



BOYNE CITY  
CITY COMMISSION REGULAR MEETING  
Boyne City Hall  
319 North Lake Street  
Tuesday, March 24, 2015 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 March 10, 2015 City Commission regular meeting minutes as presented
  - B. Approval to adopt a resolution supporting the DNR Recreation Passport Grant application for the Ridge Run Dog Park fitness tracks
  - C. Approval of the NLEA proposal at a cost of up to \$10,000 not to exceed 2% of the CDBG grant to be awarded, and authorize the City Manager to implement this agreement
  - D. Approval to name City Manager Michael Cain as the Environmental Review Officer for the Pavilion Project and to sign and submit any necessary documents
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. February, 2015 Financial Statement
8. UNFINISHED BUSINESS
  - A. 2<sup>nd</sup> Reading – One Water Street Conditional Rezoning Request  
Consideration of second reading and approval of the Conditional Zoning Amendment for the drive thru bank in the Central Business District as part of the One Water Street project as presented, subject to final review and approval of the development plan by the Planning Commission
  - B. Sommerset Pointe Update
9. NEW BUSINESS
  - A. DPW Facility Bids  
Consideration to approve to award the contract to construct the DPW Facilities at North Boyne to Hallmark Construction for the \$2,073,000 and authorize the City Manager to execute the required documents

- B. Michigan DNR Waterways Grant Application  
Consideration to authorize staff to submit an application to the Waterways Commission for grant funding of \$30,000 to undertake preliminary engineering for the marina expansion project and appoint the City Manager to sign and submit any necessary documents
- C. Request of the City Manager to go into closed session with our attorney regarding  
1) Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) and 2) consider strategy connected with the negotiation of a collective bargaining agreement as provided in MCL 15.268 (c) of the Michigan Open Meetings Act (PA 267 of 1976)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, April 14, 2015 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

**MARCH 10, 2015  
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 MARCH 10, 2015

**CALL TO ORDER**

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

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

Absent: None

Staff: Cindy Grice, Michael Cain, John Lamont, Lori Meeder, Andy Kovolski, Scott McPherson, Jeff Gaither, Kevin Spate, Craig Remsberg, Mark Fowler

Others: There were 16 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

**CONSENT AGENDA  
MOTION**

2015-03-023  
Moved by Towne  
Second by Neidhamer

2015-03-023A  
To approve the February 24, 2015 City Commission regular meeting minutes as presented  
2015-03-023B  
To approve the Federal Surplus Property Program Resolution designating City Manager Michael Cain as the coordinator of Surplus Property Donee and Custodian

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**CITIZENS COMMENTS**

None

None

**CORRESPONDENCE**

City Manager Cain reported:

**CITY MANAGERS REPORT**

- Bids for the DPW facilities will be opened March 12, 2015
- There are 56 days until the bond election
- Keep running your water until further notice

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

Draft Minutes of the February 5, 2015, 2015 Main Street Board Meeting; the February 12, 2015 Parks and Recreation Board Meeting; the February 16, 2015 Planning Commission Meeting; the February 17, 2015 Historical District Meeting; the February 23, 2015 Main Street Board work session and the February 26, 2015 Airport Board Meeting were received and filed.

**Sommerset Point  
Agreement**

City Manager Cain reported that we are communicating with the City Attorney regarding this agreement.

**Cross Connection Control Contract**

Consideration to accept a proposal from M & H Facility Operations Inc. for a cross control connection contract for three years in the amount of \$3,800 for the first year with a proposed annual increase of \$114 annually for each of the subsequent years

W/WW Superintendent Mark Fowler discussed the cross connection control program. Last year the City awarded a one year bid. We currently have a three year proposal to do the inspections and manage the cross connection control program that has a 30 day out clause. The first year proposed amount is \$3,800, 2<sup>nd</sup> year \$3,914 and third year \$4,028.00. Eventually, we may be able to do this in-house.

Citizens Comments: None

Staff Comments: None

Board Discussion: Commissioner Sansom asked Mark to describe the program. Commissioner Gaylord said he like the idea of moving this in house and also, the 30 day out clause. All other Commissioners agree with the recommendation.

**MOTION**

2015-03-024

Moved by Sansom  
Second by Gaylord

To accept a proposal from M & H Facility Operations Inc. for a cross control connection contract for three years in the amount of \$3,800 for the first year with a proposed annual increase of \$114 annually for each of the subsequent years

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

**DNR Passport Recreation Grant**

Consideration to authorize staff to prepare and submit a Recreation Passport grant application to the Michigan Department of Natural Resources in the amount of \$10,350 for the Ridge Run Fitness Trail Project on the City's behalf and authorize the City Manager to implement the grant agreement if the committed match funds are raised by the Ridge Run Dog Park Committee.

Barb Brooks discussed the opportunity to apply for a Recreation Pass through the Michigan DNR to install fitness trails at the dog park location. The estimated project cost to install a hard packed gravel surface for the trails is \$15,000. The Recreation Pass grant requires a minimum of 25% funding match. The Ridge Run Dog park committee has requested the City consider applying for this grant and proposes a 31% match through fundraising and private contributions, however, the City would have to commit at the time of the application submittal to the local match. If the committee was unsuccessful at raising the necessary funds or in-kind contributions, the City would have the option of pulling the applicaton or declining the grant award.

Citizens Comments: Michelle Carter of the Ridge Run Dog Park

committee said it has been a successful winter at the dog park.

Staff Comments: Public Works superintendent Andy Kovolski said this was brought to the Parks and Recreation committee. City Manager Cain added the Passport grant was selected for this project so it wouldn't conflict with other grants such as the Pavilion project.

Board Discussion: Commissioner Gaylord inquired about handicap access and if benches were allowed under this grant. All Commissioner expressed support for this recommendation.

**MOTION**

2015-03-025

Moved by Towne

Second by Neidhamer

To authorize staff to prepare and submit a Recreation Passport grant application to the Michigan Department of Natural Resources in the amount of \$10,350 for the Ridge Run Fitness Trail Project on the City's behalf and authorize the City Manager to implement the grant agreement if the committed match funds are raised by the Ridge Run Dog Park Committee

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Brush Grinding Contract**

Consideration to award a contract to Team Elmer's in the amount of \$26,950 to grind the brush pile and log and stump piles at the North Boyne Yard and authorize the City Manager to sign the required documents.

Public Works Superintendent Andy Kovolski discussed the need to have a company come in to grind the brush pile, large trunks and stumps at the North Boyne yard. We received two quotes for doing this. The low bid was from Team Elmers.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in support of the recommendation.

**MOTION**

2015-03-026

Moved by Gaylord

Second by Towne

To award a contract to Team Elmer's in the amount of \$26,950 to grind the brush pile and log and stump piles at the North Boyne Yard and authorize the City Manager to sign the required documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**2014 Planning Report**

City Planning Director Scott McPherson presented the 2014 Annual Planning report.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Gaylord inquired if there are any trends on enforcement. Scott said it has been consistent.

