

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, August 2, 2010 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

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

Absent:

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

### **CONSENT AGENDA:**

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the following consent agenda items be approved:

#### **Minute Approval:**

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

- a. Board of Review – July 20, 2010
- b. Economic Development Corporation – July 13, 2010
- c. Historic Structures Mgt Committee – July 12, 2010
- d. Planning and Development Commission – June 24, 2010
- e. Police and Fire Pension Board – July 21, 2010

#### **Appointments and Resignations:**

That the City Commission confirm the Mayor's appointment of Nancy Gillotte to a term on the term commission which will expire on June 30, 2010.

#### **Communications:**

That the City Commission schedule a public hearing on the proposed alley vacation with retention of utility easements of the north/south and east/west alleys in Block 7, Martyn & Stewart's Addition, as requested by Nicole Dowd for the August 16<sup>th</sup> City Commission meeting.

#### **City Manager's Report:**

That the City Commission approve Traffic Control Order T-04-10 for all metered

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parking spaces and two hour free parking spaces located in an area bounded by Easterday Avenue on the south, Magazine Street on the west, Bingham Avenue on the east, and the St. Mary's River on the north with those enforcement times being 8:00 a.m. through 6:00 p.m. seven days a week.

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

### **COMMUNICATIONS:**

#### **FROM PLANNING AND DEVELOPMENT COMMISSION: FIRST READING OF A ZONING ORDINANCE LANGUAGE AMENDMENT REGARDING ACCESSORY SMALL WIND ENERGY TURBINES:**

For the past year and a half, the Planning and Development Commission has had numerous meetings, requested public input, and looked at various strategies for dealing with the issue of the use of wind energy within the City of Sault Ste. Marie. This has been a rapidly evolving industry that has had certain pitfalls along the way. It was the goal of the Planning and Development Commission to allow the use of wind energy in areas within the City that would not create a future nuisance to adjoining residents. This amendment focuses on small wind energy turbines that may be considered for use at a residence or a commercial business to supplement electricity supply. The Planning Department staff has worked closely with the City Attorney, Building Department, and Engineering Department on the development of this ordinance amendment.

In general, the proposed ordinance includes language that permits accessory and wind systems in all zoning districts subject to certain requirements regarding output, height, setback, lot size, width requirements for annual inspection, and maintenance.

The final language for the amendment was presented to the Planning and Development Commission at their June 24th meeting with a public hearing being held by the Planning and Development Commission at their July meeting. The proposed ordinance avoided the use of any noise standards, since they are difficult to enforce and, instead, would require an annual maintenance certificate that would document that the unit continues to be in good working order, which would mitigate noise issues from wind devices that would otherwise need maintenance. The ordinance indicates that when the unit becomes non-functional that it must be removed by the property owner. The ordinance requires a minimum 2 acre site size to reduce any adverse affect on adjacent property owners. The ordinance does provide a relief provision for small lot sizes that would require the approval of the adjacent property owners. The only comment received as a result of the public hearing notice was from Cloverland indicating that they had no objections to the proposed ordinance as written.

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City Manager Nebel believes the Planning and Development Commission did an excellent job in developing provisions that would allow wind energy to be used on a small scale basis for a home or business in Sault Ste. Marie with appropriate requirements to eliminate the wind accessory from becoming a nuisance in the future.

During these discussions, a question came up regarding the wind turbines that were installed along I-75 at Sea Shell City. These turbines were in place for a short period of time and then removed. In contacting Sea Shell City, it was indicated that the turbines only functioned for a relatively brief period of time before water, dust, and other materials rendered them non-usable. They indicated that when the manufacturer wouldn't honor the warranty, they had the wind turbines removed. This is a good example of why a regular maintenance standard will be important for any units placed in the City so they do not become either a hazard or an unused eyesore should they no longer function. The ordinance would clearly require them to be inspected on an annual basis and, once non-functional, to be removed.

