

ISHPEMING CITY COUNCIL
Wednesday, June 7, 2023 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**

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 (May 3rd and 30th, Closed Session May 3rd)
 - b. Approval of Disbursements
 - c. Declare four (4) large folding tables at the Carnegie Library as surplus
 - d. Confirm Target Market Analysis funding contribution - \$2,500
 - e. Confirm appointment of Kaylee Reno to fill vacancy on the Library Board: Term Expires 5/2024
8. Monthly Financial Statement Report
9. Special Events:
 - a. Special Event Application and Temporary Liquor License: Shelly's Rainbow Bar: June 30, July 1,2,3
10. Second Reading of Amendment to Ordinance 2-300, Breach of Peace, Disorderly Persons and Misdemeanors
11. Second Reading of Amendment to Ordinance 2-400, Fireworks
12. Second Reading of Ordinance 2-1300, Anti-Camping Ordinance
13. First Reading of Amendment to Ordinance 2-500, Regulating the Presence of Minors Under Age 16 in Public Streets and other places in the City of Ishpeming during certain hours
14. DPW request to purchase equipment: Kerf Cutter
15. Recommendation from Cemetery Board to amend the dates for winter burials
16. UPPCO Utility Easement – Malton Road
17. Update on Police Academy Recruit Grant Program
18. Proposal from Prime Specialty Contracting for Air Conditioning Repairs/Replacement at the Carnegie Library
19. Review/Discussion of City Council Rules of Procedure, Policy #601
20. Authorize Mayor to Sign Lease Amendment with CCI to extend original Lease No. 3581 - Suicide Hill Ski Area
21. Discussion related to snow removal
22. Old Business
23. New Business
24. Public Comment (*limit 3 minutes per person*)
25. Mayor and Council Reports
26. Manager's Report
27. Attorney's Report
28. Adjournment


Craig H. Cugini
City Manager



7(c)

MEMO

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

5/30/2023

The library has 4 large folding tables to be declared surplus.

Table #1: 69.5 inches L x 30 inches W
Table #2: 96 inches L x 29.5 inches W
Table #3: 96 inches L x 29.5 inches W
Table #4: 71 inches L x 30 inches W

8

BALANCE SHEET FOR CITY OF ISHPEMING

Month Ended: May 31, 2023

*2022 Fiscal Year Not Closed (Pre Audit)

GL NUMBER	BALANCE	
	AS OF	Increase/Decrease
	5/31/23	\$ / (\$)
Fund 101 - GENERAL FUND		
BEG. FUND BALANCE	1,040,014.89	
NET OF REVENUES & EXPENDITURES	466,770.30	Change \$ / (\$)
ENDING FUND BALANCE	986,374.82	(53,640.07)
Fund 202 - MAJOR STREETS		
BEG. FUND BALANCE	985,452.32	
NET OF REVENUES & EXPENDITURES	(106,054.74)	Change \$ / (\$)
ENDING FUND BALANCE	573,794.61	14,372.25
Fund 203 - LOCAL STREETS		
BEG. FUND BALANCE	846,472.46	
NET OF REVENUES & EXPENDITURES	(182,540.78)	Change \$ / (\$)
ENDING FUND BALANCE	716,802.72	(277.68)
Fund 248 - DDA		
BEG. FUND BALANCE	691,697.47	
NET OF REVENUES & EXPENDITURES	38,474.37	Change \$ / (\$)
ENDING FUND BALANCE	730,171.84	0.00
Fund 401 - PUBLIC IMPROVEMENT FUND		
BEG. FUND BALANCE	248,095.21	
NET OF REVENUES & EXPENDITURES	431,411.65	Change \$ / (\$)
ENDING FUND BALANCE	879,956.77	(32,282.79)
Fund 590 - SEWER FUND		
BEG. FUND BALANCE	10,058,453.87	
NET OF REVENUES & EXPENDITURES	165,545.71	Change \$ / (\$)
ENDING FUND BALANCE	10,714,275.65	97,951.75
Fund 591 - WATER FUND		
BEG. FUND BALANCE	9,429,368.68	
NET OF REVENUES & EXPENDITURES	436,288.27	Change \$ / (\$)
ENDING FUND BALANCE	10,162,929.92	144,311.08

Fund 596 - GARBAGE/RECYCLE

BEG. FUND BALANCE	321,616.61	
NET OF REVENUES & EXPENDITURES	80,643.58	Change \$ / (\$)
ENDING FUND BALANCE	437,649.42	17,654.44

Fund 661 - MOTOR POOL EQUIPMENT FUND

BEG. FUND BALANCE	997,563.69	
NET OF REVENUES & EXPENDITURES	201,231.99	Change \$ / (\$)
ENDING FUND BALANCE	1,381,580.14	26,575.71

Fund 732 - POLICE & FIRE RETIREMENT

BEG. FUND BALANCE	5,294,953.25	
NET OF REVENUES & EXPENDITURES	452,052.54	Change \$ / (\$)
ENDING FUND BALANCE	4,709,425.70	497,380.42

Fund 999 - POOLED CASH FUND

BEG. FUND BALANCE	9,634,950.15	
NET OF REVENUES & EXPENDITURES	0.00	Change \$ / (\$)
ENDING FUND BALANCE	9,634,950.15	

YEAR TO DATE SUMMARY OF ALL FUNDS

BEGINNING ASSETS/FUND BALANCE	24,618,735.20	
NET REVENUE & EXPENDITURES	1,531,770.35	Change \$ / (\$)
ENDING ASSETS/FUND BALANCE	26,150,505.55	(503,943.92)

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ORDINANCE NO. 2-300

AN ORDINANCE RELATIVE TO BREACHES OF PEACE, DISORDERLY
PERSONS, AND MISDEMEANORS

THE CITY OF ISHPEMING ORDAINS:

Section 2-301: Any and all persons without visible means of support, idlers, gamblers, keepers, and frequenters of houses of ill-fame, fortune tellers and beggars, or those who shall be found trespassing in the night time upon the private premises of others, shall be deemed vagrants and shall be deemed to be engaged in conduct prohibited under this Ordinance.

Section 2-302: It shall be unlawful for any person to appear in any public place in the City of Ishpeming in a state of nudity, or to make any public exposure of his or her genital, anal, or buttock areas.

Section 2-303: Any person who shall be drunk or intoxicated in any public place within the City of Ishpeming, shall be deemed a disorderly person and shall be deemed to be engaged in conduct prohibited under this Ordinance.

Section 2-304: No person shall consume alcoholic beverages or possess open containers of alcoholic beverages on or in any public place (not to include city parks or campgrounds), provided that this section shall not be construed to prohibit the consumption of alcoholic beverages or the possession of open containers of alcoholic beverages within those public places licensed by the Michigan Liquor Control Commission to allow the consumption of alcoholic beverages on premises.

Section 2-305: Any person who shall make, aid, countenance or assist in making any loud and raucous noise, disturbance, trouble, or any rout or riot, false alarm of fire, loud threatening language, or who shall engage in any other loud or boisterous conduct by which the peace and good order of the City of Ishpeming is disturbed, shall be guilty of a breach of the peace and disorderly conduct.

Section 2-306: Any person or persons who shall be found within the limits of the City of Ishpeming using profane or obscene language, insulting or annoying any person or persons, encouraging or instigating others to quarrel or fight, impeding or obstructing travel upon any sidewalk or streets, doing any damage or injury to public or private property, or in any other manner disturbing the peace and quiet of the people of the City of Ishpeming, shall be guilty of a misdemeanor.

Section 2-307: 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 One Hundred (\$100.00) Dollars, plus costs, or by imprisonment in the County Jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 2-308: This Ordinance shall take effect upon legal publication.

