



CITY COUNCIL MEETING AGENDA

1st and 3rd Thursday of the Month

Marc D. Tall, Mayor
Ronald J. Beauchamp, Mayor Pro-Tem
Patricia A. Baribeau, Council Member
Ralph B. Blasier, Council Member
Michael R. Sattem, Council Member

James V. O'Toole, City Manager
Robert S. Richards, CMC, City Clerk
Ralph B.K. Peterson, City Attorney

City Council Chambers located at: City Hall - 410 Ludington Street - Room C101 - Escanaba, MI 49829

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items listed with an asterisk (*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

Regular Meeting

Thursday, May 15, 2014, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE - Pastor Erik Heskin - Bethany Lutheran Church

APPROVAL/CORRECTION(S) TO MINUTES - Regular Meeting - May 1, 2014

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION

BRIEF PUBLIC COMMENT

PUBLIC HEARINGS

1. **Public Hearing and Adoption - FY 2014-15 Budget.**

Explanation: The Council has conducted four (4) public hearings and two (2) budget work sessions to set a proposed FY2014-15 operating budget. This is the final public hearing on the FY 2014-15 City operating budget and will establish a City millage rate of 17.00 mills.

NEW BUSINESS

(*1. **Approval - Water/Wastewater Plant Chemicals - Water/Wastewater Department.**

Explanation: Administration is seeking Council approval to purchase water and wastewater chemicals for routine plant operations from the listed suppliers based upon the unit costs as stated:

- a. Wausau Chemical Corporation, Wausau, Wisconsin. Award of a bid to furnish approximately 35,000 pounds of hydrofluosilicic acid for use in drinking water treatment in the amount of \$44.685/CWT 2750 lb. tote.
- b. General Chemical Performance Products, LLC, Parsippany, New Jersey. Award of a bid to furnish approximately 100 net tons of aluminum sulfate liquid in the amount of \$477 per dry ton.
- c. BHS Marketing, Salt Lake City, Utah. Award of a bid to furnish approximately 95 net tons of soda ash in 50 pound bags for use in drinking water treatment in the amount of \$18.75/CWT 50 lb. bags.
- d. Kemira Water Solutions, Inc., Lawrence, Kansas. Award of a bid to furnish approximately 50 tons of dry weight ferric chloride in the amount of \$567.65 per dry ton.

- e. Hydrite Chemical Company, Oshkosh, Wisconsin. Award of a bid to furnish approximately 10 tons of liquid chlorine in the amount of \$57.00 per cwt ton cylinders and \$77.00 per cwt 150 lb. cylinders.
 - f. Thatcher Company of Montana, Salt Lake City, Utah. Award of a bid to furnish powdered activated carbon in the amount of \$0.639 per lb. bagged.
2. **First Reading of Ordinance No. 1146, the Appropriations Ordinance, Including the Millage Rate of 17.00 Mills and Setting the Date of Monday, May 19, 2014, for the Second Reading, Public Hearing, and Adoption.**
Explanation: Once the City Council approves the budget, the Council must approve a tax levy and authorize appropriations to implement the budget. Administration is recommending a special meeting for Monday, May 19, 2014, at 8:00 a.m. be scheduled for the second reading, public hearing, and adoption of the Appropriations Ordinance No. 1146.
 3. **First Reading of Ordinance No. 1147, the Tax Levy Ordinance, and Setting the Date of Monday, May 19, 2014, for the Second Reading, Public Hearing and Adoption.**
Explanation: Section 9, Chapter VIII, of the City Charter requires the City, by Ordinance, levy taxes that may be necessary to meet the appropriations' needs. Administration is recommending a special meeting for Monday, May 19, 2014, at 8:00 a.m. be scheduled for the second reading, public hearing, and adoption of Tax Levy Ordinance No. 1147.
 4. **First Reading of Ordinance No. 1148, the Electric Rate Ordinance, and Setting the Date of Monday, June 2, 2014, for Second Reading, Public Hearing, and Adoption.**
Explanation: Annually, the City Council sets electric utility rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1148 and to schedule the second reading and public hearing for June 2, 2014, at 8:00 a.m.
 5. **First Reading of Ordinance No. 1149, the Wastewater Rate Ordinance, and Setting the Date of Monday, June 2, 2014, for the Second Reading, Public Hearing, and Adoption.**
Explanation: Annually, the City Council sets wastewater utility rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1149 and to schedule the second reading and public hearing for June 2, 2014, at 8:00 a.m.
 6. **First Reading of Ordinance No. 1150, the Water Rate Ordinance, and Setting the Date of Monday, June 2, 2014, for Second Reading, Public Hearing, and Adoption.**
Explanation: Annually, the City Council sets water utility rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1150 and to schedule the second reading and public hearing for June 2, 2014, at 8:00 a.m.
 7. **First Reading of Ordinance No. 1151, the Solid Waste Ordinance, and Setting the Date of Monday, June 2, 2014, for the Second Reading, Public Hearing, and Adoption.**
Explanation: Annually, the City Council sets solid waste rates for the next fiscal year. Council is asked to consider this the first reading of Ordinance No. 1151 and to schedule the second reading and public hearing for June 2, 2014, at 8:00 a.m.
 8. **First Reading of Ordinance No. 1152, Fireworks, and Setting the Date of June 5, 2014, for the Second Reading, Public Hearing, and Adoption.**
Explanation: The City Council is being asked to consider this the first reading of Ordinance No. 1152, an ordinance to aid in the regulation and use of consumer fireworks and the public display of fireworks by any association or group of individuals; and set June 5, 2014 for the second reading and public hearing and adoption.

9. Update - The City of Escanaba Recycling Program.

Explanation: Administration will provide an update on recycling activities in the City of Escanaba.

10. Update - Sale of the Power Plant - City Manager's Office.

Explanation: Administration will update the Council and public on the latest developments related to the sale of the Escanaba generating facility.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted



James V. O'Toole
City Manager

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, May 1, 2014**

The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Patricia A. Baribeau, Ronald J. Beauchamp, and Ralph B. Blasier.

Absent: One Vacancy

Also Present: City Manager James V. O'Toole, City Department Heads, media, and members of the public.

Reverend Chris Johnson, of Christ the King Lutheran Church, gave the invocation and led Council in the Pledge of Allegiance.

Blasier moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from April 17, 2014, as submitted.

ADJUSTMENTS TO THE AGENDA

Beauchamp moved, Blasier seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

UNFINISHED BUSINESS

Council Interview – Council Seat Vacancy – City Council.

The City Council interviewed Council Candidates James Hellermann and Michael Sattem for possible appointment to fill the vacant City Council position.

After opening statements from each candidate Council Members asked Mr. Hellermann and Sattem a series of questions on how the City operates, relationship to staff and employees, their goals, and why they wished to be appointed to City Council.

Blasier moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to make a decision this evening.

After discussion, Baribeau moved, Blasier seconded, to appoint Michael Sattem to fill the vacancy on City Council.

Upon a call of the roll, the vote was as follows:

Ayes: Baribeau, Beauchamp, Tall
Nays: Blasier

MOTION CARRIED.

Clerk Richards gave the Oath of Office to Council Member Sattem, who then took his seat on the Council.

PUBLIC HEARINGS

Public Hearing - Proposed 2014-15 Fiscal Year Budget and Setting the Final Public Hearing and Adoption for May 15, 2014.

Council conducted the fourth Public Hearing and scheduled the final public hearing and approval of the 2014-15 City budget for May 15, 2014.

This being a public hearing, Mayor Tall asked if there was any public comment.

Hearing no public comment, Mayor Tall closed the public hearing.

PH-1 Beauchamp moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to set May 15, 2014, as the final public hearing and approval of the 2014-15 City Fiscal Year Budget.

NEW BUSINESS

Approval – Use of Ludington Park – B.A.S.S. Bassmaster Elite Series Angler of the Year Championship Fishing Tournament.

Pure Michigan and the Bays De Noc Convention and Visitors Bureau requested Council authorization to use the Ludington Park Marina, Aronson Island Boat Ramp and North Shore Boat Launch from September 18 – 21, 2014, for their B.A.S.S. Bassmaster Elite Series Angler of the Year Championship Fishing Tournament. Additionally, the parties sought approval to obtain launch passes for competitors, porta-potty rental if needed, and other general support. Administration recommended Council approval provided proper insurance was filed with the City.

Chamber representatives provided a brief overview of the Tournament and the economic statement to the community.

NB-1 Blasier moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve a request from Pure Michigan and the Bays De Noc Convention and Visitors Bureau to use the Ludington Park Marina, Aronson Island Boat Ramp and North Shore Boat Launch from September 18 – 21, 2014, for their B.A.S.S. Bassmaster

City Council Minutes
May 1, 2014 – cont.

Elite Series Angler of the Year Championship Fishing Tournament. Additionally, the parties sought approval to obtain launch passes for competitors, porta-potty rental if needed, and other general support, provided proper insurance was filed with the City.

Approval – Quit Claim Deed – Bay De Noc Community College.

Bay De Noc Community College sought Council approval of a Quit Claim Deed which would quit claim the City's entire reversionary interest to the college. Administration recommended approval. Attorney Peterson briefly reviewed the history of the college and property and the reverter clause which was a cloud in the title as Bay College was going through their refinancing.

NB-2 Blasier moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to approve of a Quit Claim Deed which would quit claim the City's entire reversionary interest to the college subject to correction of any scribner errors.

Update – Sale of the Power Plant/Referendum – City Manager's Office.

Manager O'Toole updated the Council and public on the latest developments related to the sale of the Escanaba generating facility and the upcoming May 6, 2014, referendum.

Escanaba Green Energy Representative Charles DeTiege advised the closing date would occur May 9, 2014.

APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

Mayor Tall, with Council Consensus, made the following appointments:

The following individual was appointed to fill a vacancy. The term will be expiring and this individual wishes to be reappointed to her first complete term.

Janice Hallett to the Board of Library Trustees, term ending June 1, 2017.

These individuals wish to be reappointed to their second term:

Priscilla Green to the Board of Library Trustees, term ending June 1, 2017;
David Pinozek Jr. to the Harbor Advisory Committee, term ending June 1, 2017.

With Council consensus, Mayor Tall appointed Council Member Sattlem to the Brownfield Redevelopment Authority, Public Safety Retirement Board, Loan Administration Board and the Housing Commission as a Council Liaison.

BOARD, COMMISSION, AND COMMITTEE REPORTS

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

GENERAL PUBLIC COMMENT

Charles DeTiege commented on Mega Millions cash awards scam and encouraged members of the public not to fall for it.

ANNOUNCEMENTS

- Delta Animal Shelter fundraiser May 9th at the Fairgrounds at 8:00 p.m.

Hearing no further public comment, the Council adjourned at 8:04 p.m.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: _____
Marc D. Tall, Mayor

P.H. 1
CC 5/15/14

BUDGET PROCESS

The development and adoption of the City's budget is based upon requirements as set forth in the City Charter and Act 2, P.A. of 1968 of the State of Michigan, the "Uniform Budgeting and Accounting Act". The following is a summary of the significant legal requirements and City policies which govern the budget process.

Act 2, Public Acts of 1968 of the State of Michigan requires a formal budget for all funds except Internal Service, Enterprise or Public Improvements/Building and Site funds, which require an "informational summary" in lieu of a formal budget. The City Charter requires submission of the budget to the City Council no later than two months prior to the beginning of the ensuing fiscal year, which begins July 1. The City Charter further defines the information required to be presented in the budget and the requirements of a public hearing prior to adoption. The City Charter and State law also require that an appropriations ordinance be adopted, based on the approved budgets, no later than one month prior to the beginning of the ensuing fiscal year. All budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

As prescribed by State law, the City's general appropriations ordinance must include all Governmental and Expendable Trust Fund types. This includes the General Fund, all Special Revenue Funds, all Capital Projects Funds and all Expendable Trust Funds. Proprietary Funds do not require inclusion in the general appropriations ordinance.

The general appropriations ordinance prescribes the legal expenditure limits for all funds required to be included in the ordinance. The level of control for each fund is based upon the level to which the ordinance details it. Most budgets are adopted on a fund basis, but the General Fund is adopted to the activity level of various functions or programs within the General Fund. Administrative control of expenditures is maintained through the utilization of the detailed line item budgets upon which the appropriations ordinance is based.

The City Charter states that at any meeting after the passage of the general appropriations ordinance, with at least one week's printed notice in a City newspaper, the Council may amend the general appropriations ordinance. Budget amendments may be required due to several factors: receipt of outside grants during the year, expenditures for unanticipated developments and for projects continuing over two fiscal years. Unexpended appropriations lapse at year-end.

The preparation of the budget begins in December of the prior fiscal year with the distribution of budget worksheets and instructions from the Controller's Office to all departments. Budgets are submitted by the various departments and are presented to the City Manager as "requested" funding. During January and February, budgets are reviewed by the City Manager and the department heads, with "recommended" funding levels based on (1) goals established by the City Council, (2) available and anticipated funding sources and (3) other financial and administrative concerns and goals. Based upon these reviews, a document is prepared for presentation to the City Council in the form of a "Proposed Budget".

During the budget formulation period of January through March, a minimum of three Public Hearings are held during the regularly scheduled Council meetings in order to encourage public input into the budget process. The hearings, which are publicized in the local media, request comments or suggestions for the institution, deletion and increased/decreased funding for any programs normally associated with standard municipal operations. By requesting the input during this time period, comments can be more easily incorporated into the budget process than they can be during the final, formal budget adoption hearing.

In April, the Proposed Budget is presented to the City Council as formulated by the City Manager. Budget work sessions, open to the public, follow the presentation and represent the City Council's detailed review of all the City's budgets. Based on these hearings, the Council determines the "final" funding levels of all municipal operations.

In May, based on Charter requirements, two public hearings are held on the Proposed Budget, at which time any changes can be made to the "final" documents based on majority approval of the City Council. The City budget is formally adopted by the City Council at the second of the two May hearings described above. The adopted budget represents administrative expenditure levels authorized by the City Council. Additionally, May hearings result in the adoption of the General Appropriations Ordinance, which sets the legal limits of expenditures, and the Tax Levy Ordinance, which sets the millage rate of the ensuing fiscal year.

GLOSSARY OF TERMS

ASSESSED VALUATION

The value placed upon property, equal to 50% of market value, as required by State law.

BUDGET AMENDMENT

Adjustments made to the budget during the fiscal year, by the City Council, to properly account for unanticipated changes which occur in revenues and/or expenditures and for program initiatives approved during the fiscal year.

CAPITAL OUTLAY

Expenditures relating to the purchase of equipment, facility modifications, land and other fixed assets.

DEBT SERVICE

The planned accumulation of revenues and appropriation of expenditures for the retirement of long-term debt principal and interest.

FINAL BUDGET

Adopted by the City Council based on the City Manager's proposed budget, public hearings and Council goals and direction, this document sets administrative levels for revenues and expenditures for City programs. This document is the basis for the general appropriations and tax levy ordinances, which set legal expenditure limits.

FISCAL YEAR

A twelve-month period designated as the operating year for an entity. The fiscal year for the City of Escanaba is July 1 – June 30.

FUND

An independent fiscal entity with a self-balancing set of accounts recording its revenues and expenditures.

FUND BALANCE

An excess of revenues over expenditures, segregated by fund.

GENERAL APPROPRIATIONS ORDINANCE

Adopted by the City Council based on the final budget, this sets the legal expenditure limits for all funds which require formal appropriations under State law.

MILL

A taxation unit equal to one dollar of tax obligation for every \$1,000 of taxable valuation of property.

MILLAGE

The total tax obligation per \$1,000 of taxable valuation of property.

ORGANIZATION CHART

A chart representing the authority, responsibility and relationships among departmental entities within the City organization.

PROPOSED BUDGET

The City's revenue and expenditure plan for the fiscal year, as prepared and recommended by the City Manager, for City Council consideration.

STATE EQUALIZED VALUATION (SEV)

The assessed valuation of property in the City, as determined by the local Assessor and then reviewed and adjusted, if necessary, by the County and the State, to assure that it equals 50% of market value, as required by State law. While used in the tax bill calculation process, SEV is not the value upon which property taxes are calculated.

TAXABLE VALUE

The value of property upon which the millage rate is applied to calculate property taxes. This amount is based upon the lower of State Equalized Valuation (SEV) or the "capped" value, which equals the prior year's taxable value adjusted by the Consumers Price Index (not to exceed 5%), adjusted for additions and losses.

TAX BASE

The total taxable value of property in the City.

TAX LEVY ORDINANCE

Adopted by the City Council based on the final budget and the revenues required to fund the plan, this sets the millage rate for City property taxes for the ensuing year.

FUND DESCRIPTIONS

The City of Escanaba provides a full range of services, including public safety, garbage collection, street construction and maintenance, traffic signalization, planning and zoning, parks and recreation, marina, library, public works, economic development and general administrative revenues. Additionally, the City operates electric, water and wastewater utilities.

The diverse nature of these operations and the necessity of assuring both legal compliance and fiscal accountability preclude recording and summarizing all transactions and balances in a single accounting entry. Based on both legal and technical requirements, City operations are treated as a combination of many distinctly different fiscal and accounting entities, each having a separate set of accounts and functioning independently of each other. Each set of accounts is termed a fund, which is defined as a fiscal accounting entity with a self-balancing set of accounts recording cash and other financial resources together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

Again, due to the diverse nature of the City's operations, in addition to having a variety of funds, there are also several classifications of funds. The classification of a fund determines how budgeting and accounting rules are applied. As an example, the General Fund of the City is considered a governmental fund, which dictates that capital outlays, regardless of amount or the life of the acquisition, be treated as expenditures while the Electric Fund, which is considered an enterprise fund, treats capital outlays as additions to the balance sheet to be annually expended over the acquisition's expected life by a charge to depreciation.

The following information provides a brief description of the different classifications of funds, which are in use for City accounting purposes.

GOVERNMENTAL FUNDS

Governmental funds are accounted for using a spending measurement, or cash-flow, focus. This means that only current assets and current liabilities are generally included on their balance sheets. Their fund balance (net current assets) is considered a measure of "available spendable resources". The following are different varieties of governmental funds:

General Fund – to account for all financial resources except those to be accounted for in another fund.

Special Revenue Funds – to account for revenue sources that are legally restricted to expenditure for specific purposes.

Capital Projects Funds – to account for financial resources to be used for the acquisition or construction of major capital facilities, other than those financed by proprietary funds, Special Assessment Fund and Trust Funds.

Debt Service Funds – to account for the accumulation of resources for, and the payment of, general long-term principal and interest.

PROPRIETARY FUNDS

Proprietary funds are accounted for using a capital maintenance measurement focus. This means that total assets and total liabilities associated with their operations are included on their balance sheets. Their net assets are segregated into several different components. The following are different varieties of proprietary funds:

Enterprise Funds - to account for operations that are financed and operated in a manner similar to private business enterprises, where the interest is that all costs of procuring goods and services be financed or recovered through user charges.

Internal Service Funds - to account for the financing of goods or services between departments on a cost-reimbursement basis.

FIDUCIARY FUNDS

Fiduciary funds are accounted for in two manners, depending on the specific fund type. Expendable Trust Funds are a spending measurement focus. Non-expendable Trust Funds and Pension Trust Funds use a capital maintenance focus. Agency funds are custodial in nature and do not involve measurement of results of operations.

Below is a classification and brief description of each fund, which the City of Escanaba maintains:

GOVERNMENTAL FUNDS

General Fund – The General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund. The main revenue sources for General Fund expenditures include property taxes and State shared revenues.

Special Revenue Funds – Special Revenue Funds are used to account for the proceeds of specific revenue sources (other than expendable trusts or major capital projects) that are legally restricted to expenditures for specific purposes. Special revenue funds used by the City are as follow:

Major Street Funds – This fund accounts for revenues and expenditures in connection with the street system designated as major streets by the State of Michigan. This fund is required under State law. The main revenue source for Major Street Fund expenditures are gas/weight taxes collected and distributed by the State.

Local Street Fund – This fund accounts for revenues and expenditures in connection with the street system designated as local streets by the State of Michigan. This fund is required under State law. The main revenue source for Local Street Fund expenditures are gas/weight taxes collected and distributed by the State and transfers from various City funds.

Grants Fund – This fund accounts for revenues from various sources, including City matching shares, received under one-time grants. Expenditures are restricted to accomplishing the goals as defined in the individual grant offers.

Library Fund - This fund accounts for revenues and expenditures directly attributable to Library operations. The main revenue sources for Library Fund expenditures include a County-shared penal fines and a transfer from the City's General Fund.

Land Development Fund – This fund accounts for revenues and expenditures in connection with the development and sale of City-owned land. It was established to provide on-going financing for water, sewer, storm sewer and street development in the City's industrial parks. The main revenue sources for Land Development Fund expenditures include land sales and interest earnings.

Downtown Development Authority Fund – This fund accounts for revenues and expenditures in connection with developing and maintaining the Downtown Development Authority District. The main source of revenue for DDA Fund expenditures are Tax Increment Financing (TIF) tax receipts.

Brownfield Authority Fund – The main source of revenue for Brownfield Authority Fund expenditures are Tax Increment Financing (TIF) tax receipts. Expenditures are restricted to property improvements, with a goal of providing land owners with a number of incentives to return abandoned or obsolete properties to functional uses.

Housing Rehab Fund – These funds are used to account for various sources of revenues, which are utilized for the purpose of upgrading the City's housing stock. The funds are separated to account for different funding sources and different purposes, including rehabilitation of both investor-owned buildings and owner-occupied housing.

Revolving Loan Funds – These funds were established to account for funds granted to the City to make loans to concerns which show the capacity for the creation of jobs. The EDA Revolving Loan Fund was established through the U.S. Department of Commerce, under its Economic Development Administrator's Title IX Adjustment Implementation Program. The MSC Revolving Loan Fund was established through the Michigan Department of Commerce Small Cities Program. Under each grant, loan repayments, including interest, are used to make further loans to concerns meeting specific criteria. These funds are not included in the grants fund, which includes only expendable grants, as this fund will be used to account for the Revolving Loan Fund proceeds after the initial funds have been expended.

Farmers Home Grant Fund – This fund accounts for revenues and expenditures in connection with a grant received from the Farmers Home Administration to assist a local property owner in the rehabilitation of industrial rental property. The original program resulted in a combination grant and loan to the developer, with the loan portion to be repaid to the City and used for similar future programs.

Parking Maintenance Fund – This fund accounts for revenues and expenditure related to the maintenance of parking lots. The main revenue sources for Parking Maintenance Fund expenditures include a contract with the DDA and a transfer from the City's General Fund.

Urban Development Action Grant – This fund was established to account for funds granted to the City by the U.S. Department of Housing and Urban Development to make a loan to the DIAL Corporation to be used for Delta Plaza improvements and related expenditures. Collection of interest and principal on this loan must be used for economic development activities.

Sanitary Landfill Fund - This fund is used to record receipts from the monthly billings of the garbage collection fees; the funds are ultimately transferred to the General Fund.

Drug Law Enforcement Fund - This fund is used to record the receipt of forfeiture funds obtained from the sale of property determined to be connected to the sale of illegal drugs; the funds are ultimately transferred to the Upper Peninsula Substance Abuse Team to provide funding for drug enforcement activities.

Delta County Central Dispatch Authority Fund - This fund is used to record the revenues and expenses associated with the City's providing county-wide dispatching services to the Delta County Central Dispatch Authority.