Moved by Commissioner Bauer, supported by Commissioner Gerrie

That the City Commission introduce for a first reading an ordinance to amend zoning ordinance language regarding accessory small wind energy turbines as initiated by the Planning and Development Commission and schedule public comments and a second reading for the August 16th City Commission meeting.

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

FROM THE PLANNING AND DEVELOPMENT COMMISSION RESOLUTION FOR INCORPORATING "COMPLETE STREETS" DESIGN STANDARDS IN CITY PROJECTS:

At the June meeting of the Planning and Development Commission, a presentation was made by the Chippewa County Health Department and the Sault Tribe Strategic Alliance for Health on the concepts of "Complete Streets". The "Complete Streets" initiative places an emphasis on understanding the impact of a street not only for vehicles, but also for pedestrians, bicycles, and other users of the right-of-way for mobility. A brief power point presentation was given by Donna Norkoli of the Sault Tribe Strategic Alliance for Health on this matter.

Moved by Commissioner Gerrie, supported by Commissioner Lynn

That the City Commission approve a resolution formally recognizing the importance of a complete design for streets addressing pedestrian, bicycle, and vehicular use of the completed roadway with a copy of this resolution being provided as part of any Request for Proposals from consulting engineers working on City projects.

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

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

At the July 19th City Commission meeting, the Commission had on its agenda a presentation from Clara James on behalf of the Building a Healthier Community Coalition regarding tobacco free parks. This presentation was also made to the Community Services Board at their meeting held Tuesday, June 22nd. At that time, the Community Services Board recommended that only Kaine's Rink and the Pullar Community Building be designated as tobacco free facilities. The Community Services Board also recommended that the resolution for tobacco free recreation areas within the City also be presented to the City Commission for their consideration. The resolution would also cover all forms of tobacco (tobacco that is smoked as well as chewing tobacco) and could impact additional facilities should the City Commission feel that this resolution should apply to other park facilities besides the Pullar and Kaine's Rink facilities.

The City Commission may wish to exempt the City campgrounds from any tobacco limitations.

Clara James indicated that she would anticipate that those areas posted as tobacco free would be self-governed by those users of that facility.

If the Commission would like to move in this direction, City Manager Nebel recommended that this matter be referred back to City Administration for a listing of those specific facilities that would be included with this resolution.

A brief power point presentation was given by Clara James.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the City Commission conceptually support this issue and refer back to City administration for further review and recommendation.

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

COMMUNICATION FROM PROPERTY OWNERS ALONG MISSION STREET  
REQUESTING ON-STREET PARKING:

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The City has received a petition signed by property owners along Mission Street between Spruce Street and Portage Avenue requesting that the City study the possibility to prevent curbside parking on Mission Street. Assistant City Engineer Alicia Askwith has reviewed this matter. Prior to reconstruction of Spruce and Mission Streets, there were no curbs and gutters through this area, and residents could park off the paved street surface in front of their homes. In 2002, Spruce and Mission Streets were reconstructed at a width of 32 feet in order to meet Major Street criteria for a two lane road. A Traffic Control Order was approved by the City Commission in 2002 restricting parking on both sides of Mission Street.

Based on Major Street standards, a 32 foot street would allow parking on one side of the street; however, there are a number of issues that complicate this matter. This includes the curve at Spruce and Mission and driveway locations, including the commercial driveway at the intersection of Mission and Portage, and parking restrictions from the intersection with Golf Drive.

If parking were to be established on Mission Street, it is estimated that six spaces could be created on one side of the street with these various limitations.

Greg Bush was present and spoke to the Commission regarding the history of the on-street parking on Mission Street. Mr. Bush displayed a sketch of Mission Street outlining his request for approval of on-street parking on Mission Street.

Eric Gadzinski also expressed his support of on-street parking on Mission Street.

Moved by Commissioner Bauer, supported by Commissioner Burton

That the City Commission rescind the 2002 Traffic Control Order prohibiting parking on both sides of Mission Street and have administration develop a plan for parking in a safe manor and report back to the City Commission.

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

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

#### **AWARD OF BID FOR THE PULLAR COMMUNITY BUILDING ICE PLANT VALVES:**

On July 22, 2010 two bids were received for this project. The lower bid did not meet specifications. Administration has reviewed this with Soo Welding, and they understand the concern; therefore, City Manager Nebel recommended that the Commission award the bid to Bunker Mfg. of Sault Ste. Marie, Michigan.

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This project will be facilitated since Bunker is doing another smaller project in the Pullar Building, and they will be able to better coordinate the work in order to make sure this work is completed prior to ice time.

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the bid be awarded to Bunker Mfg. of Sault Ste. Marie, Michigan in the amount of \$16,274, being the low bid and meeting specifications.

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

REPORT ON THE INSTALLATION OF A 4-WAY STOP AT DAVITT STREET  
AND 12<sup>TH</sup> AVENUE:

At a recent City Commission meeting, concern was expressed by a Commissioner regarding the intersection of Davitt and 12th Avenue. It was felt that with the current traffic patterns a 4-way stop may be a better solution. The Engineering Department has also had a resident of that intersection call to make the same recommendation.

As a result of the concerns, traffic counts were taken on this corner, and the traffic counts show equal traffic coming from both directions. This is one of the criteria for a 4-way stop. With the pedestrian crossings at this intersection, stopping the Davitt Street traffic would make that a safer scenario for pedestrians as well. Assistant City Engineer Alicia Askwith is recommending that the Commission consider establishing a 4-way stop at this intersection to improve the safety of the intersection, which is based, in part, on a review of accidents that have occurred there over the past few years.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission authorize the establishment of a 4-way stop at the intersection of Davitt Street and 12th Avenue to address safety concerns that have been forwarded by both a resident and member of the City Commission.

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

AUTHORIZATION OF A RIGHT-OF-WAY USE AGREEMENT FOR COURT  
STREET BY THE BAYLISS PUBLIC LIBRARY:

The Bayliss Public Library is located on Court Street. The Library is proposing to make a number of changes that will add two additional parking spaces in the area of

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the deadend of Court Street south of Library Drive. This will include the removal of curbs and resurfacing in this area as part of a plan to improve access to the Library. Since physical changes are being made to the layout, a Right-of-Way Use Agreement would need to be authorized by the City Commission to allow this work to take place.

Moved by Commissioner Lynn, supported by Commissioner Burton

That the City Commission authorize a Right-of-Way Use Agreement for the Bayliss Public Library to reconfigure parking and walking access on the deadend portion of Court Street to add additional parking at the Library.

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

AUTHORIZATION TO APPLY FOR DNR SNOWMOBILE ENFORCEMENT FUNDS FOR THE 2010-2011 SNOWMOBILE SEASON:

Annually, the City applies for funding from the Michigan Department of Natural Resources and Environment, who provides funding from snowmobile permits for snowmobile regulation and enforcement. This year administration is also requesting a new snowmobile through these funds for enforcement activities.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the City Commission request funding of 85% of the estimated regular hourly rate and supplies for snowmobile enforcement activity with the total estimated reimbursement request of \$12,967 for personnel, \$1,317 for supplies, and \$5,946 for equipment for the 2010-11 snowmobile season.

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

AUTHORIZATION OF USDA GRANT FUNDS AND LOCAL FUNDING FOR REPLACEMENT OF AN AMBULANCE AND INTERCEPT VEHICLE:

On July 15th, Chief Thorpe, City Clerk Troyer, Fire Fighter Schneider, and City Manager Nebel met with representatives of the U.S.D.A. regarding grant funding for two equipment purchases. In the current year, the City Commission has appropriated full funding to refurbish an existing ambulance in an amount of \$80,000. With the U.S.D.A. funds that would be available for this purchase, we could, instead, proceed with the purchase of a new ambulance. This has several advantages for the City in that the department is not without an ambulance for the time that the unit is being refurbished, and the project could be done for less money than what administration had

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appropriated with City General Fund dollars alone for the refurbished ambulance.

In addition, a grant request was made for the replacement of the intercept vehicle. The U.S.D.A. has indicated a willingness to participate in this project.

Based on the City's population, the City would be eligible for 35% matching grant funds for these two purchases. Administration recommended that the City Commission also authorize the replacement of the intercept vehicle in the 2011-12 budget year as part of this grant request. The City would be eligible for \$39,000 in funds for the ambulance and \$16,000 for the intercept vehicle.

Moved by Commissioner Burton, supported by Commissioner Stefanski

That the City Commission authorize the replacement of an ambulance unit utilizing U.S.D.A. grant funds in the amount of 35% of the purchase price for the 2010-11 fiscal year and replacement of the intercept vehicle with a U.S.D.A. grant of \$16,000 for the 2011-12 fiscal year.

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

APPROVAL OF CHANGE ORDER NO. 1 FOR THE RECONSTRUCTION OF THE WATER STREET LIFT-STATION WITH PUMFORD CONSTRUCTION, INC.:

The City Commission has awarded a contract to Pumford Construction, Inc. for the reconstruction of the Water Street lift-station in the amount of \$697,500 as part of the CSO Control Phase C-1 and C-2 Project.

The primary issue in this Change Order is that asbestos was discovered during the demolition work required to replace all the mechanical system within this building. In accordance with state and federal regulations, disposal of materials containing asbestos must be handled by specialized crews with processes approved by the State of Michigan. This change is the primary cost that is affected by this Change Order. This will bring the Pumford contract up to an amount of \$710,757.

Moved by Commissioner Stefanski, supported by Commissioner Lynn

That the City Commission approve a Change Order authorizing the removal of asbestos from the Water Street lift-station and other minor modifications for a net increase in contract of \$13,257.

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

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Nays: None

AUTHORIZATION OF A SIGNED WALKING LOOP IN THE DOWNTOWN AREA:

The City has been approached by the Chippewa County Health Department and the Sault Tribe Health Center in regards to signing a walking loop in the downtown area. This is part of the efforts to create a healthier community in Sault Ste. Marie. It is the intent to establish this loop (to be called the "Lunch Loop") to direct walkers along the following route. The proposed loop would start at the Avery Center on Ashmun Street with walkers being directed south to Peck Street, west on Peck Street to Pine Street, north on Pine Street to Spruce Street, and east on Spruce Street to Ashmun Street, then south on Ashmun Street back to Avery Center. The proposed loop is approximately 0.75 miles.

Assistant City Engineer Alicia Askwith has reviewed the route. The sidewalk on this walking route should all be in good shape at the end of the CSO Project, since sidewalk is being replaced where necessary along this route as part of this project. This route does go through both commercial and residential areas; however, it is anticipated that the concentration of walkers will not be a negative impact to any of the residential areas along this route.

It is the intent to utilize funding from Blue Cross Blue Shield to pay for signs designating the loop and including distance markers so people know how far they have walked. The funds are part of a challenge offered by Blue Cross Blue Shield entitled "Let's Get Moving" where people would log in to Blue Cross Blue Shield and indicate the miles they have walked during a specific challenge period. The City will receive \$500 from this effort. It is administrations intent to use this money to provide the signage for this walking loop. (Unfortunately, the City of Sault Ste. Marie finished fourth out of the four E.U.P. cities with the residents logging their miles as part of this competition. The winner was Munising, who received a grant of \$2,000 from Blue Cross Blue Shield for having the most miles logged during this challenge period. If this challenge is offered again, administration will work hard to make people aware of it and get people to log their walking miles for this challenge.)

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission authorize a "Lunch Loop" marked walking trail in the downtown area of Sault Ste. Marie.

Motion carried unanimously.

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

Attached is a report from City Clerk Robin Troyer regarding various options

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administration discussed at the staff level regarding the enforcement of the signage restrictions for temporary signs in the right-of-way. Current ordinance prohibits the placement of temporary signs in the right-of-way. Cloverland indicated that it is also not permitted to place signs on utility poles.

The options administration discussed ranged from periodically placing public notices regarding signs to prosecuting individuals for misdemeanors for placing signs in the right-of-way.

For the City Attorney to be able to prosecute a misdemeanor, it would require a complete police report for any signs placed in the right-of-way. The prosecution would have to determine who in the household specifically placed the sign in the right-of-way. With misdemeanors, it is the person placing the sign, not the property owner that would be responsible.

A second alternative would be assessing a fee on the owner of property that is listed on the sign. If this fee remained unpaid, then it would go to single lot special assessment. The property owner would have an opportunity to appeal to the City Commission prior to this fee being placed on their property taxes. This would be a much more practical way to address this matter than criminal prosecution.

A third option is to utilize seasonal or other employees to periodically make sweeps and remove the signs. This would effectively not discourage the placement of signs, since the City would remove them without any penalty to the property owner.

It is City Manager Nebel's opinion that if the City Commission wants to control the placement of signs in the right-of-way that there must be a financial penalty to it. This would help support the efforts through utilization of a contract worker to specifically deal with the sign issues in the right-of-way. This could be done with a seasonal workers, or if the City utilizes Building Department staff, then administration would have to shift them from some of the other work that the Commission has mandated in order to add this responsibility in the mix. Administration has been focusing on blighted properties in the City, and with the various current workload, it takes a concerted effort to keep that process moving.

City Manager Nebel recommend that the City, with its own forces, periodically remove signs from the right-of-way or that the City assess a fine to the property owner of the address that is posted for things such as garage sales and other activities when those signs are found in the right-of-way, which would require either some part-time contractual or staff support to accomplish.

Moved by Commissioner Lynn, supported by Commissioner Bauer

That the City Commission authorize the City Administration to proceed with a fee that would be charged to property owners who place temporary signs in the right-of-way

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for things such as garage sales, selling of boats, cars, or other similar efforts and instruct the City Administration to bring back a recommendation on the appropriate fees for this expense.

Motion carried unanimously.

Status Report:

City Clerk Troyer gave a brief report on the August 3<sup>rd</sup> State Primary Election.

City Manager Nebel update the Commission on the CSO Project and congratulated Mayor Bosbous as the recipient of the Michigan Municipal League Michael Guido Award.

**MATTERS PRESENTED BY THE PUBLIC:**

Clara James thanked the Commission for their support as a resident of this community.

**MATTERS PRESENTED BY THE CITY COMMISSION:**

Commissioner Stefanski received a complaint regarding a large pot hole on Foss Hill.

Commissioner Burton commented about a pothole on Newton, received a complaint regarding the construction crews using the Pullar parking lot and not allowing anyone else to utilize the lot, expressed concerns regarding the loud music from the Kewadian 25<sup>th</sup> Anniversary, and inquired about the grinders at the sewage treatment plant.

Commissioner Gerrie inquired about the process for transient vendors. City Manager Nebel, City Clerk Troyer, and City Attorney Cannello responded to Commissioner Gerrie's question.

Commissioner Munsell asked if there are upcoming State regulations requiring the City to change all street signs to green and white. City Manager Nebel responded.

Commissioner Bauer announced Music in the Park and informed the Commission of a complaint he received from resident regarding the speed of traffic on Armory Street.

Mayor Bosbous informed the Commission of Art in the Park scheduled for Tuesday August 3<sup>rd</sup>.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

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That the meeting adjourn at 9:08 p.m.

Motion carried unanimously.

**ANTHONY G. BOSBOUS, MAYOR**

**ROBIN R. TROYER, CITY CLERK**

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