**Aeration Blower Drive Replacement**

Consideration to repair three aeration blower motors as proposed for an estimated total of \$16,400 using services from Shoreline Power Services and Graham Motors and authorize the City Manager to execute the documents.

W/WW Superintendent Mark Fowler discussed the aeration blowers that are in need of repair. We are currently running on one aeration blower with no backup. There appears to have been a recent power surge. We lost power to two of the blowers and one has a bad motor and has been pulled for bearing repairs. The total cost to repair all three would be approximately \$16,400 and we will need to have at least two of the three fixed.

Staff comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer asked wouldn't 3 blowers be better to repair? Commissioner Sansom asked how long it would take for the third blower to be fixed and was informed a week or two.

**MOTION**

2015-03-027

Moved by Neidhamer  
Second by Gaylord

To repair three aeration blower motors as proposed for an estimated total of \$16,400 using services from Shoreline Power Services and Graham Motors and authorize the City Manager to execute the documents and the timeline of the repairs at staff's discretion.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**FYE 2016 Budget Presentation**

City Manager Michael Cain presented the FYE 2016 Proposed Budget to the Commissioners. Highlights include funds budgeted for the new DPW facilities to be constructed at North Boyne along with the possible Pavilion project.

Staff comments: None

Citizens Comments: None

Board Discussion: Commissioner Sansom requested an updated list of all

motor pool equipment. The budget work session will take place on Tuesday, March 17, 2015 beginning at 8:00 am.

**Good of the Order**

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Mayor Pro-Tem Towne discussed potholes that have formed recently.

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**CLOSED SESSION  
MOTION**

2015-03-028  
Moved by Grunch  
Second by Gaylord

To approve the request of the City Manager to go into closed session to consider strategy connected with the negotiation of a collective bargaining agreement as provided in MCL 15.268 (c) of the Michigan Open Meetings Act (PA 267 of 1976 at 8:20 pm.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

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**RETURN TO OPEN  
SESSION**

2015-03-029  
Moved by Grunch  
Second by Gaylord

To return to open session at 9:15 pm.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

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**ADJOURNMENT**

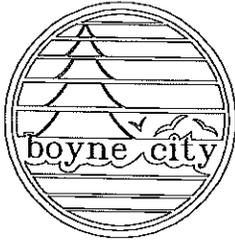
Moved by Mayor Grunch seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, March 10, 2015 at 9:16 p.m.

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Ron Grunch  
Mayor

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Cindy Grice  
Clerk / Treasurer

**CITY OF BOYNE CITY****MEMO**

**To:** Michael Cain, City Manager *Mc*  
**From:** Barb Brooks, Executive Assistant *BB*  
**Date:** March 20, 2015  
**Subject:** DNR Passport Grant Application Resolution

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At the City Commission's March 10, 2015 meeting, a motion was passed to apply for a Recreation Passport grant to help fund the "Fitness Track" project at Ridge Run Dog Park.

The grant application requires a resolution be passed by the City Commission as part of the application process. Attached is a recommended resolution.

**Recommendation:** to adopt the attached resolution supporting the Recreation Passport grant application for the Ridge Run Dog Park fitness tracks.

**Resolution to Commit to an Application to Recreation Passport Grant for the Ridge Run Dog Park Fitness Trails**

**Whereas** Boyne City is applying for a Recreation Passport Grant from the Michigan Department of Natural Resources, and

**Whereas** the project is identified as the Ridge Run Dog Park Fitness Trails, and

**Whereas** the Boyne City Recreation Plan identifies the goal of continued enhancements of all parks; including Ridge Run Dog Park, and

**Whereas** the public has opportunity to comment on the overall project and grant application,

**BE IT RESOLVED**, that the City of Boyne City supports the application to the MDNR - Recreation Passport grant program and if successful, agrees to provide the minimum 31% matching funds as required.

Ayes:

Nays:

Absent:

Resolution declared adopted on \_\_\_\_\_, 2015.

*Being duly qualified as the Boyne City Clerk, Charlevoix County, Michigan, I do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Boyne City Commission at a regular meeting held at the Boyne City Hall, 319 N. Lake St., Boyne City, Michigan on March 24, 2015.*

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*Cynthia Grice  
City Clerk/Treasurer*



Date: March 24, 2015

To: Michael Cain, City Manager   
and City Commissioners

From: Lori Meeder, Main Street 

RE: Request For Proposal (RFP)  
Catt Development S. Lake Redevelopment Project CDBG Certified Grant  
Administrator (CGA)

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As required by the State of Michigan for this project, the city solicited bids for the Certified Grant Administrator (CGA) for the Catt Development S. Lake Street Community Development Block Grant (CDBG) project. Invitations were sent to four CGA's in MEDC Region 2 for this project. One proposal was received and opened publicly on Friday, March 20<sup>th</sup> at 2:00 at Boyne City City Hall. The proposal from Sara Christensen, Northern Lakes Economic Alliance, was within MEDC guidelines, with a not to exceed fee of \$5,000, if the total grant award is \$250,000 or less. If the grant award is greater than \$250,000 the fee will be up to 2% of the grant award not to exceed \$10,000. This is a cost of the project and is not being paid by the City. The State requires that the CGA be retained for the project using the bidding process.

The City has used NLEA for this type of grant administration for over ten years with excellent results.

**Recommendation**

Request the City commission approve the NLEA proposal at a cost not to exceed \$5,000, if the total grant award is \$250,000 or less. If the grant award is greater than \$250,000 the fee will be up to 2% of the grant award not to exceed \$10,000. Request the City commission to authorize the City Manager to sign all necessary paperwork to implement this agreement.

**Options**

- Postpone for further information or consideration
- Do not approve bid
- Take no action
- Other as determined by City Commission



**CITY OF BOYNE CITY**

**MEMO**

**To:** Michael Cain, City Manager *Mc*

**From:** Barb Brooks, Executive Assistant

**Date:** March 20, 2015

**Subject:** Environmental Review

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In preparation for the proposed pavilion renovation project, the City is undertaking the environmental review process. This process is mandatory to receive federal and state grant funds.

If the City is invited to apply for CDBG funds from the MEDC the environmental review officer will sign and submit the necessary documents to the State and ensure proper processes are being followed. It is common to start the process prior to applying for a grant due to the amount of time the process may take. If it is not started in advance, it can hold up a project.

This is a standard procedure and there are no costs to the City to undertake the environmental review.

**Recommendation:** to name City Manager Michael Cain as the environmental review officer for the Pavilion Project and to sign and submit any necessary documents.

