



CITY COUNCIL MEETING AGENDA

November 16, 2023

Mark Ammel, Council Member
Ronald J. Beauchamp, Council Member
Tyler DuBord, Council Member
Todd Flath, Council Member
Karen Moore, 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, November 16, 2023, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – November 2, 2023

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

1. Second Reading, Public Hearing and Adoption of Ordinance No. 1284, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba - Manager.

Explanation: Administration is requesting City Council to consider approval and adoption of Ordinance No. 1284, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Meadowbrook Apartments.

2. Second Reading, Public Hearing and Adoption of Ordinance No. 1285, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba - Manager.

Explanation: Administration is requesting City Council to consider approval and adoption of Ordinance No. 1285, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Willow Grove Townhomes.

UNFINISHED BUSINESS – None

NEW BUSINESS

1. Approval – Stump Grinding Bid – Public Works.

Explanation: Administration is requesting City Council approval to hire Dombrowski Tree Service for removal, restoration, and seed for 45 stumps with \$31.50 for restoration for the Stump Grinding bid. This is a budgeted item for the current amount of stumps.

2. Approval – Request for Proposal (RFP) Restaurant at Harbor - Manager.

Explanation: The Harbor Advisory Committee is requesting City Council approval of an RFP for the operation and lease of a restaurant at the Escanaba Harbor. If approved by the City Council, administration will solicit proposals in accordance with the RFP.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

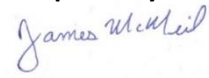
GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

Agenda – November 16, 2023

ADJOURNMENT

Respectfully Submitted,



**James R. McNeil
City Manager**

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, November 2, 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, Tyler DuBord, Todd Flath, and Karen Moore

Absent: Ronald J. Beauchamp

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.

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

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from October 19, 2023, as submitted.

ADJUSTMENTS TO THE AGENDA

DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to add Fuel System Purchase to New Business item number 12.

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

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT

- Craig Woerpel – Discussed NB-4 and NB-5.
- Beth Peterson – Discussed NB-8.

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

NB-1 Approval – Body Cameras – Public Safety.

Administration sought City Council approval to purchase thirty (30) Motorola Body Cameras from Motorola Solutions at a cost of \$96,570.00.

NB-1 DuBord moved, Moore seconded, to approve to purchase thirty (30) Motorola Body Cameras from Motorola Solutions at a cost of \$96,570.00.

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

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

MOTION CARRIED.

NB-2 Approval – Traffic Control Order (TCO) No. 1013 – Public Safety.

Administration sought City Council approval of TCO No. 1013. Traffic Control Orders expire 90 days from the filing date unless approved by Council. The Traffic Control Orders calls for the following:

No. 1013 – YIELD sign be placed at the intersection of South 16th Street & 16th Avenue South.

NB-2 DuBord moved, Fath seconded, to approve TCO No. 1013 – YIELD sign be placed at the intersection of South 16th Street & 16th Avenue South.

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

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

MOTION CARRIED.

NB-3 Approval – Traffic Control Order (TCO) No. 1014 – Public Safety.

Administration sought City Council approval of TCO No. 1014. Traffic Control Orders expire 90 days from the filing date unless approved by Council. The Traffic Control Order calls for the following:

No. 1014 – NO PARKING while school is in session during the hours of 6:30 am – 7:30 am & 2:00 pm – 3:00 pm. sign be installed in front of the 1st and 2nd angle parking spots West of South 15th Street on the south side of Ludington Street.

NB-3 Moore moved, Flath seconded, to approve TCO No. 1014 – NO PARKING while school is in session during the hours of 6:30 am – 7:30 am & 2:00 pm – 3:00 pm. sign be installed in front of the 1st and 2nd angle parking spots West of South 15th Street on the south side of Ludington Street.

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

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

MOTION CARRIED.

NB-4 Approval – Escanaba Christmas Tree Lighting – DDA.

Administration requested City Council approval for South 11th Street be closed from Ludington Street to the alley for the Escanaba Christmas Tree Lighting scheduled for November 21, 2023, at 5:00 p.m.