Amended: September 5, 1984

Amended: June 22, 1988

Amended: November 8, 1995

Amended:

AMENDMENT TO ORDINANCES OF
THE CITY OF ISHPEMING, CHAPTER 2-300

The City of Ishpeming, Michigan ORDAINS:

That Chapter 2-300 of the Ordinances of Ishpeming, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, HEREBY REPEALED. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter 2-300 of the Ordinances of Ishpeming, Michigan, shall be, and hereby is, amended to add the following new Section 2-304:

“Section 2-304: No person shall consume alcoholic beverages or possess open containers of alcoholic beverages on or in any public place (not to include city parks or campgrounds), provided that this section shall not be construed to prohibit the consumption of alcoholic beverages or the possession of open containers of alcoholic beverages within those public places licensed by the Michigan Liquor Control Commission to allow the consumption of alcoholic beverages on premises.”

Further, Ordinance 2-300 is amended to:

**Re-number the former Section 2-304 to become Section 2-305; and to
Re-number the former Section 2-305 to become Section 2-306; and to
Re-number the former Section 2-306 to become Section 2-307; and to
Re-number the former Section 2-307 to become Section 2-308.**

The above Ordinance shall be published as required by law, and shall be effective on the date of publication.

Upon roll call,

Council members voting aye:

Council members voting nay:

Council members absent:

WHEREUPON, this Ordinance is declared passed and adopted on this
_____ day of _____, 2023.

CITY OF ISHPEMING

By: Jason Chapman, Its Mayor

Attest:

By: Cathy Smith, Its Clerk

DATE OF PUBLICATION: _____, 2023

EFFECTIVE DATE: _____, 2023

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ORDINANCE NO. 2-400

FIREWORKS

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE IGNITION,
DISCHARGE AND USE OF CONSUMER FIREWORKS

THE CITY OF ISHPEMING ORDAINS:

SECTION 1. PURPOSE.

The purpose of this ordinance is to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

SECTION 2. DEFINITIONS.

As used in this section, the following terms shall be defined as follows:

(1) APA Standard 87-1 means 2001 APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

(2) Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

(3) Fireworks mean any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

(4) Low-impact fireworks mean ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1.1.1 to 3.1.1.8 and 3.5.

(5) Minor means an individual who is less than 18 years of age.

(6) National holiday. The following are legal public holidays:

- a. New Year's Day, January 1.
- b. Memorial Day, the last Monday in May.
- c. Independence Day, July 4.
- d. Labor Day, the first Monday in September.

SECTION 3. IGNITION, DISCHARGE AND USE.

(1) A person shall not ignite, discharge, or use consumer fireworks at any time other than when permitted herein. ~~hours on the day preceding, the day of, or the day after a national holiday.~~

(2) Fireworks are permitted on the following days after 11:00 a.m.:

- December 31 until 1:00 a.m. on January 1
- The Saturday and Sunday before Memorial Day, until 11:45 p.m.
- June 29 to July 4, until 11:45 p.m.
- July 5, if it falls on Friday or Saturday, until 11:45 p.m.
- The Saturday and Sunday before Labor Day, until 11:45 p.m.

SECTION 4. POSSESSION OF CONSUMER FIREWORKS BY MINOR.

A minor shall not possess consumer fireworks.

SECTION 5. DETERMINATION OF VIOLATION; SEIZURE.

If a police officer determines that a violation of this Ordinance section has occurred, the officer may seize the ~~consumer~~ fireworks as evidence of the violation.

SECTION 6. PROHIBITED CONDUCT.

- (1) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without the organization's or person's express permission to use those fireworks on the premises.
- (2) An individual shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

SECTION 7. PENALTY.

Any person in violation of any section of Section 3 shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.

(1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 1 shall be subject to a civil fine of \$100.

(2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 3, in any 12-month period shall be subject to a civil fine of \$500.

(3) Following final disposition of a finding of responsibility for violating this section, the City may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.

(4) In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the City for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this section.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective after publication in accordance with the Charter of the City of Ishpeming.

Adopted: June 8, 1910

Amended: August 8, 2018

Amended: April 3, 2019

Amended:

AMENDMENT TO ORDINANCES OF
THE CITY OF ISHPERING, CHAPTER 2-400

The City of Ishpeming, Michigan ORDAINS:

That Chapter 2-400 of the Ordinances of Ishpeming, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

The entirety of SECTION 3. IGNITION, DISCHARGE AND USE together with any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, HEREBY REPEALED. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter 2-400 of the Ordinances of Ishpeming, Michigan, shall be, and hereby is, amended to add the following new SECTION 3. IGNITION, DISCHARGE AND USE:

“SECTION 3. IGNITION, DISCHARGE AND USE.

(1) A person shall not ignite, discharge or use consumer fireworks at any time other than when permitted herein.

(2) Fireworks are permitted on the following days after 11:00 a.m.:

- **December 31 until 1:00 a.m. on January 1**
- **The Saturday and Sunday before Memorial Day, until 11:45 p.m.**
- **June 29 to July 4, until 11:45 p.m.**
- **July 5, if it falls on Friday or Saturday, until 11:45 p.m.**
- **The Saturday and Sunday before Labor Day, until 11:45 p.m.**

REPEALER

The entirety of SECTION 5. DETERMINATION OF VIOLATION; SEIZURE. together with any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, HEREBY REPEALED. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter 2-400 of the Ordinances of Ishpeming, Michigan, shall be, and hereby is, amended to add the following new SECTION 5. DETERMINATION OF VIOLATION; SEIZURE. :

“SECTION 5. DETERMINATION OF VIOLATION; SEIZURE. If a police officer determines that a violation of this Ordinance has occurred, the officer may seize the fireworks as evidence of the violation.”

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, HEREBY REPEALED. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter 2-400 of the Ordinances of Ishpeming, Michigan, shall be, and hereby is, amended to add the following new Section 6. PROHIBITED CONDUCT.:

“SECTION 6. PROHIBITED CONDUCT.

(1) A person shall not ignite, discharge or use consumer fireworks on public property, church property or the property of another person without the organization’s or person’s express permission to use those fireworks on the premises.

(2) An individual shall not discharge, ignite or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance.”

Further, Ordinance 2-400 is **AMENDED** to:

**Re-number the former SECTION 6 to become SECTION 7; and to
Re-number the former SECTION 7 to become SECTION 8.**

The above Ordinance shall be published as required by law, and shall be effective on the date of publication.

Upon roll call,

Council members voting aye:

Council members voting nay:

Council members absent:

WHEREUPON, this Ordinance is declared passed and adopted on this
_____ day of _____, 2023.

CITY OF ISHPEMING

By: Jason Chapman, Its Mayor

Attest:

By: Cathy Smith, Its Clerk

DATE OF PUBLICATION: _____, 2023

EFFECTIVE DATE: _____, 2023

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ORDINANCE NO. 2-1300

ANTI-CAMPING ORDINANCE

THE CITY OF ISHPEMING ORDAINS:

Section 2-1301: It shall be unlawful for any person to camp, use camping facilities, including but not limited to tents, huts or temporary shelters, or use camp paraphernalia, including but not limited to cots, beds, sleeping bags, hammocks, tarps, in the following areas except as otherwise permitted:

1. Any street
2. Any park
3. Any sidewalk
4. Any alleyway
5. Any public easement
6. Any public lot or public area, improved or unimproved

Section 2-1302: Any person who shall violate any of the provisions of this Ordinance shall be guilty of a municipal civil infraction, and shall be subject to a civil fine of 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. 1994m 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. Violations of this Ordinance are hereby declared to be a public nuisance.

Section 2-1303: This Ordinance shall take effect upon legal publication.

