

A regular meeting of the City Commission was held in the Commission Room of the City-County building, 325 Court Street, Sault Ste. Marie, Michigan on Monday, April 6, 2009 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

Present: Mayor Bosbous, Commissioner Bauer, Burton, Gerrie, and Stefanski

Absent: Commissioner Lynn and Munsell

Also Present: City Manager Nebel, City Attorney Cannello, City Clerk Robin R. Troyer, and various department heads

Moved by Commissioner Burton, supported by Commissioner Bauer

That the absence of Commissioner Lynn and Munsell be excused.

Motion carried unanimously.

The Mayor called for a moment of silence for Canadian Forces Master Cpl. Scott Vernelli of Sault Ste. Marie, Ontario.

The Mayor presented a proclamation for Take Back / Give Back the Night.

Dave Guisbert representing the Soo Eagles hockey team spoke briefly to the Commission about their past season. Mr. Guisbert thanked the Commission for their continued support.

CONSENT AGENDA:

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the following consent agenda items be approved:

Minute Approval:

That the minutes of the regular City Commission meeting held on Monday, March 16, 2009 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Bayliss Public Library – March 26, 2009
- b. Construction Board of Appeals – February 12, 2009
- c. Downtown Development Authority – March 11, 2009
- d. Historic Structures Management Committee – February 25, 2009 and March 18, 2009
- e. Planning & Development Commission – Feb. 26, 2009

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f. SSM Housing Commission – February 12, 2009

Communications:

That the City Commission approve a license for the Sault Shrine Club to operate a circus at the Pullar Stadium in Sault Ste. Marie on May 1, 2009.

That the City Commission approve a license for the VFW to operate a carnival at the Carbide Dock in Sault Ste. Marie on May 7, 8, and 9, 2009

That the City Commission consider that the request from Central Business Corporation for a new Dance-Entertainment Permit to be held in conjunction with the 2008 class C licensed business located at 804-805 E. Portage Avenue be considered for approval.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Burton, Gerrie, and Stefanski
Nays: None

SPECIAL ORDERS OF BUSINESS:

SECOND READING OF AN ORDINANCE PLACING A SIX-MONTH MORATORIUM ON THE INSTALLATION OF WIND POWERED ELECTRICITY GENERATING DEVICES:

At the March 16th City Commission meeting, the Commission established a six month moratorium on the construction of windmills within the City of Sault Ste. Marie. This entire issue is not clearly regulated in any of the City ordinances. The purpose of the moratorium is for the City to establish rules and regulations as to where and how windmills can be used for the generation of electricity within the City of Sault Ste. Marie. The placement of a moratorium on construction of windmills in the City will allow for the development of reasonable rules and regulations relating to windmills. The City Commission will reduce potential conflicts between property owners that could result from the placement of a windmill on a neighboring property. Even with home windmills, there is an extensive height of the structure that is required with the outside of the windmill blades traveling at a high rate of speed creating possible noise and safety concerns. City Manager Nebel believes that windmills certainly have some place for generating electricity within the City; however, in order to avoid potential legal conflicts between neighbors and/or the City, it is critical that reasonable rules are discussed, debated, and approved regulating windmills.

The Mayor opened the public comment. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Bauer, supported by Commissioner Stefanski

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Ordinance No. 507-09

An ordinance to add to the Sault Ste Marie City Code new sections 18-27 to 18-30.

18-27 Moratorium on Installation of Wind Powered Electricity Generating Devices.

No person shall install a Wind Powered Electricity Generating Devices or cause or permit the same within the City of Sault Ste Marie after March 16, 2009 (which is the date the City Commission declared for commencement for such moratorium) and hereby ordains the same by this ordinance.

18-28 Wind Powered Electricity Generating Devices.

Wind Powered Electricity Generating Devices shall mean, but is not limited to, any device, apparatus, or structure that:

- a. Is designed or used to generate or make electricity from the movement of air.

18-29 Existing Uses

Section 18-27 shall not apply to any Wind Powered Electricity Generating Device that was installed, connected and operating as of the date stated in section 18-27.

18-30 Moratorium Termination

Sections 18-27 to 18-30 shall expire by their terms 6 months after the

Carried: Yeas: Commissioner Bauer, Burton, Gerrie, Stefanski, and Mayor Bosbous
Nays: None

CITY MANAGER'S REPORT:

CONSIDERATION AND AWARD OF BID FOR (4) LARYNGOSCOPES FOR THE FIRE DEPARTMENT, KINROSS EMS, AND BAY MILLS EMS:

Bids were requested for the purchase of six laryngoscopes under a grant award from FEMA. This particular grant was written under a county-wide agreement and included Kinross and Bay Mills EMS as well. With the bid that came in for the purchase of these video laryngoscopes, it has been decided that only four units can be purchased with this grant. The units will be purchased by the City with Bay Mills covering the local share of cost for one of the units and Kinross paying the local share of the cost for the

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second unit.

The City will be coordinating training for the City, Bay Mills, and Kinross on the use of this new technology. A video laryngoscope is designed to provide a clear view of the vocal cords during intubation. This is designed to simplify intubation of difficult airways and minimize the trauma that can be caused by this process to the patients.

The City will be responsible for paying for the units and will be reimbursed by the FEMA grant for 90% of the cost of the units including the training. The City will receive the 10% local share from both Kinross and Bay Mills for the units that will become theirs.

This equipment will make these three departments the first to get this sophisticated equipment through a FEMA grant. Personnel from the department were instrumental in developing the idea, writing the grant, which resulted in a special award to the City as well as to the two Townships.

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the City Commission award the bid for four video laryngoscopes provided from McGrath Limited at a unit price of \$8,195 for a total bid award of \$32,780.

Carried: Yeas: Commissioner Burton, Gerrie, Stefanski, Mayor Bosbous, and Commissioner Bauer
Nays: None

Moved by Commissioner Gerrie, supported by Commissioner Burton

That the City Commission authorize up to \$10,000 in training costs, which will be grant eligible as well.

Carried: Yeas: Commissioner Gerrie, Stefanski, Mayor Bosbous, Commissioner Bauer, and Burton
Nays: None

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the City Commission appropriate this capital expenditure of \$45,312 with an additional appropriation of revenues of \$40,781 in FEMA grant and \$1,700 in Township contributions for the local share of the units going to Kinross and Bay Mills EMS.

Carried: Yeas: Commissioner Stefanski, Mayor Bosbous, Commissioner Bauer, Burton, and Gerrie
Nays: None

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APPROVAL OF A CONTRACT WITH WILCOX PROFESSIONAL SERVICES, LLC FOR PROVIDING THE CONTOUR STRIP MAPPING FOR CSO PHASE 'C' UTILITY ROUTES:

Per the City Commission's instructions, administration is working to accelerate the design process for the CSO work that we would like to be ready in order to take advantage of potential economic stimulus funds in Michigan. In order to be eligible for these stimulus funds, the project would have to be advertised for bids by September 21, 2009 and have a Michigan Municipal Bond Authority closing by December 18, 2009. The MDEQ has indicated that there is a reasonable chance of being eligible with enough anticipated priority ranking for project approval.

The incentive of the stimulus program would include principle forgiveness of 23% in the SRF and 43% in the DWRP loan programs. Under this scenario, administration has internally discussed trying to accomplish both "C-1" (the Water Street Project) and "C-2" in order to have the potential of taking advantage of this funding. Based on the complete cost for "C-1" and "C-2" of \$10,500,000 there could be a potential grant in the area of \$2.6 million leaving the City with the payment responsibility for \$7.8 million. With the remaining payment there would be a reduction in interest costs over the life of the bonding for this work. While this would have a negative impact on short-term water and sewer rates, the savings would be significant over the life of the bond payment and future water and sewer rates when considering the lower interest rate and the principle forgiveness for this project.

At this point, regardless of whether the City does Water Street or more work, the City will be required to proceed with the topographic mapping for the Phase "C" Design Project, which will amount to \$48,000. This is being done for the entire Phase "C" Project and will be available for the future phases as well.

The City Commission has scheduled a public hearing for April 20th to approve the project plan for CSO Control Phase "C". This plan has to be submitted to the MDEQ on or before May 1, 2009. City Engineer Dave Strickland is expecting to have a proposal for the design work for the Commission's consideration at the April 20th City Commission meeting.

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission authorize a work order from Wilcox Professional Services, LLC in the amount of \$48,000 for topographic mapping that is required for the CSO Control Phase "C" Design Project.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Burton, Gerrie, and Stefanski
 Nays: None

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SPRING CLEAN UP 2009:

The City of Sault Ste. Marie provides a number of opportunities for residents to participate in various clean-up efforts around their homes and in the community at large between now and June 30th. For the current fiscal year, the City Commission has appropriated \$25,000 for a voucher system. Last year, 2,000 City vouchers for \$25 were available with 975 being issued. The clean-up charge from Waste Management was \$13,892. This reduced amount is based on the fact that many who obtained vouchers either did not turn their voucher in or had disposal costs below the \$25 voucher limit.

During last year's voucher program, there were several issues and concerns that administration wants to address in the 2009 Spring Clean-Up. Vouchers were only issued to property owners during the 2008 season. This was done since it was possible to utilize the property tax roll to check off those who had obtained a voucher to assure that individuals weren't receiving multiple vouchers for the same property. Vouchers were not made available for tenants of mobile home parks, owners of vacant property, or tenants of rental property, unless authorized by the owner. This allowed administration to maintain and verify that each individual requesting a voucher owned property in the City of Sault Ste. Marie. Since this is a property tax supported effort, City Manager Nebel believes it is critical that administration can verify that the party requesting the voucher actually owns property within the City.

