

City of Marquette, MI



Meeting Agenda City Commission

Monday, July 10, 2023

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)

John Stewart, Parks and Recreation Advisory Board, for an unexpired term ending 01-29-24

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

Presentation(s)

2. Police-Fire Pension Board, by Chair Mike Archocosky

Public Hearing(s)

3. Public Hearing - Preliminary Planned Unit Development Plan for 480 River Park Circle

4. Consent Agenda

4.a. Approve the minutes of the June 26, 2023 regular Commission meeting

4.b. Approve the total bills payable in the amount of \$1,039,895.97

4.c. Corrective Public Utility Easement Agreement - Windstone Condominium

4.d. MERS Annual Meeting - Officer Delegate Appointment

4.e. Outback Art Fair - Special Event Permit

4.f. SpinwayMQT Lease Agreement Addendum

4.g. Upper Echelon 2023 - Special Event Permit

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: 7/10/2023

Public Hearing(s)

Public Hearing - Preliminary Planned Unit Development Plan for 480 River Park Circle

BACKGROUND:

On June 6, 2023 the Planning Commission examined the application materials, preliminary site plans, Staff File Report and Analysis, and held a public hearing for a Preliminary Planned Unit Development request for the property situated at 480 River Park Circle. After conducting the public hearing and their deliberations, the Planning Commission voted to recommend approval of the request:

It was moved by K. Clegg, seconded by A. Andres, and carried 7-1 that after review of the PUD site plan and pattern book dated May 2023, and the staff file review/analysis for 01-PUD-05-22, the Planning Commission, who previously established that the PUD met 5 out of 10 required objectives and the criteria to be eligible for a PUD of Section 54.323(F) of the Marquette City Land Development Code, and the preliminary PUD Plan meets Section 54.323(H) of the Marquette City Land Development Code, recommends that the PUD be approved by the Marquette City Commission with the following condition:

- an amended plan is submitted to meet staff comments for the final site plan review.

*Yes: M. Rayner, S. Lawry, D. Fetter, N. Williams, K. Clegg, A. Andres, S. Mittlefehldt
No: W. Premeau*

Tonight's public hearing was scheduled during the Commission's regular meeting of June 12, 2023.

FISCAL EFFECT:

When developed, it is likely there will be an increase in the taxable value of the property.

RECOMMENDATION:

Approve the Planned Unit Development for 480 River Park Circle.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Staff File Report-Analysis for 01-PUD-05-22

- ▢ 6-06-23_Planning Commission Meeting Minutes
- ▢ Eleven Letters of Support



CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT STREET
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: June 2, 2023
SUBJECT: 01-PUD-05-22 (07-SPR-06-23) – Preliminary PUD plan review for 480 River Park Circle (PIN: 1000120)

The Planning Commission is being asked to review an application for a preliminary Planned Unit Development (PUD) approval. The Planning Commission “qualified” the project for a PUD on May 17, 2022. The Planning Commission will need to conduct a public hearing for a preliminary site plan review and draft a recommendation to the City Commission, who will issue or deny final approval of the PUD.

Please see the attached STAFF FILE REVIEW/ANALYSIS for a complete review of the proposal.

All notices have been sent in accordance with the Land Development Code and State Law. No correspondence has been received.

RECOMMENDED ACTION:

In accordance with the Land Development Code, the Planning Commission should hold a public hearing, review the proposed PUD site plan and support information provided in this packet, and make a recommendation to the City Commission regarding the proposed PUD.

It is also highly recommended that any recommendation regarding the PUD site plan include:

After review of the PUD site plan and pattern book dated May 2023, and the STAFF FILE REVIEW/ANALYSIS for 01-PUD-05-22, the Planning Commission, who previously established that the PUD met 5 out of 10 required objectives and the criteria to be eligible for a PUD of Section 54.323(F) of the Marquette City Land Development Code, and the preliminary PUD Plan meets Section 54.323(H) of the Marquette City Land Development Code, recommends that the PUD be (approved/denied) by the Marquette City Commission (for the following reasons/with the following conditions).

- Staff recommends a condition of approval that an amended plan is submitted to meet staff comments for the final site plan review.



STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

File Number: 01-PUD-05-22

Date: June 2, 2023

Project/Application: Preliminary PUD Approval and Site Plan Review for a proposed Planned Unit Development (PUD) for the following uses within buildings and on the parcel: 14 live/work dwellings, hospitality/service use/indoor restaurant, light industrial, professional office/remote work, outdoor food & beverage service, child or day care center, outdoor entertainment and community events, tourism/outdoor recreation for van & RV parking/camping, tent camping, and trails.

Location: 480 River Park Circle

Parcel ID: 1000120

Available Utilities: Electricity, City Water, City Sewer, and Garbage Collection. Natural Gas line is located less than 100-ft from this parcel.

Current Zoning: IM – Industrial/Manufacturing

Surrounding Zoning: North: M - Municipal
South: IM – Industrial/Manufacturing
East: IM – Industrial/Manufacturing
West: CR – Conservation & Recreation and BLP – Board of Light and Power

Zoning District and Standards:
Current Zoning – IM

Section 54.317 IM, Industrial/Manufacturing District

(A) Intent
It is the intent of the Industrial/Manufacturing district to regulate the establishment of industrial uses in the city in such a way as to prevent the deterioration of the environment to protect the desired qualities of adjoining districts and to exert a minimum nuisance on adjacent uses within this district.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Food Production, Minor • Gasoline Service Stations • Indoor Recreation • Manufacturing, Light • Office, Medical • Office, Professional	• Accessory Use, Non-Single Family Residential Lots • Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C

STAFF FILE REVIEW/ANALYSIS

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- Public or Governmental Building - Railroad Facilities - Religious Institution - Retail Business, Indoor - Service Establishment - Storage, Open - Vehicle Repair and Service - Veterinary Clinic (Domestic Animals Only) - Warehousing - Wholesale Trade Establishment - Wholesaling Operations - Wireless Telecommunications Facilities	- Marihuana Grower – Excess - Marihuana Microbusiness – Light Manufacturing - Marihuana Microbusiness – Heavy Manufacturing - Marihuana Processor – Light Manufacturing - Marihuana Processor – Heavy Manufacturing - Marihuana Retailer - Marihuana Safety Compliance Facility - Marihuana Secure Transporters - Manufacturing, Heavy - Pet Boarding Facility - Retail Business, Outdoor Permanent - Storage, Bulk
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	40
Min. Lot Width (ft.)	None	Side Yard (one) (ft.)	20
Max. Impervious Surface Coverage (%)	(R)	Side Yard (total of 2) (ft.)	40
Max. Building Height of Primary Building (ft.) (O)	80 (N)	Rear Yard (ft.)	40
Max. Building Height of Accessory Building	60 (N)		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
IM	40 (c)	40 (c)	40 (c)	25(c)	25(c)	25(b)	N.A.	N.A

(b) Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

(c) A staggered double row of evergreen trees spaced 15 feet on center. The planting shall be in a manner where the evergreen trees provide 80% opacity within three (3) years of planting, measured at six (6) feet above the grade. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or evergreen shrubs must be planted to achieve 80% opacity at the time of their planting. Where an I-M or BLP district abuts any residential district the Planning Commission may require a screening fence, not to exceed 12 feet in height to be erected on the industrial property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.

Proposed Zoning – PUD

Intent and Uses Allowed (staff comments, where applicable, are indicated in bold text):

Section 54.323 PUD, Planned Unit Development District

(A) Purpose. The Planned Unit Development (PUD) option is intended to encourage, with City approval, private or public development that is substantially in accord with the goals and objectives of the Community Master Plan. Development permitted under this Section shall be considered as an optional means of development only upon terms agreeable to the City. Use of the PUD option will permit flexibility in the regulation of land development and benefit the City by:

- (1) Encouraging innovation through an overall development plan to provide variety in design and layout.
- (2) Achieving economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- (3) Encouraging the creation of useful open spaces particularly suited to the needs of the parcel in question.
- (4) Providing appropriate housing, employment, service, and shopping opportunities suited to the needs of residents of Marquette.

(B) Use. The PUD may be used to:

- (1) Permit nonresidential uses of residentially zoned areas.
- (2) Permit residential uses of non-residentially zoned areas.
- (3) Permit land uses and the mixing of land uses that would otherwise not be permitted, provided the objectives are supported by the Master Plan and the intent of this Ordinance and the resulting development promotes the public health, safety, and welfare without a material adverse impact on adjoining existing and planned uses.

(C) Minimum Size. The minimum size of a PUD must be two (2) acres of contiguous land. However, the City Commission, upon recommendation from the Planning Commission, may permit a smaller PUD under the following circumstances:

- (1) The proposed project has unique characteristics and benefits; and/or
- (2) The parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at the time of the submittal of Concept and Request for Consideration of Project Qualifications (Section 54.323(G)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

(D) Density, Layout, and Bulk.

- (1) Densities, setbacks, height, lot coverage, or lot sizes may be permitted that are different from the current zoning district and unique to the proposed PUD district, provided the other objectives of this Ordinance are met and the resulting development would promote the public health, safety, and welfare. The requirements of the Riparian Overlay District must be met.
- (2) The PUD shall be laid out so various land uses and building bulk relate to each other and to adjoining existing and planned uses with no material adverse impact of one use on another. Clustering development is encouraged in areas that are not located in the Riparian Overlay District.

(E) Definitions.

- (1) A "Planned Unit Development" (PUD) is a zoning district that shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Commission, and documented in a contract (PUD Agreement) between the City and site owner/developer. Such plan and contracted development will establish functional use areas and density patterns; will provide a fixed system of streets, public utilities, drainage, and other essential services; and account for similar factors necessary for and incidental to the intended land uses. The Planning Commission may, but is not required to, consider parcels separated by a public street as eligible for inclusion in a PUD.

- (2) A “Pattern Book” is a document prepared by the applicant’s design firm that contains specific information on the site master plan, and architectural designs for planned buildings. Information should include specifications on building materials, size, and dimensions, building elevations, and site design elements such as pedestrian walkways, lighting, landscaping, and signage.
- (F) Criteria for Qualifications. The PUD option may be permitted anywhere in the City except in the Conservation and Recreation (CR) district. To be considered for the PUD option, it must be demonstrated that all of the following criteria are met:
- (G) Submittal of Concept and Request for Consideration of Project Qualifications.

Sections (F) and (G) have been omitted. The Planning Commission “qualified” the project for a PUD on May 17, 2022.

- (H) Submittal and Approval of Preliminary PUD Plan. An application for Preliminary PUD Plan approval may be made for consideration with the submission of the following materials and Planning Commission review. To expedite PUD projects, the Planning Commission, at its discretion, may waive submitted information required in Section 54.323(H) and Section 54.1402(C):
- (1) Submittal of Proposed PUD Plan. An application shall be made to the Community Development Department for review and recommendation by the Planning Commission that complies with the preliminary site plan information requirements of Section 54.1402, including but not limited to the following graphic and written representations of the project at a scale not to be smaller than one (1) inch equals one hundred (100) feet unless approved by the City:
- (a) A boundary survey of the PUD boundaries being requested completed by a licensed land surveyor.
- Provided.**
- (b) A topographic map of the entire area at a contour interval of not more than one (1) foot and spot elevations at intervals not to exceed fifty (50) feet, unless waived.
- Provided.**
- (c) Existing natural areas including, but not limited to, major stands of trees, bodies of water, wetlands, floodplains, steep slopes, and un-buildable areas.
- Provided.**
- (d) A proposed land use plan.

Provided.

- (e) Parcel and lot lines, land use, access points, and zoning of all parcels within 100 feet of the PUD site.

Provided.

- (f) Vehicular circulation including major drives and location of vehicular access. Proposed project cross sections including public streets or private roads.

Provided.

- (g) Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.

Provided.

- (h) The location of nonresidential buildings and parking areas, estimated floor areas, building coverage, and number of stories and heights for each structure.

Provided.

- (i) The location of residential unit types and densities, and lot parcel or land units by frontages and areas.

N/A.

- (j) The location of all wetlands, water and watercourses, and proposed water detention areas.

Provided.

- (k) The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership thereof.

Provided in their response to Zoning Comments.

- (l) A schematic landscape treatment plan for open space areas, streets, and border/transition areas to adjoining properties.

Provided.

- (m) A preliminary grading plan, indicating the extent of grading and delineating any areas that are not to be graded or disturbed.

Provided.

STAFF FILE REVIEW/ANALYSIS

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- (n) An indication of the contemplated water distribution, storm, and sanitary sewer plan.

Provided.

- (o) A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking, and supporting documentation, including the intended schedule of development.

Provided.

- (p) The proposed phasing of the project, tentative development timetables, and future ownership intentions. Each phase of the project should be capable of standing alone.

Provided.

- (q) Minimum of two (2) site sections, showing major building relationships and building site features.

Provided.

- (r) Detailed design guidelines, drawings, and / or pattern book, which depict the design character of the project; the architectural details of proposed buildings; details on various site elements such as lights, furniture, landscaping, signage; and such other information deemed appropriate by the Planning Commission.

Provided.

(2) Planning Commission Review of Proposed PUD Plan.

- (a) Public Hearing and Review Procedure. The Planning Commission shall give notice of a public hearing as provided in Section 54.1406 and hold a public hearing on the PUD and conduct a review of the PUD Plan and rezoning pursuant to the rezoning procedures of Section 54.1405.
- (b) Planning Commission Review and Determination. The Planning Commission shall review the proposed PUD plan and make a recommendation to the City Commission as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:
 - (i) The proposed PUD adheres to the criteria for qualification of the PUD option (Section 54.323(F)) and promotes the land use goals and objectives of the City.

To be determined by the Planning Commission. It was determined the concept PUD meet the following objectives:

- (a). To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.*
- (b). To permanently establish land use patterns that are compatible or that will protect existing or planned uses.*
- (e). To guarantee provision of a public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities.*
- (f). To promote the goals and objectives of the Community Master Plan.*
- (g). To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.*

- (ii) All applicable provisions of this Section shall be met. Insofar as any provision of this Section shall be in conflict with the provisions of any other section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PUD area.

To be determined by the Planning Commission.

- (iii) There is, or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and that the road system and storm water drainage system are or will be adequate.

To be determined by the Planning Commission.

- (3) Performance Guarantee. The City Commission and/or Planning Commission can require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantees to the City as a condition of PUD approval pursuant to Section 54.1402(H). The amount of the performance guarantee shall be recommended to the Planning Commission by the City Attorney after discussion with the applicant, City Engineering Department, and other involved parties.

To be determined by the Planning Commission.

STAFF FILE REVIEW/ANALYSIS

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Buffer and Greenbelt Requirements.**None required with PUD.**Schedule of Regulations.

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear yard	Maximum Height
PUD	Per approval	Per approval	Per approval	Per approval	Per approval	Per approval

Relationship to Site Plan Review Standards (Staff Comments in Bold Text):

Per Section 54.1402 of the Land Development code:

(E) Site Plan Review Standards. *In addition to the development standards of this Ordinance as well as the underlying zoning district, each site plan shall be designed to ensure that:*

- (1) Public Health, Safety, and Welfare. *The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and ordinary development or improvement of surrounding property for uses permitted in this Ordinance.*

The proposed site plan is for the following uses within buildings and on the parcel: 14 live/work dwellings, hospitality/service use/indoor restaurant, light industrial, professional office/remote work, outdoor food & beverage service, child or day care center, outdoor entertainment and community events, tourism/outdoor recreation for van & RV parking/camping, tent camping, and trails. The proposal is not anticipated to harm the public health, safety, or welfare.

- (2) Safe and Efficient Traffic Operations. *Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements such as walkways shall be designed to promote safe and efficient traffic operations within the site and at its access points.*

The proposal indicates a new curb cut and driveway from River Park Circle to the site and the applicant is asking in their variance document to not have to pave the parking lot and driveway. They are asking for a "permeable cover that will both temper storm water runoff and allow for flexibility in the final design". The proposal also has pedestrian paths/trails on the site.

- (3) *Vehicular and Pedestrian Circulation.* *The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned street and pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping centers, and other uses which generate a considerable amount of pedestrian traffic.*

The proposal has pedestrian paths/ trails on the site which is separated from the vehicular circulation system.

- (4) *Topography and Landscaping.* *The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding property.*

See Sheet A104 for the landscaping plan. Please see Zoning comments and applicant's responses regarding the proposed landscaping for the site.

- (5) *Storm Water Management.* *Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water on all paved areas shall be collected so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.*

Stormwater runoff will be treated with an on-site retention basin that will have to be designed in accordance with City requirements, and provided with the final site plan review.

- (6) *Emergency Vehicle Access.* *All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the Fire Department and Police Department.*

The Police Department had no comments. Please see applicant's response to the Fire Department.

- (7) *Outdoor Storage and Loading and Unloading Areas.* *All outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent residentially zoned properties. All loading and unloading areas shall be reasonably screened for residentially zoned properties.*

Location of the dumpster is provided on Sheet A104, and page 7 of the pattern book provides dumpster enclosure materials which do not meet the Land Development Code. Please see applicant's response to Zoning comments regarding the dumpster enclosure materials and their variance request. The applicant will be using the maneuvering lane in the parking lot for loading/unloading zone.

- (8) *Lighting. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and bodies of water so that it does not impede the vision of traffic along adjacent streets or impair navigation on the waterway. Flashing or intermittent lights shall not be permitted.*

The pattern book indicates the proposed lights. Please see the applicant's response to zoning comments regarding the height of the lights.

- (9) *Location of Building Entrances. For consistency in areas where adjoining properties face the street, the Planning Commission may require that primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.*

The main entrance of building 2 faces the parking lot, which is towards the street. Building 1, 3A, 3B, 3C, and 4 face the pedestrian paths or parking lot.

- (10) *Nuisances. No noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.*

The Planning Commission should discuss this with the applicant to verify that no noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.

- (11) *City of Marquette Engineering Design and Construction Standards. The site plan must comply with the City of Marquette Engineering Design and Construction Standards.*

Please see applicant's response to Engineering comments. Staff is requesting that a revised site plan is submitted to meet staff comments for the final site plan review if the PUD request is approved.

Additional Comments:

Per the applicant's letter, the applicant is requesting the following variances:

- Dwelling Live/Work, Outdoor Recreation, Indoor and outdoor Food and Beverage Service, Child Care.
 - These uses are currently not allowed in IM.
- To not have to pave the parking lot and driveway. They are asking for a "permeable cover that will both temper storm water runoff and allow for flexibility in the final design"
- The proposed dumpster enclosure materials do not meet the LDC, they are asking for a variance to allow wood for the enclosure.
- They are asking for a parking variance. Please see their response to zoning comments regarding parking.
- They are requesting a variance to have to add landscaping. Please see response to zoning comments regarding landscaping.

Attachments:

- Applicant's Application and attachments (Letter to the Planning Commission and Variances from Ordinances)
- PD - no comments
- Applicant's response to Zoning, Engineering, Fire, and DPW Staff comments
- Area Map
- Block Map
- Zoning Map
- Photos of Site
- Pattern book
- Site Plan set

CITY OF MARQUETTE
PLANNED UNIT DEVELOPMENT APPLICATION



CITY STAFF USE

Parcel ID#: 1000120 File #: 01-PUD-05-22 Required Narrative Submitted: Y/N
Receipt #: 301201 Check #: 1040 Received by and date: 5-9-23 AME
~~Concept Plans~~ (12 copies) Submitted: Y/N Hearing Date: _____ Notice Date: _____
Preliminary Plan & Pattern Book (12) Submitted: Y/N Hearing Date: 6-6-23 Notice Date: 5-19-23
Final Site Plan (12) Submitted: Y/N Contract signed: Y/N Meeting Date: _____
Amendment Plan (12) Submitted: Y/N Meeting Date: _____

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE PLANNED UNIT DEVELOPMENT REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

FEE SCHEDULE

☐ PUD Criteria Qualification	\$815
☒ PUD Review (includes Site plan Review)	\$3,880 \$730
PUD Revision – Administrative Minor	
☐ Residential (additions, etc.)	\$155
☐ Commercial structure, ≥ 3 residential units	\$765
☐ PUD Revision - Major	\$1,880

If you have any questions, please call 228-0425 or e-mail alanders@marquettemi.gov. Please refer to www.marquettemi.gov to find the Planning Commission page for filing deadline and meeting schedule.

Please review the attached:

- ☐ PUD Timeline
- ☐ PUD Checklist
- ☐ Excerpts from the City Land Development Code
 - Section 54.323 Planned Unit Development
 - Section 54.1402 Site Plan Review

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Hoponassu OZ LLC
Address: 420 East Prospect St
City, State, Zip: Marquette, MI 49855
Phone #: 906-360-8467
Email: daveo@shophousepark.com

APPLICANT/OWNER'S REPRESENTATIVE

Name: David Ollila
Address: 420 East Prospect St
City, State, Zip: Marquette, MI 49855
Phone #: 906-360-8467
Email: daveo@shophousepark.com

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a Planned Unit Development. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

PROPERTY INFORMATION

Property Address: 480 River Park Circle

Property Identification Number: 1000120

Size of property (frontage / depth / sq. ft. or acres): 3.44 Acres

Zoning District: Industrial Manufacturing

Current Land Use: Vacant/Trail

Surrounding Zoning Districts:

North - Municipal
 East - Industrial Manufacturing
 South - Industrial Manufacturing
 West - Conservation Recreation/ BLP

Surrounding Land Use:

North - Dormant Rail Way/River
 East - Storage Facility
 South - Distribution Warehouse
 West - Vacant/Recreation

PLANNED UNIT DEVELOPMENT INFORMATION

Percentage of Land Use by Type

	Residential	Commercial/ Institutional	Industrial	Open Space	Other	Total
# of Acres	.1 Live/Work			2.6	.7	3.44
% of Total	3%			76%	21%	100%

Residential Density

Type of Unit	Number of Units	Net Acres	Net Density
Single Family Home			
Town Home			
Apartments			
Other	12 Live/Work	.11	109
Total			

Net Acres - Land development for land use type not including right-of-way
 Net Density - Number of Units/Net Acres

VARIANCES FROM ORDINANCE(S)

THIS IS A REQUIRED SECTION. FAILURE TO FILL OUT MAY INDICATE THAT THE PROPERTY CAN BE DEVELOPED UNDER CURRENT ZONING DISTRICT STANDARDS.

Please list and justify the request variance(s) from the Zoning or Subdivision Ordinances (attach additional pages if necessary):

Please see attached

REVISIONS TO PUD

Please list the proposed revisions to your approved PUD (attach additional pages if necessary):

SIGNATURE

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted.
2. I desire to apply for the Planned Unit Development Permit indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested Planned Unit Development would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached Planned Unit Development section of the Land Development Code and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a Planned Unit Development but only an application for a Planned Unit Development and is valid only with procurement of applicable approvals.
8. I authorize City Staff and the Planning Commission members to inspect the site.

Property Owner Signature:  Date: 5/9/2023

Applicant Signature:  Date: 5/9/2023

CITY OF MARQUETTE SITE PLAN REVIEW APPLICATION



CITY STAFF USE

Parcel ID #: 1000120 MCIN 01-PUD-05-22 File #: 07-SPR-06-23
 Receipt/Inv #: _____ Check #: _____ Received by and date: _____
 Site Plan Sheet set (PC Review - 6 copies/Admin Review - 3 copies) Submitted: Y/N Digital Copy: Y/N
 If applicable - Hearing Date: 6-6-23 Notice Date: 5-19-23 Application complete (checklist, etc): Y/N
 Does the site plan meet the required items: Y / N

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE SITE PLAN REVIEW REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

Businesses may need to be made accessible to the public and employees per the Americans with Disabilities Act and State Construction Code.

FEE SCHEDULE (We can only accept Cash or Check (written to the City of Marquette))

Commercial, Industrial, Residential with 3 or more units, and Final PUD Site Plan (includes zoning compliance fee)

- | | |
|--|---------|
| ☐ Sketch Plan | \$900 |
| ☒ Preliminary SPR | \$1,785 |
| ☐ Administrative Review (CDRT review) | \$1,960 |
| ☐ Administrative Review (Non-CDRT review) | \$1,030 |
| ☐ Planning Commission Review | \$2,240 |

Revised Site Plan (Developer Initiated)

- | | |
|--|---------|
| ☐ Administrative Review (CDRT) | \$1,475 |
| ☐ Administrative Review (Non-CDRT review) | \$1,000 |
| ☐ Planning Commission Review | \$1,705 |

Site Condominium

- | | |
|--|---------|
| ☐ Site Condominium Review | \$1,940 |
| ☐ Revised (Developer Initiated) | \$940 |

Plats/Subdivision

- | | |
|--------------------------------------|---------|
| ☐ Preliminary | \$1,940 |
| ☐ Final | \$1,940 |
| ☐ Revised | \$940 |

- ☐ Site Plan Review fee is included in the Special Land Use Permit or Planned Unit Development application fees

If you have any questions, please call 228-0425 or e-mail alanders@marquettetmi.gov. Please refer to www.marquettetmi.gov to find the following information:

Planning Commission page for filing deadline and meeting schedule
 Excerpts from the City Land Development Code

- Section 54.1402 Site Plan Review (this is attached to the application).
- Section 54.1401 Zoning Permits and Zoning Compliance Review.
- If you are applying for a Site Condominium/Plat/Subdivision, please review Article 5.

STORMWATER

Will you be managing stormwater and applying for a stormwater utility fee reduction? ☒ Yes ☐ No
 If yes, please refer to the Stormwater Utility Fee Reduction Application on the City website at www.marquettetmi.gov under the Engineering applications.

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a Site Plan Review. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name HoPONassu OZ LLC
Address 420 E Prospect St
City, State, Zip Marquette Mi 49855
Phone # 906-360-8467
Email daveo@shophousepark.com

APPLICANT/OWNER'S REPRESENTATIVE

Name David Ollila
Address 420 E Prospect St
City, State, Zip Marquette, Mi 49855
Phone # 906-360-8467
Email daveo@shophousepark.com

ARCHITECT

Name Aaron S. LeppanenT+E+A+M & LeppanenAnker
Address 117 North 6th St
City, State, Zip Marquette, Michigan
Phone # 906-361-6510
Email aaron@leppanenanker.com

ENGINEER

Name GEI GEORGE M. MEISTER, P.E.
Address 109 W. Baraga Avenue,
City, State, Zip Marquette, MI 49855
Phone # 906.662.4747
Email gmeister@geiconsultants.com

SURVEYOR

Name Van Neste Surveying, LLC (1987)
Address 1402 Kimber Avenue
City, State, Zip Marquette, MI 49855
Phone # 906-226-6241
Email vnsurvey@att.net

PROPERTY INFORMATION

Property Address: 480 River Park Park Circle

Property Identification Number: 1000120

Size of property (frontage / depth / sq. ft. or acres): 3.44 Acres

Zoning District: Industrial Manufacturing

Current Land Use: Vacant - Trails

Surrounding Zoning Districts:

North - Municipal

East - Industrial Manufacturing

South - Industrial Manufacturing

West - Conservation Recreation

Surrounding Land Use:

North - Dormant Railway/River

East - Storage Facility

South - Distribution Warehouse

West - Vacant/Recreational

DESCRIPTION OF PROJECT

Proposed use(s): Live and work

Proposed structures (including stairs) and dimensions, building style, and materials:

See site plan, pattern book and letters to commission

Proposed site improvements:

X

Proposed phases and timelines for work:

See Site plan, PUD application and letters to commission

Ultimate ownership: Ownership to remain private with Hoponassu OZ LLC

SIGNATURE

I hereby certify the following:

1. I desire to apply for a site plan review indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
2. The request would not violate any deed restrictions attached the property involved in the request.
3. I have read the attached Site Plan Review section of the Land Development Code and understand the necessary requirements that must be completed.
4. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
5. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full.
6. I acknowledge that no work can commence until the review process has been completed (includes clearing and earthwork).

Applicant Signature:  Date: 5/12/2023

1. I am the legal owner of the property for which this application is being submitted.
2. I authorize City Staff and the Planning Commission members to inspect the site.
3. If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Property Owner Signature:  Date: 5/12/2023

Project Name: Shophouse Park

File #:

07-SPP-0623Parcel #: 1000120

PLEASE VERIFY THAT YOU HAVE ADDRESSED ALL THE ITEMS ON THIS LIST IN YOUR SITE PLAN. IF THERE IS NOTHING SHOWN ON THE SITE PLAN PLEASE INCLUDE A STATEMENT AS TO WHY IT HAS NOT BEEN SHOWN, OR MARK IT "NOT APPLICABLE". FAILURE TO ADDRESS THESE ITEMS WILL DELAY APPROVAL. SITE PLAN REVIEW WILL NOT BE SCHEDULED UNTIL COMPLETE PLANS ARE SUBMITTED.

Site Plan Information Required (See Figure 52 in LDC)		APPLICANT	
		Location in site plan	N/A attach reason
1	The applicant's name.	x	
2	Name of the development.	x	
3	The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.	X	
4	Small scale location sketch of sufficient size and scale. (SKETCH PLAN ONLY)		N/A
5	A survey of the property, sealed by a surveyor licensed in the State of Michigan.	X	
6	Date of preparation and any revisions.	x	
7	North arrow.	x	
8	Complete and current legal description and size of property in acres.	Boundary Map	
9	Property lines and dimensions drawn to scale.	x	
10	Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.	Application	
11	Lot lines and all structures on the property and within 100 feet of the site's property lines.	X	
12	Locations of all significant natural features – streams, wetlands and floodplains (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Section 54.807).	X	
13	Boundary of any Riparian Overlay Districts, per <u>Section 54.320(E)</u> . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per <u>Section 54.806</u>	X	
14	Any existing private or public easements	x	
15	Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.	Site plan	
16	Locations of existing utilities.	Site plan	
17	Existing topography at a minimum of two (2) foot contour intervals.	x	
18	Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See <u>Article 3</u> , <u>Article 4</u> , and <u>Article 7</u> .	X	
19	Floor area and ground coverage ratios. See <u>Article 3</u> and <u>Article 4</u> .	Application	
20	Schematic storm water management plan, including elements stated below for Final Site Plan requirements, as needed to show intended compliance with the requirements of the Land Development Code. (Preliminary Site Plan submittal only)	X	
21	Proposed topography with a site grading plan with topography at a maximum of two (2) foot contour intervals.	X	
22	Boundary of any Riparian Overlay Districts, per <u>Section 54.320(E)</u> . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per <u>Section 54.806</u>	X	

		APPLICANT	
		Location in site plan	N/A attach reason
23	Location and method of screening for all waste dumpsters. See <i>Section 54.1003(F)</i>	Pattern Book	
24	Location and dimensions of parking spaces. See <i>Article 9</i> .	X	
25	General landscaping design concept acceptable to the Zoning Administrator. (SKETCH PLAN ONLY)	X	
26	A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See <i>Article 10</i>	X	
27	Details of exterior lighting including locations, height, and method of shielding. See <i>Section 54.802</i> .	Pattern book	
28	The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See <i>Article 11</i> .	X	
29	Locations of utility services (with sizes) and storm water management elements, including, storm drainage, retention or detention ponds and/or swales, rain gardens, riparian buffer vegetative strips, per <i>Section 54.803</i> . Any proposed public or private easements.	X	
30	Fire hydrant number and placement or other water supply, and standpipe connection type, Fire dept. connection location; Alarm panel location; Fire dept. access details.		
31	If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed.	X	
32	General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See <i>Section 54.907</i> . (SKETCH PLAN ONLY)	X	
33	Street horizontal and vertical dimensions, including curve radii.	Architectural	
34	Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See <i>Section 54.907</i> .	X	
35	Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.	X	
36	Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See <i>Section 54.907</i> .	X	
37	Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.	X	
38	Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.	X	
39	Written verification of access easements or agreements, if applicable.	x	

		APPLICANT		DEPARTMENT
		Location in site plan	N/A attach reason	Approved / Waived
ENGINEERING DEPT				
Please refer to the Engineering Department General Guidelines and Standards for Street and Utility Design: https://marquettetmi.gov/wp-content/uploads/2018/07/Design-and-Construction-Standards-Rev.-5-4-16.pdf				
Will you be managing stormwater and applying for a stormwater utility fee reduction? ☒ Yes ☐ No				
If yes, please refer to the Stormwater Utility Fee Reduction Application: https://marquettetmi.gov/wp-content/uploads/2017/07/stormwater_utility_fee_reduction_application.pdf				
40	Include under general statements: "All utility construction work to be accepted by the City of Marquette into their utility system and all work done in public rights-of-way or easement must be done in accordance with Michigan Department of Transportation and City of Marquette standards and specifications"			
41	Curb cut, water, sanitary sewer, storm sewer permits, etc. required? (obtain prior to construction activities)			
42	Vehicle maneuvering lane size			
43	Pavement width/type			
44	Vegetated buffer or curbing between street and sidewalk and between sidewalk parking areas			
45	Storm sewer in right-of-way shall be reinforced concrete			
46	Sumps in catch basins?			
47	Plans to be stamped, dated and signed by a professional engineer			
48	Is the downstream storm sewer capacity adequate?			
49	Verify that storm water runoff volume or velocity is not increased onto adjacent properties			
50	Does any earthwork disturb adjacent properties?			
51	Wetland concerns/proper permits obtained?			
52	Traffic impact minimal to existing conditions (stacking, etc)?			
53	Vehicular and non-motorized circulation			
54	Sanitary sewer inlet to outlet angles greater than or equal to 90 degrees?			
55	Is there a hydrant at the end of any proposed dead end water main?			
56	Size and material type of proposed and existing utilities shown?			
57	Street horizontal and vertical dimensions, radii			
58	Width and materials for non-motorized paths			
59	Dimension of access points including distance from adjacent driveways or intersecting streets			
60	Profiles will be shown for all utilities to be accepted by the City of Marquette into their utility system. All grades, pipe sizes, pipe materials, inverts and rim elevations will be shown on the profiles (water mains must have a minimum of 6 feet of cover, sanitary sewer mains must be installed under water mains with 1.5 feet of clearance			

		APPLICANT		DEPARTMENT
		Location in site plan	N/A attach reason	Approved / Waived
PUBLIC WORKS DEPT.				
61	Delineate & dimension all public or private easements			
62	Show public utility main locations & sizes within 100 feet of property boundary			
63	Extension or re-routing of public utility systems required			
64	Capacity and condition concerns of existing utility lines to serve the project			
65	Abandonment of existing utility lines associated with the project			
66	Location of existing and proposed utility services (with sizes), including storm water to be shown			
67	Utility metering requirements of the project			
68	Backflow and cross connection requirements applicable to the project including any proposed irrigation systems			
69	Sanitary waste pretreatment requirements			
70	Adequate snow storage provided on the property, without clear vision or utility obstructions			
71	Provisions to collect drainage from snow storage areas collected on property			
72	Access to public property (permits required for any work on ROW) (Drive, sidewalk, and trail connections)			
73	Additions or changes to public signing or traffic control required or recommended			
74	Additions to existing public sidewalks, or plowed routes, required or recommended			
75	Impact of project on public snow removal/storage			
76	Effect on plowing or ice control priorities			
77	New signing, overhangs, access ramps, grade changes, retaining walls, fences, etc. to be constructed in City ROW or easements			
78	Adequate, proper, and accessible on-site waste storage			
79	Adequate clearances and clear vision maintained for maintenance and sanitation equipment			
80	Removal, trimming, or planting of public trees required			
81	Maintenance-friendly design for any portions of the project to become public property			
82	Storage of hazardous materials associated with the project near public utilities			
83	Blasting near public utilities associated with the project			

		APPLICANT		DEPARTMENT
		Location in site plan	N/A attach reason	Approved / Waived
FIRE DEPARTMENT DEPT.				
84	Buildings meet NFPA standards/NFPA Life Safety Code 101/ BOCA National Property Maintenance Code			
85	Proper water supply for fire suppression including fire hydrants and water mains			
86	Safe outlets for flushing fire hydrants			
87	Easements to test hydrants			
88	Water supply meets NFPA standards			
89	Fire Apparatus Access			
90	Surface Construction			
91	Ability to support fire trucks			
92	Fire truck angle of approach			
93	Outside turning radius			
94	Grade of drive or road ok			
95	Overhead clearance adequate			
96	Driveways and access roads meet NFPA standards			

POLICE DEPARTMENT DEPT.				
97	Cross reference with accident data at nearest intersection(s)			

ANY ADDITIONAL INFO				
98	Any additional info necessary to establish compliance with City Ordinances, State, or Federal Laws			

5-9-2023

Hoponassu OZ LLC
David Ollila
420 E Prospect St
Marquette, Mi 49855
daveo@Shophousepark.com

To the Marquette City Planning Commission,

Please except this formal request for consideration of a Planned Unit Development for Lot 12, 480 River Park Circle, Marquette, MI. #1000120

It is the intent of Hoponassu OZ LLC, to develop Lot 12, 480 River Park Circle in Marquette, MI into a mixed-use property, strategically positioned to serve the entire vertical value chain of the outdoor recreation industry. From innovator to end user, multiple live/work buildings or "Shophouses", totaling up to 40,000 square feet will be strategically positioned across 3.44 acres and will serve multiple and variable purposes. This is a placemaking project with the goal of blending the natural setting and existing trails with economic growth opportunities, housing solutions, business attraction and retail services. The property is uniquely positioned at the confluence of commercial and recreational activity and serves as a four-season multimodal trail corridor.

The development will be laid out to complement the natural topography to create an innovative, park-like setting. All structures will share ecologically sustainable design and construction with each building offering live and work capabilities. The anticipated building and use schedule for phase 1 is as follows:

Building #	Footprint	Stories	Units	Shop space	Live/Workspace	Total Sq.Ft	Est. Height
1	576	2	3	1	2	1,152	32'
2	2880	2+	4	4	3	5,760	32'
3	960	2	4	1	3	1920	18'
4	144	1	1	0	1	144	16'

Accessory structures and amenities:

Zone/Structure #	Type	Area	Stories	Total Sq.Ft	Est. Height
4	Van/RV/Overland Parking	3500	N/A	3500	16'
5	Dumpsters	324	N/A	324	8'
6	Misc. Benches	360	N/A	360	3'
7	Misc. Bike Parking	200	N/A	200	8'
8	Outdoor Event Space	11,360	N/A	11,360	N/A

The purpose behind the architectural and place making design is to provide the ability to scale the project over a period of time and to allow tenants and businesses of Shophouse Park to fluctuate and respond to current economic and social climates. The goal is to build an adaptive and sustainable mixed-use development that serves the local community in both amenities and sustainable prosperity.

