boyne city

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

BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, August 28, 2012 at Noon

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
   A. Approval of the August 7, 2012 special City Commission meeting minutes as presented
   B. Approval of the August 14, 2012 regular City Commission meeting minutes as presented
   C. Approve a motion to appoint Mayor Ron Grunch as the City of Boyne City's voting delegate at the upcoming 2012 Michigan Municipal League's annual Convention with City Manager Michael Cain serving as the alternate delegate

4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)

5. CORRESPONDENCE
   A. Kirtland Petitions

6. CITY MANAGER'S REPORT

7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
   A. July, 2012 Financial Statement

8. UNFINISHED BUSINESS
   A. Kirtland Update
   B. Resolution of support for the National Register of Historic Places Application
      Consideration of the City Commission to approve a resolution of support for the Boyne City Central Historic District nomination to the National Register of Historic Places

9. NEW BUSINESS
   A. Storm Water Ordinance

Consideration to schedule the proposed Storm Water Management Ordinance for a second reading on October 9, 2012

B. Land Division Ordinance Introduction

Consideration to schedule proposed amendments to Article 58 Land Division Ordinances Articles II and IV for a second reading on October 9, 2012

C. Liability Insurance Renewal

Consideration of the City Commission to authorize the City Manager and City Clerk to take the steps necessary to renew the City's Liability insurance through the Michigan Township Participating Plan for 2012-2013 for an estimated price of $58,612

D. Crack Sealing Bids

Consideration of the City Commission to award the contract for Overband Crack Sealing to Applied Pavement Maintenance for the amount of $4,975 and authorize City Manger to sign the required documents

E. Pavement Maintenance Bids

Consideration to award the contract for the 2012 Pavement Maintenance Project to Reith Riley Construction for the amount of $172,891.10 and authorize the City Manager to sign the required documents. Funds for this work were included in both the Major Street and Local Street Maintenance fund budget for this year

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

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- City Offices will be closed Monday, September 3, 2012 in observance of Labor Day
- The next regular City Commission meeting is scheduled for Tuesday, September 11, 2012 at 7:00 p.m.
- The Weekly Residential Rubbish Collection will resume September 5th & 6th for three weeks on Wednesdays, Main Street and the area South of Main Street and Thursdays, North of Main Street
- Household Hazardous Waste Collection, September 8, 2012 call 582-6193 for appointment

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

Please visit www.boynecity.com
for full agenda packet materials.
Click on' Minutes and Agendas' on the left of the homepage and follow the links to
City Commission Agendas/Agenda Packet

Agenda Item 3A

AUGUST 7, 2012
SPECIAL MEETING

RECORD OF THE PROCEEDINGS OF THE SPECIAL BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY AUGUST 7, 2012

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at 8:00 a.m. followed by the Pledge of Allegiance.

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

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

Others: There were 4 citizens in attendance.

SOUTH PARK STREET CONSTRUCTION BID AWARD

Water / Wastewater Superintendent Dan Meads discussed the lowest bid received from Team Elmers in the amount of $617,500 for the South Park Street Reconstruction Grant. The City has received a $503,440 CDBG grant for the project. Bids came in slightly higher than the original construction estimates. The bid is $6,600 below the original project budget but uses most of the contingency line item prior to actual construction. Dan also recommended that an additional $12,000 to $20,000 be budgeted for contingencies which may not be entirely used in the construction, but it is better to be prepared for possible costs rather than to be over budget at the end of the project.

Larry Fox from C2AE said that $617,500 is a good bid. Bidders have bid aggressively and after research, he is recommending to proceed to award the bid to Team Elmers.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Gaylord asked what the potential need for the contingency amount is? Dan Meads said that when working underground, you can run into many unknown items / materials. Commissioner Gaylord also asked if since the original amount was $612,000, why are we asking for another $20,000. Larry Fox said the original estimate was to obtain the grant. Typically a 3% contingency is budgeted. We do have a little bit of contingency. There are things that can come up. If change orders come up, they would come back. Commissioner Gaylord inquired at what point do we put the onus on the contractor. Larry Fox said we have to interpret what is reasonably expected of the contractor. We use the best records we have. If the contractor does something that is their fault, the City is not expected to pay for that. Commissioner Gaylord added that he wants to be fair for the taxpayers. Commissioner Sansom asked if $12,000 is okay for contingency and Dan Meads said yes. Commissioner Sansom also asked about trees in the project and if this is an appropriate time to add trees. Dan Meads said the potential locations are tight but we can look at it. Mayor Pro-Tem Towne said he supports the recommendation to accept Team Elmer's bid and also being prepared for extra costs. Commissioner Neidhamer said he agrees. Mayor Grunch said he is also comfortable with accepting the bid from Team Elmers. In the past, our

Team has done a good job managing contingencies and he is comfortable with the full $20,000 of possible contingencies. It is to guarantee that the City has the funds to complete the project.

MOTION

2012-08-111
Moved by Towne
Second by Neidhamer

To approve the South Park construction bid from the low bidder, Team Elmers for $617,000 and authorize the City Manager and staff to complete the necessary documents and up to $20,000 in budget amendments.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

GOOD OF THE ORDER

Commissioner Gaylord said is still receiving phone calls regarding Kirtland and there is a lot of frustration. Mayor Grunch said he has received emails also, but also some of those urging the City Commission to continue to support Kirtland.

ADJOURNMENT
MOTION

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the special City Commission meeting of Tuesday, August 7, 2012 at 8:27 a.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

Agenda Item 3B

AUGUST 14, 2012
REGULAR MEETING

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY JULY 24, 2012

CALL TO ORDER

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

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

Staff: Andy Kovolski, Scott McPherson, Dennis Amesbury, Barb Brooks, Michael Cain, Shannon McMaster, Jeff Gaither and Cindy Grice

Others: There were 32 citizens in attendance, including representatives from the Petoskey News Review and Charlevoix County News

CONSENT AGENDA MOTION

2012-08-111
Moved by Towne
Second by Gaylord

2012-08-111A
Approval of the corrected July 10, 2012 regular City Commission meeting minutes as presented
2012-08-111B
Approval of the June 24, 2012 City Commission Work Session minutes as presented
2012-08-111C
Approval of the July 24, 2012 regular City Commission meeting minutes as presented
2012-08-111D
Approval to authorize City Manager Michael Cain to vote the ballot for the Michigan Municipal League's Workers Compensation Fund Board of Trustees Election
2012-08-111E
Approval to re-appoint John McClorey to the Zoning Board of Appeals as a regular member with a three year term ending September 1, 2015
2012-08-111F
Approval to re-appoint Lynn Murray to the Zoning Board of Appeals as a regular member with a three year term ending September 1, 2015

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Ron Crozier stated the new monument is in place at the Veteran's Memorial. He also would like to see the dog issues in the park addressed. Dog owners are not cleaning up after their dogs.

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- Crews have reconfigured the driveway approach at the residence where flooding has recently taken place.

- Governor Snyder visited Boyne City this past Thursday. He likes our pursuit of Relentless Positive Action.
- Charlevoix County will be receiving the First Community Broadband certification
- Assisting Planner Shannon McMaster's last day of employment with the City of Boyne City will be August 31. Shannon is very talented and will be greatly missed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Draft Minutes of the July 9, 2012 EDC Meeting; the July 9, 2012 LDFA Meeting; the July 11, 2012 Historical District Commission Meeting; the July 12, 2012 Parks and Recreation Commission Meeting; the June 20, 2012 Special Main Street Meeting; the July 30, 2012 LDFA Special Meeting and the July 30, 2012 Planning Commission Meeting were received and filed.

Kirtland Update

Mayor Grunch read the August 9, 2012 letter received from Kirtland Products regarding the noise remediation action plan request from the Commission. The letter stated that Kirtland plans to provide further updates at the Tuesday August 28th meeting. MDEQ stack testing is scheduled for the week of September 10th. City Manager said he and Barb Brooks met with Kirtland on July 20th and added that petitions from Citizens have been received requesting the City to stop the noise and air pollution and revoke Kirtland's conditional use permit.

Kirtland Products CEO Leon Tupper thanked the City and also the Citizens Committee. Tom Monley of Kirtland Products said he would like to see that the pictures on City's website on the RSG report be removed. City Manager Cain asked what the anticipated schedule is since their August 9, 2012 letter. Leon Tupper said there is not enough information to answer that yet.

Staff Comments: None

Citizens Comments: Tim Arner said he has a concern that Kirtland doesn't have a goal of reaching or meeting the noise level, but are focusing on the pulsation sound. Leon Tupper said the 3 step process is designed to address the most concerned item. Citizen Committee member Ryan Giem said he agrees with Mr. Arner and said the City Commission needs to make the decision of where we want to end up. It's going to come down to audibility. Not sleeping is a health concern. Jim Baumann said it seems like Kirtland has done what they were asked to do. The DEQ emissions test will be done within a month. We've gone this far. We've got to give them a month,

Diane Hausler said we have to deal with the emissions too.

Mike Lange said the DEQ has established parameters and limits on what are healthy limits. The plant was designed to comply and they are.

Emily Jones said they are missing the big picture; it is also the dust they are breathing in. Over time, it will make a significant impact. Their neighbor can't sell their home. People won't send kids to Boyne City schools. To add up the cost of all homes, it's worth more than the investment in the plant.

Board Deliberation: Mayor Pro Tem Towne said he believes the City has done their part. He wants to hear Kodiak's recommendation and walso wants to see the stack emission results. We are getting close to the time to send this back to the Planning Commission to review the conditional use permit. Commissioner Neidhamer said we are right back to where we were 6 months ago. Patience is wearing thin. Time is running short and our next step is to send this back to the Planning Commission. Do we wait one more month to get the DEQ and Kodiak results or is it time? But he understands that studies and implantation for the conclusion.

Commissioner Gaylord said he has heard enough and made a motion to remand this back to the Planning Commission and they make a determination on the conditional use permit process therein.

Commissioner Sansom said after reading the letter from Kirtland, she was disappointed and a little angry. Her concerns were not addressed. She wanted a comprehensive plan. We spent money and she wants to see a whole timeframe and is about out of patience. She sympathizes and empathizes with all they have been thru. It is frustrating. In light of all the petitioners, they are at odds with the community.

Mayor Grunch said it's been a long struggle. The primary goal is to solve the problem. The next step is to refer to the Planning Commission. The earliest Planning Commission meeting this could done at is on September 17th after all appropriate notices are done.

MOTION

2012-08-112
Moved by Gaylord
Second by Sansom

To remand this back to the Planning Commission and they make a determination on the conditional use permit process therein.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

GAG Sim / Tech Tax Exemption Extension

Considerations to hear oral and written comments from the public regarding the tax abatement extension for GAG Sim / Tech, to approve the tax abatement extension request from GAG Sim / Tech for a period of 4 years as recommended by the EDC Board, and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement extension

City Manager Cain discussed the application received from Gary Koteskey, owner of GAG Sim Tech for an extension of his IFEC that had expired in January of 2012. The EDC Board considered the request at its July 9, 2012 meeting and recommended that the City Commission award a four year extension of the IFEC to them. There is no additional equipment or staffing.

Gary Koteskey added that this will be very helpful. The company will use the money wisely to help grow the business.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Sansom asked if growth continues, will more employees be added and Mr. Koteskey said yes. Commissioner Gaylord expressed concerns about the procedure and also wished great success to the company. All other Commissioners supported the recommendation.

MOTION

2012-08-113
Moved by Towne
Second by Gaylord

To approve the tax abatement extension request from GAG Sim / Tech for a period of 4 years as recommended by the EDC Board, and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement extension

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Assessors Contract

Consideration to confirm the City Manager's appointment of Debra Chavez as the City's contractual Assessor, award a three year agreement to DC Assessing Services of Traverse City at a not to exceed annual amounts of $54,160, $54,160 and $55,110 contingent of the final agreement by the City Attorney, and the receipt of similar approvals from the Cities of East Jordan and Charlevoix and authorize the City Manager and City Clerk/Treasurer to sign the required documents

City Manager Cain discussed the bids received after advertising to replace the Charlevoix County Equalization Department's contract for assessing for the City of Boyne City. The county had contracted with the City, Charlevoix and East Jordan for several years and this agreement worked very well. A joint request for proposals was prepared and advertised with six proposals received. After interviews were conducted with four of the firms and an additional interview of two of the firms was conducted, it was agreed that DC Assessing, a level 3 assessor, would be the best firm for the job and the recommended firm for all three communities. Highlights of the firm are exclusivity of the three communities being DC Assessing's only clients, compatibility, vision, cost and recommendations. We look to establish an office for the Assessor in the current Planning Department conference room. DC Assessing will hold regular office hours at the three city halls where a customer from any city can stop in at any of the office hours at any city hall to be able to meet with the Assessor. Debra Chavez of DC Assessing is present at tonight's meeting and thanked the Commission for the opportunity and is looking forward to this.

Citizens Comments: None

Staff Comments: Clerk / Treasurer Grice agrees with the City Manager's recommendation.

Board Deliberation: Commissioner Neidhamer said it is a glowing report and agrees with the recommendation. Commisisoner Sansom said

she is also in support and asked Ms. Chavez if she will be expanding her staff and was informed they will do what is necessary. Commissioner Gaylord said he is questioning the blatant obviously $22,000 cost difference on one of the bids and why we are spending so much more. City Manager Cain said we need a quality assessing service. All communities and the Charlevoix County Equalization Department are in agreement of this recommendation and based on information received, everyone decided to not pursue the lower bidder any further. Commissioner Gaylord said let's be factual and City Manager Cain said there were issues that would have not made this a good fit. Commissioner Gaylord also inquired what happens if the law changes and we are required to have a level four assessor and what are our contingencies. City Manager Cain said it is not a contingency he anticipates. We are currently a level 2 requirement. A level 4 likelihood requirement is so remote and mostly used for County assessing. We are more comfortable with a level 3 assessor with some of the complex properties we have. The contract has a 30 day out clause. Commissioner Gaylord inquired who is responsible for ongoing licensing and annual fees and Ms. Chavez said her company is. Mayor Pro-Tem Towne said Ms. Chavez has the most experience and quality and Mayor Grunch also supports the recommendation.

2012-08-114
Moved by Neidhamer
Second by Towne

MOTION

To confirm the City Manager's appointment of Debra Chavez as the City's contractual Assessor, award a three year agreement to DC Assessing Services of Traverse City at not to exceed annual amounts of $54,160, $54,160 and $55,110 contingent of the final agreement by the City Attorney, and the receipt of similar approvals from the Cities of East Jordan and Charlevoix and authorize the City Manager and City Clerk/Treasurer to sign the required documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

BS & A Software

Consideration of the City Commission to authorize the purchase of Assessing Software and to upgrade the Tax Administration Software to the .NET version from B S & A Software in the amount of $11,000 including training and installation and to purchase server upgrades and installation from Marcor Technologies, LLC at a cost of $757.90 and authorize the City Manager to execute the documents.

City Manager Cain discussed the need to purchase software necessary to support Assessor and also an upgrade to the service and current tax administration software.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement.

2012-08-115
Moved by Towne
Second by Sansom

MOTION

To authorize the purchase of Assessing Software and to upgrade the Tax Administration Software to the .NET version from B S & A Software in the amount of $11,000 including training and installation and to purchase server upgrades and installation from Marcor Technologies, LLC at a cost of $757.90 and authorize the City Manager to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Hannah Street Bid Awards

Consideration that the City Commission approve awarding the bid for the Hannah Street Reconstruction to the low bidder Tri-County Excavating for the amount of $405,960.30 and authorize the City Manager to sign the required documents.

Public Works Superintendent Andy Kovolski discussed the bid received from Tri County Excavating of Harbor Springs for the reconstruction of Hannah Street. The bid came in higher than the engineer estimate. There have been built in contingencies within the estimated quantities of the bid that he and Dan Meads agree with. Tri County has worked for the City in the past and Larry Fox of C2AE also agrees with the recommendation.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer asked for contingency clarification from Mr. Kovolski. Mayor Pro-Tem Towne said we should move forward now if there are possible future cost increases. Commissioner Gaylord agrees. Commissioner Sansom asked when the start date would be and was informed the project should start by early September. Mayor Grunch agrees.

2012-08-116
Moved by Towne
Second by Gaylord

MOTION

To approve awarding the bid for the Hannah Street Reconstruction to the low bidder Tri-County Excavating for the amount of $405,960.30 and authorize the City Manager to sign the required documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Lumec Light Purchase

Consideration that the City Commission approves the purchase of 15 Lumec Streetscape Lights from the Dynamic Group for the amount of $42,775 and authorize the City Manager to sign the required documents.

Public Works Superintendent Andy Kovolski discussed the proposal from

Lumen for streetscape lights for the Park Street project as well as planned additions to street lighting on North Lake Street by Bay Winds Credit Union and on Front Street by Main and Pine Streets. Also included in the proposal are three fixtures to have for spares in our inventory. Bay Winds will be reimbursing the City for the three fixtures at their site.

Staff Comments: None

Citizens Comments: Ron Crozier asked how far we are going out with the lights. When do we put a stop to it. City Manager Cain said there are no firm plans where they are going. We are trying to have them at key locations. Preliminary long term vision is along North Lake Street to Glens to tie in a common theme.

Board Deliberation: Commissioner Neidhamer is in support. Commissioner Sansom asked if Main Street will purchase some and City Manager Cain said he will check on that. Commissioner Sansom added she generally gets good feed back from the community. Are there any power savings? City Manager Cain said we are saving with our ability to dial down the lights and there should be a cost savings over time. Commissioner Gaylord asked how many lights are dedicated to the Park Street project and was informed nine. He also asked if there is anything regarding Main Street that prevents them from paying. They have plenty of money. City Manager Cain said most of streetscape funds are coming from Main Street. Andy Kovolski said they typically itemize what Main Street will contribute. Commissioner Gaylord said he is also with Mr. Crozier that this type of lighting is generally associated with a downtown. Within a DDA, it would be appropriate. Mayor Pro-Tem Towne said he agrees since funds are available.

2012-08-117 **MOTION**
Moved by Towne
Second by Sansom

To approve the purchase of 15 Lumec Streetscape Lights from the Dynamic Group for the amount of $42,775 and authorize the City Manager to sign the required documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Good of the Order

Commissioner Towne said he received a citizen concern about boat trailers taking space for public parking. Harbormaster Barb Brooks said the boat trailers that are in the parking lot north of City Hall belong to marina guests who trailer their boats here. Commissioner Gaylord said it was unfortunate that all City Commission Members could not have been present for the recent Governor appearance in Boyne City and it was unfortunate they weren't all included. Mayor Grunch said it was to be a limited to a handful of people. Commissioner Sansom said it is nice to have the status of the second most beautiful lake in the Country and Mayor Grunch said our chamber did an excellent job of driving this.

ADJOURNMENT MOTION

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, August 14, 2012 at 8:17 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT

City of Boyne City

MEMO

Agenda Item 3C

Date: August 24, 2012

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager

Subject: Selecting MML Convention Delegates

A part of the Michigan Municipal League's (MML) upcoming Annual Convention is their business meeting where they vote upon items of policy and procedure for the organization. This can include voting on taking position on matters affecting local governments, ours and others from across Michigan.

In order for Boyne City to be able to vote on those matters we need to appoint official delegates. While we only have one vote we can designate a delegate and an alternate. These can be any two city officials who are attending the Convention. All City officials are welcome to attend the Business meeting, but only one person can vote for us.

To be honest, in my opinion, many times the Business meetings are rather boring.

RECOMMENDATION: That the City Commission approves a motion a appointing Mayor Ron Grunch as the City of Boyne City's voting delegate at the upcoming 2012 Michigan Municipal League's annual Convention with City Manager Michael Cain serving as the alternate delegate.

Options:

A. -Postpone for further consideration.

B. –Select other delegates

C. –Appoint no delegates

D. -Some other action as determined as appropriate by the City Commission.

August 9, 2012

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held on Mackinac Island, October 3-5, 2012. The annual meeting is scheduled for 11:00 am on Wednesday, October 3 in the Terrace Room at the Grand Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).

2. Policy. A) To vote on the Core Legislative Principles document. B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

   A) In regard to the proposed League Core Legislative Principles, the document is available on the League website at http://www.mml.org/delegate. If you would like to receive a copy of the proposed principles by fax, please call Susan at the League at 800-653-2483.

   B) In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by **September 3, 2012.**

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting http://www.mml.org/delegate **no later than September 21, 2012.**

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

"Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the

principal representative."

1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the League to receive resolutions is **September 3, 2012**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. **Any resolution submitted by a member municipality will go to the League Board of Trustees, which serves as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.**

Further, "Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Wednesday, October 3 at the Grand Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,

Karen Majewski

Karen Majewski
President
Mayor of Hamtramck

Daniel P. Gilmartin

Daniel P. Gilmartin
Executive Director & CEO
Enc.

Agenda Item 5A

RECEIVED
AUG 24 2012
BY:

August 23, 2012

Mr. Michael Cain
City Manager
Boyne City Michigan

Mr. Leon Tupper CEO
Kirtland Products
Boyne City, Michigan

TO: City Commission and City Planning Board.
Kirtland Products

Ref. Kirtland Products operation.

In a recent decision noted in the newspaper came the information that the Commission was sending back the conditional use permit to the Planning Board. That such review could lead to the closure of the plant. This notice caused great concern to many residents and workers of the Boyne City area. Much has been covered as to those in opposition to the plant and little from those that are for the plant. Thus the need was established for this non-binding petition approach to let you know the feelings of the general public as to the closure of the plant.

The attached signatures represent more then 165 individuals, with more to be collected and submitted. We all agree that the plant is creating a "noise" and that it does trouble some individuals. We wish that the city and the company to continue down the path to resolve the issues in a timely manner, with the company given more time to comply. To this end, Kirtland should be allowed to continue seeking the answers necessary to reduce the noise, and the city continue to assist. But the plant must remain open to achieve any type of results.

Please take into consideration that this started back in 2008 and that endless meetings, hearings and notifications have taken place by both sides. Many questions linger as to why the project was allowed to reach the 2011 position.

Boyne City is a progressive place where this factory was given the blessings of several groups, boards and the commission over the time of community presentation. It gave a building a second chance at life, and provided employment for our residents. The city relished in attracting industry. Boyne City can overcome this problem and be a strong progressive city, hanging its "open for business" banner. A denial of this permit will create a strong negative to industry about our community.

Thank you for your consideration in this matter and you can see the need to progress rather then egress into one of those towns that don't see both sides of a very great opportunity to grow. This will take time.

Michael J Cummings

RECEIVED
AUG 24 2012
BY:

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8-19-12	Tracy L. Duncan	624 N Park Boyne City
8-19-12	Donna M. Duncan	624 N. Park Boyne City
8/19/12	Dawn Duncan	624 N. Park St Boyne City
8/19/12	DAVID A DUNCAN	1029 LeRoy ST Boyne City
8/19/12	Jan Duncan	1029 Leroy B.C.
8/19/12	Gayelle Duncan	1021 LeRoy St Boyne City
8/19/12	Daniel A. Duncan	1021 Leroy St. Boyne City
8/19/12	Linda Cumming	635 N. East St. Boyne City
8/19/12	Todd Dusso	209 Vogel St. Boyne City
8/19/12	Doug Cole	Lewis St. Boyne City
8-20-12	Marie Eaton	209 VOGEL - BOYNE CITY

RECEIVED
AUG 24 2012
BY:

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8-17-12	Robert Huff	121 ET Water St
8/17/12	Terri Conners	1190 2nd St. BC, Mi. 49712
8/17/12	Tammy Lemmen	4327 BC Rd BC 49712
8/17/12	Sandy & Ken Prosett	6990 S. Kowtaw
8.17.12	Catherine T. Kenney	201 W Division BC
	Jamie McCay	401 W Dixon
8-17-12	Olivia Northcott	31 W. Division Apt #4 BC
8-17-12	Bob Rud	615 Douglas
8/17/12	Ora J Smith	187 N. East St.
8/17/12	Ellen Rabakin	326 E Division B.C.
8/22/12	Glenda Planck	401 N. PARK ST BC

Moreover

RECEIVED
AUG 24 2012

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirtland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirtland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirtland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirtland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
Aug 20-12	Shelia Cotton	635 Pesek Rd
Aug-20-12	Kirk Moore	Boyne City
Aug-20-12	Michael Sarok	Boyne City, MI
Aug-20-12	Karen Gillons	Boyne City
8/20/12	[illegible]	00318 Healy Boyne City
8-20-12	Kurt Wurth	605 Main St Boyne City MI
8/20/12	Theresa Burt	00315 E Dietz Rd Boyne City
8/20/12	Michael Burt	414 N. East St.
8-20-12	Paula Sero	5912 Stanek Rd East Jordan MI
8-20-12	Debbie Stonehouse	614 S East St Boyne City MI

Honeywell

RECEIVED
AUG 24 2012

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirtland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirtland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirtland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirtland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8/20/12	Joyce Zywicky	717 So Lake St Boyne City Mi 49712
8/20/12	Nancy Lech	00539 Addis Rd. Boyne City, Mi 49712
8/20/12	[illegible]	5060 Kaitlynne Rd Boyne City MI 49712
8/20/12	MARK CASE	330 Terrence St Boyne City MI
8-20-12	KELLI McNAIR	1625 W. CLUTE BOYNE CITY
8-20-12	Elizabeth McKenney	03268 Healey Rd, Boyne City
8-20-12	Barb Case	330 Juniper St. 49712
8/20/12	[illegible]	213 River St Boyne City 49712
8/20/12	Sheila Wilson	524 Knollwood CT. Boyne City 49712
8/20/12	James Fowler	2839 Hi-Lite BC 49712
8/20/12	Dennis Letts	03802 Day Rd BC 49712
8-20-12	Bill Brutto	07880 Thumb Lk. RD. B.C. 49713
8-20-12	Karen Spruce	1001 Leroy St BC

Honeywell

RECEIVED AUG 24 2012

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirtland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirtland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirtland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirtland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address	
8-20-12	Carl Cotanche	1023 MAE LANE	Boyne City
8-20-12	Christina Evans	01329 Pleasant Vly	Boyne City
8/20/12	Bueb Hicks	1855 Wheelee Rd	Boyne City
8/20/12	Brenda Mayhew	07785 Reynolds Rd.	Elmira
8/20/12	Loretta Richards	528 Lewis Ave	Boyne City
8/20/12	Henry Wittenmyer	460 HEMLOCK ST.	Boyne City
8-20-12	John Pemberton	4185 WARNER CREEK	BOYNE CITY
8/21/12	Marie Tom	840 Full Park Rd	"
8/21/12	Renee Patton	1824 Crosswick	Atlanta mi
8/20/12	Nancy Crandell	05133 Camp Daggett	Boyne City
8-22/12	Tim McCarry	530 E Division	Boyne City
8/22/12	Debbie Conklin	126 Trent St.	Boyne City
8/22/12	Helen Frechette	P.O. Box 744	Boyne city

Hemphill

RECEIVED
AUG 2 4 2012

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirtland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirtland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirtland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirtland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8-22-12	Arline Beal	2124 Lewis Rd. East Jordan, Mi.
8-23-12	Debbie Gee	02495 N. Camp Ten Rd East Jordan Mich
8-23-12	Sheri Cadwell	02255 Old Horton Bay Rd., Boyne City, Mi
8/24/12	Steve Jaeme	4700 Barber Rd, R. MI.

RECEIVED

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirtland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirtland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirtland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirtland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
5-18-12	Mary Dunn	Boyne City
	Rosalie Bentley	Boyne City
	Bruette Frazam	St Johns, Mi
	[illegible]	Boyne City MI
	[illegible]	Boyne City, Mi
	[illegible]	Boyne City Mi
	[illegible]	Boyne city Mi
	Gerald Hemmy	Harbor Springs Mi
	Sue Herrmann	Boyne City
	Richard Herrman	"

8

RECEIVED
BY:

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8/20/12	Jane Smith	305 Kaden Ln. Boyne City MI 49712
8/21/12	Michelle Evans	347 N. Park St. Boyne City, MI 49712
8/22/10	Shirley Jarvie	513 East Main Boyne City Mich
8/22/12	[illegible]	1828 VALLEY VIEW BOYNE 49712

RECEIVED
BY:

Jane

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8/22/12	Shawn Howard	39 Crozier Rd Boyne City
8/22/12	Lisa Anthony	2479 Sabrina BC.
8/22/12	[illegible]	429 Elm ST.
8/23/12	Jane Furness - Great Lakes Golf & Site Devel.	

RECEIVED
BY:

Jane

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8/21-12	Robert Crong	00113 M75 South
8-21-12	[illegible]	832 S LAKE ST
8-21	Ronald Smith	805 Black-way
8-22	Jayne Howard	496 Clark street
8-22	Deann Jackson	864 Deer Run Drive
8-21-12	Jessica Cagy	302 E Lincoln St
8/21/12	[illegible]	102 LAKE ST
8/21/12	Jessica [illegible]	102 Lake St.
8/21/12	[illegible]	102 S Lake St.
8/21/12	Jeligan McBoi	326 E. Division

Jane

RECEIVED

BY:

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8/21/12	Ashley Carrow	1175 M-75 S. Boyne City
8/21/12	[illegible]	" "
8/21/12	[illegible]	729 Grove St. Boyne City
8/21/12	Kermit Lom	3917 Boyne City Rd 49712
8/21/12	[illegible]	818 Boyne Ave. BC.
8/21/12	Pam Mackey	44 N. Lake St BC
8/21/12	[illegible] Smith	2393 Erickson Rd BC.
8/21/12	Colleen A. Kauske	10180 Punchbird Elmira
8/21/12	[illegible]	PO Box 333 [illegible] School Rd
8/21/12	[illegible]	03100 Rocky Ridge Dr. BC.

12

Jane

RECEIVED

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8/21/2012	[illegible]	114 Water Street
8/21/2012	Mark Ramsey	JAGWAY RD
8/21/2012	[illegible]	1254 Boyne Ave
8/21/2012	Phyllis Lenhart	108 Water St.
8/21/2012	Debra Day	5493 Korthase Rd.
8/21/2012	Tony Luckel	108 Water St
8/21/2012	Patty Podskany	106 Hillcrest Dr.
8/21/2012	Michele Brandon	52 Park Drive E.J.
8/21/2012	Krasti J. McCAIG	104 Water St
8/21/2012	Amanda Dixon	214 S East

Jane

RECEIVED

BY:

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8-21-12	Elizabeth Silver	212 Silver St BC 49712
8-21-12	Mara Silver	212 Silver St. BC. 49712
8-21-12	Erik Kahn	P.O. Box 193 Boyne City MI 49712
8-21-12	Andrew Spicer	301 W. Division Apt 3
8-21-12	Melin M. Dow	614 Alice St BC 49712
8-21-12	Rick Amadon	207 Hannah St 49712
8-21-12	Jeff Charlonden	909 Roosevelt St. B.C. 49712
8-21-12	Laura Stokes	02668 B.C. Rd BC. 49712
8-21-12	Cynthia Moore	425 N. Park St. BC 49712
8/21/12	Katie Eaton	118 1/2 WATER ST B.C. 49712

RECEIVED

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8-20-12	Emily Blackburn	526 E. Division #72 B.C. 49712
8-20-12	[illegible]	02650 Behling Rd. Boyne City 49712
8-20-12	Mary Desmond	834 Front St. Boyne City 49712
8-21-12	[illegible]	00193 S M-75 Boyne City, 49712
8-21-12	Wallace Ward	118 W. Pine St Boyne City 49712
8-21-12	Hugh Edson	646 Pinnt Rd. Boyne City 49712
8-21-12	Jean Quinn	315 Sixth St. Boyne City, 49712
8-21-12	Jane [illegible]	PO 872
8/21/12	Peggy [illegible]	349 N Paul St. Jefferson
8/22/12	David Burns	00453 Clute Rd.

RECEIVED
BY:

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
[redacted]		
8-18-2012	Julie Cummings	635 NORTH EAST ST.
8-18-2012	[illegible]	342 North Park St., BC 49712
8-18-2012	Mike Richter	1334 PLEASANT AVE BC 4971
8-18 2012	[illegible]	324 E. Court St.
8/18/2012	[illegible]	135 W COURT ST
8/18/2012	[illegible]	1057 LAKESHORE DRIVE B.C.
8/18/2012	Tammy Speed	833 N. EAST ST. BOYNE CITY MICH
8/18/2012	Bryan [illegible]	633 N East St. Boyne City

Yane

RECEIVED

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8/21/12	Beverly J Katz	3409 Camp Sherwood BC 49716
8-21-12	Patsy May	1311 Boyne Ave BC 49712
8/21/12	Ryan Corbitt	5787 Horton Bay RD Boyne City 49712
8/21/12	John Richards	974 East Division Street Boyne City 49712
8/21/12	Bradley Powell	974 East Division St Boyne City 49712
8-21-12	PATRICK OSBORN	Boyne Ave Boyne City 497
8-21-12	William Miller	351 Collings Boyne City Mi
8-21-12	Jennifer Miller	351 Collings Boyne City mi.
8-21-12	[illegible] Hankin	555 Jefferson Boyne City
8-22-12	[illegible]	326 E. Division St. Apt. #47 Boyne City

Can't quite

17

RECEIVED

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8-17-12	R.K. Crook	513 Bay St. Boyne City, MI
8-17-12	Marlene McGinn	526 E Division St Boyne City, Mi
8/17/12	Ed Brown	405 W. Champion, Boyne City, MI 49712
8/17/12	Jeff Linsay	901 Lakeview Dr. BC
8-17-12	Dan Morrison	405 Jefferson St B.C
8/18/12	Carolyn Thomas	314 N. Park St. B.C.
8/20/12	Stephen M. Czaber	01294 Forest Lane Boyne City MI 49712
8-22-12	Robert J. Quackenbush	200 N. PARK ST BOYNE CITY MI 49712
8-22-12	Marlin Carter	125 Court St Boyne City 49712
8-22-12	Georgia Quackenbush	200 N Park St BOYNE CITY 497
8-22-12	Becky Quackenbush Talley	614 Jay-Cee Drive Boyne City 49712

RECEIVED
AUG 2 3 2012
BY:

To: The Boyne City Commissioners
Planning Commission

Ref.: Support of the Kirkland Products Company located within the "air industrial park."

We, the undersigned, are residents of Boyne City Michigan and support our community's efforts in bringing "industry" to our "state certified air industrial park". To that means, the city, after several years of working with Kirkland Products in obtaining various loans, permits and inspections granted permission to build this plant within the "industrial zone". To that end, the plant was opened in 2011, and various "noise" issues surfaced. Additionally, the "smell" became an issue. Kirkland, in concert with the various requests from the city and its committee's agreed to and went into contracts and other inspections to improve upon the operation of the plant. Kirkland also agreed to various cut backs of various operational hours in determining and correcting the problems. These cut backs resulted in the loss of full time employment for several area residents.
We, the undersigned, ask that the plant should be given all the additional time it needs to reasonably address the issues of "smell & noise" and that the plant remain open, giving employment to local residents. DO NOT CLOSE THE PLANT. The city's oversight of this facility has been going on for several years during its permit process, and could have addressed the "problems" now identified earlier. The city and company should continue to workout some of the problems. It has been stated by some that individuals are not coming to this city because of this "noise & smell" issue, however, as all Boyne City residents know, the normal complaint is that of "high TAXES or mileages" Lets not gain a reputation of "NOT WANTING INDUSTRY."

Date	Name	Address
8-17-12	Wilma Belleville	529 Jersey street
8-17-12	Phillip Battiste	526 N. Lake St. #68
8-17-12	Paul Richambault	526 N. LAKE ST. #26
8-17-12	MICHAEL S. DAVIS	404 TERRACE STREET
8-17-12	Ann Davis	404 Terrace Street
8-17-12	Lorne Olsen	401 W. MICHIGAN AVE
8-18-12	Cary Eaton	1402 Pleasant Ave
8-22-12	Frances D. Eber	351 North Park Street Boyne City
8-22-12	Lenevers B. Eb	351 NORTH PARK ST. BOYNE CITY

CASH BALANCE BY FUND FOR BOYNE CITY

FROM 07/01/2012 TO 07/31/2012

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

CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 07/01/2012	Total Debits	Total Credits	Ending Balance 07/31/2012
101	GENERAL FUND	1,047,825.30	243,844.59	174,596.75	1,117,073.14
202	MAJOR STREET FUND	100,016.29	18,574.38	26,057.16	92,533.51
203	LOCAL STREET FUND	(3,539.00)	43,641.90	40,102.90	0.00
206	FIRE FUND	342,884.23	16,471.49	11,756.48	347,599.24
209	CEMETERY FUND	(221.89)	8,564.12	8,342.23	0.00
210	AMBULANCE FUND	0.00	34,146.33	34,146.33	0.00
211	SPECIAL PROJECTS FUND	690.45	0.00	0.00	690.45
226	RUBBISH COLLECTION FUND	0.00	0.00	0.00	0.00
244	FIRE DEPARTMENT FUND	0.00	0.00	0.00	0.00
248	DOWNTOWN DEVELOPMENT AUTHORITY	216,377.92	47,390.18	35,201.25	228,566.85
251	LDFA FUND	935,460.06	0.00	26,193.08	909,266.98
285	MARINA FUND	212,193.27	28,219.68	16,749.19	223,663.76
295	AIRPORT FUND	15,256.45	13,288.63	16,423.36	12,121.72
401	VIBRANT SMALL CITIES INITIATIVE FUND	721,161.00	0.00	0.00	721,161.00
410	BOYNE SENIORS CENTER FUND	529.92	0.00	0.00	529.92
590	WASTEWATER FUND	1,517,436.56	50,403.86	35,411.69	1,532,428.73
592	WATER FUND	143,771.65	38,170.42	30,610.38	151,331.69
661	MOTOR POOL FUND	782,052.00	33,641.35	7,245.50	808,447.85
	TOTAL - ALL FUNDS	6,031,894.21	576,356.93	462,836.30	6,145,414.84

Agenda Item 7A

PERIOD ENDING 07/31/2012

CCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 07/31/2012 NORMAL (ABNORM	ACTIVITY FOR MONTH 07/31/20 INCREASE (DECR	AVAILABLE BALANCE NORMAL (ABNORM	% BDGT USED
und 101 - GENERAL FUND					
evenues					
31-REVENUES	3,984,662.00	146,064.98	146,064.98	3,838,597.02	3.67
32-REVENUES	244,068.00	51,574.66	51,602.00	192,493.34	21.13
33-REVENUES	142,000.00	35,499.99	11,833.33	106,500.01	25.00
34-REVENUES	142,000.00	16,200.28	1,099.14	125,799.72	11.41
35-REVENUES	13,900.00	2,738.40	1,319.20	11,161.60	19.70
36-REVENUES	362,633.00	57,076.80	28,403.88	305,556.20	15.74
OTAL Revenues	4,889,263.00	309,155.11	240,322.53	4,580,107.89	6.32
xpenditures					
01-LEGISLATIVE	19,518.00	8,700.02	0.00	10,817.98	44.57
51-PLANNING	150,390.00	34,705.64	11,134.85	115,684.36	23.08
73-GENERAL SERVICES	559,353.00	115,939.58	38,150.53	443,413.42	20.73
91-ELECTIONS	2,900.00	379.80	48.30	2,520.20	13.10
08-ACCOUNTING/AUDIT	13,000.00	1,101.25	1,101.25	11,898.75	8.47
09-ASSESSMENT/TAXES	100,723.00	2,165.42	996.32	98,557.58	2.15
10-LEGAL	60,000.00	2,104.88	1,153.68	57,895.12	3.51
48-GENERAL/OTHER SERVICES	134,520.00	35,027.75	8,011.96	99,492.25	26.04
50-HOUSING	255,000.00	41,475.00	13,579.25	213,525.00	16.26
65-PUBLIC BUILDINGS	1,176,646.00	32,739.89	7,473.91	1,143,906.11	2.78
01-POLICE DEPARTMENT	639,004.00	111,391.60	34,344.50	527,612.40	17.43
06-ENVIRONMENTAL	1,000.00	0.00	0.00	1,000.00	0.00
61-PARKS & RECREATION	286,521.00	88,363.04	30,520.00	198,157.96	30.84
04-MUSEUM	2,492.00	346.58	172.24	2,145.42	13.91
09-SIDEWALKS	108,000.00	205.60	0.00	107,794.40	0.19
99-CONTINGENCY	64,223.00	1,898.81	61.54	62,324.19	2.96
55-TRANSFERS OUT	1,315,973.00	137,316.27	44,997.85	1,178,656.73	10.43
OTAL Expenditures	4,889,263.00	613,861.03	191,755.18	4,275,401.97	12.56
und 101:					
OTAL REVENUES	4,889,263.00	309,155.11	240,322.53	4,580,107.89	6.32
OTAL EXPENDITURES	4,889,263.00	613,861.03	191,755.18	4,275,401.97	12.56
CT OF REVENUES & EXPENDITURES	0.00	(304,705.92)	48,567.35	304,705.92	100.00
und 202 - MAJOR STREET FUND					
evenues					
00-REVENUES	1,499,208.00	34,101.54	18,574.38	1,465,106.46	2.27
OTAL Revenues	1,499,208.00	34,101.54	18,574.38	1,465,106.46	2.27
penditures					
1-CONSTRUCTION	960,800.00	21,481.10	6,757.99	939,318.90	2.24
3-ROUTINE MAINTANCE	332,100.00	65,212.10	12,519.51	266,887.90	19.64
4-TRAFFIC SERVICE	31,500.00	1,453.76	664.89	30,046.24	4.62
8-WINTER MAINTENANCE	97,300.00	4,742.33	1,496.45	92,557.67	4.87
2-ADMINISTRATION	77,508.00	18,241.73	4,618.32	59,266.27	23.54
TAL Expenditures	1,499,208.00	111,131.02	26,057.16	1,388,076.98	7.41
nd 202:					
TAL REVENUES	1,499,208.00	34,101.54	18,574.38	1,465,106.46	2.27
TAL EXPENDITURES	1,499,208.00	111,131.02	26,057.16	1,388,076.98	7.41
T OF REVENUES & EXPENDITURES	0.00	(77,029.48)	(7,482.78)	77,029.48	100.00
nd 203 - LOCAL STREET FUND					
venues					
0-REVENUES	943,460.00	103,120.13	43,641.90	840,339.87	10.93
TAL Revenues	943,460.00	103,120.13	43,641.90	840,339.87	10.93
penditures					
1-CONSTRUCTION	431,970.00	17,074.69	12,303.32	414,895.31	3.95
3-ROUTINE MAINTANCE	339,800.00	69,184.44	21,893.68	270,615.56	20.36
4-TRAFFIC SERVICE	18,500.00	557.64	102.10	17,942.36	3.01
8-WINTER MAINTENANCE	97,110.00	4,536.47	1,393.98	92,573.53	4.67
2-ADMINISTRATION	56,080.00	17,616.30	4,409.82	38,463.70	31.41

er: Cindy
: Boyne City

PERIOD ENDING 07/31/2012

COUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 07/31/2012 NORMAL (ABNORM	ACTIVITY FOR MONTH 07/31/20 INCREASE (DECR	AVAILABLE BALANCE NORMAL (ABNORM	% BDGT USED
nd 203 - LOCAL STREET FUND					
penditures					
TAL Expenditures	943,460.00	108,969.54	40,102.90	834,490.46	11.55
nd 203:					
TAL REVENUES	943,460.00	103,120.13	43,641.90	840,339.87	10.93
TAL EXPENDITURES	943,460.00	108,969.54	40,102.90	834,490.46	11.55
T OF REVENUES & EXPENDITURES	0.00	(5,849.41)	3,539.00	5,849.41	100.00
nd 206 - FIRE FUND					
venues					
0-REVENUES	295,500.00	(37,216.41)	16,471.49	332,716.41	(12.59)
TAL Revenues	295,500.00	(37,216.41)	16,471.49	332,716.41	(12.59)
penditures					
0-EXPENDITURES	246,485.00	39,326.01	11,756.48	207,158.99	15.95
TAL Expenditures	246,485.00	39,326.01	11,756.48	207,158.99	15.95
nd 206:					
TAL REVENUES	295,500.00	(37,216.41)	16,471.49	332,716.41	12.59
TAL EXPENDITURES	246,485.00	39,326.01	11,756.48	207,158.99	15.95
T OF REVENUES & EXPENDITURES	49,015.00	(76,542.42)	4,715.01	125,557.42	(156.16)
nd 209 - CEMETERY FUND					
venues					
0-REVENUES	51,017.00	14,630.66	8,164.12	36,386.34	28.68
TAL Revenues	51,017.00	14,630.66	8,164.12	36,386.34	28.68
penditures					
0-EXPENDITURES	51,017.00	14,570.57	7,942.23	36,446.43	28.56
TAL Expenditures	51,017.00	14,570.57	7,942.23	36,446.43	28.56
nd 209:					
TAL REVENUES	51,017.00	14,630.66	8,164.12	36,386.34	28.68
TAL EXPENDITURES	51,017.00	14,570.57	7,942.23	36,446.43	28.56
T OF REVENUES & EXPENDITURES	0.00	60.09	221.89	(60.09)	100.00
nd 210 - AMBULANCE FUND					
venues					
0-REVENUES	644,227.00	158,741.81	45,805.14	485,485.19	24.64
TAL Revenues	644,227.00	158,741.81	45,805.14	485,485.19	24.64
penditures					
0-EXPENDITURES	629,425.00	138,134.60	47,073.33	491,290.40	21.95
TAL Expenditures	629,425.00	138,134.60	47,073.33	491,290.40	21.95
nd 210:					
TAL REVENUES	644,227.00	158,741.81	45,805.14	485,485.19	24.64
TAL EXPENDITURES	629,425.00	138,134.60	47,073.33	491,290.40	21.95
T OF REVENUES & EXPENDITURES	14,802.00	20,607.21	(1,268.19)	(5,805.21)	139.22
nd 211 - SPECIAL PROJECTS FUND					
venues					
0-REVENUES	0.00	60.00	0.00	(60.00)	100.00
TAL Revenues	0.00	60.00	0.00	(60.00)	100.00

CCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 07/31/2012 NORMAL (ABNORM	ACTIVITY FOR MONTH 07/31/20 INCREASE (DECR	AVAILABLE BALANCE NORMAL (ABNORM	% BDGT USED
und 211 - SPECIAL PROJECTS FUND					
und 211:					
OTAL REVENUES	0.00	60.00	0.00	(60.00)	100.00
OTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00
ET OF REVENUES & EXPENDITURES	0.00	60.00	0.00	(60.00)	100.00
und 226 - RUBBISH COLLECTION FUND					
evenues					
30-REVENUES	28,000.00	15,838.72	0.00	12,161.28	56.57
OTAL Revenues	28,000.00	15,838.72	0.00	12,161.28	56.57
xpenditures					
40-EXPENDITURES	28,000.00	15,838.72	0.00	12,161.28	56.57
OTAL Expenditures	28,000.00	15,838.72	0.00	12,161.28	56.57
und 226:					
OTAL REVENUES	28,000.00	15,838.72	0.00	12,161.28	56.57
OTAL EXPENDITURES	28,000.00	15,838.72	0.00	12,161.28	56.57
ET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	100.00
und 248 - DOWNTOWN DEVELOPMENT AUTHORITY					
evenues					
30-REVENUES	665,941.00	159,575.08	42,708.18	506,365.92	23.96
OTAL Revenues	665,941.00	159,575.08	42,708.18	506,365.92	23.96
xpenditures					
31-EXPENDITURES	749,014.00	118,470.41	30,519.25	630,543.59	15.82
TAL Expenditures	749,014.00	118,470.41	30,519.25	630,543.59	15.82
nd 248:					
TAL REVENUES	665,941.00	159,575.08	42,708.18	506,365.92	23.96
TAL EXPENDITURES	749,014.00	118,470.41	30,519.25	630,543.59	15.82
T OF REVENUES & EXPENDITURES	(83,073.00)	41,104.67	12,188.93	(124,177.67)	(49.48)
nd 251 - LDFA FUND					
venues					
0-REVENUES	192,195.00	0.00	0.00	192,195.00	0.00
TAL Revenues	192,195.00	0.00	0.00	192,195.00	0.00
penditures					
0-EXPENDITURES	501,989.00	57,193.42	26,193.08	444,795.58	11.39
TAL Expenditures	501,989.00	57,193.42	26,193.08	444,795.58	11.39
nd 251:					
TAL REVENUES	192,195.00	0.00	0.00	192,195.00	0.00
TAL EXPENDITURES	501,989.00	57,193.42	26,193.08	444,795.58	11.39
T OF REVENUES & EXPENDITURES	(309,794.00)	(57,193.42)	(26,193.08)	(252,600.58)	18.46
nd 285 - MARINA FUND					
venues					
0-REVENUES	213,092.00	57,258.58	27,877.02	155,833.42	26.87
TAL Revenues	213,092.00	57,258.58	27,877.02	155,833.42	26.87
penditures					
0-EXPENDITURES	315,400.00	34,969.42	16,225.93	280,430.58	11.09

PERIOD ENDING 07/31/2012

ACCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 07/31/2012 NORMAL (ABNORM	ACTIVITY FOR MONTH 07/31/20 INCREASE (DECR	AVAILABLE BALANCE NORMAL (ABNORM	% BDGT USED
Fund 285 - MARINA FUND					
Expenditures					
TOTAL Expenditures	315,400.00	34,969.42	16,225.93	280,430.58	11.09
Fund 285:					
TOTAL REVENUES	213,092.00	57,258.58	27,877.02	155,833.42	26.87
TOTAL EXPENDITURES	315,400.00	34,969.42	16,225.93	280,430.58	11.09
NET OF REVENUES & EXPENDITURES	(102,308.00)	22,289.16	11,651.09	(124,597.16)	(21.79)
Fund 295 - AIRPORT FUND					
Revenues					
000-REVENUES	99,126.00	42,481.68	21,232.21	56,644.32	42.86
TOTAL Revenues	99,126.00	42,481.68	21,232.21	56,644.32	42.86
Expenditures					
000-EXPENDITURES	118,650.00	5,354.44	1,163.83	113,295.56	4.51
TOTAL Expenditures	118,650.00	5,354.44	1,163.83	113,295.56	4.51
Fund 295:					
TOTAL REVENUES	99,126.00	42,481.68	21,232.21	56,644.32	42.86
TOTAL EXPENDITURES	118,650.00	5,354.44	1,163.83	113,295.56	4.51
NET OF REVENUES & EXPENDITURES	(19,524.00)	37,127.24	20,068.38	(56,651.24)	(190.16)
Fund 590 - WASTEWATER FUND					
Revenues					
000-REVENUES	1,106,281.00	11,465.36	100,592.35	1,094,815.64	1.04
TOTAL Revenues	1,106,281.00	11,465.36	100,592.35	1,094,815.64	1.04
Expenditures					
000-EXPENDITURES	1,102,086.00	80,938.93	34,254.97	1,021,147.07	7.34
TOTAL Expenditures	1,102,086.00	80,938.93	34,254.97	1,021,147.07	7.34
Fund 590:					
TOTAL REVENUES	1,106,281.00	11,465.36	100,592.35	1,094,815.64	1.04
TOTAL EXPENDITURES	1,102,086.00	80,938.93	34,254.97	1,021,147.07	7.34
NET OF REVENUES & EXPENDITURES	4,195.00	(69,473.57)	66,337.38	73,668.57	(1,656.1
Fund 592 - WATER FUND					
Revenues					
000-REVENUES	580,800.00	46,895.51	41,699.34	533,904.49	8.07
TOTAL Revenues	580,800.00	46,895.51	41,699.34	533,904.49	8.07
Expenditures					
000-EXPENDITURES	586,914.00	79,754.86	29,718.06	507,159.14	13.59
TOTAL Expenditures	586,914.00	79,754.86	29,718.06	507,159.14	13.59
Fund 592:					
TOTAL REVENUES	580,800.00	46,895.51	41,699.34	533,904.49	8.07
TOTAL EXPENDITURES	586,914.00	79,754.86	29,718.06	507,159.14	13.59
NET OF REVENUES & EXPENDITURES	(6,114.00)	(32,859.35)	11,981.28	26,745.35	537.44
Fund 661 - MOTOR POOL FUND					
Revenues					
000-REVENUES	301,800.00	94,854.16	33,641.35	206,945.84	31.43
TOTAL Revenues	301,800.00	94,854.16	33,641.35	206,945.84	31.43

CCOUNT DESCRIPTION	2012-13 AMENDED BUDGET	END BALANCE 07/31/2012 NORMAL (ABNORM	ACTIVITY FOR MONTH 07/31/20 INCREASE (DECR	AVAILABLE BALANCE NORMAL (ABNORM	% BDGT USED
und 661 - MOTOR POOL FUND					
xpenditures					
40-EXPENDITURES	345,500.00	22,750.34	6,495.50	322,749.66	6.58
OTAL Expenditures	345,500.00	22,750.34	6,495.50	322,749.66	6.58
und 661:					
OTAL REVENUES	301,800.00	94,854.16	33,641.35	206,945.84	31.43
OTAL EXPENDITURES	345,500.00	22,750.34	6,495.50	322,749.66	6.58
ET OF REVENUES & EXPENDITURES	(43,700.00)	72,103.82	27,145.85	(115,803.82)	(165.00)
OTAL REVENUES - ALL FUNDS	11,509,910.00	1,010,961.93	640,730.01	10,498,948.07	8.78
OTAL EXPENDITURES - ALL FUNDS	12,006,411.00	1,441,263.31	469,257.90	10,565,147.69	12.00
ET OF REVENUES & EXPENDITURES	(496,501.00)	(430,301.38)	171,472.11	(66,199.62)	86.67

Michigan BOYNE CITY Main Street
Where Life meets Lake.®

Date: August 28, 2012

To: City Manager Michael Cain MC

Boyne City Commissioners

From: Hugh Conklin, program manager HC

RE: Nomination for National Register of Historic Places

Background

For nearly the past year Boyne City, working with architectural historian William Rutter, has been working on an application for downtown Boyne City and the Pearl Street Neighborhood to be listed as a district on the National Register of Historic Places.

The application is now complete and will be considered for nomination to the National Register of Historic Places on Sept. 14, 2012 at 10 a.m. at the Michigan State Housing Development Authority and State Historic Preservation Office (SHPO) in Lansing. The nomination will be reviewed by the Michigan Preservation Review Board as the Boyne City Central Historic District. If approved, it will be forwarded to National Park Service/Secretary of the Interior for its consideration.

This hearing will culminate a process that begin last fall when the City of Boyne City was awarded a $35,000 grant from SHPO to hire a contractor to prepare the application. After working with SHPO to prepare and solicit proposals from qualified consultants, Mr. Rutter of Trout Lake, MI., was hired to complete the nomination application. City commissioners had the opportunity to meet Mr. Rutter when he made a presentation at your July 10 meeting. Mr. Rutter also made a presentation on the nomination at a public meeting on July 30 at the Boyne District Library. While few in numbers, all those attending Mr. Rutter's presentation were impressed with the quality and thoroughness of the process and content of the application.

With the pending review hearing for Boyne City's nomination, I am asking for the City Commission to approve a resolution of support for the application. At the July 10 City Commission meeting there was some discussion a resolution but the consensus at the time was to wait until after the July 30 meeting to allow the public an opportunity to comment. As I mentioned, attendance at the public meeting was light but of those in attendance there was only positive comments. I am also not aware of any negative comments that have been received.

Included in your packet is a copy of a letter about the nomination review from Brian Conway, State Historic Preservation Officer for the State of Michigan that was sent to Mayor Grunch and Larry Lenhart. Also included is a possible resolution of support for the nomination. The nomination application is available on the City and Main Street websites and a hard copy is available for review at City Hall.

Recommendation

The City Commission approve a resolution of support for the Boyne City Central Historic District nomination to the National Register of Historic Places.

STATE OF MICHIGAN
RICK SNYDER
GOVERNOR
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE
GARY HEIDEL
EXECUTIVE DIRECTOR

August 14, 2012

Honorable Ron Grunch
Mayor
City of Boyne City
319 N. Lake Street
Boyne City, MI 49712

Dear Mayor Grunch:

We wish to inform you that the Boyne City Central Historic District, Boyne City, Charlevoix County, Michigan, will be considered for nomination to the National Register of Historic Places by the Michigan Historic Preservation Review Board at the meeting to be held on September 14, 2012, at 10:00 a.m., in the Board Room, 4th Floor, Michigan State Housing Development Authority, 735 East Michigan Avenue, Lansing, Michigan 48912-1474. The district includes the properties located at 101-311 and 102-300 E. Water St.; 417 Boyne Ave.; 401-447 and 430-444 Pearl St.; 151 Ray St.; 102-116 E. Main St.; 210 Front St.; 2-306 and 1-219 S. Lake St.; and 112 and 113 S. Park St.

The National Register of Historic Places is the federal government's official list of properties deemed worthy of preservation because of their importance in American history and culture. Listing in the National Register provides recognition and assists in preserving our national heritage.

Listing in the National Register provides the following benefits to historic properties:

- Recognition that a property is significant to the nation, the state, or the community.
- Consideration in the planning for federal or federally assisted projects.
- Eligibility for federal tax incentives and other preservation assistance.

Listing in the National Register does not interfere with a private property owner's rights to alter, manage, or dispose of property. Listing does not mean that limitations will be placed on the properties by the federal or state government. Public visitation rights are not required of owners. Neither the federal nor state government will attach restrictive covenants to the properties or seek to acquire them. Attached please find a notice that explains in greater detail the results of listing in the National Register.

You are invited to attend the review board meeting at which the nomination will be considered, or to comment in writing concerning this National Register nomination. All written correspondence should be mailed in time to be received prior to the date of the review board meeting.

Any comments and questions you may have concerning this nomination and the National Register program may be directed to Robert Christensen, National Register coordinator, by phone at 517/335-2719, by e-mail at christensenr@michigan.gov, or by mail at the above address.

Sincerely yours,

BConway

Brian B. Conway
State Historic Preservation Officer
Enclosure

Michigan Library and Historical Center • 702 West Kalamazoo Street • P.O. Box 30740
Lansing, Michigan 48909-8240
michigan.gov/shpo • 517.373.1630 • FAX 517.335.0348 • TTY 800.382.4568

Rec'd 8-22-12

Equal Housing Employer/Lender

MICHIGAN
SHPO
STATE HISTORIC PRESERVATION OFFICE

RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

- **Eligibility for federal tax provisions:**

If a property is listed in the National Register, certain federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, and the Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 and 20 percent investment tax credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides federal deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

- **Consideration in planning for federal, federally licensed, and federally assisted projects:**

Section 106 of the National Historic Preservation Act of 1966 requires that federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

- **Consideration in issuing a surface coal mining permit:**

In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit where coal is located. For further information, please refer to 30 CFR 700 *et seq.*

- **Qualification for federal grants for historic preservation when funds are available:**

Presently, funding is unavailable.

Revised: 01/08/2004

MICHIGAN
SHPO
STATE HISTORIC PRESERVATION OFFICE

RIGHTS OF OWNERS TO COMMENT AND/OR TO OBJECT TO LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing may submit to the State Historic Preservation Officer a *notarized* statement certifying that the party is the sole or partial owner of the private property and the party objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners objects, a property shall not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility of the property for listing in the National Register. If the property is the determined eligible for listing, although nor formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarize objection must be submitted to the State Historic Preservation Officer at the address shown in the attached letter by the date of the review board meeting.

If you wish to comment on the nomination of the property to the National Register, please send your comments to the State Historic Preservation Officer before the review board considers this nomination. A copy of the nomination and information on the National Register and federal tax provisions are available from the State Historic Preservation Office, Michigan Historical Center, upon request.

City of Boyne City
Founded 1856

319 N Lake Street Boyne City, Michigan 49712 Phone 231-582-6597
www.boynecity.com Fax 231-582-6506

A RESOLUTION OF THE CITY COMMISSION OF BOYNE CITY SUPPORTING THE APPLICATION OF PLACING DOWNTOWN BOYNE CITY AND THE PEARL STREET NEIGHBORHOOD ON THE NATIONAL REGISTER OF HISTORIC PLACES AS THE BOYNE CITY CENTRAL HISTORIC DISTRICT

Whereas, Boyne City has acted on a commitment to preserve its historic character by establishing the Pearl Street Historic District, and performing historically appropriate preservation and restoration at the National Register listed historic Water Works building; and

Whereas, Boyne City's central business district and Pearl Street neighborhood display genuine historic and architectural appeal; and

Whereas, the downtown's commercial buildings dating from the 1880s to the early 1960s reflect the history of Boyne City as the city's commercial hub; and

Whereas, Boyne City has recognized the value of historic preservation as an effective tool for economic revitalization as a Main Street community through the National Historic Trust's Main Street Center; and

Whereas, historic designation will help protect the historic integrity and qualities of many downtown commercial buildings; and

Whereas, historic designation will promote rehabilitation and restoration of downtown Boyne City buildings through financial incentives and funding opportunities available to designated historic resources.

Now, therefore be it resolved, that the City Commission of the City of Boyne City hereby supports the application to place downtown Boyne City and the Pearl Street Neighborhood on the National Register of Historic Places.

_____
Ronald Grunch
Mayor

I certify that the resolution _____ was duly and regularly adopted at a regular meeting of the City Commission of Boyne City on the 28th day of August, 2012 by the following vote:

YES _____
NO _____
ABSENT _____

_____
Cindi Grice
City Clerk

CITY OF BOYNE CITY

To: Michael Cain, City Manager

From: Scott McPherson, Planning Director

Date: August 28, 2012

Subject: Storm Water Management Ordinance First Reading

Background
Prior to 2006 Charlevoix County administered and regulated storm water through the Charlevoix County Storm Water Management Ordinance. In 2006 the County repealed the Ordinance in response to an Attorney General opinion that stated counties do not have the authority to regulate storm water as this was not a power that has been provided by the State. The opinion stipulated that only local municipalities have the authority to adopt an ordinance to regulate storm water. Since then a new ordinance has been drafted by Charlevoix County and is being distributed to all the municipalities for their review and consideration. The County has indicated that for all municipalities that adopt the ordinance it would agree to enter into an intergovernmental agreement with the municipality to administer and enforce the ordinance.

