



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

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

BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, December 10, 2013 at 7:00 p.m.

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 November 12, 2013 City Regular City Commission meeting minutes as presented
 - B. Approval of the November 26, 2013 City Commission Facilities Work Session meeting Minutes as presented
 - C. Approval to accept the invitation by the City of Frankenmuth to hold our 2014 Mayors Exchange with them and authorize staff to begin working out the details
 - * See items 9F, H and L for possible inclusion in Consent Agenda.
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
 - A. Correspondence from the Health Department of Northwest Michigan
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
 - A. Draft Minutes of the November 5, 2013 Zoning Board of Appeals Meeting
 - B. Draft Minutes of the November 7, 2013 Main Street Board Meeting
 - C. Draft Minutes of the November 7, 2013 Parks & Recreation Commission Meeting
 - D. Draft Minutes of the November 11, 2013 Economic Development Corp Meeting
 - E. Draft Minutes of the November 11, 2013 Local Development Finance Authority Meeting
 - F. Draft Minutes of the November 16, 2013 Planning Commission Meeting
8. UNFINISHED BUSINESS

9. NEW BUSINESS

- A. Cemetery Gates Public Hearing
Public Hearing regarding Maple Lawn Cemetery gates, entrance closures and possible hours of operation
- B. Fire Truck Purchase
Consideration to approve to accept the low bid of \$313,358 from Toyne, Inc of Breda, Iowa for a fire pumper truck and further reduce it to a total of \$301,985 with a full payment at contract signing and authorize the City Manager to execute the contract
- C. DIG Grant Engineering Proposal for East / Ray Street Reconstruction
Consideration to approve the proposal for Engineering Services for the Ray and East Street DIG project dated December 10, 2013 from C2AE at an estimated total amount of \$85,600 on the condition that C2AE agrees that if notified by the City that the project did not receive final approval that the City of Boyne City shall not incur further costs or obligations
- D. Boyne City Housing Commission Personnel Transfer from MERS
Consideration of request from Housing Commission to adopt the Joint Transfer Agreement with them to separate the Housing Commission from the City of Boyne City's Municipal Employees Retirement System (MERS) plan and authorize the City Manager to execute the documents
- E. City Facilities RFP
Consideration to review the draft Request for Proposals for City Facilities, and considering any further feedback we may yet receive on it and any revisions deemed necessary, authorize staff to proceed with advertising it
- F*. Food Truck Discussion
Consideration to authorize staff to research the Food Truck topic further, involving appropriate community input, bring back findings, alternatives and recommendations
- G. Police Department Media Storage System
Consideration to accept the grant for \$4,700 from the Michigan Township Participating Plan (PAR), authorize the City Manager to execute the documents; and to proceed with the purchase of the Media Storage System as designed by Marcor Technologies in the amount of \$6,264 and authorize the City Manager to execute the documents
- H*. Veterans Park Pavilion Grant
Consideration to accept the \$1,500 grant from the Charlevoix County Community Foundation for the Veterans Park Pavilion Project and authorize the City Manager to execute the documents
- I. City Commissioner Compensation
Consideration that the City Commission approve the recommendation from the Compensation Commission for an increase in compensation from \$2,800 per year for the Mayor and \$2,300 per year for each Commissioner to \$3,000 per year for the Mayor and \$2,500 per year for each Commissioner.

- J. City Manager Compensation
 Consideration to approve the increase of the City Manager's pay as outlined, increase the automobile compensation to \$400 / month and increase the deferred compensation contribution from 10% to 12% with all changes effective the 2nd pay period of December, 2013
- K. Health Care Eligibility
 Consideration to amend the City of Boyne City's personnel policy to provide health insurance for employees who work over 30 hours per week effective January 1, 2014 in order to comply with the ACA as outlined by the City's Labor Attorney and authorize the City Manager to execute the changes to the document
- L*. Insurance Opt Out
 Consideration to approve a motion opting out of the requirements of PA 152 of 2011 for the coming year and authorize the City Manager and City Clerk/Treasurer to submit the required paperwork
- M. Health Savings Account Contributions
 Consideration to approve funding the Health Savings Accounts for eligible employees participating in the City's Priority Health HSA plan for 213 at the \$1,500 and \$3,000 levels as presented
- N. Request of the City Manager to go into closed session to consider strategy connected with the negotiation of a collective bargaining agreement as provided in MCL 15.268 (c) of the Michigan Open Meetings Act (PA 267 of 1976)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- City Offices will be closed Tuesday, December 24 and Wednesday December 25, 2013 in observance of Christmas Eve and Christmas Day
- City Offices will be closed Tuesday, December 31, 2013 and Wednesday January 1, 2014 in observance of New Year's Eve and New Year's Day
- City City-Wide Goal Setting Session is scheduled for Thursday, January 9, 2014 at 6:00 p.m. at the St. Matthews Church Fellowship Hall
- The next regular City Commission meeting is scheduled for Tuesday, January 14, 2014 at 7:00 p.m.

12. ADJOURNMENT

Individuals with disabilities order to participate in municipal Hall for assistance: Cindy Grice, 319 North Lake Street, Boyne City,



requiring auxiliary aids or services in meetings may contact Boyne City City Clerk/Treasurer, MI 49712; phone (231) 582-0334

**NOVEMBER 12, 2013
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 NOVEMBER 12, 2013 AT 7:00 PM

CALL TO ORDER

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

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

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

Others: There were 7 citizens in attendance, including representatives from the Charlevoix County News.

OATH OF OFFICE

City Clerk / Treasurer Grice administered the Oath of Office to newly elected City Commissioner, Ron Grunch, Laura Sansom and Gene Towne.

ELECTION OF MAYOR

2013-11-149
Moved by Towne
Second by Neidhamer

To nominate Ron Grunch as Mayor for the City of Boyne City.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**ELECTION OF MAYOR
PRO-TEM**

2013-11-150
Moved by Gaylord
Second by Sansom

To nominate Gene Towne as Mayor Pro-Tem for the City of Boyne City.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**CONSENT AGENDA
MOTION**

2013-11-151
Moved by Sansom
Second by Towne

To approve the October 22, 2013 regular City Commission meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

John McCahan commented now that the Thirsty Goat is closed, they are getting a full night's sleep. There have been 4 owner/operators of that

business since 2004. Maybe the Chamber and Main Street could suggest a different business model. Also, he reads in the newspaper police report there are noise complaints every week. Anything this group can do to help with the noise issues will be appreciated.

Correspondence from the State of Michigan Department of Licensing and Regulatory Affairs regarding the "Uniform Video Services Franchise Act" was received and filed.

CORRESPONDENCE

City Manager Cain reported:

CITY MANAGERS REPORT

- The rescheduled free horseback rides for kids in Avalanche Park were held and enjoyed by those who participated.
- Staff recently attended a program at the Boyne Valley Township Hall on the State's MiDeal purchasing program. This program was informative and we brought back information to the City to use across departments to save money on things we already buy.
- Flotation dock has completed all the repairs on the floating docks in our marina.
- Dredging has been completed and spoils removed. The restoration process will probably continue into the spring.
- Mr. Hartwell's water service on Division Street has been restored. A new meter has been set and he will be billed for future water services.
- We've had 15 people volunteer to help put together plans for the proposed Dog Park Project.
- The now vacant Police Officer position has been advertised and applications are due Friday, November 15.
- On Monday, November 18, Boyne City will be launching our own Facebook and Twitter pages. Primary purposes will be to inform citizens of public services, use feedback from citizens to improve our services and collaborate with citizens to improve services.
- The sponsors of the Sunset Park Ice rink have decided to move in a different direction this winter and if all goes well, the Ice Pole will be restored for operation shortly.

Mayor Grunch presented Dennis Amesbury an award for 30 years of service to the City of Boyne City and it's citizens.

30 YEAR SERVICE RECOGNITION FOR DENNIS AMESBURY

Draft Minutes of the October 1, 2013 Zoning Board of Appeals Meeting; the October 3, 2013 Main Street Board meeting; the October 3, 2013 Parks & Recreation Commission Meeting; the October 15, 2013 Historical District Commission Meeting; the October 21, 2013 Planning Commission Meeting and the October 24, 2013 Airport Advisory Board Meeting were received and filed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Consideration to approve the resolution to submit a Storm Water Management and Wastewater (SAW) grant application to the Michigan Department of Environmental Quality for the planning, design and construction of improvements for the collection and treatment of wastewater and / or storm water systems.

SAW Grant Application

Planning Director Scott McPherson discussed the grant application for the SAW grant that has been prepared with the assistance of C2AE for submittal. This was approved by the City Commission at their September 24, 2013 meeting. City Manager Cain added that this is a great opportunity for the City. Larry Fox of C2AE said the resolution for the grant is based on a spreadsheet of projects and costs. If we don't add

these projects in the grant now, we cannot add them in later. Dan Meads said the State is going to require that we have an asset management plan.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Neidhamer said there is a lot of information, he thinks it is something we have to do, and is in full support. Mayor Pro-Tem Towne said he is also in full support. It is a cost savings tool. Commissioner Grunch asked what assurance plans do we have in place to avoid any massive penalties as outlined in item 3 of the resolution. City Manager Cain said there was a lot of discussion about this. We didn't want to get into something we can't complete. Larry Fox added there is a section on Deliverables in the service section that lists this as C2AE's scope of work. City Manager Cain said this is a tool that will give a lot more precise data when setting utility rates. Commissioner Gaylord said the stormwater ordinance is in the breakdown. Is that a requirement? Larry Fox said it is not, but you have the opportunity to look at language. Commissioner Gaylord said he sees the most value is updating the GIS equipment and getting detail of what we have in the ground. Commissioner Sansom and Mayor Grunch are in favor.

MOTION

2013-11-152

Moved by Towne

Second by Sansom

To approve the resolution to submit a Storm Water Management and Wastewater (SAW) grant application to the Michigan Department of Environmental Quality for the planning, design and construction of improvements for the collection and treatment of wastewater and / or storm water systems.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Trail Town Support

Consideration to support the recommendation of the Parks and Recreation Commission and Main Street Board for Boyne City to become a "Trail Town" and to authorize the City Manager to execute the required documents for engaging the professional services of the Land Information Access Association in the development of the "Trail Town" master plan.

City Manager Cain discussed the presentation that he along with members of the Boyne City Parks and Recreation Commission, the Main Street Board, City staff, and interested community residents attended by Larry Burkholder of the Land Information Access Association (LIAA) on the concept of Trail Town.

A Trail Town is a community in which local officials have used their trail system as the focal point of a tourism-centered strategy for economic development and local revitalization. It was stressed in the presentation that Trail Town efforts are not limited to any type of trail and include non-motorized, snowmobile, lake and river, and 4-wheel trails. LIAA has received grant funds from the Charlevoix Community Foundation and the

Frye Foundation to develop a Trail Town Master Plan for two communities within Charlevoix County and they are offering their services to Boyne City at no cost. Services would include professional planning assistance and technical support for developing a useful, appropriate, and well supported Trail Town Master Plan for Boyne City. Also included would be geographic analyses and map production. Both the Main Street Board and the Parks and Recreation Commission are in unanimous agreement this is an initiative Boyne City should endorse and they strongly encourage the City Commission do the same.

Staff Comments: Andy Kovolski said we have a lot of these aspects in place and there are also other aspects we can look at.

Citizens Comments: Mike Sheehan agrees with the recommendation. Jim Baumann said this is an impressive program and supports the recommendation.

Board Deliberation: Mayor Pro-Tem Towne agrees and sees this as an economic tool. Commissioner Gaylor said he has heard many comments that we are already doing these things. We don't need a stamp from Trail Towns to show off what we already have. As far as waterways trails, are we preventing people from coming in thru Lake Charlevoix? He said he goes back to the great work our residents are already doing and is not comfortable with a third party stamp. There is nothing he has read that is going to sway him to getting on board with this. We're not preventing anyone from coming to Boyne City. Using this organization as a reference is fine, but he cannot endorse the City to sign on to be a Trail Town. Commissioner Sansom had a question on other communities in Northern Michigan and how much are we tied into them. City Manager Cain said this can also open a door to other grants. Commissioner Neidhamer said he is in full support. We are not preventing, and this is promoting people. Their expertise will help to promote our plan. Let's have signage, promotion, accessibility, whatever we can do to help people come to Boyne City. He added it is using our assets and having tools to promote them. Mayor Grunch said he is also in full support. We don't know where our net grant is coming from. We just have to grow smarter and happier. Commissioner Gaylor said trails are being referenced that aren't built yet. Let's be realistic, we're not going to let people get lost.

MOTION

2013-11-153

Moved by Neidhamer

Second by Towne

To support the recommendation of the Parks and Recreation Commission and Main Street Board for Boyne City to become a "Trail Town" and to authorize the City Manager to execute the required documents for engaging the professional services of the Land Information Access Association in the development of a "Trail Town" master plan.

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

Consideration to approve a contract with Haley Irrigation of Boyne City in the amount of \$15,350 and authorize the City Manager to sign the required documents

Rivermouth Irrigation Bid

Public Works Superintendent Andy Kovolski discussed the bids for irrigation installation at the area near the river mouth. This is an area that is being utilized more and more for events and everyday use by citizens and visitors. In the past, the area has been maintained using portable sprinklers. An irrigation system will help us better maintain the lawn in this area. Bids were advertised and two were received. Based on the bids and drawings, it is recommended that the bid from Haley Irrigation be approved. Their proposal offers better coverage of the area with less over spraying of hard surface areas. They also include a drip-line system for the flower beds around the restroom building.

Staff Comments: City Manager Cain said the transformation of the parks has been dramatic since irrigation has been installed.

Citizens Comments: Jim Baumann agrees with the recommendation.

Board Deliberation: Commissioner Gaylord said the drawings provided by the bidders are not equal. Andy said they bid on square footage. All Commissioners are in favor of the recommendation.

2013-11-154
 Moved by Sansom
 Second by Towne

MOTION

To approve a contract with Haley Irrigation of Boyne City in the amount of \$15,350 and authorize the City Manager to sign the required documents.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration to approve the 2014 City Commission meeting schedule as presented with all meetings to be held at Boyne City Hall, 319 North Lake Street.

2014 City Commission Meeting Schedule

2013-11-155
 Moved by Gaylord
 Second by Sansom

To approve the 2014 City Commission meeting schedule as presented with all meetings to be held at Boyne City Hall, 319 North Lake Street

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration to schedule a Community-wide Goal Setting meeting for 6:00 p.m. on January 9, 2014 at the St. Matthews Church Fellowship Hall and a Joint Board and Commission meeting for 6:00 p.m. on Thursday, February 13, 2014 in the Boyne City Hall Auditorium and authorize the City Manager to make the necessary arrangements.

Community Goal Setting and Joint Board and Commission Meetings

City Manager Cain discussed the history of conducting community wide goal setting session and joint Board and Commission meetings. Lately the goal setting sessions have been held every few years, the last one in January of 2011. Andy Hayes and Dean Solomon are available to facilitate the Goal Setting session.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement.

2013-11-156
 Moved by Towne
 Second by Sansom

To approve to schedule a Community-wide Goal Setting meeting for 6:00 p.m. on January 9, 2014 at the St. Matthews Church Fellowship Hall and a Joint Board and Commission meeting for at 6:00 p.m. on Thursday, February 13, 2014 in the Boyne City Hall Auditorium and authorize the City Manager to make the necessary arrangements.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Asian Carp Resolution

Consideration to adopt a resolution regarding Asian Carp to be forwarded to our representatives in Lansing and Washington D.C.

City Manager Cain discussed the draft resolution regarding the control of Asian Carp. This resolution does not specifically endorse another group's position.

Staff Comments: None

Citizens Comments: John McCahan said is in support of any amount of pressure we can put on a government organization to address this issue.

Board Deliberation: All Commissioners support the recommendation. Commissioner Sansom suggested expanding it to include specific species like the Bighead and Silver carp.

2013-11-157
 Moved by Neidhamer
 Second by Sansom

MOTION

To adopt a resolution regarding Asian Carp, specifically Bighead and Silver Carp to be forwarded to our representatives in Lansing and Washington D.C.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Commissioner Gaylord inquired what the decision on the Jefferson Street project was. What are we going to do to help the drainage issue. Andy Kovolski said we have a couple of choices. We can put ditching or we can pave it. We have always had issues there. It sits in a dip between two hills. City Manager Cain said we will have information at the next City Commission meeting. Commissioner Gaylord also inquired about the city facilities update. Putting the DPW in the North Boyne area makes sense. We need to move forward with the program. All Commissioners agreed that it is time to move forward with plans and discussion. We need to gain efficiencies for the taxpayers.

GOOD OF THE ORDER

2013-11-158
 Moved by Gaylord
 Second by Towne

To cancel the Noon November 26, 2013 City Commission meeting and hold a work session regarding City facilities at noon on November 26, 2013.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

MOTION

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of November 12, 2013 at 9:16 p.m.

ADJOURNMENT

Ron Grunch
 Mayor

Cindy Grice
 Clerk / Treasurer

**NOVEMBER 26, 2013
FACILITIES WORK
SESSION**

**RECORD OF THE PROCEEDINGS OF THE BOYNE CITY
COMMISSION FACILITIES WORK SESSION DULY CALLED AND HELD
AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY
NOVEMBER 26, 2013 AT NOON**

CALL TO ORDER

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

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

Staff: Cindy Grice, Michael Cain, Scott McPherson, Hugh Conklin, Jeff Gaither, Dan Meads, Dennis Amesbury, Anne Doyle and John Lamont

Others: There were 7 citizens in attendance,

City Manager Cain provided an overview and background of the 2007 Facilities study. Much information has been gathered since that time. There are no easy grants out there to pay for this project.

Department Heads discussed their space needs, including washer / dryer areas, dual crew quarters. Some of these spaces can be shared. The police department would like to consolidate their evidence storage.

Commissioner Sansom said we can accommodate all emergency services together.

Commissioner Neidhamer said we need to act on this. It took 10 years to save one million dollars for Phase I. He thinks we should go for a bond for \$3,000,000 and do the whole project at once. He added he thinks the town will support the emergency service needs. As far as putting the DPW in North Boyne, do we want to do that in a residential area? Let's see if we can keep everything on this property. Spending one million dollars doesn't solve our problems.

Howard Haselschwardt from Northwest Designs said it sounds like we need a good schematic design. Make sure you get a good budget. Go after financing with options. Give voters options. Interest rates will never get better.

Ray Kendra of Environment Architects said to get solid cost estimates first, then figure out how to cost to phase the project. Do a RFP for consulting services. Get realistic cost estimates. Accountability from design professionals and the first step is schematic design.

Mac McClelland from Otwell Mawby said he was part of the first assessment. There is a need for a balanced realistic approach. He strongly suggested community outreach. Go out to the community to get feedback and what they will support. Look at designs and options. Allow enough time for citizens and get a group out there to support the millage.

Mayor Grunch said we need to get moving on this.

Commissioner Gaylord said we know what our needs are. We need to move ahead with an RFP for design options. We need to set goal deadlines to make it happen.

City Manager Cain will be bringing a draft RFP for City Facilities to the December 10, 2013 City Commission meeting.

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the City Commission Facilities Work Session of November 26, 2013 at 1:30 p.m.

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

Draft



City of Boyne City

Agenda Item 3C
MEMO

Date: December 5, 2013
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Mayors Exchange 2014

Prior to this year's City Commission election the City of Frankenmuth invited us to hold Mayors Exchange with them in the spring/summer of 2014. We told them we would let them know our decision after the November election.

This year we had Mayors Exchange with the City of Manistee. It seemed to be a very positive experience with all involved.

If approved by the City Commission details would be worked out between the two communities, subject to City Commission approval.

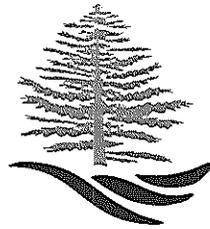
Frankenmuth is a vibrant nationally known community of 4,944 people in mid-Michigan.

Should the Commission choose to proceed, any suggestions regarding it would be appreciated.

RECOMMENDATION: That the City Commission accept the invitation of the City of Frankenmuth to hold our 2014 Mayors Exchange with them and authorize staff to begin working out the details.

Options:

- 1) Postpone for further information or consideration.
- 2) Choose another community.
- 3) Do not participate in Mayors Exchange in 2014.
- 4) Other options as determined by the City Commission.



HEALTH DEPARTMENT

of Northwest Michigan

Administrative Office
220 W. Garfield Ave.
Charlevoix, MI 49720
231 547 6523
231 547 6238 - fax

October 8, 2013

209 Portage Dr.
Bellaire, MI 49615
231 533 8670
231 533 8450 - fax

Dear Mr. Cain,

205 Grove St.
Mancelona, MI 49659
231 587 5052
231 587 5313 - fax

As Community Health Coordinator for the Health Department of Northwest Michigan, I am reaching out to all municipalities in Charlevoix and Emmet counties to offer my assistance to establish tobacco-free policy for parks and beaches.

3434 M-119, Suite A
Harbor Springs, MI 49740
231 347 6014
231 347 2861 - fax

Over the past nine months we have had a lot of success working with local organizations, villages, city and county boards to change their policies. Harbor Springs City Docks, Zorn Park, and the City beach area are all smoke-free. The Village of Pellston has made all their parks tobacco-free. Petoskey Youth Soccer Association adopted a tobacco-free policy for the Click Road Soccer Complex. Most recently, Camp Petosega beach and two playground areas have become tobacco-free. We are hoping that other municipalities like yours will follow their lead and create a healthier community for residents and visitors to our area that want to exercise, relax, and enjoy the beauty of the outdoors.

95 Livingston Blvd.
Gaylord, MI 49735
989 732 1794
989 732 3285 - fax

Exposure to secondhand smoke is harmful to health. Even in outdoor settings air pollution from outdoor tobacco smoke can be quite high near active smokers. There is no safe level of exposure to secondhand smoke. Tobacco-free policies help to change community norms, and provide a positive tobacco-free model to children.

Dental Clinics North
Administrative Office
220 W. Garfield Ave.
Charlevoix, MI 49720
231 547 6523
231 547 6238 - fax

I have enclosed a packet of information on tobacco free parks and beaches as well as policy language. The Health Department realizes that budgets are very tight and there are limited resources for signage. If you decide to adopt a new tobacco-free policy the Health Department will help with the cost of signage. I will be following up with you in a few weeks, but if you have any questions please do not hesitate to call me at (231) 347-5813. Thank you.

Hospice of Northwest
Michigan
220 W. Garfield Ave.
Charlevoix, MI 49720
800 551 4140
231 547 1164 - fax

Sincerely,

Northern Michigan
Regional Lab
95 Livingston Blvd.
Suite D
Gaylord, MI 49735
989 732 1794
989 732 3285 - fax

Susan Pulaski, MA
Community Health Coordinator
Tobacco Reduction Coalition Coordinator
Health Department of Northwest Michigan
3434 M-119, Suite A, Harbor Springs, MI 49740
P: (231) 347-5813
F: (231) 347-2861
s.pulaski@nwhealth.org





City-Owned Outdoor Recreational Facilities *Model Tobacco-Free Policy*

Section 1: Rationale

WHEREAS, the City believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and

WHEREAS, the City believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the City Park & Recreation Board determines that the prohibition of tobacco use at the City's recreational facilities serves to protect the health, safety and welfare of the citizens of our City.

THEREFORE, be it resolved that tobacco use is prohibited in outdoor recreational facilities. No person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facilities, including the restrooms, spectator and concession areas. These facilities include [insert specific facilities here, e.g. playgrounds, athletic fields, beaches, aquatic areas, parks, and walking/hiking trails].

Section 2: Enforcement

1. Appropriate signs shall be posted in the above specified areas.
2. The community, especially facility users and staff, will be notified about this policy.
3. Staff will make periodic observations of recreational facilities to monitor for compliance.
4. Any person found violating this policy may be subject to immediate ejection from the recreation facility for the remainder of the event.

Section 3: Effective Date

This policy statement is effective immediately upon the date of adoption, which is _____, 20__.

Appropriate City Official

Date

Tobacco-Free Parks and Beaches

Frequently Asked Questions Michigan

What is current Michigan law on smoking and tobacco use outdoors?

There is currently no state law that regulates smoking and tobacco use outdoors.

Are local units of government free to enact policies restricting tobacco use in outdoor areas?

Yes. Neither federal nor state law prohibits local governments from regulating tobacco use outdoors.

What types of policies may be enacted to regulate tobacco use in local parks and beaches?

The type(s) of policy(ies) available to a local unit of government in choosing to regulate tobacco use in its outdoor areas, parks, and beaches depends to some extent on what type of jurisdiction is enacting the policy, and is determined locally. In general, the following applies:

- County Regulation
- City Ordinance
- Policy
- Resolution

Is there a model policy available?

Yes. There are several model policies available that can be localized. Technical assistance with policy development and adoption is available through the Michigan Department of Community Health Tobacco Program and the Smoke-Free Environments Law Project based in Ann Arbor, Michigan.

How is enforcement of a tobacco-free parks and beaches policy handled?

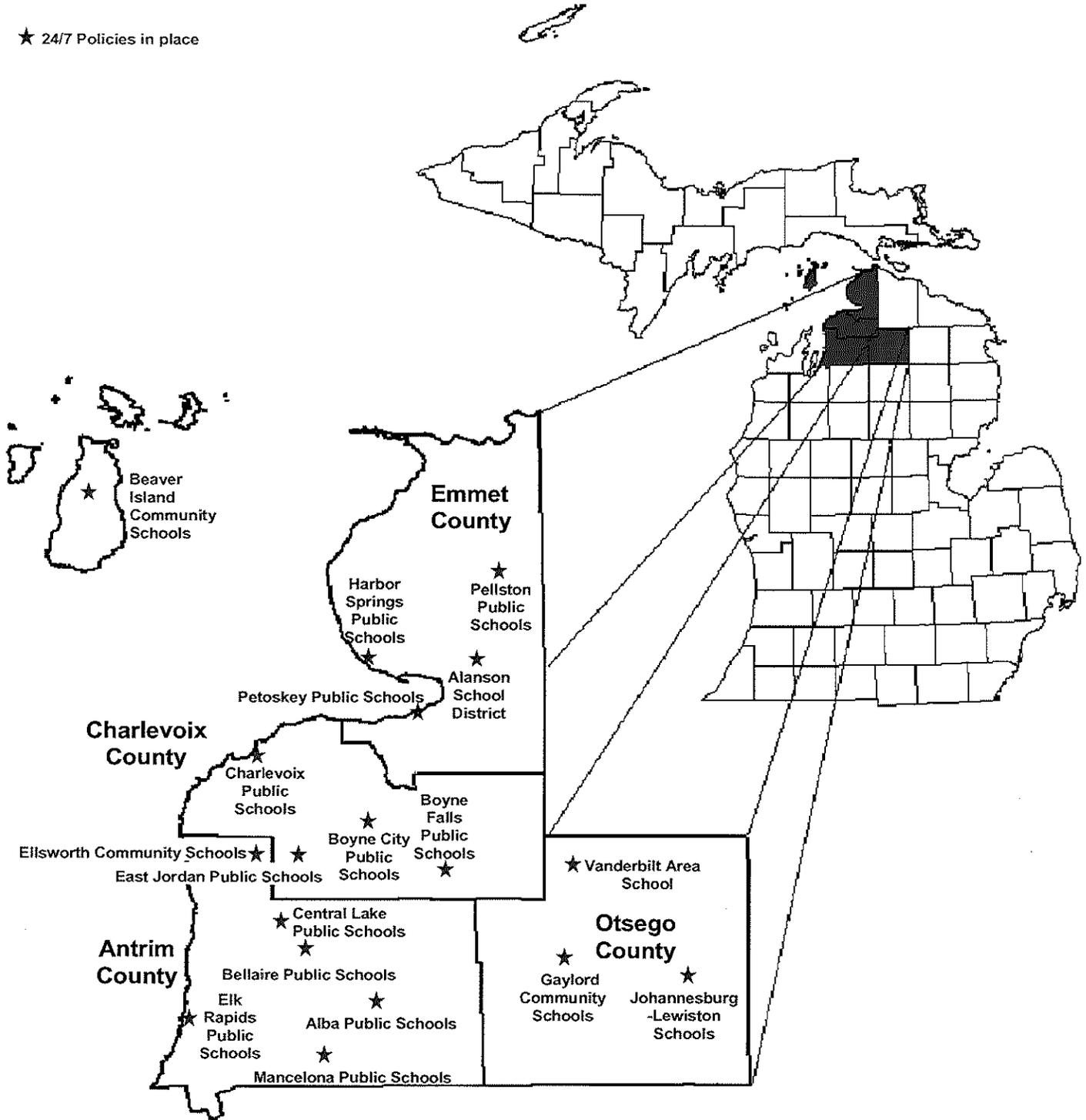
Community education, prominent and clear signage, and staff education work well for enforcing this type of policy.

What are the benefits of tobacco-free outdoor recreation areas, including parks and beaches?

Benefits of tobacco-free outdoor recreational areas are numerous. Health benefits include protection of nonsmokers from secondhand smoke exposure, protection of young children from toxic cigarette butts and other tobacco litter, and positive role modeling for youth. Benefits to the environment include reduced tobacco litter, cleaner waterways, protection of marine and wildlife from toxic tobacco litter, and reduced risk of fire. Maintenance costs may be reduced due to reduced staff time needed for litter and waste clean up.

24/7 Tobacco Free Policy Schools

★ 24/7 Policies in place



Now 100% of all public schools in Emmet and Charlevoix Counties are Comprehensive 24/7 Tobacco Free. This means every public school has now adopted policies prohibiting the use of all types of tobacco and non-tobacco nicotine products in school buildings and on school grounds at all times, and at any on or off-campus school sponsored event, including athletic events. **Let's follow their lead, and make parks and beaches tobacco-free too!**



**HEALTH
DEPARTMENT**
of Northwest Michigan

Approved: _____

Meeting Of
November 5, 2013

Record of the proceedings of the regular Boyne City Zoning Board of Appeals meeting held at Boyne City Hall, 319 N. Lake Street, on Tuesday, November 5, 2013 at 5:00 p.m.

Call To Order

Vice Chair Carlile called the meeting to order at 5:02 p.m.

Roll Call

Present: Bob Carlile, John McClorey, Lynn Murray and Roger Reynolds
Absent: Pat Kubesh (arrived at 5:08 pm)

Meeting Attendance

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

Approval of the Minutes
MOTION

Reynolds moved, McClorey seconded, PASSED UNANIMOUSLY, a motion to approve the October 1, 2013 minutes as presented.

ZBA 2013-11-05-2
Motion carries

Hearing Citizens Present

None

Correspondence(s)

None

New Business

Public hearing opened at 5:04 pm

Variance Request
709 Lake Park Dr.
Chris and Lisa Montague

Assistant Planning Director Doyle reviewed her staff report that was included in the agenda packet. The applicants, Chris and Lisa Montague, are requesting a 1 foot variance from the side yard setback requirement of 5 ft. to allow for a 14' x 16' bump out to their existing primary structure on the west side of the residence for a eave overhang.

Ken Provost from Birchwood Constructions representing the applicant – After the property was re-surveyed, the actual overhand is only 7". They are actually now only asking for a variance of 3.5". The architect was working off of a different site plan, and believed she was within all of the setbacks, and it was confirmed when we applied for the permit that they were not. The primary reason for the request is aesthetics, if we do not get a variance; we can build without the overhang, however, we would like the overhang to match the rest of the house. There is really not hardship, just aesthetics for the homeowner. Cutting a foot off of the building is not possible as the inside of the house would not all work together.

Kubesh arrived at 5:08 pm, and the meeting was turned over to him at that time.

Reynolds – The open space to the west is for the association and is condemned space because of contamination from the Tannery, and not buildable.

Provost – Actually the spoils from this lot had to be removed and disposed of off site and fill needed to be brought back in.

With no further comments, public hearing was closed at 5:15 pm

Board Discussion

Chair Kubesh went through the findings of fact, listed below:

GENERAL FINDINGS OF FACT

1. The property is owned by applicants, Chris and Lisa Montague.
2. The property is in the Traditional Residential District (TRD).
3. The property is currently developed with a single family dwelling in The Harborage condominium.
4. Access to the property is provided by Lake Park Drive which is a ~~public~~ private association road that bounds the front side of the parcel.
5. The east side of the property shares a lot line with another privately owned single family dwelling in the condominium.
6. The west side of the property is a park serving as one of the condominium's dedicated open spaces.
7. The rear side of the property is bounded by another common area for the condominium.
8. The property is not irregularly shaped.
9. The TRD minimum lot area requirement is 5,445 SF.
10. Square footage of the lot is approximately 8,655 SF.
11. The TRD requires a side yard setback of no less than 5 feet.
12. The TRD requires a combined side yard setback to be no less than 15 feet.
13. The side yard setbacks for the existing primary dwelling are 5 feet and 14.8 feet, for a combined total of 19.8 feet.
14. The proposed addition to the primary dwelling would be located on the west side of the property.

FINDINGS OF FACT UNDER SECTION 27.45. – NON-USE VARIANCES

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

1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.
 - A. No

Motion by McClorey, seconded by Murray, PASSED UNANIMOUSLY, that requiring the owner to comply with the regulations would not be unreasonably or unnecessarily burdensome for the owner to use the property for a permitted use.

Because the answer to question 1. was not in the affirmative, the board did not go through the remainder of the questions.

The Board shall grant no variance if it finds an application does not meet all of the above listed criteria for determining whether or not a practical difficulty and/or unnecessary hardship exists.

MOTION

With no further board discussion, **motion by Carlile, seconded by McClorey** to deny the request for a side yard setback variance of 3.5 inches.

ZBA 2013-11-05-5A

Roll Call

Ayes: Carlile, Kubesh, McClorey, Murray and Reynolds

Nays: None

Absent: None

Motion carried

Old Business

None

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

ZBA 2013-11-5-5B

**Adoption of the 2014
meeting calendar**

Motion by Carlile, seconded by McClorey, PASSED UNANIMOUSLY, to adopt the 2014 meeting calendar as presented.

**Good of the Order
Announcements**

McClorey will not be available for the January 2014 meeting if one is held.

Next Meeting

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for December 3, 2013 at 5:00 p.m.

**Adjournment
MOTION**

ZBA 2013-11-05-10

Reynolds moved, Murray seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, November 5, 2013 Boyne City Zoning Board of Appeals meeting at 5:27 p.m.

Patrick Kubesh, Chair

Robert Carlile, Vice Chair

Pat Haver, Recording Secretary



Approved: _____

**Meeting of
NOVEMBER 7,
2013**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, NOVEMBER 7, 2013 AT 8:30 A.M. IN THE COMMISSION CHAMBERS AT CITY HALL, 319 NORTH LAKE STREET

Call to Order

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

Roll Call

Present: Jodie Adams, Michael Cain, Bob Carlile, Michelle Cortright
Jim Jensen, Pat O'Brien, Rob Swartz and Robin
Berry Williams

**Meeting
Attendance**

Absent: Larry Lenhart

City Staff: Main Street Manager Hugh Conklin, Assistant Planning, Zoning Administrator Annie Doyle and Recording Secretary Karen Seeley

Public: One

**Approval of Minutes
MOTION**

Please note the meeting in being held on November 7 not the 4th as stated on the agenda.

Adams moved Cain second PASSED UNANIMOUSLY to approve the October 3, 2013 meeting minutes

Citizens Comments

None

Correspondence

Main Street Manager read a thank you letter he received from Challenge Mountain for the generous gift of \$7,644 raised through Boyne Thunder.

**Summary of Events
from the Annual
Michigan Downtowns
Conference**

Annie Doyle, Assistant Planner gave the board an overview of the Michigan Downtown Conference she attended in Grand Rapids October 24 and 25th. One item of interest to the board was Eileen Kowall, Michigan State Representative, who is in the process of drafting legislation that would eliminate the TIF districts in Michigan downtowns by proposing a 10-year sunset provision on the Downtown Development Authorities. At this point all we can do wait and see where it goes.

The Farmers Market:

The board reviewed the contracts for the Market Manager and the new position of Assistant Market Manager. The farmer's market committee voted to approve \$6000 for the Market Manager and \$4000 for the assistant manager annually. The Farmers Market board also voted to increase the vendor fees for the 2014 season. Board discussion/suggestions to remove the contracted amount on the agreement. It was also discussed that the assistant should report to the program manager. **Cain moved Adams seconded PASSED UNANIMOUSLY** to approve the recommendation of the Farmers Market Committee, removing the contract amount and with the addition of the Assistant Market Manager

MOTION

ultimately report to the program manager.

Main Street Committee Reports

In addition to the committee reports included in the agenda packet Main Street Manager Conklin reported on a few items:

Design

Sante's would like to see the ice rink remain, are willing to take the task over and already have a fundraiser planned. This was also discussed with the Parks and Recreation Committee. The recommendation will be made to the City Commission not to install the ice rink this year. Board discussion regarding the cost for the last three years? None to Main Street or the City, Sante has raised all the funds and the rest was done through volunteers.

Organization

The committee continues to work with Jen Booher planning the upcoming board planning session. The committee's goal is to make this an interesting, creative and stimulating session for the board and MS volunteers.

Retail specialist Susan Shaddox worked with 11 Boyne City retailers during her two-day visit to downtown Boyne City Oct. 21-22. These professional services were provided by the Michigan Main Street Program working with the National Historic Trust. In addition to working one-on-one with businesses, Susan also made a presentation at the Boyne District Library the evening of October 21, and 15-20 people attended.

MANAGER'S REPORT

The ad for the transit bus that runs between Boyne Mountain and Boyne City has been sold to the Odawa casino.

The Grain Train will be opening the 1st week of December. Their proposed awning design and color went before the Planning Commission, then the Design Committee. Northwestern Bank will be closing their office here by the end of the year.

The Christmas decorations will go up starting Friday evening.

The Dilworth has hired Quinn Evans Architects to do some preliminary work. Quinn Evans did the feasibility study of the Dilworth.

City Manager Mike Cain, Chamber director Jim Baumann and Main Street Manager Conklin have been invited to speak to Elk Rapids Main Street later this month.

The issue of food trucks will go before the City Commission in December.

UNFINISHED BUSINESS

Art Bike Racks

MOTION

The Design Committee met with PIW and discussed materials, the elimination of the Juggler and the addition of the treble clef. Pat O'Brien has offered to sponsor one of the bike racks. The Committee recommends the Main Street Board use PIW for the Apple, Treble Clef, Library Books, and Fork bike racks at the Veterans Park, Library, Thirsty Goat and Pat O'Brien's locations. The board likes the concept of the Treble Clef and questioned if these racks would stay up year round? That detail will have to be worked out. **Adams moved Cain seconded PASSED UNANIMOUSLY** to accept the bid from PIW and move forward with the bike racks, not to exceed \$4500 of Main Street funds.

Historic Mural

MOTION

The board received a rendering of the mural proposed for the old Northwestern bank building, which will be done by Britton Banner. The Design Committee recommends the Main Street Board move forward with the project, the cost not to exceed \$2000.

Adams moved Cain seconded PASSED UNANIMOUSLY to approve the recommendation of the design committee to move forward with the project, the cost not to exceed \$2000 with the approval of the building owner.

Veterans Park Pavilion update

Environment Architects has been hired for the first phase of the project. A community Charrette is planned for December 12 and 13th. A public presentation on proposed designs is scheduled for Dec. 17 at 5:30 p.m.

NEW BUSINESS
Trail Town

A "Trail Town," according to information from Land Information Access Association (LIAA), "is a community in which local officials have used their trail system as the focal point of a tourism-centered strategy for economic development and local revitalization." In his presentation, Mr. Burkholder stressed the point that Trail Town efforts are not limited to any type of trail and include non-motorized, snowmobile, lake and river, and 4-wheel trails. LIAA has received grant funds from the Charlevoix County Community Foundation and the Frye Foundation to develop a Trail Town Master Plan for two communities within Charlevoix County and they are offering their services to Boyne City. Although details still need to be finalized, the general timeline is to start the project before the end of the year and have it be guided by a committee consisting of representatives from City staff, the Parks and Recreation Commission, Boyne Area Chamber of Commerce, Main Street, and local trail groups. The goal would be to have the plan completed by late spring or early summer. Board discussion; this is a great economic opportunity and we should move forward working with the Parks and recreation commission. No matching funds required. **O'Brien moved Adams seconded PASSED UNANIMOUSLY** that Main Street in conjunction with the Parks and Recreation Commission supports "Trail Town" and moves forward with designation.

MOTION

GOOD OF THE ORDER

The next meeting of the Main Street Board will be held on December 5th not the 3rd as written.

The Main Street planning session is scheduled for December 4th at 3:00 pm. at the Wolverine Dilworth.

The city goal setting has been set for January 9, 2014 at 6:00 pm. St. Matthews church.

ADJOURNMENT MOTION

O'Brien moved Cain seconded PASSED UNANIMOUSLY to adjourn the November 7 2013 meeting of the Boyne City Main Street Board at 9:59 am.

Karen Seeley, Recording Secretary

Approved: _____

MEETING OF
NOVEMBER 7, 2013

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY
PARKS AND RECREATION COMMISSION MEETING HELD AT
6:00 P.M. AT CITY HALL ON THURSDAY, NOVEMBER 7, 2013.

CALL TO ORDER

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

ROLL CALL

Present: Mike Sheean, Jo Bowman, Bill Kuhn, Darryl Parish, and
Jerry Swift

Absent: Heath Meeder, Gail Van Horn and Marie Sheets-*arrived at 6:07*

MEETING
ATTENDANCE

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

Public Present: Three

****MOTION**

Excused Absence(s): **Swift moved, Bowman seconded, PASSED UNANIMOUSLY** to excuse the absence(s) of VanHorn and Meeder as they are both out of town.

APPROVAL OF
MINUTES ****MOTION**

Swift moved, Parish seconded, PASSED UNANIMOUSLY, a motion approving the October 3, 2013 meeting minutes as corrected (*misspelled word*).

CITIZENS COMMENTS

None

DIRECTOR'S REPORT

Kovolski reported the following:

- Seeking part-time warming house attendants for Avalanche
- Irrigation bid recommendation will be presented to the City Commission for contract award to Haley Irrigation
- Turkey Trot event will be held in Veterans Park on Thanksgiving.

CORRESPONDENCE

None

REPORTS OF
OFFICERS, BOARDS
AND STANDING
COMMITTEES
Park Inspections

Avalanche - Kuhn reported that the erosion on the face of the hill with all of the recent rainfall is getting really bad and needs to be addressed.

Disc Golf

There was nobody in attendance to give any updates on the disc golf activities. Kovolski stated that it is his understanding that their tournament went well.

NEW BUSINESS
Downtown Ice Skating Rink / Ice Pole Placement

Chair Sheean requested the board consider moving discussion of the Downtown skating rink / Ice Pole up on the agenda. The board agreed.

Mary Palmer of Magnum Hospitality (Red Mesa/Café Santé) offered to host another fund-raiser to support the return of the skating rink in Sunset Park. As she spends quite a bit of time at Café Santé she did witness the rink get some use and likes the ambiance that it brings to downtown. She also stated that the first year, due to the mild winter it really never froze to the point of being useable and the 2nd year did freeze and it did get some use but it probably still hasn't caught on completely and isn't used to its full potential but given the chance it might. Doug Bean stated that he had volunteered the first year to maintain the rink and the weather just did not cooperate; therefore he agrees with Mary that 2012/13 winter seemed almost like a first year and that it warrants giving it a try again. He did add that he misses the ice pole and would like to see it go back up, if not in Sunset Park, somewhere else where people can enjoy it. Kovolski stated there isn't enough room in Sunset Park for both activities and the ice pole needs work done before it can go back up and will definitely not be ready to erect this winter.

Board Discussion - Some of the board members agreed that it did create an ambiance in the downtown but also agreed that it didn't get a lot of use. Kuhn who works at the Avalanche warming house stated that he only loaned out 3 pairs of skates to one group last winter for use downtown. Some board members thought the area was lacking in appeal and could be more attractive and inviting. Others stated the area didn't lend itself to accessibility, such as not cleared path to the rink and lack of seating. The general consensus of the board was that while it was a good concept, the lack of use is disappointing. Being the ice pole will not be erected this year regardless of location, maybe Café Santé should be allowed to try the ice skating rink another year and then reevaluate things in the spring. **Kuhn moved, Parish seconded** a motion to try the skating rink for another year, allow Café Santé to hold their fund-raiser to support and maintain the rink and place this subject on the April 2014 agenda for evaluation. Further board discussion - Sheets inquired as to whether suggested improvements of the area should be incorporated by Café Santé as part of the approval. Kuhn stated he did not wish to change his motion to include this. **PASSED UNANIMOUSLY**

****MOTION**

UNFINISHED BUSINESS

Tree Removal Maintenance

Face of the hill - Kovolski stated he had nothing new to report; he is still waiting for numbers from the contractor. Board members inquired

as whether the project could still happen yet this fall. Kovolski told them possibly but is weather dependent.

Trail Town Proposal

Chair Sheean reported that there was a good turn out and cross section of people at the presentation. City boards and interest groups were well represented. For those not able to attend, Sheean gave an overview of the presentation and explained that the City is being presented an opportunity to work on a "Trail Town" with a qualified planner and at no cost to the City. The plan is not for a specific trail or a specific use, but about promoting trails, connecting trails with economics (downtown) and meeting needs. The plan is designed in a way that it can be successfully implemented for use with any type of current or future trails. Trail types discussed were pedestrian, non-motorized, motorized, water trails, etc. This project was funded through grants. There are a few towns that have gone through this process and have the "Trail Town" designation. It is being offered to Charlevoix and Boyne City at this time. The general consensus of the board was that it would definitely be to the City's benefit to take advantage of this opportunity, that Boyne City is unique and the potential for many different types of trail options and that a cohesive plan will only make future planning easier. **Kuhn moved, Swift seconded, PASSED UNANIMOUSLY** a motion that the City Commission proceed with the trail town planning services and take full advantage of what is being offered.

****MOTION**

NEW BUSINESS Dog Park

Applications / Committee Member Appointments - The board reviewed all of the applications and was pleased with the quality and number of applicants. The general consensus was that there only needed to be one member from the Parks & Recreation Commission as a liaison and a 6 or 7 member advisory committee was a good manageable number. After review of all of the applications **Kuhn moved, Parish seconded, PASSED UNANIMOUSLY** to appoint Wright, Malin, Carter, Neidhamer, MacKenzie and VanHorn as the Dog Park Advisory Committee, utilizing all of the remaining applicants as subcommittee or committee members at their discretion.

****MOTION**

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday December 5, 2013 at 6 pm at City Hall.

ADJOURNMENT ****MOTION**

The November 7, 2013 meeting of the Parks and Recreation board was adjourned at 7:22 p.m. **Moved by Swift, seconded by Sheets, PASSED UNANIMOUSLY.**

Barb Brooks, Recording Secretary



Approved _____

**MEETING OF
NOVEMBER 11, 2013**

MINUTES OF THE BOYNE CITY ECONOMIC DEVELOPMENT CORPORATION MEETING DULY CALLED AND HELD ON MONDAY, NOVEMBER 11, 2013, AT 12:00 NOON.

CALL TO ORDER

Chair Gillette called the meeting to order at 12:00 p.m.

ROLL CALL

Present: Pat Anzell, Kelly Bellant, Michael Cain, Richard Copeland, Pete Friedrich, Ralph Gillett, and Marilea Grom
 Absent: Michelle Cortright and Josette Lory (arrived 12:04 pm)
 Staff: DPW Supervisor Andy Kovolski and Recording Secretary Karen Seeley
 Public: Two

EXCUSED ABSENCE

Cain moved Grom seconded PASSED UNANIMOUSLY to excuse Michelle Cortright.

**MINUTE APPROVAL
MOTION**

Cain moved Copeland seconded PASSED UNANIMOUSLY to approve the minutes of September 9, 2013 as presented.

**HEARING CITIZENS
COMMENTS**

None

CORRESPONDENCE

Letter from Nancy Cunningham regarding the storm water at the east end of the Industrial Park, where the nature trail is located. The board also received copies of the trail showing the erosion from the storm water. (Received and filed).

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

None

**UNFINISHED
BUSINESS
Park Business update**

Storm water study/report from C2AE

Kevin Makarawiecz gave an overview of the proposed drainage areas in the Industrial Park. Three drainage areas are proposed. The board suggested storm water treatment units at each drainage site and inquired as to the cost of each. The board agrees that this will be a good thing, and certainly needed at the East end of the park. This also prepares for further development of the Business Park. There may be grants available. The board would like to have additional information and cost estimates at a later meeting.

Other:

LexaMar received approval from the Planning Commission for a small

expansion and the placement of tress for the screening of the outdoor storage area.

MDEQ is holding a Public info and hearing November 13th at 6:00 and 7:00 pm. This is for the emissions and height of the stack only.

**NEW BUSINESS
MOTION**

Adoption of the 2014 meeting schedule: Cain moved, Copeland second PASSED UNANIMOUSLY to approve the 2014 meeting schedule, the second Monday of every other month at noon.

**GOOD OF THE
ORDER**

None

ADJOURNMENT

The November 11, 2013 Economic Development Corporation meeting was adjourned at 12:57 p.m.

Karen Seeley, Recording Secretary



Approved: _____

**MEETING OF
NOVEMBER 11, 2013**

**MINUTES OF THE BOYNE CITY LOCAL DEVELOPMENT FINANCE
AUTHORITY MEETING DULY CALLED AND HELD ON MONDAY, NOVEMBER
11, 2013**

CALL TO ORDER

Chair Gillette called the meeting to order at 12:57 p.m.

ROLL CALL

Present: Pat Anzell, Kelly Bellant, Michael Cain, Richard Copeland, Pete Friedrich,
Josette Lory and Ralph Gillett
Absent: Michelle Cortright

MEETING ATTENDANCE

Staff: DPW Supervisor Andy Kovolski and Recording Secretary Karen Seeley
Public: None

**EXCUSED ABSENCES
MOTION
APPROVAL OF
MINUTES
MOTION**

Anzell moved Lory seconded PASSED UNANIMOUSLY to excuse Michelle Cortright.
Cain moved, Bellant seconded, PASSED UNANIMOUSLY to approve the September 9, 2013 minutes as presented.

UNFINISHED BUSINESS

None

NEW BUSINESS

Visitor's Guide: Board discussion regarding the ad for the visitors guide. It was the board consensus that we continue with the inside front cover, full page. Suggestion that we use "Here we grow again" and include the video with a new interview with Classic Instruments. This will be brought back at the January meeting.
Budget Ideas: The board reviewed the audit figures from last year. The drainage project will be the next big project. It should be done in phases and the immediate problem seems to be at the east end of the park.
Adoption of the 2014 meeting schedule: Cain moved, Copeland second PASSED UNANIMOUSLY to approve the 2014 meeting schedule, the second Monday of every other month immediately following the EDC meeting.

GOOD OF THE ORDER

None

NEXT MEETING

The next meeting of the Local Development Finance Authority is scheduled for Monday, January 13, 2014.

ADJOURNMENT

The November 11, 2013, 2013 Local Development Finance Authority meeting was adjourned at 1:18 p.m.

Pete Friedrich, LDFA Secretary

Karen Seeley, Recording Secretary

Approved: _____

**Meeting of
November 18, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, November 18, 2013 at 5:00 pm.

Call to Order

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

Roll Call

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

2013-11-18-02

St. Dennis moved, Meeder seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Kozlowski.

Planning Director McPherson would like to add an additional agenda item. The position of Vice Chair needs to be filled, so would like this item placed on the agenda as item 7C

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, and Recording Secretary Pat Haver
 Public Present: None

2013-11-18-03

**Consent Agenda
MOTION

Ellwanger moved, St. Dennis seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from the October 21, 2013, as amended. The motion made at the October meeting for Lexamar was the landscape plan was *required* to be to staff within 30 days, not recommended to be to staff within 30 days.

**Comments on
Non-Agenda Items**

None

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

The *Trail Town Presentation* was held on November 6th, a committee is being developed, and Annie Doyle will be serving on the committee representing the Planning Department. If anyone from the Planning Commission is interested in serving on this committee, please let Hugh Conklin know. The City Commission did approve LIAA's assistance on the project. This will be utilized as a guide; there will be no requirements to implement any part of the plan, and is no cost to the city.

Unfinished Business

None

New Business

Planning Director Scott McPherson reviewed the proposed Infrastructure and Facilities Section update to the Master Plan. It is a "work in progress" with portions out to the appropriate department heads for their comment. If anyone has any comments or suggestions, please let him know.

**Review Infrastructure and
Facilities Section of the
Master Plan**

- SAW Grant - There is funding available to develop Sanitary, Storm water & Sewer Asset Management Plans. These plans will provide funding to purchase GIS hardware and software equipment, which is an excellent opportunity to continue to building our current database. Through the State of Michigan, the asset management role could possibly be mandated down the road. The City has submitted an application for this grant.

- DIG Grant – A grant in the amount of a little over \$583,000 was received for the reconstruction of East St. and Ray St. Will be moving forward with this process, which could possibly come before this board.
- The City does not currently have a Storm Water Ordinance. Earlier the County created one, which they wanted every municipality and township to sign on with – it is difficult for a “one size” fits all, so the City Commission did not adopt this plan. If successful, the SAW Grant does provide development for such an ordinance to fit your specific needs.

Meeder – What about our trails, could they be incorporated into this?

McPherson – This would be a good place for them to be incorporated or mentioned, along with all of the other plans we currently have; such as the Waterfront Master Plan, Avalanche Plan, and the Recreation Plan; so this is where the Trail Town Plan could be mentioned.

Adoption of the 2014 Calendar

****MOTION**

Included in the agenda packet is the 2014 meeting calendar, for your review and consideration. **Motion by St. Dennis, seconded by Place, PASSED UNANIMOUSLY**, to adopt the 2014 calendar as presented.

Nomination to fill the Vice Chair position

****MOTIONS**

With the passing of Gretchen Crum, the Planning Commission is without a Vice Chair, so this position will need to be filled. Chris Frasz’s name was submitted as a candidate for the position. With no further considerations for the position, **motion by Neidhamer, seconded by Ellwanger, PASSED UNANIMOUSLY**, to close the nominations. **Motion by St. Dennis, seconded by Meeder, PASSED UNANIMOUSLY** to nominate Chris Frasz as the Vice Chair.

Staff Report

- The current vacancy for the Planning Commission has been advertised, if you know of anyone who may be interested in serving on the board, please let Scott know. We do have (3) applications that were received in the past, and he will check with those individuals also.
- Assistant Planner Annie Doyle has set up a Twitter and Face book page for the City of Boyne City. This is another way to get information and news out to as many people as possible.
- The MDEQ held a public hearing on the Kirtland Products Emissions permit adjustment request on November 13, 2013. There were approximately 10 people at 6 pm for the public presentation portion. DEQ answered all of the questions that everyone had, and then accepted additional public comment from people who were at the public hearing. This was very informative, and they will take under advisement all of the public hearing comments and statements that were made. They indicated it could take up to 29 days before an answer is given.
- Place advised that the Main Street Design committee did meet and discussed various awning/sign options with the Grain Train, who reviewed them and has come up with a different look for their awning. They will be using sunbrella fabric material in a “Jockey Red” color. It is just a couple of shades off of the submitted red, however due to the different materials it looks much softer. The Design Committee had some concerns about vinyl of any type being used, and would like to suggest possible removal of that from the sign ordinance. Possibly need to take a look at the sign ordinance and zoning ordinances to simplify them in reference to acceptable materials.
- Shannon McMaster had been appointed to the Sign Ordinance Committee. With his leaving, the position has not been filled. **Motion by Meeder, seconded by Neidhamer, PASSED UNANIMOUSLY**, to appoint Annie

****MOTION**

Doyle to the Sign Committee as the Planning Department liaison.

Good of the Order

- The annual Community Wide Goal Setting Session has been set up for Thursday, January 9, 2014 at 6:00 pm at the St. Matthews Church Fellowship Hall. All are welcome to attend
 - The Joint Boards and Commissions meeting has been scheduled for February 13, 2014 at 6:00 pm in the Auditorium.
 - Neidhamer inquired about now reviewing and updating the Noise Ordinance. McPherson stated that he has been reviewing this with Hugh Conklin and Jeff Gaither. As you know from past meetings, a noise ordinance can be quite difficult to implement depending on noise scales vs vibrations.
-

Adjournment

The next meeting of the Boyne City Planning Commission is scheduled for December 16, 2013 at 5:00 pm in the Auditorium.

2013-11-18-10

Meeder moved, Neidhamer seconded, PASSED UNANIMOUSLY a motion to adjourn the November 21, 2013 meeting at 5:54 p.m.

****MOTION**

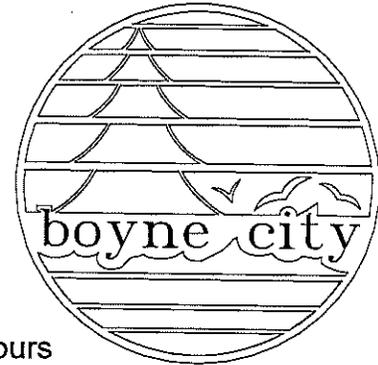
Jane MacKenzie, Chair

Pat Haver, Recording Secretary

Draft

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Cindy Grice, City Clerk/Treasurer *CG*
Date: December 4, 2013
Subject: Maple Lawn Cemetery Gate, Entrances and Hours
Of Operation



At their October 22, 2013 meeting, the City Commission directed staff to schedule a Public Hearing for public comment regarding the Maple Lawn Cemetery gates and possible established hours. I have attached the memo provided to you and the minutes of that meeting.

We received \$10,308 in donations for Cemetery Gates from donations in memory of Jim Stackus along with other contributions.

Since that time, we have heard from a few citizens verbally stating they were in favor of keeping the cemetery open at all hours, as it is now. We have also placed notice on the City's Facebook page about the topic of this public hearing. Attached are comments people posted on our Facebook page in response to that notice. These posts expressed a desire to not have gates placed and / or to close the cemetery for specific hours. However, staff does believe two Boyne Avenue entrances to the Cemetery can be closed off.

The Police Department provided me the statistics for the past several years of any vandalism reports. Although we had the extensive incident in 2007, we have only had a few minor reports since that time, none requiring an insurance claim.

This is not an easy recommendation for me to make and certainly not an easy decision for you to decide on. However, based upon public input received and the police department statistics, I am recommending the following subject to input at the Public Hearing:

RECOMMENDATION:

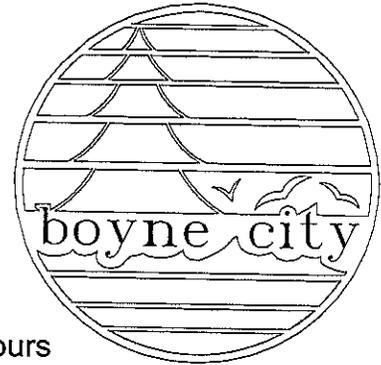
- Close off two entrances on Boyne Avenue as noted on the attached map at an approximate cost of \$500 per entrance.
- Maintain the current hours of operation of the Maple Lawn Cemetery which is 24 hours per day, 7 days per week.
- Return the donated funds unless there is another purpose the donor should choose.

OPTIONS:

- Do nothing
- Postpone for further consideration and / or information
- Other options as determined by the City Commission.

CITY OF BOYNE CITY

To: Michael Cain, City Manager
From: Cindy Grice, City Clerk/Treasurer
Date: October 17, 2013
Subject: Maple Lawn Cemetery Gate, Entrances and Hours
Of Operation



Since 2007, there have been four phases of fence installed around the perimeter of Maple Lawn Cemetery. The first project was for 1,500 feet of chain link fence for a section along Division Street, on the west and south sides of the cemetery, leading to Boyne Avenue. The next three phases were for ornamental fencing installed along Boyne Avenue, turning west on Division Street, then connecting with the chain link fence. The total cost of the fencing projects to date is \$153,924. Approximately \$11,800 in donations was received for assistance in funding this project. A Cemetery Fence committee was instrumental in this fundraising and planning for this project.

We have since received an additional \$10,308 in donations for Cemetery Gates from the generous donations in memory of Jim Stackus and other contributions. Now that funds have been donated specifically for, and set aside for this purpose, we need to look at related issues and come up with an overall plan. I believe the first is the establishment of hours the cemetery is to be open. Currently, our Cemetery Rules and Regulations do not have set hours. We also do not have an ordinance establishing hours of operation. Once there is an official determination from the City Commissioners if hours are to be established, we can proceed in a specific direction.

We conducted a survey of cemetery operations, via City Manager's listserve and random calls to similar communities and have provided those results (attachment A) for your review. Of the 21 cemeteries surveyed, four locked their cemeteries within established hours and the rest either had no gates or had posted hours but no gates or locking of gates.

I am introducing the following points for discussion and / or consideration.

- Leave hours of operations as they are – open at all times.
- What would the purpose of the gates be? Are they for security or decorative purposes? To totally secure the cemetery or deal with cut thru traffic?
- Choose what, if any, hours the cemetery is closed to the general public. If such hours are established, how would they be enforced, possibly by simply posting hours and / or creating an ordinance to assist in the enforcement?
- If gates are purchased and to be closed, which ones would be the first priority and who will open and close the gates.
- There are two entrances we could possibly close off fairly soon, at a minimal cost (see attachment B)

I understand there is not an easy answer for this. It can be a very sensitive issue for whether hours are established or not. I have heard comments representing both sides and can certainly understand the different views. Hopefully, public input will be received to help make a sound decision on how to proceed.

RECOMMENDATION:

Given the sensitive nature, I would recommend staff be directed to schedule a public hearing for input from citizens regarding this matter for the December 10, 2013 City Commission meeting.

OPTIONS:

- Do nothing
- Postpone for further consideration and / or information
- Other options as determined by the City Commission

Main Street Director Hugh Conklin discussed the process to complete the Façade Improvements project for Boyne City Radio Shack and Boyne Country Provisions. A public hearing is required to review the project in which federal funds were used, and to close out the grant project as required under federal guidelines. The CDBG Funds for the project were \$181,428 with a private match of \$71,880. The project was completed last summer. Before and after photographs of the project were presented.

Staff Comments: None

Citizens Comments: None

Board Comments: All Commissioners agreed the project has greatly enhanced the downtown and the improvements are outstanding.

Mayor Grunch closed the Public Hearing at 12:44 p.m.

**Public Hearing for CDBG
#MSC 211014 - DIG Grant
Close-out**

Public Hearing to close out the Community Development Block Grant #MSC 211014 in which federal funds were used for the South Park Street Infrastructure Project

Mayor Grunch opened the Public Hearing at 12:44 p.m.

Barb Brooks discussed the process to complete the Downtown Infrastructure Grant for South Park Street. A public hearing is required to review the project in which federal funds were used, and to close out the grant project as required under federal guidelines. The project involved the complete reconstruction of South Park Street from Water to Pine Streets, was substantially completed in the fall of 2012 with restoration and punch list items completed in the spring of 2013. All invoices related to this project have been paid and all pay requests have been submitted to the state and reimbursements have been received. The original project budget which did not include the burial of the underground utility lines on Ray Street was \$719,200. Of that budget, \$503,440 came from CDBG funds and \$215,760 was local match.

Staff Comments: None

Citizens Comments: None

Board Comments: Commissioner Neidhamer said another job well done. Commissioner Gaylord said the project turned out great. Commissioner Sansom said she has heard only positive comments:

Mayor Grunch closed the Public Hearing at 12:46 p.m.

 **Cemetery Gate and Policy
Discussion**

Consideration to direct staff to schedule a public hearing for input from citizens regarding Maple Lawn Cemetery Gate and Policy for the December 10, 2013 City Commission meeting.

Clerk / Treasurer Cindy Grice discussed the four phases of fence installed around the perimeter of Maple Lawn Cemetery. The total cost of the project to date is \$153,924 with approximately \$11,800 of that paid by donations received for assistance in funding this project. We have since received an additional \$10,308 in donation for cemetery gates from donations in memory of Jim Stackus and other contributions. Those funds have been donated specifically for, and set aside for this purpose,

we need to look at related issues and come up with an overall plan. I believe the first is the establishment of hours the cemetery is to be open. Currently our Cemetery does not have established hours it is to be open. We also do not have an ordinance establishing hours of operation.

A survey of other cemetery's operations was conducted. The following points were introduced: Leave operations as they are, open at all times; discuss the purpose of the gates, are they for security or decorative purposes, totally secure the cemetery or deal with cut thru traffic; choose what, if any, hours the cemetery is closed to the general public. If such hours are established, how would they be enforced; if gates are purchased and to be close, which ones would be the first priority and who will open and close the gates; discuss the possible two entrances that could be closed off soon at a minimal cost. Grice added that estimated costs for the gates at approximately \$36,000 have been received. She also recommended that due to the sensitive issue of whether hours are established or not, gates closed or not, a public hearing for input from citizens regarding this matter be scheduled.

Staff Comments: City Manager Cain agrees with the recommendation.

Citizens Comments: Eleanor Stackus agrees with the recommendation to move forward. People use the cemetery by riding their bikes thru it, the cross country team runs thru it, people walk their dogs thru it and don't clean up after them. We need to do studies and move forward. She is for putting one gate on Boyne Avenue.

Board Deliberation: Mayor Pro-Tem Towne said the money was donated for the gates and he would like to hear from the public. Commissioner Neidhamer said is all for further input. Commissioner Sansom said she is in favor of having a public hearing and would like the vandalism history. Commissioner Gaylord said it is too premature to give input at this time.

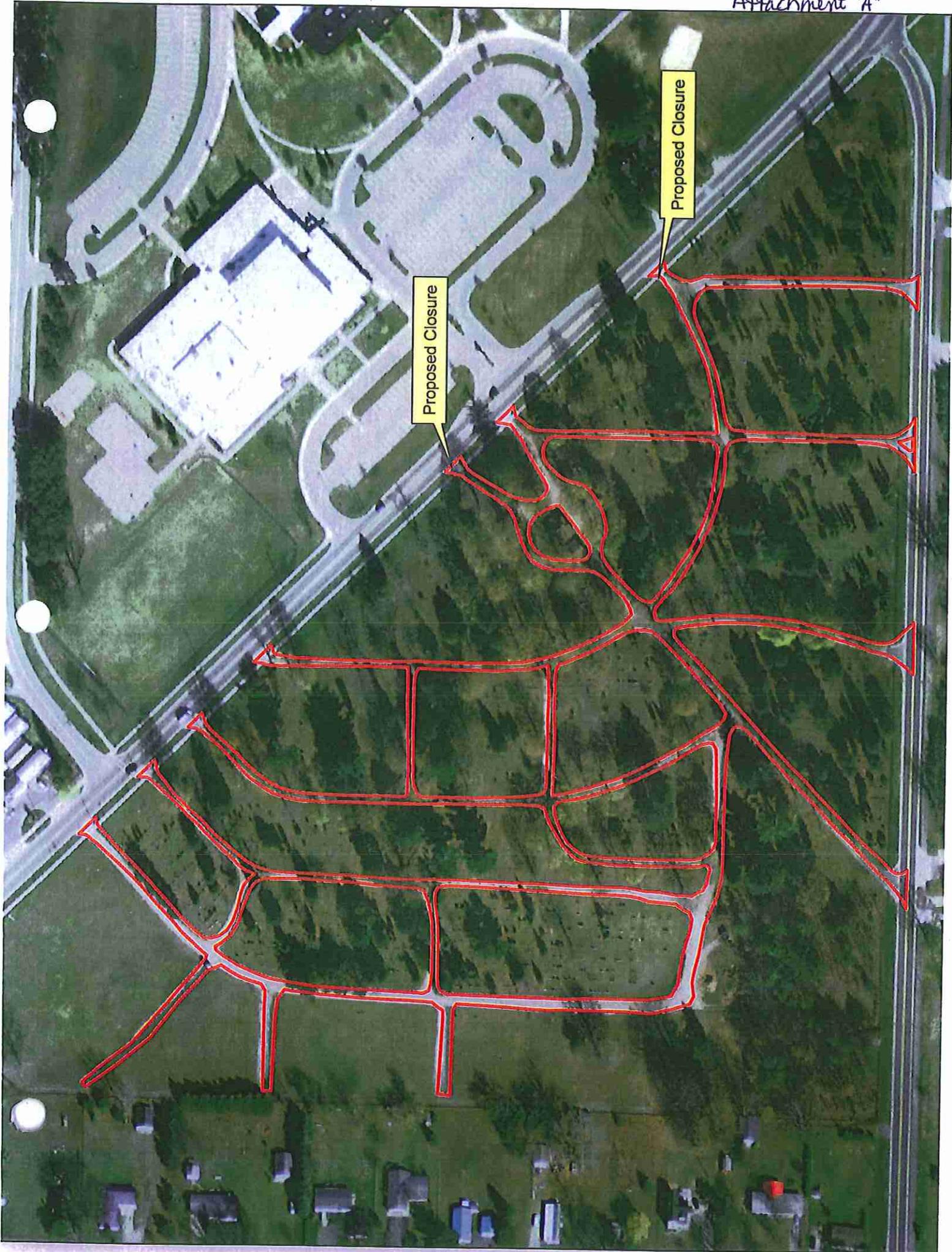
Staff was directed to schedule a public hearing.



**Veteran's Park Pavilion
Consultant**

Consideration to engage the services of Environment Architects to complete Phase I of the Veteran's Park Pavilion Project for a fee of \$7,500 and authorize the City Manager to sign the required documents.

Main Street Program Director Hugh Conklin discussed the Veterans Park Pavilion project. The purpose of the project is to develop architectural designs and cost estimates to expand and retrofit the pavilion into a multi-use, year-round structure, including use as a winter farmer's market location. A key component of the process will be a multi-day Charrette, where all members of the community and users of the pavilion will be invited and encouraged to participate. The City of Boyne City has been awarded a \$12,500 Michigan Economic Development Corporation grant which requires a dollar for dollar match to assist with the project.



Proposed Closure

Proposed Closure

Proposed Closure



BOYNE CITY FIRE DEPARTMENT

319 North Lake Street
Boyne City, Michigan 49712

Phone: 231-582-3642

December 4, 2013

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

RE: Fire Truck Bid Review/Department Recommendation

Mr. Cain:

The Boyne City Fire Department respectfully presents this bid recommendation for review and consideration. A total of three fire truck (pumper) bids were received:

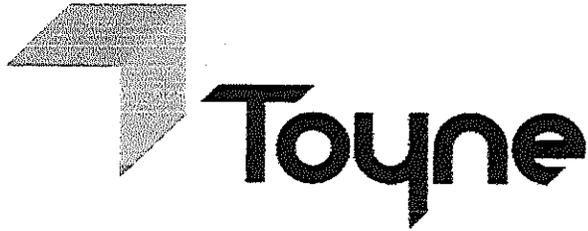
HME Incorporated	\$346,521.00
US Tanker Fire Apparatus, LLC	\$332,879.00
Toyne, Inc.	\$313,358.00

Taking into consideration total cost, specifications, company reputation, warranties, and discounts, we strongly recommend this contract be awarded to Toyne, Inc. Our fire department's 2004 aerial platform is a Toyne product and we have witnessed, first hand, the company's quality craftsmanship. This manufacturer has been in business for over 70 years and we have found Toyne to be reputable and willing to stand behind their equipment. In addition to submitting the lowest bid, Toyne is offering additional discounts (see attached information) for early payoff.

As always, thank you in advance for your consideration and your continued support of the Boyne City Fire Department and the citizens it protects. We will be pleased to answer any questions concerning this recommendation.

Respectfully Submitted,

Dennis Amesbury, Fire Chief
Boyne City Fire Department

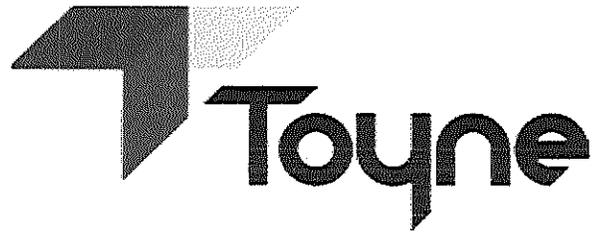


Toyne Inc of Breda Iowa here by offers the following Discounts on said Fire apparatus.

Payment in full at contract signing	Pay \$301,985.00	Save \$8,740.00
Prepay 90% at contract signing	Pay \$272,606.00	Pay \$30,290.00 at delivery Save \$7,829.00
PrePay 80% at contract signing	Pay \$243,054.00	Pay \$60,763.00 at delivery Save \$6,908.00
Pre Pay 75% at contract signing	Pay \$228,198.00	Pay \$76,066.00 at delivery Save \$6,462.00
Pre Pay 50% at contract signing	Pay \$153,286.00	Pay \$153,286.00 at delivery Save \$4,153.00

Pay for Chassis at delivery at Toyne Save \$2,633.47

Per Bill Schwabe
Vice President
Toyne



TOYNE, INCORPORATED

LIMITED WARRANTY

**THRITY (30) YEAR STAINLESS STEEL
BODY AND GALVANIZED SUBSTRUCTURE
WARRANTY**

Toyne, Inc., warrants to the original Purchaser, that each new substructure and body shall, under normal use and reasonable maintenance, remain free from perforation due to rust or corrosion, for a period of thirty (30) years, from date of acceptance by the Purchaser. This limited warranty covers only perforation due to rust or corrosion, and does not cover surface or cosmetic damage, however caused.

Toyne, Incorporated's obligation under this warranty is limited to repairing or replacing any part of the substructure or body as Toyne Inc. may elect, provided that the substructure or body, or any part or portion thereof, is returned to Toyne's factory or to a service center designated by Toyne, Inc., transportation charges prepaid, and upon examination, shall disclose to Toyne, Inc.'s satisfaction to have been perforated due to rust or corrosion. Such defective part or portion will be repaired or replaced free of charge, except for the expense of transportation to and from the selected service facility, which shall be borne by the purchaser.

This limited warranty is exclusive and is in lieu of any other warranties for the subframe or body express or implied, including, but not limited to any implied warranty of merchantability or fitness for a particular purpose. The warranty set forth is made to the original purchaser and is non-transferable. This warranty does not cover hardware or other items affixed to the body.

Toyne Incorporated will not be liable for incidental or consequential damages. The remedies set forth herein are exclusive and in substitution for all other remedies to which the purchaser would otherwise be entitled.

The purchaser must notify Toyne Inc., in writing, within sixty (60) days of discovery of any such perforation, and prior to the expiration of the warranty period.

Fire Truck Bid

Consideration of Fire Department request to solicit bids to purchase a new fire pumper with the addition of a compressed air foam system to bid specifications.

7/23/13

cc mtg.

Fire Chief Dennis Amesbury discussed the request to go out for bids on a new pumper fire truck with the addition of a compressed air foam system (CAFS) to bid specifications. The Fire Department has spent many hours investigating the pros and cons of the CAFS and have found the positive aspects of this technology to be such that it is a worthy and advisable investment. The addition of a CAFS system to the new, first-run pumper will equip Boyne City with the best firefighting technology of today. However, we would need to increase the budget request by approximately \$30,000. This cost may be offset by the 1999 GMC fire truck that we are replacing. The Fire Department also investigated the possibility of purchasing a used fire truck. They were unable to locate a truck that meets our firefighting specifications. While keeping in mind this truck will serve Boyne City for 20 plus years, the department is not in favor of purchasing a used piece emergency response equipment, particularly a first run fire engine.

Original Approved
Budget \$290,000

← *
SALE OF EXISTING TRUCK.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Sansom said it sounds like a good way to go. Commissioner Gaylord inquired if this is for class A fires and was informed it is for all fires. Commissioner Gaylord inquired of the areas the department looked at for used equipment. Chief Amesbury said in trade magazines. Most of the equipment is 6 to 7 years old or very large demo equipment. This truck will be the number 1 front truck that you want to set up to meet your community's needs for 20 to 25 years. Commissioner Gaylord said there is a tremendous savings in that topic. Can't you find another used truck that meets our requirements? Fire Chief Amesbury said yes, if it is a back up truck. The cost to retro fit a truck with the CAF system is approximately \$40,000. Commissioner Gaylord added that we want to tell the citizens we've done due diligence when buying that type of equipment. Mayor Pro-Tem Towne said he believes it's our duty and obligation to supply our fire department with the equipment. Commissioner Neidhamer agrees. Mayor Grunch said our Fire Department is a first class organization.

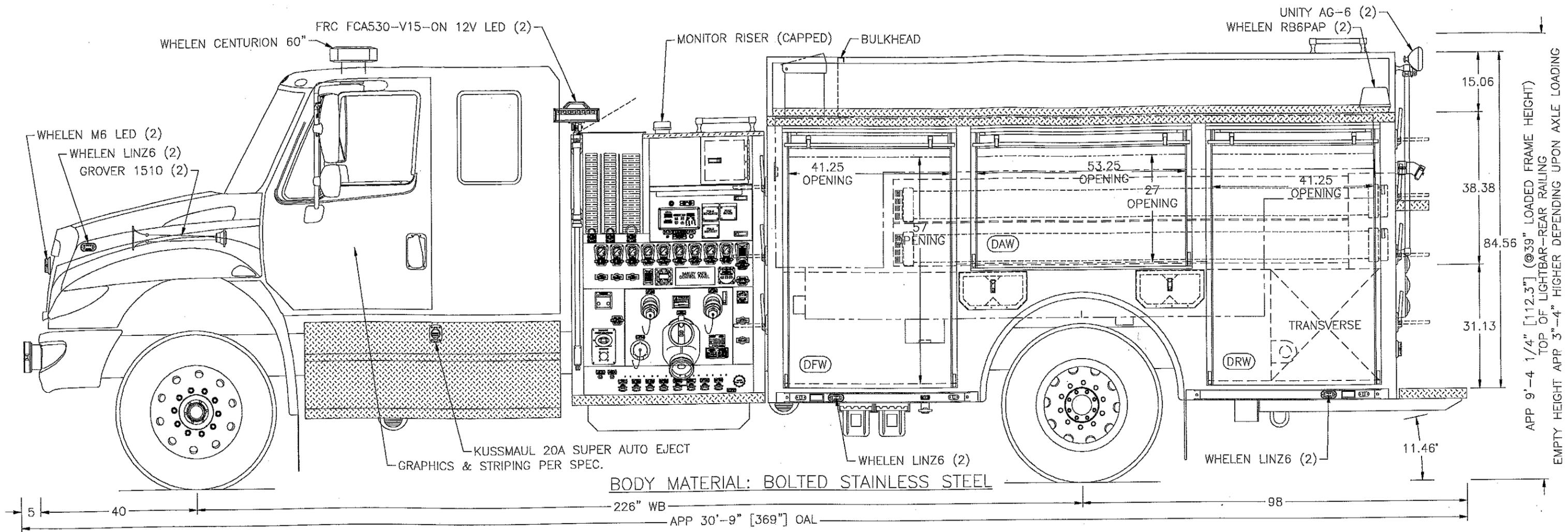
MOTION

2013-07-107

Moved by Towne
Second by Gaylord

To approve of the Fire Department request to solicit bids to purchase a new fire pumper with the addition of a compressed air foam system to bid specifications.

Ayes: 5
Nays: 0
Absent: 0
Motion carried



BODY MATERIAL: BOLTED STAINLESS STEEL

APPROVED BY/DATE	REVISIONS	CHASSIS: IHC 4400ABA EXTENDED CAB
		WB-CA: 226"-132.9"-47"
		BODY: STAINLESS STEEL
		PUMP: DARLEY LDMC 1250 120 CFM CAFS
		TANK: 1250/30 UPF POLY
		GENSET: N/A
		FOAM: FOAM PRO 2001 "A"

NOTE: PRINT MUST BE SIGNED BY A RESPONSIBLE PERSON AND RETURNED BEFORE CONSTRUCTION WILL PROCEED.

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____ DATE: _____



City of Boyne City

Agenda Item 8C
MEMO

Date: December 5, 2013
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager 
Subject: East/Ray Street Reconstruction Engineering

As the Commission will recall we recently applied for a Downtown Improvement Grant (DIG) to reconstruct the block of South East Street between Main and Ray, the two blocks of Ray Street which included putting utilities underground along those segments and also those in the alley south of the 100 block of Water Street. Since our initial submittal the Michigan Strategic Fund (MSF) has invited us to take the next step and complete Part II of their application process. In addition they have provided us the attached letter authorizing us to proceed with incurring engineering and administrative costs associated with this project, at our own risk that the project may still not be approved. Given that a requirement of this project will be that it is completed by about this time next year it is critical that survey and design work begin as soon as possible.

Attached is a proposal from C2AE to undertake this work for us. The work and fees proposed (see p.11) are consistent and proportional with similar projects we have successfully done with them. These costs, estimated at \$85,600, are part of the 30% local match outlined in our application to the MSF.

If for some reason the project does not receive MSF funding we would stop incurring any further costs once that is known.

RECOMMENDATION: That the City Commission approve the Proposal for Engineering Services for the Ray and East Street DIG project dated December 10, 2013 at an estimated total amount of \$85,600 on the condition that C2AE agrees that once notified by the City that the project did not receive final approval that the City shall not incur further costs or obligations.

Options:

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



December 4, 2013

Mr. Michael Cain, City Manager
Boyne City
319 North Lake Street
Boyne City, MI 49712

Dear Mr. Cain:

I am writing in response to your letter dated December 2, 2013. The letter requests permission for Boyne City to begin incurring private engineering and administrative costs associated with the City's Downtown Infrastructure Grant (DIG) Project.

I am pleased to inform you that your request has been approved. The City may begin incurring engineering and administrative expenses as of November 27, 2013.

This letter is intended only to grant permission to incur the costs mentioned above, and is not to be construed as permission to conduct any other project activities. You are cautioned that any public or private expenses incurred, or any work done on this project, prior to final approval of a grant is solely at the risk of Boyne City. Approval of this request does not imply approval of your application, which will be reviewed according to the published program requirements.

Once the engineering and administrative contracts are executed, please forward a copy to my attention. Should you have any questions on these requirements, please contact me at (517) 373-0982 or donaldsonc2@michigan.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Donaldson", written over a light grey circular stamp.

Charles Donaldson
CDBG Program Analyst

cc: The Honorable Ronald Grunch, Mayor *via email*
Sara Christensen, Northern Lakes Economic Alliance *via email*
CDBG file

**Proposal for Engineering Services
Ray and East Street
Downtown Infrastructure Project (DIG)**

Presented to:
City of Boyne City
Charlevoix County, Michigan

December 10, 2013





December 10, 2014

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

RE: Boyne City Ray and East Street Downtown Infrastructure Project
Design, Bidding and Construction Phase Engineering Services

Dear Mr. Cain and City Commissioners:

Congratulations to the City in the successful Notice of Commitment for the MEDC Downtown Infrastructure Grant (DIG) funding! C2AE is pleased to have assisted the City in preparing the Notice of Intent and now also looks forward to assisting the City in fulfilling the requirements of the full application submittal.

In response to your request, C2AE is pleased to submit this proposal for design, bidding and construction phase services for this project. The estimated total project cost is \$833,600; \$583,519 or 70% of which will be provided by the DIG grant.

If this proposal and attached Standard Contract Provisions are acceptable, please sign in the space provided below and return one copy to our office as your authorization for us to proceed with this project. We would like to start the topographic survey work immediately.

C2AE greatly appreciates the opportunity to submit this proposal for consideration and we look forward to assisting you with this project. We are very happy to have been able to play a key role in assisting the City in securing the project funding to make this project a reality. Should you have questions or comments, please contact us at your convenience. Thank you.

Respectfully,

C2AE

A handwritten signature in cursive script that reads 'Larry M. Fox'.

Larry M. Fox, P.E.
Principal, Director of Municipal Infrastructure

Approved By:
City of Boyne City

By: _____

Date: _____

LMF/kb

http://sharepoint.c2ae.com/Marketing/Proposals/00-inProgress/BoyneCity_DIG/tr_BC_Ray_131210.doc



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Project Background

The City of Boyne City has been awarded a MEDC Downtown Infrastructure Grant (DIG) for the reconstruction of two blocks of Ray Street from S. Lake Street to S. East Street, one block of S. East Street from Main Street to Ray Street, and one block of alley north of Ray Street between S. Lake Street and S. Park Street . C2AE worked closely with the City on the funding applications and assisted the City in preparing a detailed design basis, project description and project cost opinions for the grant submittals.

The construction elements will include:

- Total roadway reconstruction
- Storm sewer and drainage structure replacements
- Sanitary sewer replacement
- Water main improvements
- Subbase correction (if required)
- New aggregate base and HMA pavement
- Concrete curb and gutter
- New concrete sidewalks, ADA ramps and paver accents
- Decorative street lighting, trees and provisions for burial of overhead utilities
- Parking will be better defined and organized and also separated from pedestrian areas by curbing
- Pedestrian mobility will be improved by widening sidewalks, separating parking from walking areas and providing new ADA sidewalk ramps at all intersections

The project location map, design basis, cost opinions and timeline from the grant application are attached for additional information.

Project Section 1

Ray Street – Lake Street to Park Street

- Right of Way: width is 66'
- Removal Limits: the existing intersections of Lake Street and Main Street are to be retained. Therefore the construction limits will be from the east end of the Lake Street curb through S. East Street.
- Pavement Removal: No concrete pavement is anticipated. All existing HMA surface and aggregate base will be removed.
- Subgrade: underlying soils are assumed to be suitable and not contaminated. A small undercut allowance is included.
- Sanitary Sewer: includes replacement of the existing sanitary sewer infrastructure, which is in poor condition. The cost estimate includes an allowance for the construction of 2 new 4' diameter sanitary manhole, connections to existing sanitary sewer and connections of 4 new sanitary sewer services.
- Storm Sewer: includes replacement of the existing storm sewer infrastructure. The cost estimate includes an allowance for new 15" dia. storm sewer with 2 new 4' diameter manholes, 3 new 2' diameter catch basins and new 12" diameter leads.
- Water Main: includes the extension of the water main from Lake to Ray to provide additional looping and fire flow capability in the downtown area. The cost estimate includes allowances for the replacement of these items.
- Roadway Section: includes full-width road reconstruction (330 Ft) with new concrete curb and gutter, full length. Roadway cross section to allow for parallel parking on both sides of the street. The design basis assumes a 44 feet +/- roadway from back of curb to back of curb.
- Pavement Section: includes 6" aggregate base and 3-1/2" HMA pavement.
- Sidewalks: includes replacement of the existing concrete sidewalks on both sides of the road.
- Streetscape Elements: includes streetscape elements (both sides) with replacement of the existing paver accent areas, landscape trees and grates and decorative streetlights (3 this block).
- Utility Conduits: includes 4" (3) and 6" (1) conduits for burying overhead utilities for the easterly part of the block from mid-block to Park Street.
- Parking Layout: includes parallel parking both sides per the existing layout.

Project Section 2

Ray Street – S. Park Street to S. East Street

- Right of Way: width is 66'
- Removal Limits: the existing intersection of Park Street is to be retained. Therefore the construction limits will be from the east end of the Park Street curb radius through the East Street intersection.
- Pavement Removal: No concrete pavement is anticipated. All existing HMA surface and aggregate base will be removed.
- Subgrade: underlying soils are assumed to be suitable and not contaminated. A small undercut allowance is included.
- Sanitary Sewer: includes replacement of the existing sanitary sewer infrastructure, which is in poor condition. The cost estimate includes an allowance for the construction of 2 new 4'

diameter sanitary manhole, connections to existing sanitary sewer and connections of 4 new sanitary sewer services.

- Storm Sewer: includes replacement of the existing storm sewer infrastructure. The cost estimate includes an allowance for new 12" dia. storm sewer with 2 new 4' diameter manholes, 4 new 2' diameter catch basins and new 12" diameter leads.
- Water Main: includes the extension of the water main from Ray to East to provide additional looping and fire flow capability in the downtown area, as well as the elimination of two long small diameter water service leads. The cost estimate includes allowances for the replacement of these items.
- Roadway Section: includes full-width road reconstruction (390 Ft) with new concrete curb and gutter, full length. Roadway cross section to allow for perpendicular parking on the north side and parallel parking on the south side, as it exists now. The design basis assumes a 54 feet +/- roadway from back of curb to back of curb.
- Pavement Section: includes 6" aggregate base and 3-1/2" HMA pavement.
- Sidewalks: includes replacement of the existing concrete sidewalks on the south side of the road only. There is no existing sidewalk on the north side of the road and none is proposed.
- Streetscape Elements: includes streetscape elements (both sides) with replacement of the existing paver accent areas and decorative streetlights (2 this block).
- Utility Conduits: includes 4" (3) and 6" (1) conduits for burying overhead utilities for the full block.
- Parking Layout: includes parallel parking on the south side and perpendicular parking on the north side, which retains the layout.

Project Section 3

S. East Street – Main Street to Ray Street

- Right of Way: width is 66'
- Removal Limits: the existing intersection of Main Street is to be retained. Therefore the construction limits will be from the north end of the Main Street curb radius though the Ray Street intersection.
- Pavement Removal: No concrete pavement is anticipated. All existing HMA surface and aggregate base will be removed.
- Subgrade: underlying soils are assumed to be suitable and not contaminated. A small undercut allowance is included.
- Sanitary Sewer: the sewer condition will be substantiated via televising, but is thought to be in good condition and not in need of replacement.
- Storm Sewer: includes replacement of the existing storm sewer infrastructure. The cost estimate includes an allowance for new 12" dia. storm sewer with 2 new 4' diameter manholes, 3 new 2' diameter catch basins and new 12" diameter leads.
- Water Main: The water main is in good condition and will be retained.
- Roadway Section: includes full-width road reconstruction (300 Ft) with new concrete curb and gutter, full length. Roadway cross section to allow for parallel parking on both sides of the north street, except for perpendicular parking on the east side as exists now in front of the lumber building. The design basis assumes a 44 feet +/- roadway from back of curb to back of curb.
- Pavement Section: includes 6" aggregate base and 3-1/2" HMA pavement.

City of Boyne City, CDBG Downtown Infrastructure Grant Program

- Sidewalks: includes replacement of the existing concrete sidewalks on both the west and east sides of the roadway. It is assumed that approximately 25% of the existing curb and sidewalk on the west side can be retained and reused.
- Streetscape Elements: includes streetscape elements (both sides) with decorative streetlights (2 this block) and street trees and grates.
- Utility Conduits: includes 4" (3) and 6" (1) conduits for burying overhead utilities for the full block.
- Parking Layout: includes parallel parking on the south side and perpendicular parking on the north side, which retains the layout.

Project Section 4

Alley – between Lake and Park Streets, north of Ray Street

- Removal Limits: from back of sidewalk on Park St. to back of sidewalk on Lake St.
- Pavement Removal: No concrete pavement is anticipated. Existing HMA surface and aggregate base, 15' wide will be removed. Approaches, etc. are not included.
- Subgrade: underlying soils are assumed to be suitable and not contaminated. A small undercut allowance is included.
- Sanitary Sewer: n/a
- Storm Sewer: the sewer is in good condition and not in need of replacement. Estimate includes 3 structure adjustments.
- Water Main: n/a.
- Roadway Section: includes 15' wide reconstruction (340 Ft). Approaches/drives are not included.
- Pavement Section: includes 6" aggregate base and 3" HMA pavement.
- Sidewalks: n/a
- Streetscape Elements: includes streetscape elements with decorative streetlights (2 this block) and street trees.
- Utility Conduits: includes 4" (3) and 6" (1) conduits for burying overhead utilities for the full block.



123 West Main Street
 Suite 200
 Cayford, MI 49735
 P: 989.732.8131
 F: 989.732.2714
 www.c2ae.com

CITY OF BOYNE CITY
CDBG Downtown Infrastructure Grant Application

Overall Project
 Ray Street from S. Lake to S. Park and S. Park to S. East
 S. East Street from Main to Ray
 Alley from S. Lake to S. Park
 Opinion of Probable Construction Cost

Item #	Item Description	Estimated Quantity	Item Unit	Unit Price	Total Price	Demolition	Water/Sewer	Road	Lighting/Utilities
1	Mobilization (3% max.)	1	Lsum	\$5,500.00	\$16,500.00	\$4,125.00	\$ 4,125.00	\$4,125.00	\$4,125.00
2	Traffic Control & Minor Traffic Devices	1	Lsum	\$4,500.00	\$14,500.00	\$3,650.00	\$ 3,650.00	\$3,650.00	\$3,650.00
3	Subgrade Undercutting, Type II	350	Cyd	\$14.00	\$4,900.00			\$4,900.00	
4	Geotextile Stabilization	700	Syd	\$1.50	\$1,050.00			\$1,050.00	
5	Machine Grading Modified	10.60	Sta	\$2,500.00	\$26,500.00			\$26,500.00	
6	Machine Grading Modified - Alley	3.40	Sta	\$1,500.00	\$5,100.00			\$5,100.00	
7	Adjust Drainage Structure or Manhole	7	Each	\$300.00	\$2,100.00		\$ 2,100.00		
8	Adjust Existing Gate Valve & Water Shut Off	8	Each	\$250.00	\$2,000.00		\$ 2,000.00		
9	Remove Concrete Pavement	0	Syd	\$4.00	\$0.00	\$0.00			
10	Remove Concrete Sidewalk and Driveways	790	Syd	\$5.00	\$3,950.00	\$3,950.00			
11	Remove Concrete Curb & Gutter	1620	Ft	\$4.00	\$6,480.00	\$6,480.00			
12	Remove Drainage Structure or Manhole	8	Each	\$300.00	\$2,400.00	\$2,400.00			
13	6" Dia. PVC DR-18 Water Main	760	Ft	\$30.00	\$22,800.00		\$ 22,800.00		
14	6" Dia. Gate Valve & Box	3	Each	\$1,300.00	\$3,900.00		\$ 3,900.00		
15	Connect to Existing Water Main	4	Each	\$1,500.00	\$6,000.00		\$ 6,000.00		
16	1" Dia. Tapping Saddle & Corporation Stop	2	Each	\$200.00	\$400.00		\$ 400.00		
17	1" Dia. Type K Copper Service Lead	90	Ft	\$25.00	\$2,250.00		\$ 2,250.00		
18	1" Dia. Curb Stop & Box	2	Each	\$300.00	\$600.00		\$ 600.00		
19	Fire Hydrant Assembly	0	Each	\$2,800.00	\$0.00		\$ -		
20	4" Dia. Sanitary Manhole Including Casting	3	Each	\$2,500.00	\$7,500.00		\$ 7,500.00		
21	Connect to Existing Sanitary Sewer	2	Each	\$600.00	\$1,200.00		\$ 1,200.00		
22	8" Dia. PVC SDR-35 Sanitary Sewer	760	Ft	\$30.00	\$22,800.00		\$ 22,800.00		
23	8"x6" Sewer Wye	8	Each	\$100.00	\$800.00		\$ 800.00		
24	6" Dia. PVC SDR-35 Sanitary Sewer Lead	320	Ft	\$20.00	\$6,400.00		\$ 6,400.00		
25	4" Dia. Storm Manhole Including Casting	6	Each	\$2,200.00	\$13,200.00		\$ 13,200.00		
26	4" Dia. Storm Catch Basin including Casting	0	Each	\$2,200.00	\$0.00		\$ -		
27	2' Dia. Storm Catch Basin including Casting	13	Each	\$1,800.00	\$23,400.00		\$ 23,400.00		
28	12" Dia. Storm Sewer	1050	Ft	\$25.00	\$26,250.00		\$ 26,250.00		
29	15" Dia. Storm Sewer	0	Ft	\$25.00	\$0.00		\$ -		
30	6" 22A Aggregate Base	5830	Syd	\$4.50	\$26,235.00			\$26,235.00	
31	HMA Pavement, MDOT Mixture 13A (385)	885	Ton	\$65.00	\$57,525.00			\$57,525.00	
32	HMA Pavement, MDOT Mixture 13A (330)	100	Ton	\$85.00	\$8,500.00			\$8,500.00	
33	HMA Approach (250)	105	Ton	\$100.00	\$10,500.00			\$10,500.00	
34	4" Concrete Sidewalk	5800	Sft	\$4.00	\$23,200.00			\$23,200.00	
35	6" Concrete Sidewalk	2750	Sft	\$4.00	\$11,000.00			\$11,000.00	
36	Concrete Paver Sidewalk	1830	Sft	\$10.00	\$18,300.00			\$18,300.00	
37	Sidewalk Ramp, ADA (incl. detectable warning surface)	150	Sft	\$6.00	\$900.00			\$900.00	
38	Concrete Curb & Gutter, BC Detail F-4	2510	Ft	\$15.00	\$37,650.00			\$37,650.00	
39	Restoration 3" Topsoil & Class A Seed	1350	Syd	\$3.00	\$4,050.00			\$4,050.00	
40	Decorative Landscape Tree	6	Each	\$500.00	\$3,000.00			\$3,000.00	
41	Tree Frame and Grate	4	Each	\$1,200.00	\$4,800.00			\$4,800.00	
42	Boro and Jack Conduit	300	Ft	\$80.00	\$24,000.00				\$24,000.00
43	Conduit, Schedule 80 PVC, 1 inch	1750	Ft	\$1.50	\$2,625.00				\$2,625.00
44	Conduit, Schedule 80 PVC, 1 1/2 inch	3300	Ft	\$3.00	\$9,900.00				\$9,900.00
45	Conduit, Schedule 80 PVC, 4 inch	3810	Ft	\$8.00	\$30,480.00				\$30,480.00
46	Conduit, Schedule 80 PVC, 6 inch	1270	Ft	\$10.00	\$12,700.00				\$12,700.00
47	Conductor, XHHW in Conduit, 600V, 1C, # 3 AWG	7150	Ft	\$1.75	\$12,512.50				\$12,512.50
48	Conductor, XHHW in Conduit, 600V, 1C, # 8 AWG	7400	Ft	\$1.15	\$8,510.00				\$8,510.00
49	Hand Hole, Polymer Conc, 17x30	9	Each	\$525.00	\$4,725.00				\$4,725.00
50	Street Light - concrete base and installation only	9	Each	\$800.00	\$7,200.00				\$7,200.00
51	Street Light - prepurchased by City	9	Each	\$2,500.00	\$22,500.00				\$22,500.00
52	Service Cabinet Modifications	4	Each	\$1,000.00	\$4,000.00				\$4,000.00
53	Consumers Energy Utility Burial Costs	1	Lsum	\$100,000.00	\$100,000.00				\$100,000.00
54	Pavement Markings	1	Lsum	\$3,000.00	\$3,000.00			\$3,000.00	
SUBTOTAL					\$670,900.00	\$20,600.00	\$149,400.00	\$254,000.00	\$246,900.00
Contingency (10%)					\$67,100.00				
Engineering					\$85,600.00				
Administration (by others)					\$10,000.00				
TOTAL					\$833,600.00				

**PROJECT TIME LINE
CITY OF BOYNE CITY
RAY AND S. EAST STREET DOWNTOWN INFRASTRUCTURE PROJECT**

Tasks	2014										
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
MEDC Grant Approval and Authorization to Incur Costs (3/1/14)											
Authorization to Incur Design Engineering Costs (Local Match)											
A/E Design (Complete 5/16/14)											
Receive MDNRE Permits											
Advertise & Receive Bids (Advertise 5/16/14, Open Bids 6/19/14)											
Construction (Award 6/24, Const. Start 8/18, Complete 11/1/14)											
Contract and Grant Closeout (BY 12/31/2014)											



C2AE proposes to provide design, bidding and construction phase services for the Ray and East Street Reconstruction Project as follows:

Design Phase Services

1. Topographic Survey: Prepare a topographic survey of the project area. The topographic survey will be completed with ground crews utilizing "total station" or GPS electronic data collection for direct input into computer software.
2. Plan Drawings: Prepare plan drawings which will show the placement and grade of all improvements as well as construction notes.
3. Profile and Cross-Section Drawings: Prepare profile and cross-section drawings for placement of improvements as required for further definition from the plan drawings.
4. Detail Drawings: Prepare detail drawings and cross sections of individual items of construction or installation.
5. Technical Specifications: Prepare technical specifications to establish quality of all materials, equipment, installation and construction.
6. Interim Meetings: Meet with the City as required throughout the project to review preliminary drawings, costs and review progress. Provide written progress reports.
7. Public Input Meetings: Conduct up to three public meetings to discuss the project with interested public, as desired by the City. Special invitations will be made to the business/property owners in the project vicinity.
8. Bid Documents: Prepare contract documents for competitive bidding by contractors.
9. Cost Estimate: Prepare quantities and engineers detailed itemized cost opinion for the project.
10. City Review: Provide near-final plans and specifications for review and comment.
11. Permit Applications: Complete applications to the Michigan Department of Environmental Quality for execution by the City, as required for the project.
12. MEDC Requirements: Incorporate the contract requirements of the Michigan Economic Development Corporation into the contract documents, including non-discrimination and federal wage standards provisions.
13. Final Revisions: Make final revisions based on the above review and comment.



Bidding Phase Services

1. Distribution of Plans and Specifications: Issue plans and specifications to requesting contractors and maintain bidders' list.
2. Contractor Communications: Respond to contractor questions and issue addenda as necessary.
3. Attend Bidding/Bid Tabulation: Assist the City with the bid opening and tabulate the bid results.
4. Recommendation of Contract Award: Review the bid prices and review qualifications of the low bidder. Make recommendation to the City for award of the project.
5. Execution of Contract Documents: Prepare Contract Documents for execution by the City and the selected contractor.

Construction Phase Services

1. Construction Administration:
 - a. Preconstruction Conference: Attend and conduct a preconstruction conference to review the project with the City, the contractor, sub-contractor(s), utility companies, and other interested parties. Review project schedule. Record meeting minutes and distribute.
 - b. Consult with the City during construction.
 - c. Prepare modifications and supplementary sketches required to resolve actual field conditions encountered.
 - d. Review product and material certifications. Maintain status of tested materials information.
 - e. Issue instructions from the City to the contractor; issue necessary interpretations and clarifications of contract documents; and prepare required change orders.
 - f. Prepare monthly engineers certificate for payment.
 - g. Attend at monthly (or more frequent) progress meetings.
 - h. Attend final project inspection with the City and contractor representatives. Prepare final punch list for project completion.
 - i. Prepare record drawings.
 - j. Update the City's AutoCAD/GIS base drawing



2. Construction Observation and Testing:
 - a. Provide periodic on-site observation services based upon the type of construction work in progress; provide appropriate reports to the City (to monitor compliance with plans, specifications and all other contract documents).
 - b. Provide survey layout of lines and grades as required to complete construction.
 - c. Provide field material density testing services for backfill, subgrade, base course and bituminous courses.
 - d. Coordinate laboratory testing services for aggregate and concrete cylinders.



Engineering Fees and Schedule

Design and Bidding Phase Services

C2AE proposes to provide design and bidding phase engineering services for this project on a lump sum basis, as follows:

Design Fee	\$38,000
Bidding Services	\$2,000

Construction Phase Services

C2AE proposes to provide the scope of construction engineering services on a time and material basis with the total estimated amount of \$45,600.

The total engineering fees are therefore \$85,600. The proposed fees are within the budgeted engineering services amount in the grant application.

The following assumptions are made for the basis for the design, bidding and construction fees:

- The project construction will be completed in 8 weeks.
- Project Inspection and Testing will require an engineering technician for 40 hours per week.
- Construction administration will require 8 hours per week of office engineering.
- The project design will be completed within the scope of services and project description. Changes in project scope will be subject to a suitably negotiated cost amendment.
- Grant coordination and administration services will be provided by others.
- Cost Opinions shall be developed using the Engineers professional judgment.
- C2AE assumes there are no hazardous materials on-site, or that would affect the Work.

Project Schedule

The project schedule is as shown on the enclosed project timeline. Design phase services need to be started right away in order to meet the proposed schedule (and grant condition) for construction completion and project closeout in 2014.



**Standard Contract Provisions
Design and Construction**

The parties to this agreement, Capital Consultants, Inc., a Michigan Corporation doing business as C2AE in the State of Michigan, hereinafter called the A/E CONSULTANT and the City of Boyne City, Michigan, hereinafter called the OWNER, hereby agree to the following conditions:

- A. Limit of Scope: The services provided by the A/E CONSULTANT shall be limited to those described in the Scope of Services.
- B. Changed Conditions: If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to the A/E CONSULTANT are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, the A/E CONSULTANT may call for renegotiation of appropriate portions of this Agreement. The A/E CONSULTANT shall notify the OWNER of the changed conditions necessitating renegotiation, and the A/E CONSULTANT and the OWNER shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.
- C. Additional Services: Additional services not specifically identified in the Scope of Services shall be paid for by the OWNER in addition to the fees previously stated, provided the OWNER authorizes such services in writing. Additional services will be billed monthly as work progresses and invoices are due upon receipt.
- D. Standard of Care: In providing services under this Agreement, the A/E CONSULTANT will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.
- E. Code Compliance: The A/E CONSULTANT shall put forth reasonable professional efforts to comply with applicable laws, codes and regulations in effect as of the date of submission to building authorities. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the A/E CONSULTANT to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provision of this Agreement.
- F. Permits and Approvals: The A/E CONSULTANT shall assist the OWNER in applying for those permits and approvals normally required by law for projects similar to the one for which the A/E CONSULTANT's services are being engaged. This assistance shall consist of completing and submitting forms to the appropriate regulatory agencies having jurisdiction over the construction documents, and other services normally provided by the A/E CONSULTANT and included in the scope of Basic Services of this Agreement.
- G. Opinions of Probable Construction Cost: In providing opinions of probable construction cost, the OWNER understands that the A/E CONSULTANT has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the A/E CONSULTANT's opinions of probable construction costs are made on the basis of the A/E CONSULTANT's professional judgment and experience. The A/E CONSULTANT makes no warranty, express or implied, that the bids or the negotiated cost of the work will not vary from the A/E CONSULTANT's opinion of probable construction cost.
- H. Schedule for Rendering Services: The A/E CONSULTANT shall prepare and submit for OWNER approval a schedule for the performance of the A/E CONSULTANT's services. This schedule shall include reasonable allowances for review and approval times required by the OWNER, performance of services by the OWNER's consultants, and review and approval times required by public authorities having jurisdiction over the project. This schedule shall be equitably adjusted as the project progresses, allowing for changes in scope, character or size of the project requested by the OWNER, or for delays or other causes beyond the A/E CONSULTANT's reasonable control.
- I. Ownership of Reports, Drawings and Other Materials: The OWNER agrees that all reports, drawings, letters, work sheets, plans, preliminary material tables, supportive data, documents and other materials produced by the A/E CONSULTANT in the course of and for the purpose of meeting this contract are the property of the A/E CONSULTANT, and shall remain in the possession of the A/E CONSULTANT. The OWNER shall have access to the above named material during normal business hours of the A/E CONSULTANT during and after completion of this



**Standard Contract Provisions
Design and Construction**

contract. The OWNER may obtain copies of any of the above named material. Copies of electronic media may be obtained by the OWNER. (See Alteration and Reuse of CAD Information provision of this Agreement.)

- J. Alteration and Reuse of CAD Information: Because computer aided design/drafting (CAD) information stored in electronic form can be modified by other parties, intentionally or otherwise, without notice or indication of said modifications, the A/E CONSULTANT reserves the right to remove all indications of its ownership and/or involvement in the material from each electronic medium not held in its possession. The OWNER may retain copies of the work performed by the A/E CONSULTANT in CAD form. Copies shall be for information and used by the OWNER for the specific purpose for which the A/E CONSULTANT was engaged. Said material shall not be used by the OWNER, or transferred to any other party, for use in other projects, additions to the current project, or any other purpose for which the material was not strictly intended without the A/E CONSULTANT's express written permission. Any unauthorized modification or reuse of the materials shall be at the OWNER's sole risk, and the OWNER agrees to defend, indemnify, and hold the A/E CONSULTANT harmless, from all claims, injuries, damages, losses, expenses, and attorneys' fees arising out of the unauthorized modification of these materials.
- K. Record Documents: Upon completion of the work, the A/E CONSULTANT shall compile for and deliver to the OWNER a reproducible set of Record Documents. The A/E CONSULTANT shall also provide electronic information utilizing the appropriate elevation datum and State Plane coordinate system for insertion of the record information into the City's GIS base draw. These Record Documents will show significant changes made during construction.
- L. Payment Terms: Invoices will be submitted by the A/E CONSULTANT monthly, are due upon receipt and shall be considered past due if not paid within thirty (30) calendar days of the due date.
- M. Disputed Invoices: If the OWNER objects to any portion of an invoice, the OWNER shall so notify the A/E CONSULTANT in writing within ten (10) calendar days of receipt of the invoice. The OWNER shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after receipt of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest at one-and-one-half (1.5) percent (or the maximum rate allowable by law, whichever is less) shall be paid by the OWNER on all disputed invoice amounts that are subsequently resolved in the A/E CONSULTANT's favor and shall be calculated on the unpaid balance from the due date of the invoice.
- N. Abandonment of Work: If any work is abandoned or suspended, the A/E CONSULTANT shall be paid for services performed prior to receipt of written notice from the OWNER of abandonment or suspension.
- O. Betterment: If, due to the A/E CONSULTANT's negligence, a required item or component of the project is omitted from the A/E CONSULTANT's construction documents, the A/E CONSULTANT shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event will the A/E CONSULTANT be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the project.
- P. Indemnification: The A/E CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the OWNER, its officers, directors and employees (collectively, OWNER) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the A/E CONSULTANT's negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom the A/E CONSULTANT is legally liable.
- Q. Consequential Damages: Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the OWNER nor the A/E CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation or any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the OWNER and



the A/E CONSULTANT shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.

The parties do not intend to confer any benefits on any person, firm, or corporation other than A/E CONSULTANT and OWNER. There are no third party beneficiaries. In no event shall either party, or their agents, servants, representatives or employees be liable for indirect, special or consequential damages to third parties. Both OWNER and the A/E CONSULTANT shall require waivers of consequential damages protecting all the entities or persons herein and all contracts and subcontracts with others involved in this project.

- R. **Full-Time Construction Observation:** The A/E CONSULTANT will provide full-time project representation in order to observe the progress and quality of the work completed by the Contractor. Such observation is not intended to be an exhaustive check or a detailed inspection of the Contractor's work but rather is to allow the A/E CONSULTANT, as an experienced professional, to become generally familiar with the work in progress and to determine, in general, if the work is proceeding in accordance with the Contract Documents.

The A/E CONSULTANT shall keep the OWNER informed about the progress of the work and shall endeavor to guard the OWNER against deficiencies in the work.

The A/E CONSULTANT shall not supervise, direct or have control over the Contractor's work nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents.

The A/E CONSULTANT shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the work, or any agents or employees of any of them. The A/E CONSULTANT does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

- S. **Jobsite Safety:** Neither the professional activities of the A/E CONSULTANT, nor the presence of the A/E CONSULTANT or its employees and subconsultants at a construction/project site, shall relieve the General Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the work in accordance with the Contract Documents and any health or safety precautions required by any regulatory agencies. The A/E CONSULTANT and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The OWNER agrees that the General Contractor shall be solely responsible for jobsite safety, and warrants that this intent shall be carried out in the OWNER's contract with the General Contractor. The OWNER also agrees that the OWNER, the A/E CONSULTANT and the A/E CONSULTANT's subconsultants shall be indemnified by the General Contractor and shall be made additional insureds under the General Contractor's policies of general liability insurance.

- T. **Hazardous Materials:** As used in this Agreement, the term *hazardous materials* shall mean any substances, including but not limited to asbestos, toxic or hazardous waste, PCBs, combustible gases and materials, petroleum or radioactive materials (as each of these is defined in applicable federal statutes) or any other substances under any conditions and in such quantities as would pose a substantial danger to persons or property exposed to such substances at or near the project site.

Both parties acknowledge that the A/E CONSULTANT's Scope of Services does not include any services related to the presence of any hazardous or toxic materials. In the event the A/E CONSULTANT or any other party encounters any hazardous or toxic materials, or should it become known to the A/E CONSULTANT that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of the A/E CONSULTANT's services, the A/E CONSULTANT may, at its option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until the OWNER retains appropriate consultants or contractors to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations.

The OWNER agrees, without waiving defenses of governmental immunity, and notwithstanding any other provision of this agreement but only to the extent permitted by law, to indemnify and hold harmless the A/E CONSULTANT, its officers, partners, employees and consultants (collectively, A/E CONSULTANT) from and against any and all claims, suits, demands, liabilities, losses, damages or costs, including reasonable attorneys' fees and defense costs arising



out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action, except for the negligence or misconduct of the A/E CONSULTANT.

- U. Change Orders/Stop Work Orders: The A/E CONSULTANT and the OWNER agree that any construction contract change orders or stop work orders must be approved in writing by the OWNER.

- V. Dispute Resolution: The OWNER agrees, without waiving defenses of governmental immunity, and notwithstanding any other provision of this agreement but only to the extent permitted by law, that all claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or breach thereof first shall be submitted for nonbinding mediation to any one of the following, as agreed to by the parties: American Arbitration Association, American Intermediation Service, Americord, Dispute Resolution, Inc., Endispute, or Judicate. Any party hereto may initiate mediation within the time allowed for filing for arbitration as set forth below and the parties hereto agree to fully cooperate and participate in good faith to resolve the dispute(s). The cost of mediation shall be shared equally by the parties hereto. Any time expended in mediation shall not be included in calculating the time for filing arbitration.

If mediation fails to resolve the claim or dispute, the matter shall be submitted to arbitration with the American Arbitration Association under the Construction Industry rules, unless the parties agree otherwise or unless a plaintiff not a party hereto institutes litigation in a court of competent jurisdiction and said court takes personal jurisdiction over one of the parties hereto regarding the same subject matter as in dispute between the parties hereto.

No arbitration arising out of or relating to this Agreement shall include, by consolidation, joinder, or in any other manner, any additional person not a party to this Agreement except by written consent of the parties and such consent to arbitration involving an additional person(s) shall not constitute consent to arbitration of any dispute not described therein. This Agreement to arbitrate and any agreement to arbitrate with an additional person(s) shall be specifically enforceable under the prevailing arbitration law.

The decision rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. In the event either party makes a claim or brings action against the other party for any act arising out of the performance of the services hereunder, and the claimant fails to prove such claim or action, then the claimant shall pay all legal and other costs (including attorneys' fees) incurred by the other party in defense of such claim or action.



Boyne City Housing Commission

829 S. Park Street, Boyne City, MI. 49712 Phone: 231-582-6203

MEMORANDUM

Date: November 18, 2013

TO: Michael Cain, City Manager

From: Jane MacKenzie, Executive Director
Boyne City Housing Commission

RE: Separation from City's Payroll Processing

Background

The Boyne City Housing Commission has been using the City's Employer Identification Number, EIN, for reporting payroll taxes, workers comp, and unemployment for the Housing Commission employees. In addition the Housing Commission's MERS Retirement Plan is a division under the City's MERS Retirement Plan.

For the past several years the Boyne City Housing Commission has had its own Personnel Policy, Health Insurance plan and other benefits for its employees. This has resulted in the Housing Commission employees, in some cases, appearing to be City employees and, in other cases, not City employees. To clarify this situation, the Boyne City Housing Commission has received an EIN from the IRS. We will begin to use it for payroll processing starting January 1, 2014.

The US Department of HUD considers public housing authorities as separate public corporate bodies independent of the City in which they are located.

The Housing Commission has passed a resolution to separate from the City's MERS plan and continue our participation in MERS as an independent MERS participating entity.

Request

MERS requires that the City Commission and Housing Commission adopt the attached Joint Transfer Agreement. MERS also requests a copy of the board minutes approving the Joint Transfer from each governing body.

JOINT TRANSFER AGREEMENT CONCERNING MERS ASSETS AND LIABILITIES FOR ALL CURRENT AND PAST EMPLOYEES OF THE BOYNE CITY HOUSING COMMISSION PARTICIPATING IN THE CITY OF BOYNE MERS PLAN (MUNI #1506 DIVISION #11) TO THE SEPARATE AND INDEPENDENT MERS PROGRAM OF THE BOYNE CITY HOUSING COMMISSION

The City of Boyne City ("City") and the Boyne City Housing Commission ("Housing Commission"), which will become a MERS participating municipality in its own right, mutually agree to the transfer of all active Housing Commission employees, along with deferred vested members, retirees and beneficiaries, now covered in the City's MERS Plan division #11, and the transfer from the City of actuarial accrued liabilities and certain assets to the Housing Commission MERS plan, and the Housing Commission's acceptance of such liabilities and related assets.

By virtue of the City being a participating municipality in MERS, the employees (and former employees with accrued MERS benefits) of the Housing Commission have been covered members under the City's MERS Plan (currently in municipality #1506 division #11) with those benefits identified in Section 2 below.

The City and the Housing Commission have mutually agreed that the Housing Commission shall separate from the City's MERS plan, and all active Housing Commission employees, deferred vested members, retirees, and beneficiaries shall continue their participation in MERS with the Housing Commission as an independent MERS participating municipality.

The Housing Commission will provide the MERS benefit coverage for employees previously covered under the City MERS plan (including all prior service), as identified in Section 2 below.

1. Pursuant to this agreement and Section 53(4) of the MERS Plan Document as revised, there shall be transferred from the City Division #11 all actuarial accrued benefit liabilities for the MERS-covered Housing Commission employees, deferred vested members, retirees and beneficiaries, and market value assets equal to 66.0% of the actuarial accrued liabilities transferred, as set forth in the December 31, 2012, Annual Actuarial Valuation for the City.

2. The MERS benefits in effect for the Housing Commission employees in the City Division #11 are:

B4 (2.5% multiplier), 8 year vesting, F55(25), FAC-5, 4.70% member contribution, Benefit E (2%)(last adopted 01/01/2003), Reciprocal Retirement Act, 1961 PA 88, in effect (adopted December 24, 1999), Exclusion of Temporary employees working less than 12 months.

3. Following the transfer, the Housing Commission shall be exclusively responsible for the funding of all MERS benefits for all Housing Commission employees, deferred vested members, retirees and beneficiaries, and the City shall not be.

4. After formal acceptance by Resolutions of the City and the Housing Commission, this Joint Request shall become effective January 1, 2014 pending its filing with MERS.

Authorized City signature:

Title: _____ Date:

_____, _____.

Authorized Housing Commission signature:

Title: _____ Date:

_____, _____.

Michael Cain

From: Jane MacKenzie [jane@boynecityhc.com]
Sent: Thursday, November 07, 2013 7:12 AM
To: Michael Cain
Subject: FW: Separation from City
FYI

From: Fisken, Anne [mailto:anne.fisken@hud.gov]
Sent: Tuesday, November 05, 2013 3:21 PM
To: Jane MacKenzie
Cc: Hairston, Patricia M
Subject: RE: Separation from City

Jane,

If you look at Public Act 18, the 1996 revisions to the Act are clear that Housing Commissions are separate corporate bodies independent of the City in which they are located. Please review the revised P.A. 18 and be guided.

See: [http://www.legislature.mi.gov/\(S\(e1djzyi5sh34jk55r1512nyk\)\)/mileg.aspx?page=GetObject&objectname=mcl-Act-18-of-1933-Ex-Sess-](http://www.legislature.mi.gov/(S(e1djzyi5sh34jk55r1512nyk))/mileg.aspx?page=GetObject&objectname=mcl-Act-18-of-1933-Ex-Sess-)

From: Jane MacKenzie [mailto:jane@boynecityhc.com]
Sent: Tuesday, November 05, 2013 3:17 PM
To: Hairston, Patricia M
Cc: Fisken, Anne
Subject: Separation from City

Hi Pat,

For the past few years the Boyne City Housing Commission has acted as an entity separate from the City of Boyne City. We have our own personnel policy, health insurance and pay our own bills.

Due to the Affordable Care Act it has been brought to our attention that because we share the same Employer ID number as the City we will not be considered a separate entity and will be required to offer our employees the same health care benefit the City has. It is my understanding that the reason we have a separate health insurance policy is because of the higher cost of the City policy.

The Boyne City Housing Commission would like to look into becoming a separate entity by December 31, 2013. Is this something other Housing Commissions have done? What are HUD's views on this?

Thank you for your help with this issue.
Jane MacKenzie
Executive Director
Boyne City Housing Commission
231-675-5457 cell

12/5/2013



City of Boyne City

Agenda Item 9E
MEMO

Date: December 6, 2013
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: City Facilities RFP

Attached for the Commission's review and comment is a draft RFP for Architectural Services to help us move forward with our City Facilities project. This document has been shared with City staff as well as consultants who were present at our November 26th work session on this matter, plus a few others who were unable to attend, for their comments and/or suggestions. I asked them to provide their feedback to me by the end of Monday. I will let you know what feedback I get.

If the Commission is comfortable with this document it is ready to go out and be advertised as soon as Wednesday, December 11th. If we can meet that, or a very similar, timeframe proposals would be due back on Friday, January 17th. Bids could then be considered at the Commission's January 28th meeting, with the following meeting of February 11th available as a fall back date.

I have tried to incorporate all the issues I am aware of into the document so when the project is complete we will have good and complete cost and design information for us to make decisions on, and to share with the public for their input. The goal is to come up with a viable project(s) we can implement.

RECOMMENDATION: That the City Commission review the draft City Facilities RFP and, considering any further feedback we may yet receive on it and any revisions deemed necessary, authorize staff to proceed with advertising it.

Options:

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

City of Boyne City
REQUEST FOR PROPOSALS
ARCHITECTURAL SERVICES
City Facilities
2013



City of Boyne City
319 North Lake St
Boyne City, MI 49712

December 11, 2013

Dear Consultant:

The City of Boyne City, Michigan is requesting proposals from qualified consultants to provide it with a facility space needs assessment, preliminary designs and construction cost estimates for improvements and/or replacement of Boyne City's existing City Hall complex to house the following functions: general government operations, Police Department, Fire Department, EMS Department, Public Works Department, vehicle maintenance facility and City museum. All these operations are currently housed at the existing City Hall Complex located at 319 North Lake Street, in Boyne City, MI 49712 EXCEPT the EMS Department which is currently housed in leased facilities at 1150 Boyne Avenue in Boyne City. The following information is provided to assist consultants interested in submitting proposals for this project.

Project Title: Boyne City Facilities Project

The Request for Proposals (RFP) includes the following:

- Scope of Work – Attachment I
- Submittals Required – Attachment II
- Proposed Project Schedule – Attachment III
- Supplemental Requirements and Information – Attachment IV

Proposals should be presented in accordance with the specified requirements in Attachment II. Supplementary materials such as exhibits, biographical information, and other documentation may also be submitted separately bound from the proposal. Proposals shall be valid for **Ninety (90) days** from the date they are due.

Two (2) copies of the proposal shall be submitted together and clearly marked: Boyne City Facilities Project, with two (2) copies of the cost proposal components sealed separately from the general proposals and clearly marked: Boyne City Facilities Project - Costs.

Proposals shall be submitted to the office of Cindy Grice, City Clerk/Treasurer, 319 North Lake Street Boyne City, Michigan 49712 no later than 3:00 p.m. Friday, January 17th, 2014 at which time the general proposals will be publicly opened. Cost proposals will remain sealed until publically opened separately at 4:00 p.m. Wednesday, January 22nd at the Boyne City Hall.

City Staff will be available to meet with consultants and/or arrange tours of the existing facilities and proposed sites prior to the due date by contacting City Manager Michael Cain at 231.582.0377.

Boyne City reserves the right to accept or reject any or all proposals or negotiate with any firm it deems to be in the best interest of the City.

The execution of a service agreement will conclude this consultant selection process unless all proposals are rejected.

It is expected that the selected consultant should be ready to proceed with the project upon the City's execution of the service agreement.

Questions concerning this RFP should be directed to City Manager, Michael Cain, at 231.582.0377.

Sincerely,

Cindy Grice,

City Clerk/Treasurer

ATTACHMENT I

Scope of Work

Boyer City is seeking a consultant to help the City develop an implementable plan to address the City's current and future building space needs. The successful consultant will review and build upon existing studies and information gathered on this topic, updating and expanding as necessary and gather any additional information necessary to provide a facilities assessment and redevelopment action plan. The plan should include up to four preliminary design(s), cost estimate(s) which will compare potential options for the City to move forward with. Existing available information and studies are available from the 'City Facilities' link on the front page on the city's website www.cityofboyncity.com. The following items shall be addressed by the Consultant and are included, as a minimum, in the scope of work for the project:

A. Needs Assessment

1. Update Existing Facility Assessment- Inspect facilities to identify deficiencies as well as opportunities to improve functionality and efficiency. Assessment shall cover the following:
 - Exterior of Building
 - Roof
 - Interior
 - Structural
 - Mechanical
 - Electrical
2. Conduct Interviews with users - Complete interviews with users to update future space needs and current deficiencies.
3. Develop Preliminary Architectural Space Design - The design should identify "Personnel Spaces" which represent work spaces for individual staff (current and projected staff), as well as "Departmental Spaces" which represent supportive spaces such as storage or work rooms which are not assigned as individual work stations. The designs should indicate total staffing and area required for current space needs as well as over the next 20 years.
4. Designs shall be developed considering:
 - a. Moving some uses off existing campus to City's North Boyne City
 - b. Maintaining all uses on existing City Hall site.
5. Options including the reuse of the City's existing facilities and/or new space should be considered and the most viable presented.
6. Consultant shall compare design and cost options of doing all work at once versus doing in phases. For phase approach Consultant shall provide timeline and costs which shall provide for maintaining current City operations during construction.
7. Preliminary facility drawings options shall be developed and reviewed by the City during an on-site meeting.
8. Consultant shall include in all reports the implications of options on exterior, roof, interior, structural, mechanical, electrical and energy efficiency improvements / systems.
9. Given existing City Hall complex site on highly visible and desirable Lake Charlevoix waterfront and adjacent to highly used Veteran's Park and City Marina, Consultant shall consider and develop options that encourage aesthetically pleasing and complementary uses, including traffic patterns and view corridors, and minimize conflicting ones.
10. Consultant shall consider and incorporate where practical historical elements including but not limited to the old City Clock and the Fire Department's original and operational 1917 LaFrance Fire Truck (both stored and available for inspection).
11. Consultant shall consider incorporation of means to minimize any proposed facilities' actual and operational footprints including but not limited to energy usage and/or possible generation and storm water generation and incorporate wherever practical.

12. All options and plans shall be consistent with the design character and qualities found in Boyne City.

B. Preliminary Design and Meeting

1. Develop preliminary design drawings with recommendations and cost estimates for facility renovation/expansion/replacement based on assessment information.
2. Address any additional concerns related to project and advise as appropriate.
3. Meet with City to review Design.

C. Public Meetings

Consultant shall incorporate a minimum of four (4) public meetings at times determined by the City for the public review and discussion of the project and resulting plans and concepts. These meetings shall be in addition to any meetings or site visits the Consultant needs to undertake the tasks called for in this project. If more than four public meetings are needed, please include cost per additional meeting in submittals for II- G.

D. City Cooperation

City shall make all reasonable efforts to assist Consultant with tasks associated with this project including sharing of all relevant information in the City's possession, general mapping services, access to personnel and facilities. While the City will assist wherever possible ultimate responsibility for all tasks remains with Consultant.

ATTACHMENT II
Submittals Required

Each proposal shall contain, at a minimum, the following information:

A. Approach:

1. Provide an approach for completing the Scope of Work as described.
2. Discuss any unique ideas/concerns relating to the project.

B. Project Organization:

1. Lead firm (or firms)
 - Name(s)
 - Address(es)
 - Telephone number(s)
 - Email address(es)
 - Name of responsible corporate officer(s)
 - Office location where the majority of the day-to-day work will be accomplished
2. Subcontractors
 - Name
 - Address(es)
 - Telephone number(s)
 - Email address(es)
 - Name of responsible corporate officer(s)
 - Office location where the majority of the day-to-day work will be accomplished
3. Brief description of responsibilities and summary resumes of key professional personnel emphasizing experience directly relating to responsibilities on this project as well as any specialty certification that demonstrates special qualifications related to this project.

C. Schedule:

Work schedule for major tasks including those described in Attachment I and Approach. Include expected starting dates and completion dates referenced to Notice to Proceed. State assumptions for time needed to complete tasks.

D. Personnel Effort:

An estimate of the required personnel hours, by task and job title, for performing all architectural services, as required.

E. Experience and References:

Brief description of project(s) similar to the work to be undertaken including names, titles, phone numbers and email addresses of references.

F. Compensation (to be included in separate sealed envelope as described earlier):

Compensation shall be on the basis of an hourly cost or the maximum not-to-exceed cost; whichever is less, to complete the scope of work. List the following for each category of personnel, for each of the services required and as described below:

1. The rate per hour.
2. The estimate of hours.
3. General and administrative overhead.
4. Expenses.
5. Maximum not-to-exceed total cost.

ATTACHMENT III
PROPOSED PROJECT SCHEDULE

To be competed and submitted by consultant as part of project submittal.

<u>TASK *</u>	<u>ESTIMATED SCHEDULE</u>
Consultant Selection	Approximately January 28, 2014 (2-11-14 backup)
Notice to Proceed	Approximately January 31, 2013 (2-14-14 backup)
Needs Assessment	
Preliminary Design and Meeting	

***NOTE: Please insert proposed schedule to complete contract tasks.**

ATTACHMENT IV
Supplemental Requirements and Information

A. Insurance Required:

The consultant shall purchase and maintain such insurance as will protect Boyne City from liability for claims set forth below, which may result from the consultant's operation under the contract with the City, whether such operations be conducted by the consultant or any subcontractor working for the consultant, or by any person directly or indirectly employed by the consultant and/or sub-contractor, or anyone for whose acts they may be liable.

1. Claims under workers compensation, disability benefit and other similar employee benefit acts or policies.
2. Claims for damages because of bodily injury, sickness or disease or death of any person or persons.
3. Claims for damages insured by usual personal injury liability coverage, which are sustained by (1) any person as the result of any offense directly or indirectly related to the employment of such person by the consultant, or (2) any other person.
4. Claims for damages other than to the work itself, because of injury to or destruction of tangible property, including loss of use resulting there from.
5. Claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance or operation of any motor vehicle.
6. Claims for damages arising out of the performance of professional services caused by any errors, omissions or negligent acts. Minimum \$500,000.

The liability required shall include Contractual Liability applicable to consultants' obligations.

Certificates of Insurance acceptable to the owner shall be filed with the City prior to commencement of the work. Said certificates shall contain a provision that coverage afforded there under shall not be cancelled until at least thirty (30) days prior written notice has been provided to the owner.

B. Incurring Costs:

Boyne City shall not be liable for any costs incurred by consultants prior to approval and issuance of a contract, and then only for such costs incurred as are therein stipulated.

C. Project Control:

The consultants shall perform the work under the direction of the City Manager.

D. Rejection of Proposals:

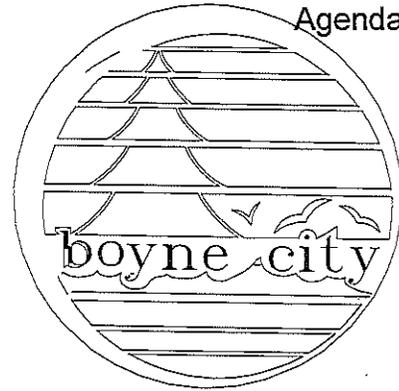
Boyne City reserves the right to reject or negotiate any or all proposals received as a result of this request to insure that the best interests of the City are served.

E. Independent Contractor Status:

- A. The consultant shall agree that all documents and work product prepared by consultant in the course of performing the consulting service shall become the property of the City for all purposes.
- B. The consultant shall enter into a written contract with the City specifying the parties' respective rights and obligations in connection with the services to be performed by consultant. The terms of the written contract shall be mutually acceptable to both parties.

CITY OF BOYNE CITY

To: Michael Cain, City Manager 
From: Annie Doyle, Assistant Planner
 Hugh Conklin, Main Street Manager
Date: December 6, 2013
Subject: Food Trucks

**Background Information**

To date, the Planning Department has had five inquiries from individuals interested in operating food trucks in Boyne City during the spring and summer of 2014. Currently, the City does not have a policy or set of requirements specifically regulating this type of business. At the request of the Main Street Board, we have researched what other Northern Michigan cities are doing in regards to food trucks and discovered that each community is unique in their approach, tailoring each to their community.

Stakeholder perspectives, economic environment, demographics, geography and communication methods are some of the characteristics that have resulted in very different regulations. Some examples are:

- Traverse City allows food trucks in designated areas, charges a fee, and limits the number of permits it gives out each year;
- Charlevoix allows food trucks in any private parking lot in areas zoned for restaurants, charges no fee and has no permit process;
- Petoskey has kept existing regulations that do not allow food trucks to operate;
- Harbor Springs is in the process of researching their options.

This diversity in approach is also what we have found in other communities throughout the state and country.

Financial Impacts and Other Variables

There are many aspects to food trucks that could be further investigated to help bring a more educated perspective in regards to any particular policy decision. For example, what are the financial impacts of food trucks? Do they bolster surrounding businesses by drawing larger crowds or do they detract from the already existing local economy? Do they foster local entrepreneurs and the establishment of future brick and mortar businesses? How do they contribute to the aesthetic sense-of-place in a downtown area? What are the pitfalls that we need to be aware of? What are the best practices? What should the role of the City be in the regulation process?

Summary

In determining a course of action for our community, it seems there are many variables that still need to be identified and assessed in order to make a more informed decision. Aside from our current requests, this type of business is growing in popularity, not only in Northern Michigan but around the country, and it is possible we will have more requests in the future.

We have also created a power point presentation in conjunction with this memo which we can make available upon request.

Recommendation

That the City Commission authorize staff to research the topic further, involving appropriate community input, and bring back findings, alternatives and recommendations.

Options

1. Do not research for further discussion.
2. Another option as determined by the Commission.

Date: December 6, 2013
To: Michael Cain, City Manager 
From: Jeff Gaither, Chief of Police 
Subject: Risk Reduction Grant Program
Media Storage System purchase

We have been notified by the Michigan Township Participating Plan that our grant request has been approved. We are now ready to move forward with the purchase of the Media Storage System.

As we discussed during the budget process, a computer network storage device or server is needed to properly store the large amount of data being generated by our video cameras. A system is needed to allow the Police Department to download, store, copy and view video files that have been recorded by the department's in-car cameras and the body worn video cameras. These videos consume a large quantity of memory that a stand alone computer cannot accommodate. We are currently using a regular computer with an external hard drive to download and store this data. At this time, our current computer is overloaded and is subject to failure, thus losing all the video and other stored data.

After extensive research and contact with many vendors that supply Law Enforcement Media Storage Systems, I have concluded that we as a small department cannot afford the designed systems. We can however, purchase a system that will include a stand alone server and storage system.

Working with Mark Corbiser a local computer expert, we have designed a system that would upgrade our current abilities to store, manage, and view our video, photos and other data used to document officers and offenders actions. This system will meet our current and immediate future needs and I believe, will reduce the City's civil liability from police contacts.

The Par Plan Grant is for \$4,700 and the City's contribution is \$1,564, which is substantially less than I budgeted for this year.

I recommend that we accept the grant and proceed with the purchase of the system designed by Marcor Technologies (Mark Corbiser).

Server and Workstation for Video Media Server

November 27, 2013

PREPARED BY:

PREPARED FOR:

CONTACT Mark Corbiser
 COMPANY Marcor Technologies, LLC
 ADDRESS P.O. Box 1671
 CITY ST ZIP Gaylord, MI
 PHONE 989-731-2646
 EMAIL mwcorbiser@marcortech.com

CONTACT Jeff Gaither
 COMPANY City of Boyne City (Police Dept.)
 ADDRESS 319 North Lake St.
 CITY ST ZIP Boyne City, MI 49712
 PHONE 231-582-6597
 EMAIL jgaither@boyncity.com

ITEMS IN QUOTE

Lenovo ThinkServer TS440 Tower Server Intel® E3-1225v3 processor 3.2 GHz, 4C, 8M Cache, 4.00 GT/s, 84W 16 GB Memory PC3-12800E 1600MHz DDR3 ECC-UDIMM Memory Super Multi-Burner DL DVD±RW, SATA 1.5Gb/s 1 Gigabit Ethernet Port 2 - 500GB SATA 7200RPM Hard Drives configured as RAID1 for OS 2 - 3TB SATA 7200RPM Hard Drives configured as RAID1 for Data Storage Dual 450W power supplies Microsoft Windows Server 2012 Foundation 3 Yr. onsite NBD warranty	1	\$ 3,000.00	\$ 3,000.00
Lenovo ThinkStation 3295 Intel® Core™ i5-3470 Processor (4 cores / 4 threads, 3.2GHz, 6MB cache) 4 GB (installed) / 32 GB (max) - PC3-12800 1600MHz DDR3 500 GB - Serial ATA-600 - 7200 rpm Hard Drive Super Multi-Burner DL DVD±RW SATA 1.5Gb/s Drive Intel HD Graphics 2500 in processor High Definition (HD) Audio, Realtek® ALC662 codec One gigabit Ethernet port, Intel 82579 Four USB 3.0, four USB 2.0, serial (9-pin), Ethernet (RJ-45), VGA DB-15, DisplayPort 29-in-1 Media card reader, slim, internal USB 2.0 Microsoft Windows 7 Professional 64-bit 3 year onsite repair service Small Form Factor Case	1	\$ 750.00	\$ 750.00
APC Smart-UPS C 1000VA LCD 120V	1	\$ 275.00	\$ 275.00
HP LaserJet Pro 400 Printer M401dne	1	\$ 350.00	\$ 350.00
Microsoft Home and Business 2013 (for workstation above)	1	\$ 200.00	\$ 200.00
21.5" Acer LCD Monitor	3	\$ 125.00	\$ 375.00
Microsoft Wireless Desktop 800 (includes mouse and keyboard)	2	\$ 32.00	\$ 64.00
CAT5e cable, ends and patch cables	1	\$ 50.00	\$ 50.00
Estimated labor to install and configure new server, setup and configure new workstation, install and terminate any wiring necessary to connect server to existing network, and configure security using Active Directory, as well as joining existing workstations to the new domain.	12	\$ 100.00	\$ 1,200.00
Total		\$	6,264.00

Budgetary Quotation

Internal Sales Summary

WebQuote ID 615425

Valid Through 31-AUG-13

Account Manager

Email Address

Phone Number

Customer Information

Company

Contact

Address

Email Address

Phone Number

All amounts in USD

Line #	Part #	Description	License Level	Quantity	Unit List Price	List Fee	Proposed Total Discount %	Unit Selling Price	Net Fee	Support Duration	DDR Service	Support Net Price	Restriction Details
1.0	7102703	Sun Server X3-2: model family		1	7,513.00	7,513.00		7,513.00	7,513.00	1 Year	N	901.56	
1.1	SG-SAS6-INT-Z	Sun Storage 6 Gb SAS PCIe HBA, Internal: 8 port (for factory installation)		1	419.00	419.00		419.00	419.00	1 Year		50.28	
1.2	7100604	1 Intel(R) Xeon(R) E5-2609 4-core 2.4 GHz processor (for factory installation)		1	516.00	516.00		516.00	516.00	1 Year		61.92	
1.3	7101758	Heatsink (for factory installation)		1	20.00	20.00		20.00	20.00	1 Year		2.40	
1.4	7100730	One 8 GB DDR3-1600 DIMM (for factory installation)		2	152.00	304.00		152.00	304.00	1 Year		36.48	
1.5	RA-SS2CF-600G10K2	One 600 GB 10000 rpm 2.5-inch SAS-2 HDD with bracket (for factory installation)		4	615.00	2,460.00		615.00	2,460.00	1 Year		295.20	
1.6	7102735	Sun Server X3-2: 1 RU base chassis with motherboard, 2 PSUs, slide rail kit, and cable		1	3,076.00	3,076.00		3,076.00	3,076.00	1 Year		369.12	

		management arm							
1.7	7102748	PCIe filler panel (for factory installation)	3	2.00	6.00	2.00	6.00	1 Year	0.72
1.8	7102749	Oracle System Assistant 4 GB USB stick (for factory installation)	1	0.00	0.00	0.00	0.00	0 Year	0.00
1.9	7102740	Four 2.5-inch drive slots and 1 DVD-RW disk cage	1	676.00	676.00	676.00	676.00	1 Year	81.12
1.10	333A-25-15-NEMA	Power cord: North America and Asia, 2.5 meters, 5-15P plug, C13 connector, 15 A (for factory installation)	2	13.00	26.00	13.00	26.00	1 Year	3.12
1.11	7104900	Single processor I/O cover kit (for factory installation)	1	10.00	10.00	10.00	10.00	1 Year	1.20

1 - 12

List Fee Total: 7,513.00
 Net Fee Total: 7,513.00
 Support List Fee Total: 901.56
 Support Net Fee Total: 901.56
Quote Total: 8,414.56 *

* Freight and Tax not included

Quote Description None

This pricing example is provided for evaluation purposes. This quote is intended to further our discussions, it is not eligible for acceptance by you and is not a part of a binding contract between us for the products and/or services specified. User minimums and licensing rules may apply to the products specified. If you would like to purchase the products and/or services specified in this draft quotation, please ask Oracle to issue you a formal Quote (which may include an Oracle Master Agreement if you do not already have an agreement with Oracle) for your acceptance and execution and return to Oracle. Your order will be effective only upon Oracle's acceptance of the formal Quote (and the Oracle Master Agreement, if required).

release 1.0



July 31, 2013

City of Boyne City
319 N. Lake Street
Boyne City, MI 49712

Re: Grant Application

Dear City Manager Cain,

I am writing to inform you that your grant request has been approved for funding. The Board of Directors of the Par Plan has approved a grant in the amount of **\$4,700.00** from the Risk Reduction Grant Program (see item 3 on attached agreement).

Kindly return a signed grant agreement to this office as soon as possible. An additional copy has been enclosed for your files. Once the project is completed, the grantee will be reimbursed upon receipt of bills, invoices, or other appropriate evidence of expenditures for the specific grant purpose and verification from a Par Plan risk control field representative. Invoices for expenditures must be dated after the date of the grant agreement.

Please note the following information about the time within which a grant is to be used. The grant's purpose must be completed and the written request for reimbursement must be filed within six (6) months from the date of the grant agreement. If you are unable to use the award before that date, you must contact our office in writing, before the deadline, to request an extension.

Please provide us your feedback and photos which will help us improve the grant process as well as feature grantees in our newsletters, annual reports, and website.

With best regards,

A handwritten signature in black ink, appearing to read "Don R. Hilton Sr." with a stylized flourish at the end.

Don R. Hilton Sr., Chairman
MICHIGAN TOWNSHIP PARTICIPATING PLAN

Enclosure: RRGP Grant Agreement

1-31-13



Date: Dec. 10, 2013
To: Michael Cain, City Manager 
City Commissioners, City of Boyne City
From: Hugh Conklin, program manager
RE: Veterans Park Pavilion Grant

At its Sept. 24 meeting, the City Commission approved a request from Boyne City Main Street to apply for a \$5,000 grant from the Charlevoix County Community Foundation to assist with funding for the Veterans Park Pavilion Project.

While not receiving the full amount, I am happy to report the City of Boyne City has received a \$1,500 grant from the Foundation. This grant does not require a match. In addition to this grant, the City has received a grant from the Michigan Economic Development Corporation for up to \$12,500 for the project. The MEDC grant requires a dollar-for-dollar match.

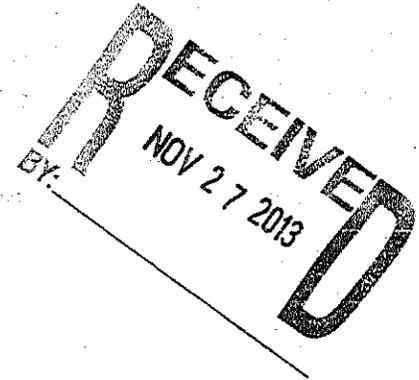
Recommendation

The City Commission accept the \$1,500 grant from the Charlevoix County Community Foundation for the Veterans Park Pavilion project.

CHARLEVOIX COUNTY COMMUNITY
FOUNDATION



November 21, 2013



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

Dear Michael:

It is my pleasure to confirm that the Charlevoix County Community Foundation Board of Trustees approved a grant in the amount of \$1,500.00 for the City of Boyne City. The purpose of the grant is to retrofit the Veteran's Park pavilion into a multi-use structure.

The enclosed grant agreement describes the terms and conditions of the grant commitment. Please review the document carefully. If your governing body approves of the agreement as written, please sign and date it, return the original to us, and retain a copy for your files.

The check is accessible when: all funding has been secured for the project; we have received your signed grant agreement; the program or project has commenced and you are incurring expenses. Contact Maureen Radke or Mishelle Shooks on our staff to request the check.

We require you to make arrangements to publicize the award. Please include our name, the "**Charlevoix County Community Foundation**" in any publicity that occurs. Some possible methods include a grant award announcement on your website; in your newsletter; contained in an email blast; on your facebook page or other form of social media; on printed posters and brochures; and/or in a press release (a template is included with this letter). It is important to recognize the community foundation in all forms of publicity in relation to the grant award.

We welcome the opportunity to present the award check in person. Possibilities include your next board meeting, or at an event to take place in relation to the grant award. Please call our office to arrange a mutually beneficial time.

It is wonderful to be able to offer this support for the City of Boyne City. The Trustees of the Charlevoix County Community Foundation join me in extending best wishes to you for a successful project.

Sincerely,

R. A. "Chip" Hansen, Jr.
President

Enc: Grant agreement & press release template



FOUNDATION



Grant Agreement

Organization: City of Boyne City

Amount: \$1,500.00

Grant Period: Dec-1, 2013 to Nov 30, 2014

Purpose: to retrofit the Veteran's Park pavilion into a multi-use structure

I. Grant purpose(s)

Funds provided by the community foundation will be appropriately accounted for and used for the purposes described in this agreement, and as detailed in your proposal submitted for the October 1, 2013 grant cycle. The conditions of the grant and the expenditure of funds may not be modified without the written approval of the community foundation.

ii. Nondiscrimination

The grantee will not discriminate in its employment practices, volunteer opportunities or program decisions, on the basis of race, religion, gender, age, handicap, or marital status.

III. Method of Payment

Contact the community foundation to discuss when funds are needed and a satisfactory method of payment.

IV. Violation of Terms

The community foundation reserves the right, in its absolute discretion, to terminate the grant if the terms and conditions of this agreement are violated. It may also result in the return of all funds awarded to the grantee for the project.

V. Financial Report & Final Narrative

There are two reports that are due at the end of the grant period, on November 30, 2014. A financial report, as well as a final narrative report describing how grant monies were used must be submitted by the end of the grant period.

VI. Public Announcement

You are required to publicize the grant award. Please use our name, the "Charlevoix County Community Foundation" in its entirety. Some possibilities include adding it to your newsletter; using social media; in an email; on published materials; and/or in a press release. Include the method(s) used in your final report.

The following parties, agree to the grant terms and conditions, as outlined above:

Mr. Michael Cain, City Manager
City of Boyne City

Date

Chip Hansen

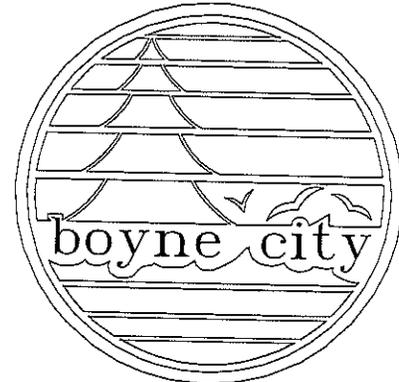
R.A. "Chip" Hansen, Jr., President
Charlevoix County Community Foundation

11.21.2013

Date

CITY OF BOYNE CITY

To: Michael Cain, City Manager *MC*
From: Cindy Grice, City Clerk/Treasurer *CG*
Date: December 3, 2013
Subject: Compensation Commission



BACKGROUND

As allowed by Boyne City Ordinance No. A-78, the Boyne City Compensation Commission may meet in odd numbered years in order to review City Commissioner compensation. The Compensation Commission met on November 21, 2013 on this matter.

DISCUSSION

At their meeting, the Compensation Commission reached a decision regarding recommended compensation for the Boyne City Mayor and Commissioners. It was decided to recommend that the Commissioner's compensation increase from \$2,800 per year for the Mayor and \$2,300 per year for each Commissioner, the level since 2001, to \$3,000 per year for the Mayor and \$2,500 per year for each Commissioner. This decision was based not only upon the comparison of compensation for surrounding communities of comparable populations, but many other factors as well, including the increase in fuel costs the City Commissioners incur, technology and supplies the Commissioners utilize at their own homes at their own expense, and the fact that it has been several years since there has been an increase. Also recognized are the huge successes of the City. The Board felt this is a small gesture for the huge amount of work the Commissioners do and they are very deserving of this increase. The Board expressed disappointment the 2007 recommended increase was not accepted and strongly encouraged the approval of this recommended increase. All board members expressed deep appreciation for the commitment of the City Commission to the City of Boyne City and its' citizens.

Attached are minutes of the meeting. City Ordinance states the Compensation Commission's recommendations shall be forwarded to the City Commission which shall consider them at a regularly scheduled meeting, which is why this matter is before you today. The options noted for the City Commission in the ordinance are: 1) Approve the recommendation (simple majority needed); 2) Reject the recommendation (2/3 vote of entire Commission required).

FINANCIAL

Based on the recommendation, if approved, this will be effective in the FYE 2013 / 2014 budget.

RECOMMENDATION

That the City Commission approve the recommendation from the Compensation Commission for an increase in compensation from \$2,800 per year for the Mayor and \$2,300 per year for each Commissioner to \$3,000 per year for the Mayor and \$2,500 per year for each Commissioner to as provided by City Ordinance A-78.

RECORD OF THE PROCEEDINGS OF THE MEETING OF BOYNE CITY COMPENSATION COMMISSION MEETING DULY CALLED AND HELD IN THE COMMISSION CHAMBERS OF CITY HALL ON THURSDAY, 21 NOVEMBER 2013 AT 10:00 A.M.

CALL TO ORDER:

City Clerk/Treasurer Cindy Grice called the meeting to order at 10:00 AM

ROLL CALL:

Present: Bob Carlile, Dennis DeSchryver, Cindy Banner and John Talboys
Absent: Pat Kujawski,
Staff Present: Cindy Grice

Clerk/Treasurer Grice administered Oath of Office to Cindy Banner and Bob Carlile

Motion by Talboys, second by Banner to recommend Dennis DeShryver to be appointed as Chair of the Compensation Commission with a term of one year.

ROLL CALL:

Aye: Carlile, DeSchryver, Talboys and Banner
Nay: None
Abstain: None
Absent: Kujawski
Motion Carried

Motion by DeSchryver, second by Banner to approve the 2011 Compensation Commission minutes as presented.

ROLL CALL:

Aye: DeSchryver, Talboys and Banner
Nay: None
Abstain: Carlile
Absent: Kujawski
Motion Carried

Grice had previously provided to the Commission members the City of Boyne City Compensation Commission Ordinance No. A-78. The board discussed the comparable community comparison information Clerk/Treasurer Grice provided.

Chair Deschryver commented about the history of minutes that were provided were helpful. Talboys said the commissioners receive no pay for extra meetings. The City Commission has worked hard, done a lot of extra running around putting in many hours. They have worked through some difficult situations. The three incumbents were re-elected and that tells him people like what they're doing.

Banner, Carlile and Deschryver agree with Talboys. All recognize the time commitment of the Commissioners. The last increase was accepted in 2001. The increase cost of fuel, the technology and supplies the Commissioners utilize at their own homes at their own expense are

also factors in the decision to recommend a compensation increase. The huge successes of the City are also recognized. All board members expressed deep appreciation for the commitment of the Commissioners to the City of Boyne City and it's citizens. The board also expressed disappointment the increase recommended in 2007 was not accepted and are really encouraging the Commissioners to accept their recommendation.

Motion by Carlile, second by Banner to recommend an increase in compensation from \$2,800 per year for the Mayor and \$2,300 per year for each Commissioner to \$3,000 per year for the Mayor and \$2,500 per year for each Commissioner

ROLL CALL:

Aye: DeSchryver, Talboys, Carlile and Banner
Nay: None
Abstain: None
Absent: Kujawski
Motion Carried

Motion by Carlile, second by DeSchryver to adjourn the Thursday, 21, November 2013 meeting of the Boyne City Compensation Commission at 10:50 AM.

City Treasurer Cynthia M. Grice

Chair Dennis DeSchryver

* DIVISION 2. LOCAL OFFICERS
COMPENSATION COMMISSION*

Sec. 2-178. Purpose.

The purpose of this article is to establish a compensation commission in accordance with state statute, which compensation commission shall have authority over the compensation paid to each elected official of the city, including the mayor and city commission members. (Comp. Ords. 1986, § 12.025)

Sec. 2-179. Establishment; composition; terms; vacancies; conflicts of interest.

A compensation commission is hereby established. The compensation commission shall consist of five members who are registered electors of the city, appointed by the mayor, subject to confirmation by a majority of the members elected and serving on the city commission. The term of office shall be five years, except that of the members first appointed, one each shall be appointed for terms of one, two, three, four, and five years. All first members shall be appointed within 30 days after the effective date of the ordinance from which this section is derived. Thereafter, members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the city commission or administrative branch of any level of government or members of the immediate family of such member of employee shall be eligible to be a member of the compensation commission. (Comp. Ords. 1986, § 12.026)

State law reference—Similar provisions, MCL 117.5c(a).

Sec. 2-180. Salary recommendations for elected officials; expense allowances.

The compensation commission shall make recommendations regarding the salaries of each elected official, including the mayor and city commission members. Those recommendations shall be forwarded to the city commission, which shall

**State law reference*—Local officers compensation commission, MCL 117.5c.

consider the same at a regularly scheduled city commission meeting. In the event the city commission accepts the recommendations by a majority vote, then the salaries fixed shall become effective 30 days following its filing with the city clerk. The city commission may reject the compensation commission's recommendations, by resolution adopted by two-thirds of the members elected to and serving on the city commission. Any expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.

(Comp. Ords. 1986, § 12.027)

State law reference—Similar provisions, MCL 117.5c(b).

Sec. 2-181. Meetings; quorum; organization; compensation.

The compensation commission shall meet for not more than 15 session days every odd numbered year beginning in the year 1997, and shall make its determination within 45 calendar days of its first meeting of the year. A majority of the members of the compensation commission constitutes a quorum for conducting the business of the compensation commission. The compensation commission shall not take action or make determinations without a concurrence of a majority of the members appointed and serving on the compensation commission. The compensation commission shall elect a chairperson from among its members. As used in this section, the term "session days" means any calendar days on which the compensation commission meets and a quorum is present. The members of the compensation commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

(Comp. Ords. 1986, § 12.028)

State law reference—Similar provisions, MCL 117.5c(c).

Sec. 2-182. Open meetings; freedom of information.

The business which the compensation commission may perform shall be conducted at a public meeting of the commission held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the meeting of the compensation commission shall

be given in the manner required by the Open Meetings Act (MCL 15.261 et seq.). A writing prepared, owned, used, in the possession of, or retained by the compensation commission in the performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.). (Comp. Ords. 1986, § 12.029)

Secs. 2-183—2-202. Reserved.

DIVISION 3. HISTORICAL COMMISSION

Sec. 2-203. Created.

There is hereby created a historical commission.

State law reference—Historical commissions authorized, MCL 399.172.

Sec. 2-204. Members; terms.

The historical commission shall consist of seven members. The members shall be appointed from residents of the city at large. Members of the historical commission shall be appointed by the city commission. The members shall serve without compensation. The terms of members shall be three years, expiring on June 1 of each year. (Comp. Ords. 1986, § 12.252)

Sec. 2-205. Chairman; other officers.

The historical commission shall choose annually, from within its membership, a chairman and such other officers as it shall deem necessary for the proper conduct of its duties and meetings. (Comp. Ords. 1986, § 12.253)

Sec. 2-206. Bylaws; rules and regulations.

The historical commission shall adopt bylaws and rules and regulations necessary for the proper conduct of its meeting and duties which said bylaws and rules and regulations shall be submitted, within three months after its initial appointment, for approval by the city commission. (Comp. Ords. 1986, § 12.254)

Sec. 2-207. Meetings; quorum.

The historical commission shall be required to meet at least once in each calendar quarter, and a majority of the membership shall constitute a quorum for the transaction of business. (Comp. Ords. 1986, § 12.258)

Sec. 2-208. Program and project recommendations.

The historical commission shall recommend to the city commission programs, projects and activities which it shall determine will advance, enhance, preserve and/or perpetuate the historical interests of the city. (Comp. Ords. 1986, § 12.255)

Sec. 2-209. Annual report.

The historical commission shall make an annual report to the city commission in which it shall outline to the city commission its proposed programs, projects and activities for the ensuing year. Such report shall include suggested methods of funding such programs, projects or activities and whether or not the historical commission will be asking for appropriations from public funds to support such programs. (Comp. Ords. 1986, § 12.256)

Sec. 2-210. Gifts; donations; fundraising.

The historical commission may receive gifts, donations, or bequests of money, or historical artifacts to further its activities and purposes. The historical commission may also establish fundraising projects to generate funds for its use in the carrying out of any of its programs, projects or activities. Any such gifts, donations, bequests, or funds so received or raised, shall be earmarked exclusively for the use of the historical commission, in the carrying out of its programs or activities. (Comp. Ords. 1986, § 12.257)

Secs. 2-211—2-228. Reserved.

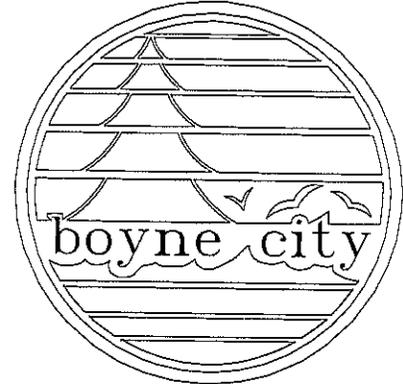
CITY OF BOYNE CITY

To: Mayor Ron Grunch and City Commissioners

From: Mayor Pro-Tem Gene Towne and City Commissioner Laura Sansom *GT* *LS*

Date: December 3, 2013

Subject: City Manager Compensation



We, Mayor Pro-Tem Gene Towne and Commissioner Laura Sansom (the appointed committee to review the City Manager's Salary) recommended to the City Commission to provide a pay increase to our City Manager, Michael Cain, in the amount of 1%, plus 2% in order to bring his current salary in line with what has previously been negotiated for other City Employees (2012-2013, a 1% increase and 2013-2014, a 2% increase) for a total annual salary of \$90,106.00.

In addition, we recommend an increase in auto compensation from \$375 to \$400 per month and a 2% increase to his deferred compensation. This would increase his deferred compensation package from 10% to 12% of the annual salary. These increases are to become effective the 2nd pay period in December of 2013. There will be no retroactive pay.

RECOMMENDATION

It is our recommendation that the City Commission approve the increase of the City Manager's pay to \$90,106 annually, increase the auto compensation to \$400 per month and increase the deferred compensation contribution from 10% to 12% with all changes effective the 2nd pay period of December, 2013.



City of Boyne City

Agenda Item 9K
MEMO

Date: December 5, 2013
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Health Care Eligibility

Current City personnel policies and practices generally provide that employees must work 40 hours per week in order to qualify for health insurance. Our insurance agent has asked us if we desired to continue this way given the ongoing implementation of the Federal Affordable Care Act (ACA). This information is needed as we prepare for our annual employee insurance enrollments.

Attached please find an email from the City's Labor Attorney in response to our request for guidance. She advises us that we amend our policies to provide health insurance for employees who work over 30 hours per week. We do not expect this to increase the number of employees that are provided health insurance. The change would only apply to health insurance and no other benefits.

RECOMMENDATION: That the City's personnel policies and practices be amended to provide health insurance for employees who work over 30 hours per week effective January 1, 2014 in order to comply with the ACA as outlined by the City's Labor Attorney. All other provisions and eligibility for benefits would remain unchanged.

Options:

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

From: Dinon, Laura
Sent: Monday, December 02, 2013 4:15 PM
To: 'Michael Cain'; 'cgrice@boynecity.com'
Subject: RE: Priority Health Eligibility rules

I recommend you change to 30 hours health care eligibility.

The way it works is as follows:

A large employer (Boyne City is one since you have more than 50 FTE), would be subject to the penalty under the ACA if a full time employee (one who works 30 hours or more) obtains insurance coverage through an exchange and receives a premium credit.

If the employer offers 30 hour full time employees insurance coverage and they decline your coverage and purchase it on the exchange, the employee can only qualify for a premium credit if the employer's coverage is unaffordable (single person coverage exceeds 9.5% of the employee's w-2 wages) or the employer's coverage is not adequate (does not pay for at least 60% of the covered health care expenses).

If you don't offer 30 to 39 hour employees healthcare benefits, they will be forced to purchase them on the exchanges or be subject to the individual penalty and you run the risk they could qualify for a premium credit which exposes the City to the penalty.

Let me know if you have any questions.

Thanks

Laura

PLUNKETT  COONEY

Laura M. Dinon
(231) 348-6417

ldinon@plunkettcooney.com

ATTORNEYS & COUNSELORS AT LAW

303 Howard Street Petoskey, MI 49770
T: (231) 347-1200 • F: (231) 347-2949 • plunkettcooney.com



City of Boyne City

Agenda Item 9L
MEMO

Date: December 6, 2013
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Public Act 152 of 2011 Compliance

PA 152 of 2011 deals with employer paid health insurance and was adopted by the State in September 2011. In December of 2011 and December of 2012, to be in compliance with Public Act 152 of 2011 the City Commission approved a recommendation to Opt Out of state's health insurance options. We need to take action each year on this matter in order to remain in compliance with the act. A copy of the certification form we must complete and submit is attached.

Basically under the law the State provided 3 options to us, and other public agencies, including schools.

- 1) Adopt a hard total dollar cost cap that the City would pay equal to \$5,692.50 per year for one person, \$11,385 for a couple and \$15,525 for a family. These numbers are for 2013 and are adjusted annually.
- 2) Adopt an 80/20% cost split between the City and the employee.
- 3) Have the City Commission, by a 2/3rd vote, opt out of options 1 or 2 for one year (can be renewed).

Should the City not do any of the three items above the law allows the State Treasurer to withhold 10% our Economic Vitality Incentive Program (EVIP) (formally known as revenue sharing) payments. That would be about a \$25,900 hit to our revenues.

Again this year I am recommending that we take option 3 and opt out of this program for the coming year since it gives us the most flexibility in dealing with our own employees and does not limit us to options 1 or 2 above. Since we considered this matter last year we have executed labor agreements with AFSCME (DPW, Water/Wastewater & Maintenance) and POAM (Police Officers) which provides for an 80% (city) 20% (employee) sharing in health care coverage costs. Non-union employees are treated the same way.

RECOMMENDATION: That the City Commission approve a motion opting out of the requirements of PA 152 of 2011 for the coming year and authorize the City Manager and City Clerk/Treasurer to submit the required paperwork.

Options:

- a) Adopt options 1 or 2 above.
- b) Take no action and risk loss of the 10% of EVIP funds
- c) Postpone action on this matter tonight for further information or consideration.
- d) Other option as determined by the City Commission.

Economic Vitality Incentive Program/County Incentive Program Certification of 2011 Public Act 152 Compliance

Issued under authority of 2012 Public Act 200. Filing of this form or Form 4888 Certification of Employee Compensation is mandatory to qualify for payments.

Each city/village/township/county applying for Employee Compensation payments under the 2011 Public Act 152 compliance option must:

1. Certify to the Michigan Department of Treasury (Treasury) that the local unit listed below provides medical benefits for its employees and elected public officials in compliance with 2011 Public Act 152 or certify that the local unit does not provide medical benefits to its employees and elected public officials.
2. Submit to Treasury any required board resolutions/meeting minutes.

City/village/township: This certification, along with any required board resolutions/meeting minutes, **must be received by June 1, 2013** to receive the June and August payments or on or before July 31, 2013 to receive the August payment. Post mark dates will not be considered. For questions, call (517) 373-2697.

County: This certification, along with any required board resolutions/meeting minutes, **must be received by June 1, 2013** (or the first day of a payment month) in order to qualify for that month's payment. Post mark dates will not be considered. For questions, call (517) 373-2697.

PART 1: LOCAL UNIT INFORMATION		
Local Unit Name		Local Unit County Name
Local Unit Code		Contact E-Mail Address
Contact Name	Contact Title	Contact Telephone Number
PART 2: 2011 PUBLIC ACT 152 COMPLIANCE		
Indicate the option the local unit has selected to comply with 2011 Public Act 152:		
<input type="checkbox"/>	1. Hard Caps (MCL 15.563) (no attachment required) A public employer shall pay no more of the annual costs or illustrative rate and any payments for reimbursements of co-pays, deductibles, or payments to health savings accounts, flexible spending accounts, or similar accounts used for health care costs, than a total amount equal to \$5,692.50 times the number of employees with single person coverage, \$11,385.00 times the number of employees with individual and spouse coverage, plus \$15,525.00 times the number of employees with family coverage, for all medical benefit plan coverage years beginning on or after January 1, 2013.	
<input type="checkbox"/>	2. Annual 80/20 (attach board resolution/meeting minutes showing annual majority vote of governing body) (MCL 15.564) A public employer shall pay not more than 80% of the total annual costs of all the medical benefit plans it offers or contributes to for its employees and elected public officials, for a medical benefit plan coverage year beginning on or after January 1, 2012.	
<input type="checkbox"/>	3. Annual Exemption (attach board resolution/meeting minutes showing annual 2/3 vote of governing body) (MCL 15.568) A local unit of government may annually exempt itself from options 1 and 2 above, by a 2/3 vote of the governing body for the next succeeding medical benefit plan coverage year.	
<input type="checkbox"/>	4. Employee Contract/Work Agreement Still in Effect The local unit's contract/employee work agreements entered into prior to September 15, 2011 do not expire until _____.	
<input type="checkbox"/>	5. N/A The local unit does not provide medical benefits to its employees or elected public officials.	
PART 3: CERTIFICATION		
<i>In accordance with 2012 Public Act 200, the undersigned hereby certifies to Treasury that the above mentioned local unit has complied with the publicly funded health insurance contribution act, 2011 Public Act 152, or does not provide medical benefits to employees and elected public officials. Any required board resolutions/meeting minutes are attached to this signed certification.</i>		
Printed Name of Chief Administrative Officer (as defined in MCL 141.422b)		Title
Chief Administrative Officer Signature (as defined in MCL 141.422b)		Date

Completed and signed form (including required attachment, if elected option 2 or 3) should be e-mailed to: TreasRevenueSharing@michigan.gov.

If you are unable to submit via e-mail, mail the completed form and required attachment (if elected option 2 or 3) to:

Michigan Department of Treasury
Office of Revenue and Tax Analysis
PO Box 30722
Lansing, MI 48909

TREASURY USE ONLY		
EVIP/CIP Eligible	Certification Received	EVIP/CIP Notes
Y N		
Final Certification	Resolution Received	



City of Boyne City

Agenda Item 9M

MEMO

Date: December 6, 2013

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Priority Health Insurance HSA 2014 Funding Levels

During union negotiations four years ago and again this year we spent a lot of time looking at different health insurance options. At that time, and since, we've asked Korthase-Flinn and other firms to come up with the best value option, for both the City and the employees. They have and continue to recommend our current Priority Health Health Saving Account (HSA) plan. That plan appeared to the City's bargaining team to have the greatest potential for savings to the City while offering some real advantages to the employee such as the establishment of an HSA that is the employee's to keep and use for medical expenses. Although that plan was not agreeable at that time to the collective bargaining units they, as of two years ago, switched to this plan after costs under the MEBS plan they previously had increased significantly while they had it. Our non-union employees, as a group, thought Priority Health was the best overall option and the City Commission approved them switching to it in February 2010, effective that April.

The Priority Health HSA program we switched to almost four years ago now for our non-union employees and two years ago for our union employees is very similar to the one implemented for Charlevoix County two years, but through Blue Cross and Blue Shield (BC/BS). Although the rates for our coverage are going up by about 5% this year, according to research Korthase Flynn recently did our current provider and plan is still more cost effective for us than switching to another, such as BC/BS. Actually the 5% increase for the coming year is much less than the double digit increases we have seen for the past few years and significantly much less than others have experienced. Last year's increase was 17%.

We are continuing to see if there are other options for us to consider. This has been significantly complicated with the roll out of the Federal Affordable Care Act (ACA). If any are found in the future, we remain able to switch and are not bound to wait to our annual renewal period.

Aside from the rate increases the employees are generally satisfied with the coverages and services under our current plan.

As part of the ongoing renewal process we need to let our Priority Health covered employees know how much, if any, funding the City will provide to their Health Savings Accounts (HSA). The first year we were in the program we agreed to provide \$2,000 for each single covered employee and \$4,000 per couple or family. These levels fully funded the deductible amount under the HSA plan, although the City could have contributed more. For the following two years, up to this year the City provided \$1,750 for each single covered employee and \$3,500 per couple or family. These funds were front loaded at the beginning of each program (calendar) year in case an employee had a health issue at the beginning of the year. If an employee chose to leave the City's employment, for reasons other than retirement, they would be responsible for returning an amount equivalent to a prorated portion of the amount placed in their HSA account out of their final wage and benefit payments.

The intent of the above was to help the employees using an HSA to hopefully establish a fund they could use

from year to year. Some employees, like me, have added additional pre-tax money to these accounts to cover other qualifying medical expenses. The amount the City contributes to each employee's HSA account for 2013 was \$1,500 for singles and \$3,000 per couple or family. Collective bargaining agreements for our two unions expire this coming year on March 31, 2014 for our DPW, Water/Wastewater and Maintenance employees and on April 30th for our Police Officers. The matter before us today is how much to fund the HSA accounts for 2014. The union contracts are silent as to any HSA payments for 2014.

I would recommend that the union employee's contributions be equal, on a pro-rated basis thru their remaining contract terms in amounts and timing to those of the non-union employees at the same \$1,500 /\$3,000 levels used this year. This goes back to my long standing belief, practice and recommendations that we treat benefits for our employees as equally as possible. I think the pro-rated HSA approach for our union employees is fair in that it does not force them to wait for any additional HSA funding until their new contracts are effective but also does not pre-judge the results of those negotiations. If the Commission wishes to discuss the union related segment of my recommendation further, I would suggest we do so in closed session.

The City currently has 20 employees, including myself, who are covered under the Priority Health program. We also have three retirees, who remain under this program, but he would not be eligible to receive any further City contributions such as the one being discussed today.

Unfortunately, the cost of Health Insurance continues to greatly outpace the rate of inflation and new revenues to the City. The City has been working with employees to continue to provide quality and affordable health insurance, while also increasing employee involvement and cost sharing in managing the health care needs of themselves and any covered family members. All covered employees, union and non-union, in addition to increased deductibles that they use their HSA accounts to offset are also paying 20% of the increasing cost of their health benefits.

RECOMMENDATION: That the City Commission approves funding HSA's for eligible employees participating in the City's Priority Health HSA plan for 2013 at the \$1,500 and \$3,000 levels as outlined above.

Options:

- Postpone this matter for addition information or consideration (possibly leaves employees with depleted HSA accounts based on past City practices).
- Make a partial payment into the HSA accounts while other options or amounts are being considered.
- Fund HSA's at the previous higher 2012 levels of \$1,750 and \$3,500 noted above.
- Fund the HSA's at reduced levels such as \$1,250 per individual or \$2,500 per couple or family.
- Fund at another level determined by the City Commission.
- Don't fund HSA's at all.
- Other options, as determined by the City Commission.

December 2013

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

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

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

January 2014

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

February 2014						
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23	24	25	26	27	28	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		January 1, 2014			
		City Offices Closed	6:00pm Parks & Rec		
		New Years Day			
6	7	8	9	10	11
	5:00pm ZBA		8:30am Main Street Board mtg. 6:00pm Goal Setting		
13	14	15	16	17	18
12:00pm EDC/LDFA	7:00pm City Commission				
20	21	22	23	24	25
Martin Luther King Day (United St 5:00pm Planning Commission			5:30pm Airport Advisory Board		
27	28	29	30	31	
	12:00pm City Commission				