



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

**Regular Meeting**

**September 2, 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 Estes presided at the meeting.

**2. Consent Calendar**

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

- a. the minutes of the August 15, 2014, Special Meeting, and the August 18, 2014, Regular Meeting, be approved.
- b. the City Manager be authorized to declare the Oakwood Cemetery Husqvarna HUS 335 XPT chain saw surplus so that it may be used as a trade in for a replacement chain saw.
- c. the public interest will be best served by not obtaining competitive bids; and that the Mayor and City Clerk execute an out-of-scope agreement with CH2M Hill for maintenance projects at the Wastewater Treatment Plant for the project outlined in the August 25, 2014, communication from the Director of Public Services at an estimated amount of \$137,436, with 50% of the cost to be reimbursed by the participating townships, such agreement

subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Sewer Fund.

- d. an amendment to the Traverse City Code of Ordinances, *Recreational Facility Definition Amendment and Elimination of the Definition for Mechanical Amusement Arcades* Section 1320.07, *Definitions; Recreational Facility Use Allowed* Sections 1328.01 Open Space (OS) District *Uses Allowed*; 1338.01 Hotel Resort (HR) District *Uses Allowed*; 1340.01 Office Service (C-1) District *Uses Allowed*; 1344.01 Community Center (C-3) District *Uses Allowed*; 1350.01 Government/Public (GP) District *Uses Allowed*; and 1358.01 Hospital (H) Districts *Uses Allowed*; regarding recreational facilities, as recommended by the Planning Commission, be enacted with an effective date of September 12, 2014.
- e. based on the recommendation of the City Attorney, as authorized by City Charter Section 47, the Mayor and City Clerk execute an agreement with Foley, Baron, Metzger & Juip for outside legal counsel associated with the dispute resolution process for the Clinch Park Waterscape at the rate of \$225 per hour, not-to-exceed \$3,500 through mediation and preparation of complaints; not-to-exceed \$12,600 through arbitration excluding expert witness fees, plus costs; and provided hearings are held in the metropolitan Detroit area, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.
- f. the City Commission waives the competitive bidding requirements as deemed in the best interests of the City; and that the Mayor and City Clerk execute a Consultant Agreement with OHM for an amount not to exceed \$375,503 for services relating to the implementation of the Stormwater, Asset Management, and Wastewater (SAW) grant as outlined in the proposals dated August 27, 2014, with funds available in the Capital Projects, SAW Grant Fund, to be reimbursed by the SAW grant through monies that have been awarded to the City, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and further that the City Manager be authorized to submit a request to the Michigan Dept. of Environmental Quality for an extension of the term of the grant agreement to be through June 30, 2017.
- g. the resolution recommending approval of a request from Opa1, Inc. for a

New Banquet Facility Permit and Catering Permit to be operated at 121 E. Front Street, be adopted.

- h. that the City Manager be authorized to issue a purchase order to Digital Payment Technologies in the amount of \$10,920 per year, for up to three years, for software subscription and integration fees for twelve digital pay stations and two Shelby pay stations, with funds available in the Traverse City Parking System Fund.
- i. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$29,768.45 to Lemmon Oil Company for 10,002 gallons of dyed B5, #2 Biodiesel fuel without additives priced at \$2.97625 per gallon with funds available in the Garage Fund.
- j. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$27,125.43 to Brenner Oil Co. for 10,014 gallons of unleaded gasoline priced at \$2.70875 per gallon with funds available in the Garage Fund.
- k. that David Classens and David Mac Arthur, be appointed Officer Delegate and Officer Alternate Delegate respectively, for the 2014 annual meeting of the Municipal Employees' Retirement System; and that the City Manager be authorized to execute the certification of delegates.

CARRIED unanimously.

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

None.

### **3. Old Business**

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

Consideration of establishing a Joint City of Traverse City and Grand Traverse County Housing Task Force.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Budros, that the Resolution regarding participation in the Joint Housing Task Force be adopted, and that Commissioner Howe and Mayor Estes be appointed to serve on the Task force as representatives of the City of Traverse City.

CARRIED unanimously.

**3(b).**

Consideration of authorizing a service order for architectural and construction administration services for the Oakwood Cemetery Maintenance Building Project

The following addressed the Commission:

Jered Ottenwess, City Manager  
Lauren Vaughn, Parks and Recreation Superintendent

Moved by Howe, seconded by Richardson, that the City Manager be authorized to approve a service order to Environmental Architects in the amount of \$24,000 for architectural and construction administration services required for the Oakwood Cemetery Maintenance Building Project with funds available in the Capital Improvement Funds.

CARRIED unanimously.

**4. New Business**

None.

**5. Appointments**

**5(a).**

Consideration of appointment of one member to the Human Rights

Commission.

Moved by Carruthers, seconded by Budros, that the resignation of Robert Donick dated August 14, 2014, from the Human Rights Commission be accepted; and that the Mayor's appointment of Taylor Nash be appointed to one unexpired three-year term expiring June 30, 2016, (seat previously held by Robert Donick), on the Human Rights Commission, be approved.

CARRIED unanimously.

**5(b).**

Consideration of appointment of three members to the Downtown Development Authority Board of Trustees.

Moved by Howe, seconded by Werner, that the Mayor's reappointment of Harry Burkholder, Leah Bagdon-McCallum, and Joe Winowiecki (seats previously held by Harry Burkholder, Leah Bagdon-McCallum, and Joe Winowiecki) each to one four-year term expiring on September 15, 2018, on the Downtown Development Authority Board of Trustees, 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 Act 345 Retirement System Board Meeting of June 25, 2014.
  3. Minutes of the Planning Commission meetings of July 1, 2014, and July 15, 2014.
  4. Capital Improvement Program Quarterly Project Update from the City Planning Director and City Engineer, dated August 15, 2014.
- e. Reports and correspondence from non-City officials.
1. Monthly Operating Report from CH2M Hill for the Wastewater Treatment Plant for July 2014.
  2. Minutes of the Traverse Area District Library Board meeting of June 19, 2014.

## **7. Public Comment**

The following addressed the Commission:

1. General.  
  
Rick Buckhalter, 932 Kelley Street
2. Mayor and City Commissioners.  
  
Commissioner Gary Howe  
Commissioner Jeanine Easterday  
Mayor Pro Tem James Carruthers  
Mayor Michael Estes  
City Manager Jered Ottenwess

There being no objection, Mayor Michael Estes declared the meeting adjourned at 7:28 pm.

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Benjamin C. Marentette, CMC  
City Clerk

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