

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, May 3, 2010 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

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

Absent:

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

CONSENT AGENDA:

Moved by Commissioner Stefanski, supported by Commissioner Munsell

That the following consent agenda items be approved:

Minute Approval:

That the minutes of the regular City Commission meeting held on Monday, April 19, 2010 and Budget Work Session of April 20, 2010 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Construction Board of Appeals – March 4, 2010
- b. Planning and Development Commission – March 25, 2010

Communications:

That the City Commission approve a license for the DAV Chapter No. 52 to operate a carnival at the Carbide Dock in Sault Ste. Marie on May 6th, 7th, and 8th, 2010.

Special Orders of Business:

That the City Commission introduce for a first reading an ordinance amending "Section 2-185 Local Bid Adjustment and Award" by basing the adjustment on an amount not to exceed 5% of the low bid amount and schedule a second reading of the ordinance along with public comment for the May 17th City Commission meeting.

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

SPECIAL ORDERS OF BUSINESS:

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INTRODUCTION OF A PROPOSED BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 AND SCHEDULING A PUBLIC HEARING FOR MONDAY, MAY 17, 2010:

On April 19th, the City Manager presented a recommended budget to the City Commission for the fiscal year beginning July 1, 2010 and ending June 30, 2011 as is required by City Charter. The Commission met on Tuesday, April 20th to review the budget and again on Monday, April 26th to reconcile any modifications to the budget as recommended.

A number of changes to the budget were made by the City Commission, which are outlined in the attached Executive Summary and reflected in the budget. In addition, the Resolution establishing millages and the General Appropriations Act for the fiscal year beginning July 1, 2010 are attached to this item.

Moved by Commissioner Munsell, supported by Commissioner Bauer

That the City Commission formally introduce for adoption the proposed Operating Budget, Capital Outlay Budget, Equipment Purchase Budget, Fee Schedule, Water and Sewer Rates, and Property Tax Millages for the fiscal year beginning July 1, 2010 and ending on June 30, 2011.

That the City Commission schedule a public hearing on the proposed Operating Budget, Capital Outlay Budget, Equipment Purchase Budget, Fee Schedule, Water and Sewer Rates, and Property Tax Millages for the fiscal year beginning July 1, 2010 and ending on June 30, 2011 at the May 17th City Commission meeting at 7:00 p.m. in the City Commission chambers.

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

SECOND READING OF A TREE MANAGEMENT ORDINANCE. (a.) PUBLIC COMMENTS (b.) APPROVAL OF A TREE MANAGEMENT ORDINANCE:

At the April 19, 2010 City Commission meeting, the Commission introduced for first reading a Tree Management Ordinance that establishes a City Tree Commission with various responsibilities as outlined in the attached report and recommendation from the April 19th City Commission meeting.

The Mayor opened public comment on an ordinance to repeal Section 25-19 of Chapter 25, Article II; to amend Sections 25-18 of Chapter 25, Article II; and to add new Sections 25-23(l) through 25-32 to Chapter 25; Article II of the City Code of Ordinances to create a Tree Commission and provide regulations for public and private trees within

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the City of Sault Ste. Marie. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Stefanski, supported by Commissioner Burton

**ORDINANCE NO. 516-10
ORDINANCE OF THE CITY OF SAULT STE. MARIE MICHIGAN**

**AN ORDINANCE TO: REPEAL SECTION 25-19 OF CHAPTER 25, ARTICLE II; TO
AMEND SECTION 25-18 OF CHAPTER 25, ARTICLE II; AND TO ADD NEW
SECTIONS 25-23(1) THROUGH 25-32 TO CHAPTER 25 ARTICLE II OF THE SAULT
STE. MARIE CODE OF ORDINANCES.**

The City of Sault Ste. Marie ordains:

Section 1.

That Section 25-19 is repealed.

Section 2.

That Section 25-18 is amended to read:

“Sec. 25_18. Permit required to cut, trim, etc., trees in public places.
No person shall cut, trim, saw or otherwise mutilate any tree in any public place to make room for telephone, telegraph or electric line wires, moving of buildings or machinery, building a sidewalk, or for any other purpose, without first obtaining a permit from the city.”

Section 3.

That new sections are added as follows:

Section 25-23(1). Definitions.

Street Trees: " Street trees" are defined as trees, and all other woody vegetation on land lying between property lines on either side of all: streets, avenues, alleys, or right of ways within the City.

Park Trees: "Park trees" are herein defined as trees, and all other woody vegetation in public parks which have individual names, and all other areas owned by the City upon which the public has free access as a park.

Section 25-23(2). Creation and Establishment of a City Tree Commission.
There is hereby created and established a City Tree Commission for the City of

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Sault Ste. Marie, Michigan, which shall consist of seven members, each of who shall be appointed by the Mayor and confirmed by the Commission. The City Commission may appoint one of its members as a nonvoting liaison to the Tree Commission.

Section 25-23(3). Terms of Office.

The term of the seven persons to be appointed by the Mayor shall be four years, except that the first members appointed shall have staggered terms. Two of the members appointed to the first Commission shall be for a one year term, Two of the members appointed to the first Commission shall be for a two year term, Two of the members appointed to the first Commission shall be for a three year term, One member appointed to the first Commission shall be a four year term. Two members of the Commission shall possess a professional background relating to landscaping, tree care, or agriculture. Members appointed to the Commission must be at all times registered voters of the City, except for the two members appointed to the Commission possessing a background related to landscaping, tree care, or agriculture. In the event that a vacancy shall occur during the term of any member the successor shall be appointed for the unexpired portion of the term. Members may be re-appointed without regard to the terms limits prescribed in Section 2-31 of the City Code.

Section 25-23(4). Compensation.

Members of the Commission shall serve without compensation.

Section 25-23(5). Duties and Responsibilities.

It shall be the responsibility of the Commission:

- a) To study, investigate, develop, amend, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented to the City Commission and upon its acceptance and approval shall constitute the official comprehensive City Tree Plan for the City of Sault Ste. Marie, Michigan. The Tree Commission, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.
- b) To review plans for tree maintenance for all utility companies planning on conducting tree maintenance within the public right-of-ways.
- c) To recommend an annual budget to the City Manager for various tree activities within the City including anticipated revenues and expenses relating to providing trimming, removal, planting and professional services needed to maintain City trees.

- d) To pursue fund raising activities including obtaining public or private grants or gifts, memorials, honorary tree planting, and the creation of an endowment fund for maintaining trees within the City.
- e) To advise the City Manager, City Administration, and other Boards and Commissions on various land use standards relating to tree and landscaping requirements for public and private developments.
- f) To advise the City Manager on methods to purchase and produce public trees for street and park planting.
- g) To educate City employees, utility companies and private citizens on proper tree planting and renovation activities.

Section 25-23(6). Operation.

The Tree Commission shall choose its own officers, make its own rules and regulations and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 25-23(7). Street Tree Species to be Planted.

The Tree Commission shall include in the City Tree Plan for the City of Sault Ste. Marie a comprehensive listing of acceptable street trees that can be planted in the street right-of-way in accordance with the provisions of this Ordinance. The listing of tree species should include small trees with mature height of 15_20 feet (which could include such trees as Flowering Crab-apple and Serviceberry) medium trees with a mature height of 30_50 feet (Honey Locust and Linden), and large trees with a mature height of 50 feet or more (Bur Oak and Sugar Maple). Species of trees included in this list shall have an appropriate branching structure to minimize interference with vehicles and pedestrians utilizing adjacent streets and sidewalks. The root structure of selected tree species shall minimize interference with underground utilities, sidewalks, and streets. Furthermore, the Tree Commission shall include in the City Tree Plan the minimum trunk size for trees to be planted in the public right-of-way.

This section does not prohibit the planting of street trees by adjacent property owners provided that the selection of the tree is in accordance with all sections of Chapter 25 of the city Code.

Section 25-24(1). Spacing.

No trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a Tree Commission.

Section 25-24(2). Distance from Curb and Sidewalk.

The distance trees may be planted from curbs, curb lines and sidewalks will be in accordance with the three species size classes listed in Section 25-23(7) of this ordinance, and no trees may be planted closer to any curb, curb line, or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 25-24(3). Distance from Street Corners and Fireplugs.
No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 25-24(4). Utilities.
No Street Trees other than those species listed as Small Trees in Section 25-23(7) of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 25-25(1). Public Tree Care.
The City shall have the right to plant, prune, and maintain trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or preserve or enhance the symmetry and beauty of such public grounds.

Section 25-25(2). Public Tree Removal.
The City Tree Commission shall review and determine whether Street Trees should be removed as requested by any City departments or utility companies operating within the right-of-way or the general public after property owners owning property adjacent to, or within 50 feet of the street tree proposed for removal have been provided a minimum seven days written notice and have been given an opportunity to comment at a City Tree Commission meeting. If three or more Street Trees are to be removed from a single block, then all property owners on the block should be notified of this proposal and given an opportunity to appear before the City Tree Commission. If a Street Tree in the sole opinion of the city manager poses an immediate danger, then authorization of the Tree Commission and related notices are not required.

The City Tree Commission may order removal of any tree or part thereof which is in an unsafe condition, or is affected with any injurious fungus, insect or other pest.

Section 25-25(3). Tree Topping.
It shall be unlawful as a normal practice for any person, firm, or City department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal

canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Commission.

Section 25-26(1). Pruning, Corner Clearance.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

Section 25-26(2). Dead or Diseased Tree Removal on Private Property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The City Tree Commission will direct notification in writing to the owners of such trees in the same manner as prescribed in Article III. Removal shall be done by said owners at their own expense as prescribed in Article III. In the event of failure of the owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax as prescribed in Article III.

Section 25-26(3). Removal of Stumps.

All stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 25-28. Interference with City Tree Commission.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Commission, any of its agents, city employees, or city contractors while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 25-29. Arborists License and Insurance.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Street or Park Trees within the City without first applying for and procuring a City license from the City Clerk. The license fee shall be in the amount set annually by resolution of the City Commission as stated in the City Fee Schedule; provided, however, that no

license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors.

Section 25-30. Review by City Commission.

The City Commission shall have the right to review the conduct, acts and decisions of the City Tree Commission. Any person may appeal from any ruling or order of the City Tree Commission to the City Commission who may hear the matter and make a final decision. A request for an appeal may only be made by filing a written request with the city Clerk within 10 calendar days of the action of the Tree Commission.

Section 25-31. Penalty.

Violations of this article shall be subject to penalties as outlined in Section 1-6 of the City of Sault Ste. Marie Code.

Section.25-32. Designate Arbor Day.

Arbor Day will be celebrated on the Last Friday in April each year.

Section 4. This ordinance shall take effect ten days after its adoption and publication.

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

COMMUNICATIONS:

**FROM COMMISSIONER BAUER – FIRST READING OF AN ORDINANCE
REGULATING THE KEEPING OF CHICKENS IN RESTRICTED AREAS WITHIN THE
CITY:**

Commissioner Bauer proposed that the Commission introduce for a first reading an ordinance which would allow and regulate the keeping of chickens of areas otherwise restricted from livestock within the City of Sault Ste. Marie.

City Attorney Steve Cannello drafted an ordinance on behalf of Commissioner Bauer's agenda item at the last meeting, which allows residents wishing to keep chickens in the City to obtain a permit from the City Clerk's Office, which would include consent, in writing, from adjacent property owners to allow the chickens to be kept at a particular residential address. The ordinance would limit the number of chickens kept at any address to six. The ordinance requires that chickens shall be kept in a covered

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enclosure at all times with the enclosure located in the backyard no closer than 10 feet to any property line of adjacent property.

Commissioner Bauer requested that the Commission introduce this ordinance for first reading and schedule a second reading with public comments for the May 17th City Commission meeting.

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission introduce this ordinance for first reading and schedule a second reading with public comments for the May 17th City Commission meeting.

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

CITY MANAGER'S REPORT:

AWARD OF BID FOR THE PLACEMENT OF PAVEMENT MARKINGS ON MAJOR AND LOCAL STREETS:

On Monday, April 26th, one bid was received for the biannual pavement marking within the City of Sault Ste. Marie. The work is to be completed by May 31st, prior to the tourist season.

The City Engineering Department has been working with the Building a Healthier Community Coalition (BHC) regarding the promotion of bicycle lanes within the community. BHC has received some grant funding for the placement of pavement markings and signage for designated on-road bike lanes. The Engineering Department will review recommendations from this group for incorporating bike lane pavement markings and signs along some routes that would meet federal and state standards.

The Engineering Department will be utilizing an intern to conduct a more comprehensive study during this summer on inventorying areas where bike lanes can occur, designating pavement marking locations, and sign locations for a more comprehensive project in 2011.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission award the Pavement Marking Contract to JCS, Inc. of Baraga, Michigan in the amount of \$20,186.04 based on unit prices, being the low bidder and meeting contract requirements for pavement marking work.

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

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Nays: None

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission authorize an additional \$3,000.00 of work and appropriate \$3,000.00 from the Healthier Community Coalition for marking bike paths where appropriate on City Streets.

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

APPROVAL OF CONTRACT AMENDMENT NO. 1 FOR DESIGN
ENGINEERING SERVICES FOR THE WATER STREET STREETScape PROJECT
WITH C2AE:

C2AE has been involved in the design, bidding, and construction supervision for the CSO work that has been initiated in the City. In addition, the City had a separate contract for the streetscape work that would be done on Water Street to enhance and interpret the significant history that has occurred along that route. The City has a preliminary commitment from MDOT to provide funding for the streetscape improvements that will take place along Water Street. The local share of this work will be paid for through a bond that has already been obtained by the City for the Streetscape Project.

This project has been complicated by a number of factors. First of all, the U.S. Corps of Engineers will be participating by constructing and maintaining the lighting system along Water Street adjacent to Corps owned properties. This is a significant commitment from the Corps of Engineers. However, by including the Corps as a partner in the Streetscape Project, the City and C2AE had to go through extensive approval processes and redesign to satisfy the Corps of Engineers History Division, the National Parks Service, SHPO, and others in order to obtain the buy-in from the Corps of Engineers for the Streetscape Plan. This also triggered a new review by SHPO of the entire Streetscape Plan, which required a number of significant changes in this project.

C2AE was required to make a number of design changes and had to provide several special submittals in order to satisfy the Corps of Engineers, the Parks Service, SHPO, and other agencies responsible for reviewing historic impacts of this project. As a result, administration recommended that C2AE be reimbursed for additional expenses of \$15,614 over the contracted amount for the streetscape design for this project. Dave Strickland and City Manager Nebel both are in agreement that the request is fair based on the amount of work they have had to do over and above the original proposal in order to work our way through an incredible maze in order to make this project possible.

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Administration is now waiting for the official letter from the Corps of Engineers to sign off on the project design. This will allow MDOT to approve the project in order to obtain a conditional commitment for funding. It is administrations intent to have the streetscape work follow the CSO work on Water Street during the 2010 construction season. This will be dependent, in part, on if MDOT will allow the City to bid this project locally. If the City can't bid this project locally, the streetscape enhancement work may have to carryover into 2011. As part of the CSO work, the street would be in place but sidewalks, street lighting, historic interpretation, signs, and other things would not be installed until the 2011 season.

Moved by Commissioner Burton, supported by Commissioner Gerrie

That the City Commission approve a Change Order with C2AE in the amount of \$15,614 to provide the redesign and additional services as outlined in the attached letter from Rusty Owens of C2AE dated April 1, 2010.

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

APPROVAL OF ENCLOSED OVERHEAD PEDESTRIAN WALKWAY
INSTALLATION AND LIEN AGREEMENT WITH CHIPPEWA COUNTY WAR
MEMORIAL HOSPITAL, INC. AND MOYLE DEVELOPMENT:

War Memorial Hospital and Moyle Development have been working on plans to connect the parking structure with both War Memorial Hospital and the medical office building. Plans have been developed for connecting these three structures together with an overhead walkway on level three of the parking structure.

The attached agreement would provide to the owners a license to encroach into the city owned land and right-of-way and connect to the City's parking structure with the overhead pedestrian walkway. The agreement provides that the walkway shall be a minimum of 22 feet above the highest portion of the grade of the underlying land and right-of-way. The agreement provides that the owners are responsible for all construction and maintenance costs, including any costs incurred by the City because of activities surrounding this encroachment. The agreement is set up to automatically renew every three years; however, the City does have the right to order the removal of the structure should it pose a safety threat at some point in the future. The agreement also provides that the walkway be inspected every two years (at the time the City's biennial bridge inspections are required) at the expense of the owner to determine that the structure is sound.

War Memorial Hospital will be building this walkway as part of a hospital expansion that is slated to begin on or about May 14th. DeVere Construction is the Construction Manager on the hospital project, including the walkways.

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The skywalk will be connected to the third floor of the parking structure on the east side of the northwest stair tower. The walkway will proceed north to a point where one branch of the walkway will cross Osborn Blvd. to connect to a new addition to War Memorial Hospital with the other branch of the skywalk intercepting the new medical office building owned by Moyle Development at about mid-building on the south side. The routing can be seen on the attached drawing.

There will be a number of details that administration is working on regarding street closures and addressing access to the parking structure during this construction activity.

The expense of the crosswalk is being borne by War Memorial Hospital and Moyle Development. While there have been discussions in the past with Moyle Development about recouping costs for the portion of the skywalk connecting the medical office building to the parking structure, there are no agreements for any reimbursements in place at this time. (The discussion has been that if a second medical office building is built, that Moyle receive reimbursement for its share of the skywalk costs.)

Overall, this will be a great addition to serve the parking structure as well as the hospital and medical office building. It will certainly continue a significant change of the Osborn Blvd. corridor, which, in the past few years has added the parking structure, Riverside Medical Office Building, various improvements to the hospital, and the new medical office building being built by Moyle with most of this work occurring in the last year.

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission authorize the Mayor and Clerk to execute an Enclosed Overhead Pedestrian Walkway Installation and Lien Agreement Between the City of Sault Ste. Marie, War Memorial Hospital, and the owner of the Moyle Development Medical Office Building.

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

APPROVAL OF CHANGE ORDERS FOR THE FEDERAL BUILDING RENOVATION PROJECT:

In the Construction Manager (CM) form of construction, the Construction Manager provides the City with a "Proposed Change Order" outlining the intended changes as required for the project. To date, there have been 10 Proposed Change Orders of which 3 are pending at this time.

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Proposed Change Order No. 2 and No. 10 involve changes necessary to the existing roof drains located within the walls at each of the four corners of the building. One Change Order is a deduct, the other Change Order is an increase, both in excess of \$10,000. They do offset for an added cost of \$110.13.

Proposed Change Order No. 9 involves additional required removal items within the existing building chimney, removal of duct work in the attic, and also revisions to piping for a heat pump.

Proposed Change Order No. 2 adds \$16,519.95 to the project.

Proposed Change Order No. 9 adds \$18,192.86 to the project, which is offset by Change Order No. 10, which reduces cost by \$16,409.82 leaving a net total increase in project costs of \$18,302.99 for these three Change Orders. Please note the total Change Orders 1 - 10 amount to an increase in project costs (including No. 2, 9 & 10) of \$23,044.59.

The Contingencies for Change Orders for the renovation of a 100 year old building amount to \$155,754 in the Owner's Contingency, plus an amount of \$155,754 in the Construction Manager Budget for this project.

Moved by Commissioner Munsell, supported by Commissioner Lynn

That the City Commission approve Proposed Change Orders 2, 9, & 10 for a net increase in project costs of \$18,302.99 for the Federal Building Renovation Project.

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

REPORT AND POSSIBLE ACTION ON THE INCLUSION OF TELEVISED
BROADCAST EQUIPMENT FOR THE FEDERAL BUILDING RENOVATION
PROJECT:

Work continues on the renovation of the Federal Building to house offices for the City of Sault Ste. Marie. One of the elements of the technology package that is going to be out for bids within the next two weeks includes the proposed provision of broadcast equipment for televising City Commission and other Commission meetings held in the Federal Building. As proposed, the Commission chambers will have a sound system (both for attendees of City Commission meetings and for broadcast purposes), a video system, and broadcasting equipment capable to providing a signal to Charter Communications and/or for streaming video for those who would want to access the Commission meetings via the Internet. The system that would be put in place for videotaping and broadcasting the Commission meetings is estimated to add \$30,000 to

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the equipment necessary to provide amplified sound within the Commission chambers.

Administration has been pursuing this based on the fact that Charter Communications has indicated that they will cease to provide equipment and crews to televise meetings of the City Commission. Administration has been operating on the basis that the Commission wants to continue having the Commission meetings televised once administration relocates to the new facility.

At the April 26th special meeting to reconcile the budget, there was some discussion as to whether the City should televise its own meetings or utilize that funding for other purposes. There was discussion of implementation of either a franchise fee or peg fee that would help offset the cost for televising meetings. Charter indicated that they would support the City obtaining a 1% franchise fee, which would generate about \$24,000 per year that could be used to continue broadcasting City Commission meetings in the future. If the City hired an individual for an average of 3 hours at \$15 per hour to televise the meetings, the cost for 24 meetings over the course of the year would be \$1,080. The City could opt to broadcast planning, zoning, and other types of meetings as other cities do, utilizing revenues from the franchise fee to cover these expenses.

Moved by Commissioner Burton, supported by Commissioner Munsell

That the City Commission confirm its intent to televise City Commission meetings with the City's move to the Federal Building at which time Charter will cease to provide staffing and equipment for this purpose.

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

REPORT AND POSSIBLE ACTION ON THE UNEXECUTED VACATION OF W. 28TH AVENUE BETWEEN 7TH STREET AND THE I-75 BUSINESS SPUR:

In February of 2008, the City Commission approved the vacation of W. 28th Avenue from 7th Street to the I-75 Business Spur with retention of utility easements conditioned on Moyle Development granting an easement to address any building encroachments within the right-of-way by Mr. William Drow. Mr. Drow owns the building that sits on the property south of W. 28th Avenue that encroaches slightly into the subject right-of-way. This easement has not been obtained by Moyle Development from Mr. Drow at this time. Therefore, the vacation has not been recorded, since the condition has not been satisfied.

This vacation also affects a property owned by Mr. Gordon Gilray located to the west of the Moyle property. Mr. Gilray is planning to construct additional storage units

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on this property. Mr. Gilray needs the street vacation to be finalized so that the additional footage from the vacated street right-of-way can be used to meet the required 20 foot setback for his proposed second self-storage building. As an alternate measure, Mr. Gilray is also applying for a variance from the 20 foot setback requirement to the Zoning Board of Appeals, which will be considered at their May 20th meeting in case the vacation is not finalized by then.

City Manager Nebel, City Attorney Steve Cannello and Barb Lisiecki from the Planning and Development Office reviewed this matter and it is their opinion that the City Commission can review their condition that was applied to this vacation to determine whether that condition needs to be met to finalize the vacation of W. 28th Avenue. The City Attorney has suggested notifying all the property owners that the City Commission will review the matter of the condition placed on the street vacation at the May 17th City Commission meeting if the condition is not satisfied by that time. After considering any comments from adjacent property owners, the Commission could confirm or modify the conditions it attached in February, 2008 when the vacation was approved.

Gordon Gilray was present and spoke to the City Commissioner regarding the status of the easement request with Mr. Drow.

Moved by Commissioner Lynn, supported by Commissioner Burton

That the City Commission instruct City Administration to notify adjacent property owners to W. 28th Avenue from 7th Street to the I-75 Business Spur that the City Commission will review, confirm, and/or modify the conditions placed on the vacation of this street.

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

APPROVAL OF AN AGREEMENT WITH THE POLICE RECORDS UNIT FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2012:

City Attorney Steve Cannello, Human Resources Director Valerie Povey, and City Manager Nebel have concluded negotiations with the Sault Ste. Marie Police Records Unit represented by the Police Officers Labor Council. The provisions of the agreement are consistent with the guidelines outlined by the City Commission in previous closed sessions. City Attorney Steve Cannello gave an overview of the agreement at the May 3rd Commission meeting.

Moved by Commissioner Stefanski, supported by Commissioner Bauer

That the City Commission authorize the City Manager to execute an agreement

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between the City of Sault Ste. Marie and the Police Officers Labor Council on behalf of the Sault Ste. Marie Police Records Unit for a labor agreement effective July 1, 2009 through June 30, 2012.

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

AMENDMENT OF THE RULES OF ORDER FOR THE CITY COMMISSION:

With the paperless agenda system, there were a number of items that needed to be modernized in the Rules of Order for the City Commission. The City Commission's policy on the use of City issued laptop computers as part of the paperless agenda system have been added to the Rules of Order. The revisions to the policy are shown in bold and also include the use of the City's web site for posting meeting notices.

The section on the use of laptop computers has been added to the policy as it was approved at the last City Commission meeting.

Moved by Commissioner Lynn, supported by Commissioner Gerrie

That the City Commission amend the Rules of Order for the City Commission to reflect the use of new technology in transmitting meeting notices and agenda packets and to incorporate the use of City issued laptop computers by members of the City Commission previously approved by the City Commission

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

Status Report:

City Manager Nebel updated the Commission on the 2010 US Census, announced City wide clean up which is scheduled for Saturday, May 8th, and congratulated Jim Hendricks for being recognized on the floor of the Michigan Senate.

MATTERS PRESENTED BY THE PUBLIC:

Gordon Gilray asked if administration could notify Wal-Mart to clean up the north side of three mill road and inquired about the possibility of clean up at MCM Marine.

Amy Baars asked that the City Commission reconsider the ordinance regulating the keeping of chickens in restricted areas within the City.

Shelia Chamberlain commends the Commission on the farmer's market and

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community gardens. Ms. Chamberlain expressed the desire to have back yard chickens.

Frank Blissett thanked the Commission for the farmer's market and indicated the Sault farmer's market is the first to open in the spring and the last to close in the fall.

MATTERS PRESENTED BY THE CITY COMMISSION:

Commissioner Bauer inquired on the rules of pigeon coops in the City. City Attorney Cannello will follow up on Commissioner Bauer's inquiry.

Moved by Commissioner Lynn, 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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