

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, November 15, 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

Clara James gave a brief presentation and presented Mayor Bosbous with a Promoting Active Community Award.

Mayor Bosbous declared November 14-20, 2010 as Homeless Awareness Week in Sault Ste. Marie.

### **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, November 1, 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 – September 23, 2010
- b. Bayliss Public Library – October 28, 2010
- c. Downtown Development Authority – November 5, 2010
- d. Historic Structures Mgt Committee – October 27, 2010
- e. SSM Housing Commission – September 14, 2010
- f. Tree Commission – September 8, 2010
- g. Tree Commission – October 13, 2010
- h. Zoning Board of Appeals – September 16, 2010

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

That the City Commission appoint Caroline DePlonty to Dial-A-Ride Local Advisory Council to fill the balance of a term to expire 7/1/2010 and Harriet Clow to fill the balance of a term to expire 7/1/2011.

That the City Commission reappoint Charles Ludwick to a term on the Historic

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Structures Management Committee that will expire on 9/1/2013.

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

**SPECIAL ORDERS OF BUSINESS:**

**PUBLIC HEARING ON SINGLE LOT SPECIAL ASSESSMENT ROLL SL-2N-2010 AND SL-2W-2010 (A) PUBLIC COMMENTS (B) ACTION ON SL-2N-2010 AND SL-2W-2010:**

Twice a year, the City Treasurer's Office develops a list of unpaid bills that are related to various property issues. These include maintenance issues such as long grass, late rental registration fee, junk vehicles, and other property maintenance issues, SL-2N-2010, and delinquent bills related to water and sewer utilities, SL-2W-2010. Notices have been sent to each of the property owners in question. An additional \$20 charge has been placed on the various bills for not being paid before the Single Lot Special Assessment process has begun. If they are unpaid prior to the City Commission's action to place them on a Single Lot Special Assessment, then an additional \$50 charge is added to the bills.

The Mayor conducted a public hearing on Single Lot Special Assessment Roll SL-2N-2010 and SL-2W-2010. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Gerrie, supported by Commissioner Stefanski

That the City Commission confirm Single Lot Special Assessment Roll SL-2N-2010 and SL-2W-2010.

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

**PUBLIC HEARING ON PROPOSED UTILITY EASEMENT VACATION OVER VACATED W. 28<sup>TH</sup> AVENUE ADJOINING LOTS 19-25, BLOCK 8, STOWELL'S ADDITION, BY ATTO/ATTO USA (A) PUBLIC COMMENTS (B) ACTION ON THE UTILITY EASEMENT VACATION:**

At the November 1st City Commission meeting, the Commission scheduled a public hearing on the proposed utility easement vacation of a utility easement that was retained over vacated W. 28th Avenue, which adjoins Lots 19-25, Block 8, Stowell's Addition that was requested by Shawn Atto of Atto USA.

The City Planning Department has received additional information from the other

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utilities involved with the possible vacation of the utility easement on vacated W. 28<sup>th</sup> Avenue. The City and Charter Communications have no objections to the full vacation of the utility easement. Cloverland, DTE Energy, and AT&T did express objections to the vacation of the utility easement over the existing right-of-way. Cloverland has requested from Mr. Atto an easement from Mr. Atto in the event that the existing electrical line under the concrete slab needs to be replaced in the future. They anticipate entering into an easement with Mr. Atto in the next few days. This right-of-way was vacated and reverted to Mr. Atto when the vacation was enacted previously by the City Commission. The utility easement was retained across the entire parcel at that time.

As a result, City Manager Nebel recommended that the Commission not vacate the easement over the 30 foot vacated right-of-way. City Manager Nebel instead recommended that the City Commission grant an Easement Use Agreement to Mr. Atto that would allow the placement of a building on the slab subject to the concurrence of the other utilities. This would address the City Commission's role in this matter. Mr. Atto might be required to obtain zoning clearance to building a building in an easement area, which may require Zoning Board of Appeals action. This is an action being reviewed by the City Attorney.

The Mayor conducted a public hearing on the proposed utility easement vacation of the easement that was retained over vacated W. 28th Avenue adjoining Lots 19-25, Block 8, Stowell's Addition by Shawn Atto of Atto USA Development located behind the Days Inn. There were no comments from the public therefore the following action was taken:

Moved by Commissioner Lynn, supported by Commissioner Burton

That the City Commission authorize an Easement Use Agreement with Shawn Atto of Atto USA Development to allow, from a utility standpoint, the construction of the storage building on this site.

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

## **COMMUNICATIONS:**

### **FROM DOWNTOWN DEVELOPMENT AUTHORITY – RESOLUTION TO ESTABLISH A LOCAL HISTORIC DISTRICT STUDY COMMITTEE:**

The developer for the Park Place City Center, Gerald Haan, has requested that the City of Sault Ste. Marie take necessary steps to establish a Local Historic District that would be limited to the former Central Savings Bank Building and the Masonic Lodge Building, which make up Park Place City Center. The District will protect the historic nature of these two buildings in downtown Sault Ste. Marie. Under the requirements of

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requirements of the historic tax credits obtained by Mr. Haan for this project, he is required to meet all the federal standards for historic preservation of the building. The primary intent of the Secretary of Interior's standards for rehabilitation of historic buildings is to maintain the historic character of the property. This primarily pertains to the exterior of the buildings. This is consistent with the designation of these two buildings on the National Register of Historic Places.

In order to move forward with creating a Historic District consisting of these two buildings, under Michigan's Public Act 169 of 1970, the Michigan Local Historic Districts Act, it is necessary that the City Commission initiate a Historic District Study Committee to conduct a Historic District Study for the purpose of establishing this District.

It would be appropriate to name the Historical Development Commission as the Historic District Study Committee and request that they proceed with necessary steps to develop a Historic District Study for the purposes of establishing a Michigan Local Historic District.

This does not affect the property taxes paid to the City. Buildings within this type of District are, however, eligible for state and federal tax credits. The basis for these tax credits is that to historically renovate a property, there are likely additional costs to the developer in accomplishing these tasks. The tax credit, in part, is an incentive to do the renovations in a historically accurate way and helps offset some of the additional costs when the developer proceeds with this work. This designation for the former Central Savings Bank Building and the Masonic Building will not affect other areas in downtown Sault Ste. Marie.

The City has discussed, from time to time, the creation of Historic Districts in some of the residential areas as well as the downtown areas. Expanding or adding Historic Districts could be something the Commission could evaluate in the future to make tax credits available to other building owners wishing to renovate their buildings. With the establishment of a District in other parts of the community, building owners are required to go through additional steps prior to renovating the exterior of the building or adding on to the building if that building is located in a Historic District.

Ben Ide of Haan Development was present and requested the Commissions consideration and support on the resolution to establish a Local Historic District Study Committee.

Moved by Commissioner Bauer, supported by Commissioner Gerrie

That the City Commission approve a resolution creating a Historic District Study Committee to study the creation of a District for the Park Place City Center property formerly known as the Central Savings Bank Building and the Masonic Building and appoint the Historic Development Commission as the Historic District Study Committee for the City of Sault Ste. Marie.

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

FROM DENISE GORDON – CURB CUT ON RIDGE STREET FOR ACCESS TO  
THE BACK OF THE LONG SHIPS MOTEL:

Denise Gordon requested to remove this agenda item from the November 15,  
2010 City Commission agenda.

**CITY MANAGER’S REPORT:**

SCHEDULE A CLOSED MEETING TO DISCUSS THE RESULTS OF THE CASE  
EVALUATION FOR GLAWE VS. THE CITY OF SAULT STE. MARIE:

On Friday, November 5th, a hearing was held in Circuit Court in regards to Glawe versus the City of Sault Ste. Marie. The City Attorney has requested a closed session of the City Commission to discuss the results of the case evaluation for this suit. Glawe was the contractor for CSO Phase A. While this project was completed 12 years ago, the project has never been closed out due to differences between the City and Glawe on final construction costs.

Moved by Commissioner Munsell, supported by Commissioner Lynn

That the City Commission schedule a closed session immediately following Matters Presented by the City Commission for the City Attorney to review the results of the case evaluation for Glawe vs. the City of Sault Ste. Marie with the intent of reconvening into open session to provide necessary authorization to the City Attorney to act on behalf of the City Commission in this matter.

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

**Status Reports:**

Status on the CSO Project:

Acting City Engineer Steve Gregorich gave a brief report on the status of the CSO work for 2010.

A meeting is scheduled for December 9<sup>th</sup> at 1:00 p.m. with the project consultants and contractors and at 4:00 p.m. with the commercial property owners affected by the Portage Avenue reconstruction to begin the planning for the 2011 construction season. Administration will be inviting the Michigan Department of Transportation to participate, since Ashmun Hill is scheduled for reconstruction also in 2011.

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2011.

November 16<sup>th</sup> Special City Commission Meeting and Tour of the Federal Building:

A special meeting has been scheduled for Tuesday, November 16th at noon for several purposes. The Commission will review various security issues with the Federal Building and other City facilities as well as consideration and action on a Change Order for the Federal Building. This will be followed by a tour of the Federal Building and a tour of the Central Savings Bank Building and Masonic Hall for those that are interested.

**MATTERS PRESENTED BY THE PUBLIC:**

None

**MATTERS PRESENTED BY THE CITY COMMISSION:**

Commissioner Stefanski asked for an update on the form base from the Planning and Development Commission.

Moved by Commissioner Lynn, Supported by Commissioner Stefanski

That the City Commission convene to Closed Session at 8:10 p.m.

**RECONVENE FROM CLOSED SESSION TO AUTHORIZE THE CITY ATTORNEY TO ACCEPT THE RECOMMENDATION ACTION FROM THE CLOSED SESSION AT 8:35 P.M.:**

Moved by Commissioner Stefanski, supported by Commissioner Burton

That the City Commission authorize the City Attorney to take the recommended action.

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

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the meeting adjourn at 8:40 p.m.

Motion carried unanimously.

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

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