



BOYNE CITY  
CITY COMMISSION REGULAR MEETING  
Boyne City Hall  
319 North Lake Street  
Tuesday, October 28, 2014 at Noon

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA  
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
  - A. Approval of the October 14, 2014 Regular City Commission meeting minutes as presented
  - B. Approval of the October 21, 2014 City Commission Facilities Work Session minutes as presented
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. September, 2014 Financial Statement
8. UNFINISHED BUSINESS
  - A. Division Street Water Issue Update  
Consideration to authorize staff to spend up to \$20,000 to further reduce water levels on City property south of Division Street as recommended
9. NEW BUSINESS
  - A. 1<sup>st</sup> Reading Noise Ordinance  
Consideration to review the amendment to Article V, Section 34.141 – Noise Ordinance and schedule a second reading for the December 9, 2014 City Commission meeting
  - B. Court Street Design Review  
Review and comments on draft construction plans with Larry Fox of C2AE
  - C. Audit of Minimum Assessing Standard Results  
Consideration to authorize the City Manager and / or City Assessor to submit the action plan to the State Tax Commission as presented

- D. Emmet County Mutual Aid Agreement  
Consideration to approve a Mutual Aid Agreement with Emmet County EMS beginning December 31, 2014 and authorize the City Manager to execute the documents
- E. Tree Planting Bids  
Consideration to approve a contract with Robinson's Landscape and Nursery of Boyne City in an amount not to exceed \$9,140 and authorize the City Manager to sign the necessary documents
- F. ACD Antennas  
Discussion of ACD Antennas and consideration of direction to staff

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- Trick or Treat hours will be from 5:00 p.m. to 8:00 p.m. on Friday, October 31
- City Offices will be open Saturday, November 1, 2014 from 9:00 am until 2:00 pm for the purpose of receiving and distributing absentee ballots for the November 4, 2014 General Election
- The General Election will be on Tuesday, November 4, 2014. Polls will be open from 7:00 am until 8:00 p.m.
- The next regular City Commission meeting is scheduled for Tuesday, November 11, 2014 at 7:00 p.m.

12. ADJOURNMENT

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



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agenda packets & minutes for each board

**OCTOBER 14, 2014  
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY OCTOBER 14, 2014

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**CALL TO ORDER**

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

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

Absent: Commissioner Gaylord

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

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

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**EXCUSE COMMISSIONER  
GAYLORD**

2014-10-138  
Moved by Grunch  
Second by Towne

To excuse Commissioner Gaylord from attending today's meeting

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

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**CONSENT AGENDA  
MOTION**

2014-10-139  
Moved by Towne  
Second by Sansom

2014-10-139A  
Approved of the September 23, 2014 Regular City Commission meeting minutes as presented

2014-10-139B  
Approved to reappoint Mark Dole to the Boyne City Historical Commission Board for a three year term to expire June 30, 2017

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

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**CITIZENS COMMENTS**

Pat Kujawski said she had thought there was going to be a discussion at tonight's meeting regarding the Division Street water issue and was informed that Kevin Klevorn suggested we wait.

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**CITY MANAGERS REPORT**

City Manager Cain reported:

- The Fall leaf pick up has begun.
  - The MDEQ marina expansion permit was received.
  - The marina closes for the season tomorrow.
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None

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**CORRESPONDENCE**

Draft Minutes of the September 4, 2014 Main Street Board Meeting; the September 4, 2014 Parks and Recreation Board Meeting; the September 15, 2014 Planning Commission Meeting; the September 15, 2014 Historical Commission Meeting and the September 25, 2014 Airport Board Meeting were received and filed.

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

Mayor Grunch presented the winners of the 2014 Marvin Loding Award to Precision Edge for the Industrial Award, Family Fare for the Commercial Award and Dale and Marilyn Goby for the Residential Award.

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**Marvin Loding Award Presentations**

Joe Verlin of Gabridge & Company presented the City of Boyne City FYE 14 Financial Report. The City is in good financial standing. The report received an unmodified opinion which is the highest opinion the auditors can give.

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**Audit Presentation**

City Manager Cain discussed the CDBG grant funds Boyne Mountain is receiving to expand the sanitary force main that runs along M75 South between the Business Park and Topolinski Road. Boyne Mountain will be providing all the local funds necessary to undertake this project. There are two items that need attention. The first is a possible conflict of interest because City Clerk/Treasurer Cindy Grice and the President and General Manager of Boyne Mountain are married. The City Attorney also provided a review letter stating the clerk/treasurer's role is that of reporting and recording, not decision making. City Manager Cain added that he sees no conflict here and the clerk / treasurer works to keep her position with the City and that of her husband with Boyne Mountain as separate whenever the appearance of a conflict arises. The second issue is to approve a revised agreement between Boyne Mountain, Boyne Valley Township and the City that outlines their roles and responsibilities. The revised agreement is very similar to the original one with the biggest change being Boyne Mountain's required match and number of employees to be hired has been decreased, and Boyne Mountain agrees to cover any overruns.

**Boyne Mountain Sanitary Sewer Line Expansion**

Staff Comments: None  
Citizens Comments: None

Board discussion: All are in agreement with the changes and see no issue with conflict of interest.

2014-10-140  
Moved by Towne  
Second by Neidhamer

**MOTION**

To acknowledge receipt of information regarding a potential perceived conflict of interest involving the Boyne Mountain Sanitary Sewer Expansion Project; to approve the revised Boyne Mountain Expansion Grant between Boyne USA, The City of Boyne City and Boyne Valley Township; and to authorize the City Manager to complete and return the required documents as presented and any future documents associated with this project that may reflect future non-substitutive changes subject to reporting to the City Commission

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

### Insurance Bids

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Consideration to authorize the City Manager and City Clerk / Treasurer to take the steps necessary to renew the City's liability insurance through the Michigan Township Participating Plan for 2014 – 2015 for an estimated price of \$59,328.

City Manager Cain discussed the bids received for the 2014/15 Liability Insurance coverage. The range was high bid of \$91,383 from Michigan Municipal Risk Management Authority to \$59,328 from Michigan Underwrites of Michigan, our current carrier. We are recommending to continue with our current carrier.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

### MOTION

2014-10-141  
 Moved by Neidhamer  
 Second by Sansom

To authorize the City Manager and City Clerk / Treasurer to take the steps necessary to renew the City's liability insurance through the Michigan Township Participating Plan for 2014 – 2015 for an estimated price of \$59,328.

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

### Goal Setting

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Consideration to adopt the Top 10 Goals as presented to use as a tool for future decision making on projects and funding priorities.

Barb Brooks discussed the information received from the public input goal setting meeting and the Online Survey done earlier this year. 20 goals were presented, with the top ten being recommended for adopting.

Citizens Comments: None

Staff Comments: None

Board Discussion: Commissioner Sansom liked the way the top twenty were presented, with the top ten highlighted, but showing the other 10 goals. Commissioner Neidhamer asked if they could be further clarified into 3 major headings. Mayor Pro-Tem Towne thanked Barb for her work – says to use the top 10 as the goals.

**MOTION**

2014-10-142  
 Moved by Grunch  
 Second by Sansom

To approve the suggested 3 categories, and authorize Barb Brooks to make language corrections

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

**Sale of 1993 Fire Pumper Truck**


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Consideration to sell the 1993 Fire Pumper Truck to Sherman Township Fire Department in Keweenaw County in the amount of \$30,000 and authorize the City Manager to execute the documents.

Fire Chief Dennis Amesbury discussed the offer of \$30,000 to purchase the 1993 Pumper truck that is being replaced this year. It was received from the Sherman Township Fire Department in the Upper Peninsula's Keweenaw County. It was one of two serious offers made and the only one worth considering. He added that he feels this offer is reasonable and we can be assured it is going to a department that is in need of a good used fire truck.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement with the recommendation.

**MOTION**

2014-10-143  
 Moved by Towne  
 Second by Sansom

To sell the 1993 Fire Pumper Truck to Sherman Township Fire Department in Keweenaw County in the amount of \$30,000 and authorize the City Manager to execute the documents

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

**New Computer Purchases**


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Consideration to authorize staff to purchase three new computers from Marcor Technologies, LLC in the amount of \$4,816 and authorize the City Manager to execute the documents

Barb Brooks discussed the plan to purchase the 3 new computers to update the Planning Director, City Clerk / Treasurer and Deputy Treasurer's computers. We will return their current computers back to the factory settings to be used in other departments.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

**MOTION**

2014-10-144  
 Moved by Sansom  
 Second by Towne

To authorize staff to purchase three new computers from Marcor Technologies, LLC in the amount of \$4,816 and authorize the City Manager to execute the documents

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

**CAT 120 Road Grader Disposal**

Consideration to authorize the City Manager to direct staff to solicit bids from area metal recycling companies and sell the CAT 120 Road Grader to the highest bidder

Public Works Superintendent Andy Kovolski discussed the Cat 120 Grader that has not been functional for the past two years. The diesel engine has seized up, the rear brakes have failed, and it has a noticeable miss. At this point, Andy does not recommend we spend any money on this machine and feels the only market is to sell this machine for scrap.

Citizens Comments: None

Staff Comments: None

Board Discussion: Commissioner Sansom asked Andy if he had any idea what we'd get for scrap and Andy was not sure. All agreed with the recommendation.

2014-10-145  
 Moved by Neidhamer  
 Second by Sansom

**MOTION**

To authorize the City Manager to direct staff to solicit bids from area metal recycling companies and sell the CAT 120 Road Grader to the highest bidder

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

**Pavement Crack Seal Bids**

Consideration to award a contract to Applied Pavement Maintenance in the amount of \$12,397.76 for pavement crack sealing and authorize the City Manager to execute the documents.

Public Works Superintendent Andy Kovolski discussed the bids received for this year's crack sealing project. Applied Pavement Maintenance was the only bid received. They have done this work for us the last four years and have done an excellent job.

Citizens Comments: None

Staff Comments: None

Board Discussion: Mayor Pro-Tem Towne said it would have been nice to receive more bids. All are in agreement with the recommendation.

**MOTION**

2014-10-146

Moved by Towne

Second by Sansom

To award a contract to Applied Pavement Maintenance in the amount of \$12,397.76 for pavement crack sealing and authorize the City Manager to execute the documents

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

**Smart Growth America Grant**


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Consideration to authorize City Manager Michael Cain to prepare and submit a grant application for a Smart Growth America technical assistance workshop.

City Manager Cain discussed the opportunity we received late last week regarding a grant opportunity for a free 2 day workshop / technical assistance program funded by the US Environmental Protection Agency's office of Sustainable Communities through their Building Blocks for Sustainable Communities program. The workshop is being offered to local leaders and residents to help make their communities more livable, sustainable and vibrant places. Any unit of local government is eligible to apply. Applications are due by October 23, 2014 and will be awarded to 14 communities nationwide. Preference is given to communities that show an interest in smart growth, need for the technical assistance, involvement of key community leaders, readiness to implement and a public involvement plan. The training is valued at between \$7,500 and \$15,000 but is free to communities thru this grant program.

Staff Comments: Scott McPherson is in full support of this opportunity to get free training.

Citizens Comments: None

Board Discussion: All are in agreement with this opportunity.

**MOTION**

2014-10-147

Moved by Towne

Second by Neidhamer

To authorize City Manager Michael Cain to prepare and submit a grant application for a Smart Growth America technical assistance workshop.

Ayes: 4

Nays: 0

Absent: 1, Commissioner Gaylord

Motion carried

**Good of the Order**


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Commissioner Sansom inquired if we will get any information on cost savings for having a new building. She also said it was an interesting live

debate on fluoride. She heard good comments on how respectful people were. She stated the video of the debate is on you-tube. Commissioner Neidhamer asked if we can make an assessment of the public restrooms, get costs of getting them fixed and remodeled along with a cleaning pattern. Mayor Grunch congratulated Commissioner Neidhamer for his recent induction into the Boyne City Schools Hall of Fame.

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**Closed Session**  
**MOTION**

2014-10-149  
Moved by Grunch  
Second by Towne

To return to Open Session at 9:45 p.m.

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

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**Return to Open Session**  
**MOTION**

Moved by Mayor Grunch seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, October 14, 2014 at 9:46 p.m.

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Mayor Grunch  
Mayor

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Cindy Grice  
Clerk / Treasurer

**ADJOURNMENT**  
**MOTION**

**OCTOBER 21, 2014  
SPECIAL MEETING**

RECORD OF THE PROCEEDINGS OF THE CITY FACILITIES  
PRESENTATION TO THE BOYNE CITY COMMISSION MEETING DULY  
CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE  
STREET, ON TUESDAY OCTOBER 21, 2014

**CALL TO ORDER**

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Mayor Ron Grunch called the meeting to order at 6:00 pm followed by the Pledge of Allegiance.

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

Staff: Michael Cain, Cindy Grice, John Lamont, Jeff Gaither, Barb Brooks,  
Dennis Amesbury and Andy Kovolski

Others: There were 11 citizens in attendance including representatives  
from the Petoskey News Review and Boyne Gazette

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Ray Kendra of Environment Architects presented the updated facilities plans for the DPW facilities on the North Boyne Site, along with construction estimates of just less than \$2,000,000. Plans were also presented for the City Hall, EMS, Fire and Police Department facilities to be completed in separate phases. Cost estimates were provided along with the plans.

After discussion, City Manager Cain was directed to look into financing options to be presented to the Commission.

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Moved by Mayor Grunch, seconded by Commissioner Neidhamer to adjourn the City Commission Facilities Work Session of Tuesday, October 21, 2014 at 8:22 p.m.

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Ron Grunch  
Mayor

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Cindy Grice  
Clerk / Treasurer

CASH SUMMARY BY FUND FOR BOYNE CITY  
 FROM 09/01/2014 TO 09/30/2014  
 FUND: 101 202 203 206 209 210 211 226 242 248 251 285 295 410 590 592 661  
 CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 09/01/2014	Total Debits	Total Credits	Ending Balance 09/30/2014
101	GENERAL FUND	2,530,017.12	1,871,121.62	295,041.73	4,106,097.01
202	MAJOR STREET FUND	(7,166.68)	72,669.39	65,502.71	0.00
203	LOCAL STREET FUND	(6,333.32)	39,654.15	33,320.83	0.00
206	FIRE FUND	249,312.23	1,792.70	20,757.11	230,347.82
209	CEMETERY FUND	12,216.48	3,035.00	4,818.06	10,433.42
210	AMBULANCE FUND	64,060.44	44,865.20	90,554.00	18,371.64
211	SPECIAL PROJECTS FUND	5,628.06	445.00	0.00	6,073.06
226	RUBBISH COLLECTION FUND	0.00	18,902.90	18,902.90	0.00
242	BOYNE THUNDER FUND	99,948.93	21,357.11	19,052.72	102,253.32
248	DOWNTOWN DEVELOPMENT AUTHORITY	68,213.49	180,920.84	21,670.98	227,463.35
251	LDFA FUND	921,974.08	230,007.49	2,500.00	1,149,481.57
285	MARINA FUND	63,143.19	8,352.58	20,884.95	50,610.82
295	AIRPORT FUND	31,777.07	28,694.66	17,821.39	42,650.34
410	BOYNE SENIORS CENTER FUND	0.00	15.37	15.37	0.00
590	WASTEWATER FUND	1,992,346.08	113,019.81	35,105.04	2,070,260.85
592	WATER FUND	400,572.89	73,941.28	30,799.81	443,714.36
661	MOTOR POOL FUND	883,024.82	26,146.30	18,220.70	890,950.42
	TOTAL - ALL FUNDS	7,308,734.88	2,734,941.40	694,968.30	9,348,707.98

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 101 - GENERAL FUND</b>					
<b>Revenues</b>					
031-REVENUES	3,656,995.00	2,264,890.46	1,778,161.20	1,392,104.54	61.93
032-REVENUES	992,078.00	168,190.39	57,079.00	823,887.61	16.95
033-REVENUES	142,500.00	59,166.65	11,833.33	83,333.35	41.52
034-REVENUES	152,500.00	44,169.20	2,933.65	108,330.80	28.96
035-REVENUES	13,200.00	4,919.72	570.33	8,280.28	37.27
036-REVENUES	77,784.00	54,593.21	12,053.43	23,190.79	70.19
<b>TOTAL Revenues</b>	<b>5,035,057.00</b>	<b>2,595,929.63</b>	<b>1,862,630.94</b>	<b>2,439,127.37</b>	<b>51.56</b>
<b>Expenditures</b>					
101-LEGISLATIVE	20,695.00	10,009.03	73.33	10,685.97	48.36
151-PLANNING	170,363.00	64,266.40	18,212.49	106,096.60	37.72
173-GENERAL SERVICES	586,324.00	215,703.27	59,795.35	370,620.73	36.79
191-ELECTIONS	2,300.00	1,587.04	103.60	712.96	69.00
208-ACCOUNTING/AUDIT	12,800.00	6,312.50	312.50	6,487.50	49.32
209-ASSESSMENT/TAXES	70,610.00	26,521.83	4,636.66	44,088.17	37.56
210-LEGAL	60,000.00	11,051.27	2,430.00	48,948.73	18.42
248-GENERAL/OTHER SERVICES	161,300.00	38,423.31	9,600.28	122,876.69	23.82
250-HOUSING	0.00	2,499.58	276.12	(2,499.58)	100.00
265-PUBLIC BUILDINGS	1,195,240.00	80,122.38	14,706.99	1,115,117.62	6.70
301-POLICE DEPARTMENT	673,774.00	258,394.96	66,456.27	415,379.04	38.35
706-ENVIRONMENTAL	825.00	0.00	0.00	825.00	0.00
751-PARKS & RECREATION	327,900.00	144,639.64	30,245.26	183,260.36	44.11
804-MUSEUM	3,177.00	913.09	227.91	2,263.91	28.74
809-SIDEWALKS	808,000.00	2,362.50	2,362.50	805,637.50	0.29
899-CONTINGENCY	35,992.00	3,986.76	884.46	32,005.24	11.08
965-TRANSFERS OUT	905,757.00	549,087.16	97,967.57	356,669.84	60.62
<b>TOTAL Expenditures</b>	<b>5,035,057.00</b>	<b>1,415,880.72</b>	<b>308,291.29</b>	<b>3,619,176.28</b>	<b>28.12</b>
<b>Fund 101 - GENERAL FUND:</b>					
TOTAL REVENUES	5,035,057.00	2,595,929.63	1,862,630.94	2,439,127.37	51.56
TOTAL EXPENDITURES	5,035,057.00	1,415,880.72	308,291.29	3,619,176.28	28.12
NET OF REVENUES & EXPENDITURES	0.00	1,180,048.91	1,554,339.65	(1,180,048.91)	100.00

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 202 - MAJOR STREET FUND</b>					
Revenues					
030-REVENUES	1,540,719.00	469,374.09	72,481.57	1,071,344.91	30.46
<b>TOTAL Revenues</b>	<b>1,540,719.00</b>	<b>469,374.09</b>	<b>72,481.57</b>	<b>1,071,344.91</b>	<b>30.46</b>
Expenditures					
451-CONSTRUCTION	1,021,070.00	323,374.83	40,305.40	697,695.17	31.67
463-ROUTINE MAINTANCE	197,700.00	86,626.18	14,658.64	111,073.82	43.82
474-TRAFFIC SERVICE	32,200.00	3,051.17	700.01	29,148.83	9.48
478-WINTER MAINTENANCE	148,000.00	11,044.65	3,317.40	136,955.35	7.46
482-ADMINISTRATION	141,749.00	28,176.65	6,333.44	113,572.35	19.88
<b>TOTAL Expenditures</b>	<b>1,540,719.00</b>	<b>452,273.48</b>	<b>65,314.89</b>	<b>1,088,445.52</b>	<b>29.35</b>
<b>Fund 202 - MAJOR STREET FUND:</b>					
TOTAL REVENUES	1,540,719.00	469,374.09	72,481.57	1,071,344.91	30.46
TOTAL EXPENDITURES	1,540,719.00	452,273.48	65,314.89	1,088,445.52	29.35
NET OF REVENUES & EXPENDITURES	0.00	17,100.61	7,166.68	(17,100.61)	100.00

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 (NORMAL (ABNORM	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR	AVAILABLE BALANCE NORMAL (ABNORM	% BDMT USED
<b>Fund 203 - LOCAL STREET FUND</b>					
Revenues					
030-REVENUES	537,381.00	154,876.90	39,626.94	382,504.10	28.82
<b>TOTAL Revenues</b>	<b>537,381.00</b>	<b>154,876.90</b>	<b>39,626.94</b>	<b>382,504.10</b>	<b>28.82</b>
Expenditures					
451-CONSTRUCTION	20,763.00	2,223.27	1,551.76	18,539.73	10.71
463-ROUTINE MAINTANCE	308,100.00	109,072.65	20,697.12	199,027.35	35.40
474-TRAFFIC SERVICE	19,625.00	2,173.44	113.13	17,451.56	11.07
478-WINTER MAINTENANCE	120,610.00	11,720.56	4,806.66	108,889.44	9.72
482-ADMINISTRATION	68,283.00	27,109.38	6,124.95	41,173.62	39.70
<b>TOTAL Expenditures</b>	<b>537,381.00</b>	<b>152,299.30</b>	<b>33,293.62</b>	<b>385,081.70</b>	<b>28.34</b>
<b>Fund 203 - LOCAL STREET FUND:</b>					
TOTAL REVENUES	537,381.00	154,876.90	39,626.94	382,504.10	28.82
TOTAL EXPENDITURES	537,381.00	152,299.30	33,293.62	385,081.70	28.34
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0.00</b>	<b>2,577.60</b>	<b>6,333.32</b>	<b>(2,577.60)</b>	<b>100.00</b>

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 206 - FIRE FUND					
Revenues					
030-REVENUES	293,000.00	(140,196.10)	1,200.00	433,196.10	(47.85)
TOTAL Revenues	<u>293,000.00</u>	<u>(140,196.10)</u>	<u>1,200.00</u>	<u>433,196.10</u>	<u>(47.85)</u>
Expenditures					
040-EXPENDITURES	266,341.00	74,990.81	20,164.41	191,350.19	28.16
TOTAL Expenditures	<u>266,341.00</u>	<u>74,990.81</u>	<u>20,164.41</u>	<u>191,350.19</u>	<u>28.16</u>
 Fund 206 - FIRE FUND:					
TOTAL REVENUES	293,000.00	(140,196.10)	1,200.00	433,196.10	47.85
TOTAL EXPENDITURES	266,341.00	74,990.81	20,164.41	191,350.19	28.16
NET OF REVENUES & EXPENDITURES	<u>26,659.00</u>	<u>(215,186.91)</u>	<u>(18,964.41)</u>	<u>241,845.91</u>	<u>807.18</u>

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 209 - CEMETERY FUND</b>					
Revenues					
030-REVENUES	68,755.00	13,935.00	3,035.00	54,820.00	20.27
<b>TOTAL Revenues</b>	<b>68,755.00</b>	<b>13,935.00</b>	<b>3,035.00</b>	<b>54,820.00</b>	<b>20.27</b>
Expenditures					
040-EXPENDITURES	68,755.00	30,005.58	4,818.06	38,749.42	43.64
<b>TOTAL Expenditures</b>	<b>68,755.00</b>	<b>30,005.58</b>	<b>4,818.06</b>	<b>38,749.42</b>	<b>43.64</b>
<b>Fund 209 - CEMETERY FUND:</b>					
TOTAL REVENUES	68,755.00	13,935.00	3,035.00	54,820.00	20.27
TOTAL EXPENDITURES	68,755.00	30,005.58	4,818.06	38,749.42	43.64
NET OF REVENUES & EXPENDITURES	0.00	(16,070.58)	(1,783.06)	16,070.58	100.00

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 210 - AMBULANCE FUND</b>					
Revenues					
030-REVENUES	749,535.00	317,300.73	50,138.07	432,234.27	42.33
032-REVENUES	147,527.00	59,485.00	19,488.00	88,042.00	40.32
<b>TOTAL Revenues</b>	<b>897,062.00</b>	<b>376,785.73</b>	<b>69,626.07</b>	<b>520,276.27</b>	<b>42.00</b>
Expenditures					
040-EXPENDITURES	749,535.00	365,012.33	119,080.24	384,522.67	48.70
045-EXPENSES	182,000.00	0.00	0.00	182,000.00	0.00
<b>TOTAL Expenditures</b>	<b>931,535.00</b>	<b>365,012.33</b>	<b>119,080.24</b>	<b>566,522.67</b>	<b>39.18</b>
<b>Fund 210 - AMBULANCE FUND:</b>					
<b>TOTAL REVENUES</b>	<b>897,062.00</b>	<b>376,785.73</b>	<b>69,626.07</b>	<b>520,276.27</b>	<b>42.00</b>
<b>TOTAL EXPENDITURES</b>	<b>931,535.00</b>	<b>365,012.33</b>	<b>119,080.24</b>	<b>566,522.67</b>	<b>39.18</b>
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>(34,473.00)</b>	<b>11,773.40</b>	<b>(49,454.17)</b>	<b>(46,246.40)</b>	<b>34.15</b>

ACCOUNT DESCRIPTION	2014-15		YTD BALANCE 09/30/2014	ACTIVITY FOR MONTH 09/30/20		AVAILABLE BALANCE		% BDGT USED
	AMENDED BUDGET	NORMAL		(ABNORM INCREASE	(DECR	NORMAL	(ABNORM	
Fund 211 - SPECIAL PROJECTS FUND								
Revenues								
030-REVENUES	0.00		28,354.73		445.00		(28,354.73)	100.00
TOTAL Revenues	0.00		28,354.73		445.00		(28,354.73)	100.00
Expenditures								
040-EXPENDITURES	0.00		24,562.12		0.00		(24,562.12)	100.00
TOTAL Expenditures	0.00		24,562.12		0.00		(24,562.12)	100.00
Fund 211 - SPECIAL PROJECTS FUND:								
TOTAL REVENUES	0.00		28,354.73		445.00		(28,354.73)	100.00
TOTAL EXPENDITURES	0.00		24,562.12		0.00		(24,562.12)	100.00
NET OF REVENUES & EXPENDITURES	0.00		3,792.61		445.00		(3,792.61)	100.00

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 226 - RUBBISH COLLECTION FUND					
Revenues					
030-REVENUES	35,100.00	26,312.63	18,902.90	8,787.37	74.96
TOTAL Revenues	<u>35,100.00</u>	<u>26,312.63</u>	<u>18,902.90</u>	<u>8,787.37</u>	<u>74.96</u>
Expenditures					
040-EXPENDITURES	35,100.00	26,312.63	18,902.90	8,787.37	74.96
TOTAL Expenditures	<u>35,100.00</u>	<u>26,312.63</u>	<u>18,902.90</u>	<u>8,787.37</u>	<u>74.96</u>
Fund 226 - RUBBISH COLLECTION FUND:					
TOTAL REVENUES	35,100.00	26,312.63	18,902.90	8,787.37	74.96
TOTAL EXPENDITURES	<u>35,100.00</u>	<u>26,312.63</u>	<u>18,902.90</u>	<u>8,787.37</u>	<u>74.96</u>
NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	0.00

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 242 - BOYNE THUNDER FUND</b>					
Revenues					
030-REVENUES	165,000.00	114,455.24	21,317.89	50,544.76	69.37
<b>TOTAL Revenues</b>	<b>165,000.00</b>	<b>114,455.24</b>	<b>21,317.89</b>	<b>50,544.76</b>	<b>69.37</b>
Expenditures					
040-EXPENDITURES	140,100.00	120,303.53	19,013.50	19,796.47	85.87
<b>TOTAL Expenditures</b>	<b>140,100.00</b>	<b>120,303.53</b>	<b>19,013.50</b>	<b>19,796.47</b>	<b>85.87</b>
<b>Fund 242 - BOYNE THUNDER FUND:</b>					
TOTAL REVENUES	165,000.00	114,455.24	21,317.89	50,544.76	69.37
TOTAL EXPENDITURES	140,100.00	120,303.53	19,013.50	19,796.47	85.87
NET OF REVENUES & EXPENDITURES	24,900.00	(5,848.29)	2,304.39	30,748.29	23.49

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDT USED
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY					
Revenues					
030-REVENUES	452,558.00	224,388.68	180,745.84	228,169.32	49.58
TOTAL Revenues	452,558.00	224,388.68	180,745.84	228,169.32	49.58
Expenditures					
731-EXPENDITURES	452,558.00	112,131.41	21,495.98	340,426.59	24.78
TOTAL Expenditures	452,558.00	112,131.41	21,495.98	340,426.59	24.78
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:					
TOTAL REVENUES	452,558.00	224,388.68	180,745.84	228,169.32	49.58
TOTAL EXPENDITURES	452,558.00	112,131.41	21,495.98	340,426.59	24.78
NET OF REVENUES & EXPENDITURES	0.00	112,257.27	159,249.86	(112,257.27)	100.00

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDDT USED
Fund 251 - LDFA FUND					
Revenues					
030-REVENUES	887,841.00	230,007.49	230,007.49	657,833.51	25.91
TOTAL Revenues	<u>887,841.00</u>	<u>230,007.49</u>	<u>230,007.49</u>	<u>657,833.51</u>	<u>25.91</u>
Expenditures					
040-EXPENDITURES	887,841.00	75,005.86	2,500.00	812,835.14	8.45
TOTAL Expenditures	<u>887,841.00</u>	<u>75,005.86</u>	<u>2,500.00</u>	<u>812,835.14</u>	<u>8.45</u>
Fund 251 - LDFA FUND:					
TOTAL REVENUES	887,841.00	230,007.49	230,007.49	657,833.51	25.91
TOTAL EXPENDITURES	887,841.00	75,005.86	2,500.00	812,835.14	8.45
NET OF REVENUES & EXPENDITURES	0.00	155,001.63	227,507.49	(155,001.63)	100.00

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 285 - MARINA FUND</b>					
Revenues					
030-REVENUES	372,000.00	109,412.51	7,639.53	262,587.49	29.41
<b>TOTAL Revenues</b>	<b>372,000.00</b>	<b>109,412.51</b>	<b>7,639.53</b>	<b>262,587.49</b>	<b>29.41</b>
Expenditures					
040-EXPENDITURES	372,000.00	256,478.87	19,916.65	115,521.13	68.95
<b>TOTAL Expenditures</b>	<b>372,000.00</b>	<b>256,478.87</b>	<b>19,916.65</b>	<b>115,521.13</b>	<b>68.95</b>
<b>Fund 285 - MARINA FUND:</b>					
TOTAL REVENUES	372,000.00	109,412.51	7,639.53	262,587.49	29.41
TOTAL EXPENDITURES	372,000.00	256,478.87	19,916.65	115,521.13	68.95
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0.00</b>	<b>(147,066.36)</b>	<b>(12,277.12)</b>	<b>147,066.36</b>	<b>100.00</b>

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 295 - AIRPORT FUND					
Revenues					
030-REVENUES	143,400.00	61,539.09	8,402.02	81,860.91	42.91
TOTAL Revenues	<u>143,400.00</u>	<u>61,539.09</u>	<u>8,402.02</u>	<u>81,860.91</u>	<u>42.91</u>
Expenditures					
040-EXPENDITURES	143,400.00	11,167.14	4,198.41	132,232.86	7.79
TOTAL Expenditures	<u>143,400.00</u>	<u>11,167.14</u>	<u>4,198.41</u>	<u>132,232.86</u>	<u>7.79</u>
 Fund 295 - AIRPORT FUND:					
TOTAL REVENUES	143,400.00	61,539.09	8,402.02	81,860.91	42.91
TOTAL EXPENDITURES	143,400.00	11,167.14	4,198.41	132,232.86	7.79
NET OF REVENUES & EXPENDITURES	0.00	50,371.95	4,203.61	(50,371.95)	100.00

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 590 - WASTEWATER FUND</b>					
Revenues					
030-REVENUES	1,221,522.00	176,417.40	3,365.95	1,045,104.60	14.44
<b>TOTAL Revenues</b>	<b>1,221,522.00</b>	<b>176,417.40</b>	<b>3,365.95</b>	<b>1,045,104.60</b>	<b>14.44</b>
Expenditures					
590-EXPENDITURES	1,159,840.00	209,907.20	33,998.68	949,932.80	18.10
<b>TOTAL Expenditures</b>	<b>1,159,840.00</b>	<b>209,907.20</b>	<b>33,998.68</b>	<b>949,932.80</b>	<b>18.10</b>
<b>Fund 590 - WASTEWATER FUND:</b>					
TOTAL REVENUES	1,221,522.00	176,417.40	3,365.95	1,045,104.60	14.44
TOTAL EXPENDITURES	1,159,840.00	209,907.20	33,998.68	949,932.80	18.10
NET OF REVENUES & EXPENDITURES	61,682.00	(33,489.80)	(30,632.73)	95,171.80	54.29

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 592 - WATER FUND					
Revenues					
032-REVENUES	605,380.00	113,753.16	5,652.40	491,626.84	18.79
TOTAL Revenues	<u>605,380.00</u>	<u>113,753.16</u>	<u>5,652.40</u>	<u>491,626.84</u>	<u>18.79</u>
Expenditures					
592-EXPENDITURES	564,400.00	152,705.40	26,958.15	411,694.60	27.06
TOTAL Expenditures	<u>564,400.00</u>	<u>152,705.40</u>	<u>26,958.15</u>	<u>411,694.60</u>	<u>27.06</u>
Fund 592 - WATER FUND:					
TOTAL REVENUES	605,380.00	113,753.16	5,652.40	491,626.84	18.79
TOTAL EXPENDITURES	564,400.00	152,705.40	26,958.15	411,694.60	27.06
NET OF REVENUES & EXPENDITURES	<u>40,980.00</u>	<u>(38,952.24)</u>	<u>(21,305.75)</u>	<u>79,932.24</u>	<u>95.05</u>

PERIOD ENDING 09/30/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 09/30/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 09/30/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% B DGT USED
Fund 661 - MOTOR POOL FUND					
Revenues					
030-REVENUES	481,950.00	114,008.48	24,075.40	367,941.52	23.66
TOTAL Revenues	<u>481,950.00</u>	<u>114,008.48</u>	<u>24,075.40</u>	<u>367,941.52</u>	<u>23.66</u>
Expenditures					
040-EXPENDITURES	481,950.00	61,187.19	16,149.80	420,762.81	12.70
TOTAL Expenditures	<u>481,950.00</u>	<u>61,187.19</u>	<u>16,149.80</u>	<u>420,762.81</u>	<u>12.70</u>
Fund 661 - MOTOR POOL FUND:					
TOTAL REVENUES	481,950.00	114,008.48	24,075.40	367,941.52	23.66
TOTAL EXPENDITURES	481,950.00	61,187.19	16,149.80	420,762.81	12.70
NET OF REVENUES & EXPENDITURES	<u>0.00</u>	<u>52,821.29</u>	<u>7,925.60</u>	<u>(52,821.29)</u>	<u>100.00</u>
TOTAL REVENUES - ALL FUNDS	12,736,725.00	4,669,354.66	2,549,154.94	8,067,370.34	36.66
TOTAL EXPENDITURES - ALL FUNDS	<u>12,616,977.00</u>	<u>3,540,223.57</u>	<u>714,096.58</u>	<u>9,076,753.43</u>	<u>28.06</u>
NET OF REVENUES & EXPENDITURES	<u>119,748.00</u>	<u>1,129,131.09</u>	<u>1,835,058.36</u>	<u>(1,009,383.09)</u>	<u>942.92</u>



# City of Boyne City

# MEMO

Agenda Item 8A

Date: October 24, 2014  
To: Mayor Grunch and the Boyne City City Commission  
From: Michael Cain, City Manager *Mc*  
Subject: Division Street Water Issue Update

As the City Commission is well aware there are ongoing issues with standing and underground water occurring on Division Street between approximately Lewis and Grant Streets, although in recent conversations with Attorney Kevin Klevorn has indicated he has been contacted by property owners extending west about as far as Wilson Street.

There have been theories expressed that our reconstruction of Division Street in 2008 has somehow affected the water flowing in its natural or at least historic course from south (from Avalanche and the hills rising up around it) to north (towards the lower levels of Mud lake, the Boyne River and Lake Charlevoix).

