

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, June 1, 2009 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

Present: Mayor Pro-Tem Munsell, Commissioner Bauer, Burton, Gerrie, Lynn and Stefanski

Absent: Mayor Bosbous

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

Moved by Commissioner Lynn, supported by Commissioner Burton

That the absence of Mayor Bosbous be excused.

Motion carried unanimously.

Nancy Steinhaus and Mary June presented Mayor Pro-Tem Munsell and City Commission with a plaque naming the City of Sault Ste. Marie as a Preserve America Community.

CONSENT AGENDA:

Moved by Commissioner Burton, supported by Commissioner Bauer

That the following consent agenda items be approved:

Minute Approval:

That the minutes of the regular City Commission meeting held on Monday, May 18, 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 – April 23, 2009
- b. Community Services Board – April 28, 2009
- c. Historic Structures Management – May 13, 2009

Appointments and Resignations:

That the City Commission confirm the appointment of Lori Clarke to the Local Officers Compensation Commission to fill the balance of a term that will expire October 1, 2009.

That the City Commission accept the resignation of Joe Herbig from the LDFA

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and send a letter of thanks for his service as the LDFA's first chairperson.

That the City Commission appoint Sherry Brooks to fill the balance of the term expiring December 31, 2009 on the LDFA.

Scheduling Public Hearings:

That the City Commission schedule a public hearing for the condemnation of all buildings and accessory structures located on property described as Cody Heights Addition, Lots 16, block 3, also Lots 12 and 13, Block 4, plus abandoned adjacent 9th Avenue except that part in I-75 Business Spur right-of-way, more commonly known as 1801 Ashmun Street (Bambi Motel).

Communications:

That the City Commission approve a resolution authorizing the transfer of the ownership of a 2008 Class C Licensed Business with dance-entertainment permit located at 804-806 E. Portage Avenue from Central Business Corporation to Antlers Food, Inc.

City Manager's Report:

That the City Commission authorize out-of-state travel for the City Manager to attend the annual ICMA Conference in Montreal, Quebec.

That the City Commission approve a resolution as provided by the MERS Plan Document and in accordance with the employer's policy the additional credited service of three years at a total estimated actuarial cost for the additional credited service of \$38,998 payable by Therese Zaborowski based on actuarial assumptions.

Carried: Yeas: Commissioner Bauer, Burton, Gerrie, Lynn, Mayor Pro-Tem Munsell, and Commissioner Stefanski
Nays: None

SPECIAL ORDERS OF BUSINESS:

PUBLIC HEARING ON SINGLE LOT SPECIAL ASSESSMENT ROLL SL-01-09:

Twice annually, the City Commission considers placing various charges related to property on the tax rolls as a single lot special assessment. Section 21-76 of the Sault Ste. Marie Code provides that: *"When any expense shall have been incurred by the City upon or in respect to any single lot or parcel of land, which expense is chargeable against such lot or parcel of land...the amount of labor and material or any other expense or service for which such expense was incurred... shall be reported by the Manager to the Commission."*

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At the May 18th City Commission meeting, the Commission reviewed the report from the Manager and scheduled a public hearing on Single Lot Special Assessment Roll SL-01-09. Payments would be due in one installment for the delinquent amounts outlined in the report to the City Commission.

Frank Alan Blissett III (property number 051-103-012-00) made payment on Monday, June 1, 2009 with the City Treasurer.

Mayor Pro-Tem Munsell conducted a public hearing on the 2009 Single Lot Special Assessment (SL-01-09). There were no comments from the public therefore the following action was taken:

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the City Commission confirm Single Lot Assessment SL-01-09, which will create a special assessment of one installment that, will be due with the July 1, 2009 tax bill.

Carried: Yeas: Commissioner Burton, Gerrie, Lynn, Mayor Pro-Tem Munsell, Commissioner Stefanski, and Bauer
Nays: None

COMMUNICATIONS:

FROM THE DOWNTOWN DEVELOPMENT AUTHORITY – REPORT ON CURFEW EXTENSION FOR DOWNTOWN OUTDOOR EVENTS:

At the May 18th City Commission meeting, Sandra Gervais, owner of the Corner Pub, indicated concerns about the 12:30 a.m. curfew that has been imposed for outdoor music events. This curfew was suggested by the DDA after a complaint arose from an outdoor concert last July. Ms. Gervais has indicated that the 12:30 a.m. restriction is unreasonable from a bar business standpoint. Many in the bar business are struggling, and the opportunity to have outdoor entertainment draws people to downtown Sault Ste. Marie.

The DDA discussed the issue as it relates to past outdoor concerts at the Corner Pub. Most of the complaints seemed to center around one particular event. Ms. Gervais indicated that that group did get out of hand and that she has instituted tighter controls over the bands that play.

