

Regular Meeting

Minutes of the Meeting of  
Michigan State Waterways Commission  
December 1, 2006

Department of Natural Resources, Stevens T Mason Building  
6<sup>th</sup> Floor East Conference Room  
Lansing, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Chairman Todd Wyett at 9:02 a.m. on Friday, December 1, 2006, at the Michigan Department of Natural Resources (Department), Stevens T. Mason Building, 6<sup>th</sup> Floor East Conference Room, Lansing, Michigan. The following Commissioners were present:

Todd Wyett, Chairman  
Bryan Amann  
Denny Bailey  
Bob Brown  
Curtis Hertel, Sr.  
Janet Mansfield  
Carol B. Oakley

Resource Management Deputy Mindy Koch and other Department staff were present.

Public Appearances

**Written correspondence**

The Commission received no written correspondence.

**Appearances**

Mayor Beach Hall from Roger's City introduced the new City Manager, Mr. Mark Sloan and the City's Harbormaster, Mr. Brian Wagoner. Mayor Hall addressed the Commission regarding boating issues as follows:

- 37 additional slips at State harbors in Presque Isle County.
- Fees for charter boats. The double rate is difficult for Rogers City.
- Rogers City hosted a meeting of the seven State-funded harbors from Harrisville to St. Ignace to encourage joint promotion of boating in northeast Michigan.

## Minutes

### **October 13, 2006**

MOTION: Commissioner Bob Brown moved to approve the minutes of the October 13, 2006 Michigan State Waterways Commission meeting. The motion was seconded by Commissioner Carol Oakley and it carried unanimously.

### Old Business:

#### **Project Status Report**

Mr. Paul Petersen provided an update on current projects as follows:

##### Marinas/Harbors:

- Phase Two of the project at Mackinaw City State Harbor in Cheboygan County included dredging, rip rap, fender removal, and launch construction.
- The pre-construction meeting for the project at St. Clair – Charles F. Moore Harbor (St. Clair County) was held on November 22, 2006.
- The engineering reviews have been completed for Mackinac Island State Dock (Mackinac County). This project will be bid out early in 2007.
- The marine/floating pier work has been bid out for Charlevoix Municipal Marina in Charlevoix County. The site work will be bid out soon.
- The consultant for Leland Township Marina in Leelanau County is working on the final plan and specification revisions.

##### Boating Access Sites (BAS)

- Lake Cora BAS in Van Buren County has undergone a project that included ramp replacement and parking and maneuver area reconstruction.
- Crystal Lake BAS in Benzie County is still involved in litigation. A Department of Environmental Quality administrative hearing is occurring today (December 1, 2006).
- Forest Home Township BAS in Antrim County received approval of a grant addendum for development of a BAS (to facilitate carry-down access) on DNR land.

#### **Operations Status Report**

Mr. Harold Herta provided an update on operations.

- Port Austin State Dock in Huron County won the Clean Marina Award.
- The Natural Resources Commission (NRC), on December 7, 2006, will consider a Land Use Order of the Director to add nine BAS to the list of designated fee sites. This Land Use Order would also remove language regarding the presence of an attendant. This item will appear on the NRC agenda for information only in December and as an action item in January.

- The Department received a letter from the Village of DeTour regarding the lease for DeTour State Dock and staff has responded to it. The Department will manage the marina. The operator for the lighthouse tours will be required to obtain a use permit. This leaves one State-owned facility under a lease agreement (AuGres in Arenac County).
- Some harbors have wireless internet through a contract with SBC (which is now AT&T). AT&T may want to discontinue this contract, due to an increase in areas where wireless internet service is free. Commissioner Amann gave Mr. Herta a contact name (Mr. Chris Gillette in Senator Bruce Patterson's office) to obtain information regarding possible revision of the telecommunications act.

Mr. Ron Olson informed the Commission that revenue from gasoline and boating registrations was better than expected. A more detailed report will be provided at the next meeting.

### **Harbormasters Meeting**

Commissioners Amann, Mansfield, and Oakley attended a portion of the Harbormasters meeting on November 29, 2006. Commissioner Amann provided a brief overview of the meeting. Officers for the Harbormasters group are given below:

- Chair: Barry Smith of Traverse City
- Co-Chair: Cheryl Wirth of Elk Rapids

### **Standing Committees**

The Operations/Policy Committee met and discussed the variance requests that appeared on the agenda.

### **New Business:**

### **Action Items:**

#### **Village of Elk Rapids Variance Request**

The variance request from the Village of Elk Rapids for the Edward Grace Marina sought a 5% increase above the standard seasonal rates for 2007. The Operations/Policy Committee recommended approval.

MOTION: Commissioner Curtis Hertel moved to approve this request. The motion was seconded by Commissioner Denny Bailey and it carried unanimously.

