

CITY OF TRAVERSE CITY



Minutes

Regular Meeting of City Commission

February 5, 2007

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, Christopher M. Bzdok, Matthew Schmidt, Denise Scrudato, Ralph L. Soffredine.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Smyka presided at the meeting.

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

Mayor Pro Tem Hardy made the following disclosure: The City may be entering into a competitively bid contract with Arms and Cole, and Arms and Cole is a company in which he has an ownership interest. He has a pecuniary interest and will be abstaining from deliberations and vote on that contract.

Item 2 on the Agenda being Consent Calendar

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

- a. Minutes of the Regular Meeting of January 15, Study Session of January 27, and Study Session of January 29, 2007, be approved.
- b. The City Manager be authorized to issue a confirming purchase order in the amount of \$14,787.50 to Brenner Oil Company for 10,000 gallons of

- unleaded gasoline priced at \$1.47875 per gallon with funds therefor being available in the Garage Fund.
- c. The Mayor and City Clerk be authorized to execute a two-year uniform supply and cleaning agreement in the amount of \$4.90 per employee per week with Continental Linen Services for uniform supply and cleaning for the Department of Public Services, with funds therefor available in the various departmental budgets.
 - d. The City Manager be authorized to issue a purchase order to Snap-On Industrial Tools in the amount of \$6,498.18 for an automotive/truck diagnostic scanner Modis Elite 6.4 with software, communication cables and accessories for use in the Garage Department with funds therefor available in the Garage Fund.
 - e. The competitive bidding process be waived and that the City Manager be authorized to issue a confirming purchase/service order to Kropp Well Drilling, Inc., in the amount of \$14,403.50 for the purchase and installation of a submersible pump and motor for the Hickory Hills snowmaking system with funds therefor available in the Public Improvement Projects Fund.
 - f. The competitive bidding process be waived and that the City Manager be authorized to issue a confirming purchase order to Dell USA in the amount of \$5,815.25 for a computer server for the Fire Department with funds therefor available in the Public Improvement Projects Fund.
 - g. The Mayor and City Clerk be authorized to execute an Interlocal Agreement with Grand Traverse County for information technology and telecommunication system services to the City of Traverse City including the Light and Power Department, such Agreement subject to approval as to substance by the City Manager and as to form by the City Attorney.
 - h. The Mayor be authorized to execute the Michigan State Housing Development Authority (MSHDA) Certification of Local Approval for the Women's Resource Center, as requested by the Center, relating to a grant application for the Emergency Shelter Grant Program to provide funding

assistance for the continued operation of the emergency shelter operations and essential services provided by the Women's Resource Center.

Commissioner Soffredine made the following disclosure: He serves on the Women's Resource Center Board of Directors and will abstain from deliberations and vote on this matter.

- i. The Resolution Declaring the Extension of North Aero Park Court under control of the city, which allows the extension of North Aero Park Court to be added to the city's street system and made eligible for street maintenance funds under Act 51, be adopted.
- j. The Local Governing Body Resolution for Charitable Gaming Licenses (issued by the Michigan Lottery), to recognize the Grand Traverse Rugby Club, Inc., as a local non-profit organization be adopted.
- k. The Grand Traverse Band of Ottawa and Chippewa Indians grant award for said study of the region's water supply and distribution system in the amount of \$10,000 be accepted; and further the Water Fund Budget be amended to increase both budgeted revenues and budgeted expenses by \$10,000 to reflect said grant from the Grand Traverse Band of Ottawa and Chippewa Indians.
- l. An amendment to the Traverse City Code of Ordinances, *Circuit Court Review*, Section 1324.07, which would align the appeals period for Circuit Court review of Board of Zoning Appeals decisions with the Michigan Zoning Enabling Act, as recommended by the Planning Commission, which was introduced on January 15, 2007, be enacted with an effective date of February 15, 2007.
- m. Amendments to the Traverse City Code of Ordinances to amend the City ordinance to comply with new Michigan Zoning Enabling Act:
Modification of Changes and Amendments within the General Provisions and Definitions Chapter of the Zoning Code, Section 1320.04;
Modification of the Board of Zoning Appeals Chapter of the Zoning Code, Section 1324.01, 1324.02, 1324.04; *Modification of Procedure for Approval*

within the Planned Unit Developments Chapter of the Zoning Code, Section 1362.02; and Modification of City Commission Procedure for Approval within the Special Land Use Permit Chapter of the Zoning Code, Section 1364.04, as recommended by the Planning Commission, which was introduced on January 2, 2007, be enacted with an effective date of February 15, 2007.

CARRIED unanimously.

Commissioner Soffredine abstained from Agenda Item 2h.

Item 3 on the Agenda being Old Business

3(a).

The next item being “Consideration of adopting Resolutions 4 and 5 for Special Improvement District SID 2006-02 for constructing curb and gutter improvements on Kelly Street between Bates Street and Barlow Street, and consideration of a related budget amendment,” the following individuals addressed the Commission:

Richard Lewis, City Manager
Carol Dee, 861 Kelley Street
Debra Chavez, City Assessor, on behalf of a telephone call received from Joseph Spitzley, 841 Kelley Street

No action was taken.

3(b).

The next item being “Consideration of a request from the Grand Traverse Area Veterans Coalition regarding the issue of movement/location of the City’s Veterans Memorial Park,” the following individuals addressed the Commission:

Richard Lewis, City Manager
Larry Butcher, Grand Traverse Area Veterans Coalition President

Jim Carruthers, 218 West 11th Street, Parks and Recreation Commission
Chair
Martin Melkild, 223 East 11th Street
Jim Wagner, Vietnam Veterans Association Past President
Margaret Dodd, 240 Washington Street

Moved by Soffredine, seconded by Scudato, that the request from the Grand Traverse Area Veterans Coalition to move the Veterans Memorial Park to city property located on the north side of 11th Street between Division Street and Elmwood Avenue, immediately adjacent to the State of Michigan offices, as generally outlined in the map dated January 31, 2007, entitled *Proposed Veterans Memorial Park*, be approved.

CARRIED unanimously.

3(c).

The next item being “Consideration of West Front Street 145 Project,” the following individuals addressed the Commission:

Richard Lewis, City Manager
Mark Eckhoff, Downtown Development Authority Board Chair
Bryan Crough, Downtown Development Authority Executive Director
Jean Derenzy, Grand Traverse County Brownfield Redevelopment Authority
Director
Mike Uzelac, Federated Properties
Russ Soyring, City Planning Director
Karrie Zeits, Deputy City Attorney
Scott Howard, Grand Traverse County Brownfield Redevelopment
Authority Legal Counsel

Commissioner Bzdok made the following disclosure: The City may be entering into a contract with the Grand Traverse County Brownfield Redevelopment Authority which is represented by a partner in his law firm of Olson, Bzdok & Howard, PC. He has been advised by the City Attorney’s office that even if he has a pecuniary interest in this matter, the prohibitions of state

law regarding conflicts of interest do not apply to contracts between public entities. The Brownfield Redevelopment Authority and the City of Traverse City are public entities. However, he wished to make full disclosure to the public of this interest.

Margaret Dodd, 240 Washington Street
Jim Carruthers, 218 West 11th Street
Mark Ryan, 1118 Santo Street
Lee Bowman, 717 Woodmere Avenue
Bob Foresman, Gourdie-Fraser President
Bill Plough, 1122 Lake Ridge
Tino Breithaupt, on behalf of the Traverse Bay Economic Development Corporation and the Traverse City Area Chamber of Commerce
Ellen Fivenson, 717 Bloomfield Avenue
Debra Curtiss, City Clerk

Moved by Schmidt, seconded by Bergman, that the City Manager and City Attorney be authorized to negotiate with the Grand Traverse County Brownfield Redevelopment Authority and Federated Properties regarding a lease and/or purchase agreement, with such lease/purchase agreement to be presented to the City Commission at a future meeting for consideration and with such expenditure of funds not to exceed \$5,000 for services of the City Attorney, with funds to come from the TIF 97 Fund.

Roll Call:

Yes - Bergman, Hardy, Schmidt, Smyka.

No - Bzdok, Scrudato, Soffredine.

FAILED. (Five votes required)

Item 4 on the Agenda being New Business

4(a).

The next item being “Consideration of authorizing a loan agreement with the National Cherry Festival for reimbursement of the City’s costs and services provided for the 2006 Festival,” the following individuals addressed the Commission:

Richard Lewis, City Manager

Bob Reed, 437 West Eighth Street, National Cherry Festival Finance Officer

Moved by Soffredine, seconded by Scrudato, that the Mayor, and City Clerk be authorized to execute a Letter of Understanding with the National Cherry Festival for its reimbursement of City costs incurred for the 2006 Event, subject to approval as to substance by the City Manager and as to form by the City Attorney, with such Letter to include the terms as described in the February 1, 2007, City Manager Communication to the City Commission.

CARRIED unanimously.

Item 5 on the Agenda being Appointments

5(a).

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

Moved by Soffredine, seconded by Bzdok, that the Mayor’s appointment of Fred Wilmeth to one unexpired three-year term (seat previously held by Jason Eckerly) expiring November 10, 2008, on the Planning Commission, be approved.

CARRIED unanimously.

5(b).

The next item being “Consideration of appointment by the Mayor to the Human Rights Commission, subject to approval by the City Commission,” Mayor Smyka introduced this matter.

Moved by Hardy, seconded by Soffredine, that the Mayor's appointment of Marie Walker to one unexpired three-year term (seat previously held by Christie McGue) expiring June 30, 2008, on the Human Rights Commission be approved

CARRIED unanimously.

5(c).

The next item being "Consideration of appointment by the City Commission of a City Commissioner to serve on the Boardman River Dams Committee," the following individuals addressed the Commission:

Richard Lewis, City Manager
Bill Plough, 1122 Lake Ridge Drive

Moved by Schmidt, seconded by Soffredine, that Commissioner Bzdok be appointed to serve as the City Commission's representative on the Boardman River Dams Committee.

CARRIED unanimously.

5(d).

The next item being "Consideration of appointment by the City Commission of an ad hoc interview committee to make a recommendation regarding appointment to the Traverse City Light and Power Board," Mayor Smyka introduced this matter.

Moved by Bzdok, seconded by Bergman, that an ad hoc interview committee be established to make a recommendation regarding one five-year term (seat held by Joseph Winowiecki) expiring April 2, 2012; and further that Commissioner Schmidt, Mayor Pro Tem Hardy, and Commissioner Soffredine be appointed to serve upon such Committee, with Commissioner Soffredine to call the meetings.

CARRIED unanimously.

5(e).

The next item being “Consideration of appointment by the City Commission of an ad hoc interview committee to make a recommendation regarding appointment to the Parks and Recreation Commission,” Mayor Smyka introduced this matter.

Moved by Soffredine, seconded by Schmidt, that an ad hoc interview committee be established to make a recommendation regarding appointment to an unexpired three-year term (seat automatically made vacant by the appointment of Fred Wilmeth to the Planning Commission) expiring September 1, 2009, on the Parks and Recreation Commission; and further that Mayor Pro Tem Hardy, Commissioner Bergman, and Commissioner Schmidt be appointed to serve upon such Committee be approved, with Commissioner Hardy to call the meetings.

CARRIED unanimously.

5(f).

The next item being “Consideration of appointments by the City Manager to the Brown Bridge Advisory Committee, subject to approval by the City Commission,” the following individual addressed the Commission:

Richard Lewis, City Manager

Moved by Hardy, seconded by Soffredine, that the City Manager’s reappointment of Robert Horstman to a three-year term expiring October 6, 2008; appointment of William Plough to a three-year term (seat held by Susan Boyd) expiring October 6, 2008; and reappointment of William Fernandez, John Hagen and Judith Nemitz each to a three-year term expiring October 5, 2009, on the Brown Bridge Advisory Committee, be approved.

CARRIED unanimously.

There being no objection, Mayor Smyka dispensed with the reading of the following, and they were received and filed.

Item 6 on the Agenda being Reports and Communications

The following were received and filed:

- a. From the City Manager.
 1. Bits & Pieces.
- 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 Light and Power Board meetings of December 20, 2006, and January 9, 2007.
 7. Minutes of the Downtown Development Authority meeting of December 15, 2006.
- c. From non-City officials.
 1. Wastewater Treatment Plant Monthly Operations Report for December 2006 from Operations Management International, Inc., (OMI).

Item 7 on the Agenda being Public Comment

The following individual addressed the Commission:

Mike Uzelac, Federated Properties

There being no objection, Mayor Smyka declared the meeting adjourned at 11:08 p.m.

Debra A. Curtiss, CMC, City Clerk

Approved: _____, _____
(Date) (Initials)