



**CITY COUNCIL
MEETING AGENDA
April 21, 2022**

**Mark Ammel, Mayor
Karen Moore, Mayor Pro Tem
Ronald J. Beauchamp, Council Member
Tyler DuBord, Council Member
Todd Flath, Council Member**

**Patrick S. Jordan, City Manager
Phil DeMay, City Clerk**

City Council Chambers located at: City Hall – 410 Ludington Street – Room C101 – Escanaba, MI 49829

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items with an asterisk (*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

Regular Meeting

Thursday, April 21, 2022, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Special Meeting – April 4, 2022

Special Meeting Budget – April 4, 2022

Special Meeting Budget – April 5, 2022

Regular Meeting – April 7, 2022

Special Meeting – April 13, 2022

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

1. Setting of Public Hearing – FY2022-2023 Budget – May 5, 2022.

Explanation: Administration is requesting City Council set May 5, 2022, as the fourth Public Hearing on the proposed 2022-2023 City Fiscal Year Budget.

2. Approval – Unbudgeted Capital Funds for Security System/Supporting Electrical - Marina.

Explanation: Administration is requesting City Council approval of unbudgeted capital funds for purchase of a security system at the lowest bid and best equipment provided by Hurley Marine at \$16,388, and implementation of necessary electrical work for installation not to exceed \$5,000.

3. Approval – Ludington Park Food/Drink Concessions for the 2022 Season – Recreation.

Explanation: Eighteen bids were mailed on January 26, 2022, with one bid being received from Sticky Fingers of Gladstone, Michigan. Bids were opened on March 21, 2022. The Recreation Advisory Board met on April 12, 2022, and recommend City Council approval of the bid.

4. Approval – Sanitation Services for the 2022-2023 Season – Recreation.

Explanation: Two bids were mailed on January 26, 2022, with one bid being received from Stenberg Brothers of Bark River, Michigan. Bids were opened on March 21, 2022. The Recreation Advisory Board met on April 12, 2022, and recommend City Council approval of the bid.

5. Approval – Agreement to Maintain Monument on City Property – Recreation.

Explanation: The City of Escanaba has been working with the Delta County Trades and Labor to create a monument to labor since 2013 when the Eskey 150th Celebration took place. Administration is seeking City Council approval of said agreement. The construction, installation, all maintenance, and all future maintenance will be the sole responsibility of the Delta Schoolcraft Community Labor Council. This monument will be erected at the Municipal Dock.

6. Approval – Professional Services Agreement for City Attorney Services – Administration.

Explanation: Pursuant to City Charter, City Manager has engaged Attorney Brett Gardner, of Brett Gardner Law, to provide attorney services for the City of Escanaba. Administration is requesting approval of contract with Attorney Gardner.

7. Approval – Closing of the 100 Block of South 11th Street for RRN Block Party – Administration.

Explanation: Administration is seeking City Council approval, on behalf of Mike Daniels from RRN Radio, for the closing of the 100 block of South 11th Street for the annual RRN Block Party. Alcohol will be sold and all local requirements and State LCC requirements will be followed. The event date and time is July 29, 2022, from 5pm to 11pm, with set up beginning at 8am and tear down completed by 12:30am.

8. First Reading – Ordinance No. 1260 – Allow Side-by-Side UTV Operation on City Streets – Administration.

Explanation: Administration is requesting City Council to consider this the first reading of Ordinance No. 1260, An Ordinance to Allow Side-by-Side UTV Operation on City Streets. Administration is requesting that the City Council set May 5, 2022, for the second reading, public hearing, and adoption of Ordinance No. 1260. The Traffic Safety and Recreation Committees have both discussed and recommended passage of this ordinance.

9. Approval – WWTP Parking Lot, Driveway, and Approach Prep for Gravel & Asphalt – Wastewater.

Explanation: (a) Administration is requesting City Council approval for monies to complete the work required to build and prepare the parking lot and concrete approaches as part of the work being done at the Wastewater Treatment Plant in an amount not to exceed \$90,000.00. (b) Administration is requesting City Council approval for monies to pave the parking lot on the west side of the plant as part of the work being done at the Wastewater Treatment Plant in an amount no to exceed \$110,000.00.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted



Patrick S. Jordan

City Manager

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Special Council Meeting
Monday, April 4, 2022**

Pursuant to a meeting notice posted on March 18, 2022, the meeting was called to order by the Honorable Mayor Mark Ammel at 8:45 a.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler D. DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: City Manager Patrick S. Jordan, City Clerk Phil DeMay, and Department Heads.

ADJUSTMENTS TO THE AGENDA

DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT

Nancy Przewrocki – discussed the district commission lines and other related reapportionment information.

PUBLIC HEARINGS

PH-1 Second Reading, Public Hearing, and Adoption – Ordinance No. 1257 – Updating Precinct Boundaries Based on the 2021 Delta County Reapportionment.

The Qualified Voter File (QVF) street index needed to be updated to change the City precinct lines as directed by the County Reapportionment Committee. Ordinance No. 1257 updates precinct boundaries based on the 2021 Reapportionment.

This being a public hearing, Mayor Ammel asked for public comment.

Hearing no further public comment, Mayor Ammel then closed the public hearing.

PH-1 “By Council Member DuBord, seconded by Council Member Moore;

Resolved, That Ordinance No. 1257, An Ordinance to Amend Chapter 10, Elections, of the City Code of Ordinances in the City of Escanaba – Precinct Boundaries, given its public hearing at this meeting, be and is hereby adopted and that it be published in

accordance with the requirements of the City Charter."

Herewith Ordinance No. 1257 adopted by title:

**“AN ORDINANCE TO AMEND CHAPTER 10, ELECTIONS, OF THE CITY CODE
OF ORDINANCES IN THE CITY OF ESCANABA”**

Full text in Ordinance Record “L”.

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

Ayes: DuBord, Moore, Beauchamp, Flath, Mayor Ammel

Nays: None

RESOLUTION DECLARED ADOPTED.”

UNFINISHED BUSINESS – None

NEW BUSINESS – None

GENERAL PUBLIC COMMENT – None

ANNOUNCEMENTS – None

Hearing no further public comment Tyler moved, Flath seconded, the Council adjourned at 8:58 a.m.

Respectfully submitted

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

City of Escanaba Special Council Meeting Monday, April 4, 2022

Pursuant to a meeting notice posted March 10, 2022, the Council of the City of Escanaba convened in special session in Room 101 of City Hall at 9:00 a.m., to begin the review and discussion of the proposed 2022/23 City Budget.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: City Manager Patrick S. Jordan, City Controller Melissa Becotte, City Clerk Phil DeMay, Department Heads, media, and members of the public

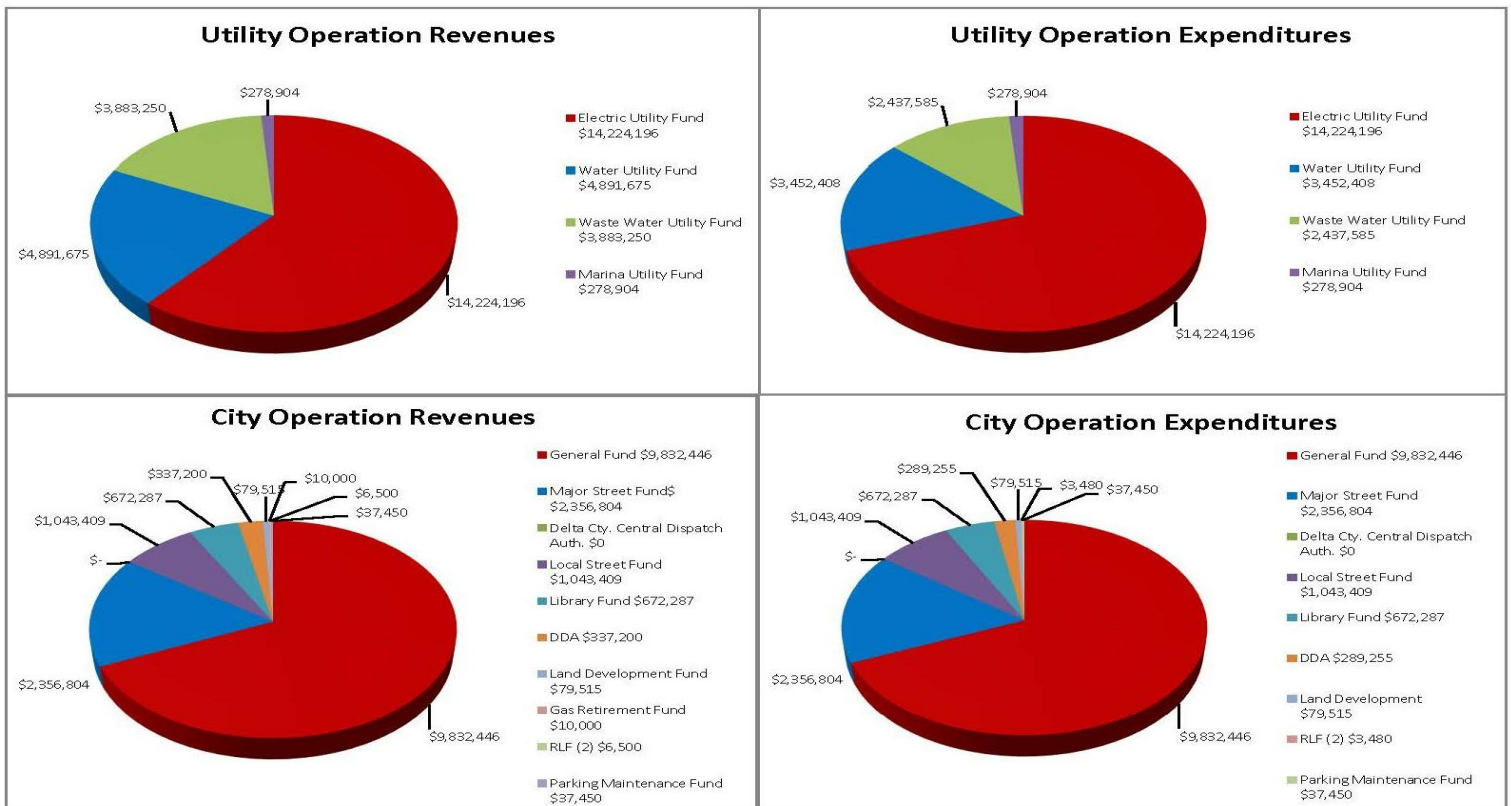
GENERAL PUBLIC COMMENT - None

City Manager Patrick Jordan and City Controller Melissa Becotte presented Council the following Budget information:

CITY MANAGER’S FINAL BUDGET OVERVIEW – FY 2022-23

Pursuant to the Escanaba City Charter and relevant state laws, I hereby submit for City Council and community review the final FY 2022-23 Budget. A copy of this document has been placed on file with the City Clerk and at the Escanaba Public Library, where the public may review it during normal hours of operation. An electronic version is also available on the City’s website, www.escanaba.org, and on the City of Escanaba’s Facebook page. This document serves as a daily guide for City Administration in receiving and allocating resources in the most effective way for the good of the community.

This budget, with over \$37 million in expenditures, reflects our commitment in providing core services to our community and was developed using the best available information and most current revenue projections.



Mission Statement:

Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.

City Millage Rate/Tax Rate and Tax Roll. The final budget is based on a property tax rate of 17 mills, which will not require any tax increase in the upcoming fiscal year.

For homeowners in the City, 39.92% of the total property tax bill is kept by the City of Escanaba to pay for all General Fund services provided. The remaining 60.08% of a homeowner’s tax bill is remitted to Delta County, the State of Michigan, the Escanaba School District, the Delta Schoolcraft Intermediate School District (DSISD), the Delta County Sheriff Department, 911 Operations, the Delta Area Transit Authority (DATA), Community Action Agency (CAA) and Bay de Noc Community College.

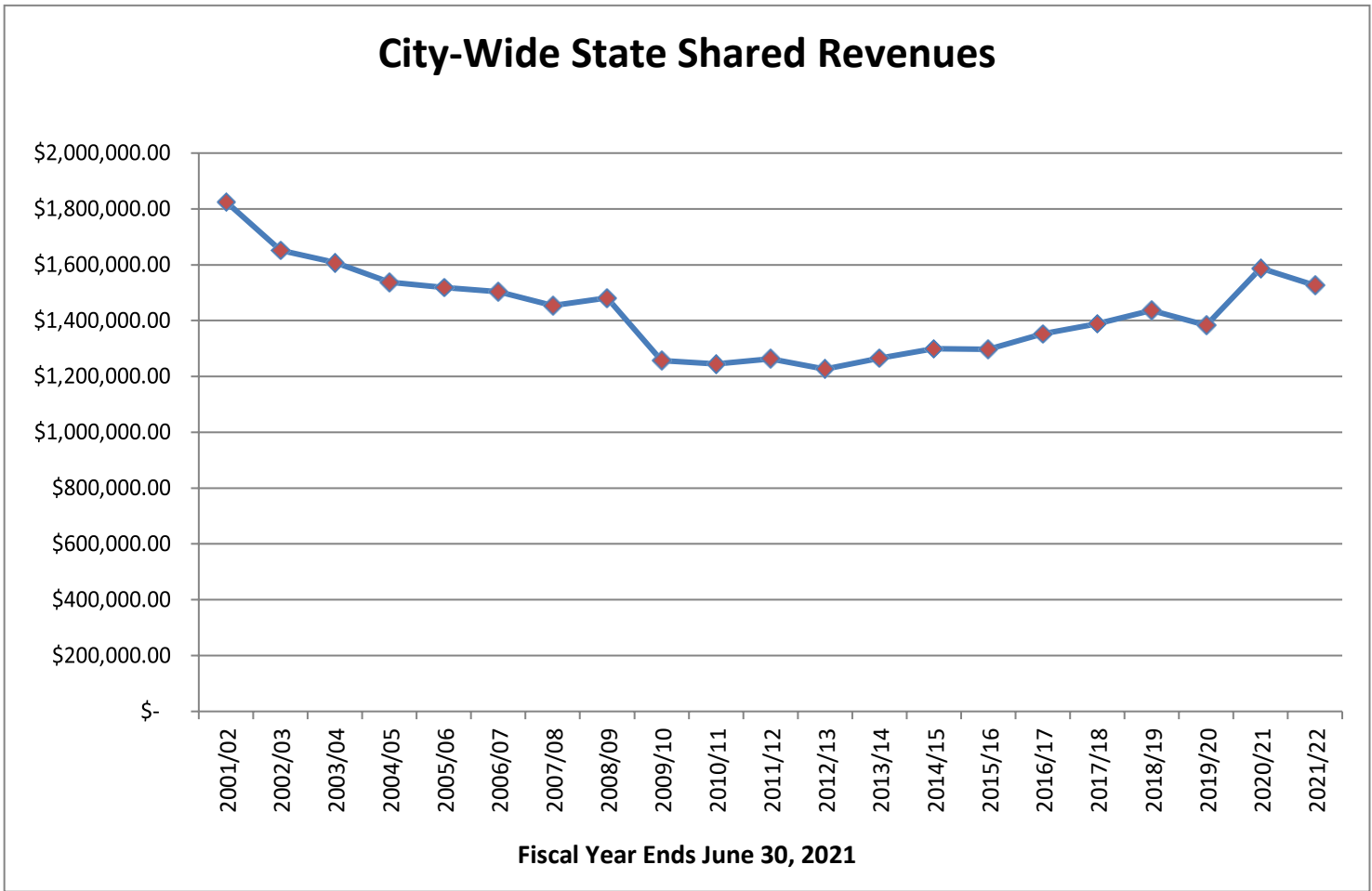
**WHERE YOUR TAX DOLLAR GOES...
HOMEOWNER WITH HOMESTEAD EXEMPTION**



NON-HOMESTEADED PROPERTY



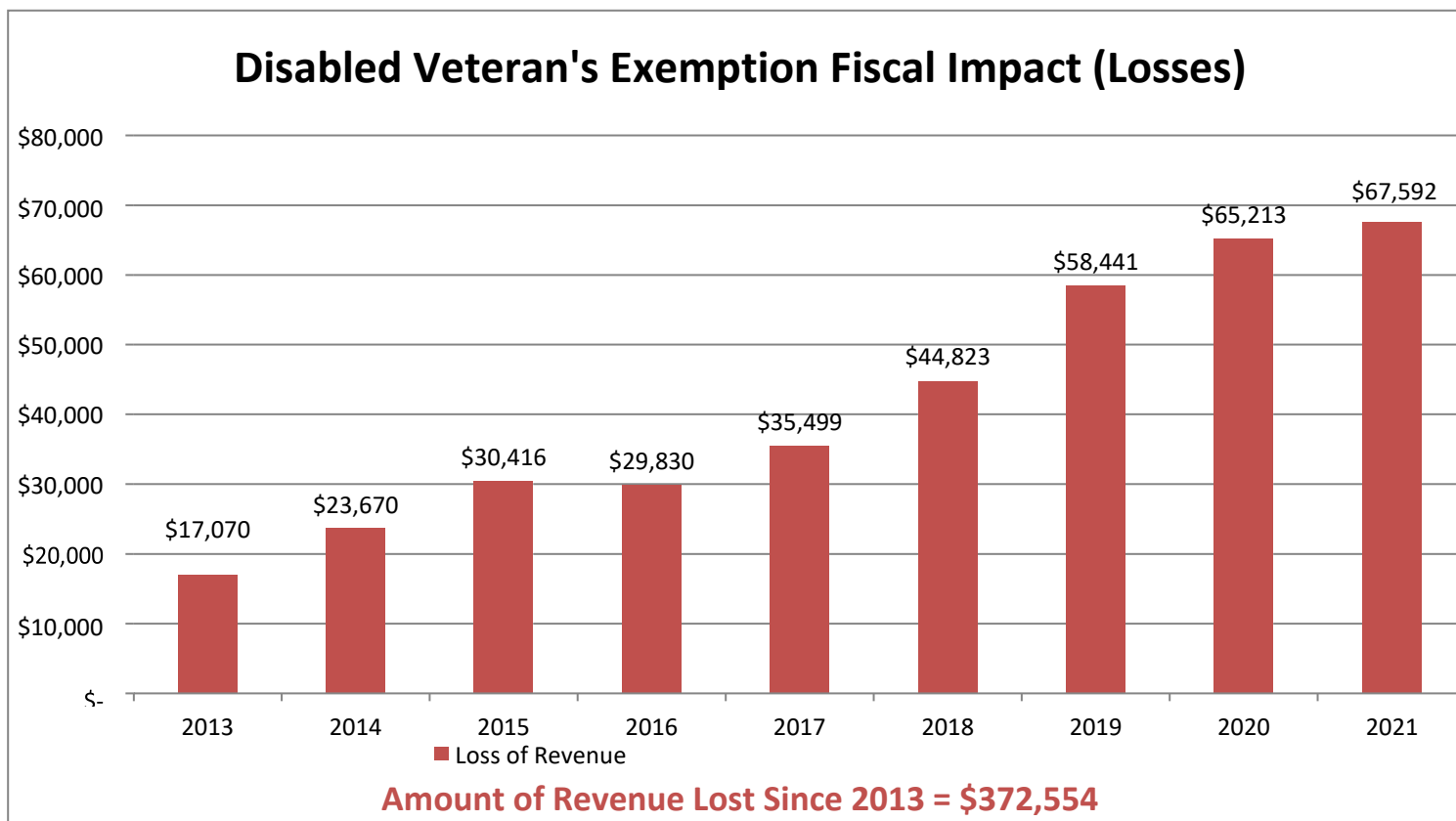
General Fund. The General Fund budget, which supports many of the day-to-day activities of the City, is \$9,832,446 (including transfers in from other funds), representing an increase of 8.4% from the previous year’s budget. At the end of FY 2020-21, the General Fund balance was \$6,164,849, with a long-term debt obligation of \$375,000. At the end of FY 2021-22, projections show an estimated fund balance of \$5,848,440, with a long-term debt obligation of \$250,000. In the FY 2022-23 Budget, a projected fund balance of \$4,826,217, with a long-term debt obligation of \$125,000, is being proposed. The budget includes an electric utility transfer of \$765,790. Similar to most public utilities, this transfer, likened to property-like taxes or payments in lieu of taxes and the like have been made on an annual basis in Escanaba since 1956 so as to provide a direct benefit to the community including those properties that are exempt from paying property taxes.



As discussed with the City Council over the last several years, I believe that local units of government are struggling because the State’s system for funding municipalities is broken and does not track with the economy. In Michigan, cities have very few sources of revenue—and those sources are shrinking. In recent years these sources have failed to keep up with the current level of services, much less rising costs. Also, Michigan law contains structural provisions, Headlee and Proposal A, that limit cities’ ability to collect taxes on existing properties. This past year, we were bracing ourselves for the impact of the shuttering of the economy due to the COVID-19 pandemic. The economy had good bones and remained strong, with consumer confidence remaining high until inflation and high fuel costs began setting in during 2021 and early 2022. With revenue sharing in Michigan being tied to sales tax, and families having limited disposable income due to inflation and high fuel costs, municipalities will soon feel the pinch.

In addition to the losses incurred due to the broken revenue sharing system, the City continues to incur expenses related to Tax Tribunal cases for such things as attorney and appraisal fees (over \$1,000,000 to date) and refunds to property owners. This is another example of poor legislation, or an absence of legislation, to provide a framework within which commercial tax cases should be decided. Michigan is the only state that allows the “dark store” argument to prevail in tax cases. There is currently 1 commercial case pending before the tax tribunal with an aggregate contested taxable value of \$13,677,939, which equated to \$232,525 of tax revenue at risk for the City.

Additionally, we are experiencing increasing revenue cuts on an annual basis due to the escalating number of Disabled Veteran Property Tax exemptions (projected to be \$70,000+ in the upcoming fiscal year). Here again, without replacement funding for this type of cut, cities like Escanaba are finding it difficult to fund expected services. We don’t disagree with our legislature when it comes to honoring our veterans, but the State should make municipalities whole when granting tax exemption like Veteran’s Property Tax exemptions. There are currently bills that have been introduced to remedy this situation.



Over the last 2 decades, the City has made deep cuts which included the elimination of as many as 36 full-time City employee positions, the consolidation of departments and their management team, major changes to the City pension system and major changes to City/employee cost sharing in how medical insurance is paid for with the employee now paying 20% of the policy costs. Additionally, a change was negotiated in the five (5) collective bargaining agreements that changed the way vacation, personal days and sick leave are earned for newly hired employees in an attempt to control costs. This program also applies to newly hired non-union employees.

Major/Local Street Funds. Street improvement continues to be a priority. Administration remains proactive in identifying funds for larger projects such as applying for competitive grants. Major Street Fund expenditures, which support the day-to-day activities such as maintenance and snow plowing, are proposed to be \$2,356,804. At the end of FY 2021-22, projections show an estimated fund balance of \$2,872,584.

Additionally, the City of Escanaba maintains 55.05 miles of local streets. Local Street Fund expenditures, which support the day-to-day activities such as maintenance and snow plowing, are proposed to be \$1,042,409. At the end of FY 2021-22, projections show an estimated fund balance of \$296,299.

Each spring, the City Engineering Department conducts “Pavement Surface Evaluation and Rating (PASER)” inspections of all paved City streets. Using the PASER system, each street is scored a rating of 1 through 10 to evaluate the pavement surface condition. Each street is then entered into a condition category (poor, fair and good) and is assigned a treatment option. From that list, street projects are prioritized and selected based on surface condition, curbing condition, traffic volume, opinion of cost to repair and funds availability. Currently, approximately 49% of our street surfaces are considered to be substandard and in need of repair and upgrade. The high lake levels are decreasing, which means the groundwater is subsiding as well. This should be easier on our roads. However, the rate of decrease we’ve experienced over the past couple of years could slow due to the icing over of the big lakes which prevents evaporation, leaving more water in the lakes.

Administration will continue to monitor the actions of the Michigan Legislature and Governor Gretchen Whitmer on road funding initiatives to determine how street funding projections will be impacted. Cities and Road Commissions receive their funding through Act 51, which fairly distributes monies generated by gas and weight taxes and registration fees. However, there is an increasing push downstate to reformulate the Act 51 distribution formula which would greatly disadvantage the Upper Peninsula. There is also a push to suspend the State gas tax which would have a direct impact on the health of Act 51 and the amount of money to be distributed.

Major and Local Street Projects in the budget include:

Planned Activity	Amount
Resurfacing and Curb Repair City Wide - TBD	\$ 900,000
Stephenson Ave. from 9 th Ave. N to 17 th Ave. N/ S. 10 th St from 4 th Ave. S to 9 th Ave. S (partially funded by Small Urban Grant)	\$ 600,000
Line storm sewer along cemetery fence	\$ 200,000

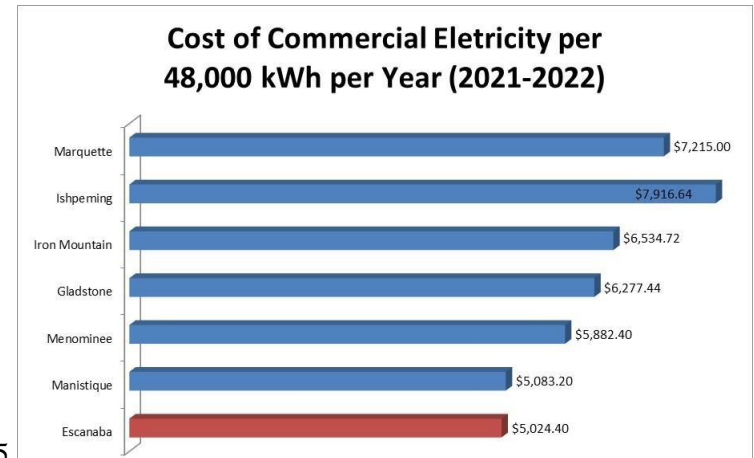
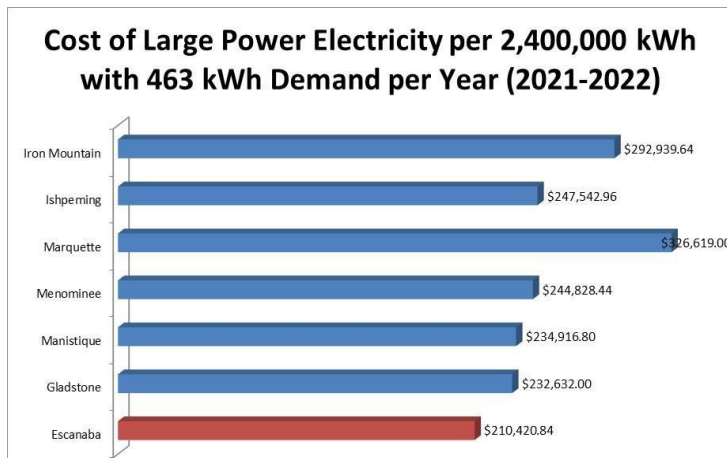
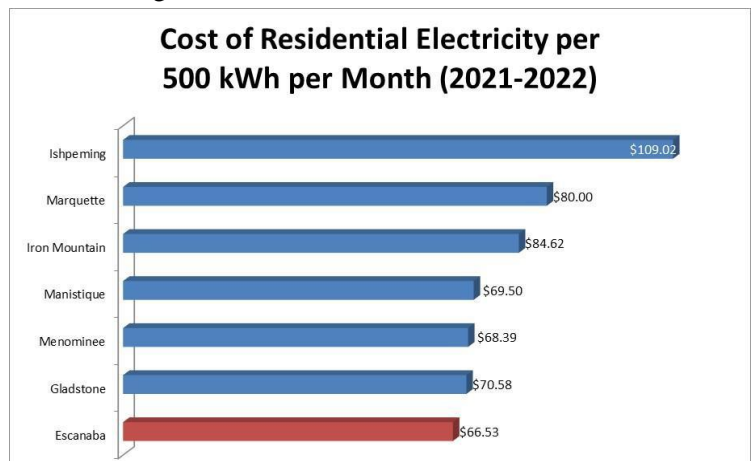
Electric Fund. The Electric Fund budget, which supports the day-to-day activities of the electrical operation, is \$14,224,196 representing an increase of 0.65% from the previous year’s budget. As of June 30, 2021, the overall City Electric Fund net assets exceed \$18.5 million. The current cash balance is approximately \$9.8 million.

Of notable interest, the Electric Fund budget includes funding for:

Planned Activity	Amount
AMI-Remote Read Meters	\$ 500,000
New Equipment Garage	\$ 250,000
Power Pole Replacement	\$ 150,000
URD Replacement (Underground Primary Cables)	\$ 200,000
West Side Substation Improvements	\$ 900,000
Solar Generation-Phase 3-Land Purchase	\$ 200,000
Power Pole Replacement – Ludington Street	\$ 150,000
Street Light Replacement – City Wide	\$ 100,000
Jenkins Drive Street Lights	\$ 250,000
Service Bucket Truck	\$ 250,000
Distribution System Improvements	\$ 250,000

A 1.75% electrical rate increase is included in the upcoming FY 2022-23 Budget.

Projected Example of Customer Classification and Usage - Effective July 2021			
City (Utility)	Residential 500 kWh/yr	Commercial 4,000 kWh/yr	Large Power 200,000 kWh & 463 kW
Escanaba			
City of Escanaba	\$ 798.30	\$ 5,024.40	\$ 210,420.84
Menominee			
WPS	\$ 820.62	\$ 5,882.40	\$ 244,828.44
Gladstone			
City of Gladstone	\$ 846.96	\$ 6,277.44	\$ 232,632.00
Manistique			
Cloverland REA	\$ 833.94	\$ 5,083.20	\$ 234,916.80
Iron Mountain			
WE Energies	\$ 1,015.44	\$ 6,534.72	\$ 292,939.64
Marquette			
Marquette BLP	\$ 960.00	\$ 7,215.00	\$ 326,619.00
Ishpeming			
UPPCO	\$ 1,308.18	\$ 7,916.64	\$ 247,542.96

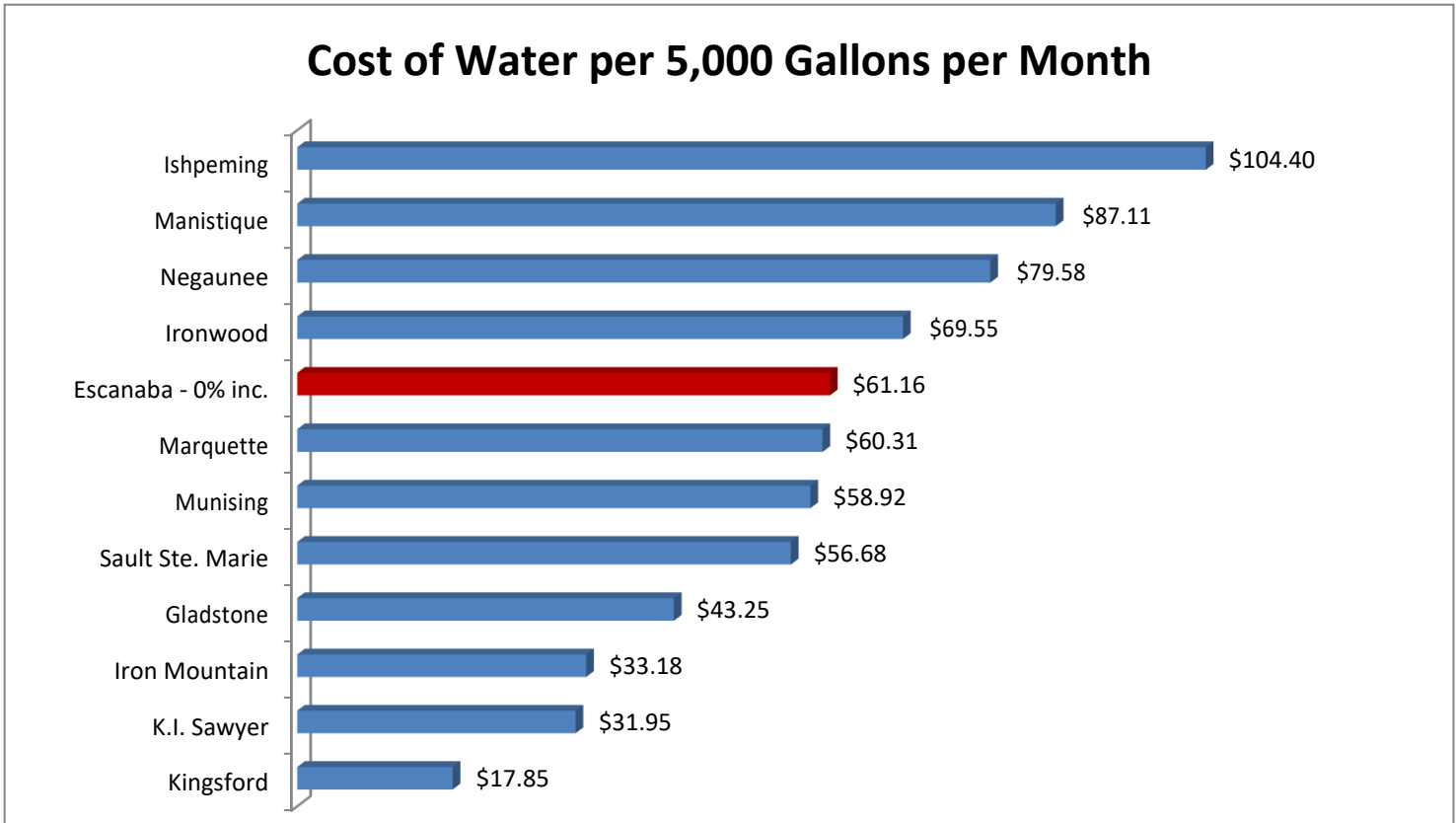


Water Fund. The Water Fund budget, which supports the day-to-day activities of the Water Treatment Plant, is \$3,452,408, representing an increase of 1.83% from the previous year’s budget. As of June 30, 2021, the overall City Water Fund net assets exceed \$11.4 million. The current cash balance is approximately \$3,850,000.

Of notable interest, the Water Fund budget includes funding for:

<u>Planned Activity</u>	<u>Amount</u>
Water Main Replacement – TBD	\$ 500,000
Distribution System – Replace Water Meters	\$ 220,000
Build 3-bay Garage	\$ 200,000
Replace Water Plant Generator	\$ 250,000
Fire Hydrant Painting	\$ 80,000
¾ Ton Service Truck/Van	\$ 65,000

Due to the ever-changing landscape at the statewide level concerning water safety, the State has introduced new requirements on drinking water safety as a result of the Flint, Michigan water crisis. This budget attempts to address some of those new requirements. Regardless of the State’s requirements, we must continue to upgrade such things as our water meters as part of a water loss reduction initiative as well as finding and eliminating our continued loss of potable water within our distribution system. Lead service line replacement has evolved from a Michigan/Flint issue into a national endeavor. What started out as an unfunded mandate here in Michigan is becoming a federal initiative with grant dollars backing it up. We will pursue all the grant money we can get, most of which will require a commitment for match money, which will hopefully reduce the need for any drastic future rate increases.



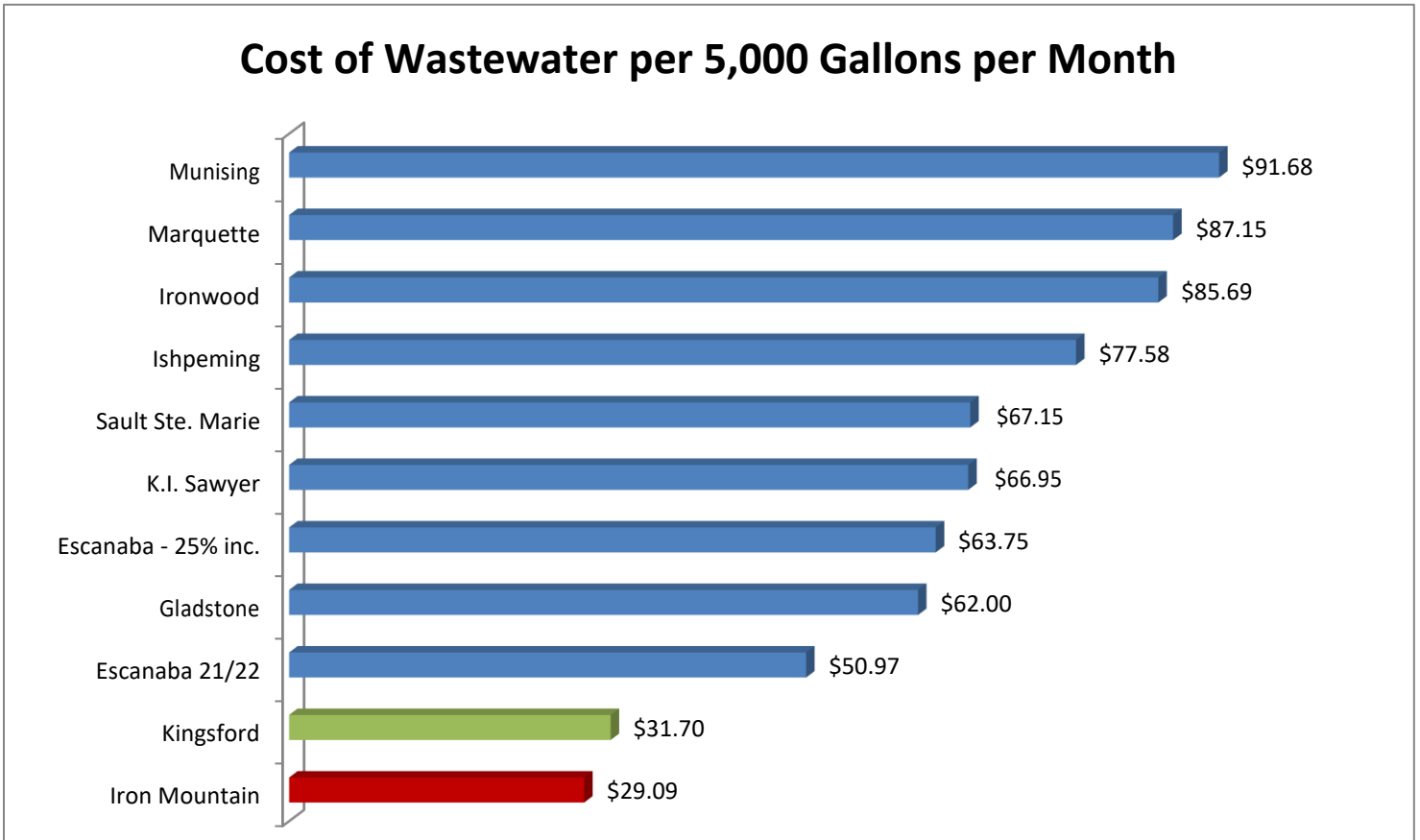
In the proposed FY 2022-23 budget, no water rate increase is being proposed.

Wastewater Fund. The Wastewater Fund budget, which supports the day-to-day activities of the Wastewater Treatment Plant, is \$2,437,585, representing an increase of 9.29% from the previous year’s budget. As of June 30, 2021, the overall City Wastewater Fund net assets exceed \$7.85 million. The current cash balance is approximately \$1,043,000.

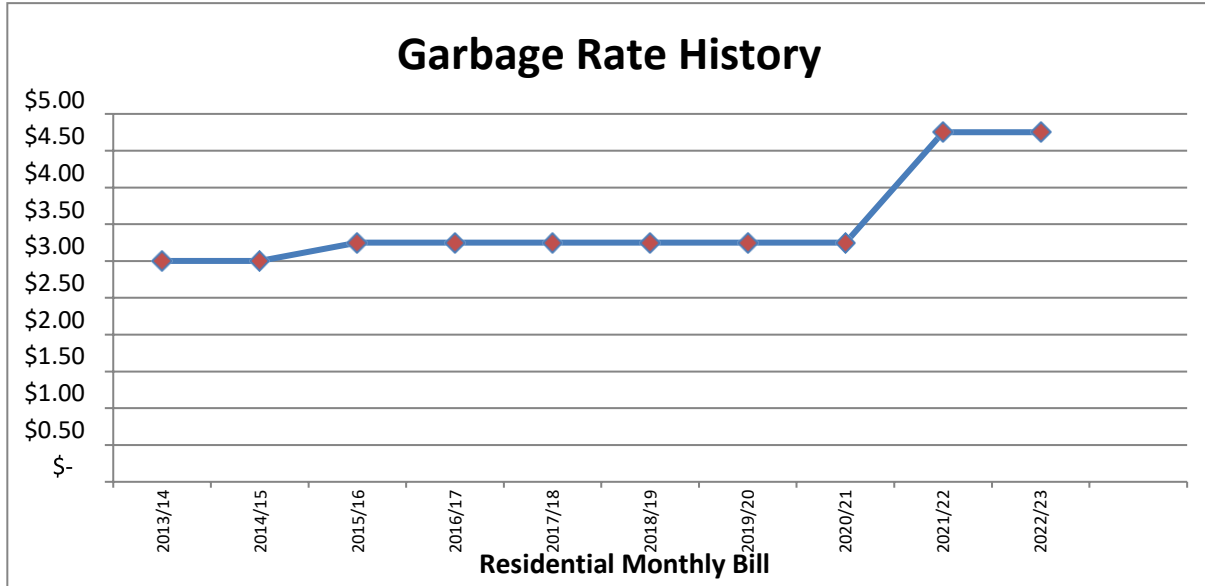
Of notable interest, the Wastewater Fund budget includes funding for:

Planned Activity	Amount
Digester Boiler Replacement	\$ 800,000
Remove & Land Apply Biosolids from Digesters #1 & #2	\$ 200,000
Lake Shore Drive Lift Station Improvements	\$ 50,000
CIPP (Cured In-Place) and Manhole Restoration, Sites TBD	\$ 980,000
Replace Sludge Truck	\$ 200,000
¾ Ton Pickup Truck	\$ 65,000

Due to increases in operating costs, a wastewater rate increase of 25% is included in the budget to meet departmental obligations and needs.



Solid Waste Collection. No increase in garbage/recycling collection rates are proposed in the upcoming FY 2022-23 Budget.



Motor Vehicle/Motorized Equipment. Within the budget is a Motor Vehicle/Motorized Equipment Fund. The purpose of the fund is to pay for salaries, wages and operations required for the repair and replacement, purchase and operation of motor vehicle equipment and motorized equipment, and for the purchase of equipment, materials and supplies to be used in the administration and operation of the fund. This fund is primarily funded by each department under a rental and rate schedule for each unit in the fund.

The Motor Vehicle/Motorized Equipment budget is \$1,153,405 representing an increase of 8.16% over the current fiscal year. At the end of FY 2020-21, the Motor Vehicle/ Motorized Equipment net asset balance was \$1,125,540. In the FY 2022-23 budget, we are projecting a cash balance of \$144,082. There have been some structural adjustments made to this fund in order to provide the revenue required to support the demands placed on the fund. There may be more adjustments made in the future if it is determined they are needed.

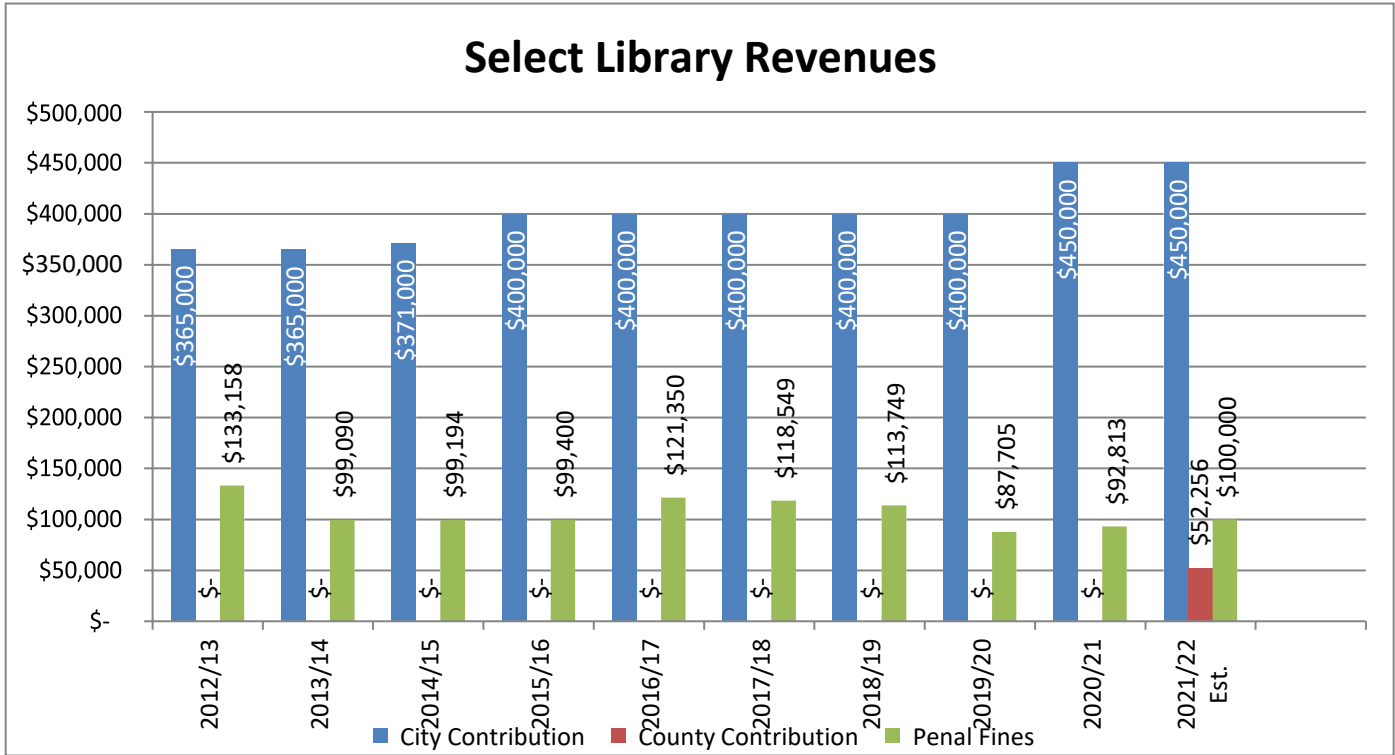
The budget includes the purchase or upgrade of the following piece of equipment:

<u>Planned Activity</u>	<u>Amount</u>
Police Patrol Vehicle-SUV	\$ 45,000
Engineer Vehicle Replacement	\$ 50,000
Garbage Carts/Wheels	\$ 35,000
Sandblaster	\$ 10,000

Library Fund. The Library Fund budget, which supports the day-to-day activities of the Library, is \$672,287. As of June 30, 2022, the Library Fund balance is projected to equal \$103,428. At the end of next fiscal year, June 30, 2023, the Library Fund Balance is projected to be \$61,945. Finishing in the black is contingent upon on a larger appropriation from the City’s General Fund, and significant cuts in supplies and services. The Escanaba Public Library is a community hub, offering essential early literacy programs for children and families, cultural enrichment and lifelong learning opportunities for all ages, and serving as a conduit to the technological resources and expertise citizens need to function in a digital world.

For FY 2022-23, the Library will continue progress on implementing the partnerships and initiatives outlined in its strategic plan, with priority placed on technology instruction, local history preservation and marketing. The Library continues to build meaningful community connections that enable early literacy and after-school enrichment programs. Outside Wi-Fi was made available for public use this year and it has been well-utilized.

The City's General Fund continues to be the primary funding source for the operations costs of the Library. Funding for enhanced programs and services is provided by the Friends of the Escanaba Public Library and further developed through grants and partnerships with local and regional partners.

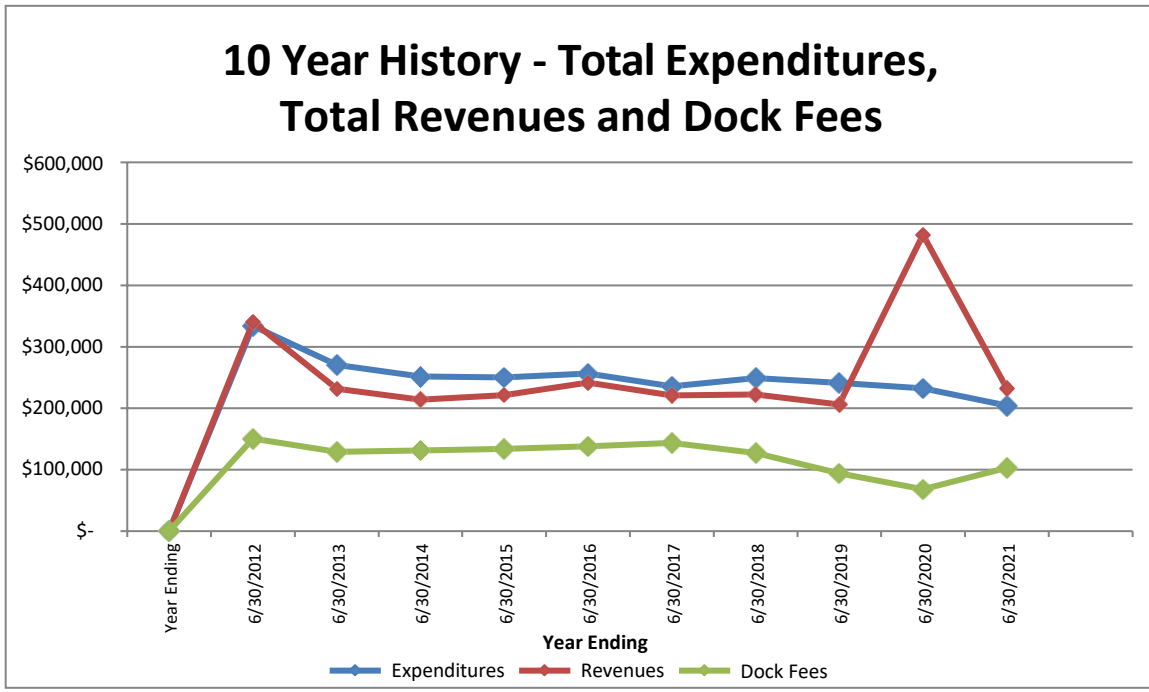


Department of Public Safety. The Escanaba Department of Public Safety was created in the mid-1970’s, at which time the police and fire departments were merged. In the budget, the Department of Public Safety represents 48% of the City’s General Fund appropriation. In dollars, this translates to \$4,724,115 in the upcoming fiscal year. In the 2021-22 fiscal year budget, the department had 32 sworn officers including Officers, Command Staff, Detectives, Captain and the Director. In addition, a Community Preservation Officer was added to the Department. Our sworn officer (all ranks) to citizen ratio will be approximately 1 to 385.

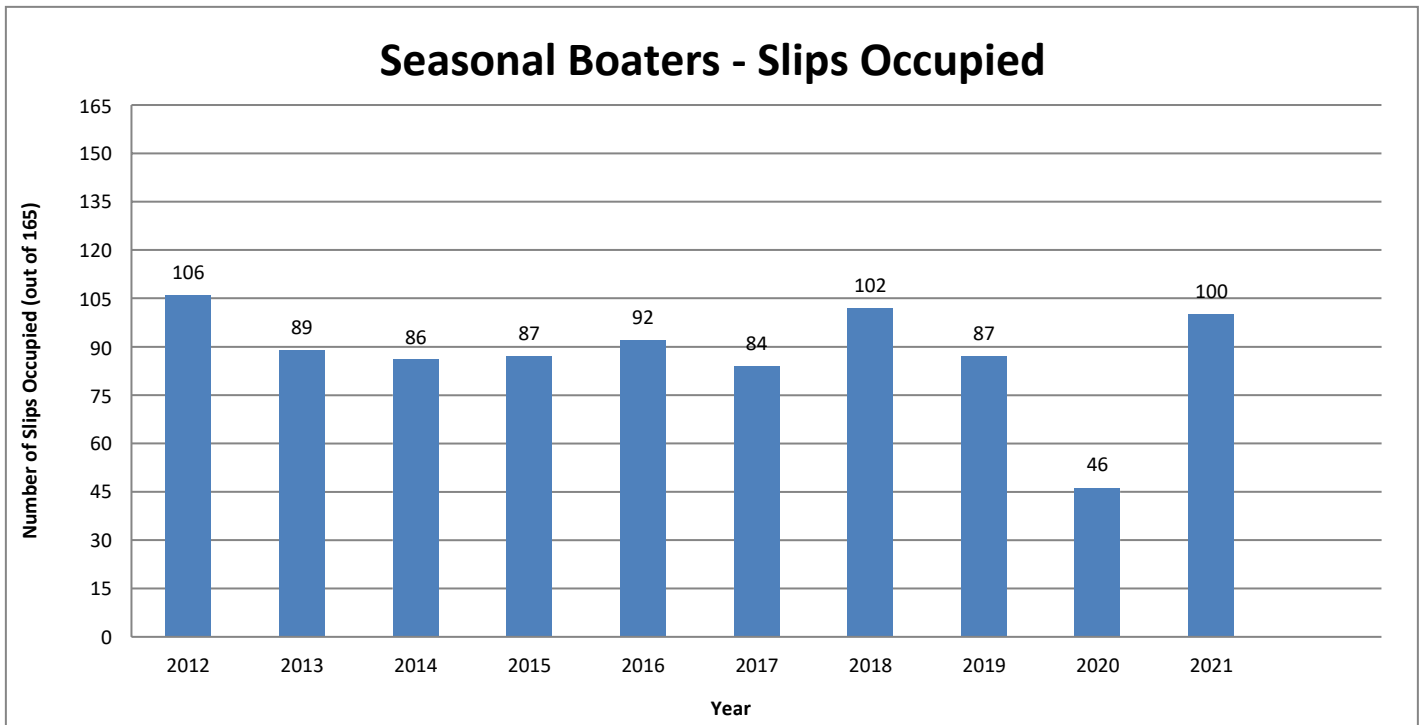
PERFORMANCE MATTERS							
PUBLIC SAFETY – CRIME, TRAFFIC, AND FIRE							
	2014	2015	2016	2017	2018	2019	2020
Violent Crimes Per 1,000	2.90	2.02	3.15	2.7	3.39	4.76	4.6
Property Crimes Per 1,000	41.7	52.4	57.2	37.0	23.28	15.35	23.8
Traffic Injuries / Fatalities	73	51	46	75	33	12	32
Traffic Tickets - City Infraction	773	705	654	863	1,226	1,052	941
Traffic Tickets - Misdemeanor	185	145	128	191	170	173	185
Call Volume - Incident	7,512	8,212	8,408	8,281	7,847	8,070	7,416
Call Volume - Quick Call	14,55	14,81	14,83	15,15	16,18	8,382	8,043
Fire Calls	99	140	138	184	114	95	116
Escanaba Public Safety Case Clearance Rate	52%	56%	52%	49%	50%	46%	41.3%
Statewide Case Clearance Rate (Averages)	36%	37%	36%	37%	35%	37%	32.4%

Municipal Marina Operations. The Marina Fund accounts for the activities of the Escanaba Municipal Marina. The publicly-owned Marina has 165 slips, including areas used to broadside tie against the basin seawall. The Municipal Marina offers a full array of services, including seasonal slip rental, transient slip rental, fuel, pump out services, bath facilities, water and electric hook up and laundry equipment.

The Marina Fund budget is \$278,904. At the end of FY 2020-21, the Marina Fund cash balance was \$171,206 with a long-term debt obligation of \$186,006. At the end of FY 2021-22, projections show an estimated cash balance of \$189,295, with a long-term debt obligation of \$169,780. In the FY 2022-23 budget, a projected cash balance of \$233,656, with a long term debt obligation of \$153,069 is being proposed.



The Michigan Waterways Commission recommends rates for harbors. In 2020-21, the Commission was recommending no increase to Rate 8 in the DNR Waterways fee schedule. There was an increase in the fee schedule for 2022/23 that has been implemented. Some of the docks located within the Marina are reaching or have exceeded their recommended normal service life. To address these types of concerns, the Harbormaster was tasked with completing a debt restructuring plan which was done in late 2016. This was done so that the Harbormaster could put together a Capital Replacement, Repair and Improvement Plan for future upgrades. The Plan has been completed and accepted by the City Council, and will likely result in the necessity to increase future rates. The Pier 2 Dock Replacement project was completed in the summer of 2019. High water levels have resulted in ongoing access and usability issues with the new dock. Remedies were implemented in Summer 2020, but success varied. In 2021, water levels on the Great Lakes are showing early signs of going down. Some damage was experienced over the winter of 2020-21, but the company that did the dock install did warranty work and repaired the damage with assistance from North Shore Maine. We'll be monitoring this spring to ensure the work performed successfully re-engineered the workmanship to ensure no future problems.



Downtown Development Authority Fund. The Downtown Development Authority Fund budget, which supports the day-to-day activities of the Downtown Development Authority, is \$289,255, representing a decrease of 2.23% from the previous year’s budget. At the end of the 2020/21 fiscal year, the fund balance was \$176,551.

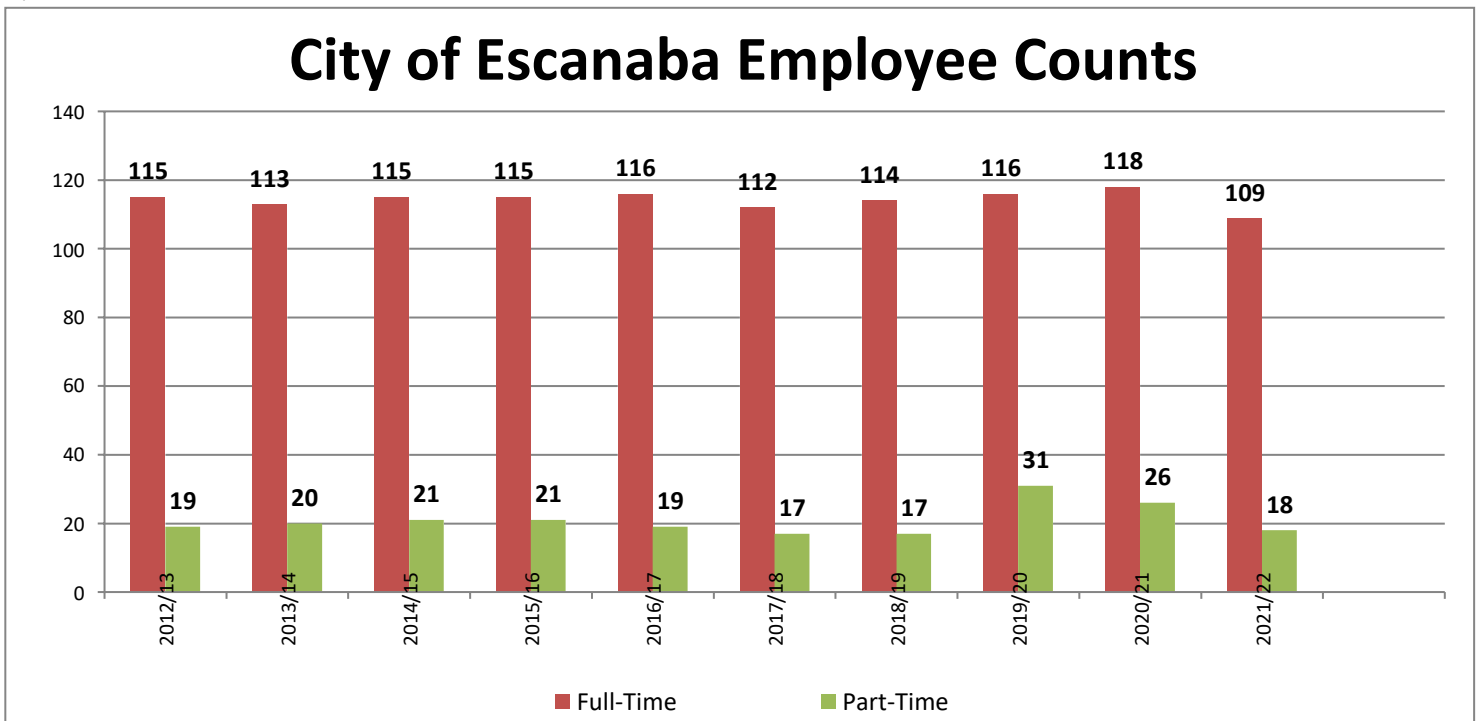
Of notable interest, the Downtown Development Authority budget includes funding for:

<u>Planned Activity</u>	<u>Amount</u>
Entrance sign replacement	\$ 30,000
Funding for Police Patrols in DDA area	\$ 10,000
Contribution to the Major Street Fund to do district street/curb work	\$ 25,000

Escanaba Building Authority Fund. The Escanaba Building Authority Fund budget, which supports the day-to-day activities and maintenance cost associated with the City Hall/Library Complex, is \$374,210, representing a decrease of 1.18% from the previous year’s budget.

Master Fee Schedule. Included with the budget is a “Master Fee Schedule” for services that are provided to City of Escanaba residents and non-residents alike. The intent is to have the fees reviewed annually by the City Council and adopted by resolution (unless otherwise mandated by State or Federal law) as part of the budget approval process. While the primary mission of government is to satisfy community needs, many City services solely benefit specific individuals or businesses and are subject to separate fees. As a matter of practice, the City will continue the policy of not subsidizing activities of private interest through general tax and utility rate revenues. Fees that do not recover the cost of providing the service result in a subsidy, which shifts away from other critical and high priority programs that may not have similar cost recovery options.

Personnel and Staffing. Full-time staffing levels in the budget include 117 employees. Part-time staffing levels are at 16 employees. Seasonal employee levels will fluctuate throughout the year, depending on the operational needs of the various departments. Routinely, City Administration examines all job vacancies closely to ensure that our human resources are aligned with our operational needs and our financial means.



Health Insurance. The budget takes into account a health premium increase of 4.9%, depending on coverage, as a result of a contractual price increase from the Michigan Conference of Teamsters. In the budget, employee health insurance premium contributions will continue to be 20% of premium costs.

Pension Obligations. Over the last decade, the City has taken the necessary steps needed to address the unfunded pension obligations throughout the various pension plans. The City offers its non-public safety officer full-time employees hired prior to July 1, 2005 a defined benefit retirement pension through the Municipal Employees' Retirement System of Michigan (MERS). Based on the latest annual actuarial valuation report from MERS dated December 31, 2020, the City's plan is 62% funded, even with the previous year. Employees full-time and part-time hired July 1, 2005 or later are provided with a MERS defined contribution plan. Under this plan, the City contributes a mandatory 4% of wages and will match the employee up to an additional 3%. Public Safety officers hired prior to July 1, 2014 participate in the Act 345 pension. Based on the latest annual actuarial valuation report date June 30, 2021, the plan is 92.1% funded, up from the 91.0% reported the previous year. Public Safety officers hired July 1, 2015 or later are provided with a defined contribution plan through ICMA. Under this plan, the City contributes a mandatory 10% of wages and the employee contributes a mandatory 6% of wages with the option to contribute as much as they like. As a result of the pension plan changes and marketplace conditions, funding the closed out plans continues to be an increasingly larger percent of payroll and a general stress to the overall budget city-wide. The aforementioned defined benefits and defined contribution plans are the only post-retirement benefits offered to employees. Retiree health insurance is not offered and never has been therefore, no OPEB liability exists for that purpose.

Budget Schedule. The budget has been developed with input from the City employees, City Council, City Boards, Commissions, and Committees and the public. This input is invaluable in terms of identifying the needs and desires of the community. The following schedule of reviews/actions has or will take place:

CITY OF ESCANABA 2022-23 Budget Calendar

- | | |
|---|--|
| December 28th (Tues) | Budget papers to department heads; operating budgets due 1/24/22. |
| January 4th (Tues) | Publish notice of first Public Hearing for the 2022-23 City budgets at the 1/20/22 regular Council meeting. |
| January 7th (Fri) | CP instructions and forms sent to department heads. |
| January 11th (Tues) | City Council Budget Work Session 3:00 p.m. |
| January 20th (Thur) | (Regular Council Meeting) First Public Hearing for citizen input into the 2022-23 City budgets. |
| January 24th (Mon) | Departmental operating budgets and CIP due. |
| February 4th (Fri) | Publish notice of second Public Hearing for the 2022-23 City budgets at the 2/17/22 regular Council meeting. |
| February 7th (Mon) | First draft of budget requests to City Manager. |
| February 17th (Thur) | (Regular Council Meeting) Second Public Hearing for citizen input into the 2022-23 City budgets. |
| March 4th (Fri) | Publish notice of third Public Hearing for the 2022-23 City budgets at the 3/17/22 regular Council meeting. |
| March 10th (Thurs) | Planning Commission reviews CIP at regular meeting. Will request further information for 4/7/22 meeting or will recommend approval to City Council. |
| March 17th (Thur) | (Regular Council Meeting) Third Public Hearing for citizen input into the 2022-23 City budgets. |

Annual 2022/23 Budget Work Session

<u>March 18th (Fri)-</u>	Council receives tentative copy of the City budgets.
<u>April 4th (Mon)-</u>	Budget work session open to the public.
<u>April 5th (Tues)-</u>	Budget work session open to the public.
<u>April 6th (Wed)-</u>	Budget work session, if required, open to the public.
<u>April 7th (Thurs)</u>	Planning Commission reviews and recommends CIP approval to City Council (if necessary).
<u>April 21st (Thur)-</u>	(Regular Council Meeting) Council passes resolution to set May 5 th as the fourth Public Hearing on the 2022-23 City budgets.
<u>April 22nd (Fri)-</u>	Budgets are revised, based on the work sessions, and are made available to the public.
<u>April 22nd (Fri)-</u>	Publish notice of Public Hearings on budgets.
<u>May 5th (Thur)-</u>	(Regular Council Meeting) Public Hearing on 2022-23 City budgets.
<u>May 9th (Mon)-</u>	Publish notice of final hearing and adoption of 2022-23 City budgets. This notice must be at least 10 days prior to the budget adoption and must contain language to the effect that the tax rate will be a subject at this meeting, assuming that the City does not intend to roll back the millage by the base tax reduction fraction.
<u>May 19th (Thur)-</u>	Public Hearing and adoption of City budgets. First reading of the Appropriations Ordinance, including the millage rate, and first reading of the Tax Levy Ordinance, with second reading and adoption set for the May 26 th special meeting. First reading of Utility Ordinances, with second reading and adoption set for the Monday, June 6 th special meeting.
<u>May 26th (Thur)-</u>	(Special Council Meeting) Second reading and adoption of the Tax Levy Ordinance and the Appropriations Ordinance.
<u>June 6th (Mon)-</u>	(Special Council Meeting) Second reading and adoption of the Utility Ordinances.

While it is my privilege to author this budget message, thanks must be given to the City Council, Department Heads, City employees, City Boards, Commission and Committee Members, and community members who committed themselves to assisting in this budget process. Collectively, as a team, I remain confident that the City will continue to utilize the combined knowledge and experience in meeting the challenges that lay ahead in providing more efficient City services and growing the community economically. As City Manager, I am fortunate to have a Council, community and dedicated employee support in providing the residents with the necessary resources, flexibility and funding which allows us all to live in a community that we can be proud of.

Electric Superintendent, Jerry Pirkola – 9:06 a.m.

Mr. Pirkola reviewed the 2022/23 proposed City Electric Budget with Council. The following was discussed:

- Income, Capital Expenditures, and Operating Statements;
- Discussed Advanced Metering Infrastructure (AMI);
- Electric Rate increase;
- Capacity Purchases, Energy used;
- Pole replacements;
- Discussed bidding out projects;
- Rate Study;
- Discussed Meter Replacement and Charges;
- Transmission and Distribution Statements;
- Discussed installing more streetlights in areas of town without proper lighting;
- Discussed the sale of property;
- New Equipment garage;
- Discussed underground conduit / conductors.

Public Works, Robert Becotte – 10:15 a.m.

Mr. Becotte reviewed the 2022/23 proposed City Department of Public Works and Engineering Budget with Council. The following was discussed:

- Discussed General Budget;
- Crosswalks, engineering budget, trees and shrubs, landfill and road, solid waste collection, mulching, ally paving, and park maintenance;
- Discussed possible updates to municipal dock with engineering study;
- Discussed resurfacing projects;
- Discussed street paving and small urban project;
- Discussed upcoming projects;
- Discussed motor vehicle fund.

City Clerk, Phil DeMay – 11:20 a.m.

Mr. DeMay reviewed the 2022/23 proposed City Clerk and IT Budget with Council. The following was discussed:

- Request for increase in postage;
- Updated Council on Elections. Primary and General Election in August and November. Should have a good turnout;
- Request for Annual Code of Ordinances Supplement Code of Ordinances on the Internet;
- Request for Travel Expenses, Clerk's Institute & Summer Conference;
- Updated Council on CMC certification;
- Key Fobs;
- Move server and equipment in council chambers.

Marina Fund – Shayne Sanville – 11:38 a.m.

Mr. Sanville reviewed the Marina Budget with Council and discussed the following items:

- Reviewed Marina Fund-Income Statement, dock fees, services;
- Dock repairs and maintenance;
- Discussed condition of docks;
- Updated Council on Security Cameras at the Marina;
- Printer for contracts and pamphlets;
- Discussed staffing;
- Discussed how to make the Harbor more attractive to boaters.

Council consensus to break for lunch at 11:48 a.m.

Council came back into regular session at 12:28 p.m.

Water/Wastewater Superintendent, Jeff Lampi – 12:29 p.m.

Mr. Lampi reviewed the following 2022/23 proposed Water/Wastewater budget items with Council:

Water Department:

- Income, Operation, and Capital Expenditure Statements;
- Discussed Water Main Replacements;
- Ludington Street Reconstruction;
- Fire Hydrants appearance;
- Discussed new water meters;
- Discussed Advanced Metering Infrastructure (AMI);
- Increase in training;
- Discussed Grant Money;
- Proposed projects and capital purchases;
- Plant Generator Upgrade;
- Flushing Hydrants;
- Office Equipment Upgrades.

WasteWater Department:

- Proposed projects, capital purchases and proposed budget increase;
- Engineering Costs for Plant Improvements;
- Wastewater Rate Increase;
- Lift Station Upgrade;
- CIPP & Manhole Restoration-Sites;
- Ludington Street Reconstruction Project;
- Collection System Infiltration Study;
- Discussed Sump-Pump issues;
- Plant upgrades;
- Discussed water flow to the sewer system;
- Snow box for loader for snow removal;
- Sludge truck upgrade;
- Replacing technology.

The time being 2:37 p.m., the Council recessed.

The Council came back into regular session at 2:44 p.m. and reviewed the following budgets.

City Manager Jordan briefly reviewed his Department Fiscal Year Budget.

City Controller, Melissa Becotte – 2:47 p.m.

- Discussed MERS;
- Discussed auditor fees;
- MERS pension plan;
- General Fund;
- Taxes and mileage.

City Assessor, James McNeil – 3:16 p.m.

Assessor McNeil reviewed Department budget with Council. The following was discussed:

- Tax Tribunal update;
- U.P. Assessors Association Memberships & Dues;
- Education & Training;
- Assistant Assessor update;
- Board of Review Budget.
- Mileage rate discussion;
- Professional Services Update.

Planning/Zoning Administrator, Roxanne Spencer – 3:28 p.m.

Planning/Zoning Administrator Spencer provided an overview of her department with Council:

- Seasonal Employee discussion;
- BSA Software update;
- Zoning Ordinance Overhaul;
- Master Fee Schedule Changes;
- Discussed Capital Improvement Plan.

Council continued to review the following General Fund Budget requests:

GENERAL DISCUSSION

- Discussed an additional Public Works employee;
- Seasonal Wages discussion;
- Non-Union pay scale;
- Teamster wage scale.

GENERAL PUBLIC COMMENT – None

Hearing no further public comment and the time being 3:47 p.m., Flath moved, the Council recessed until 9:00 a.m., Tuesday, April 5, 2022.

Respectfully submitted

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

**City of Escanaba
Special Council Meeting
Tuesday, April 5, 2022**

Pursuant to a meeting notice posted March 10, 2022, the Council of the City of Escanaba reconvened in special session in Room 101 of City Hall at 9:00 a.m., to continue the review and discussion of the proposed 2022/23 City Budget.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: City Manager Patrick S. Jordan, City Controller Melissa Becotte, City Clerk Phil DeMay, Department Heads, media, and members of the public

GENERAL PUBLIC COMMENT – None

DuBord moved to come back into session, time being 9:00 a.m.

The following Department Heads presented their budgets:

Public Safety Police Chief, Robert LaMarche – 9:00 a.m.

Public Safety Director Robert LaMarche reviewed the 2022/23 proposed Public Safety budget with Council. The following was reviewed:

- School Safety Officer update;
- Discussed staffing;
- Dispatch update;
- Insurance update;
- Fire Fighter and Police equipment update;
- Body Camera and Dash Cam upgrade;
- Traffic Safety Signs;
- Discussed Grants;
- Public Safety Training;
- Fire Fighting Training;
- Code Enforcement discussion;
- Crossing Guard update;
- Squad Car Purchase.

Library Director, Carolyn Stacey – 9:58 a.m.

Library Director Carolyn Stacey reviewed the 2022/23 proposed Library Budget with Council. The following was reviewed:

- Overview of the Department, Library Strategic Planning process, daily programs, services, and technology's, and strategies the library provides the community and Delta County;
- Discussed Library Fees;

- Discussed Penal Fines;
- Library Revenues and Fund Balance;
- State of Michigan Library Funding;
- Drive-thru model update;
- Enhanced Wi-Fi update;
- Virtual Library update;
- Grounds Project update;
- Discussed Staff positions;
- Outreach Vehicle update;
- Summer Calendar update.

Downtown Development Authority (DDA) – Scott Czasak – 10:10 a.m.

Scott Czasak reviewed the DDA Budget with Council and discussed the following budget line items:

- Revenue and Fund Balance;
- Discussed Deficit Elimination Plan;
- Continue to fund the Façade Program;
- Security at the Marketplace;
- Downtown Patrol;
- Discussed Downtown Signage;
- Website update;
- Sink Hole update;
- Update on DDA director position;
- Grant opportunities.

The time being 10:21 a.m., the Council recessed.

The Council came back into regular session at 10:27 p.m. and reviewed the following budgets.

Recreation Director, Kim Peterson – 10:28 a.m.

Recreation Director Peterson reviewed the following Recreational Department budgets she was responsible for with Council:

- Provided an overview of Departmental activities and Civic Center Improvements;
- Request for Fourth of July/New Year's Eve;
- Request for Summer Sports: Veterans Court Resurfacing, Lawn mower for the soccer field, Dickenson Field update;
- Request for Winter Sports: New 4-wheeler for grooming and snow removal;
- Request for Beach: Benches down at the park, Lifeguard shortage, staffing update;
- Splash Park update;
- Refinishing gym floors at Civic Center;
- Cabling project and Wi-Fi upgrade;
- Kitchen, flooring, and backup generator update.

Human Resources Director/City Treasurer, Kim Gustafson – 11:04 a.m.

Human Resource Director/ City Treasurer Kim Gustafson reviewed the following HR and Treasurer Department budgets she was responsible for with Council:

- Human Resources and Treasurer’s Department Budgets;
- Retirement update;
- Printing and publishing;
- Software costs;
- Professional Services additional costs;
- Capital Expenditures;
- New combined position update;
- Boiler Replacement and update;
- Seasonal Employees wage scale discussion.

GENERAL DISCUSSION

During discussion, it was Council consensus to make the following changes to the Proposed 2022/23 Fiscal Year Budget:

- Public Works Additional Hire;
- Seasonal Wages;
- Library Staff;
- MERS discussion.

After further discussion, DuBord moved, Flath seconded, to approve all changes to the Proposed 2022/23 Fiscal Year Budget.

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

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel
Nays: None

MOTION CARRIED.

GENERAL PUBLIC COMMENT – None

Hearing no further public comment, DuBord moved, the Council adjourned at 11:52 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved:

Mark Ammel, Mayor

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, April 7, 2022**

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

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

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

City Clerk DeMay led Council in the Pledge of Allegiance.

Moore moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from March 17, 2022, as submitted.

ADJUSTMENTS TO THE AGENDA

DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT

Stosh Wasic – discussed the sale of recreational marihuana in the City of Escanaba.

Christine Williams - discussed the sale of recreational marihuana in the City of Escanaba.

Duane Beauchamp - discussed the sale of recreational marihuana in the City of Escanaba.

PUBLIC HEARINGS – None

UNFINISHED BUSINESS

UB-1 Discussion – Commercial Marihuana Establishments within the City Limits of Escanaba.

City Council held a discussion on allowing commercial marihuana establishments to operate in the City of Escanaba in accordance with the Michigan Regulation and Taxation of the Marihuana Act.

UB-1 DuBord moved, Flath seconded, to terminate the sunset clause to opt-in to allowing marijuana dispensaries within city limits contingent to the adoption of an opt-in ordinance and zoning approval.

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

Ayes: DuBord, Flath, Mayor Ammel
Nays: Moore, Beauchamp

MOTION CARRIED.

UB-2 First Reading - Ordinance No. 1259 - Zoning Ordinance Amendment - Multiple Chapters - Planning & Zoning.

The Planning Commission recommended amendments to multiple chapters of the Zoning Ordinance. Administration requested City Council to consider this the first reading of Ordinance No. 1259, An Ordinance to Amend Chapters I-XXII of the Zoning Ordinance as Codified Under Appendix A of the Code of Ordinances. Administration requested that the City Council set May 5, 2022, for the second reading, public hearing, and adoption of Ordinance No. 1259.

UB-2 DuBord moved, Flath seconded, to consider this the first reading of Ordinance No. 1259, An Ordinance to Amend Chapters I-XXII of the Zoning Ordinance as Codified Under Appendix A of the Code of Ordinances and to set May 5, 2022, for the second reading, public hearing, and adoption of Ordinance No. 1259.

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

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel
Nays: None

MOTION CARRIED.

NEW BUSINESS

NB-1 Approval – Set a Public Hearing Date for Condemnation of 1607 North 20th Street – Public Safety.

Administration sought City Council approval to set a Public Hearing date for May 19, 2022, to review the property at 1607 North 20th Street for possible condemnation.

NB-1 Flath moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to set a Public Hearing date for May 19, 2022, to review the property at 1607 North 20th Street for possible condemnation.

NB-2 Approval – WWTP Asphalt – Wastewater.

Administration sought City Council approval for monies to complete the needed asphalt as part of the Wastewater Treatment Plant Project in an amount not to exceed \$250,000.00.

NB-2 Moore moved to approve monies to complete the needed asphalt as part of the Wastewater Treatment Plant Project in an amount not to exceed \$250,000.00.

Motion not seconded;

MOTION FAILED.

NB-3 Approval – Annual Chemical Bids – Water/Wastewater.

Administration sought Council consent to accept the following annual chemical bids:

- a. Hawkins, Inc., Roseville, MN to furnish approximately 35,000 pounds of Hydro-Fluosilicic acid for use in drinking water treatment of \$42.50/ hundred in totes.
- b. Aquachem of America, Inc., Appleton, WI to furnish approximately 100 net tons of Aluminum Sulfate liquid in the amount of \$430.00 per dry ton.
- c. Thatcher Co., Salt Lake City, Utah to furnish approximately 95 tons of Dense Soda Ash in 50-pound bags for use in drinking water treatment in the amount of \$25.32 / cwt 50-lb bags.
- d. PVS Technologies, Inc., Detroit, MI to furnish approximately 50 tons of dry weight Ferric Chloride in the amount of \$884.00 / dry ton.
- e. Hawkins, Inc., Roseville, MN to furnish approximately 10 tons of liquid Chlorine in amount of \$100.00 per cwt in 150-pound cylinders.

NB-3(a-e) DuBord moved, Flath seconded, that the Chemical Bid agenda items be approved as proposed in the unit prices as stated.

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

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel
Nays: None

MOTION CARRIED.

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

Mayor Ammel, with Council Consensus made the following reappointments:

Tony Walker reappointed to the Downtown Development Authority, term ending April 21, 2026;

Tyler Johnson reappointed to the Downtown Development Authority, term ending April 21, 2026.

BOARD, COMMISSION, AND COMMITTEE REPORTS

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

GENERAL PUBLIC COMMENT

William Gasman – discussed commercial marihuana establishments within the city limits of Escanaba.

Christine Williams - discussed commercial marihuana establishments within the city limits of Escanaba.

Aaron Dieter – discussed Kiwanis Home and Garden Show and discussed commercial marihuana establishments within the city limits of Escanaba.

Joe Kaplan - discussed commercial marihuana establishments within the city limits of Escanaba.

PROCLAMATION

Mayor Ammel proclaimed April 29, 2022, as “Arbor Day”.

ANNOUNCEMENTS

- Kiwanis Home and Garden Show Friday 5:00 pm at the UP-State Fairgrounds.
- Council Member Beauchamp asked Administration to revisit what is being proposed and find a way to reduce the deficit in the budget.
- April 28th groundbreaking ceremony for a monument in the park (Municipal Dock) at 1:00pm.
- Resident asked City Council to pass a resolution in support of “Police Week” May 15th-21st.
- Esky Cleanup week starts May 16th-21st.

Hearing no further public comment DuBord moved, Beauchamp seconded, the Council adjourned at 8:19 p.m.

City Council Minutes
April 7, 2022 – cont.

Respectfully submitted

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Special Council Meeting
Wednesday, April 13, 2022**

Pursuant to a meeting notice posted on April 11, 2022, the meeting was called to order by the Honorable Mayor Mark Ammel at 6:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: City Manager Patrick S. Jordan, City Clerk Phil DeMay, and Department Heads.

ADJUSTMENTS TO THE AGENDA

DuBord moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

NB-1 Approval – Construction Work for Lead Service Line Replacement DWSRF - Water.

Administration requested City Council approval to award the contract to Oberstar, Inc. of Marquette, MI, in the amount of \$3,812,589.30. The contract award should be made contingent upon receipt of the project financing from the State of Michigan under the State Revolving Loan program.

NB-1 Moore moved, DuBord seconded, to approve to award the contract to Oberstar, Inc. of Marquette, MI, in the amount of \$3,812,589.30, contingent upon receipt of the project financing from the State of Michigan under the State Revolving Loan program.

RESOLUTION 22-03

**A RESOLUTION TO TENTATIVELY AWARD
A CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS**

WHEREAS, the **City of Escanaba, MI** wishes to construct improvements to its existing water treatment and distribution system; and

WHEREAS, the water system improvements project formally adopted on **April 13, 2022** will be funded through the state of Michigan’s Drinking Water Revolving Loan Fund (DWRF) program; and

WHEREAS, the **City of Escanaba, MI** has sought and received construction bids for the proposed improvements and has received a low Base bid plus Deductive Alternate Base Bid in the amount of **\$3,812,589.30** from **Oberstar Inc., Marquette, MI**; and

WHEREAS, the **City’s** engineer, **C2AE** has recommended awarding the contract to the low bidder.

NOW THEREFORE BE IT RESOLVED, that the **City of Escanaba, MI** tentatively awards the contract for construction of the proposed water system improvements project to **Oberstar, Inc., Marquette, MI**, contingent upon successful financial arrangements with the DWRF.

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

Ayes: Moore, DuBord, Beauchamp, Flath, Mayor Ammel

Nays: None

Abstain: None

Absent: None

RESOLUTION DECLARED ADOPTED.”

GENERAL PUBLIC COMMENT – None

ANNOUNCEMENTS – None

Hearing no further public comment Flath moved, the Council adjourned at 6:27 p.m.

Respectfully submitted

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

Agenda Item: NB-2

Date: 04-21-2002

City Council Agenda Item Request

Date: 4/11/2022

Name: Shayne Sanville

Department: Marina

Item: Request for Unbudgeted Capital Funds for Security System/Supporting Electrical

Meeting date requested: 4/21/2022

Explanation for request:

Please consider request for City Councils approval of unbudgeted capital funds for purchase of security system at the lowest bid and best equipment provided by Hurley Marine at \$16,388, and implementation of necessary electrical work for installation to not exceed \$5,000.

Attachments:

1. Hurley Marine estimate for equipment.



ESTIMATE

#67890

info@hurleymarine.com

2717 N Lincoln Road
 Escanaba, MI
 49829 USA

Attention: Shayne Sarville
 Harbor Master
 Escanaba, City of
 410 Ludington Street
 Escanaba, MI 49829
 Date: 04.11.2022

Project Title: Wireless Security Camera System

ssarville@escanaba.org, kmoore@escanaba.org,
 [Redacted]

Description	Quantity	Unit Price	Cost
Lorex/FLIR 4K / 8MP Wireless Ultra HD IP Pan-Tilt-Zoom Outdoor Security Camera with 25x Optical Zoom and Color Night Vision	6	\$ 1,100.00	\$ 6,600.00
Network Video Recorder (NVC) 16 Channel, 4K, 3TB	1	\$ 750.00	\$ 750.00
Wireless Node Nanostation 5AC	5	\$ 240.00	\$ 1,200.00
Node Mount	5	\$ 25.00	\$ 125.00
Surge Protector - Ubiquiti	7	\$ 18.00	\$ 126.00
Cloud Service (per yr) 30 day video backup per cam	6	\$ 38.00	\$ 228.00
Outdoor Cat-6 / 50ft	4	\$ 25.00	\$ 100.00
128 GB microSD Card - Class 10	6	\$ 20.00	\$ 120.00
3ft cat7 Shielded outdoor	12	\$ 10.00	\$ 120.00
Grounding Braid - 3 pk	3	\$ 10.00	\$ 30.00
LG 32" 4K Monitor	1	\$ 350.00	\$ 350.00
HDMI Extender w/USB	1	\$ 250.00	\$ 250.00
Surge Protector Strip - 6ft	1	\$ 25.00	\$ 25.00
Uninterrupted Power Supply (UPS)	1	\$ 195.00	\$ 195.00
GCFI Outlet 110v	4	\$ 20.00	\$ 80.00
Outdoor Outlet Box 110v	4	\$ 20.00	\$ 80.00
USB A to USB B cable	1	\$ 9.00	\$ 9.00
Management & Configuration	1	\$ 6,000.00	\$ 6,000.00
		Subtotal	\$16,388.00
Tax Exempt # _____	Tax	0.00%	\$ 0.00
		Total	\$16,388.00

Fifty percent (50%) due for acceptance, remainder upon completion.

Hurley Marine is Responsible for: Project Management and Documentation, Device Programming, User Training. Warranty for equipment up to 60 days after installation.

Escanaba Responsible for: Electrical Work including Receptacles and Circuitry - 115VAC continuous power, Device Installation including 6 cameras and nodes - 2 each on Building, 3 each on Light Poles and 1 at launch Light Pole (see drawing).

Note: Additional cameras/hardware can be added for additional \$2,500 ea. Estimate Valid for 30 days.

Thank you for your consideration.

ACCEPTANCE	
Hurley Marine, Inc.	City of Escanaba
Capt. Todd Hurley	
Name / Signature	Name / Signature
04.11.2022	
Date	Date

Agenda Item: NB-3
Date: 04-21-2022

City Council Agenda Item Request

Date: 04/13/2022

Name: Kim Peterson

Department: Recreation

Item: Approval of the Ludington Park Food/Drink Concessions for the 2022 Season

Meeting date requested: April 21, 2022

Explanation for request:

Eighteen bids were mailed on January 26, 2022, with one bid being received from Sticky Fingers of Gladstone, Michigan. Bids were opened on March 21, 2022. The Recreation Advisory Board met on April 12, 2022, and recommend to City Council approval of the bid.

TO CONCESSIONAIRES:

January 26, 2022

PROPOSAL:

**LUDINGTON PARK
FOOD/DRINK CONCESSIONS
FOR 2022 SEASON**

PROPOSALS DUE:

**Monday, March 21, 2022, 2:00 p.m.
Room 101 of City Hall**

DATE TO BE ADVERTISED:

January 26, 2022

INVITATIONS TO SUBMIT PROPOSALS SENT TO: Eighteen (18)

Red Barn Food Wagon
c/o Jeremy Guenette
1600 South 30th Street #28
Escanaba, MI 49829

Dinello's Gourmet Deli & Subs
Kathryn Chouinard
110 N. 14th Street
Escanaba, MI 49829

Norms Famous French Fries
c/o Pam Marenger
2985 Blacksmith 20.5 Lane
Gladstone, MI 49837

Sunz Up
c/o Michelle O'Connor
& Bobbie Jo Taylor
5015 I Road
Bark River, MI 49807

Mr. Tom's Dog House
c/o Tom Royer
6465 N. 1st Street
Wells, MI 49894

Stones Downtown Express
1222 Ludington Street
Escanaba, MI 49829

Sticky Fingers Confections
c/o Frank Destrampe
7800 N. Lake Bluff 0.5 Drive
Gladstone, MI 49837

Michael Chapman
712 S. 10th Street
Escanaba, MI 49829

Bob Moraski
6066 F. Road
Schaffer, MI 49807

Po's Pizza – Catherine Williams
6434 N 2nd Street
Wells, MI 49894

Patty LeBeau
180 South Hwy 41
Carney, MI 49812

Bobaloon's Cafe
Mark Ammel
1700 Ludington Street
Escanaba, MI 49829

Matilda's Ears
John Cox
W3265 US Hwy 2
Vulcan, MI 49892

Wildmans
Shala Rogers
6672 0.65 Road
Gladstone, MI 49837

We Be Poppin
N16580 Cholewa Lane
Wilson, MI 49896

Roxanne Lawrence
809 Lake Shore Drive
Escanaba, MI 49829

UP Food Trucks
9388 N.5 Road
Gladstone, MI 49837

Almond Hut
6840 Vernmoor Drive
Troy, MI 48098

NOTICE TO PORTABLE FOOD/DRINK CONCESSIONAIRES

The City of Escanaba is seeking proposals from food/drink concessionaires for the purpose of providing concessions in Escanaba's Ludington Park during the 2022 summer season. One successful vendor will be awarded exclusive food and drink concession rights during the summer season, except on designated special event days in Ludington Park. Food trucks/trailers/carts will be allowed in the Beach House parking lot area and must be self-contained with water and electricity.

Sealed proposals will be received by the City of Escanaba Clerk's Office in Room 101 of City Hall, 410 Ludington Street, Escanaba, Michigan, on or before 2:00 p.m. on March 21, 2022, for furnishing food/drink concessions at Ludington Park. The proposals will be publicly opened and read at said time and date. (FAX and E-MAIL transmittals will not be accepted.)

Concessionaire's proposal forms and specifications are available at the City Clerk's Office or the Recreation Department Office, 225 North 21st Street. Proposals will not be considered unless the proposal form furnished by the City is properly completed and enclosed in a seal envelope marked:

LUDINGTON PARK CONCESSION PROPOSAL - 2022

The City of Escanaba reserves the right to reject all proposals, or any part of any proposal and to waive irregularities in the proposals received.

Phil DeMay
City Clerk

**SPECIFICATIONS, POLICIES AND GUIDELINES
FOR
LUDINGTON PARK FOOD/DRINK CONCESSIONS
2022 SUMMER SEASON**

- 1. GENERAL INFORMATION:** The City of Escanaba is soliciting proposals from food/drink vendors and concessionaires to provide food and soft drink services at Ludington Park during the entire 2022 summer season. Ludington Park is a 120 acre city/regional park containing a variety of prime recreation and picnic facilities. Ludington Park services a population of approximately 30,000 persons in Delta County and is utilized daily by several hundred to several thousand users.

The City of Escanaba intends to award one (1) seasonal concessionaire the right to vend food/drinks in Ludington Park for the duration of the summer season. This vendor will be assigned a specific “territory” within the park near Harbor Hideout and the Karas Bandshell. Proposals submitted by concessionaires will be evaluated upon several factors including menus/food/drink selection, anticipated days and hours the concessionaire proposes to operate his/her vending business in Ludington Park and/or past performance with the City of Escanaba. The use of food trucks/trailers/carts will be allowed to park in the designated Beach House parking lot for the summer season.

- 2. PURPOSE/GOAL OF THIS CALL FOR PROPOSALS:** The City of Escanaba’s purpose and goal of calling for food/drink concession proposals for the Ludington Park 2022 summer season is two-fold:
 - To serve the users of Ludington Park with food/drink concessions; and
 - To structure the Specifications, Goals and Policies for concessionaires, outlined in this document, with sufficient options and flexibility to permit vendors the opportunity to maximize their business and serve the public.
 - The City intends to designate one (1) concession area of Ludington Park near the Harbor Hideout and Karas Bandshell area. The Beach House parking lot will be designated for food trucks/trailers/carts.
- 3. CONCESSIONAIRE’S FEE:** The prospective concessionaire shall submit a fee with the *Proposal Form* in the amount of \$300 in order for the City of Escanaba to consider awarding concession rights within the one territory within Ludington Park. The appointed concessionaire’s fees shall be retained by the City to offset costs involved, i.e.: trash collection, utilities, etc. Concessionaires not selected will have their \$300 returned in ten (10) days after such bid opening. The food trucks/trailers/carts will be charged a \$20 daily fee.
- 4. CONCESSIONAIRE’S MENU/FOOD AND DRINK SELECTION:** Concessionaire’s proposals will be evaluated on a number of factors. Food and drink selection offered by the Concessionaire to the public will be evaluated. Provide a complete list of foods, both prepared and/or pre-packaged, and drink selection within the proposal form.

5. **CONCESSIONAIRE’S DAYS/TIMES OF OPERATION:** Provide upon the proposal form, days of the week and daily times the vending operation is anticipated to be present and operational in Ludington Park. This will be a critical factor in the City’s evaluation of the concessionaire’s proposal as the City wishes the park/beach to be serviced with food and drink concessions at peak use times both during weekday evenings and on weekends. It is the intent of this paragraph to permit the vendor maximum flexibility to determine best days and times to vend in the park. The Recreation Department must be notified of the days and times of operation for the food trucks/trailers/carts to be located at the Beach House parking lot. The Recreation Department will post the vendor’s dates and times of service when given appropriate time to do so on their Facebook page.
6. **HEALTH INSPECTION CERTIFICATION:** Provide, with this proposal, a current valid copy of the concessionaire’s County Health Certification for 2022. If a current certificate is not available, last year’s certification will suffice or evidence certification has been applied for. A valid 2022 County Health Certification is required prior to the placement of any vending unit in Ludington Park.
7. **INSURANCES:** The concessionaire shall provide, with this proposal, evidence of the following insurance policies/certification:

Workers Compensation

Coverage A	Statutory – Michigan
Coverage B	\$100,000

Comprehensive General Liability

Bodily Injury	\$1,000,000 Combined Single Limits (minimum)
Property Damage	\$1,000,000 Combined Single Limits (minimum)

Comprehensive Auto Liability

Auto Liability	\$1,000,000 Combined Single Limits (minimum)
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Upon award of vending rights to the concessionaire, the concessionaire shall provide the City of Escanaba with a current and updated Certificate of Insurance providing the minimum coverages, as specified. The City of Escanaba shall be named as “additional insured” to all policies.

8. **CONCESSIONAIRE’S VENDING UNIT LOCATION:** The appointed concessionaire may vend food/drink concessions within the territory awarded. The vending unit must be portable. The concessionaire has the option to place and keep vending unit in Ludington Park for extended time periods for the duration of the agreement. It shall be the Concessionaire’s responsibility to secure the vending unit when not in use and the City of Escanaba shall not be responsible for damages, theft or vandalism to the unit. The vending unit may not be placed upon any roadway or other areas which may create a safety hazard nor interfere with customary park activities. The food trucks/trailers/carts will vend in the Beach House parking lot and pay a daily fee of \$20. Units cannot be parked overnight, unless vending the next consecutive days. The Recreation Department must be

notified of vending days. Units must be secured appropriately and will not be the responsibility of the City of Escanaba.

9. **CONCESSIONAIRE'S HOURS OF OPERATION:** As per Section 5 of the Specifications the vendor is to provide his/her anticipated hours of operation in Ludington Park within the territories granted. Ludington Park hours are 7:30 a.m. to 11:00 p.m. seven days a week. Vendors may not be open for business outside these hours.
10. **SUMMER SEASON TERM DEFINED:** The summer season is defined as May through Labor Day. The appointed concessionaire must vend during this time period as a minimum and may also vend, at his/her discretion before May or after Labor Day.
11. **TRANSIENT MERCHANT'S LICENSE:** The appointed concessionaire must obtain a Transient Merchant's License from the City Clerk's Office. The seasonal license fee is \$60.00 with the concessionaire providing proof of Health Certification, Insurances, and successfully pass a fire inspection by the Public Safety Department, if applicable.
12. **UTILITIES:** This applies only to the one concessionaire that will be located in the park every day during the summer season. The food trucks/trailers/carts must be self-contained and provide their own water and electricity. The City of Escanaba will provide electric and/or water service connections for the Concessionaire at locations listed below. The City, however, is not obligated or responsible for service interruptions.

<u>SITE</u>	<u>ELECTRIC</u>	<u>WATER</u>
Municipal Beach	110V	None
Bandshell	110/240V	Yes
Harbor Hideout	110/240V	Yes
Municipal Dock	110/240V	Yes

Water utilities within Ludington Park, except for Aronson Island, are available at each drinking fountain location. Any alternative to utilities shall be completed at vendor's expense pending approval from the City of Escanaba.

13. **TRASH AND LITTER:** The concessionaire must provide a minimum of two (2) trash receptacles to adequately handle trash and litter generated by the concession. Trash generated by vendors/customers must be bagged, tied, and disposed of daily by the vendor. The vendor is responsible for the proper disposing of all trash, litter and packaging.
14. **ALCOHOLIC BEVERAGES/OTHER LAWS:** The concessionaire may not dispense alcoholic beverages and agrees to adhere to all codes, ordinances, laws, policies and directives governing Ludington Park.
15. **SPECIAL EVENT DAYS:** The successful concessionaire/vendors awarded rights to vend in Ludington Park during the summer season will be the only food/drink vendors within the territory of Ludington Park so assigned by the City, except during those days/times designated as "Special Events". On "Special

Event” days, the City shall have the option to select the placement of other food/drink vendors in the park.

Certain special events shall also have concession rights for the event awarded to the event’s sponsoring organization. The Ludington Park concessionaires will be given the opportunity to participate in these activities, subject to the terms and conditions of the sponsoring organizations.

16. **SUB-LEASING:** The successful concessionaire shall be prohibited from sub-leasing or in any way transferring his/her right to vend in Ludington Park to any other party or individual.
17. **CONDITION OF PREMISES:** Taking possession of the premises by the concessionaire shall constitute acknowledgment that such premises are in good condition. Vendor shall accept concession premises in its existing condition and the City shall not be required to make any alteration.
18. **QUALITY OF SERVICE:** All items sold by the concessionaire shall be of first class quality and the services provided by the concessionaire shall be rendered courteously and efficiently. The City reserves the right to prohibit the sale of any item that it deems objectionable.
19. **APPEARANCE OF VENDING AREA:** The Concessionaire shall submit a photo of the vending unit with the proposal. The vending unit shall appear compatible with the surroundings in Ludington Park. The vending unit area shall also be kept in a neat and orderly fashion.
20. **INDEMNIFICATION:** The concessionaire shall hold the City of Escanaba harmless from and shall defend and indemnify the City of Escanaba from and against all liability for injuries or deaths of persons or damage to property arising from activities under this assignment, including loss predicated on active or passive negligence of the City of Escanaba.
21. **CITY COORDINATOR:**
Kim Peterson, Recreation Director
Catherine Bonifas Civic Center
225 North 21st Street
Escanaba, MI 49829

Mail: P.O. Box 948
Escanaba, MI 49829
Phone: 786-4141
Fax: 789-3798
E-Mail: recreation@escanaba.org

LUDINGTON PARK FOOD/DRINK CONCESSIONAIRE PROPOSAL FORM

I/We hereby submit the following proposal to provide food/drink concessions at Ludington Park, Escanaba, Michigan for the 2022 Summer Season:

Name of Concession Company
or Non-Profit Organization _____

Name of Concession Unit, If Applicable _____

Name of Concession Owner/
Responsible Individual _____

Address _____

City _____

Zip _____

Phone _____ (Home) _____ (Work) _____ (Fax)

E-Mail _____

Territory/area of Ludington Park I/We wish to be considered for food/drink vending rights during the 2022 Summer Season (✓ one):

TERRITORY #1 – Harbor Hideout/Karas Bandshell – All Summer

TERRITORY #2 – Beach House Parking Lot (food trucks/trailers/carts) - Daily

CONCESSIONAIRE'S FOOD/DRINK/MENU SELECTION: Provide a description of your food, drink and menu selection, including pre-packaged and prepared items:

DESCRIPTION OF CONCESSIONAIRE'S VENDING UNIT: Provide a description of the vending unit, i.e.: physical size and appearance; facilities and equipment contained. Please include photo:

IS THE VENDING UNIT:

- CAPABLE OF GENERATING ITS OWN ELECTRIC POWER NEEDS? YES NO
- CURRENTLY CERTIFIED BY THE COUNTY HEALTH DEPARTMENT? YES NO

CONCESSIONAIRE'S DAYS/TIMES OF OPERATION: Provide a list of days/times your vending business is expected to operate in Ludington Park:

<u>DAY</u>	<u>HOURS OF OPERATION</u>
Monday	_____
Tuesday	_____
Wednesday	_____
Thursday	_____
Friday	_____
Saturday	_____
Sunday	_____

Provide dates when your concession unit will not be available for service in Ludington Park, i.e.: previous commitments:

HEALTH INSPECTION CERTIFICATION:

- Current County Health Certificate (copy) attached;
- Do not have a current Health Certificate, but will obtain certification if selected.

INSURANCE POLICIES/CERTIFICATION:

- Current insurance certificates (copy) attached;
- Do not have current insurance certificate, but will obtain insurances, as per specifications.

CONCESSIONAIRE'S FEE: Provide a check, cashier's check or money order in the amount of \$300 for the all summer season territory. The daily fee of \$20 for food trucks/trailers/carts will be paid upon set up in the Beach House parking lot designated area. Make checks payable to the City of Escanaba. **Check is enclosed.**

I/We have read and understood the **Specifications, Policies, and Guidelines for Ludington Park Food/Drink Concessions - 2022 Summer Season**, and agree to all provisions contained within.

NAME OF COMPANY/ORGANIZATION _____

NAME OF OWNER/REPRESENTATIVE _____

SIGNATURE OF OWNER/REPRESENTATIVE _____

DATE _____

LUDINGTON PARK FOOD/DRINK CONCESSIONAIRE PROPOSAL FORM

I/We hereby submit the following proposal to provide food/drink concessions at Ludington Park, Escanaba, Michigan for the 2022 Summer Season:

Name of Concession Company or Non-Profit Organization	<u>STICKY FINGERS</u>
Name of Concession Unit, If Applicable	<u>ROOT BEER BARRELL</u>
Name of Concession Owner/ Responsible Individual	<u>FRANK DESTRAAPE</u>
Address	[REDACTED]
City	<u>GLADSTONE</u> Zip <u>49837</u>
Phone	[REDACTED] (Home) [REDACTED] (Work) _____ (Fax)
E-Mail	[REDACTED]

Territory/area of Ludington Park I/We wish to be considered for food/drink vending rights during the 2022 Summer Season (✓ one):

TERRITORY #1 - Harbor Hideout/Karas Bandshell - All Summer

TERRITORY #2 - Beach House Parking Lot (food trucks/trailers/carts) - Daily

CONCESSIONAIRE'S FOOD/DRINK/MENU SELECTION: Provide a description of your food, drink and menu selection, including pre-packaged and prepared items:

FOUNTAIN DRINKS, BOTTLED WATER, COFFEE, HOT TEA, COLD TEA
LEMONADE, ICE CREAM CONES, SUCKERS, KIDS CANDIES.
POPCORN, NOVELTY ICE CREAM, PRODUCTS, FROZEN FRUIT BARS,
COTTON CANDY, POTATO CHIPS, FRESH FRUIT, FLOATS, MALTS,
FROZEN PIZZA AND OR FROZEN PASTRIES

HEALTH INSPECTION CERTIFICATION:

Current County Health Certificate (copy) attached;

Do not have a current Health Certificate, but will obtain certification if selected.

INSURANCE POLICIES/CERTIFICATION:

Current insurance certificates (copy) attached;

Do not have current insurance certificate, but will obtain insurances, as per specifications.

CONCESSIONAIRE'S FEE: Provide a check, cashier's check or money order in the amount of \$300 for the all summer season territory. The daily fee of \$20 for food trucks/trailers/carts will be paid upon set up in the Beach House parking lot designated area. Make checks payable to the City of Escanaba. Check is enclosed.

I/We have read and understood the Specifications, Policies, and Guidelines for Ludington Park Food/Drink Concessions - 2022 Summer Season, and agree to all provisions contained within.

NAME OF COMPANY/ORGANIZATION

STICKY FINGERS

NAME OF OWNER/REPRESENTATIVE

FRANK DELTRAMPE

SIGNATURE OF OWNER/REPRESENTATIVE

Frank Deltrampe

DATE

3-15-2022

IF GIVEN THE OPPORTUNITY TO VEND THIS YEAR WILL BE MY 19TH YEAR THAT I WILL SERVICE THE PUBLIC IN LUDINGTON PARK

I WILL AGAIN SERVICE THE CONCERTS IN THE PARK IF ALLOWED

THANK YOU FOR YOUR CONSIDERATION

Frank Deltrampe

3-15-2022

Agenda Item: NB-4
Date: 04-21-2022

City Council Agenda Item Request

Date: 04/13/2022

Name: Kim Peterson

Department: Recreation

Item: Approval of Sanitation Services for the 2022-2023 Season

Meeting date requested: April 21, 2022

Explanation for request:

Two bids were mailed on January 26, 2022, with one bid being received from Stenberg Brothers of Bark River, Michigan. Bids were opened on March 21, 2022. The Recreation Advisory Board met on April 12, 2022, and recommend to City Council approval of the bid.

DATE: January 26, 2022

BID: SANITATION SERVICES FOR CITY RECREATION & PARK FACILITIES
FOR 2022-2023 SEASON

BID OPENING: Monday, March 21, 2022, at 2:00 p.m., Room 101 of City Hall

TO BIDDERS: January 26, 2022

ADVERTISED: January 26, 2022

INVITATIONS TO BID SENT TO: Two (2)

STENBERG BROTHERS
P O BOX 127
BARK RIVER, MI 49807

CLYDE'S SEPTIC TANK SERVICE
4700 DANFORTH ROAD
ESCANABA, MI 49829

NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the Office of the City Clerk, on or before 2 p.m. E.S.T., on **Monday, March 21, 2022, for:**

SANITATION SERVICES FOR CITY RECREATION AND PARK FACILITIES

The bids will be publicly opened and read in Room 101 in the City Hall, located at 410 Ludington Street, Escanaba, Michigan, at said time and date.

Bidder's proposals and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan 49829. No bids will be considered unless the proposal form and/or specifications (furnished by the City of Escanaba, Michigan), are properly completed and enclosed in a sealed envelope marked:

"SANITATION SERVICES BID OF 2022-23"

In addition, the City of Escanaba, Michigan, will not consider any proposal which has not been received prior to the published time, date and year of bid opening. (FAX and E-MAIL transmittals will not be accepted.)

The City of Escanaba, Michigan, reserves the right to reject any or all bids or any part thereof at its discretion, and to waive any irregularities in the bidding. The City of Escanaba, Michigan, may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan, bids are prepared so as to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan, assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

Kim Peterson
Recreation/Purchasing Director
City of Escanaba

SPECIFICATIONS FOR SANITARY SERVICES FOR CITY RECREATION AND PARK FACILITIES
Page 1

I. SPRING/SUMMER/FALL/WINTER SEASONAL PORTABLE RESTROOM SERVICES - REGULAR UNITS

- A. The Contractor is to supply portable toilets for City Recreation and Park Facilities based upon the following estimations:
 - 1. Up to 11 units placed at 10 separate sites;
 - 2. The duration each unit will be placed at each site during the 2022-2023 spring, summer, fall and winter seasons will be based upon anticipated use determined by the City.
 - 3. The majority of the units will be placed upon sites in May with most units withdrawn in late October.
 - 4. Each unit may be at each site an average of 8 to 9 weeks approximately, with the shortest duration at 4 weeks and the longest at 52 weeks.
- B. The City of Escanaba will reserve the right to determine when units will be placed upon sites and when they are to be removed from the sites.
- C. Units will be placed upon the following sites for the 2022-2023 season based upon the following estimations:

<u>Location</u>	<u>Approximate # of Units</u>
Bay College Soccer Field Complex	2
Tapani Field/Veteran's Park	1
Dickson Field	1
Stephenson Field	1
Royce Park	1
Ludington Park - at Aronson Island	1
*Ludington Park – Harbor Hideout	1
Rose Park	1
John D. Besse Park	1
*West Side Recreation Area	1

*Placement in fall and spring of the year, only.

April/October/November with two (2) cleanings per week, if needed.

Please note: 08/31/23 the City will no longer be responsible for the Bay College Soccer Field Complex. Bay College will be responsible moving forward.

- D. The Contractor is to provide the following services with the base rental charge of each unit.
 - 1. One cleaning per week, which includes pump-out, cleaning, disinfecting of the interior of each unit and ample weekly supply of paper and chemicals;
 - 2. Units will receive weekly cleanings, etc., on Monday of each week unless otherwise specified by the City or mutually agreed upon by the City and the Contractor;

3. Keep units in good repair, good physical appearance and units placed in multiples must match;
- E. The City may also require the Contractor to provide additional cleanings over and above the weekly cleanings provided within the base rate. Extra cleaning requests will take place June through August.
- F. The Contractor is to calculate base rental charges, with services outlined in paragraph "D" of this section on a daily fee rate. Monthly or half-month charges will not be acceptable.

II. SEASONAL PORTABLE RESTROOM SERVICES - BARRIER-FREE UNITS

In order for the City of Escanaba to comply with the provisions of the Americans with Disabilities Act (ADA), the City will make every attempt to provide sanitation services for the able-bodied and disabled users of our public park and recreation facilities.

- A. The Contractor shall state the number of barrier-free toilet units available from his/her firm; and
- B. Specifications in Section I of this document shall also apply to the barrier-free units.

III. SPECIAL EVENT AND EMERGENCY PORTABLE RESTROOM SERVICES

- A. The Contractor shall provide additional portable toilet units for special event purposes upon request from the City for both winter and warm weather events.
- B. The special event rate/emergency rate shall be based upon a daily fee scale.
- C. Occasions where special portable unit requests will be made are:
 - band concerts
 - other unscheduled events
 - emergencies
 - other short-term occasions
- D. The special event unit charges will also include one cleaning per day.
- E. Special event/emergency units may also need extra cleanings, upon request from the City.

IV. SPECIAL EVENT HAND WASHING FACILITIES

- A. The Contractor shall provide hand washing units for special event purposes upon request from the City.
- B. The handwashing units rate shall be based upon a daily fee schedule.

SPECIFICATIONS FOR SANITARY SERVICES FOR CITY RECREATION AND PARK FACILITIES

Page 3

C. Occasions where hand washing units will be requested include, but will not be limited to:

- band concerts
- large special events
- other unscheduled events
- other short-term occasions

D. Hand washing unit charges shall include one cleaning/refill per day.

V. WINTER SEASONAL PORTABLE RESTROOM SERVICES

A. The Contractor is to supply one (1) portable toilet/unit at Ludington Park's Aronson Island Boat Launch site during the months of December, January, February and March.

B. The unit shall be winterized for cold weather use during the months of December, January, February and March.

C. The Contractor is to provide the following services with the base rental charge of each unit:

1. One cleaning per week, which includes pump-out, cleaning, disinfecting of the interior, removal of graffiti and ample weekly supply of paper and chemicals;
2. Unit will receive weekly cleanings on Thursday or Friday of each week, unless otherwise specified by the City; and
3. Keep unit in good repair, good physical appearance and units placed in multiples must match.

D. The City may also request the Contractor to provide additional cleanings over and above the weekly cleanings provided within the base rate.

E. The Contractor is to calculate base rental charges with services outlined in paragraph "C" of this section on a daily fee rate. Monthly or half-monthly charges will not be acceptable.

VI. DAMAGE TO UNITS

In the event portable restroom units or other equipment owned by the Contractor is damaged or defaced, the Contractor will be responsible for the cost of replacement or repairs.

VII. INSURANCE

The City will require the Contractor to provide proof of personal injury liability, property damage liability, workmen's compensation and vehicle insurances to protect the City against claims arising from use of Contractor's equipment, employees or vehicles. The insurances shall be in the following minimum amounts:

SPECIFICATIONS FOR SANITARY SERVICES FOR CITY RECREATION AND PARK FACILITIES

Page 4

A. Personal Injury and Property Damage Liability Insurance

1. Maintain liability insurance for personal injury in the amount of \$300,000 per person combined single limits (minimum) and \$1,000,000 aggregate.
2. Types of peril insured against are personal injury to individuals utilizing the Contractor's equipment or Contractors activities; and
3. Maintain property damage liability insurance for property damage in the amount of \$250,000; 1,000,000 combined single limits (minimum).

B. Workmen's Compensation Insurance

Coverage A	Statutory
Coverage B	\$100,000

C. Auto Insurance

Coverage must include bodily injury, property damage or bodily injury and property damage 1,000,000 combined.

D. The City of Escanaba shall be named as "additional insured" to all policies and certificates.

E. The Contractor shall deliver original certificate of insurance to the City prior to services commencing;

F. The insurance policies are to provide the City of Escanaba with a notice of fifteen (15) days prior to cancellation.

VIII. EFFECTIVE DATES OF AGREEMENT

The Contractor shall provide services, as outlined with these specifications for a one (1) year period commencing on the day of placement of the portable restrooms sometime in April/May 2022.

IX. PROJECT COORDINATOR

Kim Peterson
Recreation Director
City of Escanaba
P.O. Box 948
Escanaba, MI 49829
Office: Civic Center, 225 North 21st Street
Phone: (906) 786-4141
Fax: (906) 789-3798
e-mail: recreation@escanaba.org

BIDDER'S PROPOSAL

DATE: _____

**SANITATION SERVICES FOR CITY PARK
AND RECREATION FACILITIES**

for Period April 1, 2022 - March 31, 2023

City of Escanaba
Escanaba, MI 49829

We, the undersigned, do hereby agree to furnish sanitation services in conformance with the attached specifications for City Recreation and Park Facilities:

SPRING/SUMMER/FALL/WINTER SEASONAL PORTABLE RESTROOM UNITS, *daily base rental charge, per unit*, based upon the use of approximately 11 units, as per SECTION I of the specifications; \$ _____ per day

EXTRA CLEANINGS FOR SPRING/SUMMER/FALL/WINTER SEASONAL PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION I of the specifications. \$ _____ per unit

BARRIER-FREE SUMMER SEASONAL PORTABLE RESTROOM UNITS, *daily base rental charge, per unit*, as per SECTION II of the specifications. [# of units available _____] \$ _____ per day

EXTRA CLEANINGS FOR BARRIER-FREE PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION II of the specifications. \$ _____ per unit

SPECIAL EVENT AND EMERGENCY PORTABLE RESTROOM UNITS, *daily rental charge per unit*, as per SECTION III of the specifications. \$ _____ per day (regular units)
\$ _____ per day (barrier-free units)

SPECIAL EVENT HANDWASHING FACILITIES, *daily rental charge per unit*, as per Section IV of the specifications. \$ _____ per day

EXTRA CLEANINGS FOR SPECIAL EVENT AND EMERGENCY PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION III of the specifications. \$ _____ per unit

WINTER SEASONAL PORTABLE RESTROOM UNITS, *daily base rental charge per unit*, based upon use of approximately one (1) unit as per SECTION V of the specifications. \$ _____ per day

EXTRA CLEANINGS FOR WINTER SEASONAL PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION V of the specifications. \$ _____ per unit

Submitted:

Firm: _____

Address: _____

City/Zip: _____

Phone #: _____

Fax #: _____

By: _____

Title: _____

BIDDER'S PROPOSAL

DATE: 03/17/22

**SANITATION SERVICES FOR CITY PARK
AND RECREATION FACILITIES**

for Period April 1, 2022 - March 31, 2023

City of Escanaba
Escanaba, MI 49829

We, the undersigned, do hereby agree to furnish sanitation services in conformance with the attached specifications for City Recreation and Park Facilities:

SPRING/SUMMER/FALL/WINTER SEASONAL PORTABLE RESTROOM UNITS, *daily base rental charge, per unit*, based upon the use of approximately 11 units, as per SECTION I of the specifications; \$ 3.55 per day

EXTRA CLEANINGS FOR SPRING/SUMMER/FALL/WINTER SEASONAL PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION I of the specifications. \$ 29.00 per unit

BARRIER-FREE SUMMER SEASONAL PORTABLE RESTROOM UNITS, *daily base rental charge, per unit*, as per SECTION II of the specifications. [# of units available 15] \$ 6.50 per day

EXTRA CLEANINGS FOR BARRIER-FREE PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION II of the specifications. \$ 39.00 per unit

SPECIAL EVENT AND EMERGENCY PORTABLE RESTROOM UNITS, *daily rental charge per unit*, as per SECTION III of the specifications. \$ 79.00 per day (regular units)
\$ 189.00 per day (barrier-free units)

SPECIAL EVENT HANDWASHING FACILITIES, *daily rental charge per unit*, as per Section IV of the specifications. \$ 115.00 per day

EXTRA CLEANINGS FOR SPECIAL EVENT AND EMERGENCY PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION III of the specifications. \$ 35.00 per unit

WINTER SEASONAL PORTABLE RESTROOM UNITS, *daily base rental charge per unit*, based upon use of approximately one (1) unit as per SECTION V of the specifications. \$ 5.25 REG
6.75-ADA per day

EXTRA CLEANINGS FOR WINTER SEASONAL PORTABLE RESTROOM UNITS, *charge per unit serviced*, as per SECTION V of the specifications. \$ 60.00 per unit

Submitted:

Firm: Stenberg Bros., Inc.

Address: P.O. Box 127

City/Zip: Bark River, MI 49807

Phone #: [REDACTED]

Fax #: [REDACTED]

By: [Signature]

Title: President

Agenda Item: NB-5
Date: 04-21-2022

City Council Agenda Item Request

Date: 04/13/2022

Name: Kim Peterson

Department: Recreation

Item: Approval of Agreement to Maintain Monument on City Property

Meeting date requested: 04/21/2022

Explanation for request:

The City of Escanaba has been working with the Delta County Trades and Labor to create a monument to labor since 2013 when the Esky 150th Celebration took place. Administration is seeking City Council approval of said agreement. The construction, installation, all maintenance and all future maintenance will be the sole responsibility of the Delta Schoolcraft Community Labor Council. This monument will be erected at the Municipal Dock.

AGREEMENT TO MAINTAIN MONUMENT ON CITY PROPERTY

BETWEEN

AND

Delta Schoolcraft Community
Labor Council
P.O. Box 782
Escanaba, Michigan 49829

City of Escanaba
410 Ludington Street
Escanaba, Michigan 49829

WHEREAS, the Delta Schoolcraft Community Labor Council wishes to commemorate the contributions of trades and labor of the Delta Schoolcraft Community in the Upper Peninsula of Michigan by having constructed a monument on property located in the City of Escanaba.

WHEREAS, the City of Escanaba is permitting the Delta Schoolcraft Community Labor Council to construct such a monument in Ludington Park on property owned by the City of Escanaba.

NOW, THEREFORE, the parties agree to the following:

1. The Delta Schoolcraft Community Labor Council has requested to have a brick monument constructed at a place in Ludington Park near the Municipal Dock. The City of Escanaba having agreed to mark the specific location for the monument.
2. The Delta Schoolcraft Community Labor Council is granted the right to excavate in Ludington Park at a location designated by the City in the area of the Municipal Dock for excavation and construction of a red brick monument with dimensions 4' x 4' x 12'. Construction is permitted to commence, weather permitting, in June 2022 and to be completed in a timely manner from its date of commencement.
3. Upon completion of the construction, the worksite and all areas of the park disturbed by the construction shall be restored by the contractors hired by the Delta Schoolcraft Community Labor Council to its condition prior to construction to eliminate any uneven ground and restore the grass area or provide such other surface as may be approved by the City of Escanaba.
4. Upon completion of the construction of the monument and the restoration of the monument area, the maintenance of the monument shall be the responsibility of Delta Schoolcraft Community Labor Council to keep and maintain the monument in a good, safe, and respectable condition to honor the work ethic and dedication of the trades and labor of the Delta Schoolcraft Community.

5. The Delta Schoolcraft Community Labor Council accepts the responsibility to inspect, regularly maintain and repair the monument as may be required, and to keep the monument in a safe and appealing condition as a tribute to the trades and labor of the Delta Schoolcraft Community.

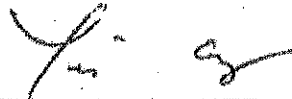
6. The Delta Schoolcraft Community Labor Council shall be responsible to resolve any claims, demands or controversies involved in the monument and shall hold the City of Escanaba harmless from any such claims, demands or controversies involving the monument and shall indemnify the City from any such claims.

The agreement made by signatures executed this _____ day of April, 2022.

Delta Schoolcraft Community Labor Council:



By its President



By its Secretary

City of Escanaba:

By its Manager

By its Mayor

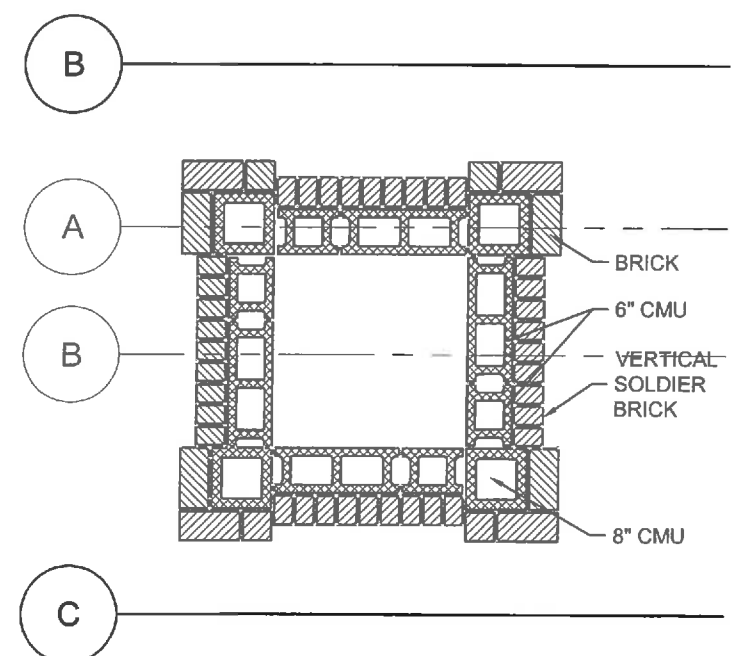
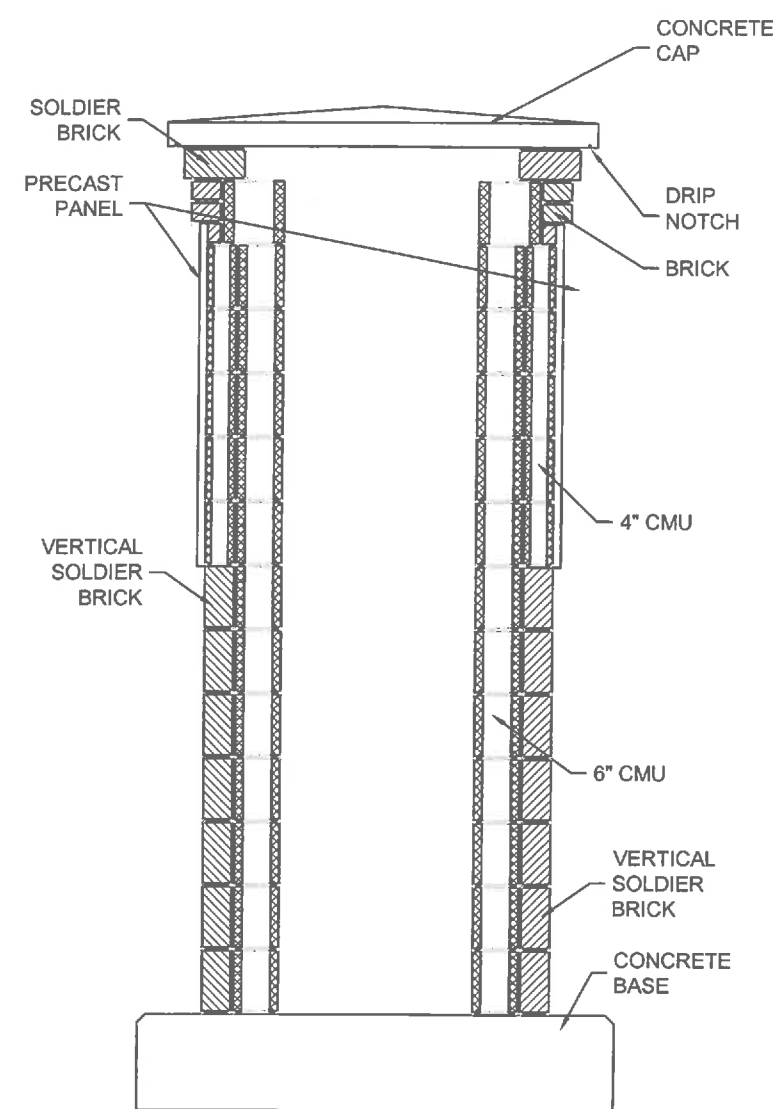
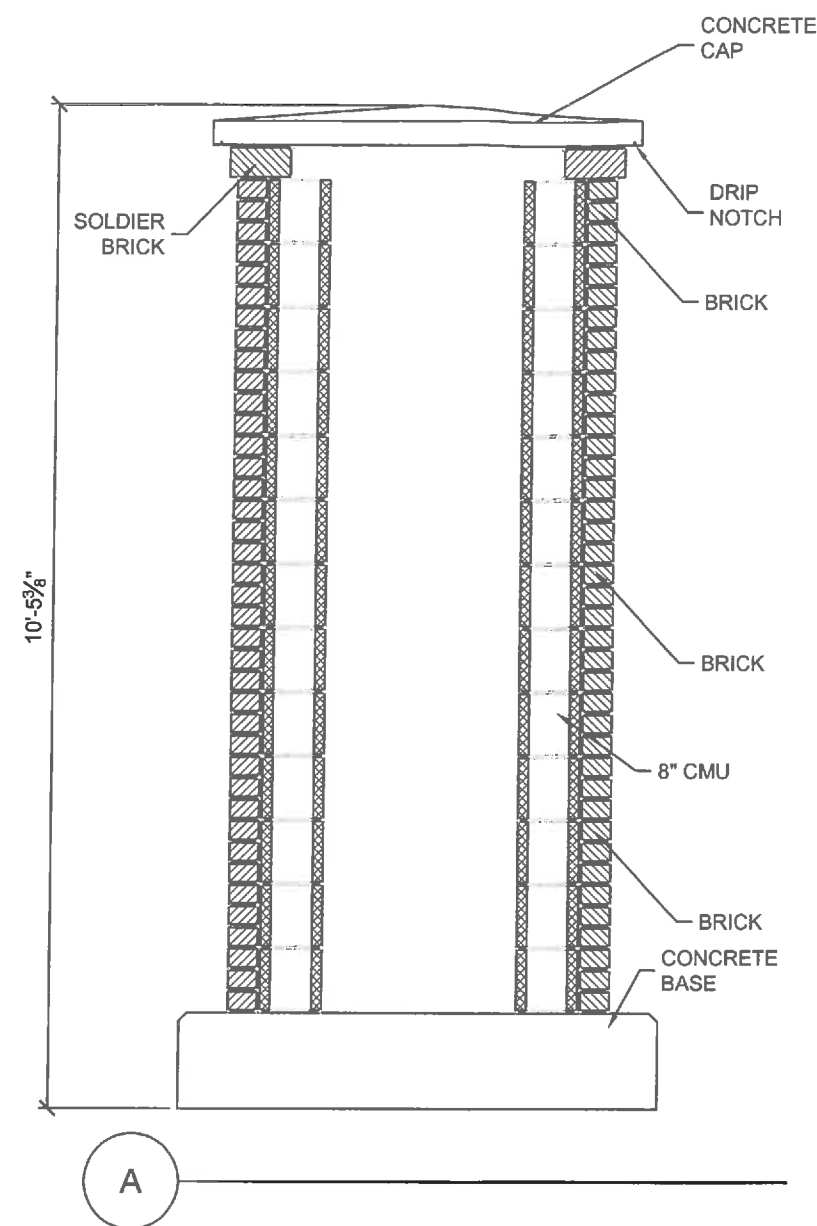
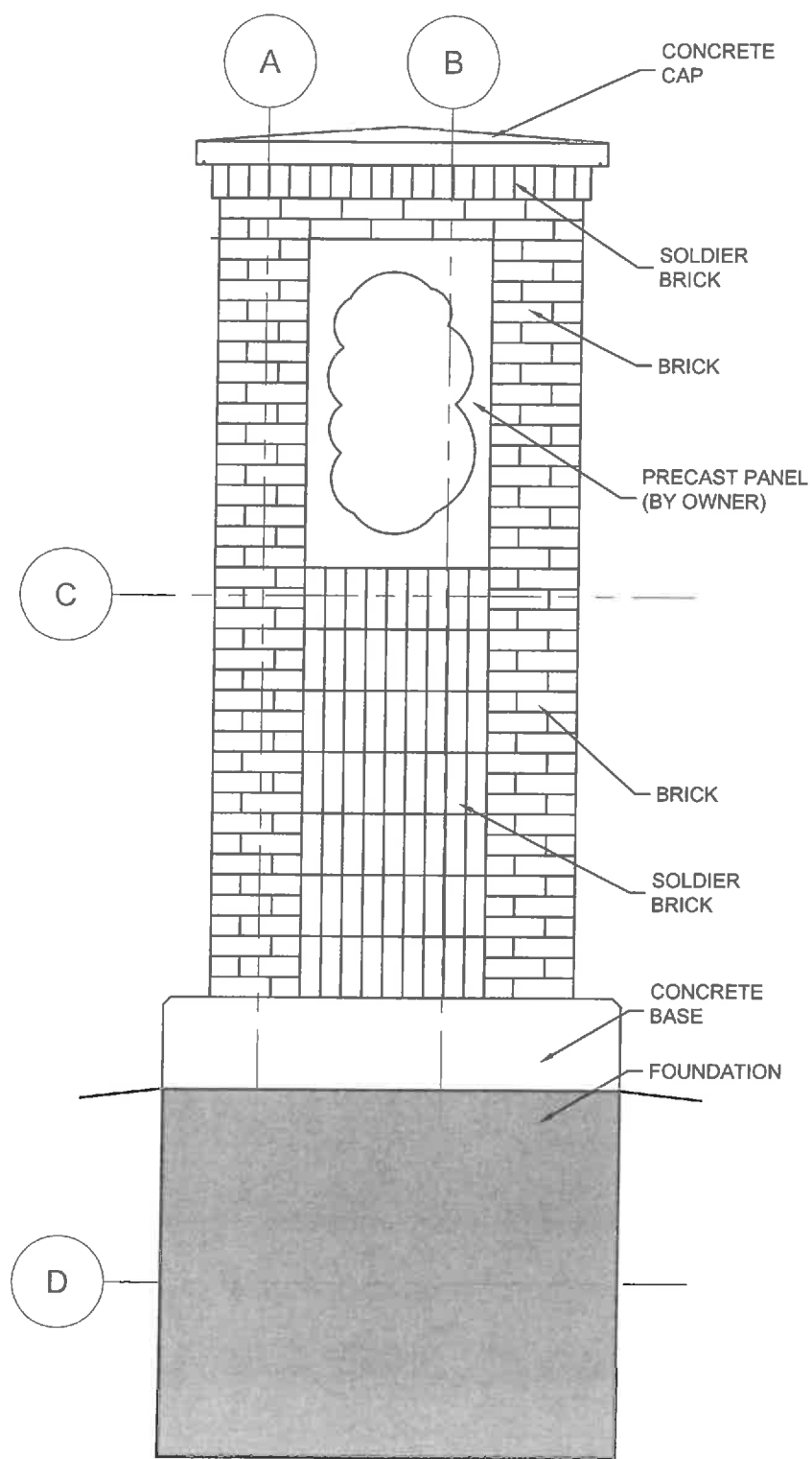


NEW
MONUMENT

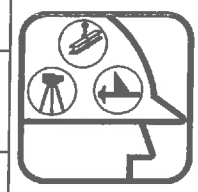


PROPOSED
MONUMENT
LOCATION

DESIGNED BY: WINTER	DRAWN BY: WINTER	CHECKED BY: WINTER	DESIGNING	PLANNING	CONTRACTING	ENGINEERING	 <p>COPYRIGHT © 2019, ROY NESS CONTRACTING & SALES, INC.</p> <p>ROY NESS Contracting & Sales Inc. Escanaba, Michigan</p>	<p><u>MONUMENT SITE</u></p> <p style="text-align: right;">NTS</p>
DATE: 3/4/2022	SHEET: SK-1	REVISION:	<p>UNION MONUMENT ESCANABA, MICHIGAN</p> <p>1801 N. LINCOLN ROAD ESCANABA, MICHIGAN 49829 TEL. 906-786-2254 FAX 906-786-2297 AWINTER@ROYNESS.COM WWW.ROYNESS.COM</p>					

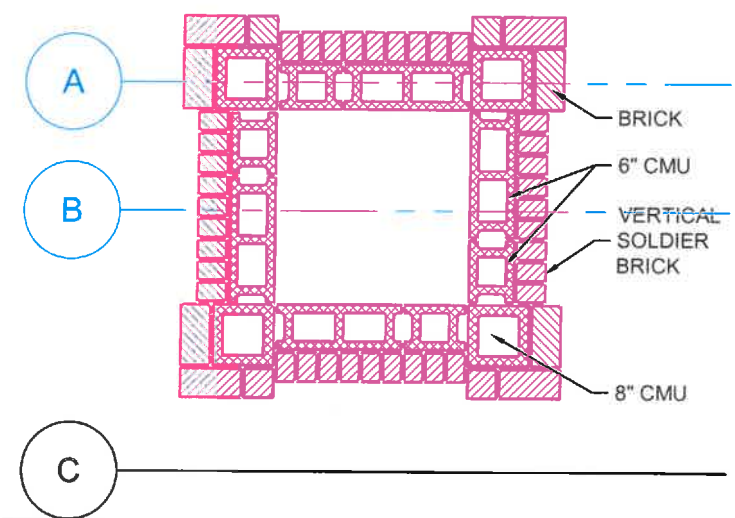
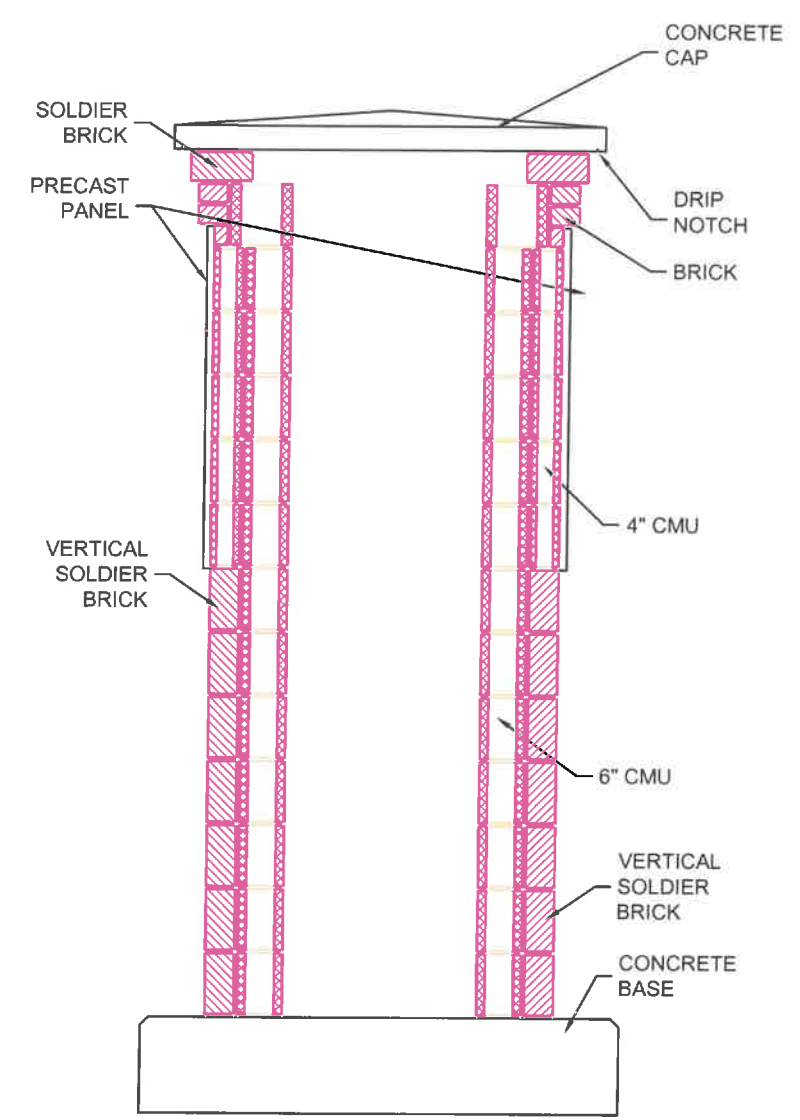
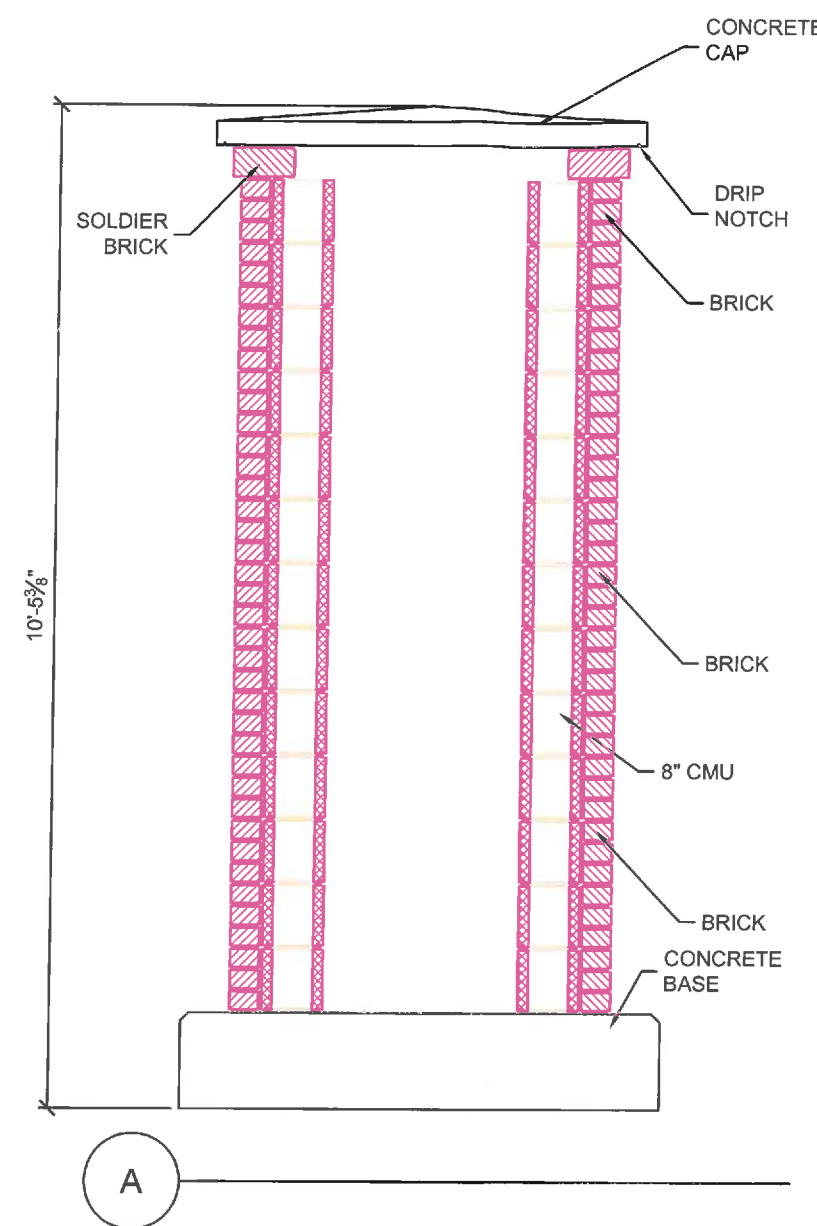
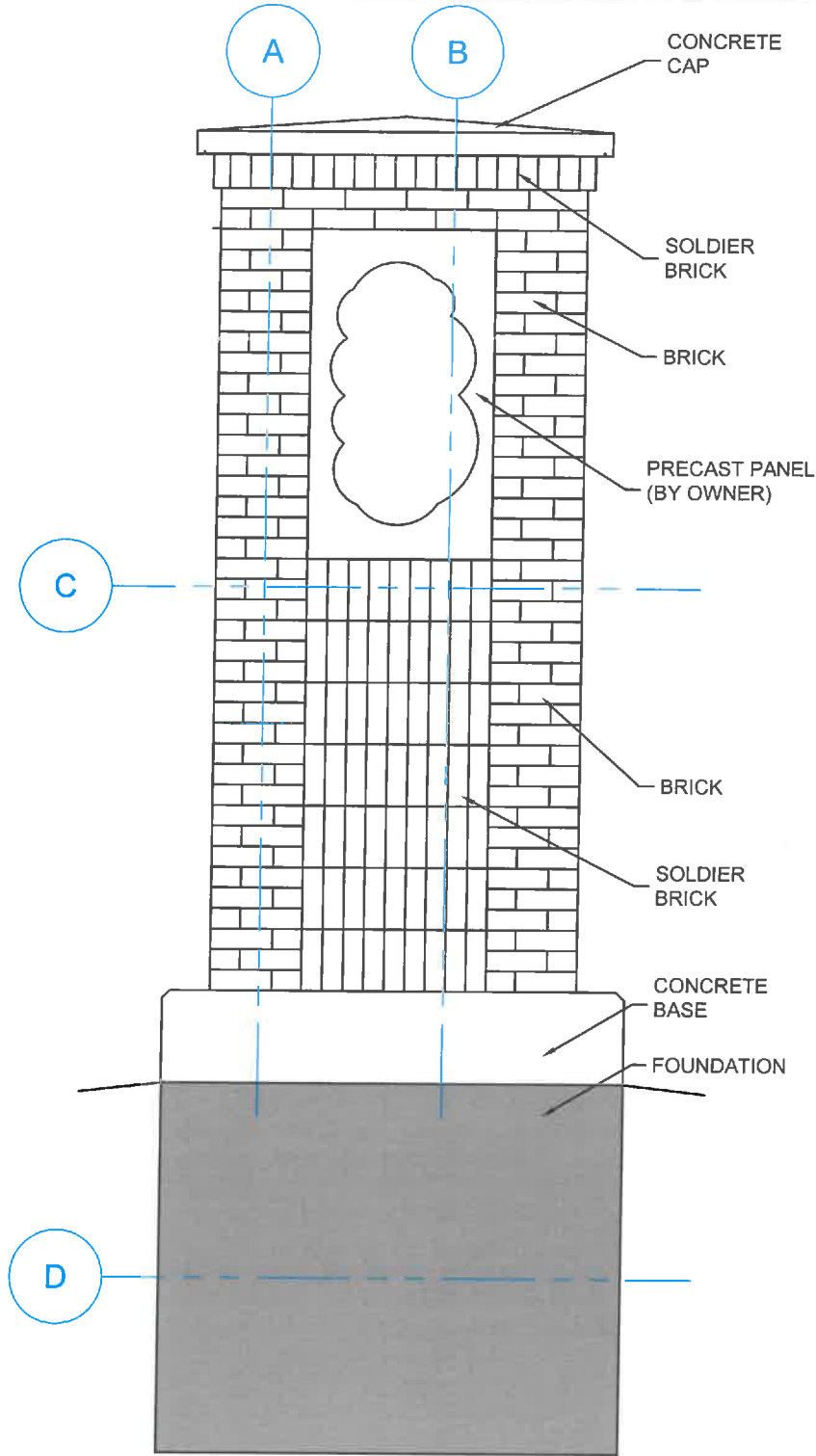


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DATE: 2/212/2022	SHEET: SK-2	REVISION:	UNION MONUMENT ESCANABA, MICHIGAN			
1801 N. LINCOLN ROAD ESCANABA, MICHIGAN 49829 TEL. 906-786-2254 FAX 906-786-2297 AWINTER@ROYNESS.COM WWW.ROYNESS.COM						

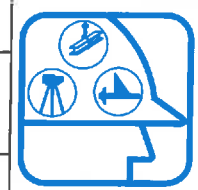


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 Escanaba, Michigan

MONUMENT DETAIL
 SCALE: 3/4" = 1'-0"

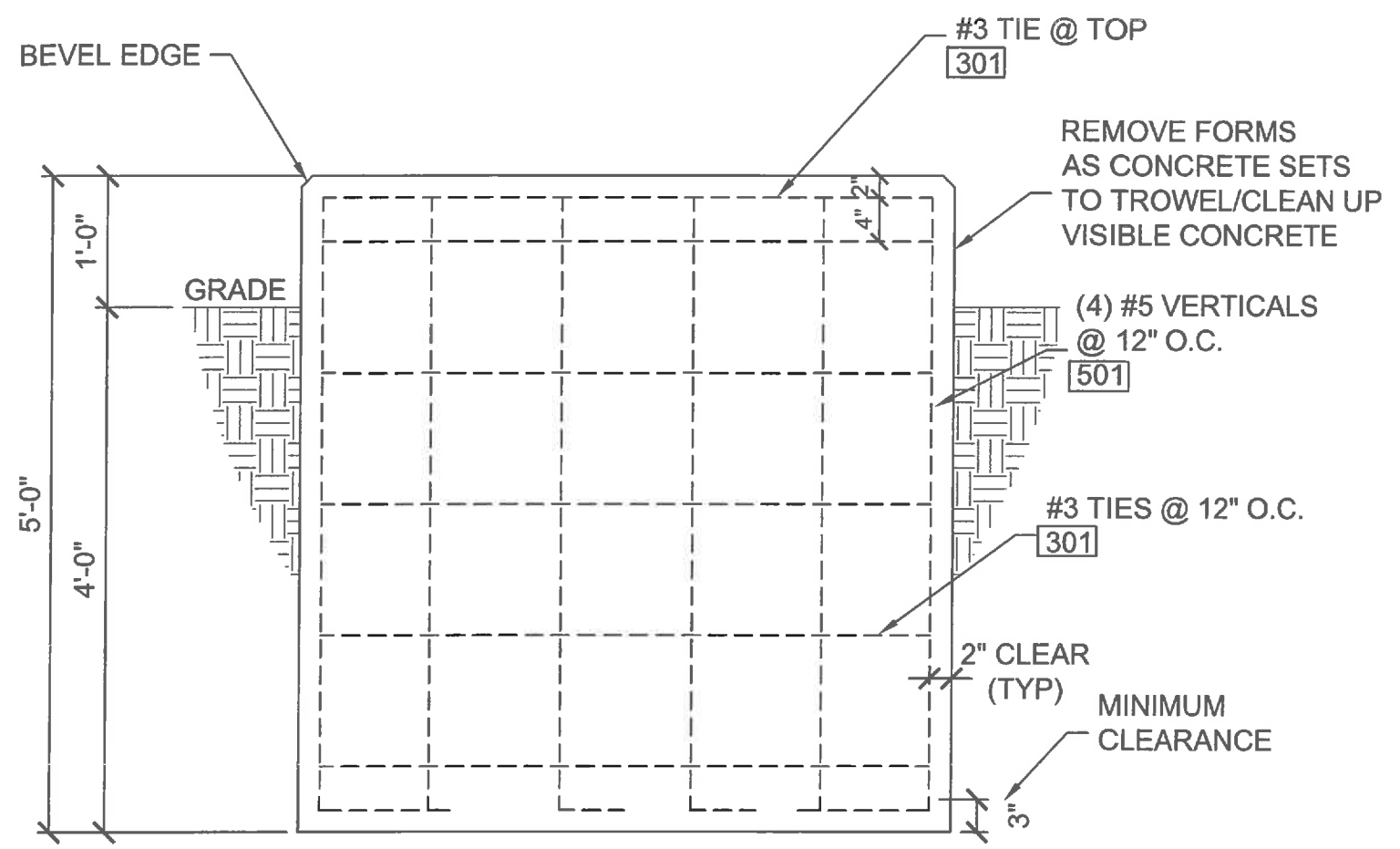
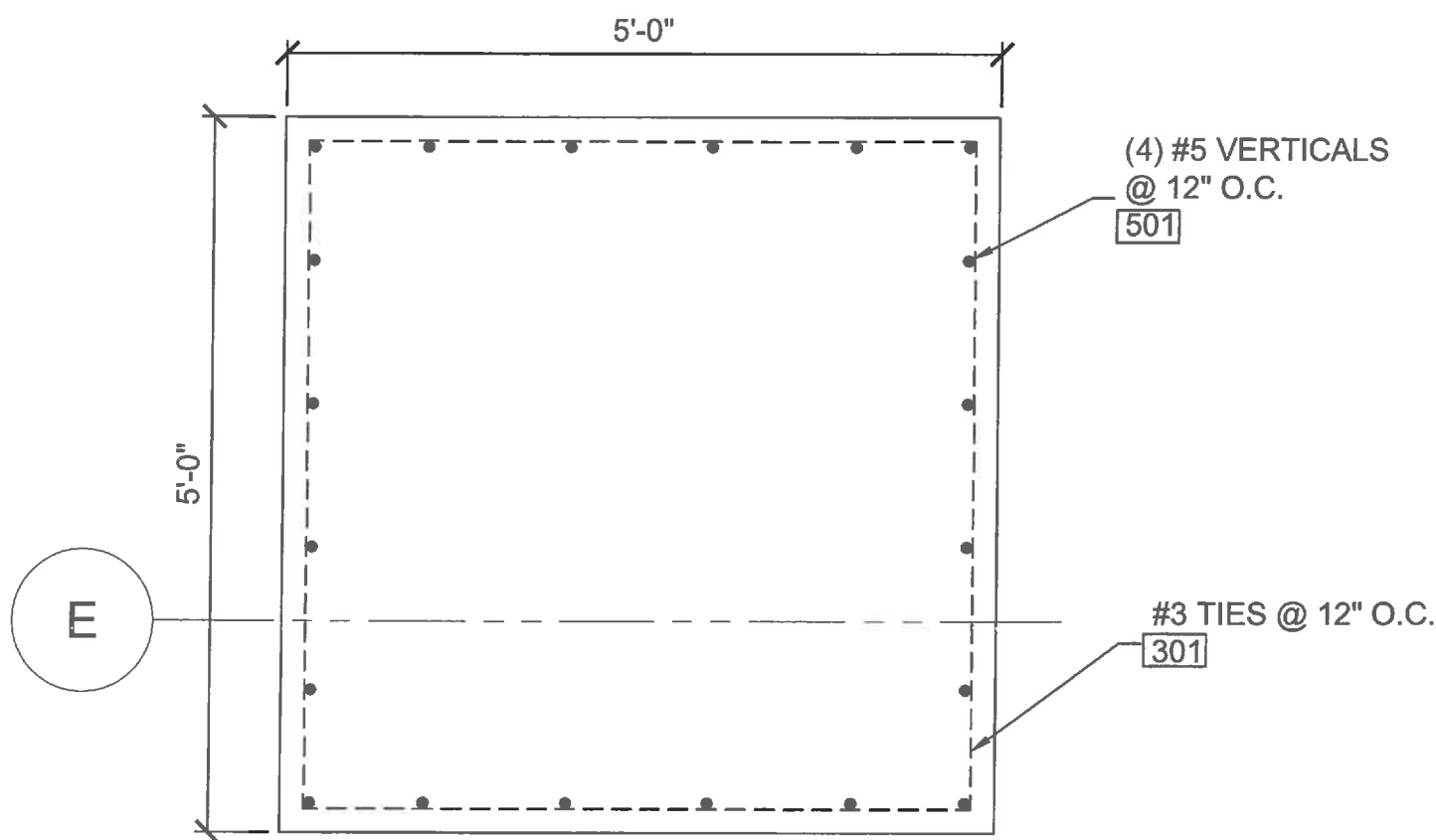


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DATE: 2/212/2022	SHEET: SK-2	REVISION:	UNION MONUMENT ESCANABA, MICHIGAN			
1801 N. LINCOLN ROAD ESCANABA, MICHIGAN 49829 TEL. 906-786-2254 FAX 906-786-2297 AWINTER@ROYNESS.COM WWW.ROYNESS.COM						



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 Contracting & Sales Inc.
 Escanaba, Michigan

MONUMENT DETAIL
 SCALE: 3/4" = 1'-0"



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DESIGNED BY: WINTER	DRAWN BY: WINTER	CHECKED BY: NESS	DESIGNING	PLANNING	CONTRACTING	ENGINEERING
DATE: 2/22/2022	SHEET: SK-3	REVISION:	UNION MONUMENT ESCANABA, MICHIGAN			
1801 N. LINCOLN ROAD ESCANABA, MICHIGAN 49829 TEL. 906-786-2254 FAX 906-786-2297 AWINTER@ROYNESS.COM WWW.ROYNESS.COM						



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Contracting & Sales Inc.
Escanaba, Michigan

FOUNDATION DETAILS
SCALE: 3/4" = 1'-0"

Agenda Item: NB-6

Date: 04-21-2022

City Council Agenda Item Request

Date: April 13, 2022

Name: Patrick Jordan

Department: Administration

Item: Approval of Professional Services Agreement for City Attorney services

Meeting date requested: May 5, 2022

Explanation for request:

Pursuant to City Charter, City Manager has engaged Attorney Brett Gardner, of Brett Gardner Law, to provide attorney services for the City of Escanaba. Administration is requesting approval of contract with Attorney Gardner.

RETAINER AGREEMENT

Under Chapter II, Section 15 of the City Charter of the City of Escanaba, the City Manager shall be responsible for the appointment of the City Attorney. Chapter II, Sections 20 and 21 of the City Charter of the City of Escanaba proscribe the qualifications and duties of the City Attorney. Brett Gardner, City Attorney for the **City of Escanaba**, and the City of Escanaba agree as follows:

SECTION 1: Compensation for Brett Gardner, as the City Attorney for the City of Escanaba, is set at **SIXTY THOUSAND (\$60,000) DOLLARS, or \$5,000 per month**, for the fiscal year July 1, 2022 to June 30, 2023, \$5,000 per month for the remainder of this 2022 fiscal year. This will be a one-year contract, with a 60-day, at-will, termination notice provision.

SECTION 2: In addition to the compensation set forth in Section 1 of this agreement, the City Attorney shall be entitled to reimbursement of actual costs expended necessary for the proper function and operation of his function on behalf of the City of Escanaba, which shall include photocopies, local mileage, parking tolls, long distance telephone calls, and monies advanced on behalf of the City of Escanaba, including monies paid to clerks of courts for filing of pleadings and papers, sheriffs for service of process and related costs, expert witness fees, court reporters for transcripts of testimony, county clerks and register of deeds for recording of documents, and title companies of reports of title.

SECTION 3: The City Attorney shall be the legal advisor for the City and for all officers and departments thereof and all matters relating to their official duties and shall perform such other duties as may be imposed upon him from time to time by the Council. The Council, City Manager, Director of any department, or any officer of board not included in any department, may require the opinion in writing of the City Attorney upon any questions of law involving their respective powers and duties. The City Attorney agrees to prosecute and defend all causes of action accrued or to accrue for or against the City of Escanaba so far as they are triable in the state and federal courts of the State of Michigan; to render all legal advice, which the City of Escanaba shall ask for in relation to its business or acts; to prepare all legal instruments, contracts, papers or the like of whatsoever nature as the City of Escanaba may require; to make all collections of money due or to become due to the City of Escanaba as may be turned over to the City Attorney for collection; to render any other legal services, which the City of Escanaba may

require in connection with its responsibilities. The City Attorney, upon request, will appear for City Council meetings. Appearances may be made by Zoom or other telephonic or video services.

SECTION 4: It is understood and agreed that the City Attorney shall have the right to assign any and all work to other members of his law firm in order that said services might be expeditiously provided to the City.

SECTION 5: It is understood and agreed that the City Attorney and other lawyers of his firm shall not be covered by the City of Escanaba's insurance.

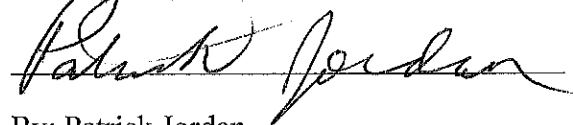
SECTION 6: It is understood and agreed that the City Attorney shall receive additional compensation at the customary rate, which at the date of this agreement, is **\$250.00 per hour** for processing and negotiating, loan documents, and collection work involving the Revolving Loan Board. It is further agreed and understood that the City Attorney shall be paid at the rate of **\$150.00 per hour** with regard to negotiation of labor contracts.

SECTION 7: It is understood and agreed that money which is owed for said services shall be paid by the City on a monthly basis.

IN WITNESS WHEREOF, the parties have caused this contract to be executed this 12th day of April, 2022.

Signed:

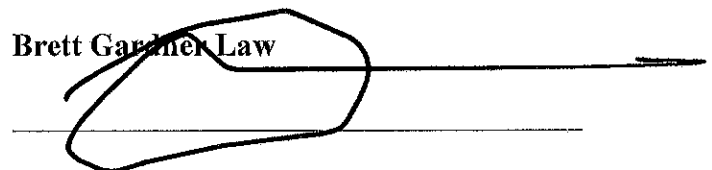
CITY OF ESCANABA



By: Patrick Jordan
City Manager

Signed:

Brett Gardner Law



By: Brett Gardner
City Attorney

BRETT GARDNER

1615 Ludington St, Escanaba, Michigan

Brettgardnerlaw@gmail.com

EXPERIENCE

JUNE 2018 – PRESENT

DELTA COUNTY PROSECUTOR

Represent the people of the state of Michigan in Delta County in all criminal prosecutions. In addition, civil counsel for Delta County, providing legal advice to the Board of Commissioners, the Delta County Administrator, and other county officials. In July of 2019, entered into a contract with the City of Escanaba to represent the people of Escanaba in all criminal ordinance violations.

MAY 2015 – JUNE 2018

TRIAL LAWYER, Brett Gardner Law

Represented criminal defendants who were charged with felony violations. In addition, represented clients in areas of contract law, general business law and property law.

MAY 2013 – JANUARY 2015

ADJUNCT PROFESSOR, Thomas Cooley Law School

Classroom instructor for Civil Process which was a practical application class. It included instruction in the areas of criminal and procedural law. Started Cooley's Cold Case Project. This special study class allowed select students to review pending cold cases and provide prosecutors with a synopsis of the case, a list of potential witnesses and suspects, and legal issues to anticipate.

January 1989 – March 2013

CHIEF ASSISTANT PROSECUTOR, Muskegon County Prosecutor's Office

Trial prosecutor focused on violent crime prosecutions including murder, criminal sexual conduct, armed robbery and home invasion trials. Supervised 16 assistant prosecutors and a support staff of 16. Routinely met with community leaders, county administrator and county commissioners. Sat on hiring and promotion committees for several area law enforcement agencies. Appointed to several boards including COPS Board (area chiefs of police organization), Community Corrections Committee, and the Michigan Department of Corrections' Community Liaison Commission.

January 1984 – December 1988

ASSISTANT PROSECUTOR, Muskegon County Prosecutor's Office

Trial prosecutor handling all types of district court and felony prosecutions. Supervised Support Unit which included trying paternity cases and establishing support obligations. Legal research on county civil issues and litigation.

EDUCATION

MAY 1982

JURIS DOCTOR, Valparaiso School of Law

Participated in the law school clinic preparing and presenting cases in court. Selected by the Prosecuting Association of Michigan, as a second-year student, to participate in their summer internship program. As an intern, assigned to Lake County, tried misdemeanor cases in Lake County and Mason County.

May 1979

BACHELOR of BUSINESS ADMINISTRATION, Western Michigan University

Member of the university's Honor's College and was selected for an internship with the Kalamazoo County Prosecutor's Office. Assigned to work in their Victim/Witness Unit, one of the first in the state. Used background working and then volunteering in the Victim/Witness Unit to start the Victim Witness Unit in Muskegon County in 1989. Graduated from Western Michigan University cum laude.

ACTIVITIES

SPECIAL PROSECUTOR

During career in prosecution, assigned to handle cases for other counties when they had a conflict of interest.

TRIAL TECHNIQUES INSTRUCTOR

Lectured and demonstrated to newly appointed assistant prosecutors the techniques and strategies of a trial prosecutor.

TASK FORCE MEMBER

Worked with city, county, state and federal task forces in the areas of murder, armed robbery, kidnapping and gun violence.

LEGAL COMMENTARY and ADVISOR

Provide on-air commentary and off-air legal advice to area media on criminal issues relevant to high-profile cases.

REFERENCES

Available upon request



BRETT GARDNER LAW

When Justice Demands It

Patrick Jordan
Escanaba City Manager
P.O. Box 948
Escanaba, Michigan 49829

Re: Escanaba City Attorney Proposal

Dear City Manager Jordan:

I am formally submitting my proposal to serve as your city attorney. As you will see from my attached resume, I have served communities as a prosecutor, and civil counsel for many years, providing a wide range of legal services. I have distinguished myself as a successful advocate and trial attorney, handling hundreds of cases from civil infractions to homicide. My trial experience includes complex and detailed cases, with several of these cases drawing national interest and news coverage.

I will not be delegating any of the city attorney responsibilities to anyone. When legal questions arise and/or legal representation required, I will be the one accessible to answer legal questions, providing legal opinions, and representing the city in court.

During my 3 and ½ years as Delta County Prosecutor and civil counsel for Delta County, I have had the opportunity to work with you and some members of the counsel on issues. As you have seen, my access to my clients is not limited to the workday or work week. I am available anytime to deal with legal issues that may arise. In addition, you have seen that I make every attempt to respond to phone calls, texts, and emails immediately, but always within 24 hours. You, the City Council, and Mayor will be provided with my personal cell phone number to facilitate immediate access. As for written legal opinions, my responses will be dictated by the complexity of the issues presented. However, all responses will be timely, and I will provide you with an anticipated completion date and progress along the way.

I do not believe there will be any conflict issues in dealings between the City and Delta County. The issues I have been involved with have been concluded or the interests of both parties were/are not in conflict.

You have indicated that appearance for meetings may be fulfilled by zoom on many occasions. This will allow me to provide consistent contact and representation. Of course, I understand there are times when my personal attendance will be necessary. In addition, we discussed the Delta County Prosecutor's Office resume the handling of Dangerous Dog



BRETT GARDNER LAW

When Justice Demands It

Petitions, due to the quasi-criminal nature of these proceedings. The fee charged will be \$5000.00 per year.

My monthly fee will be \$5000.00 per month, with special services provided at \$250.00 per hour. This will be based on a one-year contact, with a 60-day, at will, termination notice provision.

Please feel free to contact me with any questions you may have.

Sincerely,

Brett Gardner
Attorney at Law

Agenda Item: NB-7
Date: 04-21-2022

City Council Agenda Item Request

Date: April 12, 2022

Name: Patrick Jordan

Department: Administration

Item: Closing of the 100 block of South 11th St. for RRN block party

Meeting date requested: April 21, 2022

Explanation for request:

Administration is seeking Council approval, on behalf of Mike Daniels from RRN radio, for the closing of the 100 block of South 11th st. for the annual RRN Block Party. Alcohol will be sold and all local requirements and State LCC requirements will be followed. The event date and time are July 29, 2022 from 5pm to 11pm, with set up beginning at 8am and tear down completed by 12:30 am.

SPECIAL EVENT APPLICATION - CITY OF ESCANABA
Festivals, Parades, Races, Walkathons, Temporary Road Closures

Return to: **City Manager's Office**
 410 Ludington Street, Escanaba, MI 49829
 Phone : 906-786-9402 Fax: 906-786-4755
 E-mail: citymanager@escanaba.org

PURPOSE of the Special Event Application

The Special Events Application must be completed in order to receive approvals to operate an event on City Property. The management of special events on municipal properties requires the coordinated efforts of municipal staff to ensure safe event operation and adherence to applicable by-laws, policies and procedures.

Applications must be received **45 Days** in advance of the event to insure all appropriate approvals are acquired. This application **does not guarantee** park space, road closure approvals, requests for funding etc.

Step One: Special Event Application

Complete and return to the City of Escanaba City Manager's Office at least forty-five (45) days prior to your event. *Please keep in mind that acceptance of your application should in no way be construed as final approval or confirmation of your request.* Throughout your review process you will be notified if your event requires any additional information, permits, licenses or certificates. During our initial application screening process you will be allowed time to provide us with pending documents (e.g. certificate of insurance, secondary permits, etc.). We must receive these items before approving your Special Event Application. Delays in providing these items often delay our ability to finish our review process and approve your application in a timely manner.

Step Two: Application Review

The City Manager's Office will distribute copies of your application to staff from various departments within the City affected by your event. Each department will review the application only if all forms are completed and all necessary information and supporting documents are included. There will be no exceptions. You will be contacted individually by these departments if they have specific questions or concerns about your event.

When a completed Special Event Application has been reviewed, the City Manager's Office may schedule your attendance at a Special Event meeting.

Step Three: Application Notification of Approval or Denial

Notice of action on application:

The City Manager's Office shall normally approve or disapprove a Special Event Application via an approval letter by e-mail or mail if the applicant has not supplied an email address.

Revocation of Event Approval (prior to event occurrence):

Event Approval may be revoked at the discretion of the City Manager's Office upon consultation with the appropriate staff members, when the health or safety of the public is threatened by an emergency, disorder or other unforeseen conditions that have arisen.

Revocation of Event Approval (during event occurrence):

Event Approval may be revoked during an event. If Event Approval is revoked, the event must be cancelled and activities must be terminated immediately. The City Manager's Office designee has the responsibility to revoke a permit for reasons of health, inclement weather, or public safety. This will be determined by the City Manager after consultation with staff members.

Insurance

Applicants **MUST** supply certificate of insurance, **14 days in advance** of the event, meeting City requirements -- naming the City of Escanaba as additional insured.

Alcohol

Alcohol requests must seek permission a minimum **45 days in advance**. **NO ALCOHOL** is permitted in any City owned property (i.e. Facility, Park, Road) unless permission is granted by City Council.

Guidelines / By-laws

All applicable City Ordinances must be upheld by event organizers. Please ensure your application is complete so that staff can advise you on specifics.

SPECIAL EVENT APPLICATION - CITY OF ESCANABA
Festivals, Parades, Races, Walkathons, Temporary Road Closures

DATE(S) OF EVENT: Friday July 29th 2022
Day of Week, Month, Day, Year (eg: Saturday, January 2, 2014)

NAME OF EVENT: RRN Block Party

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

Organization: RADIO Results Network
Contact Person: Mike Daniels Phone (day) [REDACTED]
Address: 1101 Ludington Suite A Phone (evening): [REDACTED]
City: ESCANABA E-mail: [REDACTED]
Postal Code 49829 Website: RADIO Results Network.com
Charitable Org #: _____ Event Phone: [REDACTED]
(If applicable) Fax: [REDACTED]
Alternate Contact: Jesse Huff [REDACTED]
(It is recommended that an alternate name & telephone number be provided)

** Do you grant the City of Escanaba, City Manager's Office permission to give your telephone number to the general public Yes No

LOCATION
 City Park Name: South 11th Street
 Building/Facility Name/Area: Ludington to 1st Ave South
 Road (s) Road Closure Required?: Partial Full

DATE / TIME		Event Begins	Event Ends
EVENT TIME <small>This is the time your event would be ready to accept participants or general public.</small>	DATE:	<u>7-29-22</u>	<u>7-29-22</u>
	TIME:	<u>5pm</u>	<u>11pm</u>
SET UP TIME <small>When do you want the area reserved for your organization to ensure you have adequate time for set up and tear down.</small>	DATE:	<u>7-29-22</u>	<u>7-30-22</u>
	TIME:	<u>8am</u>	<u>12:30 AM</u>

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) Block Party

ESTIMATED ATTENDANCE (please estimate all that apply)

Participants # <u>20</u>	Wheelchair Accessible Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Bands # <u>2</u>	For events on City Property are you seeking approval to charge:
Vehicles/Floats # <u>1</u>	Admission Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Volunteers # _____	Parking Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
General Public # <u>1,500</u>	Is this event: <input checked="" type="checkbox"/> Open to the Public
	<input type="checkbox"/> For Invited Guests only

EVENT ELEMENTS (complete to ensure proper permits are processed)

Power Requirements* Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Fireworks Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Sound Amplification Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Alcohol Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Access to power if possible Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Live Music Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Tents/Temp. Structures Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Size of tent(s): <u>20 x 40</u>
Amusement Rides Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Provider: <u>[Signature]</u>
Inflatables Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	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
- Baked goods
- Other foods (please list)

Reservation Fees (check applicable box):

- Ludington Park Pavilion 1/2 day \$75 (resident) \$100 (non-resident)
- Ludington Park Pavilion full day \$100 (resident) \$125 (non-resident)
- Ludington Park Bandshell 1/2 day \$75 (resident) \$100 (non-resident)
- Ludington Park Bandshell full day \$100 (resident) \$125 (non-resident)
- Ludington Park Gazebo \$50 p/2 hour block (res) \$75 p/2 hour block (non-resident)
- Other Picnic or Gathering Areas \$35 p/day
- John D. Besse Park Pavilion 1/2 day \$75 (resident) \$100 (non-resident)
- John D. Besse Park Pavilion full day \$100 (resident) \$125 (non-resident)
- Lemerand Pavilion 1/2 day \$75 (resident) \$100 (non-resident)
- Lemerand Pavilion full day \$100 (resident) \$125 (non-resident)
- Lemerand Complex \$250 per day

Half Day Reservation: Cut-off time is 4:00 pm. Half-day reservations can be made before or after 4:00 pm.

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.

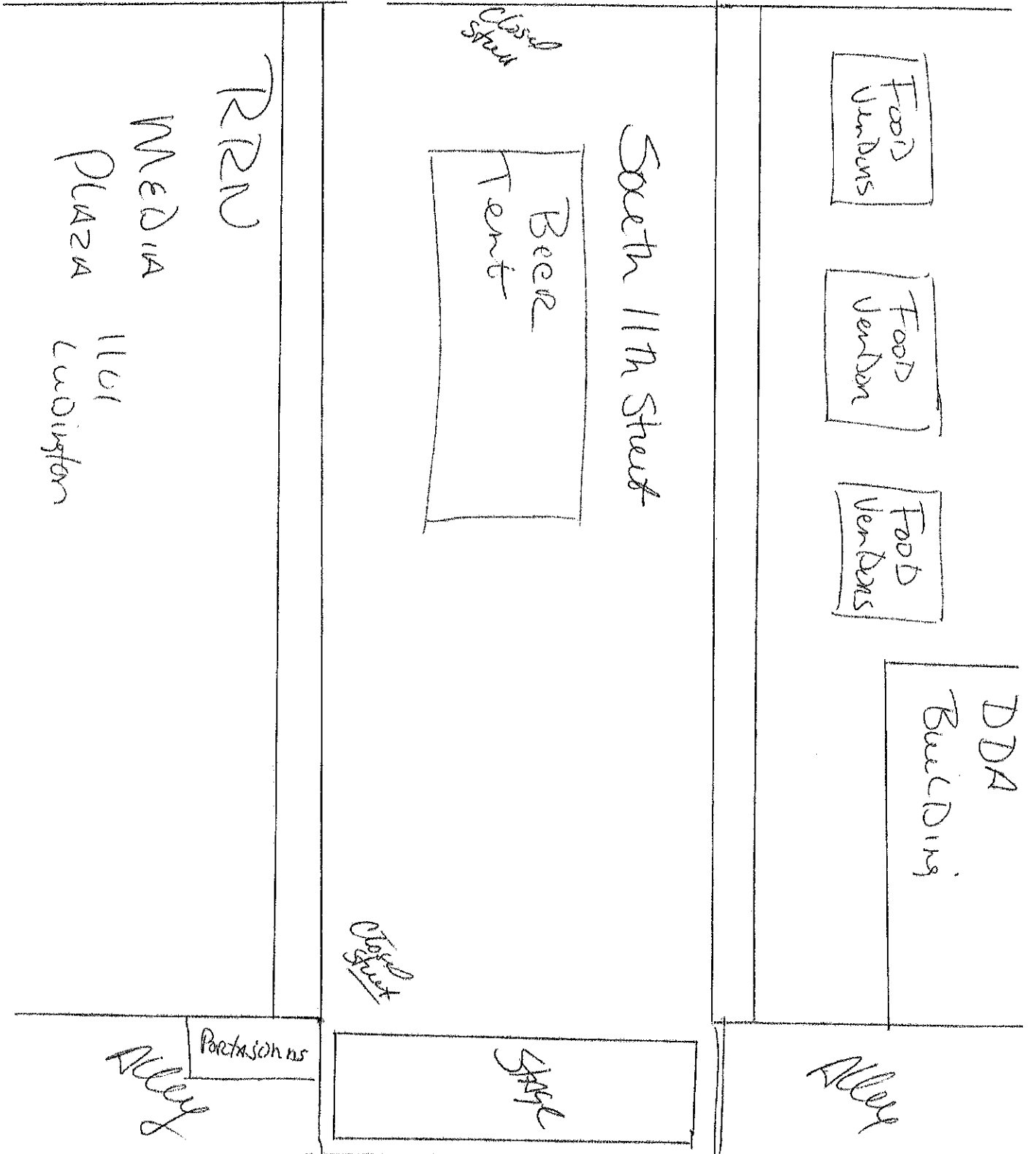
I have received a copy, read and understand the contents of the City of Escanaba Policy and Procedures No. 060101-10, Alcohol in Public Places (if applicable).



Event Organizer Signature

MIKE DANIELS 4-12-22
Print Name & Date

Ludington Street



Agenda Item: NB-8
Date: 04-21-2022

City Council Agenda Item Request

Date: April 12, 2022

Name: Patrick Jordan

Department: Administration

Item: First Reading of Ordinance to allow side-by-side UTV operation on city streets.

Meeting date requested: April 21, 2022

Explanation for request:

Administration is requesting Council conduct the First Reading of Side-by-Side ordinance and set 7:00 pm, May 5, 2022 as the date for Second Reading and Public Hearing. The Traffic Safety and Recreation Committees have both discussed and recommended passage of this ordinance.

ORDINANCE NO. 1260

CHAPTER I

Division 6 of the Escanaba Code of Ordinances is hereby amended by adding an ordinance adopted for the purpose of authorizing and regulating the operation of Side by Sides on roads in City of Escanaba, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81 131 which is incorporated by reference in its entirety.

THE CITY OF ESCANABA ORDAINS THE FOLLOWING:

SEC. 27.412: DEFINITIONS

As used in this ordinance, the following definitions shall apply:

- a. **“Driver license”** means an operator’s or chauffeur’s license or permit issued to an individual by the Secretary of State under chapter III of the Michigan vehicle code, 1949 PA 300, MCL, 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- b. **“Operate”** means to ride in or on, and be in actual physical control of the operation of a Side by Side,
- c. **“Operator”** means a person who operates or is in actual physical control of the operation of a Side by Side.
- d. **“Side by Side”** means a motor driven off road recreational, self-propelled, operator-controlled, non- articulated vehicle intended primarily to travel on unpaved surfaces on four or more wheels; in addition, it is designed to transport persons and/or cargo and pull and push equipment and controlled by a steering wheel and pedals, designed for recreational or utility purposes and shall carry no more than 6 people including the driver, sitting side by side on one or more non-straddle seats
- e. **“Road”** means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655,
- f. **“City Council”** means the City of Escanaba City Council.
- g. **“County”** means the County of Delta.
- h. **“Maintained portion”** means on a: 1. Paved road with fog lines – between the lines, white line to white line. 2. Paved road without fog lines – edge of asphalt to edge of asphalt. 3. Gravel road – bladed portion of the road.
- i. **“Trailhead”** means state, county or city designated trail or route for licensed/permitted ORV’s to operate on the trail or route.

SEC. 27.413: OPERATION 1

A Side by Side shall only be operated on City streets using the most direct route from the trailhead to and from lodging, to obtain food at restaurants or stores, to obtain fuel and repairs, and to a residence, on the far right of the maintained portion of a roadway and the gravel portion of paved roads within the City when available except for the following:

- a. As designated by the map, attached Exhibit A, with special attention to the following roads that shall not be accessible or traveled by a Side by Side: Ludington Park roadways except access is permitted onto Begumier Way to the north parking lot to allow access to the ice on Little Bay De Noc; Loren W Jenkin Memorial Drive to Sand Island to access the ice on Lake Michigan; and Bath House Rd to the parking lot east of the Bandshell for access to the ice on Lake Michigan.
- b. Side by Sides shall not operate on the City streets from December 1 thru March 31.
- c. Any roadway, shoulder, or right-of-way of any State or Federal highway including but not limited to US 2 including US 41, M 35.

d. A Side by Side operated on the permitted City streets shall follow all traffic laws-state, local, and county. Side by Sides shall not operate on sidewalks, paths or trails unless otherwise posted.

SEC 27.414: OPERATION 2

Except as set forth herein or otherwise provided by law, a Side by Side meeting all of the following conditions may be operated on a road or street in the City:

- a. At a speed of no more than 25 miles per hour or a lower posted Side by Side speed limit.
- b. By a person of 16 years of age or older in possession of a valid Michigan Driver's License or a comparable valid driver's license of another state or province of Canada.
- c. With the flow of traffic.
- d. In a manner which does not interfere with traffic on the road or street.
- e. Traveling single file except when overtaking and passing another Side by Side, where passing is allowed by law.
- f. Operation hours; one 1/2 hour before sunrise until one 1/2 hour after sunset.
- g. While displaying a lighted headlight and lighted taillight at all operational hours.
- h. While the operator and each passenger are wearing a crash helmet and protective eyewear approved by the United States Department of Transportation (DOT) unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- i. With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j. While the Side by Side is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- k. Pursuant to noise emission standards defined by law.

SEC. 27.414: AGE

- A person less than 16 years of age shall not operate a Side by Side on a road in the City.
- A person 16 years of age or older shall not operate a Side by Side in the City unless in the possession of a valid driver's license issued by the State of Michigan, another state, or a province of Canada.

SEC. 27.415: CIVIL FINE

Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

SEC. 27.416: DAMAGE RESTITUTION

A court shall order a person who causes damage to the environment, a road or other property as a result of the operation of a Side by Side to pay full restitution for that damage above and beyond the penalties paid for civil fines.

SEC. 27.416: FINE ALLOCATION

The City Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the Side-by-Side Fund. The City Council shall appropriate revenue in the Side-by-Side Fund as follows:

- a. Fifty percent to the Escanaba Department of Public Works for repairing damage to roads and the environment that may have been caused by Side by Sides, and for posting signs indicating Side by Side speed limits or indicating whether roads are open or closed to the operation of Side by Sides.
- b. Fifty percent to Escanaba Public Safety enforcement and training.

SEC. 27.417: MASTER MAP MAINTENANCE

The City shall maintain a master map of all roads upon which shall be indicated those roads and parts of sections thereof upon which the operation of Side by Sides is permitted and prohibited pursuant to this ordinance. The City shall make such a master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to make, or to assume any expense associated with the making of such copies.

a. The City shall update the master map once annually, between January 1 and February 28 of each year, to incorporate any changes to the designation of any road, or parts or sections thereof, upon why the operation of Side by Side is permitted or prohibited pursuant to this ordinance.

b. It shall be the responsibility of the respective City Council to determine, prior to January 1 of each year of any changes to be incorporated in to the master map for the year.

CHAPTER II
SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of this 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 III
CONFLICTING ORDINANCES REPEALING CLAUSE

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance ae hereby repealed.

CHAPTER IV
Effective Date

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

APPROVED:

APPROVED:

City Attorney

Mark Ammel
Mayor

Date Approved:

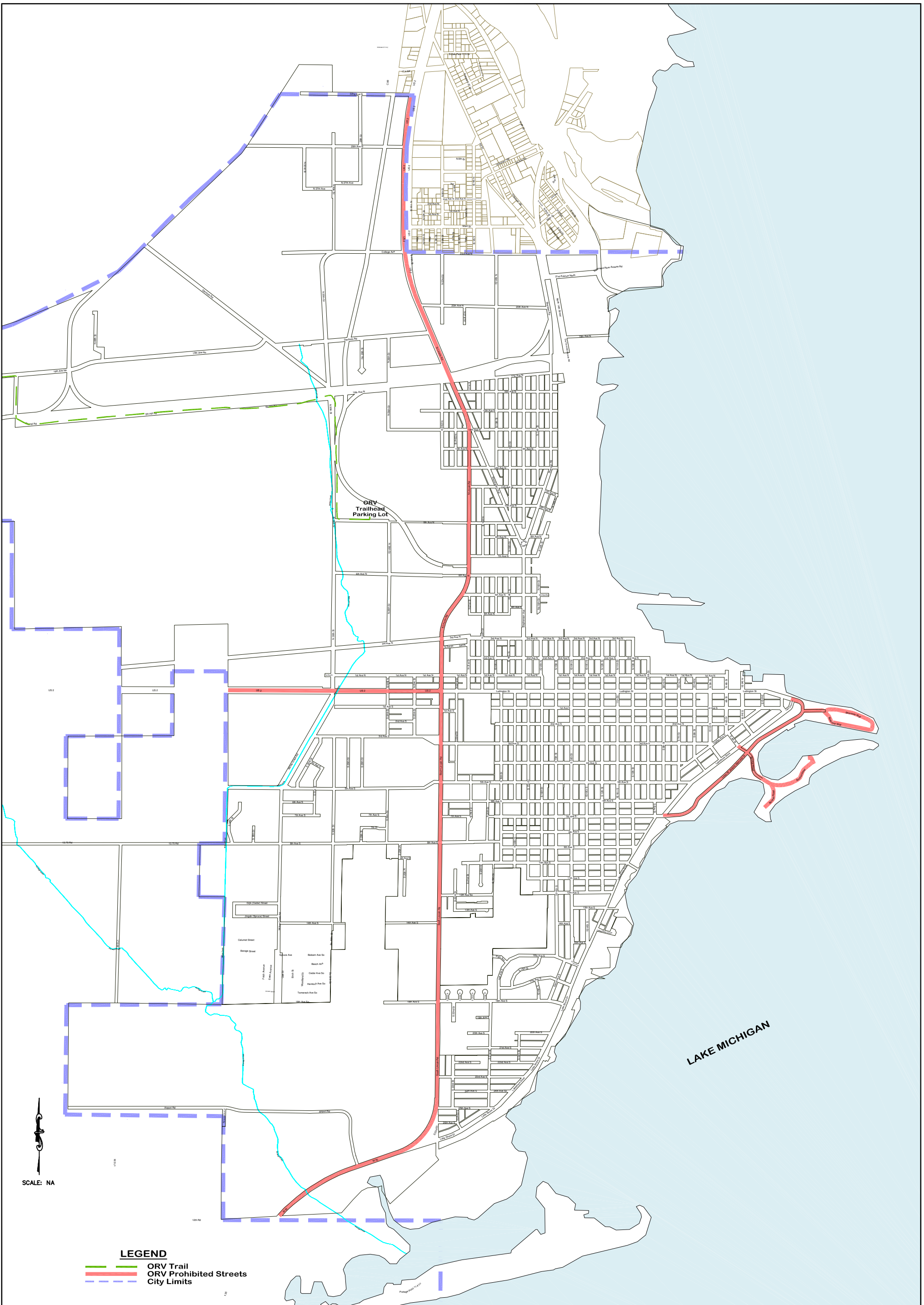
Attest

Date Published:

Phil DeMay
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 (date) day of (month), 2022, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (day), (month) (date), 2022, 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.

Phil DeMay
City Clerk



- LEGEND**
- ORV Trail
 - ORV Prohibited Streets
 - City Limits

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City of Escanaba

Side-by-Side Prohibited Roadways

(By City Ordinance)

PREPARED BY:
CITY OF ESCANABA
 ENGINEERING DEPARTMENT
 1715 SHERIDAN ROAD ESCANABA, MICHIGAN 49829
 (906) 789-3795



Revision Date: 04/18/2022

Agenda Item: NB-9
Date: 04-21-2022

City Council Agenda Item Request

Date: 4/13/2022

Name: Jeff Lampi

Department: Wastewater

Item: WWTP parking lot, driveway, and approach prep for gravel & asphalt

Meeting date requested: 4/21/2022

Explanation for request:

Item #1:

Administration is requesting city council's approval for monies to complete the work required to build and prepare the parking lot and concrete approaches as part of the work being done at the Wastewater Treatment Plant in an amount not to exceed \$90,000.00.

*This work is necessary and required to have truck access to the newly constructed vector garage. The 5-bay garage has very limited access at this time.

Item #2:

Administration is requesting city council's approval for monies to pave the parking lot on the west side of the plant as part of the work being done at the Wastewater Treatment Plant in an amount not to exceed \$110,000.00.

*This work would pave the newly constructed parking lot properly sloped to the storm water catch basins, providing access to the new 5-bay, and new vector garage, in between the existing admin & cold storage garages and the new admin building and the above mentioned garages, while the same work is being done as part of the SRF project.

Money is available but not budgeted.

Blue area has been green space in the past needs black dirt mucked, clean compacted fill, and gravel base

Red area will have existing pavement tore up for construction and Storm Sewer work

Black had been prepared with clean sand and some gravel base, but does not have any existing pavement

