



**CITY COUNCIL**  
**MEETING AGENDA**  
May 19, 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  
Lisa Vogler, City Attorney

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, May 19, 2022, at 7:00 p.m.**

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – May 5, 2022  
Work Session – May 9, 2022

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

**1. Public Hearing and Adoption – FY2022-23 Operating Budget.**

**Explanation:** The Council has conducted four (4) public hearings and three (3) budget work sessions to set a proposed FY2022-23 operating budget. This is the final public hearing on the FY2022-23 City operating budget and will establish a City millage rate of 17.442 mills. Administration is recommending Council approval of the FY2022-23 Operating Budget, Capital Improvement Plan and Master fee schedule.

**2. Public Hearing – Condemnation of structure located at 1607 North 20<sup>th</sup> Street – Code Compliance Department – Public Safety.**

**Explanation:** Administration is requesting condemnation of the structure located at 1607 North 20<sup>th</sup> Street, which had been partially burned due to a lightning strike and appears to be abandoned.

**3. Public Hearing – Notice of Improvements (Special Assessment Project) – 12' Asphalt Paved Alley Located Between North 18<sup>th</sup> Street and North 19<sup>th</sup> Street and Between 6<sup>th</sup> Avenue North and 5<sup>th</sup> Avenue North – Public Works.**

**Explanation:** The City of Escanaba received a petition from property owners requesting the City to construct a 12' asphalt paved alley located between North 18<sup>th</sup> Street and North 19<sup>th</sup> Street and between 6<sup>th</sup> Avenue North and 5<sup>th</sup> Avenue North. In accordance with the City Charter, the City of Escanaba is required to conduct a Public Hearing on the proposed special assessed improvement project so that any comments or objections to improvements can be heard. Administration further requests to set June 16, 2022, as the Public Hearing to comment and/or object to the proposed alley assessments.

**4. Public Hearing – Notice of Improvements (Special Assessment Project) – 14' Asphalt Paved Alley Located Between Lake Shore Drive and Grand Avenue and between 17<sup>th</sup> Avenue South and 18<sup>th</sup> Avenue South – Public Works.**

**Explanation:** The City of Escanaba received a petition from property owners requesting the City to construct a 14' asphalt paved alley located between Lake Shore Drive and Grand Avenue and between 17<sup>th</sup> Avenue South and 18<sup>th</sup> Avenue South. In accordance with the City Charter, the City of Escanaba is required to conduct a Public Hearing on the proposed special assessed improvement project so that any comments or objections to improvements can be heard. Administration further requests to set June 16, 2022, as the Public Hearing to comment and/or object to the proposed alley assessments.

UNFINISHED BUSINESS

**1. Second Reading, Public Hearing and Adoption of Ordinance No. 1260, Allow Side-by-Side UTV Operation on City Streets – Administration.**

**Explanation:** Administration is requesting the City Council to consider approval and adoption of Ordinance No. 1260, An Ordinance to Allow Side-by-Side UTV Operation on City Streets.

**2. Discussion – Annual Review of City Manager Patrick Jordan and Evaluation.**

**Explanation:** City Council will discuss the evaluation questions from past annual reviews to make any recommendations or changes to those questions.

NEW BUSINESS

**1. First Reading of Ordinance No. 1261, the Appropriations Ordinance, Including the Millage Rate of 17.442 Mills and Setting the Date of Thursday, May 26, 2022, for the Second Reading, Public Hearing, and Adoption.**

**Explanation:** Once the City Council approves the budget, the Council must approve a tax levy and authorize appropriations to implement the budget. Administration is recommending a special meeting of the Council for Thursday, May 26, 2022, at 9:00 a.m. be scheduled for the second reading, public hearing, and adoption of Appropriations Ordinance No. 1261.

**2. First Reading of Ordinance No. 1262, the Tax Levy Ordinance, and Setting the Date of Thursday, May 26, 2022, for the Second Reading, Public Hearing and Adoption.**

**Explanation:** Section 9, Chapter VIII, of the City Charter requires the City, by Ordinance, to levy taxes that may be necessary to meet the appropriations' needs for the upcoming fiscal year budget. Administration is recommending a special meeting of the Council for Thursday, May 26, 2022, at 9:00 a.m. be scheduled for the second reading, public hearing, and adoption of Tax Levy Ordinance No. 1262.

**3. First Reading of Ordinance No. 1263, the Electric Rate Ordinance, and Setting the Date of Monday, June 6, 2022, for Second Reading, Public Hearing, and Adoption.**

**Explanation:** Annually, the City Council sets electric utility rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1263 and to schedule the second reading and public hearing for June 6, 2022, at 9:00 a.m.

**4. First Reading of Ordinance No. 1264, the Wastewater Rate Ordinance, and Setting the Date of Monday, June 6, 2022, for the Second Reading, Public Hearing, and Adoption.**

**Explanation:** Annually, the City Council sets wastewater utility rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1264 and to schedule the second reading and public hearing for June 6, 2022, at 9:00 a.m.

**5. First Reading of Ordinance No. 1265, the Water Rate Ordinance, and Setting the Date of Monday, June 6, 2022, for Second Reading, Public Hearing, and Adoption.**

**Explanation:** Annually, the City Council sets water utility rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1265 and to schedule the second reading and public hearing for June 6, 2022, at 9:00 a.m.

**6. First Reading of Ordinance No. 1266, the Solid Waste Ordinance, and Setting the Date of Monday, June 6, 2022, for the Second Reading, Public Hearing, and Adoption.**

**Explanation:** Annually, the City Council sets solid waste rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1266 and to schedule the second reading and public hearing for June 6, 2022, at 9:00 a.m.

**7. Approval – Use of Public Space - Ludington Street – Downtown Sidewalk Sales – Administration.**

**Explanation:** The Downtown Partners in Business is requesting the City Council approve the closure of Ludington Street on July 29, 2022, from 9:00 a.m. to 10:00 p.m. for the annual “Downtown Sidewalk Day’s” event.

**8. Approval – Use of Public Space – Ludington Park and Ludington Street – 36<sup>th</sup> Annual Krusin Klassic Car Fun Run – Administration.**

**Explanation:** The Krusin Klassic Car Club is requesting City Council approval to use Ludington Park and Ludington Street on June 3, 2022, from 6:00 p.m. to 8:00 p.m., for their annual "Krusin Klassics Fun Run". Administration is recommending approval of the request contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

**9. Approval – Use of Public Space – Ludington Street – Pulling for Honor – Administration.**

**Explanation:** Cheri Lehto with Honor Flight is requesting approval to use Ludington Street from 14<sup>th</sup> Street to 16<sup>th</sup> Street on Saturday, August 6, 2022, from 12:00 p.m. to 5:30 p.m. for setup, and 1:00 p.m. to 5:00 p.m., for Pulling for Honor (fundraiser for U.P. Honor Flight. Administration is recommending approval of the request contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

**10. Approval – Use of Public Space – Ludington Street – Eagles Picnic – Administration.**

**Explanation:** The Eagles Club is requesting City Council approval to close the street between 6<sup>th</sup> and 7<sup>th</sup> Street (Ludington Street) on July 9<sup>th</sup> 11:00 a.m. until 5:30 p.m., for the Eagles Picnic. Administration is recommending approval of the request contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

**11. Approval – Banking Service Contract – HR Director/Treasurer.**

**Explanation:** Invitations to submit proposals for banking services were sent out to nine area financial institutions. After review of the five proposals received, Administration recommends awarding First Bank a three-year banking contract.

**12. Approval – Letter of Engagement, Appraiser – Assessing**

**Explanation:** Administration is requesting City Council approval to enter into a letter of engagement with Piazza Appraisal Service for the appraisal of the four City properties involved in the Jail/Chamber development. The total cost for all appraisals is \$8,900.

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  
Regular Council Meeting  
Thursday, May 5, 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.

DuBord moved, Moore seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from April 21, 2022, as submitted.

**ADJUSTMENTS TO THE AGENDA**

Council Member DuBord moved to add Unfinished Business item 2 from the March 17, 2022, meeting that was not resolved/acted on, City Manager review and evaluation to New Business item 4, and move closed sessions to New Business Items 5 and 6 to the end of the meeting before adjournment.

DuBord moved, Ammel seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as amended.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT** – None

**PUBLIC HEARINGS**

**PH-1 Public Hearing - Proposed 2022-23 Fiscal Year Budget.**

City Council conducted the fourth public hearing and scheduled the final public hearing and approval of the 2022-23 City budget for May 19, 2022.

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

- Glenn Vande Water – discussed Public Library budget.
- Ann McNamara - discussed Public Library budget.
- Gregg Bruff - discussed Public Library budget.
- Chris Lopez - discussed Public Library budget.

- Lynn Soderberg - discussed Public Library budget.
- Kate Ohman - discussed Public Library budget.
- Val Hipner - discussed Public Library budget.
- Casey Hoffman - discussed Public Library budget.
- Richard Reiffers - discussed Public Library budget.
- Chris Holmes - discussed Public Library budget.
- Lorrie Mold - discussed Public Library budget.
- Dan Young - discussed Public Library budget.
- John Economopoulos - discussed Public Library budget.
- Joe Kaplan - discussed Public Library budget.
- Kelli Van Ginhoven - discussed Public Library and Public Safety budget.
- Dan Zeller - discussed Public Library budget.
- Meredith Zapin - discussed Public Library budget.
- Cindy Bender - discussed Public Library budget.

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

**PH-1** Beauchamp moved, Moore seconded, to set May 19, 2022, as the final public hearing and approval of the 2022-23 City budget.

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

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

Nays: None

**MOTION CARRIED.**

**PH-2 Second Reading, Public Hearing and Adoption of Ordinance No. 1259, An Ordinance to Amend Chapters I-XXII of the Zoning Ordinance as Codified Under the Code of Ordinances.**

Administration requested the City Council to consider approval and adoption 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 – Multiple Chapters.

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

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

**PH-2** “By Council Member Moore, seconded by Council Member Flath;

**Resolved,** That Ordinance No. 1259, An Ordinance to Amend Chapters I-XXII of the Zoning Ordinance as Codified Under Appendix A of the Code of Ordinances – Multiple Chapters, 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. 1259 adopted by title:

**" AN ORDINANCE TO AMEND CHAPTERS I-XXII OF THE ZONING ORDINANCE AS CODIFIED UNDER APPENDIX A OF THE CODE OF ORDINANCES."**

Full text in Ordinance Record "L".

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

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

Nays: None

**RESOLUTION DECLARED ADOPTED."**

**PH-3 Second Reading, Public Hearing and Adoption of Ordinance No. 1260, Allow Side-by-Side UTV Operation on City Streets – Administration.**

Administration requested the City Council to consider approval and adoption of Ordinance No. 1260, An Ordinance to Allow Side-by-Side UTV Operation on City Streets.

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

- Glenn Vande Water – discussed an ordinance to allow side by side UTV operation on city streets.
- Tom Korntved - discussed an ordinance to allow side by side UTV operation on city streets.
- Mark Cowman - discussed an ordinance to allow side by side UTV operation on city streets.
- Ann Fix - discussed an ordinance to allow side by side UTV operation on city streets.
- Kelli Van Ginhoven - discussed an ordinance to allow side by side UTV operation on city streets.
- Gregg Bruff - discussed an ordinance to allow side by side UTV operation on city streets.
- Barbra Lindstrom - discussed an ordinance to allow side by side UTV operation on city streets.
- Dan Zeller - discussed an ordinance to allow side by side UTV operation on city streets.

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

**PH-3** Beauchamp moved, DuBord seconded, to postpone this item based on the recommendation of the City Attorney until they (Attorney Vogler) have time to review the ordinance and make a recommendation.

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

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

**MOTION CARRIED.**

The time being 8:33 p.m. DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, the Council recessed.

The time being 8:39 p.m. came back in session.

**UNFINISHED BUSINESS**

**UB-1 Discussion – Of Agreement for Old Jail/Chamber Site Redevelopment.**

Administration sought City Council input on a possible purchase and development agreement based upon recommendation from our City Attorney for the development of the Old Jail/Chamber of Commerce property.

Mayor Ammel moved, Beauchamp seconded, to direct the City Manager to pursue purchase agreements with the interested local parties being North Shore Marine Terminal, Terrace Bay Hotel, LLC, and Swanee, Inc. in accordance with the advice of the City Attorney to follow the city land use policy with the added direction to work with County Administration to assist with the property assemblage.

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

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

**MOTION CARRIED.**

**UB-2 Approval – Awarding of Agreement for Old Jail/Chamber Site Redevelopment.**

Administration sought City Council approval to pursue a purchase and development agreement based upon Administration's recommendation for the development of the Old Jail/Chamber of Commerce property.

DuBord moved, Flath seconded, to close the RFQ.

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 Setting Public Hearing – Notice of Improvements (Special Assessment Project) – 12’ Asphalt Paved Alley Located Between North 18th Street and North 19th Street and Between 6th Avenue North and 5th Avenue North – Public Works.**

The City of Escanaba received a petition from property owners requesting the City to construct a 12’ asphalt paved alley located between North 18th Street and North 19th Street and between 6th Avenue North and 5th Avenue North. In accordance with the City Charter, the City of Escanaba is required to conduct a Public Hearing on the proposed special assessed improvement project. Administration requested City Council to schedule a Public Hearing for May 19, 2022, so that any comments or objections to improvements can be heard.

**NB-1** Ammel moved, Karen seconded, **CARRIED UNANIMOUSLY**, to schedule a public hearing for May 19, 2022, to hear objections to the improvement of a petition for the construction of a 12’ asphalt paved alley located between North 18th Street and North 19th Street and between 6th Avenue North and 5th Avenue North.

### **NB-2 Setting Public Hearing – Notice of Improvements (Special Assessment Project) – 14’ Asphalt Paved Alley Located Between Lake Shore Drive and Grand Avenue and between 17th Avenue South and 18th Avenue South – Public Works.**

The City of Escanaba received a petition from property owners requesting the City to construct a 14’ asphalt paved alley located between Lake Shore Drive and Grand Avenue and between 17th Avenue South and 18th Avenue South. In accordance with the City Charter, the City of Escanaba is required to conduct a Public Hearing on the proposed special assessed improvement project. Administration requested City Council to schedule a Public Hearing for May 19, 2022, so that any comments or objections to improvements can be heard.

**NB-2** DuBord moved, Moore seconded, **CARRIED UNANIMOUSLY**, to schedule a public hearing for May 19, 2022, to hear objections to the improvement of a petition for the construction of a 14’ asphalt paved alley located between Lake Shore Drive and Grand Avenue and between 17th Avenue South and 18th Avenue South.

### **NB-3 Approval – Radio Donation - EDPS**

EDPS sought City Council approval to donate its old VHF radios to the Escanaba School District. EDPS now uses 800mhz radios and no longer has a need for the VHF radios. This would allow the school to have immediate communications throughout their district.

**NB-3** DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve to donate its old VHF radios to the Escanaba School District.



#### **NB-4 Discussion – Annual Review of City Manager Patrick Jordan and Evaluation.**

DuBord moved, Mayor Ammel seconded, to do an annual review of the City Manager Patrick Jordan subsequent to reviewing the evaluation questions that were used in the past annual reviews to make any recommendations or changes to those questions by council and present changes at the May 19, 2022, Regular City Council Meeting.

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

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

**MOTION CARRIED.**

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

City Manager, Mayor Ammel, with Council Consensus made the following appointment:

Leslie Walch appointed to the Harbor Advisory Committee, expiring June 01, 2025.

#### **BOARD, COMMISSION, AND COMMITTEE REPORTS**

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

Mayor Ammel moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to appoint Council member DuBord and Moore to help assist City Manager to pursue purchase agreements with the interested local parties being North Shore Marine Terminal, Terrace Bay Hotel, LLC, and Swanee, Inc.

#### **GENERAL PUBLIC COMMENT**

- Kelli Van Ginhoven - discussed National Police Week (May 15-21, 2022). Wednesday 18<sup>th</sup> 6:00-8:30 p.m. Appreciation Ice Cream Social at the Marketplace.
- Mark Cowman – discussed ATV ordinance.
- Jared Drown – discussed the Jail Site property parcel.
- Martin Fix – discussed National Public Works Appreciation Week (May 15-21, 2022).

#### **ANNOUNCEMENTS**

- Esky Clean Up begins May 16, 2022, and ends on May 21, 2022.
- City Attorney Vogler discussed legal assistance with the Zoning Ordinance of sale

of recreational marihuana in the City of Escanaba.

- City Attorney Vogler discussed being present at one meeting per month and other meetings virtually.
- Enhance Escanaba update.

The time being 9:51 p.m. DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, the Council recessed.

The time being 10:00 p.m. came back in session.

**NB-5 Closed Session – To Consider Opinion Memo from Tribunal Attorney – Administration.**

Administration requested City Council to go into a Closed Session for the purposes of considering the opinion of our Tax Tribunal Attorney.

DuBord moved, Beauchamp seconded, to go into Closed Session.

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

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

**MOTION CARRIED.**

The time was 10:00 p.m.

DuBord moved, Beauchamp seconded, to come back into Open Session.

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

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

**MOTION CARRIED.**

The time was 10:21 p.m.

No Council actions were taken during closed session.

**NB-5** DuBord moved, Moore seconded, to allow our attorneys to move forward pursuant to their recommendations.

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

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

**MOTION CARRIED.**

**NB-6 Closed Session – To Discuss Open, Ongoing Fraud Case – Administration.**

Discussion was held with Attorney Vogler and Escanaba Public Safety detective on ongoing fraud case.

DuBord moved, Moore seconded, to go into Closed Session.

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

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

**MOTION CARRIED.**

The time was 10:23 p.m.

Flath moved, DuBord seconded, to come back into Open Session.

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

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

**MOTION CARRIED.**

The time was 10:42 p.m.

No Council actions were taken during closed session.

Hearing no further public comment DuBord moved, Flath seconded, the Council adjourned at 10:42 p.m.

Respectfully submitted

Phil DeMay  
City Clerk

Approved: \_\_\_\_\_  
Mark Ammel, Mayor

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Work Session Meeting  
Monday, May 9, 2022**

Pursuant to a meeting notice posted on May 5, 2022, the meeting was called to order by the Honorable Mayor Mark Ammel at 9:00 a.m. in the Council Chambers of City Hall located at 410 Ludington Street.

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

Absent: Council Member DuBord

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

Beauchamp moved, Flath seconded, **CARRIED UNANIMOUSLY**, to excuse Council Member DuBord's absence.

**ADJUSTMENTS TO THE AGENDA**

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

**CONFLICT OF INTEREST DECLARATION** – None

**NEW BUSINESS**

**NB-1 Discussion – Suggested Budget Cuts to the 2022-23 Operating Budget .**

Administration/Department Heads requested another work session to discuss suggested budget cuts requested by Council in order to arrive at a balanced budget.

- City Manager Patrick Jordan discussed options that Council had with suggested budget cuts to the 2022-23 operation budget;
- Discussion on MERS and amortization period and millage options;
- Discussion on Fund Balance and the outlook for the next couple of years;
- Tax millage on a typical home.

Mayor Ammel called for a recess the time being 9:38am  
Back in session at 9:47am.

- Council, Administration, and Department Heads discussed line item by line item with suggested cuts from administration. Following input from Department Heads and Administration, Council made their recommendations on reductions to the budget.

**GENERAL PUBLIC COMMENT**

- Phil Lynch – discussed City of Escanaba budget;
- Ann McNamara – discussed City of Escanaba budget;
- Cindy Bender – asked that Council and Administration speak into the microphones so they can hear clearly.

**ANNOUNCEMENTS**

- Esky Clean Up starts Monday May 16<sup>th</sup>.

Hearing no further public comment moved, the Council adjourned at 11:15 a.m.

Respectfully submitted

Phil DeMay  
City Clerk

Approved: \_\_\_\_\_  
Mark Ammel, Mayor

Agenda Item: PH-2  
Date: 05-19-2022

## City Council Agenda Item Request

Date: 04/08/2022

Name: Blaine DeGrave

Department: Public Safety Department

Item: Public Hearing for Condemnation of Property

Meeting date requested: 05/19/2022

Explanation for request:

Administration is requesting condemnation of the structure located at 1607 North 20th Street, which had been partially burned due to a lightning strike and appears to be abandoned.

Agenda Item: PH-3  
Date: 05-19-2022

## City Council Agenda Item Request

Date: 05/06/2022

Name:

Department: Public Works

Item: Public Hearing-Notice of Improvements & Set Public Hearing-Alley Assessments

Meeting date requested: 05/19/2022

Explanation for request:

The City of Escanaba received a petition from property owners requesting the City to construct a 12' asphalt paved alley located between North 18th Street and North 19th Street and between 6th Avenue North and 5th Avenue North. In accordance with the City Charter, the City of Escanaba is required to conduct a Public Hearing on the proposed special assessed improvement project so that any comments or objections to improvements can be heard. Administration further requests to set June 16, 2022, as the Public Hearing to comment and/or object to the proposed alley assessments.

PETITIONER: Chad Meier

4/11/22

Date Received From Clerk

4/18/22

Date Presented to Clerk

SPECIAL ASSESSMENT PETITION FOR STREET IMPROVEMENTS

To: The Escanaba City Council

Council Members:

We, the undersigned property owners, hereby petition your honorable body for the construction of a 12' asphalt paved alley located between North 18th Street and North 19th Street and between 6th Avenue North and 5th Avenue North.

We understand the charges for this work will be based on a special assessment rate applicable at the time the City of Escanaba budget is prepared and the public hearings held. We further understand the current rate of \$ 13.00 per front foot for the specified type improvements is advisory and subject to change prior to the public hearings on the assessment and that the special assessment may be payable in annual installments as shown, plus interest at six percent (6%) per year on the unpaid balance:

Table with 2 columns: Amount of Assessment, Year. Rows include: Less than \$100 (Year 1), \$101 to \$200 (Year 2), \$201 to \$300 (Year 3), \$301 to \$400 (Year 4), \$401 and over (Year 5).

Main table with 6 columns: PROPERTY ADDRESS, FRONT FOOT, ASSESSMENT, OWNER, MAILING ADDRESS, SIGNATURE. Contains 19 rows of property data with handwritten signatures.



6th Ave N

6th Ave N

N 19th St

N 18th St

N 19th St

N 18th St

5th Ave N

5th Ave N

636 Gravelle

Stewart 637

632 Gravelle

Stewart 633

628 Wellman

Brabyn 629

624 Wellman

Taylor 625

620 Koish

Meier 621

616 McKight

Meier 617

612 Piriot

Reifers 613

608 Veersson

Bugay 609

604 Coolman

Jenkins 601

600 Larson

### Alley Assessment

5th-6th Ave No and No 19th St to No 18th St

**CITY OF ESCANABA**

410 LUDINGTON ST. ESCANABA, MICH. 49829 (906) 786-9402



DATE:  
04/2022

SCALE:  
NA

DRWG. NO.:

Agenda Item: PH-4  
Date: 5-19-2022

## City Council Agenda Item Request

Date: 05/06/2022

Name:

Department: Public Works

Item: Public Hearing-Notice of Improvements & Set Public Hearing-Alley Assessments

Meeting date requested: 05/19/2022

Explanation for request:

The City of Escanaba received a petition from property owners requesting the City to construct a 14' asphalt paved alley located between Lake Shore Drive and Grand Avenue and between 17th Avenue South and 18th Avenue South. In accordance with the City Charter, the City of Escanaba is required to conduct a Public Hearing on the proposed special assessed improvement project so that any comments or objections to improvements can be heard. Administration further requests to set June 16, 2022, as the Public Hearing to comment and/or object to the proposed alley assessments.

PETITIONER: **GOUIN CHRISTOPHER C**  
**1804 LAKESHORE DRIVE**  
**ESCANABA, MI 49829**

Date Received From Clerk  
10/6/2021  
 Date Presented to Clerk

**SPECIAL ASSESSMENT PETITION  
 FOR STREET IMPROVEMENTS**

To: The Escanaba City Council

Council Members:

We, the undersigned property owners, hereby petition your honorable body for the construction of a **14' asphalt paved alley located between Lake Shore Drive and Grand Avenue and between 17<sup>th</sup> Ave S and 18<sup>th</sup> Ave S.**

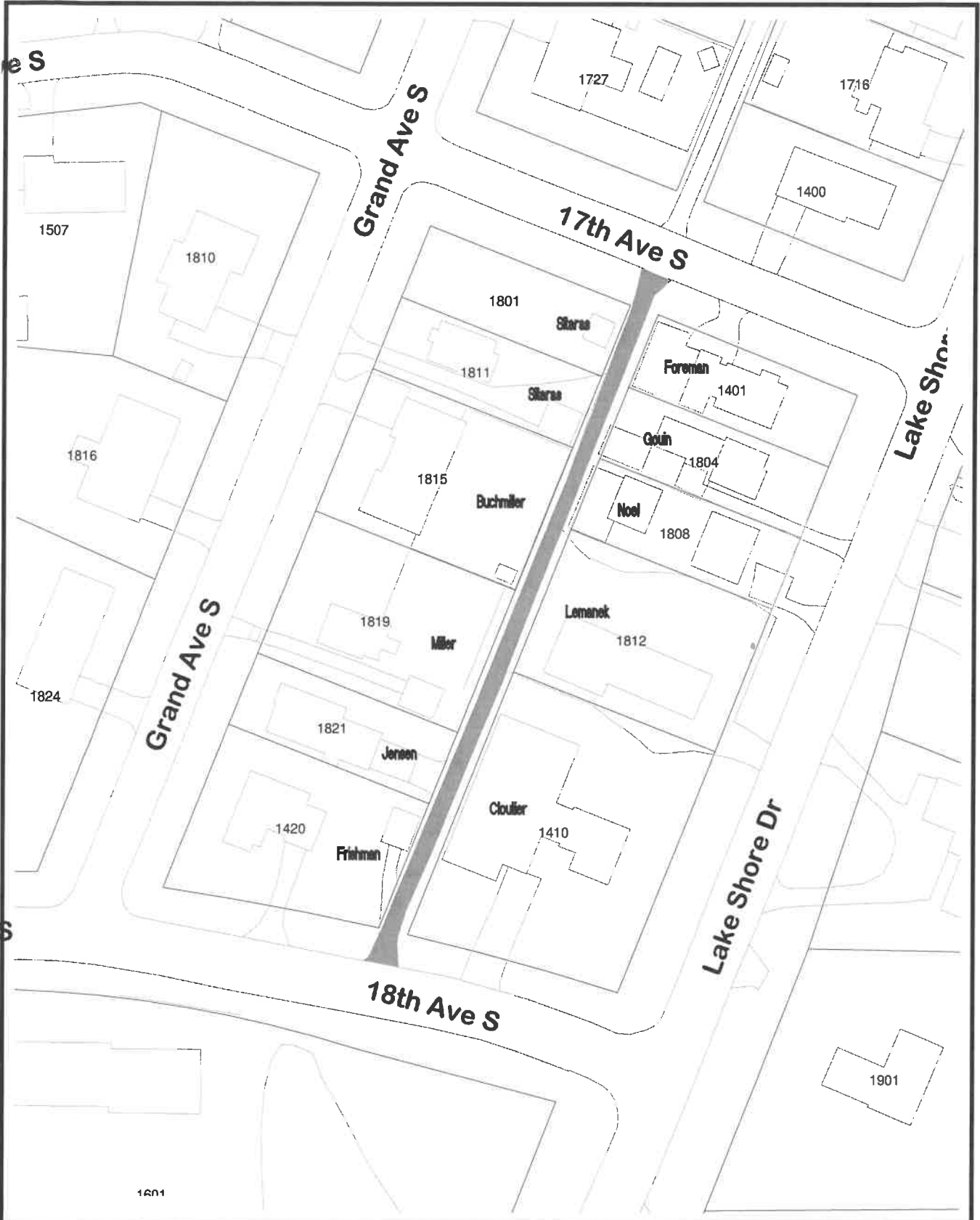
We understand the charges for this work will be based on a special assessment rate applicable at the time the City of Escanaba budget is prepared and the public hearings held. We further understand the current rate of **\$12.50** per front foot for the specified type improvements is advisory and subject to change prior to the public hearings on the assessment and that the special assessment may be payable in annual installments as shown, plus interest at six percent (6%) per year on the unpaid balance:

<u>Amount of Assessment</u>	<u>Year</u>
Less than \$100	1
\$101 to \$200	2
\$201 to \$300	3
\$301 to \$400	4
\$401 and over	5

<u>PROPERTY ADDRESS</u>	<u>FRONT FOOT</u>	<u>ASSESSMENT</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>	<u>SIGNATURE</u>
1. 1801 GRAND AVE	50.00'	\$625.00	SITARAS NICK & DESPINA	2301 S 21 <sup>ST</sup> ST	<i>Despina</i>
2. 1811 GRAND AVE	50.00'	\$625.00	SITARAS NICK & DESPINA	2301 S 21 <sup>ST</sup> ST	<i>Despina</i>
3. 1815 GRAND AVE	100.00'	\$1250.00	BUCHMILLER PATRICIA	SAME	
4. 1819 GRAND AVE	100.00'	\$1250.00	MILLER KENNETH J	SAME	<i>Ken Miller</i>
5. 1821 GRAND AVE	50.00'	\$625.00	JENSEN JAMES & TINA	SAME	<i>Jim Jensen</i>
6. 1420 GRAND AVE	80.26'	\$1003.25	FRISHMAN LEON & DAVISON N TRUST	SAME	
7. 1410 18 <sup>TH</sup> AVE S	172.63'	\$2157.88	CLOUTIER HAROLD F & MAXINE M	SAME	
8. 1812 LAKESHORE DR	100.00'	\$1250.00	LEMANEK LESLIE J	SAME	<i>Leslie Lemaneck</i>
9. 1808 LAKESHORE DR	50.00'	\$625.00	NOEL MARTIN A	SAME	<i>Martin Noel</i>
10. 1804 LAKESHORE DR	50.00'	\$625.00	GOUIN CHRISTOPHER C	SAME	<i>Christopher Gouin</i>
11. 1401 17 <sup>TH</sup> AVE S	50.00'	\$625.00	FOREMAN DAVID	SAME	<i>David Foreman</i>

Improvement will be based on input and recommendation of the Planning Commission for their Capital Improvement Plan and subject to City Council review and inclusion in the 2022-2023 budget.

Delivered 10/05/21 TAF



L:\Engineering\TOP\Drawings\2022\1804 LSD Alley Assess.dwg 4-28-22 01:24:50 PM TFlower

<p>Alley Assessment 17th-18th Ave So and Lakeshore Drive to Grand Ave</p>		<p>DATE: 04/2022</p>
<p><b>CITY OF ESCANABA</b></p>		<p>SCALE: NA</p>
<p>410 LUDINGTON ST. ESCANABA, MICH. 49829 (906) 786-9402</p>		<p>DRWG. NO.:</p>



WB-1

Agenda Item: ~~PH-3~~

Date: ~~05/05/2022~~

05/19/2022

## City Council Agenda Item Request

Date: 04/28/2022

Name: Patrick Jordan

Department: Administration

Item: Second Reading - Ord. No. 1260 - Side-by-Side UTV Operation on City Streets

Meeting date requested: 05/05/2022

Explanation for request:

Administration is requesting the City Council to consider approval and adoption of Ordinance No. 1260, An Ordinance to Allow Side-by-Side UTV Operation on City Streets.

## ORDINANCE NO. 1260

### CHAPTER 1

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. **Side by Side may be registered and licensed pursuant to 2018 PA 680, MCL 257.217i.**
- 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 **where available** the gravel portion of paved roads, within the City 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 Beaumier 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. A Side by Side shall not operate on the City streets from December 1 through March 31, except to access the Lake Michigan shoreline for the purpose of ice fishing and actively removing snow following a snow event.

- c. **A Side by Side shall not operate** on 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 street or road 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 and **obey all traffic signs and signals.**
- d. In a manner which does not interfere with traffic on the or street or road.
- e. Traveling single file except when overtaking and passing another Side by Side, where passing is allowed by law **and can be done safely taking into account other traffic on the street or road.**
- f. Operation hours: 1/2 hour before sunrise until 1/2 hour after sunset or 9:00pm, whichever is later.
- g. While displaying a lighted headlight(s) and lighted taillight(s) 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, a **windshield** and the operator and each passenger **are** 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: INSURANCE**

**Any Side by Side shall only be operated on City streets and pursuant to this Ordinance if insured by the owner of the Side by Side under either a personal or commercial insurance policy. The insurance coverage shall include comprehensive and collision coverages and liability coverage. Proof of owners name and address and insurance shall be kept in the Side by Side at all times and produced upon the request.**

**SEC. 27.416: 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. 27.417: DAMAGE RESTITUTION**

In any action involving the issuance of a municipal civil infraction under Sec. 27:416, the court shall order a person who causes damage to the environment, a street or 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, any changes to be incorporated into 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 are 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:

\_\_\_\_\_  
**Lisa Vogler**  
City Attorney

\_\_\_\_\_  
**Mark Ammel**  
Mayor



Date Approved:

Attest

Date Published:

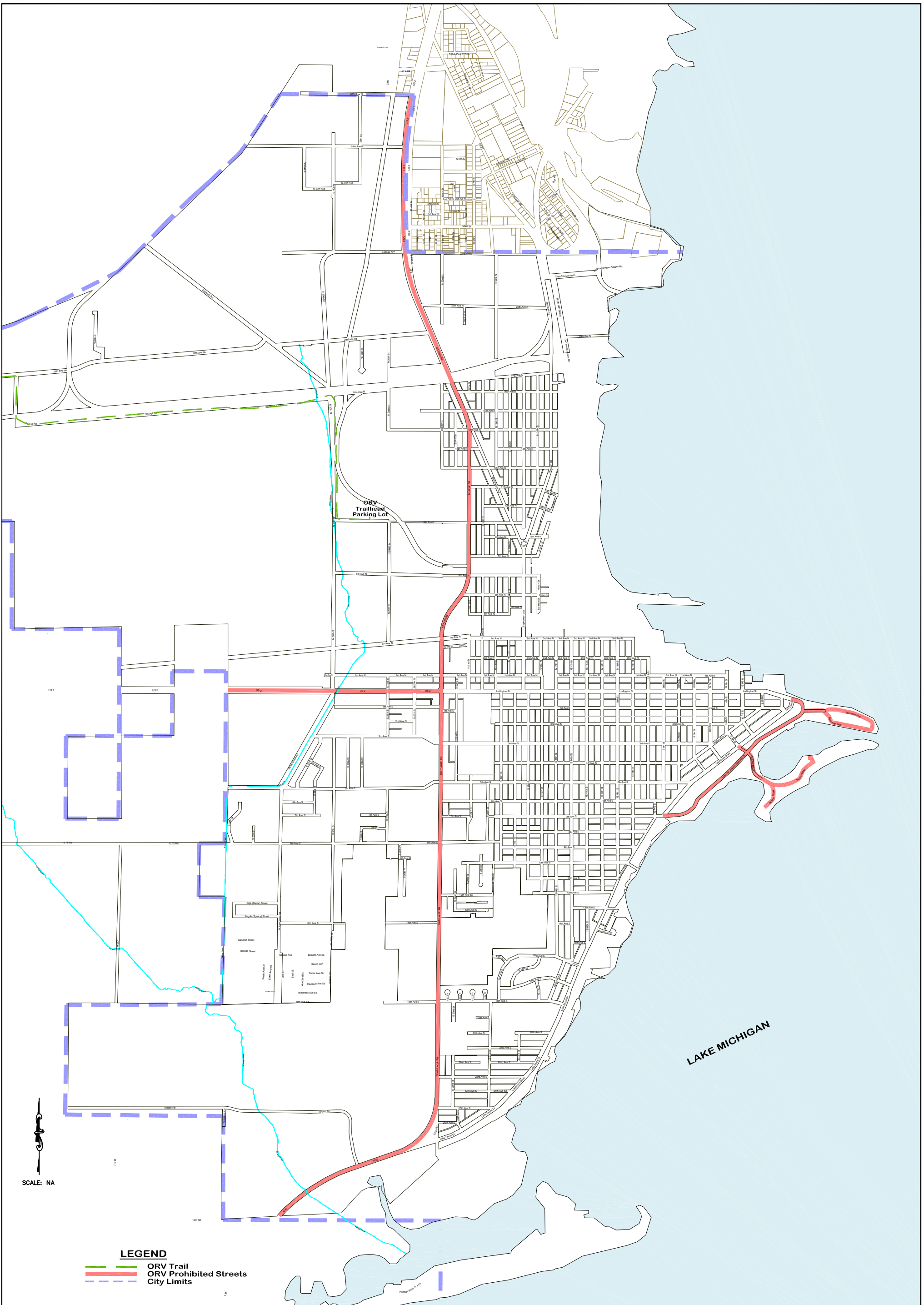
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**Phil DeMay**  
City Clerk

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.

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**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

**ORDINANCE NO. 1261****"AN ORDINANCE TO MAKE APPROPRIATIONS AND CORRESPONDING REVENUES FOR THE YEAR ENDED JUNE 30, 2023."**

THE CITY OF ESCANABA ORDAINS:

The total number of mills of ad valorem property taxes to be levied for fiscal year 2022/2023 is 17.442.

**CHAPTER I**

Section 101. That there is hereby appropriated by the City of Escanaba to various departments and funds for specific purposes, the several amounts set forth in the following tabulation, to be expended in accordance with the budget as approved, except that the City Manager is hereby empowered to transfer appropriations between activities and objects of expenditures, subject to the limitation imposed by Chapter VIII, Section 8, of the City Charter. The appropriations and revenues set forth are for the fiscal year ending June 30, 2023.

**GENERAL FUND**

## Revenues:

Taxes	\$5,652,325
Licenses and Permits	1,250
Intergovernmental	1,924,770
Charges for Services/Fines	350,040
Electric Utility Fund Contribution	765,790
Transfer from Land Development Fund	60,000
Transfer from DDA Fund	2,500
Transfer from Office Equipment Fund	39,200
Transfer from Sanitary Landfill Fund	285,000
Miscellaneous Revenues	<u>145,100</u>
Subtotal	\$9,225,975
Transfer from Fund Balance	<u>\$366,800</u>
Total General Fund Revenues	<u>\$9,592,775</u>

## Expenditures:

City Council	\$30,732
City Manager	314,870
City Controller	442,935
City Clerk	177,105
Auditors	20,000
Information Technology	65,640
Board of Review	2,050
Treasurer	288,925
Billing	401,706
Assessor	311,235
Elections	25,815
City Hall and Grounds	81,252
Attorney	88,200
Human Resources	124,155
Insurance/Bonds	6,500
Public Safety	4,658,615
Community Preservation	158,830
Crossing Guards	45,965
Crosswalks	5,000
Sidewalks	12,325
Engineer	400,360
Street Lighting	170,000
Care of Trees and Shrubs	172,335
Solid Waste Collection	492,645
Sanitary Landfill	285,000
Composting Activities	93,305
Snow Plowing for Garbage Collection	21,125
Alley Maintenance	50,145
Celebration - Flags	5,060
Fourth of July	22,980
Zoning	110,360
Planning Commission	2,100
Promotional Community	7,550
Tourism Promotion	34,675
Parks	333,960
Community Services	23,648
Recreation	696,000
Boat Launches	15,775
Band	43,660
Transfer to Parking Maintenance Fund	18,000
Transfer to Library Fund	450,000
Transfer to Marina Fund	1,000
Transfer to Escanaba Building Authority Fund	<u>149,000</u>

Ordinance No 1261 – cont.

Sub-total	\$10,860,538
Less: Overhead to Utilities	<u>1,267,763</u>
Total General Fund Expenditures	<u>\$9,592,775</u>

**MAJOR STREET FUND**

Revenues:	
State Shared Revenues	\$1,452,000
State Grants	375,000
Interest Earnings	<u>18,000</u>
Sub-total	\$1,845,000
Transfer from Fund Balance	<u>511,804</u>
Total Major Street Fund Revenues	<u>\$2,356,804</u>

Expenditures:	
Operating Expenses	\$856,804
Street Construction	1,200,000
Transfer to Local Street Fund	<u>300,000</u>
Total Major Street Fund Expenditures	<u>\$2,356,804</u>

**LOCAL STREET FUND**

Revenues:	
State Shared Revenues	\$490,000
Interest Earnings	4,500
Property Owner's Share of SA	2,500
Transfer from Major Street Fund	<u>300,000</u>
Sub-total	\$797,000
Transfer from Fund Balance	<u>246,409</u>
Total Local Street Fund Revenues	<u>\$1,043,409</u>

Expenditures:	
Operating Expenses	\$493,409
Street Construction	<u>550,000</u>
Total Local Street Fund Expenditures	<u>\$1,043,409</u>

**LIBRARY FUND**

Revenues:	
State Funding	\$26,166
Federal Revenue	5,494
Penal Fines Allocation	108,144
Fines and Fees	30,000
Interest Earnings	1,000
Donations	10,000
Transfer from General Fund	<u>450,000</u>
Sub-Total	\$630,804
Transfer from Fund Balance	<u>45,743</u>
Total Library Fund Revenues	<u>\$676,547</u>

Expenditures:	
Operating Expenditures	\$676,547
Total Library Fund Expenditures	<u>\$676,547</u>

**BEZOLD TRUST FUND**

Revenues:	
Interest Earnings	\$2,000
Transfer from Fund Balance	<u>18,000</u>
Total Bezold Trust Fund Revenues	<u>\$20,000</u>

Expenditures:	
Qualifying Expenditures	\$20,000
Total Bezold Trust Fund Expenditures	<u>\$20,000</u>

**GAS RETIREMENT FUND**

Revenues:	
Interest Earnings	\$10,000
Total Gas Retirement Fund Revenues	<u>\$10,000</u>

Expenditures:	
Transfer to Grants Fund	<u>\$0</u>
Total Gas Retirement Fund Expenditures	<u>\$0</u>

**SANITARY LANDFILL FUND**

Revenues:	
Revenue from Sales	\$300,000
Penalties on Collections	1,200
Interest Earnings	<u>900</u>
Sub-total	\$302,100

Ordinance No 1261 – cont.

Transfer from Fund Balance	0
Total Sanitary Landfill Fund Revenues	<u>\$302,100</u>
Expenditures:	
Transfer to General Fund	\$285,000
Administrative Expense	175
City Wide Clean-Up	0
Total Sanitary Landfill Fund Expenditures	<u>\$285,175</u>

**DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FUND**

Revenues:	
TIF Tax Collections	\$330,000
State Reimbursement of Lost PPT	5,000
State Grants	0
Interest Earnings	2,200
Total DDA Fund Revenues	<u>\$337,200</u>
Expenditures:	
Operating Expenditures	\$261,755
Transfer to General Fund	2,500
Transfer to Major Street Fund	25,000
Total DDA Fund Expenditures	<u>\$289,255</u>

**HOUSING REHABILITATION FUND**

Revenues:	
Interest Earnings	\$2,500
Total Housing Rehabilitation Fund Revenues	<u>\$2,500</u>
Expenditures:	
Administrative Expense	\$520
Total Housing Rehabilitation Fund Expenditures	<u>\$520</u>

**LAND DEVELOPMENT FUND**

Revenues:	
Property Owner's Share of Special Assessments	\$420
Interest Earnings	14,000
Sub-Total	<u>\$14,420</u>
Transfer from Fund Balance	115,095
Total Land Development Fund Revenues	<u>\$129,515</u>
Expenditures:	
Property Improvements	\$11,500
Insurance/Bonds	240
Professional Services	7,500
Property Taxes	275
Transfer to General Fund	60,000
Transfer to Grants Fund	50,000
Total Land Development Fund Expenditures	<u>\$129,515</u>

**PARKING MAINTENANCE FUND**

Revenues:	
D.D.A. Fund Contractual	\$15,000
Transfer from General Fund	22,450
Total Parking Maintenance Fund Revenues	<u>\$37,450</u>
Expenditures:	
D.D.A. Lot Expenditures	\$15,000
City Lot Expenditures	22,450
Total Parking Maintenance Fund Expenditures	<u>\$37,450</u>

**E.D.A. REVOLVING LOAN FUND**

Revenues:	
Interest Earnings	\$4,000
Total E.D.A.R.L.F. Revenues	<u>\$4,000</u>
Expenditures:	
Administrative Costs	\$1,500
Total E.D.A.R.L.F. Expenditures	<u>\$1,500</u>

**U.D.A.G. REVOLVING LOAN FUND**

Revenues:	
Interest Earnings	\$30,000
Total U.D.A.G.R.L.F. Revenues	<u>\$30,000</u>
Expenditures:	
Administrative Costs	\$1,300

Ordinance No 1261 – cont.

Total U.D.A.G.R.L.F. Expenditures \$1,300

**FARMERS HOME GRANT FUND**

Revenues:

Interest Earnings	\$100
Sub-Total	<u>\$100</u>
Transfer from Fund Balance	75
Total Farmers Home Grant Fund Revenues	<u>\$175</u>

Expenditures:

Administrative Costs	<u>\$175</u>
Total Farmers Home Grant Fund Expenditures	<u>\$175</u>

**DRUG LAW ENFORCEMENT FUND**

Revenues:

Local Forfeiture Proceeds	\$1,000
Interest Earnings	<u>350</u>
Total Drug Law Enforcement Fund Revenues	<u>\$1,350</u>

Expenditures:

City Expenditures	<u>\$1,000</u>
Total Drug Law Enforcement Fund Expenditures	<u>\$1,000</u>

**BROWNFIELD REDEVELOPMENT FUND**

Revenues:

TIF Tax Collections	\$81,900
Interest Earnings	<u>300</u>
Total Brownfield Redevelopment Fund Revenues	<u>\$82,200</u>

Expenditures:

Developer Reimbursements	<u>\$81,900</u>
Total Brownfield Redevelopment Fund Expenditures	<u>\$81,900</u>

**The following is provided for informational purposes only, as provided by Michigan P.A. 2 of 1968**

**ELECTRIC UTILITY FUND**

Revenues:

Revenue from Sales	\$13,892,466
Rents	60,000
Miscellaneous	126,000
Interest Earnings	<u>92,000</u>
Total Electric Fund Revenues	<u>\$14,170,466</u>

Expenses:

Operating Expenses	\$11,687,851
Depreciation	1,000,000
Overhead to General Fund	770,555
Contribution to General Fund	<u>765,790</u>
Total Electric Fund Expenses	<u>\$14,224,196</u>

**WATER UTILITY FUND**

Revenues:

Revenue from Sales	\$4,785,000
Miscellaneous	74,675
Interest Earnings	<u>32,000</u>
Total Water Fund Revenues	<u>\$4,891,675</u>

Expenses:

Operating Expenses	\$2,486,995
Depreciation	550,000
Overhead to General Fund	265,413
Bond Interest Expense	<u>150,000</u>
Total Water Fund Expenses	<u>\$3,452,408</u>

**WASTEWATER UTILITY FUND**

Revenues:

Revenue from Sales	\$3,867,500
Miscellaneous	11,250
Interest Earnings	<u>4,500</u>
Total Wastewater Fund Revenues	<u>\$3,883,250</u>

Expenses:

Operating Expenses	\$1,663,955
Depreciation	<u>423,350</u>

Ordinance No 1261 – cont.

Overhead to General Fund	240,370
Bond Interest Expense	<u>109,910</u>
Total Wastewater Fund Expenses	<u>\$2,437,585</u>

**ESCANABA BUILDING AUTHORITY FUND**

Revenues:

Lease Payments-Transfer from General Fund	\$149,000
Rent Income-City Hall/Library	133,248
Interest Earnings	<u>300</u>
Total Escanaba Building Authority Fund Revenues	<u>\$282,548</u>

Expenses:

Operating Expenses	\$205,460
Interest Expense	6,250
Depreciation Expense	<u>162,500</u>
Total Escanaba Building Authority Fund Expenses	<u>\$374,210</u>

**MARINA FUND**

Revenues:

Fees and Concessions	\$262,850
Interest Earnings	900
Contribution from General Fund	<u>1,000</u>
Total Marina Fund Revenues	<u>\$264,750</u>

Expenses:

Operating Expenses	\$199,669
Interest Expense	5,095
Depreciation	<u>74,140</u>
Total Marina Fund Expenses	<u>\$278,904</u>

APPROVED:

APPROVED:

\_\_\_\_\_  
Lisa Vogler  
City Attorney

\_\_\_\_\_  
Mark Ammel  
Mayor

Date Approved: (month) (date), 2022  
Date Published: (month) (date), 2022

ATTEST:

\_\_\_\_\_  
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 Special 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 (month) (day), 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

**ORDINANCE NO. 1262**

**AN ORDINANCE TO LEVY SUCH TAXES AS MAY BE NECESSARY TO MEET APPROPRIATIONS MADE AND ALL SUMS REQUIRED BY LAW TO BE RAISED TO DEFRAY THE DEBTS, EXPENDITURES, AND LIABILITIES OF SAID CITY FOR THE FISCAL YEAR ENDING ON THE 30TH DAY OF JUNE 2023, AND REQUIRING AN AUTHORIZED LEVY ON THE JULY 2022, CITY TAX ROLL OF RETURNED UNPAID SPECIAL ASSESSMENTS, TOGETHER WITH SUCH PENALTIES THEREON AS IS PROVIDED BY THE CITY CHARTER.**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

**Section 101.** That there shall be raised by levying 17.442 mills upon all of the ad valorem taxable property in the City of Escanaba at the next general City or July, 2022, tax levy, the sum of Five Million, Six Hundred Eleven Thousand One Hundred Sixty-Four Dollars (\$5,611,164) for the purpose of defraying debts, expenditures, and liabilities of said City of Escanaba for the fiscal year ending on the 30<sup>th</sup> day of June, 2023, in accordance with the 2022 - 2023 Budget of said City as submitted by the Manager, as amended by the Council, and approved.

**Section 102.** That said sum of Five Million, Six Hundred Eleven Thousand One Hundred Sixty-Four Dollars (\$5,611,164) for the payment of all of the foregoing debts, expenditures, and liabilities herein before mentioned be appropriated for the several funds of the City of Escanaba for the fiscal year ending June 30, 2023, and that the same be forthwith certified by the Clerk of said City of Escanaba to the City Assessor of said City, and the same shall be levied and collected upon the taxable valuation of all taxable property within the said City of Escanaba in accordance with the provisions of the City Charter and the laws of the State of Michigan, for the levying and collection of taxes.

**Section 103.** That the Clerk of the City shall report on June 21, 2022, to the City Assessor the amounts of all the several delinquent special tax assessments becoming due prior to January 1, 2022, and returned unpaid by the City Treasurer on said date of June 21, 2022, for all public improvements hereto before levied upon each, together with the name of the owner or occupant against whom such assessment was made, as contained in the special roll prepared therefore, and on file in the Office of the City Treasurer, and the City Assessor is hereby authorized and directed to levy and spread said sums so assessed, together with the penalties fixed by law, in the July, 2022, tax levy against persons and property charged therewith in such special assessment roll in accordance with the provisions of the City Charter of the City of Escanaba.

**CHAPTER II**

**Section 201.** 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 irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases thereof be declared unconstitutional.

**Section 202.** This ordinance shall be duly published as required by the Charter and shall be in full force and effect ten (10) days after the date of its publication.

APPROVED:

APPROVED:

\_\_\_\_\_  
Lisa Vogler  
City Attorney

\_\_\_\_\_  
Mark Ammel  
Mayor

Date Approved: (Month) (Date), 2022  
Date Published: (Month) (Date), 2022

ATTEST:

\_\_\_\_\_  
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 Special 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 (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

**ORDINANCE NO. 1263  
ELECTRIC RATES**

**AN ORDINANCE FIXING THE RATES TO BE CHARGED BY THE CITY OF ESCANABA FOR ELECTRIC ENERGY DEMAND AND AVAILABILITY OF SERVICE, TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, 2022, AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE COUNCIL.**

THE CITY OF ESCANABA ORDAINS:

**CHAPTER I  
RATES**

Section 50.01. General Purpose - Rate Classification:

(A) Residential Energy Rate:

Applicable: To residential customers for all purposes except those otherwise specially rated.

\$0.10147 net per KWH used per meter per month

(B) Commercial Energy Rate:

Applicable: To commercial customers for all purposes except those otherwise specially rated.

\$0.09493 net per KWH used per meter per month

(C) Water Heating Energy Rate:

Applicable: To any customer for separately metered controlled water heating, subject to such wiring rules and regulations as are established by the utility.

\$0.09691 net per KWH used per meter per month.

(D) Electric Heat Rate:

Applicable: To all customers for such service when separately metered upon application and approval of permanently installed equipment; subject to such rules and regulations as are established by the utility. When air conditioning is installed in an electrically heated area, it may be connected to the same meter for space conditioning purposes.

\$0.10011 net per KWH per meter per month.

Upon application, the total annual charge for this energy may be paid in the following manner:

The estimated annual cost shall be divided into twelve (12) equal payments. Starting in July of each year, these payments shall become due and payable on the date indicated on the monthly bill. The payment for June of each year shall include an adjustment to correct the estimated annual cost to the actual annual cost. A three percent (3%) penalty charge will be made on all payments delinquent after date indicated on the bill.

(E) Special Street Lighting Rates:

\$0.12641 net per KWH for City street lighting.

(F) Temporary Service-Single Phase 120 or 240 volt: Temporary service will be supplied to a customer upon written application and advance payment of \$110.00. Equipment for such installation will be supplied by the City in consideration of this charge. Other temporary services will be supplied on a private, work order basis.

Energy used for such installations will be metered and billed under the commercial rate schedule. The City reserves the right to determine the necessity for the type of installation and duration of temporary service.

In no event will said temporary service be allowed to remain after such time as it is practical to install permanent service. The City reserves the right to terminate said temporary service when, in their judgment, any provision herein is violated.

- (G) Multiple Use: In the event that a single customer uses energy for more than one of the above uses with a different rate for each, the higher rate will be charged unless the wiring is separated for metering purposes to the satisfaction of the City.

Section 50.02. Availability of Service Charge

- (A) To be added to the monthly billings for energy in Section 50.01. The following Availability of Service charge which will also constitute a minimum billing if no energy is utilized. This charge will be computed as follows:

RESIDENTIAL

City: Intra-City \$15.79 per meter per month.

Suburban: Out-City \$19.22 per meter per month.

WATER HEATING

City: Intra-City, \$4.21 per meter per month.

Suburban: Out-City, \$5.53 per meter per month.

ELECTRIC HEAT

City: Intra-City, \$5.80 per meter per month.

Suburban: Out-City, \$7.13 per meter per month.

COMMERCIAL

City: Intra-City \$16.33 per meter per month for a single-phase meter, \$38.98 per meter per month for a three-phase service.

Suburban: Out-City \$21.60 per meter per month for a single-phase service, \$40.04 per meter per month for a three-phase service.

LARGE POWER

\$131.68 per meter per month.

Section 50.022. State of Michigan P.A. 295, of Public Acts 2008, commonly referred to as the Clean, Renewable and Efficient Energy Act mandates the electric utility collect the following charges from each electric utility customer (Amended by PA 342; eff. 12/31/2021 this act has sunset):

- (A) Energy Optimization Plan.

Residential \$0.000000/kWh

Commercial \$0.000000/kWh

Large Power \$0.000000/kWh

(B) Renewable Energy Plan.

Residential \$0.00/mo

Commercial \$0.00/mo

Large Power \$0.00/mo

Streetlight \$0.00/mo

Unmetered \$0.00/mo

Section 50.025. Meter Charges:

- (A) A customer who installs a new electric service or upgrades an existing service that requires new instrument transformer metering must pay a meter charge prior to receipt of services. Meter charges and specifications shall be established by the City Electric Utility Director and shall be adjusted as the cost of labor and material change. Customers are not permitted to remove meters at the end of their service contract.

Section 50.03. Special Standby Service Rates:

- (A) A standby or breakdown 60 cycle A. C. electric service will be furnished under this classification to any customer qualifying for the large power rate who desires to self-produce all or part of the energy used in his operation.

The City will install transformers, meters, and service connections at the customer's expense to deliver energy to the customer during periods when his generating equipment is wholly or partially out of use at the following rates and conditions.

- (B) Transformer KVA capacity, as used in these rates, shall be the sizes of the nearest standard rated transformers that will serve the customer's greatest use of electric energy, measured over a 15-minute period and called the yearly kilowatt peak demand for standby rate purposes.

Section 50.04. Standby Equipment Rate.

- (A) The charge for equipment installed for standby or breakdown service and not used shall be \$3.00 per month for each KVA of transformer capacity determined by subtracting the monthly measured kilowatt peak demand of the partial energy used in any month from the KVA capacity as determined in Section 50.03 (B).

All energy supplied to the customer shall be charged at the regular rates applicable to the service rendered.

- (B) The minimum charge shall be the demand charge created by his use, if such use is applicable to the large power rate, plus a kilowatt hour charge determined by multiplying the month peak demand by 200 hours, the result being kilowatt hours at the regular rate.
- (C) The customer must agree to isolate the self-produced energy from the City's electrical distribution system. Change-over to City distribution energy shall be accomplished through City approved double-throw switches furnished by the customer. The Electrical Department shall have the authority and access to inspect and seal or padlock the double-throw switch or switches to insure correct operation of the same.
- (D) Where the City has previously installed transformers, meters, and service connections, and where said equipment is not used, the charge for such equipment installed for standby or breakdown service shall be \$2.67 per month for each KVA of transformer capacity determined by subtracting the monthly measured kilowatt peak demand of the partial energy used in any month from the KVA capacity as determined

in Section 50.03 (B) of this ordinance.

Section 50.05. Dusk to Dawn Rate:

(A) Applicable: It is understood that the service request will be for a period of not less than one (1) year, and that said service will be installed only on existing utility facilities. If a new pole is required, the customer will furnish the pole, and the City will install the pole. The monthly charges for dusk to dawn lighting service will be:

Urban or Rural

\$12.00 per small lamp

\$18.00 per large lamp

(B) Use and Reservations

The City will provide the necessary fixtures and apparatus and will replace lamps and keep this fixture properly maintained. The City does, however, reserve the right to discontinue service to any location which shows an excessive amount of damage resulting from vandalism or neglect.

Section 50.06. Large Power Rates:

Applicable: To any customer desiring power and incidental lighting service for large power use who has a monthly demand of 100 KW or more, for at least six (6) months out of any rolling twelve (12) month period. Services meeting those conditions will be billed under the Large Power Rate. The nature of such service is alternating current, 60 Hertz, three-phase 208, 240 or 480 volts, and is metered on the primary side of the transformer. The City reserves the right to meter power on the secondary side of the transformer and in doing so will add two percent (2%) to the total energy and demand so used. For the purposes of computing rates under this section, each individual meter will be calculated separately, and under no circumstances will meter readings be combined.

\$0.06264 net per KWH for all KWH used per meter per month

Plus Demand Charges of:

\$10.53 net per KW used per meter per month

Monthly maximum KW demand measured over an interval of fifteen (15) minutes.

Section 50.07. Connection Charge:

For every new meter set at the customer's request, there shall be a charge of \$10.00. Any customers who receive shut-off notices which are not paid by the due date and require final notification will be billed a \$25.00 notification fee.

This charge shall not apply when meters are reset for rotation, for meters reset for high bill complaints unless said meters are found to be accurate within two percent (2%) of registration, and for meters reset for the convenience of the City (landlords, lessors, etc.).

Section 50.08. Reconnection Charge and Temporary Disconnects:

The reconnection charge for seasonal service requested by any customer, such as summer cottages, seasonal businesses, or seasonal industries, shall be \$30.00

if the meter is reconnected at the same premises by the same user. The maximum charge per service for multiple metering, such as domestic service, house heating, water heating or commercial, shall be \$30.00.

Reconnections for non-pay which do not require the Electric Department service truck and a two-man service crew, will be \$50.00. Reconnections for non-pay which do require the Electric Department service truck and a two-man service crew, will be \$128.57 per hour for each hour the truck and crew are required.

Non-pay reconnections outside of normal business hours, which require a service truck and crew, shall be billed at \$556.05. Non-pay reconnects outside of normal business hours, which require one person, shall be billed at \$269.60.

If an electric service is disconnected and remains inactive for 12 months or longer, the electric service shall require an inspection by the State electric inspector, at the customer's expense, prior to restoring power.

#### Section 50.09. New Services, Service Upgrades, and Service Extensions

For all new services and service upgrades, the customer, his agent, representative, contractor or developer shall pay for all materials including wire, conduit, meters, etc. required to install such service in compliance with all applicable codes. Said materials will be charged at actual cost plus 15% overhead. The property owner at the time of the request shall bear responsibility for all such charges. Transformers, conductors, and other materials shall remain the property of the Utility. If an electric service is removed or abandoned, the equipment belonging to the Utility may be removed with no reimbursement to the customer.

Transformers are sized by the Utility based on the size of the service at the time of installation. The Utility monitors actual usage and may replace transformers to match actual load. If transformers are replaced by the Utility at the Utility's discretion, the customer shall not be reimbursed nor charged for the replacement transformer.

Underground services or line extensions will only be done between May 1<sup>st</sup> and November 1<sup>st</sup>. If a customer desires services or line extensions outside of this time frame, the customer will be responsible for providing a trench for such services or line extensions.

#### Section 50.10. Special Services

In the event that a customer requires special services from the department, i.e. temporary relocation or metering or other components of a service, the standard charge shall be \$128.57. Whenever the actual cost of such services exceeds \$128.57, the City reserves the right to charge the actual cost.

### **CHAPTER II** **CONDITIONS OF SERVICE**

#### Section 50.20. Late Payment Penalty:

Meters of all customers shall be read or estimated monthly and a three percent (3%) penalty charge will be made on all bills unpaid after the date indicated on bill. The penalty charge will be computed as of date of payment and will be computed on the amount of payment applied to the delinquent balance. The penalty charges may be waived at the discretion of the City for good reason, when the interest of the City would be best served by waiving said penalty, or if the customer proves that extraordinary circumstances intervened to prevent payment of the bill on the due date; in all cases, it will be the exclusive right of the City to determine the facts and judge the validity of the request to waive penalty payments.

Section 50.21.      Enforcement:

In addition to all other lawful enforcement methods, the City agrees and covenants to enforce all charges for electric energy supplied to any premises, if any such charges shall remain unpaid past the due date.

(A) Utility Liens

Charges for electric services applied by the system shall constitute a lien on the premises served and if not paid within six (6) months, shall be certified by the official in charge of the collection thereof to the tax assessing officer and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of Michigan and the City Charter applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be observed in the certification and collection of such charges.

(B) Landlord Not Responsible

In all cases where a tenant is responsible for the payment of any such charge and the Utility Billing Office is so notified in writing, which notification shall include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien against such premises from and after the date of such notice. In the event of the filing of such notice and after the date of such notice, the City shall render no further service to such premises until a cash deposit in an amount of the projected billing for not less than a one-month period and not more than a three-month period is received, said determination of deposit to be solely at the discretion of the City.

Section 50.22.      Restrictions:

(A) Power Factor:

The City shall not be obligated to furnish service to a customer using equipment having a power factor lower than eighty-five percent (85%), which equipment can be improved by reasonable changes to a minimum of eighty-five percent (85%) lagging. Improvement of the power factor shall be at the customer's expense. The City reserves the right to measure power factor at any time by means of test or permanently installed metering equipment, and if the customer's power factor is found to be less than eighty-five percent (85%) lagging, the billing demand will be increased by the ratio that eighty-five percent (85%) bears to the customer's actual power factor.

(B) Discontinuation of Service:

The City may discontinue service following written notice in case the meter or wiring on the customer's premises is tampered with in any manner to allow unmetered current to be used. The customer shall pay the City the estimated cost of the unmetered energy used as determined by the City, and shall, at his own expense, place the wiring in such condition and meter box in such place as is approved by the City. The unauthorized connection to a utility power source or the bypassing of an electric meter will be construed as a theft of electricity and will be appropriately prosecuted. The City may also discontinue service when an account remains unpaid past the due date. The customer shall pay the full amount of arrears, plus a reconnect fee in order to restore service.

Customers or Electrical Contractors shall not cut a meter seal to perform work without calling Escanaba Electric Department prior to beginning such work. Meter seals shall not be cut without prior approval except in the case of danger to life or property. In any case, permission will be given only to qualified persons to cut meter seals. Anyone not adhering to the meter seal-cutting paragraph in this ordinance shall be subject to a \$150.00 seal-cutting fee.

(C) Meter Location:

All meters must be located in such manner as to provide safe, reasonable access by City personnel for reading, inspection and maintenance, without the need for advance notice during regular City business hours. Conditions which can prevent access by City personnel include, but are not limited to, dogs, fences, locked gates, shrubbery, ice, snow, vehicles and debris in the way of the meter. Any customer who refuses to remedy a condition which prevents access shall have his or her services disconnected until said condition is corrected to the satisfaction of the utility.

New/Upgraded services: The meter must be located on the side of the house that the service will be fed from, or on one of the adjoining sides. The meter must not be located inside of a fenced area. All new/upgraded residential underground services must have a meter pedestal. Meter bases for underground services will not be allowed. All new/upgraded residential overhead services must have a rigid steel mast with an attachment point high enough to provide necessary clearance for the utility's wires. Meters must be located 4-5 feet above grade, deck or walking surface.

(D) Safety and Code Compliance:

All wiring and electrical equipment must be installed, maintained, and operated in a safe manner so that it is not a hazard to life, health, or property. If an existing electric service installation is deemed to be unsafe by the Electric Utility, the owner will be notified of the unsafe condition and will be given a sufficient amount of time to correct the unsafe condition. If the installation is not corrected within a reasonable amount of time as deemed by the Electric Utility, then the electric service will be disconnected until the problem(s) are corrected by the owner. Electric services that pose an immediate hazard to life, health, or property will be disconnected immediately upon discovery and the owner will be notified of the unsafe condition. If an electric service is temporarily disconnected for any reason and the electric service is deemed to be unsafe by the Electric Utility, the electric service will not be reconnected until the service has been repaired. New and repaired electric services must conform to the National Electrical Code and City of Escanaba Electric Utility rules and policies. The State of Michigan Electrical Inspector must approve all new electric service installations and all repaired electrical service installations that require power to be disconnected to make such repairs before the new or existing electric services will be energized.

(E) Owner Delinquency

If a property owner has an account in his or her name and said account is delinquent or in arrears, then any transfers or name changes shall be prohibited until such time as the owner's account is brought current and is otherwise in good standing. This provision shall also apply to accounts held in the name of an owner's agent or property manager.

Section 50.23. Experience - Good Faith Deposit Requirement:

(A) Deposit Terms

If a customer of the City of Escanaba, whether he be a tenant, owner, or an owner by land contract, has a history of delinquent payments, or if the City has no history of customer's payments, or if owner or tenant customer service is located outside the corporate limits of the City of Escanaba, or if, in the judgment of the City, the existing deposit is insufficient based on current billings, the City may require a sum not to exceed the projected billing in an average four-month period as a good faith deposit. Projected billing for water, sewer and electricity are combined for purposes of determining a customer's total deposit requirement. In no case will a customer's total deposit requirement be less than four hundred dollars (\$400). In the case of an account which does not include water service or wastewater service, the total deposit requirement shall not be less than two hundred dollars (\$200).



This deposit will be held for twelve (12) consecutive months of payments without delinquency.

Deposits for commercial accounts will be estimated on an individual basis. Commercial accounts will pay a deposit of an estimate of four (4) months' utility bills based on the estimated usage for the type of business.

(B) Deposit Interest

Interest will be paid on deposits at the rate of 1.0% per annum effective July 1, 2021. The deposit rate is based on the market rate the City receives on its deposit accounts on that date.

(C) Escrow and Letter of Credit

If a deposit of over \$500 is demanded from a commercial or large power customer, this deposit may be held in a special escrow account at the bank of the customer's choice, and interest will accrue to the benefit of the customer. Alternately, said customer may furnish an irrevocable bank letter of credit in lieu of a cash deposit.

Section 50.24. Qualification for Rate:

A customer, once placed in a rate classification, will remain in this rate classification unless, in the City's opinion, another rate classification becomes more appropriate. Customers desiring to change from one classification to another must notify the City in writing. It shall not be the City's responsibility to determine the most economical rate classification unless and until said written notice is received. In the event a change in rate classification results in reduced charges, there will be no retroactive adjustments beyond afore-referenced date of application.

In placing a customer in a rate classification, it is understood that such rate classification will remain in effect for said customer until, in the City's judgment, the rate classification is not applicable. Short duration transfers between rate classifications by customers will not be permitted. The City reserves the right of final determination as to when and whom a rate classification may be assigned or changed.

New classifications may be authorized by the City Manager if, in the opinion of the City, these new classifications provide a benefit to both the City and its customers. Customers will be placed in these classifications only at the request of the customer. These classifications will cease to exist at such time as a new rate ordinance is adopted, unless they are specifically included as a permanent rate classification under Section 50.01 and 50.02.

Section 50.25. Non-Sufficient Funds Charges (NSF)

Whenever a customer presents a check or draft instrument for which funds are not immediately available upon presentation for deposit at the City's bank, a charge of \$40 will be placed upon the account for which payment was intended. The NSF charge shall also apply to agreements for ACH account debits.

Section 50.26. Billing Recapture and Customer Credits

Whenever it becomes necessary for the billing department to recapture unbilled charges, the billing department shall use a "look-back" of two years. If it is determined that unbilled charges are the result of customer fraud, the billing department shall recover all unbilled charges.

If a billing error on the part of the City results in over-billed charges, the City will refund all such over-billings, to the extent that the amount can be reasonably

determined.

If an over-billing is not the result of a City error, the billing department shall employ a two year look-back period in determining the amount of credit.

CHAPTER III

Section 50.30.      Liability:

In case the supply of electricity shall be interrupted or fail, the City shall not be liable for damages by reason of such failure.

CHAPTER IV

Section 50.40.      Other Ordinances:

All rules, regulations, and provisions which have heretofore been enacted by ordinance or otherwise, shall continue to be in full force and effect until modified or amended.

CHAPTER V

Section 50.50.      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 and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

CHAPTER VI

Section 50.60.      Effective Date:

In compliance with Section 4 of Chapter XVI of the City Charter, this ordinance shall be in full force and effect on bills for electric energy processed beginning July 1, 2022.

APPROVED:

APPROVED:

\_\_\_\_\_  
Lisa Vogler  
City Attorney

\_\_\_\_\_  
Mark Ammel  
Mayor

Date Approved: (Month) (Day), 2022  
Date Published: (Month) (Day), 2022

Attest:

\_\_\_\_\_  
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 Special Meeting held on (Day) (Month) (Date), 2022, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (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

**ORDINANCE NO. 1264  
WASTEWATER RATES**

AN ORDINANCE FIXING THE CHARGES TO BE ASSESSED BY THE CITY OF ESCANABA FOR WASTEWATER COLLECTION AND TREATMENT AND THE AVAILABILITY OF SERVICE TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, 2022, AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE CITY COUNCIL.

THE CITY OF ESCANABA ORDAINS:

Section 1.00      SEWER SERVICE CHARGES

1.01 Charges for operation, maintenance, and replacement shall be levied monthly on the basis of metered water consumption, according to the following:

\$8.65 Net Per Thousand Gallons, plus monthly availability debt service charge based on the size of a customer's water service to be determined as follows:

5/8" & 3/4"	Meter	\$20.49	per month
1"	Meter	25.39	per month
1 1/4"	Meter	35.71	per month
1 1/2"	Meter	51.19	per month
2"	Meter	76.60	per month
3"	Meter	153.39	per month
4"	Meter	204.53	per month
6"	Meter	460.14	per month
8"	Meter	664.63	per month
10"	Meter	920.29	per month
12"	Meter	1,022.55	per month

The minimum monthly bill shall be the "availability" charge herein set forth.

1.02 Outside the City Wastewater Rates

The outside City wastewater charges shall equal the City charge for operation, maintenance, and replacement and shall be twice the inside City charge for availability.

1.025 The flat rate charge for unmetered residential wastewater services shall be \$62.69 per month.

1.03 In the event that a user introduces a substance into the wastewater system that results in extraordinary treatment, procedures, or costs, the City reserves the right to bill the user in accordance with the Michigan Department of Natural Resources (DNR) approved water charge system, or if the substance cannot be treated feasibly, the City reserves the right to terminate utility service to the user.

1.04 In the event that a user introduces a substance into the system that results in damages to property or environment, said user will be solely responsible for compensatory and/or punitive damages.

1.05 The City Manager will set the charge for any service not covered by this ordinance.

1.06 Non-Sufficient Funds Charges (NSF)

Whenever a customer presents a check or draft instrument for which funds are not immediately available upon presentation for deposit at the City's bank, a charge of \$40 will be placed upon the account for which payment was intended. The NSF charge shall also apply to agreements for ACH account debits.

1.07 Billing Recapture and Customer Credits

Whenever it becomes necessary for the billing department to recapture unbilled charges, the billing department shall use a "look-back" period of two years. If it is determined that unbilled charges are the result of customer fraud, the billing

department shall recover all unbilled charges.

If a billing error on the part of the City results in over-billed charges, the City will refund all such over-billings, to the extent that the amount can be reasonably determined.

If an over-billing is not the result of a City error, the billing department shall employ a two year look-back period in determining the amount of credit.

## Section 2.00            USER CHARGE SYSTEM

### 2.01    Established Basis for Computations

Rates and charges for the use of the wastewater system of the City shall be based upon the methodology in the user charge system approved by the Michigan DNR. Revisions to the rates for total sewer service charges are to be established by ordinances as necessary to ensure sufficiency of revenues in meeting operation, maintenance, and replacement costs, as well as debt service.

User charges for operation, maintenance and replacement shall be subject to the annual review of the user charge system. User charges shall be the same for all customers of the system regardless of geographical boundaries.

BOD (Biochemical Oxygen Demand) will be charged \$0.45/lb, above 300 mg/l.  
SS (Suspended Solids) will be charged \$0.42/lb, above 300 mg/l.  
Phosphorus will be charged \$6.64/lb, above 12 mg/l.

### 2.02    Amounts, Billings, Sewer Service Charges

The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such systems, on the basis of the equivalent residential units and shall be collected monthly, except in cases where the character of the sewage from a manufacturer is such that reasonable, additional burden is placed on the system.

### 2.03    Annual Audit

The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance, and replacement of the system as are necessary to preserve the same in good repair and working order.

Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be revised as necessary by the City to meet system expenses and to ensure that all user classes pay their proportionate share of operation, maintenance, and equipment replacement costs.

### 2.04    Free Services

No free services shall be allowed for any user of the wastewater treatment works.

### 2.05    Late Payment Penalty

Meters of all customers shall be read or estimated monthly and a three percent (3%) penalty charge will be made on all bills unpaid after the due date indicated on bill. Penalty charges may be waived at the discretion of the City for good reason. In all cases, it will be the exclusive right of the City to determine the facts and judge the validity of the request to waive the penalty payments.

### 2.06    Enforcement

In addition to all other lawful enforcement methods, the City agrees and covenants to enforce all charges for wastewater services supplied to any premises, if any such charges shall remain unpaid past the due date.

2.07 Utility Liens

Charges for wastewater services applied by the system shall constitute a lien on the premises served and if not paid within six (6) months, shall be certified by the official in charge of the collection thereof to the tax assessing officer and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of Michigan and the City Charter applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be observed in the certification and collection of such charges.

2.075 Landlord Not Responsible

In all cases where a tenant is responsible for the payment of any such charge and the Utility Billing Office is so notified in writing, which notification shall include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien against such premises from and after the date of such notice. In the event of the filing of such notice and after the date of such notice, the City shall render no further service to such premises until a cash deposit in an amount of the projected billing for not less than a one-month period and not more than a three-month period is received, said determination of deposit to be solely at the discretion of the City.

2.08 Experience - Good Faith Deposit Requirement

(A) Deposit Terms

If a customer of the City of Escanaba, whether he be a tenant, owner, or an owner by land contract, has a history of delinquent payments, or if the City has no history of customer's payments, or if owner or tenant customer service is located outside the corporate limits of the City of Escanaba, or if, in the judgment of the City, the existing deposit is insufficient based on current billings, the City may require a sum not to exceed the projected billing in an average four-month period as a good faith deposit. Projected billing for water sewer and electricity are combined for purposes of determining a customer's total deposit requirement. In no case will a customer's total deposit requirement be less than four hundred dollars (\$400). In the case of an account which does not include electric service or water service, the total deposit requirement shall not be less than two hundred dollars (\$200). This deposit will be held for twelve (12) consecutive months of payments without delinquency.

Deposits for commercial accounts will be estimated on an individual basis. Commercial accounts will pay a deposit of an estimate of four (4) months' utility bills based on the estimated usage for the type of business.

(B) Deposit Interest

Interest will be paid on deposits at the rate of 1.0 % per annum effective July 1, 2022. The deposit rate is based on the market rate the City receives on its deposit accounts on that date.

(C) Escrow and Letter of Credit

If a deposit of over \$500 is demanded from a commercial or large power customer, this deposit may be held in a special escrow account at the bank of the customer's choice, and interest will accrue to the benefit of the customer. Alternately, said customer may furnish an irrevocable bank letter of credit in lieu of a cash deposit.

2.09 No user shall introduce any substance, including toxic matter, chemicals, or flammable liquids, or water derived from other than metered City sources, into the City sewer system without first receiving specific approval from the Superintendent of Wastewater.

2.10 Water customers not introducing all of their usage into the sewer system may apply to the Utility Office for exemption from wastewater charges for the usage not introduced, by requesting the installation of a meter to determine, through the use of the meter, the purchased water that is not being introduced into the sewage system.

2.11 Exemptions.

Requests for special exemption from wastewater charges, due to extenuating circumstances, will be considered by the City Manager or her/his designated official. Each request will be assessed on the facts as determined by said official. Any exemption will be approved for no more than 45 days.

Section 3.00            VALIDITY, SEVERABILITY, CONFLICT, LIABILITY

3.01 The provisions of this article are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm, or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality, or constitutionality of any other provisions, word phrase, clause or term, and they shall continue in full force and effect.

3.02 All rules, regulations, and provisions, which have heretofore been enacted by ordinance or otherwise, shall continue to be in full force and effect unless modified or amended by the terms of this ordinance.

3.03 All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this ordinance, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of law, ordinance, or regulation which is more restrictive or establishes a higher standard than those provided in this article.

Section 4.0            EFFECTIVE DATE

This ordinance shall be in full force and effect for billings processed after June 30, 2022, and after the passage of this Ordinance and publication.

APPROVED:

\_\_\_\_\_  
Lisa Vogler  
City Attorney

Date Approved: (Month) (Date), 2022  
Date Published: (Month) (Date), 2022

APPROVED:

\_\_\_\_\_  
Mark Ammel  
Mayor

Attest:

\_\_\_\_\_  
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 Special Meeting held on (Day), 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) (Day), 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

**ORDINANCE NO. 1265  
WATER RATES**

THE ORDINANCE FIXING THE RATES TO BE CHARGED BY THE CITY OF ESCANABA FOR WATER DISTRIBUTION, TREATMENT, AND AVAILABILITY TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, 2022, AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE COUNCIL.

THE CITY OF ESCANABA ORDAINS:

**CHAPTER I  
RATES**

For water distribution and treatment, there shall be charged by the City of Escanaba the rates herewith set forth as follows:

Section 101. Metered Water Rates (Monthly):

\$ 5.82 Net Per Thousand Gallons

Plus, a monthly availability charge based on the size of the customer's service to be determined as follows:

5/8" & 3/4" Meter.....	\$32.04	per month
1" Meter.....	40.04	per month
1 1/4" Meter.....	55.95	per month
1 1/2" Meter.....	80.03	per month
2" Meter.....	120.15	per month
3" Meter.....	240.13	per month
4" Meter.....	320.07	per month
6" Meter.....	720.32	per month
8" Meter.....	1,040.76	per month
10" Meter.....	1,440.54	per month
12" Meter.....	1,660.63	per month

Minimum Bill: The minimum monthly bill shall be the "availability" charge herein set forth.

Irrigation Meters: Residential customers who have a secondary meter for non-potable irrigation purposes will not be charged a meter fee for the irrigation meter. Water usage will be charged at the rate listed above.

Section 102. Outside City Metered Water Rates:

The outside City rates shall be twice the inside City rates.

Section 103. Construction Service:

103.1 Use of City Hydrants or Standpipes as a Source of Water.

- A deposit of \$100.00 shall be required for each hydrant connection;
- Payment of \$140.00 shall be made at time of application and will include the initial installation and 1<sup>st</sup> month rental fee for both hydrant and backflow device;
- Relocation fee shall be \$55.00 each time the meter is moved;
- Additional month meter rental shall be \$55.00 per month;
- Additional month back flow device rental shall be \$30.00 per month;
- All metered water shall be billed at \$5.82/1,000 gallons.

103.2 When a service line is installed at construction site and it is not feasible to set a meter, the flat rate charge for water used will be as follows:

1" Service Line . . . \$73.28 per month

103.3 Customers will be charged actual cost for construction of all services, regardless of size.

Section 104. Special Cases

The City Manager will set the charge for any service not included in this action, including charges for meters which are damaged or faulty. The City retains the right to discontinue service to a customer in order to bring the customer's installation up to City standards.

Section 104.1. Exemptions for Unintentional Water Loss

Requests for special exemption for an unintentional water loss of metered water due to extenuating circumstances will be considered by the City Manager or his/her designee. Approved exemptions will receive a 75% billing reduction for any usage over the normal monthly average usage of the account. This reduction will be calculated for the 45-day period immediately preceding the corrective action to eliminate the unintentional loss.

Section 105. Unmetered Water Sales

Unmetered water rates shall be charged at the rate of \$5.82 per thousand gallons on the estimated usage for each month, plus, a minimum monthly service charge based upon an estimated meter size requirement, if the consumer were metered, which shall be levied from the metered water rate service charge schedule.

The basis for estimating residential flat rate or unmetered water sales shall consist of a representative average residential usage for each month.

Section 106. Fire Protection Charges

Charge per fire hydrant will be computed at \$733.56 per year per hydrant. The annual availability charge for a special water line for a fire protection system shall be \$733.56 for a six-inch line, \$1,301.64 for an eight-inch line, \$2,035.08 for a ten-inch line, \$2,934.24 for a twelve-inch line, and \$5,214.00 for a sixteen-inch line. Rates for hydrant rental in Wells Township will be \$707.16 per year per hydrant.

Section 107. Connection To Public Water Supply

- (A) No person shall tap any water main or distribution pipe of the water distribution system, or insert therein any corporation cock, stop cock or any other fixture of appliance, or alter or disturb any service pipe, corporation stop, curb stop, gate valve, hydrant, water meter or any other attachment belonging to the water distribution system and attached thereto without the explicit and official permission of an authorized representative of the city. No person shall install any water service pipe or connect or disconnect any such service pipe with or from the mains or distribution pipes of said water distribution system, nor with or from any other service pipe now or hereafter connected with said system, nor make any repairs, additions to, or alterations of any such service pipe, tap, stop cock or any other fixture of attachments connected with any such service pipe, without proper permit for same.
- (B) The owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a water main or a water system upon which lot or parcel a building shall have been, is or will be constructed for residential, commercial, or industrial use in the city shall connect such building with such water main and shall cease to use any other source of water supply for any purpose. An exception shall be made for outdoor irrigation purposes.
- (C) Any such owner, tenant or occupant of a lot or parcel of land in the city along a water main constructed prior to July 1, 2021, who has an



existing domestic supply or source of potable water shall be exempt from the provision of this section. However, when the existing water source for the parcel is insufficient or requires maintenance or upgrade, the owner, tenant, or occupant shall immediately connect to the city water system. Buildings which are located more than 600 feet from the public water line are exempt from this article.

- (D) Any such owner, tenant or occupant of a lot or parcel of land in the city who has an existing domestic supply or source of potable water who is exempted from the provisions of this section as provided in this section shall be subject to all fees normally charged for non-users of the public water system for fire protection services.
- (E) No well, spring, or other water supply shall be permitted for residential, commercial, or industrial usage when property is adjacent to public water system.
- (F) The owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a water main or a water system upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use in the city who has an existing water system shall be required to connect to the public water system in the event the owner, tenant or occupant of any such lot shall cease to use the existing domestic supply or source of potable water or it requires maintenance.
- (G) All costs and expense incident to the installation and connection of the water service line shall be borne by the owner. The owner shall indemnify the city from any loss, damage or restoration costs that may be occasioned by the installation of the water service line.
- (H) The materials of construction of a water service line and the methods to be used in excavation, placing of the pipe, testing, disinfection and backfilling the trench shall all conform to the requirement of the building code or applicable state department of environment quality rules, regulations, and engineering standards of the city. All excavations required for the water service line shall be open trench work, unless otherwise approved by the city engineer. No backfill shall be placed until the work has been inspected in accordance with this section.
- (I) Exceptions:
  - 1. Nothing contained in this article shall restrict the use of existing points, wells, springs, or other sources of water supply for outside irrigation use, provided there shall be no interconnection between such water supply and the city's water system.
  - 2. The city council or its duly designated representative, acting pursuant to rules, regulations and guidelines adopted by the council, may grant exceptions to the requirements of this article based on unusual circumstances existing in a particular case.

#### Section 107.1. Service Transfers and Fees

For each service transfer request, there shall be a charge of \$10.00. The transfer fee is limited to those situations which require only a meter reading. For any service calls during regular working hours, including meter sets and valve turning, there shall be a charge of \$15.00. These charges are applicable only to requests for turning on a service. There are no charges for the shut-off of a service. Charges for turning on a service outside of regular hours will be \$120.00.

#### Section 108. Reconnection Charge

The reconnection charge for seasonal service requested by any customer, such as people going away for the winter, seasonal businesses, or seasonal

industries, shall be \$30.00 if the meter is reconnected at the same premises by the same user within one year of disconnection. Any customers who receive shut-off notices which are not paid by the due date and require final notification will be billed a \$25.00 notification fee. There shall be a reconnection charge of \$50.00 for shut offs due to nonpayment. Non-pay reconnects outside of normal business hours shall be billed at \$120.00.

#### Section 109. Meter Charges - New Construction

A customer who installs a new water service that is not a replacement for an existing service must pay a one-time meter charge equal to the actual cost of the meter plus 15% prior to receipt of services. Meter charges and specifications shall be established by the City Water Superintendent and shall be adjusted at his discretion. Customers are not permitted to remove meters at the end of their service contract.

A customer who requests replacement of an existing, properly functioning, meter shall be charged the actual cost of the new meter plus 15%. In addition, such customer shall pay materials at actual cost plus 15%.

#### Section 110. Non-Sufficient Funds Charges (NSF)

Whenever a customer presents a check or draft instrument for which funds are not immediately available upon presentation for deposit at the City's bank, a charge of \$40 will be placed upon the account for which payment was intended. The NSF charge shall also apply to agreements for ACH account debits.

#### Section 111. Billing Recapture and Customer Credits

Whenever it becomes necessary for the billing department to recapture unbilled charges, the billing department shall use a "look-back" period of two years. If it is determined that unbilled charges are the result of customer fraud, the billing department shall recover all unbilled charges.

If a billing error on the part of the City results in over-billed charges, the City will refund all such over-billings, to the extent that the amount can be reasonably determined.

If an over-billing is not the result of a City error, the billing department shall employ a two-year look-back period in determining the amount of credit.

#### Section 112. Frozen Meter Charge

If a water meter freezes and becomes damaged as a result of freezing, the account holder shall be required to pay to the City, the actual replacement cost of the meter plus 15%.

#### Section 113. Cross Connections

The city hereby adopts by reference the Water Supply Cross Connection Rules of the state department of environmental quality, being R 325.11401 through R 325.11407 of the Michigan Administrative Code.

It shall be the duty of the water utility to cause inspections to be made of all properties serviced by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the water utility and as approved by the state department of environmental quality.

1. The representative of the city water utility shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish

to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

2. The water utility is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this article exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

## CHAPTER II CONDITIONS OF SERVICE

### Section 201. Late Payment Penalty

Meters of all customers shall be read or estimated monthly and a three percent (3%) penalty charge will be made on all bills unpaid after the due date indicated on bill. Penalty charges may be waived at the discretion of the City for good reason in all cases, it will be the exclusive right of the City to determine the facts and judge the validity of the request to waive the penalty payments.

### Section 202. Enforcement

In addition to all other lawful enforcement methods, the City agrees and covenants to enforce all charges for water supplied to any premises by discontinuing the water service to such premises if any such charges shall remain unpaid past the due date.

#### (A) Utility Liens

Charges for water services applied by the system shall constitute a lien on the premises served and if not paid within six (6) months, shall be certified by the official in charge of the collection thereof to the tax assessing officer and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of Michigan and the City Charter applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be observed in the certification and collection of such charges.

#### (B) Landlord Not Responsible

In all cases where a tenant is responsible for the payment of any such charge and the Utility Billing Office is so notified in writing, which notification shall include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien against such premises from and after the date of such notice. In the event of the filing of such notice and after the date of such notice, the City shall render no further service to such premises until a cash deposit in an amount of the projected billing for not less than a one-month period and not more than a three-month period is received, said determination of deposit to be solely at the discretion of the City.

### Section 203. Experience - Good Faith Deposit Requirement

#### (A) Deposit Terms

If a customer of the City of Escanaba, whether he be a tenant, owner, or an owner by land contract, has a history of delinquent payments, or if the City has no history of customer's payments, or if owner or tenant customer service is located outside the corporate limits of the City of Escanaba, or if,

in the judgment of the City, the existing deposit is insufficient based on current billings, the City may require a sum not to exceed the projected billing in an average four-month period as a good faith deposit. Projected billing for water sewer and electricity are combined for purposes of determining a customer's total deposit requirement. In no case will a customer's total deposit requirement be less than four hundred dollars (\$400). In the case of an account which does not include electric service or wastewater service, the total deposit requirement shall not be less than two hundred dollars (\$200). This deposit will be held for twelve (12) consecutive months of payments without delinquency.

Deposits for commercial accounts will be estimated on an individual basis. Commercial accounts will pay a deposit of an estimate of four (4) months' utility bills based on the estimated usage for the type of business.

(B) Deposit Interest

Interest will be paid on deposits at the rate of 1.0% per annum effective July 1, 2021. The deposit rate is based on the market rate the City receives on its deposit accounts on that date.

(C) Escrow and Letter of Credit

If a deposit of over \$500 is demanded from a commercial or large power customer, this deposit may be held in a special escrow account at the bank of the customer's choice, and interest will accrue to the benefit of the customer. Alternately, said customer may furnish an irrevocable bank letter of credit in lieu of a cash deposit.

Section 204. Discontinuation of Service

Water services may be discontinued if the wastewater charges are not paid.

Section 204.1 Tampering

The City may discontinue service following a written notice in the event that the user has tampered with the metering, bypassed said metering, or cross connected to the City system. Also, the unauthorized cross connection or tampering with the metering will result in the customer being billed for the estimated cost of the water used, as determined by the City, and the act of cross-connecting or bypassing the meter will be construed as a theft of utility water and appropriately prosecuted.

Section 204.2 Seal Cutting (note: broke out into new section)

Neither customers nor plumbing contractors shall cut a meter seal to perform work without calling the Escanaba Utility Billing Department prior to beginning such work. Permission will be given only to qualified persons to cut meter seals. Anyone not adhering to this provision shall be subject to a \$75.00 seal-cutting fee.

Section 205. Liability

In case the supply of water shall be interrupted or fail by reason of accident or causes beyond the control of the City, the City shall not be liable for damages by reason of such failure.

Section 206. Location of Meters

All meters must be located in such manner as to provide safe, reasonable access by City personnel for reading, inspection and maintenance, without the need for advance notice during regular City business hours. Conditions which can prevent access by City personnel include, but are not limited to, dogs, fences, locked gates, shrubbery, ice, snow, vehicles, and debris in the way of the meter. Any customer who refuses to remedy a condition which prevents access shall have his or her services disconnected until said

condition is corrected to the satisfaction of the utility.

Section 207. Backflow Device Testing

Anyone performing a test of a backflow or cross connection device must forward a copy of the test results to the City Water Department within 30 days of having completed said test. A property owner shall have sole responsibility for compliance with this section. A property owner shall be responsible for all investigation costs if such investigation results in a finding of “non-compliance.” Failure to comply with this section shall be grounds for discontinuation of water service.

CHAPTER III  
OTHER ORDINANCES

All rules, regulations, and provisions, which have heretofore been enacted by ordinance or otherwise, shall continue to be in full force and effect unless modified or amended by the terms of this ordinance.

CHAPTER IV  
SAVINGS CLAUSE

If any section, subsection, 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 and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

CHAPTER V  
EFFECTIVE DATE

In compliance with Section 4 of Chapter XVI of the City Charter, this ordinance shall be in full force and effect for billings processed after June 30, 2022, and after passage of this ordinance and its publication.

APPROVED:

APPROVED:

\_\_\_\_\_  
Lisa Vogler  
City Attorney

\_\_\_\_\_  
Mark Ammel  
Mayor

Date Approved: (Month) (Date), 2022  
Date Published: (Month) (Date), 2022

Attest:

\_\_\_\_\_  
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 Special Meeting held on (Day) 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

**ORDINANCE NO. 1266**  
**SOLID WASTE RATES**

**AN ORDINANCE TO AMEND CHAPTER 14, FIXING THE CHARGES TO BE ASSESSED BY THE CITY OF ESCANABA FOR SOLID WASTE, RECYCLING, YARD WASTE AND LITTERING, TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, 2022 AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE CITY COUNCIL OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

**Chapter 14, Section 3, Collection of Charges; Liens**, of the Code of Ordinances shall be amended as follows:

1. Each small garbage customer shall be charged the sum of Four Dollars and Seventy-Five Cents (\$4.75) per month for the collection and disposal of up to three (3) solid waste carts of solid waste per week.

The City may, at its sole discretion, grant a small garbage exemption from solid waste charges if all of the following conditions exist: (a) a building or portion thereof must be unoccupied for the entire billing period in question; (b) a building or portion thereof must have either its electric or water service "shut off" for the entire billing period in question; and (c) no refuse may be placed for pickup at the occupancy in question during the billing period in question. Retroactive exemption will not be granted.

2. Each large garbage customer shall be charged the sum of Nineteen Dollars (\$19.00) per month for the collection and disposal of four (4) or five (5) solid waste carts of solid waste per week.

The City may, at its sole discretion, grant a large garbage exemption from solid waste charges if the customer in question furnishes the billing department with evidence of private collection. Retroactive exemptions will not be granted.

3. Any customer who exceeds five (5) solid waste carts of solid waste per week will be required to provide for the collection and disposal of their solid waste through other methods.
4. Should the State of Michigan or any other duly authorized governmental agency mandate any cost increases for the disposal of solid waste at the Delta Solid Waste Management Landfill, these additional costs will be added to the rates as previously described.
5. There is created and established a special fund to be known and designated as the "Solid Waste Fund" into which all sums collected under this chapter shall be deposited and kept by the City Treasurer and from which all expenses of the administration and operation of this chapter shall be paid.
6. All solid waste collection service charges shall be paid to the City Treasurer.
7. A three (3%) percent penalty charge will be made on all bills unpaid after the date indicated on the bill. The penalty charge will be computed as of the date of payment and will be computed on the amount of payment applied to the delinquent balance. The penalty charges may be waived at the discretion of the city for good reason when the interest of the city would be best served by waiving said penalty or if the customer proves extraordinary circumstances intervened to prevent payment of the bill on the due date. In all cases, it will be the exclusive right of the city to determine the facts and judge the validity of the request to waive the penalty payments.
8. In addition to all other remedies for the collection of delinquent charges or billing authorized by ordinances of the city pertaining to solid waste collection, the city shall have the right to such liens and procedures as may be established for the collection of solid waste utility charges as are now or hereafter authorized by the laws of the state.

**Chapter 14, Section 4. Enforcement**, of the Code of Ordinances shall be amended as follows:

Charges for solid waste disposal shall constitute a lien on the premises served and if not paid within six (6) months shall be certified by the official in charge of the collection thereof to the tax assessing officer, and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of the state and the city charter applicable to the time and manner of certification and collection of delinquent city taxes levied against real estate in the city shall be observed in the certification and collection of such charges, provided, however, that in all cases where a tenant is responsible for the payment of any such charge and the utility billing office is so notified in writing, which notification shall include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien against such premises from and after the date of such notice.

**CHAPTER II**  
**SAVINGS CLAUSE**

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

**CHAPTER III**  
**REPEALING CHAPTER**

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

**CHAPTER IV**  
**EFFECTIVE DATE**

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

APPROVED:

\_\_\_\_\_  
Lisa Vogler  
City Attorney

Date Approved: (Month) (Date), 2022  
Date Published: (Month) (Date), 2022

APPROVED:

\_\_\_\_\_  
Mark Ammel  
Mayor

Attest:

\_\_\_\_\_  
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 Special Meeting held on (Day), 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

Agenda Item: NB-7  
Date: 05-19-2022

## City Council Agenda Item Request

Date: 05/06/2022

Name: Patrick Jordan

Department: Administration

Item: Use of Public Space - Downtown Sidewalk Sales

Meeting date requested: 05/19/2022

Explanation for request:

The Downtown Partners in Business is requesting the City Council approve the closure of Ludington Street on July 29, 2022, from 9:00 a.m. to 10:00 p.m. for the annual "Downtown Sidewalk Day's" event.



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

DATE(S) OF EVENT: Friday, July 29, 2022  
Day of Week, Month, Day, Year (Example: Saturday, October 29, 2016)

NAME OF EVENT: Downtown Escanaba Sidewalk sales

**CONTACT INFORMATION:** (Please print clearly – Incomplete applications may be delayed)

Organization: Downtown Partners in Business  
 Contact Person: Lisa Lakonde Daytime Phone: [REDACTED]  
 Address: 1305 Ludington St. Evening Phone: [REDACTED]  
 City, State Zip: Escanaba, MI 49829 Email: [REDACTED]  
 Website: \_\_\_\_\_ Event Phone: [REDACTED]  
 Charitable Org #: 38-1067360 Fax: \_\_\_\_\_  
(If applicable)

Alternate Contact: Jody Bugay [REDACTED]  
(It is recommended that an alternative Name and Phone 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 of Park: \_\_\_\_\_  
 Building/Facility Name/Area: Ludington St. 10<sup>th</sup> Street to 14<sup>th</sup> Street  
 Road(s) Road Closure Required?  Partial  Full  
at 6<sup>pm</sup> will keep 10 to 13<sup>th</sup> Block Shut Down to Traffic to coincide with Block party 5-10 pm

**DATE/TIME:**

<b>EVENT TIME</b> <small>This is the time your event would be ready to accept participants or general public.</small>	<b>Event Begins</b>	<b>Event Ends</b>
	DATE: <u>July 29, 2022</u> TIME: <u>10 am</u>	DATE: <u>July 29, 2022</u> TIME: <u>10 pm</u>
<b>SET-UP TIME</b> <small>When you want the area reserved for your organization to ensure you have adequate time for set-up and tear-down.</small>	<b>Set-up Start</b>	<b>Tear-down End</b>
	DATE: <u>July 29, 2022</u> TIME: <u>8 am</u>	DATE: <u>July 29, 2022</u> TIME: <u>10 pm</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): Sidewalk Sales

**ESTIMATED ATTENDANCE:** (Please estimate all that apply)

Participants: # 3000 30 Wheelchair Accessible:  Yes  No

Bands: # \_\_\_\_\_ For events on City Property are you seeking approval to charge:

Vehicles/Floats: # 20 Admission:  Yes  No

Volunteers: # \_\_\_\_\_ Parking:  Yes  No

General Public: # 500 This event is:  Open to the Public

For Invited Guests Only

**EVENT ELEMENTS:** (Complete to ensure proper permits are processed)

Power Requirements:  Yes <sup>Inflatable</sup>  No Fireworks:  Yes  No

Sound Amplification:  Yes  No Alcohol:  Yes  No

Access to power if possible:  Yes <sup>not sure</sup>  No }  
 Live Music:  Yes <sup>?</sup>  No }

Tents/Temp. Structures:  Yes  No Size of Tent(s): All Determined by Retailer if they want one

Amusement Rides:  Yes  No Provider: \_\_\_\_\_

Inflatables:  Yes  No Provider: Retailers

**FOOD AND BEVERAGE:**

Will there be Food and Non-Alcoholic Beverages sold?  Yes  No (Continue to next page)

Food Stand locations:  Indoor  Outdoor  Indoor and Outdoor

What types of food will the Food Stands be selling? (Check all that apply)

- Chicken / Seafood
- Soups / Chili
- Other Foods (Please list)
- Rice / Pasta Dishes
- Salad
- Soda / Chips / Candy
- Other Meats
- Hotdogs / Hamburgers
- Baked Goods



9th Street

Blocked off

need blocked off from 9am-6pm

Blocked off

10th Street

Traffic can flow through 10th Street

Need Blocked off from 9am-10pm

Blocked off

DDA

11th Street

Block Party Area Street Blocked Off

RRN

12th Street

Huddington Street

- move Blockade from 14th Street to 12th Street at 6pm till 10pm

13th Street

Need Blocked off from 9am-6pm

Blocked off

14th Street

Agenda Item: NB-8  
Date: 05-19-2022

## City Council Agenda Item Request

Date: 05/06/2022

Name: Patrick Jordan

Department: Administration

Item: Use of Public Space - 36th Annual Krusin Klassic Car Fun Run

Meeting date requested: 05/19/2022

Explanation for request:

The Krusin Klassic Car Club is requesting City Council approval to use Ludington Park and Ludington Street on June 3, 2022, from 6:00 p.m. to 8:00 p.m., for their annual "Krusin Klassics Fun Run". Administration is recommending approval of the request contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

# KRUSIN KLASSICS

May 3, 2022

P.O. Box 1321  
Escanaba, MI 49829

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

Re: Parade Permit/Fun Run 2022

Dear Mr. Jordan:

Please find attached the completed parade permit for activities on Friday night, June 3, 2022. As in the past, our parade of cars line up will begin in Ludington Park at 6:00 p.m. with the parade to start at 7:00 p.m. We do ask that the side streets be closed and that there is no on-coming traffic on Ludington Street during the parade. We will drive west along Ludington Street to Stephenson Avenue. We will be cruising to Gladstone once again this year and will be talking with the Police Departments to assist us with that. As always we request that our parade participants do not throw candy from their vehicles. We do have many walkers made up of Girl Scout Troops and other volunteers who will be walking along side the parade and throwing candy.

Safety is our number one goal for our parade participants and spectators. We do stress to our parade participants to drive in a safe and mannerly fashion and discourage tire noise and drag racing. Each parade participant will have a window sticker displayed on their windshield showing that they are, in fact, a parade participant. All registered participants will also have a copy of the parade rules. The Escanaba Public Safety, Michigan State Police and the Sheriff's Department all assist us with our parade and car show throughout the weekend.

Following the parade we will return to the Upper Peninsula State Fairgrounds for a dance and a fun night of catching up with old car friends. All our events will be outdoors this year. We have rented 2 huge tents for our participants to sit under and listen to the music by the Grand Design Band. If you have a free evening, you should join in the festivities.

If you have any concerns or suggestions regarding the parade, please contact me at your convenience. I would be happy to sit down with you to discuss any matters you may have. Once approved, you can return the parade permit to me at: Krusin Klassics Car Club, P. O. Box 1321, Escanaba, MI 49829. I will send you a copy of our certificate of insurance for your records also listing the City of Escanaba as an additional insured just as soon as I receive it.

Thank you for your consideration.

Sincerely,



Janet Snowden/Secretary

Krusin Klassics Car Club

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

DATE(S) OF EVENT: Friday, June 3, 2022  
Day of Week, Month, Day, Year (eg: Saturday, January 2, 2014)

NAME OF EVENT: KRUSIN KLASSICS 2022 FUN RUN PARADE

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

Organization: Krusin Klassics Car Club

Contact Person: Janet Snowden Phone (day) [REDACTED]

Address: P. O. Box 1321-4004 18th Road Phone (evening): [REDACTED]

City: Escanaba, MI 49829 E-mail: [REDACTED]

Postal Code 49849 Website: krusinklassics.net

Charitable Org #: \_\_\_\_\_ Event Phone: [REDACTED]  
 (If applicable) Fax: [REDACTED]

Alternate Contact: Terrie Belongie [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: Ludington Park We would like to street blocked off

Building/Facility Name/Area: from Ludington Park to Stephenson Avenue & main Side Streets

Road (s) Road Closure Required?: Partial  Full

**DATE / TIME**

<b>EVENT TIME</b> This is the time your event would be ready to accept participants or general public.	<b>Event Begins</b>	<b>Event Ends</b>
	DATE: <u>June 3, 2022</u> TIME: <u>7:00 p.m.</u>	DATE: <u>June 3, 2022</u> TIME: <u>8:30 p.m.</u>
<b>SET UP TIME</b> When do you want the area reserved for your organization to ensure you have adequate time for set up and tear down.	<b>Set Up Start</b>	<b>Tear Down End</b>
	DATE: <u>June 3, 2022</u> TIME: <u>6:45 p.m.</u>	DATE: <u>June 3, 2022</u> TIME: <u>8:30 p.m.</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) \_\_\_\_\_

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

Participants # <u>300</u>	Wheelchair Accessible Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Bands # <u>0</u>	For events on City Property are you seeking approval to charge:
Vehicles/Floats # <u>300</u>	Admission Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Volunteers # <u>15</u>	Parking Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
General Public # <u>1,000</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 type="checkbox"/> No <input checked="" type="checkbox"/>	Fireworks Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Sound Amplification Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Alcohol Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Access to power if possible Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Live Music Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Tents/Temp. Structures Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Size of tent(s): _____
Amusement Rides Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Provider: _____
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       Soups/chilli       Other foods (please list)
  - Rice/pasta dishes       Salad
  - Pop, chips, candy       Other meats
  - Hotdogs/hamburgers       Baked goods
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



**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**

Janet Snowden      May 3, 2022  
\_\_\_\_\_  
**Print Name & Date**

Agenda Item: NB-9  
Date: 05-19-2022

## City Council Agenda Item Request

Date: May 11, 2022

Name: Patrick Jordan

Department: Administration

Item: Honor Flight request for Ludington St closure Aug. 6

Meeting date requested: May 19, 2022

Explanation for request:

We've received a request from Cheri Lehto with Honor Flight for their Pulling for Honor event August 6, 2022, from 12:00pm to 5:30, for a closure of Ludington St. from 14th St to 16th St.

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

DATE(S) OF EVENT: Saturday August 16, 2014  
Day of Week, Month, Day, Year (eg: Saturday, January 2, 2014)

NAME OF EVENT: Polling For Honor

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

Organization: UP Honor Flight  
 Contact Person: Scott Phone (day) [REDACTED]  
 Address: 7508 IRd Phone (evening): [REDACTED]  
 City: Bladstone E-mail: [REDACTED]  
 Postal Code: 49837 Website: UPHonorFlight.org  
 Charitable Org #: \_\_\_\_\_ Event Phone: [REDACTED]  
 (If applicable) Fax: [REDACTED]  
 Alternate Contact: Cheri Lehto [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: \_\_\_\_\_
- Building/Facility Name/Area: \_\_\_\_\_
- Road (s) Road Closure Required?: Partial  Full

**DATE / TIME**

Ludington St From 14th to 16th  
August 16 12-5

<b>EVENT TIME</b> <small>This is the time your event would be ready to accept participants or general public.</small> <u>1:00pm</u>	<b>Event Begins</b>	<b>Event Ends</b>
	DATE: <u>August 16</u> TIME: <u>1:00 pm</u>	DATE: <u>August 16</u> TIME: <u>5:00 pm</u>
<b>SET UP TIME</b> <small>When do you want the area reserved for your organization to ensure you have adequate time for set up and tear down.</small>	<b>Set Up Start</b>	<b>Tear Down End</b>
	DATE: <u>August 16</u> TIME: <u>12:00 pm</u>	DATE: <u>August 16</u> TIME: <u>5:30 pm</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) \_\_\_\_\_

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

Participants # <u>100</u>	Wheelchair Accessible Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Bands # _____	For events on City Property are you seeking approval to charge:
Vehicles/Floats # _____	Admission Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Volunteers # <u>20</u>	Parking Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
General Public # <u>100</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"/>
<i>Farmer's Market</i> Sound Amplification Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Alcohol Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Access to power if possible Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Live Music Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Tents/Temp. Structures Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Size of tent(s): _____
Amusement Rides Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Provider: _____
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)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

*Wildman's Munchies*

**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).**

Scott Knauf  
Event Organizer Signature

Scott Knauf  
Print Name & Date    5-10-22

Agenda Item: NB-10  
Date: 05-19-2022

## City Council Agenda Item Request

Date: 5/10/2022

Name: Patrick Jordan

Department: Administration

Item: Use of Public Space - Eagles Club Picnic

Meeting date requested: 5/19/2022

Explanation for request:

The Eagles Club is requesting City Council approval to close the street between 6th and 7th Street (Ludington Street) on July 9th 11:00am until 5:30p.m.

Administration, Public Safety, and Public Works have signed off on this application with approval.

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

DATE(S) OF EVENT: July 9 Saturday  
Day of Week, Month, Day, Year (Example: Saturday, October 29, 2016)

NAME OF EVENT: Eagles Picnic

**CONTACT INFORMATION:** (Please print clearly – Incomplete applications may be delayed)

Organization: Eagles Club 1088  
 Contact Person: Tom Royer Daytime Phone: [REDACTED]  
 Address: 608 Ludington St Evening Phone: \_\_\_\_\_  
 City, State Zip: Escanaba MI 49829 E-mail: \_\_\_\_\_  
 Website: \_\_\_\_\_ Event Phone: \_\_\_\_\_  
 Charitable Org #: 237135312 Fax: \_\_\_\_\_  
(If applicable)

Alternate Contact: Bonnie Royer [REDACTED]  
(It is recommended that an alternative Name and Phone 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 of Park: \_\_\_\_\_  
 Building/Facility Name/Area: 608 Ludington Street  
 Road(s) Road Closure Required?  Partial  Full  
BETWEEN 6TH + 7TH STREET MAIN STREET

**DATE/TIME:**

<b>EVENT TIME</b> <small>This is the time your event would be ready to accept participants or general public.</small>	<b>Event Begins</b> DATE: <u>7/9/22</u> TIME: <u>12<sup>00</sup>pm</u>	<b>Event Ends</b> DATE: <u>7/9/22</u> TIME: <u>5<sup>00</sup>pm</u>
	<b>SET-UP TIME</b> <small>When you want the area reserved for your organization to ensure you have adequate time for set-up and tear-down.</small>	<b>Set-up Start</b> DATE: <u>7/9/22</u> TIME: <u>11<sup>00</sup>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): Party/Picnic

**ESTIMATED ATTENDANCE:** (Please estimate all that apply)

Participants: # 200

Wheelchair Accessible:  Yes  No

Bands: # 4pc Band

For events on City Property are you seeking approval to charge:

Vehicles/Floats: # \_\_\_\_\_

Admission:  Yes  No

Volunteers: # 12

Parking:  Yes  No

General Public: # 200

This event is:  Open to the Public  
 For Invited Guests Only

**EVENT ELEMENTS:** (Complete to ensure proper permits are processed)

Power Requirements:  Yes  No

Fireworks:  Yes  No

Sound Amplification:  Yes  No

Alcohol:  Yes  No

Access to power if possible:  Yes  No

Eagles Rider

Live Music:  Yes  No

Tents/Temp. Structures:  Yes  No

Size of Tent(s): E2 w/ canopy

Amusement Rides:  Yes  No

Provider: \_\_\_\_\_

Inflatables:  Yes  No

Provider: Bosk

**FOOD AND BEVERAGE:**

Will there be Food and Non-Alcoholic Beverages sold?  Yes  No (Continue to next page)

Food Stand locations:  Indoor  Outdoor  Indoor and Outdoor

What types of food will the Food Stands be selling? (Check all that apply)

Chicken / Seafood  Soups / Chili  Other Foods (Please list)

Rice / Pasta Dishes  Salad

Soda / Chips / Candy  Other Meats

Hotdogs / Hamburgers  Baked Goods

+ Brats



**RESERVATION FEES:** (Check applicable box(es))

- |  |   |   |
|--|---|---|
| Ludington Park – Pavilion (1/2 Day)        | <input type="checkbox"/> \$75 (Resident)  | <input type="checkbox"/> \$100 (Non-Resident) |
| Ludington Park – Pavilion (Full Day)       | <input type="checkbox"/> \$100 (Resident) | <input type="checkbox"/> \$125 (Non-Resident) |
| Ludington Park – Bandshell (1/2 Day)       | <input type="checkbox"/> \$75 (Resident)  | <input type="checkbox"/> \$100 (Non-Resident) |
| Ludington Park – Bandshell (Full Day)      | <input type="checkbox"/> \$100 (Resident) | <input type="checkbox"/> \$125 (Non-Resident) |
| Ludington Park – Gazebo (2 Hour Block)     | <input type="checkbox"/> \$50 (Resident)  | <input type="checkbox"/> \$75 (Non-Resident)  |
| Other Picnic or Gathering Area (Full Day)  | <input type="checkbox"/> \$35             |   |
| John D. Besse Park – Pavilion (1/2 Day)    | <input type="checkbox"/> \$75 (Resident)  | <input type="checkbox"/> \$100 (Non-Resident) |
| John D. Besse Park – Pavilion (Full Day)   | <input type="checkbox"/> \$100 (Resident) | <input type="checkbox"/> \$125 (Non-Resident) |
| Lemerand Field – Pavilion (1/2 Day)        | <input type="checkbox"/> \$75 (Resident)  | <input type="checkbox"/> \$100 (Non-Resident) |
| Lemerand Field – Pavilion (Full Day)       | <input type="checkbox"/> \$100 (Resident) | <input type="checkbox"/> \$125 (Non-Resident) |
| Lemerand Field – Entire Complex (Full Day) | <input type="checkbox"/> \$250            |   |

\*\*\* Half-Day Reservations Cut-off Time is 4:00PM. Half-day reservations can be made before or after 4:00PM.

**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 closures **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 the City to consider, please outline them on a separate piece of paper and attach.

**DEFINE THE CLOSURE LIMITS – ATTACH A DETAILED MAP**

600 Block Ludington

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

TOM ROYER

Print Name

5-12-22

Date

1st Ave N

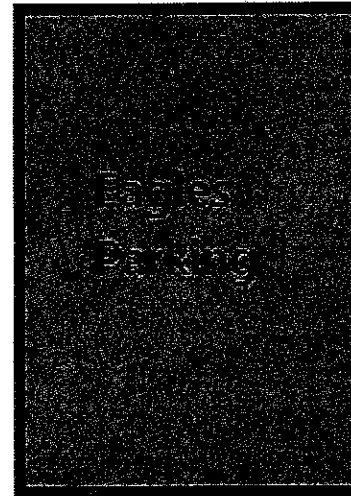
1st Ave N

1st Ave N

7th St N

N 6th St

Delta Apartments



7th St N

N 6th St

Eagles Club

608-612

Hereford & Hops Steak House And Brewpub  
Steak + 93

Gust Asp Party Store  
Party store

Vluc

Daily Press

Kivloja & Ven Effen

Packerland Brokerage Services

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St

Ludington St

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S 7th

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Delta Vending Service

Agenda Item: NB-11  
Date: 05-19-2022

## City Council Agenda Item Request

Date: May 11, 2022

Name: Kim G.

Department: HR Director/Treasurer

Item: Banking Service Contract

Meeting date requested: May 19, 2022

Explanation for request:

Invitations to submit proposals for banking services were sent out to nine area financial institutions. After review of the five proposals received, Administration recommends awarding First Bank a three-year banking contract.

CITY OF ESCANABA  
 REQUEST FOR BANKING SERVICES PROPOSALS  
 RESPONDENT SUMMARY 2022

Respondent	Initial Rate	Rate Comments	Fees	Other Comments
First Bank	1.00%	25% of prime rate; minimum floor rate on deposits is .75%	No fees	Can also do Remote deposit capture & bill payment
Bay Bank	0.25%	.25 first year, .5 for second, and .6 after to 2025	No fees	Cannot do wires online; no account analysis; No ACH Transfer online
Nicolet	0.05%	based on amount in account: range is .01 - .1%	\$18/month, \$35 O/D, \$.25/item over 500, \$25/month ACH fees, \$15 wires, \$15/month for internet banking, \$40/month for Positive Pay	Remote deposit capture, bill pay
Northern Michigan Bank	N/A			
UP State Bank	minus 35 basis points	Rates tied to Associated Bank Fed Funds	\$25 O/D, \$15 wires, \$5 NSF Deposits, \$.10 ACH/item, \$5 per statement	Offer Remote Deposit capture, Online bill pay for \$15/month,
Flagstar	N/A			
Ember's Credit Union	N/A			
Great Lakes 1st Fed. C.U.	N/A			
Northern United Fed. C.U.	N/A			
Peninsula Fed. C.U.	.10% & .05%	.1 on Savings and .05 on Checking	\$10 O/D, \$15 Wires, \$5 NSF Deposits, \$10 ACH Fees, \$10 Positive Pay/item	Cannot do Wire transfer online; cannot do payroll ACH or ACH debits
UP State Credit Union	N/A			

Agenda Item: NB-12  
Date: 05-19-2022

## City Council Agenda Item Request

Date: 05/12/2022

Name: James McNeil

Department: Assessing

Item: Letter of Engagement - Appraiser

Meeting date requested: 05/19/2022

Explanation for request:

Administration is requesting City Council approval to enter into a letter of engagement with Piazza Appraisal Service for the appraisal of the four City properties involved in the Jail/Chamber development. The total cost for all appraisals is \$8,900.

## **ENGAGEMENT LETTER**

This Engagement Letter is binding upon ANTHONY M. PIAZZA, MAI, SRA, R/W-AC, hereinafter referred to as **The Appraiser**, and the CITY OF ESCANABA, hereinafter referred to as **The Client**.

1. **The Appraiser** agrees to provide appraisals to estimate the market values of the fee simple estate interest in four parcels of land with regard to the north shore development in the City of Escanaba, Delta County, Michigan. The properties are further identified on mapping provided by James McNeil, City Assessor for **The Client**, on May 6, 2022, a copy of which is attached hereto, and are described as follows:

- 200 Ludington Street, 1.32-acre vacant waterfront parcel adjacent to the municipal marina (original appraisal completed in October of 2019)
- 230 Ludington Street, former Chamber of Commerce Building (original appraisal completed in October of 2019).
- 0.99 acres of waterfront property north of the former county jail on Little Bay de Noc.
- Vacant parcel located between the city waterfront parcel and the former county jail which is adversely affected by a sewer easement that dissects the parcel from east to west.

2. The appraisal reports will conform to the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation and will be subject to

the requirements of the Code of Professional Ethics and Uniform Standards of Professional Appraisal Practice of the Appraisal Institute with which **The Appraiser** is affiliated.

3. **The Appraiser** agrees to deliver an original and one PDF copy of each report within ninety (90) days of receipt by **The Appraiser** of the executed Engagement Letter and retainer fee.

4. Based on **The Appraiser's** review of the assignment, the fee will be Eight Thousand Nine Hundred (\$8,900) Dollars which will be paid as follows:

- (a) Four Thousand Four Hundred Fifty (\$4,450) Dollars upon execution of the Engagement Letter.
- (b) Four Thousand Four Hundred Fifty (\$4,450) Dollars upon receipt of the appraisal reports.

5. In the event **The Appraiser** is subpoenaed or otherwise required to give testimony or to attend any public or private meeting as a result of having prepared the reports, **The Client** agrees to pay **The Appraiser** One Hundred Fifty (\$150) Dollars per hour plus expenses (Five Hundred [\$500] Dollars per day minimum) for attendance, deposition or testimony required.

6. It is further agreed and understood that if any portion of the compensation or costs due **The Appraiser** become delinquent, **The Client** will pay interest thereon at the rate of 7% per annum on said account from the due date until paid, and further agrees to pay all costs of collection thereof, including reasonable attorney fees, court costs, etc.

7. In the event that **The Client** desires to cancel this Engagement Letter, written notice thereof shall be delivered to **The Appraiser**, and it is agreed that **The Appraiser** shall retain any advanced compensation from **The Client** for services rendered and be compensated for any additional expenses incurred prior to the cancellation of said Engagement Letter.

Accepted by:

**CITY OF ESCANABA**

**BY:** \_\_\_\_\_

\_\_\_\_\_  
**Date**

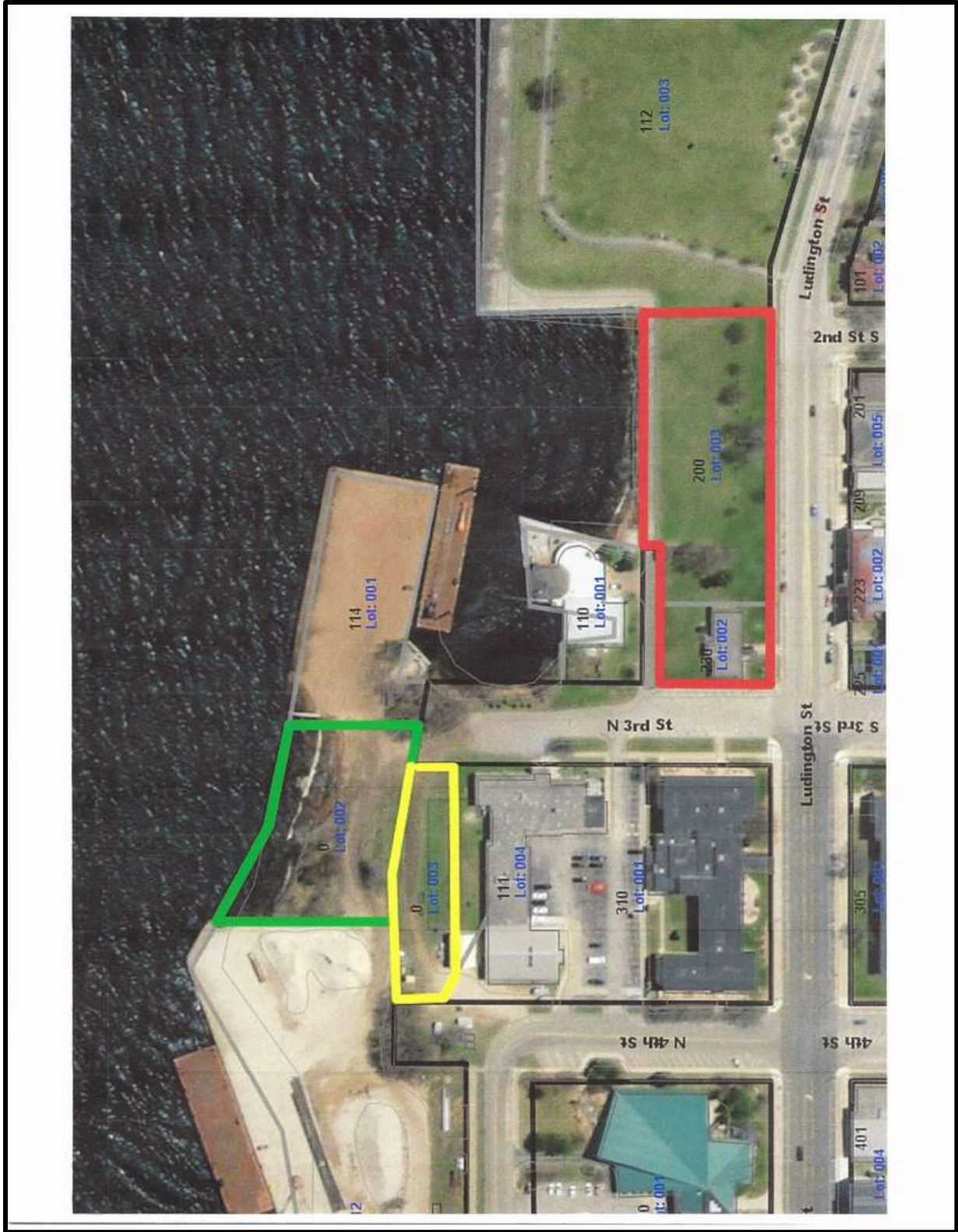
\_\_\_\_\_  
**The Client**  
410 Ludington Street  
Escanaba, MI 49829

\_\_\_\_\_  
**ANTHONY M. PIAZZA, MAI, SRA, R/W-AC**  
**The Appraiser**  
2062 North Huron Road  
Tawas City, MI 48763

\_\_\_\_\_  
**Date**

██████████  
████████████████████





# PIAZZA APPRAISAL SERVICE

## REAL ESTATE APPRAISER & CONSULTANT

2062 NORTH HURON ROAD, TAWAS CITY, MICHIGAN 48763-9436

WEBSITE WWW.PIAZZAAPPRaisal.COM



ANTHONY M. PIAZZA, MAI, SRA, R/W-AC



May 12, 2022

Mr. James McNeil  
City Assessor  
City of Escanaba  
410 Ludington Street  
Escanaba, MI 49829

Re: **North Shore Development Appraisals**

Dear Mr. McNeil:

Pursuant to your request of May 9, 2022, please accept this letter as my formal proposal to complete appraisals of the four identified parcels, all located in the City of Escanaba, Delta County, Michigan. As indicated in my e-mail of March 15, 2022, the new appraisals/updates to 200 and 230 Ludington Street will be completed at a fee of \$3,900. The two additional appraisals will be quite complex which include 0.99 acres of waterfront property north of the former county jail on Little Bay de Noc and a vacant parcel located between the city waterfront parcel and the former county jail which is adversely affected by a sewer easement that dissects the parcel from east to west.

My fee for the entire assignment, which includes a discount for the prior appraisals completed at 200 and 230 Ludington Street as well as a multi-property discount for the additional two vacant lots, is \$8,900, 50% of which will be required as a retainer.

Each appraisal will be reported in a PDF file and one printed copy and will conform to the Uniform Standards of Professional Appraisal Practice within ninety (90) days of your authorization. Attached you will find a copy of my Engagement Letter.

Thank you. I look forward to once again being of service to the City of Escanaba. Should you have any questions, please do not hesitate to call.

Yours very truly,

ANTHONY M. PIAZZA, MAI, SRA, R-W/AC