



# CITY COUNCIL MEETING AGENDA

1<sup>st</sup> and 3<sup>rd</sup> Thursday of the Month

Marc D. Tall, Mayor  
Ronald J. Beauchamp, Mayor Pro-Tem  
Patricia A. Baribeau, Council Member  
Ralph B. Blasier, Council Member  
Michael R. Sattem, Council Member

James V. O'Toole, City Manager  
Robert S. Richards, CMC, City Clerk  
Ralph B.K. Peterson, 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 listed 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, December 18, 2014, at 7:00 p.m.**

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE – Pastor Erik Heskin, Bethany Lutheran Church

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – December 4, 2014

Special Meeting – December 9, 2014

Special Meeting – December 10, 2014

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION

BRIEF PUBLIC COMMENT

PRESENTATION – Certificate of Commendation to Bonnie Wenick-Kutz

PUBLIC HEARINGS - None

UNFINISHED BUSINESS – None

NEW BUSINESS

**1. Approval – Resolution – Michigan State Historic Preservation Office (SHPO) – Certified Local Government Program (CLG).**

**Explanation:** The Michigan State Historic Preservation Office is requesting a resolution be adopted by the City Council so that the City is eligible to compete for CLG Grants administered by SHPO. Additionally, the resolution designates the City Manager as the lead contact person and designates the City Manager as the local governmental official for all contract signatories. Administration is recommending approval.

**2. Approval – Traffic Control Order (TCO) No. 988 - Department of Public Safety.**

**Explanation:** Administration sought Council approval of TCO No. 988. The TCO called for a “No Parking Here to Corner”, sign be erected on the west side of Sheridan Road in front of 1629 Sheridan Road.

**3. Approval – Use of Public Space – Ludington Park – 6<sup>th</sup> Annual Mites to Men Pond Hockey Tournament.**

**Explanation:** The Escanaba Junior Hockey Association is seeking Council approval to hold the 6<sup>th</sup> Annual Mites to Men Pond Hockey Tournament in Ludington Park on January 31, 2015. Additionally the group is requesting the City provide access to electrical power and provide garbage pick-up services. Administration is recommending approval of the request provided acceptable liability insurance is filed with the City and event organizers clean-up at the event.

Council Agenda - December 18, 2014

4. **Update – Sale of the Power Plant – City Manager’s Office.**

**Explanation:** Administration will update the Council and public on the latest developments related to the sale of the Escanaba generating facility.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted



James V. O'Toole  
City Manager

# CERTIFICATE OF COMMENDATION



PRESENTED TO

BONNIE WENICK-KUTZ

AS AN EXPRESSION OF APPRECIATION FOR YOUR OUTSTANDING CONTRIBUTIONS, EFFORTS AND INVOLVEMENT WITH THE CHRISTMAS PARADE FOR THE PAST FORTY YEARS, THIS CERTIFICATE OF COMMENDATION IS BEING AWARDED. YOUR POSITIVE ENERGY AND EXTRAORDINARY EFFORTS FOR FORTY SUCCESSFUL YEARS FOR THE CHRISTMAS PARADE HAS BROUGHT THE COMMUNITY TOGETHER. BEST WISHES TO YOU FOR HAPPINESS AND SUCCESS ON THE OCCASION OF YOUR RETIREMENT AS ESCANABA'S CHRISTMAS PARADE ORGANIZER AND FACILITATOR.

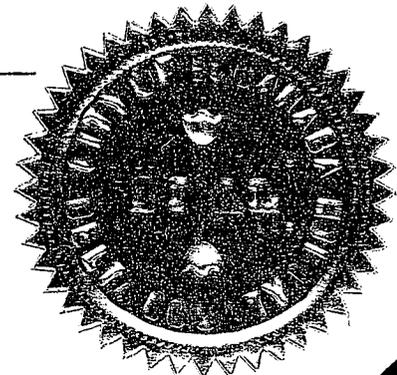
Conferred this day, December 18, 2014, on behalf of the City Council, Escanaba, Michigan.

BY:

James V. O'Toole  
City Manager  
City of Escanaba

BY:

Marc D. Tall  
Mayor  
City of Escanaba



**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, December 4, 2014**

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, Patricia A. Baribeau, Ronald J. Beauchamp, Ralph B. Blasier, and Michael R. Sattem

Absent: None

Also Present: City Manager James V. O'Toole, City Department Heads, media, and members of the public.

Retired Reverend Dean Peterson of Christ the King Lutheran Church, gave the invocation and led Council in the Pledge of Allegiance.

Blasier moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from November 20, 2014, as submitted.

**ADJUSTMENTS TO THE AGENDA**

Beauchamp moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT** – None

**PUBLIC HEARINGS** – None

**UNFINISHED BUSINESS** – None

**NEW BUSINESS**

**Approval – Resolution – Central U.P. Regional Prosperity Collaborative Initiative.**

The CUPPAD Regional Commission requested approval of a Council resolution in support of CUPPAD's application for continued Regional Prosperity Initiative grant funding. With continued funding, CUPPAD would be able to provide continued services in spurring community and economic development in Michigan's Central Upper Peninsula.

CUPPAD Representative Peter VanSteen updated the make up of the CUPPAD Commission, and advised letters would be sent regarding appointments. Information such as Dashboards were also available on their Web Site. Mr. VanSteen stated

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December 4, 2014 – cont.

quarterly meetings were also scheduled. He concluded by stating the Central U.P. Regional Planning & Development Commission served a 6 county area which included numerous local governments as well as higher education, adult education, economic development, workforce development, and transportation organizations.

**NB-1** “By Council Member Beauchamp, seconded by Council Member Blasier;

**Resolution In Support of Central Upper Peninsula Planning & Development  
Regional Commission (CUPPAD)**

**Application on behalf of the Central Upper Peninsula Regional Prosperity Council**

**WHEREAS**, Governor Snyder and the Michigan Legislature have created the Regional Prosperity Initiative; and

**WHEREAS**, in 2012 the State of Michigan formed a Regional Reinvention Initiative Committee to plan for improving collaboration between Michigan’s Regional Planning Agencies, Work Force Development Agencies, Adult Education Providers, Economic Development Agencies, and other agencies; and

**WHEREAS**, in August 2013 the Regional Reinvention Initiative Committee introduced the Regional Prosperity Initiative that includes ten new Prosperity Regions, and various levels of funding to enhance collaboration and to develop a Five Year Regional Prosperity Plan for each of Michigan’s ten Prosperity Regions; and

**WHEREAS**, the Regional Prosperity Initiative is intended to foster greater communication and collaboration among organizations involved in economic development, education, work-force development, regional planning and transportation agencies, local and state government, and private business; and

**WHEREAS**, the Central U.P. Regional Planning & Development Commission will serve a 6 county area which includes numerous local governments as well as higher education, adult education, economic development, workforce development, and transportation organizations; and

**WHEREAS**, only the (1) regional planning agency in the 6 county region is qualified to receive funding under the Regional Prosperity Initiative.

**NOW THEREFORE BE IT RESOLVED THAT**, the Escanaba City Council hereby supports the Central Upper Peninsula Planning & Development Regional Commission as the FY 2015 Regional Prosperity Initiative grant applicant on behalf of the Central Upper Peninsula Regional Prosperity Council.

The vote was as follows:

Ayes: Beauchamp, Blasier, Baribeau, Sattem, Tall

Nays: None

**RESOLUTION DECLARED ADOPTED.”**

**Approval – Resolution – Delta County Solid Waste Management Plan Amendment.**

The CUPPAD Regional Commission requested approval of a Council resolution in support of an amendment to the Delta County Solid Waste Management Plan.

CUPPAD Representative Peter VanSteen briefly reviewed changes in the Delta County Solid Waste Management Plan. Council Member Blasier also reviewed the changes requested by Escanaba Paper Company. After discussion, the following resolution was made:

**NB-2** “By Council Member Blasier, seconded by Council Member Baribeau;

**Resolution on Amendment to the  
Delta County Solid Waste Management Plan**

**WHEREAS**, the Escanaba Paper Company has requested an amendment to the Delta County Solid Waste Management Plan to allow non-hazardous solid waste materials and other Type III wastes generated within the Escanaba Paper Company mill site property to be disposed of at the existing Escanaba Paper Company landfill; and

**WHEREAS**, the Escanaba Paper Company has requested to change references of “Mead Paper Company” and “NewPage Corporation” found in the solid waste plan to “Escanaba Paper Company”; and

**WHEREAS**, the Michigan Department of Environmental Quality has requested that reference of the “Bog Bay de Noc Transfer Station” be changed to “Garden Township Transfer Station”; and

**WHEREAS**, the Delta County Solid Waste Management Planning Committee wishes to have grammatical errors or other errors in the pages being amended to be corrected; and

**WHEREAS**, the Delta County Solid Waste Management Planning Committee held a public hearing on September 18, 2014, and received no comments; and

**WHEREAS**, the Delta County Board of Commissioners has adopted a resolution to amend the County Solid Waste Management Plan with the changes presented above.

**BE IT RESOLVED**, the City of Escanaba approves the amendment to allow non-hazardous solid waste materials and other Type III wastes generated within the Escanaba Paper Company mill site property to be disposed of at the existing Escanaba Paper Company Landfill, references of “Mead Paper Company” and “NewPage Corporation” found in the solid waste management plan to be changed to “Escanaba Paper Company”, reference of the “Big Bay de Noc Transfer Station” be changed to “Garden Township Station and grammatical errors or other errors in the pages being

City Council Minutes  
December 4, 2014 – cont.  
amended to be corrected.

The vote was as follows:

Ayes: Blasier, Baribeau, Beauchamp, Sattem, Tall  
Nays: None

**RESOLUTION DECLARED ADOPTED.”**

**Approval – Service Agreement – Delta County EDA.**

The Delta County Economic Development Alliance sought Council approval of their annual appropriation in the amount of \$16,950. With the funding, the EDA promoted economic development in the City of Escanaba and Delta County. Administration also recommended approval of the request.

EDA Executive Director Vicky Schwab thanked Council for their past support. Director Schwab reviewed accomplishments over the past year, and professional services provided to the City and County.

Council Members briefly discussed the appropriation amount, the EDA budget, and other contributions provided by the County and its municipalities.

Council Members discussed having a county-wide joint increase, and agreed to further discuss a possible increase in its contribution during the upcoming budget year meetings.

**NB-3** Blasier moved, Beauchamp seconded, to approve an annual appropriation with the Delta County EDA in amount of \$16,950, to promote economic development in the City of Escanaba and Delta County.

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

Ayes: Blasier, Beauchamp, Baribeau, Sattem, Tall  
Nays: None

**MOTION CARRIED.**

**Update – Sale of the Power Plant – City Manager’s Office.**

Manager O’Toole updated the Council and public on the latest developments related to the sale of the Escanaba generating facility.

**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**

- New Animal Shelter hoped to be open by the end of the year;
- Annual Christmas Parade was scheduled for Friday, December 5<sup>th</sup>, at 7:00 p.m.

Hearing no further public comment, the Council adjourned at 7:34 p.m.

Respectfully submitted

Robert S. Richards, CMC  
City Clerk

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

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Study Session Meeting  
Tuesday, December 9, 2014**

Pursuit to a special meeting notice posted November 19, 2014, the meeting was called to order by the Honorable Mayor Marc D. Tall at 8:00 a.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Patricia A. Baribeau, Ronald J. Beauchamp, Ralph B. Blasier, and Michael R. Sattem.

Absent: None

Also Present: City Manager James V. O'Toole, City Clerk Richards, and media.

**ADJUSTMENTS TO THE AGENDA**

Blasier moved, Beauchamp seconded, to approve the agenda as submitted.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT** – None

**NEW BUSINESS**

**Discussion – City Purchasing Policy.**

Administration led a discussion with Council Members regarding the possibility of updating the City of Escanaba Purchasing Policy involving the buying of goods and services. The following was discussed:

- Reviewed the history of City purchasing. Purchasing Department was dissolved back in 2005. Department Heads currently made their own purchases following the \$6,000 spending limit;
- In the current economy, the spending limit of \$6,000 hampered Department Heads in today's purchasing requirements;
- Manager O'Toole reviewed current purchasing practices that were involved with purchases over the current ordinance limit of \$6,000. With the current time requirements, the whole bid process could take as long as 6 weeks. The current spending limit, in certain instances, did not allow departments to respond appropriately or efficiently;
- A proposed revised purchasing practice was reviewed with Council. (See attachment – A);
- Relaxing of Council oversight would be more efficient. Council members already reviewed and approved Departmental purchasing requests during the annual budget hearings;
- There were two issues, the purchasing process and City Council approval;

- City Controller Mike Dewar reviewed history of ordinance amendments that led to the 1992 Ordinance amendment of a spending limit of \$6,000 for approval;
- Relaxing of Council oversight would be appropriate as long as Council reviewed the proposed purchases during the annual budget process. Administration recommended increasing the budget purchasing limit. An increase would allow Departments to function more efficiently in the current economy;
- A revised spending limit of \$25,000 was discussed. Administration stated the proposed \$25,000 amount would allow the Electric and Water/Wastewater departments to function more efficiently.

It was Council consensus to have Administration submit a formal proposal to Council for approval which included examples where the current spending limit hampered the purchasing process.

**Discussion – Michigan Tax Tribunal Final Opinion and Judgment – Menards Inc., (Petitioner) vs. City of Escanaba, (Respondent).**

Administration reviewed the recent Michigan Tax Tribunal Final Opinion and Judgment on the ad valorem property tax assessment levied by the City of Escanaba against Menards, Inc. for 2012, 2013, and 2014 tax years.

- City Assessor Daina Norden reviewed the method to which the Menards property was assessed, and the arguments used at the Tax Tribunal process, (See Attachment – B);
- Reviewed opinion given by the Tax Tribunal;
- Administration questioned whether the City should appeal the Tax Tribunal decision which could cost thousands of dollars;
- Reviewed City and County monetary losses based on the Tax Tribunal decision. Administration advised meetings with the County Officials were scheduled for later in the week to review their reimbursement costs to Menards and to review future tax loses;
- Reviewed other Tax Tribunal Appeals for stores in the community, but Assessor Norden advised their requests and potential losses were not to the size of the loss from Menards;
- Discussed possible new state laws that would fix the loop holes used by the Big Box Stores;
- There was a \$50 filing fee for a Menards Tax Tribunal rehearing to review the same information with the Tax Tribunal. Assessor Norden stated there was a \$3,000 Judge mathematical error, in the City of Escanaba’s favor, in the Menards decision. Assessor Norden recommended approval of the rehearing process just to correct the math error and to have the City side heard again;
- An appeal process on the Menard’s decision and another denial by the Tax Tribunal, would lead to a formal Court of Appeals process which would cost the City thousands of dollars in attorney fees;
- The best solution would be for our legislators to fix the loop hole in the State laws. Administration was encouraged to continue to contact our State Legislations;

- If the box stores continue to have the assessments reduced, it eventually hurts the municipalities and middle class that would ultimately force municipalities to raise its millage rates.

After further discussion, it was Council consensus to pay the \$50 fee for the rehearing of the Menard's Tax Tribunal decision.

**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 – None**

Hearing no further public comment, the Council adjourned at 9:05 a.m.

Respectfully submitted,

Robert S. Richards, CMC  
City Clerk

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

**City of Escanaba Assessor**

# Memo

**To:** City Council  
**CC:** Jim O'Toole, Manager  
**From:** Daina Norden, Assessor  
**Date:** 12/02/2014  
**Re:** December 9<sup>th</sup> Special Meeting

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## **Michigan Tax Tribunal Update Regarding Menards Appeal**

As the City Council is aware, Menards Inc. recently appealed their property tax assessment levied by the City of Escanaba on their store located at 3300 Ludington Street to the Michigan Tax Tribunal. The Menard's store in Escanaba is a 166,196 square foot building consisting of 57,948 square feet of garden center, material warehouse, and overhangs storage/shipping and is located on 18.35 acres.

As the Council is also aware, a hearing was held on August 14, 2014 at the Michigan Tax Tribunal in Lansing before Tribunal Judge Marcus L. Abood, SRA. This division of the Michigan Tax Tribunal is in place to hold formal hearings to resolve the more complicated appeals. As part of this process, there is a formal record of the hearing and attorneys typically represent the parties. These hearings can range in length from one day to two months or more. The presiding judge is either a Tribunal member or a hearing officer (i.e. an administrative law judge). The Tribunal currently consists of five members. These members are appointed by the Governor, with the advice and consent of the Senate, to serve terms of four years, with one member appointed to serve as chairperson.

In our case, the Petitioner (Menards, Inc.) was represented by Paul Bach of Paradigm Tax Group, LLC and Carl Rashid of Dykema Gossett, PLLC. Their appraisal was conducted by Joseph L. Torzewski, MAI. Representing the City of Escanaba were myself and Russell W. Hall of DeGrand, Reardon, & Hall, PC. We **also** had a review appraisal conducted by Miles Anderson, SRA, MMAO.

Over the last several months, there has been a lot of discussion regarding the “Dark Store” theory. To that end, I want to point out that our intent was not to re-argue this same case in that the Tribunal has already made a ruling regarding this theory in favor of the “Big Box” Stores in a different town with a different Corporation. That ruling has already been made by the Tribunal and is going through the appeals process.

The argument the City of Escanaba made with regards to the Menards was different. It was our position that the petitioner determined a “Dark Store” valuation using a flawed Sales Comparison approach to value. When I reviewed the sales used in the petitioner’s appraisal to determine if I agreed with their valuation based on law and current court decisions, I realized that many properties had extensive restrictions on the use of the property placed on them by the seller of the property. It was our position that these restrictions were not disclosed in the appraisal and no adjustment had been made for these restrictions. In the appraisal submitted by Menards there are sales that are considered “but excluded from [the] analysis for various reasons.” One that stands out is “[t]he fourth sale is a former Target in Warren that sold with use restrictions in place...” “This negatively impacted the sale price, as no retail uses were allowed.” This unused sale had an unadjusted price per square foot of \$21.19 and a gross building area of 106,165 built in 1990. I have attached the Special Warranty Deed which demonstrates what type of use restrictions were in place and included in the sales comparison approach on that particular matter.

As you know by now, Mr. Abood stated in his Final Opinion and Judgment that “Mr. Torzewski’s testimony regarding the consideration of deed restrictions is meaningful to his overall analysis.” Further; “Mr. Torzewski explained that all of his comparable sales had some type of deed restrictions but none that impacted their sale prices.”

As you have also heard, the Tax Tribunal ruled in Menards. Inc. favor which resulted in us having to adjust our values for years 2012- to \$20/sq. ft. (down from \$48.43), 2013- \$21/sq. ft. (Down from \$49.54), and 2014- \$22/sq. ft. (Down from \$ 50.88)

At the Special Study Session of City Council scheduled for December 9, 2014, I would like to discuss this matter in more detail so that there is an understanding of the overall situation, its impact and talk about what our options are so that I have a clear understanding of the direction the City Council would like me to go.

**OFFICIAL PROCEEDINGS**  
**CITY COUNCIL**  
**ELECTRICAL ADVISORY COMMITTEE**  
**CITY OF ESCANABA, MICHIGAN**  
**Special Joint Meeting**  
**Wednesday, December 10, 2014**

Pursuit to a meeting notice posted December 4, 2014, the meeting was called to order by the Mayor Marc D. Tall at 6:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Patricia A. Baribeau, Ronald J. Beauchamp, and Michael R. Sattem.

Absent: Council Member Ralph B. Blasier.

Present: Electrical Advisory Committee (EAC) Members: Chairperson Tim Wilson, and Glendon Brown.

Absent: Electrical Advisory Committee (EAC) Members: Larry Arkens, John Anthony, Ann Bissell, Two vacancies, and Power Plant Liaison.

Also Present: City Manager James V. O'Toole, Electric Superintendent Mike Furmanski, City Controller Michael Dewar, Pro Energy Services, Inc. Representative Jack Scott, members of the public and media.

**ADJUSTMENTS TO THE AGENDA**

Beauchamp moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to approve the Joint City Council & Electrical Advisory Committee Agenda as submitted.

**CONFLICT OF INTEREST** – None

**NEW BUSINESS**

**Update - Electric Department –General Operations.**

Electrical Superintendent Mike Furmanski updated the City Council, Electrical Advisory Committee and Citizens of Escanaba on the following current departmental activities.

- Still had requests for new Constructions and reviewed emergency repairs out near Ford River;
- Just Burgers electric lines were energized;
- Service Truck maintenance;
- New Employee Started;
- Reviewed Large power service request.

**Update– Operation and Maintenance of Power Plant – Pro Energy Services, Inc.**

Pro Energy Services, Inc. Representative Jack Scott updated the City Council, Electrical Advisory Committee and Citizens of Escanaba on the status of the operation and maintenance of the power plant.

- Reviewed starts of Units 1 & 2, and Combustion Turbine;
- No unit trips or unplanned outages during the month;
- There were no planned outages during the month;
- Reviewed Major Maintenance Activities for November;
- No major maintenance required for the Combustion Turbine during the month;
- Reviewed three Air Monitoring deviations in the month of November;
- No NPDES violations or groundwater deviations during the month;
- There were no OSHA work related injuries, no lost time accidents for November.

**Approval – MISO Attachment Y submission**

Administration sought Council approval to submit an Attachment Y to MISO for another year of suspension for the 2 steam units.

Electric Superintendent Mike Furmanski briefly reviewed and recommended the Attachment Y agreement, that did not include Combustion Turbine.

**NB-3** Beauchamp moved, Baribeau seconded, to approve to submit an Attachment Y to MISO for another year of suspension for the 2 steam units.

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

Ayes: Beauchamp, Baribeau, Sattem, Tall

Nays: None

**MOTION CARRIED.**

**Approval – Power Plant Insurance**

City Administration sought Council approval to purchase insurance as required by our Generation – Transmission Interconnection Agreement. City Controller Mike Dewar briefly reviewed the Power Plant Insurance policy.

**NB-4** Sattem moved, Beauchamp seconded, to approve to purchase Power Plant Insurance as required by our Generation – Transmission Interconnection Agreement.

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

Ayes: Sattem, Beauchamp, Baribeau, Tall  
Nays: None

**MOTION CARRIED.**

**Update – Power Plant Purchase Agreement/Sale.**

No update on the sale of the power plant was provided.

**GENERAL PUBLIC COMMENT – None**

**COUNCIL/COMMITTEE, STAFF REPORTS**

Electrical Advisory Committee Member Brown briefly reviewed a newspaper article regarding a request by Wisconsin Energy Provider Integrys, asking FERC to add another 400 megawatts to their Power Plant on US-41 Between Green Bay and Appleton Wisconsin.

**ADJOURNMENT**

Hearing no further public comment, or further reports from the Electrical Advisory Committee or Council, the meeting adjourned at 6:18 p.m.

Respectfully submitted,

Robert S. Richards  
City Clerk

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

CITY OF ESCANABA  
COUNTY OF DELTA

NB# 1  
cc 12/18/14

**AUTHORIZING RESOLUTION  
CLG CERTIFICATION  
ESCANABA, MICHIGAN**

**WHEREAS,** The City of Escanaba has been invited to submit an application for certification as a Certified Local Government (CLG) making the City of Escanaba eligible to compete for CLG Grants administered by the Michigan State Historic Preservation Office (SHPO), and

**WHEREAS,** A local government official needs to be designated for all contract signatories, and

**WHEREAS,** James V. O'Toole, City Manager, be named the person serving as the lead contact person, and

**WHEREAS,** James V. O'Toole, City Manager, be designated as the local government official for all contract signatories.

**NOW THEREFORE BE IT RESOLVED,**

That James V. O'Toole, City Manager, is authorized and directed to file an application for the City of Escanaba's CLG certification and that upon approval of the final application by the Michigan State Housing Development Authority, the City Manager shall be authorized to sign the certification agreement, any necessary amendments to the certification agreement, and any other certification-related documents.

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

Ayes:

Nays:

Absent:

Resolution declared adopted.

I the undersigned, being duly qualified and acting as the City Clerk for 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 on Thursday, December 4, 2014, County of Delta, Michigan, and that said meeting was conducted and public notice was given pursuant to and in full compliance with the Open Meetings 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.

\_\_\_\_\_  
Robert S. Richards, City Clerk, CMC

**STATE OF MICHIGAN  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY  
STATE HISTORIC PRESERVATION OFFICE**

**CERTIFIED LOCAL GOVERNMENT CERTIFICATION AGREEMENT**

WHEREAS, the CONGRESS OF THE UNITED STATES, in order to extend the federal-state historic preservation partnership to the local level, has required the State Historic Preservation Office of each state to develop and implement a Certified Local Government (CLG) Program, as described in Section 101(c)(1) of the National Historic Preservation Act, as amended (NHPA; 16 USC 470a(c)(1)), to carry out the purposes of the NHPA; and

WHEREAS, the MICHIGAN STATE HISTORIC PRESERVATION OFFICE (SHPO) of the Michigan State Housing Development Authority has developed a CLG Program in accordance with the NHPA and the "Historic Preservation and Grants Manual" (Manual), issued by the United States Department of the Interior in June, 2007, which affords municipal units, including cities and counties, an opportunity to formalize and strengthen their local historic preservation programs, review property nominations to be submitted to the National Register of Historic Places, compete for matching grant funds earmarked for the CLG Program, and perform other responsibilities designated to under the NHPA; and

WHEREAS, THE CITY OF ESCANABA, MICHIGAN, desires to participate in the CLG Program and receive certification from the SHPO of its ability to carry out the purposes of the NHPA and receive a portion of, in accordance with Section 103(c) of the NHPA, 16 USC 470c(c), a portion of the grants received by the State of Michigan under the NHPA.

NOW, THE CITY OF ESCANABA, MICHIGAN (CITY), has submitted a complete and adequate application for certification and related application materials as specified in the Manual and hereby accepts and assumes the required and optional responsibilities identified in the NHPA, the Federal Regulations set forth at 36 CFR Part 61, the Manual, and the approved

certification application, including amendments, and agrees that it shall perform as follows:

### Required Responsibilities

1. Enforce appropriate federal, state, and local legislation for the designation and protection of historic properties.

2. Establish by ordinance and maintain an adequate and qualified historic preservation review commission composed of professional and lay members in keeping with state and/or local law. Written approval of each consultant who will be used in the CLG Program to satisfy professional qualifications shall be obtained from the SHPO prior to the performance of any task by the consultant, and each approval shall be considered an attachment to this Certification Agreement.

3. Maintain a system for the survey and inventory of local historic resources that furthers the purposes of the NHPA.

4. Provide for adequate public participation in the local government's historic preservation program, including the process of recommending properties for listing in the National Register of Historic Places.

5. Satisfactorily perform the responsibilities delegated to it under the NHPA.

6. Comply with all federal and SHPO-imposed requirements pertaining to the CLG Program.

7. Submit an annual report to the SHPO not later than March 1 of each year. The report shall be mailed to: SHPO Local Government Coordinator, PO Box 30740, Lansing, MI 48909.

### Optional Responsibilities

Should the CITY desire to perform optional responsibilities, the CITY and SHPO may amend this Certification Agreement to identify and specify the optional responsibilities that the CITY will assume. The CITY may also assume optional responsibilities through the Historic Preservation

Fund subgrant process. In such cases, a subgrant agreement will describe the specific work to be performed and how the work will be accomplished.

IT IS UNDERSTOOD that this Certification Agreement will continue in effect so long as the CITY: 1) remains a CLG in good standing, 2) remains eligible for CLG certification based on periodic evaluations of its compliance with the terms and conditions of this Certification Agreement, 3) desires to remain certified, and 4) continues to meet all CLG Program requirements, as established and revised by the Congress of the United States and the United States Department of the Interior.

WHEREFORE, the representatives of the two parties have annexed their signatures below as evidence of the acceptance and execution of this Certification Agreement by the CITY and the SHPO. Upon its designation as a Certified Local Government, the CITY shall be eligible for all rights and privileges of a Certified Local Government specified in the NHPA, Federal Regulations and the Manual. These rights include eligibility to apply for available CLG grant funds in competition with other certified local governments.

**THE CITY OF ESCANABA, MICHIGAN**

**MICHIGAN STATE HOUSING  
DEVELOPMENT AUTHORITY, STATE  
HISTORIC PRESERVATION OFFICE**

\_\_\_\_\_  
Jim O'Toole  
Escanaba City Manager

\_\_\_\_\_  
Brian D. Conway  
State Historic Preservation Officer

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

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

*CITY's Original*

*Department's Original*

April 21, 2014

Michigan State Historic Preservation Office  
702 West Kalamazoo Street  
PO Box 30740  
Lansing, Michigan 48909-8240

To Whom It May Concern:

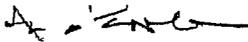
With this letter and application, the City of Escanaba is requesting Certified Local Government Status from the Michigan State Historic Preservation Office.

Escanaba has been proactive in implementing steps to position historic preservation at the forefront of our downtown development activities for the past five years. With one already established local historic district and an application to nominate our downtown for the National Register currently under consideration at the Federal level, the City has already completed the basic requirements for the program.

Certified Local Government Status (CLG) will provide the impetus that property owners and developers will need to continue the forward momentum that the City has started with downtown historic preservation projects. With an active and engaged Historic District Commission and a City Administration committed to historic development projects, we are confident that with the additional assistance provided by CLG, we can achieve our historic preservation goals.

Thank you for your consideration.

Sincerely,



James V. O'Toole  
City Manager  
[citymanager@escanaba.org](mailto:citymanager@escanaba.org)

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**Mission Statement:**

Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.

**Historic District Ordinance  
City of Escanaba**

**Basic Requirement #1, B**

1. Statement of Purpose (1.2)
2. Definitions (1.3)
3. Boundary descriptions ( 1.5, 1.23)
4. Means of establishing commission (1.6)
5. Confirmation of qualified commission members (1.6)
6. Confirmation of commission's powers (1.6)
7. Procedures for review (1.10)
8. appeals process (1.15)
9. Design review guidelines (1.11)\*
10. Procedure for identifying, designating and protecting historic resources (1,4,1.5)

\*additional local design guidelines currently in process

ORDINANCE NO. 1100

HISTORIC DISTRICT ORDINANCE  
CITY OF ESCANABA, MICHIGAN

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

1.1 Section 1.

This Ordinance shall be known as the "Historic District Ordinance of the City of Escanaba."

1.2 Section 2. STATEMENT OF PURPOSE

Historic preservation is hereby declared to be a public purpose and the City Council of the City of Escanaba may hereby regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. This Ordinance is intended to:

1. Safeguard the heritage of the City of Escanaba by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of Escanaba and of the State of Michigan.
6. Establish a Commission to act as a resource for economic development within the City of Escanaba, Michigan.

The City of Escanaba may by Ordinance establish one or more historic districts. The historic district(s) shall be administered by the Historic District Commission and pursuant to this Ordinance.

1.3 Section 3. DEFINITIONS

1. "Alteration" means work that changes the detail of a resource but does not change its basic size or shape.
2. "Certificate of Appropriateness" means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
3. "Commission" means the Historic District Commission of the City of Escanaba.
4. "Demolition" means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
5. "Demolition by Neglect" means neglect in maintaining, repairing, or securing a resource that result in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
6. "Denial" means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
7. "Fire Alarm System" means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
8. "Historic District" means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.

9. "Historic Preservation" means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
10. "Historic Resource" means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the city of Escanaba, state of Michigan, or the United States.
11. "Notice to Proceed" means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
12. "Open Space" means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.
13. "Ordinary Maintenance" means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this Ordinance.
14. "Proposed Historic District" means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as an historic district or added to an established historic district.
15. "Repair" means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this Ordinance.
16. "Resource" means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within an historic district.
17. "Smoke Alarm" means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.
18. "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

1.4 Section 4. HISTORIC DISTRICT STUDY COMMITTEE AND THE STUDY COMMITTEE REPORT

Before establishing an historic district(s), the City Council shall appoint an Historic District Study Committee. A majority of the persons appointed to the Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations. The Study Committee shall do all of the following:

- A. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office of the Michigan Historical Center.
- B. Conduct basic research of each proposed historic district and historic resources located within that district.
- C. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided

by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office of the Michigan Historical Center.

- D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
1. The charge of the Committee.
  2. The composition of Committee membership.
  3. The historic district(s) studied.
  4. The boundaries of each proposed historic district in writing and on maps.
  5. The history of each proposed historic district.
  6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  7. Transmit copies of the preliminary report for review and recommendations to the local planning body, the State Historic Preservation Office of the Michigan Historical Center, the Michigan Historical Commission, and the State Historic Preservation Review Board.
  8. Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.
- E. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.
- F. After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:
1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Council as to the establishment of an Historic District(s). If the recommendation is to establish an Historic District(s), the final report shall include a draft of the proposed ordinance(s).
  2. After receiving a final report that recommends the establishment of an Historic District(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.
- G. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

1.5 **Section 5. ESTABLISHING ADDITIONAL, MODIFYING, OR ELIMINATING HISTORIC DISTRICTS**

1. The City Council may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating an historic district, an historic district study committee appointed by the City Council shall follow the procedures as stated in Section 399.203 (1-3) of Public Act 169 of 1970, as amended. To conduct these activities, the City Council may retain the initial committee, establish a

standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.

2. In considering elimination of an historic district, a committee shall follow the procedures set forth in Section 399.203 (1-3) of Public Act 169 of 1970, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:
  - a. The historic district has lost those physical characteristics that enabled the establishment of the district.
  - b. The historic district was not significant in the way previously defined.
  - c. The historic district was established pursuant to defective procedures.

#### 1.6 Section 6. THE HISTORIC DISTRICT COMMISSION

The City Council may establish by ordinance a commission to be called an historic district commission. The Commission may be established at any time, but not later than the time the first historic district is established. Each member of the Commission shall reside within the city limits. The Commission shall consist of seven (7) members. Members shall be appointed by the City Council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the Commission, interim appointments shall be made by the City Council within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

The City Council may prescribe powers and duties of the Commission, in addition to those prescribed in this Ordinance, that foster historic preservation activities, projects, and programs in the local unit.

The Commission may also include a liaison, who is a member of Escanaba City Council, and a liaison who is a member of the Escanaba Planning Commission. The purpose of the liaisons is to provide the Escanaba City Council and the Escanaba Planning Commission the ability to participate in discussions with the Commission. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements of the Commission.

#### 1.7 Section 7. HISTORIC DISTRICT COMMISSION MEETINGS, RECORDKEEPING & RULES OF PROCEDURE

1. The Historic District Commission shall meet at least quarterly or more frequently at the call of the Commission.
2. The business that the Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.
3. The Commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.
4. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.

#### 1.8 Section 8. DELEGATION OF MINOR CLASSES OF WORK

The commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, or to another delegated authority. The Commission shall provide to its delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. The Commission shall review the Certificates of Appropriateness issued by the

delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

**1.9 Section 9. ORDINARY MAINTENANCE**

Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within an historic district or to prevent work on any resource under a permit issued by the City Manager or designee or other duly delegated authority before the Ordinance was enacted.

**1.10 Section 10. REVIEW BY THE COMMISSION**

The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the City Council or unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

**1.11 Section 11. DESIGN REVIEW STANDARDS AND GUIDELINES**

1. In reviewing plans, the Commission shall follow the U.S. Secretary of Interior's *Standards for Rehabilitation* and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's *Standards* and guidelines and are established or approved by the State Historic Preservation Office of the Michigan Historical Center.
2. In reviewing plans, the Commission shall also consider all of the following:

- A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
- B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
- C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
- D. Other factors, such as aesthetic value, that the commission finds relevant.
- E. Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

**1.12 Section 12. PERMIT APPLICATIONS**

1. A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within an historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the City Manager or designee. Upon receipt of a complete application, the City Manager or designee shall immediately refer the application, along with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance. A commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
2. The Commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the City Manager or designee. A permit shall not be issued until the Commission has acted as prescribed by this Ordinance.
3. If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City of Escanaba, the state of Michigan, or the nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.

4. The failure of the Commission to act on an application within sixty (60) calendar days after the date a complete application is filed with the Commission, unless an extension is agreed upon in writing by the applicant and the Commission shall be considered to constitute approval.
5. The Commission may charge a reasonable fee to process a permit application.

**1.13 Section 13. DENIALS**

If a permit application is denied, the decision shall be binding on the City Manager or designee or other authority. A Denial shall be accompanied by a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

**1.14 Section 14. NOTICE TO PROCEED**

Work within an historic district shall be permitted through the issuance of a Notice to Proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

- A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- B. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- C. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- D. Retaining the resource is not in the interest of the majority of the community.

**1.15 Section 15. APPEAL OF A COMMISSION DECISION**

1. An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the State Historic Preservation Review Board.
2. Any citizen or duly organized historic preservation organization in the City of Escanaba, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

**1.16 Section 16. WORK WITHOUT A PERMIT**

When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of

Appropriateness. If the owner does not comply or cannot comply with the order of the court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The costs of the work done shall be charged to the owner, and may be levied by the City of Escanaba as a special assessment against the property. When acting pursuant to an order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

#### 1.17 Section 17. DEMOLITION BY NEGLECT

Upon a finding by the Commission that an historic resource within an historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the Commission may do either of the following:

1. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by the City of Escanaba as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

3. This section shall be applied in a manner consistent with other ordinances of the City of Escanaba.

#### 1.18 Section 18. REVIEW OF WORK IN PROPOSED DISTRICTS

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in Section 12 of the Ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

#### 1.19 Section 19. EMERGENCY MORATORIUM

If the City Council determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Council may by resolution declare an emergency moratorium on all such work for a period not to exceed six (6) months. The City Council may extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

#### 1.20 Section 20. PENALTIES FOR VIOLATIONS

1. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00.
2. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

#### 1.21 Section 21. ACCEPTANCE OF GIFTS OR GRANTS

The City Council may accept state or federal grants for historic preservation purposes; may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities.

**1.22 Section 22. ACQUISITION OF HISTORIC RESOURCES**

If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Council. Upon recommendation of the Commission, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

**1.23 Section 23. HISTORIC DISTRICT BOUNDARY**

The Historic District Boundary for the Richter Brewery Historic District is:

Lots 3, 4, 5, and 6 of Block 7, of the S. H. Selden Addition to the City of Escanaba.

**CHAPTER II  
SAVINGS CLAUSE**

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**CHAPTER III  
EFFECTIVE DATE**

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

APPROVED

APPROVED

\_\_\_\_\_  
**Ralph B.K. Peterson**  
City Attorney

\_\_\_\_\_  
**Leo Evans**  
Mayor

ATTEST

\_\_\_\_\_  
**Robert S. Richards**  
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 Thursday the 15th day of October 2009, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on October 21, 2009, and that 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.

\_\_\_\_\_  
**Robert S. Richards, CMC**  
City Clerk

## City of Escanaba Historic Commission

**Adopted:** Escanaba Historic Commission

**Approved:** April 5, 2010

**Subject:** Historic Commission By-Laws

### CROSS REFERENCES:

- A. Ordinance No. 1100, Historic District Ordinance.
- B. Michigan's Local Historic District Act, P.A. 169 of 1970, as amended.
- C. The Secretary of the Interior Standards for Rehabilitation.
- D. Open Meetings Act, P.A. 267 of 1976, as amended.
- E. Freedom of Information Act, P.A. 442 of 1976, as amended.

Purpose: In order to carry out the duties and responsibilities conveyed under Ordinance No. 1100, there has been a Historic Commission created consisting of seven (7) members who are appointed by the Mayor of the City of Escanaba with the consensus of the Escanaba City Council. The Historic District Commission is the regulatory body that reviews work in local historic districts. It is the role of the Historic Commission to ensure that due process is fairly and equitably applied to all property owners living in a historic district and to pass on matters pertaining to historic preservation that maintains the historic integrity of the district at the level it was at when the district was created. The name shall be the Escanaba Historic District Commission, hereafter known as the "Historic Commission". These Bylaws are adopted by the Historic Commission to facilitate the performance of its duties as outlined in Ordinance No. 1100, as amended, being the Escanaba Historic District Ordinance.

### 1. Role of The Historic Commission.

The role of the Historic Commission include some functions in addition to the Ordinance duties and responsibilities. Though Historic Commissioners may face pressure from individuals – and sometimes government officials – to make a certain decision, Historic Commissioners must remember that their role is to protect the community's historic resources. There are seven (7) key responsibilities of the Historic Commission:

1. Know the Secretary's Standards for Rehabilitation.
2. Know the requirements of Ordinance No. 1100, The Historic District Ordinance and state enabling law.
3. Be familiar with architectural styles and their distinctive features
4. Be familiar with the Community's history.
5. Know the Open Meetings Act and conduct business accordingly.
6. Avoid the appearance of conflict of interest and excuse them from voting on projects in which they have any involvement
7. Follow rules of procedures during the entire review process.

2. **Membership.**

- A. **Members.** Members of the Historic Commission are appointed by the Mayor of Escanaba with the consensus of the Escanaba City Council pursuant to the Escanaba Historic District Ordinance No. 1100, as amended.
- B. **Liaisons.** The purpose of liaisons is to provide certain City of Escanaba officials and quasi-officials the ability to participate in discussions with the Historic Commission, in addition to speaking and public participation, but nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Historic Commission members, are:
  - 1. The Historic Commission's consultants.
  - 2. City Attorney.
  - 3. City engineering, electrical, water and wastewater department heads, or similar department heads, their agents and/or consultants.
  - 4. City Manager or designee.
  - 5. City Council persons other than the Council appointed liaison.
- C. **Attendance.** If any member of the Historic Commission is absent from three (3) consecutive meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Escanaba City Council to remove a member from the Historic Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Historic Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Escanaba City Council whenever any member of the Historic Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.
- D. **Training.** Each member shall have attended at least one training session per calendar year in historic preservation during the member's current term of office.
- E. **Incompatibility of Office.**
  - 1. Each member of the Historic Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
    - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on historic district owned by him or her or which is adjacent to a historic district owned by him or her.
    - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
    - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.

- e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, grandparent's in-law, or members of his or her household.
- f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
  - (1) an applicant or agent for an applicant, or
  - (2) has a direct interest in the outcome.
- 2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Historic Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Historic Commission.
- 3. When a conflict of interest exists, the member of the Historic Commission shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
  - a. declare a conflict exists at the next meeting of the Historic Commission;
  - b. cease to participate at the Historic Commission meetings, or in any other manner, or represent one's self before the Historic Commission, its staff, or others, and
  - c. During deliberation of the agenda item before the Historic Commission, leave the meeting or remove one's self from the front table where members of the Historic Commission sit, until that agenda item is concluded.
- 4. If a member of the Historic Commission is appointed to another office, which is an incompatible office with his or her membership on the Historic Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Historic Commission. If a member of another office is appointed to the Historic Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Historic Commission, that shall result in an automatic resignation from the other office.

**3. Duties of all Historic Commission members.**

**A. *Ex Parte* contact.**

- 1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the Historic Commission whenever possible.
- 2. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should report to the Historic Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

- B. Site Inspections.
    - 1. If desired, no more than three (3) members of the Historic Commission may accompany the property owner, staff or others on a site inspection.
  - C. Accepting gifts.
    - 1. Gifts shall not be accepted by a member of the Historic Commission or liaisons from anyone connected with an agenda item before the Historic Commission.
    - 2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value.
  - D. Public Deliberation and Debate.
    - 1. Free and open debate should take place on issues before the Historic Commission. Such debate shall only occur at meetings of the Historic Commission.
    - 2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Historic Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Historic Commission.
4. **Officers.**
- A. Selection. At the regular meeting in December of each year, the Historic Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for re-election. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Historic Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, a new Secretary must be selected by the Historic Commission.
  - B. Tenure. The Chair, Vice-Chair and Secretary shall take office January 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
  - C. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Historic Commission. The Chair shall:
    - 1. Preside at all meetings with all powers under parliamentary procedure;
    - 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Historic Commission;
    - 3. Restate all motions as pursuant to Section 5.E of these Bylaws;
    - 4. May call special meetings pursuant to Section 5.B of these Bylaws;
    - 5. Appoint an Acting-Secretary in the event the Secretary is absent from a Historic Commission meeting.
    - 6. Review with the Secretary or staff, prior to a Historic Commission meeting, the items to be on the agenda if he or she so chooses;
    - 7. Represent the Historic Commission, before the Escanaba City Council.

- D. Vice-Chair's Duties. The Vice-Chair shall:
1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence;
  2. Perform such other duties as may be ordered by the Historic Commission.
- E. Secretary's Duties. The Secretary shall:
1. Execute documents in the name of the Historic Commission;
  2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
  3. Review the draft of the minutes, sign them, and submit them for approval to the Historic Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Historic Commission prior to the next meeting of the Historic Commission (the Secretary may delegate this duty to City staff);
  4. Receive all communications, petitions, and reports to be addressed by the Historic Commission, delivered or mailed to the Secretary in care of the City Manager's Office;
  5. Keep attendance records pursuant to Section 2.C of these Bylaws;
  6. Provide notice to the public and members of the Historic Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.* (the Secretary may delegate this duty to City staff);
  7. Prepare an agenda for Historic Commission meetings pursuant to Section 5.K of these Bylaws (the Secretary may delegate this duty to City staff);
  8. Perform such other duties as may be ordered by the Historic Commission.
- F. Staff Duties. Staff shall not be a member of the Historic Commission and shall:
1. At each meeting assist in taking minutes pursuant to section 6.A of these Bylaws for review and signature by the Secretary; and
  2. Perform such other duties as may be mutually agreed on by the Historic Commission.

## 5. Meetings.

- A. Regular meetings. Meetings of the Historic Commission will be held at least quarterly or more frequently at the call of the Historic Commission, or at the call of the Chairperson of the Historic Commission. An annual notice or regularly scheduled Historic Commission meetings shall comply with P.A. 267 of 1976, as amended. The Historic Commission shall assume no meeting will be scheduled unless notified by the Administration.
- B. Special Meetings. Special meetings shall be called in the following manner:
1. By the Chair.
  2. By any three (3) members of the Historic Commission.
  3. By the City Manager.
  4. Notice of special meetings shall be given by the Secretary to members of the Historic Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff).

In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

- C. Recess. The Chair, or the Historic Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Historic Commission's business and evaluate the remaining items on its agenda. The Historic Commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Historic Commission will reconvene. If more than 18 hours will pass before the reconvened Historic Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Historic Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
- D. Quorum. More than half the total number of seats for members of the Historic Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Historic Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
- E. Motions.
1. Motions shall be restated by the Chair before a vote is taken.
  2. Findings of Fact. All actions taken in an administrative capacity shall include each of the following parts.
    - a. A finding of fact, listing what the Historic Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
    - b. Conclusions to list reasons based on the facts for the Historic Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
    - c. The Historic Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
- F. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Historic Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Historic Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
- G. Historic Commission Action. Action by the Historic Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

- H. Parliamentary Procedure. Parliamentary procedure in Historic Commission meetings shall be informal. However, if required to keep order, Historic Commission meetings shall then be governed by *Roberts Rules of Order* for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.
- I. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.
1. All public comment on all agenda items should be presented where provided in the printed agenda as the agenda item is discussed. After that point during the meeting, public comment is normally not allowed; however, sometimes the Historic Commission may direct questions to members of the public. Public comment is during the course of the deliberation so the Historic Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
  2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Historic Commission meeting. Petitioners and aggrieved party comment to an agenda item can be restricted to fifteen (15) minutes unless amended by the Chairperson. General public comment shall be restricted to two (2) minutes unless amended by the Chairperson. The Chairperson may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson.
- J. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- (A) Call to order.
  - (B) Roll Call.
  - (C) Approval and/or Correction to Minutes of Previous Meeting.
  - (D) Approval and/or Adjustment to the Agenda.
  - (E) Unfinished Business and Report Presentation.
  - (F) Public Hearings.
  - (G) New Business.
  - (H) Public Comment.
  - (I) Member/Staff Announcements.
  - (J) Adjournment.

Delivery of Agenda. The agenda and accompanying materials shall be mailed/hand delivered to Historic Commission members so that it might be perceived prior to the weekend prior to the regular meeting date.

K. Placement of Items on the Agenda.

1. The City Manager's Office shall be the office of record for the Historic Commission.
2. The City Manager may receive items on behalf of the Historic Commission between the time of the adjournment of the previous Historic Commission meeting and five (5) business days prior to the next regularly scheduled Historic Commission meeting.
3. Items received by the Administration four (4) or less business days prior to the next regularly scheduled Historic Commission meeting shall be set aside to be received by the Historic Commission at its next regularly scheduled Historic Commission meeting. The Historic Commission may act on those items of a minor nature or table action to the subsequent regular or special Historic Commission meeting. Those items of a major nature or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Historic Commission meeting.
4. The deadline to add items to the Historic Commission's meeting agenda shall be five (5) business days prior to the next regularly scheduled Historic Commission meeting.

6. Record.

A. Minutes and Record. The Historic Commission Secretary shall keep, or cause to be kept, a record of Historic Commission meetings, which, shall at a minimum include an indication of the following:

1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et. seq.*)
2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
  - a. Time and place the meeting was called to order.
  - b. Attendance.
  - c. Indication of others presents (listing names if others choose to sign in and/or a count of those present).
  - d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
  - e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
  - f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
    1. Who testified and a summary of what was said.

2. A statement of what is being approved
  3. The location of the property involved (tax parcel number and description, legal description is best).
  4. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
  5. What evidence was considered (summary of discussion by members at the meeting).
  6. The administrative body's findings of fact.
  7. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
  8. The decision (e.g. approves, deny, approve with modification).
  9. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
  10. List of all changes to the district submission(e.g. "...attached to the original copy of these minutes as appendix 'A', and made a part of these minutes...").
- g. Who called the question.
  - h. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
  - i. That a person making a motion withdrew it from consideration.
  - j. All the Chair's rulings.
  - k. All challenges, discussion and vote/outcome on a Chair's ruling.
  - l. All parliamentary inquiries or point of order.
  - m. When a voting member enters or leaves the meeting.
  - n. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
  - o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
  - p. The start and end of each recess.
  - q. All Chairs' rulings of discussion being out of order.
  - r. Full text of any resolutions offered.
  - s. Summary of announcements.
  - t. Summary of informal actions, or agreement on consensus.
  - u. Time of adjournment.
3. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

- B. Retention. Historic Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, other records of decisions, Historic Commission or department publications: Permanent.
  2. General ledger: 20 years.
  3. Account journals: 10 years.
  4. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
  5. Correspondence: Permanent.
7. **Committees.**
- A. Ad-Hoc Committees. The Historic Commission or Chair may establish and appoint ad-hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad-hoc committee at any given time.
- B. Citizen Committees. The Historic Commission, Chair, or City Manager may establish and appoint citizen committees with the consent of the Historic Commission. Membership can be any number, so long as less than quorums of the Historic Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Historic Commission and to better represent various interest groups in the City of Escanaba.
8. **Rules of Procedure for All Historic Commissioners.**
- A. Subservient to the Historic Commission. All Historic Commissioners are subservient to the Historic Commission and report their recommendations to the Historic Commission for review and action. The Historic Commission can overrule any action of any committee.
- B. Same Principles. The same principals of these Bylaws for the Historic Commission also apply to all Historic Commissioners of the Historic Commission including, but not limited to:
1. Officers. Officers of the Historic Commission are appointed by the Chair of the Historic Commission at the time the Historic Commission is created, or are elected by the Historic Commissioner's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
  2. Quorum. A Historic Commission's quorum shall be at least half the total appointed membership of the Historic Commission.
  3. Voting. Only those appointed members of a Historic Commission, who are present at the time of a vote, shall be eligible to cast a vote.
  4. Attendance. If any member of the Historic Commission is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Historic Commission to request the removal any member from the Historic Commission. The Historic Commission Secretary-Vice-Chair or acting Historic Commission Secretary in the absence of the elected Historic

- A. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office of the Michigan Historical Center.
- B. Conduct basic research of each proposed historic district and historic resources located within that district.
- C. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office of the Michigan Historical Center.
- D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
  - 1. The charge of the Committee.
  - 2. The composition of the Committee membership.
  - 3. The historic district(s) studied.
  - 4. The boundaries of each proposed historic district in writing and on maps.
  - 5. The history of each proposed historic district.
  - 6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  - 7. Transmit copies of the preliminary report for review and recommendations to the local planning body, the State Historic Preservation Office to the Michigan Historical Center, the Michigan Historical Commission and the State Historic Preservation Review Board.
  - 8. Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.
- E. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.
- F. After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:
  - 1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Council as to the establishment of an Historic District(s). If the recommendation is to establish an Historic District(s), the final report shall include a draft of the proposed ordinance(s).

2. After receiving a final report that recommends the establishment of an Historic District(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the City Clerk. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to written petition.
- G. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

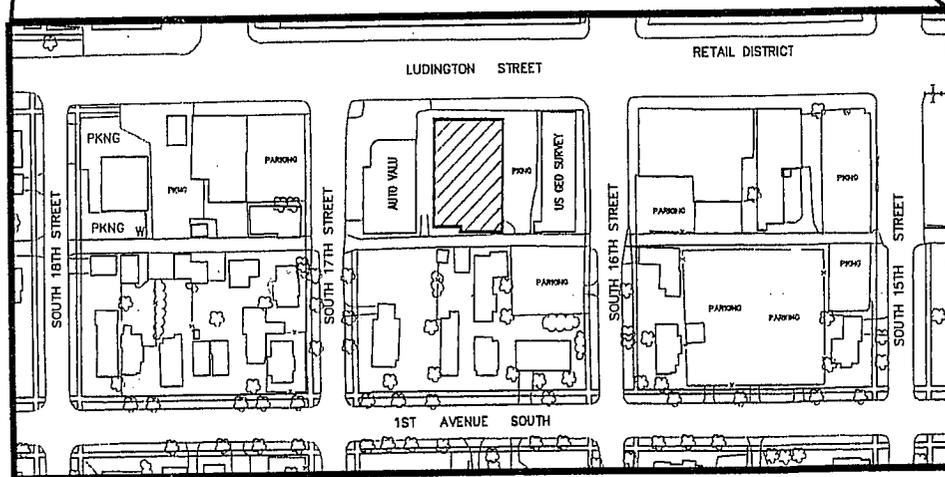
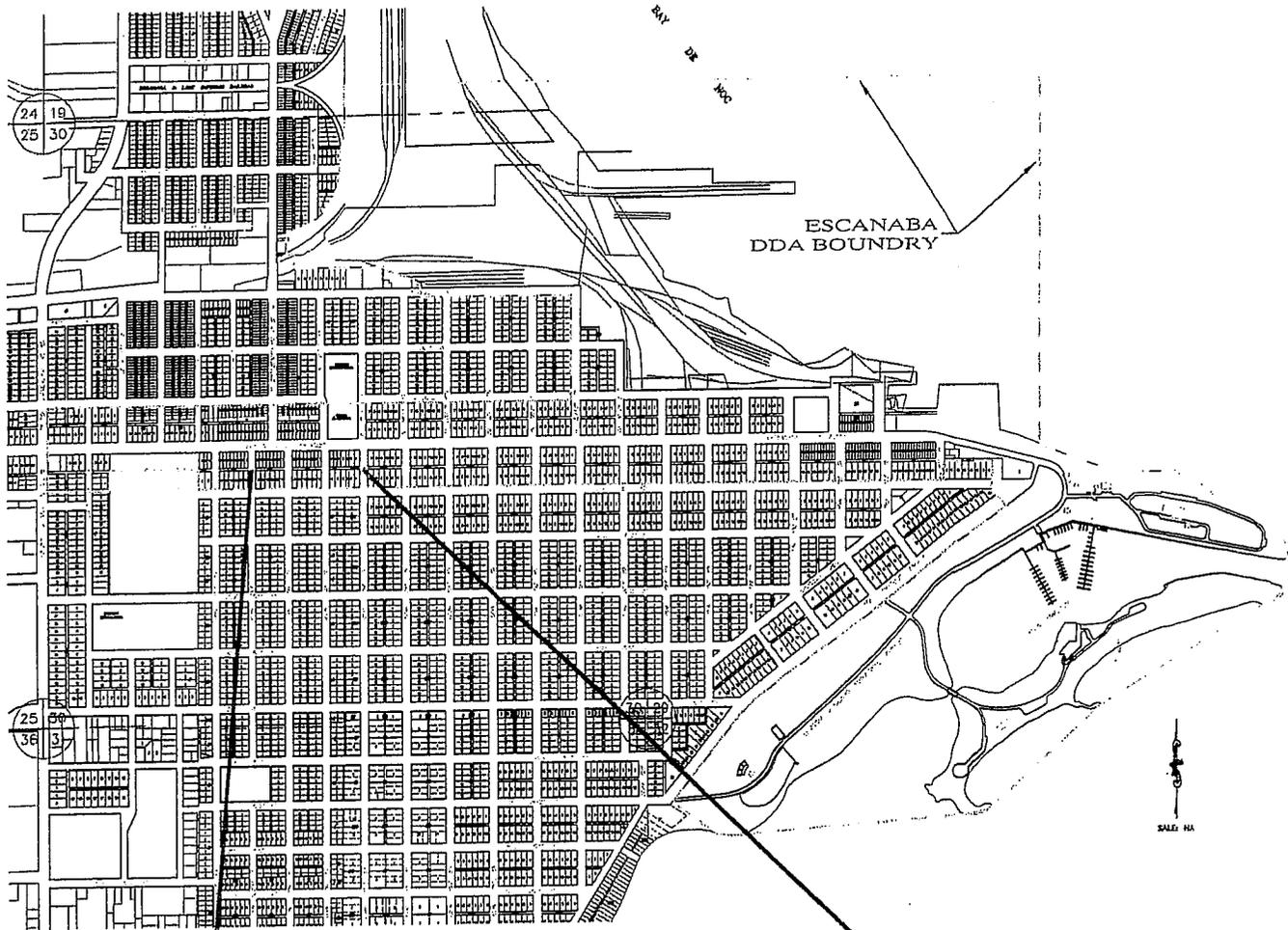
**11. Other Matters to be Considered by the Historic Commission.**

- A. Historic Commission Action. The following matters shall be presented for consideration at a meeting of the Historic Commission:
1. At least annually, the adoption of priorities for the Historic Commission's plan of work.
  2. Annually, preparation of an annual report of the Historic Commission.
  3. Office, or Administrative Policy and ruling of interpretation of regulations by the Historic Commission or its staff.
  4. The general character, extent and layout of the replanning and redevelopment of historic districts.
  5. All address changes pursuant to the City of Escanaba. Address Ordinances, as amended.
  6. Historic Commission's budget requirements for the fiscal year and request for appropriation.
  7. Selection of consultants.
  8. Such other matters as the City Manager shall find it advisable or essential to receive consideration by the Historic Commission.

**12. Adoption, Repeal, Amendments.**

- A. Upon adoption of these Bylaws of \_\_\_\_\_, they shall become effective and all previous Bylaws shall be repealed.
- B. The Historic Commission may suspend any one of these Bylaws, for a duration of not more than one (1) agenda item or meeting.
- C. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

# Richter Brewery Historic District Project Location Map



1615 LUDINGTON STREET



## **GUIDELINES FOR CITY OF ESCANABA BOARDS, COMMISSIONS, & COMMITTEES**

City of Escanaba Boards, Commissions and Committees provide a way that residents can participate in their government. According to the Code of Ordinances, the City Council creates, regulates, sets terms of offices and establishes the duties for Boards, Commissions and Committees as needed. City Boards, Commissions and Committees can best serve the City when they are fully aware of the missions and priorities of the City Council.

**MEMBERSHIP:** The Mayor traditionally appoints Members with concurrence of the City Council. Announcement of vacancies will be made at the Council meeting preceding that at which the appointment will be made. This allows interested citizens to submit their name and qualifications for consideration. The manager may appoint Ex-Officio representatives of City Administration to serve as advisors and provide liaison.

**CONFLICT OF INTEREST:** A member of a City Board, Commission and Committee serves the people and shall not receive personal or business benefit as a result of serving. A member who has a financial interest in the outcome of a particular matter before the Board, Commission and Committee should be excused from deliberations. If the member does not announce her/his own conflict of interest, another member may request that the involved person not participate in discussion nor vote on the issue over which there is a conflict of interest.

**LENGTH OF TERM:** Length of term varies with the particular Board or Commission. The term of most Boards and Commissions is three years. A member may be reappointed for a second term. Consult the City Clerk regarding length of term of a specific Board, Commission and Committee that are advisory in nature unless otherwise specified.

**POWERS:** The powers of such Boards and Commissions are delegated to them by Council resolution, Charter, ordinance or state law. City Boards, Commissions and Committees are advisory in nature unless otherwise specified.

**REMOVAL FROM OFFICE:** Members may be removed because of poor attendance, malfeasance, conflict of interest or conduct that might damage the reputation of the City or the individual on the respective Board, Commission, or Committee.

**MEETINGS OF THE BOARD, COMMISSION OR COMMITTEE:** Notices of the meetings for calendar year are posted and provided to the City Manager's Office in early January. The notice shall include, date, place, time and handicapped accessibility information. Any deviations from these posted notices are to be reported at least 18 hours before the meeting. For committees who meet "at the call of the chair", the notices shall be posted and forwarded to the City Manager's Office no later than 18 hours before the meeting.

## **RESPONSIBILITIES OF BOARDS, COMMISSIONS AND COMMITTEES**

1. A person often seeks appointment to a City Board, Commission or Committee because of her or his involvement with a particular activity, or because she or he has a specific interest or expertise in the focus of that Board, Commission or Committee. For example, the Harbor Advisory Committee includes some boaters and bankers serve on the Loan Administration Board. However, it must be remembered that the member represents all people and the entire City and not that special interest when serving on that Board, Commission or Committee.

2. Minutes of every meeting held by a City Board, Commission or Committee are to be furnished to the City Manager and signed by the chair of that Board, Commission or Committee. The Manager, in turn, will circulate these minutes to the City Council. It is helpful if the date, time and place of the next meeting appear in the minutes in case anyone wishes to provide input or to attend.
3. Boards, Commissions or Committees shall consult with the City Manager or his designated representative (such as department head) before taking action which will be legally binding on the City or obligate the City financially.
4. The respective Department Head should be kept informed about actions being considered by the Board, Commission or Committee.
5. Press releases from a Board, Commission or Committee shall be released through the City Manager for review by the City Council in advance of the release to the public. The City Manager may determine that some releases are routine and do not need advance notice. For example library hours and the opening date of the beach.

### **Policy for Appointments to Board and Commissions**

1. No person will be appointed to serve more than two (2) successive full terms on any City Board or Commission.
2. Unless otherwise specified by law, a full term will be construed as a three-year period.
3. Any person appointed to fill an unexpired term will be eligible for reappointment at the end of the unexpired term. If the unexpired term which has been filled by said person was less than two-thirds (2/3) of a board term, it shall be not construed as a "full term." If the interim appointment exceeded two-thirds (2/3) of a term, it will be considered a "full term, and the citizen will be eligible for appointment to only one other full term. *(Revised June 2, 1994)*
4. Pursuant to a resolution adopted by the City Council on **April 17, 2008**, no person will serve on more than one Board or Commission concurrently with the exception of appointments to the **Brownfield Redevelopment Board**, the **Local Officers Compensation Board**, the **Board of Equalization and Review**, and the **Local Liquor License Review Board**.
5. Once an individual has served two successive full terms on any City Board or Commission, he may not be eligible for reappointment to that particular Board or Commission for a period of one year.

APPENDIX 3 - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name: Mary Ellen (Ellie) O'Donnell

Address: [REDACTED]  
Escanaba, MI 49829

Telephone: 906-7-[REDACTED] (Residence)

906-7-[REDACTED] (Cell Business)

Occupation: [REDACTED]

1. Area of Expertise

History \_\_\_ Architectural History  Architecture \_\_\_ Prehistoric Archaeology \_\_\_  
Historic Archaeology \_\_\_  
Other (Specify) \_\_\_\_\_

2. Education

BA Northern Michigan Univ. Elem. Ed. 1969 Special Ed. degree  
MMU 1988

3. Related Work Experience

I have restored/renovated six homes within the  
city of Escanaba and Gladstone.

4. Demonstrated Interest in Historic Preservation

Served on the restoration committee to restore  
Sand Point Lighthouse; Committee to develop historical  
house tour 2013; Helped identify over 2000 photographs  
of Escanaba houses taken in the 1930's; have  
set up displays at Delta County Historical Museum;  
have been a member of Delta County Historical  
Museum Board of Directors for over 30 years;  
presented at State Social Studies conferences  
"Past to Present". In 2004 I was the recipient  
of the Michigan Historical Center Foundation Odyssey

APPENDIX 3 - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name: Judith Fouts

Address: [REDACTED]

Escanaba, MI 49829

Telephone: 906 [REDACTED] (Residence)

NA (Business)

Occupation: [REDACTED]

1. Area of Expertise

History  Architectural History  Architecture  Prehistoric Archaeology   
Historic Archaeology   
Other (Specify) \_\_\_\_\_

2. Education

BS in Education

3. Related Work Experience

teaching

4. Demonstrated Interest in Historic Preservation

Historical Society member - on board for three years  
Commissioner on Historic Preservation Commission

APPENDIX 3 - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name: DONALD A. CURRAN

Address: [REDACTED]

ESCANABA, MI 49829

Telephone: [REDACTED] (Residence)

[REDACTED] (Business)

Occupation: [REDACTED]

1. Area of Expertise

History  Architectural History  Architecture  Prehistoric Archaeology   
Historic Archaeology   
Other (Specify) \_\_\_\_\_

2. Education B.A., NORTHERN MICHIGAN UNIVERSITY  
(POLITICAL SCIENCE, HISTORY)

3. Related Work Experience

4. Demonstrated Interest in Historic Preservation

STEERING COMMITTEE - "LOFTS ON LUDINGTON" HISTORIC DISTRICT  
MEMBER - DELTA COUNTY HISTORICAL SOCIETY BOARD OF DIRECTORS  
CHAIRMAN - ESCANABA HISTORIC DISTRICT COMMISSION

APPENDIX 3 - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name: Monte Morrison

Address: [REDACTED]

ESCANABA, MICHIGAN 49829

Telephone: [REDACTED] (Residence)

[REDACTED] (Business)

Occupation: [REDACTED]

1. Area of Expertise

History \_\_\_ Architectural History \_\_\_ Architecture \_\_\_ Prehistoric Archaeology \_\_\_  
Historic Archaeology \_\_\_  
Other(Specify) OLD BRICKWORK

2. Education

ESCANABA AREA HIGH SCHOOL GRAD -  
ONE YEAR AT BAY DE NOC COMMUNITY COLLEGE

3. Related Work Experience

43 years of masonry building  
president of m.m. masonry contracting inc.  
in business since 1977

4. Demonstrated Interest in Historic Preservation

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPENDIX 3 - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name: Suzell Eisenberger

Address: [REDACTED]  
Escanaba mi 49829

Telephone: [REDACTED] (Residence)  
[REDACTED] (Business)

Occupation: [REDACTED]

1. Area of Expertise

History \_\_\_ Architectural History \_\_\_ Architecture \_\_\_ Prehistoric Archaeology \_\_\_  
Historic Archaeology \_\_\_  
Other (Specify) NOT AN EXPERT OWN A HISTORIC BLDG.

2. Education

General Education Shepherd High School  
Real Estate Lic - Catering background

3. Related Work Experience

Own a Historic Building

4. Demonstrated Interest in Historic Preservation

Other than owning the house as well as  
which we have tried to go back to the original  
style - I general like to preserve instead of  
Destroy.

APPENDIX 3 - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name: Karen J. Lindquist

Address: [REDACTED]

Iskanaba,

Telephone: 907 [REDACTED] (Residence)

\_\_\_\_\_ (Business)

Occupation: Retired

1. Area of Expertise

History  Architectural History  Architecture  Prehistoric Archaeology \_\_\_\_\_  
Historic Archaeology \_\_\_\_\_  
Other (Specify) \_\_\_\_\_

2. Education

B.A. University of Michigan  
M.A. - University of Michigan

3. Related Work Experience

35 years as director of the Lenawee County  
Library System (South Eastern Lower Mich.)

4. Demonstrated Interest in Historic Preservation

- Board member and volunteer - Delta Co. Historical Society
- Archivist - responsible for organizing, cataloging and displaying archival collections
- Resident in a 115+ year old home which we have renovated & attempted to restore

**Local Historic Preservation Goals**  
**City of Escanaba**  
**2014 - 2017**

**DRAFT**

1. In collaboration with the Downtown Development Authority, Planning Commission and Historic District Commission, complete the following façade restorations in accordance with adopted historic design standards by June, 2015:
  - (1) 613-615 Ludington
  - (2) 812-814 Ludington
  - (3) 922 Ludington
  - (4) 1100 Ludington
  - (5) 1110 Ludington
  - (6) 1107-1111 Ludington
  - (7) 1206 Ludington
  - (8) 1513 Ludington
  - (9) 1700 Ludington
  
2. Conduct an annual review of historic downtown assets to identify and designate priority projects for preservation.
  
3. Prioritize preservation efforts that would allow expansion of Escanaba's existing single resource local historic district.
  
4. Capitalize on the National Register of Historic Places designation for Escanaba's downtown business district by educating and encouraging property owners about the economic benefits of historic preservation.
  
5. Promote public awareness of Escanaba's unique historic assets and the potential for commercial and economic revitalization through historic preservation.
  
6. Review existing downtown development master plans and municipal planning tools to reflect recent designations (National Register of Historic Places, MEDC Redevelopment Ready Community) and integrate associated goals and objectives



MSHDA > HISTORIC PRESERVATION > SHPO  
 CERTIFIED LOCAL GOVERNMENT PROGRAM

## The Benefits of the Certified Local Government Program

### The Benefits of Becoming a CLG

Becoming a CLG makes a community eligible to apply for subgrants available only to CLG communities. At least 10 percent of the annual Historic Preservation Fund grant made to Michigan under the National Historic Preservation Act must be distributed to the CLGs. Becoming a CLG ensures that historic preservation issues are understood and addressed at the local level and are integrated into the local planning and decision-making process at the earliest possible opportunity.

Becoming a CLG can expand a local unit's participation in the historic preservation program through the National Register nomination process and, with qualified staff, other programs such as review of federal undertakings for impact on historic resources under Section 106 of the National Historic Preservation Act.

Participation in the CLG Program promotes a positive image for the community by being a demonstration of commitment on the part of local officials to work with the state and federal government to preserve historic resources.

### Obligations and Requirements

To qualify for certification, a local unit of government must have adopted a local historic preservation ordinance that complies with Michigan's Local Historic Districts Act, PA 169 of 1970, as amended, and meets the guidelines set forth in the CLG Manual.

Once certified, a CLG

- is required to maintain an ongoing system for the survey and inventory of historic resources;
- must develop four-year historic preservation goals for the community;
- is required to provide for adequate public participation in the local historic preservation program;
- may participate in the process of nominating historic properties to the National Register of Historic Places; and
- will be monitored every four years to ensure that all responsibilities are being met.

### How to Become a Certified Local Government

*Michigan's Certified Local Government Program: A Manual on How to Become Certified* outlines the process for requesting certification. This manual is available for download on the [publications page](#). Applications for certification may be submitted to the SHPO at any time during the year. The SHPO reviews the application and the National Park Service approves final certification.

For information about any of the programs described on this site, write the Michigan State Historic Preservation Office, 702 W. Kalamazoo St., P.O. Box 30740, Lansing, MI 48909-8240, or contact us

at (517) 373-1630 or [preservation@michigan.gov](mailto:preservation@michigan.gov).

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State Historic Preservation Office, Michigan State Housing Development Authority  
Send comments about this page to [preservation@michigan.gov](mailto:preservation@michigan.gov).

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CERTIFIED LOCAL GOVERNMENT PROGRAM

## The Certified Local Government Program in Michigan

### The Purpose of the Program

The National Historic Preservation Act of 1966 [PDF] was amended in 1980 to provide for a federal-state-local preservation partnership. Grant funds were made available from the National Park Service through the State Historic Preservation Offices for Certified Local Governments (CLGs) to initiate and support historic preservation activities at the local level.

Since then, twenty-three Michigan local governments have become CLGs. Any municipality can become a CLG: a county, a township, a large city or small village, or a town. By meeting a few simple but important standards, a community may receive financial aid and technical assistance that will enhance and promote historic neighborhoods and commercial districts. An active CLG program can become an important planning vehicle for community development by identifying specific preservation projects and applying for grants to carry out the projects. The SHPO provides guidance for all units of government to initiate and develop such programs.

As of December 2013, the following Michigan communities are CLGs:

- Allegan
- Ann Arbor
- Battle Creek
- Bay City
- Birmingham
- Boyne City
- Canton Township
- Detroit
- East Lansing
- Farmington Hills
- Grand Rapids
- Holland
- Jackson
- Kalamazoo
- Lansing
- Mason
- Menominee
- Monroe
- Mount Clemens
- Rochester Hills
- Saline
- Washtenaw County
- Ypsilanti

A full list of Michigan's local districts, both CLG and non-CLG, is [available here](#)

To speak with a SHPO staff person about the CLG program, please contact us by email at [preservation@michigan.gov](mailto:preservation@michigan.gov), by telephone at (517) 373-1979, or by mail at:

Michigan State Historic Preservation Office  
702 West Kalamazoo Street  
PO Box 30740  
Lansing, Michigan 48909-8240

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CERTIFIED LOCAL GOVERNMENT PROGRAM

## Grants for Certified Local Governments

### Types of Funded Projects

Certified Local Government (CLG) grants are awarded annually on a competitive basis. All grants must be matched with local funds or donations and are available on a reimbursement basis only. Grant activities can include:

- Conducting a survey of historic resources;
- Preparing nominations to the National Register of Historic Places for buildings, sites, structures, objects and districts in the community;
- Developing design guidelines for local historic districts;
- Administering a local historic district ordinance;
- Preparing a local preservation plan for managing historic resources;
- Planning for the protection or the restoration of national register sites;
- Preparing a feasibility study for restoration of a historic structure;
- Restoration of national register-listed properties; or
- Educating the community on historic preservation through the publication of brochures, a speaker's bureau, or the development of a website.

Project activities must have measurable results. The State Historic Preservation Office welcomes innovative proposals that promote historic preservation. The intent of the CLG grant program is to augment rather than replace existing local financial commitment to historic preservation activities.

Grants are announced each May. For more information on CLG funding, visit our grant manuals [webpage](#).

For information about any of the programs described on this site, write the Michigan State Historic Preservation Office, 702 West Kalamazoo Street, PO Box 30740, Lansing, MI 48909-8240, or contact us at (517) 373-1630 or [preservation@michigan.gov](mailto:preservation@michigan.gov).

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State Historic Preservation Office, Michigan State Housing Development Authority

Send comments about this page to [preservation@michigan.gov](mailto:preservation@michigan.gov).

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NB # 2  
CC 12/18/14

# City of Escanaba, Michigan

## Distribution:

- City Manager
- City Engineer
- City Clerk
- Public Works
- Public Safety

## Traffic Control Order

Traffic Control Order Number: **988**

Date of Filing: 11-12-14

In accordance with Chapter 27 of the Escanaba Code of Ordinances as amended, we have made an investigation of traffic conditions on: **1629 Sheridan Road**

at or near the intersection of: **17th Avenue North**

And as a result of said investigation, do hereby direct that:

**Erect "No Parking Here to Corner" sign on the west side of Sheridan Road in front of 1629.**

Further that the following controls be placed at the following locations:

**No Parking Here to Corner**

Sign Direction (Facing): **North**

Sign(s) Location: **West side of Sheridan Road**

The following Traffic Control Order(s) are hereby recinded: \_\_\_\_\_

**This order shall expire 90 days from date of filing except that upon its approval by the Escanaba City Council, it shall not so expire.**

12-Nov-14  
Date of Filing with City Clerk

11-13-14  
Recieved for filing (date)

Signed: [Signature]  
Traffic Engineer

By [Signature]  
City Clerk

Approved by the Escanaba City Council on \_\_\_\_\_  
Date

**The Traffic Control Order is effective upon posting of the required street signs.**

NB#3  
cc 12/18/14

MEMORANDUM

December 11, 2014

TO: Jim O'Toole, City Manager  
Robert Richards, City Clerk

FROM: Thomas Penegor, Recreation Director

SUBJECT: City Council Agenda of Thursday, December 18, 2014

**REQUEST FOR APPROVAL TO HOLD ANNUAL MITES TO MEN POND  
HOCKEY TOURNAMENT IN LUDINGTON PARK**

The Escanaba Area Junior Hockey Association seeks approval to hold the Annual Mites to Men Pond Hockey Tournament in Ludington Park southwest of the Bonifas Drive bridge on Friday, January 30th through Sunday, February 1, 2015. The City is requested to provide access to power and sanitation. The Association is requested to provide proper liability insurance and event staff clean-up after the event. The Recreation Advisory Board unanimously approved support of this event at a meeting held December 9, 2014. Council approval is recommended.

**SPECIAL EVENT APPLICATION - CITY OF ESCANABA**  
**Festivals, Parades, Races, Walkathons, Temporary Road Closures**

DATE(S) OF EVENT: FRIDAY, JANUARY 30<sup>th</sup> - SUNDAY FEBRUARY 1  
Day of Week, Month, Day, Year (eg: Saturday, January 2, 2010)

NAME OF EVENT: "MITES TO MEN" POND HOCKEY TOURNAMENT

**CONTACT INFORMATION** (Please Print Clearly – Incomplete applications may be delayed)

Organization: ESCANABA AREA JUNIOR HOCKEY ASSOCIATION  
 Contact Person: BRENT KRUTINA Phone (day) 906 [REDACTED]  
 Address: [REDACTED] Phone (evening): 786 - [REDACTED]  
 City: ESCANABA E-mail: [REDACTED]  
 Postal Code 49829 Website: \_\_\_\_\_  
 Charitable Org #: \_\_\_\_\_ Event Phone: (906) [REDACTED]  
 (If applicable) Fax: (906) [REDACTED]  
 Alternate Contact: \_\_\_\_\_  
 (It is recommended that an alternate name & telephone number be provided)

\* Do you grant the City of Escanaba, City Manager's Office permission to give your telephone number to the general public? Yes  No

**LOCATION**

City Park Name: LUDINGTON  
 Building/Facility Name/Area: ARONSON ISLAND  
 Road (s) Road Closure Required?: Partial  Full

**DATE / TIME**

<b>EVENT TIME</b> This is the time your event would be ready to accept participants or general public.	<b>Event Begins</b>	<b>Event Ends</b>
	DATE: <u>1/30/15</u> TIME: <u>4:00</u>	DATE: <u>2/1/15</u> TIME: <u>2:00</u>
<b>SET UP TIME</b> When do you want the area reserved for your organization to ensure you have adequate time for set up and tear down.	<b>Set Up Start</b>	<b>Tear Down End</b>
	DATE: <u>1/27/15</u> TIME: <u>4:00</u>	DATE: <u>2/1/15</u> TIME: <u>6:00</u>

The collection, use and disclosure of personally identifying information submitted on this form will be used to facilitate the request to host a special event within the City of Escanaba. Applicants may, from time to time, be contacted by the City or a City-contracted third-party for the express purposes of gathering information about the proposed event, assessing satisfaction and/or obtaining feedback on services related to special events. Questions about this collection should be directed to the City Manager.

**EVENT DETAILS**

**TYPE OF EVENT**

- Parade       Cycling       Festival/Event  
 Run       Walkathon       Other (specify) \_\_\_\_\_

**ESTIMATED ATTENDANCE (please estimate all that apply)**

Participants # 200  
Bands # \_\_\_\_\_  
Vehicles/Floats # 60  
Volunteers # 30  
General Public # 400

Wheelchair Accessible Yes  No   
For events on City Property are you seeking approval to charge:  
Admission Yes  No   
Parking Yes  No   
Is this event:  Open to the Public  
 For Invited Guests only

**EVENT ELEMENTS (complete to ensure proper permits are processed)**

Power Requirements\* Yes  No       Fireworks Yes  No   
Sound Amplification Yes  No       Alcohol Yes  No   
Access to power if possible Yes  No   
Live Music Yes  No   
Tents/Temp. Structures Yes  No       Size of tent(s): 18x40, 16x20  
Amusement Rides Yes  No       Provider: E.A.S.H.A.  
Inflatables Yes  No       Provider: \_\_\_\_\_

**FOOD & BEVERAGE**

Will there be food & non alcoholic beverages sold? Yes  No (continue to next page)

Food stand locations Indoor  Outdoor  Inside & Outside

What kinds of food will the Stands be selling? (check all that apply)

- Chicken/seafood       Soups/chilli  
 Rice/pasta dishes       Salad  
 Pop, chips, candy       Other meats  
 Hotdogs/hamburgers       Baked goods

Other foods (please list)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EVENTS REQUESTING ROAD CLOSURE**

Road closures must be approved by City Council. Once City Council has approved your road closure, changes cannot be made to your route without notification to the City Manager as a secondary Council Approval will have to be sought.

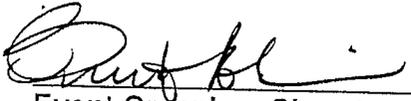
A detailed map of road closure **MUST** be included. Applicants must notify abutting properties of the closure at least 14 days in advance of the event. This notification letter must be approved by the City Manager's Office. If there are any SPECIAL REQUESTS that you would like City to consider, please outline them on a separate paper and attach

**DEFINE THE CLOSURE LIMITS – ATTACH A DETAILED MAP**

I have read and understood the Special Events Application.

I will notify the City Manager's Office of any changes to my event application at least fourteen (14) days in advance of the event.

I have received a copy, read and understand the contents of the City of Escanaba Policy and Procedures No. 060101-10, Alcohol in Public Places (if applicable).



Event Organizer Signature

BRENT A. KRUTINA 9/30/14  
Print Name & Date