Here is what we have learned so far:

- 1) The swamps and areas around the City's Water Works building on Division Street was the site of beaver dams and the community's original flowing water system going back for over 100 years;
- 2) The area North of Division used to contain well known fishing ponds
- 3) In the early 2000's the City extended its storm water collection system east from Lake Street to collect water from the flowing east of the Water Works building and also created a stub to collect water from Park View Apartments' storm water collection ponds.
- 4) In 2010 the City rebuilt Division Street from Pleasant Avenue East to M-75 South as a lowered curb and gutter road with storm water collection systems nearly its entire length which ultimately discharges into Lake Charlevoix.
- 5) In 2013 reports of surface/below ground water issues were raised by Division Street resident and property owner Bill Kuhn.
- 6) City pumped standing water off City property immediately south and west of the Division Street and Park View Apartments' driveway entrance into the Division Street storm drain system in the summer /fall of 2013 and spring of 2014 on several occasions.
- 7) Water problems continued and intensified thru the winter and spring of 2014 with concerns regarding water emerging both north and south of Division Street.
- 8) City has meeting with Bill Kuhn.
- 9) In the late spring of 2014 the City constructed a storm water collection structure in the area noted in #6

above that tied directly into the Division Street Storm Drain system.

- 10) After initially lowering the water level around the structure significantly the level appeared to again be increasing.
- 11) The City receives a letter expressing concerns and information regarding the water issues from Attorney Kevin Klevorn. (attached)
- 12) In the fall of 2014 the City removed the filter fabric from the structure noted above in #7 to increase water flow. Water level at the corner lowered.
- 13) The City installs six well points in pairs (1&2, 3&4, 5&6) along both the north and south sides of Division Street to determine what water levels are on either side of the road. Results attached and compared to construction work data.
- 14) City has meeting Kevin Klevorn, Bill Kuhn and Bob Brooks on this matter to review/share information and look for possible solutions.
- 15) Matter returns to City Commission for report and further consideration.

Based upon what verifiable information I have seen or been made aware of to date that demonstrates that the Division Street project, or anything else the City has or has not done has affected what the water is doing in this area. This issue did not arise until a couple years after this project was completed. This issue arose during a period where the last two years were about 12 and 4 inches above average precipitation levels. See attached National Weather Service data for this area covering the most recent 15 years. This year, 2014, currently looks on track to be above average as well. Also attached is information from the Army Corps of Engineers showing that lakes Michigan and Huron have experienced one of quickest rises in lake levels in their recorded histories. My point is it's been very wet.

Despite persistent rumors that there was a culvert across Division Street in the vicinity of the Division/Park View/ Grant Street intersections we have been unable to find any evidence that this ever existed. We have found plans that when the Senior Center was built, they constructed underground water collection lines that drained into the water feature/storm drain west of their building that flows north along Grant Street towards the woods. Those were not affected by the road project. A culvert further east on Division Street towards Lewis apparently at one time flowed under Division Street was noted and capped since it was not functional. The property it flowed to north of Division Street had been filled by the property owner over the years so the pipe had nowhere to flow any water.

It appears that there are at least two levels of water in this area. Surface and shallow ground water and lower levels. The lower levels that we pump water from south of the Water Works building have remained pretty constant despite all the recent precipitation. The theory had been expressed that since we don't use well #3 in that area as much as we used to that somehow that has raised water levels. Water Department well monitoring records do not reflect such a change.

Staff has experienced increased and unusual water complaints and observations all over the City the last couple of years that could have nothing to do with the Division Street work.

Larry Fox will be present at Tuesday's meeting can and describe in greater detail the work that was done on Division Street and why it does not appear that it had any effect on what is taking place now.

With all that said there is high water in that area and on City property. The snowmobile trail into Avalanche Park, south of Division Street, has been and remains underwater.

There are opportunities to reduce the water on our property, and possibly on that of others, still further.

- A) We could reduce the water level about another 6" by re-laying the pipe to our new structure to be basically flat.
- B) We could reduce the water level about 12" total by cutting into the road near our new structure and re-laying the pipe.
- C) We could reduce the water level about 3-4' by taking the pipe west to the front of Park View Apartments and tie into the storm water main stub we installed there. If we were able to get an easement and do that on their property by their sign it would cost about \$15,000. If we were unable to get an easement and had to go into the road it would cost between an estimated \$50,000 and \$60,000.

I informed Kevin Klevorn that this would be on tonight's agenda. He is still seeking a comprehensive solution to address the concerns of the people he has heard from. I remain open to those discussions too.

Although authorized by the City Commission to hire a hydrologist to determine the cause of this issue I have held off doing so at this point to see if that money could be used to help fund a solution instead.

RECOMMENDATION: Although discussions remain incomplete I am inclined to recommend that we pursue option C) above if we can obtain an easement to run a line across Park View property and if the abutting Division Street property owners agree not to sue the City on this matter.

Option (in rough order of preference):

- 1) Continue discussion among the parties and come back with additional options,
- 2) Pursue option A) above immediately while still pursuing my initial recommendation.
- 3) Pursue option B)
- 4) Hire a hydrologist
- 5) Do nothing, let nature take its course.
- 6) Let the matter be resolved in court.

LAW OFFICES OF  
**KLEVORN & KLEVORN**

215 South Lake Street  
Boyne City, Michigan 49712  
Phone: 231-582-7911  
Fax: 231-582-2711

*Kevin G. Klevorn*

*Robert C. Klevorn (1914-1987)*

August 20, 2014

**Ron Grunch, Mayor**  
400 Silver St.  
Boyne City, MI 49712

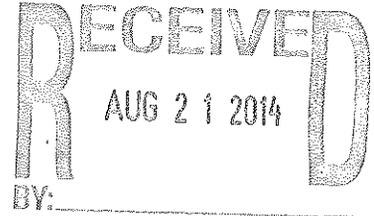
**Laura Sansom, Commissioner**  
212 E. Lincoln Street  
Boyne City, MI 49712

**Tom Neidhamer, Commissioner**  
430 High St.  
Boyne City, MI 49712

**Gene Towne, Mayor Pro-Tem**  
528 Grant Street  
Boyne City, MI 49712

**Derek Gaylord, Commissioner**  
356 N. Park Street  
Boyne City, MI 49712

**Mike Cain, City Manager**  
319 N. Lake Street  
Boyne City, MI 49712



My Dear City Officials:

I have been contacted by a number of area residents along Division Street because of the high water table that continues to cause significant damages to the properties of area residents that is made obvious by the standing water at the southeast corner of Division Street and the entrance to Parkview Apartments. This is Avalanche Preserve property, the finger that connects to Division Street and was used by walkers and snowmobilers, etc. until the water table got too high. I will detail our findings below, but by our best estimates, since Division Street was reconstructed in 2010, the water table has been raised anywhere from **6 to 8 feet**.

I have through Freedom of Information Act requests obtained the necessary documents from the City to confirm the basics facts:

First, in 2009, engineering studies done before the reconstruction of Division Street noted a "huge tributary drainage" problem that recommended at the least a retention pond type gathering area (which was not constructed). 2009 Soil borings through this study confirmed that in the area along Division Street from Park Street to the Kuhn property to the east of the Avalanche finger, the "dry" depth was at least 8-10 feet before water was reached.

Second, compared to soil borings taken at the development of Parkview Apartments in the mid-1980's, 30 years ago, which showed the Parkview parcel water was reached at a depth of approximately 12 feet, from 1984 through 2009 or a 25 year period, the water table was essentially the same, in the 11 foot  $\pm$  range along Division Street.

Third, based on a number of residents that have complained to the City about the rising water table after the reconstruction of Division Street, particularly noting the removal (or rendering ineffective) of at least one culvert that used to go under Division Street, area residents that have contacted the City to address the issue include but are not limited to Bill and Angela Kuhn, Pat Kujawski, Paul Hain, Bob Brooks (on behalf of Parkview Apartments), Oral Sutliff and a number of people who have contacted me

City Officials

-2-

August 20, 2014

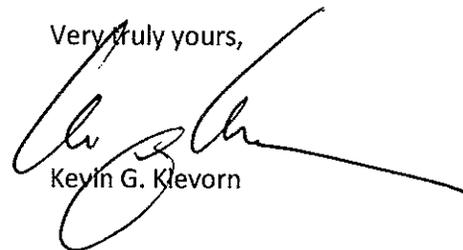
directly to indicate their concerns. I point this out to let you know that it is not a problem isolated to just one parcel along Division Street.

In May of this year, the City approved an attempt to address the problem with a "beehive" type drain that was an attempt to fix the problem but it has not. The water table has not been lowered enough. This is not a "hard winter" problem, it is not a "rainy spring" problem, it is a rising water table problem because of the "huge drainage" that used to flow from south to north but because of the 2010 reconstruction of Division Street, a huge dam/berm now exists that prevents water flow from occurring. Apparently the good news is that the City has recognized the problem and has commissioned some engineering to be done and I write this letter to hopefully provide information that will allow the engineers to "hit the ground running". You should know that in mid-August, i.e., this month, elevations were taken to confirm that there is at least at the corner of Division and the Parkview entrance, where standing water currently exists on City property (Avalanche), at the **driest** time of the year (late summer) the water table is 8 feet 1 and ½ inch higher than 1984 borings that were done before the first Parkview Apartment building was constructed. I repeat: over **8 feet** higher!

The supplemental materials I can have you peruse at your leisure are included with this letter, but the documentation clearly shows that before a culvert(s) that went under Division Street and was apparently removed or blocked had done the trick while in the last four years, the water table has progressively risen so that Mr. Kuhn for example who had a septic field installed approximately 8 years ago in dry land now has a well pit with 4-5 feet of standing water in it. There is simply too much water that has built up over the last few years to blame it on the weather. This is something that will require engineering and reconstruction of the water flow issues so that the continued damage to people in and throughout the section of Division Street where the water has backed up will only have their problems become more acute.

We are happy to continue to provide the City with any information you would request but we also urge the City to take action as soon as possible to alleviate the continued problem.

Very truly yours,



Kevin G. Klevorn

KGK/djm  
Enclosure

## EXHIBIT SUMMARY

- #1 - This is taken from both the August 26, 2009 Proposal For Engineering Services Division Street Topographic Survey AND the September 28, 2009, Proposal for Design and Construction Phase Engineering Services for Division Street Reconstruction. All long time area residents confirm the 2007 water flow observations as well.
- #2 - The City's March 2010 prints before construction started showing "low area" near Parkview, where the Spring 2014 ineffective "beehive" drain was installed.
- #3 - The October 23, 2009 soil borings along Division before reconstruction:
  - 3A: Water level - 9.5 feet;
  - 3B: Water level – 7.9 feet;
  - 3C: Water level – 10.2 feet;
  - 3D: Water level – 9.9 feet;
- #4 - 1984 Parkview Soil Borings showing 12.5 feet down before water is hit. Currently, there is STANDING WATER where the soil borings were taken.
- #5 - 1984 Soil Boring in detail.
- #6 - Print showing 1 culvert near Kuhn property. Another culvert near Parkview has been removed, which really exacerbates Avalanche/"low area" water build-up.
- #7 - Andy's email from 2013 that identifies the problem, trying to address issue, confirming this is not a "rainy fall", "hard winter," or "late (2014) spring" issue.



123 West Main Street  
 Suite 200  
 P.O. Box 1398  
 Gaylord, MI 49734  
 P: 989.732.8131  
 F: 989.732.2714  
 info@c2ae.com  
 www.c2ae.com

## Basis of Design – Cost Opinion

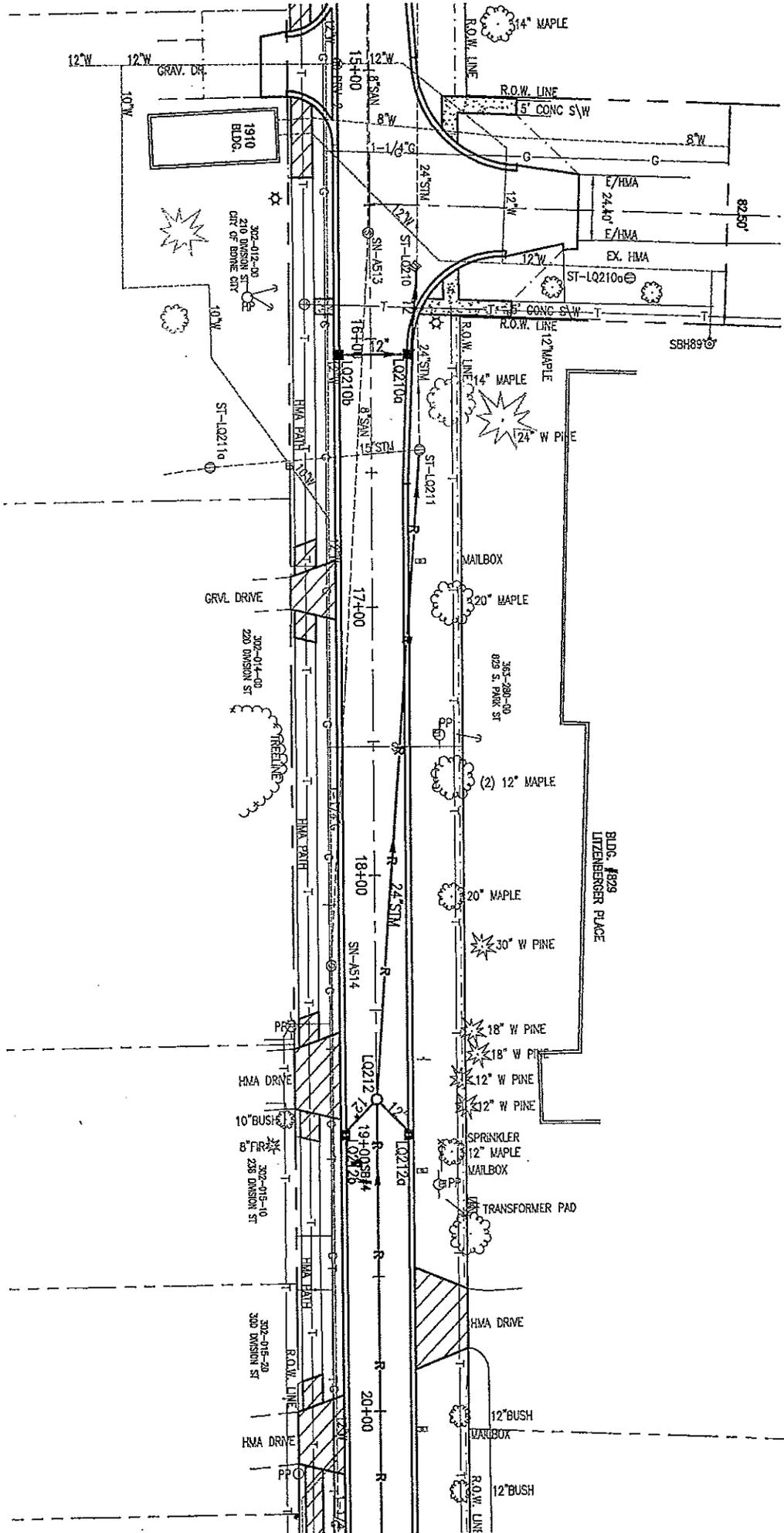
Lansing - Gaylord - Grand Rapids

Date: December 2, 2007

1. Project Description:
  - Total Project: S. Front St (Easterly edge) to Boyne Ave. (Westerly edge), (8,645 ft, 1.64 miles)
  - Phase 1: Boyne Avenue to & including Pleasant Avenue (5,270 ft, 1.0 mile), thru West side of intersection
  - Phase 2: Pleasant Avenue, from West side of intersection to S. Front Street (3,375 ft, 0.64 mile)
2. Intersections: Concrete curbs (60 ft each radii)
3. Driveways: 6" concreté on 6" aggregate base
4. Storm Sewer: preliminary sizing based on contour mapping.
  - a. Phase 1: maximize, continue 24" as far as possible. Huge tributary drainage area. Consider detention pond on Easterly half of project limits (south side) to mitigate runoff and discharge to storm sewer. Also, detention pond on Pleasant Ave. for same reasons to relieve system and maximize infiltration.
  - b. Phase 2: construct 24" up to Harborage Heights, minimum. Should upgrade outlet (ex. 18") to 24" to 36" as part of a separate project with permit. Consider detention pond on Easterly half of project limits (south side) to mitigate runoff and discharge to storm sewer. Define limits of Pleasant Ave. storm sewer drainage area. Need remainder of G.I.S. information to complete storm study.
5. Sanitary Sewer: none
6. Water Main: none
7. Typical Cross Section: 28' back to back per Mike Wiesner. Concrete curb & gutter, full length, both phases.
8. Pavement Design: 4" HMA (2" 4C/2"3C) on 6" aggregate base. Sand subbase only where undercutting.
9. Earthwork: assumed 3' deep cut for ½ of project length per Mike Wiesner. Also, underdrain both sides, geotextile fabric and sand backfill in ½ project length.
10. Sidewalks: 6' wide concrete, only where there is no existing 10' HMA bike path in which case concrete sidewalk will be placed on both sides of the road per Mike Wiesner. Plus some minor replacement at intersections.
11. Restoration: full areas from back of curb to R.O.W. minus sidewalks/bike path.
12. HMA Path: minor replacement areas included where reconstructing. Generally maintaining existing.
13. Special Circumstances
  - a. Left Turn Lane: S. Lake Street & Pleasant Ave., both directions
  - b. Right Turn Lane: None
14. Costs are in 2008 dollars. Need to project at 1-3% each year to project funding year.
15. No street trees included or requested.
16. No underground electric or street lighting included or requested.
17. No underground irrigation included or requested.