There are currently nine planned primary uses for the property.

1. New Venture/Innovation Support
2. Corporate Off-site Innovation
3. Housing
4. Retail
5. Hospitality
6. Light Industrial
7. Professional Office
8. Remote Work
9. Tourism

Phasing & Timing

All phases and individual buildings will have the ability to stand alone allowing for flexibility in the construction process and go to market strategy. It is the intent to start construction as soon as possible if approved by the city of Marquette.

Phase 1 - Years 1-4

- Full lot, preparation, clearing and grading.
- Full lot trunk utility infrastructure
- Full lot driveways, trails, and pathways
- Van/RV/Overland multi-purpose use areas
- Buildings 1, 2, 3, & 4

Phase 2 - Years 2-10

- Buildings 5,6,7,8

Parking

In coordination and cooperation with the City of Marquette, and the Marquette Board of Light and Power a proposed access road and public parking lot with 40 public spots on BLP owned land adjacent to lot 12 to the West will be improved to serve the purpose of public parking for the Kaufman Sports Complex and public access. This area will also serve as an access corridor to the North portion of Lot 12 through a legal easement or license.

All parking areas for lot 12 will be graded during phase 1, there will be 21 parking spots positioned on the perimeter of the development, maximizing internal green space. In addition, overflow and special event parking will be in phase 2 zone. Parking on lot 12 will be biased towards bicycles, micro mobility and pedestrian traffic with covered bicycle parking and future provisions for multi-model electric charging stations.

Schedule of development

Pending PUD and site plan approval the tentative schedule for development is as follows:

5/9/2023

Submission of PUD application

5/01/2023 – 09/01/2023

Approval and Permitting Process

Site and utility preparation

Phase 1

10/01/2023 - 11/01/2027

Construction as per table above

3/01/2024

Targeted first buildings open.

Phase 2

11/01/2026 – 11/01/2036

Future Ownership Intentions

The owners intend to hold, own, and operate the development for a minimum of 12 years.

Purpose

The purpose of this mixed-use development is directly in-line with the City of Marquette Community Master Plan, Economic Development Action Plan and Recreation Plan. Upon completion of construction and in operation will align as follows:

Master Plan

Chapter 1 Page 3

- Nurturing a "green" economy, promoting partnerships and entrepreneurship, maximizing local talent and goods.
- Maintaining a safe, multi-modal transportation system that balances the needs of work and play while conserving natural features.
- Emphasizing the safety of the most vulnerable transportation system users - pedestrians and cyclists – is prioritized.
- Valuing the opportunities of its natural assets.

Chapter 2 Recommendations table:

1. Provide variety in design and layout.
2. Achieve economy and efficiency in the use of the land for both private investment and public enjoyment.
3. Provide useful open spaces that naturally complement the landscape.
4. Provide housing, shopping, and services in addition to wealth creating opportunities by fostering innovation and attracting corporate partners.
5. Create a mixed-use development that would otherwise not be permitted, support the greater vision of the Community Master and Economic Plans that will result in the promotion of public health, safety, and welfare without any negative impacts on adjoining land or uses.

Economic Plan

<https://www.marquettemi.gov/wp-content/uploads/2019/09/City-of-Marquette-Economic-Development-Action-Plan.pdf>

1. Improve and diversify tax base.
2. Increase and diversify employment base.
3. Support local businesses
4. Improve Quality of life

Recreation Plan

<http://www.marquettemi.gov/wp-content/uploads/2017/08/RECREATION-PLAN-FINAL-NOVEMBER-2011.pdf>

1. Upgrade existing trails and connections
2. Establish City accessible trail heads.
3. Improve Kaufman Sports Complex

The specific purpose of Shophouse Park is to be the center point of establishing the region as an Outdoor Recreation Innovation District. Marquette and the Upper Peninsula have abundant assets in both trail infrastructure and innovation, design, engineering, and manufacturing talent. With the rapidly accelerating growth of the digital workforce, the electrification of outdoor mobility products. We are at a unique point in time to be first movers in the electrification of trail systems that connects rural communities and as a result position ourselves as the primary destination for the development of outdoor recreation products, experiences, and companies. In addition, Shophouse Park takes a community development approach by providing retail, restaurant, and housing in an underserved and underdeveloped area of town.

The development helps address many challenges faced in rural communities by blending uses. Shophouse Park provides a unique solution for small business and housing, while also spurring innovation and corporate attraction.

The Property meets the minimum size requirement over more than 2 acres.

The proposed development substantially meets more than three of the following objectives designed to support a PUD. The project will serve to benefit the City of Marquette in both short-term community and long-term economic development.

1. The project will permanently preserve open space and embrace the natural topography of the parcel.
2. The development will provide a natural buffer and multi-modal transition from industrial to recreational assets.
3. The property represents a public improvement as this development is of the highest and best use, not only for the land but for the community at large. It will alleviate current public parking challenges, it will enhance recreational assets and will provide housing, hospitality, and retail services in an underserved area of the city.
4. The project promotes the goals and objectives of the community master plan and goes beyond to generate wealth building opportunities in response to a post covid 19, enhanced digital world.
5. This project will foster the aesthetic appearance of the City through building design and the situation thereof amongst natural trees, rocks, and trails.

Thank you for the consideration of supporting this project.

Best regards,

A handwritten signature in black ink, appearing to read 'David Ollila', written over a horizontal line.

David Ollila

05/09/2023
Hoponassu OZ LLC
Shophouse Park
David Ollila

Variances from Ordinances:

The Shophouse Park mixed use development as proposed, is incompatible with the current Industrial and Manufacturing Zoning District. The four primary conflicts are as follows:

1. Dwelling Live/Work
2. Outdoor Recreation
3. Indoor & Outdoor Food & Beverage Service
4. Child Care

In the spirit of being encouraged to develop innovative properties in accordance with the goals and objectives of the Community Master Plan we propose that there is a higher and better use for the property beyond that of Industrial and Manufacturing. While there will be industrial activities on the property, we believe a blended approach inspired by a shift in culture will have a greater positive impact on the community. Shophouse Park as proposed will provide a natural buffer between industrial activities and recreation, it will serve as a key junction of trails and paths, it will provide housing, retail services, small business spaces, corporate attraction, and new venture support. The property and its location offer a definitive natural advantage to address multiple growth opportunities for the City of Marquette and we hope this serves as justification to support a PUD.

The requested variances are supported by the following with the city of Marquette Master Plan:

Chapter 2 -- Table 2.1: Progress since 2004 Master Plan

- Maintain all-season non-motorized connections to neighborhoods and community facilities.
- Encourage and financially support outdoor winter recreation opportunities.
- Modify zoning provisions to allow for a diversity of housing types, densities, and mixed uses.

Table 2.2: Community Master Plan Recommendations

- Develop more transit services and facilities; expand non-motorized transportation options; and emphasize universal access.
- Encourage the construction of sustainable, energy-efficient homes/buildings.
- Encourage a diversity of new housing options.
- Engage in Placemaking activities that support neighborhoods.
- Where conventional, use-based zoning is not conducive to meeting the community vision for a walkable, well-connected waterfront and downtown, it may be necessary to amend a zoning ordinance. Establishing/expanding formbased code districts that regulate structure, design, and form over land use provides greater flexibility, creating a pedestrian oriented, mixed use waterfront district that protect view-sheds, waterfront uses, public access, and water resources.
- Capitalize on the economic value of "placemaking" - planning, designing, and managing public spaces to meet the needs and desires of residents and visitors and establish a common vision -

to increase both private development and public access to the waterfront, as well as to create a more walkable downtown that embraces water resources.

- Apply smart growth principles to decisions related to land development and planning, in order to increase physical activity via active transportation (walking and biking between destinations). The following tenets of smart growth indirectly address health via supporting a robust built environment:
- Mix land uses; take advantage of compact building design; strengthen and direct development towards existing communities; and foster distinctive, attractive communities with a strong sense of place.
- Create/maintain incentives for new development/re-development in developed areas, including tax-increment financing and assistance with tax abatement program applications.
- Promote existing community parks, beaches, paths, forests, etc., by: Raising awareness about ways to enjoy the outdoors all year round, as the Arts and Culture Center raises awareness about art in the community.

Chapter 3

- Industrial zoning is needed less than in the past, as has been demonstrated by unfulfilled vacancies in "industrial parks" that were created relatively recently.

Request for flexibility in process and requirements:

As we believe this project is progressive and pushes the envelope of the current rezoning or PUD processes, we ask for a collaborative approach and the relaxing of the requirement for any detailed drawings, elevations, site sections for the preliminary plan submission. The two reasons for this request are one; that level and detail is a significant financial cost upfront with no guarantee the project is approve, whereas the cost of preparation for a PUD and the PUD filing fee is already prohibitive and limits the ability for the general population to participate in transformational projects. The second reason is that: Allowing for flexibility in design and leaving opportunities to moderately adjust plans will likely yield a higher performing and optimized development. We also ask for collaboration on items such as paving the entire parking lot and driveways, we would like to experiment and develop the best solution, preferably a permeable cover that will both temper storm water runoff and allow for flexibility in the final design to support the best possible final project.



David Ollila

5/9/2023

Date



CITY OF MARQUETTE
POLICE DEPARTMENT
300 W. BARAGA AVE.
MARQUETTE, MI 49855
(906) 228-0400
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: James Finkbeiner, Road Patrol Captain
DATE: MAY 19, 2023
SUBJECT: Review of 07-SPR-06-23 with 01-PUD-05-22.

**Parcel ID's # 1000120
480 River Park Circle
Marquette, MI. 49855**

I have reviewed the plans and have no comments at this time.

Captain James Finkbeiner
Road Patrol Captain
Marquette City Police Department



MEMORANDUM

TO: Zoning, Fire, Engineering, and DPW Staff
FROM: Dave Ollila
DATE: May 26, 2023
SUBJECT: Responses to staff comments for 01-PUD-05-22 & 07-SPR-06-23 (PIN: 1000120) – Preliminary PUD Site Plan Review

Responses to Zoning Comments:

General Comments

1. For a PUD submittal is it a requirement to indicate “The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership thereof.” Sheet A104 – calls out open space. Will all of this be preserved or reserved as open space? Or is this just open space areas for Phase 1? Please revise the site plan to indicate the open space areas that are to be preserved or reserved and an indication of the proposed ownership thereof.
 - a. Please see the attached image. The southern and central portion (bright green) will be preserved open space, while the northern portion of the site will be reserved until future construction occurs.



2. Please provide your written verification of access easements or agreements.
 - a. Please see the attached document.
3. Please provide the location of your snow storage areas for clearing of the parking lots.
 - a. This is located in Northwest corner of the Southernmost parking lot, East of building 2. Please refer to the image below.



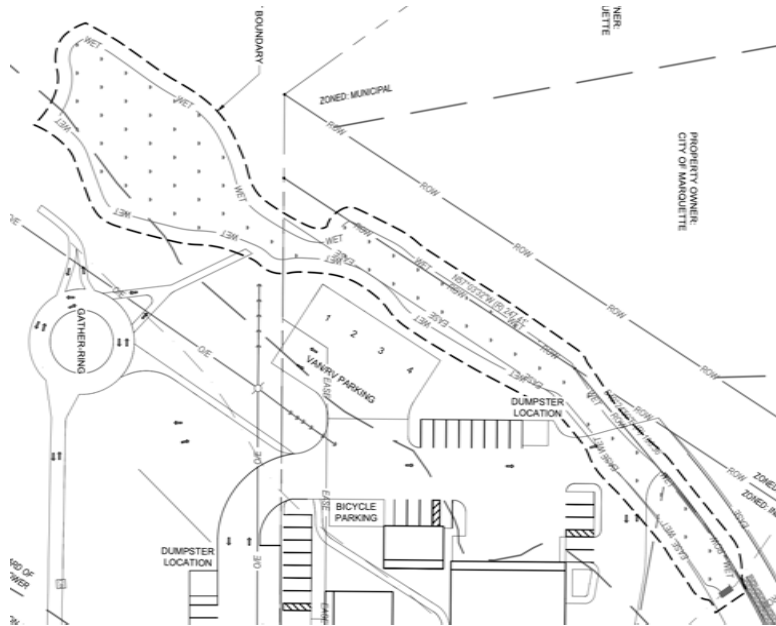
4. The site plan is missing your parking space calculations, please provide this. If you are under the required parking spaces, please state if you are asking for a PUD variance and reasons for such.

- a. Because this is a novel approach to place making, and because there are no calculations available in the LDC for Live/Work developments we calculated parking based on the closest available comparisons. This results in a wide range of potential results. As suggested, the basis of calculations could range from office space to production, to assembly/conference to hotel. None of these methods of calculations are a direct match. For that reason, we are seeking a variance of either the method of calculations or simply to allow a commonsense approach to identifying the proper number of parking spaces to support the development. Below is a table we used for various calculations. In a worst-case scenario 40.75 parking spaces are required, our current plan shows 14 identified spaces to serve the buildings of phase 1. In addition, as seen on page 6 of the pattern book, there are an additional 14 spaces for parking in the area marked for future development. This brings the total designated parking spots to 28. We do not feel that 40.75 parking spaces are required for phase one and ask for a variance to allow for 28 parking spots. Furthermore, we are working with the Marquette Board of Light and Power to designate public parking along the west side of the proposed western access road. In addition, the concept of Shophouse Park is to encourage micro-mobility transportation such as bicycles and the preservation of the natural landscape and conservation of green space. Should also be mentioned that the entire site is considered for the 12.39 site area spaces.

BUILDING	BASEMENT	GF SF	LOFT SF	2F SF	TOTAL SF	UNCOVERED BALCONY SF	BEDS
BUILDING 1	0.00	576.00	386.00	576.00	1,438.00	120.00	2.00
BUILDING 2	2,880.00	2,880.00	1,440.00	2,880.00	10,080.00	812.85	12.00
BUILDING 3 A	0.00	336.00	336.00	0.00	672.00	722.27	1.00
BUILDING 3 B	0.00	336.00	336.00	0.00	672.00		1.00
BUILDING 3 C	0.00	336.00	336.00	0.00	672.00		1.00
BUILDING 4	0.00	144.00	0.00	0.00	144.00	0.00	1.00
SUB TOTAL GF SF		7,344.00	TOTAL SF		13,678.00	1,655.12	18.00
GENERAL AREAS		SF					
VEHICLE CIRCULATION + PARKING		21,356.00					
NATURAL PEDESTRIAN PATHS		9,480.00					
BUILT AREA ON GROUND FLOOR		4,713.00					
GREEN AREA		114,432.00					
			-2,631.00				
COLOR CODE	USE	TOTAL SF	INDUSTRIAL	SITE AREA	OFFICES	TOTAL	
	WORKSHOP	9,070.00	/1500 SF	/10K	/400 SF	22.75	
	HOTEL	5,758.00				18.00	
		14,828.00				40.75	

Sheet A104

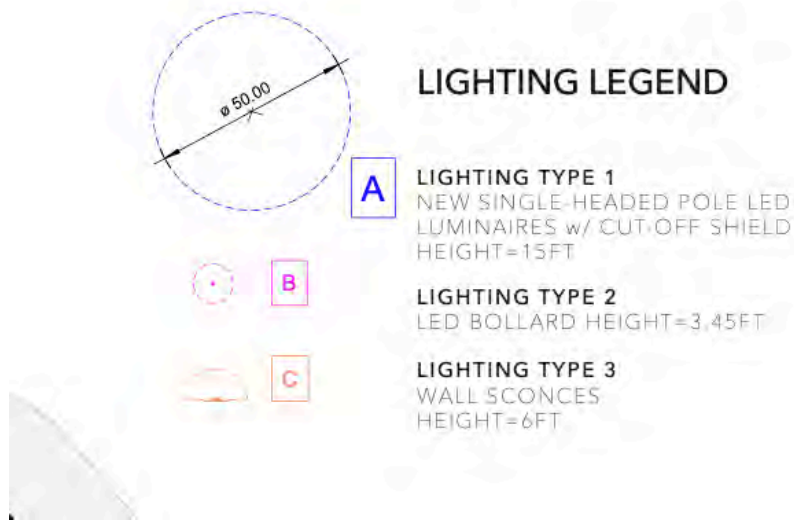
1. States Riparian buffer to be determined, please revise the site plan to show the Riparian Overlay District boundary.
 - a. The Riparian buffer will surround the wetland area located in the northwest corner of the site as shown below.



2. Please revise the site plan to meet the following *"A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade"*.
 - a. The site will be maintaining a natural look and feel with the existing flora. We do not foresee any new planting for this project, the concept is that the site will naturally return to the existing flora over time. We do not foresee any berms, retaining walls for fences. We are requesting a variance within our PUD to not provide new landscaping.
3. Please provide how you are meeting Sections 54.1003 (A), (B), and (C). If you are under the required landscaping requirements, please state if you are asking for a PUD variance and reasons for such. *If more detailed information is required than is currently provided than we are asking for a variance from these requirements.*
 - a. The site will be maintaining a natural look and feel with using the existing flora.
 - i. A. Street trees
 1. The southern portion of the site (along river park circle) will preserve the natural and existing conditions.
 - ii. B. Frontage Landscaping
 1. The southern portion of the site (along river park circle) will preserve the natural and existing conditions.
 - iii. C. Parking Lot Landscaping
 1. The Parking lot is surrounded by existing natural landscaping that will remain on the southern and eastern portions of the site.

Pattern Book page 3

1. Please provide the height of all of the Lighting types. Please revise the page to include this information.
 - a. Lighting Types "A" (Street Light = 15' tall, "B" (Bollard) = 3' 6" tall and "C" (wall sconce) 12" tall (approximately 7' from ground level).



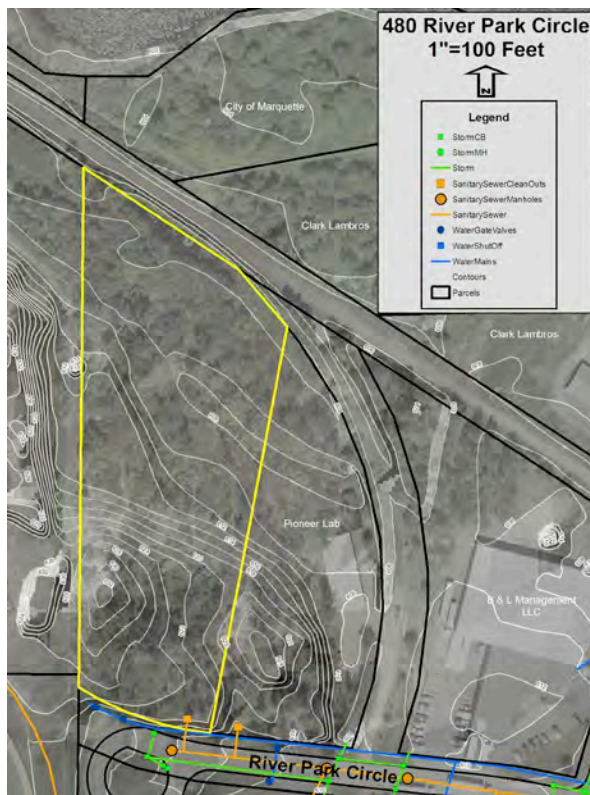
2. Per the pattern book the method of screening for the waste dumpsters does not meet code. Please revise the site plan to show how you will be meeting Section 54.1003(F) of the Land Development Code (LDC) – “The enclosure must be constructed of brick, decorative concrete, vinyl composite material which matches or complements the principal building or structure”
 - a. The enclosure will be constructed of treated wood. We are requesting a variance within our PUD to not meet this section.

RESPONSES TO FIRE DEPARTMENT COMMENTS:

1. Will the building have sprinkler systems installed?
 - a. Yes.
2. Will the building have fire alarm systems installed?
 - a. Yes.
3. Will any additional fire hydrants be installed on the property?
 - a. 1 additional fire hydrant will be located in the northern portion of the site, there is an existing fire hydrant located just to the south of the site.
4. Will all access roads be 20 feet wide?
 - a. Yes.

RESPONSES TO ENGINEERING DEPARTMENT COMMENTS:

1. Note road radius, width, and dimensions of stalls for proposed parking area and access roadways.
 - a. Typical road widths and parking stall dimensions are located on A103.
2. Please show existing utilities including size and material (particularly those proposed to be tapped for the development).
 - a. We currently do not have the size and material, only the locations of existing services. Please refer to the submitted survey and the reference image below for the location.



3. A single water service with master meter must be used. Multiple water main taps will not be approved.
 - a. We understand and will comply.
4. The existing power poles and guy wires in proposed parking and drive areas will need to be addressed.
 - a. We are working with BLP to locate the access road. In the final site plan, we will have a jointly approved site plan.
5. All work on MBLP property will need to be reviewed and approved by the MBLP.
 - a. We understand and will comply.
6. Storm water calculations, meeting zoning requirements, that show the rate of runoff is not increased, must be submitted, and approved prior to final site plan approval.
 - a. GEI will submit this information prior to final site plan approval.
7. All utility work within City right of way or easements will require city engineering permits and must be constructed to City of Marquette standards and specifications.
 - a. We understand and will comply.

RESPONSES TO PUBLIC WORKS COMMENTS:

1. The east side of the western parking lot is confusing the way it is drawn. Seems to be a few extra lines.
 - a. We will provide clarity for the final site plan review
2. I believe the utilities were intended to be private as they only serve the property. It would make sense with the way the property is laid out. That should be made clear though. Sanitary and Water would transition at the r/w line. Storm would remain private until it ties into a City structure which likely won't happen with site falling to the north.
 - a. We will work with the City to provide acceptable utility service to the project.



2010R-06033

PATRICIA A. MANLEY
REGISTER OF DEEDS
MARQUETTE COUNTY, MIRECORDED ON
06/16/2010 07:40AM
PAGES: 6

REC'D JUN 15 2010

4:45pm

GRANT OF EASEMENT

The City of Marquette, a municipal corporation of 300 West Baraga Avenue, Marquette, Michigan 49855 (hereinafter "Grantor"), and Snapperhead RNR, LLC, a Michigan limited liability company of 420 E. Prospect Street, Marquette, Michigan 49855 (hereinafter "Grantee"), enter into this Easement on June 15, 2010, subject to the following conditions:

1. **Purpose.** The Grantor owns a gravel drive ("Drive") within the abandoned railroad located north of the River Park Circle Right-of-Way in the City of Marquette, State of Michigan. Grantee desires to use the Drive for ingress and egress to Grantee's parcel described as the "Benefited Property" in Paragraph II below. The Grantor agrees to grant an Easement to Grantee to provide access across the Grantor's parcel, which will burden the Grantor's parcel for the benefit of the Grantee's adjacent parcel.

2. **Benefited Property.** The Grantee owns property in the City of Marquette, Marquette County, Michigan, described as follows:

Lot Twelve (12) of River Park Complex according to the Plat thereof recorded in the Marquette County Register of Deeds office.

3. **Consideration.** Grantor grants this Easement to Grantee as part of and in consideration of the purchase of the Benefited Property by Grantee. No monetary consideration shall be paid by Grantee for this Easement.

4. **Description of the Easement.** Grantor hereby grants and conveys to the Grantee, its successors and assigns forever, a perpetual easement for ingress and egress for Grantee, its agents, employees and invitees from the River Park Circle Right-of-Way line to Grantee's parcel

of land described in Article II above as shown on the attached Exhibit A over the following described premises in the City of Marquette, County of Marquette and State of Michigan:

A twenty-four foot (24') wide strip of land situated in the Soo Line Railroad parcel, as shown in River Park Complex according to the Plat thereof recorded in the Marquette County Register of Deeds office; said Easement lying twelve feet (12') on each side of a centerline parallel to and twelve feet (12') Easterly of the East line of Lot 11 and Lot 12, said East line as shown in dashed lines on the drawing attached as Exhibit A.

5. **Condition and Maintenance.** The Grantee, Pioneer Surgical Technology, Inc. and all other parties holding easements, now or in the future, granted by the City of Marquette over the property shall bear all expense of maintaining the Easement, as agreed between those parties. Under no circumstances shall Grantor be obligated to provide any maintenance or improvement to the Easement. The Grantee shall not improve the Easement without prior written approval from the Grantor.

6. **Interest in Realty.** The Easement shall be an appurtenance to the Benefited Property and shall run with the land.

7. **Warranty.** Grantor warrants it has good marketable title to the land upon which the Easement lies, subject to any rights or reservations held by the Soo Line Railroad Company and its successors and assigns. The rights granted in this easement shall be subject to any and all rights held by the Soo Line Railroad Company and its successors and assigns.

8. **Additional Easements.** The Easement rights granted herein are not exclusive to Grantee and Grantee acknowledges that to date, Grantor has granted the same or similar easements to Pioneer Surgical Technology, Inc. in document number 2010R-00679, Marquette County Records. Grantor reserves the right to grant additional easements in the future to additional persons or entities over and across the real property upon which this easement lies, so long as the future easements do not restrict Grantee's right to use the easement conveyed herein.

9. **Insurance** Grantee shall obtain liability insurance as part of its owner's policy for the Benefited Property to cover any liabilities which arise as a result of the use of the Easement, and Grantee's liability policy shall name Grantor as an insured party for the use of the Easement.

10. **Indemnification**. Grantee agrees to indemnify and hold Grantor harmless from any and all claims, debts, causes of actions, or judgments for any damage to any property or injury to any person which may arise out of any of the Grantee's actions within, use of, or around the Easement, by its agents, employees, representatives, guests, invites and contractors. This Provision shall survive the termination of this Agreement.

11. **Entire Agreement**. This Agreement and all exhibits constitute the entire agreement between the parties with respect to the subject matter of this Agreement, and all prior negotiations and agreements with respect to the Easement between the parties, whether written or oral, shall be of no further force and effect. This Agreement may not be modified except by a written document signed by both parties.

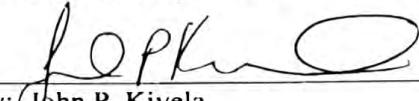
12. **Notice**. Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing or in a form of electronic or facsimile transmission which provides evidence of receipt, and shall be either personally served, electronically transmitted, or sent with postage prepaid to the appropriate party at its address as set forth in the introductory paragraph of this Agreement. Either party may change its address by giving notice of the change or a new facsimile transmission number to the other as provided in this section.

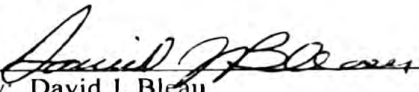
13. **Severability**. If any term, covenant, or condition of this Agreement or the application of which to any party or circumstance shall be to any extent invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall be

effective, and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.

14. **Transfer Tax**. This Easement is exempt from real estate transfer taxation under the provisions of MCL 207.505(a) and (h) and MCL 207.526(a) and (h)(i).

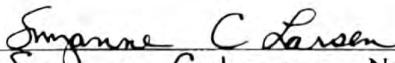
GRANTOR
CITY OF MARQUETTE

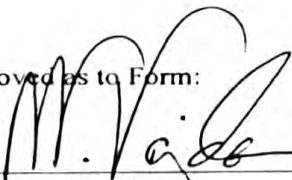

By: John P. Kivela
Its: Mayor


By: David J. Bleau
Its: Clerk

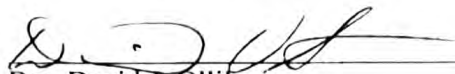
STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on June 15, 2010, by John P. Kivela, Mayor, and David J. Bleau, Clerk, of the City of Marquette, a Michigan municipal corporation.


Suzanne C. Larsen, Notary Public
State of Michigan, County of Marquette
My commission expires: 08-04-2012
Acting in the County of Marquette

Approved as to Form:

William E. Vajda
City Manager

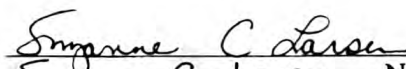
GRANTEE
SNAPPERHEAD RNR, LLC



By: David J. Ollila
Its: Member and Manager

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

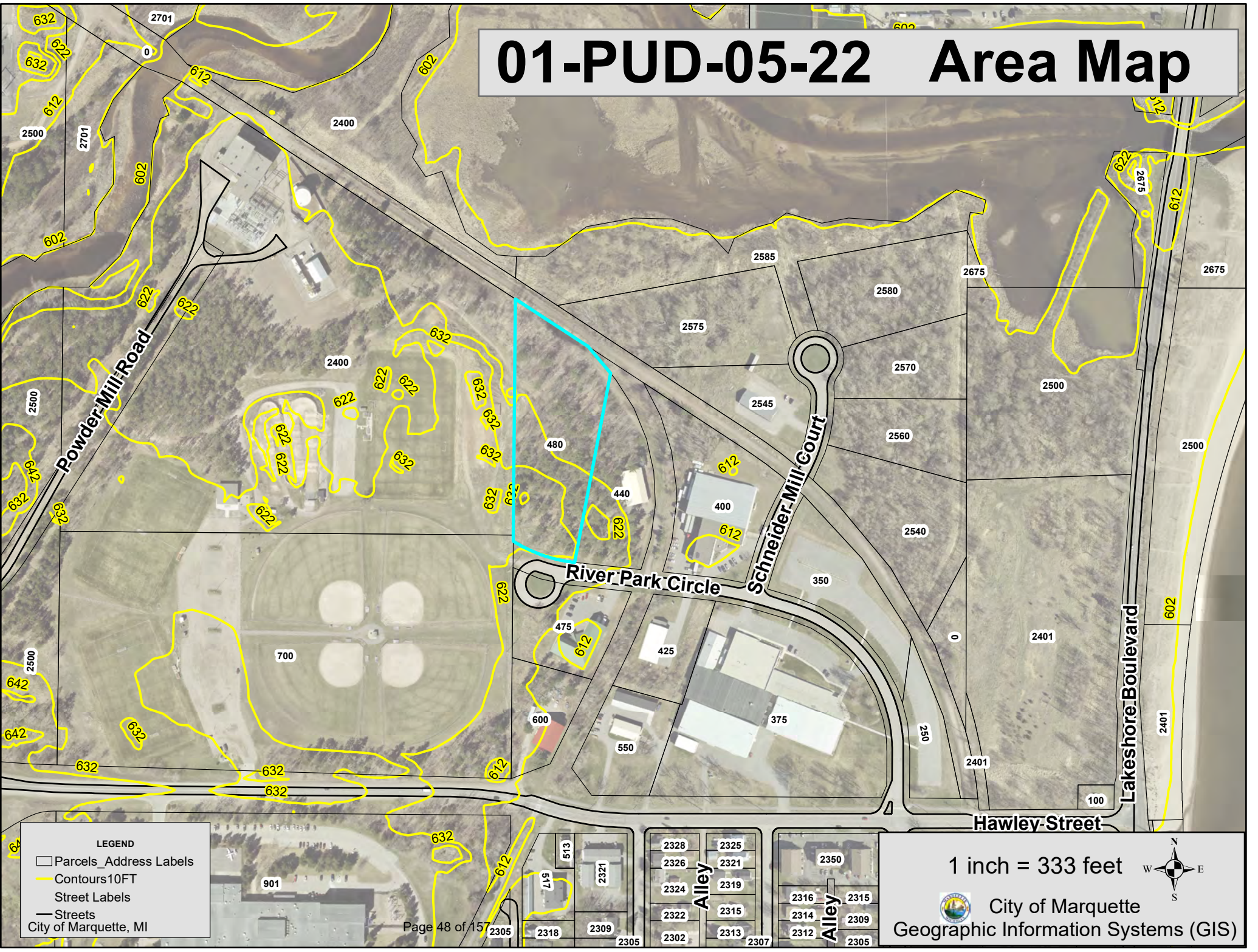
Acknowledged before me in Marquette County, Michigan, on June 15, 2010, by David J. Ollila, Member and Manager, of Snapperhead RNR, LLC, a Michigan limited liability company on behalf of the company.


Suzanne C. Larsen, Notary Public
State of Michigan, County of Marquette
My commission expires: 08-04-2012
Acting in the County of Marquette

Prepared by: Suzanne Curry Larsen
KENDRICKS, BORDEAU, ADAMINI,
CHILMAN & GREENLEE, P.C.
128 West Spring Street
Marquette, MI 49855
(906) 226-2543



01-PUD-05-22 Area Map



LEGEND

- Parcels_Address Labels
- Contours 10FT
- Street Labels
- Streets

City of Marquette, MI

1 inch = 333 feet

City of Marquette
Geographic Information Systems (GIS)

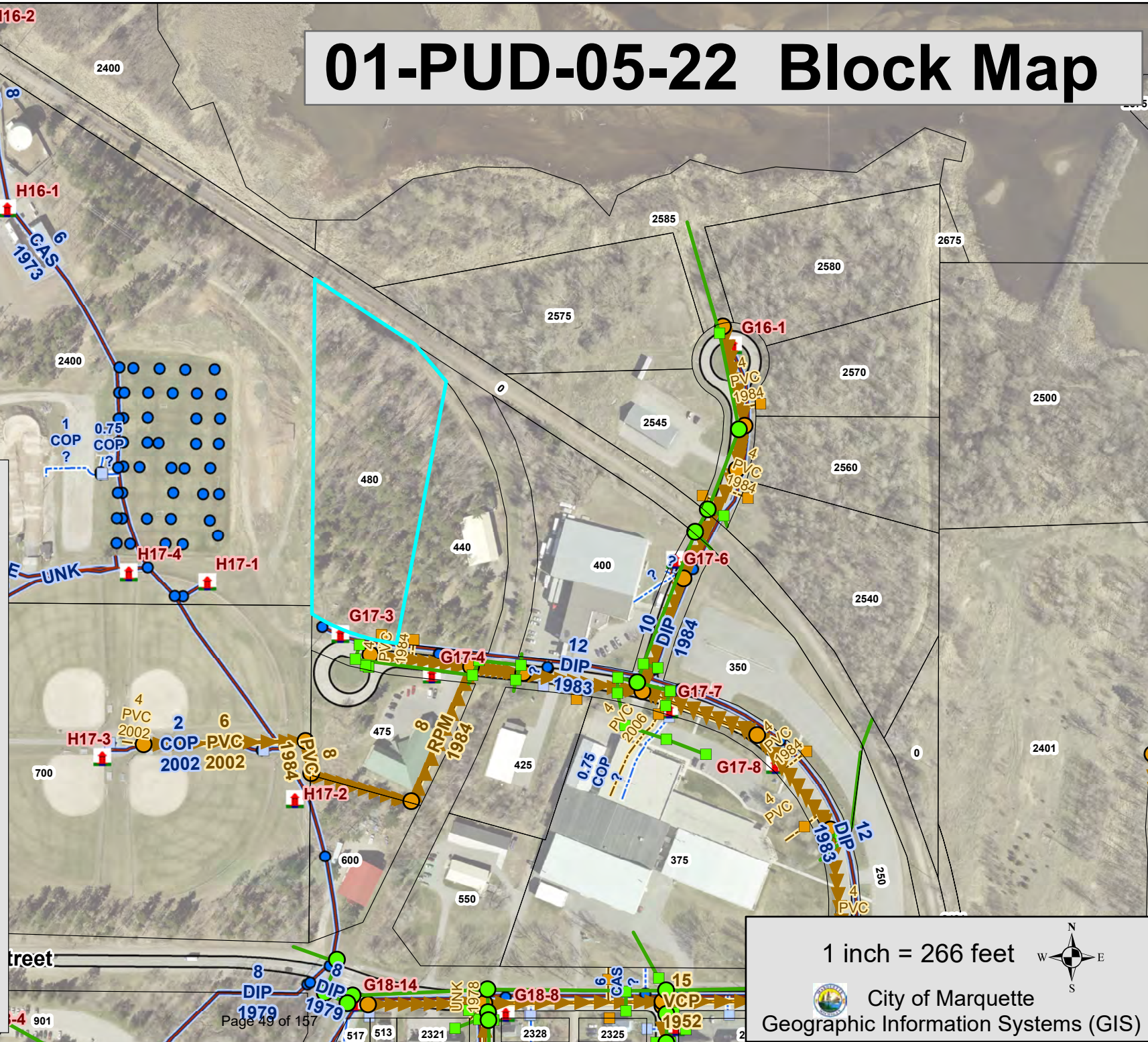
Page 48 of 157

01-PUD-05-22 Block Map

LEGEND

- Parcels_Address Labels
- Storm Manholes
- Storm Catch Basins
- Storm Pipes
- SewerCleanOuts
- Sewer System Valves
- Sewer Manholes
- San Flow Direction
- FLOW_DIR**
- EAST
- NORTH
- SOUTH
- WEST
- Sewer Lateral Lines
- Sew Not Slip Lined
- Sew Slip Lined
- Fire Hydrants
- WaterShutOff
- Water Valves & Gates
- Water Lateral Lines
- wMain**
- wMain
- Watermains
- Water Structures
- Street Labels
- Streets

City of Marquette, MI



01-PUD-05-22 Zoning Map

LEGEND

□ Parcels_Address Labels
— Street Labels
— Streets

Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business District
- General Commercial
- General Commercial with Conditional Rezoning
- Regional Commercial
- Third Street Corridor (FBC*)
- Downtown Marquette Waterfront (FBC*)
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power

City of Marquette, MI

1 inch = 208 feet

City of Marquette
Geographic Information Systems (GIS)





SHOPHOUSE PARK

480 River Park Marquette, MI
49855

May 2023



Presented to:

The City of Marquette
Community Development Department
300 West Baraga Avenue
Marquette, MI 49855

Owner:

Hoponassu OZ LLC
Marquette, MI

Team:

T+E+A+M

LEPPANENANKER
ARQUITECTURA

GEI

Site

SHOPHOUSE PARK
480 River Park Marquette, MI
49855



LEGEND

Equipments / Parks

Shop House Park

ZONING

3.44 Acre Mixed Use

- Commercial
- Residential
- Restaurant
- Office
- Retail
- Recreation

Being a strategic site, the land is located and surrounded by natural and recreational areas that allow the tourist and commercial activation of the place, providing it with services and homes that respect the natural environment and adjust to the existing landscape.

The creation of residential and mixed-use constructions is proposed: houses on the upper floor and workshops on the lower floor.

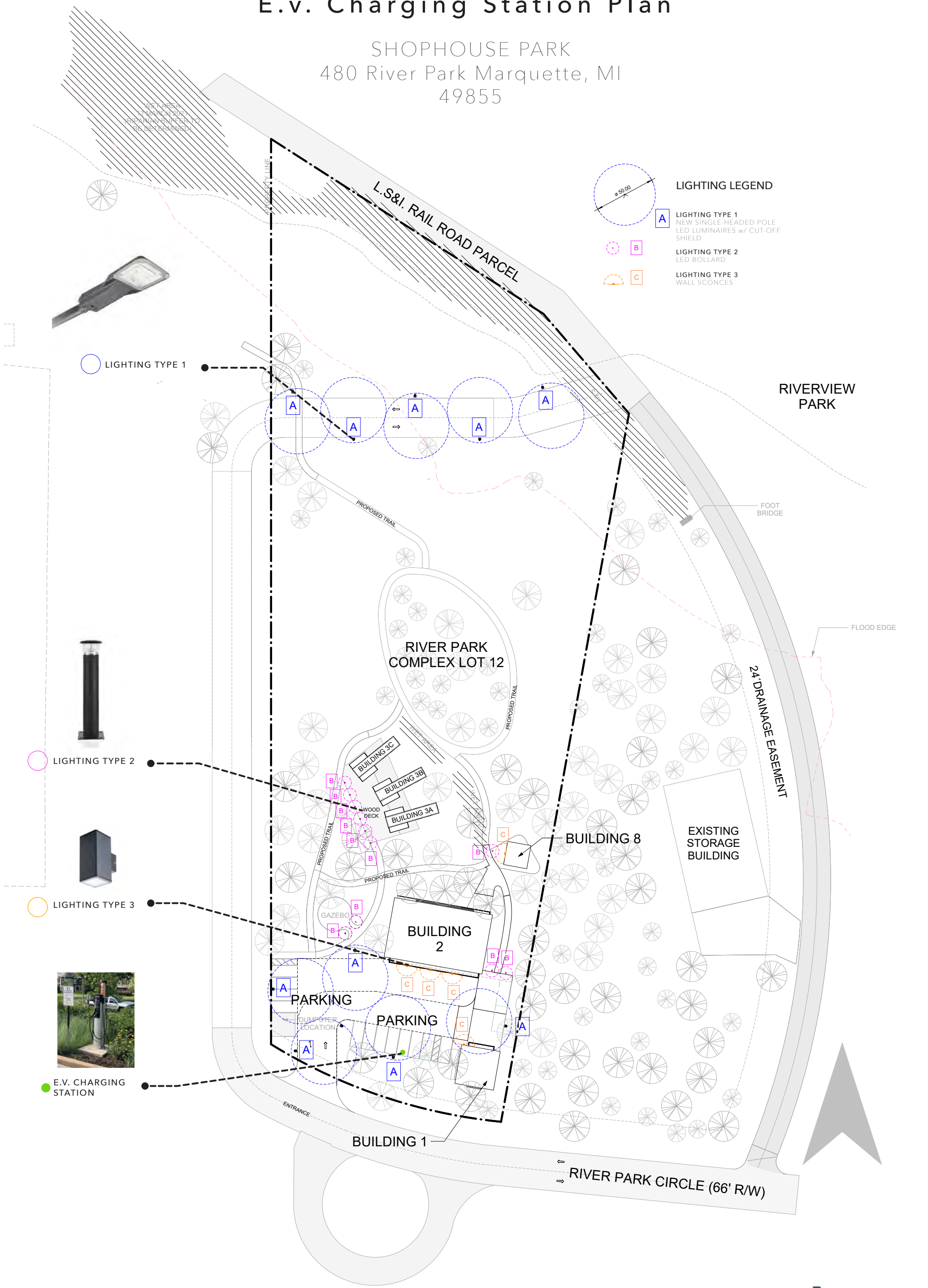
Public space and retail services that activate meeting milestones are proposed.

All built areas have vehicular accessibility and are connected by nature trails that respect the existing topography and vegetation.

The construction of the project is proposed in two phases.

Lighting + Exterior Furniture + E.v. Charging Station Plan

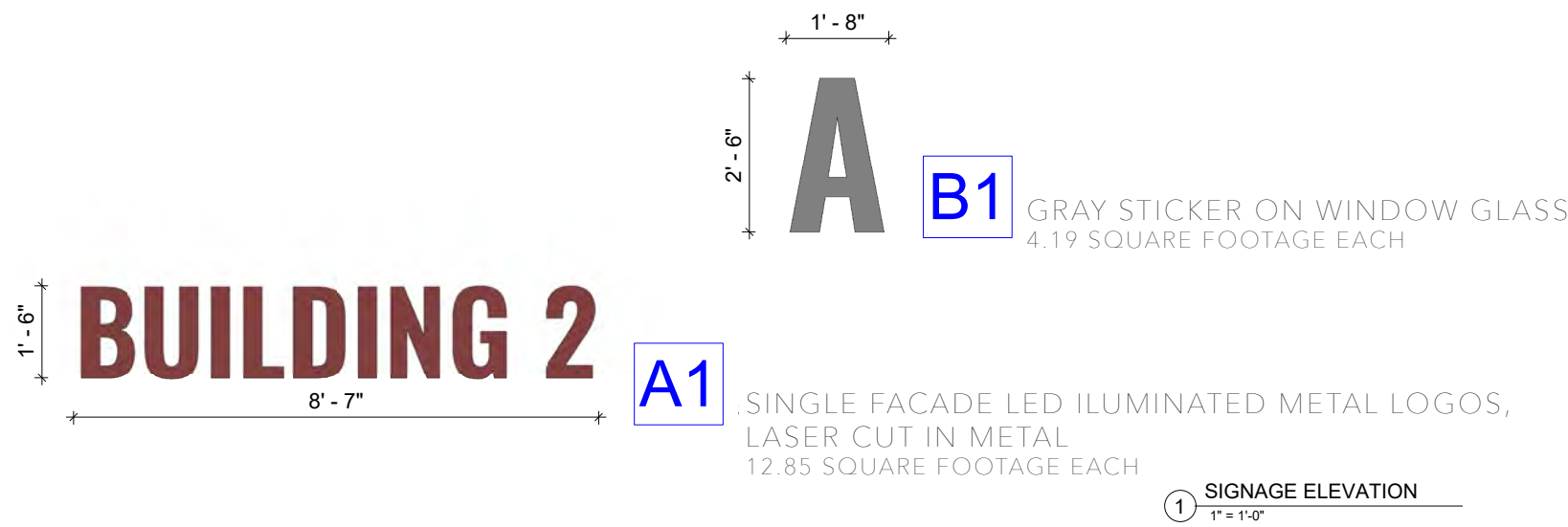
SHOPHOUSE PARK
480 River Park Marquette, MI
49855



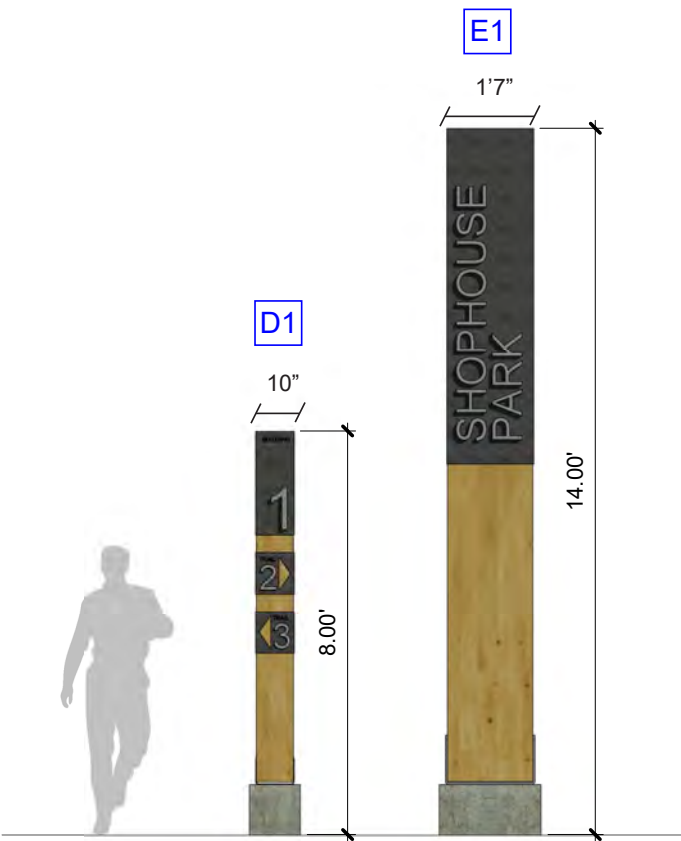
Signage

SHOPHOUSE PARK
480 River Park Marquette, MI 49855

BUILDING SIGNAGE



PUBLIC SPACE SIGNAGE



D1 TOTEM WOODEN SIGN, WITH LASER CUT METAL, LED ILLUMINATED IN LOGO AND NUMBERS 6.67 SQUARE FOOTAGE EACH

E1 TOTEM WOODEN SIGN, WITH LASER CUT METAL, LED ILLUMINATED IN LOGO AND NUMBERS 22.17 SQUARE FOOTAGE EACH

REFERENCE SIGNAGE MATERIALS



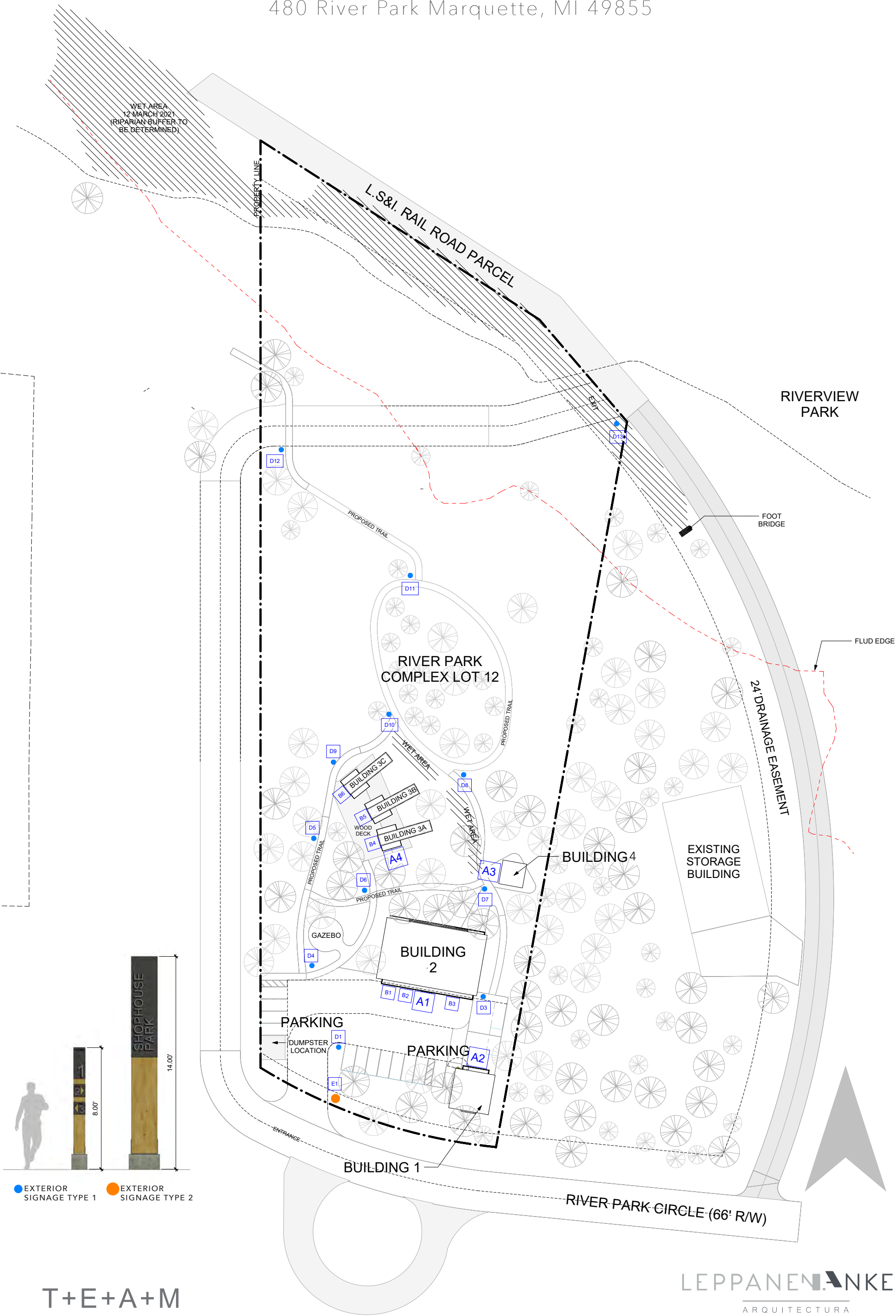
Metal + Wood + Stone



Laser Cut in Metal

Signage + Lighting + Exterior Furniture + E.v. Charging Station Plan

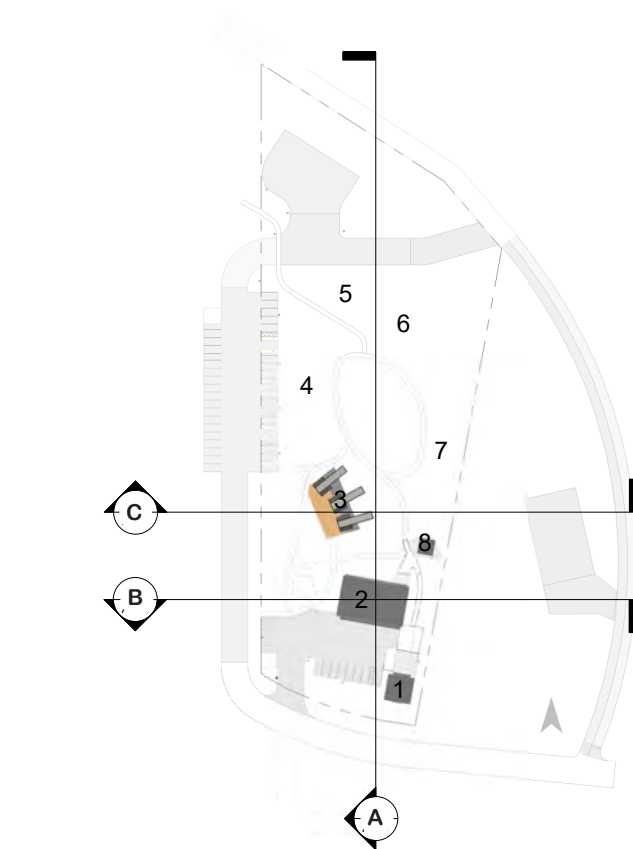
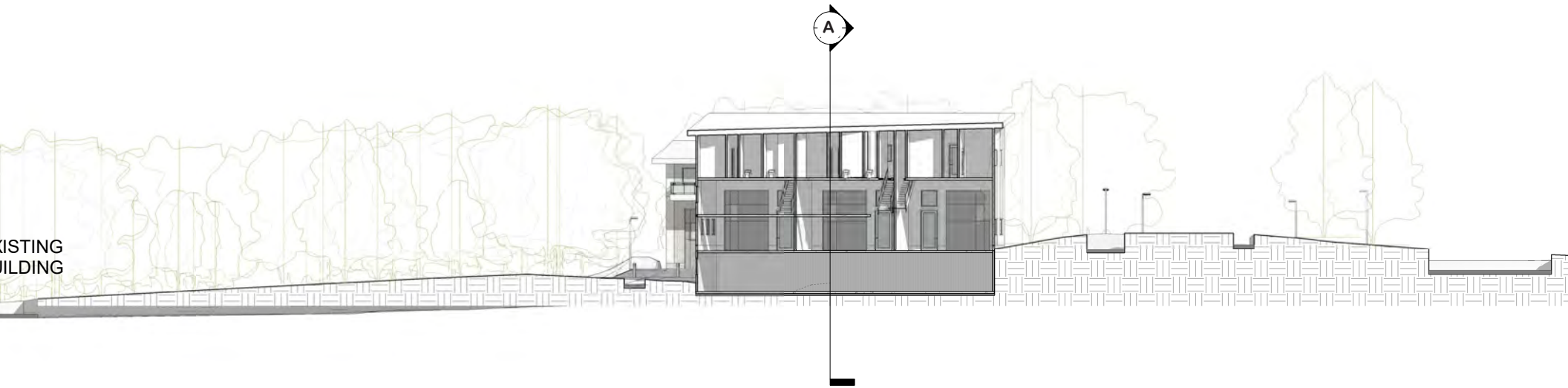
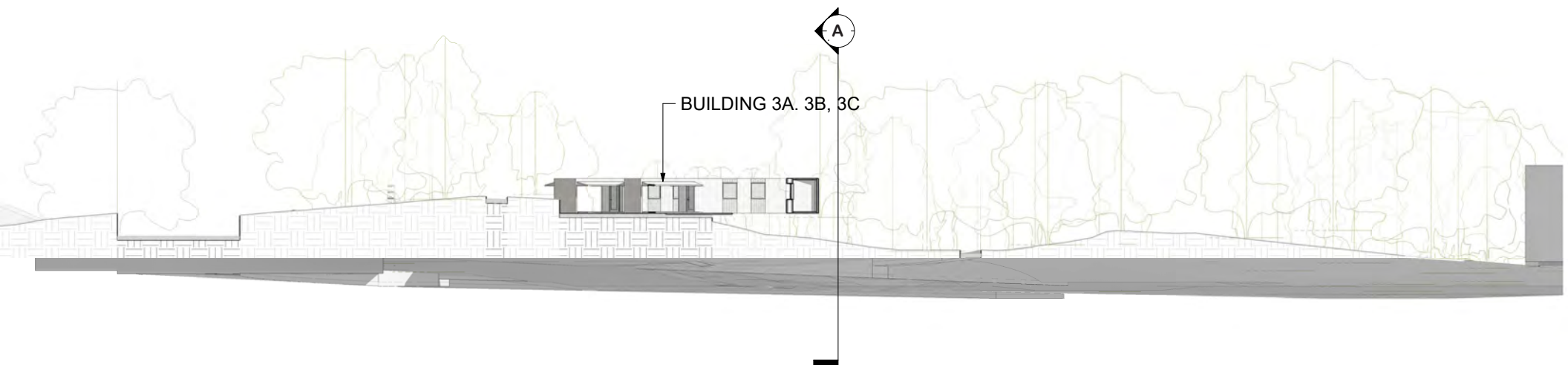
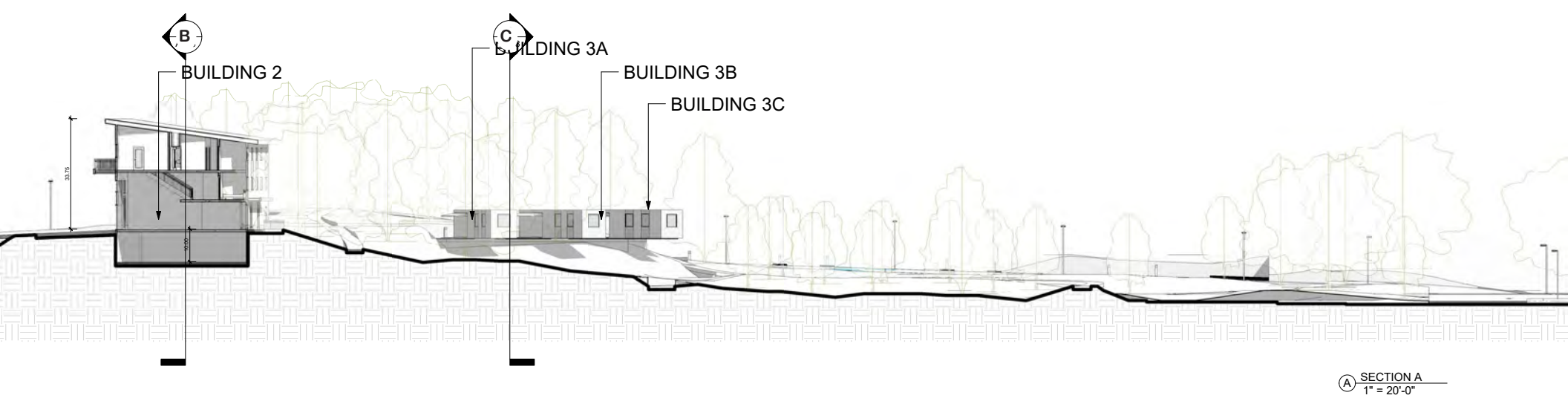
SHOPHOUSE PARK
480 River Park Marquette, MI 49855



Site Drawings - Sections

SHOPHOUSE PARK
480 River Park Marquette, MI
49855

GENERAL SECTIONS



Site Conceptual Design

SHOPHOUSE PARK
480 River Park Marquette, MI
49855

FLOORING MATERIALS



Parking zone: Gravel



Trails: Compacted surface



Buildings 3 zone: Wood deck



Buildings 3 zone: Metal grading deck

WALLS MATERIALS



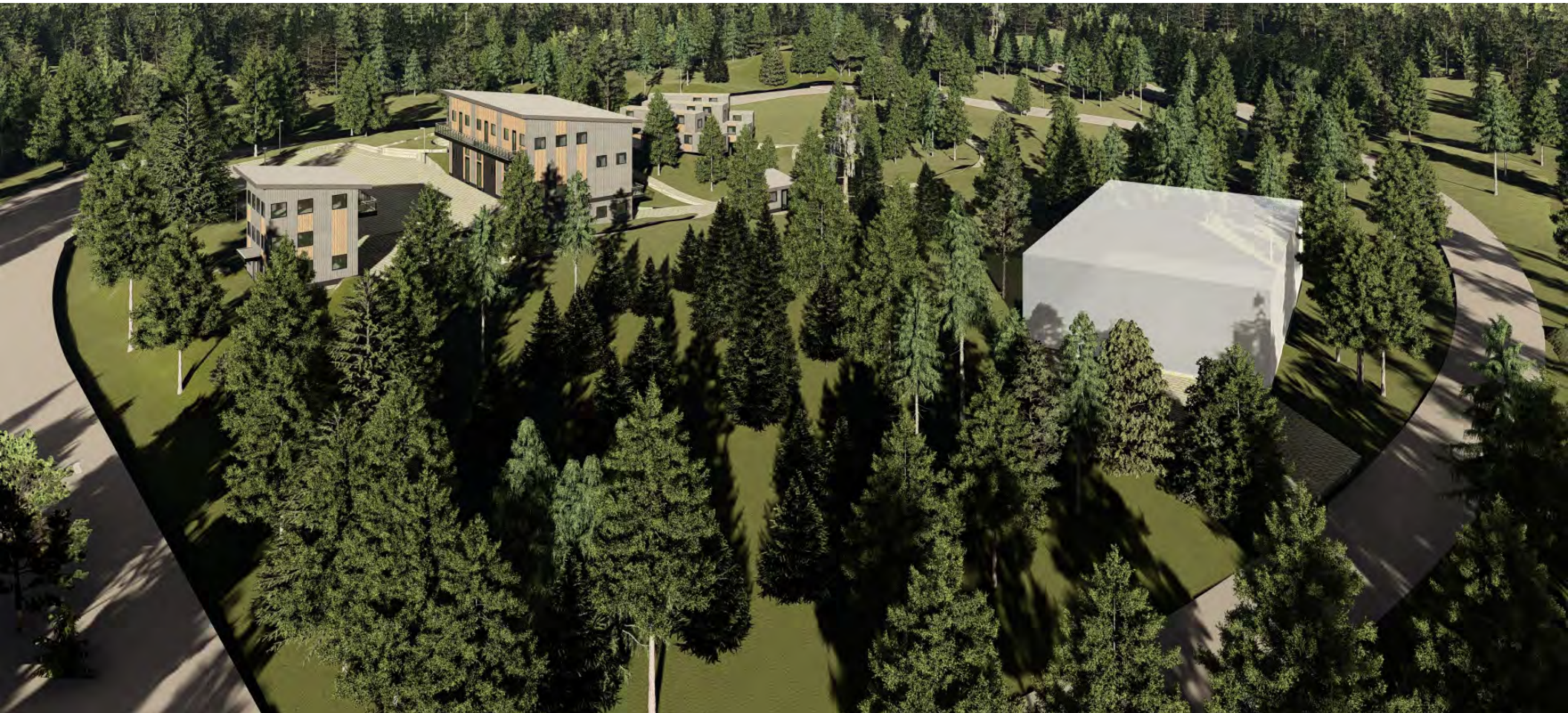
Dumpster Enclosure:
Metal + Wood

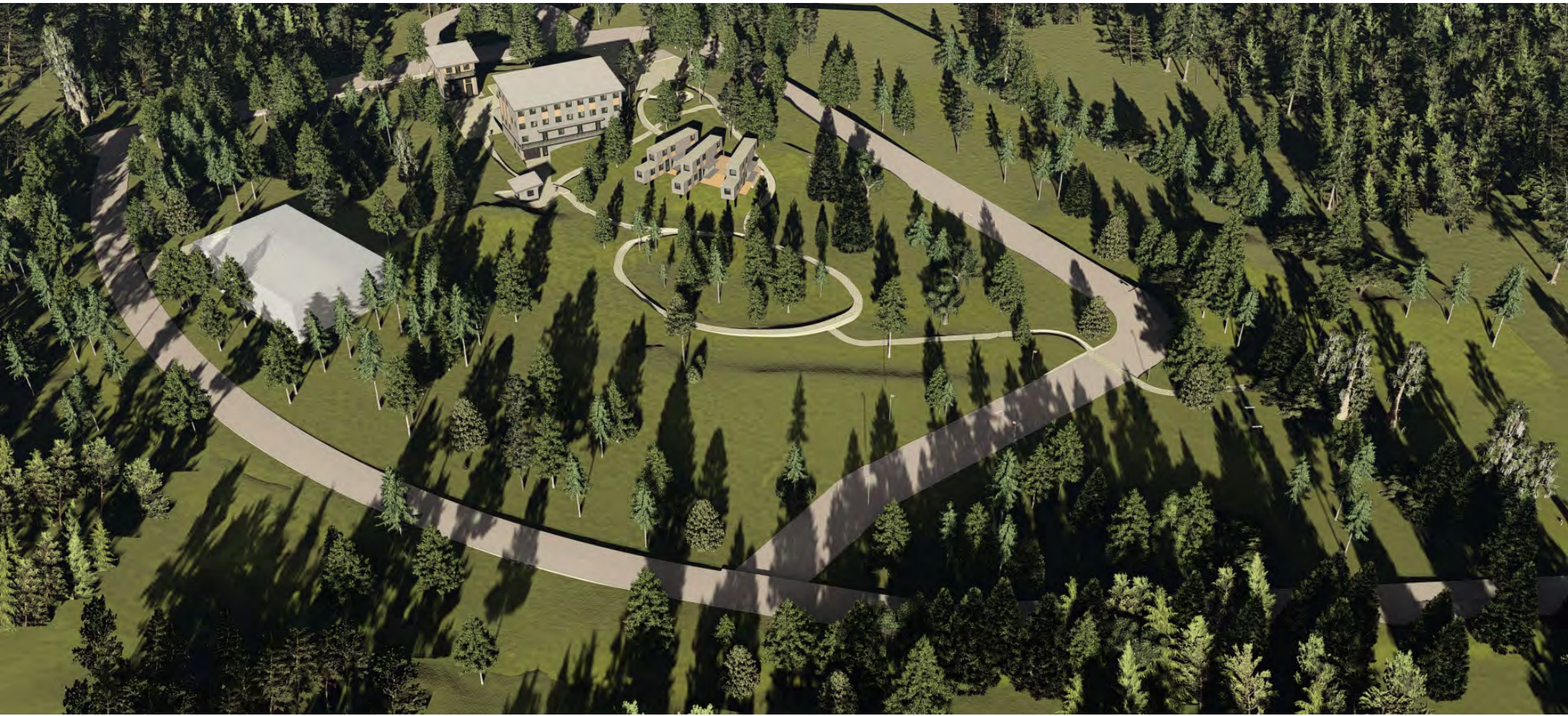
GENERAL AREAS

VEHICLE CIRCULATION AND PARKING	21,356 SF
NATURAL PEDESTRIAN PATHS	9,480 SF
BUILT AREA ON GROUND FLOOR	4,713 SF
GREEN AREA	114,432SF
TOTAL	149,981 SF

Site Renderings

SHOPHOUSE PARK
480 River Park Marquette, MI
49855





Building Conceptual Design

SHOPHOUSE PARK
480 River Park Marquette, MI
49855

HOUSING TYPOLOGY



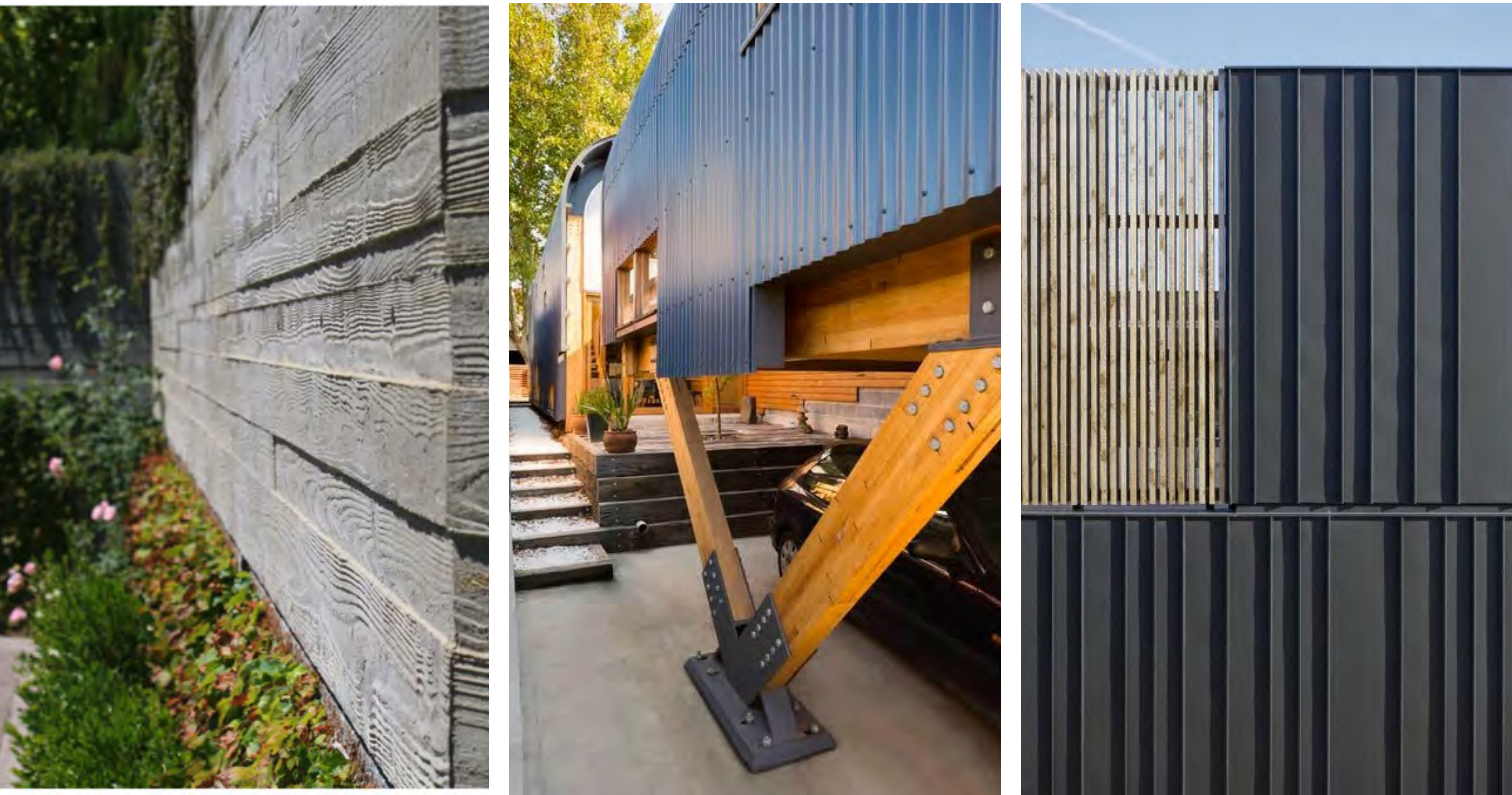
Following the concept of a workshop housing, mixed use spaces have been designed where a workshop is located on the ground floor and the living areas are on the upper floors. A typology of modern houses is proposed with a simple and clean geometry that blends in with its surroundings due to its materiality

and volumetry. Through the use of windows, a visual relationship is established between the interior and the forest.

Conceptual Design

SHOPHOUSE PARK
480 River Park Marquette, MI
49855

HOUSING EXTERIOR MATERIALS



Precast concrete with different types of finishes, wood and standing seam metal siding is proposed. Due to the constructive efficiency of these panels, since being prefabricated panels, the construction time is reduced and the construction is cleaner. This helps to reduce the impact on the environment since, the environment is not contaminated with toxic materials which are used in other construction methods. These materials have been proposed with the aim that architecture can blend in with its natural environment.

HOUSING INTERIOR MATERIALS



For the interior proposal, the use of local materials such as pine for the structure is planned, to minimize the environmental impact and reduce the carbon footprint.

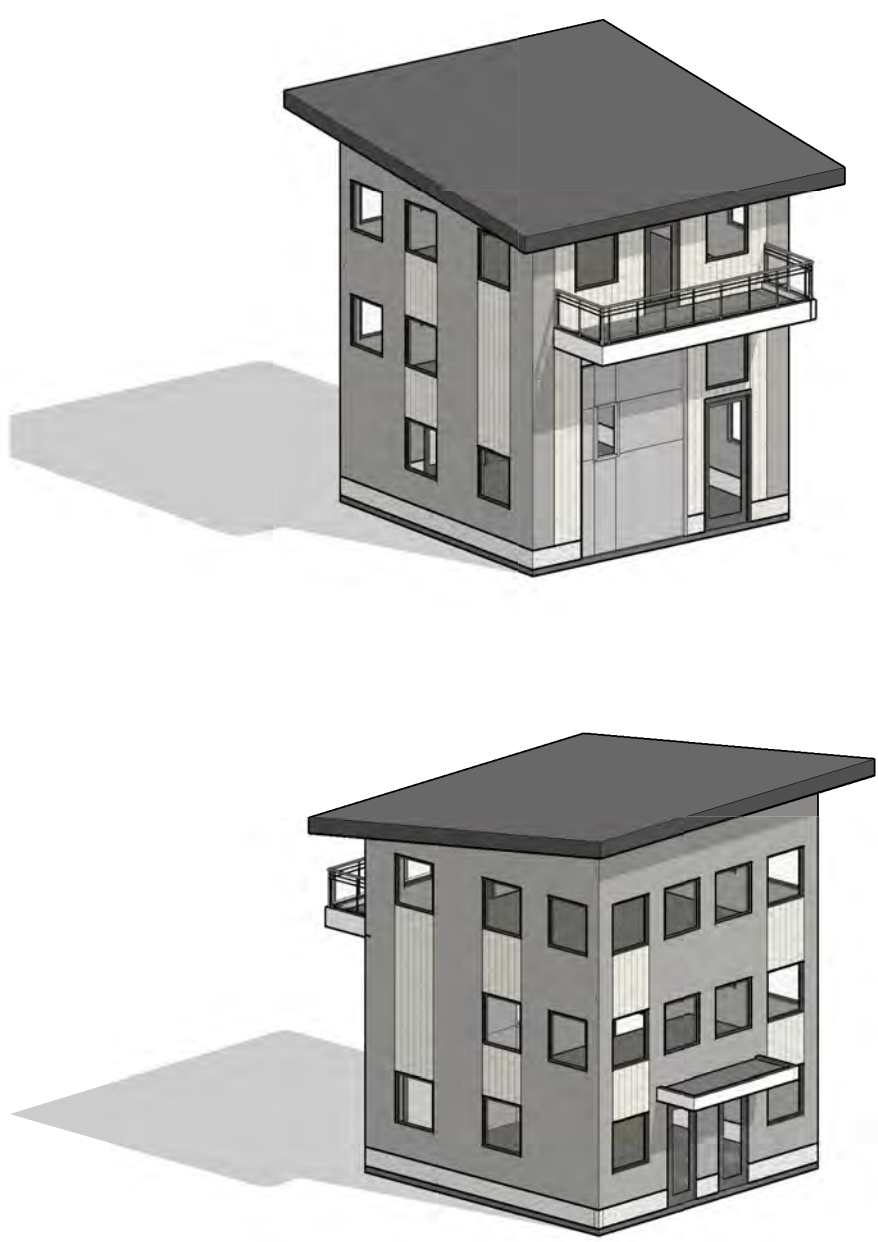
Metal structure in some areas is also projected. Warm wooden floors and microcement in commercial zones.

WORKSHOP TYPOLOGY



In the workshop area the use of the double height is projected to obtain a better entry of natural light, avoiding dependence on artificial light sources during the day and allowing greater ventilation, better views and a greater sensation of spaciousness, in addition to the functional advantages that provides the space. For vehicular entry, doors with metal panels are projected. The internal finishes are microcement on the floor for easy cleaning and light-colored walls.

