

City of Marquette, MI



Meeting Agenda City Commission

**Monday, March 28, 2022
6:00 PM
Commission Chambers**

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Boards and Committees

1. Appointments

Ross Johnson, Arts and Culture Advisory Committee, for an unexpired term ending 06-01-23

Carolyn McDonald, Board of Review, for an unexpired term ending 02-01-24

Sue Menhennick, Election Board, for a term ending 04-11-26

James Koski, Harbor Advisory Committee, for an unexpired term ending 06-01-24

2. Reappointments

Barbara Wright, Board of Zoning Appeals, for a term ending 02-15-25

Nick Leach, Iron Ore Heritage Recreation Authority, for a term ending 04-30-25

Amy Maus, Presque Isle Park Advisory Committee, for a term ending 04-01-25

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

Presentation(s)

3. Michigan Association of Chiefs of Police Accreditation, by Neal Rossow, Director of Professional Development and Accreditation Program

4. Northern Michigan Association of Chiefs of Police Plaque Presentation, by Chief Todd Woods, Mackinaw City Police Department and Police Chief Joel Jett, Alpena City Police Department

5. Certificate of Appreciation – Chief of Police Blake Rieboldt

Public Hearing(s)

6. Public Hearing to Adopt Fire and Life Safety Ordinances - Roll Call Vote

7. Michigan Land and Water Conservation Grant Application - Roll Call Vote

8. Michigan Recreation Passport Grant Application - Roll Call Vote

9. Consent Agenda - Roll Call Vote

- 9.a.** Approve the minutes of the March 14, 2022 regular Commission meeting
- 9.b.** Approve the minutes of the March 15, 2022 Commission work session
- 9.c.** Approve the total bills payable in the amount of \$461,588.99
- 9.d.** MERS Service Credit Purchase - Roll Call Vote
- 9.e.** Methyl Methacrylate (MMA) Paint Purchase

New Business

- 10.** Contract Amendment #3 for BP 17-11 Solid Waste Collection Services- Curbside Residential
- 11.** Chief of Police and Harbor Master Appointment

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

Kyle Whitney, City Clerk

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.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

Public Hearing(s)

Public Hearing to Adopt Fire and Life Safety Ordinances - Roll Call Vote

BACKGROUND:

To ensure the safety of residents and visitors of Marquette, staff is recommending the City Commission adopt the most current versions of the NFPA Life Safety Code and the NFPA Fire Code.

These codes are nationally recognized standards promulgated by the National Fire Protection Association, an international nonprofit, established in 1896 and devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards.

The NFPA 1 Fire Code is intended to advance fire and life safety for public and first responders, as well as property protection, by providing a comprehensive, integrated approach to fire code regulation and hazard management.

Similarly, the NFPA 101 Life Safety Code is the most widely used source for strategies to protect people based on building construction, protection, and occupancy features that minimize the effects of fire and related hazards. Unique in the field, it is the only document that covers life safety in both new and existing structures.

Proposed ordinance #703 would adopt the most current version of these two codes as the standards for the City of Marquette, and will ensure that both commercial properties and rental units will be in compliance with industry best practices into the future.

Additionally, proposed ordinances #704 and #705 would provide for a local and consistent appeals process for both commercial and residential rental properties.

The City Commission scheduled tonight's Public Hearing at the regular meeting held March 14.

FISCAL EFFECT:

None.

RECOMMENDATION:

Following the public hearing, adopt ordinances #703, #704, and #705.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Ordinance 703
- ▣ Ordinance 704
- ▣ Ordinance 705

ORDINANCE #703
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 26 – FIRE PREVENTION AND PROTECTION, IN
ORDER TO UPDATE CODES ADOPTED BY REFERENCE

INTENT

The purpose of this ordinance is to adopt by reference the most recent versions of relevant national fire and life safety codes.

The City of Marquette Ordains:

SECTION 1. Repeal.

Chapter 26 – Fire Prevention and Protection, Article II. – Life Safety Code is hereby repealed.

SECTION 2. Adoption.

New Chapter 26 – Fire Prevention and Protection, Article II. –Fire Prevention Code is here by adopted as follows:

Sec. 26-19. - Adoption by reference.

The current NFPA-1 Fire Code and documents adopted by chapter 2, including all amendments, supplements, and revisions thereto, and the current NFPA-101 Life Safety Code and documents adopted by chapter 2, including all amendments, supplements, and revisions thereto, are hereby adopted as the Fire Prevention Code of the City of Marquette.

Copies the applicable codes will be kept on file and open to inspection by the public in the Office of the Marquette City Fire Department, the Marquette City Clerk, and the Peter White Public Library.

State Law reference – Authority to adopt technical codes by reference, MCL 117.3(k)

Sec. 26-20. - Penalty.

A person who violates the codes adopted by reference in this article is responsible for a municipal civil infraction.

Secs. 26-21—26-43. – Reserved.

SECTION 3. Effective Date.

This ordinance shall take effect ten days after adoption but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

ORDINANCE #704
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 26 – FIRE PREVENTION AND PROTECTION, IN
ORDER TO CLARIFY THE RENTAL FIRE SAFETY CODE
APPEALS PROCESS

INTENT

The purpose of this ordinance is to clarify the local appeals process laid out in Chapter 26, Article III, and to make minor grammatical and formatting adjustments.

The City of Marquette Ordains:

SECTION 1. Repeal.

Chapter 26 – Fire Prevention and Protection, Article III. – Rental Fire Safety Code is hereby repealed.

SECTION 2. Adoption.

New Chapter 26 – Fire Prevention and Protection, Article III. – Rental Fire Safety Code is hereby adopted as follows:

Sec. 26-44. - Purpose.

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures, and for improving rental arrangements within the city. Such standards are an important factor supportive of the general health, safety, and welfare of all its citizens and visitors. This article is designed to promote the continuing maintenance of quality and safe rental properties, and to enhance and maintain property values.

Sec. 26-45. - Scope.

- (a) This article shall apply to any structure or part thereof, which is let for occupancy by persons pursuant to any oral or written rental or lease agreement or other valuable compensation, or to any occupant therein. Such structures shall include, but not be limited to, single-family dwellings, multiple-family dwellings, single housekeeping units, or bedrooms as defined in the International Property Maintenance Code (IPMC) in its most recent version adopted by the city.
- (b) This article does not apply to jails, nursing homes, school dormitories, hospitals or other health care facilities provided by legal not-for-profit agencies that are inspected, certified and/or licensed by the state, nor federally licensed and inspected properties.

Sec. 26-46. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adopted Code means any of the codes adopted under Marquette City Code Secs. 10-40 and 26-19.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Board of Appeals means the city board of zoning appeals, with the addition of the Fire Chief as an ex officio member, acting as the city rental code appeals board.

Certificate of compliance means a certificate issued by a city fire inspector denoting that the structure has undergone a fire/life safety inspection performed by a city fire inspector and the structure is in compliance with applicable codes.

Certificate of compliance stipulation means a condition or requirement that is specified or required by any city department that must be adhered to by the property owner to maintain the certificate of compliance.

Certificate of registration means a certificate issued by city fire inspectors, which denotes that the holder has registered the structure as a rental property within the city.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Family means a) any group of individuals living together as a single housekeeping unit or the functional equivalent of a family, where the residents are a close group with social, economic, and psychological commitments to each other; b) not more than four unrelated persons living together as a single housekeeping unit; c) the tenants of a short-term rental property for which a valid permit has been issued by the fire department; d) the "functional equivalent of a family" shall not include any organization such as a club, fraternity, lodge, monastery, or intentional community, nor any individuals whose association is seasonal or for limited durations defined by their occupation/jobs or educational pursuits, nor shall it include a group who share a dwelling unit explicitly for financial or philosophical reasons, or include any state-licensed facility except to the extent permitted by law.

Fire inspector means the fire department personnel appointed by the fire chief, who are charged with the administration and enforcement of this article, authorized by the fire chief under section 26-82.

Habitable space means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Homestay means an owner occupied single-family home, dwelling unit in a duplex or multifamily dwelling structure, or any other dwelling unit, in which as many as three single bedrooms [with] bathroom access for overnight accommodations may be rented for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a homestay for purposes of complying with City of Marquette ordinances.