Adopted:

AMENDMENT TO ORDINANCES OF
THE CITY OF ISHPEMING, CHAPTER II

The City of Ishpeming, Michigan ORDAINS:

That Chapter II of the Ordinances of Ishpeming, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, HEREBY REPEALED. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter II of the Ordinances of Ishpeming, Michigan, shall be, and hereby is, amended to add the attached new ORDINANCE NO. 2-1300:

[see attached Ordinance]

The said Ordinance shall be published as required by law, and shall be effective on the date of publication.

Upon roll call,

Council members voting aye:

Council members voting nay:

Council members absent:

WHEREUPON, this Ordinance is declared passed and adopted on this _____ day of _____, 2023.

CITY OF ISHPEMING

By: Jason Chapman, Its Mayor

Attest:

By: Cathy Smith, Its Clerk

DATE OF PUBLICATION: _____, 2023

EFFECTIVE DATE: _____, 2023

Cost estimate to repair one valve box top:

Old way....

Tools needed-

Cut off Saw w/ diamond blade	\$16.84
Shovel	N/A
Pry Bar	N/A

Equipment needed-

Loader w/bucket #305	-1 Hour	\$80.06
Pickup #021	-2 Hours	\$26.02
Dump truck #105	-1 Hour	\$71.52
Roller #371	-1 Hour	\$28.65
Pickup #043	-1 Hour	\$13.01
Roller Trailer	-1 Hour	\$24.55

Materials Needed

Rite Height Valve Box Top:	\$66.00
Gravel	\$3.00
½ Ton of Asphalt	\$70.00

Labor for replacing valve box top

2 People for 1 Hour	\$24.16
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Labor for replacing asphalt around valve box top

3 People for 0.5 Hours	\$36.24
2 People for 1 Hour	\$48.32

Total Per Valve Box: \$ 508.31

New Way w/ Kerf Cutter.....

Tools needed

-Kerf Cutter complete w/extracting tool	\$16.00 Estimate
-110v power from truck w/plug or generator	\$7.48

Equipment Needed

-Pickup #021	\$13.01
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Materials Needed

-Rite Height Valve Box Top:	\$66.00
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Labor

-2 Guys for 0.5 Hours	\$24.16
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Total Per Valve Box: \$126.65



Decision Brief Equipment Purchase KERF CUTTER

Problem Statement: How does the city best repair broken water valve box tops?

Many valve boxes that were not installed with self leveling tops are being broken around town during winter maintenance. In search of best solution to repair and switch over to self leveling to equate for frost heaving.



Facts and Assumptions

Facts

- Frost pushes current valve boxes up and down making them unlevel with the road at times.
- Broken valve box tops that are too high get struck by snow plow blades.
- Broken valve box tops can become hazards in the road way due to jagged edges.
- KERF CUTTER makes a tool to internally cut valve boxes so you can slip in a self leveling top with out making a large blacktop cut out.

Assumptions

- Cutting out a black top square large enough to use a cut-off saw in would be more costly than purchasing a KERF CUTTER and making cuts internally.
- Save money and time by not having to go back and black top around the repair.



Constraints

- Must be able to make cut internally to fix quickly and efficiently.



Pros & Cons Miller Big Blue 500 Pro

Pros

- KERF CUTTER tool would save time and money by not affecting large sections of blacktop at every valve box.

Cons

- KERF CUTTER is a electric tool so we would need to transport generator or use a truck that has electrical outlet built in already.



Sources of Funding / Options

- Options

1. Purchase KERF CUTTER from Core & Main for \$3,750.00
-Purchase with money from the Water Fund



KERF CUTTER

KERF CUTTER



**Kerf Cutter makes repairing broken valve boxes quick, easy and longer lasting.
It more than pays for itself in the first year!**

Kerf Cutter is the latest innovation for municipal water and street departments to fix broken valve boxes. Kerf Cutter is a handheld, electric tool with a circular blade on the end. It is inserted into the valve box and cuts off the top of the valve box. Once that is removed, a new top can be inserted and leveled with the pavement.



Kerf Cutter's powerful handheld 110 volt, 15 amp lightweight Bosch motor is up for any task, any time of the year.



Our starter set of 4.5", 5" and 6" cutoff wheels makes for fast cutting and precision work.



Our 6" diameter, 2" thick, 18 grit concrete and asphalt grinding wheel, the industry's best, makes for quick work.



Kerf Cutter's 2' Cut Gauge insures precision measuring for that required perfect cut.



Kerf Cutter's Puller is used to extract broken valve box from concrete, asphalt, landscaping brick and gravel.



Kerf Cutter's Basket and Ring is used to make a clean cut, level, uniform cut every time.



Kerf Cutter's all inclusive tool kit, three year comprehensive warranty, better long-term solution for repairing broken valve boxes, short-term payback... makes your purchase decision easy.

For a better solution to repairing broken valve boxes, don't wait, call for your on-site demonstration today.



KERF CUTTER



Repair Broken Valve Boxes In Just 10 Minutes.

Kerf Cutter provides a low cost, labor savings, long lasting solution for repairing broken valve boxes.

No longer will it take 3 employees and a half a day to fix a single broken valve box, which will be needing repair again in a few seasons. With Kerf Cutter, it is so easy it now only takes three simple steps and only minutes to make a better, less expensive, long lasting repair.

Old Way
10 hours of work



Unslightly patch



Temporary fix and more needed soon



Stop the current practice of repairing water lines with old, sloppy, which will likely have to be repeated again and again...

NEW Kerf Cutter Way
Done in minutes



Long lasting solution



For a better, easy, low cost, less disruptive, and long lasting solution to repairing broken valve boxes, call for your on-site demonstration today.



HYDROVERGE
powered by Kerf Cutter

www.hydroverge.com 800.464.8611
Email: info@hydroverge.com



Repair Broken Valve Boxes In Just 10 Minutes.

Kerf Cutter makes repairing broken valve boxes quick, easy and longer lasting.

No longer is there a need to bring in costly and dangerous heavy equipment to cut asphalt, dig out the broken section of the road and patch the pavement only to see the road settle months later and having to fix it again next year.

What once took 10 hours to repair, now only takes 10 minutes... often less.

With Kerf Cutter, its 3 simple steps to repairing broken valve boxes.



Cut



Extract



Insert

Kerf Cutter eliminates the need for closing busy streets for long periods of time, reducing traffic disruption and community frustration.

Kerf Cutter will change the way you think about repairing broken valve boxes. Our powerful 110 volt, 15 amp lightweight Bosch motor Kerf Cutter will more than pay for itself in the first year.

So confident in our product we offer a three year comprehensive warranty on all parts.





Recommendation

- Purchase KERF CUTTER from Core & Main for \$3,750.00 using money from the water fund.



Bid Proposal for KERF CUTTER - ISHPEMING

ISHPEMING WATER DEPARTMENT
Bid Date: 04/06/2023
Core & Main 2855068

Core & Main
2100 Little Rapids Rd
De Pere, WI 54115
Phone: 920-983-8510
Fax: 920-983-8514

Seq#	Qty	Description	Units	Price	Est Price
DUE TO CURRENT SUPPLY CHAIN DISRUPTIONS, MATERIALS ARE SUBJECT TO PRICING AT TIME OF SHIPMENT. MATERIAL AVAILABILITY AND TIMELINESS OF SHIPMENTS CANNOT BE GUARANTEED. THIS TERM SUPERSEDES ALL OTHER CONTRACTUAL PROVISIONS.					
10	1	KC1 KERF CUTTER COMPLETE	EA	3,600.00	3,600.00
20	1	FREIGHT	EA	150.00	150.00
				SUBTOTAL	3,750.00
				Sub Total	3,750.00
				Tax	0.00
				Total	3,750.00

