

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, July 20, 2009 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

Present: Mayor Bosbous, Commissioner Bauer, Burton, Lynn, Munsell and Stefanski

Absent: Commissioner Gerrie

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

Moved by Commissioner Lynn, supported by Commission Stefanski

That the absence of Commissioner Gerrie

Motion carried unanimously.

The 8<sup>th</sup> Annual Connor Gorsuch Kid's Fishing Day will be held on Saturday, July 25<sup>th</sup> at the Kids Fishing Pond.

Mayor Bosbous wished Commissioner Stefanski a Happy 40<sup>th</sup> Birthday.

### **CONSENT AGENDA:**

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the following consent agenda items be approved:

#### **Minute Approval:**

That the minutes of the regular City Commission meeting held on Monday, July 6, 2009 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Airport Board – July 8, 2009
- b. Historical Development Commission – July 7, 2009
- c. Tax Increment Financing Authority – June 9, 2009
- d. Brownfield Redevelopment Authority – June 9, 2009
- e. Economic Development Corp—June 9<sup>th</sup> & July 14, 2009
- f. Board of Review – July 16, 2009

#### **Communications:**

#### **Second Annual Downtown Summer Beach Party:**

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That the City Commission authorize temporary outdoor liquor licenses to serve alcohol within the City's right-of-way on Portage Avenue for the Second Annual Summer Beach Party on Saturday, August 15, 2009.

Renewal of the Pullar Stadium Concession Agreement:

That the City Commission authorize the renewal of the Agreement for the year that will expire June 20<sup>th</sup>, 2010.

Communication from the Sault Arts Council regarding use of the Federal Building Grounds:

That the City Commission authorize the use of the Federal Building grounds for the holding of the 37<sup>th</sup> Sault Summer Arts Festival by the Sault Area Arts Council on Tuesday, August 4<sup>th</sup>, 2009.

City Manager's Report:

Correction of the description of vacated Division Street:

That the City Commission corrects the description of the vacation of Division Street from the June 15<sup>th</sup>, 2009 City Commission meeting to:

WHEREAS, this is the time and place of the meeting of the City Commission of the City of Sault Ste. Marie, Michigan, set for considering and taking action upon the vacation of Part of Division Street; and

WHEREAS, the Planning & Development Commission at their meeting held May 23, 2002 considered the application in reference to the vacation of Part of Division Street and it is their recommendation that the street be vacated without retention of utility easements.

WHEREAS, the City Commission has heard said petition and recommendation in reference to the vacation of said street and it is their opinion that Part of Division Street adjoining the Northerly 16 Feet of Lot 24 and Lots 25 through 28, R. H. Carleton's Subdivision of PLC 90 be vacated as a necessary public improvement subject to the following conditions:

- 1) The actual construction of a medical office building, as proposed to the City by SSM MOB, LLC has commenced.
- 2) Utilities have been relocated from the right-of-way.

THEREFORE BE IT RESOLVED, that the following described street be vacated WITHOUT retention of utility easements:

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That Part of Division Street adjoining the northerly 16 feet of Lot 24 and Lots 25 thru 28, R. H. Carleton's Subdivision of PLC 90 (see attached Exhibit A).

First Resolution – Public Improvement ST-01-09 Swinton Street from E. 7<sup>th</sup> Avenue to E. 5<sup>th</sup> Avenue:

WHEREAS, a certain report concerning the necessity for street construction including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, storm sewer improvements, water main and sanitary sewer improvements, and various restoration work on the following street:

ST-01-09 Swinton Street - From E. 7<sup>th</sup> Avenue to E. 5<sup>th</sup> Avenue

has been submitted to this Commission together with a location map and approximate estimate of the cost thereof, and

WHEREAS, this is the next regular meeting of this Commission after the submission of said report, map and approximate estimate of the cost of said improvements.

