

City of Marquette, MI



Meeting Agenda City Commission

Monday, April 28, 2025

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. Appointment(s)

Heather Addison, Peter White Public Library Board, for a term ending 5-1-2030

2. Reappointment(s)

Barbara Owdziej, Traffic-Parking Advisory Committee, for a term ending 5-30-2028

Gerald Kujawa, Traffic-Parking Advisory Committee, for a term ending 5-30-2028

Madeline Arquette, Marquette Arts and Culture Advisory Committee, for a term ending 6-1-2028

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

Presentation(s)

3. Upper Peninsula Children's Museum Guardian Recognition - Norah Ryan

4. Traffic-Parking Advisory Committee, by Nicky Bates

5. Citizen's Academy Graduation

6. Consent Agenda - Roll Call Vote

6.a. Approve the minutes of the April 14, 2025 regular Commission meeting

6.b. Approve the total bills payable in the amount of \$671,253.86

6.c. Application for License to Use City Property Adjacent to 111 E. Spring Street

6.d. Carden International Circus, Inc. - Special Event Permit

6.e. MERS Addendum for Plan Closure [Division 110360]

6.f. Ordinance 25-03: Noxious Weeds - Roll Call Vote

6.g. Ordinance 25-04: Businesses and Business Licensing - Roll Call Vote

6.h. Ordinance 25-05: Solid Waste Collection

- 6.i. Ordinance 25-06: Street Parking Restrictions
- 6.j. Proclamation - Frontline Worker Appreciation Month
- 6.k. Proclamation - National Small Business Week

New Business

- 7. Request to Purchase City-owned Property - Portion of McClellan Avenue Parcel - 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

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: 4/28/2025

Consent Agenda - Roll Call Vote

Approve the minutes of the April 14, 2025 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ April 14 minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, April 14, 2025
6:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Davis, Gottlieb, Hanley, Larson, Mayer, Ottaway, Schloegel

Approval of the Agenda

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

Announcements

Mayor Hanley had no announcements at this point.

Boards and Committees

1. Appointment(s)

Delynn Klein, Board of Zoning Appeals for a term ending 2-15-28

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

Several people spoke during public comment to oppose the adoption of Ordinance 25-02 as written.

Those speaking about the proposed ordinance were Chelsie Wilkinson, Rebecca Rucinski, Silas McNeally, Ian Watson, Daisy Rae Nelson, Will Sullivan, Heidi Kirschner, Edward Murray, Tony Boyle, Emilie Rake, Kim Offenbacher, Ryan Redmond, Linsey Giraud, Alex Guindon, Robert Edgcombe, Hailey Salter, Vikash Kumar, Alex Cowles and Elijah Croschere.

Many of the speakers criticized the ordinance as overly vague, and said it could leave enforcement open to broad interpretation. They said shelters like Room at the Inn are regularly at capacity, meaning individuals have limited alternatives and discussed a need for the broader community to pursue solutions, with some highlighting programs from other communities, including Missoula, MT. Several speakers also shared personal experiences of being unhoused, and of being shelter guests and outreach workers.

Additionally, Patrick Markey and Jay Dickinson said they have concerns about Item 7 tonight, the waiver request for a PUD proposal. They said they aren't opposed to the

idea of the development, but have concerns about the scale and design being proposed. They said they feel there should be more active engagement with the residents of the neighborhood.

Michele Thomas said she is available to answer any questions the City Commission may have regarding Agenda Item 7.

2. Consent Agenda

Commissioner Sally Davis moved to Approve the Consent Agenda as written, seconded by Mayor Pro Tem Paul Schloegel and Carried Unanimously.

2.a. Approve the minutes of the March 31, 2025 regular Commission meeting

2.b. Approve the minutes of the April 2, 2025 Commission work session

2.c. Approve the total bills payable in the amount of \$1,590,896.13 which excludes \$878.79 in City Commission travel reimbursement, this reimbursement will be New Business items 4-5.

2.d. 2025 Fireworks Permit

2.e. Agreement to use and Occupy Unpatented Great Lakes Bottomlands for Public Purposes

2.f. Architecture Services - Cultural Center and Trailhead Change Order

2.g. BLP Transmission Line Easement

2.h. Construction Materials Testing Services for 2025 City Construction Projects

2.i. Grove Street Booster Station Fiber Connect

2.j. MQTS, Inc. Roller Derby Storage Space Lease Agreement

2.k. Ordinance 25-03: Noxious Weeds

2.l. Ordinance 25-04: Businesses and Business Licensing

2.m. PIDP 2021 – City of Marquette – Protecting Critical Infrastructure and Improving Efficiency – Coastal Resiliency Project

2.n. Proclamation - Workers Memorial Day

2.o. Sidewalk Repair and Replacement & Third Street Coal Bunker Rehabilitation Project

2.p. Street Improvements and Structure Cover Adjustments Project

New Business

3. Ordinance 25-02: Overnight Occupation of Public Property - Roll Call Vote

Commissioner Cody Mayer moved to Adopt Ordinance #25-02, seconded by Mayor Pro Tem Paul Schloegel. Discussion ensued.

Commissioner Mayer said he agrees the ordinance is vague. He said he thinks that the intention should be made clearer, or the associated procedures and policies should be included.

Commissioners thanked attendees for their comments tonight and acknowledged the passion in the community. The commission discussed background information and the intention of the proposed ordinance, with several commissioners expressing discomfort with the current wording of the ordinance. There was general consensus that the ordinance should be revised in some capacity.

Commissioner Cody Mayer then moved to postpone consideration of Ordinance 25-02 to the May 27 meeting of the Marquette City Commission and direct City staff to revise the language of the proposed ordinance to more clearly define the ordinance intent. Mayor Pro Tem Paul Schloegel seconded.

There was discussion about what a vote to postpone would mean, and about what Commissioners would hope to see when the item was brought back in May.

Mayor Hanley said she would like to explore options currently being utilized in other communities, including an auto tagging system related to overnight occupation. She also said she would like to see a clear and standardized process for what happens to materials seized from city property.

The Commission then voted on the motion to postpone consideration to the May 27 meeting, with the motion carrying unanimously by roll call vote.

4. Commissioner Larson Travel Reimbursement

Mayor Pro Tem Paul Schloegel moved to Approve travel reimbursement for Commissioner Larson in the amount of \$139 for the Michigan Municipal League Capital Conference, seconded by Commissioner Jerney Ottaway and Passed. The motion carried 6-0, with Commissioner Larson abstaining from the vote.

5. Mayor Hanley Travel Reimbursement

Commissioner Cary Gottlieb moved to Approve travel reimbursement for Mayor Hanley in the amount of \$739.79 for the Michigan Municipal League Capital Conference, seconded by Commissioner Jerney Ottaway and Passed. The motion carried 6-0, with Mayor Hanley abstaining from the vote.

6. Peg Hirvonen Bandshell - Construction Contract Award

Mayor Pro Tem Paul Schloegel moved to Award the bid and approve the contract with Miron Construction Co., Inc., in the amount of \$2,084,175, and authorize the Mayor and Clerk to sign the contract, seconded by Commissioner Cody Mayer and Carried Unanimously.

7. Waiver Request for Planned Unit Development Proposal on W. Magnetic Street

Mayor Pro Tem Paul Schloegel moved to Concur with the Planning Commission recommendation and approve the waiver of the minimum PUD size criteria for contiguous land, seconded by Commissioner Cody Mayer and Carried Unanimously.

8. Year-Round Off-Leash Dog Recreation Area

Mayor Pro Tem Paul Schloegel moved to Direct the City Manager to authorize staff time to be dedicated to re-examining all City owned property and working with local partners to identify a suitable location for another dog park that makes the recreation opportunity available year-round, seconded by Commissioner Cody Mayer and Carried Unanimously.

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

Lesley Williams spoke about the upcoming changes to garbage collection, stating that her house is very old with little room for garbage or recycling carts.

Michele Thomas said the Veridea Group recognizes that whatever they do at the site of the old hospital will impact the community. She said they scheduled tonight's information-sharing meeting prior to being informed the waiver request related to their PUD would be on tonight's agenda.

Ian Watson reiterated that his concern with tonight's proposed ordinance is related to the fact that he wants clear future expectations, regarding enforcement.

Tony Boyle thanked the Commission for their actions tonight.

Barb Owdziej thanked talked about the future of Third Street and endorsed designing areas with a clear understanding of their true use. She said she thinks Third Street would benefit from less car traffic.

Patrick Markey says he understands the PUD proposal discussed tonight will still be brought up several times, but is concerned that the waiver approved tonight will allow for the applicant to create a project that is less beneficial to the surrounding neighborhoods.

Jay Dickinson said he hopes the parties can move forward together as a community in the redevelopment of the former hospital properties. He said he looks forward to a future dog park, but urges the city to consider other uses of any dog park property, as well as neighboring properties.

Dave Campana spoke on the benefits of municipal water fluoridation.

Chelsie Wilkinson thanked the Commission and said she appreciates their commitment. She said she is looking forward to helping to formulate an amended ordinance.

Comments from the Commission

Mayor Pro Tem Schloegel said tonight's meeting was a great reflection of the community. He said he agrees that any dog park should clearly take into account all other uses of the property and of neighboring properties and he said the process will be intentionally planned.

Commissioner Mayer thanked the people who came and spoke at tonight's meeting, and urged people to channel their passion and energy and to consider applying for one of the city's volunteer boards or committees. Finally, he said he was recently nominated and appointed to the board of the Michigan Municipal League Foundation.

Commissioner Ottaway said budget season is approaching and talked about the vital nature of the city budgeting process, as well as the struggle presented by the current economic uncertainties.

Commissioner Davis had no comments.

Commissioner Gottlieb shared a story of a resident that reached out recently with a specific issue and said that the resident and the city administration reached a fair compromise. He said it's not possible to make everyone completely happy all of the time and said the city is trying to do the best it can and to be as fair as possible.

Commissioner Larson said he appreciated the robust discussion tonight.

Mayor Hanley said the City Commission needs to hear from every side in order to make informed decisions and thanked everyone for coming. She discussed the upcoming Easter events in the city.

Comments from the City Manager

City Manager Karen Kovacs said local elected officials often have a tough job, as they try to balance several varied resident opinions. She discussed season-opening schedules for the city dropoff and collection sites, which have been impacted by the slow approach of spring weather. She said the MML Foundation Board is very important and said it's good to have Commissioner Mayer's City of Marquette representation on there.

Adjournment

Mayor Hanley adjourned the meeting at 8:15 p.m.

Jessica Hanley, Mayor

Kyle Whitney, City Clerk

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City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote

Application for License to Use City Property Adjacent to 111 E. Spring Street

BACKGROUND:

Brooke Berube, on behalf of the Watermarq Condominium Association, has submitted an application to use a portion of the public property on the north side of Spring Street and the west side of Lakeshore Boulevard for the encroachment of steps and landings to access the Watermarq building, and for landscaping as shown in the Exhibit included with the application. This application was required as a result of a change in ownership of the property from the developer to the Condo Association.

FISCAL EFFECT:

The application fee of \$460 and has been paid.

RECOMMENDATION:

Approve the License and execute the Grant of License document.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Grant of License signed by Applicant

GRANT OF LICENSE

THE CITY OF MARQUETTE, a municipal corporation of 300 W. Baraga Ave., Marquette, MI 49855, ("City"), and WATERMARQ CONDOMINIUM ASSOCIATION, a Michigan corporation of 111 E. Spring Street, Marquette, Michigan 49855, "Watermarq," enter into this agreement on _____, 2025, subject to the following conditions:

1. Background. The City owns the Spring Street and the Lakeshore Boulevard right-of-ways, in the City of Marquette, and State of Michigan.
Watermarq desires to maintain two existing exit stairs/landings, one located on the west side of Lakeshore Boulevard and one located on the north side of Spring Street ("Landings") to access its building located at 111 East Spring Street, and landscaping on the north side of Spring Street ("Landscaping") on the real estate owned by the City of Marquette identified in Exhibit A attached hereto and to the specifications set forth in said Exhibit A.
2. Grant of the license. In consideration of \$460.00, the City grants to Watermarq the right to maintain the Landings and Landscaping on the real estate and to the specifications set forth in Exhibit A.
3. Construction and Maintenance. Watermarq shall, at all times while this License is in effect, maintain the Landings and Landscaping in good repair.
Watermarq shall be responsible for all fees and expenses related to the construction and maintenance of the Landings and Landscaping and real estate described in Exhibit A. Watermarq shall be responsible for all fees and expenses related to the maintenance of, and snow removal from, the Landings. Watermarq shall be responsible for clearly marking the Landings and Landscaping during the winter months.
Watermarq shall be responsible for the repair, replacement and maintenance of all water and sewer utility services within five (5) feet of the Landings and Landscaping.
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 Landings and Landscaping except as may be necessary to install, repair, remove or replace utilities. In the event the City repairs, removes or replaces utilities or performs street work, Watermarq shall be responsible for any removal of, repair to or replacement of the Landings and Landscaping in connection with utility work. Watermarq 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 real estate.
5. Reimbursement for damages. Watermarq shall reimburse the City for any physical damages to the City's real estate caused by Watermarq's use on the real estate. Watermarq shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability 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 due solely to Watermarq's use. Watermarq's obligations under this provision shall not extend to claims, losses, expenses or damages arising out of or in any way attributable to the negligence of the City or its agents, consultants, or employees. Watermarq reserves the right to control the defense and settlement of any claim for which Watermarq has an obligation to indemnify hereunder.
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, Watermarq shall remove the Landings and Landscaping from the real estate, at its own expense. Watermarq shall not be entitled to a reimbursement for any portion of the fee previously paid to the City.

