


AGENDA
ISHPEMING CITY COUNCIL REGULAR MEETING
Wednesday, February 6, 2019, 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 (*limit 5 minutes per person*)
5. Approval of Agenda
6. Agenda Comment (*limit 3 minutes per person*)
7. Consent Agenda
 - a. Minutes of Previous Meeting (January 9th, January 15th, January 22nd and Closed Sessions for January 22nd)
 - b. Approval of Disbursements
 - c. Miller Bradford work order for additional repairs to the sidewalk plow
 - d. Confirm Mayor appointments to the Compensation Commission
8. Monthly Financial Statement Report
9. Public Input Session for proposed Teal Lake Beach Project
10. Graybille & Mead – 204 Cleveland Avenue Utility Bill
11. Polar Roll update by Todd Poquette, President of 906 Adventure Team
12. Award Bid for Lake Bancroft Pavilion Project
13. GEI Summary Report on Rural Development Water Improvement Project
14. Second Reading of Amendment to Ordinance #4-400, Disposal of Solid Waste
15. Second Reading of Amendment to Ordinance #3-1200, Regulating Second Hand Dealers and Junk Dealers
16. Second Reading of Amendment to Ordinance #3-900, Registration of Dealers in Precious Metals
17. Second Reading of New Ordinance #10-500, Regulating Fowl and Other Animals in City Limits
18. Rescind Ordinance #11-1000, Creation of an Economic Development Corporation of the City of Ishpeming
19. Letters to AFSCME and POAM Unions requesting dates to begin negotiations -contracts expire on 12/31/19
20. Rezone UP Health Systems Bell Site from Deferred Development to General Commercial.
21. Old Business
 - a. Residential/non-residential garbage collection services
 - b. Procedure for haulers authorized by the City to haul directly to the Landfill
22. New Business
23. Mayor and Council Reports
24. Manager's Report
25. Attorney's Report
26. Closed Session pursuant to MCL Section 15.268(e) to consult with its attorney regarding settlement strategy in connection with specific pending litigation: LeSage v City of Ishpeming Case #18-718-SC (*4 votes*)
27. Adjournment


Mark Slown
City Manager



www.miller-bradford.com

Corporate Office:
W250 N6851 Hwy 164
P.O. Box 904
Sussex, WI 53089
1-800-242-3115

DeForest, WI 1-800-585-7219
De Pere, WI 1-800-638-7448
Eau Claire, WI 1-800-585-7232
Marathon, WI 1-888-886-4410
Negaunee, MI 1-800-562-9770
Rockford, IL 1-800-585-7231

Ship To: SAME AS BELOW

Invoice To: ISHPEMING, CITY OF
100 E. DIVISION ST.
ISHPEMING MI 49849

Branch NEGAUNEE		
Date 01/17/19	Time 10:53:33 (O)	Page 01
Account No ISHPE003	Phone No 9064851091	Inv No W01010
Ship Via		Purchase Order
Tax ID No		IL1170
		Salesperson LR1

OPEN WORK ORDER

STK#/FLEET#	HRS	PIN/EIN	WARRANTY DATE	HRS
9Z2781		X MV1047	11/05/11	03
Z-MISC MV				
SEGMENT# 1 5 07FAK NA				
REPAIR PUMP DRIVE BEARINGS AND REPAIR PTO CLUTCH.				
			11/28/18 11/28/18 11/30/18	
			48.00	48.00
FRTI		FREIGHT IN	3	101.89
1086245		CHARGE FILTER	1 N	75.54
1113660		BRG BALL 6207	4 N	39.96
1113661		BRG BALL 6208	4 N	71.95
1113662		BRG BALL 6209	2 N	79.96
1113664		SPACER SEAL	1 N	233.08
1113669		SEAL, OIL	1 N	26.64
500-2001		CLUTCH RPR KIT	1 N	1331.43
75208		DEX VI OIL	1 N	8.17
7651215		BLUE RTV	2 N	10.70
975		75-90 SYN OIL	6 N	13.27

***** WORK ORDER TOTALS *****

PARTS	2689.12
LABOR	4787.26
CHARGE SALE	7476.38

Current Position against
original Estimate

Thank You For Your Business!



www.miller-bradford.com

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Rockford, IL 1-800-585-7231

Ship To: SAME AS BELOW

Invoice To: ISHPEMING, CITY OF
100 E. DIVISION ST.
ISHPEMING MI 49849

Branch 07 - NEGAUNEE		
Date 01/17/2019	Time 10:50:36 (O)	Page 1
Account No ISHPE003	Phone No 9064851091	Est No 02 000709
Ship Via	Purchase Order	
Tax ID No	IL1170	
		Salesperson LRL

ESTIMATE EXPIRY DATE: 02/16/2019

SERVICE ESTIMATE - NOT AN INVOICE

Your salesperson was LEONARD RIUTTA

Stock #: 9Z2781 Z-MISC

MS #: MV1047

Make: MC Model: MV

Is to have the following work done by 01/31/2019 (Estimated)

REMOVE AND REPLACE BAD DRIVE PUMP MOTOR.

Part#	Description	Qty	Price	Amount
1171538	PISTON PUMP	1	4441.16	4441.16

MISCELLANEOUS CHARGES:	Description	Price	Amount
	MISC SHOP SUPPLIES	175.00	175.00
	ENVIRONMENTAL	15.00	15.00

Parts:	4441.16
Labor:	1.18
Miscellaneous:	190.00
TOTAL:	4632.34

Authorization: _____

*Additional part
required. Labor has
to have a value so
disregard the \$1.18.*

Thank You For Your Business!

COMPENSATION COMMISSION APPOINTMENTS

COMPENSATION COMMISSION (Council/BOR Pay) <i>Set by Ordinance #11-1200 Appointed by Mayor confirmed by Council—would meet in odd # Year</i>					
Name	Address	Phone Number	Appointed	Expires	Term Length
Ray Leverton			2/19	2/20	5 years
Joe Juidici			2/19	2/21	5 years
Christine Moffat			2/19	2/22	5 years
Justin Koski			2/19	2/23	5 years
Katelyn Argall			2/19	2/24	5 years

Attached is a copy of Ordinance #11-1200 creating a Local Officers Compensation Commission, who determines the salary for each elected official of the City of Ishpeming; the Ordinance was adopted in 1981 per State statute and City Charter. The Commission shall meet in each odd number year. The last meeting of the Compensation Commission was held in April of 1999 which was the last time compensation of the City Council was reviewed. The Compensation Commission also determines the compensation for Board of Review.

7d

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FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<u>CLAIM ON CASH</u>					
101-000-009-000	CLAIM ON CASH		1,100,310.97 (	383,705.08)	716,605.89
202-000-009-000	CLAIM ON CASH		274,835.72 (	29,276.81)	245,558.91
203-000-009-000	CLAIM ON CASH		243,612.72 (	16,285.09)	227,327.63
206-000-009-000	CLAIM ON CASH		21,096.70	0.00	21,096.70
211-000-009-000	CLAIM ON CASH		224,912.96	0.00	224,912.96
220-000-009-000	CLAIM ON CASH		(40,166.93)	0.00 (	40,166.93)
226-000-009-000	CLAIM ON CASH		153,000.74	37,933.39	190,934.13
247-000-009-000	CLAIM ON CASH		(18,134.37)	25,056.87)	43,191.24)
248-000-009-000	CLAIM ON CASH		185,725.59 (	1,265.44)	184,460.15
268-000-009-000	CLAIM ON CASH		45,319.54	223.86	45,543.40
271-000-009-000	CLAIM ON CASH		(2,762.34)	133.20)	2,895.54)
401-000-009-000	CLAIM ON CASH		436,704.04 (	3,484.08)	433,219.96
590-000-009-000	CLAIM ON CASH		1,198,377.04	73,151.41	1,271,528.45
591-000-009-000	CLAIM ON CASH		(178,843.81)	93,404.37 (	85,439.44)
661-000-009-000	CLAIM ON CASH		283,486.67 (	24,743.51)	258,743.16
TOTAL CLAIM ON CASH			3,927,475.24 (	279,237.05)	3,648,238.19

List of Funds:

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

Please note the following is a summary for the Finance Director to read from during the meeting. The full financial statements are attached.

