

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, March 15, 2010 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.

Mayor Bosbous announced Red Cross Month of March.

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, March 1, 2010 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Airport Advisory Board – February 10, 2010
- b. Board of Review Organizational Meeting – March 2, 2010
- c. Board of Review Public Meeting – March 8, 2010
- d. Historical Development Commission – February 2, 2010
- e. Historic Structures Management Committee – February 24, 2010
- f. Zoning Board of Appeals – December 17, 2009

Appointments and Resignations:

That the City Commission appoint Jennifer Dunton to the Dial-A-Ride Transportation Local Advisory Council for a term to expire on 7/1/2011.

City Manager's Report:

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That the City Commission approve a resolution in accordance with City policy as provided by the MERS Plan Document allowing the purchase of additional credited service of five years by Todd Jackson with the employee paying the total estimated actuarial cost of \$ 26,402.00.

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

COMMUNICATIONS:

FROM COMMISSIONER STEFANSKI – DISCUSSION ON THE POLICY REGARDING USE OF CITY-ISSUED LAPTOP COMPUTERS BY MEMBERS OF THE COMMISSION:

Commissioner Stefanski has suggested that the Commission may want to reconsider one of the provisions of the policy adopted by the City Commission on the use of City-issued laptop computers. Commissioner Stefanski would like to discuss a possible modification of Paragraph B of this policy which states..."Commission members shall not have access to the Internet or to e-mail accounts during any Commission meetings, and the laptop shall not be used by members to communicate with each other or any member of the public during any Commission meeting."

Commissioner Stefanski is suggesting that the provision on Internet access be modified to allow Commissioners access to the Internet during Commission meetings. Commissioner Stefanski cites the accessing the City's new Web site as a good example of why Commissioners periodically may want to access the Internet during a meeting. City Manager Nebel suggested that if the Commission so desires, this language be modified to read..."Commission members shall not have access to e-mail, text messages, or other communications during any Commissioner meetings, and the laptop shall not be used by members to communicate with each other or any other member of the public during any Commission meeting."

This change would allow the Commission access to the Internet to review sites or information that might be useful during Commission discussions.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission change the policy to allow use of internet access but not allow text and e-mail during the City Commission Meetings.

Commissioner Stefanski withdrew his motion.

Moved by Commissioner Munsell, supported by Commissioner Stefanski

That the City Commission refer to Policy Regarding Use of City-Issued Laptop
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Computers by Members of the Commission back to City Administration for further review and recommendation.

Motion carried unanimously.

FROM COMMISSIONER BAUER – DISCUSSION ON A POSSIBLE
ORDINANCE TO PROMOTE FILM MAKING IN SAULT STE. MARIE:

Commissioner Bauer has asked that the City Commission discuss the possibility of implementing an ordinance regarding film making in Sault Ste. Marie. Commissioner Bauer also discussed this at the March 8th meeting of the EDC.

The City of Traverse City is currently considering an ordinance for commercials, motion pictures, television, radio, and production film activities to encourage and regulate film activities within the City of Traverse City. It is their feeling that by being fully prepared for film making that, in itself, may attract this activity to their city. They cite experience with an independent movie that was filmed in Traverse City last year.

The City of Sault Ste. Marie has also had an independent film produced here in 2008. The movie that was filmed in Sault Ste. Marie and California is titled "The Twenty". City Manager Nebel had the opportunity to view "The Twenty" at the Lansing Film Festival last year and was impressed with the variety of scenes that were captured in Sault Ste. Marie in this film. Following the showing of the film at the Lansing Film Festival, the producer of the film, Chopper Bennett, indicated that Sault Ste, Marie was an excellent location for many of the scenes in his movie. Chopper Bennett's family has a summer home on Neebish Island.

It is City Manager Nebel's understanding that the EDC is reviewing this matter and may make a recommendation to the City Commission on how to proceed with this matter. The Michigan Film Office is working with local units of government in collecting inventories of scenes and locations for film production. Most recently, the Michigan Film Office toured Sanderson Field as a potential location for filming movie scenes. Often-times a producer will be looking for a very specific set of circumstances, and the Michigan Film Office is trying to develop a complete inventory of locations in Michigan that can meet very narrow and specific needs.

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission refer development of a possible ordinance to promote film making in Sault Ste. Marie back to City Administration for further review and recommendation.

Motion carried unanimously.

CITY MANAGER'S REPORT:

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ACCEPTANCE OF A PROPOSAL FOR THE POSSIBLE SALE OF CITY-OWNED LAND AT THE NORTHWEST CORNER OF RYAN AND W. 12TH AVENUE:

At the February 1st City Commission meeting, the Commission authorized a Request for Proposals for the purchase of City-owned land located at the northwest corner of Ryan and W. 12th Avenue. This request was based on an inquiry from Hospice of EUP, who has expressed interest in building a Hospice facility on this site.

Administration had originally indicated to Hospice that the valuation of this property for residential use would be \$24,500 for the 245 feet of frontage on W. 12th Avenue. EUP Hospice indicated that they would prefer to take their chances by going through a competitive process for acquisition of this property.

An RFP was developed and advertised in The Evening News as well as on the City's Web site for the sale and development of this site. The attached memo outlines the development criteria that was included in this RFP. Key provisions of the RFP included that developer be prepared to close on the land sale in 18 months of City Commission acceptance with construction being completed two years after closing. With the property being provided to Hospice of the EUP for a substantially reduced price based on the proposal of paying \$5,000, it is important that the City not sell the land only to have the purchaser sell it for a profit at some point in the future without proceeding with a development. The RFP requires that Hospice provide a \$1,000 non-refundable deposit (unless there is environmental or title issues that interferes with the conveyance of this property to Hospice of the EUP).

Hospice of the EUP is a 501(c)3 not for Profit organization, which has been providing services to the Sault Ste. Marie area for the past 29 years. They are proposing to construct a 7,637 square foot facility with a construction cost of \$800,000. The facility, as proposed, would include six private rooms, individual grief support, support groups, educational workshop, and expanded resource library that would be provided free of charge to users of the facility. It is intended that the home will offer a residential environment for both patients and families utilizing this facility. In the proposal, Hospice of the EUP estimates that six to eight individuals will be employed to carry out Hospice's mission, including the operation of this facility.

Hospice has outlined an ambitious capital campaign in the amount of \$1.2 million to provide for architectural design, zoning and planning approval processes, construction and furnishings, a maintenance fund, and an operations fund to assure financial stability in the management of this facility.

Under the proposed Purchase Agreement, the City would agree to hold this property for Hospice for time periods outlined in the RFP so that they can proceed with the Capital Campaign for this community project. In the event that the Capital Campaign is progressing but Hospice is not in a position to close and begin construction of the facility, then the Commission will be able to consider an extension in time on this project, should the Commission feel so inclined.

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From a City planning perspective, this use will provide a reasonable transition between recreational, residential, and office/light industrial uses that surround this land.

Hospice of the EUP is to be commended for pursuing this very aggressive undertaking to improve the quality of life of residents from throughout the Eastern Upper Peninsula. On behalf of the City Administration, we wish them well with their Capital Campaign.

Moved by Commissioner Bauer, supported by Commissioner Burton

That the City Commission authorize the City Attorney to draft an agreement for the conveyance of property encompassing Lots 1-6, 28-30, and portions of Lots 7-10 in Jones & Lennon's Addition, Blk. 8, lying just north of 12th Avenue West west of Ryan Street containing approximately 1.4 acres in size (245 feet x 248 foot) parcel to Hospice of the EUP for an amount of \$5,000 with \$1,000 being paid at time the agreement is executed with the provisions that Hospice of the EUP close on the purchase of the property within 18 months of the authorization of the agreement and construction of the proposed facility is completed two years following the closing with the property reverting back to the City in the event that these thresholds are not accomplished.

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

AUTHORIZATION TO APPROVE A CONSTRUCTION ENGINEERING CONTRACT WITH UP ENGINEERS & ARCHITECTS, INC (UPEA) FOR THE OAK STREET AMERICAN RECOVERY AND REINVESTMENT ACT RESURFACING PROJECT:

The City received funding through the Michigan Department of Transportation (MDOT) for the resurfacing of Oak Street from W. 4th Avenue to W. 20th Street. This project includes crushing and shaping the existing roadway, placement of additional aggregate base material, guardrail replacement, culvert replacement, shoulder paving, and other related work.

This project was bid as part of the MDOT letting on March 5th. The low bid was from Payne & Dolan in the amount of \$313,919.15, which was 17 1/2% under the Engineer's estimate.

UP Engineers & Architects designed the project for the City, and administration recommended that the Commission proceed with a Construction Engineering Agreement with U.P. Engineers & Architects in the amount of \$26,500 for this project.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

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That the City Commission authorize the City Manager to execute an agreement with U.P. Engineers & Architects of Sault Ste. Marie, Michigan for a maximum not to exceed amount of \$26,500 for providing constructing engineering and quality assurance testing services on the Oak Street Resurfacing Project.