A special meeting of the DDA was called for on Wednesday, May 27th. The DDA was one short of a quorum for this meeting. The four members for the DDA in attendance did discuss this matter, and it was a consensus that the time restrictions for outdoor entertainment permits could be extended to 1:30 a.m. with the understanding

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that the business owners are responsible for maintaining noise levels for the late evening festivities. If this activity generates significant complaints from neighborhood residents, then the DDA would suggest the issue be revisited to establish an earlier time restriction for outdoor music.

For consistency purposes, it is suggested that the 1:30 a.m. time limit be used for any other similar requests for outdoor music on private property. Also, the City can establish its own standards for times when concerts may occur on park property or in City right-of-ways different than this curfew.

This will give the City Police clear direction that music is allowed to continue to 1:30 a.m. If they get complaints from residents, they will indicate that the permit allows the music to go until 1:30 a.m. If music continues past 1:30 a.m. then the Police will be able to take action.

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission authorize outdoor music events to continue until 1:30 a.m. on weekends from Memorial Day through September with the City Commission reserving the right to modify this curfew at any point should significant complaints occur from this activity.

Carried: Yeas: Commissioner Gerrie, Lynn, Mayor Pro-Tem Munsell,
Commissioner Stefanski, Bauer, and Burton
Nays: None

FROM NIKKI DOWD – IMPROVEMENTS TO THE PLAYGROUND AT THE
CORNER OF SHUNK AND 10TH AVENUE:

Nikki Dowd made a presentation to the City Commission regarding the proposed Bill Dowd Memorial Playground. Nikki's husband Bill passed away this winter. Nikki Dowd, along with other organizers, want to make significant improvements to the existing playground at the corner of Shunk and 10th Avenue to honor Bill's life.

A presentation was made at the last Community Services Board meeting; however, the Community Services Board did not have a quorum to take action on this item. Community Services Board Chairperson Verna Lawrence cautioned the organizers to proceed carefully with this project. The group is looking at authorization to start putting together a plan to accomplish the improvements to the existing playground.

Moved by Commissioner Lynn, supported by Commissioner Gerrie

That the City Commission refer the proposed Bill Dowd Memorial Playground located at the corner of Shunk and 10th Avenue back to City Administration for further review and recommendation.

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Carried: Yeas: Commissioner Lynn, Mayor Pro-Tem Munsell,
Commissioner Stefanski, Bauer, Burton, and Gerrie
Nays: None

CITY MANAGER'S REPORT:

AUTHORIZATION OF A STATE TRUNKLINE MAINTENANCE CONTRACT:

The City's Maintenance Contract for the I-75 Business Spur from Three Mile Road to the Sugar Island Ferry and M-129 from Three Mile Road to the I-75 Business Spur will expire September 30, 2009. The Michigan Dept. of Transportation is proposing another five year agreement to continue providing these services. This agreement may be terminated by either party in any year in April, May, or June provided 90 days is given to the other entity.

The State Maintenance Contract has worked out well for the City; this allows the City to coordinate the Business Spur plowing with the plowing of major and local street system. The City is reimbursed for all wages, including fringe benefits, equipment rental, and materials, along with an overhead rate for all time spent on the State Trunkline System with City crews.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission authorize the City Manager to execute an agreement with the Michigan Department of Transportation for the State Trunkline Maintenance Contract for the period of time beginning October 1, 2009 and extending through September 30, 2014.

Carried: Yeas: Mayor Pro-Tem Munsell, Commissioner Stefanski, Bauer,
Burton, Gerrie, and Lynn
Nays: None

**REPORT ON PROPOSED ROAD WIDTHS FOR CSO CONTROL PROGRAM
PHASE C-1 AND C-2:**

Attached was a report from City Engineer Dave Strickland regarding the proposed street widths for various roads that will be impacted in the design phase of the CSO Control Program. On the attached spreadsheet, you can see the existing street widths and the proposed street widths for approximately 40 segments of roadways. With this project design on the fast track, it is important to resolve the street width issue as soon as possible.

There are three street segments that are proposed to be reconstructed to a width of less than 30 feet as measured from face to face between curbs. These include

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Arlington Street from Pine Street to east ½ block proposed to be built at a 24 foot width, Ashmun Alley proposed to be built at a 23 foot width, and Kimball Street from Maple Street to Portage Avenue, which is proposed to be built at a 23 foot width. In all three cases, the proposed width is identical to the existing width of these streets. In all three cases there is very limited right-of-way to reconstruct these streets.

For the streets above 30 feet in width, most will be reconstructed based on their current width. There are a number of streets that will be widened as well as a number of streets that will be narrowed as part of this overall project.

The most significant changes will be occurring on Water Street where angle parking is proposed to be built on the north side of the Federal Building. Other streets widths are proposed to be adjusted as part of the streetscape project through this area as well.

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the City Commission approve the proposed street width reconstruction for the CSO Control Program Phase C-1 and C-2 as outlined in the attached report, which includes the construction of three streets, Arlington Street, Ashmun Alley, and Kimball Street, at a width below 30 feet.

Carried: Yeas: Commissioner Stefanski, Bauer, Burton, Gerrie, Lynn, and Mayor Pro-Tem Munsell
Nays: None

AMENDMENT TO THE 2009-2010 FISCAL YEAR BUDGET:

At the May 18th public hearing on the budget, City Manager Nebel indicated there were two items that he would be proposing as an amendment to the budget in order to avoid the cost and time of reduplicating the entire budget document for these minor adjustments. The first item relates to the budget for the City-County Building. In May, the Joint City-County Building Committee met to review the budget for the City-County Building for the coming year. The Joint Building Committee made a recommendation for a modification to the budget. During this past year, Mackinac Environmental did an assessment for asbestos in the City-County Building. There were a number of issues that require some level of attention for the existing building in order to address asbestos issues within the building. The Joint Building Committee authorized an additional \$15,000 to the Equipment Repair and Maintenance line item in order to address some of the asbestos issues during the course of this next year that would bring the total budget for Equipment Repair and Maintenance for the City-County Building to \$28,000. The City pays 40% of this line item as their share of the cost for the City-County Building if this work is done during occupancy of the building. The Joint Building Committee is recommending that the budget that was included in the City Commission's budget package be amended to include the addition to this fund for asbestos

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remediation. This addition would bring the proposed operating expense for the City-County Building to \$202,700 for the 2009-10 fiscal year.

The second item is the correction of the Transfer Out for the EDC. In the City Manager recommended budget, City Manager Nebel had removed \$25,000 from the request, since he had misunderstood the request for additional staffing from the EDC. The annual appropriation to the EDC for the last three years has been \$100,000 or higher. The request this year was \$100,000 as well. Jim Hendricks had included \$25,000 in the EDC budget funds that would enable the City and the EDC to proceed with the replacement of the current Director, who plans to retire at the end of the next fiscal year. City Manager Nebel recommended the \$25,000 be restored to the EDC.

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the City Commission consider two budget adjustments:

1.) Authorize an additional \$15,000 in the Repair and Maintenance Line Item of the City-County Building 601 Fund with the County Building Rental being increased by \$9,000 and the City's share being increased by \$6,000 for this budget adjustment to facilitate remediation of several asbestos issues in the City-county Building with the City's share coming from the General Fund Balance.

Carried: Yeas: Commissioner Bauer, Burton, Gerrie, Lynn, and
Commissioner Stefanski
Nays: Mayor Pro-Tem Munsell

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

2.) That the EDC contribution be restored to the full \$100,000 from the \$75,000 in the recommended budget for the fiscal year ending June 30, 2010 with this money being appropriated from the Undesignated General Fund Balance.

Carried: Yeas: Commissioner Burton, Gerrie, Lynn, Mayor Pro-Tem
Munsell, Commissioner Stefanski, and Bauer
Nays: None

AUXILIARY SECURITY AUTHORIZATION:

Moyle Construction has contacted the City Police regarding the provision of security at the site of the new Wal-Mart as construction is proceeding. In order to assure liability coverage for the auxiliary and the City, it is required that the City Commission approve the security job function as being within the scope of the duties of the Police Auxiliary. If the Commission makes this determination then the City and the Auxiliary will be covered for any potential liability that would occur from providing this job

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function. Overall, City Manager Nebel did not have a problem with the Police Auxiliary providing this security function.

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the City Commission consider that private security job functions are within the scope of the duties of the Auxiliary Police.

Carried: Yeas: Commissioner Gerrie, Lynn, Mayor Pro-Tem Munsell,
Commissioner Stefanski, Bauer, and Gerrie
Nays: None

MATTERS PRESENTED BY THE PUBLIC:

None

MATTERS PRESENTED BY THE CITY COMMISSION:

Commissioner Stefanski thanked Edison Sault, Little Man Services, MSU, Burton Excavating, Soo Garden Club, and Parks and Rec. intern Eric Buttil for their services to the Community Garden and requested that City Manager Nebel advise the City residents of the long grass ordinance.

Commissioner Bauer asked Commissioner Stefanski about the status of the soil testing at the Community Gardens. Commissioner Stefanski responded that the composting testing came back good but they were still waiting on the fertility testing.

Commissioner Burton informed the citizens regarding the \$500 fine for not picking up pet waste, the casino by the Ohio boarder had 28,000 applicants for 1,500 jobs, and the WMH Auxiliary Flea Market is scheduled for Saturday 6/6 at Kaines Rink.

Commissioner Munsell made mention of Music in the Park.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the meeting adjourn at 8:04 p.m.

Motion carried unanimously.

WILLIAM MUNSELL, MAYOR PRO-TEM

ROBIN R. TROYER, CITY CLERK

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