CASH SUMMARY BY FUND FOR BOYNE CITY

FROM 02/01/2015 TO 02/28/2015

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 02/01/2015	Total Debits	Total Credits	Ending Balance 02/28/2015
101	GENERAL FUND	3,419,161.84	62,390.36	167,378.40	3,314,173.80
202	MAJOR STREET FUND	7,507.66	126,982.01	33,585.78	100,903.89
203	LOCAL STREET FUND	7,507.66	27,320.63	25,348.81	9,479.48
206	FIRE FUND	320,336.26	7,943.05	12,688.08	315,591.23
209	CEMETERY FUND	7,389.00	640.00	145.97	7,883.03
210	AMBULANCE FUND	0.00	44,698.32	44,698.32	0.00
211	SPECIAL PROJECTS FUND	3,647.28	75.00	0.00	3,722.28
226	RUBBISH COLLECTION FUND	0.00	0.00	0.00	0.00
242	BOYNE THUNDER FUND	72,429.33	19,500.00	138.00	91,791.33
248	DOWNTOWN DEVELOPMENT AUTHORITY	254,640.08	52,232.90	11,299.07	295,573.91
251	LDFA FUND	1,061,633.84	35,376.11	2,943.90	1,094,066.05
285	MARINA FUND	139,797.40	775.00	666.87	139,905.53
295	AIRPORT FUND	11,884.58	156.00	2,388.66	9,651.92
410	BOYNE SENIORS CENTER FUND	0.00	0.00	0.00	0.00
590	WASTEWATER FUND	2,251,561.49	106,359.67	31,230.17	2,326,690.99
592	WATER FUND	561,848.00	68,745.77	24,460.29	606,133.48
661	MOTOR POOL FUND	897,816.20	1,963.08	13,836.16	885,943.12
	TOTAL - ALL FUNDS	9,017,160.62	555,157.90	370,808.48	9,201,510.04

03/19/2015 10:33 AM

User: Shelly  
DB: Boyne City

CHECK PROOF FOR CITY OF BOYNE CITY

BANK CODE: GEN CHECK DATE: 03/19/2015 INVOICE PAY DATE FROM 03/18/2015 TO 03/19/2015

Check Date	Bank	Check #	Vendor Code	Vendor Name	Invoice Total	Credit Total	Total Amount	# Invoices
03/19/2015	GEN	00000000078(A)	1668	BARB BROOKS	201.25	0.00	201.25	1
03/19/2015	GEN	00000000079(A)	4103	DC ASSESSING SERVICES	4,513.33	0.00	4,513.33	1
03/19/2015	GEN	00000000080(A)	4208	UP NORTH PROPERTY SERVICES	2,637.50	0.00	2,637.50	1
03/19/2015	GEN	00000000081(A)	623	Dan Meads	264.54	0.00	264.54	1
Num Checks: 4		Num Stubs: 0		Num Invoices: 4	Total Amount: 7,616.62			

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BGDG USED
	AMENDED BUDGET	02/28/2015 NORMAL (ABNORM)	MONTH 02/28/20 INCREASE (DECR)	BALANCE NORMAL (ABNORM)	
<b>Fund 101 - GENERAL FUND</b>					
<b>Revenues</b>					
031-REVENUES	3,656,995.00	2,487,454.24	28,192.94	1,169,540.76	68.02
032-REVENUES	992,078.00	245,412.63	396.55	746,665.37	24.74
033-REVENUES	142,500.00	118,333.30	11,833.33	24,166.70	83.04
034-REVENUES	152,500.00	70,175.80	18,569.27	82,324.20	46.02
035-REVENUES	13,200.00	10,034.77	1,117.43	3,165.23	76.02
036-REVENUES	77,784.00	89,852.60	1,398.32	(12,068.60)	115.52
<b>TOTAL Revenues</b>	<b>5,035,057.00</b>	<b>3,021,263.34</b>	<b>61,507.84</b>	<b>2,013,793.66</b>	<b>60.00</b>
<b>Expenditures</b>					
101-LEGISLATIVE	20,695.00	19,514.14	105.00	1,180.86	94.29
151-PLANNING	170,363.00	129,401.22	11,484.47	40,961.78	75.96
173-GENERAL SERVICES	586,324.00	459,805.32	40,054.26	126,518.68	78.42
191-ELECTIONS	2,300.00	2,644.74	0.00	(344.74)	114.99
208-ACCOUNTING/AUDIT	12,800.00	10,202.50	0.00	2,597.50	79.71
209-ASSESSMENT/TAXES	70,610.00	55,058.58	4,513.33	15,551.42	77.98
210-LEGAL	60,000.00	21,809.69	3,842.40	38,190.31	36.35
248-GENERAL/OTHER SERVICES	161,300.00	76,716.68	6,594.07	84,583.32	47.56
250-HOUSING	0.00	3,954.60	175.49	(3,954.60)	100.00
265-PUBLIC BUILDINGS	1,195,240.00	175,937.58	40,317.24	1,019,302.42	14.72
301-POLICE DEPARTMENT	673,774.00	496,362.96	40,096.57	177,411.04	73.67
706-ENVIRONMENTAL	825.00	1,000.00	0.00	(175.00)	121.21
751-PARKS & RECREATION	327,900.00	206,282.65	16,739.73	121,617.35	62.91
804-MUSEUM	3,177.00	1,505.75	191.36	1,671.25	47.40
809-SIDEWALKS	808,000.00	3,113.25	0.00	804,886.75	0.39
899-CONTINGENCY	35,992.00	24,981.02	967.50	11,010.98	69.41
965-TRANSFERS OUT	905,757.00	978,863.33	5,792.95	(73,106.33)	108.07
<b>TOTAL Expenditures</b>	<b>5,035,057.00</b>	<b>2,667,154.01</b>	<b>170,874.37</b>	<b>2,367,902.99</b>	<b>52.97</b>
<b>Fund 101 - GENERAL FUND:</b>					
TOTAL REVENUES	5,035,057.00	3,021,263.34	61,507.84	2,013,793.66	60.00
TOTAL EXPENDITURES	5,035,057.00	2,667,154.01	170,874.37	2,367,902.99	52.97
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0.00</b>	<b>354,109.33</b>	<b>(109,366.53)</b>	<b>(354,109.33)</b>	<b>100.00</b>

