

**ISHPEMING CITY COUNCIL**  
**Wednesday, May 4, 2022 at 6:00 p.m.**  
**Ishpeming City Hall Council Chambers, 100 E. Division Street, Ishpeming MI**  
**City Hall Telephone Number: (906) 485-1091**

**MEETINGS WILL NOW BE OPEN TO THE PUBLIC; HOWEVER, A ZOOM LINK WILL STILL BE AVAILABLE  
ON THE CITY'S WEBSITE @ [WWW.ISHPEMINGCITY.ORG](http://WWW.ISHPEMINGCITY.ORG)**

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 (April 6<sup>th</sup>, April 12<sup>th</sup> and Closed Session April 6<sup>th</sup> and 12<sup>th</sup>)
  - b. Approval of Disbursements
  - c. Declare 113 A/V items and 284 library books as surplus
  - d. Reappoint Paul Olson to a five-year term on the Library Board: Term Expiring 5/2027
8. Monthly Financial Statement Report
9. Empire Street Project
  - a. UPEA Professional Services Agreement Amendment #3
  - b. Alternative Cost Estimates – Three areas around tennis court
10. Special Event Applications
  - a. Special Event and Parade Permit: St. John and St. Joseph: Corpus Christi Procession: June 19, 2022
  - b. Special Event: 19<sup>th</sup> Annual Swim Teal Lake Benefit for Diabetes: July 30, 2022
11. Michigan Municipal Executives (MME) Fellowship Program
  - a. MME Fellowship Memorandum of Understanding
12. Carnegie Public Library 2021 Annual Report
13. Resolution #5-2022, Establishing authorized signatories for MERS Contracts and Service Credit Purchase
14. Consider request from DPW Employee to purchase MERS Service Credit
15. Quote from Midwest Testing LLC - water meter testing in 2022
16. Second Reading of Amendment to Ordinance 12-500, Permitting Separate Metering for Water Consumption not entering the Public Sanitary Sewer System
17. Second Reading of Amendment to Ordinance 12-100, Water and Sewer Utility Ordinance
18. Discuss surplus property at 52-51-573-028-00 (Pumphouse Property)
19. Old Business
20. New Business
21. Public Comment (*limit 3 minutes per person*)
22. Mayor and Council Reports
23. Manager's Report
24. Attorney's Report
25. Adjournment

  
Craig H. Cugini,  
City Manager



7C

**MEMO**

**To:** City Manager  
**From:** Jesse Shirtz, Library Director  
**Re:** Surplus library items

**4/26/2022**

Craig,

The library has 113 A/V items and 284 books to be declared surplus. An itemized list of titles is attached.

Thank you.



9a

424 South Pine Street Ishpeming, MI 49849

906-485-1011 • 877-834-3827 • Fax: 906-485-1013

**AMENDMENT NO. 3 TO THE  
AGREEMENT FOR THE PROVISION OF PROFESSIONAL SERVICES**

**Client:** City of Ishpeming **Date:** 04/28/2022  
100 E. Division Street **Original Agreement Date:** 02/22/2021  
Ishpeming, MI 49849 **Project No:** 119-01257

**Firm:** **U.P. Engineers & Architects, Inc.**

**Project Name/Location:** Empire Street Reconstruction

**Description of Change in Scope of Services:** Construction Engineering

**Original Contract Fee Amount:** \$21,295.00

**Previously Approved Amendment(s) Amount:** +\$11,450.00

**Change in Fee Amount (Add/Deduct):** +\$68,650 (See Attached Cost)

**Amended Contract Fee Amount:** \$101,395.00

**Changes to Special Conditions:** NA

**TERMS AND CONDITIONS**

Please note that all Terms and Conditions as listed in the original agreement shall remain intact unless otherwise described above.

