

AGENDA
ISHPEMING CITY COUNCIL REGULAR MEETING
Wednesday, June 6, 2018, at 7:00 p.m.
Ishpeming City Hall Conference Room, 100 E. Division Street, Ishpeming MI
City Hall Telephone Number: (906) 485-1091

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. Approval of Agenda
6. Agenda Comment
7. Consent Agenda
 - a. Minutes of Previous Meeting (May 7th, May 9th, May 16th, and May 23rd)
 - b. Approval of Disbursements (Councilman Skauge and Councilman Tonkin)
 - c. Confirm proposed lot splits in the Ishpeming Cemetery in Blocks 83 and 84
 - d. Special Event Application: IBA Concert Series: June/July/August
 - e. Special Event Application: IBA Festival of Treasures: July 3rd
 - f. Special Event Application and Temporary Liquor License: Rainbow Bar: June 30, July 1-4
 - g. Special Event Application and Temporary Liquor License: TeePee Bar: July 2, 3
 - h. Special Event Application and Temporary Liquor License: Cognition: June 29-July 8
 - i. Special Event Application and Temporary Liquor License: Venice Pub: June 30 – July 4
 - j. Special Event Application and Temporary Liquor License: Brogies: June 30 – July 3
8. Monthly Financial Statement Report
9. 2018 Mid-Year Budget Amendments
10. Rural Development Water Improvement Project
 - a. Change Order #3, Contract II
 - b. Rural Development Draw #8
 - c. Pay Application #6, Contract III
11. Proposed re-route of bike trail from RAMBA
12. Property donation from the Marquette County Land Bank
13. Set public hearing for request from the Royal Pub, Inc. to purchase vacant lots
14. Set public hearing for proposed alley vacation across from the Ishpeming High School
15. Resolution #8-2018, award of lease agreement for financing new snow plow for DPW
16. Bid award for new columbarium at the Cemetery
17. Strike uncollectable Personal Property Taxes from 2011-2012
18. First Reading of Amendment to Ordinance 12-100, Water Ordinance
19. First Reading of Amendment to Ordinance 10-100, Owning and Keeping of Dogs and Cats
20. First Reading of Amendment to Ordinance 10-300, Regulate the Feeding of Wild Animals
21. Discussion of USDA Water Project change orders
22. Old Business
23. New Business
24. Mayor and Council Reports
25. Manager's Report
26. Attorney's Report
27. Adjournment



Mark Slown
City Manager

Cathy Smith

700

From: City Manager
Sent: Saturday, May 19, 2018 2:24 PM
To: DPW Director; Cathy Smith
Cc: Bonnie Hoff; Bonnie L. Hoff
Subject: RE: Cemetery

Carl "Ray"

Thank you.

Cathy will place this on the next agenda for action.

Cathy:

Please do so; thanks!

Mark Slown
City Manager
City of Ishpeming
100 E. Division Street
Ishpeming, MI 49849
906-485-1091, ext 204
citymanager@ishpemingcity.org

From: DPW Director
Sent: Thursday, May 17, 2018 9:46 AM
To: City Manager <citymanager@ishpemingcity.org>; Cathy Smith <CathySmith@ishpemingcity.org>
Subject: Cemetery

Good Morning,

At the last Cemetery meeting on 3/19/2018 the Board voted unanimously to split lots located in 5, 8, 9, 10, 11, 12, 211, 212, 216, 217, 218, 219 (which are currently 5 space lots) into 2 space lots. Those lots are located in Block 83. They also voted unanimously to split lots 64 through 93 from 2 space lots into 1 space lots. Those lots are located in Block 84. The decision to split the lots was made because we would like to fill Blocks 83 and 84 before moving on. I agree with the decision made by the board to split the lots. I have also enclosed a copy of the meeting minutes.

Respectfully

Carl Petersen
DPW Director

*Cemetery Commission Proceedings of March 19, 2018
Ishpeming, Michigan*

A meeting of the Cemetery Commission was held on Monday, March 19, 2018 in the Ishpeming City Hall Conference Room. Cheryl Marietti called the meeting to order at 3:00 p.m.

PRESENT: Cheryl Marietti, Stephen Piereson, Karen Kasper. Also present were DPW Director Carl Petersen, Assistant Foreman – Cemetery/Parks Tim Dellangelo, Office Manager April Holm, Absent: Christine Moffatt, and Tracy Magnuson.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

A motion was made by Stephen Piereson supported by Karen Kasper and carried unanimously to approve the January 15, 2018 minutes as presented.

CEMETERY OFFICE SIGN

Everyone reviewed the office sign and thought that we should also add the City website and the library as resources. No action was needed

WINTER BURIAL RATE CHANGES

Everyone present reviewed the cost of doing a winter burial and agreed that our rates are still acceptable. There was a discussion regarding if we should change how we determine winter versus summer rates. After some debate everyone decided that the calendar system we use now is the most efficient. The board would like us to have Jim Lampman go over the cemetery rates to see if he thought that we should increase rates based on cemetery expenses. No further action was needed.

LOT AVAILABILITY

Cemetery/Parks Tim Dellangelo asked the Board about splitting some lot spaces in blocks 83 and 84 so that we have more space available for purchase. He proposed that in block 83 we currently have 12 5 space lots available and we would like to split them into 2 space lots so we are able to fill the block. Also in block 84 he would like to split 20 two space lots into 1 space lots because we only have 1 one space lot available. 1 space lots seem to be the most popular.

A motion was made by Karen Kasper to split lots 5, 8, 9, 10, 11, 12, 211, 212, 216, 217, 218, 219 into 2 space lots in block 83. In block 84 we would split lots 64 through 93 into 1 space lots. The motion was supported by Stephen Piereson and unanimously approved.

COLUMBARIUM PURCHASE

Cemetery/Parks Tim Dellangelo also mentioned that we may want to think about purchasing a new columbarium because we only have 16 spots available on the current one and it takes about a year to get the new one. There was a discussion about where to place the new columbarium and it was decided that it would be placed behind the middle one where there are footings already there.

A motion was made by Stephen Piereson to put the purchase of a columbarium in front of the council to vote on. It was supported by Karen Kasper and unanimously approved.

CEMETERY REPORT

The cemetery report was provided in the meeting packet. No action needed.

OLD/NEW BUSINESS

No old business or new discuss.

7(d)

CITY OF ISHPEMING

SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 30 calendar days prior to the starting date of the event.

Organization's Name Ishpeming Business Association Phone 486-8680
Organization Address 119 Main St. Ishpeming
Organization's Agent Richard Devlin Phone 204-0766
Agent's Title Chairman
Agent's Address 201 Douglas St. Ishpeming
Event Name Thursday Night Summer Concert Series
Event purpose to promote family friendly community activities in downtown Ishpeming
10 events) Event Dates June 14, 21, 28 / July 12, 19, 26 / Aug 2, 9, 16, 23, 30
Event Times 6pm - 8pm~
Event Location OLD ISH PARK

1. Type of Event:

- ☐ City Operated Event ☒ Co-Sponsored Event
☐ Other Non-Profit Event ☐ Other For-Profit Event
☐ Political or Ballot Issue Event

2. Annual Event: Is this event expected to occur next year? ☒ [YES] ☐ [NO]

If yes, you can reserve a date for next year with this application. To reserve dates for next year, please provide the following information:

Normal Event Schedule THURSDAYS IN SUMMER

Next year's Specific Dates: TBD

3. An Event Map [Is] [Is Not] attached. If your event will use streets and/or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also please show any streets or parking lots that you are requesting to be blocked off.

4. Vendors: Food Concessions? [Yes] [No] Other vendors? [Yes] [No]

5. Event signs: Will this event include the use of signs? ☒ [Yes] ☐ [No]

6. Other Requests: ⁴ Barricades and electricity at
Old Ish Park;

7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

a. A certificate of Insurance must be provided which names the City of Ishpeming as an additional named insured party on the policy.

b. Event organizers and participants will be required to sign Indemnification Agreement forms.

c. All food vendors must be approved by the Marquette County Health Department and each food vendor must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

d. All liquor vendors must obtain a liquor license for the event which must be approved by the Michigan Liquor Control Commission and must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

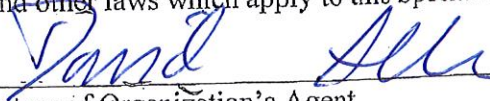
e. The approval of this special event may include additional requirements based on the City's review of this application in accordance with the City's Special Event Policy. The event will be operated in conformance with the written confirmation of approval.

f. The organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.

7/21/15

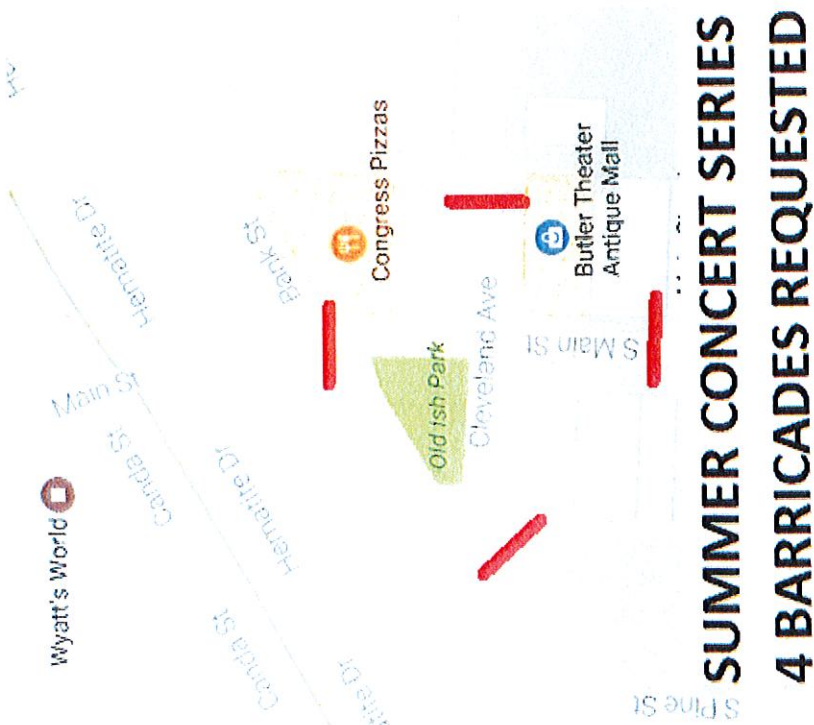
As the duly authorized agent of the organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

5/21/18
Date


Signature of Organization's Agent

Return this Application at least thirty (30) days prior to the first day of the event to:

City Manager's Office
City Hall
E. Division Street
Ishpeming, Michigan 49849



SUMMER CONCERT SERIES

4 BARRICADES REQUESTED



7(e)

CITY OF ISHPERING

SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 30 calendar days prior to the starting date of the event.

Organization's
Name Ishpeming Business Association Phone (906) 486-8680
Organization Address 119 Main St Ishpeming MI 49849
Organization's Agent Richard Devlin Phone (906) 204-0766
Agent's Title Chairman
Agent's Address 201 Douglas St. Ishpeming MI 49849
Event Name Festival of Treasures
Event purpose to promote family friendly community activities in downtown Ishpeming
Event Dates ^{Tuesday} Monday, July 3, ~~2017~~ 2018
Event Times 9AM - 6PM ~ Blue Notes 7-8PM ~
Event Location Downtown Ishpeming

1. Type of Event:

- ☐ City Operated Event ☒ Co-Sponsored Event
☐ Other Non-Profit Event ☐ Other For-Profit Event
☐ Political or Ballot Issue Event

* "NO PARKING" SIGNS THE NIGHT BEFORE
ALONG MAIN ST. PLEASE -
* SWEEP before the event.

2. Annual Event: Is this event expected to occur next year? ☒ [YES] ☐ [NO]

If yes, you can reserve a date for next year with this application. To reserve dates for next year, please provide the following information:

Normal Event Schedule 9AM - 6PM ~

Next year's Specific Dates: _____

3. An Event Map [Is] [Is Not] attached. If your event will use streets and/or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also please show any streets or parking lots that you are requesting to be blocked off.

4. Vendors: Food Concessions? ☒ [Yes] ☐ [No] Other vendors? ☐ [Yes] ☐ [No]

5. Event signs: Will this event include the use of signs? ☒ [Yes] ☐ [No] 8? if possible!

6. Other Requests: Barricades, additional picnic tables
and garbage cans, electricity @ Old Ish

7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

a. A certificate of Insurance must be provided which names the City of Ishpeming as an additional named insured party on the policy.

b. Event organizers and participants will be required to sign Indemnification Agreement forms.

c. All food vendors must be approved by the Marquette County Health Department and each food vendor must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

d. All liquor vendors must obtain a liquor license for the event which must be approved by the Michigan Liquor Control Commission and must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

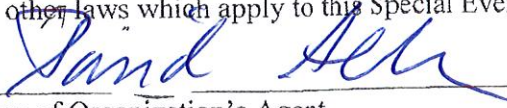
e. The approval of this special event may include additional requirements based on the City's review of this application in accordance with the City's Special Event Policy. The event will be operated in conformance with the written confirmation of approval.

f. The organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.

7/21/15

As the duly authorized agent of the organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

5/21/18
Date


Signature of Organization's Agent

Return this Application at least thirty (30) days prior to the first day of the event to:

City Manager's Office
City Hall
E. Division Street
Ishpeming, Michigan 49849

7/21/15



FESTIVAL OF TREASURES 2017 ROAD BARRICADES

7(f)

CITY OF ISHPEMING

SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 30 calendar days prior to the starting date of the event.