ACCOUNT DESCRIPTION	2014-15	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BGD USED
	AMENDED BUDGET	02/28/2015 NORMAL (ABNORM)	MONTH 02/28/20 INCREASE (DECR)	BALANCE NORMAL (ABNORM)	
<b>Fund 202 - MAJOR STREET FUND</b>					
Revenues					
030-REVENUES	1,540,719.00	1,546,949.20	126,982.01	(6,230.20)	100.40
<b>TOTAL Revenues</b>	<b>1,540,719.00</b>	<b>1,546,949.20</b>	<b>126,982.01</b>	<b>(6,230.20)</b>	<b>100.40</b>
Expenditures					
451-CONSTRUCTION	1,021,070.00	1,120,626.21	9,016.23	(99,556.21)	109.75
463-ROUTINE MAINTANCE	197,700.00	133,581.97	4,372.06	64,118.03	67.57
474-TRAFFIC SERVICE	32,200.00	6,602.36	171.21	25,597.64	20.50
478-WINTER MAINTENANCE	148,000.00	113,405.57	15,051.64	34,594.43	76.63
482-ADMINISTRATION	141,749.00	54,728.59	4,974.64	87,020.41	38.61
<b>TOTAL Expenditures</b>	<b>1,540,719.00</b>	<b>1,428,944.70</b>	<b>33,585.78</b>	<b>111,774.30</b>	<b>92.75</b>
<b>Fund 202 - MAJOR STREET FUND:</b>					
TOTAL REVENUES	1,540,719.00	1,546,949.20	126,982.01	(6,230.20)	100.40
TOTAL EXPENDITURES	1,540,719.00	1,428,944.70	33,585.78	111,774.30	92.75
NET OF REVENUES & EXPENDITURES	0.00	118,004.50	93,396.23	(118,004.50)	100.00

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% B DGT
	AMENDED	02/28/2015	MONTH 02/28/20	BALANCE	
	BUDGET	NORMAL (ABNORM	INCREASE (DECR	NORMAL (ABNORM	USED
<b>Fund 203 - LOCAL STREET FUND</b>					
Revenues					
030-REVENUES	537,381.00	363,458.28	27,320.63	173,922.72	67.64
<b>TOTAL Revenues</b>	<b>537,381.00</b>	<b>363,458.28</b>	<b>27,320.63</b>	<b>173,922.72</b>	<b>67.64</b>
Expenditures					
451-CONSTRUCTION	20,763.00	14,264.26	228.28	6,498.74	68.70
463-ROUTINE MAINTANCE	308,100.00	179,642.81	9,228.77	128,457.19	58.31
474-TRAFFIC SERVICE	19,625.00	5,844.76	114.14	13,780.24	29.78
478-WINTER MAINTENANCE	120,610.00	99,662.01	11,011.59	20,947.99	82.63
482-ADMINISTRATION	68,283.00	51,987.36	4,766.03	16,295.64	76.14
<b>TOTAL Expenditures</b>	<b>537,381.00</b>	<b>351,401.20</b>	<b>25,348.81</b>	<b>185,979.80</b>	<b>65.39</b>
<b>Fund 203 - LOCAL STREET FUND:</b>					
TOTAL REVENUES	537,381.00	363,458.28	27,320.63	173,922.72	67.64
TOTAL EXPENDITURES	537,381.00	351,401.20	25,348.81	185,979.80	65.39
NET OF REVENUES & EXPENDITURES	0.00	12,057.08	1,971.82	(12,057.08)	100.00

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDC USED
Fund 206 - FIRE FUND					
Revenues					
030-REVENUES	293,000.00	20,044.72	7,908.55	272,955.28	6.84
TOTAL Revenues	293,000.00	20,044.72	7,908.55	272,955.28	6.84
Expenditures					
040-EXPENDITURES	266,341.00	149,988.22	12,653.58	116,352.78	56.31
TOTAL Expenditures	266,341.00	149,988.22	12,653.58	116,352.78	56.31
<b>Fund 206 - FIRE FUND:</b>					
TOTAL REVENUES	293,000.00	20,044.72	7,908.55	272,955.28	6.84
TOTAL EXPENDITURES	266,341.00	149,988.22	12,653.58	116,352.78	56.31
NET OF REVENUES & EXPENDITURES	26,659.00	(129,943.50)	(4,745.03)	156,602.50	487.43

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 209 - CEMETERY FUND</b>					
Revenues					
030-REVENUES	68,755.00	20,880.00	600.00	47,875.00	30.37
TOTAL Revenues	68,755.00	20,880.00	600.00	47,875.00	30.37
Expenditures					
040-EXPENDITURES	68,755.00	39,500.97	105.97	29,254.03	57.45
TOTAL Expenditures	68,755.00	39,500.97	105.97	29,254.03	57.45
<b>Fund 209 - CEMETERY FUND:</b>					
TOTAL REVENUES	68,755.00	20,880.00	600.00	47,875.00	30.37
TOTAL EXPENDITURES	68,755.00	39,500.97	105.97	29,254.03	57.45
NET OF REVENUES & EXPENDITURES	0.00	(18,620.97)	494.03	18,620.97	100.00

ACCOUNT DESCRIPTION	2014-15	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT
	AMENDED	02/28/2015	MONTH 02/28/20	BALANCE	
	BUDGET	NORMAL (ABNORM)	INCREASE (DECR)	NORMAL (ABNORM)	USED
<b>Fund 210 - AMBULANCE FUND</b>					
Revenues					
030-REVENUES	749,535.00	565,559.07	43,651.66	183,975.93	75.45
032-REVENUES	147,527.00	144,700.00	23,036.00	2,827.00	98.08
<b>TOTAL Revenues</b>	<b>897,062.00</b>	<b>710,259.07</b>	<b>66,687.66</b>	<b>186,802.93</b>	<b>79.18</b>
Expenditures					
040-EXPENDITURES	749,535.00	710,407.83	79,457.46	39,127.17	94.78
045-EXPENSES	182,000.00	0.00	0.00	182,000.00	0.00
<b>TOTAL Expenditures</b>	<b>931,535.00</b>	<b>710,407.83</b>	<b>79,457.46</b>	<b>221,127.17</b>	<b>76.26</b>
<b>Fund 210 - AMBULANCE FUND:</b>					
TOTAL REVENUES	897,062.00	710,259.07	66,687.66	186,802.93	79.18
TOTAL EXPENDITURES	931,535.00	710,407.83	79,457.46	221,127.17	76.26
NET OF REVENUES & EXPENDITURES	(34,473.00)	(148.76)	(12,769.80)	(34,324.24)	0.43

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 211 - SPECIAL PROJECTS FUND</b>					
Revenues					
030-REVENUES	0.00	29,118.81	75.00	(29,118.81)	100.00
<b>TOTAL Revenues</b>	<b>0.00</b>	<b>29,118.81</b>	<b>75.00</b>	<b>(29,118.81)</b>	<b>100.00</b>
Expenditures					
040-EXPENDITURES	0.00	27,676.98	0.00	(27,676.98)	100.00
<b>TOTAL Expenditures</b>	<b>0.00</b>	<b>27,676.98</b>	<b>0.00</b>	<b>(27,676.98)</b>	<b>100.00</b>
<b>Fund 211 - SPECIAL PROJECTS FUND:</b>					
TOTAL REVENUES	0.00	29,118.81	75.00	(29,118.81)	100.00
TOTAL EXPENDITURES	0.00	27,676.98	0.00	(27,676.98)	100.00
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0.00</b>	<b>1,441.83</b>	<b>75.00</b>	<b>(1,441.83)</b>	<b>100.00</b>

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDDT USED
Fund 226 - RUBBISH COLLECTION FUND					
Revenues					
030-REVENUES	35,100.00	35,527.51	0.00	(427.51)	101.22
TOTAL Revenues	35,100.00	35,527.51	0.00	(427.51)	101.22
Expenditures					
040-EXPENDITURES	35,100.00	35,527.51	0.00	(427.51)	101.22
TOTAL Expenditures	35,100.00	35,527.51	0.00	(427.51)	101.22
Fund 226 - RUBBISH COLLECTION FUND:					
TOTAL REVENUES	35,100.00	35,527.51	0.00	(427.51)	101.22
TOTAL EXPENDITURES	35,100.00	35,527.51	0.00	(427.51)	101.22
NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	0.00

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT
	AMENDED BUDGET	02/28/2015 NORMAL (ABNORM)	MONTH 02/28/20 INCREASE (DECR)	BALANCE NORMAL (ABNORM)	
Fund 242 - BOYNE THUNDER FUND					
Revenues					
030-REVENUES	165,000.00	179,231.04	19,500.00	(14,231.04)	108.62
TOTAL Revenues	165,000.00	179,231.04	19,500.00	(14,231.04)	108.62
Expenditures					
040-EXPENDITURES	140,100.00	193,153.42	138.00	(53,053.42)	137.87
TOTAL Expenditures	140,100.00	193,153.42	138.00	(53,053.42)	137.87
Fund 242 - BOYNE THUNDER FUND:					
TOTAL REVENUES	165,000.00	179,231.04	19,500.00	(14,231.04)	108.62
TOTAL EXPENDITURES	140,100.00	193,153.42	138.00	(53,053.42)	137.87
NET OF REVENUES & EXPENDITURES	24,900.00	(13,922.38)	19,362.00	38,822.38	55.91

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY</b>					
Revenues					
030-REVENUES	452,558.00	332,463.92	46,237.02	120,094.08	73.46
<b>TOTAL Revenues</b>	<b>452,558.00</b>	<b>332,463.92</b>	<b>46,237.02</b>	<b>120,094.08</b>	<b>73.46</b>
Expenditures					
731-EXPENDITURES	452,558.00	155,996.09	5,903.19	296,561.91	34.47
<b>TOTAL Expenditures</b>	<b>452,558.00</b>	<b>155,996.09</b>	<b>5,903.19</b>	<b>296,561.91</b>	<b>34.47</b>
<b>Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:</b>					
TOTAL REVENUES	452,558.00	332,463.92	46,237.02	120,094.08	73.46
TOTAL EXPENDITURES	452,558.00	155,996.09	5,903.19	296,561.91	34.47
NET OF REVENUES & EXPENDITURES	0.00	176,467.83	40,333.83	(176,467.83)	100.00

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDT USED
Fund 251 - LDFA FUND					
Revenues					
030-REVENUES	887,841.00	213,242.63	35,376.11	674,598.37	24.02
TOTAL Revenues	887,841.00	213,242.63	35,376.11	674,598.37	24.02
Expenditures					
040-EXPENDITURES	887,841.00	113,656.52	2,943.90	774,184.48	12.80
TOTAL Expenditures	887,841.00	113,656.52	2,943.90	774,184.48	12.80
Fund 251 - LDFA FUND:					
TOTAL REVENUES	887,841.00	213,242.63	35,376.11	674,598.37	24.02
TOTAL EXPENDITURES	887,841.00	113,656.52	2,943.90	774,184.48	12.80
NET OF REVENUES & EXPENDITURES	0.00	99,586.11	32,432.21	(99,586.11)	100.00

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
<b>Fund 285 - MARINA FUND</b>					
Revenues					
030-REVENUES	372,000.00	236,560.73	702.60	135,439.27	63.59
<b>TOTAL Revenues</b>	<b>372,000.00</b>	<b>236,560.73</b>	<b>702.60</b>	<b>135,439.27</b>	<b>63.59</b>
Expenditures					
040-EXPENDITURES	372,000.00	295,157.38	594.47	76,842.62	79.34
<b>TOTAL Expenditures</b>	<b>372,000.00</b>	<b>295,157.38</b>	<b>594.47</b>	<b>76,842.62</b>	<b>79.34</b>
<b>Fund 285 - MARINA FUND:</b>					
TOTAL REVENUES	372,000.00	236,560.73	702.60	135,439.27	63.59
TOTAL EXPENDITURES	372,000.00	295,157.38	594.47	76,842.62	79.34
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0.00</b>	<b>(58,596.65)</b>	<b>108.13</b>	<b>58,596.65</b>	<b>100.00</b>

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 295 - AIRPORT FUND</b>					
Revenues					
030-REVENUES	143,400.00	76,326.18	56.00	67,073.82	53.23
<b>TOTAL Revenues</b>	<b>143,400.00</b>	<b>76,326.18</b>	<b>56.00</b>	<b>67,073.82</b>	<b>53.23</b>
Expenditures					
040-EXPENDITURES	143,400.00	57,961.12	2,388.66	85,438.88	40.42
<b>TOTAL Expenditures</b>	<b>143,400.00</b>	<b>57,961.12</b>	<b>2,388.66</b>	<b>85,438.88</b>	<b>40.42</b>
<b>Fund 295 - AIRPORT FUND:</b>					
TOTAL REVENUES	143,400.00	76,326.18	56.00	67,073.82	53.23
TOTAL EXPENDITURES	143,400.00	57,961.12	2,388.66	85,438.88	40.42
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0.00</b>	<b>18,365.06</b>	<b>(2,332.66)</b>	<b>(18,365.06)</b>	<b>100.00</b>

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
<b>Fund 590 - WASTEWATER FUND</b>					
Revenues					
030-REVENUES	1,221,522.00	709,293.55	86,267.23	512,228.45	58.07
<b>TOTAL Revenues</b>	<b>1,221,522.00</b>	<b>709,293.55</b>	<b>86,267.23</b>	<b>512,228.45</b>	<b>58.07</b>
Expenditures					
590-EXPENDITURES	1,159,840.00	394,239.79	29,754.67	765,600.21	33.99
<b>TOTAL Expenditures</b>	<b>1,159,840.00</b>	<b>394,239.79</b>	<b>29,754.67</b>	<b>765,600.21</b>	<b>33.99</b>
<b>Fund 590 - WASTEWATER FUND:</b>					
TOTAL REVENUES	1,221,522.00	709,293.55	86,267.23	512,228.45	58.07
TOTAL EXPENDITURES	1,159,840.00	394,239.79	29,754.67	765,600.21	33.99
NET OF REVENUES & EXPENDITURES	61,682.00	315,053.76	56,512.56	(253,371.76)	510.77