**Offered by:**

**Accepted by:**

**U.P. Engineers & Architects, Inc.**

**City of Ishpeming**

\_\_\_\_\_  
(signature) (date)

Jeffrey J. West, P.S., Principal  
(printed name/title)

\_\_\_\_\_  
(signature) (date)

Craig H. Cugini, City Manager  
(printed name/title)

☒ Continuation Sheet(s) attached (1 pages)



### Cost Breakdown

Prepared by: Hattie Sharland

Date: April 14, 2022

## City of Ishpeming

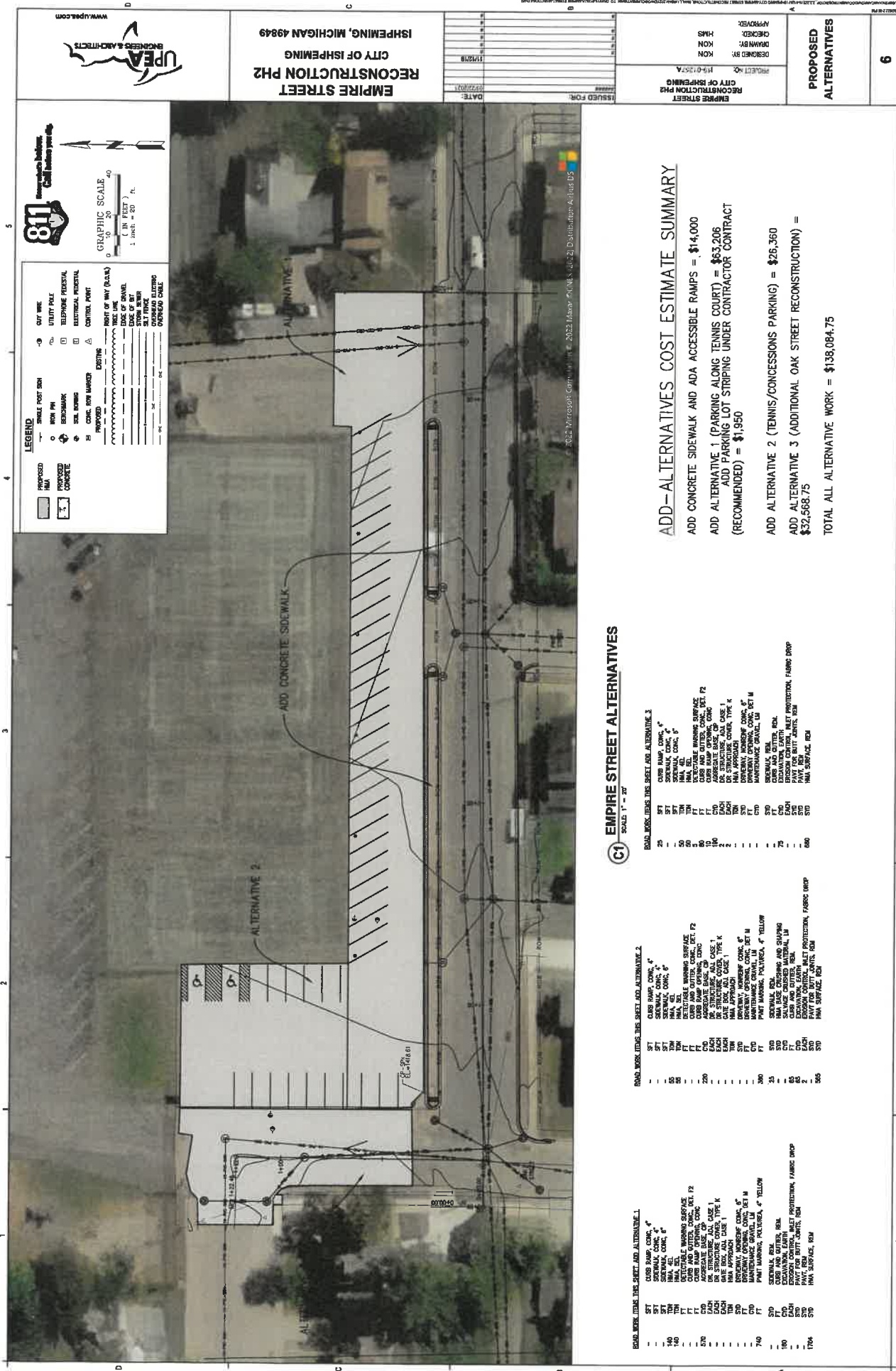
Empire Street Reconstruction - 3rd Street to Oak Street

