

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, July 19, 2010 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

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

Absent: Commissioner Bauer

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

Moved by Commissioner Munsell, supported by Commissioner Lynn

That the absence of Commissioner Bauer be excused.

Motion carried unanimously.

Mayor Bosbous Congratulated Kewadian Casino's on their 25<sup>th</sup> Anniversary.

Recognition of the Bayliss Public Library and Nancy Steinhaus for Receiving Achievement Awards from the Historical Society of Michigan.

### **CONSENT AGENDA:**

Moved by Commissioner Munsell, supported by Commissioner Lynn

That the following consent agenda items be approved:

#### **Minute Approval:**

That the minutes of the regular City Commission meeting held on Monday, July 6, 2010 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Bayliss Public Library – June 24, 2010
- b. Bayliss Public Library – July 1, 2010 Special Meeting
- c. Local Development Finance Authority – June 14, 2010

#### **Communications:**

That the City Commission authorize the City Manager and the City Clerk to execute the MDOT Contract for the FY 2010 Section 5311 ARRA Operating Funds in the amount of \$9,950.00.

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

Agenda item 3A2c was removed from the consent agenda:

Approval of the minutes of the June 22, 2010 Community Services Board meeting. Chairperson, Verna Lawrence requested that the minutes of the Community Services Board be returned to the Community Services Board for review and correction as there were a couple errors in the minutes. City Manager Nebel responded that the meeting of the CSB did take place and the minutes submitted reflect that. The Commission is only accepting the minutes and not approving the minutes.

Moved by Commissioner Munsell, supported by Commissioner Lynn

That the minutes of the June 22, 2010 Community Services Board be accepted.

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

### **SPECIAL ORDERS OF BUSINESS:**

#### **PUBLIC HEARING ON THE VACATION OF THE N/S ALLEY IN BLOCK 7, GREENOUGH AND RAINS' ADDITION WITH RETENTION OF UTILITY EASEMENTS AS REQUESTED BY FERNELIUS HYUNDAI (A.) PUBLIC COMMENTS (B.) ACTION ON THE VACATION:**

A the July 6, 2010 City Commission meeting, the Commission scheduled a public hearing on the vacation, with retention of utility easements, of the N/S alley in Block 7, Greenough and Rain's Addition, as requested by Fernelius Hyundai. The notices of the proposed vacation have been placed.

A report from the previous City Commission meeting was attached outlining the details of the vacation request.

The Mayor conducted a public hearing on the proposed vacation of the N/S alley in Block 7, Greenough and Rain's Addition, with retention of utility easements, as requested by Fernelius Hyundai. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Lynn, supported by Commissioner Gerrie

WHEREAS, this is the time and place of the meeting of the City Commission of the City of Sault Ste. Marie, Michigan, set for considering and taking action upon the alley

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vacation petitioned for by Fernelius Hyundai; and

WHEREAS, the Planning & Development Commission at their meeting held June 24, 2010 considered the petition in reference to the vacation and it is their recommendation that the subject alley be vacated with retention of utility easements; and

WHEREAS, the City Commission has heard said petition and recommendation in reference to the vacation of said alley and it is their opinion that the subject alley be vacated; and

THEREFORE BE IT RESOLVED, that the following described alley be vacated WITH retention of utility easements: The North/South Alley in Block 7, Greenough and Rains' Addition (see attached Exhibit A); and

BE IF FURTHER RESOLVED, that a certified copy of this resolution be recorded in the Register of Deeds Office for the County of Chippewa, State of Michigan.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be recorded by the City Clerk to the State of Michigan, showing recordation of said resolution along with a sketch of the area affected.

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

PUBLIC HEARING ON THE VACATION OF THE E/W ALLEY IN BLOCK 8, STOWELL'S 2<sup>ND</sup> ADDITION, WITH RETENTION OF UTILITY EASEMENTS, AS REQUESTED BY GORDON GILRAY AND CHESTER PATRICK (A.) PUBLIC COMMENTS (B.) ACTION ON THE VACATION:

At the July 6th City Commission meeting, the Commission scheduled a public hearing on the proposed vacation of the E/W alley in Block 8, Stowell's 2nd Addition, with retention of utility easements. A portion of this alley has been previously vacated. The public notices of the hearing have been placed regarding this proposed alley vacation.

The Mayor conducted a public hearing on the vacation of the E/W alley in Block 8, Stowell's 2nd Addition, with retention of utility easements, as requested by Gordon Gilray and Chester Patrick. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

WHEREAS, this is the time and place of the meeting of the City Commission of the City of Sault Ste. Marie, Michigan, set for considering and taking action upon the alley

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vacation petitioned for by Gordon Gilray and Chester Patrick; and

WHEREAS, the Planning & Development Commission at their meeting held June 24, 2010 considered the petition in reference to the vacation and it is their recommendation that the subject alley be vacated with retention of utility easements; and

WHEREAS, the City Commission has heard said petition and recommendation in reference to the vacation of said alley and it is their opinion that the subject alley be vacated; and

THEREFORE BE IT RESOLVED, that the following described alley/street be vacated WITH retention of utility easements: The remainder of the East/West Alley in Block 8, Stowell's 2<sup>nd</sup> Addition, being that portion from the east line of 7<sup>th</sup> Street to a point 20 feet east of the west line of lot 27, so that the entire East/West Alley is vacated (see attached Exhibit A); and

BE IF FURTHER RESOLVED, that a certified copy of this resolution be recorded in the Register of Deeds Office for the County of Chippewa, State of Michigan.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be recorded by the City Clerk to the State of Michigan, showing recordation of said resolution along with a sketch of the area affected.

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

PUBLIC HEARING ON THE VACATION OF THE E/W ALLEY ADJOINING  
LOTS 1-15, BLOCK 1, IN DUBUQUE ADDITION, WITH RETENTION OF UTILITY  
EASEMENTS, AS REQUESTED BY THE SAULT TRIBE OF CHIPPEWA INDIANS (A.)  
PUBLIC COMMENTS (B.) ACTION ON THE VACATION:

At the July 6th City Commission meeting, the Commission scheduled a public hearing on the vacation of the E/W alley adjoining Lots 1-15, Block 1, in Dubuque Addition, with retention of easements, as requested by the Sault Tribe of Chippewa Indians. The public notices have been placed for the public hearing on the alley vacation.

The Mayor conducted a public hearing on the proposed vacation of the E/W alley adjoining Lots 1-15, Block 1, in Dubuque Addition, with retention of utility easements, as requested by the Sault Tribe of Chippewa Indians. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Gerrie, supported by Commissioner Burton

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WHEREAS, this is the time and place of the meeting of the City Commission of the City of Sault Ste. Marie, Michigan, set for considering and taking action upon the alley vacation petitioned for by Sault Tribe of Chippewa Indians; and

WHEREAS, the Planning & Development Commission at their meeting held June 24, 2010 considered the petition in reference to the vacation and it is their recommendation that the subject alley be vacated with retention of utility easements; and

WHEREAS, the City Commission has heard said petition and recommendation in reference to the vacation of said alley and it is their opinion that the subject alley be vacated; and

THEREFORE BE IT RESOLVED, that the following described alley be vacated WITH retention of utility easements: East/West Alley Adjoining Lots 1-15 Block 1, Dubuque Addition (see attached Exhibit A); and

BE IF FURTHER RESOLVED, that a certified copy of this resolution be recorded in the Register of Deeds Office for the County of Chippewa, State of Michigan.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be recorded by the City Clerk to the State of Michigan, showing recordation of said resolution along with a sketch of the area affected.

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

## **COMMUNICATIONS:**

### **FROM THE TIFA BOARD – APPROVAL OF TIFA III BUDGET AMENDMENT:**

The EDC, working with the Michigan Aeronautics Commission, has been identifying a number of steps that would be required for Sanderson Field to receive approval to utilize LPV approach technology. This technology uses GPS, which is a much more affordable technology than the older ILS systems used at many commercial airports.

There are three issues that would need to be addressed before Sanderson Field would receive that technology. This includes the relocation of a portion of Meridian Street (about 700 feet) closer to McDonald's to permit the use of the full length of the paved runway, extension of the taxiway to the full length of the runway, and trimming or removal of a few trees at both ends of the runway.

The Michigan Aeronautics Commission has indicated their willingness to participate on a 90% state share - 10% local share grant to proceed with a design that

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could lead to the implementation of this system at Sanderson Field related to the taxiway if the City could deal with the relocation of 700 feet of Meridian at the I-75 B.S.. The Airport TIFA Board is recommending that the Commission accept an amendment to the budget that would provide for this engineering work. In addition, the TIFA Board has recommended the appropriation of additional dollars for maintenance activities at Sanderson Field as well as part of this amendment.

The TIFA Board would like to include funding in the Engineering and Small Projects line item for Air Industrial Park signage, which has been previously proposed but not spent in the last fiscal year.

Moved by Commissioner Munsell, supported by Commissioner Gerrie

That the City Commission concur with the TIFA Board by increasing the appropriation for Engineering and Small Projects from \$44,000 to \$90,000.

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

Moved by Commissioner Munsell, supported by Commissioner Gerrie

That the City Commission approve an appropriation from the TIFA of \$2,500 for Air Park Maintenance.

