

**HARBOR COMMISSION
MINUTES
November 19, 2003**

I. Roll Call

Jim Bartlett	Present
Yvonne DeWindt	Present
Al Dika	Absent
John Flemming	Present
Tom Graham, Sr.	Present
George Kilborn	Absent
Bill McCullough	Present
Fred Rachwitz	Present
Jane Ramer	Present
Dick Schiller	Present

Also present: City Attorney Jim Ramer and City Manager Fred Geuder

The meeting was called to order by Chairman Jim Bartlett.

II. Minutes

Motion by Rachwitz, seconded by McCullough, to approve the minutes of October 22, 2003, as presented. Motion carried.

III. Public Comment and Correspondence

None.

IV. New and Old Business

A. West Dock Project

The City Manager reported that the DNR was unable to provide engineering proposal specifications, so he had drafted a Request For Proposal himself. He did note that the RFP will need some refinement.

Bartlett suggested that the Ad Hoc Dock Committee should be involved in the process at the appropriate time.

In response to a question, the City Manager explained that the RFP's would go out to engineering firms, who would then provide a proposal (including cost for the engineering) to the City. There would be no cost to the City for the proposal itself. The Ad Hoc Dock Committee

could then review the proposals (including interviewing the firms if needed), and then make a recommendation on which firm to use. City Council would then consider that recommendation.

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Bartlett noted that this would be a good first step. The City could then decide whether to seek a grant for a share of the engineering costs.

The consensus of the Commission was to have the City Manager proceed with the RFP.

Enter Ramer.

B. Consideration of Amended Harbor Rules & Regulations

The City Manager reported that he had reviewed the proposed changes to the season regulations with the City Attorney. At that point the City Attorney decided that it would be prudent to rewrite the entire Section C.

Enter Schiller.

City Attorney Jim Ramer then briefly reviewed the document. The primary changes included the establishment of clear rules requiring receipt of payment and all documentation for the next season's permit by January 31, or the slip or mooring is forfeited. It was also made clear that the slip or mooring is a permit only, not a property right, and a permit is available only to a natural person, not a business or corporation for example.

Ramer pointed out that his draft did not preclude having a partnership own a boat, but that the permit could only be in the name of the individual.

The primary discussion of the Commission was whether or not boat partnerships should be allowed, because there was a concern that "games" could be played that would allow someone other than the permit holder to be the primary user of the slip or mooring via the boat ownership, which means that persons whose names were on the waiting list would be bypassed.

Mike Isermann, who is on the dock waiting list, commented that he was very concerned that some games were being played, and suggested that partnerships be either not allowed or regulated somehow. He also felt that a statement should be in the rules that expresses that the City does not condone the practice of changing the use of the slip via the "games."

Ramer noted that the title and registration that is available from the State, and which we would require the permit holders to submit, does not include percentages of ownership, only who are the partners. The City might have a difficult time proving the partnership.

Rachwitz suggested that one way to permit partnerships would be to require that the partnership be established at the inception of the permit, and if that partnership changed, then the permittee would no longer be eligible.

Bartlett said that may be too harsh if for example one of the partners died.

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After further discussion, Bartlett asked that a straw poll be taken, asking whether the Commission members supported or not allowing boat partnerships for slip or mooring permits (assuming that one person would still hold the permit).

Yes: Jane Ramer, Bill McCullough, Jim Bartlett, Yvonne DeWindt

No: Doc Graham, Fred Rachwitz, John Flemming, Dick Schiller

The result of the poll was a tie.

Bartlett suggested that we did need to try and resolve this question, if we wanted any changes before the 2004 contract go out. The current rules do not specifically prohibit boat partnerships.

After some discussion, Jim Ramer said that he could develop language for the rules where if a partnership in boat ownership existed, the City Manager could factually investigate the case, and if need be revoke the permit. The question was whether or not this process would be an acceptable method to prevent abuses of the intent for the permit holder to be the primary user of the slip or mooring.

Bartlett requested another straw poll. The results of this poll was unanimous support for this concept.

Rachwitz suggested that a certificate of insurance also be required as documentation. Jim Ramer said that requirement could be added.

Bartlett suggested that another meeting should be held soon, so that a recommendation could be made to the Council. A meeting was set for Wednesday, December 3, at 4:00 p.m.

C. Consideration of a 2004 Seasonal Rate Recommendation

Bartlett pointed out that the Commission also needs to make a seasonal rate recommendation for the slips and moorings. Bartlett reviewed the 2003 rates for Irish Boat Shop and Walstrom Marine, and noted that the City's rates are still lower than those rates overall, but still higher than other public docking facilities. Although 2004 rates have not yet been established by the private marinas, it was noted that those increases would likely be in the 5-10% range.

Bartlett also noted that the City could potentially lose about 10% of their transient revenues if they were not allowed to use the Mackinac Island transient rates. The concern is that the State may require our facility to be on the State's Reservation System, in order to be eligible for the Mackinac Island rates.

The City Manager reported that the request for the Mackinac Island rates has been submitted. He spoke to Bill Boik of the DNR who said he would submit the request for the Mackinac Island rate to be permanent, but that he did not expect it to be tied to the Mackinac Island rates.

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Bartlett said he felt a 4% increase, the same as last year would be appropriate. It is a little more than the inflation rate, but not as much as the private marinas are likely to use as an increase.

Motion by Flemming, seconded by Rachwitz, to recommend approval of a 4% rate increase for the seasonal dock and seasonal mooring rates. Motion carried, 8-0.

D. 2004 Capital Improvements

Bartlett suggested that we may want to stay with rather modest capital improvement work in 2004, and asked for suggestions from the City Manager.

The City Manager noted that we had included \$25,000 in last year's budget for the West Dock preliminary engineering, and suggested that it be included again. He also noted that Electric Superintendent Dennis Ory had suggested a way of upgrading some of the individual electric pedestal voltages from 208 to 240 on the floating dock, which is needed where larger boats dock.

Bartlett felt that was an excellent idea, and commended Ory for this idea, and suggested that we put \$10,000 in the budget to try this idea at 2 or 3 locations. He also noted that this method of upgrade would be less expensive than rewiring the whole dock.

It was the consensus of the Commission to recommend these two projects.

E. Harbor Plan

Bartlett noted that both West Traverse Township and Little Traverse Township had adopted the Harbor Plan, as had the City Council. So that project was completed.

The City Manager noted that the plans are being printed and should be available for distribution at the next meeting.

V. Meeting Schedule

The next meeting is scheduled for Wednesday, December 3rd, at 4:00 p.m., at the City Council Chambers.

VI. Adjournment

There being no further business, the meeting was adjourned.

Frederick W. Geuder, City Manager