Discussion
A draft of a proposed storm water management ordinance has been provided for your review. While the ordinance is similar to the previous ordinance, there are a few changes proposed. One notable change is that the proposed ordinance would now regulate residential driveways that exceed 10% grade that slopes towards an intersecting road. The proposed ordinance will also now allow the treatment and discharge of storm water as opposed to just retention or detention. All of the activities regulated in the ordinance are listed in Section 3.1. In addition to establishing storm water control requirements for private development, the ordinance would also establish requirements for public projects. Staff has reviewed the ordinance and noted that the ordinance could add costs to some public projects. In 2010 a draft of the Ordinance was submitted to Larry Fox of C2AE for review and his comments have been attached. Staff has concerns in regards to the proposed method that appeals would be heard. As currently proposed there would one Board of Appeals that would be appointed by a vote by all the municipalities and the Board would hear the appeals for all participating jurisdictions. Staff would prefer the City be represented by its own Zoning Board of Appeals. It is possible for the City to have its own ZBA, but the County would need to agree to enter into an intergovernmental agreement with the City with that stipulation. The County is considering that option and has indicated that it would confirm its decision on that matter shortly.

The draft ordinance was reviewed at the August 20th, 2012 meeting of the Planning Commission. Marc Seelye, Drain Commissioner for Charlevoix County was at the meeting and reviewed the ordinance and answered questions. The Planning Commission was in support of the Ordinance but concurred with the staff recommendation that the City have its own Zoning Board of Appeals.

Process

The proposed amendment is being presented to the City Commission at its August 28th, 2012 meeting for a first reading. As required by the Boyne City Charter, ordinance amendments cannot be adopted until at least one month after the meeting it is introduced. The next available City Commission meeting that meets this requirement would be October 9th 2012. The County has presented the proposed ordinance to all the municipalities and it is being recommended that municipalities that wish to adopt the ordinance do so at the same time. This would allow sharing the costs of publishing the ordinance, estimated at $1,300. The target date for publishing the ordinance is October 13th.

Recommendation

Schedule proposed Storm Water Management Ordinance for second reading on October 9th 2012.

Options

1. Schedule 2nd Reading for proposed ordinance.
2. Refer proposed amendment back to staff for further review or changes.
3. Determine that the ordinance should be adopted.
4. Other action as the Commission deems appropriate.

Scott, here are some comments for your consideration. In my opinion this would still need quite a bit of refining before it could be successfully implemented.

Comments

Overall the ordinance is not very clear or consistent on what is required. It seems it is very open to interpretation and would be very subjective in how it is enforced.

1.2 The Objectives are all good and well intended.

1.3 I would recommend that reviews and enforcement should stay with the City of Boyne City and not be under the jurisdiction or administration of the County.

3.1.8 Public roads should be exempt

4.3.E. Who defines what is an approved watershed plan? Approved by whom?

6.2 There is no classification of Licensed State of Michigan Civil Engineer. Licensed Professional Engineer in the State of Michigan is not currently discipline specific.

Appendix A Design Standards

The use of BMP's is site specific and subjective and may be hard to enforce. Who decides which BMP is appropriate? From the Michigan Guide "Randomly installed BMPs may provide the desired loca1 treatment, but when considering the overall effects in the watershed, they can actually increase nonpoint source problems."

There do not appear to be any specifics as to when STU's, detention or retention basins are required.

Item 6 – Permanent Standards

Who owns the STU and is responsible for keeping it clean of sediment?
Why are STU's and stormwater connections to municipal systems only for sites less than one acre? It would seem that if the municipality had capacity and was willing to accept stormwater from a larger site it should be able to do so.

Thanks,
Larry

Larry M. Fox, P.E.
Principal, Director of Gaylord Operations
C2AE
123 W. Main Street, Ste 200
Gaylord, MI 49735
P: 989-732-8131 Ext. 26
F: 989-732-2714
C: 989-619-7712
E: larry.fox@c2ae.com

www.c2ae.com – It's the People!

Architecture | Engineering | Planning

DRAFT 03-14-12

Charlevoix County Storm Water Management Ordinance

Preamble

The local units of government within Charlevoix County have collectively determined that the protection of surface water within the County's jurisdictional boundaries would be better served by establishing a countywide storm water management ordinance to supplement the various local, state and federal laws that govern the protection of this natural resource. The [insert name of city, township or village] (hereafter called "the local unit of government") has elected to enact a uniform ordinance consistent with this determination. This ordinance sets forth administrative procedures, regulations, standards, enforcement remedies, and repeals any other ordinances or parts of ordinances in conflict herewith. It is in the public interest for each Township, Village, and City within the County (collectively the "local units of government") to adopt an ordinance identical to this Ordinance and to uniformly adopt any amendments to this Ordinance in the future. To promote uniformity throughout the County, this Ordinance shall be known as the Charlevoix County Storm Water Management Ordinance (hereafter for brevity called the "Ordinance").

THE CITY OF _____ ORDAINS:

(or)

THE TOWNSHIP OF _____ ORDAINS:

(or)

THE VILLAGE OF BOYNE FALLS ORDAINS:

ARTICLE I PURPOSE, OBJECTIVES, & ADMINISTRATION

Section 1.1 Purpose

The purpose of this Ordinance is to supplement Michigan Public Act 451 of 1994, as amended, for the more stringent regulation of storm water discharges originating within the County; to establish a single unified set of regulations for storm water management within the County's various local units of government; and to provide rules and guidelines to facilitate enforcement thereof.

Section 1.2 Objectives

The objective of this Ordinance is to accomplish, among other things, the following:

1. To manage storm water runoff resulting from earth changes occurring within Charlevoix County, both during and after development.

2. To ensure that future development provides measures to manage the quantity and quality of storm water runoff originating from the property so that surface water and groundwater quality is protected and flooding potential is reduced.

3. To preserve and use the natural drainage system for receiving and conveying storm water runoff and to minimize the need to construct enclosed, below grade storm drain systems.

4. To preserve natural infiltration and the recharge of groundwater and to maintain subsurface flows which replenish lakes, streams and wetlands.

5. To ensure that storm water runoff management systems are incorporated into site planning at an early stage of the planning and design process.

6. To minimize the need for costly maintenance and repairs to roads, embankments, ditches, streams, lakes, wetlands and storm water management facilities which are the result of inadequate storm water control.

7. To reduce long-term expenses and remedial projects which are caused by uncontrolled storm water runoff.

8. To encourage the design and construction of storm water management systems which serve multiple purposes, including but not limited to flood prevention, water quality protection, wildlife habitat preservation, education, recreation and wetlands protection.

9. To minimize the impact of development on downstream properties and to preserve the biological and structural integrity of existing watercourses.

10. To allow for off-site storm water management facilities and measures if such proposals meet the requirements of these regulations.

11. To assure that all storm water facilities will be properly designed, constructed and maintained in accordance with a uniform set of standards.

12. To provide for enforcement of this Ordinance and penalties for violations.

Section 1.3 Ordinance Administration

The local unit of government is authorized to enter into an inter-local agreement with Charlevoix County which will permit the Charlevoix County Soil Erosion and Sedimentation Control Officer to be the Enforcing Agent ("Agent") for this Ordinance. The Agent shall administer and enforce this Ordinance.

Section 1.4 Exclusive Storm Water Regulation Provision

To the extent that this storm water ordinance is in conflict with any previously adopted ordinance within the local unit of government, the intent is to have this storm water ordinance supersede any other storm water regulations that may have been previously adopted or included as a portion of other local ordinances or zoning provisions. If any conflicts arise, the local unit of government shall either repeal or amend such other ordinances to make this Ordinance the exclusive regulation within the local unit of government.

Section 1.5 Repeal

Any non-zoning regulation inconsistent with the storm water regulations contained in this Ordinance is hereby repealed to the extent of such inconsistency.

NOTE TO LOCAL UNITS OF GOVERNMENT: Legal counsel advises that each municipality should review its zoning ordinance to determine whether there are inconsistent storm water regulations in the zoning ordinance. If so, a zoning ordinance amendment, following required zoning ordinance procedures, should be enacted repealing those inconsistent zoning provisions.

Section 1.6 Rules Applying to Text in this Ordinance

When not inconsistent with the context, the present tense includes the future; words used in the singular include the plural. The word "shall" is understood to be mandatory, and the word "may" is merely suggestive.

ARTICLE II DEFINITIONS

Section 2.1 General

This Article sets forth the definitions of certain terms used within the Ordinance which have a meaning specific to the interpretation of the text of the Ordinance.

Section 2.2 Undefined Words

Any word not defined herein shall first be interpreted as defined within Part 91, Public Act 451 of 1994, as amended, and where not defined there, shall be interpreted within its common and approved usage.

Section 2.3 Definitions

The following terms and phrases shall have the meaning given herein, unless the context otherwise requires:

AGENT: The Charlevoix County Soil Erosion and Sedimentation Control Officer.

APPEALS BOARD: The public body which is charged with the responsibility to consider and decide appeals from decisions made by the Agent in administering and enforcing this Ordinance within any local unit of government that has enacted this Ordinance.

APPEALS BOARD CLERK: The individual specified in an intergovernmental agreement among the local units of government within Charlevoix County that have enacted this Ordinance who is charged with the responsibility to process appeals to the Appeals Board pursuant to Article VIII of this Ordinance.

PLEASE NOTE: It needs to be determined who will be the Appeals Board Clerk.

APPLICANT: The landowner, or his duly authorized agent, for the property upon which a regulated earth change is proposed, and who has submitted an application for a Storm Water Management Permit.

CHANNEL: The portion of a stream which conveys normal flows of water, or a ditch or other conveyance structure excavated for the flow of water.

COMMERCIAL DEVELOPMENT: An activity, action or alteration of property that is proposed for the purpose of a commercial activity, such as retail sales, professional offices, multi-family residential structures for sale or rental, or any other purpose which includes access by the public for conducting business.

CONVEYANCE FACILITY (STRUCTURE): A surface or subsurface structure, pipe or channel which transports storm water from one location to another.

COUNTY DRAIN: Drains established and/or constructed pursuant to the Michigan Drain Code (Act 40 of 1956, as amended).

DESIGN STANDARD (OR ENGINEERING DESIGN STANDARD): A specification or set of specifications that prescribes the methodology for developing storm water management facilities based upon a uniform set of standards, calculations, and procedures.

DESIGN STORM: A hypothetical rainfall event that is developed as a statistical relationship between actual rainfall intensity-duration-frequency data for the purpose of modeling the effectiveness of a given drainage system.

DETENTION BASIN (POND): A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event (dry detention basin) or it may be a body of water with a fixed minimum and maximum water elevation between runoff events (wet detention basin).

DISCHARGE: The rate of flow of water through an outlet structure at a given point and time, typically measured in cubic feet per second (cfs) or gallons per minute (gpm).

DISTURBED AREA: An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.

DRAINAGE: The interception and removal of water (groundwater or surface water) by natural or artificial means.

DOWNSTREAM PROPERTIES: Down gradient lands and waters which receive storm water runoff and other surface water flows from the applicant's property and are often subjected to the cumulative impact of upstream development.

DRAINAGE SYSTEM: All facilities, channels and areas which serve to convey, filter, store and/or receive storm water, either on a temporary or permanent basis.

EARTH CHANGE: A human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. The term "earth change" as used in this Ordinance shall not apply to the practice of plowing and tilling soil for the purpose of crop production.

FLOOD: An overflow of surface water onto lands not normally covered by water. Floods have these essential characteristics: the inundation of land is temporary and results from unusually heavy

precipitation and the land is inundated by overflow from a lake, pond, stream and/or wetland, or is flooded by natural runoff.

FLOODPLAIN: The area of land adjoining a lake or stream which is inundated when the flow exceeds the capacity of the normal watercourse. For mapping purposes, floodplains are designated according to the frequency of the flood event, such as the 100-year floodplain or 500-year floodplain.

GRADING: Any stripping, clearing, stumping, excavating, filling, stockpiling or any combination thereof, including the land in its excavated or filled condition.

GRUBBING: To clear (ground) of roots and/or stumps.

IMPERVIOUS AREA: Surfaces that do not readily allow rainfall to infiltrate into the soil; examples include but are not limited to: roof area, paved or gravel driveways, parking areas, roads (both asphalt and gravel), or areas of heavy clay soils.

INDUSTRIAL USE: Any manufacturing, processing, fabrication, maintenance assembly, printing or improvement of articles or merchandise, warehousing, wholesaling, storage, or activities related to mineral extraction and processing; and other business enterprises not classified as commercial.

INFILTRATION: The downward movement or seepage of water from the surface into the subsoil and/or groundwater. The infiltration rate is expressed in terms of inches per hour.

LOCAL UNIT OF GOVERNMENT: The City, Township, or Village that enacts this Ordinance.

MAINTENANCE AGREEMENT: A binding agreement between the landowner and the local unit of government, which sets forth the location and design of best management practices as well as terms and requirements for storm water and erosion management facility maintenance, recorded with the Charlevoix County Register of Deeds.

OFF-SITE FACILITY: Storm water management facility which is located partially or completely off the applicant's subject property.

ORDINARY HIGH WATER MARK: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the ordinary high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

OUTFALL: The point where water flows out from a conduit, drain or stream.

PEAK DISCHARGE RATE (PEAK FLOW): The maximum calculated rate of storm water flow at a given point in a channel, watercourse, or conduit resulting from a predetermined frequency storm or flood, measured in cubic feet per second (cfs).

PERSON: Any individual, firm, partnership, association, public or private corporation, company, organization or legal entity of any kind, including governmental agencies.

RETENTION BASIN: A wet or dry storm water holding area, either natural or manmade, which does not have any outlet to adjoining watercourses or wetlands other than an emergency spillway.

SITE: Any tract, lot, or parcel of land or combination of tracts, lots or parcels of land proposed for development.

STOP WORK ORDER: A notice for cessation of activity issued by the Agent to any person engaged in an activity in violation of this Ordinance including, but not limited to, grading and development activities.

STORM WATER MANAGEMENT FACILITIES: Any structure, facility, barrier, berm, vegetative cover, basin or other measure which serves to manage storm water.

Temporary Measures: Installations designed to manage storm water runoff during development or until soils in the contributing drainage area are stabilized.

Permanent Measures: Installations designed to manage storm water runoff after development is completed.

STORM WATER MANAGEMENT PERMIT: Written statement along with supporting documentation and storm water management plan that is executed by the Agent and issued under the provisions of this Ordinance authorizing the applicant to engage in specified earth changes.

STORM WATER MANAGEMENT PLAN: Maps and written information prepared in accordance with specific standards identified within the Ordinance for a proposed land use or earth change. The storm water management plan describes the way in which storm water runoff will be managed during and after completion of the proposed development.

STORM WATER RUNOFF: Excess water that does not infiltrate the soil, but instead flows over the surface of the ground or is collected in channels, watercourses or conduits and transported over a given drainage area.

STREAM: A moving body of water that has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. See Public Act 451 of 1994, as amended, Part 301, Inland Lakes and Streams Section 324.30101, Subparagraph E, as amended.

SWALE: Low lying grassed area with gradual slopes which transports storm water, either on site or off site.

WATERSHED: A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

ARTICLE III REGULATED ACTIVITIES & PERMIT REQUIREMENTS

Section 3.1 Regulated Activities

Except as otherwise provided in this Ordinance, all earth changes described below shall be regulated activities and shall require a Storm Water Management Permit from the Agent, pursuant to Section 3.2 of this Ordinance:

1. Industrial and commercial development regardless of the size or location, with the following exception:

   A proposal for redevelopment or alteration of an existing commercial or industrial site with a maximum total increase of ten percent (10%) of the impervious surface in existence on May 1, 2010 or 4,356 square feet, whichever is less, shall not be required to meet the design standards of this Ordinance. Greater than a ten percent (10%) increase in the impervious surface in existence on May 1, 2010 or more than 4,356 square feet of additional impervious surface shall require storm water management measures in accordance with the design standards of this Ordinance for the entire increase.

2. All subdivision developments as defined by Section 102 of Public Act 288 of 1967, as amended, regardless of size, location or environmental sensitivity.

3. All site condominium developments or condominium developments as defined by Public Act 59 of 1978, as amended, Section 559.101 et seq. of the Michigan Compiled Laws regardless of size, location or environmental sensitivity.

4. A mobile home park, manufactured housing development, or campground.

5. Public and private roads which either provide access to five (5) or more parcels, are more than five hundred (500) feet in length, and/or have a grade of ten percent (10%) or greater.

6. A private driveway that is at a ten percent (10%) grade or greater, sloping down toward the intersecting road.

Section 3.2 Permit Requirements

For purposes of this Ordinance, a Storm Water Management (SWM) Permit for regulated activities as identified in Section 3.1 is required before any earth changes commence. The SWM Permit requirements are independent of any other regulations governing the proposed earth change, such as soil erosion regulations or zoning requirements, which may require additional permitting through other enforcing agencies. The granting of a SWM Permit shall authorize only such earth changes for which the permit has been issued, and shall not be deemed to approve any development as a whole, or any other land use activities.

Section 3.3 Permit Application Submittal

1. An application for a SWM Permit shall be submitted on the form provided by the Agent, signed by the landowner or his/her duly authorized agent, and shall include a storm water management plan, prepared in accordance with Article IV, along with the appropriate permit and review fees, prior to being considered by the Agent as an administratively complete application. The Agent may request additional storm water management plans or supporting documentation at his/her discretion during the permit review process.

2. The application for a SWM Permit shall be made, reviewed and approved prior to the start of any earth change including construction of access roads, driveways, grubbing or grading. Permit approval shall be given prior to the initiation of any work activity. Any unauthorized work shall be considered a violation of this Ordinance subject to enforcement actions under Article VII

regardless of any later actions taken toward compliance. Soil test borings including those utilizing reasonable backhoe test excavation, vegetative cutting for land surveys, percolation tests and normal maintenance shall not be considered a start of work under these regulations.

Section 3.4 Plan Preparation by a Registered Professional

Following the calculation of pre- and post-development (or increase in development) stormwater runoff, if 100% of this increased storm water will not be retained on-site in a stormwater retention basin, the storm water management plan shall be prepared by a registered professional, in accordance with Section 6.2.

Section 3.5 Sequential Applications

1. On development proposals which are so large or complex that a storm water management plan encompassing all phases of the project cannot reasonably be prepared prior to initial ground breaking, an application for a sequential SWM Permit, based on successive major incremental earth change activities may be allowed. Requests for sequential applications shall be approved by the Agent prior to submittal of the initial SWM Permit application.

2. Approval of sequential applications shall take place in two phases. First, the overall conceptual plan for the entire development shall be submitted for review and approval. Second, detailed plans for each phase of the total project shall be submitted for review and approval.

3. All permits processed and issued for phases of a project shall be clearly defined as to the nature and extent of work covered for that phase. Each phase of the project must be reviewed and permitted individually prior to construction.

Section 3.6 Permit Application Review

The application review period begins upon receipt of an administratively complete application submittal. The Agent shall act upon an application for a residential earth change permit involving five (5) acres or less of disturbed area within fifteen (15) calendar days. An application for all other regulated projects shall be acted upon within thirty (30) calendar days.

Section 3.7 Permit Approval or Disapproval

1. If the Agent determines that the proposed storm water management plan complies with the standards in this Ordinance, a permit shall be issued specifying the work approved, along with any supplemental conditions. If the proposed storm water management plan does not comply with these standards, the permit request shall be modified by the applicant or denied. When necessary, the Agent may request additional information from the applicant upon which to base the permit decision.

2. The Agent shall notify the applicant in writing if the application is denied, citing the reasons for the denial.

3. The Agent shall notify the appropriate local unit of government, within whose jurisdiction the project is located, after a permit decision has been made.

4. Upon written request, the Agent shall furnish any interested party with a statement in writing, detailing the reasons for permit denial or approval.

Section 3.8 Permit Expiration or Revocation

1. SWM Permits shall terminate automatically upon completion of the project or one (1) year from the date of issuance, whichever occurs first. The applicant may request a one-year extension, which shall be reviewed and shall be granted by the Agent if he/she finds good cause for the extension and that the SWM regulations governing the proposed development have not changed since the date the SWM Permit was first approved.

2. A SWM Permit issued by the Agent under this Ordinance may be revoked or suspended, subject to the provisions of Article VII, for any of the following causes:

   a. A violation of a condition of the permit.

   b. Obtaining a permit by misrepresentation or failure to fully disclose relevant facts in the application or storm water management plan.

   c. A change in a condition that requires a temporary or permanent change in the activity.

Section 3.9 Permit Revisions

Revisions to an approved SWM Permit, permit condition, or approved storm water management plan must first be approved by the Agent. The applicant shall make a written request for the proposed revision(s) to the Agent, including any supporting documentation that the Agent may require as a basis for making a decision regarding the proposed revision. Proposed revisions do not take effect until approved by the Agent, and construction of unapproved plan revisions may be subject to enforcement action.

Section 3.10 Administrative Fee Schedule

1. All fees applicable under this Ordinance shall be specified in a fee schedule determined from time to time by resolution of the legislative body of the local unit of government and maintained in the Agent's office.

2. Permit fees shall be directly related to the actual costs of administering the SWM Permit program, including design review, site inspection, enforcement and permit administration.

3. A printed fee schedule shall be made available by the Agent.

4. If the Agent determines that the basic fees will not cover the actual costs of the application review, or if the Agent determines that review of the application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Agent such additional fees in an amount determined by the Agent equal to the estimated additional costs. The additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application is not completed, then the Agent may require the applicant to

deposit additional fees into escrow in an amount determined by the Agent to be equal to the estimated costs to complete the review. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application. Any actual costs incurred by the Agent in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the release of a final decision on the application.

Section 3.11 Penalties for Initiating Earth Change Activities without a Permit

Any earth change activity, subject to regulation under this Ordinance, which has commenced without a valid permit, is not proceeding in accordance with an issued SWM Permit, or is in violation of a permit condition shall be considered a violation of this Ordinance and subject to the provisions of Article VII of this Ordinance.

ARTICLE IV STORM WATER MANAGEMENT PLAN REQUIREMENTS

Section 4.1 Storm Water Management Plan Requirements

A storm water management plan shall be prepared for any regulated earth change subject to SWM Permit requirements. The plan shall be designed to effectively manage the runoff from the site to not more than the rate and volume prior to development. Pretreatment of runoff shall be required if deemed necessary by the Agent. Administratively complete plans shall include the following:

1. A map or maps at a scale of not more than two hundred (200) feet to the inch or as otherwise determined by the Agent, including the following:

    a. A legal description

    b. Site location sketch which includes the proximity of any proposed earth change to lakes, streams, and wetlands

    c. Predominant land features

    d. Contours at not more than 2-foot intervals, or slope description.

2. A written description of the soil types of the exposed land area contemplated for the earth change.

3. A description and the location of the physical limits of each proposed earth change.

4. Location of all lakes, streams, and wetlands partially or completely contained within the boundaries of the site or within fifty (50) feet of the site boundary to the extent that the property owner has the ability of depicting the same.

5. A description and the location of all existing and proposed on-site storm water management facilities and measures.

6. The timing and sequence of each proposed regulated earth change.

7. A description and the location of all proposed temporary storm water facilities and measures.

8. A description and the location of all proposed permanent storm water facilities and measures.

9. Storm water calculations.

10. A program for the continued maintenance of all permanent storm water facilities and measures.

11. Other information which the Agent requires to review the impact of the proposed earth change in relationship to the standards and requirements of this Ordinance.

Section 4.2 Site Condominium & Subdivision Requirements

Applicants for site condominium or subdivision plat approval shall submit the same information as in Section 4.1 of this Ordinance and may need to submit additional relevant information including but not limited to the following: off-site watershed boundaries, existing and proposed easements, and proposed drainage system including water movement onto and out of the proposed development.

Section 4.3 General Standards for Approval of Storm Water Management Plans

Approval of a storm water management plan shall be based upon the following general provisions:

1. The Agent shall approve or disapprove storm water management permit applications and plans in accordance with the provisions of this Ordinance and the design standards included and/or referenced in Appendix A.

2. All regulated earth changes subject to review under the requirements of this Ordinance shall be designed, constructed and maintained to provide for the retention/detention of storm water runoff and to protect water quality.

3. Measures required for storm water shall take into consideration natural features, proximity of the site to lakes, streams and wetlands, extent of impervious surfaces, potential for flooding, and the size of the site.

4. Alteration to natural drainage patterns shall not create downstream or off-site flooding.

5. Storm water management plans shall be designed in accordance with the specific design criteria included as "Design Standards", attached and made a part of this Ordinance as Appendix A.

6. All storm water management plans and maintenance agreements shall be recorded with the Charlevoix County Register of Deeds by the Agent, at the expense of the applicant.

7. Storm water management facilities shall be constructed, operated and maintained on the applicant's property, without impact or degradation to downstream conveyance structures or properties. However, the applicant may request a waiver from the requirements for on-site storm water management by written petition to the Agent with the SWM Permit application.

Where a request is made for off-site storm water management, the request shall comply with the following general criteria:

a. Off-site storm water management areas may be shared between two or more property owners or developments, provided that maintenance agreements have been approved by the Agent and storm water management easements have been obtained and recorded with the Charlevoix County Register of Deeds by the Agent, at the expense of the applicant.

b. The storm water management easement shall contain language stating that the easement shall exist as long as said development exists and shall not be modified or terminated without the prior written authorization of the Agent. The Agent may only approve a modification or termination of this easement upon a determination that alternative means are available and will be used to improve the handling and disposition of storm water generated from the development or redevelopment of the site.

c. Easements within drainage districts shall require prior approval of the Drain Commissioner.

d. Storm water management plan requirements specified in Section 4.3 and the Design Standards included as Appendix A of this Ordinance shall be used as the basis for reviewing off-site storm water management proposals.

ARTICLE V MAINTENANCE, INSPECTION & ACCESS

Section 5.1 Applicability

All temporary storm water management facilities shall be maintained and inspected during the life of the facility to provide adequate protection against adverse impacts from storm water runoff. Permanently installed storm water management facilities shall be routinely inspected and maintained by the property owner or designated qualified party to ensure the continued and proper operation of the facility for the protection of downstream properties.

Section 5.2 Maintenance Requirements

Where maintenance is required, it shall be performed in accordance with the following general provisions, as well as any specific conditions that may be included with the SWM Permit.

1. All storm water management facilities and measures shall be maintained in accordance with permit conditions.

2. The person(s) or organization(s) responsible for maintenance shall be designated in the storm water management plan or the permit application submitted to the Agent. Options may include:

   a. The owner(s) of the property.

b. Property owners association or other designated qualified party as determined by the Agent, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.

3. Maintenance agreements may be required by the Agent when the average annual cost of maintenance is reasonably expected to exceed $500 per year and shall be required for all site condominium and subdivision plat proposals. When required, maintenance agreements shall specify responsibilities for financing maintenance and emergency repairs, including but not limited to the procedures specified in Sections 5.3 and 5.4 and Article VI of this Ordinance.

4. The Agent is not required to accept the applicant's desired responsible party for maintenance purposes in a given situation. Natural features, proximity of site to lakes, streams and regulated wetlands, extent of impervious surfaces, size of the site and potential need for ongoing maintenance activities will be considered when making this decision, as well as the overall complexity of the storm water management facilities. Where deemed necessary by the Agent, third party maintenance may be required for the adequate protection of sensitive sites, or complex storm water management facilities.

Section 5.3 Inspections

1. The Agent, or his/her authorized agent, shall have the right to conduct on-site inspections of the storm water management facilities to verify compliance with the requirements of this Ordinance, including that maintenance is being performed as required by this Ordinance. Any such inspections may take place before, during, and after any earth change activity has occurred for which a permit has been issued. The Agent or his/her authorized agent shall exercise this right to inspection by written consent of the person having the right to possession of the property, or by administrative search warrant issued by a court of competent jurisdiction. Submission of an application for a permit under this Ordinance shall be deemed as providing written consent for the Agent to conduct on-site inspections of the storm water management facilities.

2. If upon inspection, existing site conditions are found not to be as stated in the permit or approved storm water management plan, the permit may be revoked. No earth disrupting work shall be undertaken or continued, except preventative storm water measures as authorized by the Agent, until revised plans have been submitted and a valid permit issued.

3. Requests for revisions must be submitted to and approved by the Agent in writing before being effective unless approved by the Agent on site. If a change is approved on site, the following shall occur:

   a. The Agent shall provide written verification of a change and/or revision.

   b. The permit holder shall provide updated drawings, calculations, etc. to reflect the changes and/or revisions.

Section 5.4 Storm Water Management Easements

1. If any portion of the storm water management facilities will be located on property other than the property on which the storm water will originate, then the owner of the property on which the storm water will originate shall obtain a storm water management easement from the owner of the property on which all or a portion of the storm water management facilities will be located. The

storm water management easement shall define the scope of the easement to include at a minimum the legal right of the owner of the property on which the storm water will originate to access the property on which the storm water management facilities will be located for the purpose of installing, inspecting, and maintaining the storm water management facilities; shall run in perpetuity with the land benefitted by the easement, or until the storm water management facilities are removed, whichever is sooner; and shall be recorded in the office of the Charlevoix County Register of Deeds.

2. A recorded copy of the storm water management easement shall be filed with the Agent prior to the issuance of a SWM Permit.

3. The recorded storm water management easement shall not be revoked, terminated, reconveyed, or amended without the prior written authorization of the Agent. Any such extinguished or revised storm water management easement shall be recorded in the office of the Charlevoix County Register of Deeds, and a recorded copy shall be filed with the Agent.

ARTICLE VI COMPLIANCE ASSURANCE

Section 6.1 Performance Guarantees

1. Applicants proposing subdivision plats, site condominiums, road construction projects, or other developments identified by the Agent with a high potential for storm water management problems may be required to post a cash escrow, letter of credit, or other acceptable form of performance security in an amount sufficient to assure the installation and completion of the storm water management plan.

2. Letters of credit shall extend for a minimum of one (1) year with the option of renewal. Money held in escrow, cash deposits, and/or certified checks will be returned to the applicant when the site is completely stabilized to meet requirements set forth by the Agent, and as-built plans of the site, sealed by a State of Michigan Licensed Professional Engineer, are submitted to the Agent.

Section 6.2 Construction Certification by a Registered Professional

1. For any sites that require a professionally prepared site plan in accordance with Section 3.4, a certification letter shall be submitted after any storm water management facilities have been installed to affirm that construction has been completed in accordance with the approved storm water management plan. Unless this Ordinance requires certification by a State of Michigan Licensed Civil Engineer as provided later in this section, the certification letter can be prepared by one of the following registered professionals: State of Michigan Licensed Civil Engineer, Land Surveyor, Architect, and/or Landscape Architect.

2. If there are changes during the course of construction, the Agent may require final "as-built" drawings for final approval of the site work.

3. "Changes during construction", as used in this Section, includes, but is not limited to: unanticipated soil conditions, elevation, acts of God, or other changes in circumstances not anticipated during the initial application process.

4. Sites Where Certification by a State of Michigan Licensed Civil Engineer is Mandatory

a. Certain activities listed under the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended).

   i. Part 23, Pretreatment
   ii. Part 31, Floodplain
   iii. Part 41, Sewage Systems
   iv. Part 111, Solid Waste
   v. Part 115, Hazardous Waste
   vi. Part 307, Inland Lake Levels
   vii. Part 309, Inland Lake Improvements
   viii. Part 315, Dams

b. Certain activities listed under the U.S. Environmental Protection Agency, Title 40 of the Code of Federal Regulations.

   i. Part 112, Spill Prevention, Control and Counter Measures
   ii. Part 122, Storm Water Pollution Prevention Plan (SWPS)

Section 6.3 Letter of Compliance

Upon receipt and approval of the certification letter, the Agent shall issue a letter of compliance to the property owner.

ARTICLE VII STOP WORK ORDERS & ENFORCEMENT ACTION

Section 7.1 Stop Work Orders

1. If necessary to assure compliance with the permit requirements, standards, and other provisions of this Ordinance or to protect public health, safety and/or welfare, the Agent may issue a stop work order for the purpose of preventing uncontrolled storm water, or other conditions posing imminent and substantial danger to public health, safety, welfare or natural resources.

2. The stop work order, when issued, shall require all specified storm water activities to be stopped. A copy of the stop work order shall immediately be submitted to other state and local agencies with regulatory jurisdiction. Said order shall describe the specific alleged violation and the steps deemed necessary to bring the project back into compliance.

3. If the Agent determines that storm water violations have or will reasonably occur from a parcel of land in violation of this Ordinance, it may seek to enforce the Ordinance by notifying the person who owns the land by mail, with return receipt requested, of its determination. The notice shall contain a description of specific storm water measures which, if implemented by the property owner, would bring the property owner into compliance.

Section 7.2 Enforcement

1. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred and 00/100 Dollars ($500.00). In addition, any person found responsible for a municipal civil infraction may be subject to an enforcement order issued by the District Court Judge requiring remedial action to bring the property into compliance with this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.

2. The Agent and any other person designated by the legislative body of the local unit of government are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

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

4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Agent may initiate proceedings in the Circuit Court on behalf of the local unit of government, to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7.3 Emergency Action

1. Where necessary to protect public safety or water resources, including lakes, streams, regulated wetlands, and other receiving bodies of water, the Agent, through a Circuit Court abatement proceeding, may seek a temporary restraining order or preliminary injunction from the court authorizing entry onto private property for the purpose of initiating emergency action to abate imminent and substantial danger and risk.

2. Except as otherwise provided through maintenance agreements, the property owner shall reimburse the local unit of government and/or Charlevoix County for all expenses incurred as a result of the emergency action, including but not limited to reasonable attorneys fees, administrative costs, and the costs of any remedial action taken to abate the emergency condition.

ARTICLE VIII APPEALS

Section 8.1 Creation of Appeals Board

An Appeals Board is hereby created which shall consist of 5 members. The membership and organizational structure of the Appeals Board shall be determined pursuant to an intergovernmental agreement among the local units of government within Charlevoix County that have enacted this Ordinance. When discharging its duties under this Ordinance, the Appeals Board shall comply with all requirements of the Open Meetings Act, being Act 267 of the Public Acts of 1976, as amended. The Appeals Board Clerk shall be responsible for providing all required notices for Appeals Board hearings and for taking the minutes of the Appeals Board hearings.

Section 8.2 Right of Appeal

Any person aggrieved by the action or inaction of the Agent related to this Ordinance may appeal to the Appeals Board. Such appeal shall be made in writing and shall be filed with the Appeals Board Clerk within thirty (30) calendar days of the decision that is being appealed. Any appeal that is not filed in a timely manner shall be dismissed by the Appeals Board. The written appeal shall state the order, requirement, decision, or determination that is being appealed, the sections of this Ordinance that relate to the appeal, and those facts relevant to the appeal, which support the basis for the appellant's claim.

Section 8.3 Appeals Process

Upon receipt of an appeal, the Appeals Board Clerk shall direct the Agent to transmit to the Appeals Board a summary report of all previous action taken on the subject of the appeal, a copy of any permits issued, and the appellant's written statement. The Appeals Board will then adhere to the following general process:

1. Within fifteen (15) calendar days of receiving a completed application, the Appeals Board Clerk shall schedule a hearing date before the Appeals Board. The Appeals Board Clerk shall send a written notice specifying the time, date, and place of the Appeals Board hearing to the appellant and to all land owners within three hundred (300) feet of the subject parcel and shall publish a copy of the hearing notice in a newspaper of general circulation within the local unit of government where the subject property is located. The notice shall be mailed and published no less than fifteen (15) days before the scheduled hearing. The Appeals Board shall hold the hearing within sixty (60) calendar days from receipt of a completed application.

2. The appellant shall deposit with the Appeals Board Clerk when the appeal is filed the required fee, as specified in the fee schedule adopted under Section 3.10.1 of this Ordinance. The fee shall be used to cover the cost of handling said appeal including compensation for Appeals Board members and associated administrative costs.

3. If the Appeals Board Clerk determines that the basic fee will not cover the actual costs of the appeal, then the appellant shall deposit with the Appeals Board Clerk such additional fees in an amount determined to be equal to the estimated additional costs, including costs which may be incurred by the Agent. The additional fees shall be held in escrow in the appellant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and the appeal is not completed, the Appeals Board Clerk may require the appellant to deposit additional fees into escrow in an amount determined to be equal to the estimated costs to complete the appeal. Failure of the appellant to make any required deposits shall be deemed to make the appeal incomplete thereby justifying denial of the appeal. Any unexpended funds held in escrow shall be returned to the appellant following final action on the appeal. Any actual costs incurred in excess of the amount held in escrow shall be billed to the appellant and shall be paid by the applicant prior to the release of a final decision on the appeal.

4. The Appeals Board may affirm or reverse, wholly or in part, a decision of the Agent. In deciding an appeal, the Appeals Board shall determine:

    a. Whether the Agent properly interpreted and applied this Ordinance in making the decision.

b. Whether the specific situation has circumstances that warrant a variance from the standards of this Ordinance. Where the Appeals Board has determined that a variance from the standards of this Ordinance may be warranted, the Board may grant the appellant a variance from any design standard, setback, or other provision contained within this Ordinance, provided that such variance complies with the following general standards:

i. The variance will not adversely impact adjacent property owners or downstream properties in any material way.

ii. The variance is necessary to grant the appellant substantial relief from a hardship that would otherwise be imposed by strict enforcement of this Ordinance.

iii. The variance granted is the minimum deviation from the requirements of this Ordinance necessary to do substantial justice to the appellant. The Appeals Board may include such conditions or limitations on any variance issued to ensure that granting the relief requested will not substantially prevent, nor result in less, effective management of storm water runoff.

iv. Granting of the variance would not knowingly be in conflict with other regulatory requirements.

v. The need for the variance is due to circumstances that are unique to the property in question and not due to any act or omission of the property owner, a prior property owner, or a past or present occupant of the property.

5. The decisions of the Appeals Board shall in all instances be final administrative decisions, shall be in writing, and shall include specific findings of fact by the Board, and further, shall be subject to such judicial review as by law may be provided.

ARTICLE IX SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

ARTICLE X EFFECTIVE DATE

For the Townships:

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

For the Village of Boyne Falls:

This Ordinance shall be effective twenty (20) days after its enactment.

For the Cities:

This Ordinance shall become effective thirty (30) days after its enactment.

ARTICLE XI REVISIONS

The Agent shall review this Ordinance at least biannually, and make recommendations for amendments if needed. The recommendations of the Agent shall be transmitted to the legislative body of each local unit of government within the County and the Charlevoix County Board of Commissioners.

APPENDIX A

Charlevoix County Storm Water Ordinance Design Standards

Temporary Storm Water Management Standards

1. Temporary storm water management facilities shall be installed by the applicant and inspected by the Agent before grading, filling or grubbing is initiated.

2. Where permanent storm water management facilities, such as detention or retention basins are proposed for use during construction as a temporary storm water management measure, the construction sequence and grading plan shall be designed for the proper and effective implementation of these facilities.

3. Temporary storm water management measures shall be maintained throughout the duration of the earth change, including the later stages of development. Maintenance activities may include, but are not limited to removal of accumulated sediment, structural repairs, and reseeding or replacement of temporary vegetative covers.

4. Temporary storm water management facilities shall be designed in accordance with the Michigan Department of Environmental Quality (MDEQ) Best Management Practices (BMP) Guide Book for Michigan Watersheds.

5. At a minimum, during construction all regulated earth changes shall be required to provide temporary storm water management that either contains the volume of runoff generated from a 10-year, 24-hour design storm on-site for all disturbed area, or to provide silt fencing or other permeable barriers that will manage the flow of storm water discharging off-site, diffusing it and releasing it at reduced velocities, where such discharge will not adversely impact downstream properties.

Permanent Storm Water Management Standards – General

1. Storm Water Management Plan Preparation

   a. Various proposed types of land uses will require plans to be prepared by one or more of the following licensed professionals: State of Michigan Licensed Civil Engineer, Land Surveyor, Architect and/or Landscape Architect or other County certified individuals.

   b. If the site plan is of a large and complex nature, the Agent may require that it is prepared by one or more of the above listed professionals.

   c. If the site plan is of a large or complex nature, the Agent may request that the submitted site plan be reviewed by one or more of the above listed professionals contracted by the Agent. The costs incurred for such review(s) shall be the responsibility of the applicant. The applicant shall deposit with the Agent such fees in an amount determined by the Agent equal to the estimated costs. The fees shall be held in escrow in the applicant's name and shall be used solely to pay these costs. If the amount held in escrow becomes

less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application is not completed, then the Agent may require the applicant to deposit additional fees into escrow in an amount determined by the Agent to be equal to the estimated costs to complete the review. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete, thereby justifying denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application. Any actual costs incurred in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the release of a final decision on the application.

d. If the applicant disputes the Agent's need for outside professional assistance in the review of the submitted plans, or the professional(s) selected, the applicant has the right to appeal the Agent's decision to the Appeals Board, who shall be responsible for making the final decision.

2. On-site storm water management facilities which minimize adverse impact to downstream properties shall be required for all sites unless a proposal for off-site storm water management has been approved. Storm water management facilities may include, but are not limited to: retention basins/ponds, detention basins/ponds, wet basins, storm water treatment units, controlled outfall structures, and rain gardens or other bio-filtration systems.

3. The Michigan Department of Environmental Quality "Urban Stormwater Best Management Practices Manual" will be used as a reference as well as the following manuals: "Controlling Urban Runoff" by the Metropolitan Washington Council of Governments; "Designing Stormwater Quality Management Practices" by the University of Wisconsin, Madison; and the "Design of Stormwater Filtering Systems" by the Center for Watershed Protection.

4. Retention and detention basins shall have an emergency overflow system. The overflow system shall be designed to accommodate flow from a 100-year storm event, or as otherwise required by the appropriate State of Michigan agency.

5. If the storm water facilities for a 50-year storm cannot discharge to a stream, lake or wetland without causing scouring, flooding or pollution on site or downstream, then the basin shall be designed to hold or infiltrate storm water from a 100-year, 24-hour frequency storm event.

6. Sites less than one (1) acre located in areas serviced with a municipal storm system and that have the approval of the municipal system owner may discharge storm water to that system after it has been treated with an approved separator system that removes sixty percent (60%) of sediments.

7. The rainfall amounts for Charlevoix County shall be the numbers given by the Natural Resources Conservation Service for a 24-hour duration and are as follows: 1-year storm equals 1.8 inches; 2-year storm equals 2.2 inches; 5-year storm equals 2.7 inches; 10-year storm equals 3.0 inches; 25-year storm equals 3.5 inches; 50-year storm equals 3.9 inches; 100-year storm equals 4.2 inches.

8. The maximum grade for the side slopes of any storm water retention or detention basin shall be no greater than 3:1 (horizontal to vertical) for vegetated basins. Where, due to site limitations, this maximum side slope grade cannot be met, the Agent may grant an increase in the slope, provided additional stabilization (beyond seed and mulch) is proposed.

9. Storm water basins with permanent pools of water of three (3) foot depth or greater with side slopes steeper than one (1) on six (6) shall have one or more of the following safety features:

    a. Safety ledges at the basin perimeter which are at least ten (10) feet wide

    b. Aquatic vegetation surrounding the basin which discourages wading

    c. Fencing to prevent unauthorized access to the basin.

10. Storm water detention basins shall not be constructed in regulated wetlands unless approved by the appropriate State of Michigan agency and/or the Army Corps of Engineers.

11. Storm water detention basins which impound five (5) acres or more and have a head of six (6) feet or more shall meet dam construction permit requirements in Part 315 of Act 451 of 1994, as amended, administered by the Michigan Department of Environmental Quality.

12. Whenever possible, a created wetland or other bio-filtration area shall be incorporated into storm water management facilities to assist removal of soluble pollutants that cannot be removed by conventional settling. Sediment carried off by runoff shall be required to settle out prior to discharge into the created wetland or other bio-filtration area.

13. Storm water management basins designed for retention, detention or infiltration shall be isolated from septic systems and water wells by fifty (50) feet or more. Variations in the required setback may be granted by the Health Department of Northwest Michigan prior to the issuance of a Charlevoix County Storm Water Management Permit.

14. New fueling stations will be required to install an approved separator system for sites that discharge storm water off-site. Existing fueling stations that are modifying more than twenty five percent (25%) of their existing impervious surfaces will be required to install an approved separator system if they discharge storm water off-site.

Retention Basin Design

1. Small projects in areas that have less than one-half (0.5) acre of impervious surface shall be allowed to have runoff retention stored at two inches (2") of runoff from all impervious surface areas in lieu of detailed hydrologic calculations.

2. At a minimum, retention basins created in soils with permeability greater than 1.3 inch per hour shall have the storage capacity to hold the increase in runoff volume generated by the earth change.

    a. The required volume shall be calculated by comparing the undeveloped conditions for a 2-year, 24-hour frequency storm event to the developed condition for a 25-year, 24-hour frequency storm event. Soil permeability rates are listed in the following table:

Soil Texture & Structure	Permeability (Inches/Hour)
Coarse Sand and Medium Sand	6 or more
Fine Sand and Loamy Sand	3 – 6
Sandy Loam	2 – 3
Loam, Sandy Clay Loam	1.3 – 2
Clay Loam, Silt Loam, Clays, Silts, Muck, Peat, Marl	Less than 1.3

b. The retention basin shall be designed to drain within seventy two (72) hours.

3. At a minimum, retention basins, which are created in soils with permeability less than 1.3 inch per hour, shall be designed to store runoff from back-to-back 50-year, 24-hour rainfall events.

Detention Basin Design Standards

1. When using the Natural Resource Conservation Service Method, the volume of a detention pond is to be calculated based upon a 50-year, 24-hour storm with the developed site conditions and with an allowable outflow of a 10-year, 24-hour storm based upon the pre-existing site conditions or 10% of the flow rate calculated by the 50-year developed site conditions analysis. [The TR-55 program does not accept lower values than ten percent (10%) of the developed rate.]

2. The allowable peak discharge rate from a permanent storm water management measure may be a staged rate. The maximum allowable peak discharge rate shall not exceed the peak discharge rate from the project site prior to the proposed development for all of the following 24-hour storm events: 2-year, 5-year, 10-year, 25-year, and 50-year. In no event shall the discharge exceed the ability of the downstream condition to convey the flow without damage to abutting properties.

3. All sites with greater than one (1) acre of impervious surface will require the detention outflow to be directed to approved storm systems or have the approval of adjacent property owners, with documented easements, or one can release at a 2-year before construction rate if it can be determined that there is not a flooding hazard on the adjacent property. Low porosity in the soils in the area of discharge and depressions in the land would be examples of reasons to deny detention out-flowing at a 2-year rate. Sites that have three (3) acres or more of parking area must in addition have an approved separator system to remove impurities before discharging to the detention/retention pond or install an approved treatment forebay.

Storm Water Separator Design Standards

1. Approved separators are to remove a minimum of sixty percent (60%) of sediments.

2. Treatment forebay criteria – The treatment forebay is designed to store the "first flush" of pollutants typically found in urban storm water runoff, and to capture initial flush pollutant loads.

   a. The treatment forebay shall be a wet basin or approved structure with an impermeable bottom and sides to the design high water level.

   b. Sizing – The treatment forebay shall be sized to store the water quality volume (V^{wq}) defined as one-half (0.5) inch of runoff from the directly connected impervious area. This volume can be included in the overall flood control volume.

   c. The minimum required water quality volume is given by the equation:

      $V^{wq} = 1815\ A\ I$

      Where: V^{wq} = Water quality volume (cft)

      1815 = 0.5 inch of runoff x 3,630 to convert ac-in to cft

      A = Contributing drainage area (ac)

      I = Percent impervious expressed as a ration

   d. Capacity for the water quality volume shall be provided above the normal water level.

   e. The overflow structure from the treatment forebay shall be sized for the peak inflow from the design rainfall event.

   f. The top-of-berm elevation between the treatment forebay and the infiltration basin shall be a minimum of one (1) foot below the outer berm elevation.

   g. The treatment forebay shall have a minimum 1-foot-deep sump below the inlet pipe for sediment accumulation.

   h. The outlet structure from the treatment forebay shall be designed to draw water from the central portion of the water column with the forebay to trap floatables and contain sediments. The top of the inlet structure shall be located a minimum of one (1) foot below the normal water level, and the invert shall be a minimum of one and one-half (1.5) feet above the bottom of the treatment forebay.

   i. Material – Treatment forebays shall be lined with impermeable materials extending up to the design high water elevation. A minimum 18-inch-thick clay layer, or an impermeable liner protected with a minimum of twelve (12) inches of soil cover are acceptable alternatives. Maximum allowable permeability shall be 0.0001417 inch/hour as determined by a geotechnical engineer for clay placement, or manufacturer's certificate for line products.

Underground Storm Water Management Facilities

1. If the use of storm water retention or detention basins, either on-site or off-site is not feasible and the permeability of the soils is greater than 1.3 inch per hour, the installation of underground drainage systems (catch basins / manholes with open bottoms with stone and/or run(s) of perforated piping) may be allowed if they provide for detention or retention volumes as stated in these Charlevoix County Storm Water Ordinance guidelines. The perforated piping and dry basin structure(s) cannot be considered to provide for any outflow when calculating volumes for the detention system design. All underground drainage systems must provide the following:

    a. Catch basins or separator systems, sediment basins, silt traps for storm water flowing to the underground drainage system

    b. An approved overflow system

    c. Adequate provisions for maintenance

2. The required detention volume may be reduced by the Agent by an amount not to exceed fifty percent (50%) if rain gardens are implemented and demonstrate the ability to accommodate an equivalent amount of storm water.

CITY OF BOYNE CITY

To: Michael Cain, City Manager

From: Scott McPherson, Planning Director

Date: August 28, 2012

Subject: Lot Reconfiguration Ordinance First Reading

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

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

Process
The proposed amendment is being presented to the City Commission at its August 28th, 2012 meeting for a first reading. As required by the Boyne City Charter, ordinance amendments cannot be adopted until at least one month after the meeting it is introduced. The next available City Commission meeting that meets this requirement would be October 9th 2012.

Recommendation
Schedule proposed amendments to Article 58 Land Division Ordinances Articles II and IV for a second reading on October 9th 2012. .

Options

1. Schedule 2nd Reading for proposed amendment.
2. Refer proposed amendment back to staff for further review or changes.
3. Determine that the ordinance should not be changed.
4. Other action as the Commission deems appropriate.

SArticle IV-Lot Configurations or Adjustments

Sec 58-120 - Purpose.

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

(Ord. of 9-11-2001, § 2)

Sec. 58-121. - Definitions.

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

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

(1)

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

(2)

The lot or parcel is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the department of public works and city police department, the state department of transportation or the county road commission under Public Act No. 200 of 1969

(MCL 247.321 et seq.), or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable local standards.

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

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

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

(1)

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

(2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. of 9-11-2001, § 3)

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

(a)

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

(b)

The owner of a lot, parcel, or tract of land claiming an exempt split as defined in section 58-121 shall submit to the city zoning administrator either a survey map of the land claimed to be an exempt split prepared pursuant to the survey map requirements of Public Act No. 132 of 1970 (MCL 54.211 et seq.), certified by a land surveyor licensed by the state, or other clear evidence documenting that the proposed exempt split of a parcel or tract of land will not result in one or more parcels of less than 40 acres or the equivalent. In addition, the owner of a lot, parcel, or tract of land claiming an exempt split shall submit to the city zoning administrator a permit or other documentation from the department of public works and the city police department, the state department of transportation or the county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) documenting that each new lot, parcel, or tract of land resulting from the proposed exempt split has or can have a driveway or easement that provides vehicular access to an existing road or street and meets all applicable location standards of the department of public works and the city police department, the state department of transportation or the county road commission under Act 200 of the Public Acts of 1969, as amended. If the city zoning administrator finds that the proposed division is an exempt split and that each new lot, parcel, or tract of land that will result from the division is accessible, then no further action under this article shall be required. If the city zoning administrator finds that the proposed division is either not an exempt split or that each new lot, parcel, or tract of land that will result from the division is not accessible, then he shall give the owner written reasons for his decision, In that event the owner shall be required to proceed under section 58-123 to obtain approval of the proposed division. If the owner disagrees with the city zoning administrator's decision, the owner can submit revised information to the city zoning administrator or appeal the city zoning administrator's decision to the zoning board of appeals pursuant to section 58-126.

(Ord. of 9-11-2001, § 4)

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

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

(1)

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

a.

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

b.

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

c.

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

d.

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

the distances between these buildings and structures and the original property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer and shall depict the distances between these buildings and structures and the property lines of the lots, parcels, or tracts of land that will result from the division or property transfer;

e.

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

f.

A duly executed instrument of conveyance (deed, land contract, lease, etc.) suitable in form for recording at the county register of deeds office which the applicant intends to use to document the lots, parcels, or tracts of land that will result from the division or property transfer. If the grantor intends to convey the right to future divisions of the parcel being conveyed, the deed or land contract shall contain the following statement as required by the Land Division Act, as amended: "The grantor grants to the grantee the right to make (insert number) division(s) under section 108 of the Land Division Act (MCL 560.108)." Finally, all deeds and land contracts of unplatted land shall contain the following statement as required by the Land Division Act: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act";

g.

If the lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then the applicant shall submit evidence establishing adequate easements for public utilities and utility maintenance from each such resulting lot, parcel, or tract of land to existing public utility facilities. In addition, the applicant shall submit a permit or other documentation from the department of public works and the city police department, the state department of transportation or the

county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) that each such resulting lot, parcel, or tract of land has or can have a driveway or easement that provides vehicular access to an existing road and street, and meets all applicable location standards of the department of public works and the city police department, the state department of transportation or the county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.);

h.

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

i.

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

j.

A certification from the city treasurer that no delinquent real property taxes or special assessment payments exist for the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, and that no municipal liens exist on the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, that are currently due and payable; and

k.

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

(2)

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

(3)

After receiving the information required in subsection (1) of this section, the zoning administrator ~~shall, refer the application to the next regular meeting of the city planning commission for review and recommendation. The planning commission~~ shall review the application according to the standards in section 58-124. ~~Upon~~

~~review and recommendation, the application shall be forwarded to the city commission. Final approval or disapproval shall be determined by the city commission, following a hearing to consider the application.~~ An approval or disapproval shall be based on the criteria in section 58-124.

(4)

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

(5)

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

(Ord. of 9-11-2001, § 5)

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

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

(1)

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

(2)

The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the city zoning ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have existing buildings or structures. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance; provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel;

(3)

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

(4)

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

(5)

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

(6)

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

(7)

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

(8)

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

(9)

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

(10)

The property lines of the lots, parcels, or tracts of land that will result from the division or property transfer shall be consistent and

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

(11)

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

(Ord. of 9-11-2001, § 6)

Sec. 58-125. - Land configuration variances.

(a)

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

(b)

If a lot, parcel, or tract of land that will result from a division does not meet the depth to width requirements of section 58-124(4), then the applicant may seek a variance from those requirements from the zoning board of appeals pursuant to the procedures of this section.

(c)

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

(1)

Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical

conditions that do not generally apply to other lots, parcels, or tracts of land in the city; and

(2)

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

(d)

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

(1)

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

(2)

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

(e)

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

(f)

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

(Ord. of 9-11-2001, § 7)

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

Any person aggrieved by a decision of the city zoning administrator, ~~or the planning commission or the city commission~~ may appeal that decision to the zoning board of appeals following the procedures of the city zoning ordinance, as amended, for appeals to the zoning board of appeals. Any such appeal shall be filed within 30 days from the date of approval of the minutes from that meeting. During the appeal, the zoning board of appeals shall conduct a de novo hearing of the matter and to that end shall have all the powers of the zoning administrator~~, or the planning commission or the city commission.~~ In rendering its decision, the zoning board of appeals shall receive and consider evidence and data relevant to

the case and shall issue its decision in writing within 30 days after receiving all evidence and data in the case. The decision of the zoning board of appeals shall then be sent promptly to the person who filed the appeal and to the city zoning administrator.~~, the planning commission or the city commission.~~

(Ord. of 9-11-2001, § 8)

Sec. 58-127. - Violations and penalties.

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

(Ord. of 9-11-2001, § 9)

Sec. 58-128. - Enforcement officer.

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

(Ord. of 9-11-2001, § 10)

Sec. 58-129. - Nuisance per se.

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

(Ord. of 9-11-2001, § 11)

Sec. 58-130. - Separate court action.

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

(Ord. of 9-11-2001, § 12)

City of Boyne City

Agenda Item 9C

MEMO

Date: August 24, 2012

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager MC

Subject: Property and Liability Insurance Coverage Renewal

In 2005 the City switched our property and liability insurance coverages from the Michigan Municipal Leagues' Liability and Property pool, after quite a long time with them, to the Michigan Township Participating Plan, which is represented by Paul Olson. At that time our annual premium went from $105,259 to $82,273. Since then the rates have been: $85,065, $88,789, $88,454, $76,572, $58,414, $55,632 for our current coverage year which ends on September 30th. Assuming the League's rates had stayed fairly constant (there was usually an annual increase) through this year we have a saved about $201,614 by switching insurance providers, and ended up with equivalent, if not better coverages.

Two years ago we obtained four quotes for our liability insurance. We do this every few years to make sure we are getting fair pricing and services. At that time the City Commission chose to remain with our current provider, the Michigan Township Participating Plan (MTPP), over a lower cost provider, Cadillac Insurance/Trident, that we did not have any experience with.

Attached is a letter and quotation from the MTPP for the coming year and their summary of coverages. As you will note in the letter the price for the coming year has increased by $2,980 to an estimated $58,612. I say estimated because this price will go up or down slightly as we add or subtract equipment or property. It would do this with pretty much any carrier. The proposed cost now is about 56% of the $105,259 we paid to the Michigan Municipal League's program in 2004-2005, the last year we were with them.

We have been very happy with all the services provided by the MTPP since I first recommended we first switch to them in 2005. They continue to provide outstanding service and coverage.

RECOMMENDATION: That the City Commission authorize the City Manager and City Clerk to take the steps necessary to renew the City's Liability insurance through the Michigan Township Participating Plan for 2012-2013 for an estimated price of $58,612.

Options:

A. Postpone for further review (decision must be made prior to October 1 renewal date).

B. Postpone to seek other quotations.

C. Other options as determined by the City Commission

MUM
MUNICIPAL UNDERWRITERS OF MICHIGAN
935 ROBINHOOD LANE ~ GRAYLING, MI 49738
Phone 888-883-6391 ~ Fax 989-348-4546
E-Mail polson@i2k.com

August 23, 2012

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

Dear Mike:

Enclosed you will find Summary of Coverage's and an Invoice for the City of Boyne City's 2012-2013 insurance years. The Renewal date for your policy is 10/01/2012.

Presently, the structure of the Par Plan is better than ever, consisting of US Specialty Insurance Company. US Specialty Insurance Company's operating strategy is based on prudent capital management, and specializes in insuring specialty market business like the Michigan Township Participating Plan's program. The A.M. Best Company, which is the leading provider of insurance ratings, rated US Specialty with an "A+" for excellent financial strength.

The quoted premium is **$58,612.00. This is a 4% rate increase from last years premium of $55,632.00. A $900.00 increase is due to the MCCA charge of $30.00 on each owned auto. This charge is not applicable to fire and ambulance vehicles. I also have increased property values 5%.**

If you have any questions regarding your insurance coverage's, please do not hesitate to contact me at 888-883-6391. Your continued support of the Michigan Township Participating Plan's insurance program is appreciated. It's been a privilege to have served **the City of Boyne City's** insurance needs for the past 7 years. Thank you for your business.

Sincerely,

Paul W. Olson
Regional Risk Manager
MUM

MICHIGAN

TOWNSHIP

PARTICIPATING

PLAN

SUMMARY OF COVERAGES

FOR

CITY OF BOYNE CITY 2012-2013

Presented By:
PAUL W. OLSON - RISK MANAGER
Municipal Underwriters of Michigan, Inc.

