



## CITY COUNCIL MEETING AGENDA

March 2, 2023

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

James R. McNeil, City Manager  
Phil DeMay, City Clerk  
Laura J. Genovich, 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, March 2, 2023, at 7:00 p.m.**

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – February 16, 2022

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

**1. Approval – Purchase a New Brush Chipper – Engineering/Public Works.**

**Explanation:** City Administration is seeking City Council approval to purchase a new Bandit 15XP chipper for the estimated cost of \$50,420.00.

**2. Approval – Resolution Supporting Senate Bill No. 19 – City Manager.**

**Explanation:** Administration is requesting City Council consideration of a resolution supporting Senate Bill 19.

**3. Approval – Resolution Supporting Senate Bill No. 20 – City Manager.**

**Explanation:** Administration is requesting City Council consideration of a resolution supporting Senate Bill 20.

**4. Closed Session – Legal Opinion – Foreclosure Property – HR Director/Treasurer.**

**Explanation:** Administration is requesting Council go in to a closed session to consider material exempt from discussion or disclosure by statute under MCL 15.268(h), identified as an attorney-client privileged written legal opinion.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted,

A handwritten signature in blue ink that reads "James R. McNeil".

**James R. McNeil**  
City Manager

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, February 16, 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: City Manager James R. 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, Moore seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from February 2, 2023, as submitted.

**ADJUSTMENTS TO THE AGENDA**

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

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT** - None

**PUBLIC HEARINGS**

**NB-1 Public Hearing – Citizen Participation – 2023-2024 Fiscal Year Budget Preparation.**

A public hearing was conducted to facilitate input from citizens for the City's next fiscal year budget. This was the second of five (5) scheduled public hearings.

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

- Mark Stouski- discussed next fiscal year budget.

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

**PH-2 Second Reading, Public Hearing and Adoption of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provisions of the State Construction Code.**

Administration requested City Council to consider approval and adoption of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provision of the State Construction Code.

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

**Resolved**, That Ordinance No. 1274, Ordinance Addressing Floodplain Management Provisions of the State Construction Code, 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. 1274 adopted by title:

**" ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS  
OF THE STATE CONSTRUCTION CODE."**

Full text in Ordinance Record “M”.

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

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

Nays: None

**RESOLUTION DECLARED ADOPTED.”**

**UNFINISHED BUSINESS** – None

**NEW BUSINESS**

**NB-1. Approval – Resolution 23-02 – Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program.**

Administration sought City Council approval and adoption of Resolution 23-02 – Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program.

**“NB-1** By Council Member Moore, seconded by Council Member DuBord:

**RESOLUTION 23-02**

**MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL**

**AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT**

**FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

**Community A** (NFIP community:) **City of Escanaba** **Community/Entity B** (enforcing agency): **Delta County Building and Zoning**

**WHEREAS**, Community A

(check the appropriate following box statement) ☒ currently participates ☐ desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

**WHEREAS**, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
  - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
  - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

**WHEREAS**, the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building

Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

**WHEREAS**, by the action dates of this document, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A's political boundaries, and

**WHEREAS**, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

**NOW THEREFORE**, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B's officially designated enforcing agency for the construction code act, [Delta County Building Official, Delta County Building and Zoning](#), be directed to administer, apply, and enforce on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
  - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
  - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
    - i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
    - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
    - iii) Appendix G of the current Michigan Building Code.
    - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
  - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.

- e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
  - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
  - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
  3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

**FURTHER BE IT RESOLVED**, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

**Community A:**     **City of Escanaba**

Date Passed:

Officer Name:

Title:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name:

Title:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Community/Entity B:** **Delta County Building and Zoning**

Date Passed:

Officer Name:

Title:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name:

Title:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

Nays: None

**RESOLUTION DECLARED ADOPTED.”**

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

*Mayor Ammel with Council Consensus made the following appointment:*

Stormie Alwood appointed to the Housing Commission, expiring June 1, 2025.

*City Council made the following appointments:*

Mark Sadowski appointed to the Planning Commission, expiring June 1, 2023.

Michael Harris appointed to the Planning Commission, expiring June 1, 2023.

Myra Croasdell appointed to the Historic District Commission, expiring October 1, 2025.

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

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

### **GENERAL PUBLIC COMMENT**

- Craig Woerpel (Director of DDA) – Announced Restaurant Week February 26<sup>th</sup> – March 4<sup>TH</sup>.