BE IT THEREFORE RESOLVED, That Monday, the 3rd day of August, A.D., 2009, at 7:00 o'clock P.M. at the Commission Chambers in the City Hall, 325 Court Street, Sault Ste. Marie, Michigan, is set as the time and place of meeting at which this Commission will consider and take action upon the necessity for improvements on Special Assessment Project No. ST-01-09.

BE IT FURTHER RESOLVED, That notice and an opportunity to be heard thereon to all persons liable to be assessed therefore be given as in the Charter and Ordinance in such cases made and provided.

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

**COMMUNICATIONS:**

**FROM MAYOR BOSBOUS – STATUS OF THE FEDERAL BUILDING RENOVATION PROJECT:**

Mayor Bosbous requested discussion on the proposed construction schedule for the conversion of the Federal Building to City Hall. Administration had anticipated that construction would be initiated in July for this building. It's obvious that this schedule will be delayed. The current schedule calls for asbestos to be cleaned up in August with bid packages being out in September. One other issue that administration wanted to discuss with the Commission in regards to the timing of construction for the building is a round of energy grants that are going to be awarded on October 1<sup>st</sup>. If the City wants to

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take advantage of an energy grant to help offset the cost of the new energy system for the Federal Building, then it may be prudent to specifically wait until those grants are announced so that any work relating to the new energy systems in the building would be eligible for grant funding. City Engineer Dave Strickland was out of state on vacation. Representatives of Devere and Wilcox were present.

Luke from Devere Construction answered questions from the City Commission.

FROM THE EDC:

Brownfield Redevelopment Plan: Bambi Property Redevelopment Project:

The Bambi Motel property was condemned by the City Commission at the June 15<sup>th</sup> City Commission meeting. This is due to a combination of factors which include the facilities being obsolete and in a deteriorated condition which was made worse by a fire in the office area last year. BBSSM LLC (Moyle Development) acquired the fire damaged Bambi Motel on Ashmun Street adjacent to the empty Blockbusters commercial building. Moyle Development intends to demolish the building and construct a new 12,000 square foot professional office building on the site. Moyle Development is also acquiring the adjacent Blockbuster building with the intent for the developer to construct a new construction in a compatible manner with a common parking arrangement. The estimated cost for building removal, asbestos lead removal, and site clean up is \$75,000.00. None of the demolition work can occur until there is an approved Brownfield Redevelopment Plan by the City Commission which would not be until the second meeting in August. The proposed Brownfield Plan also anticipates capturing up to five additional years of tax increments after the obligation to Moyle has been satisfied for the City's local site remediation revolving fund.

While the creation of a Brownfield Development Plan could result in a delay in the demolition of the Bambi Motel, since work cannot occur until a plan is approved, the benefits of the City to utilize the Brownfield Redevelopment Authority are significant. If the City were to proceed with condemnation, the City would be responsible for the cost of demolition and site restoration (possibly \$75,000.00) with these funds being placed as a lien on the property taxes. If the property taxes were not paid, then the property would remain unattended and undeveloped until the County Treasurer would foreclose on the property which would take a period of time in excess of two years. This property would be sold by the County at auction and like the current property which was sold at auction could be acquired by a new irresponsible land owner. In this case the City has a very responsible land owner who is willing to acquire the site and tear down the buildings with the ability to recoup the demolition and restoration costs through the Brownfield only if he creates new taxable development on this site. If the developer does not build on this site, then the developer ends up being responsible for the demolition costs. Based on the Brownfield Plan additional commercial square footage will be created on the site with this location as well as with the Blockbuster site (which is not part of this Brownfield Plan).

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In order to approve a Brownfield Plan the City Commission must approve a new Chapter to the City's overall Brownfield Plan for this specific project. This is first done by introducing the Plan for first reading and scheduling a public hearing prior to adopting the Brownfield Plan for the Bambi Motel. Once the City Commission schedules a public hearing administration is required to provide two notices in the paper, as well as notifying other taxing entities of the public hearing on this Brownfield Plan. The first opportunity the City Commission has to approve it is the August 17<sup>th</sup> City Commission meeting.