Capital Projects Funds – Capital Projects Funds are used to account for financial resources to be used for acquisition or construction of major capital facilities (other than those financed by proprietary funds and trust funds). Main revenue sources include Federal and State grants and City matching shares from a variety of City funds. No capital projects are proposed for 2014/2015.

PROPRIETARY FUNDS

Enterprise Funds – Enterprise Funds are used to account for operations (a) that are financed and operated in a manner similar to private business enterprises – where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes. Enterprise Funds used by the City area as follows:

Electric Utility Fund - This fund is used to record the operations of an electrical utility.

Water Utility Fund - This fund is used to record the operations of a water system.

Wastewater Utility Fund - This fund is used to record the operations of a wastewater system.

Marina Fund – This fund accounts for the operation of the City marina and is required under a grant agreement with the State of Michigan. The main source for the Marina Fund expenditures includes user fees and various grant programs.

Internal Service Funds – Internal Service Funds are used to account for the financing of goods or services provided by one department or agency to other departments or agencies of the City, on a cost-reimbursement basis. Internal Service Funds used by the City are as follows:

Escanaba Building Authority – This fund accounts for the loans and repayments in connection with the City's Public Works/Purchasing Complex and the City Hall/Library Complex construction projects.

Health/Dental Insurance Fund – This fund is used to account for the City's partial self-insured employees' health and dental insurance programs.

Motor Vehicle and Equipment Fund – This fund accounts for the cost of acquiring, maintaining and providing vehicle and equipment usage to various City departments. Such costs are billed to user departments in the form of rent.

Office Equipment Fund – This fund accounts for the cost of acquiring, maintaining and providing various office equipment usages to various City departments. Such costs are billed to user departments in the form of rents.

Risk Retention Fund – This fund is used to account for the City's general liability and property partial self-insurance program.

Workers' Compensation Fund – This fund is used to account for the City workers' compensation self-insurance program.

Unemployment Compensation Fund – This fund is used to account for the City's unemployment compensation self-insurance.

FIDUCIARY FUNDS

Trust and Agency Funds – Trust and Agency Funds are used to account for the assets held by the City in a trustee capacity or as an agency for individuals, private organizations, other governments, and/or other funds. These include Expendable Trust, Non-expendable Trust, Pension Trust and Agency Funds. Non-expendable Trust and Pension Trust Funds are accounted for in essentially the same manner as proprietary funds since capital maintenance is critical

Expendable Trust Funds are accounted for in essentially the same manner as governmental funds. Agency Funds are custodial in nature and do not involved measurement of results of operations. Trust and Agency Funds for the City are as follows:

Expendable Trust Funds:

Catherine Bonifas Fund – This fund accounts for monies received of a bequest under the Last Will and Testament of Catherine Bonifas.

Bezold Trust Fund – This fund accounts for monies received of a bequest under the Last Will and Testament of Margaret A. Bezold. Under the terms of her bequest, these funds can only be used for library purposes.

Non-expendable Trust Funds:

Gas Retirement Fund – this fund accounts for funds received from the sale of the City's Gas Utility in June 1965, to Michigan Consolidated Gas Company. By a voter referendum on November 2, 1965, the City is prohibited from expending any principal resulting from the sale. Additionally, the interest earned from the investment of the principal must be spent on "capital improvements" only.

Pension Trust Funds:

Public Safety Pension Fund – This fund is used to record the operations of the Public Safety Employees Retirement System.

Agency Funds:

Tax Collection Fund – This fund is used to account for the collection and payment of amounts received by the City in an agency capacity for governmental units assessing a property tax on property within the City limits.

2014-2015 BUDGET SUMMARY

The following tabulation represents a summary of the majority of the City's funds, revenues and expenditures, as an illustration of the scope of the municipal operations. Internal service funds are not included, as revenues for these funds are recorded as expenditures in various funds and inclusion would result in an overstatement of expenditures. Of the fiduciary funds, only the Gas Retirement Fund and Catherine Bonifas Fund are included. Capital expenditures are not included for the utility funds.

Where applicable, use of fund balance is shown as a revenue source, as prescribed by State Law. It is important to note that this schedule is not prepared according to Generally Accepted Accounting Principles, as there are no eliminations of inter-fund transfers.

	<u>Revenues</u>	<u>Expenditures</u>
General Fund	\$ 7,666,466	\$ 7,664,995
Major Street Fund	859,388	859,388
Local Street Fund	654,872	654,872
Library Fund	531,274	531,274
Land Development Fund	83,500	83,500
D.D.A. (Downtown Development Authority)	347,976	347,976
Catherine Bonifas Trust Fund	100,000	100,000
Delta County Central Dispatch Authority	716,816	716,816
Revolving Loan Funds (4)	78,250	4,700
Parking Maintenance Fund	43,000	43,000
Gas Retirement Fund	<u>20,000</u>	<u>17,000</u>
 TOTAL CITY OPERATIONS	 \$ 11,101,542	 \$ 11,023,521
 Enterprise Operations:		
Electric Utility Fund	\$ 13,375,550	\$ 13,418,223
Water Utility Fund	2,175,950	1,990,707
Wastewater Utility Fund	1,392,000	1,385,364
Marina Fund	<u>242,950</u>	<u>272,804</u>
 TOTAL UTILITY OPERATIONS	 \$ <u>17,186,450</u>	 \$ <u>17,067,098</u>
 GRAND TOTAL	 \$ <u>28,287,992</u>	 \$ <u>28,090,619</u>

THIS PAGE INTENTIONALLY LEFT BLANK

MEMORANDUM

May 5, 2014

To: **Jim O'Toole, City Manager**
Info: Robert Richards, City Clerk
From: Jeff Lampi, W & WW Supt.

Re: Recommendations on the "Process Chemical Bids" for both the Water and Wastewater Treatment Plants for fiscal year **2014-2015**.

Hydrofluosilicic Acid Last year: \$45.80 / hundred in 12-13
Hydrite Chemical Co. No Bib / hundred (3070 lb Tote)
Hydrite Chemical Co. \$50.00 / hundred (300 lb Drum)
Wausau Chemical Corp. \$44.685 / hundred (2750 lb Tote)
Wausau Chemical Corp \$53.35 / hundred 300 lb Drum

Aluminum Sulfate Last year: \$488.00 / Dry Ton in 13-14
General Chemical Performance Products, LLC \$477.00 / Dry Ton
USALCO Michigan City Plant, LLC \$652.90 / Dry ton

Soda Ash \$19.47 / hundred in 13-14
Thatcher Co. \$19.34 / hundred in 50 lb bags
Univar \$19.40 / hundred in 50 lb bags
BHS Marketing \$18.75 / hundred in 50 lb bags

Ferric Chloride \$577.56 / Dry Ton in 13-14
PVS Technologies, Inc. \$591.00 / Dry Ton
Kemira Water Solutions, Inc. \$567.65 / Dry ton

Chlorine \$58.50 /hundred in ton cyl. in 13-14
\$78.00 /hundred in 150 lb cyl in 13-14
Hydrite Chemical Company \$57.00 /hundred in ton cyl.
\$77.00 /hundred in 150 lb cyl.
Wausau Chemical Inc. No bid /hundred in ton cyl
No bid /hundred in 150 lb cyl

Powdered Activated Carbon \$0.684 / lb in 13-14
Thatcher Company of Montana \$0.639 / lb bagged
Carbon Activated Corporation \$0.66 / lb bagged

I recommend acceptance of the low bids shown above in bold print and highlighted.

Because the total amount of chemicals needed over the next year are estimated, the bids should be awarded on their units amounts.

HYDRO-FLUOSILICIC ACID

FURNISH APPROXIMATELY 35,000 POUNDS OF
HYDRO-FLUOSILICIC ACID IN THIRTY (30) GALLON
DRUMS OR FIFTEEN (15) GALLON DRUMS OR TOTES,
MEETING A. W. W. A. STANDARDS AND NSF STANDARD
#60 FOR USE IN DRINKING WATER TREATMENT

TO BIDDERS: MARCH 26, 2014

ADVERTISED: MARCH 29, 2014

BID OPENING: APRIL 15, 2014

INVITATIONS TO BID SENT TO: FOUR (4)

HYDRITE CHEMICAL COMPANY
191 WEST 28 AVENUE
OSHKOSH, WI 54901

WAUSAU CHEMICAL COMPANY
P.O. BOX 953
WAUSAU, WI 54401

GENERAL CHEMICAL PERFORMANCE PRODUCTS
ATTN: BID DEPT-WATER CHEMICALS
90 EAST HALSEY ROAD
PARSIPPANY, NJ 07054

STERLING WATER TECHNOLOGIES
PO BOX 602
COLUMBIA, TN 38402-0602
ATTN: BEVERLY ROBINSON-BIDS/SALES DEPT

BIDDER'S PROPOSAL

DATE: _____

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 35,000 POUNDS OF HYDRO-FLUOSILICIC
ACID IN THIRTY (30) GALLON DRUMS OR FIFTEEN (15)
GALLON DRUMS OR TOTES, MEETING A. W. W. A. STANDARDS
AND NSF STANDARD #60 FOR USE IN DRINKING WATER
TREATMENT**

F.O.B. WATER PLANT, ESCANABA, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER CWT IN DRUMS: \$ _____
PRICE PER CWT IN TOTES: \$ _____
TOTAL PRICE: \$ _____

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ _____
(MUST BE INCLUDED TO QUALIFY)

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:
FIRM: _____
ADDRESS: _____
CITY/STATE/ZIP: _____
BY: _____
PRINTED: _____
TITLE: _____
PHONE: _____ FAX _____

NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the office of the City Clerk, on or before 2p.m. e.s.t, on: Tuesday, April 15, 2014

FURNISH APPROXIMATELY 35,000 POUNDS OF HYDRO-FLUOSILICIC ACID IN THIRTY (30) GALLON DRUMS OR FIFTEEN (15) GALLON DRUMS OR TOTES, MEETING A.W.W.A. STANDARDS AND NSF STANDARD #60 FOR USE IN DRINKING WATER TREATMENT

The bids will be publicly opened and read in Room 101 in the City Hall located at 410 Ludington Street, Escanaba, Michigan at said date and time.

Bidder's proposals, and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan, 49829. No bids will be considered unless the proposal form and /or specifications (furnished by the City of Escanaba, Michigan), are properly completed and enclosed in a sealed envelope, marked:

"CITY OF ESCANABA HYDRO-FLUOSILICIC ACID BID OF APRIL 15, 2014"

In addition, the City of Escanaba, Michigan will not consider any proposal which has not been Received prior to the published time, date and year of bid opening. (FAX transmittals will not be accepted.)

A Certified Check, Cashier's Check, or Bidder's Bond, drawn payable, without condition, to the City of Escanaba, Michigan, in an amount not less than 10% of the bid, will be submitted with each proposal as a guarantee that if the bid is accepted, the bidder will furnish materials or services as stated in his or her proposal. On failure of the successful bidder to fulfill the conditions of his or her proposal, he or she shall forfeit said deposit to the City of Escanaba, Michigan as liquidated damages. The acceptance of the proposal will be contingent upon the bidder's acceptance of this provision.

The City of Escanaba, Michigan reserves the right to reject any or all bids, or any part thereof at its discretion, and to waive any irregularities in the bidding. The City of Escanaba, Michigan may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan bids are prepared to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

Thomas J. Penegor
Purchasing Agent
City of Escanaba

BIDDER'S PROPOSAL

DATE: 4/9/14

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

APPROXIMATELY 35,000 POUNDS OF HYDRO-FLUOSILICIC
ACID IN THIRTY (30) GALLON DRUMS OR FIFTEEN (15)
GALLON DRUMS OR TOTES, MEETING A. W. W. A. STANDARDS
AND NSF STANDARD #60 FOR USE IN DRINKING WATER
TREATMENT

F.O.B. WATER PLANT, ESCANABA, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER CWT IN DRUMS:	\$ <u>50.00 / cwt</u>
PRICE PER CWT IN TOTES:	\$ <u>-</u>
TOTAL PRICE:	\$ <u>17,500.00</u>

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ 10% ... 10% = 1750.00
(MUST BE INCLUDED TO QUALIFY)

NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY

SUBMITTED BY:

FIRM: Hydrite Chemical Co.

ADDRESS: 300 N. Patrick Blvd

CITY/STATE/ZIP: Brookfield, WI 53045

BY: Kim Brown

PRINTED: Kim Brown

TITLE: Municipal Bid Mgr.

PHONE: 414-365-7490 FAX 414-365-7440

Kim.brown@hydrite.com

BIDDER'S PROPOSAL

DATE: 3-28-14

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 35,000 POUNDS OF HYDRO-FLUOSILICIC
ACID IN THIRTY (30) GALLON DRUMS OR FIFTEEN (15)
GALLON DRUMS OR TOTES, MEETING A. W. W. A. STANDARDS
AND NSF STANDARD #60 FOR USE IN DRINKING WATER
TREATMENT**

F.O.B. WATER PLANT, ESCANABA, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER CWT IN DRUMS:	165.20	\$	<u>55,067</u>
PRICE PER CWT IN TOTES:	1228.85	\$	<u>44,685</u>
TOTAL PRICE:		\$	<u>15,640.75</u>

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ _____
(MUST BE INCLUDED TO QUALIFY)

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:

FIRM: Wausau Chemical Corp
ADDRESS: PO Box 953 / 2001 N River DR
CITY/STATE/ZIP: Wausau, WI 54403
BY: [Signature]
PRINTED: Art Flashinski
TITLE: Operations Manager
PHONE: 800-950-6656 FAX: 715-842-2285

See Attached

Escanaba WTP 2014 bid notes

Although we will make every effort not to increase quoted prices if adverse market conditions develop we reserve the right to address accordingly.

Pricing is based on our normally scheduled delivery every four weeks. A schedule can be obtained anytime at www.wausauchemical.com.

Containers will be billed with a deposit of zero dollars. Upon return they will be credited at zero dollars. Containers not returned at the conclusion of a contract will be billed at \$25.00 for 15 gallon carboys, \$30.00 for 30 and 55 gallons drums, \$150.00 for totes and \$300 for 150# chlorine cylinders.

ALUMINUM SULFATE LIQUID

FURNISH APPROXIMATELY 100 NET TONS OF
ALUMINUM SULFATE LIQUID (APPROXIMATELY
4000 GALLONS EACH LOAD), MEETING A. W. W. A. STANDARDS
AND NSF STANDARD #60 FOR USE IN
DRINKING WATER TREATMENT

TO BIDDERS: MARCH 26, 2014

ADVERTISED: MARCH 29, 2014

BID OPENING: APRIL 15, 2014

INVITATIONS TO BID SENT TO: SIX (6)

USALCO
1120 MIDDLE RIVER ROAD
BALTIMORE, MD 21220

GENERAL CHEMICAL PERFORMANCE PRODUCTS
ATTN: BID DEPT-WATER CHEMICALS
90 EAST HALSEY ROAD
PARSIPPANY, NJ 07054

GENERAL CHEMICAL LLC
90 EAST HALSEY ROAD
PARSIPPANY, NJ 07054
ATTN: SALES/MARKETING

PVS NOLWOOD
10900 HARPER AVENUE
DETROIT, MI 48213
ATTN: ANGELA ZAPOLI

STERLING WATER TECHNOLOGIES
PO BOX 602
COLUMBIA, TN 38402-0602
ATTN: BEVERLY ROBINSON-BIDS/SALES DEPT

KEMIRA WATER SOLUTIONS
3211 CLINTON PARKWAY CT
STE #1
LAWRENCE, KS 66047
ATTN: JUDY LAFOND

BIDDER'S PROPOSAL

DATE: _____

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 100 NET TONS OF ALUMINUM SULFATE
LIQUID (APPROXIMATELY 4000 GALLONS EACH LOAD),
MEETING A. W. W. A. STANDARDS AND NSF STANDARD #60
FOR USE IN DRINKING WATER TREATMENT**

F.O.B. WATER PLANT, ESCANABA, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER TON: \$ _____

TOTAL PRICE: \$ _____

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ _____
(MUST BE INCLUDED TO QUALIFY)

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:
FIRM: _____
ADDRESS: _____
CITY/STATE/ZIP: _____
BY: _____
PRINTED: _____
TITLE: _____
PHONE: _____ FAX _____

NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the office of the City Clerk, on or before 2p.m. e.s.t, on: Tuesday, April 15, 2014

**FURNISH APPROXIMATELY 100 NET TONS OF ALUMINUM SULFATE LIQUID
(APPROXIMATELY 4000 GALLONS EACH LOAD, MEETING A.W.W.A.
STANDARDS AND NSF STANDARD #60 FOR USE IN DRINKING WATER
TREATMENT**

The bids will be publicly opened and read in Room 101 in the City Hall located at 410 Ludington Street, Escanaba, Michigan at said date and time.

Bidder's proposals, and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan, 49829. No bids will be considered unless the proposal form and /or specifications (furnished by the City of Escanaba, Michigan), are properly completed and enclosed in a sealed envelope, marked:

"CITY OF ESCANABA ALUMINUM SULFATE LIQUID BID OF APRIL 15, 2014"

In addition, the City of Escanaba, Michigan will not consider any proposal which has not been Received prior to the published time, date and year of bid opening. (FAX transmittals will not be accepted.)

A Certified Check, Cashier's Check, or Bidder's Bond, drawn payable, without condition, to the City of Escanaba, Michigan, in an amount not less than 10% of the bid, will be submitted with each proposal as a guarantee that if the bid is accepted, the bidder will furnish materials or services as stated in his or her proposal. On failure of the successful bidder to fulfill the conditions of his or her proposal, he or she shall forfeit said deposit to the City of Escanaba, Michigan as liquidated damages. The acceptance of the proposal will be contingent upon the bidder's acceptance of this provision.

The City of Escanaba, Michigan reserves the right to reject any or all bids, or any part thereof at its discretion, and to waive any irregularities in the bidding. The City of Escanaba, Michigan may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan bids are prepared to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

Thomas J. Penegor
Purchasing Agent
City of Escanaba

BIDDER'S PROPOSAL

DATE: APRIL 4, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 100 NET TONS OF ALUMINUM SULFATE
LIQUID (APPROXIMATELY 4000 GALLONS EACH LOAD),
MEETING A. W. W. A. STANDARDS AND NSF STANDARD #60
FOR USE IN DRINKING WATER TREATMENT**

F.O.B. WATER PLANT, ESCANABA, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER TON: \$ 477.00/DRY TON

TOTAL PRICE: \$ 47,700.00

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ 10% OF TOTAL BID
(MUST BE INCLUDED TO QUALIFY)

DELIVERY: 1 - 2 DAYS AFTER RECEIPT OF ORDER

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:
FIRM: CHEMTRADE CHEMICALS US LLC
ADDRESS: 90 EAST HALSEY ROAD
CITY/STATE/ZIP: PARSIPPANY, NJ 07054
BY: Elizabeth Ryno
PRINTED: ELIZABETH RYNO
TITLE: MARKETING SPECIALIST
PHONE: 800 631 8050 FAX 973 515 4461

BIDDER'S PROPOSAL

DATE: April 8, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 100 NET TONS OF ALUMINUM SULFATE
LIQUID (APPROXIMATELY 4000 GALLONS EACH LOAD),
MEETING A. W. W. A. STANDARDS AND NSF STANDARD #60
FOR USE IN DRINKING WATER TREATMENT**

F.O.B. WATER PLANT, ESCANABA, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

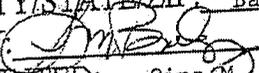
PRICE PER TON: \$ 652.90 per Dry Ton

TOTAL PRICE: \$ 65,290.00

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ 10% Bid Bond Enclosed
(MUST BE INCLUDED TO QUALIFY)

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:

FIRM: USALCO, LLC
ADDRESS: 2601 Cannery Avenue
CITY/STATE/ZIP: Baltimore, MD 21226
BY: 
PRINTED: Gina M. Bowsbey
TITLE: Inside Sales
PHONE: 410-354-0100 x2406 FAX 410-918-2240

SODA ASH (DENSE)

FURNISH APPROXIMATELY 95 NET TONS OF
SODA ASH (DENSE) IN 100 OR 50 POUND BAGS,
APPROXIMATELY 42,000 POUNDS PER LOAD, MEETING A. W. W.
A. STANDARDS AND NSF STANDARD #60 FOR USE IN DRINKING
WATER TREATMENT

TO BIDDERS: MARCH 26, 2014

ADVERTISED: MARCH 29, 2014

BID OPENING: APRIL 15, 2014

INVITATIONS TO BID SENT TO: FIVE (5)

WAUSAU CHEMICAL, INC.
P.O. BOX 953
WAUSAU, WI 54401

STERLING WATER TECHNOLOGIES
PO BOX 602
COLUMBIA, TN 38402-0602
ATTN: BEVERLY ROBINSON-BIDS/SALES DEPT

THATCHER COMPANY OF MONTANA
PO BOX 27407
SALT LAKE CITY, UT 84127-0407

UNIVAIR USA, INC
7050 W 71ST STREET
BEDFORD PARK, IL 60638

TATA CHEMICAL NORTH AMERICA, INC
100 ENTERPRISE DRIVE
7TH FLOOR, SUITE 701
ROCKAWAY, NJ 07866

BIDDER'S PROPOSAL

DATE: _____

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

APPROXIMATELY 95 NET TONS OF SODA ASH (DENSE) IN 100 OR 50 POUND BAGS, APPROXIMATELY 42,000 POUNDS PER LOAD, MEETING A.W. W. A. STANDARDS AND NSF STANDARD #60 FOR USE IN DRINKING WATER TREATMENT

F.O.B. Water Plant, Escanaba, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER CWT/100 POUND BAGS \$ _____
PRICE PER CWT/50 POUND BAGS: \$ _____

TOTAL PRICE/100 POUND BAGS: \$ _____
TOTAL PRICE/50 POUND BAGS: \$ _____

CERTIFIED CHECK, CASHIER'S CHECK, OR
BIDDER'S BOND ENCLOSED IN AMOUNT OF: \$ _____
(MUST BE INCLUDED TO QUALIFY)

NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH DELIVERY

SUBMITTED BY: _____
FIRM: _____
ADDRESS: _____
CITY/STATE/ZIP: _____
BY: _____
PRINTED: _____
TITLE: _____
PHONE: _____ FAX: _____

NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the office of the City Clerk, on or before 2p.m. e.s.t, on: **Tuesday, April 15, 2014**

FURNISH APPROXIMATELY 95 NET TONS OF SODA ASH (DENSE) IN 100 OR 50 POUND BAGS, APPROXIMATELY 42,000 POUNDS PER LOAD, MEETING A.W.W.A. STANDARDS AND NSF STANDARD #60 FOR USE IN DRINKING WATER TREATMENT

The bids will be publicly opened and read in Room 101 in the City Hall located at 410 Ludington Street, Escanaba, Michigan at said date and time.

Bidder's proposals, and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan, 49829. No bids will be considered unless the proposal form and /or specifications (furnished by the City of Escanaba, Michigan), are properly completed and enclosed in a sealed envelope, marked:

"CITY OF ESCANABA SODA ASH (DENSE) BID OF APRIL 15, 2014"

In addition, the City of Escanaba, Michigan will not consider any proposal which has not been Received prior to the published time, date and year of bid opening. (FAX transmittals will not be accepted.)

A Certified Check, Cashier's Check, or Bidder's Bond, drawn payable, without condition, to the City of Escanaba, Michigan, in an amount not less than 10% of the bid, will be submitted with each proposal as a guarantee that if the bid is accepted, the bidder will furnish materials or services as stated in his or her proposal. On failure of the successful bidder to fulfill the conditions of his or her proposal, he or she shall forfeit said deposit to the City of Escanaba, Michigan as liquidated damages. The acceptance of the proposal will be contingent upon the bidder's acceptance of this provision.

The City of Escanaba, Michigan reserves the right to reject any or all bids, or any part thereof at its discretion, and to waive any irregularities in the bidding. The City of Escanaba, Michigan may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan bids are prepared to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

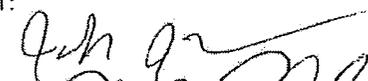
Thomas J. Penegor
Purchasing Agent
City of Escanaba

**CITY OF ESCANABA
RECORD OF BIDS**

DATE BIDS OPENED: 15-Apr-14
DESCRIPTION OF ITEM: SODA ASH

NAME OF BIDDER	PRICE CWT 100 # BAGS	PRICE CWT 50 # BAGS	PRICE 100# BAGS	PRICE 50# BAGS	CHECK BID BOND
Univar	No bid	19.40 CWT = 388 / ton	No bid	36.560	Bid Bond
Thatcher Co of Marquette	No bid	19.34 CWT	No Bid	\$9.67 / 50 lb bag	Cashier \$3,674
BHS Marquette	No bid	18.75 / CWT = 375 / ton	No bid	\$9.37 / 50 lb bag	Bid Bond

Soda Ash

PRESENT:



BIDDER'S PROPOSAL

DATE: April 3, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

APPROXIMATELY 95 NET TONS OF SODA ASH (DENSE) IN 100 OR 50 POUND BAGS, APPROXIMATELY 42,000 POUNDS PER LOAD, MEETING A.W. W. A. STANDARDS AND NSF STANDARD #60 FOR USE IN DRINKING WATER TREATMENT

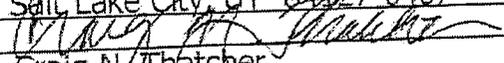
F.O.B. Water Plant, Escanaba, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER CWT/100 POUND BAGS	\$ <u>No Bid</u>
PRICE PER CWT/50 POUND BAGS:	\$ <u>19.34/cwt.</u>
TOTAL PRICE/100 POUND BAGS:	\$ <u>No Bid</u>
TOTAL PRICE/50 POUND BAGS:	\$ <u>9.67/50 lb. bag</u>

~~CERTIFIED CHECK, CASHIER'S CHECK, OR~~
BIDDER'S BOND ENCLOSED IN AMOUNT OF: \$ 3,674.60
(MUST BE INCLUDED TO QUALIFY)

NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH DELIVERY

SUBMITTED BY:
FIRM: Thatcher Company of Montana, Inc.
ADDRESS: P. O. Box 27407
CITY/STATE/ZIP: Salt Lake City, UT 84127-0407
BY: 
PRINTED: Craig N/Thatcher
TITLE: President
PHONE: (877) 857-0392 toll free FAX: (406) 721-3489

(406) 721-3479 office

(406) 360-0694 cellular - Jim Perkins, Acct. Manager

NOTE: Appendices A and B form part of our proposal.

DENSE SODA ASH

Chemical Formula : Na_2CO_3

Structural Formula : $\text{Na} - \text{O} - \overset{\text{O}}{\parallel} \text{C} - \text{O} - \text{Na}$

Common names : Sodium carbonate, calcined soda, disodium carbonate

CAS Registry Number : 497-19-8

The synthetic soda ash is produced using the ammonia-soda process, popularly known as the Solvay process. Common salt and limestone are the raw materials processed and converted into soda ash and calcium chloride.

Physical & Chemical Properties :

Characteristics		Units	IS 251 : 1998 Specifications	TCL Assured Specifications
Molecular Weight				106
Bulk Density		Kg/m ³	951 - 1250	1000 - 1200
Volatile matter content (at the time of packing)		%, max	2	0.80
Total Alkalinity (as Na ₂ CO ₃)		%, min	98.5	99.0
Sulphates (as Na ₂ SO ₄)		%, max	0.08	0.03
Chlorides (as NaCl)		%, max	1.0	0.80
Iron (as Fe ₂ O ₃)	By Colorimetric method	%, max		0.0029
	By Spectrophotometric method		0.007	0.002
Matter insoluble in water		%, max	0.15	0.03
Sieve Analysis :				
<i>BS Mesh</i>	<i>Microns</i>			
+ 10	+ 1700	%, max	1.0	1.0
- 200	- 75		15.0	5.0



Technical Data

FMC Grade 260 Soda Ash

CAS No. 497-19-8

Chemical Name	Sodium Carbonate, anhydrous
CAS Name	Disodium carbonate
Formula	Na ₂ CO ₃
Molecular Weight	105.99

Physical Properties	Typical	Specification
Bulk Density: lb/ft ³	65	60 - 70
g/cm ³	1.06	0.96 - 1.12
Particle density, g/cm ³	1.960	
Particle shape	Blocky	
Angle of repose, deg	40	
Screen analysis, cumulative wt %		
On US 30 (600 μm)	1.0	27 max
US 40 (425 μm)	15	
US 100 (150 μm)	85	
Thru US 200 (75 μm)	2	7 max

Chemical Properties	Typical	Specification
Na ₂ O, wt %	58.4	58.0 min
Na ₂ CO ₃ , wt %	99.8	99.2 min
Na ₂ SO ₄ , wt %	0.05	0.20 max
NaCl, wt %	0.06	0.20 max
Fe ₂ O ₃ , ppm	4	20 max
Water insolubles, wt %	0.01	0.05 max
Ignition loss, wt %	0.1	
Heavy metals (as Pb), ppm	<10	10 max
As, ppm	0.1	3 max
Ca, ppm	60	
Mg, ppm	15	
SiO ₂ , ppm	100	

General Properties	
Description	white granular solid
Melting point, °C (°F)	851 (1564)
Solubility, max % @ 35.4°C	33.2
pH, 1% solution @ 25°C	11.4

Standard Containers Bulk hopper cars and trucks

The information contained herein is, to our knowledge, true and accurate. Because conditions of use are beyond our control, we make no warranty or representation, expressed or implied, except that the products discussed herein conform to the chemical descriptions shown on their labels. Nothing contained herein should be construed as permission or recommendation to infringe any patent. No agent, representative, or employee of this company is authorized to vary any of the terms of this notice.

FMC Corporation Alkali Chemicals Division 1735 Market Street Philadelphia Pennsylvania 19103
V 1.1 04/1998

BIDDER'S PROPOSAL

DATE: April 11, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

APPROXIMATELY 95 NET TONS OF SODA ASH (DENSE) IN 100 OR 50
POUND BAGS, APPROXIMATELY 42,000 POUNDS PER LOAD, MEETING
A.W. W. A. STANDARDS AND NSF STANDARD #60 FOR USE IN DRINKING
WATER TREATMENT

F.O.B. Water Plant, Escanaba, MI

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER CWT/100 POUND BAGS
PRICE PER CWT/50 POUND BAGS:

\$ No Bid
\$ 18.75 (\$375.00 ton)*

TOTAL PRICE/100 POUND BAGS:
TOTAL PRICE/50 POUND BAGS:

\$ No Bid
\$ 9.375/bag *
*Full truckload of 44,000 lbs

CERTIFIED CHECK, CASHIER'S CHECK, OR
BIDDER'S BOND ENCLOSED IN AMOUNT OF: \$ 10% of total bid/contract
(MUST BE INCLUDED TO QUALIFY)

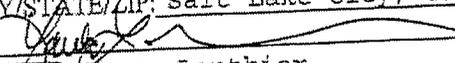
NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY

SUBMITTED BY:

FIRM: BHS Marketing, LLC

ADDRESS: 2320 West Indiana Ave.

CITY/STATE/ZIP: Salt Lake City, UT 84104

BY: 

PRINTED: Laura Lanthier

TITLE: Manager, Municipal Bids & Contracts

PHONE: (208)932-6615

FAX: (801)973-8838

OCI WYOMING, L.P.
Technical Grade Dense Soda Ash
Certificate Of Analysis

BHS Marketing
P.O. Box 27955

Date: 4/4/2013
OCI Order Number: 538649
Customer PO Number: 8192

Salt Lake City
UT 84127
Attn: Gita

Comments:
Lot Number: 538649

Car weight:

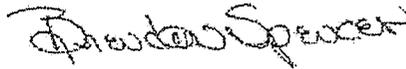
Ship Date: 04/03/13
Load Date: 04/03/13

This certificate is available electronically

	Results	OCI Specifications
%Na ₂ CO ₃	100.0	99.6% min.
%Na ₂ O	58.5	58.2% min.
Na ₂ SO ₄ ppm	176	2000 ppm max.
NaCl ppm	27	1000 ppm max.
%Volatile	0.05	
BD Wt/lb	62.2	56.0 min.
+20 Screen	0.0	0.4 max.
+30 Screen	1.8	6.0 max.
+40 Screen	20.9	
+100 Screen	91.8	85 min.
-200 Screen	1.1	2.0 max.
Fe ₂ O ₃ ppm	1.97	10 ppm max.
H ₂ O Insolubles	47	500 ppm max.

Appearance: A white crystalline powder.

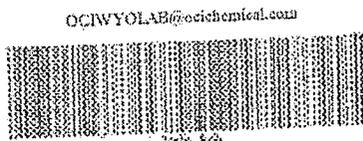
Signature:



Fax: (801) 973-8838

Fax#2:

Laboratory Supervisor: Bob Friberg
Phone: (801) 872-7265, Fax: (801) 872-7257
rfriberg@ocichemical.com



254 County Road 4-6 LaSarge Road
P.O. Box 513
Green River, WY 82935

FERRIC CHLORIDE

FURNISH APPROXIMATELY FIFTY (50) TONS
DRY WEIGHT OF = OR > 36% FERRIC CHLORIDE

TO BIDDERS: MARCH 26, 2014

ADVERTISED: MARCH 29, 2014

BID OPENING: APRIL 15, 2014

INVITATIONS TO BID SENT TO: FIVE (5)

KEMIRA WATER SOLUTIONS
3211 CLINTON PARKWAY COURT
STE #1
LAWRENCE, KS 66047
ATTN: JUDY LAFOND

PVS TECHNOLOGIES, INC.
10900 HARPER AVENUE
DETROIT, MI 48213
ATTN: CRAIG MIKKELSON

GENERAL CHEMICAL LLC
90 EAST HALSEY ROAD
PARSIPPANY, NJ 07054
ATTN: SALES/MARKETING

PVS NOLWOOD
10900 HARPER AVENUE
DETROIT, MI 48213
ATTN: ANGELA ZAPOLI

STERLING WATER TECHNOLOGIES
PO BOX 602
COLUMBIA, TN 38402-0602
ATTN: BEVERLY ROBINSON-BIDS/SALES DEPT

BIDDER'S PROPOSAL

DATE: _____

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY FIFTY (50) TONS DRY WEIGHT OF =OR >
36% FERRIC CHLORIDE FOR USE IN WASTEWATER
TREATMENT PLANTS**

F.O.B. WASTEWATER TREATMENT PLANT, ESCANABA, MI

DELIVERY: As requested on an anhydrous basis in 40,000 pound tank
wagons during the Fiscal Year 07/01/14 to 06/30/2015

PRICE PER TON: \$ _____
TOTAL PRICE: \$ _____
CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ _____
(MUST BE INCLUDED TO QUALIFY)

SUPPLIER: WILL INVOICE FOR COST AND ALL CHARGES

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:
FIRM: _____
ADDRESS: _____
CITY/STATE/ZIP: _____
BY: _____
PRINTED: _____
TITLE: _____
PHONE: _____ FAX _____

NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the office of the City Clerk, on or before 2p.m. e.s.t, on: **Tuesday, April 15, 2014**

FURNISH APPROXIMATELY 50 TONS DRY WEIGHT OF = OR > 36% FERRIC CHLORIDE

The bids will be publicly opened and read in Room 101 in the City Hall located at 410 Ludington Street, Escanaba, Michigan at said date and time.

Bidder's proposals, and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan, 49829. No bids will be considered unless the proposal form and /or specifications (furnished by the City of Escanaba, Michigan), are properly completed and enclosed in a sealed envelope, marked:

"CITY OF ESCANABA FERRIC CHLORIDE BID OF APRIL 15, 2014"

In addition, the City of Escanaba, Michigan will not consider any proposal which has not been Received prior to the published time, date and year of bid opening. (FAX transmittals will not be accepted.)

A Certified Check, Cashier's Check, or Bidder's Bond, drawn payable, without condition, to the City of Escanaba, Michigan, in an amount not less than 10% of the bid, will be submitted with each proposal as a guarantee that if the bid is accepted, the bidder will furnish materials or services as stated in his or her proposal. On failure of the successful bidder to fulfill the conditions of his or her proposal, he or she shall forfeit said deposit to the City of Escanaba, Michigan as liquidated damages. The acceptance of the proposal will be contingent upon the bidder's acceptance of this provision.

The City of Escanaba, Michigan reserves the right to reject any or all bids, or any part thereof at its discretion, and to waive any irregularities in the bidding. The City of Escanaba, Michigan may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan bids are prepared to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

Thomas J. Penegor
Purchasing Agent
City of Escanaba

BIDDER'S PROPOSAL

DATE: April 4, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY FIFTY (50) TONS DRY WEIGHT OF =OR >
36% FERRIC CHLORIDE FOR USE IN WASTEWATER
TREATMENT PLANTS**

F.O.B. WASTEWATER TREATMENT PLANT, ESCANABA, MI

**DELIVERY: As requested on an anhydrous basis in 40,000 pound tank
wagons during the Fiscal Year 07/01/14 to 06/30/2015**

PRICE PER TON:	\$ 591.00 Dry Ton
TOTAL PRICE:	\$ 29,550.00
CERTIFIED CHECK, CASHIER'S CHECK, OR BIDDER'S BOND ENCLOSED IN THE AMOUNT OF: \$	2,955.00
(MUST BE INCLUDED TO QUALIFY)	

SUPPLIER: WILL INVOICE FOR COST AND ALL CHARGES

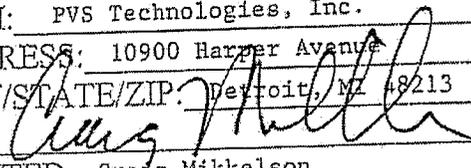
NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY

SUBMITTED BY:

FIRM: PVS Technologies, Inc.

ADDRESS: 10900 Harper Avenue

CITY/STATE/ZIP: Detroit, MI 48213

BY: 

PRINTED: Craig Mikkelson

TITLE: Vice President of Sales and Marketing

PHONE: 313-571-1100 / 800-337-7428 FAX 313-571-6765

BIDDER'S PROPOSAL

DATE: April 10, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY FIFTY (50) TONS DRY WEIGHT OF =OR >
36% FERRIC CHLORIDE FOR USE IN WASTEWATER
TREATMENT PLANTS**

F.O.B. WASTEWATER TREATMENT PLANT, ESCANABA, MI

**DELIVERY: As requested on an anhydrous basis in 40,000 pound tank
wagons during the Fiscal Year 07/01/14 to 06/30/2015**

PRICE PER TON: \$ 567.65
TOTAL PRICE: \$ 28,382.50
CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ 2,838.25
(MUST BE INCLUDED TO QUALIFY)

SUPPLIER: WILL INVOICE FOR COST AND ALL CHARGES

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:

FIRM: Kemira Water Solutions
ADDRESS: 4321 W. 6th St.
CITY/STATE/ZIP: Lawrence, KS 66049
BY: *Christina*
PRINTED: Christina M. Addington
TITLE: Customer Service Manager
PHONE: (800) 879-6353 FAX (785) 842-2629

LIQUID CHLORINE

FURNISH APPROXIMATELY 10 TONS (MORE OR LESS) OF OF
LIQUID CHLORINE, A. W. W. A. SPECIFICATIONS, IN APPROVED
CYLINDERS

TO BIDDERS: MARCH 26, 2014

ADVERTISED: MARCH 29, 2014

BID OPENING: APRIL 15, 2014

INVITATIONS TO BID SENT TO: FIVE (5)

HYDRITE CHEMICAL COMPANY
191 WEST 28 AVENUE
OSHKOSH, WI 54901

GENERAL CHEMICAL LLC
90 EAST HALSEY ROAD
PARSIPPANY, NJ 07054
ATTN: SALE/MARKETING

WAUSAU CHEMICAL, INC.
BOX 953
WAUSAU, WI 54401

ELHORN ENGINEERING CO.
889 EDEN ROAD
MASON, MI 48858

STERLING WATER TECHNOLOGIES
PO BOX 602
COLUMBIA, TN 38402-0602
ATTN: BEVERLY ROBINSON-BIDS/SALES DEPT

BIDDER'S PROPOSAL

DATE: _____

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 10 TONS (MORE OR LESS) OF LIQUID
CHLORINE, IN APPROVED CYLINDERS, A. W. W. A.
SPECIFICATIONS AND NSF STANDARD #60**

F.O.B. PART TO WATER PLANT, ESCANABA, MI &
PART TO WASTEWATER PLANT, ESCANABA, MI

SUPPLIER: WILL INVOICE FOR COST AND ALL CHARGES

**DELIVERY: Must be delivered in 3-4 working days from the date
requested during the Fiscal Year of 07/01/14 to 06/30/2015**

PRICE CWT IN ONE (1) TON CYLINDERS: \$ _____
(NO DEPOSIT)

PER CWT IN 150LB CYLINDERS: \$ _____
(NO DEPOSIT)

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND
ENCLOSED IN THE AMOUNT OF: \$ _____
(MUST BE INCLUDED TO QUALIFY)

**NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY**

SUBMITTED BY:

FIRM: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

BY: _____

PRINTED: _____

TITLE: _____

PHONE: _____ FAX _____

NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the office of the City Clerk, on or before 2p.m. e.s.t, on: **Tuesday, April 15, 2014**

FURNISH APPROXIMATELY 10 TONS (MORE OR LESS) OF LIQUID CHLORINE, A.W.W.A. SPECIFICATIONS, IN APPROVED CYLINDERS

The bids will be publicly opened and read in Room 101 in the City Hall located at 410 Ludington Street, Escanaba, Michigan at said date and time.

Bidder's proposals, and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan, 49829. No bids will be considered unless the proposal form and /or specifications (furnished by the City of Escanaba, Michigan), are properly completed and enclosed in a sealed envelope, marked:

"CITY OF ESCANABA LIQUID CHLORINE BID OF APRIL 15, 2014"

In addition, the City of Escanaba, Michigan will not consider any proposal which has not been Received prior to the published time, date and year of bid opening. (FAX transmittals will not be accepted.)

A Certified Check, Cashier's Check, or Bidder's Bond, drawn payable, without condition, to the City of Escanaba, Michigan, in an amount not less than 10% of the bid, will be submitted with each proposal as a guarantee that if the bid is accepted, the bidder will furnish materials or services as stated in his or her proposal. On failure of the successful bidder to fulfill the conditions of his or her proposal, he or she shall forfeit said deposit to the City of Escanaba, Michigan as liquidated damages. The acceptance of the proposal will be contingent upon the bidder's acceptance of this provision.

The City of Escanaba, Michigan reserves the right to reject any or all bids, or any part thereof at its discretion, and to waive any irregularities in the bidding. The City of Escanaba, Michigan may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan bids are prepared to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

Thomas J. Penegor
Purchasing Agent
City of Escanaba

BIDDER'S PROPOSAL

DATE: 4/9/14

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

APPROXIMATELY 10 TONS (MORE OR LESS) OF LIQUID
CHLORINE, IN APPROVED CYLINDERS, A. W. W. A.
SPECIFICATIONS AND NSF STANDARD #60

F.O.B. PART TO WATER PLANT, ESCANABA, MI &
PART TO WASTEWATER PLANT, ESCANABA, MI

SUPPLIER: WILL INVOICE FOR COST AND ALL CHARGES

DELIVERY: Must be delivered in 3-4 working days from the date
requested during the Fiscal Year of 07/01/14 to 06/30/2015

PRICE CWT IN ONE (1) TON CYLINDERS: \$ 57.00
(NO DEPOSIT)

PER CWT IN 150LB CYLINDERS: \$ 77.00
(NO DEPOSIT)

CERTIFIED CHECK, CASHIER'S
CHECK, OR BIDDER'S BOND

ENCLOSED IN THE AMOUNT OF: \$ 10% of bid = \$1910.00
(MUST BE INCLUDED TO QUALIFY)

NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH
DELIVERY

SUBMITTED BY:

FIRM: Hydrite Chemical Co.

ADDRESS: 300 N. Patrick Blvd

CITY/STATE/ZIP: Brookfield, WI 53045

BY: Kim Brown

PRINTED: Kim Brown

TITLE: Municipal Bid Mgr.

PHONE: 414-365-7490 FAX: 414-365-7440

Kim.brown@hydrite.com

POWDERED ACTIVATED CARBON

FURNISH APPROXIMATELY 16,000 POUNDS, BAGGED &
PALLETIZED, APPROXIMATELY 4000 POUNDS PER LOAD
(2 PALLETS), OR 16,000 POUNDS BULK SINGLE LOAD AS
REQUESTED OF POWDERED ACTIVATED CARBON FOR USE IN DRINKING
WATER TREATMENT

TO BIDDERS: MARCH 26, 2014

ADVERTISED: MARCH 29, 2014

BID OPENING: APRIL 15, 2014

INVITATIONS TO BID SENT TO: FOURTEEN (14)

CABOT NORIT AMERICAS, INC.
P.O. BOX 790
MARSHALL, TX 75671
ATTN: SALLY ADKISSON

CARBON ACTIVATED CORPORATION
250E MANVILLE STREET
COMPTON, CA 90220

STERLING WATER TECHNOLOGIES
PO BOX 602
COLUMBIA, TN 38402-0602
ATTN: BEVERLY ROBINSON-BIDS/SALES

M.L. BALL COMPANY, INC
6255 ATLANTIC BLVD
NORCROSS, GA 30071
ATTN: SUMEI WANG

SNR TECHNOLOGIES
20406 AUTUMN SHORE DR
KATY, TX 77450

THATCHER COMPANY OF MONTANA
PO BOX 27407
SALT LAKE CITY, UT 84104-0407

BIDDER'S PROPOSAL

DATE: _____

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 16,000 POUNDS, BAGGED & PALLETIZED,
APPROXIMATELY 4000 POUNDS PER LOAD (TWO PALLETS), OR 16,000
POUNDS BULK SINGLE LOAD AS REQUESTED OF POWDERED
ACTIVATED CARBON FOR USE IN DRINKING WATER
TREATMENT**

F.O.B. Water Plant, Escanaba, MI

SPECIFICATIONS:

MESH SIZE: _____
HARDNESS: _____
MOISTURE: _____
IODINE #: _____

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER POUND FOB ESCANABA-BULK: \$ _____
PRICE PER POUND FOB ESCANABA-BAG: \$ _____
CERTIFIED CHECK, CASHIER'S CHECK, OR
BIDDER'S BOND ENCLOSED IN AMOUNT OF: \$ _____
(MUST BE INCLUDED TO QUALIFY)

NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH DELIVERY

SUBMITTED BY:
FIRM: _____
ADDRESS: _____
CITY/STATE/ZIP: _____
BY: _____
PRINTED: _____
TITLE: _____
PHONE: _____ FAX: _____

NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the office of the City Clerk, on or before 2p.m. e.s.t, on: **Tuesday, April 15, 2014**

FURNISH APPROXIMATELY 16,000 POUNDS BAGGED AND PALLETIZED, APPROXIMATELY 4000 POUNDS PER LOAD (TWO PALLETS), OR 16,000 POUNDS BULK SINGLE LOAD AS REQUESTED OF POWDERED ACTIVATED CARBON FOR USE IN DRINKING WATER TREATMENT

The bids will be publicly opened and read in Room 101 in the City Hall located at 410 Ludington Street, Escanaba, Michigan at said date and time.

