

AGENDA
CITY OF CHARLEVOIX CITY COUNCIL MEETING

Monday, March 17, 2014 - 7:00 p.m.
210 State Street, City Hall, Second Floor City Council Chambers,
Charlevoix, Michigan 231-547-3270

- I. **Invocation or Pledge of Allegiance**
- II. **Roll Call of Members Present**
- III. **Inquiry Regarding Possible Conflicts of Interest**
- IV. **Consent Agenda**
 - A. City Council Meeting Minutes – March 3, 2014 Regular Meeting PG 1-8
 - B. Payroll Check Register PG 9-14
 - C. Accounts Payable Check Register PG 15-18
- V. **Public Hearings**
 - A. Public Hearing on Proposed Ordinance X of 2014 to Change Planning Commission Membership PG 19-21
- VI. **Reports**
- VII. **Requests, Petitions and Communications and Actions Thereon**
 - A. Discussion of Proposed St. Mary's Cement and Fisherman's Island State Park Land Swap PG 22-58
 - B. Liquor License Application, 308 Belvedere Avenue (Grey Gables) PG 59-67
 - C. Consideration to Approve an Application to the Recreation Passport Grant Program for Michigan Beach Park Playground PG 68-85
 - D. Wastewater Biosolids Contract Update PG 86-87
 - E. Mutual Aid Agreements PG 88-99
 - F. Consideration to Approve a Resolution to Set a Surcharge for the Airport's 100 LL Fuel Truck PG 100-101
 - G. Poverty Exemption Resolution and Application PG 102-104
- VIII. **Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**
- IX. **Resolutions**
 - A. Consideration to Approve an Application to the Recreation Passport Grant Program for Michigan Beach Park Playground PG 85
 - A. Mutual Aid Agreements Resolution PG 98-99
 - B. Consideration to Approve a Resolution to Set a Surcharge for the Airport's 100 LL Fuel Truck PG101
 - C. Poverty Exemption Resolution PG 103-104
- X. **Ordinances**
 - A. Proposed Ordinance X of 2014 to Change Planning Commission Membership PG 20-21
- XI. **Miscellaneous Business**
- XII. **Audience – Non-Agenda Input (written requests take precedent)**
- XIII. **Adjourn**

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 3, 2014 – 7:00 p. m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p. m. by Mayor Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Attorney: Bryan Graham
City Manager: Paul Ivan, Acting City Manager
City Clerk: Deputy Clerk Stephanie Brown
Members Present: Council members Leon Perron, Jeff Porter, Peggy Brennan, Shane Cole, and Shirley Gibson
Absent: Lyle Gennett

III. Inquiry Regarding Possible Conflicts of Interest

Councilmember Cole indicated that he has a conflict of interest on Item VII.E., Natural Gas Contract.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – February 17, 2014 Regular Meeting Minutes
- B. Accounts Payable Check Register – February 21, 2014
- C. Accounts Payable Check Register – March 3, 2014
Councilmember Porter asked for, and received, additional information on check no. 109018, payable to Young, Graham, Elsenheimer.
- D. ACH Payments – February 18, 2014 – February 28, 2014
- E. Tax Disbursement – March 4, 2014
- F. Payroll Check Register – February 28, 2014
- G. Payroll Transmittal – February 28, 2014

V. Public Hearings

A. Public Hearing on Proposed Expansion to Dock A

City Planner Mike Spencer provided a brief review of the proposed project and answered questions from Council. Planner Spencer provided explanations as to why expansion of Dock A is the only feasible option at this time and specifically addressed the issues involved in expanding Docks B, C, and/or D, along with the issues involved in "Mediterranean Mooring".

Mayor Carlson opened the public hearing at 7:11 p.m.

Bob Timms addressed Council, stating that a 150' expansion would intrude on Round Lake excessively and suggesting that a 70'-80' expansion would be sufficient.

Bernie Ward III recapped key points of his letter in opposition to the expansion, and suggested a smaller dock be built north of Dock A or improve docking methods on the existing docks. Mr. Ward questioned if an expanded dock would be strong enough to hold the larger boats steady.

Joshua Mack of Sunshine Charters spoke against the concept of Mediterranean Mooring. Additionally, Mr. Mack stated that the addition of a 150' dock would significantly increase congestion which may lead to fewer visitors.

The owner of the Keweenaw Star spoke against Mediterranean Mooring and noted that there is already a significant amount of silt built up against the sea wall. Additionally, expanding Dock A would create problems with the storm surges experienced in Round Lake. He suggested that, if the expansion moves forward, the dock should be built to withstand strong weather forces.

Joanne Beemon noted that when the Marina was originally created, the process took two years and a lot of compromise. She believes that the democratic process is being set aside for the benefit of a few individuals that want large slips and have the money to pay for them. Ms. Beemon suggested that the City's time and effort should be put towards addressing existing needs, such as pavilion repairs.

Jodi Laurent asked how the City determined that there is a need for eight large slips, and suggested that an expansion for two slips would be a more practical approach.

James Stewart, City taxpayer, questioned the Harbormaster's statement that he has turned away multiple requests for dockage, and requested that specific numbers be supplied. Dr. Stewart is vigorously opposed to the expansion.

DRAFT

DRAFT

DRAFT

Pat Duffy, City resident, stated that she is not impressed with the prospective revenue and is uncomfortable with the unclear figures for cost. She is opposed to any expansion which could take away from the beauty of our City and harbor, and suggested that the City track numbers of boaters that are turned away for one season before considering any change.

Beth Pearson, CED Director, noted that the DDA unanimously passed a resolution of support for the expansion project, citing reasons of economic development and increased revenue streams. Ms. Pearson noted that Harbor Industries, ALP Lighting, and Nucore are three businesses which were established in Charlevoix because of the Marina, and that they have brought hundreds of jobs to the area. Ms. Pearson believes that expanding the Harbor would not only benefit the downtown, but the entire City.

Nancy Ferguson, representing Water and Air Team for Charlevoix (WATCH), addressed Council. To date, they have spoken to 25 individuals, 22 of which are opposed to the project. Ms. Ferguson asked Council to pay attention to who is in favor of the project, business owners or taxpayers? She also asked if other marinas in our area could accommodate the larger boats. Charlevoix is a beautiful community, and we need to work to keep it that way. WATCH is opposed to the expansion.

Jodi Bingham, downtown business owner, is in favor of the expansion. Ms. Bingham noted that there used to be large boats in the harbor and people came into town to see them; the harbor no longer supports the large boats. She stated that the in-surge of beautiful boats brings tourists to town to view the boats. Ms. Bingham also reported that the additional slips would not only provide direct revenue to the City, but would also provide additional revenue to the downtown businesses. Ms. Bingham asked that the City find ways to accommodate the larger vessels.

Greg Stevens, former City resident, noted that the proposed expansion is significantly larger than the formerly proposed fireplace. Mr. Stevens noted that the people opposed the fireplace because it limited views of the harbor. This expansion would limit views significantly more.

Mary Eveleigh asked Council to determine what the designated "use line" is for. Planner Spencer explained that Ferguson & Chamberlain, who performed the survey, is concerned with the riparian line, not the use line. The use line has no legal bearing, and no one knows what "use line" means. Planner Spencer stated that this reference has been removed from currently used documents. Ms. Eveleigh stated that the use line had some reason, and that the reason should be determined before any action is taken to build over that line.

Planner Spencer reviewed reasons why Docks B, C, and D cannot be expanded: expansion of Docks C and D would intrude into the riparian line; expansion of Dock B would not allow slips for the larger boats.

Mayor Carlson noted that the democratic process has been followed: there have been multiple opportunities for the public to speak about this project. Mayor Carlson also stated that the project is being expanded due to need, not because an individual has come forward offering to pay for the project. Boaters bring a significant amount of business to our local economy. He also noted that, due to the loss of multiple industries, Charlevoix has gone from an industrial based to a tourism based economy. The expansion of the Docks would help the local economy. There is no way to effectively determine the cost of this project until the City chooses a plan, obtains DEQ approval, and puts the project out for bid.

Kirby Dipert, Charlevoix township resident and City taxpayer, is in favor of the project for many of the reasons already stated during the meeting, but asked if the economies of scale would benefit the project when considering the number of docks. He noted that expanding an existing dock would not require the infrastructure of a new dock, and that Mediterranean docking would mean loss of dock space for the Keweenaw Star and Sunshine Charters, resulting in loss of those businesses.

Alicia Mosher, City resident, noted that the City does have a "jewel" in the Harbor, but suggested that the City needs to share that jewel with others through sensible growth. Ms. Mosher also recommended that the City do more research on costs.

Planner Spencer noted that this process has been in review for several months; the original project may have taken two years, but that was for a new park. This project is the renovation of an existing park, and should not take as long. Planner Spencer reported that many of the questions raised tonight have been addressed by Staff, and that any citizen can stop into City Hall and request a detailed explanation. Planner Spencer also noted that the City Manager, the CED Director, and the Planning Department are all working hard to make the City's downtown vibrant.

Dave Juilleret suggested that the expansion is "overkill", and is not needed. Mr. Juilleret suggested that the City consider a launching station for kayaks, and reported that an expansion would make it more difficult for the smaller boats to dock. Mr. Juilleret asked about the cones that were supposed to be placed to help the public understand the length of the expansion.

Chief Ivan reported that the cones were placed, the area had a warm day, and the cones fell into the lake in less than 24 hours. Planner Spencer showed a picture of Round Lake with the cones placed.

Erin Bemis, Charlevoix Township resident and boater, is in favor of sensible growth and noted that when the 80' boats do not come into the harbor, two 35' boats can be docked in that slip.

DRAFT

DRAFT

Mayor Carlson closed the public hearing at 8:06 p.m.

Mayor Carlson reviewed written comments by the Harbormaster, stating that the only boats routinely turned away are in the 50'-80' range. Additionally, Mayor Carlson noted that the City Marina is allowed to charge "top tier" rates because dockage in Charlevoix is so desirable.

Mr. Muschell noted that, if Dock A is expanded, the Keweenaw Star may be able to utilize the end of the dock.

VI. Reports

Acting Manager Paul Ivan reported that there are six applications for the position of City Clerk, and the City Manager would like to create an interview committee with up to three Councilmembers, himself, Human Resources Assistant Jennifer Nash, and City Treasurer Joe Zielinski. Councilmember Perron, Gibson, and Brennan would like to serve on the Committee. The City Manager is hoping to move forward with the review of applications and interviews during the week of March 10.

VII. Requests, Petitions and Communications and Actions Thereon

A. Discussion with Possible Approval for Dock A Expansion Project

Councilmember Brennan recommended that the item be postponed for several reasons: many residents are absent until May, Ward 1 does not have full representation due to Councilmember Gennett's absence, there is a need for additional information on costs, and there is no timetable which is pushing the decision. Councilmember Cole agrees.

Councilmember Perron noted that our City's downtown is affected by larger economic factors than just the Marina and that, while the expansion may be beneficial to the downtown, it is not a "golden goose".

Councilmember Porter suggested that other considerations be made to refine the park, such as improvements to the shopper's dock and creation of a fueling dock.

Councilmember Gibson noted that several of the public comments tonight were excellent comments and stated that it is the smaller boaters that get off their boats and spend money in the community.

Motion by Councilmember Brennan, second by Councilmember Cole, to postpone any decision regarding the Marina expansion until the second meeting in May and direct Staff to place the item on the agenda for the first meeting in May.

Yeas: Perron, Porter, Brennan, Cole, Gibson
Nays: None
Absent: Gennett

B. Purchase of Capacity

Electric Department Superintendent Don Swem presented the item and answered questions from Council. This is a routine purchase to ensure sufficient future electrical capacity. At this time, the average price is \$2.58/KW-month.

Mayor Carlson opened the item to public comment. There was no comment and the item was closed to the public.

Motion by Councilmember Gibson, second by Councilmember Perron, for approval to spend up to a maximum of \$241,200 to purchase blocks of capacity through the MPPA for the years 2015 through 2019.

Yeas: Perron, Porter, Brennan, Cole, Gibson
Nays: None
Absent: Gennett

DRAFT

C. Consideration of Approval to Enter into an Agreement of Participation with the Michigan Main Street Program

Community Economic Development (CED) Director Beth Pearson presented the item and answered questions from Council. On January 13, 2014, the Charlevoix DDA received a letter of acceptance into the Associate Level of the Michigan Main Street Program. Having been accepted, the City must enter into a Requirement and Expectations Agreement to comply with the requirements of the Program, which include sending staff member(s) to all basic trainings, submit biannual reports to the Main Street Program, and understand that the community must successfully complete all requirements and expectations of the Associate Level before applying for the Select Level.

Mayor Carlson opened the item to public comment. There was no comment and the item was closed to the public.

DRAFT

Motion by Councilmember Brennan, second by Councilmember Perron, to enter into an Associate Level Agreement with the Michigan Main Street Program.

Yeas: Perron, Porter, Brennan, Cole, Gibson
Nays: None
Absent: Gennett

D. Review of Potential Donation from Doug and Maria DeVos for Economic Development Consultant Services/Studies

City Planner Mike Spencer presented the item and answered questions from Council. After seeing vacant storefronts and reading about some of our local challenges, Mr. DeVos approached City Staff with an open mind and simple question: "What are Charlevoix's goals for the future and how can I help?" In response, City staff outlined seven potential studies or specific areas where a consultant would be necessary to assist the City with community and economic development. At this time, staff would like to seek Requests for Proposals (RFPs) and/or Requests for Qualifications (RFQs) for the top two items on the list. Once these RFPs/RFQs, which will identify the cost of the specific study(s) to be undertaken, the City Council could choose the firm or consultant and Mr. DeVos would be contacted for the funding of the actual study or research. In accordance with the City's Donation Acceptance Policy, staff is looking for permission to accept the future donation of funds for these studies.

If Council moves forward with the Market Study, resources from the Main Street Program could be used elsewhere. Additionally, the City will not qualify for these resources for one or more years. Council discussed the priority of individual items on the list and provided input to the City Planner.

Mayor Carlson opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Porter, second by Councilmember Cole, to accept future donations from Doug and Maria DeVos for specific studies or consultant assistance in accordance with the City's Donation Acceptance Policy.

Yeas: Perron, Porter, Brennan, Cole, Gibson
Nays: None
Absent: Gennett

Motion by Councilmember Cole, second by Councilmember Gibson, to direct staff to pursue RFPs and RFQs for a City of Charlevoix Market Study and a Charlevoix Industrial Park Market Study.

Yeas: Perron, Porter, Brennan, Cole, Gibson
Nays: None
Absent: Gennett

E. Consideration to Approve Natural Gas Contract with CenterPoint Energy

Councilmember Cole stepped down from the dais.

City Treasurer Joe Zielinski presented the item and answered questions from Council. For many years, Michigan natural gas customers have been able to select an alternative supplier to provide gas, while the distribution remained with the current utility provider. The City has had a month-to-month contract with VolunteerEnergy, saving approximately \$300 compared to the cost direct from DTE. The Michigan Municipal League (MML) is offering a natural gas purchasing program with negotiated lower natural gas prices for the MML's members. Through a competitive bidding process, the MML has chosen CenterPoint Energy as the program supplier for the upcoming contract year, April 1, 2014 to March 31, 2015.

Council discussed the bidding process, and the risks and benefits of the contract.

Mayor Carlson opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Brennan, second by Councilmember Gibson, to approve the contract with CenterPoint Energy Services, Inc. to provide the City's facilities with natural gas for one year, April 1, 2014 to March 31, 2015.

Yeas: Perron, Porter, Brennan, Gibson
Nays: None
Abstain: Cole
Absent: Gennett

Councilmember Cole returned to the dais.

F. Consideration to Approve Service Agreements with AT&T

City Treasurer Zielinski presented the item and answered questions from Council. The City uses numerous AT&T services for its phone and communication needs, including standard phone lines, central exchange (Centrex) phone lines, analog circuits, and local

DRAFT

DRAFT

and long distance calling. The City is currently paying the AT&T standard monthly rates; however, through the State of Michigan MiDEAL program, the City has the potential to achieve substantial savings on these services. City staff would like to enter into five MiDEAL negotiated agreements with AT&T, including: (1) the Master Agreement, covering the legal terms and conditions for the other agreements; (2) the Master Discount Agreement, which provides discounts on standard phone lines and local calls; (3) the MiDEAL Long Distance Agreement, which provides a flat \$0.0245 per minute rate on all long distance toll calls; (4) the MiDEAL Centrex Agreement, which provides a fixed monthly rate of \$6.91 for Centrex lines; and (5) the MiDEAL Analog Agreement, which provides fixed monthly rate of \$70 for analog circuits. Treasurer Zielinski provided a conservative estimate of savings at \$10,000 per year, or \$30,000 over the life of the three-year contract.

Mayor Carlson opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Brennan, second by Councilmember Perron, to approve the five (5) MiDEAL agreements with AT&T for various phone services, which have been reviewed and approved by the City Attorney.

Yeas: Perron, Porter, Brennan, Cole, Gibson
Nays: None
Absent: Gennett

VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action

A. Introduction of an Ordinance to Change Planning Commission Membership and Request to Set a Public Hearing

City Planner Mike Spencer presented the item and answered questions from Council. This proposed change would allow the City's Planning Commission membership to include up to two members who are qualified electors of one of the five townships to which the City of Charlevoix provides services, including Charlevoix, Eveline, Hayes, Marion, and Norwood.

Councilmember Brennan noted that many communities have a five or seven member Planning Commission and suggested that the City would be better served by reducing the number of members, which is nine in the City. Planner Spencer noted that having a membership of nine members helps to ensure that there is a quorum for each meeting.

Motion by Councilmember Cole, second by Councilmember Perron, to set a public hearing on March 17, 2014, at 7:00 p.m., to hear a proposed Ordinance changing the membership qualifications for the City's Planning Commission.

Yeas: Perron, Porter, Cole, Gibson
Nays: Brennan
Absent: Gennett

IX. Resolutions

None.

X. Ordinances

None.

XI. Miscellaneous Business

Councilmember Gibson noted that the Airport Advisory Committee has met, and has made a recommendation regarding the \$0.25/gallon surcharge originally recommended at Council's Budget Worksession. Mayor Carlson stated that Council would review that item at a later date, when the City Manager is present.

Councilmember Gibson also asked for clarification on the Open Meetings Act (OMA) and the interview process. Deputy Clerk Brown advised that an applicant could request to keep their application anonymous; however, if that applicant is called for an interview, it then becomes public information and the interview is open to the public.

XII. Audience - Non-agenda Input (written requests take precedent)

Nancy Ferguson asked for, and received, information about the vacant Clerk position. The position may change to an appointed position in the future; however, the position is vacant at this time and Council has the responsibility to fill the position. They will perform interviews and appoint a person that is qualified to be elected to the position.

Sheri McWhirter of Northern Michigan Review addressed Council and the public, advising that a Charlevoix summer resident, Sam Woolfe, has been performing on American Idol and has done well so far this season. She encouraged the public to watch.

DRAFT

XIV. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
 There were no objections.
 Meeting adjourned at 9:11 p. m.

DRAFT

Stephanie Brown Deputy City Clerk

Norman L. Carlson, Jr.

DRAFT

Mayor

Accounts Payable – 02/21/2014

AT&T MOBILITY	72.20	STANDARD INSURANCE CO	1,409.39
CHARLEVOIX STATE BANK	2,894.51	VERIZON WIRELESS	56.72
DELTA DENTAL	4,663.07	VISION SERVICE PLAN	526.33
GREAT LAKES ENERGY	217.60		
PRIORITY HEALTH	48,141.61	TOTAL:	57,981.43

Accounts Payable – 03/04/2014

AIRGAS USA LLC	149.77	KSS ENTERPRISES	97.47
ANNIS, JOEL	28.00	LAVOIE, RICHARD	28.00
AQUILINA, JOSEPH	24.00	LORENCZ-OWENS, JOSLYN	36.00
ARROW UNIFORM-TAYLOR L.L.C.	1,126.71	MANKEL BLACKSMITH SHOP	204.45
ASPLUNDH TREE EXPERT CO	3,577.20	MEGGISON, JULIE	8.00
AT YOUR SERVICE PLUS INC	164.20	MICHIGAN MUNICIPAL LEAGUE	11,163.00
BC/BS OF MI REFUNDS	79.51	MICHIGAN OFFICEWAYS INC	1,715.49
BEAVER RESEARCH COMPANY	372.90	MICHIGAN TASER DISTRIBUTING	2,675.18
BERGMANN, DOUGLAS	80.00	MISS DIG SYSTEM INC	190.00
BLANCHARD, JOAN	20.00	NASH, JENNIFER	41.00
BOLHOUSE, MICHAEL	80.00	NETSOURCE ONE INC.	24.00
BREWER, JOHN	1,140.00	NORTH AMERICAN SALT CO	5,525.40
BUSSCHER, GARY	80.00	NORTH COUNTRY POWER GENERATION	1,366.92
CAREY, MITCH	8.00	NORTHERN FIRE & SAFETY INC.	348.00
CARQUEST OF CHARLEVOIX	1,954.43	NORTHERN PUMP SERVICE INC.	464.62
CCP INDUSTRIES INC	295.76	OTEC	182.11
CENTRAL DRUG STORE	89.69	PARASTAR INC.	905.50
CG POWER SYSTEMS USA INC.	316.50	PEARSON, BETHANY	41.00
CHARLEVOIX TOWNSHIP	15.45	PERFORMANCE ENGINEERS INC	5,792.25
CINTAS CORPORATION	134.05	POWER LINE SUPPLY	4,573.48
CLARK, CAROL	75.00	PREIN & NEWHOF	101,395.79
CORNSTALK, SHIRLEY	83.66	PVS TECHNOLOGIES INC	6,175.11
DCASSESSING SERVICES	4,291.92	RUNDBLAD, TED	60.00
DOAN, GERARD	41.00	SCHLEY, CAROL	76.00
DOUGLASS, KERRY	48.00	SCHWARTZFISHER, JOSEPH	39.94
EAST JORDAN FAMILY HEALTH CTR	78.00	SEELYE, DON	64.00
ELLIOTT, PATRICK M.	41.00	SPENCER, MICHAEL	41.00
EMERGENCY MEDICAL PRODUCTS INC	130.60	STATE OF MICHIGAN	333.00
EVANS, HAL	41.00	STAUBLIN, DAVID	24.00
FLYNN, PATRICK	48.00	STEVENS, BRANDON	28.00
GARAGE DOOR SERVICES INC.	382.60	STRAEBEL, ROBERT J.	41.00
GORKEWICZ, ROBERT	44.00	SWEM, DONALD L.	41.00
GREAT LAKES ELEVATOR LLC	304.29	TEMPLE, GERALDINE	79.63
GRP ENGINEERING INC.	684.62	TEUNIS, STEVEN	41.00
HACH COMPANY	146.25	TRANSACT TECHNOLOGIES INC	94.86
HAND, HEATHER	41.00	TRUCK & TRAILER SPECIALTIES	1,072.00
HANKINS, SCOTT	41.00	USA BLUE BOOK	359.57
HEID, THOMAS J.	41.00	UTILITY FINANCIAL SOLUTIONS	21,493.01
HERBSTER, ROBERT	80.00	WELLER, LINDA	41.00
HI-LINE	1,436.38	WHITLEY, ANDREW	14.00
HOLIDAY COMPANIES	14,614.08	WIEBE, JOEL	40.00
HYDRO DESIGNS INC.	515.00	WILKIN, AMANDA	41.00
INDEPENDENT DRAFTING SERVICES	1,984.00	WOODY, SCOTT	41.00
IVAN, PAUL	41.00	WORK & PLAY SHOP	367.45
J & B MEDICAL SUPPLY INC.	133.00	YOUNG GRAHAM	3,765.50
JOHNSON, STEVEN P.	65.00	ZBIERAJEWSKI, MICHAEL	56.00
KASSBOHRER ALL TERRAIN VEHICLE	598.39	ZIELINSKI, JOSEPH A	41.00
KELLER, JAMES	36.00	TOTAL:	207,049.69

DRAFT

Tax Disbursement - 03/04/2014

CHARLEVOIX COUNTY TREASURER	3,899.42	CHARLEVOIX PUBLIC SCHOOLS	377.57
CHARLEVOIX COUNTY TREASURER	248,109.91	CITY OF CHARLEVOIX - TAXES DUE	63,275.63
CHARLEVOIX COUNTY TREASURER	14.12	MICHIGAN OFFICEWAYS INC	4.41
CHARLEVOIX DISTRICT LIBRARY	99,347.13	RECREATIONAL AUTHORITY	17,679.95
CHARLEVOIX PUBLIC SCHOOLS	2,187.00	TAYLOR FAMILY LIVING TRUST	200.25
CHARLEVOIX PUBLIC SCHOOLS	777.01		
CHARLEVOIX PUBLIC SCHOOLS	37.44	TOTAL:	435,909.84

ACH Payments -02/18/2014 - 02/28/2014

MI Public Power Agency	43,191.80	Alerus Financial (HCSP)	380.00
State of Michigan (Sales Tax)	26,972.00	State of MI (Withholding Tax)	4887.95
Neopost (postage meter refill)	5,000.00	Vantagepoint (401 ICMA Plan)	728.06
MI Public Power Agency	21,670.15	Vantagepoint (457 ICMA Plan)	13,067.37
MI Public Power Agency	260,457.79	MERS (Defined Benefit Plan)	26,660.32
IRS (Payroll Tax Deposit)	33,912.50	TOTAL	436,928.04

DRAFT

PAYROLL: NET PAY

Pay Period Ending 02/22/2014 - Paid 02/28/2014

WELLER, LINDA JO	1,339.67	BEHAN, HALEY C.	117.99
STRAEBEL, ROBERT J.	2,186.47	RAMSEY, MADISON L.	447.09
BRANDI, RICHARD M.	1,432.55	BERTINELLI, DAVID P.	255.48
LOY, EVELYN R.	997.09	STEBE, CATHERINE M.	348.02
KLOOSTER, ALIDA K.	1,378.74	STEVENS, RODNEY M.	363.41
BROWN, STEPHANIE C.	1,541.20	ARNOLD, HAILEE M.	324.05
SPENCER, MICHAEL D.	1,589.69	WITTHOEFT, MARVIN J.	129.29
SPENCLEY, PATRICIA L.	1,000.52	HAGEN, AARON W.	217.83
NASH, JENNIFER B.	290.76	HOLM, ARTHUR R.	644.50
MILLER, FAITH G.	25.64	HEID, THOMAS J.	1,248.98
PEARSON, BETHANY S.	1,224.97	STEIN, DONNA E.	128.00
ZIELINSKI, JOSEPH A.	1,586.39	WOODY, SCOTT R.	1,523.84
DOAN, GERARD P.	1,193.40	VANLOO, JOSEPH G.	536.56
SHRIFT, PETER R.	1,141.71	HAND, HEATHER K.	841.78
SCHLAPPI, JAMES L.	1,145.82	SCHNEIDER, DENNIS R.	264.90
UMULIS, MATTHEW T.	1,225.48	TABER, HOLLY S.	644.47
HANKINS, SCOTT A.	1,443.21	CROFT, JAMES E.	96.04
ORBAN, BARBARA K.	1,244.31	WYMAN, MATTHEW A.	803.99
TRAEGER, JASON A.	1,170.94	STEVENS, JEFFREY W.	372.93
WARNER, JANINE M.	939.21	ROLOFF, AUDREY M.	1,002.55
IVAN, PAUL M.	1,693.56	MATTER, DAWSON K.	879.42
SCHWARTZFISHER, JOSEPH L.	1,015.80	MARSH JR., JAMES D.	102.05
BRODIN, WILLIAM C.	1,341.43	RILEY, TIMOTHY C.	280.36
RILEY, DENISE M.	320.61	RAMSEY, KYLE J.	26.42
TEUNIS, STEVEN L.	1,772.79	RILEY, CASEY W.	103.89
WURST, RANDALL W.	1,261.50	THORMAN, MIKAYLA R.	100.96
MAYER, SHELLEY L.	1,331.57	JONES, LARRY M.	969.54
HILLING, NICHOLAS A.	1,414.30	ONCS, THOMAS F.	96.97
MEIER III, CHARLES A.	1,856.93	TRAVERS, MANUEL J.	269.58
ZACHARIAS, STEVEN B.	1,185.99	SCOTT JR., WINFIELD	66.07
NISWANDER, JOSEPH F.	1,255.82	SILVA, JESSE L.	85.16
BLANCHARD, SCOTT W.	1,564.05	KITELEY, FISHER L.	92.51
FRYE, EDWARD J.	484.38	COLLINS, CHAD M.	930.52
JONES, TERRI L.	931.39	RILEY, DANIEL A.	987.36
SWEM, DONALD L.	1,628.64	BERGMANN, DOUGLAS M.	66.07
EATON, BRAD A.	2,275.65	SCHOOF, WILLIAM R.	837.21
WILSON, TIMOTHY J.	1,836.84	MORRISON, KEVIN P.	1,190.89
LAVOIE, RICHARD L.	1,299.40	HODGE, MICHAEL J.	1,227.64
STEVENS, BRANDON C.	1,375.87	WELLS JR., DONALD E.	1,764.02
WHITLEY, ANDREW T.	1,576.61	BRADLEY, KELLY R.	1,513.83
DRAVES, MARTIN J.	1,767.52	JOHNSON, STEVEN P.	1,154.03
ELLIOTT, PATRICK M.	1,587.17	JONES, ROBERT F.	1,190.38
WILKIN, AMANDA J.	803.30	DORAN, JUSTIN J.	1,206.88
BOSS JR, DALE E.	1,114.57	PANOFF, ZACHARY R.	743.98
BOSS, JAMES W.	919.97	ROLOFF, ROBERT P.	2,319.13
STEBE JR, JOHN M.	477.44	WILSON, RICHARD J.	1,297.36
BOSS, SHERRY M.	408.78	FUNKEY, KRAIG R.	96.97
MURPHY IV, MICHAEL J.	102.37		
BEHAN, DEAN T.	280.31	TOTAL:	88,893.23

