CALL TO ORDER
ROLL CALL
INVOCATION/PLEDGE OF ALLEGIANCE – Pastor Erik Heskin of Bethany Lutheran Church
APPROVAL/CORRECTION(S) TO MINUTES - Regular Meeting – November 2, 2017 & Special Meeting – November 13, 2017
APPROVAL/ADJUSTMENTS TO THE AGENDA
CONFLICT OF INTEREST DECLARATION
BRIEF PUBLIC COMMENT
PUBLIC HEARINGS
NEW BUSINESS

1. Approval – Settlement Agreement Payment – Fleet Maintenance, LLC
Explanation: Administration is seeking Council approval of a $5,000 payment to the Delta County Brownfield Redevelopment Authority to satisfy the City of Escanaba’s settlement agreement portion of the Fleet Maintenance, LLC lawsuit.

2. Approval – Request to Purchase City-Owned Property – 404 South 32nd Street
Explanation: Janice Mills is seeking Council approval of the sale of the platted city-owned property located at 404 South 32nd Street in the amount of $25,000.

3. Approval – Policy for Memorials, Monuments and Public Art Projects in the City of Escanaba – City Manager’s Office
Explanation: Administration is seeking Council approval and adoption of a proposed policy concerning Memorials, Monuments and Public Art Projects within the City of Escanaba.

4. Approval – Resolution - City Election from the Delta County Board of Canvassers
Explanation: Administration is seeking Council approval of a resolution to approve the election outcomes as certified by the Delta County Board of Canvassers. This resolution is a requirement stated in the City Charter, Chapter III, Section 12 that the City Clerk must give notice of the November 7, 2017, City Council Election results.

5. First Reading(s) – Ordinances No. 1190 and 1191 – Ordinances to Amend PILT Ordinances No. 1185 and 1186
Explanation: Administration is recommending the Council amend Ordinances 1185 and 1186 with Ordinances No. 1190 and 1191. Ordinances No. 1185 and 1186 were originally approved on July 6, 2017, these ordinances refer to Payment in Lieu of Taxes (PILT) for the West Highland Apartments and Sand Hill Homes properties. The Michigan State House Development Authority (MSHDA) is requiring changes/updates to the Ordinances already set in place in which Ordinances No. 1190 and 1191 would encapsulate. Administration is also recommending that the City Council set December 7, 2017, as the second reading, public hearing and approval date for Ordinances No. 1190 and 1191.

Respectfully Submitted

Patrick S. Jordan
City Manager
NEW BUSINESS

6. Closed Session to discuss a legal opinion.
Explanation: Administration wishes to go into Closed Session to discuss a Legal Opinion.

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, Ronald J. Beauchamp, Ralph B. Blasier, and Michael R. Sattem.

Absent: Patricia A. Baribeau

Beauchamp moved, Sattem seconded, to excuse Council Member Baribeau.

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.

Sattem moved, Blasier seconded, CARRIED UNANIMOUSLY, to approve Regular Meeting minutes from October 19, 2017, as submitted.

ADJUSTMENTS TO THE AGENDA

It was advised Council would not be going into Closed session, but instead would discuss setting Manager Goals.

Blasier moved, Beauchamp seconded, CARRIED UNANIMOUSLY, to approve the Agenda as amended.

CONFlict OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

NEW BUSINESS

Approval – CN Casing Extension – Water Department.

On October 25, 2017, Administration conducted bids for the CN Railroad Crossing encasement project. After review of the two bids received, Administration recommended the low bid from Bacco Construction in an amount not to exceed $80,600.

Water/WasteWater Superintendent Lampi briefly reviewed the project scope and its location by Public Works Department. After discussing construction costs, Council
Members strongly encouraged Superintendent Lampi to seek alternate funding for the project instead of using the fund balance to help pay for the project.

**NB-1** Beauchamp moved, Sattem seconded, to approve the CN Railroad Crossing encasement project bid from Bacco Construction in an amount not to exceed $80,600.

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

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

**MOTION CARRIED.**

**Approval – Canadian National (CN) Casing Extension Inspection Services – Water Department.**

CN Railroad required the City to retain a qualified engineer with a “PE” designation, on site at all time, during the construction phase of the work while encasing the water main near the City Public Works Department. Administration requested authorization to retain C2AE of Escanaba to conduct the on-site inspection services as required by CN, as written in their proposal, for an amount not to exceed $20,000.

During discussion, Council Members suggested alternate ways to fund project, and suggested the City Engineer perform the work or contact other qualified engineers in the area to perform the on-site work.

**NB-2** Blasier moved, Tall seconded, to approve to retain C2AE of Escanaba to conduct the on-site inspection services as required by CN, as written in their proposal, for an amount not to exceed $20,000.

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

Ayes: Blasier, Tall  
Nays: Sattem, Beauchamp  

**MOTION FAILED.**

**Approval – Pole Inspection/Treatment Bid – Electric Department.**

The Electric Department requested bids for pole testing/treatment earlier this spring. Only one bid was received from Karcz Utility Services of Pulaski, WI. Karcz Utility Services tested 540 poles this spring and found 81 bad poles. Utility staff has replaced 70 of the bad poles to date. Because funds were still available, Administration recommended bringing back Karcz Utility Services to do no more than $14,000 worth of pole testing before the ground freezes.
NB-3 Sattem moved, Blasier seconded, to approve bringing back Karcz Utility Services to do no more than $14,000 worth of pole testing before the ground freezes.

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

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

MOTION CARRIED.

Approval – North Shore Substation Construction – Electric Department.

Bids were conducted for the Northshore Substation Construction on October 11, 2017, with two (2) bids received. After evaluation of the bids, Administration recommended the low bid received from MJ Electric for an amount not to exceed $742,276. Superintendent Furmanski briefly reviewed the project scope.

NB-4 Blasier moved, Beauchamp seconded, to approve the Northshore Substation Construction bid received from MJ Electric for an amount not to exceed $742,276.

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

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

MOTION CARRIED.

Approval – Solar Glare Assessment – Electric Department.

On September 20, 2017, the City Council/Electrical Advisory Committee recommended Westwood Multi-Disciplined Surveying & Engineering of Eden Prairie, MN, perform the geotechnical study, shading analysis, and helical and driven pile load testing for the City Solar Generation Project. The Solar Glare Assessment was recommended for a later date. After further review, it has become clear that Westwood has extensive experience in doing the Solar Glare Assessment as part of their study and makes sense to have one company do all the work at one time. Administration recommended Westwood Multi-Disciplined Surveying & Engineering perform the Solar Glare Assessment, Review, and Application for $2,750.

NB-5 Sattem moved, Blasier seconded, to approve to have Westwood Multi-Disciplined Surveying & Engineering perform the Solar Glare Assessment, Review, and Application for $2,750.
Upon a call of the roll, the vote was as follows:

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

**MOTION CARRIED.**

**Approval – Water Meters – Water Department.**

Bids for water meters were conducted on September 26, 2017. Five (5) bids were received. After examination of the bids, Administration recommended purchasing the following from three (3) different vendors:

- Purchase the Itron 100W ERT’s from United Systems of Delaware, OH, at a cost of $75 each, as they are the regional Itron dealer and provide all technical support in our area. 1100 ERT’s = $82,500.00;
- Purchase up to 500 Hersey Model 420 composite body water meters from Mueller Systems, LLC, of Cleveland, NC at a cost of $83.00 each. The amount and sizes of the meters ordered will be determined according to the needs of the water department. Larger meters will cost somewhat more. 500 5/8 meters = $41,500.00;
- Purchase up to 500 Master Meter BLMJ w/ the acculine encoded meters from Core & Main, of Kentwood, MI, at a cost of $84.96 each. The amount and sizes of the meters ordered will be determined according to the needs of the water department. Larger meters will cost somewhat more. 500 5/8 meters = $42,480.00

Funds were available and allotted to conduct this purchase within the current fiscal year Budget. During discussion, the following was reviewed:

- Meters would not register private information;
- The purchase from United Systems was for the electrical top portion of the meter, and actual water meters were being purchased from Mueller Systems, LLC, of Cleveland, NC and Core & Main, of Kentwood, MI.