### Computation of Fee

WORK PHASE	CLASSIFICATION	Proposed Hours	Hourly Rates	PROPOSED FEE
<b>Empire Street Construction Engineering*</b>				
<b>CONSTRUCTION ADMIN/OBSERVATION &amp; TESTING*</b>				
Construction observation and administration per MDOT Standards.	Project Engineer II	54	135.00	\$7,290.00
Material Testing per MDOT Standards	Engineer IV	160	118.00	\$18,880.00
Project Filing Per MDOT Standards	Engineer I (Field Tech)	300	80.00	\$24,000.00
	Engineer II (Office Tech)	110	88.00	\$9,680.00
			Subtotal	\$59,850.00
Project Management (10%)				\$5,985.00
		624		
			Total Labor	\$65,835.00
<b>EXPENSE DESCRIPTION</b>	<b>EXPENSE ITEM</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>TOTALS</b>
MILEAGE		400	\$0.60	\$240.00
LAB FEES/TESTING		1	\$2,500.00	\$2,500.00
PRINTING/POSTAGE		1	\$75.00	\$75.00
			Total Expenses	\$2,815.00
			Total Projected Construction Fee	\$68,650.00

#### \*Construction Fee

\*Construction Fee is based on 6-week MDOT Street Project duration with full time inspection assuming 50 hour work weeks. Also assumes 15 hours of weekly management time throughout the 6 week Water Project. Project timelines may vary based upon actual construction.





# PARADE PERMIT APPLICATION FORM

10a

I, Father Ryan Ford, an official representative of (Name of Organization)  
St. John the Evangelist and St. Joseph Parish

hereby make application to conduct a parade on (date) June 19<sup>th</sup>. It will begin at 10:00am at  
325 S. Pine St. and end at 1889 Prairie Ave.

The parade will form at (location) St. John the Evangelist Parish, front of church on Main St.

Line of march will be as follows (List Streets and Directions).

N on Main St., Turn R on Hematite Dr.,

Turn L on 1<sup>st</sup> St., Go N to Empire St., R on Empire St.,

L on 2<sup>nd</sup> St., then through roundabout, then

across US-41 through roundabout, N to 1889 Prairie Ave.

I wish to have parking restricted on the following streets: None

I wish to have the following intersections blocked: Each intersection will take only a couple minutes to get through: M-286 + Main, Main + Hematite, and the roundabouts

Estimated number of units to be in the parade: 100-150 people - a walking procession, no floats,

Equestrian (horse) units: None

Number of people provided to monitor the parade: Adults will be present to monitor kids walking. maybe one bus for ppl who can't walk.

We understand that the parade route, parking restrictions, and street intersections to be blocked are subject to review and approval by officials of the City. It is also understood that the assignment of City personnel will be subject to review by the proper City officials.

I, hereby, assume full responsibility for the conduct of this parade.

Signature of Applicant: Rev. Ryan Ford

APPROVED BY:

Chief of Police: \_\_\_\_\_ City Clerk: \_\_\_\_\_

## 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 St. John the Evangelist Catholic Church Phone 906-486-6212Organization Address 325 S. Pine St., IshpeningOrganization's Agent Father Ryan Ford Phone 906-399-0553Agent's Title PastorAgent's Address 325 S. Pine St.Event Name Corpus Christi ProcessionEvent purpose To honor the Feast Day of the Body + Blood of Christ, we want to have a walking procession from St. John's to St. Joseph's, carrying the Eucharist in procession with us to bless our city.Event Dates Sunday, June 19<sup>th</sup>Event Times 10am - 11amEvent Location Walk from St. John's on Main Street to St. Joseph's on Prairie Ave. Procession would be in the street, probably one lane.

## 1. Type of Event:

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



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

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

Normal Event Schedule In June or late May

Next year's Specific Dates: \_\_\_\_\_

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

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

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

6. Other Requests: The intersections of Main St. / M-28 B, Main St. and  
Hermitage, and the roundabouts would need to be blocked for a couple  
minutes for the procession. Perhaps a police escort would be  
7. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that: best.

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

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

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

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

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

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



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

4/19/22  
Date

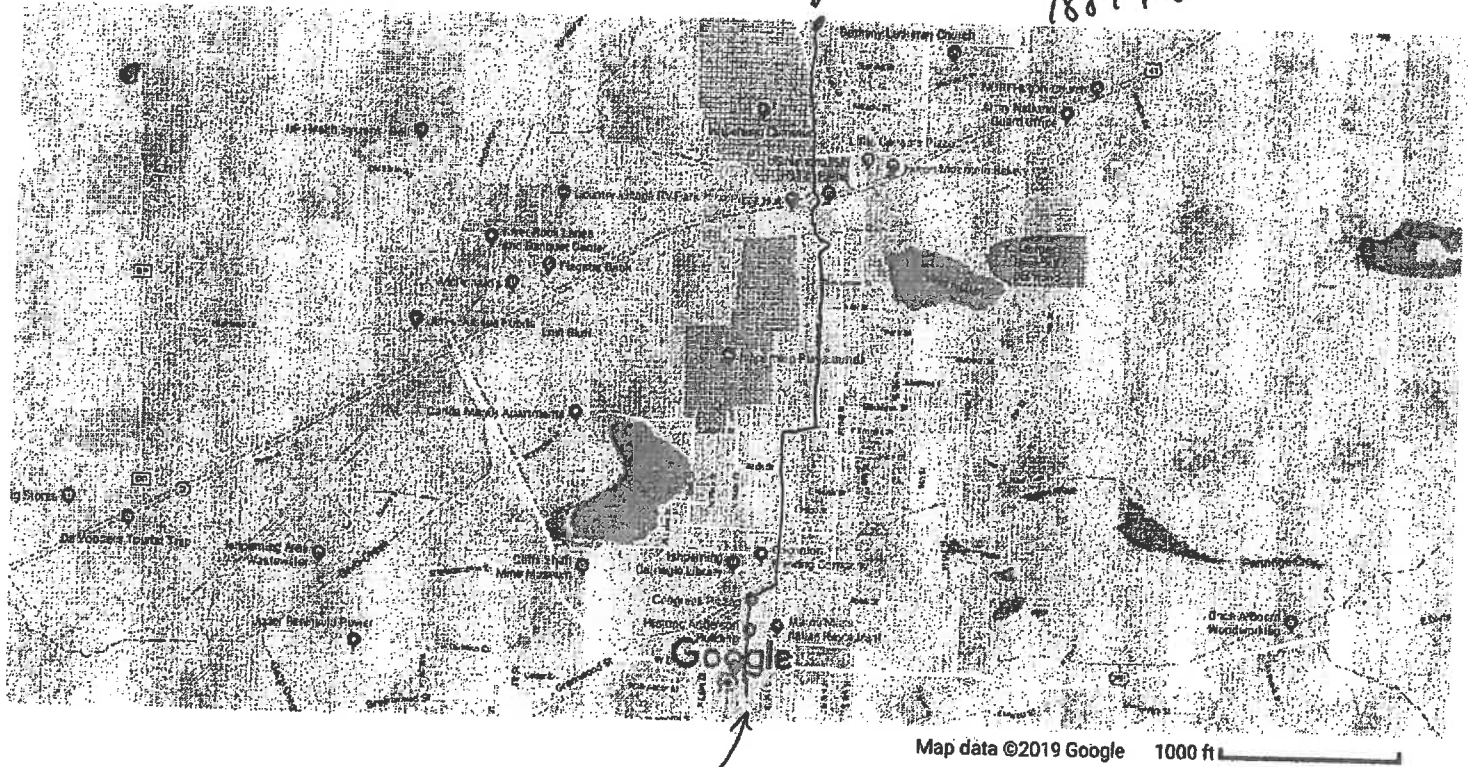
Rev. Ryan Ford  
Signature of Organization's Agent

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

Google Maps

End at St. Joseph Church,  
1889 Prairie Ave.



Assemble on main Street  
in front of St. John the Evangelist Church.  
Probably 100-150 people for  
walking procession, and  
maybe one bus for  
those unable to walk.