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission introduce for first reading Chapter 8. Bambi Property Redevelopment Project for tax increment revenues to reimburse the developer for demolition costs of the Bambi Motel through captured taxes for a term not to exceed fifteen years and schedule a public hearing for the August 17<sup>th</sup> City Commission meeting on the approval of the Bambi Brownfield Plan.

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

Brownfield Redevelopment Plan: Park Place City Center Redevelopment Project:

On July 14<sup>th</sup>, 2009 the City EDC acting as a Brownfield Redevelopment Authority approved the Park Place City Center Redevelopment Plan and submitted it to the City Commission for the Commission's consideration. The Park Place City Center Redevelopment Project includes the complete renovation and reuse of the old Central Savings Bank building and the adjacent Masonic Building in downtown Sault Ste. Marie. The project plan calls for the development of twenty-four units of housing targeted to households with incomes at or below 40-60% of the area medium income. This project is intended to be a mixed use project with commercial use of the first floor and office uses continuing in the building.

The City Commission must hold a first reading of the plan and schedule a public hearing prior to adopting the plan. The individual projects are listed as individual chapters in the City's overall Brownfield Plan. The Park Place City Center Redevelopment Project would become Chapter 9 of the City's overall plan. The City is required to provide two public notices of the public hearing and notify other taxing entities of this public hearing. As indicated earlier to the City Commission this Brownfield Plan is different from others that the City has enacted previously since this plan will not capture any local taxes. The Brownfield needs to be approved by the City Commission in order to allow the developer to access Brownfield credits through the Michigan Economic Development Corporation. This project would be eligible for a tax

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credit of up to \$949,000.00. Final application would have to be done by the developer to the MEDC once the Commission has authorized the tax credits.

Moved by Commissioner Lynn, supported by Commissioner Bauer

That the City Commission introduce for a first reading of Chapter 9. Park Place City Center Redevelopment Project and schedule a public hearing on this proposed plan for the August 17<sup>th</sup> City Commission meeting.

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

FROM THE COMMUNITY SERVICES BOARD:

2008-09 Supplemental Program Funding Allocation:

The Community Services Board has received communications from four groups requesting additional funding (three written and one formal presentation before the Community Services Board). There is a remaining balance of \$1,700.00 in program funding for the fiscal year that ended June 30<sup>th</sup> and the Community Services Board is requesting that funding be carried over and divided equally in the amount of \$425.00 to the Sault Competitive Aquatics Team, Hiawatha Skating Club, Torque Boxing Club, and the Sault Area Little League. These requests were the result of notification sent by the Parks and Recreation Department of the availability of supplemental funding for the various funded groups.

Moved by Commissioner Lynn, supported by Commissioner Burton

That the City Commission carry over the \$1,700.00 balance in program funding and allocate it in the amount of \$425.00 to the Sault Competitive Aquatics Team, Hiawatha Skating Club, Torque Boxing Club, and the Sault Area Little League as recommended by the Community Services Board.

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

James/Laucks Ball Field Improvements:

At a special Community Services Board meeting held on Tuesday, July 14<sup>th</sup> the Community Services Board recommended that the City Commission appropriate \$12,500.00 in Seal Estate Funds towards the James/Laucks Ball Field improvement project. These funds would be utilized as a 50% match to privately raised funds for a number of improvements that are included on the attached memo, which includes

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placing professionally designed crushed red brick playing surfaces that will improve play in bad weather conditions, reshape drainage at several areas, improve batting cages, dugouts and bullpen areas, repair fencing and other similar activities.

Kevin Pomeroy was presented and answered questions from the Commission.

Moved by Commissioner Bauer, supported by Commissioner Lynn

That the City Commission appropriate \$12,500.00 from the Seal Fund that will be used to match \$12,500.00 in privately raised funds for various improvements to the James/Laucks Ball Fields.

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

Disc Golf Course Construction and Operational Proposal:

Richard Dalimonte made a proposal to the Community Services Board for the development of a Disc Golf Course at Minneapolis Woods. This would be operated on a private concession basis during the non-snow months and would include holes that would be established on the Bill Lynn Recreational Trail and on the hill itself. The Community Services Board referred this matter to the City Commission without a recommendation as to whether they supported or did not support this concept. City Manager Nebel believes that the concept of another activity in the community, such as Disc Golf would be a very positive development for the community. It would be important to discuss compatibility issues with the walking trail and other recreational facilities at Sault Seal Park to determine that this is an acceptable location for this activity. City Manager Nebel believes this is worthy of further discussion and the development of a proposal by Mr. Dalimonte in conjunction with Parks and Recreation Director Dan Wyers and Denny Doherty and others to explore this matter in some detail. City Manager Nebel suggested this matter be referred back to the Community Services Board after that information has been collected with a specific recommendation as to how to proceed on this matter. The Community Services Board has a meeting later this month where they could discuss this matter.

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the City Commission approve the concept of an agreement for providing Disc Golf on a concessionary basis within the City of Sault Ste. Marie and refer the matter back to the Community Services Board for further deliberation with various stakeholders at Minneapolis Woods relating to this proposal.

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

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Nays: Commissioner Munsell

FROM SAULT HERITAGE ENTERPRISES – CONSIDERATION TO APPROVE THE INSTALLATION OF SIGNS AS REQUESTED TO BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY:

The new Heritage Building addition has been substantially completed and is a great addition to the developing medical office complex on Osborn Boulevard. The developers have requested that the City Commission consider permission to allow them to place the sign for the office building in the City's right-of-way at the intersection of Peck and Osborn. The City's standards for a free-standing sign provide for a three foot setback from existing right-of-way lines with that sign being contained on private property. The City does allow for signs attached to buildings to overhang the right-of-way in certain zoning districts and is considering a similar ordinance for the Central Business District. The City does allow locator signs for tourist destinations to be placed in the right-of-way. Otherwise, signage in the right-of-way is limited to public regulatory and informational signage.

In reviewing this request, City staff looked at the original site plan that was approved by the Planning and Development Commission which provided for the sign to be built with the proper setbacks on the development's property at a different location on site. Northwood's Engineering on behalf of the developer forwarded a request to remove the sign from the proposed location to a location in the City's right-of-way area. (City Manager Nebel believes this is actually land that is owned by the City that serves as a right-of-way for these roadways). After reviewing it internally administration indicated that the City would grant a variance from the three foot setback requirements to allow the sign to be built right on the property line but that administration did not support the location of the sign post within the City's right-of-way.

In reviewing the justification for this location, Northwood's Engineering points out that the proposed sign would fall three feet back from the right-of-way lines if they were extended from Osborn and Peck Street. It was also indicated in the letter appealing the City's decision that placement of the sign in the right-of-way will allow better screening of the offices from the neighboring residences on Peck Street.

City Manager Nebel forwarded a copy of his report to Jeanine LaCross on behalf of Sault Heritage Enterprises regarding the placement of a sign in the right-of-way at Peck and Gov. Osborn Blvd. There is a radius that was acquired by the City presumably at the time of Urban Renewal. In reviewing this matter, it appears that the need to keep this property for future use is not necessary, similar to the Osborn/Spruce intersection, which the City conveyed back to the Hospital as part of the road relocation project, which the Hospital financially participated with. The value of property, as determined by the City Assessor, was \$717.00 based on \$2.30 per square foot.

In discussing this with Jeanine LaCross, Jeanine indicated that they would like to

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acquire this property instead of having a Revocable Use Agreement. Ms. LaCross indicated that they would request that the \$6,500 they paid to replace the balance of the sidewalks around the site (other than the sidewalk that needed to be replaced for the project itself) be considered as payment for the land.

While replacing the sidewalk required to construct the project, a neighboring property owner requested that they consider replacing all of the sidewalks around the site. They received a quote of \$6,500 from their contractor to replace this added sidewalk. A contract was made with the City Engineer on this work; however, since the contractor was in the process of pouring concrete, a decision by the developers to go forward with the sidewalk was made prior to Engineering reviewing this project. If the sidewalk inspection had taken place and the City determined that the sidewalk should be replaced, the City could have participated in the replacement cost of this work. As part of the resolution to this matter, the Heritage Building developers are requesting that this investment in sidewalks be used to offset the purchase price for this property.

Moved by Commissioner Munsell, supported by Commissioner Burton

That the City Commission convey to Sault Heritage Enterprise by Quit Claim Deed, as is and with all faults, the property located to the north of Peck Street extended easterly and to the west of Osborn Blvd. extended southerly on Lot 41, William Chandler's Addition in exchange for considerations related to the replacement of \$6,500 of new sidewalk constructed by the developers in addition to the sidewalk that was required for the building development.

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

**CITY MANAGER'S REPORT:**

**CONSIDERATION TO APPROVE A CONTRACT WITH INFOGEOGRAPHICS, INC. FOR GIS PARCEL BASEMAP FINALIZATION:**

The City of Sault Ste. Marie has made a number of significant steps towards the implementation of GIS within the City of Sault Ste. Marie. This started with a monumentation system throughout the City of Sault Ste. Marie which served as the basis for City mapping. In addition the City has preceded with high resolution orthophotos and collected and digitized all parcel data and plat information through an agreement with Tetra Tech. Currently the City Engineering Department has use of this information; however, the information requires technical manipulation and is not in a user friendly format for other departments or general public use. It is recommended that the City Commission consider entering into a contract with InfoGeographics, Inc. of Traverse City, Michigan to take existing data and convert that data so that it is consistent with the use of various mapping layers for various GIS applications. It is

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anticipated that when the City is done with this project administration will have a GIS system that will be easily usable by departments and will be available to the public at a kiosk (computer station) that would be available in City Hall. These changes will allow tax data and other similar data to be overlaid with our base map. The Engineering Department has worked with InfoGeographics on a couple of other issues and has reviewed the work they have done for other communities and recommends that the City Commission proceed with the proposal that was submitted to take the mapping data that is now in a CADD format and migrate it to a GIS format which will include addressing various gaps and overlaps in property descriptions in the CADD mapping that was built by Tetra Tech and covert that data in a way that will be user friendly for other departments and the general public to access various GIS data. Eventually administration would like to make portions of this available through the internet for people accessing various information.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the City Commission accept the proposal from InfoGeographics, Inc. of Traverse City, Michigan in the amount of \$35,980.00 to proceed with the GIS data base design for the CADD mapping information, address various property alignment issues with the current CADD information and align the mapping with the City's tax data base.

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

CONSIDERATION TO APPROVE CONTRACT AMENDMENT #2 FOR THE CSO CONTROL PROJECT PHASE C-1 AND C-2 TO ADD SEVERAL STREET SEGMENTS TO THE PROJECT DESIGN PHASE:

At a special meeting in April the City Commission awarded a contract to C2AE for the design of the City of Sault Ste. Marie CSO Control Program Phase C1 and C2. This work has been on an expedited schedule in order to take advantage of potential federal stimulus funds in the SRF and DWRP Revolving Loan Fund Programs. In order to do this C2AE, along with City Engineering staff and Water and Sewer Department personnel have been doing an intensive and accelerated design process in order to meet the very tight schedule for meeting the deadline for stimulus consideration in the first quarter of fiscal year 2010 (October 1<sup>st</sup>, 2009). During the investigation work that was necessary as part of the design phase through sewer televising and inspections, it has been determined that there are certain sections of the City's existing sewer system that were not part of the original project plan but are critical for completing sewer separation issues. These additional streets have included Magazine Street – from Gros Cap Street to Emeline Street, Ashmun Street from Portage Avenue to Water Street, Portage Avenue from Ashmun Street to Brady Street, Maple Street from Bingham Avenue to Kimball Street, and Brady Street from Maple Street to Portage Avenue. At this point administration is recommending that the City Commission consider a contract

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amendment to do full design for these additional street sections in order to address these critical issues with the Phase C1 and C2 work. These streets were not part of the original contract awarded by the Commission. These streets would be eligible for any stimulus funding that would be provided through the DWRP or SRF programs.