DRAFT

DRAFT

**PAYROLL: TRANSMITTAL
02/28/2014**

AMERICAN FAMILY LIFE	182.40	MI STATE DISBURSEMENT UNIT	596.19
AMERICAN FAMILY LIFE	269.17	NORTHWESTERN BANK	150.00
BAY WINDS FEDERAL CREDIT UNION	200.00	PRIORITY HEALTH	1,052.77
CHAR EM UNITED WAY	84.54	TENHOUTEN RINGSTROM, PLLC	178.86
CHARLEVOIX STATE BANK	1,041.16		
COMMUNICATION WORKERS OF AMER	627.12	TOTAL:	4,382.21

DRAFT

Check Number	Payee	Amount
03/06/2014		
109021	TAYLOR, MARCIA L.	1,200.00
Total 03/06/2014:		1,200.00
Grand Totals:		1,200.00

Summary of Check Registers & ACH Payments

FIRST MERIT BANK - CHECKS ISSUED

03/06/14 Special Accounts Payable Run	\$	1,200.00
03/14/14 Payroll	\$	81,415.02
03/14/14 Payroll Transmittal Checks	\$	4,486.22
03/18/14 Regular Accounts Payable	\$	276,544.82

Checks Sub-Total: \$ 363,646.06

FIRSTMERIT BANK - ACH PAYMENTS

03/03/14 MI Public Power Agency	\$	28,750.46
03/10/14 MI Public Power Agency	\$	29,007.75
03/10/14 State of MI (Sales Tax)	\$	22,535.81
03/14/14 IRS (Payroll Tax Deposit)	\$	31,887.46
03/14/14 Alerus Financial (HCSP)	\$	280.00
03/14/14 State of MI (Withholding Tax)	\$	4,502.45
03/14/14 Vantagepoint (401 ICMA Plan)	\$	728.06
03/14/14 Vantagepoint (457 ICMA Plan)	\$	12,652.73

ACH Sub-Total: \$ 130,344.72

FirstMerit Bank Total: \$ 493,990.78

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

03/06/14 Special Accounts Payable Run	\$	25,443.50
---------------------------------------	----	-----------

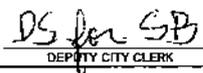
Charlevoix State Bank Total: \$ 25,443.50

Grand Total: \$ 519,434.28

APPROVED:


 CITY MANAGER


 CITY TREASURER


 DEPUTY CITY CLERK

M = Manual Check, V = Void Check

Check Number	Payee	Amount
03/18/2014		
109048	ACCESS LOCKSMITHING INC	275.00
109049	ACE HARDWARE	3,402.20
109050	ALL-PHASE ELECTRIC SUPPLY CO.	812.59
109051	AMERICAN WASTE INC.	2,332.00
109052	AMES, ROBYN	23.80
109053	ARROW UNIFORM-TAYLOR L.L.C.	1,047.92
109054	ASPLUNDH TREE EXPERT CO	5,812.95
109055	AT&T	531.49
109056	AT&T LONG DISTANCE	739.47
109057	AUTO VALUE	872.35
109058	AVFUEL CORPORATION	29,120.86
109059	BARRAW, HANNAH	10.71
109060	BEAVER RESEARCH COMPANY	98.89
109061	BIOMEDICAL SOLUTIONS	1,437.50
109062	BLARNEY CASTLE OIL CO	1,733.30
109063	BOB MATHERS FORD	282.00
109064	BRADFORD'S	84.50
109065	BRADLEY, JOHN	442.17
109066	BRESSER, MARY	25.00
109067	BROWN, STEPHANIE	319.60
109068	CARQUEST OF CHARLEVOIX	1,022.81
109069	CHARLEVOIX AREA	60.00
109070	CHARLEVOIX AREA HOSPITAL	158.40
109071	CHARLEVOIX DISTRICT LIBRARY	7.50
109072	CITY OF CHARLEVOIX - UTILITIES	36,107.96
109073	CIVIC SYSTEMS	9,698.32
109074	CROSS CUT CONCRETE CUTTING	200.00
109075	DTE ENERGY	14,585.26
109076	EMERGENCY MEDICAL PRODUCTS I	951.70
109077	FAMILY FARM & HOME	501.16
109078	FARM BUREAU INSURANCE	207.67
109079	FASTENAL COMPANY	2.40
109080	FERGUSON & CHAMBERLAIN	1,552.00
109081	FISHER SCIENTIFIC	1,445.92
109082	FREIGHTLINER OF GRAND RAPIDS	494.67
109083	GALLS AN ARAMARK COMPANY	136.00
109084	GEMPLER'S	50.45
109085	GORDON FOOD SERVICE	27.98
109086	GRAINGER	164.30
109087	GREAT LAKES PIPE & SUPPLY	612.29
109088	GRULER'S FARM SUPPLY INC	369.60
109089	HACH COMPANY	896.09
109090	HARTFORD, THE	594.34
109091	HOLIDAY COMPANIES	220.84
109092	HYDRO DESIGNS INC.	515.00
109093	HYDRO DYNAMICS	3,842.90
109094	INDEPENDENT DRAFTING SERVICES	1,952.00
109095	ISLAND AIRWAYS	15.74

Check Number	Payee	Amount
109096	J & B MEDICAL SUPPLY INC.	192.00
109097	JACK DOHENY SUPPLIES INC	385.32
109098	KMart	15.98
109099	KORTHASE FLINN	542.38
109100	KSS ENTERPRISES	142.33
109101	LAKESHORE TIRE & AUTO SERVICE	28.50
109102	LAKESIDE TOWING	85.00
109103	LAVOIE, RICHARD	14.00
109104	MAYER, SHELLEY L.	100.00
109105	MDC CONTRACTING LLC	1,300.00
109106	METAL HEAD WELDING LLC	315.78
109107	MICHIGAN CAT	954.05
109108	MICHIGAN OFFICEWAYS INC	590.85
109109	MICHIGAN RURAL WATER ASSN	95.00
109110	MOORE, WILLIAM	100.00
109111	NETSOURCE ONE INC.	1,356.00
109112	NORTHERN CREDIT BUREAU	97.65
109113	NORTHERN FIRE & SAFETY INC.	185.00
109114	NORTHERN LIGHTS FAMILY	118.50
109115	NORTHERN MICHIGAN JANITORIAL	56.38
109116	NORTHERN MICHIGAN REVIEW INC.	1,524.17
109117	NORTHERN PUMP SERVICE INC.	795.51
109118	NOVOTNY'S REPAIR LLC	782.23
109119	NYE UNIFORM CO	156.62
109120	OLESON'S FOOD STORES	7.92
109121	OTEC	202.00
109122	PERFORMANCE ENGINEERS INC	17,066.50
109123	POSTMASTER - CHARLEVOIX	4,000.00
109124	POWER LINE SUPPLY	4,905.30
109125	PRO WEB MARKETING LLC	150.00
109126	RELIABLE OFFICE SUPPLIES	542.80
109127	RTI LABORATORIES INC.	114.00
109128	SAM MASSA WINTER ENTERPRISES	414.91
109129	SCIENTIFIC BRAKE & EQUIP CO	316.30
109130	SPAULDING MFG. INC.	958.37
109131	ST. MARY SCHOOL	2,500.00
109132	STATE OF MICHIGAN	32.00
109133	STATE OF MICHIGAN	200.00
109134	STATE OF MICHIGAN	400.00
109135	STEVENS, BRANDON	14.00
109136	SUPERIOR MECHANICAL	160.00
109137	SWANSON K & D INC	212.50
109138	SYN-TECH SYSTEMS INC.	183.60
109139	TERMINAL SUPPLY CO	584.16
109140	US BANK	97,997.50
109141	USA BLUE BOOK	107.09
109142	VANMETER-SANDERSON, KIMBERLY	53.76
109143	VILLAGE GRAPHICS INC.	82.97
109144	WHITLEY, ANDREW	14.00

Check Number	Payee	Amount
109145	WILSON, RICHARD J.	25.00
109146	WORK & PLAY SHOP	4,704.79
109147	YOUNG GRAHAM	4,864.50
Total 03/18/2014:		276,544.82
Grand Totals:		276,544.82

Check Number	Payee	Amount
03/03/2014		
30314001	MICHIGAN PUBLIC POWER AGENCY	28,750.46
Total 03/03/2014:		28,750.46
Grand Totals:		28,750.46

Check Number	Payee	Amount
03/10/2014		
31014001	MICHIGAN PUBLIC POWER AGENCY	29,007.75
Total 03/10/2014:		29,007.75
Grand Totals:		29,007.75

Check Number	Payee	Amount
03/10/2014		
31014002	STATE OF MICHIGAN	.00 V
31014003	STATE OF MICHIGAN	22,535.81
Total 03/10/2014:		22,535.81
Grand Totals:		22,535.81

Check Number	Payee	Amount
03/06/2014		
2327	ACKERMAN MANAGEMENT LLC	11.85
2328	CHARLEVOIX COUNTY TREASURER	12,685.73
2329	CHARLEVOIX COUNTY TREASURER	484.83
2330	CHARLEVOIX DISTRICT LIBRARY	4,093.74
2331	CHARLEVOIX PUBLIC SCHOOLS	593.58
2332	CHARLEVOIX PUBLIC SCHOOLS	513.50
2333	CHARLEVOIX PUBLIC SCHOOLS	23.34
2334	CHARLEVOIX PUBLIC SCHOOLS	250.93
2335	CITY OF CHARLEVOIX - TAXES DUE	6,057.48
2336	RECREATIONAL AUTHORITY	728.52
Total 03/06/2014:		25,443.50
Grand Totals:		25,443.50

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/08/2014	PC	03/14/2014	17180	WELLER, LINDA JO	101		1,494.35
03/08/2014	PC	03/14/2014	17181	STRAEBEL, ROBERT J.	102		2,496.76
03/08/2014	PC	03/14/2014	17182	LOY, EVELYN R.	117		997.09
03/08/2014	PC	03/14/2014	17183	KLOOSTER, ALIDA K.	121		1,547.94
03/08/2014	PC	03/14/2014	17184	BROWN, STEPHANIE C.	126		1,530.54
03/08/2014	PC	03/14/2014	17185	SPENCER, MICHAEL D.	132		1,817.76
03/08/2014	PC	03/14/2014	17186	SPENCLEY, PATRICIA L.	136		1,000.52
03/08/2014	PC	03/14/2014	17187	NASH, JENNIFER B.	138		219.63
03/08/2014	PC	03/14/2014	17188	PANOFF, ZACHARY R.	141		743.98
03/08/2014	PC	03/14/2014	17189	PEARSON, BETHANY S.	143		1,224.96
03/08/2014	PC	03/14/2014	17190	ZIELINSKI, JOSEPH A.	144		1,586.39
03/08/2014	PC	03/14/2014	17191	DOAN, GERARD P.	201		1,193.40
03/08/2014	PC	03/14/2014	17192	SHRIFT, PETER R.	203		1,093.96
03/08/2014	PC	03/14/2014	17193	SCHLAPPI, JAMES L.	204		957.44
03/08/2014	PC	03/14/2014	17194	UMULIS, MATTHEW T.	205		1,481.60
03/08/2014	PC	03/14/2014	17195	HANKINS, SCOTT A.	208		1,443.21
03/08/2014	PC	03/14/2014	17196	ORBAN, BARBARA K.	209		1,409.76
03/08/2014	PC	03/14/2014	17197	TRAEGER, JASON A.	210		1,267.98
03/08/2014	PC	03/14/2014	17198	WARNER, JANINE M.	213		1,167.28
03/08/2014	PC	03/14/2014	17199	IVAN, PAUL M.	301		1,693.56
03/08/2014	PC	03/14/2014	17200	SCHWARTZFISHER, JOS	303		980.04
03/08/2014	PC	03/14/2014	17201	ROLOFF, ROBERT P.	304		860.27
03/08/2014	PC	03/14/2014	17202	BRODIN, WILLIAM C.	305		1,244.06
03/08/2014	PC	03/14/2014	17203	RILEY, DENISE M.	306		320.61
03/08/2014	PC	03/14/2014	17204	TEUNIS, STEVEN L.	402		1,772.79
03/08/2014	PC	03/14/2014	17205	WURST, RANDALL W.	411		1,558.16
03/08/2014	PC	03/14/2014	17206	MAYER, SHELLEY L.	412		1,234.31
03/08/2014	PC	03/14/2014	17207	HILLING, NICHOLAS A.	413		1,323.55
03/08/2014	PC	03/14/2014	17208	MEIER III, CHARLES A.	421		1,619.53
03/08/2014	PC	03/14/2014	17209	ZACHARIAS, STEVEN B.	422		1,365.56
03/08/2014	PC	03/14/2014	17210	NISWANDER, JOSEPH F.	504		1,330.99
03/08/2014	PC	03/14/2014	17211	FRYE, EDWARD J.	508		2.46
03/08/2014	PC	03/14/2014	17212	JONES, TERRI L.	511		931.40
03/08/2014	PC	03/14/2014	17213	EATON, BRAD A.	515		2,286.36
03/08/2014	PC	03/14/2014	17214	WILSON, TIMOTHY J.	516		2,157.05
03/08/2014	PC	03/14/2014	17215	LAVOIE, RICHARD L.	519		1,263.41
03/08/2014	PC	03/14/2014	17216	STEVENS, BRANDON C.	521		1,755.70
03/08/2014	PC	03/14/2014	17217	DRAVES, MARTIN J.	523		2,004.69
03/08/2014	PC	03/14/2014	17218	ELLIOTT, PATRICK M.	600		1,587.17
03/08/2014	PC	03/14/2014	17219	WELLS JR., DONALD E.	609		1,992.08
03/08/2014	PC	03/14/2014	17220	BRADLEY, KELLY R.	614		1,501.92
03/08/2014	PC	03/14/2014	17221	WILSON, RICHARD J.	615		1,184.20
03/08/2014	PC	03/14/2014	17222	JONES, ROBERT F.	618		1,271.09
03/08/2014	PC	03/14/2014	17223	DORAN, JUSTIN J.	621		1,531.62
03/08/2014	PC	03/14/2014	17224	WILKIN, AMANDA J.	700		651.99
03/08/2014	PC	03/14/2014	17225	MURPHY IV, MICHAEL J.	732		227.33
03/08/2014	PC	03/14/2014	17226	BEHAN, HALEY C.	734		52.86
03/08/2014	PC	03/14/2014	17227	RAMSEY, MADISON L.	752		615.23
03/08/2014	PC	03/14/2014	17228	BERTINELLI, DAVID P.	764		488.96
03/08/2014	PC	03/14/2014	17229	ARNOLD, HAILEE M.	768		267.81
03/08/2014	PC	03/14/2014	17230	WITTHOEFT, MARVIN J.	769		166.23
03/08/2014	PC	03/14/2014	17231	HAGEN, AARON W.	770		110.82
03/08/2014	PC	03/14/2014	17232	HEID, THOMAS J	802		1,248.98
03/08/2014	PC	03/14/2014	17233	STEIN, DONNA E.	830		359.26
03/08/2014	PC	03/14/2014	17234	WOODY, SCOTT R.	900		1,523.84
03/08/2014	PC	03/14/2014	17235	VANLOO, JOSEPH G.	902		435.00
03/08/2014	PC	03/14/2014	17236	HAND, HEATHER K.	913		841.78

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/08/2014	PC	03/14/2014	17237	TABER, HOLLY S.	924		644.47
03/08/2014	PC	03/14/2014	17238	CROFT, JAMES E.	926		143.98
03/08/2014	PC	03/14/2014	17239	WYMAN, MATTHEW A.	927		867.26
03/08/2014	PC	03/14/2014	109022	BLANCHARD, SCOTT W.	505		1,564.93
03/08/2014	PC	03/14/2014	109023	SWEM, DONALD L.	512		1,628.63
03/08/2014	PC	03/14/2014	109024	WHITLEY, ANDREW T.	522		1,322.69
03/08/2014	PC	03/14/2014	109025	MORRISON, KEVIN P.	601		1,105.05
03/08/2014	PC	03/14/2014	109026	HODGE, MICHAEL J.	606		1,293.58
03/08/2014	PC	03/14/2014	109027	JOHNSON, STEVEN P.	617		1,256.72
03/08/2014	PC	03/14/2014	109028	BOSS JR, DALE E.	701		1,114.57
03/08/2014	PC	03/14/2014	109029	BOSS, JAMES W.	719		919.97
03/08/2014	PC	03/14/2014	109030	STEBE JR, JOHN M.	729		481.55
03/08/2014	PC	03/14/2014	109031	BOSS, SHERRY M.	730		461.89
03/08/2014	PC	03/14/2014	109032	BEHAN, DEAN T.	733		264.69
03/08/2014	PC	03/14/2014	109033	STEBE, CATHERINE M.	765		373.02
03/08/2014	PC	03/14/2014	109034	STEVENS, RODNEY M.	766		492.85
03/08/2014	PC	03/14/2014	109035	HOLM, ARTHUR R.	791		586.98
03/08/2014	PC	03/14/2014	109036	SCHNEIDER, DENNIS R.	916		181.78
03/08/2014	PC	03/14/2014	109037	STEVENS, JEFFREY W.	1028		273.19
Grand Totals:			76				81,415.02

Report Criteria:

- Computed checks included
- Manual checks included
- Supplemental checks included
- Termination checks included
- Void checks included

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/08/2014	03/14/2014	109038	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	182.40
03/08/2014	03/14/2014	109038	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	269.17
03/08/2014	03/14/2014	109039	BAY WINDS FEDERAL C	9024	HSA-EMPLOYEE CONTRIB-BAY	150.00
03/08/2014	03/14/2014	109040	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 3/8/20	84.54
03/08/2014	03/14/2014	109041	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	1,041.16
03/08/2014	03/14/2014	109042	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	568.42
03/08/2014	03/14/2014	109043	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	596.19
03/08/2014	03/14/2014	109044	NORTHWESTERN BANK	9018	HSA - EMPLOYEE CONTRIB - N	150.00
03/08/2014	03/14/2014	109045	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 3	382.00
03/08/2014	03/14/2014	109046	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,052.77
03/08/2014	03/14/2014	109047	TENHOUTEN RINGSTRO	9019	GARNISHMENT PER 90TH DIST	9.57
Grand Totals:		11				4,486.22

Check Issue Date	Check Number	Payee	Amount
31414001			
03/14/2014	31414001	**EFTPS* Payroll Taxes	7,791.03
03/14/2014	31414001	**EFTPS* Payroll Taxes	7,791.03
03/14/2014	31414001	**EFTPS* Payroll Taxes	1,822.12
03/14/2014	31414001	**EFTPS* Payroll Taxes	1,822.12
03/14/2014	31414001	**EFTPS* Payroll Taxes	12,661.16
Total 31414001:			
	5		31,887.46
31414002			
03/14/2014	31414002	Alerus Financial	280.00
Total 31414002:			
	1		280.00
31414003			
03/14/2014	31414003	STATE OF MICHIGAN	4,502.45
Total 31414003:			
	1		4,502.45
31414004			
03/14/2014	31414004	Vantagepoint - 401 Plan 109153	728.06
Total 31414004:			
	1		728.06
31414005			
03/14/2014	31414005	Vantagepoint - 457 Plan 300959	5,018.64
03/14/2014	31414005	Vantagepoint - 457 Plan 300959	1,703.64
03/14/2014	31414005	Vantagepoint - 457 Plan 300959	5,930.45
Total 31414005:			
	3		12,652.73
Grand Totals:			
	11		50,050.70

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Public Hearing on an Ordinance to change Planning Commission membership requirements.

DATE: March 17, 2014

PRESENTED BY: Mike Spencer, City Planner

ATTACHMENTS: Copy of draft ordinance

BACKGROUND INFORMATION:

Finding qualified candidates willing to serve on the City's Planning Commission can be difficult in a small city with a year round population of less than 3,000 people. This is especially difficult in Charlevoix with the large number of second homes and vacation properties in the City.

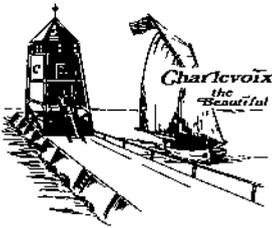
At the March 3rd meeting the number of planning commissioners was brought up since the Planning Enabling Act allows 5, 7, or 9 members. As I explained at the meeting, having 9 members does give the City a wider range of individuals with varying viewpoints and allows multiple members to be absent yet still have a quorum. This prevents meetings from being cancelled and decisions postponed, which can often be contentions and time sensitive. Reducing the number of members is an option but I would want to seek comment from the Commission prior to any Council decision. Reducing the number of members has never been discussed with the Planning Commission.

The ordinance could be adopted as is, or amended to require that any non-qualified electors also be taxpayers within the City, own a business, have unique or special qualifications, or other requirements. As written, the proposed change would allow up to two members of the Planning Commission to be qualified electors of one of the five townships that the City of Charlevoix provides services to including Charlevoix, Eveline, Hayes, Marion and Norwood. You could also change or reduce the number of townships to select from.

Also please be aware that this change is not being discussed or proposed because of one particular individual or citizen. The intent is to have diverse, qualified Commissioners who have the best interests of the City in mind.

RECOMMENDATION:

Motion to adopt ordinance X of 2014 as presented, or amended. We are short one member currently but there is no rush or immediate need to make a decision if you feel more time is warranted.



CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

CITY OF CHARLEVOIX
Ordinance No. __ of 2014

AN ORDINANCE TO AMEND TITLE I, ADMINISTRATION, CHAPTER 7,
ARTICLE V, PLANNING COMMISSION, SECTION 1.401, MEMBERSHIP.

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Amendment of Section 1.401

Section 1.401, subsection (1) is hereby amended to read in its entirety as follows:

Section 1.401: Membership

- (1) The Planning Commission shall consist of nine members appointed by the Mayor and subject to approval by a majority vote of the City Council. To be qualified to be a member and remain a member of the commission, the following qualifications must be met:
 - (a) Except as provided in subsection (b) below, shall be a qualified elector of the City of Charlevoix as defined in Section 1.407;
 - (b) Up to two (2) members may be appointed that are qualified electors of Charlevoix, Eveline, Hayes, Marion or Norwood Townships;
 - (c) Shall attend training for commission members, pursuant to Section 1.402 after an individual's first appointment and before reappointment;
 - (d) Shall meet the conditions provided for each individual member in subsections 2, 3, and 4.

SECTION 2. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment by the City Council.

ADOPTED this ____ day of MONTH, A.D. 2014

Ordinance No. XXXX was adopted on the ___ day of _____, 2014, by the Charlevoix City Council as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

STATE OF MICHIGAN)

) ss

CITY OF CHARLEVOIX)

Stephanie Brown, Deputy City Clerk

Norman L. Carlson, Jr. Mayor

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Presentation and Discussion Regarding Conceptual Land Swap at Fisherman’s Island State Park

DATE: March 17, 2014

PRESENTED BY: Anne Zukowski

Dirk Cox, St Mary’s Cement Company

- ATTACHMENTS:**
1. Letter from Anne Zukowski dated February 21, 2014
 2. St. Mary’s Cement Land Swap Concept, March 2014
 3. March 3, 2014 letter from St. Mary’s regarding Lake to Lake Trail
 4. March 12, 2014 News Review Article
 5. Save Fisherman’s Island: Stop the State Forest/Bell’s Bay Road Land Grab
 6. Save Fisherman’s Island State Park dated March 8, 2014
 7. Letter From Tina Stoeberi dated February 20, 2014
 8. Email and Attached Information from Joanne Beemon
 9. Map

BACKGROUND INFORMATION: City of Charlevoix resident Anne Zukowski has requested to appear before City Council to voice her opposition to the conceptual land swap between St. Mary’s Cement Company and Fisherman’s Island State Park. As there is much misinformation about the proposed land swap and to bring balance to the discussion, the City Manager has asked St. Mary’s General Manager Dirk Cox to make a presentation.

Council is not obligated to take an official stance on the conceptual plan as St. Mary’s has not submitted an official application to the DNR at this time. St. Mary’s has stated their desire to set up a “working committee” to identify issues with the land swap. The City would certainly desire to have a representative(s) on the committee.

No matter how one perceives the conceptual land swap, it is important to remember St. Mary’s dedication of an abandoned railroad bed to Charlevoix Township for the Lake to Lake Trail. This

generous donation creates a critical linkage between Lake Charlevoix and Fisherman's Island. Furthermore, St. Mary's has committed to a public access point for the current or a future park entrance via the Lake to Lake Trail. See attached letter dated March 3, 2014.

RECOMMENDATION: Discussion.

Dear City Council Members,

February 21, 2014

The proposed land swap between St. Mary's Cement Plant and Fisherman's Island State Park will be detrimental to the residents of Charlevoix.

1. Bells Bay Road going to the beach, hiking trails and park entrance would be closed and quarried.

This portion of the park is close to Charlevoix and is heavily used by hikers, skiers, hunters, mushroomers, Charlevoix High School cross country team members, sunset watchers, beach goers, snowmobilers and summer residents. Closing the road would take away easy local access to the park, trails and beach.

Moving the park entrance further south (as is proposed) would make it more difficult for residents and families who want to use the park after school or work.

2. The Lake To Lake Bike Trail, which is scheduled for construction this summer, would end at the corner of Hwy 31 and Bells Bay Road, (the trail to nowhere). The trail would have to be re-routed several miles south to be able to reach Lake Michigan. Besides a much longer bike ride between the two lakes, work would have to begin anew to plan and construct a new route.

