

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, September 21, 2009 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

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

Absent: Commissioner Lynn

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 Lynn be excused.

Motion carried unanimously.

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 Tuesday, September 8, 2009 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Downtown Development Authority – August 12, 2009
- b. Planning & Development Commission – April 23rd, May 14th, and June 11th, 2009
- c. SSM Housing Commission – August 13, 2009
- d. Historical Development Commission – Sept. 1, 2009
- e. Airport Board – September 9, 2009

Communications:

That the City Commission approve a license for the Family Fun Circus to operate a circus at the Aune-Osborn Park in Sault Ste. Marie on August 14, 2009.

That the City Commission approve a Local Governing Body Resolution for Charitable Gaming License recognizing the Soo Theatre Project, Inc. as a non-profit organization operating in the City of Sault Ste. Marie for the purpose of obtaining a Charitable Gaming License.

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

Nays: None

SPECIAL ORDERS OF BUSINESS:

PUBLIC HEARING OF NECESSITY FOR CSO PHASE C1 AND C2 PROJECT:

At the September 8th City Commission meeting, Public Hearings of Necessity were scheduled for 18 street projects that would be constructed as part of the Phase C-1 and C-2 Projects for the City of Sault Ste. Marie. This CSO Project will include sewer separation, water main construction, storm sewer construction, and street construction in part of the City's "Island" area bounded by the Edison Sault power canal and the St. Mary's River. A portion of work will occur in the "Algonquin" area south of W. 4th Avenue between Foss Street and W. 12th Street. The project will include construction of 2.72 miles of water main, 2.44 miles of sanitary sewer, 0.69 miles of storm sewer, and includes the reconstruction of approximately 3.63 miles of existing streets. The total estimated cost of 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 map is attached showing those streets affected by this construction.

The Special Assessment is for certain elements of street reconstruction only. The water and sewer system upgrades are paid for by the City at large. The only portion that is assessed is the roadway surface items including the aggregate base, concrete curb and gutter, bituminous pavement, and various restoration work items. These costs are divided on a 60% property owner 40% City at large cost share ratio. All costs for excavation and removal of all subbase materials and replacement with a sand subbase construction fabric and other materials are borne by the City at large as well. This has been the method the City has utilized for all previous CSO projects as well as other street reconstruction projects done in the past few years.

The City Engineering Department has developed estimates for this work, which range from \$37.44 assessable cost for standard streets to \$17.76 for reconstruction of streets without curb and gutter. Since these are estimates, administration is recommending that the City Commission establish the amount for the Special Assessments at \$35 per front foot of property for the 13 streets that have the minimum standard width of 30 feet, \$30 per front foot of property for both Arlington and Kimball Streets, which are narrower than the standard width, and \$17 per front foot of property for Foss, Hyde, and W. 12th Streets, which do not include curb and gutter cross sections as part of the assessment. These prices will be helpful in the event that bid prices come in under estimates, since it would be necessary to go through a second hearing process should the bid prices be 5% lower than the price established during the Special Assessment Hearing process. However, if the prices were 5% lower than the reduced prices, the City would still be in a position where they would have to hold hearings and reduce the assessments accordingly. The City Commission also has the right to increase assessment costs should costs come in higher than expected. The City Commission has not been in a CSO C-1 and C-2 position where they've had to do this in previous projects, and barring a significant change in prices from what is anticipated, City Manager Nebel would not foresee a recommendation from staff to increase assessment costs.

Administration is anticipating low interest loans through the State Revolving Fund for the sewer portion of this project. It does appear unlikely that the City will get DWRF funding based on the priority of this project compared to other projects in the hopper for the State of Michigan.

On Wednesday, September 16th, City staff conducted public information meetings for the various projects. Within the Special Assessment Districts there are 369 parcels of property that would be impacted by the Special Assessments. Owners of 22 parcels participated in the public information meetings. A listing of the questions and issues raised by property owners at these meetings are included in the report from City Engineer Dave Strickland for review. Most of the comments related to specific needs during construction or specific construction issues in front of their property.

Following the Hearing of Necessity and assuming resolutions are approved determining these individual projects are necessary; there will be a hearing of confirmation in which property owners can protest their individual street assessments. Property owners have the right to appeal their assessments to the State Tribunal only if they appear and protest their assessments at the Hearing of Confirmation, which will take place on October 5th.

Currently, bids are being advertised with a current bid opening date of October 13th. It is administration's intention to have a recommendation for tentative award for the City Commission on October 19th. The City Commission is required to make a tentative contract award no later than October 28th. There is a bid hold period of 120 days following the opening to allow the City to finalize the bonding for this project. Administration is also working with the Michigan Department of Transportation on funding for work that will be taking place on W. Portage Avenue, which is part of the State Trunkline System.

