

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, May 17, 2012**

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

Present: Mayor Leo J. Evans, Council Members, Walter A. "Pete" Baker, Patricia A. Baribeau, Ronald J. Beauchamp, and Brady L. Nelson.

Absent: None

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

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

Baker moved, Nelson seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from May 3, 2012, as submitted.

ADJUSTMENTS TO THE AGENDA

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

CONFLICT OF INTEREST DECLARATION – None

RETIREMENT PRESENTATIONS

Certificates of Appreciation and Proclamations were given to retiring City Employees James J. Cook, and Richard J. Hurd.

BRIEF PUBLIC COMMENT - None

UNFINISHED BUSINESS - None

PUBLIC HEARINGS

Public Hearing and Adoption – FY 2012-13 Budget.

The Council had conducted four (4) public hearings and two (2) budget work sessions to set a proposed FY2012-13 operating budget. This was the final public hearing on the FY 2012-13 City operating budget and would establish a City millage rate of 17.00 mills.

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

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

City Manager O'Toole and City Controller Dewar reviewed Actuarial Expenses which came in higher than expected. Administration stated the expenses needed to be added to the 2012/2013 Fiscal Year Budget.

PH-1 After discussion, Baribeau moved, Nelson seconded, to establish the City millage rate at 17.00 mills for 2012-2013 Budget Year and to adopt the 2012-2013 City Budget as published, with (1) the addition of \$117,090 to the Public Safety activity in the City's General Fund and (2) the addition of \$4,010 to both the revenues and expenditures in the Delta County Central Dispatching Authority (DCCDA).

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

Ayes: Baribeau, Nelson, Beauchamp, Baker, Evans

Nays: None

MOTION CARRIED.

NEW BUSINESS

First Reading of Ordinance No. 1123, the Appropriations Ordinance, Including the Millage Rate of 17.00 Mills and Setting the Date of Thursday, May 24, 2012, for the Second Reading, Public Hearing, and Adoption.

Once the City budget was approved, the Council must approve a tax levy and authorize appropriations to implement the budget. Administration recommended a special meeting for Thursday, May 24, 2012, at 7:30 a.m. be scheduled for the second reading, public hearing, and adoption of the Appropriations Ordinance No. 1123.

NB-1 Beauchamp moved, Nelson seconded, **CARRIED UNANIMOUSLY**, to set the date of May 24, 2012, at 7:30 a.m. for second reading, public hearing, and adoption of the Appropriations Ordinance No. 1123 and millage rate of 17 mills.

First Reading of Ordinance No. 1124, the Tax Levy Ordinance, and Setting the Date of Thursday, May 24, 2012, for the Second Reading, Public Hearing and Adoption.

Section 9, Chapter VIII, of the City Charter required the City, by Ordinance, levy taxes that may be necessary to meet the appropriations' needs. Administration recommended a special meeting for Thursday, May 24, 2012, at 7:30 a.m. be scheduled for the second reading, public hearing, and adoption of Tax Levy Ordinance No. 1124.

NB-2 Nelson moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to set the date of May 24, 2012, at 7:30 a.m. for second reading, public hearing, and adoption of Tax Levy Ordinance No. 1124.

Approval – Use of Public Space/Street Closure – 1223 Ludington Street.

Degradand Enterprises, LLC, 1223 Ludington Street, requested authorization to utilize public space (city sidewalk) contiguous to their building on June 1, 2012 (Fun Run), July 27, 2012 (City Sidewalk Daze Downtown Festival), July 28, 2012 (Fundraiser for the Escanaba Area High School Scholarship Fund and September 15, 2012 (Fundraiser for the Wheelin Sportsmen Fund) in accordance with the City of Escanaba Sidewalk Use Policy. Additionally, a request was being made for a road closure in the 100 block of South 13th Street, just north of the alleyway to Ludington Street on July 28 and September 15, 2012. Administration recommended approval provided 1) proper insurance was provided to the City naming the City of Escanaba as an additional insured, 2) event sponsors provide all labor and material to clean up at the conclusion of the event, and 3) the rules and regulations of the Michigan Liquor Control Commission and the City of Escanaba Sidewalk Use Policy are adhered to.

NB-3 Nelson moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to approve a request from Degrand Enterprises, LLC, 1223 Ludington Street, to utilize public space (city sidewalk) contiguous to their building on June 1, 2012 (Fun Run), July 27, 2012 (City Sidewalk Daze Downtown Festival), July 28, 2012 (Fundraiser for the Escanaba Area High School Scholarship Fund and September 15, 2012 (Fundraiser for the Wheelin Sportsmen Fund) in accordance with the City of Escanaba Sidewalk Use Policy, in addition also approve a request for a road closure in the 100 block of South 13th Street, just north of the alleyway to Ludington Street on July 28 and September 15, 2012, provided 1) proper insurance was provided to the City naming the City of Escanaba as an additional insured, 2) event sponsors provide all labor and material to clean up at the conclusion of the event, and 3) the rules and regulations of the Michigan Liquor Control Commission and the City of Escanaba Sidewalk Use Policy are adhered to.

Setting Public Hearing – Notice of Street Improvement – South 21st Street between 10th Avenue South and 12th Avenue South.

The City of Escanaba received a petition for the construction of a 24 foot wide chip-seal paved street without curbing and gutter for South 21st Street between 10th Avenue South and 12th Avenue South. As part of the project, the City of Escanaba was required to conduct a public hearing on the proposed improvement so that citizens can comment and/or object to the proposed improvements. Administration requested Council schedule a public hearing for June 7, 2012, so that any comments or objections can be heard.

NB-4 Nelson moved, Baker seconded, **CARRIED UNANIMOUSLY**, to schedule a public hearing for June 7, 2012, to hear objections to the improvement of a petition for the construction of a 24 foot wide chip-seal paved street without curbing and gutter for South 21st Street between 10th Avenue South and 12th Avenue South.

Approval – Street Closure Request – Ludington Street and Municipal Dock – Bay De Noc Home Run 10k and 5k Run/Walk.

The Unitarian Universalist Bay De Noc Fellowship sought Council approval to temporarily close Ludington Street and use the Municipal Dock and public streets for their Bay de Noc Home Run 10k and 5k Run/Walk on May 25-26, 2012. Administration recommended approval provided 1) proper insurance was provided to the City naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor and material to clean up at the conclusion of the event.

NB-5 Nelson moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to approve a request from The Unitarian Universalist Bay De Noc Fellowship to temporarily close Ludington Street and use the Municipal Dock and public streets for their Bay de Noc Home Run 10k and 5k Run/Walk on May 25-26, 2012, provided 1) proper insurance was provided to the City naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor and material to clean up at the conclusion of the event.

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

City Manager O'Toole updated the City Council and public on the operation and maintenance transition of the Power Plant. Manager O'Toole advised the Asset Purchase Agreement was reviewed this week, and the negation team would be meeting again on May 22, 2012.

Approval – Hannahville Indian Community – K9 Drug Detection Canine.

Administration sought Council approval of a Hannahville Indian Community 2% Grant in the amount of \$8,000 for the purchase of a K9 Drug Detection canine.

NB-7 Baker moved, Beauchamp seconded, to approve a Hannahville Indian Community 2% Grant in the amount of \$8,000 for the purchase of a K9 Drug Detection canine.

Upon a Call of the Roll, the vote was as follows:

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

MOTION CARRIED.

Discussion – Accepting An Offer of Donation – City Hall/Library Complex.

Administration discussed an offer of donation for a life-sized bronze cast sculpture to be added to the existing sculpture located in the front yard of the City Hall/Library Complex. On May 10, 2012, the Planning Commission recommended Council approval of the donation.

NB-8 After discussion, Nelson moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to graciously accept a City of Escanaba donation from Patricia Fittante of a life-sized bronze cast sculpture to be added to the existing sculpture located in the front yard of the City Hall/Library Complex.

Request to transfer ownership of an escrowed 2010 Class C Lincensed Business with Entertainment Permit, located at 1282 Old US 2 & 41, Bark River, MI 49807, Bark River Township, Delta County from Hyslop Enterprises, Inc. to Upper Peninsula State Fair Authority

Upper Peninsula State Fair Board Representative Vicky Micheau briefly reviewed the request with Council.

NB-9 Baker moved, Nelson seconded, **CARRIED UNANIMOUSLY**, to approve a request to transfer ownership of an escrowed 2010 Class C Licensed Business with Entertainment Permit, located at 1282 Old US 2 & 41, Bark River, MI 49807, Bark River Township, Delta County from Hyslop Enterprises, Inc. to Upper Peninsula State Fair Authority; transfer location (governmental unit) MCL 436.1531(1) to 2401 N Twelfth Escanaba, MI 49829, Delta County, to cancel: Living Quarters Permit, Entertainment permit, and Special Purpose permit, and to add New Sunday Sales (PM), Dance-Entertainment, Special Purpose Permit (Events 24hrs), add Bars (2) a total of 3 Bars, (Ruth Butler Building, Grand Stand, and UP Steam and Gas Light Village, and Direct Connections (7).

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

Mayor Evans, with Council consensus, reappointed Judith Fouts to the Historic District Commission, term ending 2015.

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 congratulated all the area 2012 High School Graduates;

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- Council wished members of the Public a safe and Happy Memorial Day Weekend;
- June 1, 2012, Krusin Klassic Fun Run was scheduled.

Hearing no further public comment, the Council adjourned at 7:53 p.m.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: _____
Leo J. Evans, Mayor