

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, December 5, 2019**

The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Ralph B. Blasier, Tyler D. DuBord, and Karen S. Moore.

Absent: Mayor Pro Tem O'Connell

Also Present: City Manager Patrick S. Jordan, City Clerk Phil DeMay, Department Heads, media, and members of the public.

Pastor Jason Janich of New Life Assembly of God Church gave the Invocation and City Clerk DeMay led Council in the Pledge of Allegiance.

Blasier moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to excuse Mayor Pro Tem O'Connell.

Blasier moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from November 21, 2019, as submitted.

**ADJUSTMENTS TO THE AGENDA**

Moore 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 Second Reading, Public Hearing and Adoption of Ordinance No. 1217, An Ordinance Amending Ordinance No. 1028, by Adding Chapter 22 to Provide Provisions for the Regulation for Safe, Effective and Efficient Use of Wind Energy Systems.**

Administration requested the City Council to consider approval and adoption of Ordinance No. 1217, An Ordinance Amending Ordinance No. 1028, by Adding Chapter 22 to Provide Provisions for the Regulation for Safe, Effective and Efficient Use of Wind Energy Systems.

This being a public hearing, Mayor Tall asked if there was any public comment.

Hearing no public comment, Mayor Tall closed the public hearing and the following resolution was made:

**PH-1** “By Council Member Blasier, seconded by Council Member Moore;

**Resolved**, That Ordinance No. 1217, An Ordinance Amending Ordinance No. 1028, by Adding Chapter 22 to Provide Provisions for the Regulation for Safe, Effective and Efficient Use of Wind Energy Systems, 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. 1217 adopted by title:

**“AN ORDINANCE AMENDING ORDINANCE NO. 1028, BY ADDING CHAPTER 22 TO PROVIDE PROVISIONS FOR THE REGULATION FOR SAFE, EFFECTIVE AND EFFICIENT USE OF WIND ENERGY SYSTEMS.”**

Full text in Ordinance Record “K”.

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

Ayes: Blasier, Moore, DuBord, Mayor Tall  
Nays: None

**RESOLUTION DECLARED ADOPTED.”**

## **UNFINISHED BUSINESS**

### **UB-1 Approval – MERS Participation Agreement Amendment – Controller.**

Administration sought Council approval of an amendment to the MERS 457 Participation Agreement. The City Manager’s new contract provided for a 10% contribution into a 457 deferred compensation account paid by the City. The MERS 457 plan needed to be amended to allow for the employer contributions.

**UB-1** Blasier moved, Moore seconded, to approve of an amendment to the MERS 457 Participation Agreement.

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

Ayes: Blasier, Moore, DuBord, Mayor Tall  
Nays: None

**MOTION CARRIED.**

**NEW BUSINESS**

**NB-1 Approval - 2020 City Council Meeting Dates.**

Administration sought Council approval of the 2020 regular Annual Council Meeting schedule.

**NB-1** Moore moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve of the 2020 regular Annual Council Meeting schedule.

**NB-2 Approval – Employee Assistance Program (EAP) – HR Director/Treasurer.**

Administration sought Council approval to enter into a one year contract agreement for professional EAP services through Hallfrisch Counseling & EAP Services, PLLC, not to exceed \$6,080. Administration would also like to discuss the options of yearly renewal, if approved.

**NB-2** DuBord moved, Blasier seconded, to approve to enter into a one year contract agreement for professional EAP services through Hallfrisch Counseling & EAP Services, PLLC, not to exceed \$6,080.

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

Ayes: DuBord, Blasier, Moore, Mayor Tall  
Nays: None

**MOTION CARRIED.**

**NB-3 Approval – Professional Photographer and Aerial Photos for New City Website.**

Administration sought Council approval to obtain ReCompose Media from Escanaba, Michigan, for Professional Photography and Aerial Photos in the amount of \$2,200.

**NB-3** Blasier moved, DuBord seconded, to approve to obtain ReCompose Media from Escanaba, Michigan, for Professional Photography and Aerial Photos in the amount of \$2,200.

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

Ayes: Blasier, DuBord, Moore, Mayor Tall  
Nays: None

**MOTION CARRIED.**

**NB-4 Approval – Resolution – Abolish Brownfield Plan for UP Enterprises at 2600 Ludington Street (420-2825-400-003).**

Administration requested City Council to consider passing a resolution to abolish this particular brownfield plan as permitted by PA 381.

**NB-4** “By Council Member Blasier, seconded by Council Member DuBord;

**RESOLUTION 19-21**

**Whereas**, on July 19, 2007, in accordance with Public Act 381 of 1996, the Brownfield Redevelopment Financing Act, as amended, the City council adopted a brownfield plan for UP Enterprises, at 2600 Ludington Street.

**Whereas**, the project is now complete, and the purposes of the brownfield plan have been accomplished.

**Now, therefore, be it resolved**, that the following brownfield plan is hereby abolished: a brownfield plan for UP Enterprises LLC at 2600 Ludington Street.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be and the same hereby rescinded.

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

Ayes: Blasier, DuBord, Moore, Mayor Tall

Nays: None

Absent: O’Connell

**RESOLUTION DECLARED ADOPTED.”**

**NB-5 First Reading of Ordinance No. 1218, An Ordinance Amending Ordinance No. 1028, by Revising Selected Sections of Chapter 1 - General Provisions and Setting the Date of Thursday, December 19, 2019, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1218, An Ordinance Amending Ordinance No. 1028, by revising selected sections of Chapter 1 - General Provisions. Additionally, Administration requested that the City Council set December 19, 2019, for the second reading, public hearing and adoption of Ordinance No. 1218.

**NB-6 First Reading of Ordinance No. 1219, An Ordinance Amending Ordinance No. 1028, by Amending Selected Sections of Chapter 2 – Administration, Enforcement, and Penalty and Setting the Date of Thursday, December 19, 2019, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1219, An Ordinance Amending Ordinance No. 1028, by revising selected sections of Chapter 2 - Administration, Enforcement, and Penalty. Additionally, Administration requested that the City Council set December 19, 2019, for the second reading, public hearing and adoption of Ordinance No. 1219.

**NB-7 First Reading of Ordinance No. 1220, An Ordinance Amending Ordinance No. 1028, by Amending Selected Sections of Chapter 3 – Board of Zoning Appeals and Setting the Date of Thursday, December 19, 2019, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1220, An Ordinance Amending Ordinance No. 1028, by revising selected sections of Chapter 3 – Board of Zoning Appeals. Additionally, Administration requested that the City Council set December 19, 2019, for the second reading, public hearing and adoption of Ordinance No. 1220.

**NB-8 First Reading of Ordinance No. 1221, An Ordinance Amending Ordinance No. 1028, by Amending Section 401 –District Classifications of Chapter 4 – District, Boundaries, and Zoning Map and Setting the Date of Thursday, December 19, 2021, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1221, An Ordinance Amending Ordinance No. 1028, by revising section 401 of Chapter 4 – District, Boundaries, and Zoning Map. Additionally, Administration requested that the City Council set December 19, 2019, for the second reading, public hearing and adoption of Ordinance No. 1221.

**NB-5 thru NB-8** Blasier moved, DuBord seconded, to consider this the first reading of Ordinance No. 1218, 1219, 1220, and 1221, and to set December 19, 2019, for the second reading, public hearing and adoption of Ordinance No. 1218, 1219, 1220, and 1221.

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

Ayes: Blasier, DuBord, Moore, Mayor Tall  
Nays: None

**MOTION CARRIED.**

**NB-9 First Reading of Ordinance No. 1222, An Ordinance Amending Ordinance No. 1075, by Amending Section 2112 –Fences and Walls of Chapter 21 – Central Retail Commercial District and Setting the Date of Thursday, December 19, 2022, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1222, An Ordinance Amending Ordinance No. 1075, by revising section 2112 of Chapter 21- Central Retail Commercial District. Additionally, Administration requested that the City Council set December 19, 2019, for the second reading, public hearing and adoption of Ordinance No. 1222.

**NB-9** DuBord moved, Moore seconded, to consider this the first reading of Ordinance No. 1222, An Ordinance Amending Ordinance No. 1075, by revising section 2112 of Chapter 21- Central Retail Commercial District and to set December 19, 2019, for the second reading, public hearing and adoption of Ordinance No. 1222.

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

Ayes: DuBord, Moore, Blasier, Mayor Tall

Nays: None

**MOTION CARRIED.**

**NB-10 Approval – Resolution Requesting State Assistance for High Lake Levels.**

Administration sought Council approval of a Resolution requesting State Assistance for High Lake Levels. Municipalities around the state are passing and sending this Resolution to their legislators in hopes of recognition by the State and Feds as to the costs to local municipalities for high lake levels and the ongoing damage.

**NB-10**“By Council Member DuBord, seconded by Council Member Blasier;

**RESOLUTION # 19 – 22**

**Declaration of Shoreline Disaster Request  
City of Escanaba, Delta County Michigan**

**WHEREAS**, record high water levels in the Great Lakes as well as the bay and rivers connected to them, have contributed toward major erosion on beaches and shorelines all across the State of Michigan during high water levels and currently throughout 2019, and

**WHEREAS**, it is anticipated that the Michigan winter with ice flows and jams will continue to worsen the already bad situation throughout the Great Lakes, and

**WHEREAS**, the Great Lakes are Michigan's most vital and precious resource, and

**WHEREAS**, the City of Escanaba recognizes the effects of storms, high water, and wind driven wave action that are causing severe erosion of the shoreline as well as related infrastructure damage, and

**WHEREAS**, the public trust doctrine states that the sovereign holds in trust, for the public use, the resources such as the shoreline regardless of private property ownership, and

**WHEREAS**, the 3,288 miles of shoreline in the State of Michigan must be protected as referred to in the Public Trust Doctrine, and

**WHEREAS**, the Great Lakes are the State of Michigan's economic and property value driver for the tax base along the shoreline and connecting tributaries, and

**WHEREAS**, the conditions of the Great Lakes shoreline affect businesses and the tourism industry by limited access to the beaches, the loss of property along the shoreline directly affects the local, county and state tax base; and the effects on municipal water systems and the inland water levels throughout the state are all affected.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Escanaba requests that the Governor of the State of Michigan along with the State Legislature give favorable consideration to the declaration of the shoreline in the State of Michigan as a disaster area, and seek assistance from Congress and the President of the United States for this devastating situation which has an impact statewide.

**BE IT FURTHER RESOLVED**, that nothing from this resolution shall require any action by the City of Escanaba, the Escanaba Department of Public Works, the Escanaba Public Safety Department, the Escanaba Municipal Marina or any other City entity.

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

Ayes: DuBord, Blasier, Moore, Mayor Tall

Nays: None

Absent: O'Connell

**RESOLUTION DECLARED ADOPTED."**

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

Mayor Tall, with Council consensus, made the following appointment:

Peggy O’Connell to the Housing Commission, term expiring June 1, 2022.

**BOARD, COMMISSION, AND COMMITTEE REPORTS**

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

**GENERAL PUBLIC COMMENT**

William Gasman – congratulated the newly elected City Council Members’ Moore and DuBord. Gasman discussed the need to educate residents on the use and sale of recreational marihuana.

**ANNOUNCEMENTS**

- December 10, 2019, Homemade Food Gifts for the Holidays at the Escanaba Public Library;
- December 21, 2019, at the Escanaba Public Library Saturday Story Hour with Santa at 1:30pm-2:30pm;
- December 6, 2019, Christmas Parade on Ludington Street in downtown Escanaba at 7:00 pm;
- Animal Shelter Open House 12:00 - 4:00 pm on December 7, 2019.

Hearing no further public comment, DuBord moved the Council adjourned at 7:27 p.m.

Respectfully submitted

Phil DeMay  
City Clerk

Approved: \_\_\_\_\_  
Marc D. Tall, Mayor