



Minutes of the
City Commission for the City of Traverse City
Regular Meeting
November 17, 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 Barbara D. Budros, James Carruthers, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael 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 October 20, 2014, Regular Meeting, October 27, 2014, Study Session, November 10, 2014 Organizational Meeting, and November 10, 2014, Study Session, be approved.
- b. the Mayor and City Clerk execute a contract with Sweetwater Sea, LLC for it to operate a concession stand at Hickory Hills for the 2014/2015 winter season, with Sweetwater Sea, LLC to pay the City \$1,500 or 10% of gross revenue, whichever is greater, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.
- c. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$24,023.08 to Brenner Oil Co. for 9,994 gallons of

- unleaded gasoline priced at \$2.40375 per gallon with funds available in the Garage Fund.
- d. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$32,700.77 to Lemmen Oil Company for 10,001 gallons of dyed #2 ultra low sulfur diesel fuel without additives priced at \$3.26975 per gallon with funds available in the Garage Fund.
 - e. the City Manager be authorized to issue a service order to Lucity in the amount of \$67,910 for the purchase, implementation and training for a stormwater and wastewater work order and asset management system, with the cost to be paid by the Stormwater Asset and Wastewater Grant provided by the Michigan Department of Environmental Quality as budgeted in the Stormwater and Wastewater Grant Fund.
 - f. the City Commission confirms the Resolution Certifying Lautner Wind Generator Property to be surplus and unnecessary for operation of the Traverse City Light and Power Department.
 - g. the following Resolutions be adopted: the Resolution Establishing Fees for Duncan L. Clinch Marina Seasonal Rates 2015; the Resolution Establishing Fees for Boardman River Dockage Seasonal Rates 2015; and the Resolution Establishing Fees for Duncan L. Clinch Marina Launching Permit and Sewage Pump Out Fees 2015.
 - h. the Mayor and City Clerk execute a contract with Universal Cleaners for approximately \$29,661.40 for the cleaning of the Duncan L. Clinch Harbormaster Building and the Department of Public Services Building, with funds available in the Marina Fund and Garage Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.
 - i. the City of Traverse City Resolution to Comply with the requirements of Public Act 152 of 2011, which establishes that the city will pay no more than 80% of the health care costs for any employee group or union, be adopted.
 - j. the City Commission Policy for Senior Citizens Center Use, be rescinded.

CARRIED unanimously

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Public Hearing regarding a request for a Special Land Use Permit from Owen Architects Collaborative, LLC, on behalf of Federated Properties, LLC, to allow for the construction of a 68' tall (5-story) mixed-use building at 124 West Front Street, as recommended by the Planning Commission; and consideration of adopting an Order approving the request.

Mayor Estes opened the public hearing.

Presentation by applicant:

Keith Owen, Owen Architects Collaborative, on behalf of property owner Federated Properties

Comments by City staff:

None.

Comments by individuals within 300 feet of 124 West Front Street:

No one responded.

Comments by individuals outside of 300 feet of 124 West Front Street:

Rick Buckhalter, 932 Kelley Street – made general comments

There being no one further desiring to speak, Mayor Michael Estes closed the public hearing.

The following addressed the Commission:

Jered Ottenwess, City Manager
Lauren Tribble-Laucht, City Attorney

Moved by Werner, seconded by Easterday, that the Order Granting Special Land Use Permit No. 14-SLUP-02, to allow a mixed use building at 124 West Front Street, as requested by Owen Architects Collaborative, LLC, on behalf of Federated Properties, LLC, and recommended by the City Planning Commission, be adopted.

CARRIED unanimously.

3(b).

Public Hearing regarding a request for a Special Land Use Permit from Safe Harbor of Grand Traverse, Inc. to allow an emergency shelter at 517 Wellington Street, as recommended by the Planning Commission; and consideration of adopting an Order approving the request.

Mayor Michael Estes opened the public hearing.

Presentation by applicant:

Peter Starkel, Safe Harbor Chairperson

Comments by City staff:

Jered Ottenwess, City Manager

Comments by individuals within 300 feet of 517 Wellington Street:

No one responded.

Comments by individuals outside of 300 feet of 517 Wellington Street:

Kristen Jongen, 419 West Eighth Street – expressed support
Susan Kuschell, 500 Webster Street – expressed opposition

Maurie Dennis, 533 North Spruce Street - expressed support
John Fiebing, 750 Centre Place, Unit 5 – expressed support
Linda Butka, 601 Washington – expressed opposition
Sarah Moore-Light, 2420 Artist Avenue, Interlochen – expressed opposition
Tom Emmott, 6430 Peninsula Drive - expressed support
Lynn Pugh, 1772 Indian Woods Drive – made general comments
Allison Young, 829 Washington Street – made general comments
Connie Eckenrode, 1157 Quaker Valley, Peninsula Township - made general comments
Lee Bowman, 717 Woodmere – made general comments
TJ Andrews, 713 Lake Avenue – made general comments
Ed Smith, 545 Webster Street – made general comments
Bill Shaw, 402 Wadsworth Street – made general comments
Brian Gartland, 627 Hidden Valley Road, Peninsula Township - expressed support
Jenny Hall, no address given - expressed support
Charlie Kern, 283 Midtown – made general comments
Randy Billingsley, 205 Wellington Street – made general comments
Vince Maloney, 730 Centre Place – expressed opposition
Bob Otwell, 525 Washington Street – expressed support
Diana Milock, 101 North Park Street – made general comments
Donna Phelps, 2478 Friendship Drive, Garfield Township – made general comments
John Scudato, 422 East State Street – expressed opposition
Marc Ryan, 191 Hammond Road West, Garfield Township – made general comments
David Bedells, 422 Washington Street – expressed opposition
Bill Myers, 2217 Aspen Drive – expressed support
Deni Scudato, 422 East State Street – expressed opposition
Jo Bartlett, 715 East State Street, Unit 20 – expressed opposition
Jim Stewart, 3366 Summerleaf Drive, East Bay Township, City business owner – made general comments
Sharon Neumann, 401 Washington Street – expressed opposition
Dale Neumann, 401 Washington Street – expressed opposition
Nancy Briggs, 12850 South Briar Drive, Elmwood Township – made general comments
Kathy Anslow, 1408 North Orchard Drive – expressed support
Pete Moller, 414 West Sixteenth Street – expressed support

Theresa Norris, 7336 Traverse Trail – expressed support
Ryan Hannon, Goodwill Industries Street Outreach Coordinator - expressed support
Emmy Lou Cholak, 415 North Elmwood – expressed support
Jennifer Wynn Stoll, 439 North Elmwood, City business owner – expressed support
Rick Buckhalter, 932 Kelley Street – made general comments
Douglas Burwell, 522 East State Street – made general comments
Tammi Ensmann, 616 East Eighth Street – expressed opposition
Mark Jensen, 7676 East Harrys Road, Elmwood Township – made general comments
Judy Hicks, 303 Wenonah – expressed support
Richard Kushell, 500 Webster Street, City business owner – expressed opposition
Jason Nied, 4242 County Road 633, Green Lake Township - made general comments
Kristen Bedells, 422 Washington Street – made general comments
Charlene Hunt, 10630 South Timberlee Drive, Elmwood Township , City business owner – expressed opposition

There being no one further desiring to speak, Mayor Michael Estes closed the public hearing.

Moved by Carruthers, seconded by Werner, that the Order Granting Special Land Use Permit No. 14-SLUP-03, to allow an Emergency Shelter at 517 Wellington Street, and recommended by the City Planning Commission, be adopted.

Roll Call:

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

No - Budros, Estes.

CARRIED.

There being no objection, Mayor Michael Estes declared a recess.

4. New Business

4(a).

Consideration of a request from Commissioner Jim Carruthers to authorize a letter on behalf of the City to prospective Safe Harbor supporters indicating the City is negotiating in good faith with Safe Harbor for it to utilize the property at 517 Wellington Street.

Moved by Carruthers, seconded by Richardson, that the City Commission authorizes the City Manager to sign the letter of support to prospective Safe Harbor supporters dated November 18, 2014, indicating the City is negotiating in good faith with Safe Harbor for it to utilize the property outlined in the Special Land Use Permit.

The following addressed the Commission:

Lauren Tribble-Laucht, City Attorney

Jered Ottenwess, City Manager

Dale Hunt, 7130 Hilltop Avenue, Peninsula Township, City business owner
– made general comments

John Scrudato, 422 East State Street – made general comments

Bill Myers, 2217 Aspen Drive – made general comments

Ryan Hannon, Goodwill Industries Street Outreach Coordinator – made
general comments

Charlene Hunt, 10630 South Timberlee Drive, Elmwood Township – made
general comments

Roll Call:

Yes - Carruthers, Richardson, Werner.

No - Easterday, Howe, Budros, Estes.

FAILED.

4(b).

Consideration of authorizing an amendment to the Employment Agreement with City Attorney Lauren Tribble-Laucht to increase the City Attorney's annual salary and annual vacation leave.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Carruthers, that the Mayor and City Clerk execute the First Amendment to Employment Agreement for City Attorney with Lauren Tribble-Laucht (original agreement authorized October 17, 2011), which increases the City Attorney's annual salary and annual vacation as outlined in the November 13, 2014 communication from the City Manager, such amendment subject to approval as to its substance by the City Manager.

Roll Call:

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

No - Estes.

CARRIED.

4(c).

Consideration of adopting a Facebook Site Posting Policy to provide a framework for administering the to-be-launched Official City of Traverse City Facebook Page.

The following addressed the Commission:

Jered Ottenwess, City Manager
Benjamin Marentette, City Clerk
Lauren Tribble-Laucht, City Attorney

Moved by Howe, seconded by Easterday, that the City of Traverse City Facebook Site Posting Policy, which provides a framework for managing the Official City of Traverse City Facebook page, be adopted; and that the policy be revisited within six months.

Donna Phelps, 2478 Friendship Drive, Garfield Township – made general comments

CARRIED unanimously.

4(d).

Consideration of authorizing a cost sharing and service agreement for snow removal services on non-motorized pathways within the City.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Werner, that the Mayor and City Clerk execute a cost sharing agreement for the 2014-15 winter season with the County of Grand Traverse to provide snow removal service on identified City-owned non-motorized trails, with costs not to exceed \$35,000 with funds available in the General Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and that in the absence of such an agreement, that the Mayor and City Clerk be authorized to execute a service agreement for the 2014-15 winter season for snow removal service on identified City-owned non-motorized trails, with costs not to exceed \$35,000 with funds available in the General Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

Roll Call:

Yes - Howe, Werner, Carruthers, Easterday.

No - Richardson, Budros, Estes.

FAILED. (5 affirmative votes required)

5. Appointments**5(a).**

Consideration of establishing the City Commission Ad Hoc Committee on Fire Department Service Delivery Alternatives and appointing three members of the City Commission to serve on the committee.

The following addressed the Commission:

Jim Tuller, Fire Chief

It was the consensus of the Commission for the City Manager and Fire Chief to review the report prepared for Grand Traverse Metro Emergency Services Authority regarding fire department service delivery and to provide a report to the Commission at a future date.

5(b).

Consideration of re-establishing the City Commission Ad Hoc Committee for Water Bottle Filling Station Fundraising.

The following addressed the Commission:

Benjamin Marentette, City Clerk

No action was taken.

5(c).

Consideration of establishing a City Commission Ad Hoc Committee to review the fees charged to the National Cherry Festival and to address dates for the 2017, 2018 and 2019 National Cherry Festival and Traverse City Film Festival events, including if the Cherry Festival can overlap the Independence Day holiday in 2017 and beyond.

It was the consensus of the Commission to not address if the Cherry Festival

can overlap the Independence Day holiday in 2017 and beyond, with staff to present a recommendation to the Commission regarding fees, beyond the City's incremental costs traditionally charged to the Cherry Festival as well as proposed dates for the National Cherry Festival and Traverse City Film Festival in 2017, 2018 and 2019; and no action was taken.

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. Capital Improvement Program Quarterly Project Update dated November 4, 2014, from the Planning Director and City Engineer.
 3. Quarterly Financial Report from the City Treasurer/Finance Director for the fourth quarter which ended June 30, 2014.
 4. Minutes of the Planning Commission meetings of September 3, 5 and 16, 2014.
 5. Minutes of the Traverse City Light and Power Board meetings of August 12, 2014, and October 14, 2014.
 6. Minutes of the Act 345 Retirement System Board meeting of August 27, 2014.
- e. Reports and correspondence from non-City officials.

- 1. Minutes of the Traverse Area District Library Board meeting of September 18, 2014.

7. Public Comment

The following addressed the Commission:

- 1. Reserved.

None

- 2. General.

Lee Kurt, TART Trail and Program Director
 Josh Janowiak, 1127 Rose Street
 Jim Tuller, Fire Chief
 Donna Phelps, 2478 Friendship Drive, Garfield Township

- 3. Mayor and City Commissioners.

Commissioner Jim Carruthers
 Commissioner Gary Howe

There being no objection, Mayor Michael Estes declared the meeting adjourned at 10:40 pm.

Benjamin C. Marentette, CMC
 City Clerk

Approved: _____, _____
 (Date) (Initials)