#### **Village of Douglas Variance Request**

The Village of Douglas variance request was in regard to the boat launch at the Schultz Recreation Area. The Village wants to raise the daily launch fee from \$4 to \$7. The Operations/Policy Committee recommended approval.

MOTION: Commissioner Mansfield moved to approve this request. The motion was seconded by Commissioner Oakley and it carried unanimously.

**Village of Caseville Variance Request**

The Village of Caseville sought a launch fee increase to \$7. The Operations/Policy Committee recommended approval of this request.

MOTION: Commissioner Bailey moved to approve the variance. The motion was seconded by Commissioner Mansfield and it carried unanimously.

**City of St. Ignace Variance Request**

The City of St. Ignace requested an increase of up to 5% above the 2007 rates and also a higher pump-out fee.

MOTION: Commissioner Bob Brown moved to approve this request. The motion was seconded by Commissioner Denny Bailey and it carried unanimously.

**City of New Buffalo Request**

The City of New Buffalo requested the ability to utilize the access site for overflow parking during the week. This type of use was approved for special events in 2004. The request includes a difference in rates for parking as opposed to use of the access site. Department staff is concerned about the level of use, the discrepancy in fees, and suggests tabling the request until additional information is received from the City.

Mayor Bob Westergren addressed the Commission regarding this request. The City has 2,400 residents and is undergoing tremendous change due to construction. This is putting added pressure on existing parking.

Commissioner Amann asked about use patterns for the existing parking and suggested utilization of a trolley or shuttle. Mr. Jason Fleming will work with Mayor Westergren in order to resubmit this request.

MOTION: Commissioner Amann moved to request that staff work with the City of New Buffalo on this variance to allow for resubmission in February. The motion was seconded by Commissioner Brown and unanimously approved.

**Marl Lake Land Use Order**

Marl Lake is in the Higgins Lake area and has a soft marl bottom. Department staff is concerned about types of use occurring on Marl Lake and will submit to the Natural Resources Commission a land use order of the Director banning the launch of all motorized vessels except those with electric motors. The issue of concern is resource damage. The Operations/Policy Committee recommended approval of this request.

MOTION: Commissioner Mansfield moved to approve this request. The motion was seconded by Commissioner Oakley and it carried unanimously.

### **2007 Fees**

A private marina survey was conducted this year to aid in determining 2007 fees. The survey provided mixed results. The consumer price index (averaging Detroit and Chicago) was utilized to develop the proposed fee schedule. A 3.3% (adjusted) increase is recommended for Rate Areas 1, 2, 3, and 4 and the standard transient fees. The suggested increase for premium fees (seasonal and transient) is 5% (also adjusted). The pump-out fee is currently \$5.00 per connection and this amount is tied to Clean Vessel Act funding. It is recommended that this fee be increased to allow a rate of up to \$15.00 per connection (for communities not tied to the Clean Vessel Act). The Operations/Policy Committee recommended approval of the proposed fee structure for 2007.

MOTION: Commissioner Carol Oakley moved to approve the fee structure. Commissioner Bryan Amann seconded the motion and it carried unanimously.

### **Schedule of Meetings for 2007**

The proposed schedule was amended as follows:

- The meeting on Friday, February 16, 2007 was changed to Friday, February 23, 2007.
- The August meeting was changed from Gaylord to Charlevoix.

MOTION: Commissioner Amann moved to approve the Michigan State Waterways Commission schedule of meetings for 2007, as revised. The motion was seconded by Commissioner Hertel and it carried unanimously.

A change was suggested to delete the December meeting and schedule individual meetings for one day. The bylaws will be reviewed in consideration of these potential changes.

### **Election of Officers**

MOTION: Commissioner Carol Oakley nominated Commissioner Bryan Amann for the position of chair of the Michigan State Waterways Commission. She also thanked Commissioner Todd Wyett for serving as Chair during 2006. The nomination was seconded by Commissioner Bob Brown and it carried unanimously.

MOTION: Commissioner Bryan Amann nominated Commissioner Carol Oakley for the position of Vice Chair of the Michigan State Waterways Commission. The nomination was seconded by Commissioner Curtis Hertel and it carried unanimously.

MOTION: Commissioner Carol Oakley nominated Commissioner Janet Mansfield for the position of Secretary of the Michigan State Waterways Commission. The nomination was seconded by Commissioner Bryan Amann and it carried unanimously.

After discussion, the Committees were revised as follows:

- Facilities, Operations/Policy, and Boating Access
- Finance
- Public/Government Relations

Other Business:

MOTION: Commissioner Amann moved to adjourn this meeting of the Michigan State Waterways Commission. The motion was seconded by Commissioner Oakley and unanimously approved. Commissioner Wyett thanked his fellow Commissioners and Department staff for their support during his term as Chair.

This meeting of the Michigan State Waterways Commission was adjourned at 10:42 a.m.