UNLESS OTHERWISE SPECIFIED HEREIN, PRICES QUOTED ARE VALID IF ACCEPTED BY CUSTOMER AND PRODUCTS ARE RELEASED BY CUSTOMER FOR MANUFACTURE WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THIS QUOTATION. CORE & MAIN RESERVES THE RIGHT TO INCREASE PRICES TO ADDRESS FACTORS, INCLUDING BUT NOT LIMITED TO, GOVERNMENT REGULATIONS, TARIFFS, TRANSPORTATION, FUEL AND RAW MATERIAL COSTS. DELIVERY WILL COMMENCE BASED UPON MANUFACTURER LEAD TIMES. ANY MATERIAL DELIVERIES DELAYED BEYOND MANUFACTURER LEAD TIMES MAY BE SUBJECT TO PRICE INCREASES AND/OR APPLICABLE STORAGE FEES. THIS BID PROPOSAL IS CONTINGENT UPON BUYER'S ACCEPTANCE OF SELLER'S TERMS AND CONDITIONS OF SALE, AS MODIFIED FROM TIME TO TIME, WHICH CAN BE FOUND AT: <https://coreandmain.com/TandC/>



TO: City Council

FROM: Cathy Smith, City Clerk

RE: Cemetery Board Recommendation

DATE: June 5, 2023

At the May 15, 2023 Cemetery Board meeting, there was discussion related to the time frame for charging winter burial rates which is outlined in the fee schedule.

Currently, for City Residents and for Non-City Residents winter burial fees are charged for all burials from December 1st through March 31st.

The recommendation from the Cemetery Board is to change those dates for both Residents and Non-Residents and charge winter burial rates from December 1st through April 30th which extends the winter rates by one month.

Attached are the minutes from the Cemetery Board meeting.

The Ishpeming Cemetery Board meeting was held on Monday, May 15, 2023, at the Ishpeming City Hall Conference Room. The meeting was called to order at 3:00 p.m. by Member Magnuson.

Staff present: April Holm-DPW, Bill Anderson-DPW General Foreman, and Kaleb Rundman-Assistant Foreman Cemetery Parks. Council Liaison: Councilmember Scanlon was absent.

Present: Tracy Magnuson, Christine Moffat, Jim Bertucci, and Karen Kasper (4). Absent: Dr. Stephen Piereson, (1).

PUBLIC COMMENT – None.

MINUTES OF THE PREVIOUS MEETING

A motion was made by Member Kasper, supported by Member Bertucci and carried unanimously to approve the minutes of March 20, 2023 as presented.

FENCE UPDATE

Marquette Fence is coming on Wednesday to look at the fence and give a quote on the repair.

WINTER BURIAL

Kaleb Rundman – Assistant Foreman Cemetery/Parks wanted to discuss the winter burial dates. He was hoping to have the winter burial rates coincide with the city parking ban. He would like our winter rates to start on December 1st as usual but would like the rates to remain in effect until April 30th instead of March 31st. The reason was that there is generally still a large amount of snow on the ground through the month of April.

A motion was made by Karen Kasper, with support from Christine Moffatt to change the season for winter burials to December 1st to April 30th. The motion was carried unanimously.

CEMETERY REPORT

The part time summer students started working in the Cemetery on Monday.

OLD/NEW BUSINESS

The ROTC will be out on Saturday to clean veteran headstones. The Cemetery tours will begin on Saturday as well.

The city will begin splitting some of the 5 space lots in block 84 because there are only a few 1 space lots available for sale.

NEXT MEETING DATE AND PLACE

The next meeting will be held July 18, 2023, at Ishpeming City Hall.

ADJOURNMENT

At 3:13 p.m., a motion was made by Member Bertucci with support from Member Kasper to adjourn.

INDIVIDUAL UTILITY EASEMENT

THIS INDENTURE, made this _____ day of _____, 2023, between **THE CITY OF ISHPEMING, MICHIGAN**, a Michigan municipal corporation, whose address is 100 East Division Street, Ishpeming, Michigan 49849, hereinafter called "Grantor" and **UPPER PENINSULA POWER COMPANY**, a Michigan Corporation, its successors and assigns, of 1002 Harbor Hills Drive, Marquette, Michigan 49855, hereinafter called "Grantee", and receipt whereof is hereby acknowledged, Grantor does hereby grant unto said Grantee, its successors and assigns, the perpetual non-exclusive rights, permission, authority, privilege and easement, to construct, install, operate, maintain, remove, and replace necessary and usual appurtenant equipment, all for the purpose of transmitting electrical energy for light, heat, power and signals, or for such other purpose as electric current is now or may hereafter be used, and for communication over, across, within, and above and/or beneath certain easement areas as described on attached Exhibit "A" and shown on attached Exhibit "B", on land owned by said Grantor in the City of Ishpeming, County of Marquette, State of Michigan, and described as follows, to-wit:

See Exhibit A & B

The Grantee shall have the right to go upon the Grantor's property outside of the easement area for the purpose of gaining access to the easement area in the event direct access to the easement area is not possible. Grantee shall notify the Grantor, when possible, before going upon the Grantor's property, except in the event of an emergency.

The Grantee shall refill any trenches in which said wires are laid, promptly and properly tamp the same and restore the surface of the ground and if the Grantee shall at any future time open said trenches for the purpose of repairing, renewing, or removing said wires, it will, as soon as said work is done, restore the surface of the ground, and that all work performed by the Grantee on said land will be performed in a proper workmanlike manner, and that during the progress of the work, the Grantee will properly safeguard said trench.

The Grantee shall have the right to control all brush and trees within the easement area by cutting, trimming, chemically treating and/or other means as determined by the Grantee, which in its judgment may interfere with or endanger said electric, or communication facilities. Further, this conveyance includes the consent of the Grantor to the removal at any time of such trees, shrubs and vegetation as, in the judgment of Grantee, is necessary to the construction and maintenance of the right of way easement. Notice to the Grantor of the removal by Grantee of such trees, shrubs, and vegetation is not required. The Grantor agrees that no trees, shrubs or vegetation shall be planted, grown, cut or removed from the right of way easement by the Grantor, their heirs, successors and assigns, without the written permission of Grantee.

The Grantor further grants to the Grantee, its successors and assigns, the perpetual right, privilege and easement to enter upon said strip of land for purposes of laying, patrolling, repairing, renewing or removing the said facilities.

The Grantor agrees that it will not construct any improvements, including buildings, concrete structures, or other objects, or change the grade more than Four (4) inches over any service or electric cable, without first securing the prior written consent of the Grantee. This agreement is to insure the conformance of the use of the easement with the National Electrical Safety Code and the Grantee's construction standards. The said Grantor further agrees that all costs incurred through the relocation of said facilities to avoid such buildings, concrete structures, or other objects or obtain proper depth of land cover shall be borne by the Grantor.

For the sum One and no/100 dollar (\$1.00) and/or valuable consideration (exempt from transfer tax by reason of MCLA 207.526(a) and 207.505(a).

The covenants herein contained shall bind the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, said Parties have executed this document on the day and year first above written.

GRANTOR:
THE CITY OF ISHPEMING

Jason Chapman, its Mayor

Cathy Smith, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF MARQUETTE)

Personally came before me this _____ day of _____, 2023, the above-named Grantor known to be THE CITY OF ISHPEMING, who executed the foregoing instrument and acknowledged the same.

