

Michigan State Waterways Commission  
Regular Meeting

Minutes of the Meeting of  
December 9, 2005

U.S. Fish and Wildlife Service  
Large Conference Room  
East Lansing, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Acting Chairman Carol Oakley at 9:05 a.m. on Friday, December 9, 2005, at the U.S. Fish and Wildlife Service, East Lansing, Michigan. The following Commissioners were present:

Carol B. Oakley, Acting Chair  
Bryan Amann  
Denny Bailey  
Bob Brown  
Janet Mansfield  
Todd Wyett

Commissioner Curtis Hertel was absent.

Resource Management Deputy Mindy Koch and other Department of Natural Resources (Department) staff were present.

Recognition of Former Commissioners:

Former Commissioner John Winn served on the Michigan State Waterways Commission from 1999 through September 2005. Resolution No. 12-2005-01 was offered by the Commission to honor former Commissioner Winn.

MOTION: Commissioner Wyett moved to adopt Resolution No. 12-2005-01 honoring former Commissioner John Winn. Commissioner Amann seconded the motion and it carried unanimously.

Former Commissioner David Giffin served on the Michigan State Waterways Commission from 1997 through September 2005. Resolution No. 12-2005-02 was offered by the Commission to honor former Commissioner Giffin.

MOTION: Commissioner Mansfield moved to adopt Resolution No. 12-2005-02 honoring former Commissioner David Giffin. Commissioner Bailey seconded the motion and it carried unanimously.

MOTION: Commissioner Wyett moved that a gavel or a plaque with a gavel on it be ordered for former Commissioners Giffin and Winn (each served as Chair of the Commission), to commemorate their service. The motion was seconded by Commissioner Brown and it carried unanimously.

#### Public Appearances:

Mrs. Robin Lechner spoke with the Commission regarding a water park in Cheboygan. Mrs. Lechner is concerned about contracting with regard to the rip rap work. Acting Chair Oakley requested that Mrs. Lechner present a written list of her concerns regarding Waterways funding, relating to this or any State-funded project, to the Commission.

#### Minutes:

##### **October 14, 2005**

MOTION: Commissioner Amann moved to approve the minutes of the October 14, 2005 Michigan State Waterways Commission meeting. The motion was seconded by Commissioner Mansfield and carried unanimously.

Mr. James Sarna sent a letter to the Commission requesting revision of the minutes of the August 5, 2005 meeting. Upon discussion, the Commission decided against revision of the minutes. A Written Communication section will be added to the agenda (under Public Appearances) for each meeting.

MOTION: Commissioner Mansfield moved to accept Mr. Sarna's letter as Written Communication at this meeting. The motion was seconded by Commissioner Amann and carried unanimously.

#### Old Business:

##### **Project Status Report**

Mr. Bill Boik provided an update regarding current projects as follows:

- The breakwater construction at Mackinaw City State Harbor in Cheboygan County is going well.
- At Harrisville Harbor in Alcona County, the renovation of the harbormaster and shower building is in process.
- The Duck Lake boating access site (BAS) in Calhoun County has undergone a complete renovation including parking lot paving, grading, and site restoration.

- The project at Gun Lake BAS in Mason County included site redevelopment, parking lot expansion, grading, vault toilet installation, concrete ramp placement, and site restoration.
- The proposed project for a BAS at Cross Village is still being worked on. An engineering study is now complete and negotiations with the Department of Environmental Quality (DEQ) are ongoing.
- The Clinton River Cutoff BAS in Harrison Township is undergoing an engineering study due to a problem with deposits from the river.
- The litigation process related to Crystal Lake boat launch in Benzie County is still underway. Two of the counts have been dropped.
- The boat launch at Sterling State Park is in need of dredging. This project should go to bid soon.
- The Department has collected comments regarding the proposed BAS at Walloon Lake and is preparing a question and answer sheet.

### **Operations Status Report**

Mr. Harold Herta discussed the Village of Lexington regarding their possible desire to purchase the State's interest in the harbor facility. If the Department has not heard from the Village by February 9, 2006, the Department will remain responsible for the facility for an additional ten years.

The Central Reservation System (CRS) contract has been renewed with Spherix (the existing vendor) for a three year period. Some new features are being added to the CRS website including a shopping cart feature, and the ability for customers to make more than one reservation at a time.