User: Cindy

DB: Boyne City

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 592 - WATER FUND					
Revenues					
032-REVENUES	605,380.00	460,649.23	57,701.30	144,730.77	76.09
TOTAL Revenues	<u>605,380.00</u>	<u>460,649.23</u>	<u>57,701.30</u>	<u>144,730.77</u>	<u>76.09</u>
Expenditures					
592-EXPENDITURES	564,400.00	274,370.97	17,329.33	290,029.03	48.61
TOTAL Expenditures	<u>564,400.00</u>	<u>274,370.97</u>	<u>17,329.33</u>	<u>290,029.03</u>	<u>48.61</u>
Fund 592 - WATER FUND:					
TOTAL REVENUES	605,380.00	460,649.23	57,701.30	144,730.77	76.09
TOTAL EXPENDITURES	564,400.00	274,370.97	17,329.33	290,029.03	48.61
NET OF REVENUES & EXPENDITURES	<u>40,980.00</u>	<u>186,278.26</u>	<u>40,371.97</u>	<u>(145,298.26)</u>	<u>454.56</u>

PERIOD ENDING 02/28/2015

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 02/28/2015 NORMAL (ABNORM)	ACTIVITY FOR MONTH 02/28/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDT USED
Fund 661 - MOTOR POOL FUND					
Revenues					
030-REVENUES	481,950.00	216,446.22	1,963.08	265,503.78	44.91
TOTAL Revenues	481,950.00	216,446.22	1,963.08	265,503.78	44.91
Expenditures					
040-EXPENDITURES	481,950.00	131,325.82	13,836.16	350,624.18	27.25
TOTAL Expenditures	481,950.00	131,325.82	13,836.16	350,624.18	27.25
Fund 661 - MOTOR POOL FUND:					
TOTAL REVENUES	481,950.00	216,446.22	1,963.08	265,503.78	44.91
TOTAL EXPENDITURES	481,950.00	131,325.82	13,836.16	350,624.18	27.25
NET OF REVENUES & EXPENDITURES	0.00	85,120.40	(11,873.08)	(85,120.40)	100.00
TOTAL REVENUES - ALL FUNDS	12,736,725.00	8,171,714.43	538,885.03	4,565,010.57	64.16
TOTAL EXPENDITURES - ALL FUNDS	12,616,977.00	7,026,462.53	394,914.35	5,590,514.47	55.69
NET OF REVENUES & EXPENDITURES	119,748.00	1,145,251.90	143,970.68	(1,025,503.90)	956.38

**CITY OF BOYNE CITY**

**To:** Michael Cain, City Manager *Mc*  
**From:** Scott McPherson, Planning Director *SM*  
**Date:** March 24, 2015  
**Subject:** Second Reading One Water Street Conditional Rezoning Request



**BACKGROUND**

An application for an amendment to the One Water Street conditional rezoning, a conditional use for a drive through bank in the Central Business District and development plan review has been submitted by Catt Development.

In 2012 a conditional rezoning and development plan was approved the One Water Street property. This approval conditionally rezoned the property from Waterfront Marina District to Central Business District and approved a development plan for the existing uses of the restaurant, commercial and office uses and for the construction of 13 mixed use cottages. Three of the cottages are currently under construction.

As the request includes a change to the development plan approved in conjunction with conditional rezoning this aspect of the proposal must be reviewed in accordance with the procedures and requirements for zoning amendments as stipulated by the Michigan Zoning Enabling Act and Boyne City Zoning Ordinance.

**DISCUSSION**

**Proposed Uses-** While the uses on the One Water Street are not being changed the applicant is proposing to remove 4 of the 13 approved detached resort cottage structures. The 4 structures that will be eliminated are located in the interior of the site. The proposed changes also include detaching the existing duplex unit that is located on the south west corner creating two independent single units. As a result of detaching these units the setback distance for the south lot line will be reduced from approximately 33 feet to 28 feet. In the space of the 4 eliminated cottages a new parking area will be created which will result in an increase of 25 parking spaces on the site. For your reference the existing and proposed site plans for the One Water Street property have been attached.

**Viewshed** – The existing view shed on the south side of the property provided unobstructed views from Front Street for 102 feet. While the setback for south property line is being decreased from 33 feet to 28 feet, because of the elimination of some of the interior cottages the unobstructed views from Front Street are increase by approximately 10 feet as shown on the graphic below.

Because the property is conditional rezoned to CBD, the 30% side yard requirement of BCZO 20.20 note(o) does not apply. While the Planning Commission was not required to make a finding in regards to the view shed, it is totally appropriate to consider the changes in the viewshed in the context of this change to the conditional rezoning request.



## Process

The authority to approve a Conditional Zoning became effective 2004 and allows an owner of land to voluntarily offer a specific use and development of land as a condition to a rezoning of the land. The act allowing conditional rezoning in its entirety is as follows:

### **125.3405 Use and development of land as condition to rezoning.**

Sec. 405.

*(1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.*

*(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.*

*(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.*

*(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.*

*(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state*

### **Process**

A conditional rezoning is a zoning map amendment and is processed in accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures. It is important to remember that the City is under no obligation to consider or approve the request for conditional rezoning irregardless if the proposed plan meets all zoning criteria. This is a voluntary process for both the City and the applicant. A public hearing in front of the Planning Commission was held on February 16, 2015 and the conditional rezoning as presented was recommended for approval. The proposed amendment was presented to the City Commission at its February 24, 2015 meeting for a first reading and was scheduled for a second reading on March 24, 2015. The proposed request would amend the 2012 conditional zoning agreement as follows: Section 3, the number of cottages would change from 15 to 11; Section 4, the number of cottages would change from 15 to 11; Section 5 item 10, the attached plans would change from plans dated June 8, 2012, sheets 1-9 to the plans dated January 30, 2015 sheets 1-11. The proposed request will not change the boundaries of the previously approved mapped district and change any of the allowed uses. The City Commission should review the proposed amendment to the draft conditional use contract and use the amendment criteria as listed in section 2.50C of the zoning ordinance as a guide in making a decision on the proposed amendment. Section 2.50 C is as follows:

- C. For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:
  - 1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district.
  - 2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property.
  - 3. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.
  - 4. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.
  - 5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.
  - 6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural

characteristics, population density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning.

7. The rezoning would constitute and create an isolated and unplanned “spot zone” granting a special privilege to one landowner not available to others.
8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the Schedule of Regulations.
9. There has been a change of conditions in the area supporting the proposed rezoning.
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.
11. There was a mistake in the original zoning classification.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

### **Options**

The City Commission has the following options:

1. Approve the proposed Conditional Rezoning Amendment as presented
2. Disapprove the proposed Conditional Rezoning
3. Send the proposed Conditional Rezoning back to the Planning Commission for further consideration.
4. Postpone action on the proposed Conditional Rezoning

### **Recommendation**

The City Commission should review and approve the conditional zoning amendment as presented, subject to final review and approval of the development plan by the Planning Commission.