The completion date for these projects is December 15, 2011. Part of this work will occur during 2010 with the remainder occurring within 2011.

The various projects have been dictated by the design process to allow for a logical reconstruction and reconnection of various utilities within the CSO Project area. The projects that have been selected are based on the highest priority needs for the Combined Sewer Overflow Control Program. This helps maximize the participation in this project of the State Revolving Fund, which will be providing the low interest loans for the sanitary sewer improvement portions of these projects. The water and street portions of the project will likely be done with conventional bonding for this project. While there are certain streets that are in worse condition on the Island area that would have been nice to include in this project, the design is really being dictated on the inner connectability of the underground utilities that will be replaced as part of this project.

As with other street special assessments, the project costs will be assessed in 10 equal annual installments with interest to be assessed on the unpaid balance at the rate of 6%, or 1% over the average bond interest rates, whichever is less.

Public Hearing of Necessity on : ST-02-09 Magazine Street, 112' S. of Gros Cap St. to 52' N. of Emeline St.:

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

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Magazine Street - From 112' South of Gros Cap St. to 52' North of Emeline St., designated as Special Assessment Roll No. ST-02-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-148-390-00	051-148-392-00	051-148-393-00
051-148-394-00	051-148-395-00	051-148-403-00
051-148-408-00	051-148-410-00	051-148-411-00
051-148-412-00	051-622-002-00	051-148-404-00
051-148-404-50	051-036-002-00	051-036-003-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-02-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-03-09 Ridge Street, Magazine St. to Gov. Osborn Blvd.:

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

Moved by Commissioner Burton, supported by Commissioner Bauer

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Ridge Street from Magazine St. to Gov. Osborn Blvd., designated as Special Assessment Roll No. ST-03-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-142-072-00	051-142-075-50	051-142-076-00
051-142-079-00	051-142-080-00	051-142-084-00
051-142-085-00	051-142-088-00	051-142-089-00
051-142-092-00	051-142-093-00	051-142-095-00
051-148-375-50	051-148-376-00	051-148-378-00
051-148-379-00	051-148-383-00	051-148-384-00
051-148-385-50	051-148-388-00	051-148-389-00
051-148-390-00	051-149-420-00	051-149-421-00
051-149-422-00	051-149-427-00	051-351-017-00

051-351-019-00

051-383-007-00

051-383-008-00

051-036-003-00

051-142-068-00

051-142-081-00

051-149-415-00

051-149-426-00

051-351-016-60

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-03-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009

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

Public Hearing of Necessity on: ST-04-09 Pine Street, Peck St. to Ridge St.:

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

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Pine Street - from Peck St. to Ridge St., designated as Special Assessment Roll No. ST-04-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the

assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-151-491-00	051-384-007-00	051-384-008-00
051-384-008-50	051-384-009-00	051-384-010-00
051-384-010-50	051-384-011-00	051-384-028-60
051-036-003-00	051-142-095-00	051-142-095-50
051-142-096-00	051-142-097-00	051-142-097-50
051-036-002-60	051-036-002-50	051-036-002-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-04-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009

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

Public Hearing of Necessity on: ST-05-09 Peck Street, Pine St. to Ashmun St.

The Mayor opened the public hearing.

Sharon Kennedy of 330 Peck Street asked when the project would begin and how long the project would last. City Manager Nebel and City Engineer Strickland responded to Ms. Kennedy's questions.

There were no further comments from the public therefore the following action was taken:

Moved by Commissioner Bauer, supported by Commissioner Stefanski

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Peck Street – from Pine St. to Ashmun St., designated as Special Assessment Roll No. ST-05-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-000-053-00	051-000-053-50	051-008-014-00
051-008-015-00	051-151-480-00	051-151-481-00
051-151-482-00	051-151-483-00	051-151-485-00
051-151-486-00	051-151-486-30	051-151-486-60
051-151-487-00	051-151-488-00	051-151-489-00
051-151-490-00	051-218-037-00	051-218-038-00
051-218-039-00	051-218-040-00	051-218-028-50
051-384-001-00	051-384-002-00	051-384-003-00
051-384-004-00	051-384-005-00	051-384-005-50
051-384-006-00	051-384-007-00	051-384-007-50
051-008-013-00		

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-05-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: 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.)

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

Moved by Commissioner Munsell, supported by Commissioner Gerrie

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on W. Spruce Street - From 345' West of Pine St. to Ashmun St. (Except Gov. Osborn Blvd), designated as Special Assessment Roll No. ST-06-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-008-001-00	051-142-123-00	051-151-505-50
051-008-027-00	051-036-002-00	051-036-002-50
051-036-002-60	051-142-097-00	051-142-098-00
051-142-100-00	051-142-102-00	051-142-103-00
051-142-103-50	051-142-105-00	051-142-106-00
051-142-107-00	051-142-108-00	051-142-111-00
051-142-113-00	051-142-115-00	051-142-116-00
051-142-114-00	051-142-117-00	051-142-123-00
051-142-124-00	051-142-128-00	051-142-130-00
051-142-131-00	051-142-131-50	051-142-136-00
051-142-137-00	051-142-138-00	051-151-491-00
051-151-500-00	051-151-501-00	051-151-503-00

051-151-504-00

051-151-505-50

051-384-028-00

051-384-028-20

051-384-030-00

051-384-030-50

051-384-031-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-06-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-07-09 Arlington Street, Pine St. to Gov. Osborn Blvd.

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

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Arlington Street - From Pine St. to Gov. Osborn Blvd., designated as Special Assessment Roll No. ST-07-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-142-071-00	051-142-073-00	051-142-074-00
051-142-075-00	051-142-077-00	051-142-078-00
051-142-081-00	051-142-084-50	051-142-086-00
051-142-090-00	051-142-091-00	051-142-094-00
051-142-101-00	051-142-104-00	051-142-106-00
051-142-107-00	051-142-108-00	051-142-110-00
051-142-112-00	051-142-113-00	051-142-114-50
051-142-115-00	051-142-116-00	051-142-117-00
051-142-096-00	051-142-095-00	051-142-068-00
051-142-079-00	051-142-088-00	

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-07-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-08-09 Gov. Osborn Boulevard, Ridge St. to Water St.

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

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Gov. Osborn Blvd. - From Ridge St. to Water St., designated as Special Assessment Roll No. ST-08-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-141-002-00	051-141-002-20	051-141-042-00
051-141-043-00	051-143-144-00	051-149-413-00
051-149-415-00	051-141-002-50	

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-08-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-09-09 Water Street, Gov. Osborn Blvd. to Johnston St.

The Mayor opened the public hearing.

John Spencer of 140 Water Street inquired about a stop sign at Bingham St., how long utilities would be disrupted, and if measures have been taken to prevent damage to homeowners landscaping. City Manager Nebel and City Engineer Strickland responded to Mr. Spencer's questions.

There were no further comments from the public therefore the following action was taken:

Moved by Commissioner Burton, supported by Commissioner Stefanski

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Water Street – From Gov. Osborn Blvd. To Johnston St., designated as Special Assessment Roll No. ST-09-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-143-144-00	051-143-148-00	051-143-154-00
051-143-160-00	051-143-166-00	051-143-173-00
051-143-173-50	051-143-174-00	051-143-177-00
051-153-557-00	051-153-558-00	051-153-560-00
051-153-561-00	051-153-562-00	051-153-563-50
051-153-565-30	051-153-565-60	051-153-566-30
051-153-566-60	051-153-567-00	051-153-567-30
051-356-001-00	051-356-001-50	051-356-003-00
051-356-005-00	051-357-001-00	051-360-103-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-09-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-10-09 Ashmun Street, Portage Ave. to Water St.

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

Moved by Commissioner Stefanski, supported by Commissioner Burton

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Ashmun Street – From E. Portage Ave. to Water St., designated as Special Assessment Roll No. ST-10-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-143-160-00	051-143-161-00	051-143-166-00
051-143-167-00	051-143-168-00	051-143-169-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of

such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-10-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-11-09 Bingham Avenue, Maple St. to Water St.

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

Moved by Commissioner Burton, supported by Commissioner Munsell

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Bingham Avenue – From Maple St. to Water St., designated as Special Assessment Roll No. ST-11-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-278-000-00	051-356-004-00	051-356-005-00
051-356-006-00	051-356-006-50	051-359-018-00
051-359-018-50	051-359-001-00	051-359-001-50

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-11-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-12-09 Maple Street, Kimball St. to Edison Sault Power Canal:

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

Moved by Commissioner Bauer, supported by Commissioner Gerrie

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Maple Street - From Kimball St. to Edison Sault Power Canal, designated as Special Assessment Roll No. ST-12-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-031-051-00

051-031-053-00

051-031-054-00

051-031-056-00	051-031-057-00	051-031-057-50
051-031-058-00	051-031-059-00	051-031-060-00
051-031-061-00	051-031-062-00	051-031-062-50
051-031-063-00	051-031-063-50	051-031-064-00
051-031-065-00	051-031-066-00	051-031-067-00
051-031-068-00	051-031-069-00	051-031-071-00
051-031-071-50	051-031-072-00	051-031-073-00
051-031-074-00	051-031-075-00	051-031-076-00
051-031-076-50	051-031-077-00	051-150-440-40
051-150-440-60	051-150-440-80	051-150-443-00
051-150-446-00	051-150-450-00	051-150-451-50
051-150-452-00	051-150-455-00	051-150-456-00
051-150-460-00	051-150-464-00	051-150-465-00
051-150-466-00	051-297-006-00	051-297-006-50
051-297-009-00	051-297-010-00	051-297-011-00
051-297-012-00	051-297-013-00	051-009-014-00
051-031-078-00	051-150-439-00	

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-12-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-13-09 Brady Street, E. Portage Ave. to Water St.:

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

Moved by Commissioner Gerrie, supported by Commissioner Bauer

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including

subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Brady Street - From E. Portage Ave. to Water St., designated as Special Assessment Roll No. ST-13-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-357-001-00

051-357-007-00

051-357-007-50

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-13-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-14-09 E. Portage Avenue, Ashmun St. to Edison Sault Power Canal:

The Mayor opened the public hearing.

AJ Rogers from R&R Marine asked why he was being assessed on a state highway and inquired how he was going to conduct business while the road is under construction. City Manager Nebel and City Engineer Strickland responded to Mr.

Rogers questions.

There were no further comments from the public therefore the following action was taken:

Moved by Commissioner Stefanski, supported by Commissioner Burton

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on E. Portage Avenue – From Ashmun St. to Edison Sault Power Canal, designated as Special Assessment Roll No. ST-14-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-030-001-00	051-031-066-40	051-031-083-00
051-031-086-00	051-031-087-00	051-031-088-00
051-031-092-00	051-143-169-00	051-143-170-00
051-143-175-00	051-143-176-00	051-150-441-00
051-150-442-00	051-150-447-00	051-150-447-50
051-150-451-00	051-150-454-00	051-150-457-00
051-150-458-00	051-150-462-00	051-153-565-00
051-153-566-50	051-153-567-60	051-153-567-90
051-153-568-30	051-153-568-60	051-278-001-00
051-356-006-50	051-356-007-00	051-356-009-00
051-357-005-00	051-357-007-00	051-358-002-00
051-358-004-00	051-359-001-50	051-359-002-00
051-359-004-00	051-031-066-30	051-031-078-00

051-031-082-00	051-031-084-00	051-150-435-00
051-150-440-00	051-278-000-00	051-278-002-00
051-278-004-00	051-143-168-00	051-153-562-50
051-153-563-00	051-153-566-00	051-153-573-00
051-153-574-00	051-359-006-00	051-030-004-00
051-030-005-00	051-067-021-00	

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-14-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-15-09 Kimball Street, Maple St. to E. Portage Ave.

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

Moved by Commissioner Munsell, supported by Commissioner Burton

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Kimball Street - From Maple St. to E. Portage Ave., designated as Special Assessment Roll No. ST-15-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be

assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-150-458-00	051-150-459-00	051-150-460-00
051-150-461-00	051-150-462-00	051-150-457-50

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-15-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-16-09 Johnston Street, Maple St. to Water St.

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

Moved by Commissioner Burton, supported by Commissioner Stefanski

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, utility construction, storm sewer improvements, partial new sidewalk installation, and various restoration work on Johnston Street - From Maple St. to Water St., designated as Special Assessment Roll No. ST-16-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-150-436-00	051-150-439-00	051-150-440-00
051-150-440-20	051-030-001-00	051-150-435-00
051-150-437-00	051-150-440-40	051-030-003-50

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-16-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-17-09 Foss Street, W. 5th Ave. to W. 4th Ave.

The Mayor opened the public hearing.

Brad Flood of West 14th Street questioned his assessment amount for his portion of property on Foss Street. City Manager Nebel responded to Mr. Flood's question.

There were no further comments from the public therefore the following action was taken:

Moved by Commissioner Burton, supported by Commissioner Stefanski

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, bituminous pavement, utility construction, storm sewer improvements, and various restoration work on Foss Street - From W. 5th Ave. to W. 4th Ave., designated as Special Assessment Roll No. ST-17-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-678-018-00
051-677-010-00

051-678-024-00

051-678-025-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-17-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity: ST-18-09 Hyde Street, W. 5th Ave. to W. 4th Ave.

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

Moved by Commissioner Bauer, supported by Commissioner Stefanski

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, bituminous pavement, utility construction, storm sewer improvements, and various restoration work on Hyde Street - From W. 5th Ave. to W. 4th Ave., designated as Special Assessment Roll No. ST-18-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-366-007-00
051-366-008-00

051-367-001-00

051-367-013-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-18-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-19-09 W. 12th Street, W. 6th Ave. to W. 5th Ave.

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

Moved by commissioner Gerrie, supported by Commissioner Stefanski

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, bituminous pavement, utility construction,

storm sewer improvements, and various restoration work on W. 12th Street - From W. 6th Ave. to W. 5th Ave., designated as Special Assessment Roll No. ST-19-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-369-001-00	051-369-014-00	051-884-010-50
051-884-011-00		

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-19-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

PUBLIC HEARING OF NECESSITY FOR EMELINE STREET AND FORT STREET:

At the September 8th City Commission meeting, Public Hearings of Necessity were scheduled for Emeline Street from Fort Street to Magazine Street and Fort Street from Ridge Street to Emeline Street. This project was requested by the developer of a new Immigration and Customs Enforcement facility, which will be constructed along the north side of Emeline Street between Fort Street and Magazine Street. These projects have been designed by C2AE in conjunction with the design work that is being done for the CSO work that is currently out to bids. These projects will be bid separately from

the CSO work.

These two existing roadways are gravel and require regular maintenance by the City, particularly with the increased traffic that has occurred on these roads with the development of the assisted living facility that utilizes both Emeline and Fort Street for access.

Administration is proposing to utilize the \$35 per linear foot assessment cost that has been calculated for the CSO Projects for these projects. The existing gravel roadways will be completely removed, including any road base material. Excavation will include an average depth of 3 feet to 4 feet and installation of sand subbase material, a 12 inch aggregate base, and a 3 inch bituminous surface. The street width will be 30 feet from face of curb to face of curb. The interest rate for this project will be 1% above bond cost or 6%, whichever is less.

A public informational meeting was held on this project on September 16th. One property owner from Fort Street was present at the meeting. This property owner owns a single-family residential unit and voiced concern as to why he was being assessed for improvements that would not provide a direct benefit to him. In this particular case, it is City Manager Nebel's understanding that the property owner also expressed concerns about lack of previous attention to the roadway and concerns about drainage situations in this area. With the construction of curbs and gutters and storm sewer, the drainage in this area will be significantly improved and the complaints about dust and grading will no longer be an issue for this property owner.

While this property owner may not use Fort Street to access his home, there is obvious benefit to the homeowner from this project. Since Fort Street is sideage, the property owner will receive a reduction for the footage along Fort Street.

Public Hearing of Necessity on: ST-20-09 Emeline Street Fort St. to Magazine St.:

That the Mayor conduct a Public Hearing of Necessity for the Proposed Street Improvement Project ST-20-09, Emeline Street – from Fort Street to Magazine Street.

John Pavone builder for the Immigration Customs Enforcement building spoke briefly to the City Commission regarding the development and his support for the road reconstruction project.

There were no further comments from the public therefore the following action was taken:

Moved by Commissioner Gerrie, supported by Commissioner Burton

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, bituminous pavement, utility construction, storm sewer improvements, and various restoration work on Emeline Street - From Fort St. to Magazine St., designated as Special Assessment Roll No. ST-20-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-148-402-00
051-863-001-00

051-148-403-00

051-861-001-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-20-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

Public Hearing of Necessity on: ST-21-09 Fort Street, Ridge Street to Emeline Street:

The Mayor opened the public hearing.

Jim Pilcher the only private resident on Ridge Street was present and expressed concerns with the street reconstruction project. Mr. Pilcher felt the developer should be responsible for the street improvements as it was requested by the developer. City Manager Nebel responded to Mr. Pilcher's questions.

There were no further comments from the public therefore the following action

was taken:

Moved by Commissioner Bauer, supported by Commissioner Burton

WHEREAS, this is the time and the place and the meeting of the City Commission set for considering and taking action upon various street construction work including subbase and base reconstruction, bituminous pavement, utility construction, storm sewer improvements, and various restoration work on Fort Street - From Ridge St. to Emeline St., designated as Special Assessment Roll No. ST-21-09.

WHEREAS, this Commission has duly heard and considered all suggestions, protests and petitions in reference to the suggested improvements, together with all matters pertaining thereto.

BE IT THEREFORE RESOLVED, that the aforementioned public improvements are hereby declared to be necessary public improvements and said work is hereby ordered to be completed.

BE IT FURTHER RESOLVED, that a portion of the estimated cost for the project shall be paid for by the City at large, and that a portion of the cost shall be assessed against the adjacent benefiting properties according to foot frontage, said costs to be assessed in ten (10) annual installments with interest to be assessed on the unpaid balance at the rate of 1 percent above the average rate of interest borne by the bond obligations, or 6 percent, whichever is less.

The following described property is hereby fixed as the district over which the assessment to pay the cost and expense thereof shall be levied:

PROPERTY DESCRIPTION

051-863-014-00

051-863-001-00

051-417-019-00

BE IT FURTHER RESOLVED, that the period of usefulness is determined to be Twenty (20) years and upwards.

BE IT FURTHER RESOLVED, that the City's portion of the cost and expense of such improvement shall be met from monies appropriated for such purpose, and that the remaining sum shall be paid from Special Assessments to be levied therefore.

BE IT FURTHER RESOLVED, that a Public Hearing for Confirmation of the Special Assessment Roll No. ST-21-09 be scheduled to be held at 7:00 P.M. on Monday, October 5, 2009.

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

SECOND READING 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:

At the September 8th City Commission meeting, the Commission held a first reading of an ordinance allowing projecting signs in the City's Central Business District as recommended by the Planning and Development Commission following a public hearing on August 27th of the Planning and Development Commission. 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 this spring. 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.

City Manager Nebel believes that this is a reasonable accommodation for the needs of businesses and offices to identify their location without creating too much conflict and clutter between overhanging signs and the current streetscape on Ashmun Street.

The Mayor held a second 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. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Stefanski, supported by Bauer

That the following ordinance be adopted:

ORDINANCE NO. 510-09

AN ORDINANCE TO AMEND CHAPTER 20, ARTICLE II SPECIFIC REGULATIONS, SECTION 20-22(2), OF THE SAULT STE. MARIE CODE OF ORDINANCES.

THE CITY OF SAULT STE. MARIE ORDAINS:

Section 1. That Chapter 20, Article II Specific Regulations, Section 20-22(2) Commercial District Signs be amended as follows:

SIGNS

SECTION 20-22(2) COMMERCIAL DISTRICT SIGNS

- (2) *Wall, roof, marquee, canopy, projecting, window, name-plate and/or painted signs:*
- a. Maximum sign area for the total of all wall, roof, and/or painted signs shall not exceed three (3) square feet for each front foot of building face on a public street. **In the B-2 district, no projecting sign shall exceed eighteen (18) square feet in area.**
 - b. - e. NO CHANGE.
 - ~~f. No projecting signs, other than marquee signs, shall be permitted in the B-2 district.~~
 - f. No projecting sign, marquee, canopy or awning shall project horizontally from the face of a building for a distance greater than two-thirds (2/3) the width of a sidewalk it overhangs, or **four (4) feet in the B-2 district, ten (10) feet in all other districts,** whichever is less, and must be set back a minimum of three (3) feet from the edge of the travelled way or road shoulder; provided that in cases where street trees have been planted or are planned to be planted by the city, no signs shall extend within a five-foot radius from the trunk of the tree.

Section 2. This ordinance shall take effect ten (10) days after its adoption and publication.

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

Moved by Commissioner Munsell, supported by Commissioner Burton

That the City Commission refer sign ordinance for the B-3 District to the Planning and Development Commission for review and recommendation.

Motion carried unanimously.

COMMUNICATIONS:

FROM NICK HUYCK, NORRIS CONTRACTING – REGARDING PARKING LOT / PAVEMENT PATCHES BID AWARD:

Mr. Huyck has requested to address the Commission regarding the bids recently taken for a pavement patching project, which is recommended for approval later on in this agenda. In this case, the low bidder was Payne & Dolan in the amount of \$23,737 for this work. The bid from Norris Contracting was \$24,596 for this work.

Payne & Dolan, by definition, is a local contractor in that they do have an office within the City of Sault Ste. Marie and did pay personal property taxes on a \$900 taxable value for equipment in that office. Norris Contracting did not pay any personal property taxes to the City of Sault Ste. Marie during the previous year and, by definition of our local purchasing ordinance, is not a local contractor.

In this particular case, Payne & Dolan was the low bid and pursuant to the City's bidding ordinances, is recommended for this bid award.

Mr. Huyck was not present to discuss his agenda item.

CITY MANAGER'S REPORT:

CONSIDERATION TO APPROVE A CONSTRUCTION CONTRACT WITH PAYNE & DOLAN FOR PAVEMENT PATCHING PROJECT B-29-09:

Currently, the City of Sault Ste. Marie has a number of patches that need to be completed by a paving contractor including E. Easterday Avenue in front of the DPW garage and on Meridian Street across from the Norris Center. The City is also doing some larger patches in the parking lot across from the City-County Building to address areas that have settled over the years and to patch those areas around the curbing that the DPW crews installed earlier this year.

Two bids were received with Payne & Dolan's bid of \$23,737 and Norris Contracting bid being \$24,596. Based on the City's Local Preference Purchasing Policy, Payne & Dolan is considered a local contractor, since personal property taxes were paid in the previous year by that company to the City. Norris Contracting did not pay personal property taxes to the City of Sault Ste. Marie in the previous year and are based in Soo Township.

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission award the bid to Payne & Dolan of Sault Ste. Marie, Michigan in the amount of \$23,737 being the low bid and meeting specifications.

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

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission appropriate \$6,925 from Road Contingency, \$5,300 from the Water Fund for road patches due to water system repairs, and \$14,400 from the Design Fund for the Court Street parking lot to cover these expenses.

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

FIRST READING OF AN ORDINANCE AMENDING LOCAL BID ADJUSTMENT AND AWARD:

At the September 8th City Commission meeting, the Commission requested that a report be developed including draft language for an ordinance amendment modifying the local bidder competitive adjustment language. The ordinance previously provided that:

(4) "Any bid made by a local bidder as defined above shall be provided a competitive adjustment to their bid at the time of tabulation equal to 5% of the bid amount not to exceed the amount of personal property taxes actually paid to the City in the tax year prior to the year the bid is submitted."

As requested by the City Commission, the City Attorney has drafted language that would modify the competitive adjustment language to utilize the taxable value of the personal property taxes instead of the amount of personal property taxes paid as part of this equation.

Section 2-185 Local Bid Adjustment and Award provides a competitive bid adjustment to local bidders who are current on all personal property taxes owed to the City and has paid in full its personal property taxes to the City in the tax year prior to making the bid to the City under this provision. If a local bidder is within 5% of the low bid, then they are entitled to a competitive adjustment to their bid at the time of tabulation equal to 5% of the bid amount not to exceed the amount of personal property taxes actually paid to the City in the tax year prior to the year the bid is submitted.

The amendment would base the adjustment amount not on the personal property taxes actually paid but the taxable value of the personal property. This gives local vendors a better opportunity to take advantage of the competitive bid adjustment.

For local bidders to take advantage of this section, the local bidder would reduce its bid to match the actual bid submitted by the non-local bidder by an amount up to the taxable value of the personal property taxes actually paid to the City in the previous tax year.

City Clerk Robin Troyer has reviewed the 47 bid that occurred after the adoption of this ordinance in 2008 as well as 30 bids that have been issued for 2009. Of these 77 bids, 5 have been awarded to a non-local vendor over a local vendor. Of these 5 bids awarded to a non-local vendor over a local vendor, 4 of the non-local vendors were

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Chippewa County businesses not located in the City of Sault Ste. Marie. In none of these 5 cases were the local vendors within 5% of the out of town vendor's prices. Furthermore, of these 5 bids, 2 of the local bids were 40% higher than the out of town bid, 1 bid was 30% higher than the out of town bid, 1 was in excess of 10% higher than the out of town bid, with 1 bid being within 10% of the low bid.

With the Civic System, administration was able to sort purchases by zip code. While there are a few inherent problems with this method such as use of billing office zip code versus a local office address, it does give a quick overview of where the City is sending payments for purchases and services, too. Also, this analysis does not distinguish between the City of Sault Ste. Marie and other areas served by the 49783 zip code.

Purchases by Zip Code
July 1, 2007 to June 30, 2009

49783	\$ 8,548,339
Chippewa County Zip Codes	<u>850,698</u>
Sub-Total	\$ 9,399,037
Non-Sault Ste. Marie or Chippewa County Zip Codes	<u>\$ 4,243,458</u>
TOTAL PURCHASES	<u>\$13,642,495</u>

A significant amount of the non-local zip code purchases are for insurances (BCBS, liability, etc.), utilities (except Edison Sault), and professional services (engineering, audits, etc.). Overall, this analysis does show that the majority of City purchases are within the Sault Ste. Marie area.

In regards to the proposed policy change, City Manager Nebel believes the use of the taxable value of personal property versus the amount of personal property taxes paid in the previous year would be a better adjustment where the local bidder is within 5% of the low bid.

The utilization of personal property taxes was originally suggested by the City Attorney as a very clean way to determine whether a vendor was truly a "City vendor". There have been claims by vendors to be a "City vendor" because they utilize a mailing address within the City of Sault Ste. Marie. If a company has an office in the City but their main operation is located out of the City, the personal property tax basis gives an advantage to that company that truly operates within the City versus having an office in the City, since the personal property tax values would vary significantly for those two examples, giving the local bidder having significant operations within the City an advantage over the local bidder who may only have an office in the City of Sault Ste. Marie.

Moved by Commissioner Munsell, supported by Commissioner Bauer

That the City Commission introduce for a first reading an ordinance to amend Article IV of Chapter 2, Section 2-185(4) of the Sault Ste. Marie Code of Ordinances to read:

“Any bid by a local bidder as defined above shall be provided a competitive adjustment to their bid at the time of tabulation equal to 5% of the bid amount not to exceed the amount of their personal property taxable value for personal property taxes actually paid to the City in the tax year prior to the year the bid is submitted.”

That the City Commission schedule a second reading and allow public comment on the proposed ordinance at the October 5th City Commission meeting.

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

APPROVAL OF POLICY FOR CITY ISSUED LAPTOP COMPUTERS:

As part of the process of moving towards a paperless agenda system, laptop computers will be issued to the City Commission members for their use of this paperless agenda system. City staff has drafted a suggested policy for the City Commission’s consideration regarding the use of City issued laptop computers. This policy parallels the policy that has been approved for use of computers by City employees.

The primary purpose of the laptop computers is for City business and City related purposes. Personal use is allowed subject to the limitations in the proposed policy. The prohibitions on use include any commercial, illegal, or illicit purposes or activities. The laptops are not to be used for any election or re-election efforts or campaigning either for the member or any other candidate for public office. The policy also states that documents that exist on the laptop or are created during internet usage or while using the e-mail function may be subject to the Freedom of Information Act or other means of discovery.

In order to avoid violation of the Open Meetings Act, Commission members are prohibited from utilizing the internet or e-mail accounts during any Commission meetings for any communications with members of the public or each other. At a City Commission meeting, those communications must be done openly and publicly. Utilization of e-mail/internet during a City Commission meeting could constitute a violation of the Open Meetings Act.

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The policy also indicates that Commission members shall be responsible for costs relating to internet connectivity outside of City Hall at their home and/or business. As part of this policy, this would not be an expense of the City.

These policies parallel other communities utilizing paperless agendas. City Attorney Steve Cannello has also reviewed these policies, and we have incorporated his comments in the policy as well.

Moved by Commissioner Gerrie, supported by Commissioner Burton

That the City Commission adopt the "Use of City-Issued Laptop Computers by Members of the City Commission Policy" as included in the attached materials.

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

CONSIDERATION TO APPROVE A PRIVATE USE AGREEMENT FOR THE USE OF THE UNIMPROVED PRICE PLACE PUBLIC RIGHT-OF-WAY AREA (F.R. PRICES ADDITION) BY JOSEPH JESIONOWSKI:

Mr. Joseph Jesionowski has requested private use of an unopened public right-of-way located next to his parcel of property at 1405 Ashmun Street. He has utilized this unopened right-of-way for access to his property for many years. He did receive a variance to construct a new garage on this site, and as part of the review of that variance, it was determined that there was no Right-of-Way Use Agreement in place for his private drive. City Engineer Dave Strickland has prepared our standard Right-of-Way Use Agreement to address this issue.

The encroachments are considered temporary in that the City can require the owner to remove, at their expense, the driveway from the right-of-way at any time as requested by the City for such public improvement, utility or roadway construction, repair, or replacement work. The City has no plans to do any work within the immediate future.

Moved by Commissioner Burton, supported by Commission Stefanski

That the City Commission grant a Private Use of the Price Place right-of-way by Mr. Joseph Jesionowski for a private driveway in this unopened right-of-way to serve his property located at 1405 Ashmun Street.

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

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MATTERS PRESENTED BY THE PUBLIC:

Brad Flood raised concerns over the condition of Foss Hill and water lines in his driveway on West 14th Street during reconstruction have settled over time.

MATTERS PRESENTED BY THE CITY COMMISSION:

Commissioner Munsell asked City Attorney Cannello the process if a parcel was omitted from the public hearings for the CSO renovation project.

Commissioner Stefanski inquired about the topsoil and seeding for the street reconstruction projects.

Commissioner Burton asked if the commission will have input on the sub-contractors for the federal building and CSO project.

Commissioner Bauer reminded the Commission of Oktoberfest.

City Manager Nebel informed the Commission of the open house at the Fire Hall on Saturday.

Moved by Commissioner Munsell, supported by Commissioner Stefanski

That the meeting adjourn at 9:15 p.m.

Motion carried unanimously.

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

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