3. The 190 acres of land extending on both sides of Bells Bay Road to be given to St. Mary's is heavily wooded and is home to a diverse array of wildlife. These woods provide a buffer between St. Mary's current quarry operations and the trails and beach in the park.

Allowing St. Mary's to turn this forest into a quarry pit will reduce the esthetic value of the beach and trails. It will diminish the beauty and environmental integrity of the park.

4. The land St. Mary's wants to trade is not comparable. Most of it is a flat field. Its distance from the town of Charlevoix means less access to Charlevoix residents who want to use the park after work or school.

The north end of Fisherman's Island State Park (including Bells Bay Road) is a valuable asset to our town, its residents and visitors. The citizens do not want this swap. Over 1,100 people have "liked" a face book page "Save Fisherman's Island." Please be a voice for the people of Charlevoix and take a stand against this proposed land swap.

Sincerely,



Anne Zukowski
Charlevoix
547-3467



John TLESWALE

Charlevoix
675 8170

Linda Weller

From: Cox Dirk [DACox@vcsmc.com]
Sent: Tuesday, March 11, 2014 1:47 PM
To: Linda Weller; Michael Spencer
Subject: St Marys Land Swap
Attachments: Land Swap FINAL 3102014.pdf

Rob, Mike,

St Marys Cement attended the Charlevoix Township meeting last night, including a public hearing segment on the 'land swap'. The meeting was cordial despite a potentially contentious issue. Very professionally run by the Char Township Supervisors in my opinion.

I am providing the electronic versions of the documents we distributed last night and encourage you to distribute them to anyone you wish. I would also encourage you to read them as many of the most commonly voiced concerns are addressed.

We are not seeking endorsements or resolutions, just a dialogue with people who have the facts.

If you have any question or anyone else does, please let me know

regards

Dirk Cox

Operations Manager
St. Marys Cement Inc.
PO Box 367
Charlevoix MI 49720
Bus: 231 237 1322
Cell: 231 675 1478
Fax: 231 547 6202
E-Mail: dacox@vcsmc.com
www.stmaryscement.com



St Marys Cement Land Swap Concept

March 2014

Community Members,

Since St Marys Cement bought the plant in 2005, we have consistently sought input from the community on how our operations affect them, attempted to address real concerns and in the process we have built strong relationships with the community. We have over one hundred thirty full time employees, are one of the largest tax payers in the county, are a major economic contributor to the area, and we expect to be here for the foreseeable future.

We also recognize that our area is a community with a certain character and charm that we all must work together to preserve and protect. St Marys decisions should ultimately enhance that character in the long term, while taking intermediate steps along the way that will make our operations as discreet and as low-profile as possible. With this in mind we envisioned the 'land swap'.

To get a feel for what the 'land swap' concept is please see Map 1 which represents actual, current St Marys property boundaries, and Map 2 which represents a post land swap conceptual boundary. In both maps the area within the yellow boundary is a mining area within which we intend to completely recover reclaimable minerals. In other words - 'doing nothing' means we would not move forward to swap property with the State and instead would mine the area within the yellow boundary in Map 1.

For a concept as broad and long-term as the 'land swap', a meaningful conversation is needed where real issues can be identified, then discussed by objective people working together for the overall benefit to the community, the park, our company and our employees. That kind of open dialogue has not yet occurred; as a result St Marys has not prepared or submitted an application to the Michigan Department of Natural Resources for a land swap.

St Marys proposes a working committee be formed to objectively challenge existing assumptions and determine if practical solutions can be crafted. The findings and conclusions could then be reported to the broader community.

We will facilitate the discussion and ask that respected leaders in the community, business, and the environment, consider participating. This will include people from Charlevoix Township, Norwood Township and the City of Charlevoix.

An open, direct, and fact based dialogue which leads to a constructive solution is the best way forward. In the following pages you will find a description of the concept, some of the benefits and some of the unedited comments that people have had. Our contact information can be found at the end of this brochure. Please feel free to use it.

Dirk Cox
Operations Manager
St Marys Cement Inc.



Map 1 - "DO NOTHING" Scenario

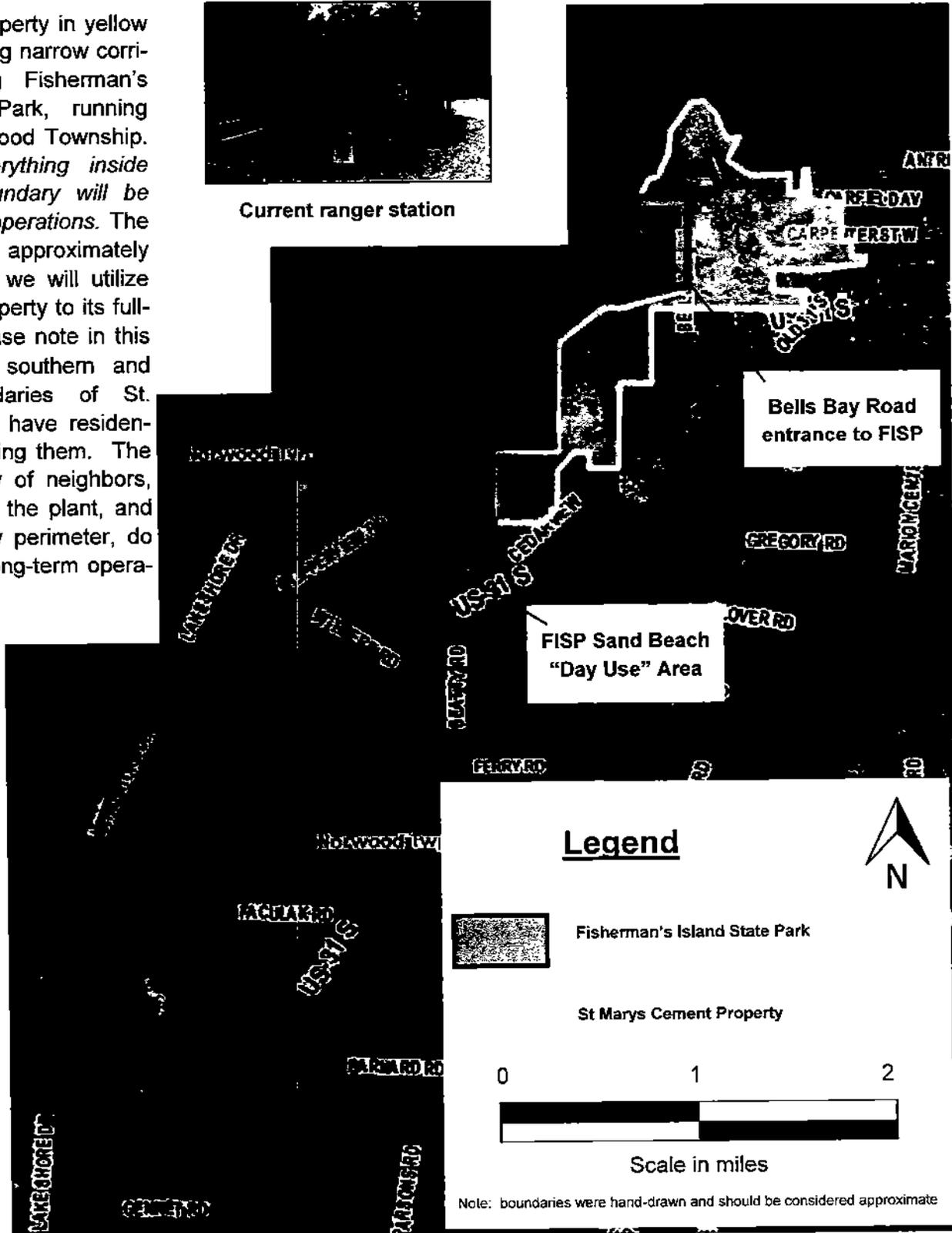
Current Property Boundaries

St Marys Cement and Fisherman's Island State Park

Map 1: Our property in yellow extends in a long narrow corridor, paralleling Fisherman's Island State Park, running deep into Norwood Township. *Ultimately, everything inside the yellow boundary will be part of mining operations.* The quarry life is approximately 100 years and we will utilize our existing property to its fullest extent. Please note in this map that the southern and eastern boundaries of St. Marys property have residential areas abutting them. The future proximity of neighbors, the distance to the plant, and the long quarry perimeter, do not meet our long-term operational goals.

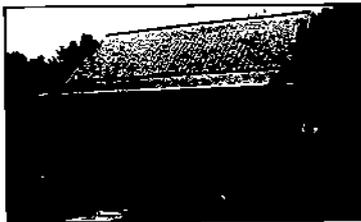


Current ranger station



Map 2 - Land Swap Concept Proposed Property Boundaries St Marys Cement and Fisherman's Island State Park

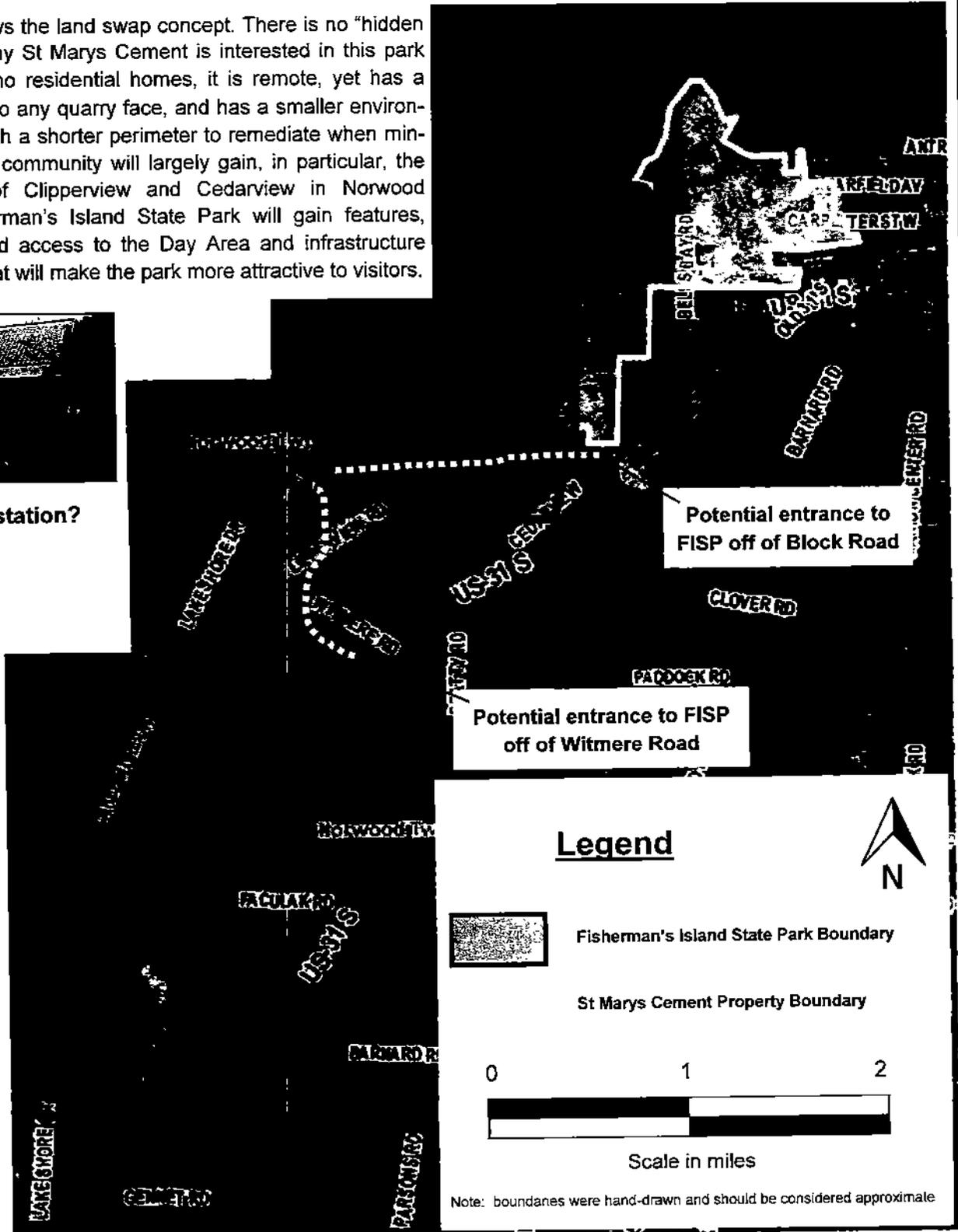
Map 2: This shows the land swap concept. There is no "hidden agenda" as to why St Marys Cement is interested in this park property. It has no residential homes, it is remote, yet has a shorter distance to any quarry face, and has a smaller environmental impact with a shorter perimeter to remediate when mining is done. The community will largely gain, in particular, the neighborhoods of Clipperview and Cedarview in Norwood Township. Fisherman's Island State Park will gain features, such as improved access to the Day Area and infrastructure improvements that will make the park more attractive to visitors.



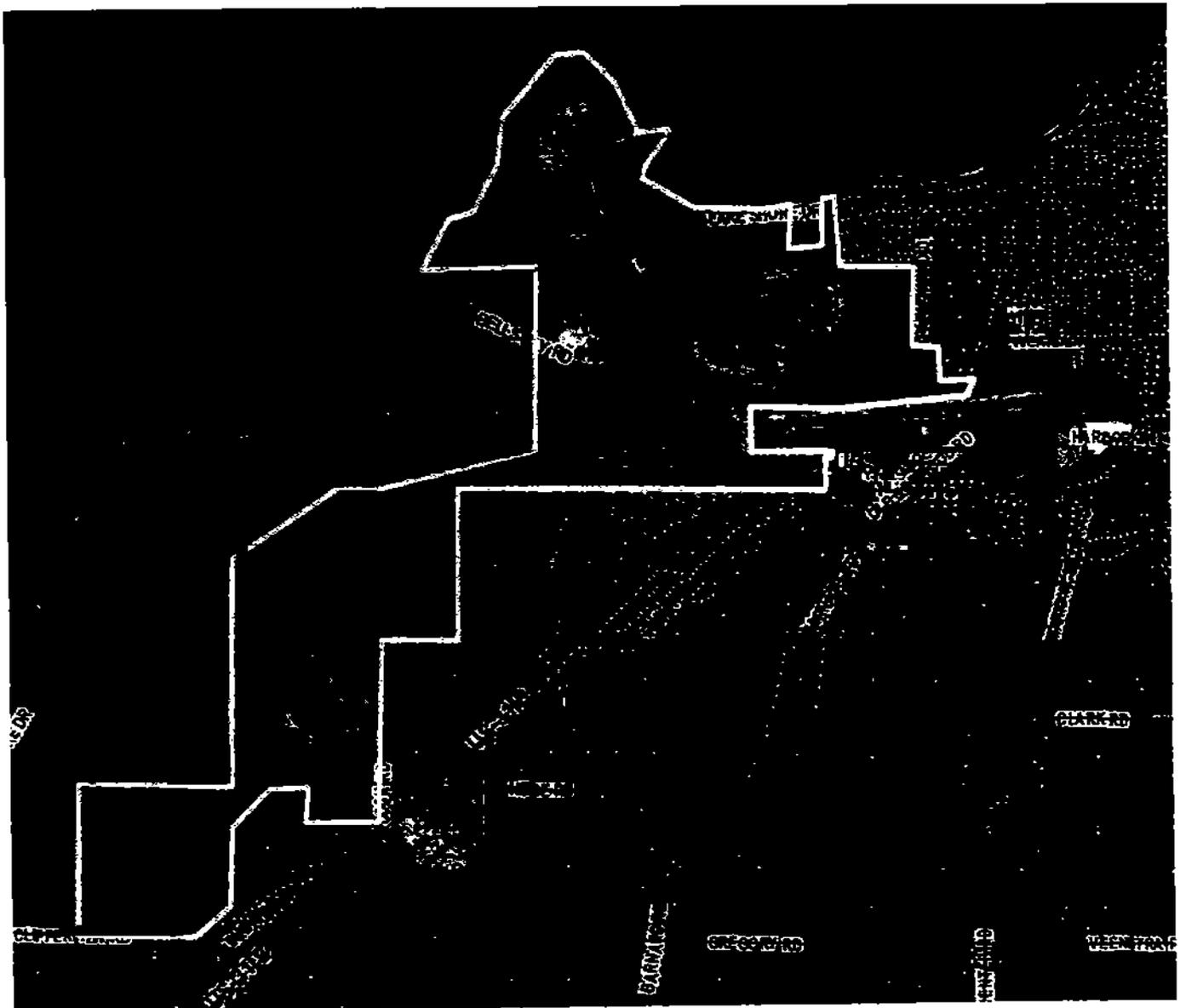
New ranger station?

- WiFi?
- Modern restrooms?
- Electricity?
- Showers?
- Pavilion?
- Mini-cabins?
- Playground?
- Dog park?
- Other services?

These are all things to consider!



Map 3 - Land Swap Concept Detail



Yellow Line — Current property boundary for St Marys Cement.

Blue Line — St Marys property which would be traded to the State of Michigan and become part of Fisherman's Island State Park.

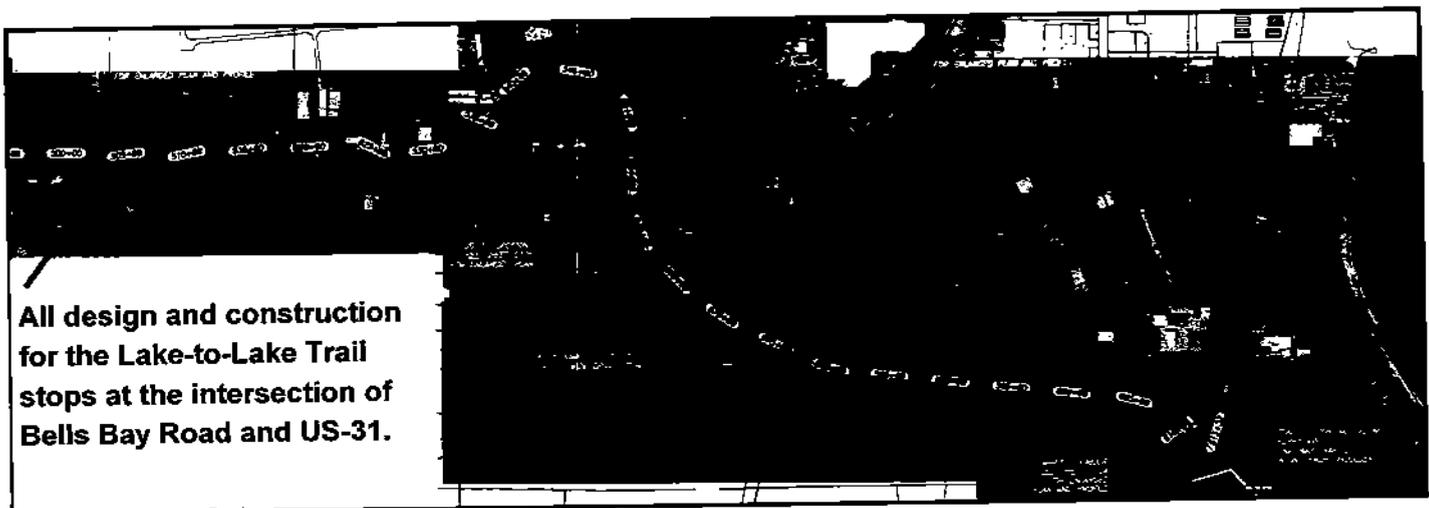
Red Line — State of Michigan property which would be acquired by St Marys Cement.

NOTE: The proposed swap parcels are shown above at a slight offset so that the current property line is visible. The land swap would follow property boundaries. Boundaries were hand-drawn and should be considered approximate.

Lake to Lake Trail Concerns

- The Lake to Lake Trail surface improvement ends at the intersection of US-31 and Bells Bay Road. From this intersection trail traffic shares Bells Bay Road into the current entrance to the state park. No trail construction is planned on Bells Bay Road.
- In support of the Lake to Lake Trail, St Marys Cement gifted more than 15 acres of our former railroad spur towards the completion of the Lake to Lake Trail in 2013.
- The entire Lake to Lake Trail investment scheduled for 2014 is on the portion of the trail prior to Bells Bay Road; it will not be impacted by any land swap. No money invested in the existing trail surface will be lost.
- In the event a land swap actually takes place and requires the Lake to Lake Trail on the current route to be redirected, then St Marys will construct, at no cost to the public, a new extension suitable for Lake to Lake Trail use to replace the affected portion.

Map 4 - Lake-to-Lake Trail



Land Swap Questions, Comments and Responses

1. "Why is SMC proposing this land swap?"

R: SMC will gain a more consolidated quarry footprint closer to the plant. This means a shorter property boundary that is more isolated from residential areas. A shorter distance to any quarry face means we will consume much less fuel hauling materials to the main plant. There will be less of an environmental impact and a shorter perimeter to remediate when quarrying is completed and the quarry is eventually turned into a lake. The impact on the neighborhoods of Clipperview and Cedarview in Norwood Township and the south campground area of the park will be substantially reduced.

2. "What would the State Park gain from the proposed land swap? Why would the State want to do this?"

R: The State frequently engages in land swaps and they are typically structured so that there is greater public benefit. The Michigan Department of Natural Resources would have to agree to this swap; however no proposal has yet been submitted. In this case, the Park would have a net gain of ±40 acres of land above the amount they would cede to SMC, the Park will acquire ±4,000 feet of the trout stream known as McGeach Creek, including a diverse habitat with fields, woods, and wetlands. In addition, the public would gain a new public access road to the Park which would not pass through an industrial setting. Additional improvements could include a new ranger station and other critically needed infrastructure improvements close to the

"Day Area". Finally, Fisherman's Island State Park stands to gain features that will attract more visitors.

3. How would the community benefit from the land swap?

The long-term aesthetics of the community will be improved by consolidating the footprint of the quarry area as well as making one of the area's important job providers more sustainable. Furthermore, the enhancements and improvements to the Park will draw more visitors, which will in turn contribute to our local businesses.

4. "I heard this [the land swap] is a done deal."

R: This is not true. St Marys has not submitted any application to the Michigan Department of Natural Resources. It is not a done deal. It is just a concept and your input is important.

5. I heard St Marys make the comment that if the land swap doesn't take place then they will do nothing. What does that mean? Why don't you just do nothing instead of upsetting everyone?"

R: Please see Map 1. By "doing nothing" we will do nothing different from our original operational plan. The original operational plan means all property to the south of the plant, extending into Norwood Township, will eventually be fully quarried. The entire perimeter will be bermed and all minerals extracted.

Eventually the quarry, will be filled with water and turned into a lake. The land swap concept gives us the opportunity to envision how we want the final shape of the quarry and shoreline to be determined.

6. Will the expected "lifetime" of the plant be affected by the swap?"

R: Yes. The plant currently has enough materials for approximately 100 more years of operation. The proposed land swap will actually reduce the plant's expected lifetime by a few years.

7. "Is it true that St Marys Cement eventually wants to close off access to the park through Bells Bay Road?"

R: Yes. If the swap takes place, it would necessitate relocating the park entrance. This would not be for many years and would be subject to discussions with the Michigan Department of Natural Resources.

8. "The entrance to Fisherman's Island State Park would have to be moved from just outside the city of Charlevoix on Bell's Bay Road to five miles south of Bell's Bay Road on Clipper View Road."

R: This is not true. No entrance direct from US-31 via Clipperview is being considered because this would mean routing park traffic through the Cedar Ridge residential subdivision. SMC envisions two other possible park entrances. Ultimately the Michigan Department of Natural Resources would

Land Swap Questions, Comments and Responses

decide on a new park entrance location.

9. "With a new entrance I will have to drive further to the park, and people will be reluctant to drive further."

R: This depends where you live. For some people it's closer and some it's further. From the city of Charlevoix the drive would be further, but from Norwood the drive would be shorter. An entrance off Block Road, for example, would add an additional 3.3 miles round trip (about four minutes) to and from the city of Charlevoix. An entrance off Witmere Road would be add an additional 6.9 miles round trip (about eight minutes) from the city of Charlevoix. In order to access the park Day Area, people are already driving to it south through the park. The overall distance to the Day Area remains approximately the same with all routes.

10. "Campers would be reluctant to travel to Charlevoix to shop and dine because of the extra distance in travel."

R: This is not true. The new entrance still puts Charlevoix as the nearest shopping and dining destination for anyone visiting the park. If people want to shop or dine, they would still likely go to Charlevoix.

11. "The Lake-to-Lake Trail would be lost. The trail goes from Ferry Beach on Lake Charlevoix to Bell's Bay Road. ...If the swap occurs, the trail would no longer go to Bells Bay and the current entrance to the park. The trail would be rerout-

ed around the quarry and/or along the highway. It would be a far longer distance to Lake Michigan."

R: This is not true. The trail would still go from Ferry Beach to the entrance of Bells Bay Road. Nothing St Marys proposes affects this portion of the trail at all. Please see Page 5.

12. "I heard that St Marys Cement wants to trade land to the State Park which has already been mined by them and is a big hole."

R: This is not true. SMC has not conducted any quarry operations in areas that might be traded to the Michigan Department of Natural Resources. All areas we have quarried will stay within our property boundary. However, part of the property we propose to obtain is a former quarry area.

13. I heard that St Marys Cement is going to mine the beach.

R: This is not true. All current beachfront property in the park will remain unchanged and remain part of the park property. Map 2 shows the approximate property line setback from the beach area.

14. "The hiking trails and cross country ski trails on both sides of the road would be lost. Trails within the park will be destroyed if the land swap is allowed."

R: This is not true. St Marys will survey the main marked trails

with respect to the proposed boundaries to be absolutely certain of where the trails are located. Furthermore, if needed or desired, SMC may repair or improve the trails in the future to the satisfaction of the Michigan Department of Natural Resources.

15. "Park access is free right now and I can go there and let my dogs run."

R: This is not true. The Michigan Department of Natural Resources requires all dogs to be leashed and visitors to use their Michigan Department of Natural Resources annual Recreation Passports for access to the park. Perhaps a dog park could be created in the swapped property. Those year-round local residents who would experience a hardship by purchasing an \$11 recreation passport may ask for reimbursement from St Marys Cement.

16. "The buffer that the most sought-after sites next to Lake Michigan now have would be lost. A cement quarry would be within several hundred yards... campsites in the State Park will be lost if the proposed land swap goes through."

R: This is not true. No campsites will be lost or impacted. All current campsites will remain after the swap unless the MDNR decides to move them. St Marys Cement lands currently share a common boundary of ± 3.8 miles with the state park. If the land swap occurs, the common boundary will be reduced to ± 2.2 miles. This is a 40% reduction in the shared property boundary. Please refer to Map 1 versus Map 2.

Land Swap Questions, Comments and Responses

17. "The land that St Marys is trading has sand dunes, scrub brush and wetlands. It is not the quality of forest the entrance to the park now sits on."

R: The quality of the land is subjective to most; however the Michigan Department of Natural Resources has an established process for reviewing land transaction applications which involves in-depth scrutiny from the Wildlife, Fisheries, Forest Resources, and Parks and Recreation Divisions. The scientists and environmental experts at the Michigan Department of Natural Resources will make determinations regarding land "quality".

18. "The berms along the high-way and road into Fisherman's Island State Park disguise the complete destruction of all green."

R: The berms do exactly what they are designed to do. The berms provide a safety barrier, visual barrier, noise barrier and a convenient way to store topsoil for the future lakeshore remediation.

19. "SMC is going to be fracking' in the park."

R: This is not true. St Marys Cement does not engage in fracking. We only manufacture cement.

20. "We ask that the Charlevoix City Council and the Charlevoix Township Board also vote to oppose the land swap...."

R: It is premature to ask anyone to make a final judgment at this time. SMC has not submitted an application so that we could first have a meaningful dialogue on the land swap with the community. Please see our cover letter.