	101 General Fund	202 Major St	203 Local St	226 Garbage	401 Public Imp	590 Sewer	591 Water
Share Pooled Cash	\$ 716,605.89	\$ 245,558.91	\$ 227,327.63	\$ 190,934.13	\$ 433,219.96	\$ 1,271,528.45	\$ (85,439.44)
Revenues	32,388.82	-	-	37,353.49	-	118,496.69	170,398.13
Expenses	339,157.46	29,276.81	16,285.09	10,407.19	1,330.59	53,098.24	39,104.01
Net Income(Loss)	(306,768.64)	(29,276.81)	(16,285.09)	26,946.30	(1,330.59)	65,398.45	131,294.12
Fund Balance:							
Non-spendable	56,616.93	-	-	-	-	-	-
Restricted	-	245,558.91	227,327.63	-	433,219.96	-	-
Committed	33,000.00	-	-	-	-	-	-
Assigned	-	-	-	202,368.08	-	-	-
Unassigned	322,447.39	-	-	-	-	-	-
Inv in Capital Assets	-	-	-	-	-	8,572,187.00	5,362,095.00
Restricted for Debt	-	-	-	-	-	-	302,630.00
Unrestricted	-	-	-	-	-	874,698.76	(1,113,634.40)
Total Fund Balance	\$ 412,064.32	\$ 245,558.91	\$ 227,327.63	\$ 202,368.08	\$ 433,219.96	\$ 9,446,885.76	\$ 4,551,090.60

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 4th Quarter 2018 has been recorded.

2. - Depreciation expense has been recorded in the Sewer & Water Funds through January 2019.

3. State revenue sharing in the General Fund has been recorded through October 2018.

Paid by the state in 2-month increments with a 2-month lag.



POLAR ROLL

WINTER ADVENTURE RACE • ISHPEMING, MICHIGAN



Salsa



RACE DAY HEADQUARTERS - INSIDE ISHPEMING HIGH SCHOOL - 319 E DIVISION ST ISHPEMING, MI 49849



POLAR ROLL

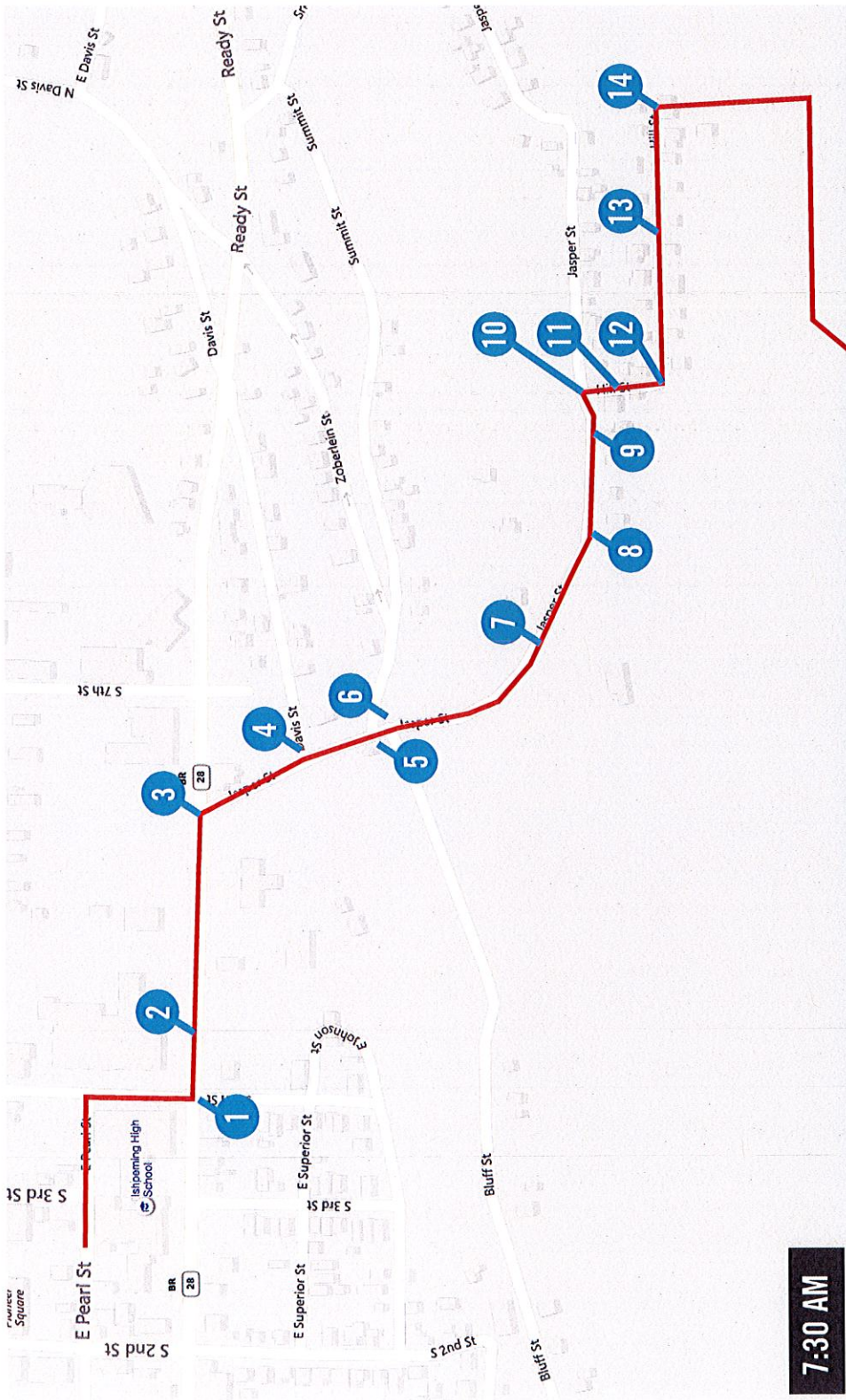
WINTER ADVENTURE RACE • ISHPEMING, MICHIGAN



Salsa



RACE DAY HEADQUARTERS - INSIDE ISHPEMING HIGH SCHOOL - 319 E DIVISION ST ISHPEMING, MI 49849



POLAR ROLL

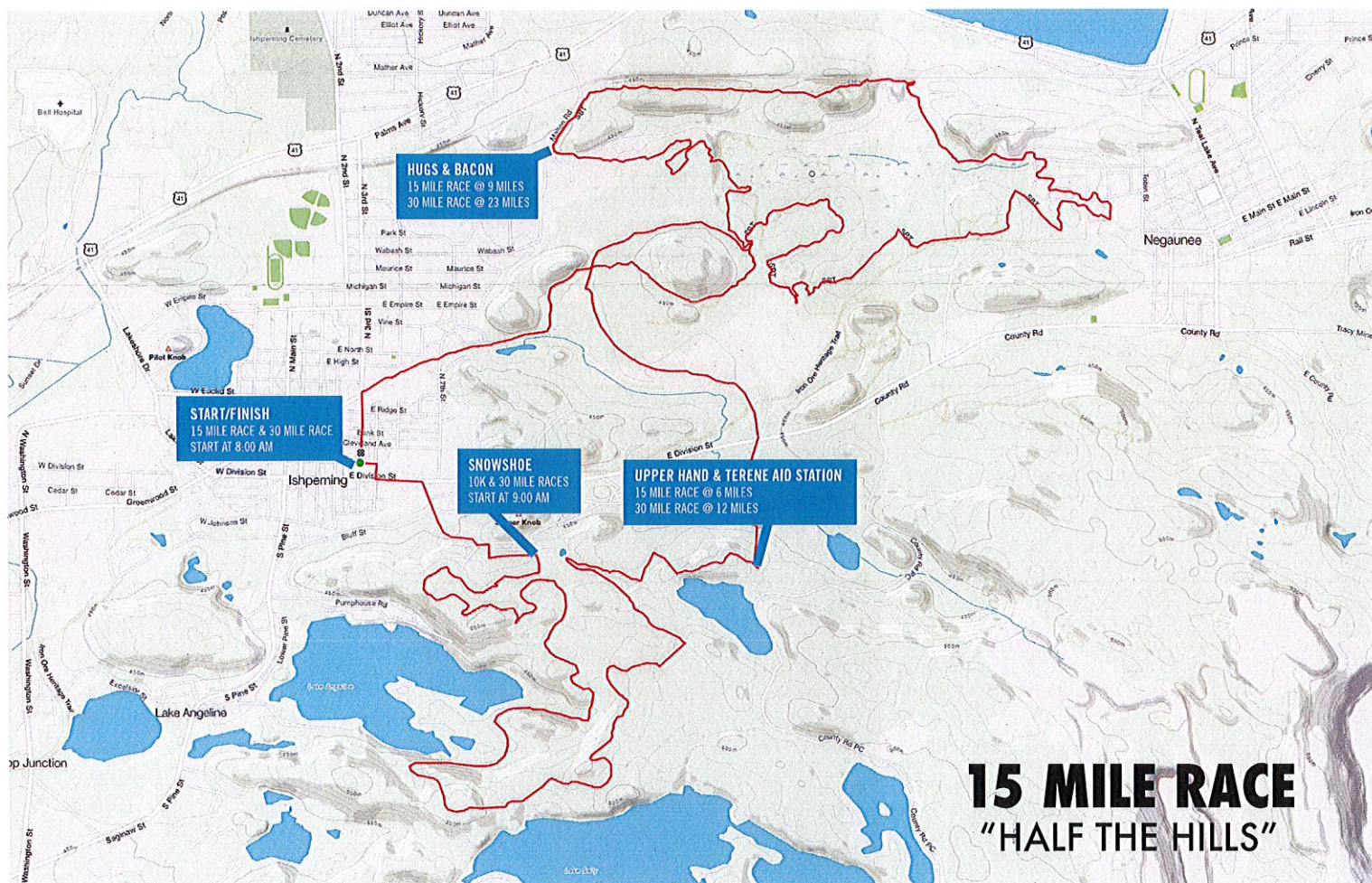
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RACE DAY HEADQUARTERS - INSIDE ISHPEMING HIGH SCHOOL - 319 E DIVISION ST ISHPEMING, MI 49849