*SECTION 1 - TITLE*

**CONDITIONAL REZONING AGREEMENT**

**between**

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735  
**(the applicant)**

**and the**

City of Boyne City, Charlevoix County, Michigan

**for the rezoning of property located at**

One Water Street, Boyne City, MI. 49735

Property Identification Number 15-051-445-082-10

*SECTION 2 - PROPERTY AND PARTIES*

**THIS CONDITIONAL REZONING AGREEMENT** is made of this 24<sup>th</sup> day of March 2015, by Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735 herein after referred to as the applicant being the property owner of certain property having the Property Identification Number 15-051-445-082-10 and the City of Boyne City, Charlevoix County, Michigan herein after referred to as the City of Boyne City.

*SECTION 3 - REQUESTED ACTION*

**WHEREAS**, The applicant being the owners of certain property located at One Water Street, Boyne City, MI. 49735 **Property Identification Number** 15-051-445-082-10 legally described on the attached Exhibit "A" which is incorporated herein by reference, have petitioned the City of Boyne City Planning Commission for the rezoning of this property from the Waterfront Marina District (WMD) Zoning to Central Business District (CBD) Classification with Conditions as set forth in the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date, for the purpose of permitting, constructing and operating a mixed-use cottage development consisting of ~~15~~ 11 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.

*SECTION 4- STATUTORY AUTHORITY*

**WHEREAS**, the applicant has requested the conditional rezoning of the subject property to allow for the operation a mixed-use cottage development consisting of 15 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire

suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification by a contract that stipulates the terms of and conditions for use, of the property under the authority of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006 (MCL125.404) and Article X of the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date.

### *SECTION 5 - TERMS AND CONDITIONS*

**NOW, THEREFORE**, in consideration of the premises and rights reserved, herein, and in order to accomplish the forgoing purposes, the undersigned hereby agree:

1. To rezone the land as described in Exhibit "A" as attached hereto to CBD with Conditions for the purpose of permitting, constructing, operating and maintaining a mixed-use cottage development consisting of ~~15~~ 11 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.

1. The subject property is deemed to be a *Conditional Rezoning*, that being a land use that will, if not undertaken within three (3) years of the date of adoption, revert to a use in conformance with the City of Boyne City Master Plan and Zoning Ordinance. The land use will be considered undertaken with the completion and occupancy permit obtained for one of the resort cottage structures.

2. It is understood by all parties that this Zoning Agreement and the corresponding Conditional Rezoning Offer were proposed voluntarily by the landowner, and applicant, and that the City in its review and determination have relied upon the same.

3. This agreement shall be recognized as meeting the intentions and authorizations of all state and federal law an in its signature is valid.

4. The property identified in Exhibit "A" attached hereto shall be developed or used in a manner that conforms to the requirements of the CBD with Conditions District and the incorporated Zoning Agreement and specifically per the attached preliminary plan set.

5. That this Zoning Agreement shall be binding upon and inure to the benefit of the applicant and landowner and the City of Boyne City, and their respective heirs, successors, assigns receivers or transferees.

6. That if the rezoning becomes void under the Zoning Ordinance no development shall take place and no permits will be issued unless and until a new Zoning District classification for the property has been established or a new rezoning has been approved.

7. That each of the requirements and conditions in the Zoning Agreement are necessary and reasonably related and roughly proportional in nature and extent to the impact created by the uses or activities authorized in the Zoning Agreement.

8. That no part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise be prohibited in the Zoning District to which the property is rezoned.

9. That the Condominium Master Deed will provide the conditions of the maintenance and operations standards and escrowed funds to sustain all common elements of the development.

10. That the plans submitted with and for the Conditional Rezoning offer and referenced herein are preliminary in nature and while it is the intent that they meet the rules and regulations that promulgate such a development they are subject to final review and permitting by the City Planning Commission and other applicable agencies. Final plans approved by the Planning Commission shall be incorporated into this document and shown as Exhibit "B" Exhibit B consists of drawings prepared by Mansfield and Associates dated ~~June 8, 2012, sheets 1-9~~ *January 30, 2015, sheets 1-5, 10,11*, Intent for on-site lighting drawing and proposed fixtures and intent for construction phasing plan.

11. That the intent of this development is it be constructed in phases of 3-units starting from the northwest corner of the site, with the pool amenity to be constructed at mid-term of complete build-out, and marina restroom and shower facilities to be located in a ground floor area of a cottage unit.

12. All conditions contained in the Development Agreement dated November 4, 2009, as amended between the City and Integrity Land Company shall remain in full force and effect.

#### *SECTION 7 - OTHER REPRESENTATIONS AND AGREEMENTS*

7. This agreement constitutes the entire agreement between the parties with respect to the matter set forth herein, and there are no representations, warranties, covenants, or obligations except as set forth herein. This Agreement supersedes all prior contemporaneous agreements, understandings, negotiations statements and discussion, written or oral, of the parties hereto, relating to the matters contemplated by the Agreement.

#### *SECTION 8 - VIOLATION AND ENFORCEMENT*

8. The failure of any party to complain or enforce of any act or omission on the part of another party, no matter how long the same may continue, shall not be deemed to be an acquiescence or waiver by such party of any of its rights hereunder. No waiver by any party at any time, expressed or implied, or any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision of this agreement. If any action by any party shall require the consent or approval of another party(ies), such consent or approval of such action shall not be deemed a consent to or approval of any other provision of this agreement.

*SECTION 9- GOVERNING LAW*

9. This Agreement shall be governed by the laws of the State of Michigan.

*SECTION 10 - DELIVERY OF NOTICES*

10. Notice shall be deemed as given hereunder upon personal delivery to the addresses set forth below, or if properly addressed, one (1) day after depositing such notice, with postage prepaid, in a United States mailbox or one (1) day after depositing such notice in the custody of a nationally recognized overnight delivery service. Notice shall be deemed properly addressed if sent to the following address.

Applicant and Property Owner:

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

*SECTION 11 - SIGNATURE BY FACSIMILE*

11. The parties agree that this Agreement may be executed by facsimile or in counterparts, and that all counterparts together, with or without facsimile signatures, shall constitute one integrated agreement and be deemed an original document.

*Section 12 - Recording with Register of Deeds*

12. This document or Affidavit or Memorandum giving notice of this document shall be recorded with the Charlevoix County and City of Boyne City Register of Deeds Office.