Land Swap Facts

Weigh the benefits:

- **Larger State Park** and a net increase in ecosystem habitat
- **New park entrance** farther from the plant
- **New ranger station** farther from the plant
- **No reduction** in park trails
- **No reduction** in campsites
- **No reduction** in lake shoreline
- **No impact** on tax base in the townships
- **New Lake to Lake Trail options** that currently do not exist
- Neighbors who can expect **future quarry activities to be farther away from their homes**

We welcome your questions and comments!

**St Marys Cement Inc. (U.S.) -
Charlevoix, Michigan Plant**

PO Box 367
16000 Bells Bay Road
Charlevoix, MI 49720

Phone: 231-547-9971

Fax: 231-547-6202

e-mail questions to: landswap@att.net





Mr. Michael Spencer
City Planning Director
City of Charlevoix

March 3 2014

Subject: "Lake to Lake" Trail Initiative & St. Marys Cement Land Swap Concept

Mr. Spencer,

This memo is a follow up to our conversation regarding the Lake to Lake Trail. I understand that the Lake to Lake Trail will require funding provided by grants and donations for the trail surface. I also understand that those who decide whether to provide grant monies may have heard that St Marys Cement has conceptualized a land swap with the state of Michigan. They may have also heard rumors from those opposed to the land swap concept that any exchange of property between St. Marys and the State would mean that the Lake to Lake trail would end before getting into the park. This is not true.

St Marys gifted the bulk of the land which makes up the Lake to Lake trail, which should be pretty compelling evidence of our support for it. With this in mind, it should be self-evident that St Marys will neither propose nor actually take any actions that would terminate the Lake to Lake trail short of the park. If St Marys does turn this 'land swap' concept into an actual proposal to the State, a key feature of any such proposal would be that the Lake to Lake trail must allow users to access the park.

As far as we are concerned, that Lake to Lake trail end point could be at the new entrance or at the park boundary or it could continue share the plant access road, and please note there will always have to be a vehicle access road to the plant.

In other words, any investments made into this Lake to Lake trail effort are good investment's for the community and they will not be lost in the future due to any land swap St Marys might propose. I would encourage the granting authorities to provide the monies required for the Lake to Lake Trail.

Sincerely

Dirk Cox
Operations Manager

Cement plant presents land swap pitch

SHERI MCWHIRTER-O'DONNELL
Courier editor

CHARLEVOIX — A tone of cooperation this week concluded a public hearing that started with rather heated emotions about one of the region's most prized natural treasures — Fisherman's Island State Park.

St. Marys Cement on Monday proposed a community working committee to a packed house at Charlevoix

Township Hall on Waller Road in Charlevoix. Company officials said they want to explore the idea of a land swap with the state park, but said the plan also could be abandoned if vetted and found to have no merit.

"This is a concept. We have not submitted a proposal to the state," said Dirk Cox, operational manager for the mining business. "I think the proposal has some merit, but it also has some holes in it."

Tempers among those in the standing room only space — about 100 people packed into the meeting room — initially flared at the idea of a land swap between the beloved local state park and the mining company.

"I want it to stay how it is," said Bradford Lewis, a Charlevoix Township resident. "This park shouldn't be messed with."

See FISHERMAN'S ISLAND on PAGE A10

FISHERMAN'S ISLAND FROM A1

The general idea is the company would trade with the state more acreage on the southern end of its holdings for less acreage on the northern end of the park, including the Bells Bay Road entrance to the state park. It is expected a new park entrance would be required and public concerns about lost amenities and public access abound.

Cox confirmed that the move also would save the company hundreds of thousands of dollars each year in transportation costs. He also repeatedly said St. Marys hasn't yet submitted a land exchange application to the state.

The suggested working committee's tasks, as Cox laid out in his presentation, would be to identify the real issues surrounding this concept, challenge all assumptions about the situation, and conceive practical solutions, if possible.

"I certainly don't have all the answers," he said.

Some in the crowd stood and spoke about this committee as an opportunity to achieve something in partnership with the mining business, including some who were unexpected.

"We may have an opportunity to have more input on this than we ever though we would. This is a chance maybe to facilitate what we want to happen in this community."

Nancy Ferguson, president of WATCH (Water and Air Team Charlevoix)

"We may have an opportunity to have more input on this than we ever though we would," said Nancy Ferguson, president of WATCH (Water and Air Team Charlevoix).

Ferguson said it sounded to her as if St. Marys isn't in a rush to pursue this plan, and perhaps those opposed to idea on principle should pause on this moment.

"This is a chance maybe to facilitate what we want to happen in this community," Ferguson said.

But not all were convinced.

Janine Gregory, of Charlevoix Township, said she believes St. Marys officials haven't been forthcoming about this land swap concept

from the moment people began to notice.

"This is our state property — not just Charlevoix Township," she reminded the crowd.

Another well-known and outspoken environmental advocate also remained steadfast in her opposition to any land exchange with state park lands.

"We have a responsibility and an obligation to protect it for future generations," said Anne Zukowski, who is involved in the Save Fisherman's Island page on Facebook.

"This is our land. We don't want to give it away. This land swap is not in the best interest of the park," she said.

Daniel Bruce, of Williams-

burg, said he grew up in Charlevoix and Fisherman's Island State Park is his childhood "stomping grounds." He traveled to Charlevoix for the public hearing because the park is so meaningful to him, he said.

Bruce then asked a question at the heart of the matter: How much opposition must St. Marys face from the community before abandoning the land swap plan?

"The concept will stay afloat as long as it's a good idea," Cox replied.

Anyone interested in being involved with the community working committee is asked to contact St. Marys officials via email sent to landswap.att.net online. Also, questions and other comments may be submitted to the company through that email address.

St. Marys officials are expected to present this concept again during next week's Charlevoix City Council meeting set for 7 p.m. Monday, March 17, at city hall, 210 State St. in downtown Charlevoix.

Follow @sherimcwhirter and @ChxCourier on Twitter.

Save Fisherman's Island. Stop the State Forest/Bells Bay Road Land Grab.

When rumors started that St. Mary's Cement wanted to make a new entrance to Fisherman's Island State Park and close Bells Bay Road, it seemed too outrageous to be taken seriously. But St. Mary's has worked for two years lobbying the state, road commission, townships and county and has proposed a "land swap" and miscellaneous amenities in order to obtain 190 acres of Fisherman's Island State Park and the county road. They propose to have a new park entrance more than 6 miles from Charlevoix off Witmere Road.

Dirk Cox of St. Mary's tells us that St. Mary's does not need more limestone, they have other options and local jobs are secure. But being able to mine Bells Bay Road and the 190 acres of state land on either side of it, would allow St. Mary's to consolidate their two pits. Dirk also says they will not pursue this action if the people do not want it.

What would the public lose?

- 1. We would lose Bells Bay Road to Lake Michigan.** This last bridge, through St. Mary's enormous quarries to our state park would be gone. Forever. Mined and part of the quarry.
- 2. There would be no access to the overlook of Lake Michigan** or to the public access **free parking** at the end of Bells Bay Road.
- 3. We would lose the most popular year round trails** off Bells Bay Road. They would be inaccessible.
- 4. We would lose 190 acres of rich, beautiful Fisherman's Island State Park forest.** Mushrooming, dog walking, bird watching and nature hikes would be cut off. They would be gone forever, part of a pit for St. Mary's.
- 5. We would lose access to Fisherman's Island State Park from the new Lake to Lake Charlevoix Multi-use Trail. A \$285 thousand grant will complete the trail To Bells Bay Road this summer.** 10s of thousands of dollars invested in studies, plans, engineering and years of work spent in creating a bike path to Fisherman's Island Park would be undone.
- 6. We would lose 6 of our favorite campsites.**
- 7. We would lose the woodland buffer** that protects the camps from the quarry operation.
- 8. We would lose access to the magnificent shale outcroppings** that reach far into Lake Michigan north and east of the Bells Bay Road end. One would have to travel south around the 5 mile long quarry and back up the shore to visit this favorite place.
- 9. We would lose the convenient, close access to the park.** The State Park is close enough to grab a sandwich in town, eat it and get back to work on time.
- 10. We would lose OUR favorite place,** a place in our hearts, of generations of memories. It is a part of who we are.

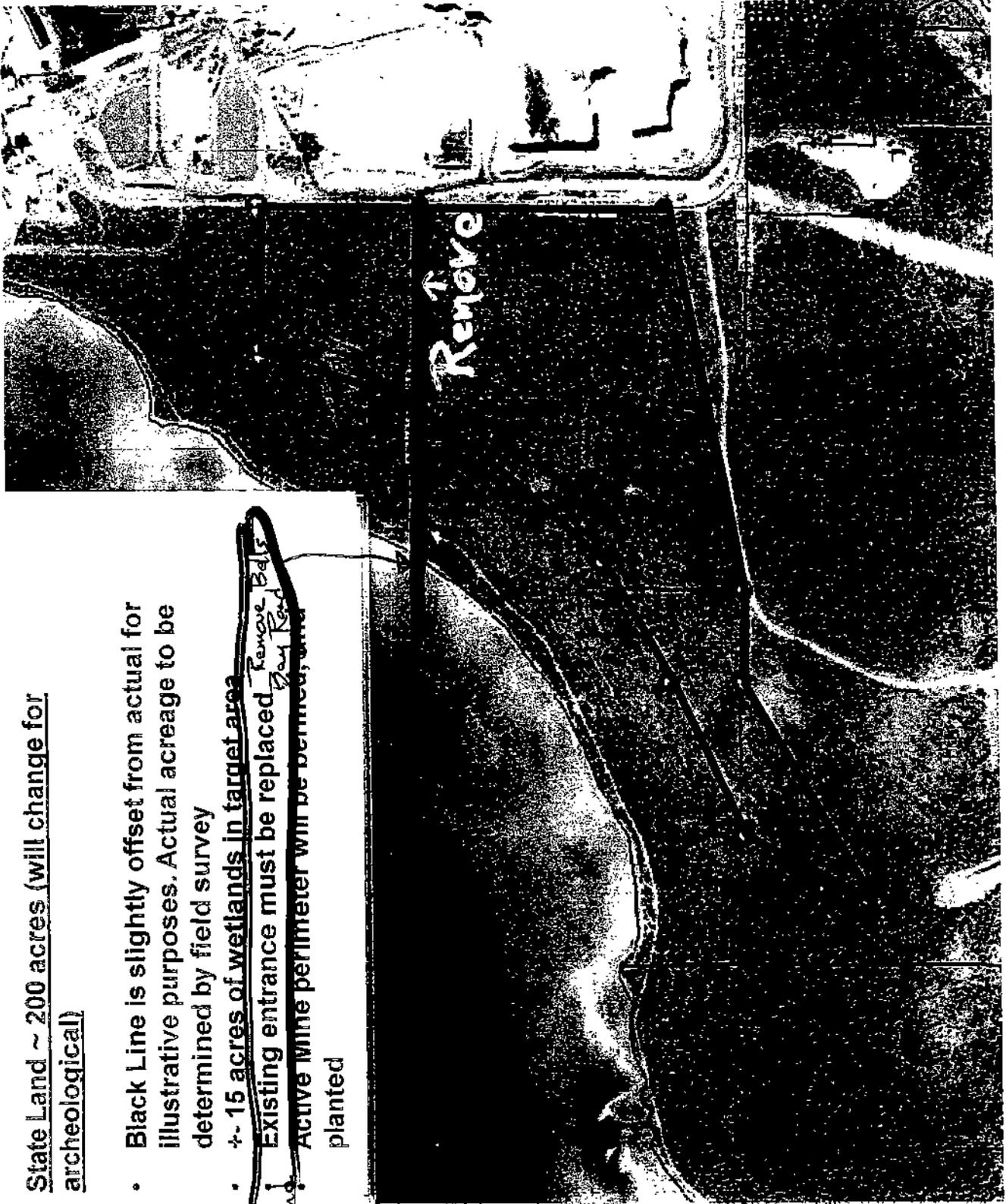
And what would we gain?

- 1. A 35 acre, 3,000 foot section of McGeach Creek** that has intermittent flow and a berm along the entire east side where maximum mining has occurred.
- 2. A 185 acre, inland, timbered, mostly scrub shrub parcel.**
- 3. St. Mary's has offered to build a new Ranger Station and to help in creating new campground spots and roads.**

St. Mary's has provided jobs, assistance with projects in the community and donated the old Medusa Spur for the Lake to Lake Charlevoix Trail. But their request to take Bells Bay Road and 190 acres of state park woodlands is ill advised. We cannot sell, swap or give away state land without compelling need or benefit. We hope St. Mary's will withdraw its request. Please go to our Face book Page: Save Fisherman's Island State Park. <https://www.facebook.com/stoptheswap>

State Land ~ 200 acres (will change for archeological)

- Black Line is slightly offset from actual for illustrative purposes. Actual acreage to be determined by field survey
- +/- 15 acres of wetlands in target area
- Existing entrance must be replaced
- Active mine perimeter will be bermed, and planted



Fisherman's Island Proposed entrance – Conceptual

A new entrance (yellow line) is shown offset from an existing road (Witmere) for illustrative purposes. This route proposed by Norwood Township & Charlevoix County Roads Commission. The actual route would be on Witmere which would be re paved / re constructed per the county guidelines for the expected traffic. An entirely new extension through state property would also be required to the new ranger shack, new parking turn around/ parking area and six new premium campsites



Witmere

One Big Pit from Charlevoix City Limit - South

What is the landswap Concept?



Red perimeter- Existing St marys Property

yellow circle- area to deed to the state

Blue Circle- area to receive from the state

Charlevoix Township

Yellow is the township boundary

Norwood Township

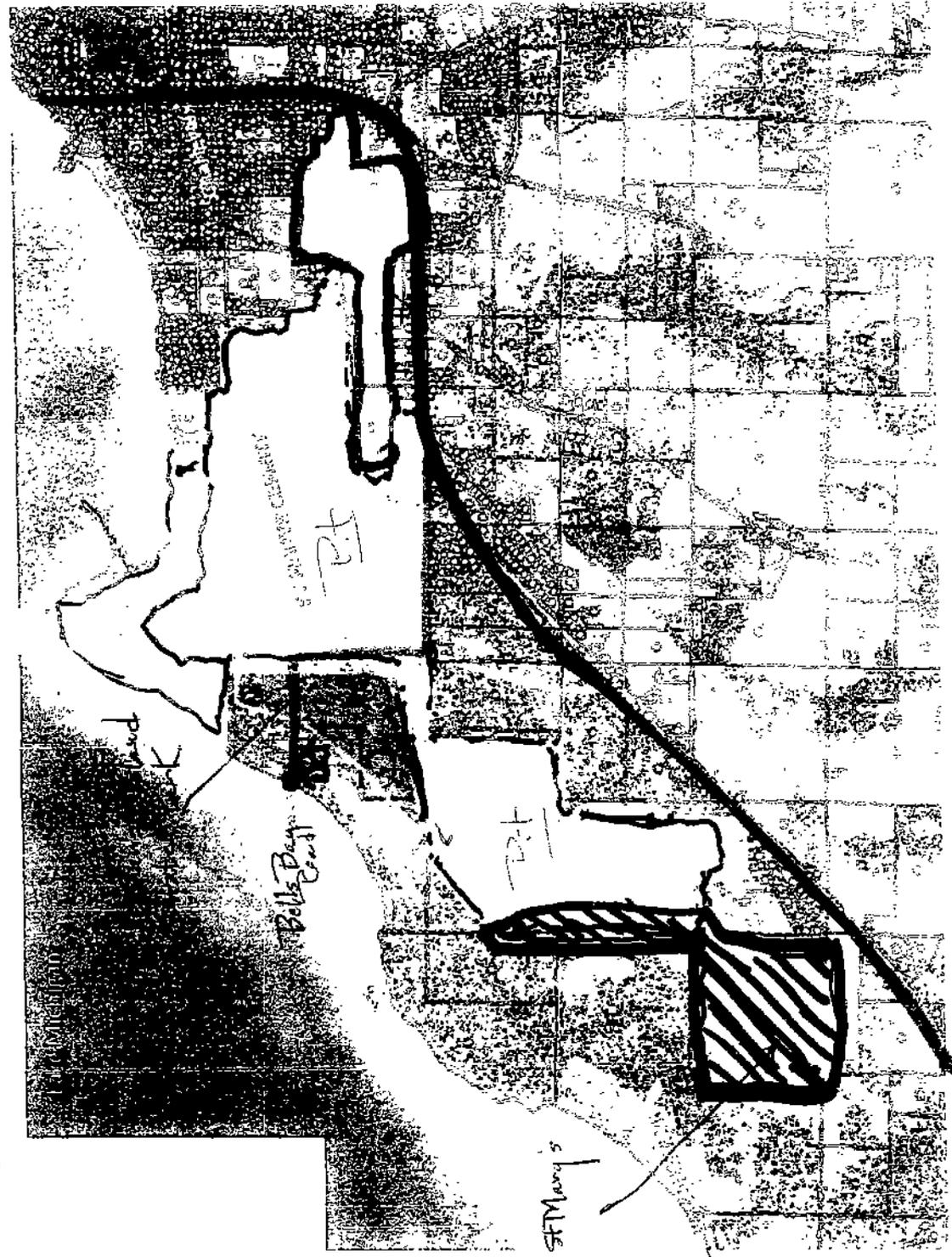
Only One
Bride Over
St Marys
Quarries
Bella Bay
Road

where Norwood
Zoned for Mining

St Mary's has 150 yr. of limestone
The problem is jobs -

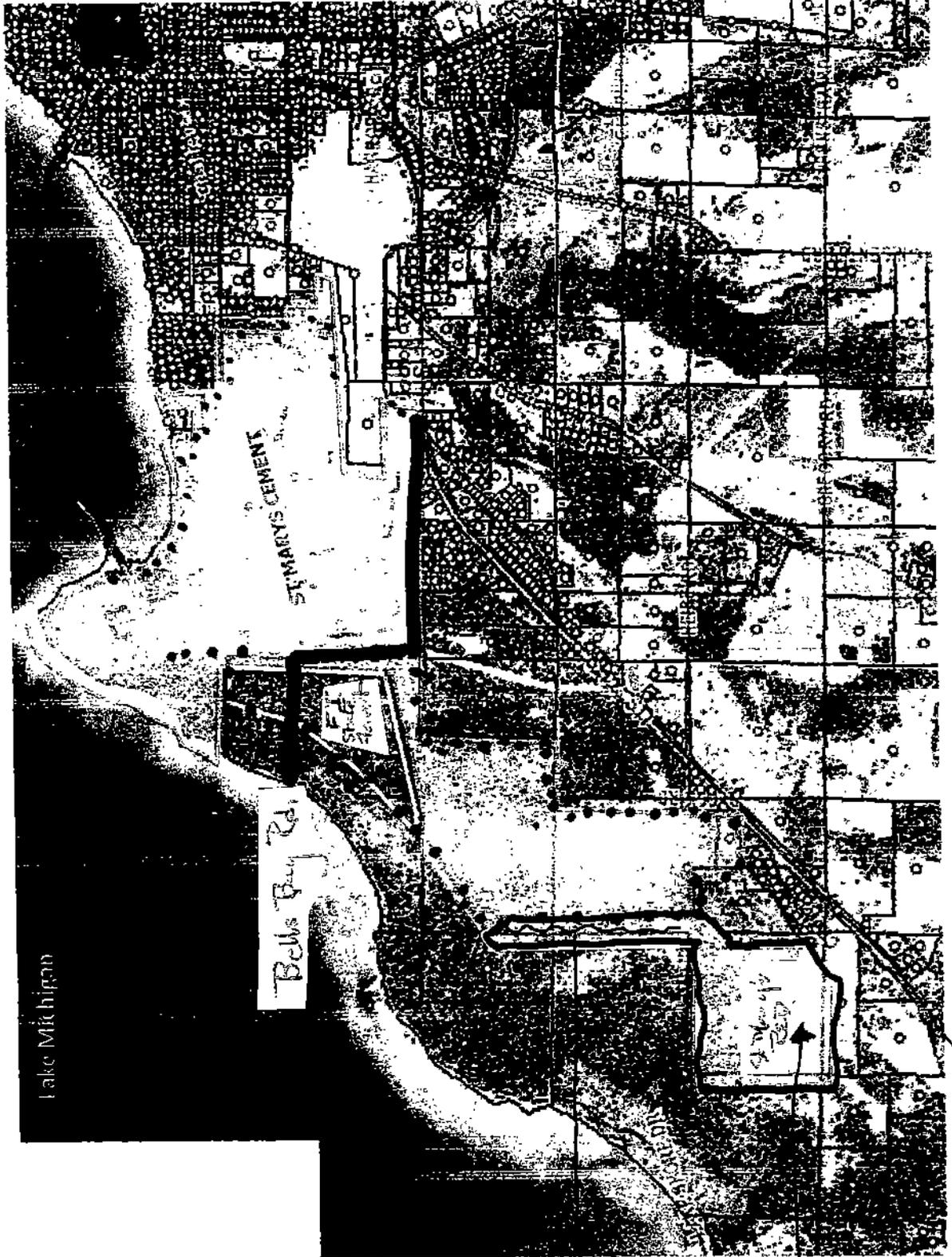
St Mary's Cemetery

Red line is current SMC property Boundary, yellow shows the two parcels that make up the
land swap. SMC 220 acres and FISP 190 acres



St Mary's
Fishermen's
Island

Red line is current SMC property boundary, yellow shows the two parcels that make up the land swap. SMC 220 acres and FISP 190 acres



Creek
Norwood
Zoned
Mining
ST

RECEIVED

MAR - 3 2014

CITY OF CHARLEVOIX

Save Fisherman's Island State Park

We oppose the proposed land swap between St. Mary's Cement plant and Fisherman's Island State Park.

1. Bells Bay Road going to the beach, hiking trails and park entrance would be closed.

*This portion of the park is close to Charlevoix and is heavily used by hikers skiers, hunters, mushroomers, Charlevoix High School cross country team members, sunset watchers, beach goers and snowmobilers. Closing the road would take away local and free local access to the park, trails and beach.

*Moving the park entrance further south (as is proposed) would make it more difficult for residents and families who want to use the park after school or work.

2. The proposed bike trail to Fisherman's Island State Park on Bells Bay Road, which is scheduled for construction this spring, would have to be moved several miles south.

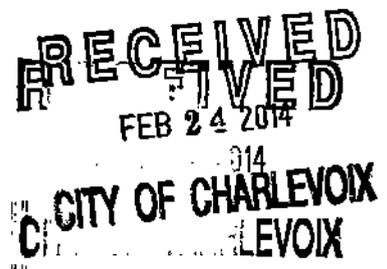
3. The 190 acres of land extending on both side of Bells Bay Road to be given to St. Mary's is heavily wooded and is home to a diverse array of wildlife.

4. The land St. Mary's wants to trade is not comparable. Most of it is a flat field. Its distance from Charlevoix means less access to Charlevoix residents who want to use the park after work or school.

The north end of Fisherman's Island (including Bells Bay Road) is a valuable asset to our township and community. Do not trade away our woods, local access to favorite hiking trails, Lake Michigan beaches and future bike trail.

1. *[Signature]* Charlevoix. Rick Randall
2. *[Signature]* Charlevoix Township Nicki Argetzinger

Tina Stoeberl
1549 Larry Avenue
Cincinnati, Ohio 45224
(513)505-1802
tstoeberl@cincinnati.rr.com



February 20, 2014

Charlevoix Township Board
12491 Waller Road
Charlevoix, MI 49720

Re: St. Mary's Cement Proposal for Fisherman's Island State Park

Dear Board Members,

After visiting Charlevoix for the first time, I immediately retained a realtor to find a home to purchase. In a single week, I fell in love with the natural beauty of the area and wanted to spend more time near the inspiring scenery and amazing wildlife. I purchased a lovely house in Charlevoix, made significant improvements and often rent my house to friends on vacation.

I have followed this issue closely and agree with the points raised by the opposition. I urge you to reject the St. Mary's Cement proposal for these reasons:

- 1) Limits access to Fisherman's Island for Charlevoix residents, visitors and guests. The park is easily accessible by walking or biking and it is a huge draw for tourists, campers, naturalists and local families. If the entrance is moved more than four miles away, visiting the park becomes prohibitive for residents and guests alike. The added distance, time, travel and effort will discourage visitors to Fisherman's Island. As awareness and appreciation of the park decreases, this treasure will receive less support and protection.
- 2) Takes business away from Charlevoix, as campers and visitors will no longer spend money in Charlevoix's shops, gas stations and restaurants. The economic benefit will flow in the opposite direction. The Charlevoix business community faces enough challenges without unnecessarily losing the revenue generated by Fisherman's Island campers and visitors.
- 3) Devastates wetlands and endangers wildlife with the loss of 200 acres of habitat. Eliminates hiking trails, cross-country ski trails and the much-needed buffer near the quarry. Deprives visitors of experiencing the beautiful forest at the entrance to the Fisherman's Island campsites and beach areas.
- 4) Halts the development of the Lake to Lake Trail, a collaborative effort of St. Mary's Cement, the City of Charlevoix, Charlevoix Township, WATCH and others. The trail is planned for hiking, biking, cross-country skiing and snowmobiling. If the proposal is approved, this trail from Ferry Beach to Bell's Bay Road cannot be completed, sacrificing another asset that could be enjoyed by residents and visitors, and provide economic stimulus for our city.

5) Exchanges a rare and irreplaceable asset for a far less desirable parcel. Sand dunes and scrub brush in a relatively remote location cannot compare to a heavily wooded forest in 200 acres of primitive habitat, easily accessible to residents and visitors alike.

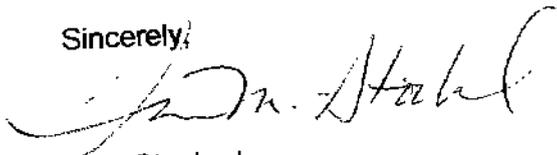
Every condition of the proposed exchange inures to the benefit of St. Mary's Cement. While Norwood Township would derive an economic benefit from campers and visitors who would spend money there rather than heading to Charlevoix, it comes at great cost to those living near the affected area.

Nothing in the proposal generates value for Charlevoix Township or remotely compensates for the loss of the land. And the improvements to be provided by St. Mary's (i.e.: guard station, campsites) will simply make the park more attractive for campers and visitors who will now spend time and money in Norwood Township.

This proposal is a lose-lose-lose deal from every angle and area of impact: economic, appearance, tourism, recreational, nature conservancy, historic and reputational. It deprives local taxpayers of a great asset and gives visitors less reason to come to our city.

In essence, Charlevoix Township would surrender an invaluable piece of its history, character, economy and community – in exchange for an undesirable parcel in Norwood Township. How could good stewards agree to that?

Sincerely,



Tina Stoeberl

cc: Norwood Township Board of Trustees
The City of Charlevoix
Ronald Olson, Chief of Department of Natural Resources, Parks and Recreation,
State of Michigan
Rick Snyder, Governor, State of Michigan
Petoskey News.com/charlevoix

Linda Weller

From: Jo Anne Beemon [joanne_beemon@hotmail.com]
Sent: Wednesday, March 12, 2014 3:52 PM
To: Rob Straebel; Rob Straebel; Linda Weller
Subject: FW: LWCF 6(f)(3) Federal Law Language protecting Fisherman's Isl
Attachments: State LWCF--from NPS webpage.pdf; 36cfr59.3.pdf

IF we want to create bike paths from the Island to Norwood (as Doug Bergman would like), or Snowmobile Trails (as Scott Way would like), or a destination high class camp ground with showers, electricity, etc. etc. (as Norwood would like) or WHATEVER, we need to do it without giving one inch of the heart or core of The State Park to a private corporation that slates it for mining. THE MOST USED area of Fisherman's Island is the Northern Part of the Park. AND there is a preexisting PLAN for Fisherman's Island already! (There are still areas of Land that were recommended for purchase. St. Mary's Land is NOT one of them.

Nancy is correct in that this is a wake up call for everyone to steward the park and be involved. If and when a vibrant Center to the Park is created and used, we may think about where entrances to the park are best. But we MUST NOT sacrifice the State Park. For instance, Bells Bay Road could remain the Overlook at the North end and an entrance for bicycles, and skiers, But we must NEVER give up our County road or land.

Here is an into to the Federal Law.... When a State Park receives LWCF (Land Water Conservation Fund) money, it must meet ALL guidelines of Federal Law. You have the maps from the previous e-mail.

or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these provisions rests with the State for both State and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior. In many instances, this mutually agreed to area exceeds that actually receiving L&WCF assistance so as to assure the protection of a viable recreation entity. For leased sites assisted under L&WCF, compliance with post-completion requirements of the grant ceases following lease expiration unless the grant agreement calls for some other arrangement.

§59.2 Information collection.

The information collection requirements contained in §59.3 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0047. The information is being collected to determine whether to approve a project sponsor's request to convert an assisted site or facility to other than public outdoor recreation uses. The information will be used to assure that the requirements of section 6(f)(3) of the L&WCF Act would be met should the proposed conversion be implemented. Response is required in order to obtain the benefit of Department of the Interior approval.

§59.3 Conversion requirements.

(a) *Background and legal requirements.* Section 6(f)(3) of the L&WCF Act is the cornerstone of Federal compliance efforts to ensure that the Federal investments in L&WCF assistance are being maintained in public outdoor recreation use. This section of the Act assures that once an area has been funded with L&WCF assistance, it is continually maintained in public recreation use unless NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value.

(b) *Prerequisites for conversion approval.* Requests from the project spon-

sor for permission to convert L&WCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to the appropriate NPS Regional Director in writing. NPS will consider conversion requests if the following prerequisites have been met:

(1) All practical alternatives to the proposed conversion have been evaluated.

(2) The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by an approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not serve a recreation purpose.

(3) The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and at the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that a different political jurisdiction can better carry out the objectives of the original project agreement. Equivalent usefulness and location will be determined based on the following criteria:

(i) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property. Wetland areas and interests therein

which have been identified in the wetlands provisions of the Statewide Comprehensive Outdoor Recreation Plan shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion regardless of the nature of the property proposed for conversion.

(ii) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area in another location within the jurisdiction. Should a local project sponsor be unable to replace converted property, the State would be responsible, as the primary recipient of Federal assistance, for assuring compliance with these regulations and the substitution of replacement property.

(iii) The acquisition of one parcel of land may be used in satisfaction of several approved conversions.

(4) The property proposed for substitution meets the eligibility requirements for L&WCF assisted acquisition. The replacement property must constitute or be part of a viable recreation area. Unless *each* of the following additional conditions is met, land currently in public ownership, including that which is owned by another public agency, may not be used as replacement land for land acquired as part of an L&WCF project:

(i) The land was not acquired by the sponsor or selling agency for recreation.

(ii) The land has not been dedicated or managed for recreational purposes while in public ownership.

(iii) No Federal assistance was provided in the original acquisition unless the assistance was provided under a program expressly authorized to match or supplement L&WCF assistance.

(iv) Where the project sponsor acquires the land from another public agency, the selling agency must be required by law to receive payment for the land so acquired.

In the case of development projects for which the State match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself, public land which has not been dedicated or managed for recreation/conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.

(5) In the case of assisted sites which are partially rather than wholly converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.

(6) All necessary coordination with other Federal agencies has been satisfactorily accomplished including, for example, compliance with section 4(f) of the Department of Transportation Act of 1966.

(7) The guidelines for environmental evaluation have been satisfactorily completed and considered by NPS during its review of the proposed 6(f)(3) action. In cases where the proposed conversion arises from another Federal action, final review of the State's proposal shall not occur until the NPS Regional office is assured that all environmental review requirements related to that other action have been met.

(8) State intergovernmental clearinghouse review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original Land and Water Conservation Fund project.

(9) The proposed conversion and substitution are in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreation plans.

(c) *Amendments for conversion.* All conversions require amendments to the original project agreements. Therefore, amendment requests should be submitted concurrently with conversion requests or at such time as all details of the conversion have been worked out

with NPS. Section 6(f)(3) project boundary maps shall be submitted with the amendment request to identify the changes to the original area caused by the proposed conversion and to establish a new project area pursuant to the substitution. Once the conversion has been approved, replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the State's request for a conversion. In such cases, an express commitment to satisfy section 6(f)(3) substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the State. This commitment will be in the form of an amendment to the grant agreement.

(d) *Obsolete facilities.* Recipients are not required to continue operation of a particular facility beyond its useful life. However, when a facility is declared obsolete, the site must nonetheless be maintained for public outdoor recreation following discontinuance of the assisted facility. Failure to so maintain is considered to be a conversion. Requests regarding changes from a L&WCF funded facility to another otherwise eligible facility at the same site that significantly contravene the original plans for the area must be made in writing to the Regional Director. NPS approval must be obtained prior to the occurrence of the change. NPS approval is not necessarily required, however, for each and every facility use change. Rather, a project area should be viewed in the context of overall use and should be monitored in this context. A change from a baseball field to a football field, for example, would not require NPS approval. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, however, require NPS review and approval. To assure that facility changes do not significantly contravene the original project agreement, NPS shall be notified by the State of all proposed changes in advance of their occurrence. A primary NPS consideration in the review of requests for changes in use will be the consistency

of the proposal with the Statewide Comprehensive Outdoor Recreation Plan and/or equivalent recreation plans. Changes to other than public outdoor recreation use require NPS approval and the substitution of replacement land in accordance with section 6(f)(3) of the L&WCF Act and paragraphs (a) through (c) of this section.

[51 FR 34184, Sept. 25, 1986, as amended at 52 FR 22747, June 15, 1987]

§59.4 Residency requirements.

(a) *Background.* Section 6(f)(8) of the L&WCF Act prohibits discrimination on the basis of residence, including preferential reservation or membership systems, except to the extent that reasonable differences in admission and other fees may be maintained on such basis. This prohibition applies to both regularly scheduled and special events. The general provisions regarding non-discrimination at sites assisted under Interior programs and, thereby, all other recreation facilities managed by a project sponsor, are covered in 43 CFR part 17 which implements the provisions of Title VI of the Civil Rights Act of 1964 for the Department.

(b) *Policy.* There shall be no discrimination for L&WCF assisted programs and services on the basis of residence, except in reasonable fee differentials. Post-completion compliance responsibilities of the recipient should continue to ensure that discrimination on the basis of residency is not occurring.

(c) *Fees.* Fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable State or local public facilities. Reservation, membership, or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. Recipients are prohibited from providing residents the option of purchasing annual or daily permits while at the same time restricting nonresidents to the purchase of annual permits only. These provisions apply only to the approved 6(f)(3) areas applicable to the recipient. Nonresident

National Park Service

Land & Water
Conservation Fund



Compliance Responsibilities and Legal Protection

state side

exemplary projects

grants

planning projects

compliance responsibilities & legal protection

history

publications, logo & forms

contact list

funding status

LWCF Manual

find LWCF in your neighborhood

federal side

home

Post-Completion Compliance & Legal Protection:

Post-completion compliance responsibilities apply to each area or facility for which Land and Water Conservation Fund assistance is obtained, regardless of the extent of program participation in the assisted area or facility and consistent with the contractual agreement between National Park Service and the State.

The State is responsible for compliance and enforcement of these provisions for both State and locally sponsored projects. Responsibilities cited in **Title 36, Part 59** in the **U.S. Code of Federal Regulations** apply to the area described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior.

TITLE 36, CHAPTER 1, PART 59 - Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance Responsibilities:

 **36 CFR 59.1**

Applicability

 **36 CFR 59.2**

Information Collection

 **36 CFR 59.3**

Conversion Requirements

 **36 CFR 59.4**

Residency Requirements

*You can also read more about post-completion compliance responsibilities in the **LWCF Stewardship booklet***

Legal Protection for Grant-Assisted Recreation Sites

Section 6(f)(3) of the LWCF Act

Section 6(f)(3) of the LWCF Act contains strong provisions to protect Federal investments and the quality of assisted resources. The law is firm but flexible. It recognizes the likelihood that changes in land use or development may make some assisted areas obsolete over time,

particularly in rapidly changing urban areas. At the same time, the law discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" will bear a cost - a cost that assures taxpayers that investments in the "national recreation estate" will not be squandered. The LWCF Act contains a clear and common sense provision to protect grant-assisted areas from conversions.

SEC. 6(f)(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

This "anti-conversion" requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type, whether for acquisition of parkland, development or rehabilitation of facilities. In many cases, even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides anti-conversion protection to the entire park site.

To ensure the continued effectiveness of Section 6(f)(3) protection, several management tools have been developed to monitor and correct changes in assisted sites from year to year. For example, the NPS requires on-site inspections of all grant-assisted areas and facilities at least once in every five years most of which are conducted by cooperating state agencies.

Another important tool to ensure good communication between grantors and grantees is the "6(f)(3) project boundary map." With each application, the grantee submits a dated project boundary map showing the park area to be covered by Section 6(f)(3) anti-conversion protections. This map need not be a formal survey document, but it contains enough site-specific information to serve several purposes:

- it ensures that both the grantee and the administering agency agree on the proper boundaries of the covered site at the time of project approval;
- it provides location, size indicators and a picture of key facilities and landmarks to help later project inspectors better identify and evaluate the site.

Sometimes the protective provisions of LWCF grants result in "win-win" solutions to the problems of changing parks and changing communities. An example of this is Shoreline Park in Long Beach, California.

After using a sizable LWCF grant for basic development of the 20 acre park, the community felt that the park was not meeting its full

potential. It was decided to replace the park with a commercial aquarium, amphitheater and shopping mall, and to build a new community park elsewhere in the neighborhood. National Park Service and the State worked closely with Long Beach. Within a short time, a new 24 acre site was identified.

Shoreline Park never succeeded in meeting its usage goals, because of reduced population in the downtown areas. Thanks to common sense replacement provisions, the park site will effectively be relocated and Long Beach residents will be able to enjoy new recreation opportunities as well as a viable tourist and convention site that will aid downtown economic recovery.

The conversion was approved, with the result that the "anti-conversion" mandate of the law, instead of being a negative, helped bring business leaders and community park users together for an improved Science Center AND an entirely new public recreation opportunity in the form of the riverfront park.

If you have concerns about threats to a park area that you think might have received a LWCF grant, contact one of the National Park Service field offices or your State Agency, as listed in the "Contact List." Administrators have databases of grant-assisted sites that will help them to determine whether Fund protections apply; also some States have their own grant programs that afford similar protection.

For contact addresses and numbers, see:

Contact List

**Challenge Cost Share Program | Federal Lands to Parks | Hydropower Relicensing Program
Land and Water Conservation Fund | Conservation and Outdoor Recreation | National Trails System
Partnership Wild and Scenic Rivers | Rivers and Trails Program | Urban Park and Recreation Recovery**

Webmaster _____ Last Modified 9-19-08

NPS.gov U.S. Department of the Interior FOIA Privacy Disclaimer USA.gov

or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these provisions rests with the State for both State and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior. In many instances, this mutually agreed to area exceeds that actually receiving L&WCF assistance so as to assure the protection of a viable recreation entity. For leased sites assisted under L&WCF, compliance with post-completion requirements of the grant ceases following lease expiration unless the grant agreement calls for some other arrangement.

§ 59.2 Information collection.

The information collection requirements contained in § 59.3 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0047. The information is being collected to determine whether to approve a project sponsor's request to convert an assisted site or facility to other than public outdoor recreation uses. The information will be used to assure that the requirements of section 6(f)(3) of the L&WCF Act would be met should the proposed conversion be implemented. Response is required in order to obtain the benefit of Department of the Interior approval.

§ 59.3 Conversion requirements.

(a) *Background and legal requirements.* Section 6(f)(3) of the L&WCF Act is the cornerstone of Federal compliance efforts to ensure that the Federal investments in L&WCF assistance are being maintained in public outdoor recreation use. This section of the Act assures that once an area has been funded with L&WCF assistance, it is continually maintained in public recreation use unless NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value.

(b) *Prerequisites for conversion approval.* Requests from the project spon-

sor for permission to convert L&WCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to the appropriate NPS Regional Director in writing. NPS will consider conversion requests if the following prerequisites have been met:

(1) All practical alternatives to the proposed conversion have been evaluated.

(2) The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by an approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not serve a recreation purpose.

(3) The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and at the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that a different political jurisdiction can better carry out the objectives of the original project agreement. Equivalent usefulness and location will be determined based on the following criteria:

(i) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property. Wetland areas and interests therein

which have been identified in the wetlands provisions of the Statewide Comprehensive Outdoor Recreation Plan shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion regardless of the nature of the property proposed for conversion.

(ii) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area in another location within the jurisdiction. Should a local project sponsor be unable to replace converted property, the State would be responsible, as the primary recipient of Federal assistance, for assuring compliance with these regulations and the substitution of replacement property.

(iii) The acquisition of one parcel of land may be used in satisfaction of several approved conversions.

(4) The property proposed for substitution meets the eligibility requirements for L&WCF assisted acquisition. The replacement property must constitute or be part of a viable recreation area. Unless *each* of the following additional conditions is met, land currently in public ownership, including that which is owned by another public agency, may not be used as replacement land for land acquired as part of an L&WCF project:

(i) The land was not acquired by the sponsor or selling agency for recreation.

(ii) The land has not been dedicated or managed for recreational purposes while in public ownership.

(iii) No Federal assistance was provided in the original acquisition unless the assistance was provided under a program expressly authorized to match or supplement L&WCF assistance.

(iv) Where the project sponsor acquires the land from another public agency, the selling agency must be required by law to receive payment for the land so acquired.

In the case of development projects for which the State match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself, public land which has not been dedicated or managed for recreation/conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.

(5) In the case of assisted sites which are partially rather than wholly converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.

(6) All necessary coordination with other Federal agencies has been satisfactorily accomplished including, for example, compliance with section 4(f) of the Department of Transportation Act of 1966.

(7) The guidelines for environmental evaluation have been satisfactorily completed and considered by NPS during its review of the proposed 6(f)(3) action. In cases where the proposed conversion arises from another Federal action, final review of the State's proposal shall not occur until the NPS Regional office is assured that all environmental review requirements related to that other action have been met.

(8) State intergovernmental clearinghouse review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original Land and Water Conservation Fund project.

(9) The proposed conversion and substitution are in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreation plans.

(c) *Amendments for conversion.* All conversions require amendments to the original project agreements. Therefore, amendment requests should be submitted concurrently with conversion requests or at such time as all details of the conversion have been worked out

with NPS. Section 6(f)(3) project boundary maps shall be submitted with the amendment request to identify the changes to the original area caused by the proposed conversion and to establish a new project area pursuant to the substitution. Once the conversion has been approved, replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the State's request for a conversion. In such cases, an express commitment to satisfy section 6(f)(3) substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the State. This commitment will be in the form of an amendment to the grant agreement.

(d) *Obsolete facilities.* Recipients are not required to continue operation of a particular facility beyond its useful life. However, when a facility is declared obsolete, the site must nonetheless be maintained for public outdoor recreation following discontinuance of the assisted facility. Failure to so maintain is considered to be a conversion. Requests regarding changes from a L&WCF funded facility to another otherwise eligible facility at the same site that significantly contravene the original plans for the area must be made in writing to the Regional Director. NPS approval must be obtained prior to the occurrence of the change. NPS approval is not necessarily required, however, for each and every facility use change. Rather, a project area should be viewed in the context of overall use and should be monitored in this context. A change from a baseball field to a football field, for example, would not require NPS approval. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, however, require NPS review and approval. To assure that facility changes do not significantly contravene the original project agreement, NPS shall be notified by the State of all proposed changes in advance of their occurrence. A primary NPS consideration in the review of requests for changes in use will be the consistency

of the proposal with the Statewide Comprehensive Outdoor Recreation Plan and/or equivalent recreation plans. Changes to other than public outdoor recreation use require NPS approval and the substitution of replacement land in accordance with section 6(f)(3) of the L&WCF Act and paragraphs (a) through (c) of this section.

[51 FR 34184, Sept. 25, 1986, as amended at 52 FR 22747, June 15, 1987]

§ 59.4 Residency requirements.

(a) *Background.* Section 6(f)(8) of the L&WCF Act prohibits discrimination on the basis of residence, including preferential reservation or membership systems, except to the extent that reasonable differences in admission and other fees may be maintained on such basis. This prohibition applies to both regularly scheduled and special events. The general provisions regarding non-discrimination at sites assisted under Interior programs and, thereby, all other recreation facilities managed by a project sponsor, are covered in 43 CFR part 17 which implements the provisions of Title VI of the Civil Rights Act of 1964 for the Department.

(b) *Policy.* There shall be no discrimination for L&WCF assisted programs and services on the basis of residence, except in reasonable fee differentials. Post-completion compliance responsibilities of the recipient should continue to ensure that discrimination on the basis of residency is not occurring.

(c) *Fees.* Fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable State or local public facilities. Reservation, membership, or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. Recipients are prohibited from providing residents the option of purchasing annual or daily permits while at the same time restricting nonresidents to the purchase of annual permits only. These provisions apply only to the approved 6(f)(3) areas applicable to the recipient. Nonresident



Compliance Responsibilities and Legal Protection

state side

exemplary projects

grants

planning projects

compliance responsibilities & legal protection

history

publications, logo & forms

contact list

funding status

LWCF Manual

find LWCF in your neighborhood

Post-Completion Compliance & Legal Protection:

Post-completion compliance responsibilities apply to each area or facility for which Land and Water Conservation Fund assistance is obtained, regardless of the extent of program participation in the assisted area or facility and consistent with the contractual agreement between National Park Service and the State.

The State is responsible for compliance and enforcement of these provisions for both State and locally sponsored projects. Responsibilities cited in **Title 36, Part 59** in the **U.S. Code of Federal Regulations** apply to the area described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior.

TITLE 36, CHAPTER 1, PART 59 - Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance Responsibilities:

 **36 CFR 59.1**

Applicability

 **36 CFR 59.2**

Information Collection

 **36 CFR 59.3**

Conversion Requirements

 **36 CFR 59.4**

Residency Requirements

*You can also read more about post-completion compliance responsibilities in the **LWCF Stewardship** booklet*

federal side

home

Legal Protection for Grant-Assisted Recreation Sites

Section 6(f)(3) of the LWCF Act

Section 6(f)(3) of the LWCF Act contains strong provisions to protect Federal investments and the quality of assisted resources. The law is firm but flexible. It recognizes the likelihood that changes in land use or development may make some assisted areas obsolete over time,

particularly in rapidly changing urban areas. At the same time, the law discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" will bear a cost - a cost that assures taxpayers that investments in the "national recreation estate" will not be squandered. The LWCF Act contains a clear and common sense provision to protect grant-assisted areas from conversions.

SEC. 6(f)(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

This "anti-conversion" requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type, whether for acquisition of parkland, development or rehabilitation of facilities. In many cases, even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides anti-conversion protection to the entire park site.

To ensure the continued effectiveness of Section 6(f)(3) protection, several management tools have been developed to monitor and correct changes in assisted sites from year to year. For example, the NPS requires on-site inspections of all grant-assisted areas and facilities at least once in every five years most of which are conducted by cooperating state agencies.

Another important tool to ensure good communication between grantors and grantees is the "6(f)(3) project boundary map." With each application, the grantee submits a dated project boundary map showing the park area to be covered by Section 6(f)(3) anti-conversion protections. This map need not be a formal survey document, but it contains enough site-specific information to serve several purposes:

- it ensures that both the grantee and the administering agency agree on the proper boundaries of the covered site at the time of project approval;
- it provides location, size indicators and a picture of key facilities and landmarks to help later project inspectors better identify and evaluate the site.

Sometimes the protective provisions of LWCF grants result in "win-win" solutions to the problems of changing parks and changing communities. An example of this is Shoreline Park in Long Beach, California.

After using a sizable LWCF grant for basic development of the 20 acre park, the community felt that the park was not meeting its full

potential. It was decided to replace the park with a commercial aquarium, amphitheater and shopping mall, and to build a new community park elsewhere in the neighborhood. National Park Service and the State worked closely with Long Beach. Within a short time, a new 24 acre site was identified.

Shoreline Park never succeeded in meeting its usage goals, because of reduced population in the downtown areas. Thanks to common sense replacement provisions, the park site will effectively be relocated and Long Beach residents will be able to enjoy new recreation opportunities as well as a viable tourist and convention site that will aid downtown economic recovery.

The conversion was approved, with the result that the "anti-conversion" mandate of the law, instead of being a negative, helped bring business leaders and community park users together for an improved Science Center AND an entirely new public recreation opportunity in the form of the riverfront park.

If you have concerns about threats to a park area that you think might have received a LWCF grant, contact one of the National Park Service field offices or your State Agency, as listed in the "Contact List." Administrators have databases of grant-assisted sites that will help them to determine whether Fund protections apply; also some States have their own grant programs that afford similar protection.

For contact addresses and numbers, see:

Contact List

**Challenge Cost Share Program | Federal Lands to Parks | Hydropower Relicensing Program
Land and Water Conservation Fund | Conservation and Outdoor Recreation | National Trails System
Partnership Wild and Scenic Rivers | Rivers and Trails Program | Urban Park and Recreation Recovery**

Webmaster _____ Last Modified 9-19-08

[NPS.gov](http://www.nps.gov)

[U.S. Department of the Interior](http://www.doi.gov)

[FOIA](http://www.foia.gov)

[Privacy](http://www.privacy.gov)

[Disclaimer](http://www.disclaimer.gov)

[USA.gov](http://www.usa.gov)



**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Liquor License Application, 308 Belvedere Ave.

DATE: March 17, 2014

PRESENTED BY: Stephanie Brown 

ATTACHMENTS: Liquor License application from Grey Gables Restaurant

BACKGROUND INFORMATION:

Grey Gables Restaurant recently underwent an audit by the Michigan Liquor Control Commission. At that time, the Commission discovered that they are serving liquor under a Class B (attached hotel) license. The Commission has asked that they take the appropriate steps to change this license to a Class C license.

In 2000, the Charlevoix city Council adopted Chapter 77, Liquor Licenses. This chapter outlines the application process for a new license, or for transfer of an existing license. A copy of Grey Gables Inn Restaurant's application is attached.

Council's evaluation of the liquor license transfer should consider the following factors:

1. Whether the applicant, or if a partnership or corporation any member of the partnership or corporation, has been denied a license in the past seven (7) years and the reasons for the denial.
2. Whether the application is complete and contains all of the information required by this ordinance.
3. Whether the application shows compliance with applicable city ordinances regarding off-street parking, lighting, refuse disposal facilities and landscaping/screening and, additionally, noise control.
4. The impact of the proposed license and associated business on the occupants and owners of adjoining properties.
5. Whether the proposed license and associated business will adversely affect traffic safety.
6. Accessibility to the sight from abutting roads.
7. The distance from public or private schools for minors.
8. Whether the business will cause noise which would so that public or private land will be adversely affected.

Requirements for license – new and/or transfer. Regardless of the City Council's evaluation of the above factors, no license shall be issued under the following conditions:

1. A person whose license, under this Ordinance, has been revoked for cause. **Not applicable.**
2. A person who, at the time of the application or renewal of any license issued hereunder, would not be eligible for such license upon a first application. **Not applicable.**
3. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-

partnership that does not have sufficient financial assets to carry on or maintain the business. **Per Darren Romano he is purchasing the property via Land Contract from his in-laws, Gary & Kay Anderson.**

4. A person on whose premises there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations, or any other applicable city ordinance. **No known violations.**
5. A person whose application proposes a use which would be in violation of any city zoning or police power ordinance, or state or federal law. **Not applicable.**
6. A person in situations where there are delinquent unpaid real estate taxes and/or personal property taxes relating to the real estate or business which has been used, is used or will be used in conjunction with the license. **Real and Personal Property Taxes are current.**
7. A person where it is determined by a majority of the city council that the premises for which the license has been requested do not or will not within six (6) months after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist. **Planner Spencer has reviewed and has no concerns.**
8. A person whose licensing activity will expand or intensify a non-conforming use under the city zoning ordinance. **Not applicable.**

RECOMMENDATION:

Council must choose whether or not to hold a public hearing. There are two possible motions:

Motion to set a public hearing for Monday, April 7, 2014 at 7:00 p.m. for the purpose of considering a resolution to approve or disapprove a resolution for local government approval of a redevelopment liquor license.

OR

Motion to approve (or disapprove) Resolution 2014-03-xx, Local Government Approval.

FEB 28 2014

CITY OF CHARLEVOIX

Liquor License Application

City of Charlevoix

You MUST answer all questions and include all attachments or this application will be returned to you. Bring or mail this application to the City Clerk, City of Charlevoix, 210 State Street, Charlevoix, Michigan 49720.

This form is designed to conform to the Michigan Liquor Control Code of 1998 being Public Act 1998 No. 58 (MCL 436.1101, et seq), and the City of Charlevoix Liquor License Ordinance.

Approval of a new liquor license or the transfer of an existing license is not a determination that the applicant has complied with other ordinances or regulations.

I. **APPLICANT INFORMATION** (if more than one applicant, please attach separate sheet):

Name of individual or business entity: Grey Gables Inn Restaurant

A. If the business entity is a partnership or a limited liability company provide the name of person or persons entitled to share in the profits of the partnership or limited liability company (attach separate sheets if needed):

B. If the business entity is a corporation, provide the names and addresses of the officers and directors of the corporation (attach separate sheets if needed):

<u>Darren Romano</u>	<u>120th Country Club Dr. Charlevoix MI 49720</u>
<u>Kelly Romano</u>	<u>120th Country Club Dr. Charlevoix MI 49720</u>

If a majority interest in the stock of such corporation is held by one person or one person's nominee, please provide the name and address of such person:

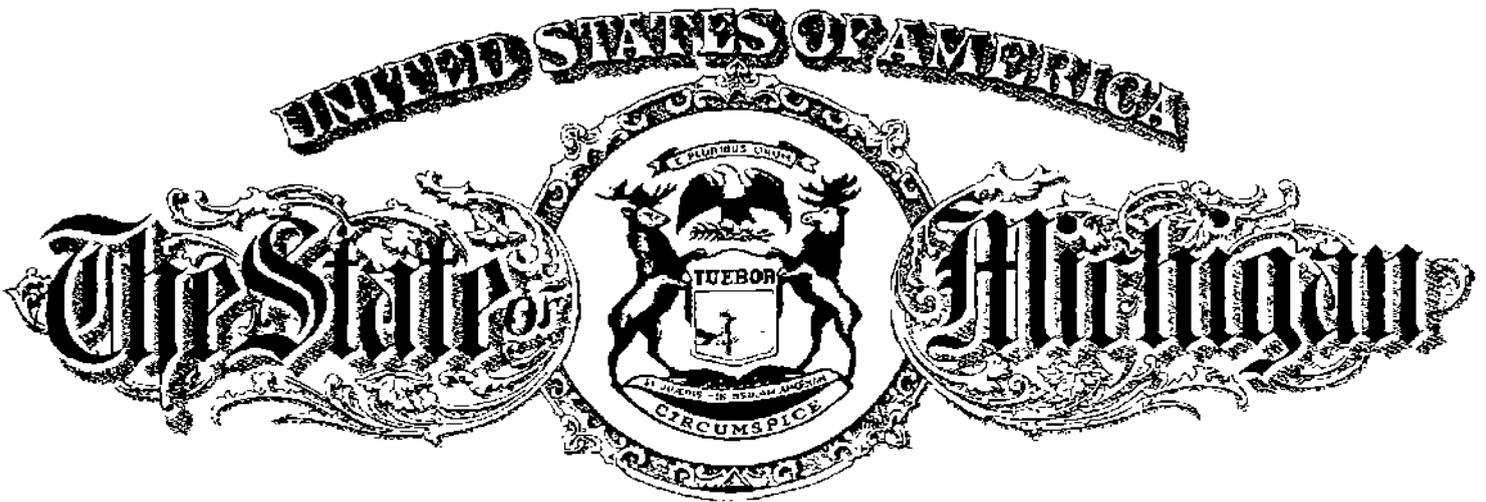
Grey Gables Restaurant -- 308 Belvedere Ave, Charlevoix
Resort Liquor License re-classified from existing Hotel B to Class C

II. Citizenship; see attachment

III. Attachments:

- A) Full service restaurant and bar. Food and Liquor service will be daily; our main bar located inside the building will be the majority of liquor service.
- B) Selling of Liquor for 20years from Restaurant, We have had no violations to date.
- C) (i) see attached map
(ii) Grey Gables Restaurant 100% owner operated restaurant and bar, Northern Cuisine Incorporated, zoned commercial. *
- (iii) Entertainment statement: we will have live entertainment small bands, piano players and singers. We will not have any adult entertainment or public nudity. Articles of Incorporation attached.
- D) See attachment
- F) No other application has been made for similar liquor license

* Darren & Kelly Romano are purchasing the property from Gary & Kay Anderson under a land lease.