Let for occupancy or *let* means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or

unwritten lease, agreement, or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Long-term rental means a residential rental structure which may be rented for periods of 30 days or more.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building or having possession of a space within a building.

Operator means any duly authorized person who has charge, care or control of a structure or premises which is let or offered for occupancy. Owners must officially notify the city of any operator authorized to act on his behalf; as required in section 26-47(6), some owners are required to use an operator. In some situations, the owner could also be the operator.

Owner means any person having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Posting. Certificates of registration and compliance shall be permanently affixed to an interior wall, in a conspicuous and readable place; completely protected from the elements; and with a transparent protective cover. Certificates must be posted in a street side (address side) common entryway, except if there is no street side common entryway, then in the main common entryway, or in the case of separate private entrances, then in each private entrance to meet this requirement.

Rental structure means an existing or new occupancy let to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Revocation. A certificate of compliance, revoked for cause, will render the structure unfit for human habitation, upon the exhaustion of due process remedies. Certificates of compliance will be reinstated when a structure's condition is brought back into compliance with this article.

Right of entry. A fire inspector is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is not obtained, the fire inspector is authorized to pursue administrative warrants, or any other recourse as provided by law.

Short-term rental means a residential rental property for which a dwelling unit or rooms may be rented for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities customarily are available for guests to prepare their own meals. Homestays and vacation home rentals, as defined in this chapter, are the two types of short-term rentals permitted in the City of Marquette.

Single housekeeping unit means one person or two or more individuals living together sharing household responsibilities and activities, which may include sharing

expenses, chores, eating meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

Structure means that which is built or constructed, or a portion thereof.

Vacation home rental means a single-family home, or a dwelling unit in a duplex or multi-family dwelling structure, or any other dwelling unit, in which up to four bedrooms are rented by a single lessee or renter for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities are available for guests to prepare their own meals. The property owner may or may not live in the dwelling unit for part of the year, but the property owner may not live in the unit concurrently with any lessee. Only properties that have received approval of a rental registration application are recognized as a vacation home rental for purposes of complying with City of Marquette ordinances.

Sec. 26-47. - Registration.

(a) All dwelling units in rental structures are required to be registered pursuant to this article and shall comply with the following:

- (1) All newly constructed rental structures and their dwelling units shall be registered prior to any use or occupancy as a rental structure.
- (2) All existing non-rental structures which are legally converted to rental structures shall be registered, along with their dwelling units, prior to the date on which the property is first occupied for rental purposes.
- (3) All existing rental structures, occupied by tenants, which are sold, transferred, or conveyed from the previous owner must be registered by the new owner within 30 days of the date of the sale/closing.
- (4) The city treasurer or designee shall determine if the applicant owes to the city any taxes or other indebtedness, and if no such indebtedness exists, shall so indicate their findings in writing. A certificate of compliance shall not be issued for dwelling units in rental structures with outstanding indebtedness to the city.
- (5) The city zoning official or designee shall determine if the application for the proposed rental use is in compliance with the zoning ordinance and shall indicate their findings in writing. A certificate of registration shall not be issued for rental structures and dwelling units if the application for the proposed rental use is not in compliance with the zoning ordinance.
- (6) A local operator for every rental unit is required if the owner(s) (at least one of multiple individuals) does not reside in the county. A local operator is also required when the owner is a corporation or other legal entity. The owner is required to notify the city of the identity of the person they have designated to be their operator (and alternate operators where that is so desired).
- (7) No owner or operator shall lease or rent a rental dwelling unit unless there is a valid certificate of registration in the name of the owner. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit.

Sec. 26-48. - Registration forms.

- (a) An application for a certificate of registration shall be made in such form and in accordance with such instructions as may be provided by the fire inspectors designated by the city and shall include, but not be limited to, the following information:
- (1) Rental property information containing the following:
 - a. Rental property address.
 - b. Tax parcel ID number.
 - c. Actual or estimated year the property became a rental.
 - d. Number of dwelling units contained within.
 - (2) Owner information containing the following for each owner:
 - a. Owner name (if the owner is a corporation, the name of an authorized representative).
 - b. Owner address.
 - c. Home or cell phone.
 - d. Work/business phone.
 - e. Signature of the owner or authorized representative.
 - f. Date.
 - g. Email address.
 - (3) Local operator information (when utilized by owners) containing the following:
 - a. Local operator's name.
 - b. Address.
 - c. Home or cell phone.
 - d. Work/business phone.
 - e. Signature of the operator.
 - f. Date.
 - g. Email address.
 - (4) Required attachments, including the following:
 - a. A photocopy of the owner's current government issued identification, with a legible birth date, or, in the case of corporate ownership, a photocopy of the current government issued identification of the authorizing officer, with a legible birth date.
 - b. A photocopy of the local operator's current government issued identification with a legible birth date.
- (b) The application shall not be considered complete and shall not be processed until all required information is received.
- (c) It shall be the responsibility of the owner to advise the fire department in writing of any changes to their address, phone number, email address, or similar changes concerning their local operator. Notification of changes must be made within 30 days.
- (d) After registration, the fire department shall schedule a compliance inspection within three years of the registration. Compliance inspection shall be scheduled in a

reasonable manner with respect to the fire inspector and the owner's or operator's schedule.

Sec. 26-49. - Compliance inspection.

- (a) The fire inspector shall inspect rental structures on a periodic basis of once every three years; upon completion of the registration and receipt of the fee, the fire inspector shall schedule a compliance inspection within three years of the registration. Efforts shall be made to schedule each compliance inspection at a reasonable time with respect to the fire inspector and the owner and/or operator.
- (b) Non-periodic inspections, specified in subsections (b)(1) through (4) of this section, will be scheduled as soon as practicable by the fire department:
 - (1) Upon receipt of a complaint from an owner, operator, occupant, or citizen who would have occasion to be aware that the premises are in violation of this article. If a fire inspector determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, a municipal civil infraction shall be charged to the complainant.
 - (2) Upon receipt of a report or a referral from the police department, fire department, community development department, public or private school or another public agency.
 - (3) Upon receipt of knowledge that a rental unit is not registered with the city as required by this article.
 - (4) Upon evidence of an existing property maintenance code violation observed by or brought to the attention of the fire inspector.
- (c) The fire inspector is empowered to enter at any/all reasonable times upon and into any premises, building or structure for, examining and inspecting the same (see section 26-82).
- (d) Upon satisfactory completion of the compliance inspection, and upon receipt of the fee, the fire inspector will issue a certificate of compliance.
- (e) If a dwelling unit should fail the regular inspection, a subsequent re-inspection will be required.
 - (1) With a failure of the regular inspection, the fire inspector will establish clear requirements of what steps must be undertaken by the owner or operator, and in what timeframe to (first) schedule the reinspection, and (second) permit issuing a certificate of compliance when those requirements have been met.
 - (2) The fire inspector must indicate whether the conditions are such that the rental dwelling unit must be vacated, or whether steps to bring the unit up to code may continue while the unit continues to be rented by tenants.
- (f) If a dwelling unit is required to undergo a non-regular inspection pursuant to any of the items under subsection (b) of this section, the inspection will be based on the same criteria as the regular inspections, and failure to pass will lead to a fire inspector nullifying the previous certificate of compliance. The fire inspector will also establish clear requirements of what must be undertaken by the owner or operator, and in what timeframe, to schedule a re-inspection, and where warranted to re-issue the certificate of compliance. Further, the fire inspector must indicate whether the conditions are such that the rental unit must be vacated, or whether steps to

bring the unit up to code may continue while the unit continues to be rented by tenants.

- (1) If the rental unit that undergoes a non-regular inspection passes the inspection, there will be no fee for this inspection.
 - (2) If the rental unit that undergoes a non-regular inspection fails to pass the inspection, there will be a fee for the non-regular inspection, as well as a fee for the reinspection required to establish compliance with this article.
 - (3) If alterations are made to a rental structure after certification, a new inspection and subsequent certification will be required. There will be a fee for this new inspection.
- (g) Violations of this article, the remedies, and stated deadlines shall be mailed by first class mail to the owner or the operator within seven business days after the inspection. The notice of violation shall state the right of appeal and the instructions for making such an appeal.
- (h) Rental registration fees are required to be paid at the time of application. Registration fee payment shall be paid at or mailed to: The Marquette Fire Department, 418 S. Third St. Marquette, MI 49855. Attention Rental Program. Checks shall be made payable to the City of Marquette. Cash will be accepted but must be the exact amount and is discouraged.
- (i) The City of Marquette Fire Department will mail out all compliance inspection related billing and the City of Marquette Finance Department will receive the payment of inspection related fees. The invoice for the compliance inspection shall be mailed to the property owner or the designated property management company after the completion of the inspection.

