

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 Tuesday, September 8, 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 Munsell, supported by Commissioner Burton

That the absence of Commissioner Gerrie be excused.

Motion carried unanimously.

A moment of silence was held in honor of 9/11.

The Sault Ste. Marie Beautification Committee is please to congratulate and announce the top ten award winners for the Garden of the Year Program chosen by our community: First United Presbyterian Church, Frank Atkinson, Philip and Lana Patton, Deloras Wolfgang, Cris Roll, Dennis Watson, Daniel and Mandy Emplit, Jenny Gillotte, Pete and Diane Donofrio, and Marcy Misner.

Garden of the Year signs will be place in the yards to give the whole community an opportunity to appreciate the gardens. These signs have been sponsored by NorthScape, Sault Area Public School Employees, Sault Ste. Marie Beautification Committee, At Home Gifts, Sault Ste. Marie City Hall Employees, Prescription Oxygen, Wal-Mart, and Lake Superior State University.

CONSENT AGENDA:

Moved by Commissioner Stefanski, 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, August 17, 2009 and the special City Commission meeting of August 20, 2009 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

September 8, 2009

- a. Brownfield Redevelopment Authority– August 11, 2009
- b. Community Services Board – August 25, 2009
- c. Dial-A-Ride – August 19, 2009
- d. Economic Development Corporation – August 11, 2009
- e. Historic Structures Mgt. Committee – August 18, 2009
- f. Planning & Development Commission–Aug. 13, 2009
- g. Police and Fire Pension Board – August 25, 2009
- h. PEHP Fire Fighters Unit – August 6, 2009
- i. PEHP Police Sergeant Unit – August 6, 2009
- j. PEHP DPW Unit – August 6, 2009
- k. PEHP Police Unit – August 6, 2009
- l. SSM Housing Commission – July 9, 2009
- m. Existing Structures Board of Appeals – July 21, 2009
- n. Zoning Board of Appeals – July 16, 2009

Appointments and Resignations:

That the City Commission reappoint Steve Cannello to a term that will expire March 4, 2012 on the PEHP Police Sergeants Unit Board.

That the City Commission confirm the Mayor’s appointment of Roger Roe, Vicki Thomas, and Mark Ruotsala to the Planning and Development Commission for terms that will expire on April 19, 2012.

Communications:

That the City Commission authorize the sale of alcohol in the City right-of-way during the September 26th Oktoberfest celebration in accordance with rules established by the Liquor Control Commission and the City of Sault Ste. Marie.

That the City Commission approve a standing authorized signature resolution for issues related to the Dial-a-Ride system with the Michigan Department of Transportation. That the City Manager Spencer R. Nebel and City Clerk Robin R. Troyer of the City of Sault Ste. Marie, Michigan are designated as the signatories for any agreements or authorizations approved the by the City Commission between the Michigan Department of Transportation and the City of Sault Ste. Marie relating to the operation of the Dial-a-Ride System.

Land Division – Part of SE ¼ of SW ¼, section 11, T47N, R1W by Terry and Mary Ann Pettett:

WHEREAS, an application for land division was filed by Terry and Mary Ann Pettett to redefine their existing two parcels (Tax Parcel No. 051-061-050-00 and 051-061-050-50) resulting in parcels “A” (8.44 acres more or less) and “B” (1.57 acres more or less) as shown and described on the attached survey.

September 8, 2009

WHEREAS, the Planning & Development Commission on August 27, 2009 duly considered the application and recommended that it be approved; and

WHEREAS, the new parcels to be created meet the requirements of Section 109(1) of the State Land Division Act as amended; and

WHEREAS, in accordance with Section 109(6) of the State Land Division Act, approval of a division is not a determination that the resulting parcels comply with all other ordinances or regulations, and a building permit shall only be issued if all applicable City Ordinances and Code requirements are met at the time of application for a building permit; and

THEREFORE BE IT RESOLVED, that the City Commission of Sault Ste. Marie, Michigan, hereby approves the land division as shown and described on the attached survey by Northwoods Land Surveying dated July 23, 2009, reference job # 111-678S; and

BE IT FURTHER RESOLVED, that a copy of this resolution be recorded at the Register of Deeds Office in and for the County of Chippewa, State of Michigan.

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

COMMUNICATIONS:

FROM COMMISSIONER BURTON – RESOLUTION BY CITY COMMISSION TO GIVE PRIORITY TO LOCAL CONTRACTORS IN ALL PUBLIC WORKS PROJECTS FUNDED BY LOCAL TAX DOLLARS INCLUDING BREAKING UP LARGE CSO PROJECTS WHICH WILL ALLOW LOCAL COMPANIES TO BID AND BENEFIT THE ENTIRE COMMUNITY:

Commissioner Burton is requesting that the City Commission consider a resolution that would give priority to local contractors on all public works projects funded by local tax dollars including breaking up large CSO projects, which will allow companies to bid and benefit the entire community.

While City Manager Nebel agrees that the City should make reasonable efforts to make sure that local contractors have an opportunity to bid on projects, there are limitations as to what the City can do in this regard. Section 12.1 of the City Charter requires comparative prices be obtained for such construction projects. The exception to this is when the City Manager, Purchasing Agent, or the Commission as hereafter provided shall determine that it would not be advantageous to the City to bid work. In all sale or purchases in excess of \$10,000 (a) the sale or purchase shall be approved by the Commission (b) sealed bids shall be obtained unless the Commission by

September 8, 2009

unanimous resolution of those present at the meeting, based upon the written recommendations of the City Manager, determines that it would not be advantageous to obtain sealed bids, and (c) the requirements of Section 12.2 shall be complied with.” Section 12.1 of the City Charter later provides that: “Purchases shall be made from the lowest competitive bidder meeting specifications. Sales shall be made to the bidder whose bid is most advantageous to the City.”

The Commission needs to be aware that various grant and loan requirements also may have provisions requiring award to the lowest qualified contractor for these types of projects.

Since City Manager Nebel’s employment, the City has been involved in one lawsuit regarding a bid award. Since the City followed its Charter provisions, the City was successful in defending the Commission’s decision to award a contract to the low, qualified bidder.

With local government (and all units of government), the decisions on how taxpayer dollars are spent need to be done in a clear and transparent way for the general public.

While it may be appropriate to revisit our Local Bidding Preference Ordinance at some point in the future, City Manager Nebel does not believe that it would be defensible to give priority to local contractors regardless of cost. In some cases, there may only be one in-City vendor for some of these services.

This could also have a significant impact in stifling any competition for City projects, driving the cost of projects, and consequently negatively impacting things such as water and sewer rates and/or reducing the level of services that the City can provide to the residents due to higher construction costs.

The City of Sault Ste. Marie does spend a significant amount of its revenue with local vendors for various purchases and services. The question, as raised by Commissioner Burton, is whether local vendors should have first right to all City purchases when a local contractor can do the work.

One final note to consider is that local contractors need to have the capacity to do the work that is required. By putting a local contractor in a position where there is an amount of work that exceeds their capacity, there can be significant problems and inconveniences both to people along the construction routes and to the contractor themselves. City Manager Nebel believes it is important to make sure that any contractor has the capacity to successfully accomplish the projects taking place in the City whether they are local or not.

Commissioner Burton expressed concerns about the economy in Sault Ste. Marie and the need to give priority to local contractors which will allow local companies

September 8, 2009

to bid and benefit the entire community.

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission refer the Local Bidding Preference Ordinance back to City Administration for further review and recommendation.

Motion carried unanimously.

FROM PLANNING AND DEVELOPMENT – INTRODUCTION OF PROPOSED SIGN ORDINANCE AMENDMENT SECTION 20-22(2) TO ALLOW PROJECTING SIGNS IN THE B-2; CENTRAL BUSINESS DISTRICT, WITH CERTAIN REQUIREMENTS SPECIFIC TO THE B-2 DISTRICT:

Following a public hearing on August 27th, the Planning and Development Commission has forwarded a recommendation to the City Commission regarding projecting signs in the City's Central Business District. While projecting signs have been allowed in the City's other commercial districts, the City's Zoning Ordinance specifically prohibited this use in the Central Business District. The Central Business District includes downtown Ashmun Street and a portion of Portage Avenue.

This issue was forwarded by the City Commission to the Planning and Development Commission for their review, analysis, and recommendation. The Downtown Development Authority also analyzed this matter and forwarded a recommendation to the Planning and Development Commission that the prohibition be replaced with an allowance for projecting signs provided that the signs do not project more than 4 feet into the right-of-way and do not exceed a maximum square footage equal to 18 square feet. This will allow for projecting signs to advertise a local business without conflicting with the street lights, street trees, or kiosks that are located on Ashmun Street.

Before approval, the City Commission must first introduce the ordinance at the September 8th City Commission meeting and then can schedule a second reading of the ordinance for the September 21st City Commission meeting.

Moved by Commissioner Stefanski, supported by Commissioner Bauer

That the City Commission introduce for a first reading an ordinance to amend Section 20-22(2) to allow projecting signs in the B-2, Central Business District provided the signs do not project into the right-of-way and do not exceed a maximum of 18 square feet in area.

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

September 8, 2009

Moved by Commissioner Stefanski, supported by Commissioner Bauer

That the City Commission schedule a second reading of this ordinance for the September 21st City Commission meeting.

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

FROM THE COMMUNITY SERVICES BOARD – ESTABLISHMENT OF A DOG
PARK IN SAULT STE. MARIE:

A group of local volunteers led by Mr. Zachary Norman made a presentation before the Community Services Board at their August 25th meeting regarding the establishment of an off-leash dog park within the City of Sault Ste. Marie. The volunteer effort, working as the Barking Lot Project (BLP), has received verbal permission from the Sault Area School District to establish an off-leash park on an area of approximately 325 ft. x 550 ft. on school property near Seymour Street and the High School parking lot at the base of the Sault Seal Recreation Area.

The group has reviewed other off-leash dog parks to develop guidelines for the use of this area. Their proposal is to essentially have two parks as one with one area for small dogs and the second area for larger dogs within the fenced area. The group intends this to be a fee based area with participants paying an annual amount for the option to utilize the dog park area. These fees would help to offset construction and maintenance of the area.

The Community Services Board approved the concept of an off-leash dog park subject to satisfactory resolution of any concerns over cost and liability to the City.

As was the case with the proposal to operate the disc golf at the Sault Seal Recreation Area, City Manager Nebel suggested that the Commission provide conceptual approval of the establishment of a dog park on school property located off of Seymour Street with access from the High School parking lot and authorize City Administration to proceed in addressing issues related to

- (1.) “ownership of the park” between the Sault Schools, the City of Sault Ste. Marie, and the Barking Lot Project,
- (2.) review of any liability for the operation of a leashless dog park as proposed by the Barking Lot Project,
- (3.) fee schedule for this facility,
- (4.) compatibility with adjacent property uses, and
- (5.) status of fund raising for the construction of the required fencing and any other improvements necessary for this park.

September 8, 2009

Once these items are resolved, a final agreement would be forwarded to the City Commission for the Commission's approval. In order to give staff and Barking Lot Project direction, City Manager Nebel suggested that the Commission conceptually approve this project and authorize staff to work with organizers to address the outstanding issues outlined in the report.

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission conceptually approve the creation of a leashless dog park as outlined in the attached proposal submitted by Barking Lot Project and authorize City Administration to work with the organization to address issues as outlined in this report.

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

FROM THE HISTORICAL DEVELOPMENT COMMISSION – APPROPRIATION OF A GRANT FROM THE OSBORN TRUST PROCEEDS FOR A BOOK PUBLISHING PROJECT:

The Historical Development Commission is recommending that the City Commission appropriate \$6,200 of Osborn funds for the production of a booklet, *Then and Now* by the Chippewa County Historical Society. This book will show various photographs of scenes and buildings around Sault Ste. Marie from the collection of photos currently held by the Chippewa County Historical Society. The books will be owned by the City with the Historical Society being responsible for distribution and management of the book sales. As part of this agreement, 40% of all book sales will be returned to the City with 60% being kept by the Chippewa County Historical Society for their efforts in producing this book and all distribution and other activities related to this effort.

This will help make many of the photos in the collection of the Chippewa County Historical Society available for the public to learn more about Sault Ste. Marie's great history.

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the Commission approve the appropriation of \$6,200 from the Osborn proceeds for the publication of a booklet *Then and Now* by the Chippewa County Historical Society.

That the Commission approve the draft agreement to provide a split of the proceeds from the revenues of the sales of the book with 60% being returned to the

September 8, 2009

Chippewa County Historical Society for their efforts in producing, distributing, and selling the books with 40% being returned to the City from this project.

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

FROM BLIGHT COMMITTEE – STATUS REPORT ON PROGRESS ON
BLIGHT ISSUES IN THE COMMUNITY:

Last year, the City Commission created a Blight Committee to provide a more focused attention on addressing blight issues at various locations within the City of Sault Ste. Marie. The Blight Committee consists of City Commissioners Marilyn Burton, and Jeff Stefanski, City Attorney Steve Cannello, Building Official Darien Neveu, Ordinance Enforcement Officer Robert Brown, Police Captain Judd Price, Fire Captain Rod Sanford, and member of the public Pat Shimmens.

Traditionally, the City has acted on blight issues primarily based on complaints that would come forward to the Building Department regarding certain properties. Often-times, some of the complaints regarding blighted structures were not the worst structures in town, but the blight was problematic for neighboring properties. Inevitably, as the Building Department would take enforcement action against a blighted property, the owner of that property would point out five or ten other properties that were in worse condition than their property was. These property owners would feel that they were being singled out and, from time to time, would contact a City Commissioner to express their unhappiness with the Building Department taking action against them. Blight control efforts were unfocused, and it was difficult to see progress being made on this front.

Many other communities in Michigan were dealing with the same problem. The Municipal League was constantly fielding questions about how to effectively deal with blight issues in various communities throughout Michigan. Staff legal council for the Michigan Municipal League, Sue Jeffers, developed a model program in order to create both a legal framework and a political framework in order to help Michigan communities move forward with these efforts.

With the assistance of City Attorney Steve Cannello, Building Official Darien Neveu, and former Ordinance Enforcement Officer Scott Rokita, a plan was developed for the City of Sault Ste. Marie that the City Commission adopted last summer. This plan called for the development of a Blight Committee to replace a “shot gun approach” to blight enforcement with a focused approach to address these issues.

The Committee members independently nominated a total of 82 properties that were identified as having blighted structures. The Building Department visited each of these locations to get photographs of these 82 properties and a brief description of the

September 8, 2009

blight for the Committee's review. The Committee then prioritized their top choices for the full focus of the Building Department during this past year. A total of 17 properties were identified for the completion of full inspections and reports on the specific ordinance violations with those properties. This is a significant effort for each of the structures where a full inspection and detailed report, which includes a citation to each section of the Existing Structures Ordinance, which is in violation due to the condition of that structure.

The 82 properties that were on the list were sent a general letter indicating that their property had blight issues that need to be addressed. These were not full inspections, but the letter was intended to give those property owners an opportunity to address blight issues on their property prior to being formally cited by the Building Department. Of these 82 properties, a number of property owners have taken steps to address their blight violations. In the next couple of weeks, the Building Department will be visiting 65 of these parcels to see if some of those can be de-listed from the Blight Committee's list.

Of the 17 priority blight complaints, 10 structures on 9 lots have been razed, 1 home has been completed remodeled in Little Italy, 3 properties are actively working on corrections, and the last 2 violation letters are being prepared, and 1 has been deemed to still in non-compliance with the list. The vast majority of these property owners fully complied with the Building Department violation letters without appealing the findings of the Building Department. We believe that the fact that the City Commission has been involved in establishing this initiative and a Blight Committee has selected those parcels to be the focus of enforcement efforts has been a key reason that this effort has had a significant number of successes during this first year.

City Manager Nebel also noted that the blight effort had a setback with the resignation of Ordinance Enforcement Officer Scott Rokita and the process of hiring and getting fully oriented to the issues our current Ordinance Enforcement Officer Robert Brown. City Manager Nebel believes the City is very fortunate to have Mr. Brown employed by the City as the Ordinance Enforcement Officer and the lead personnel on this effort. Mr. Brown has done an excellent job in getting up to speed and dealing with these difficult situations in a serious yet courteous manner for both property owners who are victims of neighboring blighted property as well as in dealing with the owners of blighted property in order to address those ordinance violations. This is a very difficult job. The Building Department and Mr. Brown are also responding to several hundred other complaints of garbage, junk and debris, dilapidated structures, long grass, junk vehicles, and other similar complaints during the same time we have been focusing on these properties identified by the Blight Committee.

The Blight Committee will be meeting in September to review the status of the 65 other properties that were sent an informal letter regarding Blight conditions on their property. It is expected that a number of these will be able to be dropped off the blighted list following reinspection based on voluntary efforts made to address

September 8, 2009

conditions.

The Committee will also be looking at adding new properties to this list. The Committee will then prioritize those top properties requiring attention during this next year to start this process over. The Committee's attention was primarily on unoccupied buildings during the 2009 effort. As this effort goes forward and deals with occupied blighted structures in the community, the challenge in addressing these blighted properties will be more challenging than the unoccupied structures in the future.

City Manager Nebel thanked the Blight Committee and, in particular, Pat Shimmens, who donated a significant amount of time in getting the original letters out for the Blight Committee last year. City Manager Nebel also expressed appreciation to Darien Neveu and to Robert Brown who has progressed significantly since he was hired by the City in December of this year to play a very significant, meaningful role in blight enforcement activities within the City of Sault Ste. Marie.

Building Official Darien Neveu spoke briefly to the Commission regarding the progress that the Blight Committee has made thus far. Mr. Neveu introduced Enforcement Officer Robert Brown. Mr. Brown gave a detailed report to the City Commission and answered their questions.

FROM THE COMMUNITY ACTION HUMAN RESOURCE AUTHORITY INC.:

MDOT Project Authorization 2007-0287/Z9:

For the fiscal year beginning October 1, 2009, federal and state funding will be available for the Dial-a-Ride System through the Federal Transit Administration Job Access Reverse Commute Program. There are no local funds required for this assistance.

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the City Commission approve Agreement No. 2007-0287 with the Michigan Department of Transportation and authorize the Manager and Clerk to execute said Agreement for FY 2010 Section 5316/Job Access and Reverse Commute Program funding in the amount of \$24,646 from the Federal Government and \$24,646 from the Michigan Department of Transportation for a total of \$49,292.

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

MDOT Project Authorization 2007-0287/Z6/R1:

Approval of 2009 Drug and Alcohol Testing Policy:

September 8, 2009

The Michigan Department of Transportation is requiring two actions to be considered by the City Commission in regards to the Dial-a-Ride System. The first is in regards to the adoption of a drug and alcohol policy by Dial-a-Ride for employees operating the Dial-a-Ride System. Since Dial-a-Ride is a separate entity, they do not come under the City's drug and alcohol policies. MDOT has provided their standard acceptable form, which City Manager Nebel recommended the City Commission approve.

The second issue that Community Action is requesting the Commission act on is in regards to a revised project authorization for Capital Outlay funds that will be provided to the Dial-a-Ride System. In accordance with the communication from MDOT, City Manager Nebel has signed and returned the agreement to MDOT for these Capital Outlay funds for the replacement of two buses, radio communication equipment, maintenance equipment, computer equipment, and minor facility improvements. These are capital funds which require no match. MDOT has advised local transit providers that if the meeting to authorize the resolution fell so that a signed agreement could not be returned by September 8th, then it was requested that the agreement be signed and returned with the governing body providing a resolution indicating that the signer was authorized to act on behalf of the City for these grant funds.

Moved by Commissioner Munsell, supported by Commissioner Burton

That the City Commission adopt the attached Drug and Alcohol Policy for Dial-a-Ride and the Bridge Bus as required by the Michigan Department of Transportation.

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

Moved by Commissioner Munsell, supported by Commissioner Burton

That the City Commission approve a resolution authorizing the execution of this agreement by the City Manager.

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

FROM CHARTER COMMUNICATIONS – RESPONSE ON WEATHER CHANNEL:

Don Gladwell, Charter Communications Government Affairs Director for the Upper Peninsula attended the Commission meeting to discuss the concerns expressed by the Commission at the last Commission meeting. Mr. Gladwell indicated that

September 8, 2009

Charter will reinstate the weather channel on the basic tier on channel 95 in December 2009.

FROM RICHARD DALIMONTE – DISK GOLF COURSE UPDATE:

Richard Dalimonte updated the Commission on the establishment of the disc golf course at the Sault Seal Recreation Area and announced the opening of the facility.

CITY MANAGER’S REPORT:

AUTHORIZATION OF A LETTER OF INTENT TO PURCHASE 15 ACRES OF LAND BY THE CANAL CROSSING LLC, TOM MOYLE, OWNER:

The City has provided a Letter of Intent regarding the sale of 15 acres of property to Canal Crossings LLC (Moyle Real Estate and Development Company) for the development of a commercial site between the Quality Inn and Sanderson Field. This was based on a response to proposals the City issued regarding the sale of this land previously.

The City Commission has authorized several extensions of the original agreement due to the resolution of wetland issues on this site. Moyle agreed to participate with the City on the SPRAWL Avoidance and Resource Management Initiative (SARMI) to develop, as a state-wide demonstration project, a plan that would identify areas for development, areas impacted by wetlands, and determine a long-range plan for both the development of certain areas of the City and preserving high quality functional wetlands where they should be preserved.

Since the developer has held off on proceeding independently with any permitting issues, the developer is not in a position to exercise the option on the property, since it is unknown whether the Department of Environmental Quality would issue a permit on this property at this time. The agreement, in a sense, gives the developer the opportunity to purchase the property if the developer is satisfied that they can proceed with the development of this property.

Concurrently with the SARMI process, City staff has been working with Michigan Aeronautics to confirm the City’s opinion that the airport zoning provisions would not negatively impact the potential commercial development of this property. This matter is currently being evaluated by Michigan Aeronautics. By approving the Letter of Intent to purchase 15 acres of airport land, these various processes will be able to come to a conclusion that will enable the developer to make a decision as to whether to proceed with the purchase and development of this property. The agreement also provides some security to the developer that if the issues relating to wetlands and other zoning issues are satisfactorily resolved that someone else cannot jump ahead of them to acquire this property.

September 8, 2009

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission approve the Letter of Intent to purchase 15 acres of airport land from the City of Sault Ste. Marie by Canal Crossings LLC (Moyle Real Estate and Development Company) in accordance with the terms of the Letter.

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

SCHEDULING PUBLIC HEARING OF NECESSITY FOR THE FOLLOWING
STREET RECONSTRUCTION PROJECTS:

- ST-02-09 Magazine Street, 112' S. of Gros Cap St. to 52' N. of Emeline Street
- ST-03-09 Ridge Street, Magazine St. to Gov. Osborn Blvd.
- ST-04-09 Pine Street, Peck St. to Ridge St.
- ST-05-09 Peck Street, Pine St. to Ashmun St.
- ST-06-09 W. Spruce Street, 345' W. of Pine St. to Gov. Osborn Blvd. & from Gov. Osborn Blvd. to Ashmun St. (gap in segment at Gov. Osborn Blvd.)
- ST-07-09 Arlington Street, Pine St. to Gov. Osborn Blvd.
- ST-08-09 Gov. Osborn Boulevard, Ridge St. to Water St.
- ST-09-09 Water Street, Gov. Osborn Blvd. to Johnston St.
- ST-10-09 Ashmun Street, Portage Ave. to Water St.
- ST-11-09 Bingham Avenue, Maple St. to Water St.
- ST-12-09 Maple Street, Kimball St. to Edison Sault Power Canal
- ST-13-09 Brady Street, E. Portage Ave. to Water St.
- ST-14-09 E. Portage Ave., Ashmun St. to Edison Sault Power Canal
- ST-15-09 Kimball Street, Maple St. to E. Portage Ave.
- ST-16-09 Johnston Street, Maple St. to Water St.
- ST-17-09 Foss Street, W. 5th Ave. to W. 4th Ave.
- ST-18-09 Hyde Street, W. 5th Ave. to W. 4th Ave.
- ST-19-09 W. 12th Street, W. 6th Ave. to W. 5th Ave.

The City is moving forward with the next CSO Control Project for construction in 2010 and 2011. The CSO Project will include sewer separation, water main construction, storm sewer construction, and street reconstruction in part of the City "Island" area bounded by the Edison Sault Power Canal and the St. Mary's River. Also, a portion of the "Algonquin" area south of W. 4th Avenue between Foss Street and W. 12th Street will be reconstructed during this time period. The project will include the construction of 2.72 miles of water main, 2.44 miles of sanitary sewer, 0.69 miles of storm sewer, and reconstruction of approximately 3.63 miles of existing streets. The total estimated cost for this project is between \$8.4 million and \$10.5 million depending on the divisions of work and bid alternatives selected following the bidding process. A

September 8, 2009

map is attached to the City Engineer's report showing those streets that will be included in this work.

After reviewing the streets included in the Special Assessment and reviewing the preliminary costs for this work, the estimates would indicate that the construction per linear foot of property would equal \$37.44 for the portion of the street work (30 feet) that is included in the calculation of the Special Assessment cost.

In addition, there are two streets that will be constructed at significantly narrower widths, which include Arlington Street, which will be 23 feet from face of curb to face of curb and Kimball Street, which will be 22 feet from face of curb to face of curb. These were approved earlier by the City Commission. The calculated assessment cost for the narrower streets per linear foot of property frontage would be \$31.85 for Arlington Street and \$31.25 for Kimball Street.

The remaining three streets are in the "Algonquin" area and are not proposed to include curb and gutter. The calculated assessment cost for these streets will be \$17.76 per linear foot of frontage. This is significantly less than the most recent project in the area that was assessed at \$24.00 per linear foot. Part of this is because of the large volume of work that will be occurring during construction, which helps to reduce costs.

Since these are estimates, administration is recommending that the Commission establish the amount of \$35.00 per front foot of property for the thirteen streets that have the minimum standard width, \$30.00 for both Arlington and Kimball Streets, which are narrower than the standard width, and \$17.00 for Foss Street, Hyde Street, and W. 12th Street, which do not include curb and gutter cross sections as part of the assessment. This will also be helpful in the event that bid prices come under estimates; it will not be necessary to go through a hearing process if the bids are 5% lower on the units used to calculate these assessments.

Administration anticipate low interest loans through the State Revolving Fund for this project, although it appears unlikely that the City will get DWRF funding based on the priority of this project as compared to other projects. For the City to receive the DWRF funding, a number of projects will have to drop out by the end of this month.

At this point, it is necessary for the City Commission to approve the First Resolution for Public Improvement for these various street improvement projects. This will then require that notices be sent to all the affected property owners with public hearings taking place at the September 21st City Commission meeting on these assessments. There will be public meetings scheduled for September 16, 2009 to outline the projects and the assessment process for those property owners who want to come in and take a look at the proposed work that is going to be done in their streets prior to the September 21st public hearing and to ask questions regarding the assessment process.

September 8, 2009

Moved by Commissioner Munsell, supported by Commissioner Lynn

WHEREAS, a certain report concerning the necessity for street construction including subbase and base reconstruction, concrete curb and gutter (ST-02-09 through ST-16-09 only), bituminous pavement, storm sewer improvements, water main and sanitary sewer improvements, and various restoration work on the following streets:

<u>Project No.</u>	<u>Location</u>
ST-02-09	Magazine Street – From 112’ South of Gros Cap St. to 52’ North of Emeline St.
ST-03-09	Ridge Street – From Magazine St. to Gov. Osborn Blvd.
ST-04-09	Pine Street – From Peck St. to Ridge St.
ST-05-09	Peck Street – From Pine St. to Ashmun St.
ST-06-09	Spruce Street – From 345’ West of Pine St. to Ashmun St. (gap in segment at Gov. Osborn Blvd.)
ST-07-09	Arlington Street – From Pine St. to Gov. Osborn Blvd.
ST-08-09	Gov, Osborn Blvd. – From Ridge St. to Water St.
ST-09-09	Water Street – From Gov. Osborn Blvd. To Johnston St.
ST-10-09	Ashmun Street – From Portage Ave. to Water St.
ST-11-09	Bingham Avenue – From Maple St. to Water St.
ST-12-09	Maple Street – From Kimball St. to Edison Sault Power Canal
ST-13-09	Brady Street – From E. Portage Ave. to Water St.
ST-14-09	E. Portage Avenue – From Ashmun St. to Edison Sault Power Canal
ST-15-09	Kimball Street – From Maple St. to E. Portage Ave.
ST-16-09	Johnston Street – From Maple St. to Water St.
ST-17-09	Foss Street – From W. 5 th Ave. to W. 4 th Ave.
ST-18-09	Hyde Street – From W. 5 th Ave. to W. 4 th Ave.
ST-19-09	W. 12 th Street – From W. 6 th Ave. to W. 5 th Ave.

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, maps and estimates of the cost of said improvements.

BE IT THEREFORE RESOLVED, That Monday, the 21 day of Sept., 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 Projects No. ST-02-09 through ST-19-09.

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.

September 8, 2009

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

SCHEDULING PUBLIC HEARING OF NECESSITY FOR THE FOLLOWING
STREET RECONSTRUCTION PROJECTS:

- ST-20-09 Emeline Street, Fort St. to Magazine St.
- ST-21-09 Fort Street, Ridge St. to Emeline St.

The City has been approached by the developer of the new Immigration and Customs Enforcement facility to consider replacing the graveled roadways of Emeline Street and Fort Street with bituminous roadway with curb and gutter. This area, which will now include an Immigration and Customs Enforcement facility, currently is quite busy with the new Freighter View Assisted Living facility as well. This project will help address maintenance issues regarding the maintenance of a gravel roadway for these two facilities, which are and will generate a significant amount of additional road traffic from what should be in place for a gravel street.

If the Commission is interested in going forward with this project, it would be appropriate for the Commission to act on the First Resolution for Public Improvements and schedule the Public Hearings of Necessity for Monday, September 21, 2009.

These projects have not been petitioned by the adjacent property owners, and a meeting will be held on September 16, 2009 to obtain any comments from property owners regarding going forward with this project.

Moved by Commissioner Stefanski, supported by Commissioner Lynn

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

ST-20-09 Emeline Street - From Fort Street to Magazine Street
ST-21-09 Fort Street - From Ridge Street to Emeline Street

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.

September 8, 2009

BE IT THEREFORE RESOLVED, That Monday, the 21st day of September, 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 Projects No. ST-21-09 and ST-21-09.

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

WIND ENERGY ORDINANCE STATUS UPDATE:

The City Commission placed a temporary moratorium on the construction of wind power and energy generating devices within the City of Sault Ste. Marie until zoning language could be developed and approved to address the use of wind energy at locations within the City. The Planning staff has undertaken research concerning the technology and regulation of wind energy turbines. The technology regarding wind energy has changed significantly during the past couple of years with smaller scale home and business use generators now being available in addition to the major commercial windmill units. Recently, the City of St. Ignace and Soo Township adopted ordinances for wind turbines. The City of Mackinaw City is in the midst of considering an ordinance to allow these facilities to be used within that community.

The Planning and Development Commission is focusing on where it would be appropriate to utilize the small wind energy turbines for on-site power generation within the City of Sault Ste. Marie without creating nuisances for neighboring properties. In the attached report, there is a breakdown of various issues that may require regulation in a proposed revision to the Zoning Ordinance in order to allow the use of certain wind energy turbines within the community. There is also a spreadsheet attached indicating compilation of the various requirements outlined in either model ordinances or in ordinances adopted by other communities for the Planning and Development's and City Commission's review.

The Planning and Development Commission will be meeting on September 10th to continue their analysis of this policy, and they will consider scheduling a public workshop, which could be held on September 24th depending on the outcome of the September 10th meeting. This ordinance would then be before the City Commission in October barring any unforeseen developments during the public meeting.

AGENDA DEADLINE FOR THE SEPTEMBER 21ST CITY COMMISSION MEETING:

September 8, 2009

City Manager Nebel will be attending the Annual International City Manager's Association meeting in Montreal, Quebec prior to the September 21st City Commission meeting. City Manager Nebel will be arriving back in Sault Ste. Marie on the afternoon of Thursday, September 17, 2009. City Manager Nebel requested that the City Commission delay by one day the delivery of the agenda packet so that he can complete the agenda reports on the evening of September 17th with delivery to the Commission on Friday, September 18th for the meeting on the 21st. This would require the City Commission to waive its policy on the delivery date of agenda packets for this particular meeting.

Moved by Commissioner Lynn, supported by Commissioner Munsell

That the City Commission authorize a one day delay in the delivery of the agenda packets for the September 21st City Commission meeting to Friday, September 18th.

Motion carried unanimously.

SCHEDULE WORK SESSION FOR TUESDAY, SEPTEMBER 29TH FOR TRAINING ON PAPERLESS AGENDA SYSTEMS WITH CIVIC:

The City administrative staff has moved forward with various efforts to implement the paperless agenda system. Laptops will be distributed to City Commission members at the September 21st City Commission meeting. Civic will be here for full implementation of the software and staff training as well as training for the City Commission during the last week of September.

Administration would like to have a work session of the City Commission for training purposes for Tuesday, September 29th at 5:15 p.m. in the Mayor's Conference Room. Training will take approximately 1-1/2 hours by Civic's personnel.

MATTERS PRESENTED BY THE PUBLIC:

Zack Norman representative of the Barking Lot Project informed the Commission and citizens of the community of the upcoming meeting on Thursday at 6:00 p.m. at Studebakers Restaurant.

MATTERS PRESENTED BY THE CITY COMMISSION:

Commissioner Bauer informed the Commission of the Star's open house on Wednesday at 4:00 p.m. and the return of the KOC pastie sale.

Commissioner Burton inquired about the brush pile behind the water tower.

September 8, 2009

Commissioner Munsell asked about the status of the water tower sign.

Commissioner Stefanski welcomed the LSU students back.

Mayor Bosbous informed the Commission and residents of the 70th Anniversary celebration at the Pullar Stadium this coming Saturday. The Soo Eagles will be playing an exhibition game at 2:30.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the meeting adjourn at 9:05 p.m.

Motion carried unanimously.

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

September 8, 2009