Michigan Department of Commerce

Lansing, Michigan

*This is to Certify That Articles of Incorporation of
NORTHERN CUISINE, INC.*

*were duly filed in this office on the 30th day of November, 1993,
in conformity with Act 284, Public Acts of 1972, as amended.*

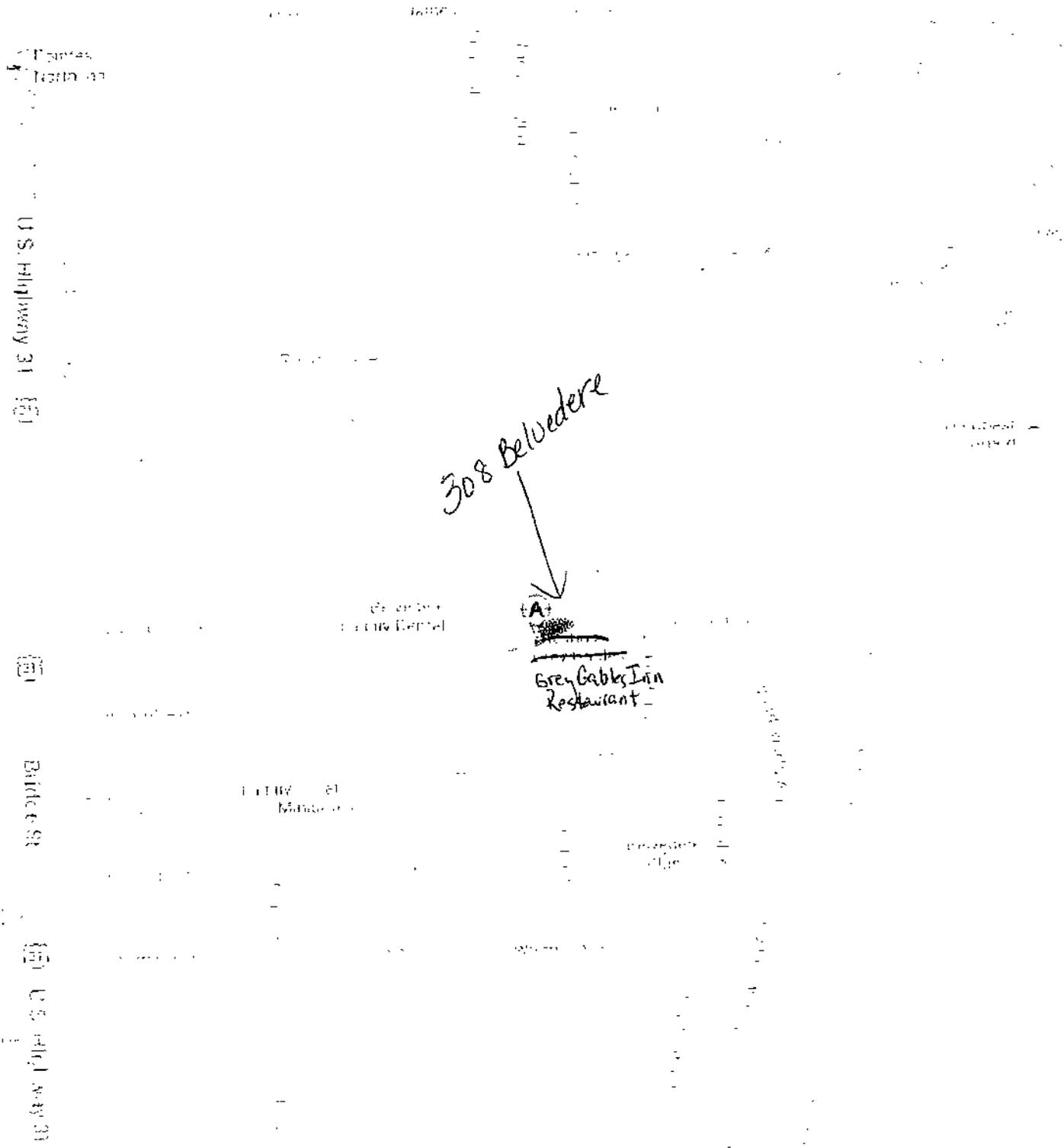


*In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 30th day
of November, 1993.*

Carl L. [Signature], Director
Corporation & Securities Bureau

Google C.

To see all the details that are visible on the screen, use the "Print" link next to the map.



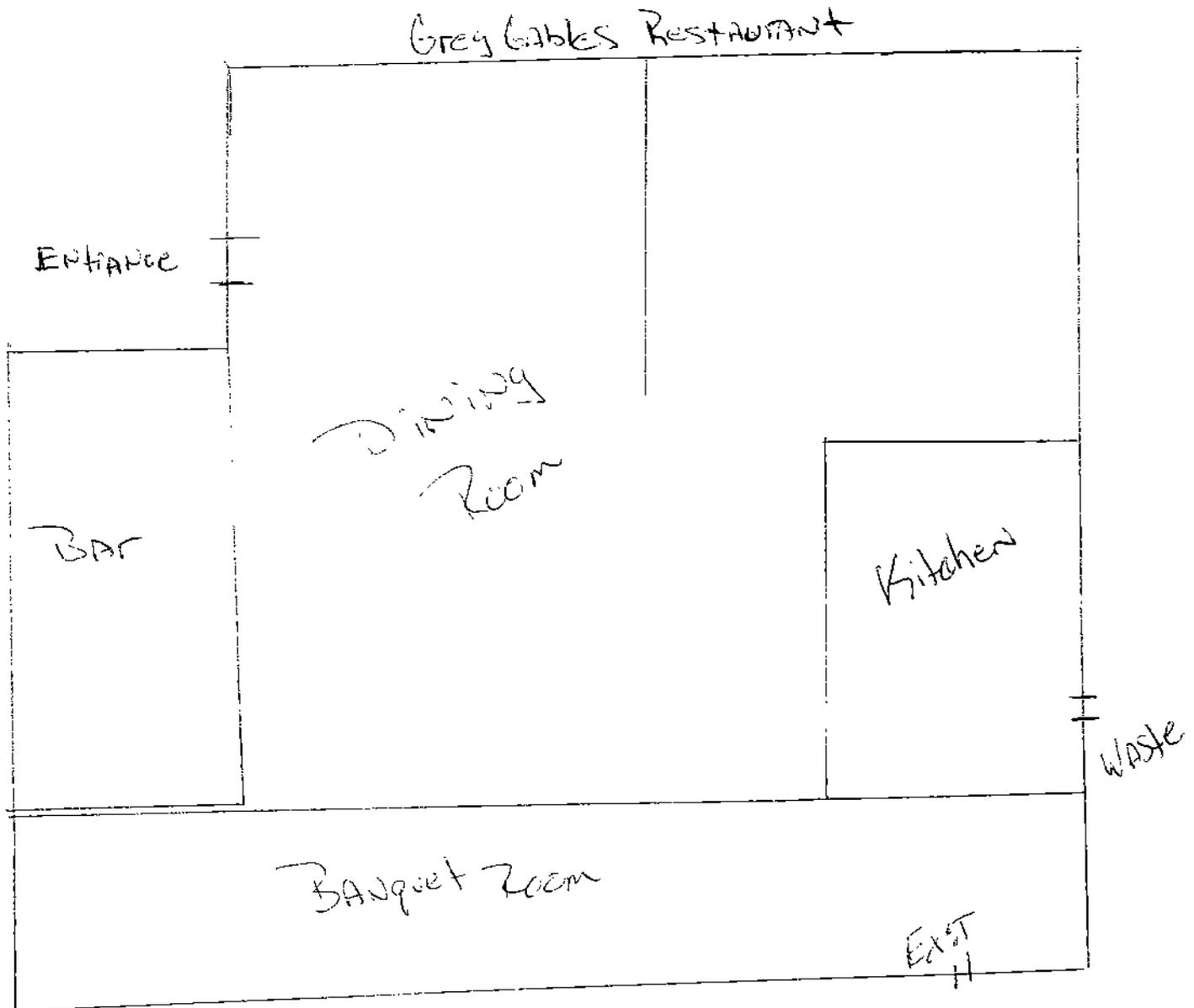
308 Belvedere

Grey Gables Inn Restaurant

D)

Bellevedere Ave.

← PARKING →



IV. CONVICTION AND DISQUALIFICATION

Applicant certifies that the applicant or the individuals named in Paragraph I of this application with applicant being a duly authorized disclosed agent of any corporation or partnership listed in this application certifies applicant and all listed individuals listed on this application have never been convicted of a felony and that applicant and other individuals listed in this application are not disqualified and have never been disqualified to receive a license by reason of any matter or thing contained in this ordinance or in the laws of the State of Michigan.

V. STATEMENT OF GOOD FAITH

Applicant certifies that applicant or the individuals named in Paragraph I of this application with applicant being a duly authorized disclosed agent of the corporation and/or partnership listed in this application states that applicant and all named individuals listed in Paragraph I will not violate any of the laws of the State of Michigan or the United States or any ordinances of the City of Charlevoix in the conduct of the business.

VI. AFFIDAVIT AND PERMISSION FOR CITY, COUNTY AND STATE OFFICIALS TO ENTER THE PROPERTY FOR INSPECTIONS:

I agree the statements made above are true, and if found not to be true, this application and any approval will be void. Further, I agree to comply with the conditions and regulations in the Michigan Liquor Control Code of 1998 and the Charlevoix City Code. Further, I agree to give permission for officials of the City of Charlevoix, Charlevoix County, and the State of Michigan to enter the property and any structures thereon where the licensed premises is located for purposes of inspection during normal business hours. Further, I understand that this is only a liquor license application and that such license conveys certain rights under the Charlevoix City Code and the Michigan Liquor Control Code, being Public Act 1998 No. 58, MCL 436.1101 et seq, and does not include any representation or conveyance of rights in any other statute, zoning under the City of Charlevoix's Code, or other property rights.

Finally, even if this liquor license is approved, I understand the City of Charlevoix Code and state statutes change from time to time. Therefore, I hereby acknowledge that any approval of this liquor license is subject to any change in the Charlevoix City Code or state statute as authorized by law.

Applicant's Signature:  Date: 2-10-14

For office use only

Reviewer's action: Total fee: \$ waived Check # --- Date received: _____

This matter was: *Approved / Denied* by action of the City Council on _____

Signature: _____

Title: _____

CITY OF CHARLEVOIX
 RICHARD BRANDI, TREASURER
 210 STATE STREET
 CHARLEVOIX, MI 49720

15-052-385-003-00
 ANDERSON GARY L & KAY D
 308 BELVEDERE AVE
 CHARLEVOIX MI 49720-1413

TOTAL TAXES DUE IF PAID	\$0.00
NO LATER THAN: 02/28/2014	
After due date, additional fees will be added. Please contact your local treasurer for the total amount due.	
Local treasurer cannot accept tax payments for Real Property after 2/28. Please contact the Charlevoix County Treasurer for Amount Due prior to making a payment.	

Check must clear or receipt is void.

TAXPAYER NOTE: Please notify us if name or address information is not correct. If additional information is needed to make the change, you will be contacted.

RETURN THE TOP PORTION WITH PAYMENT

LOCAL PROPERTY TAXES
 2013 Summer

RECEIPT AVAILABLE ON REQUEST

PARCEL NUMBER: 15-052-385-003-00
 PROPERTY ADDRESS: 308 BELVEDERE AVE
 PROPERTY TYPE: 201 COMMERCIAL
 CLASS CODE: 201
 SCHOOL: 15050 CHARLEVOIX, 15050

STATE EQUALIZED VALUE:	155,000
TAXABLE VALUE:	155,000
PRINCIPLE RESIDENCE EXEMPTION %:	0.0000

	TAXING AUTHORITY	TAX RATE	TAX AMOUNT
Assessment & Tax Information online at: www.charlevoixcounty.org	STATE EDUCATION	6.00000	930.00
	COUNTY ALLOCATED	4.70000	728.50
	SCHOOL OPERATING	18.00000	2,790.00
	SCHOOL DEBT 11	1.90000	294.50
	SCHOOL DEBT 08	0.92500	143.37
	CITY OPERATIONAL	9.05000	1,402.75
	INFRASTRUCTURE	2.05930	319.19
	REFUSE	0.90000	139.50
	SCHOOL DEBT 12	0.09000	13.95
	COMPLETE LEGAL DESCRIPTION ON FILE		
CHARLEVOIX CITY TREASURER (231)547-3261 TAXES ARE DUE TO THE CITY TREASURER ON OR BEFORE SEPTEMBER 3, 2013, STARTING ON SEPTEMBER 4: 1% INTEREST PER MONTH WILL BE ADDED. YOUR SUMMER TAXES ARE NOW PAST DUE. IF PAID BY DECEMBER 31, 2013 PAY THE AMOUNT ON THE BILL. IF NOT CALL THE CITY TREASURER FOR A PAYOFF AMOUNT PRIOR TO FEBRUARY 28, 2014. AFTER FEBRUARY 28, 2014 TAXES ARE DELINQUENT AND MUST BE PAID TO THE COUNTY TREASURER @1-800-548-9157 FOR THE AMOUNT DUE.	TAX & SPECIAL ASSESSMENTS		6,761.76
	PREVIOUS PAYMENTS		6,761.76
	TOTAL TAX DUE BY: 02/28/14		

FISCAL YEARS
 County:
 Twp/City:
 School:
 State:

MAKE CHECK PAYABLE TO:
 CITY OF CHARLEVOIX
 RICHARD BRANDI, TREASURER
 210 STATE STREET
 CHARLEVOIX, MI 49720

TREASURER NOT RESPONSIBLE FOR
 PAYMENT ON WRONG PARCEL

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Consideration to Approve an Application to the Recreation Passport Grant Program for Michigan Beach Park Playground

DATE: March 17th, 2014

PRESENTED BY: Amanda Wilkin, Recreation Director

ATTACHMENTS:

1. Renderings of proposed playground and overhead model
2. P&R Plan Chapter 7 (Capital Improvements & Recreation Strategy)
3. City of Charlevoix Resolution 2014-03-XX

BACKGROUND INFORMATION:

Michigan Beach is one of the most highly visible and most trafficked areas in Charlevoix. The playground equipment at this beach has been a concern for the last ten or more years as it has become more outdated and less safe.

With the concern of the sand degrading any ground surface material laid, city staff has agreed the best place for the new playground would be in the grassy area near the concession stand (to the south of the flagpole). There are some concerns about traffic, but with correct signage and a short wall similar to the current beach walls, we feel that it will create a safe environment.

A new playground will create greater recreational opportunities in the park. A new playground will also provide children with a chance to exercise and create new friendships, as well as provide something to do when the water temperatures are not conducive to swimming. This follows suit with our approved 5 year Parks and Recreation Plan.

Accessibility is an important factor that the playground equipment at Michigan Beach Park is currently missing. With the new playground equipment there would be greater accessibility to the interactive games, slides and swings as well as a safety rubber material for the ground that would provide safety for all children using the playground.

The Recreation Passport Grant Program is through the Michigan Department of Natural Resources. The maximum request is for \$45,000 with a 25% match from the City of Charlevoix. Though we are still working on an exact design, a conservative ballpark figure for the equipment alone is \$50,000. The safety surface for the ground, which is required, adds up to be a large expense as well (estimated from \$25,000-\$40,000 depending on final design). Therefore city staff will be garnering addition grant funding as well as asking for community support with in-kind services. Since we are still in the beginning phase of the project, to apply for the Recreation Passport grant, we have suggested the city apply with a 50% match at \$22,500.

Michigan Beach is considered one of the crown jewels of Charlevoix; it is necessary to upgrade the playground equipment.

RECOMMENDATION:

Approve the application to Recreation Passport Grant Program for Michigan Beach Park playground by resolution.



IF THE MANUFACTURER'S DRAWING AND SPECIFICATIONS DO NOT SHOW THE APPROXIMATE LOCATION FOR VIBRAC AND REINFORCING BARS, CONTACT THE MANUFACTURER FOR THIS INFORMATION.

IF THE MANUFACTURER'S DRAWING AND SPECIFICATIONS DO NOT SHOW THE APPROXIMATE LOCATION FOR VIBRAC AND REINFORCING BARS, CONTACT THE MANUFACTURER FOR THIS INFORMATION.

DESIGNED BY:

DATE	7/28/74	7/28/74	7/28/74	7/28/74	7/28/74
BY	SC	SC	SC	SC	SC
CHECKED BY	SC	SC	SC	SC	SC
PROJECT	70811-1-1	70811-1-2	70811-1-3	70811-1-4	70811-1-5
DATE	7/28/74	7/28/74	7/28/74	7/28/74	7/28/74

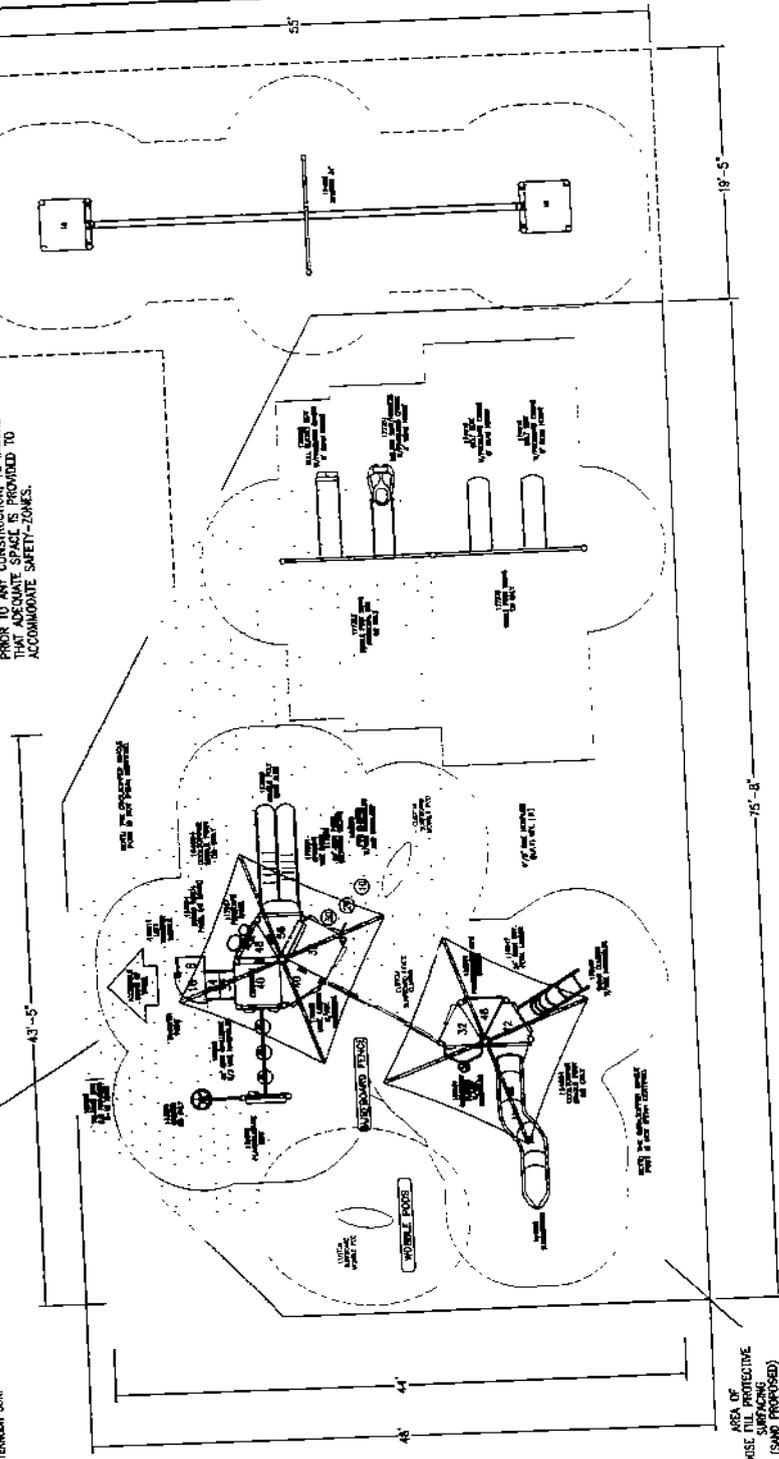
AREA OF LOOSE FILL PROTECTIVE SURFACING (SHAD PROPOSED) 1214 SQ FT

ADD ON OPTION, IF ORDERED, SITE WILL NEED TO BE EXPANDED TO ACCOMMODATE.

NOTE: SITE EXPANSION MAY BE REQUIRED. PLEASE VERIFY ALL SITE INFORMATION PRIOR TO ANY CONSTRUCTION, TO INSURE THAT ADEQUATE SPACE IS PROVIDED TO ACCOMMODATE SAFETY-ZONES.

AREA OF ACCESSIBLE/PROTECTIVE SURFACING (SHAD PROPOSED) 869 SQ FT

NOTE: PLEASE VERIFY ALL EXISTING UTILITIES, CONDUITS, AND SERVICES TO AVOID DAMAGE TO EXISTING UTILITIES. CONDUITS AND SERVICES SHOULD BE MARKED PRIOR TO ANY CONSTRUCTION.



AREA OF LOOSE FILL PROTECTIVE SURFACING (SHAD PROPOSED) 214 SQ FT

Custom product manufacturing time for this project will be 8 weeks from the time of LSI order acceptance.

TOTAL ELEVATED PLAY COMPONENTS	10	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	6	REQUIRED	5
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	6	REQUIRED	5
TOTAL ACCESSIBLE COMPONENTS LEVEL COMPONENTS SHOWN	8	REQUIRED	3
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	4	REQUIRED	4

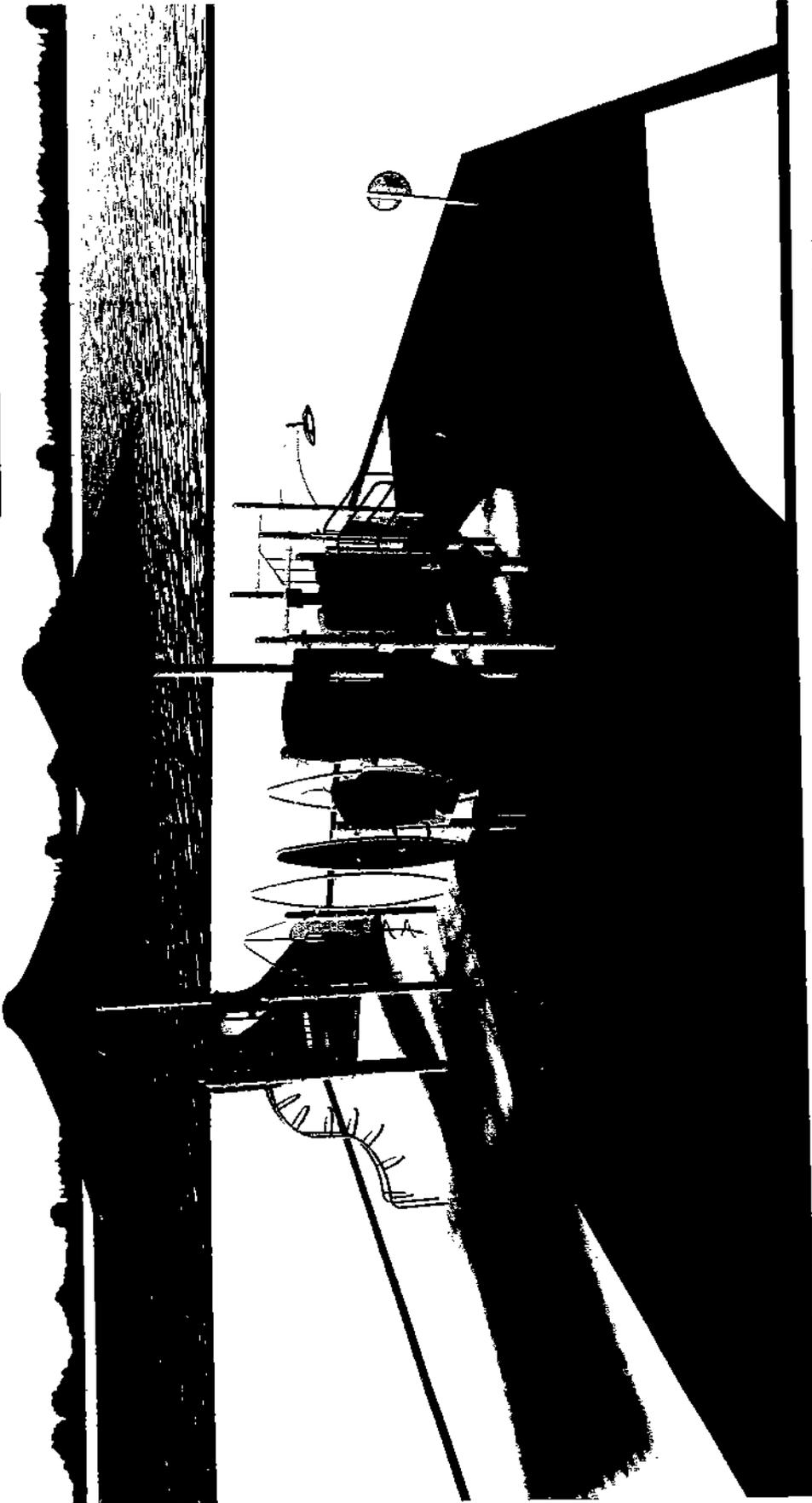
SYSTEM TYPE: PlayBooster
DRAWING #: 70811-1-4

