

NOTICE OF PUBLIC MEETING  
COUNCIL CHAMBERS-VILLAGE HALL  
102 South Huron Avenue  
Phone: 231-436-5351

7:00 PM

December 03, 2015

VILLAGE OF MACKINAW CITY  
ZONING BOARD OF APPEALS  
PUBLIC HEARING

APPEAL OF VILLAGE ZONING ADMINISTRATOR DECISION  
726 Lakeside Drive, Mackinaw City, MI 49701 Parcel #42-03-12-476-207

Applicants of Appeal:  
Ms. Miriam Hiser, 2015-AA-001  
Mr. Mark Sellers, 2015-AA-002

AGENDA-REGULAR MEETING  
MACKINAW CITY VILLAGE COUNCIL

- I. Roll Call
  - II. Pledge of Allegiance
  - III. Agenda Approval
  - IV. Correction and Approval of Minutes: Council Regular Meeting of November 19, 2015  
Closed Session Minutes of November 19, 2015
  - V. Public Comments
  - VI. Communication/Petitions:
  - VII. Manager Report
  - VIII. President's Report/Department Reports
  - IX. Committee Reports:  
Public Safety Sub Committee Report-Trustee Perlick, Chair  
Ordinance and Policy Sub Committee Report-Trustee Michalak, Chair
  - X. Old Business:  
A. Special Event Application 2016-SE-017 Mustang Stampede Car Show
  - XI. New Business:  
A. MML-Liability and Property Pool Proposal  
B. Special Event Application 2016-SE-027 Mackinaw Wine and Beer Fest  
C. Special Event Application 2016-SE-028 Owosso Tractor 2016 Parade/Show  
D. House Bill 5016 Broadband Relocation Costs Discussion
  - XII. Scheduling of Committee Meetings
  - XIII. Accounts Payable
  - X. Adjourn
- FINANCE AND HUMAN RESOURCE SUBCOMMITTEE:  
REVIEW BILLS @ 6:45 PM

# VILLAGE OF MACKINAW CITY ZONING BOARD OF APPEALS

## NOTICE OF PUBLIC HEARING

### APPEAL OF VILLAGE ZONING ADMINISTRATOR DECISION

**PLEASE TAKE NOTICE** that an Application of Appeal has been made by Ms. Miriam Hiser, 2015-AA-001 and Mr. Mark Sellers, 2015-AA-002, appealing the decision of the Zoning Administrator of the Village of Mackinaw City for Zoning Permit # 2014-ZP-010 on September 2, 2014 for construction of a new garage addition for Parcel #42-03-12-476-207. In accordance with Section 24-104 of the Village Zoning Ordinance #138, the applicant is requesting that a hearing can take place on said issue.

The subject property is located at **726 Lakeside Dr., Mackinaw City, MI 49701.**

A public hearing followed by a Zoning Board of Appeals hearing will be held on **December 3, 2015 at 7:00 P.M.**, within the VILLAGE COUNCIL CHAMBERS located at 102 S. Huron Avenue, Mackinaw City, MI 49701, to receive public comments.

Written comments will be received at the Village Hall or by mail at the Village of Mackinaw City, Post Office Box 580, 102 S, Huron Avenue, Mackinaw City, MI 49701.

Additional information regarding this application may be obtained at the Village Hall at the above address.

Please be prepared to present your case in detail and with all evidence at these hearings.

- Respectfully,  
Lana Jaggi, *Village Clerk*

VILLAGE OF MACKINAW CITY  
102 S. Huron Avenue, PO Box 580, Mackinaw City, MI 49701  
231-436-5351

APPLICATION OF APPEAL

Date: 10-16-2015

Name: MARK S. SELLERS

Address: 725 LAKESIDE DRIVE  
MACKINAW CITY, MI 49701

Phone Number: 231 427-2505 Cell # 517 488-4005

Property Location: 726 LAKESIDE DRIVE  
MACKINAW CITY, MI 49701

Exact Appeal of Zoning Administrators Decision;

ZONING PERMIT FOR "NEW GARAGE ADDITION"  
AT 726 LAKESIDE DRIVE.  
PLEASE SEE ATTACHED 2 PAGES

Signature: Mark S. Sellers

The fee for Appeals is \$200.00 plus any professional service fees and must be remitted with this application.

Rec# 11850<sup>00</sup>  
Cash #200

RECEIVED  
10-16-15

- (1) No ordinance authorizes permanent construction on public right of way.
- (2) The design of the proposed work alters and adversely affects the draining of the public right of way and its subgrade, and does not conform to the slope of the street as required by Mackinaw Zoning Ordinance (MZO) 4-110-F. It also adversely affects my property because of the change in grade.
- (3) There is a direct conflict with the public interest. Creation of a private driveway across the entire width and much of the length of this public right of way blocks public access to Lake Michigan along this entire stretch of beach. Violation of MZO 4-110 E.
- (4) Permit applicant did not submit “detailed construction plans and specifications” as required by the Village of Mackinaw City Right of Way Permit Application. The “design” shown to me was “something he just sketched out” for the landowner.
- (5) No bond or cash deposit submitted “in an amount not less than estimated cost to totally restore right of way.” No certificate of insurance on file.
- (6) The Plan did not include “complete explanation of any potential for conflict with any existing use of the right-of way.” There is a direct conflict with public interest in access to the beach and granting this permit sets the precedent that public rights of way can simply be taken for private use.
- (7) The permit, if granted on contradictory plans submitted to Emmet County and the Village of Mackinaw City. Different designs were submitted to each of these authorities.
- (8) The work can be done on the owner’s property—violation of Permit Requirement that the permit be supported by “findings of fact that private property installation is not feasible.”
- (9) The permitting process described in “right of way permit applications” is for temporary –not permanent—use.
- (10) Because I have yet to be given a copy of the Permit, I reserve the right to add additional challenges when and if that permit is produced.

OCTOBER 16, 2015

SUPPLEMENT TO APPLICATION OF APPEAL

Attached please find my Application of Appeal with respect to the work on the public right of way between 800 Lakeside—my property—and 726 Lakeside. The \$200 for this Application of Appeal has already been submitted with the initial application.

In accordance with Mackinaw City Zoning Ordinance 24-104, this appeal stays all proceedings in furtherance of the action appealed until a noticed hearing can be heard on the issue.

RECEIVED  
10-19-15

- (1) No ordinance authorizes permanent construction on public right of way.
- (2) The design of the proposed work alters and adversely affects the draining of the public right of way and its subgrade, and does not conform to the slope of the street as required by Mackinaw Zoning Ordinance (MZO) 4-110-F. It also adversely affects my property because of the change in grade.
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- (4) Permit applicant did not submit “detailed construction plans and specifications” as required by the Village of Mackinaw City Right of Way Permit Application. The “design” shown to me was “something he just sketched out” for the landowner.
- (5) No bond or cash deposit submitted “in an amount not less than estimated cost to totally restore right of way.” No certificate of insurance on file.
- (6) The Plan did not include “complete explanation of any potential for conflict with any existing use of the right-of way.” There is a direct conflict with public interest in access to the beach and granting this permit sets the precedent that public rights of way can simply be taken for private use.
- (7) The permit, if granted on contradictory plans submitted to Emmet County and the Village of Mackinaw City. Different designs were submitted to each of these authorities.
- (8) The work can be done on the owner’s property—violation of Permit Requirement that the permit be supported by “findings of fact that private property installation is not feasible.”
- (9) The permitting process described in “right of way permit applications” is for temporary –not permanent—use.
- (10) Because I have yet to be given a copy of the Permit, I reserve the right to add additional challenges when and if that permit is produced.

RECEIVED  
12-19-15

2015- AA-001

Mackinaw City Zoning Administrator OCTOBER 14, 2015

APPLICATION OF APPEAL

Attached please find my Application of Appeal with respect to the work on the public right of way between 800 Lakeside—my property—and 726 Lakeside. I am submitting \$200 along with this Application of Appeal. *If any other fees are required please notify me immediately.*

In accordance with Mackinaw City Zoning Ordinance 24-104, this appeal stays all proceedings in furtherance of the action appealed until a noticed hearing can be heard on the issue.

Miriam Higer  
owner - 800 Lakeside

RECEIVED  
10-14-15

8:10 PM

2015- AA-001

①

VILLAGE OF MACKINAW CITY  
102 S. Huron Avenue, PO Box 580, Mackinaw City, MI 49701  
231-436-5351

APPLICATION OF APPEAL

Date: 10/14/15

Name: Miriam Higer

Address: 800 Lakeside Drive Mackinaw city 4970  
3330 Divisadero San Francisco CA 94112

Phone Number: 415-345-9234 Cell # 415-269-0189

Property Location: PUBLIC RIGHT OF WAY  
BETWEEN 800 + 700  
Lake side

Exact Appeal of Zoning Administrators Decision;

please see attached  
2 pages

Signature: Miriam Higer

The fee for Appeals is \$200.00 plus any professional service fees and must be remitted with this application.

RECEIVED  
10-14-15

1:10 PM

2015-AA-001 (2) 10/14/15  
Application of  
Appeal -  
Miriam Hise

EXACT APPEAL OF ZONING ADMINISTRATOR'S DECISION:

- (1) Permit itself not provided to me as adjoining landowner despite FOIA request to City.
- (2) No ordinance authorizes permanent construction on public right of way.
- (3) The design of the proposed work—so far as known to me because no permit has been shown to me—alters and adversely affects the draining of the public right of way and its subgrade, and does not conform to the slope of the street as required by Mackinaw Zoning Ordinance (MZO) 4-110-F. It also adversely affects my property because of the change in grade.
- (4) There is a direct conflict with the public interest. Creation of a private driveway across the entire width and much of the length of this public right of way blocks public access to Lake Michigan along this entire stretch of beach. Violation of MZO 4-110 E.
- (5) Permit applicant did not submit “detailed construction plans and specifications” as required by the Village of Mackinaw City Right of Way Permit Application. The “design” shown to me by contractor was “something he just sketched out” for the landowner.
- (6) No bond or cash deposit submitted “in an amount not less than estimated cost to totally restore right of way.” No certificate of insurance on file.
- (7) The Plan did not include “complete explanation of any potential for conflict with any existing use of the right-of way.” There is a direct conflict with public interest in access to the beach and granting this permit sets the precedent that public rights of way can simply be taken for private use.
- (8) The permit, if granted, was based on contradictory plans submitted to Emmet County and the Village of Mackinaw City. Different designs were submitted to each of these authorities.
- (9) The work can be done on the owner’s property—violation of Permit Requirement that the permit be supported by “findings of fact that private property installation is not feasible.”
- (10) The permitting process described in “right of way permit applications” is for temporary –not permanent—use.

10-14-15

1:10 PM

2015-AA-001

10/14/15  
Application of Appeal  
Miriam Hise

- (11) Because I have yet to be given a copy of the Permit, I reserve the right to add additional challenges when and if that permit is produced.

RECEIVED  
10-14-15

1:10 PM



VILLAGE OF MACKINAW CITY  
 PO BOX 580  
 102 S HURON AVE  
 MACKINAW CITY, MI 49701

# RECEIPT

Receipt 11823  
 10/14/15

Cashier: JANELLE  
 Received Of: MIRIAM HISER  
 The sum of \$200.00

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BUSINESS	BUSINESS PERMITS			\$200.00
		101-000-450.000	200.00	
		TENDERED: CASH		\$200.00



VILLAGE OF MACKINAW CITY  
 PO BOX 580  
 102 S HURON AVE  
 MACKINAW CITY, MI 49701

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BUSINESS	BUSINESS PERMITS			\$200.00
		101-000-450.000	200.00	
		TENDERED: CASH		\$200.00



# Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701

Telephone: (231) 436-5351 Fax: (231) 436-4166

[www.mackinawcity.org](http://www.mackinawcity.org) [village@mackinawcity.org](mailto:village@mackinawcity.org)

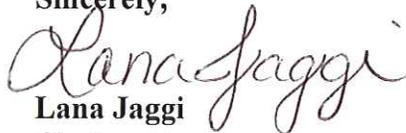
11/06/2015

Dear Property Owners

Due to an error in the newspaper publication time frame causing a shortage in the 15 day notice rule, the meeting for the Public Hearing and Zoning Board of Appeals regarding subject property 726 Lakeside is being changed from November 19, 2015 to December 03, 2015.

Thank you for your understanding in this matter.

Sincerely,



Lana Jaggi

Clerk

Village of Mackinaw City



**UNAPPROVED**  
**MINUTES REGULAR COUNCIL MEETING**  
**MACKINAW CITY**

7:00 P.M.

November 19, 2015

**I. Roll Call**

President Robert R. Heilman called the meeting to order and with the following Trustees present—Belinda Mollen, Scott Newman, Tom Chastain, Robert Glenn, Richard Perlick and Paul Michalak. Also present- David White-Village Manager, Kenneth Lane-Village Attorney, Patricia B. Peppler-Village Treasurer and Lana Jaggi- Village Clerk.

**DEPARTMENT HEADS PRESENT**

**Patrick Wyman-Chief of Police**

**Fred Thompson-Fire Chief/Zoning Administrator**

**Pat Riviera-Superintendent, Water/Sewer**

**Mike Karll-Superintendent, DPW-excused absent**

**II. Pledge of Allegiance**

**III. Agenda Approval**

Motion Chastain seconded Perlick to approve the agenda as presented. Voice vote motion carried unanimously.

**IV. Correction and Approval of Minutes**

Motion Mollen seconded Chastain to approve the minutes of the regular meeting of November 05, 2015 as presented. Voice vote, motion carried unanimously.

**V. Public Comments:**

Ron Wallin-Village Resident, requested Village consider a referendum, if allowed, to add casino decision on ballot for vote of community

**VI. Communication/Petitions:**

**CCE 911 Tower Opening**

**44 North, Employee Health Benefit Renewal**

**Paula Klice-Letter Complimenting Dwight Krueger, Cemetery Maintenance**

**VII. Managers Report as presented and submitted for file.**

**Addition - Fire Contract Update: amended contract has been accepted by Mackinaw Township, Wawatam Township meets December 8, 2015**

**Lieghio Water/Sewer penalty fee:**

**Motion Chastain to waive penalty, motion died, lack of support.**

**Motion Newman seconded Mollen to accept penalty of \$574.00 for Lieghio Property water/sewer bills. Roll Call: Yeas-Mollen, Newman, Heilman, Glenn, Perlick, Michalak Nay-Chastain. Motion carried.**

**VIII. President's Report/Department Head Reports -submitted for file.**

**Pres. Heilman presented Recycler of Year award to Village from Emmet County.**

**Department Head Reports were placed were submitted and placed on file.**

**UNAPPROVED**

**MINUTES REGULAR COUNCIL MEETING  
MACKINAW CITY**

7:00 P.M.

November 19, 2015

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- IX. Committee Reports were presented and submitted for file.  
Finance and Human Resource Subcommittee-Trustee Newman, Chair  
Ordinance and Policy Subcommittee-Trustee Michalak, Chair**
- X. Old Business:**  
**A. Intergovernmental Fire Service Contract  
Motion Michalak seconded Newman to approve the amended 11/16/15 Draft  
Intergovernmental Fire Service Contract between the Village, Mackinaw and Wawatam  
Townships to include amendment of 4. A. Wawatam Township millage from 0.2673 mills  
to 0.2645 mills. Roll Call: Yeas- Newman, Chastain, Heilman, Glenn, Perlick, Michalak,  
Mollen. Motion carried.**
- XI. New Business:**  
**A. ORD NO. 138- PUD Amendments- Reading and Adoption  
Motion Mollen seconded Perlick to waive the reading. Voice vote, motion carried  
unanimously.  
Motion Newman seconded Chastain to adopt amendment of section 23-102 of the Village  
of Mackinaw City Zoning Ordinance No. 138 for the review and approval of planned  
unit developments as presented. Roll Call: Yeas- Chastain, Heilman, Glenn, Perlick,  
Michalak, Mollen, Newman. Motion carried.**
- B. Special Event Application 2016-SE-016  
Motion Chastain seconded Mollen to approve special event application 2016-SE-016  
as presented. Voice vote, motion carried unanimously.**
- C. Special Event Application 2016-SE-017  
Motion to approve was withdrawn by Mollen seconded by Newman. Application will come  
before council at next regular meeting.**
- D. Special Event Application 2016-SE-018  
Motion Michalak seconded Glenn to approve special event application 2016-SE-018  
as presented. Voice vote, motion carried unanimously.**
- E. Special Event Application 2016-SE-019  
Motion Neman seconded Mollen to approve special event application 2016-SE-019  
as presented. Voice vote, motion carried unanimously.**
- F. Special Event Application 2016-SE-020  
Motion Newman seconded Chastain to approve special event application 2016-SE-020  
as presented. Voice vote, motion carried unanimously.**
- G. Special Event Application 2016-SE-021  
Motion Newman seconded Chastain to approve special event application 2016-SE-021  
as presented. Voice vote, motion carried unanimously.**

**UNAPPROVED**

**MINUTES REGULAR COUNCIL MEETING  
MACKINAW CITY**

7:00 P.M.

November 19, 2015

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**H. Special Event Application 2016-SE-022**

Motion Perlick seconded Newman to approve special event application 2016-SE-022 as presented. Voice vote, motion carried unanimously.

**I. Special Event Application 2016-SE-024**

Motion Chastain seconded Newman to approve special event application 2016-SE-024 as presented. Voice vote, motion carried unanimously.

**J. Special Event Application 2016-SE-025**

Motion Newman seconded Chastain to approve special event application 2016-SE-025 as presented. Voice vote, motion carried unanimously.

**K. Special Event Application 2016-SE-026**

Motion Newman seconded Michalak to approve special event application 2016-SE-026 as presented. Voice vote, motion carried unanimously.

**L. Special Event Application 2015-SE-067**

Motion Chastain seconded Newman to approve special event application 2015-SE-067 as presented. Voice vote, motion carried unanimously.

**M. MERS Defined Contribution Plan/457 Program**

Motion Newman seconded Perlick to waive the reading of the MERS resolution.

Voice vote, motion carried unanimously.

Motion Newman seconded Chastain to adopt the resolution adopting the MERS Defined Contribution Plan as presented. Roll Call: Yeas- Heilman, Glenn, Perlick, Michalak, Mollen, Newman, Chastain. Motion carried.

Motion Newman seconded Perlick to waive the reading of the MERS 457 resolution.

Voice vote, motion carried unanimously.

Motion Neman seconded Glenn to accept the MERS 457 Supplemental Retirement Program Resolution. Roll Call: Yeas- Glenn, Perlick, Michalak, Mollen, Newman, Chastain, Heilman. Motion carried.

Motion Mollen seconded Newman to accept the Pre January 1, 2014 MERS Defined Contribution Plan Adoption Agreement as presented. Roll Call: Yeas-Perlick, Michalak, Mollen, Newman, Chastain, Heilman, Glenn. Motion carried.

Motion Glenn seconded Newman to accept the Post January 1, 2014 MERS Defined Contribution Plan Adoption Agreement as presented. Roll Call: Yeas-Michalak, Mollen, Newman, Chastain, Heilman, Glenn, Perlick. Motion carried.

Motion Newman seconded Mollen to adopt the MERS 457 Participation Agreement as presented. Roll Call: Yeas- Mollen, Newman, Chastain, Heilman, Glenn, Perlick, Michalak. Motion carried.

**UNAPPROVED**

**MINUTES REGULAR COUNCIL MEETING  
MACKINAW CITY**

7:00 P.M.

November 19, 2015

Page 4

8:23 P.M.

Motion Glenn seconded Newman to go into closed session to discuss confidential legal opinions pursuant to Section 8 (h) of the Open Meetings Act. Roll Call: Yeas-Chastain, Heilman, Glenn, Perlick, Michalak, Mollen, Newman.

N. Closed Session

1. To Discuss Confidential Legal Opinions pursuant to Section 8 (h) of the Open Meetings Act.

9:10 P.M.

Motion Glenn seconded Newman to go back into open session. Roll Call: Yeas-Heilman, Glenn, Perlick, Michalak, Mollen, Newman, Chastain.

Motion Michalak seconded Mollen to authorize Pre. Heilman to represent the Village at the Bay City Settlement Conference December 15, 2015. Voice vote, motion carried unanimously.

XII Scheduling of Subcommittee meetings:

Wednesday, December 02, 2015

2:30 pm

Finance and Human Resources

Trustees S. Newman (Chair), P. Michalak, R. Glenn

1. Late Fees for Water Sewer billings
2. Legacy Costs for Pension MERS
3. Budget Amendments

4:00 pm

Parks and Recreation Subcommittee Meeting

Trustees S. Newman (Chair), R. Glenn, T. Chastain

Agenda:

1. Rec Center Fees-Heat, Lockers, Showers

III. Accounts Payable

Motion Newman seconded Glenn to pay accounts payable for November 19, 2015 in the amount of \$29,004.79. Roll call: Yeas- Glenn, Perlick, Michalak, Mollen, Newman, Chastain, Heilman. Motion carried.

IX. Adjournment: 9:23 PM

Respectfully submitted,

Robert R. Heilman; President

Lana Jaggi; Clerk

To: Mackinaw City Council  
From: David M. White, Village Manager  
Date: November 30, 2015  
Re: Manager Report for December 3, 2015, Council Meeting

## **X. Old Business:**

### **A. Special Event Application 2016-SE-017 Mustang Stampede Car Show**

Additional information was requested by the Council the first time this Special Event Application was considered. The questions which were asked had to do with vendors at this event securing Transient Vendor Licenses. In the short write-up Janelle has provided she gives the History of the Transient Vendor License and this event.

## **XI. New Business:**

**A. MML-Liability and Property Pool Proposal-** For Council consideration is a proposal from the MML-Liability and Property Pool for Insurance coverage for the 2016 year. The total proposed annual premium is \$46,990 an increase of \$1,774 from the current year. As stated in the proposal the increase is due to the Village's MML recent property appraisal which updated property values. In 2015 the Village also added additional property and the Village added one more Vehicle. As the Village is part of a Liability and Property pool, upon renewal a dividend return of \$6,176 will be sent to the Village. The Village has had a very longstanding relationship with the MML Insurance pool and had always received great service when we have had claims. The increase proposed is 3% and the returned dividend is 13% I would recommend approval of the proposal to continue with the MML-Liability and Property Pool. After review I would be happy to answer any questions Trustee's may have.

**B. Special Event Application 2016-SE-027 Mackinaw Wine and Beer Fest**

This event is to be held September 23, 2016 thru September 24, 2016 in Conkling Park. Issues that need to be addressed are the issuance of a liquor license and food service license. Staff has signed off on this event but have concerns about trash removal. If this application is approved I would ask it be contingent on the securing of the required licenses and a plan suitable to staff for trash removal.

**C. Special Event Application 2016-SE-028 Owosso Tractor 2016 Parade/Show.**

This application is for September 9, 2016 it is the same as past years. Janelle in her synopsis outlines what will take place regarding approvals and the required licenses. As in past years a for profit parade fee as well as DPW and Police time will be charged.

**D. House Bill 5016 Broadband Relocation Costs Discussion-** Currently in Legislative Committee is House Bill 5016 which would shift costs of relocating Broadband equipment in the Public Right of Way to the Municipally. As the law is currently if the Village requests that Broadband equipment in the Public Right of Way be relocated for any reason the Company must do so. The new law would shift the cost of relocating the equipment to the Village. I have included in your packet three items the first is what the MML is saying about the bill, second is the Legislative Analysis from the House Fiscal Agency and third is actual legislation. This proposed legislation puts an undue cost onto the Village to relocate equipment that very little revenue is received on. Another unfunded Mandate. I would be happy to answer any questions Trustee's may have.

COMMITTEE REPORT  
VILLAGE OF MACKINAW CITY  
102 S. Huron Avenue, Mackinaw City, MI 49701

COMMITTEE: Public Safety DATE 11-23-15

AGENDA ITEMS: Resolution on Enbridge Line-5

PRESENT: Perlick, Glenn, Michalak

ABSENT: \_\_\_\_\_

REPORT: ~~A~~ Resolution was presented to committee to stop shipping oil through line 5 and replace it with natural gas.

COMMITTEE DATA BASE SUMMARY INFORMATION

ITEM

STATUS/RECOMMENDATION

After much discussion we decided full council should decide what kind of resolution should be sent to state, but do believe a resolution should be sent to show our concern.

**COMMITTEE REPORT**

COMMITTEE: Ordinance and Policy

DATE: November 20, 2015

AGENDA ITEMS: Ordinance to Provide for and Require a License to Operate a Ferry Service

PRESENT: Perlick, Newman, Michalak, White ABSENT:

PUBLIC ATTENDEES: Wallin

**REPORT:**

- 1.) Reviewed and Discussed First Draft of the Above Proposed Ordinance

**COMMITTEE DATABASE SUMMARY INFORMATION**

<b><u>ITEM</u></b>	<b><u>STATUS/RECOMMENDATION</u></b>
1.)	<u>Committee Forwarded to Legal Questions and Mark-up of Draft Ordinance for Clarification and Revision.</u>

## Special Events for Council December 3, 2015

1. 2016-SE-017-Mustang Stampede Car Show. This will be the third year for this event. After speaking with Deb Spence I learned that for the last two years they have had three vendors on site: O'Brien's T-shirt Shop, the Dixie with the smoker serving limited food, and Black River Custom Autos advertising only. On all three applications they have indicated that they have provided for vendor parking at Straits State Harbor but charging for a transient license has not been mentioned before this year. The Village does insist all other Special Events with vendors purchase a Transient Vendor License, for example: The Owosso Tractor Show and The Roller Derby Events. All Department Heads have signed off.
2. 2016-SE-027-Mackinaw Wine and Beer Fest-9/23/16 thru 9/24/16 at Conkling Heritage Park. The fee for the park is \$100 plus a \$500 deposit for any damage to the sprinklers. We will need a liquor license and a food service license from them. All Department Heads have signed off with trash removal being a concern.
3. 2016-SE-028-Owosso Tractor Parts 2016 Antique Tractor Parade and Show to start at Darrow's pit on W. Central Ave on September 9, 2016. I will request letters of approval from the Darrow Family, Bridge Authority, and the Mackinaw Crossings, along with the certificate of liability insurance. Mr. Baumgras has already applied for a Transient Vendor license for the sale of t-shirts. There is a \$500 for profit parade fee and other fees from the PD and DPW that will be charged. All Department Heads have signed off.

Questions:

2016-SE-017

Reschedule

To Admin. Staff: 10-25-15  
To Council: 11-19-15  
Decision:  Approved  Denied  
Minutes to Applicant: \_\_\_\_\_

if they have vendors - don't they pay fee??

SPECIAL EVENT APPLICATION  
VILLAGE OF MACKINAW CITY

102 S. HURON AVENUE, MACKINAW CITY, MI 49701  
(231) 436-5351

Must be filled out in its entirety and returned to the Village Clerk's Office 45 days prior to scheduled event

**SPONSORING ORGANIZATION INFORMATION**

LEGAL BUSINESS NAME: Mackinaw Area Visitors Bureau

TELEPHONE: 231-436-5664

MAILING ADDRESS: 10800 W. US 23 Hwy

CONTACT NAME: Becky Yoder

TELEPHONE: 231-436-5664

E-MAIL ADDRESS: becky@mackinawcity.com

CELL PHONE: 231-818-0566

**CONTACT PERSON ON DAY OF EVENT**

CONTACT NAME: Becky Yoder

TELEPHONE: 231-436-5664

E-MAIL ADDRESS: becky@mackinawcity.com

CELL PHONE: 231-818-0566

**EVENT INFORMATION**

NAME OF EVENT: Mackinaw City Mustang Stampede (Car Show)

PURPOSE OF EVENT:

Non-Profit  For-Profit  Village Operated/Sponsored  Co-Sponsored

Marathon/Race  Festival/Fair  Arts & Crafts Show  Other \_\_\_\_\_

DATE(S): 7-15-2016 FROM 8:00  A.M.  P.M. TO 7:00  A.M.  P.M.

7-16-2016 FROM 8:00  A.M.  P.M. TO 10:00  A.M.  P.M.

7-17-2016 FROM 10:00  A.M.  P.M. TO 4:00  A.M.  P.M.

FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.

RAIN DATE(S): \_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.

FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.

EVENT LOCATION: Conkling Heritage Park/Arnold Lot in front of Harbor

ESTIMATED NUMBER OF ATTENDEES: Unknown

WILL YOU UTILIZE SHOWERS:  Yes  No

ESTIMATED NUMBER OF VOLUNTEERS: 5

ESTIMATE DATE/TIME FOR SET-UP: 7-15-16 8:00  A.M.  P.M.

ESTIMATE DATE/TIME FOR CLEAN-UP: 7-17-16 4:00  A.M.  P.M.

Fees - Conkling x 3 days @ \$50 - \$150.00  
Deposit for Sprinkler system \$500.00  
1 \$650.00

Ins on file

(4) Officers for parade  
No parade charge

RECEIVED  
10-14-15

**PARADE PERMIT**

Includes runs, walks, and other uses of the Village public right-of-way.

POLICE ESCORT NEEDED:  Yes  No

PARADE ROUTE PROVIDED WITH APPLICATION:  Yes  No

PROPOSED ROUTE: South Huron to Central to Nicolet to Bridge Entrance

Date and time Parade will start: 7-16-16 4:00  A.M.  P.M.

Date and time Parade will end: 7-16-16 5:00 approx  A.M.  P.M.

**EVENT DETAILS**

**SITE MAP:** All applicants must provide a drawing of the event area and are due at application. Site map must be legible, be pre approved by Village Staff, and include and/or identify the following, if applicable:

- Lot lines
- Label roads and closest cross roads
- Sidewalks
- Fire Hydrants
- Locate and label buildings
- Parking lots
- Tents
- Portable Restrooms
- Ingress and egress points
- Table and chair diagram
- Placement of food vendors
- Parade Route
- Bicycle Routes (including route into and out of town)
- All proposed modifications
- All bicycle events will utilize the Village's Hike and Bike Trail

WILL MUSIC BE PROVIDED DURING THIS EVENT:  Yes  No

TYPE OF MUSIC PROPOSED:  Live  Amplification  Recorded  Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: 5:00 PM END: 10:00 PM  
(NO LATER THAN 10 P.M.)

