

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 Tuesday, July 6, 2010 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

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

Absent: Commissioner Lynn

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

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the absence of Commissioner Lynn be excused.

Motion carried unanimously.

Mayor Bosbous announced the Community Action Weatherization Program.

#### **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, June 21, 2010 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Downtown Development Authority – June 9, 2010
- b. Housing Commission – May 11, 2010
- c. Housing Commission – Special Meeting May 21, 2010
- d. Planning and Development Commission – May 27, 2010
- e. Police and Fire Pension Board – June 23, 2010

##### Appointments and Resignations:

That the City Commission appoint Jeff Petty to the Airport Board for the remainder of a term that will expire on January 1, 2011.

##### Communications:

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That the City Commission approve a resolution for the Michigan Liquor Control Commission transferring the ownership of the license from Superior Coast and Winery and Brewery, LLC to Wildwood Vineyard and Winery, Inc. and transfer the location from 410 Ashmun Street, Sault Ste. Marie to 447 W. Portage Avenue, Sault Ste. Marie.

That the City Commission authorize the City Clerk to return the ballot for the Michigan Municipal League Worker' Compensation Fund Board of Trustees with a vote for all seven nominated candidates.

That the City Commission schedule a public hearing for the proposed alley vacation with retention of utility easements of the N/S alley in Block 7, Greenough and Rains' Addition for the Monday, July 19<sup>th</sup> City Commission meeting.

That the City Commission schedule a public hearing on the proposed alley vacation with retention of utility easements for that part of the E/W Alley in Block 8, Stowell's 2<sup>nd</sup> Addition, not yet vacated for the July 19<sup>th</sup> City Commission meeting.

That the City Commission schedule a public hearing on the proposed vacation, with retention of utility easements, of the E/W alley adjoining Lots 1-15, Block 1, Dubuque Addition for the City Commission meeting scheduled on July 19, 2010.

City Manager's Report:

That the City Commission authorize temporary outdoor liquor license for the use of the City right-of-way of Portage Avenue for the 3<sup>rd</sup> Annual Summer Beach Party on Saturday, July 24, 2010.

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

Agenda Item 1.C.2 was removed from Consent Agenda:

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission approve a resolution for the Michigan Lottery recognizing Le Sault de Sainte Marie Historical Sites as a non-profit organization for the purpose of obtaining a charitable gaming license.

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

**CITY MANAGER'S REPORT:**

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ACCEPTANCE OF A QUOTATION OBTAINED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR REPAIRS TO THE CONCRETE SURFACE OF THE I-75 BUSINESS SPUR:

Under the City's Maintenance Contract with the Michigan Department of Transportation, work done on the Business Spur or Portage Avenue from Ashmun Street to the Sugar Island Ferry is paid for by the State. The Department of Transportation has coordinated surface repairs to the concrete surface on the I-75 Business Spur with the use of a specialized pothole mastic repair product. MDOT obtained quotations for this work in accordance with MDOT's purchasing requirements and has selected Fahrner Asphalt Sealers, LLC of Saginaw Michigan to perform this repair work in the amount of \$24,990.70.

This is a new product that MDOT would like to try to repair the spalled areas of the Business Spur. The DPW crew will be working with this contractor to prepare the areas where this pothole mastic repair material will be placed. All of the time spent by the DPW on this project is charged directly to our State Maintenance Contract. The City does not bear any of this expense.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission accept the proposal obtained by the Michigan Department of Transportation from Fahrner Asphalt Sealers, LLC of Saginaw, Michigan to perform surface repairs to the I-75 Business Spur by applying pothole mastic repair material at various locations of the concrete portions of the Business Spur in an amount based on unit prices of \$24,990.70.

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

APPROVAL OF A CONTRACT WITH MDOT FOR THE CONSTRUCTION OF SANITARY SEWER AND WATER MAINS IN ASHMUN STREET BETWEEN 10<sup>TH</sup> AVENUE AND EASTERDAY AVENUE:

On Friday, July 2nd, the Michigan Department of Transportation opened bids on the Ashmun Street reconstruction project. In addition to the MDOT work, the City has proceeded with design and included in the MDOT specs the installation of a 12-inch sanitary sewer and a 6 and 8-inch diameter water main located on this stretch of road being reconstructed. MDOT's current estimates for the City's utility work is \$509,700.

In addition to this, the City Commission authorized \$46,000 to upgrade the street lights along this stretch of roadway. This will be done by replacing the overhead electrical and wood poles with new wood poles and underground electrical through this

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area. Cloverland Electric will replace the lights. This work will be done outside of the MDOT contract.

The City Commission has also previously approved the detour route with MDOT. The truck detour route will be down Marquette, Seymour, and Easterday with the vehicles being detoured on 12th, Ryan to Easterday.

As part of this contract, the contractor will conduct certain maintenance improvements to Ashmun Street and the detour routes during the 2010 construction season. This will include some maintenance patching to keep Ashmun Street in a little better condition through the spring breakup. This work will be done later this summer after the contract has been awarded to the successful bidder.

This is a project that the City has been advocating for a number of years. Administration was disappointed with the delay in the construction for the 2010 construction season; however, with all the other work going on in the island area, this may certainly have been a blessing in disguise. The reconstruction work will be completed in a single construction season in 2011 on Ashmun Street.

An updated contract was distributed to the Commission and City Manager Nebel outlined the contract changes for clarification.

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the City Commission approve a contract with MDOT for the replacement of water main and sanitary sewer in Ashmun Street between 10th Avenue and Easterday Avenue at an estimated cost of \$509,700.

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

APPROVAL OF AN AMENDMENT TO THE CONTRACT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF EASTERDAY AVENUE FROM I-75 TO ASHMUN STREET:

The Michigan Department of Transportation has forwarded a contract to the City regarding the Easterday Avenue Resurfacing Project, which was done through the Governor's Jobs Bill two years ago. Under the program, the State advanced funds that could be utilized to accelerate a Small Urban funded project where a commitment had been made in a later year. In the City's case, the Small Urban Funds that the City was advanced for this project were to be provided to the City on October 1, 2010. The City would pay 4% interest on these advanced funds in order to accelerate the project.

This agreement eliminates the obligation for the City to pay the 4% interest that

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was part of the original agreement. If there are any payments due from the City after October 1st, the City would be responsible for interest at that time. There may be a local share balance on this project.

Moved by Commissioner Munsell, supported by Commissioner Burton

That the City Commission approve an Amendment to MDOT Contract No. 10-4037 to eliminate the obligation to pay 4% annual interest to the Department for funds advanced by the State for the Small Urban Federal Program funds for Easterday Avenue from Ashmun Street to the I-75 Expressway.

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

AUTHORIZATION OF A WORK DIRECTIVE TO REPLACE ADDITIONAL  
SANITARY SEWER IN ARLINGTON STREET WITH BACCO CONSTRUCTION:

The City Commission had authorized the replacement of sewer in Arlington Street from Pine Street to approximately 300 feet from Osborn Blvd. This gravity sewer flowed to the west to Pine Street. This work has been completed.

Bacco Construction is currently within 300 feet of Osborn Blvd. A second combined sewer flows from this point east to Osborn Blvd. This sewer that serves approximately six buildings and it was anticipated that it could be worked around during construction.

On July 1st, Bacco Construction began work on the final 300 feet of Arlington Street and significant damage occurred to this clay sewer that was going to remain in use following separation.

The work will include approximately 300 feet of sewer replacement with an additional manhole being located at the intersection of Osborn and Arlington along with a number of sewer laterals for this project. Steve Gregorich estimates, on a preliminary basis, that the cost should be under \$25,000 to replace this sewer line. Since the road is being totally reconstructed above it, City Manager Nebel thinks it would be unwise to try to have the contractor do repairs to this line, and would recommend that the Commission authorize the replacement of this sewer line in Arlington.

Jim Clor of 222 Arlington Street was present and expressed his concerns to the Commission. Mr. Clor requested the Sanitary Sewer in Arlington Street be replaced.

Moved by Commissioner Burton, supported by Commissioner Bauer

That the City Commission authorize the replacement of approximately 300 feet

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of sanitary sewer on the east end of Arlington Street leading up to the Osborn Blvd. intersection.

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

#### FEDERAL BUILDING TREE REMOVAL:

The City Commission previously appointed a Tree Task Force to develop a Tree Ordinance for the City of Sault Ste. Marie. As the City is establishing the Tree Commission that was called for as part of the Ordinance, City Manager Nebel continued the work with the Task Force to develop a landscape plan for the Federal Building property. Steve Gregory and Dave Strickland had gone on site and identified those trees that should remain and those trees that should be removed from the Federal Building grounds. Steve Gregory has indicated that there are a significant number of ash trees on Water Street. Some appear to be affected already by the Emerald Ash Borer with dead tops and dead branches in those trees.

On the north side of the Federal Building closer to the building are a series of box-elder trees. These are generally scrub trees that are not a good landscape tree. Steve Gregory is recommending the elimination of the box-elder trees.

Attached are three photos. The first is showing the existing Federal Building grounds. The trees with the yellow circles are those trees that are intended to be maintained on the Federal Building grounds. Many of the larger ash trees and several maple trees are in poor condition on the site, and it is recommended that they be removed. This will certainly open up the site considerably from what it is now.

City Commissioner Jeff Stefanski, who sat on the Tree Task Force, has also participated in these discussions. Both Commissioner Stefanski and Steve Gregory believe that the appropriate landscape treatment for this site would be more formal type of plantings.

City Manager Nebel has asked the Task Force to proceed with a long-term landscaping plan for this site. At this point, City Manager Nebel would like the Commission to indicate whether they concur in the tree removal plan as outlined in the attached materials. If the Commission concurs with this, then as administration needs to facilitate construction or other activities, they can remove those trees in the way. Administration may remove other trees as work and time allows for the Public Works Department and through the course of the summer. Once a draft landscape plan is developed for the site, administration will present that to the City Commission for the Commission's comments, review, and eventual approval.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

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That the City Commission authorize the removal of the trees from the Federal Building grounds as indicated in the attached drawing.

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

DESIGNATION OF ALICIA ASKWITH AS TRAFFIC ENGINEER AND STREET ADMINISTRATOR:

With the passing of former City Engineer David Strickland, there are two issues that need to be addressed on an interim basis as it relates to various traffic and maintenance activities. Dave was the designated Traffic Engineer as well as Street Administrator for the City of Sault Ste. Marie. Both of these positions have certain statutory and regulatory roles in managing traffic and road issues.

Under the Uniform Traffic Code, the authority to issue Traffic Control Orders is with the Traffic Engineer that has been designated by the City Commission. This gives legal authority to any traffic control issues that need to be addressed during the coming months.

In addition, under Act 51, the City is required to have an authorized Street Administrator for day to day and annual reporting requirements to the Michigan Department of Transportation.

Moved by Commissioner Bauer, supported by Commissioner Munsell

That the City Commission designate Assistant City Engineer Alicia Askwith as the City's Traffic Engineer pursuant to the Uniform Traffic Code as adopted under Ordinance Section 24-16 until such time that a City Engineer is duly appointed and confirmed for the City of Sault Ste. Marie.

That the City Commission approve a resolution designating Assistant City Engineer Alicia Askwith as Street Administrator for the City of Sault Ste. Marie in accordance with the requirements of Act 51, P.A. 1951, as amended until such time as a City Engineer is appointed and confirmed for the City of Sault Ste. Marie.

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

REPORT ON GARAGE SALE SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY:

Attached is a report from City Clerk Robin Troyer regarding her review of the

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existing ordinances regarding signs relating to garage sales as well as checking other municipal ordinances relating to this matter.

As the City Attorney advised at the Commission meeting when this was discussed, any temporary signs located in the right-of-way violate the current ordinance procedures. There has always been an understanding that temporary signs placed for a short period of time in the right-of-way for things such as garage sales are tolerable. It is difficult to enforce, since often-times these signs are put up over the weekend. For prosecuting violators of the ordinance, it becomes necessary to determine who placed the signs on the post. Simply having an address on a garage sale sign does not pinpoint who should be prosecuted for this violation. With any misdemeanor, the responsible party has to be proven in these types of cases.

City Clerk Robin Troyer has recommended that administration attempt to educate the public regarding the placement of these types of signs in the right-of-way and that any signs so placed in the right-of-way should be promptly removed following the sale. This message gets a bit complicated in that we almost indicate that it's okay to have an illegal sign in the right-of-way as long as you take it down quickly.

Delana Demitropoulos was present and spoke to the Commission regarding her concerns with the garage sales signs in the City. Delana brought in a large garbage bag of signs in which she had removed from the utility poles. Delana expressed her opinion that garage sale signs should not be allowed in the right-of-way or on any utility or street pole.

Moved by Commissioner Munsell, supported by Commissioner Burton

That the City Commission refer the issue of garage sale signs in the City right-of-way back to City Administration for further review and recommendation.

Motion carried unanimously.

**MATTERS PRESENTED BY THE PUBLIC:**

None

**MATTERS PRESENTED BY THE CITY COMMISSION:**

Commissioner Munsell inquired about the collection of metal on West Spruce, the status of the fencing at the Maple Ridge cemetery, and the loitering at the Ashmun Bay boat launch.

Commissioner Stefanski inquired about response process through GovQ&A, received a complaint from a downtown business regarding vandalism, possibility of security cameras at the corner of Ashmun and Portage, and informed the Commission

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of a downtown business playing loud vulgar music around 6:30 in the evening. Commissioner Stefanski asked if a letter could be sent to the establishment.

Mayor Bosbous commented on the 4<sup>th</sup> of July parade and fireworks, the Tug Boat Race, and announced the American Legion Motorcycle Rally and Relay for Life for the coming weekend.

Commissioner Bauer asked the City Attorney regarding the guidelines for loud vulgar music, announced Music in the Park, and the purchase of the luminary bag deadline for the Relay for Life.

Commissioner Burton inquired about the stolen Fort Street Bridge gate.

Moved by Commissioner Munsell, supported by Commissioner Stefanski

That the meeting adjourn at 8:15 p.m.

Motion carried unanimously.

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

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