SUPPORT/SERVICE COMPANIES

MARKETING AND SERVICE:
PAUL W. OLSON
Municipal Underwriters of Michigan, Inc
935 Robin Hood Lane
Grayling, MI 49738
1-888-883-6391 Michigan Watts
989-348-4546 Fax

TECHNICAL ADMINISTRATION:
Michigan Township Participating Plan
1700 Opdyke Court
Auburn Hills, Michigan 48326
(248) 371-3100 - LOCAL
(800) 783-1370 - MICHIGAN WATTS
(248) 371-3069 - FAX

RISK CONTROL ADMINISTRATION
Midwest Risk Control
1700 Opdyke Court
Auburn Hills, Michigan 48326
(248) 371-3100 - LOCAL
(800) 783-1370 - MICHIGAN WATTS
(248) 371-3091 - FAX

CLAIMS ADMINISTRATION
Midwest Claims Service
1700 Opdyke Court
Auburn Hills, Michigan 48326
(248) 371-3100 - LOCAL
(800) 783-1370 - MICHIGAN WATTS
(248) 371-3069 - FAX

I. COMPREHENSIVE MUNICIPAL LIABILITY COVERAGE:*

Limit of Liability Per Occurrence	$ 5,000,000
Limit of Liability Per Aggregate	$ No Aggregate
Deductible	$ 0

ADDITIONAL INSUREDS:

1. **Any** member of the governing body of the Named Insured
2. **Any** member of boards or commissions of the Named Insured
3. **Any** elected or appointed official of the Named Insured
4. **Any** employee of the Named Insured – Including **Contracted Assessor**
5. **Any** volunteer

ADDITIONAL INCLUDED COVERAGES:

1. Public Officials **RESIDENCE AND PLACE OF EMPLOYMENT**
2. Premises Medical Payments - $10,000 Limit/includes volunteers
3. Host Liquor Law Liability
4. Special Events Liability - Fireworks Liability by Endorsement
5. Governmental Professional Malpractice Liability
6. Incidental Medical Malpractice Liability
7. Cemetery Professional Liability
8. Broad Form Property Damage Liability-$25,000 per occurrence
9. Employee Benefit Liability
10. Extended Bodily Injury and Property Damage Liability
11. Completed Operations
12. Property Legal Liability - $500,000 Limit
13. Premises and Operations
14. Care, Custody and Control Coverage - $25,000 per occurrence
15. Explosion, Collapse and Underground (exclusions deleted)
16. Vicarious Liability
17. Fellow Member Liability
18. Governmental Tort Immunity Waiver
19. Non-Owned and Hired auto liability coverage
20. Non-Owned and Owned Watercraft Liability-under 26'in length
21. Personal Injury Protection Includes:
    A. FALSE ARREST, DETENTION OR IMPRISONMENT
    B. MALICIOUS PROSECUTION
    C. WRONGFUL ENTRY OR EVICTION OR OTHER INVASION OF THE RIGHT OF PRIVATE OCCUPANCY
    D. LIBEL, SLANDER, ORAL OR WRITTEN PUBLICATION
    E. MENTAL ANGUISH & MENTAL INJURY

PUBLIC OFFICIALS WRONGFUL ACT LIABILITY
(Errors & Omissions)

Limit of Liability Per Occurrence:	$ 5,000,000
Limit of Liability Aggregate:	$ No Aggregate
Deductible:	$ 0

The following are areas of exposure to public officials and employees, which most generally are covered by a legal liability policy:

1. A decision or opinion of the municipal board
2. A decision or opinion of the fire & ambulance department
3. A decision or opinion of the zoning or planning board and zoning board of appeals
4. Regulatory Taking of Private Property" sustained by any one person or organization is One Hundred Thousand Dollars and No Cents ($100,000). "Regulatory Taking of Private Property", means the enactment or enforcement of any regulation or ordinance, which unconstitutionally and temporarily restricts the use of private property.
5. Decisions or opinions of Building, Electrical, Plumbing Inspectors and Contracted Assessors
6. Alleged negligence or incompetence on the part of any public official or employee including the failure to carry out duties.
7. Accusations regarding mismanagement of municipal owned assets
8. Inadequate supervision of voter registration & elections
9. Improper hiring or firing of employees
10. Failure to check auditing & accounting practices
11. Violation of Civil Rights: Civil Rights are defined as "means the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, including discrimination based upon religion, race, color, national origin, age, gender (including sexual harassment, unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct or communication of a sexual nature), height, weight, disability, or marital status"
12. Back Wages- $25,000 per person

Note: Failure of assured to provide or maintain valid insurance policies is not a covered exposure.

II. FLEET LIABILITY COVERAGE:	**LIMITS**
A. Bodily Injury & Property Damage [CSL]	$ 5,000,000
B. Personal Injury Protection	Statutory
C. Personal Property Insurance	$ 5,000,000
D. Uninsured Motorists	$ 100,000
E. Non-owned & Hired Auto Liability	$ 5,000,000
F. Mini-Tort Liability	$ 500
G. Underinsured Motorists	$ 100,000

III. FLEET PROPERTY COVERAGE:

Property limit $ 3,069,364.00 45 Vehicles

A. Comprehensive	$ 250 ACV Deductible, Actual Cash Value
B. Collision	$ 250 Deductible, ACV, Broadened

IV. INLAND MARINE COVERAGE:

Providing **ALL RISK, REPLACEMENT COST COVERAGE** for property and equipment while on or off the premises. **NO CO-INSURANCE**

Property limit $892,650.00
Deductible $1,000

SEE ATTACHED SCHEDULE

Kenrick Application Processing System 8/23/2012 9:11:09 AM Contact Us | Log Out

KENRICK CORPORATION

General | Liabilities | Fairs | Expsr List | Property | Inland Marine | E.D.P. | Other | Add. Insured | Info

Auto Coverage | Catastrophic Coverage | GK/Imp Veh | Auto Certs | Change List Back To App List

Application: T000020025613

CITY OF BOYNE CITY

Auto #	New Cost	Comp. Ded.	Coll. Ded.	Year	Description	VIN #	Type
1	$ 10,000	$ 250	$ 250	1917	LAFRANCE FIRE TRUCK	5132	10
2	$ 50,000	$ 250	$ 250	1988	FORD UTILITY EQUIP VAN FIRE	8116	5
3	$ 160,000	$ 250	$ 250	1991	KODIAK DISEAL TANKER	7734	5
5	$ 325,000	$ 250	$ 250	1993	GMC PUMPER/TANKER	1112	5
6	$ 750,000	$ 250	$ 250	2004	SPARTAN AIREAL LADDER TRUCK	1133	5
7	$ 325,000	$ 250	$ 250	1998	INTERNATIONAL PUMPER/TANKER	5135	5
8	$ 70,000	$ 250	$ 250	2001	FORD JAWS/RESCUE	5074	5
9	$ 140,000	$ 250	$ 250	2002	OSAGE AMBULANCE	9716	4
11	$ 140,000	$ 250	$ 250	1996	CHEVY AMBULANCE	3956	4
12	$ 5,000	$ 250	$ 250	1973	CHEVY BOOM TRUCK	2130	2
13	$ 2,000	$ 250	$ 250	1982	LOW BOY TRAILER	0007	13
14	$ 30,000	$ 250	$ 250	1991	FORD L8000 DUMP TRUCK	9051	7
15	$ 5,000	$ 250	$ 250	1991	FORD F150 PICK UP HOUSING	2249	2
16	$ 5,000	$ 250	$ 250	1992	FORD F-150 PICK UP	2766	2
17	$ 7,000	$ 250	$ 250	1995	FORD RANGER TRUCK	3103	2
19	$ 20,000	$ 250	$ 250	2000	FORD UTILITY TRUCK	5074	2
20	$ 65,000	$ 250	$ 250	2001	STERLING DUMP DPW	3239	7
21	$ 10,000	$ 250	$ 250	1999	FORD F-250 WATER	5396	2
23	$ 21,000	$ 250	$ 250	2002	FORD F-250 PICK UP DPW	5362	2
24	$ 85,000	$ 250	$ 250	2004	INTERNATIONAL 7400 DUMP	8059	7
25	$ 30,000	$ 250	$ 250	2004	FORD EXPEDITION POLICE	4862	11
26	$ 20,000	$ 250	$ 250	1994	CHEVY DUMP	0003	7
27	$ 20,000	$ 250	$ 250	1994	FORD DUMP TRUCK	5432	7
28	$ 5,000	$ 250	$ 250	1993	FORD F-150 PICK UP	0269	2
29	$ 5,000	$ 250	$ 250	1992	GMC PICK UP WASTEWATER	1570	2
30	$ 30,000	$ 250	$ 250	1996	FORD DUMP TRUCK	7304	7
33	$ 10,000	$ 250	$ 250	1995	CHEVY P-30 VAN	1922	2
34	$ 30,000	$ 250	$ 250	1994	FORD L-8000 VACTOR TRUCK	1115	2
35	$ 50,000	$ 250	$ 250	1998	INTERNATIONAL 2000 SEIES	7610	7
36	$ 2,000	$ 250	$ 250	1998	UTILITY TRAILER	1116	13
39	$ 81,675	$ 250	$ 250	2006	INTERNATIONAL 7400 DUMP TRUCK	2033	7
40	$ 140,000	$ 250	$ 250	2001	FORD F-450 AMBULANCE	4391	4
41	$ 21,383	$ 250	$ 250	2006	FORD F-150 PICKUP	8640	2
42	$ 20,134	$ 250	$ 250	2006	FORD F-150 PICK UP	8262	2
43	$ 25,487	$ 250	$ 250	2006	FORD CROWN VIC POLICE	9491	11
44	$ 116,172	$ 100	$ 250	2007	INTERNATIONAL PLOW TRUCK	3928	7
45	$ 45,000	$ 250	$ 250	2008	FORD EXPEDITION ECHO UNIT	5289	4
46	$ 24,703	$ 250	$ 250	2005	FORD CROWN VIC	9944	11
47	$ 4,000	$ 250	$ 250	2006	WELLS CARGO UTILITY TRAILER	7767	13
48	$ 23,500	$ 250	$ 250	2009	FORD F-250 PICK UP 4X4	9758	2
49	$ 1,200	$ 250	$ 250	1996	DODGE DAKOTA	2235	2
50	$ 27,110	$ 250	$ 250	2010	FORD CROWN VICTORIA POLICE	4038	11
51	$ 60,000	$ 250	$ 250	2004	FORD SUPER DUTY FIRE TRUCK	0023	5
52	$ 32,000	$ 250	$ 250	2011	FORD EXPEDITION POLICE	2276	11
53	$ 20,000	$ 250	$ 250	2010	FORD F-150 XL PICK UP	0607	2
Total: $3,069,364							

Vehicle Type & Description:	Total # of Vehicles:	Total New Cost

Kenrick Application Processing System 8/23/2012 9:11:28 AM Contact Us | Log Out

KENRICK CORPORATION | General | Liabilities | Fairs | Expsr List | Property | Auto | [illegible] | E.D.P. | Other | Add. Insured | Info

IM Coverage [illegible] | Change IM List | View Canine List | Change Canine Back To App List

Application: T000020025613 **CITY OF BOYNE CITY**

number	Serial #	Year	Make	Model	Department	Type	AR	Limit	Spec Ded
3	PLAYSCAPE	0			Parks and Recreation	Commercial Articles	RC	$ 100,000	$ 0
2		2000	GENERAC DISEL GENER	130KW	Water and Sewer	Contractors Equipment	RC	$ 26,250	$ 0
4		1998	JCB BACKHOE/LOADER		Dept. of Public Works	Contractors Equipment	RC	$ 65,000	$ 0
8		1995	JCB TRACTOR	210S	Dept. of Public Works	Contractors Equipment	RC	$ 41,000	$ 0
9		2002	JD LOADER	S44G	Dept. of Public Works	Contractors Equipment	RC	$ 70,000	$ 0
7		1986	KABOTA BACKHOE		Dept. of Public Works	Contractors Equipment	RC	$ 27,000	$ 0
10		0	MISC DPW/WATER SEWER		Dept. of Public Works	Contractors Equipment	RC	$ 85,000	$ 0
6		2003	NORTRAX LOADER		Dept. of Public Works	Contractors Equipment	RC	$ 87,400	$ 0
1		1988	SEWER LINE TV SYSTEM		Water and Sewer	Commercial Articles	RC	$ 26,000	$ 0
5		2008	TRACKLESS MT5	SN MT5T-3652	Streets and Roads	Contractors Equipment	RC	$ 130,000	$ 0
							Total:	$657,650	

Schedule Total:	$657,650
Miscellaneous Property & Equipment:	$25,000
Ancillary Equipment:	$210,000
Contractors Equipment Rented From Others:	$0
Aircraft Limit:	$0
Inland Marine Total:	**$892,650**

Session ID: rsclle45q4ey1155qtassx45

© 2005-2012 Kenrick Corporation. All rights reserved.

The following coverage limits, and definitions have been extracted from the special **Fire Department Endorsement** for the clarification and understanding of our client:

1. **REPLACEMENT COST**: The company shall not be liable beyond the actual cash replacement cost of the property at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated on the basis of actual cash retail replacement cost of property similar in kind to that insured

2. **RENTAL REIMBURSEMENT:** The company shall not be liable for more than the actual daily rental expense, not exceeding $500 per day, nor for more than $10,000 in the aggregate for all such reimbursement expenses during any one policy year.

3. **BROAD COLLISION:** It is agreed that in the event of loss or damage to an insured vehicle due to collision with another vehicle, the company will waive the specified deductible. This extension only applies when the insured is deemed not to have been substantially at fault.

4. **FREEZING EXTENSION:** It is agreed that this policy is extended to include coverage for damage to or loss of equipment due to freezing or extremes of temperature unless it is caused by failure to maintain such equipment. Such equipment shall include, but is not limited to pumps, gauges, nozzles, and tanks. Coverage is not provided for damage to or loss of vehicle engine.

5. **RECERTIFICATION EXTENSION:** It is agreed this policy is extended to cover the cost, if any, to recertify pumper apparatus when such recertification is made necessary by a loss covered elsewhere in this policy.

6. **BORROWED, LEASED, RENTED, OR COMMANDEERED FROM OTHERS:** This policy is extended to cover equipment of a nature similar to that scheduled in this policy which has been borrowed, leased, or rented from others during the term of this policy. The company shall not be liable under this endorsement for more than $50,000 (ACV) on any one vehicle, $300,000 Aggregate.

7. **EMERGENCY AUTOMOBILE EQUIPMENT ENDORSEMENT:** Equipment for a covered auto which is a fire truck, ambulance, rescue truck, or similar auto is considered part of the covered automobile if it is:

a. Permanently attached; or
b. Regulatory attached to the covered auto with a bracket or device; or
c. Regulatory carried in a compartment or enclosure which is specifically designed for the equipment; or
d. Obviously required to complete the covered automobile's ability to operate in it's intended use.

8. **PERSONAL EFFECTS OF VOLUNTEER FIREMEN:** This policy is extended to cover personal effects of the active members of the Fire Department while engaged in the activities of the Named Insured. The company shall not be liable for more than $30,000 in any one loss, disaster or casualty involving property of the insured's active members, nor more than $3,000 with respect to personal effects of any one active member.

9. **VOLUNTEER FIREMEN VEHICLES ENDORSEMENT:** This policy is extended to cover physical damage to uninsured owned and non-owned automobiles of the private passenger, van or pickup truck typed operated by a volunteer firefighter, emergency medical technician or first responder that is named on the roster. Coverage not tot exceed $1000 per loss. Any deductible applicable to the physical damage coverage of this policy shall not apply to claims under this endorsement.

10. **FIRE TRUCKS & INLAND MARINE COVERAGE:** IF THE MEMBER SUFFERS A TOTAL LOSS, THE INSURED HAS THE OPTION OF PURCHASING AN ADDITIONAL 25% OF THE INSURED LIMIT EVEN IF ONLY A PORTION IS NECESSARY TO FULLY RE-PLACE THE ITEM. UP TO 50% MORE AVAILABLE FOR EQUIPMENT REGULARLY CARRIED OR ATTACHED TO VEHICLE.

V. PROPERTY [FIRE] COVERAGE:

Total Blanket Building and Contents Limit	$ 16,583,709.00
Deductible	$ 1,000
Per Schedule on File with company	

A. Inflation Guard - 2.5% per quarter

B. Special Municipal Property Endorsement to include:

1. Personal Property off Premises - $100,000
2. Personal effects of Employees - $ 1,000 per person
3. Transportation of Property- $50,000 Limit
4. Underground Pipes, Flues or Drains- $1,000,000
5. Accounts Receivable- $250,000
6. Loss of Rents Coverage - $500,000 per occurrence
7. Extra Expense Coverage - $500,000 per occurrence
8. Newly Acquired and Constructed Property- $1,000,000 180 Days
9. DIC Coverage, Flood $100,000, and Earthquake- $1,000,000
10. Power Surge Coverage - $25,000
11. Glass Coverage-$00 Deductible Glass Breakage
12. Tree Removal - $500 per tree and $1,500 annual aggregate on covered losses
13. Damage to property of others caused by falling limbs and/or trees whereby the limb and/or tree caused damage or movement to headstones, marker, etc… Limit of Coverage: $5,000 per occurrence
14. Foundations of Machinery- $250,000
15. 1st Party Sewer and Drain Back Up- $25,000
16. Pollutant Clean up and Removal- $10,000

VI. VALUABLE PAPERS AND RECORDS COVERAGE*:

Broad Form Coverage for the reconstruction of valuable papers and records **$ 250,000** year round limit of protection with $0 deductible.

*** NOTE: Higher limits available upon request.**

Kenrick Application Processing System 8/23/2012 9:10:49 AM Contact Us | Log Out

KENRICK CORPORATION | General | Liabilities | Fairs | Expsr List | [redacted] | Auto | Inland Marine | E.D.P. | Other | Add. Insured | Info

Property Coverage 1 | Property Coverage 2 | [redacted] | Change List Back To App List

Application: T000020025613

CITY OF BOYNE CITY

Number	Loc.#	Bldg.#	Within 50 ft	Fac Loc.#	Street Address	POK	CK	Bldg. Lim.	Cont. Lim.	Mine Sub	Yr. Built	FAR	BF	Special Ded
26134	1	1	No	0	NORTH LAKE ST SEWAGE PUMP HOUSE	18	2	$ 361,990	$ 0	$ 0	1960	R	901	0
26135	3	1	No	0	28 S. LAKE ST SUNSET PARK CHAMBER OFFIC	10	1	$ 40,493	$ 0	$ 0	1980	R	600	0
26136	4	1	No	0	1050 BOYNE ROAD MAUSOLEUM	11	1	$ 55,218	$ 14,130	$ 0	1965	R	700	0
26191	4	2	No	0	1050 BOYNE ROAD CEMETERY STORAGE	11	1	$ 17,793	$ 0	$ 0	1990	R	401	0
26192	6	1	No	0	115 219 N LAKE HARBOR MASTER	11	1	$ 58,287	$ 0	$ 0	1996	R	609	0
26193	6	2	No	0	115 219 N LAKE RESTROOM BATHOUSE	11	2	$ 112,279	$ 0	$ 0	1996	R	615	0
26163	7	1	No	0	R1401 ADDIS ST RESERVOIR BUILDING	14	2	$ 356,468	$ 0	$ 0	1960	R	900	0
26172	7	2	No	0	R1401 ADDIS ST WELLHOUSE	18	2	$ 116,573	$ 0	$ 0	1960	R	901	0
26188	7	3	No	0	R-1401ADDIS ST NEW WELL HOUSE #5	18	2	$ 184,063	$ 0	$ 0	2005	R	910	0
26148	7	4	No	0	401 ADDIS ST WELLHOUSE	14	2	$ 173,644	$ 0	$ 0	2005	R	910	0
26174	8	1	No	0	1055 LAKESHORE DRIVE LIFT STATION	18	2	$ 49,083	$ 0	$ 0	1960	R	905	0
26189	9	1	No	0	NEW INDUSTRIAL PARK LIFT STATION	18	2	$ 115,763	$ 0	$ 0	2005	R	905	0
26175	10	1	No	0	525 LAKE ST PUBLIC RESTROOMS	11	2	$ 40,269	$ 0	$ 0	1975	R	615	0
26177	12	1	No	0	VETERANS MEMORIAL PARK SHELTER HOUSE	11	2	$ 146,637	$ 0	$ 0	1975	R	614	0
26176	13	1	No	0	490 KUNERT ST AIRPORT HANGER	11	1	$ 288,979	$ 0	$ 0	1975	R	923	0
26154	13	2	No	0	1040 E. MAIN ST AIRPORT HANGER	11	1	$ 288,365	$ 0	$ 0	1975	R	923	0
26155	13	3	No	0	1040 E. MAIN AIRPORT HANGER	11	1	$ 288,979	$ 0	$ 0	1975	R	923	0
26156	13	4	No	0	1040 E. MAIN AIRPORT HANGER A-12	11	1	$ 282,230	$ 0	$ 0	1975	R	923	0
26158	13	5	No	0	1040 E. MAIN AIRPORT HANGER B-1	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0
26159	13	6	No	0	1040 E. MAIN AIRPORT HANGER B-3	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0
26160	13	7	No	0	1040 E. MAIN AIRPORT HANGER B-7	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0
26161	13	8	No	0	1040 E. MAIN AIRPORT HANGER B-11	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0

