



**Minutes of the**  
**City Commission for the City of Traverse City**  
**Regular Meeting**  
**July 7, 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 (arrived at 7:24 p.m.), 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 Pro Tem James Carruthers presided at the meeting

As requested by Troy Broad, Elmer's Crane and Dozer, Agenda Item 2(g) was removed from the Consent Calendar for full discussion.

As requested by Commissioner Werner, Agenda Item 2(h) was removed from the Consent Calendar for full discussion.

Commissioner Howe made the following disclosure: One of the traffic control orders included in Agenda Item 2(b) affects the section of street in front of his house as well as a project he worked on prior. While Commissioner Howe does not have a financial conflict of interest, he has what may appear to be a conflict of interest and will be refraining from participating in the making of a decision regarding Agenda Item 2(b).

## **2. Consent Calendar**

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

approved:

- a. the minutes of the June 16, 2014, Regular Meeting and June 23, 2014, Study Session, be approved.
- b. the Temporary Traffic Control Orders: #565 authorizing “2 Hour Parking 8am to 6pm Except Saturdays, Sundays, and Holidays” signs in the 500 block of Washington Street, from Wellington Street to Franklin Street; #567 authorizing “No Parking” signs on the west side of Lake Avenue from Tenth Street to the alley south of Tenth Street and on the north side of Tenth Street from 133 feet to 191 feet west of the easterly intersection of Lake Avenue; #568 authorizing “2 Hour Parking from 8am to 6pm Except Sundays and Holidays” signs on the south side of Sixth Street approximately 50 feet east of Locust Street; #569 authorizing “Handicap Parking” signs outside of 503 S. Union Street; #570 authorizing “15 Minute Loading Zone” signed on Lake Avenue outside of the Hagerty Building on Randolph Street outside of Tilley’s (617 Randolph Street); and #571 authorizing “Overnight Parking Permitted April 15 to November 15” signed on Lincoln Street between Rose Street and Garfield Avenue, be adopted to be made permanent.
- c. the Local Governing Body Resolution for Charitable Gaming Licenses (issued by the Michigan Lottery), to recognize Traverse City Area Rotary Club Wheelchairs for Polio Survivors Fund; Wheels of Hope as a local non-profit organization, be adopted.
- d. the Resolution Approving the Editing and Inclusion of Certain Ordinances as Part of the Various Component Codes of the Codified Ordinances, be adopted.
- e. the Mayor and City Clerk execute the Grant of Public Utility Easements and Release of Easements, for the purpose of relocating utility easements relating to 6<sup>th</sup> Street between S. Madison Street and Monroe Street due to anticipated construction of the new Munson Cancer Center; and that the City commission accept the new utility easement; and that the Mayor and City Clerk execute an Agreement to relinquish its public utility easements in this location pursuant to MCL 560.222a.

- f. the Mayor and City Clerk execute a unit prices contract in the amount of \$697,149.60, more or less, with Elmer's Crane and Dozer, for the 2014 West Boardman Lake Trail Project, at the unit prices indicated in its bid, with funds available in the Capital Projects Fund, with \$210,000 to come from a Michigan Department of Natural Resources Trust Fund Grant and the remaining amount to be reimbursed by the Grand Traverse County Brownfield Redevelopment Authority, contingent upon concurrence with contractor selection by the Michigan Department of Natural Resources, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.
- g. Removed from the Consent Calendar.
- h. Removed from the Consent Calendar.
- i. an amendment to the Traverse City Code of Ordinances, *Redevelopment Liquor License Clarification*, Section 834.06, which clarifies that all non-conflicting sections of Chapter 834 apply to redevelopment liquor licenses, be introduced and scheduled for possible enactment on July 21, 2014.
- j. the City Manager be authorized to declare a 2009 Caterpillar 950H surplus so that it may be returned to Michigan Cat under a five year buyback agreement, in the amount of \$92,000.00, and that the City Manager be authorized to approve a purchase order to Michigan Cat in the amount of \$280,240.00, under a buyback arrangement for a 2014 Caterpillar 950M loader, with funds available in the Garage Fund.
- k. the competitive bidding process be waived; and that the Mayor and City Clerk execute a consultant agreement with Prein & Newhof in the amount of \$107,500 for professional engineering and construction phasing services in connection with the 2014 Water Plant Monitoring and Control Improvement Project (SCADA), with funds available in the Water Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.
- l. the City Manager be authorized to declare two (2) 2005 Harley Davidsons (#36 & #37) surplus, and that the City Manager be authorized to approve a purchase order to Classic Motor Sports in the amount of \$36,900.00, for two