Organization's

Name

Shelly's Rainbow Bar

Phone

(906) 361-6013

(906) 486-8998

Organization Address

120 E. Canada Street

Organization's Agent

Phone

Agent's Title

Agent's Address

Event Name

Event purpose

Fourth of July weekend outdoor bands.

Event Dates

June 30 - July 4

Event Times

7-11

Event Location

front of Bldg & Parking lot

1. Type of Event:

☐ City Operated Event

☐ Co-Sponsored Event

☐ Other Non-Profit Event

☐ Other For-Profit Event

☐ Political or Ballot Issue Event

2. Annual Event: Is this event expected to occur next year? ☒ YES ☐ NO

If yes, you can reserve a date for next year with this application. To reserve dates for next year, please provide the following information:

Normal Event Schedule _____

Next year's Specific Dates: _____

3. An Event Map [Is] [Is Not] attached. If your event will use streets and/or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also please show any streets or parking lots that you are requesting to be blocked off.

4. Vendors: Food Concessions? [Yes] [No] Other vendors? [Yes] [No]

5. Event signs: Will this event include the use of signs? [Yes] ☒ NO

6. Other Requests: _____

7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

- a. A certificate of Insurance must be provided which names the City of Ishpeming as an additional named insured party on the policy.
- b. Event organizers and participants will be required to sign Indemnification Agreement forms.
- c. All food vendors must be approved by the Marquette County Health Department and each food vendor must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.
- d. All liquor vendors must obtain a liquor license for the event which must be approved by the Michigan Liquor Control Commission and must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.
- e. The approval of this special event may include additional requirements based on the City's review of this application in accordance with the City's Special Event Policy. The event will be operated in conformance with the written confirmation of approval.
- f. The organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.

As the duly authorized agent of the organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

Date

Signature of Organization ~~Agent~~

Return this Application at least thirty (30) days prior to the first day of the event to:

City Manager's Office
City Hall
E. Division Street
Ishpeming, Michigan 49849



Michigan Department of Licensing and Regulatory Affairs

Liquor Control Commission (MLCC)

Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC Use Only)

Temporary Authorization Application

(Authorized by R 436.1023(2),(3), R 436.1403(2), R 436.1407, and R 436.1419)

*****This application, all required documents, and a \$70.00 inspection fee must be submitted at least ten (10) days in advance of your event for your request to be considered by the Commission.*****

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Licensee name(s): <u>Shelly Thibeault (Shelly's Rainbow Bar)</u>		
Address: <u>120 E Canada St.</u>		
City: <u>Ishpeming MI</u>	Zip Code: <u>49849</u>	
Contact name: <u>Shelly</u>	Phone: <u>(906) 486-8998</u>	Email: <u>tb096215@yahoo.com</u>

☐ \$70.00 Inspection Fee - Make Check Payable to **State of Michigan** MLCC Use - Fee Code 4037

Part 2 - Temporary Authorizations Available

A licensee may request up to twelve (12) daily authorizations for each type of temporary authorization in a calendar year. Select all that apply to this application:

<input checked="" type="checkbox"/> Temporary Outdoor Service - Complete Parts 3, 8, and 9	<input type="checkbox"/> Temporary Extended Hours Permit - Complete Parts 6 and 9
<input type="checkbox"/> Temporary Dance Permit - Complete Parts 4 and 9	<input type="checkbox"/> Temporary Specific Purpose Permit - Complete Parts 7, 8, and 9
<input type="checkbox"/> Temporary Entertainment Permit - Complete Parts 5 and 9	

Part 3 - Temporary Outdoor Service Information

Temporary Outdoor Service requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. **The local law enforcement agency must complete Part 8 of this application.**

Date(s) of event: <u>June 30 July 1, 2, 3, 4</u>	Describe event: <u>black ops in grant's building and park lot for music. 8pm, 30th, 1st. drum 7pm-11pm</u>
Date(s) of event:	Describe event:
Date(s) of event:	Describe event:
1. Check below if the event(s) listed above will include any of the following: <u>June 30th 1, 2, 3.</u> <input type="checkbox"/> Dancing <input type="checkbox"/> Contests <input type="checkbox"/> Tournaments <input type="checkbox"/> Classic Cars <input type="checkbox"/> Motorcycles <input checked="" type="checkbox"/> Concerts <input type="checkbox"/> Festivals	
2. List the exact dimensions of the proposed area: Submit a diagram of outdoor area with application <div style="display: flex; align-items: center;"><div style="border: 1px solid black; padding: 2px; margin-right: 5px;">10'</div>feet X <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">48'</div>feet = <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">480</div>square feet <div style="margin-left: 100px;">Width</div><div style="margin-left: 100px;">Length</div></div> <u>+ 576 sq ft park lot</u>	
3. Describe type and height of the barrier that will be used to enclose the area: <u>4 1/2' (snow fence)</u>	
4. Will the proposed outdoor service area be connected to the licensed premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No , what is the distance from the licensed premises to the proposed area? <div style="border: 1px solid black; width: 50px; height: 20px; display: inline-block;"></div> feet	
5. Is the entrance/exit point(s) for the proposed area through the licensed premises? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Are there any dedicated streets or intervening property between proposed area and the licensed premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Describe type of security that will be used for event(s) and how it will be utilized to secure and monitor to prevent sales to minors and visibly intoxicated persons: <u>check IDs at entrance & watch outdoor area</u>	

169

CITY OF ISHPEMING
SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 30 calendar days prior to the starting date of the event.

Organization's Name Jacks Tee Pee Bar Phone 4866080
Organization Address 108 N main ST
Organization's Agent Paul Richards Phone 3610532
Agent's Title Owner
Agent's Address 603 N 4TH ST.
Event Name 4th of July Reunions
Event purpose extra space for patrons

Event Dates 7-2, 7-3
Event Times 2 PM Till 2 AM
Event Location Dank ST alongside of Jacksteepee

1. Type of Event:

- ☐ City Operated Event ☐ Co-Sponsored Event
☐ Other Non-Profit Event ☐ Other For-Profit Event
☐ Political or Ballot Issue Event

7/21/15

2. Annual Event: Is this event expected to occur next year? ☒ [YES] ☐ [NO]

If yes, you can reserve a date for next year with this application. To reserve dates for next year, please provide the following information:

Normal Event Schedule _____

Next year's Specific Dates: _____

3. An Event Map ☒ [Is] ☐ [Is Not] attached. If your event will use streets and/or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also please show any streets or parking lots that you are requesting to be blocked off.

4. Vendors: Food Concessions? [Yes] ☒ [No] Other vendors? [Yes] ☒ [No]

5. Event signs: Will this event include the use of signs? [Yes] ☒ [No]

6. Other Requests: _____

7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

a. A certificate of Insurance must be provided which names the City of Ishpeming as an additional named insured party on the policy.

b. Event organizers and participants will be required to sign Indemnification Agreement forms.

c. All food vendors must be approved by the Marquette County Health Department and each food vendor must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

d. All liquor vendors must obtain a liquor license for the event which must be approved by the Michigan Liquor Control Commission and must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

e. The approval of this special event may include additional requirements based on the City's review of this application in accordance with the City's Special Event Policy. The event will be operated in conformance with the written confirmation of approval.

f. The organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.

7/21/15

As the duly authorized agent of the organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

5-28
Date

Paul Richards
Signature of Organization's Agent

Return this Application at least thirty (30) days prior to the first day of the event to:

City Manager's Office
City Hall
E. Division Street
Ishpeming, Michigan 49849

7/21/15



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC Use Only)

Temporary Authorization Application

(Authorized by R 436.1023(2),(3), R 436.1403(2), R 436.1407, and R 436.1419)

This application, all required documents, and a \$70.00 inspection fee must be submitted at least ten (10) days in advance of your event for your request to be considered by the Commission.

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Licensee name(s): Paul Francis Richards DBA. Jack's Tee Pee Bar		
Address: 108 N. Main St.		
City: Ishpeming Mi	Zip Code: 49849	
Contact name: Paul Richards	Phone: 906 361 0532	Email: prteepee@yahoo.com

☐ \$70.00 Inspection Fee - Make Check Payable to State of Michigan MLCC Use - Fee Code 4037

Part 2 - Temporary Authorizations Available

A licensee may request up to twelve (12) daily authorizations for each type of temporary authorization in a calendar year. Select all that apply to this application:

<input checked="" type="checkbox"/> Temporary Outdoor Service - Complete Parts 3, 8, and 9	<input type="checkbox"/> Temporary Extended Hours Permit - Complete Parts 6 and 9
<input type="checkbox"/> Temporary Dance Permit - Complete Parts 4 and 9	<input type="checkbox"/> Temporary Specific Purpose Permit - Complete Parts 7, 8, and 9
<input type="checkbox"/> Temporary Entertainment Permit - Complete Parts 5 and 9	

Part 3 - Temporary Outdoor Service Information

Temporary Outdoor Service requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. The local law enforcement agency must complete Part 8 of this application.

Date(s) of event: July 2, 3	Describe event: 4th of July Reunion 3 PM TILL 2 AM
Date(s) of event:	Describe event:
Date(s) of event:	Describe event:
1. Check below if the event(s) listed above will include any of the following: <input type="checkbox"/> Dancing <input type="checkbox"/> Contests <input type="checkbox"/> Tournaments <input type="checkbox"/> Classic Cars <input type="checkbox"/> Motorcycles <input type="checkbox"/> Concerts <input type="checkbox"/> Festivals	
2. List the exact dimensions of the proposed area: Submit a diagram of outdoor area with application 30' feet X 40' feet = 1200 square feet Width Length	
3. Describe type and height of the barrier that will be used to enclose the area: 7' snowfence	
4. Will the proposed outdoor service area be connected to the licensed premises? <input checked="" type="radio"/> Yes <input type="radio"/> No If No, what is the distance from the licensed premises to the proposed area? _____ feet	
5. Is the entrance/exit point(s) for the proposed area through the licensed premises? <input checked="" type="radio"/> Yes <input type="radio"/> No	
6. Are there any dedicated streets or intervening property between proposed area and the licensed premises? <input type="radio"/> Yes <input checked="" type="radio"/> No	
7. Describe type of security that will be used for event(s) and how it will be utilized to secure and monitor to prevent sales to minors and visibly intoxicated persons: Added staff and Doormen/Security	

7(h)

CITY OF ISHPEMING

SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 30 calendar days prior to the starting date of the event.

Organization's
Name COGNITION BREWING CO Phone 906 204-2724
Organization Address 113 E CANADA ST.
Organization's Agent JAY CLANCEY Phone 906 361-6603
Agent's Title OWNER
Agent's Address 130 HARDWOOD LN NEGAUNEE, MI 49866
Event Name 4TH OF JULY
Event purpose TO PROVIDE OUTDOOR SEATING DURING
HOLIDAY
Event Dates 6/29 - 7/8
Event Times ALL DAY
Event Location MADE ST. ADJACENT TO ENTRY

1. Type of Event:

- ☐ City Operated Event ☐ Co-Sponsored Event
☐ Other Non-Profit Event ☒ Other For-Profit Event
☐ Political or Ballot Issue Event

7/21/15

2. Annual Event: Is this event expected to occur next year? ☒ [YES] ☐ [NO]

If yes, you can reserve a date for next year with this application. To reserve dates for next year, please provide the following information:

Normal Event Schedule NA

Next year's Specific Dates: _____

3. An Event Map ☒ [Is] ☐ [Is Not] attached. If your event will use streets and/or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also please show any streets or parking lots that you are requesting to be blocked off.

4. Vendors: Food Concessions? ☒ [Yes] ☐ [No] Other vendors? ☐ [Yes] ☐ [No]

5. Event signs: Will this event include the use of signs? ☐ [Yes] ☒ [No]

6. Other Requests: _____

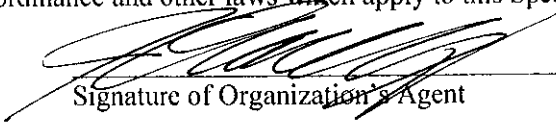
7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

- a. A certificate of Insurance must be provided which names the City of Ishpeming as an additional named insured party on the policy.
- b. Event organizers and participants will be required to sign Indemnification Agreement forms.
- c. All food vendors must be approved by the Marquette County Health Department and each food vendor must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.
- d. All liquor vendors must obtain a liquor license for the event which must be approved by the Michigan Liquor Control Commission and must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.
- e. The approval of this special event may include additional requirements based on the City's review of this application in accordance with the City's Special Event Policy. The event will be operated in conformance with the written confirmation of approval.
- f. The organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.

7/21/15

As the duly authorized agent of the organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

5/29/18
Date


Signature of Organization's Agent

Return this Application at least thirty (30) days prior to the first day of the event to:

City Manager's Office
City Hall
E. Division Street
Ishpeming, Michigan 49849

7/21/15

BARNUM STREET

BLEW HOUSE

OFFICES

BAR

PUBLIC SEATING
"APPROX"

UNEXCAVATED

UNEXCAVATED

NEW FLOOR PLAN

COGNITION BREWING CO

CANDA STREET

N A L L E S T

S - O U E R T A L L

55

25

S - O U E R T A L L

ENTRY

PROPOSED
BARRIER
TO VEHICLE
TRAFFIC

GRACE
CHURCH



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: 237289
Request ID: _____
(For MLCC use only)

Application for Temporary Authorization

(Authorized by R436.1023(2)(3), R436.1403(2), R436.1407 and R436.1419 of the M.A.C.)