_____, Notary Public
State of Michigan, County of _____

My commission expires: _____

This instrument drafted by:

Return to:

Transfer tax: \$0.00

Upper Peninsula Power Company
1002 Harbor Hills Drive
Marquette, MI 49855
With assistance from:
Jeffrey J. West, PS of
U.P. Engineers & Architects, Inc.
100 Portage St.
Houghton, MI 49931

Upper Peninsula Power Company
Real Estate Dept.
1002 Harbor Hills Drive
Marquette, MI 49855

EXHIBIT A

For: UPPCO
Date: 2-28-2023
Project No: U32-02334

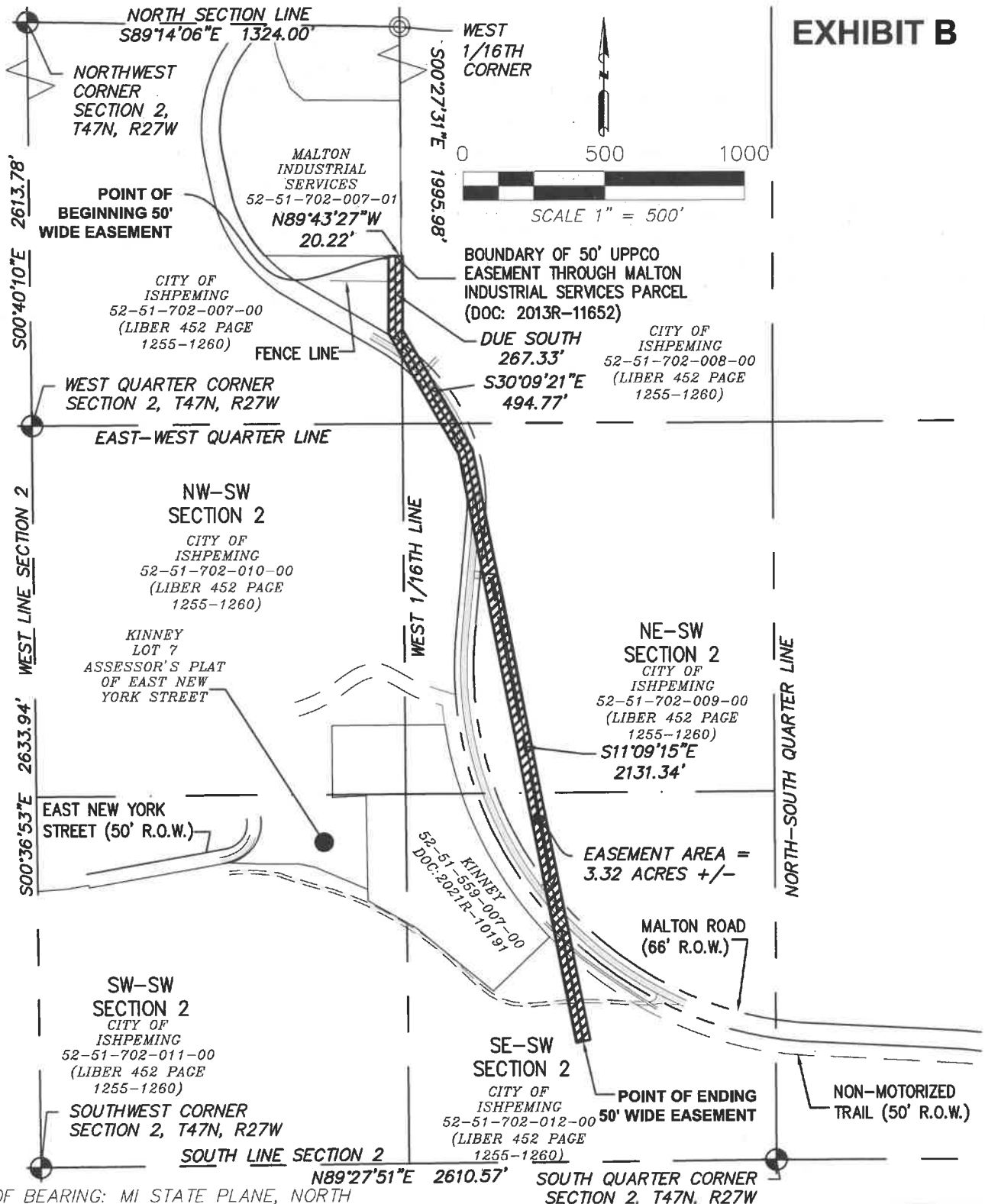
RE: MALTON ROAD EASEMENT FOR ELECTRICAL FACILITIES

Easement Description:

A fifty foot (50') wide easement situated in part of the West Half of Section 2, Township 47 North, Range 27 West, City of Ishpeming, Marquette County, Michigan, the centerline of which is described as follows:

Commencing at the Northwest corner of Section 2; then S89°14'06"E, along the North section line, 1324.00 feet to the West 1/16th corner; then S00°27'31"E, along the West 1/16th line, 1995.98 feet; then N89°43'27"W 20.22 feet to the POINT OF BEGINNING; then the following three (3) courses along the centerline of a fifty foot (50') wide easement, Due South 267.33 feet; then S30°09'21"E 494.77 feet; then S11°09'15"E 2131.34 feet to the POINT OF ENDING, containing 3.32 acres, more or less.

EXHIBIT B



BASIS OF BEARING: MI STATE PLANE, NORTH



100 PORTAGE STREET
HOUGHTON, MI 49931
(906) 482-4810

FOR: UPPCO
MALTON ROAD EASEMENT
SECTION 2, T47N, R27W
MARQUETTE COUNTY, MICHIGAN

PROJECT No: U32-02334
DATE: 01/03/2023
DRAWN: K.P.K.
DWG: 02-47-27
REVISED: 2/28/2023

OTHER OFFICES IN: ISHPEMING, IRON MOUNTAIN, SAULT STE. MARIE, & MARINETTE, WI.

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902 W. Baraga Avenue
Marquette, MI 49855
Office: 906.226.8381
Email: Office@PrimeMQT.com



Prime Specialty Contracting, LLC
Prime Mechanical Contracting
Prime Plumbing, Heating, & Cooling
Prime Metals & Materials

June 2, 2023

Ishpeming Carnegie Library
Attn: Bill Anderson
dpwforeman@ishpemingcity.org

RE: Proposal S-23-103

We appreciate the opportunity to provide this proposal to replace two (2) mini-split systems

Fujitsu Mini-Split Systems..... Lump Sum: \$15,545.⁰⁰

Fujitsu Mini-Split Indoor Units Only..... Lump Sum: \$6,293.⁰⁰

Our assumptions and inclusions are:

Fujitsu Mini-Split Systems

- Disconnect and remove two (2) existing Fujitsu mini-split systems
- Furnish and install two (2) Fujitsu AOU36RLXB outdoor units or equivalent
- Furnish and install two (2) Fujitsu ASU36RLXB wall mounted indoor units or equivalent
- Furnish and install new copper line sets
- Reuse existing line hide to cover new line sets
- Reuse existing electrical disconnects at the outdoor units
- Perform start-up and discuss operating procedures with owner

Fujitsu Indoor Heads

- Disconnect and remove two (2) existing Fujitsu indoor wall mount units
- Furnish and install two (2) ASU36RLXB wall mounted indoor units or equivalent
- Reuse existing line sets and outdoor units

Exclusions

- Engineering, detailing, design, drawings, etc.
- All work to be performed during normal business hours 8am- 4:30pm Mon-Fri.

Our team at Prime appreciates this opportunity. Should you have any questions, or if you would like to discuss, never hesitate to call.

Sincerely,

Don Schetter
Associate Project Manager / Estimator
906-250-2706
Don@primemqt.com

902 W. Baraga Avenue
Marquette, MI 49855
Office: 906.226.8381
Email: Office@PrimeMQT.com



Prime Specialty Contracting, LLC
Prime Mechanical Contracting
Prime Plumbing, Heating, & Cooling
Prime Metals & Materials

TERMS & CONDITIONS

- This proposal is valid for 30 days and shall be considered withdrawn if a deposit is not provided prior to its expiration
- When applicable, all taxes and permit fees are included in this proposal.
- All material is guaranteed to be installed according to all state and local codes and in a professional manner.
- All material and labor supplied by us is warranted for one-year from the date of installation.
- Employees are fully covered by workmen's compensation insurance and general liability insurance.
- Liability of products sold by us are limited to manufacturer's guarantee period and terms.

ACCEPTANCE OF PROPOSAL

PAYMENT SCHEDULE TO BE MADE AS FOLLOWS:

Acceptance of Proposal	50% deposit
Balance Due	Immediately Upon Installation
	Progress Billings if applicable

The above prices, specifications and conditions are satisfactory and are hereby accepted. Field changes are subject to current install rates at per hour/per man, plus materials. Please note, once materials are ordered for this job, not all items can be returned, and some may incur a re-stocking charge. You are authorized to do the work as specified.

Signature: _____

Print Name: _____

Date of Acceptance: _____

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Policy #601

**CITY OF ISHPEMING, MICHIGAN
CITY COUNCIL RULES OF PROCEDURE POLICY**

Initially Adopted: April 4, 2018

Confirmed December 4, 2019

Revised February 3, 2021

SUBJECT: COUNCIL RULES OF PROCEDURE

PURPOSE: Council Rules of Procedure for home rule cities and villages are generally authorized by City Charter. These Rules of Procedure help the Council to run an efficient meeting and to deal with the public and the media in a positive manner. When not in conflict with the City Charter, they may be revised by majority action of the City Council.

POLICY:

I. ETHICAL CONDUCT OF COUNCILMEMBERS

In an effort to maintain the public trust, the City Council of Ishpeming declares that all councilmembers shall avoid any conflict between their private interests and those of the general public they serve. All City officials and employees shall safeguard public confidence by being honest, fair, and respectful of all persons and property with whom they have contact. Furthermore, to enhance the faith of the citizens in the integrity and impartiality of the elected and appointed officials of the City of Ishpeming, it is necessary to provide specific guidelines for dealing with conflicts of interest and the proper conduct of officials.

A. Gratuities

No councilmember shall solicit, accept, or receive, directly, or indirectly, any substantial gift, whether in the form of money, loan, travel, entertainment, hospitality, thing, promise of future employment, promise of benefit, or in any other form of economic interest, under circumstances in which it can reasonably be inferred such gift, favor, or special privilege would not have been extended but for the position of such public official, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the councilmember. It shall be unlawful for a councilmember to use his or her public office for private and economic gain.

B. Preferential Treatment

No councilmember shall use, or attempt to use, their official position to unreasonably secure, request, or grant any privilege, exemption, advantage, contract, or preferential treatment for themselves, a relative, or others.

C. Use of Information

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No councilmember who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use or withhold such information to further the private economic interests of themselves, a relative, or anyone else.

D. Full Disclosure

1. No councilmember shall participate, as an agent or representative of the City, in approving, disapproving, debating, voting, abstaining from voting, recommending, or otherwise acting upon any matter in which he or she has a direct or indirect economic interest without disclosing the full nature and extent of their interests. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the councilmember is involved with the decision-making or advising body, they must make a disclosure to the Mayor in a timely matter. The opinion of the City Attorney shall be binding on the Council with respect to the existence of a conflict of interest (*Charter 4.3 (c.)*).
2. Whenever a councilmember is required to recuse himself or herself, he or she:
 - a. Shall immediately refrain from participating further in the matter;
 - b. Shall promptly inform the Mayor

E. Outside Business Dealings

No councilmember, on his or her own behalf or on behalf of another person, shall have any financial or other direct personal interest in any contractual or non-contractual business transaction with the City unless he or she make full public disclosure of the nature and extent of such interest prior to approval of such transaction.

F. Use of City Property

No councilmember shall, directly or indirectly, make use of or permit a relative or other person to make use of City property of any kind or City personnel resources for purely personal gain or economic benefit. Councilmembers shall strive to protect and conserve all City property including equipment and supplies entrusted or issued to them.

G. Legal Process

No councilmember shall interfere with the ordinary course of law enforcement within the City, and no special favors, consideration, or disposition shall be suggested to or requested of any law enforcement person of the City including City manager, police chief, police officers, code enforcement officers, City attorney, and/or administrative staff concerning any city law enforcement matter including (but not limited to) traffic tickets, ordinance tickets, or

municipal civil infraction citations. This subsection shall not prohibit the City manager, City attorney, and all law enforcement officials from exercising the usual power, control, and discretion which are part of their normal duties. Nor shall the subsection prohibit the Mayor and Council from making policy decisions, enacting legislation, and directing the affairs of the City in accordance with their legal powers and responsibility.

H. E-Mail Procedure

Members shall not respond to e-mails using "reply to all" in response to a specific member, the City Manager, or other staff as that may constitute a violation of the Open Meetings Act.

I. Limitations of the Power of Council

Council shall not direct or request the appointment or removal of any City employee whom the City Manager or his subordinates are empowered to appoint. The members shall deal with the administrative service solely through the Manager, and shall not give orders to any subordinate of the Manager (*Charter 4.4 (c) and 4.4 (d)*).

II. REGULAR AND SPECIAL MEETINGS

All meetings of the Ishpeming City Council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with the following rules:

A. Regular Meetings

1. A regular meeting shall be held at ~~6:00~~ 7:00 p.m. once each month on the first Wednesday following the first Monday, and shall not exceed 9:00 10:00 pm. (*January 6, 1993 minutes and Ordinance 11-200*). An organizational meeting following an election shall be the first regular meeting in the month of December (*Charter 4.1 (b)*).

Commented [c1]: Ord. 11-200 was rescinded. Changes to Council procedures from past Councils are no longer effective.

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- 2.1. Regular meetings may only be rescheduled if the City Council, by motion, sets a different day by indicating the date being changed and establishing another date to take its place. Any change in the regular meeting date must be published in the official newspaper at least one week prior to the regularly scheduled meeting. (*Ordinance 11-200*)

Commented [c2]: This is covered in the Open Meetings Act

- 3.2. The City Council shall hold its meetings at City Hall or at such other place as determined by the City Council. (*Ordinance 11-200*)

- 4.3. No office shall be created or abolished, no taxes or assessment imposed, any contract approved, franchise granted, any street, alley, or public grounds vacated, any real estate or interest therein acquired, sold, or disposed of, or private property taken for public use, unless a majority of those elected to the Council shall vote in favor of the same. (*Charter 14.8*)

Commented [c3]: This seems out of place, and obvious.

5.4. At the first meeting of the year, the Council shall determine an official newspaper and depository for the City's use (*Charter 4.7 and 10.4*).

B. Special Meetings

1. Special meetings shall be called by the City Clerk on the written request of the Mayor, the City Manager, or any two council members on at least eighteen hours written notice to each councilmember sent electronically, served personally, or left at their usual place of residence; but a special meeting may be held on shorter notice if all councilmembers are present or have waived notice in writing (*Charter 4.2*).
2. No business shall be transacted at any special meeting of the City Council unless the same has been stated in the notice of such meeting.
3. No vote of the Council shall be rescinded or reconsidered at a special meeting, unless there is present at least as many members as were present when the vote was taken (*Charter 4.4 (b)*).

C. Posting Requirements for Regular and Special Meetings

1. No later than the first week of January each year the City Council shall provide public notice stating the dates, times, and places of its regular meetings.
2. For a rescheduled regular or special meeting of the Council, a public notice stating the date, time, and place of the meeting shall be posted at the City Hall at least eighteen hours before the meeting, and sent to the news media which have requested such notification. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety, of welfare of the public (*Open Meetings Act 15.265 (5)*).
3. The City Manager and Mayor will determine if a meeting needs to be cancelled due to inclement weather or for other reasons. Notification will be sent to the same list that receives the agendas, which includes requesting the media to announce the cancellation, posting of notice at City Hall, library, and the senior center. Notices are required to be posted on City Hall door.

D. Minutes of Regular and Special Meetings

1. The Clerk/Clerk of the Council shall attend all meetings of the Council and shall keep a permanent record of its proceedings and resolutions in accordance with the Charter and Open Meetings Act. In the absence of the Clerk, the Council may appoint one of its own members or another person to temporarily perform the Clerk's duties (*Charter 5.6 (a)*).
2. The Clerk/Clerk of the Council shall prepare the Official Proceedings of each Council meeting which shall be the minutes required by the Open Meetings Act. Proposed minutes shall be available for public inspection

not more than eight business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection no later than five business days after the meeting at which the minutes are approved by the public body (*Open Meeting Act 15.269 (3)*).

3. "Available for Public Inspection" means that the Minutes will be available on the City's website, as well as posted in City Hall and a copy will be available kept in the City Clerk's~~Manager's~~ office during regular business hours.
4. ~~A copy of the minutes of each regular or special Council meeting shall be available for public inspection at the City Manager's office during regular business hours.~~

Commented [c4]: Combined with 3.

~~E. Work Sessions~~

- ~~1.E. Upon the call of the Mayor or the Manager, and with appropriate notice to the Council members and the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Council member enter into a formal commitment with another member regarding a vote to be taken subsequently.~~

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Commented [c5]: I suggest deleting this. A Special Meeting will allow you to receive information and also discuss and deliberate.

F. Council Reports

1. Council reports shall have a six minute time limit per councilmember. The City Attorney shall be keeper of the six minute rule ~~and if a councilmember does not use the time allotment, it may be transferred to another councilmember (*Motion from Council meeting 11/13/1991*).~~

III. CONDUCT OF MEETINGS

A. Meetings to be Public

1. All regular and special meetings of the Council shall be open to the public, and all persons shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act (*Open Meeting Act 15.268*).
2. All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings (*Open Meetings Act 15.263*).

B. Agenda Preparation

1. An agenda for each regular Council meeting shall be prepared by the City Manager in consultation with the Mayor for the following order of business:

- a. Call to Order
- ~~b. Pledge of Allegiance~~
- c. Roll Call
- d. Public Comment: may not exceed (5) five minutes per person. A person may reserve time to speak on agenda items which may result in the item being moved up on the agenda, at the Mayor's discretion.
- ~~e. Approval of Agenda: the motion should include any additions to, or deletions from, the Manager's suggested Agenda.~~
- ~~f. e. Agenda Comment: may not exceed (3) three minutes per person.~~
- ~~g. f. Consent Agenda~~
- ~~g. Financial Reports~~
- h. Items of Business: Each listed agenda item should be specific and supported by materials in the Council packets together with the Manager's recommendation and budget impact
- ~~i. New Business: intended to introduce a new topic and should be the time when councilmembers ask questions or seek other clarifications. If further information is required, the item can be moved to "Old Business" for an upcoming meeting, by a majority vote of the Council.~~
- ~~j. i. Old Business: intended for items that were on a previous meeting agenda and further information was required before taking action.~~
- ~~k. j. Public Comment, 3 minutes each (August 5, 2020 Regular Meeting)~~
- ~~l. k. Mayor and Council Reports~~
- ~~m. Manager's Report~~
- ~~n. l. Attorney's Report~~
- ~~o. m. Adjournment~~

Commented [c6]: This extra comment time is rarely used, given the ability to make a regular Public Comment.

Commented [c7]: Each item of business should be set forth in advance on the agenda, unless it is not possible to do so before packets go out. Whether an item is "new" or "old" shouldn't matter.

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Commented [c8]: Most of what I do is either already baked in to the presentation at the meeting, or confidential.

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Commented [c9]: see e. above

~~2. Any councilmember shall have the right to add items to the regular agenda, provided support from one additional councilmember is obtained. Any councilmember shall have the right to remove items from the regular agenda by a majority vote of the Council.~~

C. Consent Agenda

A consent agenda may be used to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of

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recognition resolutions, bid awards, contract approvals, lease agreements, recurring business, etc. Upon request by any one member of Council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion. (Policy #603)

D. Agenda Distribution

City administration shall endeavor to distribute agenda packets to the City Council prior to a regular or special Council meeting, but in no case shall distribution occur later than FriThursday prior to a regular scheduled meeting. The deadline for items to be considered for the agenda is the close of business on Monday prior to the distribution of the packet. ~~(October 8, 2014 minutes)~~. Agendas will be posted on the website and at City Hall, and will be e-mailed to media groups. Packet materials will be posted on the website as well.

E. Quorum

Three members of the Council shall constitute a quorum for the transaction of business at all Council meetings (Charter 4.3 (a.)). Any resolution, motion or ordinance of the Council shall require at least 3 affirmative votes (Charter 4.5).

F. Attendance at Council Meetings

1. Election to the City of Ishpeming City Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represents the residents of the City of Ishpeming. Attendance at Council meetings is crucial to fulfilling this responsibility.
2. The Council may, by a majority vote of those present, either request or compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein (Charter 4.3 (b.)).

G. Presiding Mayor

1. The Mayor shall be responsible for enforcing these Rules of Procedure and for enforcing orderly conduct at meetings. The Mayor shall be head of the City government for all ceremonial purposes and for purposes of military law, but shall have no regular administrative duties (Charter 3.4 (c)).
2. The Mayor and Mayor Pro Tempore may speak and vote at meetings the same as any other member of the Council, but shall not have the power to veto (Charter 3.4 (e)).
3. Those councilmembers whose terms do not expire immediately following the election shall be candidates to become the Mayor. The individual receiving the most votes becomes Mayor for a term not exceeding two years, while the candidate receiving the next highest number of votes becomes Mayor Pro Tempore. In the absence or disability of both the Mayor and Mayor Pro-Tem, the Council may

designate another of its members to serve as Acting Mayor during such absence or disability (*Charter 3.4 (a)*).

H. Disorderly Conduct

- ~~1. The Mayor may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings such as walking about or whispering, failing to be germane, speaking longer than the allotted time or speaking vulgarities.~~
- ~~2. If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to be disorderly and disrupt the meeting, the Mayor may order the sergeant at arms to remove the person from the meeting.~~
- ~~3. Any police officer designated by the Mayor or Manager shall serve as the sergeant at arms of the Council in the enforcement of the provision of this section.~~

Commented [c10]: This section has been combined with Section VI.C.

IV. CLOSED MEETINGS

A. Purpose

Closed meetings, which must be approved by vote at an open meeting, may be held only for the reasons authorized in the Open Meetings Act (*Open Meetings Act 15.265*).

B. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk/Clerk of the Council or the designated secretary of the Council at the Closed Session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved (*Open Meetings Act 15.267 (2)*).

V. DISCUSSION AND VOTING

A. Rules of Parliamentary Procedure

1. The rules of parliamentary practice as contained in the latest edition of *Robert's Rules of Order* shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these Rules, City ordinances, the City Charter, or applicable state statutes. (*Charter 4.6*).
2. A vote upon all ordinances and resolutions shall be taken by "yea" and "nay" vote and entered upon the records, except that where the vote is unanimous it shall be necessary to so state (*Charter 4.3 (d)*).

3. The Mayor shall preserve order and decorum and may speak to points of order in preference to other Council members. The Mayor shall decide all questions arising under this authority.

B. Conduct of Discussion

1. Members shall be encouraged to contact staff prior to scheduled meetings to request background information on agenda items that would not be readily available at the meeting, such that staff would have sufficient time to search and obtain information on the request. Council members will call or text the Manager during normal business hours unless necessary to contact him or her at other times, and will be efficient in their communications in order to be respectful of the Manager's other responsibilities.
- ~~1-2.~~ All communications during a council meeting are subject to the Michigan Open Meetings Act, which restricts the use of wire/wireless communication devices during a council meeting. Therefore, no council member shall engage in any form of electronic communications during council meetings.
- ~~2-3.~~ During discussion and debate, no person shall speak until recognized for that purpose by the Mayor. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the Mayor, maintain a courteous tone and avoid interjecting a personal note into debate.
- ~~3-4.~~ No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so. After each council member has had the opportunity to participate in two rounds of discussion, any member may call for a vote on the motion, which ends the deliberation.

C. Ordinances and Resolutions

1. No ordinance, except an appropriation ordinance adopting or embodying an administrative governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.
2. Except in the case of ordinances declared to be emergency ordinances, no ordinance shall be passed by the Council at the same meeting at which it was introduced (*Charter 4.9 (c)*).
3. A vote on all ordinances and resolutions shall be taken by roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or Council rules.

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4. A complete copy of the ordinance or amendment shall be available for public inspection at least three days before the meeting at which it is finally enacted. All ordinances shall be published within ten days after passage and shall become effective upon publication; emergency ordinances shall become effective upon posting (*Charter 4.9 (f)*).

D. Roll Call

In all roll call votes, the names of the members of the Council shall be called in rotating order as determined by the Clerk/Clerk of the Council.

E. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Council members present at the Council meeting shall vote on every matter before the body, unless ~~otherwise excused or~~ prohibited from voting by law or by Charter.

1. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney. No member of the Council shall vote on any question in which that member has any personal or financial interest other than the common public interest. Every public official shall make full and timely disclosure of any personal or financial interest which he has in any matter of public interest to be transacted before him (*Charter 4.3 (c)*).
2. ~~On all other questions -~~ Each member who is present shall vote when their name is called, ~~unless excused by the unanimous consent of the remaining members present.~~
3. All votes must be held and determined in public; no secret ballots are permitted.
4. Prior to calling for a vote, the Mayor should state the question being voted upon.

Commented [c11]: It is unclear that the Council or any other entity has the power to excuse a council member from a duty of office.

VI. PUBLIC PARTICIPATION

A. General and Length of Presentation

1. Each regular and special Council meeting agenda shall provide time for public comment. ~~Every citizen shall receive a fair and impartial hearing on any matter coming before the City Council.~~
2. Any person who addresses the Council during the first time set for general public comment, during a regular meeting, shall be limited to (5) five minutes in length. The second opportunity for public comment shall be limited to 3 minutes per person. By majority vote, Council may extend the time allotted for general public comment.
3. ~~There shall be one public comment section provided for on the agenda during a special meeting. Comment shall be restricted to items on the agenda,~~ with a (3) three minute time limit per person.

Commented [c12]: I don't know anything about the council holding these hearings.

Commented [c13]: Council may not limit the topics of public comment, other than to prohibit personal attacks, vulgarity, threats, etc.

Policy #601

~~4.3. During public comment a member of the public may request permission to speak at the time an agenda item comes before the Council. In addition, if requested by a member of the Council, the Mayor shall have discretion to allow a member of the public to speak at times other than during the time reserved for public comment. There shall be a (3) three minute time limit per person.~~

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Commented [c14]: This duplicates Section III.B.

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~~5.4. When the agenda provides for one or more a public hearings to be conducted during a meeting of the City Council, each person addressing the Council shall be limited to (3) three minutes per hearing meeting.~~

B. Addressing the Council

1. When addressing the Council, unless waived by the Mayor, a person shall state his or her name, physical home address, including municipality.

~~2. The speaker shall address all remarks to the Council as a body in a courteous tone.~~

~~3.2. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.~~

Commented [c15]: Having time limits indicates that you do not want to allow successive opportunities for people to speak.

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~~4.3. No person, after being recognized and given the floor, shall direct their comment to the viewing public or audience in attendance at the meeting. If this occurs, the Mayor may request person to leave the podium.~~

~~5.4. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussions.~~

Commented [c16]: You could consider enacting a time, such as just after public comment ends, when staff and/or council members may respond, particularly when providing information in response to questions asked by the public would be helpful.

~~6.5. Any person who does not use the entire time allotted for public comment shall not be permitted to relinquish the time remaining to another person.~~

C. Rules of Decorum

Meetings of the City Council of Ishpeming shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is retained at all times.

While any meeting of the Council is in session, the following rules of decorum shall be observed:

1. Members of the audience. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling, whispering, clapping, or stamping of feet; or other acts which disturb, disrupt, or otherwise impede the orderly conduct of the Council meeting.
2. Persons Addressing the Council. Each person who addresses the Council at its meetings shall not utter loud, threatening, personal, or abusive language, or engage in any other disorderly conduct which disrupts,

disturbs, or otherwise impedes the orderly conduct of the Council meeting.

3. Enforcement. The rules of decorum set forth shall be enforced by the law enforcement officer designated with the responsibility for maintaining order at the Council meeting:
 - a. Warning. The Mayor or Council designate shall request that a person who is breaching Paragraph 1 or 2 above be orderly and comply with the rules as outlined therein.
 - b. Requested to Leave. Any person making derogatory, slanderous, or insolent remarks, or who become boisterous or disorderly while addressing the Council, may be requested, by the Mayor, to leave the podium.
 - c. Escorted. Any person who continues to act in a boisterous or disorderly manner or who refuses to be seated at the request of the Mayor may be excluded from the remainder of the meeting for a breach of the peace and may be escorted from the meeting by the Chief of Police or by his or her representative (*Open Meetings Act 15.263 (6)*).

VII. MISCELLANEOUS

A. Adoption and Amendment of Rules of Procedure

1. These Rules of Procedure of the Council ~~shall will usually~~ be placed on the agenda at the first meeting of the Council following the seating of the newly-elected Council members for review and adoption. A copy of the Rules adopted shall be distributed to each Council member.
2. The Council may alter or amend its rules at any time, when not in conflict with the City Charter, by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

B. Bid Awards

Bids will be awarded by the Council during regular or special meetings. A bid award may be made at a special meeting of the Council if that action is announced in the notice of the special meeting.

C. Committees

1. Standing and Special Committees of the Council
 - a. There shall be no standing committees of the Council.
 - b. The Council may create a subcommittee of up to two members to examine a specific subject for a period of time.
2. Ad Hoc Committee

Ad Hoc committees may be formed for a specific purpose and for a specific period of time as approved by the City Council. A broad diversity of experts and/or interests may be represented on an Ad Hoc committee.

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LEASE AMENDMENT

AMENDMENT, made as of this ____ day of _____, 2023, between **THE CLEVELAND-CLIFFS IRON COMPANY**, an Ohio corporation (the "Lessor"), and the **CITY OF ISHPEMING**, a Michigan municipal corporation (the "Lessee"), as follows:

Lessee is now in possession of NE1/4 of SW1/4 and the N1/2 of the SE1/4 of the SW1/4, Section 12, 47-27, under Lease No. 3581, dated August 1, 1963, and as amended and executed by both of the parties hereto, with the last amendment having been made December 5, 2019 (hereinafter "Lease.")

The parties hereto are desirous of changing the terms of said Lease in the following respects:

1. To extend the term of the lease for 25 years, through June 15, 2046 as of and effective June 16, 2021, so that on and after said date all the terms, conditions, and covenants therein contained are and remain effective and govern the Parties duties and obligations.

NOW, THEREFORE, it is hereby agreed between the parties hereto that said Lease shall be amended as hereinbefore set forth; and that, except as hereby amended, all other terms and conditions of the Lease (including, but not limited to, all other schedules, exhibits, and amendments thereto) shall continue in full force and effect.

This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument, and it shall not be necessary in making proof of this Amendment to produce or account for more than one such counterpart of each Party.

LESSEE – CITY OF ISHPEMING

By: _____
Jason Chapman
Mayor

Date: _____

LESSOR - THE CLEVELAND-CLIFFS IRON COMPANY

By: _____
Ryan M. Korpela
General Manager

Date: _____