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

Moved by Commissioner Munsell, supported by Commissioner Gerrie

That the City Commission appropriate \$38,000 from the Small Projects line item to create a capital improvement fund for the Engineering Project for Meridian Avenue.

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

FROM THE TIFA III BOARD – REGARDING CONTRACT WITH URS FOR DESIGN OF MERIDIAN STREET RELOCATION:

The TIFA Board is recommending that the City Commission proceed with several efforts in order to eventually implement a Localizer Performance with Vertical guidance (LPV) approach for Sanderson Field. The LPV is another form of approach similar to the ILS - Instrument Landing System that is used in larger airports. This allows planes

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to utilize the airport when weather conditions have lower ceilings or visibility does not meet the requirements for non-precision approaches to runways. LPV can reduce pilot error and other related issues association with non-precision approaches to a runway.

Planning staff has been working with the Michigan Aeronautics Commission (MAC) on taking necessary steps to utilize this simpler technology at Sanderson Field. Three issues would need to be addressed in order to implement LPV approaches as Sanderson Field. This includes the elimination of several trees at the end of the runway, extension of the taxiway to run parallel with the entire runway, and relocation of approximately 700 feet of Meridian where it intersects with the I-75 Business Spur.

In discussing these issues with the Michigan Aeronautics Commission, MAC has indicated that they would explore the funding for the taxiway (on a 90% state/10% local basis) if the City were to pursue the expense of relocating Meridian Street. Funding for the street relocation and the 10% local match for the taxiways would be through the TIFA District.

At this point, the TIFA Board is recommending that the City Commission proceed with the engineering utilizing appropriate TIFA funds for this purpose for the relocation of Meridian with URS.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission authorize an agreement with URS Corporation of Grand Rapids, Michigan for the design of the relocation of approximately 700 feet of Meridian Street from the I-75 Business Spur northwest approximately 700 feet.

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

FROM BUILDING A HEALTHIER COMMUNITY – PRESENTATION ON TOBACCO FREE PARKS:

The Chippewa County Health Department and Building a Healthier Community requested to make a presentation to the City Commission on their initiative for tobacco free parks. The Community Services Board heard this presentation as well and felt that it should only apply to the inside venues for the City, which are already covered by the state statute restricting smoking in public places. The new state law does not pertain to any of the City's open air parks or ball fields.

If the Commission believes the City should pursue all or part of this initiative including open air parks, please advise and Administration will prepare a future report for the Commission's consideration on this matter.

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Donna Norkoli was present and indicated that Clara James was unable to be at tonight's City Commission meeting and requested that this item be tabled until a later City Commission meeting.

Moved by Commissioner Lynn, supported by Commissioner Gerrie

That the City Commission table this item until a later City Commission meeting.

Motion carried unanimously.

### **CITY MANAGER'S REPORT:**

#### **ACCEPTANCE OF BID FOR THE LITTLE ITALY DRIVEWAY REPLACEMENT PROJECT:**

Under the Little Italy Neighborhood Preservation Grant, funds are available to replace or construct driveways for residential units within the Little Italy Neighborhood. This was one of the items that was identified as a real detriment within this neighborhood where, in many cases, the homes are very close together. Under the program, the grant will pay up to \$2,500 for a driveway with the property owner being responsible for any costs over and above that. Based on the grant being approved, administration is in the process of obtaining individual agreements from those property owners who have applied for the driveways, which will include any local contributions required over and above the \$2,500 driveway limitation cost.

Three bids were received for this work with Maleport Construction being the lowest bid. Maleport Construction is eligible to receive this bid under the guidelines for the grant.

This work needs to be concluded during this construction season, since the grant will expire at the end of this calendar year.

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission award the bid for the construction of driveways in the Little Italy Neighborhood to Maleport Construction of Sault Ste. Marie for a bid price of \$63,134.05, based on compiled unit prices for this project.

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

#### **AUTHORIZATION OF WORK DIRECTIVE #8 FOR CSO CONTROL PROJECT DIVISIONS A & B WITH BACCO CONSTRUCTION COMPANY:**

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Work is progressing on the CSO Phase C-1 and C-2 Projects. The Water Street work crew is now west of the intersection of Ashmun and Water Street. G2AE is recommending a Work Change Directive in order to address a conflict with the location of an existing 3 inch gas main coupled with the deteriorated condition of a concrete combined sewer that was scheduled to remain as a storm sewer in the street. Upon excavation, it was determined that the joints were badly leaking on this section of combined sewer, and with the conflict of a gas main, it is recommended that the City replace this concrete combined sewer with 305 feet of 15 inch PVC storm sewer. The estimated cost for this replacement is \$19,050. By replacing this combined sewer, which was scheduled to become a storm sewer, administration will be addressing the conflict of locations within this section of Water Street and renewing a combined sewer that appears to be in significantly worse condition than anticipated.

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the City Commission authorize Work Change Directive #8 for CSO Phases C-1 and C-2 Divisions A & B Project with Bacco Construction to replace existing concrete combined sewer pipe with 15 inch PVC storm sewer for a distance of approximately 305 feet.

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

APPROVAL OF A RIGHT-OF-WAY USE AGREEMENT WITH THE SAULT AREA PUBLIC SCHOOLS FOR CONSTRUCTION OF A BUS LANE AT WASHINGTON SCHOOL:

Washington School has been trying to deal with conflicts that result from buses and parents dropping off kids in the same general area. During the 2009 Polling Place Grant Project, the School temporarily shifted its drop-off zone so that buses could drop-off and pick-up students at the north end of the building off Dillon Street. Since the City does not have a specific schedule for the reconstruction of this section of Dillon Street, they would like to proceed with the construction of a 12 foot wide bus lane on the south side of Dillon Street directly in front of the school door. A sidewalk will be installed from this point to the School door to facilitate the safe loading and unloading of children from buses at this location.

The School has retained U.P. Engineering to deal with the various drainage issues related to this improvement. Engineering has reviewed these plans and is in agreement that they will adequately address the drainage from this construction.

One item that is still pending with the schools is whether they will be able to pave this strip or not. It is administrations opinion that this strip should be paved or other problems could result, including the facilitation of drainage, maintenance of the gravel

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strip, and tracking of soils onto the street system during wet conditions, particularly during the spring break-up.

It is administrations recommendation that the City Commission approve this project provided the schools can proceed with pavement of this 12 foot wide bus lane running parallel to Dillon Street.

Moved by Commissioner Burton, supported by Commissioner Munsell

That the City Commission approve a Right-of-Way Use Agreement to allow for the construction of a bus lane on Dillon Street in front of the north end of Washington School contingent upon schools funds being available to complete the project, including pavement of the bus lane and driveway opening.

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

SCHEDULING A CLOSED SESSION FOR THE PURPOSE OF DISCUSSING NEGOTIATIONS FOR THE CLERICAL BARGAINING UNIT:

City Attorney Steve Cannello, Valerie Povey, and City Manager Nebel have initiated negotiations with the Clerical Unit for the City of Sault Ste. Marie. They requested a discussion a strategies in resolving this contract at a closed meeting immediately following the regular City Commission meeting.

Moved by Commissioner Lynn, supported by Commissioner Gerrie

That the City Commission schedule a closed session to immediately follow the July 19th regular City Commission meeting.

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

**Status Report:**

Report on Maple Ridge Cemetery Fencing:

Attached is a report from Alicia Askwith on the status of the resolution of issues related to the Maple Ridge fencing. There have been several meetings and discussions with the fence contractor and their supplier regarding their addressing this issue. Both the fencing contractor and supplier have acknowledged their responsibility for addressing this matter.

Engineering has discussed several options for addressing this matter with

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independent powder coater contractors to determine what is an appropriate fix to this issue. There had been some suggestion that the City might want to consider galvanizing the fence pieces prior to powder coating them. This would provide additional protection if they are nicked or chipped in the future. If the City galvanized the fence material, that would be an addition to the contract of approximately \$7,500 in addition to the contractor stripping and re-powder coating the fence. Administration will work with the contractor to pre-approve a satisfactory process for moving forward with correcting this error. It is administration's belief that improper materials were used for an outdoor application of the fence finish. Administration is not recommending that the City proceed with galvanization of the fence at this point. A letter confirming the City's instructions to the contractor will be issued by Engineering to address this matter.

At the last Commission meeting, the Commission expressed some concern as far as the timeliness of addressing this matter. With a record amount of construction underway and the loss of Dave Strickland, administration is trying their best to deal with issues that have to be dealt with from the department. There are going to be delays in dealing with issues due to the very significant current workload and the loss of City Engineer Dave Strickland who was intimately involved in many of these processes. City Manager Nebel apologized for the delays.

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

Nancy Gillotte of 121 Brady Street presented written communication to the City Commission regarding the 2010 CSO Project and the New City Hall Project. Ms. Gillotte addressed her concerns to the Commission.

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

Commissioner Munsell inquired about the scrap metal collection on East Spruce Street.

Commissioner Burton asked if Susan Askwith and Dave Stanaway were contacted about playing at the Farmers Market and requested a letter of recognition be sent to the Corrections Officer involved in the attempted prison break incident.

Commissioner Stefanski informed the Commissioner of the Downtown Summer Beach Party scheduled for Saturday, July 24th.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the meeting adjourn at 8:08 p.m.

Motion carried unanimously.

**ANTHONY G. BOSBOUS, MAYOR**

**ROBIN R. TROYER, CITY CLERK**

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