

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, May 16, 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, Ronald J. Beauchamp, Ralph B. Blasier, Michael R. Sattem, and Peggy O'Connell Schumann

Absent: None

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

Pastor Scott Breault led Council in the Pledge of Allegiance and invocation.

Schumann moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to approve Special Meeting minutes from April 25, 2019, Regular Meeting Minutes from April 25, 2019, Special Meeting Minutes from May 2, 2019, and Regular Meeting minutes from May 2, 2019 as submitted.

**ADJUSTMENTS TO THE AGENDA**

Blasier stated he would like to address the intergovernmental contract between the County and the City of Escanaba for purchasing services to prosecute misdemeanors.

Blasier moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to approve the Agenda as amended.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT** – None

**PUBLIC HEARINGS**

**PH-1 Public Hearing and Adoption – FY2019-20 Operating Budget.**

The Council has conducted four (4) public hearings and two (2) budget work sessions to set a proposed FY2019-20 operating budget. This was the final public hearing on the FY2019-20 City operating budget and established a City millage rate of 17.00 mills. Administration recommended Council approval of the FY2019-20 Operating Budget and approval of the FY2019-20 Master Fee Schedule.

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

Hearing no public comment, Mayor Tall closed the public hearing.

**PH-1** Sattem moved, Schumann seconded, to establish the City millage rate at 17.00 mills for 2019-2020 Budget Year and to adopt the 2019-2020 City Budget as published.

**PH-1** Blasier moved, Schumann seconded, motioned to amend PH-1 to include the approval of the FY 2019-20 Master Fee Schedule.

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

Ayes: Blasier, Schumann, Beauchamp, Sattem, Mayor Tall  
Nays: None

**MOTION CARRIED.**

**PH-1** Sattem moved, Schumann seconded, to establish the City millage rate at 17.00 mills for 2019-2020 Budget Year and to adopt the 2019-2020 City Budget as published and FY 2019-20 Master Fee Schedule.

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

Ayes: Sattem, Schumann, Beauchamp, Blasier, Mayor Tall  
Nays: None

**MOTION CARRIED.**

**PH-2 Public Hearing - Notice of Street Improvement - South 32nd Street from 3rd Avenue South right-of-way to the existing pavement approximately 510.12 feet southeast on South 32nd Street.**

The City of Escanaba received a petition for the construction of a 30 foot wide back to back paved street with curb and gutter on South 32nd Street from 3rd Avenue South right-of-way to the existing pavement approximately 510.12 feet southeast on South 32nd Street. As Part of the project, the City of Escanaba was required to conduct a public hearing on the proposed improvement so that citizens can comment and/or object to the proposed improvements. After the Public Hearing, Administration recommended the Council schedule a Public Hearing date for June 6, 2019, on the proposed special assessment.

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

Hearing no public comment, Mayor Tall closed the public hearing.

**PH-2** Blasier moved, Beauchamp seconded, to schedule a public hearing for June 6, 2019, to hear objections to the proposed special assessments – South 32nd Street from 3rd Avenue South right-of-way to the existing pavement approximately 510.12 feet southeast on South 32nd Street.

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

Ayes: Blasier, Beauchamp, Schumann, Sattem, Mayor Tall  
Nays: None

**MOTION CARRIED.**

**UNFINISHED BUSINESS** – None

**NEW BUSINESS**

**NB-1 Approval – Resolutions to Adopt and Implement a Local Pavement Warranty Program.**

The Michigan DOT required all cities and villages to adopt and implement a Local Pavement Warranty Program. This warranty program must be adopted no later than September 18, 2019, and be done in two resolutions. Administration sought Council approval of two resolutions to Adopt and Implement a Local Pavement Warranty Program.

**NB-1a** “By Council Member Sattem, seconded by Council Member Schumann:

**RESOLUTION NO. 19-10**

**RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM**

**WHEREAS**, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

**WHEREAS**, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

**WHEREAS**, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

**NOW THEREFORE BE IT RESOLVED**, the City of Escanaba hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

**BE IT FURTHER RESOLVED**, this resolution is made a part of the minutes of the City of Escanaba City Council meeting of May 16, 2019.

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

Ayes: Sattam, Schumann, Beauchamp, Blasier, Mayor Tall  
Nays: None

**RESOLUTION DECLARED ADOPTED.”**

**NB-1b** “By Council Member Blasier, seconded by Council Member Sattam:

**RESOLUTION NO. 19-11**

**RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM**

**WHEREAS**, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

**WHEREAS**, the City of Escanaba adopted the Michigan Local Agency Pavement Warranty Program on May 16, 2019;

**WHEREAS**, the City of Escanaba agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items and includes any state or federal funds;

**WHEREAS**, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items and includes any state or federal funds, whether or not a warranty was utilized in the project;

**WHEREAS**, the City of Escanaba agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018, and which City of Escanaba’s adopted Implementation Policy defines the City of Escanaba’s intent of its pavement warranty program;

**NOW THEREFORE BE IT RESOLVED**, the City of Escanaba hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

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

Ayes: Blasier, Sattem, Schumann, Beauchamp, Mayor Tall  
Nays: None

**RESOLUTION DECLARED ADOPTED.”**

**NB-2 First Reading of Ordinance No. 1205, the Appropriations Ordinance, Including the Millage Rate of 17.00 Mills and Setting the Date of Thursday, May 23, 2019, for the Second Reading, Public Hearing, and Adoption.**

Once the City Council approves the budget, the Council must approve a tax levy and authorize appropriations to implement the budget. Administration recommended a special meeting of the Council for Thursday, May 23, 2019, at 9:30 a.m. be scheduled for the second reading, public hearing, and adoption of Appropriations Ordinance No. 1205.

**NB-2** Beauchamp moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to set the date of May 23, 2019, at 9:30 a.m. for the second reading, public hearing, and adoption of the Appropriations Ordinance No. 1205 and millage rate of 17 mills.

**NB-3 First Reading of Ordinance No. 1206, the Tax Levy Ordinance, and Setting the Date of Thursday, May 23, 2019, for the Second Reading, Public Hearing and Adoption.**

Section 9, Chapter VIII, of the City Charter requires the City, by Ordinance, to levy taxes that may be necessary to meet the appropriations' needs for the upcoming fiscal year budget. Administration recommended a special meeting of the Council for Thursday, May 23, 2019, at 9:30 a.m. be scheduled for the second reading, public hearing, and adoption of Tax Levy Ordinance No. 1206.

**NB-3** Sattem moved, Blasier seconded, **CARRIED UNANIMOUSLY**, to set the date of May 23, 2019, at 9:30 a.m. for the second reading, public hearing, and adoption of Tax Levy Ordinance No. 1206.

**NB-4 First Reading of Ordinance No. 1207, the Electric Rate Ordinance, and Setting the Date of Monday, June 3, 2019, for Second Reading, Public Hearing, and Adoption.**

Annually, the City Council sets electric utility rates for the next fiscal year. Council was asked to consider this the first reading of Ordinance No. 1207 and to schedule the second reading and public hearing for June 3, 2019, at 9:00 a.m.

**NB-4** Schumann moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to set the date of June 3, 2019, at 9:00 a.m. for the second reading, public hearing, and adoption of Ordinance No. 1207.

**NB-5 First Reading of Ordinance No. 1208, the Wastewater Rate Ordinance, and Setting the Date of Monday, June 3, 2019, for the Second Reading, Public Hearing, and Adoption.**

Annually, the City Council sets wastewater utility rates for the next fiscal year. Council was asked to consider this the first reading of Ordinance No. 1208 and to schedule the second reading and public hearing for June 3, 2019, at 9:00 a.m.

**NB-5** Blasier moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to set the date of June 3, 2019, at 9:00 a.m. for the second reading, public hearing, and adoption of Ordinance No. 1208.

**NB-6 First Reading of Ordinance No. 1209, the Water Rate Ordinance, and Setting the Date of Monday, June 3, 2019, for Second Reading, Public Hearing, and Adoption.**

Annually, the City Council sets water utility rates for the next fiscal year. Council was asked to consider this the first reading of Ordinance No. 1209 and to schedule the second reading and public hearing for June 3, 2019, at 9:00 a.m.

**NB-6** Sattem moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to set the date of June 3, 2019, at 9:00 a.m. for the second reading, public hearing, and adoption of Ordinance No. 1209.

**NB-7 First Reading of Ordinance No. 1210, the Solid Waste Ordinance, and Setting the Date of Monday, June 3, 2019, for the Second Reading, Public Hearing, and Adoption.**

Annually, the City Council sets solid waste rates for the next fiscal year. Council was asked to consider this the first reading of Ordinance No. 1210 and to schedule the second reading and public hearing for June 3, 2019, at 9:00 a.m.

**NB-7** Schumann moved, Blasier seconded, **CARRIED UNANIMOUSLY**, to set the date of June 3, 2019, at 9:00 a.m. for the second reading, public hearing, and adoption of Ordinance No. 1210.

**NB-8 Approval – Service Agreement with the Sault Tribe Housing Authority.**

Administration sought council approval for an amended contract with the Sault Ste. Marie Tribe of Chippewa Indians. The City provides services to the housing development owned by the non-tax entity and in exchange, the Sault Tribe pays the City \$150 per dwelling in the development. The contract remains the same with the exception of new language allowing for additional dwellings to be constructed and included in the payment to the City.

**NB-8** Blasier moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, moved to table this item.

**NB-9 Approval – Transfer of Ownership of Property and Concession Stand.**

Administration sought approval to transfer ownership of Property and Concession Stand from the City of Escanaba to Escanaba Area Public Schools.

**NB-9** Schumann moved, Blasier seconded, to approve to transfer ownership of Property and Concession Stand from the City of Escanaba to Escanaba Area Public Schools.

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

Ayes: Schumann, Blasier, Beauchamp, Sattem, Mayor Tall

Nays: None

**MOTION CARRIED.**

**NB-10 Discussion – Process for Manager and Clerk Evaluations.**

A discussion took place concerning the process which will be used to evaluate City Manager, City Clerk and Assistant Assessor / Assessor.

**NB-11 Discussion – Water Agreement with Wells Township.**

Update from the City Manager Patrick Jordan.

- The City Manager discussed the original contract that was signed in 1991 and set to expire in 2011.
- An attempt for a new contract was made in 2007 that was going to include sewer for Wells Twp. However, that contract never gained any traction and wasn't executed.
- Wells Township's option is to have their system back effective today, if we put a master meter in and sell them water at a wholesale rate.

- The plan moving forward is to get together with Wells Township and come to an agreement within the legal process.

**NB-12 Approval – The intergovernmental contract between the County and the City of Escanaba for purchasing services to prosecute misdemeanors.**

Council sought approval of an intergovernmental service agreement to obtain prosecutable services from the county for misdemeanors.

**NB-12** Schumann moved, Blasier seconded, to approve an intergovernmental service agreement to obtain prosecutable services from the county for misdemeanors.

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

Ayes: Schumann, Blasier, Beauchamp, Sattem, Mayor Tall

Nays: None

**MOTION CARRIED.**

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

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

- Reappointed Susan Corwin – Traffic Safety Advisory Committee term ending June 1, 2022;
- Reappointed Greg Bruff – Harbor Advisory Committee term ending June 1, 2022;
- Reappointed Craig Gierke – Planning Commission term ending June 1, 2022
- Reappointed Richard Clark – Planning Commission term ending June 1, 2022
- Reappointed Barbara Chenier – Recreation Advisory Board term ending June 1, 2022
- Reappointed Joseph Crispigna – Traffic Safety Advisory term ending June 1, 2022
- Reappointed William DeHaan – Zoning Board of Appeals term ending 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**

Dave Letourneau – spoke about how he was a victim of two huge dogs attacking him along with his little dog. Mr. Letourneau said that he has seen multiple dogs without a leash within the city limits. Mr. Letourneau would like to see the dog leash ordinance put on the agenda and discussed.

Mary Harrington – supported David (Letourneau) and suggested enforcing the leash ordinance. Also, would like the dog owners to pick up and dispose of their dog waste.

Sandy Sovey - supported Kelli Van Ginhoven, feels “the whole situation and how it has been handled is very poor, dishonest, and not in the best interest for the City of Escanaba to deny her.”

Kelli Van Ginhoven – spoke about her motion for an investigative committee to be formed and how it is being ignored. Also, discussed her DDA application and how she has continually been denied without explanation.

Paul Caswell – supported Kelli Van Ginhoven and how she made a valid request to investigate the Mayor. Mr. Caswell discussed there is a conflict of interest among one of the council members. Caswell suggests there should be meetings only done in the evening instead of the morning. Caswell discussed the “no dog policy” in City Hall.

Dan Damico – discussed the water rate increases and contract status in Wells Township.

Mike Klimkowski – spoke about the increase of water utility rates and how it affects the residents in Wells Township.

Kate Ohman – spoke on behalf of Bonifas Arts Center and Park Art. There have been several pieces of artwork gone missing that was on display in the City. She is asking that the artwork be returned no questions asked. Ms.Ohman thanked the City of Escanaba and their support of displaying art in the city.

## **ANNOUNCEMENTS**

- The City Library will be closed until Thursday;
- Friday, Saturday, and Sunday at the Ruth Butler building is a rummage sale to help benefit the animal shelter;
- Biking Classic Car Nights 2<sup>nd</sup> Wednesday’s of every month this summer and Fun Run will be coming up;
- Escanaba Cleanup this Saturday;
- Babaloons, of Escanaba, is in the running for USA Today's Best Coney Dog in Michigan. Council recommends everyone to vote!

Hearing no further public comment, the Council adjourned at 7:54 p.m.

Respectfully submitted

Phil DeMay  
City Clerk

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