

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, January 19, 2023**

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: Interim City Manager Jim McNeil, City Clerk Phil DeMay, Department Heads, media, and members of the public.

City Clerk DeMay led Council in the Pledge of Allegiance.

DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from January 5, 2023, as submitted.

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Work Session minutes from January 10, 2023, as submitted.

**ADJUSTMENTS TO THE AGENDA**

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

**CONFLICT OF INTEREST DECLARATION**

Council Member Moore declared a conflict of interest with New Business Item #4 because she is on the Board of Enhance Escanaba.

**BRIEF PUBLIC COMMENT**

- Jerod Bender – discussed possible Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications.
- Will Carne Jr. – discussed possible Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications.

**PUBLIC HEARINGS**

**NB-1 Public Hearing – Citizen Participation – 2023-24 Fiscal Year Budget Preparation.**

Each year, Council holds public hearings to facilitate input from citizens for the upcoming FY2023-24 fiscal year budget. This was the first of five (5) scheduled public hearings.

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

- Jerod Bender – discussed local landfill options.

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

### **NB-2 Public Hearing – Condemnation Located at 1620 9th Avenue South – Code Compliance Department – Public Safety.**

Administration requested condemnation of the home at 1620 9th Avenue South due to lack of maintenance and repair and is unfit for human habitation.

*Interim City Manager Jim McNeil updated Council on a conversation with the property owner and their intentions to sell the house. Mr. McNeil recommended to postpone the second public hearing until May to see if the sale follows through.*

**NB-2** Beauchamp moved, DuBord seconded, to postpone the Public Hearing on the Condemnation located at 1620 9<sup>th</sup> Avenue South until May 4, 2023, Regular City Council meeting.

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

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

Nays: None

**MOTION CARRIED.**

### **UNFINISHED BUSINESS**

#### **UB-1 Discussion – City Manager Position – Council/Manager.**

*City Council held a discussion of the City Manager position and proposed contract.*

**UB-1** Flath moved, Moore seconded, to approve to hire Jim McNeil as the City Manager / City Assessor pending contract negotiation and verification with the State there is no legal conflict of interest having dual role as City Manager and City Assessor.

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

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

Nays: None

**MOTION CARRIED.**

Mayor Ammel and Council Member Beauchamp will represent City Council along with HR Kim Gustafson and City Controller Melissa Becotte in contract negotiation.

**NEW BUSINESS**

**NB-1 Presentation – Audit – City Controller.**

Annette Eustice of the audit firm Rehmann gave a presentation of the 06/30/2022 audit.

**NB-2 Approval – Resolution to Adopt the Updated Delta County Hazard Mitigation Plan – City Manager.**

The CUPPAD Regional Planning Commission sought Council approval of a resolution to adopt the updated Hazard Mitigation Plan for Delta County. After receiving input from local municipalities, the plan was adopted by FEMA, Region V, U.S. Department of Homeland Security and adopted by the County Board of Commissioners. Since the City of Escanaba was part of the planning process, FEMA requested adoption of the plan by the local units of government. This Hazard Mitigation Plan assesses risks and evaluates the community's vulnerability from potential hazards. By adopting the plan, the City will be eligible to apply for funding through the full complement of Hazard Mitigation Assistance Grants offered by the State of Michigan and Federal government.

“NB-2 By Council Member DuBord, seconded by Council Member Moore:

**RESOLUTION 23-01**

**Resolution of the Adoption of the 2023 Delta County Hazard Mitigation Plan**

**WHEREAS**, hazard mitigation is defined as any action taken before, during, or after a disaster or emergency to permanently eliminate or reduce the long-term risk to human life and property; and

**WHEREAS**, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, is the federal law that creates the framework for state, local, tribal and territorial governments to engage in hazard mitigation planning to receive certain types of non-emergency disaster assistance; and

**WHEREAS**, FEMA manages the Hazard Mitigation Grant Program which provides funding to state, local, tribal and territorial governments so they can develop hazard mitigation plans and rebuild in a way that reduces, or mitigates, future disaster losses in their communities; and

**WHEREAS**, the Federal Government, the State of Michigan, Delta County, and the Escanaba City Council all recognize the importance of preventing or lessening the damage and impact of disasters and emergencies through hazard mitigation; and

**WHEREAS**, the City of Escanaba has a unique role to play in coordinating the hazard mitigation activities of federal and state and local governments by identifying local county hazards; and assisting in possible mitigation efforts; and

**WHEREAS**, the 2023 Delta County Hazard Mitigation Plan identifies mitigation goals and actions to eliminate or reduce long-term risk to people and property in City of Escanaba from the impacts of future hazards and disasters; and

**WHEREAS**, adoption by the Escanaba City Council demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2023 Delta County Hazard Mitigation Plan.

**NOW THEREFORE, BE IT RESOLVED** the Escanaba City Council adopts the 2023 Delta County Hazard Mitigation Plan.

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

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

**RESOLUTION DECLARED ADOPTED.”**

### **NB-3 Approval – Energy Optimization Program - Electric.**

Administration sought approval for the 2023 Energy Optimization Program in the amount of \$150,000. This was a budgeted item. The Electrical Advisory Committee supported and recommended this program.

**NB-3** DuBord moved, Flath seconded, to approve the 2023 Energy Optimization Program in the amount of \$150,000.

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

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

**MOTION CARRIED.**

### **NB-4 Approval – Request to Use City Land for History Garden – Manager.**

Administration sought Council input on a request from Enhance Escanaba to design and construct/plant a history garden on the unused area of sand point, east of the

water plant.

**NB-4** DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to postpone the request to use City Land for History Garden until Enhance Escanaba can render a design and more detailed information.

Abstain: Moore

**NB-5 Approval – Engagement Agreement for City Attorney – Manager.**

Administration sought City Council approval of an engagement agreement appointing Foster Swift as the City Attorney. This required Council approval in accordance with the City purchasing policy.

**NB-5** Moore moved, DuBord seconded, to approve of an engagement agreement appointing Foster Swift as the City Attorney.

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

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

Nays: None

**MOTION CARRIED.**

DuBord moved, Flath seconded, to go into recess, **CARRIED UNANIMOUSLY.**

The time was 8:22 p.m.

DuBord moved, Beauchamp seconded, to come back in session, **CARRIED UNANIMOUSLY.**

The time was 8:30 p.m.

**NB-6 Closed Session – Discuss a Written Legal Opinion – Attorney.**

Pursuant to MCL 15.268(h) a closed session was proposed to discuss with the public body's attorney a memorandum of advice as permitted under section 8(h) of the OMA – "to consider material exempt from discussion or disclosure by state or federal statute."

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

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

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

Nays: None

**MOTION CARRIED.**

The time was 8:31 p.m.

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

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

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

Nays: None

**MOTION CARRIED.**

The time was 9:04 p.m.

*No Council actions were taken during closed session.*

**NB-7 First Reading of Ordinance No. 1273, An Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses, and Setting the Date of Thursday, February 2, 2023, for the Second Reading, Public Hearing, and Adoption – Manager.**

Administration requested City Council to consider this the first reading of Ordinance No. 1273, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses. Administration requested that the City Council set February 2, 2023, for the second reading, public hearing, and adoption of Ordinance No. 1273.

**NB-7** Mayor Ammel moved, Moore seconded, to consider this the first reading of Ordinance No. 1273 with amendment to Section 3 that reads as follows: “This moratorium does not apply to applicants whose applications were received on or before January 19, 2023”, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses and to set February 2, 2023, for the second reading, public hearing, and adoption of Ordinance No. 1273.

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

Ayes: Mayor Ammel, Moore, Beauchamp, DuBord

Nays: Flath

**MOTION CARRIED.**

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

Mayor Ammel and Council member Beauchamp were appointed to the City Manager / City Assessor contract committee along with HR Kim Gustafson and Controller Melissa Becotte.

*Interim City Manager James McNeil with Council Consensus made the following appointment:*

Mary Blasier appointed to the Recreation Advisory Board, expiring June 1, 2024.

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

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

### **GENERAL PUBLIC COMMENT**

- Karen Caswell – discussed Historic Garden by Enhanced Escanaba proposed location.
- Tyler Anthony – discussed Historic Garden.

### **ANNOUNCEMENTS**

- Mayor Ammel congratulated and welcomed Jim McNeil as the City Manager / City Assessor of the City of Escanaba.

Hearing no further public comment Beauchamp moved, the Council adjourned at 9:50 p.m.

Respectfully submitted,

Phil DeMay  
City Clerk

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