

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 21, 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

Mayor Bosbous congratulated Ed Reining as the recipient of the Mackinaw Memorial Parade Grand Prize.

CONSENT AGENDA:

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the following consent agenda items be approved:

Minute Approval:

That the minutes of the regular City Commission meeting held on Monday, June 7, 2010 and the Special City Commission meeting of June 14, 2010 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Bayliss Board of Trustee – May 27, 2010
- b. Community Services Board – May 25, 2010
- c. Downtown Development Authority – May 12, 2010
- d. Historic Structures Management Committee – June 9, 2010

Appointments and Resignations:

That the City Commission confirm the City Manager's appointment of Donn Riley to the Sault Ste. Marie Housing Commission for a term to expire July 1, 2015.

That the City Commission confirm the Mayor's appointment of Jim Lucas to a four year term expiring June 30, 2014, Jean Smith to a three year term expiring June 30, 2013, and Roger Blanchard to a three year term expiring June 30, 2013, Steve Gregory to a four year term expiring June 30, 2014, and Kevin Wozniak to a two year term expiring June 30, 2012 with Steve Gregory and Kevin Wozniak being the two designated members possessing professional background relating to landscaping, tree care, or agriculture not requiring City residency.

That the City Commission reappoint Todd Slotegraaf to the Zoning Board of

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Appeals for a term to expire 6/1/2013.

City Manager's Report:

That the City Commission authorize an agreement to participate in utility and maintenance costs for two street lights that will be installed by the Michigan Department of Transportation at the Three Mile Road car pool lot.

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

SPECIAL ORDERS OF BUSINESS:

SECOND READING OF A ZONING ORDINANCE LANGUAGE AMENDMENT REGARDING SCREENING, BUFFERING, AND LANDSCAPING PROVISIONS (A.) PUBLIC COMMENTS (B.) CONSIDERATION AND ADOPTION OF ORDINANCE:

At the June 7th City Commission meeting, the Commission introduced for first reading an ordinance that will amend existing zoning language regarding screening, buffering, and landscaping provisions and provided for public comments for the June 21st City Commission meeting.

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.

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.

The Mayor requested public comments on an ordinance to amend zoning ordinance language regarding the screening, buffering, and landscaping provisions of the City's Zoning Ordinance. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

ORDINANCE NO. 519-10
PROPOSED ZONING ORDINANCE LANGUAGE AMENDMENT
TO SCREENING, BUFFERING AND LANDSCAPING PROVISIONS
[As recommended by the PDC 05-27-2010]

Existing ordinance provisions to be amended are highlighted below in **bold**. Language to be deleted is placed in **[brackets.]** New language to be added is printed **IN BOLD CAPITAL LETTERS**.

SECTION 10-1.02. DEFINITIONS

200. [Definitions.]

For the purpose of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

(af) **Greenbelt**: A strip of land of definite width and location reserved for the planting of shrubs and/or trees. ~~[Delete: to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.]~~ **ADD: REFERRED TO AS A LANDSCAPE BUFFER WHEN USED TO MEET THE SCREENING REQUIREMENTS OF THIS ORDINANCE.**

SECTION 10-1.04. R-1, RS-1, AND RS-2 ONE-FAMILY RESIDENTIAL DISTRICTS

401. Uses subject to special conditions.

The following uses shall be permitted, subject to the conditions herein imposed for each use.

3. Golf courses, not including driving range or miniature courses, which may or may not be operated for profit, subject to the following:

d. ~~[Delete: Whenever the parking plan is so laid out as to beam automobile headlights toward any residentially zoned land, an obscuring wall or fence, four feet six inches (4'6") in height shall be provided along that entire side of the parking area.]~~

ADD: OFF-STREET PARKING AREAS SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

SECTION 10-1.06. RM-1 AND RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

601. Uses subject to special conditions.

The following uses shall be permitted subject to the conditions herein imposed for each use.

1. General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, when the following conditions are met:

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d. Ambulance and delivery areas shall be [~~Delete: obscured~~] **ADD: SCREENED** from all residential view with [~~Delete: an obscuring wall or fence~~] **ADD: A WALL, OBSCURING FENCE OR LANDSCAPE BUFFER** five (5) feet in height **ADD: CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709.** Ingress and egress to the site shall be directly from a major or secondary thoroughfare.

3. Funeral homes, not to exceed two (2) stories in height when the following conditions are met:

b. The service entrances to such facility shall be completely screened from view of [~~Delete: abutting~~] **ADD: ADJACENT** residential properties **ADD: WITH A WALL, OBSCURING FENCE OR LANDSCAPE BUFFER** five (5) feet in height **ADD: CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709.**

SECTION 10-1.09. B-1 LOCAL BUSINESS DISTRICTS

901. Uses subject to special conditions.

The following uses may be permitted, subject to the conditions herein imposed:

1. Gasoline service station for sale of gasoline, oil, and minor accessories and subject to all codes and ordinances governing gasoline service stations of the City of Sault Ste. Marie.

b. [~~Delete: There shall be provided, on those sides abutting or adjacent to a residential district or use, a four foot six inch (4'-6") completely obscuring fence or wall. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district or use.~~]

ADD: THE DEVELOPMENT SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

SECTION 10-1.11. B-3 GENERAL BUSINESS DISTRICTS

1101. Uses subject to special conditions.

The following uses shall be permitted subject to the conditions herein imposed.

1. Outdoor sales space for sale or retail of automobiles or house trailers or camp trailers subject to the following:

c. [~~Delete: A four foot six inch (4'-6") wall or obscuring fence must be provided when abutting or adjacent districts are zoned or used for residential use. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district.~~]

ADD: OUTDOOR SALE SPACE AREAS SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

2. Self-storage facilities used to provide temporary storage needs for businesses, apartment dwellers, mobile home dwellers and other individuals on a self-service basis subject to the following:

f. [~~Delete: Where the site abuts a street or a residential district, there shall be provided a four- foot wall or obscuring fence of permanent material or a heavy planting of shrubs not less than four (4) feet in height. An earth berm, with shrub~~]

planting, may substitute for all or part of the required four-foot height requirement of this screening condition.]

ADD: THE FACILITY SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

SECTION 10-1.12. T TOURIST SERVICE DISTRICTS

1201. Uses subject to special conditions.

The following uses shall be permitted subject to the conditions herein imposed.