7. Personal Interest. The rights granted herein are personal to Watermarq, and terminate upon the transfer of ownership of Watermarq's premises.
8. 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: Jessica Hanley
Its: Mayor

By: Kyle Whitney
Its: Clerk

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on _____, 2025, by Jessica Hanley, Mayor and Kyle Whitney, Clerk, of the City of Marquette, a Michigan municipal corporation.

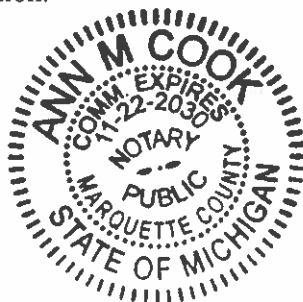
_____, Notary Public
State of Michigan, County of Marquette
My Commission Expires: _____
Acting in the County of Marquette

Watermarq Condominium Association

Brooke B Berube
By: Brooke B Berube
Its: member

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on April 14, 2025, by Brooke B Berube, Member of Watermarq Condominium Association.



Ann M Cook
_____, Notary Public
State of Michigan, County of Marquette
My Commission Expires: 11-22-30
Acting in the County of Marquette

WaterMarq Condominium

SURVEY, SITE AND UTILITY PLAN MARQUETTE COUNTY CONDOMINIUM SUBDIVISION PLAN #33

Exhibit 'B' to the Master Deed of
WaterMarq Condominium,
City of Marquette,
Marquette County,
Michigan

DEVELOPER:
Buzbro, LLC
101 South Front Street
Fourth Floor
Marquette, MI 49855

Bearing Basis:
The Assessor's Plat
of Marquette Bay

Benchmark:
Set Road w/ P.S.
Cap #27464
Elevation = 622.52'
Datum: NGVD 1929
(City of Marquette Datum)

LEGEND

- S— Sanitary Sewer —ST— Storm Sewer
- W— Water Line —M— Valve Box
- ① Storm Manhole ② Electric Box
- ③ Sanitary Manhole ④ Telephone Box
- ⑤ Catch Basin ⑥ Gas Meter
- ⑦ 5' x 10' Parking Stall
- Building Footprint
- ▨ Maintenance, Parking/Access Easement Area
- ⑧ Coordinate Point

3/8" Rered with P.S. cap # 27464
Drilled Into Pavement at Major Boundary
Corners, Offsets and Expandable Area Corners

I, Glenn C. Van Neste, a Professional Surveyor in
the State of Michigan, hereby certify:

That the subdivision plan known as WaterMarq Condominium, Marquette County
Condominium Subdivision Plan No. 33, as shown on the accompanying drawings,
represents a survey on the ground made under my direction.

That the required monuments and iron markers are located in the ground as required
by the rules promulgated under Section 142 of Act No. 59 of the Public Acts of 1978
As Amended. That the accuracy of the survey is within the limits required by the rules
promulgated under Section 142 of Act No. 59 of the Public Acts of 1978 As Amended.

That the bearings, as shown, are noted on the survey plan as required by the rules
promulgated under Section 142 of Act No. 59 of the Public Acts of 1978 As Amended.

DRAWN: Glenn C. Van Neste DATE: 17 DEC 2009

Glenn C. Van Neste, Professional Surveyor # 27464
Eric S. Van Neste, Professional Surveyor # 66885

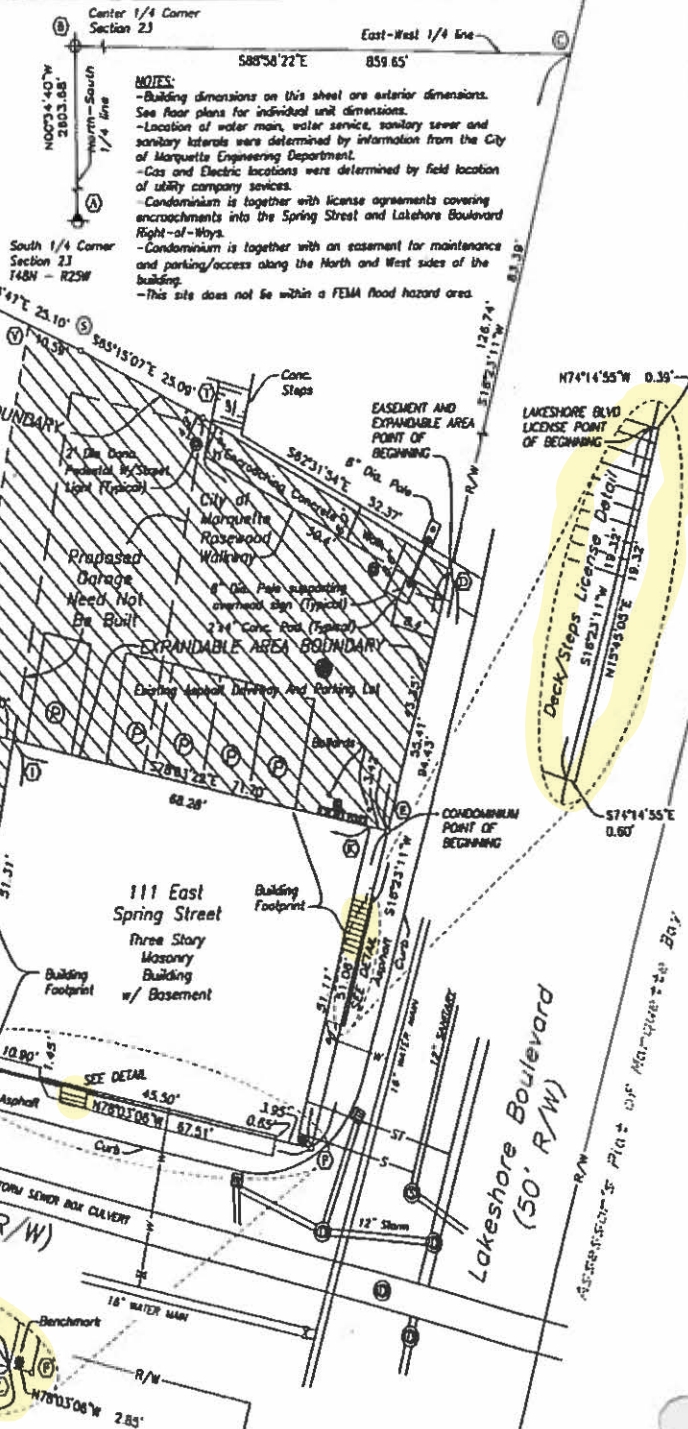
DATE: 12 DEC 2008
DRAWN BY: J.B.
LINE NOT DRAWN TO SCALE

VAN NESTE SURVEYING

PROFESSIONAL SURVEYING SERVICES
1402 KUMBER AVENUE, MARQUETTE, MICHIGAN 49855
PHONE (907) 228-8241 FAX 228-8293
TOLL FREE 1-800-228-8293

Label	Number	Northing	Easting
A Lead-In	9560	7097.8463	10003.9906
B Lead-In	9575	9701.3901	9977.7408
C Lead-In	457	9685.9783	10837.2538
D Expandable	470	9603.9736	10813.7278
E Condominium	480	9564.3854	10801.4985
F Condominium	458	9515.3794	10787.0879
G Condominium	461	9529.3563	10721.0387
H J' Offset	471	9529.9781	10718.1039
I Condo/Building	352	9578.2241	10731.3504
J J' Offset	472	9579.8316	10728.4125
K Building	353	9569.0933	10794.1520
L Building	354	9515.9048	10784.2780
M Building	371	9528.9839	10720.9587
N Expandable	311	9556.2809	10583.9458
P Expandable	9208	9659.0513	10615.7804
Q Expandable	9213	9637.3132	10718.5055
R Expandable	9240	9650.0305	10721.2006
S Expandable	9238	9640.8320	10744.4781
T Expandable	9238	9630.1284	10787.2842
U Easement	468	9531.4266	10711.2553
V Easement	469	9644.5975	10734.6567

NOTE:
All building and boundary
dimensions on this drawing are
in feet and decimals thereof.
Decimal Conversion:
Inches / 12 = decimal feet



AS-BUILT: December 2008

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote

Carden International Circus, Inc. - Special Event Permit

BACKGROUND:

The Carden International Circus, Inc. is requesting a Special Event Permit for City Parks, Streets, Buildings and Grounds to use the Russell Arena within Lakeview Arena for the Carden Circus May 12, 2025. Use details are included in the agreement. Staff has worked with the City Attorney and user group to develop the permit.

FISCAL EFFECT:

The Lakeview Arena fund will receive \$2,300 plus miscellaneous reimbursements.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with the Carden International Circus, Inc., and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Permit and Insurance

SPECIAL EVENTS PERMIT FOR CITY PARKS,
STREETS, BUILDINGS AND GROUNDS

THIS AGREEMENT, made this _____ day of _____, 2025 between CITY OF MARQUETTE, a Municipal Corporation of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and CARDEN INTERNATIONAL CIRCUS, INC., a Missouri corporation of 3901 W. State Highway 0, Springfield, MO 65803, hereinafter referred to as "PERMITTEE".

INSTRUCTIONS - PERMITTEE shall comply with all sections of this permit with a darkened box (■) .

WITNESSETH:

- (1) Description. The CITY in consideration of the terms, conditions, covenants and agreements to be performed by PERMITTEE, does hereby grant to PERMITTEE permission to use and occupy the following ["premises"]:

RUSSELL ARENA

- (2) Term. The term of this Permit shall be for May 12, 2025 from 6:00 a.m. until 11:00 p.m.
- (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.
- (4) Use. PERMITTEE may use and occupy the premises for:

"CARDEN CIRCUS"

and for no other reason. The use and occupancy shall only be under PERMITTEE'S name or any assumed name of PERMITTEE. PERMITTEE shall not use or knowingly allow any part of the premises to be used for any unlawful purpose. In the event of any violation of this provision the CITY at its sole discretion may terminate this Permit and expel PERMITTEE from the premises. PERMITTEE waives, releases and relinquishes all claims of right or interest in the premises, other than as granted pursuant to this Permit.

- (5) Fees. PERMITTEE shall be responsible for paying the following fees in connection with the use of the PREMISES:

Russell Arena	\$1,800.00/Day
Chairs	\$2.00/per chair User set up
	\$5.00/per chair Arena Staff set up
Tables	\$5.00/per table User set up
	\$10.00/per table Arena Staff set up
Pipe and Drape	\$12.50/section

Genie Boom	\$80.00/hour (equipment only)
Service Personnel (i.e. equipment operator, etc.)	\$45.00/hour w/ 2 hr minimum*

- (6) **Clean-up, Repairs, Maintenance and Damage.** PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall remove all of its belongings from the premises and complete all clean-up and repairs no later than 48 hours after the end of the Term. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

PERMITTEE shall take good care of and shall keep the premises, including its fixtures and furnishings, in a clean, safe, orderly and sanitary condition including, but not limited to, keeping all sidewalks, parking areas, alleys, roadways and facilities/areas which are a part of the premises, neat and clean; guarding all defects on the premises which may be a hazard to the general public and business invitees; and promptly removing all debris or any other material which may be a hazard to the general public and business invitees. PERMITTEE shall promptly make all repairs which are required to maintain the premises in the condition which existed upon the commencement of its actual use and occupancy. PERMITTEE shall not be required to repair plumbing and electrical components of the premises for damages which is not caused by the PERMITTEE, its guests or invitees. At the termination of this Permit, PERMITTEE shall yield and deliver up the premises in like condition, reasonable use and wear thereof and damage by the elements exempted.

- (7) **Clean-up and Damage Bond.** PERMITTEE shall deposit with the Parks and Recreation Department a clean-up and damage bond in the form of cash or certified check payable to the CITY, in the amount of \$250.00. This will correlate with the type of insurance required. The bond should be deposited with the Community Services Department - Parks and Recreation Division at the time the application is submitted, when possible, but is required prior to the permit being presented to the City Commission for approval. The bond shall be processed to be returned to PERMITTEE, without interest, within seven (7) days after all of the following have occurred:

- (a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.
- (b) the term of the Permit has expired;
- (c) PERMITTEE has fully performed the restoration and clean-up of the premises to an “as-is” or better condition as prior to the event; and

(d) PERMITTEE has paid all fees set forth herein.

