

A regular meeting of the City Commission was held in the Commission Room of the City Hall, 225 East Portage Avenue, Sault Ste. Marie, Michigan on Monday, January 20, 2014 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

Present: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens, Stefanski, and Twardy

Absent: Commissioner Gerrie

Also Present: Acting City Manager Troyer, City Attorney Cannello, Deputy Clerk Susan Anderson, and various department heads

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the absence of Commissioner Gerrie be excused.

The motion passed unanimously.

Mayor Bosbous welcomed back Paul Young Firefighter/Paramedic who spent the last few months serving in Afghanistan.

A moment of silence was held in honor of Martin Luther King Day.

U.S. Congressman Dan Benishek, First District gave a few brief introductory comments.

David Thomas of the I-500 Snowmobile Race spoke about the race to be held on February 1, 2014.

CONSENT AGENDA:

Moved by Commissioner Stefanski, supported by Commissioner Bauer

That the following consent agenda items be approved:

Minute Approval:

That the minutes of the regular City Commission meeting held on Monday, January 6, 2014 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Dial-A-Ride Local Advisory Board – January 14, 2014
- b. Downtown Development Authority – December 11, 2013
- c. Downtown Development Authority – January 8, 2014
- d. Historical Development Commission – October 8, 2013

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- e. Sault Ste. Marie Housing Commission – October 10, 2013
- f. Sault Ste. Marie Housing Commission – November 14, 2013
- g. Sault Ste. Marie Housing Commission – December 12, 2013

Appointments and Resignations:

That the City Commission appoint Brenda Brow to the Tax Board of Review for a term to expire on January 1, 2018.

Communications:

That the City Commission schedule a second reading with public comments on an ordinance to amend Chapter 19, Article II, 19-18 Auxiliary Police Corps for the February 3, 2014 City Commission meeting.

That the City Commission authorize the Diane Pepler Resource Center along with the Sexual Violence Prevention Team to place white ribbons along Ashmun Street and Portage Avenue (from Ashmun to Osborn) for the annual campaign that will take place on January 31, 2014 through February 10, 2014.

That the City Commission authorize the sale of liquor on the I-500 property on Thursday, January 30, 2014 and Saturday, February 1, 2014 for the 46th Annual I-500 Race subject to the rules of the Michigan Liquor Control Commission and any rules established by the City Manager.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens, Stefanski, and Twardy
Nays: None

SPECIAL ORDERS OF BUSINESS:

SECOND READING OF AN ORDINANCE TO AMEND CHAPTER 23.5 (TELECOMMUNICATIONS) OF THE CITY CODE TO CREATE ARTICLE V, WIRELESS TELECOMMUNICATIONS FACILITIES (A) PUBLIC COMMENTS (B) ACTION ON THE ORDINANCE

At the December 16, 2013 City Commission meeting, the City Commission introduced for a first reading an Ordinance to amend Chapter 23.5 (Telecommunications) of the City Code to create Article V, Wireless Telecommunications Facilities and schedule second reading for the January 20, 2014 City Commission meeting.

Presently, neither the City Code nor Zoning Ordinance contain regulations specific to these types of facilities. The City Attorney and Planning and Zoning Administrator collaborated to create the attached ordinance which, if approved, will

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amend Chapter 23.5 (Telecommunications) of the City Code by creating Article V, Wireless Telecommunications Facilities.

The proposed ordinance provides that applicants desiring to construct such facilities must file an application for site plan review, which requires the approval of the Planning Commission. The ordinance sets forth minimum requirements for tower setbacks from property lines as well as establishes screening and various aesthetic-related requirements to minimize visual impacts on the surrounding properties and rights-of-way. To minimize the number of towers needed within the City, there are also colocation requirements to ensure that a single tower can accommodate multiple tenants. The ordinance also requires that any petitioner desiring to construct a tower provide to the City a cash bond or certified check in an amount established by resolution of the City Commission to cover the removal of the tower should it become abandoned.

The Mayor allowed for public comment on an Ordinance to amend Chapter 23.5 (Telecommunications) of the City Code to create Article V, Wireless Telecommunications Facilities. There were no comments from the public; therefore the following action was taken:

Moved by Commissioner Bauer, supported by Commissioner Twardy

AN ORDINANCE TO AMEND CHAPTER 23.5 BY ADDING NEW ARTICLE V

THE CITY OF SAULT STE. MARIE ORDAINS:

That CHAPTER 23.5 BE AMENDED BY ADDING NEW ARTICLE V:

Section 1. That Article V, Wireless Telecommunications Facilities, is hereby created as follows:

Sec. 23.5-90. Purpose

The regulations of this article are intended to conform with federal laws and administrative rules that govern facilities needed to operate wireless communications systems and to set forth procedures and standards for review and approval for the locations of such facilities within the City of Sault Ste. Marie. It is the City's intent to reasonably regulate the location and design of such facilities to safeguard the integrity, character, property values, and aesthetic quality of neighborhoods and the City and minimize the negative visual impact of wireless communication facilities.

Sec. 23.5-91. Exemptions.

This Article V shall not apply to:

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- (1) The construction or expansion of wireless telecommunications facilities falling within the parameters set forth in the Michigan Zoning Enabling Act, Section MCL 125.3514(1), as amended.
- (2) Commercial television and radio towers and public utility microwaves, and public utility TV transmitting towers as allowed by Sec. 10-1.1707(2) of the City's Zoning Ordinance.
- (3) To any tower or antenna owned or operated by a federally licensed amateur radio operator.

Sec. 23.5-92. General Standards.

- (1) To accommodate wireless communications facilities, each petitioner for installation of a communications facility shall provide an inventory of its existing and planned wireless communications facilities located within the city and within 1 mile of the city's boundaries, including the location, height and design of each facility. The Petition shall be filed with the Planning Commission for site plan approval. The City may share such information with a third party, but the City does not in any way represent or warrant that such information is accurate.
- (2) Wireless telecommunications facilities shall at all times comply with applicable federal standards for non-ionizing electromagnetic radiation, as they may from time to time be amended. Documentation shall be submitted to the Building Department upon request verifying compliance with the FCC standards prior to the issuance of any permit and annually if requested by the City.
- (3) Each petitioner shall exercise due diligence to determine the availability of a location for its antenna on all existing towers, approved towers, and other suitable structures within a half-mile radius of the proposed site. Due diligence shall consist of documented evidence that owners of all existing or approved towers or other suitable structures were contacted by certified mail or overnight courier, and that these sites cannot accommodate the requested antennas for reasons other than economic reasons. Where no suitable structures exist within a half-mile radius of the proposed site, the petitioner shall provide to the City an Affidavit stating the same. Petitioners shall provide detailed radio frequency (RF) coverage and capacity maps for all proposed wireless service providers for the proposed site, showing coverage and capacity of the carriers' surrounding network with both existing and planned sites. The Planning Commission may deny a proposed wireless communication facility if it determines that another existing or approved site can reasonably accommodate the proposed facility and provide generally equivalent service.

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- (4) Certification from the city official with assigned responsibility for management of the city airport that the height of a proposed tower will not be such that it would interfere with airport operations is required from petitioner at the time of site plan submission.
- (5) Unless otherwise specifically approved by the Planning Commission, all wireless communications towers shall be monopoles, designed for co-location, which is the provision of more than 1 antenna array, usually belonging to more than 1 licensed carrier, on a single monopole.
 - a. Towers 125 feet in height or less shall be designed for co-location of at least 2 antenna arrays or carriers.
 - b. Towers greater than 125 feet or less than or equal to 155 feet in height shall be designed for co-location of at least 3 antenna arrays or carriers.
 - c. Towers greater than 155 feet in height shall require a height modification to be approved by the City Commission as specified elsewhere in this chapter and shall be designed for co-location of at least 4 antenna arrays or carriers.
- (6) Sites proposed for towers shall not have a separate access curb cut proposed for the towers unless no reasonable alternative exists. Such on-site driveways need not be paved, but must have a stable, improved surface adequate to support occasional maintenance vehicles.
- (7) Vinyl-coated security fencing at a height of 6 feet, and landscaping around all sides of the compound containing the tower and all associated building and equipment cabinets is required. A petitioner may alternately provide an opaque decorative security wall with a height of 6 feet. Chain-link fences with slats shall not be considered to fulfill the requirements of this paragraph. Barbed wire or razor wire is not permitted. Landscaping shall consist of materials that meet the screening materials standards in 10-1.1709 of this Code, however, where deemed necessary to minimize visual impact of the compound from adjacent properties or right-of-ways, the Planning Commission shall have the authority to require the use of specific plant species, plant spacing, and/or plant heights.
- (8) Signs, except for information needed for emergency notification of: the owner of the land; owner and operator of the tower; are not permitted on wireless communications facilities.
- (9) Artificial illumination of towers is not permitted unless required by federal

or state regulations or to protect public safety, as determined by the Planning Commission. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding properties.

- (10) Towers shall be a low or no maintenance non-contrasting blue or gray in order to be as unobtrusive as possible, unless another color or design is deemed by the Planning Commission to be less obtrusive.
- (11) All utility lines serving a wireless communications facility shall be placed underground. Transmission lines installed between ground-based equipment and antennas shall be routed through the interior portion of the monopole tower and may not be attached to its exterior.
- (12) Wireless communications facilities may be placed in any zone or on sites with legally nonconforming structures or uses without being considered to be expansions of such non-conformities.
- (13) Where a wireless communication facility is proposed on the roof of a building, the installation of all equipment, enclosures, and antennas, shall be designed, constructed, and maintained to be architecturally compatible by being made to appear an integral part of the building upon which it is to be installed.

Sec. 23.5-93. Placement Standards.

- (1) Towers shall not be located in any required front, side, or rear setback or a required front open space.
- (2) Setbacks shall be measured from property lines to the base of the tower. Tower height includes the antenna.
- (3) The minimum required front setback shall be that front setback specified for that zoning district plus 1 foot for each 3 feet, or fraction thereof, of tower height.
- (4) The minimum required side setback shall be that side setback specified for that zoning district plus 1 foot for each 5 feet, or fraction thereof, of tower height.
- (5) The minimum required rear setback shall be that rear setback specified of that zoning district plus 1 foot for each 10 feet, or fraction thereof, of tower height.
- (6) On any site where side or rear property lines border residentially zoned

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property, the side or rear setback shall be equal to the tower height and a landscape buffer consisting of materials that meet the screening materials standards in 10-1.1709 of this Code, shall be required adjacent to the residential property line along its full adjacent length.

- (7) Accessory structure and equipment, if any, shall meet setbacks for accessory structure in the district or 10 feet, whichever is greater.

Sec. 23.5-94 Compliance Standards.

- (1) Towers shall meet the city building code and other applicable structural standards. Prior to construction, a licensed professional structural engineer's certificate certifying that the tower meets all applicable building code and other structural standards shall be provided to the building official.
- (2) A cash bond or certified check in an amount established by resolution of City Commission upon recommendation of the City Manager shall be posted at the time of building permit application to cover the cost of removal and shall be maintained for the life of the tower.
- (3) Abandoned wireless communications towers must be removed by the owner of the land, the owner of the tower and the operator of the tower. Any wireless communications tower that does not have at least 1 antenna operating for a continuous period of 180 days shall be deemed abandoned. Determination of the date of abandonment shall be made by the City Manager or designee, who shall have the right to request documentation or affidavits from the owner of the land, tower owner, or operator of the tower regarding tower usage and other pertinent information. Failure or refusal for any reason by the owner of the land, tower owner, or operator of the tower to respond within 30 days to such a request shall constitute prima facie evidence that the tower has been abandoned. Upon determination of abandonment and the appropriate notice thereof to the owner of the land, tower owner and/or operator of the tower, the owner of the land, tower owner and/or operator of the tower shall have 120 days within which to either reactivate the use of the tower, or dismantle and remove the tower and footings to 5 feet below grade. The owner of the land, tower owner and/or operator of the tower shall restore the property to the condition which existed prior to the construction of the tower.

If the owner of the land, tower owner and/or operator of the tower fails to remove the tower within the appropriate time period, the city shall have the right to remove the tower and collect on the cash bond or certified check on file with the city. The city shall bill the owner of the land, tower

owner and/or operator of the tower all the costs and/or expenses associated with the removal of the tower in excess of the cash bond and/or certified check. If the owner of the land, tower owner and/or operator fails to pay the costs and/or expenses associated with the tower removal which are in excess of the cash bond and/or certified check within 30 days from the date of the bill, then, in addition to any other remedy in law or in equity, the city shall have the right to place a lien on the property for all costs and expenses associated with the removal of the tower, less the amount of the cash bond or certified check which is on file with the city.

Sec. 23.5-95 Violations as Misdemeanor

Any person who violates any section of this Article V or the terms or conditions of any permit issued under this Article is guilty of a misdemeanor and shall be subject to the penalties stated in Section 1-6 of the City Code.

Section 2. This ordinance shall take effect ten (10) days after its adoption and publication.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens,
 Stefanski, and Twardy
 Nays: None

COMMUNICATIONS:

FROM THE DOWNTOWN DEVELOPMENT AUTHORITY -REQUEST FOR A RESOLUTION IN SUPPORT OF MICHIGAN MAIN STREET MEMBERSHIP

On September 23, 2013 representatives of the Michigan Main Street Center held a meeting with the Downtown Development Authority regarding the Michigan Main Street Program. At the October 9, 2013 DDA meeting, the Downtown Development Authority Board voted in favor of submitting an application to become an associate level member with the Michigan Main Street Program.

The Main Street Four-Point Approach is a community-driven comprehensive strategy that encourages economic development through historic preservation in ways that are appropriate for today's marketplace. The four points include: design, economic restructuring, promotion and organization.

The associate level is the introduction to the Michigan Main Street Program, providing communities with no-cost training available in "Selected and Master Level" Michigan Main Street communities across the state. Some cities that are successfully involved in the Michigan Main Street Program are Calumet, Manistee, Grand Haven

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and Old Town Lansing.

Downtown Development Director Justin Knepper gave a brief description of the Michigan Main Street Membership Program and answered questions from the Commission.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

WHEREAS, the City Commission of Sault Ste. Marie has received a resolution from the Sault Ste. Marie Downtown Development Authority regarding its decision to request to membership at the Associate Level with the Michigan Main Street Center and the Michigan Main Street Program, and

WHEREAS, the City Commission of Sault Ste. Marie understands that the Main Street Program is a tool to aid in the preservation and redevelopment of downtowns, and

WHEREAS, the City Commission of Sault Ste. Marie understands that the Michigan Main Street Center provides training, assistance and resources that are essential to the proper execution of the Main Street Program and can improve the impact the Program has on the Downtown area.

THEREFORE, BE IT RESOLVED, that the City Commission of Sault Ste. Marie supports the Sault Ste. Marie Downtown Development Authority's decision and efforts to apply as an Associate Level member with the Michigan Main Street Center and obtain the necessary education as to the operation of the Main Street Program and to implement the Program to further the preservation and redevelopment of the Downtown Area.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens, Stefanski, and Twardy
Nays: None

CITY MANAGER'S REPORT:

APPROVAL OF A FIRST RESOLUTION FOR PUBLIC IMPROVEMENTS FOR LIBRARY/COURT (ASHMUN TO DAWSON) AND HURSLEY (COURT TO BINGHAM)

The reconstruction of Library/Court (Ashmun to Dawson) and Hursley (Court to Bingham) were identified as part of the Capital Improvement Plan. The City Commission awarded the design contract for engineering services for 2014 Street and Utility Improvement Projects to Sidock Group, Inc. on November 18, 2013. The Engineering Department is preparing to bid this work for construction during the 2014 construction season. In both cases the existing bituminous surface is in poor condition. They will be replaced with a new sand sub-base, aggregate base, asphalt surfaces,

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concrete curb and gutter. The existing sidewalks will be replaced as needed to meet ADA compliance and new sidewalk will be constructed where there is no sidewalk along Library Drive.

The existing water main and sanitary sewer will be replaced on Hursley and the sanitary sewer will be replaced on Library Drive as these utilities are aged beyond their useful life. Based on preliminary cost estimates the assessed amount to the property owners would be approximately \$40.00 per linear foot.

A Public Information meeting for residents on Hursley will be held on February 6, 2014 to review the plans, explain the need for the project, review work activities to be included in the project and the procedures for the assessments to be levied against the private parcels of property and the assessment payment schedule. City staff will be meeting individually with property owners along Library Drive and Court Street because there are only five property owners of which 3 are commercial properties, one is the Library and one is the City.

Moved by Commissioner Stefanski, supported by Commissioner Twardy

Hursley Street - From Court to Bingham Street (ST-02-14):

WHEREAS, a certain report concerning the necessity for street construction including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, storm sewer improvements, water main and sanitary sewer improvements, and restoration work on the following street:

Hursley Street - From Court to Bingham Street (ST-02-14)

has been submitted to this Commission together with a location map and approximate estimate of the cost thereof, and

WHEREAS, this is the next regular meeting of this Commission after the submission of said report, map and approximate estimate of the cost of said improvements.

BE IT THEREFORE RESOLVED, that Monday, the 17th day of February, 2014, at 7:00_o'clock P.M. at the Commission Chambers in the City Hall, 225 E. Portage Avenue, Sault Ste. Marie, Michigan, is set as the time and place of meeting at which this Commission will consider and take action upon the necessity for improvements on Special Assessment Project No. ST-02-14.

BE IT FURTHER RESOLVED, That notice and an opportunity to be heard thereon to all persons liable to be assessed therefore be given as in the Charter and Ordinance in such cases made and provided.

Library/Court - From Ashmun to Dawson Street (ST-01-14):

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WHEREAS, a certain report concerning the necessity for street construction including subbase and base reconstruction, concrete curb and gutter, bituminous pavement, storm sewer improvements, water main and sanitary sewer improvements, and restoration work on the following street:

Library/Court - From Ashmun to Dawson Street (ST-01-14)

has been submitted to this Commission together with a location map and approximate estimate of the cost thereof, and

WHEREAS, this is the next regular meeting of this Commission after the submission of said report, map and approximate estimate of the cost of said improvements.

BE IT THEREFORE RESOLVED, that Monday, the 17th day of February, 2014, at 7:00 o'clock P.M. at the Commission Chambers in the City Hall, 225 E. Portage Avenue, Sault Ste. Marie, Michigan, is set as the time and place of meeting at which this Commission will consider and take action upon the necessity for improvements on Special Assessment Project No. ST-01-14.

BE IT FURTHER RESOLVED, That notice and an opportunity to be heard thereon to all persons liable to be assessed therefore be given as in the Charter and Ordinance in such cases made and provided.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens, Stefanski, and Twardy
Nays: None

APPROPRIATION OF FUNDING FOR EMERGENCY REPAIR OF JOHN DEERE MOTOR GRADER

On December 20, 2013 one of the City Street Department John Deere motor graders developed transmission problems while plowing snow near Easterday and West Portage.

City mechanics inspected the grader and found significant damage to the transmission; therefore, on December 30th the unit was trailered to an authorized John Deere service center, A.I.S. Construction Equipment near Traverse City for troubleshooting and repair. Technicians at A.I.S. confirmed that the transmission needed a complete rebuild, replacement of engine bearings, and oil pump. The estimated costs for all the repairs/replacements and trucking cost is approximately \$26,000.00. A.I.S. anticipates that the grader will be completed by January 24th.

In compliance with the City's Purchasing Policy, DPW Director Jim Moreau submitted an "Emergency Repair Form" for City Manager approval. The use of motor

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graders is essential in current snow removal practices. The graders are used for clearing snow on the Island, Hill Area, South Side, and portions of the East and West ends. They are particularly useful in tight residential areas. They are also very useful on wide roadways because with their wing plow, they can clear nearly twice the width as a plow truck. They are also needed for pulling snow away from curb lines when removing snow from streets to widen them. The DPW utilizes three motor graders throughout the winter.

Due to the significant need of the John Deere Grader in the City's day-to-day snow removal operations, Acting City Manager Troyer authorized the Emergency Repair as requested by DPW Director Jim Moreau. As required by the City's Purchasing Policy, Emergency Purchases 7.03(5) specific emergency purchases in excess of \$10,000 will be approved by the City Manager and will be reported to the City Commission.

Moved by Commissioner Lynn, supported by Commissioner Stefanski

That the City Commission appropriate \$26,000.00 from the Stock and Equipment Fund to cover the cost of the emergency repair John Deere Motor Grader.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens, Stefanski, and Twardy
Nays: None

STATUS REPORT

Acting City Manager Troyer gave a brief status update on the coal currently being stored at the Carbide dock.

Moved by Commissioner Stefanski, supported by Commissioner Bauer

That the City Manager's status report regarding the coal placed on the carbide dock be placed on the agenda for further discussion.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens, Stefanski, and Twardy
Nays: None

Commission discussion ensued.

Diane Meyer asked about any safety concerns with storing the coal on the dock. Acting City Manager Troyer addressed her concerns.

Moved by Commissioner Stefanski, supported by Commissioner Bauer

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That trucking of the coal be allowed 24 hours a day seven days a week until all the coal was removed.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Lynn, Shimmens,
Stefanski, and Twardy
Nays: None

MATTERS PRESENTED BY THE PUBLIC:

Diane Meyer informed the Commission that there will be a public meeting on February 5, 2014 at 2:00 pm at the Little Bear East in St. Ignace to discuss the pipeline under the Straights of Mackinaw.

MATTERS PRESENTED BY THE CITY COMMISSION:

Mayor Bosbous reminded everyone that the I-500 race is at 10:00 am on Saturday, February 1, 2014.

Commissioner Bauer read an article concerning traffic and wait times on the International Bridge.

Commissioner Twardy mentioned an app that can be downloaded from the International Bridge Website which gives current wait times.

Commissioner Stefanski reminded the public that parking is only allowed on the even number side of the streets.

Moved by Commissioner Lynn, supported by Commissioner Twardy

That the meeting adjourn at 8:00 p.m.

Motion carried unanimously.

ANTHONY G. BOSBOUS, MAYOR SUSAN ANDERSON, DEPUTY CLERK

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