

ISHPEMING CITY COUNCIL REGULAR MEETING
Wednesday, January 8, 2020 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 (December 4th, 18th, 23rd; Closed Session December 4th)
 - b. Approval of Disbursements
 - c. Special Event Application: Polar Roll Race: 2-15-20
 - d. Confirm Payments to Commission on Aging \$9,000 and UPSET \$10,000 for 2020
 - e. Confirm Depositories for 2020– m-Bank, Flagstar, TruNorth, First Bank, Comerica, Charles Schwab, and Edward D. Jones
 - f. Confirm Publishing Source for 2020 – Mining Journal
8. Monthly Financial Statement Report
9. Rescind Ordinance #4-800, Charges for Fire Department Services Rendered at Vehicle Accidents and revise Fee Schedule
10. Rescind Ordinance #4-1000, Charges for Fire Department Services Rendered at Structure Fire and revise Fee Schedule
11. Amendment to Policy #405, False Fire Alarm Policy and revise Fee Schedule
12. Update on Small Park along Hematite Drive
13. Draft Policy# 305, One-time Leak/High Water Usage Adjustment Policy
14. 2020 Wage Increase – Non Union Employees
15. Resolution #1-2020, Resolution in Support of the Reinstatement of State Historic Tax Credits SB 54/HB 4100
16. First Reading of Amendment to Ordinance #4-1100, Open Burn
17. Michigan Regulation and Taxation of Marihuana Act Regulations
18. Old Business
 - a. Jasperlite Senior Housing 2019 Expenditures as required per Ordinance #11-2300
19. New Business
20. Mayor and Council Reports
21. Manager's Report
22. Attorney's Report
23. Adjournment



Steve Snowaert
Interim City Manager

7(c)

Policy #406

CITY OF ISHPEMING

SPECIAL EVENT APPLICATION

Please complete this application and return it to the City Manager's Office at least 45 calendar days prior to the starting date of the event.

Organization's Name 906 ADVENTURE TEAM Phone 906-748-0034

Organization Address 140 W. HEWITT STREET

Organization's Agent TOOD POQUERE Phone SAME AS ABOVE

Agent's Title DIRECTOR OF ADVENTURE

Agent's Address SAME AS ABOVE

Event Name POLAR ROLL

Event purpose FAT BIKE EVENT

Event Dates FEB. 15, 2020

Event Times 5:00 AM - 5:00 PM

Event Location IHS

1. Type of Event:

☐ City Operated Event

☒ Co-Sponsored Event

☒ Other Non-Profit Event

☐ Other For-Profit Event

☐ Political or Ballot Issue Event

7/21/2015

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 Every FEBRUARY
 Next year's Specific Dates: TBD

3. An Event Map ☒ [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: _____

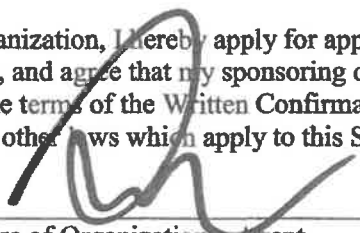
7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

- 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.

7/21/2015

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.

1-2-20
Date



Signature of Organization's Agent

Return this Application at least forty-five (45) days prior to the first day of the event to:

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

CITY OF ISHPEMING
POOLED CASH REPORT (FUND 999)
AS OF: DECEMBER 31ST, 2019

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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		1,020,830.97	355,699.13	1,376,530.10
202-000-009-000	CLAIM ON CASH		444,364.98 (	37,939.98)	406,425.00
203-000-009-000	CLAIM ON CASH		330,924.07 (	27,008.28)	303,915.79
206-000-009-000	CLAIM ON CASH		45,472.79	12,623.63	58,096.42
211-000-009-000	CLAIM ON CASH		225,558.08	0.00	225,558.08
220-000-009-000	CLAIM ON CASH		(429,987.58) (	27,082.00) (	457,069.58)
226-000-009-000	CLAIM ON CASH		171,904.51	63,094.58	234,999.09
247-000-009-000	CLAIM ON CASH		(112,119.99) (	12,863.75) (	124,983.74)
248-000-009-000	CLAIM ON CASH		410,948.69	48,487.99	459,436.68
268-000-009-000	CLAIM ON CASH		43,879.81	0.00	43,879.81
271-000-009-000	CLAIM ON CASH		(2,374.23)	0.00 (	2,374.23)
401-000-009-000	CLAIM ON CASH		530,217.97	38,077.51	568,295.48
590-000-009-000	CLAIM ON CASH		1,118,649.54	36,913.46	1,155,563.00
591-000-009-000	CLAIM ON CASH		479,151.96	79,837.24	558,989.20
661-000-009-000	CLAIM ON CASH		267,848.98 (	72,901.19)	194,947.79
TOTAL CLAIM ON CASH			4,545,270.55	456,938.34	5,002,208.89
			=====	=====	=====