A non-refundable inspection fee of \$70.00 is required with the submission of your application.

Part 1: Applicant Information

Name of licensee: COGNITION BREWING CO.
Address of business: 113 E CANADA ST. TISHPEMING MI 49849
Name of Contact: JAY CLANCEY License type and number: MICRO BREWER 246476-2014
Business Phone: 906 204-2724 Fax number: 906 475-5195 E-mail address: JAYCLANCEY1@GMAIL.COM

Part 2: Type of Event

Specifically describe the type of event(s) being held for each date requested:

OUTDOOR SEATING DURING HOLIDAY, INCLUDING FENCED AREA WITH TABLES & CHAIRS.

Please check below if your event will include any of the following:

☐ Dancing ☐ Classic Cars ☐ Tournaments ☐ Contests ☐ Motorcycles ☐ Concerts ☐ Competitive Fight

*Include this information on your diagram in order to provide an accurate site plan. Enclose a copy (if created) of promotional materials/flyers.

Part 3: Temporary Authorization for Outdoor Service - Please complete, if applicable

Dates requested: JUNE 29TH - JULY 8TH, 2018

1. What are the dimensions of the proposed area? 55' feet by 25' feet.

2. What is the type and height of the barrier that will be used to enclose the area? 4" HIGH PLASTIC FENCING

Note: Pursuant to administrative rule R 436.1419(2), the outdoor service area must be well-defined and clearly marked for the proposed outdoor service area and pursuant to rule 436.1003, the outdoor service area must comply with local ordinances.

3. Will the proposed outdoor service area be connected to the licensed premises? ☒ Yes ☐ No

If you answered "no", what is the distance? _____

4. Is the entrance/exit point(s) for the proposed outdoor service area through the licensed premises? ☐ Yes ☒ No

5. Are there any dedicated streets or intervening property between the licensed premises and the proposed area? ☐ Yes ☒ No

If you answered "yes", please explain (and include this information on your diagram): _____

6. Describe the type of security that will be used for the event(s) and how they will be utilized to secure and monitor to prevent sales to minors and sales to visibly intoxicated persons.

NO ALCOHOL WILL BE SERVED OUTSIDE, ALL BEER WILL BE PURCHASED AT EXISTING BAR WITH AGE VERIFICATION, NO SERVICE TO INTOXICATED PERSONS (AS ALWAYS)

7. Is the location of the proposed area owned, rented or leased by the licensee? ☐ Yes ☒ No

If you answered "no", you must provide a lease or written permission for the proposed area with this application.

8. Is the location of the proposed area located on property owned by the city, village or township? ☒ Yes ☐ No

9. Is location of the proposed area in the same governmental unit as the licensed premises? ☒ Yes ☐ No

If you answered "no", please explain: _____

10. Does your license currently include an Additional Bar Permit? ☐ Yes ☒ No

If you answered "no", you will be restricted to table service only unless you submit a request for a new additional bar permit.

71

CITY OF ISHPEMING

SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 30 calendar days prior to the starting date of the event.

Organization's Name Venice Pub + Pizzeria Phone 486-9761

Organization Address 113 N. 2nd St

Organization's Agent Beth Christianson Phone 361-5667

Agent's Title Owner

Agent's Address 8 Horseshoe Lane Circle Ny.

Event Name 4th of July Activities

Event purpose outdoor space for music/dancing

Event Dates 6/30/18 to 7/4/18

Event Times 4 pm - 12

Event Location 113 N. 2nd St

1. Type of Event:

- ☐ City Operated Event ☐ Co-Sponsored Event
☐ Other Non-Profit Event ☒ Other For-Profit Event
☐ Political or Ballot Issue Event

7/21/15

2. Annual Event: Is this event expected to occur next year? ☒ [YES] ☐ [NO]

If yes, you can reserve a date for next year with this application. To reserve dates for next year, please provide the following information:

Normal Event Schedule Around July 4th -

Next year's Specific Dates: _____

3. An Event Map ☒ [Is] ☐ [Is Not] attached. If your event will use streets and/or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also please show any streets or parking lots that you are requesting to be blocked off.

4. Vendors: Food Concessions? ☐ [Yes] ☒ [No] Other vendors? ☐ [Yes] ☒ [No]

5. Event signs: Will this event include the use of signs? ☐ [Yes] ☒ [No]

6. Other Requests: _____

7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

a. A certificate of Insurance must be provided which names the City of Ishpeming as an additional named insured party on the policy.

b. Event organizers and participants will be required to sign Indemnification Agreement forms.

c. All food vendors must be approved by the Marquette County Health Department and each food vendor must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

d. All liquor vendors must obtain a liquor license for the event which must be approved by the Michigan Liquor Control Commission and must provide the City with a Certificate of Insurance which names the City as an additional named insured on the policy.

e. The approval of this special event may include additional requirements based on the City's review of this application in accordance with the City's Special Event Policy. The event will be operated in conformance with the written confirmation of approval.

f. The organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.

As the duly authorized agent of the organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

5/26/18
Date

Beth Co
Signature of Organization's Agent

Return this Application at least thirty (30) days prior to the first day of the event to:

City Manager's Office
City Hall
E. Division Street
Ishpeming, Michigan 49849



Temporary Authorization Application

(Authorized by R 436.1023(2),(3), R 436.1403(2), R 436.1407, and R 436.1419)

*****This application, all required documents, and a \$70.00 inspection fee must be submitted at least ten (10) days in advance of your event for your request to be considered by the Commission.*****

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Licensee name(s): <u>Nora K Inc DBA Venice Pub + Pizzeria</u>		
Address: <u>113 N. Second St</u>		
City: <u>Ishpeming</u>	Zip Code: <u>49849</u>	
Contact name: <u>Beth Christianson</u>	Phone: <u>906-486-9761</u> <u>906-361-5667</u>	Email: <u>bethsport@aol.com</u>

☒ \$70.00 Inspection Fee - Make Check Payable to **State of Michigan** MLCC Use - Fee Code 4037

Part 2 - Temporary Authorizations Available

A licensee may request up to twelve (12) daily authorizations for each type of temporary authorization in a calendar year. Select all that apply to this application:

<input checked="" type="checkbox"/> Temporary Outdoor Service - Complete Parts 3, 8, and 9	<input type="checkbox"/> Temporary Extended Hours Permit - Complete Parts 6 and 9
<input type="checkbox"/> Temporary Dance Permit - Complete Parts 4 and 9	<input type="checkbox"/> Temporary Specific Purpose Permit - Complete Parts 7, 8, and 9
<input type="checkbox"/> Temporary Entertainment Permit - Complete Parts 5 and 9	

Part 3 - Temporary Outdoor Service Information

Temporary Outdoor Service requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. **The local law enforcement agency must complete Part 8 of this application.**

Date(s) of event: <u>6/30 - 7/4</u>	Describe event: <u>4th of July events + class reunions</u>
Date(s) of event:	Describe event:
Date(s) of event:	Describe event:

1. Check below if the event(s) listed above will include any of the following:
☐ Dancing ☐ Contests ☐ Tournaments ☐ Classic Cars ☐ Motorcycles ☐ Concerts ☐ Festivals

2. List the exact dimensions of the proposed area: 30 feet X 30 feet = 900 square feet
Submit a diagram of outdoor area with application
Width Length

3. Describe type and height of the barrier that will be used to enclose the area: 5 ft snow fence will be used

4. Will the proposed outdoor service area be connected to the licensed premises? ☒ Yes ☐ No
If **No**, what is the distance from the licensed premises to the proposed area? feet

5. Is the entrance/exit point(s) for the proposed area through the licensed premises? ☒ Yes ☐ No

6. Are there any dedicated streets or intervening property between proposed area and the licensed premises? ☒ Yes ☐ No

7. Describe type of security that will be used for event(s) and how it will be utilized to secure and monitor to prevent sales to minors and visibly intoxicated persons:
All entrances will be staffed + ID's will be checked upon arrival

May 28, 2018

Matt DeWitt
Brogie's Tavern
106 N. 2nd
Ishpeming, MI 49849


To the offices of the Ishpeming City Manager and City Council:

I am writing to request the temporary closure, during the hours of 6:00PM to 2:00AM, of 2nd Street between Cleveland and Bank Streets on the Thirtieth of June, and the First, Second, and Third of July, 2018. I am requesting the closure to accommodate an enclosed outdoor gathering area for expected overflow business that will not fit in our building during Ishpeming's Independence Day celebration and the surrounding days. I have attached a diagram of the proposed enclosure area. On the Third I would like to host a concert style event in the Warehouse Showroom as well. Logistically, it will be identical to our previous events, with the exception that only patrons aged 21 and up will be admitted.

I understand that it is our responsibility to remove the enclosure during the hours we are not open and clean nightly in the area of the street that our business occupies. We have a plan for both in place and will be happy to do so. The proposed enclosure will be 20 feet by 40 feet in size and wrapped in 7 foot high snow fence with one opening left on the North end of the sidewalk on the East side of 2nd Street for customer ingress and egress. On the day of the Warehouse event, the fence will be used to connect both buildings on the South end and the same entry will be used at the North end on all days.

Please contact me with any questions or concerns. Your approval of this closure and use of space is required to complete the application to the Michigan Liquor Control Commission for a special permit. Should you choose to approve this request, please notify me in writing at the below address so that I may complete the application. I can be reached at any time at 906-204-9675 or in writing at 106 North 2nd St in Ishpeming.

Thank you very much for your consideration,

A handwritten signature in black ink, appearing to read 'Matthew DeWitt', written over a horizontal line.

Matthew DeWitt
Managing Member, Brogie's Tavern LLC

CITY OF ISHPEMING

SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 30 calendar days prior to the starting date of the event.

Organization's Name BROGIE'S TAVERN LLC Phone 906 204 9675

Organization Address 106 W 2nd St, Ishpeming MI 49849

Organization's Agent Matthew DeWitt Phone 906-204-9675

Agent's Title owner

Agent's Address 106 W 2nd St

Event Name Independence Day Weekend

Event purpose Entertainment & Community Gathering

Event Dates 6/30 - 7/3/2018

Event Times 6p - 2a

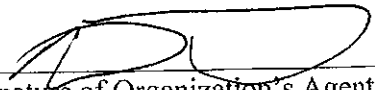
Event Location 2nd St between Cleveland & Bank

1. Type of Event:

- ☐ City Operated Event ☐ Co-Sponsored Event
☐ Other Non-Profit Event ☒ Other For-Profit Event
☐ Political or Ballot Issue Event

As the duly authorized agent of the organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

5-28-18
Date


Signature of Organization's Agent

Return this Application at least thirty (30) days prior to the first day of the event to:

City Manager's Office
City Hall
E. Division Street
Ishpeming, Michigan 49849

7/21/15

May 28, 2018

Matthew DeWitt
Brogie's Tavern LLC
106 North 2nd Street
Ishpeming, MI 49849

To the members of the Commission:

I am writing today to request permission to add space to a temporary outdoor service permit, so that I may use my additional bar permit to set a bar up in the building that is adjacent, and attached to the outdoor service area that was diagrammed for the attached request. We would like to put a bar inside the concert venue on July 3rd to ease traffic flow and limit the desire for concert patrons to carry-in - especially glass packaging. This is identical to the events that we received permission for several time last summer, other than the performing band. Admission will only be granted to persons age 21 and up with valid ID.

I have included a diagram with the proposed location of the bar as well as the structures and intervening street. If there is anything else you need, please let me know and I will make sure to take care of it immediately.

Thank you very much for working with us. I sincerely appreciate it!

A handwritten signature in black ink, appearing to read 'Matthew DeWitt', enclosed within a hand-drawn oval border.

Matthew DeWitt
Brogie's Tavern



Temporary Authorization Application

(Authorized by R 436.1023(2),(3), R 436.1403(2), R 436.1407, and R 436.1419)

*****This application, all required documents, and a \$70.00 inspection fee must be submitted at least ten (10) days in advance of your event for your request to be considered by the Commission.*****

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Licensee name(s): Brogie's Tavern LLC		
Address: 106 North 2nd St		
City: Ishpeming	Zip Code: 49849	
Contact name: Matthew DeWitt	Phone: 9062049675	Email: brogiestavern@gmail.com

☒ \$70.00 Inspection Fee - Make Check Payable to **State of Michigan** MLCC Use - Fee Code 4037

Part 2 - Temporary Authorizations Available

A licensee may request up to twelve (12) daily authorizations for each type of temporary authorization in a calendar year. Select all that apply to this application:

<input checked="" type="checkbox"/> Temporary Outdoor Service - Complete Parts 3, 8, and 9	<input type="checkbox"/> Temporary Extended Hours Permit - Complete Parts 6 and 9
<input type="checkbox"/> Temporary Dance Permit - Complete Parts 4 and 9	<input type="checkbox"/> Temporary Specific Purpose Permit - Complete Parts 7, 8, and 9
<input type="checkbox"/> Temporary Entertainment Permit - Complete Parts 5 and 9	

Part 3 - Temporary Outdoor Service Information

Temporary Outdoor Service requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. **The local law enforcement agency must complete Part 8 of this application.**

Date(s) of event: 6/30	Describe event: Class Reunion/Overflow Independence Day Traffic
Date(s) of event: 7/1-3	Describe event: Live Music Night and Overflow Independence Day Traffic
Date(s) of event:	Describe event:

1. Check below if the event(s) listed above will include any of the following:

☒ Dancing ☐ Contests ☐ Tournaments ☐ Classic Cars ☐ Motorcycles ☒ Concerts ☐ Festivals

2. List the exact dimensions of the proposed area:

139	feet X	60	feet =	8,340	square feet
Width		Length			

Submit a diagram of outdoor area with application

3. Describe type and height of the barrier that will be used to enclose the area: 4 foot to 8 foot snow fence

4. Will the proposed outdoor service area be connected to the licensed premises? ☒ Yes ☐ No

If **No**, what is the distance from the licensed premises to the proposed area?