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

AUTHORIZATION OF CONTRACT AGREEMENT FOR PROVIDING CORNER PRESERVATION SERVICES FOR THE CSO CONTROL PHASE C-1 AND C-2 STREET AND UTILITY IMPROVEMENT PROJECT, THE EMELINE STREET AND FORT STREET PROJECT, AND THE I-75 BUSINESS SPUR (ASHMUN STREET) RECONSTRUCTION PROJECT:

As has been the case with the City's other major CSO and construction projects, we traditionally have had a contract to replace existing property block corners and property corners in the project area. This is particularly true where sidewalk replacements are being done or where new service laterals are constructed to existing residences. If the corners are properly marked, the contractor is responsible for the cost of the replacement survey to re-establish any damaged monuments.

Two proposals were received for this work. The proposals from Rogers Land Surveying did not offer a proposal to include any of the MDOT monument preservation work for either the CSO related Portage Avenue segment or the I-75 Business Spur Project, however their proposal was lower on the rest of the work. Therefore, the City Engineer is recommending that the proposal from Northwoods be accepted as complete and meeting specifications for the portions involving MDOT with the balance of the project being awarded to Rogers Land Surveying.

Moved by Commissioner Gerrie, supported by Commissioner Burton

That the City Commission approve an agreement with Northwoods, Inc. in the not to exceed amount of \$17,700 for performing the necessary corner preservation and corner replacement services on the E. Portage Avenue segment of the CSO Control Phase C-1 and C-2 Project as well as the I-75 Business Spur (Ashmun Street) Project.

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

Moved by Commissioner Gerrie, supported by Commissioner Munsell

That the City Commission approve an agreement with Rogers Land Surveying, P.C. in the not to exceed amount of \$15,200 for performing the necessary corner preservation and corner replacement services on the CSO Control Phase C-1 and C-2

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Project, not including E. Portage Avenue, as well as the Emeline Street and Fort Street Project.

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

AUTHORIZATION OF AN AGREEMENT WITH MDOT FOR UTILIZATION OF
CITY STREETS AS DETOUR ROUTES DURING THE RECONSTRUCTION OF
ASHMUN STREET (I-75 BS) FROM 10TH AVENUE TO EASTERDAY AVENUE:

The Michigan Department of Transportation will be reconstructing Ashmun Street from 10th Avenue to Easterday Avenue during the 2010 season. The City Commission has sent numerous communications to MDOT urging them to complete the reconstruction of this roadway for a number of years due to a severely deteriorated condition. As part of this project, the City will be taking this opportunity to replace water and sewer lines under the I-75 Business Spur as well.

The width of the roadway will remain consistent except for the inside curve at the bottom of Ashmun Hill, which will be slightly wider as part of this reconstruction project. The roadway, when completed, will be a concrete roadway over this distance. Construction of a concrete roadway through this area will significantly extend the life of this roadway over an asphalt type surface.

In order to accomplish this work in one construction season, MDOT is proposing to utilize a detour for through traffic traveling from Marquette Avenue north to Easterday Avenue (and vice versa). Trucks will utilize a detour consisting of Marquette Avenue, Seymour Street, and Easterday Avenue back to Ashmun Street, while vehicles will be detoured on W. 12th Avenue to Davitt Street then W. 8th Avenue to Ryan Avenue, and W. Easterday Avenue back to Ashmun Street. Local traffic and detours will be maintained for businesses along this stretch of roadway. Also, MDOT will be completing construction on one section of the roadway at a time so the roadway will remain intact for local traffic access up until the time until construction is necessary for that section of roadway. Once the pavement is completed, the roadway will be open on the completed end to allow local access from that end in an effort to minimize interference with the businesses on this strip.

In exchange for utilizing these detour routes, administration has negotiated an agreement with MDOT to resurface Ryan Avenue for the full width (two traffic lanes and one parking lane) with the City being responsible for the resurfacing of the parking lane with MDOT being responsible for two-thirds of the cost of the resurfacing. MDOT will make spot repairs on Seymour and Easterday Avenue as is necessary to allow for smooth traffic flow conditions for the trucks utilizing this route. MDOT will also be responsible for any spot repairs that arise during the course of the use of this detour route.

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MDOT will be holding a public open house for property owners along this route on March 23rd from 3:00 p.m. to 6:00 p.m.

Moved by Commissioner Munsell, supported by Commissioner Stefanski

That the City Commission defer the action till after the MDOT public meeting with a special City Commission meeting to be held next week.

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

DISCUSSION AND COMMENTS ON THE ARMY CORP OF ENGINEERS PARK MASTER PLAN:

City Engineer Dave Strickland, Community Planner Kristen Claus, DDA Director Lee Brown, and City Manager Nebel participated in a presentation on the Locks Park Recreation Plan and Water Streetscape Plan with the Corps. This meeting also included representatives from the SHPO, National Parks Service, and the Corps' consultant, Wilcox Professional Services, on developing the park plan. The park plan can be found on the U.S. Army Corps of Engineers' website.

Overall, the plan has some nice features that will compliment the City of Sault Ste. Marie. These include restoring various site lines to create views of the Locks from Portage and Water Street as might have been available in the 1940's. Locks Park is heavily treed, and when the leaves are out, the views of the ships passing through are significantly restricted. In addition, work will be done to make the torii more accessible in the park. The Corps intends to create an elevated area that will be stabilized for the bandstand to allow the Concerts in the Park to continue without leaving a relatively unsightly platform for this purpose at this location.

The Corps intends to also place an exiting turnstile on the east end of the Park (Water Street). Administration has suggested they have turnstiles both on Water Street and on the west end of the Park as well. The Corps reviewed the west end, and it was their opinion that the distance is not that great between the Visitors' Center and where the west end turnstile would be placed.

Several areas of concern with the Park included the Corps' desire to have the Chase S. Osborn Memorial removed from Park grounds. Apparently, this was installed by the City in the late 1980's with funds from Stella Nova Osborn. Historical Society members have already indicated their opposition to this move.

A second issue that should be addressed is the relocation of the obelisk. It is the intent of the Corps' Park Plan to relocate the obelisk from the area fenced for the burial grounds to an area east of that fence. The City had proposed that it be lined up with the Federal Building to create a significant sight line as people are walking from the

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Federal Building to Water Street with the obelisk being located across Water Street in line with this walkway. The Corps expressed concerns about archeological issues of placing it at this location. City Manager Nebel believes this is something the City should ask the Corps to reconsider, since it might be possible to address the archeological issues through filling the site to create a location for installation of the obelisk.

The other significant change in the Park Plan is to create one three level observation deck located in line with the Visitors' Center that would have open viewing on the ground level, glassed in viewing on the second level, and open viewing on the third level for the Locks. The facility would be significantly larger than the current middle facility at that location; however, part of the Park Plan calls for the elimination of the other two observation decks once a new replacement facility is built.

As with any master plan, the timetable for accomplishing these tasks is not determined at this point. A summary of the plan is attached.

City Commission comments: west exit, obelisk location, corps parking, Osborn memorial, planting of flowers, and the Japanese Shinto Torri.

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the Commission forward any comments to the Corps of Engineers for inclusion in their Park Plan file.

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

Status Report:

2010 Census Outreach:

This week, a short set of 10 questions will be sent to households across the nation to collect data to complete the 2010 Census. This task is required by Article I, Section 2 of the Constitution of the United States of America which states, "The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such a Manner as they shall by Law direct."

The census data is used to determine how many members of Congress will represent Michigan in Washington, DC as well as the apportionment of State House and Senate seats, County Commission seats, and other representatives determined by population. If individuals don't get counted in Sault Ste. Marie, we lose representation at the state and federal level. An undercount could lose a congressional seat in Michigan, reducing our State's voice in Washington.

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The census data is utilized to distribute more than \$400 billion per year to states and other governments. Again, if people are under counted in a particular state, the amount allocated to that state is reduced. This reduces the ability of that state to fund schools, local government, and other state activities as well. For example, in Sault Ste. Marie, if 500 people living in the Soo are missed (that's about 3.5% of our population) in the 2010 Census, over the next 10 years, the City could lose about \$1 million in State Revenue Sharing and Gas & Weight Taxes from the State of Michigan alone. This is money that the City's uses to build roads, provide for public safety, parks, and other City services and reduces the burden on local taxpayers.

This undercount would cause losses for Chippewa County, the Health Department, schools, Tribes, the State of Michigan, and other local units as well. The City encourage folks to take the 10 minutes necessary to complete the requested information from the Census Bureau for your household for every person living in your residence, which can include both relatives and non-relatives. This will assure that our City, County, and region will receive full representation in Lansing and Washington, and that a fair share of the federal and state tax revenue will be returned to fund critical services in Sault Ste. Marie, Chippewa County, and the State of Michigan.

MATTERS PRESENTED BY THE PUBLIC:

None

MATTERS PRESENTED BY THE CITY COMMISSION:

Commissioner Bauer questions regulations for raising chickens within the City limits. Commissioner Bauer also received a complaint regarding a disturbance on Adams. Complaint was forwarded to Chief Murray.

Commissioner Burton announced concerns from West Pier resident about the dogs there Commissioner Burton inquired if the City can do anything about these concerns?

Moved by Commissioner Munsell, supported by Commissioner Stefanski

That the meeting adjourn at 8:30 p.m.

Motion carried unanimously.

ANTHONY G. BOSBOUS, MAYOR

ROBIN R. TROYER, CITY CLERK

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