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	\$ 1,376,530.10	\$ 406,425.00	\$ 303,915.79	\$ 234,999.09	\$ 568,295.48	\$ 1,155,563.00	\$ 558,989.20
Revenues	2,712,021.80	674,250.96	300,209.81	674,933.27	510,579.51	1,703,844.43	3,620,099.84
Expenses	2,796,713.50	570,299.97	294,162.17	630,269.87	377,747.08	1,515,096.51	1,412,234.68
Net Income(Loss)	(84,691.70)	103,950.99	6,047.64	44,663.40	132,832.43	188,747.92	2,207,865.16
Fund Balance:							
Non-spendable	49,604.53	-	-	26,711.78	-	-	-
Restricted	-	406,425.00	303,915.79	-	502,943.42	-	-
Committed	33,960.00	-	-	-	-	-	-
Assigned	-	-	-	246,995.91	-	-	-
Unassigned	725,577.52	-	-	-	-	-	-
Inv in Capital Assets	-	-	-	-	-	8,925,587.00	6,137,865.00
Restrictd for Debt	-	-	-	-	-	-	986,233.00
Unrestricted	-	-	-	-	-	530,339.98	170,339.57
Total Fund Balance	\$ 809,142.05	\$ 406,425.00	\$ 303,915.79	\$ 273,707.69	\$ 502,943.42	\$ 9,455,926.98	\$ 7,294,437.57

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 2019 has been recorded.
2. - Depreciation expense has been recorded in the Sewer, Water, and Motor Pool Funds through December 2019.
3. State revenue sharing in the General Fund has been recorded through October 2019.
Paid by the state in 2-month increments with a 2-month lag.

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ORDINANCE NO. 4-800

AN ORDINANCE ESTABLISHING CHARGES FOR FIRE DEPARTMENT SERVICES RENDERED
AT MOTOR VEHICLE ACCIDENTS

THE CITY OF ISHPEMING ORDAINS:

Section 4-801. The City of Ishpeming hereby imposes the following charges for services rendered by the City of Ishpeming Fire Department (including standby) at the scene of all motor vehicle accidents:

\$100.00 per hour (or fraction thereof for the first hour or less) for each piece of fire department apparatus dispatched to the scene of the motor vehicle accident, and current hourly rate plus FICA and Worker's Comp for the first hour or fraction thereof for each City Fire Department member dispatched to the accident scene. Charges after the first hour shall be billed in no less than one hour increments, for fire department apparatus and personnel, at the above rates.

Section 4-802. The charges established herein shall be the responsibility of and shall be billed to the owner of every vehicle sustaining any physical damage in the accident, on a pro-rata basis; provided, however, that if the operator of any vehicle or vehicles is (are) determined to be at fault in causing the accident, then the charges hereunder shall only be the responsibility of and shall be billed on a pro-rata basis to the owners of the at-fault vehicles. If only one vehicle operator is determined to be at fault, then the entire charges hereunder shall be the responsibility of and shall be billed to the owner of the vehicle whose operator was determined to be at fault. Determination of which vehicle operator(s) is (are) at fault shall be the responsibility of the police agency exercising jurisdiction over the investigation of the accident, and such determination shall be conclusive unless set aside or dismissed by a court of competent jurisdiction. As used in this Section, the term "at fault" shall be deemed to include the operator of every vehicle involved in the accident who is issued a traffic citation for violation of any provision in the Michigan Vehicle Code, who is cited for "hazardous action" in the police report, or who is determined by the investigating police officer to be at fault.

Section 4-803. Failure to pay the charges imposed herein within thirty (30) days after the date of billing shall constitute a municipal civil infraction, punishable by a fine which shall be levied in addition to the charges imposed by this ordinance.

Section 4-804. 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 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.

Adopted: July 20, 1994

Amended: February 4, 2009

Amended: May 7, 2014

Amended: January 7, 2015

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ORDINANCE NO. 4-1000

AN ORDINANCE ESTABLISHING CHARGES FOR FIRE DEPARTMENT
SERVICES RENDERED AT THE SCENE OF STRUCTURE FIRES

THE CITY OF ISHPEMING ORDAINS:

Section 4-1001. Definitions. As used in this Ordinance, the following definitions shall apply:

- (a) "Structure fire" means a fire to a house, garage, barn, commercial building, government building, office building, warehouse, industrial plant or building, any attachment or appurtenance to or contents of any of the foregoing, and a fire to any physical man-made thing, object, substance, or material, other than a motor vehicle.
- (b) "Fire apparatus" means a fire truck owned and operated by the City of Ishpeming Fire Department.
- (c) "Employee" means each and every full time, part time, or volunteer firefighter employed by the City of Ishpeming and dispatched to the scene of a structure fire.
- (d) "Residential structure" or "residential premises" means a structure or premises used as a residence by the owner of the real estate. The terms "residential structure" or "residential premises" do not include rental property.