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RACE DAY HEADQUARTERS - INSIDE ISHPERING HIGH SCHOOL - 319 E DIVISION ST ISHPERING, MI 49849

ORDINANCE NO. 4-400AN ORDINANCE PROVIDING FOR THE DISPOSAL OF SOLID WASTE
AND FOR ABATEMENT OF ACCUMULATIONS

THE CITY OF ISHPEMING ORDAINS:

Section 4-401. As used in this Ordinance, the following terms shall be defined as follows:

- (a) "Solid Waste" shall mean garbage; trash; offal; dead animals; manure; animal feces; human feces; paper; cans; cardboard; metal, plastic and glass cans, bottles and food containers; straw; swill; partial or unwholesome meat or food; decayed vegetables; and all other rubbish or refuse. Solid waste shall not include furniture, construction debris, building materials, roofing materials or used shingles, machinery, or any item identified in Section 4-406 below.
- (b) "Garbage" shall mean all accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, disposal of or working of meat, fish, fowl, or vegetables, and any other food materials.
- (c) "Designated Container" shall mean:
 - i) A metal container with a tight fitting cover, not exceeding ten (10) cubic yards in volume, designed to hold trash or refuse, commonly referred to as a "dumpster", and capable of being emptied or dumped by mechanical or hydraulic means; or
 - ii) A metal or high impact plastic can with a tight fitting cover, not exceeding 60 gallons in volume, with at least two (2) handles capable of being emptied or dumped by hand.
- (d) "Plastic Bag" shall mean a plastic container capable of being folded (when empty) flat, with a thickness of at least .85 mils, which when filled shall not exceed a capacity of 50 gallons, or six bushels.
- (e) "Person" shall mean each and every natural person, firm, company, corporation, L.L.C., association or partnership.
- (f) "Contractor" shall mean ~~North Country Disposal~~ **whoever is the current contractor.**
- (g) "Contract" shall mean the Residential Garbage and Refuse Collection Agreement between the City of Ishpeming and Contractor, dated January 1, 2011, and all amendments or modifications thereto.
- (h) "Residential Solid Waste" shall mean solid waste generated by every single family home, residential duplex, residential condominium, and apartment house with not more than ~~four(4)~~ **two (2)** apartments.
- (i) "Commercial Solid Waste" shall mean solid waste and every other kind of waste material generated by every premises, building, or property that does not fall within the definition of residential solid waste. Commercial solid waste shall also include solid waste generated by all apartments in a building that also

generates or could generate commercial solid waste.

- (j) "Recyclable Solid Waste" shall mean residential solid waste as defined and published by the Marquette County Solid Waste Management Authority. ~~consisting only of newsprint, paper, corrugated cardboard, clear glass, plastic milk jugs and plastic bottles, tin cans, plastics #1 (Polyethylene Terephthalate) and plastics #2 (High Density Polyethylene) and catalogs and magazines. All plastic, glass, and tin can food containers must be washed and cleaned.~~
- (k) "Landfill" or "Authority Landfill" shall mean the landfill operated by the Marquette County Solid Waste Management Authority.

Section 4-402. It shall be unlawful for any person to deposit, throw, or place any solid waste in any street, alley, sidewalk, public building, Public Park, or any other public place in the City of Ishpeming.

Section 4-403. It shall be unlawful for any person to place any solid waste outside of any home, building, or structure in the City of Ishpeming, or on public or private property, for purposes of storage, unless such solid waste is placed and kept in a designated container.

Section 4-404. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City or in any area under the jurisdiction of the City, any human or animal feces, garbage, or other objectionable waste.

Section 4-405.

- (a) Notwithstanding the above provisions in this Ordinance, on the day of garbage pickup only, it shall be lawful for a person generating residential solid waste to place solid waste in a metal, high impact plastic, or rubber can, not exceeding 60 gallons in volume, with two handles and a tight fitting cover, or in a plastic bag for pickup. If a plastic bag is used on the day of pickup, it must:
- i) be placed at curbside or in the usual pickup area not earlier than 6:00 a.m. on the day of the regularly scheduled pickup; and
 - ii) not exceed a weight of 60 pounds, and be tied or secured so that the contents will not spill out; and
 - iii) be capable of being picked up by the Contractor's sanitation crew without splitting or tearing.
- (b) Notwithstanding the above provisions in this Ordinance, on the day of garbage pickup only, it shall be lawful for a person generating residential solid waste to place recyclable solid waste at curbside for collection pursuant to the Marquette County Solid Waste Management Authority guidelines. ~~All such recyclable solid waste shall be placed in separate containers so that the contents thereof are visible. Newsprint, catalogs, and magazines shall be bound or bagged in paper bags. Corrugated cardboard shall be flattened and bound for pickup.~~

Section 4-406.

- (a) The Contractor hired by the City to collect solid waste on a weekly basis shall be required to collect all residential solid waste.
- (b) The Contractor hired by the City to collect solid waste on a weekly basis shall not be required to collect any commercial solid waste.
- (c) The owner of every premises, building, business, or property that generates commercial solid waste shall be required to dispose of all such solid waste under separate contract or agreement with a State licensed solid waste carrier or hauler.
- (d) The City shall not be responsible, either directly or indirectly, under its Contract with the Contractor, to pick up, collect, or transport any commercial solid waste.
- (e) Commercial solid waste shall not be placed or deposited in any designated container owned, leased by, or used by the City under the City Contract with Contractor. This means that all dumpsters supplied by Contractor to the City shall not be available for the disposal of commercial solid waste.
- (f) Commercial solid waste may only be deposited into a designated container owned or leased by the person, firm, or entity generating such solid waste, and such designated container may not be placed at curbside for collection by Contractor during Contractor's normal residential pickup in the area.
- (g) No person generating residential solid waste may transfer or dispose of any such residential solid waste directly at the Marquette County Solid Waste Management Authority Landfill.
- (h) A person generating roofing debris or used shingles may directly dispose of same at the Landfill on receipt of a Landfill Permit issued by the City and payment of a fee or deposit if required, see Annual Fee Schedule as adopted by the Ishpeming City Council for rate.
- (h) ~~For the purposes of enforcement of the provisions in this Section 4-405, and in addition to the civil and criminal penalties set forth at Sections 4-409 and 4-410 of this Ordinance, every person, firm or corporation that violates any of the provisions of this Section 4-405 shall pay an administrative fee to the City in the amount of Five Hundred (\$500.00) Dollars per violation. This administrative fee is not intended to be a penalty, but is intended to reimburse the City for its direct and indirect costs, including personnel costs, incurred in the investigation and prosecution of violations of this Section 4-405. The administrative fee shall be billed to the person, firm, or corporation responsible therefore, and if such administrative fee is not paid within thirty (30) days after being billed, the administrative fee shall be a lien against the property where such violation occurred and enforced under the provisions of Section 4-409 of this Ordinance.~~

Section 4-407.

