



Notice

City Commission Regular Meeting

7:00 pm

Monday, April 7, 2014

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published 04-03-14

Meeting informational packet is available for public inspection at the Traverse Area District Library, City Police Station, City Manager's Office and City Clerk's Office.

The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Kelli Schroeder, Human Resources Generalist, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4440, TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

City Commission:

c/o Benjamin C. Marentette, CMC, City Clerk
(231) 922-4480

Email: tcclerk@traversecitymi.gov

Web: www.traversecitymi.gov

400 Boardman Avenue

Traverse City, MI 49684

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.

Welcome to the Traverse City Commission meeting!

Agenda

Any interested person or group may address the City Commission on any agenda item when recognized by the presiding officer or upon request of any Commissioner. Also, any interested person or group may address the City Commission on any matter of City concern not on the Agenda during the agenda item designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Commission.

Pledge of Allegiance

1. Roll Call

2. Consent Calendar

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and placed elsewhere on the agenda for full discussion and such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

- a. Consideration of approving minutes of the Regular Meeting of March 17, 2014, and Study Session of March 31, 2014. (Approval recommended)
(Jered Ottenwess, Benjamin Marentette)

- b. Consideration of adopting a Resolution Approving a Request from Off the Map Hospitality, LLC, d/b/a *The Franklin*, for a Resort Class C Liquor License with Dance and Entertainment Permits to be operated at 160 E. Front Street and authorizing the City Clerk to issue the related registration. (Adoption Recommended) (Jered Ottenwess, Benjamin Marentette)
- c. Consideration of a request from Maritime Heritage Alliance for waiver of dockage fees for up to six slips at the Clinch Marina and advance reservation of such slips for the Traverse City Schooner Festival to be held September 18-21, 2014. (Approval recommended) (Jered Ottenwess, Dave Green)
- d. Consideration of authorizing a confirming purchase order for gasoline for city operational use. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- e. Consideration of authorizing a confirming purchase order for diesel fuel for city operational use. (Approval recommended) (Jered Ottenwess, Dave Green) (5 affirmative votes required)
- f. Consideration of enacting an amendment to the Traverse City Code of Ordinances which would require the City Clerk to provide notice of a special assessment for single parcels within seven calendar days, rather than within 48 hours of adoption of a special assessment by the City Commission. (Enactment recommended) (Jered Ottenwess, Benjamin Marentette)
- g. Consideration of enacting an amendment to the Traverse City Code of Ordinances to rezone the property at 10597 East Traverse Highway from R-9(A), Multiple Family Dwelling District, to R1-b MU Mixed Use PUD Morgan Farm, as the developer has indicated they will not have progressed with construction which was a condition of its conditional rezoning, as recommended by the City Planning Commission, which is a housekeeping matter required by city ordinance. (Enactment recommended) (Jered Ottenwess, Russell Soyring)

- h. Consideration of authorizing a purchase order for a heart monitor/defibrillator and accessories for use by the Fire Department and declaring one surplus to be returned and applied as a credit for the new heart monitor/defibrillator. (Approval recommended) (Jered Ottenwess, James Tuller) (5 affirmative votes required)

Items removed from the Consent Calendar

- a.
- b.
- c.

3. Old Business

- a. Consideration of authorizing a service order for the West Boardman Lake Trail Railroad Crossing Project, to be paid for by a Michigan Natural Resources Trust Fund Grant and Brownfield Funds. (Jered Ottenwess, Timothy Lodge) (5 affirmative votes required)

4. New Business

- a. Consideration of a request from Nolan's Tobacco, LLC for a New Redevelopment Liquor License to be operated at 336 E. Front Street. (Jered Ottenwess, Benjamin Marentette)

5. Appointments

None.

6. Reports, Announcements and Correspondence

Please note: For this section of the agenda, when an actual report is included or expected, the item will be underlined.

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Report from the Mayor serving on the Downtown Development Authority.
 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. Minutes of the Historic Districts Commission meeting of December 19, 2013.
 6. Minutes of the Planning Commission meetings of February 4, 2014, and February 19, 2014.
 7. Minutes of the Act 345 Retirement System meeting of December 18, 2013.
 8. Minutes of the Traverse City Light and Power Board meetings of February 18, 2014, and February 25, 2014.

- e. Reports and correspondence from non-City officials.
 - 1. Fractile Emergency Response Report for North Flight for February 2014.

7. Public Comment

- a. Reserved.
 - 1. Request from Christine Maxbauer, Grand Traverse County Commission on Aging, to provide a "Brief annual COA [Commission on Aging] Report."
- b. General.
- c. Mayor and City Commissioners.

8. Adjournment

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: MINUTES

Attached are the minutes from the following meetings of the City Commission:

- March 17, 2014, Regular Meeting
- March 31, 2104, Study Session

The City Clerk recommends that these minutes be approved. The following motion would be appropriate:

that the minutes of the March 17, 2014, Regular Meeting, and March 31, 2014, Study Session, be approved.

JJO/kes

k:\tcclerk\city commission\minutes

**Minutes of the
City Commission for the City of Traverse City**



Regular Meeting

March 17, 2014

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 Michael Estes, Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary L. Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

As requested by Rick Buckhalter, 932 Kelley Street, Agenda Item 2(e) was removed from the Consent Calendar for full discussion.

2. Consent Calendar

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

- a. The minutes of the March 3, 2014, Regular Meeting, be approved.
- b. The City Manager be authorized to declare surplus a 1998 Yale lift truck and issue a purchase order to Alta Equipment in the amount of \$45,943.20 for the purchase of a 2014 Yale GP100VX, to be used by Traverse City Light and Power, with funds available in the Garage Fund.

- c. The resolution recommending approval of a request from Karukera, LLC d/b/a Bistro Fou Fou for a New Banquet Facility Permit and Catering Permit, be adopted; and that the City Clerk be authorized to issue a Liquor License Registration to Karukera, LLC, d/b/a Bistro Fou Fou to operate such permits at 106 E. Front Street.
- d. An amendment to the Traverse City Code of Ordinances, *Notification Process for Single-Parcel Special Assessments*, Section 232.04, which would require that the City Clerk provide notice of a special assessment on a single parcel within 7 calendar days rather than within 48 hours of adoption of a single-parcel special assessment, be introduced and scheduled for possible enactment on April 7, 2014.
- e. Removed from the Consent Calendar.
- f. The competitive bidding process be waived; and that the City Manager be authorized to issue a service order in the amount of \$6,800 to Cornwell Architects, to prepare a schematic design, evaluate existing facilities and create priorities for renovation to the Senior Center, with funds available in the Senior Center Building Fund.
- g. The City Manager be authorized to issue a purchase order to Safeware, in the amount of \$10,349.69 for the purchase of new RKI Eagle gas monitors, with funds available in the Fire Department Fund, to be reimbursed by the State of Michigan.
- h. The City Manager be authorized to issue a purchase order to Safeware, in the amount of \$13,246.55 for the purchase of new SCBAs, with funds available in the Fire Department Fund, to be reimbursed by the State of Michigan.
- i. An amendment to the Traverse City Code of Ordinances, which would rezone the property located at 10597 East Traverse Highway from R-9(A) to R1-b MU, to revert the conditionally-rezoned property to its zoning prior to the conditional rezoning, as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on April 7, 2014.

- j. The Mayor and City Clerk execute an agreement with City Opera House Heritage Association for it to provide up to \$130,000 in funds to cover all costs associated with the Opera House Dressing Room Project, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney; and that the Opera House Fund be amended by \$130,000 to reflect the receipt and expenditure of such funds; and further that the competitive bidding process be waived; and that the Mayor and City Clerk execute a consultant agreement with Architecture Technology, P.C., in the amount of \$12,250 for design, permitting, bidding and construction administration services in connection with the City Opera House Dressing Room Project, subject to receipt of funds by City Opera House Heritage Association, with funds available in the Opera House Fund.

CARRIED unanimously.

Items removed from the Consent Calendar

a.

Consideration of a recommendation from the Downtown Development Authority Board of Trustees to eliminate free parking in the Larry C. Hardy Parking Deck on weekends and after 5 p.m. on weekdays in May, September and October; and continuing such free parking during the remaining months.

Moved by Budros, seconded by Richardson, that the free parking on the weekends and evenings in May, September and October at the Larry C. Hardy Parking Deck be eliminated, as recommended by the Downtown Development Authority Board of Trustees.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street – made general comments
Justin Reid, 630 Cottageview Drive, apartment 1B – expressed support

CARRIED unanimously.

3. Old Business**3(a).**

Consideration of authorizing an amendment to the Vendor Agreement with The River for Clinch Park concessions to modify the arrangement.

The following addressed the Commission:

Jered Ottenwess, City Manager

Mike Sutherland, Sweetwater Sea LLC dba The River

Moved by Richardson, seconded by Howe, that the Mayor and City Clerk execute the third amendment to the agreement with Sweetwater Sea LLC with terms as generally described in the City Manager's March 13, 2014, communication (such agreement originally authorized May 7, 2010, and originally authorized with The River Traverse City), for it to provide concessions at Clinch Park, which extends the agreement for the second of three one-year terms, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

Brian Haas, 227 East 10th Street – made general comments

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

4. New Business**4(a).**

Consideration of authorizing an attorney representation agreement for the city to join a class action lawsuit in connection with price fixing of automotive wire harnesses, with no cost for legal services to the city.

The following addressed the Commission:

Jered Ottenwess, City Manager

Karrie Zeits, Acting City Attorney

Moved by Howe, seconded by Budros, that the Mayor and City Clerk execute an Attorney Representation Agreement between Green & Noblin PC and the City of Traverse City to represent it as a plaintiff in regard to the City claims of price fixing of wire harnesses against affiliated wire harness systems and related product manufacturers as set forth in the Representation Agreement provided that such representation is at no cost to the City of Traverse City and subject to approval as to form by the City Attorney and as to substance by the City Manager.

Rick Buckhalter, 932 Kelley Street – made general comments
Chris Bzdok, 616 West Seventh Street – made general comments

CARRIED unanimously.

4(b).

Consideration of adopting a resolution of support for a \$35,000 Michigan Recreation Passport Grant application for the Clancy Park Improvement Project, to include park walkways, bike racks, a new play structure and other site improvements, which commits the city to provide matching funds.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Easterday, that the Resolution of Support for Michigan Recreation Passport Grant for Clancy Park Improvement Project, which commits the city to providing \$30,600 in matching funds, be adopted.

Sarah Naperala, 638 East Orchard Drive – expressed support
Brian Haas, 227 East 10th Street – made general comments

CARRIED unanimously.

4(c).

Consideration of adopting a resolution of support for a \$257,500 Michigan Natural Resources Trust Fund Grant application for the Boardman River Boardwalk Project, which would develop a public boardwalk on the southwest bank of the Boardman River from the Eighth Street Bridge to the existing Boardman Lake Trail, which commits the city to provide matching funds.

The following addressed the Commission:

Jered Ottenwess, City Manager
Russ Soyring, City Planning Director

Moved by Howe, seconded by Werner, that the Resolution of Support for Michigan Natural Resources Trust Fund Grant for Boardman River Project, be adopted.

Richard Fidler, 525 Riverine Drive – made general comments
Rick Buckhalter, 932 Kelley Street – made general comments
Richard Kushell, 500 Webster Street, Riverine Apartments owner – made general comments

CARRIED unanimously.

5. Appointments**5(a).**

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the Traverse City Light and Power Board.

Moved by Budros, seconded by Richardson, that Jan Geht be reappointed to one five-year term expiring April 1, 2019, on the Light and Power Board.

CARRIED unanimously.

5(b).

Consideration of accepting the resignation of Michael Grant from the Board of Zoning Appeals and establishing an ad hoc interview committee to make a recommendation regarding appointment to the Board of Zoning Appeals.

Moved by Howe, seconded by Werner, that the resignation of Michael Grant dated February 2, 2014, from the Board of Zoning Appeals be accepted; and that Alternate Member Matt Hanley be appointed as a Regular Member to one unexpired three-year term (seat previously held by Michael Grant) expiring June 30, 2015, on the Board of Zoning Appeals; and that an ad hoc interview committee be established to make a recommendation regarding one unexpired three-year alternate member term expiring June 30, 2015 (seat previously held by Matt Hanley) on the Board of Zoning Appeals; and that Commissioners Howe, Easterday and Werner be appointed to such committee, with Commissioner Easterday to serve as Chair.

The following addressed the Commission:

Benjamin Marentette, City Clerk

CARRIED unanimously.

5(c).

Consideration of accepting the resignation of Judy Myers from the Housing Commission and approving an appointment by the Mayor, with approval by the City Commission, to the Housing Commission.

Moved by Richardson, seconded by Easterday, that the resignation of Judy Myers dated February 18, 2014, from the Housing Commission be accepted; and that the Mayor's appointment of Kelly Whittle to one unexpired five-year term (seat previously held by Judy Myers) expiring November 30, 2015, on the Housing Commission, be approved.

CARRIED unanimously.

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Report from the Mayor serving on the Downtown Development Authority.
 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. Minutes of the Traverse City Light and Power Board meetings of February 10, 2014, and February 11, 2014.
- e. Reports and correspondence from non-City officials.

None.

7. Public Comment

The following addressed the Commission:

1. Reserved.

None.

2. General.

Dan Lathrop, Grand Traverse County Board of Commissioners, 9310
Peninsula Drive, Peninsula Township
Rick Buckhalter, 932 Kelley Street
Ann Rogers, 1236 Peninsula Drive

3. Mayor and City Commissioners.

Mayor Pro Tem James Carruthers
Commissioner Gary Howe
Mayor Michael Estes
Jered Ottenwess, City Manager

There being no objection, Mayor Michael Estes declared the meeting
adjourned at 8:43 pm.



Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)



Minutes of the
City Commission for the City of Traverse City
Study Session
March 31, 2014

A study session 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 Michael Estes, Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

Mayor Michael Estes presided at the meeting.

1.

Discussion regarding Garage Fund.

The following addressed the Commission:

Jered Ottenwess, City Manager

Dave Green, Director of Public Services

William Twietmeyer, City Treasurer/Finance Director

2.

Discussion regarding Fiscal Year 2014/15 Budget.

The following addressed the Commission:

Jered Ottenwess, City Manager

Timothy Lodge, City Engineer

3.

Consideration of entering into closed session to discuss strategy for collective bargaining agreements for the following collective bargaining units: Police Captain; Police Sergeant, Police Patrol; and Firefighters.

Moved by Budros, seconded by Howe, that the City Commission enter into closed session following Public Comment to discuss strategy in connection with upcoming collective bargaining agreement negotiations as authorized by MCL 15.267(2)(c).

Roll Call:

Yes – Budros, Carruthers, Easterday, Howe, Richardson,
Werner, Estes.

No – None.

CARRIED unanimously.

4.

Public comment

The following addressed the Commission:

Chris Maxbauer, 503 West Eighth Street, Grand Traverse County Board of
Commissioners

Aaron Grenchik, 238 East 10th Street

Mayor Pro Tem James Carruthers

Commissioner Timothy Werner

Commissioner Gary Howe

5.

Announcements from the City Clerk.

The following addressed the Commission;

Benjamin Marentette, City Clerk

The Commission entered into closed session at 8:47 p.m.

The Commission returned to open session at 9:20 p.m.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:21 pm.


Benjamin C Marentette, CMC
City Clerk

Approved: _____,
(Date) (Initials)

DRAFT



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: LIQUOR LICENSE REQUEST – OFF THE MAP HOSPITALITY,
LLC

Attached is a memo from City Clerk Benjamin Marentette, recommending approval of a request from Off the Map Hospitality, LLC, dba The Franklin (Paul Danielson, Amanda Danielson, and Myles Anton) for a new Resort Class C Liquor License with Dance and Entertainment Permit for operation at 160 E. Front Street; the new development at the corner of Cass Street and Front Street.

I recommend the following motion:

that the resolution recommending approval of a request from Off the Map Hospitality, LLC, dba The Franklin, for a New Resort Class C Liquor License with Dance and Entertainment Permits, be adopted; and that the City Clerk be authorized to issue a Liquor License Registration to Off the Map Hospitality, LLC to operate such license at 160 E. Front Street.

JJO/kes

K:\tcclerk\City Commission Communications\liquor license_regular\New Class C_Off the Map Hospitality_20140407.doc

copy: Paul Danielson – paul@stellatc.com
Amanda Danielson – amanda@stellatc.com
Myles Anton – chefmyles@stellatc.com

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager
FROM: Benjamin C. Marentette, City Clerk *B. Marentette*
DATE: Thursday, April 3, 2014
SUBJECT: Liquor License Request – Off the Map Hospitality, LLC, dba The Franklin

Off the Map Hospitality, LLC, dba The Franklin is requesting a Resort Class C Liquor License with Dance and Entertainment Permits for operation at 160 E. Front Street (the new development at the corner of Cass Street and Front Street).

A Class C license allows a person to sell beer, wine, mixed spirit drink, and spirits at retail to consumers for consumption on the licensed premises only.

A Dance Permit allows dancing by patrons in a designated area.

An Entertainment Permit allows certain types of live performances on the licensed premises. An Entertainment Permit does not allow topless activity.

If the City Commission adopts the resolution approving the license, then it will be provided to the Michigan Liquor Control Commission (MLCC) and it then may consider granting or not granting the license. The applicant has paid the appropriate application fee and this request has been reviewed by the appropriate city departments, including the Police Department, and meets all ordinance/law requirements. The supporting documentation is on file with this office.

This license cannot be operated unless the City Commission authorizes the City Clerk to issue a registration to Off the Map Hospitality, LLC, dba The Franklin. I respectfully recommend that the City Commission authorize the City Clerk to issue the registration.

As always, please let me know if you have any questions or if I may be of further assistance.



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a Regular meeting of the Traverse City council/board
(regular or special) (township, city, village)

called to order by Mayor Michael Estes on April 7, 2014 at 7:00 PM
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Off the Map Hospitality, LLC
(name of applicant)

for the following license(s): Resort Class C
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

to be located at 160 E. Front Street, Traverse City, MI 49684

be considered for _____
(approval or disapproval)

Approval

Disapproval

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the Traverse City
 council/board at a Regular meeting held on April 7, 2014 .
(regular or special) (date) (township, city, village)

Name and title of authorized officer (please print): Benjamin C. Marentette, CMC, City Clerk

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: 231-922-4480, tcclerk@traversecitymi.gov



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: REQUEST FROM MARITIME HERITAGE ALLIANCE –
SCHOONER FESTIVAL

Attached is a memo from Dave Green, Director of Public Services, regarding a request from the Maritime Heritage Alliance in connection with its Schooner Festival. The request is specifically for advance reservation of the west wall of the Clinch Marina and waiver of the dockage fees for space on the west wall to accommodate up to six schooners from September 18-21, 2014. The festival itself will be held September 19-21; they have requested a day earlier to allow the ships time to get into port.

As explained by Mr. Green, this request has been approved in the past because it is a slower time of year at the marina and no impact on the marina's normal business is anticipated.

The following motion would approve both components of the request:

that the request from Maritime Heritage Alliance for advance reservation of space on the west wall of the Duncan L. Clinch Marina to accommodate up to six schooners for the period September 18-21, 2014 for the Schooner Festival, be approved;

and that the request from Maritime Heritage Alliance for waiver of the dockage fees for space on the west wall of the Clinch Marina to accommodate up to six schooners for the period September 18-21, 2014, for the Schooner Festival, be approved.

JJO/bcm

K:\tcclerk\city commission\park usage requests\MHA Schooner Festival 2014

e-copy: Dave Green, Director of Public Services

Memorandum

The City of Traverse City
Department of Public Services



TO: Jered Ottenwess, City Manager
FROM: Dave Green, DPS Director 
DATE: March 31, 2014
SUBJECT: 2014 Maritime Heritage Alliance Michigan Schooner Festival

Attached is a letter from the Maritime Heritage Alliance explaining their desire for two separate City Commission approvals related to their upcoming Schooner Festival this fall.

The first request is that we give the Alliance an advance reservation for the entire west wall of the Duncan L. Clinch Marina Basin that connects to the Open Space. As this space is not included in the Marina's on-line reservation system with the MDNR, we feel we can secure the space for the schooners with out to much trouble. The actual event begins September 18 and runs through September 21, which is a slower time of season for us.

The second request is that we waive any docking fees associated with docking the 5 to six wooden schooners along the west wall throughout the festival. We have waived the docking fee for this event in past years because again, it is a slower time of season and we do not foresee an impact on the marina's normal business. The potential revenue we could expect during the busy time of year for this dock space for the three days would be approximately \$2,600.00.

Therefore, please request City Commission approval for staff to secure the west wall of the Duncan Clinch Marina for the Maritime Heritage Alliance to use from September 18, 2014 through September 21, 2014 for the Michigan Schooner Festival, and also to waive any docking fees associated with the Festival during the same period.



Where History Sets Sail 13268 S. West Bayshore Dr. • Traverse City, MI 49684 • 231-946-2647

April 1, 2014

Benjamin C. Marentette, City Clerk
City of Traverse City
400 Boardman Ave.
Traverse City, Michigan 49684

Dear Ben,

Maritime Heritage Alliance is requesting that the City Commission consider the following two requests for approval separately, in order to save some logistical planning time for the Schooner Fest planners.

- 1) MHA is requesting an advance reservation be given for the West wall at Clinch Marina for the purposes of accommodating 5-6 schooners from Sept 18-21, 2014.
- 2) MHA is requesting that the traditional dock fees associated with that space be waived to accommodate and provide a community welcome to the schooners who are participating in this event at their own expense without being awarded any customary appearance fees.

In order to minimize impact of this festival no traditional use of the Open Space would be needed. Only a small entry tent on the marina walkway with appropriate entry barrier fencing on the perimeter of the walkway would be required. Each of the boats would have a small display area next to their ships and under one of these small tents the acoustical musicians would be housed to entertain attendees waiting in line for deck tours and sails. All other presentations, movies, food events associated with this festival will take place at existing facilities in the downtown Traverse City and Discovery Center areas.

Consideration for each of these requests is being asked to be voted upon separately to allow commissioners the most flexibility in granting approval for this event. In order to maximize the fundraising capabilities of this event it is obviously desired that both requests are granted, but at minimum, approval of #1 is of utmost importance for these vessels to be able to plan their short sailing season with some degree of assurance for dockage.

Thank you for your consideration.

Sincerely,

Jay Ruzak, President
Maritime Heritage Alliance

Cindy Ruzak, Schooner Festival Planner
1994 Carroll Road
Traverse City, MI 49686



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: MARCH 27, 2014

FROM: J.O. JERED OTTENWESS, CITY MANAGER

SUBJECT: UNLEADED GASOLINE PURCHASE

The Garage department received telephone / fax bids for unleaded gasoline for use by various city departments.

The following is a summary of these bids.

<u>Vendor</u>	<u>City</u>	<u>Price/gallon</u>
Brenner Oil	Mount Pleasant	\$2.960
BlarneyCastle	Traverse City	\$3.00165
Crystal Flash	Traverse City	\$3.018
Lemmen Oil	Coopersville	Did not bid
Fick & Sons	Grayling	Did not bid
Gilberts Service Oil	Traverse City	Did not bid
Schmuckal Oil	Traverse City	Did not bid

I recommend the following motion (5 affirmative votes required):

that the City Manager be authorized to issue a confirming purchase/service order in the amount of \$29,597.04 to Brenner Oil Co. for 9,999 gallons of unleaded gasoline priced at \$2.960 per gallon with funds available in the Garage Fund.

JJO/wb

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The previous purchase price on 1/7/14 was \$2.68375 per gallon.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: MARCH 27, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: #2 DIESEL FUEL PURCHASE

Telephone / fax bids were received for dyed #2 diesel fuel for use by various city departments.

The following is a summary of these bids.

<u>Vendor</u>	<u>City</u>	<u>Price/gallon</u>
Brenner Oil	Mount Pleasant	\$3.21875
Lemmen Oil	Coopersville	\$3.25575
Crystal Flash	Traverse City	\$3.257
Blarney Castle	Traverse City	Did not bid
Fick & Sons	Grayling	Did not bid
Schmuckal Oil	Traverse City	Did not bid
Gilbert,s Service	Traverse City	Did not bid

I recommend the following motion (5 affirmative votes required):

that the City Manager be authorized to issue a confirming purchase order in the amount of \$32,193.94 to Brenner Oil Co. for 10,002 gallons of dyed #2 diesel fuel without additives priced at \$3.21875 per gallon with funds available in the Garage Fund.

JJO/wb

K:\ccclerk\City Commission\Purchase Orders\Diesel Fuel_20140407.doc

The previous purchase price on 1/30/14 was \$3.37825 per gallon.



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: ORDINANCE – PROCESS FOR NOTIFICATION OF SINGLE-PARCEL SPECIAL ASSESSMENTS

Attached is a previously submitted memo from City Clerk Benjamin Marentette recommending the attached ordinance amendment to require that the City Clerk's Office provide notification of special assessment on a single parcel within seven calendar days of Commission action, rather than 48 hours of Commission action.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, *Notification Process for Single-Parcel Special Assessments*, Section 232.04, which would require that the City Clerk provide notice of a special assessment on a single parcel within 7 calendar days rather than within 48 hours of adoption of a single-parcel special assessment, which was introduced on March 17, 2014, be enacted with an effective date of April 17, 2014.

JJO/kjl

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copy: Polly Cairns, City Assessor

Memorandum

The City of Traverse City



To: Jered Ottenwess, City Manager
Copy: Polly Cairns, City Assessor
From: Benjamin Marentette, City Clerk
Date: Tuesday, March 11, 2014
Subject: NOTIFICATION PROCESS FOR SINGLE-PARCEL SPECIAL ASSESSMENTS

I recommend that Ordinance section 232.04 be amended to require the City Clerk's Office to provide notification of a single-parcel special assessment within 7 calendar days of City Commission approval, rather than 48 hours.

This would provide additional time for our office to provide such notification and reduce the opportunity for a challenge if the notification wasn't provided within the current requirement of 48 hours from adoption. It would, however, retain the requirement that notice be provided within a reasonable time.

This was brought to light with the single-parcel special assessment on Barlow Street that was approved at the March 3 meeting; I have reviewed this with Acting City Attorney Karrie Zeits and she has indicated there is no requirement in Michigan law for such notification.

Our ordinance requires notification in the case of single parcel special assessments because they are typically initiated by the city and not the parcel owner – and the notice is an effort to provide additional communication in these instances where the parcel owner likely did not initiate the special assessment. (Our ordinance also requires 30 days advance notice to the single parcel owner of when the Commission will consider the special assessment.)

As always, please let me know if you have any questions or would like to discuss.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: NOTIFICATION PROCESS FOR SINGLE-PARCEL SPECIAL ASSESSMENTS

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 232.04, *Procedure for Assessing Single Parcels*, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

232.01 CITY COMMISSION AUTHORITY

The City Commission shall have the power to determine by resolution, with or without petition, that the whole or any part of the cost of any public improvement or abatement necessary to preserve the public health, safety, and welfare shall be defrayed by special assessment upon the property in special districts especially benefited but such determination shall not be made until the preliminary proceedings provided for in this Chapter shall have been completed. In all cases, public improvements and hazard abatement shall be made at the discretion of the City Commission. Advisory petitions for improvements may be submitted to the City Commission but they shall be advisory only and shall not be jurisdictional.

(Ord. 819. Passed 1-5-09.)

232.02 INITIATION OF PUBLIC IMPROVEMENTS.

- (a) Filing of Petitions. The initiation of a public improvement, any part of the expense of which is to be assessed against one or more lots or parcels of real estate in proportion to the probable benefit to be derived there from, may be made by petition to the City Commission, signed by the owners of 50% or more of the owners of the property to be benefited by the improvement. To permit proper planning, designing and financing, petitions for capital improvement should be filed by April 1. If a petition is filed after April 1 and the City Engineer determines the costs will appreciably change, a new petition with the revised cost information shall be circulated before the petition may be considered. The City Commission may not be able to consider any such request or petition which is filed later than April 1 of each year.
- (b) Contents of Petitions. Petitions shall be presented on forms provided by the City Clerk and shall set forth the location, extent and character of the desired improvement, the portion of the total cost which is proposed to be assessed against the property to be benefited, and the number of annual installments in which the assessment is to be divided.
- (c) City Commission Initiation. Public improvements may be initiated by City Commission resolution.
 - (1) If written objections to a proposed improvement where the cost is proposed to be defrayed in whole or in part by special assessment have been filed with the City

BMarentette

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Assessor by the owners of more than one –half of the parcels to be assessed at or before the public hearing provided for in Section 232.03, the City Commission shall not proceed with the improvement except by the affirmative vote of 6 members of the City Commission.

- (d) **Waiver of Notice of Hearing.** The owner of record of any lot or premises may, at any time, execute, in writing, a "Waiver of Notice and Proceedings", and may file the same with the City Clerk, waiving any or all notice of hearing and other proceedings required in this chapter and in the City Charter and authorizing the City Commission to make such special assessment as the City Commission may determine against the owner and his or her property without further notice. The City Commission may thereupon, by resolution, authorize the City Manager to proceed with the improvement. Any special assessment so made shall, upon confirmation of the assessment by the City Commission, be considered the same as any other special assessment formally made under the City Charter, notwithstanding the omission of any notice or proceeding so waived.

(Ord. 819. Passed 1-5-09. Ord. 847. Passed 10-19-09.)

232.03

SPECIAL ASSESSMENT DISTRICT PROCEDURES

- (a) **Resolution on Public Improvement.** The City Commission may, by resolution determine to make an improvement and to defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived. By such resolution, the City Commission shall approve the preliminary plans for the improvement, determine the estimated cost thereof, determine what proportion of the cost of the improvement shall be paid by special assessment upon the property especially benefited and what proportion, if any, shall be a general obligation of the City, designate the special assessment district or land and premises upon which special assessments shall be levied and direct the City Assessor to prepare a special assessment roll in accordance with the City Commission's determination and to report the same to the City Commission for conformation. The City Commission may also direct the City Engineer to proceed with the preparation of final plans and specification for the improvement and may authorize the City Engineer to proceed with the advertising and taking of bids in accordance with City purchase requirements.
- (b) **Assessment of Engineering Costs.** In the event that an improvement for which a petition has been filed receive initiatory approval and hearing of necessity approval from the Commission but does not receive final construction approval, any cost incurred in the preparation of preliminary and final plans and specification may be assessed against the parcel of that would have benefited if the improvement had been made. Cost shall be assessed against the aforementioned parcels of land according to the provisions of this Chapter.
- (c) **Setting the Public Hearing.** Upon receipt of a special assessment roll, the Commission shall:
- (1) Order it filed in the office of the City Clerk for public examination,
 - (2) Fix the time and place when it will meet and review the roll and hear all persons

BMarentette

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interested in the necessity of the improvement,

- (3) Direct the City Clerk to give notice of the hearing.
- (d) Notice of Public Hearing. The notice shall specify the time and place of the hearing and shall be published in the official newspaper of the City not less than 15 days prior to the date of the hearing. 15 days' notice shall also be sent by mail by the City Assessor to each owner of property subject to assessment, as indicated by the records of the City Assessor's office, but failure to send the notice to any owner of property shall not invalidate the proceedings or assessments. All notices shall state clearly the costs of the improvement are described in the roll and that they are either "estimated costs" or "final costs".
- (e) Objection to Roll. An owner of property to be assessed may file an objection to the improvement in writing with the City Clerk. No original assessment roll shall be confirmed except by the affirmative vote of six members of the City Commission if prior to the confirmation written objections to the proposed improvement have been filed by the owner of more than one-half of the property to be assessed.
- (f) Public Hearing and Approvals.
 - (1) The City Commission shall meet and review the project specifications and the special assessment roll at the time and place appointed and shall hear all persons interested in the necessity of the improvements and all oral or written objections to it.
 - (2) The City Commission may correct the roll as to any assessment or description of any lot or tax parcel, or other errors appearing in it. Any changes made in the roll shall be noted in the minutes.
 - (3) After the hearing and review, the Commission may confirm the special assessment roll with the corrections as it may have made, if any, or may refer it back to the City Manager for revision or may annul it and any proceedings in connection with it.
 - (4) Upon confirmation of any special assessment roll, the Commission shall determine the number of installments in which the assessments may be paid and shall determine the rate of interest to be charged on installments but not to exceed six percent per annum.
 - (5) The Clerk shall endorse the date of confirmation upon each special assessment roll. The roll shall, upon confirmation, be final and conclusive.

(Ord. 819. Passed 1-5-09.)

232.04 PROCEDURE FOR ASSESSING SINGLE PARCELS.

When any expense is incurred by the City upon or in respect to any single lot or tax parcel, which expense is chargeable against it and the owner of it under the provisions of the Charter, this Code, or law of the State of Michigan and is not of that class required to be pro-rated among several lots and tax parcels in a special assessment district the following procedure shall be followed:

- (a) Preparation of Account. An account of the labor, material or services for which the expense was incurred, verified by the City Manager, with a description of the lot or tax

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parcel and the name of the owner, if known, shall be reported to the City Treasurer who shall immediately bill the owner, if known.

- (b) Notification of Assessment. The bill shall be sent by first class mail to the owner of the lot or tax parcel to be assessed and the bill shall notify the owner of the time of the meeting of the Commission, not sooner than 30 days thereafter, when the Commission will meet for the purpose of adopting a resolution placing a special assessment upon the lot or tax parcel for the charges unless the charges are paid prior to the date of the meeting.
- (c) Resolution of Special Assessment. At the meeting the Commission shall adopt, a special assessment resolution covering each lot or tax parcel for which charges have not been paid in full. As many lots or tax parcels may be included in a single resolution as shall be convenient. Upon adoption of the resolution, the Commission may authorize installment payments, and if installment payments are authorized, shall determine the number of installments and the rate of interest to be charged, but not to exceed six percent per annum.
- (d) Notice of Resolution. Within seven calendar days ~~48 hours~~ after the adoption of the resolution, the Clerk shall give notice of the lot or tax parcel owners. The notice shall be sent by first class mail to the last known addresses of the persons as shown on the assessment records of the city, or by publication. The notice shall state the basis of the assessment, the amount, and shall give a reasonable time, not less than 30 days, within which payment shall be made to the Treasurer.
- (e) Placement of Lien on Tax Roll. In all cases where payment is not made within the time set, the fact shall be reported by the Treasurer to the Assessor, who shall charge the amounts, together with a penalty as allowed by Charter, against the persons or lots or tax parcels chargeable, on the next tax roll. The special assessment resolution shall be treated as a special assessment roll and the adoption of the resolution shall correspond to the confirmation of a special assessment roll.
- (f) Other Provisions Not Applicable. The provisions of the preceding sections of this chapter with reference to special assessments generally and the proceedings necessary before making the improvements, shall not apply to assessments contemplated under this section.

(Ord. 819. Passed 1-5-09.)

232.05 FINANCING AND PAYMENT.

- (a) Payment in Full. A property owner may pay the full assessment on all special assessment projects in cash and save the interest charges.
- (b) Payment in Full upon Transfer. Special assessment are payable in full upon transfer of title to the property and upon any land division or boundary adjustment.
- (c) Installment Payments. Installments, plus interest not to exceed 6% may be made on any unpaid balance, except as otherwise provided by law. The property owner may make full payment of the balance at any time during the assessment period, plus interest due on the date of such payment.
- (d) Installment Periods. The Installment period for improvements shall be as follows:

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- (1) Water Mains. Not to exceed 10 years.
- (2) Sanitary Sewers. Not to exceed 10 years
- (3) Storm Sewers. Not to exceed 10 years.
- (4) Curb and Gutter. Not to exceed 20 years.
- (5) Street. Not to exceed 20 years.
- (6) Alley. Not to exceed 10 years.
- (7) Sidewalks. Not to exceed 20 years.

(Ord. 819. Passed 1-5-09.)

232.06 ATTACHMENT OF LIEN

All special assessments contained in any special roll, including any part thereof deferred as to payment, shall, from the date of confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the lots and parcels of land. Such line shall be of the same character and effect as the lien created for City taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the City Commission vacating a special assessment, shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon.

(Ord. 819. Passed 1-5-09.)

232.07 COLLECTION OF SPECIAL ASSEMENTS

- (a) Installments. The special assessment roll shall be transmitted by the Clerk to the Treasurer for collection, immediately after its confirmation. The Treasurer shall divide the assessments into installments, when so ordered by the Commission; provided that, if such division operates to make any installment less than \$10.00, then the Treasurer shall reduce the number of installments so that each installment shall be above and as near \$10.00 as possible.
- (b) Delinquent Assessments. The Treasurer shall be charged with collecting all special assessments. After an assessment or any installment becomes delinquent, the Treasurer may add the entire assessment, with any interest, collection fee or penalty, to the annual tax bill of the City attributable to the lot or premises involved, or may collect it separately by the tax sale procedure.
- (c) Additional Remedies. In addition to any other remedies and without impairing the lien therefore, any delinquent special assessment in its entire amount, together with interest, collection fees and penalties, may be collected in an action at law in the name of the City against the person assessed or liable for the same, in any court having jurisdiction thereof.

(Ord. 819. Passed 1-5-09.)

232.08 STANDARDS FOR IMPROVEMENTS.

The Standards and Specifications for improvements made according to this Chapter shall be established by written policy of the City Engineer.

(Ord. 819. Passed 1-5-09.)

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The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, at a regular meeting of the City Commission and was enacted on _____, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on _____.

Benjamin C. Marentette, City Clerk



Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: CONDITIONAL REZONING REVERSION – 10597 EAST
TRAVERSE HIGHWAY

Attached is a previously submitted memo from City Planning Director Russell Soyring indicating the Planning Commission's recommendation that the property at 10597 East Traverse Highway be conditionally rezoned, which is a requirement of the city's Conditional Rezoning Ordinance, given the fact that the project for which the property has been rezoned was not constructed.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, which would rezone the property located at 10597 East Traverse Highway from R-9(A) to R1-b MU, to revert the conditionally-rezoned property to its zoning prior to the conditional rezoning, as recommended by the City Planning Commission, which was introduced on March 17, 2014, be enacted with an effective date of April 17, 2014.

JJO/kjl

K:\tcclerk\city commission\ordinance amendments\conditional rezoning reversion 10597 east traverse highway_enact

e-copy: Russell Soyring, City Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: Jered Ottenwess, City Manager

FROM: Russell A. Soyring, Planning Director 

DATE: March 10, 2014

SUBJECT: Conditional Rezoning Reversion for 10597 East Traverse Highway

On March 4, 2014, the Planning Commission recommended on a 9-0 vote, to rezone the property located 10597 East Traverse Highway from R-9 (A) (Multiple Family Dwelling Districts) to R1-b MU (Mixed Use PUD Morgan Farm). Please see site map attached. This action was initiated by the Planning Commission because the development had not started and it is improbable that the development will be 75 % complete as required by the conditional zoning agreement by May 16, 2014. The zoning ordinance states conditional rezonings expire and are void of no effect after two years unless the City Commission for good cause extends the period for one year, which in this case the City Commission did approve the one year extension last year.

On January 7, 2014 the Planning Commission held a public hearing to begin a reversionary process to change the zoning at 10597 East Traverse Highway from R-9 (Multiple Family Dwelling) to R-1b – Mixed Used PUD Morgan Farm. At the January 7, 2014 public hearing, representatives of Traverse City State Bank, who are the current owners of the property, requested that no action be taken to change the current zoning so that the interested developer for the property could make formal submission to MSHDA for financing in February. There was no other public comment. The Planning Commission held the public hearing on the matter on January 7, 2014, but deferred taking action until the March 4, 2014 meeting. Subsequently, the interested developer for the project backed out of the project. The Bank has indicated that there is a current back-up offer on the property.

Please pass on the Planning Commission's recommendation to the City Commission so the reversionary rezoning process can be completed.



1 inch = 50 feet

This map was created using GIS software. It is not a survey and should not be used for legal purposes. The City of Traverse City is not responsible for any errors or omissions on this map.



TC.2

SUBJECT
PARCEL

TC.4

M.72

MORGAN
FARMS

11625
11643
11627

31583
31582
31712

31537

31500



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: PHYSIO CONTROL LIFEPAK 15 HEART MONITOR/
DEFIBRILLATOR AND ACCESSORIES PURCHASE

Attached is a memo from Jim Tuller, Fire Chief, requesting the purchase of a Lifepak 15 Heart Monitor/Defibrillator and accessories for use at the Fire Department. Competitive bids were not sought in this instance for the various reasons outlined in the Fire Chief's memo.

I recommend the following motion (5 affirmative votes required):

That the competitive bidding process be waived; and that the City Manager be authorized to issue a purchase order to Physio Control in the amount of \$32,187.20 to purchase a Lifepak 15 Heart Monitor/Defibrillator and accessories, with funds available in the 2013-2014 Capital Outlay Budget; and that a Lifepak 12 Heart Monitor/Defibrillator be declared surplus and returned as a credit against the new purchase.

JO/jd

k:\tcclerk\city commission\service orders\heart monitor fire department

cc: Jim Tuller, Fire Chief

Communication

From the Office of the Fire Chief

The City of Traverse City
Fire Department



Station 01, 500 West Front Street, Traverse City MI 49684

(231) 922-4930 Ext. 2

Friday March 14, 2014

TO: Jered Ottenwess, City Manager

REF: Physio Control Lifepak 15 Heart Monitor/Defibrillator and accessories purchase.

Jered,

The purpose of this communication is to request a "sole source" purchase of the above mentioned equipment for placement in service at the Traverse City Fire Department.

The Lifepak HMD is a unit that is used on a daily basis by our Paramedics to diagnose and treat cardiac related issues in patients that are exhibiting heart damage signs & symptoms, or have gone into cardiac arrest. It is a computer-based unit with software that enables Paramedics in the field to assess the patient's heart rhythm and send it through a cell phone modem to Munson Medical Center ER for additional review by cardiac specialists on staff.

Currently, there are 3 Lifepak 12 units in service. They are over 7 years old and nearing the end of their service life. The unit proposed is the next generation available and will fulfill the need for field diagnosis of cardiac events experienced by our residents and visitors for many years.

The request to remain with Physio Control Lifepak HMDs is based on the following:

1. Battery chargers in the fire stations and on fire apparatus are compatible, along with batteries on hand, computer/communications and cardiac pad cables/connectors.
2. EKG transmission software is compatible with Munson E.R.
3. Current Biomedical Technician used is Physio Control certified to perform annual preventive maintenance on Lifepak 12 and 15 HMDs.
4. Physio Control supplies a loaner LP unit in the event a unit is sent for service or repair.
5. TCFD personnel are trained on and familiar with the operation of the Physio Control Lifepak HMDs. Minimal training will be required to put the new unit into service.

The cost for purchase of a Lifepak 15 Heart Monitor/Defibrillator and accessories from Physio Control is \$38532.00. Less trade-in of current LP 12 and cash discount, final cost is \$32,187.20. Funding for this purchase has been secured in the 2013-2014 Capital Outlay budget. I am available to meet at any time to discuss this project.

Respectfully,

A handwritten signature in blue ink that reads "Chief Tuller". The signature is written in a cursive, flowing style.

Chief Tuller,
T.C.F.D.

SERVICE ORDER REQUISITION

(For all service orders, regardless of the amount)

Department: Complete this form and forward to Purchasing Agent.

Today's Date: March 14, 2014

Date needed: ASAP

Check One:

STANDARD

BLANKET

From _____ to _____

CONFIRMING (for emergencies)

A copy of both sides of the service order form must be provided to the Vendor prior to services being rendered.

Requesting Department:

Traverse City Fire Department

500 West Front Street

Traverse City, MI 49684

Suggested Vendor:

Physio-Control Inc.

11811 Willows Road NE

P.O. Box 97023

Redmond, WA 98073-9723

Description of service:

1. 9957-001258 – LP15 v2 MONITOR/DEFIB

\$27,550.75

CPR, Pace to 360, SPO2/CO, 12L GL, NIBP

CO2, Trend, BT.

THE LIFEPAK 15IS AN ADAPTIV BIPHASIC FULLY ESCALATING (TO 360 JOULES) MULTI-PARAMETER MONITOR/DEFIBRILLATOR. 2 PAIR QUIK COMBO ELECTRODES PER UNIT – 11996-000091. TEST LOAD – 21330-001365. IN-SERVICE DVD – 21330-001486, SERVICE MANUAL CD – 21300-008084 (one per order) and SHIP KIT. (RC Cable) 41577-0000126 INCLUDED. HARD PADDLES, BATTERIES, CARRY CASE NOT INCLUDED.

2. 11141-000115 – BASE-REDI-CHARGE MOBILE BATTERY CHARGER \$1,167.90

BASE – REDI-CHARGE BATTERY CHARGER (1 TOTAL)

3. 21330-001176 – LI-ION BATTERY 5.7 AMP HOUR CAPACITY \$1,441.60

RECHARGEABLE WITH LITHIUM-ION, WITH FUEL GAUGE (4 TOTAL)

4. 11140-000052 – LP 15 ADAPTER – REDI-CHARGE BATTERY CHARGER \$157.25

LP 15 ADAPTER – REDI-CHARGE BATTERY CHARGER (1 TOTAL)

5. 11171-000049 – RAINBOW DCI ADT REUSABLE SENSOR, REF 2969 \$1,353.20

RAINBOW DCI ADT REUSABLE SENSOR, REF 2696 (2 TOTAL)

6. 11160-000003 – NIBP CUFF-REUSEABLE, CHILD \$20.40

7. 11160-000007 – NIBP CUFF-REUSEABLE, LARGE ADULT \$27.20

8. 11577-000002 – LIFEPAK 15 Basic Carry Case \$241.40

w/ right & left pouches. Includes shoulder strap 11577-000001

9. 11220-000028 – TOP POUCH \$42.50

Storage for sensors and electrodes. Insert in place of standard paddles.

ESTIMATED TAX----- \$0.00

ESTIMATED SHIPPING AND HANDLING----- \$185.00

GRAND TOTAL----- \$32,187.20

Account and line item#: 101-995-977 CAPITAL OUTLAY

Quotations Received:

	Vendor:	Price:
1.	_____	_____
2.	_____	_____
3.	_____	_____

If less than three quotes were obtained, or if this is a confirming service order, please explain: Please see letter to City Manager J. Ottenwess dated 03.14.2014 regarding this purchase.

Cert. of insurance attached? No Will vendor be rendering service on City property? Yes

ALL SERVICE ORDERS: Vendor's certificate of insurance must be attached or forwarded to Purchasing Agent prior to services being rendered. Proof of general liability insurance (with the City being listed as additional insured if services are being rendered on City property) and/or professional liability insurance in the amount of \$1,000,000 per occurrence is required for certain services. Proof of workers compensation insurance is also required if services are being rendered on City property.



Department Head or Designee



Physio-Control, Inc.
 11811 Willows Road NE
 P.O. Box 97023
 Redmond, WA 98073-9723 U.S.A
 www.physio-control.com
 tel 800.442.1142
 fax 800.732.0956

To: Larry Mueller
 Traverse City Fire Department
 500 W Front St
 TRAVERSE CITY, MI 49684
 Phone: (231) 922-4930
 Fax: (231) 922-4872
 lmueller@tcfire.org

Quote#: 1-268552972
Rev#: 3
Quote Date: 03/05/2014
Sales Consultant: Curtis Zondervan
 800-442-1142 x 72728
 Redmond, WA
FOB:
Terms: All quotes subject to credit approval and the following terms & conditions

Contract: None **Exp Date:** 04/19/2014

Line	Catalog # / Description	Qty	Price	Unit Disc	Trade-In	Unit Price	Ext Total
1	99577-001256 - LP15 v2 MONITOR/DEFIB, CPR, Pace, to 360j, SPO2/CO, 12L GL, NIBP, CO2, Trend, BT THE LIFEPAK 15 IS AN ADAPTIV BIPHASIC FULLY ESCALATING (TO 360 JOULES) MULTI-PARAMETER MONITOR/DEFIBRILLATOR . 2 PAIR QUIK-COMBO ELECTRODES PER UNIT - 11996-000091, TEST LOAD - 21330-001365, IN-SERVICE DVD - 21330-001486, SERVICE MANUAL CD- 21300-008084 (one per order) and SHIP KIT (RC Cable) 41577-000126 INCLUDED. HARD PADDLES, BATTERIES, CARRY CASE NOT INCLUDED.	1	\$33,295.00	\$4,994.25	\$750.00	\$27,550.75	\$27,550.75
2	11141-000115 - BASE-REDI-CHARGE MOBILE BATTERY CHARGER BASE- REDI-CHARGE BATTERY CHARGER	1	\$1,374.00	\$206.10	\$0.00	\$1,167.90	\$1,167.90
3	21330-001176 - LI-ION BATTERY 5.7 AMP HOUR CAPACITY RECHARGEABLE LITHIUM-ION, WITH FUEL GAUGE	4	\$424.00	\$63.60	\$0.00	\$360.40	\$1,441.60
4	11140-000052 - LP 15 ADAPTER- REDI-CHARGE BATTERY CHARGER LP 15 ADAPTER- REDI-CHARGE BATTERY CHARGER	1	\$185.00	\$27.75	\$0.00	\$157.25	\$157.25
5	11171-000049 - RAINBOW DCI ADT REUSABLE SENSOR, REF 2696 RAINBOW DCI ADT REUSABLE SENSOR, REF 2696	2	\$796.00	\$119.40	\$0.00	\$676.60	\$1,353.20
6	11160-000003 - NIBP CUFF- REUSEABLE,CHILD	1	\$24.00	\$3.60	\$0.00	\$20.40	\$20.40
7	11160-000007 - NIBP CUFF- REUSEABLE,LARGE ADULT	1	\$32.00	\$4.80	\$0.00	\$27.20	\$27.20
8	11577-000002 - LIFEPAK 15 Basic Carry Case w/ right & left pouches Includes shoulder strap 11577-000001	1	\$284.00	\$42.60	\$0.00	\$241.40	\$241.40
9	11220-000028 - Top Pouch Storage for sensors and electrodes. Insert in place of standard paddles.	1	\$50.00	\$7.50	\$0.00	\$42.50	\$42.50

Quote#: 1-268552972
 Rev#: 3
 Quote Date: 03/05/2014

Quote Products (continued)

Line	Catalog # / Description	Qty	Price	Unit Disc	Trade-In	Unit Price	Ext Total
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SUB TOTAL	\$32,002.20
ESTIMATED TAX	\$0.00
ESTIMATED SHIPPING & HANDLING	\$185.00
GRAND TOTAL	\$32,187.20

Trade-in Detail

Product	Qty	Unit Value	Total Value
Pricing Summary Totals			
List Price:			\$38,532.00
Trade-ins:			- \$750.00
Cash Discounts:			- \$5,779.80
Tax + S&H:			+ \$185.00

GRAND TOTAL FOR THIS QUOTE \$32,187.20

**TO PLACE AN ORDER, PLEASE FAX A COPY OF THE QUOTE AND PURCHASE ORDER TO:
 # 800-732-0956, ATTN: REP SUPPORT**

PHYSIO-CONTROL, INC. REQUIRES WRITTEN VERIFICATION OF THIS ORDER. A PURCHASE ORDER IS REQUIRED ON ALL ORDERS \$10,000 OR GREATER BEFORE APPLICABLE FREIGHT AND TAXES. THE UNDERSIGNED IS AUTHORIZED TO ACCEPT THIS ORDER IN ACCORDANCE WITH THE TERMS AND PRICES DENOTED HEREIN. SIGN TO THE RIGHT:

CUSTOMER APPROVAL (AUTHORIZED SIGNATURE)

 NAME

 TITLE

 DATE

Ref. Code: CH/11623801/1-3C9VV2

Notes:

Taxes, shipping and handling fees are estimates only and are subject to change at the time of order. Shipping and handling applies to ground transport only. Physio-Control will assess a \$10 handling fee on any order less than \$200.00.

Above pricing valid only if all items in quote are purchased (optional items not required).

To receive a trade-in credit, Buyer agrees to return the trade-in device(s) within 30 days of receipt of the replacement device(s) to Physio-Control's place of business or to an authorized Physio-Control representative. Physio-Control will provide instructions for returning the device(s) and will pay for the associated shipping cost.

In the event that trade-in device(s) are not received by Physio-Control within the 30-day window, Buyer acknowledges that this quote shall constitute a purchase order and agrees to be invoiced for the amount of the trade-in discount. Invoice shall be payable upon receipt.

Items listed above at no change are included as part of a package discount that involves the purchase of a bundle of items. Buyer is solely responsible for appropriately allocating the discount extended on the bundle when fulfilling any reporting obligations it might have.

If Buyer is ordering service, Buyer affirms reading and accepts the terms of the Physio-Control, Inc. Technical Service Support Agreement which is available from your sales representative or <http://www.physio-control.com/uploadedFiles/products/service-plans/TechnicalServiceAgreement.pdf>

**Trade in
1x Lifepak 10**

Trade-in values are a function of the market value and the condition of the device at the time of trade in, thus values may be subject to change. Please note that device serial numbers are required at time of order.

TERMS OF SALE

General Terms

Physio-Control, Inc.'s acceptance of the Buyer's order is expressly conditioned on product availability and the Buyer's assent to the terms set forth in this document and its attachments. Physio-Control, Inc. agrees to furnish the goods and services ordered by the Buyer only on these terms, and the Buyer's acceptance of any portion of the goods and services covered by this document shall confirm their acceptance by the Buyer. These terms constitute the complete agreement between the parties and they shall govern any conflicting or ambiguous terms on the Buyer's purchase order or on other documents submitted to Physio-Control, Inc. by the Buyer. These terms may only be revised or amended by a written agreement signed by an authorized representative of both parties.

Pricing

Unless otherwise indicated in this document, prices of goods and services covered by this document shall be Physio-Control, Inc. standard prices in effect at the time of delivery. Prices do not include freight insurance, freight forwarding fees, taxes, duties, import or export permit fees, or any other similar charge of any kind applicable to the goods and services covered by this document. Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services covered by this document unless Physio-Control, Inc. receives a copy of a valid exemption certificate prior to delivery. Please forward your tax exemption certificate to the Physio-Control, Inc. Tax Department P.O. Box 97006, Redmond, Washington 98073-9706.

Payment

Unless otherwise indicated in this document or otherwise confirmed by Physio-Control, Inc. in writing, payment for goods and services supplied by Physio-Control, Inc. shall be subject to the following terms:

- Domestic (USA) Sales - Upon approval of credit by Physio-Control, Inc., 100% of invoice due thirty (30) days after invoice date.
- International Sales - Sight draft or acceptable (confirmed) irrevocable letter of credit.

Physio-Control, Inc. may change the terms of payment at any time prior to delivery by providing written notice to the Buyer.

Delivery

Unless otherwise indicated in this document, delivery shall be FOB Physio-Control, Inc. point of shipment and title and risk of loss shall pass to the Buyer at that point. Partial deliveries may be made and partial invoices shall be permitted and shall become due in accordance with the payment terms. In the absence of shipping instructions from the Buyer, Physio-Control, Inc. will obtain transportation on the Buyer's behalf and for the Buyer's account.

Delays

Delivery dates are approximate. Physio-Control, Inc. will not be liable for any loss or damage of any kind due to delays in delivery or non-delivery resulting from any cause beyond its reasonable control, including but not limited to, acts of God, labor disputes, the requirements of any governmental authority, war, civil unrest, terrorist acts, delays in manufacture, obtaining any required license or permit, and Physio-Control, Inc. inability to obtain goods from its usual sources. Any such delay shall not be considered a breach of Physio-Control, Inc. and the Buyer's agreement and the delivery dates shall be extended for the length of such delay.

Inspections and Returns

Claims by the Buyer for damage to or shortages of goods delivered shall be made within thirty (30) days after shipment by providing Physio-Control, Inc. with written notice of any deficiency. Payment is not contingent upon immediate correction of any deficiencies and Physio-Control, Inc. prior approval is required before the return of any goods to Physio-Control, Inc. Physio-Control, Inc. reserves the right to charge a 15% restocking fee for returns. The Physio-Control Returned Product Policy is located at http://www.physio-control.com/uploadedFiles/support/ReturnPolicy_3308529_A.pdf.

Service Terms

All device service will be governed by the Physio-Control, Inc. Technical Services Support Agreement which is available from your sales representative or <http://www.physio-control.com/uploadedFiles/products/service-plans/TechnicalServiceAgreement.pdf>. All devices that are not under Physio-Control Limited Warranty or a current Technical Service Support Agreement must be inspected and repaired (if necessary) to meet original specifications at then-current list prices prior to being covered under a Technical Service Support Agreement. If Buyer is ordering service, Buyer affirms reading and accepts the terms of the Technical Service Support Agreement.

Warranty

Physio-Control, Inc. warrants its products in accordance with the terms of the standard Physio-Control, Inc. product warranty applicable to the product to be supplied. Physio-Control, Inc. warrants services and replacement parts provided in performing such services against defects in accordance with the terms of the Physio-Control, Inc. service warranty set forth in the Technical Service Support Agreement. The remedies provided under such warranties shall be the Buyer's sole and exclusive remedies. Physio-Control, Inc. makes no other warranties, express or implied, including, without limitation, NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND IN NO EVENT SHALL PHYSIO-CONTROL, INC. BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR OTHER DAMAGES.

Patent & Indemnity

Upon receipt of prompt notice from the Buyer and with the Buyer's authority and assistance, Physio-Control, Inc. agrees to defend, indemnify and hold the Buyer harmless against any claim that the Physio-Control, Inc. products covered by this document directly infringe any United States of America patent.

Miscellaneous

a) The Buyer agrees that products purchased hereunder will not be reshipped or resold to any persons or places prohibited by the laws of the United States of America. b) Through the purchase of Physio-Control, Inc. products, the Buyer does not acquire any interest in any tooling, drawings, design information, computer programming, patents or copyrighted or confidential information related to said products, and the Buyer expressly agrees not to reverse engineer or decompile such products or related software and information. c) The rights and obligations of Physio-Control, Inc. and the Buyer related to the purchase and sale of products and services described in this document shall be governed by the laws of the State of Washington, United States of America. All costs and expenses incurred by the prevailing party related to enforcement of its rights under this document, including reasonable attorneys fees, shall be reimbursed by the other party.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: WEST BOARDMAN LAKE TRAIL RAILROAD CROSSING

Attached is a memo from Tim Lodge, City Engineer, explaining the railroad crossing project for the West Boardman Lake Trail portion that connects with Lake Avenue between 11th Street and 12th Street.

The State of Michigan has certain pre-qualified contractors to work on railway – and a quote was obtained by the MDOT Diagnostic Study Team from Armond Cassil Railroad Construction, a pre-qualified contractor. The City Engineer recommends a service order with this firm for it to do the necessary work to allow for a multi-use path to cross the railroad tracks. Attached is a map depicting the area where the work will be conducted.

As indicated by the City Engineer, funds for this work will be provided by the Brownfield Authority or a Michigan Natural Resources Trust Fund Grant.

I recommend the following motion (5 affirmative votes required):

that the City Manager be authorized to issue a service order to Armond Cassil Railroad Construction, Inc. in the amount of \$17,190 for work to allow for the Boardman Lake Trail to cross the railroad tracks west of Lake Avenue between 11th and 12th Streets, with funds to be provided by the Grand Traverse County Brownfield Redevelopment Authority and/or the Michigan Natural Resources Trust Fund Grant received for the West Boardman Lake Trail.

JJO/bcm

e-copy: Tim Lodge, City Engineer
Alex Yockey, Assistant City Engineer

k:\tcclerk\city commission\service orders\west boardman lake trail railroad crossing project

Memorandum

The City of Traverse City
Engineering Department



TO: Jered Ottenwess, City Manager
FROM: Timothy J. Lodge, City Engineer *T. Lodge*
DATE: March 31, 2014
SUBJECT: West Boardman Lake Trail Railroad Crossing

A quote was received on February 5, 2014 for the above referenced project. Plans and specifications were provided to Great Lakes Central Railroad and MDOT for the Diagnostic Study Team Review (DSTR) conducted by MDOT. As determined in the DSTR, Great Lakes Central Railroad received bids and provided a quote for the project as shown below:

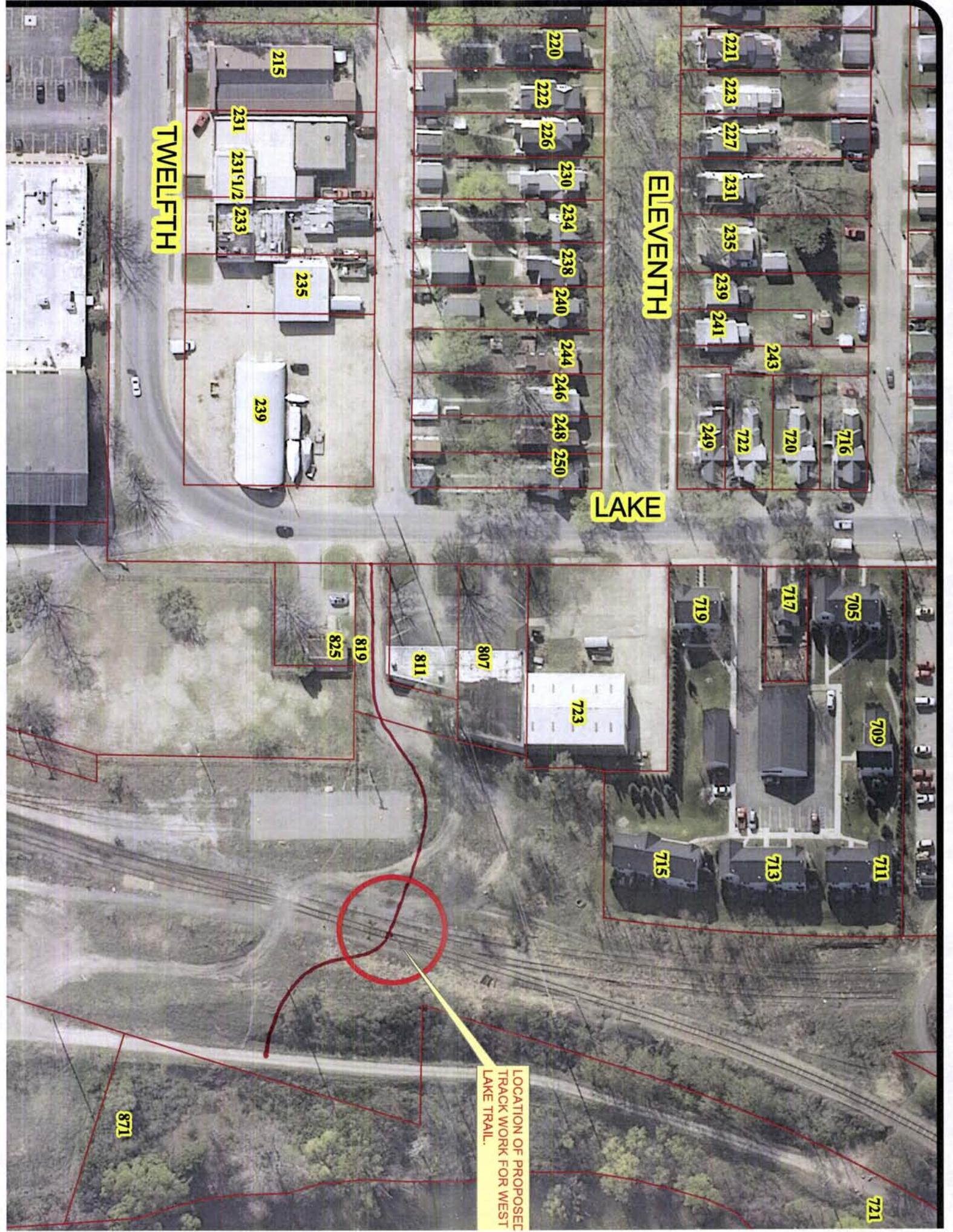
Armond Cassil Railroad Construction, Inc.	Warren, MI	\$17,190
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The project includes work to allow for a multi-use path to cross the railroad tracks as follows:

- Remove and dispose of existing switch rails
- Straight rail switch by using existing rails to standard track
- Furnish and install new MDOT 7" crossties
- Install 62 ton of ballast
- Hand tamp and surface track

The work was identified as part of the most recent evaluation of the West Boardman Lake Trail Project. The City applied for and received a grant from the Michigan Natural Resources Trust Fund for \$210,000 for the proposed multi-use path.

Therefore, it is recommended that a service order be authorized to the railroad authority, Great Lakes Central Railroad, in the amount of \$17,190, more or less, with funds therefore available in the Brownfield and aforementioned grant.



ELEVENTH

LAKE

TWELFTH

LOCATION OF PROPOSED
TRACK WORK FOR WEST
LAKE TRAIL.

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Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: JERED OTTENWESS, CITY MANAGER

SUBJECT: REDEVELOPMENT PROJECT AREA LIQUOR LICENSE
REQUEST – NOLAN’S TOBACCO, LLC (MICHAEL NOLAN)

Attached is a memo from City Clerk Benjamin Marentette, regarding a request from Nolan’s Tobacco, LLC (Michael Nolan) to obtain a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 336 E. Front Street.

As explained by the City Clerk, Nolan’s operates with a cigar bar exemption to the Michigan Smoke-Free Air Law, which permits them to allow smoking of certain cigars on premises. It also allows the business to sell alcoholic beverages, if they are granted a liquor license by the state, which requires City Commission approval. As indicated by the City Clerk, Nolan’s Tobacco is the only holder of a cigar bar exemption within the city – in order for another exemption to be brought into the city, it would have to be purchased from the holder of the exemption.

The following motion would adopt a resolution recommending approval of the request and authorize the City Clerk to issue the registration which would allow the license to be operated, if the license is ultimately issued by the Michigan Liquor Control Commission:

that the resolution recommending approval of a request from Nolan’s Tobacco, LLC for a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 336 E. Front Street, be adopted and that the City Clerk be authorized to issue a Liquor License Registration to Nolan’s Tobacco, LLC to operate such license at 336 E. Front Street.

The motion on the following page would essentially deny the request, by not adopting the required resolution recommending approval. Additionally, it would not authorize the City Clerk to issue the registration for the license.

that the City Commission not adopt a resolution recommending approval of a request from Nolan's Tobacco, LLC for a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 336 E. Front Street based on the following factors which the Commission deems appropriate as a reason for denial: _____

JJO/bcm

K:\ccclerk\City Commission Communications\liquor license_Redevelopment\liqlic_redevprojectarea_Nolons
Tobacco_20140407.doc

copy: Michael Nolon, cigar_man@sbcglobal.net

Memorandum

The City of Traverse City



TO: Jered Ottenwess, City Manager

COPY: Lauren Tribble-Laucht, City Attorney

FROM: Benjamin C. Marentette, City Clerk *[Signature]*

DATE: April 1, 2014

SUBJECT: REDEVELOPMENT PROJECT AREA LIQUOR LICENSE REQUEST –
NOLAN'S TOBACCO

Nolan's Tobacco, LLC (Michael Nolan) has applied for a Redevelopment Project Area Liquor License. The license would be operated at 336 E. Front Street; and they would enjoy Class C Liquor License privileges. Meaning, they could sell beer, liquor and mixed spirit drinks for on-premises consumption. Mr. Nolan intends to expend approximately \$200,000 to construct additional space to the rear of his current space, which is where the drinking lounge would be located.

Nolan's Tobacco has a cigar bar exemption to the Michigan Smoke-Free Air Law. Attached is a memo from the Director of the Michigan Department of Community Health indicating its determination that those with cigar bar exemptions are exempt from the non-smoking requirements of the Michigan Smoke-Free Air Law. According to the Michigan Department of Community Health (MDCH), which is responsible for administering the law, this means:

- Cigar bars, like Nolan's, in existence on May 1, 2010, which annually have 10% or more of gross annual income from the sale of cigars that retail for a minimum of \$1 each and/or from the rental of an on-site humidor (used to moderate humidity for storage of tobacco, cigars, etc.) may allow the on-premises smoking of certain cigars and also sell food; additionally, they may sell alcoholic beverages if they also hold a liquor license
- Cigars retailing for \$1.00 or more may be smoked on premises – smoking other tobacco products is prohibited
- No one under 18 years of age is allowed into the cigar bar
- Those with the cigar bar exemption to the Michigan Smoke-Free Air Law must annually provide an affidavit to MDCH, with supporting documentation and statements as required by it in order to maintain their exemption – such as proof that 10% or more of gross annual income is from cigar sales that retail for \$1.00 or more each and/or rental of on-site humidor

- Only those with the cigar bar exemption may allow on-site smoking of certain cigars and also serve food and alcoholic beverages (a tobacco specialty store may allow certain smoking on premises, but cannot serve food and/or alcoholic beverages)

Nolan's is the only business in the city with the cigar bar exemption. We have identified seven businesses in Michigan (and there may be more) which have such exemption and also a liquor license. According to MDCH, an establishment that desires to become an exempt cigar bar today could potentially obtain a cigar bar exemption by purchasing such exemption from an establishment that has one, and then transferring that exemption to their new establishment. Also, there are approximately 100 cigar bar exemptions in Michigan right now; in order for new exemptions to be added, the Legislature would have to amend the Smoke-Free Air Law.

265 Redevelopment Project Area Liquor Licenses were made available to Traverse City within the Downtown in June 2008. This is the tenth application for a Redevelopment Project Area Liquor License in the Downtown to be recommended for City Commission approval. However, this license will be the seventh active Redevelopment Liquor License in the Downtown.

The applicant has paid the appropriate application fee and this request has been reviewed by the appropriate city departments, including the Police Department, and meets all ordinance/law requirements. The supporting documentation is on file with this office.

If the City Commission adopts the resolution recommending approval of the license, then the Michigan Liquor Control Commission (MLCC) may consider granting or not granting the license. If the resolution recommending approval is not adopted by the City Commission, then the MLCC cannot consider granting the license.

Finally, if the license is issued by the MLCC, it cannot be operated unless the City Commission authorizes the City Clerk to issue a registration to Nolan's Tobacco, LLC.

A couple points to note that are unique to these licenses:

- The business shall not serve liquor after 12 a.m. on each day.
- The business must regularly close no later than 12 a.m., meaning the business does not admit new customers after 12 a.m. at least 5 days a week.

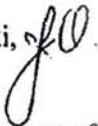
As always, please feel free to contact me if you have any questions.

K:\tcclerk\City Commission Communications\liquor license_Redevelopment\liqlic_redevprojectarea_Nolons\Tobacco_20140407.doc

MEMORANDUM

DEPARTMENT OF COMMUNITY HEALTH

LANSING, MICHIGAN 48913

DATE: April 21, 2010
TO: Interested Parties
FROM: Janet Olszewski, 
Director
SUBJECT: MDCH Enforcement of the 2009 Public Act 188

The Michigan Department of Community Health (Department) has received questions about the cigar bar exemption to the recently enacted smoking prohibition which becomes effective May 1, 2010. The Department is issuing this document to state its interpretation of certain provisions of the Public Act and the Department's intended enforcement.

The Department has concluded that if cigar bars meet all of the requirements in § 12606a(1), then they are exempt from the smoking ban in parts 126 and 129 of the Code.

Background

In 2009, the Legislature amended Parts 126 and 129 of article 12 of the Public Health Code (the Code) to prohibit smoking in public places and in food service establishments. 2009 PA 188 (the Act) becomes effective May 1, 2010. The Act amended section 12603 of the Code to prohibit smoking in public places.

The Act also amended section 12905 of the Code to prohibit smoking in food service establishments:

(1) An individual shall not smoke in a food service establishment, and the person who owns, operates, manages, or is in control of a food service establishment shall make reasonable effort to prohibit individuals from smoking in a food service establishment.

The Department is responsible for enforcing the smoking prohibition in parts 126 and 129 of the Code. MCL 333.12613. The Department may also authorize local health departments to enforce the smoking prohibition in parts 126 and 129 of the Code. MCL 333.12613.

Three types of establishments are exempt from the smoking prohibition in the Act, two of which are germane to this interpretation.¹ Cigar bars are exempt from the smoking prohibition in part 126:

(1) A cigar bar in existence on the effective date of this section that meets all of the requirements of this section is exempt from the smoking prohibition of section 12603 and may allow smoking on its premises.

Tobacco specialty retail stores are also exempt from the smoking prohibition in part 126:

(2) A tobacco specialty retail store in existence on the effective date of this section that meets all of the requirements of this section is exempt from the smoking prohibition of section 12603 and may allow smoking on its premises.

The Department has received questions whether cigar bars may continue to serve food and drink and allow cigar smoking.

Interpretation

In interpreting and enforcing the Act, the Department assumes that the legislature intended the meaning it has plainly expressed. Acts must be considered in their entirety, and no statutory provision may be treated as superfluous or without meaning. *Danto v Michigan Bd of Medicine*, 168 Mich App 438, 442 (1988). Statutes are to be read as a whole to ascertain the intent of the Legislature, and any provisions that are apparently inconsistent are interpreted to produce a harmonious whole, if reasonably possible. *Bailey v Oakwood Hospital, and Medical Center*, 472 Mich 685, 693 (2005).

The Act defines a cigar bar as:

(d) "Cigar bar" means an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere.

The Act defines a tobacco specialty retail store as:

(u) "Tobacco specialty retail store" means an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

In explicitly defining "tobacco specialty retail stores" as not having "any type of liquor, food, or restaurant license," the Legislature clearly distinguished such entities from "cigar bars." The distinction between cigar bars and tobacco specialty retail stores is all the more evident in light of the Legislature's requirement that in order for a cigar bar to be

¹ The Act also exempts certain casinos from the smoking prohibition.

exempt from the smoking ban, it must generate "10% or more of its total gross annual income from the on-site sale of cigars and the rental of on-site humidors." Tobacco specialty retail stores, on the other hand, must generate 75% or more of their total gross annual income from the on-site sale of tobacco products and smoking paraphernalia. MCL 333.12606a(2)(b).

It would be inconsistent with the purpose and policies of the Act for the Legislature to exempt cigar bars from the smoking prohibition in part 126 but not to exempt them from the smoking prohibition in part 129. Indeed, eating and drinking in cigar bars was permitted before the Legislature enacted the Act. To fail to recognize how cigar bars will generate the other 90% of their total gross annual income would be absurd. A literal interpretation of unambiguous statutory language may not produce an absurd and unjust result that is inconsistent with the purpose and policies of the statute. *People v Bewersdorf*, 438 Mich 55, 68 (1991). An interpretation that would force cigar bars to forgo the service of serve food and liquor would essentially render the exemption for tobacco specialty stores as unnecessary or meaningless. Every word of a statute should be read to give it meaning; thus, interpretations that render words unnecessary or meaningless must be avoided. *In re MCI Communications*, 460 Mich 396, 415 (1999).

Therefore, reading the Act as a whole to ascertain the intent of the Legislature, if cigar bars meet all of the requirements in § 12606a(1), then they are exempt from the smoking ban in parts 126 and 129 of the Code.



Resolution Approving Development Area Liquor License

Resolved, that the City Commission for the City of Traverse City hereby approves the request for issuance of a State of Michigan **LIQUOR LICENSE under PA 501 of 2006, with Class C Liquor License privileges issued under MCL 436.1521a(1)(b)**, to Nolan's Tobacco, LLC, with the license to be located at 336 E. Front Street, Traverse City, MI 49684, Grand Traverse County City of Traverse City, which is located within the established Redevelopment District; be it further,

Resolved, that the City Commission for the City of Traverse City recommends this request above all others.

Motion by: _____

Support by: _____

Vote:

Yeas:

Nays:

Abstained:

I, Benjamin C. Marentette, City Clerk for the City of Traverse City, Grand Traverse and Leelanau Counties, Michigan, do hereby certify that the foregoing is a true copy of a resolution adopted by the City Commission of the City of Traverse City at a regular City Commission meeting held on April 7, 2014.

Benjamin C. Marentette, CMC
City Clerk

4/17 CC report

MINUTES
TRAVERSE CITY HISTORIC DISTRICTS COMMISSION
SPECIAL MEETING
THURSDAY, DECEMBER 19, 2013
7:00 P.M.
SPECIAL MEETING
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

PRESENT: Commissioners Zacks, Crane, Brockmiller, Vice-Chairperson
Tobin and Chairperson Callahan.
ABSENT: Commissioners Andres and Mansuy
STAFF PRESENT: David Weston

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES:

Approval of the November 21, 2013 special meeting minutes.

Motion by Commissioner Zacks, seconded by Commissioner Tobin to approve the November 21, 2013 special meeting minutes as presented. Upon vote the motion carried 5-0.

3. REQUEST 13-HDC-16, FROM KURT BUNGHAUSER, BUILDER, 1055 SHARKEY ROAD, TRAVERSE CITY, MICHIGAN for:

Approval of plans for a carport addition to an existing detached garage located at the property commonly known as **427 Washington Street**, Traverse City, Michigan. (Boardman Neighborhood Historic District)

Kurt Bunghauser presented drawings and answered question form the Commission. Motion by Commissioner Tobin, seconded by Commissioner Crane to approve the drawings as presented contingent that the posts are wrapped with a solid material, the beam is more pronounced, and the siding cover all open areas of the roof structure. Upon vote the motion carried 5-0. Commissioner Crane will serve as the project liaison.

4. PUBLIC COMMENT

None.

5. ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Respectfully submitted


David M. Weston, Secretary

Date 3-27-14

417-CC Reports

MINUTES TRAVERSE CITY PLANNING COMMISSION

Tuesday, February 4, 2014

7:00 P.M.

Commission Chambers
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT: Vice-Chairperson Jody Bergman, Commissioners Michael Dow, Jeanine Easterday, Janet Fleshman, Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer, Janice Warren (7:21 p.m.) and Tim Werner

ABSENT: None.

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** Chairperson Serratelli explained that the Capital Improvement Program is not ready and will not be distributed today as planned.

4. **CONSENT CALENDAR**

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

A. January 7, 2014 Regular Meeting and January 22, 2014 Study Session minutes (Approval recommended)

B. 2014 Planning Commission Goals (Acceptance recommended)

Motion by Commissioner Easterday, second by Commissioner Bergman, that the Consent Calendar be approved as presented.

Motion carried 8-0 (Commissioner Warren absent.)

5. **OLD BUSINESS-** None.

6. NEW BUSINESS

A. Master Plan formal review- possible committee establishment

Mr. Soyering stated that it has nearly been five years since adopting the City of Traverse City Master Plan. The State Act requires that the document be reviewed every five years and recommends establishing a formal committee to review the document and make a recommendation to the Planning Commission.

Commission discussion. Commissioners Bergman, Dow and Twietmeyer volunteered to serve on the committee.

Motion by Commissioner Bergman, second by Commissioner Werner, that the Master Plan Review Committee, a committee of the Planning Commission, shall be established with the goal to review the current City of Traverse City Master plan.

Motion carried 8-0 (Commissioner Warren absent.)

B. Madison and W. Front Development- discussion

John Kerridge of 8141 Bel Cherie Dr (and business owner at 400 W Front) introduced a conceptual design for a project at the corner of Madison and West Front Street. Mr. Kerridge is considering requesting a conditional rezoning of the property from R1b to R2 and would build 4 single family homes 17-1800 sq. ft. with architectural features that complement the neighborhood.

Commission discussion.

Commissioner Warren joined the meeting at 7:21 p.m.

7. CORRESPONDENCE

- A. Capital Improvement Program Project Update**
- B. Capital Improvement Program Draft (to be distributed at the meeting)**

8. REPORTS

- A. City Commission- Commissioners Easterday and Werner reported.**
- B. Board of Zoning Appeals- Commissioner Bergman reported**
- C. Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli and Warren reported.**
- D. Planning Commission**
 - 1. Housing Building Committee— No report.**

PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 4, 2014
Page 3

2. Active Transportation Committee—Commissioner Werner reported. The draft Active Transportation Plan was distributed at the meeting. Any comments/feedback from the Commission are welcome.
- E. Planning Department—No report
 1. Capital Improvement Program—Chairperson Serratelli reported

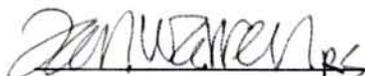
9. PUBLIC COMMENT

- Commissioner Werner made comments regarding following our landscaping standards in the zoning code for parking lots
- Commissioner Warren has a standing meeting conflict for another board appointment. She requested that the Planning Commission consider moving our meeting time to 7:30 p.m. The Commission will consider the request and discuss it again at our next meeting.

10. ADJOURNMENT- Meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Date: March 4, 2014



Jan Warren, Secretary

SPECIAL MEETING MINUTES TRAVERSE CITY PLANNING COMMISSION

WEDNESDAY, February 19, 2014

7:00 P.M.

Training Room

Governmental Center, 2nd Floor

400 Boardman Avenue

Traverse City, Michigan 49684

PRESENT: Commissioners Jeanine Easterday, Janet Fleshman, Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer, Janice Warren and Tim Werner

ABSENT: Vice-Chairperson Jody Bergman, Commissioner Michael Dow

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant; Tim Lodge, City Engineer; Jered Ottenwess, City Manager; Rob Bacigalupi, DDA Executive Director; Tom Olney, Traverse City Light and Power; Blake Wilson, Traverse City Light and Power

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.
2. **ROLL CALL**
3. **ANNOUNCEMENTS**
4. **CAPITAL IMPROVEMENT PROGRAM (PRESENTATION AND DISCUSSION)**

Mr. Soyring presented to the Planning Commission the projects within the Capital Improvement Program that are of interest to the Planning Commission. City Staff is in the audience and can answer technical questions or provide more insight into projects as we proceed through the presentation.

Mr. Soyring began the presentation.

Mr. Bacigalupi presented regarding Park Street Deck Entrance and Park Street Streetscapes.

Mr. Lodge answered questions regarding the West Front Street to Oak Street Streetscape project.

Commission discussion.

Mr. Lodge answered questions related to sidewalk projects.

Commission discussion.

Mr. Olney discussed the Transmission Line Reconductor Project regarding reconductor/rebuilding of existing 69kv transmission lines along Hammond, Barlow, LaFranier, Cass, Wadsworth and Wayne Hill.

Commission discussion, questions and dialogue occurred throughout the presentation.

5. RE-ESTABLISH HOUSING AND BUILDING COMMITTEE (ACTION REQUESTED)

Mr. Soyering briefly explained the history of the committee and the need to re-establish the committee due to a 2-year hiatus in committee meetings.

Commission discussion.

Motion by Commissioner Twietmeyer, second by Commissioner Werner, that the Housing and Building Committee, a committee of the Planning Commission, shall be re-established with the goal to recommend affordable housing options to the Planning Commission for their consideration.

Motion carried 7-0 (Commissioners Bergman and Dow absent).

Commissioners Bergman, McNally and Warren will serve on the committee along with a member of the Housing Commission and a citizen-at-large.

6. PUBLIC COMMENT

- Justin Reed, 630 Cottageview Dr, made comments regarding the Grand Traverse Commons Infrastructure project in the CIP
- Emily Mitchell, 3716 Jefferson St, Garfield Township, made comments regarding the Transmission Line Reconductor Project in the CIP
- Eileen Ganter, 1615 Randolph St, Garfield Township, made comments regarding the Transmission Line Reconductor Project in the CIP
- Keila Ganter, 1615 Randolph St, Garfield Township, made comments regarding the Transmission Line Reconductor Project in the CIP
- Commissioner Werner commented that the Hickory Hills Public Input Session and open house is tomorrow night, February 20th, here at the Governmental Center 2nd Floor from 5:00 p.m.-8:00 p.m.
- Mr. Soyering asked the commission if they have considered the request from Commissioner Warren to change our meeting time from 7:00 p.m. to 7:30 p.m. Commission consensus was to move forward with the bylaw amendment to change our meeting time for both the regular meetings and study session meetings to 7:30 p.m.

7. ADJOURNMENT- Meeting adjourned at 8:17 p.m.

Respectfully submitted,

Date: March 4, 2014

Jan Warren ps
Jan Warren, Secretary

4/7-cc reports

MINUTES

ACT 345 RETIREMENT SYSTEM

DATE: December 18, 2013
 LOCATION: Mayors Conference Room, Government Center, 400 Boardman Ave., Traverse City, MI 49684
 TIME: 12:00 Noon.
 PRESENT: W. Kuhn, W. Twietmeyer, J. Jenkins, J. Bussell, C. Rueckert
 ABSENT:
 GUESTS:
 STAFF: B. Postma

J. Jenkins called the regular meeting to order at 12:04 pm.

Moved by C. Rueckert, seconded by W. Kuhn that the minutes of the November 20, 2013 regular meeting be approved.

Motion approved 5-0.

Warrant No. 572 in the amount of \$177,920.09 for Retirees Benefits for January 2014 was approved and signed by C. Rueckert and J. Bussell.

Chris Kuhn of Gray & Company gave a report via telephone conference call to the Board covering the revised investment policy. The Board was also provided a snapshot of market value with a target market value as of December 16, 2013. The Board asked various questions. C. Kuhn also discussed the presentations at the last Board meeting regarding global fixed income managers. The Board asked various questions.

Moved by W. Kuhn, seconded by J. Jenkins that the Board select Brandywine Global Investment Management as global fixed income manager and that C. Kuhn of Gray & Company prepare the necessary letters and paperwork to transfer \$1 million from the Board's fixed income manager to Brandywine.

Motion approved 4-0. C. Rueckert Abstained.

W. Twietmeyer distributed to the Board a listing of the Board meeting schedule for 2014.

A membership form and nomination of beneficiary form from Ken Funk, firefighter were noted as received and filed.

Moved by W. Kuhn, seconded by C. Rueckert to adjourn.

Motion approved 5-0.

Meeting adjourned at 12:19 pm.

William E. Twietmeyer
 William E. Twietmeyer
 Secretary/Treasurer

417-cc Rforte

**TRAVERSE CITY
LIGHT AND POWER BOARD**

Minutes of Study Session
Traverse City Light and Power Board
Held at 4:30 p.m., Light & Power Service Center
Tuesday, February 18, 2014

LIGHT AND POWER BOARD MEMBERS -

Present: Jim Carruthers, Jeff Palisin, John Taylor, Pat McGuire

Absent: Barbara Budros, Jan Geht, Bob Spence

EX OFFICIO MEMBER -

Present: Jered Ottenwess

OTHERS: Tim Arends, Scott Menhart, Karla Myers-Beman, Tom Olney,
Kelli Schroeder, Rod Solak, Stephanie Tvardek, Mark Watson,
Jessica Wheaton, Blake Wilson

Lacking a quorum, Chairman McGuire, Commissioner Carruthers and board member Palisin began discussing the proposed 2014-15 Operating Budgets with staff at 4:30 p.m.

Vice Chairman Taylor arrived at 4:33 p.m.

The meeting was called to order at 4:33 p.m. by Chairman McGuire.

1. Discussion of the proposed 2014-15 Operating Budgets.

The following individuals addressed the Board:

Tim Arends, Executive Director
Karla Myers-Beman, Controller
Jered Ottenwess, City Manager
Jessica Wheaton, Marketing & Community Relations Coordinator
Scott Menhart, Manager of Telecom & Technology

The Board and staff discussed the Six Year Capital Improvements Plan.

The following individuals addressed the Board:

Tim Arends, Executive Director
Scott Menhart, Manager of Telecom & Technology
Blake Wilson, System Engineer

At the Chairman's request, Tim Arends, Executive Director, spoke regarding the proposed transmission line reconductor along Wayne Hill listed in the Six Year Capital Improvements Plan.

The following individuals addressed the Board:

Jered Ottenwess, City Manager

Blake Wilson, System Engineer
Rod Solak, Line Superintendent
Tom Olney, Operations Manager

2. Public Comment.

Vice Chairman Taylor indicated any questions asked by the public this evening would be recorded and followed up on by staff.

The following individuals addressed the Board:

Rick Venner, 1660 Wayne Street, Hickory Meadows Advisory Committee
Eileen Ganter, Non-ratepayer

- Will a precedent be set for running a higher power through the lines?
- Will TCL&P be upgrading the line to 138kV?
- How will the natural area be affected?
- Would like to be informed on the decision making process and the opportunities for public input.

Emily Mitchell, 3716 Jefferson, Non-ratepayer, Hickory Meadows Advisory Committee

- What is different today compared to 2008 that would change the minds of those who were opposed to upgrading the line along Wayne Street?

Elizabeth Williams, 1315 Wayne Street

- What will the voltage be if the line is upgraded?

Linda Grigg, 1421 Wayne Street, Ratepayer

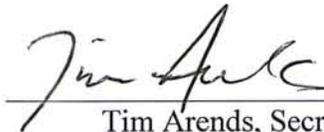
Jim Moses, 1421 Wayne Street, Ratepayer

Mary Joseph, 1422 Wayne Street, Ratepayer

- How much power does the line carry today and how much will it carry if upgraded?

6:39 p.m. Commissioner Carruthers and Jered Ottenwess departed the meeting.

There being no objection, Chairman McGuire declared the meeting adjourned at 6:40 p.m.



Tim Arends, Secretary
LIGHT AND POWER BOARD

/st

417-CC report

**TRAVERSE CITY
LIGHT AND POWER BOARD**

Minutes of Regular Meeting
Held at 5:15 p.m., Commission Chambers, Governmental Center
Tuesday, February 25, 2014

Board Members -

Present: Barbara Budros, Jan Geht, Jeff Palisin, John Taylor, Patrick McGuire

Absent: Jim Carruthers, Bob Spence

Ex Officio Member -

Present: Jered Ottenwess, City Manager

Others: Tim Arends, W. Peter Doren, Scott Menhart, Karla Myers-Beman, Kelli Schroeder, Stephanie Tvardek, Jessica Wheaton, Blake Wilson

The meeting was called to order at 5:15 p.m. by Chairman McGuire.

Item 2 on the Agenda being Consent Calendar

None.

Item 3 on the Agenda being Unfinished Business

None.

Item 4 on the Agenda being New Business

4(a). Consideration of approving minutes of the Joint Study Session of February 10 and Regular Meeting of February 11, 2014.

Moved by Geht, seconded by Budros, that the Board approves the minutes of the Joint Study Session of February 10 and Regular Meeting of February 11, 2014.

CARRIED unanimously (Carruthers, Spence absent).

4(b). Consideration of Maritime Heritage Alliance request to use Coal Dock for special event.

The following individuals addressed the Board:

Tim Arends, Executive Director
Jay Rusak, 1994 Carrol Road, Old Mission, MHA President
Joseph Sanok, 10626 E. Cherry Bend Road, MHA Clinical Director
Jered Ottenwess, City Manager
W. Peter Doren, General Counsel

Moved by Budros, seconded by Palisin, that the Board refers the request from MHA to hold a fundraising event at the Coal Dock to the City of Traverse City for its consideration.

CARRIED unanimously (Carruthers, Spence absent).

- 4(c). Consideration of approval of Six Year Capital Plan & Operating Budgets for fiscal year 2014-15; and forwarding to city commission for consideration.

The following individuals addressed the Board:

Tim Arends, Executive Director
Karla Myers-Beman, Controller

Moved by Palisin, seconded by Taylor, that the Light & Power Board approves submittal of the 2014-15 Operating Budget and Six Year Capital Improvements Plan as amended to the city commission for its consideration.

The following individuals from the public addressed the Board:

Pat Joseph, 502 N. Spruce, Ratepayer, Slabtown Neighborhood Executive Committee
Sandy Cartwright, 602 N. Elmwood

Chairman McGuire read into the record an email from:

Linda Grigg and Jim Moses, 1421 Wayne Street
Mark and Elizabeth Williams, 1315 Wayne Street

CARRIED unanimously (Carruthers, Spence absent).

- 4(d). Consideration of approving an Organizational Chart and new and modified administrative positions for the Light & Power Department.

The following individuals addressed the Board:

Tim Arends, Executive Director
Scott Menhart, Manager of Telecom and Technology

Moved by Budros, seconded by Palisin, that the Light & Power Board approves the organizational chart as presented.

CARRIED unanimously (Carruthers, Spence absent).

Moved by Geht, seconded by Budros, that the Light & Power Board approves the positions of Manager of Energy Services and Key Accounts, Manager of Human Resources and Communications, and GIS Specialist.

CARRIED unanimously (Carruthers, Spence absent).

Item 5 on the Agenda being Appointments

None.

Item 6 on the Agenda being Reports and Communications

- A. From Legal Counsel.

None.

B. From Staff.

6:12 p.m. Jeff Palisin departed the meeting.

1. Energy Supply Presentation #4 from Bob Dyer, RTD Consulting, and Dave Walters, MPPA.

The following individuals addressed the Board:

Tim Arends, Executive Director
W. Peter Doren, General Counsel

2. Karla Myers-Beman presented the Quarterly Financial Report.

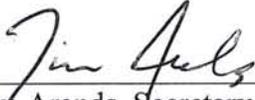
C. From Board.

1. John Taylor commended staff for their work on the budgets over the past two years.

Item 7 on the Agenda being Public Comment

No one from the public commented.

There being no objection, Chairman McGuire declared the meeting adjourned at 8:00 p.m.



Tim Arends, Secretary
LIGHT AND POWER BOARD

/st

Fractile Emergency Response Times

4/2 - correct

Company IS NORTH FLIGHT INC; AND Trip Date IS BETWEEN 02/01/2014 AND 02/28/2014; AND Call Types IS Prehospital; AND Initial Priorities IS P - 1, Lights and Sirens; AND Response Zones IS TRAVERSE CITY, CITY OF-28

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
<i>Negative Times</i>	5	5	6.00%	6%
<i>01:00 - 01:59</i>	3	8	4.00%	9%
<i>02:00 - 02:59</i>	4	12	5.00%	14%
<i>03:00 - 03:59</i>	7	19	8.00%	22%
<i>04:00 - 04:59</i>	13	32	15.00%	38%
<i>05:00 - 05:59</i>	11	43	13.00%	51%
<i>06:00 - 06:59</i>	16	59	19.00%	69%
<i>07:00 - 07:59</i>	9	68	11.00%	80%
<i>08:00 - 08:59</i>	7	75	8.00%	88%
<i>09:00 - 09:59</i>	1	76	1.00%	89%
<i>10:00 - 10:59</i>	2	78	2.00%	92%
<i>11:00 - 11:59</i>	2	80	2.00%	94%
<i>12:00 - 12:59</i>	4	84	5.00%	99%
<i>14:00 - 14:59</i>	1	85	1.00%	100%
Total Calls:	85			



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF APRIL 7, 2014

DATE: APRIL 3, 2014

FROM: ⁵⁰ JERED OTTENWESS, CITY MANAGER

SUBJECT: PUBLIC COMMENT REQUEST – CHRIS MAXBAUER

Attached is a reserved public comment request from Christine Maxbauer, 503 West Eighth Street, to address the Commission to provide a brief annual Commission on Aging report.

As provided in the City Commission Rules, fifteen (15) minutes have been allocated.

JJO/bcm

e-copy: Christine Maxbauer – cmaxbaeu@grandtraverse.org

k:\tcclerk\city commission\public comment\reserved_maxbauer christine

The City of Traverse City

Office of the City Clerk

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
tcclerk@ci.traverse-city.mi.us



Request
"Public Comment - Reserved"
(at end of meeting)
City Commission of Traverse City
Regular Meeting

Please Print or Type

I, Christine Maxbauer, representing CT Comm. on Aging
pursuant to City Commission Rule 13 (see reverse side), request to be placed under
"Public Comment - Reserved" on the Agenda of the Regular Meeting scheduled for
Monday, April 7th.

I understand that 15 minutes is allowed for my presentation at the end of the meeting
under 7(a) of the Agenda

I wish to address the Commission regarding the following matter:

Brief Annual COA Report

3-17-14
Date
231-421-1417
Daytime Phone

E-mail

C. Maxbauer
Signature
503 W. 8th
Address
T.C.
City/Township

Regular meetings are held the 1st and 3rd Mondays of each month at 7:00 pm.
Please return to the City Clerk no later than Monday, 5:00 pm, the week prior to your
requested date.

Thank you for your interest!
Benjamin C. Marentette, CMC
City Clerk