

City of Marquette, MI



Meeting Agenda City Commission

Monday, July 29, 2024

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)

Charles Klecha to the Downtown Development Authority for an unexpired term ending 01-01-25.

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

Presentation(s)

2. Marquette Brownfield Redevelopment Authority, by Chair Callie New

Public Hearing(s)

3. Rezoning of 446 E. Crescent Street - Roll Call Vote

4. Consent Agenda - Roll Call Vote

4.a. Approve the minutes of the July 8, 2024 regular Commission meeting

4.b. Approve the total bills payable in the amount of \$3,944,074.87

4.c. Former MGH Brownfield Allocation

4.d. License to Use a Portion of the Magnetic Street Right-of-Way Adjacent to 305 W. Magnetic Street

4.e. License to Use a Portion of the Third Street Right-of-Way Adjacent to 600 N. Third Street

4.f. MERS Annual Meeting - Officer Delegate Appointment

4.g. MERS Authorized Official Resolution - Roll Call Vote

4.h. Proclamation - Downtown Marquette Farmers Market Week

4.i. Release of Kids Cove Funds

New Business

5. EGLE LSLR Grant - Professional Services Contract Approval

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: 7/29/2024

Public Hearing(s)

Rezoning of 446 E. Crescent Street - Roll Call Vote

BACKGROUND:

The City recently received a request to rezone 446 E. Crescent Street from a Planned Unit Development (PUD) to a Mixed Use (MU) zoning district. On June 18, 2024, the Planning Commission conducted a public hearing and discussed the proposed rezoning, in accordance with procedures established in the Land Development Code for evaluating the merits of rezoning requests and the administrative procedures for processing such a request. The following motion was made:

It was moved by C. Gottlieb, seconded by S. Lawry, and carried 7-0 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-06-24, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 03-REZ-06-24 as presented, with the following conditions - that the rezoning is approved when the PUD is terminated via proof of an affidavit that the termination of the PUD has been recorded in the property deed after the City Commission hearing.

Following the action of the Planning Commission, City staff discovered that no PUD Agreement was recorded in the chain of title at the Register of Deeds. Therefore, approval of this rezoning will act to terminate the prior PUD zoning without the need to record any document at the Register of Deeds.

FISCAL EFFECT:

None.

RECOMMENDATION:

Concur with the Planning Commission recommendation and approve the rezoning.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 03-REZ-06-24 PC Case File
- ▣ Planning Commission meeting minutes of 6/18/24

- Excerpt of 2004 Commission Minutes and Case File 11-PUD-03-2004



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

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: June 12, 2024
SUBJECT: 03-REZ-06-24 – 446 E. Crescent St. (PIN: 0370300)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 446 E. Crescent Street which is zoned **Planned Unit Development (PUD)** to be zoned **Mixed-Use (M-U)**.

Please see the attached Staff Report for more specific information regarding the application.

RECOMMENDED ACTION:

The Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning of the above property would be in harmony with considerations required by the Community Master Plan (CMP) and that the request is in accordance with Section 54.1405 of the Land Development Code - Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion regarding the request include the following or similar language:

After conducting a public hearing and review of the application and Staff Report for 03-REZ-06-24, the Planning Commission finds that the proposed rezoning is ([consistent / not consistent](#)) with the Community Master Plan and ([meets / does not meet](#)) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission ([approve / deny](#)) 03-REZ-06-24 ([as presented / for the following reasons / with the following conditions](#)).

Staff recommends the following condition - that the rezoning is approved when the PUD is terminated via proof of an affidavit that the termination of the PUD has been recorded in the property deed after the City Commission hearing.

In cases in which the Planning Commission finds that the proposed rezoning is not consistent with the Future Land Use Map of the CMP due to a possible oversight or an apparent lack of attention to the features of the parcel in question, but that is consistent with most of the recommendations of the Plan, the Planning Commission may wish to recommend approval of the rezoning request as *[inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan](#)*.



STAFF FILE REVIEW/ANALYSIS

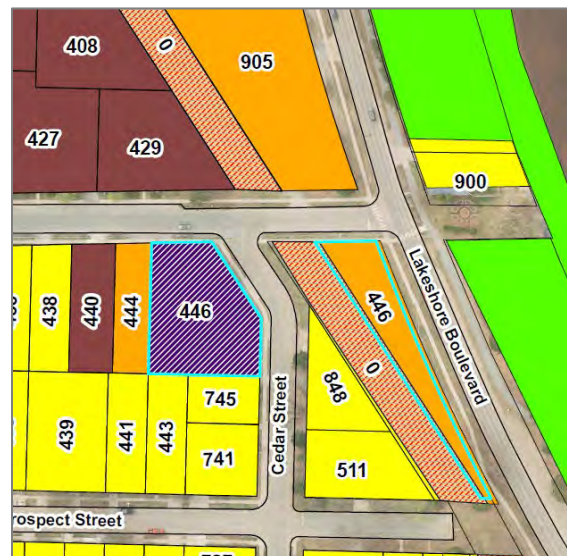
Completed by Andrea Landers – Zoning Official
and David Stensaas – City Planner and Zoning Administrator

<u>Case #:</u>	03-REZ-06-24
<u>Date:</u>	June 12, 2024
<u>Project/Application:</u>	Rezoning request from Planned Unit Development (PUD) to be zoned Mixed-Use (M-U) .
<u>Location:</u>	446 E. Crescent Street
<u>Parcel ID:</u>	0370300
<u>Available Utilities:</u>	Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.
<u>Current Zoning:</u>	PUD – Planned Unit Development & M-U – Mixed-Use (see <i>explanation below under current zoning</i>)
<u>Surrounding Zoning:</u>	North: MFR – Multiple Family Residential & M-U – Mixed-Use South: MDR – Medium Density Residential & M - Municipal East: M - Municipal, MDR – Medium Density Residential, & CR – Conservation and Recreation West: M - Municipal & M-U – Mixed-Use

Zoning Districts and Standards:

Current Zoning **Section 54.323 PUD, Planned Unit Development District**

Case 11-PUD-03-2004 was approved for rezoning this property from Multiple Family Residential to Planned Unit Development (PUD) for commercial use. When the Land Development Code was adopted in 2019, with a new zoning map, the portion of the parcel adjacent to Lakeshore Blvd. was *erroneously* rezoned to M-U through adoption of the new zoning map, but it is still part of the PUD. The land owner is now applying to rezone only the remaining portion that is shown as PUD, to M-U, and intends to terminate the PUD along with rezoning approval, and re-divide the parcel.



Proposed Zoning

Section 54.311 M-U, Mixed-Use District

(A) Intent
The M-U district is intended to encourage and facilitate redevelopment by implementing the following mixed-use policies of the Master Plan: 1. Locations. The M-U district will be located in many areas of the City, with each area unique based on the character of the area and the objectives of the Master Plan. Therefore, the M-U district may be located along strategic corridors or in a major or minor node, such as crucial neighborhood intersections (for example, corner stores in a residential neighborhood). The M-U district is the recommended zoning district in the following Future Land Uses of the 2015 Master Plan Future Land Use Map: Mixed Use and Neighborhood Commercial. 2. Mix Compatible Land Uses. The M-U district will include areas of the city that are appropriate for many types of residential uses and compatible non-residential uses, including a mix of compatible uses in the same building. Examples of mixed-use buildings include non-residential uses on the lower floors and residential uses on the upper floors. 3. Local Services. The non-residential uses in the M-U district are intended to satisfy the need for basic services of the surrounding residential areas, thus reducing the number of car trips required to these areas. 4. Design. Development must be human-scale through appropriate building location near the street to help create a pedestrian-oriented environment that does not conflict with motorized traffic.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Live/Work • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Temporary) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building	• Accessory Use, Non-Single Family Residential Lots • Bar • Bed and Breakfast • Bed and Breakfast Inn • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hostel • Hotel or Motel • Manufacturing, Light • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Alcoholic Beverage Service • Recreational Use, Public • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service

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• Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	
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.)	4,800(C),(E)	Front Yard (ft.)	0 (E), (F), (G)
Min. Lot Width (ft.)	40 (D), (E)	Side Yard (one) (ft.)	5 (I), (L), (N)
Max. Impervious Surface Coverage (%)	(S or T)	Side Yard (total of 2) (ft.)	13 (I), (L), (N)
Max. Building Height of Primary Building (ft.) (P)	44 (N)	Rear Yard (ft.)	20 (J), (L), (N)
Max. Building Height of Accessory Building	(L)	Required Buffer & Greenbelt	(U)
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.

(E) Minimum Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.

(1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.

(2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.

(F) Minimum Front Yard Setback in the M-U and GC Districts. In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

(G) Maximum Front Yard Parking in the M-U and GC Districts. Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.

(I) Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts. In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:

(1) The side walls are of fireproof construction and are wholly without opening.

(2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.

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- (J) Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (L) Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).
- (N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line.
- (O) Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.
- (S) Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:
- | Maximum Impervious Surface Coverage Based on Lot Area |
|--|
| 60% of the lot area up to 8,712 sq. ft. (1/5 acre or less); plus |
| 50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); plus |
| 40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre); plus |
| 30% of the area of the lot over 1 acre |
- (T) Storm Water Management.** For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item Q above.
- (U) Landscape Buffer and Greenbelt Requirements.** The minimum setbacks may be increased in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

- (1) 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.
- (2) 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:

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DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
M-U	15 (a)	15 (a)	N.A.	N.A.	N.A.	N.A.	N.A.	20 (a)

(a) Within this buffer area, one (1) tree per 30 linear feet is required.

Relationship to Applicable Land Development Code Standards (staff comments in bold text):

Section 54.1405 Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.

(B) Application for Amendment. Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.

Application accepted.

(C) Amendment Review Procedures.

- (1) Public Hearing. The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.

The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, June 18, 2024.

- (2) Planning Commission Consideration of the Proposed Amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.

The Planning Commission is being asked to make a recommendation at their meeting on June 18, 2024.

- (3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

TBD.

- (D) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) Master Plan. Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

This property is designated for *Mixed-Use (M-U)* on the *Future Land Use Map* of the Community Master Plan (CMP) and is designated as a *Planned Unit Development and Mixed-Use(M-U)* districts on the *Proposed Zoning Map* (excerpts attached). Approval of the Rezoning will amend the Official Zoning Map and the CMP's *Proposed Zoning Map* (which is presently being updated via the CMP Renewal Project) will be updated with the new M-U designation.

Please see p.3-31 and p.3-32 of the Community Master Plan (CMP), regarding Rezoning Requests. The Planning Commission must review all supporting information, this report in particular, and the attachment titled *Rezoning Considerations for Planning Commissions*, and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.

- (2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

Please see above - "Zoning District and Standards".

- (3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

Crescent Street and Cedar Street are classified as an “urban local street” per the Community Master Plan), therefore vehicular traffic volumes are low. Lakeshore Boulevard is classified as an “scenic corridor” per the Community Master Plan, therefore vehicular traffic volumes are moderate.

- (4) Utilities and Services. The capacity of the City’s utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no problems anticipated.

- (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

Conditions of the property use has changed in recent years, as according to the owner there are no longer light manufacturing operations that present nuisance conditions in the neighborhood. Also, there was the “Zoning Ordinance” error described in item (1) above, but that error in the Zoning Map of the Land Development Code from 2019 was aligned with the Future Land Use Map and is in alignment with what the owner is seeking through this process.

- (6) No Exclusionary Zoning. That the amendment will not be expected to result in exclusionary zoning.

The proposal will not result in any substantial changes that would make exclusionary zoning more likely.

- (7) Environmental Features. If a rezoning is requested, compatibility of the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The proposed zoning is compatible with site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

- (8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The proposed rezoning would allow all of the possible land uses for a Mixed-Use zoning district. The Planning Commission must determine the compatibility of the proposal in this location.

- (9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The proposed zoning is the same as the surrounding zoning to the west

and north of the parcel.

- (10) Alternative Zoning Districts. If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

The adjacent use to the west is commercial and zoning is M-U. The other adjacent uses are residential and MDR and MFR.

- (11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

With the existing zoning district being PUD, they would have to apply for a major PUD amendment and receive approval from the City to add residential uses if the owner or future owner were to want add residences.

- (12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The Planning Commission must determine if the proposed zoning would create an isolated or incompatible (see item #8 above) zone. There are other M-U zoning districts to the north, west, and east of this parcel.

- (E) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:
- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
 - (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
 - (3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.

Additional Comments:

The Planning Commission should consider the request, and the information provided in this analysis, and provide a recommendation to the City Commission.

STAFF FILE REVIEW/ANALYSIS

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Attachments:

1. Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Photos of the parcels
6. Publication Notice
7. Future Land Use and Proposed Zoning Map from the Master Plan
8. *Rezoning Information for PC* document
9. *Spot Zoning Considerations*
10. *Decision Tree from the Master Plan*

PRINT

CITY OF MARQUETTE REZONING APPLICATION



CITY STAFF USE

Parcel ID#: 0370300 File #: 03-REZ-06-24 Date: 5-21-24
Hearing Date: 6-18-24 Application Deadline (including all support material): 5-21-24
Receipt #: 830212 Check #: 1028 + 1057 Received by and date: AM 5-21-24

FEE \$1,295 (We can only accept Cash or Check (written to the City of Marquette))

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE REZONING 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!

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

- o Planning Commission page for filing deadline and meeting schedule
- o Section 54.1405 Zoning Ordinance Amendment Procedures from the Land Development Code

Please review the attached excerpt from the Land Development Code.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Tom and Marilyn Taylor M&T LLC
Address: 541 5th St. -
City, State, Zip: Traverse City, MI 49684
Phone #: 231-449-9271
Email: ttaylor.tom@gmail.com

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

APPLICANT/OWNERS REPRESENTATIVE

Name: Sam
Address: _____
City, State, Zip: _____
Phone #: _____
Email: _____

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

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 rezoning. 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.

PHASING OF APPLICATION

Public hearings before the Planning Commission are held on the first meeting of the month only. Applications and support materials must be submitted twenty (20) business days prior to the public hearing date.

The Marquette City Commission is also required to hold a public hearing and take final action on a rezoning request. This usually takes two City Commission meetings, one to schedule the public hearing and one to hold the public hearing.

PROPERTY INFORMATION

Property Address: 446^E Crescent St. Property Identification Number: 0370300
Size of property (frontage / depth / sq. ft. or acres): 4 Lots 30,800 Square Feet
Surrounding Zoning Districts: North MU/Rg East ^{MU} Lake South MU West MU
Legal Description: Lots 233, 234, 235 and 236 Ely Park Sub-division
Lot 233 has already been rezoned by city and
we would like to divide this lot off. A Land Division
application has been filed

PROPOSAL

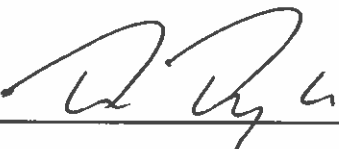
Current Zoning District: PUD Proposed Zoning District: Mixed Use

Please note: If proposing a Rezoning with Conditions, please attach a separate sheet(s) with your proposed Conditional Rezoning Agreement that meets the Land Development Code Section 54.1405(H)(1).

SIGNATURE

I hereby certify the following:

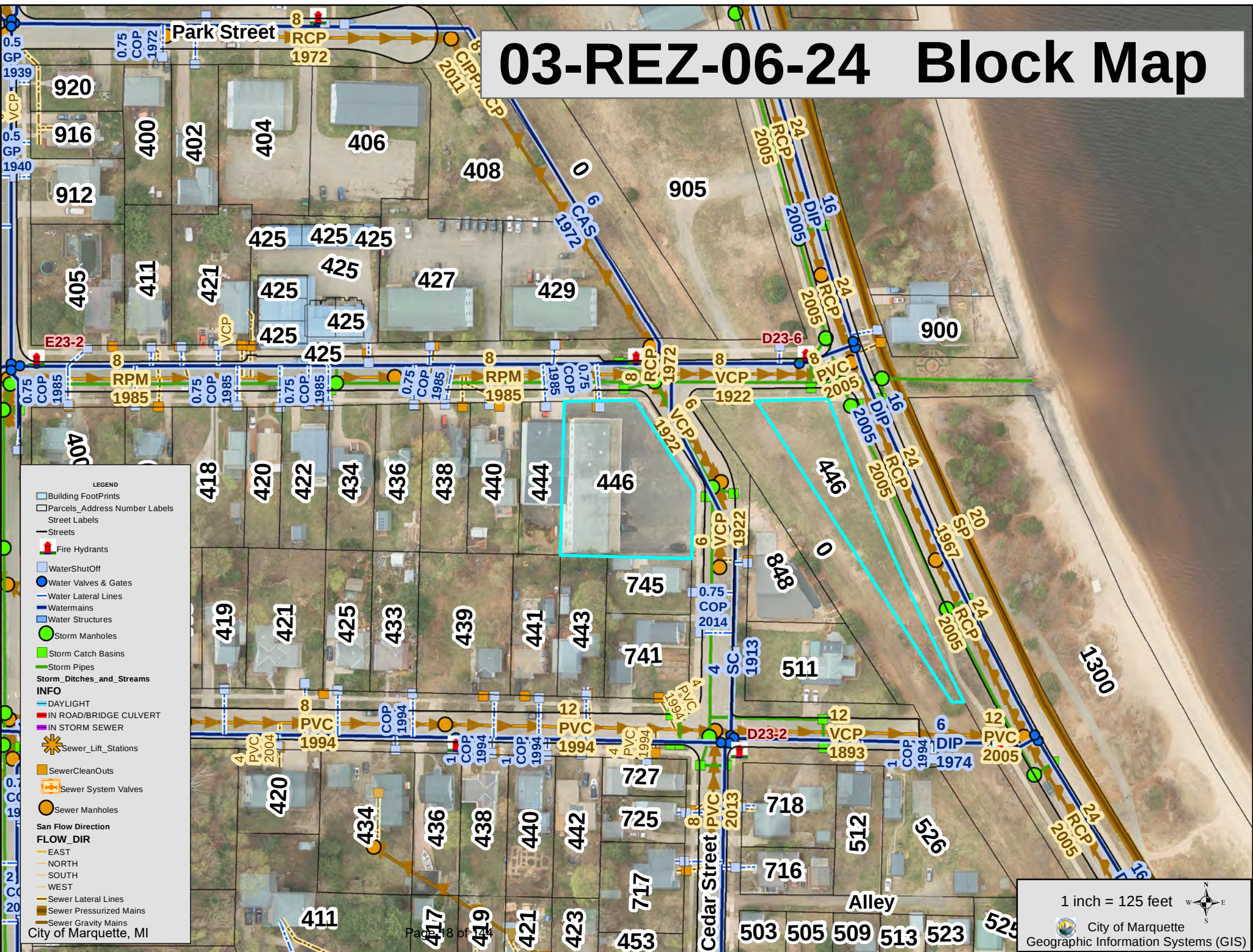
1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached excerpt and recommended sections 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 rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff, and the Planning Commission and City Commission members to inspect the site.

