



CITY COUNCIL

December 21, 2009

A regular meeting of the City of Petoskey City Council was held in the City Hall City Council Chambers at Petoskey, Michigan, on Monday, December 21, 2009. The meeting was called to order at 7:30 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call determined that the following were

Present: H. Ted Pall, Jr., M.D., Mayor
James Dittmar, City Councilmember
William Fraser, City Councilmember
Robert Johnson, City Councilmember
Ronald C. Marshall, Ph.D., City Councilmember

Absent: None

Also in attendance were City Manager Dan Ralley, City Clerk-Treasurer Alan Terry, City Attorney James Murray, and Public Safety Officer Dan Smith.

Hear District Library Presentation

The City Manager reported that, as the first item of business, District Library Director Karen Sherrard would update the City Council on progress towards involving neighboring Townships in the Petoskey District Library and would outline the next steps in working with the Townships to join the District Library that would include formation of a joint District Library Committee study group.

The Mayor also reported that the Library Director would ask if a City Councilmember would desire to be part of this District Library Committee that would begin meeting in January, 2010, and join other representatives from Bear Creek Township, Resort Township, and the Petoskey District Library Board; that the purpose of this Committee would be to establish a budget, set a millage level, and modify the existing District Library Agreement to accommodate the additions of Bear Creek and Resort Townships to the Petoskey District Library; and that the Committee was expected to meet twice monthly in January and February and submit proposals for a new District Library Agreement in March, 2010.

The Library Director then reported that the Committee was being formed to basically meet with Bear Creek and Resort Township representatives on possibly joining the Petoskey District Library; reviewed the purpose of such a committee; that she hoped to have both Townships approve a District Library Agreement and proceed with a vote of the people in August, 2010, for millage approval; and extended an invitation for a representative of the City Council to be seated on the Committee if it desired to be involved in such discussions, although appointment to the committee was not a necessity.

Mayor Pall then requested City Councilmembers who might be interested in sitting on the District Library Committee to contact him.

Resolution No. 18362
Approve Consent Agenda Items

Following the introduction of the consent agenda for the City Council meeting of December 21, 2009, City Councilmember Fraser moved that, seconded by City Councilmember

Johnson, adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the December 7, 2009, regular meeting of the City Council, be and are hereby approved as submitted with the correction of a typographical error in the "Hear Comments" section; and

BE IT FURTHER RESOLVED that the City Council does and hereby acknowledges receipt of a report from the City Manager concerning all checks that had been issued since December 7, 2009, for contract and vendor claims at \$613,154.63, intergovernmental claims at \$66,087.98, and the December 3 and 10 payrolls at \$246,228.03, for a total of \$925,470.64.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Resolution No. 18363
Recommend Southwoods Dance-
Entertainment Permit Approval

The City Manager next reported that Steven B. Legato, Conway, had submitted application materials to the Michigan Department of Labor and Economic Growth's Liquor Control Commission for the addition of a Dance-

Entertainment Permit to be held in conjunction with the current Resort Class C liquor license for use at Southwoods Family Restaurant, Inc., 1007 Spring Street; and that, following discussion at its December 7, 2009, meeting, the City Council tabled this matter until December 21 to give neighbors additional time to comment concerning Mr. Legato's request to the Michigan Liquor Control Commission.

City Councilmember Johnson reported that he would support this request if no major public opposition was heard.

Dennis Cross, attorney for Mr. Legato, reported that Mr. Legato wished to assure the City Council that he would abide by regulations of the permit and that Mr. Legato desired to be a good neighbor and business owner.

Gary Lemieur, 533 Lawrence Street, reported that he lived near the Southwoods Family Restaurant and that he supported Mr. Legato's request for a dance-entertainment permit.

City Councilmember Fraser then moved that, supported by City Councilmember Johnson, the following resolution be approved:

BE IT RESOLVED that the request from Southwoods Family Restaurant, Inc., for a new dance-entertainment permit to be held in conjunction with 2009 Resort Class C licensed business issued under MCL 436.1531(2), located at 1007 Spring Street, Petoskey, MI, be considered for approval and that it is the consensus of this legislative body that the application be recommended for issuance.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Resolution No. 18364
Approve Ordinance 710 -
International Fire Code

The City Manager next reported that, at its meeting on December 9, the City Council reviewed for the first time an ordinance to adopt the 2009 edition of the International Fire Code (IFC) and to repeal and replace Chapter 10 of the City of

Petoskey Code of Ordinances titled "Fire Prevention and Control."

The City Manager also reported that, according to the International Code Council, 1,186 municipalities across the United States, and 89 municipalities in the State of Michigan have adopted the International Fire Code including neighboring communities of Alpena, Cadillac, Mt. Pleasant, and Traverse City. In Petoskey, the need to adopt the IFC was brought to the forefront when the Department of Public Safety discovered that it could not regulate, under the existing BOCA Code, the exact location and configuration of fire suppression and sprinkler systems in new or remodeled commercial structures. Adoption of the IFC, which is designed to work in conjunction with the Michigan Building Code, will help ensure better coordination with the Emmet County Building Department on public-safety issues that arise out of new and remodeled commercial structures.

The City Manager also reported that, at its December 7 meeting, the City Council requested additional evaluation of the proposed IFC adoption Ordinance and the following was reported:

Analysis.

Purpose - Chapter 10 of the City of Petoskey Code of Ordinances adopted the 1987 edition of the Building Officials and Code Administrator's International (BOCA) Code. Although the BOCA Code was adopted in 1987 and amendments were made in 1988, no changes have been made to the current code since 1988. Much of the reference material in the BOCA Code is now outdated. In 1997, the officials at BOCA, together with the International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI) gathered to initiate the drafting of a comprehensive set of fire safety regulations consistent with and inclusive of the scope of existing model codes. The rules promulgated by BOCA, ICBO and SBCCI were utilized as the basis for development of the International Fire Code after many public hearings. In 2009, the edition was once again updated from its original issue as new editions are promulgated every 3 years.

The proposed Ordinance was drafted as follows:

Article I – International Fire Code - In Sec. 1 of the Ordinance, the purpose is to entirely repeal Chapter 10 of the Petoskey Code of Ordinances entitled “Fire Prevention and Control.” Thereafter, the purpose of Sec. 1 is to adopt the 2009 edition of the International Fire Code, except Section 108 and Appendix A, which reference a “Board of Appeals.” As described in Appendix A, a Board of Appeals would require its membership to include a design professional, fire protection engineering professional, industrial safety professional, etc. The difficulty in creating such a Board may outweigh its usefulness. As noted, complete printed copies of the Fire Code must be available for public use and inspection at the City offices.

Sec. 10-2 contains amended provisions of the 2009 International Fire Code in order to be compatible with the model ordinance. For example, it names the “Code” as the “Fire Prevention Code of the City of Petoskey” and references the “Director of Public Safety.” Sections 105.1.1 and 105.3.3 were included to address the fact that the City has delegated responsibility for building permits to Emmet County. The purpose of these sections is to provide that the issuance of a building permit cannot override the need for compliance with the International Fire Code. Section 109.3 was added in order to decriminalize violations of the International Fire Code and to track the City of Petoskey’s Municipal Civil Infraction Ordinance. The balance of the changes were merely added as the International Fire Code leaves it to local government to determine locations where above-ground tanks are prohibited.

Article II. In General - Article II was added in addition to the provisions of the International Fire Code. These provisions were modeled in large part after other city ordinances, such as the City of Holland and many cities throughout the State of Michigan in an effort to provide for the prevention of fires and protection of persons and property from exposure to the dangers of fire. These provisions are modeled after the Fire Prevention Code for the State of Michigan, MCLA 29.1, et seq.

Section 10-5 has been revised. We substituted Section 104.3 of the IFC. Under either provision, however, it shall be noted that it was never the intent of this Ordinance to allow an illegal entry in any premises.

Article III. Explosives - The Home Rule City Act (Act 279 of 1909) permits the City to adopt ordinances by adopting state laws, particularly laws pertaining to fire hazards. In this Section, the Ordinance is intended to adopt Michigan law dealing with “fireworks” as found in MCLA 750.243a. These provisions are not unique to the City of Petoskey.

Article IV. Escrow of Insurance Proceeds - This Article was included in order to track applicable Michigan law found at MCL 500.2833, MCL 500.2845(2)(d) and MCL 500.2845. The purpose is to assure that damaged structures, particularly remnants of fire-damaged structures, have been removed in compliance with City Ordinances and this Code. The statute permits the City to hold in escrow money from insurance policies in order to obtain compliance.

Article V. Discharge of Hazardous/Toxic Material - This Article was added to track the City’s ability to hold responsible those discharging hazardous or toxic material in the City of Petoskey.

Article VI. False Fire Alarms - This Article was added in an effort to address the liability for those unwilling to prevent false alarms and to charge them with a fee for such false alarms. This is consistent with Michigan law and particularly MCLA 750.240, which precludes persons from making a false alarm of fire.

The City Manager also reported that Public Safety Officer Dan Smith was available to answer inquiries and reported concerning ordinance provisions concerning appeals.

The City Attorney reported that several options were provided for an appeals board, but that the International Fire Code appeals board membership guidelines had been eliminated due to the difficulty in fulfilling such board membership roles, and the low probability of appeals with high costs for maintaining such an appeals board; that, as an alternative, he believed that the Emmet County Construction Board of Appeals could be used to hear appeals, once its civil counsel approved such representation; that he believed that it was common practice for municipalities to create their own appeals process rather than adopting the difficult International Fire Code appeals process; and the City Manager reported that fees to appear before the Emmet County Construction Board of Appeals would be approximately \$200.

Mayor Pall then requested public comment and the following were heard:

Mark Thompson, 1528 Willis Avenue, read a prepared statement that reported that he was not against the International Fire Code, but that he was concerned about several amendments within the City's proposed ordinance that included: dealing with two different Departments that would result in two separate fees; entry of unsafe buildings by Public Safety Officers without a warrant or permission; provisions for escrow of insurance proceeds; necessity to comply with new ordinance provisions when making small remodeling improvements that he believed would stop such efforts resulting in more demolition of buildings (in response, Public Safety Officer Smith and the City Attorney responded that two separate permits and fees would not be required; that such entries were not illegal in the City's ordinance or in the International Fire Code; that the City Council already had adopted legislation that permitted the City to escrow insurance proceeds; and that, unless significant remodeling occurred, existing commercial buildings would not have to be brought up to date with all 2009 International Fire Code provisions); and reported that he still opposed the escrow of insurance proceeds.

Joe Anthony, Korthase Flinn Insurance and Financial Services, Petoskey, representing a client, reported that he believed not all persons had adequate funding for attorney fees in an appeals process or otherwise; that a list of changes would be helpful to insurance companies and contractors, and that he was unsure if an escrow check could be written to the City if the City was not named on the insurance policy.

Sherrie Loar, 801 West Sheridan Street, asked if the City would be paying interest to owners on escrowed insurance proceeds (the City Attorney responded that provisions had been provided for accounting of interest on escrowed insurance proceeds).

George Ramey, Little Traverse Township, asked how much expansion to current inspections of rentals would there be with the proposed ordinance (Officer Smith responded that rental inspections were complaint driven and were not inspected annually - only hotels, schools, and non-profit buildings; but that he could not speak to what the future would hold concerning annual inspections of rentals).

Roger Ferguson, Bear Creek Township, reported that he believed that the City was trying to be consistent with other governmental entities by adoption of the International Fire Code, however, he believed that the current BOCA Code system was working well with language that could be amended to update that Code; and that he believed adoption of the International Fire Code was premature.

Chris Weston, also representing Korthase Flinn & Co., Petoskey, reported that from an insurance business this was valuable information to pass onto clients, but that he believed that the ordinance should be presented as an educational, health, and safety issue ordinance rather than just a compliance ordinance; and asked if a proactive stance would be taken by the City with an amnesty program to get residents involved before a "compliance" inspection would be done.

City Councilmembers then voiced their views concerning the proposed ordinance and City Councilmember Johnson reported that he would like to see the Fire Code adopted and discuss amendments to it at a later time that would allow residents to have more assurance and confidence in this proposed ordinance.

Following further discussion by the City Council, City Councilmember Johnson moved that, seconded by City Councilmember Fraser, the following resolution be approved:

BE IT RESOLVED that consideration of this proposed ordinance be deferred until the January 4, 2010, City Council meeting.

City Councilmember Dittmar reported that he believed the proposed ordinance was simply an extension of the current policy; that he was not sure what additional discussion would be necessary; and that he believed the International Fire Code had been established through an open and excellent process.

City Councilmember Johnson reported that he believed due to the expressed distrust of this proposed ordinance by the public in attendance at the December 7 and December 21, 2009, City Council meetings, that additional discussion was warranted.

Said offered resolution then failed by the following vote:

AYES: Fraser, Johnson (2)

NAYS: Dittmar, Marshall, Pall (3)

Following further discussion, City Councilmember Dittmar then moved that, seconded by City Councilmember Marshall, the following ordinance be approved:

Ordinance 710

AN ORDINANCE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND TO REPEAL AND REPLACE CHAPTER 10 OF THE CITY OF PETOSKEY CODE OF ORDINANCES TITLED "FIRE PREVENTION AND CONTROL"

Said ordinance was adopted by the following vote:

AYES: Dittmar, Fraser, Marshall, Pall (4)

NAYS: Johnson (1)

City Councilmember Fraser reported that while he supported this new IFC ordinance, he also believed that prior to its adoption, it was important to know that the public understood its language and were satisfied that their questions had been answered, and that he wished that more persons had been satisfied with the language before its adoption.

Resolution No. 18365
Adopt 2010 Annual Budget

The City Manager and Director of Finance next reported that, following a presentation at the November 2 City Council meeting concerning the City's recommended 2010 Annual Budget, the City Council again discussed the proposal on November 16; and conducted a public hearing on December 7 to receive comments concerning both the budget recommendation and property-tax-millage rates that had been included within it - the former being a requirement of the City Charter and the latter being mandated by State law; and that with public-hearing requirements now fulfilled, the City Council could consider adopting a proposed resolution that would confirm approval of the 2010 Annual Budget, including appropriations of anticipated revenues and expenditures, as well as authorizing implementation of certain associated procedures and continuation of on-going programs.

The City Manager and Director of Finance also reported that estimated within the proposed 2010 Annual Budget were individual millage rate amounts that would total approximately 14 mills - final adjustments of property-tax-millage rates would be approved by the City Council midway through 2010, following the State's annual equalization of assessed and taxable values; and that, for the purpose of preparing the proposed 2010 Annual Budget, property-tax rates had been proposed at amounts of 7.4449 mills to produce revenues to offset costs of general-government services and projects, with .4890 mills added for solid-waste programs, 3.8580 mills to offset costs of maintenance operations and public improvements within street right-of-ways, and 1.8141 mills to offset costs of operation and maintenance of the Public Library.

The City Manager and Director of Finance also reported that, again for 2010, no adjustments had been proposed for fees that were charged for providing water, sewer, or electric services, though the City staff continued to believe that increases in rates for water and sewer services eventually would be necessary to offset both operating and capital costs; that, as reported, the City staff now was reviewing rate studies for water and sanitary-sewer services and may recommend adjustments in the current rate structure next year; and that rate increases had been proposed for camp sites at Magnus Park, along with newly-created user fees for private use of City parks.

The City Manager and Director of Finance also reported that, for several years the City Council - on the advice of special legal counsel, as part of annual budget-adoption and appropriation resolutions - directed that work continue on developing user charges for City-owned electric installations and had authorized the City staff to negotiate charges, if necessary; that, in addition, the pending dissolution of the Michigan Public Power Agency's pooling program by 2010 necessitated studies of ways to secure future power-supply and base-load-generating sources, some of which the City Council approved earlier this year; and that the proposed resolution again would confirm the City's continued participation in various studies and would authorize joining other similar projects.

The City Manager and Director of Finance also reported that a proposed resolution had been provided to the City Council that would confirm adoption of the 2010 Annual Budget as presented, with estimated property-tax-millage rates amounts the same as this year, totaling 13.6060 mills, and that would assign balances and appropriations; and that the proposed resolution would authorize the continued review of rates that were charged for City electric, water and sanitary-sewer utility services, continued review of possible use-access charges for the City's electric-distribution grid, including the ability to negotiate rates, if necessary, continued participation in various in-progress and ongoing studies, and joining other related studies by the Michigan Public Power Agency and/or other municipally-owned utilities in consideration of short- and long-term supply needs.

The City Council then continued proposed 2010 Annual Budget discussions including use of payment-in-lieu-of-taxes transfers and if such practice should continue. The Mayor concluded that this issue could be revisited as part of future budget discussions due to its untimely introduction with the need for adoption of the 2010 Annual Budget by year's end given that this issue would require much discussion and study.

Mayor Pall asked for public comment and heard the following:

Mr. Ramey reported that he believed that Water and Sewer Fund improvements would be expensive and hoped for no increase to water and sewer rates for such improvements because he believed rates had been doubled several times for capital improvements in the past.

Ms. Loar reported that she believed that better water quality should result with any proposed increase of water rates.

Bob Walker, Bay Harbor, 7434 Preserve Drive, reported that he believed funding should be provided for construction of the Public Safety Station-West, which would serve to improve response time to his and other residences located in the Bay Harbor development.

The City Council then commented that it would revisit possible funding options for construction of a Public Safety Station-West if grant funding proved to be unsuccessful and that they, too, desired resolution of this matter.

City Councilmember Marshall then moved that, seconded by City Councilmember Fraser, the following resolution be approved:

WHEREAS, as required of City Charter provisions, the City Manager has presented to the City of Petoskey City Council the City's proposed annual budget for 2010; and

WHEREAS, as also is required of City Charter provisions, the City Council on December 7, 2009, conducted a public hearing to receive comments concerning these proposed budgets for the City's various funds:

General Fund

January 1, 2010 Fund Balance	\$ 1,836,500
Revenues	<u>9,250,400</u>
Expenditures:	
General Governmental Services	1,912,400
Public Safety, Health and Welfare	2,920,800
Public Works	684,900
Recreation and Cultural	<u>3,985,500</u>
Total Expenditures	<u>9,503,600</u>
December 31, 2010 Fund Balance	\$ <u>1,583,300</u>

Major Street Fund

January 1, 2010 Fund Balance	\$ 221,600
Revenues	435,800
Expenditures	<u>499,800</u>
December 31, 2010 Fund Balance	\$ <u>157,600</u>

Local Street Fund

January 1, 2010 Fund Balance	\$ 243,200
Revenues	926,000
Expenditures	<u>1,057,600</u>
December 31, 2010 Fund Balance	\$ <u>111,600</u>

General Street Fund

January 1, 2010 Fund Balance	\$ 263,900
Revenues	1,400,200
Expenditures	<u>1,275,400</u>
December 31, 2010 Fund Balance	\$ <u>388,700</u>

Tax Increment Finance Authority Fund

January 1, 2010 Fund Balance	\$ 789,400
Revenues	3,172,000
Expenditures	<u>3,025,000</u>
December 31, 2010 Fund Balance	\$ <u>936,400</u>

Library Fund

January 1, 2010 Fund Balance	\$ 561,300
Revenues	1,066,800
Expenditures	<u>1,056,800</u>
December 31, 2010 Fund Balance	\$ <u>571,300</u>

Library Endowment Fund

January 1, 2010 Fund Balance	\$ 11,300
Revenues	14,100
Expenditures	<u>14,000</u>
December 31, 2010 Fund Balance	\$ <u>11,400</u>

Downtown Management Fund

January 1, 2010 Fund Balance	\$ 104,600
Revenues	67,100
Expenditures	<u>67,100</u>
December 31, 2010 Fund Balance	\$ <u>104,600</u>

Downtown Parking Fund

January 1, 2010 Retained Earnings	\$ 415,700
Revenues	385,100
Expenses	<u>360,400</u>
December 31, 2010 Retained Earnings	\$ <u>440,400</u>

Right-of-Way Fund

January 1, 2010 Fund Balance	\$ 643,600
Revenues	1,852,700
Expenditures	<u>1,952,000</u>
December 31, 2010 Fund Balance	\$ <u>544,300</u>

Electric Fund

January 1, 2010 Retained Earnings	\$ 21,344,200
Revenues	9,579,400
Expenses	<u>9,374,500</u>
December 31, 2010 Retained Earnings	\$ <u>21,549,100</u>

Water and Sewer Fund

January 1, 2010 Retained Earnings	\$ 8,299,500
Revenues	4,342,400
Expenses	<u>4,706,200</u>
December 31, 2010 Retained Earnings	\$ <u>7,935,700</u>

Motor Pool Fund

January 1, 2010 Retained Earnings	\$ 2,555,900
Revenues	984,900
Expenses	<u>977,300</u>
December 31, 2010 Retained Earnings	\$ <u>2,563,500</u>

Building Authority Downtown Parking Improvement Bond Fund

January 1, 2010 Fund Balance	\$ 34,200
Revenues	80,400
Expenditures	<u>72,000</u>
December 31, 2010 Fund Balance	\$ <u>42,600</u>

WHEREAS, following the public hearing to receive comments concerning the proposed 2010 Annual Budget and its consideration of the proposed budget, the City Council wishes to approve the proposed budgets of these various City funds:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby approves the 2010 Annual Budget as presented by the City Manager and as summarized in this resolution; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby directed to continue review of service-rate charges that have been established for City water-utility and sanitary-sewer-utility services; and electric-utility services; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby directed to continue work to develop recommendations for establishing use charges for City-owned electric-system installations by service providers other than the City; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to negotiate with and establish certain rates for electric-utility customers as might be deemed appropriate in response to on-going utility-industry restructuring efforts; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to continue the City's participation in the various feasibility studies that now are being conducted by the Michigan Public Power Agency or to join in or with other studies, service committees, or projects that would be established by the Agency, such as those related to power-supply issues, or those that would meet municipal electric-system needs; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to work with other municipally-owned electric utilities to study the feasibilities of satisfying short- and long-term power-supply needs; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to adjust fees for certain Parks and Recreation services as outlined in the 2010 Annual Budget, which includes Magnus Park camping rates, some recreation program fees and rental fees for the private use of City parks.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Resolution No. 18366
Approve 2009 Budget Amendments

The Director of Finance next reported that, included within the City's 2009 Annual Budget had been monies within the Tax Increment Finance Authority Fund to continue with a portion of the design work for the Bear River Valley Recreation Project with final design work to be included with project costs; and that project costs would be funded through issuance of bonds with the budget amended once total costs had been determined.

The Director of Finance also reported that when the issuance of bonds had been postponed last Spring, design work continued and costs had now exceeded the original budgeted amount and needed to be amended for the additional costs, as had been expected, but only for design costs and not project costs; and that additional expenditures would be funded from cash reserves of the TIFA Fund and would increase costs from \$100,000 to \$208,000, for an increase of \$108,000.

The Director of Finance also reported that the Downtown Management Fund also required a slight budget adjustment from \$83,400 to \$95,600 - an increase of \$12,200 - for added expenses within line item costs for economic enhancement, sidewalk sales, and Christmas decorations; and that, likewise, the additional expenditures would be funded through cash balance reserves.

The Director of Finance also reported that the City Council now was being asked to adopt a proposed resolution that would amend total budgeted amounts of 2009 expenditures made up of certain line items in the Tax Increment Finance Authority Fund and the Downtown Management Fund.

City Councilmember Marshall moved that, seconded by City Councilmember Johnson, the following resolution be approved:

WHEREAS, AT THE CLOSE OF THE City's 2009 fiscal year, the City staff has determined that expenditures within two City funds are anticipated to differ from amounts that had been budgeted for 2009:

NOW, THEREFORE, BE IT RESOLVED that expenditures within the Tax Increment Finance Authority Fund and Downtown Management Fund be and are hereby adjusted as follows:

	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
Tax Increment Finance Authority Fund			
Expenditures:			
Contract services	\$ 100,000	\$ 208,000	(\$108,000)
Total Expenditures	\$ 100,000	\$ 208,000	(\$108,000)
Downtown Management Fund			
Expenditures:			
Programs & Services	\$ 83,400	\$ 95,600	(\$ 12,200)
Total Expenditures	\$ 83,400	\$ 95,600	(\$ 12,200)

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)
NAYS: None (0)

Hear Comments

Justin Rashid, 1015 East Mitchell Street, expressed appreciation to City Councilmember Dittmar for his service to the City Council and that he had been proud to have been represented by City Councilmember Dittmar.

Mayor Pall then expressed his appreciation for 2009 City Council activities and thanked the City staff, including the Director of Finance and Administrative Assistant for their assistance with the transition of the new City Manager; that he was pleased with the new City Manager who he believed had worked well with the City Council and for the City; that he believed the City Council had worked well together even during times without consensus; expressed his appreciation to the City Council; and thanked City Councilmember Dittmar for his service to the City and presented him with a gift as a token of his appreciation.

City Councilmember Marshall expressed his appreciation to the City Council and especially City Councilmember Dittmar for his service.

City Councilmember Johnson thanked the City staff for their efforts and thanked City Councilmember Dittmar for his attention to detail during his term on the City Council.

City Councilmember Fraser thanked the City Manager and City staff for their efforts and thanked City Councilmember Dittmar who he considered an honor to serve with on the City Council.

City Councilmember Dittmar reported that he believed his term as First Ward City Councilmember had been a tremendous experience and thanked the City staff for their work during his involvement on the City Council.

There being no further business to come before the City Council, the meeting was adjourned at 9:48 P.M.

H. Ted Pall, Jr., M.D., Mayor

Alan Terry, City Clerk-Treasurer