Acting Chair Oakley requested information regarding cancellation fees, including whether this amount (\$10) should be waived if a boater remains at another harbor due to poor weather, or has to cancel due to illness or other extenuating circumstances. The Department has addressed concerns with individual boaters (health issues, weather, etc.), but there is no specific policy, and it would be difficult to draft policy (for the reasons given) that would automatically result in a refund.

Mr. Herta next reviewed a handout he provided regarding use permits at boating access sites. These user fees would apply for times of major use (e.g. large fishing tournaments, holiday weekends). Commissioner Amann expressed concern with regard to the legality of selective enforcement. Resource Management Deputy Mindy Koch stated that the Department has clear authority relating to commercial use permits.

## **Draft Policy Updates**

Mr. Ron Olson provided an update on this item. Further review will occur when the new Finance Committee is in place.

Commissioner Wyett suggested that the Department conduct a survey of marinas regarding the various in and out policies.

## **Standing Committee Reports**

There were no standing committee reports.

### New Business:

#### **Garfield Township Variance Request**

This item was tabled at the October 14, 2005 meeting. The Commission requested additional information regarding this request. Staff recommends that the request for a discount for seasonal boaters be denied. Further, staff suggests approval of the proposal to charge for five nights, but allow transient boaters to stay for seven.

Commissioner Wyett suggested that grant in aid (GIA) facilities be required to provide comparison information to other marinas (public and private) in their area, from this point forward, when requesting a rate variance.

MOTION: Commissioner Wyett moved that the Operations/Policy Committee review his suggestion (regarding comparison information) to provide for its implementation as policy. The motion was seconded by Commissioner Amann with the request that Department staff prepare criteria for review of variance requests. The motion carried unanimously.

MOTION: Commissioner Amann moved to follow the staff recommendation with regard to this variance request. Commissioner Mansfield seconded the motion and it carried unanimously.

#### **Bay City Variance Request**

This variance request includes:

- A \$50 insurance fee.
- A \$5 replacement fee (sticker).
- A \$5 per day dockage fee (4 hours or less).
- Continuation of a lease with Hooters Restaurant to facilitate patron accessibility.
- Permission to wave slip fees for boaters from a neighboring marina due to construction. This was approved last year, but did not occur due to construction delays. Existing boaters would not be displaced because it is not during the major use season.
- Permission to price eight of Bay City's 45 foot slips at the 38 foot slip fee.

With regard to the lease agreement, Mr. Herta recommended adding a qualifier in the insurance and indemnification portion to hold the State harmless.

MOTION: Commissioner Amann moved to approve the variance request with the change Mr. Herta recommended. The motion was seconded by Commissioner Mansfield and it carried unanimously.

**Grand Haven Variance Request**

The request is to allow charging the premium rate for seasonal and transient boaters at the Grand Haven municipal marina.

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

**St. Ignace Variance Request**

This request seeks a 5% increase over the Rate Area Two seasonal rates for the St. Ignace Marina for the 2006 boating season.

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

Mr. Lechner asked a question regarding match requirements. These amounts are determined on a case by case basis through the use of a formula.

**Detroit Variance Request**

The City of Detroit is seeking permission to charge 20% less than Rate Area One seasonal rates at the Erma Henderson Marina for the 2006 boating season. Concern was expressed by the Commission with regard to this item, as the same request has been made in two prior years and the required financial reports were never submitted. Commissioner Amann requested that historical information be provided to the Commission when variance requests are repeated from year to year. Acting Chair Oakley indicated that the City of Detroit is out of compliance with the requirements of the Commission in not maintaining and operating the boat launch, which is located at that site and which was built with the support of waterways funding.

MOTION: Commissioner Amann moved to table this item until February 2006, and requested that the Department send a letter to the City of Detroit seeking compliance with issues from the past two years. Commissioner Wyatt seconded the motion and it carried unanimously. Staff will provide material regarding occupancy (for the past three years) prior to the next meeting.

**Marquette County Request**

This request relates to Big Bay Harbor of Refuge and seeks permission to charge a 2-1/2% increase over the 2005 seasonal rates. Due to the variance approved for the 2005 season, this amounts to a 40% reduction in the fee schedule. Staff requests tabling this item until the Department gathers additional information from the county.

MOTION: Commissioner Bailey moved to follow the staff recommendation. The motion was seconded by Commissioner Brown and it carried unanimously.

**Ontonagon Variance Request**

The Village of Ontonagon is requesting the ability to charge 70% of the Rate Area Four seasonal rates for the Ontonagon Municipal Marina. The marina is 80% seasonal and does not have a lot of transient use. Staff recommends denial of this request.

MOTION: Commissioner Brown moved to support the staff recommendation. The motion was seconded by Commissioner Mansfield and it carried unanimously.

### **City of Marquette Variance Request**

The City of Marquette is asking for an increase in Rate Area Four rates based on slip size and whether there is a waiting list. Staff recommends that this not be based on a waiting list, but rather be an across the board increase. Mr. Hugh Leslie, Marquette Parks and Recreation Director, addressed the Commission with regard to this request. Commissioner Wyett suggested adding broadside moorage for this marina to CRS.

MOTION: Commissioner Amann moved to grant the variance as the City of Marquette requested. The motion was seconded by Commissioner Wyett and it carried unanimously.

### **2007 Capital Outlay Projects**

Mr. Bill Boik provided a review of the 2006 – 2007 proposed capital outlay projects.

MOTION: Commissioner Wyett made a motion to approve the 2006 – 2007 proposed capital outlay projects as presented. With regard to the proposed Walloon Lake BAS, he requested that the capital outlay approval not be site specific. The motion was seconded by Commissioner Amann and it carried unanimously.

### **Proposed Schedule of Meetings for 2006**

Upon discussion, the Commission requested that the February date be changed to February 24, 2006.

MOTION: Commissioner Wyett moved to approve the schedule of 2006 Michigan State Waterways Commission meetings as revised. The motion was seconded by Commissioner Amann and it carried unanimously.

### **Election of Officers**

MOTION: Commissioner Amann nominated Commissioner Wyett for the position of Chair. The nomination was seconded by Commissioner Mansfield and approved unanimously.

MOTION: Commissioner Wyett nominated Commissioner Bailey for the position of Vice Chair. The nomination was seconded by Commissioner Amann and approved unanimously.

MOTION: Commissioner Bailey nominated Commissioner Amann for the position of Secretary. The nomination was seconded by Commissioner Mansfield and approved unanimously.

### **City of Alpena**

Mr. Herta reviewed the information provided by the City of Alpena in their annual report.

### **Rogers City**

Mr. John Bruning, City Manager of Rogers City, sent a letter to the Commission discussing upcoming events for the City's municipal marina.

### **Revised Grant-In-Aid Agreement**

Mr. Boik provided an overview of the revised GIA agreement to the Commission. It has been reviewed by the Department of Attorney General. Commissioner Amann suggested adding the specifications as an exhibit for this document.

Other Business:

A letter will be sent to Mr. James Sarna acknowledging receipt of his letter, and indicating that it is now a matter of public record.

Mr. Boik introduced the Department staff that work on waterways issues. Staff will provide an organization chart to the Commission.

Commissioner Wyett requested that a review of each project be provided at the February 24, 2006 meeting.

Related to the 2006 calendar for Commission meetings, Commissioner Wyett suggested that the Department send letters inviting legislators from each area to attend Michigan State Waterways Commission meetings in their communities.

As new Chairman, Commissioner Wyett would like Commissioners to send him an email message indicating their preferences with regard to Committee assignments.

**MOTION:** Commissioner Mansfield moved to adjourn this meeting. The motion was seconded by Commissioner Amann and it carried unanimously. This meeting of the Michigan State Waterways Commission adjourned at 11:20 a.m.

**Handouts Presented to the  
Michigan State Waterways Commission at the  
December 9, 2005 Meeting**

- Reference Sheet – User Fee Sites at Boating Access Launches

**James Sarna**  
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October 25, 2005

Michigan Waterways Commissioners  
PO Box 30028  
Lansing Michigan 48909

Dear Commissioners

On Friday August 5, 2005 I attended your meeting in Manistee Michigan and brought up concerns about Rogers City not allowing boats under 32ft getting slips in their port. I brought up three key points, as was stated at the meeting, you could not use the CRS system to get a slip if you are under 32ft, I also stated that the port of Rogers City was built with public money, and was public and not private, and also that it was a bad precedent to start..

The minutes as published does not reflect what I said. I think that they should be revised to state exactly what I said including the three key points that I talked about.

I talked with Jason Fleming on Monday October 24, 2005 about what I had said, and he agreed that was what I had said. I think that it is very important that the printed minutes reflect this.

The way the minutes are stated now sounds like I am only worried about myself and that is not the case. Rogers City is a public port and all boaters should have a right to get a slip there even though they are under 32 foot.

I would like a reply on this matter.

Sincerely  
James Sarna

A handwritten signature in black ink, appearing to read 'Jim Sarna', written over the printed name 'James Sarna'.