2. Commercially used outdoor recreational space for children's amusement parks, carnivals, miniature golf courses, subject to the following:

a. Children's amusement park must be fenced on all sides with a four-foot [~~Delete: six-inch (4'-6")~~] wall or fence] WALL, OBSCURING FENCE OR LANDSCAPE BUFFER CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709.

[~~Delete: b. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot six-inch (4'-6") wall or obscuring fence] where adjacent to the recreation facility.~~]

3. Gasoline service station for sale of gasoline, oil, and minor accessories and subject to all codes and ordinances governing gasoline service stations of the City of Sault Ste. Marie and subject further to the following:

c. [~~Delete: There shall be provided, on those sides abutting or adjacent to a residential district or use a four foot six inch (4'-6") wall or completely obscuring fence. The height of the wall or fence shall be measured from the surface of the ground of the abutting residential district or use.]~~]

ADD: THE DEVELOPMENT SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

4. Rebound tumbling facilities (trampoline) and similar devices may be located in the "T" District subject to the following requirements:

a. Fencing shall be provided on all sides of the area used for trampoline activity. Said fence shall be no less than six (6) feet high and shall be constructed to discourage climbing on such fence during hours when the trampoline facility is not open for business. [~~Delete: On those sides of the trampoline lot or parcel which abut on land zoned or used for residential use, a four foot six inch (4'-6") wall or obscuring fence shall be constructed on the property line abutting such residential district. The height of the wall or fence shall be measured from the surface of the ground of the abutting residential district or use.]~~ ADD: THE FACILITY PROPERTY SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

SECTION 10-1.13. I-1 INDUSTRIAL DISTRICTS

1300. Principal uses permitted.

2. Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six (6) foot fence. **Said fence shall be obscuring ADD: AND CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709 on those sides which abut upon or are adjacent to districts zoned for residential use.**

- a. Warehousing and wholesale establishments, and trucking facilities.
- b. The manufacture, compounding, processing, packaging, or treatment of such products as: Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge, and machine shops.
- c. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wood (excluding rough saw and rough planing mills), and yarns.
- d. The manufacture of articles or merchandise from sheet metal (including stampings of metals of seven (7) gauge or lighter) hot or cold forging of products made from wire of no greater diameter than 5/16inch.
- e. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- f. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
- g. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and photographs [phonographs].
- h. Laboratories--Experimental, film or testing.
- i. Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- j. Warehouse, storage and transfer and electric and gas service buildings and yards, excluding gas treatment and gas pumping stations, railroad transfer and storage yards. Water supply and sewage disposal plants. Water and gas tanks and holders.
- k. Building contractors storage yards for equipment and materials.
- l. Building material storage and sales.
- m. Utility and public service facilities and uses including storage yards.

SECTION 10-1.14. I-2 INDUSTRIAL DISTRICTS

1400. Principal uses permitted.

4. Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential, business or office districts, and on any front yard abutting a public thoroughfare. **The fence or wall shall meet or exceed the height of the materials being stored, provided, however, that such fence or wall shall not be less than five (5) feet in height, and may, depending on**

land usage, be required to be eight (8) feet in height. **ADD: THE WALL OR OBSCURING FENCE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. [Delete: A chain link type fence, with heavy shrubbery inside of such fence, shall be considered to be an obscuring fence.]**

SECTION 10-1.15. P-1 VEHICULAR PARKING DISTRICTS*

*Cross references: Parking, stopping and standing generally, Ch. 24 Art. III.

1503. Minimum distances and setbacks.

1. **Side yards --Where the P-1 District is contiguous to side lot lines of premises within a residentially zoned district, a four (4) foot wall [Delete: or] ADD: , obscuring fence [Delete: of permanent material shall be located on the property line abutting the residentially zoned property. In lieu of the wall or obscuring fence the P-1 District may be screened from the abutting residential property with a chain link fence four (4) feet in height with an additional space of three (3) feet being provided on the P-1 District side of the fence, said space shall be developed and maintained in a heavy planting of shrubs, not less than four (4) feet in height.] ADD: , OBSCURING FENCE OR LANDSCAPE BUFFER SHALL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709 REGARDING OFF-STREET PARKING.**

2. **Front yards --Where the P-1 District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of fifteen (15) feet, or whichever is the greater. [Delete: The required wall or obscuring fence shall be located on this minimum setback line.] That land falling between the [Delete: wall or obscuring fence] ADD: SETBACK LINE and the street shall be planted in lawn and shrubs and trees ADD: INCLUDING A GREENBELT AREA MEETING THE MINIMUM REQUIREMENTS OF SECTION 1709. GREENBELT AND LANDSCAPING REQUIREMENTS.** All such planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

1506. Approval and modification.

2. **In all cases where a wall ADD: OBSCURING FENCE OR LANDSCAPE BUFFER extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall ADD: FENCE OR BUFFER not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.**

1705. Off-street parking space layout, standards, construction and maintenance.

Wherever the off-street parking requirements in 1704 above, require the building of an off-street parking facility, or where P-1 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

6. **Off-street parking areas shall be provided with a [Delete: continuous and completely obscuring] wall ADD: , OBSCURING FENCE OR LANDSCAPE BUFFER in accordance with the specifications of minimum distance and setback requirements of the P-1 District ADD: AND THE PROVISIONS OF SECTION 1709, on all sides where the next ADD: ADJACENT zoning district is designated as a residential district.**

1707. Conditional uses authorized by special permit.

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the Planning and Development Commission after the conditions specified and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any R-1, RS-1, RS-2, R-2, RM or O-S Districts. These uses require special consideration since they service an area larger than the City and require

sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section is as follows:

3. Trailer courts. (Editor's note: Mobile homes, Ch.17). Trailer courts may be permitted in the B-3 General Business Districts by the Planning and Development Commission after it finds the use as not being contrary to the spirit and purpose of this Ordinance and subject further to the following requirements and conditions:

d. [~~Delete: A wall or obscuring fence, four (4) feet in height shall be provided on all sides of the trailer court, with the exception of that portion providing ingress and egress to the site.~~]

ADD: THE TRAILER COURT SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

4. Race tracks (including midget auto and karting tracks). Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the I-1 Districts when located abutting a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Planning and Development Commission deems necessary to promote health, safety and general welfare in the City.

c. [~~Delete: All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot green belt planting and obscuring fences or wall so as to obscure from view all activities within the development. Planting shall be in accord with subsection 1709, plant materials.~~]

ADD: THE RACE TRACK SHALL BE SCREENED FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. SCREENING, BUFFERING AND LANDSCAPING.

1708. Performance standards.

No use otherwise allowed shall be permitted within any Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

2. Open storage. * The open storage of any equipment, vehicles and all materials, including wastes, shall be screened from public view, from public street and from [~~Delete: adjoining~~] ADD: ADJACENT properties by an enclosure consisting of a wall [~~Delete: or an~~] ADD: , obscuring fence ADD: OR LANDSCAPE BUFFER CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1709. AND of a height of not less than six (6) feet to obscure such stored materials. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet. ADD: DUMPSTERS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 1709. (*Cross references: Garbage, rubbish, litter, junk, Ch. 13.)

[Delete Entire 1709. Plant materials.

Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within 6 months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant material spacing.

- a. Plant materials shall not be closer than four feet (4) feet from the fence line or property line.
- b. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers.
- d. Narrow evergreens shall be planted not more than three (3) feet on centers.
- e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
- f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. Suggested plant materials Minimum Size

- a. Evergreen Trees Five (5) feet in height now
 - (1) Juniper
 - (2) Red Cedar
 - (3) White Cedar
 - (4) Pines
- b. Narrow Evergreens Three (3) feet in height now
 - (1) Pyramidal Arbor-Vitae
 - (2) Columnar Juniper
 - (3) Irish Juniper
- c. Tree-like Shrubs Four (4) feet in height now
 - (1) Flowering Crabs
 - (2) Russian Olives
 - (3) Mountain Ash
 - (4) Redbud
 - (5) Rose of Sharon
- d. Large Deciduous Shrubs Six (6) feet in height now
 - (1) Honey Suckle
 - (2) Viburnum
 - (3) Mock-Orange
 - (4) Forsythia
 - (5) Lilacs
 - (6) Ninebark
- e. Large Deciduous Trees Eight (8) feet in height now
 - (1) Oaks

- (2) Hard Maples
- (3) Ash
- (4) Hackberry
- (5) Sycamore

3. Trees not permitted:

- a. Box Elder
- b. Soft Maples
- c. Elms
- d. Poplars
- e. Ailanthus (tree of heaven)]

Cross references: Vegetation, Ch. 25.]

ADD/REPLACE WITH THE NEW SECTIONS 1709 AND 1709.1.

[As recommended by PDC 05-27-2010]

**REPLACE EXISTING SECTION 1709 PLANT MATERIALS WITH THE FOLLOWING
NEW**

SECTION 1709 SCREENING, LANDSCAPING AND BUFFERING

1709. Screening, Buffering and Landscaping.

Wherever in this Ordinance a greenbelt, obscuring fence, wall or planting is required, such greenbelt, obscuring fence, wall and/or planting shall be shall be constructed and/or planted in accordance with the provisions of this section.

1. Screening Requirements.

a. Off-street Parking for uses other than one- and two-family residential. A four-foot (4') high wall, obscuring fence, landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the off-street parking area where adjacent property is zoned residential.

b. Outdoor sale space for sale or retail of automobiles or house trailers or camp trailers. A four-foot (4') high wall, obscuring fence, landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the outdoor sales space area where adjacent property is zoned residential.

c. Self-storage facilities. A four-foot (4') high wall, obscuring fence, landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the facility where adjacent property is zoned residential.

d. Gasoline service stations. A four-foot (4') high wall, obscuring fence,

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landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the development where adjacent property is zoned residential.

e. Rebound Tumbling facilities and similar devices. A four-foot (4') high wall, obscuring fence, landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the facility where adjacent property is zoned residential.

f. Outdoor storage of specified industrial uses and materials. A six-foot (6') high wall, obscuring fence, landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the designated outside storage area that abut a public street or an adjacent property.

g. Trailer Courts. A four-foot (4') high wall, obscuring fence, landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the trailer court where adjacent property is zoned residential.

h. Race Tracks. A four-foot (4') high wall, obscuring fence, landscape buffer, or combination landscape buffer and berm shall be provided on all sides of the development where adjacent property is zoned residential.

i. Dumpsters. A wall, obscuring fence, landscape buffer, or combination landscape buffer and berm at least four feet (4') high or the height of the dumpster, whichever is greater, shall be provided on all sides of the dumpster that face a public street or an adjacent property.

2. Greenbelt and Landscaping Requirements.

a. Off-street Parking along a Public Street. Except for one- and two-family residential uses, where off-street parking abuts a public street, a greenbelt shall be provided contiguous with the street frontage that abuts the lot, and provided with one deciduous tree or evergreen tree and one approved shrub per each 25 lineal feet of street frontage or fraction thereof. Trees and shrubs may be planted anywhere along the street frontage provided that the total number are planted, each tree has a minimum bed of 40 square feet, with no dimension less than 5 feet, and the distance between beds does not exceed 90 feet.

b. Interior Off-street Parking. Interior off-street parking lot landscaping is required when parking exceeds 75 spaces. Such landscaping is required to break up the large interior expanse of the parking lot, and shall be provided at the rate of five square feet (5') per parking space. The minimum planting area shall be eighty square feet (80') with no dimension less than eight feet (8').

3. *Development Standards.*

a. Walls. When used to meet the screening requirements of this section, a wall shall be constructed on both sides with face brick, poured-in-place simulated face brick, pre-cast panels having simulated face brick, other decorative masonry material or stone.

b. Obscuring fences. When used to meet the screening requirements of this section, an obscuring fence shall meet the following minimum specifications:

(1) Fences shall be constructed of naturally durable or pressure-treated lumber or equivalent, with a minimum nominal one inch thickness and minimum nominal four by four inch (4 x 4) wood posts spaced not more than eight feet on centers. The finished side of the wood shall face abutting properties. Stockade-fencing made up of closely fitted vertical boards with pointed tops is not permitted.

(2) A slatted chain link fence may be constructed in the B-3, I-1 and I-2 districts only. The fence must not exceed the ratio of one part open to six parts of solid fencing.

c. Landscape Buffer. When used to meet the screening requirements of this section, a landscape buffer consisting of plant materials as specified in this section shall meet the following requirements:

(1) The buffer may be developed with two rows of planting materials in a planting bed with a minimum width of eight feet (8').

(2) In the B-3, I-1 and I-2 districts, a buffer may be developed with a chain link fence with one row of planting materials on the inside and with a minimum width of three feet (3').

(3) The planting bed shall provide year round screening, be continuous along the screened boundary.

(4) The buffer must achieve a minimum opacity of at least 80% based on the reasonable anticipated growth of the plants over a period of four years.

d. Berms. Earth berms may be included as part of the required screening height, allowing for lower planting material. Side slopes of berms are not to exceed a ratio of 1 foot rise to 3 feet of run unless properly engineered. All

slopes to be protected from erosion.

Suggested plantings that will provide the required 80% opacity for screening alone or in combination with a berm are listed in *Section 1709.1*.

e. General Greenbelt Plant Materials.

(1) Spacing of plant material (except as provided for screening in Section .1709.1).

(a) Plant materials shall not be closer than four feet (4) feet from the fence line or property line.

(b) Where planting materials are planted in two or more rows, plantings shall be staggered in rows.

(c) Evergreen trees shall be planted not more than thirty (30) feet on centers.

(d) Narrow evergreens shall be planted not more than three (3) feet on centers.

(e) Deciduous trees shall be planted not more than thirty (30) feet on centers.

(f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.

(g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

(2) Minimum size of plant materials (except as provided for screening in Section .1709.1).

(a) Evergreen Trees: Juniper, Red Cedar, White Cedar, Pine, Spruce: Six (6) feet in height.

(b) Narrow Evergreens: Pyramidal Arborvitae, Columnar Juniper, Irish Juniper: Three (3) feet in height.

(c) Tree-like Shrubs: Flowering Crabs, Mountain Ash, Redbud, Rose of Sharon: Six (6) feet in height.

(d) Large Deciduous Shrubs: Honey suckle, Viburnum, Mock-orange, Forsythia, Lilacs, Ninebark: Four (4) feet in height.

(e) Large Deciduous Trees: Oaks, Hard Maples, Ash, Hackberry, Sycamore: Two inch (2") caliper.

(3) Trees not permitted: Box Elder, Soft Maples (Silver Maple), Elms, Poplars (Lombardi and Cottonwood), Ailanthus (Tree of Heaven), Russian Olive.

(4) General Planting standards

(a) All plant materials shall be healthy, suitable for the site conditions and hardy to the project area.

(b) Required landscape planting beds shall contain a minimum depth of 12 inches of fertile topsoil and shall be protected from vehicle damage.

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(c) All required landscape-planting beds should be top-dressed and maintained with a minimum of 4" shredded hardwood bark mulch.

(d) Trees and shrubs required under this section shall not be planted in a public right-of-way, nor shall they be planted under or over power lines, or underground utilities unless pre-approval in writing is obtained from the utility.

4. General Screening, Buffering and Landscaping Provisions.

a. Suitable materials equal in characteristics to the plant materials listed with the spacing as required may be provided, subject to horticultural confirmation.

b. Required screening shall be located along the lot line except where underground utilities interfere or where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning and Development Commission may approve or require an alternate location for the screening or may waive the requirements.

c. Required screening may, upon approval of the Planning and Development Commission be located on the opposite side of an alley right-of-way where a non-residential zone abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a consideration of the Planning and Development Commission when making its determination.

d. In the event of unusual conditions of a site such as unusual topography, size of the parcel to be developed, the soil or other sub-surface conditions, the presence of existing vegetation on the site that can act as partial or full screening, existing developed screening on an adjacent developed property, and other similar conditions that would make strict adherence to the requirements of this chapter serve no meaningful purpose or would make it physically impossible to install or maintain the required buffer or screen, the Planning and Development Commission may alter these requirements as long as the existing site features and any additional buffer materials stipulated will screen the proposed use as effectively as the required buffer or screening.

e. In cases where an adjacent residential district is considered to be an area or use in transition and will become nonresidential in the future as depicted in the Master Plan, the Planning and Development Commission may waive or modify the screening, buffering and landscaping requirements when cause can be shown that no good purpose would be served.

1709.1 Suggested Plantings for Screening

SUGGESTED PLANTINGS FOR MINIMUM 6' TALL LANDSCAPE BUFFER					
COMMON NAME	BOTANICAL NAME	VARIETY	SIZE AT PLANTING	SINGLE ROW SPACING (ON CENTER)	DOUBLE ROW SPACING (ON CENTER)
Eastern Red Cedar	<i>Juniperus virginiana</i>	'Glauca'	4' tall min.	4' o.c.	8' o.c. in staggered rows 4' apart
		'Manhattan Blue'		4' o.c.	
Norway Spruce	<i>Picea Abies</i>		6' tall min.	--	8' o.c. in staggered rows 10' apart
Black Hills Spruce	<i>Picea glauca</i>	'Densata'	6' tall min.	--	8' o.c. in staggered rows 10' apart
Colorado Blue Spruce	<i>Picea pungens</i>	--	6' tall min.	--	8' o.c. in staggered rows 10' apart
Anglo Jap Yew	<i>Taxus x media</i>	'Hattfieldii'	6' tall min.	5' o.c.	10' o.c. in staggered rows 5' apart
		'Hicksii'			
Arborvitae	<i>Thuja occidentalis</i>	'Techny'	5' tall min.	3' o.c.	8' o.c. in staggered rows 4' apart
SUGGESTED PLANTINGS FOR MINIMUM 4' TALL LANDSCAPE BUFFER					
Chinese Juniper	<i>Juniperus chinensis</i>	'Hetzii'	30" tall min.	4' o.c.	8' o.c. in staggered rows 4' apart
		'Wintergreen'			
Eastern Red Cedar	<i>Juniperus virginiana</i>	'Hillii'	24" tall min.	4' o.c.	8' o.c. in staggered

					rows 4' apart
Dwarf Alberta Spruce	<i>Picea glauca</i>	'Conica'	5' tall min.	4' o.c.	8' o.c. in staggered rows 4' apart
Arborvitae	<i>Thuja occidentalis</i>	'Techny'	3' tall min.	2' o.c.	3' o.c. staggered rows 4' apart

NOTE: ALTERNATE PLANTINGS WHEN COMBINED WITH 2' TALL EARTH BERM					
COMMON NAME	BOTANICAL NAME	VARIETY	SIZE AT PLANTING	SINGLE ROW SPACING (ON CENTER)	DOUBLE ROW SPACING
Bird's Nest Spruce	<i>Picea Abies</i>	'Nidiformis'	16" tall	2' o.c.	4' o.c. in staggered rows 3' between rows
Eastern Red Cedar	<i>Juniperus virginiana</i>	'Grey Owl'	16" tall	3' o.c.	6' o.c. in staggered rows 3' between rows
Chinese Juniper	<i>Juniperus chinensis</i>	'Sea Green'	16" tall	3' o.c.	6' o.c. in staggered rows 3' between rows
		'Pfitzeriana'			
		'Blue vase'			
		'Aurea'			
Dwarf Norway Spruce	<i>Picea abies</i>	'Pumila'	16" tall	3' o.c.	6' o.c. in staggered rows 4' between

					rows
Mugo Pine	<i>Pinus mugo</i>	--	16" tall	3' o.c.	6' o.c. in staggered rows 3' between rows
Spreading Yew	<i>Taxus x media</i>	'Dark Green'	18" tall	4 o.c.	8' o.c. in staggered rows 6' between rows
		'Densifomis'			
		'Tauntonii'			
		'Wardii'			
Holmstrup Arborvitae	<i>Thuja occidentalis</i>	'Holmstrup'	18" tall	2' o.c.	

NOTE: Plantings suggested for 4' tall landscape buffer, when used in conjunction with a 2' tall earth berm, satisfy the requirements of a 6' tall landscape berm.

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

DESIGNATION OF COMMISSION LIAISON TO THE CITY TREE COMMISSION:

The City Tree Ordinance provides for a Commission consisting of seven members and provides for a representative of the City Commission to serve as a non-voting member of this Commission. Commissioner Stefanski has expressed an interest in continuing on the Tree Commission. He served on the ad-hoc committee that developed the Tree Ordinance. The appointment of a member to serve as a liaison is a decision of the City Commission.

Moved by Commissioner Gerrie, supported by Commissioner Bauer

That the City Commission appoint Commissioner Stefanski as the representative of the City Commission to serve as a non voting member of the City Tree Commission.

Motion carried unanimously.

CITY MANAGER'S REPORT:

AWARD OF BIDS FOR MASONRY IMPROVEMENTS TO HISTORIC STANDPIPE LOCATED AT EASTERDAY AND RYAN:

On May 27th, four bids were received for the masonry improvements to the historic standpipe located at Easterday and Ryan. This project is the third and final portion of the rehabilitation projects the City has undertaken in order to rehabilitate and preserve that tank as part of the City's water utility system. It is anticipated that the City will be utilizing the tank on an annual basis during summer months and for back-up if any other tanks are down for maintenance or other reasons.

The other two contracts involved the installation of a new steel roof, including safety improvements and improved ventilation as well as interior and exterior painting of the steel tank and portions of the new roof system. Punchlist items remain from the first projects to be completed on the tank.

The contract recommended for award to complete this work will include tuckpointing and replacing stones on the sandstone base ring of the standpipe, a sealing cap of concrete at the tank's base to prevent future erosion, tuckpointing of the sandstone portion of the tank (lower half), and tuckpointing and replacement of brick on the upper half of the tank. The contract also includes improvements to the entry door and upper circular vents to eliminate any entry by pigeons into the building.

The low bid for this work of \$87,700 is well below the engineer's estimate of \$100,000 for completing this work.

With the remaining funds, administration intends to do some general landscaping and placement of an appropriate sign identifying this historic feature of Sault Ste. Marie's skyline for the past 115 years.

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the City Commission award Contract No. 3 for Masonry and Exterior Improvements to the Historic Standpipe Located at Easterday and Ryan to Pumford Construction of Saginaw, Michigan being the low bid in the amount of \$87,700 based on unit prices.

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

ACCEPTANCE OF A PROPOSAL FOR THE PROVISION OF PROPERTY AND LIABILITY INSURANCE FOR THE CITY OF SAULT STE. MARIE FOR THE FISCAL YEAR BEGINNING JULY 1, 2010:

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Every three years the City has utilized a proposal process for determining which insurance package is the best for the City in the coming year. For a number of years, the City utilized the consulting services of Angelo Zervos to guide administration through this process. Angelo is no longer providing these services and had directed the City to utilize the insurance consulting firm of Pointe Counseling Services to assist with the bidding of the City's property and liability insurance. They handle many municipal clients. Robin Troyer checked with a number of their governmental clients and found solid satisfaction with their ability to analyze policies and make recommendations on the best coverage for their customers. Throughout this process City Clerk Robin Troyer worked closely providing them with the information that they needed to develop the RFP. Placement of municipal insurance is a specialized service for both agents and insurance companies due to the unique issues relating to municipal liability.

On April 14th, an invitation to bid was advertised in The Evening News and on the City's web site. From this, a tentative bidder's list was developed from responses to this request as well as through contacts with the insurance consultant.

Pointe Counseling Services was excellent to work with through this process. Based on the limited time, Pointe Counseling Services utilized the existing coverage as a base for the Request for Proposals. Had they had additional time, they would have done a risk analysis for the City to review various coverage levels. City Manager Nebel has asked them for a proposal to do this review which could be used as the basis for future insurance renewals. This would be timely for both the City and the consultant since administration has so much of the information compiled at this point that they would need to conduct this analysis.

As a result of the Request for Proposals, the City received five insurance proposals for consideration. These proposals came from the Michigan Municipal League - Madigan/Pingatore (Proposal A), U.S. Specialties Insurance - Municipal Underwriters (Proposal B), Trident/Argonaut - Nickel and Saph (Proposal C), Travelers - Nickel and Saph (Proposal D), Michigan Municipal Risk Management Authority - U.P. Insurance (Proposal E). (See the attached compilation from our consultants for each proposal received.)

Comparing insurance coverage is a little bit like comparing apples and oranges in that coverage's are all structured differently from company to company. The consultants reviewed the compliance with the Request for Proposals as it related to property, equipment, inland marine, crime coverage, liability coverage, auto coverage, fiduciary liability, law enforcement, umbrella coverage, public official coverage, and cyber coverage for the City of Sault Ste. Marie. Where premiums were separated, the cost for each of those components is outlined in the attachments from the consultant and the percentage in compliance with the preferred coverage is also outlined. Based on this analysis, which is based strictly on coverage provided, the most comprehensive proposal in meeting the City's needs came from Proposal D, which was the Travelers

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Insurance proposal submitted by Nickel and Saph.

