



## **City of Marquette, MI**

300 West Baraga Ave  
Marquette, Michigan 49855

### **Meeting Agenda City Commission**

**Monday, March 8, 2021**

**6:00 PM**

**Commission Chambers**

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#### **Call to Order, Pledge of Allegiance and Roll Call**

#### **Approval of the Agenda**

#### **Announcements**

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

#### **1. Consent Agenda**

- 1.a. Approve the minutes of the February 22, 2021 regular Commission meeting.
- 1.b. Approve the total bills payable in the amount of \$630,590.71
- 1.c. Annual Maintenance Management Software Renewal Fee
- 1.d. Fire Station #2 Boiler Replacement
- 1.e. Grant of License Agreement for Room at the Inn Warming Center
- 1.f. KBIC Funding for the U.P. Children's Museum
- 1.g. NTN EGLE Permit Application
- 1.h. Proclamation - Spread Goodness Day
- 1.i. Sale of Surplus Equipment

#### **New Business**

#### **2. New Liquor License Application - Roll Call Vote**

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

#### **Comments from the Commission**

#### **Comments from the City Manager**

#### **Adjournment**

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**Kyle Whitney, City Clerk**

***This meeting will be live on Marquette Charter Cable Channel 191 and will be broadcast (subject to***

*temporary programming) as follows: Tuesday at 11a.m. and 6p.m.; Wednesday at noon and 8 p.m.; Thursday at 4 a.m. and 1 p.m.; Friday at 6 p.m.; Saturday at noon; and Sunday at 8 a.m. and 4 p.m.*

*If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at [estemen@marquettemi.gov](mailto:estemen@marquettemi.gov).*

**City of Marquette, MI**

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date:** 3/8/2021

**Consent Agenda**

**Approve the minutes of the February 22, 2021 regular Commission meeting.**

**ALTERNATIVES:**

As determined by the Commission.

**ATTACHMENTS:**

Description

- ▣ Feb. 22 minutes



## City of Marquette, MI

300 West Baraga Avenue  
Marquette, Michigan 49855

### Meeting Minutes City Commission Meeting

Monday, February 22, 2021  
6:00 PM

Commission Chambers (Zoom Video Conferencing)

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#### Call to Order, Pledge of Allegiance and Roll Call

Present: Mayor Smith. Mayor Pro Tem Hill. Commissioners Bonsall, Davis, Hanley, Mayer and Stonehouse.

All members attended via videoconferencing. Six were physically located in the City of Marquette, while Commissioner Mayer was exempted under the Michigan Open Meetings Act from disclosing his location.

#### Approval of the Agenda

Commissioner Sally Davis moved to Approve the agenda as presented, seconded by Commissioner Cody Mayer and Carried Unanimously.

#### Announcements

The Mayor provided a reminder about glass recycling, which is held during the first full week of each month. there should be no plastics, metal or paper put out during these weeks.

#### Boards and Committees

##### 1. Appointment

##### **Marc Weinrick, Downtown Development Authority, unexpired term ending 1-1-25**

Commissioner Jessica Hanley moved to Approve the appointment as listed, seconded by Commissioner Sally Davis and Carried Unanimously.

#### **Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

As the meetings are still being held without the public present, residents were given the opportunity to call in and speak or submit written public comments to be read during the meeting.

Margaret Brumm submitted a written comment, asking what rules or policies were in place regarding members of the public walking on the ice of Lake Superior.

Geraldine Nault called in to the meeting to express her opinion on the recent report of the Ad Hoc Housing

Committee. She said that it's important to realize that although housing in Marquette may be somewhat expensive, there are cheaper housing options in the area.

## **2. Consent Agenda**

Commissioner Evan Bonsall moved to Approve the Consent Agenda as presented, seconded by Mayor Pro Tem Jenn Hill and Carried Unanimously.

- 2.a. Approve the minutes of the February 8, 2021 regular Commission meeting.**
- 2.b. Approve the total bills payable in the amount of \$3,574,003.86**
- 2.c. Articulated Wheel Loader Purchase**
- 2.d. KBIC Funding for the YMCA**
- 2.e. Sault Ste. Marie Tribe of Chippewa Indians Funding for the YMCA**
- 2.f. Sale of Surplus Equipment**
- 2.g. UPSET Lease Agreement**

## **New Business**

### **3. Water Use Ordinance Update**

Mayor Pro-Tem Hill asked for an update from staff - specifically, she asked what City staff hoped to know coming out of this process.

Director of Municipal Utilities Mark O'Neill explained that this process has been in the planning stages for a year. After the sewer ordinance review last year, it became clear that this review should be done as well. He said he doesn't expect a full overhaul of the ordinance, as was done with the sewer ordinance, but he thinks there will be several minor tweaks that will make it easier for everyone involved moving forward.

Mayor Pro Tem Jenn Hill moved to Approve a Professional Services Agreement with Davis & Davis Law Offices, PLC for a legal and technical review of the City of Marquette's current Water Use Ordinance in an amount not to exceed \$9,000, seconded by Commissioner Fred Stonehouse and Carried Unanimously.

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

There were no members of the public to speak during this period.

## **Comments from the Commission**

**Commissioner Mayer** had no comments.

**Commissioner Stonehouse** said it is good to see the Covid-19 numbers falling, even locally. We are winning the battle, he said, but must continue to be vigilant.

**Commissioner Bonsall** noted that the first meeting of the Protect Michigan Commission, a statewide advisory committee created by the governor to work to protect the health and safety of Michigan residents by educating communities about the effectiveness of an approved Covid-19 vaccine to eradicate the spread of the coronavirus. Commissioner Bonsall said the state is taking an equity-based approach to vaccine distribution, which he finds promising. He urged people to be safe, with regards to the ice on Lake Superior. He said that people going on the ice may be putting themselves at risk, as well as those that may have to undertake rescue efforts if something goes wrong. He also said that the Ad Hoc Housing Committee is on pace to approve it's final report by June 8.

**Commissioner Davis** had no comments.

**Commissioner Hanley** reiterated the glass recycling schedule: during the first full week of each month, residents should put out only glass items in their recycling and no other recycling materials. She asked people to make sure their friends and neighbors are aware of this schedule and said it is important to understand that we worked hard

to get glass recycling, and we need to follow this schedule if it's going to work.

**Mayor Pro Tem Hill** said Art on the Rocks has been scheduled for July and she is looking forward to it. She spoke on some of the recent energy issues in the country. She said that Michigan is in a much better space, from an energy standpoint and that Marquette has good people working for it at the Board of Light and Power.

**Mayor Smith** said that ice is never safe, but that it's even less safe now than it was during the cold stretch few weeks ago. She talked about changing ice conditions and cautioned people to stay on the shore. She said there was a work session last week regarding the Founders Landing pier project. She said the Commission is hoping to review a plan and get it moving this summer, and she told people to watch the work session online if they are interested. The Mayor also said the City Manager search is well under way, and the consultant is interviewing community stakeholders in order to craft a community profile.

### **Comments from the City Manager**

City Manager Angeli had no comments.

### **Adjournment**

Mayor Smith adjourned the meeting at 6:28 p.m.

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**Jennifer A. Smith, Mayor**

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**Kyle Whitney, City Clerk**

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**City of Marquette, MI**

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date:** 3/8/2021

**Consent Agenda**

**Annual Maintenance Management Software Renewal Fee**

**BACKGROUND:**

The Marquette Area Wastewater Treatment Facility uses Lucity maintenance management software from Central Square Technologies for the Facility's asset management program. Due to an oversight this service fee was not budgeted for in the current fiscal year.

**FISCAL EFFECT:**

A budget adjustment may be necessary at the end of the fiscal year.

**RECOMMENDATION:**

Approve the annual maintenance management software renewal fee from Central Square Technologies for \$17,039.75 and the related budget adjustment if necessary.

