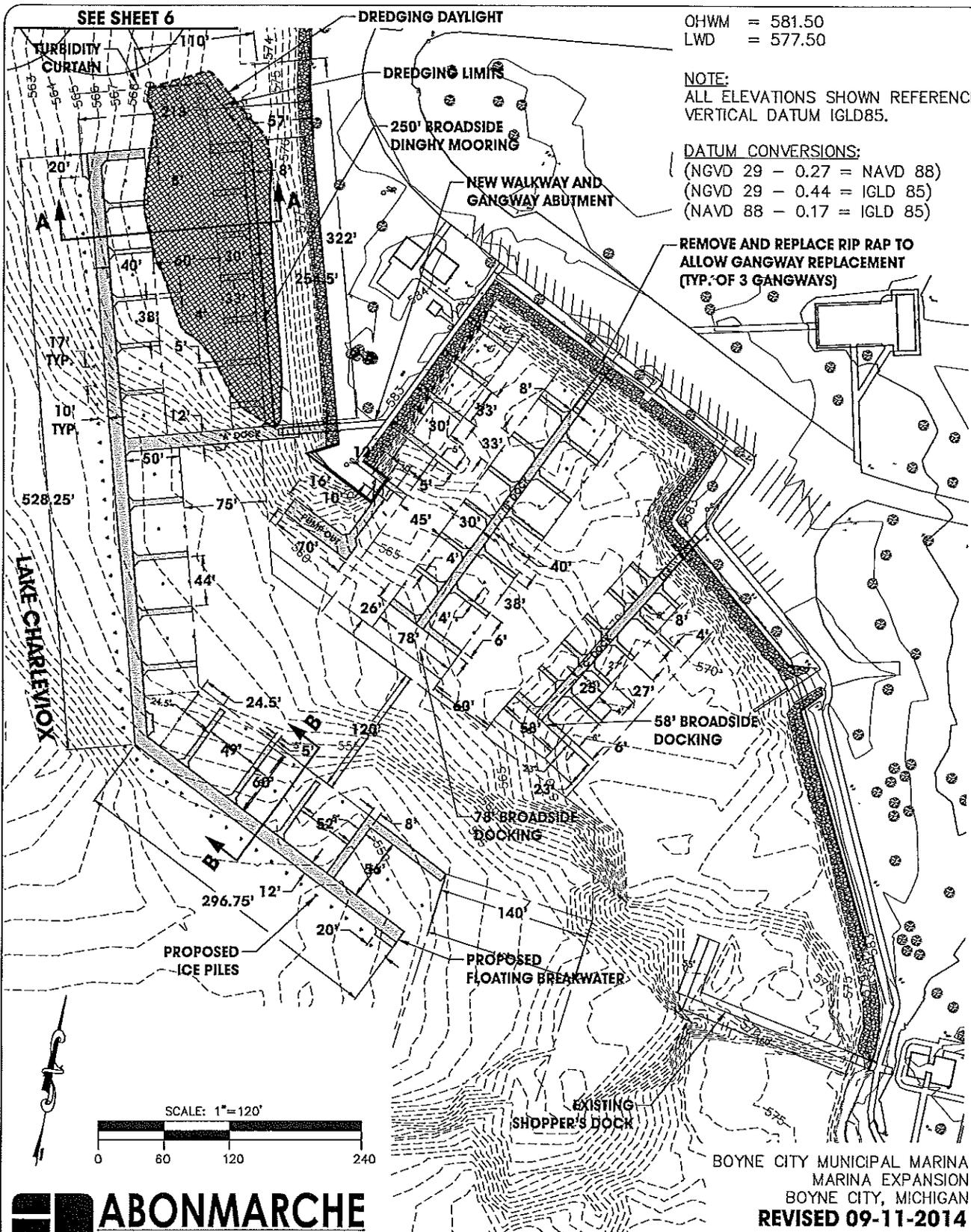
DREDGING DAYLIGHT

OHWM = 581.50
LWD = 577.50

NOTE:
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VERTICAL DATUM IGLD85.

DATUM CONVERSIONS:
(NGVD 29 - 0.27 = NAVD 88)
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(NAVD 88 - 0.17 = IGLD 85)

REMOVE AND REPLACE RIP RAP TO
ALLOW GANGWAY REPLACEMENT
(TYP. OF 3 GANGWAYS)



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MARINA EXPANSION
PROPOSED DOCKS
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Boyne City Marina Expansion
By: City of Boyne City
Lake Charlevoix
Charlevoix County, MICHIGAN
SHEET 5 OF 17

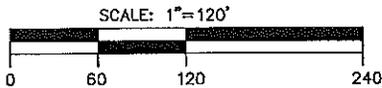
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**PROPOSED SWING MOORING FIELD:
10 - SWING MOORINGS ON HELICAL
ANCHORS OR DRIVEN PILE WITH BUOY AND
MOORING PENNANTS**

SEAPLAN INTERST LINE
S83°39'00"W

LAKE CHARLEVOIX

BOUY	LAT	LONG
1	N45° 13' 01.18"	W85° 01' 08.46"
2	N45° 13' 01.33"	W85° 01' 07.05"
3	N45° 13' 01.95"	W85° 01' 09.34"
4	N45° 13' 02.11"	W85° 01' 07.94"
5	N45° 13' 02.88"	W85° 01' 08.83"
6	N45° 13' 03.03"	W85° 01' 07.43"
7	N45° 13' 03.66"	W85° 01' 09.72"
8	N45° 13' 03.81"	W85° 01' 08.31"
9	N45° 13' 04.59"	W85° 01' 09.21"
10	N45° 13' 04.74"	W85° 01' 07.81"



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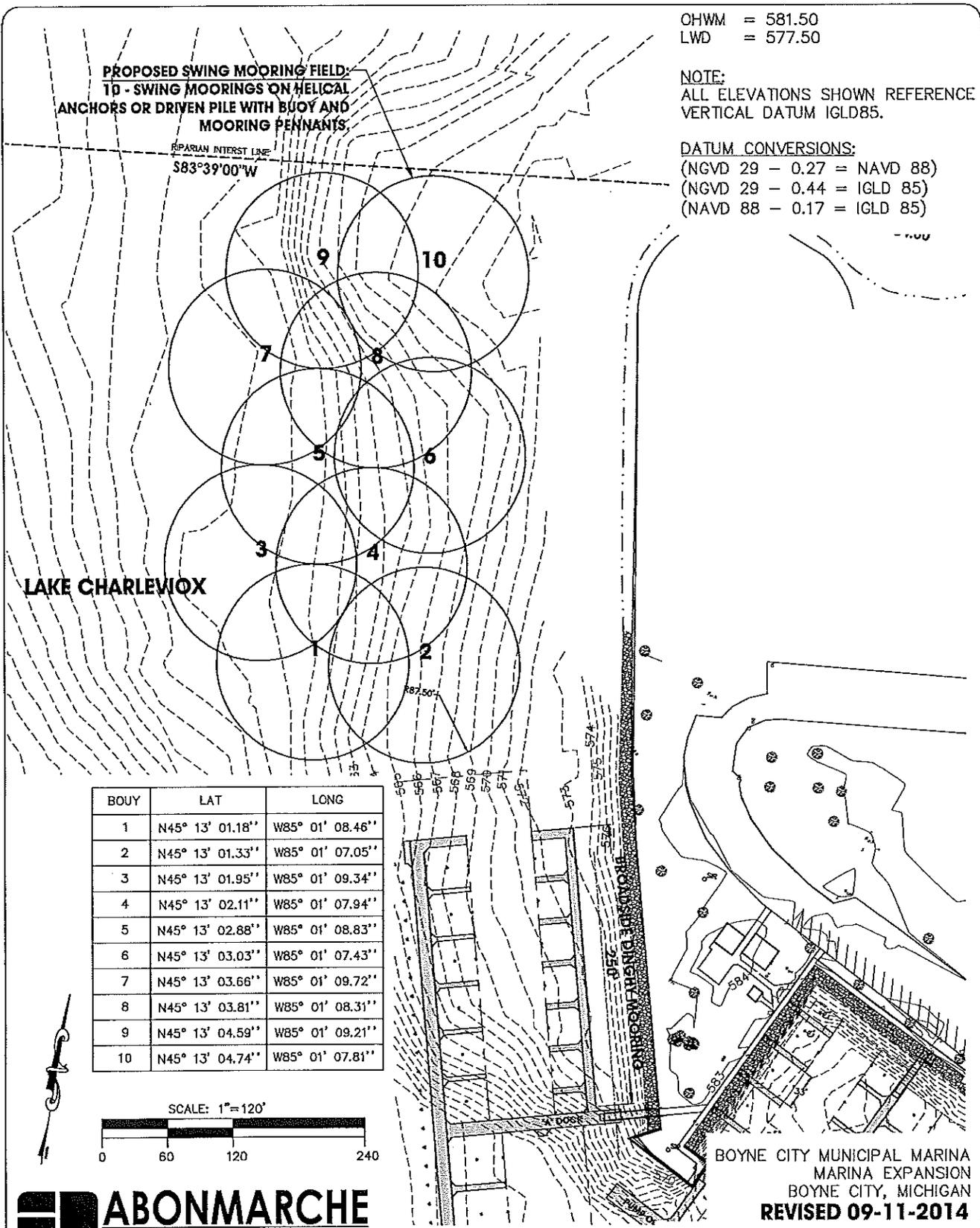
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PROPOSED MOORING
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NUMBER: LRE-1989-410114-S14
Boyne City Marina Expansion
By: City of Boyne City
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Charlevoix County, MICHIGAN
SHEET 6 OF 17

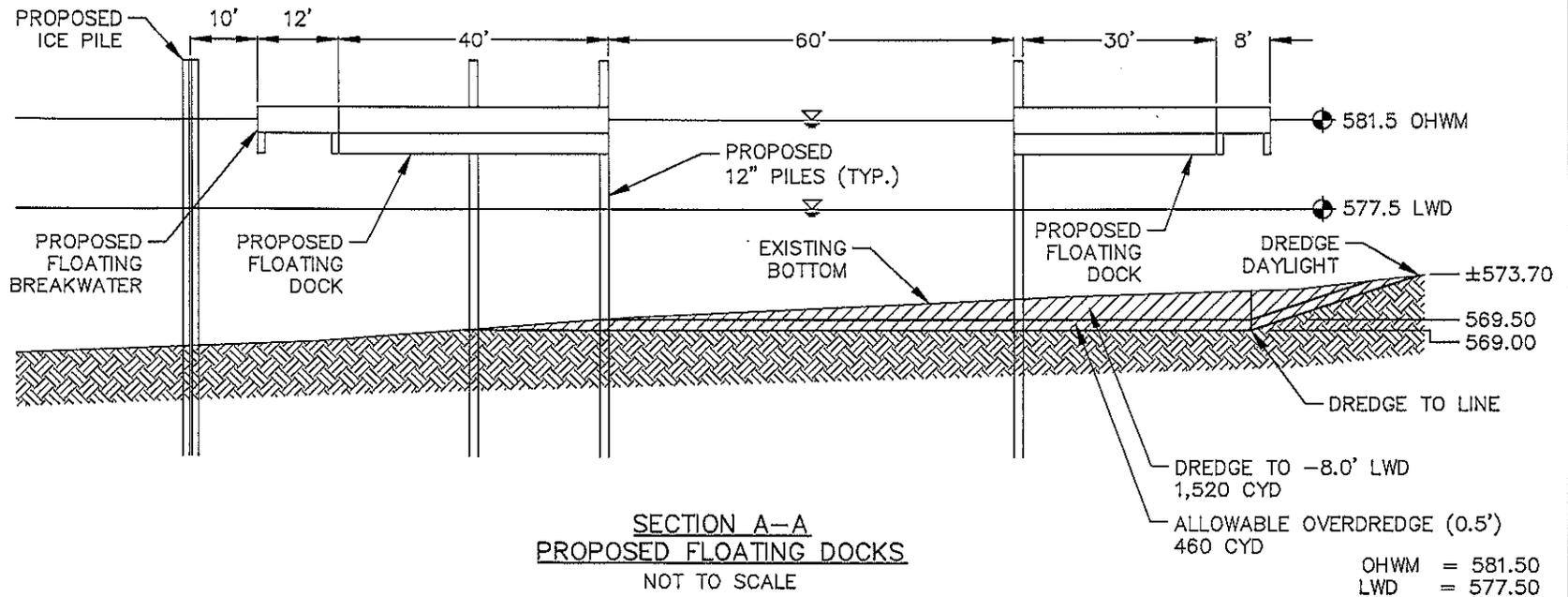
CHWM = 581.50
LWD = 577.50

NOTE:
ALL ELEVATIONS SHOWN REFERENCE
VERTICAL DATUM IGLD85.

DATUM CONVERSIONS:
(NGVD 29 - 0.27 = NAVD 88)
(NGVD 29 - 0.44 = IGLD 85)
(NAVD 88 - 0.17 = IGLD 85)



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SECTION A-A
PROPOSED FLOATING DOCKS
NOT TO SCALE

NOTE:
ALL ELEVATIONS SHOWN
REFERENCE VERTICAL
DATUM IGLD85.

DATUM CONVERSIONS:
(NGVD 29 - 0.27 = NAVD 88)
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NOTE:
ANCHORAGE OF WAVE ATTENUATOR AND
FLOATING DOCK PER MANUFACTURER



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BOYNE CITY MUNICIPAL MARINA
MARINA EXPANSION - PHASE II

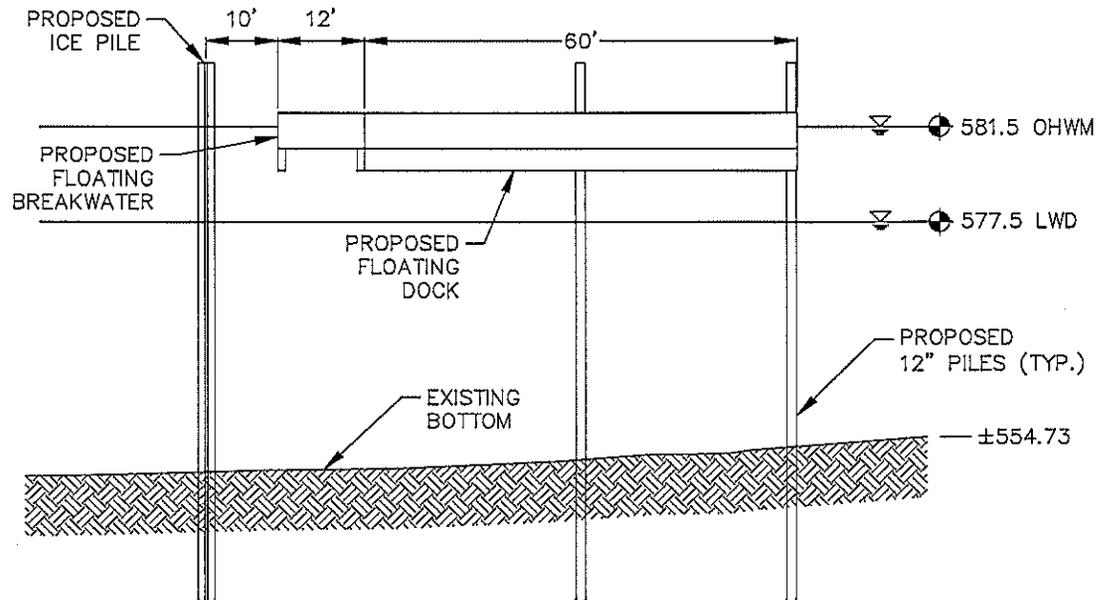
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BOYNE CITY MUNICIPAL MARINA
MARINA EXPANSION
BOYNE CITY, MICHIGAN
REVISED 09-11-2014

NUMBER: LRE-1989-410114-S14

S Boyne City Marina Expansion
J By: City of Boyne City
Lake Charlevoix
S Charlevoix County, MICHIGAN
SHEET 7 OF 17

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SECTION B-B
PROPOSED FLOATING DOCKS
 NOT TO SCALE

OHWM = 581.50
 LWD = 577.50

NOTE:
 ALL ELEVATIONS SHOWN
 REFERENCE VERTICAL
 DATUM IGLD85.

DATUM CONVERSIONS:
 (NGVD 29 - 0.27 = NAVD 88)
 (NGVD 29 - 0.44 = IGLD 85)
 (NAVD 88 - 0.17 = IGLD 85)

NOTE:
 ANCHORAGE OF WAVE ATTENUATOR AND
 FLOATING DOCK PER MANUFACTURER



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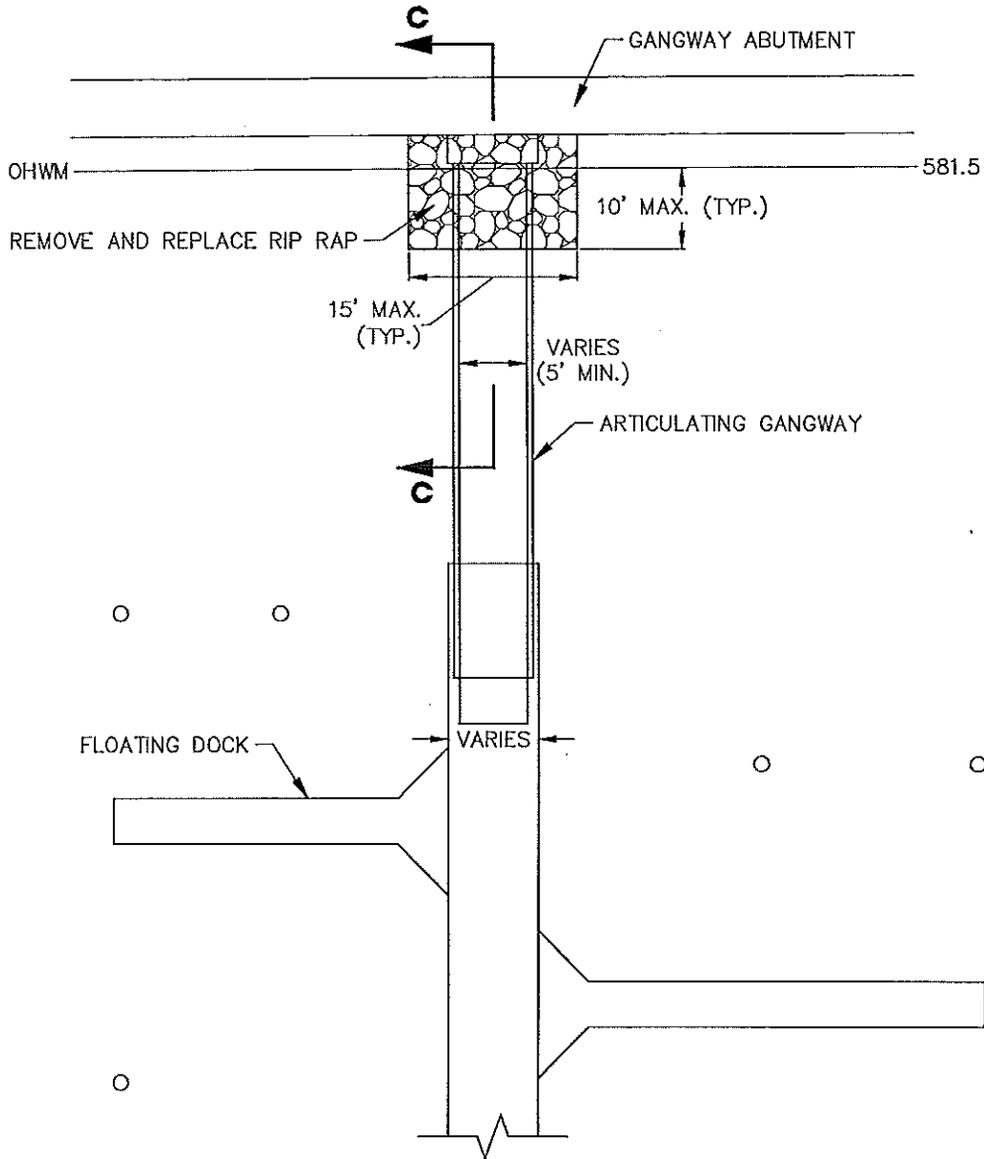
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SHEET 8 OF 17

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FLOATING DOCK DETAIL
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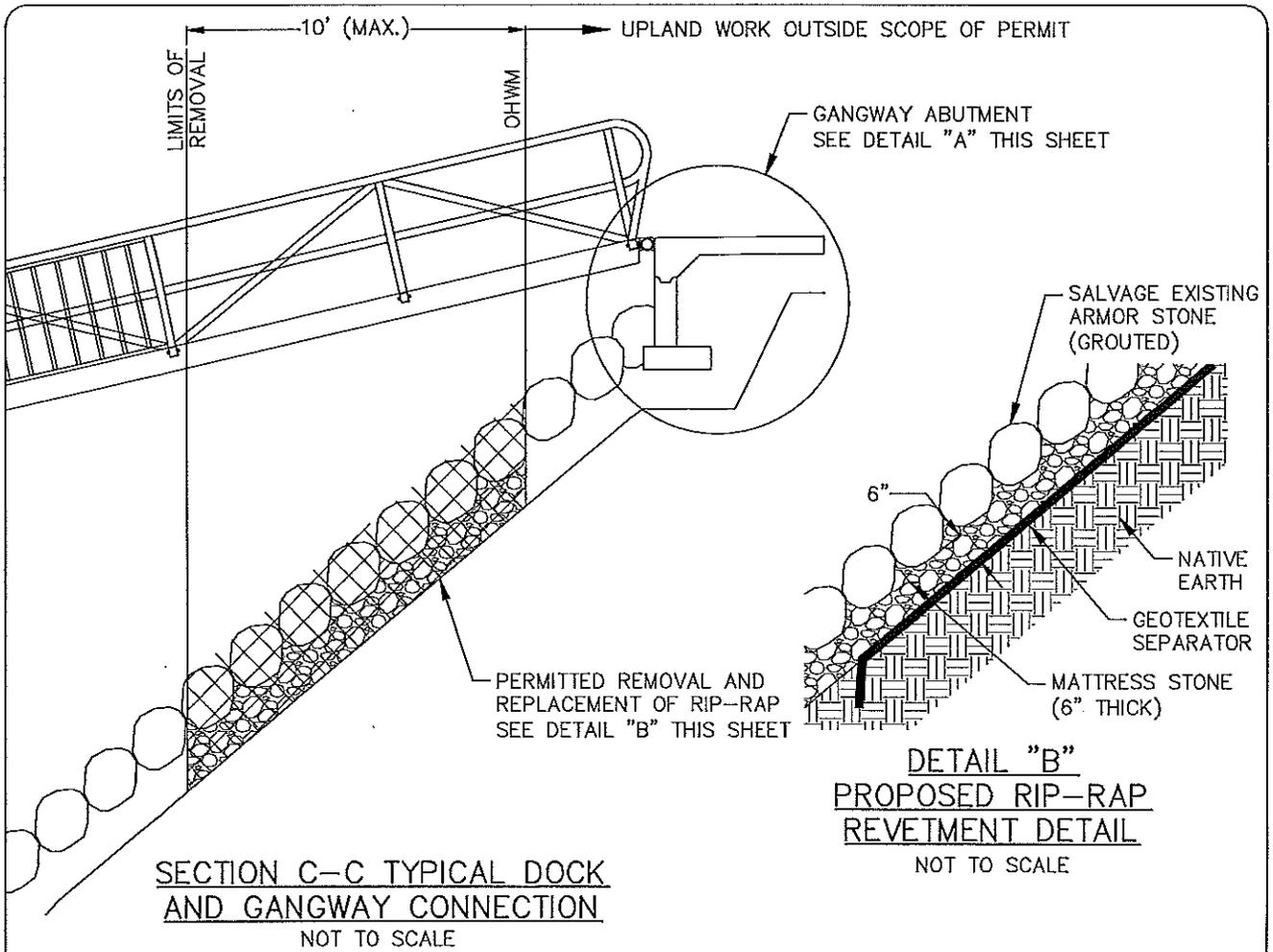
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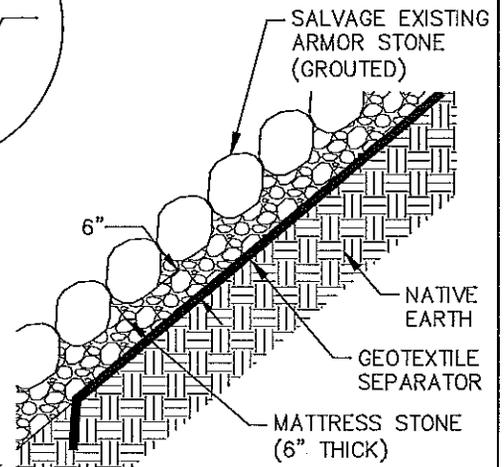
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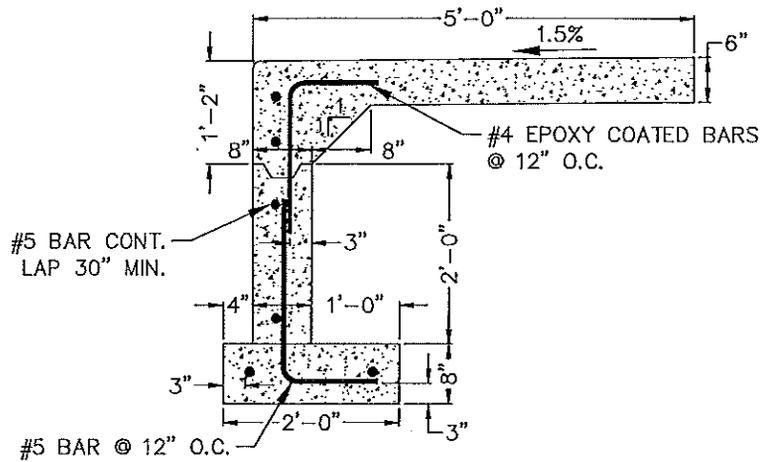
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SECTION C-C TYPICAL DOCK AND GANGWAY CONNECTION
NOT TO SCALE



DETAIL "B"
PROPOSED RIP-RAP REVETMENT DETAIL
NOT TO SCALE



DETAIL "A" - TYPICAL GANGWAY CONNECTION FOOTING
NOT TO SCALE

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PRIMARY DISPOSAL SITE
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**SECONDARY
DISPOSAL SITE**

SECONDARY DISPOSAL SITE
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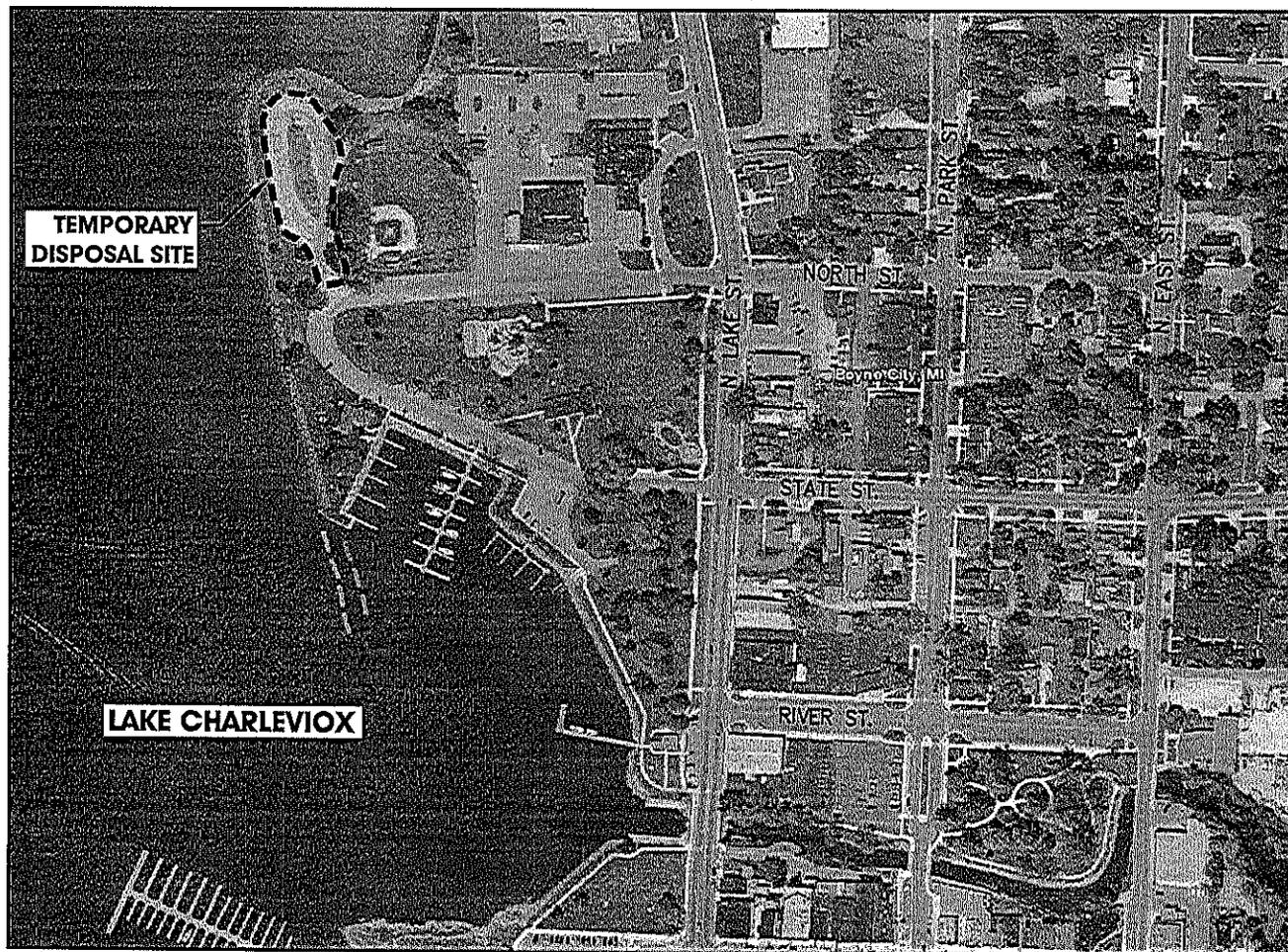
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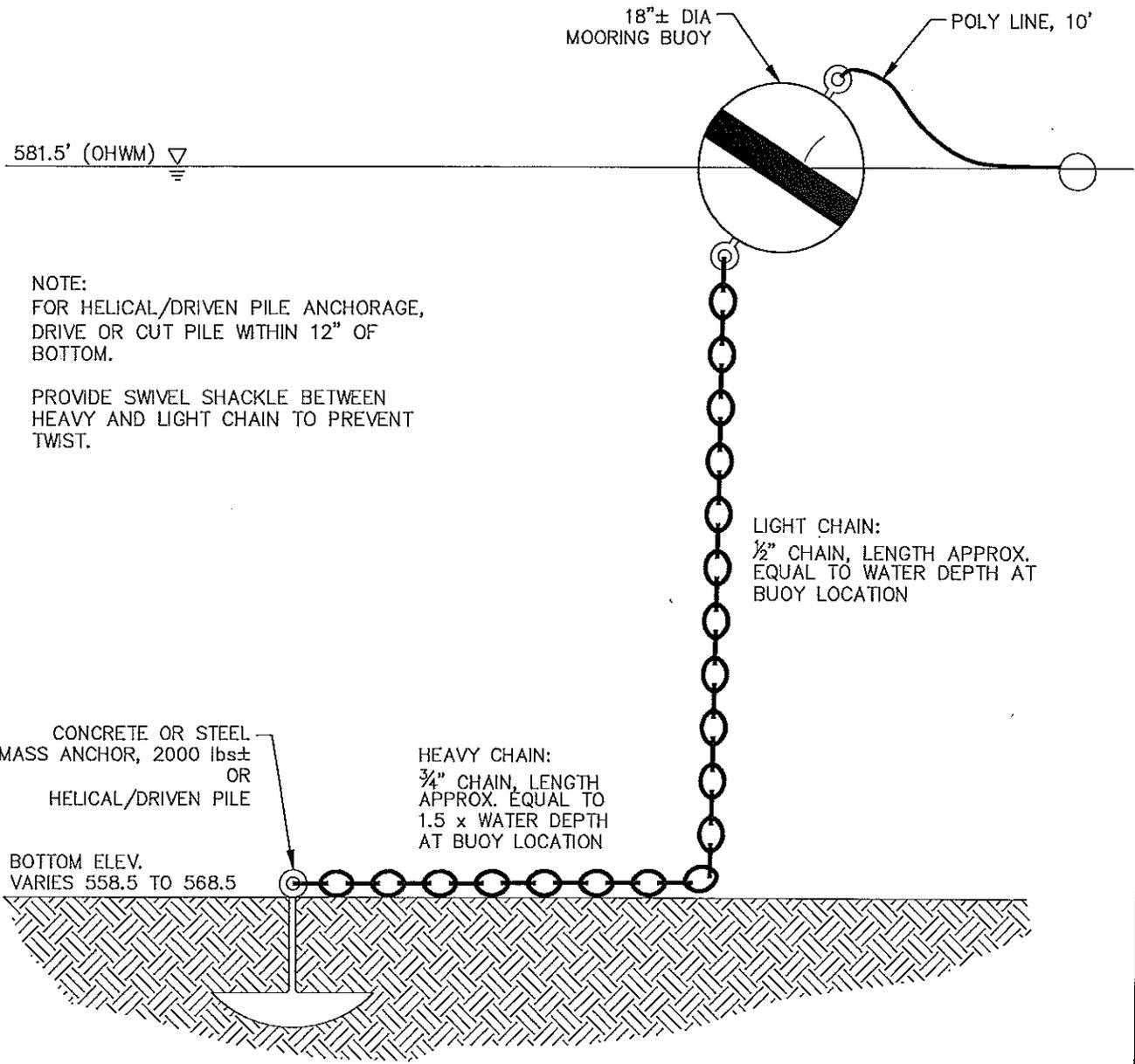
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SHEET 13 OF 17