### **ANNOUNCEMENTS**

- City Manager Jim McNeil recognized Don Aronson and all he has done for the community of Escanaba and offers condolences to the Aronson family with his passing.
- Mr. Miller and his students in Raleigh, North Carolina get introduced to Escanaba

on the first day of school. Mr. Miller discusses with his students why his hometown of Escanaba is the best place in the world. City Manager McNeil thanked Mr. Miller and his students for their enthusiasm of Escanaba.

- Mayor Ammel offers condolences to council member Karen Moore with the passing of her mother Marilyn Sue Christiansen.

Hearing no further public comment Flath moved, the Council adjourned at 7:21 p.m.

Respectfully submitted,

Phil DeMay  
City Clerk

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



Agenda Item: NB-1  
Date: 03-02-2023

## City Council Agenda Item Request

Date: 2/17/2023

Name: Wendy Taavola

Department: Engineering/Public Works

Item: Approval to purchase ~~one~~ new brush chipper

Meeting date requested: 3/2/2023

Explanation for request:

DPW Unit #7, the 1989 Eager Beaver 200 brush chipper, is out of service. On February 8, 2023, #7 broke down on the job site and was brought to the shop for repairs. It is estimated that repair parts would cost over \$1,800 to start with unknown issues that could arise when we get into the repair work. As of February 14, 2023, the Electric Department Unit #102, a 1995 Vermeer 1250-BC radiator is very close to failing, to have it reconditioned will take about a month. If we are to have an ice or wind storm, the DPW and Electric Department crews will be forced to leave debris in the boulevard until we are able to return with working equipment. An added snow storm will create a larger problem with plows spreading the debris along the streets. These two pieces of equipment are necessary to emergency operations in the event of ice or wind.

DPW has included the cost of a new chipper as a request in the next budget and it is not cost effective to put the money into repairing #7. We would like to move forward with the purchase of a new Bandit 15XP chipper for the estimated cost of \$50,420.00. This is MIDEAL contract pricing and includes delivery freight of \$100.00.



**Rob Faber**  
 6750 Millbrooke Road  
 Remus, MI 49340  
 US  
 989-561-2270 (Phone)  
 989-561-2273 (Fax)  
[www.banditchippers.com](http://www.banditchippers.com)

## QUOTATION

Quotation #:	Quote Created:	Last Updated:	Salesperson:
<b>152910</b>	<b>02/16/23 02:26 pm</b> by Bandit Industries, Inc.	<b>02/17/23 09:42 am</b> by Rob Faber	Rob Faber

CUSTOMER:	BILL TO:	SHIP TO:
<b>City of Escanaba</b> <b>1715 Sheridan road</b> <b>Escanaba, Mi 49829</b> <b>USA</b> <b>906-786-1842 (Phone)</b> <b>Kent (Contact)</b> <a href="mailto:kdubord@escanaba.org">kdubord@escanaba.org</a>	<b>City of Escanaba</b> <b>1715 Sheridan road</b> <b>Escanaba, Mi 49829</b> <b>USA</b> <b>906-786-1842 (Phone)</b> <b>Kent (Contact)</b> <a href="mailto:kdubord@escanaba.org">kdubord@escanaba.org</a>	<b>City of Escanaba</b> <b>1715 Sheridan road</b> <b>Escanaba, Mi 49829</b> <b>USA</b> <b>906-786-1842 (Phone)</b> <b>Kent (Contact)</b> <a href="mailto:kdubord@escanaba.org">kdubord@escanaba.org</a>

## INTIMIDATOR 15XP (15" DRUM STYLE) BRUSH BANDIT

Qty	Part #:	Description:	Base Price:
<b>1</b>	<b>MODEL-15XP</b>	<b>Intimidator 15XP - (15" Drum Style) Brush Bandit</b>	<b>\$ 37570.00</b>

## STANDARD EQUIPMENT

<b>1</b>	<b>STANDARD</b>	37" diameter x 18 3/4" wide drum with (4) 5/8" X 5 1/2" X 9" dual edge knives
<b>1</b>	<b>STANDARD</b>	"Drum Shear Bar" spans full width of the drum mounted in the upper portion of the drum housing potentially creating a slicing action of a winch line or climber's rope
<b>1</b>	<b>STANDARD</b>	Patented 'power slot' assists in maximizing chip velocity. The power slot also provides a place for fine material to escape that might tend to lie in the belly of the drum.
<b>1</b>	<b>STANDARD</b>	25 gallon steel fuel tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
<b>1</b>	<b>STANDARD</b>	12 gallon steel hydraulic tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
<b>1</b>	<b>STANDARD</b>	Slide box feed system (includes adjustable spring on each side) with (2) horizontal feed wheels 10 5/8" diameter x 18 3/4" wide, driven by (2) 32.3 CID hydraulic motors.
<b>1</b>	<b>STANDARD</b>	Hydraulic lift cylinder - utilizes a hydraulic cylinder to raise or provide down pressure for the top feed wheel
<b>1</b>	<b>STANDARD</b>	Bottom feed wheel clean out door (opens via spring latch pin allowing dirt and debris to fall out extending knife and component life)
<b>1</b>	<b>STANDARD</b>	360 degree HAND crank swivel discharge (height adjustable) with 12" adjustable chip deflector
<b>1</b>	<b>STANDARD</b>	Clean out and inspection door on discharge bottom
<b>X</b>	<b>STANDARD</b>	29" high x 54" wide tapered infeed hopper with 30" fold down infeed hopper tray, heavy-duty taillight covers, and spring lift assists
<b>1</b>	<b>STANDARD</b>	4" x 6 1/2" inspection window on belt shield
<b>1</b>	<b>STANDARD</b>	(2) Last chance safety pull cables
<b>1</b>	<b>STANDARD</b>	Round control bar - located around top and sides of infeed hopper with 3 control positions (forward / stop / reverse)
<b>1</b>	<b>STANDARD</b>	Wooden pusher tool with mount on infeed hopper
<b>1</b>	<b>STANDARD</b>	3/16" x 2" x 6" rectangular tubing with a 3/8" x 3" x 6" tubular tongue
<b>1</b>	<b>STANDARD</b>	Frame / Fender supports
<b>1</b>	<b>STANDARD</b>	Lockable aluminum toolbox

<b>1</b>	<b>STANDARD</b>	5/16" (G70) safety chains with spring loaded latch hooks
<b>X</b>	<b>STANDARD</b>	8,000 pound capacity tongue jack with 15" of travel and foot pad
<b>1</b>	<b>STANDARD</b>	12 volt system with rubber mounted LED taillights, 6 prong replaceable coiled power cord & protected heavy-duty wiring with junction box, and LED clearance lights with reflectors.
<b>1</b>	<b>STANDARD</b>	Banded chipper drive belts (adjustable via a sliding engine system)
<b>1</b>	<b>STANDARD</b>	Pressure check kit - Gauge is NOT included
<b>1</b>	<b>STANDARD</b>	Weather resistant manual container
<b>1</b>	<b>STANDARD</b>	Engine disable plug for hood locking pin-preventing engine from operating without pin in place
<b>1</b>	<b>STANDARD</b>	(1) weatherproof machine manual (includes safety, operation and parts sections) also (1) engine and clutch manual is included if applicable
<b>1</b>	<b>STANDARD</b>	Spanish & English combination safety decals

## OPTIONS

Qty	Part #:	Description:	Option Price:	Extended:
<b>1</b>	<b>333-32273</b>	Standard Imron Industrial Urethane Bandit Yellow	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>1</b>	<b>990-RC1172-753</b>	Ford RSG-862, 6.2L, 165 horsepower GAS engine without clutch (Includes spark arrestor muffler) - If ordered on Model 280 / 280HD must select tongue weight option under add on frame options	<b>\$ 18990.00</b>	<b>\$ 18990.00</b>
<b>1</b>	<b>700-6000-28</b>	LOR tach with reversing auto feed for Ford 165 horsepower gas engines (Includes 1,000 CCA battery with box) - Panel is mounted on engine shroud with lockable cover (MACHINES WITH NO WINCH OR BUMP BAR)	<b>\$ 3520.00</b>	<b>\$ 3520.00</b>
<b>1</b>	<b>700-1000-12</b>	NACD Spring Loaded Clutch	<b>\$ 1525.00</b>	<b>\$ 1525.00</b>
<b>1</b>	<b>OPTION-915-5000-16</b>	Drive system for engines above 145 horsepower (Includes two 3 groove belts in lieu of a single 4 groove belt)	<b>\$ 450.00</b>	<b>\$ 450.00</b>
<b>1</b>	<b>OPTION-915-5001-12</b>	29" high x 54" wide tapered heavy-duty infeed with weld on pan and infeed deflectors	<b>\$ 575.00</b>	<b>\$ 575.00</b>
<b>1</b>	<b>990-1016-02</b>	Single 10,000 pound Torflex axle with electric brakes (0 degree down trail) (Will be 4 1/2" shorter than 45 degree down trail) (Now 900-5910-70)	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>1</b>	<b>990-100406</b>	(2) 215/75R 17.5" tires mounted on 8-bolt heavy-duty gray rims (8,000 pound axles on up)	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>1</b>	<b>990-100415</b>	Aluminum bolt on fenders (Approximately 1/4" thick)	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>1</b>	<b>990-100274</b>	2-1/2" Wallace Forge Pintle Hitch	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>1</b>	<b>OPTION-905-5000-21</b>	10,000 pound capacity tongue jack with spring return pad	<b>\$ 225.00</b>	<b>\$ 225.00</b>
<b>1</b>	<b>OPTION-905-5000-15</b>	Option 7 Prong (Flat/RV Style) to 6 Prong Coiled Cord	<b>\$ 45.00</b>	<b>\$ 45.00</b>

## CUSTOMER TOTALS

**Total Unit Price: \$ 62900.00**

**Customer Total: \$ 62900.00**

## DIRECT SALE TOTALS

<b>Total Unit Price:</b>		<b>\$ 62900.00</b>
<b>Direct Sale Discount:</b>	20.00 %	<b>- \$ 12580.00</b>
<b>Net Unit Price After Direct Sale Discount:</b>		<b>\$ 50320.00</b>
<b>Freight/Shipping Charges:</b>		<b>\$ 100.00</b>
<b>Total Direct Sale Price:</b>		<b>\$ 50420.00</b>

**Terms: Net 30 Days**

## COMMENTS

By Rob Faber on 02/16/2023 02:18 PM

Price reflects MIDEAL pricing Contract #190000000301

By Rob Faber on 02/16/2023 02:22 PM

WO 87748 In stock

By Rob Faber on 02/16/2023 02:34 PM

Remove winch

## SIGNATURE

The Buyer, whose name and address appears above, agrees to purchase from the Seller, whose name and address appears above, the above equipment at the prices stated and upon the terms and conditions of this agreement.

X

Signature

Date

Close

Print

Agenda Item: NB-2  
Date: 03-02-2023

## City Council Agenda Item Request

Date: 2/22/2023

Name: James McNeil

Department: City Manager

Item: Resolution Supporting Senate Bill No. 19

Meeting date requested: 3/2/2023

Explanation for request:

Administration is requesting City Council consideration of a resolution supporting Senate Bill 19.

In the 2021-2022 legislature, Sen. Ed McBroom introduced Sen. Bill 1075 to amend the "Tax Tribunal Act" PA 186 of 1973. As it failed, he is re-introducing the bill as Senate Bill #19 for the current legislature. Among other things, the new bill's amended language states that "The tribunal does not have jurisdiction over any property tax matter that comes within the exclusive jurisdiction of a county board of revisions..."

**CITY OF ESCANABA**

**RESOLUTION NO. 23-03**

**RESOLUTION TO SUPPORT LEGISLATION**

**WHEREAS**, Representative of Michigan's 38<sup>th</sup> Senate District, Senator Ed McBroom, seeks to introduce two bills, Senate Bill Nos. \_\_\_\_\_ and \_\_\_\_\_, intended to address the method by which the Michigan Tax Tribunal values certain properties, including big box and junior box stores, commonly referred to as the "Dark Store" theory of value;

**WHEREAS**, the Tax Tribunal, on numerous occasions, has valued such properties through comparisons to sales of other big box or junior box stores that have "gone dark," i.e., have failed to produce retail sales due to their location in the market;

**WHEREAS**, the Tax Tribunal has also valued box stores by comparisons to sales of other box stores that were sold with a private deed restriction in place, which precluded the use of the sold box store for use as a box store;

**WHEREAS**, these Tax Tribunal decisions across the state have resulted in artificially reduced values for thriving box stores due to comparisons to stores that either failed or were sold for some other secondary purpose, such as redevelopment for some other commercial use;

**WHEREAS**, the City of Escanaba has lost revenue and incurred legal expenses as a result of "Dark Store" property tax appeals, which has impaired the ability to provide services to its residents;

**WHEREAS**, the legislation seeks to remedy these issues by requiring the Tax Tribunal to assure that box stores are valued according to their "highest and best use" by excluding the use of sale comparables sold with private restrictions in place if those restrictions substantially impair the comparable's highest and best use as compared to the property being valued; and

**WHEREAS**, the legislation seeks to require the use of sale comparables that are adequately comparable to the property being valued.

**NOW, THEREFORE**, the City of Escanaba, Delta County, Michigan, resolves as follows:

1. The City Council hereby supports the legislation introduced by Sen. McBroom, Senate Bill Nos. \_\_\_\_\_ and \_\_\_\_\_.

2. Any resolutions that are inconsistent with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

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

Ayes:

Nays: None

**RESOLUTION DECLARED ADOPTED.”**

I the undersigned, being duly qualified and acting City Clerk of the City of Escanaba, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Escanaba City Council and the City of Escanaba, County of Delta, Michigan, at a regular City Council Meeting held on Thursday, March 2, 2023, and that said meeting was conducted and public notice was given pursuant to and in full compliance with the Open Meeting Act, Act 267, Public Acts of Michigan, 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

Agenda Item: NB-3  
Date: 03-02-2023

## City Council Agenda Item Request

Date: 2/22/2023

Name: James McNeil

Department: City Manager

Item: Resolution Supporting Senate Bill No. 20

Meeting date requested: 3/2/2023

Explanation for request:

Administration is requesting City Council consideration of a resolution supporting Senate Bill 20.

In the 2021-2022 legislature, Sen. Ed McBroom introduced Sen. Bill 1082 to amend PA 206 of 1893 "The General Property Tax Act". As it failed, he is re-introducing the bill as Senate Bill #20 for the current legislature. Among other things, the new bill's amended language states that "... the county board of commissioners shall also establish and maintain a county board of revision..."



**CITY OF ESCANABA**

**RESOLUTION NO. 23-04**

**RESOLUTION TO SUPPORT LEGISLATION**

**WHEREAS**, Representative of Michigan's 38<sup>th</sup> Senate District, Senator Ed McBroom, seeks to introduce two bills, Senate Bill Nos. \_\_\_\_\_, and \_\_\_\_\_, intended to respond to criticisms of the Michigan Tax Tribunal and to create County Boards of Revision with jurisdiction over certain property tax disputes;

**WHEREAS**, the Tax Tribunal is comprised of a chairperson and four members. The members include an appraiser member, an assessor member, an attorney member and an at-large member. The purpose of these different members was to ensure that appropriate expertise (in the fields of assessing, appraising, and the law) was applied to all Tribunal cases and proceedings. Each member is appointed by the Governor;

**WHEREAS**, due to an increase in the Tribunal's case load, a single member now presides over a case instead of a panel of all members;

**WHEREAS**, the Tribunal's current operations have resulted in criticisms, not limited to delays in case processing, a growing backlog of cases, a lack of transparency in decision-making, and members presiding over complex cases without any legal training or experience in property tax matters;

**WHEREAS**, Senate Bill Nos. \_\_\_\_\_ and \_\_\_\_\_ provide for the creation of County Boards of Revision, which would obtain jurisdiction over larger, more complex property tax matters that involve over \$1.2 million in dispute;

**WHEREAS**, Senate Bill Nos. \_\_\_\_ and \_\_\_\_ are intended to provide a neutral and competent adjudicatory process that is driven by standard legal processes, overseen by experienced legal professionals and tax professionals certified by the Michigan State Tax Commission;

**WHEREAS**, County Boards of Revision provide for greater input from local units on property tax matters and the ultimate review of County Board of Revision decisions by judges in local County Circuit Courts.

**NOW, THEREFORE**, the City of Escanaba, Delta County, Michigan, resolves as follows:

1. The City Council hereby supports the legislation introduced by Sen. McBroom, Senate Bill Nos. \_\_\_\_\_ and \_\_\_\_\_.
2. Any resolutions that are inconsistent with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

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

Ayes:

Nays: None

**RESOLUTION DECLARED ADOPTED.”**

I the undersigned, being duly qualified and acting City Clerk of the City of Escanaba, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Escanaba City Council and the City of Escanaba, County of Delta, Michigan, at a regular City Council Meeting held on Thursday, March 2, 2023, and that said meeting was conducted and public notice was given pursuant to and in full compliance with the Open Meeting Act, Act 267, Public Acts of Michigan, 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

Agenda Item: NB-4  
Date: 03-02-2023

## City Council Agenda Item Request

Date: February 22, 2023

Name: Kim G.

Department: HR Director/Treasurer

Item: Legal Opinion - Foreclosure Property

Meeting date requested: March 2, 2023

Explanation for request:

Administration is requesting Council go in to a closed session to consider material exempt from discussion or disclosure by statute under MCL 15.268(h), identified as an attorney-client privileged written legal opinion.