



Minutes of the
City Commission for the City of Traverse City
Regular Meeting
October 6, 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 Michael Estes presided at the meeting.

As requested by Rick Buckhalter, 932 Kelley Street, Agenda Items 2(b) and 2(g) were removed from the Consent Calendar for full discussion.

2. Consent Calendar

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

- a. the minutes of the September 15, 2014, Regular Meeting and the September 22, 2014, Study Session, be approved.
- b. Removed from the Consent Calendar.

- c. the City Manager be authorized to issue a blanket purchase/service order to Kasson Sand and Gravel in the total approximate amount of \$11,640, more or less, for approximately 2,000 tons of winter sand at \$5.82 per ton delivered, to be mixed with road salt for winter ice control for the 2014/2015 season, with funds available in the Streets Fund.
- d. the Mayor and City Clerk execute the third amendment to the parking area lease (lease originally authorized November 3, 2008, and amended January 4, 2010, and February 1, 2010), with Pine Street Development One for the provision of public parking spaces at 305 West Front Street, which increases the monthly rent per space from \$23.82, to \$28.04, subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Parking System Fund.
- e. the Mayor and City Clerk execute a unit prices contract with Eckler Building Solutions in the amount of \$158,200, more or less, at the unit prices indicated in its bid, for the 2014 Opera House Dressing Room Project, 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 Opera House Fund, with the cost of the contract to be reimbursed by the City Opera House Heritage Association as outlined in the May 20, 2014, agreement to provide funds, less \$10,000 which represents the cost of additional work items, with the Opera House Fund to fully cover the \$10,000 for this additional work.
- f. the City Manager be authorized to issue a unit prices service order to Windemuller in the total approximate amount of \$29,895, more or less, at the unit prices indicated in its bid, for emergency electrical upgrades at Fire Station #2, with funds available in the Fire Department budget.
- g. Removed from the Consent Calendar.
- h. the Mayor and City Clerk execute a Permission of Encroachment Agreement with Falconer Holdings, LLC for an encroachment into the City right-of-way as described in the memo from the City Engineer dated September 29, 2014, (property known as 144 Hall Street and generally located on the north side of Garland Street), such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, contingent upon the City's receipt of new legal descriptions of the actual encroachments

including a survey drawing prepared by a professional surveyor, and the appropriate insurance documentation being provided to the City Clerk.

- i. the competitive bidding process be waived; and that the City Manager be authorized to issue a purchase order to Dubois-Cooper Associates, Inc., in the amount of \$18,310 to purchase two Walker Alum Rapid Mixing units for use at the Water Treatment Plant, with funds available in the Water Fund.

CARRIED unanimously

Items removed from the Consent Calendar

- a.

Consideration of appointing Assistant City Manager Penny Hill as the Official Delegate to cast the votes on behalf of the City at the Michigan Municipal League Annual Convention.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Richardson, that Assistant City Manager Penny Hill be designated as Official Delegate for the City of Traverse City for the 2014 Annual Meeting of the Michigan Municipal League; and that the City Clerk certify Ms. Hill's designation.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

- b.

Consideration of authorizing a contract for urban design services for the street improvements to West Front Street between Division Street and Hall Street, with the costs to be reimbursed by the Michigan Roads and Reserve Fund Program.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Werner, seconded by Easterday, that the competitive bidding process be waived; and that the Mayor and City Clerk execute a consultant agreement with IDF, LLC, in the not-to-exceed amount of \$35,100 for urban design services in connection with street improvements on West Front Street between Division Street and Hall Street, with funds available in the Capital Projects Fund, to be reimbursed by the Michigan Roads and Risk Reserve Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

3. Old Business

3(a).

Consideration of entering into closed session regarding an attorney-client privileged communication associated with the Brown Bridge Dam litigation, with possible action following the closed session.

The following addressed the Commission:

Lauren Tribble-Laucht, City Attorney

Moved by Richardson, seconded by Howe, that the City Commission enter into closed session immediately following the public comment portion of the agenda to discuss an attorney-client privileged communication from the City's Special Legal Counsel in connection with the Brown Bridge Dam Litigation, as authorized by MCL 15.268 (e) and (h).

Roll Call:

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

Estes.

No - None.

CARRIED unanimously.

4. New Business

4(a).

Consideration of authorizing power and space agreements with Traverse City Light and Power for it to place equipment and use electrical power to operate a wireless internet system in downtown Traverse City at certain City-owned buildings.

The following addressed the Commission:

Jered Ottenwess, City Manager

Jim Selby, Aspen Wireless President

Moved by Easterday, seconded by Richardson, that the Mayor and City Clerk execute the “Communications Equipment Power and Space Agreement” with Traverse City Light & Power, which agreement shall be for a ten year period, such agreement subject to approval as to its substance by the City Manager and as to its form by the City Attorney.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

4(b).

Consideration of authorizing a contract for 2014 Phase Two Paving and Resurfacing Projects and authorizing related agreements for reimbursement for portions of this project which specifically benefit certain property owners, with the projects to commence in the Spring of 2015.

The following addressed the Commission:

Jered Ottenwess, City Manager
Timothy Lodge, City Engineer

Moved by Richardson, seconded by Easterday, that the Mayor and City Clerk execute a unit prices contract with ATP Precision Paving in the amount of \$400,793, more or less, at the unit prices indicated in its bid, for the 2014 Phase Two Paving and Resurfacing Projects, with funds available in the Capital Projects and Special Assessments Funds, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

Moved by Richardson, seconded by Werner, that the Mayor and City Clerk execute an agreement with The Depot Neighborhood LLC (Habitat For Humanity / Homestretch) for payment and reimbursement in the amount of \$32,000, as outlined in the September 29, 2014, communication from the City Engineer, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and further that the Mayor and City Clerk execute an agreement with McClain Management, LLC for it to reimburse the city in the amount of 50% of the public parking, drainage and sidewalk improvement work near its property at 750 East Eighth Street, not-to-exceed \$6,564.74, to be paid back within 5 years, plus interest at the annual rate of 3.80%, as outlined in the September 29, 2014, communication from the City Engineer, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

CARRIED unanimously.

5. Appointments

5(a).

Consideration of appointing a City Commission representative to serve on the Grand Traverse County Criminal Justice Coordinating Committee.

Moved by Budros, seconded by Howe, that Commissioner Budros be appointed to serve as a Regular Member for a period of up to 24 months, as the City Commission representative on the Grand Traverse County Criminal Justice Coordinating Committee.

CARRIED unanimously.

5(b).

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointments to the Brown Bridge Advisory Committee.

Moved by Carruthers, seconded by Richardson, that Margaret Forgoine (seat previously held by Margaret Forgoine) be reappointed and that Edward Flees (seat previously held by Robert Hortsman) be appointed respectively, each to one three-year term expiring October 2, 2017, on the Brown Bridge Advisory Committee.

CARRIED unanimously.

5(c).

Consideration of reappointment of Commissioner Howe as the City Commission representative on the Brown Bridge Advisory Committee.

Moved by Easterday, seconded by Carruthers, that Commissioner Howe be reappointed to one three-year term expiring October 2, 2017, (seat previously held by Commissioner Howe), on the Brown Bridge Advisory Committee.

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 meeting of July30, 2014.
 - 3. Minutes of the Historic Districts Commission meeting of August 28, 2014.
- e. Reports and correspondence from non-City officials.
 - 1. Fractile emergency response report from North Flight for August 2014.
 - 2. Monthly operations report for the wastewater treatment plant from CH2M Hill for August 2014 – revised.
 - 3. Annual client report from the City’s wastewater treatment plant operator for 2013-2014.
 - 4. Minutes of the Traverse Area District Library Board meeting of August 21, 2014.

7. Public Comment

The following addressed the Commission:

- 1. Reserved.

Paul A. Soma, Traverse City Area Public Schools, regarding an "informational presentation regarding Traverse City Area Public Schools non-homestead operating millage proposal.

Scott Hardy, Traverse City Area Public Schools Board of Education

2. General.

Scott Rokos, 1673 Cass Street
Rick Buckhalter, 932 Kelley Street

3. Mayor and City Commissioners.

Commissioner Ross Richardson
Mayor Pro Tem Jim Carruthers
Commissioner Jeanine Easterday

The Commission entered into closed session at 8:04 p.m.

The Commission returned to open session at 8:38 p.m.

Moved by Budros, seconded by Werner, that the Settlement Agreement (“Agreement”) dated September 29, 2014 regarding the “Environmental Claims” in Case No. 14-30150-CZ Consolidated, as defined therein (in connection with the Brown Bridge Dam Deconstruction Project), be approved and that the Mayor and City Clerk be authorized to sign the Agreement subject to approval as to substance by the City Manager and form by the City Attorney. Further that the Mayor and City Clerk be authorized to sign any subsequent redrafting of the Agreement as indicated in Paragraph 6 of the Agreement subject to approval as to substance by the City Manager and form by the City Attorney.

CARRIED unanimously.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 8:40 pm.

Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)