

the review

the official magazine of the  michigan municipal league

July/August 2008

"Why I Love Michigan..."

*Two millennials
share their stories*

Detroit's
Fabulous
International
Riverfront

Also Inside:

Wellhead
Protection

Invasive
Species
Control

The New
Planning Act

The Best Tasting H₂O
in Michigan!

The Great Lakes Compact

Christman President and CEO Steven Roznowski

The Christman Building

Home of MML's New Capital Office:
The World's First Double Platinum
LEED Certified Building!



The Michigan Municipal League is the Michigan association of cities, villages and urban townships. A nonpartisan advocacy organization, the League works through cooperative efforts to strengthen the quality of municipal government and administration by providing technical assistance and information to local officials regarding municipal issues.

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The official magazine of the Michigan Municipal League.

Volume 81, Number 4

Feature Articles

5 Greater Than Just Lakes

Mike Krombeen

6 Conserving the Great Lakes One Drop at a Time

Kim Landick

7 The Michigan Department of Environmental Quality: Protecting Michigan's Environment, Ensuring Michigan's Future

Steven Chester

10 Detroit International Riverfront

13 Water Glossary

14 The Village of Milford's Wellhead Protection Plan

Fred Morin

18 The League's Capitol Office Awarded World's First Double Platinum Designation in 'LEED' Certification

Andrea Messinger

21 Ballast Water Legislation

David Worthams

22 New Help for Controlling Invasive Species and Making Waterfront Improvements

Andy Schor

24 Great Lakes Compact: Municipal Interests Critical to Protecting Michigan's Water Future

Cyndi Roper

26 Great Lakes Compact: Key to Preserving Michigan's Economy and Environment

Doug Roberts, Jr.

29 Why Are My Water Rates So High?

James Redding

32 MSU Fellowship Offers Career Development

Barbara Knuth



Executive Director's Message

By Daniel P. Gilmartin

Firsts

Great Lakes Water Compact

When you hear the word water, what comes to mind? Refreshment, relaxation, renewal. What about resources? The Great Lakes—Superior, Michigan, Huron, Erie and Ontario—form the largest surface fresh water system on earth. They cover more than 94,000 square miles and hold an estimated 6 quadrillion gallons of water, about one-fifth of the world's fresh surface water supply and nine-tenths of the U.S. supply! Michigan has the most continuous Great Lakes shoreline, being almost entirely encompassed by the Great Lakes. In addition, we have an abundance of inland lakes and rivers. In fact, if you stand anywhere in Michigan, you are always within six miles of a lake. It goes without saying that we have an incredible resource. What doesn't go without saying is that we need to protect and nurture this resource.

A report released in late May by the Healing Our Waters-Great Lakes Coalition stated that the Great Lakes are in danger, and listed climate change, pollution, and invasive species as the most immediate dangers facing the lakes. In this issue of *The Review*, we are covering the status of the Great Lakes Water Compact, an agreement between the Great Lakes states' governors and Canadian premiers to protect the lakes; current legislation on invasive species, both in the Great Lakes and inland lakes and rivers; groundwater protection via Wellhead Protection, and the Department of Environmental Quality's (DEQ) role in managing our environment, including water resources.

Sustainability Column

This issue of *The Review* also marks the debut of a new regular column on sustainability called "Greener Communities. Greener Michigan." For those of you who read our last issue, you know that the League is putting a spotlight on creating green communities throughout the state. This column will highlight programs and projects in and around Michigan communities in an effort to provide the latest information for local governments throughout the state. The first story will profile a new green energy program by DTE.


Millennial Coverage

Another topic the League has been focusing on is the importance of attracting and retaining millennials (those who are under 30) to our state. As a kickoff for our upcoming column dedicated to Michigan millennials, we are pleased to share the award-winning essays of two Michiganders who entered the Center for Michigan's *Envision Michigan* essay contest. Both relayed their desire to stay in Michigan as adults, and what growing up in our state has meant to them.

Convention—New Strategies

It's not too early to begin making plans to attend the League's 110th Annual Convention on Mackinac Island on October 1-4. Registration information is available online at www.mml.org. This Convention marks a particularly important time for the League and its members as we collectively tackle Michigan's economic challenges. The programming is designed to present a new set of tactics in developing the types of quality places that will allow communities to thrive in the 21st century. Our line up features an impressive list of speakers who will provide research, ideas, and inspiration for moving our state and its communities forward. I look forward to seeing you there.

Double Platinum LEEDs Certification

In this issue, our cover features Steven Roznowski, CEO and president of The Christman Company, and the driving force behind the attainment of the LEED double Platinum certification of The Christman Building in Lansing. The Christman Company believes that building "green" is good business for their construction clients, and decided to lead by example in their own building, with their own employees. That effort paid off in the world's first (not the first in Michigan, or the first in the U.S, but the first in the world!) double Platinum certification. It is an example of sustainable "green" historic building practices, considered by many to be the highest form of sustainable design and construction due to its reuse of an existing structure. You can read more about this exciting achievement on page 18. 

The Review

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Volume 81, Number 4

Feature Articles Continued

33 New Michigan Planning Enabling Act

Gerald A. Fisher

41 Michigan Municipal League Legal Defense Fund Celebrates its 25th Year!

Departments

3 Executive Director's Message

Firsts

Daniel P. Gilmartin

20 Greener Communities. Greener Michigan.

Was Bob Dylan Ahead of His Time?

Larry Kaufman

23 Legislator Salute—Brian Calley

33 Legislator Salute—Mark Meadows

39 Field Report

Weighing in on Wetlands and Economic Development: Are the Scales Balanced?

Caroline Weber Kennedy

40 Legal Spotlight

Does the Public Have the Right to Walk on the Shores of the Great Lakes?

Sue Jeffers

42 Municipal Marketplace

47 Municipal Q&A

Mary Charles

Michigan Focus

19 Elk Rapids

19 Roscommon

35 Farmington Hills

Greater Than Just Lakes

By Mike Krombeen, city of Grandville, age 21 years

The Center for Michigan's *Envision Michigan* essay contest First Prize \$5,000 scholarship winner.

When I was little I grew up in a small town in west Michigan, just outside of Grand Rapids. I spent my time building forts in the snow, and riding my bike across town. I went to the local ice cream shop in the summer, and went sledding in the winter. I played backyard football in the fall and signed up for little league every summer.

Now, every Monday morning my alarm sounds and I drag myself out of bed and climb on the bus to go to class. It's another week of school, it means more poli-sci classes, more student senate meetings, more college Democrats meetings, and less sleep than all the other Grand Valley students. I love it. But each week I come into contact with more and more students, many of them attempting to get their teaching degrees, who don't plan to stay in Michigan.

"I'll miss the lakes," they say, "but nothing else."
It hurts a little bit, because I grew up here and I love this state. I want to get my political science degree and I plan on working




Mike Krombeen is a political science student at Grand Valley State University.



Tall Ship
Photo Credit: Vito Palmisano

in Michigan. Things are tough here right now, but I know that Michigan is its people and its people are tougher. We're a state of the Great Lakes, sure, but we're also a state of Mackinaw, of Detroit, a number of other great cities. We're the state of the most colorful fall every year, beautiful leaves on rolling hills of northern Michigan. We're the state of the Michigan Wolverines and the Big House, and of the Michigan State Spartans and the Izzone.

There is one more thing I love about this state, and that is something I see every time I leave the college campus and head back home. I pull back into my little town and drive down the residential neighborhoods to see little kids riding bikes or throwing snowballs. I know, as do many of you, that Michigan is in trouble. I know of budget crises and Proposal Two and all the other legal ramifications that affect us. The kids don't, they just know they get to go to Sleeping Bear every summer, or that coming up is the Michigan vs. Michigan State game. That's the future of Michigan, that's why I'm staying here.

This state, and the people of this state will figure everything out and turn everything around. I have no doubt, because the people of this state know that we have to. "We do not inherit the earth from our fathers. We borrow it from our children," David Bower. It's my dream of doing all that I can so that every child in Michigan grows up enjoying everything I enjoyed. It's my dream that every child grows up with an education to do the same when they are my age. I hope the future of this state grows into doctors, scientists, environmentalists, teachers, and whatever else they can dream of, but I hope that they all stay, and all want to stay, in Michigan. 

Conserving the Great Lakes One Drop at a Time

By Kim Landick, city of Perry, age 21 years


The Center for Michigan's *Envision Michigan* essay contest Fifth Place \$2,300 scholarship winner.

Listening to the waves crash on the rocks, smelling the crisp air, and watching the sunset are all part of the wonder and beauty of Michigan. This state is an exceptional place to many people, primarily for its beautiful scenery and abundance of fresh water. Lake Superior at sunset captures the divine tranquility of such massive bodies of fresh water. Growing up in Michigan, I have grown to love this state. After all, how many other states can you use your hand as a map? I love this unique aspect of Michigan!

Currently, I attend Michigan Technological University. Even though this university is nine hours away from home, I could not ask for a more beautiful place to attend college. Watching the waves of Lake Superior crash on the shore, catching snowflakes on my tongue, and hiking through pristine wilderness are all experiences I wish more college campuses could offer.

I am a third-year student studying environmental engineering and I truly have a passion for water. I am currently working

on a project with Engineers Without Borders in Bolivia concerning point of use water treatment systems, which has allowed me to learn more about the global water situation. This has led me to become more concerned about the fresh water surrounding Michigan. We need to keep our water clean, unpolluted and in the Great Lakes! As fresh water around the world becomes scarcer, people are going to continually look to the Great Lakes. They fluctuate annually with snowmelt and rainfall, but there is no constant input of water. If large quantities start being pumped out of the lakes, there will be nothing to replenish them.

My vision for Michigan is to keep the sense of serenity throughout the state as well as conserve our water in a sustainable way. After finishing school, I would like to work to help Michigan by conserving one of the most precious resources our state has. By doing so, I hope that everyone will get the chance to experience the Great Lakes surrounding such an extraordinary state. 

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Kim Landick is an environmental engineering student at Michigan Technological University.



The Michigan Department of Environmental Quality: Protecting Michigan's Environment, Ensuring Michigan's Future

By Steven Chester

Bond Funding Running Out

Over the past twenty years, funding for the cleanup and brownfield programs has been provided through two bond initiatives that were overwhelmingly approved by the voters of Michigan, the 1988 Quality of Life Bond and the 1998 Clean Michigan Initiative. These bonds provided the state with the financial resources to ensure that contaminated sites could be both cleaned up and restored to productive use.

Since their passage, the wise use of these bond funds has leveraged an estimated \$3.1 billion in private investment, created thousands of jobs, and resulted in the revitalization of hundreds of community neighborhoods. Clearly, these have been important and sustaining investments in Michigan's future.

Michigan currently is at a crossroads, however. The one-time dollars raised by the 1988 and 1998 bonds have been exhausted, and without a new funding source, the DEQ will soon no longer be able to provide funding to address the thousands of remaining contaminated sites across our state.

I certainly believe that the cleanup and brownfield redevelopment programs are a critical component of Michigan's environmental and economic success. Whether we will continue to fund these programs, however, rests with the citizens of Michigan. This year, I will be discussing this matter with our local government partners and directly with residents of our great state in the hopes that we can all agree that we must allow the success of these programs to continue—especially if we are truly committed to protecting Michigan's environment, and ensuring Michigan's future.

Thousands of Contaminated Sites

Nobody wants a contamination problem in their community, or even worse one that impacts their own property, but the reality is that Michigan's industrial history has left us with thousands of sites across the state in need of remediation. While we often think of contamination problems as impacting our urban areas, we know that they in fact impact communities of all sizes, whether urban, suburban or rural. In fact, nearly 50 percent of Michigan's population lives within ½ mile of known contamination.

When a company causes contamination on or around their property, Michigan law holds them liable for the costs of cleaning it up. Unfortunately, there are countless sites across the state known as "orphan sites," or properties where a liable party cannot be identified or lacks the financial capacity to pay for the cleanup. These sites can often require significant public funding to manage the environmental and public health threats that they cause.

In these circumstances, the DEQ's cleanup programs are the safety net for Michigan citizens and the environment. The DEQ has utilized available resources from the state's cleanup funds to provide over 10,000 homes and businesses with safe drinking water, as well as prepare 521 sites for redevelopment, demolish more than 150 abandoned hazardous buildings, and mitigate environmental risks at hundreds of sites.

These projects have made Michigan safer, our citizens healthier, and ensured our industrial legacy does not prevent our transformation to a diversified and successful economy in the 21st century.

Michigan has long been a leader in protecting its citizens and natural resources from environmental degradation and pollution. Our vast natural heritage is evident in our Great Lakes waters, shore land beaches, 11,000 inland lakes, and 26,000 miles of streams and rivers.

Over the past thirty years, air quality in Michigan has significantly improved, and our lakes and streams are more fishable and swimmable today than we have seen in generations.

Our motto is "Protecting Michigan's Environment, Ensuring Michigan's Future." For us, this is more than just a saying—rather it speaks directly to the importance we place on protecting the health and well-being of our residents and preserving the great natural legacy that is Michigan. Nowhere is our commitment to that belief more evident than in the cleanup and brownfield redevelopment programs.



Continued from page 7


How Do We Fix It?

When I discuss the funding problems the DEQ's cleanup and redevelopment programs are currently facing with people across Michigan, the obvious follow-up question I am often asked is how do we fix it?

Currently, these programs operate on an annual need of roughly \$95-\$100 million, and in these difficult budgeting times, coming up with \$95-\$100 million annually to support these critical programs is no small task. I have been having discussions with a number of groups over the past several years to put our options on the table and hear what others may be available. With each discussion, however, those options tend to narrow down to just one: a new bond. While I am certainly open to hearing other ideas, we will soon have to move forward with a solution and ensure that it gets enacted.

Alternatively, we could choose to do nothing, and by the end of this year begin the difficult process of dismantling our cleanup programs. This would mean that ongoing cleanups would be shut down, leaving communities at risk of environmental hazards. This would mean our ability to provide

alternative drinking water supplies to households when their current supplies are contaminated would end. This would mean our ability to partner with communities to get abandoned properties back on the tax rolls would also come to an end.

I hope you agree that this alternative is unacceptable for Michigan, our communities, and our families. Please join me in supporting Michigan's cleanup programs and the funding they need to allow for their continued success. 

DID YOU KNOW?

Globally,
approximately
1.4 billion people
live without clean
drinking water.

Aquatic Invasive Species (AIS) Awareness

Governor Granholm proclaimed June 1-8, 2008, as Aquatic Invasive Species Awareness Week to raise awareness about the need for citizens to take action to stop new introductions and control the spread of aquatic invasive species (non-native pollutants, fish, or plants that damage native ecosystems).

In support of the Great Lakes Regional Collaboration declaration of "Clean Boats Every Day" Initiative, Michigan is promoting aquatic invasive species awareness and sustainable boating practices by teaching citizens how to inspect, clean, and drain their boats in order to prevent the introduction and spread of aquatic invaders.

A few simple preventative measures can help protect Michigan's pristine waters from AIS invasions. For example, watercrafts and recreational equipment should be inspected before leaving a lake, any vegetation should be removed, all live wells drained, areas that may contain water cleaned, and unused bait should be disposed in the trash.

For more information, visit www.michigan.gov/deq; or contact the Office of the Great Lakes (OGL) at 517-335-4056.

Steven E. Chester is director for the Michigan Department of Environmental Quality. You may reach him at 517-241-7390.



Did You Know...Michigan Water Facts

Did you know?

There are over 1,300 public boating access sites and over 80 harbors and marinas throughout the state of Michigan administered by state, county, and local units of government.

How Much Is a Leak Costing You?

- Dripping faucets and leaking toilets account for 14 percent or more of all water used indoors.
- A pinhole size leak wastes up to 170 gallons of water per day.
- A continuous leak, caused by water leaking through the flush tank overflow on a toilet, can waste as much as 145,000 gallons of water during a three-month period. This would be an additional \$1,349.95 on your water bill.

Interesting Water Usage Facts

Washing machines may use up to 30 to 60 gallons of water per load.

Older model dishwashers use at least 15 gallons of water per load.

Older toilets (installed before 1994) use 3.5 to 7 gallons of water per flush.

Some new toilets use as little as 1.6 gallons per flush. 20 percent of all toilets leak.

A bathtub filled half full will contain at least 50 gallons of water.

Faucets flow water at 3 to 5 gallons per minute.

Showerheads flow water at a rate of 5 to 10 gallons per minute.

The Cost of a Leak

The city would like to encourage all customers to monitor for possible water leaks. Leaks not only waste water, they cost you money. Check appliances, connecting hoses, and faucets for leaks. Test your toilets for leaks by adding several drops of food coloring to the toilet tank. If it's leaking, coloring will appear in the toilet bowl without flushing, within 30 minutes. If color appears in the toilet be sure to flush it as soon as the leakage test is finished to prevent the color from staining the toilet. Worn, corroded, bent, or troubled parts can be the cause of such a leak. Replacement parts are readily available, inexpensive, and can easily be installed. We also suggest monitoring your meter. You can conduct the monitoring during a period when water is not being used. All water should be off inside and outside your residence and/or business.

—City of Plymouth Newsletter

Did You Know?

Lake Michigan is so big that more than 400,000 gallons of rain or snow land on the Lake every second!

—Michigan Department of Natural Resources



Detroit's International Riverfront



The riverfront is one of Detroit's largest revitalization efforts. The Detroit RiverFront Conservancy, Inc., a 501 (c)(3) organization, was created to undertake the establishment, improvement, operation, maintenance, security, and programming of the Detroit riverfront, including the creation of a RiverWalk and parks and green spaces along the riverfront, from the Ambassador Bridge to the MacArthur Bridge at Belle Isle and beyond. The Conservancy, created in 2002, is governed by a 44-member board and eight committees.



The Conservancy opened the east riverfront on June 22, 2007 with a grand opening ceremony and ribbon cutting at the new Rivard Plaza and Pavilion.

The event celebrated the first significant opening of new public space on the Detroit International riverfront since its inception in early 2003. More than 75 percent of the east riverfront project, from Joe Louis Arena to Gabriel Richard Park, just east of the MacArthur (Belle Isle) Bridge, is complete and open to the public.

"The Detroit International RiverWalk is an amazing asset to the city and the region and the best time to take advantage of all it has to offer is during the summer. We want to encourage all families to visit the great attractions and take in the natural beauty of the area while the fantastic weather lasts," said Faye Alexander Nelson, Detroit RiverFront Conservancy president and CEO.

RiverWalk

- The RiverWalk will ultimately span from the Ambassador Bridge to beyond the MacArthur Bridge at Belle Isle into Gabriel Richard Park, about a five-mile stretch.
- The design for the RiverWalk will be two paths—one for pedestrian traffic and one for wheeled traffic, such as cycling and roller-blading.
- The walkway will vary in look and feel along the river, based on the shoreline, existing structures and conditions.

Plazas/Pavilions

Two of the four planned plazas and pavilions—at Gabriel Richard Park and at the foot of Rivard Street—opened in 2007. Each pavilion will have restrooms, outdoor seating areas sheltered with a canopy-like tenting, audio/Wi-Fi, and concessions.

Rivard Plaza highlights include the custom-designed River Carousel, a standing glass map of the St. Lawrence Seaway and an in-laid granite map of the Detroit River. Gabriel Richard Plaza, located just east of the MacArthur (Belle Isle) Bridge, features tranquil butterfly gardens and gorgeous landscaping. Both plazas have exquisite water fountains, canopy-like pavilions and concessions available, showcasing our transformed Detroit riverfront.

Continued on page 12



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"After opening more than 75 percent of the east riverfront to the public last year, it was our goal at the Conservancy to continue to work to engage the public and present more opportunities for use of the riverfront," said Faye Alexander Nelson, president and CEO of the Detroit RiverFront Conservancy.

More community engagement opportunities will be found this summer through the Conservancy's 2008 programming schedule. Along with larger signature programs, such as the Red Bull Air Races and GM River Days, the Conservancy has developed a calendar of smaller, more focused programs that will happen on the riverfront through October.

"GM River Days is a perfect way for us to demonstrate and celebrate our commitment to this great city and the transformation of our spectacular riverfront," said Matt Cullen, general manager, of the Economic Development and Enterprise Services for General Motors.

Free to the public, GM River Days features family-friendly entertainment, including last year's signature event, the DTE Energy Parade of Lights, anticipated to become the country's largest parade of lights with 50 boats expected to light up the Detroit River.

Key partners in the riverfront programming initiative include the Detroit Institute of Arts and the Detroit Symphony Orchestra, which will be offering cultural programming; Wayne County Department of Parks and Recreation, bringing some of the department's summer programs to the riverfront; the YMCA of Metropolitan Detroit and the Detroit Medical Center, both offering various fitness and health programs; and Canine to Five, a Detroit-based dog daycare company that will be hosting a bi-weekly dog walking club. 

(Source: www.detroitriverfront.org)



A full calendar of events is available on the Conservancy's website at www.detroitriverfront.org. Photos courtesy of Downtown Detroit Partnership

Water Glossary

In the urban watershed area, storm drains, or catch basins are designed to carry stormwater away from developed (highly impervious) areas to prevent flooding. Anything that enters the storm drain or catch basins eventually ends up in our local rivers. This type of pollution is the number one water quality problem in the nation.

Aquifer—An underground geological formation, or group of formations, containing water. They are sources of groundwater for wells and springs.

Discharge—The volume of water (and suspended sediment if surface water) that passes a given location within a given period of time.

Eutrophication—Excessive levels of phosphorous, nitrogen, and nutrients in the water, which leads to a decrease in oxygen levels. Often characterized by excessive growth of algae and aquatic vegetation, which often results in deteriorated water quality and beach closings.

Point Source Pollutant—Pollutants from a single, identifiable source such as a factory or refinery.

Runoff—Drainage or flood discharge that leaves an area as surface flow or as pipeline flow. Has reached a channel or pipeline by either surface or sub-surface routes.


Sanitary Sewer—A system of underground pipes that carries sanitary waste or process wastewater to a treatment plant.

Storm Drain—A slotted opening leading to an underground pipe or an open ditch for carrying surface runoff.

Storm Water Management—Functions associated with planning, designing, constructing, maintaining, financing, and regulating the facilities (both constructed and natural) that collect, store, control, and/or convey storm water.

Surface Water—Water that remains on the surface of the ground, including rivers, lakes, reservoirs, streams, wetlands, impoundments, seas, estuaries, etc.

Watershed—That geographical area which drains to a specified point on a watercourse, usually a confluence of streams or rivers (also known as a drainage area, catchments, or a river basin).

Urban Runoff—Storm water from urban areas, that tends to contain heavy concentrations of pollutants from urban activities. 

(Source: MSU Water www.msu-water.msu.edu/asp/glossary.asp, May 28, 2008)

Top Ten Things We Can Do to Protect Our Watersheds

- 1 Always conserve and reuse water wisely.
- 2 Soil test before you apply fertilizers. Use low or no-phosphorus fertilizers.
- 3 Use native vegetation and reduce turf grass by increasing native wildflowers and grasses.
- 4 Capture and reuse rainwater to control stormwater runoff.
- 5 Dispose of pet waste properly in the trash or toilet (not onsite septic systems).
- 6 Wash your car on the lawn instead of pavement.
- 7 Maintain all vehicles, eliminating leaks and spills.
- 8 Recycle and dispose of household chemicals properly (motor oil, household cleaners, paint, etc.)
- 9 Inspect and maintain onsite septic systems and sewers.
- 10 Join a watershed organization.

The Village of Milford's Wellhead Protection Plan

By Fred Morin

The village of Milford is a community of about 6,400 residents in western Oakland County. In late 1988 and again in 1991, routine sampling of its groundwater drinking water wells identified trace levels of toxic solvents. Concerned about the potential effects of groundwater contamination on public health and economic development, village officials responded by putting together a comprehensive Wellhead Protection Plan (WHP).

A local manufacturer, Kelsey Hayes, discovered volatile organic chemicals in its off-site groundwater, heading towards the village wells. After years of investigation, it was determined that the source of the chemicals in the village wells was from the Kelsey Hayes site. A filtering remediation system was installed, removing the contaminants before they reached the municipal wells. The level of chemicals in the water have not exceeded the maximum contaminate levels (MCLs) set by the MDEQ, and all observation wells are sampled every three months.

Navigating the Challenges

Fred Morin, now retired Public Services Director, initiated Milford's early groundwater protection efforts. In his view, "We have a tremendous, plentiful aquifer. We're trying to make sure it can serve us in the future." The first step was to gain information about the village's groundwater sources. To do so, the village worked with the Huron River Watershed Council (HRWC), which provided technical assistance and facilitated the planning process. An advisory committee comprised of the village manager, planning and zoning official, and other board members; water utility representatives; citizens; business interests; the Milford township supervisor and a township resident; and a Highland Township resident was

formed. Since the discovery of the contamination on the Kelsey Hayes site, a geologist from their consulting firm also has been actively involved, updating members on the remediation process and offering technical assistance.

The committee asked the fire department to carry out "Firefighter-Right-to-Know" surveys to identify businesses in the community that stored and used hazardous materials on-site. In its survey, the fire department also identified other potential sources of contamination. Using geographic information systems (GIS), the committee mapped the potential contamination sources and groundwater resources, visually displaying the results of the surveys.

Outcomes

Village officials used the map of groundwater resources and potential contamination sites as the basis for revising its zoning ordinance for non-residential uses and facilities that deal with quantities of hazardous substances greater than 100 kilograms per month. These facilities must incorporate groundwater protection measures as secondary containment for potential hazardous substance overflows and/or spills, and design sites to protect groundwater.

Education

The village deputy treasurer launched a personal education program in the community. Meeting with



DPS Director Robert Calley with Wellhead Protection Program writing pads and pens

For more information on the Milford WHP program, please contact Fred Morin at 248-935-6178 or muggsy55@comcast.net.

schoolchildren, she demonstrated the principles of groundwater hydrogeology with pop bottles that contain gravel, rock and sand, pouring food coloring into the bottles to represent a spill or contaminant release. This educational effort continues today using a state-of-the-art ground water model purchased through the MDEQ WHP grant process.

Supplementing these efforts, the village provides tours of its water plant to students from the four schools within its boundaries, and gives presentations at the local middle school to sixth and seventh graders who are learning about the water cycle. To further its educational goals, the committee:

- distributes "think about what you drink" placemats to local restaurants,
- distributes Milford WHP ink pens, rulers, sticky note pads, and cup-holders,
- developed an annual household hazardous waste collection program, and
- provides groundwater flyers and AWWA coloring books to school children.

Honors

In 2002 the Michigan Section, American Water Works Association (AWWA) awarded Milford the Exemplary Wellhead Protection Program Award, in 2003 MRWA awarded Milford with its Exemplary Effort in Environmental Protection Award, and in 2004 the National AWWA presented Milford the Exemplary Source Water Protection Award at its national conference.


Parting Words

"Our part is to educate people so this contamination doesn't happen again," Morin said of the local contamination problems. "We can't look at a spill and say, it didn't happen in my county and so I don't need to worry about it. We need to protect groundwater for the future of our community and all communities in the state."

Morin estimates the village has spent approximately \$250,000 on the groundwater protection initiative over the past 16 years. "We've been able to do this without raising our rates," Morin says, referring to the entire planning and education effort.

Milford's groundwater protection initiatives preceded the state's wellhead protection program and encompassed a comprehensive approach to protection of the resource. The village was among the first in the state to incorporate groundwater protection expressly within its planning process, and village officials have advised neighboring communities on how to protect their groundwater.

Future Plans

During the next year, the village will begin locating every observation or monitoring well installed within approximately 10 different sites in the wellfield delineation area with global positioning satellites (GPS). The location and information from these wells will be collected and recorded for easy access by the village and WHP committee. 

Wellhead Protection: Protecting Your Drinking Source (*The Clarifier*, Fall 2006)

In the U.S., groundwater is the source of drinking water for half of the total population and 95 percent of the rural population. In Michigan, approximately 50 percent of the population relies on groundwater to supply their drinking water needs.

A Wellhead Protection Area (WHPA) is defined as the surface and subsurface areas surrounding a water well or well field, which supplies a public water system, and through which contaminants are reasonably likely to move toward and reach the water well or well field within a 10-year time of travel.

Kelly Hon, Michigan Rural Water Association draining specialist

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Community Design

Recent research shows that Michigan is losing its young and talented population. A 2006 survey found that two-thirds of college graduates, ages 25-34, look for a place to live first before finding a job. Furthermore, many of these people tend to be single; prefer renting to buying; and prefer communities that add to their quality of life through cultural, social, and entertainment offerings, where walking is encouraged and various transportation opportunities are readily available.

Across the country, other cities, regions and states are attracting this new generation of workers. Cities like Portland, Chicago, Denver, and Baltimore contain far greater percentages of younger singles and couples than Grand Rapids (24%) or Detroit (12%). Young talent is drawn to areas that value and promote diversity.

Michigan local officials need to know their target audience. Understanding the likes and dislikes of this population will go a long way toward helping local officials design communities for the 21st century that will attract and retain the new generation of workers. We must create vibrant core cities that provide active art and entertainment scenes in walkable communities that have a mix of residential and commercial uses.

The next issue of the Review will focus on Community Design—covering concepts such as new urbanism, walkability, mixed-use design, and form-based codes. These design tools can help you create the type of communities where millennials will want to explore, hang-out and hopefully someday hang their hats.

Upcoming issues of the Review will concentrate on transportation, arts & culture, and diversity. The League is committed to doing all we can to assist you in creating the vibrant places that the millennial generation craves.



From the Mouth of a Millennial



“Spontaneity is undeniably a lifestyle requirement for me. I want to walk in a densely built, densely populated downtown and stroll from store to store or bar to bar; bumping into people and places. I want to meet up with a few friends for dinner, and see where the night takes us as we walk from place to place.

In my beloved town of Ferndale, we might catch a jazz act at Club Bart, or check out the art at AJ’s café. We might hop over to the Emory for drinks and patronize their fabulous jukebox. I want to stumble into music, art, strangers and friends.

When I stroll through downtown on a sunny Saturday and look around at the shops and people on the street, I just know I couldn’t be any other place but Ferndale. There is a quirkiness about our retail, restaurants, homes, and even our people; a willingness to be silly and imperfect.”

—Ashley Aidenbaum, Michigan State Housing Development Authority Urban Revitalization Division,
Guest blogger for the League, lover of Ferndale.

To find out more about the League's Community Design and Education Center, or to check out our daily Guest Blog, visit

www.mml.org



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Better Michigan.**

**Why Wait?
Plug into the League**


The League's Capital Office Awarded World's First 'Double Platinum' Designation in LEED Certification

By Andrea Messinger

The Christman Building, home to the League's Capital Office in Lansing, has been awarded the world's first LEED double Platinum certification by the U.S. Green Building Council (USGBC)!

LEED® is the USGBC's rating system for design and construction of the world's greenest, most energy efficient and high performing buildings, with the Platinum level being its highest possible rating. The building was formally certified in May by USGBC which presented The Christman Company (Christman) with certifications in two categories, Commercial Interiors and Core and Shell.

"One Platinum plaque for an organization is a stunning achievement by any measure. Two Platinum plaques means something special...it's a dramatic callout to the community to show Lansing it can be something very special," said S. Richard Fedrizzi, president, CEO, and founding chairman of USGBC on presenting the plaques. "This building will have a ripple effect, and is the kind of building that people will read about on the internet and publications, and I guarantee plainloads of engineers will show up and want to tour. This combination of historic preservation and green is on a very short list of very significant examples."

Listed on the National Register of Historic Places, the building is an example of sustainable "green" historic building practices, considered by many to be the highest form of sustainable design and construction due to its reuse of an existing structure. The many green features of the project include water use reduction, optimized energy performance, construction waste management, a focus on daylighting and a healthy indoor environment. 



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Andrea Messinger is communications coordinator for the League. You may reach her at 517-908-0302 or amessinger@mml.org.

Elk Rapids Couldn't Hold it any Longer



In 1995, Veterans Memorial Park in the beautiful lakefront village of Elk Rapids had everything—sandy beaches, picnic area, playground—everything that is (play dramatic music), except public restrooms. Those familiar with the beach either headed for the porta-potties, reduced their liquid intake, or released in the lake (it must have happened once or twice).

But it wasn't until 2008 that plans to build a new facility came to fruition. When asked “what took so long?” Village Manager Bob Peterson said the park has always been an important place for the community, so the restroom project generated all kinds of proposals and issues to take into consideration.

In 2007, after years of careful deliberation, the council agreed to a \$200,000 bid for the bathroom's construction. In addition to donations already made for the project by several local and civic groups, the council approved using a \$7,000 metro fund from the state for construction of the sidewalks to and around the bathroom and using \$60,000 of sewer capital funds for the rest of the project.

Creating a functional facility and preserving the park's natural scenery and view of the bay were vital to the project's overall

success. With this in mind and the financing all lined up, construction began behind a large cluster of cedar trees in Memorial Park.


By May 2008, the stone-sided building, with its blue roof, foot sprayers, electronic lighting and locking systems and auto flush toilets, was a welcome site to the more than 70 people who showed up to celebrate the facility's grand opening with an official toilet paper-cutting ceremony! 



Photo courtesy of *The Town Meeting*, Elk Rapids, Michigan

Roscommon— Best Tasting Water in Michigan!

The village of Roscommon was recently named by the Michigan Rural Water Association as having the best tasting water in Michigan! A panel judged our water based on taste, clarity, and odor.




Inside the Roscommon DPW lab

The village DPW specialist performs certain types of tests on wastewater samples from different sources to monitor what is flowing in and out of the sewer system and the lagoons. These complex tests are performed several times a month.

Wastewater Testing Performed Daily

- a. PH Levels—acidity and alkalinity
- b. DO Levels—dissolved O₂ in water

Wastewater Testing Performed Every Wednesday

- a. Suspended Solids—measure various solids
- b. BODs—measures biochemical oxygen depletion
- c. Phosphorus—soaps, detergents and other products
- d. Ammonia Nitrate—ammonia levels
- e. Fecal Coli-Form—bacteria levels 

A 'sneak peek' inside the lab





Greener Communities. Greener Michigan.

Was Bob Dylan Ahead of His Time?

By Larry Kaufman

About 40 years ago, Bob Dylan said “The answer my friend, is blowin’ in the wind...” He probably wasn’t referring to a type of renewable energy.

What is renewable energy?

Renewable energy is a source of clean energy that comes from resources that are inexhaustible or continually replenished, such as wind, solar, hydro, and biomass energy.

For most people, it’s impractical to install their own renewable energy system. But they can still make a difference by opting for a voluntary program offered through their local utility, such as DTE’s GreenCurrents program.

GreenCurrents

Introduced in 2007, GreenCurrents gives DTE Energy’s electric customers the option of “greening up” their power with renewable energy.


Our renewable energy comes from

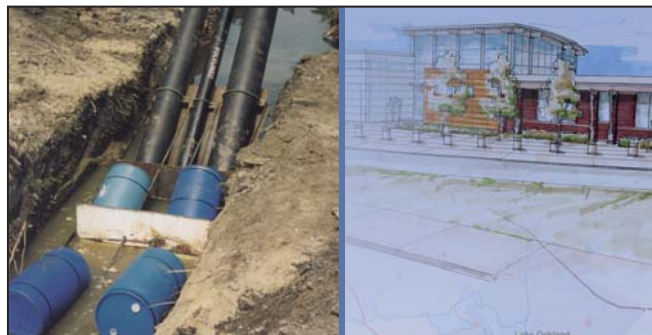
- Wind—wind turbines connected to a generator capture wind and generate electricity
- Biomass—wood and wood waste are the largest sources of biomass energy, followed by municipal solid waste and alcohol fuels

If you’d like to encourage the use of renewable energy in your community, DTE Energy has a special program that may be of interest to you. Municipalities (served by Detroit Edison) that encourage their residents or businesses to sign up for GreenCurrents can receive \$20 from Detroit Edison for every GreenCurrents enrollment in their community. These contributions may be used for local parks, trails or other environmental projects.

General information on renewable energy and the GreenCurrents program is available at www.GreenCurrents.com, or by calling 866-207-6955.

For **as little as \$2.50 extra** a month, residential customers can purchase a block of renewable energy that’s equal to 15-20 percent of a typical home’s monthly electric usage. Business customers (including municipalities) can purchase 1,000 kilowatt hours of green energy for an extra \$20 a month—or match all of their electricity usage with renewable energy for an additional cost of two cents per kilowatt hour.

To date, more than 10,000 DTE Energy customers have signed up for GreenCurrents, making it one of the top voluntary renewable energy programs in the country. 



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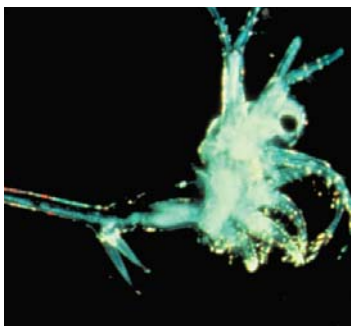
Larry Kaufman is an energy expert at DTE Energy. You may reach him at 313-235-8196.

Ballast Water Legislation

By David Worthams

Ballast water is water carried by cargo ships to maintain balance. It is pumped into tanks when the ship is empty, and pumped out when it is loaded with cargo at its destination. It is also one of the major routes for non-native or invasive aquatic species to reach the Great Lakes. Invasive species stow away in ballast tanks, and when ships dump in U.S. waters, they pump out the stowaways as well. More than 70,000,000 tons of ballast water are dumped in U.S. waters annually.

Over 150 species of marine organisms are known to have been introduced into Michigan's waters by ballast water, including zebra mussels (which threaten infrastructure by clogging intake pipes and beaches), the spiny water flea (an inedible zooplankton that disrupts the food chain) and the round goby (a fish that competes with desirable native species). While some of these organisms appear benign, others are threatening biodiversity and fisheries, and clogging ecosystems. Some introduced species severely deplete native aquatic populations or deprive them of food. Others form colonies which can smother existing animals. Introduced toxic dinoflagellates cause red tides and algal blooms that can affect or even kill shellfish, fish, sea birds and humans.




Spiny Water Flea (1)



Round Goby (2)

Last year, a resolution "calling for federal legislation to protect the Great Lakes and St. Lawrence River from ballast water discharges of invasive species" was unanimously adopted at the 2007 Semiannual Meeting of the Great Lakes Commission. The resolution urges the Great Lakes Congressional Delegation to make passage of legislation that reduces and ultimately eliminates the introduction and spread of aquatic invasive species (AIS) from ballast water its top Great Lakes priority in 2007. Among its other provisions, it calls for an immediate requirement that all ships currently exempt from regulation, due to No Ballast on Board (NOBOB) status, be required to treat residual ballast water by best management practices such as ballast water exchange.

It also calls for an ultimate ballast water treatment goal of zero discharge of viable organisms and a requirement to meet an environmentally protective standard within five years following enactment.

In addition, two pieces of legislation have been introduced on this issue of ballast water discharge (HR 255 and HR 309). Both of these call on Congress and on our neighboring Great Lakes states to take action to regulate how ballast water is discharged. As more Great Lakes states act, we can make strides towards restoring our greatest resource to its proper condition. 

From the Michigan Department of Environmental Quality's Website:

Q: Why are aquatic invasive species a problem in ballast water?

A: Ships can take on ballast water in areas with water pollution or in areas where fish and plants are numerous. The water is not filtered or treated. When a ship discharges the ballast water, any pollutants, fish, or plants that survived the trip are released into the new location. These aquatic invasive species cause major changes in ecosystems and cost Michigan residents millions of dollars per year to control.

Q: What problems will we see in the future if we do not act?

A: Additional species will be transported into the Great Lakes (and from the Great Lakes to other parts of the world) through ballast water, and major impacts such as elimination of native species may be seen on the Great Lakes ecosystem.



Zebra Mussels (3)



(4)

Photos 1 & 3 courtesy of NOAA, Great Lakes Environmental Research Laboratory; 2 & 4 MI. DNR photo David Kenyon

New Help for Controlling Invasive Species and Making Waterfront Improvements

By Andy Schor

Some local governments have been struggling to control invasive species in inland lakes and make necessary improvements to infrastructure on waterfronts. A new piece of legislation, Public Act 94 of 2008, allows municipalities (cities, villages and townships) to finance improvements to local water resources with the creation of an authority and the use of tax increment financing (TIF). Water resource improvements include not only controlling invasive aquatic species, but also replacing failing on-site disposal systems and storm water systems. Under the Act, an inland lake is defined as a natural or artificial lake, pond or impoundment, and does not include the Great Lakes, Lake St. Clair or a lake or pond that has a surface area smaller than five acres.

Water Resource Improvement Authority

If a municipality decides that it is in the best interests of the public to promote water resource improvement and/or access to inland lakes, the governing body can create a water resource improvement authority. The legislative body must first pass a resolution declaring intent, hold a public hearing, then create a water resource improvement authority by ordinance. The authority may use tax increment financing (TIF), borrow money, and issue bonds. The authority shall be supervised and controlled by a board that includes the municipality's chief executive officer and five to nine appointed members.

Water Resource Improvement District

The authority must be within the boundaries of a water resource improvement district, which is defined in the Act as:

An inland body of water and land up to one mile of the shoreline of the inland lake that also contains at least one public access point, or an inland body of water contiguous to the shoreline of an inland lake that does not contain a public access point.

Development Plan

The authority is required to implement a development plan for the development area. TIF plans and development plans are subject to public hearings and affected local taxing jurisdictions must be notified. The governing body of another taxing jurisdiction may, by resolution, exempt its taxes from capture during the plan adoption process.

A municipality may establish multiple authorities, but a parcel of property may not be included in more than one authority. Several municipalities may establish an authority cooperatively, e.g. several local units on the same lake. In addition, a municipality may establish multiple authorities, but a parcel of property could not be included in more than one.

Tax Increment Financing

Specifically the Act allows TIF funds to be used to eliminate the causes and proliferation of aquatic nuisance species, however, it does not allow chemical treatment of the water in order to control these species. It also provides that these funds can be used to replace failing infrastructure, including on-site disposal systems for sanitary sewers and for storm water sewer improvements.


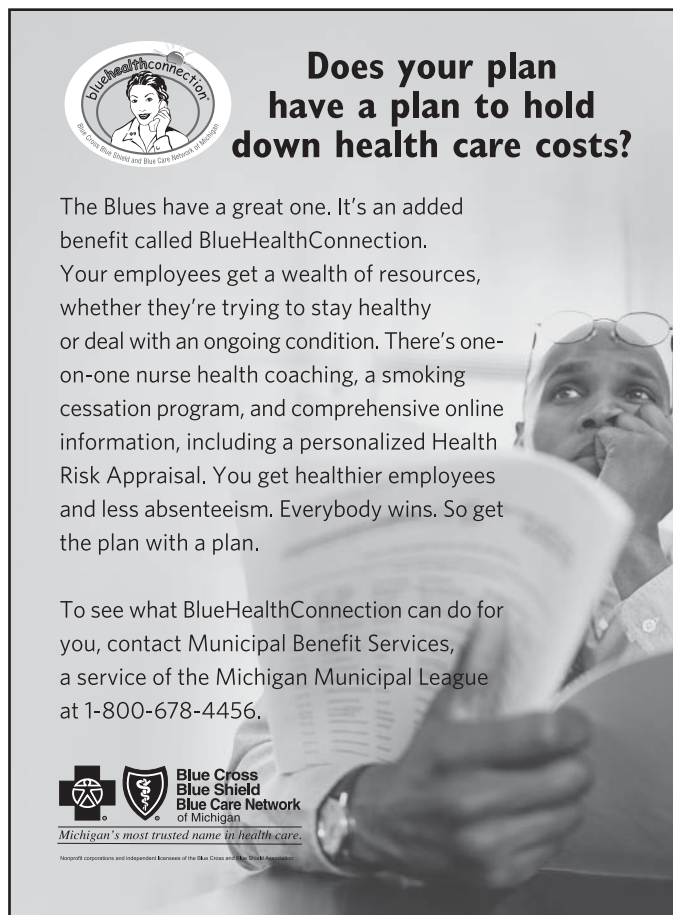

This Act is designed to deal with the limited and specific problems municipalities are facing in their inland lakes. The law contains a sunset, which prevents a municipality from creating an authority or expanding the boundaries of a development plan after December 31, 2011. 


Photo of macrophytes (aquatic plants) in Lake St. Clair. Thought to be caused by zebra mussels increasing water clarity. Courtesy of NOAA, Great Lakes Environmental Research Laboratory.



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Andy Schor is a legislative associate for the League. You may reach him at 517-908-0300 or aschor@mml.org.



Brian Calley, State Rep.


87th House District—Portland

Legislative Priorities

- Reform Michigan's energy policy
- Eliminate the Michigan Business Tax surcharge
- Enact a Great Lakes Water Compact

The League salutes Rep. Brian Calley (R-Portland) for supporting the Great Lakes Water Compact which will protect against diversion of water in the Great Lakes basin. Representing Barry County and a large portion of Ionia County, Calley has also called neighboring states into action to prevent ballast water from being dumped into the Great Lakes, keeping foreign species and materials from polluting Michigan's environment.

Calley will cast his vote of support for the Compact when it reaches the full House. In the meantime, he is also dedicated to reforming Michigan's energy policy to encourage the use of cleaner energy technology and to expand the state's renewable energy portfolio; eliminating the Michigan Business Tax surcharge established in 2007; and to improving government transparency to allow residents to view the state's spending practices.

Calley graduated from Michigan State University with a bachelor's degree in business administration and Grand Valley State University with a master's degree in business administration. 

Committees

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IT'S THE PEOPLE

Great Lakes Water Compact: Background

On December 13, 2005, in order to update regional water management systems and ensure that the Great Lakes are protected, the Great Lakes governors and premiers signed agreements at the Council of Great Lakes Governors' (CGLG) Leadership Summit that will provide unprecedented protections for the Great Lakes–St. Lawrence River Basin.

The agreements include the following:

The Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement, a good-faith agreement among the Great Lakes States, Ontario and Quebec, that will be implemented in Ontario and Quebec through Provincial laws; and in the United States through the Great Lakes–St. Lawrence River Basin Water Resources Compact (the Compact), an agreement among the Great Lakes states that will be passed into law through an interstate compact. Minnesota, Wisconsin, Illinois, Indiana, and New York have enacted the compact into law. In Ohio and Pennsylvania, a bill has passed one chamber.

Great Lakes Compact: Municipal Interests Critical to Protecting Michigan's Water Future

By Cyndi Roper

Let's face it. In Michigan, we take clean, safe and affordable water for granted. We get up in the morning, turn on the tap, make our coffee, take a shower, flush the toilet—and on it goes throughout the day. Most people don't stop to think of the complex series of events—both natural and engineered—that deliver the water to their homes.

Water availability was largely ignored in arid parts of the country where explosive development has resulted in water shortages. And throughout the U.S., water availability was an afterthought as we polluted and abandoned billions of gallons of water.

Clean Water Action shares the League's commitment to ensuring the availability of clean, safe and affordable water for the people who live, work and play in the Great Lakes state. And because our 235,000-plus Michigan members largely come from working families, we also share your commitment to a healthy economy, which requires water for manufacturing, agriculture, tourism and other water-dependent sectors.

Yet, undeniably, market forces are at work with schemes that would catapult the world's remaining freshwater into the commodities market. It's simple supply and demand

economics; with a dwindling water supply comes increasing demand and thus the temptation by some to exploit—for profit—both the resource and the world's population.

It is against this backdrop that the current water legislation is being debated in Lansing. And it's being approached on two fronts: the Great Lakes Compact and Michigan's water withdrawal legislation.

The Compact is a Great Lakes regional agreement detailing how the states and provinces will manage and protect the Great Lakes Basin, and it provides a framework for each state and province to enact laws for the Basin's protection. In Michigan, there is broad legislative support for passage of the Compact.

Even if the Compact is approved in all eight Great Lakes states, however, Congress must still approve the agreement before it becomes law. While other regions eye Great Lakes

Michigan

Water Compact legislative status as of May 31, 2008

House & Senate Pass Great Lakes Water Compact – Last week, both the House and Senate passed versions of the Great Lakes Water Compact (HB 4343 and SB 212), sending each bill on its way to the next chamber. The Water Compact, already adopted by several Great Lake states, is necessary to protect Michigan's water resources so they can continue to play a vital role in the state's economy.

Package – The bill package to establish the Great Lakes Water Compact in Michigan has been shepherded through the Senate by Senate Natural Resources and Environmental Affairs Committee Chair Patty Birkholz (R-Saugatuck). SB 212, the flagship bill, passed the Senate by a unanimous vote. The measure adopts the Compact word-for-word except it ensures each state has the ability to regulate its own water use.




use within their borders, and reserving rights and authority as sovereign owner on behalf of the people of all waters of the state..."

Clearly, Michigan's domestic water needs are a matter of utmost public interest. Agricultural, manufacturing, recreational uses and tourism interests all stand to benefit from a screen that considers the public interest. But might there be a time when a proposal to mine and export our water could harm our interests? The public interest?

Some argue the Great Lakes Compact will prevent that from happening. But both the Compact and current Michigan law contain a measure allowing for private mining and export of Michigan's water in containers 5.7 gallons or less. On the surface this exemption may seem harmless but what is the scientific and legal rationale for using a 5.7 gallon container as the standard? What happens when someone proposes to export water in a 10 gallon or 20 gallon container and challenges the standard in court? I don't think we want to find out if the 5.7 gallon container could be the basis for a discrimination claim in the years ahead. If so, then look out. Michigan communities deserve laws authorizing state officials—on behalf of the people—to someday say "no" to large water withdrawals that are not in the public interest. That is in all of our interests, especially cities.

There's something else Michigan can do to help ensure worldwide water security. As the freshwater capital of the world, we can become the intellectual and economic epicenter for both water efficiency and clean water technology. Our world-class higher education institutions coupled with our vast manufacturing infrastructure and know-how could help us expand our freshwater guardianship beyond Michigan's borders. What better way to advance the worldwide cause of water availability? Again, we don't have to wait for Washington to make this happen.

The choices made by state lawmakers today will chart the course for Michigan's future water security. We can ensure our waters stay in Michigan and that those wishing to use our water come to us. Now that's a water future we can all get behind. 

water, there is some cause for concern that the Compact will meet with Congressional opposition.

Why wait for Washington when state lawmakers can begin tackling Michigan's water security interests? This is the real controversy in Lansing; how prepared will Michigan be with a first line of defense of our water? Will lawmakers take care of our homegrown interests—our drinking water needs, our farms, our recreation, manufacturing and tourism? Will lawmakers do everything in their power to secure control of our waters? Or will they ignore the critical role they play in determining Michigan's water future?

Clean Water Action believes state lawmakers must take every possible step to ensure our water security and to deliver on their campaign promises to protect Michigan's water from exports and overuse.

And they absolutely must put the public interest above the private international interests. Why? Former Governor Milliken put it best in a January 2008 letter to state lawmakers: "...Under principles of international trade law, states must be clear and emphatic about imposing conservation standards for



Great Lakes Compact: Key to Preserving Michigan's Economy and Environment

By Doug Roberts, Jr.

Water Works Coalition urges Michigan lawmakers to adopt the Compact before they leave the Capitol for the summer recess.

Before the Michigan Legislature breaks for summer recess, they have a historic opportunity to pass legislation to protect the Great Lakes. The legislation—called the Great Lakes Compact—would help to ensure that the Great Lakes are protected from thirsty, population-growing states in the U.S. south and west.

Our message to lawmakers is don't go home for the summer without passing legislation to adopt the Great Lakes Compact.

Michigan has always enjoyed the riches of its water resources. Any promotion of Michigan showcases beautiful scenes of the Great Lakes, inland lakes, streams and rivers. Some of our most vibrant cities rest along shores. Our globally recognized agricultural sector thrives on water. World-class manufacturing, recreation, and other industry sectors view the state's water assets as integral to their existence. Water is our economic competitive edge.

The quantity and quality of our water has always been a given. Unlike many other places in the U.S. or around the world, Michigan residents rarely give thought to the safety of the water they drink, or to whether it'll be there when they turn on their faucets. Our well-managed municipal systems deliver—seemingly automatically—exceptional water to homes, schools, and businesses with great efficiency. Since 2001, when the governors of the Great Lakes and premiers of two Canadian provinces adjacent the Great Lakes reached a working agreement related to oversight of the region's water resources, the ongoing effort to enact a Great Lakes Compact has spurred robust public dialogue. This effort has been particularly important for Michigan, as it is the only state solely within the Great Lakes basin, the watershed feeding the Lakes and region's surface waters and groundwater systems.

While the Compact is the centerpiece of the effort, our Legislature has been working on other important policies related to water resource protection. For several years, lawmakers have worked to assess our state's water-related statutory and regulatory policies. Legislation passed in 2004 provided permit requirements for major water users, including annual reporting of water use to regulatory agencies, conservation measures, and other measures. Importantly, the regulations now in place are based on protecting water resources, while still recognizing the need for their use.

Beginning last fall, legislation that would adopt the Compact and further regulatory oversight of water resources has been front and center, with a stakeholder workgroup of more than 50 organizations working with policy staff to craft legislation that could be broadly supported. The Legislature's environmental policy leaders Senator Patty Birkholz (R-Saugatuck) and Representative Rebekah Warren (D-Ann Arbor) are to be commended for working diligently, in tandem,



Public Trust (PA 451 of 1994)

"Public trust" means all of the following:

- (i) The paramount right of the public to navigate and fish in all inland lakes and streams that are navigable.
- (ii) The perpetual duty of the state to preserve and protect the public's right to navigate and fish in all inland lakes and streams that are navigable.
- (iii) The paramount concern of the public and the protection of the air, water, and other natural resources of this state against pollution, impairment, and destruction.
- (iv) The duty of the state to protect the air, water, and other natural resources of this state against pollution, impairment, or destruction.



Isle Royale National Park - Photo courtesy of Travel Michigan

and over many months to manage the process.


And, while there's "common ground on water"—namely, the need to protect Michigan's water resources from unfettered siphoning and from other abuses—the process of reaching agreement has been difficult.

Water users—businesses, farmers, cities and towns, and others—have agreed to additional regulations on their water uses such as stricter permitting standards; additional scientific studies for obtaining permits; stronger measures for protecting the health of streams and rivers, and their ecosystems; greater reporting. Unfortunately, to this point, discussions have reached an impasse.

Environmental groups continue to push for changes that would radically alter Michigan water law in a way that would hurt individual property owners and our state's economic future. If environmentalists have their way, a broad "public trust" doctrine will essentially turn water ownership over to government for say over whom, how, and when it can be used. Also hindering agreement are some of the important details surrounding the computer-based groundwater withdrawal assessment tool developed by leading scientists from our state's universities. The tool would provide a cost effective, efficient, and publicly transparent guide for those seeing to make a major water withdrawal.

The Water Works Coalition—the coalition of approximately 20 organizations, including the Michigan Municipal League, Michigan Chamber of Commerce, Michigan Manufacturers and many others—has stood strong in its support of the Compact. The Coalition has also stood together against proposals from environmental groups that could effectively preclude water users having access to water.

The Water Works Coalition understands the wisdom in Michigan being a leader in water resource management through fair, reasonable, and appropriate regulations for ensuring the water resources we all depend upon continue to be healthy, stable, and reliable. Conversely, Water Works opposes any regulatory system that is not based on sound science and that would unnecessarily drive up costs for water users.

It is time for Michigan to take a leadership role in helping to protect the Great Lakes. Michigan's water resources and the Great Lakes define us as a state—our environment and our economy. They are our unique assets for a vibrant and sustainable economy. We urge the Michigan Legislature to pass the Great Lakes Compact. 



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Why Are My Water Rates So High?

By James Redding

This is a common question. Customers often ask why rates in their community are higher than those in a neighboring community, or why a recent rate increase was greater than cost-of-living increases. All communities are required to fairly distribute the cost of providing water to customers; however, each community has its own unique needs, facilities, and operating practices, causing rates to vary significantly.

One of the major reasons for differences in water rates is that there are countless variations in the methods that communities use to establish their rates.

Methods of Establishing Rates

Commodity Costs - Much of the cost associated with furnishing water is proportional to the quantity produced—i.e. pumping from a well or treatment costs. The cost to pump or treat 1,000 gallons of water will be 1,000 times greater than the cost for one gallon of water. These costs are proportional to the quantity of water supplied, and are often charged on the basis of how much water the customer has used.

Customer Costs - Some costs can be classified as uniform costs, regardless of how much water customers use. Billing is an example—the cost for the community to read the meter or send out a bill is the same for each customer.

Demand Costs - A water system must be able to supply the peak demands of its customers. Larger mains, booster pumps, and storage tanks are often required to meet peak demands. The cost of providing and operating these facilities is often charged to users, through readiness-to-serve charges or base fees, based on their meter size or another method of assessing peak water use.

Typical Cost Classification for Rate Development

Commodity

- Supply Pumping
- Treatment
- Wholesale Water Purchase

Customer Costs

- Meter Reading/Billing
- Administration
- Community Fire Protection

Demand

- Storage to Meet Peaks
- Oversizing Mains for Peaks
- Booster Pumping for Peaks
- Large Water Services/Meters
- Customer Fire Protection



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Continued from page 29

Rates are typically developed by dividing costs in different categories by the projected volume of water sales, the number of water customers, and anticipated peak demands. This tends to result in a unique structure and rates for each community. A direct comparison between communities can be difficult because the methods of classifying costs and evaluating use often vary.

Water Systems Operating Costs

Water Quality - The quality of water can vary significantly, whether it comes from wells or from a lake or river. A system that provides treatment against bacteria and arsenic for example, must include the cost of constructing and operating the treatment facility in its rates.

Water Loss - Water loss through leaks, breaks, or inaccurate meters is lost revenue to the municipality. The cost of supplying, treating, and pumping the lost water must be made up through increased charges to customers.

Capital Improvements - Replacing small mains with larger ones, constructing treatment plants to meet a new regulation or improve aesthetic water quality, or constructing storage to improve system reliability and service,

are examples of common system grades. Improvements are usually funded by selling bonds, borrowing through state or federal programs, securing grant funding, or some combination of these. Debt incurred for projects is a cost to the water system which will typically be included in the water rates.

Topography - Pressure is used to convey water to customers, and pressure is lost by increases in elevation and by friction in long pipelines. Because reduced pressure can limit a community's ability to serve customers, communities that are hilly or supply water over a large geographical area often require additional pumping or storage to provide appropriate

service. The cost of providing and operating these facilities must be considered when developing rates.

Wholesale Customers - Many municipalities are wholesale water customers. Wholesale customers typically purchase finished water from another community that supplies, treats, pumps, and transmits it to the wholesale customer. Rates for wholesale customers are typically a combination of the rate charged by the wholesale supplier plus the cost for operating the community's distribution system. Wholesale water rates to individual communities can vary significantly. Rates will often be higher for communities without storage, which require the supplier to deliver higher flows during peak-demand periods. Also, rates will often be higher for communities where transmission pumping costs are greater because of their geographic location.

Development - In many cases, in communities experiencing growth, provisions for increased capacity and construction of mains providing service to new developments are financed through system development charges. These often provide for repayment of debt incurred for expansion of the water system through developer-paid fees, or as new homes and businesses are built. In recent years, as the economy and development slowed, some communities increased rates to generate sufficient revenue for repayment of debt with fewer customers.

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Construction of water main in Genesee County



University Park Estates subdivision under construction in Flint

Age of Infrastructure - Rates and fees for new water systems often include revenue for debt repayment if the water system was constructed within the last 30 years or so. Although older systems may have “paid off” their debt for building their water system, many communities have incurred debt for replacing or upgrading old infrastructure, or encounter higher maintenance and repair costs because of the older facilities.

Rate Increases - In addition to the costs and methods used to determine rates, questions often arise regarding the magnitude of rate increases. Sometimes rate increases are driven by the need for construction upgrades to meet new regulations or replace outdated facilities. Or, when communities avoid raising water rates until it is absolutely necessary, then the inevitable increase is high because additional revenue is needed not only to operate the system, but to replenish reserve funds and replace equipment and other postponed needs. Changes in customer demand, whether the loss of a major water customer or an increase in the community’s peak demand, often results in an unusual increase in rates to customers.

Although there can be many similarities between neighboring communities, and most public water systems are similar in operation and construction, a direct comparison of rates is very difficult. The costs associated with each community’s water system are unique and can vary significantly. And, each community has its own method of distributing these costs. Careful analysis of the costs and an understanding of the unique nature of the systems being compared are necessary to compare and establish rates and fees which fairly distribute the costs for operating and maintaining a safe, reliable water system. 



Standards in Ratemaking: The Bolt Test

The Michigan Supreme Court’s decision in *Bolt v City of Lansing* (1998) turned ratemaking on its head. In *Bolt*, the court expressed a three-part test to determine whether a charge is validly characterized as a fee:

1. it must serve a regulatory purpose,
2. it must be proportionate to the necessary costs of the service, and
3. the user must be able to refuse or limit use of the commodity or the service for which the charge is imposed.

The *Bolt* court held that user charges must reflect “the actual costs of use, metered with relative precision in accordance with available technology. . .”

Substantial evidence, preferably set forth in the rate ordinance itself, should justify the charges made and the method used.

The rates and charges for municipal services must be applied to similar users in a similar way. It is appropriate to distinguish among different classes of users and to apply different rate schedules to each class.

James Redding, PE is principal/vice president and director of engineering for Rowe Incorporated. You may reach him at 810-341-7500 or jredding@roweincorp.com.



MSU Fellowship Offers Career Development

By Barbara Knuth

The Michigan Political Leadership Program (MPLP) at Michigan State University—one of the nation's most respected public policy fellowship programs—is calling for state residents to apply to its 2009 class of fellows. Since MPLP's founding in 1992, 424 people have graduated from the program that offers 24 fully paid fellowships for 10 months of specialized training. Applications will be accepted until September 5, 2008 and are available on the Institute for Public Policy and Social Research (IPPSR) website at www.ippsr.msu.edu/MPLP/Recruitment.htm.

All Michigan residents committed to public service are encouraged to


apply. The program covers public policy, constituent services, campaign management, election law, and media relations. MPLP fellows earn credit toward the League Elected Officials Academy while participating in an enriching career opportunity.

"MPLP fellows are excited about public policy and the opportunity to become better elected leaders or to prepare for even higher office," said Douglas B. Roberts, Ph.D., director of the Institute for Public Policy and Social Research, which administers MPLP.

Each fellowship is valued at \$12,000 and covers meals, lodging and program materials. Fellows' only costs are parking and transportation to weekend sessions. MPLP training includes debate and discussion, sessions with the experts, community tours, and hands-on experiences. The program is co-directed by Anne Mervenne, a member of Gov. John Engler's senior management team, and Dianne Byrum, the first woman to

hold a caucus leadership position in the Michigan Legislature.

Nathan Triplett, one of East Lansing's newest city councilmembers, is a 2006 MPLP graduate who put the program's lessons to work in his campaign for East Lansing City Council. "MPLP was a great experience for me," he says. He credits MPLP with helping him to enhance his media relations skills, and to create successful campaign messages. Triplett has put the program's benefits to work when making budget decisions, collaborating with other councilmembers and drafting proposals. Those skills are built into the MPLP curriculum, he notes. "MPLP is a 'safe' environment where you can test policies. It's great to be able to put them into effect when you actually take your seat."

For information on the fellowship, go to www.ippsr.msu.edu/mplp; for more information on the League's Elected Officials Academy, go to www.mml.org. 

Barbara Knuth is administrator of the Michigan Political Leadership Program at MSU. You may contact Barbara at 517-353-0891 or knuthb@msu.edu.

New Michigan Planning Enabling Act

by Gerald A. Fisher

In 2003, Governor Granholm appointed the Land Use Leadership Council to address the trends, causes, and consequences of unmanaged growth and development in Michigan. In an effort to minimize the impact of current land use trends on Michigan's environment and economy, the Council made numerous recommendations in a publication entitled *Michigan's Land, Michigan's Future* (See, www.michiganlanduse.org/finalreport.htm). The Council recognized that the separate planning and zoning laws that had been established over the years for the various types of local units of government (cities/villages, townships, and counties) resulted in a lack of uniformity in land use control. Consequently, the Council recommended that priority be given to consolidating the separate laws.

Creation of the New Act

By 2006, the Legislature accomplished the consolidation of the state's three zoning acts into a unified Michigan Zoning Enabling Act, MCL 125.3101, et seq. (MZEA). And, the Legislature has accomplished the consolidation of the various planning acts into a unified Michigan Planning Enabling Act (MPEA), effective September 1, 2008. Generally, the MPEA is intended to establish uniformity among units of local government, and provide consistency between the MPEA and the MZEA. Some of the key provisions of the MPEA are highlighted below.

Creation of Planning Commission

In cities, villages and townships, a planning commission of five, seven or nine members may be appointed by the chief elected official, subject to approval of the legislative body. In general, planning commission members must be qualified electors of the local unit of government; however, depending upon the type of local government and its population as of September 1, 2008, certain members of the planning commission need not be qualified electors (e.g., they might be local business persons that reside elsewhere): in all townships and counties, and in cities and villages having a population of 5,000 or more, one member of the planning commission need not be a qualified elector; in a city having a population between 2,700 and 2,800, three members; and, in cities and villages having a population not fitting either of the above categories, two members need not be qualified electors. Further, there are special rules governing whether a chief elected official or chief administrative official may be a member of the planning commission.

Administration of Planning Commission

The planning commission must make an annual report to the legislative body providing information relative to commission operations and planning activities.

Continued on page 34

Legislator Salute



Mark Meadows, State Rep.

69th House District—East Lansing

Legislative Priorities

- Protect Michigan waters
- Protect green space, stop sprawl
- Create incentives to develop/redevelop commerce centers
- Work on legislation to stimulate economy

Ingham County residents showed us all what to expect when a local is sent to Lansing—Rep. Mark Meadows (D-East Lansing) fights for the issues that matter to his community and communities statewide—preventing sprawl, creating incentives to develop and redevelop commerce centers and protecting Michigan's waters and green space.

Meadows has a long-standing relationship with the League. Before taking office, the former East Lansing mayor was highly involved in local government activities, serving on the East Lansing city council (1995-present) as well as various municipal and community-oriented boards and commissions. He works closely with the League's legislative staff on zoning and planning issues and to protect local revenues through revenue sharing and other funding sources.

Mark earned his undergraduate degree at Western Michigan University and his law degree from the Detroit College of Law. 

Committees:

- Great Lakes & Environment
- Intergovernmental, Urban & Regional Affairs
- New Economy & Quality of Life
- Retiree Health Care Reforms

Contact Rep. Meadows
S-1088 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514
Phone: 517-373-1786
Email: markmeadows@house.mi.gov
Website: house.mi.gov/mmeadows

A provision for removal of planning commission members is provided, applicable in all communities, with removal being based upon misfeasance, malfeasance, or nonfeasance in office. The procedure requires written charges and public hearing. Furthermore, disqualification of a planning commissioner from voting in a conflict of interest situation is specifically addressed.

Preparation and Adoption of Master Plan

All previously adopted master plans repealed by the MPEA need not be readopted, and such plans shall continue in effect as “master plans.” This title “master plan” will now uniformly apply regardless of whether the plan had previously been entitled master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, or any other term. The legislative body is required to amend any ordinance or adopt a new ordinance as needed to conform to the MPEA.

The planning commission is to make and approve a master plan, with the process for adoption requiring careful coordination with other interested entities specified in the MPEA. An election on whether the planning commission or legislative body has the final adoption authority for the master plan may be made by the legislative body in each respective local unit of government. In the absence of an assertion of such authority by the legislative body, the planning commission will be the final approving body. The process of preparing and approving a master plan must conform to the following:

- Before preparation of a proposed master plan, the planning commission must send a notice of intent and request for comment to various specified entities in the manner prescribed in the statute.
- A draft master plan is then prepared by the planning commission, which is to be sent to the legislative body for review and comment, and the process shall not proceed further until the legislative body approves. If the legislative body rejects the proposed master plan, it must provide to the planning commission a statement of objections, and the planning commission must then address the objections.
- Once the legislative body approves distribution, the proposed master plan is to be sent to various interested entities specified in the statute, and such entities have 63 days within which to provide advisory (only) comments.
- Before approving the master plan, the planning commission must hold not less than one public hearing, to be held after the expiration of 63 days following the distribution to interested entities, as noted above.
- The approval of the master plan requires a resolution adopted by not less than 2/3 of the members of a city or village planning commission, or not less than a majority of the members of a township planning commission.

- Approval by the planning commission is the final step for adoption unless the legislative body has asserted the right to approve or reject; however, if the legislative body elects to be the final approving body, it may approve or reject only after the planning commission has approved the proposed master plan. If the legislative body rejects, it must provide to the planning commission a statement of objections, and the planning commission must then address the objections. This process is to be repeated until the legislative body approves.

The planning commission is authorized to prepare something newly referenced as a “subplan” for less than the entire geographic area of the jurisdiction if found to be necessary due to unique physical characteristics that require more intense planning.

The master plan is intended to address land use and infrastructure issues, and may project out for 20 years or more. The planning commission must review the master plan at least every five years and determine whether to consider the amendment or creation of a new master plan.

An extension, addition, revision, or other amendment of a master plan is undertaken in the same manner as provided for initial adoption, subject to certain technical adjustments specified in the statute. A shortened approval process applies if an amendment addresses only grammatical, typographical or similar editorial changes, a title change, or a change to conform to an adopted plat.

Special Provisions

Capital Improvements

After adoption of the master plan, the planning commission of a city, village or county shall annually prepare a capital improvement program showing the needed or desired public structures and improvements capable of being undertaken within the ensuing six-year period. If the planning commission is exempted from such requirement by charter or otherwise, the legislative body shall prepare and adopt a capital improvement program, or the legislative body may delegate such preparation to the chief elected official or an administrative official, subject to final approval by the legislative body. In townships, the obligation to prepare a capital improvement program is mandatory only if a township, alone or with other local units of government, owns or operates a water supply or sewage disposal system.

Subdivisions

The planning commission may recommend to the legislative body an ordinance or rules applicable to the subdivision of land under Section 105 of the Land Division Act, MCL 560.105, and planning commissions may not adopt rules or ordinances on their own.

Plats

If the municipality has adopted a master plan or master street plan, the planning commission shall, after public hearing, review and make recommendations on plats before

action of the legislative body under Section 112 of the Land Division Act, MCL 560.112. Unless waived or extended by the proprietor, the planning commission is limited to a 63-day period within which to approve, approve with conditions or disapprove of a plat, and a failure to act within such time is considered a recommendation for approval.

If a plat is approved and recorded under Section 172 of the Land Division Act, it is deemed an amendment to and part of the master plan, but such action does not constitute or effect a public acceptance of streets or open space shown on the plat.

DID YOU KNOW?

Michigan has 1,194 square miles of inland waters.

Gerald A. Fisher is an associate professor at the Thomas M. Cooley Law School for the Institute of Continuing Legal Education's New Law Center. You may reach him at fisherg@cooley.edu.

Local Councilman Brings Global Focus to Farmington Hills



Councilman Robert Mason, wife Valentina and daughter Victoria.

In May, Farmington Hill's newest councilman, Robert Mason, hosted a forum with the government of Singapore to facilitate a new initiative to bring technology jobs and investment to Farmington Hills.

"It is important for the city of Farmington Hills to think globally and act locally. In these economic times, we must look for new ways to create jobs, and stimulate our local economy. Reaching out to local businesses to collaborate with global enterprise is a great way to help Farmington Hills thrive economically," stated Mason.

The Farmington Hills' Chamber of Commerce, local businesses, and the Economic Development Board participated in the forum.

Councilman Mason is firmly committed to promoting Farmington Hills on the international stage as well as ensuring the city benefits in the flatter and more globally integrated world.

"Farmington Hills is a great place to visit, a great place to work, and a great place to raise a family. I believe that the more people learn about the quality of life that Farmington Hills gives to families and businesses, the more successful our city will be. We have a culturally diverse population that has a lot to offer both regionally and globally," stated Mason.

"Multiculturalism and international focus are more than just big words to me—they are a way of life. My wife is a first generation Romanian who moved to the U.S. three years ago. I also have a Dominican mentee who lives with me. My family at large is North American Indian, Black, East Indian and German. My friends call my house Michigan's United Nations."



110th Michigan Municipal League Convention

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"I find attending the Convention to be highly educational, productive and motivational... a definite positive impact on my role as an elected official and on my city!"

**Ricci Bandkau,
Mayor Pro Tem, Brighton**

General Sessions

Keynote Speakers

The 110th League Annual Convention is a great event for Michigan local government officials. Our keynote presenters will set the tone for a dynamic, must-attend Convention.

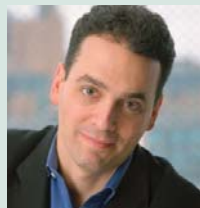


The League's Public Policy Initiative

Daniel P. Gilmartin

Wednesday, October 1, 4:30-5:30 pm

Over the course of the past year, the League and its new Community Design and Education Center has hosted a series of public policy forums with an outstanding roster of speakers from around the state and country. The purpose of the forums was to inform and inspire local officials to think differently about how we move communities forward in new and creative directions. With Michigan continuing to face serious economic challenges, we believe that it is our communities that will lead the way and be at the center of this state's economic turnaround. Michigan is going to have to reinvest in its communities and diversify its economy if it is going to compete in a knowledge-based economy in the 21st century. Working toward creating a "sense of place" is part of this challenge and opportunity. Dan Gilmartin will lead the discussion about the results of these forums and where we go from here!



A Whole New Mind

Daniel Pink

Thursday, October 2, 9:45-10:45 am

Doctors. Lawyers. Engineers. That's what our parents told us to be when we grew up. But were Mom and Dad right? Actually, the future belongs to a different kind of person with a different kind of mind—people like artists, inventors, storytellers, caregivers. These right-brained people are the next business elite—the women and men who will power your organization. In this entertaining and provocative presentation, best-selling author Daniel Pink surveys evidence from around the world to reveal how the forces of 'Abundance, Asia, and Automation' are nudging us into an era defined not by traditional "knowledge workers," but by creators and empathizers. He explains what this transformation means for your organization—and he offers hands-on tools and tips, as well as real-life examples, for how you can navigate this new terrain.



Public Servants—Public Leaders

Dan Mulhern

Saturday, October 4, 9:00 am

Award-winning orator, author, radio host, and Michigan's First Gentleman, Dan Mulhern will share his best leadership wisdom. Having worked in federal, state, and local governments, he is a lifelong student of leadership. He admires public service and understands the pressures of budget, political perception, and political demands. And as Michigan's First Gentleman, he brings government and leadership to a personal and anecdotal level as well. He'll certainly give you plenty to think about and take back to your communities!

October 1-4, 2008 ~ Grand Hotel, Mackinac Island



"Eleven years ago, I campaigned for a seat on city council as an "ordinary citizen." After being elected that year, I realized I had a lot to learn about serving the public in that capacity. After attending my first League Convention ten years ago, I knew I had found a very valuable resource to help me become the best I could be in serving my constituents. Now, as I look back, and after achieving Level Three of the Elected Officials Academy, I'm amazed at the camaraderie of the fellow League members, as well as the League staff. As far as I'm concerned, the League Convention is a "can't-miss" opportunity for elected officials across Michigan."

- Daniel P. Greer, Councilmember, Jackson



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Field Report

Compiled and written by Caroline Weber Kennedy

Weighing in on Wetlands and Economic Development: Are the Scales Balanced?



Michigan is the 'Land of 10,000 Lakes.' No matter where you stand in Michigan, you are never more than six miles from a body of water. In fact, Michigan is pretty well saturated, and no where is this more evident than the Upper Peninsula (U.P.) where wetlands abound.

The state has done a thorough job protecting our wetlands, but wetlands policies and regulations may very well be the number one source of frustration among U.P. city and village officials struggling with economic development.


No one values and appreciates the natural assets of the U.P. more than the residents who steadfastly refuse to leave the area, even with its discouragingly high unemployment rates. According to the U.S. Department of Labor, Bureau of Labor Statistics, Michigan's April 2008 unemployment rates, adjusted seasonally, were the highest in the nation. As for the U.P., unemployment rates exceeded the overall state rate in 12 of 15 counties, with Mackinac County the highest at 15.3 percent.

I hear repeatedly, however, of the inability of bigger box-type businesses to develop in communities here for no reason other than our state's current wetlands regulations. And, while people here place an extraordinarily high value on natural assets, there is an argument to be made that it's time to review current wetlands policies.

In areas of extensive wetlands, the minimum (often higher) mitigation ratio of 1.5:1 can be onerous. When there isn't much dry land to develop, the requirement of preserving 1.5 acres of wetlands for every one acre developed is prohibitive to development. Does the one-size-fits-all minimum standard really have merit, especially in light of other strides we've made environmentally?

Highway and drainage projects can inadvertently cause development of wetlands that did not previously exist (i.e. were not officially designated "wetlands") and arguably don't need to be preserved, or could be added to a wetlands banking system. Such a system allows for development of new wetlands in one area to be "banked" for a credit, when another area needs wetlands and has no dry land to develop.

This problem is exacerbated by the loss of institutional knowledge resulting from high turnover in both MDEQ and municipal staff in recent years. For example, when Bessemer was performing routine maintenance on a drain several years ago, they were challenged by MDEQ as potentially disturbing a wetlands area. This type of incident is caused merely by lack of continuity, but illustrates the need for an improved inventory or comprehensive catalog system. These issues also can make economic development unpredictable and unattractive for business.

After all, one of the primary purposes behind wetlands protection is to ensure a vibrant and healthy Michigan. Arguably, it might be time to reassess where we are to make sure our states initiatives of environmental quality and economic development aren't working at cross purposes. 

With as many as six city/village manager changes in northern Michigan during the past year, it seems appropriate to make sure you know one another. Some are well settled by now and some brand new on the block. Please welcome one and all.

Charlevoix – Robert Straebel
Kalkaska – Penny Hill, MML Board of Trustee member
L'Anse – Robert Lafave
Ontonagon – Tom Cogswell
Roscommon – Tom Gromek
West Branch – Tom Youatt, MML Board of Trustee member

The U.P. Local Government Managers announce the election of a new chair, Norway City Manager Ray Anderson.



Legal Spotlight

By Sue Jeffers

Does the Public Have the Right to Walk on the Shores of the Great Lakes?

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.

Facts:

Richard and Kathleen Goeckel own property on the shore of Lake Huron. Joan Glass claims that as a member of the public she is entitled to walk along the shoreline of Lake Huron in front of the Goeckel's lakefront home irrespective of the Goeckel's title to that land.



Question:

Does the public have the right to walk along the shores of the Great Lakes where a private landowner ostensibly holds title to the water's edge?


Answer according to the trial (circuit) court:

Yes. The trial court held that Glass, as a member of the public, had the right to walk "lakewards of the natural ordinary high water mark" as defined by the Great Lakes Submerged Lands Act, which is part of Michigan's Natural Resources and Environmental Protection Act.

Answer according to the Michigan Court of Appeals:

No. The court of appeals concluded that "the state of Michigan holds in trust the submerged lands beneath the Great Lakes within its borders for the free and uninterrupted navigation of the public..." According to the court, apart from navigational issues, the state holds title to previously submerged land, subject to the exclusive use of the riparian owner up to the water's edge. Under the court's analysis, no member of the public has the right to walk or cross the land between the statutory ordinary high water mark and the water's edge.

Answer according to the Michigan Supreme Court:

Yes, but for different reasons than those offered by the trial court. The court outlined the history of the public trust doctrine, a concept descended from English common law, i.e. judge-made law, as opposed to statutory law. The public trust doctrine is recognition by the courts that the sovereign must preserve and protect navigable waters for its people. Its origins trace back to the Roman Emperor Justinian. The doctrine passed from the English courts to the American colonies, to the Northwest Territory, and, ultimately, to Michigan. According to the court, landowners on the Great Lakes always take their title subject to the limitation of public rights under the public trust doctrine. The court held that the public trust doctrine in Michigan permits pedestrian use of the Great Lakes, up to and including the land below the ordinary high water mark. 

Glass v Goeckel, 473 Mich 667 (2005).

DID YOU KNOW?

Over the last century, the world population has tripled, but water use has multiplied six-fold.

Sue Jeffers is associate general counsel for the League. You may contact her at 734-669-6306 or sjeffers@mml.org.

Michigan Municipal League Legal Defense Fund Celebrates its 25th Year!


The Michigan Municipal League Legal Defense Fund (LDF) was formed in 1983 as an advocacy program for Michigan's municipalities in the state and federal appellate courts. It provides support and assistance to member municipalities and their attorneys in cases where the issues have a broad impact on both the municipality involved in the case and on other municipalities throughout the state.

The LDF is governed by a board consisting of the president and the executive director of the League and the board of directors of the Michigan Association of Municipal Attorneys.

The LDF has experienced a steady growth in membership from 88 in its first year to 440 in 2008, its 25th year. Nearly 85 percent of members of the League are members of the LDF. The LDF board considers approximately 25 cases each year. In its 25 years, the LDF board has considered action in over 370 cases.


Typically, *amicus curiae* briefs are filed on behalf of the League in state and federal courts and financed in whole or in part by the LDF. Prior to January 1, 2008, an *amicus* brief prepared in support of a municipality could only be filed in the Michigan Supreme Court if the Court had granted a motion requesting permission to file the brief. From time to time, the Court has specifically invited the League, through the LDF, to file a brief. In 2007, the Court requested the League to file *amicus* brief in six cases.

Effective January 1, 2008, the Michigan Supreme Court, by court rule, dispensed with the need for any political subdivision of the state or an association representing the political subdivision to file a motion requesting permission to file an *amicus* brief. In doing so, the Court implicitly, if not explicitly, recognized the value of the briefs submitted by the LDF and similar organizations.

The League is preparing a publication highlighting the LDF's "Top 25" cases in the past 25 years. The publication will be available at the 2008 Annual Convention. In addition, we are planning a concurrent session to spotlight the most significant cases of the LDF in its first 25 years of assisting municipalities in the courts. 



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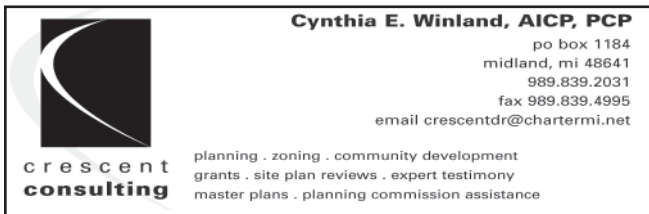


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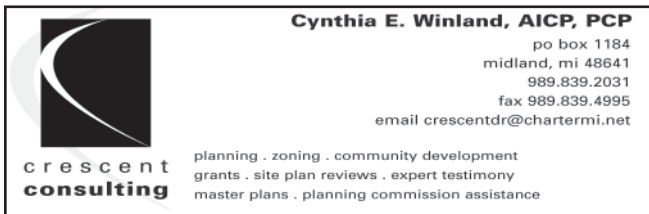
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Municipal Q&A

Coordinated by Mary Charles

Q: We are preparing for the fall elections in our village. Are we required to advertise the openings and their terms?

There is nothing in state election law that requires advertising for the positions—nor in the General Law Village Act if you are a general law village. You will need to check your local charter (if you are a home rule village), ordinances, and council rules to see if there is anything in your village requiring you to advertise.

Many communities do make the openings known by a variety of means (formal notices, newspaper articles, announcements during council meeting, etc.) and find it very helpful in getting qualified candidates, but there is no state law requiring it.

You will need to make sure the petition filing deadline is properly advertised (August 12 for the November election). The Bureau of Elections has provided a list of filing dates and deadlines for both the August and November elections (<http://www.michigan.gov>).

Q: Could/should a municipality help support a not-for-profit festival event financially, for example employees, equipment, and electricity?

Municipalities have only the power that they are given by statute, and any expenditure must fulfill a public purpose. As it is not always clear as to whether something is a public purpose, the League has prepared a One Pager *Plus* on municipal expenditures. You can download it from www.mml.org.

Q: Can we go to the bank to borrow money?

No! The Revised Municipal Finance Act (34 PA 2001, MCL 141.2301 states, “A municipality shall not issue a municipal security except in accordance with this act.” There is no provision for going to the bank to borrow money—or for writing a mortgage on municipal property for that matter. Municipal borrowing must meet statutory requirements and you are better served to use bond counsel and a financial advisor from the beginning. Your municipal attorney will be able to recommend competent experts.


Q: Was there a recent amendment to the Family Medical Leave Act (FMLA) related to service in the Armed Forces?

Yes! The amendment to the Act (January 28, 2008) provides eligible employees working for covered employers two new leave rights related to military service. All public employees are considered to be covered employees. The so-called caregiver leave amendment to the FMLA permits a “spouse, son, daughter, parent, or next of kin” to take up to 26 workweeks of leave to care for a “member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.”

Check out the Department of Labor’s website at www.dol.gov for compliance

assistance and other great information on FMLA and many other topics!

Q: I’ve heard that there is some new legislation allowing the use of TIF money for improvements on our waterfront. Do you have any information on it?

Yes, in April Governor Granholm signed SB 47, making it 2008 PA 94. This legislation will allow communities to create water improvement tax increment finance authorities which can be used for cleanup of inland lakes and infrastructure improvements on lakefront property. The League has a One Pager *Plus* available on its website at www.mml.org. 

Request for Information

The Resource Center relies on contributions from local officials to keep materials current.

We would appreciate receiving:

- Policies on employee solicitation
- Water use policies and ordinances
- Rental inspection ordinances

Please mail copies of your municipality’s new ordinances, policies, resolutions and innovative ideas to the League’s Inquiry Service, 1675 Green Road, Ann Arbor, MI 48105; fax it to 734-663-4496 or email it to info@mml.org. Thank you!

FOCUS ON

East Lansing



East Lansing: A Cool City with Smart Growth

In a day where municipalities are striving to make their downtowns attractive in the most economically beneficial and environmentally conscious way, the city of East Lansing is pulling ahead of the pack with its continued Smart Growth school of thought.

With a number of development projects either completed or underway and two of the largest mixed-use redevelopment projects mid-Michigan has seen on the horizon, it's no secret that elected city leaders and city planners alike have a progressive vision for East Lansing. That progressive vision can be seen first hand with a quick drive down Grand River Avenue.

On the east end of Grand River Avenue the mid-rise, mixed-use Stonehouse Village project has already successfully taken root in a prime downtown location. Offering comfortable living spaces above high-end retail spaces, the project follows the recommended development model of today's urban planners with its brownstone exterior and vertical growth model. Directly behind Stonehouse Village sits the soon-to-open Albert Place Condominiums. Taken on by the same development team as

Stonehouse Village, this eco-friendly project features high-quality penthouse and condominium units above two levels of parking. Among its environmentally friendly features, the project includes cork flooring and a beautifully landscaped green roof.

Just down the street, to the west, the West Village project has already begun closing deals on its Park Row Townhomes. Designed with the discerning homeowner in mind, these luxurious townhomes offer residents the ease of high-end living in a central location, just steps from the MSU campus and the fine shopping and dining in downtown.

The success of recent projects has not only begun to change the face of East Lansing, but has also paved the way for two large-scale redevelopment projects presently on East Lansing's horizon. The proposed East Village project is a 25-acre, high-density redevelopment, which combines the visions of MSU and community stakeholders and includes residential, retail and commercial uses along a six-acre river park bordering the Red Cedar River. The proposed City Center II project is a 5.49-acre redevelopment planned for downtown's west end, including a 10-story, mixed-use building with a boutique hotel, high-end restaurants, a performing arts theater and more.

Learn more about the projects beginning to take shape in East Lansing at www.cityofeastlansing.com.

Better Communities. Better Michigan.

Please send address and recipient corrections to Susan Vasher at MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; phone 800-653-2483; fax 734-662-8083, or email svasher@mml.org. Thank you.