



CITY COUNCIL MEETING AGENDA

1st and 3rd Thursday of the Month

Marc D. Tall, Mayor
Leo J. Evans, Mayor Pro-Tem
Patricia A. Baribeau, Council Member
Ronald J. Beauchamp, Council Member
Ralph B. Blasier, 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, February 20, 2014, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE -
APPROVAL/CORRECTION(S) TO MINUTES -

City Clerk Robert S. Richards
Regular Meeting - February 6, 2014
Special Meeting - February 5, 2014

APPROVAL/ADJUSTMENTS TO THE AGENDA
CONFLICT OF INTEREST DECLARATION
BRIEF PUBLIC COMMENT
UNFINISHED BUSINESS - NONE
PUBLIC HEARINGS

- 1. Public Hearing - Citizen Participation - 2014-15 Fiscal Year Budget Preparation.**
Each year, Council holds public hearings to facilitate input from its citizens for the City's next fiscal year budget. This is the second of five (5) scheduled public hearings. The next Council public hearing will be held on March 20, 2014.

NEW BUSINESS

- 1. Discussion - Policy Amendment - Alcohol in Public Places - Special Events.**
Explanation: Administration is seeking Council approval of an amendment to the Alcohol in Public Places Policy for special events.
- 2. Update - Sale of Power Generation Facility - Escanaba Green Energy - City Administration.**
Explanation: Administration will update the City Council and public on the status of the power plant sale.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

Proclamation - March as Developmental Disabilities Awareness Month

ADJOURNMENT

Respectfully Submitted



James V. O'Toole
City Manager

OFFICIAL PROCEEDINGS
CITY COUNCIL
ELECTRICAL ADVISORY COMMITTEE
CITY OF ESCANABA, MICHIGAN
Special Joint Meeting
Wednesday, February 5, 2014

Pursuit to a meeting notice posted January 13, 2014, the meeting was called to order by the Mayor Marc D. Tall at 6:07 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Ronald J. Beauchamp, Ralph B. Blasier, and Leo J. Evans

Absent: Council Member Patricia A. Baribeau

Present: Electrical Advisory Committee (EAC) Members: Chairperson Tim Wilson, Jon Anthony.

Absent: EAC Members Larry Arkens, Ann Bissell, Glendon Brown, Two vacancies, and Power Plant Liaison.

Also Present: Electric Superintendent Mike Furmanski, Jack Scott of Pro Energy Services, Inc., Charles DeTiege of Escanaba Green Energy (EGE), members of the public and media.

Evans moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve the agenda as submitted.

UNFINISHED BUSINESS – None

CONFLICT OF INTEREST – None

PUBLIC HEARING – 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.

- Department was helping Water Department with water freeze ups;
- Update on UPPCO sale;
- Timing signals on Ludington Street were checked.

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

Pro Energy Services, Inc. updated the City Council, Electrical Advisory Committee

and Citizens of Escanaba on the status of the operation and maintenance of the power plant.

- Power Plant units #1 & #2 were up and running in January. Unit #1 went out of service at the end of the month for repairs;
- No accidents or injuries during the month of January.

Approval – Transmission – Distribution Interconnection Agreement.

Administration sought Council and Electrical Advisory Committee approval of an updated Transmission – Distribution Interconnection Agreement between the City and the American Transmission Company, LLC.

Electric Superintendent Furmanski reviewed the history of the agreements, and reviewed proposed agreement details. He advised during discussions there was still an ongoing issue with insurance that was not resolved. Mr. Furmanski asked to table the agreement until next month.

NB-3 Beauchamp moved, Blaiser seconded, to table the proposed Distribution Interconnection Agreement until March 2014 City Council, Electrical Advisory Committee meeting.

Discussion – Sale of the Power Plant/Referendum.

Administration updated the Council and public on the latest developments related to the sale of the Escanaba generating facility. Additionally, a referendum discussion took place concerning the potential need to place a referendum proposal before the people at the May 6, 2014, General Election, which if approved, would grant the Council the authority to dispose of the Power Plant in the event a sale does not occur.

EGE Representative Charles DeTiege reviewed the status of their proposed Power Plant Purchase. (See Letter, Attachment – A)

- Electric Superintendent Furmanski reviewed dates and deadlines of the SSR Agreement and Proposed Election dates. (See Attachment – B);
- Council Members discussed proposed and alternate ballot language;
- Administration advised the NextEra and MISO agreements would allow the City to dispose of plant, and still be a MISO participant;
- During discussion, the renewal of the SSR agreement and the election to dispose of the Power Plant, were parallel paths that may be prudent for the City to follow;
- Council advised a decision would be made at its regular meeting February 6, 2014.

GENERAL PUBLIC COMMENT – None

COUNCIL/COMMITTEE, STAFF REPORTS – None

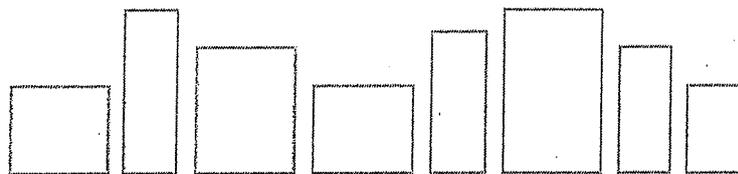
ADJOURNMENT

Hearing no further public comment, or further reports from the Electrical Advisory Committee or Council, the meeting adjourned at 6:42 p.m.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: _____
Marc D. Tall, Mayor



**CORBAN INVESTMENTS
FUNDPCC LIMITED**

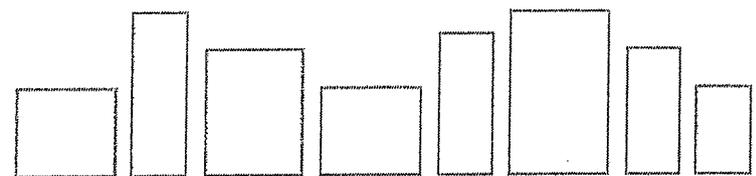
**10/8 International Commercial Centre
Casemates Square
Gibraltar**

If you have further questions, etc, please call me or Pat at your convenience.

Regards.

A handwritten signature in cursive script, appearing to read "Tom Thresher".

Mr. Tom Thresher
Director



**CORBAN INVESTMENTS
FUND PCCLIMITED**

**10/8 International Commercial Centre
Casemates Square
Gibraltar**

February 5, 2014

Escanaba Green Energy, LLC
Attn: Charles Detiege, President
P.O.249
Wells, MI 49894

RE: Escanaba Green Energy Financing

Mr. Detiege:

This letter is to provide a further update to Escanaba Green Energy, LLC ("EGE") on the status of the closing of the loan financing for the purchase and renovation of the Escanaba Generating Station that is being arranged by Realty Financial Group ("RFG") through Corban Investments Fund ("Corban").

The Spanish law firm which has been engaged by Corban and is tasked with the final arrangements of the loan's funding was required to fulfill several new requirements which added several days to the arrangement's process. This work has now been done and Corban is expecting documents to be provided to RFG and EGE shortly which will confirm a timeline for the commitment of funds. Corban's counsel is actively engaged with the financial institutions involved and will advise if there are any other required conditions.

This transaction has effectively four sets of documents. The funding related documents are those being prepared by the Spanish law firm which we expect shortly. The documents associated with the RFG and EGE joint venture arrangement have been drafted by RFG and will be perfected by RFG's US based counsel and will be provided to EGE as soon as the Spanish law firm confirms that funds for venture has been moved from Spain to the United States. Standard security documents and the draw control documents will then be drafted by the US law firm and under RFG's instructions, EGE has reopened discussions with Delta Title to coordinate the draw process and title insurance requirements.

RFG anticipates that a closing date will be set in a week.

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, February 6, 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 Leo J. Evans

Absent: None

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

Reverend Scott White, of First Presbyterian Church, gave the invocation and led Council in the Pledge of Allegiance.

Blasier moved, Evans seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from January 16, 2014, and Special Meeting Minutes from January 21, 2014, as submitted.

ADJUSTMENTS TO THE AGENDA

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

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

UNFINISHED BUSINESS – None

PUBLIC HEARINGS - None

NEW BUSINESS

Purchase Approval – ATV Trail Maintenance Equipment.

Administration sought Council approval to purchase an all-terrain vehicle to be used for trail maintenance on the City's recreational ski trails and snow shoe trails. In all, three (3) quotes were received from local vendors with Administration recommending the quote from Cycle City, Inc. of Escanaba, Michigan, be approved in the amount of \$11,860.20. Funding for this purchase was provided by the Hannahville Indian Community through a 2% grant in the amount of \$11,900.

City Recreation Director Tom Penegor briefly reviewed the equipment purchase

with funds received from the Hannahville Indian Community.

NB-1 Blasier moved, Beauchamp seconded, to approve to purchase an all-terrain vehicle from Cycle City, Inc. of Escanaba, Michigan, in the amount of \$11,860.20 to be used for trail maintenance on the City's recreational ski trails and snow shoe trails.

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

Ayes: Blasier, Beauchamp, Evans, Baribeau, Tall

Nays: None

MOTION CARRIED.

Discussion – Sale of the Power Plant/Referendum.

Manager O'Toole updated the Council and public on the latest developments related to the sale of the Escanaba generating facility. Additionally, a referendum discussion took place concerning the potential need to place a referendum proposal before the people at the May 6, 2014, General Election, which if approved would grant the Council the authority to dispose of the Power Plant in the event a sale did not occur.

Manager O'Toole read a letter into the record from Escanaba Green Energy regarding their financing (See Attachment – A). Manager O'Toole and Electric Superintendent Mike Furmanski reviewed the various scenarios of the City MISO and SSR agreements as it pertained to the City Power Plant, and the proposed language for a May 6, 2014, referendum to dispose of the City Power Plant. (See Attachment – B). During discussion the following items were reviewed:

- Main goal was to sell the Power Plant;
- Various substation construction projects;
- Costs to dispose of the Power Plant;
- If ballot referendum failed, City could still continue to sell the Power Plant.

NB-2 Resolved, by Council Member Blasier, seconded by Council Member Evans:

The Escanaba City Council hereby approves the May 6, 2014; Election Ballot language as follows:

“In addition to the authority granted to the City Council to sell the Power Plant for continued plant operations, shall the City Council be authorized to dispose of the Power Plant equipment and assets including up to the 40 acres of real property where said assets are located.”

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

Ayes: Blasier, Evans, Beauchamp, Baribeau, Tall

Nays: None

RESOLUTION DECLARED ADOPTED.

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

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

- Mary A. Finlan to the Downtown Development Authority, term ending 2017;
- Dee Richmond to the Housing Commission, term ending 2017.

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

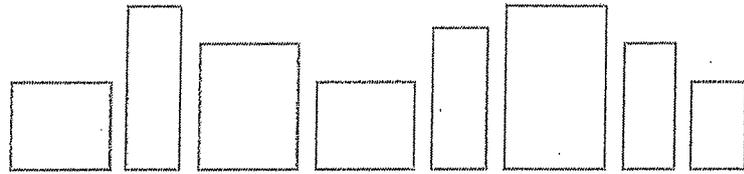
- Commented on the new construction and relocation of the Delta County Animal Shelter and its' new name of John and Melissa Besse Pet Adoption;
- Public Work Crews were commended for all their snowfall cleanup efforts!

Hearing no further public comment, the Council adjourned at 7:46 p.m.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: _____
Marc D. Tall, Mayor



**CORBAN INVESTMENTS
FUNDPCC LIMITED**

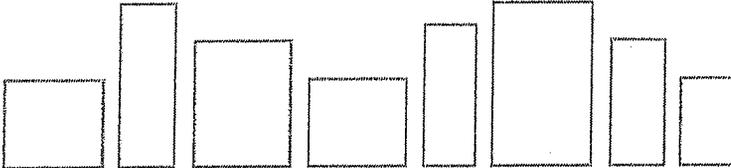
**10/8 International Commercial Centre
Casemates Square
Gibraltar**

If you have further questions, etc, please call me or Pat at your convenience.

Regards.

A handwritten signature in cursive script, appearing to read "Tom Thresher". The signature is written in dark ink and is positioned above the typed name.

Mr. Tom Thresher
Director



**CORBAN INVESTMENTS
FUND PCC LIMITED**
**10/8 International Commercial Centre
Casemates Square
Gibraltar**

February 5, 2014

Escanaba Green Energy, LLC
Attn: Charles Detiege, President
P.O.249
Wells, MI 49894

RE: Escanaba Green Energy Financing

Mr. Detiege:

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This transaction has effectively four sets of documents. The funding related documents are those being prepared by the Spanish law firm which we expect shortly. The documents associated with the RFG and EGE joint venture arrangement have been drafted by RFG and will be perfected by RFG's US based counsel and will be provided to EGE as soon as the Spanish law firm confirms that funds for venture has been moved from Spain to the United States. Standard security documents and the draw control documents will then be drafted by the US law firm and under RFG's instructions, EGE has reopened discussions with Delta Title to coordinate the draw process and title insurance requirements.

RFG anticipates that a closing date will be set in a week.

2/5/2014

- Options if MISO ends the SSR
- City could assume full costs of the plant
 - Annual fixed costs of \$4.5M
 - Rate increase of approximately 30%

9

- Options if MISO ends the SSR
- City could seek retirements
- Without voter approval to retire
 - Staffing at plant would be reduced
 - Estimated cost to City of \$125,000/mo
 - Wait 3 - 6 months before next vote, submit Att. Y
 - 6 months for MISO study to allow retirement
- With voter approval to retire
 - Att. Y seeking retirement could be filed immediately
 - Staffing at plant would be reduced
 - Estimated cost to City of \$125,000/mo
 - 6 months for MISO study to allow retirement
- Cost difference to City of \$375k - \$750k
 - Difference due to waiting for vote
 - SSR termination not likely for a few years
 - ATC's Bay Lake Project in service summer of 2016

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- Possible Future #3

- City asks MISO to retire units
- Would need voter approval to retire plant
- If denied, City costs remain similar to current
- If approved, City costs decrease
- If approved, units MUST be retired
 - Could make sale less desirable
 - System Impact Study and Interconnection Agreement

7

- Next Steps

- Continue as is, wait for plant to sell
- File another Att Y by Dec 2014
- Seek retirement approval from MISO
 - Voters need to approve retirement first

8

2/5/2014

- Possible Future #1
 - Escanaba Green Energy buys plant
 - City costs for plant go to \$0

5

- Possible Future #2
 - MISO terminates SSR agreement
 - City costs for plant increase
 - Staffing levels adjusted to match workload
 - Estimated City cost of \$1.5M annually
 - Rate increase of approximately 10% needed

6

2/5/2014

• History

- The City became a MISO member in Dec 2009.
- All power needed to serve load was bought from MISO.
- All power generated was sold to MISO.
- Electric Dept took large losses in 2010 and 2011.
- Dec 2011 – signed a fixed price contract with NextEra
- Dec 2011 – filed Attachment Y for 36 month suspension of the 2 steam units. CT was not included.
- Suspension was denied
- System Support Resource (SSR) agreement was entered into, with an effective date of June 15, 2012

3

• Current

- 8 months into 2nd year of SSR agreement
- MISO is paying us \$3.7M/year for plant availability
- The City is close to breaking even with current rates
- For 2013 the generators were used as follows:
 - Unit #1 ran 5 times for 634 hrs (26 days) – 7%
 - Capacity Utilization of 3.6%
 - Unit #2 ran 4 times for 421 hrs (18 days) – 5%
 - Capacity Utilization of 2.2%
 - The CT ran 4 times for 36.9 hours – 0.4%
 - Capacity Utilization of 0.2%

4

Attachment Y Discussion

February 5, 2014

- Outline of discussion
 - History
 - Current
 - Possible Futures
 - Next Steps
 - Options if MISO ends SSR

James V. O'Toole
City Manager



NO #1
cc 2/29/14
410 Ludington Street
Escanaba, Michigan 49829
Phone (906)786-0240

MEMORANDUM

February 14, 2013

TO: City Council Members

INFO: Ken Vanderlinden, Director, Escanaba Department of Public Safety

FROM: *J. O'Toole*
James V. O'Toole, City Manager

SUBJECT: Alcohol in Public Places – Special Events Policy

On May 20, 2010, the City of Escanaba adopted a policy on alcohol in public places for special events. The policy was last updated on June 21, 2012.

The policy consists of a range of requirements designed to reduce alcohol related problems and to increase the enjoyment of those who attend a community event. By reducing the potential for alcohol related problems, the City of Escanaba concurrently reduces the risk of liability actions. The development and adoption of the policy and continued review of the policy is to ensure that all reasonable measures are taken to safeguard the well-being of all users of City-owned property and the well-being of private property owners located near the event.

As part of the continued review process of various City policies, administration is seeking council approval to amend the current policy so that it is more in line with the state rules and regulations with such things like area requirements, barrier requirements, serving age, and such.

Mission Statement:

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

CITY OF ESCANABA POLICY AND PROCEDURES

ORIGINATOR: Escanaba City Council

ADOPTION DATE: May 20, 2010
REVISED DATE: June 21, 2012

SUBJECT: Alcohol in Public Places–Special Events–Policy No. 060101-01

REFERENCES: City Ordinance 507 and 1102, MCL436.1500, Chapter 18 of the Code of Ordinance

PURPOSE: The policy consists of a range of requirements designed to reduce alcohol related problems and to increase the enjoyment of those who attend a community event. By reducing the potential for alcohol related problems, the City of Escanaba concurrently reduces the risk of liability actions. This policy is established to ensure that all reasonable measures are taken to safeguard the well-being of all users of City-owned property and the well-being of private property owners located near the event.