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NOTE:
 FOR HELICAL/DRIVEN PILE ANCHORAGE,
 DRIVE OR CUT PILE WITHIN 12" OF
 BOTTOM.

PROVIDE SWIVEL SHACKLE BETWEEN
 HEAVY AND LIGHT CHAIN TO PREVENT
 TWIST.

LIGHT CHAIN:
 1/2" CHAIN, LENGTH APPROX.
 EQUAL TO WATER DEPTH AT
 BUOY LOCATION

HEAVY CHAIN:
 3/4" CHAIN, LENGTH
 APPROX. EQUAL TO
 1.5 x WATER DEPTH
 AT BUOY LOCATION

CONCRETE OR STEEL
 MASS ANCHOR, 2000 lbs±
 OR
 HELICAL/DRIVEN PILE

BOTTOM ELEV.
 VARIES 558.5 TO 568.5

MOORING BUOY DETAIL
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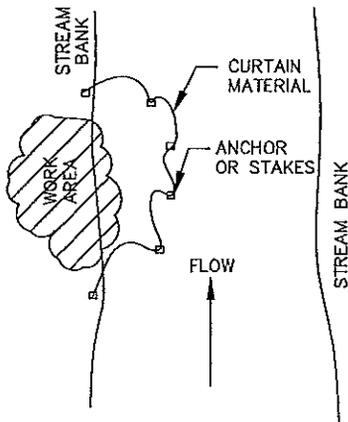
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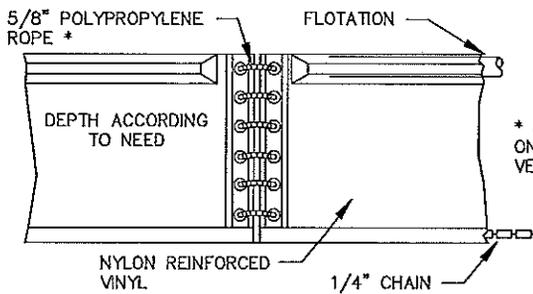
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 Boyne City Marina Expansion
 By: City of Boyne City
 Lake Charlevoix
 Charlevoix County, MICHIGAN
 SHEET 14 OF 17

SESC NOTES:

1. PRIOR TO DREDGING OR CONSTRUCTION ACTIVITY THAT WILL IMPACT THE LAKE BOTTOM, A SILTATION (TURBIDITY) BARRIER CURTAIN MUST BE INSTALLED (SUPPORTED BY FLOATATION AND ANCHORING DEVICES) TO ENCLOSE THE AREA OF DISTURBANCE. PROVIDING, INSTALLING, MAINTAINING, AND REMOVING THE TURBIDITY CURTAIN SHALL BE PAID UNDER "SOIL EROSION AND SEDIMENTATION CONTROL MEASURES" PAY ITEM.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR SOIL EROSION CONTROL PERMIT/SEDIMENT CONTROL MEASURES. THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO STATE OF MICHIGAN SOIL EROSION AND SEDIMENTATION CONTROL GUIDEBOOK, LATEST EDITION.
3. TURBIDITY CURTAIN SHALL BE PROVIDED AND INSTALLED PER DETAIL S61 OF THE STATE OF MICHIGAN SOIL EROSION AND SEDIMENTATION CONTROL GUIDE BOOK, LATEST EDITION.
4. CONTRACTOR SHALL CHECK SESC MEASURES DAILY. IF SESC MEASURES ARE NOT CORRECTLY INSTALLED OR MAINTAINED, THE CONTRACTOR SHALL TAKE CORRECTIVE ACTION TO REPAIR OR FIX INSTALLED SESC MEASURES AT NO ADDITIONAL COST TO THE OWNER.
5. DISTURBED AREAS REMAINING IDLE DURING CONSTRUCTION SHALL BE TEMPORARILY STABILIZED. PERMANENT CONTROLS SHALL BE INSTALLED WITHIN 5 DAYS OF FINAL GRADE.

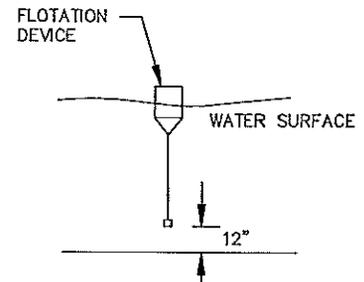


PLAN VIEW (TYP.)



PROFILE - CURTAIN DETAIL

MICHIGAN DEPARTMENT OF
MANAGEMENT AND BUDGET



PROFILE

NOTES:
TYPE OF TURBIDITY CURTAIN SHALL
BE AER-FLO TOUGH GUY TYPE 1 OR
ENGINEER APPROVED EQUAL.

* JOINTS VARY DEPENDING
ON TYPE OF WATERBODY AND
VELOCITY OF WATER FLOW.

TURBIDITY CURTAIN DETAIL

NOT TO SCALE

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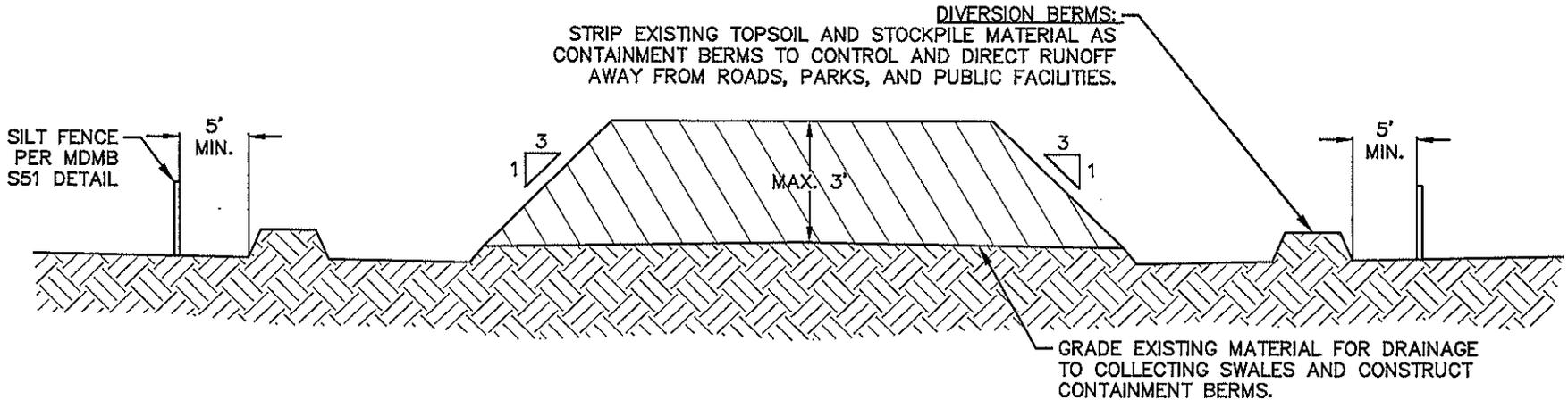
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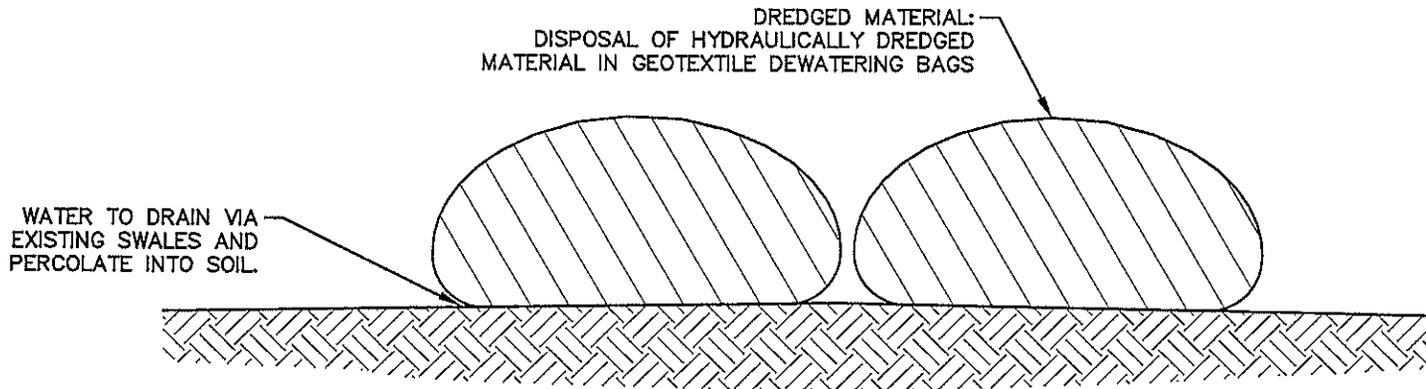
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**TEMPORARY DISPOSAL – MECHANICALLY DREDGED
CROSS SECTION DETAIL**

NOT TO SCALE



**TEMPORARY DISPOSAL – HYDRAULICALLY DREDGED
CROSS SECTION DETAIL**

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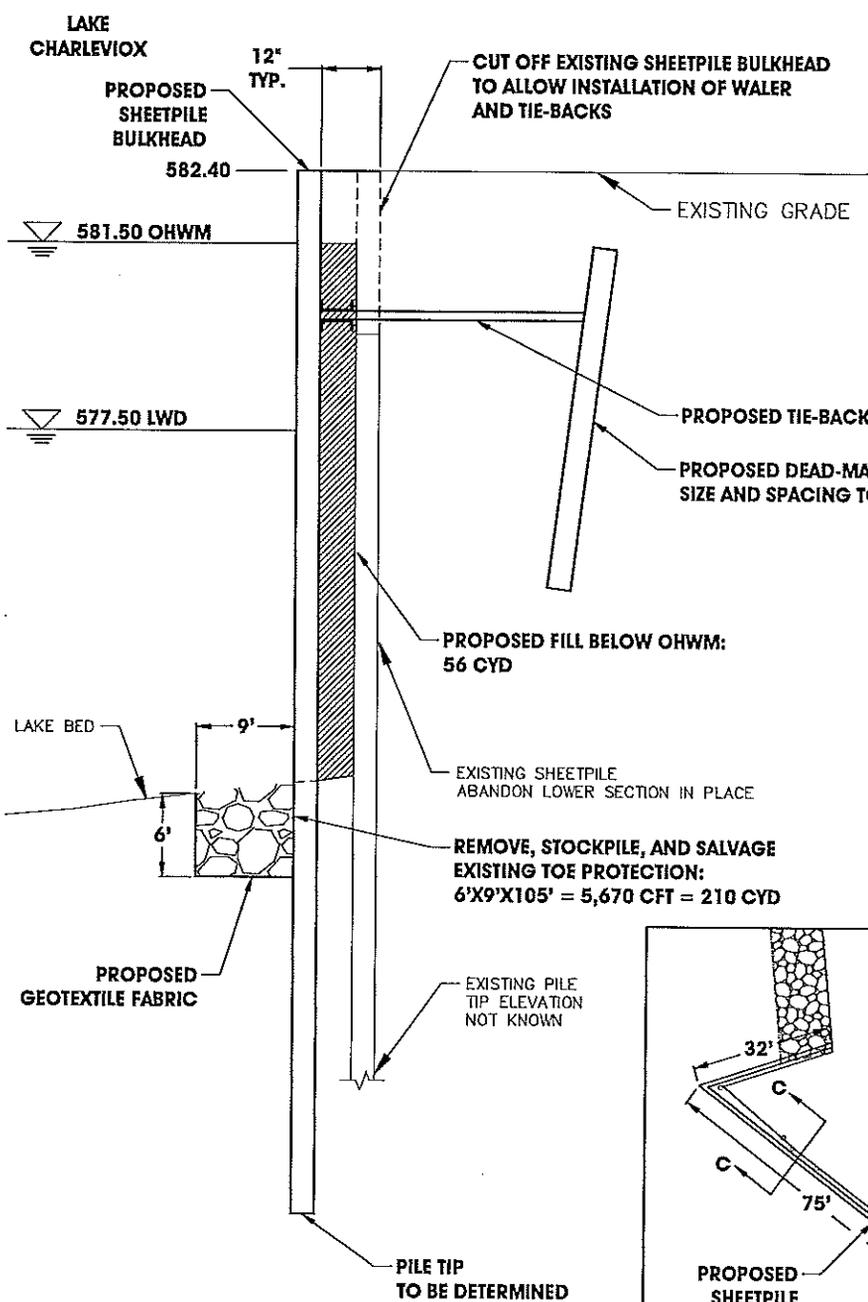
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SHEET 16 OF 17

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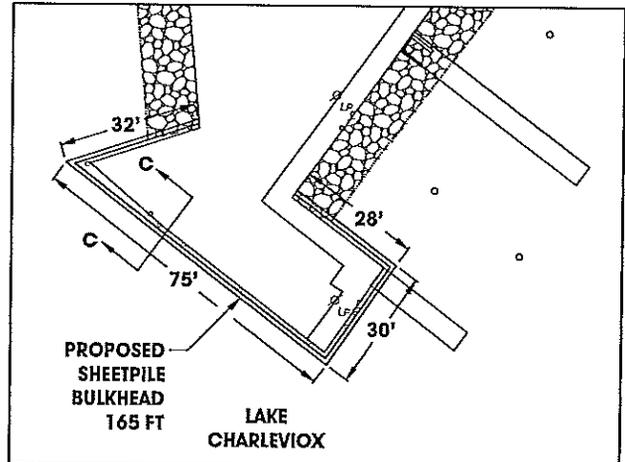


OHWM = 581.50
LWD = 577.50

NOTE:
ALL ELEVATIONS SHOWN REFERENCE VERTICAL DATUM IGLD85.

DATUM CONVERSIONS:
(NGVD 29 - 0.27 = NAVD 88)
(NGVD 29 - 0.44 = IGLD 85)
(NAVD 88 - 0.17 = IGLD 85)

SECTION C-C
PROPOSED SHEETPILE BULKHEAD
SECTION VIEW
NOT TO SCALE



PROPOSED SHEETPILE BULKHEAD
PLAN VIEW
SCALE: 1"=40'



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SHEET 17 OF 17



City of Boyne City

MEMO

Agenda Item 9B

Date: November 7, 2014
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Michigan Main Street Agreement

As the Commission may recall we are, and have been, a part of the Michigan Main Street program since 2003. Part of being in that program and receiving benefits from it is the execution of an agreement with them every few years that outlines the rights and responsibilities of each party. We last executed an agreement similar to the one currently before us in 2012. The proposed agreement has been compared word for word with the expiring agreement and no changes of any substance have been noted.

The proposed agreement was reviewed at the Main Street Boards regular November 6th meeting where it was approved unanimously by all members present and recommended to the City Commission for its consideration and approval.

Boyne City's Main Street program holds both the State's Master Level designation and the National's accredited program status, the highest levels that a program can obtain. I believe our Main Street program has been a true asset for Boyne City and our continued participation will further benefit us.

RECOMMENDATION: That the City Commission approve the proposed Michigan Main Street agreement and authorize the City Manager to sign it.

Options:

- 1) Postpone for further information or consideration.
- 2) Propose modifications to the agreement.
- 3) Deny the request.
- 4) Other options as determined by the City Commission.



CITY OF BOYNE CITY

MEMO

To: Michael Cain, City Manager *Mc*
From: Karen Seeley *ks*
Date: November 6, 2014
Subject: Michigan Main Street Agreement

At the November 6th meeting of the Main Street Board, the board reviewed the Michigan Main Street Agreement. This is something we have to renew every two years. There are no changes in the documents.

Adams moved VanDam second PASSED UNANIMOUSLY to approve the Michigan Main Street Agreement for two years and send it to the City Commission for their review and approval.

Michigan Main Street Program Community Requirements and Expectations Agreement

Master Level

THIS AGREEMENT is entered into and executed by Michigan Main Street ("MMS"), whose address is 735 East Michigan Avenue, Lansing, MI 48909, and the Community of _____, County of _____, State of Michigan (the "Community") whose address (City, State, Zip Code) is _____, and its Local Program ("Local Program") whose address (City, State, Zip Code) is _____, each of such parties being a "Party" to this Agreement, for the purpose of implementing the MMS Program in the community.

WHEREAS, MMS has entered into a contract with the National Trust for Historic Preservation, National Main Street Center, Washington, D.C. (the "NTHP NMSC"), to provide technical expertise, training and services to designated Michigan communities;

WHEREAS, the Community and Local Program have successfully completed all requirements and expectations of the Selected Level (which is the initial level of participation in the MMS Program) and have been accredited based on the Ten Standards of Performance by the NTHP NMSC as outlined in Attachment 1;

WHEREAS, this Agreement is for the purpose of setting forth the MMS Program requirements and expectations for the Community's Local Program, pursuant to its designation as a Master Michigan Main Street Community and pursuant to contractual arrangements between the NTHP NMSC and MMS, so as to assist in the revitalization of the designated Local Program area of _____, Michigan;

NOW THEREFORE, in consideration of the foregoing mutual covenants and agreements contained herein, the parties have agreed to do as follows:

SECTION I. The Community and its Local Program agree to these Minimum Participation Standards:

1. Employ a full-time (no less than forty (40) hours per week) program director for Local Program who will be responsible for the day-to-day administration of the Main Street program in the Community, and develop a job description to describe the duties for which the program director is responsible. During transition periods between program directors, Local Program must make all efforts to hire a new director within a reasonable amount of time. Generally, an interim director should be in place two months after a program director leaves and a full-time director should be in place six months after a director leaves.

2. Maintain an active Board of Directors and Committees, following the National Main Street 4-Point Approach, to actively lead Local Program by developing work plans, utilizing volunteers, and successfully completing all stated programmatic activities.
3. Fund Local Program for the term of this Agreement at a level allowing for the full operation of the program. Funding must contain both dedicated funds by public entities and private contributions through fundraising activities.
4. Participate in all scheduled the MMS Program services (outlined in Section II of this Agreement). Travel expenses to any required sessions are the sole responsibility of Local Program. If the Community is temporarily without a program director or the program director is unable to attend, then a representative from the Community is required to attend in their place.
5. Submit complete and accurate monthly reports by the 10th of each month on the form provided by the MMS Program.
6. Submit complete and accurate annual reports by the 10th of August each year on the form provided by the MMS Program. (All such monthly and annual reports being hereinafter referred to as "Reports.")
7. Maintain a current membership in the National Main Street Center Network.
8. Continue to meet the Ten Standards of Performance set by the NTHP NMSC for accreditation, as outlined in Attachment 1. The Community must meet these standards at the end of each two-year period or this Agreement will be terminated and the Community will no longer be a MMS certified community. All rights associated with the Community's participation in the MMS Program will be revoked including the right to use the MMS Program name and logo.
9. Utilize the MMS Program name and logo with the MMS Program pre-approval. The use of the name and logo can be used for marketing materials, window signs, flags, letterhead, banners, pins, etc. The MMS Program name and logo are trademark protected. Any MMS road signs given to the Community by the MMS Program are property of the MMS Program and shall be returned if the Community is no longer a MMS Community. See Section III, Number 3, of this Agreement.
10. Maintain Local Program's boundaries and organization structure approved upon the Community's designation as a MMS community. Changes to either of these require MMS Program approval as it could affect the services provided to the Community.
11. Understand all requirements of this Agreement must be met regardless of changes within the Local Program, such as temporary displacement of program director.

If requirements of this Agreement are not met, MMS Program services will be suspended, and a written warning to the Chairperson of the Board of Directors and program director will be issued requesting an explanation. Once requirements are met, MMS Program services will be reinstated. If requirements continue to not be met, this Agreement will be terminated and Community will no longer be a MMS community. All rights associated with the Community's participation in the MMS Program will be revoked, including the right to use the MMS Program name and logo.

12. Assume full responsibility for all costs and expenses associated with the performance of the Local Program and the performance of its rights and responsibilities under this Agreement. The Community and the Local Program further acknowledge that the MMS Program is not responsible to the Community and the Local Program for any costs associated with this Agreement or the services provided under this Agreement, including but not limited to those costs or expenses incurred as a result of anticipated or actual participation in the MMS Program, the NTHP NMSC Program or pursuant to the Community's selection or participation as a MMS Community.

SECTION II. The MMS Program agrees to provide these services:

1. Provide customized program training and technical assistance to each MMS Community. Training and technical assistance are anticipated as follows, but may be modified by the MMS Program, in its sole discretion, to meet programmatic needs:

Program Services provided to Master MMS Communities:

- Manager Selection Assistance (C)*
- Board Training (C)*
- Manager Training (C)*
- Work Plan Training (C)*
- Committee Training (C)*
- Main Street Building Basic (C)*
- Design Services – remainder of services to the Community from Selected Level
- MMS Quarterly Trainings
- Branding Service (C)*
- Retail Merchandising (C)*
- Biennial Program Evaluations (C)*
- Accreditation w/ the National Main Street Center
- MMS Listserv Opportunities
- Mentoring Opportunities
- Eligible for seat on MMS Advisory Committee

* (C) = Services provided within community

2. Conduct MMS Quarterly Forums statewide for program directors and Local Program volunteers. Specific forum training topics will vary and be based on the combined needs of all MMS Communities.
3. Conduct a Biennial Program Evaluation for each Master Level Local Program. In order to receive this service, the Community and Local Program must be in compliance with the above Minimum Participation Standards (Section II.1 above)
4. Conduct a Check-in Visit for each Master Level Local Program, to occur in alternating years with the above Biennial Program Evaluation (II.3). The year following acceptance of Local Program into the Master Level, the Check-in Visit will be performed in order to informally assess and advise Local Program. The next year, the Biennial Program Evaluation will occur, and the schedule will continue to alternate as such for the term of this Agreement.
5. Provide advice, information, and additional on-site assistance to the Community, Local Program, its staff, and its Board of Directors upon request by Local Program and subject to the MMS Program schedule, program constraints, staff availability, and costs associated with the request. MMS may request the assistance of other State or Federal agencies.
6. Provide one (1) Design 101 Training workshop and the remainder of Design Services not utilized during the Community's participation in the Selected Level. The Design Services may be scheduled according to the Community's needs with a maximum of three (3) services provided per year as long as Local Program is in compliance with this Agreement.
7. Invite all Master MMS communities to attend training and technical assistance opportunities in the other Selected or Master MMS Communities.
8. Accredite, on behalf of the NTHP NMSC, all eligible MMS communities that meet the above Minimum Participation Standards (Section II.1) and the NTHP NMSC Ten Standards of Performance outlined in Attachment 1.

SECTION III. The PARTIES hereto otherwise agree as follows:

1. **TERM OF THE AGREEMENT.** This Agreement, beginning January 2, 2015 shall remain in effect until such time as the "**Termination or Cancellation**" provisions hereof are invoked. All procedures for termination and cancellation are outlined below in Section III.17.
2. **CONFIDENTIAL INFORMATION.** Except for information provided to MMS at its request or as part of this Agreement, the Community, Local Program, and their employees, agents, and representatives shall not disclose, other than to the

extent required by law, including without limitation, the Freedom of Information Act, any information or data, including but not limited to all materials furnished to the Community and/or Local Program by MMS (“**Confidential Information**”) without the written consent of MMS. Confidential information does not include information that is already in the possession of, or is independently developed by, the Community and/or Local Program; becomes publicly available other than through breach of this Section; or is received by the Community and/or Local Program from a third party with authorization to make such disclosures or is released with MMS’s prior written consent.

3. **LICENSING OF CERTAIN MARKS.** MMS grants to Local Program a license to utilize the MMS Program trade names, trademarks, logo, and/or service marks (“**MMS Marks**”) for the express purpose of publicizing the Community’s selection and involvement as a the MMS Program Community. Local Program’s use of the MMS Marks shall be approved by MMS in advance of use.
4. **INTELLECTUAL PROPERTY RIGHTS.** Local Program acknowledges that it is being granted a limited license during the term of this Agreement by MMS hereunder to use the MMS Marks in accordance with the terms and conditions of this Agreement, and that no further or greater rights are granted in or to the MMS Marks. Local Program acknowledges that MMS owns all rights, title and interest in and to the MMS Marks and that it will do nothing inconsistent with MMS’s ownership of the Marks.
5. **INDEMNIFICATION AND LIABILITY INSURANCE.** The Community and its Local Program shall indemnify, defend, and hold harmless MMS and its subsidiaries, agents, employees and contractors from any damages, liability, costs or expenses that it may sustain through the negligence or willful acts of the Community and/or its Local Program pertaining to the performance of this Agreement. The Community and its Local Program shall maintain such insurance as shall be necessary to protect MMS from claims that may arise out of or as a result of the Community’s and/or Local Program’s operations pursuant to this Agreement. The Community and/or Local Program will provide and maintain its own property damage insurance (written at not less than full replacement cost), workers compensation insurance (written for not less than any limits of liability required by law), and liability insurance (maintained at not less than \$1 million per occurrence, and \$5 million in the aggregate). MMS shall be listed as an additional named insured on all such insurance policies. The Community and Local Program shall provide to MMS periodic certificates of insurance to evidence the compliance with such insurance requirements, and, in any event, shall deliver such certificates to MMS within 10 days after request by MMS.
6. **TOTAL AGREEMENT.** This Agreement contains the entire agreement between the parties superseding any prior or concurrent agreements as to the services being provided, and no oral or written terms or conditions which are not

contained in this Agreement shall be binding. This Agreement may not be changed except by mutual agreement of the parties, reduced to writing and signed.

7. **ASSIGNMENT/TRANSFER/SUBCONTRACTING.** Except as contemplated by the Agreement, the Community and its Local Program shall not assign, transfer, convey, subcontract, or otherwise dispose of any duties or rights under this Agreement without the prior specific written consent of MMS. Any future successors of the Community and/or Local Program will be bound by the provisions of this Agreement unless MMS otherwise agrees in a specific written consent.
8. **COMPLIANCE WITH LAWS.** The Community and Local Program shall comply with all applicable laws, ordinances, regulations, rules, orders, judgments, decrees or other requirements imposed by any governmental authority (collectively, "laws"). The Community and/or Local Program is not, and will not during the term of this Agreement, be in violation of any laws to which it is subject, and will not fail to obtain any licenses, permits or other governmental authorizations necessary to carry out its duties hereunder.
9. **WAIVER.** A failure or delay in exercising any right with respect to this Agreement will not operate as a waiver unless otherwise stated in this Agreement, and will not excuse subsequent failures or delays, and a single or partial exercise of any right will not be presumed to preclude any subsequent or further exercise of that right, or the exercise of any other right, and will not be construed as an automatic exercise of subsequent rights.
10. **NOTICES.** Any notice, approval, request, authorization, direction or other communication under this Agreement shall be given in writing and shall be deemed to have been delivered and given for all purposes (i) on the delivery date if delivered by electronic mail or by confirmed facsimile; (ii) on the delivery date if delivered personally to the Party to whom the same is directed; (iii) one (1) business day after deposit with a commercial overnight carrier, with written verification of receipt; or (iv) three (3) business days after the mailing date, whether or not actually received, if sent by U.S. mail, return receipt requested, postage and charges prepaid, or any other means of rapid mail delivery for which a receipt is available. The notice address for the Parties shall be the address as set forth in this Agreement, with the other relevant notice information, including the recipient for notice and, as applicable, such recipient's fax number or e-mail address, to be reasonably identified by notifying Party. MMS, the Community and Local Program may, by notice given hereunder, designate any further or different addresses to which subsequent notices shall be sent.
11. **NON-DISCRIMINATION AND UNFAIR LABOR PRACTICES.** In connection with this Agreement, the Community and its Local Program shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or

indirectly related to employment because of race, color, religion, national origin, age, gender, height, weight, marital status or handicap. In connection with this Agreement, the Community and its Local Program shall not violate 1980 Public Act 278, as amended, MCL 423.321, et seq, by entering into a sub-contract with any individual person, firm or entity who has been found in contempt of court by a Federal Court of Appeals on not less than three (3) occasions involving different violations during the preceding seven (7) years for failure to correct an unfair labor practice as prohibited by Section 8 of Chapter 372 of the National Labor Relations Act. Violations of law after the beginning date of this Agreement may result in its termination.

12. **SEVERABILITY.** The invalidity or unenforceability of a particular provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, provided that the principal intent of this Agreement can be preserved.
13. **GOVERNING LAW AND JURISDICTION.** This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The parties agree that any legal actions concerning this Agreement shall be brought in the Ingham County Circuit Court in Ingham County, Michigan, USA. The terms of this paragraph shall survive the termination of the cancellation of this Agreement.
14. **NO EMPLOYMENT, PARTNERSHIP OR AGENCY RELATIONSHIP.** The MMS Program is limited to furnishing its technical services to the Community and its Local Program and thus nothing contained herein shall create any employer-employee relationship. Further, this Agreement does not create a partnership relationship.
15. **NO THIRD PARTY BENEFICIARIES.** There are no express or implied third party beneficiaries to this Agreement.
16. **COUNTERPARTS.** This Agreement may be executed in one or more counterparts and by facsimile, each of which shall constitute an original, and all of which together shall constitute one and the same instrument.
17. **TERMINATION OR CANCELLATION.**
 - A. This Agreement may be terminated by MMS by providing written notice of default and termination to the Community and its Local Program ("**Notice of Default and Intent to Terminate**") upon the occurrence of any of the following events or conditions ("**Event of Default**"):
 - (i) any representation or covenant made by the Community and/or its Local Program is determined by MMS, in its reasonable judgment, to be incorrect at the time that such representation or covenant was

made in any material respect, including, but not limited to, the Reports and compliance with laws as required under this Agreement;

- (ii) the Community's and/or its Local Program's failure to comply with any of the requirements of this Agreement;
 - (iii) use of the program training, technical assistance, and resources provided pursuant to this Agreement for purposes other than as set forth in this Agreement.
- B. Notwithstanding the foregoing, the Community and its Local Program acknowledges that MMS's performance of its obligations under this Agreement is dependent upon the continued approval of funding and/or the continued receipt of state funding. In the event that the State Legislature, the State Government or any State official, public body corporate, commission, authority, body or employees, or the federal government (a) takes any legislative or administrative action which fails to provide, terminates or reduces the funding or programmatic support necessary for this Agreement, or (b) takes any legislative or administrative action, which is unrelated to the source of funding or programmatic support for this Agreement, but which affects MMS's ability to fund and administer the MMS Program, then MMS may cancel this Agreement by providing notice to the Community and its Local Program of cancellation. Cancellation may be made effective immediately, upon delivery of notice to the Community or its Local Program, or with such other time period as MMS, in its sole discretion, deems reasonable.
- C. In addition to the above, either party may terminate its obligations under this Agreement, without cause, by giving the other party a 30-calendar day written notice of such termination.
- D. In the event that this Agreement is terminated, neither MMS nor the Community or its Local Program shall have any further obligation to perform under this Agreement. The Community and/or Local Program shall, unless otherwise directed by MMS in writing, immediately take all reasonable steps to terminate operations under this Agreement.
18. **RESERVATIONS.** MMS reserves the right to modify services provided to the Community and/or its Local Program as necessary.
19. **AUTHORITY TO EXECUTE THIS AGREEMENT.** The signatories below warrant that they are authorized to enter into this Agreement.
20. **Failure to sign and submit this agreement to MMS on or before January 9, 2015, will result in the termination of the Community's participation in the MMS Program.**

[signatures follow on next page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth below.