**FOOD VENDORS/CONCESSIONS:** (Contact Emmet or Cheboygan County Health Department)

Yes  No  Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT:  Yes  No

- Provide Copy of Liquor Liability Insurance  
See page 4 for required language naming the Village as an additional insured
- Provide Copy of Michigan Liquor Control License

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: \_\_\_\_\_

We will provide Temporary Liquor License 3 days prior to event

COPY OF LIABILITY INSURANCE PROVIDED WITH APPLICATION:  Yes  No

Date insurance binder provided: \_\_\_\_\_  
See page 4 for required language naming the Village as an additional insured

WILL FIREWORKS BE APART OF EVENT:  Yes  No

- Provide Copy of Liability Insurance
- Provide Copy of Fireworks Permit  
See page 4 for required language naming the Village as an additional insured

**EVENT SIGNAGE:** Village Council approval is required for any temporary signing in the public right-of-way, across a street or on Village property. Which of the following signs are requested for this event:

- "YARD" SIGNS** - Number requested: 25 (Maximum size is 2' x2'. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)
- SIGNAGE AT EVENT SITE** - Location(s): In front of park, one at South end and on at North end

Description of signs: Yard signs 24x24, Banners  
(Signs at event site cannot be displayed prior to day of the event and must at the end of the event.)

**VENDOR PARKING:** Have you made arrangement for vendor parking?  Yes  No  
If yes, where do you propose your vendors park? Straits State Harbor

**EVENT LONG TERM PARKING:** Will there be long term parking?  Yes  No  
If yes, from date \_\_\_\_\_ to ending date: \_\_\_\_\_  
Long term parking identified on the site map?  Yes  No

**OVERNIGHT CAMPING:** Will there be camping over night?  Yes  No  
Name of Facility where camping: \_\_\_\_\_  
If yes, from date: \_\_\_\_\_ to ending date: \_\_\_\_\_  
Camp sites identified on the site map?  Yes  No

**TENTS/CANOPIES/MISC:** The Village of Mackinaw City does have tables and/or chairs available for rental. You will need to provide a diagram of the area for set up. Will the following be constructed or located in the event area?;

- BOOTHS – QUANTITY** Unknown  **TENTS – QUANTITY** \_\_\_\_\_  
Size 10 X 10  **CHAIRS – QUANTITY** NA
- AWNINGS – QUANTITY** \_\_\_\_\_  **TABLES – QUANTITY** NA

Seating diagram for booths, awnings, tables and chairs provided with application:  Yes  No

**PORTABLE RESTROOMS/TOILETS**  
Have you made arrangements to provide portable restroom facilities at your event?  Yes  No  
If yes, total number of portable toilets: 4 Number of ADA accessible portable toilets: \_\_\_\_\_  
If no, explain: \_\_\_\_\_

Restroom Company Name: Rose's Septic  
Address Street: Levering Road  
City: Cheboygan State: Michigan Zip: 49721  
Telephone Day: \_\_\_\_\_ Evening: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_  
Equipment set up: Date: 7-15-16 Time: Afternoon  
Equipment pick up: Date: 7-17-16 Time: Evening  
Portable restrooms identified on the site map?  Yes  No

## APPLICATION CHECK LIST

A = Applicant

V = Village

A

V

- Completed Application
- Special Event Fee received on \_\_\_\_\_, receipt no \_\_\_\_\_  
amount: \$ \_\_\_\_\_
- Event Map Received (includes detailed event layout for vendors, booths, portable restrooms, fire hydrants, parking, ingress, egress, roads, sidewalks, table and chair diagram, etc.)
- Bicycle Route Map (use of the Mackinaw City Bike Trail is required)
- Certificate of Insurance (listing the Village of Mackinaw City, its Village Council, Boards and Commissions, Citizens, Employees and Agents, 102 S. Huron Avenue, Mackinaw City, MI 49701 as an additional insured)
- Ambulance Standby included with Application paid on \_\_\_\_\_, receipt no. \_\_\_\_\_  
amount \$ \_\_\_\_\_
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: \_\_\_\_\_

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverage deemed necessary for the event, naming the Village of Mackinaw City, its Village Council, Boards and Commissions, Citizens, Employees and Agents, 102 S. Huron Avenue, Mackinaw City, MI 49701, as an additional insured on all applicable policies and submit the certificate to the Village Clerk's Office no later than thirty (30) days prior to the event.

Comply with all Village Ordinances and Policies and applicable State laws, and acknowledges that the special event permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the Village's review of this application. The applicant and sponsoring organization understand that it may be necessary to meet with Village staff during, as well as after the event, for the review of this application and that Village Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Cheboygan or Emmet County Health Department to secure all permits required for this event.

Applicant further agrees to defend, indemnify and hold harmless the Village of Mackinaw City, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury,

including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the Village of Mackinaw City or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

The Village of Mackinaw City expressly reserves the right in its sole discretion to cancel a private event for Village purposes and the Site user agrees, as a term of its use of a site, to release and waive all claims of any kind (including a claim for consequential damages), against the Village, its officers or employees arising out of cancellation of the user's event.

Is this an annual event?  Yes  No  
Is this event expected to occur next year?  Yes  No  
How many years has this event occurred? 2 years

Becky Yoder  
Applicant Signature  
Print name of applicant: Becky Yoder

9-21-15  
Date

**VILLAGE USE ONLY – Department representative please initial if approved**

[ ] DPW    [GV] FACILITY SERVICES  
 [PR] POLICE    [HW] FIRE    [ ] AMBULANCE  
 [CW] RECREATION

VILLAGE COUNCIL COUNCIL APPROVAL DATE: \_\_\_\_\_

CONDITIONS, IF ANY: LCC Permit  
\$500 Deposit for damages (DPW)

AUTHORIZED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 VILLAGE MANAGER

**FOR VILLAGE USE ONLY**

**DEPARTMENT OF PUBLIC WORKS**

APPROVED

DENIED

Will this event require the use of any of the following municipal equipment:

Yes  No

LOADER – MODEL \_\_\_\_\_ TOTAL MEN \_\_\_\_\_

TOTAL MAN HOURS \_\_\_\_\_

PICK UP TRUCKS \_\_\_\_\_ TOTAL MEN \_\_\_\_\_

TOTAL MAN HOURS \_\_\_\_\_

OTHER EQUIPMENT \_\_\_\_\_ TOTAL MEN \_\_\_\_\_

TOTAL MAN HOURS \_\_\_\_\_

OTHER SERVICES PROVIDED OR REQUIRED \_\_\_\_\_

SITE MAP APPROVED:  Yes  No

**FACILITIES SERVICES DEPARTMENT**

APPROVED

DENIED

Will this event require the use of any of the following municipal equipment:

Yes  No

TRASH RECEPTACLES – QUANTITY \_\_\_\_\_

BARRICADES – QUANTITY \_\_\_\_\_

TRAFFIC CONES – QUANTITY \_\_\_\_\_

PARKING SIGNS – QUANTITY \_\_\_\_\_

FENCING  WATER  ELECTRIC

RESTROOM CLEANING

OTHER \_\_\_\_\_

SITE MAP APPROVED:  Yes  No

**MACKINAW CITY POLICE DEPARTMENT**

APPROVED

DENIED

ADDITIONAL OFFICERS REQUIRED?  Yes  No

If yes please describe & include times 1 @ STRAITS STATE HARBOUR / WYRON 1 @ CENTRAL / WYRON

Other (describe): 1 @ NICOLET / CENTRAL 1 @ JAMBEE / NICOLET

PARADE ROUTE RECEIVED AND APPROVED:  Yes  No

POLICE ESCORT NEEDED:  Yes  No LIQUOR APPLICATION RECEIVED AND REVIEWED:  Yes  
 No will be

SITE MAP APPROVED:  Yes  No

**MACKINAW CITY FIRE DEPARTMENT**

APPROVED

DENIED

STREET CLOSURES:  Yes  No (use attached map to outline proposed closures)

Street closure date/time: \_\_\_\_/\_\_\_\_/\_\_\_\_  A.M.  P.M.

Street re-open date/time: \_\_\_\_/\_\_\_\_/\_\_\_\_  A.M.  P.M.

SITE MAP APPROVED:  Yes  No

**RECREATION DEPARTMENT**

APPROVED

DENIED

SHOWERS:  Yes  No

TABLES:  Yes  No Quantity: \_\_\_\_\_

CHAIRS:  Yes  No Quantity: \_\_\_\_\_

CAMPING:  Yes  No (identified on map)

LONG TERM PARKING:  Yes  No (identified on map)

PORTABLE RESTROOMS:  Yes  No (identified on map)

SITE MAP APPROVED:  Yes  No

VENDORS

DRIVE

MUSTANG STAMPEDE  
STRAITS HARBOR LAYOUT  
(ARNOLD LOT)

CARS DISPLAYED

DRIVE

CARS DISPLAYED

NOTICE

SITE PLAN SUBJECT TO CHANGE

SLIGHTLY AS TO NOT

HINDER SPRINKLER SYSTEMS OR

TRAFFIC FLOW

NOTICE



REGISTRATION  
TENT

VENDORS  
AND SPONSOR DISPLAY

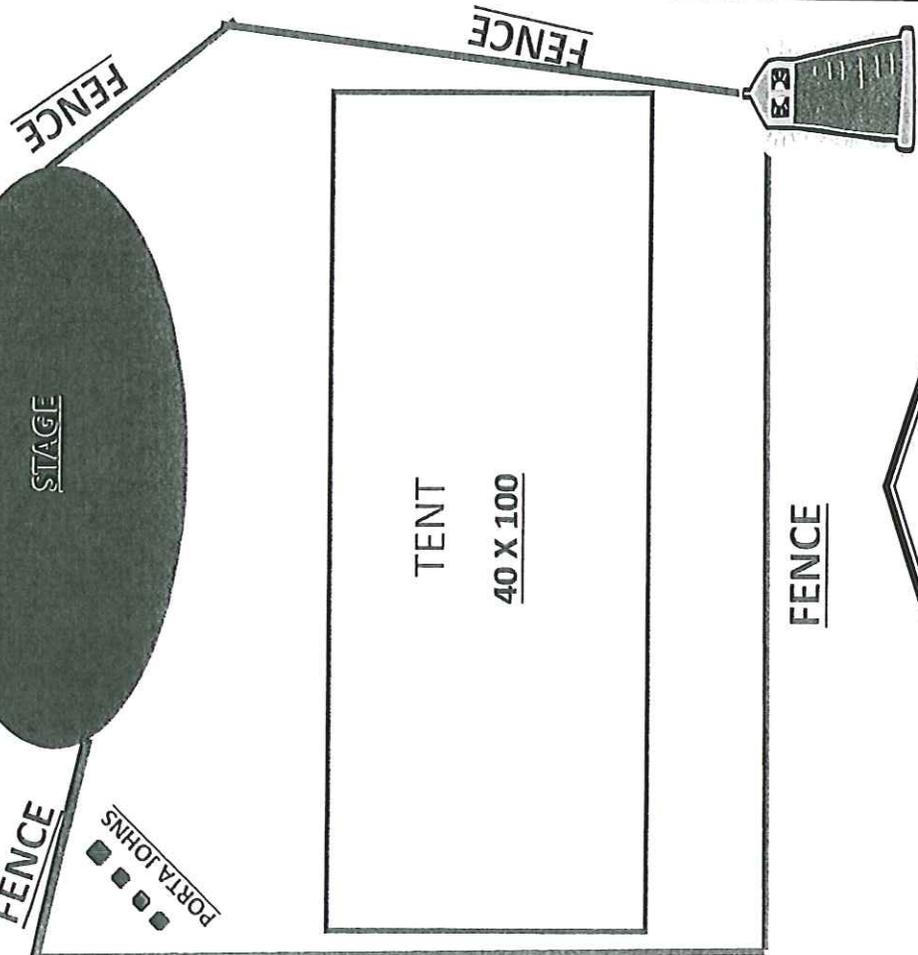
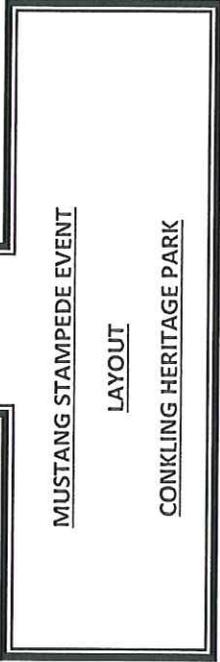
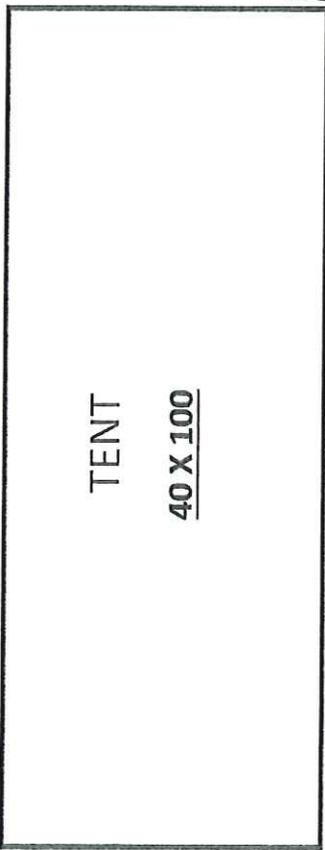
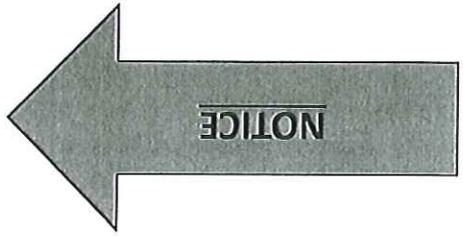
DRIVE

DRIVE

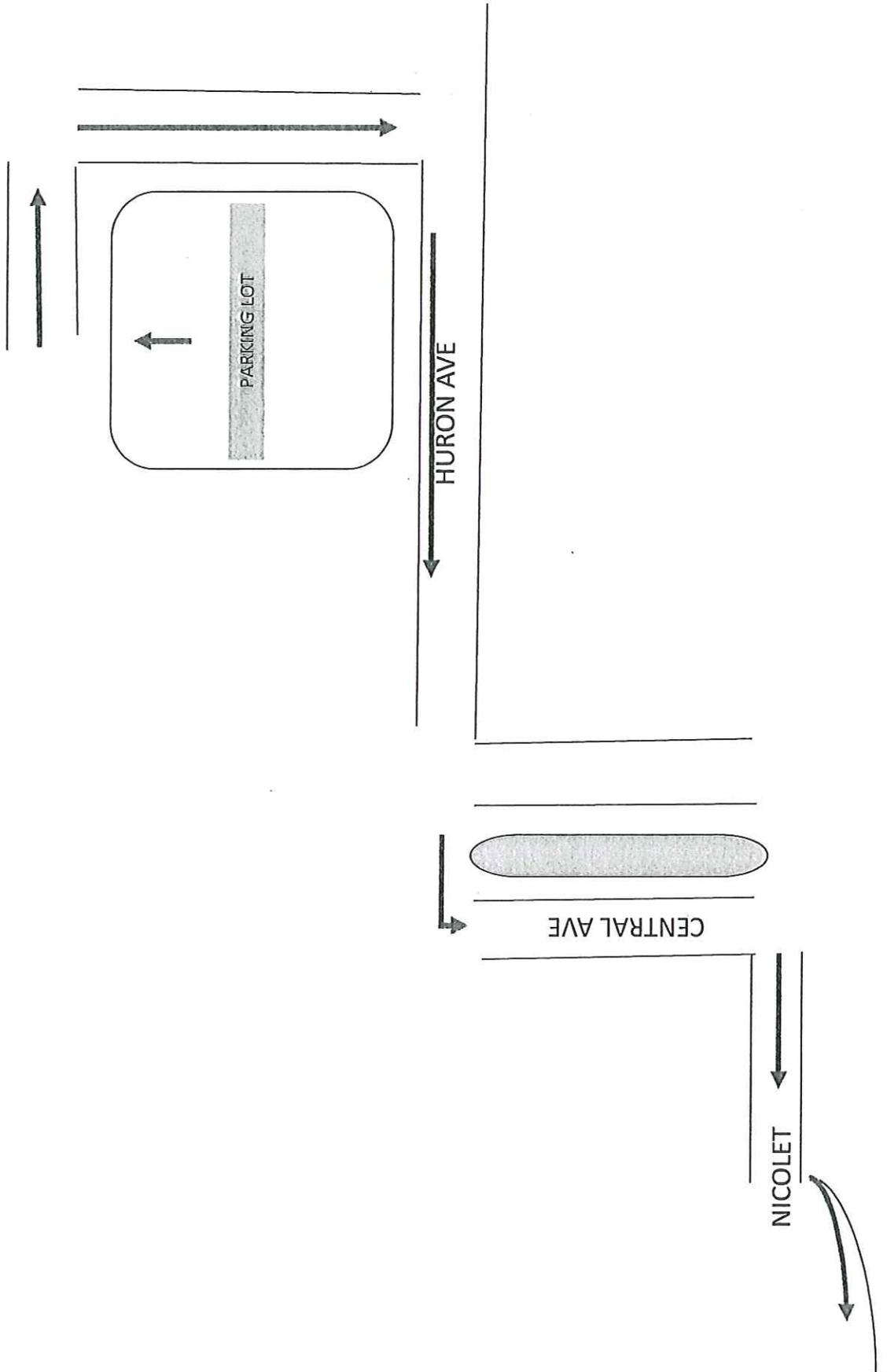
RESTROOMS

POSSIBLE VENDORS

LAYOUT IS SUBJECT TO CHANGE DO TO LOCATION OF SPRINKLERS AND SOUND BOOTH VISIBILITY. TENT AND FENCE MAY MOVE FORWARD OR BACKWARDS OR POSSIBLY PUT ON AN ANGLE TO ACCOMMODATE THESE SCENARIOS. LAY OUT WILL REMAIN WITHIN GENERAL AREA INDICATED IN SITE PLAN.



PARADE ROUTE  
FOR MUSTANG PARADE





michigan municipal league

Liability & Property Pool  
Proposal  
for the  
**Village of Mackinaw City**

Presented By:

Connie M. Monson  
MML Account Executive  
(877)370-8892

Meadowbrook® Insurance Group, Service Provider

November 18, 2015

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*This proposal is intended to be only a summary of coverages and services. For specific details on coverage terms and conditions, please refer to the Michigan Municipal League Liability and Property Pool coverage document.*

## Executive Overview

---

The Michigan Municipal League Liability and Property Pool is administered by the Risk Management staff of the Michigan Municipal League, and serviced by Meadowbrook Insurance Group. Since 1982, the Pool has been a stable source of comprehensive municipal insurance and risk management services. It is financially secure and positioned for long-term stability.

The **Village of Mackinaw City** has been a Pool member since **1986**.

The League administrative staff and the dedicated Pool staff at Meadowbrook Insurance Group are municipal insurance experts. Municipal risk management is our only business, and we're proud of it!

The Pool provides insurance coverage designed specifically for Michigan municipal exposures, combined with a package of loss control programs, claims administration, legal defense and membership services that you won't find anywhere else in Michigan.

This quotation is based on the limits of coverage requested by the **Village of Mackinaw City**. Higher limits may be available, subject to underwriting review by Pool Management. Please submit requests for higher limits in writing to your Account Executive. Your request will be considered by Pool Management.

The insurance and related services described more fully in this proposal are being offered to the **Village of Mackinaw City** for an annual premium of **\$46,990**.

When compared to last year's cost of \$45,216, it represents a premium increase of \$1,774. This increase is due to the Village's MML property appraisal updating property values, the Village added additional property, and the Village added one more vehicle.

**MML Pool Dividend:** In addition, the MML Liability & Property Pool Board of Trustees voted to return another post-renewal dividend for Members renewing in 2015. The Village of Mackinaw City's portion of the dividend return is **\$6,176**. The Village of Mackinaw City will receive this dividend in the month following payment of your 2015 renewal premium.

Thank you for being a Pool member. We look forward to servicing your risk management program for many years to come.

### Our Mission

**To be a long-term, stable, cost-effective risk management alternative for members of the Michigan Municipal League Liability and Property Pool.**

# Introduction

---

## ***What You Can Expect Of Us***

- ✓ A commitment to learn, understand and respond to your insurance needs;
- ✓ Continuous planning and innovation in product development and service delivery;
- ✓ Products that meet your needs in terms of price, coverage and service;
- ✓ Prompt, accurate, and courteous response to your questions, problems and claims; and
- ✓ Knowledgeable and professional staff serving your needs consistently and with integrity.

## ***Your Pool Insures More Than . . .***

- |  |                                     |
|--|-------------------------------------|
| ✓ 400 Public Entity Members                  | ✓ 188 Water Utilities               |
| ✓ 852 Licensed Emergency Medical Technicians | ✓ 7,000 Vehicles                    |
| ✓ 440 Licensed Paramedics                    | ✓ 19 Electric Utilities             |
| ✓ 143 Fire Departments                       | ✓ 25 Municipal Marinas              |
| ✓ 184 Law Enforcement Agencies               | ✓ \$4.15 Billion of Property Values |
| ✓ 5,535 Miles of Streets/Roads               | ✓ 205 Sewer Operations              |

These local communities are current Pool members:

City of Mackinac Island  
City of Harbor Springs  
City of Traverse City  
City of East Jordan

## Coverage and Cost Summary

### Village Of Mackinaw City

Effective 12-01-2015 to 12-01-2016

Coverages	Limit of Liability	Aggregate Limit	Per Occurrence Deductible
Municipal General Liability (Coverage A)	\$5,000,000	N/A	\$0
Sewer Back-Up Sublimit	\$100,000	\$100,000	\$0
Personal Injury Liability (Coverage B)	\$5,000,000	N/A	\$0
Medical Payments (Coverage C)	\$10,000	N/A	N/A
Public Officials Liability (Coverage D)	\$5,000,000	N/A	\$0
Law Enforcement Liability (Coverages A, B, and D)	\$5,000,000	N/A	\$0
Employee Benefit Liability	\$1,000,000	\$1,000,000	\$0
Fire Legal Liability	\$100,000	N/A	N/A
Cyber Liability (Coverages A, B, and D)	\$25,000	\$50,000	N/A
Dam Liability	No Coverage	N/A	N/A
Marina Operator Liability	No Coverage	N/A	N/A
Automobile Liability (Coverages A and B)	\$5,000,000	N/A	\$0
# Vehicles	<u>Comp</u>	<u>Coll</u>	
30	\$250	\$500	
10	\$250	\$250	

Agreed Amount, if applicable 9 Vehicles for a total of \$1,458,000

*Coverages A, B, and D are provided with a combined single limit of liability. The most the Pool will pay for any one occurrence is \$5,000,000 regardless of the number of coverages involved in the occurrence.*

#### Property

Property - Blanket Basis	\$13,373,373	N/A	\$250
Boiler and Machinery	Included	N/A	\$250
Building(s)	Included	N/A	\$250
Contents	Included	N/A	\$250
Property in the Open	Included	N/A	\$250
Protection & Preservation	Included	N/A	N/A
Property - Actual Cash Value	See Schedule	N/A	\$250
Property - Limited Replacement Cost	N/A	N/A	N/A
Property - No Coverage	N/A	N/A	N/A
Property - Replacement Cost	See Schedule	N/A	\$0
Accounts Receivable	\$100,000	N/A	\$250
Boat Equipment	\$3,500	N/A	\$250
Consequential Damage	\$100,000	N/A	N/A
Contractor's Equipment	\$823,578	N/A	\$250

## Coverage and Cost Summary

### Village Of Mackinaw City

Effective 12-01-2015 to 12-01-2016

Coverages	Limit of Liability	Aggregate Limit	Per Occurrence Deductible
Debris Removal - the lesser of 25% of physical damage loss or	\$5,000,000	\$5,000,000	N/A
Demolition & Increased Costs of Construction Limit	\$100,000	N/A	N/A
Earth Movement	\$2,000,000	\$2,000,000	\$5,000
Electronic Data Processing Equip	\$54,576	N/A	\$250
Expediting Expense	\$100,000	N/A	N/A
Extra Expense	\$100,000	N/A	N/A
Fine Arts	\$100,000	N/A	\$250
Flood (Except for Members located in Flood Zone A, AO, AH, A1-A999, AE, or AR)	\$1,000,000	\$1,000,000	\$5,000
Fungal Pathogens	\$25,000	\$25,000	\$250
Loss of Income	\$100,000	N/A	N/A
Loss of Rents	\$100,000	N/A	N/A
Ornamental Trees, Shrubs, Plants or Lawn	\$5,000	\$10,000	\$250
Personal Effects & Property of Others	\$500	\$2,500	\$250
Police Snowmobile	\$12,000	N/A	\$250
Valuable Papers	\$100,000	N/A	\$250
<b>Comprehensive Crime Coverage</b>			
Employee Dishonesty Blanket/Faithful Performance	\$100,000	N/A	N/A
Depositors Forgery	\$100,000	N/A	N/A
Money and Securities Inside	\$100,000	N/A	N/A
Money and Securities Outside	\$100,000	N/A	N/A
Money Orders and Counterfeit Paper	\$100,000	N/A	N/A
<b>Bonds</b>			
Bond #: A Treasurer	\$100,000	N/A	N/A

*Only one deductible applies to claims involving two or more property coverages.*

**The Michigan Municipal League Liability and Property Pool is pleased to offer all coverages and services described in this proposal for an annual premium of \$46,990.**

## *Your Team of Experts*



Connie Monson  
MML Account Executive  
(231) 276-6499



Michael J. Forster  
Pool Administrator  
(734) 669-6340



Ellen Skender  
248-204-8582



Joan Opett  
248-204-8579

### Customer Service Representatives



Tom Weed  
Claims Supervisor  
(616) 942-0311, ext. 4123



Rod Pearson  
Loss Control Supervisor  
(248) 204-8036

## ***Benefits of Pooling with the MML***

- ✓ Proven long-term availability and stability
- ✓ Broad coverage document written specifically for Michigan municipalities
- ✓ Services tailored to unique needs of Michigan municipalities
- ✓ Member assets controlled by an elected Board of municipal officials
- ✓ Equitable rating based on Pool experience in Michigan
- ✓ Aggressive defense strategy – positive impact on case law
- ✓ Professional, dedicated, and experienced local management, oversight and service
- ✓ Decisions made and problems resolved by a group of your peers
- ✓ Investment income and underwriting surplus used to benefit members
- ✓ Lower expenses through tax-exempt and non-profit status
- ✓ Special loss avoidance training sessions including:
  - ✓ Safety aspects of emergency vehicle operations
  - ✓ Accident investigation for supervisors
  - ✓ Confined spaces training

**The advantages of pooling can be summarized by:**

**Service + Control + Value**

### ***The Village of Mackinaw City Has . . .***

- ✓ \$1,501,896 Annual Payroll
- ✓ \$13,373,373 of total values for real and personal property
- ✓ 7 Law enforcement officers
- ✓ 40 Vehicles
- ✓ 9 Fire/Rescue Vehicles with Agreed Amount values

### ***Increased Liability Limits***

We cannot guarantee the adequacy of any limit of liability. Due to the following factors, it may be prudent to consider higher limits:

- ✓ Increased jury awards in your jurisdiction
- ✓ Increased litigation trends
- ✓ Protection of tax base against judgments in excess of your policy limits

If you are interested in increasing your liability limits, please contact your Account Executive.

# Highlights of Coverages Provided

## Who Is Insured?

The Pool member entity, elected and appointed officials, employees and authorized volunteers, and any person officially appointed to a Board or Commission

## General Liability

In addition to standard liability coverages (bodily injury, property damage, products and completed operations) the Pool provides coverages that municipalities need on an **occurrence basis with no aggregate liability limits**:

- ✓ Liability resulting from mutual aid agreements
- ✓ Premises medical payments
- ✓ Host liquor liability
- ✓ Watercraft liability, owned less than 26' and non-owned less than 50'
- ✓ Special events **excluding** -
  - Fireworks (unless endorsed)
  - Liquor Liability
  - Mechanical Amusement Rides
- ✓ Fire legal liability for real property
- ✓ Ambulance and EMT malpractice

**Fireworks Coverage Options: (Fireworks application must be completed before coverage is endorsed)**

1. The MML Liability & Property Pool is primary (the Member is not added as an additional insured on a pyrotechnician's coverage):

Annual Aggregate Sublimit	Additional Premium
\$500,000	Yes
\$1,000,000	Yes

2. The MML Liability & Property Pool is excess (the Member is added as an additional insured on a pyrotechnician's coverage):  
**NO ADDITIONAL PREMIUM**

- ✓ Athletic participation liability
- ✓ Employee benefit liability
- ✓ Cemetery operations coverage
- ✓ Cyber Liability Coverage Sublimit—MML233 (07/13)
- ✓ Marina Operators coverage available
- ✓ Up to \$10 million in liability limits available
- ✓ Employee benefit liability
- ✓ Pollution coverage for Hazardous Response Teams

## General Liability Exclusions . . .

The following is a partial list of general liability coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Pollution (except for Hazmat operations).
- ✓ Nuclear energy / nuclear material hazards
- ✓ Aircraft Liability
- ✓ Breach of contract
- ✓ Failure of dams
- ✓ Backup of Sewers and Drains (exception -- \$100,000 Annual Aggregate Sublimit for Sewer and Drain Liability)
- ✓ Criminal activity / Intentional acts with knowledge of wrongdoing
- ✓ Contractual Liability
- ✓ Failure to supply utilities
- ✓ Expected or intended injury
- ✓ Electromagnetic radiation
- ✓ Medical malpractice for doctors and physicians

### **Public Officials Liability Coverage**

"Wrongful Acts", including intentional acts, defined as any actual or alleged error, misstatement, act of omission, neglect or breach of duty including:

- ✓ Neglect of duty
- ✓ Zoning defense and land use litigation
- ✓ Malfeasance
- ✓ Violation of civil rights
- ✓ Discrimination
- ✓ Employment practices
- ✓ Misfeasance
- ✓ Cable TV broadcasting

### **Public Officials Liability Exclusions**

The following is a partial list of public officials' liability coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Pollution and Nuclear Energy
- ✓ Fraud, dishonesty, intentional and criminal acts
- ✓ Failure to purchase coverage or adequate coverage
- ✓ Return of governmental grants or subsidies
- ✓ Intentional acts with knowledge of wrongdoing
- ✓ Eminent domain / takings
- ✓ Illegal profit
- ✓ Labor union actions
- ✓ ERISA violations
- ✓ Backup of Sewers and Drains

### **Personal Injury & Advertising / Broadcasters Liability Coverage**

- ✓ Mental anguish and stress
- ✓ Libel, slander or defamation of character; violation of an individual's right of privacy
- ✓ Proactive services for non-monetary damage claims

## Property Coverage

In addition to covering buildings, contents and personal property, the Pool provides:

- ✓ Blanket coverage -- All member-owned property insured (unless specifically excluded)
- ✓ Coverage based on ownership rather than on a "schedule on file" avoids coverage gaps due to errors or oversight
- ✓ Property of others in custody of the Member for which the Member has an obligation to provide coverage
- ✓ Boiler & Machinery coverage, including Boiler certification inspections
- ✓ Replacement Cost or Actual Cash Value available
- ✓ Fungal Pathogens (Mold) Limited Coverage
- ✓ Demolition/increased cost of construction
- ✓ No coinsurance
- ✓ Valuable papers
- ✓ Loss of Rents
- ✓ Property in the open
- ✓ Extra expense
- ✓ Expediting expense

## Property Exclusions

The following is a partial list of property coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Nuclear reaction/ contamination
- ✓ War
- ✓ Cyber Risk
- ✓ Fungal Pathogens (Mold) excess of sub-limit
- ✓ Failure to supply utilities
- ✓ Transmission Lines and Poles
- ✓ Dishonest acts
- ✓ Acts of Terrorism excess of Pool's Aggregate Sublimit -- MMLC TR (9/1/10)
- ✓ Wear and tear
- ✓ Computer failures/ viruses

**Only one deductible applies to claims involving two or more property coverages.**

## **Comprehensive Crime Coverage**

- ✓ Employee Dishonesty/ Faithful Performance of Duty coverage provided on a blanket basis
- ✓ Loss Inside the Premises
- ✓ Loss Outside the Premises
- ✓ Money Orders/ Counterfeit Currency
- ✓ Depositors Forgery
- ✓ Position Fidelity Bonds

## **Automobile Coverage Highlights**

### **What Is Covered?**

Coverage is afforded while operating land motor vehicles, trailers or semi-trailers designed for travel on public roads.

### **Auto Coverages Provided**

- ✓ Michigan No-Fault Coverage, includes mini-tort coverage for no extra charge
- ✓ Excess protection for use of personal automobile for municipal business
- ✓ Uninsured motorist for municipally owned vehicles
- ✓ Underinsured motorists
- ✓ Non-owned and hired auto
- ✓ Comprehensive - actual cash value basis
- ✓ Collision - actual cash value basis
- ✓ Volunteer firefighter auto accident liability coverage
- ✓ Agreed value coverage for emergency vehicles is available
- ✓ Fire or Rescue Vehicle Rental Reimbursement Coverage

# Pool Risk Management Services

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- ✓ Review and service of all municipal insurance matters
- ✓ Public entity experts address various liability issues
- ✓ Aggressive, member-oriented defense strategy
- ✓ Former police officials address law enforcement risks
- ✓ Physical inspection by municipal loss control engineers
- ✓ Law enforcement risk control programs (LEAF and LERC)
- ✓ Property appraisal services available

## **Online Services**

[www.mml.org](http://www.mml.org) (click on the *Insurance* button) – offers Pool members an outstanding resource for municipal risk management information and self-help tools in one attractive, simple-to-navigate location. File a claim on line. Download your renewal application. Request a loss control service visit. E-mail us a question. Other services available online:

- ✓ Online Forms (including Sewer Backup Sample Documents)
- ✓ Risk Resources:
  - ✓ Risk Control Solutions
  - ✓ Safety & Health Manual
  - ✓ Risk Management is Good Management Program
  - ✓ Law Enforcement Newsletters
  - ✓ Access to Safetysurance website -- <http://www.safetysurance.com/>
- ✓ MML Pool Audited Financial Statements
- ✓ Intergovernmental Contract
- ✓ Board of Directors, Pool Administrator and Staff Profiles and Contact Information

## Membership Responsibilities

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Membership in the Michigan Municipal League Liability and Property Pool provides numerous benefits. Likewise, individual members have certain responsibilities to the other members, which are detailed in the Intergovernmental Contract. The following is a summary of the membership responsibilities. Please refer to the Intergovernmental Contract, Articles 5 and 6, for more information.

- ✓ If a Member intends to leave the Pool, the Member must send a written notice to the Pool at least 60 days prior to its next renewal date.
- ✓ A Member must pay its premium when due. The Pool must give each member 20 days written notice of intent to terminate membership for nonpayment of premium. Payment of premium before the 20 days notice is effective will entitle the Member to reinstatement.
- ✓ Members must maintain membership or associate membership status in the Michigan Municipal League.
- ✓ A Member will allow attorneys employed by the Pool to represent the Member in defense of any claim made against the Member within the scope of coverage provided by the Pool. A Member will cooperate with the assigned attorneys, claims adjusters, service company or other agents of the Pool relating to the defense of claims for which the Pool is providing coverage.
- ✓ A Member will follow loss reduction and prevention measures established by the Pool.
- ✓ A Member will report to the Pool as promptly as possible all incidents that the Member reasonably believes may result in a claim against the Member.

2016-SE-027

To Admin. Staff: \_\_\_\_\_  
To Council: 12-3-15  
Decision:  Approved  Denied  
Minutes to Applicant: \_\_\_\_\_

**SPECIAL EVENT APPLICATION**  
**VILLAGE OF MACKINAW CITY**  
102 S. HURON AVENUE, MACKINAW CITY, MI 49701  
(231) 436-5351

Must be filled out in its entirety and returned to the Village Clerk's Office 45 days prior to scheduled event

**SPONSORING ORGANIZATION INFORMATION**

LEGAL BUSINESS NAME: Mackinaw Area Visitors Bureau TELEPHONE: 231-436-5664  
MAILING ADDRESS: 10800 W. US 23 Hwy.  
CONTACT NAME: Becky Yoder TELEPHONE: 231-436-5664  
E-MAIL ADDRESS: becky@mackinawcity.com CELL PHONE: 231-818-0566

**CONTACT PERSON ON DAY OF EVENT**

CONTACT NAME: Becky Yoder TELEPHONE: 231-436-5664  
E-MAIL ADDRESS: becky@mackinawcity.com CELL PHONE: 231-818-0566

**EVENT INFORMATION**

NAME OF EVENT: Mackinaw Wine & Beer Fest.

PURPOSE OF EVENT: \_\_\_\_\_

- Non-Profit     For-Profit     Village Operated/Sponsored     Co-Sponsored  
 Marathon/Race     Festival/Fair     Arts & Crafts Show     Other \_\_\_\_\_

DATE(S): Sept. 23 2016 FROM 3:00  A.M.  P.M. TO 10:00  A.M.  P.M.  
Sept. 24 2016 FROM 1:00  A.M.  P.M. TO 10:00  A.M.  P.M.  
\_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.  
\_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.

RAIN DATE(S): \_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.  
\_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.

EVENT LOCATION: Conkling Heritage Park

ESTIMATED NUMBER OF ATTENDEES: \_\_\_\_\_

WILL YOU UTILIZE SHOWERS:     Yes     No

ESTIMATED NUMBER OF VOLUNTEERS: 6

ESTIMATE DATE/TIME FOR SET-UP: Sept 23 2016 8:00  A.M.  P.M.

ESTIMATE DATE/TIME FOR CLEAN-UP: Sept 24, 2016 10:00  A.M.  P.M.

Fees - Conkling - 2x \$50 = 100<sup>00</sup>  
Deposit Sprinkles 500<sup>00</sup>  
\$600<sup>00</sup>    1

Need: Liqueur license,  
Food Service license

RECEIVED  
11-16-15

In on file

**PARADE PERMIT**

Includes runs, walks, and other uses of the Village public right-of-way.

POLICE ESCORT NEEDED:  Yes  No

PARADE ROUTE PROVIDED WITH APPLICATION:  Yes  No

PROPOSED ROUTE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and time Parade will start: \_\_\_\_\_  A.M.  P.M.

Date and time Parade will end: \_\_\_\_\_  A.M.  P.M.

**EVENT DETAILS**

**SITE MAP:** All applicants must provide a drawing of the event area and are due at application. Site map must be legible, be pre approved by Village Staff, and include and/or identify the following, if applicable:

- Lot lines
- Label roads and closest cross roads
- Sidewalks
- Fire Hydrants
- Locate and label buildings
- Parking lots
- Tents
- Portable Restrooms
- Ingress and egress points
- Table and chair diagram
- Placement of food vendors
- Parade Route
- Bicycle Routes (including route into and out of town)
- All proposed modifications
- All bicycle events will utilize the Village's Hike and Bike Trail

WILL MUSIC BE PROVIDED DURING THIS EVENT:  Yes  No

TYPE OF MUSIC PROPOSED:  Live  Amplification  Recorded  Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: 1:00 PM END: 10:00 PM  
(NO LATER THAN 10 P.M.)

**FOOD VENDORS/CONCESSIONS:** (Contact Emmet or Cheboygan County Health Department)

Yes  No  Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT:  Yes  No

- Provide Copy of Liquor Liability Insurance  
See page 4 for required language naming the Village as an additional insured
- Provide Copy of Michigan Liquor Control License

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: ID's will be checked at entrance

COPY OF LIABILITY INSURANCE PROVIDED WITH APPLICATION:  Yes  No

Date insurance binder provided: \_\_\_\_\_  
See page 4 for required language naming the Village as an additional insured

WILL FIREWORKS BE APART OF EVENT:  Yes  No

- Provide Copy of Liability Insurance
- Provide Copy of Fireworks Permit  
See page 4 for required language naming the Village as an additional insured

**EVENT SIGNAGE:** Village Council approval is required for any temporary signing in the public right-of-way, across a street or on Village property. Which of the following signs are requested for this event:

- "YARD" SIGNS** - Number requested: 20 (Maximum size is 2' x2'. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)
- SIGNAGE AT EVENT SITE** - Location(s): In front of park

Description of signs: 24x24 and banners

(Signs at event site cannot be displayed prior to day of the event and must at the end of the event.)

**VENDOR PARKING:** Have you made arrangement for vendor parking?  Yes  No

If yes, where do you propose your vendors park? \_\_\_\_\_

**EVENT LONG TERM PARKING:** Will there be long term parking?  Yes  No

If yes, from date \_\_\_\_\_ to ending date: \_\_\_\_\_

Long term parking identified on the site map?  Yes  No

**OVERNIGHT CAMPING:** Will there be camping over night?  Yes  No

Name of Facility where camping: \_\_\_\_\_

If yes, from date: \_\_\_\_\_ to ending date: \_\_\_\_\_

Camp sites identified on the site map?  Yes  No

**TENTS/CANOPIES/MISC:** The Village of Mackinaw City does have tables and/or chairs available for rental. You will need to provide a diagram of the area for set up. Will the following be constructed or located in the event area?:

**BOOTHS – QUANTITY** \_\_\_\_\_  **TENTS – QUANTITY** \_\_\_\_\_

Size \_\_\_\_\_

**CHAIRS – QUANTITY** \_\_\_\_\_

**AWNINGS – QUANTITY** \_\_\_\_\_

**TABLES – QUANTITY** \_\_\_\_\_

Seating diagram for booths, awnings, tables and chairs provided with application:  Yes  No

**PORTABLE RESTROOMS/TOILETS**

Have you made arrangements to provide portable restroom facilities at your event?  Yes  No

If yes, total number of portable toilets: 6 Number of ADA accessible portable toilets: \_\_\_\_\_

If no, explain: \_\_\_\_\_

Restroom Company Name: Rose's Septic

Address Street: Levering Road

City: Cheboygan State: MI Zip: 49721

Telephone Day: \_\_\_\_\_ Evening: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_

Equipment set up: Date: Sept 9, 2016 Time: Morning

Equipment pick up: Date: Sept 10 Time: \_\_\_\_\_

Portable restrooms identified on the site map?  Yes  No

# APPLICATION CHECK LIST

A = Applicant      V = Village

A

V

- Completed Application
- Special Event Fee received on \_\_\_\_\_, receipt no \_\_\_\_\_  
amount: \$ \_\_\_\_\_
- Event Map Received (includes detailed event layout for vendors, booths, portable restrooms, fire hydrants, parking, ingress, egress, roads, sidewalks, table and chair diagram, etc.)
- Bicycle Route Map (use of the Mackinaw City Bike Trail is required)
- Certificate of Insurance (listing the Village of Mackinaw City, its Village Council, Boards and Commissions, Citizens, Employees and Agents, 102 S. Huron Avenue, Mackinaw City, MI 49701 as an additional insured)
- Ambulance Standby included with Application paid on \_\_\_\_\_, receipt no. \_\_\_\_\_  
amount \$ \_\_\_\_\_
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: \_\_\_\_\_

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverage deemed necessary for the event, naming the Village of Mackinaw City, its Village Council, Boards and Commissions, Citizens, Employees and Agents, 102 S. Huron Avenue, Mackinaw City, MI 49701, as an additional insured on all applicable policies and submit the certificate to the Village Clerk's Office no later than thirty (30) days prior to the event.

Comply with all Village Ordinances and Policies and applicable State laws, and acknowledges that the special event permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the Village's review of this application. The applicant and sponsoring organization understand that it may be necessary to meet with Village staff during, as well as after the event, for the review of this application and that Village Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Cheboygan or Emmet County Health Department to secure all permits required for this event.

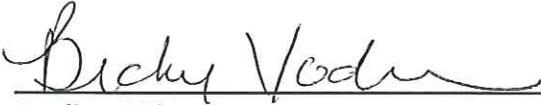
Applicant further agrees to defend, indemnify and hold harmless the Village of Mackinaw City, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury,

including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the Village of Mackinaw City or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

The Village of Mackinaw City expressly reserves the right in its sole discretion to cancel a private event for Village purposes and the Site user agrees, as a term of its use of a site, to release and waive all claims of any kind (including a claim for consequential damages), against the Village, its officers or employees arising out of cancellation of the user's event.

Is this an annual event?  Yes  No  
Is this event expected to occur next year?  Yes  No  
How many years has this event occurred? 1



11-16-16

Applicant Signature

Date

Print name of applicant: Becky Yoder

VILLAGE USE ONLY – Department representative please initial if approved

[  ] DPW    [  ] FACILITY SERVICES  
[  ] POLICE    [  ] FIRE    [    ] AMBULANCE  
[    ] RECREATION

VILLAGE COUNCIL COUNCIL APPROVAL DATE: \_\_\_\_\_

CONDITIONS, IF ANY: \* Trash Removal or Dumpster ?

AUTHORIZED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

VILLAGE MANAGER

**FOR VILLAGE USE ONLY**

**DEPARTMENT OF PUBLIC WORKS**

APPROVED

DENIED

Will this event require the use of any of the following municipal equipment:

Yes  No

LOADER – MODEL \_\_\_\_\_ TOTAL MEN \_\_\_\_\_ TOTAL MAN HOURS \_\_\_\_\_  
 PICK UP TRUCKS \_\_\_\_\_ TOTAL MEN \_\_\_\_\_ TOTAL MAN HOURS \_\_\_\_\_  
 OTHER EQUIPMENT \_\_\_\_\_ TOTAL MEN \_\_\_\_\_ TOTAL MAN HOURS \_\_\_\_\_

OTHER SERVICES PROVIDED OR REQUIRED \_\_\_\_\_

SITE MAP APPROVED:  Yes  No

**FACILITIES SERVICES DEPARTMENT**

APPROVED

DENIED

Will this event require the use of any of the following municipal equipment:

Yes  No

TRASH RECEPTACLES – QUANTITY \_\_\_\_\_  BARRICADES – QUANTITY \_\_\_\_\_  
 TRAFFIC CONES – QUANTITY \_\_\_\_\_  PARKING SIGNS – QUANTITY \_\_\_\_\_  
 FENCING  WATER  ELECTRIC  RESTROOM CLEANING  
 OTHER \_\_\_\_\_

SITE MAP APPROVED:  Yes  No

**MACKINAW CITY POLICE DEPARTMENT**

APPROVED

DENIED

ADDITIONAL OFFICERS REQUIRED?  Yes  No

If yes please describe & include times \_\_\_\_\_

Other (describe): CONFLICT w/ HORRS OF FUN?

PARADE ROUTE RECEIVED AND APPROVED:  Yes  No

POLICE ESCORT NEEDED:  Yes  No LIQUOR APPLICATION RECEIVED AND REVIEWED:  Yes

No

SITE MAP APPROVED:  Yes  No

**MACKINAW CITY FIRE DEPARTMENT**

APPROVED

DENIED

STREET CLOSURES:  Yes  No (use attached map to outline proposed closures)

Street closure date/time: \_\_\_/\_\_\_/\_\_\_  A.M.  P.M.

Street re-open date/time: \_\_\_/\_\_\_/\_\_\_  A.M.  P.M.

SITE MAP APPROVED:  Yes  No

**RECREATION DEPARTMENT**

APPROVED

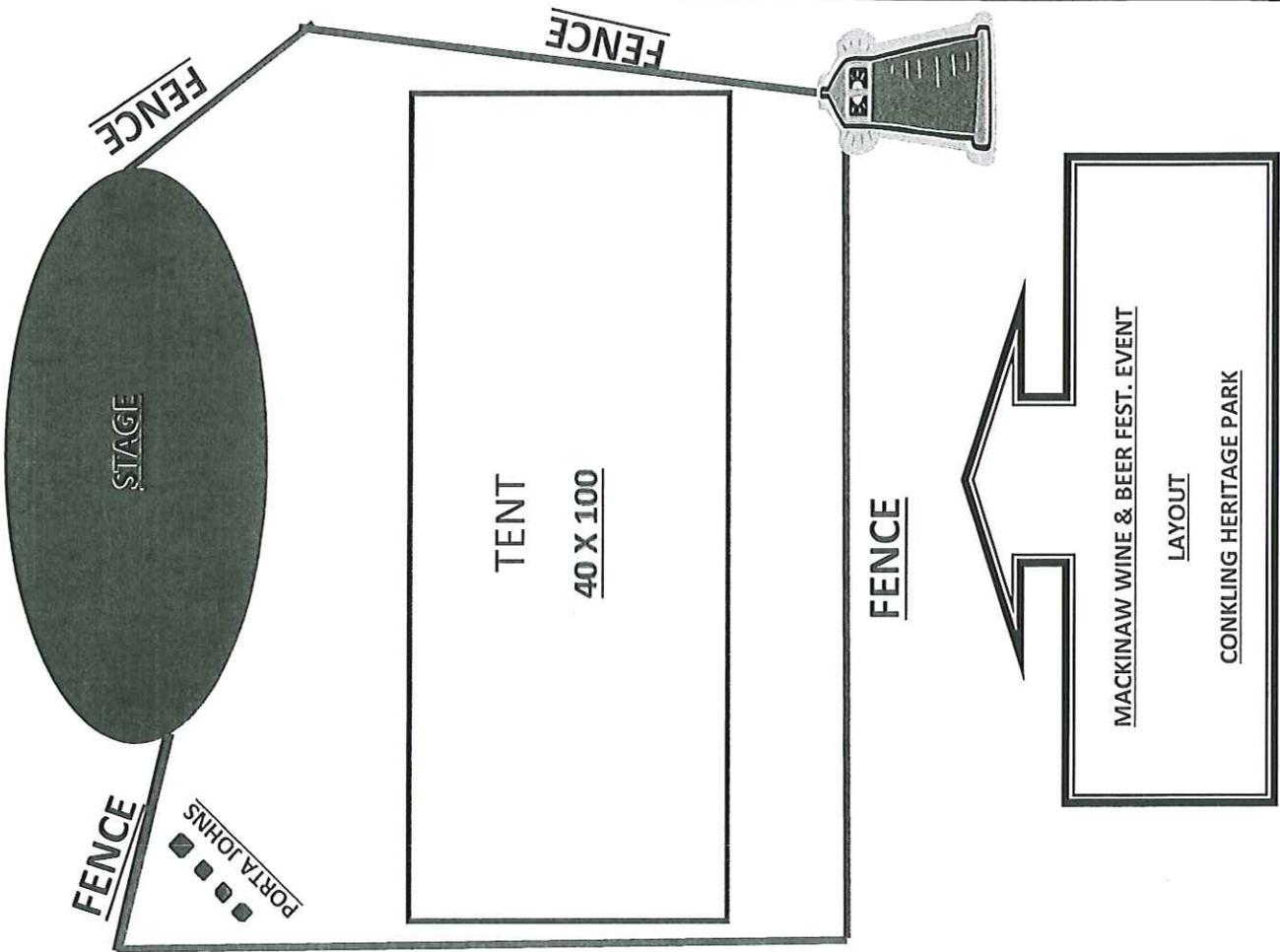
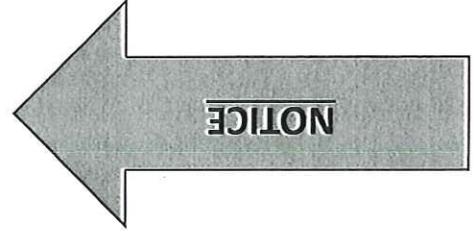
DENIED

SHOWERS:  Yes  No  
TABLES:  Yes  No Quantity: \_\_\_\_\_  
CHAIRS:  Yes  No Quantity: \_\_\_\_\_  
CAMPING:  Yes  No (identified on map)  
LONG TERM PARKING:  Yes  No (identified on map)  
PORTABLE RESTROOMS:  Yes  No (identified on map)

SITE MAP APPROVED:  Yes  No

RESTROOMS

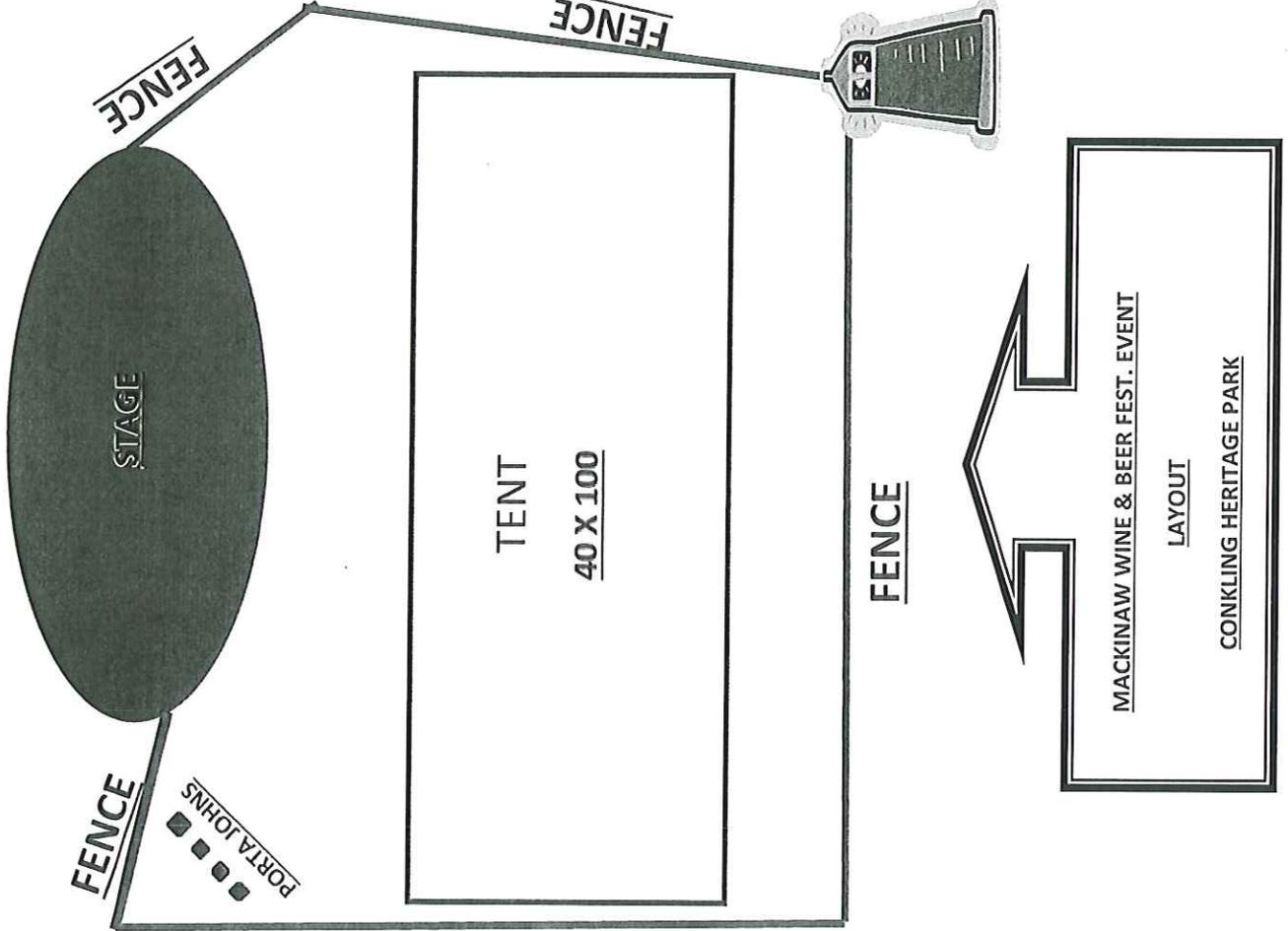
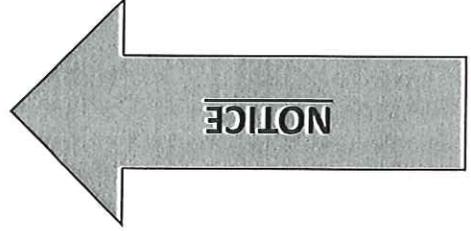
LAYOUT IS SUBJECT TO CHANGE DO TO LOCATION OF SPRINKLERS AND SOUND BOOTH VISIBILITY. TENT AND FENCE MAY MOVE FORWARD OR BACKWARDS OR POSSIBLY PUT ON AN ANGLE TO ACCOMMODATE THESE SCENARIOS. LAY OUT WILL REMAIN WITHIN GENERAL AREA INDICATED IN SITE PLAN.



MACKINAW WINE & BEER FEST. EVENT  
LAYOUT  
CONKLING HERITAGE PARK

RESTROOMS

LAYOUT IS SUBJECT TO CHANGE DO TO LOCATION OF SPRINKLERS AND SOUND BOOTH VISIBILITY. TENT AND FENCE MAY MOVE FORWARD OR BACKWARDS OR POSSIBLY PUT ON AN ANGLE TO ACCOMMODATE THESE SCENARIOS. LAY OUT WILL REMAIN WITHIN GENERAL AREA INDICATED IN SITE PLAN.



2016-SE-028

To Admin. Staff: \_\_\_\_\_  
To Council: 12-3-15  
Decision:  Approved  Denied  
Minutes to Applicant: \_\_\_\_\_

**SPECIAL EVENT APPLICATION  
VILLAGE OF MACKINAW CITY  
102 S. HURON AVENUE, MACKINAW CITY, MI 49701  
(231) 436-5351**

Must be filled out in its entirety and returned to the Village Clerk's Office 45 days prior to scheduled event

**SPONSORING ORGANIZATION INFORMATION**

LEGAL BUSINESS NAME: Owosso Tractor Parts TELEPHONE: (989) 729-6567  
MAILING ADDRESS: 6990 W M21 Owosso MI 48867  
CONTACT NAME: Bob Baumgras TELEPHONE: (989) 729-6567  
E-MAIL ADDRESS: sales@owossotractorparts.com CELL PHONE: \_\_\_\_\_

**CONTACT PERSON ON DAY OF EVENT**

CONTACT NAME: Bob Baumgras TELEPHONE: (989) 729-6567  
E-MAIL ADDRESS: sales@owossotractorparts.com CELL PHONE: \_\_\_\_\_

**EVENT INFORMATION**

NAME OF EVENT: Owosso Tractor Parts 2016 Antique Tractor Parade & Show  
PURPOSE OF EVENT: tractor parade through Mackinaw City and across Mackinac Bridge

- Non-Profit     For-Profit     Village Operated/Sponsored     Co-Sponsored  
 Marathon/Race     Festival/Fair     Arts & Crafts Show     Other \_\_\_\_\_

DATE(S): 9/9/16 FROM 8:30  A.M.  P.M. TO 6:00  A.M.  P.M.  
\_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.  
\_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.  
\_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.

RAIN DATE(S): \_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.  
\_\_\_\_\_ FROM \_\_\_\_\_  A.M.  P.M. TO \_\_\_\_\_  A.M.  P.M.

EVENT LOCATION: \_\_\_\_\_

ESTIMATED NUMBER OF ATTENDEES: 2000-4000

WILL YOU UTILIZE SHOWERS:     Yes     No

ESTIMATED NUMBER OF VOLUNTEERS: \_\_\_\_\_

ESTIMATE DATE/TIME FOR SET-UP: \_\_\_\_\_  A.M.  P.M.

ESTIMATE DATE/TIME FOR CLEAN-UP: \_\_\_\_\_  A.M.  P.M.

Need Cert of Liability  
Letter from Crossings  
Letter from Darrow's 11/20/15  
Letter from Bridge  
Transient App ✓ 11-20-15

Parade fee = 500.00  
DPW  
PD  
**RECEIVED**  
11-20-15

## PARADE PERMIT

Includes runs, walks, and other uses of the Village public right-of-way.

POLICE ESCORT NEEDED:  Yes  No

PARADE ROUTE PROVIDED WITH APPLICATION:  Yes  No

PROPOSED ROUTE: Two tractor parades will enter Mackinaw City from W. Central Ave., one turning North onto Nicolet and onto the Mackinac Bridge  
the other turning South on Nicolet to Mackinaw Crossings Dr., then East to S. Huron, then turn West onto E. Central, turn North onto Nicolet, then onto the Bridge.

Date and time Parade will start: 9/9/16 8:30  A.M.  P.M.

Date and time Parade will end: 9/9/16 6:00  A.M.  P.M.

## EVENT DETAILS

**SITE MAP:** All applicants must provide a drawing of the event area and are due at application. Site map must be legible, be pre approved by Village Staff, and include and/or identify the following, if applicable:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Lot lines   | <input checked="" type="checkbox"/> Label roads and closest cross roads | <input type="checkbox"/> Sidewalks                  |
| <input type="checkbox"/> Fire Hydrants   | <input type="checkbox"/> Locate and label buildings                     | <input type="checkbox"/> Parking lots               |
| <input type="checkbox"/> Tents   | <input type="checkbox"/> Portable Restrooms                             | <input type="checkbox"/> Ingress and egress points  |
| <input type="checkbox"/> Table and chair diagram   | <input type="checkbox"/> Placement of food vendors                      | <input checked="" type="checkbox"/> Parade Route    |
| <input type="checkbox"/> Bicycle Routes (including route into and out of town)             |   | <input type="checkbox"/> All proposed modifications |
| <input type="checkbox"/> All bicycle events will utilize the Village's Hike and Bike Trail |   |   |

WILL MUSIC BE PROVIDED DURING THIS EVENT:  Yes  No

TYPE OF MUSIC PROPOSED:  Live  Amplification  Recorded  Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: 9/8/16 12PM END: 9/8/16 4PM  
(NO LATER THAN 10 P.M.)

**FOOD VENDORS/CONCESSIONS:** (Contact Emmet or Cheboygan County Health Department)

Yes  No  Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT:  Yes  No

Provide Copy of Liquor Liability Insurance

See page 4 for required language naming the Village as an additional insured

Provide Copy of Michigan Liquor Control License

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: \_\_\_\_\_

COPY OF LIABILITY INSURANCE PROVIDED WITH APPLICATION:  Yes  No

Date insurance binder provided: \_\_\_\_\_

See page 4 for required language naming the Village as an additional insured

WILL FIREWORKS BE APART OF EVENT:  Yes  No

Provide Copy of Liability Insurance

Provide Copy of Fireworks Permit

See page 4 for required language naming the Village as an additional insured

**EVENT SIGNAGE:** Village Council approval is required for any temporary signing in the public right-of-way, across a street or on Village property. Which of the following signs are requested for this event:

**"YARD" SIGNS** - Number requested: \_\_\_ (Maximum size is 2' x2'. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

**SIGNAGE AT EVENT SITE** - Location(s): Darrow's gravel pit

Description of signs: signs leading participants to staging area off I-75 exit ramps, signs for parade route  
(Signs at event site cannot be displayed prior to day of the event and must at the end of the event.)

**VENDOR PARKING:** Have you made arrangement for vendor parking?  Yes  No

If yes, where do you propose your vendors park? \_\_\_\_\_

**EVENT LONG TERM PARKING:** Will there be long term parking?  Yes  No

If yes, from date \_\_\_\_\_ to ending date: \_\_\_\_\_

Long term parking identified on the site map?  Yes  No

**OVERNIGHT CAMPING:** Will there be camping over night?  Yes  No

Name of Facility where camping: \_\_\_\_\_

If yes, from date: \_\_\_\_\_ to ending date: \_\_\_\_\_

Camp sites identified on the site map?  Yes  No

**TENTS/CANOPIES/MISC:** The Village of Mackinaw City does have tables and/or chairs available for rental. You will need to provide a diagram of the area for set up. Will the following be constructed or located in the event area?:

**BOOTHS – QUANTITY** \_\_\_\_\_

Size \_\_\_\_\_

**TENTS – QUANTITY** \_\_\_\_\_

**CHAIRS – QUANTITY** \_\_\_\_\_

**AWNINGS – QUANTITY** \_\_\_\_\_

**TABLES – QUANTITY** \_\_\_\_\_

Seating diagram for booths, awnings, tables and chairs provided with application:  Yes  No

**PORTABLE RESTROOMS/TOILETS**

Have you made arrangements to provide portable restroom facilities at your event?  Yes  No

If yes, total number of portable toilets: 8 Number of ADA accessible portable toilets: 1

If no, explain: \_\_\_\_\_

Restroom Company Name: To be determined

Address Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Day: \_\_\_\_\_ Evening: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_

Equipment set up: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Equipment pick up: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Portable restrooms identified on the site map?  Yes  No

## APPLICATION CHECK LIST

A = Applicant

V = Village

A

V

- Completed Application
- Special Event Fee received on \_\_\_\_\_, receipt no \_\_\_\_\_  
amount: \$ \_\_\_\_\_
- Event Map Received (includes detailed event layout for vendors, booths, portable restrooms, fire hydrants, parking, ingress, egress, roads, sidewalks, table and chair diagram, etc.)
- Bicycle Route Map (use of the Mackinaw City Bike Trail is required)
- Certificate of Insurance (listing the Village of Mackinaw City, its Village Council, Boards and Commissions, Citizens, Employees and Agents, 102 S. Huron Avenue, Mackinaw City, MI 49701 as an additional insured)
- Ambulance Standby included with Application paid on \_\_\_\_\_, receipt no. \_\_\_\_\_  
amount \$ \_\_\_\_\_
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: \_\_\_\_\_

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverage deemed necessary for the event, naming the Village of Mackinaw City, its Village Council, Boards and Commissions, Citizens, Employees and Agents, 102 S. Huron Avenue, Mackinaw City, MI 49701, as an additional insured on all applicable policies and submit the certificate to the Village Clerk's Office no later than thirty (30) days prior to the event.

Comply with all Village Ordinances and Policies and applicable State laws, and acknowledges that the special event permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the Village's review of this application. The applicant and sponsoring organization understand that it may be necessary to meet with Village staff during, as well as after the event, for the review of this application and that Village Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Cheboygan or Emmet County Health Department to secure all permits required for this event.

Applicant further agrees to defend, indemnify and hold harmless the Village of Mackinaw City, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury,

including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the Village of Mackinaw City or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

The Village of Mackinaw City expressly reserves the right in its sole discretion to cancel a private event for Village purposes and the Site user agrees, as a term of its use of a site, to release and waive all claims of any kind (including a claim for consequential damages), against the Village, its officers or employees arising out of cancellation of the user's event.

Is this an annual event?  Yes  No  
Is this event expected to occur next year?  Yes  No  
How many years has this event occurred? <sup>8</sup> \_\_\_\_\_

  
\_\_\_\_\_  
Applicant Signature  
Print name of applicant: Bob Baumgras

11/17/15  
\_\_\_\_\_  
Date

**VILLAGE USE ONLY** – Department representative please initial if approved

[  ] DPW    [  ] FACILITY SERVICES  
[  ] POLICE    [  ] FIRE    [    ] AMBULANCE  
[    ] RECREATION

VILLAGE COUNCIL COUNCIL APPROVAL DATE: \_\_\_\_\_

CONDITIONS, IF ANY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AUTHORIZED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
VILLAGE MANAGER

**FOR VILLAGE USE ONLY**

**DEPARTMENT OF PUBLIC WORKS**

APPROVED

DENIED

Will this event require the use of any of the following municipal equipment:

Yes

No

LOADER – MODEL \_\_\_\_\_ TOTAL MEN \_\_\_\_\_

TOTAL MAN HOURS \_\_\_\_\_

PICK UP TRUCKS \_\_\_\_\_ TOTAL MEN \_\_\_\_\_

TOTAL MAN HOURS \_\_\_\_\_

OTHER EQUIPMENT \_\_\_\_\_ TOTAL MEN \_\_\_\_\_

TOTAL MAN HOURS \_\_\_\_\_

OTHER SERVICES PROVIDED OR REQUIRED \_\_\_\_\_

SITE MAP APPROVED:  Yes  No

**FACILITIES SERVICES DEPARTMENT**

APPROVED

DENIED

Will this event require the use of any of the following municipal equipment:

Yes

No

TRASH RECEPTACLES – QUANTITY \_\_\_\_\_

BARRICADES – QUANTITY \_\_\_\_\_

TRAFFIC CONES – QUANTITY \_\_\_\_\_

PARKING SIGNS – QUANTITY \_\_\_\_\_

FENCING  WATER  ELECTRIC

RESTROOM CLEANING

OTHER \_\_\_\_\_

SITE MAP APPROVED:  Yes  No

**MACKINAW CITY POLICE DEPARTMENT**

APPROVED

DENIED

ADDITIONAL OFFICERS REQUIRED?  Yes  No

If yes please describe & include times \_\_\_\_\_

Other (describe): \_\_\_\_\_

PARADE ROUTE RECEIVED AND APPROVED:  Yes  No

POLICE ESCORT NEEDED:  Yes  No LIQUOR APPLICATION RECEIVED AND REVIEWED:  Yes  No

SITE MAP APPROVED:  Yes  No

**MACKINAW CITY FIRE DEPARTMENT**

APPROVED

DENIED

STREET CLOSURES:  Yes  No (use attached map to outline proposed closures)

Street closure date/time: \_\_\_\_/\_\_\_\_/\_\_\_\_  A.M.  P.M.

Street re-open date/time: \_\_\_\_/\_\_\_\_/\_\_\_\_  A.M.  P.M.

SITE MAP APPROVED:  Yes  No

**RECREATION DEPARTMENT**

APPROVED

DENIED

SHOWERS:  Yes  No

TABLES:  Yes  No Quantity: \_\_\_\_\_

CHAIRS:  Yes  No Quantity: \_\_\_\_\_

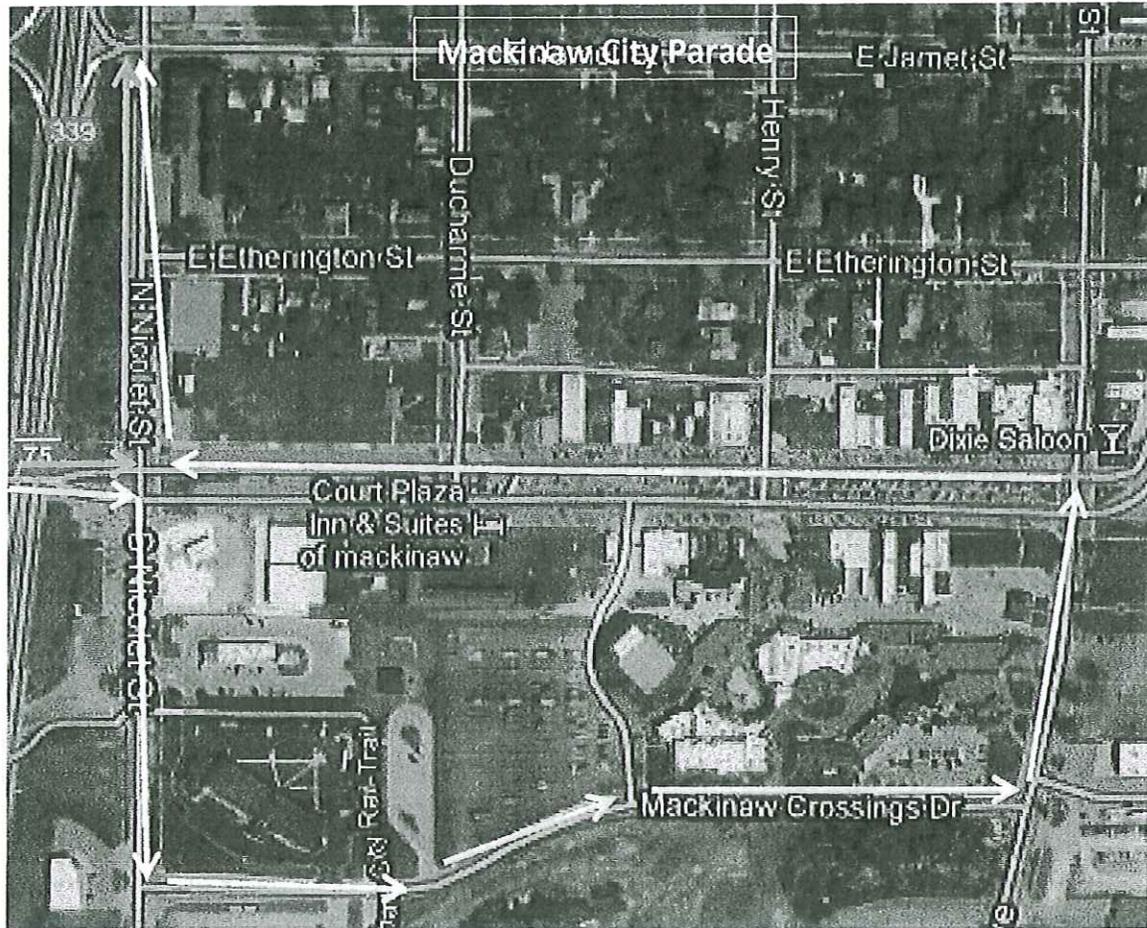
CAMPING:  Yes  No (identified on map)

LONG TERM PARKING:  Yes  No (identified on map)

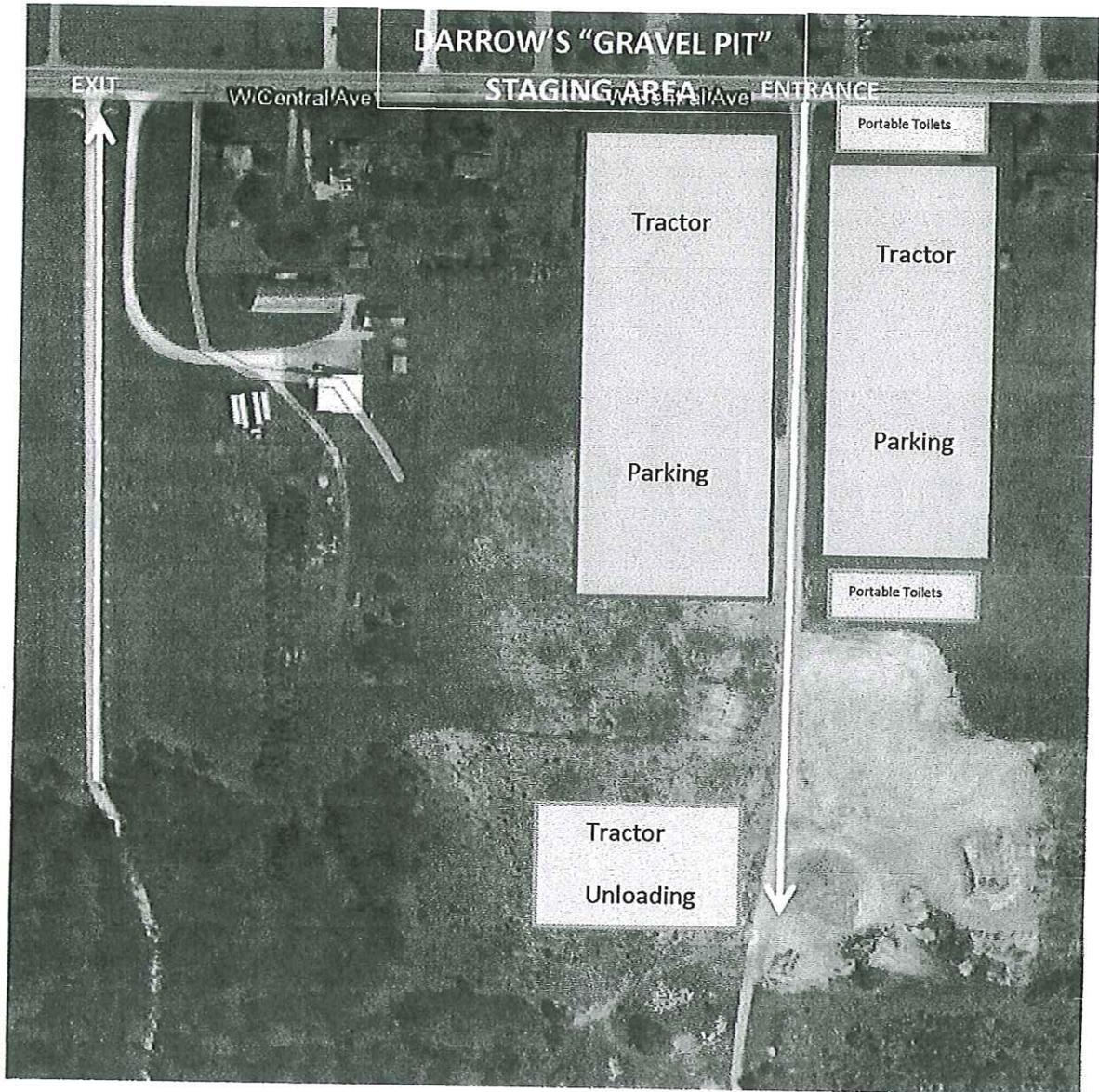
PORTABLE RESTROOMS:  Yes  No (identified on map)

SITE MAP APPROVED:  Yes  No

Owosso Tractor Parts Antique Tractor Parade & Show 2016



Owosso Tractor Parts Antique Tractor Parade & Show 2016





## **DARROW BROS. EXCAVATING, INC.**

TOP SOIL \* SAND \* GRAVEL \* STONE  
580 N Nicolett P. O. BOX 3  
MACKINAW CITY, MI 49701  
(231) 436-5475 - (231) 436-8225 Fax

November 20, 2015

This letter is to certify that Owosso Tractor parts has our permission to use the Darrow Pit located on Central Ave the weekend of September 9, 2015.

If you have any questions please let us know.

Thank you!

Katie Darrow

Darrow Brothers Excavating, Inc

Thank you.

Office of Revenue and Tax Analysis

Michigan Department of Treasury

517-373-2697

*Chris Hackbarth is the League's director of state affairs. He can be reached at 517-908-0304*

 *and [chackbarth@mml.org](mailto:chackbarth@mml.org).*

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## Legislation Attempts to Shift Broadband Relocation Costs to Communities

Posted on [November 18, 2015](#) by [John LaMacchia II](#)

Legislation recently introduced in the House attempts to shift broadband relocation costs to communities and we urge you to reach out to your legislator to defeat it. [HB 5016](#) would require cities and villages to reimburse an entity holding a license under the Michigan Telecommunications Act, or a franchise under the Uniform Video Services Local Franchise Act, for relocation costs if both of the following apply:

1. The city, village, township, or county, or the state transportation department, did either of the following: Requested the entity to temporarily or permanently relocate its facilities, or requested the entity to temporarily or permanently relocate its facilities to protect those facilities due to construction or other activity by the city, village, township, or county, or the state transportation department.
2. The entity invests money in broadband infrastructure in this state.

If a city or village requests an entity to relocate facilities, the community would also be required to waive any permit fees or inspection fees.

If a city or village requests an entity to conduct any survey or study related to relocating facilities, the community must reimburse the entity for those survey or study costs.

A reimbursement of relocation costs by the government agency to an eligible entity shall be made as follows:

- 100% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way less than five years before the date of the request to relocate those facilities.
- 75% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way five years or more but fewer than nine years before the date of the request to relocate those facilities.
- 50% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way nine years or more but less than 12 years before the date of the request to relocate those facilities.
- 25% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way 12 years or more but less than 15 years before the date of the request to relocate those facilities.

The **METRO Act** requires telecommunication providers to pay the Metro Authority an annual maintenance fee for access to and use of municipal public rights-of-way. The Act also provides that they receive an annual property tax credit equal to the funds/costs paid in annual maintenance fees. The receipt of this tax credit results in the telecom provider paying little or no annual costs for access to and use of municipal public rights-of-way. The METRO Act provides that the tax credit shall be the sole method of recovery for the costs required under the act.

Additionally, **Section 4.10 of the METRO Act permit** agreements requires "...If a Municipality requests Permittee to relocate, protect, support, disconnect or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense..."

The League believes the transfer of these cost to our communities makes them unfairly shoulder the costs and is in direct conflict with the METRO Act. We urge you to reach out to your legislator and let them know that municipalities should not be responsible for these costs and to vote no on this legislation. This bill could be voted on the first week of December when the Legislature returns from Thanksgiving break. They need to hear from you if we are going to be successful in defeating this bill.

*John LaMacchia is a Legislative Associate for the League handling transportation, infrastructure, and energy issues. He can be reached at [jlamacchia@mml.org](mailto:jlamacchia@mml.org) or 517-908-0303.*

# Legislative Analysis



## GOVERNMENT REIMBURSEMENT FOR RELOCATION OF BROADBAND FACILITIES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5016 as introduced**  
**Sponsor: Rep. Eric Leutheuser**  
**House Committee: Communications and Technology**  
**Complete to 10-26-15**

Analysis available at  
<http://www.legislature.mi.gov>

### REVISED SUMMARY:

House Bill 5016 would amend Section 13 of Public Act 368 of 1925, which regulates the usage of public right of ways along roads, by requiring a local unit of government or the state Department of Transportation to reimburse an internet service provider (ISP) for relocation of the ISP's facilities under certain circumstances. The bill would take effect 90 days after the date it is enacted.

The bill would require a city, village, township, or county, or the state Department of Transportation, to reimburse an entity holding a license under the Michigan Telecommunications Act or a franchise under the Uniform Video Services Local Franchise Act for relocation costs if both of the following apply:

- (1) The city, village, township, or county or the state transportation department did either of the following:
  - Requested the entity to temporarily or permanently relocate its facilities.
  - Requested the entity to temporarily or permanently relocate its facilities to protect those facilities due to construction or other activity by the city, village, township, or county, or the state transportation department.(The second condition appears to be wholly contained within the first.)
- (2) The entity invests money in broadband infrastructure in this state.

If a city, village, township, or county or the state transportation department requests an entity to relocate facilities, the city, village, township, or county or the state transportation department would also be required to waive any permit fees or inspection fees including, but not limited to, any permit fee authorized under this section of the act.

If a city, village, township, or county or the state transportation department requests an entity to conduct any survey or study related to relocating facilities, the city, village, township, or county or the state transportation department must reimburse the entity for those survey or study costs.

A reimbursement of relocation costs by the government agency to an eligible entity shall be made as follows:

- 100% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way less than five years before the date of the request to relocate those facilities.
- 75% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way five years or more but fewer than nine years before the date of the request to relocate those facilities.
- 50% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way nine years or more but less than 12 years before the date of the request to relocate those facilities.
- 25% reimbursement for relocation costs, if the entity's facilities were placed in the public right-of-way 12 years or more but less than 15 years before the date of the request to relocate those facilities.

The bill would define "relocation costs" as all costs for relocating an entity's facilities in the public right of way, including, but not limited to, boring costs and labor costs associated with that relocation.

"Broadband infrastructure" would be defined to refer to "all facilities, hardware, and software and other intellectual property necessary to provide broadband services in this state, including, but not limited to, voice, video, and data."

#### **FISCAL IMPACT:**

The bill would have a negative fiscal impact on the Department of Transportation (MDOT) and local units of government to the extent that MDOT or locals request that telecommunication or video services providers relocate their facilities; dependent upon how many providers have invested in broadband infrastructure, how often the relocation of facilities is requested, how long the facilities have existed within the right-of-way, and how much revenue is typically generated from local permit and inspection fees. This information was not available as of the date that this analysis was drafted and, consequently, the magnitude of the negative fiscal impact is currently indeterminate.

Legislative Analyst: Josh Roesner  
Fiscal Analyst: Paul B.A. Holland

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

# HOUSE BILL No. 5016

October 22, 2015, Introduced by Reps. Leutheuser, Iden, Barrett and Chirkun and referred to the Committee on Communications and Technology.

A bill to amend 1925 PA 368, entitled

"An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act,"

by amending section 13 (MCL 247.183), as amended by 2005 PA 103.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 13. (1) Except as otherwise provided under subsection  
2           (2), telegraph, telephone, power, and other public utility  
3           companies, cable television companies, and municipalities may enter  
4           upon, construct, and maintain telegraph, telephone, or power lines,

1 ~~pipe lines, PIPELINES~~, wires, cables, poles, conduits, sewers or  
2 similar structures upon, over, across, or under any public road,  
3 bridge, street, or public place, including, longitudinally within  
4 limited access highway rights-of-way, and across or under any of  
5 the waters in this state, with all necessary erections and fixtures  
6 for that purpose. A telegraph, telephone, power, and other public  
7 utility company, cable television company, and municipality, before  
8 any of this work is commenced, shall first obtain the consent of  
9 the governing body of the city, village, or township through or  
10 along which these lines and poles are to be constructed and  
11 maintained.

12 (2) A utility as defined in 23 CFR ~~645.105(m)~~ **645.105** may  
13 enter upon, construct, and maintain utility lines and structures,  
14 including ~~pipe lines, PIPELINES~~, longitudinally within limited  
15 access highway rights-of-way and under any public road, street, or  
16 other subsurface that intersects any limited access highway at a  
17 different grade, in accordance with standards approved by the state  
18 transportation commission and the Michigan public service  
19 commission that conform to governing federal laws and regulations  
20 and is not required to obtain the consent of the governing body of  
21 the city, village, or township as required under subsection (1).  
22 The standards shall require that the lines and structures be  
23 underground and be placed in a manner that will not increase  
24 highway maintenance costs for the state transportation department.  
25 The standards may provide for the imposition of a reasonable charge  
26 for longitudinal use of limited access highway rights-of-way. The  
27 imposition of a reasonable charge is a governmental function,

1 offsetting a portion of the capital, maintenance, and permitting  
2 expense of the limited access highway, and is not a proprietary  
3 function. The charge shall be calculated to reflect a 1-time  
4 installation permit fee that shall not exceed \$1,000.00 per mile of  
5 longitudinal use of limited access highway rights-of-way with a  
6 minimum fee of \$5,000.00 per permit. If the 1-time installation  
7 permit fee does not cover the reasonable and actual costs to the  
8 department in issuing the permit, the department may assess the  
9 utility for the remaining balance. All revenue received under this  
10 subsection shall be used for capital and maintenance expenses  
11 incurred for limited access highways, including the cost of issuing  
12 the permit.

13 (3) SUBJECT TO SUBSECTION (6), A CITY, VILLAGE, TOWNSHIP, OR  
14 COUNTY OR THE STATE TRANSPORTATION DEPARTMENT SHALL REIMBURSE AN  
15 ENTITY HOLDING A LICENSE UNDER THE MICHIGAN TELECOMMUNICATIONS ACT,  
16 1991 PA 179, MCL 484.2101 TO 484.2603, OR HOLDING A FRANCHISE UNDER  
17 THE UNIFORM VIDEO SERVICES LOCAL FRANCHISE ACT, 2006 PA 480, MCL  
18 484.3301 TO 484.3315, FOR RELOCATION COSTS IF BOTH OF THE FOLLOWING  
19 APPLY:

20 (A) THE CITY, VILLAGE, TOWNSHIP, OR COUNTY OR THE STATE  
21 TRANSPORTATION DEPARTMENT DID EITHER OF THE FOLLOWING:

22 (i) REQUESTED THE ENTITY TO TEMPORARILY OR PERMANENTLY  
23 RELOCATE ITS FACILITIES.

24 (ii) REQUESTED THE ENTITY TO TEMPORARILY OR PERMANENTLY  
25 RELOCATE ITS FACILITIES TO PROTECT THOSE FACILITIES DUE TO  
26 CONSTRUCTION OR OTHER ACTIVITY BY THE CITY, VILLAGE, TOWNSHIP, OR  
27 COUNTY OR THE STATE TRANSPORTATION DEPARTMENT.

1 (B) THE ENTITY INVESTS MONEY IN BROADBAND INFRASTRUCTURE IN  
2 THIS STATE.

3 (4) IF A CITY, VILLAGE, TOWNSHIP, OR COUNTY OR THE STATE  
4 TRANSPORTATION DEPARTMENT REQUESTS AN ENTITY TO RELOCATE  
5 FACILITIES, THE CITY, VILLAGE, TOWNSHIP, OR COUNTY OR THE STATE  
6 TRANSPORTATION DEPARTMENT SHALL WAIVE ANY PERMIT FEES OR INSPECTION  
7 FEES INCLUDING, BUT NOT LIMITED TO, ANY PERMIT FEE UNDER SUBSECTION  
8 (2).

9 (5) IF A CITY, VILLAGE, TOWNSHIP, OR COUNTY OR THE STATE  
10 TRANSPORTATION DEPARTMENT REQUESTS AN ENTITY TO CONDUCT ANY SURVEY  
11 OR STUDY RELATED TO RELOCATING FACILITIES, THE CITY, VILLAGE,  
12 TOWNSHIP, OR COUNTY OR THE STATE TRANSPORTATION DEPARTMENT SHALL  
13 REIMBURSE THE ENTITY FOR THOSE SURVEY OR STUDY COSTS.

14 (6) A REIMBURSEMENT OF RELOCATION COSTS BY A CITY, VILLAGE,  
15 TOWNSHIP, OR COUNTY OR THE STATE TRANSPORTATION DEPARTMENT AS  
16 PROVIDED UNDER SUBSECTION (3) SHALL BE MADE TO AN ENTITY AS  
17 FOLLOWS:

18 (A) IF THE ENTITY'S FACILITIES WERE PLACED IN THE PUBLIC  
19 RIGHT-OF-WAY LESS THAN 5 YEARS BEFORE THE DATE OF THE REQUEST TO  
20 RELOCATE THOSE FACILITIES, THE ENTITY SHALL BE REIMBURSED 100% OF  
21 THE RELOCATION COSTS.

22 (B) IF THE ENTITY'S FACILITIES WERE PLACED IN THE PUBLIC  
23 RIGHT-OF-WAY 5 YEARS OR MORE BUT LESS THAN 9 YEARS BEFORE THE DATE  
24 OF THE REQUEST TO RELOCATE THOSE FACILITIES, THE ENTITY SHALL BE  
25 REIMBURSED 75% OF THE RELOCATION COSTS.

26 (C) IF THE ENTITY'S FACILITIES WERE PLACED IN THE PUBLIC  
27 RIGHT-OF-WAY 9 YEARS OR MORE BUT LESS THAN 12 YEARS BEFORE THE DATE

1 OF THE REQUEST TO RELOCATE THOSE FACILITIES, THE ENTITY SHALL BE  
2 REIMBURSED 50% OF THE RELOCATION COSTS.

3 (D) IF THE ENTITY'S FACILITIES WERE PLACED IN THE PUBLIC  
4 RIGHT-OF-WAY 12 YEARS OR MORE BUT LESS THAN 15 YEARS BEFORE THE  
5 DATE OF THE REQUEST TO RELOCATE THOSE FACILITIES, THE ENTITY SHALL  
6 BE REIMBURSED 25% OF THE RELOCATION COSTS.

7 (7) ~~(3)~~—A person engaged in the collection of traffic data or  
8 the provision of travel-related information or assistance may enter  
9 upon, construct, and maintain electronic devices and related  
10 structures within limited access and other highway rights-of-way in  
11 accordance with standards approved by the state transportation  
12 commission that conform to governing federal laws and regulations.  
13 The standards shall require that the devices and structures be  
14 placed in a manner that will not impede traffic and will not  
15 increase maintenance costs for the state transportation department.  
16 The state transportation department may enter into agreements to  
17 authorize the use of property acquired for or designated as a  
18 highway or acquired for or designated for ancillary purposes for  
19 the installation, operation, and maintenance of commercial or  
20 noncommercial electronic devices and related structures for the  
21 collection of traffic data or to assist in providing travel-related  
22 information or assistance to motorists who subscribe to travel-  
23 related services, the public, or the department. Any revenue  
24 generated by the agreements shall be deposited in the state trunk  
25 line fund **ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661.**  
26 The department may accept facilities or in-kind services to be used  
27 for public purposes in lieu of, or in addition to, monetary

1 compensation.

2 (8) AS USED IN THIS SECTION:

3 (A) "BROADBAND INFRASTRUCTURE" MEANS THAT TERM AS DEFINED IN  
4 SECTION 3 OF THE MICHIGAN BROADBAND DEVELOPMENT AUTHORITY ACT, 2002  
5 PA 49, MCL 484.3203.

6 (B) "RELOCATION COSTS" MEANS ALL COSTS FOR RELOCATING AN  
7 ENTITY'S FACILITIES IN THE PUBLIC RIGHT-OF-WAY, INCLUDING, BUT NOT  
8 LIMITED TO, BORING COSTS AND LABOR COSTS ASSOCIATED WITH THAT  
9 RELOCATION.

10 Enacting section 1. This amendatory act takes effect 90 days  
11 after the date it is enacted into law.