

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, April 6, 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.

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from March 16, 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

PH-1 Public Hearing – Drinking Water State Revolving Fund (DWSRF) – Water.

A Public Hearing was required for the City to be able to qualify for the Drinking Water State Revolving Loan Money to be allocated to our planned upgrades at the Water Plant.

This being a public hearing, Mayor Ammel asked if there was any public comment, Flath moved, DuBord seconded, to open the public hearing and public comment.

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

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

MOTION CARRIED.

Darren Pionk of C2AE discussed the “Escanaba DWRF Project Plan.”

Hearing no public comment, Flath moved, DuBord seconded, to close the public hearing and close public comment.

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

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

Nays: None

MOTION CARRIED.

PH-2 Public Hearing – Clean Water State Revolving Fund (CWSRF) – Wastewater.

A Public Hearing was required for the City to be able to qualify for the Michigan Clean Water State Revolving Loan Money to be allocated to our planned upgrades at the Wastewater Plant.

This being a public hearing, Mayor Ammel asked if there was any public comment, DuBord moved, Flath seconded, to open the public hearing and public comment.

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

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

Nays: None

MOTION CARRIED.

Darren Pionk of C2AE discussed the “Escanaba DWRF Project Plan.”

Hearing no public comment, DuBord moved, Beauchamp seconded, to close the public hearing and close public comment.

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

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

Nays: None

MOTION CARRIED.

UNFINISHED BUSINESS

UB-1 Approval – Request to Purchase City Property – 8th Avenue South - Manager.

Administration presented City Council with a request to purchase City owned land for the appraised value of \$10,100. The request included 20 acres of landlocked area

north of 8th Ave S.

UB-1 Moore moved, DuBord seconded, to approve a request to purchase City owned land for the appraised value of \$10,100.

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

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

MOTION CARRIED.

UB-2 Approval – Request to Purchase City Property – 12th Road - Manager.

Administration presented City Council with a request to purchase City owned land for \$29,400. The request included 42 acres of landlocked area southwest of the airport.

UB-2 DuBord moved, Moore seconded, to approve a request to purchase City owned land for \$29,400.

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

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

MOTION CARRIED.

NEW BUSINESS

NB-1 Approval – 2023 Drinking Water State Revolving Fund (DWSRF) – Project Plan Resolution – Water.

Following the Public Hearing the City must pass a resolution adopting a DWSRF Project Plan. Administration sought City Council approval to adopt Resolution 23-08 – A Resolution Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative.

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

Resolution 23-08

**A RESOLUTION ADOPTING A FINAL PROJECT PLAN
FOR WATER SYSTEM IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

WHEREAS, the City of Escanaba, MI recognizes the need to make improvements to

its existing water treatment and distribution system; and

WHEREAS, the City of Escanaba, MI authorized C2AE of Escanaba, MI to prepare a Project Plan, which recommends the construction of replacement of over 8,000 ft of watermain and 600 lead-impacted water services;

WHEREAS, said Project Plan was presented at a Public Hearing held on April 6, 2023 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Escanaba, MI formally adopts said Project Plan and agrees to implement the selected alternative (Alternative 2: Replacement of Water Main and Lead Impacted Water Services, and Upgrades to South Water Tank).

BE IT FURTHER RESOLVED, that the Escanaba City Manager, a position currently held by James McNeil, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water State Revolving Fund Loan to assist in the implementation of the selected alternative.

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

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

RESOLUTION DECLARED ADOPTED.”

NB-2 Approval – 2023 Clean Water State Revolving Fund (CWSRF) – Project Plan Resolution – Wastewater.

Following the Public Hearing the City must pass a resolution adopting a CWSRF Project Plan. Administration sought City Council approval to adopt Resolution 23-09 – A Resolution Adopting a Final Project Plan for Wastewater System Improvements or NPS Pollution Control/Stormwater Improvements and Designating an Authorized Project Representative.

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

Resolution 23-09

**A RESOLUTION ADOPTING A FINAL PROJECT PLAN
FOR WASTEWATER SYSTEM IMPROVEMENTS or
NPS POLLUTION CONTROL/STORMWATER IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

WHEREAS, the City of Escanaba, MI recognizes the need to make improvements to its existing wastewater treatment and collection system or its existing NPS pollution

control/stormwater treatment system; and

WHEREAS, the City of Escanaba, MI authorized C2AEof Escanaba, MI to prepare a Project Plan, which recommends the construction of rehabilitation of over 13,000 ft of sewer main and replacement of the Ludington Lift Station; and

WHEREAS, said Project Plan was presented at a Public Hearing held on April 6, 2023 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Escanaba, MI formally adopts said Project Plan and agrees to implement the selected alternative (Alternative No. 2).

BE IT FURTHER RESOLVED, that the Escanaba City Manager, a position currently held by James McNeil, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

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

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

Nays: None

RESOLUTION DECLARED ADOPTED.”

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

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

- a. Hawkins, Inc., Roseville, MN to furnish approximately 35,000 pounds of Hydro-Fluosilicic acid for use in drinking water treatment of \$44.50 / hundred in totes.
- b. Aquachem of America, Inc., Appleton, WI to furnish approximately 100 net tons of Aluminum Sulfate liquid in the amount of \$450.00 per dry ton.
- c. Thatcher Co., Salt Lake City, Utah to furnish approximately 95 tons of Dense Soda Ash in 50-pound bags for use in drinking water treatment in the amount of \$29.50 / cwt 50-lb bags.
- d. Kemira Water Solutions, Lawrence, KS to furnish approximately 50 tons of dry weight Ferric Chloride in the amount of \$1,377.00 / dry ton.
- e. Hawkins, Inc., Roseville, MN to furnish approximately 10 tons of liquid Chlorine in amount of \$140.00 per cwt in 150-pound cylinders.

NB-3(a-e) Moore moved, Beauchamp seconded, that the Chemical Bid agenda items

be approved as proposed in the unit prices as stated.

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

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

Nays: None

MOTION CARRIED.

NB-4 Approval – Aries Sewer Camera Tractor – Wastewater.

The Wastewater Department requested City Council authorization to purchase a new TR-3320 Aries "Pathfinder II" Tractor, from Aries Industries of Waukesha, WI at a cost not to exceed \$33,580.00.

NB-4 DuBord moved, Moore seconded, to approve to purchase a new TR-3320 Aries "Pathfinder II" Tractor, from Aries Industries of Waukesha, WI at a cost not to exceed \$33,580.00.

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

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

Nays: None

MOTION CARRIED.

NB-5 Approval - Resolution 23-07 – Annual MDOT Construction Permit – Engineering/Public Works.

Administration recommended City Council approval of MDOT's "Performance Resolution for Municipalities" form, which is part of the City's annual construction permit to do work within the MDOT right-of-way.

"NB-5 By Council Member DuBord, seconded by Council Member Flath:

Resolution 23-07

**PERFORMANCE RESOLUTION FOR
MUNICIPALITIES**

RESOLVED WHEREAS, the City of Escanaba hereinafter referred to as the MUNICIPALITY, periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as PERMIT, to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution , as provided by law. This Resolution is not intended to increase either party s liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY

requires insurance on its own or its contractor s behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

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

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

RESOLUTION DECLARED ADOPTED."

NB-6 Approval - Street Closure Requests for Various Fundraising Events - Manager.

Cat-Man-Do's, 1223 Ludington Street requested the City Council approve the closure of the 1200 Block of Ludington Street for (Classic Car & Bike Nights June 7th (8th) , July 12th (13th), August 9th (10th), and September 13th (14th), and the closure of the 100 block of South 13th Street from Ludington Street to 1st Avenue South for the other Fundraisers (Car Show July 1st and Wheelin' Sportsmen August 26th).

NB-6 Moore moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve a request from Cat-Man-Do's, 1223 Ludington Street for the closure of the 1200 Block of Ludington Street for (Classic Car & Bike Nights June 7th (8th) , July 12th (13th), August 9th (10th), and September 13th (14th), and the closure of the 100 block of South 13th Street from Ludington Street to 1st Avenue South for the other Fundraisers (Car Show July 1st and Wheelin' Sportsmen August 26th).

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

Administration sought City Council approval, on behalf of Mike Daniels from RRN Radio, for the closing of the 100 block of South 11th Street for the annual RRN Block Party. Alcohol will be sold and all local requirements and State LCC requirements will be followed. The event date and time is July 28, 2023, from 5pm to 11pm, with set up beginning at 8am and tear down completed by 12:30am.

NB-7 Moore moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve a request from Mike Daniels from RRN Radio, for the closing of the 100 block of South 11th Street for the annual RRN Block Party to be held on July 28, 2023, from 5pm to 11pm, with set up beginning at 8am and tear down completed by 12:30am.

NB-8 Approval – Request to Purchase City Property – Whitetail Industrial Park – Manager.

Administration presented City Council with a request to purchase 3.49 acres of Whitetail Industrial Park land for \$48,860, equal to \$14,000 per acre.

NB-8 DuBord moved, Moore seconded, to approve a request to purchase 3.49 acres of Whitetail Industrial Park land for \$48,860, equal to \$14,000 per acre.

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

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

MOTION CARRIED.

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

Manager McNeil, with Council Consensus made the following reappointments:

Janice Beauchamp reappointed to the Downtown Development Authority, expiring April 21, 2027;

Jared Ogren reappointed to the Downtown Development Authority, expiring April 21, 2027.

BOARD, COMMISSION, AND COMMITTEE REPORTS

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

GENERAL PUBLIC COMMENT – None

PROCLAMATION

Mayor Ammel proclaimed April 28, 2023, as “Arbor Day”.

ANNOUNCEMENTS

- Library Community Garden Plots are available.
- Esky Cleanup is coming soon!

Hearing no further public comment, Flath moved, the Council adjourned at 8:05 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor