

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 15, 2018 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

Present: Mayor Bosbous, Commissioner Baker, Collins, Gerrie, Miller, Talentino

Absent: Commissioner Twardy

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

Moved by Commissioner Miller, supported by Commissioner Gerrie

That the absence of Commissioner Twardy be excused.

Motion carried unanimously.

Mayor Bosbous called for a moment of silence in honor of Martin Luther King Jr. Day

### **2018 POLICE DEPARTMENT AWARDS**

Civilian Citation for Life Saving: Tyler Ross and Matthew Leazier.

Civilian Commendation: Sault Ste. Marie Police Auxiliary Unit.

Life Saving Commendation: Officer Daryl Meyette.

Life Saving Commendation: Officer Shane Hill and Officer Marcel Coullard.

Unit Commendation: Officer Shane Hill, Officer Jake Nicholson, and Officer Marcel Coullard.

Individual Commendation: Captain John Larsen.

### **PRESENTATION BY THE I-500 COMMITTEE**

#### **CONSENT AGENDA:**

Moved by Commissioner Talentino, supported by Commissioner Baker

That the following consent agenda items be approved:

#### **Minute Approval:**

That the minutes of the Organizational City Commission meeting of January 2, 2018 be approved as written and circulated and the minutes of the following boards and

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commissions received and placed on file:

- a. Airport Advisory Board – December 14, 2017
- b. Downtown Development Authority – December 13, 2017
- c. Economic Development Corporation – December 12, 2017

Appointments and Resignations:

That the City Commission reappoint Scott Parker and Michelle LaJoie to the Downtown Development Authority for a term to expire April 1, 2021.

The City Commission appoint Eric Welch to the Zoning Board to fill the balance of a term that will expire June 1, 2019.

Communications:

That the City Commission authorize the sale of liquor on the I-500 property on Thursday, February 1, 2018 and Saturday, February 3, 2018 for the 50th Annual I-500 Race subject to the rules of the Michigan Liquor Control Commission and any rules established by the City Manager.

City Manager's Report:

That the City Commission adopt the City of Sault Ste. Marie Personnel Policy Handbook, as presented.

That the City Commission approve the proposed transfer agreement between the City and War Memorial Hospital.

That the City Commission accept the grant funds as applied for by Fire Department.

That the City Commission authorize an application to the Assistance to Firefighters Grant for the purchase of an exhaust system as described.

That the City Commission adopt the included resolution for waiver of penalty and interest for untimely file property transfer affidavits.

Carried: Yeas: Mayor Bosbous, Commissioner Baker, Collins, Gerrie, Miller,  
and Talentino  
Nays: None

**SPECIAL ORDERS OF BUSINESS:**

**SECOND READING OF THE FIRE PREVENTION AND CONTROL**

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## ORDINANCE

Chief Scott LaBonte recently discovered that the Sault Ste. Marie Fire Department has been operating under an outdated Ordinance.

The most up-to-date fire code, which is specifically listed in the City's Prevention Code, names the National Fire Protection Code of 1970. This is not a significant issue because the City's Building Code follows the state adopted International Building Code which also includes the most up-to-date International Building Codes. The inconsistency between codes has sometimes left Administration judging which option was the safest.

This amendment will not only bring the City's Fire Prevention Code to an International Standard, but also create consistency between the Fire and Building Department.

With the adoption of the Fire Prevention Code also comes the creation of a new three-member board of appeals, which is meant to operate similar to other City appeals boards.

Moved by Commissioner Collins, supported by Commissioner Gerrie

### **ORDINANCE NO. 576-18**

AN ORDINANCE TO AMEND CHAPTER 12, ARTICLE I and III, DIVISIONS 1, 2, 3 AND 4, BY AMENDING SECTIONS 12-30, 12-33, 12-67, 12-68 TO 12-73, 12-74 TO 12-79, AND ADDING NEW SUBSECTIONS 12-1, 12-34, 12-34.1 TO 12-34.8, 12-35.3, 12-35.4, 12-36, 12-58, 12-61, AND 12-62.

#### THE CITY OF SAULT STE. MARIE ORDAINS:

That CHAPTER 12, Article I AND III shall be amended by adding the following new sections 12-1, 12-34, 12-34.1 TO 12-34.8, 12-35.3, 12-35.4, 12-36, 12-58, 12-61, 12-62 and amending sections 12-30, 12-33, 12-67, 12-68 TO 12-73, 12-74 TO 12-79 as follows:

#### Sec. 12-1 - Mission Statement

The City of Sault Ste. Marie Fire Department has been established to protect the citizens and property of Sault Ste. Marie and Chippewa County from fire and other threatening circumstances. Our commitment is to provide a professional service of the highest quality to all in need.

To meet this commitment, the Sault Ste. Marie Fire Department will provide its citizens with a timely response to any emergency situation with highest trained personnel available.

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Our goal is not only to help those in need, but to remove the threat to the community all together through aggressive fire prevention programs, progressive training and years of experience. Our primary responsibility is to provide a safe and peaceful community where our citizens can work and raise a family.

#### Sec. 12-34. - Appeals.

##### Sec. 12-34.1 Board of appeals.

There shall be established and appointed by the City Commission, as amended, a Fire Code Board of Appeals. The board shall consist of seven (3) members and two (2) alternate members. The appointments shall be as follows: one (1) member appointed for a period of one (1) year; one (1) member appointed for a period of two (2) years; and one (1) members appointed for a period of three (3) years. One (1) of the regular members of the Fire Code Board of Appeals may be a member of the Planning Commission. After the initial appointments, except for a member serving because of his or her membership on the Planning Commission, whose term shall be limited to the time he or she is a member of that body each member shall be appointed to hold office for the full three (3) year term. The appointments of the two (2) alternate members shall be as follows: one (1) alternate member appointed for a one (1) year term; one (1) alternate member appointed for a two (2) year term; thereafter, each alternate member shall be appointed to hold office for a full three (3) year term. Term of the preceding member has expired for the remainder of the unexpired term the board shall annually elect its own chairman, vice chairman, and secretary. The alternate members shall attend each Board of Appeals meeting. The alternate members shall sit as a regular member in the absence of a regular member or when a regular member has abstained from acting on a matter coming before the Board of Appeals. The alternate members shall be called to sit on a rotating basis as needed. All members shall serve until their successor has been appointed and qualified.

##### Sec. 12-34.2 Appeal.

Meetings of the board shall be heard at the call of the chairman and at such other times as the board may determine by rule. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Notwithstanding, whenever the Fire Code Official of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply, or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official of the Fire Department, in writing to the City of Sault Ste. Marie Fire Code Board of Appeals within ten (10) days from the date of infraction. All meetings of the board shall be open to the public. The board shall adopt his [its] own rules or procedures and shall maintain a record of its proceedings, which shall be filed in the office of the City Clerk and shall be a public record provided. The fees to be charged for appeals shall be set by resolution of the City Commission.

##### Sec. 12-34.3 Appeals, how taken.

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The Board of Appeals shall hear and decide appeals from a person aggrieved, or by an officer, department, board, or bureau of this state or the City, and review any order, requirements, decisions, or determinations, made by an administrative official or body charged with the enforcement of an ordinance adopted under Act 207, Public Acts of 1921 (MCL § 125.581 et seq.).

Appeals shall be taken within ten (10) days after the occurrence of the event which forms the basis for the appeal, by filing in writing a request for an appeal with the official from whom an appeal is taken who shall forthwith transmit to the board all papers constituting the record upon which the appeal is taken.

An appeal stays all the proceedings in furtherance of the action appealed from unless the official from whom the appeal was taken [certifies to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate] a stay would in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board, circuit court or other court of jurisdiction of notice on the application to the official from whom the appeal was taken and on due cause shown. All requests for Board of Appeals actions shall be made in writing upon forms adopted for such purposes.

#### Sec. 12-34.4 Powers and duties.

The Board of Appeals shall not have the power to alter to make any change in the terms of this section, but does have power to act on those matters where this section provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the state. Said powers include:

1. Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision or refusal made by the administrative official in carrying out or enforcing any provisions of this section.
2. Interpretation. To hear and decide, in accordance with the provisions of this section, requests for interpretation on which the section specifically authorizes the board to act.

#### Sec. 12-34.5. Hearings.

1. Following receipt of a written request concerning a request for an appeal, the Fire Code Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided.
2. Upon receipt of a written request seeking an interpretation of the International Fire Code or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing.

Sec. 12-34.6. Standards.

Each case before the Fire Code Board of Appeals shall be considered as individual case and shall conform to the detailed application of the Fire Code standards in a manner appropriate to the particular circumstances of such case.

Sec. 12-34.7. Miscellaneous.

No order of the Fire Code Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erection or alterations are commenced and proceed to completion in accordance with the terms of such permit. No person shall fail to comply with any special condition for a use as established and required by the Board of Appeals.

Sec. 12-34.8. Decisions, appeals to Circuit Court.

All decisions of the Fire Code Board of Appeals shall be recited in the official minutes of the Board of Appeals. A copy of the minutes shall be mailed by first class mail to the party who caused the matter to come before the Board of Appeals. The mailing date shall be stamped upon the minutes. The Board of Appeals shall keep a record of and proof of such mailing. The decision of the Board of Appeals shall be final, unless within thirty (30) days after the date of mailing stamped upon the minutes, a person having an interest affected by the decision files an appeal in the Chippewa County Circuit Court in accordance with the court rules for taking such appeals.

Sec. 12-35.3 Permit Fee

A minimum fee established by resolution from the Sault Ste. Marie City Commission may be applied to each type of permit required by this code. Permits may be issued to a single vendor, an individual, or an entire event. A permit shall not be required for one- and two-family dwelling residential properties; unless a fire protection system is being installed.

Sec. 12.35.4 Required Operational Permits

The Sault Ste. Marie Fire Department shall be authorized to issue operational permits for hazardous conditions or processes. A list of required operational permits and their associated fee shall be set by resolution of the City of Sault Ste. Marie City Commission.

Sec. 12-36 Injunctions

If any person maintains violations of this article, or repeatedly violates this article in a manner which becomes a public nuisance, that person may be, upon application by the City of Sault Ste. Marie City Commission to a court of competent jurisdiction, enjoined from such dangerous or noxious activity and shall be compelled to pay the costs of the Sault Ste. Marie Fire Department in procuring such injunction along with the

actual attorney fees incurred in such proceedings, with costs and damages, if applicable.

#### Sec. 12-58 Address numbers

New and existing building shall have approved numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting this property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabet letters. Numbers shall be a minimum of 6 inches high with a minimum stroke of 0.5 inches for commercial/multifamily occupancies, and a minimum of 3 inches high with a minimum stroke of .5 inches for one-and two-family dwellings. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

#### Sec. 12-61 Required Pressure Margin

In order to account for seasonal and daily water pressure demands and future growth demands within the water Supply, the fire code official is authorized to require a pressure margin of up to ten (10) percent over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

#### Sec 12-62 System Records Reporting

All required inspection, testing, and maintenance records of fire protection systems shall be submitted to the Fire Authority in an approved electronic format.

#### Sec. 12-30. Adoption of the International Fire Code

The International Fire Code, as published by the International Code Council, is hereby adopted as the Fire Prevention Code of the City Sault Ste. Marie, Chippewa County, Michigan, for the control of building, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Fire Code including appendices B, C, D, E, F, G, H, I, and J are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, including the additions, insertions, deletions, and changes, set forth in section 12-35 [International Fire Code] as amended. Appendix A of the International Fire Code will not be adopted, and instead replaced with the language set forth in Sections 12-34.1 & 10-1.20. Copies of The International Fire Code are on file in the office of the Sault Ste. Marie Fire Department and City Clerk.

#### Sec. 12-33. - Enforcement.

The Fire Code Official of the Fire Department shall be charged with the enforcement of the provisions of the International Fire Code.

#### Sec. 12-67. - Explosive or Inflammable dust.

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No person shall operate any plant wherein inflammable dust is created unless:

- 1) Any and all sources of ignition within the area of explosive or inflammable dust exposure are eliminated;
- 2) Elevator legs, spouts, hoppers and other conveyances are dusttight;
- 3) Accumulations of dust are not permitted in the interior of the building and a suitable dust removal system is maintained;
- 4) Open flame or spark-producing equipment is not permitted in rooms containing dusty atmospheres;
- 5) Magnetic separators are maintained ahead of all grinding or pulverizing machines;
- 6) Operation is under competent supervision; and
- 7) Machinery and parts of the crushing, drying, pulverizing, and conveying systems are adequately grounded.

Secs. 12-68-12-73. - Reserved.

Sec. 12-74. - Obedience to state laws, rules and regulations required.

No person shall violate any law of the state nor any rule or regulation adopted by any duly authorized agency of the state pertaining to gasoline service stations (Michigan Storage and Handling of Flammable and Combustible Liquids Rules, and Michigan Underground Storage Tank Rules)

Sec. 12-75. - Definitions.

- a) The term "gasoline service station," when used in this division, shall mean any premises, including all buildings and structures thereon, devoted to selling or dispensing at retail or wholesale gasoline or volatile liquids as fuel for any motor-propelled vehicle, watercraft, aircraft or internal-combustion engine; or where oil, oil changes or other lubricating service is offered to the public at wholesale or retail.
- b) The term "gasoline or volatile liquids," when used in this division, shall mean any inflammable liquid that will flash or emit an inflammable vapor below the temperature of one hundred twenty (120) degrees Fahrenheit. The Fire Code Official of the fire department shall determine the flash point by standard, approved methods.

Sec. 12-76. - License required.

- a) No person shall conduct, operate or manage a gasoline service station without first obtaining a license therefor from the city Clerk in the manner provided for in chapter 14.
- b) No license required by this division shall be issued by the city Clerk except upon certification by the Fire Code Official of the fire department that such gasoline service station complies with the provisions of this division.

Sec. 12-77. - Prohibited locations of service stations.

No gasoline service station shall hereafter be constructed or opened for business

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within a radius of forty (40) feet of any school building, public park or playground, church, community building, theater, or any other place where the public frequently gather in large numbers; provided that this section shall not extend to any gasoline station operating or in the process of being constructed at the date of the adoption of the ordinance from which this section was derived.

Sec. 12-78. - Equipment Permit, When Required.

The storing or keeping of gasoline, or the installation, erection, alteration or replacement of any gasoline pump, gasoline tank, pipe, appliance or device used in connection with the storage or handling of gasoline at a gasoline service station shall not be undertaken until a written permit has been issued therefor by the Fire Code Official of the fire department. This section shall not apply to general maintenance activities of wholesale stations, nor to emergency repairs, except that such work must be done in accordance with the provisions of this Code.

Sec. 12-79. - Installation of Underground Storage Tanks.

- a. All underground gasoline tanks hereafter installed shall be placed outside of buildings in a location approved by the Fire Code Official of the fire department. The top of such tanks shall be at least twenty-four (24) inches below the surface of the ground with the space between the top of tanks and ground properly filled, or shall be covered with one foot of earth and six (6) inches of concrete.
- b. All pipes used in connection with underground storage tanks other than vent and filling pipes shall be at least twelve (12) inches underground, shall have a fall toward the tank, shall be free of sags or pockets, and shall be standard, full weight, galvanized steel or iron, or copper.
- c. Tanks and pipes shall not be covered until inspected and tested by the Fire Code Official of the fire department and permission to do so has been granted by the Fire Code Official. The Fire Code Official of the fire department shall be notified when the installation is complete and ready for inspection. The Fire Code Official of the fire department shall not approve any installation until the same has been inspected by such Fire Code Official and has been tested with air at a pressure of five (5) pounds per square inch above atmospheric pressure and has demonstrated its ability to hold air at such pressure without loss of pressure due to leakage for a period of one hour.
- d. All underground tanks, and piping shall be in accordance with the Michigan Underground Storage Tank Rules

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

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Commission of the City of Sault Ste. Marie, Michigan on the 15<sup>th</sup> day of January, 2018.

Carried: Yeas: Commissioner Baker, Collins, Gerrie, Miller, Talentino, and Mayor Bosbous

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Nays: None

**COMMUNICATIONS:**

**FROM COMMISSIONER BAKER - DISCUSSION ON SNOWMOBILE ROUTES**

City Commissioner Baker has added an item to the agenda for the City Commission to discuss snowmobile routes.

Specifically, Commissioner Baker provided the following information:

“I would like to see the snowmobile trail that currently ends at W Portage Ave and Osborn Blvd at one end, and E Portage Ave and Sova St at the other be reevaluated. It would be beneficial to snowmobilers and businesses alike to create a connecting trail between the two end points that effectively makes a complete loop on the snowmobile trail.

My thoughts include adjusting the trail on the W Portage Ave side re-routing the trail down Ridge Street to Osborn Blvd, which would allow for parking spaces on W Portage to be used for Karl's Cuisine, the VFW and other businesses on the street, and connecting to Water Street toward E Portage. The biggest obstacle would be how to route the snowmobile traffic over the E Portage bridge, but would be very beneficial if a solution were to be made.

I would propose that we do a trial run of a new trail at least during the week of I-500, or throughout the month of February. For the following year, perhaps we only open the trail during the peak snowmobiling months of January and February. Also, I would like to see an opportunity for residents who may be impacted by a newly drawn trail map to voice their concerns and opinions.

I would like to discuss the economic impact the trail has had since being drawn to its current map in 2008, and discuss the possible future impact it could have in coming years. I think finding a way to compromise among citizens and officials to make a connecting trail a reality for our community would really help to increase the quality of winter tourism.”

Relevant to this request is the included resolution regarding snowmobiles adopted by the City.

Moved by Commissioner Baker, supported by Commissioner Miller

That the City Commission amend the September 2, 2008 resolution that defines the streets, alleys, and right-of-ways as open to snowmobile operations in accordance with the regulations outlined in Chapter 24, Article VI of the City of Sault Ste. Marie Code by removing the following exceptions: Portage Avenue from Ashmun Street to

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the Sugar Island Ferry Dock and W. Portage Avenue from Ashmun Street to Gov. Osborn Blvd. subject to MDOT's consent.

Motion carried unanimously.

FROM THE COMMUNITY IMPROVEMENT COMMITTEE - APPOINTMENT OF AD HOC AWARDS COMMITTEE

As Commissioners are aware, the City of Sault Ste. Marie recently accepted nominations for the W.F.G. "Bud" Weber Citizenship Award and the Edna Young's Beautification Award.

Nominations were accepted by the City of Sault Ste. Marie late in 2017 and recently reviewed by the Community Improvement Committee (formerly the Blight Committee).

Based on a review of the nominations, the members of the Community Improvement Committee determined that it may be appropriate for an ad-hoc committee of the City Commission to be established to review the recommendations of the Community Improvement Committee for these awards, if any awards are to be issued for the 2017 Calendar Year.

It should be noted that an award may not be issued every year.

As Commissioners are aware, Commissioner Twardy and Commissioner Talentino currently serve as the City Commission liaisons to the Community Improvement Committee.

Moved by Commissioner Collins, supported by Commissioner Talentino

That the City Commission appoint an ad-hoc committee to include the Mayor, and the two appointed Community Improvement Committee Commission Liaison members to concur with the recommendations of the Community Improvement Committee for the W.F.G. "Bud" Weber Citizenship Award and the Edna Young's Beautification Award and approve any recipients of the awards for the 2017 Calendar Year.

Motion carried unanimously.

FROM LAKE SUPERIOR STATE UNIVERSITY - CENTER FOR FRESHWATER RESEARCH AND EDUCATION INITIATIVE

Lake Superior State University (LSSU) President Peter Mitchell has requested an opportunity to address the City Commission regarding LSSU's ongoing efforts to construct the Center for Freshwater Research and Education (CFRE). During his

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presentation, Dr. Mitchell will refer to the included materials.

As Commissioners are aware, the City of Sault Ste. Marie has been working closely with LSSU to successfully develop a plausible, collaborative path forward for the construction of the CFRE.

As will be detailed by Dr. Mitchell, in order for this project to be completed, a robust collaboration involving the City, LSSU, and Cloverland Electric Cooperative will need to be formalized over the course of the next three months.

Following are several core components of the collaborative framework that has been developed through multiple meetings and conversations in order to advance this initiative:

- LSSU has procured approximately \$12,000,000 for the construction of the CFRE from the State of Michigan. The project has received strong support from Governor Snyder and the State of Michigan Legislature. The CFRE is proposed to be constructed on a portion of Alford Park, currently owned by the City of Sault Ste. Marie.

- LSSU has worked closely with Cloverland Electric Cooperative to plan future improvements to the hatchery, which would primarily remain within the eastern end of Cloverland Electric Cooperative's hydro-electric plant, but under the organizational structure of CFRE. Preliminary CFRE plans include some hatchery components such as experimental culture facilities.

- In recognition of the need to preserve waterfront access and promote recreation/revitalization within the project area, LSSU commits to fundraising at least \$500,000 that could be used by the City to improve portions of the waterfront at Alford Park, develop amenities that may provide expanded fishing access, develop a reasonably-sized pedestrian boardwalk, or improve the dock wall at Alford Park, among possible outcomes.

- In addition to fundraising at least \$500,000 for detailed purposes, LSSU would commit staff resources to work with the City to pursue grant funding through programs such as the Michigan Natural Resources Trust Fund for the further development and creation of a park area and/or recreational improvements. Importantly, LSSU would also commit to partnering with the City to maintain any park area on a long-term basis.

- LSSU has contracted for SmithGroup JJR to serve as its design engineer for the CFRE project. The City would be integrally involved in the site design process, which would determine the footprint of the CFRE facility and the portion of Alford Park that would need to be owned by LSSU.

As a note, SmithGroup JJR has previously been utilized by the City to complete the City's waterfront redevelopment study in late 2016 and early 2017 with significant

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public engagement. SmithGroup JJR has also been working with LSSU on CFRE for almost a decade.

The site layout would consider the needs of all parties and, as a note, may result in the demolition of the City-owned property on site at Alford Park, which has served a variety of storage and economic development purposes.

Following is additional information that the City Commission may wish to consider in addition to the collaborative framework detailed above:

- The City has submitted a \$19,500,000 Transportation Investment Generating Economic Recovery (TIGER) grant application to the U.S. Department of Transportation through which sufficient funding may be provided for the reconstruction of the dock wall at Alford Park and the Carbide Dock.

The City has not received notification as to whether this grant application has or has not been approved. However, the scope of improvements proposed within this grant application would complement the scope of work proposed for the CFRE.

- The City currently does not have sufficient funding to substantially improve access to the waterfront at Alford Park and/or repair the dock wall at Alford Park, or repair the dock wall at the Carbide Dock for that matter.

The collaborative opportunity available to the City through partnership with LSSU on the CFRE initiative would not only provide an avenue for the City to expand community access to the waterfront and restore fishing access, it would also strengthen the position of LSSU, a core community institution vital to the long-term community vibrancy.

- A grant application submitted in partnership by the City and LSSU to the State of Michigan Departments such as MDNR (perhaps utilizing \$500,000 fundraised by LSSU as a local match) for recreational improvements would likely be very competitive. It should be noted that a naming opportunity may need to accompany any fundraising efforts conducted jointly by the City and LSSU for parts of Alford Park jointly developed.

- In addition to providing an avenue to complete improvements that may expand access to the waterfront and improve the recreational amenities available to the public, it should be noted that the City of Sault Ste. Marie receives Fire Protection Grant Funding annually from the State of Michigan that is calculated based on a formula which considers the total value of Stateowned facilities located within the City limits. The construction of a new facility by LSSU may result in an increase in the level of Fire Protection Grant Funds received annually by the City.

- The project would meet various goals that have been established by the City Commission, including supporting LSSU and its students; making visual improvements

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throughout the City; embracing economic development; and expanding outdoor recreational opportunities. Additionally, there would be a clear financial benefit to the City for engaging in the partnership. The project would also achieve several aims of the City's established 2020 Vision.

In order to facilitate the project further, the following actions would need to be taken:

- After the completion of site design, a portion of Alford Park would need to be transferred by the City to LSSU (Note: the State of Michigan would require LSSU to own the property upon which the CFRE would be constructed).

This transfer must take place prior to April 1, 2018, ideally by early to mid-March. City Engineer Basista and City Attorney Cannello would work with LSSU on effectuating any such property disposition.

- The City and LSSU would enter into a long-term maintenance agreement for agreed upon park or recreational areas jointly designed.

- The City and LSSU would jointly pursue grant funding from the Michigan Department of Natural Resources, possibly utilizing fundraised monies as a local match.

- The City and LSSU would enter into a Memorandum of Understanding to further collaborate on the project as presented.

In summary, the proposed collaboration would present the City with a unique opportunity to partner with LSSU on a transformative project that can bolster LSSU and increase enrollment, establish LSSU and the City as a regional center for research on the Great Lakes, advance the community, preserve waterfront access while expanding recreational opportunities, and address unfunded infrastructure needs.

Moved by Commissioner Gerrie, supported by Commissioner Miller

That the City Commission authorize the City Manager to execute a Memorandum of Understanding with LSSU to further collaborate on the Center for Freshwater Research and Education initiative as detailed and to authorize LSSU to fundraise for detailed purposes;

That the City Commission authorize City Administration to work with LSSU to further advance the Center for Freshwater Research and Education initiative and return to the City Commission during a future meeting with a proposal on necessary property disposition actions.

Carried: Yeas: Commissioner Collins, Gerrie, Miller, Talentino, Mayor

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Bosbous, and Commissioner Baker  
Nays: None

**CANCELLED BY MR. ISHAN ATTO - FROM ISHAN ATTO - DISCUSSION ON AIRPORT PROPERTY AGREEMENT**

Mr. Ihsan Atto has requested that he be added to the agenda so that he may address the City Commission regarding City-owned property adjoining the municipal airport (Sanderson Field).

As detailed within the included minutes from the December 19, 2011 Regular Meeting of the City Commission, a public hearing was held in August 2011 regarding the possible sale of City-owned property adjoining Sanderson Field after a request from Mr. Atto had been received to acquire this property for development.

Following the public hearing held in August 2011, the City Commission authorized former City Manager Nebel and City Attorney Cannello to negotiate an agreement with Mr. Atto that could lead to the sale of the property to facilitate retail development.

Subsequently, during its December 19, 2011 Regular Meeting, the City Commission authorized a 'Letter of Intent' with Mr. Atto of Atto USA Development for the purchase of this City-owned property (approximately 69 acres) subject to the terms and conditions of the negotiated letter of intent.

Importantly, this letter of intent did not obligate the City to close on the sale of this property until a significant development for the site had been procured. (Note: the location of the referenced City-owned parcel is included as an exhibit within the included agreements).

Thereafter, during its June 17, 2013 Regular Meeting (minutes included), the City Commission authorized an extension to this 'Letter of Intent' for a period of time not to extend beyond December 31, 2013 with the caveat that the City Commission would review progress made on wetlands mitigation and development agreements relevant to the development of the site prior to considering one potential extension through June 30, 2014.

Subsequently, during its January 19, 2015 Regular Meeting (minutes included), the City Commission authorized a replacement 'Letter of Intent' for a term of one year during which time the buyer would have the ability to review the condition of premises and to perform all due diligence necessary to satisfy itself as to the site for potential development. A six month extension was available to the buyer through this agreement, which would have permitted the agreement to be extended through July 2016. The executed 'Letter of Intent' has since expired under its terms and conditions. Many relevant details to this topic are included within the sets of meeting minutes provided.

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Recently, owing to the expired nature of the 'Letter of Intent' and the fact that a closing has not occurred, City Administration informed Mr. Atto that the agreement had terminated and returned the \$1,000 escrow deposit initially required under the letter of intent.

Importantly, it should be noted that the City Commission had also taken action during its October 21, 2013 Regular Meeting to authorize a transfer of the 'Letter of Intent' to Menard, Inc. which at the time had expressed an interest in constructing a major retail store utilizing the City-owned parcel and adjoining properties.

Ultimately, Menard, Inc. decided to not move forward with the development as originally intended despite every reasonable effort being made by the City to facilitate the potential development. (Note: the replacement 'Letter of Intent' that was approved in January 2015 was intended to replace the agreement that had been transferred to Menard, Inc., which was ultimately terminated).

Critically, it is City Administration's position that a major development in the vicinity surrounding the airport remains feasible. City Administration remains committed to working with any interested developer or entrepreneur, including Mr. Atto, in developing the site in a manner that benefits the community.

Concurrently, it should be noted that EDC Executive Director Holt and EDC Specialist Laitinen have implemented a number of processes and improvements at the Sault Ste. Marie Economic Development Corporation that have better positioned the City to collaborate on any development of a major scope.

Specifically, the EDC would have the resources to work collaboratively with owners of property adjoining the subject City-owned parcel, interested developers, and other parties in a manner that would facilitate significant development.

The City appreciates Mr. Atto's continued interest in working to bring development to Sault Ste. Marie, and the EDC is well positioned to work collaboratively with Mr. Atto in this area through a variety of structures, which may or may not include a replacement 'Letter of Intent'.

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

#### **AUTHORIZATION TO EXECUTE AN AGREEMENT WITH BOARDDOCS FOR PAPERLESS GOVERNANCE SOLUTION**

In April 2008, the City Commission authorized a paperless agenda software platform for all City Commission meetings. The software platform selected was SIRE, which was purchased and supported through the current financial software provider Clarity. Over the past ten years, the paperless agenda system has proven to be efficient

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and cost effective from start to finish.

In July 2017, Administration was informed that Clarity would no longer be supporting SIRE and that all software, work products, maintenance and support, and professional services would be transitioned to Hyland Software Inc. Furthermore, SIRE would no longer support any technology updates/upgrades and therefore, would require the City to transition from SIRE to a different agenda management software platform.

Based on this information, City Manager Turner, Deputy City Manager Troyer, and Information Technology Director Raffaele researched agenda software platforms that would meet the current and future needs of the City and have the ability to transition all records and archived documents into the new platform. Programs researched included BoardDocs, CivicClerk, Novusolutions, Icompasstech, and OnBase.

Upon the committee's review, it was determined that BoardDocs provided a program platform that met or exceeded the City's current needs and would provide the ability to grow and advance the agenda management system. BoardDocs currently services 152 clients across the US with four of those clients being located in Michigan, which include the City of Trenton, City of Hamtramck, Midland County, and Jackson County. BoardDocs also provides a high level of customer support including 24x7 365 days support, live chat function, and a typical customer service response within 30 minutes.

Deputy City Manager Troyer conducted reference checks with City of Hamtramck, City of Trenton, City of Bryan, and City of Carbondale, which were all using different features and components of the BoardDocs program. All references concluded that BoardDocs is user-friendly, easy to navigate, transition and implementation was smooth, customer service, support, and training is excellent and they would recommend the agenda management program.

Following is additional information relevant to this topic:

Current Cost of SIRE:

- a. Image Flow \$500.00 Annually
- b. SIRE \$2,500.00 Annually

Proposed Cost of Recommended Software (BoardDocs):

- a. NRC – Non Recurring Charge - \$1,000.00
- b. BoardDocs Pro ARC (Annual Recurring Charge) - \$ 8,000.00.

Note: The initial agreement term is one-year, with an automatic annual renewal, unless either party provides at least a thirty-day cancellation notice. The rate remains the same as long as the City continues to renew annually.

Explanation of Advancements Gained with Recommended Software:

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- a. The general public will have the ability to livestream City Commission meetings with the agenda in view as they watch the meeting
  - b. Administration will not have to post agendas, packets, and all boards and commission meeting minutes on web page as the information will be accessed through the BoardDocs portal
  - c. Administration will not have to spend hours editing City Commission meeting video(s) and preparing it to place on webpage
  - d. Administration will not have to manipulate the packet to fit on the webpage as it will be available through the BoardDocs portal
  
  - e. Value of efficiencies gained through Recommended Software:
  - f. Information Technology time in editing meetings for web posting (4 hours per meeting x 24 meetings = 96 hours x 46.66 wage/fringe benefits = \$4,480.00)
  - g. Information Technology time posting minutes, agendas, and packets (3 hrs per mtg x 24 mtg = 72 hrs x 46.66 wage/fringe benefits = \$3,360.00)
- TOTAL 'ESTIMATED' ADMIN TIME SAVED ANNUALLY: \$7,840.00

Information on enhanced transparency/crowdsourcing/meeting broadcasting:

- a. Livestreaming along with live broadcasting on Charter Cable Channel 189
- b. Public access

Moved by Commissioner Miller, supported by Commissioner Collins

That the City Commission authorize the City Manager to execute an agreement with BoardDocs for a paperless governance solution, as presented.

Carried: Yeas: Commissioner Gerrie, Miller, Talentino. Mayor Bosbous, Commissioner Baker, and Collins  
 Nays: None

**ADOPTION OF THE 2018-2024 6-YEAR CAPITAL IMPROVEMENT PLAN**

The City of Sault Ste. Marie initiated a Capital Improvement Program in 2012. A capital improvement program is the process of identifying and planning for large-scale public expenditures and includes broad participation from department directors, public boards and commissions, and the City Commission. A 6-Year Capital Improvement Plan (CIP) is produced from the process and is updated annually which then provides a baseline of the funding needed for major capital outlay.

The City Commission adopted the first 6-Year (2013-2019) Capital Improvement plan on February 18, 2013.

Because funds are limited, prioritization and participation is important to ensure that the most critical of capital improvements can be funded in the years in which they

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are programmed and which are the most beneficial to the community as a whole. In preparation of the 2018-2024 CIP, the Planning Commission held a public input session at its October 5, 2017 meeting.

Public comments were received at the meeting and have been incorporated into the plan as appropriate. While a public comment period has been provided each year, this is the first year since the initiation of the CIP that there was public comment offered. It was anticipated that as the CIP became more widely known, more participation from the general public would be received and it should be expected to continue and grow.

Projects and major equipment expenditures were submitted in November by Department Directors in accordance with department needs, various studies and adopted recreation and transportation plans, and established priorities of Boards and Commissions. The projects and equipment acquisitions were then compiled and ranked by the CIP Committee on a 4 through 1 priority basis, with 4 Essential, 3 Desirable, 2 Acceptable, and 1 Deferrable. The results are submitted herein as the Draft 2018-2024 6-Year Capital Improvement Plan.

Please note that the Capital Improvement plan is a planning document not an appropriation of funding for any projects. The appropriation process will be done annually as part of the budget development, review and approval process. Until funds are appropriated by the Commission as part of the budget or as a budget amendment, there is no authority to proceed with any of these projects. The plan should be helpful, however, for City Commissioners to understand what needs have been identified and how they fit in over the long run with other projects that are significant from an expenditure standpoint.

It should be noted that a Capital Improvement Plan is not an Asset Management Plan. Asset Management is an ongoing systematic process of maintaining, upgrading, and operating physical assets cost-effectively in an efficient manner, based on a continuous physical inventory and condition assessment. The creation of an Asset Management Plan involves collecting data on existing physical resources and assessing the physical condition in order to plan the best maintenance strategy for preserving assets at a determined level of service. An Asset Management Plan should be the basis for submitting projects to the Capital Improvement Plan for capital preventative maintenance projects or replacement of assets. The City currently has developed two Asset Management Plans (Transportation and Water System) and under the SAW grant is in the process of creating the Wastewater Asset Management Plan.

The Planning Commission and the Historical Development Commission reviewed the CIP at their respective meetings December 7 and 12, 2017. The excerpts from their meeting minutes are included in the appendices of the Plan.

As the development of the Capital Improvement Program is a complex process, I would like to thank the various Department Heads, members of involved boards and

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committee, and the Engineering Department for their facilitation of this process. As well, I would like to express my appreciation to the members of the public that expressed an interest in the plan and offered feedback. This level of engagement is welcomed.

City Engineer Basista presented on this matter.

Moved by Commissioner Collins, supported by Commissioner Gerrie

That the City Commission adopt the 2018-2024 Capital Improvement Plan.

Carried: Yeas: Commissioner Miller, Talentino, Mayor Bosbous,  
Commissioner Baker, Collins, and Gerrie  
Nays: None

### **Status Report:**

#### 2017 Calendar Year - End of The Year Report

City Manager Turner presented the 2017 Calendar Year 'End of the Year' report to the City Commission and community during the January 15, 2018 Regular Meeting of the City Commission.

The 2017 Calendar Year will be highlighted and discussed in detail during this presentation, which will be uploaded to the City website following the meeting.

#### Update on Special Meeting and Goal Setting

As an update and as Commissioners are aware, a special meeting has been scheduled to occur on Monday, January 29, 2018. The meeting is expected to begin at 9:00 a.m. and last through the afternoon. It will be held in the Breeder Building.

During this meeting, City Commissioners will receive detailed reports and presentations from Department Heads. These presentations, in general, will focus on a variety of topics, as appropriate for each Department. Subject matters that may be addressed by individual Department Heads include:

- Departmental Operations
- Departmental Structure
- Departmental Staffing
- Departmental Budgets
- And Information Regarding Boards and Committees Under Each Department

The format of each presentation, as well as the level of information provided by each Department Head, may vary based upon scheduled time, subject area, and any follow-up discussion held by the City Commission. Each Department Head will submit a

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summary fact sheet regarding various aspects of their Departments (or component units, in the case of the DDA and EDC).

It is City Manager Turner's hope that the various presentations will provide a detailed overview of the day-to-day operations of the City government and further highlight common opportunities and challenges. Due to the complexity of local government in general, City Administration recognizes that the City Commission may desire follow-up presentations on specific matters.

The information provided during this special meeting may also prove beneficial for use during the City Commission's upcoming annual goal setting exercise and budget development process.

As an additional update, the annual goal setting exercise for the City Commission has been scheduled to occur on Monday, February 12, 2018. As is the case with the Special Meeting scheduled for January 29, 2018, the goal setting exercise is expected to begin at 9:00 a.m. and last through the afternoon. It will also be held in the City Commission Chambers.

City Administration appreciates the members of the City Commission taking the time out of their busy schedules to attend both of these meetings. We look forward to future opportunities and implementing the visions and policies adopted by the City Commission. In addition, City Manager Turner expressed his appreciation to Department Heads and their staff for their involvement in both of these meetings.

#### Master Plan Adoption Process Status Update

Community Development Director has prepared the included update regarding the continuing development and upcoming consideration of the City of Sault Ste. Marie master plan. Engagement and feedback from members of the public on this key document is welcomed and encouraged.

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

None

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

Mayor Bosbous announced the upcoming 1500 race, Genius World Record Snowmobile Parade, Ice Sculpture Event, and the Special Olympics held this past weekend.

Commissioner Talentino asked for clarification on winter parking restrictions. Police Chief John Riley provided the City Commission with an update.

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Commissioner Baker thanked all the 1500 volunteers, announced the Youth Advisory Council fundraiser breakfast on the day of the 1500 at Maloney's, encouraged individuals to sign up for the snowmobile parade, and announced that the pub crawl t-shirts are available.

Moved by Commissioner Gerrie, supported by Commissioner Talentino

That the meeting adjourn at 9:19 p.m.

Motion carried unanimously.

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

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