Section 4-1002. Imposition of Fees and Charges.

The City of Ishpeming hereby imposes the following fees and charges for services rendered by the City of Ishpeming Fire Department at the scene of each structure fire, which fees and charges shall be the responsibility of and shall be paid by the owner of the real property where the fire occurs:

- (a) \$100.00 per hour for the first hour (or any part thereof) for each fire apparatus dispatched to the scene of a structure fire, and \$100.00 per hour for each hour (or any part thereof) for each fire apparatus at the scene after the first full hour, with charges after the first full hour to be billed in not less than one hour increments.
- (b) Current hourly rate plus FICA and Worker's Comp for the first hour (or any part thereof) for each employee dispatched to the scene of a structure fire, and current hourly rate plus FICA and Worker's Comp for each employee at the scene after the first full hour, with charges after the first full hour to be billed in not less than one hour increments.

Section 4-1003. Nature of Occurrence Immaterial.

The fees and charges imposed under this Ordinance shall apply in all cases where there is a fire, irrespective of whether flames are visible or not, and including all fire events where there is smoke generated from some combustion process, whether flames are visible or not.

Section 4-1004. Billing for Fees and Charges.

The City of Ishpeming shall mail a bill to the owner or owners of the real property where a structure fire has occurred and which incident resulted in the dispatch of fire apparatus and one or more employees to the scene of the fire. The bill shall contain a summary of the services rendered at the scene of the fire. The bill shall be mailed to the property owner(s) within 90 days after the date the fire is substantially extinguished. The bill shall be a debt owed by each and every person having an interest in the real property, as shown in the land title records maintained in the office of the Marquette County Register of Deeds.

Section 4-1005. Maximum Amount of Bill.

- (a) In the case of a structure fire to a residential structure or to a fire on a residential premises (whether occupied or not at the time of the fire), the amount billed for services rendered by the Ishpeming Fire Department shall not exceed \$500.00.
- (b) In the case of every other fire not included in subparagraph (a) immediately above, the amount billed for services rendered by the Ishpeming Fire Department shall not exceed \$5,000.00.

Section 4-1006. Payment of Bill; Municipal Civil Infraction; Lien

- (a) All bills sent to a property owner under Section 4-1004 above shall be paid within 45 days after the date of mailing.
- (b) Failure to pay the charges imposed herein within 45 days after the date of mailing shall constitute a municipal civil infraction, punishable by a fine which shall be levied in addition to the fees and charges and other enforcement action imposed by this Ordinance.
- (c) The fees and charges billed to the real property owner(s) under Section 4-1002 of this Ordinance shall constitute a lien against the real property where the firefighting services were rendered by the Ishpeming Fire Department, if such fees and charges are not paid in accordance with Section 4-1006(a) above. The City billing clerk shall report the fact of non-payment delinquency and amount of the bill to the City Tax Assessor, and the City Tax Assessor shall assess the amount of the bill against the real property by adding said fees and charges to the current real property tax roll. Such fees and charges, when added to the tax roll, shall be collected in the same manner in all respects as provided by law for the collection of real property taxes levied by the City.

Section 4-1007. Municipal Civil Infraction.

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 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.

Adopted: November 9, 2005

Amended: February 4, 2009

Amended: January 7, 2015

City of Ishpeming False Fire Alarm Policy

~~The City Council, on March 7, 1990, adopted a policy to handle false fire alarms by businesses.~~

~~1. There will be no charge for the first false fire alarm per calendar year.~~

The building/property owner(s) will be charged \$250 for the first Fire Apparatus dispatched to the scene of the false alarm.

Subsequent Fire Department apparatus dispatched to the scene of the false alarm shall be charge \$100 for the first hour.

After the first hour, all Fire Department apparatus remaining on the scene shall be charged at \$100 per additional hour. Billing will be in no less than one-hour increments.

Charges shall be billed in no less than one-hour increments, at the above rate for fire apparatus.

All Fire Department personnel responding to the false alarm shall be billed at the current hourly rate in no less than one-hour increments.

All Fire Department personnel responding to the false alarm shall be billed at the current hourly rate in no less than one-hour increments.

~~2. There will be a charge of \$100.00/truck after the first false fire alarm per calendar year. The business will also be charged for labor expenses incurred by the City.~~

~~After two false alarms by a business, it is requested that the Fire Marshall contact the business and ask that their alarm system be inspected.~~

Adopted: March 7, 1990



Three Sons of Ishpeming

Small Park Along Hematite Drive

Glenn Seaborg, John Voelker, Kelly Johnson

Base: 8'-0" Circle, 17" high

Sculpture: 5'-0" x 2'-6" bronze cast

Rock: Large Hematite boulder (5'-0" x 7'-0")

Benches: 8'-0" x 2'-0" x 17" high

Plaza Circle: 20'-0" dia.