Based on the City's experience last year with the voucher system with just slightly over half of the values of the vouchers being redeemed at Waste Management, City Manager Nebel believes that the City can consider issuing 1,400 vouchers and still remain within the \$25,000 budget allocation for this program. This would certainly eliminate the rush of people obtaining vouchers.

The voucher program recommended for 2009 is as follows:

- 1.) One voucher will be issued upon request to the property owner for each privately owned, developed parcel of property located within the City of Sault Ste. Marie as provided by the property tax records of the City Assessor.
- 2.) The Commission authorize a maximum of 1,400 vouchers be issued with the value of \$25.
- 3.) The vouchers are for a one time use for disposal of debris for up to \$25. No change or voucher showing an available balance is provided back to the voucher user.
- 4.) That the voucher system be available from April 15 to June 30, 2009.

The Waste Management Transfer Station spring and summer hours for refuse

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disposal are Monday, Tuesday, Thursday, and Friday from 9:00 a.m. until 3:30 p.m. and Wednesday from 11:00 a.m. until 7:00 p.m. The cost for disposal of loads up to 200 lbs. is \$10 plus a small environmental fuel surcharge based on the index for the cost of fuel. The cost of loads weighing more than 200 lbs. is \$.06 per pound plus an environmental fuel surcharge.

The Transfer Station is located at 711 W. Spruce Street.

2009 Curbside Leaf Pick-Up Program

The tentative schedule for the 2009 Curbside Leaf Pick-Up Program is from May 4th – May 8th. During these five days, the Public Works Department will pick-up loose leaves from the curbside. Residents should have leaves rakes into piles at curbside by 7:00 a.m. on May 4th. This pick-up is for leaves only and is from the street side only.

City Compost Facility

The compost yard is tentatively scheduled to open on Monday, May 4th. This is a location where residents can bring leaves, brush, and other plant waste to the compost facility located at 1244 E. Easterday Avenue. This site is not intended for use by contractors or commercial haulers. There will be expanded hours from May 4th – May 9th with the compost facility being open Monday, Tuesday, Thursday, and Friday from 7:00 a.m. to 1:00 p.m., Wednesdays from 7:00 a.m. until 7:00 p.m., and Saturdays from 9:00 a.m. to 1:00 p.m. After May 9th, the regular hours are 7:00 a.m. until 7:00 p.m. on Wednesdays and Saturdays from 9:00 a.m. to 1:00 p.m.

City-Wide Clean-Up

Becky Bottrell is coordinating the Annual City-Wide Clean-Up for Saturday, May 9th. This clean-up day will be done regardless of weather conditions at this time. The City-Wide Clean-Up has made a big difference in the overall appearance of this community, and we encourage people to volunteer for this effort.

The City Commission has traditionally picked up debris on W. Portage Avenue running from Easterday Avenue to West Pier Drive.

Moved by Commissioner Burton, supported by Commissioner Bauer

That the City Commission authorize the 2009 voucher program issuing up to 1,400 vouchers with a value of \$25 to be used by property owners between April 15th and June 30th at the Waste Management Transfer Station located at 711 W. Spruce Street.

Carried: Yeas: Commissioner Bauer, Burton, Gerrie, Stefanski, and Mayor Bosbous

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Nays: None

AUTHORIZATION OF AN AIRPORT PAINT MARKING GRANT:

The City has received a grant from Michigan Aeronautics for an \$8,000 pavement marking project at the airport with the grant covering 50% of this expense. The Airport Advisory Board has included \$4,000 in the new, proposed budget for the fiscal year 2009-10 for work that is anticipated to take place after the new fiscal year begins.

Moved by Commissioner Bauer, supported by Commissioner Gerrie

That the City Commission accept the grant from the Michigan Department of Transportation Bureau of Aeronautics for pavement marking at Sanderson Field for a project estimated at \$8,000 with the grant covering \$4,000 of this expense and the remaining cost being appropriated in the 2009-10 fiscal year budget.

Carried: Yeas: Commissioner Burton, Gerrie, Stefanski, Mayor Bosbous, and Commissioner Bauer
Nays: None

APPROVAL OF LABOR CONTRACTS:

Based on the guidelines discussed by the City Commission, the City Attorney, Human Resources Director, and City Manager Nebel are recommending that the Commission approve two labor contracts for the City of Sault Ste. Marie. The first contract would be with the Department of Public Works. Administration addressed the posting language in the event that an employee posting into any job that requires a license fails to pass the license and has to revert back into the Unit. The posting language has been improved from a City standpoint in that we don't have to revert everybody to the position they held two years ago and begin the bumping process at that point. Under the new language the employee goes back to their former position, that person gets bumped to the job they formerly held, and so on. This is a much more manageable scenario.

In regards to the Fire Contract, the remaining issue that has been ironed out related to the payment of holiday pay for a worked holiday. Administration fixed a portion of the holiday payment for current employees so that will not rise with any increases in wages, and are providing that new employees working on a holiday in the Fire Department receive time and one-half for the hours worked on that holiday.

The City Attorney addressed the changes previously discussed with the Commission.

Overall, City Manager Nebel believes that the City has made significant progress

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with negotiations over the past decade by mutual agreement between the City and the Bargaining Units that have helped hold down costs for the taxpayers of the City of Sault Ste. Marie. Over the years, these items have include the elimination of double time, caps on the salary allowed for inclusion in final average compensation, limitations on the City's expense for providing health care with the employees determining their own health insurance plans, eliminating certain pays from being included in final average compensation for new hires, and other similar steps. These have all been very difficult decisions made over the course of negotiations, and the City certainly appreciates the professionalism at the bargaining table in dealing with these issues in a constructive way to the benefit of the taxpayers of the City of Sault Ste. Marie as well as for the employees of the City of Sault Ste. Marie.

Commissioner Burton expressed concerns or the financial implications on the City's finances with the contracts being approved prior to the budget work sessions. Commissioner Burton expressed appreciation to the employees and the good negotiations but felt the Commission should table the motion until after the budget work sessions.

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the City Commission table the motion until after the budget review.

Denied: Yeas: Commissioner Stefanski and Commissioner Burton
 Nays: Mayor Bosbous, Commissioner Bauer, and Gerrie

Moved by Commissioner Gerrie, supported by Commissioner Bauer

That the City Commission authorize approval of the agreement with the Department of Public Works Unit of the United Steelworkers of America Local 13635.

Carried: Yeas: Commissioner Stefanski, Mayor Bosbous, Commissioner Bauer, and Gerrie
 Nays: Commissioner Burton

Moved by Commissioner Gerrie, supported by Commissioner Bauer

That the City Commission approve the agreement with the Fire Fighters of the Untied Steelworkers of America Local 13635.

Carried: Yeas: Commissioner Gerrie, Stefanski, Mayor Bosbous, and Commissioner Bauer
 Nays: Commissioner Burton

Status Reports:

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Project selection for Small Urban Program for the American Recovery and Reinvestment Act:

Under the provisions of the American Recovery and Reinvestment Act, additional dollars have been made available by the federal government for projects to stimulate the local economy. These projects have to be funded through the Small Urban Program for the City of Sault Ste. Marie. In this particular case, the City will receive \$310,000 through the Small Urban Program. A committee consisting of a representative of the County Road Commission, the City of Sault Ste. Marie (City Manager), and Dial-a-Ride are charged with identifying the priorities for the Small Urban Program, including the funds that will be used under the American Recovery and Reinvestment Act.

The project that administration has identified as doable within the short time frame available would be the crushing, reshaping, and paving of Oak Street between W. 4th Avenue and 18th Street (by the L&M Mobile Home Park). This section of roadway has deteriorated significantly in recent years. This is a simple project where the road has a good base, and this will certainly create a road surface that will serve the residents in this part of town for the next couple of decades.

Other projects identified are for later years and are included in the attached report from the City Engineer.

2009 Municipal Election schedule:

The City Clerk compiled the election schedule for 2009 for the offices of City Commission and Mayor. The terms of Commissioners Bauer, Burton, and Lynn will expire in November of 2009 as will the term of Mayor Bosbous. The Primary Election will be held on August 4th with the General Election taking place on November 3, 2009

Candidates are required to file a Declaration of Intent and Affidavit of Qualifications and Identity by 5:00 p.m. on June 22, 2009.

Nominating petitions are required to be filed between June 30th and July 10th no later than 5:00 p.m.

MATTERS PRESENTED BY THE PUBLIC:

None

MATTERS PRESENTED BY THE CITY COMMISSION:

Commissioner Stefanski informed the Commission of the upcoming Community Garden application deadline of April 15th. Commissioner Stefanski also asked about the possibility of implementing a City charge for drunk drivers. The City Attorney responded to Commissioner Stefanski's request.

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Commissioner Burton received a complaint from a Canadian citizen regarding treatment at the International Bridge. Commissioner Burton has also received complaints regarding the Charter Communication broadcasting of the City Commission meetings.

Moved by Commissioner Stefanski, supported by Commissioner Bauer

That the meeting adjourn at 8:26 p.m.

Motion carried unanimously.

ANTHONY G. BOSBOUS, MAYOR **ROBIN R. TROYER, CITY CLERK**

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