S. PARK ST.



Client: City of Boyne City  
 Project: Division Street Reconstruction, G09-168  
 Location: Boyne City, MI

Boring Log Of: SB-4  
 Date Drilled: 23 October 2009  
 Drilling Contractor: Shepler  
 Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (feet)	Soil Type	Soil Description	Pocket Penetration (isf)	Comments
						Surface Conditions: Asphalt		
						ASPHALT (3.0")		
						GRAVEL; sandy; brown, dry (4.0")		
2,3,4,4	12"	SS				SAND; fine to medium grained; trace clay and gravel, dark brown, moist		Soil Boring Advanced using an:
						- grading to no clay or gravel, tan @ 1.5' bgl		Ingersoll Rand A300 drill rig and continuous flight hollow stem auger
2,4,4,4	16"	SS		5				Groundwater measured through the borehole following drilling
2,3,3,2	19"	SS				- grading to wet @ 7.7' bgl		
2,5,5,6	18"	SS		10		- grading to saturated @ 9.5' bgl		
						- grading to trace gravel		
4,6,7,8	14"	SS		15		EOB @ 15' bgl		
				20				
				25				
				30				
								Soil classifications based upon observation of soil from the auger flights and split spoon samples

Top of Casing : N/A  
 Ground Elev.: N/A  
 Casing: N/A  
 Screen: N/A  
 Screen Setting: N/A

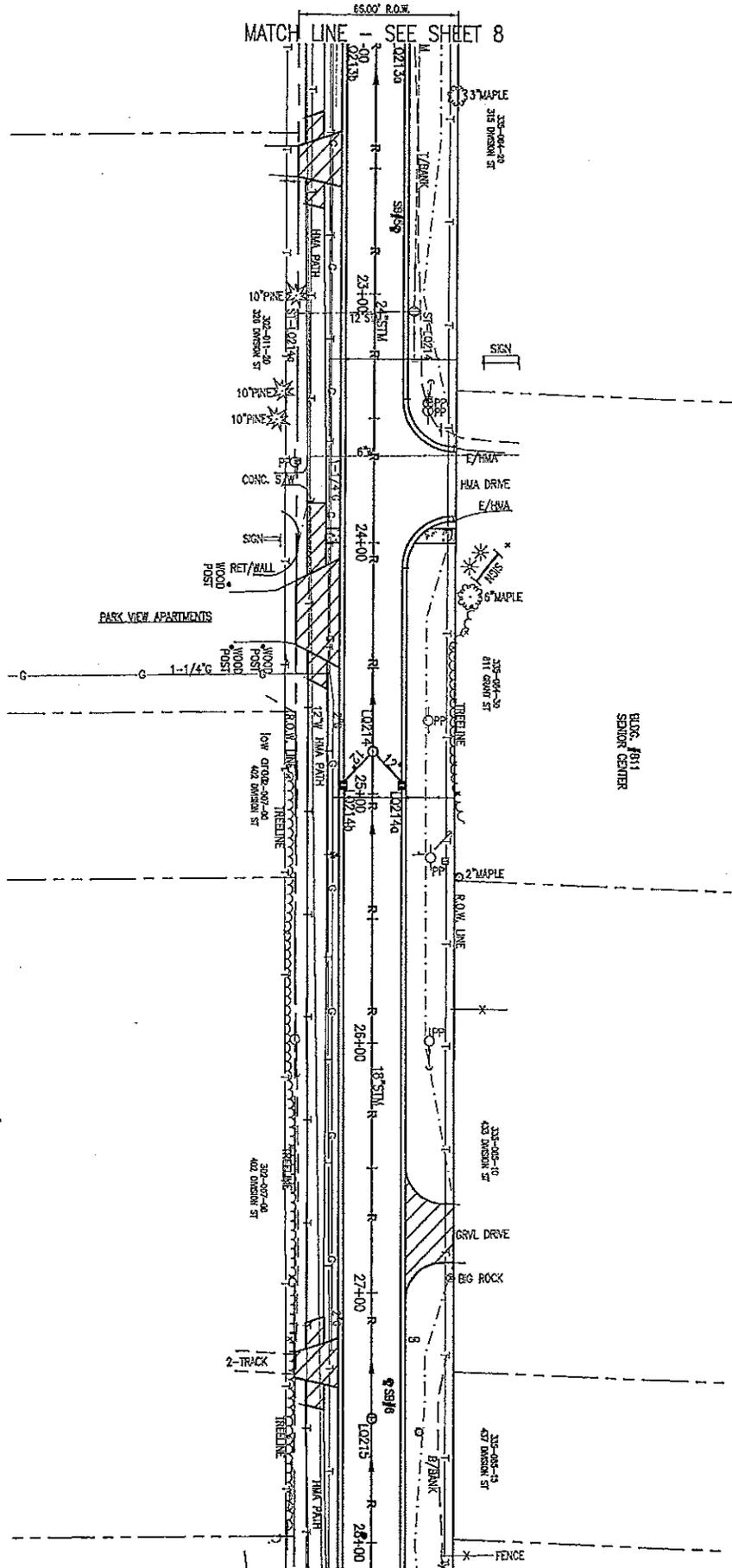
**Well Construction / Boring Data**

Water Encountered: 9.5' bgl  
 Date: 23 October 2009  
 Development Method: N/A  
 Logging Method: Split Spoon

Driller: ES  
 Helper: JS  
 Logged By: JJ

Otwell Mawby, P.C.  
 309 E. Front Street  
 Traverse City, MI 49684  
 231-946-5200  
 Fax 231-946-5216

DIVISION ST.



Client: City of Boyne City  
 Project: Division Street Reconstruction, G09-168  
 Location: Boyne City, MI

Boring Log Of: SB-5  
 Date Drilled: 23 October 2009  
 Drilling Contractor: Shepler  
 Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (feet)	Soil Type	Soil Description	Surface Conditions: Asphalt	Pocket Penetration (tsf)	Comments
				0			ASPHALT (2.5")		
				0			GRAVEL; sandy; brown, dry (8.0")		
2,2,1,1	16"	SS		5		SAND; fine to medium grained; trace clay and gravel, dark brown, moist			Soil Boring Advanced using an: Ingersoll Rand A300 drill rig and continuous flight hollow stem auger  Groundwater measured through the borehole following drilling
2,5,5,6	21"	SS		5		- grading to brown @ 2.2' bgl - grading to light brown @ 5.0' bgl			
3,4,5,4	13"	SS		10		- grading to saturated @ 7.9' bgl			
2,4,5,5	18"	SS		10		- grading some gravel @ 8.5' bgl - grading to trace gravel @ 9.5' bgl			
3,4,6,5	13"	SS		15					
				15		CLAY; with some sand, brown		2.5	
				15		EOB @ 15' bgl			
				20					
				25					
				30					

Soil classifications based upon observation of soil from the auger flights and split spoon samples

Top of Casing : N/A  
 Ground Elev.: N/A  
 Casing: N/A  
 Screen: N/A  
 Screen Setting: N/A

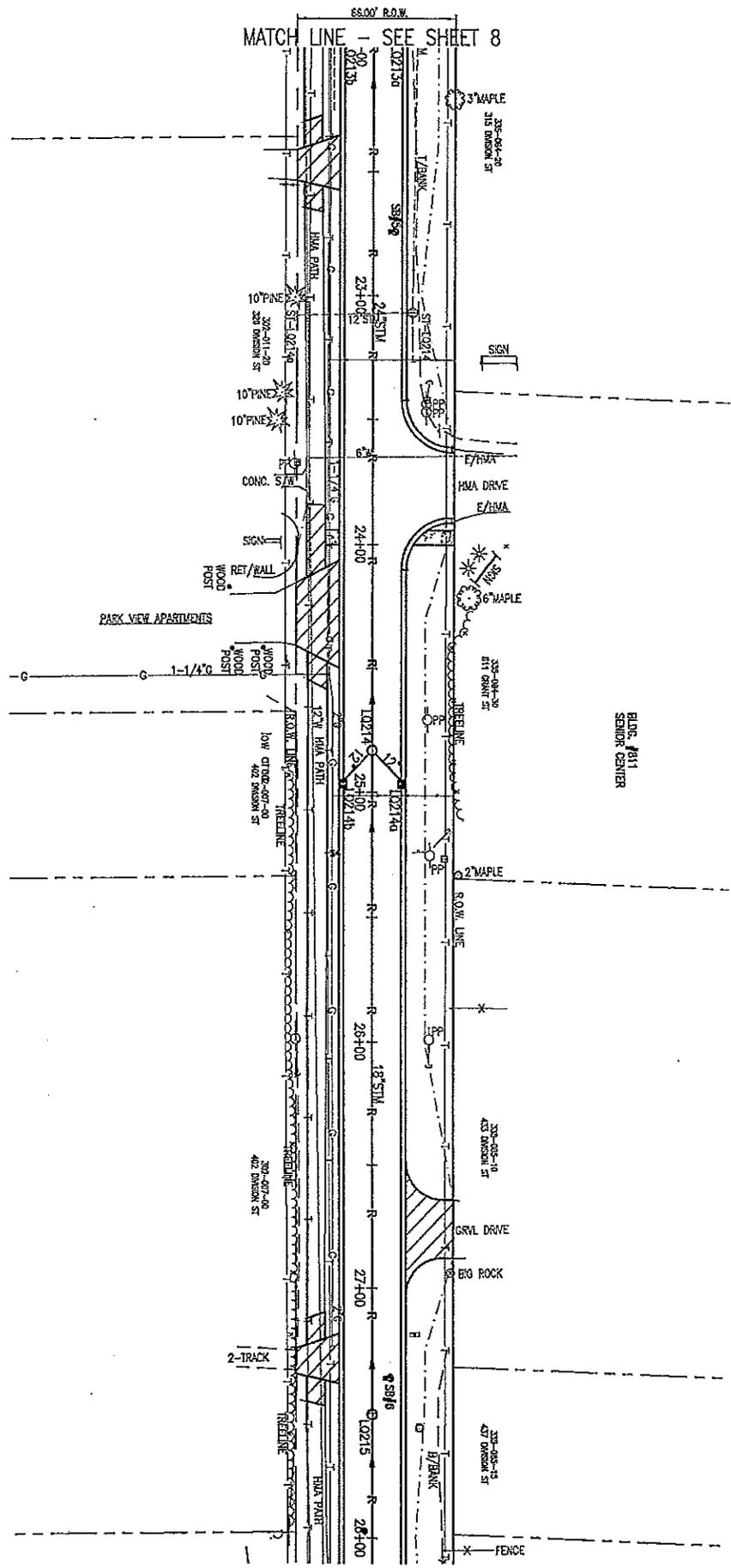
Well Construction / Boring Data  
 Water Encountered: 7.9' bgl  
 Date: 23 October 2009  
 Development Method: N/A  
 Logging Method: Split Spoon

Driller: ES  
 Helper: JS  
 Logged By: JJ

Otwell Mawby, P.C.  
 309 E. Front Street  
 Traverse City, MI 49684  
 231-946-5200  
 Fax 231-946-5216

DIVISION ST.

MATCH LINE SEE SHEET 8



Client: City of Boyne City  
 Project: Division Street Reconstruction, G09-168  
 Location: Boyne City, MI

Boring Log Of: SB-6  
 Date Drilled: 23 October 2009  
 Drilling Contractor: Shepler  
 Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (feet)	Soil Type	Soil Description	Pocket Penetration (tsf)	Comments
						Surface Conditions: Asphalt		
3,3,4,4	21"	SS		0		ASPHALT (3.0")		Soil Boring Advanced using an:  Ingersoll Rand A300 drill rig and continuous flight hollow stem auger  Groundwater measured through the borehole following drilling
				0		GRAVEL; sandy; brown, dry (2.0")		
2,3,4,3	15"	SS		5		SAND; fine to medium grained; trace clay and gravel, dark brown, moist - grading to no clay or gravel, brown @ 1.5' bgl - grading to tan @ 2.5' bgl		
2,4,3,3	16"	SS		10				
2,3,5,5	18"	SS		10		- grading to wet @ 9.5' bgl - grading to saturated @ 10.2' bgl		
2,3,6,8	13"	SS		15		EOB @ 15' bgl		Soil classifications based upon observation of soil from the auger flights and split spoon samples
				20				
				25				
				30				

Top of Casing : N/A  
 Ground Elev.: N/A  
 Casing: N/A  
 Screen: N/A  
 Screen Setting: N/A

Well Construction / Boring Data  
 Water Encountered: 10.2' bgl  
 Date: 23 October 2009  
 Development Method: N/A  
 Logging Method: Split Spoon

Driller: ES  
 Helper: JS  
 Logged By: JJ

Otwell Mawby, P.C.  
 309 E. Front Street  
 Traverse City, MI 49684  
 231-946-5200  
 Fax 231-946-5216



Client: City of Boyne City  
 Project: Division Street Reconstruction, G09-168  
 Location: Boyne City, MI

Boring Log Of: SB-7  
 Date Drilled: 23 October 2009  
 Drilling Contractor: Shepler  
 Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Classif.	Depth (feet)	Soil Type	Soil Description	Pocket Penetration (psf)	Comments
						Surface Conditions: Asphalt		
1,1,1,2	9"	SS	▲	5	ASPHALT (3.0")	ASPHALT (3.0")		Soil Boring Advanced using an:  Hand augered to 4' due to utilities and then w/an Ingersoll Rand A300 drill rig and continuous flight hollow stem auger  Groundwater measured through the borehole following drilling
1,2,4,6	19"	SS	▲		GRAVEL; sandy; brown, dry (9.0")			
2,3,4,5	17"	SS	▲	10	SAND; fine to medium grained; trace clay and gravel, dark brown, moist - grading to light brown @ 2.0' bgl - grading to no clay @ 3.5' bgl - grading with brown and black streaks @ 6.2' bgl - grading to no streaks @ 7.5' bgl			
6,5,7,7	13"	SS	▲	15	CLAY; trace gravel, gray			
					EOB @ 15' bgl		1.5	
				20				
				25				
				30				
								Soil classifications based upon observation of soil from the auger flights and split spoon samples

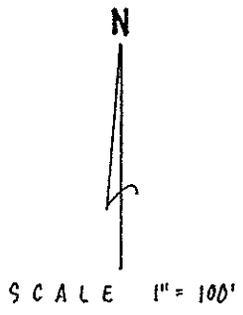
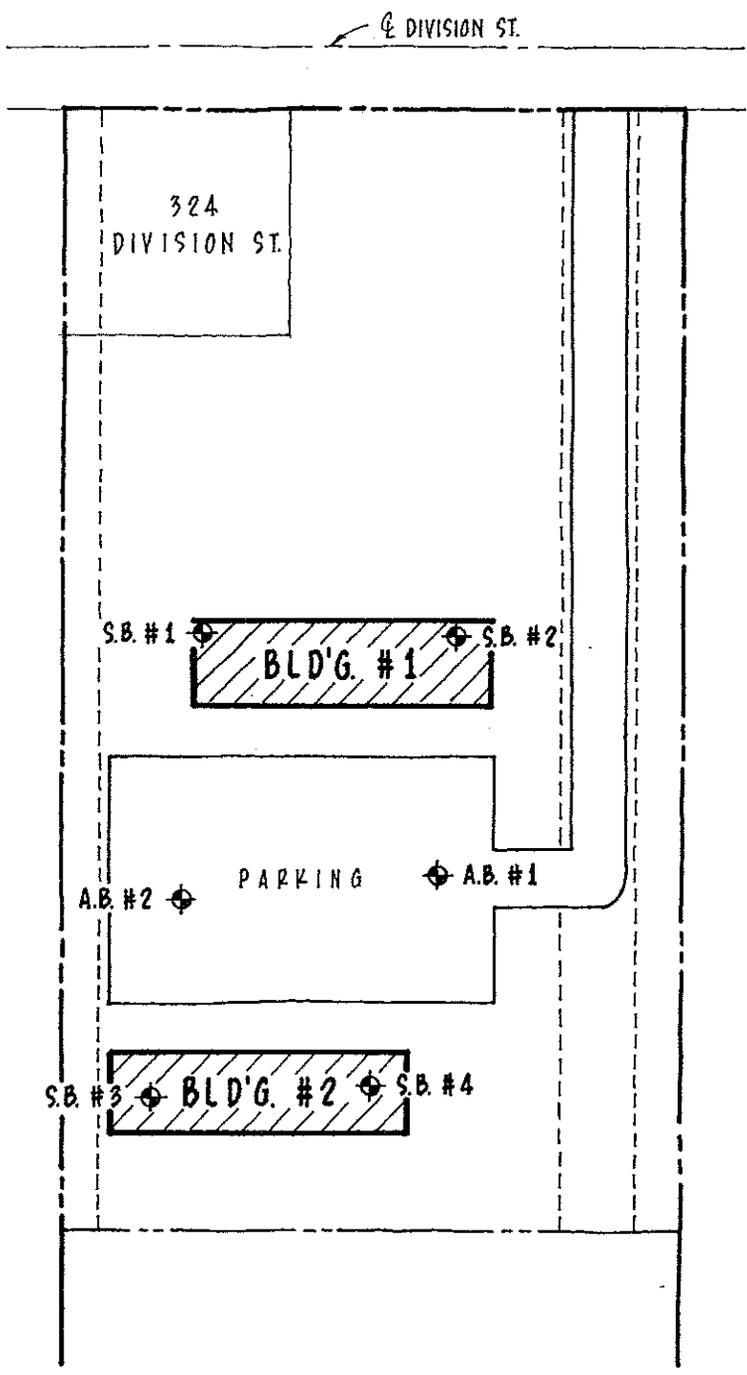
Top of Casing : N/A  
 Ground Elev.: N/A  
 Casing: N/A  
 Screen: N/A  
 Screen Setting: N/A

**Well Construction / Boring Data**

Water Encountered: 9.9' bgl  
 Date: 23 October 2009  
 Development Method: N/A  
 Logging Method: Split Spoon

Driller: ES  
 Helper: JS  
 Logged By: JJ

Otwell Mawby, P.C.  
 309 E. Front Street  
 Traverse City, MI 49684  
 231-946-5200  
 Fax 231-946-5216



# SOIL BORING LOCATION SKETCH

FOR  
R. D. BROOKS, INC.  
'BOYNE CITY PROJECT', BOYNE CITY, MICHIGAN

**Gosling Czubak Associates**



**Engineers  
Surveyors**

Gosling Czubak Associates, P.C.  
525 West Fourteenth  
Traverse City, MI 49684  
616 946-9191

SCALE:	1" = 100'
DATE:	6-14-84
DRN. BY:	TcR
JOB NO.:	84131.01
SHEET	1 OF 1

# Gosling Czubak



Engineers  
Surveyors

Gosling Czubak Associates, P.C.  
525 West Fourteenth  
Traverse City, MI 49684  
616 946-9191