Sec. 26-50. - Certificate of compliance required.

- (a) The fire inspector must inspect rental premises before the certificate of compliance is initially issued. Upon failure of the fire inspector to conduct an inspection, after registration and prior to occupancy, the owner or operator may rent a long-term rental property until a fire inspector has conducted an inspection, and the owner or operator will not be deemed in violation during that time. If, however, the fire inspector's inability to inspect the premises is due to the owner's or operator's action, failure to act, or inability to arrange an inspection after reasonable notice of the intent to inspect, the owner or operator shall not rent the property without a current certificate of compliance as required. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit.
- (b) Before the expiration date of the certificate of compliance, the city will arrange with the owner or operator for an inspection date and time and said notice shall be by either email or first-class mail to the address as provided by the owner and/or operator.
- (c) The fire inspector shall attempt to inspect the premises before the certificate of compliance expires. Upon failure of the fire inspector to conduct an inspection prior to expiration of the certificate of compliance, the owner or operator may rent the property until the fire inspector has conducted an inspection, and the owner or operator will not be deemed in violation during that time. If, however, the fire inspector's inability to inspect is due to the owner's or operator's action, failure to

act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner or operator shall not rent the property without a current certificate of compliance as required. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit. A certificate of compliance shall expire three years from the date of issuance.

Sec. 26-51. - Additional—Short-term rental specifics.

- (a) No more than 250 approved short-term rental registrations will be issued at one time in the City of Marquette. Properties may not advertise for or be used as short-term rentals without first receiving a registration certificate and receiving a certificate of compliance from the City of Marquette.
- (b) No owner or operator shall advertise, lease, or rent a short-term rental dwelling unit, unless there is a valid certificate of compliance issued by a fire inspector in the name of the owner. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit. The certificate shall be issued after registration and inspection by a fire inspector to determine that each rental dwelling unit complies with the provisions of the codes of the city.
- (c) Advertising a property as a residential short-term rental shall constitute prima facie evidence of the operation of a residential rental and, if in violation of city code, may be grounds for citation, and/or denial, suspension, or revocation of a certificate of compliance. Advertised occupant capacity shall constitute prima facie evidence of the operation of a residential rental at that capacity and, if in violation of city code, may be grounds for citation for an overcapacity violation, and/or denial, suspension, or revocation of a certificate of compliance. The burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential rental or is not in operation.
- (d) Escape plan.
 - (1) It shall be the responsibility of the property owner to create a legible escape plan showing primary and secondary exits. All escape plans shall be approved by the fire inspector at the time of the compliance inspection.
 - (2) The plan shall be posted in each bedroom of the short-term rental unit, where it is easily visible.
- (e) A maximum occupant capacity for the property shall be calculated at the time of the compliance inspection, using the method detailed in the IPMC and shall be listed on the certificate of compliance.

Sec. 26-52. - Penalty.

- (a) In the event the owner or operator does not correct a violation of any provision of this article, or fails to comply with certificate of compliance stipulations, a fire inspector may revoke any existing certificate of compliance and may bring an action to seek the enforcement of this article by an appropriate legal remedy. Any structure not in compliance with this article is deemed a nuisance per se. Fees and fines will be set forth in the city fee schedule as established by resolution of the city commission.

- (b) Any owner of a rental dwelling unit who fails to register or who fails to obtain a certificate of compliance for each rental dwelling unit shall be responsible for a municipal civil infraction.
- (c) An owner or operator may be charged with more than one violation of the provisions of this article in a single complaint or municipal civil infraction provided each violation so charged, relates to the same property.
- (d) A violation of any provision of this article shall be a municipal civil infraction, assessed against the owner or operator of the rental structure. Each day that a violation exists shall be considered a separate punishable offense.

Sec. 26-53. - Appeal.

- (a) Procedure. Any person with standing shall be permitted to appeal a notice of violation from the City of Marquette Fire Department to the Board of Appeals, when it is claimed that any one or more of the following conditions exist:
 - (1) The true intent of the Adopted Code has been incorrectly interpreted.
 - (2) The provisions of the Adopted Code do not fully apply.
 - (3) A decision is unreasonable or arbitrary as it applies to new alternatives or materials.
- (b) An appeal shall be submitted to the City of Marquette Fire Department in writing within 21 calendar days of the day the notice of violation is served. Failure to file the written notice of appeal within the 21-day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of violation. An application for appeal shall be accompanied by a fee as set forth in the city fee schedule to cover the city's cost of handling said appeal. The appeal shall outline all of the following:
 - (1) The name, address, and phone number of the appellant.
 - (2) The Adopted Code provision(s) from which relief is sought.
 - (3) A statement indicating which conditions of Sec. 26-53(a) apply.
 - (4) The requested remedy.
 - (5) Justification for the requested remedy stating specifically how the Adopted Code is complied with, public safety is secured, and fire fighter safety is secured.
- (c) Upon timely receipt of an appeal, the City of Marquette Fire Department shall set a time for a hearing before the Board of Appeals and shall give the appellant written notice of the date, time, and location for the hearing. Documentation supporting an appeal shall be submitted to the City of Marquette Fire Department and the Board of Appeals at least 7 calendar days before the appeals board meeting. No information shall be submitted to review by the Board of Appeals without the information being submitted to the City of Marquette Fire Department for their review prior to the hearing date.
- (d) Hearings. Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings, the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn. The fire inspector shall be given opportunity to provide information relative to and supportive of charging the violation.

- (e) Decisions and powers of city board of zoning appeals acting as rental code appeal board.
- (1) The Board of Appeals shall provide for the reasonable interpretation of the provision of the Adopted Code and issue rulings on appeals of the decisions of the City of Marquette Fire Department.
 - (2) The ruling of the Board of Appeals shall be consistent with the Adopted Code or when involving issues of clarity, ensuring that the intent of the Adopted Code is met with due consideration for public safety and fire fighter safety.
 - (3) The Board of Appeals shall have the authority to grant alternatives of modifications through procedures outlined in the NFPA-1 Fire Code.
 - (4) The Board of Appeals shall not have the authority to waive the requirements of the Adopted Code, except as specified by the Stille-Derossett-Hale Single State Construction Code Act 230 of 1972.
 - (5) The Board of Appeals decisions shall not be precedent setting.
 - (6) Any Board of Appeal decision will be for this article only and shall not and cannot waive the requirements and provisions of any other ordinance, code, or law.
 - (7) A decision of the Board of Appeals to modify an order of the City of Marquette Fire Department shall be in writing and shall specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification linked to specific code sections.
 - (8) A copy of the decision will be sent by mail or delivered in person to the appellant and a copy shall be publicly posted in the office of the City of Marquette Fire Department for 2 weeks after filing.
 - (9) If a decision of the Board of Appeals reverses or modifies a refusal, order, or disallowance of the City of Marquette Fire Department , or varies the application of any provision of the Adopted Code, the City of Marquette Fire Department shall take action immediately in accordance with such decision.
 - (10) The failure of the appellant or his representative to appear and state his case at the hearing shall have the same effect as if no appeal was filed and the board shall proceed to deny the appeal and affirm the notice of violation.
- (f) Meetings. The Board of Appeals shall meet in a fixed place and all meetings shall be open to the public. The board shall keep a record of its proceedings, showing the actions of the board and the vote of each member upon each question considered. These records shall be considered public records.
- (g) Appeal of board decision. The decision of the Board of Appeals shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rule.

Secs. 26-54—26-77. - Reserved.

SECTION 3. Effective Date.

This ordinance shall take effect ten days after adoption but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

ORDINANCE #705
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 26 – FIRE PREVENTION AND PROTECTION, IN
ORDER TO ESTABLISH A COMMERCIAL FIRE INSPECTION
APPEALS PROCESS

INTENT

The purpose of this ordinance is to establish a local appeals process for commercial fire inspections in the City of Marquette.

