



**BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, November 13, 2012 at 7:00 pm**

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **CONSENT AGENDA**

The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.

 - A. Approval of the October 23, 2012 regular City Commission meeting minutes as presented
 - B. Approval of the October 30, 2012 City Commission Work Session minutes as presented
 - C. Approval to reappoint Marie Sheets to the Parks and Recreation board for a four year term expiring December 31, 2016
 - D. Approval to reappoint Bill Kuhn to the Parks and Recreation board for a four year term expiring December 31, 2016
 - E. Approval of resolution authorizing an annual Michigan Department of Transportation permit to perform routine maintenance of our utilities in MDOT right of ways.
4. **HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)**
5. **CORRESPONDENCE**
 - A. Charlevoix County Board of Commissioner Resolution regarding United Nations Agenda 21
 - B. Correspondence from Kris Zatkoff, Hannah Street residence
6. **CITY MANAGER'S REPORT**
7. **REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES**
 - A. Draft Minutes of the September 27, 2012 Airport Board Meeting
 - B. Draft Minutes of the October 4, 2012 Main Street Board Meeting
 - C. Draft Minutes of the October 4, 2012 Parks and Recreation Commission Meeting
 - D. Draft Minutes of the October 4, 2012 Historical Commission Meeting
 - E. Draft Minutes of the October 15, 2012 Planning Commission Meeting
 - F. Draft Minutes of the October 25, 2012 Airport Board Meeting

8. UNFINISHED BUSINESS

A. Kirtland Update

9. NEW BUSINESS

A. Tree Planting

Consideration to approve a contract with Robinson's Landscape and Nursery of Boyne City in the amount not to exceed \$11,070 to purchase and install 50 trees to be planted in City right of ways and authorize the City Manager to execute the documents

B. Marina Consulting / Engineering Firm Proposal

Consideration to approve a proposal from Abonmarche to assist the City with renovation and proposed expansion of the City marina for an amount not to exceed \$31,240 and authorize the City Manager to execute the documents

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, November 27, 2012 at 7:00 p.m.
- City Offices will be closed on Thursday, November 22, 2012 and Friday, November 23, 2012 in observance of Thanksgiving

12. ADJOURNMENT

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



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

**OCTOBER 23, 2012
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY OCTOBER 23, 2012 AT NOON.

CALL TO ORDER

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

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

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

Others: There were 9 citizens in attendance, including representatives from the Petoskey News Review and the Charlevoix County News

**CONSENT AGENDA
MOTION**

2012-10-136
Moved by Towne
Second by Gaylord

2012-10-136A
Approval of the October 9, 2012 regular City Commission meeting minutes as presented
2012-10-136B
Approval to accept Jerry Kelt's resignation from the Boyne City Housing Commission effective October 8, 2012

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Ron Crozier apologized for coming down on the City Commission about the issue of dogs in the Veteran's Memorial. He realizes that Police Chief Gaither and Andy Kovolski are checking on the situation.

Jim Baumann thanked the Commissioners for moving the meeting into the Auditorium.

Jay VandeWyngearde spoke on behalf of Devlon regarding follow up on a letter. Devlon wants to clean up the property and they need to go thru with a Brownfield. This is a time sensitive project and they would like to know if the Brownfield would be considered, generally. Mayor Grunch recommended referring to staff for further review. Mayor Pro-Tem Towne agreed.

CORRESPONDENCE

Correspondence from Lowell Taylor of Airwolf Enterprises, the State of Michigan Department of Environmental Quality Public Notice and Carol Goodenough thanking the City for assisting in the recent community potluck.

CITY MANAGERS REPORT

City Manager Michael Cain reported:

- The Commission meeting has been set up in the auditorium this time
- Rain has slowed construction progress. Base coat of paving on Park Street is done. Hannah Street paving is temporarily on hold as an artesian well has sprung.
- The City has not been selected for the My Place grant
- Leaf collection is underway for Mondays and Fridays only.
- The supply of road salt has been received
- Congratulations to the Boyne City Rambler football team for a fine season.

Commissioner Gaylord commented about the artesian well on Hannah street and said this back ups his comments about the storm water ordinance. We do the right thing without needing additional regulation.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

The September, 2012 Financial Statement was received and filed.

Planning Director Scott McPherson said the Planning Commission met. Kirtland submitted an outline of their plan of action. The Planning Commission determined that their prior decision was not a final decision. They want to continue on the path of compliance of the permit. Kirtland is still working with the Kodiak group.

Kirtland Update

Citizens Comments: None

Staff Comments: None

Board Comments: Commissioner Neidhamer asked if Kirtland is running this week and was informed yes. Commissioner Sansom said she has heard that the noise is worse, not better.

Consideration of second reading and approval of proposed amendments to Article 58 Land Division Ordinances Articles II and IV.

Land Division Ordinance

Planning Director Scott McPherson discussed the proposed ordinance that would repeal Article II, lot reconfigurations or Adjustments of Chapter 58 and amend Article IV Lot Reconfigurations or Adjustments of Chapter 58 to change the approval process of lot divisions and reconfigurations. The proposed amendments are in Section 58-123(3) and (4) and Section 58-126. These changes would enable staff to more efficiently review and handle lot reconfigurations, removing the Planning Commission and City Commission from the process.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom inquired about the application fee and was informed \$250, but Scott is recommending lowering the fee. Mayor Pro-Tem Towne said city staff is cable of this and Commissioner Neidhamer agreed.

MOTION

2012-10-137
Moved by Towne
Second by Sansom

To approve of second reading and approval of proposed amendments to Article 58 Land Division Ordinances Articles II and IV as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Cemetery Contract

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

Clerk / Treasurer Grice said that bids were requested and received for the Cemetery Maintenance Contract. Low bid was from current maintenance contractor B & W Natures Maintenance in the amount of \$21,000 per year for 3 years. Staff has been pleased with B & W and we have received positive feedback from members of the community as well.

Staff Comments: None

Citizens Comments: Ron Crozier inquired when leaves will be removed.

Board Deliberation: Commissioner Neidhamer and Mayor Pro-Tem Towne are in agreement with the recommendation. Commissioner Gaylord inquired about advantages to the three year contract. Grice said the price is consistent over three years with no increases proposed. If we see changes, we have an easy out clause. Do we have the potential to renegotiate? Grice stated that if anyone wanted to open the contract up, we could sit down and talk. Commissioner Sansom said any work not performed would not be paid, we have a way out. Also, this contract is for a year, do they do any work in the winter at all. Grice added that we have expectations and timelines. Mayor Grunch supports the recommendation and favors the three year contract for continuity of the work done.

MOTION

2012-10-138
Moved by Towne
Second by Sansom

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

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Assistant Planner Position

Review of Planning Department staffing levels and recommendation that staffing levels be maintained. No formal action required

City Manager Cain discussed the background and history of the Planning Department staffing. With the recent resignation of Shannon McMaster as our assistant Zoning Administrator / Planner effective at the end of August, options were reviewed with Scott McPherson, and the Wilson and Evangeline Township supervisors. The City Commission was advised of the intent to advertise the vacancy. A listing of the responsibilities of the Department was provided to the Commission, along with a listing of the grants Shannon has worked on. The current agreements for planning and zoning services provide that the two townships annually support this service for \$61,282 per year. The recent salary was \$66,534 including fringes. The excellence and cooperative nature of our Planning department is regarded as a model. On the departure of any staff person, it is appropriate to see if that position is still needed or if there is a better way to do things. Exactly how this position functions in the future is subject to change depending on the needs of the organizations involved and skills and capabilities of any person filling it. It is recommended that the current levels of the Planning Department be maintained.

Staff Comments: None

Citizens Comments: Jim Howell, representing Evangeline Township said his township has benefited greatly from this arrangement. Two townships are paying a lot of the salary. Zoning is complicated. Governor Snyder is looking at more regional jurisdictions. We have had this for 15 years. Todd Sorenson, supervisory of Wilson Township said he has been with this process since the beginning. Prior to this, their planning and zoning people didn't have the background with this expertise. There was only one meeting per year. \$5,000 for a full time employee is a pretty good deal. He recommends leaving this as they are.

Board Deliberation: Mayor Pro-Tem Towne said he believes we should maintain this position. Commissioner Gaylord asked Scott McPherson why he chose not to make any comments when given the opportunity and Scott said he didn't think he could add anything to what Mr. Cain said. Commissioner Gaylord asked for a scope of the work load perspective for the last twelve months and Scott McPherson provided him with projects. Jim Howell also added the projects that Shannon McMaster had been working on. Commissioner Gaylord said he would like to hear more argument against a part time position. Scott would be here during the business hours. City Manager Cain said anything we reduce from the current situation would be more work load on Scott. Someone would have to pick up the slack. It is not like there is dead time. It makes sense the Planning Department take on some of the grant responsibilities. We talked about it but either of these organizations could do it on their own. It is possible, but Scott has a fair workload and there is not a lot of downtime. Commissioner Gaylord said obviously when we enter into a contract or agreement we want to fulfill it to the best of our abilities with the townships. We wouldn't want to put anything in jeopardy for their needs, the question is how much is going on right now, can we justify another full time position while still fulfilling their contract and also our city needs. We have looked at this in other departments thru attrition and should look at it here. City Manager said we have looked at it in this situation. This is a position that pays for itself, creating better opportunities and better results, projects and finances. He agreed that we should review this position. Jim Howell added that planning is looking to the future and you have to take a leap of faith and take a leadership

position. They have to have the position with ours or somebody else. Todd Sorenson said if looking at reducing to a part time position, we should look at the expertise and are we going to jeopardize the contract with the townships.

Commissioner Gaylord said as long as your needs are met, correct. However if those services were to be maintained at a high level with a part time position, at the end of the day all that matters is that you and your citizens are served under that contract. Todd Sorenson said to a point, if we get into that situation and it's not functioning they would be wondering why they didn't step away before.

Commissioner Sansom said with Wilson and Evangeline paying most of the way, the amount we would save would only be \$5300. It's really important to have the flexibility and expertise and she is in full support on continuing on. We also want to maintain jobs. Commissioner Neidhamer stated that he is support. It is a win/ win situation with the townships and a financial windfall for us. Planning is hugely important and needs to be proactive rather than reactive. Just because the trend is making workers do more for less doesn't mean that it's right. The work load justifies the position.