Superior Play, LLC
Doung Smith

Lake Michigan Beach
City of Charlevoix



Lake Michigan Beach
 City of Charlevoix January 29, 2014 70611 1 4 cleso ip



sun
 landscape
 • 410.463.8333



Better playgrounds.
 Better world.®

Proudly presented by
 Doug Smith





Lake Michigan Beach
 City of Chatham, January 29, 2011 / 0811-1-311

SW
 Landscapes
 Structures



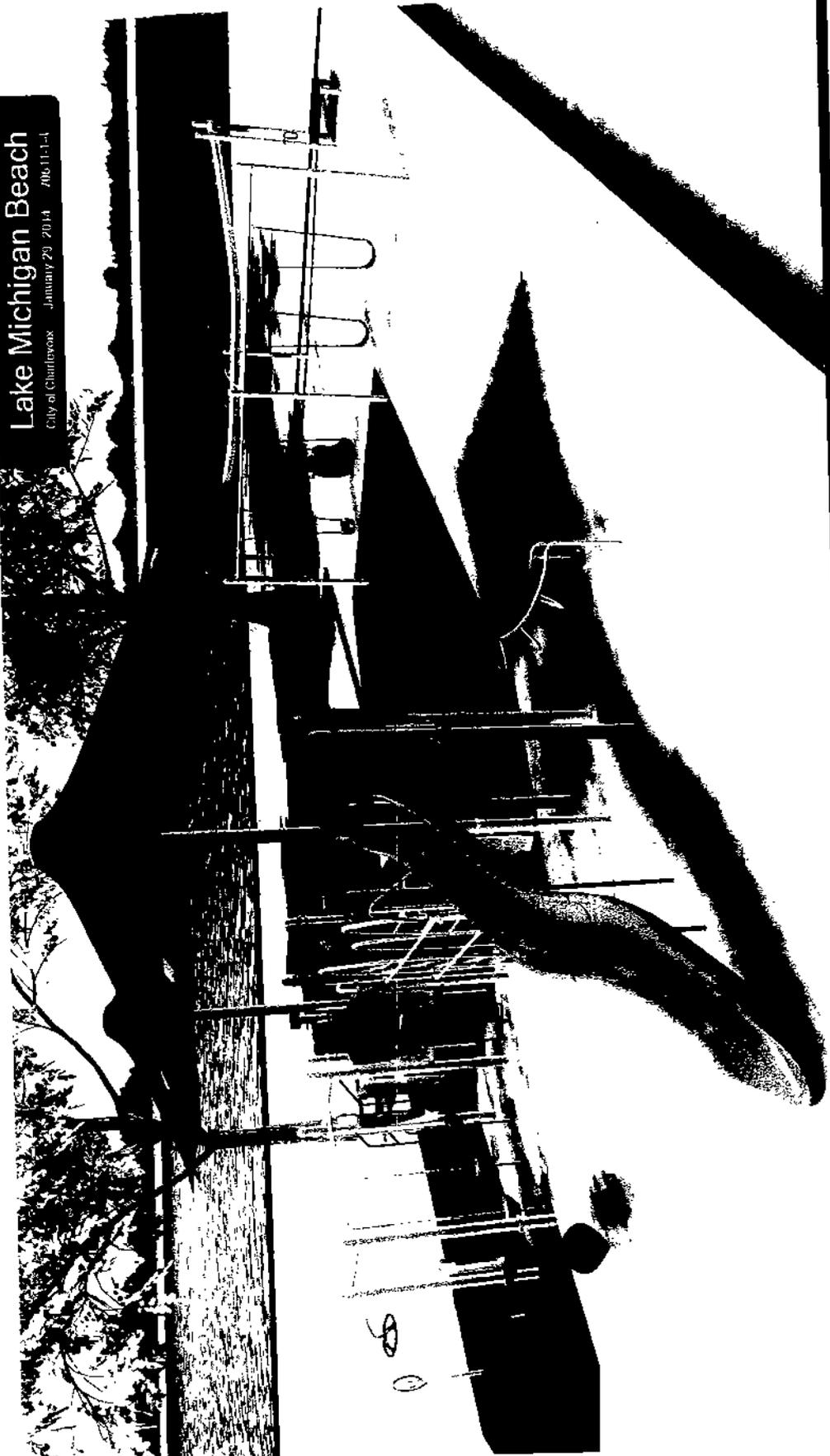
**Better playgrounds.
 Better world.®**
 2011-1-11-1

Proudly presented by:
 Doug Smith



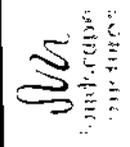
Lake Michigan Beach

City of Charlevoix January 29 2014 706.11.1-4



Proudly presented by
Doug Smith

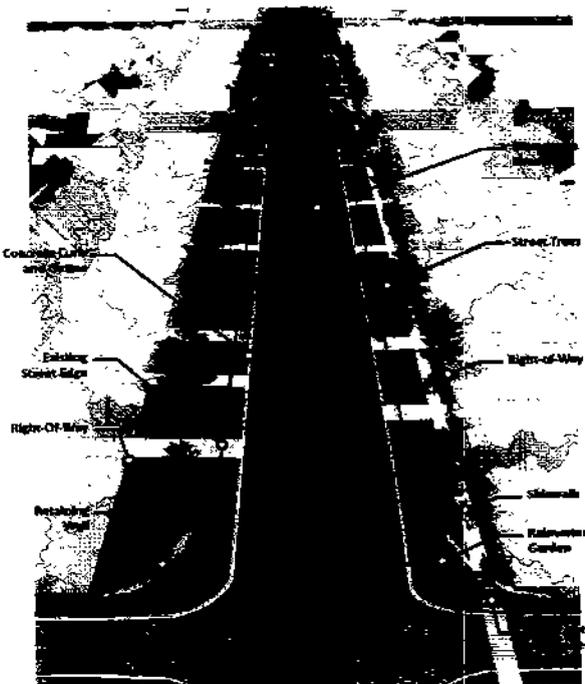
Better playgrounds.
Better world.®



Chapter 7. Capital Improvements and Recreation Strategy.

7.1 Capital Improvements Projects

The Capital Improvements Project section provides a comprehensive list of each of the projects identified within the planning process. This data will assist the City in the identification and allotment of needed funds for the development of park facilities and recreational opportunities. The list is meant as a guideline and may be adjusted to meet changing parks and recreation goals and objectives or budgetary considerations.

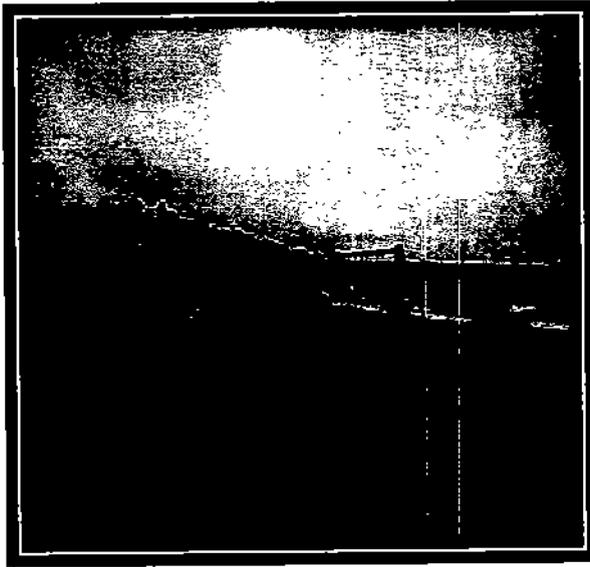


Given limited resources, the City will evaluate capital improvement project lists on an annual basis and determine which projects should receive priority based on numerous factors. Projects will be evaluated and prioritized based on factors including public safety, value to the community, cost, frequency of use, etc. Ultimately City Council will determine which projects are completed on a yearly basis consistent with the fiscal year of April 1 thru March 31.

Michigan Beach

Michigan Beach currently has a covered pavilion, a concession stand, a volleyball net and very limited and outdated playground equipment.

To continue to attract people and be a point of pride of the community, new playground equipment is necessary. Also, due to the temperature of the water at this beach, additional playground equipment would bring people down to enjoy the view and have physical activities to engage kids.



Another issue that needs to be addressed is the condition of the grass area at Michigan Beach. It is often burned out, especially if it is a dry, hot summer. Some type of a watering system needs to be installed so that the grass is plush and attracts more people to utilize the picnic area at this beach. Given the expense of traditional sprinkling systems the City may want to consider low water grasses here and in other parks.

Additional improvements at Michigan Beach include the following:

- Add Shuffleboard courts.
- Install a world-class state of the art playground structure.
- Evaluate signage and make any needed changes/additions.
- Relocate and upgrade basketball courts.
- Improvements to the West end parking lot/wooded area at Michigan Beach. Easier to monitor – clear some trees between beach and parking lot, etc.
- Improve and widen the Lake Michigan Park-walking trail. Improve and widen trail.
- New stair cases going down to the beach along Park Avenue.
- Enhance and identify the trail head.
- Barrier free access.
- New paint, roof and doors on concession building.
- Improve viewing platform.
- New paint and roof on pavilion.
- Replace or add parking bumpers.
- New lifeguard chairs.
- Permanent benches.
- Excavate and level sand near retaining walls.
- New grills.
- New drains in front of openings.
- New swim buoys.

Ferry Beach

Ferry Beach Park is a highly valued and busy park due the beach, close proximity to the boat launch, access to Lake Charlevoix, pavilions, volleyball and basketball courts, and numerous other amenities. Capital improvements to this park include the following.

- Removal of the pier.
- Roof replacement and new grinder pump at the fish cleaning station.
- New bathroom facilities with windows.
- New retaining walls.
- Boat launch upgrades.
- New paint, roof and doors on concession building.
- New paint and roof on pavilions.
- Replace or add parking bumpers.
- New lifeguard chairs.

- Permanent benches.
- New grills.
- New swim buoys.

Charlevoix Golf Club Improvements

In the coming years, capital improvements are needed to extend the life of the course, make it more functional, and increase the safety of the course’s users. Over the past several years the course has made the following capital improvements:

- New roof installed in the fall of 2011.
- Recent upgrades were completed at the maintenance buildings, including the pesticide storage and loading buildings that are completely code compliant, and serve as safe and productive areas to store and load the associated supplies and equipment.

The Golf Club Staff will have to continue to explore options to increase revenues and decrease expenditures with the ultimate goal of being a self-sustaining operation. In planning for the future operation and success of the Charlevoix Golf Club, course Staff have identified both short-term and long-term projects. Short-term improvements include the following:

- Cart path improvements are needed to accommodate the growing number of carts being used on the course.
- Irrigation upgrades, mainly the replacement of sprinkler heads are needed to comply with the current

industry standard and prolong the life of the aging system currently in place.

- Tree and brush removal is a growing concern as many of the trees become older, rotted, and unstable.
- Storm door and window replacements.
- Addition of insulation, carpeting and décor.



The long term improvement projects include the following:

- The old maintenance/storage buildings needs to be demolished.
- A heated office, bathroom, and the equipment service area needs to be added to the existing pole building.
- Tee surfaces need surface reconstruction and additional tees need to be installed.
- The parking lots need resurfacing and some parking areas need to be converted from dirt to asphalt.
- Remove aging trees at various locations and replace with appropriate species. (Potentially through a local tree planting program).

- The current practice putting green located immediately west of the clubhouse is substantially undersized.
- The practice green will eventually need to be moved, enlarged, and irrigated to accommodate course patrons.
- The installation of lighting in and around the pavilion area east of the clubhouse is necessary to accommodate larger golf outings, parties, and fundraisers. The pavilion is heavily used during large outings, parties, and ceremonies, many of which conclude after dusk, further demonstrating the need for a safely lit area.
- One of the most significant long term improvements could be the addition of a two-way tunnel system that would allow golfers to cross US-31 without having to walk across the four lane highway. The US-31 speed limit in the vicinity of the golf course is 45 mph, and as a consequence, crossing the highway as a pedestrian can be a dangerous endeavor. Discussions with the Michigan Department of Transportation regarding lowering the speed limit in the golf course vicinity have been met with opposition. The addition of a tunnel system would create a much safer environment not only for golfers, but also for City maintenance crews, as well as other pedestrians using the city sidewalks in the area
- The course's close proximity to the public tennis courts provides a prime opportunity to combine the

recreation areas to function as one entity. Although the tennis courts are located only a few hundred feet from the clubhouse, they are not staffed, do not have bathrooms on site, and lack appropriate signage. Upgrades to the golf clubhouse and installation of bathrooms and appropriate signage would serve as an asset to accommodate patrons of the tennis courts. The courts do not require full-time staff and could be managed by golf personnel due to the fact that the two facilities share the same seasonal operating schedules and locations.

- Located on the southern portion (south of US-31) of the golf course property immediately southwest of the intersection of US-31 and Mercer Boulevard is an area where banners are displayed and provide information for upcoming events in and around the City. The current banner location is not well landscaped, nor does it stand out to people passing by. The banner location should be lit and heavily landscaped with trees, hedges, and bright flowers providing a beautiful welcome to visitors and residents of the City.



All recreational facilities face inherent challenges that can affect future operations, expansion or improvements. Golf Club staff has identified the following challenges:

- The course's practice center provides limited, but much needed space for golf lessons as well as a practice area for everyday patrons to utilize. Although the practice space is limited, there is little to no room for expansion unless the entire space is moved from its current location which is unlikely given the course layout and available acreage.
- Another limitation to the course has been the lack of a driving range forcing patrons to utilize other ranges in the area and ultimately play those courses rather than the City's. Again, due to limited space and available acreage, the course lacks a suitable area and location for a driving range.

Many of the course updates described in this section provides essential upgrades and services that would assist in bringing the course back "into the black" and keep residents and visitors golfing in the City of Charlevoix. The Charlevoix Golf Club staff have worked hard to maintain the quality of the course today, but future improvements are necessary for this historic and valued course to stay viable.

Marina Improvements

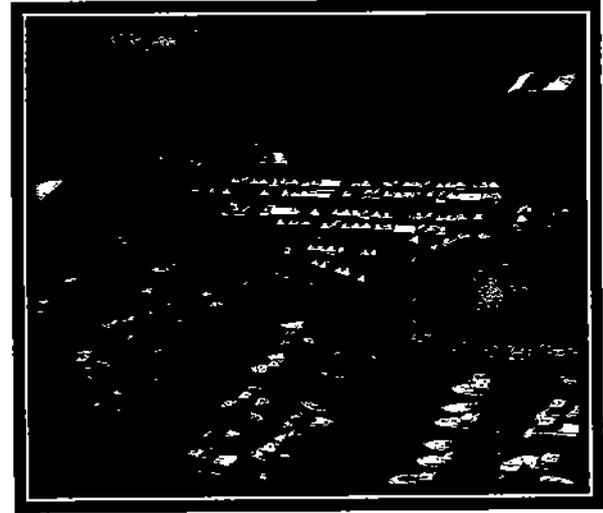
The City Marina is a state of the art marine facility located in the heart of downtown Charlevoix. Despite being only a few years old, facility upgrades and improvements will be needed as the City looks toward the future. The following capital improvement projects have been identified for the City Marina:

- Currently the marina does not contain enough slip capacity needed to allow for numerous vessels greater than 60 feet in length. Additional floating dock sections similar to the current dock style are needed to accommodate large sized vessels. The installation of a new floating dock section on the marina's north end approximately 200' - 250' in length, 10' - 12' wide with 80' long "T" style center and end sections would allow sufficient space needed to accommodate large sized vessels. Also, the addition of the aforementioned dock section would be needed if Charlevoix is afforded the opportunity to host a new Coast Guard cutter in the future. The Coast Guard cutter

would be docked autonomously, on the opposite side of the dock from public's vessels. The cutter would have the ability to get underway and dock independently from local charter boats and public watercraft. The cutter would also continue to maintain emergency positioning near the Pine River Channel giving easy access to Lake Michigan and the other Great Lakes.

- The location of the City Marina allows for easy access to central downtown on foot and bicycle, as well as offers services such as rides in the battery powered "Gem Car," where patrons of the Marina are able to travel to areas in the City which may be located outside of general walking distance. The "Gem Car" service is well utilized by most patrons and is especially important to handicapped and elderly patrons; however, the "Gem Car" itself is in currently in less than optimal condition. At nearly a decade old, nearing its battery life expectancy, and after many seasons of repairs, the car is in need of replacement.

The facility maintenance and upgrades described above will be required to keep continued interest in the City's marina as a major boating destination for patrons throughout the local area, state, and beyond.



Other Parks and Sports Facility Improvements.

One of the City's greatest assets is its parks system and sports facilities. The parks and sports facilities provide both active and passive recreation opportunities. The City should anticipate making necessary improvements to the parks in the coming years.

Any future planning should take into consideration some of the significant issues associated with the City's parks. Maintaining the City's parks is labor intensive, and the costs to maintain facilities and to irrigate grass can be prohibitive.

Furthermore, although most parks, including beaches, are enjoyed by residents from all over the County and beyond, maintenance and operations are paid for only by City residents. As the City makes plans for the future of its parks, attempts should be made to try and alleviate these issues by securing additional sources of funding (especially for future capital improvements), or

begin cost sharing programs with neighboring townships, counties and other organizations.

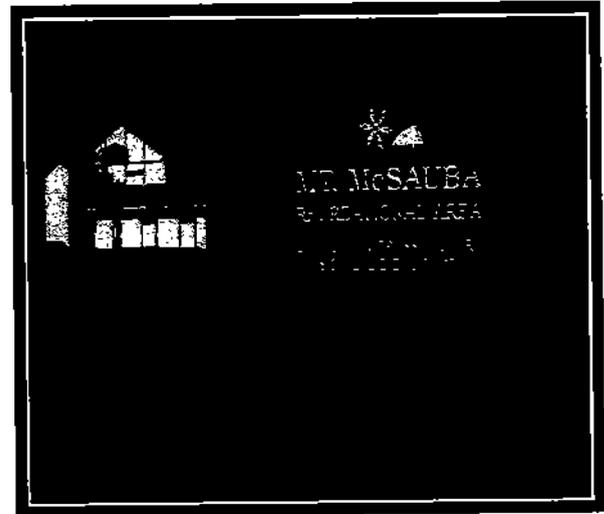
Park or sports facility improvements may include the following:

- Upgrade/repair steps off West Dixon.
- Install a flagpole at facilities.
- Masonry repair at all parks.
- Handrail installation and repair at various parks.
- Turf protection mats in East Park during special events.
- Portable bleachers for ball fields and other events.
- Improve dugouts at ball fields.
- Additional picnic tables at all parks.
- Permanent benches in select locations.
- Potential to rebuild structure at Bridge Park that had information about Charlevoix's historical fishing roots.

Mt. McSauba Recreation Area Improvements

Recreation planning should take into account Mt. McSauba's financial solvency. McSauba has difficulty operating "in the black," and as a result, is often subsidized by the General Fund. Like the City's beaches and parks, it is used by residents from nearby counties, as well as the rest of the State; however, several townships that once participated in funding this recreation area have stopped contributing. This places increased financial burden on the City taxpayers to continue operations and

programs. The following section discusses future projects both large and small that will be necessary for this valued recreation area.



Mt. McSauba Disc Golf Course

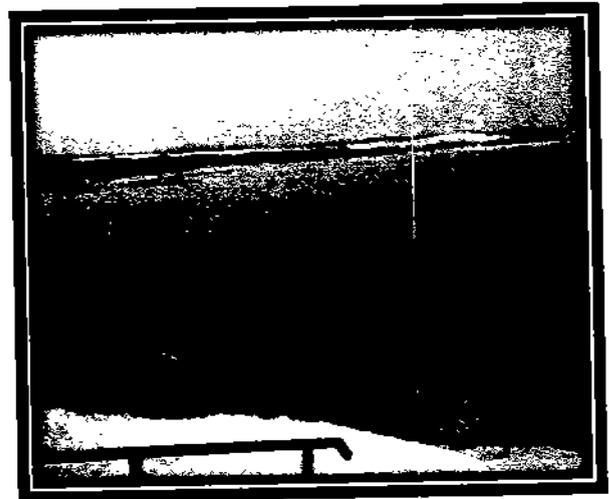
Disc Golf is a very fast growing sport and interest continues to grow in our part of the state. However, there are currently only a few public disc golf courses in the area, and none in Charlevoix. An eighteen-hole disc golf course is currently (as of June 2011) being installed at the Mt. McSauba Recreational Area using exclusively volunteered contributions and labor. The course will not require an admission fee, thereby furthering the goals to provide multi-generational opportunities and recreation for all ages at no cost to the visitor. The course design will minimize the use of the hiking trails, the area used by the wintertime ice rink, the west face of Mt. McSauba, and the sledding hill.

The City's intent is to construct the disc golf course in a way that balances Mt.

McSauba's many uses. The holes are designed so that users of the course always have a clear line of sight, limiting the likelihood that they might accidentally strike or injure a hiker or other McSauba user. Additionally, the City is fully invested in limiting the environmental impact of the course. The course is designed in such a way to avoid the most sensitive areas, winding through the most stable ground, less-dense hardwood forests, and already well-used recreational areas. Abundant trash and recycling receptacles are to be placed along the trail, encouraging users to keep the course and trails clean.

Additional capital projects at Mt. McSauba include the following:

- Create and implement a comprehensive trail plan for the entire recreation area, thereby expanding the cross-country trail network at McSauba and the township preserve.
- Upgrade restrooms.
- Kiosk with paid ads.
- Plan and conduct required safety classes for skiing and snowboarding.
- Improve skating rink – expand area of rink.
- Change the grade (steepness) at the top of the sled hill.
- Assist Pole for sledding hill (Railings).
- Dedicated Cross Country Ski Trails.
- Groom Cross County Trails.
- Additional parking.
- Additional trails (Comprehensive Trail plan.)
- Additional signage & evaluate effectiveness of all area signage.
- Upgrade Basketball court area and provide lighting with a paid timer.
- Additional playground equipment including play structures.
- Tow rope on sled hill.
- Chair lift on ski hill.
- Pave parking lot.
- Additional ski and sliding hills.
- Additional snow making equipment.
- Barrier free access.



Elm Street Tennis Courts

The Elm Street Tennis Courts have been significantly underutilized in recent years. The courts are in dire need of upgrades and repairs in order to be enjoyed by residents, as well as visitors to the area. Resurfacing of the courts, new nets, and simple bathroom facilities would greatly enhance the use of these courts. In addition, to serve multi-generational populations and people of various physical abilities to be engaged, it is recommended that we allow pickleball to be played on these courts

as well. That would entail painting of extra boundaries and the ability to easily lower and raise the nets accordingly. Pickleball is one of the fastest growing sports in retirement communities. Lastly, proper signage will need to be installed on site.

- Resurface courts
- New nets
- Improve signage
- Add simple restroom facilities
- Allow pickle ball to be played
- Barrier free access

Complete Streets and the Lake to Lake Trail

As explained in Chapter 5, establishing a transportation network encouraging non-motorized travel will be an important investment in Charlevoix's future. These capital investments are a major but worthwhile investment considering the physical, economic, environmental, and traffic safety benefits that result from this infrastructure. The following capital improvements are the most important long-term investments necessary to provide alternative transportation options and quality recreation activities.

- Provide support for the construction of the Lake to Lake Trail and necessary connections to the City.
- Design and construct additional bike lanes based on the overall transportation plan.
- Plan for and construct additional paths or sidewalks to improve the City's walkability.



North side Multi-use Tunnel

The golf course is surrounded by well-placed sidewalks that allow for high density pedestrian access, making a tunnel crossing US 31 even more imperative to safely connect City residents to parks, beaches, and recreation areas, as well as schools, neighborhoods, churches, and other locations. The tunnel system would also allow for the students living in the neighborhoods south of US-31 to safely access the Charlevoix Elementary School without having to cross the highway, as well as promote additional daily exercise for hundreds of young people in the community.

The tunnel system would require engineering studies at various locations along the north and south sides of US-31. At the present time, golfers and pedestrians are forced to cross the highway at two locations to access the entire golf course as well as area neighborhoods. Past engineering and environmental studies show the potential for brownfields in the immediate vicinity of the golf course, giving the opportunity

to redevelop the land into useable greenspace. The tunnel system would also provide a safe highway crossing for the overall bike system giving bikers much needed continuity through the City of Charlevoix and making the City one of the top destinations along the trail.

- Work with MDOT and seek grant funding for the construction of an underpass under US 31 adjacent to the City Golf Course accommodating a variety of recreational users.

7.2 Future Recreation Strategy.

Annual Recreational Planning and Budgeting

On a yearly basis appropriate City officials should meet with the Parks and Recreation Advisory Board to discuss upcoming projects and seek their input in establishing parks and recreation priorities. Working cooperatively with Staff, this group could come up with specific recommendations and capital improvements that should be included in the budget. These recommendations could be shared with the public to gauge support or opposition to particular improvements. The City should actively rely on this Parks and Recreation Master Plan for guidance.

Recommendations to City Council and the public should include the rationale or reasoning behind the decision. This cooperative approach will be instrumental in the future given shrinking

budgets and the potential need to streamline operations and focus on attainable improvements.

Future Programs and Events.

The Future Programs and Events list identifies planned and proposed City-initiated functions and events. This list will act as a way for the City to identify funding needs and, like the Capital Improvement Projects, help in the allotment of needed funds and possible grants in order to assist with these programs and events.

- *Festivals*
- *Sporting Events, etc.*
- Ultimate Frisbee
- Open Gym for Basketball
- Soccer
- Golf League – already in existence
- Sports Workshops
- Beach Volleyball
- Pond Hockey League
- Men’s Basketball league at the Middle School
- Women’s Basketball league at the Middle school
- Coed basketball league at the middle school
- Indoor Soccer league
- “Gate” night at Mt. McSauba around lessons and middle school ski team.
- Mt. McSauba to house a local ski academy
- Distance Running Day Camp/Track and Field Day Camp at High School track leading up to Venetian race(s).

Strengthen Relationships with Neighboring Governmental Agencies

The City of Charlevoix seeks to strengthen relationships with neighboring governmental agencies, and in particular with the Charlevoix Township, which has several park properties just outside the City limits. Building strong relationship with the Township would facilitate the City's desire to acquire additional land for trails in the southwest quadrant of the City.

Relationships with the City of Charlevoix and neighboring jurisdictions are also important to seek benefits from shared development and political support. This may include exploring the potential for a recreation authority with surrounding townships.

The City should also coordinate with Charlevoix County on a regional approach to recreation planning to seek common goals and avoid repetition in activities, facilities, or programs.

Finally, at the State level, coordination and cooperation with MDOT and the MDNR will be instrumental in implementing transportation projects and grant funding. Working relationships with key staff people and effective communication will have a positive influence on parks and recreation activities and facilities.

RESOLUTION # 2014-03-XX

WHEREAS, that the City Council of the City of Charlevoix is supportive of the Charlevoix Recreation Department's grant application to the Recreation Passport Grant Program for the development of new playground equipment at Michigan Beach Park; and

WHEREAS, the proposed application is supported by the communities approved 5 year Parks and Recreation Plan; and

WHEREAS, if the grant is awarded, the City of Charlevoix will be responsible to commit to at least \$22,500 in matching funds in cash and/or force account during the 2015-2016 fiscal year.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CHARLEVOIX, is supportive of the grant application to the Recreation Passport Grant Program for a new playground at Michigan Beach Park and authorizes city staff to sign the grant application.

RESOLVED, this ____ day of _____, 2014, A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas:
Nays:
Absent:

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Wastewater Biosolids Contract Renewal

DATE: March 17, 2014

PRESENTED BY: Steve Teunis, Supt. WTP-WWTP

ATTACHMENTS: BioTech Agronomics, Inc.

BACKGROUND INFORMATION: The City is currently under contract with Biotech Agronomics for the land management and the application of the Biosolids produced at the Wastewater Treatment Plant. They have worked with the City for the past 8 years since the original agreement was made in 2006. The agreement was extended in 2009 with 3% price increases expected over 2009-2010, 2010-2011, 2011-2012. The pricing was held at 2010 prices, with the agreement expiring on April 11, 2014.

Biotech is offering to extend the agreement for an additional two years, April 12, 2014 through April 11, 2016 for pricing as follows:

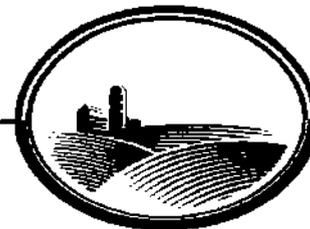
Biosolids Land Application: \$0.0556 /gallon for year 1 and \$0.0567/gallon for year 2.
Sampling and Analysis: \$486.95/sample for year 1 and \$496.69/sample for year 2.
Fecal Coliform testing: \$486.95/sample for year 1 and \$496.69/sample for year 2.
Digester and Tank Cleaning: \$405.80/hr. for year 1 and \$413.96/hr. for year 2.
Fuel Surcharge based on percentage of cost over base price of 2.50/gallon.

The cost per event is based on approximately 220,000 gallons hauled and the above testing fees for a total invoiced amount of \$14,272.44. The sludge hauling is done approximately 3 times a year for an annual cost of about \$43,000.00

The Annual Budget includes a line item for this amount under Contractual Services.

RECOMMENDATION: Approve the extension of the agreement with Biotech Agronomics for sludge (biosolids) hauling for the years 2014 and 2015 with 2% increases.

BioTech Agronomics, Inc.



Residual Management Company

1651 Beulah Highway • Beulah • Michigan • 49617

February 28, 2014

Mr. Randy Wurst
City of Charlevoix Wastewater Treatment Plant
210 State Street
Charlevoix, Michigan 49720

RE: CONTRACT RENEWAL FOR PROFESSIONAL BIOSOLIDS LAND APPLICATION SERVICES FOR THE CITY OF CHARLEVOIX WWTP LOCATED AT 15116 LAKE SHORE DR CHARLEVOIX, MICHIGAN:

Mr. Wurst,

Thank you for meeting with me earlier last month. As we discussed, Biotech Agronomics, Inc. is pleased to offer to renew the current agreement known as the BIOSOLIDS MANAGEMENT AGREEMENT ADDENDUM NUMBER 1 dated January 20th 2009. We respectfully request a 2% annual increase to all current unit prices. All other terms and conditions including the current fuel surcharge provision shall remain unchanged.

We propose to extend the current agreement for (2) two years (April 12, 2014 through April 11, 2016). The new pricing requested would be as follows:

Biosolids Land Application: \$0.0556/ per gallon for Year 1 & \$0.0567/ per gallon for Year 2

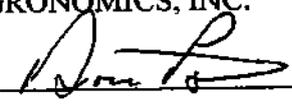
Biosolids Sampling & Analysis: \$486.95 per sample for Year 1 & \$496.69 per sample for Year 2.

Fecal Coliform Sampling & Analysis: \$486.95 per sample for Year 1 & \$496.69 per sample for Year 2.

Digester & Tank Cleaning: \$405.80 per hour for Year 1 & \$413.92 per hour for Year 2.

We appreciate your business and look forward to another successful year in performing your biosolids land application needs. If you have any questions please contact me at dpopma@biotechag.com or (616) 835-0100.

BIOTECH AGRONOMICS, INC.

Submitted by: 

Printed Name: Don Popma

Its: Director of Business Development

Date: 2/28/2014

CITY OF CHARLEVOIX, MICHIGAN

Accepted by: _____

Printed Name: _____

Title: _____

Date: _____

This document is representative of a complete contract. Upon award the document can be signed by both parties to become binding.

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

- AGENDA ITEM TITLE:** Mutual Aid Agreements
- DATE:** March 17, 2014
- PRESENTED BY:** Don Swem
- ATTACHMENTS:**
1. MMEA Mutual Aid Agreement
 2. MMEA Mutual Aid Agreement Resolution
 3. Mutual Aid APPA NRECA Agreement

BACKGROUND INFORMATION:

The Michigan Municipal Electric Association (MMEA) is asking that all cities consider signing the attached Mutual Aid Agreements. These agreements are basically an outline of what would be expected if electric utilities help each other in emergencies.

The massive ice storm that hit Lansing over the Christmas holidays triggered this request. The ice storm took out 40% of Lansing's system, by far the largest municipal electric system in the state, and it took 10 days to fully restore power. The state legislature is investigating the outage and talking about the possibility of putting the municipal utilities under the control of the Michigan Public Service Commission (which could possibly be the end of small utilities like Charlevoix). One of the complaints against Lansing was that they did not have enough outside help during the recovery efforts. MMEA is taking the position that the municipal utilities are already positioned to give and receive help when needed through the Mutual Aid agreements.

For whatever reason Charlevoix had filled out all of the paperwork and had the MMEA Mutual Aid Agreement ready to go back in 2001 but we have no evidence that it ever went to Council for approval, so as it turns out we are one of the few cities in the state without an official agreement. Attached are the MMEA Mutual Aid Agreement from 2001 and an APPA/NRECA/FEMA Mutual Aid Agreement for approval. The agreements essentially cover the basic details of a request for aid and answering that request. It covers the reimbursement of the responding utility by the requesting utility. It also specifies that any response to a request for aid is completely voluntary and dependent on whether the responding utility feels it has the resources available to provide aid or not. There is no penalty or anything for failure to provide the requested aid. The agreement also provides a procedure for Charlevoix to request aid if

ever needed. The City attorney has reviewed the agreements and had the following comments. He noted that the agreement specifies that the City's own insurance will be in effect whenever our crews and equipment are sent to aid another utility. We are verifying this with the insurance carrier and will change the policy if necessary to accommodate this. He also noted that the agreement should specify a chain of command between the cities and crews requesting and receiving aid. This comment will be passed along to the MMEA. (Traditionally the requesting utility will provide a "birddog" for each visiting crew that would be responsible for coordination and safety of the visiting crew, but this is not written in the agreement.) The final comment from Jim Young was "Neither comment should delay the approval of the proposed mutual aid agreement. Such agreements serve a tremendous public benefit if any emergency occurs."

RECOMMENDATION:

It is recommended that Council approve the APPA/NRECA/FEMA Mutual Aid Agreement attached and authorize the Electric Department Superintendent to sign the agreement on behalf of the City. Action is to be by resolution for the MMEA agreement.

MMEA MUTUAL AID AGREEMENT (Revised 04/30/01)

This agreement is made this ____ day of _____ 2014, by and between the [City] of Charlevoix, and other members of the Michigan Municipal Electric Association (MMEA) which have or may hereafter execute this Agreement.

WHEREAS, from time to time it becomes necessary for members of MMEA to request emergency assistance from other MMEA members in connection with the operation of their respective electric utilities; and

WHEREAS, it is advisable and in the best interest of the parties to this Agreement to have standardized requirements, obligations, and conditions for the furnishing of emergency assistance to one another;

NOW, THEREFORE, in consideration of the foregoing and the mutual benefits to be derived by each of the parties to this Agreement, it is agreed as follows:

1. **DEFINITIONS.**

- a. **Participating Member** means any MMEA member which has executed this Agreement as authorized to do so by resolution of its governing body. (See sample form of resolution to enter into MMEA Mutual Aid Agreement, attached as Appendix A.)
- b. **Aided Party** means a Participating Member that requests emergency assistance from another Participating Member.
- c. **Aiding Party** means a Participating Member that has been requested by another Participating Member to provide emergency assistance.
- d. **MMEA Mutual Aid Group** means all of the Participating Members considered together.

2. **PURPOSE.**

The purpose of this Agreement is to set forth the requirements, obligations and conditions for the furnishing of emergency assistance by the Participating Members to one another and by any MMEA Member which hereafter becomes a Participating Member by executing this Agreement.

3. **OBLIGATIONS OF PARTICIPATING MEMBERS.**

All Participating Members shall have the following obligations:

- a. Upon execution of this Agreement, each Participating Member shall provide the following information to MMEA for distribution by MMEA to other Participating Members:
 1. The names, addresses, telephone numbers, telefax numbers, and titles of the persons authorized on behalf of a Participating Member to request emergency assistance from another Participating Member. These persons shall be listed in the specific descending order in which they are authorized by the Participating Member to request emergency assistance if the person at the top of the list is not timely available under the applicable circumstances.
 2. The names, addresses, telephone numbers, telefax numbers, and titles of the persons to be contacted by a Participating Member when making a request for emergency assistance. The persons listed as contact persons shall be authorized on behalf of a Participating Member to approve requests made for emergency assistance by another Participating Member. The contact persons shall be listed in the specific descending order in which they are to be contacted if the person at the top of the list is not timely available under the applicable circumstances.
 3. The equipment (including normally stocked materials and supplies) and supporting personnel that each Participating Member expects to be available if requested to provide emergency assistance to another Participating Member.
- b. Participating Members shall also provide any other information to MMEA as requested from time to time by MMEA as is reasonably necessary to effectuate the purposes of this Agreement. Participating Members shall take all reasonable steps necessary to ensure that information provided to MMEA as requested by MMEA or as otherwise required by this Agreement is accurate, and shall promptly notify MMEA if any information previously provided becomes incorrect or obsolete.
- c. Each Participating Member shall, to the best of its ability under all of the circumstances, maintain in good working order the equipment it intends to make available to provide emergency service and shall maintain an adequate stock of materials and supplies for that equipment.
- d. Each Participating Member shall maintain insurance adequate to cover any loss, damage, liability or claim resulting from any work or activities performed while furnishing emergency assistance to another Participating Member under this Agreement, including insurance coverage for equipment and personnel used during emergency assistance provided outside the territorial limits of the Participating Member furnishing the assistance.

4. OBLIGATIONS OF AIDING PARTIES.

Aiding Parties shall:

- a. Respond in a positive manner when emergency assistance is requested by another Participating Member (or by MMEA on behalf of the Participating Member) by providing personnel, equipment and supplies, as needed. However, an Aiding Party shall be the sole and exclusive judge of its ability and capacity to furnish assistance and shall not under any circumstances be required to imperil or put into jeopardy its own electric system.
- b. Provide personnel adequately trained to provide the assistance requested by another Participating Member.
- c. Provide equipment in good working order and stocked in accordance with good utility practices.
- d. Bill an Aided Party for service rendered while furnishing requested emergency assistance as provided by paragraph 6 of this Agreement.

5. OBLIGATIONS OF AIDED PARTIES.

Aided Parties shall:

- a. Promptly follow up any oral request for emergency assistance with a confirming written request.
- b. When making a request for emergency assistance, state the nature of the work to be performed in sufficient detail so that the proper personnel and equipment may be supplied by the Aiding Party.
- c. Furnish adequate supervision and communications for outside personnel used in responding to an emergency so that the work may be performed safely. Aided parties shall be fully responsible for the means and methods of rendering emergency assistance by the Aiding Party.
- d. Furnish system maps and diagrams, if necessary for the Aiding Party to provide the emergency assistance requested.
- e. Arrange housing and provide for meals, fuel or other items that would be out of pocket expenses for personnel furnished by an Aiding Party, as necessary.
- f. Promptly pay an Aiding Party for services rendered upon receipt of an invoice as provided by paragraph 6 of this Agreement.

6. BILLING AND PAYING FOR SERVICES RENDERED.

Aiding Parties shall bill Aided Parties and Aided Parties shall pay bills for services rendered while furnishing emergency assistance under this Agreement as provided by this paragraph.

- a. An Aiding Party shall bill an Aided Party for services rendered while furnishing emergency assistance, as follows:
 1. All labor furnished by the Aiding Party shall be billed at the established direct wage or salary rate of the Aiding Party (including overtime rate, but not overhead), multiplied by 1.5 to cover overhead costs. Labor hours shall include all working hours and necessary travel time hours, but shall not include periods of rest or off-duty periods.
 2. Materials and supplies furnished by the Aiding Party, including fuel for equipment, shall be billed at replacement cost plus 10%.
 3. Equipment furnished by the Aiding Party shall be billed at the standard hourly or daily rate of the Aiding Party. If the Aiding Party does not have an equipment charge, a reasonable rate may be used. The time elapsed shall be computed from the time the equipment leaves the Aiding Party's yard, place of storage, or place of duty, until the time the equipment has been returned to its usual place of storage or duty, except for periods during which the equipment is not in use.
 4. Lodging, meals and transportation expenses paid for by the Aiding Party, if any, shall be billed at cost.
 5. The Aiding Party may bill the Aided Party at cost for any loss or damage to equipment not covered by insurance and suffered while providing emergency assistance to the Aided Party, excluding damage incurred in a motor vehicle accident.
 6. The Aiding Party shall provide receipts or other applicable data or documentation to substantiate the billing as rendered, if requested by the Aided Party.
- b. An Aided Party shall promptly pay an Aiding Party for services rendered while furnishing emergency assistance after a bill is rendered and an invoice is received by the Aided Party.

7. ROLE OF MMEA.

Although MMEA is not itself a party to this Agreement, it has resolved to undertake various responsibilities on behalf of the MMEA Mutual Aid Group to help effectuate the purpose of this Agreement, including, without limitation, the following:

- a. MMEA shall maintain an up-to-date a list of Participating Members and other information provided to MMEA by Participating Members as required by this Agreement. MMEA shall provide each Participating Member with an up-dated copy of the list within [two (2) weeks]

of any substantive change made to the list or the change will be posted on the MMEA Website.

- b. MMEA shall coordinate meetings of the MMEA Mutual Aid Group, as required.
- c. Requests for aid by a Participating Member may be made to MMEA who shall then contact other Participating Members on behalf of the Participating Member in need of assistance.

It is agreed that MMEA merely acts as a coordinating agent to help effectuate the purposes of this Agreement and shall not be deemed liable for any claims that may arise under this Agreement between members of the MMEA Mutual Aid Group.

8. GENERAL PROVISIONS.

- a. If a request for emergency assistance is:
 - (1) made by a person designated by a Participating Member under paragraph 3(a)(1) of this Agreement as being authorized to request emergency assistance from another Participating Member
 - (2) to a person designated by a Participating Member under paragraph 3(a)(2) of this Agreement as being authorized to approve requests made for emergency assistance by another Participating Member,
 - (3) whether the request is routed through MMEA or communicated directly between Participating Members, then the request for assistance shall be deemed to have been properly made and approved for purposes of this Agreement by the Participating Members involved.
- b. Personnel furnished by an Aiding Party in response to a request for emergency assistance under this Agreement shall be deemed to remain employees of the Aiding Party and shall remain on the Aiding Party's payroll. Further, all of the privileges and immunities from liability, and exemptions, from laws, ordinances and rules, and all pensions, relief, disability, workmen's compensation and other benefits which may apply to the activities of the Aiding Party or the employees of the Aiding Party when performing their functions within the territorial limits of the Aiding Party shall apply to the same degree and extent to the performance of those functions extraterritorially.
- c. The furnishing of emergency assistance as provided by this Agreement shall not be held or construed to confer a right of action for damages upon any property, or any person, firm or corporation. To the fullest extent permitted by law or agreement, an Aided party shall save, indemnify, defend, and hold harmless an Aiding Party, its officers, directors, and employees, jointly and severally, from any claim, action, damage, of liability, including incidental and consequential damages, resulting in damages to property or injury to persons (including

death) arising out of or connected with the Aiding Party's activities in furnishing emergency assistance to the Aided Party as provided by this Agreement. This covenant of indemnification shall include all costs, including but not limited to expert witness fees, reasonable attorneys fees, and other expenses of litigation incurred by the Aiding Party in defense of such claims, action, liability, or damage. This covenant of indemnification shall not apply or relate to any claim, action, or liability solely caused by the Aiding Party.

- d. This Agreement shall inure to the benefit of and be binding upon Participating Members only and shall not confer any rights upon any other person.

9. EFFECTIVE DATE; METHOD OF EXECUTION; NEW PARTICIPATING MEMBERS.

The effective date of this Agreement shall be the date first stated above. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Any member of MMEA may become a Participating Member after the effective date of this Agreement by execution of this Agreement as authorized by resolution of its governing body.

10. TERM OF AGREEMENT.

This Agreement shall extend for a period of 30 years, unless sooner terminated by the mutual written agreement of all then existing Participating Members as authorized by resolution of their respective governing bodies.

11. WITHDRAWAL OF PARTICIPATING MEMBERS.

A Participating Member may withdraw from this Agreement at any time as authorized by resolution of its governing body. The withdrawal shall be effective upon receipt by MMEA of written notice of the withdrawal. A Participating Member that withdraws from this Agreement shall remain liable to pay any bills for services which were rendered under this Agreement by another Participating Member prior to the withdrawal.

12. AMENDMENTS.

This Agreement may be amended at any time by the mutual written agreement of all Participating Members, and the Agreement, as amended, shall thereafter be binding upon all Participating Members.

13. PRIORITY.

As between participating members who are parties to any other mutual aid agreement, this agreement shall take priority over and supercede any other such agreement.

14. REVOCATION OF PRIOR AGREEMENTS.

This agreement shall revoke any prior MMEA Mutual Aid Agreement which may be, or is, in effect between or among participating members.

IN WITNESS WHEREOF, this Agreement has been executed on the date designated by the following MMEA member as authorized by resolution of its governing body.

Dated: _____

City of Charlevoix _____

By: _____
Mayor

City Clerk

APPA/NRECA/FEMA MUTUAL AID AGREEMENT

In consideration of the mutual commitments given herein, each of the Signatories to this Mutual Aid Agreement agrees to render aid to any of the other Signatories as follows:

- 1.) Request for aid. The Requesting Signatory agrees to make its request in writing to the Aiding Signatory within a reasonable time after aid is needed and with reasonable specificity. The Requesting Signatory agrees to compensate the Aiding Signatory as specified in this Agreement and in other agreements that may be in effect between the Requesting and Aiding Signatories.
- 2.) Discretionary rendering of aid. Rendering of aid is entirely at the discretion of the Aiding Signatory. The agreement to render aid is expressly not contingent upon a declaration of a major disaster or emergency by the federal government or upon receiving federal funds.
- 3.) Invoice to the Requesting Signatory. Within 90 days of the return to the home work station of all labor and equipment of the Aiding Signatory, the Aiding Signatory shall submit to the Requesting Signatory an invoice of all charges related to the aid provided pursuant to this Agreement. The invoice shall contain only charges related to the aid provided pursuant to this Agreement.
- 4.) Charges to the Requesting Signatory. Charges to the Requesting Signatory from the Aiding Signatory shall be as follows:
 - a.) Labor force. Charges for labor force shall be in accordance with the Aiding Signatory's standard practices.
 - b.) Equipment. Charges for equipment, such as bucket trucks, digger derricks, and other special equipment used by the Aiding Signatory, shall be at the reasonable and customary rates for such equipment in the Aiding Signatory's location.
 - c.) Transportation. The Aiding Signatory shall transport needed personnel and equipment by reasonable and customary means and shall charge reasonable and customary rates for such transportation.
 - d.) Meals, lodging and other related expenses. Charges for meals, lodging and other expenses related to the provision of aid pursuant to this Agreement shall be the reasonable and actual costs incurred by the Aiding Signatory.
- 5.) Counterparts. The Signatories may execute this Mutual Aid Agreement in one or more counterparts, with each counterpart being deemed an original Agreement, but with all counterparts being considered one Agreement.
- 6.) Execution. Each party hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated.

Date _____

Entity City of Charlevoix
By _____
Title Electric Dept Supt

**CITY OF CHARLEVOIX
RESOLUTION NO. _____**

**RESOLUTION TO ENTER INTO MICHIGAN
MUNICIPAL ELECTRIC ASSOCIATION
("MMEA") MUTUAL AID AGREEMENT
(Revised 4/30/01) & DESIGNATE PERSONS
AUTHORIZED TO REQUEST OR APPROVE
REQUESTS FOR ASSISTANCE
THEREUNDER.**

WHEREAS, the City is a member of the Michigan Municipal Electric Association (MMEA); and

WHEREAS, from time to time it becomes necessary for members of MMEA to request emergency assistance in the form of equipment and personnel from other MMEA members in connection with the operation of their respective electric utilities; and

WHEREAS, MMEA has prepared a standardized written agreement entitled the "MMEA Mutual Aid Agreement", which sets forth requirements and conditions regarding the furnishing of emergency assistance by MMEA members to one another; and

WHEREAS, it is advisable and in the best interests of the City to have standardized requirements, obligations, and conditions under which emergency assistance will be furnished to, or may be requested by, the City; and

WHEREAS, all of the terms of the MMEA Mutual Aid Agreement are acceptable to the City and protective of the City's best interests; and

WHEREAS, the City desires to designate the persons authorized on its behalf to request emergency assistance or to act on the City's behalf in response to requests for emergency assistance, as set forth in paragraph 3 of the MMEA Mutual Aid Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized on behalf of the City to sign and enter into the MMEA Mutual Aid Agreement, and

The following persons are hereby designated and authorized to request emergency assistance on behalf of the City under the MMEA Mutual Aid Agreement and to approve requests made to the City for emergency assistance under that agreement. These persons are listed in the specific

descending order in which they are authorized on behalf of the City to request emergency assistance or, alternatively, in which they are to be contacted by another signatory to the agreement, if the person at the top of the list is not timely available under the applicable circumstances.

1. Don Swem_____
2. Brad Eaton_____
3. T. John Wilson_____

The preceding list may from time to time be amended by the City Manager of Charlevoix as determined necessary by the City Manager by the preparation of a replacement list which shall be dated and which shall become effective upon its being filed with the City Clerk.

RESOLVED this th day of , 2014.

Resolution adopted by the following yea and nay votes:

Yeas:

Nays:

Absent:

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve a Resolution to Set a Surcharge for the Airport's 100LL fuel truck

DATE: March 17, 2014

PRESENTED BY: Scott Woody

ATTACHMENTS: 1. Resolution 2014-03-XX

BACKGROUND INFORMATION: In an effort to recover costs associated with the operation of the 100LL fuel truck, a surcharge of .25 cents per gallon is being proposed for all users. On February 28, 2014 the Airport Advisory Committee voted in favor of this surcharge effective June 1, 2014. Rachel Teague of Fresh Air Aviation stated they would not contest this fee and indicated they were in the process of acquiring their own fueling equipment.

RECOMMENDATION: City Council Adopt Resolution 2014-03-XX for the .25 cent per gallon 100LL Fuel Truck surcharge.

Motion by _____, seconded by _____, to approve Resolution 2014-03-XX, as follows:

RESOLUTION NO. 2014-03-XX

100LL Fuel Truck Surcharge

WHEREAS, the City of Charlevoix desires the Municipal Airport to be financially solvent and have airport users pay for the costs of providing airport services;

WHEREAS, the Charlevoix Municipal Airport does not currently impose a surcharge for its 100LL fuel truck delivery; and

WHEREAS, the surcharge will be for all users of the 100LL fuel truck; and

WHEREAS, the surcharge will be .25 cents per gallon for fuel dispensed from the 100LL fuel truck;

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF CHARLEVOIX CITY COUNCIL adopt a surcharge of .25 cents per gallon effective June 1, 2014 for all users utilizing delivery from the 100LL fuel truck.

RESOLVED, this ____ day of March, A.D. 2014.

Resolution was adopted by the following yea and nay vote:

Yeas:
Nays:
Absent:

CERTIFICATION

I, the undersigned, the Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at its regular meeting held on _____, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976.

Dated: _____

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Poverty Exemption Resolution and Application

DATE: March 17, 2014

PRESENTED BY: Stephanie Brown 

ATTACHMENTS: Proposed Resolution

BACKGROUND INFORMATION:

By law, (MCL 211.7u), local units of government must have a method in place for taxpayers who “by reason of poverty are unable to contribute toward the public charges” to apply “for exemption in whole or in part from taxation”.

In 2009 the City adopted a Hardship Exemption Policy by way of resolution. It has recently come to my attention that we can no longer count equity in the person’s principal residence as an asset. Therefore, I am suggesting that the City revise its policy. The only change in the proposed resolution from what is currently in place deals with equity in the principal residence.

RECOMMENDATION: Motion to adopt Resolution No. 2014-03-XX, Policy and Guidelines for Use by the Board of Review in Granting Poverty Exemptions.

**CITY OF CHARLEVOIX
RESOLUTION NO. 2014-03-xx**

**A RESOLUTION TO ESTABLISH POLICY AND GUIDELINES FOR USE BY THE BOARD OF REVIEW
FOR GRANTING POVERTY EXEMPTIONS**

WHEREAS, Section 7(u) of Act 206 of Michigan Public Acts of 1893, as amended by Act 390 of Michigan Public Acts of 1994 ("Section 7(u) of the General Property Tax Act"), requires the governing body of the local assessment unit to determine the policy and guidelines for granting exemptions from property taxes for principal residences of persons in poverty ("poverty exemptions"); and

WHEREAS, the State Tax Commission has interpreted Section 7(u) of the General Property Tax Act and provided guidance as to the contents of the policy and guidelines applicable to a poverty exemption; and

WHEREAS, the City desires to comply with Section 7(u) of the General Property Tax Act and the guidance of the State Tax Commission; and

WHEREAS, this Resolution will supercede Resolution No. 2010-03-01 adopted on March 1, 2010.

NOW, THEREFORE, IT IS RESOLVED THAT the following policy and guidelines are hereby adopted and shall be followed by the City's Board of Review in granting poverty exemptions:

POVERTY INCOME GUIDELINES

The total annual income for all members of the taxpayer's family unit shall not exceed the federal poverty income standards established annually by the U.S. Department of Health and Human Services.

ASSET TEST (if the applicant meets the poverty income guidelines)

Things of value that a person can own and are exempt from consideration in determining eligibility for a hardship exemption:

- The applicant's principal residence
- One motor vehicle per working adult
- Essential household goods
- Personal assets of any nature with a total value up to one-half the annual federal poverty income standards established annually by the U.S. Department of Health and Human Services. (reference aspe.hhs.gov/poverty for current figures)

Things of Value that the Board of Review CAN consider in determining what percent exemption to grant:

- real estate other than principal residence,
- motor vehicles other than one vehicle per working adult,
- recreational vehicles and equipment,
- certificates of deposits, savings accounts, checking accounts, stocks, bonds, life insurance, and retirement funds, etc.

For purposes of this paragraph, the Board of Review shall consider the value of the assets, or indebtedness otherwise owed by the applicant(s). Assets, (except those exempt from consideration as listed above), shall not exceed one-half the annual federal poverty income standards established annually by the U.S. Department of Health and Human Services.

In addition to the requirements set forth above, to be eligible for a whole or partial exemption for the poverty exemption, a person shall do all of the following on an annual basis:

- (a) Own and occupy as a principal residence the property for which the exemption is requested;
- (b) File a claim with the Board of Review after January 1st, but before the day prior to the last day of the Board of Review on an application form provided by the Treasurer's Office, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns, filed in the immediately preceding year or in the current year;
- (c) Produce a valid driver's license or other form of identification, if required by the Board of Review; and
- (d) Produce a deed, land contract or other evidence of ownership of the property for which an exemption is requested, if required by the Board of Review.

BE IT FURTHER RESOLVED THAT:

1. The Board of Review shall follow the policy and guidelines set forth above when granting and denying poverty exemptions. The same standards shall apply to each taxpayer within the City claiming the poverty exemption for the assessment year. However, if the Board of Review determines that there are substantial and compelling reasons that impose serious hardship upon the taxpayer, such as financial hardship imposed by serious medical conditions, which warrant a deviation from the policy and guidelines, and these reasons are communicated in writing to the taxpayer

claiming the exemption, such reasons constitute sufficient grounds upon which to grant a poverty exemption to a taxpayer even when the taxpayer does not satisfy the federal poverty income standards and/or the asset level established by the City in accordance with Section 7u(5) of the General Property Tax Act.

2. For purposes of determining eligibility for a poverty exemption, the term "principal residence" of the taxpayer shall mean the principal residence as the term is defined in Section 7(d) of the General Property Tax Act.
3. The policy and guidelines for granting poverty exemptions and the application form to apply for such exemptions shall be made available to the public by the City Treasurer's Office.
4. Except as otherwise provided above, taxpayers applying for a poverty exemption shall satisfy all requirements of Section 7(u) of the General Property Tax Act and State Tax Commission Bulletin No. 5 of 1995.

RESOLVED, this XX day of March, 2014.

Resolution adopted by the following yea and nay votes:

Yeas:

Nays:

Absent: