

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, April 21, 2014 at 7:00 p.m.

The meeting was called to order by Mayor Bosbous

Present: Mayor Bosbous, Commissioner Bauer (arrived at 7:04), Gerrie, Lynn, Shimmens, Stefanski and Twardy

Absent: None

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

### **CONSENT AGENDA:**

Moved by Commissioner Stefanski, supported by Commissioner Shimmens

That the following consent agenda items be approved:

#### **Minute Approval:**

That the minutes of the regular City Commission meeting held on Monday, April 7, 2014 and the Special City Commission meetings held on Tuesday, April 8, 2014 and Wednesday, April 9, 2014 be approved as written and circulated and the minutes of the following boards and commissions received and placed on file:

- a. Economic Development Corporation – March 11, 2014 and April 8, 2014
- b. Historical Development Commission – February 11, 2014
- c. Planning Commission – March 27, 2014
- d. Tax Increment Finance Authority – March 11, 2014 and April 8, 2014

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

That the City Commission reappoint Marla Bunker and Wendy Hoffman to the Planning Commission for terms that will expire on April 19, 2017.

That the City Commission accept the resignation from the Historical Development Commission from Tom Wrocklage from a term that was scheduled to expire December 31, 2018 and send a letter of appreciation for his service on this Board.

That the City Commission accept the resignation from Derek O'Dell and appoint Don Martin to fill the balance of a term that would expire December 3, 2015.

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

**SPECIAL ORDERS OF BUSINESS:**

**SUBMISSION OF THE RECOMMENDED BUDGET FOR THE FISCAL YEAR  
BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015**

Section 8,2 of the City Charter provides that the City Manager will submit a budget to the City Commission on the third Monday in April of each year. The City Commission, upon receipt of the budget will then conduct a review of the budget at a work session scheduled on Tuesday, April 22, 2014 at 4:15 p.m. and on Wednesday, April 23rd and Thursday, April 24th if needed. The Commission will meet on Monday, April 28, 2014 at 4:15 p.m. to reconcile any modifications to the recommended budget and formally introduce and propose the budget for adoption at the May 5, 2014 meeting. This will include scheduling a public hearing for the May 19, 2014 City Commission meeting after which the budget can be adopted by the City Commission. The Charter requires that a budget be adopted by June 1st of each year. The annual budget will be distributed to the City Commission on Friday, April 18, 2014 for the regular City Commission meeting held on Monday, April 21, 2014. The budget will consist of the City Manager's budget message, the detailed budget worksheets for all of the City's operating funds as well as the capital equipment purchase requests, capital projects request and water and sewer rates for the coming year.

Finally the City Commission will also receive a fee schedule outlining the various fees the City recommends be collected during the upcoming fiscal year. The City Manager will summarize the highlights of the recommended budget at the April 21, 2014 meeting upon submission to the City Commission.

Moved by Commissioner Bauer, supported by Commissioner Gerrie

That the City Commission formally receive the recommended budget for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

It was further moved that the City Commission confirm the budget review work session on Tuesday, April 22, 2014 at 4:15 p.m. in the City Commission Chambers and on April 23rd and 24th if needed and a special meeting to be held on Monday, April 28, 2014 at 4:15 p.m. to reconcile the recommended budget for formal approval in May.

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

**SECOND READING OF AN ORDINANCE TO AMEND CHAPTER 16, ARTICLE**

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I SECTION 16-19 (C) OF THE CITY'S CODE OF ORDINANCE TO REMOVE THE WORD "RETARDED" AND REPLACE WITH "DEVELOPMENTALLY DISABLED INDIVIDUAL" IN THE ROTARY PARK FISHING POND ORDINANCE. (A) PUBLIC COMMENTS (B) ACTION ON THE ORDINANCE AMENDMENT

At the April 7, 2014 City Commission meeting, the City Commission introduce for a First Reading an Ordinance to amend Chapter 16, Article I Section 16-18 (c) of the City's Code of Ordinance to remove the word "retarded" and replace with "developmentally disabled individual" in the Rotary Park Fishing Ordinance and scheduled a Second Reading for the April 21, 2014, City Commission Meeting.

The City previously received a citizen request to remove the word "retarded" from our Rotary Park Fishing Pond Ordinance. The request was denied as the language matched the current state statute. It was suggested that the individual pursue a legislative amendment to the statute.

Since that time, the Michigan House and Senate have placed before the governor for approval legislation substituting the phrase "developmentally disabled individual" for "retarded" in the application statute. Governor Snyder approved this legislation; therefore, we need to update our language as amended in the statute.

The Mayor allowed public comments on the second reading of an ordinance to Ordinance to amend Chapter 16, Article I Section 16-18 (c) of the City's Code of Ordinance to remove the word "retarded" and replace with "developmentally disabled individual" in the Rotary Park Fishing Ordinance. There were no comments from the public; therefore the following action was taken:

Moved by Commissioner Lynn, supported by Commissioner Gerrie

AN ORDINANCE TO AMEND CHAPTER 16, ARTICLE I, SECTION 16-18 ROTARY PARK MAXIMUM AGE LIMITATION FOR FISHING.

THE CITY OF SAULT STE. MARIE ORDAINS:

That CHAPTER 16, ARTICLE I, SECTION 16-18 BE AMENDED TO READ AS FOLLOWS:

Sec. 16-18. Rotary Park Maximum Age Limitation for Fishing.

- (a) The area of water bounded on the northeast by Rotary Park Island and its causeway and bounded on the southwest by Portage Ave/Riverside Drive shall be known as the city children's fishing pond.
- (b) No person seventeen (17) years of age or older shall be allowed to engage in the act of fishing in the city children's fishing pond except as

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provided in subsection (c) below.

- (c) An intellectual and developmental disabilities person or resident of a home for the aged who has been issued a permit pursuant to MCL 324.43515 shall be allowed to fish in the city children's fishing pond. It shall be a rebuttable presumption of this section that a person age seventeen (17) years or over has not been issued a permit under MCL 324.43515.
- (d) Fishing is defined by MCL 324.43503 or any amendatory statute relating to this section.

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

WE HEREBY CERTIFY that the foregoing ordinance was adopted by the City Commission of the City of Sault Ste. Marie on the 21st Day of April, 2014.

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

### **COMMUNICATIONS:**

#### **FROM MAYOR BOSBOUS - CITY MANAGER CANDIDATE OLIVER TURNER CONDITIONAL OFFER OF ACCEPTANCE**

Mayor Bosbous provided a brief update on the City Manager candidate, Oliver Turner's8 conditional offer of acceptance. A conditional offer of employment was made to Mr. Turner and he has accepted. Mayor Bosbous, Commissioner Shimmens, and Commissioner Gerrie will travel to Almont, Michigan to interview staff, council and the public on April 30 and May 1.

#### **FROM THE DOWNTOWN DEVELOPMENT AUTHORITY - REVIEW OF TARGET MARKET HOUSING ANALYSIS**

At the October 21, 2013 City Commission meeting, the City Commission voted to designate \$6,000 toward the cost of hiring Zimmerman/Volk Associates to conduct a Target Market Analysis of housing in the City of Sault Ste. Marie.

The Target Market Analysis was completed on April 1, 2014. This study has determined that, from the market perspective, up to 200 new rentals and for-sale market-rate dwelling units could be constructed, or created through adaptive re-use, and absorbed within the Downtown and in-town neighborhoods over the next five to seven years.

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Downtown Development Director, Justin Knepper provided a brief overview of the study.

AUTHORIZATION OF A RESOLUTION TO APPOINT A CERTIFYING OFFICER AND AN ENVIRONMENTAL REVIEW OFFICER TO ADMINISTER COMMUNITY DEVELOPMENT BLOCK GRANTS

Downtown Development Director Justin Knepper has applied for facade grants through the Michigan Economic Development Corporation on behalf of a number of properties in downtown Sault Ste. Marie. In order to administer these grants, should the grants be funded, the City is required to appoint a "Certifying Officer" and an "Environmental Review Officer."

The Certifying Officer must be the Mayor, the City Manager, or another official designated by the City Commission, and will be responsible for certifying that environmental review processes have been completed properly.

The "Environmental Review Officer" is another official appointed by the City Commission, and will be responsible for completing environmental reviews for specific CDBG-funded projects such as facade restoration projects.

Moved by Commissioner Bauer, supported by Commissioner Gerrie

That the City Commission designate the position of City Manager as the Certifying Officer.

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

Moved by Commissioner Bauer, supported by Commissioner Stefanski

That the City Commission designate the position of Downtown Development Director as the Environmental Review Officer.

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

FROM THE HISTORICAL DEVELOPMENT COMMISSION - APPROPRIATION OF OSBORN TRUST FUNDS FOR THE HISTORIC PRESERVATION CONFERENCE

At the April 8, 2014 meeting of the Historical Development Commission, the HDC approved an expenditure of Osborn Trust funds for The Michigan Historical Preservation Conference which will be in Jackson, Michigan on May 15-17.

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The HDC remains committed to the preservation of historical aspects of the downtown district and felt that Downtown Development Director Justin Knepper was an obvious choice. Justin was offered the first opportunity to attend The Michigan Historical Preservation Conference and if he cannot go, the Historical Society would choose a member of the HDC or the CCHS to attend instead.

Moved by Commissioner Twardy, supported by Commissioner Gerrie

That the City Commission appropriate an amount not to exceed \$1,500 of Osborn Trust Funds for the cost of registration, travel, and hotel for one registrant to the Michigan Historical Preservation Conference to be held in Jackson, Michigan, May 15-17, 2014.

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

FROM DR. TIMOTHY HALL, SUPERINTENDENT OF SAULT AREA PUBLIC SCHOOLS - INFORMATIONAL DISCUSSION ON SAULT STE. MARIE PUBLIC SCHOOLS BONDING PROPOSAL

Dr. Timothy Hall, Superintendent of Sault Area Public gave a brief presentation on the Sault Area Public Schools Bonding Proposal which will be presented to the voters at the Tuesday, May 6, 2014 Special Election.

**CITY MANAGER'S REPORT:**

AWARD OF BID FOR STREET PAVEMENT MARKINGS

Bids were received on April 10, 2014 for placing various pavement markings on the City street system. The Pavement Marking Project consists of furnishing the materials and placing pavement markings at locations as designated by the Engineering Department. The markings will include the placing of reflective glass beads in the paint which will provides increased visibility and longer wear. Additionally, there is some minor work for grinding off old lines where the pavement markings have changed.

Moved by Commissioner Lynn, supported by Commissioner Shimmens

That the City Commission award a contract to Michigan Pavement Markings, LLC of Wyoming, Michigan in the estimated amount of \$16,945.73, being the low bid and meeting specifications for the street pavement markings.

Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Gerrie, Lynn,

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Shimmens, Stefanski, and Twardy  
Nays: None

AWARD OF A BID FOR THE PULLAR COMMUNITY BUILDING RENOVATION  
PROJECT TO MCGAHEY CONSTRUCTION

On March 13, 2014 the City received and opened four sealed bids for the Pullar Renovations and Addition project with McGahey Construction of Sault Ste. Marie being the low bidder with a base bid of \$1,617,937. Plans and bidding documents were prepared and distributed by UP Engineers and Architects (UPEA).

Following the bid opening a Special City Commission meeting was held on March 25th to discuss the bid results as the base bid was above project budget.

Mayor Bosbous, Commissioner Lynn, City Administration, Jeremy Gagnon of UPEA and Randy McGahey have met to review potential deducts to bring the project in line with the \$1.5M budget. After extensive review it was determined that the only way to stay within the approved \$1.5M budget while still completing the restroom and locker room improvements and the other high priority items that the addition should be postponed for now and therefore eliminated from the proposed construction contract.

In order to get the project moving, the committee's recommendation is to proceed with a construction contract with McGahey Construction without the addition. As a result of postponing the addition other minor modifications to the renovations still need additional review and consideration. Staff and UPEA will be meeting with the boards/glass suppliers to determine the best method of proceeding with the replacement. Therefore, future change orders are anticipated to realize additional cost savings presented by Mr. McGahey.

Please note, on September 16, 2013 the City Commission accepted the proposal from U.P. Engineers and Architects for professional architectural engineering services for the Pullar Community Building renovations in an amount not to exceed \$103,538 this amount is in addition to the construction award contract.

Jeremy Gagnon of UP Engineers answered questions from the Commission regarding the project.

Moved by Commissioner Lynn, supported by Commissioner Bauer

That the City Commission award a contract to McGahey Construction for the Pullar Community Building Renovations in the amount of \$890,560.00 which is comprised of a base bid of \$1,618,000, Alternate #1 ADA Entrance Seating in the amount of \$78,000 and deductive Change Order #1 to eliminate the addition and the back roof in the amount of \$805,440.00.

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Carried: Yeas: Mayor Bosbous, Commissioner Bauer, Gerrie, Lynn,  
Shimmens, and Twardy  
Nays: Commissioner Stefanski

APPROVAL TO SUBMIT PROJECTS FOR FUNDING THROUGH THE SMALL  
URBAN PROGRAM AND COMMIT TO PROJECT MATCH

Cities, villages, transit agencies, and road commissions located within or serving urbanized areas as defined by U.S. Census with a population of 5,000 to 50,000 are eligible to receive federal Surface Transportation Program (STP) funds from the Small Urban Program. To be eligible for funding road projects must be located within the Small Urban area and on the federal-aid highway system.

The MDOT Small Urban Program funds projects up to \$375,000 per project on a rotating basis and all projects require a 20 percent local match.

The City of Sault Ste. Marie belongs to the Sault Ste. Marie Small Urban Area which also includes the Eastern Upper Peninsula Transportation Authority (EUPTA) and the Chippewa County Road Commission (CCRC). The boundaries of the Sault Ste. Marie Small Urban Area encompasses the entire City and continues south along Riverside Dr. to 7 Mile Rd. on the east and Baker Side Rd. to 6 Mile on the west and runs east to M-129 to pick up Soo Township School then north to 5 Mile Rd. to Shunk and then north again to 4 Mile Rd.

MDOT has put out a call for projects for the 2015-2017 fiscal years. The project priority list is as follows:

- #1 4th Avenue Reconstruction from Ash St. to Hyde St. (SSM)
- #2 W. Easterday Avenue Resurfacing from Hyde St. to Industrial Dr. (SSM)
- #3 Transit 6-passenger van with lift (EUPTA)
- #4 Restroom facilities at the Sugar Island mainland ferry dock (EUPTA)
- #5 Baker Side Rd. Resurfacing from 6 Mile Rd. to 3 Mile Rd. (Road Commission)

MDOT is responsible for final project selection for the Small Urban Program and administration of the federal-aid transportation program. Selected projects will be included in the Statewide TIP.

The City's projects were submitted for prioritization based on the City's 6-Year Capital Improvement Plan. Along with the project applications and priority list, local financial assurance of project match is required to be submitted to MDOT. Attached are the applications for the 4th Avenue Reconstruction project and the W. Easterday Resurfacing project. Total estimated construction cost of the 4th Ave. project is \$790,000 with a grant of \$375,000 and a local match for construction of \$415,000, proposed for 2016 construction if funded; total estimated construction cost of the W. Easterday resurfacing project is \$450,000 with a grant of \$375,000 and a local match for construction of \$75,000,

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proposed for construction in 2017 if funded. The Small Urban Program funds construction only and therefore additional funds for engineering needs to be included in the total project cost, therefore with engineering the total project costs are estimated at \$950,000 and \$515,000 respectively.

Moved by Commissioner Stefanski, supported by Commissioner Gerrie

That the City Commission approve the submission of the project applications for Small Urban Program funding and commit to the funding of the City's share of \$575,000 in FY 2015/2016 and \$140,000 in FY 2016/2017 if the projects are selected for Small Urban Program funding.

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

ACCEPTANCE OF DTE ENERGY FOUNDATION TREE PLANTING GRANT AND APPROPRIATION OF LOCAL AND GRANT FUNDS FOR THE PROJECT

On December 02, 2013 the City Commission authorized the application for a grant of \$3,000.00 from the DTE Energy Foundation with a local commitment of \$4,000.00 in local funds and \$ 2,000.00 in in-kind funding for the this project. The City Tree Commission will determine where the trees will be planted along our City streets. We have been focusing on those areas where CSO construction required the removal of trees as a first priority.

Moved by Commissioner Twardy, supported by Commissioner Stefanski

That the City Commission accept the grant of \$3,000.00 from the DTE Energy Foundation Tree Planting Program.

It was further moved that the City Commission appropriate the \$3,000.00 of grant revenues and \$3,700.00 in expenditures with \$2,000.00 being appropriated from the City's tree maintenance supplies fund to match this grant.

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

AUTHORIZATION FOR THE SALE OF CITY-OWNED PROPERTY IN LITTLE ITALY (PARCEL NO. 051-197-008-50) TO MR. JASON MCLEOD

Administration has been contacted by Mr. Jason McLeod who has expressed an interest in acquiring the City-owned lot (Parcel No. 051-197-008-50) immediately north of his property at 930 Brown Street. The City-owned parcel in question is presently

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vacant and was acquired by the City in 2008 as a tax reversion for \$1,274.

The parcel is approximately 25 feet in width and 104 feet in depth. As a result, it is considered substandard as it fails to meet the minimum 50 foot width and minimum 5,000 square foot area required by the Zoning Ordinance to be built upon. As it is a substandard lot, the City's land sale policy calls for the property to be sold to the adjacent landowners with each taking half. In this particular situation, the other adjacent property owner has indicated to city staff that she has no interest in purchasing any part of the property and does not object to the property being sold to Mr. McLeod in its entirety.

Mr. McLeod's property at 930 Brown Street is also considered substandard as its area is only about 4,200 square feet. With the addition of the City-owned parcel, it will fully comply with all of the dimensional requirements of the Zoning Ordinance.

According to the City Assessor, vacant land in Little Italy is valued at \$29 per front foot which gives the City-owned lot a value of \$725. Mr. McLeod has indicated he is willing to purchase the lot for this amount.

Moved by Commissioner Gerrie, supported by Commissioner Shimmens

That the City Commission sell City-owned parcel 051-197-008-50 to Mr. Jason McLeod for the offered price of \$725.00.

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

CONSIDERATION TO APPROVE A PRIVATE USE AGREEMENT WITH GOETZ PORTAGE AVENUE LTD FOR THE USE OF CITY SIDEWALK/RIGHT-OF-WAY FOR A SIDEWALK CAFÉ

An application for a Private Use Agreement and corresponding information for use of the River Street right-of-way was received from Tammy Cook on behalf of The Palace Restaurant & Saloon (Goetz Portage Avenue LTD). The application is to use the River Street right-of-way for outdoor Food and Liquor service.

The Downtown Development Authority has a strong desire to support sidewalk cafes in the Downtown. In that regard, Planning & Zoning Administrator Kelly Freeman and City Engineer Linda Basista have been working with the DDA to develop standards and procedures for application and approval of outdoor seating on the public sidewalk, which also may include the service of alcohol depending on the request of the applicant. While the application, review, and approval process is under development the Palace has indicated their desire to set up their outdoor seating this summer and in the absence of a developed Sidewalk Café procedure the City Engineer suggested

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using the Private Use Agreement as it is an established tool used to grant private use of the City right-of-way.

The application requests the use of the entire sidewalk area adjacent to the east side of the restaurant.

Unlike other typical right-of-way agreements this Agreement is considered temporary, revocable, and will not run with the land.

Moved by Commissioner Twardy, supported by Commissioner Stefanski

That the City Commission approve the Private Use Agreement with Goetz Portage Avenue LTD for the use of City Sidewalk/Right-of-Way for a sidewalk café.

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

#### POSSIBLE ACTION ON THE AMERICAN FLAG ON THE CHIPPEWA COUNTY HISTORICAL SOCIETY BUILDING

At the June 17, 2013, City Commission meeting a report was provided to the City Commission regarding the request by the Historical Society to remove or fix the American flag that is currently on the roof of their building. The flag is causing damage to the roof and a structural engineer on behalf of the Historical Society has estimated repairs including structural reinforcement at \$9,000 to \$13,000. The structural reinforcement is needed if the flag were to remain in place. After hearing the report and further discussion the City Commission referred the issue back to administration for further review and recommendation.

A follow up report was provided to the City Commission at the December 2, 2013 City Commission meeting with the City Commission scheduling public comment on the possible removal of the American Flag on Chippewa County Historical Society Building located at 115 Ashmun Street with the City converting ownership of the flag to the Historical Society and paying the estimated amount of removal cost to the Historical Society of \$5,400.00 for the December 16, 2013 City Commission meeting. After hearing the report the City Commission referred the issue back to administration for possible relocation and relighting of the flag.

Subsequently, a quote was obtained from Soo Welding to remove the flag and framework with the flag intact in the amount of \$3,400, not including repair of the roof covering. A quote to repair the roof covering has not been received but is estimated to cost around \$2,000. The flag is owned by the City of Sault Ste. Marie.

One concept that is being considered is offering the Historical Society the

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amount necessary to remove the flag and repair the roof, release the easement that the City has on the roof of the building and let the Historical Society decide on the disposition of the flag. The CCHS has offered to accept the flag as part of its collection, with the hope of finding a spot to display it inside the building at some future date.

Moved by Commissioner Bauer, supported by Commissioner Twardy

That the City Commission authorize the removal of the American Flag on Chippewa County Historical Society Building located at 115 Ashmun Street with the City converting ownership of the flag to the Historical Society and paying the estimated amount of removal cost to the Historical Society of up to \$5,400.00.

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

Moved by Commissioner Bauer, supported by Commissioner Gerrie

That the City Commission appropriate \$ 5,400.00 from the other non-departmental expense # 101-52-896-957 with a funding source of \$1,900 from the contingency fund.

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

**MATTERS PRESENTED BY THE PUBLIC:**

None

**MATTERS PRESENTED BY THE CITY COMMISSION:**

Commissioner Twardy mentioned that Community Action will be having a Fiesta Night at Taco Bell to support the homeless. She also wanted everyone to know that the Skating Park is now a Multiuse Park and bikes are allowed.

Commissioner Stefanski asked what channel the Commission Meetings are broadcast on and was told they can be watched on channel 189.

Moved by Commissioner Lynn, supported by Commissioner Bauer

That the meeting adjourn at 8:39 p.m.

Motion carried unanimously.

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**ANTHONY G. BOSBOUS, MAYOR**

**SUSAN ANDERSON, DEPUTY CLERK**

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