_____ (“COMMUNITY”)

BY: _____
(City Manager or Village President) (Date)

_____, Michigan
(City or Village)

_____ (“LOCAL PROGRAM”)

BY: _____
(Local Main Street Board Chairperson) (Date)

(Local Program)

MICHIGAN MAIN STREET (“MMS”)

BY: _____
(Director, Downtown & Community Services) (Date)

BY: _____
(State Historic Preservation Officer) (Date)

National Trust for Historic Preservation / National Main Street Center

**Ten Standards of Performance
for Accreditation**

1. Has broad-based community support for the commercial district revitalization process, with strong support from both the public and private sectors
2. Has developed vision and mission statements relevant to community conditions and to Local Program's organizational stage
3. Has a comprehensive Main Street work plan with measurable objectives
4. Possesses an historic preservation ethic
5. Has an active board of directors and committees
6. Has an adequate operating budget
7. Has a paid professional program director
8. Conducts a program of on-going training for staff and volunteers
9. Reports key statistics
10. Is a current member of the National Main Street Network



City of Boyne City

MEMO

Agenda Item 9C

Date: November 7, 2014
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: PlacePlans Application

On Wednesday, October 29th the City was notified by Dan Leonard of the MEDC that letters in interest were being accepted for the latest round of the PlacePlan services grant program. The Commission may recall that we have applied unsuccessfully for these services twice before, once in conjunction with our City Facilities planning efforts and the other for similar efforts revolving around Sunset Park. Through the PlacePlans program, selected communities receive extensive community based planning services focused on transforming a specific area. Mr. Leonard from the MEDC met with city staff and several interested residents to consider if the City could put together a complete application and if so for what area(s). The answers were yes and for linking the waterfront areas of and between Peninsula Beach Park and Veteran's Park, south of State Street. The area is shown outlined in blue on the attached map.

The City Commission was advised prior to our submittal of the application requirements and of staff's plan to submit a letter of intent to keep our options opened. The City Commission may further recall that the two previous two PlacePlans application cycles were very short, although nowhere near this short.

As noted towards the bottom of attached page B, there are two types of technical assistance teams that might be assigned if we are invited to submit a full application, each requiring a different level of local match, \$8,000 or \$25,000. At this time there has been no discussion or request made regarding the type of service to be provided.

This PlacePlan application was discussed at the most recent regular Main Street Board meeting and they are supportive of the project, including providing part of the match. Andy has indicated that portion of any required match could come from available park funds as well since this deals heavily with City park lands.

As noted on page C final applications will be due on or about December 5th from those communities selected to continue.

RECOMMENDATION: That the City Commission approve continuing with the PlacePlans application process and authorize the Mayor, City Manager and City/Clerk Treasurer to submit the necessary documents to complete the full application process.

Options:

- 1) Postpone for further information or consideration.
- 2) Deny the request.
- 3) Other options as determined by the City Commission.

Call for Letters of Interest PlacePlans 2014-2015

As part of the MIplace Partnership, the Michigan State Housing Development Authority (MSHDA), the Michigan Municipal League and Michigan State University's School of Planning, Design and Construction (MSU) have developed PlacePlans, a pilot program to help communities design and plan for transformative strategic placemaking projects that have potential to positively impact the state's talent attraction and job creation. Information about the program is available at <http://placemaking.mml.org/place-plans/>, and previews of the 2013-2014 work products can be viewed at <http://placemaking.mml.org/2014-placeplans/>

In late 2014, six communities will be chosen to participate in the next phase of this program. Applications are only open by invitation to specific communities, as determined by MSHDA staff predicated on previous involvement in relevant state agency initiatives. If you received this document directly from League staff, your community fits the criteria and we are pleased to invite you to submit a letter of interest. Letters of interest are due **Monday, November 3.**

About the Program

PlacePlans are focused on creating a community-driven vision for a new design for a key public place and/or site that will support redevelopment of properties in a mixed-use context. Preference will be given to projects that are well-defined and focused on a specific geographic area. The geographic area could be as small as a single parcel or as large as an entire downtown district.

Participating communities in PlacePlans will receive technical assistance with conceptualizing, designing and implementing one or more projects within the study area. This assistance may take the form of:

- Documentation of place-based assets and opportunities;
- Development of a civic engagement and communications process to gather ideas and build support;
- Conceptual designs for public space improvements designed by university faculty and students;
- Site designs and engineering developed by professional consultants;
- Market analysis of residential and/or commercial demand and development opportunities;
- Analysis of the parking and transportation system and possible modifications;
- Recommendations for zoning ordinance improvements;
- Identification of funding opportunities for implementation, including crowdfunding; and
- Coordination with state agencies to identify fit with their strategic priorities.

Expectations of Participating Communities

PlacePlans relies on input and active involvement from the local government, residents, and non-profit and for-profit organizations. Participating communities are expected to:

- Sign a formal participation agreement;
- Contribute a cash match to the contributions from MSHDA, the League, and MSU (see below for more details);
- Work closely with League and MSU staff to make timely decisions on project timeline, budget and other parameters;
- Form a multidisciplinary project steering committee consisting of key local government departments, community philanthropies, property owners and other development interests, nonprofit organizations, business organizations and other relevant stakeholders;
- Make lead staff available for a project launch meeting in January 2015;
- Take a lead role in marketing participation opportunities to residents, business owners, local media and other potential opinion leaders;
- Cover any direct costs for on-site meetings, such as refreshments, facility rental or audiovisual equipment;
- Follow through with project implementation or continued support of implementation into the future; and
- Participate in training opportunities to learn more about placemaking. In particular, applicant communities will be given a special opportunity to register for free National Charrette Institute training December 2-4.

Local Match and Project Budget

PlacePlan projects in 2014-2015 will be supported by one of two types of technical assistance teams:

1. A university-based team, led by experienced faculty with support from students and League staff.
2. A professional consultant team with expertise that matches the specific project needs. These consultants will be hired directly by the League but will answer to the local steering committee.

Option 1 requires a local cash match of \$8,000 to cover faculty and student expenses. This local contribution will be matched by university faculty time valued at approximately \$20,000 and MML staff time valued at approximately \$8,000, for a total project value of \$36,000.

Option 2 requires a local cash match of \$25,000 to cover one-third of the cost of professional consultant services. This local contribution will be matched by League staff time valued at \$32,000 and League cash contributions to consultant work of approximately \$50,000, for a total project value of \$107,000.

Applicants need not choose a type of technical assistance team or provide evidence of local match in their letter of interest, but if they have a strong preference for option 1 or 2 above they may include it. The local match may be provided by the applicant city, or by a third-party, or any combination. **We strongly encourage applicants to begin the process of**

securing match commitments in October, as the turnaround time for final proposals will be short.

Application Requirements

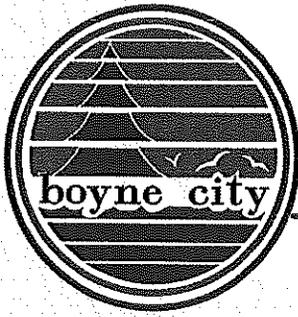
Submit a letter of interest to Richard Murphy at rmurphy@mml.org by **3:00pm Eastern, Monday, November 3**. While project partners may include other entities, the lead entity should be a local government entity or a nonprofit organization working with the local government(s). If a nonprofit organization is the lead entity, it must provide clear evidence that the host local government(s) is supportive and prepared to engage with the process. Letters should be limited to three pages and succinctly address the following topics:

- Description of the project(s) and the impacted property(ies)
- Opportunities for near-term implementation action, including property owner interest, possible funding sources, etc.
- Evidence of local support for the project, including possible partner organizations

A community may be involved in more than one letter of interest and a letter may describe more than one project.

Review and Notification Process

Staff from the League and MSU will review all letters of interest. In early November, a subset of communities will be invited to submit a more detailed proposal. Only applicants who have submitted a pre-proposal letter of interest are eligible to submit full proposals. Proposals will be due approximately December 5. The final six communities will be notified approximately December 15 and will be expected to sign a formal participation agreement by January 9.



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

Phone 231-582-6597
Fax 231-582-6506

Mr. Richard Murphy
rmurphy@mml.org
Sent via electronic mail

November 3, 2014

Dear Mr. Murphy,

With the help of the Michigan PlacePlans pilot program, the City of Boyne City hopes to build a vision for an under-realized and disconnected waterfront area that will engage audiences; and create unique, memorable, and welcoming experiences for residents and visitors alike.

As a low-to-moderate income rural community, the City has few opportunities to dedicate resources toward the creation of a placemaking plan that will assist in a collective vision and implementation strategy for one specific location in our community. Boyne City would like to achieve a cohesive vision for celebrating and utilizing the natural, historical and artistic assets unique to this centrally-located downtown public waterfront area and provide a connection to the surrounding residential and commercial mixed-uses. In addition, we hope to create a plan that serves as a vehicle to build community, create meaningful places, reinforce identify and stimulate the economy.

Located at the intersection of the Boyne River and Lake Charlevoix, the City of Boyne City seeks to leverage its waterfront properties, including Peninsula Beach, Sunset and the southern portion of Veteran's park to create a distinctive place. These recreational properties, as well as neighboring downtown parcels owned by businesses and residents, along with the historic walking tour and the option to add public art, offer an exciting opportunity to create a unified experience that will be seen by residents and visitors as welcoming, creative and engaging.

The City aims to achieve a revitalization of the downtown waterfront area through the development of a coordinated and thoughtful framework that positions park amenities with the potential of some items such as public art, playscapes, walk ways, historic exhibits, performance venues, open spaces, viewing platforms and greenways into a cohesive public corridor. The development of a collaborative plan will create connections and paths to link existing and future public and private resources, and celebrate the unique character of the Boyne City.

The Downtown Waterfront Area: A Description

Recreation

This waterfront area includes approximately 12 acres of publically owned parks and beaches including Veteran's Park, Sunset Park and Peninsula Beach (*see attached map*). The mouth of the Boyne River runs through this waterfront area and is a fishing site year round. In this location are the F. Grant Moore Marina and One Water Marina; who are host to boaters, kayakers, canoeing, jet skiers, paddle-boarders and parasailers, to name a few, as well as the nationally-renowned annual Boyne Thunder Poker Run attended by thousands each year and other summer events that draw large numbers of people to this location. These events and activities are happening despite the lack of more pedestrian friendly amenities. Currently the parks/parkland are comprised of only basic amenities when they have the potential to be so much more to the user and our community.

Mixed-Use

Although placed along a contiguous shoreline in the heart of downtown Boyne City, the parcels of land in this waterfront area are disconnected. There are no designated paths, signs or features linking the parks and the nearby businesses.

An Equal Opportunity Provider and Employer

Hometown Feel, Small Town Appeal

Although placed along a contiguous shoreline in the heart of downtown Boyne City, the parcels of land in this waterfront area are disconnected. There are no designated paths, signs or features linking the parks and the nearby businesses. Despite the prime waterfront location, these parcels of land are underutilized and often go unnoticed and are under used. As it currently sits, the area's mixed use of residential, commercial and public land serve to only separate one from the other and not compliment or benefit one another with the diversity in land use and potential activity. For example, many people will dock their boat at One Water Marina and not even realize that Peninsula Beach is only 200 yards away.

Art

The City of Boyne City has the opportunity to create a vibrant and notable waterfront area with the placement of several large and interactive public art pieces. The Boyne City Main Street Program is sponsor to the upcoming Boyne City Walkabout Sculpture Show. Incorporating permanent locations to display public art into a master plan for the waterfront public parks has the potential to create a distinctive and alluring place in the Central Business District.

History

The City has a Historic Walking Tour that cuts through the center of downtown and the waterfront area identified in this letter of interest. Although, the Boyne City Main Street Program and the Boyne Area Chamber of Commerce have created a self-guided map and information brochure that is available at public locations and the tour is advertised on their respective websites there is a lack of appropriate access, friendly pathways and way-finding signage. A cooperative waterfront plan would provide an opportunity to create identifying features and pedestrian amenities highlighting the historic character of Boyne City.

In addition, with proper paths and signage unidentified historical aspects of the parks and shoreline could be incorporated into the walking tour. For example, the Lake Charlevoix waterfront was historically used to serve freighters and coal boats and many of the old pilings from the docks can still be seen on a calm day as well as the original river bed from before the Boyne River was rerouted.

Why Does Boyne City need a PlacePlan?

To Collaborate with Citizens and Stakeholders

As custodian of the publically-owned land along the waterfront from State Street to Peninsula Beach, the City must engage with community members and stakeholders in the process of developing a vision for this area. To create such a collaborative blueprint, Boyne City needs a plan that identifies the public participation process, the area's locations and physical features, reflects the community sentiment, as well as a process for incorporating these aspects into the planning and funding mechanisms of the City.

To Create Meaningful Places

Identifying both location and features to be incorporated into the public realm is paramount in any master planning process. Creating a master plan for this area would identify the places within the waterfront area that are most impactful. It would encourage the development of park projects and pathways that are interesting, accessible, and connective; providing traffic to recreational and historic areas and local businesses. It would encourage the placement of high quality artwork and historical exhibits that are easily visible and accessible. The plan would seek to enrich the fabric of the city by creating delight and fascination as well as to enhance pedestrian environments and community gathering places.

To Reinforce Identity

A collaborative master plan for this area would celebrate and accommodate the rich diversity of Boyne City. It would emphasize the creation and placement of features that are site-specific and unique to Boyne City and promote the natural beauty, history, heritage, culture, and spirit of Boyne City's overwhelming civic pride. The plan would encourage projects to be meaningful and engaging and could provide planning for signage and information that reinforce Boyne City as the welcoming, exciting place we know it to be.

To Stimulate the Economy

The development of a master plan for this waterfront area would serve to showcase Boyne City as a destination of local, regional, and national interest to foster and stimulate the local economy. The plan would provide a tool to better integrate collaborative community projects, historic locations and public art installations with local and regional planning efforts and create synergies and opportunities with architectural, landscape and infrastructure projects.

Ultimately, incorporating permanent and changing art, history and environmental work into the planning fabric of the town will help drive visitors to Boyne City and its businesses. Across the state, but especially in Northern Michigan, the emphasis is on recreational tourism as an economic driver. Jurisdictions that have embraced this emphasis have demonstrated that they can support economic growth as well as contribute to the quality of life.

The City of Boyne City wants to achieve the development of a collaborative strategy that is founded on the themes of placemaking, art, history and environment to ensure that this most central area's assets are used to their fullest potential and are well integrated into the fabric of our ecological and social environments.

Planning Goals:

- To create a planning initiative for the publically owned Lake Charlevoix waterfront land between State Street and Peninsula Beach in downtown Boyne City.
- To leverage an engaged community of stakeholders.
- To outline a comprehensive vision for where best to integrate the recreational opportunities, enhanced park features, public art and historical sites to help in the revitalization of Boyne City's waterfront area and environs.
- To identify and prioritize opportunities for a variety of engaging projects in this area.
- To integrate the plan with all other planning and development initiatives along the waterfront in this area.
- To outline a process for selecting and funding the plan's implementation and realizing the positive economic impact.

The natural beauty, recreational opportunities, history, arts, and downtown commerce that attract tourists and residents alike to this area are vital contributors to Boyne City's sense of place. These themes provide the basis for the need to create a vision that advances Boyne City's mission to connect residents and tourists with all the City has to offer. The City would like to achieve a plan for this area that promotes active lifestyles, encourages interactions between diverse populations and communities, stimulates the local and regional economy, and celebrates Boyne City's unique environment and natural beauty.

In addition, Boyne City could greatly benefit from a partnership with outside professionals looking at this area, providing a fresh perspective and helping our community to create a plan for this centrally-located public area.

Thank you for your consideration of our community for the PlacePlans Pilot Program. Please feel free to contact me at mcain@boynecity.com or 512-582-0377 if you have any questions regarding this letter of interest.

Sincerely,

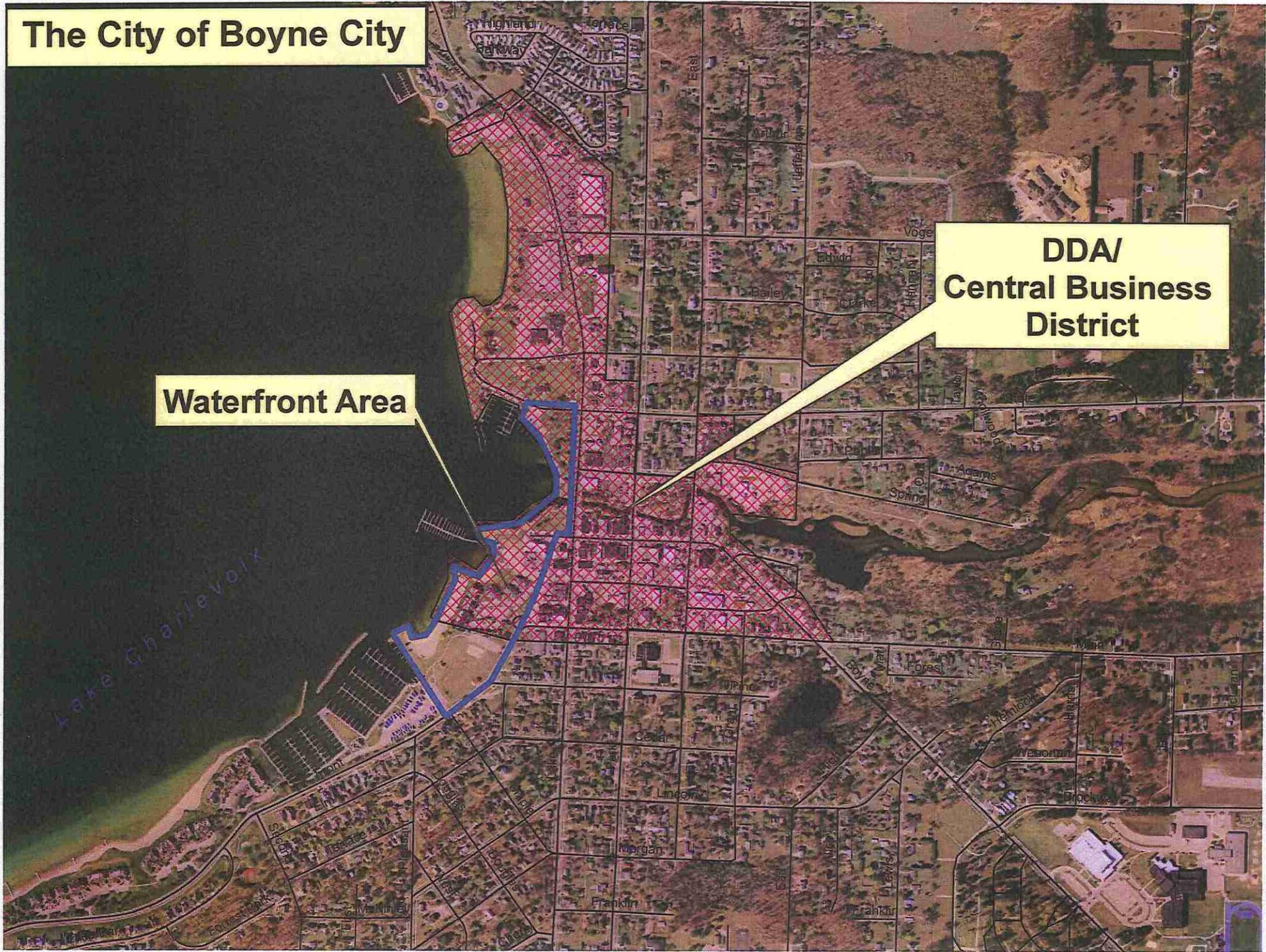


Michael Cain
City Manager

The City of Boyne City

Waterfront Area

DDA/
Central Business
District



October 2014

October 2014							November 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		October 1 8:00am Farmers Market	2 8:30am Main Street Board mtg. 6:00pm Parks & Rec	3	4 8:00am Farmers Market
					5
6	7 5:00pm ZBA	8 8:00am Farmers Market	9	10	11 8:00am Farmers Market
					12
13 1:30pm Main Street Manager Interviews	14 7:00pm City Commission	15 Marina Closes 8:00am Farmers Market	16 6:30pm Marshall Road public meeting	17	18 8:00am Farmers Market
					19
20 5:00pm Planning Commission	21 6:00pm Facilities Work Session	22 8:00am Farmers Market	23 10:30am Main Street 5:30pm Airport Advisory Board 7:00pm Public Input Session - Preliminary Master Plan	24	25 8:00am Farmers Market
					26
27	28 12:00pm City Commission	29 8:00am Farmers Market	30	31 5:00pm Spook House 5:00pm Trick or Treat	

November 2014

November 2014							December 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

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