**ALTERNATIVES:**

As determined by the Commission.

**ATTACHMENTS:**

Description

- ▣ Maintenance Management Software Renewal

Renewal Order #: Q-35549  
Start Date: March 1, 2021  
End Date: February 28, 2022  
Billing Frequency: Yearly

Renewal Order prepared for:  
Sean Hobbins, Administrator  
City of Marquette  
300 W Baraga  
Marquette, MI 49855-4712  
(906) 225-8104

Thank you for your continued business. We at CentralSquare appreciate and value our relationship and look forward to serving you in the future. CentralSquare provides software that powers over 8,000 communities. More information about all of our products can be found at [www.centralsquare.com](http://www.centralsquare.com).

## WHAT SOFTWARE IS INCLUDED?

| PRODUCT NAME         | QUANTITY | UNIT PRICE    | TOTAL         |
|----------------------|----------|---------------|---------------|
| MobileManagement     | 5        | 261.95 USD    | 1,309.75 USD  |
| AssetManagement      | 1        | 410.00 USD    | 410.00 USD    |
| WorkManagement       | 2        | 410.00 USD    | 820.00 USD    |
| Hosting Fee          | 1        | 14,500.00 USD | 14,500.00 USD |
| Renewal Order Total: |          |               | 17,039.75 USD |

### Billing Information

Fees will be payable within 30 days of invoicing.

Please note that the Unit Price shown above has been rounded to the nearest two decimal places for display purposes only. The actual price may include as many as five decimal places. For example, an actual price of \$21.37656 will be shown as a Unit Price of \$21.38. The Total for this quote has been calculated using the actual prices for the product and/or service, rather than the Unit Price displayed above.

Prices shown do not include any taxes that may apply. Any such taxes are the responsibility of the Customer. This is not an invoice.

MORE INFORMATION AT [CENTRALSQUARE.COM](http://CENTRALSQUARE.COM)



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For customers based in the United States or Canada, any applicable taxes will be determined based on the laws and regulations of the taxing authority(ies) governing the "Ship To" location provided by Customer on the Renewal Order Form.

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**MORE INFORMATION AT [CENTRALSQUARE.COM](http://CENTRALSQUARE.COM)**

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date:** 3/8/2021

### **Consent Agenda** **Fire Station #2 Boiler Replacement**

#### **BACKGROUND:**

The boiler at Fire Station #2 was recently inspected, due to a carbon monoxide leak. Prime Mechanical and Johnson Controls inspected the boiler system and both recommended replacement, this winter, to prevent a potential catastrophic failure. Both firms provided quotes for the work. Facilities Director, Eric Stemen, recommends that Johnson Controls be awarded the project as the low bid. They would install a direct replacement for \$15,295. Facilities staff recommends adding a 15% contingency due to the age of the building and the unknown condition of piping.

#### **FISCAL EFFECT:**

This item is not in the Fiscal Year 2021 Fire Department budget. A budget adjustment in the not-to-exceed amount of \$17,600 will be needed.

#### **RECOMMENDATION:**

Approve the replacement of the boiler by Johnson Controls in an amount not-to-exceed \$17,600 and approve an adjustment to the Fire Department Fiscal Year 2021 budget.

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

Description

- ▣ MFD Station #2 Boiler Bids



Boiler Replacement  
Quote Prepared by Daniel Ostola  
02/22/2021



## PROPOSAL

### Account Information

**Bill To:** CITY OF MARQUETTE  
ATTN ACCOUNTS PAYABLE 300 W BARAGA AVE  
MARQUETTE MI  
USA 49855

**Quote Reference Number:** 1-1AM4901K

**Project Name:** Boiler Replacement

**Site:** CITY OF MARQUETTE - FIRE STATION 2  
723 N FRONT ST  
MARQUETTE MI 49855-3529

**Branch Info:** JOHNSON CONTROLS APPLETON WI CB - 0N07

**Attn:** Eric Stemen

### Customer Information

**Name:** Eric Stemen

This proposal is hereby accepted and Johnson Controls is authorized to proceed with the work, subject to credit approval By Johnson Controls, Inc. Milwaukee, WI.

We propose to furnish the materials and/or perform the work below for the net price of: \$15,295.00

This proposal is valid through: 03/24/2021

**CITY OF MARQUETTE**

**Johnson Controls Inc.**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
PO: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

## Proposal Overview

**Benefits/Scope of Work:**

We will remove the existing steam boiler and associated piping back to the main. Install new crown Model # BS1380N atmospheric boiler and all associated gas, steam and condensate piping, breaching and electrical wiring including emergency shutdown switch per code requirements. Start-up/check out.

All local and state permits will be pulled.

Option 1 - Peerless series 64 atmospheric boiler. Add \$4000

Option 2 - Replacement of old simplex condensate receiver/feedwater assembly with new duplex unit to include piping in a funnel assembly for adding chemical treatment to the system. Add \$5300

**Exclusions:**

- 1.Labor or material not specifically described above is excluded from this proposal.
- 2.Unless otherwise stated, any and all overtime labor is excluded from this proposal.
- 3.Applicable taxes or special freight charges are excluded from this proposal

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



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

December 8, 2020

TO: **Eric Stemen**  
**City of Marquette**  
**Marquette, MI 49855**

RE: **Proposal 20-280**

We appreciate the opportunity to provide this quote for your boiler replacement and suggested maintenance at the No. 2 Fire Station.

**Cast Iron (like-for-like) Steam Boiler Replacement: \$15,955<sup>00</sup>**

- Remove & dispose existing cast iron boiler
- Furnish & install NEW Weil McLain EGH-105-4 cast iron steam boiler

**E-Stop: \$1,330<sup>00</sup> X**

- An emergency shut off switch for the boiler will be required by the State of Michigan Boiler Division if a new boiler is installed

**Replace End-of-Line Steam Trap & Condensate Piping: \$1,145<sup>00</sup>**

- Install (1) 1" F&T steam trap on the main steam header drip leg in the Basement.
- Replace the ¾" copper condensate piping out of the steam trap over to the boiler feed pump with 1" sch 80 steel pipe and forge steel fittings

**Replace Water Heater Valve and Minor Piping: \$246<sup>00</sup>**

- Fix the leaking fittings on the cold-water supply feeding the water heater

**Exclusions**

- Hazardous materials identification or abatement of any kind or type, unless specifically noted

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

Sincerely,  
Cory Bushong

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



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

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### TERMS & CONDITIONS

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

### ACCEPTANCE OF PROPOSAL

#### PAYMENT SCHEDULE TO BE MADE AS FOLLOWS:

Acceptance of Proposal  
Balance Due

50% deposit  
Immediately Upon Installation  
Progress Billings if applicable

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

Signature: \_\_\_\_\_

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

Date of Acceptance: \_\_\_\_\_

**City of Marquette, MI**

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date:** 3/8/2021

**Consent Agenda**

**Grant of License Agreement for Room at the Inn Warming Center**

**BACKGROUND:**

Room at the Inn has submitted an application to use right-of-way space above the sidewalks adjacent to their Warming Center property at 447 W. Washington Street for new awnings. Staff reviewers unanimously approved the application and the City Attorney has drafted a Grant of License Agreement. The property manager has signed the agreement for Room at the Inn.

**FISCAL EFFECT:**

An application fee of \$250 was collected. No other fees apply.

**RECOMMENDATION:**

Approve the Grant of License Agreement, and authorize the Mayor and Clerk to sign the agreement.

**ALTERNATIVES:**

As determined by the Commission.

**ATTACHMENTS:**

Description

- ▢ Application 01-PRU-03-2021 RATI
- ▢ GOL Agreement 447 W. Washington St. RATI 01-PRU-03-21

Mail to:  
Municipal Service Center  
Community Development Office  
1100 Wright St.  
Marquette, MI 49855

**CITY OF MARQUETTE**  
**APPLICATION FOR LICENSE/EASEMENT**  
**OF CITY OWNED PROPERTY**



**Fee \$250** du#27620

**CITY STAFF USE**

Date Submitted: 1-15-21 Parcel ID#: 0220220 File #: 01-PRU-03-2021

Property Address/Location: 447 W. Washington

Adequate Legal Description Submitted: ☒ Y / ☐ N

Anticipated Hearing Date: \_\_\_\_\_

NOTE- PLEASE MAKE A CASE FILE FOR THIS REQUEST AND INCLUDE A COPY OF THE APPLICATION, THEN ROUTE THE ORIGINAL FOR SIGNATURES.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!**

**APPLICANT CONTACT INFORMATION**

**APPLICANT**

Name: Room at the Inn Warming Center

Address: 447 W. Washington St.

City, State, Zip: Marquette MI, 49855

Phone #: 906-225-1521

Fax #: \_\_\_\_\_

Email: rati.kimm@gmail.com

**\*\*APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING\*\***

**APPLICANT'S REPRESENTATIVE**

Name: Cook Sign Services

Address: 105 N GARFIELD Ave

City, State, Zip: Marquette MI 49855

Phone #: 906-228-8690

Fax #: 906-228-8691

Email: cooksign@cooksign.com

**\*\*APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING\*\***

What is the street address, or nearest street address, to the location of the requested license/easement?

447 W. Washington St.

Please describe the reason or necessity for the requested license/easement for use of the City property:

Awning to be 8' to grade and to be over sidewalk.

Awning will cover existing electrical components. See attached.

You may attach sketches, maps, photos, or other items that may help to illustrate/visualize your request. Community Development staff will attach a photo-map of the area.

Attachments: See Attached Sketches / Photos



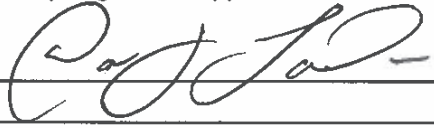
### LEGAL DESCRIPTION

Legal description of the license/easement area:

See attached map

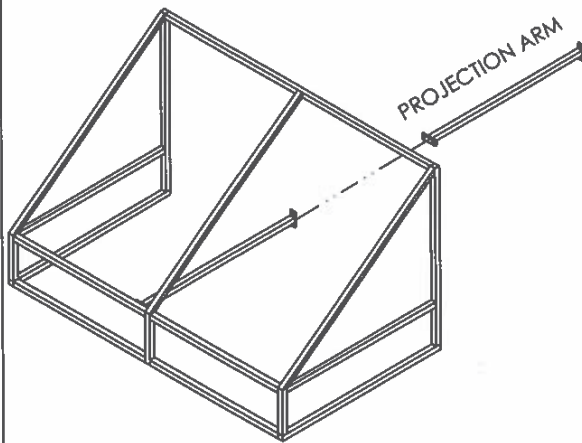
### SIGNATURE

I understand that this application itself is not considered an approval and only the Marquette City Commission has the authority to grant an approval for a license/easement for use of property owned by the City of Marquette.

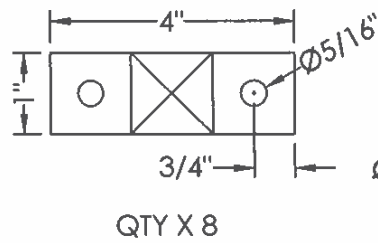
Signature: 

Date: 1/14/21

Height: 36"  
 Width: 22'  
 Projection: 24"

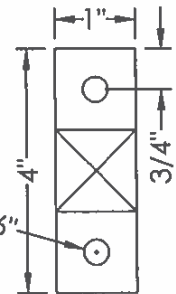


QTY. \_\_\_\_  
 1/4" ALUM. AWNING  
 PLATES TO BE  
 ROUTED



QTY X 8

QTY. \_\_\_\_  
 1/4" ALUM. WALL  
 PLATES TO BE  
 ROUTED



QTY X 8

|                                                                                     |                      |                     |                               |             |                                          |                |
|-------------------------------------------------------------------------------------|----------------------|---------------------|-------------------------------|-------------|------------------------------------------|----------------|
|  | CUSTOMER NAME: _____ | P.O. NUMBER: _____  | SIGN TYPE/<br>QUANTITY: _____ |             | DRAWING HISTORY:                         | GENERAL NOTES: |
|                                                                                     | JOB NAME: _____      | LOCATION: _____     | DRAWN BY: _____               |             | REV A:<br>DATE: _____<br>DRAWN BY: _____ |                |
|                                                                                     | JOB NUMBER: _____    | SALES PERSON: _____ | KAB                           | DATE: _____ | REV B:<br>DATE: _____<br>DRAWN BY: _____ |                |

THE DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL AND IS TO REMAIN OUR PROPERTY EXCLUSIVELY UNTIL ACCEPTED AND APPROVED BY PURCHASER

EXISTING





# Old Awning Damaged by winds



**STAFF REVIEW**

- For a sign/object/structure/project encroaching into a public right-of-way or on City property -

**Please fill out the form within 48 hours of receiving it.**

| <u>Reviewing Department</u>                          | <u>Recommend Approval</u> | <u>Comments</u>                                                                                                                                       |
|------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning &amp; Zoning-Community Development</b>   |                           | A small portion of this replacement awning would protrude over the public sidewalk, but there is no reason that it should not be allowed as proposed. |
| Date Received: <u>01-15-21</u>                       | Yes                       |                                                                                                                                                       |
| <b>Treasurer</b>                                     |                           | No outstanding/delinquent amounts due from applicant(s) at this time.                                                                                 |
| Date Received: <u>01/18/21</u>                       | Yes                       |                                                                                                                                                       |
| <b>Police</b>                                        |                           | No comment                                                                                                                                            |
| Date Received: <u>1/19/21</u>                        | Yes                       |                                                                                                                                                       |
| <b>Engineering- Community Development</b>            |                           | No comment                                                                                                                                            |
| Date Received: <u>01/19/21</u>                       | Yes                       |                                                                                                                                                       |
| <b>DPW</b>                                           |                           | They are replacing existing awning with like awning.                                                                                                  |
| Date Received: <u>1/26/21</u>                        | Yes                       |                                                                                                                                                       |
| <b>Fire</b>                                          |                           | No comment                                                                                                                                            |
| Date Received: <u>01/20/21</u>                       | Yes                       |                                                                                                                                                       |
| <b>DDA</b> (if parcel is in DDA district - advisory) |                           | No comment                                                                                                                                            |
| Date Received: <u>01/19/21</u>                       | Yes                       |                                                                                                                                                       |

EXHIBIT A - 01-PRU-02-2021  
447 W. Washington St.  
Awning Encroachment over ROW

Washington Street

The licensed area is the location of the public right-of-way (ROW) beneath the awning attached to this building. The blue outline shows the approximate location of the proposed awning.

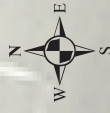
Right of Way line

447 W. Washington St.  
"Warming Center"

501  
CBD  
0220230

447  
CBD  
0220220

443  
CBD  
0220210





## GRANT OF LICENSE

THE CITY OF MARQUETTE, a municipal corporation, of 300 W. Baraga Avenue, Marquette, MI 49855, the "City", and ROOM AT THE INN, a Michigan corporation, of 347 Rock Street, Marquette, Michigan 49855, "RATI", licensee, enter into this agreement on \_\_\_\_\_, 2021, subject to the following conditions:

1. Background. The City owns the Washington Street Right of Way, in the City of Marquette, State of Michigan.  
RATI desires to use an area located within the right of way to construct an awning adjacent its building ("Awning") on the real estate and to the specifications set forth in Exhibit A.
2. Grant of the license. In consideration of the payment to the City of \$250.00, the City grants to RATI the right to use of a portion of the city right of way for an Awning as set forth in Exhibit A.
3. Construction and Maintenance. RATI shall be responsible for all fees and expenses related to the construction, maintenance and repair of the Awning and real estate described in Exhibit A.
4. Use. The right to use the real estate described in Exhibit A is not exclusive; however as long as this License is in effect, the City shall not permit any use contrary to the Awning except as may be necessary to repair, remove or replace utilities. In the event the City repairs, removes or replaces utilities, RATI shall be responsible for any removal of, repair to or replacement of the Awning in connection with utility work. RATI shall not use the real estate for any purpose except as specifically allowed within this agreement, and shall not alter, injure or damage the City's parcel.
5. Reimbursement for damages. RATI shall reimburse the City for any physical damages to the City's parcel caused by RATI's, or its successors', assigns', invitees', tenants' and guests' use on the real estate. RATI, and any successor or assign shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability (whether absolute, accrued, contingent or otherwise), cost and/or expense, including but not limited to, interest, penalties, consultants fees and expenses, and attorneys' fees and expenses, asserted against, imposed upon or incurred by the City, directly or indirectly, by reason of or resulting from or relating to the Awning.
6. Revocation. This License may be revoked by either party at any time by providing at least 90 days written notice of termination to the other party. On the termination date, all rights and obligations of the parties shall cease and on or before the termination date, RATI shall remove the Awning from the real estate, at his own expense. RATI shall not be entitled to a reimbursement for any portion of the fee previously paid to the City.
7. Entire Agreement. This Grant of License constitutes the entire agreement between the parties.

The said parties have caused this document to be executed the day and year first written above.

CITY OF MARQUETTE

\_\_\_\_\_  
By: Jennifer A. Smith  
Its: Mayor

\_\_\_\_\_  
By: Kyle Whitney  
Its: Clerk

STATE OF MICHIGAN            )  
COUNTY OF MARQUETTE        )

Acknowledged before me in Marquette County, Michigan, on \_\_\_\_\_, 2021, by Jennifer A. Smith, Mayor, and Kyle Whitney, Clerk, of the City of Marquette, a Michigan municipal corporation.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
State of Michigan, County of Marquette  
My Commission Expires: \_\_\_\_\_

ROOM AT THE INN

  
By: \_\_\_\_\_  
Its: President

STATE OF MICHIGAN            )  
COUNTY OF MARQUETTE        )

Acknowledged before me in Marquette County, Michigan, on Feb. 19, 2021, by Nick Emmendorfer, President of Room at the Inn, a Michigan corporation, on behalf of the company.

  
\_\_\_\_\_  
Notary Public  
State of Michigan, County of Marquette  
My Commission Expires: 2-7-24

**WENDY S. LARSON**  
Notary public, Marquette County, Michigan  
My commission expires February 7, 2024.



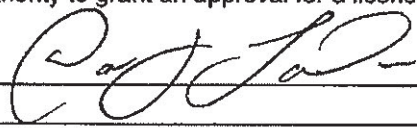
### LEGAL DESCRIPTION

Legal description of the license/easement area:

See attached map

### SIGNATURE

I understand that this application itself is not considered an approval and only the Marquette City Commission has the authority to grant an approval for a license/easement for use of property owned by the City of Marquette.

Signature: 

Date: 1/14/21

EXHIBIT A - 01-PRU-03-2021  
447 W. Washington St.  
Awning Encroachment over ROW



Washington Street

The licensed area is the location of the public right-of-way (ROW) beneath the awning attached to this building. The blue outline shows the approximate location of the proposed awning.

Right of Way line

447 W. Washington St.  
"Warming Center"

501  
CBD  
0220230

447  
CBD  
0220220

443  
CBD  
0220210

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

---

**Agenda Date:** 3/8/2021

### **Consent Agenda**

#### **KBIC Funding for the U.P. Children's Museum**

##### **BACKGROUND:**

Recently the U.P. Children's Museum asked the City to serve as the fiscal pass-through agent for funding from the Keweenaw Bay Indian Community. They plan to ask the Tribe for \$10,000 for Museum programs. In consideration of the City agreeing to act as a pass-through, the Museum agrees to dedicate any funds from the KBIC to the purposes set forth in the attached agreement prepared by the City Attorney.

Proceeds from the Tribe's 2% gaming revenue would be used to fund the request; gaming regulations require that a local municipality serve as the fiscal agent for such awards. This payment is not allocated to the City of Marquette government, but is a contribution to the U.P. Children's Museum.

##### **FISCAL EFFECT:**

No direct cost to the City.

##### **RECOMMENDATION:**

Approve the request to act as the fiscal intermediary for KBIC funding of \$10,000 for U.P. Children's Museum programs, and authorize the City Manager to sign the attached Agreement.

##### **ALTERNATIVES:**

As determined by the Commission.

##### **ATTACHMENTS:**

Description

- ▣ U.P. Children's Museum Letter of Request
- ▣ U.P. Children's Museum Agreement

# The U. P. Children's Museum



123 West Baraga Avenue, Marquette, Michigan 49855 906-226-3911 fax 906-226-7065 [www.upchildrensmuseum.org](http://www.upchildrensmuseum.org)

*Recipient of Michigan's Governor's Award for Arts and Culture and  
The REINVENTING Michigan Award*

February 2021

Mayor Smith  
c/o Manager Mike Angeli  
Marquette City Hall  
300 W. Baraga Avenue  
Marquette, Michigan 49855

Dear Mayor Smith,

The Upper Peninsula Children's Museum would like to submit a request to the Keweenaw Bay Indian Community for its 2% disbursement through the city of Marquette and seeks the Commission's approval of such action.

The Upper Peninsula Children's Museum will be requesting \$10,000 to go towards basic operational needs and programming / exhibits supplies. A full proposal outlining the Museum and its request will be submitted to the City to pass on to the KBIC or can be passed on to the Tribe directly if desired. If you would like the Museum's most recent financials or 990s I am happy to pass them along.

If you need more information I would be very happy to supply it. Thank you so much for your kind assistance.

Sincerely,

Nheena Weyer Ittner  
Director

Engaging Youth and Families to discover through interactive exhibits and learning opportunities. Our family of programming: Hands-on museum, Explainers, 8-18 Media, Together Time Programming, Ectothermic days, Kid Bizness, SPROUT and Design-O-Saurus participatory design programs. AND Baraga Place, a shared office and retail facility filled with super cool tenants!



## AGREEMENT

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between the CITY OF MARQUETTE, a municipal body corporate, with offices located at 300 W. Baraga Avenue, Marquette, MI 49855 (hereinafter referred to as the "City"), and the UPPER PENINSULA CHILDREN'S MUSEUM, INC., a Michigan nonprofit corporation, located at 123 W. Baraga Avenue, Marquette, MI 49855 (hereinafter referred to as "Museum")

**WHEREAS**, the Museum provides programming for civic, artistic, and cultural activities within the City for the general public; and

**WHEREAS**, the City by virtue of MCL 117 4k of the Home Rule Cities Act is authorized to

" provide for the appropriation and allocation of public funds to a public or private nonprofit institution engaged within the city in the provision of civic, artistic, and cultural activities, including but not limited to music, theater, dance, visual arts, literature and letters, architecture, architectural landscaping, and allied arts and crafts, to the general public." and,

**WHEREAS**, the Marquette City Commission, having determined that the activities of the Museum are a valid purpose under the Home Rules Cities Act and is willing to enter into this Agreement with the Museum for the support of its programs, upon certain terms and conditions

**NOW, THEREFORE**, the parties agree:

1. That for and in consideration of the payment by the City to the Museum of the sum of \$10,000 from the Keweenaw Bay Indian Community, the Museum will accept said money from the City and dedicate it solely to the use of Museum programs within the City benefiting the general public;

2. That the parties further understand and agree that the payment of the sum of \$10,000 by the City to the Museum as above-described is contingent upon the prior receipt by the City of the amount from the Keweenaw Bay Indian Community, and that if said payment is not received by the City, the City shall have no obligation to make the payment herein described to the Museum.

The signatories hereto certify that they are authorized to execute this document on behalf of the respective parties

Dated: \_\_\_\_\_, 2021

By: L. Michael Angeli  
Marquette City Manager

Dated: Feb 19, 2021

By: Nheena Weyer Ittner, Director  
Upper Peninsula Children's Museum, Inc.

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

---

**Agenda Date:** 3/8/2021

### **Consent Agenda** **NTN EGLE Permit Application**

#### **BACKGROUND:**

The Noquemanon Trails Network (NTN) requests the City Commission authorize the NTN act as an agent for the City in making an application to the Michigan Department of Environment, Great Lakes, and Energy for a permanent bridge over the Carp River.

The NTN has annually installed a temporary bridge to cross the river. This bridge is reaching the end of its useful life. The proposed permanent bridge would better serve the increased use of the trail system, be less impactful to the river banks and allow anglers to pass under it.

This project is identified in the City's Trails Master Plan recommendations on page 26 as "100 year floodplain bridges over Carp River (2)." Additionally, this project has been approved by the Superior Watershed Partnership as the managers of the conservation easements.

NTN has worked with GEI Consultants to plan for the project and will fundraise to cover the costs. If the EGLE permit is approved the NTN would seek a license for the structure.

Attached is a letter for the City Manager to sign to authorize this action.

#### **FISCAL EFFECT:**

None with this action.

#### **RECOMMENDATION:**

Authorize the Noquemanon Trails Network to act as an agent of the City to submit the permit request to the Michigan Department of Environment, Great Lakes, and Energy for a permanent bridge over the Carp River, and authorize the City Manager to sign the letter.

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

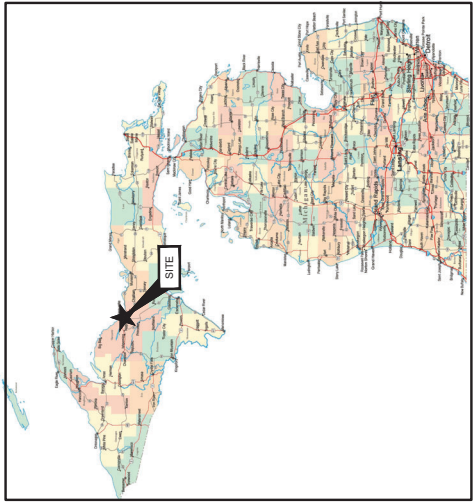
Description

- ▣ Bridge Proposal
- ▣ Authorization Letter

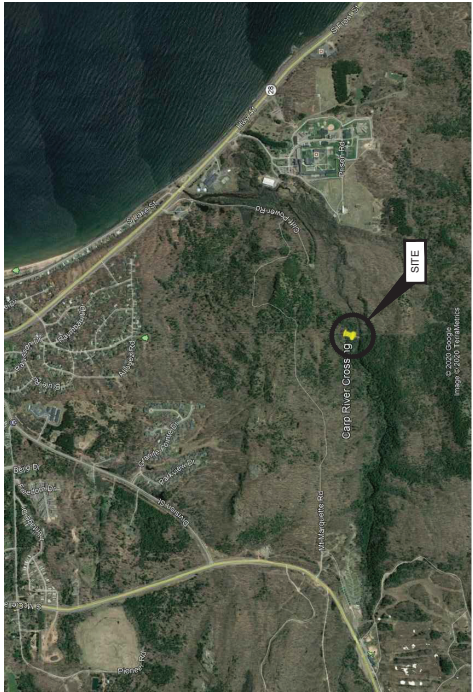


# CARP RIVER PEDESTRIAN BRIDGE

NOQUEMANON TRAIL NETWORK IMPROVEMENTS  
NOQUEMANON TRAIL NETWORK  
MARQUETTE, MI  
49855



STATE MAP  
(NOT TO SCALE)



SITE LOCATION MAP  
(NOT TO SCALE)

PREPARED FOR:  
NOQUEMANON TRAIL NETWORK  
PO BOX 746  
MARQUETTE, MI 49855  
(906)235-6861



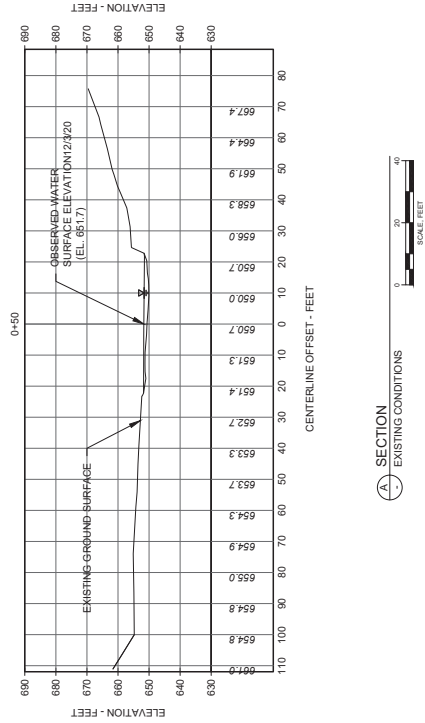
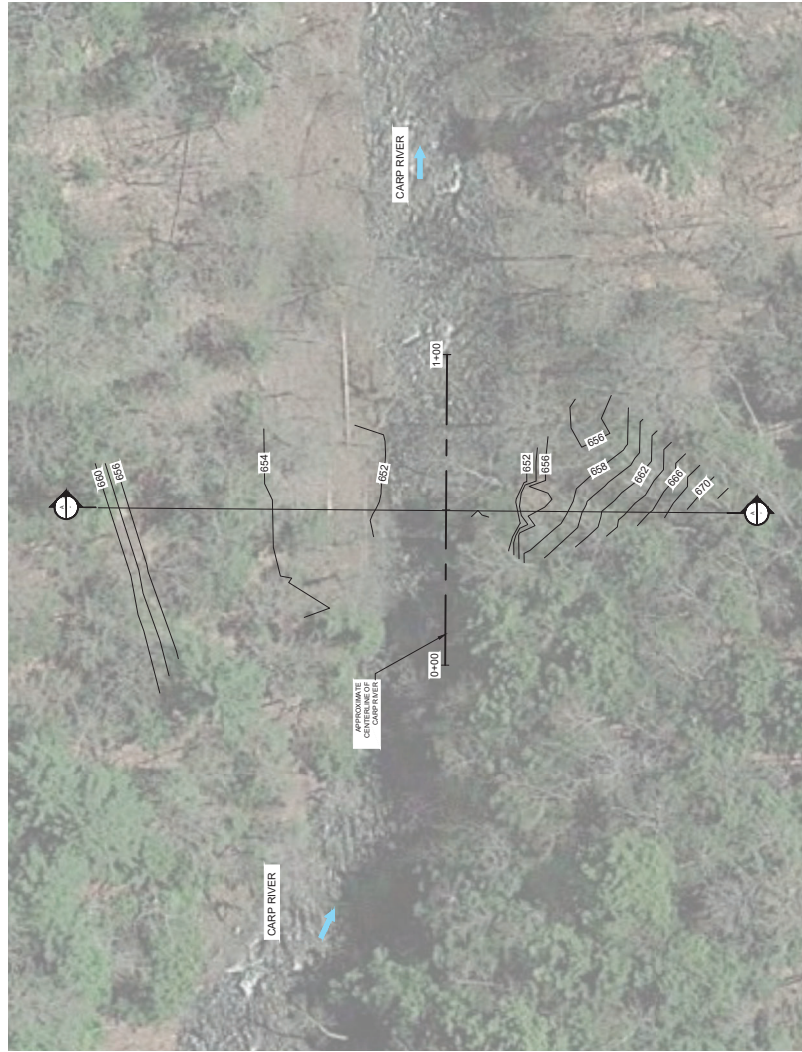
PREPARED BY:  
GEI CONSULTANTS OF MICHIGAN, P.C.  
109 W. BARAGA AVENUE  
MARQUETTE, MI 49855  
(906)451-4021



THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN ARE THE PROPERTY OF GEI CONSULTANTS OF MICHIGAN, P.C. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF GEI CONSULTANTS.

GEI PROJECT NO. 1800384  
JAN 05, 2021

|             |           |        |
|-------------|-----------|--------|
| PRELIMINARY | DWG. NO.  | G-001  |
|             | SHEET NO. | 1 OF 3 |
|             | REV. NO.  | 1      |
|             | DRAFT     |        |



## PLAN - EXISTING CONDITIONS



**Attention:**



If this scale bar does not measure 1" then drawing is not original scale.

DRAFT

|             |         |
|-------------|---------|
| Designed:   | #####   |
| Drawn:      | PRD     |
| Checked:    | #####   |
| Approved:   | #####   |
| P.E. No:    | ###     |
| GEI Project | 1800384 |

**GEI Consultants**  
GEI CONSULTANTS OF MICHIGAN, P.C.  
109 W. BARAGA AVENUE  
MARQUETTE, MI 49855  
(800)451-4021

NOQUEMANON TRAIL  
NETWORK  
MARQUETTE, MI

CARP RIVER PEDESTRIAN  
BRIDGEMARQUETTE, MI  
49855

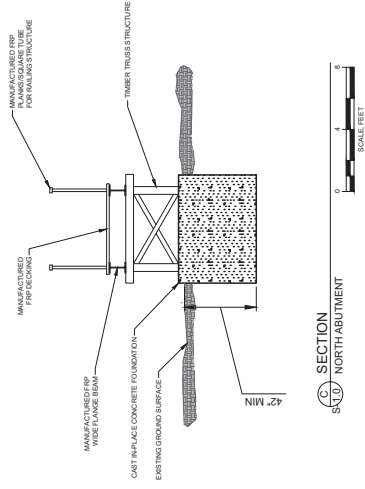
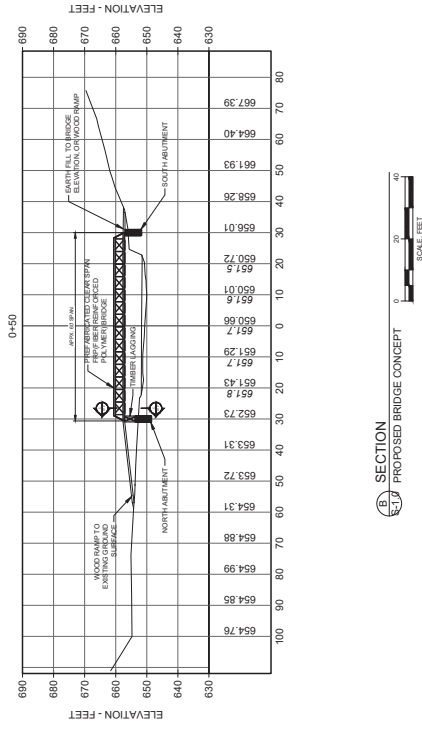
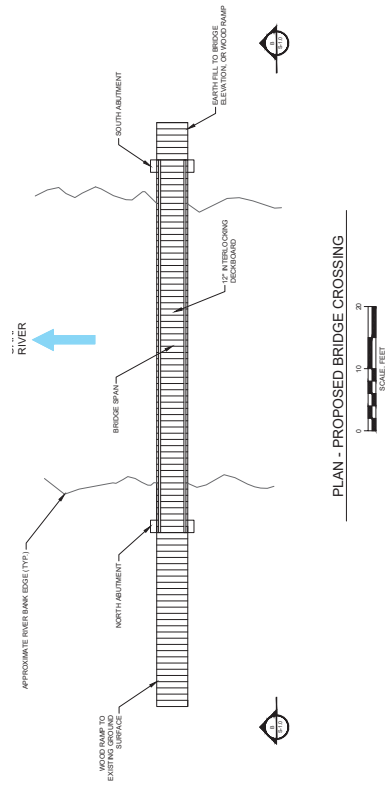
SHEET NAME

## G-2.0

PRELIMINARY

**NOTES:**

1. SURVEY DATA ACQUIRED BY TRIMEDIA AND GEI, 12/3/2020.
2. ELEVATIONS AND SURVEY POINTS REFERENCE NAVD 88 AND NAD 83.
3. AERIAL IMAGE ACQUIRED VIA GEO-REFERENCED GOOGLE EARTH PRO.



**NOTES:**

1. ELEVATIONS AND SURVEY POINTS REFERENCED FROM NAVD 88, AND NAD 83.

**Attention:**



If this scale bar does not measure 1" then drawing is not original scale.

DRAFT

|                     |       |
|---------------------|-------|
| Designed:           | ##### |
| Drawn:              | PRD   |
| Checked:            | ##### |
| Approved:           | ##### |
| P.E. No:            | ###   |
| GEI/Project 1800384 |       |



NOQUEMANON TRAIL  
NETWORK  
MARQUETTE, MI

CARP RIVER PEDESTRIAN  
BRIDGEMARQUETTE, MI  
49855

## PROPOSED CROSSING PLAN AND SECTIONS

SHEET NO.

**S-1.0**

PRELIMINARY

SHEET NAME

1/17/2022 City of Marquette, MI Page 33 of 47



March 8, 2021

Ms. Lori Hauswirth  
Executive Director  
Noquemanon Trails Network Council  
P.O. Box 746  
Marquette, MI 49855

Re: Part 301 and Part 31 Joint Permit Application for NTN – Carp River Bridge

Dear Ms. Hauswirth,

Please consider this letter as authorization for the Noquemanon Trails Network Council to act as an agent for the City of Marquette in making an application to the Michigan Department of Environment, Great Lakes, and Energy for the above referenced project.

If you should have any questions regarding this, please feel free to contact me via phone (906-225-8102) or e-mail ([manager@marquettemi.gov](mailto:manager@marquettemi.gov)).

Respectfully,

L. Michael Angeli, City Manager  
City of Marquette

**City of Marquette, MI**

300 West Baraga Avenue  
Marquette, MI 49855

---

**Agenda Date:** 3/8/2021

**Consent Agenda**

**Proclamation - Spread Goodness Day**

**ALTERNATIVES:**

As determined by the Commission.

**ATTACHMENTS:**

Description

- ▣ Spread Goodness Day Proclamation



## *Proclamation Spread Goodness Day*

**WHEREAS**, the idea of Spread Goodness Day was first created in 2017 to inspire a global day of simple goodness by encouraging individuals, schools, and organizations to show the explosive power that one act of goodness multiplied by hundreds, thousands, and maybe millions has to change the world every single day; and,

**WHEREAS**, in 2017 the launch was created as a global goodness day initiative, headquartered and centered around Marquette, Michigan; and,

**WHEREAS**, the people of Marquette rose up to create impactful Spread Goodness Day events and initiatives:

- A day that individuals, businesses, and schools committed to doing one good thing, celebrating goodness explosively together; and,
- A day that proves that one action can change the world; and,

**WHEREAS**, the local area public schools, from elementary to Northern Michigan University, participate in unique Spread Goodness Day events throughout the community:

- To create an explosive atmosphere of empowerment worldwide that the simplest acts of goodness change the world every day; and,
- To spread goodness, plain and simple; and,
- To engage schools and student organizations worldwide; and,
- To support grassroots non-profits that help people “survive with goodness” through sponsoring their fundraising events; and,

**WHEREAS**, local citizen Anna Dravland founded the non-profit event after experiencing the positive effects of engagement with her community, volunteerism, and social action; and,

**WHEREAS**, despite suffering a massive stroke just after launching the platform, she has kept the initiative alive through the contagion of goodness sparked in Marquette and spread throughout the world; and,

**WHEREAS**, the resolution states that Spread Goodness Day events started in our community and spread to 14 states and at least 10 countries; and,

**WHEREAS**, on the second Friday of March, we should honor the power and simplicity of goodness to change the world and positively impact our community;

**NOW, THEREFORE**, I, Jennifer A. Smith, Mayor of Marquette, do hereby proclaim the second Friday of March as Spread Goodness Day in the City of Marquette, Michigan, to uplift our community and inspire the world with acts of goodness.

**DATED** this 8<sup>th</sup> day of March, 2021.

---

Jennifer A. Smith, Mayor



## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

---

**Agenda Date:** 3/8/2021

### **Consent Agenda** **Sale of Surplus Equipment**

#### **BACKGROUND:**

City staff routinely evaluates the motor pool fleet for obsolete and high mileage equipment. A 2008 Ford truck has been recommended for auction due to high mileage and maintenance issues and a 2011 MP municipal tractor has been recommend for auction due to discontinued product support and spare parts availability. Both pieces of equipment have already been replaced as part of the Fiscal Year 2020/21 capital outlay process.

#### **FISCAL EFFECT:**

Proceeds from the auction of these vehicles will be credited to the City's Motor Pool Fund - Sale of Fixed Assets.

#### **RECOMMENDATION:**

Declare one 2008 Ford truck and one 2011 MB municipal tractor as surplus, and authorize City staff to prepare the vehicles for auction.

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

Description

No Attachments Available

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

---

**Agenda Date:** 3/8/2021

### **New Business**

#### **New Liquor License Application - Roll Call Vote**

##### **BACKGROUND:**

Towners Chocolate LLC is planning to apply to the Michigan Liquor Control Commission (MLCC) for a new Tavern License. This license would allow Towners Chocolate to sell beer and wine for consumption in their storefront at 315 South Front Street in Marquette.

The State requires applicants for Tavern licenses to obtain an affirmative recommendation from the local legislative body prior to making application.

This application has been reviewed and approved by the City Police, Fire, Community Development and Finance departments.

##### **FISCAL EFFECT:**

None by this action.

##### **RECOMMENDATION:**

Adopt the attached resolution recommending Michigan Liquor Control Commission approval of a new Tavern License for Towners Chocolate, LLC at 315 South Front Street.

##### **ALTERNATIVES:**

As determined by the Commission.

##### **ATTACHMENTS:**

###### Description

- ▣ Towners Letter
- ▣ Towners Resolution
- ▣ Tavern Licenses (MLCC)

# O'DEA, NORDEEN, AND PICKENS, P.C.

## ATTORNEYS AT LAW

Raymond J. O'Dea ♦  
*rodea@marquettelawpc.com*  
William T. Nordeen ♦  
*bnordeen@marquettelawpc.com*  
Jeremy S. Pickens  
*jpickens@marquettelawpc.com*  
Erin C. Blanck  
*eblanck@marquettelawpc.com*

122 W. Spring Street  
Marquette, MI 49855  
Phone: 906.225.1770  
Fax: 906.225.1764  
225 E. Aurora Street  
Ironwood, MI 49938  
Phone: 906.932.1221

♦Also admitted in Wisconsin

February 21, 2021

### First Class Mail

City of Marquette  
300 West Baraga Avenue  
Marquette, MI 49855

Re: City Approval for Beer and Wine License of Towner's Chocolate LLC  
of 315 N. Front Street, Marquette, MI

Dear Sirs/Madames:

We represent Towners Chocolate LLC, a Michigan limited liability company doing business at 315 N. Front Street, Marquette, Michigan. We request that the City of Marquette consent to the Michigan Liquor Control Commission issuing a beer and wine license for Towners Chocolate.

Towners Chocolate leases the store front at 315 N. Front Street, across from VAST Insurance. They provide quality products and they have received the resulting acclaim. In the weeks prior to Christmas, the line of people waiting to get into their store regularly went more than one block in length.

Towners Chocolate desires to sell beer and wine at their store, to supplement their current products. They believe that citizens will tend to purchase a fine bottle of wine or speciality beer to go with their unique chocolate products and this will provide a desired resource for the citizens of Marquette and make Towners Chocolate more likely to succeed financially. As you know, it is challenging for small business owners to succeed in the limited markets in the Upper Peninsula.

The Michigan Liquor Control Commission (MLCC) requires the local municipality to consent to such a beer and wine license. This is not the City issuing a beer and wine license, but merely the City consenting to the MLCC considering whether Towners Chocolate qualifies for such a license.

Enclosed find the "Local Government Approval" (form LCC-106) required by the City through Board action. Also attached find Towners Chocolate's license application to the MLCC and its lease for the store front at 315 N. Front Street.

Please put this on the agenda for an upcoming meeting and provide notice of the meeting to our firm so that we can attend the meeting, along with Katie Bonzer of Towners Chocolate, to provide background information.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Bill Nordeen", is written over a light blue circular stamp. The signature is fluid and cursive.

William T. Nordeen

WTN/  
Encls

cc: Client via email only (w/o encls)



Michigan Department of Licensing and Regulatory Affairs  
Liquor Control Commission (MLCC)  
Toll Free: 866-813-0011 • [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

Business ID: \_\_\_\_\_

Request ID: \_\_\_\_\_

(For MLCC use only)

**Local Government Approval**  
(Authorized by MCL 436.1501)

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

**Instructions for Local Legislative Body:**

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a \_\_\_\_\_ meeting of the \_\_\_\_\_ Marquette City \_\_\_\_\_ council/board  
(regular or special) (township, city, village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Townners Chocolate LLC

(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Tavern License (beer and wine; no liquor)  
(list specific licenses requested)

to be located at: 315 S. Front Street, Marquette, MI 49855

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

It is the consensus of this body that it recommends this application be considered for  
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Marquette City  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date)  
(township, city, village)

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059



Michigan Department of Licensing and Regulatory Affairs  
Liquor Control Commission (MLCC)  
Constitution Hall – 525 W. Allegan, Lansing, MI 48933  
Mailing Address: PO Box 30005, Lansing, MI 48909  
Toll Free 866-813-0011 – [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

### **Tavern Licensing Requirements & General Information**

A Tavern license, as defined by MCL 436.1113(1), is a place licensed to sell, at retail, beer and wine for consumption on the premises.

Bars or restaurants selling beer and wine require a Tavern license in order to sell these items to patrons at their establishment.

---

#### **How to Apply**

All applicants requesting a new Tavern license, seeking to transfer ownership of a Tavern license, or transferring interest (stock or membership interest) in a Tavern license must submit the following:

- **Application Form**

For a new Tavern license or to transfer a Tavern license - [Retail License & Permit Application \(Form LCC-100\)](#)

To transfer interest in a Tavern license – [License Interest Transfer Application \(LCC-101\)](#)

- **Inspection Fee** - A \$70.00 nonrefundable inspection fee is required for each license requested in an application. For example, if an applicant has requested to transfer a Tavern license that has a Specially Designated Merchant license in conjunction, the inspection fee would be \$140.00.
- **License & Permit Fees** – The initial and annual renewal fee for a Tavern license is \$250.00. Additional fees will vary based upon whether additional licenses and permits are requested in conjunction with a Tavern license.
- **Livescan Fingerprints** – Applicants that have never been licensed through the Michigan Liquor Control Commission must submit fingerprints through the Livescan fingerprinting process - [Livescan Fingerprint Background Request Form](#).
- **Purchase Agreement** – Applicants requesting to transfer a license from another licensee must submit an executed purchase agreement or other documentation signed by both the applicant and the current licensee, which details the sale of the liquor license(s) and other business assets.



- Purchase agreements must specifically indicate that the liquor license is being sold and provide the purchase price and terms of the sale.
- Purchasers of on-premises licenses must have at least 10% of the purchase price of the business, excluding real estate.
- Purchase agreements that are not for cash only sales and include real estate must list the personal property, including the licenses, and real estate with the terms and price for each.
- If the personal property and real estate are being purchased by separate people or entities, the purchase agreement must indicate those names and who is purchasing which items.
- If the applicant will not pay the full purchase price at closing, the balance due may be covered by a security agreement or promissory note. Alcoholic beverage inventory cannot be included on a security agreement or promissory note.
- **Property Document** – Applicants must provide documentation that demonstrates they will have control over the property that comprises the proposed licensed premises. Property documents include deeds, land contracts, and lease agreements.
  - A provision to reassign the license in the event of a default on a land contract or termination of a lease agreement may be included, but may only provide for the reassignment subject to Commission approval.
  - If the applicant is a company and its members or stockholders own the real estate as individuals or under another company, a lease agreement is needed.
  - If the applicant is an individual and he or she owns the real estate with a spouse or someone else who will not be named on the license, a lease between the applicant and the owners of the real estate is needed.

**In addition to the documents required by all applicants:**

**Corporations** must submit the following information per Administrative Rule R 436.1109:

- Copy of current, filed Articles of Incorporation.
- Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of this state.
- Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)

**Limited Liability Companies (LLC)** must submit the following information pursuant to Administrative Rule R 436.1110:

- Copy of Articles of Organization and copies of any amendments to the Articles of Organization.
- Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- Copy of Operating Agreement entered into by members.

- Copy of most recent annual statement filed with the Corporations Division, if an existing LLC.
- Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)

**Partnerships** must submit the following information per Administrative Rule R 436.1111:

- Partnership Agreement, if a Limited Partnership.
- [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)

---

### **Licensing Process**

- The Licensing Division reviews the application and corresponding documents for completeness and verifies the appropriate fees have been received. If additional documents, fees, or corrections to documents are needed, Licensing will notify the applicant.
- Once all the necessary documents have been received Licensing will submit the request to the Enforcement Division for its investigation. If an applicant has applied for and meets the requirements for a conditional license, the request will be considered by the Commission.
- The Enforcement Division will contact the applicant to schedule an interview with the applicant (and current licensee for license transfers). At this meeting an investigator will review with the applicant documents, including:
  - purchase agreement
  - financial documents
  - property documents
  - other items pertaining to the application
- After the interview, the investigator will prepare a report for the Commission regarding the investigation and submit the request back to Licensing for further processing.
- Licensing reviews the report from Enforcement and any additional documents received during the interview process. The request is prepared for the Commission to consider and placed on a docket for an upcoming licensing meeting.
- The Commission considers the request, including:
  - the liquor license operating history of the applicant (if a current or prior licensee)
  - the arrest and conviction record of the applicant
  - whether the applicant meets the requirements for a license
  - the applicant's financial information

- opinions of the local legislative body or police department, if received.
  - The Commission will approve or deny the request based on these factors. Occasionally, the Commission will request more information from the applicant before making a final decision.
  - After the Commission makes a decision on the request, the file is returned to Licensing for final processing.
    - Approval orders are sent to the applicant requesting any final items before the issuance of the license.
    - Denial orders are sent to the applicant and the applicant may appeal the decision.
  - When all the final items are received by Licensing, the completed request is forwarded to the Renewal Unit for the issuance of the physical license documents.
    - Any changes in financial provisions at the time of closing which do not conform to the terms previously indicated and investigated may require submission of new forms and possible additional investigation.
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### **Other Licenses That May Be Held in Conjunction With a Tavern License**

A **Specially Designated Merchant (SDM)** license for the sale of beer and wine for consumption off the licensed premises (take-out) may be held in conjunction with a Tavern license.

A **Brewpub** license which allows a licensee to manufacture and sell beer produced on the premises or for take-out with an SDM license may be held in conjunction with a Tavern license.

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### **Permits, Permissions, and Authorizations**

**Sunday Sales Permit (A.M.)** - A permit that allows the sale of beer and wine on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

**Specific Purpose Permit** - A permit that allows specific types of activities (such as the service of food, sporting activities, meetings, etc.) to occur on the licensed premises outside the legal hours for the sale of alcohol. A specific purpose permit does not allow the sale of alcohol outside of the legal hours of sale.

**Dance Permit** - Allows dancing by patrons of a business with an on premises license. Often combined with an Entertainment Permit.

**Entertainment Permit** - Permits certain types of live entertainment at a business with an on premises license. An entertainment permit does not allow topless activity. Often combined with a Dance Permit.

**Extended Hours Permit** - A permit held in conjunction with a Dance or Entertainment Permit (or both) that allows dancing or entertainment on the licensed premises outside the legal hours for the sale of alcohol. An Extended Hours Permit does not allow the sale of alcohol outside of the legal hours of sale.

**Catering Permit** - Authorizes a holder of a Tavern license to sell, deliver, and serve beer, and wine in the original containers at private events. A licensee must have a food service establishment license or retail food establishment license to qualify for this permit.

**Banquet Facility Permit** – Authorizes an on-premises licensee to serve alcohol at a separate licensed banquet facility used only for scheduled functions. An on-premises licensee may be issued one Banquet Facility Permit, as an extension of its licensed premises.

**Living Quarters Permit** - Allows living quarters to be directly connected to the licensed premises.

**Topless Activity Permit** - Allows topless activity by the employees, agents, or contractors of a business with an on premises license.

**Direct Connection permission** - Allows connections from the licensed premises to unlicensed premises.

**Outdoor Service authorization** - Authorization granted by the Commission for a licensee to sell alcohol outdoors in an area controlled by the licensee. This can be a patio area next to the licensed premises or a space as large as a golf course

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### **License Quotas and Local Government Unit Approval for New Tavern Licenses**

- Each local governmental unit (city, village, or township) has a limited number of Tavern licenses that may be issued based on the population from the most recent federal census.
- An applicant requesting a new Tavern license must first verify that the license quota limit for Tavern licenses in the local governmental unit has not been reached and an available Tavern license exists.
- If an available Tavern quota license exists in the local government unit, the applicant must obtain a recommendation from the legislative body of the local governmental unit (city council, village council, or township board).

- The legislative body may pass a resolution to recommend the applicant's application for the new Tavern license. It may also record its approval on the [Local Government Approval Form \(Form LCC-106\)](#).
  - The resolution must be submitted to the Commission with the initial application and documents.
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### **Churches & Schools**

A new application to sell alcoholic beverages at retail, or a request to transfer location of an existing license, may be denied if the proposed location is within 500 feet of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school does file an objection, the Commission shall hold a hearing before making a decision on the issuance of the license.

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### **Proof of Financial Responsibility**

- Liquor liability coverage of at least \$50,000.00 is required by Michigan law for active operation of a licensed business. Types of acceptable coverage are:
  - liquor liability insurance
  - cash
  - unencumbered securities
  - constant value bond
  - membership in an authorized group self-insurance pool
- For more information, please read the instructions in the [Proof of Financial Responsibility form \(Form LC-95\)](#).