

CITY OF TRAVERSE CITY



Minutes

Regular Meeting of City Commission

December 19, 2005

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were present, constituting a quorum: Mayor Linda Smyka, Mayor Pro Tem Rick Csapo, Jody Bergman, Scott C. Hardy, Matthew Schmidt, Denise Scrudato, Ralph L. Soffredine.

The following Commissioner was absent: None.

The Pledge of Allegiance was recited.

Mayor Smyka presided at the meeting.

Announcements by the Mayor, City Manager, and City Commissioners.

Moved by Soffredine, seconded by Csapo, that the City Commission Rules be suspended to add as an agenda item under Consent Calendar 2(r) "Consideration of adopting a Resolution calling a Special Election and setting forth ballot language for inclusion of Traverse City Light and Power Transmission assets into the MISO (Midwest ISO) Transmission System, as requested by the Light and Power Board. (Approval recommended)."

CARRIED unanimously.

Margaret Dodd, 240 Washington Street, requested that Agenda Item 2(n), be removed from the Consent Calendar and placed elsewhere on the Agenda for full discussion.

Rick Buckhalter, 518 west 12th Street, requested that Agenda Item 2(c) be removed from the Consent Calendar and placed elsewhere on the Agenda for full discussion.

Commissioner Scudato requested that Agenda Item 2(j) be removed from the Consent Calendar and placed elsewhere on the Agenda for full discussion.

Mayor Smyka placed them to be considered as New Business 4(c), Old Business 3(e) and New Business 4(d), respectively.

Item 2 on the Agenda being Consent Calendar

Moved by Csapo, seconded by Scudato, that the following actions as recommended on the amended Consent Calendar portion of the Agenda be approved:

- a. Minutes of the December 5, 2005, Regular Meeting, be approved.
- b. The City Manager be authorized to send a Letter of Endorsement to the Grand Traverse Band of Ottawa and Chippewa Indians for the grant application submitted by Planned Parenthood Northern Michigan to support its Abstinence Education Expansion Project.
- c. Moved to Old Business 3(e).
- d. The City Manager be authorized to issue payment to Lynne Moon and John Nelson in the amount of \$3,850 for reimbursement of legal fees relating to preliminary negotiations and work for a water main easement for the northwest area water system with funds therefor available in the Water Fund.
- e. The City Engineer be authorized to allow temporary soil borings and to execute an agreement with Delta Environmental Consultants, Inc., on behalf of its client, to install and maintain monitoring wells on City property (specifically the Senior Center), as described in the December 6, 2005, memo from the City Engineer, such agreement subject to approval as to substance by the City Manager and as to form by the City Attorney; and

furthermore, that all legal fees for the review and approval of the agreement to be paid by BP Products North America, Inc., (BP).

- f. The Mayor and City Clerk be authorized to execute the Permission of Encroachment between the City of Traverse City and Radio Centre Partners Phase II, LLC, subject to approval as to substance by the City Manager and as to form by the City Attorney; and further that the portion of the motion relating to the Permission of Encroachment between the City of Traverse City and Radio Centre of Traverse City, Inc., approved January 19, 2004, be rescinded.
- g. The City Manager be authorized to issue a service order to Tele-Rad, Inc., in the amount of \$5,015 for a one-year radio service agreement with funds therefor available in the Police Department Budget.
- h. The City Manager be authorized to issue a confirming purchase order in the amount of \$19,462.47 to Petroleum Traders Corporation for 9,991 gallons of dyed #2 diesel fuel without additives priced at \$1.947 per gallon with funds therefor available in the Garage Fund; and further that the purchase order total includes an additional \$9.99 for L.U.S.T. Tax in the amount of \$.001 per gallon.
- i. The City Manager be authorized to issue a service order to Northern Michigan Glass in the amount of \$8,844 for the installation of ADA door operators at the Larry C. Hardy Parking Deck with funds therefor available in the Auto Parking System Fund.
- j. Moved to New Business 4(d).
- k. The City Manager be authorized to issue a purchase order to Jack Doheny Supplies in the amount of \$254,701 for one 2007 Freightliner cab & chassis equipped with a Vactor 2110-36 PD for use in the Water/Wastewater Maintenance Department with funds therefor available in the Garage Fund and to declare a 1993 Ford LTS 8000 (#86) surplus.
- l. The City Manager be authorized to issue a purchase order to Northern

- Michigan Equipment Co. in the amount of \$131,000 for two 2006 Case 580 Super M Series II backhoes for use in the Light & Power and Water/Wastewater Maintenance Departments with funds therefor available in the Garage Fund and to declare two 2005 Case backhoes surplus.
- m. The City Manager be authorized to execute the Tree City USA Application for Recertification for 2005 by the National Arbor Day Foundation.
 - n. Moved to New Business 4(c).
 - o. The Resolution which will allow acceptance of payments by credit cards by the Auto Parking System be adopted.
 - p. The Resolution in Support of Centers for Regional Excellence Grant Application as submitted by the Charter Township of Garfield be adopted.
 - q. The Resolution Establishing a Public Employee Retiree Health Care Fund Pursuant to the Public Employee Health Care Fund Investment Act, PA 149 of 1999 be adopted for the General Municipal Employee Group to meet the requirements of the Governmental Accounting Standards Board.
 - r. The Resolution Calling Special Election on the Transmission Commitment to MISO (Midwest ISO) be adopted.

CARRIED unanimously.

Item 3 on the Agenda being Old Business

3(a).

The next item being “Consideration of enacting an amendment to Traverse City Code of Ordinances Section 1334.10 and 1336.01, which would remove the “no sign” stipulation from “Home Occupations” to reflect the new Sign Ordinance, a housekeeping matter: *Removal of the “No Sign” Stipulation for Home Occupations within Two Family and Multi Family Dwelling Districts,*” the following individual addressed the Commission:

Russ Soyring, City Planning Director

Moved by Bergman, seconded by Soffredine, that an amendment to the Traverse City Code of Ordinances, *Removal of the “No Sign” Stipulation for Home Occupations within Two Family and Multi Family Dwelling Districts*, Sections 1334.01 and 1336.01, which was introduced on December 5, 2005, be enacted with an effective date of December 29, 2005.

CARRIED unanimously.

3(b).

The next item being “Consideration of a report from the City Manager regarding meetings with property owners along Wayne Street to negotiate a settlement of the width of Wayne Street and the utility right-of-way,” the following individuals addressed the Commission:

Richard Lewis, City Manager
Betsie Williams, 1315 Wayne Street

Moved by Scrudato, seconded by Soffredine, that the following documents: *In the Matter of the Mediation between Private Property Owners on Wayne Street and the City of Traverse City* dated December 8, 2005; and *In the Matter of the Mediation between Private Property Owners on Wayne Street and the City of Traverse City* dated December 9, 10, 11 and 12, 2005; and City Manager’s letter dated December 14, 2005, to Wayne Street narrows residents be approved and that the City Attorney be authorized to prepare the appropriate documents to be submitted to the City Commission for consideration.

CARRIED unanimously.

3(c).

The next item being “Consideration of authorizing an Option Agreement relating to the request from Tom McIntyre for a property sale/exchange at the

corner of Cass Street and Washington Street,” the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Soffredine, seconded by Scrudato, that the Mayor and City Clerk be authorized to execute Option Agreement with SNAFU, LLC, for the term of four years at its cost of \$40,000, to provide it the exclusive right and option to purchase city-owned property located near Washington Street and Cass Street, known as “Lot W,” such Agreement subject to approval as to substance by the City Manager and as to form by the City Attorney.

CARRIED unanimously.

Commissioner Hardy departed the room.

3(d).

The next item being “Consideration of authorizing an agreement with the developer for the construction of the Northwest Area Water Booster Station Project and authorizing a contract amendment for construction engineering services relating to the Project,” the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Csapo, seconded by Scrudato, that the Mayor and City Clerk be authorized to execute a contract with Morgan Farms in the amount of \$606,500, more or less, for the Northwest Area Water Booster Station Project, such Contract subject to approval as to substance by the City Manager and as to form by the City Attorney and receipt of the anticipated \$111,300 payment from the developer of the Incochee Woods project, with funds therefor available in the Water Fund; and further that the Mayor and City Clerk be authorized to execute an Amendment to a Contract with Wade-Trim, Inc., for the Northwest Area Water Booster Station Design Project approved August 8, 2005, such Amendment for the construction phase services in the amount of \$8,000, and such Amendment subject to approval as to substance by the City Manager and as to form by the City Attorney, with

funds therefor available in the Water Fund.

CARRIED unanimously. (Hardy abstained)

Commissioner Hardy returned to the room.

3(e).

The next item being from the Consent Calendar “Consideration of authorizing a request from the Downtown Development Authority on behalf of the University of Michigan students for a letter of endorsement of a DDA grant application to the Grand Traverse Band of Ottawa and Chippewa Indians to cover the expenses of the students for phase two of the Waterfront Design and Development Project,” the following individuals addressed the Commission:

Rick Buckhalter, 518 West 12th Street

Richard Lewis, City Manager

Bryan Crough, Downtown Development Authority Executive Director

Moved by Soffredine, seconded by Bergman, that the City Manager be authorized to send a letter of endorsement to the Grand Traverse Band of Ottawa and Chippewa Indians for the grant application submitted by Downtown Development Authority on behalf of the University of Michigan to cover the expenses of the students for Phase Two of the Waterfront Design and Development Project.

CARRIED unanimously.

Item 4 on the Agenda being New Business

4(a).

The next item being “Consideration of adopting a Resolution Establishing Traverse City Senior Center Membership Rates and Guidelines as recommended by the Senior Center Advisory Board,” the following individual addressed the Commission:

Lori Wells, Senior Center Director

Moved by Scrudato, seconded by Hardy, that the Resolution Establishing Traverse City Senior Center Membership Rates and Guidelines be adopted as recommended by the Senior Center Advisory Board.

CARRIED unanimously.

4(b).

The next item being “Consideration of a request from Adrienne Rossi, 312 West Seventh Street, to amend the Sign Ordinance regarding permanent sign regulations in residential areas,” the following individuals addressed the Commission:

Adrienne Rossi, 312 West Seventh Street
Russ Soyring, City Planning Director
Karrie Zeits, Deputy City Attorney
Lee Bowman, 717 Woodmere Avenue
Richard Lewis, City Manager

Moved by Scrudato, seconded by Soffredine, that the Sign Ordinance be referred to staff for review and to submit any recommendations to the City Commission at its February 13, 2006, Study Session.

CARRIED unanimously.

4(c).

The next item being from the Consent Calendar “Consideration of confirming the pursuit of new homes for the current zoo animals” the following individuals addressed the Commission:

Margaret Dodd, 240 Washington Street
Richard Lewis, City Manager
Robert Cole, Public Services Director

Rick Buckhalter, 418 West 12th Street
Anne Patterson, 11429 Center Road, Peninsula Township

Moved by Schmidt, seconded by Soffredine, that the City Manager's pursuit of new homes for the current zoo animals be confirmed.

CARRIED unanimously.

4(d).

The next item being from the Consent Calendar "Consideration of authorizing a purchase order for a litter vacuum for use at the Larry C. Hardy Parking Deck," the following individuals addressed the Commission:

Bryan Crough, Downtown Development Authority Executive Director
Wayne Schmidt, Grand Traverse County Board Chair

Moved by Hardy, seconded by Csapo, that the City Manager be authorized to issue a purchase order to Lark Lawn & Garden, Inc. in the amount of \$3,143.86 for a multipurpose walk-behind litter vacuum for use at the Larry C. Hardy Parking Deck with funds therefor available in the Auto Parking System Fund.

Roll Call:

Yes - Bergman, Csapo, Hardy, Schmidt, Soffredine, Smyka.

No - Scrudato.

CARRIED.

Item 5 on the Agenda being Appointments

5(a).

The next item being "Consideration of appointment by the Mayor to the Housing Commission, subject to approval by the City Commission," Mayor Smyka

introduced this matter.

Moved by Csapo, seconded by Soffredine, that the Mayor's appointment of Heather Smith to a five-year term (seat previously held by Christine Blackledge) expiring November 30, 2010, on the Housing Commission be approved.

CARRIED unanimously.

5(b).

The next item being "Consideration of appointment by the Mayor to the Planning Commission, subject to approval by the City Commission," Mayor Smyka introduced this matter.

Moved by Hardy, seconded by Bergman, that the Mayor's appointment of Jason Eckerly to a three-year term (seat previously held by Jody Bergman) expiring November 10, 2008, on the Planning Commission be approved.

CARRIED unanimously.

5(c).

The next item being "Consideration of establishing an ad hoc committee to help draft a request for proposals (RFP) to be used to solicit proposals from interested community groups and individuals for the construction and operation of a privately-funded zoo/wildlife center to be located at a different site," Mayor Smyka introduced this matter.

Moved by Scudato, seconded by Csapo, that a Zoo/Wildlife Center RFP Ad Hoc Committee be established to help draft a request for proposals (RFP) to be used to solicit proposals from interested community groups and individuals for the construction and operation of a privately-funded zoo/wildlife center to be located at a different site, with the term of the Committee to expire March 1, 2006; and further that Commissioners Bergman, Schmidt, and Hardy be appointed to serve upon such Committee, with the City Manager to call the meetings as needed.

CARRIED unanimously.

Item 6 on the Agenda being Reports and Communications

The following were received and filed:

- a. From the City Manager.
 1. Bits & Pieces.
 - Wastewater Treatment Plant Improvements Project has received the Engineering Eminent Conceptor Award by the American Council of Engineering Companies of Michigan and the Michigan Society of Professional Engineers.
 - Board of Zoning Appeals Ruling.
- b. From other City officials, boards and committees.
 1. Report from the Mayor serving on the Downtown Development Authority Board.
 2. Report from Commissioners serving on the Light and Power Board.
 3. Report from the Mayor and Commissioner serving on the Planning Commission.
 4. Report from Commissioners serving on other boards.
 5. Report from the City Attorney.
 6. Minutes of the Downtown Development Authority meeting of October 21, 2005.
 7. Minutes of the Light and Power Board meetings of November 8 and November 22, 2005.

8. Minutes of the Parks and Recreation Commission meeting of November 3, 2005.
- c. From non-City officials.
1. The Grand Traverse Conservation District November 2005 Report.
 2. Letter from Mrs. Harriet K. Rennie, 701 Monroe Street, expressing appreciation to City staff for The Jay Smith Walkway Improvement Project and donating funds for benches at the Walkway.
 3. Wastewater Treatment Plant Monthly Operations Report for November 2005 from Operations Management International, Inc., (OMI).

Item 7 on the Agenda being Public Comment

The following individuals addressed the Commission:

Lori Wells, Senior Center Director - commented on Senior Center events.

Gary Olson, 1433 Wayne Street - commented on the Board of Zoning Appeals ruling regarding Wayne Street.

Rick Buckhalter, 518 West 12th Street - commented on the zoo property.

Adrienne Rossi, 312 West Seventh Street - commented on signs.

Lee Bowman, 717 Woodmere Avenue - commented on signs.

Commissioner Soffredine - commented on upcoming holidays.

There being no objection, Mayor Smyka declared the meeting adjourned at

9:28 pm.

Debra A. Curtiss, CMC, City Clerk

Approved: _____, _____
(Date) (Initials)