*SECTION 13 - PLANNING COMMISSION REVIEW AND PUBLIC HEARING*

**CITY OF BOYNE CITY PLANNING COMMISSION REVIEW AND RECOMMENDATION**

After proper public notice was given and a public hearing held on February 16, 2015, before the City of Boyne City Planning Commission, a motion was duly made and approved as recorded in the minutes of the Planning Commission meeting of the same date recommending the City of Boyne City Commissioners approve this Conditional Rezoning Agreement.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

*SECTION 14 - SIGNATURE AND NOTARIZATION*

**IN WITNESS WHEREOF**, the undersigned has executed this **CONDITIONAL REZONING AGREEMENT** for and on behalf of Catt Development on the date first above written.

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

STATE OF MICHIGAN )  
 )SS  
COUNTY OF CHARLEVIOX )

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, a Notary Public, in and for said County, personally appeared

\_\_\_\_\_  
Notary Public  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires:

**IN WITNESS WHEREOF**, the undersigned has executed this **CONDITIONAL REZONING AGREEMENT** for and on behalf of the City of Boyne City, Charlevoix County, Michigan pursuant to a resolution duly approved by the City of Boyne City Board of Commissioners on the date first above written.

**FOR THE City of Boyne City:**

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: Clerk

STATE OF MICHIGAN )  
 )SS  
COUNTY OF CHARLEVOIX )

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, a Notary Public, in and for said County, appeared

\_\_\_\_\_ of the City of  
Boyne City for and on behalf of the City of Boyne City  
Notary Public  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires:















## MEMORANDUM

**TO: MICHAEL CAIN; CITY MANAGER** 

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

**DATE: 3/20/15**

**RE: DPW BID AWARD RECOMMENDATION**

As you are aware Bids were received and opened for the new DPW Facilities at North Boyne on March 12, 2015. Following is a list of the bidders and their bid amounts:

1. Hallmark Construction - \$2,073,000.00
2. Integrity Construction - \$2,139,800.00
3. Grand Traverse Construction - \$2,159,000.00
4. Devere Construction - \$2,349,000.00

A copy of the Bid Tabulation is attached for your review.

All of these Contractors have completed many projects of this size and scope with acceptable results. Ray Kendra of Environment Architects will be in attendance at the March 24, 2015 City Commission Meeting to answer any questions that may arise.

### **RECOMMENDATION:**

It is my recommendation that the City Commission award the contract to construct the DPW Facilities at North Boyne to Hallmark Construction for the of \$2,073,000.00 and authorize the City Manager to sign the required documents. Funds for this work are available in the FYE-16 Public Buildings 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. Any other option as determined by the City Commission

DPW FACILITIES

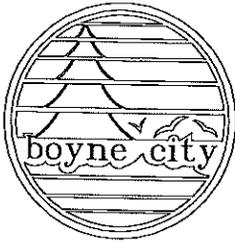
City of Boyne City

3/12/2015



Env. Arch. Job. 1404

General Contractor	Devere Construction	Grand Trav Const	Hallmark	Integrity Const	Remarks
Bonds	X	X	X	X	
Addendums 1,2,3	X	X	X	X	
Time of Completion	320	265	165	210	
Addnl. Work Fees	15%/10%	15%/10%	32%/10%	6%/6%	GTC indicated 5% for deletions.
Legal Status	X	X	X	X	
<b>Base bids</b>					
	\$2,349,000.00	\$2,159,000.00	\$2,073,000.00	\$2,139,800.00	
<b>Building Breakdowns</b>					
Sitework	\$250,000	\$275,600	\$315,000	\$285,398	
DPW Garage	\$1,744,000	\$1,331,700	\$1,328,000	\$1,520,382	
Cold Storage Building	\$220,000	\$184,700	\$280,000	\$198,905	
Salt Storage Building	\$135,000	\$156,800	\$150,000	\$135,115	
<b>Requested Alternates</b>					
Alternate No.1 (single wythe CMU wall @ garage)	-\$48,000.00	-\$25,140.00	-\$40,000.00	-\$54,818.00	
Alternate No.2 (insulated metal sandwich panels)	\$88,500.00	no bid	\$82,500.00	\$89,146.00	
Alternate No.3 (airlift door)	\$8,200.00	\$7,500.00	\$5,850.00	\$8,141.00	

**CITY OF BOYNE CITY****MEMO**

**To:** Michael Cain, City Manager   
**From:** Barb Brooks, Executive Assistant   
**Date:** March 20, 2015  
**Subject:** Michigan/DNR Waterways Grant Application

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In order to ever move forward with any portion of the marina expansion plans, preliminary engineering needs to be completed. This would include, but not limited to, updating the Marina Master Plan, additional site testing, plan specifications, electrical design and plumbing design, breaking down the phases, cost estimates for each phase and pre-qualification of construction

In speaking with our grant representative at the DNR, we will need to have preliminary engineering completed in order to request development grant funds in the future. We have also been encouraged to apply for grant funding to complete this task.

The Waterways grant is due on April 1, 2015 and requires a fifty percent match. Based on conversations with the engineering firm we have used for past projects, the engineering cost is approximated between 50,000 to \$60,000. If the grant is approved, the City's portion of the project would be up to \$30,000. Funds to undertake this has been proposed in the 2015/16 fiscal year budget under current review and consideration.

**Recommendation:** to submit an application to the Waterways Commission for grant funding of \$30,000 to undertake preliminary engineering for the marina expansion project and appoint the City Manager to sign and submit any necessary documents.

# March 2015

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

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					March 1
2	3	4	5	6	7
		8:00am Farmers Market	8:30am Main Street Board mtg. 6:00pm Parks & Rec	11:00am BOR Organization meeting	8:00am Farmers Market
					8
9	10	11	12	13	14
5:00pm Special Planning Commission	7:00pm City Commission	8:00am Farmers Market	5:00pm Welcome Reception (Freshwater Studio)		8:00am Farmers Market
					15
16	17	18	19	20	21
Board of Review 7:00pm Historical Commission	Budget Work Session Saint Patrick's Day (United States)	Board of Review 8:00am Farmers Market			8:00am Farmers Market
					22
23	24	25	26	27	28
	12:00pm City Commission	8:00am Farmers Market	5:30pm Airport Advisory Board	1:00pm MML - PlacePlans	8:00am Farmers Market
					29
30	31				

# April 2015

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		April 1 8:00am Farmers Market	2 6:00pm Parks & Rec	3	4 8:00am Farmers Market
					5
6	7 5:00pm ZBA	8 8:00am Farmers Market	9 1:00pm Main Street Board	10	11 8:00am Farmers Market
					12
13	14 7:00pm City Commission	15 Tax Day (United States) 8:00am Farmers Market	16	17	18 8:00am Farmers Market
					19 National Volunteer Week
20	21	22	23	24	25
National Volunteer Week					
5:00pm Planning Commission		8:00am Farmers Market	Arbor Day Seedling Giveaway 8:00am Business Expo 5:30pm Airport Advisory Board		8:00am Farmers Market
					26
27	28 12:00pm City Commission	29 8:00am Farmers Market	30		