



the review

May/June 2017

the official magazine of the  michigan municipal league

Festivals Send Michigan
Communities to New Heights

HOWELL'S MICHIGAN CHALLENGE BALLOONFEST

It's ALL About Community!

the review

The official magazine of the Michigan Municipal League

Features

6
Volunteer City, U.S.A.
By Kat Paye

9
**Tourism Matters
to Your Community**
By Sarah Nicholls, PhD



12 **Cheeseburger
in Caseville:
A Wacky/Tacky Festival
with Tropical Flair!**
By Debbie Fulgham
and Steve Louwers

15 **Municipal
Contributions to
Festivals and Events**
By Kenneth Lane



18
**Local Road Cost Sharing
Exits Freeways**
By Benjamin I. Myers &
Brian M. Kischnick

24
2017 Capital Conference
Highlights and Awards

28 **COVER STORY**
**Howell's Michigan
Challenge Balloonfest:**
It's All About Community!
By Michelle Tokan



ON THE COVER:
The annual Michigan Challenge
Balloonfest brings colorful
excitement to the skies
over Howell.

Cover photo by
PictureLivingston.com

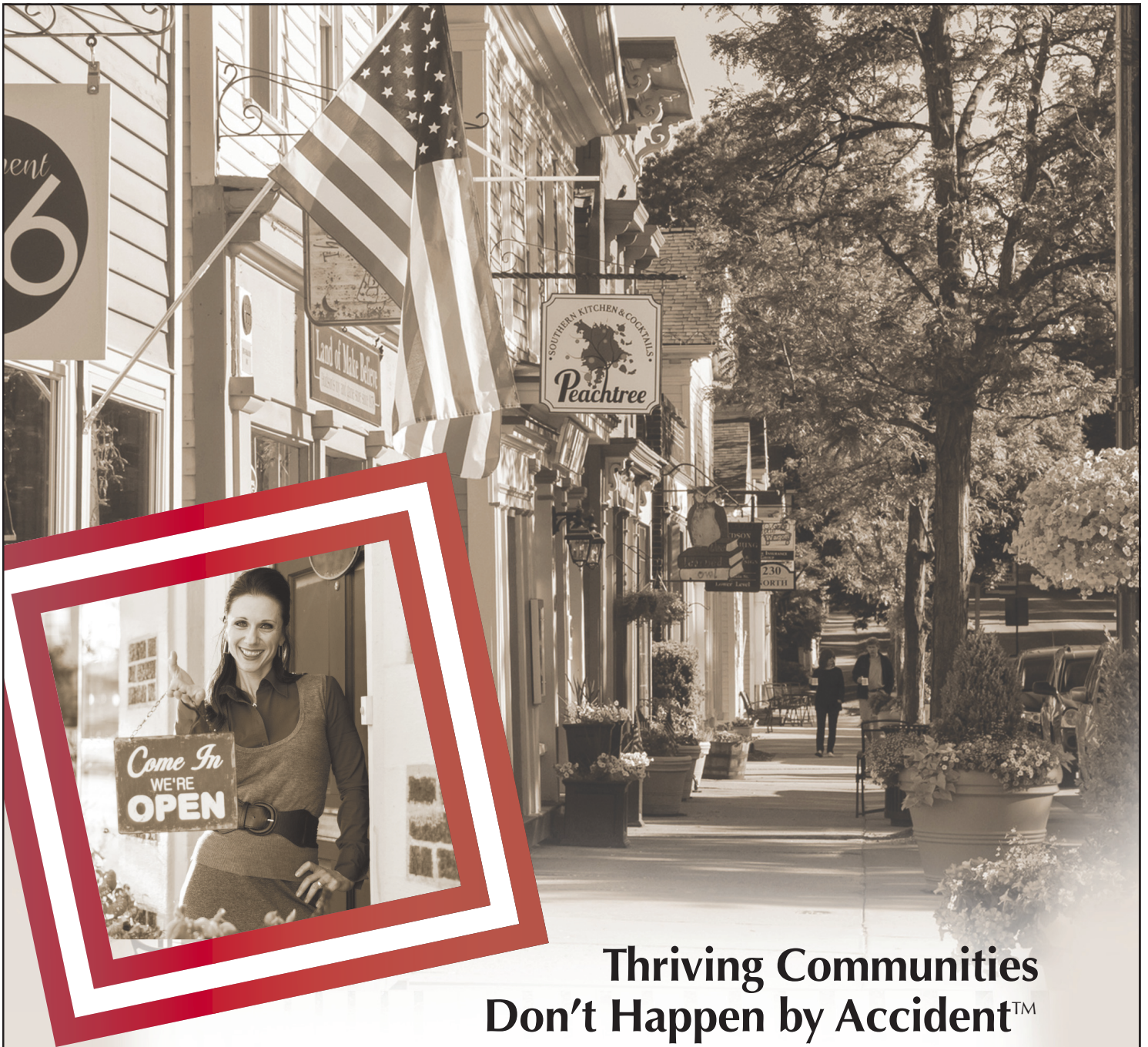


Photo courtesy of Kent Bergstrom

Columns

- 5 **Executive Director's Message**
- 22 **Placeplans: Where Are They Now?**
- 32 **Maximize Your Membership**
- 35 **Northern Field Report**
- 38 **Municipal Finance**
- 40 **Technology Topics**
- 45 **Municipal Q&A**
- 46 **Legal Spotlight**





Thriving Communities Don't Happen by Accident™

Public officials across Michigan work with Plunkett Cooney to develop healthy business districts and safe neighborhoods that residents are proud to call home. Whether in council chambers or in the courtroom, your community can count on Plunkett Cooney for the right result.

ATTORNEYS & COUNSELORS AT LAW
Audrey J. Forbush
Governmental Law Practice Group Leader
Direct: (810) 342-7014

PLUNKETT  **COONEY**
DETERMINED. DISTINCTIVE. FEARLESS.®

Bloomfield Hills | Detroit | E. Lansing | Flint | Grand Rapids | Kalamazoo | Marquette | Mt. Clemens | Petoskey

www.plunkettcooney.com

FACT SHEET



Municipal Attorneys...
Managers...
Department Heads...

Add to our
growing
collection!

Do you write one-page
explanations of
municipal topics for
your council or staff?

If so, submit them to
the League as possible

Fact Sheets.

These one-page information sheets offer a clear and concise explanation of a variety of municipal topics. The *Fact Sheet* is an additional piece of information, such as a sample ordinance, policy, or resolution. These fact sheets are available online at mml.org. Email kcekola@mml.org for details.



the review

The official magazine of the Michigan Municipal League

Volume 90, Number 3

We love where you live.

The Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities.

BOARD OF TRUSTEES

President: Rosalynn Bliss, Mayor, Grand Rapids

Vice President: Catherine Bostick-Tullius, City Commissioner, Lapeer

Terms Expire in 2017

Kim Corcoran, Mayor Pro Tem, Ironwood
Ken Hibl, City Manager, Clare
Marcus Peccia, City Manager, Cadillac
Jeff Thornton, City Manager, Escanaba
Adam J. Umbrasas, Village Manager, Three Oaks

Terms Expire in 2018

Wendell Dompier, Village President, Baraga
Maureen Donker, Mayor, Midland
Jason Eppler, City Manager, Ionia
Rebecca Fleury, City Manager, Battle Creek
Melanie Piana, Mayor Pro Tem, Ferndale
Rusty Showalter, Councilmember, West Branch

Terms Expire in 2019

Christine Burns, Village Manager, Spring Lake
Andy LeCureaux, Councilmember, Hazel Park
Richard Lewis, City Commissioner, Traverse City
Brenda Moore, Councilmember, Saginaw
Mark Vanderpool, City Manager, Sterling Heights
Juan Pete Zamora, Mayor, Leslie

MAGAZINE STAFF

Lisa Donovan, Editor
Tawny Pearson, Copy Editor
Monica Drukis, Editorial Assistant
Marie Vickers Hill, Graphic Designer
Allison Gotelaere, Advertising Sales

TO SUBMIT ARTICLES

The Review relies on contributions from municipal officials, consultants, legislators, League staff and others to maintain the magazine's high quality editorial content. Please submit proposals by sending a 100-word summary and outline of the article to Lisa Donovan, ldonovan@mml.org. Information is also available at: www.mml.org/marketingkit/.

ADVERTISING INFORMATION

The Review accepts display advertising. Business card-size ads are published in a special section called Municipal Marketplace.

Classified ads are available online at www.mml.org. Click on "Classifieds." For information about all MML marketing tools, visit www.mml.org/marketingkit/.

SUBSCRIPTIONS

\$24 per year for six issues.
Payable in advance by check, money order, Visa/MasterCard/American Express.
Make checks payable to Michigan Municipal League. Phone 734-669-6371; fax 734-669-4223 or mail new subscription requests and checks to the Michigan Municipal League, P.O. Box 7409, Ann Arbor, MI 48107-7409.

The Review (ISSN 0026-2331) is published bi-monthly by the Michigan Municipal League, 1675 Green Rd, Ann Arbor, MI 48105-2530. Periodicals postage is paid at Ann Arbor MI. POSTMASTER: Send address changes to THE REVIEW, 1675 Green Rd, ANN ARBOR, MI 48105-2530.



Please recycle this magazine

The Serious Business of Michigan Fun

For some time now, we've been discussing the all-important requirement for a complete financial reset in Michigan and the compelling need to invest in our infrastructure if we are going to be a viable, strong state and compete economically in today's global economy. I recently wrote a blog reflecting on the living city and its need to receive continual nourishment so that it can thrive and flourish (www.economicsofplace.com). Nutrition for communities comes in many forms. Energy, resources, and pride are but three ways that people and societies throughout history have shown that they care about the places they call home. And for a place to realize its full potential as a beacon for culture and commerce, it requires continued focus from everyone connected to its fate—citizens, civic leaders, educators, business and philanthropy, along with the state and federal governments.

In this issue, we turn to tourism and festivals—you could say, to the fun stuff. Some might even consider it fluff—the cherry on top. But really, it is part of the whole enchilada—an important part of the building blocks that contribute to quality of life, educational opportunities, and a solid economic foundation that will sustain a community for the long term. It's part of what attracts visitors, businesses, entrepreneurs, and future residents to our communities while carving out its own unique personality, look, and feel. And not unlike our investment in things like infrastructure, the cultural arts bring not only huge economic benefits to our state, but also bring all sectors of the community together.

An abundance of data exists to back up the economic benefits of tourism and the cultural arts, and it's nothing to sneeze at: As one of the largest industries in Michigan, tourism generated \$17.7 billion of direct spending, \$995 million in state taxes, and 200,000 jobs in 2011 (Great Lakes Coastal Resilience Planning Guide). You can check out more data in the article dedicated to the economic impact of tourism presented by Dr. Sarah Nicholls from Michigan State University.

Although Michigan is a year-round destination for celebrations and outdoor activities, the summer months bring a heightened anticipation for family fun, vacations, and festivals, so what better time to highlight some of the cool things happening around the state than now. Read about the award-winning Cheeseburger in Caseville Festival that continues to delight tens of thousands year in and year out, providing fun and zany diversions over the course of ten days. Learn how the arts can breathe life back into small rural communities which often struggle economically. Abandoned buildings are being converted into housing, studios, and stores using creative financial incentives, drawing artists and entrepreneurs to these communities. The city of Munising talks about its challenges in dealing with the increased tourism that Pictured Rocks State Park brings.

As we spring into summer, the League is gearing up for a host of events. These include the U.P. Education Summit in Marquette, June 1-2; the Michigan Municipal Executives (MME) Summer Workshop in downtown Muskegon, July 25-28; and the Michigan Association of Mayors (MAM) Summer Workshop, which will take place in Monroe, July 13-14. And we're already knee-deep in planning our annual Convention, which will be held in the city of Holland for the first time ever, September 13-15. You'll be able to witness firsthand the innovative and state-of-the-art placemaking that makes Holland the talk of the town in Michigan. The League posts future events on mml.org/events/calendar.htm, so be sure to check it out.



Daniel P. Gilmartin
League executive director and CEO
734-669-6302; dpg@mml.org



"WE WOULD NOT BE THE FESTIVAL WE ARE OR HAVE CULTIVATED SUCH A VIBRANT CHERRY CULTURE IF NOT FOR THE GRAND TRAVERSE REGION'S LOVE AND SUPPORT THROUGH VOLUNTEERISM."