NB-4 Moore moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve for South 11th Street be closed from Ludington Street to the alley for the Escanaba Christmas Tree Lighting scheduled for November 21, 2023, at 5:00 p.m.

NB-5 Approval - Closure of Ludington Street for Christmas Parade - DDA.

Administration requested City Council approval for the closure of Ludington Street for the annual Christmas Parade scheduled for December 1, 2023, at 6:00 p.m.

NB-5 Moore moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve the closure of Ludington Street for the annual Christmas Parade scheduled for December 1, 2023, at 6:00 p.m.

NB-6 Approval – City Land Sale – Lot 8 of the Whitetail Industrial Park – Manager.

Soo Hill Sanitation requested to purchase 1.53 acres of city land known as Lot 8 of the Whitetail Industrial Park. The Planning Commission recommended the sale based on the intended use. The offer was consistent with recent city industrial land sales. Administration recommended approval with an 18 month construction requirement.

NB-6 Moore moved, DuBord seconded, to approve a request from Soo Hill Sanitation to purchase 1.53 acres of city land known as Lot 8 of the Whitetail Industrial Park with an 18 month construction requirement.

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

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

MOTION CARRIED.

NB-7 Approval – City Land Sale – North 32nd Street – Manager.

Weaver Contracting requested to purchase 1.00 acre of city land on North 32nd Street. The Planning Commission recommended the sale based on the intended use. The offer was consistent with recent city industrial land sales. Administration recommended approval with an 18 month construction requirement.

NB-7 Moore moved, DuBord seconded, to approve a request from Weaver Contracting to purchase 1.00 acre of city land on North 32nd Street with an 18 month construction requirement.

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

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

MOTION CARRIED.

NB-8 Approval – Resolution No. 23-24 – Patrons of Escanaba Schools Performing Arts – Nonprofit – Manager.

Patrons of Escanaba Schools Performing Arts sought City Council approval of Resolution No. 23-24 , recognizing them as a nonprofit organization operating in the community for the purpose of obtaining a Charitable Gaming License from the State of Michigan.

“**NB-8** By Council Member DuBord, seconded by Council Member Flath:

Resolution 23-24

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(k)(ii))

At a regular meeting of the City of Escanaba
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Mark Ammel on 11/02/2023
DATE

at 7:00 p.m. a.m./p.m. the following resolution was offered:
TIME

Moved by DuBord and supported by Flath

that the request from Patrons of Escanaba Schools Performing Arts of Escanaba,
NAME OF ORGANIZATION CITY

county of Delta, asking that they be recognized as a nonprofit

COUNTY

organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

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

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

RESOLUTION DECLARED ADOPTED.”

NB-9 First Reading of Ordinance No. 1284, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba, and Setting the Date of Thursday, November 16, 2023, for the Second Reading, Public Hearing, and Adoption - Manager.

Administration requested the City Council to consider this the first reading of Ordinance No. 1284, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Meadowbrook Apartments. Administration requested that the City Council set November 16, 2023, for the second reading, public hearing adoption of Ordinance No. 1284.

NB-9 Moore moved, DuBord seconded, to consider this the first reading of Ordinance No. 1284, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Meadowbrook Apartments and to set November 16, 2023, for the second reading, public hearing adoption of Ordinance No. 1284.

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

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

MOTION CARRIED.

NB-10 First Reading of Ordinance No. 1285, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba, and Setting the Date of Thursday, November 16, 2023, for the Second Reading, Public Hearing, and Adoption - Manager.

Administration requested the City Council to consider this the first reading of Ordinance No. 1285, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Willow Grove Townhomes. Administration

requested that the City Council set November 16, 2023, for the second reading, public hearing adoption of Ordinance No. 1285.

NB-10 DuBord moved, Flath seconded, to consider this the first reading of Ordinance No. 1285, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Willow Grove Townhomes and to set November 16, 2023, for the second reading, public hearing adoption of Ordinance No. 1285.

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

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

MOTION CARRIED.

NB-11 Approval – Mutual of Omaha Life and Disability Benefits – HR Director/Treasurer.

Administration requested City Council approval to contract with Mutual of Omaha for life and disability benefits. The proposed contract will save the city \$764.28 annually.

NB-11 DuBord moved, Flath seconded, to approve to contract with Mutual of Omaha for life and disability benefits.

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

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

MOTION CARRIED.

NB-12 Approval – Purchase of Fuel System – Public Works.

Administration requested City Council approval to purchase Smart-Fill Gen 3 Fuel System and Keyfobs from Great Lakes Petroleum in the amount of \$15,900.

NB-12 DuBord moved, Moore seconded, to approve the purchase Smart-Fill Gen 3 Fuel System and Keyfobs from Great Lakes Petroleum in the amount of \$15,900.

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

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

MOTION CARRIED.

APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES – None

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

ANNOUNCEMENTS

- Tuesday November 7th Election Day! Make sure to get out and vote!
- Trick or Treating was a great turnout!
- Mayor Ammel thanked all council members for being a very positive and functional Council as the legislative body for the City of Escanaba.

Hearing no further public comment, Flath moved, DuBord seconded, the Council adjourned at 7:29 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

Agenda Item: PH-1
Date: 11/16/2023

City Council Agenda Item Request

Date: 11/03/2023

Name: James McNeil

Department: Manager

Item: Second Reading, Public Hearing & Adoption of Ordinance No. 1284

Meeting date requested: 11/16/2023

Explanation for request:

Administration is requesting City Council to consider approval and adoption of Ordinance No. 1284, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Meadowbrook Apartments.

ORDINANCE NO. 1284

AN ORDINANCE TO AMEND CHAPTER 26 – TAXATION OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA

An Ordinance to provide for a service charge in lieu of taxes for a housing project for low income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*) (the "Act").

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 26 – Taxation of the Escanaba Code of Ordinances is hereby amended by adding Division 10, Meadowbrook Apartments, to read as follows:

CHAPTER 26 – TAXATION

ARTICLE III, SERVICE CHARGE IN LIEU OF PROPERTY TAXES FOR HOUSING DEVELOPMENT

Sec. 26.116. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Escanaba is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City acknowledges that the Sponsor (as defined below) has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to acquire and rehabilitate, own and operate a housing project identified as Meadowbrook Apartments on certain property located at 3610 8th Avenue in the City of Escanaba to serve low income persons and families, and that the Sponsor has offered to pay the City on account of this housing project an annual service charge for public services in lieu of all *ad valorem* property taxes.

Land situated in the City of Escanaba, County of Delta, state of Michigan, described as follows:

From the NW Corner of Section 36 T.39N.,R.23W., measure S.89°30'20"E. along the north line of said Section a distance of 490.04 feet to the NE Corner of W1/2 of E1/2 of W1/2 of NW1/4 of NW1/4, thence S.1°31'55" W. along the east line of said W1/2 of E1/2 of W1/2 of NW1/4 of NW1/4 a distance of 959.84 feet to the point of beginning of the land herein described, thence continue S.1°31'55"W. along said east line a distance of 337.00 feet, to a point that is 40.02 feet north of the SE corner of said W1/2 of E1/2 of W1/2 of NW1/4 of NW1/4, thence S.89°52'38" W. parallel with the South line of said NW1/4 of NW1/4 a distance of 457.97 feet to a point that is 35.0 feet east of the west line of said NW1/4 of NW1/4, thence N.1°39'22"E. parallel with said west line a distance of 337.00 feet, thence N89°52'29"E. a distance of 457.24 feet to the point of beginning. Containing 3.54 acres.

Sec. 26-117. Definitions.

1. Authority means the Michigan State Housing Development Authority.

2. Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of Utilities.
3. LIHTC Program means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.
4. Low Income Persons and Families means persons and families eligible to move into a housing project.
5. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the housing project.
6. Sponsor means Upper Peninsula Commission for Area Progress and any entity that receives or assumes a Mortgage Loan.
7. Utilities means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project.

Sec. 26.118. Class of Housing Projects.

It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for Low Income Persons and Families that are financed with a Mortgage Loan and/or an award of Low Income Housing Tax Credits. It is further determined that Meadowbrook Apartments is of this class.

Sec. 26-119. Establishment of Annual Service Charge.

The housing project identified as Meadowbrook Apartments and the property on which it is located shall be exempt from all *ad valorem* property taxes from and after the commencement of construction or rehabilitation. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing project for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to rehabilitate and operate the housing project, the City agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to 4 % of the Annual Shelter Rents actually collected by the housing project during each operating year.

Sec. 26-120. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

Sec. 26.121. Contractual Effect of Ordinance.

Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

Sec. 26.122. Payment of Service Charge.

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City

distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid to the City Treasurer on or before May 31 of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq*).

Sec. 26.123. Duration.

This Ordinance shall remain in effect and shall not terminate so long as a Mortgage Loan remains outstanding and unpaid and/or the housing project remains subject to income and rent restrictions under the LIHTC Program.

CHAPTER II
SAVINGS CLAUSE

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

CHAPTER III
REPEALING CHAPTER

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

CHAPTER IV
EFFECTIVE DATE

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

APPROVED:

APPROVED:

Laura Genovich, City Attorney

Mark Ammel, Mayor

Ordinance No. 1284

ATTEST:

Date Approved:

Date Published:

Phil DeMay, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan at a Regular Meeting held on the (date) day of (month), 2023, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (day), (month) (date), 2023, and 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: PH-2
Date: 11/16/2023

City Council Agenda Item Request

Date: 11/03/2023

Name: James McNeil

Department: Manager

Item: Second Reading, Public Hearing & Adoption of Ordinance No. 1285

Meeting date requested: 11/16/2023

Explanation for request:

Administration is requesting City Council to consider approval and adoption of Ordinance No. 1285, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba – Willow Grove Townhomes.

ORDINANCE NO. 1285

AN ORDINANCE TO AMEND CHAPTER 26 – TAXATION OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA

An Ordinance to provide for a service charge in lieu of taxes for a housing project for low income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*) (the "Act").

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 26 – Taxation of the Escanaba Code of Ordinances is hereby amended by adding Division 11, Willow Grove Townhomes, to read as follows:

CHAPTER 26 – TAXATION

ARTICLE III, SERVICE CHARGE IN LIEU OF PROPERTY TAXES FOR HOUSING DEVELOPMENT

Sec. 26-124. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Escanaba is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City acknowledges that the Sponsor (as defined below) has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to acquire and rehabilitate, own and operate a housing project identified as Willow Grove Townhomes on certain property located at 850 S 8th Street in the City of Escanaba to serve low income persons and families, and that the Sponsor has offered to pay the City on account of this housing project an annual service charge for public services in lieu of all *ad valorem* property taxes.

Land situated in the City of Escanaba, County of Delta, state of Michigan, described as follows:

From the NW Corner of Section 36 T.39N.,R.23W., measure S.89°30'20"E. along the north line of said Section a distance of 490.04 feet to the NE Corner of W1/2 of E1/2 of W1/2 of NW1/4 of NW1/4, thence S.1°31'55" W, along the east line of said W1/2 of E1/2 of W1/2 of NW1/4 of NW1/4 a distance of 310.34 feet to the point of beginning of the land herein described, thence continue S.1°31'55" W. along said east line a distance of 649.50 feet, thence S.89°52'29"W. a distance of 457.24 feet to a point that is 35.0 feet east of the west line of said NW1/4 of NW1/4, thence N.1°39'22"E. parallel with said west line a distance of 649.50 feet, thence N.89°52'11"E. a distance of 455.84 feet to the point of beginning. Containing 6.80 acres.

Sec.26-125. Definitions.

1. Authority means the Michigan State Housing Development Authority.

2. Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of Utilities.
3. LIHTC Program means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.
4. Low Income Persons and Families means persons and families eligible to move into a housing project.
5. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the housing project.
6. Sponsor means Upper Peninsula Commission for Area Progress and any entity that receives or assumes a Mortgage Loan.
7. Utilities means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project.

Sec. 26-126. Class of Housing Projects.

It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for Low Income Persons and Families that are financed with a Mortgage Loan and/or an award of Low Income Housing Tax Credits. It is further determined that Willow Grove Townhomes is of this class.

Sec. 26-127. Establishment of Annual Service Charge.

The housing project identified as Willow Grove Townhomes and the property on which it is located shall be exempt from all *ad valorem* property taxes from and after the commencement of construction or rehabilitation. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing project for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to rehabilitate and operate the housing project, the City agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to 4 % of the Annual Shelter Rents actually collected by the housing project during each operating year.

Sec. 26-128. Contractual Effect of Ordinance.

Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

Sec. 26-129. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

Sec. 26-130. Payment of Service Charge.

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City

distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid to the City Treasurer on or before May 31 of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq*).

Sec. 26-131. Duration.

This Ordinance shall remain in effect and shall not terminate so long as a Mortgage Loan remains outstanding and unpaid and/or the housing project remains subject to income and rent restrictions under the LIHTC Program.

CHAPTER II
SAVINGS CLAUSE

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

CHAPTER III
REPEALING CHAPTER

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

CHAPTER IV
EFFECTIVE DATE

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

APPROVED:

APPROVED:

Laura Genovich, City Attorney

Mark Ammel, Mayor

Ordinance No. 1285

ATTEST:

Date Approved:

Date Published:

Phil DeMay, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan at a Regular Meeting held on the (date) day of (month), 2023, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (day), (month) (date), 2023, and 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-1
Date: 11/16/2023

City Council Agenda Item Request

Date: 11-8-23

Name: Kent Dubord

Department: Public Works

Item: Stump Grinding Bid

Meeting date requested: 11-16-23

Explanation for request:

Public Works is requesting to hire Dombrowski Tree Service for removal, restoration, and seed for 45 stumps with \$31.50 for restoration for the Stump Grinding bid. There are 13 stumps between 6 and 29 inches for \$70 a stump. There are 32 stumps over 30 inches for \$85 a stump. The goal is to get rid of the biggest stumps on the list and the ones on current city properties.

There are currently 200 stumps that need to be ground. We currently don't have a stump grinder or a versatile enough piece of equipment to ground the stumps. The plan is to budget for the machinery to have Public Works ground the smaller stumps next year. This is a budgeted item for the current amount of stumps.

CITY OF ESCANABA
RECORD OF BIDS

DATE BIDS OPENED:
DESCRIPTION OF ITEM: Stump Grinding - 2023

11/8/2023

[illegible]

PRESENT: Kent Dubord

R. Ross

11/8/2023
2:00pm

Agenda Item: NB-2
Date: 11/16/2023

City Council Agenda Item Request

Date: 11/9/2023

Name: James McNeil

Department:

Item: Request for Proposal (RFP) - Restaurant at Harbor

Meeting date requested: 11/16/2023

Explanation for request:

The Harbor Advisory Committee has recommended approval of an RFP for the operation and lease of a restaurant at the Escanaba Harbor. If approved by the City Council, administration will solicit proposals in accordance with the RFP.



Request for Proposal (RFP)

Operation and Lease of a Restaurant at the Escanaba Harbor

The City of Escanaba will be accepting proposals from qualified firms or individuals for the operation and lease of a restaurant at the Escanaba Harbor.

The applicant ("Lessee") is encouraged to present a vision that will consider a land lease, build to suit lease, or alternative lease arrangement that maintains city ownership of the land.

The Lessee supplying this service must be experienced in the food, beverage, concession, restaurant, bar, lounge, and dining area industry and be able to operate an economical, effective, healthy, and safe public restaurant and bar, if applicable, that complies with all applicable local, county, state, and federal policies, procedures, rules, regulations, codes, and laws. The applicant must be able to obtain all permits and licenses necessary to operate a restaurant, including all requirements for beer, wine, and liquor if served. The applicant must be fully insurable to City established levels of coverage, name the City of Escanaba as policy co-insured, and keep in effect all required coverage's during the term of the leased facility agreement if chosen as the successful service provider.

RFP Submission Requirements

RFPs shall be submitted labeled “SEALED PROPOSAL” and include the name and mailing address of the applicant. Proposals must be submitted by mail or hand delivered.

Submissions shall be received no later than 4:00pm EST on January 31, 2024. The City does not recognize the US Postal Service, its postmarks or any other organization as its agent for purposes of dating the Proposal. All Proposals received after the deadline shown will be rejected, returned unopened, and will not receive further consideration. Furthermore, the City reserves the right to reject any and all Proposals and to waive information and minor irregularities in any Proposal received.

Submissions must include a narrative describing the general operations of the establishment, including but not limited to: The qualifications of applicant, organizational chart, type of food and drink offerings, ancillary functions, and expected operational schedule.

Submissions should demonstrate financial capability, including startup costs and expected future cash flows.

Submissions must clearly state the location and size of the site and building(s). Applicants must outline development costs, including any costs paid by the city. The applicant must identify which real or personal property will be owned by the operator. All estimated payments for construction and lease must be specified. The applicant will be responsible for utilities and any taxes.

Appendices including maps, photos, and drawings are encouraged.

All proposals and communications may be subject to FOIA.

For Mail Delivery: ATTN: James McNeil
 Escanaba City Hall
 PO BOX 948
 Escanaba, MI 49829

For Hand Delivery: ATTN: James McNeil
 Escanaba City Hall
 410 Ludington Street
 Escanaba, MI 49829

For Inquiry: James McNeil
 City Manager
 (906) 789-7322
 jmcneil@escanaba.org

City Administration may contact applicants for an interview or to request additional information. Administration will evaluate proposals and provide a recommendation to City Council.



Pre-Submission Meeting

Applicants and their representatives may access the public areas of the Escanaba Harbor. Applicants may request additional information or a pre-submission meeting with the City Manager and or relevant City staff.

Vision for Escanaba

Escanaba is a community well-supported by industry. To attract and retain talent in the new economy, a placemaking initiative is beginning on the eastern end of downtown. This district possesses several of the characteristics of a quality placemaking district, including regular public events, recreational opportunities, arts and culture, entertainment, and food and drink. In addition to existing offerings, millions of dollars of investment are being made by both the public and private sector. These efforts, and the expected spinoff development, have the potential to introduce hundreds of permanent residents and visitors through the creation of an attractive public space, increased housing units, added hotel rooms, and additional social opportunities.

Ongoing Efforts:

- Condominium and Mixed-Use Development (Former Chamber of Commerce Site)
- Hampton Inn Development (Former Jail Site)
- Revitalization of the House of Ludington
- Lake Effect Distillery (Former Northern Michigan Bank)
- City of Escanaba Infrastructure
 - RAP 2.0 New Public Restroom
 - RAP 2.0 DDA Streetscape
 - \$20 million CWSRF

District Characteristics:

- Office Hub
 - Government Offices (City, County, and State)
 - Professional Offices
- Population
 - Proximity to Historic Neighborhood
 - Harbor Tower
 - Delta Apartments
- Destinations/Amenities
 - Lake Michigan
 - Ludington Park
 - Escanaba Beach
 - Escanaba Harbor
 - Municipal Dock
 - Sand Point Lighthouse and Historical Society
 - Escanaba Public Library
 - House of Ludington
 - Gust Asp

- Hereford & Hops Brewpub
- Bonifas Arts Center

Escanaba Harbor

The Escanaba Municipal Marina is located within the City's 120-acre Ludington Park complex on the west shore of Green Bay's Little Bay de Noc. The Escanaba Marina has a total of 165 boat slips, docks, and moorings with designated seasonal and transient berthings. Vessels berthed in the Escanaba Marina are surrounded by a beautiful park setting and have access to one of the finest cruising and fishing areas on the Great Lakes.

The Escanaba harbor is protected by Aronson Island, which is visited by beachgoers and users of the Aronson Island Boat Launch. Escanaba is well-known as a fishing community and is the location for fishing tournaments.