It shall be unlawful for any person within the City of Ishpeming to place for solid

waste collection any grass clippings, leaves, tree parts or branches, tires, television sets, computers, petroleum products, shingles, roofing materials, concrete, sand, gravel, construction or demolition debris, building materials, automobile parts, batteries, bodies, frames or motors; truck parts, batteries, bodies, frames or motors; hazardous waste [as defined under State law at M.C.L.A. Section 324.11103; hazardous substance (as defined under State Law at M.C.L.A. Section 286.452); toxic substance; human body waste; sewage, sanitary sewage; industrial sludge or chemicals; furniture, appliances, carpeting, mattresses, box springs, or similar discarded chemicals, household materials; ~~white goods~~, including but not limited to stoves, refrigerators, water heaters, clothes washers or clothes dryers; or any substance which is or may be hazardous to the health of the sanitation crews, or to deposit or place any of said items in or on any street, sidewalk, alley, or other public or private property.

Section 4-408.

- (a) Regular Collection Schedule: Residential solid waste will be picked up by Contractor from each residence in the City one (1) time per week, in accordance with a collection schedule adopted and promulgated by Contractor pursuant to the Contract. ~~The rates and fees for the regular collection schedule shall be those set forth at Section 4-408 herein.~~
- (b) Special Collection Schedule: Pursuant to the Contract, any person who generates residential solid waste or any other kind of waste material may contract directly with the Contractor for the pickup and disposal of such items. The Contractor shall make available drop-off containers (dumpsters) for residential customers. These containers may be placed for ten (10) days maximum. At the end of the period, Contractor shall transport and dispose of the contents at the Authority Landfill. The resident who requested the drop-off container shall pay for all drop-off/pickup/rental fees of the drop-off container, as well as all Landfill Authority disposal costs.

Section 4-409.

- (a) There is hereby established a rate charge, ~~of \$11.20 per month~~ for each single family home in the City of Ishpeming, for the availability of residential solid waste and garbage disposal services, see Annual Fee Schedule as adopted by the Ishpeming City Council for rate.
- (b) There is hereby established a rate, ~~charge of \$11.20 per month~~ for each separate living unit in multiple family structures, such as duplexes, condominiums, and apartment houses with not more than ~~four (4)~~ two (2) units, for the availability of residential solid waste and garbage disposal services, see Annual Fee Schedule as adopted by the Ishpeming City Council for rate.
- (c) In addition to the above charges, every person that may lawfully haul solid waste directly to the Marquette County Solid Waste Management Authority Landfill and for which the City is billed directly by the Authority, shall be billed the same amount by the City, plus a permit application fee, see the Annual Fee Schedule as adopted by the Ishpeming City Council for rate. ~~plus an additional amount equal to 10% of the Landfill charges or a maximum of \$10.00, whichever is less, as an administrative billing fee, so that the City is fully reimbursed by each such user.~~

- (d) The fees and charges ~~established herein under~~ referred to in subsections (a) and (b) above and located in the Annual Fee Schedule shall be billed to and paid by the person responsible for the water or sewer bills to the premises. Such fees and charges may be billed on a monthly basis, and such billing may be combined with any other utility bill sent by the City. If the premises is not served by City water or sewer service, the owner of the premises shall be responsible for the fees and charges established herein.
- (e) The users of solid waste and garbage disposal services or those responsible to pay for the such services under this ordinance ~~shall pay their bills to the City Treasurer within twenty-five (25) days after the billing date. Any bill paid more than twenty-five (25) days after the billing date shall be considered a delinquent bill, and a penalty of 5% per month shall be added to and collected on each delinquent bill.~~ 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.
- (f) If a residential premises has been destroyed or is rendered unsuitable for use as a result of fire, windstorm, or other catastrophe, such premises shall not be charged a fee for the availability of solid waste and garbage disposal services.

Section 4-410. In addition to the ~~civil criminal~~ penalties provided herein for a violation of this ordinance, the City of Ishpeming shall have a lien upon each premises, lot, parcel, structure, house or building which receives solid waste or garbage disposal services from Contractor or with respect to which such service is available. And each premises, lot, parcel, structure, house or building from which waste is generated and lawfully hauled by the owner or sub-contractor or representative of these parties, to the Marquette County Landfill. The lien created herein may be enforced by the City in the manner prescribed by the general laws of the State of Michigan for the enforcement of tax liens, and all such delinquent fees or charges shall be added to the delinquent tax rolls with respect to the real property (or personal property if the structure is on leased land). Upon entry of such delinquent fees and charges upon the delinquent tax rolls, the collection thereof shall in all respects be governed by the provisions of the general laws of the State of Michigan for the collection of delinquent taxes.

Section 4-411. Violation of any term or provision of this Ordinance shall be a ~~civil infraction misdemeanor~~, punishable by a fine as set forth in the Annual Fee Schedule. ~~of not more than One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment.~~

Section 4-412. Contractor's sanitation crews shall not be required to pick up any residential solid waste stored, maintained, deposited, or disposed of contrary to the provisions of this Ordinance.

Section 4-413. This Ordinance shall take effect upon publication.

Adopted: October 9, 1985
Amended: June 13, 1990
Amended: July 11, 1990
Amended: July 18, 1990
Amended: December 5, 1990
Amended: January 15, 1992
Amended: November 4, 1992
Amended: September 4, 1996
Amended: October 8, 1997
Amended: November 6, 2002
Amended: October 8, 2003
Amended: November 8, 2006
Amended: October 3, 2007
Amended: May 7, 2008
Amended: January 7, 2009
Amended: April 8, 2009
Amended: December 16, 2009
Amended: December 15, 2010
Amended: November 6, 2013
Amended: April 13, 2016
Amended:

AN ORDINANCE TO REGULATE THE ISSUANCE, DENIAL, AND REVOCATION
OF LICENSES FOR SECONDHAND DEALERS AND JUNK DEALERS

THE CITY OF ISHPEMING ORDAINS:

Section 1. Purpose. This Ordinance is enacted for the purpose of defining the powers of the Mayor of the City of Ishpeming and to establish standards for the issuance, denial, and revocation of a license under the provisions of M.C.L.A. §445.401, et. seq.

Section 2. Definitions. All terms used herein, unless otherwise indicated, shall have the same meaning as set forth in M.C.L.A. §445.401, et. seq., a statute regulating secondhand dealers and junk dealers.

Section 3. Application for Secondhand Dealer or Junk Dealer License. Every person, corporation, co-partnership, or firm required to be licensed under M.C.L.A. §445.401, et. seq., shall submit an application for a license to the Chief of Police of the City of Ishpeming. The application shall be signed by the applicant, and shall contain the following information, all of which shall be required before the application shall be considered administratively complete:

- i) Name of applicant.
- ii) Proof of name of applicant (if a corporation, proof of corporate existence from the State of Michigan); if an individual, a birth certificate or driver's license.
- iii) Copy of current driver's license of the applicant and every person with an ownership interest in the business, or other valid identification with a current photograph of the applicant and all owners. If the applicant is a co-partnership, a valid photographic identification shall be submitted for each partner.
- iv) The principal address of applicant. If the applicant is an individual, the home address of the applicant shall be disclosed.
- v) The address in the City of Ishpeming where applicant intends to do business.
- ~~vi) Social security number or taxpayer identification number of the applicant.~~
- ~~vii) The full name, address, and social security number of every person who holds an ownership interest in the business.~~
- ~~viii) A list of all addresses where the applicant, and every person with an ownership interest in the business, has done business of any kind within the prior five (5) years.~~
- ~~ix) A list of each misdemeanor conviction within the prior ten (10) years of applicant, every person with an ownership interest in the business, every person who will control the business, every person who will manage the business, and every person who will provide financing for the business. The list shall identify the nature of the offense, the complete address and phone number of the court where the conviction occurred, and the case file number.~~

- x) ~~A list of each felony conviction within the prior ten (10) years of applicant, every person with an ownership interest in the business, every person who will control the business, every person who will manage the business, and every person who will provide financing for the business. The list shall identify the nature of the offense, the complete address and phone number of the court where the conviction occurred, and the case file number.~~
- xi) ~~A complete set of fingerprints of the applicant and every person with an ownership interest in the business. In the case of a corporate applicant, a complete set of fingerprints shall be submitted for each corporate officer.~~
- xii) ~~The name, address, and social security number of every person who will control the business, manage the business, or who will provide financing for the business.~~
- xiii) ~~A statement disclosing whether the applicant, any business owned or controlled by the applicant, or any member of the family of the applicant over the age of 18 years and within the second (2nd) degree of consanguinity or affinity has been in possession or receipt of stolen goods or property within a period of five (5) years prior to the date of the application. This information shall be disclosed solely for purposes of the grant or denial of a license under this Ordinance, and may not be used for any other purpose.~~

Section 4. Application Fee. The **initial** application shall be accompanied by an application fee **as set forth in the City's Annual Fee Schedule** in the amount of One Hundred (\$100.00) Dollars, to cover the reasonable costs of investigation of the applicant and issuance and administration of the license. **Renewal applications shall be required one year from the date of issuance of the license and shall be accompanied by the renewal application fee as set forth in the City's Annual Fee Schedule.**

Section 5. Background Check. Upon receipt of an administratively complete application and the application fee, the Chief of Police shall conduct a background check of the **owner** applicant, all persons with an ownership interest in the business, and all persons who will control the business, manage the business, or who will provide financing for the business. The background check shall be completed within thirty (30) days after the date the application is filed and the application fee is paid to the Chief of Police.

Section 6. Report to Mayor. ~~The Chief of Police shall prepare a report to the Mayor summarizing the results of the background check. The report shall identify all misdemeanor and felony convictions of the applicant, every person with an ownership interest in the business, and every person who will control the business, manage the business, or who will provide financing for the business.~~

Section **6** 7. Grant or Denial of License.

- a) If the report from the Chief of Police **approves the application** ~~discloses no felony or misdemeanor convictions identified in Section 7(b) against the applicant, all persons with an ownership interest in the business, and all persons who will control the business, manage the business, or who will provide financing for the business, the Mayor shall grant the license. The license shall be for a period of one (1) year from the date of issuance, unless sooner revoked for cause, and is not transferable.~~

b) ~~If the report from the Chief of Police discloses that the applicant, any person with an ownership interest in the business, or any person who will control the business, manage the business, or who will provide financing for the business has been convicted of a misdemeanor or a felony within the prior ten (10) years involving or relating to any of the following, the Mayor shall deny the issuance of a license:~~

~~i) Theft;~~

~~ii) Robbery;~~

~~iii) Receipt, possession, or selling or disposing of stolen goods;~~

~~iv) Fraud;~~

~~v) Identity theft.~~

b) If the report from the Chief of Police discloses that the application contains false, fraudulent or misleading information, or omits any material information, the Mayor shall deny issuance of a license.

d) ~~If the applicant, any business owned or controlled by the applicant, or any member of the family of the applicant over the age of 18 years and within the second (2nd) degree of consanguinity or affinity has been in possession or receipt of stolen goods or property within a period of five (5) years prior to the date of the application, the Mayor shall deny issuance of a license.~~

Section 7.8. Revocation of License. The Mayor may revoke any license issued under the terms of this Ordinance if:

a) ~~Stolen property or goods are recovered from the licensed premises three (3) or more times, and on each occasion the licensee or the manager of the business or any employee of the business has failed to comply with the requirements of M.C.L.A. §445.404 or M.C.L.A. §445.405; or~~

ab) The licensee or manager of the business or any employee of the business has failed to comply with any of the requirements of M.C.L.A. §445.404 or §445.405; or

be) It is determined that at the time the application for the license was submitted, any information on the application was false, fraudulent, or misleading, or the application omitted any material information; or

d) ~~The applicant, any person having an ownership interest in the business, any person who controls the business, manages the business, or who provides financing for the business, or any employee of the business, or any officer of a corporate business, is convicted of any offense enumerated in or substantially similar to those enumerated in Section 7(b) above during the term of the license; or~~

ce) There is a material change in any of the information included in the application for the license, and the applicant fails to notify the Chief of Police of the City of Ishpeming, in writing, of such change within fifteen (15) days after the date the change becomes effective. A material change in any of the information in the application includes, but is

not limited to, a change in ownership of the business or additional owner(s) coming into the business, or a change in the management, control, or financing of the business.

- f) ~~Any person who acquires an ownership interest in the business, who becomes a manager of the business, who exercises control over the business, or who provides any financing for the business after a license is issued hereunder is convicted of any offense identified in Section 7(b).~~

Section 8 9. Penalty. A person who submits false, fraudulent or misleading information on an application for a license hereunder, or who omits any material information from the license application, shall be subject to a municipal civil infraction with the fee as established by Council in the Annual Fee Schedule. ~~guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment in the Marquette County Jail for up to 90 days, or by both such fine and imprisonment. Any penalty imposed under this Section 8 9 may be in addition to or in lieu of license revocation under Section 7 8 of this Ordinance.~~

Section 9 10. Cumulative Remedies. The City of Ishpeming may pursue license revocation or criminal penalties, or both, in the enforcement of this Ordinance.

Section 10 11. Effective date.

Every person engaged in the business of a secondhand dealer or junk dealer in the City of Ishpeming as of the effective date of this Ordinance, and thereafter, shall be required to obtain a license under this Ordinance and to comply with all the terms and provisions of this Ordinance after said effective date. ~~Every secondhand dealer and junk dealer engaged in business in the City of Ishpeming as of the effective date of this Ordinance shall submit the application for a license required under Section 3 above to the Chief of Police of the City of Ishpeming not later than forty five (45) days after the effective date of this Ordinance; provided, however, that every such dealer shall be allowed to operate his or her existing business without a license until such time as the Mayor either grants a license or denies issuance of a license.~~

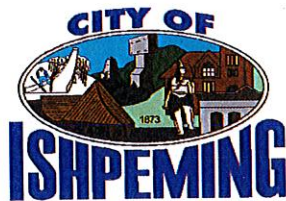
- b) ~~The amendments to this Ordinance adopted on August 6, 2008, shall not apply to any application for a license submitted to the Chief of Police of the City of Ishpeming on or prior to August 6, 2008, but shall apply to all applications for a license submitted to the Chief of Police of the City of Ishpeming thereafter. The amendments to this Ordinance adopted on September 3, 2008, shall apply to all applications submitted to the Chief of Police of the City of Ishpeming on or after August 6, 2008.~~

Adopted: July 9, 2008

Amended: August 6, 2008

Amended: September 3, 2008

Amended:



APPLICATION FORM FOR A LICENCE FOR SECONDHAND DEALERS AND JUNK DEALERS

☐ Initial Application-- Fee \$100

☐ Yearly Renewal Application -- Fee \$50

Please print all information except where a signature is required.

1. Name of Applicant. _____
2. Type of Entity of Applicant (sole proprietorship, partnership, corporation, or LLC).

3. Proof of Name of Applicant. (Attach copy of certificate of incorporation, partnership agreement, and assumed name certificate. If applicant is an individual, attach copy of driver's license.)

(Identify type of proof being furnished)
4. Proof of name and identity of every person having an ownership interest in the business. (Attach copies of driver's licenses or other current photographic identification for each owner.)

(Identify type of proof being furnished for each owner)
5. Principal address of Applicant (home address if an individual).

6. Address of business to be located in the City of Ishpeming.

7. ~~Full name, current address, and social security number of each person having an ownership interest in the business.~~

8. ~~Federal tax identification number.~~ _____
9. ~~List of addresses where Applicant, and every person with an ownership interest in the business, has done business of any kind within the past five (5) years.~~

10. List of each misdemeanor conviction of Applicant, every person with an ownership interest in the business, and every person who will control the business, manage the business, or who will provide financing for the business, within the past ten (10) years:

Date	Offense Case No.	Court Address	Court Phone #

11. List of each felony conviction of Applicant, and every person with an ownership interest in the business, and every person who will control the business, manage the business, or who will provide financing for the business, within the past ten (10) years:

Date	Offense Case No.	Court Address	Court Phone #

12. Name, address, and social security number of every person who will control the business, manage the business, or who will provide financing for the business:

13. Has the Applicant, any business owned or controlled by the Applicant, or any member of the family of the Applicant over the age of 18 years and within the second (2nd) degree of consanguinity or affinity been in possession or receipt of stolen goods or property within five (5) years prior to the date of this Application?

Yes _____ No _____

Date: _____

Signature of Applicant

Printed Name of Person Signing Application

Date: _____

Signature of Applicant

Printed Name of Person Signing Application

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ORDINANCE NO. 3-900

AN ORDINANCE FOR THE REGISTRATION OF DEALERS IN PRECIOUS ITEMS

THE CITY OF ISHPEMING ORDAINS:

Section 3-901. This Ordinance is enacted pursuant to the provisions of Act No. 95 of the Public Acts of 1981 of the State of Michigan (hereinafter the "Precious Metal and Gem Dealer Act").

Section 3-902. All terms used herein, unless otherwise indicated, shall have the same meaning as set forth in the Precious Metal and Gem Dealer Act.

Section 3-903. A Dealer shall not conduct the business of buying or receiving any precious items in the City of Ishpeming unless the Dealer has obtained a valid Certificate of Registration from the Chief of Police of the Ishpeming Police Department.

Section 3-904.

- (1) A Dealer shall apply to the Ishpeming Police Department for a Certificate of Registration under the Precious Metal and Gem Dealer Act, and shall pay the fee set forth in the City's Annual Fee Schedule ~~a fee of Fifty (\$50.00) Dollars to~~ the Ishpeming Police Department at the time of filing the Application to cover the reasonable cost of processing and issuing the Certificate of Registration.
- (2) The form of the Application shall be as set forth on the Application for Certificate of Registration for Precious Item Dealer, a copy of which is appended to this Ordinance as Exhibit A.
- (3) The Application submitted by the Dealer shall be accompanied by a separate card for each employee or agent of the Dealer (including a card for the person who signs the Application) which contains the right thumb print of each employee or agent. The form of the card bearing the right thumb print of the employee or agent shall be as set forth on the form appended to this Ordinance as Exhibit B. Each employee or agent shall have his or her right thumb print placed on the card at the Ishpeming Police Station by an officer of the Ishpeming Police Department.
- (4) Within twenty-four (24) hours after hiring a new employee or agent, a Dealer shall forward to the Ishpeming Police Department the name and address of the new employee or agent, and the Dealer shall have the new employee report to the Ishpeming Police Department for purposes of completing the Exhibit B card and the thumb print registration of such new employee or agent.

Section 3-905. Upon receipt of the Application properly completed by the Dealer, and ~~the sum of Fifty (\$50.00) Dollars for the~~ Application fee, the Ishpeming Chief of Police shall issue a Certificate of Registration to the Dealer. The Certificate of Registration shall be applicable to the Dealer, and to all employees and agents of the Dealer who have submitted their Exhibit B cards to the Ishpeming Police Department, and the same Certificate of Registration number shall be used by all employees of the Dealer in executing all forms required under the Precious Metal and Gem Dealer Act.

Section 3-906. A person who fails to comply with the provisions of Section 3-904 through 3-905, inclusive, of this Ordinance shall be guilty of a misdemeanor, punishable by a fine **set forth in the City's Annual Fee Schedule,** ~~not to exceed One Hundred (\$100.00) Dollars,~~ or by imprisonment in the Marquette County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 3-907. This Ordinance shall become effective upon the publication thereof.

Adopted: December 21, 1981

Amended:



APPPLICATION FOR CERTIFICATE OF REGISTRATION FOR PRECIOUS ITEM
DEALER

The undersigned hereby applies for a Certificate of Registration pursuant to the provisions of Act No. 95 of the Public Acts of 1981 of the State of Michigan (M.S.A. 19.720(1) et. seq.) and furnishes the following information:

Name of Business: _____

Address of Business: _____

If business is a partnership or corporation, state exact name of the entity, and if a corporation, identify state of incorporation.

Exact name of entity: _____

State of incorporation: _____

Name and home address of each employee or agent of the business, including applicant: _____

Relationship of applicant to the business (owner, partner, president, etc.) _____

Date: _____

Name of Applicant (Printed)

Name of Applicant (Signature)

ISSUANCE OF CERTIFICATE OF REGISTRATION

Certificate of Registration Number: _____

DATE ISSUED: _____

POLICE CHIEF SIGNATURE: _____

ISHPEMING POLICE DEPARTMENT

PRECIOUS METAL AND GEM
DEALER REGISTRATION CARD

BUSINESS: _____

DEALER: _____

CERTIFICATE NUMBER: _____

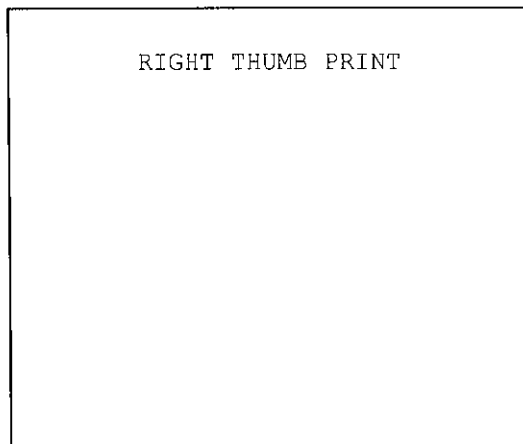
EMPLOYEE NAME: _____

EMPLOYEE SIGNATURE: _____

ADDRESS: _____

DATE OF BIRTH: _____

RIGHT THUMB PRINT

A large rectangular box with a black border, intended for a right thumb print. The text "RIGHT THUMB PRINT" is centered at the top of the box.

ORDINANCE NO. 10-500

AN ORDINANCE TO REGULATE THE CONTAINMENT OF FOWL AND OTHER ANIMALS
WITHIN THE LIMITS OF THE CITY OF ISHPEMING

THE CITY OF ISHPEMING ORDAINS:

Section 1. It shall be unlawful for any person to permit or allow any domesticated fowl to run at large within the zoned residential limits of the City of Ishpeming.

Section 2. It shall be lawful for any person to keep, permit or allow any fowl within the limits of the City under the following terms and conditions:

- a. No more than six (6) hens shall be allowed for each single-family dwelling. No birds shall be allowed in multi-family complexes, including duplexes.
- b. No roosters shall be allowed.
- c. There shall be no outside slaughtering of birds.
- d. All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
- e. Enclosures must be situated at least twenty (20) feet from the nearest neighbor's residence.
- f. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.

Section 3. The above Section 2 is not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets.

Section 4. Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance; however, owners of the poultry will have ninety (90) days from the effective date to comply with this ordinance.

Section 5. This ordinance shall take effect upon legal publication.

Adopted:

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City of Ishpeming
(County of Marquette)
Michigan
ORDINANCE NO. 11-1000

The following was offered by Council Member Roose
and supported by Council Member Valente :

WHEREAS, the Economic Development Corporations Act,
being Act 338, Public Acts of 1974, as amended, authorizes the
City of Ishpeming to create and approve the incorporation of The
Economic Development Corporation of the City of Ishpeming as a
means to alleviate and prevent conditions of unemployment; to
assist and retain local industries and commercial enterprises; to
strengthen and revitalize the economy and to encourage and
assist industrial and commercial enterprises in locating and
expanding in the City; and,

WHEREAS, pursuant to Act 338, a written application,
dated October 29, 1976, has been filed with the City Council
requesting permission to incorporate The Economic Development
Corporation of the City of Ishpeming; and

WHEREAS, said application includes proposed Articles of
Incorporation for The Economic Development Corporation of the
City of Ishpeming; and,

WHEREAS, public notice of the receipt of the application
has been given pursuant to Act 338, Public Acts of 1974, and, after
due notice, a public hearing on the merits of said application has

been held and competing applications have been invited and the City Council has given due consideration to the applications and to the following Ordinance.

AN ORDINANCE TO CREATE AND APPROVE THE INCORPORATION OF THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF ISHPERING.

NOW, THEREFORE, THE CITY OF ISHPERING ORDAINS:

Section 1. That there is hereby created and authorized the incorporation of The Economic Development Corporation of the City of Ishpeming, pursuant to, and in accordance with Act 338, Public Acts of 1974.

Section 2. That the Application dated October 29, 1976 and filed by Kenneth C. Olson, M. J. Romeli and Donald Tripp is hereby approved.

Section 3. That the Articles of Incorporation for The Economic Development Corporation of the City of Ishpeming are hereby approved and adopted in the following form:

Section 4. That the City Clerk be and is hereby directed to take such steps as are necessary under the provisions of Act 338, Public Acts of Michigan, 1974, as amended, to perfect the incorporation of the Economic Development Corporation of the City of Ishpeming.

Section 5. That the Applicants in the Application dated October 29, 1976, are hereby authorized and directed to take such steps as are necessary to perfect incorporation of the Economic Development Corporation of the City of Ishpeming as a public corporation pursuant to Act 338 of the Public Acts of 1974, as amended.

Section 6. That, pursuant to Act 338, Public Acts of 1974, if incorporation by the Applicants is not accomplished within 90 days after the effective date of this Ordinance, then this Ordinance shall be void.

Section 7. That the effective date of this Ordinance shall be the tenth day after publication hereof in a newspaper of general circulation in the City.

Yeas: Mayor Holli, Councilmen Guizzetti, Aho,
Valente, and Roose

Nays: None

Absent: None

ORDINANCE DECLARED ADOPTED.

Lambert L Chard

City Clerk

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular meeting of the Ishpeming City Council, held on November 3, 1976.

Lambert L Chard
City Clerk

CITY OF ISHPEMING

County of Marquette, Michigan

Resolution No.8-1976

ECONOMIC DEVELOPMENT CORPORATION

Minutes of a Special meeting of the City Council of the City of Ishpeming, Marquette County, Michigan, held in the City Council Chambers located at 100 E. Division Street in said city on October 20, 1976, at 7:30 p.m.

PRESENT: Councilmembers Lee Guizzetti, Emil Aho, Frank Valente, Joseph Roose, and Mayor David Holli

ABSENT: Councilmembers none

The following preamble and resolution were offered by Councilmember Roose and supported by Councilmember Valente :

WHEREAS, the City of Ishpeming is authorized by Act 338, Public Acts of Michigan, 1974, to approve, authorize, and incorporate a public body corporate known as the Economic Development Corporation of the City of Ishpeming with powers granted by Act 338 to provide means and methods for the encouragement and assistance of industrial and commercial enterprises in locating and expanding in the City of Ishpeming; and,

WHEREAS, application has been made to the City Council of the City of Ishpeming for permission to incorporate the Economic Development Corporation of the City of Ishpeming, which application includes proposed articles of incorporation; and,

WHEREAS, the City Council is required by Act 338, P.A. 1974, as amended, to give public notice of the receipt of said application, to invite competing applications and to have a public hearing with regard to said application or applications; and,

WHEREAS, it is deemed in the best interest of the City, and the citizens herein, to provide for such public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ISH-PEMING RESOLVES as follows:

1. To receive and accept the application dated October 20, 1976, for the establishment and incorporation of an economic development corporation.

2. To give notice that the public is hereby invited to file competing applications for the establishment of such corporation.

3. That a public hearing be set on November 3, 1976, at 7:30 p.m. in the City Council Chambers of the City.

4. That notice of the time and place of said hearing be published once in the Mining Journal, a newspaper of general circulation in the City, the first of said publications being at least 10 days before the date set for the hearing.

5. That the notice to be substantially in the following form:

NOTICE TO ELECTORS AND TAXPAYERS AND THE GENERAL PUBLIC OF
THE CITY OF ISHPERING OF A
PUBLIC HEARING

PLEASE TAKE NOTICE that the City Council of the City of Ishpeming has received an application requesting the permission and approval to incorporate an Economic Development Corporation pursuant to Act 338, Michigan Public Acts of 1974, as amended, and the Public is hereby invited to file COMPETING APPLICATIONS for the establishment of such a corporation.

TAKE FURTHER NOTICE that the City Council of the City of Ishpeming intends to hold a public hearing regarding the approval of an application for the incorporation of an ECONOMIC DEVELOPMENT CORPORATION.

TAKE FURTHER NOTICE that said public hearing will be held on November 3 __, 1976, at 7:30 p.m. in the Ishpeming City Council Chambers located at 100 E. Division Street __, in said City.

THIS NOTICE is given pursuant to the requirements of Section 4(1) of Act 338, Public Acts of Michigan, 1974.

Lambert L. Chard
City Clerk

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yeas: Councilmembers Mayor Holli, Councilmen Guizzetti, Aho, Valente and Roose

Nays: none

Absent: none

Resolution Adopted.

Lambert & Chard

City Clerk

I hereby certify the foregoing is a true copy of a resolution adopted at a meeting of the City Council of the City of Ishpeming, Michigan, held on the 20th day of October, 1976.

Lambert & Chard

City Clerk

APPLICATION

TO INCORPORATE
THE ECONOMIC DEVELOPMENT CORPORATION
OF THE CITY OF ISHPEMING

TO: THE CITY COUNCIL OF THE CITY OF ISHPEMING
COUNTY OF MARQUETTE, STATE OF MICHIGAN

Pursuant to the Economic Development Corporations Act (Act 338, P.A. 1974), the undersigned hereby makes application to the City Council of the City of Ishpeming, Marquette County, Michigan, for permission to incorporate the Economic Development Corporation of the City of Ishpeming, a public corporation.

As required by Act 338, a copy of proposed articles of incorporation for said Economic Development Corporation is attached hereto and incorporated herein by reference.

Dated: October 20, 1976

Applicants (Incorporators):

Steven M. Mascetti

Laura Crothers

Jane Potvin

Betty Tassone

Shawn McElroy

Debona Hart

Brian A. L.

APPLICATION

TO INCORPORATE
THE ECONOMIC DEVELOPMENT CORPORATION
OF THE CITY OF ISHPEMING

TO: THE CITY COUNCIL OF THE CITY OF ISHPEMING
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As required by Act 338, a copy of proposed articles of incorporation for said Economic Development Corporation is attached hereto and incorporated herein by reference.

Dated: OCT 29, 1976..

Applicants (Incorporators):

Kenneth C. Olson

R.D. Trapp

W. J. Romuli

ARTICLES OF INCORPORATION

OF

THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF ISHPEMING

A PUBLIC CORPORATION

These Articles of Incorporation are signed and acknowledged by the incorporators for the purpose of forming a public economic development corporation pursuant to the provisions of Act No. 338 of the Public Acts of 1974, as amended, (the "economic development corporations act of 1974").

ARTICLE I

NAME

The name of the economic development corporation is THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF ISHPEMING.

ARTICLE II

INCORPORATING MUNICIPALITY

The incorporation of The Economic Development Corporation of the City of Ishpeming was accomplished by the approval of these Articles of Incorporation by Ordinance of the City of Ishpeming, Marquette County, Michigan.

ARTICLE III

PURPOSE

The Corporation is organized and incorporated as authorized by and pursuant to the Economic Development Corporations Act of 1974 (Act 338, Public Acts of 1974), as amended. The purpose for which the Corporation is created is to alleviate and prevent conditions of unemployment; to assist and retain local industries and commercial enterprises; to strengthen and revitalize the economy of the City of Ishpeming and of the State of Michigan; to provide means and methods for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping, and expanding in the City of Ishpeming; to encourage the location and expansion of commercial enterprises to more conveniently provide needed services and facilities of the commercial enterprises to the City and the residents thereof. To accomplish the foregoing essential public purposes, the corporation, pursuant to Act 338, P.A. 1974, as amended, may do the following:

- a) Construct, acquire by gift or purchase, reconstruct, improve, maintain, or repair Projects (as the word "project" is defined in Act 338, Public Acts of 1974, as amended), and acquire the necessary lands for the site therefor;
- b) Acquire by gift or purchase the necessary machinery, furnishings, and equipment for a Project;
- c) Borrow money and issue its revenue bonds or revenue notes to finance part or all of the cost of the acquisition, purchase, construction, reconstruction, or improvement of a project or any part thereof, the cost of the acquisition and improvement of the necessary sites therefor, the acquisition of machinery, furnishings, and equipment therefor, and the costs necessary or incidental to the borrowing of money and issuing of bonds or notes for such purpose;
- d) Enter into leases, lease purchase agreements, or installment sales contracts with any person, firm, corporation, or public authority for the use or sale of a Project, or any part thereof;
- e) Mortgage the Project, or any part thereof, in favor of any lender of money to the corporation;
- f) Sell and convey the Project or any part thereof for a price and at a time as the corporation determines;
- g) Lend, grant, transfer, or convey funds, as described in Act 338, Public Acts of 1974, as amended, as permitted by law, but subject to applicable restrictions affecting the use of such funds;
- h) Assist and participate in the designation of the land area which will be acquired in the implementation of a Project;
- i) Prepare, assist and aid in the preparation of plans, services, studies and recommendations relative to the public purposes of the corporation;
- j) Aid, assist and participate in clearing, rebuilding and rehabilitating blighted, deteriorated areas or structures;
- k) Encourage citizen participation and assistance in industrial and commercial enterprises, housing and community improvements and to disseminate information to the general public concerning the purposes and objectives of the corporation;

l) Aid, assist and participate in the acquisition, rehabilitation or construction of industrial and commercial improvements, dwelling units or other structures or matters incidental thereto;

m) Hold, demolish, repair, alter and improve or otherwise develop, clear, and dispose of real property;

n) Enter into agreements and contracts with any state agency or department, its political subdivisions and agency or department thereof, or any other official public body and any individual, corporation or other organization in connection with the purpose of the corporation;

o) Accept, hold, own, and acquire by bequest, devise, gift, purchase, or lease any property, real or mixed, whether tangible or intangible, without limitation as to kind, amount or value;

p) Sell, convey, lease, rent, mortgage, or make loans, grants or pledges of any such property, or any interest therein or proceeds therefrom, and to invest and reinvest the principal thereof and receipts therefrom, if any;

q) Carry on any activity for the purposes above stated, either directly or as agent, for or with public authorities, individuals, corporations or other organizations, or in whole or in part through or by means of public authorities, individuals, corporations or other organizations;

r) In general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized pursuant to Act 338, P.A. 1974, as amended, and for the foregoing purposes.

ARTICLE IV

BOARD OF DIRECTORS

1. Directors:

The Board of Directors of the Corporation shall consist of nine (9) persons, not more than three (3) of whom shall be an officer or employee of the City. The Board of Directors of the Corporation shall be appointed by the Mayor of the City of Ishpeming with the advice and consent of the City Council, as provided in Act 338 Public Acts of Michigan, 1974, as amended. The Directors shall be appointed for terms of six (6) years, except of the Directors first appointed, 4 shall be appointed for 6 years, 1 for 5 years, 1 for 4 years; 1 for 3 years, 1 for 2 years and 1 for 1 year.

2. Additional Directors:

In Accordance with Act 338, Public Acts of Michigan, 1974, as amended, the Mayor, with the advice and consent of the City Council, shall appoint two (2) additional directors to the Board of Directors of the Corporation for each project proposed by the Corporation. Each of said additional Directors appointed pursuant to this paragraph 2, Article IV shall serve as Directors of the Corporation until the project for which they are appointed is either abandoned or, if undertaken, is completed in accordance with the project plan, at which time each such director shall cease to serve.

ARTICLE V

OFFICERS

The Board of Directors of the Corporation, by an affirmative vote of a majority of its members (not counting additional directors appointed pursuant to paragraph 2 of Article IV, hereof), shall elect as the officers of the Corporation, a President, a Secretary and a Treasurer, and from time to time may elect one or more Vice Presidents and such Assistant Secretaries, Assistant Treasurers and such other officers, agents and employees as the Board of Directors may deem proper. Any two offices other than the office of President, Secretary, and Treasurer may be held by the same person.

The officers of the Corporation shall serve for a term of one (1) year and thereafter until his/her successor is elected and qualified, or until death, resignation or removal.

ARTICLE VI

POWERS AND DUTIES

The powers and duties of the Corporation and its officers are to assist in alleviating and preventing conditions of unemployment; to assist and retain local industries and commercial enterprises; to assist industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping, and expanding in the City; and to construct, acquire by gift or purchase, reconstruct, improve, maintain, modernize, repair, furnish, equip and expand Projects (as the work "Project" is defined in Act 338, P.A. 1974, as amended), and acquire the necessary lands for the site therefor; to acquire by gift or purchase the necessary machinery, furnishings, and equipment for a Project; to borrow money and issue revenue bonds or revenue notes to finance all or part of the cost of a Project, including machinery, furnishings and equipment and the necessary site or sites therefor;

to enter into, execute and carry out leases, lease purchase agreements, installment sales contracts with any person, firm or corporation for the use or sale of the Project; to lease, mortgage, sell, and convey the Project or any part thereof for a price and at a time as the Corporation determines; to lend, grant, transfer, or convey funds as permitted by law, and in general to do and have such powers not prohibited by law and to this extent all powers provided and conferred by law upon corporations created and incorporated pursuant to Act 338, Public Acts of Michigan, 1974, as amended, are hereby incorporated herein as powers of the Corporation and its officers, in addition to all other powers conferred thereupon by law. It shall be the power and the duty of the officers of the Corporation to implement, carry out, and execute the above described powers and duties of the Corporation.

ARTICLE VII

BODY CORPORATE

The Corporation shall be a body corporate with power to sue and be sued in any court of this state. It shall possess all the powers necessary to carry out the purpose of its incorporation and those incidental thereto. The enumeration of any powers in these Articles of Incorporation shall not be construed as a limitation upon such general powers of the Corporation.

ARTICLE VIII

LOCATION

Location of the first offices of The Economic Development Corporation of the City of Ishpeming is the Ishpeming City Hall, Ishpeming, Michigan.

ARTICLE IX

REGISTERED AGENT

The name of the first resident agent at the registered office is Kenneth C. Olson.

ARTICLE X

NON-STOCK; ASSETS

The Corporation is organized upon a non-stock basis. The amount of assets which said Corporation possesses is:

- | | |
|-----------------------|------|
| 1) Real property: | None |
| 2) Personal property: | None |

ARTICLE XV
PUBLICATION OF ARTICLES OF INCORPORATION

The name of the newspaper in which the Articles of Incorporation shall be published is 'The Mining Journal', a newspaper of general circulation in the City of Ishpeming. The director elected as Secretary of the Corporation shall also act as Recording Officer of the Corporation. The Clerk of the City of Ishpeming shall cause a copy of the Articles of Incorporation to be published once in 'The Mining Journal', accompanied by a statement that the right exists to question the incorporation of the Corporation in a court as provided in Section 31 of Act 338, Public Acts of Michigan, 1974, as amended.

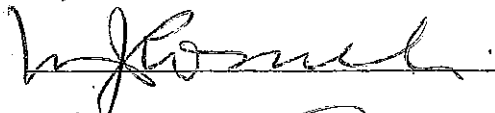
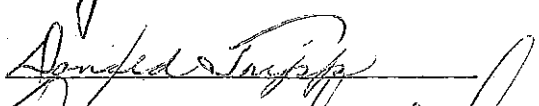
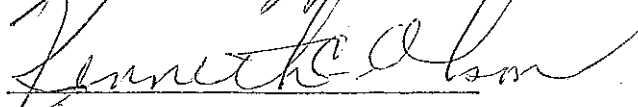
ARTICLE XVI

NET EARNINGS

No part of the net earnings of the corporation, beyond that necessary for the retirement of indebtedness or to implement the public purposes or program of the City, shall inure to the benefit of any person, firm or corporation, other than the City, (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes), and no member, trustee, officer or director of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

Upon the termination or dissolution of the corporation, after adequate provision has been made for all obligations of the corporation, surplus earnings, and all property and assets of the corporation shall belong to and be paid only to the City of Ishpeming, Michigan, or its successor.

We, the incorporators, sign our names this 16 day of November, 1976.

STATE OF MICHIGAN)

) ss:

COUNTY OF MARQUETTE)

On this 16 day of November, 1976, before me personally appeared Kenneth C. Olson, M. J. Romeli, and Donald Tripp to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Stanley J. Nowak

Notary Public, Marquette County, Michigan
My Commission expires: Oct 20-1979

"The foregoing Articles of Incorporation were adopted by the City Council of the City of Ishpeming, Marquette County, Michigan, at a Regular meeting duly held on the 3rd day of November, 1976."

Attest:

Lambert Elhard
City Clerk

Date

AFSCME or POAM Representative

RE: City of Ishpeming – AFSCME or POAM Locals

Dear Representative:

The union contract the City of Ishpeming has with *AFSCME Council 25 or POAM* for the specific contract or chapter will expire on December 31, 2019.

The City would like to have the next union contract settled well prior to the expiration date. Please contact me with dates that you are available.

It has been past practice to have a couple of City Council members observe the negotiations. I assume this practice will continue, therefore, I need to coordinate the schedule with the Council representatives as well.

Sincerely,

Mark Slown
City Manager

/cas

cc: City Council
Union President or Chapter Chair

Cathy Smith

From: Al Pierce
Sent: Wednesday, January 30, 2019 12:02 PM
To: Cathy Smith
Subject: Bell Rezoning

Cathy

A motion by Brooke Routhier, supported by Larry Bussone, that the Planning Commission recommend to the Ishpeming City Council that the Bell Memorial Hospital, LLC property described as the NW ¼ NE ¼ of Section 4, T47N-R27W, except the West 150' thereof, be rezoned from DD (Deferred Development) to GC (General Commercial) passed unanimously.

Al