



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

Regular Meeting

August 3, 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.

City Manager Marty Colburn addressed the Commission.

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 July 13, 2015, Study Session and the July 20, 2015, Regular Meeting, be approved.
- b. that City Manager Marty Colburn be designated as Official Delegate and Assistant City Manager Penny Hill be designated as Alternate Official Delegate for the City of Traverse City for the 2015 Annual Meeting of the Michigan Municipal League.
- c. the Wastewater Treatment Plant Maintenance Office Furniture as outlined in the July 15, 2015, memo from the Director of Public Services, be declared surplus and authorized for disposal.

- d. the Mayor and City Clerk execute an amendment to the contract with American Waste (originally authorized February 22, 2011), for it to be the designated waste hauler for residential waste, which would extend the agreement by five years to March 31, 2021, with the rates to remain at the 2015 levels, with the amendment 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 amendment to the contract with American Waste (originally authorized November 6, 2006), for waste hauling services at various City-owned locations at the rates under the current contract, which would extend the agreement to November 30, 2021, with such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds in the related budgets.
- e. the Mayor and City Clerk execute an agreement with Scodeller Construction in the amount of \$51,126 for the 2015 Preventative Maintenance Crack Sealing Project, with funds available in the Capital Improvement Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.
- f. the City Manager be authorized to issue a confirming service order to Elmer's Crane and Dozer in the amount of \$36,856.97 for emergency watermain repair work to the Union Street Dam, with funds available in the Water Fund.
- g. the Mayor and City Clerk execute an amended Permission of Encroachment Agreement (agreement originally authorized September 16, 2013), with Old Town Playhouse, Inc., the owner of 148 East Eighth street for an encroachment into the right-of-way as described in the City Engineer's July 28, 2015, communication, (with the building generally located on the south side of East Eighth Street and West Side of Cass Street), with the agreement subject to approval as to its substance by the City Manager and its form by the City Attorney and receipt by the City Engineer of new legal descriptions of the actual encroachments, including a survey drawing prepared by a professional surveyor, should the improvement vary from the submitted survey drawings.

- h. the City Commission approves the branding logo for Hickory Hills and that the City Clerk maintain its registration as a service mark of the City of Traverse City.

CARRIED unanimously

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Update regarding the 2015 West Front Street Reconstruction Project and consideration of authorizing a confirming change order to the construction contract to provide for different light pole foundation bases and for the purchase of pre-cast foundations for the bases.

The following addressed the Commission:

Marty Colburn, City Manager
Tim Lodge, City Engineer

Moved by Easterday, seconded by Richardson, that the Mayor and City Clerk execute a unit prices change order to the contract with Crawford Contracting, (originally authorized April 6, 2015), for the 2015 West Front Street Reconstruction Project to adjust the unit price for light pole bases and add the purchase of required pre-cast light pole foundations, as outlined in the July 27, 2015, memo from the City Engineer, such change order subject to approval as to its substance by the City Manager and its form by the City Attorney, with the funds available in the West Front Street Reconstruction Project Fund and West Front Street Bridge Replacement Project Fund.

Richard Lewis, 1744 East Front Street – made general comments

CARRIED unanimously.

4. New Business

4(a).

Consideration of adopting a resolution approving the ballot language for a proposal to be submitted to the City electorate at the November 3, 2015, election for permission from the voters to place a conservation easement on 3.61 acres of parkland adjacent to Silver Drive, which would require, in perpetuity, that the parkland to remain natural and undeveloped.

The following addressed the Commission:

Marty Colburn, City Manager
Lauren Tribble-Laucht, City Attorney
Tim Lodge, City Engineer

Moved by Richardson, seconded by Carruthers, that the Resolution Approving Ballot Language Authorizing a Conservation Easement on Parkland Adjacent to Silver Drive, Which Requires the Parkland Remain Natural and Undeveloped, which would schedule the proposal to be placed before the City electorate on November 3, 2015, be adopted.

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

4(b).

Discussion regarding City Commission goals and objectives.

The following addressed the Commission:

Marty Colburn, City Manager

4(c).

Consideration of entering into closed session to discuss an attorney-client

privileged communication dated July 27, 2015, in connection with Case No. 2015-030938AA regarding *Watershed Center et al v Traverse City Board of Zoning Appeals*.

The following addressed the Commission:

Lauren Tribble-Laucht, City Attorney

Moved by Budros, seconded by Richardson, that the City Commission enter into closed session to discuss an Attorney-Client Privileged communication in connection with Case No. 2015-030938AA regarding *Watershed Center et al v. Traverse City Board of Zoning Appeals*, as authorized by MCL 15.268 (h).

Roll Call:

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

No - None.

5. Appointments

5(a).

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

The following addressed the Commission:

Moved by Easterday, seconded by Richardson, that an ad hoc interview committee be established to make recommendation regarding one unexpired three-year term as a (seat previously held by Jennifer Jones) expiring June 30, 2017, on the Board of Zoning Appeals as a Regular Member; and that Commissioners Budros, Richardson, and Easterday be appointed to such Committee, with Commissioner Easterday to serve as Chair.

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 Deputy 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 Planning Commission meetings of April 7, 2015, and June 16, 2015.
 3. Minutes of the Human Rights Commission meeting of June 8, 2015.
- e. Reports and correspondence from non-City officials.

None.

7. Public Comment

The following addressed the Commission:

1. Reserved.

None

2. General.

The following addressed the Commission:

Chris Maxbauer, 503 West 8th Street, GTC Board Commissioner

Rick Buckhalter, 932 Kelley Street

The City Commission entered into closed session at 7:45 p.m.

The City Commission returned to open session at 8:09 p.m.

3. Mayor and City Commissioners.

Commissioner Gary Howe
Commission Jim Carruthers
Marty Colburn, City Manager
Mayor Michael Estes

There being no objection, Mayor Estes declared the meeting adjourned at 8:13 p.m.

Katelyn Stroven, CMMC
Deputy City Clerk

Approved: _____, _____
(Date) (Initials)