Mayor Grunch said he is in total support and sees the position as a succession of planning. We don't now when the next grant is coming down the road and looks forward to having this type of support. And he is sure the city manager will find someone with the expertise.

Commissioner Gaylord added that it's fair the citizens know that we have explored this and can articulate justifying the need. That's what we have to do with taxpayer's money at the end of the day. He would expect nothing less than full application of the agreement.

Mower Repairs

Consideration to approve the repairs to the Kubota Zero Turn Mower in the amount of \$5,559.42 and authorize the City manager to execute the documents.

Public Works Superintendent Andy Kovolski discussed the repairs needed to the drive system and routine repairs to the mower deck and parking brake. Cost to replace the equipment including trade in is \$11,967.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord said he sees this equipment being used all the time in the summer and absolutely recommends repairing the vehicle. Commissioner Sansom inquired about the mowers life span and was informed we are on the higher end of the usage scale. This machine has a lot of life left to it. Commissioner Neidhamer said he is in support and asked if we had a city mechanic, would they be able to do the work and was informed yes. Mayor Pro-tem Towne said he we can get a couple more years, he is in support. Mayor Grunch asked if we are using synthetic fluids and Andy said yes.

MOTION

2012-10-139
Moved by Neidhamer
Second by Gaylord

To approve the repairs to the Kubota Zero Turn Mower in the amount of \$5,559.42 and authorize the City manager to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Joint Board and
Commission Meeting**

Consideration to schedule a Joint Board and Commission meeting to be held on Tuesday, December 4, 2012 at 6:00 p.m. in the City Hall Auditorium

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement

MOTION

2012-10-140
Moved by Grunch
Second by Towne

To schedule a Joint Board and Commission meeting to be held on Tuesday, December 4, 2012 at 6:00 p.m. in the City Hall Auditorium

Ayes: 5
Nays: 0
Absent: 0
Motion carried

City Commission Tour

Discussion of whether or not to schedule a group City Commission tour, if so, when to hold the tour and specific places to tour.

City Manager Cain discussed the tour that the City Commission has taken every couple of years. Tours have included City facilities, properties, project sites and areas of general interest and can be done before or after an existing meeting or on their own.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Mayor Grunch said he thought of doing the tour when there is snow this year. He also discussed the funds available to spend on the financial statements. Commissioner Sansom said she went on one tour and it was helpful and informative. Commissioner Gaylord said he can see justification for doing the tour when there is snow and not snow. Commissioner Neidhamer said his emphasis would be on this facility keeping it on the front burner. It was a consensus of the board to move forward with this.

Commissioner Gaylord commented on a driveway on Vogel Street for Andy. At a driveway approach to the alley, there is a section that is cut out. Was it done by a utility or the City? Andy stated he was not aware of it and will look into it.

Good of the Order

2012-10-141
Moved by Neidhamer
Second by Towne

**Closed Session
MOTION**

To approve the 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) at 1:24 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

2012-10-142
Moved by Grunch
Second by Gaylord

**Return to Open Session
MOTION**

To return to open session at 2:16 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of October 23, 2012 at 2:17 p.m.

ADJOURNMENT

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

**OCTOBER 30, 2012
WORK SESSION**

RECORD OF THE PROCEEDINGS OF THE BOYNE CITY COMMISSION WORK SESSION DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY OCTOBER 30, 2012 AT 3:00 PM.

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at 3:00 pm followed by the Pledge of Allegiance.

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

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

Others: There was 1 citizen in attendance.

Mayor Grunch discussed the recent annual MML Conference that all commissioners attended. This work session is to discuss those sessions and share information with other commissioners and staff.

**MML CONVENTION
REVIEW**

ITEM A1: Seeds of dissolution start at pinnacle of success.

Commissioners discussed what helps keep us motivated. We do have these goals out there. Commissioner Neidhamer inquired about grant writing specialists on staff. City Manager Cain said as he hears of opportunities we begin to work on them. Do we see grants decreasing? Yes, we are seeing the trend leaning more towards the private sector. Commissioner Gaylord said he thinks the trend is going that way. We need to operate as if we never get another grant. To stay number 1, we do the fundamentals well such as customer service and fiscal responsibility. Mayor Pro-Tem Towne agreed.

ITEM A2: Get kids involved in long term 30 to 50 year planning.

City Manager Cain discussed youth attendance at past MML conferences and how he took Boyne City students. Commissioner Sansom discussed the concept of a \$10,000 challenge for ideas that has been used by other communities.

ITEM A3 and A5: Return on investments / Boyne Theater

Possibilities of funding and return on investment of the Boyne Theater were discussed. Recent visits to other community theaters were discussed along with their methods of operation. Commissioner Gaylord said he doesn't know if now is the time to discuss a millage for funding as people are struggling to keep their homes and put food on the table. Discussion of possible funding to restore the theater took place. With a project of this scale, we will need large donors. Commissioner Gaylord added we should tread lightly and move carefully and slowly, be very cautious about using taxpayer dollars. Look at private funding mechanisms. Mayor Grunch said he would like to see an exit and sustainability plan, along with a feasibility study.

ITEM A4: Gasb 67 & 68 unfunded liabilities coming to the front page of our financial statements.

Commissioners discussed the new GASB statements issued along with timelines. Maybe we should be reminded of this item, and our bond obligations monthly. Discuss of how much of our General Fund is available and how that could possibly be reported to the Commissioners monthly.

ITEM A6: Know your partners. New Commissioners should know the network that brought success to our City.

Mayor Pro-Tem Towne said we all work together. City Manager Cain added that we need to stay humble. Commissioner Sansom said she hears that community members like to come to the meetings. They are comfortable and feel they are not cut off. Commissioner Neidhamer agrees with all that was stated and ties it back to the implementation and maintaining the goals. The end result is achievement.

ITEM A7: Creative State – Impact of Arts and Cultural Events

Commissioner Sansom discussed the impact of Arts and Cultural events. More money is generated in the state from Arts and Cultural related events than in sports and recreation.

Commissioner discussed that communities with strong arts and events have higher student scores, lower poverty rates and that they attract business. Session presenters recommend that communities need to make a list of what they have. Adding murals, statues, etc. all add to the community.

ITEM A8: OTHER

Mayor Pro-Tem Towne discussed a session he attended regarding what people should look for when they are out and about along with what not to pick up. Many materials can be considered hazardous, for example, meth lab materials. Police Chief Gaither said we could also address that in the DARE program.

City Manager Cain thanked the Commissioners for taking time to attend the MML Conference and sharing this information. The Commissioners need to be commended for working on how to apply this information to Boyne City.

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the City Commission work session of October 30, 2012 at 5:03 p.m.

ADJOURNMENT

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

CITY OF BOYNE CITY

MEMO



To: Michael Cain, City Manager *Mc*
From: Barb Brooks, Executive Assistant *BB*
Date: November 7, 2012
Subject: Parks and Recreation Board Member Appointments / Resignations

At the Thursday, November 1, 2012 meeting of the Parks and Recreation Board, the board unanimously voted to recommend to the City Commission the reappointment of board members Marie Sheets and Bill Kuhn for another four year term, expiring 12/31/2016.

The board also unanimously accepted the resignations of Carl Wehner and Lou Awodey. Wehner's term was to expire December 31, 2015 and Awodey's December 31, 2014.

REAPPOINTMENTS:

Sheets' term expires in December 2012; however, she has an interest in continuing to serve as a board member but not as board chair. Brooks explained that the election of Chair and Vice Chair happen at the May meeting. Sheets will serve as Chair until that time. Kuhn's term also expires in December. He was not able to attend the meeting however, stated to recording secretary Brooks that he would like to continue to serve. Both members felt they had more to give to the board and have projects and ideas that they would like to see through. **Wehner moved, Sheean seconded, PASSED UNANIMOUSLY**, a motion to recommend the reappointments of Sheets and Kuhn to the Parks and Recreation Board each for a four year term, expiring December 31 of 2016.

RESIGNATIONS:

Wehner announced his resignation from the board. He stated that he has thoroughly enjoyed his time on the board and the members he has served with but after taking stock of his obligations he has decided he needs to make some changes. **Sheets moved, Swift seconded, PASSED UNANIMOUSLY** a motion accepting with great regret the resignation of Carl Wehner. The board thanked Carl for his service and valuable contributions.

Awodey also announced that he would be leaving again for the winter and asked if the board felt he should step down from the board. He stated he enjoys serving on the board and would like to continue with his commitment but would be absent for approximately 5 months each year. After board discussion, the general consensus was Awodey's history with the board is invaluable and appreciates his continued interest; however feels that it may be best to bring in someone who can make the year around commitment as our parks department does not shut down during the winter months. **VanHorn moved, Wehner seconded, PASSED UNANIMOUSLY** to accept with a great deal of regret the resignation of Lou Awodey. The board thanked Awodey for his many years of service and dedication and encouraged him to continue his participation and as a citizen sharing his past and present expertise serving as a valuable resource. Brooks offered to continue to email the agenda packets to him so he can stay apprised of the board's activities.

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER *Mc*

FROM: ANDREW KOVOLSKI; DPW SUPERINTENDENT *A/K*

DATE: 11/9/12

SUBJECT: MDOT ANNUAL PERMIT

Attached to this memo please find the Resoulution required by MDOT for our annual permit to work in their Right of Ways. This permit allows for the routine maintenance of our utilities that are located in road Right of Ways under their jurisdiction. The affected roads are Boyne Ave, East Street from Water to State Streets and State Street to the City Limits.

RECOMENDATION:

It is my recommendation that the City Commission approve this application and authorize the City Manager to execute the required documents.

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way."

RESOLVED WHEREAS, the CITY OF BOYNE CITY
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations; within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Name	and/or	Title
<i>Michael Cain</i>		<i>City Manager</i>
<i>Andrew Kuzalski</i>		<i>Street Superintendent</i>

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____

(Name of Board, etc)

of the _____ of _____

(Name of GOVERNMENTAL AGENCY)

(County)

at a _____ meeting held on the _____ day of

20____ A.D.

Signed _____ Title _____

Print Name _____

OCTOBER 24, 2012

RESOLUTION-MIGOP RESOLUTION EXPOSING UNITED NATIONS AGENDA 21

WHEREAS, the United Nations Agenda 21 is a comprehensive plan of extreme environmentalism, social engineering, and global political control that was initiated at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, in 1992; and

WHEREAS, the United Nations Agenda 21 is being covertly pushed into local communities throughout the United States of America through the International Council of Local Environmental Initiatives (ICEI) through local "sustainable development" policies such as Smart Growth, Land Use Planning, Zoning, Wild Lands Project, Resilient Cities, Regional Visioning Projects and other "Green" or "Alternative" projects; and

WHEREAS, the United Nations Agenda 21 plan of radical so-called "sustainable development" views the American way of life of private property ownership, single family homes, private care ownership and individual travel choices, and privately owned farms; all as destructive to the environment; and

WHEREAS, according to the United Nations Agenda 21 policy, social justice is described as the right and opportunity of all people to benefit equally from the resources afforded us by society and the environmental which would be accomplished by socialist/communist redistribution of wealth; and

WHEREAS, according to the United Nations Agenda 21 policy National Sovereignty is deemed a social injustice;

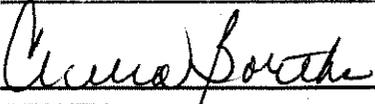
NOW THEREFORE BE IT RESOLVED that the Charlevoix County Board of Commissioners recognizes the destructive and insidious nature of United Nations Agenda 21 and hereby exposes to public policy makers the dangerous intent of the plan; and

THEREFORE BE FURTHER RESOLVED that the Charlevoix County and no, local County government is legally bound by the United Nations Agenda 21 treaty in that it has never been endorsed by the (U.S.) Senate; and

THEREFORE BE IT FURTHER RESOLVED that the Charlevoix County and local County governments across the County be well informed of the underlying harmful implications of implementation of United Nations Agenda 21 destructive strategies for "sustainable development" and we hereby endorse rejection of its radical policies and rejection of any grant monies attached to it, We further endorse the continued effort to overturn any Agenda 21 enabling laws and restrictions already in existence; and

THEREFORE BE IT FURTHER RESOLVED that upon the approval of this resolution the Charlevoix County Board of Commissioners shall deliver a copy of this resolution to:

1. Michigan members of Congress
2. Members of the Michigan State House of Representative and State Senate
3. Each Township, Village, City within Charlevoix County.

Submitted by: <u>RICH GILLESPIE</u>	Supported by: <u>RON REINHARDT</u>
CERTIFIED	
Cheryl Potter Browe, County Clerk	
	10/26/2012
DEPUTY	DATE

12-099

Andy

I just wanted to
thank you for overseeing
our street construction and
looking out for me the
way you did. You do an
excellent job and I just
want you to know how
thankful and appreciative
I am!

Thank you so much!

Kris Zatkoff



Approved: _____

**MEETING OF
SEPTEMBER 27, 2012**

**RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE
BOYNE CITY AIRPORT ADVISORY BOARD HELD SEPTEMBER 27,
2012**

CALL TO ORDER

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

ROLL CALL

Present: Richard Bouters, Bud Chipman*, Rod Cortright*, Ed Hennessey, Leon Jarema*, Roger Reynolds, Jerry Schmidt, and Oral Sutliff

ATTENDANCE

Absent: Jim Kozlowski* and, Larry Trumble*

*Ex Officio Members

Staff: Airport Manager/City Manager Michael Cain

APPROVAL OF MINUTES

Schmidt stated that the minutes did not reflect that there was a \$300.00 limit on the amount to spend on the open house. **Sutliff moved, seconded by Schmidt PASSED UNANIMOUSLY** to amend the minutes to add the amount approved.

MOTION

Sutliff moved Schmidt seconded PASSED UNANIMOUSLY to approve the August 23, 2012 minutes with the amendment.

MOTION

CORRESPONDENCE

Aeronautical study (received and filed)

Norwood Wind Turbine (received and filed)

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

Bouters reported that he and Schmidt have agreed to act as a committee with Kozlowski regarding the open house. They have not met yet.

UNFINISHED BUSINESS

- Hangar Inquires/Leasing: There have been a few inquiries. Cain discussed issues with the utility bills and improper parking at the old Humphrey hangars.
- Business after hours: Cain felt it was very successful with a good turnout. Board suggestion that we have another, Cain agreed, but not every year.
- Drag race results: Cain reported that we didn't make as much as expected; approximately \$4300.
- Safety Seminar: Good but not well attended. Jarema said he received some feedback. Bouters said he sent out some emails, but we need more publicity.

NEW BUSINESS

- Commercial use application-Jerry Schmidt: He explained that he may instruct students from Boyne City.

MOTION

Bouters moved, Sutliff seconded PASSED UNANIMOUSLY to approve the Commercial use application for Jerry Schmidt.

- MDOT field inspection: Received and filed
-

GOOD OF THE ORDER

- AV Fuel price as of 9/14/2012 \$5.73; discussion regarding accuracy of the fuel pump.
 - Jarema inquired about the spigot he had inquired about; City Manager Cain said it was taken care of.
 - City Manager Cain reported that he spoke with the city's insurance carrier regarding a courtesy car; he said it would be an additional risk. **Schmidt moved, Reynolds seconded PASSED UNANIMOUSLY** to authorize City Manager Cain to pursue the issue of a courtesy car for the Airport. Jarema suggested bicycles. City Manager Cain said maybe we could pick some up at the police sale.
-

MOTION

NEXT MEETING

The next Airport Advisory Board will be held Thursday, October 25, 2012 at 5:30 p.m.

ADJOURNMENT

Chair Reynolds adjourned the Airport Advisory Board meeting at 6:18 p.m., followed by the board picnic.

Ed Hennessey, Recording Secretary



Approved: _____

**Meeting of
October 4, 2012**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, OCTOBER 4, 2012 AT 8:30 A.M. IN THE COMMISSION CHAMBERS AT CITY HALL, 319 NORTH LAKE STREET

Call to Order

Chair Lenhart called the meeting to order at 8:30 a.m.

Roll Call

Present: Jodie Adams, Bob Carlile, Michelle Cortright Larry Lenhart and Rob Swartz

Absent: Kathy Anderson, Mike Cain, Pat O'Brien and Robin Berry Williams

**Meeting
Attendance**

City Staff: Main Street Manager Hugh Conklin, Planner/Zoning Administrator Scott McPherson and recording secretary Karen Seeley

Public: There were six people in attendance

Boyne Theatre

Brian Asher of the Thirsty Goat informed the board that the sale is complete, and now the option for the theatre can move forward. Main Street Manager Conklin and Mr. Asher had a formal signing of the Theatre agreement. This will allow nine months for Main Street to evaluate the offer. The banner that will hang in the window of the theatre was on display.

**Approval of Minutes
MOTION**

Adams moved, Swartz seconded, PASSED UNANIMOUSLY to approve the September 6, 2012 minutes as presented and the September 12, 2012 minutes as corrected.

Citizens Comments

None

Correspondence

None

**Main Street Committee
Reports**

Promotions

- The Harvest Festival is Saturday, Oct. 6, from 8 a.m. to 4 p.m. on Water and Lake Streets in downtown. The Farmers Market will be moving downtown for the day and will be joined by other arts and craft vendors.
- Main Street Manager Conklin introduced Kathy McDonald, the new chair of the SOBO Arts Festival Committee.
- The Farmers Market will be moving from Veterans Park to the Red Building next to the Boyne District Library on Saturday, Nov. 3. The indoor market will run through April.
- The farmer's market held a vision/goal-setting session on Thursday evening with the focus on how to build a strong and viable year-round market. It was a good session led by Dean Solomon with more than 25 people attending.

Design

- The kiosk, which formerly was located next to the chamber but for the past few years has resided at North Boyne, was moved to the Wood Shop. Bruce and his crew are evaluating it to see if it can be restored and put back into

use.

- Three new banners featuring our new brand have been installed. They represent the farmers market, Stroll the Streets, and Evenings at the Gazebo. They are located in front of Northwestern Bank, along Sunset Park behind the chamber, and on the bridge on Lake St. If there is a consensus to move forward, additional banners will be designed and all new banners will be installed next spring.
- The Boyne City Central Historic District nomination for the National Register of Historic Places was approved by the State Historical Review Board and will now be forwarded to the National Park Service for its review. Bill Rutter, the architectural historian who completed our nomination, did an outstanding job and was a pleasure to work with. The project was funded by a \$30,000 grant from the State Historic Preservation Office. Shannon McMaster played a very important role in the success of the project and he was able to attend the presentation on Sept. 12 in Lansing. Old City Park was not included in the nomination.

Organization

- The committee met with a local non-profit organization to explore the possibility of adding another partner to the Boyne Thunder event. The committee is also continuing to plan for the November 8 board retreat.

Team Boyne – Creating Entrepreneurial Communities (ER committee)

- Erica and Dan Tosch of Neighborhood Bread Company met with Team Boyne at its September 19 meeting. Neighborhood Bread has been a vendor at the Farmers Market for the past two seasons and is looking to possibly expand.
- The Boyne-area business survey was distributed the week of Sept. 22. The survey will be followed up with personal visits to all businesses interested. The goal is to complete the visits by the end of October.
- The Connecting Entrepreneurial Communities 2012 Conference is Oct. 9 in Petoskey. We are putting a community team together.

Main Street Manager Conklin reported on:

- The Michigan Land Bank conference is October 14, 15 & 16.
- Michigan Downtown Conference is November 1, in Petoskey; Main Street Manager Conklin will be on the panel.
- Jill Dury of the Charlevoix County Transit and Ed Grice, GM of Boyne Mountain have agreed to have a winter bus again this year, beginning in late December through the winter season on Saturdays.

Manager's Report

Unfinished Business

Boyne Thunder-Camp Quality Presentation

- Main Street Manager Conklin presented a check for \$33,789 from Boyne Thunder to Camp Quality; this represents 70% of the total proceeds. There is another local non-profit the committee is considering to partner with along with Camp Quality, which would help sustain the event.

Boyne Theatre

- Main Street Manager Conklin said that local builders Floyd and Todd Wright and Bill Noblett have agreed to go through the building and give a free status of the building and structure. There is no power on in the building, which may be problematic to do an evaluation.

Park Street Construction update

- Main Street Manager Conklin reported that he has not received an estimate for burying utility lines in the alley between Water and Ray streets. At this point it would be best to wait until next budget year. He has met with Dennis Kirkby regarding securing an easement in the parking area behind Dunigans. With the power box going into the first parking space, it may

have to go back to the Planning Commission, for a variance regarding the number of parking spaces per unit.

New Business

SOBO Arts Festival Grant Application

The SOBO Arts Festival is applying to the Michigan Council for Arts and Cultural Affairs for a grant to support next year's event. The grant requires a 1:1 cash match. This year's festival was a two day event, starting on Friday afternoon and continuing through late Saturday afternoon. It has been held in the 200 and 300 blocks of South Lake Street and part of Main Street. Next year, the committee is making plans to change the festival, which is scheduled for the last weekend in June. Tentative plans are to work with Stroll the Streets, expand the entertainment and conclude the evening with a concert by the Bay Area Big Band. Friday night would also be set up to allow businesses to host open houses and other activities. Saturday, activities will move to Peninsula Beach for the art show, music performances plus all the other components of the festival. The decision to make changes was based on comments from businesses, artists, visitors and discussion among committee members. As a result of the move, the committee expects increased expenses which is why it is pursuing grant opportunities like this one offered through the Michigan Council for Arts and Cultural Affairs. Based on our estimated budget, which is very preliminary at this point, we are seeking \$6,000. The committee is comfortable it can match that figure based on the revenue of this summer's event. Revenues in 2012 from sponsorships and artist fees were \$7,170. (There was no contribution from Main Street). Expenses were \$6,753. Additional expenses anticipated for next year include a tent, tables and chairs, sound system, performance groups, and more prizes for artists. The grant deadline was Oct. 1 but there is an allowance for board action after that date.

Board discussion regarding the commitment from the board. If they only raise \$5000 this year, the board would be responsible for the other \$1000? Yes. Is there electricity at Peninsula Beach? Main Street helped purchase a power board for electric hook up, but the committee feels they would be fine without.

Adams moved, Carlile seconded PASSED UNANIMOUSLY that The Main Street Board approves the SOBO Arts Festival grant application to the Michigan Council for Arts and Cultural Affairs.

MOTION

Good of the Order

At the Harvest Festival on Saturday, the Humane Society will be having a garage sale, in the parking lot of the Park Side Grill. Jodi also announced that she has resigned as director effective the end of November.

Adjournment

Carlile moved Cortright seconded PASSED UNANIMOUSLY to adjourn the October 10, 2012 meeting of the Boyne City Main Street Board at 9:35 am.

Karen Seeley, Recording Secretary

Approved: _____

**MEETING OF
OCTOBER 4, 2012**

RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY PARKS AND RECREATION COMMISSION MEETING HELD AT 6:00 P.M. AT BOYNE CITY CITY HALL ON THURSDAY, OCTOBER 4, 2012.**

CALL TO ORDER

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

ROLL CALL

Present: Lou Awodey, Bill Kuhn, Heath Meeder, Mike Sheean, Marie Sheets, Gail Van Horn and Carl Wehner

Absent: Jerry Swift (arrived 6:03 p.m.)

**MEETING
ATTENDANCE**

City Staff: Streets/Parks & Recreation Superintendent Andy Kovolski, Recording Secretary Karen Seeley

Public Present: None

**APPROVAL OF
MINUTES
MOTION**

Wehner moved, Awodey seconded, PASSED UNANIMOUSLY, a motion to approve the September 6, 2012 meeting minutes as presented.

None

CITIZENS COMMENTS

DIRECTOR'S REPORT

- City staff have been busy closing the parks for the winter
- We have a grub infestation; we will wait to address it in the spring.
- The work on Hannah and Park Streets is going good.
- There has been a path mowed at Riverside Park.

CORRESPONDENCE

None

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

Park Inspections

- Kuhn talked about the fish cleaning station; the fishermen have been cleaning it daily and feel a commercial grinder is needed.
- There was some vandalism at Rotary Park. Damage to the men's room and soccer fields. They have been caught.
- Friends of the Boyne River have secured financing for a Nature Walk behind the Industrial Park.

**UNFINISHED
BUSINESS**

Boyne City/Charlevoix Rd. Trail Update

Nothing new to report

Boyne City to Boyne Falls Trail Update

Nothing new to report

**Avalanche Trail
Signage update**

The sub-committee of Kuhn, Swift and Sheets along with Erin Place of the Wood Shop met September 6 at Avalanche to look at the positioning of the signs. Place presented a rendering of the trail head and trail signs and also brought samples of two different types of sign. Board consensus to see a rendering and estimate of a three sided sign, and to complete the project all at once. Boards suggestion to have the trail head sign in the wood composite and the smaller signs in the metal with the vinyl letters. The sub-committee to meet again, have a definitive proposal for the November meeting and make a recommendation to the city commission as soon as possible.

**Avalanche Archery
target replacement**

Kuhn reported that the next opportunity for Mark Fruge' to purchase targets would be in May. He would like to give him permission to purchase 25 targets; and would like to have everything in order to due that before May. Board consensus to have Kuhn move forward with the process.

**Tree Removals at
Avalanche**

Kovolski reported the trees in the view corridor are scheduled for trimming next week.

NEW BUSINESS

**Proposed dog park and
location discussion**

Gail VanHorn reported that the sub-committee met and came up with two locations for a dog park. She shared their proposal (received and filed). Their first location choice is the property directly in back of the 1910 building. It is a large open area, surrounded by trees on two sides. The area is large enough for owners to let their pets have some freedom to run and play, and restrooms are available inside the building. Their second choice is in Avalanche park, north of the parking lot, which was previously the hockey rink area; however this would be in conflict of the Avalanche Park master plan. They estimate the cost to fence either choice to be around \$18,000, they feel this amount of money can be raised through grants and fund raisers. After board discussion of each site, **Wehner moved Sheean seconded PASSED UNANIMOUSLY** to recommend the City Commission approve the area directly in back of the 1910 building for a proposed dog park.

MOTION

Good of the Order

Sheets informed the board that her term will be expiring in December 2012, she is thinking of resigning either as the Chair or even as a board member.

VanHorn asked if there was anyway that the brick building at the riverfront could get a coat of paint on the door? Maybe add some shutters and rebuild the flower boxes. She also suggested a corner fence down by Sunset Park by the Chamber building to define the area.

Awodey suggested with the low water, drag a line along the beach area, the Boy Scouts removed a huge pile of wood. Kovolski explained that would have to be a permit able action from the Army Corps of Engineers and at this time its not.

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, November 1, 2012 at 6:00 p.m. at City Hall.

**ADJOURNMENT
MOTION

The October 4 2012 meeting of the Parks and Recreation board was adjourned at 6:53 p.m.

Karen Seeley, Recording Secretary

BOYNE CITY HISTORICAL COMMISSION

Minutes of October 04, 2012

7:00 pm

Boyne City Hall

CALL TO ORDER: 7:07 PM

PRESENT: Howie, Hewitt, Stutzman, and Dole.

ABSENT: Fulkerson, Crumpler and Sansom.

APPROVAL OF MINUTES: Minutes of the June 18, 2012 meeting, Dole motioned, Howie second, all ayes.

OLD BUSINESS:

Past Perfect, need to determine how to mark items once we start entering into program. Board agreed to use Indian Ink for marking and refer to reference book for tips. Hewitt will arrange for a volunteer for winter months to help input information on program. Stutzman to work with Dole next week on Past Perfect training. Stutzman will also contact Howie for a later date for training. Start with items in the office first so we can clean it out and move the computer in there and allow a better work space. Close museum until spring in order to move things around and organize as we record items. Will work with school groups and tours as needed.

NEW BUSINESS:

Window displays, Sansom had indicated prior to meeting that she was waiting to hear from Kecia Freed. Local Flavor still willing to allow use of window.

Morgan Family reunion, work with Charlevoix County Historical Society to come up with plans for the event. Put ideas together and bring to next meeting in December. Need to find a contact person for the Morgan family Hewitt to work on that.

2013 hours for museum, set hours based on chamber calendar and city hall pavilion schedule and Farmers Market hours. Posters for display on our location and hours to be place throughout town once we have made them. More discussion in December as well as Chamber schedule to review.

Dole brought up discussion regarding Settlers to Sidewalks books, Local Flavor would like to purchase books at a reduced price. Hewitt to check with Chamber on sales and if they are paying Morgridge for the books or if he has donated them. Get an inventory on our books and contact Morgridge about permission for reprinting. Get costs on reprinting

so to anticipate enough funds to pay for reprinting. Further discussion on this at December meeting with a possible decision on agreeable price for Local Flavor. Dole to discuss price with owner Chris Bandy and bring information back to next meeting.

Old post card and photo was mailed to the museum to research names. Dole will check with schools on the football photo and Hewitt to check with American Legion and VFW to see if they have records of Bob Griffin the man in the other photo.

MEETING ADJOURNED: 7:57 pm, motioned by Hewitt, second by Howie, all ayes.
Next meeting December 17, 2012.

Approved: _____

**Meeting of
October 15, 2012**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, October 15, 2012 at 5:00 pm.

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

Call to Order

Present: Gretchen Crum, George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, John McCahan, Tom Neidhamer and Joe St, Dennis

Roll Call

Absent: Lori Meeder (arrived at 6:20 pm)

2012-10-15-2

Motion by Crum, seconded by St. Dennis, PASSED UNANIMOUSLY, a motion to excuse the absence of Meeder as she will be arriving late.

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, City Manager Mike Cain, City Attorney Jim Murray, Main Street Manager Hugh Conklin and Recording Secretary Pat Haver

Public Present: Forty eight, including a representative from the news press.

**Consent Agenda
MOTION**

2012-10-15-3

Ellwanger moved, Kozlowski seconded, PASSED UNANIMOUSLY a motion to move the consent agenda to 6B; as recommended by City Attorney Murray, as these minutes pertain to the unfinished Kirtland business.

**Comments on
Non-Agenda Items**

None

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

Shoreline Protection Strategy Report Plan. The material provided is for informational purposes. A couple of commission members served with this board and it could be placed on the agenda at a later date for discussion.

Unfinished Business

City Attorney Murray gave a brief review as to the reasoning to have the minutes moved from the consent agenda. Looking at the minutes from 9-17-12, when staff met with the representatives from Kirtland, the minutes were "silent" on whether the decision of the Planning Commission was a final decision. That issue should be addressed. There are three options for you:

**Kirtland Products
follow-up**

- (1) If adopted as written, it will trigger under the zoning ordinance, the 30 day window for Kirtland to appeal to the circuit court your decision, if they so choose.
- (2) You can make a motion to "amend after adoption" to address whether the decision was final or not. We are not here to revisit what was decided last time, just if it was your final decision.
- (3) Or you just do not have to adopt the minutes.

It goes to the letter dated October 12th, that was in the agenda packet. Staff and I did meet with Kirtland representatives. Applicant could seek to apply for an amended Conditional Land Use Permit, this would allow the city to review and create standards to implement and apply to the entire city, not just Kirtland.

MacKenzie - I felt it was not our final decision. We wanted to let them continue modifications and wait to have staff & the attorney meet with Kirtland representatives to get final reports in to review. We did not find them in compliance, but wanted to give them a chance to finish modifications.

Kozlowski – I agree, we need to allow reports to come in, review & understand what they say. How can we make a decision on what we don't know?

Ellwanger – I concur with Jim. I don't think we are ready for litigation; however, we need to move forward with some time lines.

City Manager Michael Cain – May want to consider 6B the adoption of the minutes with or without conditions, until after your full discussion and hear from Kirtland with their update and the public. It may have an impact on the decision you make on how you adopt the minutes and whether you attach conditions or not.

Planning Director McPherson gave a review of his staff report that was included in the agenda packet.

Joe Quandt – Council for Kirtland - We did meet with city staff to come up with some pathway to objective standards that the plant could work to achieve and was measurable and accountable to the city. Final plant modifications were made, asked Kodiak to come back and give us an updated report, it is just in, so will allow Tom Monley to address that, and any recommendations from them. DEQ stack testing is done, don't have that report as of yet, hope to have by the next meeting. There was a suggestion that the Traverse City code enforcement people come up and give us some input to see if the plant would meet their standards, and possibly give the group some recommendations. Get a consultant engaged by the city to draft an appropriate ordinance to have "measurable criteria" that can be met or not. Our end result is to get to an amended Conditional Land Use Permit after appropriate standards that are measurable have been established, for an enforcement tool and something the company can work towards.

Tom Monley – Kirtland Products. Last time there was one piece of equipment that needed to be corrected. Some citizens said they could hear the noise again. Kodiak Group was called back to verify fixes. They found two pieces of equipment that they made suggestions to do some additional "tuning" of. This past week the modifications were made to the stacks. Waiting for our startup day to see if the fixes will finalize what Kodiak had recommended.

MacKenzie – This is not a public hearing like last month, but we will open up for public comment.

Debra Ferris: 811 Brockway - We can smell and see the smoke, or what ever is coming out in those plumes, the sound is better, but we still hear it. We have lived in our house for over 35 or 36 years, if we continue to hear this, and have this pollution, we are going to have to move to a different city, I can't stand it.

Julie Howard: Boyne City - The temperatures have lowered, so you will start to see the plume of steam. I know this because my husband works there. In relation to the adoption of your minutes, take into consideration the 1100 names in support of Kirtland Products in relation to the 90 who are against. I have sympathy for them, but take the public opinion into consideration.

Larry Frechette: 1027 Wilson St. – Many times I have driven to the Industrial Park and subdivision and I have never noticed any noises louder than the gravel trains that drive by on M – 75. If I moved into an area that is near different noises from airports, zoned Industrial parks, and truck traffic going by every 5 minutes, you assume some risks.

Don Nessen: Live on Boice St. – Lived here 40 years, way before the Industrial Park was there. Kirtland came to you and said "this is what we will do"; I'm only asking that you make them do what they said. We have waited month after month, how long do we have to put up with it?

Tim Arner: 701 Alice St. – I didn't assume any risk when I bought my house 30 years ago, what I did assume is that the City and Planning Commission would do what was needed to protect the quality of life in Boyne City. Numbers don't matter

how many support a business against those who quality of life has been threatened. No one who has spoken is saying that Kirtland should go out of business. I do have a reason to be bothered by a plant that does disturb my peace and quite and enjoyment in my residential community. Since the last meeting, the weather has been colder and the windows have been closed, on a couple of nights the noise has been loud enough to put ear plugs in to block out noise to go to sleep. At 3 am when I wake up, the noise was there. It has changed, but it is a low frequency noise, not oscillating as much. They made certain representations to open the plant, and they have not upheld those representations. I hope they can improve and work this out. Hope this board would be sensitive to those people impacted.

Diane Haulser: Cozy Nook Lane – Across the river from the plant. Noise is not better by a long shot, vibrations and the odor is still there. There is not a lot of discussion about the odor and what can be done. When it hits you it is like an allergy attack.

Lisa Liebgott: 45 M-75 – live directly across from the plant. My husband who is a disabled vet is home 24/7. His eyes burn, he can smell the burning of wet wood. The noise rattles the large picture windows. It doesn't go away, it is better, and it has taken on a different sound, but still constant.

Bob Petersen: Live 10 miles south of here – I moved to a very quiet rural area from the UP. About 4 months after I moved in, a gas compression facility went in approximately ¼ mile away from my property, there is noise. Be careful if you move, you can get noise not only in the city, but in rural areas also.

Bridgette Nesson: 316 Boice St. – 9/25 very loud early am, 9/26 very loud and smelly, could see the plume and hear the plant on Park St. on my walk, 9/27 at 9:31 pm terribly loud it sounded like an old tug boat in our front yard, 9/28 smelled badly. In the immediate area have lots of kids that live in here all year around, plus the schools. Think about them.

Mark Kowalske: Fall Park Rd. – In 2008 my family and friends were in full support of Kirtland Products pellet plant and the people they would employ. Had the confidence our zoning would protect us; it would never allow uses that were detrimental to residences. The planning board asked several questions back in 2008 about stack emissions they were told that it is co2 and steam, they were never told about VOC and particulate matter. What about the odor? Kirtland visited two other plants and did not smell a thing, and told the planning commission that. There is an odor when the plant is running. Noise: was told 24dB at the property line and 15 dB at the nearest house. Stated it would be no louder than Lexamar. How large would the plume be? It is 50 times larger than Lexamar, was told only twice the size of Lexamar. Asking for help to uphold the zoning to protect the health, safety and welfare along with sanity of the adjacent property owners of Boyne City.

Board Discussion

Proposed course of action is to try to come up with some objective criteria that could be used for enforceable standards. These could be:

- Traverse City Noise Ordinance and the enforcement officer. Preliminary discussions is they will assist us, no firm date as of yet,
- Stack test results are not back yet,
- Engaging sound consultant? There is a possibility to accomplish that, however, who will pay for it?

Neidhamer – To clarify and speaking on my behalf only, we are very sensitive and aware the noises are obtrusive. We are also aware at the public patience is running thin. Tonight we are talking if we held them accountable to doing everything they

said in the Conditional Use and there are still noise problems after they perform that abatement process, we would have zero recourse, as they fulfilled the Conditional Use. If we go through the process of getting measurement standards to address the decibels and low frequency noises that are vibrating then we are asking for another 30 days to get experts in to get a measurement system, so we can hold them to a quantifiable result. Am I right in that assumption?

McPherson – That is a fair analysis.

Neidhamer – We are not insensitive to people's concern for noise, I have been to houses, I agree with you, I know. We have legal and staff advice, and we are going through the process we hope will solve the problems.

Murray – You are accurate. You are not being asked to cast anything in stone. Other than conceptual ideas for an amended conditional use permit, you are not being asked to only stay within what has been proposed by any suggestion or consultant; you will not be bound by anything that does not work. They can come back and the board can make a decision if last month was your final decision or not. What you are trying to decide is do you want to proceed to come up with objective standards to implement for the conditional use permit?

Neidhamer – Any standards set have to be favorable to the city with what we want.

Murray – Correct, any standards need to be agreeable to the city, citizens and surrounding areas. Reasonable standards that both can agree on. If the city set standards and if Kirtland felt they were too high and not agree, or too low the city may not agree. Both should agree and move forward. It would give them a quantifiable measurement to achieve those numbers.

McCahan – I am familiar with the Traverse City noise ordinance, it is very good. I met with the enforcement officer 2 years ago. He is very knowledgeable with community noise issues. Don't know if Kirtland would be in compliance with the TC ordinance. I visited 3 homes in the last week or two. It is definitely disturbing inside the homes. Getting the decibel level around 50 db at a residence property line could be a goal. Would support getting information from consultants.

Cain – I have spoken with Ben Bifos the Traverse City Manager, to get the approval for his staff to assist and have attempted to make contact with their Police Chief Michael Warren to have his noise enforcement officers here to help with the issues we are dealing with, and determine if there is some type of standard we can develop to help us find that acceptable level.

Ellwanger – We need to time line this thing. It has been going on too long. We need something concrete that people can look at. It is frustrating and not good for all of us.

Kozlowski – Last month we did find them not in compliance with issues. Those are the issues we need to immediately target. They are the most offensive. What can and should be done? It needs to be done as quickly as possible. Most critical in my opinion: Stack testing results were due in two weeks after our last meeting.

MacKenzie – The report is complete, but not delivered yet. Noise readings, we need to have hard evidence to prove if better or not. Closure needs to happen soon. I believe everyone wants to get to objective standards that the company can aim for, and that we can enforce.

Frasz – We have to make sure we don't just focus on the sound. What about the other issues of odor, plume and its content. We put in good effort at the initial meeting to understand all of these issues, we asked good questions, and the information we received about the odor, plume and sound was incorrect. That is of concern to me; we need to focus on criteria for everything not just sound.

Murray – All those issues are on the table when we met with Kirtland, and have

not been forgotten. Tonight we are focusing on the sound. Details on odor and plume and particulate are still up for discussion. Outstanding issues all need resolution before coming back to this board.

Frasz – Are the standards that the DEQ and Traverse City have, our standards?

Murray – DEQ has exclusive jurisdiction as cities do not have environmental ordinances.

Frasz – I feel the onus has been put on this board, when we did due diligence, and we are getting pushed into hiring and doing things to go the extra mile, when it should be the applicant doing the extra work based upon the inconsistent information that was provided.