Should PERMITTEE fail to comply with any of these terms, the CITY may retain the clean-up and damage bond and if the amount thereof is insufficient, pursue all other remedies.

- (8) Electrical Permits. For any event, carnival or fair connecting to or modifying an existing electrical source or service, PERMITTEE covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. An electrical permit shall be obtained two (2) weeks prior to the event and a copy shall be provided to the Community Services Department - Parks & Recreation Division office at least one (1) week prior to the event. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service.

- (9) All Utilities. The CITY agrees to allow PERMITTEE to use existing electrical and water services for food and beverage concessions, lighting and audio equipment. However, the CITY shall not be responsible for any damages whatsoever due to any interruption in electrical, water or other services.

There shall be no modification or alteration of the CITY's electrical supply boxes or other equipment, unless prior approval has been obtained from the CITY and any work is approved by the CITY's electrical inspector. All such work must be done by a licensed electrical contractor at PERMITTEE'S sole expense.

- (10) Reimbursement of Utility Costs. PERMITTEE shall reimburse the CITY the sum of \$500.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.
- (11) Signs. PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.
- (12) Insurances. CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARANCE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

- General Liability

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from

all claims of damage or injury, including death, to persons and property which may arise out of, result from or be caused by PERMITTEE'S use or occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less \$1,000,000, per occurrence.

THE CITY, ITS OFFICERS AND EMPLOYEES SHALL BE NAMED AN ADDITIONAL INSURED AND THIS COVERAGE SHALL BE ENDORSED ON THE CERTIFICATE AND POLICY "AS BEING PRIMARY TO THE CITY, AND NOT IN EXCESS OF ANY OTHER INSURANCE, SIMILAR PROTECTION (E.G. RISK MANAGEMENT ASSOCIATION) OR ANY OTHER VALID, APPLICABLE, OR COLLECTABLE INSURANCE OR SELF-INSURANCE WHICH IS OR MAY BE AVAILABLE TO OR CARRIED BY THE CITY."

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in cancellation of the event.

☐ Liquor Liability.

PERMITTEE or its designee (for example, a local service club) shall carry liquor liability insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

PERMITTEE shall, no later than 7 days prior to the Event, provide the CITY with a certificate or other evidence of liquor liability insurance coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

☐ Motor Vehicle Liability

PERMITTEE shall also obtain and maintain vehicle liability coverage for all owned, non-owned and hired motor vehicles which may be operated, maintained or used on the premises. Minimum combined limits of \$500,000 shall be maintained.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day

written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

■ Food

PERMITTEE or its designee shall carry products and completed operations coverage insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of food on the premises.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of food at the event.

■ Other insurance.

If PERMITTEE employs any independent contractor or others for any purpose whatsoever in relation to its use or occupancy of the premises, or for any operations or maintenance connected therewith, PERMITTEE shall obtain and maintain, or cause said independent contractor to obtain and maintain, policies of workers compensation insurance and such other liability insurance of the types and in the amounts outlined above which will provide coverage to the CITY, its officer and employees for all claims which may arise out of, result from or be caused by that work.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any independent contractor or other person or entity in connection with the event.

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any

incident occurring on the premises resulting in any personal injury, including death, to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

The indemnity, defense and hold harmless requirements shall include and extend to bodily injury to any person or injury to any property of PERMITTEE, its employees and all persons on the premises by contract, invitation or consent.

All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the risk of PERMITTEE only.

- (14) Right of Inspection and Access. The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.
- (15) Compliance With Rules and Regulations. PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.
- (16) Concessions. PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 10:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:
 - (a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.
 - (i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.
 - (ii) Proof that the fire extinguisher has been serviced within the last year is required.
 - (iii) The extinguisher shall be tagged with the date and service provider.
 - (iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

(v) The unit shall be mounted on the center post of each tent, not more than five (5) feet of the ground and accessible for use in an emergency.

(b) All propane tanks used for cooking shall be secured so as to prevent tipping. The tanks shall be remote from congested areas.

(c) Only approved, heavy-duty extension cords shall be used and all electrical connections shall be protected.

If the vendor fails to comply with these requirements, they will not be permitted to participate in the event.

- ☐ (17) Alcoholic Beverages. PERMITTEE or its designee shall be allowed to sell and/or furnish beer and wine on the premises as follows:

from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;
from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;
from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;
from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;

PERMITTEE is solely responsible for obtaining all necessary licenses and permits in order to sell and/or furnish alcohol products. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 7 days prior to the event. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

If an additional day is needed for the event due to inclement weather, the time for selling and/or furnishing beer and wine on the premises shall be from _____ a.m. / p.m. until _____ a.m. / p.m. on _____, 20__. The sale, furnishing and consumption of alcoholic beverages is specifically conditioned upon PERMITTEE or its designee obtaining and maintaining the appropriate license or permit from the Michigan liquor control commission at all relevant times and on PERMITTEE or its designee obtaining and maintaining liquor liability insurance as required in this Permit.

- (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.
- (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.
- (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.

- (21) **Parking and Traffic.** PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.
- (22) **Health and Sanitation Facilities.** PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.
- (23) **Compliance with PERMITTEE'S Representations.** PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit
- (24) **Equipment and Services.** The CITY agrees to have the following equipment and services available during the term of this Permit:

- (25) **Security.** It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.
- (26) **Bleachers, Booths, Fencing and Tents.** PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event, except that CITY shall be responsible for booths located within the Arena.
- (27) **Reimbursement of Other Costs.** PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.

- (28) Tents. All tents or air supported structures used during the term of the permit shall comply with Section 31 of the Michigan Building Code and Section 24 of the International Fire Code. Material of all tents shall be of non-combustible material or flame resistant material conforming to NFPA 701, treated in an approved manner to render the material flame resistant. Appropriate documentation must be presented to any Building Code Enforcement Officer, Fire Official or other Code Official upon request. A copy shall also be retained on the premises where the tent is located. The documentation must attest to the following information relative to the flame resistance of the fabric:

- (a) Name and address of the owners of the tent or air supported structure.
- (b) Date the fabric was last treated with flame resistant solution.
- (c) Trade name of kind of chemical used in treatment.
- (d) Name of person or firm treating the material.
- (e) Name of testing agency and test standard by which the fabric was treated.

If more than one tent or air supported structure is located on the premises a copy of all required documentation for each tent or structure shall be kept at a central location on the premises. The use of gasoline, gas, charcoal or any other cooking devices or any unapproved flame inside or within 20 feet of a tent or other air supported structure is strictly prohibited.

■ (29) Fire.

- (a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.
- (b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.
- (c) All seating capacity and room arrangements shall be approved by the Fire Department.
- (d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can enter in case of an emergency.
- (e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

- (30) **Music.** PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance, recorded music or retransmission of radio and/or television broadcast. The PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit or for any loss, liability and damages that may be asserted or levied against the CITY, its officers or employees, based in whole or in part upon a claim of copyright infringement.
- (31) **Conditions/Requirements.** Additional conditions and requirements of this permit are as follows:

- (32) **Cancellation or Modification.** It is understood and agreed that ten (10) days advance written notice of any cancellation, reduction and/or material changes in the proposed agenda will be provided to the Community Services Director, City of Marquette, 401 East Fair Avenue, Marquette, Michigan, 49855.
- (33) **Duplicate Original Copies.** This Permit is executed in triplicate original copies, two of which shall be retained by the CITY and one by PERMITTEE, each of which shall be deemed to be an original, but all of which shall be construed as one and the same document.
- (34) **Governing Law.** This Permit and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Michigan.
- (35) **Paragraph Headings.** The paragraph headings appearing in the Permit have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.
- (36) **Entire Agreement.** This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERNING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF

THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE THE PREMISES.

The parties hereto have hereunto set their hands and seals the day and year first above written.

CITY OF MARQUETTE

CARDEN INTERNATIONAL
CIRCUS, INC.

Jessica Hanley, Mayor


By: BRETT CARDEN
Its: OWNER

Kyle Whitney, City Clerk


By: NORMA NELSON
Its: COORDINATION

Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/24/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Johnson Kendall Johnson Inc 109 Pheasant Run Newtown PA 18940		CONTACT NAME: Sam Ryan PHONE (A/C, No, Ext): 215-968-4741 E-MAIL ADDRESS: sryan@jkj.com FAX (A/C, No): 215-968-0973	
INSURED Carden International Circus, Inc. 3901 W. State Highway 0 Springfield MO 65803		INSURER(S) AFFORDING COVERAGE INSURER A: Accredited Surety and Casualty Company, Inc. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
CARDINT-01		NAIC # 26379	

COVERAGES**CERTIFICATE NUMBER:** 1192065457**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC ☐ OTHER		1-TRE-MO-17-01338681-00	8/22/2024	8/22/2025	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 OTHER \$
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY		1-RSI-MO-19-01498808-00	7/19/2024	7/19/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ OTHER \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/UMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☒ Y ☐ N ☐ N/A				PER STATUTE ☐ OTH-ER ☐ E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Elephant, Camel and Pony acts and rides. Moonbounces and Face painting. Circus acts and production. The following are named as additional insured: Marquette Lakeview Arena; and the City of Marquette
Dates: May 12th, 2025

CERTIFICATE HOLDER**CANCELLATION**

City of Marquette
300 W. Baraga Ave.
Marquette, MI 49855
United States

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote

MERS Addendum for Plan Closure [Division 110360]

BACKGROUND:

The City of Marquette is a participating municipality with the Municipal Employees' Retirement System of Michigan (MERS) and has adopted products administered by MERS. Multiple divisions exist under the City's plan due to the various bargaining units and benefit programs. One of these divisions, #110360, is no longer required as the division is closed to new hires and there are no longer any eligible participants in the division. The City is requesting to close this division and will need to execute the attached document with MERS to complete this process.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Approve the attached MERS Addendum for Plan Closure for the defined contribution division #110360, and authorize the Chief Financial Officer to sign and execute the document.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Plan Closure Addendum

Addendum for Plan Closures, Freezes and Conversions



1134 Municipal Way Lansing, MI 48917 | 800.767.6377 | Fax 517.703.9711

www.mersofmich.com

This form is to be used for a participating municipality or court to request to close one or more of its divisions of Defined Benefit, Defined Contribution or Hybrid (each "Plan" or collectively, "the Plans"), and advise MERS what action will be taken for existing plan participants and new enrollments. The associated Plan Closures, Freezes and Conversions Policy and Procedure, which provides administrative procedures to implement the terms of the MERS Plan Document, is incorporated by reference into this Addendum, which is used to collect the municipality or court's request. All requirements in the Policy are at all times subject to the requirements of the MERS Actuarial Policy. Nothing in this form or the Policy is intended to conflict with the requirements of the Plans or MERS Actuarial Policy or any more restrictive requirement imposed by law, any of which may be amended by the MERS Retirement Board at any time.

IMPORTANT INFORMATION:

Closing MERS Defined Benefit plan(s) requires an actuarial projection study under the MERS Actuarial Policy. The MERS Actuarial Policy provides for different amortization periods for closed or frozen divisions. Upon closing or freezing the division(s), the required employer contribution will change to a monthly flat dollar amount instead of a percentage of payroll. Any existing employer caps will no longer be administered.

MERS service may not be combined with non-MERS service under the new plan to meet vesting and eligibility requirements.

I. Closing one or more divisions and impacts on existing employees

Name: City of Marquette, # 5201
(Municipality name) (Municipality number)

hereby elects to close the following division(s): 110360
(Division number)

currently under the following plan type:

☐ Defined Benefit ☒ Defined Contribution ☐ Hybrid

Effective date: 04/01/2025
(DD/MM/YYYY)

Please use a separate form for each Division or Product Type.

Addendum for Plan Closures, Freezes and Conversions

In doing so, the following action will be taken with impact to existing covered employees as outlined (select one per form):

Action taken on the division	Impact to existing employees	Check
Close only	No impact to covered employees, benefit continues to accrue. Plan is closed to new hires, rehires and transfers.	☒
Close division with option to Convert**	Covered employees may - Remain in the existing plan where the benefit continues to accrue, OR - Elect to Convert** their accrued benefit to the newly selected plan and commence coverage under the Plan.	☐
Close division with option to Freeze***	Covered employees may - Remain in the existing plan where benefit continues to accrue, OR - Elect to Freeze existing benefit (no future accrual) and commence coverage under new Plan.	☐
Close division, with options to Convert** or Freeze***	Covered employees may - Remain in the existing plan where the benefit continues to accrue, OR - Elect to Convert** their accrued benefit and commence coverage under the newly selected Plan, OR - Elect to Freeze existing benefit (no future accrual) and commence coverage under the newly selected Plan.	☐
Close division, Freeze*** is mandatory, with or without option to Convert**	Covered employees will cease to accrue service under the prior Plan and will commence coverage under the new Plan, and may convert their service under the prior Plan to one under the new Plan.	☐
Close division with mandatory Freeze*** division, no future Plan	Covered employees will cease to accrue future benefit and will not be enrolled in any Plan.	☐

**If the option above includes *Conversion* option, make sure to also complete Section III.

***If the option above includes *Freeze* option, make sure to also complete Section IV.

Addendum for Plan Closures, Freezes and Conversions

II. Impacts to future participants

New hires, rehires and transfers of the division identified above will be enrolled in (check one):

☐ the following MERS plan (a corresponding Adoption Agreement for the new plan is required):

☐ Defined Benefit ☐ Defined Contribution ☐ Hybrid ☐ 457

☐ the following non-MERS plan:

Plan provider name: _____

Plan type: _____

☐ If offering conversion to the new non-MERS plan, check this box to confirm the new plan is a defined contribution money purchase plan.

☐ No retirement plan.

☒ Not applicable – division position(s) discontinued, no future hires are eligible

III. Conversion for Active Employees, where applicable (available in limited transactions, see [here](#) for an outline)

This employee option is only available where any employee contribution rate in the current plan is identical to the employee contribution rate in the plan to which the current plan is closing/freezing.

Will current division members be offered the option to convert their accrued benefit to the new plan and commence coverage under that plan?

☐ Yes ☐ No ☐ Not applicable to this transaction

Conversion Option – additional required information if Employer elected to offer Conversion Option

If the employer has elected to offer current members of the closing or freezing division a one-time irrevocable option to convert, this will result in 1) conversion of their existing accrued benefit into a lump sum into the new Plan, and 2) future coverage under the new Plan.

The election to convert shall be effective at least three, and no more than six months following the effective date of the new plan as listed on page 1 or MERS' receipt of the addendum (whichever is latest), which shall be the first day of _____, 20____ (Conversion Date). If either the new Plan or the closing plan has mandatory employee contributions, they must be identical in both plans in order to offer employees a conversion or freeze option.

Addendum for Plan Closures, Freezes and Conversions

A. Conversions from the Defined Benefit Plan to MERS Defined Contribution Plan, MERS Hybrid Plan or Non-MERS Qualified Defined Contribution Money Purchase Plan

For each current member of a Defined Benefit closing or freezing division who irrevocably elects to convert to one under the new plan and commence coverage under that new plan, MERS shall transfer to the member's credit the greater of the following to the Defined Contribution Plan, the Hybrid Plan defined contribution component or a non-MERS qualified defined contribution money purchase plan:

- (1) The member's accumulated contributions; OR
- (2) The actuarial present value of the accrued benefit associated with the members' coverage under the closed / frozen Defined Benefit Plan, after the conversion level percentage selected by the participating municipality below has been applied.

Conversion Percentage Selection

The conversion calculation shall be performed as provided in the MERS Actuarial Policy. Under that Policy, the employer shall select the Conversion Percentage (which may not be less than the division's actual funded level as determined in the actuarial study nor greater than 100%). If a Conversion Percentage is selected that is greater than the Division's actuarial funded percentage, as set out below, the employer is required to remit to MERS full payment for the additional liability for all converting members within 90 days of the Conversion Date.

The Conversion Percentage shall be (select one):

- ☐ Equal to the division's actuarially determined termination liability funded percentage (not more than 100%)
- ☐ _____% greater than the actuarially determined termination liability funded percentage (not more than 100%)

If the employer offers current employees the option to convert their closed or frozen benefit to a non-MERS Qualified defined contribution money purchase plan, the member will become immediately vested in any non-vested employer contributions.

B. Conversions from the Defined Contribution Plan to the MERS Hybrid Plan (Defined Contribution component) or a Non-MERS Qualified Defined Contribution Money Purchase Plan

For each current participant of a Defined Contribution Plan who irrevocably elects to convert where the plan is closing to new hires, or where a current participant's service is frozen, and coverage will commence under the MERS Hybrid Plan, MERS shall transfer the full value of the participant's Defined Contribution Plan account (employer contributions, employee contributions and accumulated service) to the MERS Hybrid Plan (defined contribution component) and used toward vesting under the plan. Service will be recognized in the MERS Hybrid (defined benefit component) for vesting and eligibility only, with benefited service in the defined benefit component of MERS Hybrid plan beginning with the new plan effective date.

If the employer offers current employees the option to convert their closed or frozen benefit to a non-MERS Qualified defined contribution money purchase plan, the member will become immediately vested in any non-vested employer contributions.

Addendum for Plan Closures, Freezes and Conversions

C. Conversions from the MERS Defined Contribution to the MERS Defined Benefit

For each current participant of the **MERS Defined Contribution** plan who irrevocably elects to convert (where the plan is closing to new hires, or where a current participant's service is frozen, and coverage will commence under the Defined Benefit plan), MERS shall transfer the participant's employer and employee Defined Contribution account balance (except rollovers from other plans) to the **MERS Defined Benefit** plan.

Service accrued under the Defined Contribution plan will be fully recognized in the Defined Benefit plan for vesting and eligibility purposes. Assets transferred to the Defined Benefit plan (including all assets transferred from the Defined Contribution plan for those electing conversion, plus any additional contributions made or required by the participating employer) must equal a minimum of 80% of the Defined Benefit's additional accrued actuarial liability, based on the results of an actuarial valuation.

Participants who elect to convert their accrued Defined Contribution benefit to the new Defined Benefit plan shall be credited toward Defined Benefit plan benefit service at _____% (5%-100%, in increments of 5%) of the participant's total Defined Contribution benefit service.

For participants currently enrolled in the Defined Contribution plan who have a previously frozen Defined Benefit plan with this employer (as a result of a mandatory freeze or election to freeze by the participant) and elect to convert their Defined Contribution benefit to the Defined Benefit plan, the previously frozen Defined Benefit plan account will remain frozen (including the frozen Final Average Compensation).

IV. Closing with Mandatory or Optional Freeze for Current Active Employees, where applicable (available in limited transactions)

If either the new Plan or the closing plan has mandatory employee contributions, they must be identical in both plans in order to offer employees a conversion or freeze option. Alternatively, the employer may mandate that the benefit accrual be frozen instead of making it optional for active employees. For an optional freeze, employees must be given a minimum of three months, and no longer than six months to make their election (3 to 6 months after Effective Date list on page 1).

Freeze effective the first day of: _____, 20____

With respect to the **Defined Benefit** or **Hybrid** (defined benefit portion) Plans that are closing and will freeze (either as a result of the plan freezing, or an individual option to freeze), the members' Final Average Compensation and Service Credit will be frozen and unchanged as of the effective date of the freeze. If the new plan is the MERS Defined Benefit, Defined Contribution or Hybrid Plan, service for vesting and eligibility purposes will continue to accrue on the frozen plan. If the new plan is the MERS 457 Plan, a non-MERS plan or no retirement plan, **all benefits shall be 100% vested**.

With respect to the **Defined Contribution** or **Hybrid** (defined contribution portion) Plans that are closing to new hires as mandatory or optional freeze for current members, their Defined Contribution account will no longer receive any further employer or employee contributions. If the new plan is the MERS Defined Benefit, Defined Contribution or Hybrid Plan **only**, vesting service will continue to accrue. If the new plan is the MERS 457 Plan, a non-MERS plan or no retirement plan, **all benefits shall be 100% vested**.

Addendum for Plan Closures, Freezes and Conversions

V. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved by _____ on
the ____ day of _____, 20____. (Name of Approving Employer)

Authorized signature: _____

Title: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____ Signature: _____
(Authorized MERS Signatory)

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote

Ordinance 25-03: Noxious Weeds - Roll Call Vote

BACKGROUND:

In response to community sentiment regarding the ability to provide for more pollinator habitat on private property, the Community Development department has authored amendments to the section of the City Code regarding Noxious Weeds.

Ordinance 25-03, attached, provides clear permissions for planned natural landscapes to support pollinator habitat, while still providing protection against nuisance vegetation that is detrimental to the health and safety of the community.

Per City Charter, an ordinance cannot be adopted at the meeting at which it is introduced. This ordinance was first introduced at the Commission's April 14, 2025 meeting.

FISCAL EFFECT:

None.

RECOMMENDATION:

Adopt Ordinance 25-03.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 25-03 Noxious Weeds

ORDINANCE #25-03
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 22, ARTICLE IV, REGARDING NOXIOUS WEEDS

INTENT

The purpose of this ordinance is to amend Article IV (Noxious Weeds) of Chapter 22 (Environment) of the Marquette City Code in order to clarify associated definitions and regulations.

The City of Marquette Ordains:

SECTION 1. That Article IV of Chapter 22 be hereby amended in its entirety to read as follows:

Article IV. Noxious Weeds

Sec. 22-99. Definitions.

- (a) 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:
- (1) *Clear vision triangle* shall have the meaning ascribed to that term in the City of Marquette Land Development Code.
 - (2) *Department* means the City of Marquette Department of Public Works.
 - (3) *Designated official* means any individual identified or designated under Sec. 30-21 of this code.
 - (4) *Invasive species* means non-native species that, when present, result in reduced native plant life.
 - (5) *Lawn* means an area of grass that is kept short.
 - (6) *Noxious weeds* means those plants identified by MCL 247.62, as amended.
 - (7) *Planned natural landscape* means an area of native grasses and wildflowers intended to serve as a pollinator habitat, which requires certification from the Marquette County Conservation District.
 - (8) *Turf grass* is a type of grass used for lawns.
 - (9) *Right-of-way* means city street right-of-way, including the terrace area between the sidewalk and the curb or edge of the street.

Sec. 22-100. Penalty.

Any owner or agent who violates any provision of this article shall be guilty of a municipal civil infraction. Each day that violation continues after due notice has been served shall be deemed a separate offense.

Sec. 22-101. Vision obstruction (corner lots).

No turf grass, weeds, shrubs, planned natural landscape, rain garden, or other plant growth shall impede the clear vision triangle.

Sec. 22-102. Height restrictions.

On private property, no turf grass shall be permitted to exceed a height of 6 inches. A planned natural landscape or rain garden shall have an average height of not more than 48 inches.

Sec. 22-102.1. City right-of-way.

The owner of every parcel of land is responsible for grading, planting, mowing, and raking the adjacent right-of-way. A planned natural landscape or rain garden shall not be located within or infringe upon any right-of-way. The City shall not be liable for damage to any vegetation planted in the City right-of-way that results from work performed by the City in the right-of-way.

Sec. 22-102.2. Noxious weeds and invasive species

No person shall fail to mitigate any noxious weeds or invasive species growing on private property or adjacent right-of-way. Upon notification, a property owner may be referred to the Marquette County Conservation District for assistance with a management plan. Failure to develop or adhere to a management plan will result in a penalty per Sec. 22-100.

Sec. 22-103. Notices.

Whenever the designated official determines that a violation of this article has occurred, he shall provide written notice to the owner or agent of the property. Such notice shall state a deadline for the correction to be made on the described property. The designated official shall be required to issue only one such notice to the owner or agent of the property each calendar year. Any subsequent violations will immediately be subject to abatement in accordance with Sec. 22-104.

Sec. 22-104. Abatement after notice.

If, at the expiration of the deadline in the notice issued pursuant to Sec. 22-103, the owner or agent of the property has not corrected the violation, the department shall take action to correct the violation. The cost of such abatement will be charged against the premises and the owner thereof, in accordance with the provisions of City Code Chapter 40, pertaining to special assessments. In the instance where abatement is carried out pursuant to this article, the city shall not be held liable for damage to any vegetation damaged during such abatement.

Sec. 22-105. Immediate abatement.

The city manager may declare any tree, shrub, or plant, including noxious weeds or invasive species, which endangers public property or the health and safety of the public, a nuisance. The city manager may abate any such public nuisance without giving notice if the public health or safety requires immediate action. Thereafter, the cost of abating

such nuisance may be charged against the premises of the owner thereof in accordance with the provisions of chapter 40, pertaining to special assessments.

Sec. 22-106:22-123. Reserved.

SECTION 2. That this ordinance shall take effect ten days after adoption but not before publication.

Jessica Hanley, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote

Ordinance 25-04: Businesses and Business Licensing - Roll Call Vote

BACKGROUND:

The Marquette City Code establishes regulations and processes for various types of businesses operating within the City. These licensing practices are detailed throughout multiple chapters in the City Code, making it needlessly complex for business owners and City staff to navigate. With this in mind, City staff conducted a review of several chapters of City Code related to businesses and business licensing.

Following this review, staff drafted the proposed ordinance, aimed at streamlining regulations and integrating most business license types into a single cohesive chapter, enhancing both accessibility and efficiency. This ordinance is not intended to implement significant changes for business owners, but to simplify the licensing framework. This ordinance would also repeal sections of City Code regarding business activities where regulation is not deemed necessary.

A summary of changes is attached, as is a copy of Ordinance 25-04.

Per City Charter, an ordinance cannot be adopted at the meeting at which it is introduced. This ordinance was first introduced at the Commission's April 14, 2025 meeting.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Adopt Ordinance 25-04.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 25-04 Business Licensing
- ▣ Summary

ORDINANCE #25-04
AN ORDINANCE TO REPEAL MARQUETTE CITY CODE
CHAPTERS 6,12, 34, 35, AND 50 REGARDING BUSINESSES
AND TO ADOPT A NEW CHAPTER 12 – BUSINESSES AND
BUSINESS LICENSING

INTENT

The purpose of this ordinance is to streamline regulations and integrate most business license types into a single more cohesive unified chapter, enhancing accessibility and efficiency within the City Code. Specifically, it repeals Chapter 6 (Amusements and Entertainment), Chapter 12 (Businesses), Chapter 34 (Peddlers, Solicitors, and Transient Merchants), Chapter 35 (Mobile Food Vending), and Chapter 50 (Vehicles for Hire), replacing them with a new Chapter 12 (Businesses and Business Licensing).

The City of Marquette Ordains:

SECTION 1. That Chapter 6 – Amusements and Entertainment be hereby repealed.

SECTION 2. That Chapter 12 – Businesses be hereby repealed.

SECTION 3. That Chapter 34 – Peddlers, Solicitors, and Transient Merchants be hereby repealed.

SECTION 4. That Chapter 35 – Mobile Food Vending be hereby repealed.

SECTION 5. That Chapter 50 – Vehicles for Hire be hereby repealed.

SECTION 6. That a new Chapter 12 – Businesses and Business Licensing be hereby adopted, to read as follows:

Chapter 12 – Businesses and Business Licensing

Article I. Licenses

Sec. 12-1. License required.

No person shall engage or be engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by any provision of either this code or of state law without first obtaining a license from the city in the manner provided for in this article. Unless stated otherwise, such license is required for each activity detailed in this chapter.

Sec. 12-2. Multiple businesses.

The granting of a license or permit to any person operating, conducting or carrying on any trade, profession, business or privilege which contains within itself, or is composed of, trades, professions, businesses or privileges which are required by this code to be licensed, shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business or privilege.

Sec. 12-3. State-licensed businesses.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license from the city if such license is required by this chapter.

Sec. 12-4. License year; short-term options.

- (a) Unless otherwise provided in this code, all licenses shall be issued for a term of one year, commencing on the first day of the month in which the license is originally issued.
- (b) The city clerk may issue short-term or seasonal licenses for certain business activities for a set period and at a prorated fee. Such licenses, time periods and fees shall be established by resolution of the city commission.

Sec. 12-5. Conditions for issuance.

No license or permit required by this code shall be issued to any person who is required to first have a license or permit from the state until such person shall submit evidence of such state license or permit. No license shall be granted to any applicant therefor until such applicant has complied with all of the provisions of this code applicable to the trade, profession, business or privilege for which application for license is made.

Sec. 12-6. Where certification required.

No license shall be granted where the certification of any officer of the city is required prior to the issuance thereof, until such certification is made.

Sec. 12-7. Certification from outside entities.

In all cases where the certification of a state or county officer is required prior to the issuance of a license by the city clerk, no license shall be issued until such person shall submit evidence of such certification.

Sec. 12-8. Fees.

Any fees required for any license issued under this chapter shall be established by resolution of the city commission and shall be paid to the office of the city clerk at the time of application. Review and processing of applications will not begin prior to payment.

Sec. 12-9. License renewals.

Unless otherwise provided in this code, an application for renewal of a license shall be considered in the same manner as an original application. However, completed applications, and associated fees, for license renewal shall be submitted to the office of the city clerk at least 30 days prior to the expiration of the existing license. Applications for renewal submitted after the established deadline but before expiration may be subject to an additional late renewal fee as set forth by resolution of the city commission.

Sec. 12-10. Right to issuance.

If the application for any license meets the requirements of this code, said license shall be granted and shall serve as confirmation that the application has met all requirements.

Sec. 12-11. Insurance.

No license shall be issued under this chapter until the applicant is insured in a manner and amount acceptable to the city attorney. Proof of the required insurance shall be provided to the office of the city clerk prior to the granting of said license.

Sec. 12-12. Same - Exempt persons.

No license fee shall be required from any person exempt from such fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The city clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to said exemption and the reason therefor.

Sec. 12-13. Exhibition of license.

No licensee shall fail to carry any license issued in accordance with the provisions of this article upon his person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, said license shall be exhibited at all times in some conspicuous place in his place of business. Every licensee shall produce his license for examination when requested to do so by any city law enforcement officer or by any person representing the issuing authority. No person shall display any expired or otherwise invalid license.

Sec. 12-14. No representation of endorsement.

Under no circumstances shall an individual represent the granting of a license under this chapter as an endorsement by the city.

Sec. 12-15. Non-transferability.

No license issued under the provisions of this chapter shall be transferable. No shall transfer or attempt to transfer his license to another nor shall he make any improper use of the same. Any attempt by a licensee to transfer his license to another, or use the same improperly, shall be void and result in the automatic revocation of such license.

Sec. 12-16:12-19. Reserved.

Article II. Application

Sec. 12-20. Application required.

Unless otherwise provided in this chapter, every person required to obtain a license from the city to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for said license to the city clerk upon forms provided by the city clerk and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such license.

Sec. 12-21. Administrative review.

- (a) An application for a license issued pursuant to this chapter shall be reviewed as follows, and shall not be issued until the office of the city clerk has received confirmation that the application has satisfied all requirements:
 - (1) The city police chief or designee shall investigate the applicant as necessary to satisfy himself that there are no outstanding criminal charges against the applicant and that the business to be conducted is not intended to cheat or defraud the public.
 - (2) The city treasurer or designee shall determine if the applicant owes to the city any taxes or other default, and if no such default exists, shall so indicate his findings. A license shall not be issued where default is reported.
 - (3) The city planner or zoning official shall determine if the application is in compliance with the regulations of the City of Marquette Land Development Code, Chapter 54 of the City Code. A license shall not be issued where noncompliance issues exist.
 - (4) The fire chief or designee shall make a determination as to the habitability and safety of the structure and property to be used for such business, and shall verify the safety and legality of all fireworks sales. In all cases where the certification of the fire chief is required prior to the issuance of any license, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license proposes to conduct or is conducting the trade, profession, business or privilege comply with all the fire regulations of the state and of the city.
 - (5) Additional reviews as otherwise required by this chapter.

Sec. 12-22. Application requirements.

- (a) Each application for a license issued pursuant to this chapter shall include:
 - (1) Name, address and contact information for the applicant.
 - (2) Name, address, contact information and copy of current government-issued identification for the owner or manager of the business.
 - (3) Any additional information as required by this chapter or by the city clerk.

Sec. 12-23. Online application and payment.

Application submissions and fee payments for licenses required by this chapter may be made electronically in a manner prescribed by the city clerk.

Sec. 12-24:12-27. Reserved.

Article III. Fixed-Location Businesses

Division I. Lodging Establishments

Sec. 12-28. License required, definition.

- (a) No person shall operate or maintain any lodging establishment within the city without first obtaining a license pursuant to the requirements of this chapter.
- (b) For the purposes of this article, a lodging establishment is any operation that is identified as a Bed and Breakfast, a Bed and Breakfast Inn, a Hotel, a Motel or a Rooming House, based on the meanings ascribed to those terms in the City of Marquette Land Development Code, Chapter 54 of the City Code.

Sec. 12-29. Register maintained.

- (a) Every licensee shall maintain a register or record in which shall be entered:
 - (1) The name of any person who is charged or pays for lodging or the rent of a room;
 - (2) The home address of such person or his last place of residence;
 - (3) The number of the room to which such person has been assigned; and
 - (4) Make and license plate number of each vehicle used by each such person.
- (b) Such register shall be maintained in said premises and shall be submitted upon the demand of any law enforcement officer of the city.

Sec. 12-30. Sanitary requirements.

Each establishment licensed under the terms of this article shall be kept in a clean and sanitary condition and well-ventilated.

Sec. 12-31:12-34. Reserved.

Division II. Farmers Markets and Farm Produce Vendors

Sec. 12-35. Definitions.

- (a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (1) *Farm produce* means fresh produce, fresh or frozen meat, seafood, poultry, or prepared food products produced by a licensed farm produce vendor or the members of his immediate family.
 - (2) *Farm produce vendor* means a person licensed to sell farm produce by the city.
 - (3) *Farmer's market* means an area designated by resolution of the city commission where farm produce vendors may sell their produce.
 - (4) *Farmer's market organization* means an organization authorized by resolution of the city commission to operate a farmer's market.
 - (5) *Market master* means the person designated by a farmer's market organization who has authority to enforce the rules of the farmer's market and to perform such other functions as the organization shall determine, or, if there is no organization, the individual designated by the city commission as having responsibility for that farmer's market.
 - (6) *Outdoor sale* means any retail sale not taking place in a permanent building.

Sec. 12-36. Outdoor sales prohibited, exceptions.

- (a) No person, group, business, or other organization shall engage in the outdoor sale of farm produce in the city, with the following exceptions:
 - (1) Grocery stores or other retail businesses operating from permanent buildings and that regularly sell farm produce may conduct temporary outdoor sales of farm produce, provided these sales occur on the same property as the business and comply with all relevant provisions of this code, including those in the City of Marquette Land Development Code, Chapter 54 of the City Code.
 - (2) Licensed farm produce vendors or a recognized farmer's market organization may sell outdoors in a designated farmer's market.

Sec. 12-37. Designated market locations, responsible parties, market master.

- (a) The city commission may, by resolution, designate one or more specific locations as farmer's markets for the sale of farm produce in the city. In establishing such locations, the commission shall give consideration to the character of the neighborhood, the effect of the farmer's market on the neighborhood, the zoning of the area, especially the site for the farmer's market, other businesses located on the same site, the need for farmer's markets in the city, and the proposed organization which will be responsible for operation of the farmer's market.
- (b) In designating a farmer's market location, the city commission shall also designate the person or organization responsible for operation of said farmer's market. Said person or organization shall, at the time designation of the farmer's market is requested, present the commission with the proposed operating rules for the farmer's market, and the bylaws of the organization if there is one. Said rules shall, at a minimum, demonstrate that the proposed farmer's market will comply with all pertinent portions of this code and shall indicate what specific actions will be taken to protect the interests of the consumer.
- (c) Each designated farmer's market shall at all times of operation have a market master on duty. The market master may be a person designated by the farmer's market organization, or, if the market is operated by an individual, either that individual or his designee. The market master shall be responsible for overseeing the operation of the farmer's market in such a manner that all governmental regulations are complied with, and the rules of the farmer's market are enforced.

Sec. 12-38. License required, group licensing.

- (a) No person shall operate as a farm produce vendor in the city without first obtaining a license pursuant to the requirements of this chapter.
- (b) A farm produce vendor license may also be issued to a farmer's market organization, and will apply to the activities of all vendors active in the market. Each person who may serve as market master for the organization shall be reviewed as specified. The organization shall pay the same license fee that applies to a single transient merchant license.

Sec. 12-39:12-42. Reserved

Division III. Sidewalk Cafes

Sec. 12-43. License required, definition.

- (a) The city clerk may issue a sidewalk café license, allowing a food service establishment to occupy a portion of adjacent city right-of-way in order to place tables, chairs, planters and windscreens in conjunction with selling and consuming food and beverages.

- (b) No person shall operate a sidewalk cafe in the city without first obtaining a license pursuant to the requirements of this chapter.
- (c) For the purposes of this division, the term *food service establishment* shall have the definition ascribed in Michigan Public Act 92 of 2000 – MCL 289.1101, et seq. – as amended.

Sec. 12-44. Operating regulations.

- (a) Each business or individual licensed to operate a sidewalk café shall abide by the following regulations:
 - (1) Sidewalk cafes shall not unreasonably interfere with the view, access to, or use of the adjacent property. Unobstructed access shall be provided to all building entrances, including at least a two-foot linear clearance on each side of a building entrance.
 - (2) Sidewalk cafes shall not be granted to a business operating on or directly adjacent to property zoned exclusively for residential purposes.
 - (3) Sidewalk cafes shall not unduly obstruct pedestrian movement nor diminish the safety of the general public.
 - (4) Sidewalk cafes shall not be attached to or cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way.
 - (5) In compliance with Chapter 42 of this code, a clear path shall be maintained along the full length of the sidewalk for general pedestrian use. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
 - (6) All signs must meet the requirements found in the City of Marquette Land Development Code, Chapter 54 of the City Code.
 - (7) The immediate area of the cafe shall be maintained free of litter and debris.
 - (8) Tables, chairs, portable signs and other equipment used in the operation of the cafe shall be removed daily at the close of business.
 - (9) Hours of operation of the sidewalk cafe shall not be later than 11:00 p.m.

Sec. 12-45. Cafes with alcohol service, additional regulations.

- (a) The city clerk may issue a sidewalk café license, allowing a food service establishment to occupy a portion of adjacent city right-of-way in order to place tables, chairs, planters and windscreens in conjunction with selling and consuming food and alcoholic beverages. A business or individual licensed to operate a sidewalk café with alcohol shall abide by all regulations detailed in Sec. 12-44, as well as the following:
 - (1) The operator of the sidewalk cafe shall procure the appropriate license from the Michigan Liquor Control Commission and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan.
 - (2) The sidewalk cafe area shall be separated from pedestrian traffic by an approved barrier. The barrier shall be removed daily at the close of business.
 - (3) A sign clearly indicating that no alcohol is permitted beyond the barrier shall be posted at a conspicuous location within the sidewalk cafe.
 - (4) All alcoholic beverages to be served at sidewalk cafes shall be prepared within the adjacent indoor establishment that serves food and/or alcoholic beverages, and alcoholic beverages shall only be served to patrons seated in the café area. The drinking of alcoholic beverages by a member of the public while a patron at a

sidewalk cafe within the confines of the sidewalk cafe area shall not be construed as a violation of any ordinance controlling open containers in a public area.

- (5) Sidewalk cafes serving alcohol shall be continuously supervised by employees of the establishment.

Sec. 12-46. Duration.

- (a) Licenses shall be for the period of May 1 to October 31 for the year in which granted, and cafes shall not operate outside of this period unless otherwise permitted.
- (b) The city manager or his or her designee may extend the operational dates for sidewalk cafes in any given year, allowing sidewalk cafes licensed under this division to begin operating prior to May 1 or beyond October 31.

Sec. 12-47:12-50. Reserved.

Division IV. Outdoor Merchandise Displays

Sec. 12-51. License required.

- (a) The city clerk may issue an outdoor merchandise display license, allowing for the temporary placement of merchandise on a public sidewalk for the purpose of displaying, exhibiting, or offering for sale goods sold by an adjacent business.
- (b) No person shall display merchandise on a public sidewalk in the city for the purpose of displaying, exhibiting, or offering said merchandise for sale without first obtaining a license pursuant to the requirements of this chapter.

Sec. 12-52. Operating regulations.

- (a) Each business or individual licensed to operate an outdoor merchandise display shall abide by the following regulations:
 - (1) Displays shall not unreasonably interfere with the view, access to, or use of the adjacent property. Unobstructed access shall be provided to all building entrances, including at least a two-foot linear clearance on each side of a building entrance.
 - (2) Displays shall not unduly obstruct pedestrian movement nor diminish the safety of the general public.
 - (3) Displays must maintain an orderly appearance and be displayed only during hours of operation of the adjacent retail business and shall be removed by the close of the business day.
 - (4) Items displayed shall be limited to merchandise sold by the business.
 - (5) All transactions shall occur only inside the retail establishment.
 - (6) Merchandise and the fixtures or devices on which it is displayed shall be located so that they do not impede, endanger or interfere with pedestrian or vehicular traffic.
 - (7) In compliance with Chapter 42 of this code, a clear path shall be maintained along the full length of the sidewalk for general pedestrian use. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
 - (8) When possible, displays shall be located within the business' frontage and immediately adjacent to the business and must not exceed six feet in length or height.
 - (9) All signs must meet the requirements found in the City of Marquette Land Development Code, Chapter 54 of the City Code.

- (10) The licensee shall be responsible for all material associated with the display, including goods, commodities, and display structures and for ensuring all are kept clean, attractive, safe, and in good repair.
- (11) The licensee shall be responsible for keeping the sidewalk area in front of the business clean, swept, and free of litter and debris, and for providing refuse receptacles to be used for all refuse generated by activity related to the display. The licensee shall remove said receptacles at the end of each business day. Such refuse shall not be deposited in city refuse containers.
- (12) Outdoor displays shall be secured to prevent movement. However, they may not be permanently anchored to the right-of-way or attached or affixed to any public tree, light post, sign, or similar fixture.
- (13) The minimum height for the lower portion of any umbrella or shade structure or apparatus must be at least 80 inches above the sidewalk. If vertical clearance of an area adjoining an accessible route is reduced to less than 80 inches (nominal dimension), a barrier to warn blind or visually impaired persons shall be provided.

Sec. 12-53. Duration.

- (a) Licenses shall be for the period of May 1 to October 31 for the year in which granted, and outdoor merchandise displays shall not be operated outside of this period unless otherwise permitted.
- (b) The city manager or his or her designee may extend the operational dates for outdoor merchandise displays in any given year, allowing displays licensed under this division to begin operating prior to May 1 or beyond October 31.

Sec. 12-54:12-57. Reserved.

Article IV. Mobile and Temporary Businesses

Division I. Mobile Food Vendors

Sec. 12-58. Definitions.

- (a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
- (1) *Brick and mortar restaurant* shall mean a business located in a physical structure which provides a permanent public seating area, and whose normal business includes the preparation and sale of food and/or beverages.
 - (2) *Food cart* shall mean a mobile food vending unit propelled by human power alone, which has been specifically designed or used for mobile food vending and in which food or drink is not prepared on the premises.
 - (3) *Food trailer* shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.
 - (4) *Food truck* shall mean a vehicle propelled by an engine which has been specifically designed or used for mobile food vending.
 - (5) *Mobile food vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit; or vending, serving, or offering for sale food and/or beverages prepared for consumption in a mobile food vending unit; may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.
 - (6) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground and in which food or drink is prepared for direct consumption through service on the premises or elsewhere. For the purposes of this division, food carts, food trailers and food trucks are considered mobile food vending units.
 - (7) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.
 - (8) *Prepackaged and non-perishable food* means any food or beverage which is not capable of supporting rapid and progressive growth of microorganisms which may cause food infections; and which is packaged in a hermetically sealed container designed to keep the contents free of contamination by microorganisms and maintain the commercial sterility of its contents after thermal processing. The term shall include packaged candy, gum and confections and bottled or canned water or soft drinks, if the package, bottle or can includes a manufacturer's quality assurance date. In no case shall the term include fresh or processed meats, poultry, seafood, dairy products, eggs, or fresh fruit and vegetables.
 - (9) *Vendor* shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single mobile food vending unit then vendor shall mean all individuals operating such mobile food vending unit.

Sec. 12-59. License required.

- (a) No person shall engage in mobile food vending in the city without first obtaining a license pursuant to the requirements of this chapter.

- (b) No vending through a mobile food vending unit of food and other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this division.

Sec. 12-60. Exceptions.

Mobile food vendors that are only operating in association with a special event permitted under a City of Marquette Special Events Permit will be addressed through that process.

Sec. 12-61. Application.

- (a) Every vendor desiring to engage in mobile food vending shall make a written application to the city clerk. In addition to the application requirements detailed in Article II of this chapter, the application for a license pursuant to this division shall include the following information:
 - (1) A list of the food products offered for sale and a description of preparation methods.
 - (2) A description of and information on the mobile food vending unit, including size.
 - (3) The proposed hours of operation, intended areas of operations, plans for electrical access, wastewater disposal, and trash disposal.

12-62. Requirements.

- (a) Any vendor engaging in mobile food vending shall comply with the following requirements:
 - (1) May only operate during hours established by city commission resolution.
 - (2) If operating on city-owned or controlled property, may only vend on property identified by city commission resolution.
 - (3) May not vend from a mobile food vending unit that exceeds 36 feet in length or nine feet in width.
 - (4) Shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor.
 - (5) The customer service area for any mobile food vending unit shall be on the side of the street facing a curb, lawn, or sidewalk. No food service shall be provided on the side of the mobile food vending unit facing the driving lane.
 - (6) Mobile food vending units utilizing public parking spaces or parked on public streets shall conform to all applicable parking regulations, including time restrictions and payment requirements for the parking space.
 - (7) Mobile food vending units shall not hinder the lawful parking or operation of other vehicles.
 - (8) No food shall be displayed outside of a mobile food vending unit.
 - (9) While operating on city-owned or controlled property, a vendor shall not provide or allow any dining area, including but not limited to tables and chairs, booths, stools, benches, and counters.
 - (10) When extended, awnings for mobile food vending units shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
 - (11) Shall not operate on city-owned or controlled property within one block of a city-sanctioned or authorized street fair, public festival, farmers market or event being conducted, without first receiving authorization from the event sponsor.

- (12) Shall not use external signage, bollards, seating or other equipment that is not contained in the vehicles. Signage is only permitted when physically attached to the mobile food vending units. No separate freestanding signs are permitted.
- (13) Shall not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (14) A mobile food vending unit may not be left unattended.
- (15) A mobile food vending unit on city-owned or controlled property shall be removed during the hours stipulated under city commission resolution.
- (16) Any power required for a mobile food vending unit located on city-owned or controlled property shall be self-contained and shall not use utilities drawn from the city-owned or controlled property, unless such activity is otherwise permitted.
- (17) Mobile food vending units on private property may use electrical power from the property being utilized with prior written authorization of the power customer.
- (18) Unless otherwise permitted, power cables or similar devices shall not be run across any city street or alley, and shall not be run across or within pedestrian walkways or areas.
- (19) Mobile food vending units parked on city-owned or controlled property shall not be parked within 150 feet of any entrance to an existing brick and mortar restaurant during the hours when such restaurant is open for business to the public, unless written permission, a copy of which must be provided to the city, is first given by the restaurant owner.

Sec. 12-63. Vending by permission.

On city-owned or controlled property not identified by city commission resolution as a vending location, temporary mobile food vending is permitted on a case-by-case basis. Following a review of proposed vending times and activities, approval may be granted by the chief of police.

Sec. 12-64. Impoundment.

Any equipment associated with food vending that is not in compliance with this chapter and left on public property may be impounded at the owner's expense.

Sec. 12-65:12-68. Reserved.

Division II. Transient Merchants

Sec. 12-69. Definitions.

- (a) For the purposes of this chapter, the term “transient merchant” shall mean any of the following:
 - (1) Any person who offers goods, property or services for sale in the streets, highways, thoroughfares or public rights-of-way of the City.
 - (2) Any person who travels from place to place for the purpose of displaying, selling, making sales, offering for sale or leasing with the option to buy, at retail, any goods, property or services. Also any person who travels by foot, vehicle, wagon, cart or any other means of conveyance whatsoever displaying, selling, offering for sale, taking orders for sale, or leasing with the option to buy, at retail, any goods, property or service.
 - (3) Any person who travels from place to place and offers for sale, takes orders for or attempts to take orders for the retail sale of any goods, personal property or service whatsoever for future delivery. Also any person who, while on a public street or

while in a public place, offers for sale, takes orders for or attempts to take orders for the retail sale of any goods, personal property or service whatsoever for future delivery.

- (4) Any person who sells, offers for sale, exhibits, displays, demonstrates or takes orders for the retail sale of any personal property or service whatsoever from any vehicle, conveyance, stand or temporary structure. Also any person who for a period of less than six months hires, leases, rents, occupies or uses any place or places within the City, whether in a building or not, for the purpose of exhibiting samples or for the purpose of taking orders for future delivery or both.

- (5) A person licensed as a mobile food vendor is not considered a transient merchant for the purposes of this division.

- (b) *Traveling from place to place* means progressing from one street address to another street address and not returning within a 2-hours period to any such address to solicit or peddle.

Sec. 12-70. License required.

No person shall operate as a transient merchant within the city without first obtaining a license pursuant to the requirements of this chapter.

Sec. 12-71. Practices prohibited.

No transient merchant shall shout or cry out his goods or merchandise, nor blow any horns, or use any other similar device to attract the attention of the public.

Sec. 12-72. Group event licensing.

- (a) For an organized event scheduled to be held on one or more dates at which more than three transient merchants will be operating simultaneously in a single location, the organization sponsoring such event may obtain a group license which shall apply to all transient merchants at that event.
 - (1) The organization shall file an application with the city clerk as detailed in Article II.
 - (2) The organization shall pay the same license fee that applies to a single transient merchant license.

Sec. 12-73. Exemptions.

- (a) The following shall be exempt from the licensing requirements of this division, but shall be subject to the other provisions hereof:
 - (1) Any person under eighteen (18) years of age, when engaged in the business of being a transient merchant on foot in the neighborhood of his or her residence under the direct supervision of any school or recognized charitable organization or religious organization.
 - (2) Any person exempt from the licensing requirements of this Chapter by virtue of State or Federal law.
 - (3) Any person who is the duly authorized representative or agent of any church, charitable or labor organization, education or fraternal organization, or of any political group seeking funds or membership or contacting members or electors.
 - (4) Any transient merchant engaging in business solely at a City-operated event or in association with an event authorized by a City of Marquette Special Events Permit, provided that all transactions are conducted solely within the confines of said events and that the rules and regulations of the event are observed.

Sec. 12-74:12-77. Reserved.

Article V. Special Businesses and Activities

Division I. Activities Regulated by State Law

Sec. 12-78. Activities Regulated by State Law.

In any case where state or federal law requires a person to obtain a municipal license prior to engaging in the operation, conduct or carrying on of any trade, profession or business, the application and review process for said licenses will adhere to that detailed in Articles I and II of this chapter.

Sec.12-79-12-82. Reserved.

Division II. Street Performers

Sec. 12-83. Definitions.

- (a) 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:
 - (1) *Designated public area* means an area on public property designated for street performances.
 - (2) *Perform/performance* means a live, public presentation or exhibition which includes, but is not limited to, the following activities: acting, singing, playing a musical instrument(s), pantomime, juggling, magic, dancing, reading aloud, puppetry, art demonstrations, and performing of any sort.
 - (3) *Performer* means a person conducting activities defined as a performance under this article.

Sec. 12-84. No licenses required, rules and regulations.

- (a) Individuals may perform in designated public areas in the city. No license is required for this.
- (b) Any performer operating in the city shall comply with the following:
 - (1) May only locate in a designated public area, as identified by city commission resolution.
 - (2) May only perform during hours established by city commission resolution.
 - (3) A person who is under the age of 15 shall only perform when accompanied at all times by a responsible adult. A person who is 15 years of age or older may perform without a responsible adult.
 - (4) A performer may request contributions or money at a performance. Contributions may be received in any receptable, so long as it does not interfere with the pedestrian passage requirements set forth in section 42-30 of this code.
 - (5) May only perform if located more than ten feet from the entrance of any business, unless prior permission is granted by the business owner.
 - (6) May only perform if located more than 50 feet from any other performer, unless performing together.
 - (7) May only perform if located more than 100 feet from any playground or school while in session, unless prior permission is granted by the school administrator.
 - (8) May not use any:
 - i. Knife, sword, torch, flame, axe, saw, animal or other object, thing or being that can cause serious bodily injury to any person;
 - ii. Amplification device;

- iii. Generator, battery or any other power source that poses a fire or public safety hazard;
- iv. Electrical connection to an adjacent building or city power source.
- (9) The performer shall be responsible for clean-up of all litter at the performance site.
- (10) Must allow the public to utilize any public benches, waste receptacles or other street furniture during the performance.
- (11) Must not block or obstruct a curb cut.
- (12) Must allow for the free and safe movement of pedestrians in accordance with section 42-30 of this code. If a sufficient crowd gathers to observe a performance such that the passage of the public through a public area is blocked or obstructed, a police officer may disperse that portion of the crowd that is blocking or obstructing the passage of the public.
- (13) Must only perform with instruments, props, equipment, or other items the performer can reasonably transport or remove at one time.
- (14) May not obstruct visibility for passing motorists.
- (15) May not offer for sale or make available for a price or donation any items.
- (16) May not create excessive levels of noise, as established in section 22-30 of this code.

Sec. 12-85. Temporary exclusion.

The city manager or his or her designee may temporarily exclude a designated public area, due to road or sidewalk construction, utility maintenance, other city activity, or in the case of an emergency. Such designation will be based upon the determination that exclusion is necessary to protect the public health, safety, and welfare.

Sec. 12-86-12-89. Reserved.

Article VI. Penalty and Appeal

Sec. 12-90. Civil Infraction.

- (a) An individual who violates any portion of this chapter is responsible for a municipal civil infraction and subject to a fine as established by resolution of the city commission.
- (b) For the purposes of this chapter, a violation is defined as:
 - (1) Any action explicitly prohibited by this code;
 - (2) Any failure to perform an action explicitly required by this code;
 - (3) Any action or omission that creates a condition that is:
 - i. Contrary to public health, morals, safety, or welfare;
 - ii. Unlawful, irregular, or fraudulent;
 - iii. Beyond the scope or unauthorized by the license granted;
 - iv. In violation of this code or by any rules or regulations promulgated by the city or state applicable to the relevant trade, profession, business, or permitted activity.

Sec. 12-91. License revocation.

- (a) Any license issued pursuant to this chapter may be suspended or revoked by the city clerk, or by the issuing authority, for cause.
- (b) The term “cause,” as used in this article, shall include the doing or omitting of any act or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license is granted under the provisions of this code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:
 - (1) Contrary to public health, morals, safety, or welfare;
 - (2) Unlawful, irregular, or fraudulent;
 - (3) Beyond the scope or unauthorized by the license granted;
 - (4) In violation of this code or by any rules or regulations promulgated by the city or state applicable to the relevant trade, profession, business, or permitted activity.
- (c) Upon suspension or revocation of any license, the fee for said license shall not be refunded.

Sec. 12-92. Appeal process.

- (a) Upon license revocation, the license holder shall have 14 days from the mailing of the written notice of revocation to appeal the decision to the city manager. The city manager may require additional information or act upon the appeal based upon the information previously supplied to the city. Should the city manager reverse the decision to revoke the license, the city shall immediately reinstate the license. Should the city manager affirm the decision, the city shall mail a written notice affirming the decision to the address for the license holder contained in the city's records.
- (b) Should the city manager affirm the revocation of a license, the license holder shall have 14 days from the mailing of the written notice affirming the decision to appeal the decision to the city commission, by filing with the city clerk a written notice of appeal. The city commission shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven days from the receipt of the appeal. The commission may confirm such suspension or revocation or reinstate any such license. The action taken by the commission shall be final.

SECTION 7. That this ordinance shall take effect ten days after adoption but not before publication.

Jessica Hanley, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

Summary for Ordinance 25-04 Businesses and Business Licensing

The proposed ordinance, Ordinance 25-04, consolidates and updates business licensing processes, introducing a standardized application process, clarifying license categories, and streamlining oversight.

First, the ordinance repeals the following business-related chapters:

- Chapter 6 – Amusements and Entertainments
 - This provided for theater licensing, which has been deemed to be an unnecessary licensing category
- Chapter 34 – Peddlers, Solicitors and Transient Merchants
 - This activity is better defined and integrated into the new consolidated Chapter 12 (Article IV)
- Chapter 35 – Mobile Food Vending
 - This activity is integrated into the new consolidated Chapter 12 (Article IV)
- Chapter 50 – Vehicles for Hire
 - Taxi licensing is now regulated by state law

Next, the ordinance fully replaces Chapter 12. The overall organization of the new chapter is as follows:

- Art. I: General license regulations
- Art. II: Standardized application process for all license types.
- Art. III: Fixed-location businesses
 - Lodging Establishments (hotels, motels, rooming houses, B&Bs)
 - Farmers Markets
 - Sidewalk Cafes
 - Outdoor Merchandise Displays
- Art. IV: Mobile and Temporary Businesses
 - Mobile Food Vendors
 - Transient Merchants
- Art. V: Special Businesses and Activities
 - Street Performers (regulated, but not licensed)
 - State-regulated businesses (e.g., precious metal and secondhand dealers)

The proposal changes very little in practice. Rather, it just cleans things up and organizes the processes a bit more cleanly. There are some small changes, however, including:

- Sidewalk Cafes:
 - The City Manager may extend the season annually by discretion.
- Outdoor Merchandise Displays:
 - The City Manager may extend the season annually by discretion.
 - Now permitted citywide, and not limited to just the DDA.
- Short-Term Licenses:
 - The Commission may create seasonal or prorated licenses via resolution (anticipated primarily for mobile food vendors).
- Renewal timeline
 - Allows for the implementation of an additional fee if a renewal is submitted late
- Revocation and Appeal
 - Consolidates the appeals process. License revocation can be appealed to the city manager and ultimately to the city commission.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote **Ordinance 25-05: Solid Waste Collection**

BACKGROUND:

In January, the City Commission approved an amendment and extension to the City's contract with Waste Management for curbside residential collection services. This amendment included the transition to a fully carted collection system and provided for the curbside collection of materials to take place during the day.

The proposed ordinance, a draft of which is attached, is intended to update regulations related to the placement and removal of containers for solid waste collection. The proposal updates the City Code's definition of appropriate garbage containers (Sec. 38-24) and would clarify the required processes and timelines related to placing garbage containers curbside prior to collection and removing them following collection (Sec. 38-21).

In addition to the draft ordinance, staff has attached a document showing the specific changes being proposed.

Per City Charter, an ordinance cannot be adopted at the meeting at which it is introduced. This ordinance will appear at a future meeting for final consideration.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Move Ordinance 25-05 to the next regular meeting for consideration.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 25-05 Solid Waste Collection
- ▣ Proposed Changes

ORDINANCE #25-05
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 38, ARTICLE II, REGARDING SOLID WASTE
COLLECTION

INTENT

The purpose of this ordinance is to amend Article II (Collection and Disposal) of Chapter 38 (Solid Waste) of the Marquette City Code in order to update regulations related to the placement and removal of containers for solid waste collection.

The City of Marquette Ordains:

SECTION 1. That Section 38-21 be hereby amended in its entirety to read as follows:

Sec. 38-21. Placement of containers and special materials for collection.

- (a) After 1:00 p.m. on the day preceding the scheduled garbage and/or rubbish and recyclables collection, residents who are making use of the curbside pickup shall place materials designated for collection in containers approved for that purpose. Such containers shall be placed in the area between the sidewalk and curb, or between two and eight feet from the edge of the roadway in areas where there are no sidewalks or curbs. These containers shall be placed in front of the serviced property and in a location accessible to city sanitation equipment. During the winter months, garbage and recyclables containers shall be placed in a driveway opening or some other established opening in the snowbank.
- (b) Within 12 hours after pickup, all garbage and recyclables containers shall be removed from the public right-of-way to a location on the owner's property.
- (c) Any household not having an able-bodied person capable of, or a neighbor willing to assist in, putting out the garbage for curbside pickup shall register with the department of public works for special consideration. Special service cannot be provided without registration. As situations change, type of service shall be reconsidered.
- (d) All owners of commercial, industrial, and institutional properties, and multifamily units with six or more apartments not serviced by the city collection service, shall provide and maintain safe, clean, on-site storage facilities for garbage and rubbish generated on the property. Said storage shall be located on the property in accordance with the provisions of the city zoning regulations, covered and completely screened from view from the public street, with adequate capacity to store the volume generated between collections. The property owner shall provide for collection and disposal in accordance with all applicable laws and regulations. All garbage shall be collected and properly disposed of at least once per week. The property owner shall restrict parking and provide snow removal, as may be necessary, to facilitate regular garbage collection.

- (e) The city may designate disposal sites or conduct special collections for specific special materials. Designated special materials for such collections are to be placed between the sidewalk and curb, or between two and eight feet from the edge of the roadway in areas where there are no sidewalks or curbs. These special materials shall be placed in front of the owner's property in a location accessible to city collection equipment, and shall not be placed on the street right-of-way more than one week prior to the scheduled date for collection.

SECTION 2. That Section 38-24 be hereby amended in its entirety to read as follows:

Sec. 38-24. Garbage and rubbish containers.

All yards, alleys, streets, vacant lots, or other spaces in the city shall be kept free from rubbish, special materials, and garbage, unless the same is contained in covered containers. All garbage and rubbish to be picked up during the scheduled garbage and/or rubbish and recyclables collection must be in containers designated for that purpose by city commission action. All containers shall be tightly closed at all times. The resident is responsible for damage to containers resulting from dogs, cats, rodents, etc.

SECTION 3. That this ordinance shall take effect ten days after adoption but not before publication.

Jessica Hanley, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

Sec. 38-21. Placement of containers and special materials for collection.

- a) ~~Between the hours of~~After 1:00 p.m. ~~and 10:00 p.m.~~ on the day preceding the scheduled garbage and/or rubbish and recyclables collection, residents who are making use of the curbside pickup shall place materials designated for collection in containers approved for that purpose. ~~their garbage and recyclables containers, or approved garbage bags~~ Such containers shall be placed in the area between the sidewalk and curb, or between two and eight feet from the edge of the roadway in areas where there are no sidewalks or curbs. These containers shall be placed in front of the ~~owner's serviced~~ property and in a location accessible to city sanitation equipment. During the winter months, garbage and recyclables containers shall be placed in a driveway opening or some other established opening in the snowbank.
- b) Within 12 hours after pickup, all garbage and recyclables containers shall be removed ~~out of view~~ from the public ~~street right-of-way~~ to a location on the owner's property.
- c) Any household not having an able-bodied person capable of, or a neighbor willing to assist in, putting out the garbage for curbside pickup shall register with the department of public works for special consideration. Special service cannot be provided without registration. As situations change, type of service shall be reconsidered.
- d) All owners of commercial, industrial, and institutional properties, and multifamily units with six or more apartments not serviced by the city collection service, shall provide and maintain safe, clean, on-site storage facilities for garbage and rubbish generated on the property. Said storage shall be located on the property in accordance with the provisions of the city zoning regulations, covered and completely screened from view from the public street, with adequate capacity to store the volume generated between collections. The property owner shall provide for collection and disposal in accordance with all applicable laws and regulations. All garbage shall be collected and properly disposed of at least once per week. The property owner shall restrict parking and provide snow removal, as may be necessary, to facilitate regular garbage collection.
- e) The city may designate disposal sites or conduct special collections for specific special materials. Designated special materials for such collections are to be placed between the sidewalk and curb, or between two and eight feet from the edge of the roadway in areas where there are no sidewalks or curbs. These special materials shall be placed in front of the owner's property in a location accessible to city collection equipment, and shall not be placed on the street right-of-way more than one week prior to the scheduled date for collection.

...

Sec. 38-24. Garbage and rubbish containers.

All yards, alleys, streets, vacant lots, or other spaces in the city shall be kept free from rubbish, special materials, and garbage, unless the same is contained in covered containers. All garbage and rubbish to be picked up during the scheduled garbage and/or

~~rubbish and recyclables collection~~ must be in ~~containers designated for that purpose such~~
~~containers as required~~ by city commission action. All containers shall be tightly closed at
all times, ~~and all approved garbage bags shall be properly tied. Plastic bags shall not~~
~~exceed 30 pounds.~~ The property owner/resident is responsible for damage to containers
resulting from dogs, cats, rodents, etc. ~~Any container of metal or wood with a secure lid can~~
~~exceed the size/weight criteria, but it must be used for storage only, and at no time will be~~
~~used as a pickup container. Storage containers placed on the right-of-way to be serviced by~~
~~the city collection service must be lined with a city-approved garbage bag securely closed~~
~~and tied at the top. All storage containers must be maintained in a clean, safe condition.~~

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote **Ordinance 25-06: Street Parking Restrictions**

BACKGROUND:

In January, the City Commission approved an amendment and extension to the City's contract with Waste Management for curbside residential collection services. This amendment included the transition to a fully carted collection system and provided for the curbside collection of materials to take place during the day.

The proposed ordinance, a draft of which is attached, is intended to create a framework under which the city may implement on-street parking restrictions to facilitate curbside collection during the daytime hours.

The proposal establishes a system wherein the City Commission will adopt a resolution restricting street parking in areas and during times impacted by scheduled waste collection.

The ordinance would also provide the ability for the Commission to approve temporary street parking restrictions through a similar process. Additionally, it clarifies the process for establishing immediate, short-term street parking restrictions.

Per City Charter, an ordinance cannot be adopted at the meeting at which it is introduced. This ordinance will appear at a future meeting for final consideration.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Move Ordinance 25-06 to the next regular meeting for consideration.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 25-06 Street Parking Restrictions

ORDINANCE #25-06
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 46, ARTICLE III, REGARDING STREET PARKING
RESTRICTIONS

INTENT

The purpose of this ordinance is to amend Article III (Parking, Stopping and Standing) of Chapter 46 (Traffic and Vehicles) of the Marquette City Code, adopting a new division related to street parking.

The City of Marquette Ordains:

SECTION 1. That Division 1 of Article III of Chapter 46 of the Marquette City Code be hereby amended in its entirety to read as follows:

Division I. Street Parking Restrictions

Sec. 46-46. Restrictions during waste collection.

- (a) Parking may be restricted on public streets in connection with scheduled garbage, rubbish and recycling collections in the city. Such restrictions shall be established by resolution of the city commission. No person shall park a vehicle upon a public street in violation of such restrictions.
- (b) The department of public works shall publish on the city's website a map or description of collection areas, the public streets within each area, and the days of the week when collection is scheduled.
- (c) The department of public works may cause informational signs to be posted throughout the city providing notice of this section and the applicable collection schedule for each area.

Sec. 46-47. Temporary restrictions.

- (a) Upon joint recommendation of the chief of police and city manager, the city commission may by resolution establish temporary parking restrictions on any public street for a duration of more than two weeks but less than six months.
- (b) Upon implementation, the city shall publish on its website the location, duration, and reason for the restriction.

Sec. 46-48. Immediate restrictions.

- (a) The chief of police, in consultation with the city manager, may implement immediate parking restrictions on any public street for a duration not to exceed two weeks.
- (b) Upon implementation, the city shall publish on its website the location, duration, and reason for the restriction.
- (c) Temporary "No Parking" signage shall be posted at the location of the restriction.

Sec. 46-49. Parking permits.

- (a) The police department may, in its sole discretion, issue a special parking permit to any person, firm, partnership, association, or corporation, allowing parking on a public street where it would otherwise be prohibited by this chapter.

SECTION 2. That this ordinance shall take effect ten days after adoption but not before publication.

Jessica Hanley, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote

Proclamation - Frontline Worker Appreciation Month

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Proclamation



Proclamation

Frontline Worker Appreciation Month

WHEREAS, frontline workers are the builders of our community, exercising curiosity, compassion, courage, and creativity to provide essential services that ensure the safety, health, and education of our residents; and

WHEREAS, over nine million healthcare workers across the United States serve in hospitals, clinics, and long-term care facilities, often placing themselves at risk to provide lifesaving care; and

WHEREAS, firefighters respond to an estimated 36 million emergency calls each year, over 800,000 sworn law enforcement officers nationwide work tirelessly to uphold the law and ensure public safety, and emergency medical services (EMS) personnel respond to more than 240 million calls annually; and

WHEREAS, teachers dedicate their careers to shaping the future of our communities, with over 3.7 million educators in the U.S. providing knowledge and guidance to our youth; and

WHEREAS, frontline workers embody the essence of builders - flexible thinkers and constructive problem solvers who respect the dignity of all people - by dedicating themselves to overcoming challenges and uniting communities.

NOW THEREFORE, the Mayor and City Commission of the City of Marquette hereby proclaim the month of May as Frontline Worker Appreciation Month in the City of Marquette, Michigan, and encourage all residents to join in recognizing and honoring the heroic contributions of our healthcare workers, firefighters, law enforcement officers, EMS personnel and teachers.

DATED this 28th day of April, 2025.

Jessica Hanley, Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

Consent Agenda - Roll Call Vote
Proclamation - National Small Business Week

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Proclamation



Proclamation National Small Business Week

WHEREAS, small businesses are the backbone of our economy, employing the majority of our citizens and contributing to the growth and prosperity of our community; and

WHEREAS, National Small Business Week is an annual celebration of the entrepreneurial spirit and contributions of small businesses across the country; and

WHEREAS, we are committed to promoting the growth and success of small businesses in our city by providing them with the resources and support they need to thrive; and

WHEREAS, we call upon all citizens to recognize the contributions of small businesses to our economy and to support them by shopping locally, eating at local restaurants, and utilizing local services; and

WHEREAS, we also call upon local governments and business communities to work together to create initiatives and programs that will help small businesses in cities succeed; and

WHEREAS, the City of Marquette supports and joins in this national effort to recognize the contributions of small businesses to the American economy and their importance to ensuring that our local communities remain as vibrant tomorrow as they are today.

NOW THEREFORE, the Mayor and City Commission of the City of Marquette hereby proclaim the week of **May 4-10, 2025, as National Small Business Week** in the City of Marquette, Michigan, and encourage all residents to support small businesses and celebrate their many achievements.

DATED this 28th day of April, 2025.

Jessica Hanley, Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/28/2025

New Business

Request to Purchase City-owned Property - Portion of McClellan Avenue Parcel - Roll Call Vote

BACKGROUND:

The City of Marquette has been approached by the Marquette Golf Club with an offer to purchase a portion of City-owned surplus property (parcel 0515550) to assist with the development of a new clubhouse. This is a large property that includes an old ballfield and currently houses the City Rubbish drop-off site. However, the Club is only interested in obtaining 14 acres west of Pioneer Road, leaving the City service area intact.

Per City policy, the City Commission may authorize the City Manager to enter into negotiations to a final purchase agreement. The Club will be responsible for obtaining a survey identifying the exact property lines they are interested in acquiring, an appraisal of this surveyed property to determine the value, and any necessary environmental evaluations of the land.

If the Commission directs the City Manager to enter into negotiations, and if negotiations are successful, a final resolution of sale will be presented for consideration at a future City Commission meeting.

The Noquemanon Trail Network has also provided a letter of support for this proposed sale.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Authorize the City Manager to negotiate the sale of a portion of parcel 0515550, and authorize the Mayor and City Clerk to sign the Resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Resolution
- ▣ MGC Letter
- ▣ NTN Letter of Support



Resolution of Intent to Sell

WHEREAS, the Marquette Golf Club has submitted an offer to purchase real property owned by the City of Marquette (a portion of Parcel 0515550 – “Parcel”) as outlined in the attached letter of intent received April 14, 2025; and,

WHEREAS, the City of Marquette has adopted an ordinance to provide for the sale of property.

THEREFORE, BE IT RESOLVED, that the City of Marquette hereby authorizes the City Manager to direct the sale of the Parcel, subject to the following:

1. The value of the Parcel shall be determined in writing by a State Certified or Licensed Real Estate Appraiser at the cost of the purchaser;
2. The boundaries of the Parcel shall be surveyed and determined by a licensed Surveyor at the cost of the purchaser;

Adopted this 28th Day of April 2025

Jessica Hanley , Mayor

Kyle Whitney, City Clerk

Marquette Golf Club
1075 Grove Street
Marquette, MI 49855

April 7, 2025

Dear City Manager Karen Kovacs,

I am writing to you today on behalf of the Board of Directors of the Marquette Golf Club to notify you and the City Commissioners of our interest in acquiring the property adjacent to our Greywall's course off of Pioneer Road.

We are aware of the restrictions on the property.

Acquiring this parcel would allow for MGC future plans to be secure. Marquette Golf Club is a significant asset to the City of Marquette.

Thank-you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Michele Butler".

Michele Butler

MGC Board President

State of MICHIGAN

LETTER OF INTENT TO PURCHASE

April 14th, 2025

Seller

CITY OF MARQUETTE

300 WEST BARAGA ST

MARQUETTE, MI 49855

Dear CITY OF MARQUETTE,

This Letter of Intent (this "Letter") sets forth the mutual interest:

Buyer MARQUETTE GOLF CLUB (Collectively "Buyer") and

Seller CITY OF MARQUETTE (Collectively "Seller")

Regarding the possible purchase by the Buyer (the "transaction") of the following property owned by the Seller

(the "Property"): PARCEL CODE – 52-52-005-155-50 McClellan Development Site 7A

- Parcel Code – 52-52-005-155-50
- McClellan Development Site – described as parcel #7A
- 14-acre old ballfield property

This letter shall confirm the Marquette Golf Club's intent to purchase the above described property owned by the City of Marquette as follows:

1. The Marquette Golf Club shall complete all necessary environmental evaluations.
2. The Marquette Golf Club shall have the property appraised.
3. The Marquette Golf Club will submit a proposed purchase price within twelve months for consideration by the City, pending completion of due diligence.

For Marquette Michelle Butler
Golf Club Signature

4/7/25
Date

For City
Of Marquette _____
Signature

Date

LELLAN DEVELOPMENT
SITE 7 & 7A & 7B

MARQUETTE GOLF & COUNTRY CLUB



Site #7A
Approx. Acres 14

Site #7
Approx. Acres 11.5

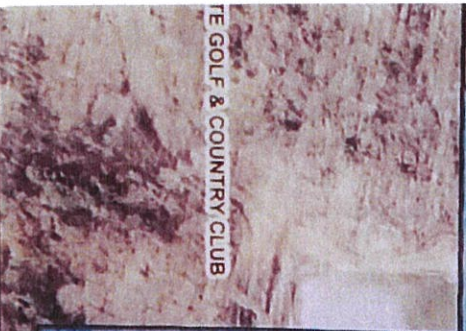
Site #7B
Approx. Acres 43

Pioneer Road

Flink Farm Road

Restricted Access To
McClellan Avenue

McClellan Avenue
McClellan Avenue



MARQUETTE GOLF & COUNTRY CLUB



PO Box 746 | Marquette, MI 49855 | 906.235.6861 | www.noquetrails.com

April 7, 2025

Marquette City Commission
300 W. Baraga Avenue
Marquette, MI 49855

Re: Letter of Support – Marquette Golf Course Purchase Proposal

Dear Commissioners,

NTN is pleased to offer this letter of support for the Marquette Golf Club and their proposed purchase of approximately 14 acres of city-owned land west of Pioneer Road.

NTN and Marquette Golf Club have maintained a strong and collaborative relationship for many years. The Golf Club's property plays a key role in facilitating north/south and east/west connectivity in our trail system, and their continued support has helped create and sustain some of the most well-loved year-round trails in our region.

As the City of Marquette considers this potential sale, NTN is confident that continued trail connectivity will remain a shared priority, and we look forward to working together to ensure long-term access and enhancements to the trail system. We are confident in Marquette Golf Club's understanding of the trail experience and their willingness and intention to plan for access as they work towards future golf course amenities in this area.

We appreciate the Golf Club's consistent partnership and their openness to trail access through their property. Their commitment has greatly enhanced recreational opportunities for our community, and we look forward to continuing our work together to ensure high-quality trail experiences for all users.

Sincerely,

Lori L. Hauswirth,
Executive Director

NTN Board of Directors: Wally Pearson, *President*
Tracy Goble, *Secretary*
Sven Gonstead
Scott Jordan
Lyle VanderSchaaf

John Yonkers
Mike Brunet
Rick Hill
Jason Rolling
Lori Hauswirth, *Executive Director*

William Nolan, *Treasurer*
Adam Cornette
Paul Johnston
Michael Sauer