

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, August 18, 2016**

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

Absent: None

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

City Clerk Robert Richards, gave the invocation and led Council in the Pledge of Allegiance.

Sattem moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from August 4, 2016, and Special Meeting Minutes from August 10, 2016, as submitted.

ADJUSTMENTS TO THE AGENDA

Beauchamp moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to approve the Agenda as submitted and the addendum of a Citywide Facility Telephone System Replacement.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

UNFINISHED BUSINESS – None

PUBLIC HEARINGS

Second Reading – Ordinance No. 1174 – An Ordinance to Amend Chapter 10, Elections.

Administration requested the City Council amend Section 10-17 Location, of the City Code of Ordinances, regarding the location of Precinct 4, which was located at the Webster Elementary School, 1209 North 19th Street. In recent weeks the Escanaba Area Schools converted the Webster Elementary School to a lockdown school facility. In an effort to respect their desire to continue as a lockdown facility on an election day, Administration recommended Precinct 4 be moved to the Bay College M-TEC Technical Education Center located at 2000 North 30th St, Escanaba.

City Manager O'Toole and Clerk Richards advised they were in communication

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with Escanaba School Superintendent Michele LeMire, and Webster School Principal Craig LeClaire regarding the Webster School/Precinct 4. They advised the City could use Webster School for the November 8th School Election, and would be keeping the front doors of Webster School unlocked on November 8th.

This being a Public Hearing, Mayor Tall asked if there was any public comment.

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

PH-1 After discussion, Beauchamp moved, Blasier seconded, to amend Section 10-17 Location, of the City Code of Ordinances, regarding the location of Precinct 4, which was located at the Webster Elementary School, 1209 North 19th Street.

Ayes: None

Nays: Beauchamp, Blaiser, Sattem, Baribeau, Tall

RESOLUTION NOT ADOPTED.

Beauchamp moved, Blasier seconded, **CARRIED UNANIMOUSLY**, to defer to a future study session discussion regarding the relocation of Precinct 4.

NEW BUSINESS

Approval – Traffic Control Order (TCO) No. 989 - Department of Public Safety.

Administration sought Council approval of TCO No. 989. The Traffic Control Order calls for the installation of a no parking sign on the west side of the 1100 block of South 18th Street near the entrance to the Escanaba Country Club. On June 21, 2016 the Traffic Safety Advisory Committee met and recommended approval of TCO No. 989 by the City Council.

NB-1 Baribeau moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to approve TCO No. 989, for the installation of a no parking sign on the west side of the 1100 block of South 18th Street near the entrance to the Escanaba Country Club.

Approval – Sale of City Property – 2812 North 30th Street – Red Pines Industrial Park – K Enterprises Rentals, LLC.

Mr. Ken Gartland of K Enterprises Rentals, LLC, of Escanaba, MI requested to purchase Lot 3 of the Red Pines Industrial Park in the amount of \$24,926. Under the terms of the sale, K Enterprises Rentals, LLC proposed to split the lot into two (2) lots so that two (2) new pre-engineered buildings can be built on the property to house a knife manufacturing business and a rolled steel business. K Enterprises Rentals, LLC of Escanaba stated 24+ manufacturing jobs would be created. Administration recommended the sale of the property provided all land splits, land uses, and zoning standards are in compliance with land division requirements, zoning requirements and

the eighteen (18) month building completion requirement.

Mr. Gartland provided a brief synopsis of the proposed sale and future of the knife manufacturing and the rolled steel business.

NB-2 Blasier moved, Beauchamp seconded, to approve a request from Mr. Ken Gartland of K Enterprises Rentals, LLC, of Escanaba, MI to purchase Lot 3 of the Red Pines Industrial Park in the amount of \$24,926, provided all land splits, land uses, and zoning standards are in compliance with land division requirements, zoning requirements and the eighteen (18) month building completion requirement.

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

Ayes: Blasier, Beauchamp, Baribeau, Sattem, Tall

Nays: None

MOTION CARRIED.

Approval – Professional Service Agreement – Edward VanderVries – Property Valuation Review, Property Tax Appeal Assistance and Valuation & Appraisal Strategy - City Manager’s Office.

Manager O’Toole sought Council approval to retain Edward VanderVries to assist with the property tax defense (in the Michigan Tax Tribunal and/or Michigan’s appellate courts) and related advice regarding recently filed Michigan Tax Tribunal filings in an amount not to exceed \$25,000. Manager O’Toole stated the City of Escanaba was served with several Michigan Tax Tribunal summons for the following properties located within the City of Escanaba:

1. 710 South Lincoln Road: Parcel No. 051-420-2836-200-020 - Commonly known as DPL Marquette General Hospital, LLC;
2. 401 North Lincoln Road: Parcel No. 051-420-2825-200-011 - Commonly known as Advance Auto Parts, Inc;
3. 3300 Ludington Street: Parcel No. 051-420-2825-100-006 - Commonly known as Menards, Inc;
4. 2430 1st. Avenue North: Parcel No. 051-420-2825-200-022 - Commonly known as Shopko Prop SPE #16;
5. 2600 Ludington Street: Parcel No. 051-420-2825-400-003 - Commonly known as the Toyota Dealership, UP Enterprises LLC/Dagenais Real Estate, Inc;
6. 801 North Lincoln Road: Parcel No. 051-420-2919-300-028 - Commonly known as Kmart, UP Enterprises, LLC;
7. 318 North Lincoln Road: Parcel No. 051-120-2930-155-002 - Commonly known as UP Enterprises, LLC;
8. 1620 Willow Creek Road: Parcel No. 051-420-2836-300-007 - Commonly known as the Edgewood Clubhouse, Dagenais Real Estate, Inc;
9. 2511 Ludington Street: Parcel No. 051-420-2825-400-006 - Commonly

known as Riverside Auto Sales, Inc.

Manager O'Toole updated Council on the Menards vs. City of Escanaba case, and advised The Dark Store legislation was awaiting Senate Action, which would be an upward battle for approval. Because the City currently did not have an Assessor on staff at this time, Mr. VanderVries would represent the City with the Appeals.

NB-3 Sattem moved, Baribeau seconded, to approve to retain Edward VanderVries to assist with the property tax defense (in the Michigan Tax Tribunal and/or Michigan's appellate courts) and related advice regarding recently filed Michigan Tax Tribunal filings in an amount no to exceed \$25,000.

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

Ayes: Sattem, Baribeau, Beauchamp, Blasier, Tall

Nays: None

MOTION CARRIED.

Approval – Catherine Bonifas Civic Center Gym Glass Basketball Backboards – Recreation Department.

Administration sought Council approval to replace three (3) wooden basketball backboards with clear tempered glass backboards at Catherine Bonifas Civic Center Gym from Jeff's Glass & Window, Inc. of Escanaba, Michigan in an amount not to exceed \$5,832.80. This purchase was not included in the current fiscal year budget. However, funds for the project had been secured through fund raising and a grant.

NB-4 Blasier moved, Sattem seconded, to approve to replace three (3) wooden basketball backboards in the Catherine Bonifas Civic Center Gym with clear tempered glass backboards from Jeff's Glass & Window, Inc. of Escanaba, Michigan in an amount not to exceed \$5,832.80.

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

Ayes: Blasier, Sattem, Baribeau, Beauchamp, Tall

Nays: None

MOTION CARRIED.

Approval – Rose Park Tennis Court Resurfacing and Stephenson Park Basketball Resurfacing – Recreation Department.

Administration sought Council approval to retain Tennis Courts Unlimited, Inc. of Watervliet, Michigan in an amount not to exceed \$10,500 for the resurfacing of the Rose Park Tennis Court and Stephenson Park Basketball Court. This purchase was included in the current fiscal year budget.

NB-5 Beauchamp moved, Baribeau seconded, to approve to retain Tennis Courts Unlimited, Inc. of Watervliet, Michigan in an amount not to exceed \$10,500 for the resurfacing of the Rose Park Tennis Court and Stephenson Park Basketball Court.

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

Ayes: Beauchamp, Baribeau, Blasier, Sattem, Tall

Nays: None

MOTION CARRIED.

Approval – Lease Agreement – Community Action Agency – Recreation Department.

Administration sought Council approval to renew the annual lease between the City of Escanaba and the Community Action Agency for the continued use of the Catherine Bonifas Civic Center for their Senior Center activities. On August 8, 2016 the Recreational Advisory Board met and recommended approval of the lease by the City Council.

NB-6 Baribeau moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to renew the annual lease between the City of Escanaba and the Community Action Agency for the continued use of the Catherine Bonifas Civic Center for their Senior Center activities.

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

Ayes: Baribeau, Sattem, Blasier, Beauchamp, Tall

Nays: None

MOTION CARRIED.

Approval – Citywide Facility Telephone System Replacement – DSTech Lease Approval.

Administration sought Council approval of a 5 year lease with DSTech of Escanaba, MI to update the citywide telephone system utilizing the Zultys system. Under the terms of the proposal, the cost neutral lease was recommended for the service and new equipment and would include all maintenance and subscription fees in an amount not greater than \$1,500 per month. If approved, the proposed system would replace the current phone system which had been in place since 1995.

Manager O'Toole and Clerk Richards reviewed the basic components of the proposed system, and DSTech representatives Joe Knauf and Josh Marenger reviewed the details of the proposal.

NB-7 After further discussion, Blasier moved, Sattem seconded, to approve of a 5 year lease with DSTech of Escanaba, MI to update the citywide telephone system utilizing the Zultys system, in an amount not to exceed \$1,500 per month.

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

Ayes: Blasier, Sattem, Baribeau, Beauchamp, 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

City resident Scott Carlson, and representatives from the Escanaba RICC Group, commented on individuals parking in handicap parking who were not handicapped and asked Council to start enforcing the ordinance and further suggested to increase the fine. Council Members advised they would step up on the enforcement. When the group commented on their request for a traffic signal at the intersection of 8th Avenue South and Lincoln Road Manager O'Toole stated it was a State Highway, and advised the State of Michigan to put up a stop light and the City would maintain the traffic light. He further advised he was still awaiting a response from the State of Michigan.

ANNOUNCEMENTS

- Manager O'Toole updated residents on the schedule for the City Road repairs.

Hearing no further public comment, the Council adjourned at 7:50 p.m.

Respectfully submitted

Robert S. Richards, CMC
City Clerk

Approved:

Marc D. Tall, Mayor