Property Owner Signature:  Date: 5/14/2024

03-REZ-06-24 Area Map



03-REZ-06-24 Block Map



03-REZ-06-24 Zoning Map

Park Street

920

916

912

405

411

421

425

425

425

425

425

425

425

425

425

425

427

429

408

406

404

400

402

905

900

Crescent Street

812

410

418

420

422

434

436

438

440

444

446

745

741

Cedar Street

848

446

511

Lakeshore Boulevard

1300

Prospect Street

420

434

436

438

440

442

727

725

717

453

411

417

419

421

423

718

716

512

526

Alley

503

505

509

513

523

529

LEGEND

Parcels_Address Number Labels

Zoning_9_7_2023_aml_REZ_Update_For_Web

Zoning Districts

- Low Density Residential
- Low Density Residential with Conditional Rezoning
- 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
- Mixed Use with Conditional Rezoning
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power

Street Labels

Streets

City of Marquette, MI

Page 19 of 144

1 inch = 125 feet



City of Marquette
Geographic Information Systems (GIS)





Friday, May 31, 2024

Local

The Mining Journal **3A**

and paths.

Volume 138, No. 127

THE MINING Journal

228-2500

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PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing for the following: **03-REZ-06-24 - 446 E. Crescent St. (PIN: 0370300)**: MQT, LLC is requesting to rezone the property located at 446 E. Crescent Street which is zoned **Planned Unit Development (PUD)** to be zoned **Mixed-Use (M-U)**.

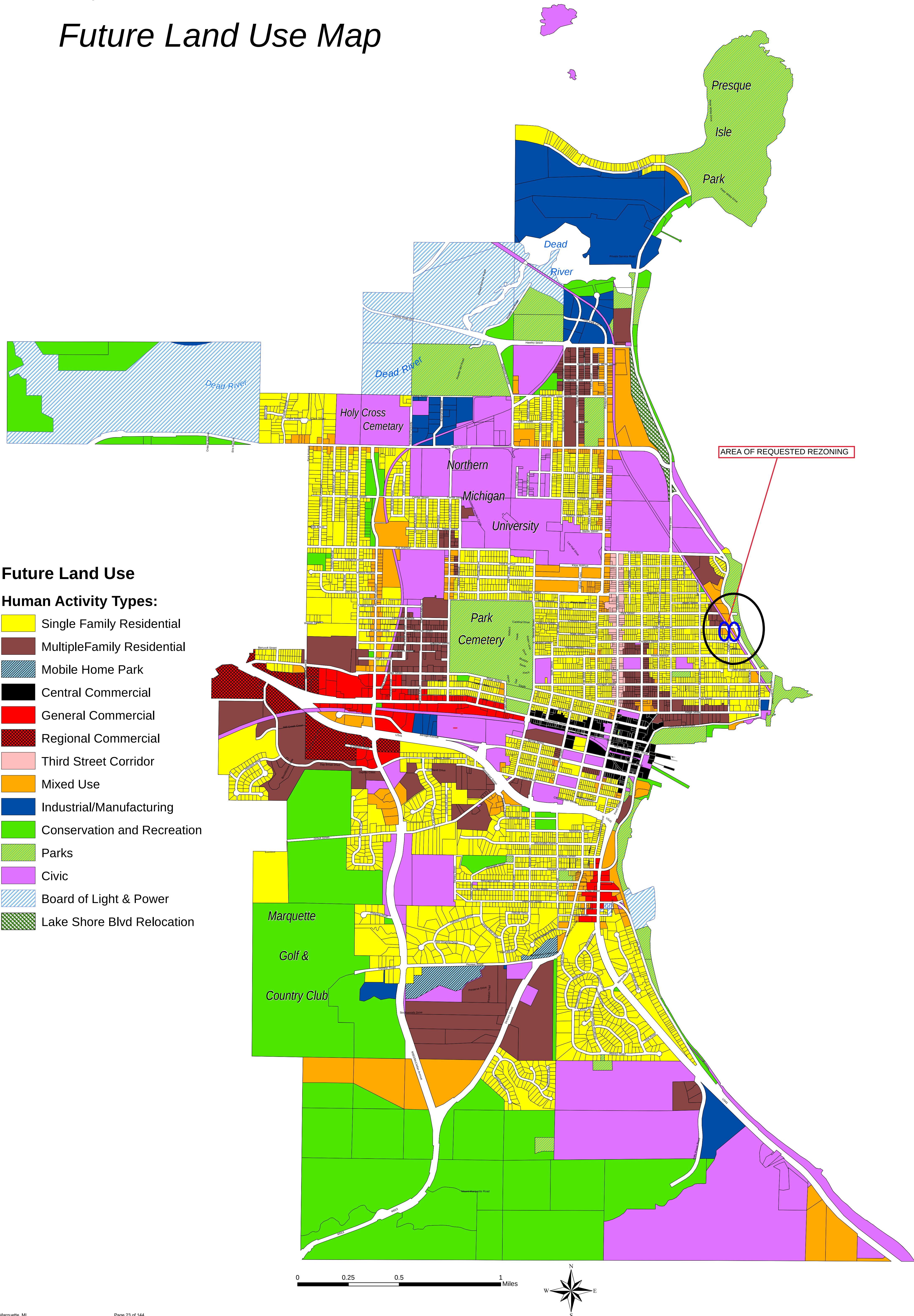
The public hearing for this request will be at 6:00 P.M. on Tuesday, June 18, 2024, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on this matter you may do so at that time. Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail alanders@marquettetmi.gov. Written submissions will be accepted until 12:00 p.m. on June 18, 2024.

Materials pertaining to the request is available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials e-mailed to you by e-mailing alanders@marquettetmi.gov. You can also view the Land Development Code on our website at www.marquettetmi.gov. If you have a disability and require assistance to participate, please provide advance notice.

Andrea Landers, Zoning Official, 225-8383

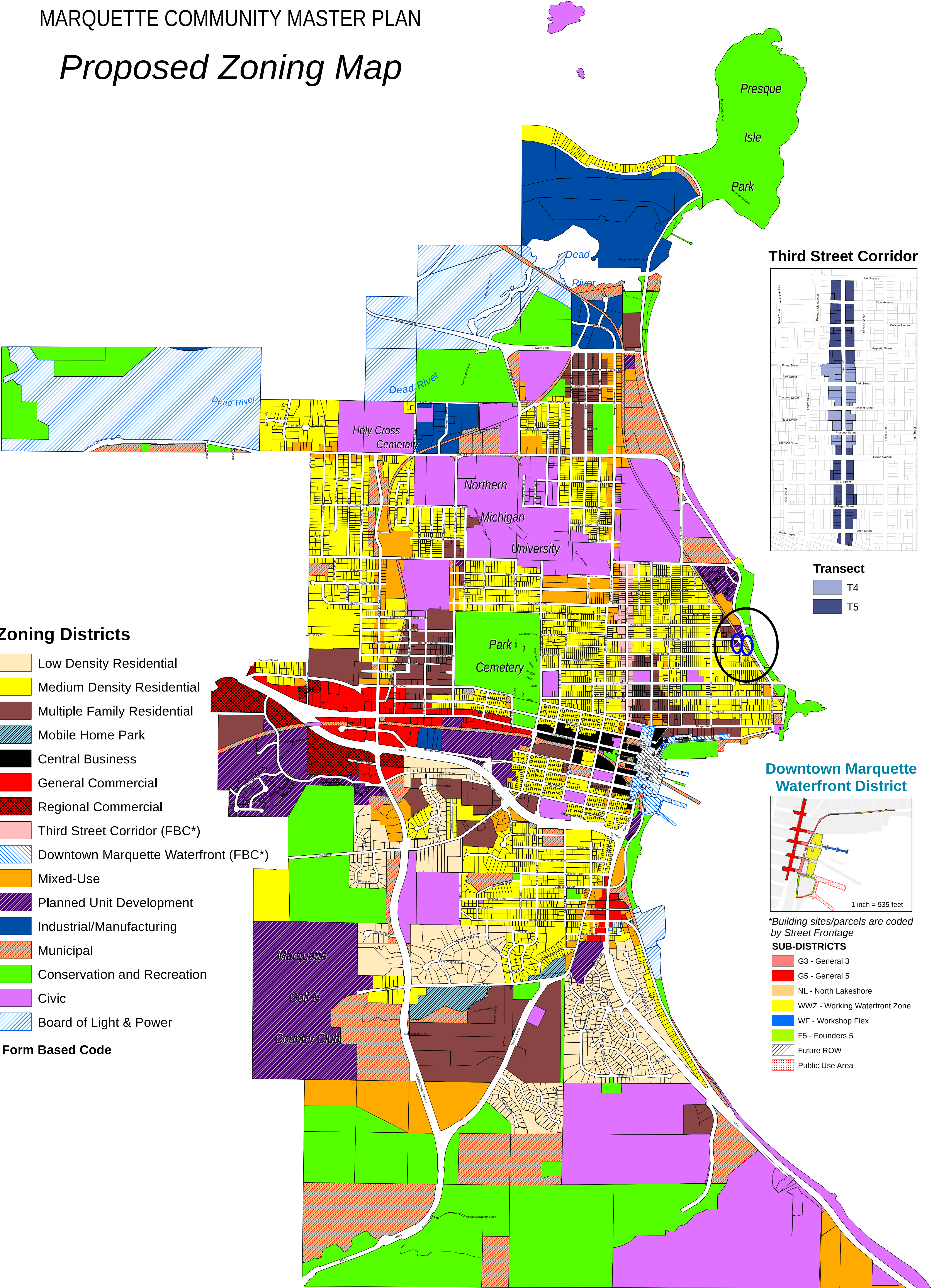
MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

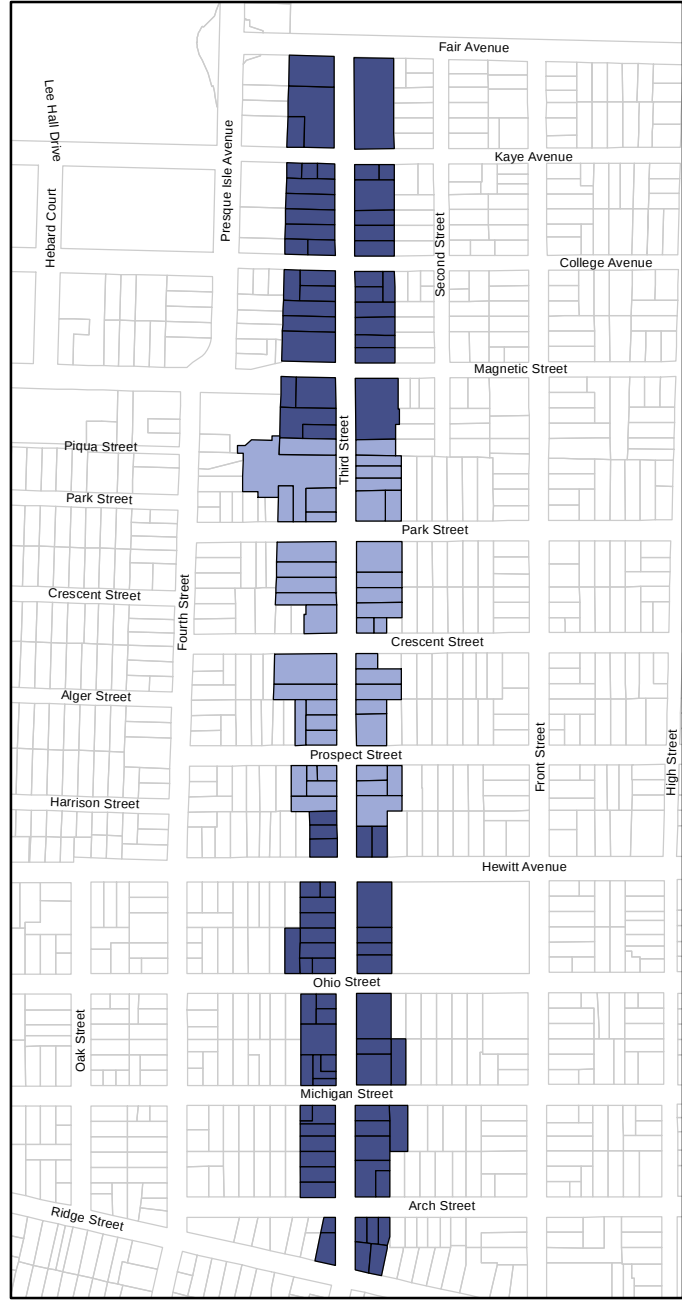


Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- 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

* Form Based Code

Third Street Corridor

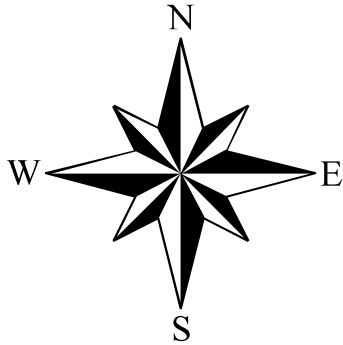
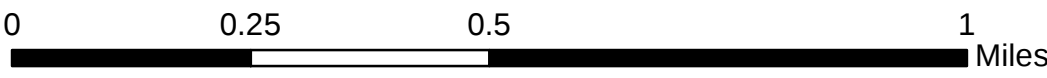


- Transect**
- T4
 - T5

Downtown Marquette Waterfront District



- *Building sites/parcels are coded by Street Frontage
- SUB-DISTRICTS**
- G3 - General 3
 - G5 - General 5
 - NL - North Lakeshore
 - WWZ - Working Waterfront Zone
 - WF - Workshop Flex
 - F5 - Founders 5
 - Future ROW
 - Public Use Area



Rezoning

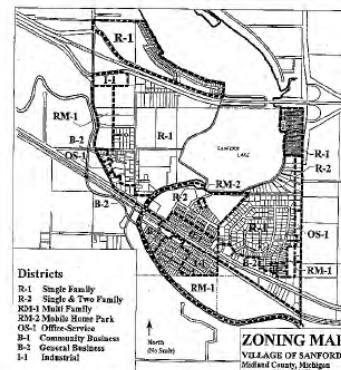
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *“Are the uses permitted in the existing zone reasonable?”*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

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Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?



21

Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

22

SPOT ZONING



Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

Result

- Typically ruled invalid if challenged in court.

23

SPOT ZONING CONSIDERATIONS

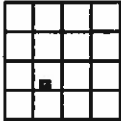
The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.

SPOT ZONING

Characteristics

- * **Small in Size**
- * **Inconsistent Uses**
- * **Special Benefit**
- * **Contrary to Master Plan**

MSPO Basic Program: _____



What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone

districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

Small in Size

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely it will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

Inconsistent Uses

The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

Contrary to the Master Plan

The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.

REZONING CASE STUDY



**Willis Township - Proposed Rezoning
A-1 to C-2**

Use proposed - Shopping Center
Permitted in C-2, Special Use in C-1
10-Year Master Plan - Residential
No opposition
Major arterial road

**WHAT ARE THE APPROPRIATE
FACTORS TO CONSIDER?**

MSPO Basic Program

Rezoning Case Study

Willis Township - Proposed Rezoning A-1 to C-2

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the

C-2 District. A variance may also be required for a side yard setback.

WILLIS TOWNSHIP Zone Districts

C-1 Neighborhood Commercial

Permitted Uses

1. Grocery stores
2. Drug stores

Special Land Uses

1. Shopping centers

C-2 Community Commercial

Permitted Uses

1. Automobile services
2. Shopping centers

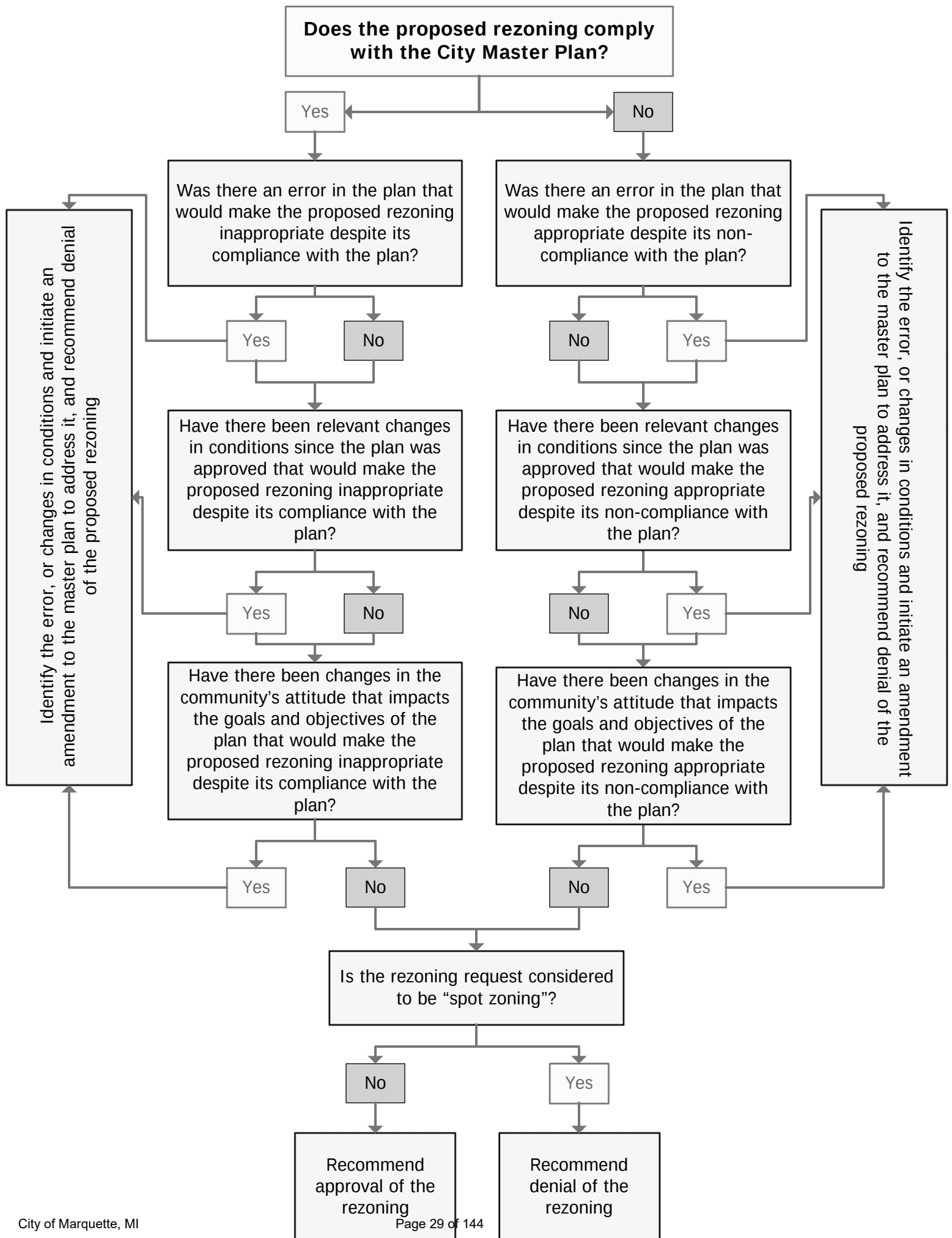
Special Land Uses

1. Auto body shops

MSPO Basic Program

- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?



**OFFICIAL PROCEEDINGS
MARQUETTE CITY PLANNING COMMISSION
June 18th, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, June 18th, 2024, in the Commission Chambers at City Hall. An audio/video recording of this meeting is available online [here](#).

ROLL CALL

Planning Commission (PC) members present: W. Premeau, M. Rayner, K. Granger, D. Kaltsas, C. Gottlieb, S. Lawry, Chair S. Mittlefehldt
PC Members absent: Vice Chair K. Clegg, D. Fetter
Staff present: City Planner & Zoning Administrator D. Stensaas, Zoning Official A. Landers

AGENDA

It was moved by C. Gottlieb, seconded by M. Rayner, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of 06-04-24 were approved as presented, by consent.

CONFLICT OF INTEREST

None was stated.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS

No comments were provided.

PUBLIC HEARINGS

A. 03-REZ-06-24 - Rezoning Request for a portion of 446 E. Crescent Street

Zoning Official A. Landers stated:

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 446 E. Crescent Street which is zoned Planned Unit Development – PUD, to be zoned Mixed-Use - M-U. She showed the Staff Report and application materials, including the area map, block map, photos of the site, and the Future Land Use Map and Proposed Zoning Map from the Community Master Plan, and read an item of correspondence that was emailed to staff earlier in the day by the applicant (appended to agenda) in which the applicant designated Mr. Matthew Treado as his representative.

S. Mittlefehldt asked if the applicant would like to address the request.

Matt Treado, 2915 Parkview Dr., representing the applicant, stated:

He was at the Planning Commission on behalf of Tom Taylor, applicant, to discuss and answer any questions regarding the rezoning case. He said this is the first step of rezoning and lot split process for this property and said there was some confusion with the legal description that needed to be cleaned up and getting both properties within the same Mixed-Use zoning would be appropriate and accurate. Once the rezoning is complete, an evaluation of allowable uses will direct the client on how to use the property best to positively benefit the City of Marquette.

S. Lawry asked Mr. Treado if the two parcels with the same owner are being split into smaller lots.

Mr. Treado said that there is not a current plan to split these parcels into smaller lots. There will be a feasibility evaluation to determine what is the best use of that space.

S. Mittlefehldt asked what the applicant was referring to when they stated “community engagement to gather ideas”, per the letter the PC received from them.

Mr. Treado said he wasn’t sure, but he thought it would involve communicating with Planning/Zoning City staff for feedback and what the community’s interests and needs might be, with an extensive look into the housing needs and information currently available.

S. Mittlefehldt opened the public hearing.

Ms. Cheryl Kaye, 741 Cedar St., asked what ADA housing was, and what a PUD development is and how it is different from multi-use housing.

S. Mittlefehldt said that ADA is the American Disability Act, and it would create more handicap accessible housing. She said that a PUD is a Planned Unit Development and allows developers some flexibility with what they’re doing while working closely with the city for appropriate site use, and that Mixed-Use zoning has standards in the Land Development Code.

City Planner & Zoning Administrator D. Stensaas said PUDs require a contract with the City and very specific with what is allowed to be done on the property, and that there is an agreement that the City signs off on if they agree to the PUD proposal and limits what can be done at that property from that point forward.

A. Landers said the initial reason for the PUD was the property was originally zoned for Multiple Family Residential, but they wanted commercial use over 20 years ago. She also showed an image of the page from the Land Development Code showing the Permitted and Special land uses for the Mixed-Use zoning district on the monitors.

S. Mittlefehldt said, referring to the image, that the left-hand side of the Mixed-Use Zoning table are all permitted uses once rezoned, and that Special Land Use categories are shown on the right-hand side of the table and can be applied for through the Planning Commission’s review, also allowing public comment.

Ms. Kaye asked are both columns for PUD?

S. Mittlefehldt said no, both columns are for Mixed-Use, and this district emphasizes how residential and commercial are compatible.

Ms. Kaye said so right now we don’t know what is going to be put in there, we’re just looking at zoning.

Mr. Treado said there will be an evaluation period then an application will have to be resubmitted to the City for their approval. If it’s a Special Land Use, we would have another public hearing and go in front of the Planning Commission for review. This is purely just to change the zoning.

S. Mittlefehldt said, just so you are aware too, e all things allowed under the Mixed-Use category and are good examples of Mixed-Use commercial development that are compatible with the surrounding areas.

Ms. Kaye asked once it’s decided what the plan is for the use of the property, is there another meeting where public comments are allowed?

S. Mittlefehldt said if it’s something that requires a Special Land Use permit but if it is a Permitted Use, then it’s allowed with no hearing required.

Ms. Kaye asked if a bar would be allowed.

S. Mittlefehldt said anything that serves alcohol would be a Special Land Use permit.

Ms. Kaye asked if there are any height restrictions.

S. Mittlefehldt said 44' is the maximum height and A. Landers confirmed that figure.

Ms. Kaye asked, because they live next door, will there be another notification once things start moving along?

S. Mittlefehldt confirmed only if a Special Land Use permit is required.

It was moved by M. Rayner, seconded by D. Kaltsas, and carried 7-0 to suspend the rules for discussion.

M. Rayner had no comment.

S. Mittlefehldt said the future Land Use Plan identified this area as a Mixed-Use area and we've seen success with other Mixed-Use developments in this neighborhood.

C. Gottlieb asked how the 2015 Master Plan identified this site.

D. Stensaas said the confusion is the Land Use map should have shown both those parcels as PUD, and that it looks like two parcels but legally it's described as one parcel. He said an error was made in the *Zoning Map* regarding the portion east of the railroad corridor, the west side of Lakeshore Blvd, and it was designated [on that map] as a Mixed-Use parcel. He also said that the *Future Land Use* map showed Mixed-Use for both parcels, and that the future land use map is what is consulted when someone proposes a different type of use on the property, namely through the rezoning process.

C. Gottlieb asked if the error was in 2019.

D. Stensaas said yes, when the Land Development Code was adopted, and that the portion on the west side of Lakeshore Blvd. and east of the railroad corridor was erroneously coded as Mixed-Use on the Proposed Zoning Map, which then became the law after it was adopted. He also said that the PUD contract is still in effect on all of that land because it's one parcel. He said that it was a minor error because that portion of the parcel is undeveloped, and it didn't have any affect on anything actually being done there as far as land use.

S. Mittlefehldt said the main consideration should be if it's an appropriate location for Mixed-Use development. Referring to the zoning map, she discussed the zoning districts in the surrounding area, with Mixed-Use to the east and west and residential to the north and south.

D. Kaltsas said Mixed-Use is an appropriate use as it is in the Future Land Use Map, and that will allow for other uses than just residential.

K. Granger said a concern is the labeling as the same parcel because they are very far from each other and the one on Lakeshore Blvd is quite small. She asked how do we [the Planning Commission] look at as one parcel as they are split so far apart?

S. Mittlefehldt said that related to K. Granger's question, she was also wondering asked A. Landers to confirm the Mixed-Use zoning district allows a zero-foot front yard setback and that the extent of that would be all along Lakeshore Boulevard.

A. Landers said the portion of the parcel on Lakeshore Blvd. has frontage on Lakeshore Blvd. as well as frontage on Crescent St., and that it is the same thing with the portion of the parcel to the west, which has frontages and Crescent St. and Cedar Street.

S. Mittlefehldt said that is something to consider in a Mixed-Use area because we want to create and maintain a pedestrian friendly environment. She also noted that approval would include setbacks,

permitted uses, everything.

Mr. Treado said speaking to the proximity to Lakeshore Blvd. and impact of the proximity a building may have to sidewalks, as the survey stakes show, the edge of the property is pretty far in off of Lakeshore Blvd., as you can see from the location of the property line [indicating aerial photo-maps shown on the monitors]. He said that a building would not go up to the sidewalk as the property line is set back quite a bit from the sidewalk, so the zero front setback does allow to have some building space for an unorthodox development but given the amount of setback of the property from Lakeshore Blvd. it should not be much of an issue concerning any impacts on pedestrian pathway.

S. Lawry asked Mr. Treado is Quick Trophy exiting the building?

Mr. Treado said Quick Trophy is in the process of updating their lease and it's still a possible Light Industrial zoning and that might have to come back to the Planning Commission for Special Land Use upon the approval of Mixed-Use zoning.

D. Stensaas said one of the proposed LDC amendments would allow Quick Trophy would meet the use and standards of Low-impact Light Industrial as a permitted use if LDC amendments are approved by the City Commission, so a Special Land Use permit would not be required. He said that the nature of uses there has changed quite a bit over time, and it was first approved for the PUD, there were injection molding machines being used in that building – producing nasty gases, smells and loud noise - but that Quick Trophy is now just assembling parts with hand tools and doing some 3D printing, so the impact has changed quite a bit over the years.

S. Lawry asked staff if there had been any discussion at the city level about vacating the railroad corridor in the future. D. Stensaas said no.

S. Lawry said one of the reasons Mixed-Use and the PUD were permitted here is because it was originally an industrial hub, including Consolidated Fuel and Lumber Co., Cyr Bottled Gas, and Department of Interior - Fish & Wildlife all bordering this parcel at the intersection. He said that the parcel has evolved into uses much more compatible with a residential neighborhood and would like to see it continue in that direction.

C. Gottlieb said rezoning this site to Mixed-Use, for both sides, would be compatible with the 2015 Master Plan, which we are currently still operating under until the new one is adopted. It also meets the requirements of the Land Development Code. He asked staff for confirmation.

D. Stensaas confirmed that Mixed-Use zoning would be compatible with the Future Land Use map.

C. Gottlieb said in the Master Plan [revision] being presented now, the development of the east side of 446 E. Crescent St. is compatible and it might be desirable to have some retail there, similar to where Fred's Pack-n-Ship is [505 Lakeshore Blvd.].

S. Mittlefehldt asked if anyone had more questions or would like to make a motion.

It was moved by C. Gottlieb, seconded by S. Lawry, and carried 7-0 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-06-24, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 03-REZ-06-24 as presented, with the following conditions - that the rezoning is approved when the PUD is terminated via proof of an affidavit that the termination of the PUD has been recorded in the property deed after the City Commission hearing.

PUBLIC COMMENT ON AGENDA ITEMS

Patty Gagnon, 745 Cedar St., said this is a very residential area and a store is not a very good idea. She said that we do need more small housing in Marquette and if you looked at the lot, it's residential.

NEW BUSINESS

A. Administrative Site Plan Review Update

D. Stensaas stated that when the LDC amendments were adopted last year, it limited quite a bit of what comes before the Planning Commission for site plan review, and staff promised to bring the Planning Commission regular updates on site plan submissions reviewed and approved administratively.

A. Landers said she has set up a table with site plans that the Planning Commission has approved and site plans that have been approved administratively since January of 2024. A. Landers also included a separate category for site plan submissions pending revisions for administrative approval.

S. Lawry asked if 2023 approved plans are having trouble meeting staff comments or economic problems as to why they're not starting yet.

A. Landers said the 1502 W. Ridge St., site work has been started, the 420 N. Third St. plan is waiting on approval of an LDC amendment, the distillery plan and a few others are no longer active or expired. Funding has also played a part in some of the plans coming to fruition.

D. Stensaas some of the bigger projects have been delayed due to higher interest rates and material costs than initial projections.

S. Mittlefehldt asked if there were any other questions on the Administrative Site Plan Review.

PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no comments provided.

TRAINING

A. Climate Adaptation Task Force, Project Marquette 2049, Learning Circles #1

D. Stensaas said that the County Climate Adaptation Task Force (CATF) has been more than ten years running but the group didn't have anything really proactive happening until this year with the launch of the Marquette 2049 project. The idea was to bring people together from across the County to start raising awareness of what our future is going to possibly look like, whether we do or don't do certain things. It was determined by the Steering Committee, which D. Stensaas is a volunteer for, that a way to begin the process would be to help people learn more, starting with deciding what we need to know more about and to learn from each other before we can make good decisions. He said that the initial meeting invited over 100 people from across the county, including county-wide local government, municipalities, NMU, and from some private sector entities. He said seventy people showed up to the January meeting and the focus was to survey the group on issues they feel they need to know the most about, and that CATF member Jess Thompson from NMU's Business School - now the Assistant Vice President for Sustainability - suggested the learning circles process and coordinated the meeting. He said that opportunities to participate in the learning circle forums are open to the Planning Commission and some members have come to the sessions. He discussed the summary that was provided of the first learning circles workshop on Community Food Systems, and said he would provide similar materials for the second workshop on Trash and Recycling that was recently held, as soon as a summary was available. He said that the sessions will continue in September and do through December.

K. Granger said after reading the material, she thought that putting some sort of food resources in the 446 E. Crescent St. corridor might be interesting.

D. Stensaas said he had a conversation with S. Lawry regarding tonight's case and that 446 E. Crescent was shown platted in the Ely Park Addition around 1904, which he looked at and found that from Hewitt Ave. along the shore to Fair Ave., both sides of Lakeshore Blvd. was platted as 25' lots. He said that the City would have looked a lot different had the Shiras Foundation not purchased and then gifted over 3,000 ft. of that shoreline property east of Lakeshore Blvd. to the City.

S. Lawry said that changes aren't new. Due to climate change, erosion or other circumstances, some of the parcels D. Stensaas was referring to being platted over 100 years ago are now underwater, or part of the lake.

S. Mittlefehldt asked if there are any other thoughts or comments.

COMMISSION AND STAFF COMMENTS

C. Gottleib said he may not agree with all uses that will be allowed per the rezoning motion, but following the rules of the zoning ordinance is the job of the Planning Commission.

S. Mittlefehldt said that Arts and Culture Center manager Tiina Morin gave a presentation at the City Commission meeting about the Cultural Trail project recently, and that she would like the Planning Commission to take more opportunities to see arts and culture emphasized in the planning process.

D. Stensaas discussed the Draft Community Master Plan presentations and open house meeting on June 25th at Citizen's Forum, Lakeview Arena.

D. Stensaas said there is no business for the July 2nd meeting, and recommends the meeting be cancelled.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 6:53 p.m.

Prepared by D. Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison, and A. Cook, Community Development Dept. Administrative Assistant.

June 1, 2004
**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
TUESDAY JUNE 1, 2004**

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Tuesday June 1, 2004 in Commission Chambers at City Hall.

PRESENT: Mayor Irby. Commissioners Bradley, Carlson, Sciotto, Lavey, Schneider, Tollefson.

ABSENT: None

AGENDA

Commissioner Schneider asked that Item J be removed from the consent agenda. It was made Item 3a. Commissioner Carlson asked that Item 6 be added, a resolution on Michigan Municipal League Insurance.

It was moved by Commissioner Carlson, supported by Commissioner Bradley, and carried to approve the agenda as modified.

BEAUTIFICATION COMMITTEE

Mayor Irby and Barbara Kelly stepped to the lectern where Ms. Kelly presented the City with the 2004 Barbara H. Kelly Historic Preservation Award, honoring the Marquette Fire Department for construction of the Fireman's Bell Tower at Mattson Park. Mayor Irby accepted on behalf of the Fire Department. Ms. Kelly then announced that the Beautification Committee will host the annual Petunia Pandemonium planting on south Front Street this Saturday. She said the group can use all the help available. She thanked the City for both financial and staff support of this project over the years.

TAXI RATES

Mayor Irby announced this was the time set for a public hearing on a request for a taxi rate increase. The report and recommendation was read. There being no one to speak, the hearing was closed.

It was moved by Commissioner Bradley, supported by Commissioner Schneider, and carried unanimously to approve the request from Taxi Tycoon for a rate increase to a flat rate increase to \$3.50 for Senior Citizens and \$4.00 for all others inside the City limits.

SPECIAL ASSESSMENT ROLL 558

Mayor Irby announced this was the time set for public hearing on Special Assessment Roll #558. The report and recommendation from the City Manager was read. Mr. Peterson noted that the owner of parcel #310060 had recently paid their assessment, and should be removed from the roll. There being no one to speak, the hearing was closed.

June 1, 2004

PUBLIC COMMENT

Rachel Giuliani said that her comments at the May 10 meeting were not accurately reported in the minutes. She asked the City Commission to direct the Clerk to more accurately report citizen comments. She said another person speaking had received more words in the minutes than either she or Mr. Verito, although they had spoken for longer. She asked the Commission questions about the City's mission statement, and said that City Commission agendas are supposed to be ready on Friday, but sometimes aren't. Bob Weber asked to speak on Item 9, and Lynn Swadley asked to speak on Item 7. Barry Bahrman, West Branch Township supervisor spoke of his great respect for the City Attorney, and her competency. He said she is the West Branch Township attorney, and he has had nothing but good experience with her. He said he was disappointed by recent Commission comments about her. Barbara Kelly complimented the wonderful video produced by the Lake Superior Community Partnership. She noted that the building on the cover of the magazine is a historical building in the Arch-Ridge historic district. She commented on the value of neighborhoods to the City, and said she served on a committee to study the proposed parking ramp at Pine Ridge, which has been rejected by the State Historic Preservation Office. She spoke of the negative effect of the additional parking on that neighborhood, and said the Housing Commission had not provided proof for the long term need of a very expensive parking structure. Babette Welch said that changing demographics and housing market indicated the parking structure will not be needed in the future. She asked that the next Commission agenda contain an item for the City Commission to write a letter opposing construction.

PRESQUE ISLE PARK FUNDRAISER

A report and recommendation from the City Manager regarding a request from the Presque Isle Park Advisory Committee to solicit donations for development of a pedestrian pathway and signage was read. Ginger Rutgers representing the committee answered questions about the "boot drive", and the project to expand the pedestrian and handicap pathway. Parks and Recreation Director Leslie answered questions about the cost of the project.

It was moved by Commissioner Tollefson, supported by Commissioner Sciotto, and carried unanimously to suspend the rules, and approve the request of the Presque Isle Park Advisory Committee to conduct a "boot drive" fund raising activity at Presque Isle Park on the weekend of July 17, with a rain date of July 31.

SIGN ORDINANCE REVIEW COMMITTEE

A report and recommendation from the City Manager regarding membership on the Sign Ordinance Review Committee was read. Mayor Irby asked if any of the Commissioners would volunteer to replace former Commissioner Gladwell on this committee. Commissioner Bradley volunteered.

June 1, 2004

Business Personal Property Audit professional service contract with Tax Management Associates, contingent upon receiving State grant money.

446 EAST CRESCENT STREET

A report and recommendation from the City Manager regarding the rezoning of 446 East Crescent Street was read. Mr. Peterson commented on the recommendation, and explained maps of the present and potential property boundaries following a possible land swap. He answered questions about the proposed swap. Bob Weber, one of the property owners said they want the Planned Unit Development rezoning approved, as they are in technical violation of the zoning ordinance now. He said they could pursue a land exchange at a later date, and this might be easier to accomplish if the bottle gas facility across Crescent Street changes hands.

It was moved by Commissioner Tollefson, and supported by Commissioner Lavey to approve the rezoning 11-PUD-03-04 as presented, with the following conditions:

1. Lot 233 be designated as a required parking area
2. There shall be no industrial fabrication performed on the site.
3. Remove the annotation for Lot 233 on the preliminary development plan that indicates a land swap with the City.

The following vote was taken:

AYES: Mayor Irby. Commissioners Bradley, Sciotto, Lavey, Schneider, Tollefson

NAYS: Commissioner Carlson

The motion was carried.

Mr. Peterson asked about the potential for vacating part of Cedar Street in the future to incorporate it into a land exchange. There was indication from the Commission this might be favorably considered.

CONSENT AGENDA

The City Clerk presented the consent agenda.

It was moved by Commissioner Sciotto, supported by Commissioner Bradley, and carried unanimously to approve the consent agenda as follows:

- A. Approve the minutes of the May 24, 2004 Special Commission meeting
- B. Approve the total bills payable in the amount of \$ 1,179,399 .70.
- C. Set the special assessment interest rate for the period June 1, 2004 to November 30, 2004 at 7 .00% .
- D. Concur with the ad hoc committee to select a name for the lower harbor rail yard project .
- E. Authorize correspondence to John Hunt of the Michigan State Housing Development Authority regarding rehabilitation of the Holy Family Orphan's Home .
- F. Award the bid for purchase of hot asphalt mix and CP-7 cold patch mix to Payne and Dolan, Inc . of Gladstone, Michigan at the unit prices bid .

June 1, 2004

- G. Schedule a public hearing for July 12, 2004 to consider amending the Site Plan Review section (80.62(2)C of the Zoning Ordinance as recommended by the Ad Hoc Site Plan Review Ordinance Committee.
- H. Extend the existing contract with Marquette County for assessing services for one additional year from July 1, 2004, to June 30, 2005 and authorize the Mayor and City Clerk to sign the agreement.
- I. Schedule a public hearing for July 12, 2004 on the proposed vacation of 227 feet of Kimber Avenue north of Fair Avenue.
- K. Approve the minutes of the May 10, 2004 Commission meeting.

PUBLIC COMMENT

There were no citizens wishing to address the Commission during the time set for that purpose.

TOLLEFSON

Commissioner Tollefson reminded people that Marq-Tran is offering free rides in June, July and August for young people and on Wednesdays for Senior Citizens. He thanked the people of the City of Muskegon for an excellent music festival which he had attended last year at the end of June and early July. He said the festival, which is held each year is a good example of the City's redevelopment of a site for public use, and to beautify it.

SCHNEIDER

Commissioner Schneider said Mr. Verito commented at the last meeting that the Master Plan had changed zoning in some areas. He asked if that was true. He said the City Engineer's weekly report identifies the extension of Wilson Street, west of McClellan as having a curve in it. He said he thought this was to be a straight street, and asked if the right of way has been changed. He also noted the City Engineer is working on several easements and asked if the City is receiving or giving these easements. He asked about the Parks and Recreation Director meeting with the contractor who will be building high school locker rooms at the Lakeview Arena. He asked if the City Commission has any oversight in this process. He also asked if there is a list of easements received or granted by the City which can be easily accessed.

LAVEY

Commissioner Lavey thanked Supervisor Bahrman for coming forward, and expressed his regrets that the issues surrounding the City Attorney became so public. He requested Mayor Irby, Commissioners Carlson and Lavey meet with the City Attorney and City Manager regarding the resolution which was placed on the next meeting agenda.

BRADLEY

Commissioner Bradley said his comments about the City Attorney represent his

June 1, 2004

belief, and he feels each Commissioner must serve the public in his own way. He said it is five weeks to the Fourth of July. He said the presentation by the Lake Superior Community Partnership was very good, and he is disappointed that the City is not giving full funding to the Partnership, as it has in the past. He said the Partnership does a lot of good for the Community. He proposed the City Commission write a letter in opposition to a parking structure at Pine Ridge.

It was moved by Commissioner Bradley, and supported by Commissioner Carlson to prepare a letter and recommendation to State officials and legislators that the City Commission does not support a proposed parking structure at Pine Ridge.

Mayor Irby questioned whether the City Commission had this authority and asked the Attorney to look into the legality of this action by the next meeting. The item was referred to the next meeting for second reading.

CARLSON

Commissioner Carlson said Commissioner Bradley's statement on television was very disappointing and a misstatement. He said Attorney Hoff is a fine legal professional for the City of Marquette.

IRBY

Mayor Irby said the Senior Center Transfer Board is getting ready to make a recommendation to the City Commission. He said the Bog Walk project was completed two weeks ago with the help of many volunteers who did a very good job. He said City officials had hosted Senator Levin recently, and took him on a tour of the City to show areas which could use Federal funding. He said Governor Granholm will be in the City soon to view tourist facilities. He said, in regard to the City Attorney, the Commissioners who voted for the motion at the last meeting did so in the best interest of the City. He said he expects the best service from both the City Manager and City Attorney.

PETERSON

City Manager Peterson said City Planner Dennis Stachewicz has left the City after three years to work in Chocolay Township. He said Mr. Stachewicz played an important role in the Master Planning process, which is just being completed. Mayor Irby directed that a letter be sent to Mr. Stachewicz recognizing his contributions. Mr. Peterson thanked the Engineering department for a lot of hard work in recent weeks to develop plans for summer projects. He also recognized Steve Lawry and the Public Works department for all of their work on the City cleanup, and Sandra Gayk and the Community Development department for their efforts. He said the letter from the middle managers and department heads regarding a pay increase should be discussed at the next meeting.

ADJOURNMENT

The meeting was adjourned at 8:53 p.m.

CITY OF MARQUETTE
COMMUNITY DEVELOPMENT DEPARTMENT
Marquette City Planning Commission
300 W. Baraga Avenue / Marquette, Michigan 49855
906-228-0425 /tmurray@mqcty.org

March 17th, 2004

Industrial Piping & Boiler Service, Inc.
446 E. Crescent St.
Attn: Bob Weber
Marquette, Michigan 49855

Mqt. L.L.C.
805 N. Front St. Suite B
Attn: Tom Taylor
Traverse City, Michigan 49684

RE: 11-PUD-03-04 / 446 E. Crescent St.

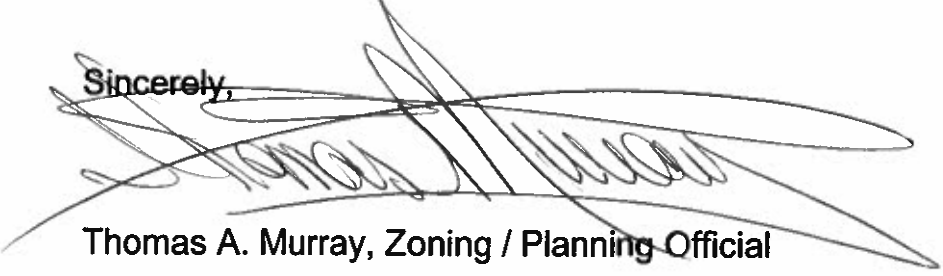
Mr. Weber / Mr. Taylor

On Tuesday March 16th, 2004, the Marquette City Planning Commission held a public hearing on your request to rezone Lots 233 thru 236 of Ely Park Addition from RM-Multiple Family to PUD-Planned Unit Development and the acceptance of a preliminary development plan. On a 4-3 vote, the Commission voted to recommend approval of your request as presented, providing that Lot-233 be designated as required parking and that the final development plans reflect that usage.

The next step in this process is a public hearing before the City Commission for the rezoning and preliminary plan acceptance and then the site plan review process. Presentation of the final development plan will follow site plan review.

If you should have any further questions regarding this process, please contact me.

Sincerely,



Thomas A. Murray, Zoning / Planning Official

Community Development Department, ph (906) 228-0425 fax (906) 228-0497
tmurray@mqcty.org

CITY OF MARQUETTE
Community Development Department
Marquette City Planning Commission
300 W. Baraga Avenue / Marquette, Michigan 49855
906-228-0425 /tmurray@mqctcy.org

SITE PLAN REVIEW
(REZONING TO PUD / PRELIM. DEV. PLAN)

SUBJECT: MQT, L.L.C. – Taylor , Weber / Planned Unit Development
P.I.N.# 0370300
ADDRESS: 446 E. Crescent St.
SPRC DATE: February 18th , 2004
PC DATE: March 16th , 2004

ZONING REVIEW
Thomas A. Murray, Zoning / Planning Official

Subject: Tom Taylor and Bob Weber have re submitted a request to the Planning Commission for consideration of rezoning to Planned Unit Development for Lots-233 thru 236 of Ely Park Add., and acceptance of a Preliminary Development Plan for the property located at 446 E. Crescent St. All lots included in the application are currently designated as RM-Multiple Family Residential. The proposed use is a combination of light warehousing and office use.

Background: On October 7th, 2003 the applicants submitted a proposal similar to the present application but included residential development on Lot-233. This proposal was not accepted by the Commission. On a motion made by M. Conley and supported by J. Ferrill, the motion to deny was based on the following reasons:

1. The proposed residential units are too close to the property line.
2. There is no available snow storage for the residential units.
3. The Property is divided by two right of ways, and
4. Lots-234 thru 236 can be developed under the current zoning designation.

The Zoning Ordinance states that the Board may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six months.

The Application of the Ordinance section further states that no structure, or part thereof, shall be constructed, erected, placed, altered, or maintained, and no land use commenced or continued within the City of Marquette, except as specifically, or by necessary implication, authorized by this ordinance. Within each zoning district no structure or use of any structure or land shall be lawful except the Principal Uses and Conditional Uses provided for in Section 80.44 of this ordinance.

Prior to the approval the previous 1996 PUD application, the BZA was requested to consider an area variance of 24,581 Sq. Ft. (03-BZA-04-96) from the requirement of a full acre. The BZA granted a .29 acre variance which included lot-233 adjacent to Lakeshore Blvd. On August 12th, 1996 the Planning Commission approved the rezoning of the entire site to PUD and accepted a Preliminary Development Plan. Final Development Plans were later submitted and approved by both the Planning and City Commission.

In December of 2002, following a series of notices of non compliance with the approved PUD and the improper use of the facility, staff was directed to review the status of the Planned Unit Development approved by the city referred to as 05-PUD-05-96. It was found that certain conditions of the project with respect to physical changes and use had not been complied with. The Planning Commission decided to allow the present uses to continue for a period of six months, at the end of that six month period the applicant was directed to file a new PUD Application or bring the property under compliance in accordance with the Final Development Plan.

The Final Development Plan approved by the Planning Commission, provided for specific uses for this property including use, parking, landscaping, exterior lighting, snow storage, outdoor storage, exterior alterations, signage and graphics. Mr. Noel was informed that compliance with the Final Development Plan was not optional. On June 3rd, 2003, this six month period expired and a new PUD Application had not been filed, the zoning of the site then reverted to it's previous designation of Multiple Family. The owner was directed to vacate the premises and that the building could only be used in accordance with the permitted uses in that district.

Current Proposal: The intent of the PUD district is to permit more flexibility in the use and design of structures and land use than is allowable under the other districts of this ordinance, where such modifications will not be contrary to the intent of this ordinance or significantly inconsistent with the Master Plan. The district also provides flexibility in design in return for the retention of natural scenic qualities, open spaces and urban amenities. The designation promotes a more efficient and economical use of the land.

Any use in the district is permitted, providing that the developer demonstrates the proposed use is of such a scale and design to abide with the intent of the district and the present and anticipated uses of adjoining land. The Master Plan is to be used as a guide to determine compatibility with adjoining uses.

The Preliminary Development Plan and the rezoning of the site is designed to provide the developer reasonable assurances of ultimate approval before expending complete design monies, while providing the City with assurance that the project will retain the character proposed during preliminary approval. These preliminary plans are not

designed to contain all the detail necessary for final approval and should be considered as conceptual at this point.

Development and use for Lots-234,235, and 236 is identical to 2003 proposal and Lot-233 adjacent to Lakeshore Blvd. is proposed to be rezoned to Deferred Development with option of a sale to the city or adjacent property owner.

The required written and graphic documents of the PUD submittal are as follows:

Legal Description: The proposed area is described as Ely Park Addition Lots-233 thru 236 plus the N. 1/2 of the adjacent vacated alley lying south of said lots.

Nature and Character of the Development: The proposal is a mixed use of warehousing and office use where the existing structure would be renovated to include improved landscaping, exterior painting , awnings, a top cornice, new windows and doors, low impact lighting, minimal signage and interior renovations.

Schedule: Project to be completed within 10 months.

Present Ownership: The main building and parking area located on Lots-234, 235., and 236 have been sold on land contract to Bob Weber and Lot-233 has been retained by Tom Taylor.

Floor Areas: Main Structure:	Total building area	13,248 Sq. Ft.
	Leasable area	10,408 Sq. Ft.
	2 nd Floor Offices	4,423 Sq. Ft.
	1 st Floor Whse.	5,985 Sq. Ft.

Site Data: Lot-233	11,836 Sq. Ft.
Lots-234 thru 236	<u>18,789 Sq. Ft.</u>
Total Site Area	30,815 Sq. Ft.

Building Height: The maximum peak height of the proposed residential units is 45', the existing commercial building has a flat roof and a estimated roof height of 22'.

Building Setbacks: The existing commercial structure lies on lot the south and west lot lines of lot-236 and a E. Crescent St. setback of 10'.

Utilities: Existing utilities are indicated.

Building Coverage Ratio: Building coverage as defined by the Zoning Ordinance is that portion of the area covered by building(s) divided by the total land area. Total land area is 30,815 Sq. Ft. , building coverage is 5,985 representing a 19.42% building

coverage ratio.

Parking: Estimated required parking is calculated as follows:

Office area	4,423 Sq. Ft. / 100 X .50 spaces = 22.11
Warehouse area	5,985 Sq. Ft. / 100 X .10 spaces = 5.98
Total required Parking	28.09 or 29 spaces
Proposed Parking	spaces 28

The driveway located on the south edge of the lot is not recommended due to the close proximity of the adjacent single family dwelling.

Landscaping Plan: Landscaping is indicated on the site plan.

Streets And Traffic Circulation: Maneuvering lanes for two way traffic should be 24' wide. A detailed parking lot plan will be required to determine compliance with the commercial lot.

Other: The Planning Commission should include direction to the developer regarding limited or no outdoor storage, indoor vehicular parking, hours of operation and proposed signage.

Site Plan Review: If the Planning Commission accepts this Preliminary Development Plan, a recommendation will be made to the City Commission, and if approved by the City Commission the project will then be subject to the Site Plan Review procedure and then A Final Development Plan approved by both the Planning and City Commission.

ENGINEERING / PUBLIC WORKS REVIEW

Brian Savolainen, Ass't City Engineer / Steve Lawry, Public Works Superintendent
Jim Compton, Hydrology Engineer

Overall Site Plan: The site plan is lacking detailed information. There are no dimensions, no notes indicating which are proposed improvements or existing conditions to remain, no details on pavement type or structure, and no existing or proposed grading for the site. We are considering this a schematic review and will require a detailed site plan prior to issuing any approvals.

Site Drainage: Proposed site drainage is not shown on the plans. Although the area is relatively flat, the proposed means of capturing runoff from the off-street parking lots and snow storage areas must be shown. Roof drain discharge will require verification that they do not flow to the sanitary sewer. Roof drains need to either flow onto the ground or be piped to the storm system.

Snow Storage: Proposed snow storage areas are not designated on the plans.
At the SPRC meeting it was agreed that the south driveway would be removed and this area designated for snow storage.

Waste Storage/Placement: If outdoor storage of wastes is to be utilized at the commercial building, the proposed container location and screening needs to be shown on the plans.
At the SPRC meeting it was noted that waste containers are located inside the building.

Sewage Pre-treatment: The indoor storage and maintenance of vehicles requires floor drains to be protected with sand, oil, and grease interceptors.

Backflow Protection: Approved backflow protection will be required for any irrigation system to be installed as a part of this project.

Parking and Driveways: Proposed surfaces, pavement structure, widths, grading, curb and drainage patterns need to be indicated. With pavement going up next to the property lines it most likely will be necessary to obtain grading easements to complete the work.

Existing Parking Lot: Any proposed improvements or modifications also need to be detailed as noted in the above comment for Parking or Driveways.

Permits: Prior to construction the developer shall be required to obtain off street parking, curb cut, and tree removal permits from the City as necessary. See attached application.

PLANNING

Dennis Stachewicz, Planner

Master Plan: The Community Master Plan identifies this area as residential land use.

Site Conditions: The previous use of the proposed commercial site was warehousing and offices. This use was revoked after the current owner failed to maintain the use in accordance with the direction given by the Planning Commission. The surrounding uses are primarily residential with an abandoned industrial facility located to the northeast. The site is currently developed except for the small parcel located next to Lakeshore Boulevard. This parcel is currently level and the ground cover is primarily grass.

Traffic: It appears that this development will not have a significant impact on traffic traveling along Lakeshore Blvd. Closing the Northeast driveway will limit access to a residential street and prevent potential problems with having a driveway in close proximity to an intersection.

Character: The proposed PUD is a mix of light warehousing and offices. The current zoning designation was intended to clean up a commercial use in a residential neighborhood. Commercial uses tend to create a nuisance when located in or adjacent to a residential area by creating noise (loading and unloading), excessive lighting (operational and security), and increased traffic. 22 offices seem quite a bit excessive for such a small piece of property.

FIRE DEPARTMENT

Paul V. Enrietti, Fire Inspector

Fire Protection: The proposed occupancy of offices on the second floor and light warehousing, on the first floor is a good combination. The fire separation between the two floors is required to be maintained.

POLICE DEPARTMENT

Russ Kilgren, Captain

No significant impact on surrounding traffic with this proposal.

SUMMARY / RECOMMENDATION

On February 18th, 2004 the Site Plan Review Committee met with Bob Weber owner and developer of this site and discussed all of the above concerns. This review was made in preparation for the Commissions consideration of a zoning change to Planned Unit Development and acceptance of the Preliminary Development Plan. Revised plans will be submitted for the Site Plan Review process and the Final Development Plan.

If the Planning Commission finds this plan to be acceptable, a recommendation should be forwarded to the City Commission for the zoning change to PUD and acceptance of the Preliminary Development Plan.

RE-SCHEDULE
FOR 3/16/04

ORIGINAL DATE
3/2/04

11:00

SITE PLAN REVIEW

DATE: FEBRUARY 12TH, 2004
ADDRESS: 446 E. CRESCENT ST.
PROJECT: TAYLOR / WEBER PUD

ZONING REVIEW

Subject: Tom Taylor and Bob Weber have re submitted a request to the Planning Commission for consideration of rezoning to Planned Unit Development on Lots-233 thru 236 of Ely Park Add., and acceptance of a preliminary development plan for the property located at 446 E. Crescent St. All lots included in the application are currently designated as RM-Multiple Family Residential. The proposed use is a combination of light warehousing and office use.

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landscaping, exterior painting , awnings, a top cornice, new windows and doors, low impact lighting, minimal signage and interior renovations.

Schedule: Project to be completed within 10 months.

Present Ownership: The main building and parking area located on Lots-234, 235., and 236 have been sold on land contract to Bob Weber and Lot-233 has been retained by Tom Taylor.

Floor Areas:	Main Structure:	Total building area	13,248 Sq. Ft.
		Leasable area	10,408 Sq. Ft.
		2 nd Floor Offices	4.423 Sq. Ft.
		1 st Floor Whse.	5,985 Sq. Ft.

Site Data:	Lot-233	11,836 Sq. Ft.
	Lots-234 thru 236	<u>18,789 Sq. Ft.</u>
	Total Site Area	30,815 Sq. Ft.

Building Height: The maximum peak height of the proposed residential units is 45', the existing commercial building has a flat roof and a estimated roof height of 22'.

Building Setbacks: The existing commercial structure lies on lot the south and west lot lines of lot-236 and a E. Crescent St. setback of 10'.

Utilities: Existing utilities are indicated.

Building Coverage Ratio: Building coverage as defined by the Zoning Ordinance is that portion of the area covered by building(s) divided by the total land area. Total land area is 30,815 Sq., Ft. , building coverage is 5,985 representing a 19.42% building coverage ratio.

Parking: Estimated required parking is calculated as follows:

Office area	4,423 Sq. Ft. / 100 X .50 spaces = 22.11
Warehouse area	5,985 Sq. Ft. / 100 X .10 spaces = 5.98
Total required Parking	28.09 or 29 spaces
Proposed Parking	34 spaces

The new proposed driveway located on the south edge of the lot is not recommended due to the close proximity of the adjacent single family dwelling.

Landscaping Plan: Landscaping is indicated on the site plan.

Streets And Traffic Circulation: Maneuvering lanes for two way traffic should be 24' wide. A detailed parking lot plan will be required to determine compliance with the commercial lot.

Other: The Planning Commission should include direction to the developer regarding

limited or no outdoor storage, indoor vehicular parking, hours of operation and proposed signage.

Site Plan Review: Since PUD's are subject to site plan review, the submitted documents must meet the requirements of both the PUD section of the ordinance and Site Plan Review.

Marquette

JERRY IRBY
MAYOR



(906) 228-0435
FAX (906) 228-0429
www.jirby@chartermi.net

the Superior location

February 13, 2004

Mr. Tom Taylor
805 W. Front St., Suite B
Traverse City, MI 49684

Dear Tom:

Thank you for your phone call in reference to the letter dated last fall. I have taken the opportunity to review the Planning Commission minutes in question with our City Planner, Dennis Stachewicz and the Chairman of the Planning Commission, Tom Tourville. I have determined from the minutes that the party named did step aside and stated that as an adjacent property owner he wanted to make a comment during the hearing. The Planning Commission Chairman gave me the background for the refusal of your request which was consistent with our planning procedures.

I am going to take the opportunity to meet with Tom Tourville about your additional concerns of a working relationship with you to overcome any objections to your prescribed plan.

Finally Tom, I stand ready to meet with you to discuss any other concerns you may have.

Tom, it is quality developers like you that have a passion for the City of Marquette which will make it truly a community we can take pride in.

Sincerely,

Jerry Irby
Mayor

Jl/md

Xc: Gerald Peterson, City Manager
Tom Tourville, Planning Commission Chair

F:\WPFILES\MAYOR\Tom Taylor letter.doc

**SITE PLAN REVIEW COMMITTEE
CITY OF MARQUETTE
300 W. Baraga
Marquette, MI 49855**

FILE: 32-PUD-10-03

APPLICANT: 446 E. Crescent

DATE: February 18, 2004

REQUEST: Site Plan Review

Fire Protection: The proposed occupancy of offices on the second floor and light warehousing on the first floor is a good combination. The fire separation between the two floors is required to be maintained.

**SITE PLAN REVIEW COMMITTEE
CITY OF MARQUETTE
300 W. Baraga
Marquette, MI 49855**

FILE: SPR2004-4 **APPLICANT:** Tom Taylor & Bob Weber
DATE: February 18, 2004 **REQUEST:** Site Plan Review – Flagstaff Building 446 E. Crescent

General: The following are the initial plan review comments of the Engineering and Public Works Departments. These plans are considered to be conceptual and have been reviewed only for compliance with City Engineering and City Public Works standards and requirements. The Engineering and Public Works Departments reserve the right to further review and comment on construction drawings prior to final approval. Some of the following comments may address potential design related issues that will require further details, but not necessarily include all items which will be required for final construction plan approval.

Overall Site Plan: The site plan is lacking detailed information. There are no dimensions, no notes indicating which are proposed improvements or existing conditions to remain, no details on pavement type or structure, and no existing or proposed grading for the site. We are considering this a schematic review and will require a detailed site plan prior to issuing any approvals.

Site Drainage: Proposed site drainage is not shown on the plans. Although the area is relatively flat, the proposed means of capturing runoff from off-street parking lots and snow storage areas must be shown. Also we require verification that roof drains do not flow to the sanitary sewer. Roof drains need to either flow onto the ground or be piped to the storm system.

Snow Storage: Proposed snow storage areas are not designated on the plans.

Waste Storage/Placement: If outdoor storage of wastes is to be utilized at the commercial building, the proposed container location and screening needs to be shown on the plans.

Sewage Pre-treatment: The indoor storage/maintenance of vehicles shall require floor drains to be protected with sand, oil, and grease interceptors.

Backflow Protection: Approved backflow protection will be required for any irrigation system to be installed as a part of this project.

Parking and Driveways: Need to indicate proposed surfaces, pavement structure, widths, grading, curb and drainage patterns. With pavement going up next to the property lines it most likely will be necessary to obtain grading easements to complete the work.

Existing Parking Lot: Any proposed improvements or modifications also need to be detailed as noted in the above comment for Parking or Driveways.

Permits: Prior to construction the developer shall be required to obtain off street parking, curb cut, and tree removal permits from the City as necessary. See attached application.

Respectfully submitted,
Engineering and City Public Works

M E M O R A N D U M

TO: Sandy Gayk, Director of Community Development
Tom Murray, Planning and Zoning Official
Development Team

DATE: February 13, 2004

FROM: Dennis M. Stachewicz, Jr., Planner I

SUBJECT: 446 E. Crescent Street PUD

I have reviewed the PUD request for 446 E. Crescent and have the following comments regarding the concept of a PUD at that location:

- **Master Plan:** The Community Master Plan identifies this area as residential land use.
- **Site Conditions:** The previous use of the proposed commercial site was warehousing and offices. This use was revoked after the current owner failed to maintain the use in accordance with the direction given by the Planning Commission. The surrounding uses are primarily residential with an abandoned industrial facility located to the northeast. The site is currently developed except for the small parcel located next to Lakeshore Boulevard. This parcel is currently level and the ground cover is primarily grass.
- **Traffic:** It appears that this development will not have a significant impact on traffic traveling along Lakeshore Blvd. Closing the Northeast driveway will limit access to a residential street and prevent potential problems with having a driveway in close proximity to an intersection.
- **Character:** The proposed PUD is a mix of light warehousing and offices. The current zoning designation was intended to clean up a commercial use in a residential neighborhood. Commercial uses tend to create a nuisance when located in or adjacent to a residential area by creating noise (loading and unloading), excessive lighting (operational and security), and increased traffic. 22 offices seem quite a bit excessive for such a small piece of property.

**PLANNED UNIT DEVELOPMENT APPLICATION
CITY OF MARQUETTE**

FEE SCHEDULE
1 - 10 ACRES - \$1000.00
11 - 20 ACRES - \$1,300.00
21 - 40 ACRES - \$1,700.00
41 PLUS ACRES - \$2,100.00

RECEIVED
FEB 03 2004

Marquette City
Community Development Office

FILE#: 11 -PUD- 03 - 04

PARCEL#: 0370300

DATE SUBMITTED: 02 / 03 / 04

FILING DEADLINE: / /

HEARING DATE: 03 / 02 / 04

CURRENT ZONING

DESIGNATION: Mutiple Family

PRELIM. DEV. PLAN / ZONING CHANGE PUBLIC HEARING: (P.C.) / /

PRELIM. DEV. PLAN / ZONING CHANGE PUBLIC HEARING: (C.C.) / /

FINAL DEVELOPMENT PLAN: (P.C.) / /

FINAL DEVELOPMENT PLAN: (C.C.) / /

PROPERTY OWNER: MQT, L.L.C. Taylor/Weber

RWEBER@CHARTERINTERNET.COM

PROPERTY ADDRESS: 446 E. Crescent Street

PHONE#: (906) 228-8890

SUBMITTED BY: Robert S. Weber ROBERT S. WEBER

DATE: 2 / 3 / 04

A PLANNED UNIT DEVELOPMENT USE APPROVED BY THE MARQUETTE CITY PLANNING COMMISSION AND MARQUETTE CITY COMMISSION IS VALID ONLY FOR THE USE DESCRIBED IN THIS APPLICATION. AN EXPANSION OR CHANGE IN AN OPERATION NOT SPECIFICALLY APPROVED BY THE TWO COMMISSIONS WILL REQUIRE ADDITIONAL HEARINGS.

EXPLAIN IN DETAIL, THE USE APPLIED FOR: (INCLUDE ALL INFORMATION REQUIRED AS REQUIRED BY THE ZONING ORDINANCE, P.U.D. APPLICATION, AND THE P.U.D. GUIDELINES. 10 SETS OF PLANS AND DATA MUST BE SUBMITTED. CARE SHOULD BE TAKEN IN THE COMPLETION OF THIS APPLICATION AS IT WILL FORM THE BASIS OF THE DECISION OF THE COMMISSION. SUPPORT MATERIALS MUST BE SUBMITTED TO THE ZONING OFFICE TWENTY TWO (22) DAYS PRIOR TO THE PUBLIC HEARING. PETITIONERS SHOULD ATTEND ALL PUBLIC HEARINGS.

IF CONSTRUCTION HAS NOT STARTED WITHIN 18 MONTHS OF THE FINAL DEVELOPMENT PLAN APPROVAL, SAID APPROVAL SHALL EXPIRE. PRIOR TO THE PLANS EXPIRATION, THE PLANNING COMMISSION MAY EXTEND THIS PERIOD BY 6 MONTHS UPON SHOWING OF GOOD CAUSE BY THE DEVELOPER.

IN APPROVING A PLANNED UNIT DEVELOPMENT, THE COMMISSION MAY PRESCRIBE CERTAIN CONDITIONS AND SAFEGUARDS. VIOLATIONS OF ANY CONDITIONS OR SAFEGUARDS MADE A PART OF THE TERMS OF THE APPROVAL SHALL BE DEEMED A VIOLATION OF THIS ORDINANCE AND PUNISHABLE UNDER SECTION: 80.66 OF THE MARQUETTE CITY ZONING ORDINANCE. APPROVALS ISSUED ON THE BASIS OF FALSE INFORMATION SHALL BE VOID AND CONTINUANCE OF THE USE SHALL BE DEEMED A VIOLATION OF THE ORDINANCE.

I HEREBY CERTIFY THAT I HAVE READ THE ABOVE SECTIONS OF THE ORDINANCE AND THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING. I ALSO CERTIFY THAT I WILL MEET ANY CONDITIONS PLACED ON MY PERMIT BY THE COMMISSION PRIOR TO COMMENCING OPERATIONS.

SIGNATURE OF
PETITIONER:



DATE: 2 / 1 / 3 / 04

80.30 PUD - PLANNED UNIT DEVELOPMENT DISTRICT

1. INTENT:

- A. To permit more flexibility in the use and design of structures and land than is allowable under the other districts of this ordinance, where such modifications will not be contrary to the intent of this ordinance or significantly inconsistent with the Master Plan upon which it is based.
- B. To require a higher degree of urban amenities, the preservation of natural scenic qualities and open spaces, and more creative and imaginative design of developments in return for such flexibility.
- C. To promote more efficient and economical use of land.
- D. To give the developer reasonable assurance of ultimate approval before expending complete design monies, while providing city officials with assurances that a project will retain the character envisioned at the time of agreement.

2. MINIMUM PUD SIZE:

PROPOSAL

TO: Marquette City Planning Commission

FROM: Tom Taylor and Bob Weber

DATE: February 3, 2004

RE: 446 E. Crescent Street, Lots 236, 235 & 234
Ely Park Addition, Marquette, Michigan

STATUS: Purchased by Tom Taylor and Bob Weber, Temporarily
Occupied pending P.U.D. Approval

We are requesting the Planning Commissions' consideration of a rezoning to Planned Unit Development and acceptance of a preliminary development plan for the property located at 446 E. Crescent Street. The site is currently designated as RM-Multiple Family Residential. The proposed use is a combination of light warehousing and office use.

In October 2003, the Planning Commission rejected a proposal to rezone the property primarily due to the proposed construction of condominiums on the portion of property on Lakeshore Boulevard. The current proposal does not include construction of residential housing. We request that same be designated as Deferred Development with the option of sale or trade with the City or adjacent property owner.

Industrial Piping & Boiler Service, Inc., owned by Bob Weber, is currently temporarily occupying the building. The former location of the business was sold in December 2003.

In reviewing the objections which resulted in the rejection of the previous P.U.D. application we noted that there was almost no opposition to the proposed use of the building. Afterward we spoke to several members of the Planning Commission and got the impression that the application would have been approved absent the Condominiums.

It is our desire to work with the City to establish a low impact business zoning classification that would act as transitional real estate between multi-family and residential. The building would be occupied only during normal business hours and would provide landscaping for buffer.

We feel the current multi-family zoning is not the highest and best use for the building. The block and steel construction plus fire code issues would make a conversion project cost prohibitive.

Upon acceptance of intended use, we would begin making exterior improvements and landscaping. The interior will not be changed significantly but infrastructure repairs are required as well as energy efficiency improvements. We would have the project completed in ten (10) months.

Bob Weber will own the building and Tom Taylor will own the adjacent lot.

MQT, L.L.C.

March 16, 2004

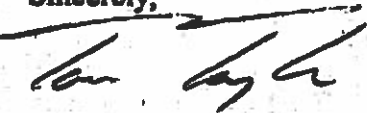
Mr. Tom Murray
Zoning Administrator
City of Marquette
300 W. Baraga
Marquette, MI 49855

RE: Site Plan Review of 446 E. Crescent

Dear Mr. Murray,

Due to possible controversial issues associated with separate ownership of Lot #233, I would ask the planning commissioners to omit the note of changing any zoning to deferred development or possible sale to the City. Also, I agree to be part of this application process. Therefore, this is a joint application.

Sincerely,



Thomas P. Taylor
Member and Owner of Lot #233

TPT/nmc

Bus: (231) 922-7170 • Fax: (231) 922-7175 • 805 W. Front Street, Suite B • Traverse City, MI 49684
www.vacant-land.com • email: nmlb@vacant-land.com

316 E. Crescent St.
Marquette, MI 49855
January 29, 2004

Marquette City Planning Commission
c/o Tom Murray
City Hall
Marquette, MI

Re: 446 E. Crescent Proposed PUD

Folks:

I am a homeowner a block away from 446 E. Crescent, aka the old Fish & Wildlife building. The PUD has been proposed to allow a mechanical contractor to operate from the location.

I fully support this proposal and would consider it a welcome addition to the neighborhood. Since the building cannot be converted to multi-family in an economically sensible manner it has essentially sat empty for the past several years. Short-term tenants have included junk cars and a kick boxing club – hardly the type of neighbors our neighborhood needs.

The business proposed by Mr. Weber for the location will have minimal impact on the neighborhood. His operation of the same type of business on Wright St. was done so without complaint from neighbors and I fully expect the Crescent St. to be likewise run with the same respect for the neighbors. The proposed use would have less of an impact on the neighborhood than the Fish & Wildlife's operation did when they had vehicles, trailers and other equipment stored outside and on the adjacent vacant parcel of land.

Were the proposal at hand to convert the building to apartments I would be standing before you in objection. The last thing the foot of Crescent Street needs is another low-end apartment building occupied by students with fast and loud vehicles that love to race between the stop signs on E. Crescent St.

I recommend approval of the PUD for the location.

Very truly,

Steven White

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

Consent Agenda - Roll Call Vote

Approve the minutes of the July 8, 2024 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ July 8 Minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, July 8, 2024
6:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

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

Approval of the Agenda

Commissioner Jennifer Smith moved to Approve the agenda as presented, seconded by Commissioner Paul Schloegel and Carried Unanimously.

Announcements

Mayor Davis said the time capsule was opened following the 4th of July parade. She said the items are on display at the History Center, and that the city will be working to create a new time capsule moving forward.

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

Chelsea Wilkinson, representing Room at the Inn, asked the City Commission to consider decriminalizing homelessness.

Brooke Tharp spoke about a need to pursue true solutions to address homelessness in the community.

Cindy Hanson spoke about parking on Lake Street. She shared some history of parking along the street and she said she thinks that allowing parking along the street is a hazard.

Ashlyn Warren, Ian Watson and Alex Guindon spoke about homelessness, reading from a list of proposed policy changes.

Margaret Brumm spoke about the previous weekend's events in lower harbor.

Presentation(s)

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

Police-Fire Pension Board Chair Mike Archocosky gave an update on the board, highlighting the level at which the accounts are funded. While the goal is 80 percent, the funding is currently at 79 percent and he said he has never seen it funded at such a high level.

Public Hearing(s)

2. Land Development Code Amendments

The Mayor opened the public hearing. With no one looking to speak, the hearing was concluded.

Mayor Pro Tem Jessica Hanley moved to Approve the adoption of Ordinance #731 in accordance with the recommendation from the Planning Commission, seconded by Commissioner Cody Mayer and Carried Unanimously by Roll Call Vote.

3. Consent Agenda

Commissioner Michael Larson moved to Approve the Consent Agenda as written, seconded by Commissioner Paul Schloegel and Carried Unanimously.

3.a. Approve the minutes of the June 24, 2024 regular Commission meeting

3.b. Approve the total bills payable in the amount of \$1,582,321.30

3.c. MERS Annual Meeting - Officer Delegate Appointment

3.d. Schedule Public Hearing - Rezoning of 446 E. Crescent Street

New Business

4. ITRON Managed Services

Mayor Pro Tem Jessica Hanley moved to Approve the amendment to the original software agreement with Itron, Inc. for the water AML software to now include Managed Services, and authorize the Mayor and City Clerk to sign the amendment to the agreement, seconded by Commissioner Jennifer Smith and Carried Unanimously.

5. Naming - Nheena Weyer Ittner Skatepark

Mayor Pro Tem Jessica Hanley moved to Approve the request to name the skate park "The Nheena Weyer Ittner Skatepark", seconded by Commissioner Jerney Ottaway and Carried Unanimously.

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

Cindy Hanson finished up her prior comment about parking.

Margaret Brumm said she had purchased underwater solar lights for the window in the new piers and she is willing to help organize the installation.

Comments from the Commission

Commissioner Smith thanked those who spoke about the homeless concerns, and said she would expect staff to review the documents that were provided.

Commissioner Larson thanked staff and the City for a great 4th of July week.

Commissioner Mayer thanked staff and the committees that put the agenda items together. HE praised the police and fire staff for the calm and enjoyable 4th. He thanked those who spoke tonight.

Commissioner Ottaway said the homelessness comments are a good way to start the conversation and said he wants to be proactive on the issue. He spoke about the South Lakeshore parking issues and asked for the police chief to comment on the topic.

Police Chief Ryan Grim said that the parking issue has become more pronounced in the last couple of years. He said the police have started writing warning tickets to those parking in the area, but that citations will be issues if the issues continue.

Mayor Pro Tem Hanley spoke about a need to work toward solutions on the homelessness front and she thanked those who spoke.

Commissioner Schloegel said the majority of the homeless are hard-working people trying to better their lives and he talked about some ways to best work toward a solution. He said he supported the LDC amendments tonight but said there are a couple of items in there that he is not totally supportive of. However, he said the LDC is a living document that can be revisited if needed.

Mayor Davis said the parade and fireworks went well and there were more people than ever. She thanked the Kiwanis, the Exchange Club, the American Legion and the Fireworks Committee.

Comments from the City Manager

City Manager Karen Kovacs announced that the Parks and Recreation Master Plan will have a July 17 drop-in open house, as well as a July 18 presentation-centric open house. She said the City has been working with local municipalities to find short- and long-term solutions around homelessness.

Adjournment

Mayor Davis adjourned the meeting at 7:09 p.m.

Sally Davis, 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: 7/29/2024

Consent Agenda - Roll Call Vote **Former MGH Brownfield Allocation**

BACKGROUND:

The City of Marquette, Marquette Brownfield Redevelopment Authority (MBRA), and NMU Foundation (NMUF) are currently parties to a brownfield redevelopment tax increment financing (TIF) plan to redevelop the former Marquette General Hospital (MGH) campus. This approved plan provides for up to \$44 million in eligible activities that can be reimbursed under the provisions of Act 381. A majority of this eligible activity budget has been avoided due to work from the NMUF, State partners, and City staff in securing grant funding to pay for the significant demolition and abatement activities but there are still anticipated eligible expenses for site preparation and public infrastructure that will likely be reimbursed under the TIF plan.

The NMUF released a Request for Qualifications to secure a developer to redevelop the former MGH site and selected Veridea Group. The NMUF and Veridea Group have executed a purchase agreement and, in accordance with Section 10.2 and 10.3 of the Brownfield Development and Reimbursement Agreement, are required to enter into an Allocation Agreement covering how Brownfield Tax Increment Revenues are distributed between the Foundation and the prospective purchaser and provide the MBRA and City with the Allocation Agreement, which must be approved by the MBRA and City with such consent not unreasonable withheld.

This allocation agreement will allow Veridea Group to seek reimbursements for eligible activities completed under the approved brownfield plan. It is anticipated that Veridea Group will seek reimbursements for eligible site preparation activities. The upper limit of this budget is currently \$1.8 million with an additional allowance for contingency and interest for a total of \$2.7 million.

This agreement was approved by the MBRA at their July meeting.

FISCAL EFFECT:

None.

RECOMMENDATION:

Approve the Former MGH Brownfield TIF Allocation Agreement, and authorize the Mayor and City Clerk to sign.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Allocation Agreement

ALLOCATION AGREEMENT AND ASSIGNMENT OF TAX INCREMENT REVENUES

THIS ALLOCATION AGREEMENT AND ASSIGNMENT OF TAX INCREMENT REVENUES (“**Assignment**”) is made as of _____, 2024 by and between **NORTHERN MICHIGAN UNIVERSITY FOUNDATION**, a Michigan nonprofit corporation (“**NMUF**”), and **VERIDEA GROUP, LLC**, a Michigan limited liability company, and its successors and assigns (“**Veridea**”). NMUF and Veridea are referred to herein, collectively, as the “Parties” or, individually, as a “Party.”

RECITALS

A. The City of Marquette Brownfield Redevelopment Authority (the “**MBRA**” or “**Authority**”) approved a brownfield redevelopment plan (“**Brownfield Plan**”) for the redevelopment of the former Marquette General Hospital in the City of Marquette, Marquette County, Michigan (the “**Project**”) on May 19, 2022 and the City of Marquette (“**City**”) City Commission approved and adopted the Brownfield Plan on May 31, 2022, pursuant to Michigan’s Brownfield Redevelopment Financing Act (MCL 125.2651 et seq., hereinafter referred to as, “**Act 381**”). The Brownfield Plan authorized the capture of brownfield tax increment revenues (“**TIR**”) by the Authority to, inter alia, reimburse NMUF for the cost of certain Eligible Activities (as defined in the Brownfield Plan) for the Project;

B. NMUF entered into a Reimbursement Agreement with the MBRA and the City dated April 1, 2023 (“**Reimbursement Agreement**”), which Reimbursement Agreement pertains to the Project;

C. NMUF and Veridea are parties to a Purchase Agreement dated March 1, 2024 (the “**Purchase Agreement**”), pursuant to which NMUF has agreed to sell and Veridea has agreed to purchase the Former Hospital Site (as defined in Recital A of the Purchase Agreement);

D. Under the Purchase Agreement, NMUF has agreed to assign certain rights to the payments of TIR to Veridea to reimburse Eligible Activities expenses incurred by Veridea pursuant to the Reimbursement Agreement;

E. The City was awarded a Community Development Block Grant (“**CDBG**”) in the amount of Eight Million Dollars (\$8,000,000) and NMUF was awarded a Blight Elimination Grant through the Michigan Land Bank Authority (“**MLBA**”) in the amount of Eight Million Dollars (\$8,000,000) (together, the “**CDBG and MLBA Grants**”) to reimburse NMUF for Eligible Activities including lead and asbestos abatement and demolition work (as defined in Section 30 of the Purchase Agreement as “**Seller’s Pre-Closing Work**”);

F. Pursuant to the Reimbursement Agreement, the Brownfield Plan authorizes the reimbursement of Eligible Activities expenses incurred by NMUF other than Seller’s Pre-Closing Work Eligible Activities expenses that are reimbursed from proceeds of the CDBG and MLBA Grants;

G. NMUF desires to retain its right to receive reimbursement of TIR for Eligible Activities expenses incurred by NMUF related to Seller's Pre-Closing Work other than Seller's Pre-Closing Work Eligible Activities expenses that are reimbursed from proceeds of the CDBG and MLBA Grants;

H. In accordance with this Assignment, NMUF desires to assign and allocate to Veridea, and Veridea desires to accept the assignment and allocation of, NMUF's right to receive reimbursements of TIR for Eligible Activities expenses incurred by Veridea, including expenses related to site preparation and public infrastructure (as defined in Section 30 the Purchase Agreement as "**Additional Site Work**") and any additional amounts of Eligible Activities that may be approved by the MBRA, City, and/or Michigan Strategic Fund in the future that are required to be performed by Veridea in connection with the Project, as provided herein.

NOW THEREFORE, in consideration of the premises and the mutual covenants set forth herein, the Parties agree as follows:

1. Assignment:

a. NMUF hereby assigns to Veridea, NMUF's right to receive reimbursements for Eligible Activities expenses from the MBRA under the Reimbursement Agreement as follows:

i. If and to the extent that Eligible Activities expenses incurred by NMUF for Seller's Pre-Closing Work are not fully reimbursed from the proceeds of the CDBG and MLBA Grants, Eligible Activities expenses incurred by both NMUF and Veridea shall be reimbursed under Section 2.2(e) of the Reimbursement Agreement. Notwithstanding anything to the contrary, TIR available for reimbursement under Section 2.2(e) of the Reimbursement Agreement shall be allocated to NMUF and Veridea pro rata in proportion to the respective amounts of approved Eligible Activities expenses that are attributable to each Party until reimbursed in full in accordance with the Brownfield Plan and Reimbursement Agreement.

ii. Veridea shall have no right to seek reimbursements for Eligible Activities expenses incurred by the City, MBRA, and/or NMUF in connection with the Project.

b. The Parties acknowledge and agree that any reimbursement by or on behalf of the MBRA of any expenses for approved activities shall be only for "Eligible Activities" as defined in Act 381 and described in the Brownfield Plan, an Act 381 Work Plan and the Reimbursement Agreement. It is further understood and agreed that any reimbursement to or on behalf of NMUF or Veridea shall only occur to the extent that TIR is actually generated from the Property (as defined in the Purchase Agreement), is available after other required reimbursements have been satisfied, and qualifies for reimbursement under Act 381, the Brownfield Plan and/or an Act 381 Work Plan, and the Reimbursement Agreement.

c. NMUF hereby retains its right to reimbursement for any outstanding Eligible Activity expense obligations, or any other reimbursement obligation of the MBRA, to be paid through TIR captured from the Property by complying with the requirements as set forth in Section 10.2 of the Reimbursement Agreement.

2. Representations and Warranties: NMUF warrants and represents to Veridea, as of the date hereof, that to NMUF's knowledge:

a. NMUF has not previously assigned or transferred all or any part of the available TIR allocated herein, except to Veridea.

b. NMUF has all requisite powers and all authorizations, consents and approvals to enter into obligations hereunder.

c. The Reimbursement Agreement is in full force and effect and, as of the date hereof, no uncured defaults exist with respect to the Reimbursement Agreement.

d. All covenants, conditions and agreements have been performed as required in the Reimbursement Agreement in all material respects, except those not due to be performed until after the date of this Assignment.

3. Disclaimer: NMUF makes no representations or warranties as to:

a. The extent to which TIR is actually generated from the Property and is available for reimbursement to the Parties after other required reimbursements have been satisfied under the Reimbursement Agreement, and

b. Any Property Brownfield Approvals (as defined in Section 30 of the Purchase Agreement), which may be sought by Veridea after the date of this Assignment, including approvals by the State of Michigan, Michigan Strategic Fund, or any applicable agencies with jurisdiction to authorize the reimbursement of Eligible Activities expenses from TIR derived from taxes levied for School Operating Purposes (as defined in Act 381).

4. Indemnification: Veridea indemnifies, defends, and holds harmless NMUF, and any and all of its past, present and future members, officials, employees, representatives, agents and consultants ("**Indemnified Persons**") from and against any and all losses, demands, claims, actions, causes of action, assessments, suits, judgments, damages, liabilities, penalties, costs and expenses (including without limitation the actual reasonable fees and expenses of attorneys and other consultants) ("**Claims**") which are asserted against, or are imposed upon or incurred by NMUF and which are resulting from, relating to, or arising out of this Assignment, the Reimbursement Agreement, or the Brownfield Plan, except for any Claim resulting from or arising out of a breach of the representations and warranties by NMUF under this Assignment or any fraud or actions or omissions constituting willful misconduct or negligence on the part of NMUF or any of the Indemnified Persons.

5. Miscellaneous:

a. This Assignment may not be modified, amended, or otherwise changed except by a written agreement duly executed by NMUF and Veridea.

b. If any term of this Assignment shall be held to be invalid, illegal or unenforceable, the validity of the other terms hereof shall be in no way affected thereby.

c. If any legal action, arbitration or other proceeding is brought or if an attorney is retained for the enforcement of this Assignment or any portion thereof, the prevailing party shall be entitled to recover from the other reimbursement for the reasonable fees of attorneys and other costs and expenses (including court costs and witness fees) incurred by it, in addition to any other relief in which it may be entitled. The term “prevailing party” means the party obtaining substantially the relief sought, whether by compromise, settlement or judgement.

d. To the extent not already incurred by the Parties, Veridea shall be responsible for the payment of any or all fees, costs and expenses incurred in connection with the preparation, execution, amendment, or other work related to this Assignment, the Brownfield Plan, Reimbursement Agreement, or any other documentation related to Property Brownfield Approvals that may be sought by Veridea after the date of this Assignment.

e. All notices, requests, demands or other communications required hereunder shall be in writing and shall be deemed given (a) when personally served, (b) when received if mailed by registered or certified mail, postage prepaid, return receipt requested, or (c) on the date of the receipt of confirmation for any notice that was sent by e-mail. All notices, demands, or other communications required hereunder shall be delivered or sent to the Parties as follows:

If to NMUF:	Brad Canale, Chief Executive Officer Northern Michigan University Foundation 607 Cohodas Hall 1401 Presque Isle Avenue Marquette, Michigan 49855 Email: bcanale@nmu.edu
-------------	--

With a required copy to:	Northern Michigan University Foundation 1401 Presque Isle Ave. Marquette, MI 49855 Attn: David Nyberg, Esq. Email: dnyberg@nmu.edu
--------------------------	--

If to Veridea:	Robert E. Mahaney, Manager Veridea Group, LLC 857 W. Washington Street, Suite 301 Marquette, MI 49855 Email: rmahaney@verideagroup.com
----------------	--

With a required copy to:	Hainer & Berman, P.C. 24255 W. 13 Mile Road, Suite 270 Bingham Farms, MI 48025 Attn: Leonard K. Berman, Esq.
--------------------------	---

Email: lberman@hainerberman.com

or to such other address and/or representative as such party may specify by appropriate notice.

f. Upon payment in full of the MBRA's obligations under the Reimbursement Agreement, this Assignment shall become void and of no effect.

g. The Assignment shall be governed by, and interpreted according to, Michigan law as set forth in the Purchase Agreement.

h. This Assignment may be signed in one or more counterparts (or with counterpart signature pages) which, taken together, shall constitute a fully executed agreement and shall be considered a single document. Any signature delivered by a party by electronic .pdf scan or similar method, shall be deemed to be an original signature to this Assignment. In the event that signatures are exchanged by electronic scan, the parties hereto shall promptly thereafter deliver to each other "paper" executed counterpart originals of this Assignment.

[REMAINDER OF PAGE LEFT BLANK]

[SIGNATURES COMMENCE ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Allocation Agreement and Assignment of Tax Increment Revenues as of the day and year first above written.

VERIDEA:

VERIDEA GROUP, LLC., a Michigan limited liability company

By: _____
Robert E. Mahaney
Its: Manager

NMUF:

NORTHERN MICHIGAN UNIVERSITY
FOUNDATION, a Michigan nonprofit corporation

By: _____
Brad M. Canale
Its: Chief Executive Officer

By: _____
Mark Pynnonen
Its: President

**CITY OF MARQUETTE BROWNFIELD REDEVELOPMENT AUTHORITY
CONSENT TO ASSIGNMENT**

The City of Marquette Brownfield Redevelopment Authority (the “MBRA”) hereby consents to the foregoing Allocation Agreement and Assignment of Tax Increment Revenues (the “Assignment”) and acknowledges the right of Veridea thereunder to receive reimbursement payments as provided for in this Assignment and pursuant to the Reimbursement Agreement between NMUF, the MBRA and the City dated April 1, 2023 (“Reimbursement Agreement”), if and as they become due and payable.

The MBRA acknowledges that NMUF has complied with the required actions under Section 10.2 of the Reimbursement Agreement to allow the NMUF to retain its right to reimbursements of a portion of outstanding Eligible Activity expense obligations as provided for in the Assignment following the sale or transfer of the Eligible Property within the Brownfield Plan.

Dated as of the date of the Allocation Agreement and Assignment of Tax Increment Revenues.

CITY OF MARQUETTE BROWNFIELD REDEVELOPMENT AUTHORITY, a Michigan public body corporate

By: _____
Name: _____
Its: _____
Date: _____

And

By: _____
Name: _____
Its: _____
Date: _____

**CITY OF MARQUETTE
CONSENT TO ASSIGNMENT**

The City of Marquette City Commission (“City Commission”) hereby consents to the foregoing Allocation Agreement and Assignment of Tax Increment Revenues (the “Assignment”) and acknowledges the right of Veridea thereunder to receive reimbursement payments as provided for in this Assignment and pursuant to the Reimbursement Agreement between NMUF, the MBRA and the City dated April 1, 2023 (“Reimbursement Agreement”), if and as they become due and payable.

The City Commission acknowledges that NMUF has complied with the required actions under Section 10.2 of the Reimbursement Agreement to allow the NMUF to retain its right to reimbursements of a portion of outstanding Eligible Activity expense obligations as provided for in the Assignment following the sale or transfer of the Eligible Property within the Brownfield Plan.

Dated as of the date of the Allocation Agreement and Assignment of Tax Increment Revenues.

CITY OF MARQUETTE, a Michigan public body corporate

By: _____
Name: _____
Its: _____
Date: _____

And

By: _____
Name: _____
Its: _____
Date: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

Consent Agenda - Roll Call Vote

License to Use a Portion of the Magnetic Street Right-of-Way Adjacent to 305 W. Magnetic Street

BACKGROUND:

Messiah Lutheran Church and Gretchen's House have submitted an application to use a portion of the Magnetic Street right-of-way adjacent to the church at 305 W. Magnetic Street, for the placement of fencing to enclose an area of about 3,000 sq. feet that will be used as an outdoor child care and play area. All relevant City staff have approved the request and the applicant has signed the License prepared by the City Attorney.

FISCAL EFFECT:

A one-time fee of \$445 has been paid.

RECOMMENDATION:

Approve the request, and authorize the Mayor and Clerk to sign the License.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Application-Exhibit-Staff Review_06-PRU-06-24
- ▣ Grant of License Agreement_signed by applicant_06-PRU-06-24

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



CITY STAFF USE

Date Submitted: 06-19-24 Parcel ID#: 0410150 File #: 06-PRU-07-24
Property Address/Location: 305 W. Magnetic Street
Adequate Legal Description Submitted: (Y) / N Anticipated Hearing Date: 07-08-24
Receipt #: _____ Check #: _____ Received by and date: _____

FEE \$445 (We can only accept Cash or Check (written to the City of Marquette))

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

APPLICANT CONTACT INFORMATION

APPLICANT

Name: Messiah Lutheran Church
Address: 305 West Magnetic
City, State, Zip: Marquette, MI 49855
Phone #: 906 225-1119
Fax #: _____
Email: andrew@messiahlutheranmqt.org

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

APPLICANT'S REPRESENTATIVE

Name: Gretchen's House
Address: 4531 Concourse
City, State, Zip: Ann Arbor, MI 48108
Phone #: 734 260-9027
Fax #: _____
Email: gretchen.preston@gretchenshouse.com

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

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

305 West Magnetic

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

The child care center is required by licensing regulations to have an outside play area for all children. This area must be fenced for the children's safety. The fence to be placed in this area will be 4 feet tall and be 50% open (or more) to meet city requirements. A photo of the type of fence recommended is attached to this application. There will be a gate, of the same fence material, on the concrete walk leading to the lower level entry door.

ATTACHMENTS

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

I have attached an aerial photo of this area with a black dotted line showing the area that we wish to fence. This fence will allow the young children using the classrooms on the east side of side church to exit directly onto a fenced play area. A portion of this play area is in the city right of way between the front (north) of the church and the city sidewalk. Discussion and agreement between the church and the childcare center have determined that this is the desired area to be fenced.

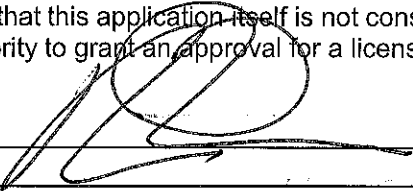
LEGAL DESCRIPTION

Legal description of the license/easement area:

See Exhibit A for a graphic description

SIGNATURE

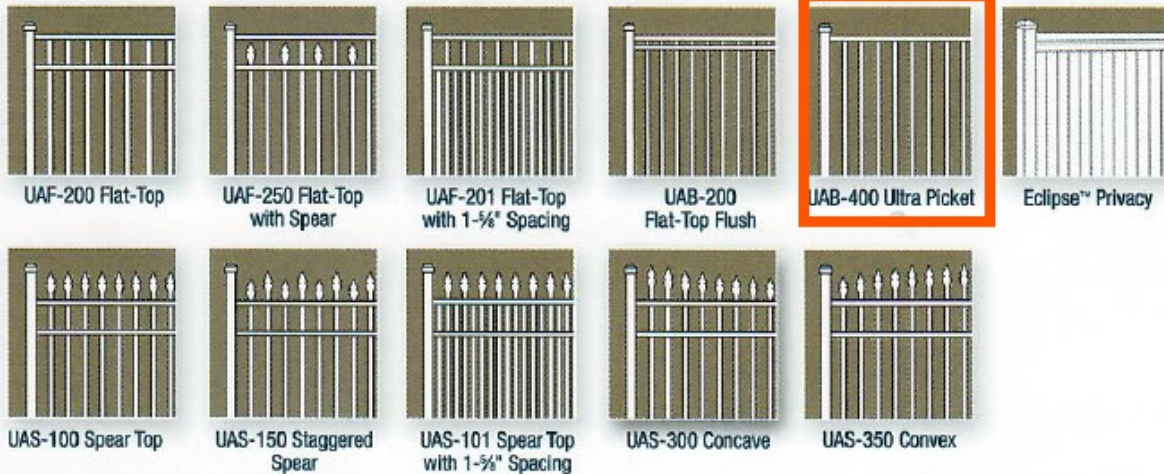
I understand that this application itself is not considered an approval and only the Marquette City Commission has the authority to grant an approval for a license/easement for use of property owned by the City of Marquette.

Signature: 

Date: 5/15/24

Design Options

Ultra Aluminum™ Fencing is available in a wide selection of design configurations. Residential available in 3-13/16" or 1-5/8" spacing. Commercial available in 3-5/8" or 1-1/2" spacing.



LIGHT COMMERCIAL
provides strength and value with a unique, bold picket design.

1" X 1-1/8"
REINFORCED RAIL
5/8" X 1" PICKETS



Ultra Aluminum™ Lifetime Warranty

Ultra Aluminum™ fence and railing products are guaranteed for life against defects in workmanship and/or materials. The Powercoat™ finish on all fencing and railing by Ultra Aluminum™ is guaranteed for life against cracking, peeling or chipping. **Visit our website for more information and a copy of the warranty.**



Environmentally Responsible

Ultra Aluminum™ is proud to use recycled aluminum in our products. Aluminum is the most commonly recycled metal in the world. Our Powercoat™ coating process is environmentally friendly and virtually pollution-free.



We're Made In The USA

Ultra Aluminum™ is proud to only use American-made components in all its products. Ultra Aluminum Fencing is designed, produced and assembled in the U.S.A. Always look for the **Made in the U.S.A.** label when deciding which fence products to use.

ULIRACK ULTRAFENCE Defender Signature Eclipse Eclipse Collection Eclipse.vp.



ULTRAFENCE.COM | 800.656.4420

Ultra and the picket caps logo is a registered trademark of Ultra Aluminum Manufacturing Inc.

Fencing Specifications

Components	Residential Series	Commercial Series
Pickets	5/8" sq. x .050	3/4" sq. x .055
Ultra Picket	1" x 5/8" x .062	
Light Commercial Picket	5/8" x 1" x .050	
Rails Top Wall	1 1/8" x .062	1 3/8" x .065
Side Wall	1" x .080	1 1/4" x .088
Lower Rail		
Side Wall	3/4" x .070	1" x .070
Bottom Wall	1 1/8" x .070	1 3/8" x .070
Standard Posts	2" sq. x .060	2" sq. x .080
	2" sq. x .080	2" sq. x .125
	2" sq. x .125	2 1/2" sq. x .100
	2 1/2" sq. x .100	3" sq. x .125
Gate Posts	2" sq. x .125	3" sq. x .125
	2 1/2" sq. x .100	4" sq. x .125
Picket Spacing	3 13/16"	3 5/8"
	1 5/8" optional	1 1/2" optional
Ultra Picket	3 7/16"	
Post Spacing	72 1/2" on center	72 1/2" on center
		8' wide optional
Heights Available	36" 42" 48"	36" 42" 48"
	54" 60" 72"	54" 60" 72"

Magnetic Street

EXHIBIT A

06-PRU-07-2024

License to Use Public Right of Way
for fencing adjacent to
305 W Magnetic St.
Messiah Lutheran Church

Area of Requested
License is outlined in
orange and within the
yellow rectangle at right

Applicant has received a
permit for a fence on in the
area shown in orange that
is on the private property
at 305 W Magnetic St.

Fourth Street

305
0410150

305

1024
0410140

1024

1015
0330660

1015

301

301
0340031

1029
0340021

1025
0340010

In regard to the map, the information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained herein does not replace information that may be obtained by consulting the information's official source. In no event shall the City of Marquette be liable for any damages, direct or consequential, from the use of the information.



1 inch = 31 feet

File #: _____

Parcel ID#: _____

STAFF REVIEW

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

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

<u>Reviewing Department</u>	<u>Recommend Approval</u>	<u>Comments</u>
-----------------------------	-------------------------------	-----------------

Planning & Zoning-Community Development

Date Received: _____

Treasurer

Date Received: _____

Police

Date Received: _____

Engineering- Community Development

Date Received: _____

DPW

Date Received: _____

Fire

Date Received: _____

Community Services (Parks & Rec.)

Date Received: _____

GRANT OF LICENSE

THE CITY OF MARQUETTE, a municipal corporation of 300 W. Baraga Ave., Marquette, MI 49855, ("City"), and MESSIAH LUTHERAN CHURCH, of 305 W. Magnetic St., Marquette, Michigan 49855, "CHURCH," enter into this agreement on _____, 2024, subject to the following conditions:

1. Background. The City owns the Magnetic Street right of way, in the City of Marquette, and State of Michigan.
Church desires to construct a fence ("Fence"), on the real estate and to the specifications set forth in Exhibit A, with the additional requirement that Church installs and maintains the Fence at least a 1 foot away from the adjacent sidewalk.
2. Grant of the license. In consideration of \$445.00, the City grants to Church the right to construct and maintain the Fence on the real estate and to the specifications set forth in Exhibit A.
3. Construction and Maintenance. Church shall construct, and at all times while this License is in effect, maintain the Fence in good repair. Church shall be responsible for all fees and expenses related to the construction and maintenance of the Fence and real estate described in Exhibit A.
4. Use. The right to use the real estate described in Exhibit A is not exclusive, however as long as this License is in effect, the City shall not permit any use contrary to the Fence except as may be necessary to install, repair, remove or replace utilities. In the event the City repairs, removes or replaces utilities or performs street work, Church shall be responsible for any removal of, repair to or replacement of the Fence in connection with utility work. Church shall not use the real estate for any purpose except as specifically allowed within this agreement, and shall not alter, injure or damage the City's real estate.
5. Reimbursement for damages. Church shall reimburse the City for any physical damages to the City's real estate caused by Church's use on the real estate. Church shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability cost and/or expense, including but not limited to, interest, penalties, consultants fees and expenses, and attorneys' fees and expenses, asserted against, imposed upon or incurred by the City due solely to Church's use. Church's obligations under this provision shall not extend to claims, losses, expenses or damages arising out of or in any way attributable to the negligence of the City or its agents, consultants, or employees. Church reserves the right to control the defense and settlement of any claim for which Church has an obligation to indemnify hereunder.
6. Revocation. This License may be revoked by either party at any time by providing at least 180 days' written notice of termination to the other party. On the termination date, all rights and obligations of the parties shall cease and on or before the termination date, Church shall remove the Fence from the real estate, at its own expense. Church shall not be entitled to a reimbursement for any portion of the fee previously paid to the City.
7. Personal Interest. The rights granted herein are personal to Church, and terminate upon the transfer of ownership of Church's premises.
8. Entire Agreement. This Grant of License constitutes the entire agreement between the parties.

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

CITY OF MARQUETTE

By: Sally Davis
Its: Mayor

By: Kyle Whitney
Its: Clerk

STATE OF MICHIGAN)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on _____, 2024, by Sally Davis, Mayor and Kyle Whitney, Clerk, of the City of Marquette, a Michigan municipal corporation.

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

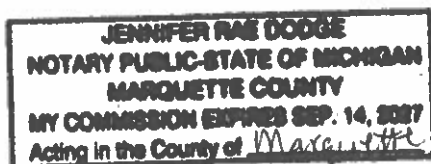
Messiah Lutheran Church

By: Andrew Plocher
Its: Senior Pastor

STATE OF MICHIGAN)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on July 9, 2024, by Andrew Plocher, Senior Pastor of Messiah Lutheran Church.

Jennifer Rae Dodge
_____, Notary Public
State of Michigan, County of Marquette
My Commission Expires: 9-14-2027
Acting in the County of Marquette



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

Consent Agenda - Roll Call Vote

License to Use a Portion of the Third Street Right-of-Way Adjacent to 600 N. Third Street

BACKGROUND:

More Cowbell, LLC has submitted an application to continue use of a small portion of the Michigan Street right-of-way adjacent to the office at 600 N. Third Street, for the placement of a concrete staircase and handrail. This staircase was previously licensed in 2018, but a new License was drafted after the previous License was voided due to non-payment of the annual fee. The payments owed to the City have been made, all relevant City staff have approved the request, and the applicant has signed the attached License prepared by the City Attorney.

FISCAL EFFECT:

The one-time \$445 fee has been paid by the applicant.

RECOMMENDATION:

Approve the request, and authorize the Mayor and Clerk to sign the License.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Application-Exhibit-Staff Review_07-PRU-07-24
- ▣ Grant of License signed by Applicant

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



CITY STAFF USE

Date Submitted: 6-3-24 Parcel ID#: 0180300 File #: 07-PRU-07-2024
Property Address/Location: 600 N Third Street
Adequate Graphic Image or Legal Description Submitted: Y/N
Receipt #: 850241 Check #: 1037 Received by and date: AC 6-3-24

FEE \$445 (We can only accept Cash or Check (written to the City of Marquette))

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS! If you have any questions, please call 228-0425 or e-mail dstensaas@marquettemi.gov.

ADDRESS INFORMATION

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

600 N. Third Street, Marquette, MI 49855

APPLICANT CONTACT INFORMATION and LEGAL NAME OF PROPERTY OWNER

APPLICANT or REPRESENTATIVE

Name: George W. Hyde III
Address: 77 N. Basin Drive
City: Negaunee MI
State, Zip: MI 49866
Phone #: 906-360-7759
Email: gwhyde3@aol.com

NAME(S) ON PROPERTY DEED

Name(s): More Cowbell LLC
Address: 77 N. Basin Drive
City, State, Zip: Negaunee MI 49866
Phone #: 906-360-7759
Email: gwhyde3@aol.com

PROJECT DESCRIPTION

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

Front steps and porch for entry to business
address 600 N. Third St., Marquette. The
structure already exists pursuant to previous
lease.

LEGAL or GRAPHIC LOCATION DESCRIPTION

A surveyed legal description of the license/easement area or a graphic image of the approximate requested license area is required. City staff can provide an aerial photo of the subject property/area to assist with creating a graphic location description/exhibit for the application.

Please see photos attached
hereto showing aerial view of property.

ATTACHMENTS

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

SIGNATURE

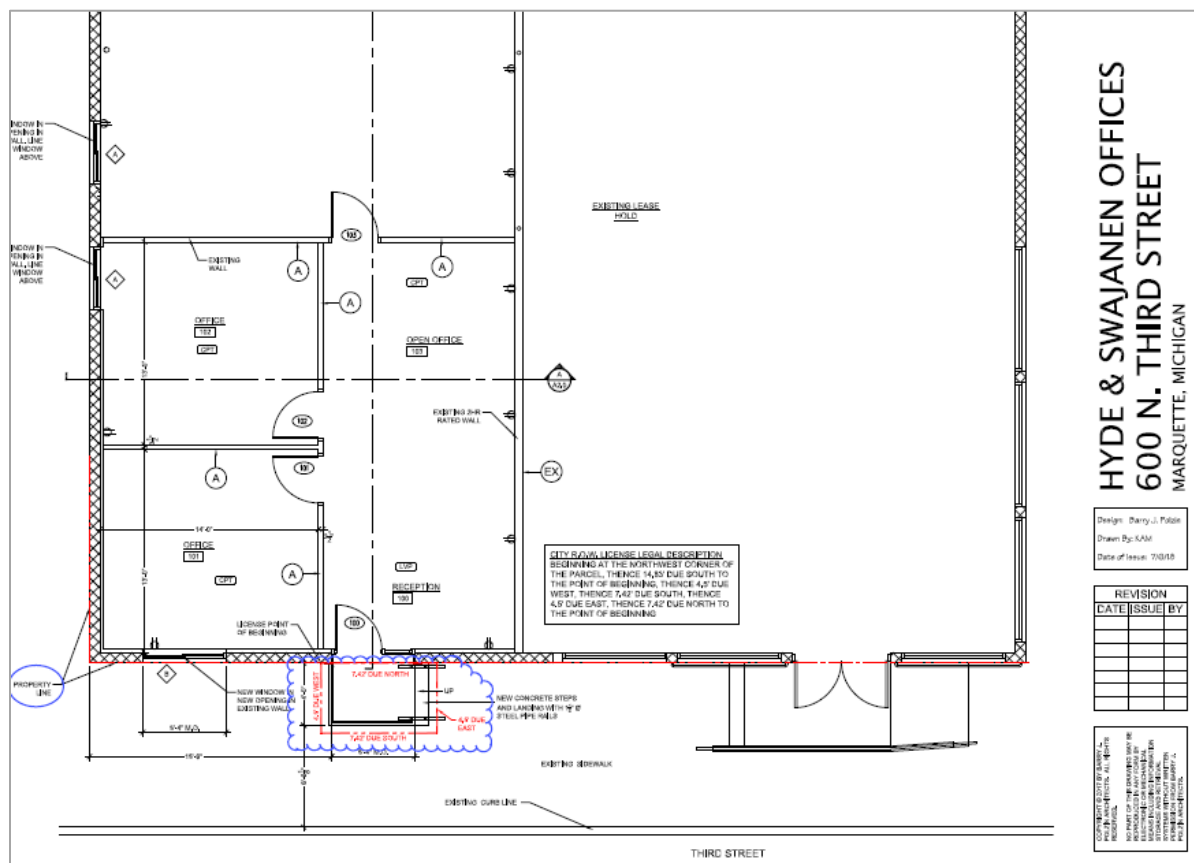
I understand that this application itself is not considered an approval and only the Marquette City Commission has the authority to grant an approval for a license/easement for use of property owned by the City of Marquette.

Signature: _____

Date: _____

6/3/24

07-PRU-07-24 600 N. Third Street – stairs and handrail built in 2018



File #: _____

Parcel ID#: _____

STAFF REVIEW

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

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

<u>Reviewing Department</u>	<u>Recommend Approval</u>	<u>Comments</u>
-----------------------------	-------------------------------	-----------------

Planning & Zoning-Community Development

Date Received: _____

Treasurer

Date Received: _____

Police

Date Received: _____

Engineering- Community Development

Date Received: _____

DPW

Date Received: _____

Fire

Date Received: _____

DDA (if parcel is in DDA district - advisory)

Date Received: _____

GRANT OF LICENSE

THE CITY OF MARQUETTE, a municipal corporation of 300 W. Baraga Ave., Marquette, MI 49855, ("City"), and MORE COWBELL, LLC, a Michigan Limited Liability Company of 77 N. Basin Drive, Negaunee, MI 49866, "More Cowbell," enter into this agreement on _____, 2024, subject to the following conditions:

1. Background. The City owns the Third Street right of way, in the City of Marquette, and State of Michigan.
More Cowbell desires to construct access concrete steps, landing and handrail ("Steps"), on the real estate and to the specifications set forth in Exhibit A.
2. Grant of the license. In consideration of \$445.00, the City grants to More Cowbell the right to construct and maintain the Steps on the real estate and to the specifications set forth in Exhibit A.
3. Construction and Maintenance. More Cowbell shall construct, and at all times while this License is in effect, maintain the Steps in good repair. More Cowbell shall be responsible for all fees and expenses related to the construction and maintenance of the Steps and real estate described in Exhibit A.
4. Use. The right to use the real estate described in Exhibit A is not exclusive, however as long as this License is in effect, the City shall not permit any use contrary to the Steps except as may be necessary to install, repair, remove or replace utilities. In the event the City repairs, removes or replaces utilities or performs street work, More Cowbell shall be responsible for any removal of, repair to or replacement of the Steps in connection with utility work. More Cowbell shall not use the real estate for any purpose except as specifically allowed within this agreement, and shall not alter, injure or damage the City's real estate.
5. Reimbursement for damages. More Cowbell shall reimburse the City for any physical damages to the City's real estate caused by More Cowbell's use on the real estate. More Cowbell shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability cost and/or expense, including but not limited to, interest, penalties, consultants fees and expenses, and attorneys' fees and expenses, asserted against, imposed upon or incurred by the City due solely to More Cowbell's use. More Cowbell's obligations under this provision shall not extend to claims, losses, expenses or damages arising out of or in any way attributable to the negligence of the City or its agents, consultants, or employees. More Cowbell reserves the right to control the defense and settlement of any claim for which More Cowbell has an obligation to indemnify hereunder.
6. Revocation. This License may be revoked by either party at any time by providing at least 180 days' written notice of termination to the other party. On the termination date, all rights and obligations of the parties shall cease and on or before the termination date, More Cowbell shall remove the Steps from the real estate, at its own expense. More Cowbell shall not be entitled to a reimbursement for any portion of the fee previously paid to the City.
7. Personal Interest. The rights granted herein are personal to More Cowbell, and terminate upon the transfer of ownership of More Cowbell's premises.
8. Entire Agreement. This Grant of License constitutes the entire agreement between the parties.

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

CITY OF MARQUETTE

By: Sally Davis
Its: Mayor

By: Kyle Whitney
Its: Clerk

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on _____, 2024,
by Sally Davis, Mayor and Kyle Whitney, Clerk, of the City of Marquette, a Michigan municipal
corporation.

