Regular Meeting

Thursday, October 19, 2017, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE – Pastor Erik Heskin of Bethany Lutheran Church

APPROVAL/CORRECTION(S) TO MINUTES - Regular Meeting – October 5, 2017

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION

BRIEF PUBLIC COMMENT

PUBLIC HEARINGS

NEW BUSINESS

1. Approval – Auctioneer Agreement – Controllers Office.
   
   Explanation: The City has excess/surplus property to sell. The City Auction is scheduled for November 4th at the Public Works Department. Administration is recommending the services of Dan Samson to dispose of the excess/surplus property.

   
   Explanation: Administration sought Council approval of a request to use Ludington Street for the Annual Christmas Parade scheduled for December 1, 2017, at 7:00 p.m.

3. Performance Review and Feedback - City Manager.
   
   City Council will conduct a three month performance evaluation with City Manager Patrick S. Jordan. The purpose of the evaluation was to provide feedback about job performance and future expectations.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted

Patrick S. Jordan

City Manager
The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Patricia A. Baribeau, Ronald J. Beauchamp, and Michael R. Sattem.

Absent: Council Member Ralph B. Blasier

Sattem moved, Beauchamp seconded, CARRIED UNANIMOUSLY, to excuse Council Member Blasier.

Also Present: City Manager Patrick S. Jordan, City Department Heads, media, and members of the public.

Pastor Chris Johnson of Christ the King Lutheran Church, gave the invocation and led Council in the Pledge of Allegiance.

Beauchamp moved, Sattem seconded, CARRIED UNANIMOUSLY, to approve Special Meeting Minutes from September 20, 2017, and Regular Meeting minutes from September 21, 2017, as submitted.

ADJUSTMENTS TO THE AGENDA

Manager Jordan asked to add an update on the following two items:

- City Attorney Update on Fleet Maintenance Lawsuit;
- C&N Railroad Crossing West of Public Works.

Sattem moved, Baribeau seconded, CARRIED UNANIMOUSLY, to approve the Agenda as amended.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

NEW BUSINESS

Approval – Uniform Video Service Local Franchise Agreement – Charter Communications.

The City’s current Franchise Agreement was expiring on October 18, 2017. The Council amended the Current agreement in 2011 to include a 2% Franchise Fee. The Franchise Fee provided the City approximately $78,000 per year. The franchise fee
revenue has been deposited into the Office Equipment Fund for technology purchases, upgrades and maintenance, as well as maintaining our equipment for channel 191. Funds were also transferred into the City General Fund for the same purposes. The City took part in a survey of 18 communities in the state to see what others were assessing through their franchise agreements. The results of that survey showed Escanaba on the low end on what communities were assessing. After much discussion, Administration recommended the new Franchise Fee Agreement to include a fee of 5%. The following discussion took place:

- Manager Jordan stated the City has been struggling to maintain services with declining state revenue sharing funds. Manager Jordan stated the franchise fee funds were not restricted. Manager Jordan stated Franchise fees were being used to upgrade City computers and network services, Dark Store Attorney fees, and reviewed other upcoming City projects where the franchise fee revenue could be used for needed repairs. Manager Jordan stated a secretarial part-time position could be made full time with the extra revenue;
- The Dark Store issue affected the entire county, and other Delta County entities were helping the City with Dark Store legal fees. It was suggested to again contact other entities to continue to help the City with the Dark Store Attorney Fees;
- Council Members further discussed the Franchise Fee on whether the fee should be increased.

**NB-1** After discussion, Sattem moved, Baribeau seconded, to renew a 10 year Uniform Video Service Local Franchise Agreement with Charter Communications to include a Franchise fee of 5%.

Upon a call of the roll, the vote was a follows:

Ayes: Sattem, Baribeau, Beauchamp

Nays: Tall

**MOTION CARRIED.**

**Approval – Aeration Blower Replacement – Wastewater Treatment Plant.**

The existing aeration blowers at the WasteWater Treatment Plant were 40 plus years old. C2AE of Escanaba, working with the City through the SAW Process Evaluation phase, provided a recommendation for blower replacement. Administration requested Council authorization to retain C2AE of Escanaba, Michigan, to conduct the engineering services as written in the proposal dated August 30, 2017, at a cost not to exceed $17,500. Water/Wastewater Superintendent Jeff Lampi provided a review of the proposed project.

