

**SPECIAL MEETING OF THE STUART CITY COMMISSION  
HELD ON JANUARY 29, 2007  
AT 9:00 A.M. IN THE CITY COMMISSION CHAMBERS**

1/29/2007 9:00:13 AM ~ Start Recording

**Roll call was answered by:**

**Mayor Mary L. Hutchinson  
Vice Mayor Jeffrey A. Krauskopf  
Commissioner Carol S. Waxler  
Commissioner Michael J. Mortell  
Commissioner James A. Christie, Jr.**

**Also present were:**

**City Manager: Dan Hudson  
City Attorney: Paul J. Nicoletti  
City Clerk Cherie White**

**RESOLUTIONS**

**RESOLUTION 20-07 Requesting authorization to execute Amendment No. 5, to FDEP Agreement No. SP561 between the State of Florida Department of Environmental Protection and the City of Stuart pertaining to the Poppleton Creek project to allow for a time extension to complete the project**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 20-07  
SECOND: VICE MAYOR KRAUSKOPF

Vice Mayor Krauskopf asked when the estimated time for completion would be.

Sam Amerson stated it would be December 2007.

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

***BOND REFUNDING***

**RESOLUTION 21-07 Requesting authorization to appoint Duane Draper, Esquire as Board Counsel**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 21-07  
SECOND: COMMISSIONER WAXLER  
ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

**RESOLUTION 22-07 Requesting authorization to refinance the remaining \$7.5 million of the Public Utilities Revenue Refunding and Improvement Bonds, Series 2003, based upon the determination of Jay Glover, Public Financial Management (PFM) that a savings in excess of the threshold of 5% will be achieved**

Dwayne Draper, Bond Council , Bryant Miller & Olive came forward and gave a brief presentation to the City Commission regarding the refinancing of all or a portion of the 2003 Public Utility and Revenue Improvement Bonds for debt service savings.

Jay Glover, Public Financial Management came forward and gave brief comments regarding the refinancing of a portion of the 2003 Utility Bonds. He stated the total cost of issuance associated with this transaction are approximately \$32,000.00 and that includes cost of council, financial advisory firms and a verification report and other ancillary cost for the baker as well.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 22-07  
 SECOND: COMMISSIONER CHRISTIE

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

**COMMISSION ACTION**

**Requesting consideration for approval of waiving a Butler Act Claim in favor of a long term submerged land lease with the State of Florida (FLA. Dept. of Environmental Protection) for the construction of a restaurant on the City-owner Old Roosevelt Bridge, now leased to SDG Group.**

Attorney Nicoletti gave a brief presentation regarding the petition to DEP for the restaurant on the old Roosevelt bridge section.

2 OPTIONS

FILE BUTLER ACT CLAIM OR APPROVE A DEAL WITH DEP

After reading the letter Brightman and I agree that the City should not file a Butler Act claim

Nicoletti stated the City may not be able to sustain the claim and he recommended striking a deal with DEP for the submerged land lease and proceed with DEP for the bridge.

Commissioner Waxler: "What part of the negotiations includes the link of the submerged land lease link but also the submerged land lease payment. "Are those the two components in the negotiation?"

Attorney Nicoletti: We may be able to negotiate with them but primarily we are interested in the use and our ability to use it for non water related use.

Commissioner Waxler: " So that would be the compromise?"

Attorney Nicoletti: " Right."

Commissioner Mortell: " So we would be waiving property right to property that we own forever?"

Attorney Nicoletti: " Yes."

Commissioner Mortell: " Do we have the authority to do that without a referendum?"

Attorney Nicoletti: You do it, is not an ownership right and the City does not own the bottom lands."

Vice Mayor Krauskopf asked about page 2 of 4 second paragraph "He asked; Would the lease fees be passed thru to the operator?"

Attorney Nicoletti: "Yes."

Commissioner Krauskopf: asked if the City had options to renew in the lease with DEP.

Attorney Nicoletti stated he has not negotiated the terms yet and was looking for direction authority from the Commission to do that.

Vice Mayor Krauskopf asked about page 3 first sentence. "As part of its environmental resource permit, I think this whole thing came about in what is not being said verse what is being said, I will take your suggestion and move in this direction with one caveat, That caveat being that we have a date by which this is done by. With the DEP, that we don't go into a situation and 18 months from now we are still talking about it, that there is a closure date in her."

Commissioner Mortell agreed.

Attorney Nicoletti suggested June 1<sup>st</sup> as a date.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF REQUESTING CONSIDERATION FOR APPROVAL OF WAIVING A BUTLER ACT CLAIM IN FAVOR OF A LONG TERM SUBMERGED LAND LEASE WITH THE STATE OF FLORIDA (FLA. DEPT. OF ENVIRONMENTAL PROTECTION) FOR THE CONSTRUCTION OF A RESTAURANT ON THE CITY-OWNER OLD ROOSEVELT BRIDGE, NOW LEASED TO SDG GROUP

SECOND: COMMISSIONER MORTELL

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

### **Status of the City's reclaimed water system**

Dave Peters gave a brief overview of the City's reclaimed Water System. He explained the City could apply for grant funding but would only get \$200,000.00 to complete the project. He stated the City has \$1,100,000. left in work to finish the project at the wastewater plant to complete that portion of the project. Then he stated the transmission main to the ultimate user would need to be funded. He stated the grant funding to do that would be available to us at a 60-40 split or they would continue

Sam Amerson suggested stopping construction on the treatment for alternative water supply for the reuse system on hold until next year. Give us some time to regroup on the wastewater plant issues on how we want to fund the distribution of the reclaimed water.

Commissioner Mortell directed staff to hold off on this matter now.

### **Wastewater Treatment Plant alternative as outlines in the Memorandum from the City Manager dated January 12, 2007.**

Mr. Hudson introduced the item to the City Commission. He stated there were three major components that the City needs to focus on. One is for the land for the City Maintenance Garage that appears to be needed for redevelopment of Stuart Middle School ; Also if there are some athletic fields that can be freed up then is it feasible to fit all of the office buildings onto that single space or is there going to be additional space required somewhere else the third major component is the purpose of this discussion today and that is what is the position of the Wastewater Treatment plant that is located on the government center complex.

He presented three alternatives to the City Commission regarding the Wastewater Plant.

1. Odor Control and screening and landscaping of the facility; \$13,000,000.00 option.
2. Relocate the facility under City Operation; \$30,000,000 option.
3. Redirect all of the flows into the Martin County system; \$38,000,000.00 option.

Helen McBride came forward and expressed concern over the School Board and how they promised to rebuild the track once the City gave them property for the expansion of JD Parker Elementary. She requested the City not give anymore land to the School Board unless there is something in writing, either money or trade of land.

Bernie Malone came forward and stated that a parking garage should be built along SE Flagler Ave near the wastewater plant.

Mayor Hutchinson suggested looking at a Government Center in the downtown area.

Commissioner Mortell agreed and said the City should be involved in a new footprint of the entire area.

Commissioner Christie stated that if the City talks to the County and they say no as far as the finances are concerned are we going to move forward, are we going to leave this like it is or whatever changes we can do as far as the Garage.

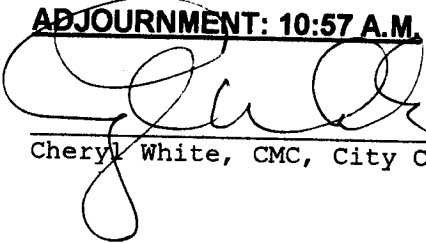
Commissioner Waxler stated she wants to know where the County and School Board stand, as far as a commitment.

Commissioner Mortell asked where the City stands as far as the Wastewater issue.

MOTION: COMMISSIONER MORTELL : MOVED APPROVAL THAT WE PUT THIS ON HOLD BUT ON A DIFFERENT TIMELINE AND SAM SHOULD CONTINUE FORWARD ON A PRESENTATION AND I WOULD LIKE TO HAVE MARY OR DAN ADD THIS OR BRING IT UP AS A DISCUSSION ITEM AT OUR MEETING FOLLOWING DANS MEETING WITH THE COUNTY. POSSIBLY THE FIRST MEETING IN FEBRUARY.

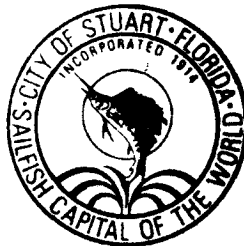
Bernie Malone: I just left Susan McCorkle who is the District Manager for Congressman Mahoney who will have his offices off Osceola Street. He said there will be a swearing in on February 11, 2006 at the Gazebo. The details will be forthcoming. They have requested the Mayor be MC for the event.

**ADJOURNMENT: 10:57 A.M.**

  
Cheryl White, CMC, City Clerk

  
Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission Meeting This 12<sup>TH</sup> Day March 2007



Cheryl A. White  
City Clerk