

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, June 7, 2010 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

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

Absent: Commissioner Munsell

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

Moved by Commissioner Lynn, supported by Commissioner Gerrie

That the absence of Commissioner Munsell be excused

Motion carried unanimously.

A moment of silence was held in honor of City Engineer David Strickland and his daughter Lisa Aikens and former Police Chief Robert Clary.

Proclamation declaring June 2010 Scleroderma Awareness Month.

### **CONSENT AGENDA:**

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the following consent agenda items be approved:

#### **Minute Approval:**

That the minutes of the regular City Commission meeting held on Monday, May 17, 2010 and the Special City Commission meeting of June 1, 2010 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Airport Board – April 14, 2010
- b. Bayliss Public Library – April 29, 2010
- c. Historical Development Commission – April 6, 2010
- d. Historical Development Commission – April 13, 2010
- e. Historic Structures Management Committee – May 19, 2010
- f. Planning and Development Commission – April 22, 2010
- g. Police and Fire Pension Board – May 19, 2010
- h. Sault Housing Commission – April 8, 2010

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Appointments and Resignations:

That the City Commission accept the resignation from Alex Strobehn from the Community Services Board and send a letter of appreciation for his service to that Board.

That the City Commission reappoint Nathan Fazer and Pamela Chipman (Anderson) to the Zoning Board of Appeals for terms to expire 6/1/2013.

Communications:

That the City Commission refund \$200 to the DAV in accordance with City Code.

That the City Commission authorize an application to the County Treasurer for the City to obtain Parcel No. 051-878-018-00, Woodland Park Addition, Lots 18-25 inclusive, except that part included in Interstate 75, Block 8, for public purposes, including future integration into the airport property and for future Ashmun Creek bio-reserve and trail system development.

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 three years by Frank Storey with the employee paying the total estimated actuarial cost of \$ 23,257.

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

**SPECIAL ORDERS OF BUSINESS:**

**SECOND READING OF AN ORDINANCE GUIDING FILM PRODUCTION IN SAULT STE MARIE (A) PUBLIC COMMENTS (B) CONSIDERATION AND ADOPTION OF ORDINANCE:**

At the May 17th City Commission meeting, the Commission introduced for a first reading an ordinance regarding the filming of movies, television programming, commercials, music videos, and video games. The purpose of this ordinance is to promote economic development within Sault Ste. Marie by encouraging the filming of movies, television programming, commercials, music videos, and video games. The ordinance also provides for the protection and reasonable management of City property used in filming and allows reasonable regulation of City property and City right-of-ways in order to preserve his health, safety, and welfare of the general public.

The ordinance creates a definition for "Minor Impact Production Film" and for a "Production Film". The "Minor Impact Production Film" is a film that can be produced

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with minimal impact on the public use of right-of-way, does not require any City resources, will occur for less than a four hour period in one calendar day, and creates limitations on the number of persons and equipment on the set for the filming. This activity does not require any permits from the City.

If the "Production Film" exceeds the definition of a "Minor Impact Production Film" then a permit is required.

As an incentive for making films in Sault Ste. Marie, the City would not charge any fees for the use of any street, park, or facility that would be utilized in any production film. If City resources and equipment were necessary, the City would have the right to be reimbursed for these services under the ordinance.

The ordinance requires the film company to provide their own security personnel. The film-maker shall notify any affected residents, occupants, or businesses in advance of filming, as instructed by the City Manager.

The financial impact to the community for the production of a film can be substantial. Film crews need to be housed, fed, and purchases and rentals of equipment required for the production of the film would have local benefit as well. The filming of a scene or scenes for a major movie would have other residual effects by creating interest among visitors and potential investors in the community. While there is certainly no promise that by adopting an ordinance this activity will occur in the City, City Manager Nebel believes it does set the City up in conjunction with the strategy adopted by the City Commission at the May 17th City Commission meeting to position the City as a potential site for film production.

The Mayor called for public comments on an ordinance regarding filming of movies, television programming, commercials, music videos, and video games. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Bauer, supported by Commissioner Stefanski

**ORDINANCE NO. 518-10  
ARTICLE X - FILMING OF MOVIES,  
TELEVISION PROGRAMMING, COMMERCIALS, MUSIC VIDEOS AND VIDEO  
GAMES**

**Section 9-300. Purpose**

The purpose of this chapter is to:

(a) Promote economic development by encouraging the filming of movies, television programming, commercials, music videos and video games.

(b) Provide for the protection and reasonable management of City property.

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(c) Allow for reasonable regulation of City property and City rights-of-way in order to more effectively preserve the health, safety and welfare of the public.

### **Section 9-301 Definitions**

As used in this chapter:

(a) *Minor Impact Production Film* shall mean Production Film activities that:

- (1) Do not impede the public's use of or travel in the right-of-way;
- (2) Do not require the use of any City resources, including personnel;
- (3) Will occur for less than a four-hour period in one calendar day;
- (4) Do not involve more than five persons on the Set; and
- (5) Do not place more than five pieces of film equipment upon city right-of-way; provided, however, that no equipment may be placed on a City street.

(b) *Production Film* shall mean single media or multimedia entertainment content created in whole or in part in the City for distribution or exhibition to the general public by any means and media in any digital media format, film, or video tape, including but not limited to, a motion picture, a documentary, a television series, a television miniseries, a television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games or commercials. Production film also includes any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in a production film.

(d) *Production Company* shall mean an entity in the business of producing Production Film.

(e) *Set* shall mean a place where a Production Film is created in whole or in part in any format and includes scenery and props.

### **Section 9-310 Permits**

(a) No person shall use any public right-of-way, or any public property, or facility for the purpose of producing, broadcasting, taking or making any Production Film unless such person shall have first made application to the City Clerk for and obtained, as prescribed in this Chapter, a permit for each instance.

(b) The provisions of this Chapter shall not apply to the following:

- (1) Current news productions, which includes reporters, photographers, or camera persons for a newspaper, news service, broadcasting station, or similar entity, including a documentary production, engaged in the broadcasting of news events in substantially the same manner with substantially the same impact;
- (2) Production Films which are conducted at or by the direction of the City;
- (3) Video or multimedia broadcast or transmission of a live performance within a live entertainment; or

(4) Private events filmed or photographed for non-commercial purposes, such as private parties or weddings.

(c) A permit is not required for a Minor Impact Production Film.

### **Section 9-311 Permit Application**

A film permit application shall contain the following:

(a) Production Company identification and contact information.

(b) Name and synopsis of the production.

(c) Location identification and general description of production film activities to take place at each location, including any requested alterations to normal traffic flow, such as intermittent street closure, intermittent lane closure or complete street closure.

(d) Dates and times of production.

(e) A statement of experience in the business; and in producing films in other communities, at least three references; and if no previous experience or experience in less than three communities, the balance of references shall be provided by professionals in the field that can attest to the competency of the applicant.

### **Section 9-312 Permit and rental fee waivers**

The City waives all permit, use and rental fees the City would normally charge for any street, park or facility for any production film.

### **Section 9-313 Investigation**

The City Manager or designee shall be charged with investigating and processing any application submitted under this Chapter. Upon receipt of the application for a permit required by this article, the City Manager or designee shall forward the application to the appropriate public officials as deemed necessary. Such officers, departments and officials shall review and investigate matters relevant to the application and within a time frame established by the City Manager shall report their findings and recommendations to the City Manager or designee.

### **Section 9-315 Conditions**

(a) Imposition of Conditions. The City Manager or designee shall, at a minimum, require the following, as conditions of a production film permit:

(1) Security personnel. The permittee shall employ at its own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the location of the filming activity and for the preservation of order and protection of property in and around the site of the filming activity. No permit shall be issued unless the

Police Chief or designee is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the production filming.

(2) Notification. The permittee shall notify affected residents, occupants and businesses, in advance of the filming, and as instructed by the City Manager or designee, of the duration and location of filming activities, including information about planned special effects, road and lane closures, "no parking" requests, sidewalk usage and the time that any barricades will be placed on the street and/or sidewalk.

(3) Access. Production vehicles may not block parking lot access drives, fire hydrants, or be parked in fire lanes, and must allow a minimum of 20 feet of clearance between vehicles parked on either side of the road for emergency response vehicles to pass.

(4) Base Camps. Base camps may not be located on a public street. Only the necessary production vehicles, such as grip vehicles used for lighting and/or electricity, may be parked on a public street, if necessary, at the filming location. Crew parking, honeywagon, catering, and other non-essential production vehicles shall be at a predetermined location.

(5) Other Conditions. Prior to the issuance of a permit, the City Manager or designee may impose any other conditions reasonably calculated to ensure compliance with the requirements of this Chapter and to protect the health, safety, welfare and property of attendants or of citizens of the City, including a limitation on the duration of the permit and the location of the production film activities.

(b) Issuance of Permits. Approval shall be valid for six months. In processing an application for a permit required by this Chapter, the City Manager or designee may issue a permit as provided for in this Chapter, after review of the application and such other information as may be otherwise obtained, if he/she finds that:

(1) The conduct of such activity will not unduly interfere with the use and enjoyment of neighboring property or unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Adequate advance notice of any street closure shall be given.

(2) The conduct of such activity will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either

money or personnel not reimbursed in advance by the applicant.

(3) The activity does not propose to include obscene matter or an obscene performance and will not involve conduct in violation of law, rules or regulations. The permit shall not authorize the production of a film that in any manner requires the use of property owned by or under control of the City in violation of 2008 Public Act 84, which prohibits such use when it includes obscene matter or an obscene performance or that requires that individually identifiable records be created and maintained for every performer as provided in 18 USC 2257.

(4) At the determination of the City Manager or designee as well as the Police, Fire and other departments whose approval is deemed necessary by the City Manager or designee, that the condition of such activity will not constitute a fire hazard or other type of hazard and all property safety precautions are being taken as determined by the heads of the aforementioned departments or their designees.

(c) Extension of Permits. Time extensions may be authorized by the City Manager or designee.

(d) Revocation of Permits.

The City Manager or designee may revoke a permit issued pursuant to this Chapter whenever the permittee, its employee or agent fails, neglects or refuses to fully comply with any or all provisions and requirements set forth in this Chapter, including the conditions imposed upon issuance of the permit, or with any or all provisions, regulations, ordinances, statutes or other law incorporated by reference in this chapter.

(e) Appeal of City Manager Decision. Any decision of the City Manager or designee may be appealed to the City Commission and may be modified, reversed or affirmed. Such appeal shall be filed within ten (10) business days of the decision and the City Commission shall hear such appeal at its next regularly scheduled meeting.

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

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

PUBLIC HEARING ON SINGLE LOT SPECIAL ASSESSMENT ROLL SL-01-10  
(A) PUBLIC COMMENTS (B) ACTION ON SL-01-2010:

At the May 17th City Commission meeting, the Commission scheduled a public hearing on SL-01-10, which are the summer Single Lot Special Assessments. These are bills and related fees that have remained unpaid related to property issues. This includes miscellaneous charges and unpaid water bills.

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The Mayor conducted a public hearing on the 2010 Single Lot Special Assessments (SL-01-10). There were no comments from the public therefore the following action was taken:

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the City Commission confirm the 2010 Single Lot Special Assessment Roll (SL-01-10).

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

PUBLIC HEARINGS RELATED TO THE PURCHASE OF KEY PLASTICS BUILDING BY AGGRESSIVE MANUFACTURING INNOVATIONS, INC. (A) HEARING AND POSSIBLE ACTION ON THE TRANSFER OF THE KEY PLASTICS INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE (B) APPLICATION FOR EXEMPTION OF NEW PERSONAL PROPERTY UNDER THE PROVISIONS OF PUBLIC ACT (P.A.) 328 OF 1998, AS AMENDED:

At the May 17th City Commission meeting, the Commission scheduled a public hearing on the transfer of the Industrial Facilities Exemption Application No. 2000-679 from Key Plastics to Sault Ste. Marie Development, LLC for the remaining three years of abatement on 50% of the normal taxes that would be assessed on the expansions conducted on the Key property in 2000 and 2001 for the 20,000 square foot and 15,000 square foot expansions done at that time. In addition, the City Commission scheduled a second public hearing on an application for exemption of new personal property for a 12 year period on \$2.2 million worth of machinery and equipment that AMI will be locating into the Key Plastics Building. This is a 100% tax abatement on the personal property.

Administration is very pleased that Aggressive Manufacturing Innovations, Inc. (AMI) has made the decision to go forward with the purchase of the Key Plastics building and will be initiating operations in that facility in the coming weeks. AMI is planning on having start-up employment of 44 jobs with the number of jobs growing over the next five years to 160 positions.

The Mayor conducted a public hearing on the transfer of the Key Plastics Industrial Facilities Tax Exemption Certificate on property improvements conducted in 2000 and 2001 in the amount of \$1,155,000 to Sault Ste. Marie Development, LLC for the remaining three years of tax abatement under this existing Industrial Facilities Tax Exemption Certificate.

Paul Burns indicated to the Commission the need for manufacturing jobs in this

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area but also mentioned the environmental concerns with manufacturing facilities.

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

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the City Commission approve the application for transfer of the Key Plastics Industrial Facilities Tax Exemption Certificate 2000-679 to Sault Ste. Marie Development, LLC for \$1,155,000 worth of improvements that were conducted in 2000 and 2001 on the Key Plastics facility.

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

The Mayor conducted a public hearing on the application for exemption of new personal property for a 12 year period on \$2.2 million worth of machinery and equipment that AMI will be locating into the Key Plastics Building. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Bauer, supported by Commissioner Burton

That the Commission approve an application for exemption of new personal property for a 12 year period on \$2.2 million worth of machinery and equipment that AMI will be locating into the Key Plastics Building.

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

### **COMMUNICATIONS:**

#### **FROM THE PLANNING AND DEVELOPMENT COMMISSION – RECOMMENDATION TO APPROVE PROPOSED ZONING ORDINANCE LANGUAGE AMENDMENT REGARDING SCREENING, BUFFERING AND LANDSCAPING PROVISIONS:**

Last year, the City Commission had requested that the Planning and Development Commission (PDC) review the screening provisions of the Zoning Ordinance, particularly as it related to the use of chain link fences in the Central Business District. Since that time, the Planning and Development Commission has done an extensive review of the buffering provisions of the Zoning Ordinance. As a result of this review, the Planning and Development Commission is recommending a major rewrite of how buffering provisions are handled within the ordinance.

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The PDC is proposing that the buffering provisions be included in a new section of the Zoning Ordinance that would cover various requirements in landscaping standards for all screening and buffering requirements as outlined in the Zoning Ordinance. Previously, the buffering provisions were included in very narrow, specific uses within the ordinance. In order to proceed with the Zoning Ordinance Amendment, those provisions have to be removed from those individual sections and replaced with a new general buffering and screening section. The proposed ordinance eliminates the use of chain link fences within certain districts, including the Central Business District, as part of a screening requirement. The ordinance provides additional flexibility to the Planning and Development Commission in reviewing the screening provisions as part of the site plan review process.

The new screening, landscaping, and buffering requirements can be found in Section 1709 of the Zoning Ordinance. The prior sections show where the buffering language was removed from individual zoning districts throughout the Zoning Ordinance.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission introduce for a first reading a Zoning Ordinance Language Amendment regarding the screening, buffering, and landscaping provisions of the City's Zoning Ordinance and schedule a second reading of the ordinance for the June 21st City Commission meeting with public comments.

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

FROM THE DOWNTOWN DEVELOPMENT AUTHORITY – APPROVAL OF FUNDING FOR DOWNTOWN LED TREE LIGHTS:

The Downtown Development Authority has solicited requests for proposals to purchase LED lights to re-light the trees in downtown Sault Ste. Marie. The low proposal for LED lights is from Display Sales in the amount of \$4,500 to light the 60 street trees, with freight being an additional \$144. The Downtown Development Authority has approved the allocation of \$2,322 from TIFA I and TIFA II fund balances to purchase LED lights for the decorative trees, subject to the City Commission's authorization to appropriate these funds from TIFA I and II.

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the City Commission appropriate \$2,322 from TIFA I and \$2,322 from TIFA II for the purchase of LED lights to re-light the street trees lining Ashmun and Portage Avenue.

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

FROM THOMAS SKIPPER REGARDING WATER BILL DISPUTE:

Mr. Skipper has requested to be on the agenda for the June 7th meeting regarding a water billing dispute regarding his mother. He did indicate that if the issue was resolved to his satisfaction prior to Monday night's meeting, he will not attend the Commission meeting.

Jim Moreau did explain to Mr. Skipper the issue that impacted his mother's water bill. Basically, the wire leading to the remote lead broke, and the Water Department was getting zero reads from this broken wire. Messages were placed on the water bills to Mrs. Skipper for five months to call to arrange to repair the wire. Bills were estimated during this period of time. Once the meter was reconnected, the actual water used was calculated, which resulted in a balance due the City from Mrs. Skipper.

Finance Director John Boger and City Manager Nebel reviewed this and made an adjustment to the water bill and provided a payment schedule for the balance owed over and above the amount that was estimated. This agreement was approved by Mrs. Skipper and Mrs. Skipper's attorney, and administration has considered the matter closed until Mrs. Skipper's son contacted the City.

Ms. Skipper called the morning of June 7, 2010 and requested the City Clerk remove this item from the agenda.

**CITY MANAGER'S REPORT:**

**APPROVAL OF A RESOLUTION MODIFYING CHARTER SECTIONS 3.10 AND 3.11 IN ACCORDANCE WITH MCL 117.3B(3) IN REGARDS TO THE TIME DEADLINE FOR FILING FOR THE OFFICE OF CITY COMMISSION AND MAYOR:**

State election law was modified a number of years ago to establish four election dates in the State of Michigan. This provision allowed the City Commission, by resolution, to select one of the four election dates for the annual City elections. At that time, the City Commission approved a resolution moving the election dates to the August primary and November general election. (Previously, primaries were held in February with the general election being held in April per the City's Charter.)

At the time the City changed the election dates, the City did not address the filing deadlines for City office. The current Charter provisions provide too short of a filing schedule to comfortably produce the primary ballots, which need to be ready to be sent out to the absentee voters well in advance of the August primary. The current Charter

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provision is that candidates for City offices must file petitions for the primary election on or before 5:00 p.m. on the 45th day proceeding the primary. The candidates who have filed then must submit qualified petitions on the 25th day proceeding the primary.

Under the Michigan Election Law Section MCL 117.2b(3) provides that the City Commission, by resolution, can modify these Charter sections to provide for an election provision that is consistent with Michigan Election Law.

Michigan Election Law provides that all persons who aspire to a City office and intend to file petitions for the primary election thereof shall file a declaration of such intention with the Clerk no later than the 16th Tuesday before and no later than 4:00 p.m. by the then prevailing local time on the 15th Tuesday prior to the odd year primary election. Petitions would be due on the 12th Tuesday prior to the primary election.

In days, this would extend the declaration period from the Charter's 45 days to the State Statute's 105 days to declare your candidacy prior to the election. The petitions would be due 84 days prior to the election by State Statute instead of the Charter's 25 days. This will significantly reduce the crunch time to have ballots ordered, produced, and delivered in time to get out to our large standing list of absentee voters. This also allows more adequate time to program all the election devices necessary for the municipal elections.

Moved by Commissioner Lynn, supported by Commissioner Bauer

**MODIFYING CHARTER SECTIONS 3.10 AND 3.11  
PURSUANT TO MCL 117.3b(3)**

WHEREAS the City Charter in Section 3.10 provides that candidates for the office of City Commission declare their intention to file petitions for the primary election with the City Clerk on or before 5:00 p.m. by the then prevailing local time on the 45<sup>th</sup> day preceding said primary;

WHEREAS the City Charter in Section 3.11 provides that candidates for the office of City Commission be nominated by petition for the primary election filed with the City Clerk on or before 5:00 p.m. by the then prevailing local time on the 25<sup>th</sup> day preceding said primary;

WHEREAS City Charter Sections 3.10 and 3.11 conflict with Michigan Election Law Section MCL 168.644f(1) with respect to the time deadline for filing such intent and petitions; and

WHEREAS Michigan Compiled Laws Section 117.3b(3) provides that by resolution the City Commission can modify these Charter Sections to provide for any election provision that is consistent with Michigan Election Law;

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NOW THEREFORE be it resolved that **Charter Section 3.10 Declaration of Intention** and **Charter Section 3.11 Nominations** shall be modified to read as follows:

**“Section 3.10 Affidavit of Identity.** All persons who aspire to a City office and intend to file petitions for the primary election therefore, shall file a declaration of such intention with the Clerk no earlier than 16<sup>th</sup> Tuesday before and no later than 4:00 p.m. by the then prevailing local time on the 15<sup>th</sup> Tuesday prior to the odd year primary election.

All such declarations shall be accompanied by the Declaration of Intent and Affidavit of Qualifications provided for in Section 5.1. No person who has failed to file such declaration or affidavit shall be permitted to file a petition or become a candidate for any such office at said primary. The Clerk shall publish a list of perspective candidates who have filed such Declaration of Intent and Affidavit of Qualifications within 14 days after the 15<sup>th</sup> Tuesday prior to the odd year primary election.

The Clerk shall publish notice of the time window for filing such Declaration of Intent and Affidavit of Qualifications and of the number of persons to be nominated to each office 21 days before the 15<sup>th</sup> Tuesday prior to the odd year primary election.”

**“Section 3.11 Nominating Petitions.** The method of nomination for all candidates for City primary elections shall be by petition. Such petitions for each candidate shall be signed by not less than 50 nor more than 100 registered electors of the City. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at the following regular City election. Where the signature of any individual appears on more petitions than he is so permitted to sign, said signature shall be counted only to the extent he is permitted to sign in the order of the respective dates of filing the petitions containing such signatures.

Nominating petitions for candidates for regular City primary elections, and for elections for filing vacancies held pursuant to Section 5.7(b), shall be filed with the Clerk by 4:00 p.m. on the 12<sup>th</sup> Tuesday prior to the odd year primary election, or the 12th Tuesday prior to the special election under Section 5.7(b).

The Clerk shall prior to every election, publish notice of the last time permitted for filing nomination petitions and of the number of persons to be nominated or elected to each office at least 1 week and not more than 3 weeks before such time deadline.”

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

REPORT AND POSSIBLE ACTION ON INTERIM STAFFING FOR THE CITY  
ENGINEERING DEPARTMENT:

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With the untimely passing of City Engineer Dave Strickland, it will be necessary to make arrangements to provide adequate staffing in order to keep significant projects moving forward. The two most critical projects are the Combined Sewer Overflow Control Program and the Federal Building Renovation.

At the special meeting held earlier this week, the City Commission added as an agenda item a report on staffing for the Engineering Department. At that time, City Manager Nebel had indicated that it was his desire to contact former City Engineer Steve Gregorich to see if he was willing and able to take the position as Acting City Engineer. City Manager Nebel has talked to Steve on two different occasions, and while he is totally committed to assisting the City and staff within the Engineering Department through this difficult situation, he does not believe he is up to the task of fulfilling the City Engineer's position.

City Manager Nebel spoke with Randy Scott of C2AE and he has provided two proposals for the City Commission's consideration. The first proposal would be similar to the agreement that the City had a number of years ago with Wilcox Engineering following the retirement of City Engineer Steve Gregorich (Steve is now employed by C2AE). This agreement would provide approximately fifteen hours a week that Steve would be able to spend on assisting the City Engineering Department with the oversight of the Federal Building Renovations. Steve would be available to assist staff with other items as may be required. This agreement would provide compensation of \$85.00 per hour for the actual time the City would utilize Steve's expertise under this agreement.

The second proposal is for the administration of the CSO Control Program Phases C1 and C2 Projects. The scope of services under this agreement would be to add the items of work previously provided by the City Engineer including administrative services required by the funding agency, reporting to the City Manager on items requiring decisions from the City administration, working with City administration to implement those decisions, meeting with City Commission as is necessary and continuing to act as a liaison between the City administration, engineer and contractor. This agreement would be in place through the end of this construction season and would result in an additional cost of \$41,000.00 to the CSO contract. Generally the administration will be working with Steve Gregorich on these items however Chuck Lawson or other staff may be utilized from time to time to accomplish these tasks. This would be part of the CSO – SRF Engineering Agreement. This will likely require more interaction on City Manager Nebel's part and the City Attorney's part for any issues that might come up that would relate both to the contractor and consulting engineer on this project. Most communities in the Upper Peninsula who do not have a full time Engineering Department utilize consultants for these services. It is anticipated that administration would have a City Engineer on staff for the second part of the CSO Project that will take place in the 2011 construction season. That is why this agreement covers through the end of the current construction season which will be plus or minus nineteen weeks of administrative services.

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In addition, administration will begin the process of advertising the City Engineer's position during the week of June 7th. It is anticipated that it will take approximately four months (if everything goes well) for the hiring of a new engineer for the City.

Dave's death is a tragic loss for his family and for his colleagues at City Hall. It will be critical that the City hire the right person to pick-up the pieces to continue moving this community forward.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission authorize an agreement for the use of Steve Gregorich for an estimated fifteen hours per week to assist the City Engineering Department on various projects (predominantly the Federal Building Project) for an hourly rate of \$85.00 per hour for this service.

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

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission authorize Engineering Amendment No. 8 to the CSO Phase C Project for additional compensation of \$41,000.00 to provide the general administration of the CSO Project for a period of time of approximately nineteen weeks which will bring us to the close of the 2010 construction season.

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

#### **MATTERS PRESENTED BY THE PUBLIC:**

Paul Burns of Chippewa County Normal informed the Commission of their recent community group painting on the retaining wall at 4<sup>th</sup> and Court. Mr. Burns expressed disappointment when the City Police arrived on site and arrested one of the individuals working on the project for no apparent reason. Commissioner Bauer was in the area at the time of the incident and informed Mr. Burns that the individual in question was standing in the middle of the roadway holding the groups sign. Mr. Burns indicated that he was not aware of that.

#### **MATTERS PRESENTED BY THE CITY COMMISSION:**

Commissioner Stefanski inquired about the timing of the traffic light at Easterday and Ashmun. Alicia Askwith, Assistant Engineer informed the Commission that MDOT

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had corrected this issue last week Thursday.

Commissioner Burton inquired about the status of the Maple Ridge Cemetery fence and asked about the enforcement of the removal of garage sale signs in the City's right-of-way.

Commissioner Gerrie asked if something could be done to slow the traffic at the intersection of Davitt St. and 12<sup>th</sup>. Commission Gerrie indicated there were concerns with the number of accidents at that intersection.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the meeting adjourn at 7:53 p.m.

Motion carried unanimously.

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

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