## Associates

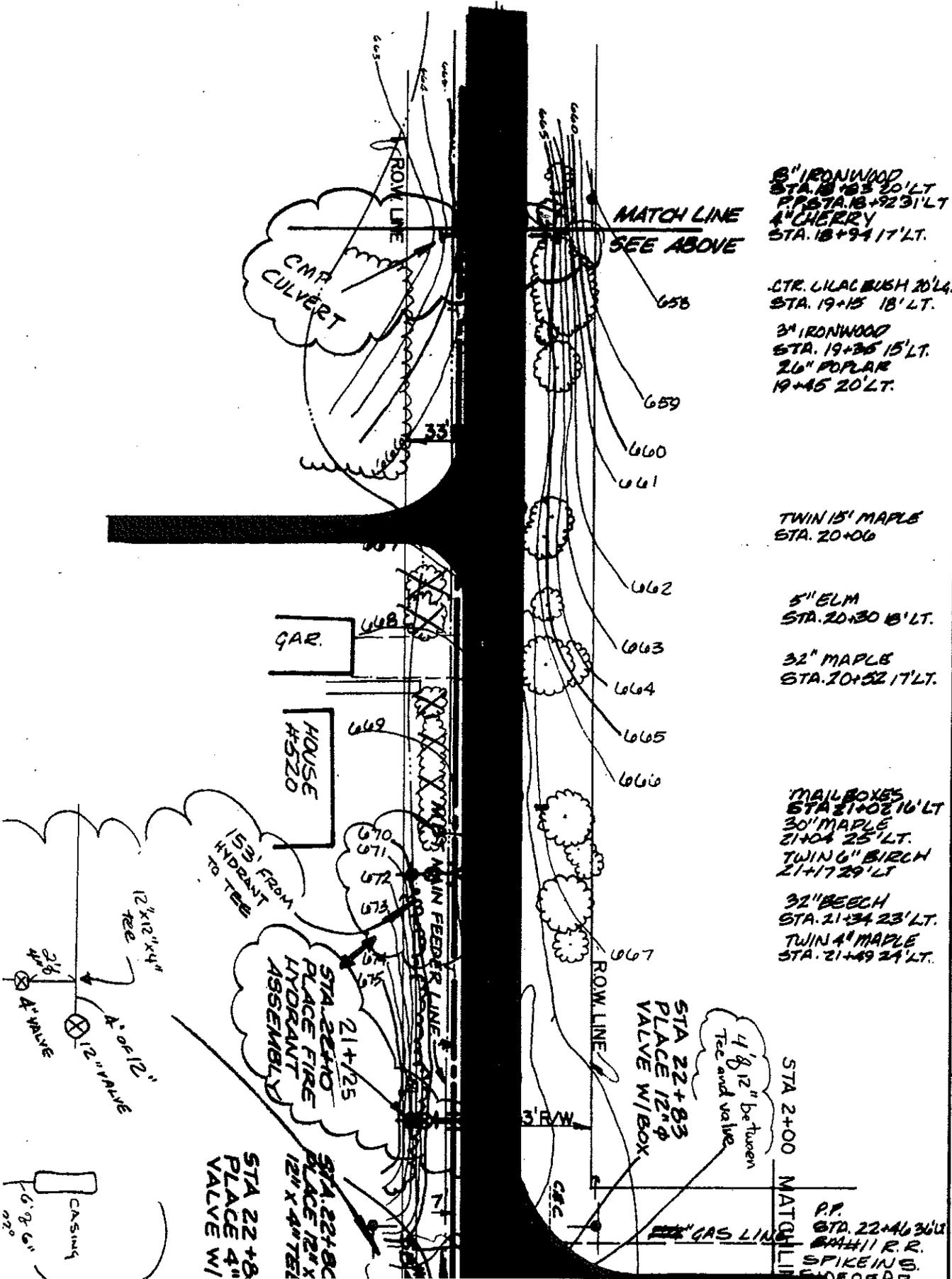
PROJECT BOYHE CITY APARTMENTS  
LOCATION BOYHE CITY, MICHIGAN  
CLIENT BROOKS DIETZE DEVELOPMENT, INC.

DATE STARTED 6-13-84  
DATE COMPLETED 6-13-84  
DRILLER E.T.M. HELPER J.C.M.

BORING NO. SOIL BORING # 2  
Ground Surface Elev. \_\_\_\_\_  
Plugging Method EXCAVATED SOIL

Weather CLOUDY-LT. RAIN - 70°±  
Water Data 12.5 FT.  
Job Number 84131.01

DEPTH	SAMPLE	SAMPLING METHOD	PENETRATION RESISTANCE	SOIL CLASSIFICATION
2.5	1	SS	4-5-6	BLACK ORGANIC SILT (PEAT)
5	2	SS	3-6-7	MEDIUM TAN FINE TO MEDIUM SAND
7.5	3	SS	6-10-13	MEDIUM TAN FINE TO MEDIUM SAND W/ LENSES OF SANDY SILT & OCC. STONE
10 10.5	4	SS	9-16-22	DENSE TAN MEDIUM TO COARSE SAND W/ TRACE GRAVEL
14.5 15	5	SS	4-5-5	LOOSE TAN SILTY CLAYEY FINE SAND W/ SOME GRAVEL
				E.O.B. @ 16 FT.
20				
25				
30				
35				



8" IRONWOOD  
 STA. 18+23 20' LT.  
 P.P. STA. 18+92 31' LT.  
 4" CHERRY  
 STA. 18+94 17' LT.

CTR. LILAC BUSH 20' LT.  
 STA. 19+15 18' LT.

3" IRONWOOD  
 STA. 19+36 15' LT.  
 20" POPLAR  
 19+45 20' LT.

MBT CLOSURE  
 STA. 8+55 29' LT.  
 P.P. 8+57 29' LT.  
 BM #7 R.R. S  
 IN N. SIDE OF  
 ELEV. 600.31

TWIN 15' MAPLE  
 STA. 20+00

5' ELM  
 STA. 20+30 18' LT.

3" CEDAR  
 STA. 9+45 35

32" MAPLE  
 STA. 20+52 17' LT.

MAILBOXES  
 STA. 21+02 16' LT.  
 30' MAPLE  
 21+04 25' LT.  
 TWIN 6" BIRCH  
 21+17 29' LT.

32" BEECH  
 STA. 21+34 23' LT.  
 TWIN 4" MAPLE  
 STA. 21+49 24' LT.

P.P. & MBT CLOS.  
 STA. 10+90 28' LT.

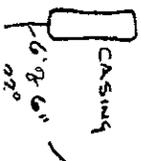
MATCH LINE  
 SEE ABOVE

STA. 2+00  
 MATCH LINE

P.P. STA. 22+46 36' LT.  
 BM #11 R.R. SPIKE INS.

4' 8" 12" be between Tee and valve  
 STA. 22+83  
 PLACE 12" VALVE W/ BOX

STA. 22+8  
 PLACE 4" VALVE W/



**To:** Fox, Larry  
**Cc:** Sieting, Mark; Michael Cain  
**Subject:** Division St.

Larry:

We seem to have an issue on the east side of Parkview Apts with a low spot that has always held some water. It seems that it now holds a larger amount than ever. An adjoining property is having issues with water in a crawl space and a well pit that has not in the past. Was there a drain of some sort there before the recon on Division? I have looked at putting a pipe to the catch basin in front of the area but the invert of the pipe is to high. Please review the project logs and drawings when you return from Vacation so we can discuss this problem.

In the interim we will probably pump down some of the water to the storm sewer.

Thanks

Andy

**Boyne City Division Street  
Groundwater Elevation Comparison  
9/22/2014 LMF**

Monitor Well #	Location	TOC Elev	Depth to WS 9/15/14	GW Elev 9/15/14	SB #	SB Elev	Depth to WS 10/23/09	GW Elev 10/23/09	Pond Elev 9/15/14	Pond Elev 8/20/14	Pond Elev 5/9/14
1	22+75 N	658.33	6.4	651.93							
2	22+75 S	659.81	6.45	653.36	5	660	7.9	652.1			
3	24+50 N	662.57	8.08	654.49							
4	24+50 S	663.1	6.12	656.98					659.05	659.71	661.11
5	27+80 N	665.26	7.45	657.81							
6	27+80 S	665.61	5.94	659.67	6	667	10.2	656.8			

9/15/14 Data collected by Mark Sieting - C2AE and Dan Meads - Boyne City  
8/20/14 and 5/9/14 data collected by Mike Kurncz - C2AE  
10/23/09 data interpolated from C2AE plans and Soils and Structures Soil Boring Logs



National Weather Service Forecast Office

Gaylord, MI



Home News Organization Search for:   NWS  All NOAA

- Local forecast by "City, St"
- Current Hazards
  - Watches/Warnings
  - Outlooks
  - Submit Report
- Current Conditions
  - Observations
  - Radar
  - Satellite
  - Observed Precip
- Forecasts
  - Forecast Discussion
  - Local Area
  - Activity Planner
  - Aviation
  - Fire Weather
  - Marine
  - Severe Weather
  - Hurricane Center
- Hydrology
  - AHPS/River Info
- Climate
  - Local
  - National
  - Drought
  - More...
- Weather Safety
  - Preparedness
  - NOAA Wx Radio
  - Storm Ready
  - SkyWarn™
- Additional Info
  - Items of Interest
  - Education
  - Resources
  - Coop Observer
  - Top News Archive
  - Our Office
- Contact Us
  - Contact Us
  - Feedback
  - Ask Questions

On March 24, 2014, a new version of NOWData will be implemented on this site. The look and feel will be similar to the current version with some exceptions. There will be the option for station selection from a map interface as an option along with interactive graphs. Also, the entire period of record will be available for your data searches. Other data has also been incorporated from the Remote Automatic Weather Stations (RAWS) as well as from the Community Collaborative Rain, Hail & Snow (CoCoRaHS) Network. If you have any questions about the new interface, please use the link to "Submit a question/comment" that is in the product description area.

NOWData - NOAA Online Weather Data

Monthly Total Precipitation for BOYNE FALLS, MI

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2000	2.10	1.27	1.29	0.82	4.60	3.24	1.21	5.03	3.14	1.39	3.27	1.99	29.35
2001	1.41	2.28	0.70	2.49	3.92	3.42	1.65	2.96	4.04	6.37	2.52	3.88	35.64
2002	1.03	3.05	2.98	3.85	5.52	4.63	3.33	4.56	1.23	3.43	1.98	0.85	36.44
2003	1.88	1.61	1.72	3.42	2.84	2.68	4.29	4.01	4.25	3.48	5.11	3.19	38.48
2004	3.55	1.78	2.53	2.29	5.52	3.79	2.07	3.88	0.90	5.69	3.26	4.33	39.57
2005	2.43	1.61	1.21	2.33	1.98	2.23	4.29	6.24	2.62	1.46	5.72	2.50	34.62
2006	3.10	2.78	1.27	2.84	3.97	1.66	1.51	3.95	3.67	6.26	1.87	3.66	36.54
2007	2.03	1.44	2.63	3.07	2.51	2.85	1.62	3.75	3.73	3.03	2.98	2.28	31.92
2008	5.10	2.46	1.15	3.70	3.86	4.00	3.18	2.15	3.75	2.30	3.82	5.72	41.19
2009	1.62	2.38	1.51	2.13	2.01	2.89	1.48	3.53	2.76	5.76	1.63	3.40	31.10
2010	0.95	0.40	0.08	2.39	2.60	5.25	1.83	3.28	5.92	2.30	1.27	1.71	27.98
2011	1.54	0.79	1.51	6.27	2.65	6.16	0.80	2.84	4.35	3.54	3.98	1.95	36.38
2012	4.01	1.33	3.26	2.72	2.70	5.81	2.45	2.79	4.77	6.00	1.70	2.58	40.12
2013	4.88	2.51	2.59	4.65	4.15	1.70	1.99	3.21	3.94	8.59	7.68	2.80	48.69
2014	3.10	1.14	1.41	4.78	3.13	3.81	3.38	3.13	5.56	M	M	M	M
Mean	2.58	1.79	1.72	3.18	3.46	3.61	2.34	3.69	3.64	4.26	3.34	2.92	36.29
Max	5.10 2008	3.05 2002	3.26 2012	6.27 2011	5.52 2004	6.16 2011	4.29 2003	6.24 2005	5.92 2010	8.59 2013	7.68 2013	5.72 2008	48.69 2013
Min	0.95 2010	0.40 2010	0.08 2010	0.82 2000	1.98 2005	1.66 2006	0.80 2011	2.15 2008	0.90 2004	1.39 2000	1.27 2010	0.85 2002	27.98 2010

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## Information

Recorded water levels in this bulletin are derived from a representative network of water level gages on each lake (see cover map). Providers of these data are the U.S. Department of Commerce, NOAA, National Ocean Service, and Integrated Science Data Management, Department of Fisheries and Oceans, Canada. The Detroit District, Corps of Engineers and Environment Canada derive historic and projected lake levels under the auspices of the Coordinating Committee on Great Lakes Basic Hydraulic and Hydrologic Data.

This bulletin is produced monthly as a public service. The Corps also, on a weekly basis publishes online the *Great Lakes, Connecting Channels and St. Lawrence River Water Levels and Depths*, which provides a forecast of depths in the connecting rivers between the Great Lakes and the International Section of the St. Lawrence River. This *Monthly Bulletin of the Lake Levels for the Great Lakes* may be obtained free of charge by writing to the address shown on the front cover, by calling (313) 226-6442 or emailing [hphm@usace.army.mil](mailto:hphm@usace.army.mil). Notices of change of address should include the name of the publication. This information is available on the internet at <http://www.lre.usace.army.mil/Missions/GreatLakesInformation.aspx>.

### Great Lakes Basin Hydrology September 2014

Overall, the Great Lakes basin received precipitation that was 13% above average in September. Lakes Superior, Michigan-Huron and Erie saw above average precipitation in September, while Lake Ontario experienced below average precipitation. Lake Michigan-Huron has experienced above average precipitation for 6 consecutive months. The net basin supply of water to each of the lakes was above average in September, with the exception of Lake Ontario, which received a lower than average net basin supply. The net basin supplies to Lakes Superior and Michigan-Huron have been above average for the past 6 months. The tables below list September precipitation and water supply information for all Great Lakes basins.

A comparison of monthly mean lake levels for September to long-term average (1918-2013) shows Lake Superior was 7 inches above average, while Lake Michigan-Huron was slightly above average. September marks the first month since December 1998 that Lake Michigan-Huron was above long-term average. Lakes St. Clair, Erie and Ontario were 7, 6, and 2 inches, respectively, above long-term average.

PRECIPITATION (INCHES)								
BASIN	September				12-Month Comparison			
	2014	Average (1900-2010)	Diff.	% of Average	Last 12 Months	Average (1900-2010)	Diff.	% of Average
Superior	4.41	3.52	0.89	125	32.19	30.46	1.73	106
Michigan-Huron	3.83	3.45	0.36	110	35.09	32.44	2.65	108
Erie	4.10	3.19	0.91	129	37.13	35.43	1.70	105
Ontario	2.34	3.26	-0.92	72	37.41	35.73	1.68	105
Great Lakes	3.83	3.41	0.41	112	34.80	32.64	2.16	107

LAKE	September Net Basin Supplies <sup>1</sup> (cfs)		September Outflows <sup>2</sup> (cfs)	
	2014	Average (1900-2008)	2014	Average <sup>3</sup> (1900-2008)
Superior	126,000	70,000	109,000	83,000
Michigan-Huron	120,000	27,000	194,000	195,000
Erie	5,000	-17,000	213,000	204,000
Ontario	0	5,000	278,000	249,000

Notes: Values (excluding averages) are based on preliminary computations; cfs denotes cubic feet per second.

<sup>1</sup> Net basin supply is the net result of precipitation falling on the lake, runoff from precipitation falling on the land which flows to the lake, and evaporation from the lake. Negative net basin supply denotes evaporation exceeded runoff and precipitation. The net total supply can be found by adding the net basin supply and the outflow from the upstream lake.

<sup>2</sup> Does not include diversions.

<sup>3</sup> Lake Ontario average water supplies and average outflows are based on period of record 1900-2005



**US Army Corps  
of Engineers**  
Detroit District

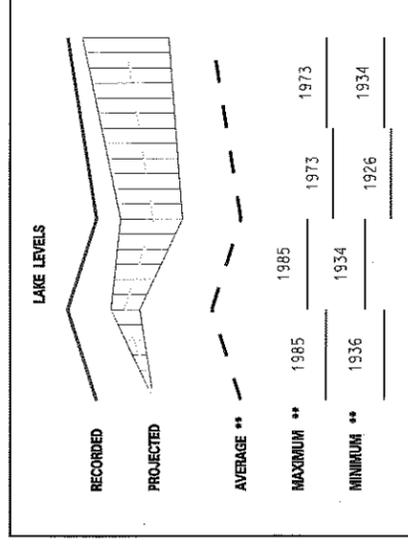


**MONTHLY BULLETIN OF  
LAKE LEVELS FOR THE  
GREAT LAKES**

OCTOBER 2014

Water levels for the previous year and the current year to date are shown as a solid line on the hydrographs. A projection for the next six months is given as a dashed line. This projection is based on the present condition of the lake basin and anticipated future weather. The shaded area shows a range of possible levels over the next six months dependent upon weather variations. Current and projected levels (solid and dashed lines) can be compared with the 1918-2013 average levels (dotted line) and extreme levels (shown as bars with their year of occurrence). The legend below further identifies the information on the hydrographs.

**LEGEND**



The levels on the hydrographs are shown in both feet and meters above (+) or below (-) Chart Datum. Chart Datum, also known as Low Water Datum, is a reference plane on each lake to which water depth and Federal navigation improvement depths on navigation charts are referred.

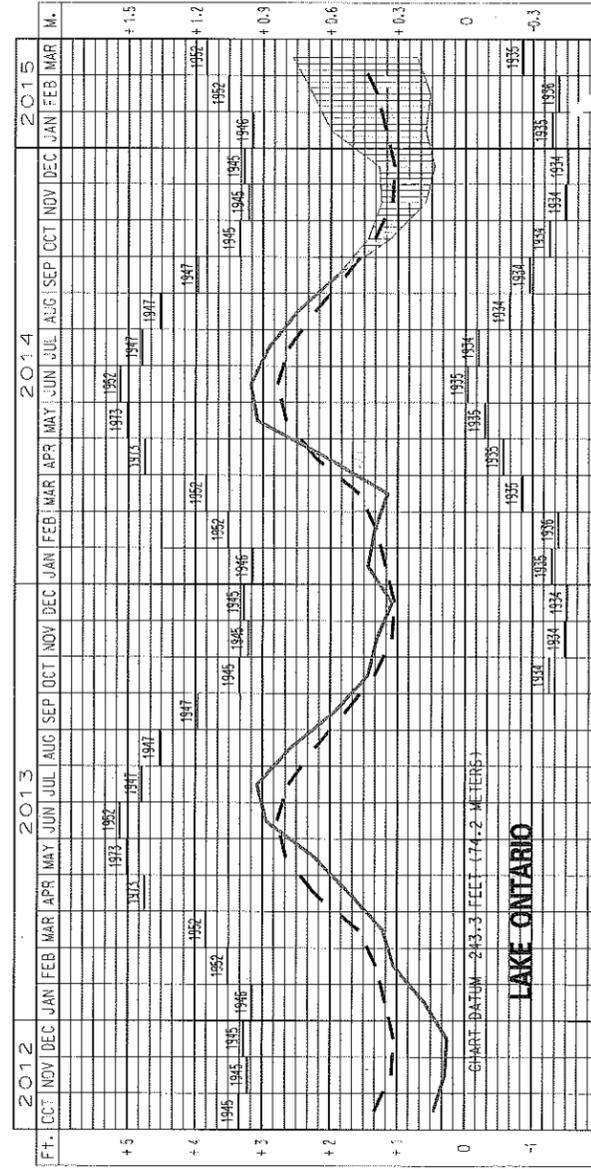
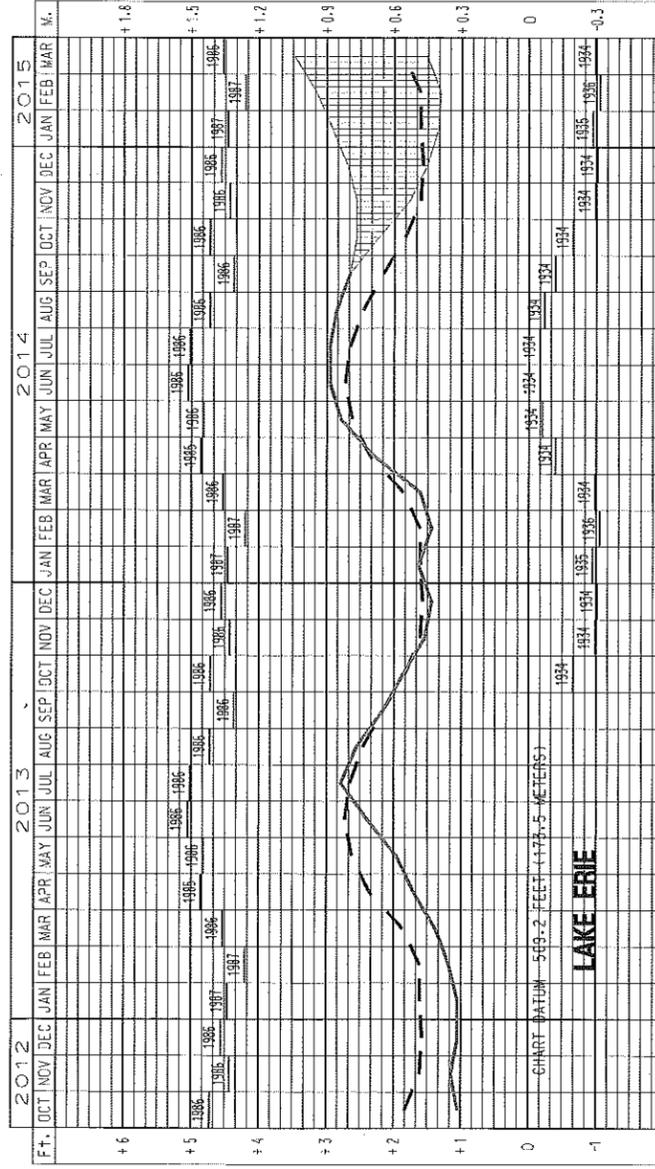
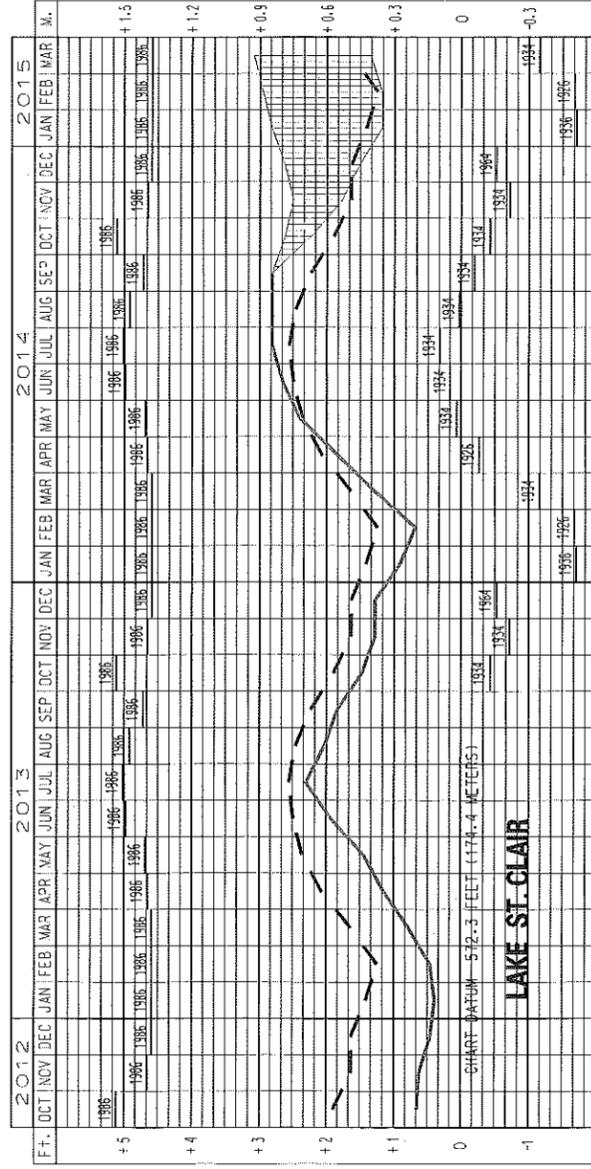
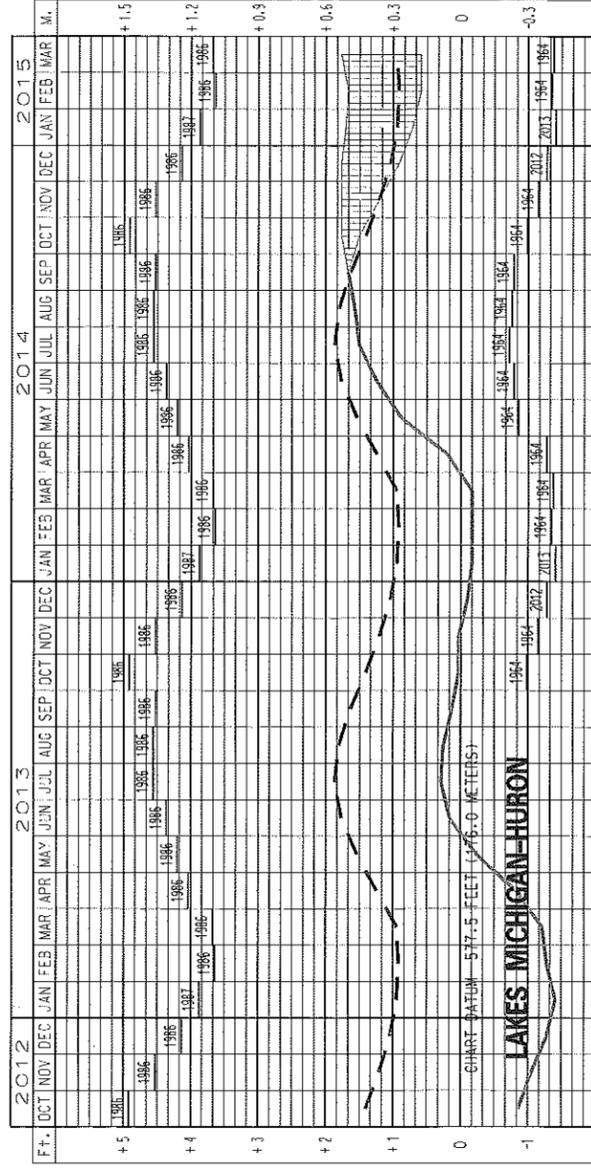
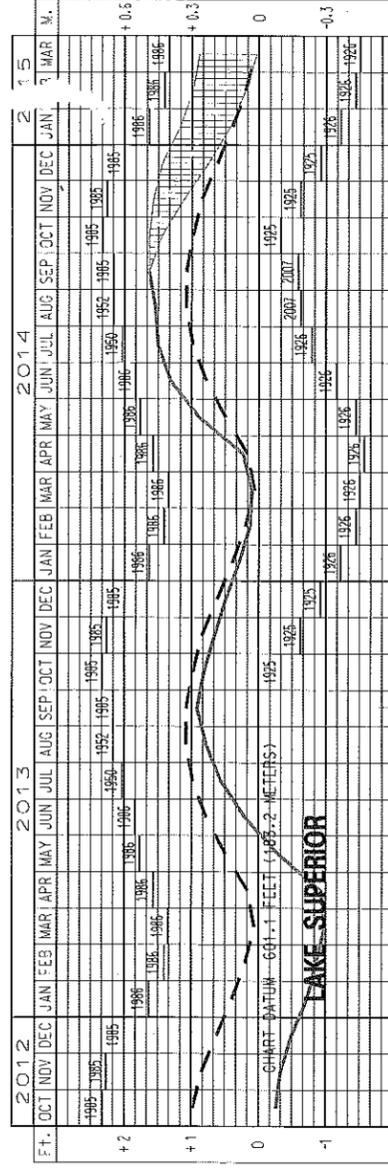
All elevations and plots shown in this bulletin are referenced to International Great Lakes Datum 1985 (IGLD 1985). IGLD 1985 has its zero base at Rimouski, Quebec near the mouth of the St. Lawrence River (approximate sea level).

**SEPTEMBER MEAN LAKE LEVELS**  
(IGLD 1985)

	Superior	Mich- Huron	St. Clair	Erie	Ontario
Ft.	602.69	579.10	575.00	571.88	245.34
M.	183.70	176.51	175.26	174.31	74.78
Ft.	601.97	577.56	574.02	571.39	245.37
M.	183.48	176.04	174.96	174.16	74.79
Ft.	603.22	581.96	576.90	573.59	247.41
M.	183.86	177.38	175.84	174.83	75.41
Yr.	1985	1986	1986	1986	1947
Ft.	600.46	576.64	571.98	568.83	242.49
M.	183.02	175.76	174.34	173.38	73.91
Yr.	2007	1964	1934	1934	1934
Ft.	602.13	579.07	574.41	571.39	245.21
M.	183.53	176.50	175.08	174.16	74.74

\* provisional

\*\* Average, Maximum and Minimum for period 1918-2013



ELEVATIONS REFERENCED TO THE CHART DATUM OF EACH RESPECTIVE LAKE

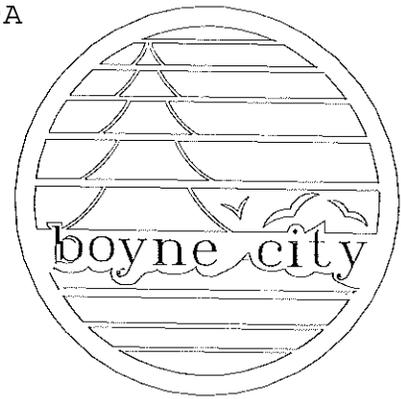
\* 2014

2013

\*\* MAX.

\*\* MIN.

\*\* AVG.

**CITY OF BOYNE CITY****To:** Michael Cain, City Manager *Mc***From:** Scott McPherson, Planning Director *SM***Date:** October 28, 2014**Subject:** Noise Ordinance First Reading**Background**

For many years the City has had a noise ordinance in effect. The ordinance can be found in Article V, Offenses Involving Public Peace and Order, Section 31.141 Noise. In 2009 in response to complaints stemming from music being played at what was then 220 Lake Street, a citation was issued to Chris Theil for violation of the noise ordinance. A hearing on the matter was held in the Charlevoix County District Court in September of 2009. In the Court's opinion the noise ordinance was unconstitutionally vague due to the subjective nature violations were determined and the Court dismissed the City's claims against Mr. Theil. Given this opinion the Boyne City Police Department has not issued any subsequent citations for noise violation and has not used the noise ordinance to address noise complaints.

**Discussion**

The Boyne City Police Department does receive noise complaints on a regular basis. Noise complaints compiled by the BCPD from 2008 to 2013 show that on average there are 61 noise complaints per year. Most complaints are due to music with an average of 28 complaints per year followed by neighbor complaints at 14 per year, dogs and vehicle complaints at 7 per year and complaints about loud parties at 6 per year. To assist the Police Department with dealing with these types of complaints the City Commission was presented with two types of noise ordinances at the May 27, 2014 meeting. One Ordinance established specific decibel limits for various districts and other ordinance identified the violations by types of activities and relies on officer's discretion to determine a violation. After review and discussion the Commission passed a motion that directed staff to work on a draft noise ordinance for the City based on the City of Mason model, not the decibel model.

**Process**

The proposed noise ordinance based on the City of Mason model is being presented to the City Commission at its October 28<sup>th</sup>, 2014 meeting for a first reading. As required by the Boyne City Charter, ordinance amendments cannot be adopted until at least one month after the meeting it is introduced. The next available City Commission meeting that meets this requirement would be December 9<sup>th</sup> 2014.

**Recommendation**

Schedule proposed amendments to Article V, Section 34-141-Noise, and schedule for a second reading on December 9, 2014.

**Options**

1. Refer proposed amendment back to staff for further review or changes.

2. Determine that a noise ordinance should not be adopted.
3. Other action as the Commission deems appropriate.

## Boyne City Noise Ordinance- Proposed

### **Sec. 34-141. - Noise.**

(a) Unlawful noise prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

(b) The making of any of the specific noises set forth in this section which are plainly audible at a distance of 50 feet from the source, or which are plainly audible within any neighboring private residence, hospital or court, shall constitute prima facie evidence of an unlawful noise in violation of this article. The following acts, among others, are declared to be loud, disturbing, injurious, and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.
- (2) *Radios, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, electronic or digital equipment, or other machine or device for the producing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners. The operation of any such set, instrument, electronic or digital equipment, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (4) *Animals, birds, etc.* The keeping of any animal or bird which by loud or frequent barking or by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (5) *Loudspeakers, amplifiers for advertising.* The using, operating or

permitting to be played, used or operated of any radio receiving set, musical instrument, electronic recording and/or playing device, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

- (6) *Defect in vehicle or load* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise or so as to disturb the peace and quiet of streets or other public places.
- (7) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (8) *Construction or repairing of buildings, streets or utilities.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building official should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building within the hours of 7:00 p.m. and 7:00 a.m., and if the official shall further determine that substantial loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 7:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work. The construction, alteration or repair of public streets or utilities shall not be conducted other than between the hours of 7:00 a.m. and 7:00 p.m. unless the director of public works or a bona fide public utilities service employee determines that an emergency exists which requires such work, or determines that the public health and welfare will not be adversely affected by such work.
- (9) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while they are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (10) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

- (11) *Drums*. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(c) Retaliation. If there is any evidence of retaliation by any offender against any complainant or witness, such evidence shall be communicated to the district court magistrate and any standard fine schedule adopted by the court for a violation of this article shall thereafter be suspended. In sentencing any violator, the district court or magistrate shall first examine the evidence of retaliation, and if such be shown, shall consider such acts and sentence the violator accordingly.

(d) Persons who violate this section are responsible for a municipal civil infraction.

### **Sec. 34-142 Sound Equipment Registration**

(a) The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

- (1) The only sounds permitted shall be either music or human speech, or both.
- (2) The operation of sound amplifying equipment shall only occur between the hours of 10:00a.m. and 10:00 p.m. each day unless permitted by the City Manager
- (3) No sound emanating from sound amplifying equipment shall exceed a volume adequate to serve its purpose as determined by the regulating authority.
- (4) The volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.
- (5) The user of sound amplifying equipment shall comply with such additional requirements and regulations as shall be promulgated by the city administrator and approved by the city council.

(b) It shall be unlawful for any person, other than personnel of law enforcement, governmental agencies, or school officials to install, use or operate within the city a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses or lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval as set forth in this section. The user of sound amplifying equipment shall file a registration statement with the city clerk 21 days prior to the date on which the sound amplifying equipment is intended to be used, which statement shall contain the following information:

- (1) The name, address and telephone number of both the owner and user of the sound amplifying equipment.
- (2) The maximum sound producing power of the sound amplifying equipment, which shall include the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which sound will be audible from the sound amplifying equipment.
- (3) The license and motor number if a sound truck is to be used.
- (4) The purpose for which the sound amplifying equipment will be used.
- (5) Such other information as may be required under registration standards and administrative regulations promulgated by the city manager and approved by the city commission.

(c) The city clerk shall return to the applicant an approved copy of the registration statement unless:

- (1) The conditions of the motor vehicle movement are such that use of the equipment would constitute a detriment to traffic safety;
- (2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
- (3) The city manager determines that the equipment will create unreasonable or unnecessary noise contrary to subsections (a)(1) and (2) of this section, or violates the regulations of this section

(d) If the application is disapproved, the city clerk will endorse upon the application the reasons for disapproval and return it to the applicant.

(e) Prior to the issuance of the registration statement, a fee in the amount established by resolution shall be paid to the city.



# City of Boyne City

# MEMO

Agenda Item 9B

Date: October 24, 2014  
To: Mayor Grunch and the Boyne City City Commission  
From: Michael Cain, City Manager *Mc*  
Subject: Court Street Plan Review

As the City Commission is aware we have been working on plans to pave one of our most troublesome and costly gravel roads, Court Street and a short portion of North Lake Street. This work would begin near Lynn Street at the west end and continue to North Park Street at the east. We are looking to undertake this work in 2015. It would be funded by Boyne City and Evangeline Township in conjunction with significant amounts of Federal road funds passing thru the Michigan Department of Transportation.

Our consulting engineer Larry Fox from C2AE will be present to review the draft plans with us Tuesday afternoon. An on site grade inspection is being scheduled with the State to take place after meeting with the City Commission.

Attached please find four of the twelve plan sheets that I believe best show the proposed work. The complete plans are available for review here at City Hall. The complete set will be at the meeting as well.

If you have any questions or comments in the meantime, please let Andy or I know.

**RECOMMENDATION:** Review the attached plans and offer any suggestions and/or comments.









**DC Assessing Services**

310 S Lake St #2  
Boyne City, MI 49720  
(231) 350-2727  
(231) 459-4402 fax

**MEMO**

**TO:** Michael Cain – City Manager   
**FROM:** Debra Chavez – Assessor  
**DATE:** October 23, 2014  
**REASON:** AMAR Results

As you know the State of Michigan hired Tax Management and Associates (TMA) to conduct an Audit of Minimum Assessing Standards for the State Tax Commission. The City of Boyne City was found noncompliant in one area: Lack of documented Land Value Determinations.

The cause of this finding was because of the number of adjustments in the land value tables. Adjustments are generally given for shape of lot, buildability of lot, high traffic or special topography etc. The state feels it would be better to have a set rate when possible for these conditions to ensure equity within the roll. Please note that while TMA found a land value analysis had been performed and was found appropriate there was still enough concern about the adjustments to put us in noncompliance.

Attached to this memo is an analysis of the results for Charlevoix County compiled by the Equalization Department. According to Equalization no unit passed completely, with 3-4 findings being the average per unit. With just one finding this thankfully places Boyne City among the top units in the county for compliance.

Also attached is my recommendation for the action plan to be submitted to the State Tax Commission. As stated in the correspondence section of this plan, all corrective actions will be completed for the 2015 tax roll.

**RECOMMENDATION:** That the City Commission authorize the City Manager and/or City Assessor to submit the action plan to the State Tax Commission as presented.

Options:

- 1) Postpone the matter for further consideration and/or information.
- 2) Other action as determined by the City Commission.



STATE OF MICHIGAN  
DEPARTMENT OF TREASURY  
LANSING

RICK SNYDER  
GOVERNOR

R. KEVIN CLINTON  
STATE TREASURER

October 7, 2014

Michael Cain, City Manager  
City of Boyne City, Charlevoix County  
400 Silver Street  
Boyne City, MI 49712

Dear Mr. Cain,

As you are aware, Tax Management and Associates recently conducted an Audit of Minimum Assessing Requirements (AMAR) for the State Tax Commission. The audit indicated that Boyne City does not meet the minimum requirements in one or more of the following areas and will need to be corrected:

1. Lack of documented Land Value Determinations

Please provide a corrective action plan no later than November 24, 2014 outlining the steps as well as the deadlines of when Boyne City will be correcting the deficiencies.

For your review, enclosed is a copy of your 2014 AMAR. An electronic version of the form detailing the requirements is also available on the State Tax Commission's website.

If you have any questions, please do not hesitate to contact me at 517-335-3429.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelli Sobel".

Kelli Sobel, Executive Director  
State Tax Commission

Cc: City Clerk  
Equalization Director  
Field Supervisor

Enclosure: 2014 AMAR Review

**Michigan State Tax Commission  
Audit of Minimum Assessing Requirements  
AMAR Review Sheet**

The State Tax Commission, per MCL 211.10f, has jurisdiction to determine substantial compliance with the requirements of the General Property Tax Act. The AMAR review reflects the minimum assessing requirements of a local unit of government based on statute and STC Rules, Policy, Bulletins and Publications. Local units of government that do not meet one or more of the minimum requirements must submit a corrective action plan detailing how and when the deficiencies will be resolved.

Failure to submit an acceptable corrective action plan, or failure to resolve the deficiencies as outlined within the corrective action plan that is approved by the State Tax Commission, will result in a determination of substantial non-compliance and may result in the State Tax Commission assuming jurisdiction of the assessment roll of the local unit of government. Failure to meet one or more of the minimum AMAR requirements does not automatically result in State Tax Commission assumption of jurisdiction of the assessment roll.

**Local Unit Background Information:**

Year of Audit: 2014  
Name of Local Unit: CITY OF BOYNE CITY  
Name of County: CHARLEVOIX  
Name of Assessor: DEBRA CHAVEZ  
Assessor Certification Level: MAAO 3  
Name of Supervisor, City Manager or Mayor: MICHAEL CAIN Title: CITY MANAGER  
Mailing Address for Supervisor: 400 Silver St., Boyne City, MI 49712

What is the required certification level for this local unit? MCAO

What date did the assessor certify the assessment roll? L-4037 signed & dated 3-5-14.

Does the local unit have a policy regarding public inspection of records? YES: NO: X  
City is open Monday – Friday, 8am-5pm and staff is available for assistance. Assessor has office hours Wednesday from 8am-5pm or by appointment.

Did the March, July and December Boards of Review prepare minutes and file them with the local unit clerk in accordance with MCL 211.33 and State Tax Commission Board of Review Publications? YES: X NO:  
All of the minutes were reviewed at the interview and are filed with the clerk.

If the Board of Review made any taxable valuation changes to parcels, was Form L-4035a, Taxable Value Calculations Worksheet, properly completed and made part of the Board of Review Record? YES: X NO:  
All BOR taxable value changes had a properly completed L-4035a.

Were forms L-4021, L-4022 and L-4025 timely delivered to County Equalization per MCL 211.34d and Rule 209.26(6b)? YES: X NO:  
Assessor signed & dated all forms: L-4021 dated 3-28-14; 4022 dated 4-10-14 & 4025 dated 4-17-14.

## Assessment Roll Analysis:

1. Does the local unit have properly calculated and appropriately documented Economic Condition Factors that meet State Tax Commission requirements per MCL 211.10e and STC ECF Publications?

Requirement Met: YES:  NO:

Assessor had several spreadsheets, ECF analysis and detailed information for residential & commercial/industrial classes. There are no agricultural parcels in the city.

2. Does the local unit have accurate Land Value Maps that meet the State Tax Commission requirements per MCL 211.10e and State Tax Commission Land Value Map Publications?

Requirement Met: YES:  NO:

Vacant land sales and/or improved sales utilizing the residual method were analyzed in spreadsheet format. A color coded map with matching key and sales listed was produced by the County's GIS. Assessor utilizes the GIS in the BS&A program. Land tables were reviewed.

3. Does the local unit have Land Value Determinations that are appropriately documented, properly calculated and meet State Tax Commission requirements per MCL 211.10e and State Tax Commission Land Value Determination Publications?

Requirement Met: YES: NO:

530 land adjustments, 46 with no reason. Land value analysis was performed and was reviewed during interview. It was appropriate with documented sales and analysis of front foot rates for platted and commercial/industrial properties.

4. Does the true cash value on the local unit record cards agree with the true cash value indicated on the assessment roll with less than 1% overrides and less than 1% flat land values – excluding DNR PILT Property (STC Policy)?

Requirement Met: YES:  NO:

Unit has 0.2% (6 out of 2963) parcels with an override.  
Unit has 0.23% (7 out of 2963) flat land values with no reason.

5. Do the local unit appraisal record cards meet a 90% or greater accuracy rating? (Based upon a review of 1% of the improved properties in a local unit up to a maximum of 500 parcels)

Requirement Met: YES:  NO:

Local unit achieved a 90% accuracy rating on a sample size of 20 properties. Observed paved driveways were accounted for on sampled record cards.

6. Based upon a review of a sample of properties, do the current year's assessments of the local unit include new construction from the prior year?

Requirement Met: YES:  NO:

69 building permits were entered in the program for 2013 and were reviewed. The work description and partial flag are utilized. The change reason and final date are not utilized. Assessor utilizes the parcel's main screen flag to have the new construction flashing. New/additions appear accurate based upon a sample.

7. Is the local unit in compliance with the requirement of uncapping the taxable value of property in the year following a transfer of ownership per MCL 211.27a within a less than 5% error rate?

Requirement Met: YES:  NO:

Unit has 0 questionable transfers that were not uncapped. 279 transfers, 98 were not uncapped and none are PA260. The exemption reason was utilized on 95.9% (94 out of 98) transfers that were not uncapped.

8. Based on a sampling of known "sale" properties, is the local unit assessing all properties uniformly at 50% of true cash value as outlined within STC Bulletin 19 of 1997?

Requirement Met: YES:  NO:

Unit is assessing sale properties similar to others within ecf neighborhoods based upon a sample. 176 sales were reviewed and 5 were questionable with a higher than other adjustment. Their audit trails showed house class, %goods, land adjustment% and/or land value changed. The Mathieu Gast exemption amount and change reason are not utilized. Class changes, new parcels, loss/losses & new/additions appear accurate.

### Comments:

Assessor had her computer crash on March 4 and explained that's why some of the dates for the forms are later.

I hereby declare that the foregoing information submitted is a complete and true statement.

Alfonso A Consiglio

Signature

8/22/14

Date

By checking this box, I agree and confirm that the signature I have typed above is the electronic representation of my original, handwritten signature when used on this document and creates a legally-binding contract. I further understand that signing this document using my electronic signature will have the same legally-binding effect as signing my signature using pen and paper.

County: CHARLEVOIX

Unit: BOYNE CITY

ACD Recap Analysis Of Assessment Records Sampled

Record #	Property Class	Parcel Code	House Class As % of "C"			Observed % Good			Scoring % Calculation By		
			ACD Field Staff	Local Unit	Variance	ACD Field Staff	Local Unit	Variance	Agreement	Actual Accuracy	Weighted Accuracy
1	401	051-140-001-10	74%	74%		55.0%	55.0%		88.2%	88.2%	92.0%
2	401	051-150-031-00	90%	90%		85.0%	85.0%		64.7%	73.6%	84.3%
3											
4	401	051-236-073-25	90%	90%		77.0%	77.0%		76.5%	80.5%	86.0%
5	401	051-250-039-10	90%	90%		87.0%	87.0%		94.1%	94.1%	99.0%
6	401	051-260-025-00	90%	90%		62.0%	62.0%		76.5%	82.8%	87.0%
7	401	051-265-053-00	90%	90%		69.0%	69.0%		76.5%	93.6%	94.7%
8	401	051-335-117-00	82%	78%	4%	78.0%	78.0%		76.5%	89.9%	94.3%
9	401	051-335-139-00	74%	74%		50.0%	50.0%		82.4%	87.1%	85.0%
10											
11	401	051-370-009-00	90%	90%		78.0%	78.0%		58.8%	75.6%	84.2%
12	401	051-375-002-60	95%	95%		67.0%	67.0%		76.5%	85.5%	87.9%
13	401	051-378-014-00	82%	78%	4%	74.0%	74.0%		70.6%	80.2%	87.7%
14	401	051-380-028-00	105%	105%		90.0%	90.0%		88.2%	88.2%	97.0%
15	401	051-381-036-00	90%	90%		68.0%	68.0%		88.2%	98.5%	93.9%
16	401	051-382-062-10	100%	100%		84.0%	84.0%		94.1%	98.3%	94.0%
17											
18											
19											
20	401	051-470-240-00	82%	82%		56.0%	56.0%		58.8%	84.0%	68.0%
21	401	051-471-274-50	74%	74%		70.0%	70.0%		76.5%	83.4%	87.5%
22											
23	401	051-477-032-10	74%	74%		46.0%	46.0%		88.2%	91.4%	95.0%
24	401	051-479-010-10	95%	95%		68.0%	68.0%		82.4%	87.9%	91.8%
25	401	051-498-015-00	142%	142%		91.0%	91.0%		88.2%	95.4%	95.3%
26	401	051-498-019-00	121%	121%		88.0%	88.0%		82.4%	82.4%	89.0%
27											
28											
29											
30											
31											
32											
33											
34											
35											
36											
37											
38											
39											
40											

Record #	Property Class	Parcel Code	House Class As % of "C"			Observed % Good			Scoring % Calculation By		
			ACD Field Staff	Local Unit	Variance	ACD Field Staff	Local Unit	Variance	Agreement	Actual Accuracy	Weighted Accuracy
41											
42											
43											
44											
45											
46											
47											
48											
49											
50											
		Mean	92%	91%	0%	72%	72%		79%	87%	90%
		Median	90%	90%		72%	72%		79%	87%	90%
		Mode	90%	90%		78%	78%		76%	88%	#N/A

**Category Range Of Percentage Calculations For Individual Parcels**

By Item % Of Agreement	59%	to	94%
By Item % Of Accuracy	74%	to	98%
By Weighted % Of Accuracy	68%	to	99%

**Charlevoix County 2014 AMAR Results**

<b>Questions:</b>		<b>Number of Units Compliant</b>	<b>Percent</b>	<b>Number of Units Non-compliant</b>	<b>Percent</b>
Does the local unit have a policy regarding public inspection of records?		9	50%	9	50%
Did the March, July and December BOR prepare minutes and file them with clerk? For taxable valuation changes was Form L-4035a properly completed and made part of BOR Record?		17	94%	1	6%
Were forms L-4021, L-4022 and L-4025 timely delivered to Equalization?		6	33%	12	67%
		18	100%	0	0%

<b>Assessment Roll Analysis:</b>		<b>Compliant</b>	<b>Percent</b>	<b>Non-compliant</b>	<b>Percent</b>
1	Does unit have properly calculated appropriately documented ECFs that meet STC requirements?	7	39%	11	61%
2	Does unit have accurate Land Value Maps that meet STC requirements and STC Land Value Map Publications?	11	61%	7	39%
3	Does unit have Land Value Determinations that are appropriately documented, properly calculated and meet STC requirements?	1	6%	17	94%
4	Does true cash value on record cards agree with the true cash value indicated on assessment roll with less than 1% overrides and less than 1% flat land values?	14	78%	4	22%
5	Do appraisal record cards meet a 90% or greater accuracy rating?	13	72%	5	28%
6	Based upon a review of a sample of properties, do the current year's assessments of the local unit include new construction from the prior year?	18	100%	0	0%
7	Is unit in compliance with the requirement of uncapping the taxable value of property in the year following a transfer of ownership within less than 5% error rate?	16	89%	2	11%
8	Based on a sampling of known "sale" properties, is the unit assessing all properties uniformly at 50% of true cash value as outlined within STC Bulletin 19 of 1997?	18	100%	0	0%

**Mean Weighted Accuracy of Assessment Records Sampled**

<b>Percent</b>	<b>Number of Units</b>
83	1
86	1
87	1
88	2
90	4
91	2
92	4
93	2
96	1
<b>90.22</b>	<b>Average</b>

Recommended Action Plan Response to be on City letterhead:

October 23, 2014

Michigan State Tax Commission  
Department of Treasury  
P.O. Box 30471  
Lansing, MI 48909-7971

RE: 2014 AMAR Review and Action Plan

Michigan State Tax Commission:

The finding for the City of Boyne City has been reviewed and corrections will be completed for the 2015 tax roll. The following Action Plan was created to further explain what steps will be taken to ensure the corrections are made and compliance is achieved.

If you have any questions or require an additional information, please do not hesitate to contact me.

Sincerely,

**Michigan State Tax Commission  
Audit of Minimum Assessing Requirements  
City of Boyne City Action Plan**

**1. Lack of documented Land Value Determinations:**

All land adjustments will be reviewed for type and validity. Valid adjustments and the reason for the adjustment will be recorded in the Assessing data base. If needed new land value rates will be implemented to ensure equity in the roll. Please note it was found a land value analysis had been performed and was reviewed during the interview and found appropriate with documented sales and analysis of front foot rates for platted and commercial properties.

October 22, 2014

MEMO:

To: Michael Cain, City Manager 

From: John M Lamont, EMS Director

RE: Mutual Aid Agreement with Emmet County EMS

I have received a request from Emmet County to enter into a mutual aid agreement with the new EMS service which Emmet County is going to provide starting December 31, 2014.

This agreement is both necessary and practical for both parties. It is necessary for Emmet County in the pursuit of their Advance Life Support license, and it is practical for us as to the limited resource we face in the delivery of emergency medical services.

I have reviewed the agreement, there are no fees and each agency is held harmless, each agency can invoice for service render as is their normal daily function to the patient and the patient's insurance, and the agreement automatically renews each year.

It is my recommendation the City authorizes the agreement at the next City Council meeting.

October 15, 2014

John Lamont-Director  
Boyne City EMS  
319 North Lake Street  
Boyne City, Michigan 49712

RE: Mutual Aid Agreement

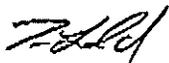
Dear Mr. Lamont:

Attached please find a copy of the Mutual Aid Agreement between Emmet County EMS and Boyne City EMS.

Please review, sign and return to our fax number at (231) 796-0231.

If you have any questions, please do not hesitate to contact me at (231) 250-3224.

Sincerely,



Tim Ladd

**Emmet County EMS**  
200 Division St  
Petoskey, MI 49770  
231-383-1702

**Boyne City EMS**  
319 North Lake Street  
Boyne City, MI 49712  
231-582-9535

## **AMBULANCE SERVICE MUTUAL AID AGREEMENT**

For the purpose of rendering mutual aid in delivering medical care, the undersigned services hereby enter into a mutual aid agreement upon the following terms and conditions:

### **Section 1. Definitions:**

As uses herein:

- a. "Requesting Agency" shall mean the Agency requesting aid
- b. "Responding Agency" shall mean the Agency affording or responding to a call for aid

### **Section 2. Mutual Aid and Contingency Agreement**

The members of Boyne City EMS and Emmet County EMS mutually agree to provide mutual aid and contingency service to each other.

### **Section 3. Authority to Respond to Provide Assistance**

- a. The authority to make requests for assistance or to provide aid under this Agreement shall reside with the requesting Agency's command personnel and/or command designee. Either Agency shall have the right to request assistance from the other Agency subject to the terms and conditions of this agreement.
- b. The Emergency Dispatch Center (EDC) will page out the next closest Agency if the primary Agency is unavailable for any reason. Agencies are empowered to set up automatic aid protocols through the EDC for specific circumstances in their service area.

### **Section 4. Requesting Assistance**

An Agency may request assistance from the other Agency when such assistance is essential to protect life.

Upon request, a responding Agency, if determined that an emergency exists, shall dispatch EMS personnel and equipment to aid the requesting Agency.

### **Section 5. Personnel and Equipment Provided**

The requesting Agency shall include in its request for assistance, the amount and type of equipment. Also, specify the location where the personnel and equipment is needed. The final decision on the amount and type of equipment needed shall be solely that of the responding Agency.

The responding Agency shall be immune from any liability in connection with all acts associated herewith, provided that the final decision is made with reasonable diligence. NO Agency shall make any claim against another Agency for refusal to send the requested personnel or equipment.

### **Section 6. Command and Control at the Emergency Scene**

All Agencies have established Incident Command System (ICS) Standard Operating Procedures (SOPs), and will implement them on all incidents involving mutual aid or contingency responses. The responding Agency's personnel and equipment shall report to the Incident Commander or other appropriate officer of the requesting Agency. The responding Agency will report to Incident Command for briefing and assignment.

The responding Agency's personnel and equipment shall be released by the requesting Agency when their services are no longer required or when the responding Agency's resources are needed in their response area.

It is understood that the purpose of this section is to maintain order at the emergency scene and shall not be construed to establish an employee/employer relationship.

### **Section 7. Reporting and Record Keeping**

Each Agency shall maintain its own individual patient care reports.

### **Section 8. No Reimbursement for Costs**

No agency shall be required to reimburse any other Agency for the cost of providing the services set forth in this Agreement for mutual aid services, except as provided in Section 9. Each Agency shall pay its own costs (i.e. salaries, repairs, materials, compensation, etc...) for responding for requests for mutual aid or contingency response.

### **Section 9. Fees for Ambulance Services**

Agencies providing ambulance transport or other services normally billed for will be entitled to their normal fees for service and are responsible for their own billing, insurance filing and collection.

**Section 10. Liability**

Each responding Agency hereby waives all claims against each responding Agency for compensation for any property lose or damage and/or personal injury or death occurring as a consequence of the performance of this Agreement. The responding Agency assumes all liability and/or cost of damage to its equipment and the injury or death of its personnel when responding or performing under this Agreement.

**Section 11. Insurance**

Each Agency shall procure and maintain such insurance as is required by applicable federal and state law and as may be appropriate and reasonable to cover its staff, equipment, vehicles, and property, including liability insurance, workers' compensation, automobile liability, and property damage.

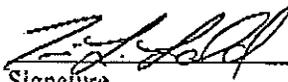
**Section 12. Conflict Resolution**

From time to time, personnel from one Agency or another may have some concerns or questions regarding this Agreement or the working relationship of the parties. Should any such issues arise, they should be dealt with by the Agency's chain of command to provide answers or resolution.

**Section 13. Term of Agreement**

This agreement shall be in full force and effect upon execution by all Agencies hereto. This Agreement shall remain in Effect for a period of one (1) year and shall renew automatically each year unless cancelled by any Agency by giving thirty days written notice. This Agreement may be amended by agreement of all the Agencies.

Emmet County EMS

  
Signature

10/15/2014  
Date

Boyne City EMS

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## MEMORANDUM

**TO: MICHAEL CAIN; CITY MANAGER** *Mc*

**FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT** *AK*

**DATE: 10/20/2014**

**RE: TREE PLANTING BIDS**

Bids were advertised for our annual tree planting project with a bid due date of October 13, 2014. Bids were received from Robinson's Landscape and Nursery of Boyne City, Louis Hoffman Nurseries of Harbor Springs and County Line Nurseries of Bangor, MI.

This year we have allotted for 42 trees to be planted in City right of way based on the list of requests from residents maintained by the front office. Following is a breakdown of the bid:

Tree Type	Quantity	Robinson	County Line	Hoffman
Red Sunset Maple	16	\$3,760.00	\$3,680	\$4,464.00
Green Mountain Sugar Maple	6	\$1,410.00	\$1,380	\$1,674.00
Northern Red Oak	0	\$0	\$ 0	\$0
Crimson King Maple	9	\$2,115.00	\$2,250.00	\$2421.00
<b>Juneberry</b>	5	\$1,325.00	\$1,150.00	\$1,325.00
<b>Nannyberry</b>	5	\$325.00	\$1,000.00	\$1,200.00
<b>Mountain Maple</b>	1	\$205.00	\$265.00	\$ No price given
<b>TOTAL</b>	42	\$9,140.00	\$9,725.00	\$11,804.00

Please note that Hoffmann did not provide pricing for the Mountain Maple. Also note that the tree species in bold print are the varieties we specified for planting in areas where overhead lines are present. These were chosen from a list provided by Consumers Energy of proper trees for these locations. As we have previously discussed the tree watering bags have been ordered and should be here in time for planting.

**RECOMENDATION:**

It is my recommendation that the City Commission approve this contract with Robinson's Landscape and Nursery of Boyne City in the amount not to exceed \$9,140.00, and authorize the City Manager to sign the necessary documents. Robinson's Landscape and Nursery has been the low bidder for this project for the last 5 years. The quality of their trees and workmanship is excellent. Funds for this project are available in the Street Department budget.

**OPTIONS:**

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



# City of Boyne City

# MEMO

Agenda Item 9F

Date: October 24, 2014  
To: Mayor Grunch and the Boyne City City Commission  
From: Michael Cain, City Manager *Mc*  
Subject: ACD Antenna's

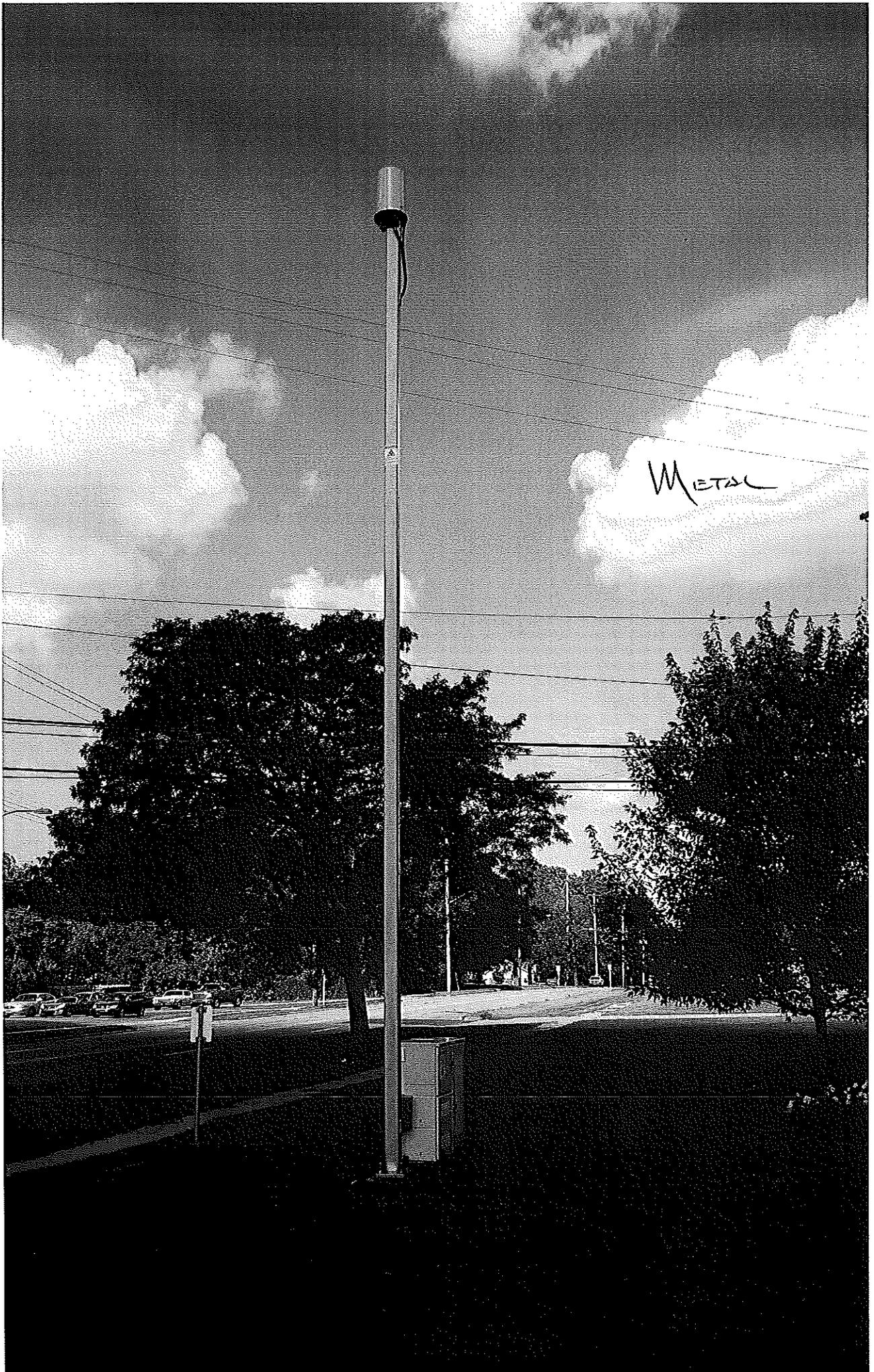
Recently the City Commission, acting on a staff recommendation, approved a METRO act agreement with ADC. Since that was approved ADC has come forward and indicated they wanted to install 20' antennas and control boxes in 5 locations around the City (see attached map). This was not spelled out in their METRO and is in violation with the METRO Act, although State policy since puts that prohibition into question.

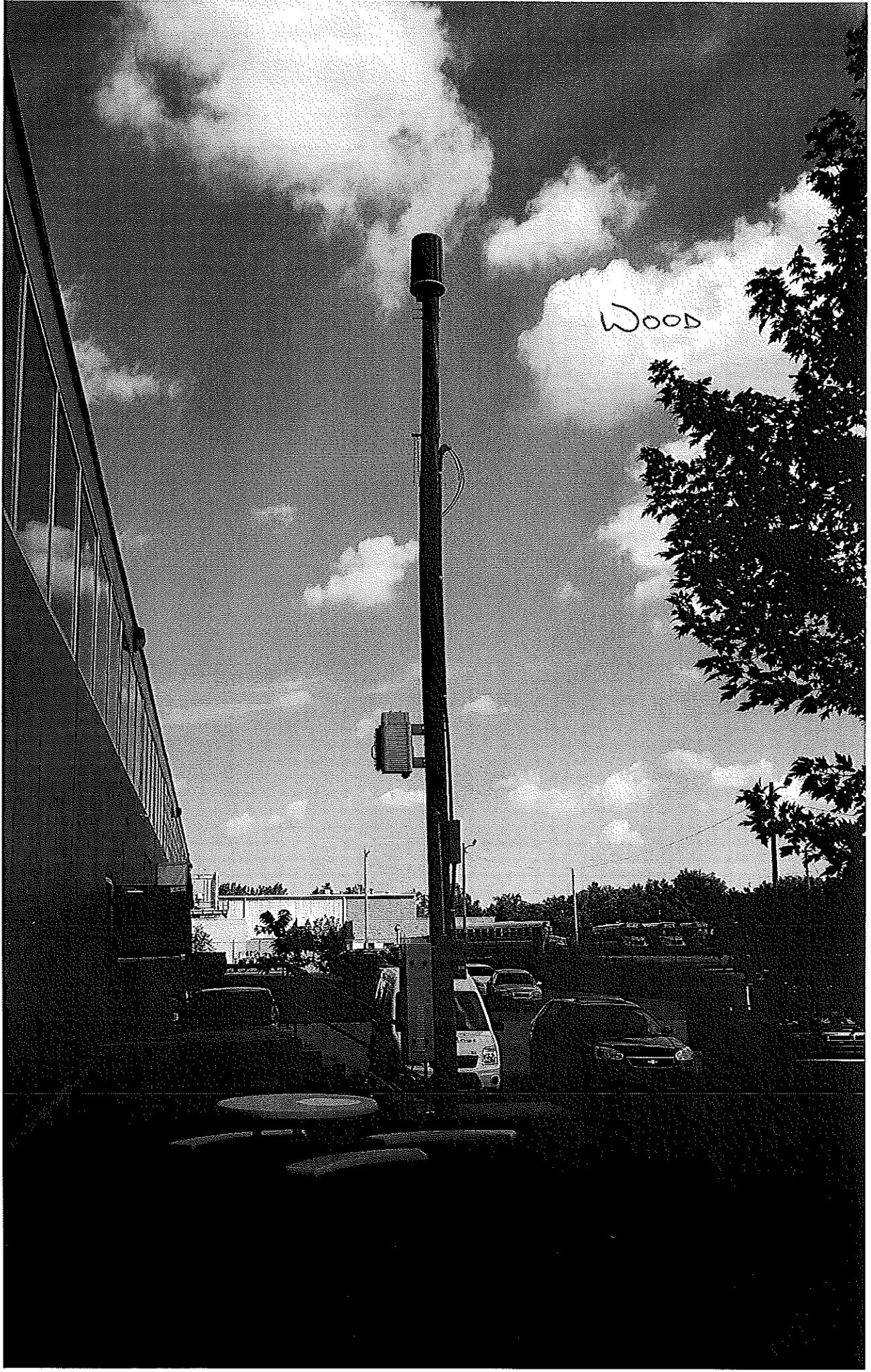
These antennas would be used by Verizon to improve cell service in the City.

I have been speaking with an experienced attorney in this area to determine what our options are. The concern is if we allow one of these to go in, have we opened the door to an unlimited number, by various vendors.

I am continuing to gather more information on this matter and would like to discuss this in great detail with the City Commission at our meeting on Tuesday so I have a better idea as to what direction to proceed. I will try to provide additional information prior to our meeting.

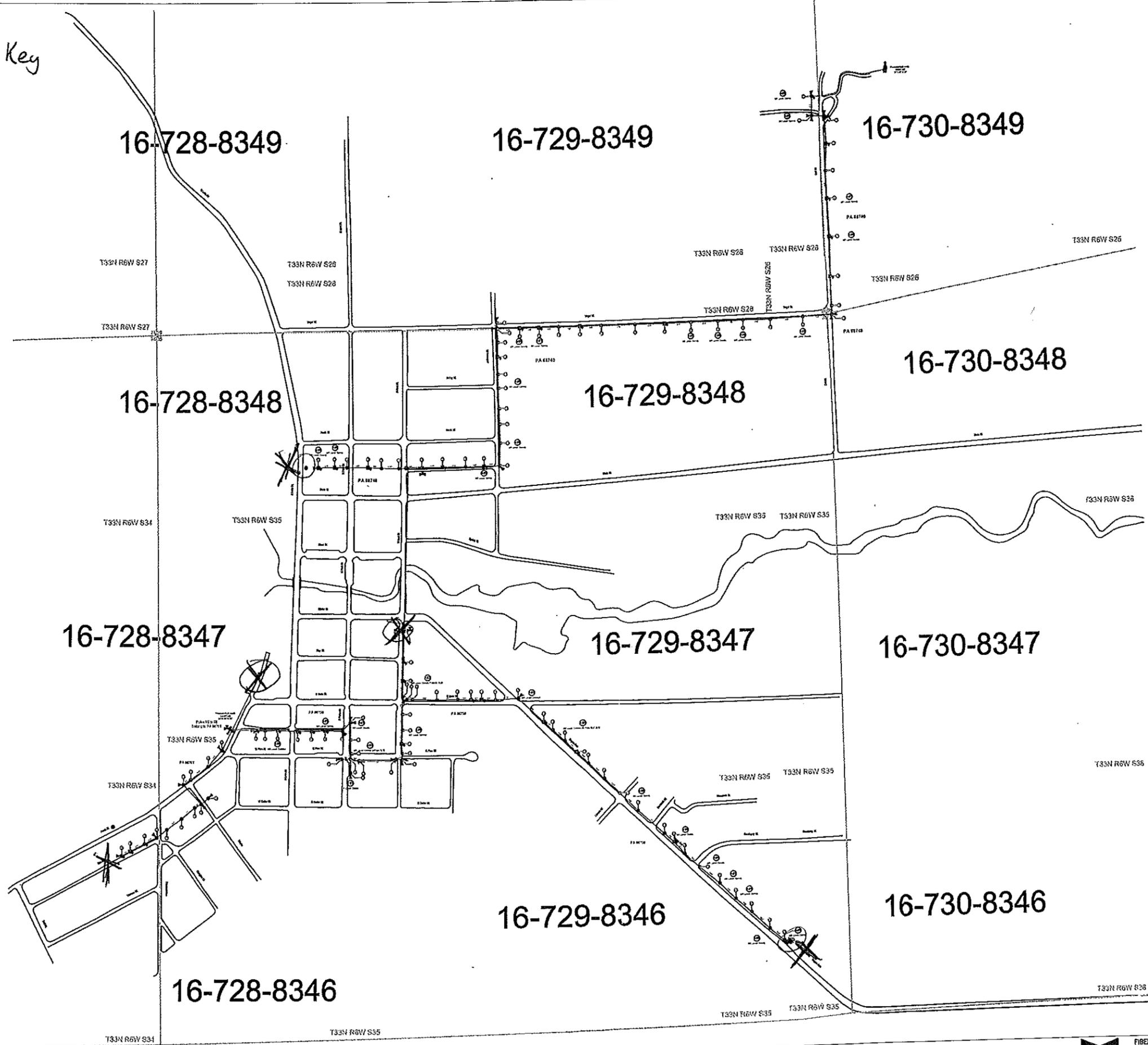
**RECOMMENDATION:** That the City Commission discusses this matter on Tuesday and if ready give staff further direction on how to proceed.





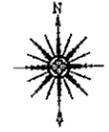
WOOD

Exhibit C Grid Key



**PROPRIETARY INFORMATION NOT FOR DISCLOSURE**  
 This set of plans contains confidential, proprietary, or otherwise restricted information. No part of these plans or the information contained herein shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of ACD.net.  
**DRAWING DISCLAIMER:** ACD.net is not responsible for the accuracy of the facility locations or data for the accuracy of the information provided on these drawings.

EQUIPMENT	
Underground:	0
Aerial:	0
Riser:	0
Pole Count:	0
Vault Count:	0
LAST REVISION	
#	1
DATE	
BY	
SCALE	1" = 200'
SIZE	ARCH B
DATE	
BY	



JOINT USE POLE	ADD COMMUNICATIONS POLE	ANCHOR w/SET DISTANCE	SLACK STORAGE COIL	AERIAL-TO UNDERGROUND RISER	IN-GROUND VAULT OR MANHOLE w/SIZE (IF APP.)	AERIAL ROUTE	FIBEROPTIC SPLICE POINT (CAPSULE)	FIBEROPTIC ENDPOINT (MDF / IDF)
JOINT USE POLE w/TRANSFORMER	CATV-OWNED POLE	NON-CABLE-BEARING STRAND	SLACK STORAGE COIL	IN-GROUND HANDHOLE w/SIZE (IF APP.)	IN-GROUND VAULT OR MANHOLE w/SIZE (IF APP.)	UNDERGROUND ROUTE	FIBEROPTIC CABLE w/STRAND COUNT	

# October 2014

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

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

# November 2014

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

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

# December 2014

December 2014							January 2015						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	1	2	3	4	5	6	4	5	6	7	1	2	3
14	8	9	10	11	12	13	11	12	13	14	15	16	17
21	15	16	17	18	19	20	18	19	20	21	22	23	24
28	22	23	24	25	26	27	25	26	27	28	29	30	31
	29	30	31										

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