Building Type 1 Drawings



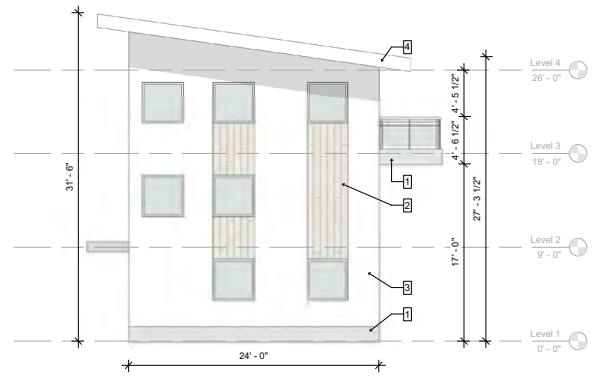
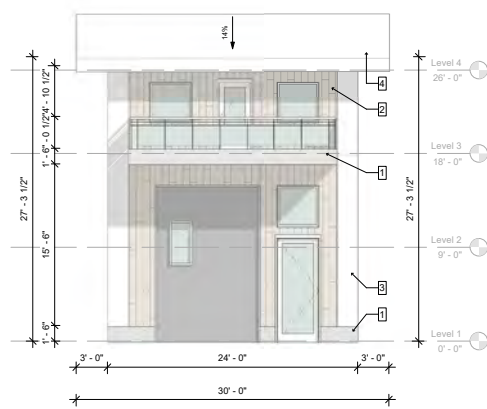
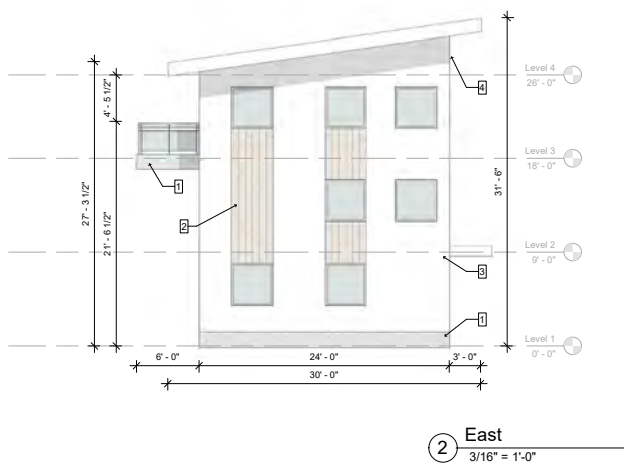
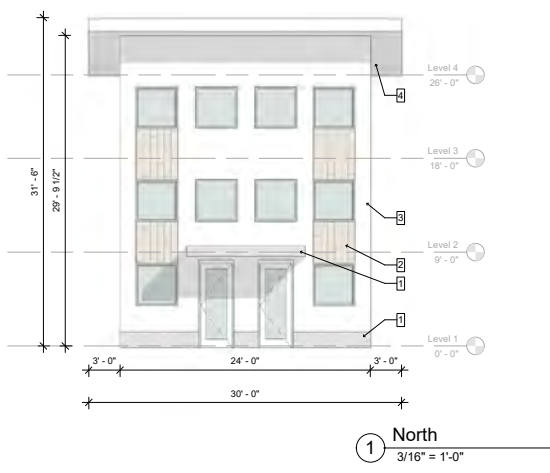
1
Ceiling and walls
Standing seam metal siding
Dark gray color



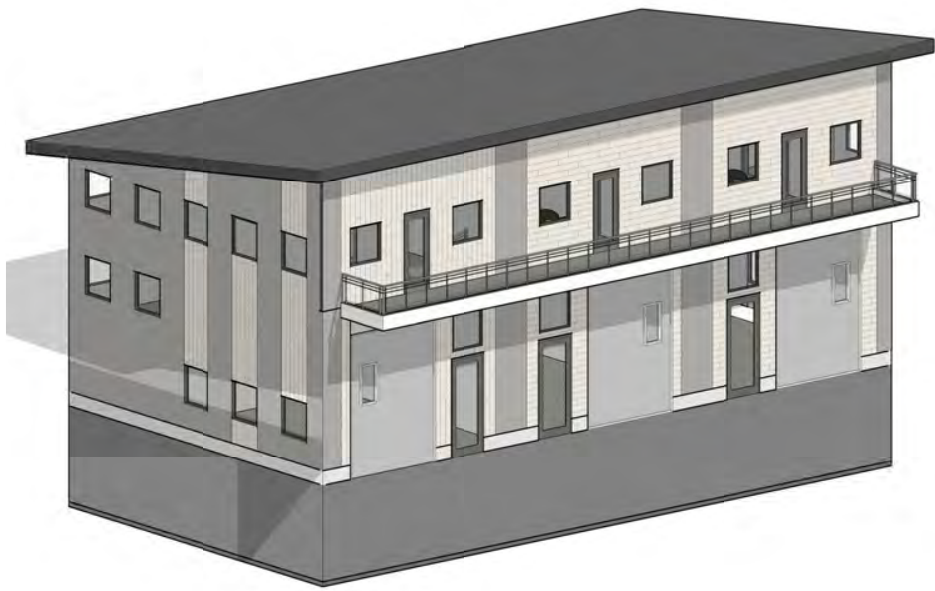
2
Facade Wood
Lunawood thermowood



3 - 4
Ceiling and walls
Standing seam metal siding
Black color



Building Type 2 Drawings



1
Ceiling and walls
Standing seam metal siding
Dark gray color



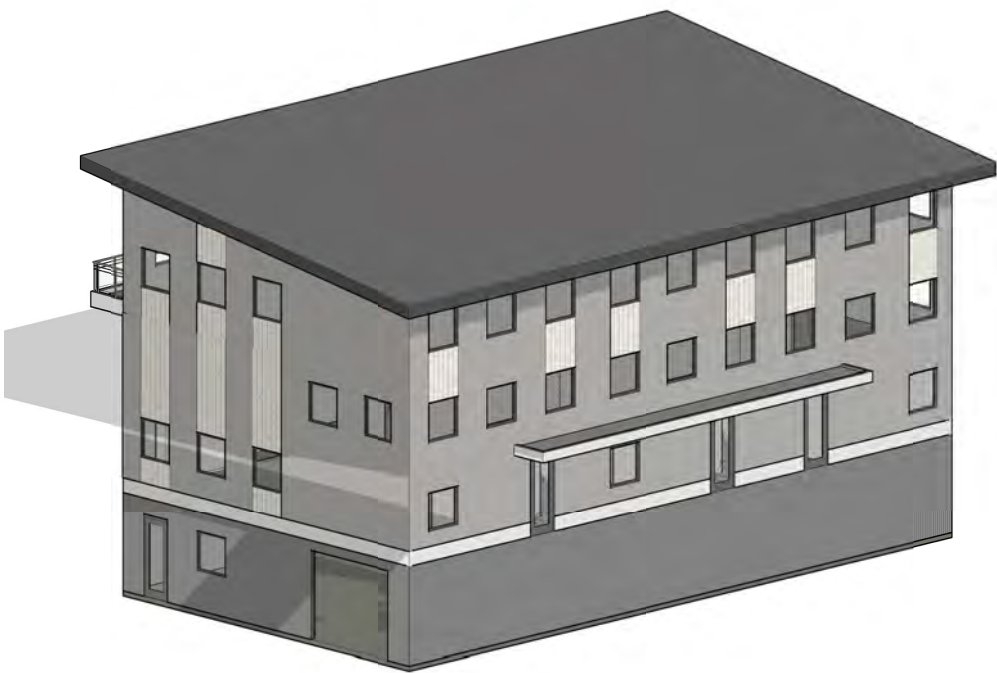
2
Facade Wood
Lunawood thermowood



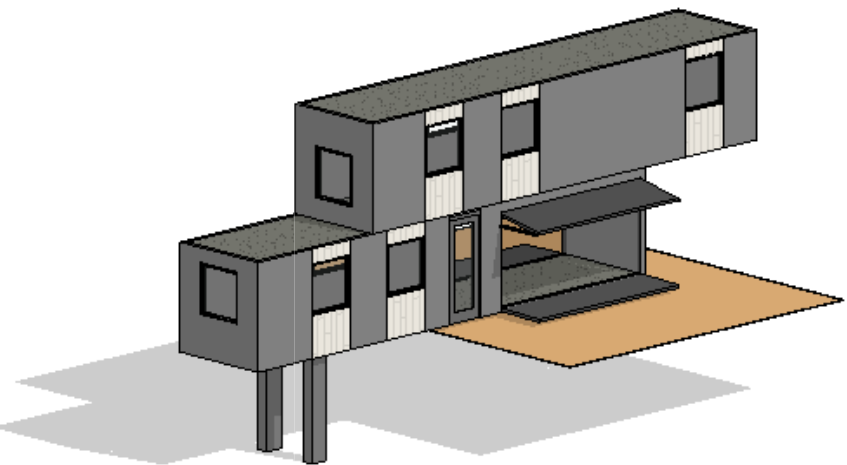
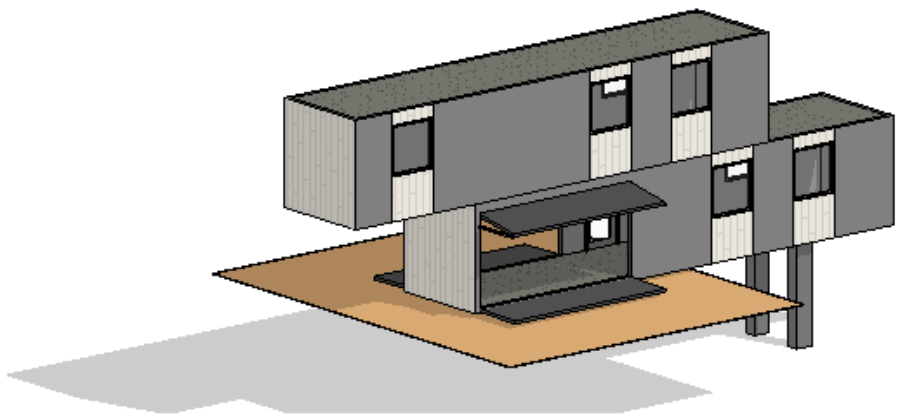
3 - 4
Ceiling and walls
Standing seam metal siding
Black color



5
Retaining Wall
Structural concrete wall



Retail Type 3 Drawings



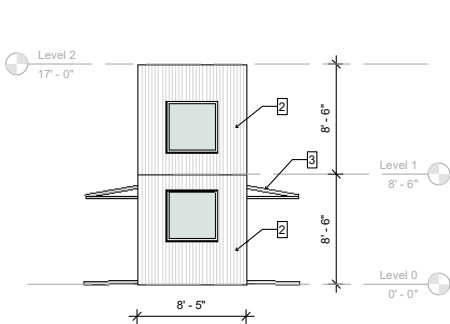
1
Ceiling and walls
Standing seam metal siding
Dark gray color



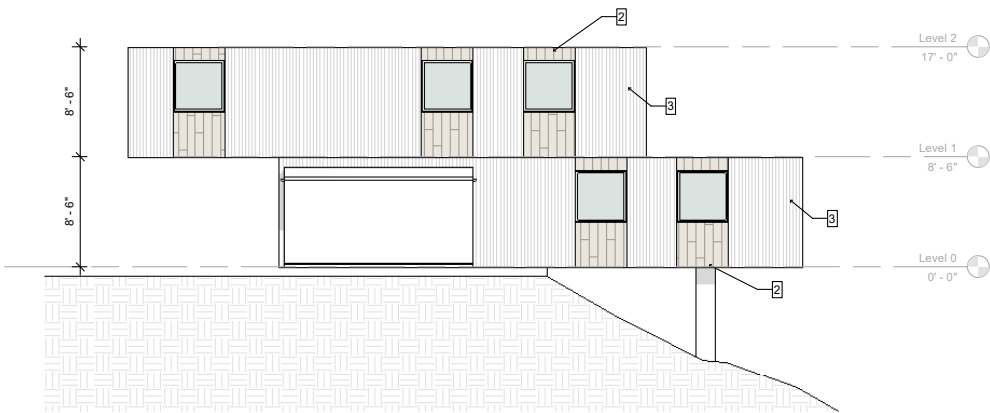
2
Facade Wood
Lunawood thermowood



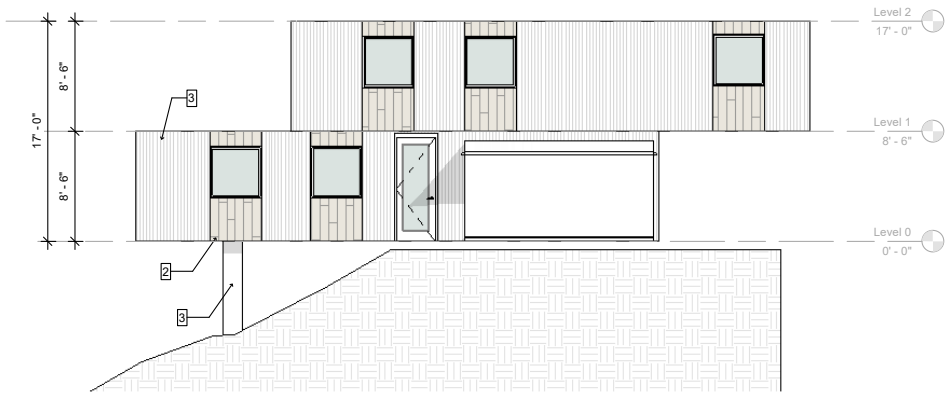
3 - 4
Ceiling and walls
Standing seam metal siding
Black color



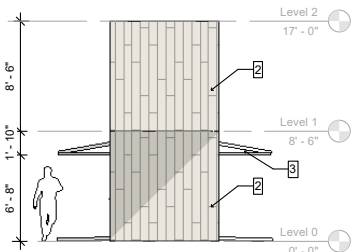
① **East**
3/16" = 1'-0"



② **South**
3/16" = 1'-0"



③ **North**
3/16" = 1'-0"



④ **West**
3/16" = 1'-0"

Building Type 4 Drawings



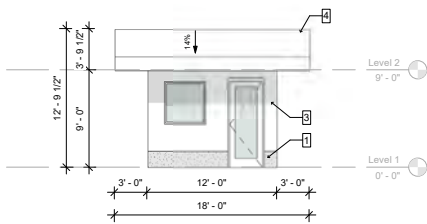
1
Ceiling and walls
Standing seam metal siding
Dark gray color



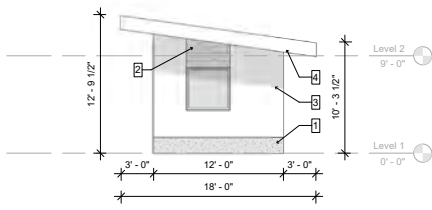
2
Facade Wood
Lunawood thermowood



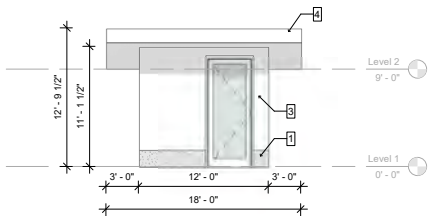
3 - 4
Ceiling and walls
Standing seam metal siding
Black color



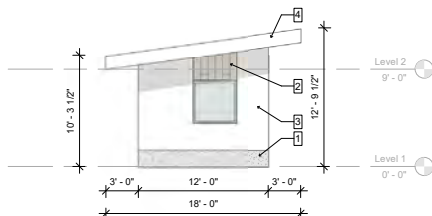
1 North
3/16" = 1'-0"



2 East
3/16" = 1'-0"



3 South
3/16" = 1'-0"

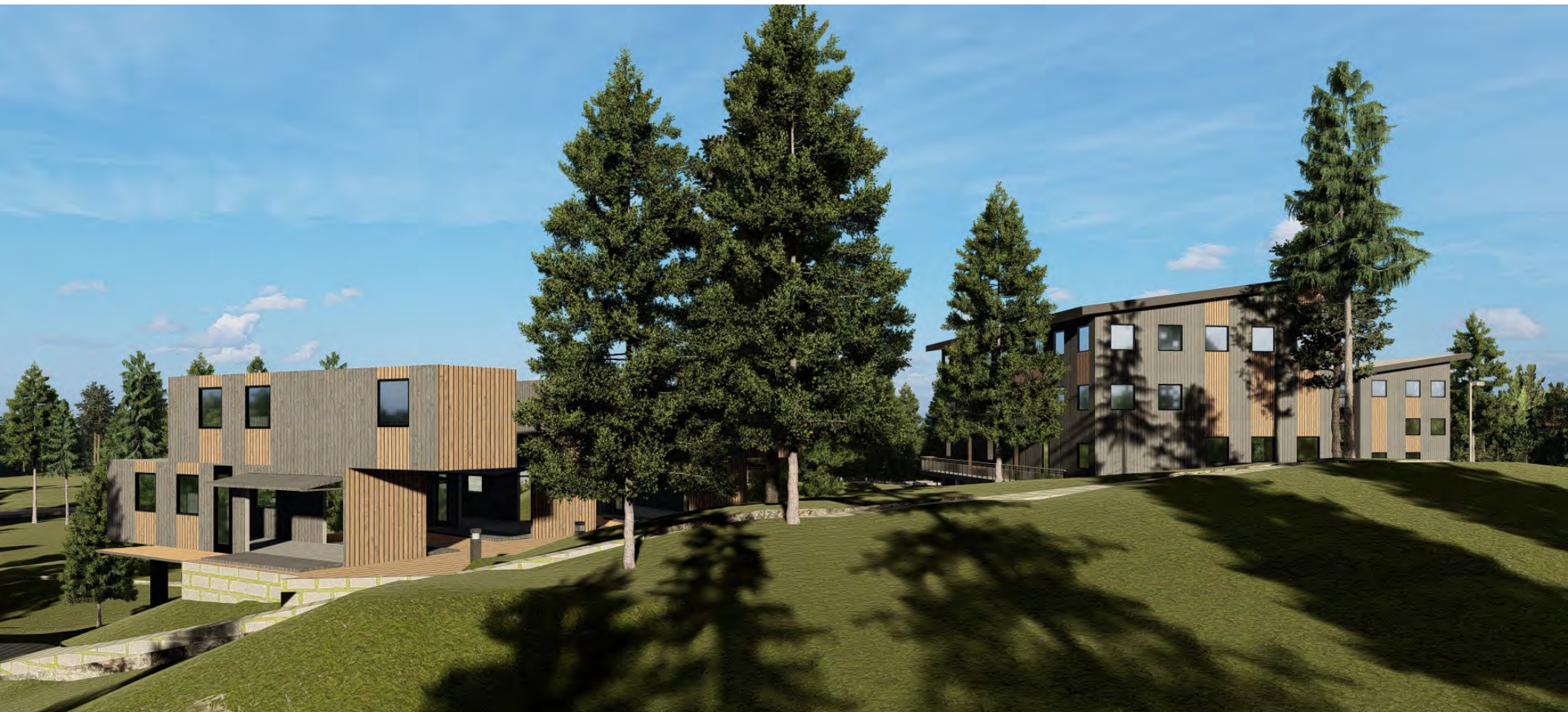
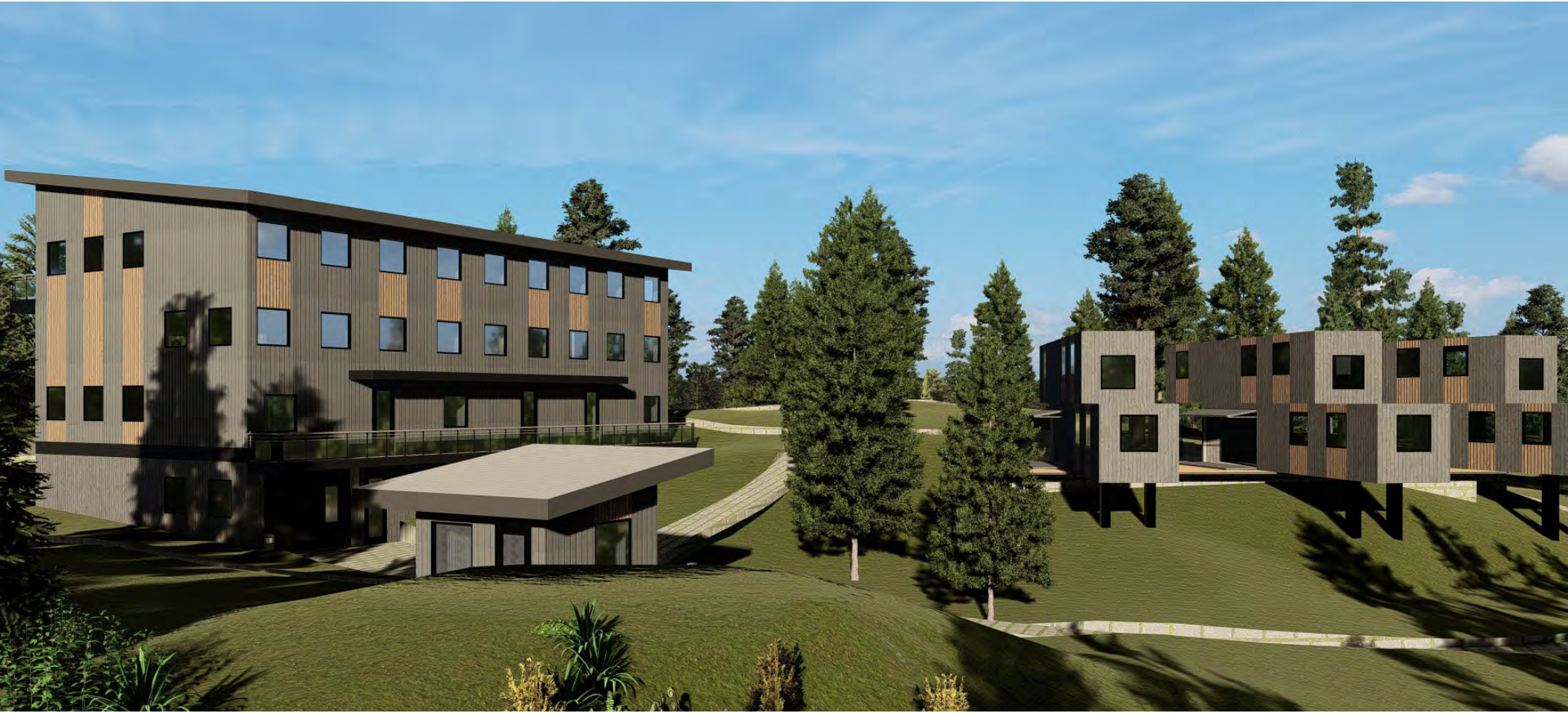


4 West
3/16" = 1'-0"

Conceptual Renderings

SHOPHOUSE PARK
480 River Park Marquette, MI
49855





C:\WORKING\INNOVATE MARQUETTE\SMARTZONE\2204564 Shophouse Park PUD\00_CAD\Design\Sheets\Zoning Plan.dwg - 5/9/2023

221.36'
N86°36'15"E

PROPERTY OWNER:
CITY OF MARQUETTE

PROPERTY OWNER:
CITY OF MARQUETTE

PROPERTY OWNER:
RIVER PARK STORAGE LLC

ZONED:
INDUSTRIAL/MANUFACTURING
(60' R/W)

ZONED:
INDUSTRIAL/MANUFACTURING
PROPERTY OWNER:
MARQUETTE BOAT STORAGE LLC

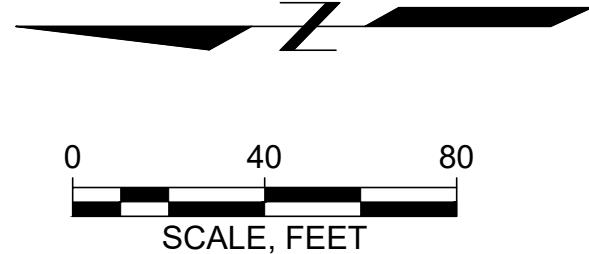
PROPERTY OWNER:
DALSTAR PARTNERS LLP

PROPERTY OWNER:
BOARD OF LIGHT AND POWER

PROPERTY OWNER:
BOARD OF LIGHT AND POWER

ZONED: BOARD OF
LIGHT & POWER
ZONED:
CONSERVATION AND
RECREATION

NOTES:
1. FOR BUILDING STRUCTURE DETAILS REFER TO ARCHITECTURAL PLANS.



Attention:
0 1"
If this scale bar
does not measure
1" then drawing is
not original scale.

Designed:	GMM
Drawn:	ANC
Checked:	
Approved:	
P.E. No:	
GEI Project	2204564



INNOVATE
MARQUETTE
SMART ZONE
MARQUETTE, MI

SHOP HOUSE PARK DEVELOPMENT

MARQUETTE, MI

0			
NO	DATE	ISSUE/REVISION	APP

SHEET NAME

**CONCEPTUAL
ZONING PLAN**

SHEET NO.

G-02

Not for Construction

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221.36'
N86°36'15"E

250.79'
N53°54'13"E

116.69'
S84°09'00"E

NOTES:
1. EXISTING TOPOGRAPHY AND BOUNDARY SURVEY PERFORMED BY VAN NESTE SURVEYING ON MARCH 15, 2021.



Attention:
0 1"
If this scale bar does not measure 1" then drawing is not original scale.

Designed: GMM
Drawn: ANC
Checked:
Approved:
P.E. No:
GEI Project 2204564



INNOVATE
MARQUETTE
SMART ZONE
MARQUETTE, MI

SHOP HOUSE PARK DEVELOPMENT

MARQUETTE, MI

0			
NO	DATE	ISSUE/REVISION	APP

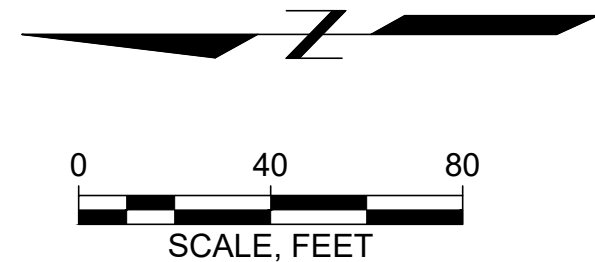
SHEET NAME
EXISTING CONDITIONS

SHEET NO.

C-01

Not for Construction

CARMODY, TONY B:\Working\INNOVATE MARQUETTE SMARTZONE\2204564 Shophouse Park PLUD00_CADD\Design\Sheet\Grading Plan.dwg - 5/9/2023



Attention:
0 1"
If this scale bar
does not measure
1" then drawing is
not original scale.

Designed: GMM
Drawn: ANC
Checked:
Approved:
P.E. No:
GEI Project 2204564



INNOVATE
MARQUETTE
SMART ZONE
MARQUETTE, MI

SHOP HOUSE PARK
DEVELOPMENT

MARQUETTE, MI

0			
NO	DATE	ISSUE/REVISION	APP

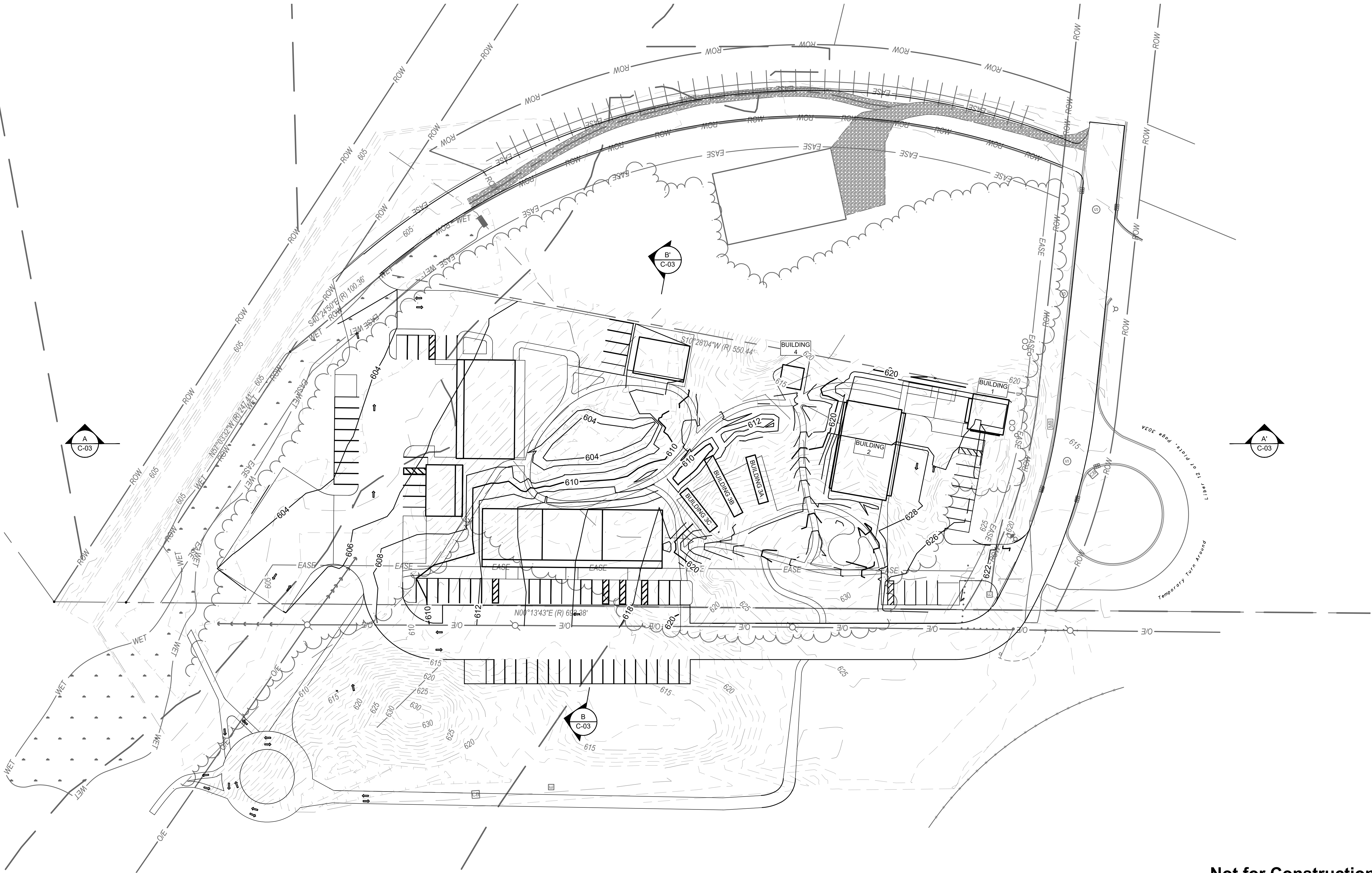
SHEET NAME

CONCEPTUAL
GRADING PLAN

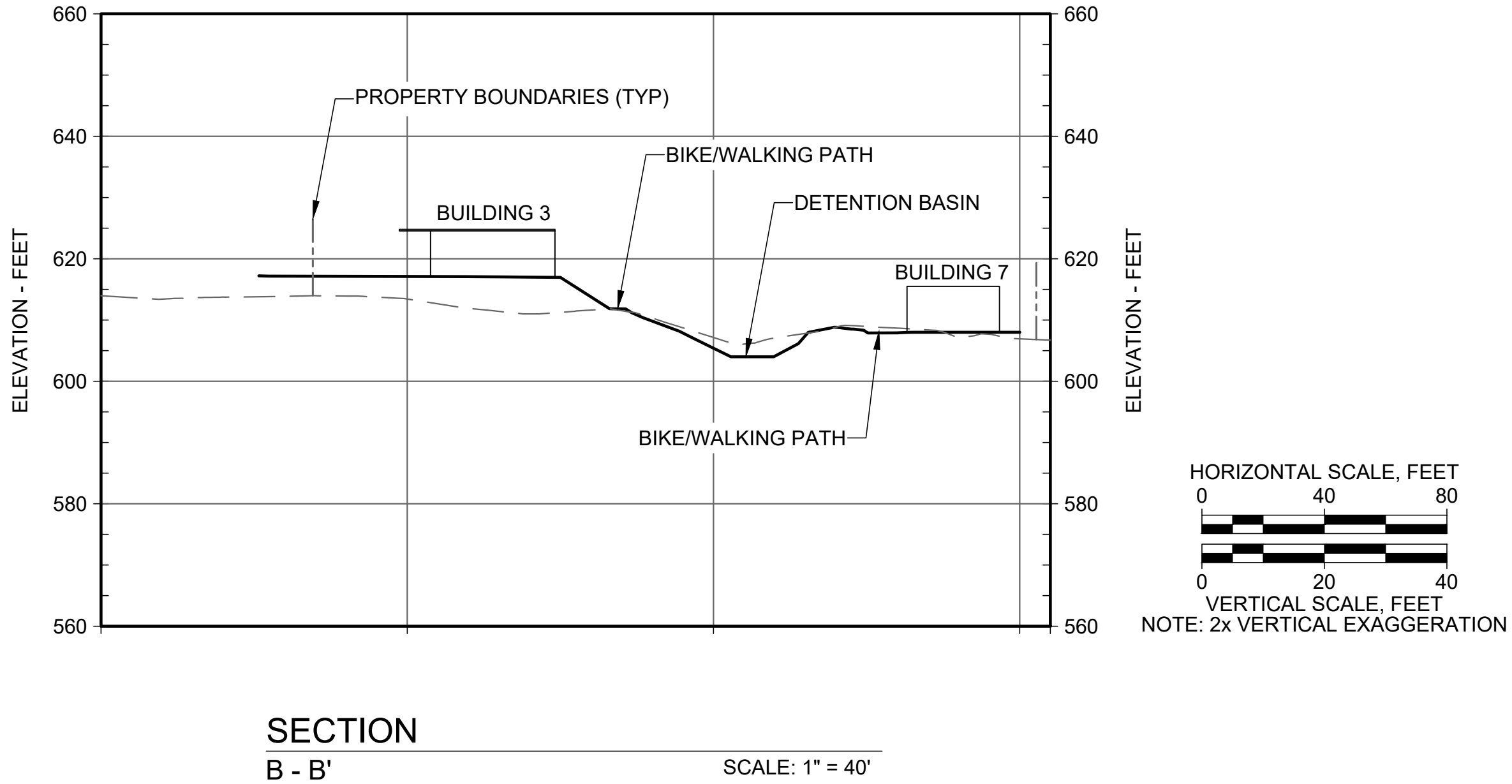
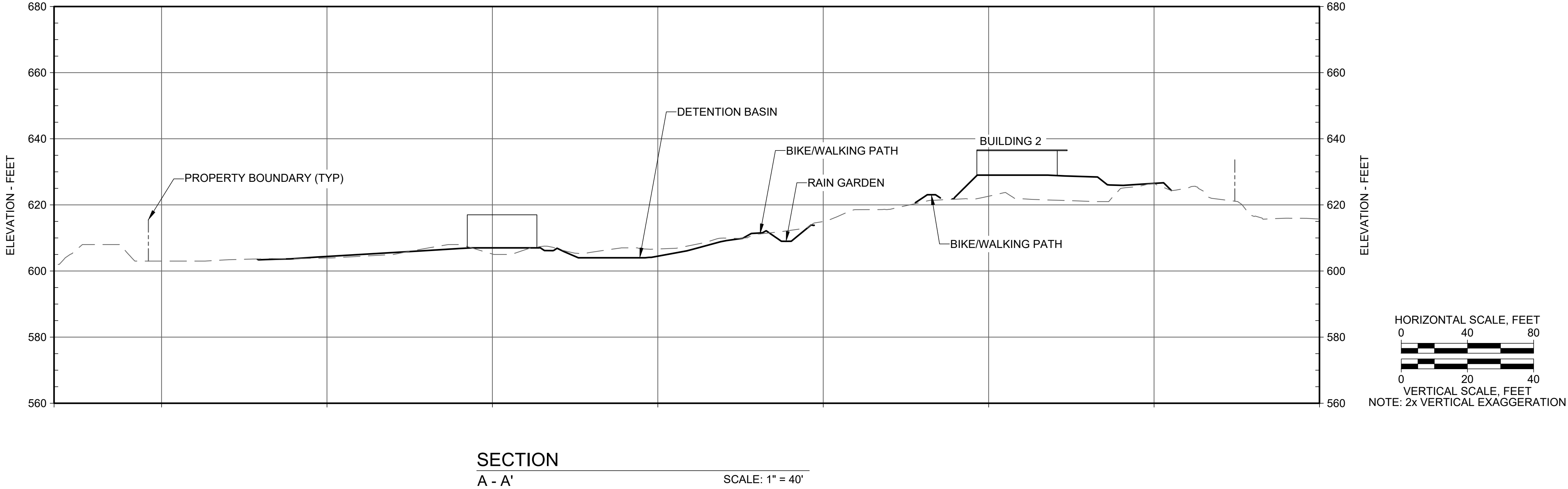
SHEET NO.

C-02

Not for Construction



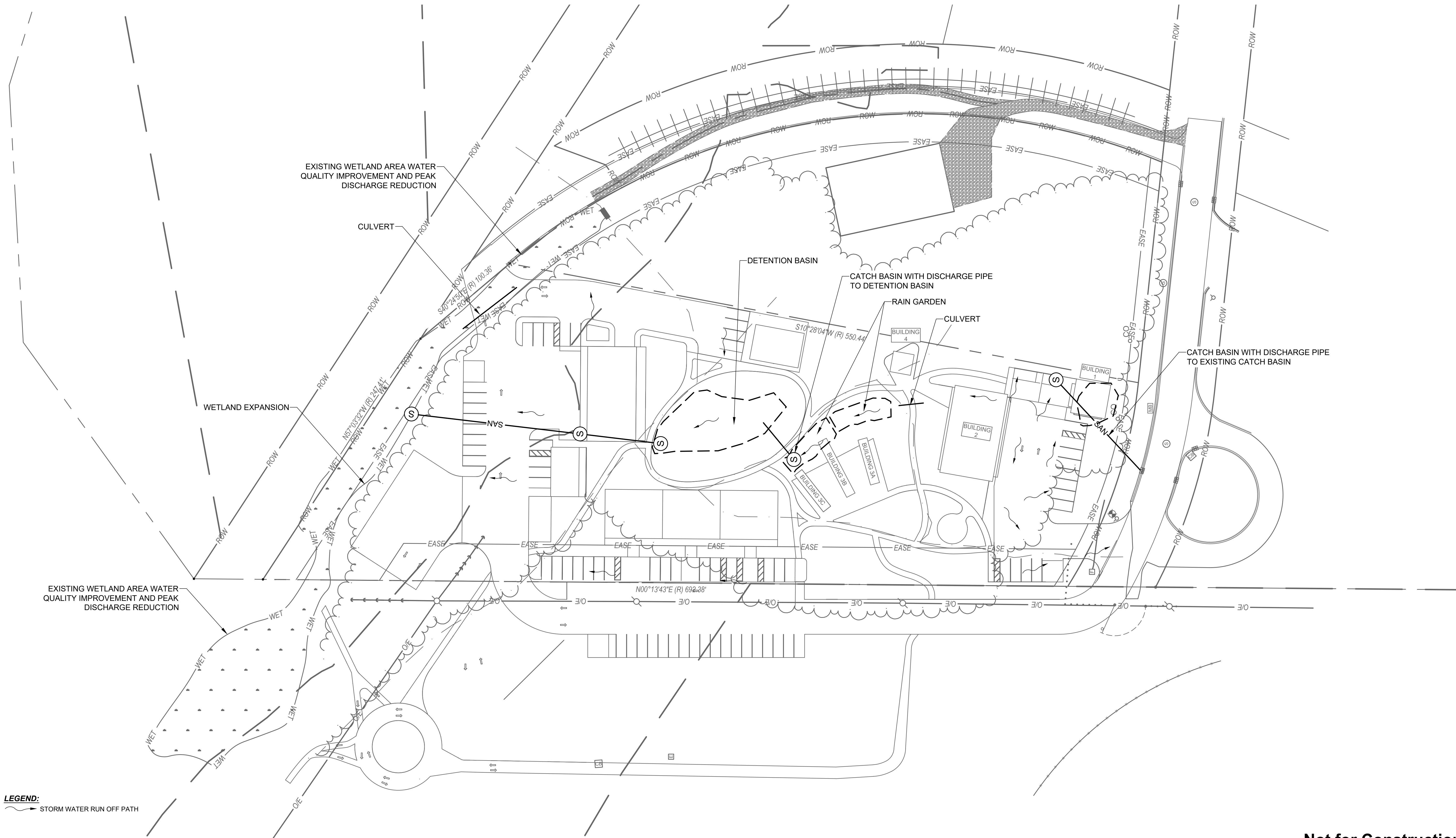
C:\MODY, TONY\B\Working\INNOVATE MARQUETTE SMARTZONE\2204564 Shophouse Part PUD\00_CADD\Design\Sheet\Sections.dwg - 5/9/2023



Not for Construction

Attention: 0 1" If this scale bar does not measure 1" then drawing is not original scale.	Designed: GMM	GEI Consultants GEI CONSULTANTS OF MICHIGAN, P.C. 109 W. BARAGA AVENUE MARQUETTE, MI 49855 (906)451-4021	INNOVATE MARQUETTE SMART ZONE MARQUETTE, MI	SHOP HOUSE PARK DEVELOPMENT					SHEET NAME CONCEPTUAL SITE SECTIONS	SHEET NO. C-03
	Drawn: ANC									
	Checked:									
	Approved:									
	P.E. No:									
	GEI Project 2204564									
					0					
					NO	DATE	ISSUE/REVISION	APP		

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Not for Construction



Attention: 01" If this scale bar does not measure 1" then drawing is not original scale.	Designed: GMM		GEI Consultants GEI CONSULTANTS OF MICHIGAN, P.C. 109 W. BARAGA AVENUE MARQUETTE, MI 49855 (906)451-4021	INNOVATE MARQUETTE SMART ZONE MARQUETTE, MI	SHOP HOUSE PARK DEVELOPMENT	MARQUETTE, MI	SHEET NAME				SHEET NO. C-04
	Drawn: ANC						CONCEPTUAL STORMWATER MANAGEMENT				
	Checked:										
	Approved:										
	P.E. No:										
	GEI Project 2204564										

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Attention:
0 1"
If this scale bar does not measure 1" then drawing is not original scale.

