

**AGENDA**  
**ISHPEMING CITY COUNCIL SPECIAL MEETING**  
**Wednesday, September 20, 2017 at 10:00 a.m.**  
**Ishpeming City Hall, 100 E. Division Street, Ishpeming, MI 49849**  
**City Hall Telephone Number: 906-486-1091**

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Meeting Called to Order

Roll Call

Agenda Comment

**AGENDA ITEMS**

1. Public Hearing for the possible vacation of a portion of Industrial Way
2. Adopt Resolution 2017-12, Support for Jasperlite Senior Housing Project
3. Miller Canfield Fee - 2017 General Obligation Unlimited Tax Bonds

Adjournment

Mark Slown  
City Manager

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**CITY OF ISHPEMING**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the Ishpeming City Council on Wednesday, September 20, 2017 at 10:00 a. m. in the Council Chambers at Ishpeming City Hall, 100 E. Division Street, to consider oral or written comments regarding the proposed vacation of the following described public property in the City of Ishpeming:

The Northerly portion of Industrial Way located in the Replat of Blocks 6, 7, & 8  
and Part of Blocks 5 and 9 of Cliff's Seventh Addition to the City of Ishpeming.

Written comments may be submitted to the City Manager's office at 100 E. Division Street prior to the meeting. Questions may be directed to the City Manager's office at the above address or 906/485-1091, Ext. 203.

## **Exhibit "A"**

**Vacation of a portion of Industrial Way located in the Replat of Blocks 6, 7 & 8 and Part of Blocks 5 & 9 of Cliff's Seventh Addition to the City of Ishpeming as recorded in Liber 12 of Plats, Page 252A, being more particularly described as:**

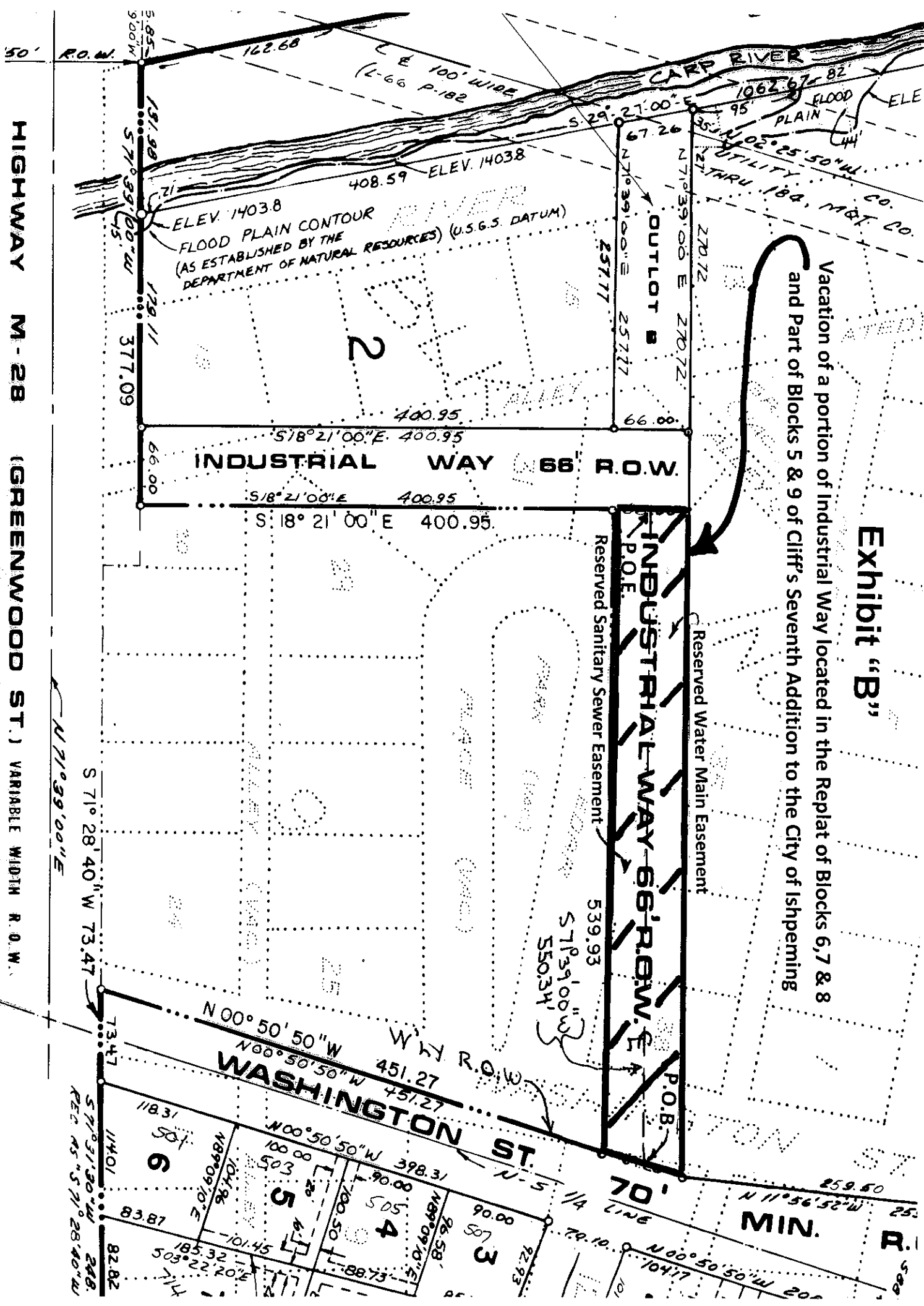
Beginning at the intersection of the platted centerline of Industrial Way, a 66' wide Right-of-Way, with the Westerly Right-of-Way of Washington Street, a minimum 70' wide Right-of-Way; Thence S 71 deg 39' 00" W along said centerline 550.34' to the Point of Ending of said Vacated Right-of-Way, as shown on the attached Exhibit 'B' map.

**RESERVING THEREFROM**, for the City of Ishpeming and their assigns, two (2) municipal easements of sufficient width to permit inspection, maintenance and replacement of existing water and sanitary sewer utilities;

**ALSO RESERVING THEREFROM**, for the City of Ishpeming and their assigns, an access easement for emergency purposes, being fifteen (15) feet wide on either side of the above described centerline.

# Exhibit "B"

Vacation of a portion of Industrial Way located in the Replat of Blocks 6, 7 & 8 and Part of Blocks 5 & 9 of Cliff's Seventh Addition to the City of Ishpeming



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RESOLUTION NO. 2017-12

Resolution of Support for The Jasperlite Senior Housing Project  
And  
Neighborhood Investment Activity Creating an Area of Opportunity for  
Jasperlite Senior Housing Residents

Minutes of a Special Meeting of the City Council of the City of Ishpeming held on Wednesday, September 20, 2017, at 10:00 a.m. at Ishpeming City Hall, 100 E. Division Street, Ishpeming, Michigan.

PRESENT:

ABSENT:

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_:

WHEREAS, the City Council of the City of Ishpeming strongly supports the Jasperlite Senior Housing Project and recognizes the importance of affordable senior housing in its overall housing and economic development strategy; and

WHEREAS, the City does not have a formal Community Revitalization Plan in place, but has completed the evaluation process under the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Community program; and

WHEREAS, the City has recently undertaken nearly \$30,000,000 of substantial revitalization investment aimed at stimulating economic development in downtown Ishpeming, which is adjacent to the proposed affordable housing site, including:

- Streetscape Improvement Project: funded through an MEDC Downtown Infrastructure Grant (DIG) project (totaling \$800,000, including a \$300,000 local match). It was completed in 2015. The project included paving, sidewalk reconstruction, some infrastructure, and various other streetscape elements along Main Street and Hematite Drive, located approximately 3 blocks from the Jasperlite Senior Housing Project site;
- Partridge Creek Diversion Project, Phase 2: This \$8,000,000 project completed rerouting Partridge Creek into the City's storm sewer system in order to mitigate mercury loading from mine runoff into Deer Lake. The project reconstructed a six block area in downtown, starting at a point approximately 2 blocks north of the Jasperlite Senior Housing Project. Phase 2 included approximately 7 blocks of right of way reconstruction and extensive stream restoration and open space improvements adjacent to the Jasperlite project area. The Partridge Creek Project was completed in 2014;