26162	13	9	No	0	1040 E. MAIN AIRPORT HANGER B-13	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0
26185	13	10	No	0	1040 E. MAIN AIRPORT HANGER B-13	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0
26157	13	11	No	0	1040 E. MAIN HANGER B-15	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0
26144	13	12	No	0	1040 E. MAIN HANGER B-19	11	1	$ 77,921	$ 0	$ 0	1975	R	923	0
26171	13	13	No	0	1040 E. MAIN HANGER D-1	11	1	$ 92,147	$ 0	$ 0	1975	R	923	0
26141	13	14	No	0	1040 E. MAIN HANGER D-3	11	1	$ 92,031	$ 0	$ 0	1975	R	923	0
26142	13	15	No	0	1048 E. MAIN AIRPORT TERMINAL	10	1	$ 177,927	$ 5,565	$ 0	1975	R	922	0
26147	13	16	No	0	1040 E MAIN STREET HANGER D-13	11	1	$ 76,079	$ 0	$ 0	1960	R	923	0
26186	14	1	No	0	R319 N LAKE CITY GARAGE AND FIRE BARN	15	2	$ 994,551	$ 144,690	$ 0	1977	R	925	0
26187	14	2	No	0	R 319 N LAKE STORAGE GARAGE	16	1	$ 10,431	$ 0	$ 0	1985	R	403	0
26170	14	3	No	0	319 LAKE STREET	10	1	$ 1,773,134	$ 233,730	$ 0	1975	R	100	0
26181	15	1	No	0	ROTARY PARK ROTARY BUILDING	11	1	$ 51,537	$ 0	$ 0	1980	R	403	0
26182	16	1	No	0	ROBINSON ROAD SALT STORAGE	16	1	$ 128,230	$ 0	$ 0	1968	R	405	0
26183	16	2	No	0	ROBINSON ROAD EQUIP STORAGE	16	1	$ 53,379	$ 0	$ 0	1980	R	403	0
26184	17	1	No	0	210 FRONT STREET RESTROOMS	11	2	$ 47,244	$ 0	$ 0	1987	R	615	0
26132	18	1	No	0	OLD CITY PARK GAZEBO	11	1	$ 34,266	$ 0	$ 0	1987	R	615	0
26133	19	1	No	0	WILSON ST ICE RINK WARMING HOUSE	11	1	$ 71,171	$ 0	$ 0	1987	R	614	0
26173	19	2	No	0	WILSON STREET STORAGE	11	1	$ 47,856	$ 0	$ 0	1995	R	403	0
26164	20	1	No	0	INDUSTRIAL PARKWAY LIFT STATION	18	3	$ 127,339	$ 0	$ 0	1960	R	905	0
26190	20	2	No	0	INDUSTRIAL PARKWAY LIFT ST 2	18	3	$ 92,610	$ 0	$ 0	2005	R	905	0
26165	21	1	No	0	DIVISION ST 1910 WATER WORKS	14	2	$ 420,000	$ 0	$ 0	1960	R	901	0
26166	21	2	No	0	DIVISION ST WELLHOUSE 2	18	2	$ 173,644	$ 0	$ 0	1960	R	901	0
26167	21	3	No	0	DIVISION ST WELLHOUSE 3	18	2	$ 173,644	$ 0	$ 0	1960	R	901	0
26149	22	1	No	0	S2 ADDIS STREET WELL HOUSE 4	14	2	$ 196,681	$ 0	$ 0	2005	R	910	0
26143	22	2	No	0	ADDIS STREET NEW WELL HOUSE 5	18	2	$ 196,681	$ 0	$ 0	2005	R	910	0
26150	23	1	No	0	AVALANCHE PARK RESERVOIR	14	2	$ 251,552	$ 0	$ 0	2005	R	903	0
26178	25	1	No	0	NEW BROCKWAY WATER BOOSTER STATION	18	2	$ 196,681	$ 0	$ 0	2005	R	905	0
26168	26	1	No	0	LAKE ST BOOSTER PUMPHOUSE	18	2	$ 127,339	$ 0	$ 0	1960	R	901	0
Totals:								$16,010,904	$572,805	$0				
Grand Total:								$16,583,709						

Session ID: rsclle45q4ey1155qtassx45

Kenrick Application Processing System 8/23/2012 9:10:58 AM Contact Us | Log Out

KENRICK CORPORATION

General | Liabilities | Fairs | Expar List | [illegible] | Auto | Inland Marine | E.D.P. | Other | Add. Insured | Info

Property Coverage 1 | Property Coverage 2 | [illegible] | Change List Back To App List

Application: T000020025613

CITY OF BOYNE CITY

Number	Loc.#	Bldg.#	Within 50 ft	Fac Loc.#	Street Address	POK	CK	Bldg. Lim.	Cont. Lim.	Mine Sub	Yr. Built	FAR	BF	Special Ded
26179	28	1	No	0	N LAKEST RESTROOM	11	1	$ 46,629	$ 0	$ 0	2002	R	615	0
26146	29	1	No	0	411 E DIVISION	11	2	$ 856,643	$ 30,000	$ 0	2003	R	000	0
26169	30	1	No	0	1150 BOYNE AVE CONTENTS AMBULANCE	15	1	$ 0	$ 5,565	$ 0	1950	R	303	0
26180	31	1	No	0	WWTP LAB ADMIN 1261 LAGOON DRIVE	14	2	$ 573,025	$ 55,650	$ 0	2005	R	903	0
26145	31	2	No	0	WWTP MAINTENCE GARAGE	16	1	$ 468,839	$ 83,475	$ 0	2005	R	401	0
26151	31	3	No	0	WWTP TERTIARY BUILDING	14	1	$ 2,228,429	$ 0	$ 0	2005	R	903	0
26152	31	4	No	0	WWTP SCREENING BUILDING	14	1	$ 706,151	$ 0	$ 0	2005	R	903	0
26153	31	5	No	0	WWPT BLOWER BUILDING	14	2	$ 711,940	$ 0	$ 0	2005	R	903	0
26137	31	6	No	0	WWTP CHEMICAL FEED BUILDING	14	1	$ 109,975	$ 0	$ 0	2005	R	903	0
26138	32	1	No	0	MAIN PUMP STATION 310 FRONT	14	2	$ 752,456	$ 0	$ 0	2005	R	901	0
26139	33	1	No	0	PARK STREET POLE BARN STORAGE	16	1	$ 234,419	$ 0	$ 0	1950	R	403	0
26140	34	1	No	0	ROTARY PARK CONCESSION	11	2	$ 115,763	$ 0	$ 0	2006	R	612	0
Totals:								$16,010,904	$572,805	$0				
Grand Total:								$16,583,709						

Session ID: rsclle45q4ey1155qtassx45

© 2005-2012 Kenrick Corporation. All rights reserved.

VII. CRIME COVERAGE:

A. Limit of Coverage - $100,000 Year Round

B. "Broad Form" Money & Securities

C. Inside Coverage:

D. Outside Coverage:

E. Money Order and Counterfeit Paper Currency

F. Depositors' Forgery

G. Locations to Include:

1. All Officials Homes
2. Place of Employment
3. Banking Facility

VIII: PUBLIC OFFICIAL BONDS*

Treasurer	$95,000
Clerk	$95,000
BLANKET BOND	$100,000

NOTE: THE ABOVE BONDS ARE INCLUDED AT NO ADDITIONAL CHARGE

ADDITIONAL POSITIONS AND HIGHER LIMITS AVAILABLE
(Those who collect money or fees should be bonded)

*** NOTE: Higher limits available upon request.**

X. LAW ENFORCEMENT PROFESSIONAL LIABILITY COVERAGE:

Limit of Liability Per Occurrence	$ 5,000,000
Limit of Liability Per Aggregate	$ 0
Deductible	$ 0

A. PERSONAL INJURY
B. WRONGFUL ACT
C. HOT PURSUIT ENDORSEMENT

XI. BUSINESS ELECTRONIC EQUIPMENT COVERAGE:

A. Combined Media and Extra Expense Coverage - **$ 100,000**
B. Computer Coverage- **$100,000**
C. System Breakdown Coverage Endorsement
   1. Mechanical Breakdown; Machinery Breakdown
   2. Short Circuit; Blow out; other Electrical Disturbance
   3. Electrical or Magnetic Injury

XII. BOILER AND MACHINERY:

A. Repair of Replacement Coverage Included
B. Direct Damage Coverage as follows: Unfired Pressure Vessels, Motors and Centrifugal Pumps. Internal Combustion Engines, Generators and
C. Miscellaneous Electrical Apparatus

Deductible of $ 1,000 Applies **Limits $ 16,583,709.00**
Sewer/Treatment Plant Deductible $2,500

XIII. VOLUNTEER FIREMEN'S ACCIDENT:

SEE ATTACHED

PREMIUM SUMMARY

I. COMPREHENSIVE MUNICIPAL LIABILITY	INCLUDED
II. FLEET LIABILITY	INCLUDED
III. FLEET (PROPERTY)	INCLUDED
IV. INLAND MARINE	INCLUDED
V. PROPERTY [FIRE)	INCLUDED
VI. VALUABLE PAPERS AND RECORDS	INCLUDED
VII. CRIME	INCLUDED
VIII. BONDS	INCLUDED
IX. WORKERS COMPENSATION	
X. POLICE PROFESSIONAL	INCLUDED
XI. BUSINESS ELECTRONIC EQUIPMENT	INCLUDED
XII. BOILER AND MACHINERY	INCLUDED
XIII. VOLUNTEER FIREMEN'S ACCIDENT	

TOTAL PAR-PLAN ANNUAL PREMIUM: **$ 58,612.00**

SEWER BACK INCLUDED IN QUOTATION

$100,000 PER OCCURRENCE, $100,000 AGGREGATE,

NOTE: The **MICHIGAN TOWNSHIP PARTICIPATING PLAN** is formed under the enabling legislation of Public Act #138. It is a 'fixed cost, fully reinsured, **non-assessable program**', controlled by the Board of Directors of the Michigan Township Participating Plan.

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT

DATE: 8/23/2012

RE: CRACK SEAL BIDS

Bids were advertised and received for this year's Crack Sealing project. Bid packages were also sent to Applied Pavement Marking of Harbor Springs; Scodeller Contracting of Wixom and Fahrner Asphalt Sealers of Bay City.

Bids were received and read from two contractors on August 13, 2012. Bids were received from Applied Pavement Marking and, Scodeller Contracting. Fahrner Asphalt Sealers did not submit a bid. Following is a breakdown of the bid pricing:

CONTRACTOR	QUANTITY	UNIT PRICE	TOTAL PRICE
Applied Pavement Marking	5.42 miles	$917.90	$4,975.00
Scodeller Contracting	5.42 miles	$3,523.00	$19,095,00

Applied Pavement Marking has been the low bidder for this work for the last 4 years and have done an excellent job for us. Attached to this memorandum is a copy of their bid submittal.

RECCOMENDATION:
It is my recommendation that the City Commission award the contract for Overband Crack Sealing to Applied Pavement Maintenance for the amount of $4,975.00 and authorize the City Manager to sign the required documents.

OPTIONS:

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

BID SUBMITTED PURSUANT TO THE CITY OF BOYNE CITY PAVEMENT MARKING SERVICES SPECIFICATIONS

City of Boyne City
319 North Lake Street
Boyne City, MI 49712-2109

Mayor Grunch and the Boyne City, City Commission:

The undersigned, as Successful Bidder, hereby declares that this bid is made in good faith without fraud or collusion with any person or persons bidding on the same Contract; that he/she has carefully read and examined the Contract Documents, including the Invitation to Bid, General Requirements, and Program Guidelines for the designated work and understands all of the same; that he/she, or his/her representative, has made such personal investigation at the site as is necessary to determine the character and difficulties attending the execution of the proposed work. Bidder proposes and agrees that if this Proposal is accepted, bidder will contract with the City, provide necessary machinery, tools, apparatus and transportation services necessary to do all the work specified or referred to in the Contract Documents in the manner and time therein prescribed, and according to the requirements of the owner as therein set forth, to furnish the insurance required of the Contractor by the Contract Documents, and that he/she will take in full payment, the unit prices set forth in the following proposal.

All bidders understand that the City reserves the right to accept or reject any and/or all bids, to waive any irregularities and/or informalities in the bids, negotiate with any bidder, or to select the bid(s), or portions thereof, most advantageous to the City.

The successful bidder agrees that this bid shall be good and may not be withdrawn for a period of ninety (90) calendar days after the scheduled closing time for receiving bids.

Upon receipt of a written Notice of Award of the Bid, the successful bidder shall execute the formal Contract Agreement within ten (10) days. In the event that the Contract is not executed within the time set forth above, the Bid Proposal shall become the property of the City as liquidated damage for the delay and additional expense to the City caused thereby.

Pursuant to your request for Asphalt Crack Sealing Services, I submit my bid, with the understanding that if my bid proposal, or section thereof, is accepted, I will execute a written contract with the City, which will embody the terms as outlined in the bid proposal.

I will meet all of the requirements and provide all of the services for the amounts listed on the attached bid sheet for the items listed in this document.

The undersigned, by execution of this contract, certifies that he/she is the President of the firm named as APM that he/she signs the bid on behalf of the firm and that he/she is authorized to execute the same on behalf of said firm

Company: APM

Address: 3104 Van Harbor Springs, Mi. 49740

Phone: 231-526-5835

Authorized Agent: Mike Hagman

Signature: Michael R Hagman

Title: President

Date: 8/10/12

LOCATION	QUANTITY	UNIT PRICE	TOTAL PRICE
City of Boyne City	5.42 Roadbed Miles As stated in Bid	917.90	$4,975.00

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT

DATE: 8/23/2012

RE: ROAD MAINTENANCE BIDS

Bids were advertised in August for this year's Pavement Maintenance project. Attached to this Memorandum is a map showing the treatment areas and the treatments to be applied for these locations. Also included in this project is intersection upgrade work at the corner of Boice and Brockway Streets. This will entail the installation of Concrete curb and relocation of the current drainage structure. This structure relocation will be performed by the Street Department. All of the treatment areas will utilize the Crush and Shape technique used on portions of last years work.

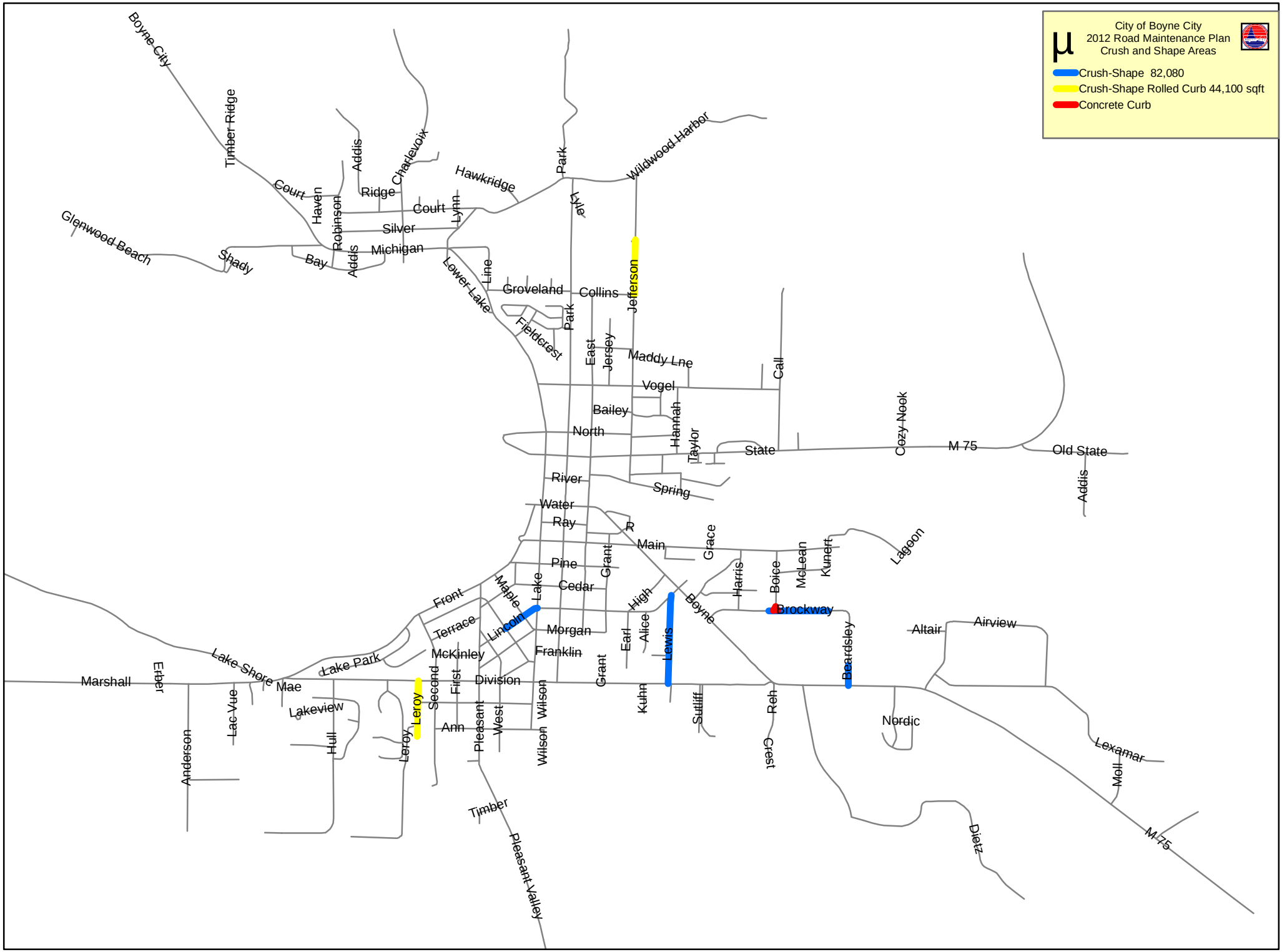
Crush and Shape is where they mill off and crush the existing asphalt road surface in place, re-grade to shape the road properly and pave with new Asphalt. This product typically gives a longer lasting road surface as well as some corrective action to repair improper road cross section and deficient sub base.

Bids were received and read from two contractors on August13, 2012. Bids were received from Reith Riley Construction in the amount of $172,891.10; and Payne and Dolan Inc in the amount of $178,871.20. Both Contractors have performed paving work for the city on a variety of projects and have done

RECOMENDATION:
It is my recommendation that the City Commission award the contract for the 2012 Pavement Maintenance Project to Reith Riley Construction for the amount of $172,891.10; and authorize the City Manager to sign the required documents. Funds for this work were included in both the Major Street and Local Street Maintenance fund budgets for this year.

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


City of Boyne City
2012 Road Maintenance Plan
Crush and Shape Areas
Crush-Shape 82,080
Crush-Shape Rolled Curb 44,100 sqft
Concrete Curb
Boyne City
Timber Ridge
Court
Haven
Addis
Ridge
Charlevoix
Hawkridge
Park
Wildwood Harbor
Glenwood Beach
Shady
Bay
Robinson
Silver
Michigan
Court
Lynn
Lyle
Lower Lake
Line
Groveland
Collins
Jefferson
Fieldcrest
Park
East
Jersey
Maddy Lne
Call
Vogel
Bailey
Hannah
Taylor
North
State
Cozy Nook
M 75
Old State
Addis
River
Spring
Water
Ray
R
Main
Grace
McLean
Kunert
Lagoon
Pine
Grant
Harris
Boice
Cedar
High
Boyne
Brockway
Front
Maple
Lake
Terrace
Lincoln
Morgan
Earl
Alice
Lewis
Beardsley
Altair
Airview
Lake Shore
Lake Park
McKinley
Franklin
Marshall
Erber
Mae
Second
First
Division
Grant
Kuhn
Sutliff
Reh
Lakeview
Leroy
Ann
Pleasant
West
Wilson
Wilson
Crest
Nordic
Anderson
Lac Vue
Hull
Leroy
Timber
Pleasant Valley
Dietz
Lexamar
Moll
M 75

August 2012

August 2012

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

September 2012

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		August 1 Evenings @ the Gazebo 8:00am Farmers Market	2 8:30am Main Street Board mtg. 6:00pm Parks & Rec	3 Polish Festival 6:00pm Stroll the Streets	4 Ride the Charx 8:00am Farmers Market 5 Polish Festival
6	7 Primary Election 5:00pm ZtlA	8 Evenings @ the Gazebo 8:00am Farmers Market	9	10 Antique Auto Show/Flea Market 6:00pm Stroll the Streets	11 Summer Celebration 8:00am Farmers Market 12
13	14 7:00pm City Commission	15 Evenings @ the Gazebo 8:00am Farmers Market	16 9:30am Park St. Pre-con Mtg (Boyne District Library)	17 6:00pm Stroll the Streets	18 8:00am Farmers Market 19
20 5:00pm Planning Commission	21 7:00pm Historic District	22 Evenings @ the Gazebo 8:00am Farmers Market 5:30pm Hannah st. Project Public Info	23 5:30pm Airport Advisory Board 6:00pm Airport annual picnic 6:30pm Dancin in the Streets 6:30pm Housing Commission	24 6:00pm Stroll the Streets	25 8:00am Farmers Market 26
27	28 12:00pm City Commission	29 Evenings @ the Gazebo 8:00am Farmers Market	30	31 6:00pm Stroll the Streets	

September 2012

September 2012

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

October 2012

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					September 1 Airport Closed Red Fox Regatta More Items...
					2 Airport Closed Red Fox Regatta Drag Race
3 Labor Day (United States)	4 5:00pm ZBA	5 8:00am Farmers Market	6 8:30am Main Street Board mtg. 6:00pm Parks & Rec	7	8 8:00am Farmers Market
					9 Community Picnic
10 12:00pm EDC/LDFA	11 7:00pm City Commission	12 8:00am Farmers Market	13	14	15 8:00am Farmers Market
					16
17 5:00pm Planning Commission 7:00pm Historical Commission	18	19 8:00am Farmers Market	20	21	22 8:00am Farmers Market
					23
24	25 12:00pm City Commission	26 8:00am Farmers Market	27 5:30pm Airport Advisory Board 6:30pm Housing Commission	28	29 8:00am Farmers Market
					30