- (2) 2015 Harley Davidson Road King patrol motorcycles to be used by the Police Department, with funds available in the Garage Fund for this planned replacement.
- m. the Mayor and City Clerk execute a contract with the Michigan Department of Transportation for it to provide funding in the amount of \$375,000.00 for the West Front Street Reconstruction Project, with the City to provide \$202,400.00 total the Sewer and Water Funds and \$125,000.00 from the General Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney; and further that a budget amendment be approved to increase both budgeted revenue and budgeted expenses in the Capital Projects Fund to reflect the receipt of \$375,000.00 in funds from the Michigan Department of Transportation and the subsequent expenditure.
- n. that the City Manager be authorized to declare Trucks #46, #51, #121, #128 and Van #80 surplus, and that the City Manager be authorized to approve a purchase order to Signature Ford in the amount of \$113,173.00, for three new 2014 Ford F150 pickups, one new 2015 Ford Transit Van and one new 2015 Ford F350 pickup, with funds available in the Garage Fund for these planned replacements.

CARRIED unanimously. (Estes absent)

Commissioner Howe abstained and refrained from voting upon or otherwise participating in the making of a decision regarding Agenda Item 2(b).

### **Items removed from the Consent Calendar**

a.

Consideration of authorizing a contract for the 2014 Paving Preservation Project.

The following addressed the Commission:

Troy Broad, Elmer's Crane and Dozer  
Jered Ottenwess, City Manager

Timothy Lodge, City Engineer

(Mayor Michael Estes arrived)

Lauren Tribble-Laucht, City Attorney

Moved by Howe, seconded by Richardson, that the Mayor and City Clerk execute a unit prices contract with Rieth Riley Construction Company in the amount of \$950,000.00, more or less for the 2014 Pavement Preservation Project, at the unit prices indicated in its bid, with funds available in the Capital Projects Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney, with Michigan Department of Transportation to reimburse the City for the costs associated with the work on M-72/US-31 from the Holiday Inn to Airport Access Drive, in the estimated amount of \$200,000.00.

CARRIED unanimously.

Mayor Michael Estes assumed the role of Presiding Officer.

b.

Consideration of authorizing a contract for the 2014 Sidewalk Replacement and Gap Infill Project.

The following addressed the Commission:

Jered Ottenwess, City Manager

Timothy Lodge, City Engineer

Moved by Werner, seconded by Howe, that the Mayor and City Clerk execute a unit prices contract in the amount of \$315,081.15, with Hallmark Construction for the 2014 Sidewalk Replacement and Gap Infill Project at the unit prices indicated in its bid, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Capital Projects Fund.

CARRIED unanimously.

### **3. Old Business**

#### **3(a).**

Consideration of enacting an amendment to the Traverse City Code of Ordinances which would allow Emergency Shelters in the HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1, H-2 and I Districts, with conditions, and modify the requirements for transitional housing, as recommended by the City Planning Commission.

The following addressed the Commission:

Jered Ottenwess, City Manager  
Russell Soyring, City Planning Director

Moved by Easterday, seconded by Carruthers, that an amendment to the Traverse City Code of Ordinances, *Emergency Shelter Definition*; Section 1320.07, Definitions; *Transitional Housing and Emergency Shelter Special Land Use Permits Regulations*, Section 1364.01, Types of Special Land Use Review; *Transitional Housing and Emergency Shelter Special Land Use Permit Review*, Section 1364.08, Special Land Use Permits Granted by the City Commission; regarding allowing Emergency shelters and establishing regulations for Emergency shelters and modifying the regulations for Transitional housing, as recommended by the Planning Commission, and *Transitional Housing and Emergency Shelter Special Districts Ordinance Amendment*, Sections 1338.02, 1340.02, 1342.02, 1344.02, 1347.02, 1356.02, and 1358.02, which was introduced on June 16, 2014, be enacted with an effective date of July 17, 2014.

Deni Scudato, 422 State Street – made general comments  
Linda Koebert, 319 Washington Street – made general comments  
Richard Kuschell, 500 Webster Street – made general comments  
Jim Stewart, 527 East Eighth Street city business owner – expressed opposition  
Christie Minervini, 604 Sixth Street, Safe Harbor Board Member – expressed support  
Jean Larson, 415 Wellington Street – expressed opposition  
Jason Nye, 4242 County Road 633, Grawn - expressed opposition

Tom Emmott, 1702 Lincoln – made general comments  
Jim Chan, 511 East Eighth Street – expressed opposition  
Tom Krause, 4579 Summit View Drive – made general comments  
Karen McCarthy, 908 South Union Street – made general comments  
Jim Heston, 9796 South West Bay Shore Drive, Elmwood Township – expressed opposition  
Kathrin Anslow, 1408 North Orchard Drive – made general comments  
Ryan Hannon, Street Outreach Coordinator for Goodwill Industries and Safe Harbor Steering Committee Chairperson – made general comments  
Gary Hughey, 641 Riverine Drive – made general comments  
Rick Buckhalter, 932 Kelley Street – made general comments  
Dale Hunt, 522 East Eighth Street – made general comments  
Brandon Hunt, 717 Highland Park Drive – made general comments  
Vicki Armour, 700 Washington Street – made general comments  
Mike Dow, 436 Washington Street – made general comments  
Peter Starkel, 1436 West Outer Drive, Long Lake Township – made general comments  
Charlene Hunt, 10630 South Timberlee, Elmwood Township, City business owner – made general comments

Roll Call:

Yes - Easterday, Howe, Richardson, Werner, Carruthers.  
No - Budros, Estes.

CARRIED.

**4. New Business**

**4(a).**

Consideration of entering into closed session to discuss the periodic personnel evaluation of City Manager Jered Ottenwess, as requested by Mr. Ottenwess.

Roll Call:

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

No - None.

Moved by Easterday, seconded by Budros, that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the periodic personnel evaluation of City Manager Jered Ottenwess as requested by the City Manager.

CARRIED unanimously.

**4(b).**

Consideration of entering into closed session to discuss the periodic personnel evaluation of City Attorney Lauren Tribble-Laucht, as requested by Ms. Tribble-Laucht.

Moved by Budros, seconded by Carruthers, that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the periodic personnel evaluation of City Attorney Lauren Tribble-Laucht as requested by the City Attorney.

Roll Call:

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

No - None.

CARRIED unanimously.

**5. Appointments**

**5(a).**

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the City of Traverse City and Charter

Township of Garfield Recreational Authority.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Richardson, that Ross Biederman be reappointed to one three-year term expiring June 30, 2017, on the City of Traverse City Charter Township of Garfield Recreational Authority Board of Directors.

Roll Call:

Yes - Easterday, Richardson, Werner, Carruthers, Estes.

No - Budros, Howe.

CARRIED.

**5(b).**

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointments to the Board of Zoning Appeals.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Carruthers, that an ad hoc interview committee be established to make a recommendation regarding three Regular Member three-year terms (seats previously held by Kathryn Henning- Callison, Jennifer Jones, and Douglas Donaldson) expiring June 30, 2017, on the Board of Zoning Appeals; and that Commissioners Howe, Werner and Easterday be appointed to such Committee, with Commissioner Easterday to serve as Chair.

CARRIED unanimously.

**5(c).**

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointments to the Historic Districts Commission.

Moved by Carruthers, seconded by Budros, that Michael Callahan (seat previously held by Michael Callahan) and Mark Crane (seat previously held by Mark Crane) each be reappointed to one three-year term expiring June 30, 2017, on the Historic Districts Commission, and that an ad hoc interview committee be established to make a recommendation regarding one three-year term (seat previously held by Karl Brockmiller) on the Historic Districts Commission, expiring June 30, 2017; and that Commissioner Richardson, Mayor Pro Tem Carruthers and Mayor Estes be appointed to such Committee, with Commissioner Richardson to serve as Chair.

Roll Call:

Yes - Budros, Easterday, Richardson, Werner, Carruthers, Estes.

No - Howe.

CARRIED.

**5(d).**

Consideration of appointment by the Mayor with approval of the City Commission to the Human Rights Commission.

Moved by Howe, seconded by Easterday, that the Mayor's reappointment of Barbara McClellan to one three-year term (seat previously held by Barbara McClellan) and the appointments of Mattias Johnson and Patricia Nugent (seats previously held by Taylor Nash and Kathryn Henning-Callison) expiring June 30, 2017, on the Human Rights 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. Reports from members of the Commission serving on boards.
  2. Minutes of the Traverse City Light and Power Board meeting of May 13, 2014.
  3. Minutes of the Board of Zoning Appeals meeting of May 13, 2014.
  4. Minutes of the Planning Commission meetings of May 6 and May 20, 2014.
  5. Minutes of the Act 345 Retirement System meeting of May 28, 2014.
- e. Reports and correspondence from non-City officials.

None.

## **7. Public Comment**

The following addressed the Commission:

1. Reserved.

None

2. General.

Chris Maxbauer, 503 West Eighth Street

John Scudato, 422 East State Street  
Jason Nye, 4242 County Road 633, Grawn  
Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

Mayor Pro Tem James Carruthers  
Commissioner Tim Werner  
Commissioner Ross Richardson

The Commission entered into closed session at 9:10 pm.

The Commission returned to open session at 9:18 pm.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:18 pm.

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Benjamin C. Marentette, CMC  
City Clerk

Approved: \_\_\_\_\_, \_\_\_\_\_  
(Date) (Initials)