Volunteer City, USA

By Kat Paye

Thoughtful volunteers built an event nearly 91 years ago that has earned its place as an institution. The traditions of Traverse City's National Cherry Festival are as meaningful to the Grand Traverse Region today as they were at their inception.

We believe the festival helps create some of the fondest memories many families have within their summer celebration. Every year, we and thousands of our local families watch as first graders wave to their grandmothers atop their elementary school float at the Children's Parade. We cheer on a son out-sprinting his father to the finish line of the Festival 5k. And we see brothers and sisters sitting side-by-side with hands behind their backs preparing to claim bragging rights as the world's fastest eater of cherry pie. These are the very sights that make us proud, and they could not happen without our volunteers.

TRAVERSE CITY
pop. 14,674



How To Volunteer

There are three levels of volunteers within the festival: Ambassadors, Volunteer Teams, and Community Share Groups. An Ambassador is your daily volunteer, ages 12 and up. A Volunteer Team is a group of volunteers that may be from a local business or a family of five that wants to volunteer together. And a Community Share Group is a group of five or more participants from a nonprofit organization.

The Ambassador program started in the 1980s and has evolved over the years from a volunteer committee to now an effort of 2,100 volunteers! To become an Ambassador of the Festival, visit our website at www.cherryfestival.org and simply sign up on our Volunteer Portal. We encourage all to bring friends because volunteering is better when you do it together! Community Share Groups and Volunteer Teams should follow the same procedure and fill out the application on our website.

The volunteer groups are assigned to specific shifts at the festival. In return for their hard work and help, the Festival provides the group with a donation based on the number of volunteers and the total hours they worked. In 2015, the National Cherry Festival worked with over 50 Community Share Groups and donated over \$30,000 to support community involvement through Grand Traverse Area nonprofit organizations.

The Festival has an entire squad of volunteers and volunteer teams that work specifically to maintain cleanliness during and after the festival through recycling, waste management, and composting. These volunteers (thank goodness for them) even roll their sleeves up and sort garbage from compost and recycling so we can responsibly dispose of waste. According to the 2016 Community Report, 91 percent of waste was diverted from landfills: 2,980 lbs. of Festival waste was composted by a local nonprofit, and 67,020 lbs. recycled by American Waste and Recycling. "Trash is the pits! Please keep our city clean," says Super Cherry.

Recruiting

We like to cross-promote our volunteer opportunities. For example, volunteers who donate their time to other Cherry Festival events throughout the year are encouraged to come back and volunteer again at the Festival itself. We are very active on social media sites such as Facebook, Instagram, and Twitter to help recruit volunteers not just locally but also from

people from out of town who may be visiting during the Festival week. We love to use local newspapers to promote our current volunteer opportunities. For example, April is Volunteer Month and we like to use that platform to promote our Ambassador program. The National Cherry Festival also sends out personal birthday messages to all of our Ambassadors through our volunteer portal to make them feel more a part of the Cherry Festival family!

Year After Year

We show our volunteers so much love and gratitude that it makes them want to come back year after year. According to the Volunteer Satisfaction Survey that we did in 2014, Ambassadors have averaged 6.5 years of service to the National Cherry Festival. Thirty-one percent of volunteers were in their first year of service. Ten percent have served more than 20 years as volunteers. Further, they averaged 3.9 years in their current volunteer role that year.

Nearly all Ambassadors would likely or absolutely return as a volunteer to the National Cherry Festival. Ninety-five percent of respondents would likely or absolutely recommend volunteering to others. Most of the Ambassador respondents felt prepared or very prepared for their 2014 Ambassador experience. And most indicated that they are not the first generation in their family to volunteer for

the National Cherry Festival. No wonder why our motto is generations of fun! Not only is the Cherry Festival a community organization, it's a family one as well.

Volunteer Stories

Through the years, many people have extolled the benefits of volunteering for the Festival. "Donating my time and energy for the benefit of other people and the place we call home is rewarding far beyond what any financial reward may be able to offer," said Laura Oblinger, former executive director of the Traverse City Area Chamber of Commerce. "The National Cherry Festival offers a platform for community members to engage with each other and really make a meaningful contribution to an important part of our economic landscape."

A Junior Volunteer Ambassador offered similar praise. "Growing through the ranks of the festival over the past eight years has taught me valuable skills such as dedication and communication that I will cherish for the rest of my life," said Connor Becker. "The opportunities afforded by this event have




also contributed to my passion to pursue a career where I can give back to my community.”

And, not surprisingly, the 2013-2014 National Cherry Queen is a big fan. “The National Cherry Festival would not be what it is today if it weren’t for the dedicated volunteers,” said Sonya Saylor. “I find it amazing how the community of Traverse City comes together in promoting everything this beautiful area and festival has to offer. Seeing the time and dedication from the volunteers while growing up inspired me to also get involved.”

We would not be the Festival we are or have cultivated such a vibrant cherry culture if not for the Grand Traverse Region’s love and support through volunteerism. The National Cherry Festival was able to put \$24 million back into the economy to support the community and local



businesses. The festival runs on about 2,100 volunteers serving 45,000 hours of service and there is always room for more! We have truly become Volunteer City, USA. 

Kat Paye is executive director of the National Cherry Festival. You may contact her at 231-947-4230 or kat@cherryfestival.org.



CARLISLE

WORTMAN
associates, inc.

Community Planners

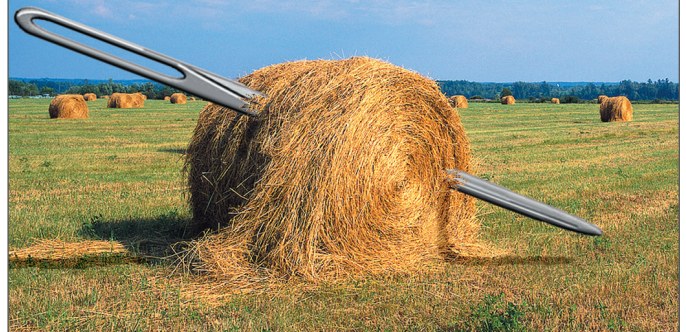


*Committed to Michigan communities
for more than 25 years.*

Contact Us Today

www.cwaplan.com • 734-662-2200

**If only your
telecom costs
were so obvious**



Contact us at mml@abilita.com for a free consultation



ABILITA®
Independent Communications Expertise

 888.910.2004 | Abilita.com



TOURISM MATTERS

TO YOUR COMMUNITY

Downtown Ann Arbor

By Sarah Nicholls, PhD

Tourism is big business. In 2014, visitors to Michigan spent \$22.8 billion, generating nearly \$2.4 billion in state/local and \$2.5 billion in federal tax revenue.

If the tourism industry did not exist in Michigan, each household would need to pay the Treasury Department \$640 more each year to make up for the state tax shortfall. Tourism activity also directly accounts for over 214,000 Michigan jobs; another 100,000 jobs are indirectly or partially supported by tourism, in total accounting for more than 6 percent of employment across the state. These are positions that can never be outsourced, and their number is likely to continue to grow as the reach of the award-winning Pure Michigan campaign continues to broaden.

Most visitors are motivated by one of three main reasons: business, visiting friends and relatives, or leisure. Among leisure tourists, popular pursuits are visiting natural areas and cultural/heritage sites, engaging in outdoor recreation, going to festivals and events, and watching or participating in organized sports. More specialized reasons for leisure travel include attending destination weddings, and exploring the ever-growing number of wineries, breweries, and distilleries across the state. Trail-based activities—both land- and water-based—are growing especially rapidly in popularity. Whether predominantly urban or rural, on a river or lake, or near one of our many public parks or forests, every community in Michigan offers something for a visitor to see, do, and experience.

The most popular activities among all travelers, regardless of reason, are dining and shopping. Whether it's a five-course dinner at the finest restaurant, a quick and casual lunch stop, or the local breakfast hangout, everyone has to eat. So, when out-of-town guests visit a community, they are extremely likely to patronize local bars, restaurants, and cafés. Similarly, they are equally likely to shop, not only for gifts and souvenirs but also for convenience items. Since most visitors to Michigan drive, tourists are important customers of area gas stations. However, many restaurants and shops do not necessarily differentiate between locals and visitors, and are perhaps unaware of the relative proportions of these two sets of customers. It's likely, then, that many employees in these types of businesses do not necessarily consider themselves a member of the tourism industry, and therefore may not be as prepared as they could be to effectively welcome out-of-town guests. First impressions are critical, and the consistent provision of superior customer service is key.

At first glance the key components and beneficiaries of the tourism industry might seem obvious—accommodations providers, major natural and built attractions, and big events—the positive impacts of tourism go far deeper than that. Tourism organizations such as Travel Michigan (the state's official tourism promotion agency), and local convention and visitors bureaus, are eager to improve understanding of the value of tourism, and to increase support for the tourism industry, among elected officials, businesses, and residents alike.

Michigan Tourism Strategic Plan

Indeed, in 2012 the industry participated in the development of a comprehensive, state- and industry-wide plan designed to grow and strengthen the industry. The vision of the 2012-2017 Michigan Tourism Strategic Plan (MTSP) is that Michigan be recognized as one of America's favorite four seasons travel experiences. The MTSP contains eight goals: Collaboration, Cooperation and Partnerships; Funding; Product Development; Promotion, Marketing and Communications; Public Policy and Government Support; Research and Technical Assistance; Resources and Environment; and Service Excellence.




Detroit mural

In support of its Public Policy and Government Support goal—which is to improve understanding of the value of tourism and support for the tourism industry among state legislators, county and local officials, businesses, and residents—a presentation has been prepared that highlights the size and extent of the industry at the international, national, and state levels. The presentation also identifies some of the emerging trends in Michigan tourism, and can be tailored to fit the specific needs and interests of individual communities, whether urban or rural, large or small. For more information about the MTSP, or to request this presentation be made to your commission or board, please contact the author at the email address or number at the end of this article.

Parallel Interests of Tourists and Residents

Being a successful and attractive tourism destination is also directly related to a community's appeal as a place to live. Leisure travelers seek out communities that offer pristine natural resources and scenic vistas, a multitude of outdoor recreation opportunities, vibrant cultural and social scenes, and a variety of fun events in which to participate. They also appreciate safe, well-maintained, and efficient transportation networks, including not just roads but also public transportation options and, increasingly, trails. These are the same amenities that residents enjoy.

Travel Michigan is part of the Michigan Economic Development Corporation (MEDC). One of MEDC's primary goals is to attract, retain, and develop more and better talent in support of business attraction and entrepreneurship. These kinds of 'knowledge workers' increasingly favor place and lifestyle as much as, if not more than, pay. Valued lifestyle amenities include not only factors such as ease of home-office commute and quality of the education system, but also outdoor amenities such as parks and trails. According to Rich Karlgaard of *Forbes*, "The most valuable natural resource in the 21st century is brains. Smart people tend to be mobile. Watch where they go! Because where they go, robust economic activity will follow."

So being or becoming a thriving tourism destination is intimately connected to a place's desirability as a place to live, and is thus closely tied to a place's ability to attract new residents, new business, and new services such as health care facilities and educational institutions. Those new residents and jobs generate more property and income taxes for a region, so the positive cycle of investment continues. 

Dr. Sarah Nicholls is associate professor in the Departments of Community Sustainability and Geography, Environment, & Spatial Sciences at Michigan State University. She may be contacted at 517-432-0319 or nicho210@msu.edu.



Attorneys are not created to fit every need

For 20 years we have been assisting local governments with labor relations and employment issues. During this time founder Howard L.

Shifman, has represented many cities, counties and townships. He has been involved in legislative initiatives including the drafting of Act 312 and other legislative reforms, as well as being recognized by the Michigan Municipal League with a Special Award of Merit for his dedication to the cause of local government.

Mr. Shifman is aided by Brandon Fournier who has extensive experience in municipal operations, including both public safety and general municipal operations. Prior to joining the firm, Brandon served as the City Administrator for the City of Southgate.

Also with the firm is Attorney Robert J. Nyovich with over 30 years of experience in public sector labor and employment law. Prior to joining the firm, Mr. Nyovich also served previously as a public safety officer and as the Oakland County Undersheriff.

An unparalleled and unique group of diverse backgrounds to represent the interests of local governments.

Howard L. Shifman, P.C.

370 East Maple Rd. Suite 200 • Birmingham, MI 48009
(248) 642-2383 • hshifman@howardlshifmanpc.com

Come back.

Detroit

PURE MICHIGAN

“WHILE AT FIRST GLANCE THE KEY COMPONENTS AND BENEFICIARIES OF THE TOURISM INDUSTRY MIGHT SEEM OBVIOUS – ACCOMMODATIONS PROVIDERS, MAJOR NATURAL AND BUILT ATTRACTIONS, AND BIG EVENTS – THE POSITIVE IMPACTS OF TOURISM GO FAR DEEPER THAN THAT.”

Downtown Lansing

CHEESEBURGER IN CASEVILLE

By Debbie Fulgham and Steve Louwers



Best Cheeseburger Contest, Parade of Fools, cardboard boat races, beach volleyball, live entertainment, and much more! Photos courtesy of Stormchaser Mike

2017 Cheeseburger in Caseville Festival

August 11-20
Caseville, MI



CASEVILLE
pop. 777

For details, call the Caseville Area Chamber
of Commerce at 989.856.3818 or visit
casevillechamber.com

A Wacky/Tacky Festival with Tropical Flair!

For years, Caseville has been known as “The Closer Up North.” Its idyllic location at the tip of the thumb allows tourists from the metro area to visit without even needing to stop for gas. The community features beautiful beaches, lakefront homes, great parks, golf, boating, fishing, an abundance of shops and restaurants—and the most beautiful sunsets on earth.

To add to Caseville’s charm, every summer a great noise is heard throughout the state, country, and yes, even overseas. For 10 grand summer days, the source of that sound is known to thousands as Cheeseburger in Caseville. Summer festivals don’t get any better. This year is Cheeseburger’s 19th anniversary and the event promises to be bigger and better than ever. Who would have thought that a tropical-themed festival featuring a tasty cheeseburger would attract hundreds of thousands of visitors to our wonderful resort city year after year?

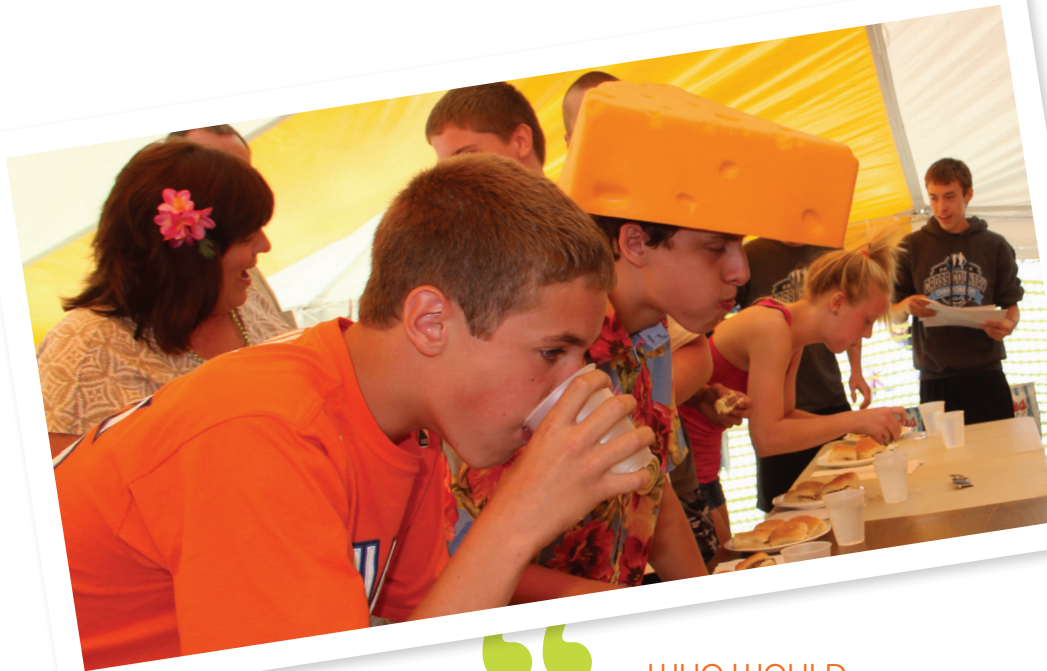
Cheeseburger Begins to **SIZZLE**

Caseville’s first annual Cheeseburger festival jumped onto the grill in 1999. The late 90s were a slow time for the community and we were looking for ways to attract visitors. We had just celebrated our Centennial, which had brought in numerous visitors, and wanted to capitalize on that trend. That’s when Lyn Bezemek walked into the Caseville Area Chamber of Commerce with her unique proposal. She has a very creative mind, so it didn’t surprise any of the board members when she suggested that we needed a “Wacky/Tacky” festival featuring tropical music, fun events, cheeseburgers, and most of all, a relaxing family fun time. Lyn organized the first annual “Cheeseburger in Caseville” festival in 1999. She and a handful of volunteers planned fundraisers, sold Hawaiian

shirts and buttons, and hired a local business owner to cook cheeseburgers. That first year, one band provided live entertainment and about 500 buttons were sold.

The chamber’s board of directors quickly realized the potential of the festival and decided to get more involved. The chamber and others donated funds to build a much-needed amphitheater in Caseville County Park to accommodate the live entertainment. After two years, the event grew to four days from the original two days. By the fifth year, Jacque Finneren, a city employee, stepped up and chaired the first Parade of Fools. The parade attendance has increased every year and now draws an estimated 60,000 people to a county with a population of only 33,000!

Businesses got in the tropical spirit too. Many started replacing their usual storefront displays with inflatable flamingos, parrots and palm trees. Restaurants and bars began competing for the best tasting cheeseburger. In 2016, more than 20 establishments vied for top honors in that contest, which is hosted by the Caseville



“WHO WOULD HAVE THOUGHT THAT A TROPICAL-THEMED FESTIVAL FEATURING A TASTY CHEESEBURGER WOULD ATTRACT HUNDREDS OF THOUSANDS OF VISITORS TO OUR WONDERFUL RESORT CITY YEAR AFTER YEAR?”

Kiwanis Club. Due to Cheeseburger in Caseville’s growth, it was expanded to 10 days in 2005. It is now one of the biggest festivals in Michigan.

As the festival became more popular, the chamber realized the importance of sponsors for its continued success. The thousands of dollars generated by sponsors has allowed the chamber to bring in entertainment from around the country. In 2016, the lineup included bands from Florida, Georgia, Indiana, Ohio, Tennessee and, of course, Michigan. Seven tropical rock bands entertained the crowds, making Cheeseburger in Caseville one of the largest “Trop Rock” festivals in the country.

Economic Impact

It has been amazing to witness the economic impact this festival has had on our little community during those 10 days in August. Vacant buildings are occupied, and businesses, nonprofit groups, and local schools have benefited. Ninety percent of the businesses in Caseville host their own events, which bring more customers through their doors. Caseville Public Schools sells juicy burgers all week long as a fundraiser. Flaming hot burgers are also a fundraising opportunity for the Caseville Fire Department. The Caseville Historical Society celebrates by temporarily changing its name to the "Cheeseburger Museum."


Due to the huge influx of visitors, parks, motels, and cottages throughout Huron County are filled to capacity. And local real estate agents are too busy to enjoy cheeseburgers—they are out showing cottages and homes to many of those visitors. And the chamber now has the funds to open year-round, with Debbie Fulgham as chamber coordinator and part-time help throughout the year.

Steve Louwers, chamber president and Cheeseburger chairman for the past 13 years, along with the other 7 members of the chamber board, are proud of the vitality the festival has brought to their community. Cheeseburger in Caseville has been recognized by many groups, including the Michigan Festivals and Events Association, for the best marketing, t-shirts, photos, and brochures for the past several years. It has also won several People's Choice awards, voted on by attendees at the association's Annual Convention. It takes a huge group effort to pull off a successful event every year—hundreds of volunteer hours and lots of time and talent from the City of Caseville and our sponsors.

The Winning Formula

Festival organizers continue to emphasize that it's a family fun festival. There are over 40 kids' events, including the kids free day, kids free safety day, kids parade, cardboard boat races, beach volleyball, three golf outings, kids street dance, and even a mud bath! Treat

yourself and your family to a great time at Cheeseburger and you're likely to want a repeat visit. More than 100,000 people can't be wrong!

Finally, and most importantly, the Caseville Area Chamber of Commerce couldn't do any of this without the help of our many volunteers, sponsors, emergency personnel, the City of Caseville, and their outstanding DPW, Caseville Township, Huron County Parks, entertainers, and most of all, the supporting visitors. 

Debbie Fulgham is the coordinator for the Caseville Area Chamber of Commerce. You may contact her at 989-856-3818 or email@casevillechamber.com.

Steve Louwers is president of the Caseville Area Chamber of Commerce and chairperson of Cheeseburger in Caseville. You may contact him at 989-856-3818 or email@casevillechamber.com.

The Law Firm For MUNICIPALITIES

CAPITAL PROJECTS & INFRASTRUCTURE
CONSTRUCTION AGREEMENTS & LITIGATION
DOWNTOWN/ECONOMIC DEVELOPMENT
ELECTIONS
ENVIRONMENTAL & REGULATORY LAW
HOSPITALS & HOUSING

INTERGOVERNMENTAL AGREEMENTS
LABOR & EMPLOYEE BENEFITS
LOCAL, STATE & FEDERAL TAX
OMA/FOIA
REAL ESTATE
TAX INCREMENT FINANCING

**MILLER
CANFIELD**

millercanfield.com/PublicLaw

From innovative projects and municipal bonds to collaborative agreements and tax increment financing, cities and villages and their attorneys throughout Michigan rely on Miller Canfield's 160+ years of collective wisdom and diverse expertise.

DETROIT ANN ARBOR TROY LANSING KALAMAZOO GRAND RAPIDS CHICAGO



Detroit Concert of Colors annual diversity festival in Midtown Detroit.

MUNICIPAL CONTRIBUTIONS TO FESTIVALS AND EVENTS

By Kenneth Lane

Across Michigan, event and festival organizers are preparing for the upcoming spring and summer seasons. Often, events and festivals are held annually within the same community and, over the course of many years, they become recognized as a local tradition. So, it is not uncommon for event organizers to ask their "host" city, village, or township for a monetary donation or a contribution of staff or other resources. When considering such requests, a city, village, or township should determine whether a contribution of public funds or resources is permissible or prohibited under relevant Michigan law. Following is a discussion of the general legal principles that govern the expenditure of public funds and/or resources and some guidelines that can be applied when a community is considering a request to contribute to an event or festival.



Constitutional Prohibitions

When considering a contribution of public funds or resources to any event or festival, the analysis should begin with our State Constitution. Article 9, Section 18, of the Michigan Constitution of 1963 provides:

The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.¹

This section of the constitution, while clearly applicable to the state of Michigan, has been interpreted by Michigan courts to also apply to all political subdivisions of the state, including cities, villages, and townships.² Article 9, Section 18, generally prohibits public funds or resources from being expended or given away without a fair exchange of value.³

Additionally, Article 9, Section 18, requires that appropriations of public funds be made only for a public purpose. Therefore, generally, a city, village, or township may not make an expenditure or donation to a private individual or entity, no matter how worthy the cause or circumstance.⁴ Furthermore, in taking this limitation a bit further, Michigan courts have determined that communities may not contribute public funds to a private nonprofit corporation even if the nonprofit is performing activities for the public benefit. Accordingly, not only must a community receive something of value in return for an expenditure of public funds or resources, that something must directly provide a public benefit or serve a public purpose.

However, Article 9, Section 18, does not prevent the expenditure of public funds or resources if authorized by state statute. Additionally, Michigan courts and the State Attorney General have determined that the prohibitions referenced above do not apply when a city, village, or township contracts with a private, nonprofit corporation or a public entity to perform services on behalf of the community that the city, village, or township could directly perform itself.

Statutory Authority

Most political subdivisions of the state have no inherent authority, and can only exercise those powers granted to them by the constitution or state statute. Therefore, in addition to making sure there is a receipt of value

and a public purpose to be served by an expenditure, a community should also determine if there is any underlying statutory authority. If there is a statutory provision that expressly authorizes or at least reasonably envisions the type of expenditure being considered, the expenditure may be made. If there is no such provision, or if the language within a statute is being “stretched” to fit a particular circumstance, the expenditure is probably unlawful. Some statutory provisions that may relate to annual events and festivals include (not an inclusive list):

- MCL 123.851 allows cities, villages and townships to expend funds and resources for celebrations of Armistice (Veterans), Independence and Memorial Days (may include a fireworks display).
- MCL 399.171 and 399.172 allow a city, village or township to appropriate funds or resources to advance historical interests within the community.
- MCL 117.4k allows a city’s charter to provide for the appropriation of public funds to a nonprofit institution engaged in the promotion of civic, artistic or cultural activities within the city.



Creativity abounds at Ann Arbor's summer Art Fairs.

Application to Events and Festivals

As provided above, a request for a city, village, or township to contribute to an event or festival must be carefully considered. When applying the legal principles outlined above, a community might consider the following questions:

1. Is the expenditure of funds or resources allowed by a state statute? For example, sponsorship of a fireworks display during an Independence Day event is permissible.
2. Does the expenditure of funds or resources provide value in return? For example, some communities provide police or public works services, but will charge the festival organizer for the costs associated with those services.
3. Does the expenditure of funds or resources directly provide a public benefit or serve a public purpose? When considering this question, a community might ask

¹ Const. 1963, art. 9, §18.

² *Alan v County of Wayne*, 388 Mich 210 (1972).


³ *Id.*

⁴ *City of Gaylord v Gaylord City Clerk*, 378 Mich 273 (1966).

who will be the primary beneficiary. It is important to remember that a city, village or township may not make an expenditure to a private entity or cause, no matter how worthy.

4. Is the city, village, or township contracting for services which it is legally authorized to provide? For example, a contract with a fireworks display company for an Independence Day event is permissible.

This article provides a general overview of the legal principles that a community should consider when an event or festival organizer comes calling with a request. Specific circumstances may dictate how these legal principles are applied. Therefore, it is important to consult with your local attorney before committing public resources to an event or festival.

Kenneth Lane is a member attorney at Clark Hill PLC. You may contact him at 517-318-3062 or klane@clarkhill.com. 

⁵ Id. See also, OAG No. 5212 (1977)

⁶ *Brozowski v City of Detroit*, 351 Mich 10 (1957). OAG No. 5212 (1977). OAG No. 6431 (1987).

Clark Hill PLC is an entrepreneurial, full service law firm that provides business legal services, government & public affairs, and personal legal services to our clients throughout the country. With offices in Arizona, Delaware, Illinois, Michigan, New Jersey, Pennsylvania, Washington, D.C. and West Virginia, Clark Hill has more than 350 attorneys and professionals. For more information on our firm and our services, please visit www.clarkhill.com.

**Trusted professionals
delivering America's
infrastructure solutions**






WADETRIM

**Engineering | Landscape Architecture
Operations | Planning | Sciences | Surveying**

800.482.2864 • www.wadetrим.com








Software Based on How You Do Your Job

BS&A financial management experts are focused on developing software that meets the needs of financial, utility and HR professionals with integrated, flexible and efficient applications. 1,585 municipal customers across the state have learned that BS&A provides innovative solutions backed by unmatched service and support. Our Financial Management Suite delivers real world solutions, resulting in:

- Increased efficiency through built-in, integrated and customizable features
- Instant data access through clickable reports with drill down capability
- Integrated functions for easy tracking, quick analysis and less repetition
- Improved accuracy to reduce errors and provide immediate information



(855) BSA-SOFT
www.bsasoftware.com

LOCAL ROAD COST SHARING EXITS FREEWAYS

Local cost sharing on MDOT road projects has long been a burden on Michigan cities with a population over 25,000. In December 2016, the Michigan Legislature passed Senate Bill 1068, which will eliminate local cost sharing on all limited access freeways. Governor Snyder signed it into law in January. SB 1068 will significantly reduce the liability for some of Michigan's largest municipalities and, in some cases, save them millions of dollars. Madison Heights and Troy are two such cities. Here they share their stories on how the new legislation will positively impact their communities.

Madison Heights

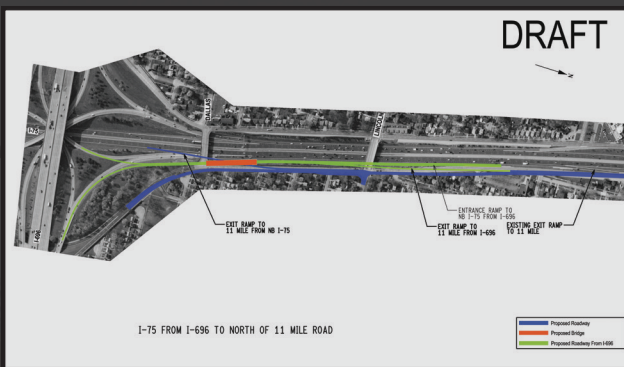
By Benjamin I. Myers

For Once, a HAPPY Road Funding Tale

The Michigan Department of Transportation (MDOT) has been talking about widening I-75 through Madison Heights for more than 20 years. As MDOT traveled the maze-like world of freeway funding and design, it looked certain that Madison Heights would end up with a very moldy piece of financial cheese at the end—namely, a \$4+ million price tag for widening a freeway that is not ours.

Public Act 51, the state law that governs all things road funding, required incorporated cities and villages with a population of more than 25,000 to pay a portion of MDOT's project cost. Accordingly, residents in larger communities were treated inequitably, compared to those in smaller communities who paid no such local "match," based solely on the population of their community.

“This project alone [I-75 widening] would have eliminated 2 YEARS of our [Madison Heights] Act 51 road funding!”



Cities use Act 51 funds for routine road maintenance, such as snow plowing, as well as road rehabilitation and reconstruction projects. The old Act 51 formula severely reduced funding for these services by forcing cities to pay for MDOT projects. In addition, MDOT's projects have a massive impact on adjacent local road networks during construction. Often, they cripple local communities in terms of traffic, deterioration of local roads, noise, dust, fumes, lighting, and the like. MDOT does nothing to compensate cities for these impacts, yet mandated that those cities pay a portion of the costs for the project(s) creating the negative impact.

These matching funds would have crippled our ability to meet our local road repair needs. For Madison Heights, our estimated Act 51 Funding for FY 17 is \$2.24 million. The total estimated local match for the proposed I-75 widening was \$4.025 million from 2018 to 2026.

This project alone would have eliminated **2 YEARS** of our Act 51 road funding!

In this light, we were elated when State Senator Marty Knollenberg introduced SB 557 early last year to address this funding inequity. It was passed unanimously by both the House and Senate, following supporting testimony from the Michigan Municipal League and numerous cities, including Madison Heights. But to our dismay, it was vetoed by the Governor. It certainly seemed at the time like we would be stuck with the same old Act 51 moldy cheese.

Fortunately, Senator Knollenberg continued the effort to do the right thing, introducing SB 1068 in late 2016. It addressed both the Governor's concerns and ours by narrowing the focus of relief from local matching funds to limited access freeway only. Following our testimony again, and much to our delight, it was approved by both the House and Senate and was signed into law in January 2017.

Needless to say, Madison Heights is thrilled that MDOT can no longer take our local road funding to improve the nation's freeway system. Our deep appreciation to Senator Knollenberg, co-sponsor Senator Vincent Gregory, the State Legislature, and Governor Snyder for ridding our state's road funding system of this particular piece of moldy cheese!

Troy Not So Free Freeway

By Brian M. Kischnick

I-75 was constructed to serve cities from Sault Ste. Marie, Michigan to Miami Lakes, Florida. Of the nearly 1,800 miles that I-75 travels across the country, almost 400 of those miles are in Michigan alone. Troy's population is just over 80,000; however, during a typical work day, the population more than doubles to 170,000. So how do many of these non-Troy residents get there? I-75. If Troy residents are not the only ones using I-75, why should they be the only ones to pay for it?

That is the question State Senator Marty Knollenberg, with support from Troy, Royal Oak, and Madison Heights, attempted to answer by making changes to PA 51 through Senate Bill 557 earlier in 2016. However, Governor Rick Snyder vetoed the bill. The governor urged a rewrite of the entire PA 51 act by the end of 2016. In response, Sen. Knollenberg introduced Senate Bill 1068, which exempts cities from being required to pay for a portion of any road project on a limited access freeway, for example I-75.


Troy rang in the New Year with good news. While the Senate and the House passed SB 1068 in 2016, residents anxiously awaited Gov. Snyder's approval of the bill, which came on January 4, 2017.

Because the Michigan Department of Transportation considers I-75 a "key commuter route, a vital tourist route, and a local area business route moving people and goods across the state daily," the burden of its maintenance should not be disproportionately borne by adjacent cities. Before SB 1068 passed, cities with a population over 25,000 with state highways within their incorporated limits were required to

help pay for the cost of opening, widening, and improving the state highways. Originally, Troy was required to pay for about 20 percent of the \$1 billion project, but thanks to SB 1068, the entire financial burden has moved to the state level.

Troy receives about \$3.9 million per year for major streets from the annual appropriations from PA 51. Average maintenance for major streets costs \$2.8 million annually, leaving \$1.1 million per year for any major road work projects on any of Troy's 57 miles of PA 51 major streets. With PA 51 in place, Troy's annual required contribution to the I-75 project would have been about \$1.2 million per year, totaling \$9.6 million. After paying their share of the I-75 construction project, no funds would have been available for construction needed on Troy roads.

Troy Mayor Dane Slater is thrilled with the news of SB 1068's passage.

"As a city with a history of maintaining a fiscally responsible budget, we are so happy that the cost of this project is being handled fairly," Slater said. "I am happy not only for Troy, but also for cities such as Royal Oak, and Madison Heights, because we are all grappling with the long-term impact of the economic downturn, including the loss of state revenue sharing. This was the right solution for all of us." 

Brian M. Kischnick is the city manager of Troy. You may contact him at 989-233-7335, or B.Kischnick@troymi.gov.

Benjamin I. Myers is the city manager of Madison Heights. You may contact him at 248-583-0829 or BenMyers@Madison-Heights.org.

"AFTER PAYING THEIR SHARE OF THE I-75 CONSTRUCTION PROJECT, NO FUNDS WOULD HAVE BEEN AVAILABLE FOR CONSTRUCTION NEEDED ON TROY ROADS."



CONVENTION

September 13-15 2017
Holland, Michigan



PlacePlans: Where Are They Now?

CADILLAC COMMONS

By John Wallace

Community Builder Award

The success of Cadillac Commons did not come easily. It, like most other creative downtown projects in Michigan, involved numerous funding sources and serious persistence. City staff, led by City Manager Marcus Peccia, put in extraordinary effort pulling all the pieces together. In recognition of that effort, the League awarded Peccia with its Community Builder Award at its Capital Conference in March.

Peccia has been a placemaking pioneer not only in Cadillac, but in Michigan, demonstrating how a passionate city staff person can be the lynchpin in transforming a downtown. He has been involved in a leadership role regarding a variety of community development related projects, and recently collaborated with the city's Downtown Development Authority, and City Council and staff, in leading two back-to-back crowdfunding campaigns to help make the development of Cadillac Commons a reality. These successful crowdfunding campaigns were through the Public Spaces Community Places program, a partnership involving the Michigan Municipal League, MEDC, and the crowdfunding platform Patronicity. Those campaigns have supplemented investments by the city, the DDA, Baker College, Cadillac Area Community Foundation, Cadillac Rotary Club, state agencies, philanthropies, and the private sector to make the Commons vision a reality.

PlacePlans, a demonstration and technical assistance program developed in 2012 under the auspices of the statewide MIplace Partnership, with lead sponsorship from the Michigan State Housing Development Authority. It focuses on assisting cities, selected through a competitive process, with the development of visionary yet realistic strategies to redevelop a key walkable, mixed-use area of their community. The League, along with faculty and students from Michigan State University School of Planning, Design and Construction and MSU Extension, worked with community leaders, residents, anchor institutions, and expert consultants to bring the best practices in placemaking and civic engagement to bear in a customized way for each of the 22 participating cities.

This article is the continuation of an ongoing series, PlacePlans: Where Are They Now?, which checks in on the progress in PlacePlans cities, with a particular eye on the lessons learned that can apply to communities everywhere.

A New Vision For Downtown Cadillac

The City of Cadillac embarked upon a bold new placemaking initiative when the city's community development director sent a letter of interest to the Michigan Municipal League asking to participate in the 2013-2014 PlacePlans program. This one action eventually led to a partnership between the League and Michigan State University to design a brand new public plaza. The plaza would become the centerpiece of a set of five placemaking venues which would become the newly branded Cadillac Commons.

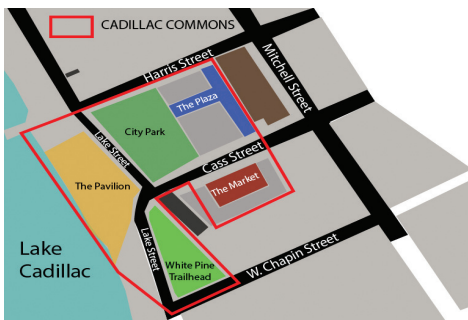




The city's partnership with MSU and MML produced an effective public outreach campaign which provided many opportunities for community input from stakeholder interviews, public meetings, and a design charrette. State agencies including MDOT, MDEQ, and MDNR were also invited to these meetings.

On July 15, 2014, MSU staff made a presentation to approximately 100 members of the Cadillac community on placemaking design concepts which could be pursued to transform the center of downtown Cadillac. These concepts focused on an area that was comprised of a performing arts pavilion, City Park, and our largest downtown parking lot.

Community support was so overwhelming for this placemaking project that the city, under the leadership of Mayor Carla Filkins and City Manager Marcus Peccia, mobilized an implementation strategy. After soliciting proposals from design firms, the city selected Prein&Newhof to do the final design of the plaza project and perform construction management. The project included redesigning the city's central parking lot, burying all public and private utilities, and adding a public plaza with amenities including a splash pad, fireplace, and synthetic ice skating rink. The project was initiated in the spring of 2016, with substantial completion by the end of the year.



Expanding The Scope

Innovation sometimes means adjusting on the fly, keeping what works and reworking what doesn't.

The original scope

of the PlacePlan was limited to City Park and The Plaza. Based on feedback from participants in the early visioning sessions, it was titled "Heritage Plaza." However, after shopping the Heritage Plaza concept to community supporters and potential funders, city leaders found that the name was not catching on, despite strong support for the overall concept. At the same time, they recognized opportunities to incorporate other potential projects in the adjacent area. With input from community stakeholders, they quickly pivoted to a rebrand with the more inclusive name "Cadillac Commons" and expanded the geographic scope to include The Market, Pavilion, and The Trailhead.

The plaza project was the third of five placemaking projects, the other two existing projects being the Pavilion and City Park. The city continues to aggressively pursue the remaining projects—The Market and The Trailhead. Plans for The Market, which call for housing two farmers market groups, were bid out in March, with construction expected to begin later this year. The city is currently applying for grants to construct White Pine Trailhead in 2018.

Cadillac's receipt of a PlacePlans grant, and its subsequent pursuit of additional placemaking projects to complete Cadillac Commons, has resulted in a great deal of community pride and become the springboard from which many of our continuing downtown economic development activities are originating.

Lessons Learned

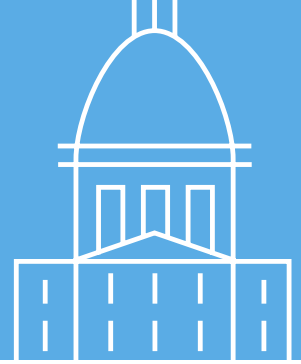
In looking back on the project, we found the following elements were key to its success:

- Initiate the design of the project with a quality group of development partners.
- Develop early community support. Special attention was paid to establishing times, locations, and amenities present when scheduling public meetings.
- Establish a formal plan for fundraising and solicitation of grants. Identification of local foundations or other community organizations that may assist in financing of the project is important.
- Establish a communication plan to keep the community and locally impacted businesses abreast of all new project developments and schedules. Consider establishing a website and using Facebook or other social media platforms.
- Schedule progress meetings to assist in keeping the project on schedule.
- Retain a firm which not only has a good reputation for design but also has experience as an on-site construction manager.
- Provide extra time in your construction schedule if your project involves utility work (either above or below ground) due to the potential for utility companies possibly being diverted to other critical work elements. 

John Wallace is the City of Cadillac's community development director. You may contact him at 231-775-0181 or jwallace@cadillac-mi.net.



2017 CAPITAL CONFERENCE



HIGHLIGHTS

This year marked the 50th anniversary of the League's Capital Conference! The idea behind that first conference in 1967 was to launch the League into a "new vigilance in the advocacy and reporting of municipal issues at the state level." And we're still doing that today.

At the inaugural event, then-Lieutenant Governor William G. Milliken addressed the crowd and they had a session on finance and taxation and discussed the problems of state tax reform. Those topics were central to this year's conference as well, in the form of updates on our [saveMlcity](#) initiative. Another 1967 session—"How to Get Your Point of View Across"—was as important in 1967 as it is today. Just ask anyone who participated in this year's workshop on "Storytelling for Local Leaders."

Attendees got a knowledge boost on many other topics—everything from racial justice and autonomous vehicles to missing middle housing and the changing landscape in Washington, D.C. In between sessions, there was plenty

of time for networking with colleagues and visiting all the vendors in the Expo Hall. Members even had a chance to get up close and personal with their legislators at our Legislative Breakfast.

For more details, visit our Capital Conference website at [cc.mml.org](#). To learn about the League's municipal finance reform campaign, visit [saveMlcity.org](#)



March 21-22, 2017
Lansing Center, Lansing,
Michigan



flickr[™]

For all the photos from this
year's Capital Conference
and other League events,
go to mml.org/flickr.



Rinku Sen with League President and
Grand Rapids Mayor Rosalynn Bliss



Harry Lightsey, General Motors — Autonomous Vehicles



Washington issues panel: Bryan Barnett, Rochester Hills mayor;
Pat Lockwood, Fenton councilwoman; William Wild, Westland mayor.



2017 CAPITAL CONFERENCE



2017 CAPITAL CONFERENCE AWARDS



Ambassador Award: Rebecca Hopp, mayor pro tem, Ferrysburg



Legislators of the Year Award: State Senator Marty Knollenberg (R-Troy) and State Representative Robert Kosowski (D-Westland)



Community Builder Award: Marcus Peccia, city manager, Cadillac



Jim Sinclair Exceptional Service Award: John Barr, city attorney, Ypsilanti



Honorary Life Membership Award: Larry Nielsen, village manager, Paw Paw



Honorary Life Membership Award: Carol Shafto, former mayor, Alpena

March 21-22, 2017
Lansing Center, Lansing,
Michigan

flickr™

For all the photos from this
year's Capital Conference
and other League events,
go to mml.org/flickr.



Dowagiac was the first recipient of the MDOT/MML Better Streets Better Michigan Award for its creative downtown gateway project. (l to r) John LaMacchia II, assistant director of state and federal affairs for the Michigan Municipal League; League President and Grand Rapids Mayor Rosalynn Bliss; Dowagiac Mayor Donald Lyons; Dowagiac Councilmember James Dodd; Dowagiac City Manager Kevin Anderson and MDOT Director Kirk Steudle.

Elected Officials Academy



Level 1 Graduates: Saad Almasmari, Danielle Cusson, Brad Dick, John Hoppough, Ian Perrotta, Anam Miah
[Not pictured: Denis Boismier, Pauline Repp, Donna Stallings, Tim Williams]



Level 2 Graduate: Lisa Hicks-Clayton



Level 3 Graduates: Rusty Showalter, Karen Majewski, Lois Allen-Richardson



HOWELL'S

MICHIGAN CHALLENGE BALLOONFEST

2017 MICHIGAN CHALLENGE BALLOONFEST
JUNE 23-25

Howell High School Complex
1200 W. Grand River Howell, MI

Hot air balloons, fireworks, skydivers,
live music, carnival, and much more!

For more information on the Michigan Challenge Balloonfest,
contact the Howell Area Chamber of Commerce at
517-546-3920 or visit www.michiganchallenge.com.

It's ALL About Community!

By Michelle Tokan



HOWELL
pop. 9,489

The Michigan Challenge Balloonfest is a 33-year-old tradition filled with beautiful balloons, family memories, and community development—not only in the City of Howell, but in the entire Livingston County area.

According to the Livingston County Convention & Visitors Bureau, the economic impact of the Michigan Challenge Balloonfest to the area is an estimated \$6.5-\$7 million. And that's a conservative estimate.

Managed by the Howell Area Chamber of Commerce, the non-profit organization likes to say they throw a party for 100,000 people every year—give or take a few.

Balloonfest is three days of family fun centered around beautiful balloons. Mass balloon launches take place, weather permitting, on Friday, Saturday, and Sunday evenings, from 6:00 to 8:00 p.m. Early birds can arrive just after dawn on Saturday and Sunday to watch the pilots compete for the title of Michigan Challenge champion as they fly in to the site after launching their balloons from locations in the countryside.

But the event is much more than hot air balloons.

Because the balloons can only launch in the early morning and evening, the event features entertainment and attractions for families to enjoy while they wait to see the balloons. Fireworks, skydivers, strolling entertainers, main stage musicians, carnival, automotive displays, stunt kites, arts festival, and open-air marketplace are among the attractions.

In addition to all the fun things to do at the Michigan Challenge, the support of the community is vital to the event's success. Sponsors and volunteers are the heart and soul of balloonfest. Champion Automotive Group has been a partner for many years.

"The reason we like to be involved in the community, other than the obvious reason that it benefits those in the community, is that it also benefits the company because of improved employee moral — it's fun to be part of something bigger than yourself," said committee chair Rick Resinger from Champion Chrysler Jeep Dodge Ram. "It's great PR for the dealerships, and it opens up more contacts through networking with likeminded people," he added.



“...THE HOWELL AREA CHAMBER OF COMMERCE...
LIKES TO SAY THEY THROW A PARTY FOR 100,000
PEOPLE EVERY YEAR—GIVE OR TAKE A FEW.”

Summertime Family Tradition

Many guests throughout Michigan return to the event every year. Some remember attending as a child, and are now bringing their children and grandchildren to see the balloons and enjoy the family attractions.

Howell residents, however, not only enjoy the spectacular Michigan Challenge weekend in June; they benefit from seeing the balloons fly all year long since several pilots live and fly in the area.

Howell resident Sarah Johnson is one of the pilots who grew up with the event. “I have fond memories as a child living in Howell which include the Michigan Challenge weekends,” Johnson said. “One of my most vivid memories is being awakened in the

early morning to see the Klondike hot air balloon float past my home.

I remember how ‘cool’ it was to see this; which is one of the many reasons I felt Howell was, and still is, so unique.”

In a sport where many of the pilots are men, Johnson is one of only two women who fly in the Michigan Challenge. She hopes her participation encourages others as well.

“During my childhood, I never dreamed that I would become a balloon pilot. But, through the support of the Howell community, I was provided an opportunity to fly, which sparked my interest to become a pilot. I hope through my participation in the Michigan Challenge I can continue to inspire other young people to appreciate the sport, including supporting others with goals of becoming a pilot,” she added.

Fan Favorites Keep Guests Coming Back

A must-see attraction at the Michigan Challenge is the Saturday night balloon glow and night skydiving show. As darkness falls, 20 pilots return from their competitive flights to inflate their balloons on the launch field. It is a never-to-be-forgotten sight as the many colors of the balloons are illuminated against the night sky. Then, the skydivers make a nighttime jump complete with pyrotechnics.

Balloons and skydivers are not the only things rocking and rolling on Saturday night. While waiting for the glow, guests can listen to a concert performance on the main stage.

Parking Proceeds Go Back To The Community

Festival event passes are \$15/day or \$25 for a weekend pass. Discounted weekend passes are available for \$20 until June 22 at the Howell Area Chamber of Commerce. Passes include parking and admission for everyone in the vehicle, and are a very affordable way for families to enjoy a weekend of fun at the Michigan Challenge.

Not only does the event promote community development, it gives back to the community as well. Last year, more than \$14,000 was donated to local nonprofit organizations.

Every Day Is An Event In Downtown Howell


The Michigan Challenge Balloonfest enjoys an outstanding relationship with the City of Howell, and a visit to the downtown makes the weekend even more memorable. The downtown venue—with destination shopping and dining—is a mile east of the Howell High School complex where the balloons launch.

“The Michigan Challenge Balloonfest is a great example of city/chamber partnerships,” said Howell City Manager Shea Charles. “It brings lots of people and economic activity to the city, and is our kick-off of the summer season, providing a nice positive PR boost.

The event's success is related to how the chamber uses hundreds of community volunteers, making it truly Howell.”

In downtown Howell, visitors can stroll amid historic buildings that are more than 100 years old, and be greeted by folks who actually own the stores. And, of course, there's a unique mix of independent dining, entertainment, and shoppertunity options that guests simply won't find anywhere else. Shop downtown Howell all weekend long for special promotions, sidewalk sales, and activities. [For details, visit downtownhowell.org.](http://downtownhowell.org)

On Sunday, visit Howell's Sunday Farmers' Market for home-grown, home-baked and homemade goodies. The Farmers' Market is located on State Street next to the courthouse and is also a program of the Howell Area Chamber of Commerce.

The Michigan Challenge is an event to remember and a visit to downtown Howell provides a greater experience of what the community offers. 

Michelle Tokan is the Michigan Challenge Director at the Howell Area Chamber of Commerce. She can be reached at mtokan@howell.org or 517-546-3920.

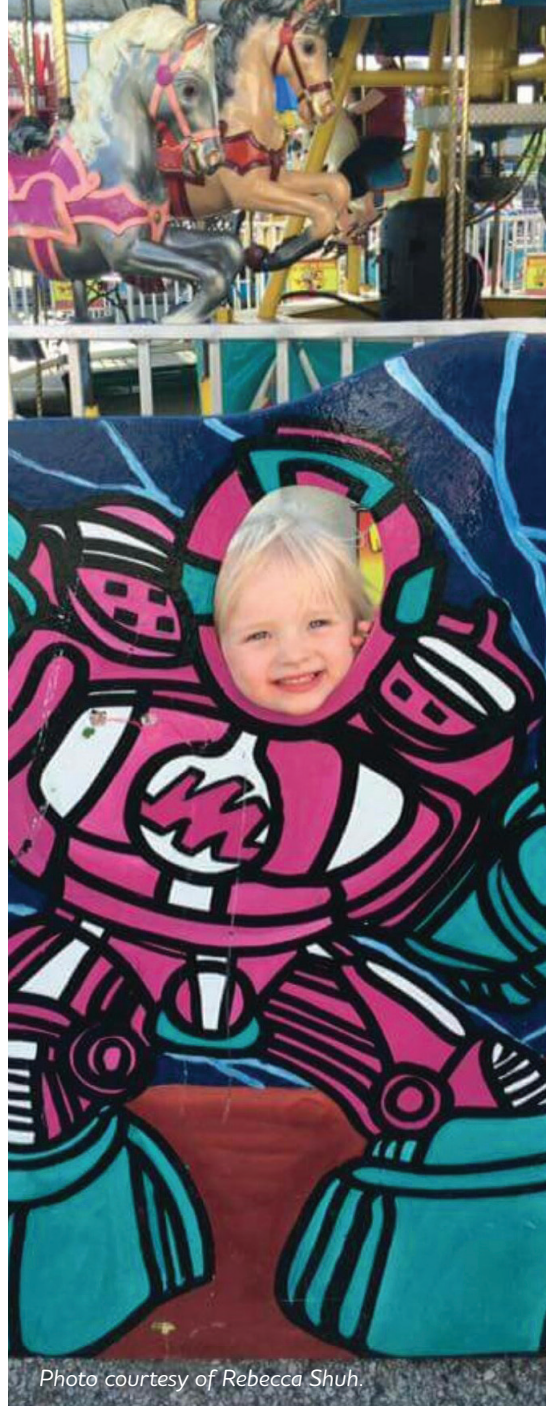
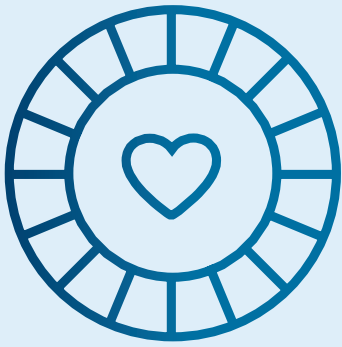


Photo courtesy of Rebecca Shuh.



“I HAVE FOND MEMORIES AS A CHILD LIVING IN HOWELL, WHICH INCLUDE THE MICHIGAN CHALLENGE WEEKENDS.”



MAXIMIZE YOUR MEMBERSHIP

The League Offers Services to Meet Ever-Changing Needs

By Kelly Warren

Communities rely on their local elected officials to provide well-informed, professional leadership. To support officials in this endeavor, the League has been providing specialized training for over 80 years. In 1997, a more formal training program, known as the Elected Officials Academy (EOA), was established by the League Board of Trustees. Its purpose is twofold:

(1) encourage local elected officials to become more knowledgeable about the duties and responsibilities of their office, and (2) recognize the efforts of those who have taken the time to enhance their leadership skills.

This four-level program is administered by League staff. They work with an 18-member advisory board made up of elected and appointed officials from around the state to ensure that Michigan's local government leaders are fully equipped for their roles.



The two primary components of the EOA are the Core Weekender and the Advanced Weekender. The Core Weekender, a requirement of Level One of the EOA, covers League initiatives, essential duties and responsibilities, fundamentals of organization, fundamentals of financial management, and fundamentals of planning and zoning. The Advanced Weekender, available to those who have completed the Core Weekender, offers more in-depth

"In addition to the excellent courses and webinars themselves, I learned so much from my fellow students and participants—we all shared our questions, ideas, problems, and solutions."

STEVE BAKER, MAYOR PRO TEM, BERKLEY



YOU WON!

Now What?

Newly Elected Officials Training


This training educates first-time and seasoned elected officials on a variety of topics, including introduction to League services; an overview of basic local government roles and responsibilities; Open Meetings Act; and Freedom of Information Act. Sessions are generally held around the state from November through January.

knowledge on topics such as financial modeling, regional cooperation, shared municipal services, and transforming suburban corridors. Both weekenders are offered at the same time, which allows for networking with new and seasoned officials. The exchange of knowledge that takes place during these weekend programs is invaluable. This year, the weekenders took place Feb. 17-18 in Frankenmuth.

In addition to the weekenders, training programs and webinars are offered throughout the year, and we have on-demand webinars for you to participate in from the comfort of your home. For a list of programs and webinars, visit the training section of our website.

After successfully completing each level of the Academy, the League is pleased to recognize your achievement. Of even greater importance is the fact that your community will benefit from the education and experience that you gain. Your acceptance of the challenge of learning will better equip you to fulfill the important responsibility of volunteer leadership. You will be able to demonstrate leadership competence to your community and peers.

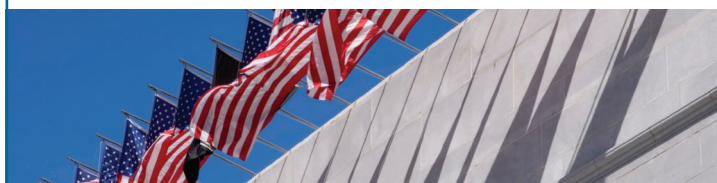
We salute the officials across the state that give freely of their time and show great dedication to their communities. We thank you for making the commitment to serve the areas in which you live.

There is no cost to enroll in the EOA. For more details about the program, or to enroll, visit EOA.mml.org. 

Kelly Warren is director of affiliate engagement. You may contact her at 734-669-6310 or kwarren@mml.org.

Mika Meyers^{PLC}

Attorneys at Law



Legal counsel that helps local government work effectively.

For more than 50 years, skilled Mika Meyers attorneys have helped public-sector entities meet the ever-increasing demands of their constituents and communities. We provide expertise in areas as diverse as zoning and land use planning, bond issues, special assessments, tax increment financing, labor contracts and arbitration, employee benefits, elections, environmental regulation and many other matters.

For more information on how our **Local Government Law team** can assist your community, visit mikameyers.com.

900 Monroe NW Grand Rapids, MI 49503 (616) 632-8000
mikameyers.com

Take good
care of the
company
you keep.



Blue Cross Blue Shield of Michigan and Blue Care Network offers the complete insurance solution to protect the overall health and well-being of your employees.

For more information, contact your local BCBSM licensed agent or the MML Risk Management Department at 800-653-2483.

GROUP HEALTH PLANS | SPECIALTY BENEFITS | BCBSM.COM/EMPLOYERS



DOWNLOAD OUR MOBILE APP

Blue Cross Blue Shield of Michigan and Blue Care Network are nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association.

R066806

A PRETTY GOOD PROBLEM TO HAVE

By Rod DesJardins

MUNISING
pop. 2,355

For a tourist town, it's a good problem to have: **more tourists than you can accommodate.**

And that's precisely what happened in Munising during the summer of 2015. After five years of steady growth in visitors to the Pictured Rocks National Lakeshore, an almost 40 percent jump in visitors to the park that summer taxed our hospitality infrastructure to its limits.

There were no motel rooms or camp sites available that summer. Restaurants ran out of food. There was a worker shortage. You couldn't find a parking spot in town or in the park and you couldn't cross the highway. It was madness!

We have always been a tourist town. And all modesty aside, we are “Pure Michigan.” Many of the photos and much of the video used in that ad campaign are from the Pictured Rocks and the adjacent Grand Island National Recreation Area.

And that’s the really good problem we have.

A travel writer once described Munising as a “humble hard-working town,” and we’ve grown proud of that distinction. So we rolled up our sleeves and went to work. By October of that record-breaking year, business leaders began meeting with officials from the city, county, and federal government to quantify and address the growth in a proactive way.

First, we acknowledged that the growth wasn’t going away. It would continue. In fact, there was another 8 percent increase in 2016. We could either turn our backs on it or we could embrace it. We pride ourselves on our hospitality, so we embraced it.

We identified six focus areas and created work groups to address the problems and opportunities within each area; Water Safety, Parking Congestion, Public Infrastructure, Employment, Housing, and Quality of Life.

Water Safety

The best way to see the park is by boat, and traffic along the coast had been building steadily for years. The increasing popularity of kayaking brought it to critical mass in 2015. There were several rescues that summer and every day hundreds of kayaks wove their way through cruise boats, rental pontoons, and other watercraft coming and going, often close inshore, along these sheer painted cliffs that, however beautiful, offer little sanctuary for a vessel of any size.

Most at risk were the self-directed tourists with children, and river kayaks that were never designed for Lake Superior. Our Water Safety group, which included park staff, cruise operators, pontoon rentals, and kayak tour providers, as well as the U.S. Coast Guard, created and implemented a public education project before the 2016 season that included park-specific kayak safety information at all motels and campgrounds, and volunteer guides in the park’s two most congested launch areas.

Ironically, the congestion that caused this problem has become the primary mechanism for preventing tragedy. We’ve learned to look out for each other even more deliberately than before and rarely is anyone on the water alone.

Parking Congestion and Public Infrastructure

The park staff also addressed the traffic and parking congestion at Miner’s Beach and Sand Point, the park’s two primary kayak launch points. Parking is very restricted at both sites so they worked with the kayak liveries and the local transit authority to designate drop-off points, and move vehicles and shuttle customers in and out by bus from Highway H-58.

The park also divided the beaches themselves into areas for swimming as well as kayak training and launching. More restrooms were installed and plans are being discussed for new launch areas, with local businesses helping to pay for these new facilities.

It’s more difficult to address the traffic volume on our highways and in the community. But we were able to improve parking at the city park and our boat launch. The city also budgeted more money for things like garbage bags and the wages of seasonal workers to empty trash cans.

Employment

But the summer of 2015 also brought an acute shortage of seasonal employees in Munising. We’re an aging community and the high school age population, our traditional source of summer workers, has decreased significantly over the years.

The Visitors Bureau and Chamber of Commerce explored several ways of finding employees, including the use of “guest workers” from a variety of sources. This proved impractical due to the additional cost of housing those workers in a community that already had a severe shortage of affordable housing.

Better planning seems to be the solution. Local businesses have begun recruiting high school students earlier during the school year with an automatic link to a summer job. Employers are also targeting college students home for summer break, promoting part-time employment for retirees, and even recruiting and transporting a work force that commutes from as far away as Marquette.

Now, the worker shortage is less a problem than it is an opportunity for a good summer job in the U.P. And one benefit to the shortage quickly became part of the solution. The hourly wage being offered for many of these service jobs has increased by \$2-\$3 an hour since 2015.

“FIRST, WE ACKNOWLEDGED THAT THE GROWTH WASN’T GOING AWAY...
WE COULD EITHER TURN OUR BACKS ON IT OR WE COULD EMBRACE IT.
WE PRIDE OURSELVES ON OUR HOSPITALITY, SO WE EMBRACED IT.”

Housing

Affordable housing is proving to be the most difficult problem to solve. Munising is a small town and whatever surplus housing stock is available is being used for vacation rentals. Individual employers are dealing with the shortage in their own unique ways; some with seasonal structures like yurts and wall tents, and some by converting deer camps and cottages into worker housing.

Quality of Life

Finally, we are doing what's necessary to preserve our community's identity and the small town charm that makes living here so desirable. This is an ongoing effort and one we all take to heart. There are still many places on the North Coast that visitors have yet to discover, and these remain our sanctuaries.

And now local entrepreneurs are starting to take advantage of the opportunities this wave of tourists has created. There's a new motel, with another in the planning stages, as well as a new brewpub and a restaurant, with construction started on another of each. Two more campgrounds are in the planning and permit stages, and the empty storefronts that for too long plagued our downtown are being purchased and rehabilitated for seasonal businesses.

So this summer, you will find a room at the inn and a seat at the table in Munising. There will be a chair by the campfire with your name on it and a spot down on the beach where you can watch the sun go down on another perfect U.P. day. 🍷

*Rod DesJardins is mayor of the City of Munising.
You may contact him at 906-387-2095
or mayor@cityofmunising.org.*



CREATIVE BOOST

Rural Communities Tap into the Power of Arts

By Rick Haglund

In Caseville, a tiny community on the Lake Huron shore in Michigan's Thumb, the cheeseburger has become the main entrée in the city's revitalization efforts.

Cheeseburger in Caseville draws more than 100,000 visitors over 10 days in August to this town of about 750 residents, including 50,000 people who line the streets for the festival's "Parade of Tropical Fools." The annual event started in 1999 as a tribute to Jimmy Buffett and his classic hit song, "Cheeseburger in Paradise."

But the economic boost to Caseville continues long after the last of the 200,000 cheeseburgers served is eaten. "Before Cheeseburger in Caseville, many of our businesses were vacant. Now we have little vacancy," said Debbie Fulgham, coordinator of the Caseville Area Chamber of Commerce. "Without our festivals, many of our businesses would be closed." The chamber also sponsors RibStock in June, PumpkinFest in September, and Shanty Days, an ice festival, in February.

IRONWOOD
pop. 5,387

CASEVILLE
pop. 777



Drawing on the Arts

Caseville is one of a number of rural Michigan communities that are embracing festivals and the arts in their efforts to attract new businesses, strengthen their identities, and reverse decades of population loss. "These are communities that are trying to make their one-square-mile of the universe a better place," said John Bracey, executive director of the Michigan Council for Arts and Cultural Affairs. "It's not a panacea, but if you're not embracing the arts, you're missing a major economic tool."

Seven years ago, arts supporters in the economically hard-hit community of Ironwood in the Upper Peninsula purchased an office building next to the historic Ironwood Theatre through a grant and local fundraising. Now, the Downtown Art Place features a street-level art gallery and art classroom space and second-floor artist studios.

"My opinion is we're competing with every small town across the country," said Annette Burchell, Ironwood's mayor and a member of the Downtown Art Place board of directors. "I believe you have to make your community more interesting and fun and a special place to live. Just adding one or two little things can make the difference."

Some experts say the survival of many rural American communities depends on including festivals and the arts in their revitalization strategies. In Michigan, as well as the rest of the country, it's clear that traditional development tools, such as tax abatements, are not enough. The vast majority of rural counties in Michigan have lost population since the 2010 census, even while the overall population of the state has risen slightly. Nationwide, the rural population grew by just 3.1 percent between 2000 and

Cardboard boat race at Cheeseburger in Caseville festival. Photo courtesy of Stormchaser Mike.



2015, while urban areas grew by 16.3 percent, according to Kenneth Johnson, senior demographer at the University of New Hampshire.

Young people increasingly want to live in active, progressive communities. A small town with a thriving arts culture and fun events can retain and attract those younger folks that rural communities so desperately need to remain viable. "If you do not build vibrant, inclusive, diverse places for young people, they're not going to raise their families there. They're simply not," Charles Fluharty, president of the Rural Policy Research Institute, told The Pew Charitable Trust's *Stateline* publication.

Sue Bila, president of the Michigan Festivals and Events Association, said there were just a handful of well-known festivals in the state 30 years ago. Among them were the National Cherry Festival in Traverse City, the Alpenfest in Gaylord, and the Bavarian Festival in Frankenmuth. Today, there are roughly 5,000 festivals in the state. "Now every town has one or two or three or four festivals," she said. "Frankenmuth has 20."

Side Benefits

While hosting festivals often is viewed as a key element in a community's placemaking strategy, Bila said a festival or event has a social equity component, as well. In a sense, a festival recreates the town square where people come together, she said. Planning and running festivals teaches volunteerism and creates opportunities for social engagement. "There are a lot of life lessons to be learned in putting on a festival or event," Bila said.

Festivals can be effective fundraisers for charities, especially in smaller communities where money is tight. The Michigan Festivals and Events Association is conducting a study of its members to learn just how much they contribute to charities



in their communities. The association is expected to release the results at its 25th anniversary conference in November.


Hope For The Future

It would be wrong to say that integrating festivals and the arts into the revitalization efforts of small communities is having a big impact, but local officials say they're hopeful. Fulgham of the Caseville Chamber said local real estate agents have reported selling quite a few homes, especially waterfront property, to new residents who became familiar with the area by attending Cheeseburger in Caseville.

The Downtown Art Place in Ironwood has been in operation for just three years, but Mayor Burchell said the arts center has increased traffic downtown, resulted in a few new businesses opening, and brought out hundreds of local residents who now have a place to gather and create art. "These are all little pieces to the puzzle of creative placemaking," she said. "Part of our goal is to gently and positively encourage people to see Ironwood as a place where they want to live and to enhance the quality of life."

"IT'S NOT A PANACEA, BUT IF YOU'RE NOT EMBRACING THE ARTS, YOU'RE MISSING A MAJOR ECONOMIC TOOL."

Officials in Ironwood, Escanaba, Marquette, and a number of other communities also are forming an Upper Peninsula Arts Alliance in an attempt to breathe new life into a region hard hit by the loss of its iconic mining industry.

"You have to figure out what your strength is and make it stronger," Burchell says. Ironwood, which has seen its population fall from nearly 16,000 people in 1920 to about 5,000 today as the mines gradually closed, has decided that its strength—supplementing its four-season recreational opportunities—is the arts." 

Rick Haglund is a freelance writer. You may contact him at 248-761-4594 or haglund.rick@gmail.com.

This column is designed to simplify complex technology topics for municipalities. Have an idea for a future column? Contact the League's Dene Westbrook at 734-669-6314 or dwestbrook@mml.org.

Festival Technology: Trends and Tools

Who doesn't love great, well-organized, community festivals? If done right, they can inspire a sense of community pride, create volunteerism, and make long-lasting memories for both attendees and planners. However, if the planning goes wrong (including the technology behind it) the experience can get off track—driving away both your festivalgoers and organizers. There are many technology tools and services that can be used to create that great experience, but knowing what's available and choosing carefully is key.

There are many areas of festival management and onsite logistics that can be organized or handled by technology. Just like any technology project, selection of a tool or service should be made with a goal in mind. What areas of the festival are giving you the most trouble or challenge? Is it ticketing? Your website? Taking payments for items on-site? Consider this question before making arbitrary changes to festival operations.

Managing Volunteers

Many festivals are operated and planned by a group or committee of community volunteers. How do you foster these individuals and encourage participation? How are they organized? If it's a large festival, there could be hundreds of individuals, which would be difficult to manage by traditional means. There are many cloud services available for volunteer management. Some are paid, but a few simple, free ones are SignUpGenius and GivePulse.

The concept is that once the event is set up in the system, volunteers can then enter contact information and choose their areas of interest and the times best suited to their schedule. Services are also accessible via mobile devices and can be shared via social media and email, generating a viral aspect which could increase volunteer numbers. Since there are so many services to choose from, I encourage you to Google them and heavily test all the features before public use.

Marketing & Social Media

Your festival website is your number one marketing tool, especially since it is available online 24/7/365. If your festival doesn't have a website, it absolutely should. In addition, it should be well-designed, engaging, and contain all the pertinent festival information. As I repeat around the League all the time, presentation is everything! Attendees are more likely to come to a festival if its website and social media presence is engaging and well done.

Luckily, it's super simple to create a website from scratch and add your own content with a few clicks of your mouse. To do this, you need a semi-technical person, a web host provider such as Bluehost or DreamHost, a web domain name, and WordPress (a simple website content management system). WordPress allows for different themes to be installed, which makes website branding super easy. Just change a few colors, add some pictures of your festival, a logo, and you're done with the basics!


In addition to your website, social media is tremendously important in promoting your festival because of the large audience a post or page can potentially reach. It costs nothing to create a Facebook festival page, Facebook Event, Twitter feed, or Instagram account to help spread the word of your upcoming festival. Also, through Facebook, you can boost page posts and advertise with a minimal amount of money to increase visibility even more. When implementing social media, I would encourage organizers to develop a communications strategy or plan for the channels you choose, and try to bring followers back to your website whenever possible, as they should go hand in hand.

Smartphone Apps

Yes, there's an app for that! Smartphones are in most people's pockets, and while event apps are almost expected for larger festivals, smaller festivals can benefit, too. There are some do-it-yourself mobile app makers available for a per month fee, such as Swifitc, Appy Pie and AppMachine. These apps make it easy for festivalgoers to have the schedule of events, maps, and other information at their fingertips. These DIY apps aren't hard to use, but you may ultimately need a person with a higher level of technical ability to produce it. Your other option is to hire an app developer to produce a smartphone app, although development costs could run from \$3,000-\$5,000, too expensive for many festivals.

Accepting Payments Onsite and Online

Still accepting cash-only for tickets or items sold onsite? That's not reasonable anymore since many people just don't carry it (myself being one of them). There are easy ways to sell tickets online to your event, some of which cost more than others. It's not as daunting as it sounds, although to accept payments you'll need to do your homework. There are hidden fees in some of the payment processors, so you'll want to read all the caveats and fine print for these services.



PayPal, Eventbrite, Yapsody, and Ticketbud are some of the more popular services—all have different fees and they may be absorbed by the seller or the purchaser.

If your festival is larger, consider using RFID (radio frequency identification) tags and scanners at your event. These tags keep track of the identity of the individual and can assist with festival entry, purchases, and activities. You'll need a reputable vendor for this technology, and they will discuss options and uses during implementation.

If you're selling merchandise at a festival, there's no better tool than Square or PayPal. Both use card swipers that you can order for free from the company when signing up, or purchase at a local department store. The benefit of PayPal is that if you also use it for ticket sales on your website, your merchandise can also use the same account, creating a single point of sale, thus making it super easy to keep track of all digital transactions.

There are a lot of opportunities to use technology to help manage and operate your festival, and even more vendors out there to help you do it. The key is to discover where you most need the help, and to choose the right service. When using the right tool and planning appropriately for its use, it can help planners reach their goal of creating an awesome experience. Use it well, use it wisely, and attendees will keep coming back for more.

Dene Westbrook is the IT-operations manager for the League. You may contact her at 734-669-6314 or dwestbrook@mml.org.



Member Insurance Programs

Our Mission:

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

Programs:

- › MML Liability & Property Pool
- › MML Workers' Compensation Fund
- › MML Unemployment Fund Group Account



www.mml.org

800-653-2483

Attorneys

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

John J. Gillooly
Municipal Law
jgillooly@garanluow.com
313.446.5501
www.garanluow.com

ANN ARBOR • DETROIT • GRAND BLANC
GRAND RAPIDS • LANSING • MARQUETTE
PORT HURON • TRAVERSE CITY • TROY
AND MERRILLVILLE INDIANA

Engineers & Engineering

STATE OF MICHIGAN • CITY OF SOUTH HAVEN • CITY OF BENTON HARBOR • CITY OF KALAMAZOO • VILLAGE OF KALEVA • CALHOUN COUNTY ROAD COMMISSION • LAKE TOWNSHIP • CITY OF ALLEGAN • CITY OF PORTAGE • CITY OF MANISTE • CITY OF BOYNE • CITY OF LANSING • CITY OF GRAND RAPIDS • CITY OF STURGIS • CITY OF LUDINGTON • CITY OF MUSKEGON • MICHIGAN DEPARTMENT OF TRANSPORTATION • BERRIEN SPRINGS • CITY OF FENNVILLE • CITY OF FRANKFORT • CITY OF PAW PAW • CITY OF ST. JOSEPH • CITY OF BENTON HARBOR • HABITAT FOR HUMANITY • CITY OF DOWAGIAC • CITY OF NILES • STEE TOWNSHIP • CITY OF GRAND HAVEN • HARBOR SHORE

**WE HELP COMMUNITIES
CREATE GREAT PLACES**

JUST ASK OUR CLIENTS

ABONMARCHÉ

WWW.ABONMARCHE.COM

AEW

engineering strong communities

anderson, eckstein & westrick, inc.

www.aewinc.com 586.726.1234

engineers

surveyors

architects

B R i

Beckett & Raeder

Landscape Architecture
Planning, Engineering &
Environmental Services

Ann Arbor
734.663.2622

Petoskey
231.347.2523

Traverse City
231.933.8400

www.bria2.com

Engineers & Engineering

FLEIS & VANDENBRINK

DESIGN • BUILD • OPERATE

Transportation
solutions that
keep you moving.

800.494.5202 www.fveng.com

ftch

FISHBECK, THOMPSON, CARR & HUBER
engineers | scientists | architects | constructors
ftch.com | 1.800.456.3824

in [t](#) [f](#) [i](#)

**giffels
webster**

www.giffelswebster.com

Dedicated to Making Communities Better

Civil Engineering | Landscape Architecture
Land Development Consulting | Planning
Municipal Consulting | Surveying

in [t](#) [f](#)

Engineering. Environment. Excellence.

A TRADITION OF PERSONAL SERVICE & SUCCESSFUL PROJECTS

Hubbell, Roth & Clark, Inc. provides innovative and sound solutions to today's engineering challenges.

For over 100 years, HRC has serviced municipal, industrial and private clients and has completed a multitude of large and complex projects, which have been widely recognized for their innovation and engineering excellence.

HRC
HUBBELL, ROTH & CLARK, INC.
CONSULTING ENGINEERS SINCE 1915
(248) 454-6300 | www.hrc-engr.com

www.manniksmithgroup.com

- Civil Engineering
- Environmental Engineering
- Geotechnical Engineering
- Landscape Architecture
- Construction Support
- Surveying

**Mannik
Smith
GROUP**
TECHNICAL SKILL.
CREATIVE SPIRIT.

1771 N. Dixie Hwy.
Monroe, MI 48162
Tel: (734) 289-2200

OHM

Advancing Communities®

888.522.6711 | OHM-Advisors.com

We're more than
an architecture,
engineering, and
planning firm.
We're the community
advancement firm.

Engineers & Engineering

RELATIONSHIPS ■ REPUTATION ■ RESULTS

Municipal | GIS | Planning / Landscape Architecture | Land Surveying
Civil Engineering | Land Acquisition | Ecological Services



METRO CONSULTING ASSOCIATES
800.525.6016 ■ www.metroca.net

SPALDING DeDECKER



Engineering & Surveying Consultants
Infrastructure | Land Development
Surveying
(800) 598-1600 | www.sda-eng.com



Spicer's Mobile Mapping Solutions can help you map all of your Community Assets

Contact us for an efficient solution for your survey needs
800.833.0062 www.SpicerGroup.com

Spicer group

williams&works
engineers | surveyors | planners

williams-works.com (616) 224 -1500

Environmental Consultants

**United Water is
now SUEZ**

mysuezwater.com
616-940-2405



Tt TETRA TECH

Serving Michigan's Municipalities
for More Than 100 Years!

Ann Arbor - 734.665.6000
Brighton - 810.220.2112
Detroit - 313.964.0790
Lansing - 517.316.3930
Port Huron - 810.956.9300

www.tetrattech.com



BUILDING COMMUNITIES.



Wightman & Associates, Inc. has delivered first-class engineering, architecture and survey solutions to clients since 1946. We've made our mark by building strong, vibrant communities. Let our dynamic team of 80 professionals assist your community.

WAI WIGHTMAN & ASSOCIATES, INC.
ENGINEERING • SURVEYING • ARCHITECTURE
269-927-0100
www.wightman-assoc.com

Financial Services

{ A trusted advisor. }

For over 70 years, state and local governments have trusted Plante Moran to provide independent technology, operational, and financial services. We provide practical solutions to complex issues, and you can have confidence in the objectivity of our recommendations.

plante moran
audit • tax • consulting • wealth management

government.plantemoran.com

Planning & Zoning

COMMUNITY PLANNING & DESIGN

McKenna ASSOCIATES

NORTHVILLE • DETROIT • KALAMAZOO • 888.226.4326 • MCKA.COM

- Economic Development
- Landscape Architecture
- Public Engagement
- Urban Design
- Zoning Administration
- Downtown Revitalization
- Zoning and Form-Based Codes
- Building Inspection / Administration

williams&works
engineers | surveyors | planners

williams-works.com (616) 224 -1500

Landscape Architecture

B R i

Beckett&Raeder
*Landscape Architecture
Planning, Engineering &
Environmental Services*

Ann Arbor 734.663.2622
Potoskey 231.347.2523
Traverse City 231.933.8400
www.bria2.com

B R i

Beckett&Raeder
*Landscape Architecture
Planning, Engineering &
Environmental Services*

Ann Arbor 734.663.2622
Potoskey 231.347.2523
Traverse City 231.933.8400
www.bria2.com

Planning & Zoning

CARLISLE | WORTMAN
associates, inc.

Community Planning • Zoning • Recreation Plans
Building Department Management & Staffing

www.cwaplan.com | 734.662.2200

*Just what
you need,
just when
you need it.*

Water & Wastewater

F&V operations
and resource management

www.fv-operations.com | 888.773.8806

**Water & Wastewater Operations
Plant Optimization | Operator Training**

Gibbs Planning Group

Urban Planning + Market Research
Retail + Hotel + Residential
248.642.4800
gibbsplanning.com

giffels webster

Dedicated to Making Communities Better

Civil Engineering | Landscape Architecture
Land Development Consulting | Planning
Municipal Consulting | Surveying

www.giffelswebster.com

[in](#) [t](#) [f](#)

Sunshine Laws

Q: Was there a new court case on the difference between responding to a Freedom of Information Act (FOIA) request and actually fulfilling a FOIA request?

Alert: Please see July/August Municipal Q&A.

A: In 2016, the Michigan Court of Appeals heard a case on FOIA requests and decided that a public body could “grant” a FOIA request but “fulfill” the request at a later date. In its opinion, the court said that although a public body must respond to a request for public records within the timeframe contained in the Michigan Freedom of Information Act (PA 442 of 1976) by granting or denying the request, the public body is not required to deliver the requested documents at that time. The court found that “grant” means to “agree”—and that it is not the same thing as the completion, or fulfillment, of the request. (*Cramer v Village of Oakley*, Case No. 330736, MI Ct. of Appeals (2016))

For information on the Freedom of Information Act, see the League’s Fact Sheets at mml.org:

- Freedom of Information Act: 2014 Changes
- Freedom of Information Act: General Questions
- Freedom of Information Act: Policy and Definitions
- Freedom of Information Act: Statutory Exemptions

Q: Is social media content considered a public record? Are text messages public records?

A: A public record is defined as: information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.” Text messages are public records if they are created or received as part of performing a public employee’s official duties. Social media content is a public record if it is created as part of performing a government function. Just like paper records, text messages and social media content are used to support a variety of processes. They must be evaluated for their content and purpose to determine the length of time the message must be retained in accordance with the appropriate Retention and Disposal Schedule. Local governments are responsible for ensuring that the public records they create and receive while conducting public business are retained and destroyed in accordance with Michigan law.

Q: Can the mayor go to individual councilmembers and ask their opinions on topics prior to a council meeting?

A: In essence, this is an Open Meetings Act (OMA) question. The League can’t give a legal opinion, but we can tell you about a court case addressing this issue. In the case of *St. Aubin v Ishpeming City Council*, a fired city manager sued the city council and members individually for violating the Open Meetings Act. The mayor had held individual meetings with all councilmembers prior to a private meeting with the manager where dissatisfaction was expressed with the manager’s work and the manager was asked to either resign or be fired. She declined to resign and subsequently was terminated at a regular council meeting. She alleged there was no public notice of the private meeting and that she did not request a closed session. The court found that the polling of individual councilmembers was an informal canvass by one councilmember which did not violate the OMA. When the council met with the manager in a non-public session and decided the manager would not be allowed to continue as manager, that was when the Act was violated. (*St. Aubin v Ishpeming City Council*, 197 Mich App 100 (1992)).

Michigan Attorney General Bill Schuette cites the *St. Aubin* case in the office’s Open Meetings Act Handbook (p7). Here is an excerpt:

Canvassing board members on how they might vote — an informal canvas by one member of a public body to find out where the votes would be on a particular issue does not violate the OMA, so long as no decisions are made during the discussions and the discussions are not a deliberate attempt to avoid the OMA.

For information on the Open Meetings Act, see the League’s Fact Sheets at mml.org:

- Open Meetings Act: Calling Closed Meetings
- Open Meetings Act: Closed-Meeting Minutes
- Open Meetings Act: Definitions and Requirements
- NEW! Open Meetings Act: Email Quorum Violation
- Open Meetings Act: Posting Requirements

The League’s Information Service provides member officials with answers to questions on a vast array of municipal topics. Call 1-800-653-2483 or email info@mml.org.

Sue Jeffers is a legal consultant to the League. You may contact her at sjeffers@mml.org.

Does state law preempt school policy banning possession of firearms in schools?

FACTS:

In 2015, Ann Arbor Public Schools (AAPS) adopted three policies that, in general, ban the possession of firearms on school property and at school-sponsored activities. The policies specifically acknowledge that MCL 28.425o controls the ability of concealed pistol license holders to carry a concealed pistol. MCL 28.425o(1)(a) provides that a person licensed to carry a concealed pistol shall not carry a concealed pistol on school property, except that a parent with a concealed pistol license is not precluded from carrying a concealed pistol when dropping off or picking up a child from school.

Michigan Gun Owners, Inc. and Ulysses Wong, who possessed a concealed pistol license, (plaintiffs) sued AAPS alleging that Michigan law allows Wong to openly carry a pistol on school property since state statutes preempt “a local unit government from regulating the possession” of firearms. AAPS countered that Michigan law confers on public school districts the right to address the safety of its students by enacting policies such as those in question and that case law governing preemption does not undermine the school district’s power to regulate firearms.

The plaintiffs relied upon *Capital Area Dist Library v Michigan Open Carry, Inc.* (CADL) 298 Mich App 220, which held that a district library could not regulate firearms on the basis of MCL 123.1102 which provides:

A local unit of government shall not . . . enact or enforce any ordinance or regulation pertaining to the . . . possession of pistols, [or other firearms] except as provided by federal law or a law of this state.

A local unit of government is defined in the statute as a “city, village, township, or county.”

The plaintiffs also argued that the AAPS policies contradict MCL 28.425o(1)(a) and that the statute preempts AAPS policy.

QUESTIONS:

Does state law preempt AAPS policies re: firearms on school property?

ANSWER ACCORDING TO THE TRIAL COURT AND THE MICHIGAN COURT OF APPEALS:

No. The trial court found that MCL 123.1102 and the CADL decision do not control the outcome of the case since a school system is not defined as a local unit of government nor are schools controlled by a local unit of government. In addition, the court determined that, by enacting MCL 123.1101, the Legislature did not intend to preempt (under the factors set forth in *People v Llewellyn*, 401 Mich 314 (1977)) the field of firearm legislation.

With respect to MCL 28.425o(1)(a), the court of appeals noted that the statute imposes a blanket prohibition on carrying a concealed pistol on school property but excepts a parent with a concealed pistol license when picking up and dropping off a student. The court found no conflict between the statute and AAPS policy and no express preemption, noting that AAPS policy specifically acknowledged that MCL 28.425o(1)(a) controls the ability of concealed pistol license holders to carry a concealed pistol under the distinct circumstances conforming to the statute.

Michigan Gun Owners v Ann Arbor Public Schools,
No. 329632 (Dec. 15, 2016)

This column highlights a recent judicial decision or Michigan Municipal League Legal Defense Fund case that impacts municipalities. The information in this column should not be considered a legal opinion or to constitute legal advice.

Michigan Association of Municipal Attorneys

Upcoming Events

June 23-25, 2017
PCLS/MAMA Summer Conference
Grand Hotel - Mackinac Island

For more information and to register, visit www.mama-online.org








 **VORTEX**
**A CLEAR
SOURCE
OF
FUN**

BLUE HERON BAY SPLASHPAD - INDEPENDENCE LAKE PARK | WHITMORE LAKE, MICHIGAN

BRING COMMUNITIES TOGETHER

Bring people of all ages together with fun aquatic play.
All through the wonder of water.



World leader in aquatic play solutions with over 6,500 installations worldwide
1.866.586.7839 (USA/CA) | info@vortex-intl.com
VORTEX-INTL.COM      

Show us the
creative ways
you make vibrant
communities!

Michigan Municipal League

COMMUNITY Excellence Awards

Submit your entry by June 15

Vote for your favorite from June 30 – July 30

Get all the details at cea.mml.org