Bidder's proposals, and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan, 49829. No bids will be considered unless the proposal form and /or specifications (furnished by the City of Escanaba, Michigan), are properly completed and enclosed in a sealed envelope, marked:

"CITY OF ESCANABA POWDERED ACTIVATED CARBON BID OF APRIL 15, 2014"

In addition, the City of Escanaba, Michigan will not consider any proposal which has not been Received prior to the published time, date and year of bid opening. (FAX transmittals will not be accepted.)

A Certified Check, Cashier's Check, or Bidder's Bond, drawn payable, without condition, to the City of Escanaba, Michigan, in an amount not less than 10% of the bid, will be submitted with each proposal as a guarantee that if the bid is accepted, the bidder will furnish materials or services as stated in his or her proposal. On failure of the successful bidder to fulfill the conditions of his or her proposal, he or she shall forfeit said deposit to the City of Escanaba, Michigan as liquidated damages. The acceptance of the proposal will be contingent upon the bidder's acceptance of this provision.

The City of Escanaba, Michigan reserves the right to reject any or all bids, or any part thereof at its discretion, and to waive any irregularities in the bidding. The City of Escanaba, Michigan may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan bids are prepared to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

Thomas J. Penegor
Purchasing Agent
City of Escanaba

BIDDER'S PROPOSAL

DATE: April 3, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

APPROXIMATELY 16,000 POUNDS, BAGGED & PALLETIZED,
APPROXIMATELY 4000 POUNDS PER LOAD (TWO PALLETS), OR 16,000
POUNDS BULK SINGLE LOAD AS REQUESTED OF POWDERED
ACTIVATED CARBON FOR USE IN DRINKING WATER
TREATMENT

F.O.B. Water Plant, Escanaba, MI

SPECIFICATIONS:

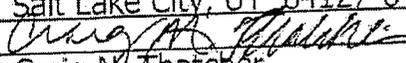
MESH SIZE: See attached specification sheet.
HARDNESS: See attached specification sheet.
MOISTURE: See attached specification sheet.
IODINE #: See attached specification sheet.

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER POUND FOB ESCANABA-BULK: \$ No Bid
PRICE PER POUND FOB ESCANABA-BAG: \$ 0.639
CERTIFIED CHECK, CASHIER'S CHECK, OR
BIDDER'S BOND ENCLOSED IN AMOUNT OF: \$ 1,022.40
(MUST BE INCLUDED TO QUALIFY)

NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH DELIVERY

SUBMITTED BY:

FIRM: Thatcher Company of Montana, Inc.
ADDRESS: P. O. Box 27407
CITY/STATE/ZIP: Salt Lake City, UT 84127-0407
BY: 
PRINTED: Craig M. Thatcher
TITLE: President
PHONE: (877) 857-0392 toll free FAX: (406) 721-3489

(406) 721-3479 office

(406) 360-0694 cellular - Jim Perkins, Acct. Manager

NOTE: Appendices A and B form part of our proposal.



BIOGENIC REAGENTS

Powered Activated Carbon

Ultra Adsorptive Carbon UAC-H₂O M

Applications

UAC-H₂O M removes the following compounds and substances in potable water:

- TOCs
- Tannins and Humic Acids
- Trihalomethanes
- 2-Methylisoborneol (MIB)
- Geosmin
- Pesticides and Herbicides like Atrazine
- Disinfection By-Product Precursors

Specifications	UAC-H ₂ O M
Iodine Number (mg/g)	700 min
Surface Area (m ² /g)	800 min
Sizing (<325 Mesh)	95% min
Density (lbs/ft ³)	18-20
Moisture (as packed)	4% max
Ash (by weight)	4% max
pH	Basic
Molasses Number	275 min
Packaging	
Bags	40 lbs
Super-Sack	1,000 lbs
Pneumatic Tanker	32,000 lbs

Typical specification, not for purchase specification

Carbon Transformed

Biogenic Reagents is a developer and producer of low-cost, high-performance carbon products made from renewable resources. Applications include purification of water, gases, food and pharmaceuticals; refinement of iron and other metals; and removal of mercury and other pollutants from coal-fired power plant emissions.



Description

UAC-H₂O M is a powdered, activated carbon that has been specially developed to remove a wide range of dissolved organic compounds from drinking water to improve taste and odor. It is part of a new line of ultra adsorptive carbons, featuring domestically produced, renewable, wood-based carbons that use a unique graphene-carbon structure for exceptional adsorptivity.

Its unique pore size distribution and electrosorptive properties promote rapid substance uptake and reduction of targeted substances like TOCs, 2-Methylisoborneol (MIB), Geosmin, Trihalomethanes, and other forms of contamination.

Advantages

Highly developed mesopore and macropore structures — superior to commercially available coal-based carbons — lead to enhanced adsorptivity and faster uptake of TOCs, MIB, Geosmin, Tannins and Humic Acids.

Exceptional carbon purity, with less than half the ash content of other commercially available products, yields a highly adsorptive, high value, activated carbon.

Greater mesopore content with twice the mesopore surface area of traditional activated carbons leads to greater adsorption of dissolved organic compounds.

Minimize disinfection by-product (DBP) precursors for safer, purer water.

Quality is assessed for carbonization, activation, sizing and adsorption using our proprietary technology developed in conjunction with a university partner. These quality control measures insure shipment of high-performing on-specification products.

UAC-H₂O M is NSF/ANSI 61 Certified and adheres to AWWA/ANSI B 600-10 Standards.

For More Information:

Biogenic Reagents 133 1st Avenue North, Minneapolis, MN 55401
www.biogenicreagents.com | info@biogenicreagents.com | 443.838.1782

BIDDER'S PROPOSAL

DATE: 9th April, 2014

City of Escanaba
Escanaba, MI 49829

We, the undersigned, agree to furnish the following:

**APPROXIMATELY 16,000 POUNDS, BAGGED & PALLETIZED,
APPROXIMATELY 4000 POUNDS PER LOAD (TWO PALLETS), OR 16,000
POUNDS BULK SINGLE LOAD AS REQUESTED OF POWDERED
ACTIVATED CARBON FOR USE IN DRINKING WATER
TREATMENT**

F.O.B. Water Plant, Escanaba, MI

SPECIFICATIONS:

MESH SIZE: 90min % at 325 mesh
HARDNESS: 96
MOISTURE: 6% max
IODINE #: 500 min mg/l

DELIVERY: As requested during Fiscal Year 07/01/14 to 06/30/2015

PRICE PER POUND FOB ESCANABA-BULK: \$ 0.66
PRICE PER POUND FOB ESCANABA-BAG: \$ 0.66
CERTIFIED CHECK, CASHIER'S CHECK, OR
BIDDER'S BOND ENCLOSED IN AMOUNT OF: \$ 1,056.00
(MUST BE INCLUDED TO QUALIFY)

NOTE: INCLUDE MATERIAL SAFETY DATA SHEETS WITH DELIVERY

SUBMITTED BY:

FIRM: Carbon Activated Corporation
ADDRESS: 250 E. Manville Street
CITY/STATE/ZIP: Compton / CA / 90220
BY: Nii-Akwei Acquaye
PRINTED: Nii-Akwei Acquaye
TITLE: Midwest Division - Manager
PHONE: (651) 998-9691 or (651) 329-1607 FAX: _____

ORDINANCE NO. 1146

"AN ORDINANCE TO MAKE APPROPRIATIONS AND CORRESPONDING REVENUES FOR THE YEAR ENDED JUNE 30, 2015."

THE CITY OF ESCANABA ORDAINS:

The total number of mills of ad valorem property taxes to be levied for fiscal year 2014/2015 is 17.00.

CHAPTER I

Section 101. That there is hereby appropriated by the City of Escanaba to various departments and funds for specific purposes, the several amounts set forth in the following tabulation, to be expended in accordance with the budget as approved, except that the City Manager is hereby empowered to transfer appropriations between activities and objects of expenditures, subject to the limitation imposed by Chapter VIII, Section 8, of the City Charter. The appropriations and revenues set forth are for the fiscal year ending June 30, 2015.

GENERAL FUND

Revenues:

Taxes	\$5,029,225
Licenses and Permits	2,000
Intergovernmental	1,411,000
Charges for Services/Fines	316,100
Electric Utility Fund Contribution	463,624
Transfer from Land Development Fund	60,000
Transfer from Office Equipment Fund	4,200
Transfer from Health/Dental Fund	21,467
Transfer from Sanitary Landfill Fund	203,500
Miscellaneous Revenues	155,350
Total General Fund Revenues	<u>\$7,666,466</u>

Expenditures:

City Council	\$30,144
City Manager	193,404
Elections	17,784
City Controller	276,860
Auditors	17,000
Assessors	201,025
Attorneys	55,500
City Clerk	129,921
Human Resources	109,713
Bd. of Review	2,450
City Treasurer	236,386
Billing	296,197
City Hall and Grounds	81,252
Civic Center	62,064
Community Promotional	5,253
Celebration Flags	1,566
Fourth of July	20,567
Public Safety	4,138,512
Community Preservation	64,047
Crossing Guards	25,000
Planning Commission	15,150
Care of Trees and Shrubs	85,656
Sidewalks	7,000
Engineers	287,020
Street Lighting	164,000
Sanitary Landfill	206,500
Solid Waste Collection	385,603
Composting Activities	58,196
Snow Plowing for Garbage Collection	18,332
Community Services	16,148
Recreation	448,483
Parks	195,335
Band	41,370
Historical Museum	250
Tourism Promotion	6,150
Boat Launches	16,158
Alley Maintenance	6,222
Transfer to Local Street Fund	100,000
Transfer to Parking Maintenance Fund	18,000
Transfer to Library Fund	371,000
Transfer to Escanaba Building Authority Fund	156,250
Insurance/Bonds	3,000
Sub-total	\$8,570,468
Less: Overhead to Utilities	905,473
Total General Fund Expenditures	<u>\$7,664,995</u>

MAJOR STREET FUND

Revenues:	
State Shared Revenues	\$739,500
Interest Earnings	20,000
Sub-total	<u>\$759,500</u>
Transfer from Fund Balance	99,888
Total Major Street Fund Revenues	<u>\$859,388</u>

Expenditures:	
Operating Expenses	\$579,388
Street Construction	100,000
Transfer to Local Street Fund	180,000
Total Major Street Fund Expenditures	<u>\$859,388</u>

LOCAL STREET FUND

Revenues:	
State Shared Revenues	\$250,000
Interest Earnings	8,000
Transfer from General Fund	100,000
Transfer from Major Street Fund	180,000
Transfer from Gas Retirement Fund	17,000
Sub-total	<u>\$555,000</u>
Transfer from Fund Balance	99,872
Total Local Street Fund Revenues	<u>\$654,872</u>

Expenditures:	
Operating Expenses	\$354,872
Street Construction	300,000
Total Local Street Fund Expenditures	<u>\$654,872</u>

LIBRARY FUND

Revenues:	
State Funding	\$15,866
Penal Fines Allocation	100,000
Fines and Fees	23,000
Interest Earnings	1,500
Transfer from General Fund	371,000
Sub-Total	<u>\$511,366</u>
Transfer from Fund Balance	19,908
Total Library Fund Revenues	<u>\$531,274</u>

Expenditures:	
Operating Expenditures	\$531,274
Total Library Fund Expenditures	<u>\$531,274</u>

BEZOLD TRUST FUND

Revenues:	
Interest Earnings	\$4,600
Transfer from Fund Balance	5,400
Total Bezold Trust Fund Revenues	<u>\$10,000</u>

Expenditures:	
Qualifying Expenditures	\$10,000
Total Bezold Trust Fund Expenditures	<u>\$10,000</u>

GAS RETIREMENT FUND

Revenues:	
Interest Earnings	<u>\$20,000</u>
Total Gas Retirement Fund Revenues	<u>\$20,000</u>

Expenditures:	
Transfer to Local Street Fund	\$17,000
Total Gas Retirement Fund Expenditures	<u>\$17,000</u>

SANITARY LANDFILL FUND

Revenues:	
Revenue from Sales	\$202,500
Penalties on Collections	1,200
Interest Earnings	200
Total Sanitary Landfill Fund Revenues	<u>\$203,900</u>

Expenditures:	
Transfer to General Fund	\$203,500
Bad Debt Expense	100
Administrative Expense	150
Total Sanitary Landfill Fund Expenditures	<u>\$203,750</u>

CATHERINE BONIFAS TRUST FUND

Revenues:	
Interest Earnings	\$2,000
Transfer from Fund Balance	98,000
Total Catherine Bonifas Trust Fund Revenues	<u>\$100,000</u>

Expenditures:	
Roof Replacement Project	\$100,000
Total Catherine Bonifas Trust Fund Expenditures	<u>\$100,000</u>

DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FUND

Revenues:	
TIF Tax Collections	\$258,000
Interest Earnings	4,200
Miscellaneous Income	1,500
Sub-Total	\$263,700
Transfer from Fund Balance	84,276
Total DDA Fund Revenues	<u>\$347,976</u>

Expenditures:	
Wages & Benefits	\$88,700
Supplies	3,200
Professional Services	55,250
Property Rehabilitation Payments	3,000
Telephones	2,600
Travel	500
Promotion	25,500
Printing and Publishing	600
Insurance	1,100
Utilities	3,000
Repairs and Maintenance	32,000
Equipment Rental	2,800
Memberships & Dues	500
Education and Training	500
Capital Outlay-Building Improvements	81,000
Capital Outlay-Equipment	2,000
Books, Magazines and Periodicals	500
Debt Service Payments	41,226
Transfer to Marina Fund	4,000
Total DDA Fund Expenditures	<u>\$347,976</u>

HOUSING REHABILITATION FUND

Revenues:	
Interest Earnings	\$3,500
Total Housing Rehabilitation Fund Revenues	<u>\$3,500</u>

Expenditures:	
Administrative Expense	\$1,000
Total Housing Rehabilitation Fund Expenditures	<u>\$1,000</u>

DELTA COUNTY CENTRAL DISPATCH AUTHORITY (DCCDA) FUND

Revenues:	
DC Central Dispatch Authority Contract	\$716,816
Total DCCDA Fund Revenues	<u>\$716,816</u>

Expenditures:	
Dispatching Operations	\$716,816
Total DCCDA Fund Expenditures	<u>\$716,816</u>

LAND DEVELOPMENT FUND

Revenues:	
Land Sales/Rent Income	\$0
Timber/Sand Sales	5,000
Interest Earnings	37,500
Sub-Total	\$42,500
Transfer from Fund Balance	41,000
Total Land Development Fund Revenues	<u>\$83,500</u>

Expenditures:	
Property Improvements	\$15,000
Administrative Costs	1,500
Property Taxes	7,000
Transfer to General Fund	60,000
Total Land Development Fund Expenditures	<u>\$83,500</u>

PARKING MAINTENANCE FUND

Revenues:	
D.D.A. Fund Contractual	\$25,000
Transfer from General Fund	18,000
Total Parking Maintenance Fund Revenues	<u>\$43,000</u>

Expenditures:	
D.D.A. Lot Expenditures	\$25,000
City Lot Expenditures	18,000
Total Parking Maintenance Fund Expenditures	<u>\$43,000</u>

E.D.A. REVOLVING LOAN FUND

Revenues:	
Interest Earnings	\$25,000
Total E.D.A.R.L.F. Revenues	<u>\$25,000</u>

Expenditures:	
Administrative Costs	\$1,500
Total E.D.A.R.L.F. Expenditures	<u>\$1,500</u>

M.S.C REVOLVING LOAN FUND

Revenues:	
Interest Earnings	\$4,500
Total M.S.C.R.L.F. Revenues	<u>\$4,500</u>

Expenditures:	
Administrative Costs	\$1,500
Total M.S.C.R.L.F. Expenditures	<u>\$1,500</u>

U.D.A.G. REVOLVING LOAN FUND

Revenues:	
Interest Earnings	\$48,000
Total U.D.A.G.R.L.F. Revenues	<u>\$48,000</u>

Expenditures:	
Administrative Costs	\$1,500
Total U.D.A.G.R.L.F. Expenditures	<u>\$1,500</u>

FARMERS HOME GRANT FUND

Revenues:	
Interest Earnings	\$750
Total Farmers Home Grant Fund Revenues	<u>\$750</u>

Expenditures:	
Administrative Costs	\$200
Total Farmers Home Grant Fund Expenditures	<u>\$200</u>

DRUG LAW ENFORCEMENT FUND

Revenues:	
Forfeiture Proceeds	\$0
Local Forfeiture Proceeds	3,000
Interest Earnings	250
Sub-Total	<u>\$3,250</u>
Transfer from Fund Balance	8,750
Total Drug Law Enforcement Fund Revenues	<u>\$12,000</u>

Expenditures:	
Transfer to UPSET	\$10,000
City Expenditures	2,000
Total Drug Law Enforcement Fund Expenditures	<u>\$12,000</u>

BROWNFIELD REDEVELOPMENT FUND

Revenues:	
TIF Tax Collections	\$53,500
Interest Earnings	100
Sub-Total	<u>\$53,600</u>
Transfer from Fund Balance	1,900
Total Brownfield Redevelopment Fund Revenues	<u>\$55,500</u>

Expenditures:	
Administrative Expenses	\$2,000
Developer Reimbursements	53,500
Total Brownfield Redevelopment Fund Expenditures	<u>\$55,500</u>

Ordinance No 1146 – cont.

The following is provided for informational purposes only, as provided by Michigan P.A. 2 of 1968

ELECTRIC UTILITY FUND

Revenues:	
Revenue from Sales	\$13,026,250
Rents	48,300
Miscellaneous	66,000
Interest Earnings	<u>235,000</u>
Total Electric Fund Revenues	<u>\$13,375,550</u>
Expenses:	
Operating Expenses	\$12,083,561
Depreciation	325,000
Overhead to General Fund	546,038
Contribution to General Fund	<u>463,624</u>
Total Electric Fund Expenses	<u>\$13,418,223</u>

WATER UTILITY FUND

Revenues:	
Revenue from Sales	\$2,048,100
Federal Subsidy-Capital Improvement Bond Interest	64,550
Miscellaneous	53,300
Interest Earnings	<u>10,000</u>
Total Water Fund Revenues	<u>\$2,175,950</u>
Expenses:	
Operating Expenses	\$1,192,034
Depreciation	380,000
Overhead to General Fund	184,273
Bond Interest Expense	<u>234,400</u>
Total Water Fund Expenses	<u>\$1,990,707</u>

WASTEWATER UTILITY FUND

Revenues:	
Revenue from Sales	\$1,332,750
Miscellaneous	11,750
Interest Earnings	<u>47,500</u>
Total Wastewater Fund Revenues	<u>\$1,392,000</u>
Expenses:	
Operating Expenses	\$969,601
Depreciation	235,000
Overhead to General Fund	175,163
Bond Interest Expense	5,600
Total Wastewater Fund Expenses	<u>\$1,385,364</u>

ESCANABA BUILDING AUTHORITY FUND

Revenues:	
Lease Payments-Transfer from General Fund	\$156,250
Rent Income-City Hall/Library	133,248
Interest Earnings	<u>5,000</u>
Total Escanaba Building Authority Fund Revenues	<u>\$294,498</u>
Expenses:	
Operating Expenses	\$133,703
Interest Expense	30,225
Depreciation Expense	<u>147,000</u>
Total Escanaba Building Authority Fund Expenses	<u>\$310,928</u>

MARINA FUND

Revenues:	
Fees and Concessions	\$238,450
Transfers from Other Funds	4,000
Interest Earnings	<u>500</u>
Total Marina Fund Revenues	<u>\$242,950</u>
Expenses:	
Operating Expenses	\$199,929
Interest Expense	14,375
Depreciation	<u>58,500</u>
Total Marina Fund Expenses	<u>\$272,804</u>

HEALTH/DENTAL FUND

Revenues:	
Transfer from Fund Balance	\$21,467
Total Health/Dental Fund Revenues	<u>\$21,467</u>
Expenses:	
Transfers to Other Funds	\$21,467
Total Health/Dental Fund Expenses	<u>\$21,467</u>

APPROVED:

Ralph B. K. Peterson
City Attorney

Date Approved: May XX, 2014
Date Published: May XX, 2014

APPROVED:

Marc D. Tall
Mayor

ATTEST:

Robert S. Richards, CMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Special Meeting held on the XXth day of May, 2014, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on May XX, 2014, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Robert S. Richards, CMC
City Clerk

ORDINANCE NO. 1147

AN ORDINANCE TO LEVY SUCH TAXES AS MAY BE NECESSARY TO MEET APPROPRIATIONS MADE AND ALL SUMS REQUIRED BY LAW TO BE RAISED TO DEFRAY THE DEBTS, EXPENDITURES, AND LIABILITIES OF SAID CITY FOR THE FISCAL YEAR ENDING ON THE 30TH DAY OF JUNE, 2015, AND REQUIRING AN AUTHORIZED LEVY ON THE JULY, 2014, CITY TAX ROLL OF RETURNED UNPAID SPECIAL ASSESSMENTS, TOGETHER WITH SUCH PENALTIES THEREON AS IS PROVIDED BY THE CITY CHARTER.

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Section 101. That there shall be raised by levying 17.000 mills upon all of the ad valorem taxable property in the City of Escanaba at the next general City or July, 2014, tax levy, the sum of Five Million, One Hundred and Seventy Five Thousand, Nine Hundred Eighty Three Dollars and 35 cents (\$5,175,983.35) for the purpose of defraying debts, expenditures, and liabilities of said City of Escanaba for the fiscal year ending on the 30th day of June, 2015, in accordance with the 2014 - 2015 Budget of said City as submitted by the Manager, as amended by the Council, and approved.

Section 102. That said sum of Five Million, One Hundred and Seventy Five Thousand, Nine Hundred Eighty Three Dollars and 35 cents (\$5,175,983.35) for the payment of all of the foregoing debts, expenditures, and liabilities herein before mentioned be appropriated for the several funds of the City of Escanaba for the fiscal year ending June 30, 2015, and that the same be forthwith certified by the Clerk of said City of Escanaba to the City Assessor of said City, and the same shall be levied and collected upon the taxable valuation of all taxable property within the said City of Escanaba in accordance with the provisions of the City Charter and the laws of the State of Michigan, for the levying and collection of taxes.

Section 103. That the Clerk of the City shall report on June 21, 2014, to the City Assessor the amounts of all the several delinquent special tax assessments becoming due prior to January 1, 2014, and returned unpaid by the City Treasurer on said date of June 21, 2014, for all public improvements hereto before levied upon each, together with the name of the owner or occupant against whom such assessment was made, as contained in the special roll prepared therefore, and on file in the Office of the City Treasurer, and the City Assessor is hereby authorized and directed to levy and spread said sums so assessed, together with the penalties fixed by law, in the July, 2014, tax levy against persons and property charged therewith in such special assessment roll in accordance with the provisions of the City Charter of the City of Escanaba.

CHAPTER II

Section 201. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases thereof be declared unconstitutional.

