

**City of Boyne City**  
Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712  
www.boyne-city.com

Phone 231-582-6597  
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**BOYNE CITY  
CITY COMMISSION REGULAR MEETING  
Boyne City Hall  
364 North Lake Street  
Tuesday, May 10, 2016 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 April 26, 2016 City Commission regular meeting minutes as presented
  - B. Approval of the 2016/2017 Planning and Zoning Service contracts for Evangeline Township in the amount of \$28,609.91 and Wilson Township in the amount of \$39,923.13 and authorize the City Manager to execute the documents
  - C. Approval to update and renew the operating agreement for the One Water Marina with Integrity Land Development (aka Catt Development) and any other slip owner for 2016 and future years, if the opportunity presents itself, and authorize the City Manager to sign the agreement(s) on the City's behalf
  - D. Approval to proclaim May 15 – 21, 2016 as "Public Works Week" in the City of Boyne City
  - E. Approval of a payment in the amount of \$2,700 to Loy Cyrulik of Harborage Heights Development LLC for a permanent easement for the construction and maintenance of a sidewalk in connection with the Safe Routes to School Grant
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
  - A. Draft Minutes of the April 7, 2016 Main Street Meeting
  - B. Draft Minutes of the April 18, 2016 Planning Commission Meeting
  - C. Draft Minutes of the April 27, 2016 Airport Advisory Board Meeting
8. OLD BUSINESS
  - A. Enbridge Pipeline #5 Resolution  
Consideration to adopt a Resolution regarding Enbridge Line 5

An Equal Opportunity Provider and Employer

**Hometown Feel, Small Town Appeal**

9. NEW BUSINESS

- A. Request of the City Manager to go into closed session with our attorney regarding Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, May 24, 2016 at Noon

12. ADJOURNMENT

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



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**APRIL 26, 2016  
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 364 NORTH LAKE STREET, ON TUESDAY APRIL 26, 2016

**CALL TO ORDER**

Mayor Neidhamer called the meeting to order at 12:01 p.m. followed by the Pledge of Allegiance.

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Gene Towne, Commissioners Ron Grunch and Hugh Conklin

Staff: Lisa Schrock, Michael Cain, Kevin Spate, Scott McPherson, Patrick Kilkenny, Barb Brooks, Mark Fowler, Andy Kovolski and Lori Meeder

Others: There were 67 citizens in attendance including a representative from the Petoskey News Review

**CONSENT AGENDA  
MOTION**

2016-04-052  
Moved by Conklin  
Second by Towne

2016-04-052A  
Approval of the April 12, 2016 City Commission regular meeting minutes as presented  
2016-04-052B  
Approval to award a contract to Lake Charlevoix Painting in the amount of \$4,800 for sealing the Veterans Park Playground  
2016-04-052C  
Approval of Traffic Control Order #135 changing the speed limit on Fall Park Road from Boyne Avenue to the City limits to 35 miles per hour  
2016-04-052D  
Approval of a resolution proclaiming Thursday, April 28, 2016 Arbor Day in the City of Boyne City  
2016-04-052E  
Approval of a resolution for a Recreation Passport grant to help fund the Fitness Track project at Ridge Run Dog Park and authorize the City Clerk / Treasurer and City Manager to sign the required documents  
2016-04-052F  
Approval to schedule a Public Hearing for May 24, 2016 regarding Munson Healthcare Charlevoix Hospital Bonding as requested and authorize the City Clerk / Treasurer to issue the required notices and any associated paperwork

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**CITIZENS COMMENTS**

Cyndy Tonkavich and Nikki Blakeslee, Co-Presidents of the Boyne Valley Garden Club, appreciate the commissioners for their contributions and thanked Andy and his crew for their help. They also look forward to working with the city to add colorful plantings to the new City Hall. Mayor Neidhamer thanked the Garden Club on behalf of the commissioners and citizens.

**CORRESPONDENCE**

Mayor Neidhamer received a letter from Senator Schmidt and he was appreciative of the city's letter in regard to the Historical District.

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**CITY MANAGERS REPORT**

City Manager Cain reported:

- Final preparations are being made and the old City Hall will hopefully be demolished at the end of the week depending upon utility companies making the proper disconnections. Trees from the old site are being transplanted to other sites starting today, primarily to the open space across from Family Fare.
  - The Main Street office is moving to the second floor at 214 Water Street by the end of this week.
  - Erica Tosch starts on Monday as the new Main Street administrative assistant and Farmer's Market manager.
  - Cain met with a representative from ACD yesterday in regards to establishing antenna locations to improve cellular and communications around the city. They reviewed the location sites and they are very similar to what was reviewed by the commission in June.
  - Reminder that absentee ballots are available for the May 3 election.
  - Cain will be out on Friday for his daughter Allison's graduation from the University of Michigan.
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**REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES**

The March, 2016 Financial Statement was received and filed.

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**First Reading Amendment to Sidewalk Café Ordinance**

Consideration of a first reading for a proposed amendment to the Outdoor Sidewalk Café ordinance, allowing the service of alcohol in conjunction with a sidewalk café and to schedule a Second Reading for June 14, 2016

Planning/Zoning Administrator Scott McPherson explained that after city staff consulted with the City's attorney that an ordinance amendment was the most appropriate means to pursue this policy change. If the commission desires to approve this on a trial basis to set the date that it will be reviewed. McPherson discussed what was talked about at the last Planning Commission meeting and said all issues discussed are available on the minutes. After board discussion it was determined the current definition would need to be amended to allow alcohol service. This is a first reading and if so desired a second reading can be done as early as June 14, 2016.

Staff Comments: Main Street Manager Lori Meeder thinks this is an exciting opportunity for us to try something new, there are a lot of redevelopment projects going on downtown and this can add vibrancy to our town.

Assistant Chief Kevin Spate said he spoke with Chief Gaither and they do not foresee any problems that they cannot overcome and he is in support of it.

Citizens Comments: Jeff Wellman concurs with Meeder.

Ward Collins said we are a tourist community and from a tourist point of view it would be beneficial to the community and strongly supports it.

Emily Wilmot echoes Ward's comments.

Betsy Britton agrees from a young family's point of view.

Kyle Marshall agrees and has 275 signed signatures in support. Joe Manier echoes Meeder and has confidence in local police and restaurant owners.

Sydney Janssens, the coordinator of Boyne Appetit, is in support.

Jim Baumann commends the commissioners for reconsidering this, he said numerous boards are in support and busy sidewalks are a good thing.

Becky Harris agrees with all comments.

Linn Williams agrees with Meeder.

Jessica Bell said as a downtown business owner she thinks this would be a positive move.

Brian Kosminski supports this 100%.

Consideration to review the proposed ordinances and schedule a second reading for June 14, 2016.

Board Discussion: Commissioner Sansom's concerns were addressed and said she is in support for a season and would like it reviewed once the season is over. Commissioner Conklin is in full support and feels our team has spoken and agrees with reviewing it after the first season. Mayor Pro-Tem Towne and Mayor Neidhamer are in support. Commissioner Grunch supports this on a trial basis but not during Stroll the Streets and July 4.

#### MOTION

2016-04-053

Moved by Conklin

Second by Towne

To schedule a second reading for June 14, 2016 and amend the changes to Article VI outdoor sidewalk café as presented and if adopted to review it by the end of the year.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

#### Enbridge Pipeline # 5

Consideration to receive and consider the information regarding Enbridge pipeline #5 and then determine what, if any, action it wishes to take on the matter.

City Manager Cain said at the City Commission's February 23, 2016 meeting we were approached by Adam Kennedy and Sheri Rhoads who asked the City Commission to consider passing a resolution opposing the continued operations of the Enbridge Pipeline #5 that runs under the Straits of Mackinaw. Pipeline #5 has generated much publicity and discussion lately. Last fall the Northern Michigan Chamber Alliance hosted a meeting for Enbridge to discuss this matter with representatives from our area at Boyne Mountain. The State is looking into this matter and the Attorney General has recently requested additional information regarding the pipeline in a more user friendly format. Several communities from across the state have approved resolutions addressing Pipeline #5 in one way or another. In our area Charlevoix (both City and County), East Jordan, and Petoskey have approved resolutions on this matter. In talking to Mr. Kennedy and Ms. Rhoads they are requesting that we consider adopting a resolution similar to the one adopted by Cheboygan County. The objective in this matter is that the City Commission have access to as

many viewpoints on this matter as possible so it can gather and weigh the relevant facts and determine what, if any, action it wishes to take on this matter. While there is a natural gas transmission main that passes through a portion of our community, Pipeline #5 does not. After the presenters and audience speaks, City Manager Cain suggest the City Commission give another opportunity for Mr. Kennedy and/or Ms. Rhoads, Ms. McKay and then Mr. Manshum, in that order, to follow up on anything they would like to address that was raised during the public input. The matter would then go to the City Commissioners for deliberation. This is a very complicated matter with lots of factors and points of view. We want to give the opportunity for those to be expressed and presented to the City Commission for consideration and then determine what, if any course of action, it wishes to take. Given the nature of this matter and the fact that a lot of information will be presented to the Commission at the meeting I want to remind the City Commission and the public that postponing any decision on this matter to a future meeting is a legitimate option it may wish to consider if it feels necessary.

Mayor Neidhamer said the presenters will be given approximately 30 minutes each to present.

Presentations from Jennifer McKay, Policy Director for Tip of the Mitt Watershed Council, Jason Manshum from Enbridge, Adam Kennedy Friends of the Boyne River and Dr. Edward Timm PhD were given.

Staff Comments: None

Citizens Comments: GT Long of Horton Bay asked Enbridge if Line 5 supplies propane to residential customers in the northern lower peninsula, north of Grayling. Blake Oleson of Enbridge said all of Michigan gets propane from Line 5 through retailers. Joann Beemon of Charlevoix asked what does it mean outside the scope of useful life. Ms. McKay said she does not know yet. Mr. Manshum said every pipeline is different and when you start to see signs of age or deterioration as well as environmental or human risk to a line if a spill was to occur that is when you make the determination to make a repair to as invasive as a full replacement and shut down of the line. There is no particular age or lifespan of a line. Joe Manery asked Enbridge where are the two closest shut off valves and a best case scenario how much of that would go into the Straits of Mackinaw. Mr. Oleson said depending on where and how big of a break and what the pressure is. The valves will close on either side and the shut offs are on either shore. Vince Lumbada spoke about the pressures and said there is still a risk of oil to leave the pipe into the Straights of Mackinaw and mentioned this is a vintage pipeline and he is nervous about the pipeline. He does think pipelines are a safer alternative and more efficient than moving it on the lakes or by train and trucks. Neil Brewster of Cheboygan asked Ms. McKay if Tip of the Mitt was against the pipeline but felt the presentation was supporting it. Ms. McKay said they do have a policy statement approved by the board of directors to decommission the pipeline but they also recognize it won't happen right away. He also brought up swimming as a kid in lakes and if there was a leak that would not happen anymore. Mickie Barnhart of Charlevoix asked as Mr. Manshum spoke about the Straits and Dr. Timm talked about the whole line and she asked the commission to consider the whole line. Lon Johnson, Candidate of US Democratic Congress thinks pipelines are the

safest way to move oil but there are smart places and not smart places to put a pipeline. There is a 63 year old pipeline in the Straits of Mackinaw and if there was a leak it would be a disaster. He said water will be our most valuable resource. He believes there are other options to get propane around. He would like to see the pipeline shut down, run an independent inspection to verify the pipeline is 100% safe and to work with the governor's pipeline task force. Ann Sekowski of Charlevoix County said she realizes Enbridge is sorry about the oil spill in Kalamazoo but being sorry isn't enough and no matter how good the response scenarios are, there is still a risk. One out of five jobs in Michigan depend on clean great lakes water. When the lakes are frozen it would be hard to get to the spill if one occurred. She urged the commissioners to have the line shut down. Michelle Archer of Boyne City said she thinks the pipeline should be shut down. David Wire from Straits of Mackinaw spoke of Mr. Manchum's comments about the information that Enbridge had given the Attorney General and the technology today is better than when the pipeline was built. He added that if a permit was received today for this pipeline it would not be built under the Straits. GT Long commented on Ms. McKay's comments that it is not going to happen overnight or next week and he would like to have that in writing. Bill Hart of Horton Bay said Enbridge had a great presentation but wonders why they won't allow an independent inspection of the line and who is really liable if there is a spill. Enbridge could claim bankruptcy. Gordy Borland of Petoskey said he thinks the pipeline is on borrowed time. Dr. Timm had a letter from the Attorney General and a letter he wrote to the governor and gave a copy to the commissioners. Vince Lumbada spoke of the contingency plans that Enbridge has in case there is a spill in the Straits of Mackinaw and the short comings. Annabelle Dyer of Mackinaw City said they have been working for months on a resolution. She thinks the line's age, corrosion and stress will become a problem. She asked the commissioners to join the other communities. Karen Martin of Cheboygan asked the commission to join their neighbors. Rick Beman of Charlevoix would like to see Line 5 shut down and to see a resolution passed for that matter as soon as the commissioners can. Nancy Cunningham of Boyne City said they are called great lakes and thinks we need a great effort to keep the water clean.

Mayor Neidhamer gave another opportunity for Ms. McKay, Mr. Manshum and Dr. Timm to have closing statements.

Board Discussion: Commissioner Conklin said he was impressed with the effort of everyone in attendance and appreciates it. He supports moving forward with a resolution. Mayor Pro-Tem Towne thanked everyone for coming and for their input. He asked if the State collects money from Enbridge for right-of-way fees. Mr. Manshum said the closest thing would be they pay property taxes for pipelines and annually they pay the State of Michigan about 22.5 million dollars for pipeline right-of-way. Mayor Pro-Tem Towne asked if the pipeline inspection was available to anyone and Mr. Manshum said it had not been but now it is. Commissioners Grunch, Sansom and Mayor Pro-Tem Towne said they will support a resolution to shut down Line 5. Mayor Neidhamer said this started with Friends of the Boyne River coming to the commission meeting. He is in support of a resolution and would like to revisit this.

2016-04-054

Moved by Neidhamer

**MOTION**

Second by Conklin

To follow through with a resolution based on help from Tip of the Mitt Watershed, based on facts, and resolutions from other communities and this will be brought back before the commission in support of restrictions, guidelines and statements concerning Pipeline 5 by the May 24, 2016 City Commission meeting

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

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Mayor Neidhamer thanked the speakers.

**MOTION**

2016-04-055

Motion by Mayor Neidhamer seconded by Commissioner Conklin to have a 5 minute recess at 2:58 p.m.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**MOTION**

2016-04-055A

Motion by Mayor Neidhamer seconded by Mayor Pro-Tem Towne to reconvene at 3:06 p.m.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**FY 2015/2016 Budget Amendments**

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Consideration to approve the FY 2015-2016 budget amendments as presented in compliance with accounting and budgeting standards

City Manager Cain said in the agenda packet there is an annual memo from the City Clerk/Treasurer Cindy Grice. After consulting with all the department heads, these are the recommended budget amendments.

Staff Comments: Barb Brooks stated that for the marina portion, there is a line item that is a moving target; it is the season boater payments that are due by April 30. You will see a large discrepancy because the payments are still coming in. Payments that come in after May 1 go on to the next budget year.

Citizens Comments: None

Board Discussion: Commissioner Conklin had his questions answered. All commissioners were in agreement.

**MOTION**

2016-04-056

Moved by Towne  
Second by Conklin

To approve the Budget Amendments for FYE 2016 as presented in compliance with Accounting and Budgeting standards.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

### Flotation Docking Pier Repair

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Consideration to hire Flotation Docking Systems to repair the floating dock, near the boat launch as outlined in option 1, in the anticipated amount between \$8,000 and \$9,000 and authorize the City Manager to execute the documents

Harbor Master Barb Brooks reviewed the two different options from Flotation Docking Systems to repair or replace the dock closest to the small boat launch. There has been some minor repairs on it but it is to the point where we need to do a major repair to make it safe and reliable.

Staff Comments: None

Citizens Comments: None

Board Discussion: There was some discussion and all commissioners are in agreement.

### MOTION

2016-04-057  
Moved by Sansom  
Second by Towne

To approve to hire Flotation Docking Systems to repair the floating dock near the boat launch, as outlined in Option 1 for the amount between \$8,000 and \$9,000

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

### Pavement Marking Bids

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Consideration to award a bid to PK Contracting for our annual Pavement Marking.

Streets Superintendent explained there were two bids received and the city has used both companies in the past. PK Contracting was the low bidder.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

### MOTION

2016-04-058  
Moved by Towne  
Second by Sansom

To approve and award the low bidder to PK Contracting for pavement marking services for the amount of \$13,423.25 and authorize the City Manager to sign the required documents.

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

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**Marina Truck Purchase**

Consideration to allow staff to search and purchase a used truck for use at the marina in an amount not to exceed \$10,000.

Harbor Master Barb Brooks explained the current vehicle is older, rusted and needs a lot of repair. It is not attractive as a city vehicle. Funds have been budgeted for this.

Staff Comments: Streets Superintendent Andy Kovolski recommends not selling the old vehicle, instead send it to the junk yard.

Citizens Comments: None

Board Discussion: All are in agreement.

**MOTION**

2016-04-059  
 Moved by Conklin  
 Second by Grunch

To approve staff to search and purchase a used truck for use at the marina in an amount not to exceed \$10,000

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

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**Good of the Order**

Commissioner Sansom thought the Commission Chambers looked and smelled better. Mayor Neidhamer asked City Manager Cain if he thought NLEA meeting on May 19 at Boyne Mountain would be a good thing to attend. Cain thinks we should give it a try and to let him or Lisa know if they are interested in attending.

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**ADJOURNMENT**

Motion by Mayor Neidhamer seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, April 26, 2016 at 3:27 p.m.

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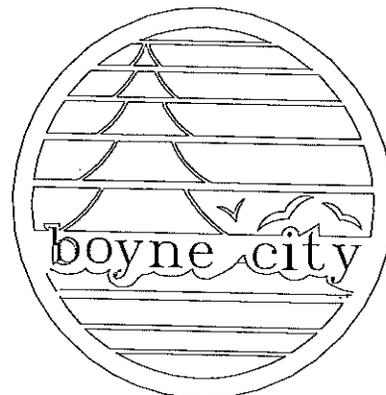
Tom Neidhamer  
 Mayor

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Lisa Schrock

**CITY OF BOYNE CITY**

**To:** Michael Cain, City Manager *Mc*  
**From:** Scott McPherson, Planning Director *SM*  
**Date:** May 10, 2016  
**Subject:** Township Planning and Zoning Contracts



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**BACKGROUND**

The proposed contracts amounts for planning and zoning services for Evangeline and Wilson Townships have been reviewed and approved by both of the townships. The amounts for the 2016-2017 fiscal year are \$28,609.91 for Evangeline Township and \$39,923.13 for Wilson Township which represents a 7% and 3% increase respectively. The difference in the increase for each township is attributable to the amounts contributed to the assistant planner wages. The contract amounts are consistent with the amounts included in the City's 2016-2017 budget. The contracts are being submitted to you for your review and approval.

**RECOMMENDATION**

Approve the Wilson and Evangeline Township Planning and Zoning Contracts as presented.

## AGREEMENT FOR PLANNING AND ZONING SERVICES

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF BOYNE CITY, a Municipal Corporation, with an address of 319 North Lake Street, Boyne City, MI 49712 (hereinafter referred to as the City), and the TOWNSHIP OF WILSON, a Michigan general law township, with an address of P.O. Box 447, Boyne City, MI 49712, (hereinafter referred to as the Township).

THROUGH MUTUAL AGREEMENT between the City and the Township, for the purpose of cooperative planning efforts between the City and said Township, this agreement is so established.

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City and the Township that it is for their common interest that such a service be rendered in a manner hereinafter set forth, in consideration of the mutual promises and agreements herein set forth:

1. The City, through its Planning Department, agrees to supply the Township with planning services and to act as an agent for the administration of the Township's Ordinances, subject to the limitations hereinafter specified. The amount of time and services to be provided are to be established in the sole discretion of the Director of Planning, or his/her agent. An adjustment in the payment may be required if an inordinate amount of time is required to complete the planning and zoning functions for the township.
2. The Township shall provide all liability, errors and omissions insurance coverage for both the City and its Planner/Zoning Administrator during the time he/she is acting on behalf of the Township and for all claims that arise during this time. The Township shall indemnify, defend and save Boyne City, its Planner/Zoning Administrator, City Manager, agents and employees from and against all claims, damages, losses and expenses including reasonable attorney fees, and all demands, claims, liabilities, fines, penalties and costs arising out of the performance of the planning services being provided by the City to the Township under this Agreement. The Township's policy of insurance shall name the City and its Planner as additional insured as their interest appear. The Township shall furnish the city with a copy of their policy evidencing this obligation which policy shall also provide the City thirty (30) days written notice of cancellation.
3. The Township shall not have any right to make any claim against the City or its Agents and Employees by reason of claim or suit filed against the Township as a result of action or inaction of the City or Agents and Employees.
4. It is agreed that expenses, such as mileage, phone bills, copies, or other expenses incurred by the City or Agents and Employees in order to conduct the business of the Township, shall be the responsibility of, and billed to, the Township.
5. The Boyne City Planning Department shall provide to the Township and its citizens, planning services on all days that the Boyne City hall is open.
6. Based on the history of percentage of time devoted to Wilson Township affairs, the Township agrees to pay for the services herein provided a sum of Thirty Nine Thousand Nine Hundred Twenty Three Dollars and 13 cents (\$39,923.13) for Township Planning Services. This sum shall be submitted to the City on a quarterly basis with the first installment of \$9,980.78 due May 1, 2016 and each quarter thereon.
7. This Agreement shall encompass the time period of May 1, 2016 through April 30, 2017 and will be renewable each succeeding year unless terminated as provided below.
8. This Agreement shall be terminable at the will of either party. Either the City or

the Township may terminate this Agreement for any reason, with or without cause, upon giving ninety (90) days notice to the other party. If termination of the agreement is necessary the Planning Department shall continue cooperation with the Township on enforcement matters at \$85.00 per hour.

9. It is understood that the City has entered into a contract similar to this Agreement with another Charlevoix County Township and that the City may enter into similar agreements with other Townships adjacent or near to the City.

IN WITNESS THEREOF, the City of Boyne City and the Township of Wilson have caused these presents to be executed by their proper officers, respectively, with authority of their respective Commission and Board, the day and year first above written.

CITY OF BOYNE CITY:

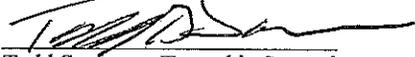
By: \_\_\_\_\_  
Michael Cain, City Manager

\_\_\_\_\_  
Dated

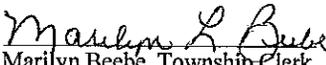
By: \_\_\_\_\_  
Cindy Grice, City Clerk

\_\_\_\_\_  
Dated

TOWNSHIP OF WILSON:

By:   
Todd Sorenson, Township Supervisor

4-13-2016  
Dated

By:   
Marilyn Beebe, Township Clerk

4-13-2016  
Dated

## AGREEMENT FOR PLANNING AND ZONING SERVICES

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF BOYNE CITY, a Municipal Corporation, with an address of 319 North Lake Street, Boyne City, MI 49712 (hereinafter referred to as the City), and the TOWNSHIP OF EVANGELINE, a Michigan general law township, with an address of P.O. Box 396, Boyne City, MI 49712, (hereinafter referred to as the Township).

THROUGH MUTUAL AGREEMENT between the City and the Township, for the purpose of cooperative planning efforts between the City and said Township, this agreement is so established.

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City and the Township that it is for their common interest that such a service be rendered in a manner hereinafter set forth, in consideration of the mutual promises and agreements herein set forth:

1. The City, through its Planning Department, agrees to supply the Township with planning services and to act as an agent for the administration of the Township's Ordinances, subject to the limitations hereinafter specified. The amount of time and services to be provided are to be established in the sole discretion of the Director of Planning, or his/her agent. An adjustment in the payment may be required if an inordinate amount of time is required to complete the planning and zoning functions for the township.
2. The Township shall provide all liability, errors and omissions insurance coverage for both the City and its Planner/Zoning Administrator during the time he/she is acting on behalf of the Township and for all claims that arise during this time. The Township shall indemnify, defend and save Boyne City, its Planner/Zoning Administrator, City Manager, agents and employees from and against all claims, damages, losses and expenses including reasonable attorney fees, and all demands, claims, liabilities, fines, penalties and costs arising out of the performance of the planning services being provided by the City to the Township under this Agreement. The Township's policy of insurance shall name the City and its Planner as additional insured as their interest appear. The Township shall furnish the city with a copy of their policy evidencing this obligation which policy shall also provide the City thirty (30) days written notice of cancellation.
3. The Township shall not have any right to make any claim against the City or its Agents and Employees by reason of claim or suit filed against the Township as a result of action or inaction of the City or Agents and Employees.
4. It is agreed that expenses, such as mileage, phone bills, copies, or other expenses incurred by the City or Agents and Employees in order to conduct the business of the Township, shall be the responsibility of, and billed to, the Township.
5. The Boyne City Planning Department shall provide to the Township and its citizens, planning services on all days that the Boyne City hall is open.

6. Based on the history of percentage of time devoted to Evangeline Township affairs, the Township agrees to pay for the services herein provided a sum of Twenty Eight thousand six hundred nine dollars and 91 cents (\$28,609.91) for Township Planning Services. This sum shall be submitted to the City on a quarterly basis with the first installment of \$7,152.47 due May 1, 2016 and each quarter thereon.
7. This Agreement shall encompass the time period of May 1, 2016 through April 30, 2017 and will be renewable each succeeding year unless terminated as provided below.
8. This Agreement shall be terminable at the will of either party. Either the City or the Township may terminate this Agreement for any reason, with or without cause, upon giving ninety (90) days notice to the other party. If termination of the agreement is necessary the Planning Department shall continue cooperation with the Township on enforcement matters at \$85.00 per hour.
9. It is understood that the City has entered into a contract similar to this Agreement with another Charlevoix County Township and that the City may enter into similar agreements with other Townships adjacent or near to the City.

IN WITNESS THEREOF, the City of Boyne City and the Township of Evangeline have caused these presents to be executed by their proper officers, respectively, with authority of their respective Commission and Board, the day and year first above written.

CITY OF BOYNE CITY:

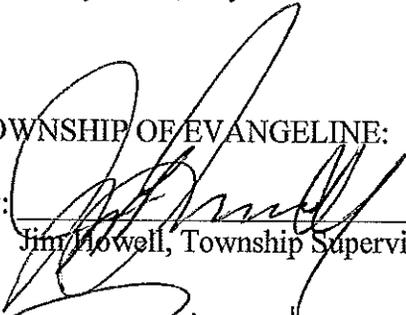
By: \_\_\_\_\_  
Michael Cain, City Manager

\_\_\_\_\_  
Dated

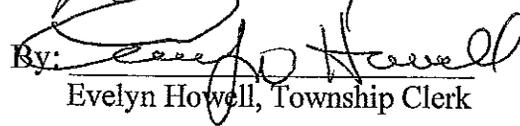
By: \_\_\_\_\_  
Cindy Grice, City Clerk

\_\_\_\_\_  
Dated

TOWNSHIP OF EVANGELINE:

By:  \_\_\_\_\_  
Jim Howell, Township Supervisor

4/12/16  
\_\_\_\_\_  
Dated

By:  \_\_\_\_\_  
Evelyn Howell, Township Clerk

4-12-16  
\_\_\_\_\_  
Dated



## CITY OF BOYNE CITY

## MEMO

**To:** Michael Cain, City Manager   
**From:** Barb Brooks, Executive Assistant/Harbormaster   
**Date:** May 5, 2016  
**Subject:** One Water Marina Proposal for 2016

The City has been contracted to operate the One Water Marina since it opened for business in 2010. I have spoken with Glen Catt and he agrees the relationship has worked well and would like to continue with the current arrangement for the City to manage the One Water Marina for the 2016 boating season.

The City also managed slips for a couple of the individual owners in the past on a 50/50 revenue split.

All parties feel the One Water Marina partnership has been successful and beneficial in several ways:

- Each year there has been a net profit.
- The City was able to accommodate more seasonal and transient boaters throughout the summer.
- It provides additional short term dockage to numerous boaters of all sizes as the City's shoppers' dock has limited capacity.
- It brought additional people into our downtown shops and restaurants
- It provides great assistance to the Boyne Thunder event (allowing an increase of participants)
- It provided exposure to the One Water Development and its' tenants.
- Positive PR for Boyne City
- We were able to bring back all of our seasonal employees wishing to return and create an additional seasonal job.

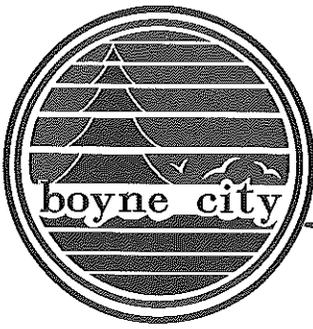
I believe the word is out that Boyne City has additional dockage and can accommodate larger vessels and we continue to have the potential to bring in even more boaters, both seasonal and transient and more spending dollars into the downtown and to the City's marina budget. The marina staff was able to creatively manage the City marina, boat launch and the One Water marina without any of the facilities being overlooked.

All agreements will be the same as in past years. The only changes would be updating dates and rates to reflect 2015.

**Recommendation:** to update and renew the operating agreement for the One Water Marina with Integrity Land Development (aka Catt Development) and any other slip owner for 2016 and future years, if the opportunity presents itself, and authorize the City Manager to sign the agreement(s) on the City's behalf.

Other Options:

- Refer back to staff for more information
- Do not enter into an operating agreement with either party
- Authorize for 2016 only
- Other options brought forth by the Commission



**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

## CITY OF BOYNE CITY

### PROCLAMATION

- WHEREAS, public works infrastructure, facilities and services are of vital importance to the Health, safety, economy and overall well-being of the community; and
- WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators, representing all levels of government, who are responsible for and must plan, design, construct, inspect, operate and maintain the public works facilities essential to serve our citizens; and
- WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works function is materially influenced by the people’s attitude and understanding of the importance of the work they perform; and
- WHEREAS, it is in the public interest for our citizens, civic leaders and children to learn and understand the importance of vital public works programs such as drinking water, sanitary and storm sewers, streets and highways, public buildings and grounds and public fleets, and
- WHEREAS, the theme for this year’s celebration is “PUBLIC WORKS: ALWAYS THERE”, and 2016 marks the 57<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association;

NOW, THEREFORE, I, Tom Neidhamer, as Mayor of the City of Boyne City, do hereby proclaim the week of May 15 – 21, 2016 as “Public Works Week” in the City of Boyne City, Michigan and call upon all citizens and civic leaders in this community to gain knowledge of, and maintain a progressive interest in, the public works needs and programs vital to our everyday lives. And to recognize the daily contributions which public works officials make to ensure our health, safety, comfort and quality of life.

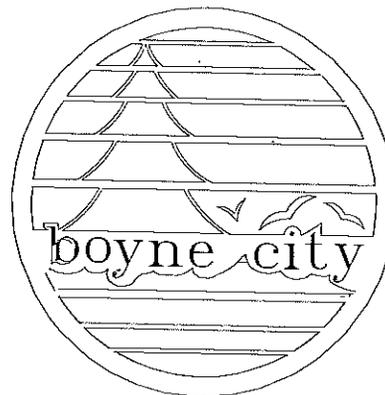
WITNESS MY HAND and Seal of the City of Boyne City, Michigan on this 10<sup>th</sup> day of May, 2016

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Tom Neidhamer, Mayor, City of Boyne City

**CITY OF BOYNE CITY**

**To:** Michael Cain, City Manager *MC*  
**From:** Scott McPherson, Planning Director *SM*  
**Date:** May 10, 2016  
**Subject:** Safe Routes to Private Easement Acquisition



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**BACKGROUND**

In 2014 the City Commission passed a resolution for the City to submit a grant request for several infrastructure projects funded by the Safe Routes to School program. Since that time City staff has continued to move the project forward and it appears the project may be bid this June with construction commencing shortly thereafter. One requirement that we were unaware of and not informed of until late March of this year was the requirement that in any instance where a private easement is required the property owner must be offered compensation for that easement. This is a standard requirement for projects that use federal funds. The method of determining the value can be done by the City Assessor if the property owner waives the right to an appraisal.

The Boyne City Safe Routes to School project includes one private easement that encumbers a 10ft x 670ft strip along the north property line of the Harborage Heights subdivision. This was required to connect to the existing sidewalk and allow the City to plow and maintain the existing sidewalk along the entire width of the property. The property is owed by Lou Cyrulik of Harborage Heights Development LLC. The property owner waived the requirement for an appraisal and the value of \$2,700.00 for the encumbrance was determined by the Boyne City Assessor. The property owner was notified of the amount of the valuation and indicated he would accept the offer.

**RECOMMENDATION**

Approve payment in the amount of \$2,700.00 to Lou Cyrulik of Harborage Heights Development LLC for a permanent easement for the construction and maintenance of a sidewalk in connection with the Safe Routes to School grant.

**OPTIONS**

1. Do not approve the payment.
2. Postpone action pending further information.
3. Other action as determined by the Commission.



Approved: \_\_\_\_\_

Meeting of  
April 7, 2016

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING  
HELD ON THURSDAY APRIL 7, 2016 AT 8:30 AM CITY HALL, 319 NORTH LAKE  
STREET

**Call to Order**

Chair O’Brien called the meeting to order at 8:30 a.m.

**Roll Call**

Present: Pat O’Brien, Michelle Cortright, Rob Swartz, Chris Bandy, Jodie Adams and Don Ryde

**Meeting Attendance**

Absent: Ben VanDam, Michael Cain and Robin Berry-Williams

City Staff: Main Street Director Lori Meeder, Recording Secretary Lisa Schrock and Assistant Planning/Zoning Administrator Patrick Kilkenny

Public: One

**Excused Absences**  
**MOTION**

**Cortright moved Adams second PASSED UNANIMOUSLY** to excuse Ben VanDam, Michael Cain and Robin Berry-Williams from today’s meeting.

**Approval of Minutes**  
**MOTION**

**Bandy moved Ryde second PASSED UNANIMOUSLY** to approve the March 3, 2016 regular minutes as presented.

**Citizens Comments**

None

**Correspondence**

None

**Manager’s Report**

**Main Street Director Meeder gave the Manager’s Report on the following topics:**

- Mosaic Mural—donation to the City by an artist that is moving to the area may be on the horizon, more to come next month.
- Last River Draw fundraising—has two days left and we reached \$27,687, exceeding our goal by almost \$2,700.
- Irish Festival—March 13-March 20 was packed full of events. It was publicized extremely well with press releases, posters, ads in the newspapers and 9 & 10 News did their Morning Feature on- Michigan This Morning. There were 4-10 people at each event and 50 at the dinner. It does not have enough interest to continue as is.
- Retail inquiries for suitable space—Meeder has reached out to Tim Arner about what he is doing with his office. Radio Shack is closing soon and the owner plans to keep the building. Meeder is meeting with Dave Smith, the gentleman buying the Lally building, to discuss potential opportunities.

- Boyne Appetit—is evolving and now has a Restaurant Week scheduled for June 6-12 and we are working on the details of price points. Wine Wednesday had their fourth in a monthly series last night.
- Volunteer Appreciation this fall—is this something we are still thinking about.
- Stroll the Streets—Karen has the entertainment lined up, the Arts Festival will take place in Sunset Park and is coming together nicely. The Walkabout Sculpture Tour has eight pieces.
- Buff up Boyne—scheduled for May 7.

**New Business**  
**Main Street Assistant**  
**MOTION**

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**Adams moved Cortright second PASSED UNANIMOUSLY** that contingent upon a satisfactory background check, recommend that we proceed with an official offer for Erica Tosch to assume the position of part-time Main Street assistant and farm market manager, allowing the Main Street director to negotiate hours up to 29 per week and up to \$15 per hour. Position to begin May 1, 2016.

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**National Main Street**  
**Refresh Program**  
**MOTION**

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**Adams moved Bandy second PASSED UNANIMOUSLY** to recommend that we proceed with the Refresh Pilot program and move our board meeting to Thursday, May 12 at 8:30 a.m. to coincide with the Michigan and National Main Street visit.

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**Approval of MMS Design**  
**Services for Boyne**  
**Bakery Building at 110 S.**  
**Lake Street**  
**MOTION**

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**O'Brien moved Cortright second PASSED UNANIMOUSLY** to postpone this matter to a later date.

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**Letter of Support**  
**MOTION**

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**Adams moved Ryde second PASSED UNANIMOUSLY** that the Main Street Board will send a letter in support of The Top of Michigan Mountain Bike Association's Avalanche Destination Trail project.

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**ADJOURNMENT**  
**MOTION**

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O'Brien adjourned the April 7, 2016 meeting of the Boyne City Main Street Board at 9:42 a.m.

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\_\_\_\_\_  
Lisa Schrock, Recording Secretary

Approved: \_\_\_\_\_

**Meeting of  
April 18, 2016**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday, April 18, 2016 at 5:00 pm.

**Call to Order**

Chair MacKenzie called the meeting to order at 5:03 p.m.

**Roll Call**

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

**Excused Absence(s)**

**\*\*MOTION**

**2016-04-18-02**

**St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY**, a motion to excuse the absence(s) of Jim Kozlowski and Aaron Place

**Meeting Attendance**

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, City Commissioner Hugh Conklin, Main Street Manager Lori Meeder and Recording Secretary Pat Haver  
Public Present: Nine

**Consent Agenda**

**\*\*MOTION**

**2016-04-18-03**

**Ellwanger moved, Biskner seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda; approval of the Planning Commission minutes from February 15, 2016 as presented.

**Citizen comments on  
Non-Agenda Items**

Hugh Conklin invited everyone to attend an informational meeting about the formation of a "Friends of Avalanche" group that is scheduled for Monday, April 25<sup>th</sup> at 6:00 pm at the Boyne District Library. The City Commission gave approval for the Top of Michigan Mountain Bike Association (TOMMBA) to build several miles of new trails in the park. Rick Deuell, a local resource and planning consultant, developed a management plan for Avalanche and will attend the meeting to review his report and answer any questions.

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

At your place are the finished copies of the Boyne On The Water plan, to be used as a reference for development along the waterfront. The board asked staff to include this as a topic for discussion at a later meeting.

**Unfinished Business**

None

**New Business**

**Development Plan Review  
970 E. Division for VanDam  
Marine**

Planning Director McPherson reviewed the staff report that was included in the agenda packet. VanDam Marine is requesting review for the addition of an 80' x 150' building for the proposed use to provide additional storage for the business. The proposed structure will match the size, character and color of the existing adjacent storage buildings on the site and will be used in a similar manner. The property is in the RC/IND zoning district and is approximately 11 acres in size. Steve VanDam along with Charlie Harrett general manager for Boyne Boat Yard and building contractor, Bart Wangeman, were on hand to answer any questions. The intention is to use the building for boat storage, there is no lighting or additional signage proposed.

**\*\*MOTION**

At this point, the board held discussions and went through the Findings of Facts Section 19.40 Development Plan Approval Criteria; and with no further additions, **motion by Ellwanger, seconded by Neidhamer**, to adopt the Findings of Facts and approve the site plan as provided from VanDam Marine.

**2016-4-18-7A**

**Roll Call:**

Aye: Allen, Biskner, Ellwanger, Frasz, MacKenzie, Neidhamer and St. Dennis

Nay: None

Absent: Kozlowski and Place

***Motion Carries***

**Review Sidewalk Café Ordinance and make recommendation to City Commission on ordinance amendment to allow alcohol service**

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Planning Director McPherson reviewed the staff report that was included in the agenda packet. At one of the City Commission meetings in March a group of citizens and business owners requested that the Commission reconsider their position on allowing alcohol service in sidewalk cafes. At their April 12<sup>th</sup> meeting the Commission passed a motion to begin the process of having the Planning Commission review the ordinance and make a recommendation for possible changes. In 2013, the City Commission did adopt the current Outdoor Sidewalk Café Ordinance, however, eliminated alcohol service.

Public comment: **Justin Gibbert, General Manager with Red Mesa Grill** - We are very much in favor of having the Commission revisit this topic. We would like to see what we can do to help move this along.

**Sarah Niederpruem, manager with Café Sante** - We've had tables for outside dining the past couple of years, and the dining experience has been positive for not only our customers but us. The ability to serve alcohol will only enhance the experience for those diners that choose to have a drink and enjoy the water views. We have six tables outside with a separate server for them.

**Mike Doumanian, Boyne Mountain** - People want to enjoy the experience and unique atmosphere of outdoor dining, it is yet another thing that will bring them to your downtown. It will not create a bad atmosphere; it will create a good one.

**Jim Baumann, Boyne Area Chamber Director** - The chamber recently completed a survey to get feedback on outdoor dining allowing alcohol, and 76% of the respondents were in favor of allowing it. Back in 2013, this board and the Chamber Board unanimously passed the recommendation to the City Commission allowing alcohol service on the sidewalk and the Main Street Board passed the recommendation 8 to 1. We urge you to consider approval again tonight; we want it to be busy downtown on Friday nights and every night.

**Steve VanDam, local business owner** - I personally don't see anything negative; and like the opportunity to dine outside with various clients that we bring in. Encourage you to approve this recommendation to move forward.

**Lori Meeder, Main Street Manager** - An important step in allowing alcohol service is the excitement and vibe that it will create. All of the entities who hold liquor licenses are going to be very careful because they are not going to want to jeopardize their licenses. We are a community that tries things and keeps an open mind, we really need to give this a try, and can revisit it if it is not working.

Board Discussion

**Ellwanger** - I am very much in favor of recommending this, I understand the City Commission has concerns, but let's address them and put them at ease. We want congestion downtown, it is a good thing.

**St. Dennis** – I have a problem with only a 4 ft walkway. If you have tables up against the building, you have the potential of people stepping off of the curb and could possibly get hurt.

**Neidhamer** – I am in favor of allowing alcohol service on the sidewalk. In my opinion I don't think we have to make a rule/law for the width of the sidewalk or placement of the tables, everyone needs to work together with any congestion; stop speak with each other and allow them to go first.

**Frasz** – I am also in favor, I hope it goes through, it is progressive, would like to look at curbside dining and pedestrian flow near the buildings so they can continue to window shop. I would like to discuss the position of the tables.

**Allen** – I agree with curbside dining

**Biskner** - I agree with what has been said with curbside service, it is a great idea and will bring in additional revenue.

**MacKenzie** – To not allow on Stroll the Streets or the 4<sup>th</sup> of July, that is only 10 nights out of an entire summer, we are very fortunate and other communities envy us.

**Neidhamer** – Trust the professionals to put seating at the best location for their businesses, really don't want to regulate that.

**Frasz** – I think we need to regulate that for safety and consistence for the other businesses

**McPherson** – Each sidewalk café needs an annual permit and must provide a plan on how they are going to set up, will give you the flexibility, with a case by case basis to look at locations. I would recommend against establishing a location criteria for everyone to follow.

**Frasz** - What about extra signage with logos on the umbrellas? The sign ordinance will cover this.

After board discussion it was determined the current definition would need to be amended to allow alcohol service and they would also propose adding 54.171(i).

**Motion by Neidhamer, seconded by Ellwanger** to recommend to the City Commission the amendments to Article VI Outdoor Sidewalk Cafés with a change in the definition: Outdoor Sidewalk Café – A type of outdoor café consisting of a service area set aside for the customers of a restaurant, bar or similar establishment to be served food and/or drink ~~with the exception of alcoholic beverages~~, on a public sidewalk or other public property other than a public parking space. And to include the addition of 54.171 (i) *“If alcohol is to be served in conjunction with the proposed Outdoor Sidewalk Café, delineation of the service area with a physical barrier in conformance with the design criteria of the City and acceptable to the state liquor control commission must be utilized.”*

**2016-4-18-7B**

**Roll Call:**

Aye: Allen, Biskner, Ellwanger, Frasz, MacKenzie, and Neidhamer

Nay: St. Dennis

Absent: Kozlowski and Place

**Motion Carries**

**\*\*MOTION**

**Staff Report**

Welcome to our temporary city facilities. It is anticipated that we will be here for the next 16 to 18 months. There will be a ground breaking ceremony at the old city hall facilities at 3:30 pm on Thursday, April 21<sup>st</sup>.

**Good of the Order**

None

**Adjournment**

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, May 16, 2016 at 5:00 pm in the Commission Chambers.

**2016-04-18-10**

**\*\*MOTION**

**St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY** a motion to adjourn the April 18, 2016 meeting at 6:38 p.m.

\_\_\_\_\_  
Chair Jane MacKenzie

\_\_\_\_\_  
Pat Haver, Recording Secretary

Draft



Approved: \_\_\_\_\_

**MEETING OF APRIL 27, RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE BOYNE CITY AIRPORT ADVISORY BOARD HELD APRIL 27, 2016**

**CALL TO ORDER**

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

**ROLL CALL ATTENDANCE**

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

**Absent:,\***Jim Kozlowski \* Larry Trumble and Ed Hennessy

*\*Ex Officio Members*

**Citizens:** Ken Allen

**Staff:** Airport Manager/City Manager, Michael Cain

**EXCUSED ABSENCES**

None

**MOTION**

**APPROVAL OF MINUTES**

**Sutliff moved Harrington seconded PASSED UNANIMOUSLY** to approve the minutes of **March 3, 2016** as written.

**MOTION**

**CORRESPONDENCE**

NONE

**CITIZENS COMMENTS**

NONE

(NON-AGENDA ITEMS)

**COMMITTEES/REPORTS**

NONE

**UNFINISHED BUSINESS**

- A. Airport Pavement Markings:** The city is currently waiting for a price proposal from the company that will do line painting in the downtown.
- B. Runway Distance Markers:** No new activity at this time.
- C. Spring Safety Seminar:** A Safety Seminar presented by MDOT will be held in the Airport Terminal on May 12, 2016 at 6:30 p.m. All interested are welcome to attend.
- D. General Utility Inspection:** Moved by Sutliff seconded by Bouters PASSED UNANIMOUSLY to hold a special Airport Advisory Board meeting on May 10, 2016 at 1:30 p.m. at the Airport Terminal to review the Airport Inspection results with Mike Borta of Qoe Consulting and Randy Collier from the MDOT Office of Aeronautics.

- E. Budget:** The new budget for the Airport will start on May 1, 2016.
- F. Airport Property Request:** No new activity at this time.
- G. Model Aircraft/UAS Guidelines:** With these guidelines currently in affect, the board will explore ideas for signage to be placed in appropriate locations outside the terminal. Discussion will take place at the May board meeting.
- H. Airport User Survey:** An Airport user survey has been distributed on the Airport web site as well as in the terminal. Additional distribution methods will be explored.
- I. Business After Hours – April 28, 2016:** The Chamber of Commerce Business After Hours event will be held in the Airport Terminal on April 28, 2016 from 5:30 p.m. to 7:30 p.m. A 50/50 Raffle will benefit the EAA Young Eagles program that offers free airplane rides to youth 8-17yrs old. A Young Eagles event is held each summer at the Boyne City Airport.

## NEW BUSINESS

- A. Hangar Inspections:** Hangar inspections will take place in 2016 sometime around mid-July. Hangar tenants will be notified approximately 2 weeks prior to the inspection.
- B. Hangar availability for rent of sale:** The Airport manager indicated that a request regarding hangar rental availability along inquiry into building a hangar at the airport.

## GOOD OF THE ORDER

## ANNOUNCEMENTS

## NEXT MEETING

## MOTION

- A.** Fuel price is **\$4.11** per gallon as of **April 25, 2016**.
- A.** The next regular Airport Advisory Board meeting is scheduled for **Thursday, May 26, 2016 at 5:30 p.m. in the Airport Terminal**

## ADJOURNMENT

**Chair Schmidt** adjourned the Airport Advisory Board meeting at **6:03 p.m.**

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Richard L. Bouters-Secretary\_\_\_\_\_

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# City of Boyne City

# MEMO

Date: May 6, 2016

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Enbridge Line 5 Resolution

Attached for the City Commission's review and consideration is a draft resolution on the Enbridge Line 5 matter based on the information presented at our last meeting and the direction I received from the City Commission.

I started with the Cheboygan County resolution on this topic (copy attached – page 4) and incorporated items from the Tip of the Mitt Watershed Council's position paper on this matter (also attached – page 5 & 6).

I further expanded the scope, requests and distribution of the proposed resolution to include other relevant parties such as the governments and appropriate representatives of United States of America, the Canadian government and the Province of Ontario.

This draft resolution can be amended as desired to reflect the intent and desire of the Boyne City City Commission.

If you have any questions, comments or suggestions, please let me know.

RECOMENDATION: That the City Commission adopt the attached Resolution regarding Enbridge Line 5

#### Options:

- a) Postpone this matter for further information or consideration.
- b) Revise the resolution as desired.
- c) Decide not to pursue this matter at this time.
- d) Other options as determined by the City Commission.

RESOLUTION  
of the  
City Commission  
of the  
City of Boyne City Michigan,  
United States of America  
regarding  
Enbridge Energy Pipeline 5

WHEREAS, Line 5 is a 645 mile petroleum pipeline, owned and operated by Enbridge Energy, Limited Partnership of Calgary, Alberta, Canada that transports crude oil and natural gas liquids from Superior, Wisconsin, eastward across Michigan's Upper Peninsula to where a dual pipeline crosses the bottom of the Straits of Mackinac, just west of the Mackinac Bridge continuing south crossing under the Indian River on its route through the Lower Peninsula to its terminus in Sarnia, Ontario; and

WHEREAS, Line 5 became operational in 1953 and carries up to 540,000 barrels or 22.7 million gallons of light crude oil, synthetic crude and natural gas liquids per day; and

WHEREAS, Line 5 was constructed prior to Public Act 247 of 1955 Great Lakes Submerged Land Act as amended which purpose is to protect the waters of the Great Lakes and the Great Lakes bottomlands by requiring a permit when constructing structures in the Great Lakes within Michigan; and

WHEREAS, although properly constructed and maintained pipelines are considered to be the safest and most efficient way to transport oil and gas commodities; and

WHEREAS, although an incident or failure of Line 5 is considered to be a low probability, high consequence event should an event occur the impact can be catastrophic causing significant environmental damage to the Great Lakes and economic loss; and

WHEREAS, the Great Lakes contain the majority of the world's supply of fresh water; and

WHEREAS, the City of Boyne City, Michigan is located on Lake Charlevoix which is directly connected to Lake Michigan; and

WHEREAS, interested governments and parties have been unable to confirm the structural integrity of the entire route of Line 5, due the lack of access to information in a useful format, particularly inline inspection report data; and

WHEREAS, there is limited capacity to effectively respond to a failure of line 5 due to a lack of resources such as emergency response equipment and personnel, and situational conditions such as portions being located in remote areas or the open or frozen water of the Great Lakes; and

WHEREAS, the governments of the United States of America, Canada, State of Michigan, and Province of Ontario have the legal authority to manage the bottomlands and waters of the Great Lakes within their jurisdictions for the prevention of pollution and to protect the associated natural and economic resources; and

WHEREAS, the City Commission of the City of Boyne City, Michigan advocates for the decommissioning of Enbridge Line 5; and

WHEREAS, the City Commission of the City of Boyne City, Michigan recognizes the economic realities surrounding Line 5 and acknowledges that this may not occur in the near term;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Boyne City, Michigan advocates for the following near term actions:

- a) Independent analysis of inline inspection data to assess structural integrity of the pipeline;
- b) Comprehensive and independent risk assessment and alternate analysis for the portion of line 5 in the Straits of Mackinaw;
- c) PHMSA reauthorization with meaningful amendments to improve pipeline safety;
- d) Require approval of all spill response plans by all appropriate federal (US and Canada), state and provincial agencies responsible for responding to a spill, including, but not limited to the Coast Guard, the U.S. Environmental Protection Agency, the Michigan Department of Environmental Quality and their Canadian counterparts;
- e) Implementation of the recommendations made in the Michigan Petroleum Task Force Report;
- f) A pipeline water crossing survey to assess the risks of existing pipeline running under Michigan's rivers, streams and lakes, including those which share boundaries with neighboring states and/or provinces;
- g) Designation of the Great Lakes Basin as a High Consequence Area, subject to the Integrity Management Program; and
- h) Increase emergency response capabilities to promptly be able to respond to problems with Line 5 wherever they may occur including the stockpiling of equipment, training and personnel; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Commission of the City of Boyne City, Michigan does hereby request that the governments of the United States of America, Canada, State of Michigan and Province of Ontario utilize all appropriate authority at their disposal to:

- 1) Implement actions a) thru h) above;
- 2) Immediately restrict Line 5 to its original design capacity and to limit its cargo to non-oil products (e.g., Liquid Petroleum Gas and Propane) until the recommendations within the Michigan Petroleum Pipeline Task Force Report specifically;
- 3) Require an independent risk analysis and adequate financial assurance for the Straits pipelines,
- 4) Require an independent analysis of alternatives to the existing straits pipelines;
- 5) Prohibit the transportation of crude oil on tanker vessels and barges on the Great Lakes,
- 6) Obtain any additional information requested from the report and have it analyzed.