The City of Marquette Ordains:

SECTION 1. Adoption.

New Chapter 26 – Fire Prevention and Protection, Article V. – Commercial Fire Safety Code is hereby adopted as follows:

Sec. 26-113. – Purpose.

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe commercial structures. Such standards are an important factor supportive of the general health, safety, and welfare of all its citizens and visitors. This article is designed to promote the continuing maintenance of quality and safe commercial properties, and to enhance and maintain property values.

Sec. 26-114. - Scope

This article shall apply to any premises, structure or part thereof, or equipment being used for commercial purposes.

Sec. 26-115. - Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adopted Code means any of the codes adopted under Marquette City Code Secs. 10-40 and 26-19.

Board of Appeals means the city board of zoning appeals, with the addition of the Fire Chief as an ex officio member, acting as the city fire prevention codes appeals board.

Fire inspector means the fire department personnel appointed by the fire chief, who are charged with the administration and enforcement of this article, authorized by the fire chief under section 26-82.

Tenant means a person who occupies the premises, but is not the legal owner of record thereof.

Sec. 26-116. – Penalty

- (a) Any premises, structure or part thereof, or equipment not in compliance with this article is deemed a nuisance per se.
- (b) An owner or tenant may be charged with more than one violation of the provisions of this article in a single complaint or municipal civil infraction provided each violation so charged, relates to the same property.
- (c) A violation of any provision of this article shall be a municipal civil infraction, assessed against the owner or tenant of the premises, structure or part thereof, or equipment. Each day that a violation exists shall be considered a separate punishable offense. Repeat violations, failure to repair or eliminate imminently dangerous or life-threatening situations may be cited as misdemeanors.

Sec. 26-117. – Appeals

- (a) Procedure. Any person with standing shall be permitted to appeal a notice of violation from the City of Marquette Fire Department to the Board of Appeals, when it is claimed that any one or more of the following conditions exist:
 - (1) The true intent of the Adopted Code has been incorrectly interpreted.
 - (2) The provisions of the Adopted Code do not fully apply.
 - (3) A decision is unreasonable or arbitrary as it applies to new alternatives or materials.
- (b) An appeal shall be submitted to the City of Marquette Fire Department in writing within 21 calendar days of the day the notice of violation is served. Failure to file the written notice of appeal within the 21-day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of violation. An application for appeal shall be accompanied by a fee as set forth in the city fee schedule to cover the city's cost of handling said appeal. The appeal shall outline all of the following:
 - (1) The name, address, and phone number of the appellant.
 - (2) The Adopted Code provision (s) from which relief is sought.
 - (3) A statement indicating which conditions of Sec. 26-117(a) apply.
 - (4) A requested remedy.
 - (5) Justification for the requested remedy stating specifically how the Adopted Code is complied with, public safety is secured, and fire fighter safety is secured.
- (c) Upon timely receipt of an appeal, the City of Marquette Fire Department shall set a time for a hearing before the Board of Appeals and shall give the appellant written notice of the date, time, and location for the hearing. Documentation supporting an appeal shall be submitted to the City of Marquette Fire Department and the Board of Appeals at least 7 calendar days before the appeals board meeting. No additional information shall be submitted to review by the Board of Appeals without the information being submitted to the City of Marquette Fire Department for their review prior to the hearing date.
- (d) Hearings. Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings, the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn. A fire inspector shall be given opportunity to provide information relative to and supportive of charging the violation.

- (e) Decisions and powers.
 - (1) The Board of Appeals shall provide for the reasonable interpretation of the provision of the Adopted Code and issue rulings on appeals of the decisions of the City of Marquette Fire Department.
 - (2) The ruling of the Board of Appeals shall be consistent with the letter of the Adopted Code or when involving issues of clarity, ensuring that the intent of the Adopted Code is met with due consideration for public safety and fire fighter safety.
 - (3) The Board of Appeals shall have the authority to grant alternatives of modifications through procedures outlined in the NFPA-1 Fire Code.
 - (4) The Board of Appeals shall not have the authority to waive the requirements of the Adopted Code, except as specified by the Stille-Derossett-Hale Single State Construction Code Act 230 of 1972.
 - (5) The Board of Appeals decisions shall not be precedent setting.
 - (6) Any Board of Appeal decision will be for this article and shall not and cannot waive the requirements and provisions of any other ordinance, code, or law.
 - (7) A decision of the Board of Appeals to modify an order of the City of Marquette Fire Department shall be in writing and shall specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification linked to specific code sections.
 - (8) A copy of the decision will be sent by mail or delivered in person to the appellant and a copy shall be publicly posted in the office of the City of Marquette Fire Department for 2 weeks after filing.
 - (9) If a decision of the Board of Appeals reverses or modifies a refusal, order, or disallowance of the City of Marquette Fire Department, or varies the application of any provision of the Adopted Code, the City of Marquette Fire Department shall take action immediately in accordance with such decision.
 - (10) The failure of the appellant or his representative to appear and state his case at the hearing shall have the same effect as if no appeal was filed and the board shall proceed to deny the appeal and affirm the notice of violation.
- (f) Meetings. The Board of Appeals shall meet in a fixed place and all meetings shall be open to the public. The board shall keep a record of its proceedings, showing the actions of the board and the vote of each member upon each question considered. These records shall be considered public records.
- (g) Appeal of board decision. The decision of the Board of Appeals shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rule.

Secs. 26-118—26-141. - Reserved.

SECTION 3. Effective Date.

This ordinance shall take effect ten days after adoption but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

Public Hearing(s)

Michigan Land and Water Conservation Grant Application - Roll Call Vote

BACKGROUND:

The City of Marquette is applying for a Michigan Department of Natural Resources Land and Water Conservation Fund grant to install a day-use access road and parking at Tourist Park. To move forward, this application requires a public hearing.

This project is a major component of the 2013 Tourist Park Land Use Plan and is listed as a high priority within the 2019 Parks and Recreation Master Plan. The project would create a large event space on the North side of the park, increase parking, and provide access from County Road 550. The project will ease congestion and safety concerns associated with special events and allow for future projects to create additional camping sites.

The project budget is \$500,000 and the grant match requirement is 50% or \$250,000. The Tourist Park enterprise fund has sufficient funds to cover the match. The expense of the project and revenue from the grant will be budgeted in FY 2023. A successful grant application would result in a grant agreement early in 2023 and a project in the summer of 2023.

This public hearing was scheduled at the March 14, 2022 City Commission meeting.

The Parks and Recreation Advisory Board voted to recommend the City Commission approve the resolution authorizing the grant submission at their March 21, 2022 meeting.

FISCAL EFFECT:

The Michigan Land and Water Conservation grant requires 50% match of \$250,000, which would come from the Tourist Park enterprise fund. No general funds would be used for this project.

RECOMMENDATION:

Following the public hearing, approve the resolution authorizing a Michigan Land and Water Conservation grant application to install the Tourist Park day-use access road and associated parking, and authorize the Mayor and Clerk to sign the resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▢ Resolution
- ▢ Site Plan



Resolution

WHEREAS, the City of Marquette seeks Michigan Department of Natural Resources Michigan Land and Water Conservation Fund grant assistance for constructing the Tourist Park day-use access road and parking area; and,

WHEREAS, the City of Marquette Five-Year Recreation Master Plan prioritized constructing the Tourist Park day-use access road and parking area; and,

WHEREAS, the City of Marquette supports constructing the Tourist Park day-use access road and parking area; and,

WHEREAS, the Marquette City Commission makes the financial commitment to the project in the amount of \$250,000 or 50% matching funds in either cash and/or labor;

NOW, THEREFORE, BE IT RESOLVED that the Marquette City Commission hereby authorizes submission of a Michigan Land and Water Conservation Fund grant application for the construction of the Tourist Park day-use access road and parking area, and further resolves to make available its financial matching obligation of \$250,000 in cash and/or labor, representing 50% of the estimated cost during the 2023 fiscal year.

Adopted at a meeting of the Marquette City Commission on March 28, 2022.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk



SANDERS & CZAPSKI ASSOCIATES, PLLC
architecture / landscape architecture / historic preservation
109 South Front Street / Suite 210 / Marquette, Michigan
Phone: 906.273.1207 / Fax: 906.273.1208
www.Sanders-Czapski.com

Land Use Action Plan For
TOURIST PARK
Marquette, Michigan

June 13, 2013

Issue / date

Appendix "B"

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

Public Hearing(s)

Michigan Recreation Passport Grant Application - Roll Call Vote

BACKGROUND:

The City of Marquette is applying for a Michigan Department of Natural Resources Recreation Passport grant to improve Lion's Lakeside Park. To move forward, this application requires a public hearing.

This grant application is on behalf of the Marquette Lions. The Lions have proposed the project to connect Lions Lakeside Park to Father Marquette Park, provide ADA access, improve the view of Lake Superior, and interpret both the natural and cultural resources of the park.

The project budget is \$140,000 and the grant match requirement is 25% or \$35,000. The Marquette Lions have committed to cover the match. The expense of the project and revenue from the grant and Marquette Lions reimbursements will be budgeted in FY 2023. A successful grant application would result in a grant agreement early in 2023 and a project in the summer of 2023.

This public hearing was scheduled at the March 14, 2022 City Commission meeting.

The Parks and Recreation Advisory Board voted to recommend the City Commission approve the resolution authorizing the grant submission at their March 21, 2022 meeting.

FISCAL EFFECT:

The Marquette Lions have committed to raising the matching funds of \$35,000 or 25% of the project costs. No City funds would be used for this project.

RECOMMENDATION:

Following the public hearing, approve the resolution authorizing a Michigan Recreation Passport grant application to improve Lions Lakeside Park, and authorize the Mayor and Clerk to sign the resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▢ Resolution
- ▢ Site Plan
- ▢ Lions Commitment Letter



Resolution

WHEREAS, the City of Marquette seeks Michigan Department of Natural Resources Recreation Passport grant assistance for improvements to the Marquette Lions Lakeside Park; and,

WHEREAS, the City of Marquette Five-Year Recreation Master Plan prioritized increasing accessibility for users of all abilities; and,

WHEREAS, the City of Marquette supports renovations to the Marquette Lions Lakeside Park to increase accessibility and beautification of the park; and,

WHEREAS, the City of Marquette requests the financial participation from the Michigan Recreation Passport grant program to assist in defraying 75% of the project cost (\$105,000); and,

WHEREAS, the City of Marquette will act as the fiduciary agent to the Marquette Lions Club who has made a financial commitment to the project in the amount \$35,000 or 25% matching funds in either cash and/or labor;

NOW, THEREFORE, BE IT RESOLVED that the Marquette City Commission hereby authorizes submission of a Michigan Recreation Passport grant application for the renovation of the Marquette Lions Lakeside Park, and further resolves to make available its financial matching obligation of \$35,000 in cash and/or labor, representing 25% of the estimated cost during the 2023 fiscal year.

Adopted at a meeting of the Marquette City Commission on March 28, 2022.

Jennifer A. Smith, Mayor

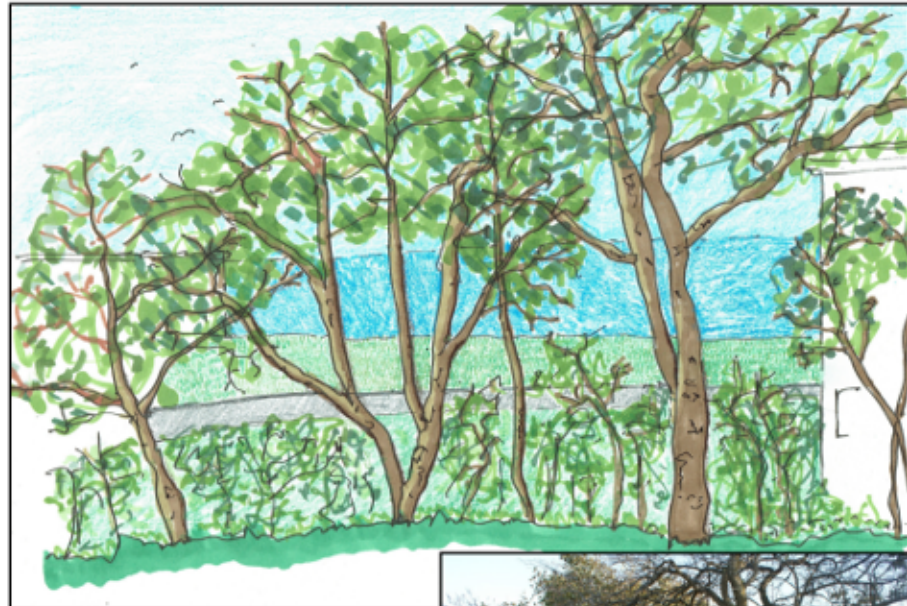
Kyle Whitney, City Clerk

MARQUETTE LIONS LAKESIDE PARK

100 YEARS OF SERVICE TO THE GREATER MARQUETTE COMMUNITY

Project Development Plan

RP 22-0104

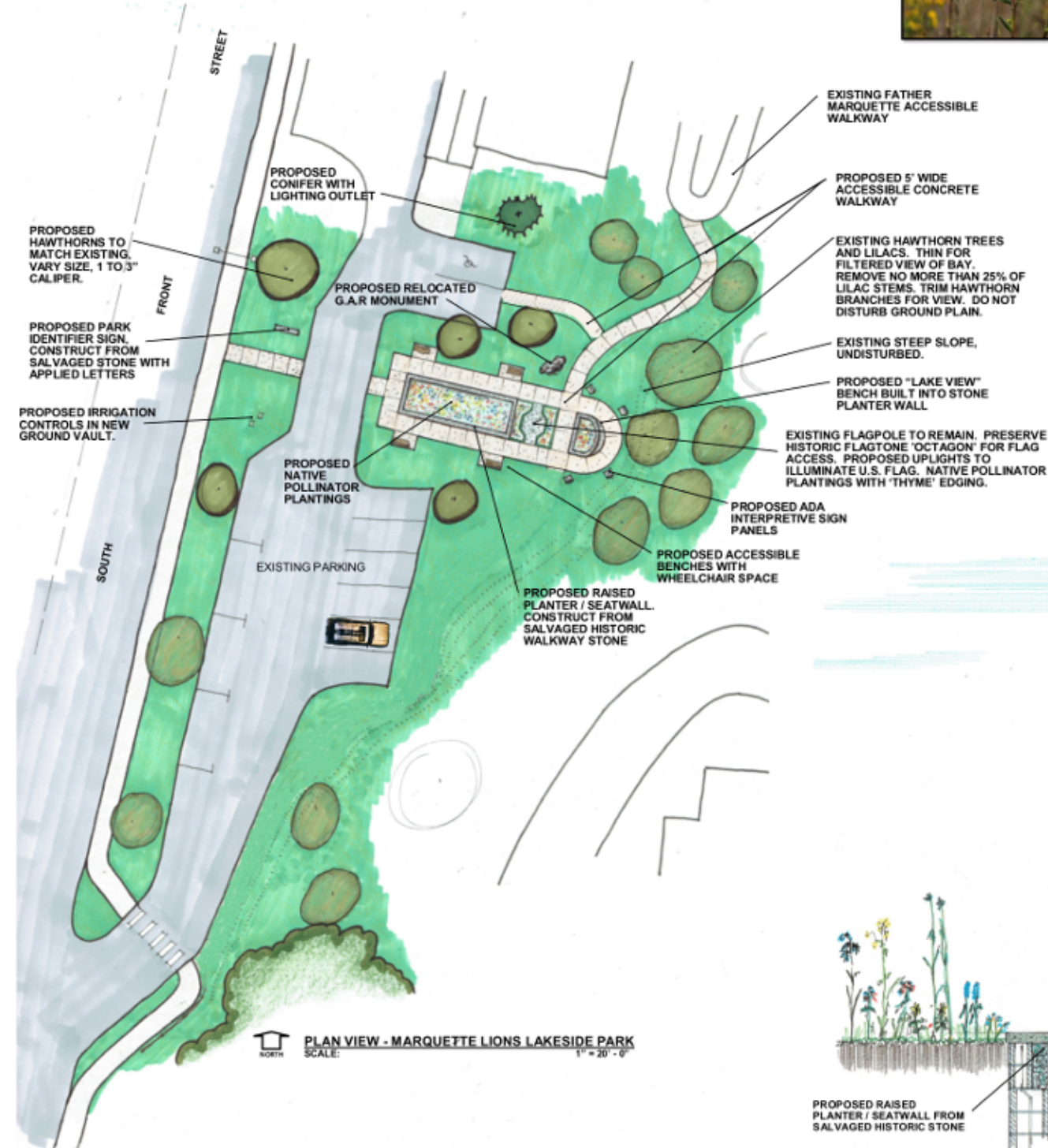


SELECTIVE THINNING FOR FILTERED VIEW OF BAY



DESIGN NARRATIVE:

- THE PROPOSED IMPROVEMENTS FOCUS ON PROVIDING A MUCH NEEDED UPGRADE TO THE MARQUETTE LIONS LAKESIDE PARK LANDSCAPE. THE WORK IS ALSO INTENDED TO IMPROVE ACCESSIBILITY WITH UNIVERSAL ACCESS AS A PRIME CONSIDERATION.
- THE PLANTINGS PROPOSED ARE FOCUSED ON SPECIES THAT WILL PROVIDE THE MOST ENJOYMENT WITH A MINIMUM AMOUNT OF MAINTENANCE THROUGH THE USE OF WELL ADAPTED NATIVE SPECIES THAT PROVIDE FOOD PLANTS FOR NATIVE POLLINATOR SPECIES.
- THE USE OF CONCRETE AS A WALKING SURFACE IS MORE APPROPRIATE THAN THE EXISTING FLAGSTONE WHICH, WHILE VERY ATTRACTIVE, IS DIFFICULT TO NAVIGATE WITH ANY SORT OF DISABILITY. RE-USING THE SALVAGED FLAGSTONE IN THE CONSTRUCTION OF THE PLANTER / SEAT WALL KEEPS THIS HISTORIC MATERIAL ON SITE AND ADDS SIGNIFICANTLY TO THE AESTHETIC OF THE PARK.
- THE EXISTING IRRIGATION CONTROLS ALONG FRONT STREET SERVE THE SOUTH FRONT STREET / U.S 41 PLANTINGS. RE-SETTING THESE CONTROLS WILL ADD TO THEIR SECURITY AND IMPROVE THE APPEANCE. EXTENDING DRIP IRRIGATION TUBING INTO THE PLANTERS WILL PROVIDE NEEDED WATER DURING SUMMER DROUGHTS.
- A NEW 5 FOOT WIDE SIDEWALK IS PROPOSED ALONG THE EAST EDGE OF THE SITE, MAKING A DIRECT CONNECTION BETWEEN THE FRONT STREET SIDEWALK, MARQUETTE LIONS LAKESIDE PARK AND FATHER MARQUETTE PARK.
- THE EXISTING PARK TURF WILL BE RESEED WITH A 'NO-MOW' TYPE TURF GRASS. THIS TYPE OF TURF GRASS WILL REDUCE THE FREQUENCY OF MOWING AND WILL IMPROVE PERFORMANCE DURING PERIODS OF MODERATE DROUGHT.
- SELECTIVE PRUNING OF EXISTING HAWTHORNS AND LILACS ON THE EAST FACING SLOPE BETWEEN THE PARK AND LAKESHORE BOULEVARD WILL IMPROVE THE VISIBILITY OF LAKE SUPERIOR. PRUNING OF LILACS SHOULD BE PERFORMED IMMEDIATELY FOLLOWING FLOWERING. PRUNING OF HAWTHORNS SHOULD BE PERFORMED WHILE DORMENT.
- A LIMITED SIZE CULTIVAR CONIFER WILL BE PLANTED WITH A NEARBY ELECTRIC OUTLET FOR HOLIDAY LIGHTING.



Sanders & Czapski Associates

architecture / landscape architecture / historic preservation

City of Marquette, MI

Page 29 of 46

A PROJECT OF THE "MARQUETTE LIONS CLUB" - MICHIGAN'S FIRST LIONS CLUB, ESTABLISHED ON OCTOBER 14, 1919

REVISED MARCH 21, 2022



MARQUETTE LIONS CLUB

March 22, 2022

Jon Swenson
City of Marquette Community Services
401 E Fair Ave.
Marquette MI 49855

Dear Mr. Swenson,

Based on our commitment to the Marquette Lions Lakeside Park and our fundraising efforts over the last year. The Marquette Lions are committing the entire local match for the Recreation Passport Grant for Marquette Lions Lakeside Park in the amount of \$35,000 and any additional funding if necessary.

Respectfully,
Mary Rule, President & Chair of Lakeside Park Committee
Marquette Lions Club

PO Box 55
Marquette, MI 49855

MarquetteLions@gmail.com
www.MarquetteLions.org

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

Consent Agenda - Roll Call Vote

Approve the minutes of the March 14, 2022 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ March 14 minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, March 14, 2022
6:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Bonsall, Davis, Hanley, Hill, Mayer, Smith, Stonehouse

Approval of the Agenda

Mayor Pro Tem Cody Mayer moved to Approve the agenda as presented, seconded by Commissioner Evan Bonsall and Carried Unanimously.

Announcements

Mayor Smith had no announcements.

Boards and Committees

1. Appointment

Nathan Frischkorn, Planning Commission appointment to the Board of Zoning Appeals, for a term ending 02-15-23

Michelle Metz, Housing Commission, for a term expiring 06-14-26

Mayor Pro Tem Cody Mayer moved to Approve the appointments as listed, seconded by Commissioner Jenn Hill and Carried Unanimously.

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

Mary Tavernini-Dowling thanked the Commission for considering an application for KBIC funding for the Hospitality House of the U.P. She provided updates about the Beacon House.

John Frick commented on the recent memorandum of understanding with NMU and spoke about the need to avoid conflicts of interest, as well as the appearance of conflicts.

Zack Sedgwick, Marquette Area Public Schools Superintendent, spoke about MAPS' partnerships with local governments, and shared information about the district's upcoming May 3 ballot initiative. At that time, voters will be asked whether they want to renew the district's current sinking fund millage.

Presentation(s)

2. Guardian of the Quarter, Marlee Heslip

Jim Edwards from the Upper Peninsula Children's Museum spoke about the current operations of the museum, and highlighted the organization's work to maintain a sense of normalcy during the Covid-19 pandemic. He and Mayor Smith then presented Marlee Heslip with the Guardian of the Quarter Award and Marlee spoke about the museum's importance to her and other local children.

3. Marquette Area Wastewater Treatment Advisory Board, by Chair Brad Johnson

Utilities Director Mark O'Neill and Chair Brad Johnson offered the annual presentation of the Marquette Area Wastewater Treatment Advisory Board, discussing the activities of both the board and the facility. Follow-up commission discussion focused on solids storage, wastewater treatment, and the ability to track PFAS and microsolids.

4. Consent Agenda

Commissioner Jessica Hanley moved to Approve the Consent Agenda as presented, seconded by Mayor Pro Tem Cody Mayer and Carried Unanimously.

4.a. Approve the minutes of the February 28, 2022 Commission work session

4.b. Approve the minutes of the February 28, 2022 regular Commission meeting

4.c. Approve the total bills payable in the amount of \$1,130,352.37

4.d. Bridge Loading Analysis

4.e. Construction Materials Testing Services for 2022 City Construction Projects

4.f. Hypochlorite Generator Cell Replacement

4.g. KBIC Funding for the Community Foundation of Marquette County

4.h. KBIC Funding for the Hospitality House of the Upper Peninsula, Inc.

4.i. Peninsula Fiber Network Agreement

4.j. Request for License to Use City Property Adjacent to 122 N. Third Street

4.k. Sault Ste. Marie Tribe of Chippewa Indians Funding for the Community Foundation of Marquette County

4.l. Schedule Public Hearings for Fire and Life Safety Ordinances

4.m. Schedule Public Hearings for Recreation Grants

New Business

5. City Commission Sub Committee

Commissioner Jenn Hill moved to Authorize the Mayor to appoint three City Commissioners to the hospital redevelopment sub-committee, seconded by Commissioner Fred Stonehouse and Carried Unanimously.

Following the vote, Mayor Smith stated that she would be appointing herself, Mayor Pro Tem Mayer and Commissioner Davis to the subcommittee.

6. Kids Cove Playground Update and Budget Amendment

Commissioner Sally Davis moved to Approve the budget amendment for Kids Cove Inclusive Playground and amend the budget to reflect \$1,500,000 in expenditures and \$1,500,000 in revenues, seconded by Commissioner Evan Bonsall.

Then Commissioner Jess Hanley moved to suspend the rules for discussion, seconded by Mayor Pro Tem Cody Mayer, and carried unanimously.

Community Services Director Jon Swenson then provided the Commission with an update on the history of this project. He was joined by members of the Marquette Playgrounds For All group, who offered information about plans, schedules, financing and fundraising for the Kids Cove Inclusive Playground.

Following brief discussion, the commission took action on the main motion, to approve the budget amendment, which carried unanimously.

7. MiNextCities

Commissioner Jess Hanley moved to authorize the Mayor and City Clerk to sign the Memorandum of Understanding with NextEnergy Center, seconded by Mayor Pro Tem Cody Mayer. Discussion ensued.

Commissioners stressed the importance of communication on a project like this, but expressed a hope that this could be very beneficial for the City.

The commission then voted on the motion, which carried unanimously.

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

Margaret Brumm thanked the City Police Department ad Chief Blake Rieboldt for being responsive to recent concerns she voiced about parking lot safety. She also noted that the salamander migration on the island will begin shortly.

Comments from the Commission

Commissioner Hanley thanked the Upper Peninsula Children's Museum and Jim Edwards for tonight's Guardian of the Quarter presentation and said she was excited for the upcoming 25th anniversary of the Children's Museum. She also said she was looking forward to the beginning of the playground project.

Commissioner Hill reminded the public that tomorrow night, the City Commission and

Planning Commission will hold a joint work session to discuss possible Land Development Code amendments, as well as future planning projects, including the City Master Plan. She congratulated the Kids Cove Playground group, in addition to the Children's Museum.

Commissioner Stonehouse said there was a lot of good work done tonight and he noted that spring may finally be arriving.

Commissioner Bonsall congratulated Marlee Heslip on her recognition as the Guardian of the Quarter, and acknowledged the museum on its success over the last 25 years and on its positive influence on the future leaders of our community.

Commissioner Davis congratulated Marlee and the museum, and thanked Mary Tavernini-Dowling for the update on the Beacon House.

Mayor Smith also highlighted tomorrow's work session, which will be held in the Municipal Service Center.

Comments from the City Manager

City Manager Karen Kovacs said Mary Tavernini-Dowling is a great member of the community, and she said that Marquette is a great and exciting place to be right now.

Adjournment

Mayor Smith adjourned the meeting at 7:34 p.m.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

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.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

Consent Agenda - Roll Call Vote

Approve the minutes of the March 15, 2022 Commission work session

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ March 15 WS minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Agenda City Commission

WORK SESSION

Tuesday, March 15, 2022

5:30 PM

**Municipal Service Center, 1100
Wright Street**

Joint Work Session - Marquette City Commission and Planning Commission

Call to Order, Pledge of Allegiance and Roll Call

Present: Bonsall, Davis, Hanley, Hill, Mayer, Smith, Stonehouse

With the exception of Aaron Andres, all members of the City Planning Commission were also present.

Announcements

Mayor Smith had no announcements.

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

David Boyd discussed his background with City planning efforts, and discussed a need to focus on accessibility and transportation.

Taylor Klipp spoke as a member of the Marquette County Transit Authority Board and spoke about staffing and transportation issues.

Tony Boyle said any long-term planning process should be detailed and should include people from across the community, in order to account for the variations in lived experience within the community.

1. Draft Land Development Code Amendments and Future Community Planning Projects

Planning Commission Chair Joy Cardillo led a discussion about the Planning Commission's activities during the past year, as well as on focal points for the future, including a climate action plan, housing affordability and inventory issues, transit and mobility concerns, communication and membership.

She highlighted a handful of proposed Land Development Code amendments that should be presented to the City Commission in the near future.

As the City looks toward a Master Plan update in the coming months, Chair Cardillo

talked about the estimated timeline for the project, which should wrap up in the fall of 2023.

Commissioners expressed appreciation for the Planning Commission's work, with several commissioners thanking the group for the focus on housing and transportation issues.

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

Margaret Brumm said any long-range planning discussion should include discussion about the impact of snow.

Tony Boyle said housing costs make it difficult for a young professional to live alone in Marquette and talked about possible impacts of an increase to multi-unit and multi-generational housing options.

Adjournment

Mayor Smith adjourned the meeting at 7:16 p.m.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

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.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

Consent Agenda - Roll Call Vote **MERS Service Credit Purchase - Roll Call Vote**

BACKGROUND:

Eric Hinze, an employee in Division 1 (Public Works Union) of the Michigan Employees' Retirement System (MERS) pension plan has requested to purchase two years of generic service credit. The ability to purchase up to 60 months (5 years) of generic service credit is an option under the MERS Defined Benefit Plan. Purchased service credit may be used to meet retirement eligibility requirements, but not vesting requirements.

The purchase is subject to approval of the City Commission by Resolution as included in his application within 60 days of the calculation date. The employee must pay the full cost of the purchase.

FISCAL EFFECT:

The employee is responsible for paying 100% of the estimated actuarial cost of \$28,385.

RECOMMENDATION:

Authorize the Director of Administrative Services to sign the attached Resolution approving Eric Hinze's request to purchase two years of generic service credit subject to the employee's payment of 100% of the estimated actuarial cost.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ MERS Service Credit Purchase Application and Resolution

Application for Additional Service Credit Purchase

Section 1: Service Credit Purchase Cost Estimate

With the approval of the employer and the local governing body, participants can purchase additional service credit to help meet an early retirement eligibility provision or to increase their pension benefit. Unlike MERS-to-MERS or Act 88 time, purchased service credit generally cannot be used to reach vesting.

This estimate is only valid for two months after March 1, 2022, the effective date of this calculation.

The cost to purchase service credit for each individual is based on many factors. Below is the information that MERS used to prepare this estimate. Please review the following information for accuracy. If any is incorrect, this estimate may not be correct.

Participant Information

Eric N. Hinze

Date of Birth: 6/8/1979
 Age: 42 years, 8 months
 Spouse's Date of Birth: 7/9/1978
 FAC as of calculation date: \$53,230.96

Service Credit

Earned service credit as of calculation date: 16 years, 4 months
 Vesting Only Service:
 Other Governmental Service used for
 Eligibility (MERS or Act 88):
 Type of Credited Service to be Purchased: Generic
 Amount of additional service requested: 2 years, 0 months

Employer Information

Marquette, City of
 5201 / 01

Benefit Program

Benefit B-4 (80% max)
 Benefit F55 (With 25 Years of Service)
 Early Reduced (.5%) at Age 50 with 25 Years or Age 55 with 15 Years
 Benefit FAC-3 (3 Year Final Average Compensation)
 10 Year Vesting
 E2 2.5% COLA for future retirees (07/01/1999)
 Defined Benefit Normal Retirement Age - 60

Benefit Impact

	Earliest Eligibility Retirement Date	Retirement Age	Projected FAC	X	Service Credit	X	Benefit Multiplier	=	Annual Benefit
Before Proposed Purchase	7/1/2034	55 years 0 months	\$76,646.10		28 years 8 months		2.5%		\$54,929.76
After Proposed Purchase	7/1/2034	55 years 0 months	\$76,646.10		30 years 8 months		2.5%		\$58,762.08

Estimated Cost of This Service Credit Purchase: \$28,385.00

The total cost is due in full at the time of purchase and may be paid by either the participant or employer. You may be eligible to transfer assets from other accounts to make a payment for the purchase, such as: 457 Deferred Compensation Plans; 401 plans; 403(b) plans; and some IRAs (traditional and SIMPLE). To initiate this transfer complete the form *Certification of Qualified Fund Rollover to MERS* (form number F-38). Send signed, approved Application for Additional Service Credit to MERS prior to sending any payment.

Section 2: Calculation Assumptions

1. Projected Earliest Eligible Retirement Date

This date is calculated using the participant's date of birth, the amount of service credit reported by the employer, and other service credit that we have on record (such as MERS-to-MERS or Act 88 time). If any of this data is incomplete or inaccurate this can affect the cost estimate. If the participant chooses to retire on a different date, it may increase/decrease the actual cost.

2. Projected Final Average Compensation (FAC)

Future increases in the FAC are assumed to be a 3.00% annual increase. This calculation is dependent on the wages reported by the employer to MERS. If the actual increases end up being different than the assumption, it may increase/decrease the actual cost.

3. Projected Service Credit

It is assumed the participant will continue to work until the earliest date for unreduced retirement benefits unless a specific termination date is shown. Any deviation from the earliest eligibility date may increase/decrease the actual cost.

4. Benefit Program

The current benefit plan provisions are used to calculate the cost of purchasing service credit. If the participant transfers into a different division and is eligible for a benefit plan with different provisions, then the cost may differ from the initial calculation. Likewise costs may differ if the municipality adopts different benefits in the future for any participant that has purchased service credit. These changes will be reflected in the actuarial valuation required to adopt any benefit increase.

5. Investment Assumption

The current investment return assumption for service credit purchase is 6.35%.

6. Mortality Rate

Assumptions are made on the life expectancies of the participant and their surviving spouse, using tables generated by actuarial professionals.

Section 3: Certification and Authorization

PARTICIPANT CERTIFICATION

I certify the above information is correct and accurate. If this is a purchase of qualifying "other governmental" service, I certify the service has not and will not be recognized for the purposes of obtaining or increasing a pension under another defined benefit retirement plan.


Participant Signature

3-21-22
Date

GOVERNING BODY RESOLUTION

By Resolution of its Governing Body, at its meeting on _____, as provided by the MERS Plan Document, and in accordance with the employer's policy, the employer hereby authorizes the participant named above to make a service credit purchase from MERS as described above. The employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actuarial experience will affect the true cost of the additional service to the employer. The calculation assumptions are outlined above and the employer understands and agrees it is accountable for any difference between estimated and actual costs.

Signature of Authorized Official

Date

Title

MERS Use Only

Payment Received:	Participant Payment:
Service Credit:	ER Payment:
Signed:	

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

Consent Agenda - Roll Call Vote **Methyl Methacrylate (MMA) Paint Purchase**

BACKGROUND:

The City Public Works Department purchased an MMA (98:2) Walk-Behind Traffic Marking Painting Machine in 2018 to perform the traffic marking painting in house. MMA is a non-hazardous two-part cold-mix industrial product consisting of paint and a catalyst. While the product is gaining popularity in the traffic marking world, it still has a limited number of manufacturers and suppliers in the United States. Based on quoted prices and availability, staff recommends the purchase of the product from the Colorado Paint Company II, LLC. The product is purchased by the pallet of five-gallon buckets at a quoted cost of \$5,664 per pallet plus freight to the Municipal Service Center.

FISCAL EFFECT:

The Major Street Fund capital outlay budget for FY 2021/2022 contains adequate funding for traffic marking materials.

RECOMMENDATION:

Waive the competitive bidding process and approve the purchase of MMA painting components from Colorado Paint Company II, LLC of Denver, Colorado in an amount not-to-exceed \$48,000 at the unit prices quoted.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

New Business

Contract Amendment #3 for BP 17-11 Solid Waste Collection Services- Curbside Residential

BACKGROUND:

At the September 25, 2017 regular meeting of the City Commission, the Commission approved a seven-year contract with Waste Management of Marquette, Michigan for the collection of curbside garbage and recycling.

The Third Amendment is being proposed as a solution to supply chain issues where WM is unable to secure custom bags on a consistent and reliable basis. The proposed change would allow residents to purchase a garbage bag of their choice and affix a garbage sticker to the bag. The size and weight limits remain in effect. The cost of the garbage sticker will be \$1.35 and replace the current resident cost of \$1.50 per green bag supplied by WM. The garbage sticker price will be effective April 1, 2022 through September 30, 2024. The green bags may be used until the supply has been exhausted.

FISCAL EFFECT:

There is no fiscal effect to the City. Each participating City resident pays a fee that covers the solid waste services option that they have chosen under the green bag system and the cart system. Solid Waste Fees will not be affected.

RECOMMENDATION:

Approve the proposed amendment #3 to the City of Marquette Solid Waste Services contract for curbside collection service with Waste Management, Inc. of Marquette, Michigan.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Amendment 3 Solid Waste Service Contract

THIRD AMENDMENT TO CITY OF MARQUETTE
SOLID WASTE SERVICES CONTRACT

THIS Third Amendment to City Of Marquette Solid Waste Services Contract ("AMENDMENT") is made as of March 28, 2022, by and between the City of Marquette ("CITY"), the Waste Management of Michigan, Inc., a Michigan corporation ("WASTE MANAGEMENT"), collectively referred to as "PARTIES".

RECITALS

WHEREAS, the PARTIES entered into an Agreement dated September 26, 2017 ("AGREEMENT");

WHEREAS, WASTE MANAGEMENT is unable to procure the "green garbage bags" on a consistent basis as defined in the contract due to supply chain issues, and

WHEREAS, the PARTIES now desire to amend the AGREEMENT in recognition of the unexpected green bag shortage.

NOW THEREFORE, in consideration of the premises and the agreements and covenants contained herein, the PARTIES agree as follows:

1. Bid alternate A & B, approved as part of the Agreement and replaced by the First Amendment 1/13/2020 and Second Amendment on 1/25/2021 remain in effect. The resident cost of \$1.50 per green bag supplied by WASTE MANAGEMENT will be replaced by the resident cost of \$1.35 per garbage sticker supplied by WASTE MANAGEMENT. The resident will supply their own bag and affix one sticker per bag. The size and weight limits remain in effect. The garbage sticker price will be effective April 1, 2022 through September 30, 2024. The green bags may be used until the supply has been exhausted.

2. All other terms and conditions of the AGREEMENT remain unchanged and shall continue as specified in the AGREEMENT.

The PARTIES have duly executed this AMENDMENT as of the day and year first above written.

CITY OF MARQUETTE

Date: _____, 2022

Jennifer A. Smith, Mayor

Date: _____, 2022

Kyle Whitney, City Clerk

Approved as to Content:

Approved as to Form:

Karen M. Kovacs, City Manager

Suzanne C. Larsen, City Attorney

WASTE MANAGEMENT OF MICHIGAN, INC.

Date: _____, 2022

By:
Its:

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 3/28/2022

New Business

Chief of Police and Harbor Master Appointment

BACKGROUND:

Uniform Lieutenant and Acting Patrol Captain Ryan Grim graduated in 2000 from Northern Michigan University, where he earned a bachelor's degree in Criminal Justice. He then graduated in 2001 from NMU's Regional Police Academy, where he was the recipient of the Distinguished Peer Award and the Physical Fitness Award. He was hired that same year at the Marquette City Police Department.

In 2004, Lt. Grim was awarded a Meritorious Service Award for a water rescue, was chosen as the department's Patrol Officer of the Year in 2005, and earned a Lifesaving Award in 2005 for his actions during a fatal apartment fire. He was promoted to Road Patrol Corporal in 2006, Sergeant in 2010, and Lieutenant in 2017. Lt. Grim is also a 2019 graduate of the Michigan Police Executive Development Seminar.

During his years of service, Lt. Grim has served in several aspects of the department including Accreditation Manager, Training Coordinator, Taser Instructor, Assistant Harbor Master, Facility Security Officer, Snowmobile Patrol Coordinator and officer, Bike Patrol Coordinator and officer, and teaches Water Rescue at NMU's Regional Police Academy.

Lt. Grim is currently the Police Accreditation Coalition (PAC) president, a MLEAC Accreditation Assessor, and is a member of the Michigan Municipal League's Law Enforcement Action Forum (LEAF).

Based on his thorough knowledge of current police policies and procedures, along with his 20 years of law enforcement experience, Lt. Grim was appointed by Chief Rieboldt as the department's Accreditation Manager.

He's been married to his wife Rachel for 19 years and they have 2 sons, Corbin and Logan.

FISCAL EFFECT:

The salary for this position is included in the current fiscal year budget.

RECOMMENDATION:

Confirm the City Manager's appointment of Ryan Grim as Chief of Police and Harbor Master effective April 11, 2022.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available