

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, September 20, 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, City Attorney Ralph B.K. Peterson, 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.

Nelson moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to approve Special Meeting Minutes from August 23, 2012, and Regular Meeting Minutes from September 6, 2012, as submitted.

**ADJUSTMENTS TO THE AGENDA**

Manager O'Toole asked to remove agenda item number 2. He advised the requester could not come up with the required insurance.

Baribeau moved, Baker seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as amended.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT**

Penny Rose briefly spoke in support of the dog sign. She suggested to construct the sign at Harbor Hideout.

**UNFINISHED BUSINESS** - None

**PUBLIC HEARINGS** - None

**NEW BUSINESS**

**Approval – Use of Public Space – Ludington Street – Escanaba Area High School Homecoming 2012.**

The Escanaba Public School District submitted a request to use Ludington Street for their annual homecoming parade on October 12, 2012, from 4:30 p.m. to 5:45 p.m. Administration recommended approval of the request provided adequate liability insurance was filed with the City and organizational volunteers clean up at the conclusion of the event.

**NB-1** After discussion regarding use of public space, Nelson moved, Baker seconded, **CARRIED UNANIMOUSLY**, to approve a request to use Ludington Street for their annual homecoming parade on October 12, 2012, from 4:30 p.m. to 5:45 p.m., provided adequate liability insurance was filed with the City and organizational volunteers clean up at the conclusion of the event.

This item was removed from the agenda.

**Approval – Use of Public Space – Karas Band Shell – Ludington Park – October 1, 2012, 5:00 to 6:30 p.m.**

The Campaign to Defeat Barack Obama requested Council approval to use the Karas Band Shell in Ludington Park on Monday, October 1, 2012, from 5:00 to 6:30 p.m. for a political rally. Administration recommended approval of the request provided adequate liability insurance was filed with the City, any overtime costs that may be incurred as a result of the event were paid for by the organization and organizational volunteers provide clean up services at the conclusion of the event.

**Approval – Memorandum of Understanding – St. Francis Hospital (SFH) - 340B Program of the Public Health Service Act.**

St. Francis Hospital requested approval of a memorandum of understanding between the City of Escanaba and SFH which would allow SFH to participate in the 340B Program of the Public Health Service Act. Under the Memorandum of Understanding, SFH would commit to provide health care services to low income individuals who were not entitled to Medicare or Medicaid benefits at no reimbursement or at a rate considerably less than full reimbursement.

Peter Jennings from OSF briefly reviewed the request and cost and charges for charity care, and the Sisters of the Third Order commitment to the health of the community.

**NB-3** Nelson moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to approve of a memorandum of understanding between the City of Escanaba and SFH which would allow SFH to participate in the 340B Program of the Public Health Service Act.

**Approval – Liquor License Transfer - 2012 “Class C & SDM” Licensed Business – 1629 Sheridan Road.**

On September 5, 2012, the Local Liquor License Review Board met and unanimously recommended Council approve a request to transfer ownership of an escrowed 2012 Class C & SDM Licensed Business with Sunday Sales permit (PM), located at 1629 Sheridan Road, Escanaba, MI 49829, Delta County from Wheaton Williams Estate, Michael A. Williams, Personal Representative, to Chenier Properties, LLC. Additionally, the Board recommended Council approval of a request for a new dance-entertainment permit and the use of a new outdoor service area. Administration recommended approval of the transfer in accordance with the provisions of MCL 436.1501 of the Liquor Control Code of 1998 provided all laws and administrative rules of the Michigan Liquor Control Commission and Department of Public Safety are followed.

Applicants Glenn & Carol Chenier were in attendance and provided Council their intentions for the property and business located at 1629 Sheridan Road.

**NB-4** Beauchamp moved, Nelson seconded, **CARRIED UNANIMOUSLY**, to approve a request to transfer ownership of an escrowed 2012 Class C & SDM Licensed Business with Sunday Sales permit (PM), located at 1629 Sheridan Road, Escanaba, MI 49829, Delta County from Wheaton Williams Estate, Michael A. Williams, Personal Representative, to Chenier Properties, LLC, also approve a request for a new dance-entertainment permit and the use of a new outdoor service area, in accordance with the provisions of MCL 436.1501 of the Liquor Control Code of 1998 provided all laws and administrative rules of the Michigan Liquor Control Commission and Department of Public Safety were followed.

#### **Approval – Dog Awareness Sign – Ludington Park.**

Administration sought Council approval to install a donated “Dog Awareness” sign near the Harbor Hideout Playground. On August 14, 2012, the Recreational Advisory Committee met to discuss the donation and installation and recommended approval.

**NB-5** After a brief discussion on donations and guidelines, Nelson moved, Baribeau seconded, to install a donated “Dog Awareness” sign near the Harbor Hideout Playground, provided the sign meets design standards of the City.

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

Ayes: Nelson, Baribeau, Baker, Beauchamp, Evans

Nays: None

**MOTION CARRIED.**

#### **Approval – Phase III Lake Management Plan – Weed Treatment Program - Marina Basin.**

Administration sought Council approval of Phase III of the Lake Management Plan. Under Phase III, H2O in Motion of Escanaba, Michigan, and the Marina Staff would complete a fall plant survey, a spring plant survey, compile and submit data to the DEQ of the 2012 herbicide treatment, and apply for the 2013 treatment permit. Cost was estimated to be \$7,500.

Harbor Master Larry Gravatt updated Council on Phase III of the three year program and the removal of the evasive species.

**NB-6** Baribeau moved, Baker seconded, **CARRIED UNANIMOUSLY**, to approve Phase III of the Lake Management Plan, Under Phase III, H2O in Motion of Escanaba, Michigan, and the Marina Staff would complete a fall plant survey, a spring plant survey, compile and submit data to the DEQ of the 2012 herbicide treatment, and apply for the 2013 treatment permit. Cost estimated at \$7,500.

#### **Approval – Modification to Lakestates Industries Property Rental Agreement.**

Administration sought Council approval to modify existing lease terms with Lakestates Industries, Inc. of Escanaba, Michigan, to include allowing rental monthly payments as opposed to annual payments, a shorter term and reduction in the interest rate used to capitalize the lease.

Manager O'Toole reviewed the details of the Lakestate Request.

**NB-7** Nelson moved, Beauchamp seconded, to approve modification of the existing lease terms with Lakestates Industries, Inc. of Escanaba, Michigan, to include allowing rental monthly payments as opposed to annual payments, a shorter term and reduction in the interest rate used to capitalize the lease.

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

Ayes: Nelson, Beauchamp, Baker, Baribeau, Evans

Nays: None

**MOTION CARRIED.**

#### **Approval – Library Non-Resident User Fee.**

Administration sought Council approval to increase the annual non-resident Library user fee from \$20.00 to \$35.00, effective October 1, 2012. On August 27, 2012, the Library Board of Trustees met and recommended Council approval.

Manager O'Toole and City Library Director reviewed the details and possible cost savings from the increase in the user fees.

**NB-8** Baribeau moved, Nelson seconded, **CARRIED UNANIMOUSLY**, to approve to

increase the annual non-resident Library user fee from \$20.00 to \$35.00, effective October 1, 2012.

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

Manager O'Toole updated the City Council and public on the sale of the Power Plant and related items.

- Reviewed Asset Purchase Agreement extension, changes and contingencies approved from the September 12 City Council/Electrical Advisory Committee special meeting;
- As of 5:00 p.m. this date, the City received from Escanaba Green Energy a Letter of Commitment from their funding institution, and have signed the revised Asset Purchase Agreement;
- Escanaba Green Energy also obtained their Federal Energy Regulatory Commission approvals.

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

Mayor Evans, with Council consensus, appointed Tara Lynn Deno to a vacancy on the Downtown Development Authority, term ending April 21, 2013.

**BOARD, COMMISSION, AND COMMITTEE REPORTS**

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

**GENERAL PUBLIC COMMENT**

- Rick Micheau, running for Delta County Treasurer, introduced himself.
- Mike Schrader commented on the Walmart plastic bag debris in the field North of Walmart adjoining the Fairgrounds, 6<sup>th</sup> Avenue North to Lincoln Road. He asked the City to ask Walmart to clean up the debris. Manager O'Toole stated a call would be placed in the morning.
- Penny Rounce thanked Council for their approval of the dog sign.

**ANNOUNCEMENTS**

- Esky 150 started planting their Trees throughout the community as part of the City sesquicentennial;
- Council Members provided a Delta County Museum renovation update.

City Council Minutes  
September 20, 2012 – cont.

Hearing no further public comment, the Council adjourned at 8:07 p.m.

Respectfully submitted,

Robert S. Richards, CMC  
City Clerk

Approved: \_\_\_\_\_  
Leo J. Evans, Mayor