Kozlowski – The non compliant issues agreed upon, were all included in the minutes.

Murray – All of this has been addressed in our meeting with Kirtland and their representatives. You can have staff proceed towards the goal to amend the conditional use permit, and a desire to resolve all of these issues.

Quandt – The Traverse City ordinance is an objective standard, it is already drafted. That is one pathway forward, another is their enforcement officers' input; maybe have them come to a Planning Commission meeting to address citizen concerns. Hiring another consultant and talk about how to allocate cost. The onus is technically upon the city to enforce their ordinance, we are here to work with you in a way to accomplish that at the lowest cost, as quickly as possible with objective standards.

MacKenzie – The Traverse City ordinance would be a good starting point to see if this plant operation stacks up to their ordinance. Does it meet; however, people still can not sleep at night.

Quandt – VOC and particulate matter is regulated exclusively by the state and federal law. You can't make your own standards on those.

St. Dennis – Kirtland set high standards when they came to us in the first place. Looked at outdoor activity that is typically not allowed in the industrial park, when granting the conditional use permit, higher standards are set. There is a large diverse population affected in a negative way. Public welfare is my concern, how long do we ask the citizens to live with this?

Crum – I can't disagree with anything that has been said, I keep coming back to my desire to get some established standards set. I think we can do that, but don't know how quickly.

MacKenzie – We need to make sure that something happens so that we are further along.

Murray – If you approve the minutes either way it is silent if they are final. We need to know if they are final, because the meter begins and the applicant has 30 days, and most likely we could be a defendant in a Circuit Court of Appeals case. A motion to amend after adoption, it does not start the 30 day count down and you can continue to move forward with consultants. Or you can just not adopt the minutes.

MacKenzie – If we do make a motion that the September minutes were not our final decision, we can come back later and make a motion that they are final?

Murray – Correct.

Ellwanger – If we made them final decision, people would have to do something.

MacKenzie – They could take us to court, and that would not solve anything. It will not give us time to review and possibly adopt standards. It would be out of our hands at that point.

Cain – The decision you need to make tonight, would be is this issue best resolved through the Planning Commission or through the courts? I can see it moving slowly going to courts, two meetings ago no attorneys were present, last meeting

one attorney was present, and this meeting there are two attorneys here. Where do we think we will get the best results in the quickest amount of time? If this goes through the courts a judge will decide if and when they will be allowed to operate. We need to also look at the most efficient use of our resources and need to satisfy the public.

Neidhamer – If it went to court, do we have a time line? Maybe 6 months.

Cain – Maybe at the earliest, could be a year or two, and possibly longer with appeals.

Neidhamer – Based on that, we are better off solving this ourselves.

McCahan – I agree, we need to try to get Traverse City consultants in here, review Kirtland's progress and get the testing results within the next 30 days.

With no further board discussion, **moved by McCahan, seconded by Crum** a motion to amend the minutes of September 17, 2012 after adoption as the decision made regarding Kirtland Products is not a final decision.

MOTION

2012-10-15-6B

Roll Call:

Aye: Crum, Ellwanger, Frasz, Kozłowski, MacKenzie, McCahan, Neidhamer, and St. Dennis.

Nay: None

Absent: Meeder

Motion Carries

Staff will continue to work with the direction given in order to work towards a resolution on all of the issues presented as quickly as possible.

Meeder arrived at 6:20 pm

New Business Water Street Mall proposed development plan amendment

Chair MacKenzie recused herself due to a conflict of interest, as her employer could benefit with this project moving forward. She left at 6:22 pm and turned the meeting over to Vice Chair Crum.

Ellwanger left the meeting at 6:22 pm

Planning Director McPherson gave a review of his staff report that was included in the agenda packet. Mr. Neff owner of Water Street mall is looking at amending his 1986 development plan by selling off a portion of the parking lot on the eastern side of the building, an area approximately 20 ft x 165 ft which includes 14 parking spaces. Ken Kruzel is looking at purchasing this area to provide parking for his apartment complex and any possible future developments of it. This is a site plan amendment, so there must be mutual consent between the Planning Commission and the applicant. You can look at this in total, something less, or nothing at all. Have some concerns about the portion of parking to be amended, possibly just allowing the portion behind Mr. Kruzel's property building, and there must be some sort of easement for ingress/egress in perpetuity.

Ken Kruzel – I am looking at purchasing the parking from Gale Neff. I currently rent 10 of these spots already, the purchase will be maintained for my apartments. We thought it would be easier and cleaner if I purchased the entire area up to behind the Legion hall. If this board feels differently, it doesn't matter to me. I would also like to look at the construction of a deck off the back of my existing building. I can't do that now, because I am right at the lot line.

Board Discussion - The is an amendment to the site plan for Water Street Mall,

which can be amended as requested in total or partially.

St. Dennis – I have no problem with the area behind Mr. Kruzal's, but do not make an irregular parcel.

Kozlowski – I would elect not to change the area or size to purchase.

Kruzal – I would like to have a parking area in the back, and drop off for the front. I have been approved for two apartments, once I met with builders, they indicated it was cost effective to put in four apartments instead of two. I need more parking, Mr. Neff does not need it all.

Kozlowski – We don't know in the future what will be in the Mall, maybe they will need more parking. Leave it as is, not break it up.

Meeder – Give him the option to buy what is behind his building. No long term lease now on them.

McPherson – This is in the Central Business District, which does allow the Planning Commission to adjust & waive parking. Is it the required number of parking for the mall now? It is really impossible to calculate. Have to look at it as a whole unit. What they have is working pretty well now. Is this board comfortable in adjusting it? I don't see the request changing things a whole lot.

Kruzal – It is necessary for the future development of my project. I don't want any more relief for parking, I just want parking.

Frasz – The last time you were here, you indicated that you were close to purchasing the adjacent (Roisen) property and would use the garage area for parking for the apartment building.

Kruzal – Yes, the plans were the garage would be torn down, but now I'm using it for the apartment building, so it does not make sense to tear down that building. My plans have changed to not allow parking in the garage. There is still room for (2) vehicles to park in front of the garage, however, technically that is parking for the house. If I use the garage area for parking for the apartment building, I would not have any parking for the house.

Frasz – For the CBD if we were to allow the amended site plan can we put restrictions on how much of it can be parking, or could he build all the way out, and not use any of it for parking?

McPherson - Things evolve, we need to know future planning, and think of any unintended consequences. You are being asked to amend this plan and separate the parking from the Water Street Mall. The separated parking is something this board will need to consider at a later date, perhaps with an updated site plan for the Kruzal property. What happens to the portion that was separated by transfer of ownership, how do we maintain what is being proposed without an updated site plan for the adjacent property to attach it to. There will need to be an easement granted from Mr. Neff to get to the portion of the parking lot that has been requested to be split off.

Because there is not an updated site plan for the apartment building construction, where the planned purchase of parking was suppose to be attached to, **motion by Neidhamer, seconded by Kozlowski** to table this development plan amendment request in addition to the Kruzal property that was approved prior, in conjunction with the proposal of the purchase of the 20 ft. x 165 ft. parking lot area.

2012-10-15-7A

Roll Call:

Aye: Crum, Frasz, Kozlowski, McCahan, Meeder, Neidhamer and St. Dennis.

Nay: None

Absent: Ellwanger and MacKenzie

Motion Carries

****MOTION**

Staff Report

Will be reviewing applications for the Assistant Zoning Administrator's job within the next weeks. Did receive 23 applications, many of them very good candidates. Staff will be attending the Michigan Association Planning Conference at the end of next week in Travers City.

Good of the Order

The next meeting of the Boyne City Planning Commission is scheduled for November 19, 2012 at 5:00 pm at city hall.

Adjournment

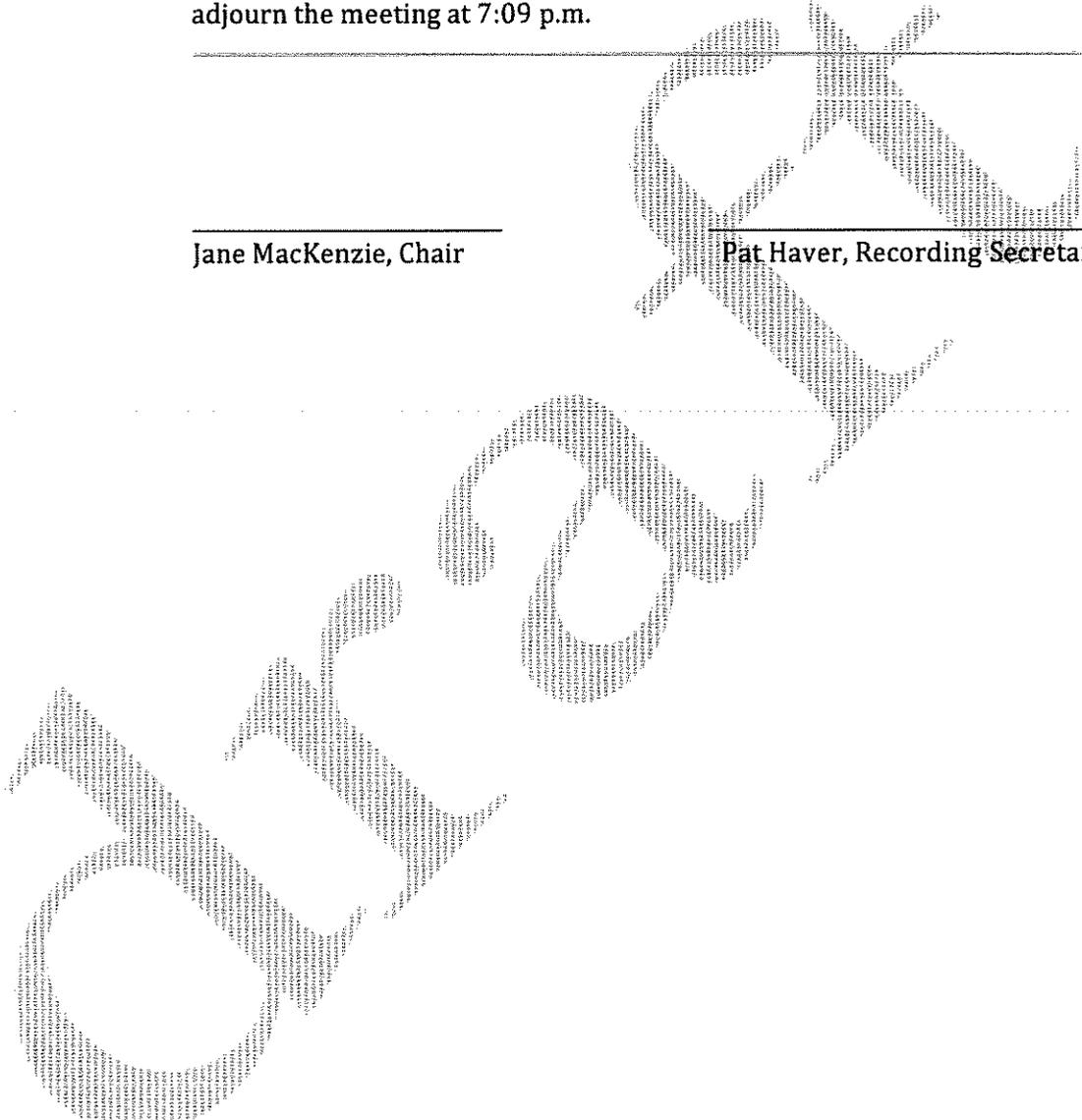
2012-10-15-10

****MOTION**

Meeder moved, McCahan seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 7:09 p.m.

Jane MacKenzie, Chair

Pat Haver, Recording Secretary





Approved: _____

**MEETING OF
OCTOBER 25, 2012**

**RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE
BOYNE CITY AIRPORT ADVISORY BOARD HELD OCTOBER 25, 2012**

CALL TO ORDER

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

ROLL CALL

Present: Richard Bouters, Bud Chipman*, Rod Cortright*, Ed Hennessey, Leon Jarema*, Jim Kozlowski* Roger Reynolds, Jerry Schmidt, and Oral Sutliff

ATTENDENCE

Absent Larry Trumble*

*Ex Officio Members

Staff: Airport Manager/City Manager Michael Cain

**APPROVAL OF MINUTES
MOTION**

Sutliff moved Schmidt seconded PASSED UNANIMOUSLY to approve the September 27, 2012.

CORRESPONDENCE

None

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

Kozlowski reported on plans for the "aviation day", suggested for the same day as Boyne Thunder, July 13, 2013. He presented the board with a list of twenty six items (received and filed) that he suggested should be covered, which were discussed by the board. He will prepare a more detailed list to be distributed to the board.

UNFINISHED BUSINESS

- Hangar Inquires/Leasing: Nothing to report
- Drag race results: Cain submitted the expense sheet (received and filed the Airport received \$5445.38.
- Courtesy Car: Cain reported that the City Commission approved a courtesy car for the Airport. Some details to be worked out, availability, keys, etc. The door sign will be provided by the Wood Shop. **Sutliff moved, Bouters seconded PASSED UNANIMOUSLY** to approve the use of a courtesy car at the airport.

NEW BUSINESS

MOTION

- Election of Officers: **Schmidt moved, Bouters seconded PASSED UNANIMOUSLY** to appoint Roger Reynolds as Chair, Sutliff as Vice Chair, Karen Seeley as secretary and Hennessey as recording secretary.
- Crack Sealing: The board reviewed the bid from Applied Pavement Marking, LLC for \$9800.00

- Directory listing: Cain reported on update, copy attached
 - Joint meeting: It was agreed that a joint meeting regarding "aviation day" Date to be set since there will be no regular meeting until January 24, 2013. November and December regular meeting are cancelled because of the holidays.
 - Consultant Contact: Cain reported that he has been speaking with Michael Borta, Manager of QoE Consulting regarding some matters for future airport improvements.
-

GOOD OF THE ORDER

- AV Fuel price as of 9/14/2012 \$5.73
 - Cain reported on: East Jordan opened their 2nd turf runway.
 - A couple inquired about use of a seaplane from Lake Charlevoix at Boyne City this summer.
 - Cain reported on his road trip.
 - Cement tie down blocks for aircraft parking area (generally discouraged by the board).
-

NEXT MEETING

The next Airport Advisory Board will be held Thursday, January 24, 2013 at 5:30 p.m.

ADJOURNMENT

Chair Reynolds adjourned the Airport Advisory Board meeting at 6:54 p.m.

Ed Hennessey, Recording Secretary

MEMORANDUM

TO: MICHAEL CAIN; CITY MANAGER *Mc*

FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT *AKC*

DATE: 11/8/12

RE: TREE PLANTING BIDS

Bids were advertised for our annual tree planting project with a bid due date of October 22, 2012. Bid specifications were also mailed directly to three local vendors; Robinsons Landscaping and Nursery, Boyne Valley Landscaping and Nursery and C Williams Landscaping and Nursery. One bid was received from Robinson's Landscape and Nursery.

This year we have allotted for 50 trees to be planted in City right of way based on the list of requests from residents maintained by the front office staff and also includes replacement of some trees removed from city properties. Following is a breakdown of the bid:

Tree Type	Quantity	Size	Installed Price Each	Total Price
Red Sunset Maple	21	2.5 – 3 inch caliper	\$ 220.00	\$4,620.00
Green Mountain Sugar Maple	7	2.5 – 3 inch caliper	\$ 220.00	\$1,520.00
Skyline Locust	0	2.5 – 3 inch caliper	\$ 220.00	\$0.00
Northern Red Oak	2	2.5 – 3 inch caliper	\$ 265.00	\$530.00
Crimson King Maple	20	2.5 – 3 inch caliper	\$ 220.00	\$4,400.00
Total	50			\$11,070.00

Attached to this memorandum is a copy of their bid for your review.

RECOMENDATION:

It is my recommendation that the City Commission approve this contract with Robinson's Landscape and Nursery of Boyne City in the amount not to exceed

\$11,070.00, and authorize the City Manager to sign the necessary documents. Robinson's Landscape and Nursery has been the low bidder for this project for the last 4 years. The quality of their trees and workmanship is excellent. Funds for this project are available in the Street Department budget.

OPTIONS:

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



ROBINSON'S LANDSCAPING & NURSERY

05406 West Rd.
Boyne City, Mi 49712
(231) 582-9484/(231) 582-9454 fax
www.robinsonslandscaping.com

Landscape Quote

Date: October 18, 2012

Project: CITY OF BOYNE CITY
319 N. Lake St.
Boyne City 49712
(231) 582-0337

Specifications:

- Landsaped as detailed below.
- Plants planted in topsoil, fertilized w/slow release fertilizer and watered in.
- One year guaranteed normal growth. Not obligated to replace plants damaged by lack of water/maintenance, abnormal weather conditions, animal damage or other conditions beyond our control.

Landsaping:

Qty	Units	Item Name	Size/Desc	Unit Price	Ext. Price
1	Units	RED SUNSET MAPLE	2.5-3" cal	\$220.00	\$220.00
1	Units	GREEN MOUNTAIN SUGAR MAPLE	2.5-3" cal	\$220.00	\$220.00
1	Units	CRIMSON KING MAPLE	2.5-3" cal	\$220.00	\$220.00
1	Units	NORTHERN RED OAK (Up to quantity of 5 trees) See note below	2.5-3" cal	\$265.00	\$265.00

Total: Dependent on number

For quantities above 5 on the red oak unit price would be \$300.00 per tree as we have the 5 available in the nursery.

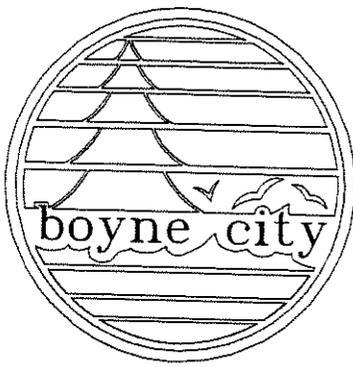
Approval: _____

Date: _____

Terms: 25% down, Balance upon completion. 1.5% per month late fee.

Please initial approved category totals, sign, date and return.

- Full service design and construction
- Michigan State University Horticulturist
- Michigan State University Landscape Architect
- Grower of over 30 acres of quality nursery stock
- Highly trained and experienced staff

MEMO*CITY OF BOYNE CITY*

To: Michael Cain, City Manager *MC*

From: Barb Brooks, Harbor Master *BB*

Date: November 8, 2012

Subject: Marina Consultant / Engineering Firm RFP

During the first part of September the City requested proposals from marina consulting firms for planning and engineering services to assist the City with marina renovation and expansion plans. Three proposals were submitted for consideration; Edgewater Resources, Abonmarche and Gourdie Fraser, Inc.

Edgewater and Abonmarche were selected for interviews based on their knowledge and experience. Both firms interviewed well and expressed a desire the ability to assist the City with our current renovation plans and overall master plan to be submitted to the MDEQ and USACE for permitting of potential, future expansion of the City's marina and facilities. While the hourly rates for services from the two firms were comparable, the overall estimated time involved varied significantly. The cost estimates from each firm is attached for your review. The only concern I have with the proposal from Abonmarche is the limited number of hours allotted for construction management.

Due to the current low water level on Lake Charlevoix and the age and deterioration of some of our slips, it is imperative that we address some of these issues prior to spring and the boating season. The sooner we bring on a consultant, the sooner we can get started with design, bidding and construction our shoppers' dock and fixed docks.

Background:

- The City has a current grant from the MDNR in the amount of \$102,092 for replacement and expansion of the shoppers' dock and renovation of the fixed finger piers off the breakwall. These funds must be used and grant closed out no later than July 12, 2014. Estimated project cost is \$210,500.
- The City has used the services of Abonmarche in the past for conducting a wave study and a marina master plan. Abonmarche, using the City adopted marina master plan, submitted a permit for expansion to the MDEQ and USACE. This permit was denied by the MDEQ and Corps did not weigh in on it.
- The City on its own (without the assistance of Abonmarche) filed an appeal to the decision. It was ordered that the City and MDEQ staff continue to work through and

resolve the concerns that were the basis of the denial to see if a permissible project would arise from these discussions. This process has been taking place for a couple years and we are at the point of not being able to go any further without engineered plans to present for review.

Complete copies of each proposal are available for review in my office.

Recommendation:

That the City Commission approves the proposal from Abonmarche to assist the City with renovation and proposed expansion of the City marina for an amount not to exceed \$31,240 and have the City Manager sign the required documents.

Alternate options:

- Hire a different firm, don't complete the project or any other alternatives the commission may feel appropriate.

Exhibit 1

11.0 Cost Proposal Form

Firm Name: Gourdie Fraser, Inc.
Contact Name: Brian Boals, P.E.
Address: 123 West Front Street
Traverse City, MI 49684
Phone #: 231-946-5874
Email: bboals@gourdiefraser.com
Date of site visit: September 20, 2012



Standard Billing rates (personnel and expenses) attached

SERVICE	PERSON HOURS	AMOUNT (Including expenses)
Permit Acquisition	<u>48</u>	\$ <u>3,800.00</u>
Design	<u>164</u>	\$ <u>13,900.00</u>
Construction Documents	<u>48</u>	\$ <u>4,200.00</u>
Bid Support Services	<u>16</u>	\$ <u>1,800.00</u>
Construction Project Management (Phase 1)	<u>208</u>	\$ <u>19,400.00</u>
Permit Negotiations (only with prior City approval) allowance		\$ <u>3,000.00</u>
	<i>Subtotal</i>	\$ <u>46,100.00</u>
	Contingency (10%)	\$ <u>4,610.00</u>
	Total Project	\$ <u>50,710.00</u>

Number of all meetings included in Cost Proposal 10

**Exhibit 2
2012 BILLING RATES**

■ CLASSIFICATION	HOURLY RATE
Principal	\$135.00
Director of Engineering	\$130.00
Project Manager	\$110.00
Project Engineer	\$95.00
Structural Engineer	\$95.00
Design Engineer	\$95.00
Design Technician	\$75.00
Director of Operations & Maintenance	\$130.00
Operations & Maintenance Project Manager	\$95.00
Operations & Maintenance Specialist	\$80.00
Assistant Operations & Maintenance Specialist	\$70.00
Operations & Maintenance Technician	\$55.00
Land Use Planner	\$85.00
Administrative Assistant	\$50.00
Senior Testing & Inspection Technician	\$63.00
Testing & Inspection Technician II	\$54.00
Testing & Inspection Technician I	\$49.50
Director of Surveying	\$130.00
Professional Surveyor	\$115.00
Project Surveyor	\$80.00
Survey Crew Chief	\$62.00
Survey Instrument Person	\$48.00
One Survey Person with GPS or Robotics	\$110.00

■ REIMBURSABLE CHARGES:

- Travel mileage is reimbursable at \$0.51/mile
- Reimbursables such as off-site printing, postage, permits, sub consultants, rentals, etc. will be invoiced at cost plus 15%.
- Expert witness testimony and preparation will be 1.5 x the billing rate.
- Prints & Plots
 - Black & White\$0.50/sf (24"x36"/\$3.00)
 - Color\$1.00/sf (24"x36"/\$6.00)
- Copies

<ul style="list-style-type: none"> Black & White 8½ x 11\$0.10/side 8½ x 14\$0.15 each 11 x 17\$0.20 each 	<ul style="list-style-type: none"> Color 8½ x 11\$0.20/side 8½ x 14\$0.30 each 11 x 17\$0.40 each
---	---
- Binding\$3.00 each
- Equipment
 - Total Station.....\$10.00/hour
 - Robotic Total Station.....\$25.00/hour
 - GPS Real Time\$75.00/hour, 4 hour minimum
 - GPS Pathfinder\$30.00/hour, 4 hour minimum
 - Boat\$130.00/Day
 - ATV/Snowmobile\$150.00/Day
 - Survey Signs.....\$32.00/Day (Set of 8)

11.0 Cost Proposal Form

Firm Name: Abonmarche Consultants, Inc.
Contact Name: Daniel A. Dombos, PE
Address: 95 West Main Street
Benton Harbor, MI 49022
Phone #: 269.926.4549
Email: ddombos@abonmarche.com
Date of site visit: 9/24/2012



Standard Billing rates (personnel and expenses) attached

SERVICE	PERSON HOURS	AMOUNT (Including expenses)
Permit Acquisition	<u>30</u>	\$ <u>3,000</u>
Design	<u>76</u>	\$ <u>7,300</u>
Construction Documents	<u>36</u>	\$ <u>3,000</u>
Bid Support Services	<u>24</u>	\$ <u>2,200</u>
Construction Project Management (Phase 1)	<u>120</u>	\$ <u>9,900</u>
Permit Negotiations (only with prior City approval) allowance		\$ <u>3,000.00</u>
	Subtotal	\$ <u>28,400</u>
	Contingency (10%)	\$ <u>2,840</u>
	Total Project	\$ <u>31,240</u>

Number of all meetings included in Cost Proposal 7

Prices are valid for 90 calendar days after the proposal closing date.

*Bathymetric surveys and borings to identify the requirements for pile-driving may be necessary. It is expected that we would provide a proposal for these services, if necessary.

**Our construction phase services are estimated based upon a field visit once per week with a progress meeting conducted by an engineer bi-weekly. If additional site construction oversight is required, we can provide that on a time and materials basis.

Engineering	
Firm Principal	\$145-200
Senior Registered Engineer/Senior Project Manager	\$120-155
Project Engineer / Project Manager	\$85-108
Staff Engineer	\$65-80
Landscape Architect	\$80-90
Engineering Technician	\$60-70
CADD Technician	\$60-72
Construction Technician	\$40-70

Architecture	
Firm Principal	\$125-130
Senior Licensed Project Architect	\$95-105
Project Manager	\$85-90
Intern Architect	\$75-90
Architectural Draftsman/Design Specialist	\$72-82

Surveying	
Survey Manager	\$90-100
Senior Surveyor	\$80-90
Survey Crew Manager	\$80-90
Survey Crew Chief	\$60-65
Survey Technician/Staff Surveyor	\$45-55
CADD Technician	\$60-70
Two-Person Survey Crew	\$120
Two-Person Construction Staking Crew	\$120-125
Three-Person Survey Crew	\$190
One-Person Crew with Robotic Total Station	\$85
One-Person with Ground Penetrating Radar	\$115

Auxiliary Services	
IT Manager & Systems Administrator	\$80-95
Administrative/Executive Assistant	\$50-80
Development Services Professionals	\$60-100

* Rates subject to change

11.0 Cost Proposal Form

Firm Name: Edgewater Resources, LLC
Contact Name: Michael C. Morphey
Address: 518 Broad Street, Suite 200
St. Joseph, MI 49085
Phone #: 269 408 6389
Email: mmorphey@edgewaterresources.com
Date of site visit: More than 12 visits since 2002



Standard Billing rates (personnel and expenses) attached

SERVICE	PERSON HOURS	AMOUNT (Including expenses)
Permit Acquisition	<u>235</u>	\$ <u>23,500</u>
Design	<u>120</u>	\$ <u>12,000</u>
Construction Documents	<u>210</u>	\$ <u>16,500</u>
Bid Support Services	<u>34</u>	\$ <u>4,500</u>
Construction Project Management (Phase I)	<u>128</u>	\$ <u>9,500</u>
Permit Negotiations (only with prior City approval) allowance		\$ <u>3,000.00</u>
	Subtotal	\$ <u>69,000</u>
	Contingency (10%)	\$ <u>6,900</u>
	Total Project	\$ <u>75,900</u>

Number of all meetings included in Cost Proposal 9

Consultant Fees and Compensation

Edgewater Resources 2012 Billing Rate Schedule

Ron Schults, PE	\$150
Greg Weykamp, ASLA LEED AP	\$150
Jim Muschell, PE	\$150
John Schlak, PE	\$135
Bob Bogner, MAI	\$135
Jeff Bartoszek, PE	\$135
Kathy Weykamp, ASLA	\$135
Daryl Veldman, PE	\$125
Mike Morphey, PE, LEED AP	\$115
Suzie Fromson, ASLA, LEED AP	\$105
Heather Saunders, ASLA	\$ 85
Kevin Krogulecki, ASLA	\$ 75
Jason Keller	\$ 75
Audrey Ackerson	\$ 50
Lynn Basselman	\$ 50

We propose to complete the scope of services described above on an hourly and expense, not-to-exceed basis with maximum costs as outlined below, not to be exceeded without prior City approval. The fees outlined below are based on our understanding of the project as outlined in the RFP. There are potential cost savings measures that could reduce these fees, including collaboration with City staff to reduce field supervision time and meeting via video conference for some meetings. We also recommend postponing the Final Design phase to a later date.

At this stage, the permitting process is difficult to assess since we do not know how much additional work will be required to reach consensus between the City of Boyne City, MDEQ, and USACE. The fees outlined below provide a range of fees ranging from the minimum streamlined process we anticipate, up to an extended design and approval process.

Task One – Permitting	<u>Streamlined</u>	<u>Extended</u>
Plan Review, Findings and Study Report:	\$ 5,000	\$24,500
Permit Drawings:	\$ 8,500	\$ 8,500
<u>Permit Approval Process:</u>	<u>\$10,000</u>	<u>\$20,000+</u>
Subtotal Task One:	\$23,500	\$53,000+

Phase One Budget Analysis

The budget outlined in the RFP indicates a total construction budget of \$210,500 for Phase One, including construction and design fees.

We estimate the construction cost of Phase One to be approximately \$50 per square foot, or \$165,000 for the estimated area of 3,300 square feet.

Phase One Design Fees:	\$ 30,500
Estimated Construction Cost:	\$165,000
<u>Available Contingency:</u>	<u>\$ 15,000</u>
Phase One Total:	\$210,500

Task Two – Design:		Per MDNR <u>Schedule Rates</u>
Preliminary Design:	\$12,000	
Final Design:		
Subtotal Task Two	\$12,000	

Task Three – Phase One Design	
Construction Documents:	\$16,500
Bid Support Services:	\$ 4,500
<u>Construction Project Management:</u>	<u>\$ 9,500</u>
Subtotal Task Three	\$30,500

Permit Negotiations Allowance: \$ 3,000

Subtotal:	\$69,000
<u>Contingency (10%):</u>	<u>\$ 6,900</u>
Total Project:	\$75,900

This includes four (4) meetings during the design and permitting phase, and five (5) meetings/site inspections during construction of Phase One.