**NB-6** Blasier moved, Beauchamp seconded, to purchase Itron 100W ERT’s from United Systems of Delaware, OH, at a cost of $82,500.00, and to purchase:

- 500 5/8 Hersey Model 420 composite body water meters from Mueller Systems, LLC, of Cleveland, NC at a cost of $41,500.00;
- 500 5/8 Master Meter BLMJ w/ the acculine encoded meters from Core & Main, of Kentwood, MI, at a cost of $42,480.00.
City Council Minutes
November 2, 2017 – cont.

City Manager Contract Amendment.

After discussion, It was the consensus of City Council Members not to make any changes to the City Manager's contract at this time.

City Goals

City Manager Jordan presented Council with the following proposed City Goals for 2018:

- Pass a responsible budget that would not shortchange the residents, but add to the fund balance;
- Continue to build positive relationships with the business community;
- Work towards obtaining infrastructure grants for wastewater, water, and storm-water;
- Settle City contract with the Electric Workers Labor Unit;
- Hire a City Assessor;
- Work on improving morale among City employees.

Mayor Tall advised Council would hold off discussing the Manager's proposed goals until an upcoming meeting. Council Members also suggested the following goals include:

- Solving the drug problem in Escanaba;
- Bolstering employment in the City;
- A balanced budget in the upcoming year;
- Pursue infrastructure grants;
- Finish contract negotiations;
- Finding a new City Assessor.

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

Peggy O'Connell Schumann reviewed the activities Downtown, and encouraged members of the public to shop local this Christmas Season.
ANNOUNCEMENTS:

- City Public Auction scheduled Saturday, November 4th;
- Encouraged members of the public to vote on November 7th.

Hearing no further public comment, the Council adjourned at 7:45 p.m.

Respectfully submitted

Robert S. Richards, CMC
City Clerk

Approved: _______________________

Marc D. Tall, Mayor
Pursuant to Section 5, Chapter II, of the City Charter, and special meeting notice posted on November 9, 2017, the Council of the City of Escanaba convened in special session in the Catherine Bonifas Civic Center, Room 121 at 7:30 p.m. on the above named date for the purpose of reorganization. City Clerk Robert S. Richards, CMC, opened the meeting and called the roll.

Present: Council Members elect, Ralph B. Blasier, Peggy O’Connell Schumann, and Marc D. Tall, Council Members Michael R. Sattem and Ronald J. Beauchamp

Absent: None.

Also Present: Members of the audience and media.

With consensus, added an agenda item to approve the 2018 regular Council Meeting dates.

Oath of Office to newly elected Council Members.

City Clerk Robert S. Richards administered the oaths of office to newly elected Council Members Ralph B. Blasier, Peggy O’Connell Schumann, and Marc D. Tall.

Selection of Mayor and Mayor Pro Tem

Chapter II, Section 5 of the City Charter stated that following each municipal election the Council, shall elect, by ballot, one of its members Mayor, who shall be the presiding officer and executive head of the City, and perform such other duties as are, or may be imposed or authorized by the laws of the state or the City Charter.

Council Member Blasier placed in nomination the name of Council Member Tall for Mayor.

City Clerk Richards called for any further nominations for Mayor.

Council Member Sattem placed in nomination the name of Council Member Beauchamp for Mayor.

City Clerk Richards called for any further nominations for Mayor.

No further nominations for Mayor were heard.

Without objections, nominations for Mayor were closed.

Council Members cast the following votes for Council Member Tall to serve as Mayor for the City of Escanaba.
Ayes: Blasier, Schumann, Beauchamp, Tall, Sattem
Nays: None

**NOMINATION CARRIED.**

At that time, since Council Member Tall received a majority vote for Mayor, City Clerk Richards presented the gavel to Mayor Tall who then presided over the meeting.

Chapter II, Section 5 of the City Charter states that following each municipal election the Council, shall elect, by ballot, one of its members Mayor Pro Tem, who, during the absence or disability of the Mayor to perform his duties, shall act in the name and instead of the Mayor, and shall, during the time of such absence or disability exercise all the duties and possess all the powers of the Mayor.

Mayor Tall called for nominations for Mayor Pro Tem.

Council Member Blasier placed in nomination the name of Council Member Beauchamp for Mayor Pro Tem.

Mayor Tall called for any further nominations for Mayor Pro Tem.

None were heard.

Without objections, nominations for Mayor Pro Tem were closed.

Council Members cast the following votes for Council Member Beauchamp to serve as Mayor Pro Tem for the City of Escanaba.

Ayes: Blasier, Schumann, Beauchamp, Sattem, Tall
Nays: None

**NOMINATION CARRIED.**

**Appointments to Board of Equalization and Review.**

The Board of Review heard appeals from all property owners who feel their property tax has been inaccurately assessed and has the power to make the appropriate corrections in the tax roll. The Board of Review consists of the Mayor and four tax-paying electors of the City. City Clerk Richards advised the current members Dennis J. Pearson, Judith Schroeder, William A. LaMarch, and Jason Neumeier wished to be reappointed.

Blasier moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to reappoint Dennis J. Pearson, Judith Schroeder, William A. LaMarch, and Jason Neumeier to the Board of Equalization and Review.
Appointment to Downtown Development Authority (DDA).

The Downtown Development Authority Board of Trustee’s was made up of DDA District Business Owners, residents, the City Manager and the Mayor. Appointment of the Mayor to the DDA Board of Trustee’s was required.

Schumann moved, Sattem seconded, CARRIED UNANIMOUSLY, to approve Mayor Tall to serve as a member of the DDA.

Selection of Boards and Commission Liaison Assignments.

Mayor Tall, with consensus of Council, continued with the current Council liaisons to Boards and Commissions of the City. The purpose of the liaison program was to ensure maintain effective communications between the Council and Boards and Commissions.

Blasier moved, Beauchamp seconded, CARRIED UNANIMOUSLY, to approve the following appointments/reappointments:

- Council Member Blasier to the Board of Appeals;
- Council Member Schumann to the Board of Library Trustees;
- Council Member Sattem to the Brownfield Redevelopment Authority;
- Council Member Beauchamp to the Citizens’ Environmental Advisory Committee;
- Council Member Beauchamp to the Electrical Advisory Committee;
- Council Member Schumann to the Harbor Advisory Committee;
- Council Member Beauchamp to the Historic District Commission;
- Council Member Sattem to the Housing Commission;
- Council Member Beauchamp to the Liquor License Review Board;
- Council Member Sattem to the Loan Administration Board;
- Council Member Beauchamp to the Planning Commission;
- Council Member Sattem to the Public Safety Retirement Board;
- Council Member Blasier to the Recreation Advisory Board;
- Council Member Schumann to the Traffic Safety Advisory Committee.

Approval – 2018 City Council Meeting Dates.

Administration sought Council approval of the 2018 regular Annual Council Meeting schedule.

Schumann moved, Blasier seconded, CARRIED UNANIMOUSLY, to approve of the 2018 Annual Council Meeting schedule.
Hearing no further Council business or public comment, the Council adjourned at 7:43 p.m.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: __________________________

Marc D. Tall, Mayor
October 23, 2017

Patrick S. Jordan  
City Manager  
410 Ludington Street  
Escanaba, MI 49829

Melissa Becotte  
City Controller  
410 Ludington Street  
Escanaba, MI 49829

Peter VanSteen  
Transportation Planner  
CUPPAD  
2950 College Avenue  
Escanaba, MI 49829

Dear Patrick, Melissa & Peter:

Enclosed please find a correspondence sent to Ryan Bergman, Delta County Administrator. Should you have any questions, please feel free to call.

Sincerely,

Tammy Lewis  
Assistant to Ralph B.K. Peterson

Enclosures
October 23, 2017

Ryan Bergmann
Delta County Administrator
310 Ludington Street
Escanaba, MI 49829

Dear Ryan:

Enclosed herewith are two drafts payable to Delta County Brownfield Redevelopment Authority totaling $28,531.74. Also enclosed herewith is an executed copy of the Settlement Agreement and Mutual Release for your file.

It is my understanding that the city controller will be providing the city’s draft of $5,000.00. This matter is then complete.

Very truly yours,

[Signature]
Ralph B.K. Peterson

RBKP/tl
Enclosures

cc:  Patrick Jordan (with copy of Settlement Agreement and Mutual Release)
    Melissa Becotte (with copy of Settlement Agreement and Mutual Release)
    Peter VanSteen (with copy of Settlement Agreement and Mutual Release)
SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement and Mutual Release is entered into between FLEET MAINTENANCE, LLC ("FM"), PETER VAN STEEN ("VAN STEEN"), DELTA COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY ("DCBRA"), BITTNER ENGINEERING, INC. ("BITTNER") and ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC. ("ECT"). FM, VAN STEEN, DCBRA, BITTNER and ECT may be collectively referred to as "PARTIES" or individually as "A PARTY".

RECITALS

A. FM filed a lawsuit against VAN STEEN and DCBRA in the Delta County Circuit Court, bearing Case No. 16-23087-CZ ("THE LAWSUIT");

B. DCBRA, in turn, filed third party claims in THE LAWSUIT against BITTNER and ECT;

C. DCBRA also filed a counterclaim against FM claiming that it is owed the sum of $33,531.75;

D. FM denies it owes DCBRA anything;

E. ECT claims it is owed the sum of $13,238.41 from DCBRA and $14,498.46 from FM, although the claims have not been formally asserted in THE LAWSUIT;

F. DCBRA and FM deny they owe ECT anything;

G. VAN STEEN and DCBRA deny any and all liability to FM, and BITTNER and ECT deny any and all liability to DCBRA and FM;

H. THE PARTIES have negotiated directly and through counsel for the purpose of resolving each and every one of the claims brought in THE LAWSUIT, or that could have been brought in THE LAWSUIT, and have reached a full, complete and total settlement of any and all claims that they have or may have against each other, jointly, severally or otherwise, pursuant to the terms and conditions set forth herein.

NOW, THEREFORE, THE PARTIES do hereby covenant and agree as follows:

1. DCBRA will accept the sum of $28,531.75 in settlement of its claim against FM. BITTNER will pay DCBRA the sum of $16,802.03 and ECT will pay DCBRA the sum of $11,729.72. These payments will be made within 30 days of the execution of this SETTLEMENT AGREEMENT AND MUTUAL RELEASE;

3. BITTNER will pay FM the sum of $8,833.33 within 30 days of the execution of this SETTLEMENT AGREEMENT AND MUTUAL RELEASE;
4. ECT will pay FM the sum of $6,166.67 within 30 days of the execution of this SETTLEMENT AGREEMENT AND MUTUAL RELEASE;

5. THE LAWSUIT, including all claims and third party claims, shall be dismissed with prejudice and without costs to any party;

6. Each PARTY does hereby release each and every other PARTY, jointly and severally, from and against any and all claims that now exist or might in the future arise from the facts and assertions in THE LAWSUIT, whether asserted or not, including, including the claims reference in RECITAL paragraph E, above;

7. THE PARTIES agree that there exists good and valid consideration for each and every one of the promises and covenants contained herein;

8. THE PARTIES agree that this Settlement Agreement and Mutual Release supersedes all prior negotiations, understandings, agreements or representations, oral or written, between or among THE PARTIES with respect to the subject matter of this Settlement Agreement and Mutual Release, and that it represents the entire agreement between THE PARTIES and that no statement, representation or belief has induced any party in any way to enter into this agreement;

9. THE PARTIES understand and agree that this Settlement Agreement and Mutual Release is being entered into voluntarily, and that they have read it and fully understand its terms, and they agree to execute it as their own free will. THE PARTIES also agree that THE PARTIES and/or their counsel have participated in the negotiations and drafting of this Settlement Agreement and Mutual Release, such that its terms shall not be construed against any party solely because of THE PARTIES participation in the drafting of same.

10. Those signing on behalf of a corporate entity shall individually warrant that he or she is duly authorized to sign on behalf of such corporation.

11. This Settlement Agreement and Mutual Release may be executed in one or more counter parts, all of which together will constitute one in the same instrument.

12. Execution of this Settlement Agreement and Mutual Release shall not be construed as an admission of liability on the part of any of the parties.

FLEET MAINTENANCE, LLC

By: Carter D. Horner
Dated: 9-28-17

PETER VAN STEEN
Dated: 10-4-2017
ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

By: [Signature]
Dated: 9/28/2017

DELTA COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

By: ______________________
Dated: ____________

BITTMER ENGINEERING, INC.

By: ______________________
Dated: ____________
ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

By: ____________________________

Dated: ______________

DELTA COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

By: ____________________________

Dated: ______________

BITTNER ENGINEERING, INC.

By: [Signature]

Dated: 9-29-17
ENVIROMENTAL CONSULTING & TECHNOLOGY, INC.

By: ____________________________
Dated: ________________

BITTNER ENGINEERING, INC.

By: ____________________________
Dated: ________________

DELTA COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

By: ________________
Dated: 10-4-17
County Administrator
PURCHASE AND SALE AGREEMENT

BETWEEN

City of Escanaba
410 Ludington Street
Escanaba, MI 49829

Hereinafter designated as “Seller”

AND

Janice Mills
1869 17th Road
Bark River, MI 49807

Hereinafter designated as “Purchaser”

1. PURPOSE OF AGREEMENT:

Seller desire to sell and Purchaser agrees to purchase the property described herein on the terms and conditions hereinafter set forth.

2. DESCRIPTION OF PROPERTY:

2.01 Real Estate:

Property located in the City of Escanaba, Delta County, Michigan described as follows:

See attached Exhibit A

3. PURCHASE PRICE: TERMS OF PAYMENT:

The complete purchase price for the properties is the sum of Twenty-Five Thousand and no/100 ($25,000.00) Dollars. The purchase monies shall be paid as follows:

Twenty-Five Thousand and no/100 ($25,000.00) Dollars shall be paid at closing.

4. EVIDENCE OF TITLE:

The Purchaser agrees to purchase at its own cost, a commitment for title insurance in the amount of not less than the purchase price.

5. OBJECTIONS TO TITLE:

If title is not in a condition required for performance hereunder, because of title requirements contained in the title commitment, the Seller shall have 30 days from the date of notification in writing of the particular defects claimed, either (1) to fulfill the requirements in said commitment or, (2) to refund the deposit in full termination of this Agreement if unable to furnish satisfactory title.

6. ACCEPTABLE TITLE:

Purchaser agrees to accept marketable title as such is defined in Act 200 of Public Acts of Michigan 1945, as amended.
7. **COMPLETION OF SALE:**
   If title is merchantable, the sale shall be completed within 30 days of execution of the purchase and sale agreement; however, if title corrections are necessary, the sale shall be completed in a reasonable time after the title corrections are made.

8. **INSTRUMENT OF CONVEYANCE:**
   Seller shall deliver a quit-claim deed conveying the premises described at 2.01 to the Purchaser. Said quit-claim deed shall be free and clear of all encumbrances, except easements and restrictions of record, and shall be tendered to the Purchaser on the date of closing. Said deed shall contain a right of reverter clause which states that if home construction has not been substantially completed within eighteen (18) months from the date of execution of the quit-claim deed, the property shall automatically revert to the City of Escanaba.

9. **TAXES AND ASSESSMENTS:**
   This property is exempt from property taxes as it is owned by the City of Escanaba. The Purchaser shall be responsible for all future taxes on said parcel.

10. **POSSESSION:**
    Possession of the premises purchased and sold hereunder shall be yielded by the Seller to Purchaser on the date of closing.

11. **RISK OF LOSS:**
    Risk of loss from fire or other casualty shall be borne by the party who has the right to possession.

12. **SELLER’S DISCLOSURE:**
    The Purchasers is purchasing this property in its “as is condition”.

13. **ALLOCATION OF CHARGES AND COSTS:**
    The **Purchaser** agrees to pay the following charges and costs:

    1) The entire cost of preparing this Purchase and Sale Agreement and quit-claim deed;
    2) The cost of owner’s title insurance policy in the amount of the purchase price.

The **Seller** shall not have any costs associated with this transaction.
14. **MUTUAL COVENANTS:**

The terms and conditions of this Agreement extend to and become binding on the heirs, administrators, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the **Seller** has hereto set their hands and seal this ____ day of __________, 2017

"Seller"

City of Escanaba

______________________________
Patrick S. Jordan, City Manager for the City of Escanaba

IN WITNESS WHEREOF, the **Purchaser** has hereto set his hands and seal this 30th day of October, 2017

"Purchaser"

______________________________
Janice Mills

*This document prepared by: Russell W. Hall DeGrand, Reardon, & Hall, P.C. 517 Ludington Street Escanaba, Michigan 49829 (906) 786-6009*
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### 2018 Est TCV Tentative

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### Comments/Influences

The Equalizer. Copyright (c) 1999 - 2009. Licensed To: City of Escanaba, County of Delta, Michigan.

*** Information herein deemed reliable but not guaranteed***
404 South 32nd Street

Sale Price: $25,000

Corner Lot
(Side Road Not Constructed)

Lot Size: Irregular Shape

All utilities are in place.

Sale is subject to an 18 month time of completion for construction.
City of Escanaba Policies and Procedures

Originator: City Manager's Office

Adopted: 

Implemented: 

Subject: Policy for Memorials, Monuments and Public Art Projects in the City of Escanaba

Purpose: This policy covers all memorials, monuments and public art projects being placed in public parks and space within the City of Escanaba. All such memorials, monuments and public art projects are required to conform to this policy.

This policy replaces any previous policy, guidelines or approval process with regard to the installation of memorial art work in the City of Escanaba parks and public space. Existing memorials cannot be taken as precedents for future approvals.

1. AIMS

This policy aims to:

- Respect the intended purposes of the City's parks and gardens.
- Protect and enhance the landscape, recreational, and cultural values of the City’s parks and gardens.
- Support ongoing community, cultural and social engagement with the City’s parks and gardens through the installation of appropriate memorials, monuments and public art projects.

2. DEFINITIONS

A "park", "garden" or "public space" for the purpose of this policy is a green public open space and includes parks and public land.

A "memorial" is an object or the enhancement, modification or highlighting of an existing park, tree or landscape feature, designed and established specifically in memory of an individual, association, anniversary or event.

"Memorial" and "monument" are similar in meaning for the purposes of this policy.

A plaque on a raised plinth, stone or purpose-built wall or structure (no matter how small) is deemed to comprise a "monument". Structures required primarily to provide directional or interpretive information are excluded.

An artwork or other feature intended primarily to enhance parks and not designed as a memorial is not considered a memorial for the purpose of this policy. Regardless of this distinction, many of the issues regarding the placement, approval and funding of such bequests are similar to those of explicit memorials, and similar criteria should apply.
3. **CRITERIA FOR NEW MEMORIALS**

**TYPES OF MEMORIALS**

**Non-memorial in form**
Applicants should be encouraged to consider forms of commemoration within one of the following two categories:

1.) Landscape features or artworks that are not explicitly memorial in their form - for example trees, seats, or gazebos – and which are proposed within the approved master plan for the site concerned. Various desirable works and features have been identified for the City’s parks and gardens but some may not be funded except through bequests.

2.) Restoration of an existing memorial or feature of a complementary nature, rather than erection of a new structure. This should be seen as contributing to a culture of ongoing respect that all memorials depend on, both for their ongoing upkeep and relevance.

This form of commemoration will be acknowledged by a plaque. Memorials of this nature are acceptable even if the subject to be commemorated is not highly significant and does not have a specific relationship to the site.

**Memorial in form**
Purpose-designed structures that are explicitly memorial in form - that is, memorials outside the above categories - should be considered only if their subject and location comply with the criteria detailed below.

4. **LOCATIONS FOR MEMORIALS**

**A proposed memorial must have a direct association with its site.**

A proposed memorial must be demonstrated to require a site and must not compromise the aesthetic integrity of the site and not interfere or disturb the underlying landscape character of the proposed setting.

**A memorial must be consistent with the Council approved master plan for the site.**

The identification within some park master plans of appropriate sites for memorials, artworks and other features indicates only that these are acceptable locations for memorials relevant to that park, and which comply with all other applicable policies and strategies. It does not establish a rationale for erection of memorials regardless of relevance or policy.

The City of Escanaba permits memorials to be located in appropriate places. Those associated with individuals or groups based in or linked to an institution are best located at a site connected to that institution, for example in the buildings or grounds of churches, hospitals, or other organizational headquarters. Historical examples of this practice include the George Harvey Dedication Plaque in front of the Department of Public Safety building – Mr. Harvey was the City Manager responsible for creating a Public Safety Department - as well as the memorial fountain to the City’s World War II war dead at Ludington Park.

Memorials in the form of statues or monuments commemorating the dead are encouraged to be located within a dedicated memorial park, which are established for that purpose. The City’s parks should not duplicate the commemorative function of cemeteries.
5. **SUBJECT FOR MEMORIALS**

The subject for any new memorial in City of Escanaba parks (other than Ludington Park) should be limited to the following:

- An individual or association that has made an outstanding contribution to the cultural, political or social development of City of Escanaba.

- An important anniversary of an event unique and highly significant to the City of Escanaba’s history and development.

- Historical or other culturally significant event related to a particular site.

*No new memorial should be considered that commemorates a person, event or occasion already Memorialized in Escanaba unless circumstances are truly exceptional.*

6. **FUNDING**

Memorials should only be supported if funding through sponsorship or donations is secured for all associated costs including community consultation, construction as well as ongoing running and maintenance, conservation, interpretation, and presentation. Construction budgets should include site preparation as well as professional fees for design and project management.

Proposals that are likely to require significant ongoing maintenance should not be approved, unless the applicant provides the necessary funds in advance for the maintenance and upkeep of the donated work.

7. **ASSESSMENT, APPROVAL AND COMMISSIONING PROCESS**

The aims of this process are to:

- Provide timely opportunities for public scrutiny and comment.

- Utilize independent reference groups with relevant expertise to provide comment at stages where broader consultation would be unmanageable.

- Ensure all relevant City of Escanaba departments and other key stakeholders are consulted.

**THREE KEYS ISSUES SHOULD BE CONSIDERED DURING ASSESSMENT:**

1.) **THE ACCEPTABILITY OF THE PROPOSAL WITHIN A GENERAL POLICY CONTEXT**

Whether the proposal conforms to broad Council policies should be assessed first; for example, a proposal for a war memorial would be refused at this initial stage, as it would diminish the Veterans’ Memorial significance.
2.) THE ACCEPTABILITY OF THE PROPOSAL WITHIN A SITE-SPECIFIED CONTEXT

If the proposal conforms to Council policy, it should be assessed in relation to its particular site. This assessment should include consideration of any master plan for the site, as well as scrutinizing the relevance of the memorial to the site. Groups such as the Delta County Historical Society and the Bonifas Art Center should be given an opportunity for input, suggestions and recommendations.

3.) RELATIONSHIP TO AND IMPACTS ON PLANNED CAPITAL WORKS PROGRAMS

A proposal should be assessed in relation to planned works programs, considering if it fits with the master plan implementation program without prejudicing other aspects of the plan, and if it requires unprogrammed expenditure by the City on complementary works. An otherwise acceptable proposal may be unacceptable due to inappropriate timing and therefore needs to be re-scheduled.

8. INITIAL CONCEPTS AND PROPOSALS

Prospective applicants should discuss site and design options available with the City Manager, who may also refer them to staff in other areas of the City of Escanaba as appropriate of such groups as the Planning Commission and Downtown Development Authority.

Escanaba City Council Members, the City Manager and management staff should receive and refer all approaches for proposed memorials without commitment or implied approval.

9. APPLICATIONS

Application in principle for a new memorial should be made in writing to:

City of Escanaba
410 Ludington Street
P. O. Box 948
Escanaba, MI 49829

Applications should include all relevant details including the nature of the proposed memorial, its site, a detailed site plan, text or artistic renditions and images to be included, and any other pertinent information.

10. PROCESS FOR APPROVAL IN PRINCIPLE

INITIAL ASSESSMENT

All applications must include details of the site and design which will be assessed initially by the City Administration. Comments will be sought from but not limited to groups such as the City Council, Planning Commission, Downtown Development Authority, Delta County Historical Society.
Applications for commemorative trees, park benches, or other standard furniture should be dealt with by the City Administration. No further review by other groups is required unless members of the City Administration need to consult with various groups before approving or rejecting an application.

For all other proposals, the City Administration should make an initial assessment in consultation with other relevant staff.

11. DESIGN AND PLANNING APPROVAL PROCESS

PREPARATION OF A DESIGN CONCEPT

If supported an agreement between the applicant and the City should be drawn up for the memorial addressing the process for preparing or selecting a design or commissioning an artwork.

For all proposals other than works of art, the City Administration should manage this process, and involve the Delta County Historical Society. For works of art the City Administration should manage the process, and involve the Bonifas Art Center.

For the final designs, the designer will need to provide:

- A detailed schematic design illustrated either in drawings and/or model(s) as deemed most appropriate, preferably to digital montage to represent accurately the proposed memorial in the context of its site to a general audience.

- A construction estimate reflecting all likely costs of implementing the proposal, and associated works including professional fees.

12. FINAL APPROVAL

After procurement of design but before design documentation or construction contracts are put in place, the detail of the proposal must be approved by the Escanaba City Council. It must not be assumed that previous support in principle for a Memorial and its site will lead to automatic approval for the design.

Particular issues that need addressing in approving the final design include:

- The likely costs of the design in relation to the proposed budget;

- Structural adequacy and other public safety issues;

- Potential maintenance issues including cleaning requirements and likely long-term costs for repairs or restoration;

- Vulnerability to vandalism, graffiti, damage by skateboarders etc;

- Any problems that may arise in the detailed design or construction process;

- Any impacts on heritage significance and/or ecology of the site; and
Prior to giving final approval the Committee must consider that:

- If the proposal impinges on the responsibilities of other units of government, their views must be considered;

- If a permit is required under the Historic District Ordinance, it must be referred to the Historic District Commission.

13. **APPROVAL**

Final and full approval of the memorial cannot be assumed until an agreement is signed as the process is open to objection and potential appeal to Escanaba City Council.

14. **DETAILED DESIGN/COMMISSIONING AND IMPLEMENTATION**

On approval an agreement between the applicant and the City should be drawn up for the memorial to cover design development, construction, care and maintenance, and tenure as applicable.

Generally, the City should assume responsibility for commissioning documentation and construction contracts, and managing the construction or the commissioning of artworks. Unless unusual circumstances apply, the City should also assume responsibility for the ongoing care of features erected within parks for which it is responsible.

If another party is to be responsible for maintenance, their responsibilities relative to the should be clearly specified. Contracts for detailed design or artists’ commissions should not be finalized until such agreements are in place.

If the memorial is a work of art then it becomes a part of the City of Escanaba collection, and maintained as part of the collections.

15. **OTHER ISSUES**

**OWNERSHIP**

All memorials, monuments or artworks placed or erected in parks or public space managed and under the control of the City of Escanaba should be deemed to be under the unconditional control of the City.

**REMOVAL, RELOCATION AND RELOCATION**

Any possible future relocation or removal of artworks should be dealt with following procedures as a new submission.

**OTHER POLICIES, GUIDELINES AND DOCUMENTS**

A variety of other legislation, complementary polices and guidelines must be considered in association with this policy, including but not limited to:

- City of Escanaba Master Plan;
• Escanaba Downtown Development Authority Vision Plan 2020;

• City of Escanaba, Parks Policy;

• Any conservation analyses, and other strategic plans or development frameworks for specific sites.

16. PROCESS FOR APPROVAL IN PRINCIPLE

A. APPLICANT

1.) Informal discussion with the City Manager.

2.) Formal application made.

B. CITY MANAGER

1.) Consult with relevant City departments, Boards and Commissions.

2.) Prepare assessment.

3.) Prepare recommendations for Council or consideration

4.) Will the proposal require a site plan review?
   a. No - If standard furniture, planting plaques or restoration/repair;
   b. Yes - If artwork, monument, new landscape feature or other.

5.) Will implementation involve engineering services?

6.) Is proposal supported in principle?

7.) Will the proposal involve artwork?

C. PLANNING COMMISSION AND/OR DOWNTOWN DEVELOPMENT AUTHORITY

1.) Approval or otherwise.

2.) Commence design procurement process.

3.) Advise applicant of decision.
City of Escanaba  
Special Council Meeting  
Thursday, September 24, 2009

Pursuant to a meeting notice posted on September 17, 2009, the Council of the City of Escanaba convened in special session in Room 101 of City Hall at 6:00 p.m., to discuss Monuments and Public Art Policy, City Web Site, Downtown wireless, and/or any other items to be brought before the Council.

Present: Mayor Leo J. Evans, Council Members Patricia A. Baribeau, Gilbert X. Cheves, Brady L. Nelson, and Thomas P. Warstler.

Absent: None

Also Present: City Manager James V. O'Toole, Department Heads, and members of the public.

APPROVAL OF AGENDA

Cheves moved, Warstler seconded, CARRIED UNANIMOUSLY, to approve the agenda as submitted.

UNFINISHED BUSINESS - None

PUBLIC HEARING(S) - None

NEW BUSINESS

1. Discussion – Downtown Wireless Concept.

Administration discussed the progress being made on a proposed downtown wireless internet concept. Manager O'Toole reviewed the current status of the project and its goal to bring computer users into the downtown. Clerk Richards and Dstech Representative Eric Wakkuri went into detail on the proposed project. The following other items regarding the project were discussed:

- Proposed rate structure;
- Proposed free time businesses would have vs. needs of small businesses for possible presentations;
- Promotion of business development.

After discussion, it was Council Consensus to proceed with the downtown wireless internet concept and to bring to Council for final approval.

2. Discussion – Website Redesign.

Administration discussed with City Council the progress being made on redesigning the City of Escanaba website.
• Reviewed number of proposals received (40), and how the proposals were rated;
• Explained the concept of a Content Management System for easy use by City Department Heads so they could design and maintain their own web pages;

After discussion, it was Council Consensus to proceed with the project and to bring to Council for final approval.

3. Discussion – Monuments and Public Art in Public Spaces.

Manager O'Toole discussed with City Council the progress being made on a policy/ordinance which would cover all memorials, monuments and public art projects being placed in public parkland and space within the City of Escanaba. The following other items were discussed:

• The policy would define when, where, and why permanent memorials or artwork could be put up within the City;
• Policy would provide an understanding of the decision-making process, with Council having the ultimate approval;
• Different review committees, depending on the type of monument memorials/art project being proposed, could be used;
• Reviewed process and goals;
• An inventory should be made of current monuments and art on City property.

Council Members asked for more time to review policy, and to provide some goals prior before given to a policy committee.

Manager O'Toole asked for feedback from Council, and items would be collated again at another work session of Council.

4. Discussion – Snowmobile Route.

Manager O'Toole discussed with City Council the progress being made in expanding a snow mobile route on the west side of Escanaba which connected to the Felch Grade Trail to the businesses located on North Lincoln Road near Bay College.

• Expansion would allow access to businesses in the area;
• Traffic Safety Advisory Committee reviewed and approved the proposed route expansion;
• Destination access to the area motels;
• Expansion would allow to apply to State grant opportunities;
• Trails have their own signage, by State Law;

After discussion, it was Council consensus to proceed with the expansion of the
snow mobile route on the west side of Escanaba and to put it on an upcoming Council Agenda.

5. Discussion – Hands Free Mobile Telephones.

Administration discussed with City Council the allowable options of enacting a Hands Free Mobile Telephone Ordinance. The following was reviewed:

- It was agreed that there was a problem with cell phone use while driving. This was a public safety issue. Did not expect the State of Michigan to adopt a hands free law in the near future;
- Safety was a priority to the public;
- Three sample ordinances were provided for review;
- Communities throughout the country were adopting similar ordinances;
- Signage would be needed at the community entrances, and throughout the community;
- If adopted, enforcement would need to be made;
- It was suggested to find a community with similar size to see if there was an improvement after enacting the ordinance.

After discussion, Manager O'Toole advised he would do further research. Council members were asked to review the proposed ordinances, and provide feedback to Administration.

6. Discussion – Abandoned/Fire Damaged Properties.

Administration discussed with City Council the status of abandoned/fire damaged buildings in the City of Escanaba.

- Complaints were received by public safety, and through the City nuisance hotlines;
- From January to present over 355 nuisance complaints were received, 50 of which were snow complaints;
- This year there was a rise of nuisance grass complaints;
- Reviewed abandoned/fire damaged properties which needed to be secured or removed;
- Many of the problems arise when the homeowner does not have insurance on the property;
- City currently uses the civil infraction process through the courts where daily fees were imposed on the taxpayer to demolish the abandoned /fire damaged properties;
- What could the City do to be proactive to help the homeowner repair or remove the abandoned/fire damaged properties. City involvement usually occurred when there was a health and safety issue;
- Suggested the Downtown Development Authority be proactive to help have the buildings and surrounding properties cleaned;
City Council Minutes  
September 24, 2009 - cont.

- Administration would continue to work forward on the problem issues, through the legal process, but advised it took time to resolve the issues.

GENERAL PUBLIC COMMENT

City resident Ron Beauchamp suggested the City promote public service announcements to help deter the use of cell phones while driving.

Hearing no further public comment, and the time being 7:47 p.m., the Council adjourned.

Respectfully submitted,

Robert S. Richards, CMC  
City Clerk

Approved: ___________________________  
Leo J. Evans, Mayor
A motion was made by Vice Chairperson Patrick Connor and seconded by Planning Commissioner Todd Milkiewicz to approve the site plan for an amendment and modification to the existing Land Use Permit for a Planned Unit Development submitted by Miron Enterprises, LLC, in purchasing property from Carol Enterprises, LLC, to construct a 30-unit Assisted Living Facility and 24-unit Memory Care Unit at 516 Willow Creek Road, Escanaba, MI 49829.

Planning Commissioner Tom Warstler supports the motion as the proposed project is consistent with the City’s Master Plan, and there is a need for this type of facility in the community, especially the Memory Care Unit. Planning Commissioner Tom Warstler said this facility is ideally located, is a preferred use and they are taking advantage of the close proximity to St. Francis Hospital using the rear drive from the Assisted Living development. Planning Commissioner Tom Warstler also said that he has only heard very good things about Mr. Miron’s Lakeview Assisted Living facility in Gladstone.

Planning Commissioner Roy Webber said the project is a good fit for the location and will be an attractive and quiet facility.

Jim O’Toole asked for a roll call vote.

Roll Call

Yeas

Planning Commissioner Roy Webber
Planning Commissioner Tom Warstler
Planning Commissioner Jeremy Peacock
Planning Commissioner Todd Milkiewicz
Vice Chairperson Patrick Connor
Chairperson Stephen Buckbee

Nays

None.

The motion passed unanimously.

NEW BUSINESS

1. Discussion – Donated Public Art, Monument and Memorial Policy

Administration is seeking Planning Commission and public input on a DRAFT “Donated Public Art, Monument and Memorial Policy.” Jim O’Toole said the purpose of the policy is to promote community involvement and provide opportunities for the community to participate in the public display of art on City property, parks and in right-of-ways. A few years ago when the Bonifas Arts Center was doing public art projects, there was a proposal to put an art project here in the City. Mr. O’Toole said the City didn’t really have any review criteria on siting. This policy would
allow people to make the donations, and they would know the rules and requirements, prior to making the donations. This would cover an approval process involving the Planning Commission, Historical Commission and Recreation Board, etc., if appropriate. The policy would also cover the maintenance and care of the art projects. All of this would be a process that would ultimately go before the City Council for review and approval. Jim O’Toole had previously provided the draft policy to each of the Planning Commissioners for their review. Included in the draft policy was a copy of the City of Escanaba Donated Public Art/Monument/Memorial Request Form, which includes description of donated art/monument, exact wording on a plaque, desired location, the cost from site preparation and what would not be provided as part of the donation. Mr. O’Toole said the Recreation Board, Historical Commission, and the DDA would be reviewing the draft policy, as well. This draft policy will be discussed at a City Council Work Session.

Planning Commissioner Tom Warstler recommended that any art that is proposed should represent the values of the community.

Planning Commissioner Todd Milkiewicz said this would be a living document, and we need a process to follow.

Planning Commissioner Roy Webber also stated the City needs a public process to follow, and should proceed with caution so as not to fill Ludington Park with art. Jim O’Toole agreed.

Planning Commissioner Tom Warstler suggested the Recreation Board or another board/commission could come up with desirable amenities that Ludington Park needs. It could be another park bench or slide and placing a name on it. Jim O’Toole said the various boards and commissions could come up with a “Wish List” that could be put into a Capital Improvement Plan format. Mr. O’Toole said the City does get requests from family members when someone passes away; the family members ask if they could make a donation to the City for a project in memory of their loved one.

Jim O’Toole said if anyone has any suggestions/ideas to please contact him.

2. Zoning Ordinance Update

Jim O’Toole said the Zoning Ordinance Sub-Committee did meet on June 14, and they did review Chapter 17 dealing with Parking and Chapter 19 regarding Lighting, to incorporate changes. A topic for the next meeting will be to review the Residential Zoning Districts. Mr. O’Toole said that from time to time, the Zoning Ordinance needs to be fine-tuned.

3. Project Updates:

a. Zoning Board of Appeals Hearings/Decisions

The Zoning Board of Appeals did not meet in June.

b. Delta County Planning Commission
OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Special Council Meeting
Thursday, August 23, 2012

Pursuant to a meeting notice posted on August 13, 2012, the Council of the City of Escanaba convened in special session in Room 101 of City Hall at 6:00 p.m.

Present: Mayor Leo J. Evans, Council Members Walter A. "Pete" Baker, Patricia A. Baribeau, Ronald J. Beauchamp (arrived at 6:41 pm), and Brady L. Nelson.

Absent: None

Also Present: City Manager James V. O'Toole, City Department Heads, and members of the public.

APPROVAL OF AGENDA

Manager O'Toole, with the absence of Council Member Beauchamp, asked to move agenda item 3 to 10.

Nelson moved, Baker seconded, CARRIED UNANIMOUSLY, to approve the City Council agenda as amended.

BRIEF PUBLIC COMMENT - None

UNFINISHED BUSINESS - None

PUBLIC HEARING(S) - None

NEW BUSINESS

Discussion – City Council Meeting Times/Meeting Overview.

A discussion on how often and when the Council meets for regular and special meetings occurred. Council Members also discussed their Rules of Procedure. The following was also reviewed.

- Council Members asked that Administration be mindful of the meeting times so members of the public could attend the special meetings and work sessions;
- Members of the public had access to Council Meetings via the local cable channel, internet web casting, and provided backup information on the City Web Site;
- Administration stated they were continuing to improve and provide public access to information and meetings. Administration advised they were also gathering information so Council meetings could be viewed anytime from the City Web
After further discussion on Council Meeting dates, Council asked to change the November 15, 2012, regular meeting to November 13, 2012. Council Members also asked to change the July 4, 2013, regular meeting to July 3, 2013.

**Discussion – Boards and Commissions – Vacant Positions.**

The board, commission and committee membership roster and position vacancies were reviewed.

- Discussed term limits on City Board and Commissions;
- Try to use Facebook and Twitter as much as possible;
- Discussed accountability of who was responsible to attract members on City Boards and Commissions. Council, Manager, and Department Heads should all be attracting members of the public to serve, and to forward their questions and desires to the Mayor;
- Discussed keeping an eye on Board and Commission absenteeism.

**Discussion – Advanced Metering (Smart Meters).**

With the arrival of Council Member Beauchamp, Agenda item #3 was discussed as presented on the agenda.

The Council was updated on the recent Michigan Public Service Commission report on advanced metering and the status of H.B.'s 5411 and 5439.

- Council had concerns of privacy issues. The Michigan Public Service Commission issued a white paper on the subject and House Bills which were recently proposed were briefly reviewed;
- Administration was told that nothing was going to be acted upon before the November Elections. The City was hesitant to purchase any meter that would not be approved by State Legislation;
- Administration would continue to monitor State legislation and report back to Council;
- Water/Wastewater Superintendent stated Administration had purchased new meters, but they were of a generation that did not include Advanced Metering.

**Discussion – Donated Public Art, Monument and Memorial Policy.**

The Council was updated on a DRAFT policy concerning the aesthetic development of the community as it related to donated public art, monuments and memorials.
Discussion – Trailer Ordinance.

A discussion on the possibility of updating the Escanaba Trailer Ordinance took place. The following was reviewed:

- Community must determine its level of tolerance on the issue;
- Council viewed examples from around the community;
- Need to take into account safety;
- Suggested a time period for loading, unloading and cleaning, based on public input;
- Reviewed possible clearance rule;
- Need to obtain further public input;
- James Hellerman suggested education instead of over regulation. The Community needed to understand the rules and zoning codes as it related to parking of trailers, and how unsightly they could become;
- Current Ordinance had not been revised since 1969. A revised ordinance should take into account boats and other recreational activities;
- Complaints of motor homes, campers, boats and utility trailers parked in the City were currently addressed on a complaint basis only. Administration did not have the resources to routinely enforce codes;
- Council Members discussed if the City should be trying to enforce what could be done now, under the current ordinance. Citizens may not know the rules. Total numbers of problems throughout the City may not warrant a new ordinance;
- Administration could take a 45 day comment period and would present information to Council;
- There were safety issues to consider. Issue also should be sent to the Traffic Safety Advisory Committee for a recommendation.

Discussion – Noise Ordinance.

A discussion on the possibility of updating the Escanaba Noise Ordinance took place. The following was discussed:

- This was another City ordinance which was extremely old;
- Again, Administration wished to have a public comment period and bring information to Council;
- Administration suggested revising the ordinance referencing decibels similar to
what the City of Gladstone adopted;
- May need to review certain special exceptions, band concerts at park or at the fairgrounds.

Discussion – Outdoor Burning, Open Burning and Wood-Fired Boiler Ordinance.

A discussion on the possibility of creating and adopting an ordinance to regulate air pollution and fire hazards from open burning and outdoor burning took place. The following was discussed:

- Zoning Ordinance Coordinator Blaine DeGrave reviewed problems with outdoor boilers and smoke issues resulting from them;
- Current ordinance was not specific enough to bring into court;
- Proposed Ordinance for discussion was taken from parts of the MDEQ ordinance;

Discussion – Peddlers, Solicitors, Transient Merchants, Vendors, ETC. Ordinance.

A discussion on the possibility of adding Mobile Food Vehicle requirements to the existing Ordinance took place. The following was discussed:

- Administration stated this was a new trend and the issue was not addressed in the Current City Ordinance;
- Currently monitoring what other communities were doing.

Discussion – Performance Review Forms – City Manager, City Clerk and City Assessor.

Various performance review forms were reviewed so as to update the current review forms used for the City Manager, City Clerk and City Assessor's annual merit review.

- Council had asked for samples from other communities;
- Discussed the use of self evaluations and the meeting of goals and objectives;
- Administration would forward sample questions to Council.

Discussion – City Tour – Aesthetics, Repair and Existing Conditions.

Administration and Council discussed on the possibility of having a city tour consisting of City Council members, Administration and various boards and commission members took place. The purpose of the tour would be to view existing conditions throughout the City collectively.
BOARD, COMMISSION, AND COMMITTEE REPORTS - None

GENERAL PUBLIC COMMENT

Hearing no further public comment, and the time being 8:57 p.m., the Council adjourned.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: __________________________
Leo J. Evans, Mayor
November 13, 2013

MEMORANDUM

TO: Patrick S. Jordan  
    City Manager

FROM: Robert S. Richards, CMC  
       City Clerk

SUBJECT: Delta County Board of Canvassers – November 7, 2017, Council Election Results

As required by City Charter, Chapter III, Section 12, the City Clerk must give notice of the City Council Election results. A resolution is also required to approve the election outcome as certified by the Delta County Board of Canvassers. Attached, please find the Delta County Board of Canvassers Election Results, and a suggested Council Resolution.
NB-1 “By Council Member __________, seconded by Council Member ______;"

Whereas,  
In accordance with the provisions of section 12 of Chapter III of the City Charter and Section 168.30a of Michigan Election Law, the Delta County Board of Canvassers, herewith certify that at a session of the Delta County Board of Canvassers held on Wednesday, November 8, 2017, at the County Courthouse at 1:00 p.m., the returns of the inspectors of the four (4) voting precincts and the Absent Voter Counting Boards of the City of Escanaba for the regular City Council Election held on November 7, 2017, were carefully examined and tabulated, and find that the returns were as follows:

STATMENT OF VOTES CAST IN THE REGULAR CITY ELECTION HELD ON TUESDAY, NOVEMBER 7, 2017 FOR THE NAMED PERSONS LISTED HEREWITH, AS FOLLOWS:

<table>
<thead>
<tr>
<th>CITY COUNCIL ELECTION RESULTS</th>
<th>Baribeau</th>
<th>Blasier</th>
<th>Hardt</th>
<th>Schumann</th>
<th>Tall</th>
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<td>746</td>
<td>841</td>
<td>707</td>
<td>959</td>
<td>1,031</td>
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</table>

Whereas,  
That Ralph B. Blasier, Peggy O'Connell Schumann, and Marc D. Tall, having received a sufficient number of votes, were elected to the office of Escanaba City Council.

NOW THEREFORE BE IT RESOLVED, that the Escanaba City Council accepts the Delta County Board of Canvassers certification of the November 7, 2017, City Council Election results.
General Election
Delta County, Michigan
Tuesday November 7, 2017
Official Results as Canvassed by the Delta County Board of Canvassers

In witness whereof, we have hereunto set our hands and affixed the seal of the County of Delta this 8th day of November 2017.

Mary Alice Finlen
John Reamer
Margaret Sargeant
Sharon Cassatt
Chairperson of the Board of Canvassers

Attest: Nancy J. Kolich
Nancy J. Kolich, Clerk of the Board of Canvassers
# Election Summary Report

General Election  
Delta County, Michigan  
November 07, 2017  
Summary for: All Contests, All Precincts, All Tabulators, All Counting Groups

Ballots Cast: 2,512

## C-Escanaba Council  (Vote for 3)

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<tr>
<th>Candidate</th>
<th>RA265</th>
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<td>Patricia A. Baribeau</td>
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<td>Ralph B. Blasier</td>
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<td>Katherine Harst</td>
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<td>Peggy O'Connell Schumann</td>
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## Gladstone Commission

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Total

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### Gladstone Mayoral Advisory

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<td>136 92</td>
<td>217 224 233 190</td>
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<td>97 98</td>
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<td>233 190</td>
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Memo

To: Patrick Jordan, City Manager
From: Melissa Becotte, City Controller

Date: November 9, 2017
Re: PILT Ordinances

I received a call from Jim Schubiner at Access Group LLC. His company is purchasing West Highland and Sand Hill Townhomes. In July, Council approved a payment of lieu of tax ordinance for each location. MSHDA is requiring some minor changes which need council approval.

Attached are the proposed changes. I reviewed both ordinances and none of the proposed changes has any effect on the ordinance. Item #1 is simply referring to the State Act for the definition of low income. Item #2 is deleting a paragraph that appears twice. Item #3 is removing a sentence that is duplicating other language in the same section.

I would ask that you include these items on the November 16th City Council agenda for the 1st reading and again on the December 7th agenda for the 2nd reading and adoption.

Please let me know if you have any questions.
RESOLUTION OF THE CITY OF ESCANABA
TO AMEND CHAPTER 26 – TAXATION OF CODE OF ORDINANCES OF
THE CITY OF ESCANABA

November ____, 2017

WHEREAS, on July 6, 2017, the City of Escanaba adopted Ordinance No. 1185, an ordinance to amend Chapter 26 of Taxation Code of the City of Escanaba (the “City”) by adding a new Division 7 (the “Ordinance”); and

WHEREAS, the Ordinance authorized a payment in lieu of taxes, or PILOT, for a certain elderly housing project known as West Highland Apartments (the “Project”) located in the City and to be owned by West Highland Apts Limited Dividend Housing Association Limited Partnership (the “Owner”); and

WHEREAS, the Michigan State Housing Development Authority has reviewed the Ordinance and has requested certain changes be made to the Ordinance; and

WHEREAS, the Owner and the City have reviewed the changes and agree to amend the Ordinance.

NOW, THEREFORE, be it resolved by the City of Escanaba as follows:

1. Section 26.71 (5) is hereby amended and restated in its entirety to read as follows:

   5. Low Income persons and families shall have the same meaning as in Section 15(a)(7) of the Act.

2. Section 26.74 of the Ordinance is hereby amended by deleting the second paragraph; and

3. Section 26.77 of the Ordinance is hereby amended by deleting the last sentence; and

4. Except as amended herein, the terms of the Ordinance are hereby affirmed and ratified.
RESOLUTION OF THE CITY OF ESCANABA
TO AMEND CHAPTER 26 – TAXATION OF CODE OF ORDINANCES OF
THE CITY OF ESCANABA

November ____, 2017

WHEREAS, on July 6, 2017, the City of Escanaba adopted Ordinance No. 1186, an
ordinance to amend Chapter 26 of Taxation Code of the City of Escanaba (the “City”) by adding
a new Division 8 (the “Ordinance”); and

WHEREAS, the Ordinance authorized a payment in lieu of taxes, or PILOT, for a certain
multi-family housing project known as Sand Hill Apartments (the “Project”) located in the City
and to be owned by Sand Hill Townhomes Limited Dividend Housing Association Limited
Partnership (the “Owner”); and

WHEREAS, the Michigan State Housing Development Authority has reviewed the
Ordinance and has requested certain changes be made to the Ordinance; and

WHEREAS, the Owner and the City have reviewed the changes and agree to amend the
Ordinance.

NOW, THEREFORE, be it resolved by the City of Escanaba as follows:

1. Section 26.81 (5) is hereby amended and restated in its entirety to read as follows:

   5. Low Income persons and families shall have the same meaning as in Section
      15(a)(7) of the Act.

2. Section 26.84 of the Ordinance is hereby amended by deleting the second
   paragraph; and

3. Section 26.87 of the Ordinance is hereby amended by deleting the last sentence;
   and

4. Except as amended herein, the terms of the Ordinance are hereby affirmed and
   ratified.
ORDINANCE NO. 1190

“AN ORDINANCE TO AMEND ORDINANCE NO. 1185, ENTITLED AN ORDINANCE TO AMEND CHAPTER 26 - TAXATION OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA”

THE CITY OF ESCANABA ORDAINS:

CHAPTER 26 - TAXATION

ARTICLE III, SERVICE CHARGE IN LIEU OF PROPERTY TAXES FOR HOUSING DEVELOPMENT

DIVISION 7, West Highland Apartments Limited Dividend Housing Association LLC

CHAPTER I

Chapter 26 - Division 7, Section 26-71(5). Definitions is hereby amended to read as follows:

Sec. 26-71(5). Definitions.

5. **Low income persons and families** shall have the same meaning as in Section 15(a)(7) of the Act.

CHAPTER II

Chapter 26 - Division 7, Section 26-74. Limitation on the payment of the annual service charge, is hereby amended, to read as follows:

Section 26-74. Limitation on the payment of the annual service charge.

Notwithstanding Section 26-73, the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which shall be paid on that portion of the housing development if the housing development were not tax exempt.

CHAPTER III

Chapter 26 - Division 7, Section 26-77. Duration, is hereby amended to read as follows:

Section 26-77. Duration.

This article shall remain in effect and shall not terminate so long as the authority's mortgage loan remains outstanding and unpaid or the authority has any interest in the property; or the housing development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended.

CHAPTER IV

SAVINGS CLAUSE

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of
the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER V
REPEALING CHAPTER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

CHAPTER VI
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED: ____________________________

Ralph B.K. Peterson, City Attorney  

, Mayor

ATTEST:

Robert S. Richards, CMC/City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on the XXXX day of XXX, 2017, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on XXXXXXX XX, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Robert S. Richards, CMC/City Clerk
ORDINANCE NO. 1191

“AN ORDINANCE TO AMEND ORDINANCE NO. 1186, ENTITLED AN ORDINANCE TO AMEND CHAPTER 26 - TAXATION OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA”

THE CITY OF ESCANABA ORDAINS:

CHAPTER 26 - TAXATION

ARTICLE III, SERVICE CHARGE IN LIEU OF PROPERTY TAXES FOR HOUSING DEVELOPMENT

DIVISION 8, Sand Hill Townhomes Limited Dividend Housing Association LLC

CHAPTER I

Chapter 26 - Division 8, Section 26-81(5). Definitions is hereby amended to read as follows:

Sec. 26-81(5). Definitions.

5. Low income persons and families shall have the same meaning as in Section 15(a)(7) of the Act.

CHAPTER II

Chapter 26 - Division 8, Section 26-84. Limitation on the payment of the annual service charge, is hereby amended, to read as follows:

Section 26-84. Limitation on the payment of the annual service charge.

Notwithstanding Section 26-83, the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which shall be paid on that portion of the housing development if the housing development were not tax exempt.

CHAPTER III

Chapter 26 - Division 8, Section 26-87. Duration, is hereby amended to read as follows:

Section 26-87. Duration.

This article shall remain in effect and shall not terminate so long as the authority’s mortgage loan remains outstanding and unpaid or the authority has any interest in the property; or the housing development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended.

CHAPTER IV

SAVINGS CLAUSE

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would
have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER V
REPEALING CHAPTER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

CHAPTER VI
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED: Ralph B.K. Peterson, City Attorney  

APPROVED: , Mayor

ATTEST: 

Robert S. Richards, CMC/City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on the XXXX day of XXX, 2017, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on XXXXX XX, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Robert S. Richards, CMC/City Clerk