I. SCOPE

This policy applies to all sales, possession and consumption of alcoholic beverages in Ludington Park or other public places at a designated time or times in connection with a special event, series of events or observance, which event or observance has been authorized by the City Council in accordance with the provisions of Ordinance 507 and 1102 and all applicable local, state and federal laws. Failure to follow any procedure could result in the forfeiture of the permit, court imposed fines or loss of deposit.

II. GLOSSARY OF TERMS

Alcohol means any product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol.

Beer means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of an infusion of barley, malt and hops or any similar product in drinkable water.

B.Y.O.B. means bring your own bottle.

City-issued permit/approval means a permit or approval issued by the Escanaba City Council authorizing the applicant to use a City location for an event.

City location means Ludington Park or other public places which are approved by the Escanaba City Council to be used as an event location.

Event Monitors means paid and/or volunteer workers including bartenders, security, ticket sellers and servers at an event who hold positions of responsibility in the operation of the event and who help insure that the requirements of the Alcohol in Public Places are carried out.

May means the requirement is permissive.

Must means the requirement is mandatory.

Shall means the requirement is mandatory.

Should means the requirement is suggestive.

Sponsor means the non-profit seeking a permit to sell alcoholic beverages at an approved special event.

TAM Training means sanctioned training provided by the Michigan Licensed Beverage Association in conjunction with the Michigan Liquor Control Commission.

Will means the requirement is mandatory.

III. GENERAL CONDITIONS, RESPONSIBILITIES AND CONTROLS

1. **Qualifying Organizations.** A permit shall be issued only to non-profit organizations and is good for one day.
2. **Pre-Application Meeting.** At least 45 days prior to any event, the sponsor shall meet personally with a City Representative(s) to discuss how the sponsor will ensure that the policy shall be complied with at such event.
3. **Application.** The sponsor seeking to sell alcoholic beverages at a special event must be identified in the City provided application and be signed by the President or Secretary of the organization. At least one responsible sponsor of the event named in the application must be present at the event at all times. Additionally, the sponsor must complete and submit to the City Clerk a permit application at least thirty (30) days prior to the event and pay the permit fee and security deposit as adopted by City Council. The completed application package must include a completed application form together with a detailed site plan, a list of bartenders and event monitors trained in the TAM Program, a \$50 application fee and a \$1,000 security deposit. All City costs shall be the financial responsibility of the applicant. If the event deposit money is used by the City, the City shall provide an itemized invoice of costs to the applicant and will provide a refund of any excess security deposit.

4. **Site Plan.** At time of application, the event sponsor must submit for review and approval a site plan detailing the dimensions of the proposed event structure and enclosed area, entry/exit point, distances to schools, community playgrounds and daycare centers. Outdoor rubbish container locations, stages, sound systems and other related features must also be shown on the site plan drawing.
5. **Location.** The event use location must be specified in the application. A permit will not be issued if the event is located within a five hundred (500) foot radius of a school, church or daycare center without the applicant first obtaining written approval from the authorized representative of the school, church or daycare center. No event location within five hundred (500) feet of a community playground will be permitted.
6. **Insurance.** The City of Escanaba will not provide liability insurance or liquor liability insurance for events taking place in public places. The sponsor is responsible for providing a general liability insurance policy in the minimum amount of One Million Dollars (\$1,000,000) and a liquor liability insurance policy in the minimum amount of One Million Dollars (\$1,000,000). Proof of satisfactory insurance containing a liability clause protecting the City of Escanaba must be submitted before the permit is issued.
7. **Profits.** All profits derived from the sale of alcoholic beverages must go to the designated charitable organization itself and not to any individual.
8. ~~**National Public Holiday.** No permit shall be issued in conjunction with a national public holiday in any park as defined in Chapter 18, Parks and Recreation of the Code of Ordinances, Section 19-2 Definitions.~~
9. **Operation of Event/Control Measures.**
 - a. **Area.** The sale of alcohol must be in an enclosed area ~~and structure such as a tent~~ and fenced off as required by ~~the Michigan Liquor Control Commission~~ **local ordinance** with a minimum of one (1) row of fencing or a natural barrier approved by the Department of Public Safety. The total allowable area for the sale and consumption of alcohol will be limited to no more than ~~two ten thousand five hundred (2,500)~~ **(10,000)** square feet. Occupancy of the area will be determined by the latest edition of the International Fire Code.
 - b. **Entrances.** For all enclosed areas that sell alcoholic beverages, one (1) monitored entrance and exit will be allowed. The sponsor must provide at least one (1) entrance monitor who shall control the entrance to the event. Additionally, one (1) monitored emergency exit must be provided. Any person acting as an event monitor, bartender, or seller of tickets for alcohol must be at least ~~twenty one (21)~~ **eighteen (18)** years of age.

- c. **Communications.** A cell phone or landline telephone to contact emergency personnel shall be located at the main entrance of the enclosed area. The sponsor shall advise all bartenders and monitors of the telephone location.
- d. **Event Monitor Training.** The sponsor must provide at least one (1) bartender, one (1) security officer and one (1) event monitor trained in TAM for all events. The bartender, security officer and monitor must oversee all other servers and bartenders during the operation of the event. The sponsor will provide to all servers and monitors the contact names and phone numbers of emergency response personnel.
- e. **Consumption Restrictions.** The individual representative(s) of the sponsor, together with all servers, ticket sellers, door and event monitors, will not consume alcohol before and during the event, or be under the influence of alcohol consumed before the event.
- f. **Food and Drink.** Non-alcoholic beverages must be available, either at no charge or at a cost less than half the price of the lowest-priced alcoholic beverage. ~~Sponsors must provide and encourage the consumption of food high in carbohydrates to help slow down the absorption of alcohol into the bloodstream and therefore reduce the risk of intoxication.~~ Practices which encourage increased consumption of alcohol are not permitted. Specifically, oversized drinks, double shots, pitchers of beer, drinking contests and volume discounts are not allowed. No B.Y.O.B's or carry-outs of alcoholic beverages are permitted.
- g. **Cup Size.** Cup size is restricted up to ~~twelve (12)~~ **sixteen (16)** ounces for alcoholic beverages. Cups used for alcoholic beverages must be different in color from cups used for non-alcoholic beverages. ~~Alcohol must be served in non-breakable cups.~~
- h. **Minors.** No one under the age of ~~twenty one (21)~~ **eighteen (18)** is permitted in the area where alcohol is being served or consumed, **unless accompanied by a parent or guardian**
- i. **Serving to and Beyond the Point of Intoxication.** The sponsor and their representatives will not sell tickets to or serve alcoholic beverages to anyone who appears to be intoxicated nor shall they serve to the point of intoxication.
- j. **Special Sales and Discounts.** No special sales or discounts will be permitted for volume ticket purchases.
- k. **Drink Purchase Limitation.** A maximum of two (2) drinks will be served to an individual at any one time.

- l. Unused Tickets.** Patrons wishing to turn in unused drink tickets may do so and will be fully refunded by the sponsor at any time during the event. This practice will minimize the need for patrons to practice accelerated consumption of alcoholic beverages.
- m. Hours of Operation.** The sale of alcoholic beverages shall not begin before 12:00 p.m. and cease no later than ~~8:30~~ **10:00**p.m. The sponsor shall ensure that no announcement of "last call" is made and that the bar simply closes at the required time.
- n. Promotion of Responsible Drinking.** The sponsor is encouraged to place notices about responsible drinking at each table and use promotional materials such as napkins with messages about responsible drinking.
- o. Advertising.** The sponsor must include messages about responsible consumption of alcohol with all advertisements. Event names which convey the message that drinking is the principal activity or the purpose of the event must not be used.

IV. ENFORCEMENT - FAILURE TO COMPLY

Failure to comply with the terms of this policy will result in the following:

1. The City of Escanaba shall advise the sponsor, in writing, of the violation and shall indicate that, depending on the infraction, the following may occur:
 - a. Forfeiture of all or part of the security deposit; or,
 - b. Issuance of civil infraction citations for violations of local, state or federal laws.
2. The City of Escanaba Department of Public Safety shall monitor the activity for violations. If a violation is found, depending on the severity of the violation and at the discretion of the investigating officer, the use permit may be immediately terminated for public safety, by the City of Escanaba Department of Public Safety.

EXCERPTS

City Council Minutes
June 21, 2012 – cont.

the Eligible Employer; and may delegate any administrative duties relating to the

Fund to appropriate departments.

SECTION 3. EFFECTIVENESS OF THIS HCSP UNIFORM RESOLUTION

This Resolution shall have no legal effect until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's designated primary contact.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 54 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

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

Ayes: Nelson, Baker, Beauchamp, Baribeau, Evans
Nays: None

RESOLUTION DECLARED ADOPTED

Discussion – Policy Revision – Alcohol in Public Places – Special Events – Policy No. 060101-01

Administration sought Council approval of a revision to the Alcohol in Public Places Policy, Section 9, paragraph a. Area, which would change the requirement of having a double fence. On June 20, 2012, the Harbor Advisory Committee recommended Council approval of the revision.

NB-3 Beauchamp moved, Baribeau seconded, to approve of a revision to the Alcohol in Public Places Policy, Section 9, paragraph a. Area, which would change the requirement of having a double fence.

Update – Power Generation/Plant Operation Options – City Administration.

City Manager O'Toole updated the City Council and public on the sale of the Power Plant, with the intent to close the Asset Purchase Agreement by June 30, 2012, and briefly updated Council on the MISO Attachment Y-1 filing.

PUBLIC HEARINGS

Public Hearing and Adoption – FY 2010-11 Budget.

The Council has held four (4) Public Hearings and two (2) Budget Work Sessions to set a proposed FY2010-11 Budget. This was the final Public Hearing on the FY 2010-11 City Budget and would establish a City millage rate of 17.00 mills.

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

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

PH-1 Nelson moved, Evans seconded, to establish the City millage rate at 17.00 mills for 2010-2011 Budget Year and to adopt the 2010-2011 City Budget.

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

Ayes: Nelson, Evans, Baker, Baribeau, Cheves

Nays: None

MOTION CARRIED.

Second Reading – Ordinance No. 1102, Amending Ordinance No. 507, Section 18-187, Use of Alcoholic Liquor in Public Restricted.

The Council had its second reading and public hearing on an Ordinance amendment which would allow the sale, possession and consumption of alcoholic beverages in Ludington Park and other public places at a designated time or times in conjunction with a special event, series of events or observance, which event or observance has been authorized by the City Council.

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

City resident Steven Manier, spoke in concern of the liability to the City and its taxpayers.

City Attorney Peterson advised any activity exposes the City to liability. He advised the City was going to require event coordinators have an additional million dollar insurance policy.

City resident Donna Manier, also spoke of the City's liability, and concerned of the message being sent to our children during these events. She wished the City of Escanaba to continue alcohol free family friendly events.

City Controller Dewar advised the City had General Liability coverage of five million dollars for events. Mr. Dewar stated any other events scheduled in the community were require the have a million dollar insurance coverage of their own.

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City resident Scott Carlson spoke in support of amending the ordinance to have events similar to the City of Gladstone.

City resident Lil Zorza spoke of the events in Gladstone and advised there were not any problems. Mrs. Zorza wished some of the events which left the community would come back to Escanaba.

City resident, Mike Miller, representing the Bay de Noc Brewers Association spoke in support of Ordinance No. 1102. Mr. Miller suggested Council continue to be a forward thinking Community.

City resident Josh Maranger spoke in support of Ordinance No. 1102, and addressed some of the misconceptions which were being spread around the media and community.

City resident Mathew Heath thanked everyone for their comments. Mr. Heath stated current ordinances already allowed for responsible alcoholic consumption in Ludington Park. Mr. Heath advised, with the policies and procedures in place as suggested by City Administration, the proposed Ordinance would be well organized.

City resident Jason Keast spoke in support of the proposed ordinance. Mr. Keast stated the proposed Ordinance No. 1102 would enhance the event as a whole. He hoped bigger and better events would occur in the future.

Steve Masters of the Bay de Noc Convention & Visitors Bureau, spoke in support of Ordinance No. 1102. Mr. Masters stated certain economic events the Bay de Noc Convention & Visitors Bureau wished to bring to the community could occur if the proposed ordinance was approved.

City resident Ben Harris commented on the level of controls which would be required by City Administration's policy and procedures. Mr. Harris endorsed adoption of proposed Ordinance No. 1102.

City resident Don Racicot also spoke of the levels of control which would occur and the requirement of the event not to occur within 500 feet of a Church, School, and Playground. Mr. Racicot suggested City Administration's Policy and Procedures were excellent.

DDA Co-Director Cori Triest thanked everyone for their comments. Ms. Triest stated the proposed Ordinance did not force anyone to consume alcohol. Ms. Triest stated there was always a choice regarding alcohol consumption. She advised the events would allow those attending to bring more funds into the community. Ms. Triest encouraged Council support.

City resident Jon Anthony spoke of events in other communities in the Upper Peninsula and Downstate which allowed for the consumption of alcohol during their events. Mr. Anthony advised as long as the events were properly controlled and administered, then Ordinance No. 1102 would provide for the public good and help the Non-Profit organizations. Mr. Anthony also encouraged Council support.

Hearing no further public comment, Mayor Cheves closed the public hearing.

City Manager O'Toole reviewed major parts of the application process and information and controls being required.

Council Members addressed the following:

- Adoption of the Policy and Procedures should be a separate resolution for flexibility;
- Commented on the upcoming Rib Fest, and alcohol consumption on private property;
- Spoke of lack of cultural events in the community;
- Council Members advised there would be risks regardless of what event was being scheduled;
- Need to look at what activities would bring individuals to the community;
- New events could create an atmosphere to use City parks.

PH-2 "By Council Member Baker, seconded by Council Member Evans:

Resolved, That Ordinance No. 1102, **AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR SPECIAL EVENTS IN PUBLIC PLACES**, given its public hearing at this meeting, be and it is hereby adopted, and that it be published in accordance with the requirements of State law and the City Charter."

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

Ayes: Baker, Evans, Baribeau, Nelson, Cheves

Abstain: None

Nays: None

RESOLUTION DECLARED ADOPTED.

After further discussion, Baker moved, Evans seconded, **CARRIED UNANIMOUSLY**, to approve City Administrations Policy and Procedures for Alcohol in Public - Special Events – Policy No. 060101-01, as it pertains to City Ordinance 507 and 1102, MCL436.1500, Chapter 18 of the City Code of Ordinances.

NEW BUSINESS

First Reading of Ordinance No. 1103, the Appropriations Ordinance, Including the Millage Rate of 17.00 Mills and Setting the Date of Thursday, May 27, 2010, for the Second Reading, Public Hearing, and Adoption.

Once the City Council approved the budget, the Council must approve a tax levy and authorize appropriations to implement the budget. The Council was asked to set a



Proclamation
BR

EveryBody...EveryWhere

P.O. Box 124 • Escanaba, MI 49829

January 22, 2014

City of Escanaba
Attn: Mark Tall, Mayor
400 Ludington Street
Escanaba, MI 49829

Dear Mr. Tall,

The Delta Regional Inclusive Community Coalition (RICC) is a local self-advocacy group. The Delta RICC is composed of people with disabilities, their family, advocates, service providers and interested community members. We help members learn about local service and issues; connect to the larger community; and advocate for improved public policy.

March is Developmental Disabilities Awareness Month. We want the County to be aware that this is a time to recognize people with developmental disabilities. Attached you will find a draft proclamation/resolution we would like the Board or a Commissioner to pass.

Please send the proclamation to: Delta County RICC
PO Box 124
Escanaba, MI 49829

If you have any questions, please contact: Brenda Crow, Diversity Coordinator at 399-4471.

Thank you,
Bonnie Champeau, Co-Chair

**PROCLAMATION FOR
DEVELOPMENTAL DISABILITIES AWARENESS MONTH
MARCH 2014**

- Whereas,** nationwide approximately 57 million people have a disability; of those approximately 180,000 people in Michigan have a developmental disability
- Whereas,** City of Escanaba residents with and without disabilities work together, play together, worship together, learn together, and grow together; and
- Whereas,** every person, regardless of ability, has valuable strengths, infinite capacity to learn and the potential to make important contributions to their local communities; and
- Whereas,** families of people with developmental disabilities deserve our admiration and recognition for their caring commitment and ongoing support that are both essential to an independent and productive life; and
- Whereas,** "Developmental Disabilities Awareness Month" is an appropriate time to recognize City of Escanaba accomplishments concerning persons with disabilities and to also identify the improvements that are needed to fully include all of City of Escanaba residents with developmental disabilities; and
- Whereas,** celebrating the abilities and contributions of people with developmental disabilities can only serve to enrich our community and enhance our diversity; and
- Now, Therefore, be it Resolved,** that I, Marc D. Tall, Mayor for the City of Escanaba, do hereby proclaim March, 2014, as

"DEVELOPMENTAL DISABILITIES AWARENESS MONTH"

in the City of Escanaba and encourage the support and participation of all citizens in learning more about Developmental Disabilities.

Marc D. Tall
Mayor