**NB-2** Baribeau moved, Sattem seconded, to approve to retain C2AE of Escanaba, Michigan, to conduct the engineering services as written in the proposal dated August 30, 2017, at a cost not to exceed $17,500.
Upon a call of the roll, the vote was a follows:

Ayes: Baribeau, Sattem, Beauchamp, Tall  
Nays: None

MOTION CARRIED.

Fleet Maintenance Case

City Attorney Peterson briefly reviewed the Fleet Maintenance Case with Council Members. Fleet Maintenance came to the City seeking funds to expand their business. Fleet Maintenance started with the Brownfield process, and paid two engineering firms from a Department of Environmental Quality (DEQ) loan. Finding the property process too expensive to expand the business, Fleet Maintenance backed out of the land deal and filed a lawsuit against the County for the DEQ loan funds spent on the project claiming the County was negligent in administering the project. The City agreed to hold the County harmless regarding the Brownfield project, and stepped in to defend the lawsuit and filed a counter suit against Fleet Maintenance. In an effort to prevent attorney costs from going any higher, parties got together to discuss resolving the issue. The City agreed to reduce its counter claim of $33,532 against Fleet Maintenance by $5,000. In August of this year, the City received $28,531 which it gave to the County. The County would be contacting the DEQ and would ask the DEQ to forgive the $5,000 shortfall. If the DEQ denies the request, the City would have to pay the $5,000 shortfall.

Update - C&N Railroad Crossing West of Public Works

Water/Wastewater Jeff Lampi and C2AE representative Chuck Lawson reviewed the proposed C&N Railroad Crossing encasement project. Due to ever changing requirements and an unbudgeted cost of $80,000, the City would need to pay the cost due to the City making use of the C&N right of way. Bids will be received on October 24, 2017, and plans to place it on Council November 2, 2017, agenda for approval.

APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES – None

BOARD, COMMISSION, AND COMMITTEE REPORTS

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

GENERAL PUBLIC COMMENT – None

Hearing no further public comment, the Council adjourned at 7:40 p.m.

Respectfully submitted
MEMORANDUM

TO: Robert Richards, City Clerk

FROM: Melissa Becotte, City Controller

SUBJECT: City Auction

The City has excess/surplus property to sell. According to City policy, the way to sell this property is through a competitive process which consists of an auction.

I have been in contact with Dan Samson, who ran the last City auction and has been very helpful guiding me through this process. He is willing to conduct the auction for us on November 4th. He will handle all the advertising and will bring in his own staff to run the action. Please see the attached proposed contract.

All City departments will have to haul their auction items to DPW for display. The auction would take place at 11:00 a.m.

Administration is recommending approval of the contract with Dan Samson.

Please contact me with any questions or concerns.
AUCTION SALE CONTRACT

It is mutually agreed by and between DAN SAMSON as auctioneer, and

CITY OF ESCANABA Phone ________________________________
of ________________________________ as owner:

1. Auctioneer agrees to cry owner's public auction sale at the time and place stated.

2. Owner employs auctioneer to cry the sale and agrees to pay him a sum equal to SEE BELOW % of the total amount of the sale, with a minimum charge, the sum of $ _______ payable after conclusion of the sale by the cashier from the proceeds.

3. Date of sale SAT. NOV. 4th 2017 Time 11 AM

4. Place of sale PUBLIC WORKS BUILDING

5. Clerk of sale AUCTION FIRM SUPPLIES ALL LABOR.

6. Description of property, in general SURPLUS PROPERTY

7. Owner agrees to get the property ready for sale, to assist the auctioneer as is customary at the sale, to pay for all advertising, to pay for any fee imposed by local government or municipality in connection with the holding of this sale, and to pay labor at $ _______ per hour per person.

This contract is to remain in full force as stated in item 3, provided an auction sale of the property is held.

This contract cannot be cancelled nor assignment of property made unless mutually agreed by both parties and such an agreement must be in writing.

8. Owner certifies they are the owner of the listed goods, merchandise, and/or property and has good title, the right to sell, and they are free from all debt. Owner agrees to accept all responsibility for providing merchantable title and for delivery of title to the purchaser. Owner agrees to hold harmless the auctioneer against any claims of the nature referred to in this agreement.

9. Auctioneer agrees to conduct the sale as auctioneer, and do all things in connection therewith customarily done by an auctioneer.

25% ANY ITEM $1.00 TO $1,000.00

20% ANY ITEM $1,001.00 TO $5,000.00

10% ANY ITEM $5,001.00 & UP

Dan Samson Auctioneer x Owner

OCT. 13, 2017 Dated ____________________________ Witness
**SPECIAL EVENT APPLICATION - CITY OF ESCANABA**
**Festivals, Parades, Races, Walkathons, Temporary Road Closures**

**DATE(S) OF EVENT:** December 1st 2017

**NAME OF EVENT:** Christmas Parade

**CONTACT INFORMATION** (Please Print Clearly – Incomplete applications may be delayed)

<table>
<thead>
<tr>
<th>Organization:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person:</td>
<td>Tanya Ettenhofer</td>
</tr>
<tr>
<td>Address:</td>
<td>1100 Ludington St Ste 302</td>
</tr>
<tr>
<td>City:</td>
<td>Escanaba</td>
</tr>
<tr>
<td>Postal Code:</td>
<td>49829</td>
</tr>
<tr>
<td>Charitable Org #:</td>
<td></td>
</tr>
<tr>
<td>Phone (day):</td>
<td>906-789-0660</td>
</tr>
<tr>
<td>Phone (evening):</td>
<td>906-280-6839</td>
</tr>
<tr>
<td>E-mail:</td>
<td><a href="mailto:tschuster01@gmail.com">tschuster01@gmail.com</a></td>
</tr>
<tr>
<td>Website:</td>
<td><a href="http://www.bbbsbayarea.org">www.bbbsbayarea.org</a></td>
</tr>
<tr>
<td>Event Phone:</td>
<td></td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
</tbody>
</table>

**Alternate Contact:**

| DDA Office | (906) 789-8191 |

*It is recommended that an alternate name & telephone number be provided*

**LOCATION**

| City Park | ☐ | Building/Facility | ☑ | Road(s) | ☑ |

| Name/Area: | Civic Center and City Hall/Library Complex |

**DATE & TIME**

**EVENT TIME**

<table>
<thead>
<tr>
<th>Event Begins</th>
<th>Event Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE:</td>
<td>December 1, 2017</td>
</tr>
<tr>
<td>TIME:</td>
<td>7 PM</td>
</tr>
<tr>
<td>DATE:</td>
<td>December 1, 2017</td>
</tr>
<tr>
<td>TIME:</td>
<td>9 PM</td>
</tr>
</tbody>
</table>

**SET UP TIME**

<table>
<thead>
<tr>
<th>Set Up Start</th>
<th>Tear Down End</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE:</td>
<td>December 1, 2017</td>
</tr>
<tr>
<td>TIME:</td>
<td>2 PM</td>
</tr>
<tr>
<td>DATE:</td>
<td>December 1, 2017</td>
</tr>
<tr>
<td>TIME:</td>
<td>9 PM</td>
</tr>
</tbody>
</table>

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The collection, use and disclosure of personally identifying information submitted on this form will be used to facilitate the request to host a special event within the City of Escanaba. Applicants may, from time to time, be contacted by the City or a City-contracted third-party for the express purposes of gathering information about the proposed event, assessing satisfaction and/or obtaining feedback on services related to special events. Questions about this collection should be directed to the City Manager.
**EVENT DETAILS**

**TYPE OF EVENT**
- [ ] Parade  
- [ ] Cycling  
- [ ] Festival/Event  
- [ ] Run  
- [ ] Walkathon  
- [ ] Other (specify) ____________________________

**ESTIMATED ATTENDANCE** (please estimate all that apply)

<table>
<thead>
<tr>
<th>Participants</th>
<th>Bands</th>
<th>Wheelchair Accessible</th>
<th>Admission</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td># 500</td>
<td>City Band - High School</td>
<td>Yes ☒ No ☐</td>
<td>Yes ☐ No ☒</td>
<td>Yes ☐ No ☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vehicles/Floats #</th>
<th>For events on City Property are you seeking approval to charge:</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>Is this event: ☒ Open to the Public ☐ For Invited Guests only</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volunteers</th>
<th>General Public</th>
</tr>
</thead>
<tbody>
<tr>
<td># 20</td>
<td>Community</td>
</tr>
</tbody>
</table>

**EVENT ELEMENTS** (complete to ensure proper permits are processed)

<table>
<thead>
<tr>
<th>Power Requirements*</th>
<th>Fireworks</th>
<th>Alcohol</th>
<th>Access to power if possible</th>
<th>Live Music</th>
<th>Tents/Temp. Structures</th>
<th>Amusement Rides</th>
<th>Inflatable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ☒ No ☐</td>
<td>Yes ☐ No ☒</td>
<td>Yes ☐ No ☒</td>
<td>Yes ☐ No ☒</td>
<td>Yes ☒ No ☐</td>
<td>Yes ☐ No ☒</td>
<td>Yes ☐ No ☒</td>
<td>Yes ☐ No ☒</td>
</tr>
</tbody>
</table>

Size of tent(s): ____________________________

Provider: ____________________________

Provider: ____________________________

**FOOD & BEVERAGE**

Will there be food & non alcoholic beverages sold?  Yes ☐ No (continue to next page) ☒

Food stand locations  
- [ ] Indoor  
- [ ] Outdoor  
- [ ] Inside & Outside  

What kinds of food will the Stands be selling? (check all that apply)

- [ ] Chicken/seafood  
- [ ] Rice/pasta dishes  
- [ ] Pop, chips, candy  
- [ ] Hotdogs/hamburgers  
- [ ] Soups/chilli  
- [ ] Salad  
- [ ] Other meats  
- [ ] Other foods (please list) ____________________________

- [ ] Baked goods  

- [ ] Other foods (please list) ____________________________

- [ ] Other foods (please list) ____________________________
EVENTS REQUESTING ROAD CLOSURE
Road closures must be approved by City Council. Once City Council has approved your road closure, changes cannot be made to your route without notification to the City Manager as a secondary Council Approval will have to be sought.
A detailed map of road closure MUST be included. Applicants must notify abutting properties of the closure at least 14 days in advance of the event. This notification letter must be approved by the City Manager's Office. If there are any SPECIAL REQUESTS that you would like City to consider, please outline them on a separate paper and attach

DEFINE THE CLOSURE LIMITS – ATTACH A DETAILED MAP

I have read and understood the Special Events Application.

I will notify the City Manager's Office of any changes to my event application at least fourteen (14) days in advance of the event.

I have received a copy, read and understand the contents of the City of Escanaba Policy and Procedures No. 060101-10, Alcohol in Public Places (if applicable).

[Signature]
Event Organizer Signature

[Signature]
Print Name & Date 10/6/2017
Escanaba Christmas Parade

Escanaba City Manager
410 Ludington Street
Escanaba, MI 49829

Dear Patrick,

Good Morning, I am sending you the annual request letter, the Christmas Parade is scheduled for December 1\textsuperscript{st}, 7p.m. Listed below is the annual request for services.

- Parade Permit
- Police escort Friday evening
- Participation of City fire truck
- Participation of the City Band
- Opening of the Civic Center for warm-up
- 7 barricades to be dropped off at the water tower
- Use of City Hall for Hot Chocolate and Cookies for parade participants

The parade route will go from the Civic Center east down Ludington Street turning at City Hall. The parade line-up and Judging starts at 6pm., with the parade hitting eh street at 7p.m.

Thank you and your staff for the extra work they do to make this a special event for Escanaba.

Sincerely,

Tanya Ettenhofer
906-789-0060 (office)
906-280-6839 (Cell)