AND BE IT FINALLY RESOLVED, that the City of Boyne City, Michigan, United States of America through its City Clerk/Treasurer send a copy of this resolution to the President of the United States, Prime Minister of Canada, Governor of the State of Michigan, Premier of Ontario, Michigan Attorney General, our Federal and State Representatives and Senators and other interested parties.

As approved by unanimous voice vote of the City Commission of the City of Boyne City, Michigan this 10<sup>th</sup> day of May, 2016.

WHEREAS, Line 5 is a pipeline owned by Enbridge that transports crude oil and natural gas liquids since 1953 from Superior, WI, eastward across Michigan's Upper Peninsula to where a dual pipeline crosses the bottom of the Straits of Mackinac, just west of the Mackinac Bridge continuing South crossing under the Indian River, in Cheboygan County, on its route through the Lower Peninsula to its terminus point in Sarnia, Ontario; and

WHEREAS, Line 5 was constructed prior to Public Act 247 of 1955 Great Lakes Submerged Land Act as amended which purpose is to protect the waters of the Great Lakes and the Great Lakes bottomlands by requiring a permit when constructing structures in the Great Lakes within Michigan; and

WHEREAS, there is a potential risk that Line 5 could develop a leak which would cause environmental damage to the Great Lakes as well as economic loss; and

WHEREAS, the State of Michigan has the legal authority to manage the bottomlands and waters of the Great Lakes within Michigan from the prevention of pollution and to protect the natural resources of the State; and

NOW, THEREFORE, BE IT RESOLVED, that the Cheboygan County Board of Commissioners request that Governor Snyder utilize the State's Authority by acting immediately to restrict Line 5 to its original design capacity and to limit its cargo to non-oil products (e.g., Liquid Petroleum Gas and Propane) until the recommendations within the Michigan Petroleum Pipeline Task Force Report specifically; requiring an independent risk analysis and adequate financial assurance for the straits pipelines, an independent analysis of alternatives to the existing straits pipelines as well as obtaining any additional information requested from the report is completed and analyzed.

AND BE IT FURTHER RESOLVED, that Cheboygan County will send a copy of this resolution to the Governor, Attorney General, our State Representatives and State Senators.

## TIP OF THE MITT WATERSHED COUNCIL OIL TRANSPORTATION IN MICHIGAN

*The overarching goal of Tip of the Mitt Watershed Council is no transportation of crude oil in, on, or under the Great Lakes. Whether by pipeline or vessel, a spill in the Great Lakes would be devastating to Michigan's natural resources, the health of our citizens, and our economy. Our position is based on a thorough examination of scientific literature and in-depth research of available documents and information.*

### Vessel Transport

- Large quantities of crude oil from Alberta, Canada and North Dakota move into or through the Great Lakes and St. Lawrence River Basin every day. Six American and six Canadian refineries operate in the Great Lakes Basin and there are 25 refineries operating in the eight-state, two-province region.
- There has been a tremendous increase in crude oil production in recent years, particularly from the Bakken formation in North Dakota and from oil sands in Alberta, Canada. This includes an increase in shipment of diluted bitumen, a heavy semisolid form of petroleum also known as dilbit, from Canada's oil sands. This product, when combined with sediments in the Kalamazoo River, sank to the bottom of the river, making traditional oil cleanup techniques ineffective.
- In 2013, a Wisconsin company proposed to establish a facility in western Lake Superior to ship crude oil by barges throughout the Great Lakes to Midwest refineries and markets beyond.
- According to the Coast Guard, adequate response methods and techniques do not currently exist to respond to spills of heavy oils in open bodies of freshwater such as the Great Lakes.

**The Watershed Council advocates for a prohibition on the transportation of crude oil on tanker vessels and barges on the Great Lakes.**

### Enbridge Line 5

- Pipelines are considered to be the safest and most efficient way to transport oil and gas commodities.
- Line 5 is a 645 mile petroleum pipeline, owned and operated by Enbridge Energy, Limited Partnership, which runs from Superior, Wisconsin to Sarnia, Ontario. The line became operational in 1953 and carries up to 540,000 barrels or 22.7 million gallons of light crude oil, synthetic crude, and natural gas liquids per day.
- An incident or failure on Line 5 is considered to be a low-probability, high-consequence event. That means it does not have a high likelihood of occurring, but if it does occur, the impact can be catastrophic.
- The Watershed Council is unable to confirm the structural integrity of Line 5, due to the lack of access to information, particularly inline inspection report data.
- There is limited capability to effectively respond to a failure on Line 5 in Northern Michigan, due to a lack of resources such as emergency response equipment and personnel, and situational conditions such as being located in remote areas or the open waters of the Great Lakes.

**The Watershed Council advocates for the decommissioning of Enbridge Line 5.**

Tip of the Mitt Watershed Council Position on Oil Transportation in the Great Lakes

March 2016

Recognizing the economic and political realities surrounding Line 5, we acknowledge this will not occur in the near-term. Therefore, to prevent an oil spill and enhance preparedness capabilities to be able to effectively respond, the Watershed Council supports and is also advocating for the following near-term actions:

- Independent analysis of inline inspection data to assess structural integrity of the pipeline;
- Comprehensive and independent risk assessment and alternative analysis for the portion of Line 5 in the Straits of Mackinac;
- PHMSA reauthorization with meaningful amendments to improve pipeline safety;
- Require approval of all spill response plans by the federal and state agencies responsible for responding to a spill, including the United States Coast Guard, the U.S. Environmental Protection Agency, and the Michigan Department of Environmental Quality;
- Implementation of recommendations made in the Michigan Petroleum Task Force Report;
- A pipeline water crossing survey to assess the risks of existing pipelines running under the state's rivers, streams, and lakes;
- Designation of the Great Lakes Basin as a High Consequence Area, subject to the Integrity Management Program; and
- Increase emergency response capabilities in Northern Michigan, including stockpiling of equipment, training, and personnel.

As we see continued growth in oil production in North America, there will be more and more pressure to transport oil across Great Lakes waters. No method of transporting petroleum products can ever be completely safe and transporting greater volumes of oil will only serve to increase the risk to the Great Lakes ecosystem. We are working toward a day when no crude oil is transported in, on, or under the Great Lakes. Until that day comes, the Watershed Council will continue to work on a variety of fronts, including prevention measures, emergency response preparedness, education and outreach, and policy changes.

Adopted by the Watershed Council Board of Directors March 18, 2016.

# May 2016

May 2016

Su	Mo	Tu	We	Th	Fr	Sa
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June 2016

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 1	2	3 7:00am Election 5:00pm ZBA	4	5 6:00pm Parks & Rec	6	7 8:00am Buff Up Boyne
8 Mother's Day (United States)	9	10 7:00pm City Commission	11	12 8:30am Main Street Board mtg.	13	14
15 Marina Open	16 5:00pm Planning Commission	17	18	19 5:00pm Historic District	20	21
22	23	24 12:00pm City Commission	25	26 5:30pm Airport Advisory Board	27	28
29	30 Memorial Day Parade/Events (United States) 8:00am City Hall is closed	31	Jun 1	2	3	4

# June 2016

June 2016

Su	Mo	Tu	We	Th	Fr	Sa
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July 2016

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24	25	26	27	28	29	30
31						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 29	30	31	Jun 1	2 8:30am Main Street Board mtg. 6:00pm Parks & Rec	3	4
5	6	7 5:00pm ZBA	8	9	10	11
12	13	14 Flag Day (United States) 7:00pm City Commission	15	16	17	18
19 Father's Day (United States)	20 5:00pm Planning Commission 7:00pm Historical Commission	21	22	23 5:30pm Airport Advisory Board	24	25
26	27	28 12:00pm City Commission	29	30	Jul 1	2