- Trail Construction: Grants from the Michigan Natural Resources Trust Fund resulted in the construction of 3.2 miles of paved trail through downtown Ishpeming and Malton Road which began in 2009 and was completed in 2016. Portions of this trail cross within 2 blocks of the Jasperlite Senior Housing Project site. Additional trail links and amenities in this area are planned for the future;
- Downtown Development Authority Projects: the DDA has currently invested over \$2,500,000 in projects intended to stimulate economic development, in part, by implementing placemaking initiatives and other physical improvements, including entry signs on US Highway 41, recreation improvements, US Highway 41 infrastructure improvements, downtown facade improvements, and construction of Malton Road through the Hematite Heights Area;
- USDA Rural Development Community Facilities Project: The \$1,650,000 project provided renovations to three key City facilities: the Public Safety Facility, the Department of Public Works, and City Hall. All facilities were modernized and made ADA compliant;
- Roundabout Project: In partnership with MDOT the City completed a \$4,000,000 project to construct two roundabouts: one on Highway US-4, and one connecting Second and Third Streets as a means to ease entry into the downtown. This project provides a modern and safe entryway from the US-41 highway into downtown Ishpeming and also to the Jasperlite Senior Housing Project site. This project was completed in 2016;
- Water System Improvement Project: This \$12,000,000 improvement project is being done via USDA Rural Development low-interest bonds and grants. The project will replace about 40% of the City's failing infrastructure. The project is scheduled to begin in 2017 and be completed in 2018; and

WHEREAS, multiple sections of the City of Ishpeming Master Plan support the Jasperlite Senior Housing Project, including Sections 5.1, 5.2, 5.9, 10.2, 10.3, and 10.4.; and

WHEREAS, the Jasperlite Senior Housing Project is located on one of Ishpeming's main thoroughfares and it is a key component of the community's redevelopment efforts. The Jasperlite Project is aligned with the City's overall revitalization and investment strategy because it:

- 1) Repurposes a key vacant grayfield site (vacant from previous demolition) downtown that would otherwise remain vacant;
- 2) Contributes to urban in-fill;
- 3) Provides affordable housing in close proximity to downtown amenities, essential public services, and recreational opportunities; and
- 4) Brings together senior citizens with the adjacent Ishpeming Middle and High School; and

WHEREAS, the City of Ishpeming has demonstrated its support for the Jasperlite Senior Housing Project by approving a Payment In Lieu Of Taxes equal to 4% of annual shelter rents.

Now Therefore, BE IT RESOLVED, that the City Council for the City of Ishpeming expresses its strong support for the Jasperlite Senior Housing Project.

Upon a call of the roll, the vote was:

AYES:

NAYS:

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Ishpeming, County of Marquette, Michigan, at a special meeting held on Wednesday September 20, 2017 at 10:00 am.

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City Clerk

Founded in 1852  
by Sidney Davy Miller

# MILLER CANFIELD

THOMAS D. COLIS  
TEL (313) 496-7677  
FAX (313) 496-8450  
E-MAIL [colis@millercanfield.com](mailto:colis@millercanfield.com)

Miller, Canfield, Paddock and Stone, P.L.C.  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
TEL (313) 963-6420  
FAX (313) 496-7500  
[www.millercanfield.com](http://www.millercanfield.com)

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September 5, 2017

CITY OF ISHPERING  
SEP 11 2017  
RECEIVED

Mr. Mark Slown  
City Manager  
City of Ishpeming  
100 E. Division Street  
Ishpeming MI 49849-2084

Re: 2017 General Obligation Unlimited Tax Bonds

Dear Mark:

We are delighted that we have been asked to serve the City as bond counsel in connection with the proposed issuance of unlimited tax general obligation bonds (the "Bonds") to finance the costs of the fire truck and related equipment. You may be assured of our prompt and complete attention to this financing. As you are aware, it is our practice to provide you and the City with our customary form of engagement letter that sets forth the scope of our services as bond counsel and the nature of our compensation.

### ***Bond Counsel's Role***

Bond Counsel is engaged as a recognized expert whose primary responsibility is to render an objective legal opinion with respect to the authorization and issuance of the Bonds. Our approving legal opinion with respect to the Bonds will be executed and delivered by us in written form on the date the Bonds are exchanged for their purchase price, and will be based upon facts and law existing as of its date. In rendering the opinion, we will rely upon the certified proceedings and other certifications of public officials and by other persons furnished to us without undertaking independent verification of the information contained in the proceedings and certifications.

In performing our services as bond counsel, our client is the City and we will represent its interests. However our representation of the City does not alter our responsibility to render an objective opinion as bond counsel. Upon delivery of the opinion our responsibilities as bond counsel will be concluded with respect to the Bonds.

### ***Scope of Bond Counsel Services – What We Will Do***

As bond counsel, we would provide the following services customarily performed by bond counsel respecting the authorization, sale, issuance and delivery of bonds:



1. Meet or consult with City officials, the City Council, if requested, the City's financial advisor and others to explain the legal nature of a proposed borrowing, the City's power to borrow and the limitations on that power, and consult with City officials and the financial advisor in the design of the bonding program and timing schedules.

2. Prepare all of the necessary bond proposals, resolutions, ordinances, notices, agreements and other documents to authorize, issue and sell the Bonds. We also would assist in preparing required filings with the Michigan Department of Treasury and the Internal Revenue Service.

3. Examine the tax issues related to the Bonds (done by an attorney specializing in the requirements of the Internal Revenue Code as they apply to municipal tax-exempt bonds) to assure that all requirements of the Internal Revenue Code are complied with and that any adverse tax consequences are minimized.

4. Participate in the sale and delivery of the Bonds in order to handle legal matters that may arise at those times.

5. Prepare the bond form for printing definitive bonds for delivery to the purchaser.

6. Give the approving opinion as to validity and enforceability of the Bonds and their authorizing documents and as to the exemption of the interest on the Bonds from federal and state income taxation.

7. Review and pass on the legal accuracy of certain information regarding the Bonds and the exclusion of interest on the Bonds from gross income for taxation purposes and other legal matters relating to the Bonds contained in the official statement respecting the Bonds.

Our professional responsibilities as attorneys in this matter will be limited to interpretations of law and other legal issues and the drafting of legal documents. We are not registered municipal advisors under the federal Dodd-Frank Act. It is our understanding that the City has hired PFM Financial Advisors LLC as its financial advisor for this matter.

#### ***Limitations on Services***

We believe that the above services encompass the normal scope of bond counsel activities. Our services as bond counsel do not include activities outside of that norm, such as review of construction contracts, condemnation, title issues or recording deeds involved in land acquisition or representation of the City in litigation or administrative proceedings that might arise in connection with the Bonds. The matters are handled by the City's attorneys or others the City may employ.

Our engagement does not include any obligation to monitor compliance with the federal tax requirements found in the Internal Revenue Code of 1986 (the "Code") and applicable to the Bonds, including the rebate requirements of Code Section 148(f), if applicable, as described in an exhibit attached to the Nonarbitrage and Tax Compliance Certificate that the City will execute in connection

with the issuance of the Bonds, or in connection with any audit or examination of the Bonds by the Internal Revenue Service. However, we would be available to assist with rebate calculations or any audit or examination as a separate engagement.

***Conflict of Interest Policy***

Our firm is one of the largest in Michigan. In addition to having the largest public finance practice in the State, our attorneys represent a great many clients and our practice is in many different legal areas. At one time or another, our firm has represented nearly every large and many smaller commercial and investment banks and other bond purchasers that do business in Michigan.

We are not representing and do not intend to represent any other party in this financing. We do not believe that our representation in unrelated matters of the various other parties both in and out of the municipal area will affect our ability to serve the City as bond counsel.

Because we are a large firm with many clients we are asked occasionally to represent a client in a matter adverse to the City. We, of course, would decline to represent any client in a matter involving the City that would conflict with our services to the City as bond counsel for the above issue. Moreover, before we would represent a client adverse to the City in any area not involving the bond issue, we would advise the City before undertaking such representation.

***Fees***

It is our understanding that the City is looking at issuing a single series of unlimited tax general obligation bonds in the amount of \$850,000. Our fee as bond counsel would be \$10,000, inclusive of expenses.

Our customary practice is to submit our invoice for payment at the time of the delivery of the Bonds to be paid from the proceeds of the Bonds.

If you have any questions regarding this letter, please give me a call. If I do not hear from you shortly, I will understand that the terms of this letter are satisfactory to the City.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: \_\_\_\_\_

Thomas D. Colis