There are no guarantees that the City will receive stimulus funding consideration in the SRF or DWRP programs. However, if the City doesn't the October 1<sup>st</sup> deadline the City will certainly be ineligible for any considerations of this funding.

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission authorize Contract Amendment No. 2 for design engineering services with C2AE for the CSO control program Phase C1 and C2 to add the five street segments as outlined in this report.

That the City Commission appropriate \$79,000.00 for the additional engineering from the sewer and water depreciation reserve accounts.

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

#### CONSIDERATION OF AN ENGINEERING PROPOSAL FOR DESIGNING FORT AND EMELINE STREETS:

The City of Sault Ste. Marie has received a request from the developer of the new building that will house the Federal Immigration and Customs Enforcement Agency (ICE) on Emeline Street west of Magazine Street. In addition, this street provides access to the assisted living facility with the potential for other development to occur on this site at a future time. These projects could be added to the CSO C Phase One and Two Project since work will be occurring in this immediate area. City Engineer Dave Strickland has suggested adding this project to the contract for C2AE for the design of a curbed section of street for Fort and Emeline Streets.

Moved by Commissioner Munsell, supported by Commissioner Burton

That the City Commission authorize C2AE to proceed with design services for the construction of a curbed street and gutter on Emeline Street and Fort Street in the vicinity of the assisted living facility and the proposed ICE facility.

That the funding of not to exceed \$18,000.00 appropriated for Bermuda Avenue curb improvement project be utilized for this purpose.

Carried: Yeas: Commissioner Lynn, Munsell, Stefanski, Mayor Bosbous, Commissioner Bauer, and Burton

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Nays: None

CONSIDERATION TO AWARD A CONTRACT FOR THE PHASE I DESIGN SERVICES FOR THE PROPOSED SMARTZONE BREEDER BUILDING PROJECT:

The State of Michigan has designated a Smart Zone for the City of Sault Ste. Marie that enables the City to capture school taxes to fund various activities identified in the Smart Zone plan. A significant project identified in this plan is the construction of a new breeder building to be constructed as a City owned facility on land within the Industrial Park. This building will be financed through bonds and will be supported by the LDFA and possibly through an EDA grant for the construction of this facility. In order to proceed with the preliminary design, planning proposals were requested from design firms capable of developing concepts, plans and specifications for the breeder building. A steering committee consisting of Maury Walworth and Eric Becks from LSSU, Charlie Litzner representing the EDC and Tom Veum representing the LDFA reviewed the five proposals received for these services. The recommended proposal for professional services was from Integrated Design, Inc. of Marquette, Michigan. The committee is recommending that the initial proposal for \$15,960.00 be accepted by the City Commission to move forward with the preliminary design. Once the preliminary design is completed then the scope of the project will be known and a cost for the design and specifications phase of the project will be obtained and presented to the City Commission.

Jim Hendricks was present and answered questions from the City Commission.

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission accept the proposal for Phase One Design Development of the Smart Zone Breeder Building to the firm of Integrated Design, Inc. of Marquette, Michigan in the amount of \$15,960.00.

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

CONSIDERATION TO APPROVE A PRIVATE USE AGREEMENT FOR THE USE OF THE E. 16<sup>TH</sup> AVENUE PUBLIC ROADWAY EASEMENT AREA BY DENNIS NIXON:

The City holds an easement across property that is currently owned by Dennis and Debra Nixon for the purpose of future road improvements and utility purposes. The property owner would like to make certain improvements on this site and is also interested in installing a gate to prevent unauthorized use of the easement area by ORV's and/or snowmobiles. Currently the City has a fourteen inch water transmission main that runs through this easement but no street has been constructed.

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This is a little different than the normal right-of-way use agreements in that the property owner owns the property but the easement gave up certain rights to the property to the City for road and utility purposes. In reviewing this issue internally administration does not see any conflict that would arise from the property owner wishing to construct a gate that would remain unlocked across the property. This will give the City an opportunity to access the area for any water main maintenance issues and should reduce the amount of unauthorized ORV and snowmobile traffic through this easement.

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the City Commission consider granting the approval of a revocable private use agreement for the East 16<sup>th</sup> Avenue extended public easement subject to the conditions as outlined in the attached Agreement of Understanding.

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

CONSIDERATION TO APPROVE A BUDGET TRANSFER FOR THE RYAN AND EASTERDAY TRAFFIC SIGNAL PROJECT:

The City Commission has awarded bids for two projects relating to traffic signals. The first is the pedestrian crossing signals at Osborn and Portage Streets. The second project was to replace the traffic signals at Easterday and Ryan with new LED signals. At the preconstruction meeting with Roy Electric and Edison Sault, Edison Sault indicated that two utility poles that are used by the City for the signal should be replaced due to their age and condition, which was not anticipated at time of bid. While Edison is responsible for moving the electrical lines to the new poles, all of the City's traffic control equipment has to be moved at City expense. Administration is recommending that the City Commission consider upgrading this control equipment since this move will be a necessity. Proposals were received from both Edison and Roy Electric to accomplish these tasks with Edison's cost being \$900.00 for the two new poles and guide wires, and Roy Electric's cost to reconfigure and update the control system for these lights at \$5,675.00. In order to complete this project an additional \$6,500.00 will need to be transferred from the major street unrestricted fund balance.

Moved by Commissioner Burton, supported by Commissioner Lynn

That the City Commission authorize the transfer of \$6,500.00 from the major street unrestricted fund balance to complete the traffic signal upgrade at the corner of Easterday and Ryan Streets and authorize the change order with Roy Electric in the amount of \$5,675.00 and \$900.00 to Edison Sault Electric Company to complete this project.

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

**CONSIDERATION OF A BUDGET ADJUSTMENT FOR REPAIRS TO THE SANDERSON AIRFIELD DRIVEWAY:**

The Airport Board solicited quotes to repair the end of the driveway at Meridian Street where a bump has been created due to a culvert that is heaving, particularly during the spring and fall. In order to proceed with this work it is necessary for the Commission to appropriate funding for this work which was not budgeted.

Moved by Commissioner Munsell, supported by Commissioner Bauer

That the City Commission appropriate the amount of \$4,715.00 based on the low proposal for this repair to Norris Construction from the general fund contingency for this repair.

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

**Status Report:**

**City of Sault Ste. Marie General Election Candidates:**

All candidates who have filed a Notice of Intent have submitted qualifying petitions to have their name on the ballot for the November 3, 2009 City General Election. Since there are no more than two candidates for Mayor or six candidates for City Commissioner, there will be no primary in August for the City Commission election. The election results in November will determine the winners of the places for City Commissioner and Mayor.

**MATTERS PRESENTED BY THE PUBLIC:**

None

**MATTERS PRESENTED BY THE CITY COMMISSION:**

Commissioner Stefanski raised concerns about the debris around the WMH facility, cables hanging from the poles (houses have been removed), and the wooden fence behind the parking lot is in need of clean up.

Commissioner Burton asked if the CSO project could be broken into smaller

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sections so local contractors can provide bids. C2AE was present and answered questions from the Commission. Referred to an article in the paper regarding a woman that was recently attacked questioned where the attacker from. Commissioner Burton was concerned that the attacker was recently released from prison.

Commissioner Munsell received positive comments on the fencing project at the Maple Ridge Cemetery and requested some of the stones to be fixed. Commissioner Munsell suggested having a ribbon cutting for projects completed by the City. Opening at Wal-Mart was a success.

City Attorney Cannello informed the City Commission on the Local Purchase Preference Policy.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the meeting adjourn at 8:44 p.m.

Motion carried unanimously.

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

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