Designed: GMM
Drawn: ANC
Checked:
Approved:
P.E. No:
GEI Project 2204564



INNOVATE
MARQUETTE
SMART ZONE
MARQUETTE, MI

SHOP HOUSE PARK
DEVELOPMENT

MARQUETTE, MI

0			
NO	DATE	ISSUE/REVISION	APP

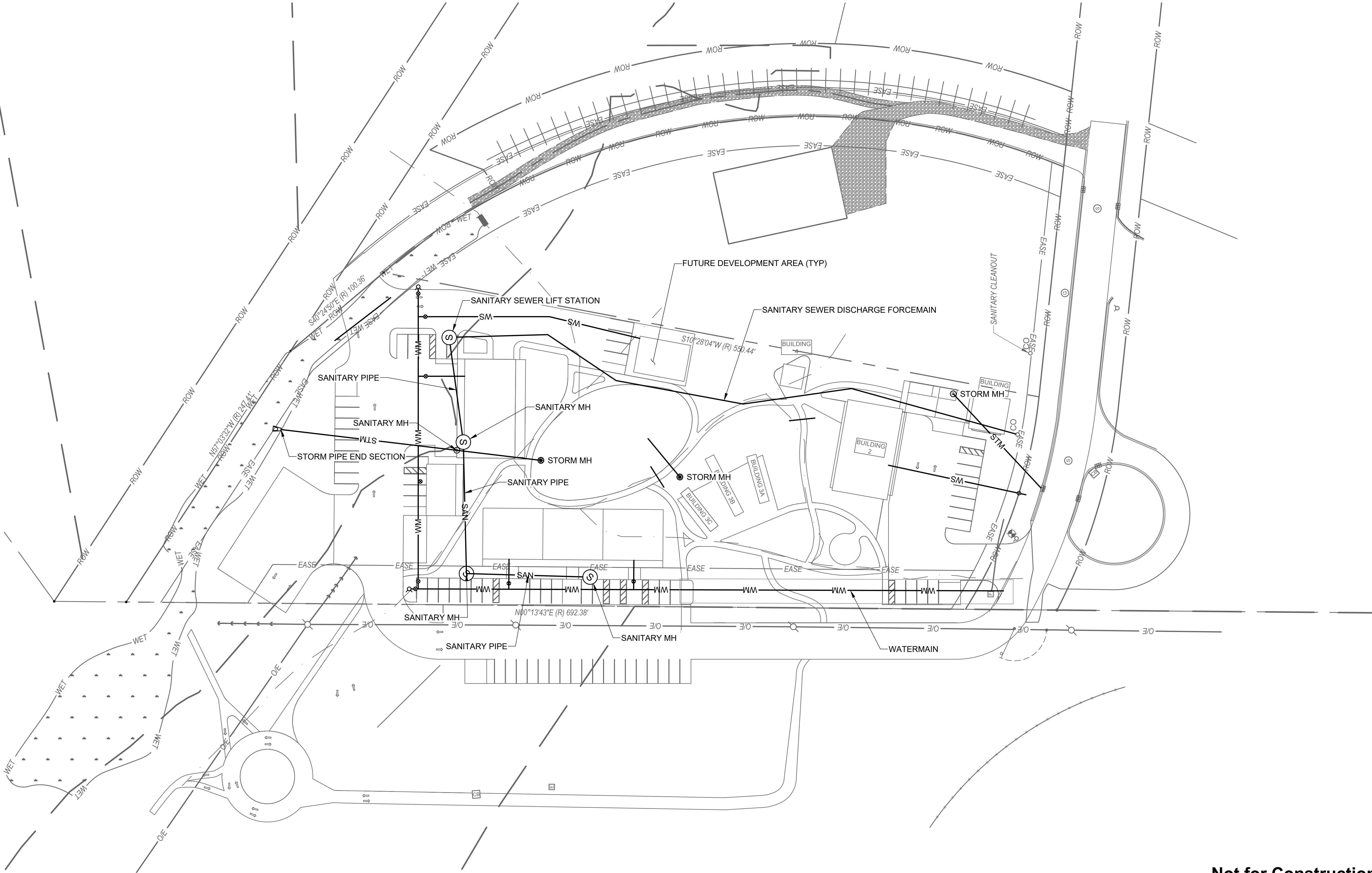
SHEET NAME

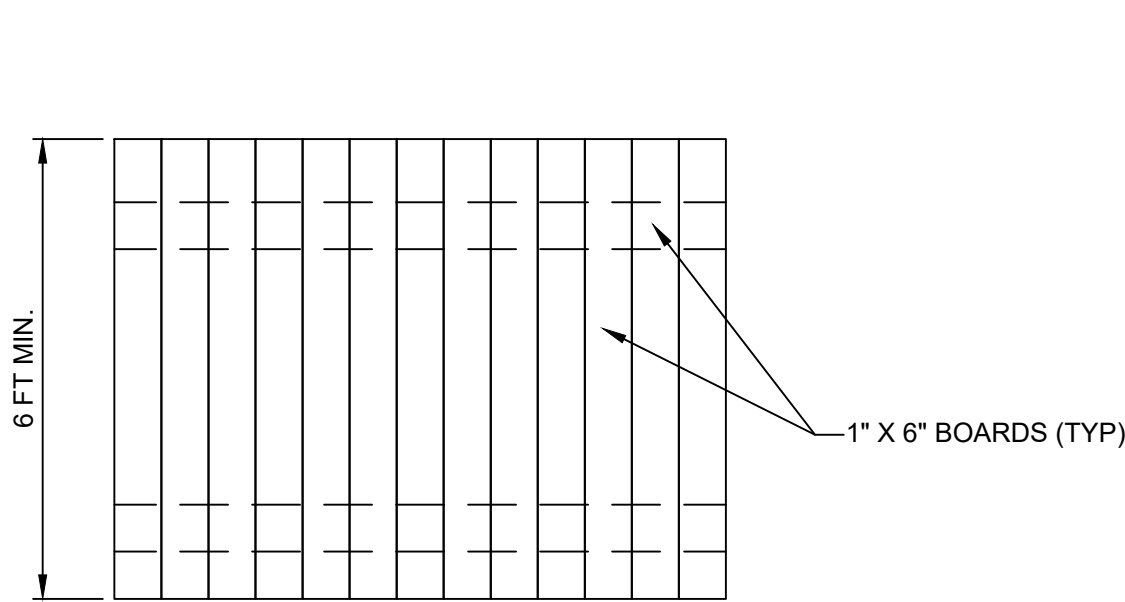
CONCEPTUAL
UTILTIY PLAN

SHEET NO.

C-05

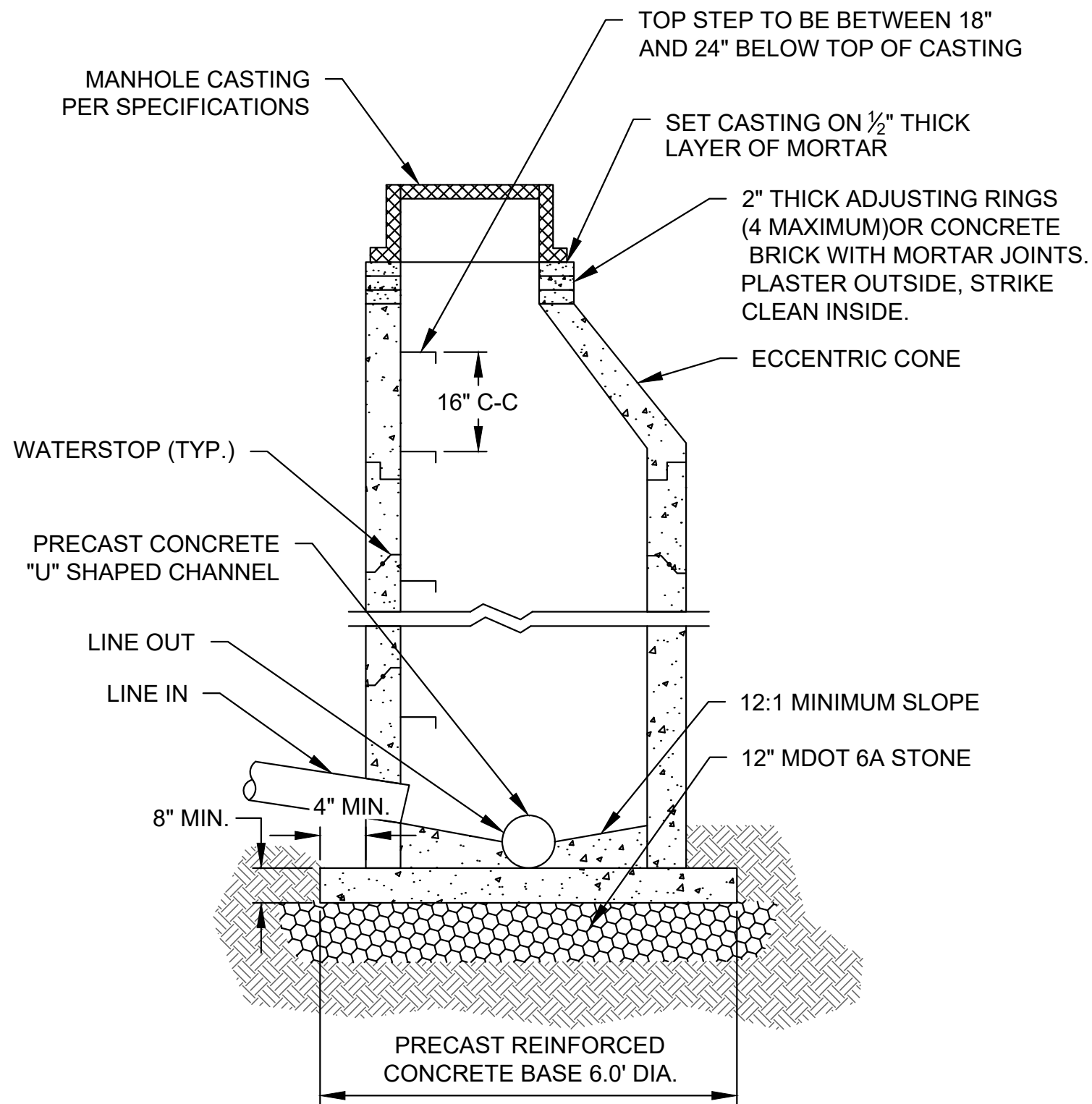
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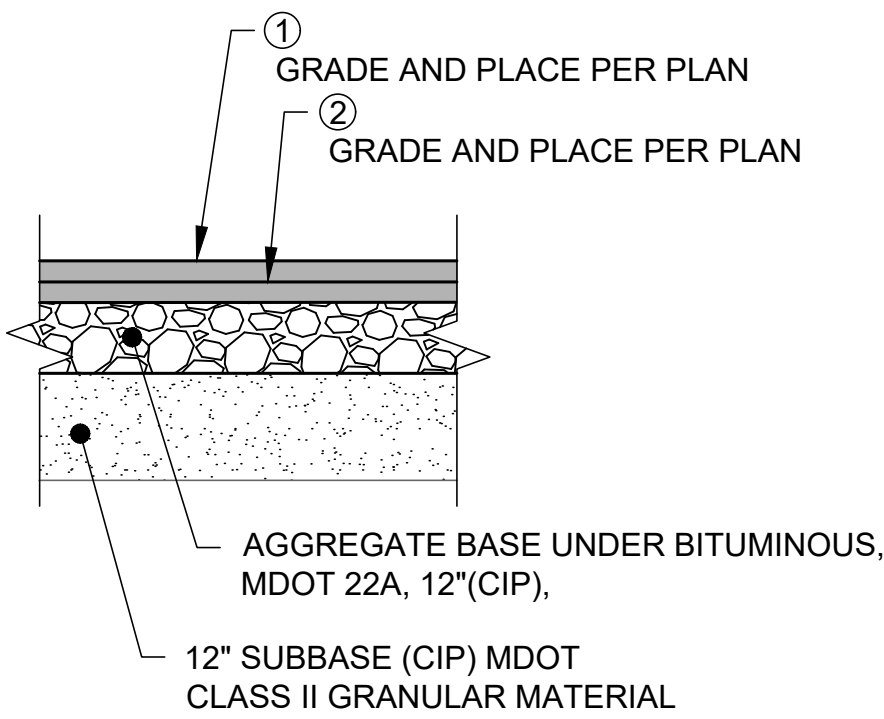
- NOTES:
1. FENCE ENCLOSURE TO BE USED FOR SCREENING DUMPSTER. LOCATION AS SPECIFIED ON THE PLANS. COLOR OF PAINT TO BE DETERMINED BY THE OWNER ONCE CONTRACT IS AWARDED.
 2. TWO (2) 4"x4" POSTS TO BE USED AT ALL CORNERS, 8 TOTAL FOR ENCLOSURE.
 3. CONTRACTOR MUST PROVIDE LATCH TO ENSURE SWINGING DOORS REMAIN CLOSED.

DETAIL
WOODEN FENCE ENCLOSURE
NO SCALE



DETAIL
STANDARD CONCRETE MANHOLE
NO SCALE

- NOTES:
1. SANITARY SEWER MANHOLES SHALL BE PROVIDED WITH PRECAST CONCRETE FLOW CHANNELS.
 2. PRECAST CONCRETE FLOW CHANNELS SHALL PROVIDE A SMOOTH FLOW-LINE TRANSITION BETWEEN MANHOLE INLET(S) AND MANHOLE OUTLET.
 3. FLOW CHANNEL SHALL BE FORMED TO PROVIDE SMOOTH FLOW FROM FORCEMAIN DISCHARGE PIPE.
 4. F.M. DISHCARGE BEND FITTING SHALL BE ANGLED TO PROVIDE SMOOTH FLOW INTO FLOW CHANNEL.

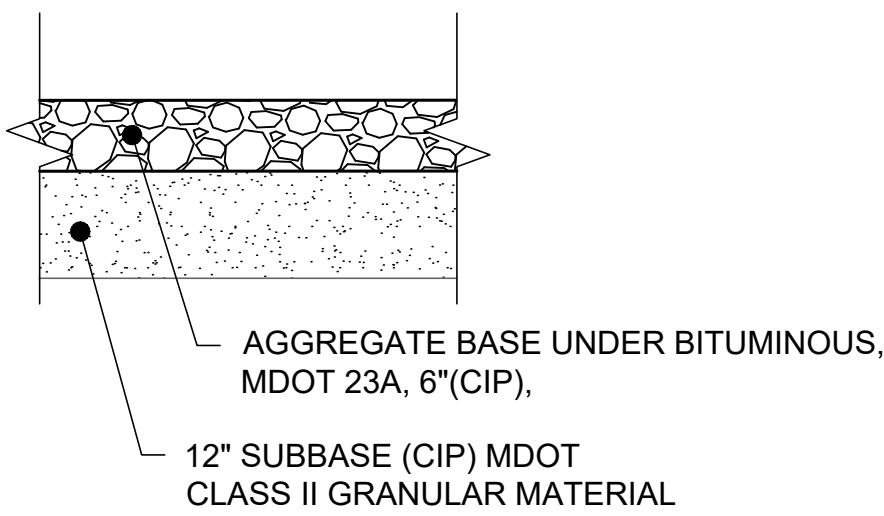


- NOTES:
1. EXISTING MATERIAL MAY BE SUBSTITUTED FOR SUBBASE PROVIDED IT MEETS SPECIFICATIONS FOR MDOT CLASS II GRANULAR MATERIAL.
 2. CONTRACTOR MUST SUBMIT ASPHALT MIX DESIGN TO ENGINEER FOR APPROVAL.

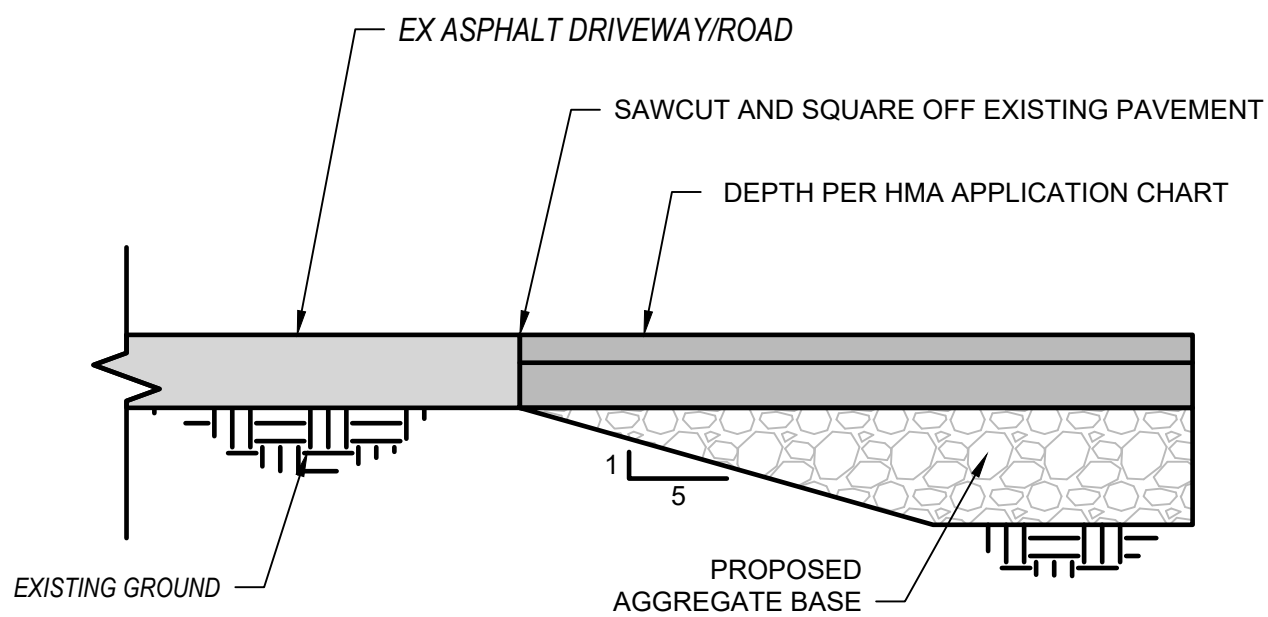
HMA APPLICATION					
ITEM	MIX	RATE OF APPLICATION	ESTIMATED THICKNESS	PERFORMANCE GRADE	DESCRIPTION
1	HMA, 5EML (TOP)	165 LB/SYD	1.5 INCHES	58-34	TOP COURSE
2	HMA, 4EML (LEVELING)	165 LB/SYD	1.5 INCHES	58-34	LEVELING COURSE

PLACE HMA BOND COAT SS-1H; 0.05-0.15 GALLON/SYD AS DIRECTED BY THE ENGINEER BETWEEN HMA LAYERS
(FOR INFORMATION ONLY, INCLUDED WITH PAYMENT FOR HMA MIXTURES)
MINIMUM AWI (TOP COURSE ONLY) SHALL BE 220

SECTION
STANDARD HMA
NO SCALE



SECTION
GRAVEL PATH
NO SCALE



SECTION
BUTT JOINT
NO SCALE

Not for Construction

Attention:

0 1"

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

Designed: GMM

Drawn: ANC

Checked:

Approved:

P.E. No:

GEI Project 2204564

GEI Consultants

GEI CONSULTANTS OF MICHIGAN, P.C.

109 W. BARAGA AVENUE

MARQUETTE, MI 49855

(906)451-4021

INNOVATE

MARQUETTE

SMART ZONE

MARQUETTE, MI

SHOP HOUSE PARK

DEVELOPMENT

MARQUETTE, MI

0	DATE	ISSUE/REVISION	APP
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SHEET NAME

CONCEPTUAL

DETAIL

1 OF 3

SHEET NO.

D-01

SEE PLANS FOR SIZES, TYPES AND DEPTHS OF SERVICES

FEMALE ADAPTER WITH THREADED CLEANOUT PLUG PER SPECS.

FINISH GRADE

ATTACH LOCATOR MAGNET "DEEP-1" BY BERTSEN, INC. OR APPROVED EQUAL TO RISER PIPE PER SPECIFICATIONS

HORIZONTAL RUNS OF SANITARY LATERALS SHALL BE SLOPED AT 2% TOWARD THE SEWER MAIN, ANY CHANGE IN ELEVATION IS TO BE MADE WITH 45° BENDS UNLESS OTHERWISE DIRECTED BY THE ENGINEER.

RIGHT-OF-WAY LINE

1'

0.5'

STANDARD SANITARY FITTINGS AS REQUIRED (45° BEND)

1.5' MAX.

CONNECT TO EXISTING LATERAL WITH WITH FERNCO FITTING OR APPROVED EQUAL. FOR FUTURE CONNECTIONS PLACE SOLVENT WELDED CAP OR APPROVED EQUAL 6" FROM CLEANOUT RISER.

2% SLOPE

0' - 1' TYP.

UNDISTURBED EARTH

BACKFILLED TRENCH PER SPECIFICATIONS

2% SLOPE

SAN. SEWER LATERAL

UNDISTURBED EARTH

IN CASES WHERE EXISTING BUILDING SEWERS DEPTHS OR UTILITIES INTERFERE WITH THE INSTALLATION, THE WYE BRANCH MAY BE INSTALLED AT LESS THAN 45° (UPON APPROVAL OF THE ENGINEER) BUT NOT LESS THAN 2% ABOVE THE HORIZONTAL.

45° RISER FOR SEWERS OVER 12 FT. IN DEPT

SEWER MAIN

BRANCH FITTING SHALL BE INSTALLED 45° ABOVE THE HORIZONTAL PLANE OF THE SEWER MAIN.

STANDARD SANITARY BENDS AS REQUIRED (45° BENDS)

INSTALLATION FOR CONCRETE, BIT. AND GRAVEL

EJW 2970 TOP FLANGE TYPE MONUMENT BOX OR EQUAL

TOP OF CASTING TO BE SET 1/8 INCH TO A MAXIMUM OF 1/4 INCH BELOW GRADE. COVER INSTALLATION AFTER PLACEMENT OF HMA LEVELING COURSE

HMA COURSE

USE TACK COAT BEFORE PLACING HMA OVER CONC.

HMA TOP COURSE

HMA LEVELING COURSE

AGG. BASE 21A

MODIFIED SUBBASE

MAX. 1 FOOT LIFTS FOR COMPACTION

STANDARD CONCRETE DROP MANHOLE

REFER TO M.D.O.T. STANDARD PLANS FOR OTHER CONFIGURATIONS

The diagram illustrates the cross-section of a pipe barrel and its surrounding backfill. The pipe barrel is represented by a circle with diameter D . The backfill is divided into three distinct layers:

- Top Layer:** Hatched pattern, labeled "BACKFILL MATERIALS PER SPECS."
- Middle Layer:** Dotted pattern, labeled "CLASS IIIA GRANULAR MATERIAL MECHANICAL COMPACTION PER SPECIFICATIONS". An upward arrow labeled "1" indicates the direction of compaction.
- Bottom Layer:** Horizontal lines pattern, labeled "HAND PLACED AND COMPACTED CLASS IIIA GRANULAR MATERIAL PER SPECIFICATIONS".

A dimension line indicates the thickness of the middle layer is $D/4$. To the right, a vertical dimension line shows a total height of $1' + 2'$ with the label "1' MAXIMUM / LIFT" next to the $1'$ segment.

Below the pipe barrel, a dimension line indicates the diameter D is $D + 2'$ MAXIMUM and 3 FT. MINIMUM.

At the bottom of the diagram, the text reads: "BACKFILL MATERIALS AND METHODS SHALL CONFORM WITH SPECIFICATIONS".

The diagram illustrates a trench cross-section with the following layers and specifications:

- Top Layer:** BACKFILL MATERIALS PER SPECS. (Hatched pattern)
- Second Layer:** CLASS IIIA GRANULAR MATERIAL MECHANICAL COMPACTION (Dotted pattern). This layer has a maximum lift of 1'.
- Third Layer:** HAND PLACED AND COMPACTED CLASS IIIA GRANULAR MATERIALS PER SPECIFICATIONS (Dotted pattern). This layer has a maximum lift of 1'.
- Fourth Layer:** CLAY, HARDPAN OR ROCK (Hatched pattern). This layer is 0.5' thick per specifications.
- Bottom Layer:** CLASS IIIA GRANULAR MATERIAL OR 2SA (WET CONDITIONS) (Dotted pattern).

A circular object with diameter D is shown in the third layer. The distance from the top of the object to the interface with the second layer is 1'. The distance from the bottom of the object to the interface with the fourth layer is $D/4$.

Horizontal dimensions at the bottom of the trench are specified as:

- $D + 2'$ MAXIMUM
- 3 FT. MINIMUM

At the bottom of the diagram, it states: BACKFILL MATERIALS AND METHODS SHALL CONFORM WITH SPECIFICATIONS.

TYPICAL MANHOLE COVER INSTALLATION

FRAME AND COVER PER PLANS

TOP STEP TO BE 1' 6" MAX. BELOW TOP OF CASTING

MANHOLE STEPS SHALL BE PLASTIC COATED STEEL OR CAST IRON; EJIW 8512 OR NEENAH R-1981-J OR APPROVED EQUAL

CONCRETE DAM INSIDE PIPE - HEIGHT = 1/3 DIA.

WATERSTOP (TYPICAL)

4" MIN. MAX.

1' 8" MIN.

8"

5' 4" DIA.

3" MINIMUM 6" MAXIMUM

ADJUSTING RINGS OR CONC. BRICK

TAPERED CONE 2' 8" MINIMUM

WATERSTOP ASSEMBLY PER SPECIFICATIONS

CONCRETE ENCASMENT TO TEE JOINT

D = PIPE DIAMETER

ENCASE IN A MINIMUM OF 0.5 FT. OF GRADE P2 CONCRETE POURED AGAINST COMPACTED BACKFILL (TO 95%) OR UNDISTURBED EARTH AS APPROVED BY THE ENGINEER. FORMS MAY BE USED PROVIDED THAT THE FORMING MATERIAL IS REMOVED PRIOR TO BACKFILL.

ATTACH DROP PIPE TO MANHOLE WALL WITH STRAPPING ANCHORED TO MASONRY FASTENERS - HILTI DRILLED CONCRETE ANCHOR, 1/2" DIA. x 1 1/2" OR APPROVED EQUAL. MINIMUM OF ONE STRAP PER 1 FT. OF DROP. SHIM AS NECESSARY WITH CONCRETE BRICK.

USE DROP CONNECTION WHEN IN EXCESS OF 2 FEET

FOR DROP OPENINGS ON EXISTING MANHOLES, DRILL HOLES AT 4" CENTER - CENTER AROUND PERIPHERY OF PROPOSED OPENING BEFORE BREAKING OUT.

DROP PIPE DIAMETER SHALL BE THE SAME DIAMETER AS THE INCOMING PIPE, UNLESS NOTED OTHERWISE.

FLOW LINE CONSTRUCTED TO SPRING POINT

CONTRACTOR SHALL SET MH TO PLUS OR MINUS 1/2% OF DESIGNED SLOPE

SLOPE IN MANHOLE EQUAL TO SLOPE OF SANITARY MAIN ROUNDED UP TO THE HIGHEST 1/2% BUT NOT LESS THAN 2%

SIDE INLET ELEVATION MUST BE EQUAL OR HIGHER THAN THE MAIN LINE ELEVATION

EXISTING SEWER

NEW SEWER

EXISTING SEWER

CUT AT 90°

PAY LIMITS

FERRO FITTING OR APPROVED EQUAL

NOTE: ALL WORK MUST BE APPROVED BY THE ENGINEER PRIOR TO BACKFILL.

EXISTING LATERAL

FERNOCO FITTING OR APPROVED EQUAL, OR
INSTALL SOLVENT WELDED CAP
FOR FUTURE CONNECTION.

RIGHT-OF-WAY LINE

1'

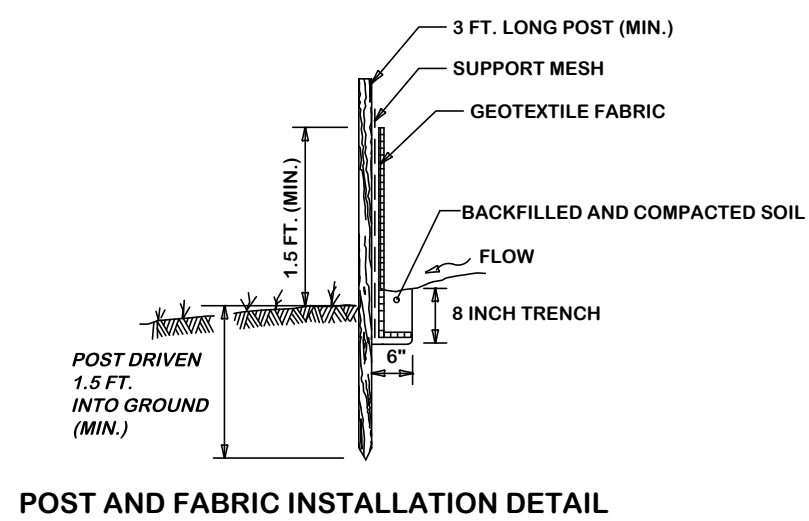
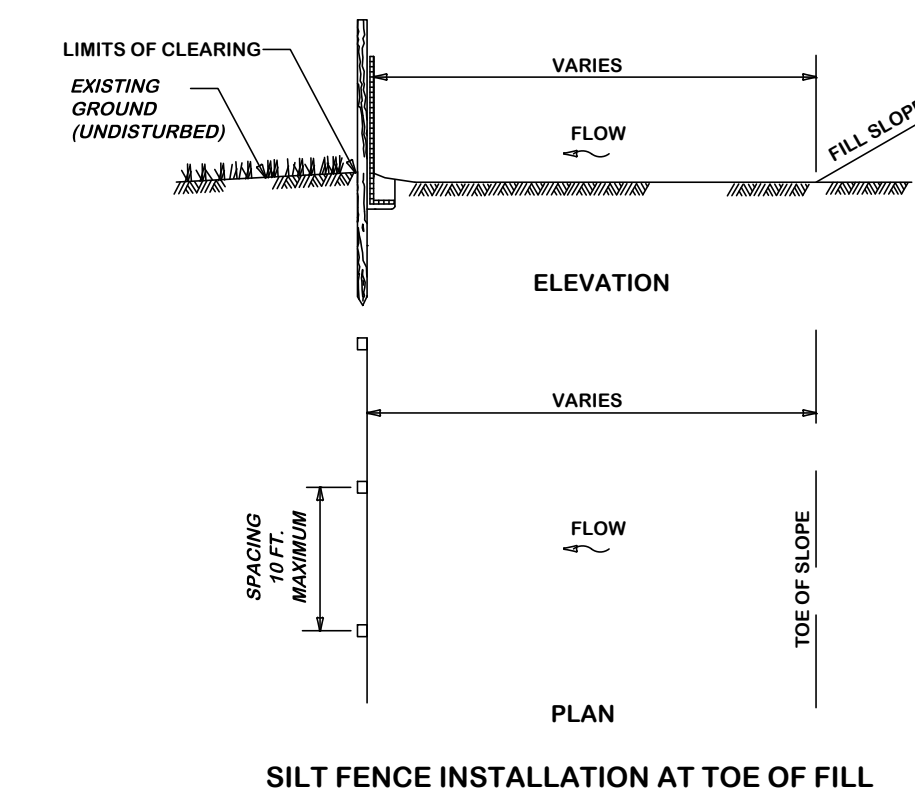
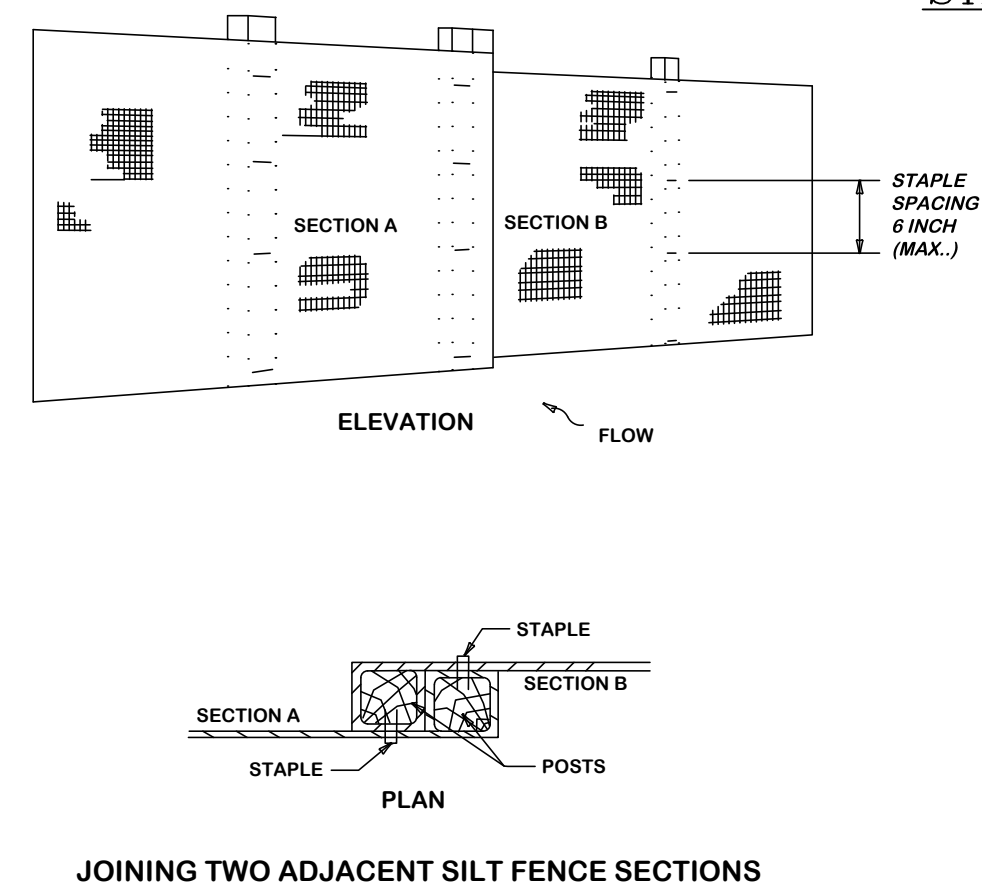
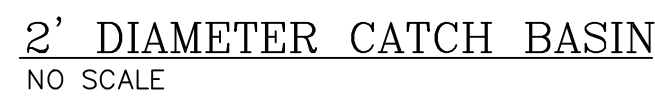
STANDARD SANITARY BEND FITTING
AS REQUIRED
(MAXIMUM 45° BEND)

DIRECTION
OF FLOW

NEW SEWER MAIN

WYE SEWER LATERAL CONNECTION TO NEW MAIN

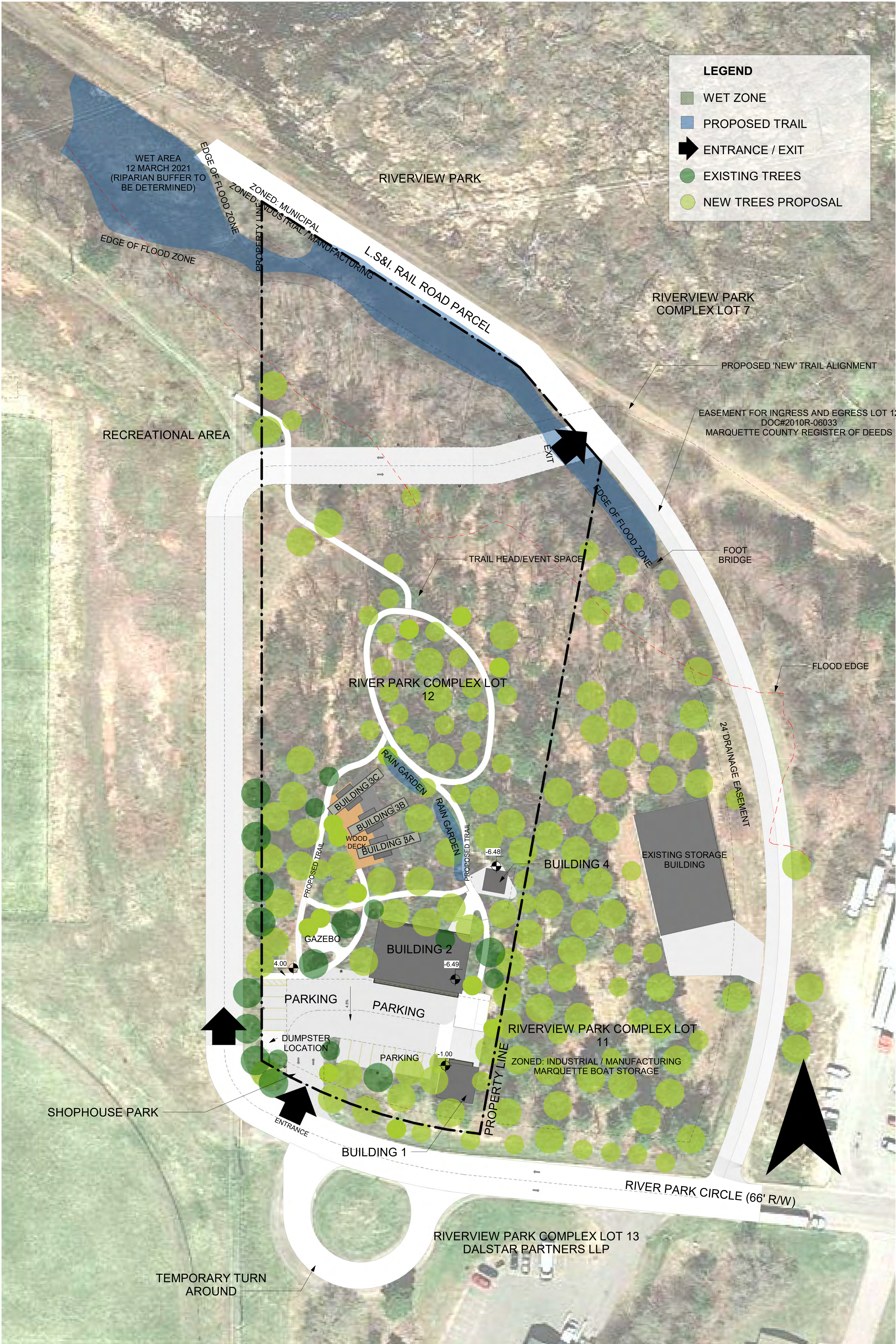
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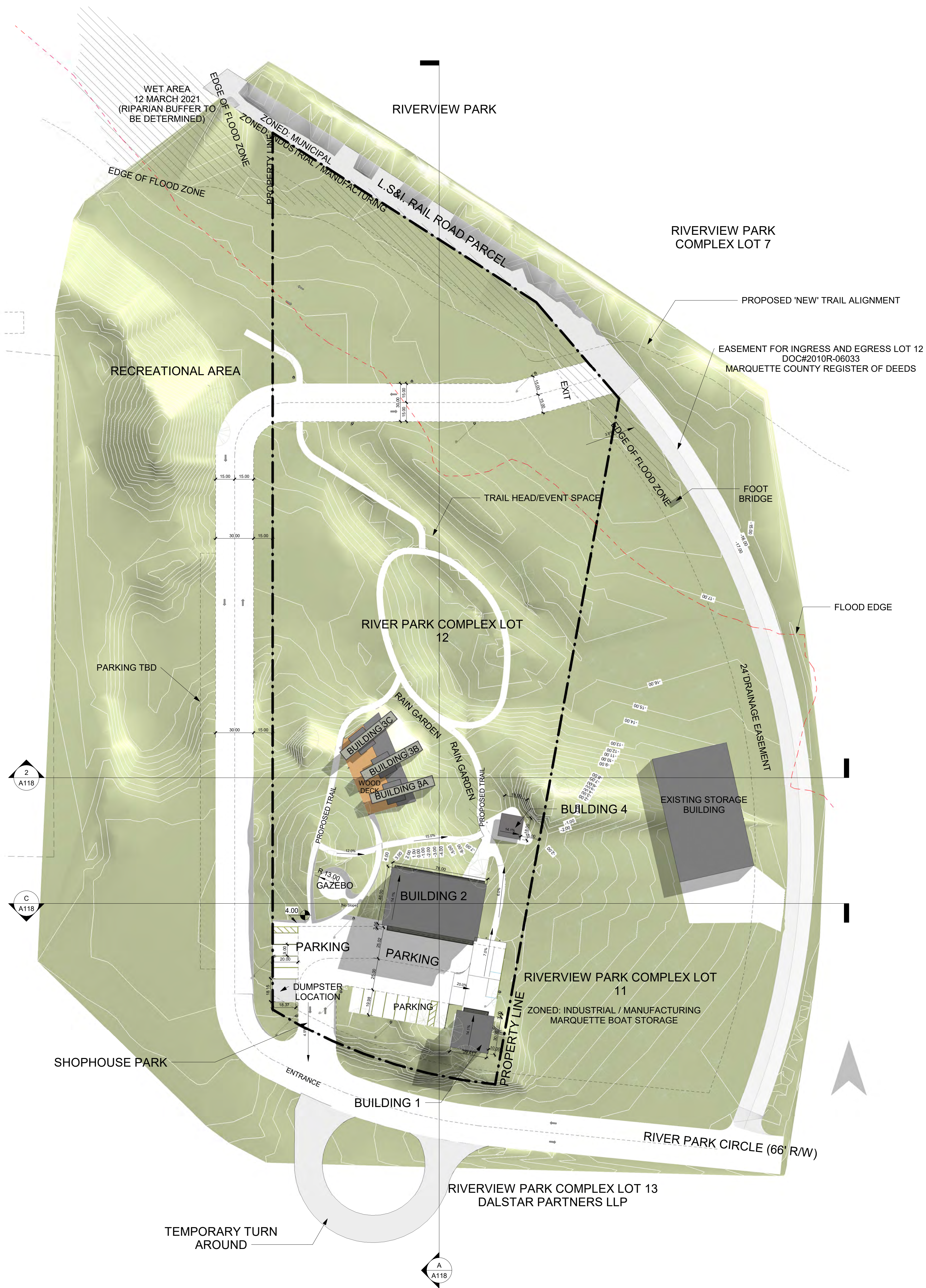
1. DIMENSIONS NOT LABELED ARE IN INCHES
2. ALTERNATE PRE-ASSEMBLED SILT FENCE OPTIONS WILL BE ALLOWED AS LONG AS SPECIFIED DIMENSIONS ARE SATISFIED. FOLLOW MANUFACTURER'S INFORMATION FOR INSTALLATION PROCEDURES.

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Not for Construction



CLIENT Hoponassu OZ LLC PROJECT SHOPHOUSE PARK PROJECT ADDRESS 480 River Park Marquette, MI 49855 SHEET NAME MASTER PLAN	STAMP STATE OF MICHIGAN ELEANOR ABRONS ARCHITECT No. 1301065421 LICENSED ARCHITECT	DATE 09 - may - 2023 NOT FOR CONSTRUCTION REVISION # SHEET # A101 SCALE 1" = 40'-0" PAGE 1/5
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CLIENT

Hoponassu OZ LLC

PROJECT

SHOPHOUSE PARK

PROJECT ADDRESS

480 River Park Marquette, MI 49855

SHEET NAME

SITE PLAN DRAWINGS

STAMP



DATE

09 - may - 2023

NOT FOR CONSTRUCTION

REVISION #

SHEET #

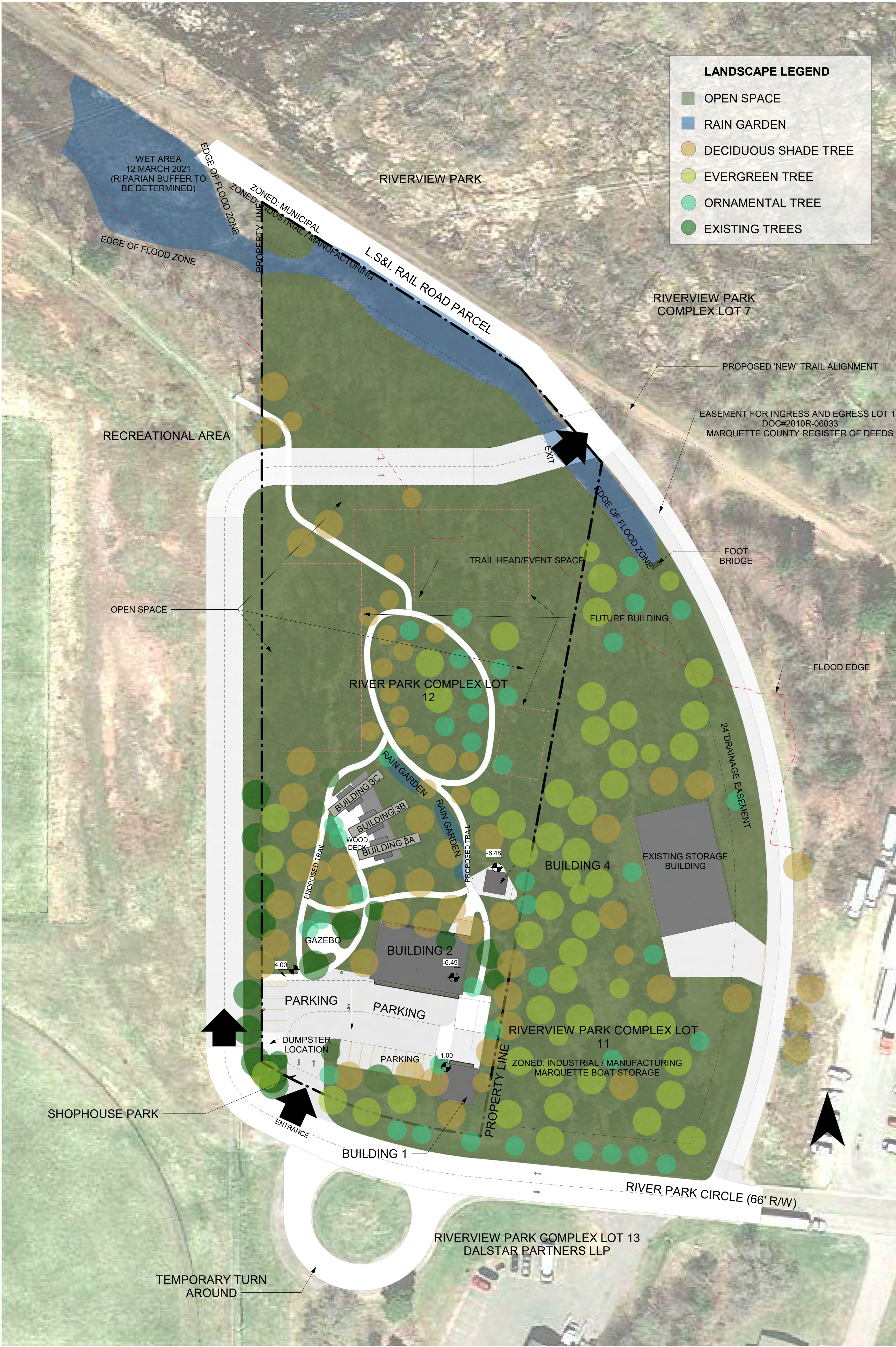
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SCALE

1" = 40'-0"

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CLIENT Hoponassu OZ LLC PROJECT SHOPHOUSE PARK PROJECT ADDRESS 480 River Park Marquette, MI 49855 SHEET NAME LANDSCAPE	STAMP STATE OF MICHIGAN ELEANOR ABRONS ARCHITECT No. 1301065421 LICENSED ARCHITECT	DATE 09 - may - 2023 NOT FOR CONSTRUCTION REVISION # SHEET # A104 SCALE 1" = 40'-0" PAGE 4/5
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Hoponassu OZ LLC

SHOPHOUSE PARK

480 River Park Marquette, MI 49855

TOPOGRAPHY

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A105

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
June 6, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, June 6, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, M. Rayner, S. Lawry, Vice-Chair N. Williams, Chair S. Mittlefehldt, K. Clegg, D. Fetter, A. Andres

PC members absent: C. Gottlieb (excused)

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by K. Clegg, seconded by S. Lawry, and carried 8-0 to approve the agenda as presented.

MINUTES

The minutes of 05-16-23 were deferred for review until the June 20, 2023 meeting, due to not being in complete draft form until a few hours before the meeting.

CONFLICT of INTEREST

No conflicts of interest were confirmed.

PUBLIC HEARINGS

A. 01-PUD-05-22 Preliminary PUD Site Plan for 480 River Park Circle

Zoning Official A. Landers stated: The Planning Commission is being asked to review an application for a Preliminary Planned Unit Development (PUD) approval. The Planning Commission qualified the project for a PUD on May 17, 2022. The Planning Commission will need to conduct a public hearing for a Preliminary Site Plan Review and draft recommendations to the City Commission, who will issue final approval or denial of the PUD. She described and showed on the monitors in the room the Staff File Report and attachments. Attachments are the PUD application, the Site Plan Review application, the Planning Commission letter from the applicant, the Variance letter from the applicant, the staff and applicants comments, a proof of the granting of an easement, the area map, the block map, the zoning map, photos of the site, the applicant's Pattern Book, the Site Plan set. She also stated that at the time of the agenda [when distributed] there was no correspondence submitted, however today, prior to the deadline, she did receive an item of correspondence from Matthew Songer, MD, in opposition to approval of the PUD project. She read Mr. Songer's letter aloud.

S. Mittlefehldt stated: Andrea, do you mind, just because we have a different composition of Planning Commissioners here today, can you give us a quick history? Because the Planning Commission already approved that it met the PUD requirements. Can you maybe just explain a little bit of the history of that piece of it?

A. Landers stated: When you apply for a PUD there are stages. The first stage was that an applicant has to come to the Planning Commission and ask for concept approval. The Planning Commission has to review the objectives in the Land Development Code, and determine whether it has to meet at least 3 out of 10 objectives and it was determined I believe that it met 4 out of 10, so then that qualified the applicant

to then submit for a Preliminary PUD, which is the stage that we're at now. So during this stage, the applicant goes in front of the Planning Commission. There's a public hearing. You guys would make the recommendation to the City Commission. Next step is that this would go to the City Commission and they would need to review and approve it and ask our attorney to draw up a contract with the applicant or deny it. If they approve it in the contract, then the next step after that is the applicant would have to then come back to the Planning Commission with their final site plan set .

D. Stensaas stated: And to add to that just a bit, this didn't have to be an extra step. A lot of time an applicant will come forward with a Preliminary Site Plan and a Concept Plan, and they can do that at the same meeting. This one just unfolded this way.

S. Mittlefehldt stated: Okay, thank you. At this point the applicant can now come up and provide a little context and overview.

Mr. David Ollila, of 420 E. Prospect St., stated: Thanks for the opportunity to present to the Planning Commission. What I would like to do is to read a little bit of the background that was provided by the Michigan Economic Development Corporation staff to the Michigan Strategic Fund Board, which granted the initial funding for the project. He read a letter that has been added to the agenda packet.

He also stated: We have letters of support from Invest UP, Innovate Marquette SmartZone, who's been a fantastic partner in this process, the Michigan Office of Future Mobility, the Department of Agricultural and Rural Development. We have letters of support from leaders in the power sports industry, Tech Town Detroit, Centropolis Manufacturing Technology Accelerator, Michigan Tech University Advanced Power System, Michigan State University's Mass Timber Program, a global leader in the automobile industry, and the Detroit Regional Partnership. Thank you very much.

S. Mittlefehldt stated: Does anyone on the Planning Commission have questions for the applicant? So, maybe you don't know this, but what is being produced here? What is being created in terms of the industry?

Mr. Ollila stated: Right now actually Michigan is going through an exercise to identify where the state has the best opportunity to increase our economy, whether it be in Detroit or whether it be in the Upper Peninsula. This is more about being a point of discovery for companies developing products and experiences within this ecosystem. It's a way for us to be relevant through automobile and transportation sectors with Detroit so it's less about what would be made specifically and more about being a point of discovery and innovation to support innovation and entrepreneurship throughout the state. So I'll give you an example - the main building, I think we have it listed as Building #2, is essentially a triplex with shop houses. These are garages on the bottom. They have mezzanines on the midlevel and apartments above. The concept is those are places for corporations to visit the area, do research and development, that might be anything from secret development to customer experiences. It's also an opportunity to have those companies come in and then codevelop products with other companies, so I'll give you an example. Polaris Industries is spending about \$1 billion over the next 3 to 5 years to create an electric product in every one of their categories, so soon we will have electric snowmobiles. There's a company right now called Taiga out of Quebec that is producing electric snowmobiles and electric watercraft. There's a big movement in this space to look at new ways to develop products and experiences in the outdoor industry, and what's interesting about this point of time and it's akin to when Henry Ford had manufacturing plants and points of innovation in the United States to connect with Detroit's economy and create relevancy between the peninsulas. So what we are is a place to gather innovators, entrepreneurs, start-ups and corporations. They come to Marquette. They come to the UP, they have access to trail networks. They have access to potential venture capital. They are pulled together in networking opportunities and that is how I believe we can facilitate new economic opportunities for not only Marquette, not only the UP, but the state of Michigan.

K. Clegg stated: Could you speak about the communication you've had with these companies? How are you planning on attracting these companies that you're hoping to come and I'm assuming they're going to rent from you these places on a short-term basis, long-term, how is that going to go and how are you attracting that interest?

Mr. Ollila stated: I think the attraction is a really great question and the number one way that we're attracting these companies is by working with the state of Michigan, organizations like Mich Auto, organizations like the Detroit Regional Partnership or some of the incubators and accelerators that we've talked to. There is an increase of spending and investment in this outdoor recreation space and this is an opportunity for us to participate in that. I'll give you an example. Tomorrow I'm driving down to Detroit to meet with a number of potential ecosystem partners and on Friday there's a statewide summit regarding innovation and entrepreneurship. By creating relationships and being connected to those policymakers and economic developers in other areas of the state creates a relevant connection to our state's economy and so we are going to be part of those conversations that are happening in Detroit, Lansing and Grand Rapids. Also, I have a network from working in the outdoor industry for over 25 years across the United States where we are able to contact, we're able to attract, we're able to engage in conversation from anything from a blanket manufacturing company in Bend, Oregon to climbing companies in Salt Lake City, to bicycle companies in Madison, Wisconsin. We've had experience bring those folks up before, but it's not just start-ups and it's not just small companies. We've had very favorable conversations and visits from some of the top automobile suppliers in the United States who've expressed interest and said that they would be back and they're excited about the construction, the development of Shophouse Park, and therefore they would utilize the upper peninsula more often in research development, customer experiences, and marketing opportunities.

S. Lawry stated: I have quite a few questions. One, I started out with the same concern that Dr. Songer expressed in his letter regarding a new title to the property, having been familiar with the fact that because of the federal funds that the City used to construct that industrial park, there were purchase agreements, contracts for the sale of each lot and I know you're involved in development of your ski design and at the time you purchased it and manufacturing out there, and so there was a contract between you and the city to accomplish something that's kind of set the price on the lot to begin with, but that maybe wasn't met and I understand the City Attorney has reviewed that and determined that there isn't an issue or a problem with that at this point. I visited the planning department this morning to find that out. It's interesting that Dr. Songer is expressing the same issue, because I was concerned that it might be challenged by someone else. It leads into - do you intend to personally use any of the space for manufacturing, whether it's your ski design or anything?

Mr. Ollila stated: I would expect that to address Dr. Songer's comments, I think they are unfounded. There was a set of deed restrictions so first of all the history of the River Park complex, the city founders did not determine the current industrial layout in River Park complex. I believe Mike Coyne was the mayor that signed those documents and there was deed restrictions that ran for 25 years with the property and those are sunsetted. There was absolutely no legal standing on clear title to the property or any obligations that were implied or not met with the purchase of that property and I can go back to the emails between Dennis Stachewicz and myself when we did purchase that property, so I'm very confident there's no issues there. So Building #1 is going to be my studio. There won't be any manufacturing per se at high volume in that studio. I would expect that would be a place for prototyping, experimenting, maybe some light building but the idea is that property is not suited for largescale manufacturing and I don't believe that within this sector that we would attract large scale manufacturing but I'm confident we can attract innovation, research and development and in the very best of circumstances, the products, the experiences, what comes out of Shophouse Park could certainly lead to larger manufacturing opportunities, say at K.I. Sawyer, and that would be intended.

S. Lawry stated: I do agree with the need for incubator space or research and development space. These are lacking in this area because there may be a lot of vacant buildings but none of them are managed for that purpose.

Mr. Ollila stated: And purposely built for that purpose – to purposely attract this industry, and again to connect with the economic drivers throughout the rest of the state.

S. Lawry stated: So, do you see it as primarily research rather than manufacturing?

Mr. Ollila stated: I think if I had to say what I believe will be happening there, it will be mostly product development, research development, testing, and facilitating those services for our start-up and worker clients.

Mr. Lawry stated: Okay, there was nothing included in the submittal that covers the access across the Board of Light and Power property, whether if you have any legal progress on that, whether you have design for it that's complete. I went back to your submittal from last year and you had a statement from Mr. Benstrom at the BLP that indicated that they would allow access but not overlapping the 100 ft. easement for the 69 KV tie line and yet this drawing that you have today shows the access directly underneath that power line.

Mr. Ollila stated: So we have a very good relationship with the Board of Light and Power and they've been terrific, collaborative partners on exploring this opportunity in the coordination or the conversation, so that easement split, this was our best guess at what we thought would fit best for the BLP property but it's BLP property and we can only make the suggestion so the way that we plan on working with the Board of Light and Power is to get through this planning process and we get to the site development and the site review that the BLP would take the lead on what's happening on their property and we would work collaboratively to make sure that it serves both owners and both properties and all indications are the BLP is more than happy to work with us through that process and they would be willing to draft an easement. Of course, that easement would have stipulations to make sure that they could continue to do what their core scope is and that is to use those lines to provide power to the city of Marquette and we would honor that and work with them.

Mr. Lawry asked: Is that easement that's on your lot actually to the Board of Light and Power or is it to American Transmission Company?

Mr. Ollila stated: I believe it's Board of Light and Power. I could check the documents. I believe it's 32 ft. that comes on our property and 32 ft. in the other direction towards the soccer fields. It's 100 ft. wide altogether, so 32 ft. from our property and then that would be 68 in the other direction.

S. Lawry stated: It may actually be American Transmission Company at this point.

Mr. Ollila stated: I believe it's Board of Light and Power, but certainly something that we could find out.

S. Lawry stated: And you talked about collaboratively working with the City and the BLP on that, but it's rather ambiguous who would design, build and pay for it. Is that still a matter of just being up in the air? Do you want to negotiate agreements on that?

Mr. Ollila stated: No, the comment that I received on the Board of Light and Power is that it didn't make sense for them to put a large effort of work until it passes through these processes in which case they would be happy to participate. We've also, through the City of Marquette and also the BLP, we're seeking other grant monies that might be available to support that and again, that's a collaborative public/private partnership that we think would serve the community very well.

S. Lawry stated: Your comments about not paving the parking areas, I realize there are a part of the sports complex that is not paved. On this steep hill, this road where the parking lot would be built on - I guess I would have concerns about maintaining a gravel surface there, especially with the wetlands in the bottom of it, and the fact that whole area has to be undercut to remove all of the many cubic yards of sawdust that's in there.

Mr. Ollila stated: Right, we can thank the Sawyer Sawmill for the 100-year old piles of sawdust that we've left sitting around the city of Marquette. The surface of BLP land, I think that would be up to the Board of Light and Power and the City of Marquette for what they thought was the best for the BLP land. As far as for the Shophouse Park property, we think that there's a number of good arguments for semi-permeable surfaces to reduce rainwater runoff, to not create large amounts of water running off. I don't believe any of the roadways except for maybe our driveway have any serious slopes, but again we would work with the Board of Light and Power to establish their standard for the access of that road. We do think that there are a number of good alternatives to pavement that might be a good fit, for both the Board of Light and Power and for the Shophouse Park property.

Mr. Lawry stated: Okay, also on page 12 of our packet, paragraph E1, it states there it would be 14 live/work dwellings, but on the application form itself, on page 17 it says there are 12 proposed, so I was just wondering about that conflict of numbers.

Mr. Ollila stated: So, with building #1, there is the studio with two apartments above it. Building #3 has three complete live/work units, Building #4 has three retail and three apartments, and one of the challenges that we had is that there's nothing in the current code that talks about live/work units and so as we talk about apartments or live spaces, I think there's some inconsistencies perhaps, but the number of structures and their primary uses would be the same.

Mr. Lawry asked: Okay, so there would be 14 dwelling unit, maybe 12 of them would fall under...

Mr. Ollila stated: Right, it's like almost trying to count the number of units that are in the [505] Lakeshore [Bldg.] building where Lakeshore Bike and Fred's Rubber Stamp is.

Mr. Lawry asked: And have you explored whether your RV parking and tent camping would require State of Michigan and Marquette County Health Department licenses for a campground?

Mr. Ollila stated: Great question, haven't had those conversations. If they do, they will, but again this isn't a campground. This is more of a business-to-business type environment, so for instance we may have some overlanding vehicles that are working their way through the UP for testing and research. They would be able to hole up at that property. We're also talking about special events. There's an event that you could reference called Overland Expo, which is a large rolling trade show of these types of industry experiences and vehicles is what I would consider it more event space than I would a traditional campground but any regulations would be met. I just want to add to that one of the companies is a start-up that we're working with downstate that is developing structures for camping of the future. If you're camping in an electric vehicle, that camping experience might be different than the way you camp today with propane, so that's a state-sponsored project. We have the opportunity of deploying products like that for first customers, first-use experiences and so unfortunately or fortunately, I'm in the entrepreneurial business and sometimes there's ambiguity on the way to progress and impacting the community in a positive way, so we're going to work through all of those.

Mr. Lawry stated: There is a wetland delineated on your drawings but I think the actual wetlands at this point have grown quite a bit beyond that. I foresee having problems accessing through that Soo Line railroad right-of-way or easement with the extent to which the wetlands have grown through there, and I think you have been in contact with the state on that but do you know have they actually been on site at all yet?

Mr. Ollila stated: Yes, in November 2021, I walked the property with the former director of EGLE, Lisle Clark, and some of her staff members, and she was not concerned about executing on the vision within that property and working with the DEQ or EGLE to support that project.

Mr. Lawry stated: I guess I would say it depends on who you talk to at the DEQ or EGLE or whatever, but you're obviously going to be filling some wetland area, according to your plan, and that will require you placing space somewhere else and it looks like the area that's wetland is growing on a regular basis.

Mr. Ollila stated: Right. Unfortunately sometimes you inherit poor design on your properties. I will also point out and there are materials that you can look at, what it looked like when it was the sawmill, and I can tell you there's huge improvements now from the dredging and the repositioning the dead river to move logs through that area. We're in the outdoor recreation space. We're in the innovation and entrepreneurship space. We want to protect our environment. We're not cutting any corners and we're going to build the very best project that we can build as it aligns with all permits and requirements.

Mr. Lawry asked: Okay, thank you for your responses.

Mr. Ollila stated: Thank you.

S. Mittlefehldt stated: I also have several more questions, just you've really helped to paint a picture of the primary uses of this property but there are nine listed I think and in addition to the research and development, there was hospitality, so bar and restaurant and a childcare facility, maybe you could kind of explain some of these ancillary functions that will be going on here and are those going to be for the public? Are those for the visiting people staying here for short-term research purposes and work purposes? Tell us a little bit more about some of those other uses.

Mr. Ollila stated: Sure. I think that's one of the most exciting things about the project, because it's truly a mixed-use project that serves both the community and also business to business aspect that again that we're trying to connect with the rest of the state. So, as I was building out the concept and I was talking to potential companies that would want to utilize our space, one of the questions was can I bring my family there? We like to think that we're providing space, from the innovator to the end user, and we want to provide something that's for the community - so for instance, there is no place to walk and get ice cream from the Kaufman sports complex, and there's no place for concessions at the sports complex. The north side of Marquette is an underdeveloped portion of the city compared to other portions of the city and so we already have public use, as Commissioner Clegg had mentioned, the Ore to Shore has been using my property since I've owned it for the last 12 or so years, as has the Noquemanon ski marathon, as does the North Country Trail. We've met with a number of those organizations. The North Country Trail is very excited that there would a location for a thru hiker for instance to be able to stop in Marquette on their way through town. This is innovator to end user, it's to serve the community, it's to bring economic relevancy to Marquette as it relates to the rest of the state. I want my family to be able to ride their bicycle out on the bike path that leads directly through this property to the north trails, through the rest of Marquette. I think it also pulls a little bit from what you'd be seeing in Bentonville, Arkansas. In Bentonville, if you have not researched that, they are at the very top of their game in creating innovation and entrepreneurial opportunities that are attracted to healthy lifestyles. They have a coffee shop that is one mile away from the closest parking area that people have to ride their bikes to or walk to get there, and it's incredibly successful. Those are the types of things that we can look at, benchmark and improve upon, so we expect that the community will enjoy this property just as much as Fortune 500 companies.

S. Mittlefehldt stated: For specifically, the childcare, would that be a service that will be open to the community?

Mr. Ollila stated: So, why is childcare in there? Do I have plans for a childcare facility? No, but we've got a problem with childcare in the city of Marquette. If you're going to go through a planned unit development process which is a lengthy process and you know that there are gaps in housing and in childcare and amenities, then you should probably write into your PUD that you should have childcare that would be available. I have no current plans for them, but if all of a sudden a group of people wanted to come up to conduct business in Marquette and they wanted to bring their children and if someone said it looks like a childcare facility, we would say we have that covered and if it meant that there was an opportunity for someone to open up a childcare facility, maybe for the community to drop kids off in a turn key type way, we would have a blue sky mentality to make sure that any entrepreneur or any business person or anyone in the social care circle would be able to utilize that property for that. We would hate to sell it short within the process.

S. Mittlefehldt stated: And similarly the function with the outdoor food and beverage, would that be for the public? You mentioned ice cream, are you thinking a restaurant, a bar?

Mr. Ollila stated: So we're thinking about a café. It's a dream that if you roast beans in Marquette or you brew beer there would be an opportunity to have those on the property. How that plays out I'm not entirely sure but we want to make sure that we had the provisions to be able to do that. I also know from my experience in creating the Nations Center, the Ferris Wheel Innovation Center and Co-working Space and 100K Ideas in downtown Flint, Michigan that when you provide those type of amenities for both the community and also new visitors, it creates a more vibrant, more usable space that people return to.

A. Andres stated: I think you have a lot of grand ideas and I like where it's going. However, it seems like it's a very complicated process and I just wonder if perhaps you've possibly had these grandiose ideas and maybe you have bit off more than you can chew and I look forward to seeing the formative plans that are more developed so we actually know what's going in the process and how things are going to be developed visually.

Mr. Ollila stated: I appreciate your concerns of my grandiose vision, but I also have experience of pulling off grandiose visions. This has been my way of life since I was probably 7 years old and I want to inform everyone that the biggest resistance sometimes comes from those who lack the vision and so as we talked to large corporations I can tell you they don't see this as grandiose. They see it as practical and the alternative is this property is available for development as a storage facility, and I think far too often we bias towards building a storage facility in Marquette where people can store their stuff. That does not lead to economic prosperity and opportunity for the community, so this is the time. We've not had this time for maybe 100 years to execute grandiose ideas.

A. Andres stated: And one other thing, just make sure in your plans that you cover all manner of people, wheelchairs included, physically disabled, mentally disabled, the whole gamut, make sure you include all people, not just the able-bodied person.

Mr. Ollila stated: It would be a mistake if we didn't and we will not make mistakes like that.

M. Rayner stated: Lots of great ideas but there's some real time delays in getting licensure for like food services and liquor licenses and daycare so you might want to put that into your plan so that you can touch some of those bases and see the process cause it's quite lengthy and quite time-consuming.

Mr. Ollila stated: It's a ridiculous process.

M. Rayner stated: I like your ideas. I'm not saying that. I'm just saying you need to do some research along those lines.

Mr. Ollila stated: Absolutely.

S. Mittlefehldt stated: I also want to say that I do think it's interesting because this project is a new challenge to us in many ways, because you're using categories that exist in the world but not in our Code. For example, the live/work dwellings, I mean, the spirit of that is what mixed-use is and I think your project gives us an example of what that could look like in a really interesting way. And you used some other terms like micro-mobility. We talk a lot about non-motorized transit. Some of us are working on, have been on the city's bike committee for a while, and we're trying to figure out a way to improve cycling in the city and we have been very focused on motorized and non-motorized transit, but this idea of micro mobility, it seems like is this an intentional move to get away from what is pretty established in the transportation literature as non-motorized transportation, because presumably e-bikes are here to stay and we've all seen them in town already, so maybe you could tell us a little bit about that, micro-mobility specifically and are you intentionally not talking about non-motorized transit when you're talking about the type of innovation that we've been focused on here, because so much of it will be electric?

Mr. Ollila stated: All modes are preferred. We are striving to be a walkable city. Again, there's a bike path on an abandoned railroad that leads right to the property and through the property. There is more innovation and entrepreneurship happening in the e-bike category. The number one selling electric vehicle in the world is a bicycle. It's not a car. We also believe that outdoor recreation is going to spur more research and development in those spaces because there's less regulation for that. That's why Porsche has bought an electric bicycle company. That's why KKR bought Rally Europe. That's why RCA, the record player company, just launched bicycles. I think what's really key here is we are at a new age in a point of discovery for all possibilities, whether they be "analog bikes" as they're calling them now, non-motorized to the motorized versions. We may have someone come in to develop a water bottle or we might have someone come and develop a hoverboard, and that's the gambit that we expect to attract and we want to make sure that there's something available for everybody.

K. Clegg stated: Per your future ownership intention statement, it's something you intend to hold for 12 years, so you have any idea what your plan is beyond that? Do you intend to sell? What type of person or company would you look to attract to do that?

Mr. Ollila stated: So the long-term plan, and speaking very candidly, is to provide an anchor for me to keep on doing this type of work in the community and for something for my daughters, one who just graduated Marquette Senior High School and will be leaving to come back to and to operate, to have a legacy project that provides positive community experience for a long, long time. If we can do that with this project, I would like to be old man Ollila in Building #1 that people are coming to visit.

S. Mittlefehldt stated: I did notice again going to the EV thing, there was only one charging station in the parking lot. And I know that this will probably change but given the nature of the project, I think they might want to have more.

Mr. Ollila stated: So we laid one down there but I can tell you we're talking to potential suppliers and potential collaborators from companies that are making vehicles that are electric to companies that are making charging stations. I would expect that you'll see many charging stations there but we don't know how many and we don't know how they're going to be used. I think each garage will also have charging stations inside of those as many of our customers would probably be charging inside the garages rather than just outside the garages, but our plan is fully-executed electric charging available on the property again for the community and also for our customers.

S. Mittlefehldt stated: Cool, okay, the last question, on page 36 of our packet, a hotel is listed. That was the first time that came up and I didn't know if hotel was being used synonymously as the live/work dwelling or if there is a hotel function specifically that's being planned?

Mr. Ollila stated: No, so again, you mentioned that a lot of this stuff was pushing the code, right, and so when we were asked to calculate parking spots, this project isn't in the basis of calculations and so we looked at hotel as being the worst possible scenario of having parking spots that are required for a particular business. It's neither a hotel nor is it just an office space, and so it was difficult to calculate the parking spots based on the current categories for counting those.

S. Mittlefehldt stated: Question for staff, on something like this where there's so much uncertainty about what will happen, how much do we need to have more concrete information about things like parking spaces? Is this okay if we're just going to allow the "trust me, we'll figure that out later" kind of thing?

D. Stensaas stated: You need to settle on a baseline to start with. Just to back the hotel comment, we suggested that's the use because it's not actually the worst case scenario for parking spaces. That would be single family housing. Hotels only require one space per unit. So, what I see happening here is as this project moves forward and it gets more legs and more form, as the contours of it become clearer to the applicant and it proceeds, they can come back with amendments to the PUD. So, those major amendments, like new buildings creating more spaces for either car parking or for different types of facilities and they have shown now on the plans, those are going to go through the same kind of process with public hearings at the Planning Commission and City Commission level. The only things, minor

amendments, that we approve as staff or things that don't have any impact off-site, they are relatively minor in nature, like fences, signs, things like that - so there's a lot of flexibility there if you're willing to keep going through the amendment process - not that that's easy or inexpensive. So, that puts some burden on the applicant, when they want to amend the PUD, they know what they want and they know this is going to be what they want for hopefully the next few years at least, the next phase of it, so they can develop phases of this through an amendment process, but I think what's being asked here, too, is to have flexibility for phasing in this plan. And this is a unique process so granting flexibility up front, it seems like a necessary part of the process to make it work for them.

Mr. Ollila stated: Can I address that part? I think in the 28 spots - I have to double check to see what we're proposing there. Yes, 28 parking spots, right? So I think you can do the math and you could find out where the 28 parking spots work on the property. There's also the practical perspective. We're not putting a parking lot on top of the granite outcroppings. That's actually a preferred natural feature. We're not going to put parking where there's buildings, and so as you develop the property there are areas where parking makes sense. We believe that with that amount of spaces on the property itself, it serves the primary uses of Phase 1. I think there's less ambiguity from our side of what we're doing and it's more about reconciling past projects, the zoning codes and the process codes which is exactly why we're going through the PUD process and I think it's in everyone's best interest to create a project that serves the community in a collaborative fashion so if someone says you know what, you need two more parking spots, we'll figure out where two more parking spots need to go. But I'm 100% confident that what we're proposing and what we're developing and the opportunity that we're going to bring to the community, we'll be able to serve our customers in the best possible way as well as locals using the property.

S. Lawry stated: I understand that Mr. Ollila is trying to be proactive, services that aren't currently available but he also has to be very reactive to the people he's trying to attract and meet their needs, so he is asking us to be pretty flexible with regulations in our community designed to be flexible. You typically would have to have a lot more detailed engineering done at this point to approve this because as I understand it, when we do get a final PUD for review, for the most part we just have to look at that and decide whether it is in agreement with the preliminary PUD that we've already approved. We can't really make a lot of alterations or changes or conditions at that point. It either matches or it doesn't match and we don't have a lot of detail to match it too at this point on things like access and drainage and a number of other areas [inaudible]. I know that the PUD ordinance has been rewritten a little bit since I was last on the Commission. I don't know if that allows us more flexibility here and when we get the final PUD, or if everything has to come back to us as an amended PUD or how we can address that. I guess Dave could speak to that.

D. Stensaas stated: Well we can pull up the ordinance and look at what it says about the final and the preliminary but the preliminary PUD is definitely different than any other type of preliminary site plan. This does offer a lot of flexibility and it's been that way for a while, with the standards for preliminary site plans. Actually, we just changed the code in the last couple of years to create a real preliminary site plan for other types of development that aren't PUDs, that kind of match what the PUD has had in it for years - which is a more vague set of standards so that there was flexibility. If you want to develop a PUD, there's more flexibility on this front end, but certainly with development of the civil infrastructure - even though they're not providing all the elevations and everything like that - those are going to have to work out to meet the City's Street and Utility standards. There's no way around that, and just because it's vague at this point doesn't mean they're not going to be held to the standard everybody else is when those things are developed.

S. Lawry stated: I guess I'd be most concerned with the fact that access to much of the property, as well as the utility to serve much of the property, at least the water main, is not in the PUD, it's not part of the plan. It might be part of the submittal here, but it's not under Mr. Ollila's control and if we were to attach a condition to approval of the PUD that said you had to have all of that submitted to you before the City signs off on it that would seem to kind of remove an awful lot of the flexibility right there and require a lot of up-front investment that he's not going to build some of those other buildings for 10 years or more. That infrastructure would actually be deteriorating before it ever has to get used.

Mr. Ollila stated: To put in a point of clarification here, so there's actually multiple ways that exist right now to legally access the property - from the south at the curb cut on the cul-de-sac - that is where you would access the south part of the property. Also, in that documentation is the easement of the abandoned railroad grade that goes to the east of Lot 11, and so that is documented at the register of deeds easement. I would say the BLP access is designed to provide a more well-rounded project that also increases access to the Kaufman Sports Complex on an under-utilized piece of property could provide parking and makes for a nice loop through the property, but it's not necessary to activate the property by utilizing the BLP. That just is something that makes practical sense, so there is no ambiguity around entering the property, you can gain access to the property.

S. Lawry stated: But, I think based on the fire department [inaudible] update, they're basing it on the fact that they need BLP access to provide protection to buildings that are built down at the north end of the property.

Mr. Ollila stated: They would be able to use that easement to the east. There would be a 25 ft. turning radius that would be required in the site plan. We would never build a property that doesn't meet the city's requirement for access for fire.

S. Lawry stated: And just one other correction that's going on page 68 of the packet. It's Plan Sheet G.2 regarding the work buildings 3A and 3C. You're showing us 8 x 40 and then a note attached to it says a building area of 240 sq. ft. to be 320 square feet.

Mr. Ollila stated: It's nice to know you read the plan.

S. Lawry stated: When we're approving things, I don't know what calculations were used exactly where. It becomes a legal document at some point.

D. Stensaas stated: Back to Mr. Lawry's questions about utilities, what were your main concerns about the utility runs or possible extensions?

S. Lawry stated: I believe the water main was shown as - there's a water line to service all of the north buildings was I think running on the BLP property to get down to the lower level and then terminating in a hydrant down there.

Mr. Meister, the applicant's civil engineer from GEI, stated: Yes, but it could be shifted.

Mr. Ollila stated: So, we looked at two versions. So, a couple of things, and Mr. Lawry you probably have a better in-depth understanding of that. Most of the utilities terminate in River Park at the cul-de-sac and it's my understanding that loops are generally desired for water and sewer. While we certainly could go through the center of the property and we have a plan and we have received quotes for doing that, for the City and for the property it would be better to loop them. If we needed to for the site plan say run it through the center of the property on the site plan, then that's what we'll do but we think that everyone would benefit better from looping it. The sanitary discharge is directly going through, storm is on that property - you see those in those black lines there - and then the wastewater is coming back just outside of the BLP's electric easement there.

Mr. Meister stated: The water main there is shown inside the property line.

N. Williams stated: I just have one question. Leppanen and Anker - it looks like there's lots of discrepancies between their conceptual designs or renderings, and the GEI site plans, at least in the packet that I've got. I imagine that is just like where you're at in the process, but this packet is all we have to go off of.

Aaron Leppanen, the applicant's architect, stated: Yeah, I think from looking at the building standpoint, everything should be coordinated. I know those first four buildings are really the priority of the process and then that access road to the west of that. The buildings we're calling 5, 6, 7, and 8, those are

basically marked out on ours as future building sites. I think all the trails I'd have to look at the overlays, but I think George with GEI is here as well, so we would have to look at the overlays, but we know this is a preliminary site plan review. That's where we are in the process, but as far as all the trails, all the square footages, the parking for those first four buildings which are on the southern portion of the site, those calculations as far - I'm just looking at the screen so that's why I'm staring up there.

Mr. Meister stated: The line work for the buildings and infrastructure in there, aside from the utilities, came from them to us in CAD, so they should match pretty much right on. The elevations and renderings might look a little different because of the nature of them.

N. Williams stated: Sure. I guess what I'm looking at is - so we're looking at this drawing. I don't know what page it's on, but then if we switch to page number 54. That shows maybe 10 parking spots, right?

Mr. Ollila stated: Twenty-eight. So I think what you're seeing here in the differences is that when we went through the engineering process, we wanted to, for the entire property, figure out what we could put there to maximize the development of the property. And so rather than doing a Phase 1 and not looking at the rest of the property, we did drawings for the entire property and then we identified what Phase 1 is going to be. So, in some of those images you see what the projections would be for Phase 2, but this is for Phase 1.

S. Mittlefehldt stated: The public hearing is now open, if anyone would like to comment on this proposal please come to the podium.

Vince Nystrom, of Invest UP at 101 S. Front St., stated: I'm really excited to be here tonight and show a little support for a project we've been tracking for a while and we're really excited to partner with so I think all of us are pretty familiar with the whole travel tourism activity that happens across the peninsula and strength that we have here. If you break that down when you start thinking about all the different innovation activities and the opportunities that present themselves around that, that's really where this opportunity comes as well, so you're thinking about everything from electrification of mobility to smart clothing, advanced clothing, advanced trail technologies, just about anything you can think of that we enjoy currently in the outdoor recreation technology space, there's innovation that could go into that and be approved and it's an area right now that we as Invest UP has now gone with a development organization across the upper peninsula in partnership with the MEDC think that the UP, and specifically this region as well, can really accelerate and grow from. So, MEDC, just as an example, to give a little bit of background on it, actually took an office within the Department of Natural Resources and moved that office into MEDC and created outdoor innovation as a sector of focus across the entire state. That office was principally heavily involved in enabling a grant that David is working with to actually build this location, and something that kind of shows the level of interest they had.

And MEDC does not do this very often. As I think back, they have not- maybe once every two or three years do they really look at the technology sector that they say hey, the state of Michigan or a region of the state, in this case the upper peninsula, can really take advantage and grow an innovation sector and an economic sector for both job growth, investment - all of the above - so much so that from an Invest UP perspective we're looking actually at developing a small venture capital fund that I would be the managing director of, that we would be the first one of its type up here in the upper peninsula. That fund would focus exclusively on outdoor innovation, and focus exclusively on investments across the state of Michigan and David has already been identified by us as our innovation chairperson for that, so any time we have any technology across the entire state of Michigan that we were looking to make an investment in, we would bring it to David and David would help round out a team of experts to look at that innovation and technology to give us the thumbs up before we start to doing further due diligence on whether or not it was a good investment. So, again, just kind of recapping everything - as you look at the upper peninsula as a whole, we are so uniquely positioned to use this as a sector of excellence and economic driver. We have the ability to test in water, in sand, in woods and pretty much in mountains. You heard Bentonville, Arkansas mentioned and other things, like in Utah and Colorado. One thing that we also have a unique perspective on is cold weather, fresh water as well, so across the board we have four seasons that we can both test innovation, prototypes, all the above, and the activities in the Shophouse Park is looking to

build is a really perfect match and a great accelerator for the entire sector and we're really excited about the project, so thank you.

S. Mittlefehldt stated: If anyone else would like to comment now is the time. Seeing none, the public hearing is now closed.

It was moved by K. Clegg, seconded by D. Fetter, and carried 8-0 to suspend the rules for discussion.

K. Clegg stated: I'm excited about the opportunity that Mr. Ollila is presenting to us, but I do want to see a lot more detail. I'm with Commissioner Lawry in that I'm unsure how that plays out in the future when we come to see a final site plan review, but anybody else can comment on that.

S. Lawry stated: I'll just say that my experience in the past is we required an awful lot more for all of our applicants and they haven't been used in the last few years and I don't know how much it has changed but I was on the board 8 years previously and they basically had to have stuff where it never would have even gotten to a public hearing and it would have been kicked back as an incomplete application. So I guess this is kind of new ground as far as I'm concerned and how the other commissioners think.

S. Mittlefehldt stated: Yeah, I've been on the commission for 7 years and I've never seen as much...I call it, the trust me factor, trust me this will work. But we haven't seen a lot of PUD's either, and that is what PUD is designed to do - to provide flexibility and support an applicant who is trying to do something a little bit different that doesn't fit in the Code, so I kind of get it, but it definitely is not something I've seen in 7 years either.

S. Lawry stated: I looked at the packet from the last meeting, and read through the minutes, and there was more detail with that submittal than there is with the current one, and I realize some of that all may not all be valid at this point because things have evolved in that time. But, it was a lot more detailed.

K. Clegg stated: The proposal does meet five of the ten requirements and that's why the Planning Commission qualified it a year ago, so it does fit within that.

S. Mittlefehldt stated: One concern I do have, not about this project specifically, but more generally about the future of our land use in the city of Marquette, and I was also not at the last meeting or first meeting where this was approved, and I think Commissioner Premeau has mentioned this before, and I know former Chair Cardillo and I have advocated for having more industrial land in the city of Marquette, and it really is the one type of land use that we don't have much of and I think that ship has sailed and I'm excited about what they're planning for this site and I think it is an appropriate site for this type of work, but in general I would hate for this to be precedent for when we're looking ahead, to north of the river, we're looking at what to do with that WE Energies site. That's really our last big chunk of industrial land, and I would advocate strongly that I want to continue to have industrial, working, manufacturing in the city of Marquette. I think that having that economic diversity is part of a vibrant community, so I just want to put that on the record to say that we do value and want to continue to have industrial land, but hopefully we will see some actual manufacturing and more industrial activity on that north side of the river. Other thoughts? It was also brought up by Dr. Songer, so the letter mentioned that, too. I don't know if others have thoughts on that. Commissioner Premeau, I think we've agreed on this in the past.

W. Premeau stated: I could say, do you know the topography on that land up there? They can't just all of a sudden say well we're going to put a road through the center, because this is designed to run on what's there. You can't just run a line somewhere with the topography that's there, you just wouldn't be able to do it. This is a very small piece of land and even for industry, if you wanted to get an industry up here where there actually would pay large taxes to employ people, you would need a lot of land. And you've got on Lakeshore Boulevard, the WE Energies property, they've got all that land they filled in with fly ash back there and stuff back there. You need a larger site because if you hire 400 guys, you need an apartment building, and one or two charging stations, because that's about all will be used by the 400.

S. Mittlefehldt stated: I did get a chance to visit this site this afternoon and walked around and I can see the vision. I think it will be a beautiful space for the type of work that's being proposed and I agree that it's too small to do a lot of large manufacturing so I'm going to sacrifice the industrial section here but I just want, thinking ahead, I hope that we do see some real manufacturing.

K. Clegg stated: Given that this is, as you said, not necessarily well suited to heavy industrial manufacturing in the first place, there's a good chance they have an opportunity to spur a thing like an incubator so it's developed at all, so that we can attract businesses to fill out that WE Energies property. So, rather than this being the final solution for a manufacturing place with 400 individuals, it's a way for us to attract other people to fill out those properties.

W. Premeau stated: I have one question. Dave, in that packet it talks about a pond for a project, that's never happened before that I know of.

D. Stensaas stated: It's been quite a while but that's always an option for the Planning Commission or City Commission.

W. Premeau stated: So you just put it in there [the staff report] because its on the books, right?

D. Stensaas stated: Right. It's an option, but we're not recommending it as staff, but its always an option for this kind of project.

N. Williams stated: At the original meeting in May it was established that it met five of the ten objectives, correct? So, my question is are we able to talk about that at all or is that already established?

D. Stensaas stated: Those were established. That decision, that bridge has been crossed, but you can talk about it.

N. Williams stated: I would like to talk about it. One of my thoughts is, I guess since we haven't had a PUD come through since I've been on. There are the ten objectives, but those objectives are listed as 5 of five more criteria for qualification. Are you familiar with what I'm talking about?

A. Lsanders stated: So, I stated the five that the Planning Commission felt that that they met, in the staff report so they felt out of the ten, they met five, and I stated which ones they were.

N. Williams stated: I guess what I'm saying is that those ten are #5 on that separate list, so there's criteria and then one of the criteria is that it must meet three of these 10, and so #1 - are you able to pull up the Land Development Code?

A. Landers said that she would just pull up the staff report.

N. Williams stated: So, that's #5, and then when you scroll up a little bit. So, in section F is that it must meet all of these criteria as well, so one through five must also be met, and five is these also must be met.

S. Mittlefehldt stated: Yes, they determined they met that, and then they met five out of the 10 required objectives.

N. Williams stated: Okay so they also went through one through four. I know they went through five, but they went through one through four - okay.

W. Premeau asked what the term f-l-u-d above the red line meant on site plan sheet he showed the applicant?

Mr. Lappanen said that it was a misspelling of "flood" and the red line is the flood zone line.

S. Mittlefehldt stated: Is anybody prepared to make a motion?

It was moved by K. Clegg, seconded by A. Andres, and carried 7-1 that after review of the PUD site plan and pattern book dated May 2023, and the STAFF FILE REVIEW/ANALYSIS for 01-PUD-05-22, the Planning Commission, who previously established that the PUD met 5 out of 10 required objectives and the criteria to be eligible for a PUD of Section 54.323(F) of the Marquette City Land Development Code, and the preliminary PUD Plan meets Section 54.323(H) of the Marquette City Land Development Code, recommends that the PUD be approved by the Marquette City Commission with the following condition:

- *an amended plan is submitted to meet staff comments for the final site plan review.*

Yes: M. Rayner, S. Lawry, D. Fetter, N. Williams, K. Clegg, A. Andres, S. Mittlefehldt

No: W. Premeau

Correspondence

A. Sands Township Planning Commission Minutes of May 11, 2023

The Planning Commission and staff briefly discussed the subject, a campground development on the City's southern border.

COMMISSION AND STAFF COMMENTS

W. Premeau stated: The reason I voted no is several reasons, but the main one is they're not talking about putting literally peanuts of their own money in this project and a lot of those projects have failed and then the citizens eat it afterwards so somebody's got to cover the clean-up or whatever. I can't see that going because they're trying to do the same thing at the Air Base. They've already got a track out there. They've got all kinds of stuff up there, and they've got money, lots of dollars from Covid out there.

M. Rayner said that I've seen incubator ideas work, I just would like to see more a little more cohesiveness was my concern.

S. Lawry stated: I do have another question for staff. If there is not substantial progress, is it still within one year that a PUD expires.

D. Stensaas stated that it is two years before expiration.

S. Lawry stated: And if they partially build a PUD and it dies a slow death after that, what happens at that point? Because of some of what is being proposed here, as living space, if it isn't related to the research and development, it would seem to be out of place if its not used...

A. Landers stated: That is why it has to be live-work [housing] where they work there and live there.

S. Lawry stated: Could it eventually become an artist colony?

D. Stensaas said that there will be a formal Agreement for the PUD and that should be dialed into this as an innovation center. And this brings up the fact that we need to add a definition for live-work housing in the LDC the next time we update it.

S. Lawry stated: Okay, just so this doesn't become a white elephant down the line if nobody finds a good use for it that is compatible.

D. Fetter stated: I had a quick thought about the definition of live-work, especially in the world where a lot of people work from anywhere and especially from home, is that going to reflect single-family housing?

A. Landers said that we have home office and home occupation, and home occupation allows for that.

D. Stensaas said that one of the recent amendments to the LDC was that we tightened up the home occupation section of the Code to clarify what is and what is not a home occupation to be clear what isn't a home occupation but to offer flexibility to some home occupations recognizing that times have changed and a lot of people do work from home.

S. Mittlefehldt asked why the Planning Commission does not do the pledge of allegiance. There was a discussion about the issue that may continue at a future meeting.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:45 p.m.

David Stensaas

Prepared by: kw/iMedat

Edited by D.Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison



MEMORANDUM

Date: December 13, 2022

To: Michigan Strategic Fund Board

From: Tino Breithaupt, Managing Director-Regional Prosperity

Subject: FY22 Funding Allocation – Shop House Park Technology and Innovation Center Hub (“Applicant”)

Request

Michigan Economic Development Corporation (“MEDC”) staff requests that the Michigan Strategic Fund (“MSF”) Board allocate \$3,000,000 in FY23 funding to assist the Applicant with the development and construction of the Shophouse Park Technology and Innovation Center Hub. To support the project, the Applicant is requesting a \$3 million performance based grant as described in the attached Summary of Terms.

Background

Michigan is uniquely situated to focus on the outdoor recreation industry and the potential economic impact on economic development. The outdoor recreation industry represents nearly \$900 Billion in economic activity annually in the United States. Increasingly, a larger share of that economic activity is attributable to electrification of the outdoor mobility industry, including products such as all-electric watercraft, ATVs, UTVs, RVs, motorcycles, bicycles and snowmobiles. To date, no state has capitalized on the opportunity that a project like Shophouse Park brings, including hundreds of millions of dollars in follow-on economic activity and development. That includes both co-location of the leaders expanding and improving the industry’s offerings, as well as improvement, maintenance and development of additional facilities such as multi-use trail networks. The project will solidify Michigan’s place as the leader in the advancement of the outdoor mobility space, drawing companies and teams from across the globe to develop new technologies and vehicles. It will draw additional private investment and capital, and will consolidate and focus talent in the region. It will also facilitate the development of a regional smart and electrified trail network, which can be used as a model for other regions, with the technology being developed right here in Michigan. The project will coordinate with other outdoor industry efforts across Michigan, including attracting venture capital targeting the outdoor recreation industry.

This project is not a tan piece of dirt shaped in a rectangle. Rather, the Applicant will capitalize on collection of outdoor assets unique to Michigan’s Upper Peninsula to facilitate research and development, product testing and evaluation. The Upper Peninsula is home to 8 million acres of accessible land, 10,000 miles of trails, 4,300 lakes, 1,700 miles of Great Lakes shoreline and 12,000 river miles. All of this means that it is a great place for all manner of recreation, and thus a great location for companies to research, test and develop new outdoor recreation products. The project space itself will be developed and used as a destination for short-to-medium term remote working, off-site team meetings and product assessment, customer events, product rollouts and industry events. The project will capitalize on private sector funding, as well as state and federal grant opportunities, to facilitate product innovation, development, testing, branding and proof-of-concept for new products. It’s central location in the Upper Peninsula provides proximity to a wide array of outdoor amenities and connections to Michigan’s mobility industry and makes Shophouse Park an excellent location for the state’s investment.

Project Description

The project will consist of a technology park, research and development center, and outdoor recreation incubator. It will consist of eight buildings totaling 40,000 square feet located on 3.44 acres in Marquette, Michigan. It will include live, work, and research and development space to serve the outdoor recreation and mobility industries. The project is essentially a commercial, residential, and industrial campus where forest meets factory. The project will include a collection of small-footprint live-work-innovate space, located in Marquette, Michigan. It is strategically located in an area that allows its users to take advantage of the wide variety of terrain and conditions that Michigan's Upper Peninsula has to offer, while facilitating the knowledge base that Michigan has developed in the outdoor mobility space. In addition to experienced development and management teams, the project will team will collaborate with ecosystem collaborators to harness the energy and capture the attention of the industry. That includes a broad array from across the state, including the Detroit Regional Partnership, The Right Place, InvestUP, Centropolis Accelerator, universities, private industry and federal, state and local units of government. The project will also focus the attention of the national and international recreation industry on Michigan, leveraging investment and bringing more business opportunities to the Upper Peninsula and across the state. (See Exhibit 1).

A background check has been completed in accordance with the MSF Background Review Policy and the project may proceed for MSF consideration.

Development Team

The development team will be led by the Owner/Developer, David Ollila. The balance of the team will be comprised of entities with proven development track records. (See Exhibit 2).

Management Team:

The management team will be led by David Ollila as Chief Executive Officer. The balance of the management team will be comprised of individuals with significant experience in managing the ongoing operations of mixed use projects and innovation districts. (See Exhibit 2).

Deliverables

The deliverable will consist of the completion of the project as defined above.

For three years after completion, the developer expects to track and report additional project impact information to the extent is available and can be publicly disclosed. That information may include the following:

- Number of new start-ups supported (in and out of state) by the Applicant.
- Number of new dollars spent in the U.P. on research and development through Shophouse Park.
- Number of Michigan companies leveraging/using Shophouse Park.
- Number of statewide ecosystem collaborations (e.g. Centropolis, Lean Rocket Labs, Tech Town, Ann Arbor SPARK, 100k ideas, etc.) involving Shophouse Park.

Recommendation

MEDC staff recommends that the MSF Board approve the grant request as outlined in the attached resolution.

Shop House Park Technology and Innovation Hub Summary of Terms

This document summarizes the key terms and conditions of the potential Michigan Strategic Fund Grant Award for Shophouse Park Technology and Innovation Hub (the “Company”). The proposed terms and conditions herein will not be construed as binding upon either party until the mutual execution of a written grant agreement. Any obligations that may be deemed to arise under this Term Sheet are contingent on the Company obtaining all necessary approvals, and the Michigan Economic Development Corporation (“MEDC”) obtaining all necessary Michigan Strategic Fund (“MSF”) Board approvals.

Grant Award: Up to \$3,000,000 to the Company for Eligible Activities, as defined in the resolution approved by the MSF Board on December 13, 2022. The grant funds will be used to plan, develop, construct and establish the built environment of Shophouse Park. The grant will be distributed to Hoponassu OZ, LLC, which is the project owner and whose sole member is David Ollila.

Term of the Agreement: Effective Date through the earlier of: (i) December 31, 2026; (ii) the grant manager’s approval of the Project Completion Milestones; or (iii) the Parties otherwise agree in writing.

Disbursement of Grant Funds: Grant funds will be disbursed based on the Company’s achievement of the following key milestones and, except as to Key Milestone One, only after the Company has actually expended at least ninety percent (90%) of the grant funds disbursed under the immediately preceding Key Milestone in accordance with the project budget:

- **Key Milestone One:** Not to exceed \$375,000 (preconstruction costs)
 - Disbursement request in the form provided by the MEDC;
 - Evidence of a firm owner equity investment, in the amount of \$300,000 satisfactory to the MSF grant manager. (Includes commitment of land valued at not less than \$200,000.) (SmartZone and City of Marquette investment shall count toward this equity investment number.)
 - Evidence of a private equity commitment, in the amount of \$750,000, satisfactory to the MSF grant manager.
 - Evidence of a firm funding commitment from a commercial lending institution, or other similar entity, in the amount of \$4,950,000, satisfactory to the MSF grant manager.
- **Key Milestone Two:** Not to exceed \$2,025,000
 - Disbursement request in the form provided by the MEDC;
 - A narrative describing in detail the Eligible Activities to be completed with the grant disbursement received under Key Milestone Two.
 - A copy of the bid specifications and/or construction contracts for the real property improvements and infrastructure upgrades.
 - Evidence of at least \$2,000,000 in other funds committed or expended for construction or other costs related to the development of Shophouse Park and Innovation Hub.
- **Key Milestone 3** Not to exceed \$300,000
 - Disbursement request in the form provided by the MEDC;
 - A spreadsheet describing and itemizing the actual expenditure for Eligible Activities of grant disbursements received under Key Milestone Number Two. The spreadsheet shall include the corresponding category of the budget, identify the

- name of actual vendor or recipient of each expenditure, and be accompanied by supporting documentation;
 - Evidence of at least \$300,000 in other funds expended for construction or other related costs for the development of Shophouse Park
 - A narrative describing in detail the Eligible Activities to be completed with the grant disbursement received under Milestone Three.
- **Project Completion Milestone:** Not to exceed \$300,000
 - A final milestone certificate in the form determined by the MEDC;
 - A spreadsheet describing and itemizing the actual expenditure of grant disbursements for all Eligible Activities completed during the Term. The spreadsheet shall include the corresponding reference category of the budget, identify the name of actual vendor or recipient of each expenditure, and be accompanied by supporting documentation.
 - Documentation satisfactory to the grant manager that the Shophouse Park Technology and Innovation Hub are complete.

Eligible Activities: Architectural/engineering design, consulting, legal, permitting, infrastructure, site preparation, building construction and other costs related to the development of the Shophouse Park Technology and Innovation Hub.

Suspension of Disbursements: The MSF may immediately suspend making disbursements of the MSF Award upon the occurrence of: (i) an event resulting in a Repayment Amount following any applicable cure period, (ii) an uncured event of default, which shall be defined in the grant agreement, but shall include, without limitation, material noncompliance with the terms of the grant agreement, (iii) an uncured event of default in any material respect under any other agreement with the State of Michigan or (iv) the occurrence of an event which, with the giving notice or the passage of time, or both, would constitute an event of default, which remains uncured following the applicable cure period. The MSF shall notify the Company prior to suspending any disbursements.

Clawback Provisions: The Company may be required to repay all or a portion of the grant disbursements made under the MSF Award upon the occurrence of one or more of the following events (each resulting in a “Repayment Amount”). All Repayment Amounts must be paid no later than 90 days after written notification by the MSF. Any Repayment Amount not paid within 90 days is subject to a penalty of 1% per month, prorated on a daily basis:

- **Project Abandonment:** if the Company voluntarily abandons the project after the MSF Award is disbursed and on or before the end of the Term it will be required to repay 100% of grant disbursements made under the MSF Award.
- **Bankruptcy or Insolvency** – If the Company files for bankruptcy or otherwise becomes insolvent on or before the end of the Term, with any such proceedings against the Company not being set aside within sixty (60) calendar days from the date of institution thereof and results in the material reduction to the Company’s operations for the Project, it will be required to repay 100% of grant disbursements made under the MSF Award.
- **Material Misrepresentation.** If the Company makes a material misrepresentation of fact under the grant agreement, any required submissions thereunder, or any payment request to the MSF on or before the end of the Term, it will be required to repay 100% of grant disbursements previously made under the MSF Award.
- **Misuse of Funds:** if the Company uses the MSF Award for a prohibited purpose during the Term it will be required to repay 100% of grant disbursements made under the MSF Award. Prohibited uses shall be identified in the final grant agreement.

- **Material Failure to Comply.** If the Company fails to materially comply with its obligations to submit materials required under the: (i) Key Milestones, (ii) annual progress reports, or (iii) annual compliance certificates under the grant agreement, it will be required to repay 100% of grant disbursements made under the MSF Award.

Additional State Required Terms:

- **Annual Compliance Certificate** – During the Term, the Company will be required to sign and submit an annual compliance certificate certifying that the Company is in compliance with the terms and conditions of the grant agreement.
- **Annual Progress Report** – During the Term, the Company will be required to submit annual progress reports no later than October 15th of each year for the prior State of Michigan fiscal year. This information will be transmitted by the MSF to the Legislature as required under Section 9 of the MSF Act, MCL 125.2009.
- **Access to Records & Audit Rights** – During the Term, and for a period of three years after the expiration of the Term, and upon reasonable advance notice, the Company is required to permit the MSF, MEDC, the Office of the Auditor General, the Department of Technology, Management and Budget, and the MSF Chief Compliance Officer to visit the Company, and any other location where books and records of the Company are normally kept, to inspect the books and records, including financial records and all other information and data relevant to the terms of the grant, all at times and locations mutually agreed upon by the parties.
- **Other provisions.** The grant agreement will include standard representations, covenants, and other provisions required by the MSF, including without limitation, non-discrimination and unfair labor practices, termination of funding, any other requirements as approved by the MSF, and any requirements of the Michigan Strategic Fund Act, including without limitation, cross default, and any other provisions of Section 88t.

EXHIBIT 1
Shophouse Park Rendering



EXHIBIT 2

Development Team and Management Team

Shophouse Park

Outdoor Recreation Community, Innovation & Technology Hub
Marquette, MI

Real Estate Development Team

Owner Developer – David Ollila

Architect & Project Management – Aaron Leppanen of Leppanen + Anker Architecture along with Ellie Abrons of T+E+A+M Architecture

General Contractor- TBD (Either Closner or Cross)

Tax & Accounting- Anderson Tackman & Company

Legal- Warner Norcross & Judd

Operational Management Team

CEO – David Ollila

Inventor, Entrepreneur, Developer, Co-founder 100K Ideas, Invent@NMU, Viosport

CFO – Jon Mommaerts

Certified Financial Planner, Multi- Business Owner, Investor, Founder Noquemanon Ski Marathon

Community/Property Manager - TBD

Hiring date 6-8 months prior to opening, a full-time management for an experienced professional in hospitality, sales, management, and community engagement.

Facility Manager - TBD

Hiring date 8-12 months prior to opening, a full-time for facility manager with light construction, maintenance, carpentry, mechanical and grounds experience

Tax & Accounting- Anderson Tackman & Company, Dan Bianchi

Legal- Warner Norcross & Judd, Mike Stone

Project Advisors – (This will be fluid and added to over time.)

Sector	Organization	Individual	Title
State Economic Development	MEDC-Outdoor Recreation Industry Office	Brad Garmon	Director
Regional Economic Development	InvestUP	Marty Fittante	CEO
Research & Education	MTU – Advanced Power Systems Lab	Jeremy Worm	Director
Local Economic Development	Innovate Marquette SmartZone	Joe Thiel	CEO
Public Technical Assistance	City of Marquette	Dave Stensaas	City Planner & Zoning Admin.
Mobility Trade Association	MichAuto	Glenn Stevens	Executive Director
Outdoor Industry	Consultant	Michael Browne	Strategic Consultant
Urban DEI	100K Ideas	Brandee Cooke Browne	Executive Director

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/10/2023

Consent Agenda

Approve the minutes of the June 26, 2023 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ June 26 Minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, June 26, 2023

6:00 PM

Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Davis, Hanley, Larson, Mayer, Ottaway, Smith, Stonehouse

Approval of the Agenda

Mayor Pro Tem Sally Davis moved to Approve the agenda with the removal of item 5.e, seconded by Commissioner Jerney Ottaway and Carried Unanimously.

Announcements

Mayor Mayer had no announcements.

Boards and Committees

1. Appointment(s)

Stephen Swentik, Local Officers Compensation Commission for an unexpired term ending 08-01-29

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

2. Reappointment(s)

Michael Potts, Harbor Advisory Committee, for a term ending 06-01-26

Dennis Honch, Marquette County Solid Waste Management Authority, for a term ending 07-01-26

Commissioner Jessica Hanley moved to Approve the reappointments as listed, seconded by Commissioner Fred Stonehouse and Carried Unanimously.

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

Barb Owdziej said she opposes the sauna in the location proposed. She said this is a good idea, but the proposed location is not good and she is concerned the location would not be safe.

Nancy Uschold said she agrees the sauna is a good idea being proposed in a bad location. She said the river current there is an issue.

Brandon Frisk presented a packet of petition signatures in support of his sauna proposal. He said he has worked with City staff to review possible locations, and this was the recommended location.

Margaret Brumm said she agrees that the proposed location for the sauna is inappropriate. She shared information about Professor Leslie Putman's research, and she talked about plans for an off-leash dog safety training session, facilitated by UPAWS.

Leslie Williams (Putman) spoke about her research on polyfluoroalkyl substances (PFAS), specifically PFOS. She said she has received a state permit, and is ready to begin growing hemp, which she said preliminary data shows can remove PFOS from the soil. She said she plans to introduce the plants to water and sludge contaminated with PFOS to gauge the impact the plants have on the contamination.

Presentation(s)

3. Local Development Finance Authority, by Chair Leslie Hartman

Joe Thiel, CEO of the Innovate Marquette SmartZone, provided a presentation on the organization, offering insight on quarterly metrics like attraction efforts, outreach and new ventures started, among others.

Commissioner Davis said she appreciates the metrics provided. She said Commissioners often get questions about the tax dollars that are utilized by the SmartZone and would like to see outcomes presented in a way that allows the Commission to explain the investment.

Commissioner Smith said she was impressed with the metrics shared tonight, but asked those present to explain for the public what the Local Development Finance Authority is, and how it integrates with the SmartZone and the City.

Follow-up discussion focused on future areas of focus for the SmartZone.

4. State of Michigan Marquette Veterans Home

Anne Zerbe, Executive Director for Michigan Veteran Homes, provided a summary of the plan to build a new veterans home in Marquette. She said the funding for the project has been fully secured through the combination of a state budget allocation and federal grant funds. She said the state must determine where the new home will be built, and would like to decide quickly.

She said they need a conceptual design by August and would like to start construction next summer. She said one of the possible sites is currently owned by the City of Marquette, and said the state wants to secure within 45 days a letter of intent to move forward with the project.

Commissioner Smith said the City Commission is in an odd spot. Since the city is in negotiations regarding the property in question, the Commission is unable to discuss this project as openly as they may want to.

Commissioner Stonehouse said that he hopes a new home would have a public memorial included in the design.

5. Consent Agenda

Commissioner Jennifer Smith moved to Approve the Consent Agenda as presented, seconded by Commissioner Fred Stonehouse and Carried Unanimously by Roll Call Vote.

- 5.a.** Approve the minutes of the June 12, 2023 regular Commission meeting
- 5.b.** Approve the total bills payable in the amount of \$ 993,858.06
- 5.c.** Camp UPeninsulin Non-Profit Status - Roll Call Vote
- 5.d.** DLP Marquette General Hospital - Utility Easements Approval
- 5.e.** GEI Change Order - Tourist Park SHPO Review
- 5.f.** Northern Michigan University - Agreement for Use of Lakeview - Ice Contract
- 5.g.** Sales of Surplus Equipment
- 5.h.** SpinwayMQT Lease Agreement Addendum

Unfinished Business

6. Kuuma Sauna, LLC - Concessionaire Lease

Commissioner Jessica Hanley moved to Approve the lease agreement with Kuuma Sauna, LLC, and authorize the Mayor and Clerk to sign it, seconded by Commissioner Jennifer Smith.

Commissioners Hanley said staff have put a lot of work into this item and she is comfortable with this as a trial use and a trial location. Commissioner Smith said this is being proposed alongside a public beach, and she doesn't think there is any risk to health or safety beyond that existing at other beaches.

The discussion ensued among commissioners and staff touched on the history of the signage at this location, the safety of the area as a swimming location and the liability of the City in water safety issues.

The Commission then voted on the motion, which failed on a 3-4 vote. Mayor Pro Tem Davis voted no, along with Commissioners Stonehouse, Ottaway and Larson.

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

Margaret Brumm congratulated the City Commission on navigating a difficult topic

tonight. She said Professor Leslie Putman is proceeding with her work with hemp. She says the work is exciting and could lead to important things. She says there are people that want to support these research efforts and help to get a certified lab established, but that she would like the City to set up a financial account for them to deposit donations into.

Brandon Frisk thanked the Commission for their discussion tonight. He said Kuuma Sauna will go back to the drawing board and work with the City on alternate locations. He said they appreciate the passion and that they also want the community to be safe.

Comments from the Commission

Commissioner Stonehouse said he is excited about the new veterans home, and he reminded people to avoid shooting off fireworks near the veterans home.

Commissioner Hanley said she is excited about the Fourth of July and said the ore dock laser show is neat. She reminded people that the fireworks will be held on the third of July this year and said that is a good move for several reasons.

Commissioner Larson said that although the details still need to be worked out, the veterans home could be a great thing. He said the summer is here and highlighted art week, as well as the new social district.

Commissioner Ottaway thanked Kuuma Sauna for their professionalism and said everyone wants the same thing - a safe place for the group to trial their business. He congratulated Commissioner Hanley on her recent albatross at Greywalls.

Mayor Pro Tem Davis thanked the representatives for the presentation about the new veterans home. She also thanked professor Putman for her work and said she is happy someone like her is in Marquette.

Commissioner Smith said she hopes Kuuma can find an appropriate place for their sauna. She spoke about art week, the social district and the new Wednesday evening Farmers Market, which takes place on Washington Street. She said the first market was great, and she thanked public works and the DDA for their advance work, as well as the police, who were present, positive and friendly. She reminded people that Cityfest and Food Fest will take place during the first few days of July.

Mayor Mayer Thanked the representatives for the veterans home presentation and said he hopes to find a way to keep the home in Marquette. He also said he hopes to see Kuuma back in a different location, and he wished his wife a happy birthday.

Comments from the City Manager

City Manager Karen Kovacs said there are some administrative questions to be answered and considered before the City agrees to create any sort of account for deposits of funds as requested by Margaret Brumm. She Congratulated the Arts and Culture staff for the work on Art Week.

Adjournment

Mayor Mayer adjourned the meeting at 7:50 p.m.

Cody O. Mayer, Mayor

Kyle Whitney, City Clerk

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

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/10/2023

Consent Agenda

Corrective Public Utility Easement Agreement - Windstone Condominium

BACKGROUND:

The City Commission previously approved a utility easement recorded in Document Number 2019-R-06317, Marquette County Records, for sanitary sewer and water main utilities within the Windstone Condominium. It was recently discovered that the legal description for the easement was erroneous and the owner of the parcel agreed to prepare a Corrective Public Utility Easement Agreement to correct the errors.

The Corrective Public Utility Easement Agreement has been executed by the owner and now needs to be approved by the City Commission before it can be executed by City officials and recorded.

FISCAL EFFECT:

None at this time.

RECOMMENDATION:

Approve the Corrective Public Utility Easement Agreement and authorize the Mayor and Clerk to execute it.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Corrective Easement

**CORRECTIVE PUBLIC UTILITY
EASEMENT AGREEMENT (SANITARY
SEWER AND WATERMAIN UTILITY
EASEMENT)**

This **Corrective Public Utility Easement Agreement** ("Agreement") is made_____, 2023, by and between **Macaulay Marquette Properties, LLC** (servient estate), a Michigan limited liability company, whose address is 2079 County Road 413, McMillan, Michigan 49853 ("Owner"), and **City of Marquette** (dominant estate), a Michigan municipal corporation whose address is 300 West Baraga Avenue, Marquette, Michigan 49855 ("City").

RECITALS

A. Owner is the sole owner of the real property located in the City of Marquette and said real property is recorded in 2019R-06418 and 2015R-05231 at the Marquette County Register of Deeds, with PIN 0513490, ("Property"). Owner has the right to grant the easement(s) and dedicate the improvement(s) as set forth in this Agreement.

B. Range Bank, N.A., a Michigan chartered bank whose address is 100 N. Front Street, Marquette, Michigan 49855 (the "Bank") holds a security interest in the Property pursuant to that certain Mortgage between Bank and Owner, dated July 19, 2019, and recorded in 2019R-06421 at the Marquette County Register of Deeds, as amended.

C. Owner's predecessor in interest constructed certain water and sanitary sewer mains and appurtenances for public utility services to be provided by the City to the Property in accordance with plans and specifications approved by the City, and previously executed that certain Utility Easement in favor of the City, recorded in 2019R-06317 at the Marquette County Register of Deeds (the "Original Easement").

D. Owner wishes to grant to the City an updated easement for construction, maintenance, inspection, repair and replacement of the water and sanitary sewer utility mains and appurtenances over, across, under and within those portions of the Property described on the legal description attached as Exhibit A ("Easement Parcel") and shown on the sketch attached as Exhibit B and to dedicate to the City for public purposes the water and sanitary sewer mains and appurtenances located within the Easement Parcel.

Accordingly, the parties agree as follows:

GRANT OF EASEMENT: Owner grants, for *NO CONSIDERATION (or for consideration of \$0.00)*, to the City and its successors and assigns a perpetual easement over, across, under and within the Easement Parcel for purposes of construction, maintenance, inspection, repair and replacement of the water

and sewer and sanitary sewer utility mains and appurtenances located within the Easement Parcel together with the right of access, ingress and egress over and across the Property and within the Easement Parcel for purposes of such construction, maintenance, inspection, repair and replacement of such water and sanitary sewer mains and appurtenances ("Easements"). This easement is granted for the purposes of correcting the Original Easement and hereby replaces the Original Easement in full.

DEDICATION: Owner hereby dedicates to the City for public purposes the water and sanitary sewer mains and appurtenances located within the Easement Parcel, and the City accepts the dedication of such water and sanitary sewer mains and appurtenances as public utilities to be maintained, inspected, repaired and replaced by the City. The City agrees to repair any damage to the surface of the Easement Parcel resulting from its inspection, maintenance, repair or replacement of mains and appurtenances within the Easement Parcel, and to restore the Easement Parcel to the condition existing prior to such work by the City, to the extent reasonably possible. Provided, however, Owner shall be solely liable and responsible for any and all costs, expenses, repair or replacement arising out of or related to the defect in or faulty construction of the water and sanitary sewer mains and appurtenances, including construction not in accordance with the approved plans and specifications or arising from improper use of the water and sanitary sewer mains and appurtenances or the Easement Parcel by Owner or its agents, contractors, employees, guests, invitees, successors or assigns.

MAINTENANCE OF THE EASEMENT PARCEL: Neither Owner nor its successors, transferees or assigns shall construct any buildings or improvements nor place any trees on the Easement Parcel nor make any change to the grade or surface of the Easement Parcel without prior written consent by the City. Owner may continue use of the Easement Parcel for purposes that do not interfere with City's rights and uses under this Easement, and shall be entitled to re-surface, repair, restore, and replace areas to keep them in their current condition. Any expansion or change in use by the Owner upon the Easement Parcel shall require the City's prior written approval.

FURTHER EASEMENTS: Owner shall not grant any further easements within the Easement Parcel nor alter, repair or modify the water and sanitary sewer mains or appurtenances within the Easement Parcel without prior written consent by the City.

INDEMNIFICATION: Owner shall indemnify and hold City harmless from and against any and all claims, liabilities or damages arising out of or related to construction of the water and sanitary sewer mains or appurtenances by Owner or its agents, contractors, consultants, engineers and employees. Provided, however, the Owner shall not be obligated to indemnify and hold the City harmless from any claims, liabilities or damages that arise solely out of the City's failure to properly maintain, inspect, repair, and replace the water mains and appurtenances.

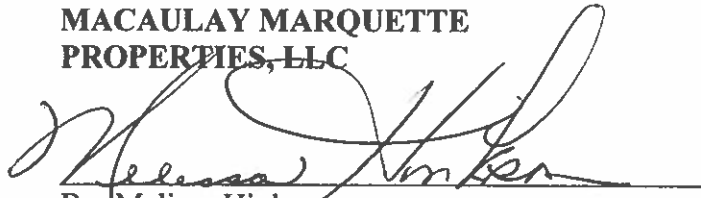
ADDITIONAL DOCUMENTS: All parties agree to execute, acknowledge and deliver such other instruments, documents or agreements (in customary form, reasonably acceptable to the executing party) as shall be reasonably necessary in order to fully bring into effect the intent and purpose of this Agreement.

BINDING EFFECT: The easement and dedication granted pursuant to this Agreement shall run with the land and the benefits and burdens of this Agreement shall inure to the benefit of and be binding upon the parties and their respective successors, transferees and assigns.

TRANSFER TAX: This EASEMENT is exempt from real estate transfer taxation under the provisions of MCL 207.505(a) and MCL 207.526(a).

Dated this 21st day of ~~April~~ ^{JUNE}, 2023.

**MACAULAY MARQUETTE
PROPERTIES, LLC**


By: Melissa Hinkson
Its: Managing Member

STATE OF MICHIGAN)
COUNTY OF MARQUETTE)

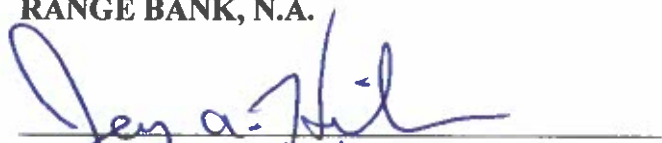
Acknowledged before me in Marquette County, Michigan, on ~~April~~ ^{JUNE} 21, 2023, by Melissa Hinkson, Managing Member of Macaulay Marquette Properties, LLC, on behalf of the limited liability company.

Brad LaFave
Brad LaFave, Notary Public
State of Michigan, County of Marquette
My commission expires: 04/03/2029
Acting in the County of Marquette



Range Bank, N.A. hereby consents to the execution of this Corrective Public Utility Easement Agreement (Sanitary Sewer and Watermain Utility Easement).

RANGE BANK, N.A.


By: Jeremy A. Hinkson
Its: VP Commercial Banking officer

STATE OF MICHIGAN)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on ~~April~~ ^{JUNE} 22, 2023, by Christopher J. Gobert of Range Bank, N.A., on behalf of Range Bank, N.A.


Christopher J. Gobert, Notary Public
State of Michigan, County of Marquette
My commission expires: October 12, 2026
Acting in the County of Marquette

CHRISTOPHER J. GOBERT
Notary public, Marquette County, Michigan
My commission expires October 12, 2026.

CITY OF MARQUETTE

By: Cody O. Mayer
Its: Mayor

By: Kyle Whitney
Its: Clerk

STATE OF MICHIGAN)

COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on April __, 2023, by Cody Mayer, Mayor,
and _____, 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

APPROVED AS TO CONTENT:

Karen M. Kovacs, City Manager

APPROVED AS TO FORM:

Suzanne C. Larsen, City Attorney

Easement drafted by:
Patrick C. Greeley (P80895)
Kendricks Bordeaux, P.C.
128 W. Spring Street
Marquette, MI 49855
(906) 226-2543

EXHIBIT A EASEMENT DESCRIPTION

Sanitary Sewer and Watermain Easement

A 50 foot wide utility easement situated in part of the Southeast quarter of the Northeast quarter (SE1/4, NE1/4) and in part of the Northeast quarter of the Southeast quarter (NE1/4, SE1/4), Section 21, Township 48 North, Range 25 West, City of Marquette, Marquette County, Michigan, described as follows:

Commencing at the East ¼ corner of Section 21, T48N, R25W; then N00°14'01"E along the east line of said Section 21, 512.23 feet; then N89°45'59"W, 770.79 feet to the intersection of the southerly right-of-way line of North Creek Drive and the westerly right of way line of Wilson Street; then along said westerly right-of-way line of Wilson Street S00°05'27"W 322.09 feet; then continuing along said westerly right of way line 358.86 feet along a 633.00 foot radius curve to the left with a delta angle of 32°28'54", and a chord bearing S16°08'58"E, 354.07 feet to the intersection of said westerly right-of-way line of Wilson Street with the northerly right-of-way line of Horizons Drive; then along said northerly right-of-way line of Horizons Drive S54°37'17"W, 70.28 feet; then continuing along said northerly right-of-way line 118.06 feet along a 242.00 foot radius curve to the right with a delta angle of 27°57'08", and a chord bearing S68°35'48"W, 116.89 feet to the POINT OF BEGINNING; then continuing along said northerly right-of-way line 50.14 feet along a 242.00 foot radius curve to the right with a delta angle of 11°52'13", and a chord bearing S88°30'29"W, 50.05 feet; then N03°57'29"W, 36.10 feet; then 60.76 feet along a 425.00 foot radius curve to the right with a delta angle of 08°11'30", and a chord bearing N00°08'16"E, 60.71 feet; then N04°14'01"E, 108.55 feet; then 62.90 feet along a 375.00 foot radius curve to the left with a delta angle of 09°36'35", and a chord bearing N00°34'16"W, 62.82 feet; then N05°22'34"W, 221.04 feet; then 166.67 feet along a 425.00 foot radius curve to the right with a delta angle of 22°28'12", and a chord bearing N05°51'32"E, 165.61 feet; then N17°05'38"E, 2.63 feet; then 79.83 feet along a 175.00 foot radius curve to the left with a delta angle of 26°08'14", and a chord bearing N04°01'31"E, 79.14 feet to the southerly right-of-way line of North Creek Drive; then along said southerly right of way line N68°11'28"E, 1.35 feet; then continuing along said southerly right-of-way line 48.96 feet along a 172.01 foot radius curve to the right with a delta angle of 16°18'34", and a chord bearing N76°20'46"E, 48.80 feet; then 106.86 feet along a 225.00 foot radius curve to the right with a delta angle of 27°12'44", and a chord bearing S03°29'16"W, 105.86 feet; then S17°05'38"W, 2.63 feet; then 147.07 feet along a 375.00 foot radius curve to the left with a delta angle of 22°28'12", and a chord bearing S05°51'32"W, 146.13 feet; then S05°22'34"E, 221.04 feet; then 71.28 feet along a 425.00 foot radius curve to the right with a delta angle of 09°36'35", and a chord bearing S00°34'16"E, 71.20 feet; then S04°14'01"W, 108.55 feet; then 53.61 feet along a 375.00 foot radius curve to the left with a delta angle of 08°11'30", and a chord bearing S00°08'16"W, 53.57 feet; then S03°57'29"E, 38.26 feet to the northerly right of way line of Horizons Drive also being the POINT OF BEGINNING, containing 0.86 acres, more or less.

EXHIBIT B SURVEY

PIN: 0513490
OWNER: MACAULEY MARQUETTE
PROPERTIES, LLC.

EASEMENT EXHIBIT SANITARY SEWER & WATERMAIN EASEMENT

NE CORNER
SECTION 21,
T48N, R25W
L1, P28



LEGEND:

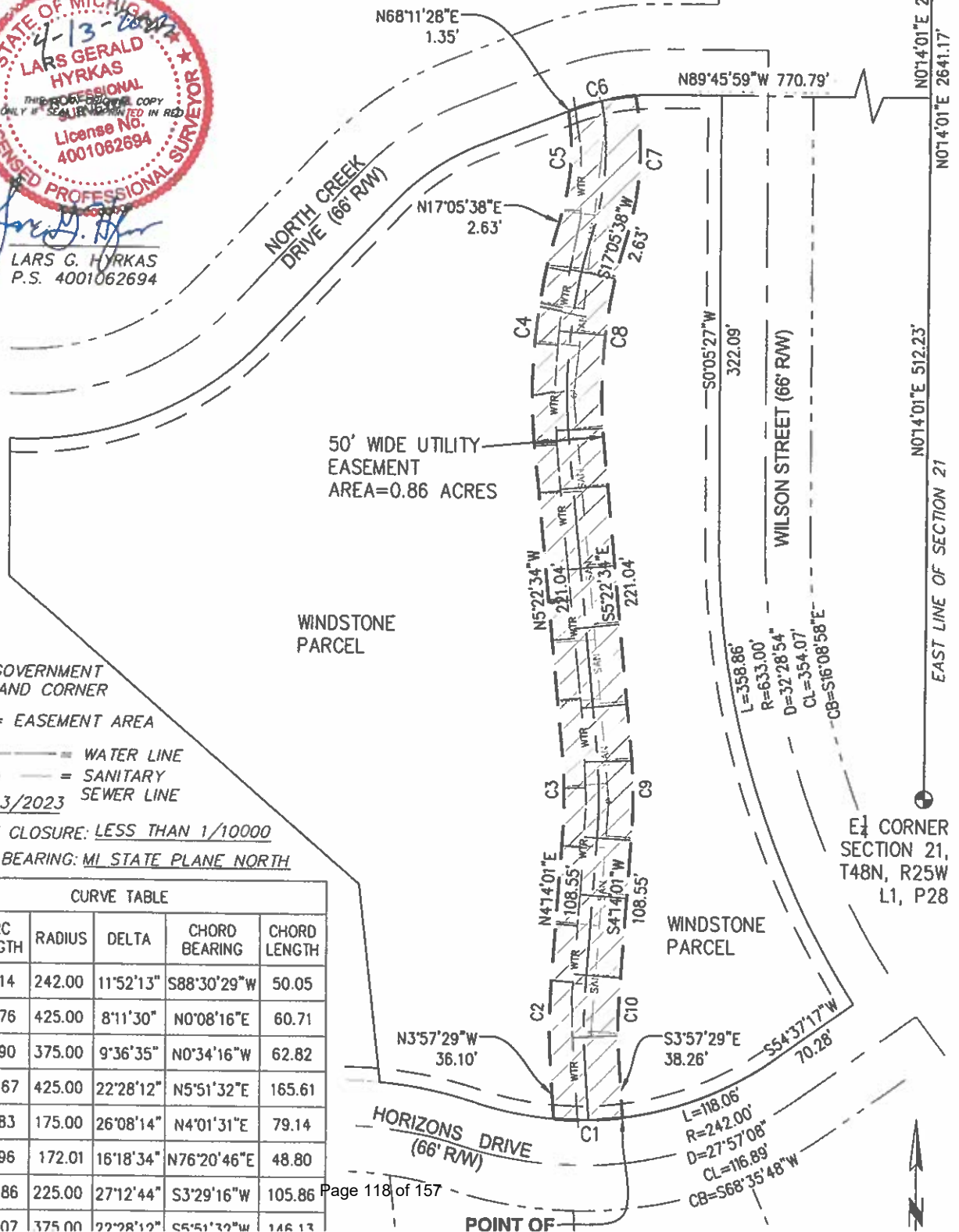
- = GOVERNMENT LAND CORNER
- = EASEMENT AREA
- = WATER LINE
- = SANITARY SEWER LINE

DATE: 4/13/2023

ERROR OF CLOSURE: LESS THAN 1/10000

BASIS OF BEARING: MI STATE PLANE NORTH

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	50.14	242.00	11°52'13"	S88°30'29"W	50.05
C2	60.76	425.00	8°11'30"	N0°08'16"E	60.71
C3	62.90	375.00	9°36'35"	N0°34'16"W	62.82
C4	166.67	425.00	22°28'12"	N5°51'32"E	165.61
C5	79.83	175.00	26°08'14"	N4°01'31"E	79.14
C6	48.96	172.01	16°18'34"	N76°20'46"E	48.80
C7	106.86	225.00	27°12'44"	S3°29'16"W	105.86
C8	147.07	375.00	22°28'12"	S5°51'32"W	146.13



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/10/2023

Consent Agenda

MERS Annual Meeting - Officer Delegate Appointment

BACKGROUND:

The Municipal Employees' Retirement System (MERS) is holding its 2023 annual conference in Detroit on September 28-29, 2023. Per the MERS plan document, the governing body of each participating municipality shall certify the names of two delegates to the annual meeting. One delegate shall be a member who is an officer of the participating municipality, selected by the governing body of the participating municipality. The other delegate shall be a member who is not an officer of the participating municipality, elected by the member employees of the participating municipality. The election shall be by secret ballot and shall be conducted by an officer of the participating municipality. The election shall be conducted in a manner that affords each member employee an opportunity to vote.

The City Manager recommends that the City Commission appoint Assistant City Manager Sean Hobbins as the Officer Delegate, and Director of Administrative Services Jennifer LePage as the Alternate Delegate. The Alternate Delegate will attend the meeting in the event the appointed Officer Delegate is unable to attend.

The member employees were given an opportunity to nominate any potential employee delegates to be put on a ballot for an election. This year we only had one interested employee and therefore did not hold an election. The employee delegate to attend the MERS annual conference will be Jennifer Jakubowski, Administrative Assistant at the Fire Department and the Alternate will be Tim Raich, Payroll Clerk.

FISCAL EFFECT:

Adequate funding to cover travel and conference fees are included in the budget.

RECOMMENDATION:

Appoint the Assistant City Manager as the Officer Delegate and the Director of Administrative Services as the Alternate to attend the 2023 MERS Annual Meeting and confirm the Employee Delegate, Jennifer Jakubowski, and Alternate Tim Raich.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Delegate Form
- ▣ Letter



Municipal Employees' Retirement System of Michigan
1134 Municipal Way • Lansing, MI 48917
800.767.6377
www.mersofmich.com

2023 Officer and Employee Delegate Certification Form

MERS Annual Business Meeting | September 2023

Please print clearly • Scan and attach this file when you register online • Retain a copy for your records

IMPORTANT: If you are not electing/appointing delegates to vote during the MERS Annual Business Meeting, please **DO NOT** submit this form. A **delegate** is **NOT** confirmed to have voting rights until this form has been uploaded with their online registration.

The voting delegate representative must be a MERS member, defined as an **active employee on payroll** who is enrolled in either a MERS Defined Benefit Plan, Defined Contribution Plan or Hybrid Plan.

1. Officer (and alternate) delegate information

The officer delegate (or alternate) shall be a MERS member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Officer Delegate name

Officer Alternate name

Officer delegate and alternate listed above were appointed to serve during the 2023 MERS Annual Business Meeting by official action of the governing body (or chief judge for a participating court) on _____, 2023.

2. Employee (and alternate) delegate information

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Employee Delegate name

Employee Alternate name

Employee delegate and alternate listed above were elected to serve during the 2023 MERS Annual Business Meeting by secret ballot election conducted by an authorized officer on _____, 2023.

3. Certification

NOTE: Certification should be signed by a member of the governing body or chief administrative officer, or the chief judge for a participating court. **An electronic signature is permissible.**

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for the employee delegate and alternate are true and correct.

Employer/municipality name*

Municipality number*

Email address

Employer address

Employer city

Employer state

Employer zip code

Printed name

Title of authorized authority*

Authorized signature*

Date

* Required field

2
ways to
complete

1. You may complete it electronically (an electronic authorized signature is permissible), then save it and upload it when registering your delegate(s) – OR –
2. You may print it off and complete it, then scan and upload it to your computer for uploading when you register your delegate(s).



June 20, 2023

Municipal Employees Retirement System
1134 Municipal Way
Lansing, MI 48917

RE: Officer and Employee Delegate Certification

To Whom It May Concern:

This letter is to inform MERS that the City of Marquette has only one candidate for employee delegate for the MERS annual meeting. Therefore, we did not conduct an election to determine this year's delegate and alternate.

If you have any questions, please feel free to contact this office.

Respectfully,

Kyle Whitney, City Clerk
City of Marquette

c: file

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/10/2023

Consent Agenda

Outback Art Fair - Special Event Permit

BACKGROUND:

Cynthia Engle d/b/a Outback Art Fair is requesting a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Shiras Park for the purpose of the Outback Art Fair on July 29, 2023 and July 30, 2023. Staff worked with the City Attorney and Ms. Engle to develop the permit.

FISCAL EFFECT:

The general fund will receive \$1,990 plus miscellaneous reimbursements if approved.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with Ms. Cynthia Engle d/b/a Outback Art Fair, 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 _____, 2023 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and Cynthia Engle d/b/a Outback Art Fair of 380 Karen Road, Marquette, Michigan 49855, 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"]:

SHIRAS PARK

- (2) Term. The term of this Permit shall be for July 29, 2023 from 10:00 a.m. until July 30, 2023 at 6:00 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:

OUTBACK ART FAIR

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:

Exclusive Park Use	\$1,070.00 (first day)
	\$920.00 (second day)
55-gallon trash drums	*
Trash drum liners	at current cost

*PERMITTEE must submit a "Request to Borrow" form to the City Department of Public Works for any garbage cans, barricades, etc. needed. All items requested must be transported to and from the CITY for use during the event and must return the drums to the City no later than 5:00 p.m. the Monday immediately after the event ends.

- (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, 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 \$350.00 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 City of Marquette Land Development Code.

■ (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 INSURANCE. 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:

PERMITTEE has permission to begin setting up on July 28, 2023 at 3:00 p.m. and must have all items removed from the park by 11:00 p.m. on July 30, 2023.

- (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.

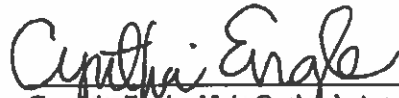
IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT 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

Cody O. Mayer, Mayor


Cynthia Engle d/b/a Outback Art Fair

Kyle Whitney, City Clerk

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)
06/27/2023

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 Vast 300 South Front Street Marquette MI 49855		CONTACT NAME: Jane Wanberg PHONE (A/C, No, Ext): (906) 228-7500 E-MAIL ADDRESS: janew@vastsolution.com FAX (A/C, No): (906) 228-5385	
INSURED Cynthia Engle, DBA: Outback Art 380 Karen Rd Marquette MI 49855		INSURER(S) AFFORDING COVERAGE INSURER A: Nautilus INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 2023

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 INSD	SUBR 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:	Y		NEWEVENTBINDER	07/28/2023	07/30/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ included \$
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						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)

Additional Insured: City of Marquette.

Event: Outback Art Fair

CERTIFICATE HOLDER

CANCELLATION

City of Marquette 300 W. Baraga Ave. Marquette MI 49855	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

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City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/10/2023

Consent Agenda **SpinwayMQT Lease Agreement Addendum**

BACKGROUND:

At the May 9, 2022 regular meeting the City Commission approved a three-year lease agreement with Pete Duex, owner of SpinwayMQT, LLC and the Marquette Downtown Development Authority (DDA) for a 10-foot by 24-foot section of property located in the greenspace between the Lakeshore Parking Lot and the Iron Ore Heritage Trail.

In May 2023, Pete Duex contacted the DDA and indicated an interest in transferring the lease to Thomas Fure of MQT Bike Rentals, LLC. The terms of the original lease require that the City and DDA consent to any transfer or assignment and the City Attorney has prepared the attached addendum, which would transfer the original lease from SpinwayMQT, LLC to MQT Bike Rentals, LLC. The DDA board approved the proposed addendum at the June 8 meeting.

The City Charter requires all lease agreements to have two reads. This item was introduced at the City Commission's June 26 meeting.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Approve the addendum, transferring the SpinwayMQT, LLC lease to MQT Bike Rentals, LLC.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Lease Addendum
- ▣ DDA Letter
- ▣ Exhibit A
- ▣ 060823.DDA Board Meeting Minutes

ADDENDUM TO LEASE AGREEMENT

THIS ADDENDUM is made and entered into this _____ day of _____ 2023, by and between **THE MARQUETTE DOWNTOWN DEVELOPMENT AUTHORITY**, an authority of the City of Marquette, of 337 W. Washington Street, Marquette, Michigan 49855, hereinafter “LESSOR”, **SPINWAYMQT, LLC**, a Michigan limited liability company, with a mailing address of 1599 Altamont Street, Marquette, Michigan 49855, hereinafter “ASSIGNOR” and **MQT BIKE RENTALS, L.L.C.**, a Michigan limited liability company of 607 N. Third Street, Marquette, Michigan 49855, hereinafter “ASSIGNEE”.

Recitals

- A. The City of Marquette, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855 is the owner of the real property located at 245 S. Lakeshore Boulevard in the City of Marquette. The Lessor manages the real property located at said address.
- B. The City of Maquette, Lessor and Assignor entered into a Lease Agreement dated May 9, 2022, and made effective May 1, 2022 through April 30, 2025 for a 10 foot x 24 foot section of the property located in the greenspace between the Lakeshore Parking Lot and the Iron Ore Heritage Trail as shown in Exhibit “A”.
- C. Assignor desires to assign all of its rights and obligations pursuant to the Lease Agreement to Assignee; and the City of Marquette, Lessor, and Assignee consent to said assignment.

NOW, THEREFORE, in consideration of the mutual promises of the parties and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed as follows:

- 1. All rights and obligations of Assignor in the Lease Agreement are hereby assigned to Assignee, and Assignee shall hereinafter be deemed to be Lessee of the Lease Agreement.
- 2. Assignee acknowledges that it has received an executed copy of the Lease Agreement and agrees to be bound by all terms of the Lease Agreement, including but not limited to the requirement to make timely rental payments, the requirement of providing proof of insurance, and restrictions on the use of the premises as contained therein.
- 3. In all respects not modified by this Addendum, the Lease Agreement shall remain unmodified and in full force and effect.

The parties have set their hands on the day and year first above written

OWNER
CITY OF MARQUETTE

Cody O. Mayer, Mayor

Kyle Whitney, City Clerk

Approved as to Substance:

Karen Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney

LESSOR
MARQUETTE DOWNTOWN
DEVELOPMENT AUTHORITY

Nichole Durley-Rust
Nichole Durley-Rust, DDA Board Chairperson

ASSIGNOR
SPINWAYMQT, LLC

Peter Duex
Peter Duex
Its: _____

ASSIGNEE/LESSEE
MQT BIKE RENTALS, L.L.C.

Thomas S. Fure
Thomas S. Fure
Its: _____



May 16, 2023

To whom it may concern,

On behalf of the Marquette Downtown Development Authority (DDA), I am writing to grant permission to Mr. Tom Fure to acquire the SpinwayMQT, LLC lease agreement for the property located at 245 S. Lakeshore Boulevard, Marquette, Michigan. This authorization is applicable for the remainder of the lease term, which runs through April 30, 2025.

As per the lease agreement, Section 9.1 stipulates that the lessee shall not assign or sublet the Premises or any part thereof without the express prior written consent of the lessor. We have reviewed Mr. Pete Deux's request to allow Mr. Fure to assume the lease and are pleased to provide our written consent for the transfer.

By granting this permission, it is important to note that the terms and conditions of the original lease agreement, including all rights and responsibilities of the lessor and lessee, shall remain in full effect. Mr. Fure shall assume all obligations, liabilities, and privileges associated with the SpinwayMQT, LLC lease agreement.

Should you have any questions or require further information, please do not hesitate to contact me at (906) 228-9475, extension 103 or Tara@downtownmarquette.org. We appreciate your attention to this matter and look forward to a smooth transition for all parties involved.

Thank you for your cooperation and understanding.

Sincerely,

Tara Laase-McKinney
Executive Director
Marquette Downtown Development Authority

Kindest regards,

A handwritten signature in black ink that reads 'Tara Laase-McKinney'.

Tara Laase-McKinney
Executive Director
Marquette Downtown Development Authority

EXHIBIT A





Marquette Downtown Development Authority Meeting Minutes for June 8, 2023

Call to Order

A meeting of the Marquette Downtown Development Authority (MDDA) Board of Directors was held on Thursday June 8, 2023, at the Marquette Commons. The meeting was called to order by Board President N. Durley-Rust at 8:02 a.m. with Directors A. Adan, M. Morrison, P. Sala, R. Caron, R. Stern, L. Rowland, K. Kovacs, and M. Weinrick present.

Others in attendance were Sean Hobbins-Marquette Assistant City Manager, Tara Laase-McKinney-DDA Executive Director, Michael Bradford-DDA Business Outreach & Promotions Director, and Jodi Lanciani-DDA Operations Director.

R. Stern made a motion to approve the agenda with addition of a discussion of support of the 4th of July Committee funding request. M. Weinrick seconded; motion passed.

Public Comment

Wes Pernsteiner from Ore Dock expressed concern over the impact of homeless population and requested the DDA address this as a high priority.

Chelsea Wilkinson introduced herself as the new executive director of Room at the Inn.

Consent Agenda

K. Kovacs made a motion to approve the consent agenda with the minutes from 5/11/2023, bills for approval 5/01/2023 – 5/31/2023, and financial reports as of 5/30/2023. M. Weinrick seconded; motion passed.

#9 Farms	37.00	Lake Superior Press	625.85
906 Pet Treats LLC	5.00	Lammi Fire Protection	301.25
American Welding & Gas Inc	36.64	Little Parsley Farm	55.00
Aramark	237.96	Lowe's	6,440.92
Audrey Seilheimer	1,000.00	Mares-Z-Doats Feed Supply	203.94
Bad Seed Hot Sauce	5.00	Marquette Monthly	1,192.50
Bakery Barn Yooper Yummies	12.00	New Dalton Farm	33.00
Baraga Telephone Company	17.69	North Country Disposal	455.00
Blue Cross Blue Shield	1,902.60	Northwoods Publishing, LLC	295.00
Board of Light & Power	2,474.84	OK Rental	679.24
C. Pesola LLC	1,700.00	Peninsula Fiber Network LLC	342.30

Capital One Commercial	81.72	Pileated Farms	20.00
Cardmember Service	6,081.10	Rock River Farm	80.00
Carquest	180.32	Seeds and Spores Family Farm	246.00
Case Country Farm	7.00	SEMCO	454.43
Charter Communications	59.98	Shady Grove Farm	16.00
Chesla & Associates PC	280.00	Smith Construction	6,142.86
City of Marquette	1,528.82	Staples	53.51
Cook Sign Service	4,345.00	Superior Culture	14.00
Curran & Company	620.00	Swampy Acres LLC	33.00
Dalco	149.10	T2 Systems Canada Inc.	1,900.00
Doozers	14.00	Three Sisters Farm & Forest	5.00
Fairest Promises	11.00	Tonella Farms	38.00
		Traffic & Safety Control Systems	
Foxy Flowers	9.00	Inc	950.00
French-tastic	5.00	Treasa's Treasures	23.00
Freshwind Farms	76.00	U.P. Kubota	278.62
Full Plate Farm	59.00	UP Gourmeet	80.00
Getz's Department Store	175.00	UP North Roast	38.00
Gladstone Berry Farm	37.00	UPHS Occupational Medicine	60.00
Guindon Farms	89.00	Waite, Michael	100.00
Heartland Services	1,620.35	Xerox Corporation	252.91
Integris	79.00	Yoopers Country Farms	108.00
Jesse Wright	135.00	Payroll/Benefits	35,533.22
L. Naylor Design	1,180.00	Total Expenditures	24,251.12

Presentation from Bob Doyle of Smith Group regarding a potential plan for the RAP grant application.

Old Business

Pay Station Software Upgrade: J. Lanciani provided an update as outlined in the board packet. Labor warranty expires in September, which moves project to July/Aug instead of Oct/Nov. Cost to upgrades is more than anticipated. M. Weinrick made a motion to re-approve the pay station upgrade to \$14,500. R. Stern seconded; motion passed.

New Business

Spinway MQT: R. Stern made a motion to approve the addendum of the SpinwayMQT, LLC to transfer the lease to Thomas S. Fure of MQT Bike Rentals LLC. P. Sala seconded; motion passed.

Queen City Half Marathon: M. Weinrick made a motion to approve the event support request. L. Rowland seconded; motion passed.

Nheena's Neighborhood: R. Stern made a motion to approve the event support request. P. Sala seconded; motion passed.

Special Board Meeting for Budget: N. Durley-Rust made a motion to include special budget review August 10th as part of the regular board meeting. A. Adan seconded; motion passed.

4th of July: The DDA budgeted \$5000 this year for event support grants, but thus far none of those funds have been utilized. The 4th of July committee is in need of funds for July 3rd fireworks and the July 4th sensory friendly light show on the ore dock. T. Laase-McKinney proposed a \$2000 donation from the event support grant funds and \$500 donation towards the 4th of July Parade. P. Sala made a motion to support this donation, R. Stern seconded, motion passed.

Committee Reports

Personnel & Executive: The committee met and discussed updates to the personnel policy including adding paid time off after 6 months of employment and reducing the paid time off that can be paid out at separation from 540 to 200. Other minor changes were discussed. The next step will be to have a lawyer review the policy and then present the changes to the board for approval.

TIF: The TIF committee met and went over projects and the schedule going forward. The next step will be to have a work session with the city commission, hopefully in July. Antonio commented that our consultant explained TIF well and he encouraged board members to talk to the public and businesses about TIF.

Parking: P. Sala commented that she now has a better understanding of the Vault Parking Project. There will be about 210 spaces, all of which will generate revenue. S. Hobbins commented that the design will need to be automated and self enforcing. R. Stern stated there will need to be security cameras. Other parking items discussed included the 3 pay stations that are underutilized and potential relocation options.

Business Development and Promotions: Blueberry Fest poster winner was picked - Blueberry Memories was chosen out of 21 submissions. The committee talked about a survey to be sent to business owners about Wednesday Farmer Market street closure with a plan to do a survey after 2 weeks and after 5 weeks. Music on 3rd starts next week and will have 17 locations, including 2 new locations on the north end. Social district paperwork approved for the DDA but not yet enough businesses received their approval, so we are looking at June 20th for the start date.

Director's Report: T. Laase-McKinney addressed the comment from the public about homelessness. There was a letter urging the DDA to potentially fund a staff position to come up with solutions. T. Laase-McKinney thinks this is outside of the scope of the DDA, but believes the DDA has a role in advising and working with others to solve the issue. T. Laase-McKinney reiterated the information about the social district and will reach out to MLCC about the potential start date of June 20. On June 12th, Arbor Day, there will be dedication and new trees planted at Rosewood Walkway at 1 pm. Board Members are invited to attend. The downtown flowers should be going up soon. Thanks to volunteers from North Iron Church, the Commons Parking Lot hillside has new landscaping, and the lower Bluff Ramp back wall was painted. We recently promoted a full-time employee to the maintenance mechanic position and hired seasonal part time workers. Maintenance and office are currently fully staffed.

J. Lanciani informed the board that Passport Parking App may be increasing their convenience fee but were given the opportunity to object. The DDA will be discussing their objections with Passport.

Public Comment: None

Board Member Comment: L. Rowland – Farmers Market looks great, super busy. Social district signs around town look good. P. Sala – Volunteered at FM on Memorial Weekend. Likes the rebrand, looks fresh, and it was nice to see the crowd. She appreciates posters of events and media attention around events. M. Weinrick – Attended the FM and farmers said they are selling out which is good for them and the community. N. Durley-Rust – New FM vendors appreciated. Social district signs look great. Signs up before start is good, gets people used to where the district is. Comment on homeless issue – Not the DDA responsibility to fix the issue alone. This is county wide issue, not just a downtown issue. Would like to see an advisory council from city and DDA member could be on this. R. Stern – Econo lodge is housing some of the homeless in Harvey – thus not just a downtown issue. Painting lines on upper deck of Bluff Ramp soon. He suggests arrows painted in Lower level would help traffic flow. K. Kovac –Calls for service from police regarding incidents related to homelessness have grown to about 30% of their calls. Local government wants to be part of the solution, and they are looking at forming a task force led by government, perhaps with the county. A long-term solution needs to include not only housing but also and social services and rehabilitation.

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Meagen Morrison, Secretary and Jodi Lanciani, Operations Director

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/10/2023

Consent Agenda

Upper Echelon 2023 - Special Event Permit

BACKGROUND:

Midwest Mediahouse, LLC, is requesting a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Mattson Lower Harbor Park for the purpose of the Upper Echelon 2023 car show on July 22, 2023. The terms are detailed in the permit. Staff has worked with the City Attorney and Midwest Mediahouse, LLC to develop the permit.

FISCAL EFFECT:

The general fund will recognize revenues of \$1,070.00 plus miscellaneous charges.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with the Midwest Mediahouse, LLC, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ Permit

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

THIS AGREEMENT, made this 7 day of July, 2023 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and MIDWEST MEDIAHOUSE LLC, a Michigan limited liability company of 610 E. High Street, Ishpeming, MI 49849, 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"]:

MATTSON LOWER HARBOR PARK

- (2) Term. The term of this Permit shall be for July 22, 2023 from 8:00 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:

"UPPER ECHELON 2023"

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:

Mattson Park	\$1,070 1st day
Trash drum liners (@ current cost)	\$ _____ **

Alternate Location Fees: If the event is moved to Lakeview Area as set forth in paragraph 31, the following fees shall be charged instead of the fees outlined above:

Lakeview Arena

Russell Dry Floor

\$1,800/day (1 day)*

Public works, police

and fire employees

To be billed based on need and usage

Trash liners (@ current cost)

\$_____**

*PERMITTEE may use the Lakeview Arena front parking lot from 8:00 a.m. – 11:00 p.m. on July 22, 2023 without additional fees.

**PERMITTEE may pickup 55-gallon trash drums from the CITY for use during the event and must return the drums to the City no later than 12:00 p.m. (noon) on July 24, 2023.

- (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, 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 \$350.00 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 INSUARNC. 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 11:00 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:

N/A.

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.
- (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:

PERMITTEE has permission to begin setting up on July 21, 2023 at 8:00 a.m. and must have all items removed from the park by 12:00 p.m. (noon) on July 24, 2023.

If CITY determines and notifies PERMITTEE, on or before 8:00 a.m. on July 21, 2023 that MATTSON LOWER HARBOR PARK conditions are not suitable for the event due to weather, CITY will require PERMITTEE to move the event to Lakeview Arena. If CITY moves the event location, all other terms and conditions of this permit will remain in place, except that the alternate fees specified in paragraph 5 shall be charged.

- (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

MIDWEST MEDIA LLC

Cody O. Mayer, Mayor

myles moncalieri

By: Myles Moncalieri
Its:

Kyle Whitney, City Clerk

Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney