

Minutes of the
City Commission for the City of Traverse City



Regular Meeting

February 2, 2015

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 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 January 20, 2015, Regular Meeting and January 26, 2015, Study Session, be approved.
- b. the City Commission approves the use of Public Surplus online auction service for the sale of vehicles and Garage Division equipment that has been declared surplus by the Commission, with Public Surplus to retain up to 10% of the sale price as compensation.
- c. the City Attorney be authorized to take the steps necessary to terminate the Agreement for Legal Services with Green & Noblin PC for legal services associated with the City's claims of price fixing of wire harnesses

(authorized March 17, 2014); and that the Mayor and City Clerk execute an Agreement for Legal Services with Block & Leviton LLP for legal services associated with the City's claims of price fixing of wire harnesses against affiliated wire harness systems and related product manufacturers under the terms provided in the Agreement for Legal Services dated March 24, 2014, with Green & Noblin PC provided that such representation is at no cost to the City, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

- 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. that an amendment to the Traverse City Code of Ordinances, *Amendment to Sidewalk Café Ordinance Anchoring System Requirement*, Sections 1020.07, and 1020.08, which would allow the required barrier surrounding a sidewalk café to be anchored into the adjacent building with the building owner's permission as an alternative to anchoring the barrier into the sidewalk, be introduced and scheduled for possible enactment on February 17, 2015.
- f. that an amendment to the Traverse City Code of Ordinances, *Brown Bridge Conservation*, Sections 1065.02 and 1065.03, which modifies the composition and organization of the Brown Bridge Advisory Committee and makes various housekeeping changes, as recommended by the Brown Bridge Advisory Committee, be introduced and scheduled for possible enactment on February 17, 2015.

CARRIED unanimously

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Consideration of approving the design, phasing and project budget for the

Traverse City Public Pier Project.

The following addressed the Commission:

Missy Luick, Planning and Engineering Assistant
Pat Doher, SmithGroup JJR
Bob Doyle, SmithGroup JJR
Jered Ottenwess, City Manager

Moved by Richardson, seconded by Budros, that the City Commission approves Phase One Site Investigation and Design and the proposed project and authorizes Smith Group JJR to proceed with Phase Two Preliminary Design, to be presented to the City Commission for approval before proceeding with Phase Three Final Design.

Rick Buckhalter, 932 Kelley Street – expressed opposition
Richard Zehner, 516 Sixth Street – made general comments
Dave Petrove, 9988 Riley Road, Interlochen – made general comments
Ted Kraimer, 3517 Jefferson, #B, Garfield Township – made general comments
Bill Calcutt, 1141 Peninsula Drive – expressed opposition
Brian Haas, 227 East 10th Street – made general comments

CARRIED unanimously.

3(b).

Consideration of authorizing an agreement for the 2015 Water Treatment Plant Monitoring and Control Improvements Project, authorizing a related contingency and an amendment to an existing agreement to provide for construction administration services.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Easterday, seconded by Werner, that the Mayor and City Clerk execute a unit prices agreement with Windemuller Electric, Inc., for the 2015 Water Treatment Plant Monitoring and Control Improvements Project (SCADA) , in the amount of \$871,640, more or less, at the unit prices indicated in its bid, 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 Water Fund; and further that the City Manager be authorized to approve additional payments to Windemuller Electric, Inc., not-to-exceed \$14,200, with the Mayor and City Clerk to execute any related necessary documents; and further that the competitive bidding process be waived; and that the Mayor and City Clerk execute an agreement with Prein & Newhof in the amount not-to-exceed \$96,300 for construction administration and other services related to the 2015 Water Treatment Plant Monitoring and Control Improvements Project as outlined in the City Engineer's January 26, 2015, communication, 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.

CARRIED unanimously.

4. New Business

4(a).

Consideration of authorizing an agreement for a feasibility and conceptual design study to complete a Union Street Dam Betterment Plan.

The following addressed the Commission:

Jered Ottenwess, City Manager
Timothy Lodge, City Engineer

Moved by Howe, seconded by Richardson, that the Mayor and City Clerk execute an agreement with John Anderson/McLaughlin Whitewater in the amount of \$19,800 for the preparation of a Union Street Dam Betterment Plan (analysis of project feasibility and the creation of a conceptual design and detailed cost estimate), 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 Capital Projects Fund.

Rick Buckhalter, 932 Kelley Street – expressed support
Eric Clone, 9083 Hewitt Road, Cedar – made general comments
Brian Haas, 227 East 10th Street – expressed support

CARRIED unanimously.

4(b).

Consideration of a request from Commissioner Carruthers for the City Commission to consider adopting a resolution recognizing the second Monday in October as Indigenous Peoples Day, which does not remove its designation by the United States government as Columbus Day.

The following addressed the Commission:

Lee Hornberger, Human Rights Commission Chairman
Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Richardson, that the Resolution Recognizing the Second Monday of October as Indigenous Peoples Day, be adopted.

Timothy Grey, 123 ½ West Front – expressed support
Randy Day, 820 Boon Street, Garfield Township – expressed support
Arlene Kashata, 2815 Hilltop Court, Garfield Township, Grand Traverse Band of Ottawa and Chippewa Indians – expressed support
Steven Perry, 5455 Bunker Hill Road, Acme Township – made general comments
Blase Masserant, 1342 Innwood North, Interlochen – expressed support
Jesse Dittmer, 536 Bates Street – expressed support
Mark Wilson, 826 Bates Street – expressed support
Angeline Antoine, 4231 Williamston Court, Williamsburg – made general comments
Linda Dittmer, 804 Indian Trail Boulevard – made general comments
Ann Rogers, 1236 Peninsula Drive – made general comments
Pete Moller, 414 West 16th Street – expressed support

CARRIED unanimously.

5. Appointments

5(a).

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the Election Commission.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Carruthers, seconded by Easterday, that John Walton (seat previously held by John Walton) be reappointed, to one three-year term expiring December 11, 2017, on the Election Commission.

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. Report from the Code Enforcement Officer for October-December 2014.

- 3. Capital Improvement Program Quarterly Project Update from the Planning Director and City Engineer dated January 26, 2015.
 - 4. Minutes of the Traverse City Light and Power Board meeting of December 9, 2014.
- e. Reports and correspondence from non-City officials.
- 1. Monthly Operations Report from CH2M Hill for the Wastewater Treatment Plant for December 2014.
 - 2. Minutes of the Traverse Area District Library Board of Trustees meeting of December 18, 2014.

7. Public Comment

The following addressed the Commission:

- 1. Reserved.
- None
- 2. General.
- 3. Mayor and City Commissioners.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:02 p.m..

Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)