## 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 U.P. Diabetes Outreach Network Phone 906-360-6906  
Organization Address 1135 County Rd 492, Marquette, MI  
Organization's Agent Kristen Cambensy Phone 906-360-6906  
Agent's Title Program/Race Director  
Agent's Address 1135 County Rd. 492, Marquette, MI 49855  
Event Name 19th Annual Swim Teal Lake: Benefit for Diabetes  
Event purpose Fundraiser for UPDON

Event Dates Friday, July 29 - Sunday, July 31, 2022  
Event Times Swim on Saturday, July 30, 2022  
Event Location Teal Lake / Al Quaal Lower Lodge

## 1. Type of Event:

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

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

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

Normal Event Schedule Swim on Saturday, July 29, 2023

Next year's Specific Dates: Lodge rental 7/28 to 7/30/2023

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 certificate of Insurance must be provided which names the City of Ishpeming as an additional named insured party on the policy.
- Event organizers and participants will be required to sign Indemnification Agreement forms.
- 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.
- 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.
- 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.
- The organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.

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

4-13-2022  
Date

Kristen Cambrey  
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



Michigan  
Municipal  
Executives

A State Affiliate of ICMA

## MICHIGAN MUNICIPAL EXECUTIVES FELLOWSHIP PROGRAM

### **GUIDELINES**

The fellowship will include a one-year traditional work/study program, where two students will be placed in MME communities to be exposed to a wide variety of local government issues. For this term, each Fellow shall be compensated \$12,000. This fellowship program has been designed to meet the current needs of students hoping to serve in a local government management capacity. The goal of the MME Fellowship is to foster an interest in local government management from students around the State of Michigan with an eye towards developing the future city managers that will lead our communities.

Students who are interested in applying for the program are asked to submit the following to Ashley Latsch at [alatsch@grandhaven.org](mailto:alatsch@grandhaven.org) no later than May 9, 2022:

1. A Completed Copy of this Application Form
2. Cover Letter
3. Resume

**Submit application materials to:** Ashley Latsch, [alatsch@grandhaven.org](mailto:alatsch@grandhaven.org)

**Deadline to apply:** May 9, 2022

A subcommittee of the Early Career Outreach Committee will then interview all of the prospective candidates for the fellowship and select two (2) students based on their application materials, their ranking of the communities, and their overall interest in pursuing a career in local government management.

### **APPLICATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Phone Number: \_\_\_\_\_

University: \_\_\_\_\_

#### **Current Level of Enrollment:**

☐

Master's Student

☐

Undergraduate Student

#### **Location of communities in which I am interested in working (check all that apply):**

☐

Ann Arbor Area

☐

Grand Rapids Area

☐

Lansing Area

☐

Metro Detroit



☐ Mt. Pleasant Area

☐ Northern Michigan

☐ Saginaw Area

☐ Southwestern Michigan

☐ Thumb Area

☐ Upper Peninsula

Questions may be directed to Ashley Latsch, Assistant City Manager, City of Grand Haven at:  
[alatsch@grandhaven.org](mailto:alatsch@grandhaven.org) or 616-847-4888

11a

## **MME FELLOWSHIP MEMORANDUM OF UNDERSTANDING**

**Program Year: 2022 - 2023**

The following Memorandum of Understanding between the Michigan Municipal Executives (MME) and partnering universities outlines the collaborative partnership between the above entities in a rotating local government management fellowship.

The fellowship will include a one year long traditional work study program, where a student will be placed in an MME community to be exposed to a wide variety of local government issues. This fellowship has been designed to meet the current needs of students hoping to serve in a local government management capacity. The following outlines the fellowship program:

1. Each year, the Michigan Municipal Executives will survey its member communities to determine which communities are interested in hosting the fellowship. Once a list of hosting communities is compiled, the list is then forwarded to all the participating universities. The fellowship will be a competitive position that is open to all participating universities every year.
2. Students who are interested in securing the fellowship are asked to complete an application and return it to the designated MME Official coordinating the Program. Students will rank the community that they are most interested in being placed. Students will need to be enrolled in an MPA program and interested in a career in local government management. However, should there be an insufficient number of MPA students interested in the fellowship, offers may be made to students pursuing an undergraduate degree that are interested in a career in local government management.
3. A subcommittee of the NextGen Committee will then interview all of the perspective candidates for the fellowship and select two (2) students based on their application materials, their ranking of the communities, and their overall interest in pursuing a career in local government management.
4. The students are placed in the hosting community for a one-year period.
5. The MME contributes \$3,000 to the fellowship, with the participating university also contributing \$3,000. The host community will contribute \$6,000 to the fellowship. Contributions will be made to the host community who will be responsible for dispersing the \$12,000 stipend to the student in equal increments throughout the year of service.
6. The overall goal of the MME fellowship is to foster an interest in local government management from students around the State of Michigan with an eye towards developing the future city managers that will lead our communities.
7. Notwithstanding any provision in this MOU, University may terminate this MOU at any time upon written notice to MME.

**2022 – 2023 Student Deadline to Apply: May 9, 2022**

**MME FELLOWSHIP PROGRAM  
MEMORANDUM OF UNDERSTANDING**

**Program Year: 2022 - 2023**

On behalf of \_\_\_\_\_  
(University)

On behalf of the Michigan Municipal  
Executives:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

\_\_\_\_\_  
Print

\_\_\_\_\_  
Position

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Resolution Establishing Authorized Signatories for MERS Contracts and Service Credit Purchase Approvals



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

This Resolution is entered into under the provisions of 1996 PA 220 and the Municipal Employees' Retirement System of Michigan ("MERS") Plan Document, as each may be amended.

This resolution is being adopted by the governing body of the participating entity and applies to all reporting units of said participating entity.

**WHEREAS**, City of Ishpeming ("Employer") is a participating municipality with the Municipal Employees' Retirement System of Michigan ("MERS") and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

**WHEREAS**, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

**WHEREAS**, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS' contracts relating to the adoption, amendment and termination of MERS' products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

**WHEREAS**, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. City Manager

Optional additional job positions:

2. \_\_\_\_\_
3. \_\_\_\_\_

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Adopted at a regular/special meeting of the Governing Body on May 4th, 2022.

Authorized signature (must be currently in a position named above): \_\_\_\_\_

Name: Craig H. Cugini

Title: City Manager

Witness signature: \_\_\_\_\_

Witness name: Cathy Smith

Witness title: City Clerk

15

Midwest Testing LLC.

2091 Sorensens Rd.

Mora, MN 55051

# Quote

Date	Estimate #
4/1/2022	791

Name / Address
City of Ishpeming (MI)

Project

Description	Qty	Rate	Total
Quote- Water Meter Testing - year 2022			
In-line water meter test 2" Badger water meters	28	190.00	5,320.00
In-line water meter test 3" Badger water meters	3	190.00	570.00
In-line water meter test 4" Badger water meters	3	190.00	570.00
Service Fee ( per day )	5	165.00	825.00
		<b>Subtotal</b>	\$7,285.00
		<b>Sales Tax (0.0%)</b>	\$0.00
		<b>Total</b>	\$7,285.00

Midwest Testing LLC.

2091 Sorensens Rd.  
Mora, MN 55051

## Quote

Date	Estimate #
4/1/2022	792

Name / Address
City of Ishpeming (MI)

Project

Description	Qty	Rate	Total
Quote- Water Meter Testing - Year 2022			
In-line water meter test 1 1/2" Badger water meters	20	190.00	3,800.00
Service Fee ( per day )	5	165.00	825.00
<b>Subtotal</b>			\$4,625.00
<b>Sales Tax (0.0%)</b>			\$0.00
<b>Total</b>			\$4,625.00



ORDINANCE NO. 12-500

AN ORDINANCE PERMITTING SEPARATE METERING FOR WATER CONSUMPTION  
NOT ENTERING THE PUBLIC SANITARY SEWER SYSTEM

THE CITY OF ISHPERING ORDAINS:

Section 12-501. Any person may request that the City water utility furnish a separate water meter, with a vacuum breaker, to only be attached to the hose bib or water faucet outside the person's home or business. The purpose of such meter shall be to measure water used for such outdoor purposes as washing cars, watering lawns, and other similar uses, where the water used will not be entering the public sanitary sewer system.

Section 12-502. The only separate water meter permitted to be used shall be a meter, with a vacuum breaker, originally furnished by the City of Ishpeming. However, ~~a person may have installed a new meter, or a used meter. In all cases,~~

A ~~a~~ person requesting permission to use such a meter shall:

- (a) secure approval from the City Manager or Water Department designee; and
- (b) have such meter inspected by the City Water Utility prior to installation.

~~See the Annual Fee Schedule adopted by the Ishpeming City Council for rates. The fee for the purchase and installation of a new meter shall be \$75.00, and the fee for the inspection and installation of a used meter shall be \$20.00.~~  
The fee for the purchase and inspection of a meter, with attached vacuum breaker, shall be stated in the Council approved City Fee Schedule.

The meter shall be the property of the homeowner or person purchasing the meter, and the City shall not be responsible for any repair or maintenance of the meter.  
A meter owner may request that the City test the meter. The charge for a 2<sup>nd</sup> water meter to be tested shall be the same as the fee for testing of regular water meters as set forth in the Council approved City Fee Schedule.

Section 12-503. Such separate meter may only be used to record water consumption through the connection where installed during the months of April through October each year. The separate meter shall be removed by the homeowner during the months of November through March of each year, and shall not be used during said period. It shall be the owner's responsibility to remove the meter to prevent it from freezing or being damaged and to reinstall it each year in time for the City to conduct any required inspections.

Section 12-504. Water consumption recorded by the separate meter shall be billed by ~~inclusion in the normal monthly water/sewer bill to the premises, except that there shall be subtracted from the overall bill that portion of the regular sewer charge attributable to the flow through the separate meter. There shall also be added an additional monthly charge to the regular water/sewer bill to cover the additional administrative expense involved in billing such accounts on a special billing format, which additional charge shall be fixed by the City Manager, annually to the premises, except that there shall be subtracted from the overall bill~~ That portion of the regular sewer charge attributable to the flow through the 2<sup>nd</sup> water meter shall be credited to the user's utility account. For billing purposes, the meter will need to be brought to the Utility Billing Clerk by November 1<sup>st</sup> for verification. The meter user is required to present the meter to the Utility Billing Clerk by November 1<sup>st</sup> in each year during which it has been used for any length of time, for the annual

reading.

Section 12-505. It shall be unlawful for any person having a separate meter to suffer, allow or permit any of the water passing through such meter to be used in any fashion whereby the water will be introduced into the sanitary sewer system of the City.

Section 12-506. If any such separate water meter shall become defective, it shall be the responsibility of the homeowner to have the meter repaired. Any and all readings from a defective meter shall result in the homeowner being billed at the regular rate for water/sewer consumption, without any credit for that portion of the sewer charge attributable to the flow through the separate meter.

Section 12-507. 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.

Section 12-508. This ordinance shall be effective July 28, 1986.

Adopted: July 23, 1986

Amended: June 14, 1989

Amended: June 8, 1994

Amended: April 6, 2022

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

THE CITY OF ISHPERING ORDAINS:

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

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

1. (a) For a property connected to the City water utility, which has a meter for registering water consumption, see Annual Fee Schedule adopted by the Ishpeming City Council for rates.  
  
(b) For purposes of subsection (a) above, a property is considered to be connected to the City water utility" if (1) the property is actually using City supplied water, (2) the property is physically connected to the City water distribution system and could receive City supplied water, whether or not the property is actually using any City supplied water, or (3) water service to the property has been discontinued due to non-payment of water or sewer charges or by request.
2. For a user of both water and/or sewer services who is authorized to be without a water meter pursuant to Section 12-103.8 of this Ordinance, a monthly charge shall be established for the use of such services by the Ishpeming City Council based upon the recommendation of the Water and Sewer Utility. The Water and Sewer Utility, in making its recommendation to the City Council, shall consider, at a minimum, the number of persons in the household or structure receiving the services, whether the services are being used for residential or commercial purposes, the number and type of connections within the household or structure, and water consumption of similarly situated and similarly constituted households or structures.
3. (a) See Annual Fee Schedule for the permit fee to install a tap from a City water main.  
  
(b) If the City performs the tap, the tapping fee to connect a 5/8" line or a 1" line or a line greater than 1" to a City water main shall be billed to the permit holder according to the Annual Fee Schedule. All excavation, construction, and restoration work, including road and sidewalk restoration shall be the responsibility of the property owner. All work shall be performed according to City standards.  
  
(c) See Annual Fee Schedule for the tapping fee to connect a 5/8" line or a 1" or larger line to a City water main, if a private contractor does the work.  
  
