

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, March 15, 2012**

The meeting was called to order by the Honorable Mayor Leo J. Evans at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Leo J. Evans, Council Members, Walter A. "Pete" Baker, Patricia A. Baribeau, Ronald J. Beauchamp, and Brady L. Nelson.

Absent: None

Also Present: City Manager James V. O'Toole, Assistant City Attorney Russell Hall, City Department Heads, media, and members of the public.

City Clerk Robert S. Richards gave the invocation and led Council in the Pledge of Allegiance.

Nelson moved, Baker seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from March 1, 2012, as submitted.

**ADJUSTMENTS TO THE AGENDA**

Manager O'Toole stated Administration did not need to go into closed session in order to approve the collective bargaining agreement between the City of Escanaba and Teamster's Local No. 486, Public Safety Officers/Dispatch.

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

**CONFLICT OF INTEREST DECLARATION**

There was a question as to whether Council Members should recuse themselves from the adoption of Ordinance No. 1122 because they either work in the DDA District or own property in the DDA District.

Assistant City Attorney, Russell Hall, advised that in his opinion, Council Members who worked or who owned a business in the DDA District did not have a conflict of interest in this particular matter.

**BRIEF PUBLIC COMMENT**

City resident and DDA Chair, Peter Strom, spoke in favor of the proposed DDA Ordinance No. 1122, and encouraged Council support.

Pasqua Warstler, Bonifas Art Center employee, on behalf of the Art Center, again

asked for the City's continued support in the 2012/13 fiscal year budget.

June Klees, Erik Simonsen, Joe and Jennifer Pease, Eddie Moritz, and Scott Carlson all spoke in favor of the City annual appropriation for the Catherine Bonifas Art Center and all the programs they provide the community, especially the Teen Scene event. They all encouraged the City's support of the Catherine Bonifas Art Center, and continued annual appropriation in the City's next fiscal year budget.

**UNFINISHED BUSINESS** - None

**PUBLIC HEARINGS**

**Public Hearing - Citizen Participation – 2012-13 Fiscal Year Budget Preparation.**

Each year, Council holds public hearings to facilitate input from its citizens for the City's next fiscal year budget. This was the third (3) of five (5) scheduled public hearings.

This being a public hearing, Mayor Evans asked if there was any further public comment on the 2012 -13 Fiscal Year Budget Preparation.

Jesse Farcus encouraged Council support of its annual appropriation in the upcoming fiscal year budget.

Hearing no public comment, Mayor Evans closed the public hearing.

**Public Hearing – Second Reading Ordinance No. 1122 - Downtown Development Authority (DDA) Development Plan.**

Ordinance No. 1122 was an Ordinance to approve the Amended and Restated DDA Development Plan and Tax Increment Financing Plan. The Council had its public hearing for the Amended and Restated DDA Development Plan and Tax Increment Financing Plan formally at its regular meeting on March 1, 2012. The first reading of Ordinance No. 1122 was also held on March 1, 2012.

This being a public hearing, Mayor Evans asked if there was any public comment.

Hearing no public comment, Mayor Evans closed the public hearing.

There was considerable discussion among Council members as to whether the Council should review the 2012/13 Fiscal Year Budget first before passing Ordinance No. 1122. Council Members also discussed the proposed Goals in the Restated DDA Development Plan and Tax Increment Financing Plan, its proposed 30 year time frame, and reviewed the Plans Priority items and how they were obtained.

After discussion, Baker moved, Beauchamp seconded, to table the adoption of

Ordinance No. 1122 until completion and study of the City Budget.

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

Ayes: Baker, Beauchamp  
Nays: Baribeau, Nelson, Evans

**MOTION FAILED**

**PH-2** "By Council Member Nelson, seconded by Council Member Baribeau;

**Resolved,** That Ordinance No. 1122, An Ordinance approving the City of Escanaba Amended and Restated Development Plan and Tax Increment Financing Plan for the Escanaba Downtown Development Authority, of the City Code of Ordinances in the City of Escanaba, given its second reading and public hearing at this meeting, be and is hereby adopted and that it be published in accordance with the requirements of the City Charter."

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

Ayes: Nelson, Baribeau, Baker, Evans  
Nays: Beauchamp

**RESOLUTION DECLARED ADOPTED.**

Herewith Ordinance No. 1122 adopted by title:

**"APPROVING THE CITY OF ESCANABA  
AMENDED and RESTATED  
DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN  
FOR THE ESCANABA DOWNTOWN DEVELOPMENT AUTHORITY"**

Full text in Ordinance Record "J".

## **NEW BUSINESS**

### **Approval – Caterpillar 140H Motor Grader – Department of Public Works.**

Administration sought Council approval to purchase our leased 2007 Caterpillar 140H Motor Grader from Caterpillar Financial Services in the amount of \$157,386. The City is at the end of a five-year lease agreement with option to purchase.

Public Works Director William Farrell summarized the rationale and history of the 2007 Caterpillar 140H Motor Grader, and gave an explanation of how the Motor Vehicle Fund was used in the City of Escanaba.

**NB-1** Nelson moved, Baribeau seconded, to approve to purchase the leased 2007 Caterpillar 140H Motor Grader from Caterpillar Financial Services in the amount of \$157,386.

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

Ayes: Nelson, Baribeau, Baker, Beauchamp, Evans

Nays: None

**MOTION CARRIED.**

**Approval – Storm Sewer Lining Project – Department of Public Works.**

On January 23, 2012, the City of Escanaba solicited bids for relining a 440+/- linear feet of 30" storm pipe that runs from 1st Avenue North and North 4th Street into Little Bay De Noc. On February 21, 2012, sealed bids were received for two (2) qualified vendors. After careful review and verification, Administration recommended the low bid from Insituform Technologies USA, Inc., of Chesterfield, MO, be awarded for the listed unit price of \$71,880. Item was over budget and would require a budget amendment.

Public Works Director William Farrell explained the importance of repairing the pipe due to its poor condition.

**NB-2** Nelson moved, Baker seconded, to approve the low bid from Insituform Technologies USA, Inc., of Chesterfield, MO, for Storm Sewer Relining Project, 440+/- linear feet of 30" storm pipe that runs from 1st Avenue North and North 4th Street into Little Bay De Noc, for the listed unit price of \$71,880.

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

Ayes: Nelson, Baker, Baribeau, Beauchamp, Evans

Nays: None

**MOTION CARRIED.**

**Approval – City Hall/Library Heating, Ventilation, and Air Conditioning (HVAC) Repairs.**

Administration sought Council approval to enter into an agreement with ACC Planned Service of Appleton, WI, for the repair and upgrade the existing City Hall/Library Complex HVAC system in an amount not to exceed \$20,000.

**NB-3** Baribeau moved, Baker seconded, to approve to enter into an agreement with ACC Planned Service of Appleton, WI, for the repair and upgrade of the existing City Hall/Library Complex HVAC system in an amount not to exceed \$20,000.

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

Ayes: Baribeau, Baker, Beauchamp, Nelson, Evans  
Nays: None

**MOTION CARRIED.**

**Approval – Use of Recreational Facilities – Municipal Dock and Ludington Park Marina.**

The Catherine Bonifas Art Center submitted a request to use the Municipal Dock and Marina area on July 13, 2012, 10:00 a.m. to 7:00 p.m. for a Bays De Noc Maritime Festival. Administration recommended approval of the request provided a certificate of liability insurance was filed with the City and organizational volunteers provide event services and cleanup.

**NB-4** Baker moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to approve a request from The Catherine Bonifas Art Center to use the Municipal Dock and Marina area on July 13, 2012, 10:00 a.m. to 7:00 p.m. for a Bays De Noc Maritime Festival, provided a certificate of liability insurance was filed with the City and organizational volunteers provide event services and cleanup.

**Update – Power Generation/Plant Operation Options/Power Purchase – Electric Department.**

Electric Superintendent Mike Furmanski updated the City Council and public on the status of the Power Plant, and the recent agreement to negotiate the sale of the City Power Plant to Escanaba Green Energy LLC.

**Approval – Collective Bargaining Agreement – Teamsters Local No. 486 – Public Safety Officers/Dispatch Unit.**

City Manager O'Toole and City Treasure/Human Resources Director reviewed the details of the proposed agreement.

After discussion, Nelson moved, Baribeau seconded, to approve a collective bargaining agreement between the City of Escanaba and Teamster's Local No. 486, Public Safety Officers/Dispatch.

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

Ayes: Nelson, Baribeau, Evans  
Nays: Baker, Beauchamp

**MOTION CARRIED.**

**Approval – Cost of Service and Electric Rate Study.**

Administration sought Council Approval to retain the professional services of Power System Engineering, of Minneapolis, MN, in the amount of \$19,000 to complete a comprehensive review and study analysis of the current electric utility rate structure for the Escanaba Electrical Utility.

**NB-7** Nelson moved, Baker seconded, to approve to retain the professional services of Power System Engineering, of Minneapolis, MN, in the amount of \$19,000 to complete a comprehensive review and study analysis of the current electric utility rate structure for the Escanaba Electrical Utility.

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

Ayes: Nelson, Baker, Baribeau, Beauchamp, Evans

Nays: None

**MOTION CARRIED.**

**APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES**

Mayor Evans, with consensus, made the following appointments:

- Charles Chapman to the Downtown Development Authority, term ending April 21, 2016;
- Dan Bender to the Downtown Development Authority, term ending April 21, 2014.

**BOARD, COMMISSION, AND COMMITTEE REPORTS**

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

**GENERAL PUBLIC COMMENT**

City resident, Scott Carlson, encouraged members of the public to attend upcoming Disability Day and kayaking in the park sponsored by the Local Advisory Committee (LLAC) and Delta County.

**ANNOUNCEMENTS**

- City Winter Parking restrictions were lifted;
- Gladstone Girls Basketball were congratulated for the Basketball Season;
- Council Members wished everyone a Happy St. Patrick's Day.

City Council Minutes  
March 15, 2012 – cont.

Hearing no further public comment, the Council adjourned at 8:48 p.m.

Respectfully submitted,

Robert S. Richards, CMC  
City Clerk

Approved: \_\_\_\_\_  
Leo J. Evans, Mayor