Section 202. This ordinance shall be duly published as required by the Charter and shall be in full force and effect ten (10) days after the date of its publication.

APPROVED:

APPROVED:

Ralph B. K. Peterson
City Attorney

Marc D. Tall
Mayor

Date Approved: May , 2014
Date Published: May , 2014

ATTEST:

Robert S. Richards, CMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Special Meeting held on the day of May, 2014, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on May , 2014, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Robert S. Richards, CMC
City Clerk

ORDINANCE NO. ~~1148~~1136
ELECTRIC RATES

AN ORDINANCE FIXING THE RATES TO BE CHARGED BY THE CITY OF ESCANABA FOR ELECTRIC ENERGY DEMAND AND AVAILABILITY OF SERVICE, TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, ~~2014~~2013, AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE COUNCIL.

THE CITY OF ESCANABA ORDAINS:

CHAPTER I
RATES

Section 50.01. General Purpose - Rate Classification:

(A) Residential Energy Rate:

Applicable: To residential customers for all purposes except those otherwise specially rated.

\$.09114 net per KWH used per meter per month

(B) Commercial Energy Rate:

Applicable: To commercial customers for all purposes except those otherwise specially rated.

\$.08500 net per KWH used per meter per month

(C) Water Heating Energy Rate:

Applicable: To any customer for separately metered controlled water heating, subject to such wiring rules and regulations as are established by the utility.

\$.08876 net per KWH used per meter per month.

(D) Electric Heat Rate:

Applicable: To all customers for such service when separately metered upon application and approval of permanently installed equipment; subject to such rules and regulations as are established by the utility. When air conditioning is installed in an electrically heated area, it may be connected to the same meter for space conditioning purposes.

\$.08876 net per KWH per meter per month.

Upon application, the total annual charge for this energy may be paid in the following manner:

The estimated annual cost shall be divided into twelve (12) equal payments. Starting in July of each year, these payments shall become due and payable on the date indicated on the monthly bill. The payment for June of each year shall include an adjustment to correct the estimated annual cost to the actual annual cost. A three percent (3%) penalty charge will be made on all payments delinquent after date indicated on the bill.

(E) Special Municipal Energy Rates:

Applicable: For all use by Lake State Industries, Escanaba Public Schools, Parochial Schools, Bay de Noc College, and the City of Escanaba. If a customer who qualifies for this rate class also qualifies for the large power rate, they will fall under the same criteria found in section 50.06 (Large Power Rates).

\$0.10910 net per KWH for City street lighting.

\$0.08860 net per kWh used per meter per month.

- (F) Temporary Service-Single Phase 120 or 240 volt: Temporary service will be supplied to a customer upon written application and advance payment of \$95. Equipment for such installation will be supplied by the City in consideration of this charge. Other temporary services will be supplied on a private, work order basis.

Energy used for such installations will be metered and billed under the commercial rate schedule. The City reserves the right to determine the necessity for the type of installation and duration of temporary service.

In no event will said temporary service be allowed to remain after such time as it is practical to install permanent service. The City reserves the right to terminate said temporary service when, in their judgment, any provision herein is violated.

- (G) Multiple Use: In the event that a single customer uses energy for more than one of the above uses with a different rate for each, the higher rate will be charged unless the wiring is separated for metering purposes to the satisfaction of the City.

Section 50.015. Power Plant Cost Adjustment Factor

For as long as the City has costs associated with the ownership of the power plant, these costs may be recovered through the following power plant cost adjustment factor:

Not to exceed \$0.01000 for all kWh, all metered service classes.

If the City has additional costs imposed upon us by MISO or FERC due to SSR agreements or other means, those costs may be passed on at their actual costs.

Formatted: Quick 1), Left, Tab stops: Not at 0.3" + 0.6" + 0.9" + 1.4" + 1.6" + 1.9" + 4.1"

Section 50.02. Availability of Service Charge

- (A) To be added to the monthly billings for energy in Section 50.01. The following availability of service charge which will also constitute a minimum billing if no energy is utilized. This charge will be computed as follows:

RESIDENTIAL

City: Intra-City \$7.98 per meter per month.

Suburban: Out-City \$10.03 per meter per month.

WATER HEATING

City: Intra-City, \$2.00 per meter per month.

Suburban: Out-City, \$2.96 per meter per month.

ELECTRIC HEAT

City: Intra-City, \$2.00 per meter per month.

Suburban: Out-City, \$2.96 per meter per month.

SMALL COMMERCIAL

City: Intra-City \$7.98 per meter per month for a single phase meter, \$15.95 per meter per month for a three phase service.

Suburban: Out-City \$10.03 per meter per month for a single phase service, \$20.05 per meter per month for a three phase service.

MUNICIPAL

\$7.98 per meter per month.

LARGE POWER

\$60.10 per meter per month.

Section 50.022. State of Michigan P.A. 295, of Public Acts 2008, commonly referred to as the Clean, Renewable and Efficient Energy Act mandates the electric utility collect the following charges from each electric utility customer:

(A) Energy Optimization Plan.

Residential \$0.0022~~23~~/kWh

Commercial \$0.0021~~309~~/kWh

Large Power \$0.0016~~780~~/kWh

(B) Renewable Energy Plan.

Residential \$0.00/mo

Commercial \$0.00/mo

Large Power \$0.00/mo

Streetlight \$0.00/mo

Unmetered \$0.00/mo

Section 50.025. Meter Charges:

(A) A customer who installs a new electric service or upgrades an existing service that requires new transformer metering must pay a meter charge prior to receipt of services. Meter charges and specifications shall be established by the City Electric Superintendent and shall be adjusted as the cost of labor and material change. Customers are not permitted to remove meters at the end of their service contract.

Section 50.03. Special Standby Service Rates:

(A) A standby or breakdown 60 cycle A. C. electric service will be furnished under this classification to any customer qualifying for the large power rate who desires to self-produce all or part of the energy used in his operation.

The City will install transformers, meters, and service connections at the customer's expense to deliver energy to the customer during periods when his generating equipment is wholly or partially out of use at the following rates and conditions.

(B) Transformer KVA capacity, as used in these rates, shall be the sizes of the nearest standard rated transformers that will serve the customer's greatest use of electric energy, measured over a 15-minute period and called the yearly kilowatt peak demand for standby rate purposes.

Section 50.04. Standby Equipment Rate.

(A) The charge for equipment installed for standby or breakdown service and not used shall be \$3.00 per month for each KVA of transformer capacity determined by subtracting the monthly measured kilowatt peak demand of the partial energy used in any month from the KVA capacity as determined in Section 50.03 (B).

All energy supplied to the customer shall be charged at the regular rates applicable to the service rendered.

- (B) The minimum charge shall be the demand charge created by his use, if such use is applicable to the large power rate, plus a kilowatt hour charge determined by multiplying the month peak demand by 200 hours, the result being kilowatt hours at the regular rate.
- (C) The customer must agree to isolate the self-produced energy from the City's electrical distribution system. Change-over to City distribution energy shall be accomplished through City approved double-throw switches furnished by the customer. The Electrical Department shall have the authority and access to inspect and seal or padlock the double-throw switch or switches to insure correct operation of the same.
- (D) Where the City has previously installed transformers, meters, and service connections, and where said equipment is not used, the charge for such equipment installed for standby or breakdown service shall be \$2.54 per month for each KVA of transformer capacity determined by subtracting the monthly measured kilowatt peak demand of the partial energy used in any month from the KVA capacity as determined in Section 50.03 (B) of this ordinance.

Section 50.05. Dusk to Dawn Rate:

- (A) Applicable: It is understood that the service request will be for a period of not less than one (1) year, and that said service will be installed only on existing utility facilities. If a new pole is required, the customer will furnish the pole, and the City will install the pole. The monthly charges for dusk to dawn lighting service will be:

Urban or Rural

\$11.24 per small lamp

\$16.85 per large lamp

- (B) Use and Reservations

The City will provide the necessary fixtures and apparatus and will replace lamps and keep this fixture properly maintained. The City does, however, reserve the right to discontinue service to any location which shows an excessive amount of damage resulting from vandalism or neglect.

Section 50.06. Large Power Rates:

- Applicable: To any customer desiring power and incidental lighting service for large power use who has a monthly demand of 100 KW or more, for at least six (6) months out of any rolling twelve (12) month period. Services meeting those conditions will be billed under the Large Power Rate. The nature of such service is alternating current, 60 Hertz, three-phase 208, 240 or 480 volts, and is metered on the primary side of the transformer. The City reserves the right to meter power on the secondary side of the transformer and in doing so will add two percent (2%) to the total energy and demand so used. For the purposes of computing rates under this section, each individual meter will be calculated separately, and under no circumstances will meter readings be combined.

\$.05710 net per KWH for all KWH used per meter per month

Plus Demand Charges of:

\$8.54 net per KW used per meter per month

Monthly maximum KW demand measured over an interval of fifteen (15) minutes.

Section 50.08. Connection Charge:

For every new meter set at the customer's request, there shall be a charge of \$10. Any customers who receive shut-off notices which are not paid by the due date and require final notification will be billed a \$10.00 notification fee. Reconnections for nonpay which do not require the Electric Department service truck and a two-man service crew, will be \$30. Reconnections for non-pay which do require the Electric Department service truck and a two-man service crew, will be \$95 per hour for each hour the truck and crew are required.

This charge shall not apply when meters are reset for rotation, for meters reset for high bill complaints unless said meters are found to be accurate within two percent (2%) of registration, and for meters reset for the convenience of the City (landlords, lessors, etc.).

The maximum charge for reconnections or transfers for multiple metering such as domestic use, house heating, water heating, or commercial use, shall be \$10.

Section 50.09. Reconnection Charge:

The reconnection charge for seasonal service requested by any customer, such as summer cottages, seasonal businesses, or seasonal industries, shall be \$15 if the meter is reconnected at the same premises by the same user within one (1) year of disconnection.

The maximum charge per service for multiple metering, such as domestic service, house heating, water heating or commercial, shall be \$15. Nonpay reconnections outside of normal business hours, which require a service truck and crew, shall be billed at \$255. Nonpay reconnects outside of normal business hours, which require one person, shall be billed at \$120.

Section 50.10. Service Extensions

For all new services, the customer, his agent, representative, contractor or developer shall pay for all materials including wire, conduit, meters, etc required to install such service in compliance with all applicable codes. Said materials will be charged at actual cost. The property owner at the time of the request shall bear responsibility for all such charges.

~~If, in the Electrical Superintendent's opinion, the service includes new lines or transformers and other components that serve or can potentially serve other customers within one (1) year of construction, credit may be given for those components when calculating the cost of service to the new customer.~~

Underground services or line extensions will only be done between May 1st and November 1st. If a customer desires services or line extensions outside of this time frame, the customer will be responsible for providing a trench for such services or line extensions.

Formatted: Indent: Left: 0.5"

Formatted: Quick 1), Left, Right: 0", Tab stops: Not at 0" + 0.5" + 1" + 1.5" + 2" + 2.5" + 3" + 3.5" + 4" + 4.5" + 5" + 5.5" + 6"

Section 50.11. Special Services

In the event that a customer requires special services from the department, i.e. temporary relocation or metering or other components of a service, the standard charge shall be \$95. Whenever the actual cost of such services exceeds \$95, the City reserves the right to charge the actual cost.

CHAPTER II
CONDITIONS OF SERVICE

Section 50.20. Late Payment Penalty:

Meters of all customers shall be read or estimated monthly and a three percent (3%) penalty charge will be made on all bills unpaid after the date indicated on bill. The penalty charge will be computed as of date of payment and will be computed on the amount of payment applied to the delinquent balance. The penalty charges may be waived at the discretion of the City for good reason, when the interest of the City would be best served by waiving said penalty, or if the customer proves that extraordinary circumstances intervened to prevent payment of the bill on the due date; in all cases, it will be the exclusive right of the City to determine the facts and judge the validity of the request to waive penalty payments.

Section 50.21. Enforcement:

In addition to all other lawful enforcement methods, the City agrees and covenants to enforce all charges for electric energy supplied to any premises, if any such charges shall remain unpaid past the due date.

(A) Utility Liens

Charges for electric services applied by the system shall constitute a lien on the premises served and if not paid within six (6) months, shall be certified by the official in charge of the collection thereof to the tax assessing officer and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of Michigan and the City Charter applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be observed in the certification and collection of such charges.

(B) Landlord Not Responsible

In all cases where a tenant is responsible for the payment of any such charge and the Utility Billing Office is so notified in writing, which notification shall include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien against such premises from and after the date of such notice. In the event of the filing of such notice and after the date of such notice, the City shall render no further service to such premises until a cash deposit in an amount of the projected billing for not less than a one-month period and not more than a three-month period is received, said determination of deposit to be solely at the discretion of the City.

Section 50.22. Restrictions:

(A) Power Factor:

The City shall not be obligated to furnish service to a customer using equipment having a power factor lower than eighty-five percent (85%), which equipment can be improved by reasonable changes to a minimum of eighty-five percent (85%) lagging. Improvement of the power factor shall be at the customer's expense. The City reserves the right to measure power factor at any time by means of test or permanently installed metering equipment, and if the customer's power factor is found to be less than eighty-five percent (85%) lagging, the billing demand will be increased by the ratio that eighty-five percent (85%) bears to the customer's actual power factor.

(B) Discontinuation of Service:

The City may discontinue service following written notice in case the meter or wiring on the customer's premises is tampered with in any manner to allow unmetered current to be used. The customer shall pay the City the estimated cost of the unmetered energy used as determined by the City, and shall, at his own expense, place the wiring in such condition and meter box in such place as is approved by the City. The unauthorized connection to a utility power source or the bypassing of an electric meter will be construed as a theft of electricity and will be appropriately prosecuted. The City may also discontinue service when an account remains unpaid past the due date. The customer shall pay the full amount of arrears, plus a reconnect fee in order to restore service.

Customers or Electrical Contractors shall not cut a meter seal to perform work without calling Escanaba Electric Department prior to beginning such work. Meter seals shall not be cut without prior approval except in the case of danger to life or property. In any case, permission will be given only to qualified persons to cut meter seals. Anyone not adhering to the meter seal-cutting paragraph in this ordinance shall be subject to a \$75.00 seal-cutting fee.

(C) Meter Location:

All meters must be located in such manner as to provide safe, reasonable access by City personnel for reading, inspection and maintenance, without the need for advance notice during regular City business hours. Conditions which can prevent access by City personnel include, but are not limited to, dogs, fences, locked gates, shrubbery, ice, snow, vehicles and debris in the way of the meter. Any customer who refuses to remedy a condition which prevents access shall have his or her services disconnected until said condition is corrected to the satisfaction of the utility.

New services: The meter must be located on the side of the house that the service will be fed from, or on one of the adjoining sides. The meter must not be located inside of a fenced area. All new residential underground services must have a meter pedestal. Meter bases for underground services will not be allowed.

Formatted: Quick 1), Left, Right: 0", Tab stops: Not at 0" + 0.5" + 1" + 1.5" + 2" + 2.5" + 3" + 3.5" + 4" + 4.5" + 5" + 5.5" + 6"

Formatted: Font: Italic

(D) Safety and Code Compliance:

All wiring and electrical equipment must be installed, maintained, and operated in a safe manner so that it is not a hazard to life, health, or property. Wiring must be done in accordance with the latest edition of the National Electric Code and the rules and regulations of the City Electric Utility.

(D) Owner Delinquency

If a property owner has an account in his or her name and said account is delinquent or in arrears, then any transfers or name changes shall be prohibited until such time as the owner's account is brought current and is otherwise in good standing. This provision shall also apply to accounts held in the name of an owner's agent or property manager.

Section 50.23. Experience - Good Faith Deposit Requirement:

(A) Deposit Terms

If a customer of the City of Escanaba, whether he be a tenant, owner, or an owner by land contract, has a history of delinquent payments, or if the City has no history of customer's payments, or if owner or tenant customer service is located outside the corporate limits of the City of Escanaba, or

if, in the judgment of the City, the existing deposit is insufficient based on current billings, the City may require a sum not to exceed the projected billing in an average four-month period as a good faith deposit. Projected billing for water sewer and electricity are combined for purposes of determining a customer's total deposit requirement. In no case will a customer's total deposit requirement be less than two hundred dollars (\$200). The minimum deposit will not be discounted for customers who do not have water service. This deposit will be held for twelve (12) consecutive months of payments without delinquency.

Deposits for commercial accounts will be estimated on an individual basis. Commercial accounts will pay a deposit of an estimate of four (4) months' utility bills based on the estimated usage for the type of business.

(B) Deposit Interest

Interest will be paid on deposits at the rate of 1.0% per annum effective July 1, ~~2014~~~~2013~~. The deposit rate is based on the market rate the City receives on its deposit accounts on that date.

(C) Escrow and Letter of Credit

If a deposit of over \$500 is demanded from a commercial or large power customer, this deposit may be held in a special escrow account at the bank of the customer's choice, and interest will accrue to the benefit of the customer. Alternately, said customer may furnish an irrevocable bank letter of credit in lieu of a cash deposit.

Section 50.24. Qualification for Rate:

A customer, once placed in a rate classification, will remain in this rate classification unless, in the City's opinion, another rate classification becomes more appropriate. Customers desiring to change from one classification to another must notify the City in writing. It shall not be the City's responsibility to determine the most economical rate classification unless and until said written notice is received. In the event a change in rate classification results in reduced charges, there will be no retroactive adjustments beyond afore-referenced date of application.

In placing a customer in a rate classification, it is understood that such rate classification will remain in effect for said customer until, in the City's judgment, the rate classification is not applicable. Short duration transfers between rate classifications by customers will not be permitted. The City reserves the right of final determination as to when and whom a rate classification may be assigned or changed.

New classifications may be authorized by the City Manager if, in the opinion of the City, these new classifications provide a benefit to both the City and its customers. Customers will be placed in these classifications only at the request of the customer. These classifications will cease to exist at such time as a new rate ordinance is adopted, unless they are specifically included as a permanent rate classification under Section 50.01 and 50.02.

Section 50.25. Non Sufficient Funds Charges (NSF)

Whenever a customer presents a check or draft instrument for which funds are not immediately available upon presentation for deposit at the City's bank, a charge of \$20 will be placed upon the account for which payment was intended. The NSF charge shall also apply to agreements for ACH account debits.

Section 50.27. Billing Recapture and Customer Credits

Whenever it becomes necessary for the billing department to recapture unbilled charges, the billing department shall use a “look-back” of two years. If it is determined that unbilled charges are the result of customer fraud, the billing department shall recover all unbilled charges.

If a billing error on the part of the City results in over-billed charges, the City will refund all such over-billings, to the extent that the amount can be reasonably determined.

If an over-billing is not the result of a City error, the billing department shall employ a two year look-back period in determining the amount of credit.

CHAPTER III

Section 50.30. Liability:

In case the supply of electricity shall be interrupted or fail, the City shall not be liable for damages by reason of such failure.

CHAPTER IV

Section 50.40. Other Ordinances:

All rules, regulations, and provisions which have heretofore been enacted by ordinance or otherwise, shall continue to be in full force and effect until modified or amended.

CHAPTER V

Section 50.50. Savings Clause:

If any section, subsection, sentence, clause, or phrase of this ordinance, is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

CHAPTER VI

Section 50.60. Effective Date:

In compliance with Section 4 of Chapter XVI of the City Charter, this ordinance shall be in full force and effect on bills for electric energy processed beginning July 1, ~~2014~~2013.

APPROVED:

APPROVED:

Ralph B. K. Peterson
City Attorney

~~Marc D. Tall~~Leo J. Evans
Mayor

Date Approved: June 3, ~~2014~~2013
Date Published: June 6, ~~2014~~2013

Attest:

Robert S. Richards, CMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Special Meeting held on Monday June 3rd, ~~2014~~2013, and was published in the Daily

| Ordinance No. ~~11484436~~ – continued
Electric Rate Ordinance

| Press, a newspaper of general circulation in the City of Escanaba on Thursday, June 6, ~~2014~~~~2013~~, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

—
Robert S. Richards, CMC
City Clerk

ORDINANCE NO. ~~11491137~~
WASTEWATER RATES

AN ORDINANCE FIXING THE CHARGES TO BE ASSESSED BY THE CITY OF ESCANABA FOR WASTEWATER COLLECTION AND TREATMENT AND THE AVAILABILITY OF SERVICE TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, ~~2014~~~~2013~~, AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE CITY COUNCIL.

THE CITY OF ESCANABA ORDAINS:

Section 1.00 SEWER SERVICE CHARGES

1.01 Charges for operation, maintenance, and replacement shall be levied monthly on the basis of metered water consumption, according to the following:

\$~~2.57~~~~2~~ Net Per Thousand Gallons, plus monthly availability debt service charge based on the size of a customer's water service to be determined as follows:

5/8" & 3/4"	Meter	\$ 6.126.00 per month
1"	Meter	7.587.43 per month
1 1/4"	Meter	10.6740.46 per month
1 1/2"	Meter	15.2844.98 per month
2"	Meter	22.8722.42 per month
3"	Meter	45.8144.91 per month
4"	Meter	61.0859.88 per month
6"	Meter	137.42434.73 per month
8"	Meter	198.50494.64 per month
10"	Meter	274.85269.46 per month
12"	Meter	305.39299.40 per month

The minimum monthly bill shall be the "availability" charge herein set forth.

1.02 Outside the City Wastewater Rates

The outside City wastewater charges shall equal the City charge for operation, maintenance, and replacement and shall be twice the inside City charge for availability.

1.025 The flat rate charge for unmetered residential wastewater services shall be \$18.~~7235~~ per month.

1.03 In the event that a user introduces a substance into the wastewater system that results in extraordinary treatment, procedures, or costs, the City reserves the right to bill the user in accordance with the Michigan Department of Natural Resources (DNR) approved water charge system, or if the substance cannot be treated feasibly, the City reserves the right to terminate utility service to the user.

1.04 In the event that a user introduces a substance into the system that results in damages to property or environment, said user will be solely responsible for compensatory and/or punitive damages.

1.05 The City Manager will set the charge for any service not covered by this ordinance.

1.06 Non Sufficient Funds Charges (NSF)

Whenever a customer presents a check or draft instrument for which funds are not immediately available upon presentation for deposit at the City's bank, a charge of \$20 will be placed upon the account for which payment was intended. The NSF charge shall also apply to agreements for ACH account debits.

1.07 Billing Recapture and Customer Credits

Whenever it becomes necessary for the billing department to recapture unbilled charges, the billing department shall use a "look-back" period of two years. If it is

determined that unbilled charges are the result of customer fraud, the billing department shall recover all unbilled charges.

If a billing error on the part of the City results in over-billed charges, the City will refund all such over-billings, to the extent that the amount can be reasonably determined.

If an over-billing is not the result of a City error, the billing department shall employ a two year look-back period in determining the amount of credit.

Section 2.00 USER CHARGE SYSTEM

2.01 Established Basis for Computations

Rates and charges for the use of the wastewater system of the City shall be based upon the methodology in the user charge system approved by the Michigan DNR. Revisions to the rates for total sewer service charges are to be established by ordinances as necessary to ensure sufficiency of revenues in meeting operation, maintenance, and replacement costs, as well as debt service.

User charges for operation, maintenance and replacement shall be subject to the annual review of the user charge system. User charges shall be the same for all customers of the system regardless of geographical boundaries.

2.02 Amounts, Billings, Sewer Service Charges

The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such systems, on the basis of the equivalent residential units and shall be collected monthly, except in cases where the character of the sewage from a manufacturer is such that reasonable, additional burden is placed on the system.

2.03 Annual Audit

The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance, and replacement of the system as are necessary to preserve the same in good repair and working order.

Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be revised as necessary by the City to meet system expenses and to ensure that all user classes pay their proportionate share of operation, maintenance, and equipment replacement costs.

2.04 Free Services

No free services shall be allowed for any user of the wastewater treatment works.

2.05 Late Payment Penalty

Meters of all customers shall be read or estimated monthly and a three percent (3%) penalty charge will be made on all bills unpaid after the due date indicated on bill. Penalty charges may be waived at the discretion of the City for good reason. In all cases, it will be the exclusive right of the City to determine the facts and judge the validity of the request to waive the penalty payments.

2.06 Enforcement:

In addition to all other lawful enforcement methods, the City agrees and covenants to enforce all charges for wastewater services supplied to any premises, if any such charges shall remain unpaid past the due date.

2.07 Utility Liens

Charges for wastewater services applied by the system shall constitute a lien on the premises served and if not paid within six (6) months, shall be certified by the official in charge of the collection thereof to the tax assessing officer and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of Michigan and the City Charter applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be observed in the certification and collection of such charges.

2.075 Landlord Not Responsible

In all cases where a tenant is responsible for the payment of any such charge and the Utility Billing Office is so notified in writing, which notification shall include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien against such premises from and after the date of such notice. In the event of the filing of such notice and after the date of such notice, the City shall render no further service to such premises until a cash deposit in an amount of the projected billing for not less than a one-month period and not more than a three-month period is received, said determination of deposit to be solely at the discretion of the City.

2.08 Experience - Good Faith Deposit Requirement

(A) Deposit Terms

If a customer of the City of Escanaba, whether he be a tenant, owner, or an owner by land contract, has a history of delinquent payments, or if the City has no history of customer's payments, or if owner or tenant customer service is located outside the corporate limits of the City of Escanaba, or if, in the judgment of the City, the existing deposit is insufficient based on current billings, the City may require a sum not to exceed the projected billing in an average four-month period as a good faith deposit. Projected billing for water sewer and electricity are combined for purposes of determining a customer's total deposit requirement. In no case will a customer's total deposit requirement be less than two hundred dollars (\$200). In the case of an account which does not include electric service, the total deposit requirement shall not be less than one hundred dollars (\$100). This deposit will be held for twelve (12) consecutive months of payments without delinquency.

Deposits for commercial accounts will be estimated on an individual basis. Commercial accounts will pay a deposit of an estimate of four (4) months' utility bills based on the estimated usage for the type of business.

(B) Deposit Interest

Interest will be paid on deposits at the rate of 1.0 % per annum effective July 1, ~~2014~~~~2013~~. The deposit rate is based on the market rate the City receives on its deposit accounts on that date.

(C) Escrow and Letter of Credit

If a deposit of over \$500 is demanded from a commercial or large power customer, this deposit may be held in a special escrow account at the bank of the customer's choice, and interest will accrue to the benefit of the customer. Alternately, said customer may furnish an irrevocable bank letter of credit in lieu of a cash deposit.

2.09 No user shall introduce any substance, including toxic matter, chemicals, or flammable liquids, or water derived from other than metered City sources, into the City sewer system without first receiving specific approval from the Superintendent of Wastewater.

2.10 Water customers not introducing all of their usage into the sewer system may apply to the Utility Office for exemption from wastewater charges for the usage not introduced, by requesting the installation of a meter to determine, through the use of the meter, the purchased water that is not being introduced into the sewage system.

2.11 Exemptions.

Requests for special exemption from wastewater charges, due to extenuating circumstances, will be considered by the City Manager or her/his designated official. Each request will be assessed on the facts as determined by said official.

Section 3.00 VALIDITY, SEVERABILITY, CONFLICT, LIABILITY

3.01 The provisions of this article are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm, or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality, or constitutionality of any other provisions, word phrase, clause or term, and they shall continue in full force and effect.

3.02 All rules, regulations, and provisions, which have heretofore been enacted by ordinance or otherwise, shall continue to be in full force and effect unless modified or amended by the terms of this ordinance.

3.03 All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this ordinance, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of law, ordinance, or regulation which is more restrictive or establishes a higher standard than those provided in this article.

Section 4.0 EFFECTIVE DATE

This ordinance shall be in full force and effect for billings processed after June 30, ~~2014~~~~2013~~, and after the passage of this Ordinance and publication.

APPROVED:

APPROVED:

Ralph B. K. Peterson
City Attorney

~~Marc D. Tall~~~~Leo J. Evans~~
Mayor

Date Approved: June 3, ~~2014~~~~2013~~
Date Published: June 6, ~~2014~~~~2013~~

Attest:

Robert S. Richards, CMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Special Meeting held on Monday, the 3rd day of June, ~~2014~~~~2013~~, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on Thursday, June 6, ~~2014~~~~2013~~, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Robert S. Richards, CMC
City Clerk

ORDINANCE NO. ~~1138~~1150
WATER RATES

THE ORDINANCE FIXING THE RATES TO BE CHARGED BY THE CITY OF ESCANABA FOR WATER DISTRIBUTION, TREATMENT, AND AVAILABILITY TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, ~~2013~~2014, AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE COUNCIL.

THE CITY OF ESCANABA ORDAINS:

CHAPTER I
RATES

For water distribution and treatment, there shall be charged by the City of Escanaba the rates herewith set forth as follows:

Section 101. Metered Water Rates (Monthly):

~~\$2.732.68~~ Net Per Thousand Gallons for the first 10,000 Gallons
~~\$2.192.15~~ Net Per Thousand Gallons for the next 140,000 Gallons
~~\$1.911.87~~ Net Per Thousand Gallons for the next 350,000 Gallons
~~\$1.731.70~~ Net Per Thousand Gallons for all over 500,000 Gallons

Plus, a monthly availability charge based on the size of the customer's service to be determined as follows:

5/8" & 3/4" Meter	\$12.0911.85 per month
1" Meter.....	15.1114.81 per month
1 1/4" Meter.....	21.1120.70 per month
1 1/2" Meter.....	30.1929.60 per month
2" Meter.....	45.3344.44 per month
3" Meter.....	90.6088.82 per month
4" Meter.....	120.77118.40 per month
6" Meter.....	271.78266.45 per month
8" Meter.....	392.69384.99 per month
10" Meter.....	543.52532.86 per month
12" Meter.....	603.93592.09 per month

Minimum Bill: The minimum monthly bill shall be the "availability" charge herein set forth.

Section 102. Outside City Metered Water Rates:

The outside City rates shall be twice the inside City rates.

Section 103. Construction Service:

103.1 Use of City Hydrants or Standpipes as a Source of Water.

The Connection charge is ~~\$99.2697.31~~. This charge includes the first 33,000 gallons used. Water used in excess of 33,000 gallons will be billed at ~~\$2.732.68~~ per 1,000 gallons. The connection charge is good for up to one month, with additional months billed at ~~\$99.2697.31~~ per month. Any movement of the connection is considered a new connection, subject to the ~~\$99.2697.31~~ connection charge.

103.2 When a service line is installed at construction site and it is not feasible to set a meter, the flat rate charge for water used will be as follows:

1" Service Line . . . ~~\$27.6427.10~~ per month

103.3 Customers will be charged actual cost for construction of all services, regardless of size.

Section 104. Special Cases

The City Manager will set the charge for any service not included in this action, including charges for meters which are damaged or faulty. The City retains the right to discontinue service to a customer in order to bring the customer's installation up to City standards.

Section 105. Unmetered Water Sales

Unmetered water rates shall be charged at the rate of ~~\$2.732.68~~ per thousand gallons on the estimated usage for each month, plus, a minimum monthly service charge based upon an estimated meter size requirement, if the consumer were metered, which shall be levied from the metered water rate service charge schedule.

The basis for estimating residential flat rate or unmetered water sales shall consist of a representative average residential usage for each month.

Section 106. Fire Protection Charges

Charge per fire hydrant will be computed at ~~\$276.84271.44~~ per year per hydrant. The annual availability charge for a special water line for a fire protection system shall be ~~\$276.84271.44~~ for a six-inch line, ~~\$491.16481.56~~ for an eight-inch line, ~~\$767.88752.88~~ for a ten-inch line, ~~\$1107.121,085.40~~ for a twelve-inch line, and ~~\$1,967.281,928.76~~ for a sixteen-inch line. Rates for hydrant rental in Wells Township will be ~~\$266.79261.56~~ per year per hydrant.

Section 107. Connection Charges

For each service transfer request, there shall be a charge of \$10.00. The transfer fee is limited to those situations which require only a meter reading. For any service calls during regular working hours, including meter sets and valve turning, there shall be a charge of \$15.00. These charges are applicable only to requests for turning on a service. There are no charges for the shut-off of a service. Charges for turning on a service outside of regular hours will be \$120.00.

Section 108. Reconnection Charge

The reconnection charge for seasonal service requested by any customer, such as people going away for the winter, seasonal businesses, or seasonal industries, shall be \$30.00 if the meter is reconnected at the same premises by the same user within one year of disconnection. There shall be a reconnection charge of \$30.00 for shut offs due to nonpayment. Nonpay reconnects outside of normal business hours shall be billed at \$120.00.

Section 109. Meter Charges In New Construction

A customer who installs a new water service that is not a replacement for an existing service must pay a one time meter charge equal to the actual cost of the meter plus 10% prior to receipt of services. Meter charges and specifications shall be established by the City Water Superintendent and shall be adjusted at his discretion. Customers are not permitted to remove meters at the end of their service contract.

A customer who requests replacement of an existing, properly functioning, meter shall be charged the actual cost of the new meter plus 10%, In addition, such customer shall pay time and materials at actual cost.

Section 110. Non Sufficient Funds Charges (NSF)

Whenever a customer presents a check or draft instrument for which funds are not immediately available upon presentation for deposit at the City's bank, a charge of \$20 will be placed upon the account for which

payment was intended. The NSF charge shall also apply to agreements for ACH account debits.

Section 111. Billing Recapture and Customer Credits

Whenever it becomes necessary for the billing department to recapture unbilled charges, the billing department shall use a “look-back” period of two years. If it is determined that unbilled charges are the result of customer fraud, the billing department shall recover all unbilled charges.

If a billing error on the part of the City results in over-billed charges, the City will refund all such over-billings, to the extent that the amount can be reasonably determined.

If an over-billing is not the result of a City error, the billing department shall employ a two year look-back period in determining the amount of credit.

Section 112. Water Delivery Charge

The charge for water delivered by tanker truck shall be \$100 for the first delivery. In the event more than one delivery is requested, subsequent deliveries shall be charged on a time and materials basis.

Section 113. Frozen Meter Charge

If a water meter freezes and becomes damaged as a result of freezing, the account holder shall be required to pay to the City, the actual replacement cost of the meter plus installation cost.

CHAPTER II
CONDITIONS OF SERVICE

Section 201. Late Payment Penalty

Meters of all customers shall be read or estimated monthly and a three percent (3%) penalty charge will be made on all bills unpaid after the due date indicated on bill. Penalty charges may be waived at the discretion of the City for good reason in all cases, it will be the exclusive right of the City to determine the facts and judge the validity of the request to waive the penalty payments.

Section 202. Enforcement

In addition to all other lawful enforcement methods, the City agrees and covenants to enforce all charges for water supplied to any premises by discontinuing the water service to such premises if any such charges shall remain unpaid past the due date.

(A) Utility Liens

Charges for water services applied by the system shall constitute a lien on the premises served and if not paid within six (6) months, shall be certified by the official in charge of the collection thereof to the tax assessing officer and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of Michigan and the City Charter applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be observed in the certification and collection of such charges.

(B) Landlord Not Responsible

In all cases where a tenant is responsible for the payment of any such charge and the Utility Billing Office is so notified in writing, which notification shall include a true copy of the lease of the affected premises,

if there be one, then no such charge shall become a lien against such premises from and after the date of such notice. In the event of the filing of such notice and after the date of such notice, the City shall render no further service to such premises until a cash deposit in an amount of the projected billing for not less than a one-month period and not more than a three-month period is received, said determination of deposit to be solely at the discretion of the City.

Section 203. Experience - Good Faith Deposit Requirement

(A) Deposit Terms

If a customer of the City of Escanaba, whether he be a tenant, owner, or an owner by land contract, has a history of delinquent payments, or if the City has no history of customer's payments, or if owner or tenant customer service is located outside the corporate limits of the City of Escanaba, or if, in the judgment of the City, the existing deposit is insufficient based on current billings, the City may require a sum not to exceed the projected billing in an average four-month period as a good faith deposit. Projected billing for water sewer and electricity are combined for purposes of determining a customer's total deposit requirement. In no case will a customer's total deposit requirement be less than two hundred dollars (\$200). In the case of an account which does not include electric service, the total deposit requirement shall not be less than one hundred dollars (\$100). This deposit will be held for twelve (12) consecutive months of payments without delinquency.

Deposits for commercial accounts will be estimated on an individual basis. Commercial accounts will pay a deposit of an estimate of four (4) months' utility bills based on the estimated usage for the type of business.

(B) Deposit Interest

Interest will be paid on deposits at the rate of 1.0% per annum effective July 1, ~~2013~~2014. The deposit rate is based on the market rate the City receives on its deposit accounts on that date.

(C) Escrow and Letter of Credit

If a deposit of over \$500 is demanded from a commercial or large power customer, this deposit may be held in a special escrow account at the bank of the customer's choice, and interest will accrue to the benefit of the customer. Alternately, said customer may furnish an irrevocable bank letter of credit in lieu of a cash deposit.

Section 204. Discontinuation of Service

Water services may be discontinued if the wastewater charges are not paid.

Section 204.1 Tampering

The City may discontinue service following a written notice in the event that the user has tampered with the metering, bypassed said metering, or cross connected to the City system. Also, the unauthorized cross connection or tampering with the metering will result in the customer being billed for the estimated cost of the water used, as determined by the City, and the act of cross-connecting or bypassing the meter will be construed as a theft of utility water and appropriately prosecuted.

Section 204.2 Seal Cutting (note: broke out into new section)

Neither customers nor plumbing contractors shall cut a meter seal to perform work without calling the Escanaba Utility Billing Department prior to beginning such work. Permission will be given only to qualified persons to cut meter seals. Anyone not adhering to this provision shall be subject

to a \$75.00 seal-cutting fee.

Section 205. Liability

In case the supply of water shall be interrupted or fail by reason of accident or causes beyond the control of the City, the City shall not be liable for damages by reason of such failure.

Section 206. Location of Meters

All meters must be located in such manner as to provide safe, reasonable access by City personnel for reading, inspection and maintenance, without the need for advance notice during regular City business hours. Conditions which can prevent access by City personnel include, but are not limited to, dogs, fences, locked gates, shrubbery, ice, snow, vehicles and debris in the way of the meter. Any customer who refuses to remedy a condition which prevents access shall have his or her services disconnected until said condition is corrected to the satisfaction of the utility.

Section 207. Backflow Device Testing

Anyone performing a test of a backflow or cross connection device must forward a copy of the test results to the City Water Department within 30 days of having completed said test. A property owner shall have sole responsibility for compliance with this section. A property owner shall be responsible for all investigation costs if such investigation results in a finding of “non-compliance.” Failure to comply with this section shall be grounds for discontinuation of water service.

CHAPTER III
OTHER ORDINANCES

All rules, regulations, and provisions, which have heretofore been enacted by ordinance or otherwise, shall continue to be in full force and effect unless modified or amended by the terms of this ordinance.

CHAPTER IV
SAVINGS CLAUSE

If any section, subsection, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

CHAPTER V
EFFECTIVE DATE

In compliance with Section 4 of Chapter XVI of the City Charter, this ordinance shall be in full force and effect for billings processed after June 30, ~~2013~~2014, and after passage of this ordinance and its publication.

APPROVED:

APPROVED:

Ralph B. K. Peterson
City Attorney

~~Marc D. Tall~~Leo J. Evans
Mayor

Date Approved: June 3, ~~2013~~2014
Date Published: June 6, ~~2013~~2014

Attest:

Robert S. Richards, CMC

City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Special Meeting held on Monday the 3rd day of June ~~2013~~2014, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on Thursday, June 6, ~~2013~~2014, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Robert S. Richards, CMC
City Clerk

ORDINANCE NO. 11391151
SOLID WASTE RATES

AN ORDINANCE TO AMEND CHAPTER 14, FIXING THE CHARGES TO BE ASSESSED BY THE CITY OF ESCANABA FOR SOLID WASTE, RECYCLING, YARD WASTE AND LITTERING, TO BE IN FULL FORCE AND EFFECT ON THE BILLINGS PROCESSED AFTER JUNE 30, 2013 2014 AND ALL BILLINGS THEREAFTER UNTIL FURTHER AMENDED BY THE CITY COUNCIL OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA

Formatted: Justified

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 14, Section 3, Collection of Charges; Liens, of the Code of Ordinances shall be amended as follows:

1. Each small garbage customer shall be charged the sum of Three Dollars (\$3.00) per month for the collection and disposal of up to three (3) solid waste carts of solid waste per week.

The City may, at its sole discretion, grant a small garbage exemption from solid waste charges if all of the following conditions exist: (a) a building or portion thereof must be unoccupied for the entire billing period in question; (b) a building or portion thereof must have either its electric or water service "shut off" for the entire billing period in question; and (c) no refuse may be placed for pickup at the occupancy in question during the billing period in question. Retroactive exemption will not be granted.

2. Each large garbage customer shall be charged the sum of Twelve Dollars (\$12.00) per month for the collection and disposal of four (4) or five (5) solid waste carts of solid waste per week.

The City may, at its sole discretion, grant a large garbage exemption from solid waste charges if the customer in question furnishes the billing department with evidence of private collection. Retroactive exemptions will not be granted.

3. Any customer who exceeds five (5) solid waste carts of solid waste per week will be required to provide for the collection and disposal of their solid waste through other methods.
4. Should the State of Michigan or any other duly authorized governmental agency mandate any cost increases for the disposal of solid waste at the Delta Solid Waste Management Landfill, these additional costs will be added to the rates as previously described.
5. There is created and established a special fund to be known and designated as the "Solid Waste Fund" into which all sums collected under this chapter shall be deposited and kept by the City Treasurer and from which all expenses of the administration and operation of this chapter shall be paid.
6. All solid waste collection service charges shall be paid to the City Treasurer.
7. A three (3%) percent penalty charge will be made on all bills unpaid after the date indicated on the bill. The penalty charge will be computed as of the date of payment and will be computed on the amount of payment applied to the delinquent balance. The penalty charges may be waived at the discretion of the city for good reason when the interest of the city would be best served by waiving said penalty or if the customer proves extraordinary circumstances intervened to prevent payment of the bill on the due date. In all cases, it will be the exclusive right of the city to determine the facts and judge the validity of the request to waive the penalty payments.
8. In addition to all other remedies for the collection of delinquent charges or billing authorized by ordinances of the city pertaining to solid waste collection, the city shall have the right to such liens and procedures as may be established for the collection of solid waste utility charges as are now or hereafter authorized by the laws of the state.

Chapter 14, Section 4. Enforcement, of the Code of Ordinances shall be amended as follows:

Charges for solid waste disposal shall constitute a lien on the premises served and if not paid within six (6) months shall be certified by the official in charge of the collection thereof to the tax assessing officer, and shall then be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced. All provisions of the laws of the state and the city charter applicable to the time and manner of certification and collection of delinquent city taxes levied against real estate in the city shall be observed in the certification and collection of such charges, provided, however, that in all cases where a tenant is responsible for the payment of any such charge and the utility billing office is so notified in writing, which notification shall include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien against such premises from and after the date of such notice.

**CHAPTER II
SAVINGS CLAUSE**

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**CHAPTER III
REPEALING CHAPTER**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER IV
EFFECTIVE DATE**

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

Ralph B. K. Peterson
City Attorney

~~Marc D. Tall~~ Leo J. Evans
Mayor

Attest:

Date Approved: June 3, ~~2013~~2014
Date Published: June 6, ~~2013~~2014

Robert S. Richards, CMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Special Meeting held on Monday, the 3rd day of June ~~2013~~2014, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on Thursday, June 6, ~~2013~~2014, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Robert S. Richards, CMC
City Clerk



NB # 8
cc
5/15/14

Escanaba Public Safety

Director Kenneth A. Vanderlinden

1900 Third Avenue North, Escanaba, MI 49829
Telephone: (906) 786-6810 Fax (906) 786-6030

Memorandum

TO: James V. O'Toole, City Manager
FROM: Director K.A. Vanderlinden
DATE: May 8, 2014
SUBJECT: Fireworks Ordinance

I have forwarded a complete revision of our fireworks ordinance, which is currently documented as 18-212; FIREWORKS.

In 2011 the State of Michigan passed the Michigan Fireworks Safety Act, also known as Public Act 256 of 2011. The Act for the most part addresses the allowable sales of consumer fireworks. Consumer fireworks in simplest terms are the ones that are propelled into the air or explode. Before the Fireworks Safety Act, these were illegal in Michigan.

Section 7 of the Fireworks Safety Act allows local government to pass an ordinance to limit the number of days that the consumer fireworks can be used and additionally allows us to restrict the timeframe during those allowable days. It is my recommendation that we do so.

Furthermore, I have summarized some of the key enforcement issues with the Fireworks Safety Act and added them to the proposed local ordinance. Many agencies throughout the state have already addressed this matter in a similar manner.

ORDINANCE NO. 1152

**AN ORDINANCE TO AMEND CHAPTER 18, SECTION 18-212,
OF THE CITY OF ESCANABA CODE OF ORDINANCES
IN ORDER TO REGULATE THE SALE, DISCHARGE
STORAGE, POSSESSION, TRANSPORTATION AND
DISTRIBUTION OF FIREWORKS**

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 18, Article VII, Division 1, Section 18-212, is hereby amended to read as follows:

Section 18-212. **FIREWORKS.**

- (a) The term "Firework" or "Fireworks" means 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, as defined by the Michigan Fireworks Safety Act, Act 256 of 2011.
- (b) The sale, discharge, storage, transportation and distribution of fireworks in the City of Escanaba shall be governed by the Michigan Fireworks Safety Act: Act 256 of 2011.

The use of low impact fireworks, as defined in the Michigan Fireworks Safety Act of 2011, (ground and hand held sparkling devices) will be permitted year-round.

- (c) Use of Consumer fireworks, as defined in the Michigan Fireworks Safety Act, in the City of Escanaba is limited to the day before, the day of, and the day after, a federal holiday, contingent on the following:
 - i. Fireworks shall not be sold to a minor.
 - ii. No person under the age of 18 years shall use, possess, explode or cause to explode any fireworks, as defined herein, within the city.
 - iii. No person under the age of 18 years shall buy, purchase, acquire or obtain any fireworks, as defined herein, within the city.

- iv A person all not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission.
 - v. For purposes of this ordinance, Federal Holidays are:
New Year's Day, Birthday of Martin Luther King Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, and Christmas Day.
 - vi The use of consumer fireworks between the hours of 1:00 A.M. and 8:00 A.M. on permitted days as outlined in section 7 (2) and (2b) of Public Act 65 of 2013, is prohibited.
- (d) Upon application in writing to the City of Escanaba by any association or group of individuals for the public display of fireworks, the Director of Public Safety may grant permission for such display, subject to such conditions as the Director of Public Safety or his designee may impose to properly safeguard the public, both as to persons and property; and subject to the provisions of the Michigan Fireworks Safety Act, Act 256 of 2011, section 28.466.
- (e) Any persons violating any provisions of this article shall be responsible for a civil infraction. The penalty for the first offense shall be \$50.00 and, for the first repeat offense, \$250.00. For the second or subsequent repeat offense, the fine shall be no more than \$500.00.

CHAPTER II **SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER III **REPEALING CHAPTER**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

CHAPTER IV
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

Ralph B.K. Peterson
City Attorney

Marc Tall
Mayor

ATTEST:

Robert S. Richards, CMS
City Clerk

I hereby certify that the above and foregoing Ordinance was duly passed and adopted at a meeting of the City Council held on _____, 2014, and was published in the

Daily Press, a newspaper of general circulation in the City of Escanaba on _____,

2014.

Robert S. Richards
City Clerk

MICHIGAN FIREWORKS SAFETY ACT
Act 256 of 2011

AN ACT to revise, consolidate, and codify the laws relating to certain fireworks; to regulate the purchase, possession, sale, and use of certain fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

History: 2011, Act 256, Eff. Jan. 1, 2012.

The People of the State of Michigan enact:

28.451 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan fireworks safety act".

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.452 Definitions.

Sec. 2. As used in this act:

(a) "Agricultural and wildlife fireworks" means fireworks devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States department of the interior or the department of natural resources of this state.

(b) "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.

(c) "Articles pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

(d) "Citation" means that term as described in section 17a.

(e) "Commercial manufacturer" means a person engaged in the manufacture of consumer fireworks.

(f) "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 does not include low-impact fireworks.

(g) "Consumer fireworks certificate" means a certificate issued under section 4.

(h) "Department" means the department of licensing and regulatory affairs.

(i) "Display fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

(j) "Firework" or "fireworks" means 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.

(k) "Fireworks safety fund" means the fireworks safety fund created in section 11.

(l) "Local unit of government" means a city, village, or township.

(m) "Low-impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

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

(o) "NFPA" means the national fire protection association headquartered at 1 Batterymarch Park, Quincy, Massachusetts.

(p) "NFPA 1" means the uniform fire code, 2006 edition, developed by NFPA.

(q) "NFPA 72" means the "National Fire Alarm Code", 2002 edition, developed by NFPA.

(r) "NFPA 101" means the "Life Safety Code", 2009 edition, developed by NFPA.

(s) "NFPA 1123" means the "Code for Fireworks Display", 2010 edition, developed by NFPA.

(t) "NFPA 1124" means the "Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles", 2006 edition, developed by NFPA.

(u) "NFPA 1126" means the "Standard for the Use of Pyrotechnics Before a Proximate Audience", 2011 edition, developed by NFPA.

(v) "Novelties" means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(w) "Permanent building or structure" is a building or structure that is affixed to a foundation on a site that has fixed utility connections and that is intended to remain on the site for more than 180 consecutive calendar days.

(x) "Person" means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

(y) "Retailer" means a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.

(z) "Retail location" means a facility listed under NFPA 1124, 7.1.2.

(aa) "Rule" means that term as defined in section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207, that was promulgated by the department.

(bb) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(cc) "Serious violation" means a violation of this act, an order issued under this act, or a rule promulgated or adopted by reference under this act for which a substantial probability exists that death or serious impairment of a body function to a person other than the violator may result unless the violator did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

(dd) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

(ee) "State fire marshal" means the state fire marshal appointed under section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

(ff) "Warehouse" means a permanent building or structure used primarily for the storage of consumer fireworks or low-impact fireworks.

(gg) "Wholesaler" means any person who sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person who sells only display fireworks or special effects.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012.

28.453 Novelties; inapplicability of act.

Sec. 3. This act does not apply to novelties. Nothing in this act allows a local unit of government to enact or enforce an ordinance, code, or regulation pertaining to, or in any manner regulating, the sale, storage, display for sale, transportation, use, or distribution of novelties.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.454 Sale of consumer fireworks; certificate required; violation as misdemeanor; penalty; application; requirements; issuance; validity; issuance of original or renewal certificate; sales tax license information; denial; transfer; display; prohibition; location or address; disposition of fees.

Sec. 4. (1) A person shall not sell consumer fireworks unless the person annually obtains and maintains a consumer fireworks certificate from the department under this section. A person who knows, or should know, that he or she is required to comply with this subsection and who fails or neglects to do so is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine, or both, with the fine as follows:

Rendered Thursday, April 10, 2014

Page 2 Michigan Compiled Laws Complete Through PA 72 and includes
95 & 97 of 2014

- (a) For a first violation of this subsection, not more than \$5,000.00.
- (b) For a second violation of this subsection, not more than \$20,000.00.
- (c) For a third or subsequent violation of this subsection, not more than \$40,000.00.
- (2) An application for a consumer fireworks certificate shall meet all of the following requirements:
 - (a) The application shall be submitted no later than April 1 of each year in which consumer fireworks are to be sold.
 - (b) The application shall list the name and address of each retail location from which consumer fireworks are to be sold.
 - (c) The application shall be accompanied by a fee of \$1,000.00 for a certificate for each retail location that is a permanent building or structure or \$600.00 for each retail location that is not a permanent building or structure. The fireworks certificate fee required to be paid for a retail location that is not a permanent building or structure shall not exceed 60% of the fireworks certificate fee for a retail location that is a permanent building or structure.
 - (d) The application shall be accompanied by a copy of the applicant's current sales tax license, including the applicant's account number, issued by the department of treasury for each retail location where consumer fireworks are to be sold by the applicant.
- (3) A consumer fireworks certificate issued under this section is valid from the date of issue until April 30 of the year after it was issued. A person may renew a consumer fireworks certificate for a retail location by making application in the same manner as provided under subsection (2). However, the department shall not issue a renewal consumer fireworks certificate unless the department determines that the applicant properly remitted all of the fireworks safety fees required to be paid in the preceding year. The department shall provide to the department of treasury the sales tax license information received from the applicant and any additional information as may be necessary to allow the department of treasury to confirm that each sales tax license submitted by the applicant is current and valid. The department shall enter into an agreement with the department of treasury under section 28(1) of 1941 PA 122, MCL 205.28, that will allow the department of treasury to provide that information to the department. The department shall not issue an original or renewal consumer fireworks certificate to an applicant until the department of treasury has confirmed to the department that each sales tax license submitted by the applicant is current and valid, and that the applicant is otherwise eligible to obtain a consumer fireworks certificate under this act.
- (4) Not more than 30 days after an application is submitted to the department under this section, the department shall issue or deny issuance of a consumer fireworks certificate to the applicant and, if issuance is denied, shall indicate to the applicant the reason for denial.
- (5) If the department denies issuance of a consumer fireworks certificate under this section, the applicant may cure any defect of the application within 45 days after the denial without paying an additional fee. The department shall not unreasonably delay or deny an application under this section.
- (6) A consumer fireworks certificate is transferable upon approval by the department and the payment of a \$25.00 transfer fee. However, the department shall not approve the transfer of a consumer fireworks certificate unless the transferee satisfies eligibility requirements for an original consumer fireworks certificate under this act.
- (7) The holder of a consumer fireworks certificate shall prominently display the original or copy of the certificate in the appropriate retail location. A person that violates this subsection is responsible for a civil fine of \$100.00. Each day that the consumer fireworks certificate is not displayed as required under this subsection is a separate violation.
- (8) The department shall not issue a consumer fireworks certificate to a person that is ineligible under this act.
- (9) The face of the consumer fireworks certificate shall indicate the location or address for which it was issued.
- (10) Fees collected under this section shall be deposited in the fireworks safety fund.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013.

28.455 Sale of consumer fireworks from retail location; conditions; failure to comply; civil fine; insurance coverage.

Sec. 5. (1) Consumer fireworks shall only be sold from a retail location if all of the following applicable conditions are met:

- (a) Except as provided in subdivision (b), a retail location satisfies the applicable requirements of NFPA 101 and NFPA 1124 not in conflict with this act, and the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. However, any provision of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, that is inconsistent with the applicable

Rendered Thursday, April 10, 2014

Page 3 Michigan Compiled Laws Complete Through PA 72 and Includes 95 & 97 of 2014

requirements of NFPA 101 and NFPA 1124 is superseded to the extent of the inconsistency or conflict.

(b) Beginning January 1, 2013, a permanent building or structure shall be equipped with a fire suppression system in compliance with NFPA 1124.

(c) The retailer at that retail location is licensed under section 3 of the general sales tax act, 1933 PA 167, MCL 205.53.

(d) The retailer has a valid federal taxpayer identification number issued by the federal department of the treasury, internal revenue service. This requirement does not apply to a retailer that is a sole proprietorship.

(2) A person that knows, or should know, that he or she is required to comply with subsection (1) and who fails or neglects to do so is responsible for a civil fine of \$2,500.00 for each violation. Each day that a person is in noncompliance constitutes a separate violation.

(3) During periods when consumer fireworks are sold, each retail location selling consumer fireworks either shall be added as an additional insured, or public liability and product liability insurance coverage shall be obtained and maintained, in an amount not less than \$10,000,000.00 per occurrence. A person that knows, or should know, that he or she is required to comply with this subsection and who fails or neglects to do so is liable for a civil fine of not more than \$5,000.00.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013.

28.456 Website; establishment and maintenance by department; registration with low-impact fireworks retail registry.

Sec. 6. (1) The department shall establish and maintain, or cause to be created and maintained, an internet website that has as its purpose the protection of the residents of this state who purchase, use, or transport fireworks. The website shall include, at a minimum, both of the following:

(a) A list of every person and entity that is issued a consumer fireworks certificate under section 4.

(b) A low-impact fireworks retail registry. All of the following apply to the online low-impact fireworks retail registry:

(i) It shall be maintained and operated at no cost to a user.

(ii) The cost of its maintenance and operation shall be paid with funds described in section 11(4).

(iii) It shall provide for instant registry without condition.

(2) Beginning February 1, 2012, a person shall not sell low-impact fireworks unless he or she registers with the low-impact fireworks retail registry not less than 10 days before selling the fireworks in each calendar year.

(3) A person who sells low-impact fireworks at retail and who fails to register as described in this section shall cease the sale of low-impact fireworks until the person complies with subsection (2).

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.457 Local ordinances.

Sec. 7. (1) Except as provided in this act, a local unit of government shall not enact or enforce an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act.

(2) A local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks, including, but not limited to, an ordinance prescribing the hours of the day or night during which a person may ignite, discharge, or use consumer fireworks. If a local unit of government enacts an ordinance under this subsection, the ordinance shall not regulate the ignition, discharge, or use of consumer fireworks on the day preceding, the day of, or the day after a national holiday except as follows:

(a) A local unit of government with a population of 50,000 or more or a local unit of government located in a county with a population of 750,000 or more may regulate the ignition, discharge, or use of consumer fireworks between the hours of 12 midnight and 8 a.m. or between the hours of 1 a.m. and 8 a.m. on New Year's day.

(b) A local unit of government with a population of less than 50,000 located in a county with a population of less than 750,000 may regulate the ignition, discharge, or use of consumer fireworks between the hours of 1 a.m. and 8 a.m.

(3) An ordinance under subsection (2) shall only impose a civil fine of not more than \$500.00 for each violation of the ordinance and no other fine or sanction.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013.

28.458 Fireworks safety fee; imposition; payment; deposit in fireworks safety fund; failure to comply as misdemeanor; fine.

Sec. 8. (1) A user fee, known as the fireworks safety fee, is imposed on retail transactions made in this

state for consumer fireworks and low-impact fireworks as provided in section 9.

(2) A person that acquires consumer fireworks or low-impact fireworks in a retail transaction is liable for the fireworks safety fee on the transaction and, except as otherwise provided in this act, shall pay the fireworks safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the fireworks safety fee as an agent for the state.

(3) The fireworks safety fee shall be deposited in the fireworks safety fund.

(4) A person that knows or should know that he or she is required to comply with the requirements of subsection (2) but fails to collect or remit a fireworks safety fee as required under this section is guilty of a misdemeanor punishable by a fine as follows:

(a) For a first violation of this subsection, not more than \$10,000.00.

(b) For a second violation of this subsection, not more than \$20,000.00.

(c) For a third or subsequent violation of this subsection, not more than \$40,000.00.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012.

28.459 Fireworks safety fee; determination; rates; collection allowance.

Sec. 9. (1) Except as provided in subsections (2) and (3), the fireworks safety fee is determined by the gross retail income from consumer fireworks and low-impact fireworks received by a retail merchant in a retail unitary transaction of consumer fireworks and low-impact fireworks and is imposed before any taxes are applied at the following rates:

FIREWORKS SAFETY FEE		GROSS RETAIL INCOME FROM THE RETAIL UNITARY TRANSACTION	
\$ 0		less than	\$ 0.08
\$ 0.01	at least \$ 0.08	but less than	\$ 0.24
\$ 0.02	at least \$ 0.24	but less than	\$ 0.40
\$ 0.03	at least \$ 0.40	but less than	\$ 0.56
\$ 0.04	at least \$ 0.56	but less than	\$ 0.72
\$ 0.05	at least \$ 0.72	but less than	\$ 0.88
\$ 0.06	at least \$ 0.88	but less than	\$ 1.04

(2) On a retail unitary transaction in which the gross retail income received by the retail merchant is \$1.04 or more, the fireworks safety fee is 6% of that gross retail income as determined before any taxes are applied.

(3) If the fireworks safety fee calculated under subsection (1) results in a fraction of 1/2 cent or more, the amount of the fireworks safety fee shall be rounded to the next additional cent.

(4) The retailer whose retail location is a permanent building or structure may retain 1% of the fireworks safety fees that the retailer collected under this section as a collection allowance.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.460 Fireworks safety fees; remittance; forms; manner; payment liability; past due amounts; aggregate filing; investigation.

Sec. 10.

(1) The retailer or person to whom a consumer fireworks certificate is issued is responsible for remitting all fireworks safety fees as described in section 9 to the department on forms and in the manner prescribed by the department; shall hold the fireworks safety fees collected in trust for the state until remitted to the state; and is personally liable for the payment of the fireworks safety fee money to this state.

(2) The department may refer for collection to the department of treasury past due amounts of the fireworks safety fee consistent with section 13 of 1941 PA 122, MCL 205.13.

(3) A retailer or person shall remit the fireworks safety fees no later than 20 days after the end of each preceding month. A retailer or person that operates 25 or more retail locations in this state that are permanent buildings or structures may remit the fireworks safety fees in an aggregate filing under 1 common identification number as determined by the department.

(4) The department shall investigate any fireworks safety fees reported, but not paid, by a retailer no later than September 30 of each year.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013.

28.461 Fireworks safety fund; creation within department of treasury; investment; money remaining in fund; lapse; expenditures; delegation of inspection duties; program.

Sec. 11. (1) The fireworks safety fund is created within the department of treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money deposited in the fund as follows:

(a) One hundred percent of the money received from fireworks safety fees under section 8 to be used for the training of firefighters under the direction and approval of the firefighters training council established under the firefighters training council act, 1966 PA 291, MCL 29.361 to 29.377.

(b) One hundred percent of the money received from consumer fireworks safety certificates under section 4 to administer this act and to pay the costs of delegating inspections under this act to local units of government under subsection (5).

(5) The department may establish a program for delegating inspection duties under this act to 1 or more local units of government. If a local unit of government agrees to carry out inspections, the department shall pay 70% of the consumer fireworks safety certificate fee paid by each retail location inspected by the local unit of government and retain the remaining 30% of that fee. If a local unit of government declines to participate in the program described in this subsection, the department retains its inspection duties under this act.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013.

28.462 Prohibited conduct; permission required; violation as civil infraction; civil fine; sale to minor; definitions; violation of smoking prohibition as misdemeanor; signage.

Sec. 12. (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 that organization's or person's express permission to use those fireworks on those premises. Except as otherwise provided in this section, a person that violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(2) Consumer fireworks shall not be sold to a minor. A person that violates this subsection shall be ordered to pay a civil fine of not more than \$500.00, or, for a second or subsequent violation of this subsection, a civil fine of not more than \$1,000.00. In addition, the person's consumer fireworks certificate shall be suspended for 90 days after the civil fine is ordered for a second or subsequent violation. This age requirement shall be verified by any of the following:

(a) An operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(b) An official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

(c) An enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(d) A military identification card.

(e) A passport.

(f) Any other bona fide photograph identification that establishes the identity and age of the individual.

(3) 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. As used in this subsection:

(a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

(b) "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

(4) An individual who violates the smoking prohibition under NFPA 1124, 7.3.11.1 is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(5) Signage stating the smoking prohibition described in subsection (4) satisfies the requirements of NFPA 1124.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013.

28.463 Resident agent.

Sec. 13. A wholesaler shall maintain a resident agent who resides in this state and who has a physical address in this state. A post office box is not a physical address for purposes of this section.

Rendered Thursday, April 10, 2014

Page 6 Michigan Compiled Laws Complete Through PA 72 and Includes
85 & 97 of 2014

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.464 Identification of firework in violation of act; investigation; determination of violation; seizure; criminal or civil proceedings.

Sec. 14. (1) A governmental or law enforcement agency that identifies a firework that is in violation of this act shall secure the firework and immediately notify the department of the alleged violation. The department or law enforcement agency shall investigate the alleged violation for compliance with this act within a reasonable time.

(2) If the department or law enforcement agency determines that a violation of this act has occurred, except for a violation of section 6(2), the department or law enforcement agency may seize the firework as evidence of the violation. Evidence seized under this section shall be stored pending disposition of any criminal or civil proceedings arising from a violation of this act at the expense of the person, if the person is found guilty, responsible, or liable for the violation.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.465 Storage of seized fireworks; disposal or destruction; storage and disposal costs; use for training purposes.

Sec. 15. (1) Fireworks seized for an alleged violation of this act shall be stored in compliance with this act and rules promulgated under this act.

(2) Following final disposition of a conviction for violating this act, the seizing agency in possession may dispose of or destroy any fireworks retained as evidence in that prosecution.

(3) The person from whom fireworks are seized under this act shall pay the actual costs of storage and disposal of the seized fireworks.

(4) The department of state police and the department may use fireworks described in subsection (2) for training purposes.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.466 Articles pyrotechnic or display fireworks ignition; permit; competency and qualifications of operators; retention of fee.

Sec. 16. (1) The legislative body of a city, village, or township, upon application in writing on forms provided by the department and payment of a fee set by the legislative body, if any, may grant a permit for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the city, village, or township by municipalities, fair associations, amusement parks, or other organizations or individuals approved by the city, village, or township authority, if the applicable provisions of this act are complied with. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(2) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the local governing authority to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.

(3) A permit shall not be issued under this act to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(4) The local governing authority shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.

(5) A local unit of government that charges a fee to issue a permit under this section shall retain the fee paid.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.467 Conduct not prohibited by act.

Sec. 17. Except as otherwise provided in this act, this act does not prohibit any of the following:

(a) A wholesaler, retailer, commercial manufacturer, or importer from selling, storing, using, transporting,

or distributing consumer fireworks or low-impact fireworks.

(b) The use of fireworks by railroads or other transportation agencies or law enforcement agencies for signal purposes or illumination.

(c) The use of agricultural or wildlife fireworks.

(d) The sale or use of blank cartridges for any of the following:

(i) A show or play.

(ii) Signal or ceremonial purposes in athletics or sports.

(iii) Use by military organizations.

(iv) Use by law enforcement agencies.

(e) The possession, sale, or disposal of fireworks incidental to the public display of fireworks by wholesalers or other persons who possess a permit to possess, store, and sell explosives from the bureau of alcohol, tobacco, firearms, and explosives of the United States department of justice.

(f) Interstate wholesalers from selling, storing, using, transporting, or distributing fireworks.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012.

28.467a Issuance of citation by state fire marshal.

Sec. 17a. (1) If, as a result of an inspection or investigation, the state fire marshal or the state fire marshal's designee believes that a person has violated this act, an order issued under this act, or a rule promulgated under this act, the state fire marshal or his or her designee shall issue a citation to the person not more than 90 days after the completion of the physical inspection or investigation.

(2) Except as otherwise provided in this act, upon issuance of a citation, the state fire marshal may immediately suspend the consumer fireworks certificate of the person to whom the citation was issued.

(3) Upon a proper petition, a court of competent jurisdiction may enjoin a violation of this act.

(4) All of the following apply to a citation issued by the state fire marshal or the state fire marshal's designee under this act:

(a) It shall be in writing.

(b) It shall state on its face that it is an allegation of a violation of this act, describe with particularity the nature of the violation, and include a reference to the provision, rule, or order alleged to be violated.

(c) It shall contain all of the following:

(i) The date of the citation.

(ii) The name and title of the individual who issued the citation.

(iii) The name and address of the person to whom the citation is issued.

(iv) The actions necessary to bring the person to whom the citation is issued into compliance, including the payment of a fine.

(v) A space for the signature of the person to whom the citation is issued indicating that the person has received the citation.

(vi) A space where the person to whom the citation is issued may accept the citation and agree to comply or, in the alternative, may indicate the intent of the person to whom the citation is issued to contest the citation.

(vii) A notice that the person to whom the citation is issued shall accept or reject the terms of the citation within 15 days of the date of the citation.

(viii) A brief description of the administrative hearing process and the process for settlement as provided for by rule.

(d) A citation may either be mailed to the person to whom the citation is issued by certified mail, return receipt requested, or delivered in person by the state fire marshal or state fire marshal's designee who issued the citation.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012.

28.468 Violation of act; penalty; reimbursement of storage costs.

Sec. 18. (1) Unless otherwise provided in this act, if a person violates this act, the person is guilty of a crime as follows:

(a) Except as otherwise provided in this section, a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$1,000.00, or both.

(b) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000.00, or both.

(c) If the violation causes serious impairment of a body function of another person, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(d) If the violation causes the death of another person, a felony punishable by imprisonment for not more

than 15 years or a fine of not more than \$10,000.00, or both.

(2) In addition to any other penalty imposed for the violation of this act, a person that is found guilty of a violation of this act shall be required to reimburse the appropriate governmental agency for the costs of storing seized fireworks that the governmental agency confiscated for a violation of this act. This reimbursement shall be in a form and at a time as required by the department and as otherwise required by law.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012.

28.468a Citation for serious violation; fine; prosecution; payment of civil fines to department; collection proceedings.

Sec. 18a. (1) Except as otherwise provided in this section, a person who receives a citation for a serious violation, an order issued under this act, or a rule promulgated under this act shall be assessed a civil fine of not more than \$1,000.00 for each violation.

(2) Except as otherwise provided in this section, a person who receives a citation for a violation of this act that is not a serious violation may be assessed a civil fine of not more than \$500.00 for each violation.

(3) Subsections (1) and (2) do not apply to violations for which a specific civil fine is provided by this act.

(4) The state fire marshal may request that the prosecuting attorney for the county in which a violation of this act occurred issue a complaint and request a warrant for the prosecution of a person who commits a criminal violation of this act.

(5) All civil fines collected under this section shall be paid to the department within 15 working days after the date the penalty is ordered, not subject to further review, and credited to the fireworks safety fund.

(6) The department of treasury shall institute proceedings to collect any civil fines ordered but not paid under this act.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013.

Compiler's note: Act 65 of 2013 did not amend this section and evidently should not have been cited as amended.

28.468b Issuance of certificate prohibited; revocation.

Sec. 18b. (1) The department shall not issue, and a person is ineligible to be issued, a consumer fireworks certificate if either of the following apply:

(a) The person was sentenced for a felony conviction within the preceding 5 years.

(b) The person has ever been convicted of a felony involving theft, fraud, or arson.

(2) If a person is convicted of a crime that would cause the person to be ineligible to be issued a consumer fireworks certificate on April 30 of the following year, the person's consumer fireworks certificate shall be revoked for the balance of the year for which the person's current consumer fireworks certificate was issued.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012.

28.468c Person ineligible to obtain consumer fireworks certificates; offenses; periods; sanctions.

Sec. 18c. (1) A person who is convicted of the following offenses is ineligible to obtain a consumer fireworks certificate for the following periods of time after conviction:

(a) For a second violation of section 4(1), 5 years.

(b) For a third or subsequent violation of section 4(1), 10 years.

(c) For a first violation of section 8(4), 1 year.

(d) For a second violation of section 8(4), 5 years.

(e) For a third or subsequent violation of section 8(4), 10 years.

(f) For a violation of section 18(1)(b), 1 year.

(g) For a violation of section 18(1)(c), permanently.

(h) For a violation of section 18(1)(d), permanently.

(2) A sanction imposed under subsection (1) shall be imposed in addition to any other penalty or sanction imposed for a violation of this act.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012.

28.469 Inspections; delegation of authority and responsibility.

Sec. 19. The department may delegate authority and responsibility to carry out inspections and other duties under this act.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.470 Rules.

Sec. 20. (1) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to administer this act, including, but not limited to, all of the following:

(a) Create uniform applications and other forms for dissemination to and use by local units of government under this act.

(b) Procedures for the collection of application fees and fireworks safety fees.

(c) Enforcement of regulatory duties.

(d) The enforcement of age limitations.

(2) Rules promulgated under this section shall conform to the following codes developed by the national fire protection association, except for any code provision that conflicts with this act:

(a) NFPA 1123, code for fireworks display.

(b) NFPA 1124, code for manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles.

(c) NFPA 1126, standard for the use of pyrotechnics.

(3) The rules promulgated under former chapter XXXIX of the Michigan penal code, 1931 PA 328, MCL 750.243a to 750.243e, pertaining to the display of articles pyrotechnic and display fireworks that are in effect on the effective date of this act shall remain in effect until rescinded or otherwise changed according to law, as provided for in section 31 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.231.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.471 Report by state fire marshal.

Sec. 21. No later than October 1, 2013, the state fire marshal shall provide a report to the legislature that details both of the following:

(a) The costs associated with the inspection of retail locations under this act. It is the intent of the legislature that the information described in this subdivision be used to determine the consumer fireworks certificate fee for each retail location under section 4 beginning January 1, 2014.

(b) The types and number of violations of this act.

History: 2011, Act 256, Eff. Jan. 1, 2012.

NB# 9
 CC 5/15/14

 DELTA WIDE RECYCLING		"DELTA WIDE RECYCLING" DWR DO WHAT'S RIGHT!		 CITY OF ESCANABA	
Items to Recycle		 Please Do Not Include 		How To Prepare	
 Aluminum Cans		No: Foil, Pie Tins, Pet Food Containers		Rinse Well Do Not Crush	
 Steel Food Cans	 Aerosol Cans	To recycle can lid, place it inside the can and gently squeeze the top		Rinse Well, Empty Remove Plastic Lids	
 Plastics #1 and #2 Bottle Jugs		No: #1 non-bottle items #2 Motor Oil or Antifreeze Containers, Bags, Films, 5 Gallon Pails		Identify Plastics by symbol # Rinse well; Discard Caps	
 Newsprint, Phone Books; Magazines Catalogs, Paperback Books		No: Tissue Products		Bag or Bundle	
 Paper; Junk Mail		No: Carbon Paper, Wax Paper, Transfer Paper, Paper Towels, Labels Backing Food Wrappers		Please Bag if Pre-Shredded	
 Corrugated Cardboard Brown Paper Bags		No: Food Contaminated Paper, Wax Coated Boxes, Non Corrugated Cardboard		Flatten; Discard Paper or Plastic Liners	

2014 Delta Wide Recycling, Compost, and Landfill Guidelines

"Environmental Responsibility for Delta County"

5701 19th Ave. North, Escanaba, MI 49829

906-789-9995 or 906-786-9056

Hours: Monday –Friday, 8am –3pm

Thursday, 8am-6pm * Saturday, 8am –Noon

www.dswma.org



Items Not Accepted:

Plastic Bags (Shopko, Wal-mart, K-Mart, etc.) , Clothes, Shoes, Toys, Cloth Like Items, Garbage, Glass and Wood

Aluminum Cans

- Rinse Well
- Containers Must Be Clean
- Do Not Crush

Do Not Include: Foil or Pie Tins

Plastics Bottles/Containers

- Identify Plastics by symbol # (look on bottom of container)
- Rinse Well
- Labels May Stay On

Do Not Include: #2 Motor Oil or Antifreeze Containers, Bags, Films, 5 Gallon Pails, Covers, Food Trays, Toys, Utensils, Styrofoam

Newsprint, Phone Books, Magazines, Catalogs, Paperback Books

- Keep Dry
- Bundle Preferred or Bag

Do Not Include: Tissue Products or Gift Wrapping Paper

Steel Food Cans and Aerosol Cans

- Rinse Well (Label May Stay On)
- Must Be Completely Empty
- Remove plastic lid unless it's part of the can. Do remove the nozzle.

Do Not Include: Loose Lids, Covers, and caps. (To recycle tin can lid, place it inside the can and gently squeeze the top.)

Note* A magnet will "stick" to the steel, but not the aluminum..

Corrugated Card Board and Empty Brown Paper Bags

- Flattened

Do Not Include: Packaging Peanuts, Styrofoam, Plastic Liners, Food Contaminated Paper, Wax Coated Boxes, Juice Boxes, Milk Cartons, Cereal or Cake Mix Type Boxes, Soda or Beer Cartons

Office Paper and Junk Mail

- Please Bag If Pre-shredded
- Staples & Paper Clips Allowed

ABSOLUTELY NO CARBON PAPER

Do Not Include: Wax Paper, Transfer Paper, Paper Toweling, Label Backing, Sheets, Books, Metals, Plastic, Rubber Bands, Food Wrappers, or Packaging

When Recycling or Dropping Off Household Hazardous Waste, Visit Our Product Exchange Area for Reusable Items - The "Re-Use Room" is free of charge.

Scrap Metal

- Appliances Are Accepted
- Appliances Containing Freon Are Subject To \$30 Removal Fee

Items Containing Freon: Refrigerators, Freezers, Air Conditioners, Dehumidifiers

Tire Recycling

- Standard Tires -\$2.50
- Truck Tires -\$15.00
- Tractor Tires -\$25.00

Plus Weight Charge

Electronic Recycling & Car/Household Batteries

- TV's & Electronic Items Accepted at No Charge
- All kinds of car and household batteries are accepted

Used Motor Oil

- Used Motor Oil & Anti Freeze Accepted in Clear Containers
- No Mixtures

Used Syringes & Lancets

Are not recyclable. Place in a plastic or metal container. Be sure to seal container well with duct tape. Label them as "sharps" Accepted at the Landfill Office at no charge.

Unused medications are not accepted, they must be taken to Public Safety for disposal.

Mattress/Box Springs

- \$10 fee for each mattress or box spring of any size.

DELTA COUNTY RECYCLING
HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM

Free Drop Off For Delta County Residents

Household Hazardous Wastes Currently Accepted

FROM YOUR HOME:

Aerosols
Alkaline Batteries
Drain Cleaner
Dyes
Floor Care Products
Fluorescent Bulbs
Furniture Polish
Oven Cleaners
Scouring Powders
Spot & Stain Removers
Spray Dust Cleaners
Upholstery/Carpet Cleaners

FROM YOUR GARDEN:

Algaecides
Ant & Roach Powder
Bug Sprays
Fertilizers
Fly Strips
Fungicides
Garden Dusts & Sprays
Herbicides
Insecticides
Rat & Rodent Poison
Weed Killer

FROM YOUR WORKSHOP:

Alcohols
Creosote
Cutting Oil
Glues
Mineral Spirits
Muriatic Acid
Paint Brush Cleaners
Polyurethane Coatings
Rechargeable Tool Battery
Rust Remover
Swimming Pool Acid and Chlorine
Turpentine
Wood Stain & Preservatives

FROM YOUR GARAGE:

Automotive Batteries
Brake Fluid
Bug & Tar Removers
Car Wax & Solvents
Engine Cleaners
Fiberglass Epoxy
Metal Polish
Rubbing Compounds
Tire & Wheel Cleaner
Vinyl Protector

MERCURY:

Elemental (Liquid)
Mercury Batteries
(Camera, Calculator, Hearing Aid)
Sphygmomanometers (Blood Pressure Measuring Instrument)
Switches
Thermometers (Fever & Lab)
Thermostats

PAINTS:

Oil Based
Automotive
Model
Stripper
Thinner

DISPOSAL OPTIONS FOR LATEX PAINT

USE IT UP

- Apply another coat of paint to the surface you bought the paint for
- Donate to charity or art projects

ALLOW THE PAINT TO DRY

- WHERE? Find an area which is protected from children, pets, and rain but has adequate air flow. A locked screened porch or high shelf in a well-vented garage or shed may be suitable.
- HOW? The simplest way is to remove the lid and allow liquids to evaporate. Depending on the type and quantity of the paint, the drying process can take several days to several months. This works well for small quantities (1"-2" in the bottom of the can) but larger quantities of paint take longer to dry and may require a different method..

SPEED UP THE DRYING PROCESS

- Partial cans can be solidified in the original containers by simply mixing in equal amounts of an absorbent material such as cat litter, sawdust, plaster of paris, vermiculite, or sand, and allow to dry.
- When drying paint in the can, stir it occasionally to break the surface scum, allowing evaporation to proceed.
- Pour thin layer (about 1" of paint) into a cardboard box lined with plastic. Allow the paint to dry one layer at a time until all the paint has hardened.
- For paint that has separated and cannot be mixed, pour off the clear liquids on the top, leaving the semi-solid paint sludge in the can to dry. The clear liquid can be poured into a cardboard box lined with plastic and mixed with equal amounts of an absorbent material and allowed to dry.

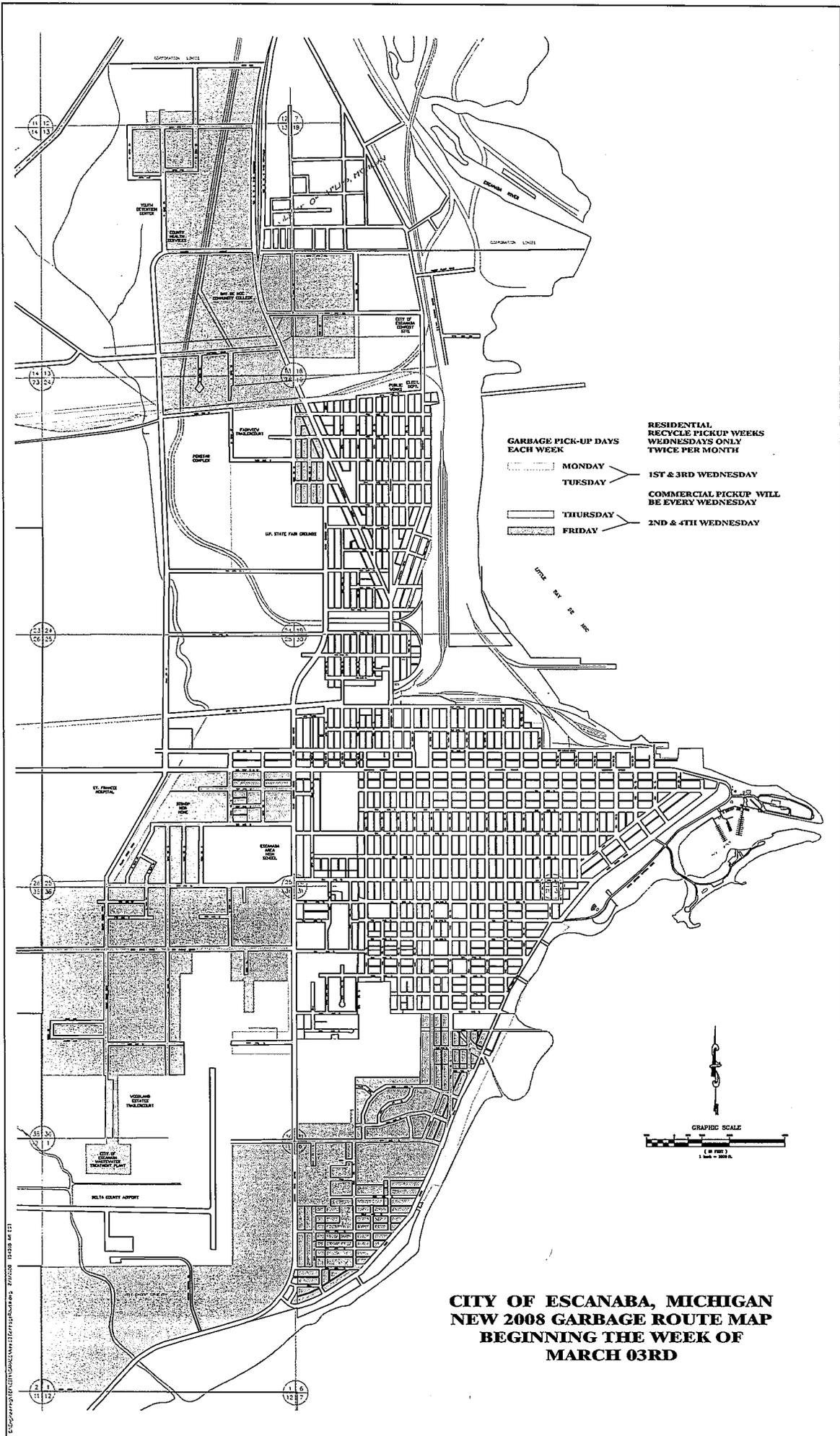
DO NOT DUMP it on the ground or down storm drains, where it will travel directly to surface and /or ground waters.

DO NOT POUR it down the drain. While small amounts of latex paint can safely be washed down the drain to a septic system or wastewater treatment plant, this practice should be kept to a minimum. Limit this to brush cleaning and clean up.

DO NOT THROW liquid paint in the regular trash.

HOW TO DISPOSE OF DRIED PAINT:

When thoroughly dry, the remaining hardened material can be discarded with your regular trash. Leave the lid off the can so your garbage hauler can see the paint has hardened. In this form, the material is stable.



**CITY OF ESCANABA, MICHIGAN
NEW 2008 GARBAGE ROUTE MAP
BEGINNING THE WEEK OF
MARCH 03RD**

ESCANABA, MICHIGAN, 49829-1400, TEL: 497-3221, FAX: 497-3222, WWW.CITYOFESCANABA.MI



FOR IMMEDIATE RELEASE

April 15, 2014

Contact: James V. O'Toole, City Manager
City of Escanaba, 906-786-9402

CITY-WIDE RUMMAGE SALE

Trash to Cash City-Wide Garage Sale Event

Residents of the City of Escanaba are invited and encouraged to participate in the Annual City-Wide *Trash to Cash Day City-Wide Garage Sale Event* scheduled for:

June 6 and 7, 2014, 8:00 a.m. to 5:00 p.m. – City of Escanaba

The purpose of the program is to provide a venue for the recycling of reusable household items such as furniture, lamps, electronics and other working household goods, and enable residents to profit from the sale of these items. The program is designed to increase awareness in recycling by creating an alternative means of reusing items that could otherwise end up in the landfill.

Guidelines

Any resident wishing to participate in the program should call the Escanaba **City Hall at 906-786-9402 no later than Friday, May 30, 2014, at 12:00 noon**, and provide their address to be included on a treasure hunt address list. A list of all City-Wide sale participants shall be posted at grocery stores, gas stations, etc., so that people can plan their "treasure" hunt.

College students are also encouraged to participate as they may find items that will be useful to them in their dormitory or apartment.





FOR IMMEDIATE RELEASE
April 15, 2014

Contact: James V. O'Toole, City Manager
City of Escanaba, 906-786-9402

City of Escanaba Trash to Treasure Day

City of Escanaba residents are invited and encouraged to participate in the community-wide *"Trash to Treasure Day"* on Sunday, June 8, 2014, from 8:00 a.m. to 12:00 Noon.

The purpose of the program is to provide a venue for the recycling of reusable household items such as furniture, lamps, electronics, and other working household items. The program is designed to increase awareness in recycling by creating an alternative means of reusing items that would otherwise end up in the landfill.

Guidelines

Any resident wishing to participate in the program is asked to place reusable/serviceable items in front of their house on the curb no earlier than 8:00 a.m. on June 8, 2014, so that people are encouraged to take what they want.

Remaining items that have not been taken (recycled/claimed) must be removed from the curb side no later than 12:00 p.m. on June 8, 2014.

College students are encouraged to participate in the treasure hunt in that they may find items which will be useful to them in their dormitory or apartment.

Examples of items that can be recycled include lamps, tables, chairs, dishes, etc. Please, no rubbish. Rubbish is defined to mean anything that does not work, is not clean and is not serviceable.

Rain date of June 15, 2014, has been established.



Nathan M Gauss, BA
700 Lake Shore Drive, Escanaba

Recycling in the City of Escanaba
May 15, 2014

Policy Brief

The problem of trash (non-recyclable material) being placed in recycle containers is important from the local community level all the way to the global realm of environmental responsibility. Delta Wide Recycling (the only recycling center in the county) is dangerously close to being reclassified to a municipal waste processing center, and Escanaba is the largest City in the county (Delta County, 2010). If this reclassification occurs, the residents of Escanaba might face recycling fees due to the amount of trash in the recycling bins rising above ten percent, which would make the current “single stream” system of sorting material require a license. The problem of trash being placed in the bins doesn’t just stop with the individual who negligently places it there; the waste can also contaminate other recyclable material during the collection process, and require all material to be destined for the landfill. The more waste that the City of Escanaba has to place in the land fill, the higher tipping fees they are required to pay the Delta Solid Waste Management Authority (DSWMA). The City can save an estimated \$10,000 a year with every five percent increase in recycling, which makes the contamination problem even more damaging.

On a more global scale, recycling reduces the need for landfills, which contribute to greenhouse gases, and preserve more natural resources for future generations (“Communicating the Benefits”, 2013). These issues are relevant to every member of the Escanaba community, and they should be aware that changes ought to be made. The overall goal of this research was to develop a policy which could deter trash from being placed in the recycle containers in a fair and logical manner.

According to Article Two, section 14-21 of the Escanaba City code, the instructions for the proper use of the recycle container are very clear: “All recyclable material shall be separated from other solid waste and grouped together and placed in a City approved recycling cart.” In section five, the penalties are published as “not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00).” Generally speaking, punishment deters crime, but enforcement of the penalties will be necessary if the City expects all residents to follow legislation. The current penalties have been in place for over half a decade, and the problem still exists today. The policy proposed herein will do three main things: 1. Begin implementation of an enforcement plan for the current recycling laws; 2. Continue to educate residents on what belongs in the recycle container; and 3. Create alternate waste and recycle collection methods for habitual offenders.

The first steps would be taken legislatively by the City Council. The current recycling bin legislation would have to be amended to include a more plausible fine range, so that the code enforcement official can have a wider range of options during enforcement, rather than a minimum fine of \$50. Extra amendments will also have to be created stating that the loss of recycle and City trash containers is also a possible punishment for repeat offenders. The council would also have to allocate extra money for the hiring of an assistant code enforcement official to offset the extra duties during enforcement of the policy, as well as extra administrative tasks that will arise. Lastly, the City Council will have to designate at least one additional trash drop off point within Escanaba City limits for residents that have lost their use of the City trash service.

The current code enforcement official is Mr. Blaine Degrave, and with his newly acquired assistant, they will begin enforcement on recycle collection days. According to the Assistant Public Works Director, Steve Ammel, this process happens once a week, and is City wide (personal communication). The two code enforcement officers would move into an "on-call" posture during hours of recycle collections, so that they can properly document misuses, and if necessary enforce recycle container policies. The City of Escanaba will be broken down into four zones, and each week the City will focus on enforcing the recycle policies in that certain zone. The weekly zone will be picked at random unless the code enforcement officer sees fit to concentrate on one zone consecutively. In the housing residential areas (non-rental property areas), the recycle truck drivers will physically inspect a percentage of the recycle containers in each zone. The current system for first offense warnings is an orange sticker on the container restating what can be deposited. This system seems logical and fair. However, an additional duty of the recycle truck drivers will be to annotate the address of the residence and then report it to Mr. Degrave. He will do two things with this information. First, his office will generate a letter warning the resident of the offense and the existence of the enforcement program. His office will also document the address of the offender in case the problem continues. Second, third, and fourth-time offenders will be declared "habitual offenders" (Sentencing Guidelines, 2013, p. 10). This is where the code enforcement officers will be able to use their discretion.

Once a resident is identified as a habitual offender, the resident could be subject to a fine, or lose the use of the recycle container and City trash container. The residential housing areas will most likely just stop recycling altogether if they are fined, and that is losing scenario for all parties. Private housing will have to be enforced differently from rental properties, although fining is still an option for the code enforcement official is will most likely create negative outcomes. A residential housing habitual offender will have their recycle container and trash container service terminated and will no longer be charged by the City for that service. They will instead be forced to pay by-the-bag prices at several drop-off places that the City Council designates.

The City will still afford every resident the opportunity to recycle. Residents who have lost their recycle bins will be offered clear trash bags to fill with recyclable materials and will be picked up on their regular recycle days. The clear bags will give the code enforcement officials and the recycle truck drivers an opportunity to quickly assess the legitimacy of the prospective recyclable materials.

In speaking with many Escanaba City officials, as well as the manager of the DSWMA, Don Pyle, it is clear that the rental properties have been a particular problem. However, it isn't reasonable to take away the City trash service for a whole complex of apartments if only a few residents are not cooperating. Instead, fines towards building owners will be the preferred method of enforcement. The lack of accountability amongst tenants creates a responsibility void for recycling bin misuse, and once in effect, the policy will make landlords more responsible for their tenants recycling bin misuses and allow them to try to remedy "their" problem however they see fit.

The extra revenue that fines will generate can be used for: 1. Re-education of the public; 2. The additional code-enforcement officer; and 3. Additional drop off sites; making the policy at least partially self-sustainable. The re-education campaign will be radio ads that focus more on actual educating of what doesn't belong in the recycling containers, rather than the current ideological message being broadcasted of "do what's right." For example, the top three non-recyclable items that are placed in the containers can be focused on. According to Mr. Pyle, "The biggest item is, without a doubt, garbage; that is, people who do not recycle throw everything in one bag and put it in the bin as recyclables. Next is grass clipping/leaves/plant material, things that should be sent to the compost site. Third is clothing or plastic bags." The second part of the re-education campaign are the letters that Mr. Degrave's office will be sending out, coupled with the orange stickers that recycle truck drivers are placing on recycle bins for warning purposes.

In summary, the current system of recycle collections is being inhibited by the amount of trash that Escanaba residents are depositing in the recycle containers. The current legislation on this problem is not being enforced, and changes need to be made. The City Council needs to amend some legislation in the City code for the possibility of a lower fine range, along with the penalty of losing the use of City trash bin and recycle bin privileges altogether. The City Council will also have to allocate funds to hire an assistant for the code enforcement officer, as well as creating at least one by-the-bag trash drop off point. With these changes in place, the City will be moving toward a solution.