Three Sons of Ishpeming
Small Memorial Park Along Hematite Drive
Honoring
Glenn Seaborg, John Voelker, Kelly Johnson

Procedure

Site Design

1. Obtain any available site drawings of Hematite Drive, Rotary Park, from City of Ishpeming Zoning Department, Engineering Office, Department of Public Works, etc. To prepare accurate depiction of existing site, and to develop site drawings for park implementation. (survey documents, site drawings, engineering drawings.)
2. Develop final scope of project. (size of paver circle, foundation, pedestal base, plaque locations, sculpture mounting, bench locations, landscaping, etc.
3. Prepare accurate scaled existing site drawing and proposed site drawing of paver circle, memorial foundation and base, bench placement, approach sidewalk, for project approvals, ie: (Ishpeming Zoning, etc.)
4. Design foundation and foundation support for pedestal. Base calculations on size of rock obtained from Republic Mine.
5. Prepare drawing package for paver circle, foundation, pedestal, plaque locations, bench locations, method of attaching sculpture, landscaping.
6. Obtain approvals for project.

Sculpture

1. Complete clay sculpture of "Three Sons of Ishpeming" for approval.
2. Transport Clay sculpture to bronze casting house in Leslie, Michigan.
3. Sculpture is cast into bronze.
4. Transport bronze sculpture to studio in Negaunee Township.

Three Sons of Ishpeming
Small Memorial Park Along Hematite Drive
Honoring
Glenn Seaborg, John Voelker, Kelly Johnson

Site Construction

- 1. Move existing obstructions on site. Relocated light pole.**
- 2. Remove sod from area of paver circle and approach sidewalk.**
- 3. Prepare excavation for pedestal foundation.**
- 4. Build form for concrete pour.**
- 5. Install re-bar cage within concrete foundation space.**
- 6. Execute concrete pour.**
- 7. Prepare pedestal form.**
- 8. Install re-bar cage within pedestal form.**
- 9. Pour pedestal.**
- 10. Install pedestal cladding stone and cap.**
- 11. Transport iron ore rock to site.**
- 12. Install iron ore rock on pedestal.**
- 13. Prepare grade for pavers.**
- 14. Install benches.**
- 15. Install pavers in circle and approach sidewalk.**
- 16. Install sculpture and plaques on iron ore rock.**
- 17. Install landscaping.**

Three Sons of Ishpeming
Small Memorial Park Along Hematite Drive
Honoring
Glenn Seaborg, John Voelker, Kelly Johnson

Metal Fabrication

1. Design and Fabricate curved metal benches and stanchions.
2. Design metal plaques, decide on text, fabricate metal plaques.
3. Complete bronze sculpture. Prepare for installation.
4. Transport and install on site.

**City of Ishpeming
RESOLUTION No # 1-2020**

**A Resolution in Support of the Reinstatement of State Historic Tax Credits
Senate Bill 54/ House Bill 4100**

WHEREAS, the historic buildings, neighborhoods and places in Michigan villages, towns and cities distinguish each community and provide character and a sense of place that contribute significantly to the quality of life and the economic benefits enjoyed in and by each community; and

WHEREAS, the preservation and rehabilitation of historic buildings, places and neighborhoods contributes to the beauty, character, and economic vitality of Michigan communities; and,

WHEREAS, the labor-intensive nature of historic rehabilitation creates jobs and investment in local businesses and has been proven to generate more economic activity than equivalent investment in new construction; and

WHEREAS, demolition or destruction of historic buildings creates costs to Michigan and its communities by destroying the often-irreplaceable construction and ornamental materials of each structure and by adding significantly to landfills, whose makeup is estimated to be more than 40 percent building materials and waste; and

WHEREAS, development and redevelopment within established villages, townships and cities is encouraged by Governor Whitmer; and

WHEREAS, many public policies and financial and lending practices and policies create disincentives or barriers to the preservation, renovation and rehabilitation of historic buildings and resources and create a preferential financial environment for new construction; and

WHEREAS, Michigan has measured the economic impacts of the former Michigan Historic Tax Credit programs between their enactment in 1999 and their elimination in 2011 and seen significant positive direct impacts on the revitalization of neighborhoods and communities, the preservation and creation of affordable and market-rate housing, the creation of skilled local jobs, and the subsequent private investment in areas surrounding tax-credit-driven revitalization projects; and

WHEREAS, each \$1.00 of credit issued leverages \$11.37 in direct economic impact, such that the former Michigan Historic Tax Credit programs during their twelve-year history have leveraged \$251 million in Federal historic tax credits that otherwise would not have returned to Michigan, spurred \$1.46 billion in direct rehabilitation activity, and created 36,000 jobs; and

WHEREAS, the Michigan Legislature is presently considering Senate Bill 54 and House Bill 4100 that would reinstate an up-to-25 percent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties;

NOW, THEREFORE, BE IT RESOLVED that the Ishpeming City Council of the city of Ishpeming endorses and supports both Senate Bill 54 and House Bill 4100 and calls upon the Michigan Legislature to pass this important legislation and Governor Whitmer to sign it, in order to stimulate appropriate development and redevelopment and protect the historic character and quality of life of our communities.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be forwarded to the Michigan Historic Preservation Network.

Signature_____

Title_____

Date_____

ORDINANCE # 4-1100.

AN ORDINANCE TO PROHIBIT THE OPEN BURNING OF DESIGNATED MATERIALS WITHOUT A SPECIAL PERMIT. **AND PROHIBITING UNUSUAL SMOKE OR ODOR CONDITIONS CREATING A PUBLIC NUISANCE FROM ANY TYPE OF BURNING AND OR FROM WOOD FIRED FURNACE/BOILERS.**

Section 4-110.1: Definitions. As used in the Ordinance, the following definitions shall apply.

(a). "Open burning" shall mean the burning of materials such as paper, cardboard, trees, branches or limbs of trees, brush, grass, leaves, logs, rubbish, trash, rags, furniture, ~~or another wood product~~ **construction materials**, cloth of any kind, food containers, or any other combustible material whatsoever, where smoke or other emissions are released. ~~directly into the air without passing through a chimney or stack, and includes burning any of the foregoing items in a residential fireplace.~~ "Open burning" also includes the use of burn barrels for the burning of any substance and the burning of any substance in incineration devices that do not control the combustion air to maintain an adequate temperature and sufficient time for complete combustion.

(b). "Fire Chief" shall mean the Chief of the City of Ishpeming Volunteer Fire Department and his or her designated representative. **Designated representatives are: Any Fire Department Officer or Law Enforcement Officer employed by the City of Ishpeming.**

(c). "Permit" shall mean a written permit, issued by the Fire Chief, authorizing a specific open burning event. **The written permit request shall be made 7 business days prior to the requested specific open burning event.**

Section 4-1102. Open Burning Prohibited:

Open burning anywhere in the City of Ishpeming is hereby prohibited, unless the open burning is done pursuant to a permit issued by the Fire Chief. No person shall engage in, participate in, or start an open burning fire without a permit issued by the Fire Chief.

(a). Open burning of any refuse as described in Section 4-110.1, specifically, burn barrels of any construction are not permitted within the city limits.

Section 4-1103. Permit Authorizing Open Burning:

(a). Upon written application to the Fire Chief, open burning may be approved by issuance of a permit, provided that the Fire Chief is satisfied that the open burning will be in compliance with Michigan Department of Environmental Quality guidelines and will not be unsafe, and will not pose a threat or a hazard to persons or property. The open burning may be revoked or withdrawn at any time if the Fire Chief determines that the open burning event would be or is a reasonably likely to become unsafe due to the particular circumstance involved including, but not limited to, unfavorable weather conditions.

(b). In the issuance of a permit, the Fire Chief may impose reasonable conditions for the open burning event, such as limitations as to the type of materials to be burned, and limitations or conditions with respect to time of day, duration, quantity of materials, location, and manner of burning.

Section 4-1104. Exceptions:

(a). This ordinance shall not apply to campfires in designated campgrounds, to small enclosed ~~backyard~~ fire pits or fireplaces, or to outdoor barbecues where food preparation is the sole purpose of the fire generating materials. **The Fire Chief/Fire Department Officer or Law Enforcement Officer is authorized to order any property owner, resident, or any other person to extinguish any fire, including those listed above within the City of Ishpeming if, smoke, odor, local or**

state issued ban on open burning or any other condition such as, a public nuisance is created, health, safety or welfare is potentially jeopardized or put in danger including any of the above mentioned conditions. And will be subject to any and all penalties described in the ordinance.

(b). ~~This ordinance shall not apply to outdoor fireplace structures or wood stoves that are designed and constructed to burn wood for the sole purpose of providing a primary or secondary source for a residential or commercial structure.~~

(c). Bonfires may only be lighted after issuance of a permit in accordance with the provisions of Section 4-1103 above.

(d). Fire Department live fire training, all live fire suppression will conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403). And the Michigan Department of Environmental Quality, Air Quality Division.

Section 4-1104.1. Unusual Smoke or Odor Conditions:

(a). **Wood fired furnace/boiler.** The Fire Chief/Fire Department Officer or Law Enforcement Officer is authorized to order any property owner, resident, or any other person to extinguish any fire within the City of Ishpeming if, due to smoke, odor, fire, or any other condition, a public nuisance is created or if the public, health, safety or welfare is potentially jeopardized or put in danger. **Including, fire pits, campfires, fireplaces, wood fired furnace/boiler, regardless of their location, including stand alone outdoor wood fired furnace/boiler or wood fired furnace/boiler located within a structure on the property.** It shall be the Fire Chief/Fire Department Officer or Law Enforcement Officer that will make the determination if the smoke or odor is a public nuisance. Or if the public, health, safety or welfare is potentially jeopardized, or put in danger. And will be subject to any and all penalties described in the Ordinance.

Section 4-1105. Conditions:

(a). All open burning allowed by permit shall be constantly attended by the permit holder until the fire is extinguished.

(b). The Fire Chief is authorized to order any property owner, resident, or any other person to extinguish any fire within the City of Ishpeming if, due to smoke, odor, fire, or any other condition, a public nuisance is created or if the public health, safety, or welfare is potentially jeopardized, or put in danger.

(c). Right of entry and inspection. The Fire Chief/Fire Department Officer or Law Enforcement Officer is authorized to inspect any property or structure for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 4-1106. Civil Liability:

Every person who engages in open burning, or creates a public nuisance with unusual smoke or odor is in violation of the term of this Ordinance shall be liable to the City of Ishpeming for reimbursement of all costs and expenses incurred by the City of Ishpeming in dispatching fire apparatus and personnel to extinguish the fire or open burning event, or to investigate the unusual smoke or odor. The rate of reimbursement to the City of Ishpeming shall be:

- A. \$100/hour (or fraction thereof for the first hour or less) for each piece of fire department apparatus dispatched to extinguish the open burning, or to investigate the unusual smoke or odor: plus
- B. The current hourly rate, plus FICA and Worker's Comp, for the first hour or fraction thereof, for each firefighter ~~dispatched to the scene~~ responding to the alarm.
- C. Charges after the first hour shall be billed in no less than one hour increments, at the above rates, for the fire department apparatus and fire department personnel.

all of which charges shall be computed on a portal-to-portal basis.

Section 4-1107. Penalty:

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500) Dollars, plus costs, or by imprisonment in the County Jail for a period of not to exceed ninety (90) days, or by both fine and imprisonment. Punishment under this Section 4-1107 shall be in addition to any reimbursement ordered under Section 4-1106 herein, and the City of Ishpeming may seek civil penalties and criminal penalties under this Ordinance. municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below. The legal owner of the property or structure, will be responsible for all civil fines and Fire Department charges as outlined in Section 4-1106. and Section 4-1107.

- A. First violation. Any person who is found in violation of any Section in Ordinance 4-1100 shall be subject to a civil fine of \$50.
- B. Second violation. Any person who is found in violation of any Section in Ordinance 4-1100 for a second violation in any 12-month period shall be subject to a civil fine of \$100.
- C. Third violation. Any person who is found in violation of any Section in Ordinance 4-1100 for a third violation in any 12-month period shall be subject to a civil fine of \$500.

In addition to Civil fines in Section 4-1107, persons found to be in violation of Ordinance 4-1100 may be subject to reimbursement to the City of Ishpeming as outlined under Section 4-1106.

Adopted as an Emergency Ordinance: May 3, 2006

Amended: February 4, 2009

Amended: January 7, 2015

Amended:

Respectfully Submitted:

Edward M. Anderson

Fire Chief

18(a)

City Manager

From: Ide, Ben <ben@phoenixholding.us>
Sent: Tuesday, December 10, 2019 12:05 PM
To: City Manager
Subject: Jasperlite PILOT
Attachments: JSA PILOT 2019-12-10 Notice of Expenditures.pdf

Hi Steve,

Our PILOT agreement with the City of Ishpeming requires that we spend at least \$750,000 on the development of Jasperlite Senior Housing prior to 12/30/2019. Please see the attached attestation letter confirming such. Please let me know if anything else is needed.

Thanks,

Benjamin W. Ide
Director of Development
G.A. Haan Development

P.O. Box 556
380 Franklin Street #104
Harbor Springs, MI 49740
Office: (231) 526-7380
Cell: (517) 980-0494
Fax: (231) 526-7390
www.Haandev.com

G.A. Haan Development

Solutions in Affordable Housing

December 10, 2019

City of Ishpeming
Attn: Steve Snowaert, Interim City Manager
100 E. Division Street
Ishpeming, MI 49849

Re: Jasperlite Senior Housing

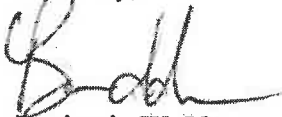
Dear Mr. Snowaert,

Section 7.B. of City of Ishpeming Ordinance No. 11-2300, as it relates to Jasperlite Senior Housing, located at 550 Cleveland Avenue, Ishpeming, MI 49849 (formerly 185 S. 4th Street), requires that "...on or before December 30, 2019, the Sponsor furnished to the Ishpeming City Manager written proof satisfactory to the City Manager that the owner of Jasperlite Senior Apartments has spent in excess of Seven Hundred Fifty Thousand (\$750,000.00) Dollars on hard and soft costs to construct Jasperlite Senior Housing."

Please accept this letter as evidence that we have spent in excess of Seven Hundred Fifty Thousand (\$750,000.00) Dollars in hard and soft costs to construct Jasperlite Senior Housing.

Should you have any questions please don't hesitate to contact me.

Sincerely,



Benjamin W. Ide
Director of Development

P.O. Box 556, 380 Franklin Street #104; Harbor Springs, MI 49740
Voice: (231) 526-7380; Fax: (231) 526-7390; www.haandev.com



Equal Opportunity Employer/Provider



PAYMENT DISTRIBUTION SCHEDULE

Jasperlite Senior Housing LDHA LLC APPLICATION NO.:

2

United Construction Services LLC

PERIOD TO:

11/30/19

4	8	9
Kind of Work	Previous Payments To Date	Net Amount Due
Land Acquisition	130,000.00	
Extension Fees	12,500.00	
Construction Contract	305,728.43	147,423.94
Construction Contingency		
Architectural Design and Admin	133,893.00	1,916.67
Engineering	30,000.00	
Geotech and Environmental	36,753.67	
Pier/Structural Design		4,800.00
RAP Preparation	22,970.00	
Brownfield Workplan		
Geoseal Inspections and Testing		
NEPA Review	1,700.00	
LEED Rater Fees	4,980.00	2,440.00
Insurance		
Interest		760.30
Construction Loan Fees	98,138.00	895.00
Interest	2,224.08	
Permanent Loan Fees	61,830.00	
Title	13,755.00	
Legal, Opinion, UCCs	22,500.00	
Legal	7,390.50	
Property Taxes		
Application Fee	2,880.00	
Market Study Fee	4,004.00	
Tax Credit Fees	53,664.00	
Compliance Monitoring Fee		
Cost Cert and Accounting		
Equipment and Furnishings		
Start-Up and Organization	578.09	
Miscellaneous	346.99	139.59
Marketing		
Operating Reserve		
Developer Fee		
TOTALS	945,835.76	158,375.50

ORDINANCE NO. #11-2300

AN ORDINANCE TO PROVIDE FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A PROPOSED MULTIPLE FAMILY DWELLING PROJECT FOR SENIOR PERSONS OF LOW INCOME TO BE FINANCED OR ASSISTED PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF ISHPEMING ORDAINS:

SECTION 1. This Ordinance shall be known and cited as the "City of Ishpeming Tax Exemption Ordinance No. 11-2300"

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its senior citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL 125.1401, *et seq*). The City of Ishpeming is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for senior persons of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The City acknowledges that Jasperlite Senior Housing Limited Dividend Housing Association LLC, (the "Sponsor") has offered, subject to receipt of Low Income Housing Tax Credits or a Mortgage Loan from the Michigan State Housing Development Authority or the U.S. Department of Agriculture, to erect, own, and operate a housing development identified as Jasperlite Senior Housing on certain property located at 185 S. 4th Street, Ishpeming, Michigan 49849, in the City of Ishpeming to serve senior persons of low income, and that the Sponsor has offered to pay the City on account of the housing development an annual service charge for public services in lieu of all taxes.

SECTION 3. Definitions.

- A. Authority means the Michigan State Housing Development Authority.
- B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

- C. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- D. Housing Development means a development which contains a significant element of housing for senior persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for senior persons of low income.
- E. Low Income Housing Tax Credits means state or federal tax credits allocated to the Sponsor for the construction and/or permanent financing of the Housing Development.
- F. Mortgage Loan means a loan to be made to the Sponsor for the construction and/or permanent financing of the Housing Development.
- G. Utilities mean fuel, water, sanitary sewer, storm sewer, and/or electrical service which are paid by the Housing Development.
- H. Sponsor means person(s) or entities which have applied for a federally-aided mortgage or to the Authority for a Mortgage Loan or Low Income Housing Tax Credits to finance a Housing Development, which for purposes of this Ordinance is Jasperlite Senior Housing Limited Dividend Housing Association LLC.
- I. Miscellaneous all terms and provisions used in this Ordinance, and not otherwise defined in this Section 3 shall have the same meaning as used or as identified or defined in the Act.

SECTION 4. Class of Housing Developments.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be those serving senior low income persons or families, which are financed or assisted pursuant to the Act. It is further determined that Jasperlite Senior Housing is of this class.

SECTION 5. Establishment of Annual Service Charge.

Subject to the provisions of Section 7(b) herein, the Housing Development identified as Jasperlite Senior Housing and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in

this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a federally-aided Mortgage Loan, Mortgage Loan from the Authority, or Low Income Housing Tax Credits from the Authority, to construct, own and operate the Housing Development, the City agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the difference between the Annual Shelter Rents actually collected and the expenses for Utilities actually paid by the Sponsor.

SECTION 6. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term "low income persons or families" as used herein shall be the same meaning as found in Section 15(a)(7) of the Act.

SECTION 7. Contractual Effect of Ordinance.

- A. Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor, with a federally-aided mortgage or the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance. The Sponsor shall provide to the City an unqualified written acceptance of the terms of this Ordinance on or before DATE, and in default thereof the City may repeal the Ordinance.
- B. Anything to the contrary in this Ordinance notwithstanding and as a part of the contract referred to in Section 7(a) above, and irrespective of any term or provision in the Act or in any mortgage document executed by the owner of Jasperlite Senior Housing, the tax exemption granted under Section 5 of this Ordinance to Jasperlite Senior Housing shall be of no force and effect, and shall be null and void, unless on or before December 30, 2019, the Sponsor furnishes to the Ishpeming City Manager written proof satisfactory to the City Manager that the owner of Jasperlite Senior Apartments has spent in excess of Seven Hundred Fifty Thousand Dollars (\$750,000) on hard and soft costs to construct Jasperlite Senior Housing. The expenditure of more than Seven Hundred Fifty Thousand Dollars (\$750,000) required in order to obtain the tax exemption granted under this Ordinance shall be in addition to the acquisition cost of the land. This condition is imposed based upon written assurances given to the City of Ishpeming by the Sponsor that the Sponsor intends to invest over \$750,000 to construct Jasperlite Senior Housing, which written assurances are a material reason for and the most significant factor in influencing the City of Ishpeming to grant the tax exemption provided by this Ordinance.
- C. If the Sponsor fails to provide satisfactory written proof to the City Manager on or before December 30, 2019 that the Sponsor has spent in excess of Seven Hundred Fifty Thousand Dollars (\$750,000) on hard and soft costs for the construction of the project known as Jasperlite Senior Housing, thereby causing the tax exemption granted under Section 5 herein

to become null and void, then pursuant to the powers granted to the City under Section 15(a)(2) of the Act, the service charge to be paid by the Sponsor shall be in the same amount as the real property taxes that would be paid if Jasperlite Senior Housing was not granted any tax exemption under the Act.

SECTION 8. Payment of Service Charge.

The annual service charge in lieu of property taxes, as determined under this Ordinance, shall be paid to and collected by the City in the same manner as general property taxes, except that the annual service charge shall be paid in one (1) annual payment, which annual payment shall be paid to the City on or before May 1 of each year for the previous calendar year. If all or any part of the annual service charge is not paid when due, the City shall have a lien for all such unpaid amounts, plus interest and penalties, against the real property comprising the Jasperlite Senior Housing, and the collection of the unpaid amounts shall be collected in the same manner as unpaid taxes on real property are collected under the provisions of the General Property Tax Laws of the State of Michigan. If all or any part of the service charge is not paid when due, the City shall send written notice of such delinquency to the Sponsor at 1125 Commerce Drive, Marquette, MI 49844; and to the Authority at 735 East Michigan Avenue, Lansing, MI 48912 Attn: Director of Legal Affairs.

SECTION 9. Duration.

Subject to the provisions of Section 7(b) and Section 7(c) above, the provisions of Section 5 of this Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid, the Authority has any interest in the property, or a land use restriction for affordable housing remains on the property; provided, that construction of the Housing Development identified as Jasperlite Senior Housing commences within three years from the effective date of this Ordinance; and provided further that in no event shall the exemption granted under Section 5 of this Ordinance continue for more than 30 years. In the event that Jasperlite Senior Housing fails to meet the requirements in Section 7(b) above, then this Ordinance may be amended in the sole discretion of the Ishpeming City Council.

SECTION 10. Filing of Annual Audit

The Sponsor, or its successor, shall file simultaneously with the City Manager a copy of all annual audits required to be provided to any agency of the federal government, to any agency of the State of Michigan, and/or required to be provided to the Authority with respect to Jasperlite Senior Housing. Every audit filed with the City Manager shall include detail with respect to occupancy of the Jasperlite Senior Housing, Annual Shelter Rents actually collected by Jasperlite Senior Housing, and the cost of Utilities during the audit period.

SECTION 11. Severability.

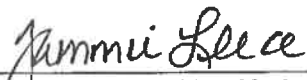
The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be

unconstitutional or invalid; provided, however, that if any section or provision of this Ordinance is found to be invalid, unconstitutional, or unenforceable, then the Ishpeming City Council reserves the right to amend, modify, or change such section or any other provision to bring this Ordinance into compliance with the law.

SECTION 12. Effective Date.

This Ordinance shall become effective immediately upon final adoption as provided in the Charter. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

ORDINANCE DECLARED ADOPTED.



Tammie Leece, City Clerk

Approved as of First Reading: February 8, 2017
Adopted: March 22, 2017
Published: March 23, 2017

I hereby certify that the foregoing is a true and complete copy of an Ordinance No. 11-2300 adopted by the City Council of the City of Ishpeming, County of Marquette, Michigan at a special meeting held on March 22, 2017 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Tammie Leece, City Clerk