(d) The charges and fees imposed under this Subsection 3 only apply to water lines installed from the main to the curb stop valve.

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

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

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

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

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

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

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

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

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

If the user is a tenant at the property, this "guarantee deposit" will be held for the period of the tenancy and will be applied to the final water bill in part or full payment.

A guarantee deposit ~~may~~ will be required from existing users who have had their water shut off for non-payment. ~~based on a repeated pattern of non payment which would be determined by receiving two or more Public Notices of Disconnect in the prior 12 months. This deposit would be required within one month of the issue of the second Notice of Disconnect.~~

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

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

1. No person shall tap any water main without first having obtained a permit from the Utility Billing Clerk nor shall any person not duly authorized bore or tap any pipe, open any hydrant or stop-cock or interfere with any part of the water system of the City.
2. All applications for a water tapping permit must be made to the Utility Billing Clerk by the owner of the property or some person duly authorized by the owner, and such application must fully describe the locality where it is desired to tap the main and the various users to which the water is to be supplied.
3. In case of misrepresentation in such application for a permit to tap any main, use of water without permit, willful or needless waste of water by allowing a constant flow from faucet or otherwise, or the failure to comply with any other

term or provision of this ordinance, the service may be shut off.

4. Where the consumer of water is on metered service, the City will supply the meter and outside reader dial owned by the City. The consumer must provide a suitable place for the meter and outside reader dial satisfactory to the City. The consumer shall see that the meter and outside reader dial are protected from damage, accident or frost and shall permit no person other than an authorized employee of the City Water and Sewer Utility to remove, inspect or tamper with the same. Cost of repairs shall be according to the Annual Fee Schedule.
5. The consumer, in case of leakage, breakage, or defect of the meter, shall immediately notify the Water and Sewer Utility. The Water and Sewer Utility will make all repairs to the water meter, and the actual cost of such repairs or replacement will be charged to the property served if the damage is caused by hot water, freezing, or any other neglect on the part of the consumer to safeguard the meter in a reasonable way.
6. The various officers of the Water and Sewer Utility or any person by them delegated shall have free access to all parts of any building where the water meter and the outside reader dial are used to examine pipes and fixtures and to ascertain whether there is an unnecessary waste of water.
7. The Water and Sewer Utility shall have full authority to further restrict and to order the discontinuance of the use of water as above provided, and to make such further regulations, when it finds in its judgment that it is necessary to do so for the protection of the water supply of the City.
8. Any water service in the City shall have a water meter installed.

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

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



(b) Anything to the contrary notwithstanding in Section 12-103.9(a) above, under no circumstances shall the City be responsible for the cost of repairs or maintenance to any water line if it is determined that the condition requiring repair or maintenance was caused by the negligence or wrongful act of another, in which event the person responsible therefor shall be fully liable to the City for the cost of repairs.

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

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

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

Section 12-104. Violation of any of the provisions of this ordinance shall

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

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

Adopted: June 21, 1978	Amended: February 5, 1997	Amended: January 7, 2015
Amended: September 6, 1978	Amended: December 17, 1997	Amended: November 9, 2016
Amended: August 8, 1979	Amended: December 9, 1998	Amended: July 11, 2018
Amended: January 7, 1981	Amended: November 8, 2000	Amended:
Amended: May 6, 1981	Amended: October 3, 2001	
Amended August 5, 1981	Amended: November 6, 2002	
Amended: June 9, 1982	Amended: November 9, 2005	
Amended: February 8, 1984	Amended: November 8, 2006	
Amended: April 18, 1984	Amended: October 3, 2007	
Amended: September 19, 1984	Amended; May 6, 2009	
Amended: December 26, 1984	Amended: October 7, 2009	
Amended: January 29, 1986	Amended: December 15, 2010	
Amended: July 9, 1986	Amended: January 4, 2012	
Amended: June 14, 1989	Amended; March 7, 2012	
Amended: December 27, 1990	Amended: May 5, 2012	
Amended: June 9, 1993	Amended: June 6, 2012	
Amended: June 8, 1994	Amended: December 18, 2012	
Amended: June 7, 1995	Amended: November 6, 2013	