--

 feet

5. Is the entrance/exit point(s) for the proposed area through the licensed premises? ☒ Yes ☐ No

6. Are there any dedicated streets or intervening property between proposed area and the licensed premises? ☒ Yes ☐ No

7. Describe type of security that will be used for event(s) and how it will be utilized to secure and monitor to prevent sales to minors and visibly intoxicated persons:

Private security will be hired to verify IDs and insure the safety of all patrons. Bartenders will act to prevent overservice to patrons.

CITY OF ISHPEMING
 POOLED CASH REPORT (FUND 999)
 AS OF: MAY 30TH, 2018

8

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<u>CLAIM ON CASH</u>					
101-000-009-000	CLAIM ON CASH	2,235,733.03 (	198,226.29)	2,037,506.74
202-000-009-000	CLAIM ON CASH	135,058.59	46,579.69	181,638.28	
203-000-009-000	CLAIM ON CASH	171,788.90	14,869.77	186,658.67	
206-000-009-000	CLAIM ON CASH	42,475.51	0.00	42,475.51	
211-000-009-000	CLAIM ON CASH	232,544.61	0.00	232,544.61	
220-000-009-000	CLAIM ON CASH	(10,527.30)	0.00 (	10,527.30)
226-000-009-000	CLAIM ON CASH	303,009.85 (	36,014.93)	266,994.92
247-000-009-000	CLAIM ON CASH	0.00	0.00	0.00	
248-000-009-000	CLAIM ON CASH	223,772.09 (	441.31)	223,330.78
265-000-009-000	CLAIM ON CASH	45,696.42 (	510.96)	45,185.46
271-000-009-000	CLAIM ON CASH	412.18 (	2,475.09) (	2,062.91)
401-000-009-000	CLAIM ON CASH	642,230.94 (	4,257.17)	637,973.77
404-000-009-000	CLAIM ON CASH	0.00	0.00	0.00	
590-000-009-000	CLAIM ON CASH	1,322,608.26	86,047.56	1,408,655.82	
591-000-009-000	CLAIM ON CASH	(452,295.27) (	119,552.44) (	571,847.71)
661-000-009-000	CLAIM ON CASH	207,026.57 (	15,026.98)	191,999.59
TOTAL CLAIM ON CASH		5,099,534.38 (	229,008.15)	4,870,526.23

List of Funds:

Fund 101 - General Fund	Fund 274 - Revolving Loan
Fund 202 - Major Street Fund	Fund 401 - Public Improvement Fund
Fund 203 - Local Street Fund	Fund 403 - Facilities Improvement Fund
Fund 206 - Fire Fund	Fund 590 - Sewer Fund
Fund 211 - Firefighter Longevity	Fund 591 - Water Fund
Fund 220 - Lake Bancroft Fund	Fund 661 - Motor Pool Equipment Fund
Fund 226 - Garbage Fund	Fund 701 - Trust & Agency
Fund 247 - Building Authority	Fund 703 - Tax Collection
Fund 248 - DDA	Fund 711 - Cemetery Perpetual Care
Fund 268 - Library Special Fund	Fund 712 - Cemetery Care Fund
Fund 271 - Library State Aid	Fund 732 - Act 345 Police/Fire Pension

Fund	Share of Pooled Cash	Revenue	Expense	NI/NL	Fund Balance
101 - General	\$ 2,037,506.74	\$ 1,877,736.69	\$ 1,167,518.92	\$ 710,217.77	\$ 1,595,879.37
206 - Fire Fund	\$ 42,475.51	\$ 106,709.85	\$ 73,078.47	\$ 33,631.38	\$ 42,475.51
226 - Garbage	\$ 266,994.92	\$ 171,722.94	\$ 210,237.78	\$ (38,514.84)	\$ 265,472.08
401 - Public Imp	\$ 637,973.77	\$ 512,115.32	\$ 106,477.43	\$ 405,637.89	\$ 637,973.77
590 - Sewer	\$ 1,408,655.82	\$ 610,866.44	\$ 503,578.67	\$ 107,287.77	\$ 9,105,132.34
591 - Water	\$ (571,847.71)	\$ 813,589.42	\$ 483,701.23	\$ 329,888.19	\$ 4,108,580.59

Notes:

1. All fringe benefits are paid from the General Fund and then allocated back to other funds based on a fringe benefit rate on a quarterly basis. The 1st Quarter 2018 has been recorded.
2. - Depreciation expense has been recorded in the Sewer & Water Funds through May 2018.
3. State revenue sharing in the General Fund has been recorded through February 2018.
Paid by the state in 2-month increments with a 2-month lag.

10(a)

Change Order No. 3

Date of Issuance:	Effective Date:
Owner: City of Ishpeming	Owner's Contract No.:
Contractor:	Contractor's Project No.:
Engineer: GEI Consultants of Michigan, P.C.	Engineer's Project No.: 1508090
Project: RD Water System Improvements	Contract Name: Contract II

The Contract is modified as follows upon execution of this Change Order:

Description: Change Order to add additional pavement reconstruction for streets along project that will deteriorate beyond usability because of project. Add quantity for additional bulkheads due to old watermain.

Attachments: Contractor Pricing and Change Order Summary

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,256,816.06</u>	Original Contract Times: Substantial Completion: <u>October 1, 2018</u> Ready for Final Payment: <u>November 14, 2018</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>1,530,762.06</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days or dates
Contract Price prior to this Change Order: \$ <u>5,787,578.12</u>	Contract Times prior to this Change Order: Substantial Completion: <u>October 1, 2018</u> Ready for Final Payment: <u>November 14, 2018</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>120,155.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>15</u> Ready for Final Payment: <u>0</u> days or dates
Contract Price incorporating this Change Order: \$ <u>5,907,733.12</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>October 16, 2018</u> Ready for Final Payment: <u>November 14, 2018</u> days or dates

RECOMMENDED:		ACCEPTED:	
By: <u>[Signature]</u>	By: <u>[Signature]</u>	By: <u>[Signature]</u>	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)	
Title: <u>Project Manager</u>	Title: <u></u>	Title: <u>Project Manager</u>	
Date: <u>5/25/18</u>	Date: <u></u>	Date: <u>5/25/18</u>	

Approved by Funding Agency (if applicable)

By: _____	Date: _____
Title: _____	

10(b)

City of Ishpeming
City Council Meeting Action
Rural Development Water System Improvements - 2017
Eighth Draw

SUBJECT: Approval of Payments for RD Water System Improvements Project

It was moved by _____
and
seconded by _____
that the City proceed with paying A. Lindberg and Sons, Inc \$1,200,831.97; and GEI
Consultants of Michigan, PC \$43,691.12.

City Council Member:

<u>Joseph Juidici</u>	_____ AYE	_____ NAY	_____ ABSENT
<u>Justin Koski</u>	_____ AYE	_____ NAY	_____ ABSENT
<u>Karl Lehmann</u>	_____ AYE	_____ NAY	_____ ABSENT
<u>Stuart Skauge</u>	_____ AYE	_____ NAY	_____ ABSENT
<u>Mike Tonkin</u>	_____ AYE	_____ NAY	_____ ABSENT

BY:

Tammie Leece, City Clerk

DATE: June 6, 2018

ESTIMATE OF FUNDS NEEDED
FOR
30-Day Period Commencing

FORM APPROVED
OMB NO. 0575-0015

Eighth Draw

Name of Borrower City of Ishpeming - RD Water System Improvements

Items	Amount of Funds
Development	\$ 1,200,831.97
Contract or Job No. <u>I</u>	
Contract or Job No. <u>II</u>	
Contract or Job No.	
Land and Rights-of-Way	
Legal Services	
Engineering Fees	43,691.12
Interest	
Equipment	
Contingencies	
Refinancing	
Initial O & M	
Other	
TOTAL	\$ 1,244,523.09

Prepared by City of Ishpeming

Name of Borrower

By Joseph Juidici, Mayor

Date 6/6/18

Approved by _____

Date _____

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**CITY OF ISHPEMING
RD WATER SYSTEM IMPROVEMENTS
BREAKDOWN OF COSTS
ESTIMATE OF FUNDS NEEDED RD FORM 440-11 EIGHTH DRAW
GEI PROJECT #1508090**

1. Construction

Contract I \$ 429,764.04 (See attached Pay Application)
Contract II \$ 771,067.93 (See attached Pay Application)

Total Construction ==> \$ 1,200,831.97

2. Resident Engineering (Budget Amount: \$630,000)

Total Resident Engineering ==> \$ 43,691.12 (See attached invoices)

Total All Categories Seventh Draw ==> \$ 1,244,523.09

**CITY OF ISHPEMING
RD WATER SYSTEM IMPROVEMENTS
INVOICE SUMMARY
ESTIMATE OF FUNDS NEEDED RD FORM 440-11 EIGHTH DRAW
GEI PROJECT #1508090**

1. Construction

Pay App No.	Invoice Date	Invoice Amount	Progress Billing No.	Billed to Date
Contract I - 7	5/22/2018	\$ 429,764.04	7	\$ 1,468,111.64
Contract II - 6	5/22/2018	\$ 771,067.93	6	\$ 1,219,318.48

Total Construction==> \$ 1,200,831.97

2. Resident Engineering (Budget Amount: \$630,000)

Task 1002

Invoice No.	Invoice Date	Invoice Amount	Progress Billing No.	Billed to Date
5003947	1/12/2018	\$ 10,008.82	24	\$ 120,161.30
5004141	2/19/2018	\$ 3,670.00	24	\$ 123,831.30
5004317	3/13/2018	\$ 4,387.71	24	\$ 128,219.01
5004379	4/5/2018	\$ 8,018.88	24	\$ 136,237.89
5004614	5/16/2018	\$ 17,605.71	24	\$ 153,843.60

Total Billed ==> \$ 43,691.12



8

Approved Change Orders			Change Order Summary	
Number	Additions	Deductions		
#001	\$4,500.00			
#002	\$126,201.90			
TOTALS	\$130,701.90			
NET CHANGE BY	\$130,701.90			
CHANGE ORDERS				

1.	ORIGINAL CONTRACT PRICE	\$	\$545,602.50
2.	Net change by Change Orders	\$	\$130,701.90
3.	Current Contract Price (Line 1 + 2)	\$	\$696,304.40
4.	TOTAL COMPLETED AND STORED TO DATE		
	(Column F on Progress Estimate)	\$	187,646.83
5.	RETAINAGE:		
	a. 5% X \$ 142,811.28 Work Completed	\$	7,140.56
	b. 5% X \$ 45,133.35 Stored Material	\$	2,256.78
	c. Total Retainage (Line 5a + Line 5b)	\$	9,397.34
6.	AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)	\$	178,249.49
7.	LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	\$	153,874.26
8.	AMOUNT DUE THIS APPLICATION	\$	24,375.23
9.	BALANCE TO FINISH, PLUS RETAINAGE	\$	24,390.23
	(Column G on Progress Estimate + Line 5 above)	\$	518,039.90

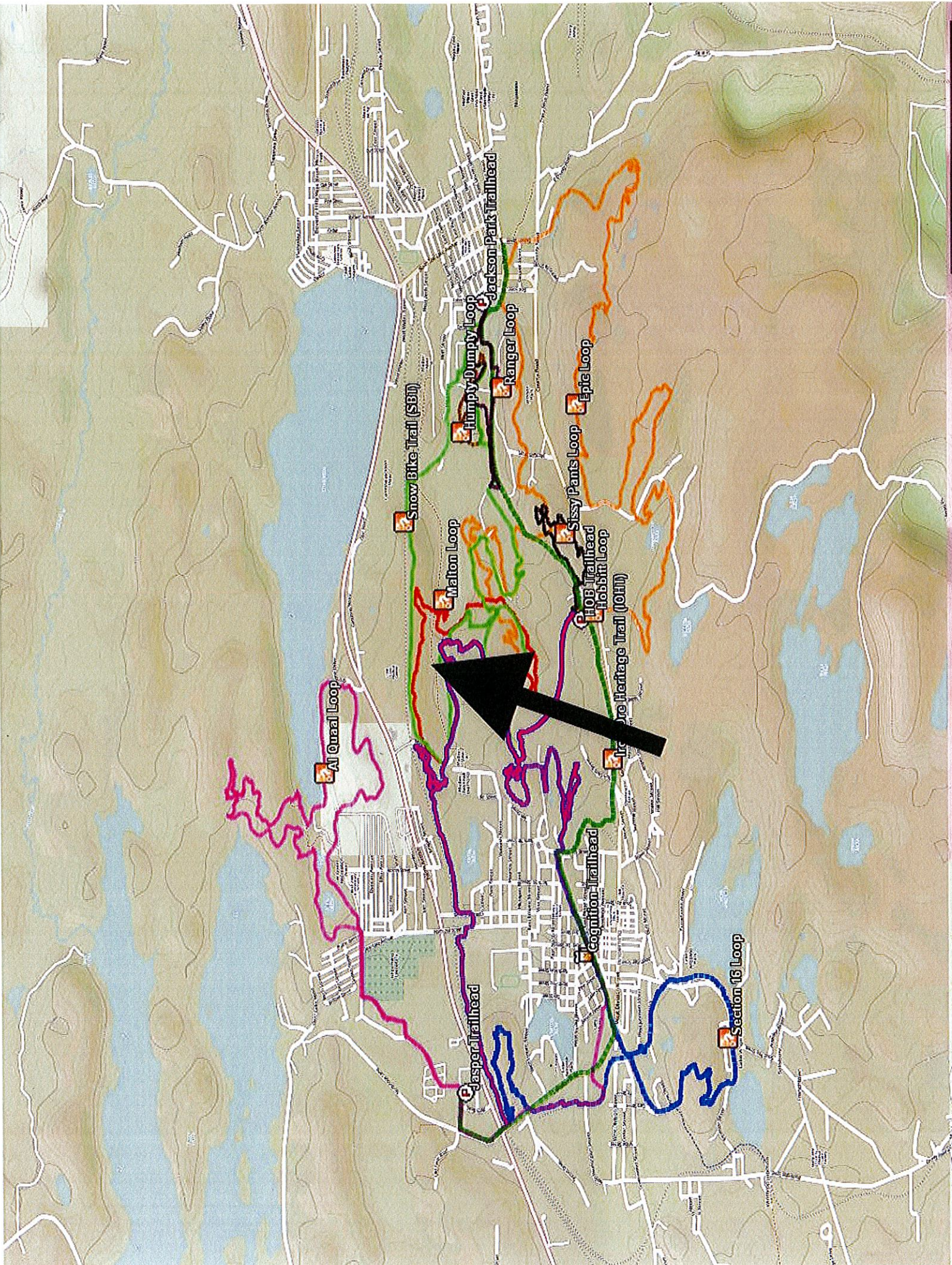
The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by Prior Applications for Payment; (2) if, of all Work, materials and equipment incorporated in said Work or applications listed or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrance (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

<p>Contractor's Certification</p> <p>The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances; (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.</p>		<p>Date: <u>5/23/2018</u></p>
<p>Payment of: \$ <u>24,390.23</u></p> <p>(Line 8 or other - attach explanation of the other amount)</p>	<p>is recommended by: <u>[Signature]</u> (Date) <u>5/24/18</u></p> <p>(Engineer)</p>	<p>(Owner) _____ (Date) _____</p> <p>Funding Agency (if applicable) _____ (Date) _____</p>
<p>Payment of: \$ _____</p> <p>(Line 8 or other - attach explanation of the other amount)</p>	<p>is approved by: _____</p>	<p>Approved by: _____</p>

City Manager

From: Danny Hill <imfinn@aol.com>
Sent: Monday, May 21, 2018 1:29 PM
To: City Manager
Subject: Proposed trail re-route
Attachments: IMG_4086.jpg; ATT00001.txt

Hi Mark,
Here is the area that we would like to re-route to minimize erosion and water pooling.
Danny



12

QUIT CLAIM DEED
(Public Purpose)

KNOW ALL PERSONS BY THESE PRESENTS: That ANNE GIROUX, acting in her official capacity as the Chairperson of the MARQUETTE COUNTY LAND BANK AUTHORITY,

whose address is 234 W. Baraga Ave., Marquette, Michigan 49855,

has Claim(s) to the City of Ishpeming

whose address is 100 E. Division, Ishpeming, MI 49849

the following described premises situated in the City of Ishpeming

County of Marquette and State of Michigan to-wit:

LESSOR'S PLAT OF EAST NEW YORK ST. LOT 4
here identified as Parcel ID No.: 52-51-559-004-00

for the full consideration of \$1.00

This Deed is exempt from transfer tax by virtue of MCL '207.505(h)(i) and MCL '207.526(h)(i).

UNPLATTED PROPERTY: (1) The grantor grants to the grantee the right to make zero (-0-) divisions under Section 108 of the Land Division Act No. 288 of the Public Acts of 1967, as amended; (2) This property may be located within the vicinity of farmland or a farm operation. Traditionally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and protected by the Michigan Right to Farm Act.

This conveyance is made pursuant to Section 78m of Public Act 123 of 1999 (MCL §211.78m), as amended, wherein the grantee has obtained the right to use the land for a "public purpose" at far less than market value. As consideration for such transfer and reduced price, the grantee covenants that the property will perpetually be used only for a "public purpose", and that this covenant shall run with the land. If the property is subsequently sold, the grantee shall remit to the Marquette County Treasurer (FGU) the proceeds of such sale, in excess of the minimum bid, less all costs incurred relating to the sale, including but not limited to, advertising, legal fees, and other costs. Prior notice must be given to, and consent obtained from the Marquette County Treasurer of any sale of the property or change in use at any time in the future, by any party. Such consent shall not waive the covenant relating to "public purpose". The Grantor retains a right to revert without compensation to the Grantee or its successors-in-title if the property is sold without such approval or is converted to a non-public purpose.

Dated this _____ day of _____, 2018.

Signed by:

Anne Giroux, Chairperson

STATE OF MICHIGAN)
) ss.
COUNTY OF MARQUETTE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
ANNE GIROUX, acting in her official capacity as the Chairperson of the MARQUETTE COUNTY LAND BANK AUTHORITY.

_____, Notary Public
Marquette County, Michigan
Acting in the County of Marquette

Commission Expires: _____

Witnessed by: Anne Giroux, Marquette County Treasurer's Office, 234 W. Baraga Ave. Marquette, MI 49855

ORDINANCE NO. 11-1700

AN ORDINANCE REGULATING THE USE OF GIFTS, GRANTS, DONATIONS, AND
PROPERTY CONVEYED IN TRUST TO THE CITY OF ISHPEMING

THE CITY OF ISHPEMING ORDAINS:

Section 11-1701. Any person may make a contribution of money or property to the City, by gift, grant, donation, conveyance, pledge or transfer in trust, for all purposes permitted under the City Charter.

Section 11-1702. No contribution made to the City of Ishpeming shall be effective until and unless the contribution has been expressly accepted by action of the City Council.

Section 11-1703. Any contribution accepted by the City Council which is made according to the terms of a written instrument, where the written instrument limits the use of the money or property donated, shall be used by the City in accordance with the terms of the written instrument. If the terms of the written instrument are vague, ambiguous, or uncertain, the City Council is authorized to make any reasonable interpretation of the instrument, which interpretation shall govern the use and disposition of the property, so long as said interpretation is reasonably consistent with the overall intent of the donor.

Section 11-1704. Any contribution accepted by the City Council without limitation as to use or purpose imposed by the donor may be deposited into the City General Fund, for such use as the City Council may determine.

Section 11-1705. Each contribution accepted by the City Council to which conditions or limitations are imposed by the donor shall be held, managed, and disbursed in accordance with the following requirements:

- a) The City Treasurer shall receive the money or property, and unless otherwise prohibited shall convert all money or property to cash;
- b) The City Treasurer shall invest the cash in a separate interest bearing account, and shall not commingle such funds with any other funds of the City, or with any other donated funds;
- c) No disbursement shall be made out of the account without the express consent of the City Council. The City Council shall not authorize any expenditure out of the account unless the City Council has been furnished with a copy of the grant instrument at the time it authorizes the expenditure;
- d) Any costs incurred by the City in complying with the terms of a gift, grant or donation, shall be a charge against the fund being administered.

Section 11-1706. If, due to any change in circumstances, any gift has failed of its essential purpose, or if the money or property cannot be applied to the uses imposed by the donor, the City may apply to any Court of competent jurisdiction to supervise the expenditure of the funds or application or use of the property.

Section 11-1707. Once a donation or grant is accepted by the City Council, the donation or grant shall be irrevocable.

Adopted: July 8, 1987

City of Ishpeming
100 E. Division St.
Ishpeming, MI 49849

CITY OF ISHPEMING
MAY 24 2018
RECEIVED

13

To whom it may concern:

We are the current owners of The Royal Pub, located at 205 E. Division Street. We are in the process of remodeling our existing building, which includes re-siding the West side of the building and placing new windows where the old ones used to be.

We wish to acquire the vacant lots located on both sides of the existing building (201 E. Division St. and 207 E. Division Street)

Parcel number 52-51-050-055-50 will be used as a café-style outdoor seating and recreation area. The area will be done in brick pavers, will have café tables and will be surrounded with wrought iron fencing. Additional landscaping will be used to beautify the corner.

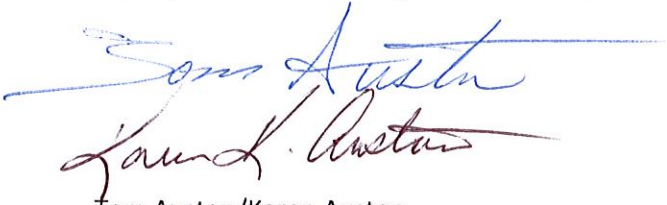
Parcel number 52-51-050-057-00 will be used as a parking area for the patrons of our establishment.

We are offering \$4,000.00 for the purchase of both lots.

The addition of these properties to our existing property will bring increased tax revenue to the City of Ishpeming and beautify the downtown Ishpeming area.

If you have any questions, please contact Tom Auston at (906) 360-9351.

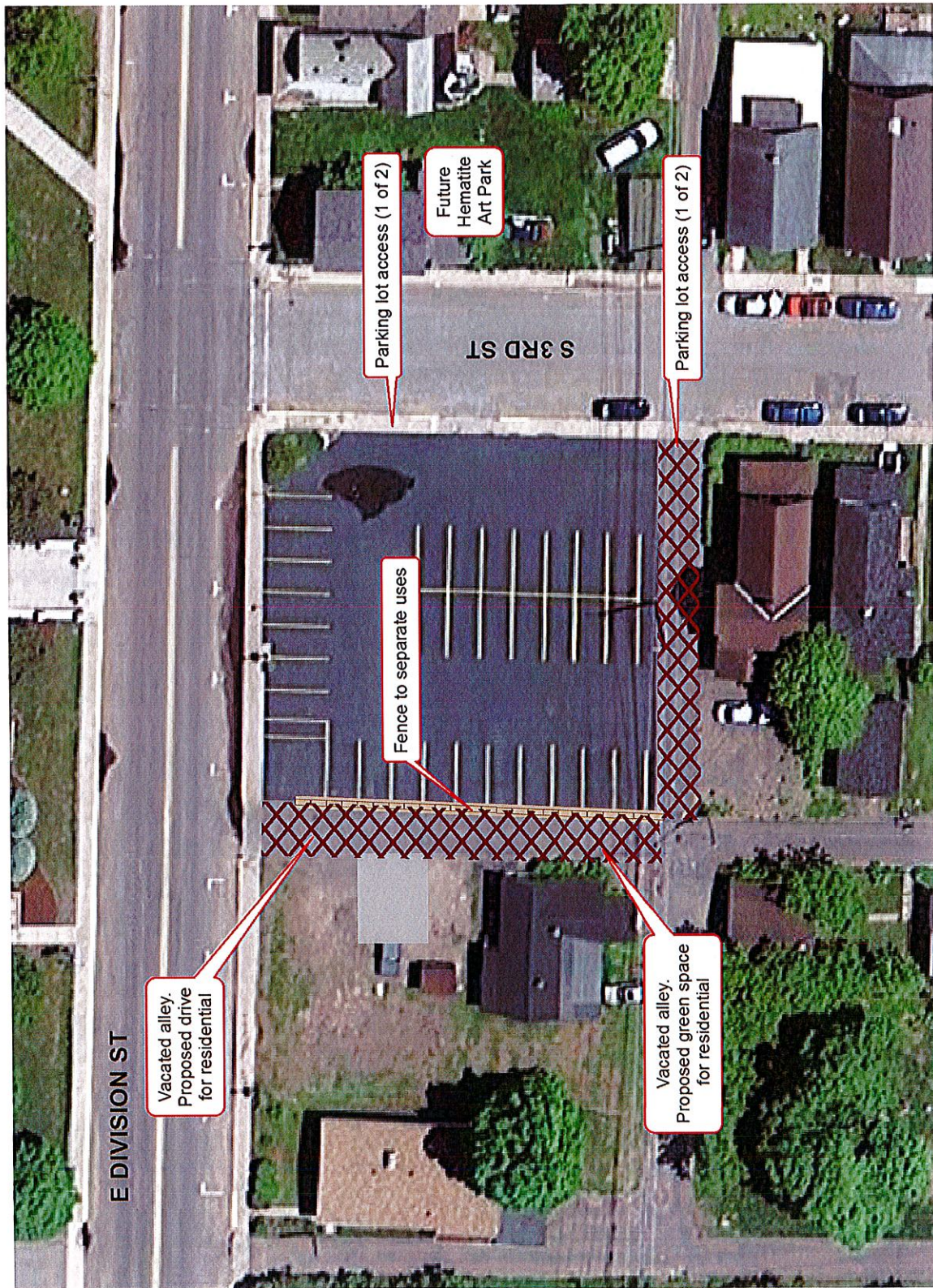
Thank you in advance for your consideration of this matter.

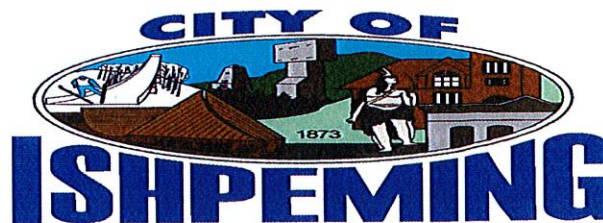


Tom Auston/Karen Auston

The Royal Pub, Inc.

Concept Two: Vacate alleys west and south of Ishpeming School parking lot.





Memorandum

To: City Council
CC: Mark Slown, City Manager
From: Jim Lampman, Finance Director
Date: 05/30/2018
Re: Financing of 2019 Peterbilt Plow Truck

Hello,

At the May 9, 2018, council meeting, a motion was approved to purchase a 2019 Peterbilt Single Axle Plow Truck at a cost of \$195,617 from JX Truck Center. The 2018 budget has \$45,000 to cover the initial down payment on said truck. I drafted a request for proposal for financing terms whereby a \$45,000 down payment will be made with the balance financed over a period of five years, and I sent the RFP to six lenders, including Paccar Financial, the finance company that JX Truck Center works with. Of the six RFP's I sent out, I received four sealed bids back as summarized below:

Financial Institution	Term	Interest Rate	Fee
mBank	Five years	3.25% Fixed	No Fee
The Huntington National Bank	Five years	3.63% Fixed	\$500
First Bank	Five years	3.84% Fixed	No Fee
Paccar Financial	Five years	4.64% Fixed	\$450

I recommend awarding the financing for the 2019 Peterbilt Single Axle Plow Truck to mBank, which provided the most favorable interest rate of **\$3.25%**. I also recommend approving the attached resolution, which will allow staff to move forward with securing the financing. I should point out the RFP secured these rates for 60 days after May 29, 2018, so if no action is taken by **July 27, 2018**, then we will have to start the process over again. Please feel free to contact me should you have any questions.

Thank you.

City of Ishpeming

Resolution No. 8-2018

RESOLUTION TO ENTER INTO A FINANCING AGREEMENT FOR THE PURCHASE OF A 2019 PETERBILT SINGLE AXLE PLOW TRUCK AT A COST OF APPROXIMATELY \$195,617.00 AS SET FORTH IN PUBLIC ACT 99 OF 1933

WHEREAS, on May 9, 2018, the City of Ishpeming approved the purchase of the 2019 Peterbilt Single Axle Plow Truck from JX Truck Center at a cost of \$195,617.00 as set forth in Public Act 99 of 1933 123.721;

WHEREAS, Public Act 99 of 1933 123.721, Sec.1 (1) requires the agreement "to be paid in installments over a period of not to exceed 15 years and not to exceed the useful life of the property acquired;"

WHEREAS, Public Act 99 of 1933 123.721, Sec.1(1) states "the outstanding balance of all purchases authorized under this act, exclusive of interest, shall not exceed 1-1/4% of the taxable value of the real and personal property in the village, township, city, or school district at the date of the contract or agreement," the following limit applies:

2018 Taxable value	\$119,488,574
1-1/4% limit	\$ 1,493,607
Fire truck note balance	\$ (25,000)
Vactor truck note balance	\$ (188,549)
Available	<u>\$ 1,280,058</u>

WHEREAS, the City of Ishpeming sent out a request for proposals requesting sealed bids for financing terms;

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Ishpeming elects to enter into a financing agreement with mBank, for the purchase of a 2019 Peterbilt Single Axle Plow Truck at a cost of \$195,617 with down payment of \$45,000 and financing the remaining balance of approximately \$150,617 over five years at an interest rate of 3.25% with the first payment due in calendar year 2019, subject to review and approval by the City Attorney and the Finance Director. The Council of the City of Ishpeming authorizes the Mayor to sign the final agreement on behalf of the City of Ishpeming.

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

Ayes:

Nays:

Absent:

I, Tammie Leece, City Clerk, do hereby certify that the foregoing is a true and original copy of a resolution duly made and passed by the City Council of Ishpeming at a Regular Meeting held on June 6, 2018, at 7:00 pm, with a quorum present.

Tammie Leece

Date

Cathy Smith

From: DPW Director
Sent: Tuesday, May 22, 2018 1:46 PM
To: City Manager; Cathy Smith
Subject: Columbarium
Attachments: 2018 Columbarium Bid.pdf; 5-21-18 Cemetery Minutes.pdf

Good Morning,

At the last night's Cemetery meeting the Board voted unanimously to approve the purchase of the columbarium from Republic Memorial for a new columbarium. Attached you will find a copy of the minutes along with the bid. I agree with the decision made by the board to approve the bid and purchase the columbarium from Republic Memorials.

Respectfully

Carl Petersen
DPW Director



City of Ishpeming
100 E Division Street
P: 906.485.1091x135
F: 906.486.9551
e: dpwdirector@ishpemingcity.org
w: www.ishpemingcity.org

The City of Ishpeming is an equal opportunity provider, and employer.

CONFIDENTIALITY NOTICE: The information in this transmittal (including attachments, if any) may be privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, reproduction or copying of this transmittal, in any form, is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of this transmittal.

*Cemetery Commission Proceedings of May 21, 2018
Ishpeming, Michigan*

A meeting of the Cemetery Commission was held on Monday, May 21, 2018 in the Ishpeming City Hall Conference Room. Stephen Piereson called the meeting to order at 3:09 p.m.

PRESENT: Stephen Piereson, John Carlson, Christine Moffatt, Tracy Magnuson. Also present were DPW Director Carl Petersen, Assistant Foreman – Cemetery/Parks Tim Dellangelo, Office Manager April Holm,
Absent: Karen Kasper.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

A motion was made by Tracy Magnuson supported by Christine Moffatt and carried unanimously to approve the March 19, 2018 minutes as presented.

SPECIAL BURIAL RATES

Special burial rates for babies and children to age 3 was presented to the board. Typically funeral homes and crematoriums have different rates for babies and children. The board wanted more research done on what surrounding communities are doing before making a decision. It was decided to bring this topic up again at the next board meeting along with more information. No action was needed at this time.

COLUMBARIUM BID

A sealed bid from Republic Memorials was presented to the board for their review and approval. It was the only bid received. Republic Memorials sent in a bid for the next columbarium purchase in the amount of \$19,000 which also includes the engraving. Tracy Magnuson made a motion with support from John Carlson to accept the bid from Republic Memorials and present that to the City Council for their review and approval. The motion was unanimously approved.

CEMETERY REPORT

The cemetery report was provided in the meeting packet. No action needed.

OLD/NEW BUSINESS

None.

The next meeting of the Cemetery Commission will take place on Monday, July 16, 2018 at Ishpeming City Hall Conference Room.

ADJOURNMENT

At 3:32 p.m., a motion was made by Tracy Magnuson with support from John Carlson and unanimously approved to adjourn.

April Holm

PROPOSAL

REPUBLIC MEMORIALS
9720 STATE HWY M-95
REPUBLIC MI, 49879
phone: 906-376-8121

Proposal Submitted To:
City of Ishpeming Public Works

Phone: 906-486-9371

Date:

4/27/18

Street:

208 S. Lake St.

Job Name:

Columbarium

City, State and Zip Code
Ishpeming, MI 49849

Job Location
Ishpeming Cemetery

JOB DESCRIPTION:

- Dakota Mahogany 40 Niche Columbarium	\$13,500.00
- Freight to Cemetery	\$ 750.00
- Murals engraved on site	\$ 2500.00
- Crane Rental	\$ 1150.00
- slings for lifting	\$ 1100.00

TOTAL COST OF PROJECT

\$ 19,000.00

Deposit to start would be \$14,000.00 down, and balance of \$5000.00 upon completion.

Turnaround time would be 12 to 14 weeks. All work handled by Pat at Republic Memorials.

ACCEPTANCE OF PROPOSAL: The above prices and specifications are satisfactory and are hereby accepted.

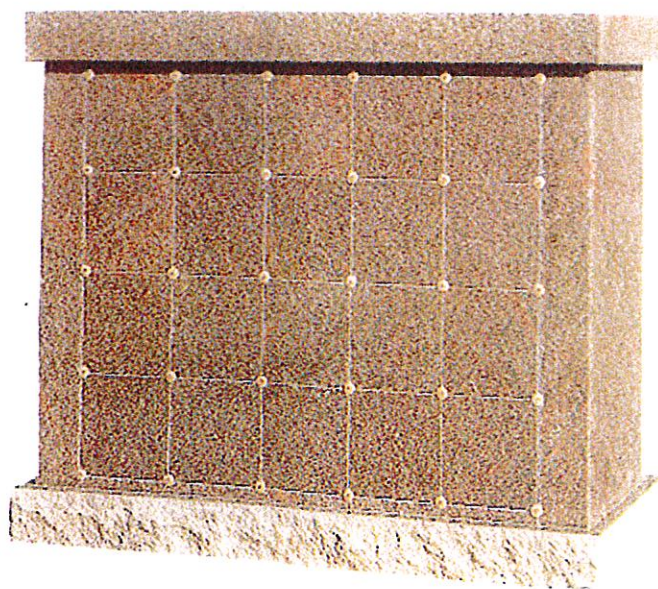
Signature

Date

Pat Bingas
Signature

4/27/18
Date

DG 9240
RUSHMORE MAHOGANY
(40) NICHE



Memo

To: Mark Slown, City Manager

From: Kaitlyn Feldbauer, City Treasurer

Date: 5/24/2018

Re: Strike Uncollectible Personal Property Taxes for 2011-2012

I hereby request that the City Council adopt a resolution to strike from the records uncollectible Personal Property Taxes for 2011-2012. This follows the guidelines set forth in The General Property Tax Act, Act 206 of 1893 (MCL 211.56a). A tentative listing of the property owners and amounts is attached. A full delinquent tax roll is available for review in the Treasurers' Office.

City of Ishpeming
Uncollectable Taxes for 2011-12
As of May 31, 2018

Parcel ID	Name	Years Owed	Amount	Explanation
525190012200	Jezabell's Dog House	2011-2012	\$81.61	Business Closed
Total			\$81.61	

agreement upon the county entering into similar agreements with other local property tax collecting units in the county. After the accounting has been made and the other duties required by this section are performed, the county treasurer shall collect delinquent personal property taxes collected by the local property tax collecting unit which has entered into an agreement pursuant to this subsection. Within 120 days after March 1 of each year the county treasurer shall send notices to all known delinquent personal property taxpayers, demanding payment of the delinquent personal property taxes. Failure to send or receive the notice shall not in any way prejudice the right to collect or enforce the payment of the tax. If a delinquent personal property taxpayer neglects or refuses to pay the tax, the county treasurer shall have powers of distraint and sale identical to those given to the township or city treasurer in section 47. The county treasurer may also use whatever remedies there may be at law or equity for the collection of any indebtedness in order to enforce the payment of the tax. The county treasurer shall add to the amount of the assessed tax any collection or administration fee, distraint and sale fee, interest, penalty, or charge provided by this act and shall also collect whatever costs, fees, or expenses allowed by a court in which action was taken. For each county that has agreed to collect delinquent personal property taxes pursuant to this subsection, a county delinquent personal property tax administrative fund is established and all fees, interest, penalties, costs, charges, or expenses the county treasurer collects pursuant to this subsection shall be deposited into this fund. The money in this fund shall be used by the county treasurer to pay the costs of collecting delinquent personal property taxes. To the extent that money in this fund exceeds the cost of collecting delinquent personal property taxes, the county treasurer shall intermittently transfer the excess money to the general fund of the county. The amount of the assessed taxes collected by the county treasurer shall be distributed to the different taxing units in the same manner as the delinquent real property taxes collected by him or her are distributed.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3879;—CL 1915, 4052;—CL 1929, 3447;—Am. 1933, Act 200, Eff. Oct. 17, 1933;—Am. 1945, Act 269, Eff. Sept. 6, 1945;—Am. 1947, Act 339, Eff. Oct. 11, 1947;—CL 1948, 211.56;—Am. 1971, Act 144, Imd. Eff. Nov. 12, 1971;—Am. 1982, Act 539, Eff. Mar. 30, 1983.

Popular name: Act 206

211.56a Personal property taxes uncollected for 5 years; petition; striking from rolls; judgment; duties of county treasurer.

Sec. 56a. (1) If a tax levied on personal property remains uncollected for more than 5 years after that tax becomes delinquent, the township or city treasurer shall prepare a statement showing all of the following:

- (a) The taxes levied upon personal property that remain unpaid.
- (b) The names of the persons against whom those taxes were assessed.
- (c) The amount assessed against each person that remains uncollected, together with all fees, penalties, and interest due under this act or under a city charter.

(2) The original copy of the statement prepared pursuant to subsection (1) shall be filed with the circuit court of the county in which the township or city is located together with a petition. Two or more township or city treasurers may file a joint petition under this section.

(3) The petition shall state all of the following:

(a) That the taxes upon personal property as shown in the statement have remained unpaid for more than 5 years after they were returned to the county treasurer as delinquent.

(b) That the taxes have remained delinquent despite the fact that the township or city treasurer or his or her predecessors in office exercised due diligence in an effort to collect the taxes.

(c) The taxes are, to the township or city treasurer's best knowledge and information, uncollectible.

(4) The petition shall request that a date, not less than 30 nor more than 45 days after the date of filing the petition, be set for a hearing on the petition and that the court enter a judgment in favor of the township or city, striking those taxes from the tax rolls of the county and township or city. If a judgment is entered in favor of the township or city, the taxes in the statement shall cease to constitute an asset of the township or city, the county in which the township or city is located, and any school district or other taxing entity in which the personal property was located at the time it was assessed for taxes.

(5) The township or city treasurer shall, not less than 10 days before the date set by the circuit court for the hearing, notify the county treasurer and the clerk or secretary of any school district in which any personal property may have been located at the time it was assessed for taxes that a petition was filed with the circuit court under this section, that the statement required under this section was prepared, and the date set for the hearing on the petition.

(6) Within 15 days after the hearing on the petition, the court shall enter a judgment that as to all items or personal taxes set forth in the statement of uncollected taxes filed with the court for which the township or city treasurer and his or her predecessors in office have exercised due diligence in an effort to collect the taxes upon that personal property, those taxes shall be stricken from the tax rolls of the county and of the township

or city and shall cease to constitute an asset of the township or city, the county in which the township or city is located, and any school district in which the personal property was located at the time it was assessed for taxes, and that the debt created by the provisions of this act or by any city charter of the person assessed for those taxes to the township or city shall, from the date of entry of the judgment, assume the status of a debt against which the statute of limitations has run.

(7) A copy of the judgment shall be served upon the county clerk, the clerk of the township or city, and the clerk or secretary of each school district located in the township or city.

(8) In a county in which the county treasurer collects delinquent personal property taxes as provided in section 56, the county treasurer shall undertake and carry out all of the proceedings to strike delinquent personal property taxes from the county tax rolls as provided in this section.

History: Add. 1941, Act 234, Imd. Eff. June 16, 1941;—Am. 1947, Act 339, Eff. Oct. 11, 1947;—CL 1948, 211.56a;—Am. 1998, Act 435, Imd. Eff. Dec. 30, 1998.

Popular name: Act 206

211.57 Statement of unpaid taxes; return of delinquent taxes; extension of time; rules; notices.

Sec. 57. (1) If a county treasurer receives from a township, city, or village treasurer a statement of unpaid taxes, together with a list of the property on which the unpaid taxes are delinquent, verified according to law, the county treasurer shall enter the unpaid taxes at length on the books in his or her office provided for that purpose. The county treasurer shall make a statement of all descriptions of property returned as delinquent for unpaid taxes, except those rejected by him or her, with the taxes assessed upon those descriptions respectively. The statement, as made and compared, is the return of delinquent taxes by the county treasurer to the department of treasury under this act, and shall be completed not later than the May 1 immediately following the return to the county treasurer of the statements of the township, city, or village treasurers. The state treasurer may extend for a period not to exceed 30 days the time within which the statement shall be completed. The state treasurer shall promulgate rules and regulations governing and shall supervise the preparation of the statement. The statement shall be kept on file in the office of the county treasurer as custodian for the state treasurer and shall not be forwarded to the state treasurer. The county treasurers shall perform the duties with respect to the maintenance and correction of the statement as prescribed by the state treasurer. The statement takes the place of the records of delinquent taxes in the department of treasury before sale of property for delinquent taxes, as provided in this act.

(2) For taxes levied before January 1, 1999, within 120 days after the county treasurer receives from the township, city, or village treasurers a statement of unpaid taxes, together with a list of the property on which the unpaid taxes are delinquent, verified according to law, the county treasurer shall mail to the persons to whom those unpaid taxes were levied as well as the legal owner of the property, if they are not the same party, a notice that the taxes have been returned to the county treasurer as unpaid. The notice shall state the amount of taxes unpaid, and penalties, interest, and charges on the taxes, and shall state that a description of the property assessed is on file in the office of the county treasurer.

(3) For taxes levied before January 1, 1999, within 120 days after March 1 of the year following the return of the delinquent taxes to the county treasurer, the county treasurer shall again mail the notice on all parcels for which the tax is still unpaid.

(4) Any person who wishes at any time to receive notice of the return of taxes on a parcel of property may pay an annual fee not to exceed \$5.00 by February 1 to the county treasurer and specify the parcel identification number and address of the property. The county treasurer shall notify the person if the property is returned delinquent within that year.

(5) The notices required by this section shall be sent by first class mail, address correction requested.

History: 1893, Act 206, Eff. June 12, 1893;—Am. 1897, Act 225, Imd. Eff. May 29, 1897;—CL 1897, 3880;—CL 1915, 4053;—CL 1929, 3448;—Am. 1935, Act 243, Imd. Eff. June 8, 1935;—Am. 1937, Act 325, Imd. Eff. July 27, 1937;—Am. 1939, Act 37, Imd. Eff. Apr. 13, 1939;—CL 1948, 211.57;—Am. 1967, Act 193, Eff. Nov. 2, 1967;—Am. 1976, Act 292, Imd. Eff. Oct. 25, 1976;—Am. 1993, Act 291, Imd. Eff. Dec. 28, 1993;—Am. 1999, Act 123, Eff. Oct. 1, 1999.

Popular name: Act 206

211.57a State treasurer to prescribe practice for county treasurers; failure of county treasurer to comply; state treasurer to complete work; expense borne by county; state treasurer to furnish to county treasurers changes in tax laws.

Sec. 57a. (1) It is the duty of the state treasurer to prescribe uniform practices, forms, and methods that shall be used by the several county treasurers of this state in carrying out this act. All proceedings under the authority of this act shall be conducted in conformity with the uniform practices prescribed by the state

ORDINANCE NO. 12-100

AN ORDINANCE TO ESTABLISH A WATER AND SEWER UTILITY IN THE CITY OF ISHPEMING

THE CITY OF ISHPEMING ORDAINS:

Section 12-101. There is hereby established a Water and Sewer Utility in the City of Ishpeming. This includes the supplying of water; the maintenance of water pumping station; the construction and maintenance of water mains, control valves, and fire hydrants; the maintenance of the water storage tank; the construction and maintenance of sanitary sewer mains and manholes; and providing sanitary sewage lift stations.

Section 12-102. The Annual Fee Schedule adopted by the Ishpeming City Council shall apply to those benefited by the services provided.

1. (a) For a property connected to the City water utility, which has a meter for registering water consumption, see Annual Fee Schedule adopted by the Ishpeming City Council for rates.

(b) For purposes of subsection (a) above, a property is considered to be connected to the City water utility" if (1) the property is actually using City supplied water, (2) the property is physically connected to the City water distribution system and could receive City supplied water, whether or not the property is actually using any City supplied water, or (3) water service to the property has been discontinued due to non-payment of water or sewer charges or by request.
2. For a user of both water and/or sewer services who is authorized to be without a water meter pursuant to Section 12-103.8 of this Ordinance, a monthly charge shall be established for the use of such services by the Ishpeming City Council based upon the recommendation of the Water and Sewer Utility. The Water and Sewer Utility, in making its recommendation to the City Council, shall consider, at a minimum, the number of persons in the household or structure receiving the services, whether the services are being used for residential or commercial purposes, the number and type of connections within the household or structure, and water consumption of similarly situated and similarly constituted households or structures.
3. (a) See Annual Fee Schedule for the permit fee to install a tap from a City water main.

(b) If the City performs the tap, the tapping fee to connect a 5/8" line or a 1" line or a line greater than 1" to a City water main shall be billed to the permit holder according to the Annual Fee Schedule. All excavation, construction, and restoration work, including road and sidewalk restoration shall be the responsibility of the property owner. All work shall be performed according to City standards.

(c) See Annual Fee Schedule for the tapping fee to connect a 5/8" line or a 1" or larger line to a City water main, if a private contractor does the work.

(d) The charges and fees imposed under this Subsection 3 only apply to water lines installed from the main to the curb stop valve.

4. The consumers of water and/or the users of the sewage disposal facilities shall pay their bills to the City Treasurer within twenty-five (25) days after the billing date shown on their bills. Any bill not paid within twenty-five (25) days after the billing date shall be considered a delinquent bill, and a penalty as stated in the Annual Fee Schedule shall be applied and collected on each delinquent bill per month.
5. Water service may be discontinued whenever a water or sewer account has not been paid in full within twenty-five (25) days after the billing date provided. However, that service shall be discontinued if an account with respect to which an affidavit has been filed under MCL 123.165(5) and MCL 141.121(3) has a delinquency greater than the amount of the tenant's security deposit or if the tenant's account has been delinquent for a period of forty-five (45) days or more. Service shall not be restored until such time as all amounts stated on the bill have been paid in full, in addition to payment of the appropriate charges for issuing the Public Notice of Disconnect, and for closing and opening the street shut-off valve or stop-cock which are stated in the Annual Fee Schedule.

(a) See Annual Fee Schedule for the charge for opening or closing a street stop cock. See Annual Fee Schedule for the charge for removing a water meter serviced by a 5/8" line or less; and the charge for removing a water meter serviced by a line greater than 5/8"; provided, however that the provisions of this sentence shall only apply when the water meter is removed for the convenience of the consumer and not because of any leakage, breakage, or defect in the meter; provided that such fee shall include reinstallation of the meter when removed for the convenience of the customer. See Annual Fee Schedule for the overtime charge for the above services.

(b) In the event that any user or consumer of water experiences a freeze-up of underground water lines or pipes during the winter months, the City Water Utility may provide thawing service from the water main to curb stop valve at no charge to the customer. See Annual Fee Schedule to thaw a water service from the curb stop valve to the water meter.

(c) No consumer, user or service receiving water from the City Water Utility shall be authorized to "let-run" the water in any property during the winter months unless written permission has been issued by the Operator in Charge.

Before the Operator in Charge shall issue such permission to let-run, the user or consumer shall make a request therefor and shall establish to the satisfaction of the Operator in Charge that the water lines in question cannot be prevented from freeze-up by wrapping in insulation, attachment of heat cables, or the application of any other reasonable means which the Operator in Charge may direct in an effort to alleviate a freeze-up problem. The Operator in Charge is specifically authorized to direct that the user or consumer requesting a "let-run" shall insulate the water lines or attach heat cables thereto, or take such other reasonable precautions to prevent freeze-ups, at the expense of the person requesting the "let-run".

In the event that any property, consumer, user or service shall "let-run" water without written permission of the Operator in Charge, such service shall be

billed for all water and sewer service actually consumed at the regular rate for such service.

6. New users of the City of Ishpeming Water and Sewer Utility shall deposit with the City a "guarantee deposit", which shall be continuously held by the City as a guarantee of payment for water used, in an amount determined by the Annual Fee Schedule.

This "guarantee deposit" may be credited to the users account two years from the date the deposit is made, providing the user shall have paid all water and sewer bills timely and providing the user has otherwise established credit with the City of Ishpeming to the satisfaction of the City. Established credit for purposes of this Ordinance section, means that the user paid the water and sewer utility bill timely for the prior twelve months and having not received two or more Public Notices of Disconnect in the prior 12 months. The City may apply all or any portion of the guarantee deposit to delinquent water, sewer, or landfill charges.

A guarantee deposit may be required from existing users based on a repeated pattern of non-payment which would be determined by receiving two or more Public Notices of Disconnect.

7. No person, firm, or corporation shall be permitted or allowed to install a 5/8" water meter in the City of Ishpeming; all such work shall be done only by City personnel. There shall be no charge for the installation of any water meter serviced by a 5/8" line or less except in cases described in Section 12-103.4 and 12-103.5. For each water meter installed on a line 1" or greater, the owner of the property shall hire a licensed plumber for installation of the meter subject to City review and approval.

Section 12-103. Users of the water and/or sewage disposal system in the City of Ishpeming shall be subject to the following rules and regulations:

1. No person shall tap any water main without first having obtained a permit from the Utility Billing Clerk nor shall any person not duly authorized bore or tap any pipe, open any hydrant or stop-cock or interfere with any part of the water system of the City.
2. All applications for a water tapping permit must be made to the Utility Billing Clerk by the owner of the property or some person duly authorized by the owner, and such application must fully describe the locality where it is desired to tap the main and the various users to which the water is to be supplied.
3. In case of misrepresentation in such application for a permit to tap any main, use of water without permit, willful or needless waste of water by allowing a constant flow from faucet or otherwise, or the failure to comply with any other term or provision of this ordinance, the service may be shut off.
4. Where the consumer of water is on metered service, the City will supply the meter and outside reader dial owned by the City. The consumer must provide a suitable place for the meter and outside reader dial satisfactory to the City. The consumer shall see that the meter and outside reader dial are protected from damage, accident or frost and shall permit no person other than an

authorized employee of the City Water and Sewer Utility to remove, inspect or tamper with the same. Cost of repairs shall be according to the Annual Fee Schedule.

5. The consumer, in case of leakage, breakage, or defect of the meter, shall immediately notify the Water and Sewer Utility. The Water and Sewer Utility will make all repairs to the water meter, and the actual cost of such repairs or replacement will be charged to the property served if the damage is caused by hot water, freezing, or any other neglect on the part of the consumer to safeguard the meter in a reasonable way.
6. The various officers of the Water and Sewer Utility or any person by them delegated shall have free access to all parts of any building where the water meter and the outside reader dial are used to examine pipes and fixtures and to ascertain whether there is an unnecessary waste of water.
7. The Water and Sewer Utility shall have full authority to further restrict and to order the discontinuance of the use of water as above provided, and to make such further regulations, when it finds in its judgment that it is necessary to do so for the protection of the water supply of the City.
8. Any water service in the City shall have a water meter installed.

In the event that the owner, tenant, lessee or agent in charge of any property having water service does not have a water meter installed the City Attorney shall be authorized to commence an appropriate action in the Marquette County Circuit Court to secure a mandatory injunction requiring a meter installation; alternatively, that water to such property may be shut off until a meter is installed.

9. (a) The City shall be responsible for repairing or correcting all leaks in the water distribution system which occur on all mains and on all lateral lines up to and including each curb stop. The owner of each property served by the City Water Utility shall be responsible for repairing or correcting all leaks in the water distribution system which occur between the curb stop and the water meter which records water consumption on the property; provided, however, that in the event that it is determined that any leak or break in a water line on private property originated on or was caused by conditions existing on public property, and through no fault of the owner of the structure being served, the City Council may waive the payment requirement of this Subsection (a) in whole or in part, and in such cases the City Council shall indicate by resolution the grounds for such waiver; provided, however, that under no circumstances shall the City Council grant such waiver where the failure of any water line on private property is due primarily to old age, to ordinary wear and tear, to improper installation or to the use of improper materials or backfill.
- (b) Anything to the contrary notwithstanding in Section 12-103.9(a) above, under no circumstances shall the City be responsible for the cost of repairs or maintenance to any water line if it is determined that the condition requiring repair or maintenance was caused by the negligence or wrongful act of another, in which event the person responsible therefor shall be fully liable to the City for the cost of repairs.

(c) If the City learns or has reason to believe that there is a break or a leak in a water line between the curb stop and the customer's water meter or a break or a leak in any water line at any point downstream of the water meter, including a break or a leak anywhere in the house or property being served by the City Water Utility, the City shall send written notice thereof, by certified mail, return receipt requested, to the person in whose name the water meter is registered. The written notice shall identify the problem or suspected problem, and shall require that the leak or break in the water line be repaired within five (5) business days after receipt of the written notice. If the customer or other person responsible for payment of the water bills at the property in question fails or refuses to have the repairs completed within the time specified in the written notice, then a service fee (see Annual Fee Schedule) shall be imposed on the account for each and every day after the fifth (5th) day that the repairs are not made, for the water loss to the system. If the repairs are not completed within the time specified in the written notice, the City may also, at its discretion, discontinue water service to the property until such time the repairs are made. In the event of an emergency, or if the City determines that there is a significant amount of water loss to the system due to the leak, the City shall have the authority to immediately discontinue water service to the property irrespective of whether or not written notice has been given as provided herein.

(d) All water service lines existing on the date of enactment of this Ordinance Amendment deemed substandard by the City designated representative shall be replaced by the owner of the property within one (1) year of the date of discovery of the substandard condition. Written notice shall be sent by the City by certified mail, return receipt requested, to both the property owner and the person in whose name the water meter is registered. If the customer or other person responsible for payment of the water bills at the property in question fails or refuses to have the repairs completed within the time specified in the written notice, then a service fee (see Annual Fee Schedule) shall be imposed on the account. If the repairs are not completed within the time specified in the written notice, the City may also, at its discretion, discontinue water service to the property until such time as the repairs are made.

(e) The City will not reconnect to any water service lines found to contain lead as this is deemed to be an imminent health and safety concern. In the event that lead water service lines are discovered by the City, the property owner shall be notified and informed of the mandatory requirement to replace such service lines with materials acceptable to the City. Lead service lines must be replaced by the property owner as soon as possible for water service to be restored. Written notice shall be sent by the City by certified mail, return receipt requested, to both the property owner and the person in whose name the water meter is registered.

Section 12-104. Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine, see Annual Fee Schedule. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 12-105. This Ordinance, as amended, shall take effect and be in force from and after the date of most recent amendment.

Adopted: June 21, 1978	Amended: February 5, 1997	Amended: January 7, 2015
Amended: September 6, 1978	Amended: December 17, 1997	Amended: November 9, 2016
Amended: August 8, 1979	Amended: December 9, 1998	
Amended: January 7, 1981	Amended: November 8, 2000	
Amended: May 6, 1981	Amended: October 3, 2001	
Amended: August 5, 1981	Amended: November 6, 2002	
Amended: June 9, 1982	Amended: November 9, 2005	
Amended: February 8, 1984	Amended: November 8, 2006	
Amended: April 18, 1984	Amended: October 3, 2007	
Amended: September 19, 1984	Amended: May 6, 2009	
Amended: December 26, 1984	Amended: October 7, 2009	
Amended: January 29, 1986	Amended: December 15, 2010	
Amended: July 9, 1986	Amended: January 4, 2012	
Amended: June 14, 1989	Amended: March 7, 2012	
Amended: December 27, 1990	Amended: May 5, 2012	
Amended: June 9, 1993	Amended: June 6, 2012	
Amended: June 8, 1994	Amended: December 18, 2012	
Amended: June 7, 1995	Amended: November 6, 2013	
Amended:		

ORDINANCE NO. 10-100

AN ORDINANCE RELATIVE TO THE OWNING AND KEEPING OF DOGS AND CATS WITHIN THE CITY OF ISHPEMING, PROHIBITING THE RUNNING AT LARGE OF DOGS OR CATS, PROVIDING FOR THE IMPOUNDING OF DOGS AND CATS, PROVIDING FOR THE DISPOSAL OF DOGS AND CATS, REQUIRING OWNERS TO CLEAN UP ANIMAL EXCREMENT, AND PROVIDING FOR THE VIOLATION HEREOF

THE CITY OF ISHPEMING ORDAINS:

Section 10-101. It shall be unlawful for any person to keep animals within the City, except for domestic pets. It shall be unlawful for anyone to own or harbor any exotic animal.

Section 10-102. Domestic pet includes dogs, cats, or animals customarily kept or housed inside dwellings as household pets.

Section 10-103. Exotic animal means any live monkey, alligator, crocodile, raccoon, skunk, fox, bear, sea mammal, venomous snake, member of the feline species other than domestic cat, member of the canine species other than domestic dog, or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops.

Section 10-104 ~~101~~. It shall be unlawful for any person, firm or corporation to own, keep, possess, harbor or have the care or charge of any dog, male or female, or unsexed, of the age of six (6) months or over within the City of Ishpeming unless the dog shall wear a collar to which is attached the license tag provided for by the laws of the State of Michigan.

Section 10-105 ~~102~~.

- (a) It shall be unlawful for any person, firm or corporation owning, possessing or having charge of any dog or cat, whether licensed or unlicensed, to permit or suffer such animal to stray or leave the premises of the owner or person in charge of such animal, unless such animal is kept on leash at all times. Notwithstanding the foregoing, under no circumstances shall any dog or cat be brought into the Ishpeming Cemetery unless said animal is at all times kept inside a motor vehicle.
- (b) It shall be unlawful for any person, firm or corporation owning, possessing, or having charge of any dog or cat, whether licensed or unlicensed under the laws of the State of Michigan, to permit said dog or cat to eliminate any excrement or fecal matter upon the property of any other person or upon any public sidewalk, street, alley, park, parking lot, way, or other public property, and to fail to pick up and dispose of such excrement in a garbage can or designated trash receptacle.
- (c) It shall be unlawful for any person walking or riding a horse or mule or operating any wagon or carriage being pulled by a horse or mule, and for the owner of a horse or mule, to permit such animal to eliminate any excrement or fecal matter upon the property of any other person or upon any public sidewalk, street, alley, park, parking lot, way, or any other publicly owned property and to fail to pick up and dispose of such excrement in a garbage can, in a designated trash receptacle, or upon the property of the owner of the animal. This subsection shall not apply to any horse or mule being used in any parade

authorized by the City of Ishpeming.

Section 10-~~106~~ 103. Any dog or cat which has strayed or left the premises of the owner or person in charge thereof, and which is not kept on leash at all times, is hereby declared to be a nuisance, and may be impounded ~~by the City dog warden or animal control officer, or~~ by any member of the Ishpeming Police Department.

Section 10-~~107~~ 104. ~~The City Manager shall appoint a Dog Warden for the City of Ishpeming and sufficient Deputy Dog Wardens who, along with the Police Department, will be needed to enforce this ordinance, and such Dog Warden and Deputy Dog Wardens shall be paid in a manner determined by the City Manager. The City Manager shall also provide~~ arrange for suitable shelter for the keeping of any dogs or cats impounded ~~with Ishpeming Township Pound or UPAWS. or make suitable arrangements for the care and feeding of impounded dogs or cats.~~

Section 10-~~108~~ 105.

- (a) Any dog or cat impounded under and by virtue of the terms of this ordinance shall be kept for a period of ~~three (3)~~ seven (7) days, unless said dog or cat is under observation for rabies, when said dog or cat shall be kept for a sufficient length of time to satisfy the requirements for observation by the Health Department of Marquette County. The owner or person in charge of said dog or cat may recover possession of said dog or cat from the ~~Dog Warden, or the person~~ Police Department or agency in charge of said dog or cat while impounded by paying the ~~rate~~ sum of Twenty-five (\$25.00) Dollars for the first day of impoundment and Fifteen (\$15.00) Dollars per day thereafter. ~~as set in the Annual Fee Schedule adopted by the Ishpeming City Council. Dogs or cats not claimed by their owner or person in charge within the seven (7) days, will be transferred from the Ishpeming Township Pound to UPAWS. The rates for transfer are set in the City Annual Fee Schedule. the period allowed shall be disposed of in a humane manner.~~ Any money collected for the impounding, care and keeping of said dog or cat shall be paid by the person collecting the same to the City Treasurer at least monthly.
- (b) Any dog or cat that has bitten any person shall be seized by the Ishpeming Police Department ~~or Ishpeming Dog Warden~~ and placed under the observation of a veterinarian for a ten (10) day observation period. After the ten (10) day observation period, if the dog or cat so impounded shows signs of or is suspected of being infected with rabies, the dog or cat shall be destroyed in a humane manner, and the head of the animal shall be removed and forwarded as provided by health authorities to the State laboratory in Lansing for further analysis. If said animal is not infected with rabies, it shall be returned to the owner. All costs connected with impoundment and veterinarian fees for services to the animal shall be paid by the owner of the animal. ~~If, after the ten day detention period, the owner fails or refuses to pay all costs and fees within five (5) days after being advised of same, the animal shall be destroyed in a humane manner and the owner shall still be liable to the City for such costs and fees.~~
- (c) When there are reasonable grounds to believe that a dog or cat has bitten any person, and the owner or ~~eustodian~~ person in charge thereof refuses to deliver said animal to the Ishpeming Police Department ~~or the Ishpeming Dog Warden or Deputy Dog Warden~~ for purposes of impoundment, after due demand therefore has been made, any member of the Ishpeming Police Department ~~or the Ishpeming Dog~~

~~Warden~~ having knowledge of such refusal, may sign a Complaint against said owner or ~~eustodian~~ **person in charge**, in the manner provided by law, for a violation of this Ordinance.

If a Complaint is signed for refusal of the owner or ~~eustodian~~ **person in charge** of the dog or cat to deliver said animal to the officer making demand therefore, and the court having jurisdiction over such matter is satisfied that there is probable cause to believe that such animal has bitten or may have bitten any person, the Court shall be authorized to issue a search warrant empowering the Ishpeming Police Department to search the property, or home, building, outbuilding or other place where such animal may be kept, and to seize such animal for purposes of delivering it to a veterinarian for purposes of observation as set forth in subsection (b) above. The procedure for the issuance of such a search warrant shall be governed by the provisions of Act No. 189 of the Public Acts of 1966, as amended, being Michigan Statutes Ann. (28.1259 (1) et. seq. (M.C.L.A.) 780.651 et. seq.)

Section 10-~~109~~ **106**. Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine, **see Annual Fee Schedule**. ~~of not more than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law.~~ A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 10-~~110~~ **107**. This ordinance is declared to be necessary for the protection of the public health, safety, welfare, and peace of the people of the City of Ishpeming, and is not to be construed as a substitute for the provisions of the State Dog Law, but shall be considered to be supplementary thereto.

Section 10-~~111~~ **108**. This ordinance shall become effective upon legal publication.

Adopted: September 4, 1974

Amended: October 5, 1977

Amended: June 17, 1987

Amended: August 9, 1989

Amended: June 8, 1994

Amended: February 19, 1997

Amended: July 9, 2008

Amended: October 7, 2009

Amended: May 8, 2013

Amended:

ORDINANCE NO. 10-300AN ORDINANCE TO REGULATE THE FEEDING OF WILD ANIMALS

THE CITY OF ISHPEMING ORDAINS:

Section 10-301. Definitions.

- a) "Animal" as used in this Ordinance shall include all wild raccoons, porcupines, skunks, rodents, rabbits, crows, pigeons, seagulls, mice, rats, fowl, waterfowl, gophers, groundhogs, moles, deer, bear, wolverines, badgers, and every other wild mammal.
- b) "Feed" as used in this Ordinance shall include every method whereby any person shall place food, garbage, food scraps, fruits, nuts, honey, vegetables, any food or animal by-products, wheat, corn, meal, grain, sorghum, alfalfa, lard, grease, or any animal rendering, or any other substance of any type out of doors, or inside any structure, whether in a container or otherwise, where such substance is accessible to or used by any animal as a source of food or nourishment.

Section 10-302. Prohibited Conduct.

It shall be unlawful for any person to feed any animal in any area in the City of Ishpeming. This prohibition shall not apply to the feeding of songbirds or squirrels, so long as the food placed for these creatures is not accessible to or consumed by any four (4) legged animal or by any crows, seagulls, or pigeons.

Section 10-303. Penalty.

~~Every person violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed One Hundred (\$100.00) Dollars or imprisonment in the Marquette County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.~~

Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine, see Annual Fee Schedule. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 10-304. Effective Date.

This ordinance is hereby adopted as an emergency ordinance, and shall be effective upon publication.

Adopted: October 12, 1998

Amended: