



CITY COUNCIL MEETING AGENDA

1st and 3rd 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 3, 2015, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE -

APPROVAL/CORRECTION(S) TO MINUTES -

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION

BRIEF PUBLIC COMMENT

PUBLIC HEARINGS

Pastor Chris Johnson of Christ the King Lutheran Church
Regular Meeting – December 19, 2015

1. **Second Reading - Ordinance No. 1165 – An Ordinance to amend Chapter 10, Elections**

Explanation: Administration is recommending the City Council amend Section 10-17. Location, of the City Code of Ordinances, regarding the location of Precinct 3, which is located at the Holy Name Grade School, 409 South 22nd Street. Holy Name Grade School has converted to a lockdown school location. In order to respect their desire to continue a lockdown facility on an election day, Administration is recommending Precinct 3 be moved to the Catherine Bonifas Civic Center, 225 North 21st Street, Escanaba.

NEW BUSINESS

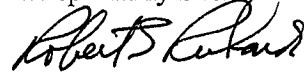
1. **Approval – Combustion Turbine Generator Insurance**

Explanation: Administration is seeking Council approval to purchase insurance from Marsh, Inc. of Milwaukee, Wisconsin. There is a delay in requesting quotes for this policy. We do not want to renew if the plant sale is going to be complete and there is no intent to run the CT. As a result, the quotes for the policy have not yet been received. If the CT is going to be run, City Administration will know the price of the policy by early next week for the combustion turbine generator as required by the MISO Transmission Interconnection Agreement. Should the sale of the power plant be finalized and the combustion turbine is determined to not be needed for future use, the City will be able to cancel this policy and receive a partial refund of the premium.

Council Agenda - December 3, 2015

APPOINTMENTS
BOARD, COMMISSION, AND COMMITTEE REPORTS
GENERAL PUBLIC COMMENT
ANNOUNCEMENTS
ADJOURNMENT

Respectfully Submitted



for

James V. O'Toole
City Manager

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, November 19, 2015**

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.

Pastor Erik Heskin of Bethany 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 5, 2015, Special Meeting Minutes from November 9, 2015, Special Meeting Minutes from November 11, 2015, and Special Meeting Minutes from November 12, 2015, as submitted.

ADJUSTMENTS TO THE AGENDA

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

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

PUBLIC HEARINGS – None

NEW BUSINESS

First Reading – Ordinance No. 1165 – An Ordinance to amend Chapter 10, Elections, and schedule the Public Hearing and adoption to December 3, 2015.

Administration recommended the City Council amend Section 10-17. - Location, of the City Code of Ordinances, regarding the location of Precinct 3, which is located at the Holy Name Grade School, 409 South 22nd Street. Holy Name Grade School has converted to a lockdown school location. In order to respect their desire to continue a lockdown facility on an election day, Administration recommended Precinct 3 be moved to the Catherine Bonifas Civic Center, 225 North 21st Street, Escanaba.

NB-1 Blasier moved, Sattem seconded, to set December 3, 2015, as a public hearing

and adoption for Ordinance No. 1165, - to amend Section 10-17. – Location of the City Code of Ordinances, regarding the location of Precinct 3, and move Precinct 3 to the Catherine Bonifas Civic Center, 225 North 21st Street, Escanaba.

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

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

MOTION CARRIED.

Approval – Resolution - City Election from the Delta County Board of Canvassers.

As required by City Charter, Chapter III, Section 12, the City Clerk gave notice of the November 3, 2015, City Council election results. Additionally, a resolution was required to approve the election outcomes as certified by the Delta County Board of Canvassers. Administration recommended approval.

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

Whereas, In accordance with the provisions of section 12 of Chapter III of the City Charter and Section 168.30a of Michigan Election Law, the Delta County Board of Canvassers, herewith certify that at a session of the Delta County Board of Canvassers held on Wednesday, November 4, 2015, at the County Courthouse at 1:00 p.m., the returns of the inspectors of the four (4) voting precincts and the Absent Voter Counting Boards of the City of Escanaba for the regular City Council Election held on November 3, 2015, were carefully examined and tabulated, and find that the returns were as follows:

**STATEMENT OF VOTES CAST IN THE REGULAR CITY ELECTION
 HELD ON TUESDAY, NOVEMBER 3, 2015
 FOR THE NAMED PERSONS LISTED HEREWITH, AS FOLLOWS:**

OFFICE CANDIDATE	PRECINCTS				AVCB	TOTALS
	1	2	3	4		
Council Member Four-year term						
Ronald J. Beauchamp	124	172	109	60	459	924
Michael R. Sattem	121	171	105	52	448	897
Council Member Partial Term						
Ralph B. Blasier	133	182	127	63	501	1,006

Whereas, That Ronald J. Beauchamp, Michael R. Sattem, and Ralph B. Blasier, having received a sufficient number of votes were elected to the office of Escanaba City Council.

NOW THEREFORE BE IT RESOLVED, that the Escanaba City Council accepts the Delta County Board of Canvassers certification of the November 3, 2015, City Council Election results.

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

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

RESOLUTION DECLARED ADOPTED.”

Approval – Use of Public Space – Ludington Street – 57th Annual Christmas Parade.

Administration sought Council approval of a request to use Ludington Street for the 57th Annual Christmas Parade scheduled for December 4, 2015, at 7:00 p.m.

NB-3 Sattem moved, Blasier seconded, **CARRIED UNANIMOUSLY**, to approve a request to use Ludington Street for the 57th Annual Christmas Parade scheduled for December 4, 2015, at 7:00 p.m.

Approval – Charitable Gaming Resolution – Eskymo Fan Club.

The Eskymo Fan Club sought Council approval of a resolution that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a Charitable Gaming License from the State of Michigan. The Eskymo Fan Club schedules two raffles each year - a Fall Raffle and a Spring Fling Dinner.

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

Resolved, That the Eskymo Fan Club, is hereby recognized as a nonprofit organization operating in the community for the purpose of obtaining a Charitable Gaming License from the State of Michigan.”

The vote was as follows:

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

RESOLUTION DECLARED ADOPTED.

Approval - Professional Services Agreement - Michigan Tax Tribunal Cases - Legal Services.

Administration sought Council authorization to retain Mr. Jack VanCoevering as legal counsel for the Michigan Tax Tribunal cases currently filed against the City of Escanaba by Shopko, 2530 1st Avenue North, Delta Plaza, 301 North Lincoln Road, and Duke Lifepoint Medical Center, 710 South Lincoln Road in an amount not to exceed \$105,000.

City Assessor Daina Norden provided an overview of the upcoming Tax Tribunal cases. City Manager advised he would contact other County Municipalities for assistance with the Attorney fees.

NB-5 Blasier moved, Beauchamp seconded, to approve to retain Mr. Jack VanCoevering as legal counsel for the Michigan Tax Tribunal cases currently filed against the City of Escanaba by Shopko, 2530 1st Avenue North, Delta Plaza, 301 North Lincoln Road, and Duke Lifepoint Medical Center, 710 South Lincoln Road in an amount not to exceed \$105,000.

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

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

MOTION CARRIED.

Approval – Wallpaper Removal, Repair, and Painting Bid – City Hall/Library Complex.

Administration sought Council approval to retain the Bosk Corporation of Escanaba, MI to remove, repair, and paint wall surfaces in the City Hall and Library Complex in an amount not to exceed \$30,200. The item was included in the current fiscal year budget.

NB-6 Sattem moved, Beauchamp seconded, to approve to retain the Bosk Corporation of Escanaba, MI to remove, repair, and paint wall surfaces in the City Hall and Library Complex in an amount not to exceed \$30,200.

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

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

MOTION CARRIED.

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

BOARD, COMMISSION, AND COMMITTEE REPORTS

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

GENERAL PUBLIC COMMENT – None

ANNOUNCEMENTS

- Council Members wished everyone a safe and happy Thanksgiving.

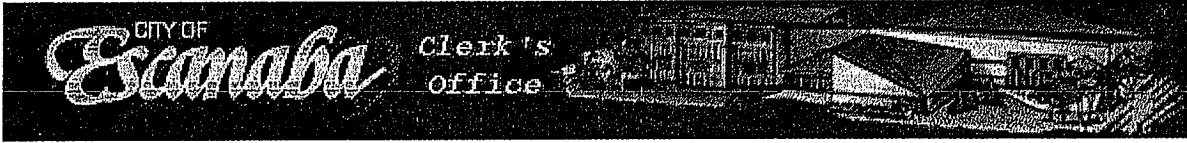
Hearing no further public comment, the Council adjourned at 7:21 p.m.

Respectfully submitted

Robert S. Richards, CMC
City Clerk

Approved: _____
Marc D. Tall, Mayor

~~Feb #1~~
CC 11/19/15
12/3/15



November 9, 2015

MEMORANDUM

TO: City Council,
James V. O'Toole, City Manager

FROM: Robert S. Richards, CMC *RSR*
City Clerk

SUBJECT: November 19, 2015, Agenda Item – Elections Precinct Location

Administration is seeking Council authorization to amend Section 10-17 Location, of the City Code of Ordinances, regarding Precinct 3 in the City of Escanaba. The current location, Holy Name Grade School, has converted to a lock down school facility. In order to respect their desire to continue a lock down facility on election day, Administration recommends moving the Precinct 3 to the City's Civic Center, 225 North 21st Street. The location sits in the center of Precinct 3, and is completely handicapped accessibly facility. If approved, State Election Law requires the City notify each registered voter, which is approximately 2,750. The total cost, office supplies, Voter ID Cards, and postage is approximately \$1,600.

Escanaba

Sec. 10-17. Location.

The following named places are hereby designated as the voting places for all future elections held in the City of Escanaba, the same to remain until the further order of the council:

- (1) *First precinct:* City Hall Council Chambers, 410 Ludington Street.
 - (2) *Second precinct:* Community Action Early Head Start Center, 1905 South 21st Street.
 - (3) *Third precinct:* Holy Name Grade School, gymnasium north entrance off of 3rd Avenue South, east parking lot.
 - (4) *Fourth precinct:* Webster School, 1209 North 19th Street.
- (Ord. No. 720, § 301, 7-15-82; Ord. No. 769, § 101, 1-2-86; Ord. No. 818, § 101.1, 6-15-89; Ord. No. 856, Ch. 1, 7-2-92; Ord. No. 996, Ch. I, 12-20-01; Ord. No. 1121, Ch. I, 12-15-11)

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.662 Designating place of holding election in city, village, or township; polling places; use of publicly owned or controlled buildings; rental or erection of buildings; facilities; central polling places; abolishment; compliance with voting accessibility.

Sec. 662. (1) The legislative body in each city, village, and township shall designate and prescribe the place or places of holding an election for a city, village, or township election, and shall provide a suitable polling place in or for each precinct located in the city, village, or township for use at each election. Except as otherwise provided in this section, school buildings, fire stations, police stations, and other publicly owned or controlled buildings shall be used as polling places. If it is not possible or convenient to use a publicly owned or controlled building as a polling place, the legislative body of the city, township, or village may use as a polling place a building owned or controlled by an organization that is exempt from federal income tax as provided by section 501(c) other than 501(c)(4), (5), or (6) of the internal revenue code of 1986, or any successor statute. The legislative body of a city, township, or village shall not designate as a polling place a building that is owned by a person who is a sponsor of a political committee or independent committee. A city, township, or village shall not use as a polling place a building that does not meet the requirements of this section. As used in this subsection, "sponsor of a political committee or independent committee" means a person who is described as being a sponsor under section 24(3) of the Michigan campaign finance act, 1976 PA 388, MCL 169.224, and includes a subsidiary of a corporation or a local of a labor organization, if the corporation or labor organization is considered a sponsor under section 24(3) of the Michigan campaign finance act, 1976 PA 388, MCL 169.224.

(2) The legislative body in each city, village, and township shall make arrangements for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available, and shall have the polling places equipped with the necessary facilities for lighting and with adequate facilities for heat and ventilation. The legislative body may establish a central polling place or places for 6 precincts or less if it is possible and convenient for the electors to vote at the central polling place. The legislative body may abolish other polling places not required as a result of the establishment of a central polling place.

(3) The legislative body of a city, village, or township may establish a polling place at a for profit or nonprofit residence or facility in which 150 persons or more aged 62 or older reside or at an apartment building or complex in which 150 persons or more reside. A township board may provide polling places located within the limits of a city that has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at those polling places. If 2 contiguous townships utilize a combined township hall or other publicly owned or controlled building within 1 of the township's boundaries and outside of the other township's boundaries, and there is not another publicly owned or controlled building or a building owned or controlled by an organization that is exempt from federal income tax, as provided by section 501(c), other than 501(c)(4), (5), or (6), of the internal revenue code of 1986, available or suitable for a polling place within the other township, then each township board may provide a polling place in that publicly owned building for 1 or more election precinct.

(4) The legislative body of a city, village, or township shall not establish, move, or abolish a polling place less than 60 days before an election unless necessary because a polling place has been damaged, destroyed, or rendered inaccessible or unusable as a polling place.

(5) The legislative body of a city, village, or township shall ensure that a polling place established under this section is accessible and complies with the voting accessibility for the elderly and handicapped act and the help America vote act of 2002.

(6) As used in this section, "accessible" means the removal or modification of policies, practices, and procedures that deny an individual with a disability the opportunity to vote, including the removal of physical barriers as identified in section 261(b) of the help America vote act of 2002, 42 USC 15421, so as to ensure individuals with disabilities the opportunity to participate in elections in this state.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1974, Act 165, Imd. Eff. June 23, 1974;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 1996, Act 207, Imd. Eff. May 21, 1996;—Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999;—Am. 2004, Act 13, Imd. Eff. Feb. 26, 2004;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Popular name: Election Code

Proposed

ORDINANCE NO. 11??

AN ORDINANCE TO AMEND CHAPTER 10, ELECTIONS, OF THE CITY CODE OF ORDINANCES IN THE CITY OF ESCANABA

THE CITY OF ESCANABA ORDAINS:

CHAPTER 1

Chapter 10, Article II, Precincts, of the City Code of Ordinances shall be amended to read as follows:

Section 10-17. Location, of the Code is amended to read in its entirety as follows:

The following named places are hereby designated as the voting places for all future elections held in the City of Escanaba, the same to remain until the further order of the Council:

- (1) *First Precinct:* City Hall Council Chambers, 410 Ludington Street.
- (2) *Second Precinct:* Community Action Early Head Start Center, 1905 South 21st Street.
- (3) *Third Precinct:* Civic Center, 225 North 21st Street, Main Entrance off Parking Lot.
- (4) *Fourth Precinct:* Webster School, 1209 North 19th Street.

CHAPTER II
SAVING CLAUSE

If any section, subsection, sentence, clause or phrase of this 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, and each 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 effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

Ralph B. K. Peterson
City Attorney

Marc D. Tall
Mayor

ATTEST:

Robert S. Richards, CMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a regular Meeting held on the XXth day of XXXXXXXX, 2015, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on XXXXXXXX XX, 2015, 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

Memorandum

To: City Council
CC: Jim O'Toole, City Manager
From: Melissa Becotte, City Controller *MB*
Date: 11/24/2015
Re: Power Plant GTIA/Electric Generation Insurance

The City of Escanaba's Power Plant GTIA insurance will expire on December 4, 2015. This policy holds our place in the MISO market as a generator of power. Because there is uncertainty as to whether or not the City will operate the CT to reduce capacity costs, the GTIA and the additional insurance coverage need to remain in place.

There was a delay in requesting the quotes for this policy. We did not want to renew if the plant sale was going to be complete and there was no intent to run the CT. As a result, the quotes for the policy have not yet been received. The price of the policy for the prior year was \$104,659. I would expect there to be a small increase in the premium. Once the quote is received, I will forward it to you for distribution to City Council.

As you are aware, we have not budgeted plant costs for the last several years in the hopes that the plant would be sold. As a result, this expenditure is not budgeted.

If the City decides not to operate the CT, we would be able to cancel the policy and receive up to a 75% reimbursement on the premium, based on when the policy is cancelled. Once the plant sale is complete, I will also be able to cancel the MMRMA property coverage.

