

A REGULAR MEETING

Of The

TRAVERSE CITY LIGHT AND POWER BOARD

Will Be Held On

TUESDAY, May 25, 2010

At

5:15 p.m.

In The

COMMISSION CHAMBERS
(2nd floor, Governmental Center)
400 Boardman Avenue

Traverse City Light and Power will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon notice to Traverse City Light and Power. Individuals with disabilities requiring auxiliary aids or services should contact the Light and Power Department by writing or calling the following.

Stephanie Dommer,
Administrative Assistant
1131 Hastings Street
Traverse City, MI 49686
(231) 932-4543

Traverse City Light and Power
1131 Hastings Street
Traverse City, MI 49686
(231) 922-4940

Posting Date: 05-21-10
4:00 p.m.

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 Board motion without discussion. Any member of the Board, 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. 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 Board action adopting the consent calendar.

A. Consideration of approving minutes of the Regular Meeting of May 11, 2010.

3. OLD BUSINESS

A. Consideration of approving a new position, Generation Project Manager, for the Light & Power Department. (Rice)

4. NEW BUSINESS

A. Consideration of approving the License to Launch Agreement. (Arends)

5. REPORTS AND COMMUNICATIONS

A. From Legal Counsel:

None as of May 21, 2010

B. From Staff:

- (1) Verbal update: MMEA Meeting (Feahr)
- (2) Verbal update: MPPA Meeting (Rice)
- (3) Study Session to discuss Energy Optimization – June (Rice)

C. From Board:

None as of May 21, 2010

6. PUBLIC COMMENT

/sd

**TRAVERSE CITY
LIGHT AND POWER BOARD**

Minutes of Regular Meeting
Held at 5:15 p.m., Commission Chambers, Governmental Center
Tuesday, May 11, 2010

BOARD MEMBERS -

Present: Mike Coco, Linda Johnson, John Welch, John Snodgrass, John Taylor,
Ralph Soffredine, Jim Carruthers

EX OFFICIO MEMBER -

Present: R. Ben Bifoss

OTHERS: Ed Rice, Tim Arends, Jessica Dezelski, Jim Cooper, Karen Feahr,
Stephanie Dommer, Denise Kuschell, Glen Dine

The meeting was called to order at 5:15 p.m. by Secretary Ed Rice.

Secretary Ed Rice opened the floor to nominations for Chairperson of the Light and Power Board:

Member Welch nominated Member Coco, Member Johnson seconded.

Roll call to accept the nomination of Member Coco as Chairperson:

Yes – Johnson, Coco, Welch, Snodgrass, Taylor, Soffredine, Carruthers

No – None

CARRIED.

Chairperson Coco opened the floor to nominations for Vice Chairperson of the Light and Power Board:

Member Welch nominated Member Johnson, Member Snodgrass seconded.

Member Carruthers nominated Member Snodgrass, Member Welch seconded.

Roll call to accept the nomination of Member Johnson as Vice Chairperson:

Yes – Coco, Johnson, Welch, Snodgrass, Taylor, Soffredine

No – Carruthers

CARRIED.

Chairperson Coco recognized Vice Chairperson Johnson for her service as the Chairperson of the Light and Power Board.

Chairperson Coco read a letter of recognition for James Hoogesteger for his service on the Light and Power Board.

Chairperson Coco appointed Ed Rice as the Secretary for the Light and Power Board with the approval of the Board.

Chairperson Coco spoke regarding the Human Resources Committee. Chairperson Coco appointed Member Snodgrass, Commissioner Soffredine and Member Taylor to the Human Resources Committee. The Committee term expires at the next Organizational Meeting.

2. CONSENT CALENDAR

Moved by Welch, seconded by Soffredine, that the following items, as recommended on the Consent Calendar portion of the agenda, be approved:

- A. Consideration of approving minutes of the Regular Meeting of April 27, 2010.

CARRIED unanimously.

3. OLD BUSINESS

- A. Moved by Welch, seconded by Johnson, that the Light and Power Board move the consideration of the Wi-Fi network Phase 2 Project to the June 22, 2010 meeting agenda.

Public Comment:

- Chris Bzdok, 520 N. Spruce Street
- Tim Malone, Cherry Capitol Connection, Williamsburg

CARRIED unanimously.

4. NEW BUSINESS

- A. Moved by Johnson, seconded by Coco, that the Light and Power Board approve the "Resolution Adopting a Light and Power MERS defined benefit retirement program;" subject to City Commission action to transfer current Light and Power market values into the new MERS account.

Motion withdrawn by Johnson, with approval of Coco.

Moved by Johnson, seconded by Coco, that the Light and Power Board table the consideration of the "Resolution Adopting a Light and Power MERS defined benefit retirement program" for 60 days.

CARRIED unanimously.

- B. Moved by Carruthers, seconded by Welch, that the Light and Power Board authorize execution of a License Agreement with Maritime Heritage Alliance, Inc. for use of the coal dock and bottomlands for a period of three years; subject to approval as to substance by the Executive Director, and as to form by Counsel.

CARRIED unanimously.

5. REPORTS AND COMMUNICATIONS

- B. From Staff:

- (1) Jim Cooper provided an update on Energy Optimization.
- (2) Ed Rice provided an update on MPPA.
- (3) Karen Feahr provided an update on the International Biomass Conference & Expo.

(4) Ed Rice provided an update on the Biomass Project.

C. From Board:

- (1) Commissioner Carruthers spoke regarding the Cherryland Michigan Saves Program.
- (2) Chairperson Coco spoke regarding the Executive Director's Annual Performance Review. Chairperson Coco appointed Vice Chairperson Johnson, Commissioner Soffredine and Member Welch to the Review Committee.

6. PUBLIC COMMENT

- Tom Karas, 8801 Section Line Road, Michigan Energy Alternatives Project
- Steve Henderson, 747 Birchwood Avenue
- Chris Bzdok, 520 N. Spruce Street

The meeting adjourned at 7:18 p.m.

/sd

Edward E. Rice, Secretary
LIGHT AND POWER BOARD



**TRAVERSE CITY
LIGHT & POWER**

To: Light and Power Board
From: Ed Rice, Executive Director
Date: May 20, 2010
Subject: New Position - Generation Project Manager

Attached is a job description for a new administrative position that was previously discussed at the February 23, 2010 Board Meeting and included on an updated organization chart. The job description is supplied for your review and approval. The organization chart is also supplied for your information. In the course of reviewing staffing levels and balancing the demands of Light & Power and the Energy Supply Department, I have concluded that the utility would be best served by adding a new position at this time.

Generation Project Manager:

This position will report to Karen Fehr, Energy Supply Manager, and will be responsible for the development of new generation construction projects.

I recommend adding this position at this time. If the Board is in agreement with this recommendation, the following motion would be appropriate:

MOVED BY _____, SECONDED BY _____,

THAT THE LIGHT & POWER BOARD APPROVES ADDING THE STAFF POSITION OF GENERATION PROJECT MANAGER, GRADE 4, WITH A PAY RANGE OF \$65,568 TO \$85,392 PLUS BENEFITS.

**TRAVERSE CITY LIGHT & POWER
JOB DESCRIPTION**

GENERATION PROJECT MANAGER

Supervised By: Energy Supply Manager
Supervises: No supervisory responsibility

Position Summary:

Under the general supervision of the Energy Supply Manager this position will be responsible for the development of new generation construction projects.

Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Provide leadership and project management as they relate to research, integration and deployment of new generation projects.
2. Research, interview and employ contractors and consultants that specialize in the development of generation projects; engineering procurement and construction contractors, engineering firms and owner's engineers.
3. Perform engineering and technical analysis for electric generation applications.
4. Perform financial analyses of proposed generation projects.
5. Responsible for project planning and implementation, defining project tasks and resource requirements.
6. Plans and schedules project timelines and manages project resources while providing direction and support to the project team, which will include contractors and consultants.
7. Responsible for coordinating internal and external resources needed for project execution including engineering, construction, procurement, document control, scheduling and cost control.
8. Performs other duties as assigned.

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

- Bachelor's degree in Mechanical Engineering from an accredited school of engineering required along with 10+years of related experience.
- Highly advanced knowledge and skills regarding siting, construction and operation of various generation technologies including gas turbine, biomass and wind generation.
- Knowledge of the policies, procedures and regulations governing municipal government functions and utility operations is desirable.
- Ability to understand both theoretical and practical aspects of project management and project management tools and techniques.
- Direct work experience in negotiation and administration of power purchase agreements is desired.
- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with the public, contractors, consultants and other employees.
- Ability to effectively communicate and present ideas and concepts orally and in writing.
- Ability to critically assess situations and solve problems, maintain confidentiality and work effectively under stress, within deadlines and changes in work priorities.
- Experience in the use of word, excel and project management software is required.
- In addition to the above requirements, all positions require the ability to read, write, speak and understand the English language as necessary for the position; the ability to follow written and oral instructions and the ability to interact positively with other employees and members of the public. Employees are also expected to possess and maintain a record of orderly, law-abiding citizenship, sobriety, integrity and loyalty as it pertains to and reflects upon their employment. Employees must be physically and mentally able to perform the essential duties of their position without excessive absences.

Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand, walk, sit, use hands and fingers, talk and hear. The employee must be able to squat, stoop, climb or kneel. The employee must occasionally lift materials of moderate weight. The employee is regularly required to communicate in person and by telephone, read regular and small print, sit, use limited mobility in an office setting, use manual dexterity to type and enter data, and use sight to read and prepare documents and reports.

While performing the duties of this job, the employee works both indoors and outdoors and regularly drives a motor vehicle between work sites. The employee may work near moving mechanical equipment. The noise level in the work environment varies from quiet to loud.



TRAVERSE CITY
LIGHT & POWER

To: Light & Power Board
From: Ed Rice, Executive Director
Date: May 19, 2010
Subject: License to Launch Agreement

Late last summer Light & Power staff became aware of an unapproved launch site on its Hall Street property at the end of Parking Lot X to the Boardman River. Upon learning of this launch site we contacted Eric Clone of Boardman Paddle & Pedal to discuss the continued use of the site.

After walking the site with Mr. Clone we determined that the launch site did not pose any detriment to the utility as this property along the river does not have an immediate utility purpose. Through discussions with our attorney, Peter Doren, it was recommended that if Light & Power wanted to continue to allow this area to be used as a launch site that a license to launch agreement would be appropriate. The agreement is attached for your review.

In exchange for allowing the business to use the property for a launch site we are requiring that the property be kept free of debris, which is something that the Warehouse District business owner's have already been doing in the area. The agreement also details what activities are allowable and what is prohibited.

Mr. Clone will be in attendance to discuss this matter with the Board and seek approval from the Board. If the Board is in agreement with staff's recommendation to enter into an agreement with Lyfmotiv Adventures the following motion would be appropriate:

**MOVED BY _____, SECONDED BY _____,
THAT THE LIGHT AND POWER BOARD AUTHORIZE THE EXECUTIVE DIRECTOR
TO ENTER INTO A LICENSE TO LAUNCH AGREEMENT WITH LYFMOTIV
ADVENTURES THAT PROVIDES ACCESS TO THE BOARDMAN RIVER ACROSS
LIGHT AND POWER PROPERTY; SUBJECT TO APPROVAL AS TO SUBSTANCE
BY THE EXECUTIVE DIRECTOR, AND AS TO FORM BY COUNSEL.**

TRAVERSE CITY LIGHT AND POWER DEPARTMENT

LICENSE TO LAUNCH

On this the 25th day of May, 2010, the TRAVERSE CITY LIGHT AND POWER DEPARTMENT (“Licensor”), a Michigan municipal electric utility, whose address is 1131 Hastings Street, Traverse City, MI 49686, hereby grants a non-exclusive and revocable license to LyfMotiv Adventures, dba: Boardman Paddle & Pedal (“Licensee”), whose address is 205 Garland Street, Traverse City, MI 49684, and subject to the following terms and conditions:

1. License. Licensee is hereby given permission and license to utilize the property described below for access to and from the Boardman River to launch non-motorized watercraft. Launching and access to the river’s edge shall be by hand or non-motorized cart only. Trailers attached to motor vehicles are expressly prohibited. This permission is non-exclusive and revocable.

2. Property. The property of Licensor which is subject to this License is described as follows: City parcel #28-51-658-045-10 address: 130 Hall Street; southeast edge of parking Lot X to Boardman River; and as further depicted on Exhibit A attached hereto and incorporated here by reference (“Property”).

3. Business Invitees. This License shall extend to the Licensee’s business invitees and employees, but may not be otherwise assigned. Licensee guarantees that all business invitees and employees using this License shall abide by the terms, and Licensee shall be responsible for damages if they do not abide by these terms.

4. Prohibited Activity. All activity not otherwise specifically authorized by this License is prohibited including, but not limited to, signs, storage, picnicking, temporary placement of any property other than watercraft, tree cutting or trimming and campfires. An otherwise prohibited activity may be allowed upon the written approval of the Light & Power Executive Director.

5. Maintenance. Licensee shall maintain the Property in a clean and neat condition, promptly removing any rubbish or debris whether placed on the Property by Licensee or others.

6. Improvement Prohibited. Licensee may not improve the Property in any way other than by common maintenance as described above. Licensee acknowledges that prior to this License, it placed steps and fill or woodchips without Licensor’s approval. Licensee agrees that if the City or the State orders the removal or alteration of the steps and fill, that Licensee shall, upon request of Licensor, promptly so remove or alter. Removal or alteration shall be done at the sole expense of Licensee.

7. Condition of the Property. Licensee accepts the Property as-is and acknowledges that its current condition is satisfactory.

8. Consideration. Licensee hereby pays Licensor \$1.00 in consideration for this License.

9. Use by Others. Others may also use the above Property for ingress and egress to the river, and Licensee shall not impede or deter use by others. However, other businesses beside Licensee may not use the Property without the permission or license from Licensor, and Licensee agrees to report any unauthorized use of the Property to Licensor.

10. Termination. Licensor may terminate this License without reason or cause upon 30 days advance notice to Licensee. Licensor may terminate this License for a reason, including breach of this License, immediately, with or without notice to Licensee. Unless earlier terminated, this License shall continue and terminate three years from the date first above written.

11. Cooperation. Licensee acknowledges that neighboring property is leased to the City of Traverse City Downtown Development Authority for parking and to the Michigan Department of Natural Resources for fish harvesting. Licensee agrees to cooperate with those entities and to not interfere, hinder or deter the use of those neighboring properties. Licensee agrees not to utilize those neighboring properties without the permission of those entities. Licensee acknowledges and agrees that Licensor is not granting permission to use any of these neighboring properties.

12. Indemnification. Licensee shall defend, indemnify and hold harmless TCL&P and the City of Traverse City, its officers, agents and employees from and against any and all claims, liabilities, losses, damages, actual attorney fees and settlement expenses resulting or arising out of or in connection with the performance or enjoyment of this License. This indemnification shall not be limited by any policy of insurance.

13. Insurance. The Licensee shall acquire and maintain comprehensive general liability insurance coverage. Such insurance shall expressly identify the Property described above and Licensee's activities. The City of Traverse City and Traverse City Light & Power Department shall be added as an additional insured on such policy. The maximum coverage shall be not less than \$1,000,000 and the maximum deductible shall be not more than \$1,000. A certificate of insurance and the insurance policy shall promptly be given to Licensor upon request.

Licensor grants Licensee the above License, and Licensee accepts the License and all of the terms and conditions on the date and year first above written.

TRAVERSE CITY LIGHT
& POWER DEPARTMENT

LYFMOTIV ADVENTURES
BOARDMAN PADDLE & PEDAL

By: Edward E. Rice
Its: Executive Director

By: Eric Clone
Its: Owner

Exhibit A

Grand Traverse County Location Map

This map is based on digital databases prepared by Grand Traverse County. Grand Traverse County does not warrant, expressly or impliedly, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate.

