



## CITY OF TRAVERSE CITY

### Minutes

### Regular Meeting of City Commission

**December 18, 2006**

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 Scott C. Hardy, Jody Bergman, Matthew Schmidt, Denise Scrudato, Ralph L. Soffredine.

The following Commissioners were absent: None. (One vacancy)

The Pledge of Allegiance was recited.

Mayor Smyka presided at the meeting.

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

Rick Buckhalter, 518 West 12<sup>th</sup> Street, requested that Agenda Item 2(e) be removed from the Consent Calendar and placed elsewhere on the Agenda for full discussion.

Mayor Smyka placed it to be considered as New Business 4(b).

### **Item 2 on the Agenda being Consent Calendar**

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

- a. Minutes of the Study Session of November 30, Regular Meeting of December 4, and Study Session of December 11, 2006, 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 Grand Valley State University Regional Centers of Traverse City to provide literacy kits for area children.
- c. The City Manager be authorized to issue a service order to Tele-Rad, Inc., in the amount of \$5,034 for a one-year police radio service agreement effective from January 1, 2007 - December 31, 2007 with funds therefor available in the Police Department Budget.
- d. The City Manager be authorized to approve payment to the Michigan Municipal League Liability & Property Pool in the amount of \$5,961 for the premium cost for insurance coverage for the increased value of the wastewater treatment plant facilities, with funds to come from the Sewer Fund and to be reimbursed proportionately by participating township members.
- e. Moved to New Business 4(b).
- f. The Mayor and City Clerk be authorized to execute a lease with Federated Properties, LLC for 18 parking spaces at 145 West Front Street, Lot V, on a month-to-month basis, subject to approval as to substance by the City Manager and as to form by the City Attorney.
- g. The Mayor and City Clerk be authorized to execute a contract with Elmer's Crane & Dozer, Inc., for the 2006 Airport Access Road Water Main Extension Project at unit prices indicated in its bid of December 11, 2006, in the amount of \$27,950, more or less, with funds therefor available in the Water Fund, subject to approval as to substance by the City Manager and as to form by the City Attorney.
- h. The City Manager be authorized to issue a confirming purchase order in the amount of \$15,480.10 to Brenner Oil Company for 8,752 gallons of

unleaded gasoline priced at \$1.76875 per gallon with funds therefor being available in the Garage Fund.

- i. The City Manager be authorized to execute the Grand Traverse County Commission on Aging Funding Agreement, which accepts the grant award to the Senior Center in the amount of \$5,900; and further that a budget amendment be made to increase budgeted revenue and budgeted expenses in the Senior Center Fund by \$5,900 to reflect the receipt of these grant funds and the revenue and expenditures related thereto.
- j. The Mayor and City Clerk be authorized to execute the Agreement to Designate the Traverse City Downtown Development Authority to Operate the Parking Violations Bureau with the Traverse City Downtown Development Authority, subject to approval as to substance by the City Manager and as to form by the City Attorney.
- k. The Mayor and City Clerk be authorized to execute an Agreement to Perform Data Processing Services under the terms of the Memorandum of Agreement between the Michigan Department of State and the City of Traverse City (Agreement), with the Traverse City Downtown Development Authority, and an Agreement with T2 Systems, Inc., with the agreements subject to approval as to substance by the City Manager and as to form by the City Attorney.
- l. An amendment to the Traverse City Code of Ordinances, *Designation of the Downtown Development Authority to operate the Parking Violations Bureau*, Sections 410.04 and 488.02, which would designate the Traverse City Downtown Development Authority as the operator of the Parking Violations Bureau (the Bureau) and retain the City Treasurer as administrator of the Bureau, be introduced and scheduled for possible enactment on January 2, 2007.
- m. An amendment to the Traverse City Code of Ordinances, *Modification of Setbacks in the HR (Hotel Resort) District*, Section 1338.04, which would change the minimum setback in the HR District to the lesser of 8 feet or the average setback of principal buildings on the same face block and the same

side of the street, with a maximum setback of 25 feet, as recommended by the Planning Commission, be introduced and scheduled for possible enactment on January 2, 2007.

- n. The following resolutions be adopted: Resolution Establishing Fees for Duncan L. Clinch Marina Launching Permit Fees 2007; Resolution Establishing Fees for Duncan L. Clinch Marina Seasonal Rates 2007; Resolution Establishing Fees for Duncan L. Clinch Marina Transient Rates and Pump Out Fees 2007; and Resolution Establishing Fees for Boardman River Dockage Seasonal Rates 2007.
- o. The Local Governing Body Resolution for Charitable Gaming Licenses (issued by the Michigan Lottery), to recognize the Eastern Parent Teacher Organization as a local non-profit organization, be adopted.
- p. The Resolution Approving the Editing and Inclusion of Certain Ordinances as Part of the Various Component Codes of the Codified Ordinances, be adopted.
- q. A Resolution authorizing the purchase of other governmental pension service credit as part of the Municipal Employees' Retirement System (MERS) for Makayla Vitous be adopted, with the entire cost to be paid by the employee.

CARRIED unanimously.

### **Item 3 on the Agenda being Old Business**

#### **3(a).**

The next item being "Public hearing on a request from National Vacuum Equipment, Inc., for an industrial facilities exemption certificate (tax abatement) and consideration of adopting the Resolution approving the application," the following individuals addressed the Commission:

Debra Curtiss, City Clerk

Ken Hall, National Vacuum Equipment, Inc., Chief Financial Officer  
Debra Chavez, City Assessor

Mayor Smyka opened the public hearing.

There being no one present desiring to speak, Mayor Smyka closed the public hearing.

Moved by Soffredine, seconded by Bergman, that the Resolution Approving Application of National Vacuum Equipment, Inc., for a new facility be adopted.

CARRIED unanimously.

**3(b).**

The next item being “Public hearing on a request from Boride Engineered Abrasives for an industrial facilities exemption certificate (tax abatement) and consideration of adopting the Resolution approving the application,” the following individuals addressed the Commission:

Debbra Curtiss, City Clerk  
Larry Tiefenbach, Boride Engineered Abrasives President

Mayor Smyka opened the public hearing

There being no one further desiring to speak, Mayor Smyka closed the public hearing.

Moved by Hardy, seconded by Scrudato, that the Resolution Approving Application of Boride Engineered Abrasives for a new facility be adopted.

CARRIED unanimously. (Schmidt abstained)

**3(c).**

The next item being “Consideration of adopting a Resolution authorizing

Downtown Development Refunding Bonds, Series 2007 (Limited Tax General Obligation) relating to the refinancing of the City of Traverse City 2002A Downtown Development Bonds,” the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Soffredine, seconded by Hardy, that the Resolution Authorizing Downtown Development Refunding Bonds, Series 2007 (Limited Tax General Obligation) be adopted relating to refunding a portion of the City’s Outstanding Downtown Development Bonds, Series 2002A Limited Tax General Obligation.

CARRIED unanimously.

**3(d).**

The next item being “Consideration of a request from Bay Hill to amend the resolution granting partial tax exemption which will increase the percentage of Bay Hill I and II multiple family project to be eligible for the 10% payment in lieu of taxes,” the following individuals addressed the Commission:

Debra Chavez, City Assessor

Karrie Zeits, Deputy City Attorney

Robert Parker, Attorney representing Bay Hill

Moved by Hardy, seconded by Soffredine, that the Resolution Amending the 1995 Resolution Granting Partial Tax Exemption for Bay Hill Housing Development be adopted which will increase the percentage of Bay Hill I, a multiple family project, to be eligible for the 10% payment in lieu of taxes.

CARRIED unanimously.

**3(e).**

The next item being “Consideration of a request from Homestretch to explore partnership with the City for the purpose of developing the Depot

Property,” the following individuals addressed the Commission:

Richard Lewis, City Manager  
Bill Merry, Homestretch Executive Director

Moved by Scrudato, seconded by Soffredine, that the request from Homestretch to explore partnership with the City for the purpose of developing the Depot property be received and filed and that Homestretch be added to the interested developer list to receive a Depot Property RFP.

CARRIED unanimously.

**3(f).**

The next item being “Consideration of a request from Jim Carruthers, 218 West 11<sup>th</sup> Street, to ‘review and vote on the process of entering into a lease/condo agreement and relating materials from Federated Properties prior to supporting this project, materials to include lease documents, condominium documents and all other information required to make a good business decision,’” the following individuals addressed the Commission:

Jim Carruthers, 218 West 11<sup>th</sup> Street  
Richard Lewis, City Manager  
Rick Buckhalter, 518 West 12<sup>th</sup> Street  
Karrie Zeits, Deputy City Attorney

Moved by Hardy, seconded by Soffredine, that the request from Jim Carruthers, 218 West 11<sup>th</sup> Street, regarding Federated Properties Front Street project be received and filed.

CARRIED unanimously.

**Item 4 on the Agenda being New Business**

**4(a).**

The next item being “Consideration of process to fill vacancy on the City Commission,” the following individuals addressed the Commission:

Richard Lewis, City Manager  
Tim Weily, 547 Terrace Drive

Moved by Schmidt, seconded by Scudato, that the process for filling the vacancy on the City Commission (seat made vacant by the resignation of Rick Csapo) as amended in the communication from the City Manager dated December 14, 2006, be approved.

CARRIED unanimously.

**4(b).**

The next item being from the Consent Calendar, “Consideration of authorizing the City Manager to negotiate a renewal contract with Operations Management International, Inc., (OMI) for the operation of the Traverse City Regional Wastewater Treatment Facility and pumping stations,” the following individuals addressed the Commission:

Rick Buckhalter, 518 West 12<sup>th</sup> Street  
Richard Lewis, City Manager

Moved by Bergman, seconded by Scudato, that the City Manager be authorized to negotiate a five-year renewal agreement with Operations Management International, Inc. for the operation of the Traverse City Regional Wastewater Facility and pumping stations, with the agreement to be submitted to City Commission for final approval.

CARRIED unanimously.

**Item 5 on the Agenda being Appointments**

**5(a).**

The next item being “Consideration of accepting the resignation of Christie McGue from the Human Rights Commission and appointment by the Mayor of an ad hoc interview committee to make a recommendation regarding appointment to the Human Rights Commission, subject to approval by the City Commission,” the following individual addressed the Commission:

Benjamin Marentette, Deputy City Clerk

Moved by Soffredine, seconded by Schmidt, that the resignation of Christie McGue dated December 5, 2006, from the Human Rights Commission be accepted; and further that an ad hoc interview committee be established to make a recommendation regarding appointment to an unexpired three-year term (seat previously held by Christie McGue), expiring June 30, 2008, on the Human Rights Commission; and that the Mayor’s appointment of Commissioner Soffredine and Mayor Smyka to serve upon such Committee be approved, with Mayor Smyka to call the meetings.

CARRIED unanimously.

**5(b).**

The next item being “Consideration of appointment by the Mayor of an ad hoc interview committee to make a recommendation regarding appointments to the Cherry Capital Cable Council, subject to approval by the City Commission,” the following individual addressed the Commission:

Benjamin Marentette, Deputy City Clerk

Moved by Hardy, seconded by Schmidt, that the Mayor’s reappointment of Richard Lewis and Tom Shea each to a one-year term expiring December 31, 2007, on the Cherry Capital Cable Council be approved.

CARRIED unanimously.

**5(c).**

The next item being “Consideration of appointment by the Mayor of a City Commission representative to the Grand Traverse County Board of Public Works, subject to approval by the City Commission and confirmation by the Grand Traverse County Board of Commissioners,” the following individual addressed the Commission:

Richard Lewis, City Manager

No action was taken.

**5(d).**

The next item being “Consideration of appointment by the Mayor of a City Commission representative to the Grand Traverse County Resource Recovery Council, subject to approval by the City Commission and confirmation by the Grand Traverse County Board of Commissioners,” the following individuals addressed this matter.

Kelly Ignace, Grand Traverse County Resource Recovery Manager

No action was taken.

There being no objection, Mayor Smyka modified the order of the Agenda to consider 5(f) before 5(e).

**5(e).**

The next item being “Consideration of appointment by the Mayor of a City Commission representative to serve on the Grand Traverse County Solid Waste Planning Committee, subject to approval by the City Commission and confirmation by the Grand Traverse County Board of Commissioners,” the following individual addressed the Commission:

Kelly Ignace, Grand Traverse County Resource Recovery Manager

Moved by Schmidt, seconded by Hardy, that the Mayor’s appointment of

Commissioner Scudato, to a seat previously held by former Commissioner Rick Csapo, on the Grand Traverse County Solid Waste Planning Committee, be approved, subject to confirmation by the Grand Traverse County Board of Commissioners.

CARRIED unanimously.

**5(f).**

The next item being “Consideration of recommending a City Commission representative to serve on the Grand Traverse County Resource Recovery Funding Task Force, as requested by the Grand Traverse County Board of Commissioners,” the following individual addressed the Commission:

Kelly Ignace, Grand Traverse County Resource Recovery Manager

No action was taken.

**5(g).**

The next item being “Consideration of appointment by the Mayor of a City Commission representative to serve on the Grand Traverse County Township Association, subject to approval by the City Commission and confirmation by the Grand Traverse County Board of Commissioners,” Mayor Smyka introduced this matter.

Moved by Bergman, seconded by Scudato, that the Mayor’s appointment of Commissioner Schmidt to serve as the City Commission’s representative to the Grand Traverse County Township Association for an unexpired one-year term (seat previously held by former Commissioner Rick Csapo) expiring November 12, 2007, be approved.

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.  
-Ramsdell Road Executive Order
- 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. Quarterly Financial Report from the City Treasurer/Finance Director.
  7. Minutes of the Light and Power Board meeting of November 14, 2006.
  8. Minutes of the Parks and Recreation Commission meeting of November 2, 2006, and Ad Hoc Committee meetings of November 14, November 28 and December 5, 2006.
- c. From non-City officials.
  1. Wastewater Treatment Plant Monthly Operations Report for November 2006 from Operations Management International, Inc., (OMI).

2. Grand Traverse County Resource Recovery Manager's Report for December 2006/January 2007.
3. Minutes of the City of Traverse City and Charter Township of Garfield Recreational Authority Board of Directors meeting of November 28, 2006.
4. Minutes of the Traverse Area District Library board of Trustees meeting of November 9, November 28, and October 19, 2006.

**Item 7 on the Agenda being Public Comment**

The following individuals addressed the Commission:

There being no objection, Mayor Smyka removed 7(a) from the agenda as requested by Mr. Buckhalter

There being no objection, Mayor Smyka removed 7(b) from the agenda to be placed on the January 2, 2007, regular meeting agenda as requested by Mr. Buckhalter.

Tom Menzel, 109 Sixth Street, National Cherry Festival Executive Director  
Scott Sieffert, 859 East Eighth Street  
Jim Carruthers, 218 West 11<sup>th</sup> Street  
Commissioner Ralph Soffredine

There being no objection, Mayor Smyka declared the meeting adjourned at 9:46 pm.

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Debra A. Curtiss, CMC, City Clerk

Approved: \_\_\_\_\_, \_\_\_\_\_  
(Date) (Initials)