The second analysis is on cost and typically, the strongest proposal may not be the least expensive proposal. However, in this particular case, the most cost effective proposal was also the Travelers Insurance proposal for the City.

A meeting was held with City Clerk Robin Troyer, City Attorney Steve Cannello, and City Manager Nebel with John Konechne, Licensed Insurance Counselor for Pointe Counseling Services, LLC, and we are all in agreement that the best proposal is the lowest cost proposal from Travelers Insurance through the Nickel and Saph Agency for coverage for property and liability insurance for the fiscal year beginning July 1, 2010. Nickel and Saph insure many municipal clients in Michigan.

Based on this proposal, the City will see a decrease in premiums of \$28,449 from the current insurance package, which is being provided through the current provider the -Alliance - Municipal Underwriters who proposed U.S. Specialties Insurance for the renewal for this next year.

While the City has been served well by Municipal Underwriters during the past three years, it seems clear that the best proposal for the City's consideration is the Travelers Insurance proposal being offered through the Nickel and Saph Agency.

Moved by Commissioner Lynn, supported by Commissioner Munsell

That the City Commission accept the proposal from Travelers Companies as provided through their agent, Nickel and Saph, for providing property and casualty insurance for the fiscal year beginning July 1, 2010.

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

AUTHORIZATION OF A NATURAL RESOURCES TRUST FUND (MNRTF)
GRANT AGREEMENT WITH THE MICHIGAN DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENT FOR PROJECT TF09-105 – SHERMAN PARK
PICNIC SHELTER:

In 2009 the City Commission authorized an application to the Michigan Department of Natural Resources in the amount of \$42,200 for the construction of a second picnic shelter at Sherman Park. The City would be responsible for a 25% local match of \$14,100 for a total project cost of \$56,300. This will be an open air picnic shelter approximately 32 feet by 32 feet, including four ADA accessible 8-foot picnic tables. This will be located between the beach and the volleyball courts.

Moved by Commissioner Bauer, supported by Commissioner Burton

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That the City Commission adopt the enclosed resolution and authorize the execution of the enclosed Michigan Natural Resources Trust Fund Development Project Agreement with the Michigan Department of Natural Resources Environment for MNRTF Project TF09-105 for the Sherman Park Picnic Shelter Project.

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

AUTHORIZATION OF CHANGE ORDER NO. 1 FOR THE CSO CONTROL
PHASE C-1 AND C-2, DIVISIONS D PROJECT WITH BURTON EXCAVATING:

Under the Combined Sewer Overflow Control Program, the City works closely with the Michigan Department of Natural Resources and Environment through the various contracting procedures relating to these projects. As a result, administration is utilizing Work Change Directives, and once there is a sufficient quantity of Work Change Directives, administration is processing them as a Change Order. The Change Orders are then submitted to the MDNRE as part of the State Revolving Fund that is the principal financing source for the work related to the Combined Sewer Overflow Program for these projects. If a Work Change Directive comes in under \$10,000, City Manager Nebel has authorizing the work to go forward. If a Work Change Directive is in excess of \$10,000, Commission action has been done on those Work Change Directives (as was recently done with the Arlington sewer).

CSO Control Phase C-1 and C-2, Division D is a contract held by Burton Excavating, Inc. There have been two Work Change Directives previously authorized, which include adding utility installation to occur in Kimball prior to the Division A, Portage Avenue work that is going to occur in 2011. This will be deducted from the Bacco Contract in 2011. The total additional cost of this item was \$7,983.58.

The second Work Change Directive that has been authorized does the adjustment for individual water lateral lines based on the appropriate size that were not shown correctly in the plans for a total of \$7,403.53. This was the same Change Order that was previously approved in the Bacco contract by the City Commission. The net increase in cost of this based on the unit prices is \$7,403.53.

In addition to the Work Change Directives there is a balancing of units used in the project, which is a net increase of \$15,526.80 and a deduct of builder's risk insurance premiums of \$1,200 bringing the net Change Order to an Increase of \$29,713.91. This is an increase of 4.5% over the original contract amount, bringing the revised contract amount of \$683,453.86.

Moved by Commissioner Stefanski, supported by Commissioner Lynn

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That the City Commission approve Change Order No. 1 for CSO Control Phase C-1 and C-2, Division D Project to Burton Excavating.

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

AUTHORIZATIONS OF CHANGE ORDER NO. 2 FOR THE CSO CONTROL PHASE C-1 AND C-2, DIVISIONS A & B PROJECT WITH BACCO CONSTRUCTION:

Under the Combined Sewer Overflow Control Program, the City works closely with the Michigan Department of Natural Resources and Environment through the various contracting procedures relating to these projects. As a result, administration is utilizing Work Change Directives, and once there is a sufficient quantity of Work Change Directives, administration is processing them as a Change Order. The Change Orders are then submitted to the MDNRE as part of the State Revolving Fund that is the principal financing source for the work related to the Combined Sewer Overflow Program for these projects. If a Work Change Directive comes in under \$10,000, City Manager Nebel has been authorizing the work to go forward. If a Work Change Directive is in excess of \$10,000, Commission action has been done on those Work Change Directives (as was recently done with the Arlington sewer).

This Change Order is for the CSO Phase C-1 and C-2, Divisions A & B Utility Improvements Project that was awarded to Bacco Construction. In this Change Order there are three Work Change Directives that have been previously authorized by City Manager Nebel in amounts under \$10,000. This includes existing utility services on Water Street for Riverview Terrace, which currently has a 10-inch connection to the system as well as the storm connections for this facility in the amount of \$6,566. Work Change Directive No. 3 dealt with the replacement of sanitary sewer in Peck Street that was not called for in the original project in the amount of \$9,480. Work Change Directive No. 4 continued with the replacement of a deteriorated sanitary sewer line in Peck Street north of Memorial Drive.

In addition to the Work Directives that City Manager Nebel has authorization to sign, this Change Order includes the Work Change Directive that was in excess of \$10,000 that was approved by the City Commission for the replacement of sanitary sewer in Arlington that was done at a special meeting on June 14th in the amount of \$37,460.

In addition, there is a specification change that relates to the staking and alignment of underground utilities and structures for the project. In order to save the City travel expenses, this work was not included in the C2AE Agreement, but was going to be handled by the contractor. At the pre-bid meeting, it was stated that the contractor would not be responsible for the staking of underground utilities and

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structures on the project. C2AE did check with other contractors that bid on the project, and this was the understanding from the pre-bid meeting. In order to provide that service to this project, C2AE solicited proposals from survey crews as well as from Bacco.

Bacco had the lowest cost for the staking and alignment of underground utilities and structures on the project, and C2AE is recommending that the City utilize Bacco at a cost of \$20,000 to provide these services for this project. The alternatives were substantially more expensive from other consultants, both local and C2AE.

There is an installation of an 18-inch x 6-inch PVC saddle for the 18-inch PVC storm sewer in Water Street with the increase in cost of \$1,575, and the final is a preliminary balancing of unit prices with the larger items including additional tree removal than what the plans call for as well as replacing an 18-inch concrete pipe with an 18-inch ductile iron sanitary sewer. In the future there will be a deduct for the 18-inch concrete pipe.

There has been the additional of temporary water service to properties on Water and Arlington Streets. In Water Street, the water main was in such poor condition that major leaks would not allow the water main to exist during construction. Temporary services were provided to the property owners there and removal of an existing 8-inch to 15-inch sewer as well. The balancing of unit prices adds \$41,100 to the project.

The total Change Order, including all the Work Directives and items discussed in this project is \$121,531 for this work. This Change Order will be submitted to the MDNRE for their review once authorized by the City Commission.

Moved by Commissioner Lynn, supported by Commissioner Gerrie

That the City Commission approve Change Order No. 2 for the CSO Control Phase C-1 and C-2, Divisions A & B Project with Bacco construction in the amount of \$121,531.

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

AUTHORIZATION OF AN EASEMENT AND RIGHT-OF-WAY USE
AGREEMENT TO ALLOW A GENERATOR TO BE PLACED WITHIN THE PUBLIC
RIGHT-OF-WAY OF THE ALLEY LOCATED BETWEEN SPRUCE STREET AND
ARLINGTON AS REQUESTED BY THE PARK PLACE CITY CENTER LDHA, LLC:

Work has been going forward with the renovation of the Central Savings Bank Building and the old Masonic Hall on the total renovation of those structures as part of a mixed use development (residential, commercial, and office) in downtown Sault Ste.

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Marie. These buildings utilize the entire footprint of the lots between Ashmun Street and the alley.

Park Place City Center LDHA, LLC has requested, through their engineer, U.P. Engineers, to utilize a Private Use Agreement of the alley right-of-way in order to place a generator for providing emergency power for this development. The alley was originally platted as a public right-of-way of Prospect Street (also referred to as Ashmun alley) is a 27.5 foot wide right-of-way of which the 7 easterly feet of the width is currently used for various utilities, including utility poles placed approximately 7 feet behind the old Central Savings and Masonic buildings. The proposed generator is 3.8 feet wide and 10 feet long and must be located 3 feet from the building. The result is an overall width of 6.8 feet, which will fit the generator inside the existing power poles. The Street Department has reviewed this request and has indicated that with the other utilities in this area this will not compromise plowing and maintenance in this alley area, since the plowed traffic lane will not be affected by this use.

The City reserves its normal rights to include not being responsible for any damages that might occur to equipment placed in the right-of-way, the right to have the owner relocate or modify their utility equipment in the event that the City has a need to construct or otherwise make improvements affecting the right-of-way in the area where the utility equipment is placed, and the City retains all other rights to the right-of-way where this is located.

City Attorney Steve Cannello has reviewed the agreement and any changes recommended by Steve have been incorporated into the final document.

Moved by Commissioner Munsell, supported by Commissioner Gerrie

That the City Commission authorize the Mayor and Clerk to execute an Agreement of Understanding for the Private Use of City Right-of-Way with Park Place City Center LDHA, LLC of Harbor Springs, Michigan for the use of an area of right-of-way extending 7.5 feet to the said easterly right-of-way line for a distance of 15 feet as outlined in the attached agreement and description.

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

APPROVAL OF A FEE FOR ARBORISTS LICENSE IN ACCORDANCE WITH THE CITY'S RECENTLY ADOPTED TREE ORDINANCE (ORDINANCE 516-10):

The City Commission adopted Ordinance No. 516-10, which provided provisions for the management of trees in the City's right-of-ways, parks, and other areas. As part of the ordinance, those professionals that are entitled to plant, prune and maintain, and remove trees are required to obtain a license from the City Clerk's Office. The

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application requires evidence of liability insurance and property damage indemnifying the City from any work that occurs within the right-of-way. The recommended license fee is \$55 per year. This would be effective with the July 1st fiscal year and would be consistent with other similar type license fees in the City's Fee Schedule.

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the City Commission establish a fee for an arborist license in the City of Sault Ste. Marie of \$55 effective July 1, 2010.

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

AUTHORIZATION OF DEPOSITORIES FOR CITY FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010:

The City's Investment Policy states that the Treasurer will maintain a list of financial institutions, which have been authorized by the legislative body on an annual basis to provide investment and depositing services.

Moved by Commissioner Bauer, supported by Commissioner Burton

That the City Commission authorize the following financial institutions as depositories for City operating funds for the fiscal year beginning July 1, 2010 and ending June 30, 2011: Central Savings Bank, Huntington Bank, Old Mission Bank, and PNC Bank (formerly National City Bank).

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

Moved by Commissioner Bauer, supported by Commissioner Munsell

That J.P. Morgan Chase Municipal Services be authorized as a debt payment account and Comerica Bank be authorized as a paying agent for the Police-Fire Pension Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

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

FINANCIAL REPORT FOR THE FIRST ELEVEN MONTHS OF THE FISCAL YEAR AND RECOMMENDED AMENDMENTS TO THE 2009-10 FISCAL YEAR BUDGET:

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Finance Director John Boger has submitted a financial report for the first eleven months of the fiscal year that will be ending on June 30th. This is the final opportunity that the City Commission has to make any budget amendments prior to the close of the fiscal year. Amendments are typically required where the appropriation to the various funds has not been sufficient to meet expenditures in that fund.

In the attached report from Finance Director John Boger, an outline of budget revisions approved by the Commission to date are outlined through the fiscal year. In addition, the current budget is reviewed on a fund-by-fund basis. For General Fund Revenues, most items are running in accordance with the adopted budget with several key exceptions. Administration is anticipating that based on the latest sales tax estimate from Treasury that state revenue sharing will be \$277,000 below what had originally anticipated in the General Fund. In addition, with historically low interest rates, administration is also estimating that interest earnings will be significantly below the revised budget by approximately \$60,000.

Under Miscellaneous Revenue, the (\$601,652) is a result of an entry allocating a tax payment that was allocated to various funds in May but was not recorded in the financial records until June 1st. Actual Miscellaneous Revenues are estimated to finish the year at \$20,000. The result of this allocation out of the Miscellaneous Revenue in the 11th month is reversed with the receipt of the County tax payments for June 1st. As a result, the total revenues are understated in the 11th month report by approximately \$575,000.

The revenues for the ambulance services are expected to finish the year \$350,000 over budget. However, that with the additional ambulance billing and revenue administration will also need to increase write-offs by approximately \$190,000 over what was included in the budget.

Revenue for special assessments in the General Fund are down, since payment has not been received for the special assessment on the vacant parcel at the tip of the property on West Pier and the partial payment of the special assessment, which has been offset by the property taxes in accordance with the agreement with the West Pier Apartment Development Project has been received. Administration will be meeting internally to review this matter.

In other General Fund Expenses, most of the departments are running close to budget expectations through the first eleven months of the fiscal year. One area that has caused some differences in expenditures between various departments is the way administration is now allocating fringe benefit expenses. Instead of using a straight percentage based on the total composite costs of the fringe benefits, administration is allocating out actual costs to the departments. This has shifted fringe benefit expenses from department to department (increasing some and decreasing others). Administration is making adjustments as necessary to the budgets of those individual

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departments based on this new method of allocating fringe benefits. Overall, the fringe benefit costs, in total, are running as expected when the budget was adopted.

In Major and Local Street Funds, the City is experiencing a drop in gas and weight taxes received. In addition, the annual snow subsidy payment came in at the lowest level in a number of years for the street funds. This was offset, in part, by a milder than normal winter with winter maintenance activities being approximately \$60,000 less than anticipated between the Major and Local Street Funds and about \$125,000 less than the 2008-09 fiscal year. The expenditures are running significantly under the budget items due to the holding open of several vacancies in public works during this fiscal year.

In the Water & Sewer Fund, billings are running behind budget by approximately 6.1%. This is likely caused, in part, by the cool, wet summer the City had in 2009, which impacted watering as well as a softer tourism year resulting in lower water sales to commercial businesses catering to tourists. This also continues a trend that virtually every water and sewer system is facing in which appliances, toilets, and other activities are more efficient using less water. As people upgrade these facilities they tend to save on the amount of water used in their homes and businesses.

The DDA Operating Fund has been running very close to break even. With the new allocation of fringe benefits, the DDA Operating Fund is getting hit harder than it has in the past. Since it runs with very little fund balance, administration is recommending that the Commission approve a transfer from TIFA I and TIFA II to help offset that situation. This will avoid the possibility of having a fund deficit for the DDA Fund at the end of the fiscal year.

In general, in other funds, interest earnings are down based on the historically low interest rates and expenditures are also running below the amount appropriated by the City Commission.

Overall, City Manager Nebel believes that the fund balance will be higher than the \$1,837,000 fund balance (unreserved \$1,008,000) established by the Commission for the 2009-10 fiscal year at the time the budget was adopted. City Manager Nebel appreciates the efforts of various departments in keeping their expenditures below the appropriated amounts for this past fiscal year.

These adjustments are quite minor when it is considered that the budgeted expenditures for the 2009-10 fiscal year was \$24,433,013. The net adjustment in expenditures in this amendment adds \$138,000 to the City's budgeted appropriations, which is an increase of 0.56% of the City's total appropriated expenditures. This minor adjustment coupled with the fact that any of the cost centers will be running well below the appropriated amount speaks well for the job that the Finance Department and City staff has done in maintaining fiscal control of various City operations during the 2009-10 fiscal year.

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Moved by Commissioner Munsell, supported by Commissioner Gerrie

That the City Commission approve a budget amendment as follows:

1. Increase Ambulance Revenues by \$350,000 in the General Fund,
2. Increase Contracted Services in the Finance Department by \$3,500 in the General Fund,
3. Increase Ambulance Contract Write-Offs by \$190,000 in the General Fund,
4. Eliminate the Food Allowance of \$16,500, which was also included in the Payroll line item in the Fire and Ambulance Departments in the General Fund,
5. Reduce Alley Expenditures by \$8,000 in the General Fund,
6. Increase Sidewalks by \$2,000 in the General Fund,
7. Increase Composting by \$15,000 in the General Fund,
8. Reduce Parks by \$19,000 and increase Pullar by \$19,000 in Payroll and Overtime line items in the General Fund.
9. Reduce expenditures for the Seal Recreation Area by \$51,000 in the General Fund,
10. Transfer \$3,000 from TIFA I and TIFA II to the DDA Operating Fund and increase DDA expenses by \$3,000,
11. Increase TIFA I and TIFA II Payroll related costs by \$3,000 in each fund.

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

MATTERS PRESENTED BY THE PUBLIC:

None

MATTERS PRESENTED BY THE CITY COMMISSION:

Mayor Bosbous announced June 25th Engineers Day, June 26th International Bridge walk, July 2nd and 3rd Tug Boat Race, and July 4th and 5th Central Savings Bank pancake breakfast as well as the 4th of July Parade and Fireworks.

Commissioner Bauer informed the Commission of Music in the Park and the Chippewa Theater Guild Cheaper by the Dozen.

Commissioner Gerrie asked about the progress on 16th. Assistant City Engineer Alicia Askwith updated the Commission on the project.

Commissioner Stefanski inquired about the digging at Ashmun Bay. City Manager Nebel responded to Commissioner Stefanski's inquiry. Commissioner Stefanski also commented on the Community Gardens and the tryouts for the Soo

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Eagles hockey team.

Commissioner Burton inquired about the possibility of Susan Askwith and Dave Stanaway performing at Market Corner.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the meeting adjourn at 8:02 p.m.

Motion carried unanimously.

ANTHONY G. BOSBOUS, MAYOR

ROBIN R. TROYER, CITY CLERK

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