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

More Cowbell, LLC

By: George W. Hyde III
Its: Member, President

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on July 16, 2024,
by George Hyde III, President of More Cowbell, LLC.

ANN M. COOK
Notary public, Marquette County, Michigan
My commission expires November 22, 2024,

Ann M. Cook
Ann M. Cook, Notary Public
State of Michigan, County of Marquette
My Commission Expires: 11-22-24
Acting in the County of Marquette

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

Consent Agenda - Roll Call Vote **MERS Annual Meeting - Officer Delegate Appointment**

BACKGROUND:

The Municipal Employees' Retirement System (MERS) is holding its 2024 annual conference in Grand Rapids on October 10-11, 2024. 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 Human Resources Manager Lora Kinnunen as the Officer Delegate, and Chief Financial Officer Mary Schlicht 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 in the Fire Department and the Alternate will be Tim Raich, Payroll and Pension Specialist from the Human Resources Department.

FISCAL EFFECT:

Adequate funding to cover travel and conference fees will be included in the FY 2025 budget.

RECOMMENDATION:

Appoint the Human Resources Manager Lora Kinnunen as the Officer Delegate and the Chief Financial Officer Mary Schlicht as the Alternate to attend the 2024 MERS Annual Meeting and confirm the Employee Delegate, Jennifer Jakubowski, and Alternate Tim Raich.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Letter - No Delegate Election
- ▣ 2024 MERS Delegate Form



June 21, 2024

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



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

2024 Officer and Employee Delegate Certification Form

MERS Annual Business Meeting | October 2024

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 2024 MERS Annual Business Meeting by official action of the governing body (or chief judge for a participating court) on _____, 2024.

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 2024 MERS Annual Business Meeting by secret ballot election conducted by an authorized officer on _____, 2024.

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).

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

Consent Agenda - Roll Call Vote

MERS Authorized Official Resolution - Roll Call Vote

BACKGROUND:

The City of Marquette is a participating municipality with the Municipal Employees' Retirement System of Michigan (MERS) and has adopted products administered by MERS. MERS requires signatures of an authorized official of the Employer to execute contracts with MERS and requires the approval of this representative by the governing body. Due to reorganization in the City, the Deputy City Manager now has oversight over Human Resources and employee benefits, including the retirement plans, and requires this designation as a function of the position. The Chief Financial Officer is also an authorized official and will be the signatory on this resolution.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Approve the resolution designating the Deputy City Manager as an Authorized Official for the City of Marquette's Municipal Employees Retirement System.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Resolution

Resolution Establishing Authorized Signatories for MERS Contracts and Service Credit Purchase Approvals



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

This Resolution is entered into under the provisions of 1996 PA 220 and the Municipal Employees' Retirement System of Michigan ("MERS") Plan Document, as each may be amended.

This resolution is being adopted by the governing body of the participating entity and applies to all reporting units of said participating entity.

WHEREAS, _____ ("Employer") is a participating municipality with the Municipal Employees' Retirement System of Michigan ("MERS") and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

WHEREAS, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

WHEREAS, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS' contracts relating to the adoption, amendment and termination of MERS' products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

WHEREAS, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. _____

Optional additional job positions:

2. _____

3. _____

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Adopted at a regular/special meeting of the Governing Body on _____, 20_____.

Authorized signature (must be currently in a position named above): _____

Name: _____

Title: _____

Witness signature: _____

Witness name: _____

Witness title: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

Consent Agenda - Roll Call Vote

Proclamation - Downtown Marquette Farmers Market Week

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Proclamation



Proclamation
Downtown Marquette Farmers Market Week
August 3-10, 2024

WHEREAS, Marquette area farmers and ranchers provide citizens with access to healthful, locally, and regionally produced foods through farmers' markets, which are expanding and evolving to accommodate the demand for a diverse array of agricultural products; and,

WHEREAS, farmers markets and other agricultural direct marketing outlets provide infrastructure to assist in the distribution of farm and value-added products, thereby contributing approximately \$9 billion each year to the U.S. economy; and,

WHEREAS, farmers markets serve as significant outlets by which small-to-medium, new and beginning, and veteran agricultural producers market agricultural products, generating revenue that supports the sustainability of family farms and the revitalization of rural communities nationwide; and,

WHEREAS, the Marquette City Commission recognizes the importance of expanding agricultural marketing opportunities that assist and encourage the next generation of farmers and ranchers; generate farm income to help stimulate business development and job creation; build community connections through rural and urban linkages; and more;

NOW, THEREFORE, to further increase awareness of farmers markets' contributions to the City of Marquette's life I, Sally Davis, Mayor, do hereby proclaim the week of August 3-10, 2024, as the City of Marquette Farmers Market Week, in conjunction with the observance of National Farmers Market Week. I call upon Marquette citizens to celebrate farmers' markets with appropriate observance and activities.

DATED this 29th day of July, 2024.

Sally Davis, Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

Consent Agenda - Roll Call Vote **Release of Kids Cove Funds**

BACKGROUND:

Funds were donated for the construction of a new playground at Mattson Park. The funds are held in trust in the "Playground of All - Kids Cove 2" fund at the Community Foundation of Marquette County (Foundation). The City has incurred expenditures towards the completion of the construction and reimbursement for the expenditures is requested. An itemized accounting is attached.

FISCAL EFFECT:

None by this action. The donated funds are held in the "Playground for All - Kids Cove 2" fund at the Foundation until expenditures are incurred and a request for reimbursement is submitted by the City.

RECOMMENDATION:

Approve the release of \$722,040.02 from the "Playground for All - Kids Cove 2" to reimburse the City for expenditures incurred for construction of the new playground.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Kids Cove 04/01/2024 - 06/30/2024



community foundation
of Marquette County

Designated Fund Recommendation Form

Fund Name Playground for All- Kids Cove 2 (City of Marquette)

The Fund Representative recommends the following:

- ☒ Distribute the Available Fund Balance to Grant to the designated agency in the amount of: \$ 722,040.02 ^A
- ☐ Reinvest the Available Fund Balance to Grant in the amount of: \$ _____
- ☐ Allow the Available Fund Balance to Grant to remain spendable until further notice

Mary S. Schlicht

*Fund Representative Name (Please print legibly)

Mary S. Schlicht

Signature

mschlicht@marquette.mi.gov

Email

7.9.24

Date

Mail, email or fax the completed form to:

Community Foundation of Marquette County

PO Box 37

228 W. Washington Street, Suite 6

Marquette, MI, 49855

Fax: (906) 226-2104 Phone: (906) 226-7666

Email: info@cfofmc.org

Office use only:

Received: _____

Grant #: _____

Staff Initials: _____

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 432 Construction Fund							
04/01/2024			432-459-972.000-50272 C/O-Kids Cove Playground		BEG. BALANCE		0.00
06/13/2024	AP	INV	KIDS COVE PLAYGROUND CONSTRUCTION SEY EST #1 24-002714		802,266.69		802,266.69
06/30/2024			432-459-972.000-50272	END BALANCE	802,266.69	0.00	802,266.69
GRAND TOTALS:					802,266.69		802,266.69

KIDS COVE CONSTRUCTION
PO# 24-002714
PAY TO THE ORDER

DATE: 06/12/24

Vendor Name: ASSOCIATED CONSTRUCTORS, LLC
Vendor Number: 00113
Contract Amount: \$1,601,528.00

\$ AMOUNT TO BE CHARGED
FOR PAY ESTIMATE 1 Inv No. 5/17/24

P.O:

432-459-972.000-50272 \$802,266.69 B

TOTAL \$802,266.69

432-000-211 Retainage 10% \$80,226.67

Payment # 1 \$722,040.02 A

Signed:  Date: 6-12-24

SANDERS & CZAPSKI ASSOCIATES, PLLC

ARCHITECTURE / LANDSCAPE ARCHITECTURE / HISTORIC PRESERVATION

May 17, 2024

Mr. Jon Swenson
Director of Community Services
City of Marquette
401 East Fair Avenue
Marquette, MI 49855

Re: Kids Cove Inclusive Playground

Dear Jon,

Please find attached the Contractors application for payment and certified payroll reports for the Kids Cove project. This is their first application for payment. We have reviewed this application as well as the site of the work and agree that this request accurately represents a physical completion of 50%. The payroll reports cover the period from the week ending September 16, 2023 through the week ending May 11, 2024.

Based on our review of this application, we recommend that payment be made to Associated Constructors for the amount of \$722,040.02. **A**

If you have any questions or comments, please do not hesitate to contact me at 906-458-2209 or via email at Bill@Sanders-Czapski.com.

Respectfully submitted,



Bill Sanders, ASLA
Landscape Architect / Principal

Enclosure: Application for Payment / Certified Payroll Reports

Cc: Mik Kilpela, City Engineer
Gayla Salani, Associated Constructors

109 South Front Street / Suite 210 / Marquette, MI 49855
Phone: 906 - 273 - 1207

CORRECTED

APPLICATION FOR PAYMENT NO. 6082

To: City of Marquette 300 West Baraga Ave Marquette MIContract for: Kids Cove Playground Mattson Park Marquette, MIOWNER'S Contract No. 23-493 ENGINEER'S Project No. _____For Work accomplished through the date of May 11, 2024

Item	Description	Contractor's Schedule of Values			Work Completed	
		Unit Price	Quantity	Amount	Quantity	Amount
01	Playground	909,828.00	1.00	909,828.00		307,341.69
02	Earthwork	224,100.00	1.00	224,100.00		145,665.00
03	Site Work	343,500.00	1.00	343,500.00		274,800.00
04	Other related work	124,100.00	1.00	124,100.00		74,460.00
	Total			1,601,528.00		802,266.69

Accompanying Documentation:

<u>paid invoices</u>
<u>playground equipment</u>

GROSS AMOUNT DUE	\$802,266.69	B
PLUS ADD-ONS	0.00	
PLUS TAX	0.00	
LESS RETAINAGE	80,226.67	
AMOUNT DUE TO DATE	722,040.02	
LESS PREVIOUS PAYMENTS	0.00	
AMOUNT DUE ALL APPLICATIONS	722,040.02	
AMOUNT DUE THIS APPLICATION	<u>722,040.02</u>	A

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 through _____ inclusive; (2) title to all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interest and encumbrances (except such as are covered by Bond acceptable to OWNER indemnifying OWNER against any such lien, claim, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective as that term is defined in the Contract documents.

Dated 5.17.2024Associated Constructors, LLC

CONTRACTOR

By [Signature]
(Authorized Signature)

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 5/17/2024BILL SANDERS

ENGINEER PSC

By [Signature]
(Authorized Signature)



MIDWAY INDUSTRIAL PARK • P.O. BOX 970
MARQUETTE, MICHIGAN 49855
(906) 228-6504

NORTHERN MICHIGAN BANK & TRUST
MARQUETTE, MICHIGAN 49855

24-111
011

96360

EQUAL OPPORTUNITY EMPLOYER
VOID AFTER 60 DAYS

Pay: *****Eight thousand seventy dollars and no cents

DATE

CHECK NO.

AMOUNT

April 19, 2024

96361 \$*****8,070.00

PAY
TO THE
ORDER
OF

Landscape Forms, INC
P. O. Box 78000
Dept 78073
Detroit, MI 48278

Gary A. ...
AUTHORIZED SIGNATURE

2 SIGNATURES REQUIRED OVER \$1,000

⑈096360⑈

⑈0000807000⑈

JPMORGANCHASE BK NA

050724 >074909962<

00000529 0078073

000037643_0005 0000805000045910

CA TO NMD

PAYEE ALL

RTS RSVD

000045910

DO NOT SIGNATURES REQUIRED OVER \$1,000

ENDORSE CHECK HERE

Invoice

Invoice Date: 4/4/2024
 Reference/P.O.#: Sgnd Qt
 Order #: 0000384904
 Invoice #: 0000197819
 Project: Kids Cove Inclusive Park Marquette, MI

Please remit to our lockbox
 LANDSCAPE FORMS, INC
 PO BOX 78000
 DEPT 78073
 DETROIT, MICHIGAN 48278-0073

96361

Bill To: Associated Constructors
 Accounts Payable
 14 Industrial Park Drive
 Negaunee, MI 49866

Ship To: Associated Constructors
 14 Industrial Park
 Attn: Brian Lindberg
 906-361-4823
 Negaunee, MI 49866

Contact: Accounts Payable

Shipped: 4/4/2024	Ship Via: ESTES	Ship Track#: 0950788512	Terms: NET 30 DAYS
Item	Qty	Unit Price	Total Price
AMERICANA LOUNGE No Tablet Arm Surface Mount Seat Color: Sunset Orange C1 LL_SUNSET	2	1,850.00	3,700.00
AMERICANA LOUNGE No Tablet Arm Surface Mount Seat Color: Leaf Green C1 LL_LFG	2	1,850.00	3,700.00
Shipping & Handling	1	670.00	670.00

LIST ITEM

Payment/Credit from Document

- *** Sales tax, if applicable, has been added to this invoice unless we have received a tax-exempt certificate. If purchaser is indeed tax-exempt, please submit certificate with payment.
- *** Purchaser shall pay all costs and expenses paid or incurred by Seller in collecting any amounts due for goods purchased by Purchaser, including without limitation, reasonable attorneys' fees and costs. Balances on invoices not paid within thirty (30) days of date of invoice or within an alternate period of time as determined and indicated by Seller, shall incur interest at a rate of eighteen percent (18%) per annum. No cash discounts shall be allowed.

18

Job 23 493 Code C1 - 216
 V#
 170 4/16/24

Subtotal: \$ 070.00
 Sales Tax: 0.00
 Payment/Credit Amount: 0.00
 Balance Due: USD 8,070.00

Page: 1

FOR OFFICE USE

Order # P51F3
 Sales: MI5



landscapeforms, Inc. Corporate Address
 TRAC E 142481 Avenue
 Negaunee, MI 49866-9564
 PO Box 501 2540 Pk 207 381 3415
 Federal ID # 35 289757
 GST # R942447986093
 Tax # 14 913 8362
 Tax # 14 913 8362



MIDWAY INDUSTRIAL PARK - P.O. BOX 970
MARQUETTE, MICHIGAN 49855
(906) 226-6504

NORTHERN MICHIGAN BANK & TRUST
MARQUETTE, MICHIGAN 49855

74.134
917

96179

EQUAL OPPORTUNITY EMPLOYER
VOID AFTER 60 DAYS

RECEIVED

FEB 16 2024

Pay: *****Thirteen thousand four hundred eighty dollars and 18 cents

DATE

CHECK NO

AMOUNT

February 9, 2024

96179 \$*****13,480.18

PAY
TO THE
ORDER
OF

Kay Park Recreation
1301 Pine Street
Janesville, IA 50647-1028

Peter J O'Donnell
AUTHORIZED SIGNATURE
Gayle Johnson
2 SIGNATURES REQUIRED (MIN. \$5,000)

⑈096179⑈

ENDORSE CHECK HERE

FOR DEPOSIT ONLY
VERIDIAN CREDIT UNION - 273976369

KAY PARK REC CORP.

ACCT # 4860791715

☐ CHECK HERE IF MOBILE DEPOSIT

FOR DEPOSIT ONLY

ACCT # 4850791715

KAY PARK-REC CORPORATION

2024-02-15 14:08

0886808254

Kay Park Recreation

ASSOCIATED CONSTRUCTORS, LLC
MARQUETTE, MICHIGAN 49855

96179

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
2-09-24	01312402MI	quote 01312402MI	13480.18		13480.18
CHECK DATE	2-09-24	CHECK NUMBER	96179	TOTALS	13480.18

550676-1



Kay Park Recreation

Making People Places, People Friendly Since 1954

Sales@kaypark.com; www.kaypark.com
1301 Pine Street
Janesville, IA 50647-1028
Phone: 800-553-2476; Fax: 319-987-2127

Sales Quote

Page 1 of 1

Quote ID: 01312402MI
Quote Date: 01/31/2024
Date Printed: 02/09/2024
Prepared By: ROSTECK, LORRAINE

XDIRCT

Quote To: ASSOCIATED CONSTRUCTORS
14 INDUSTRIAL PARK
NEGAUNEE, MI 49866

Ship To: BRIAN LINDBERG
14 INDUSTRIAL PARK
NEGAUNEE, MI 49866

Contact: BRIAN LINDBERG

Phone:

Fax:

E-Mail: blindberg@acmq.com

BID

BUSNES

Carrier: ESTES

Payment Terms:



24 Hour Call Ahead



Liftgate



Residential Delivery

Item	Model and Description (Below)	Color Information (If Applicable)	Unit Price (\$)	Qty	Item Total (\$)
1.	62SGRPSSM	BROWN	\$816.00	5	\$4,080.00
2 LEG STAT BENCH 2 3/8" FRAME W/ BACK & 6' RECYCLED PLASTIC PLANK CHOOSE COLOR					
2.	8J2GRRPUWC	BROWN	\$1,860.00	4	\$7,440.00
2 3/8"OD 11GA HOT DIP GALV TBL FRAME ADA W/8' RIENFORCED REC PLAST CHOOSE COLOR					
3.	LEGS GSM		\$109.00	5	\$545.00
ONE LEG FOR STATIONARY SURFACE MOUNT BENCH FRAME (WITH BACK)					

approved
for payment
RJ

Total Weight: 1975 Lbs.

SENDING CHECK

Sub-Total: \$12,065.00

Shipping/Handling: \$683.00

Tax - If Applicable: \$732.18

Total Amount: \$13,480.18

- ☒ Freight charges do not include off loading unless liftgate is checked.
 - ☒ Freight charges may vary due to fuel surcharges.
 - ☒ Site preparation and assembly not included.
 - ☒ Due to volatile material costs quotes are only good for 15 days.
- Any added sales tax is based on the Ship To state. It can be removed with a valid sales tax exemption.

Michigan Sales and Use Tax Certificate of Exemption

This exemption claim should be completed by the purchaser, provided to the seller, and is not valid unless the information in all four sections is complete. Do not send a copy to Treasury unless one is requested.

SECTION 1: TYPE OF PURCHASE Check one of the following

- ☒ A. One-Time Purchase
Order or Invoice Number: _____
- ☐ B. Blanket Certificate Recurring Business Relationship
- ☐ C. Blanket Certificate
Expiration Date (maximum of four years): _____

The purchaser completing this form hereby claims exemption from tax on the purchase of tangible personal property or services purchased from the seller named below. This claim is based upon the purchaser's proposed use of the property or services, OR the purchaser's exempt status.

Seller's Name and Address

Great Lakes Recreation Co., LLC P O Box 295 Zeeland, MI 49464

SECTION 2: ITEMS COVERED BY THIS CERTIFICATE

Check one of the following:

1. ☒ All items purchased
2. ☐ Limited to the following items _____

SECTION 3: BASIS FOR EXEMPTION CLAIM

Check one of the following:

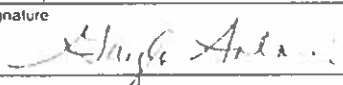
1. ☐ For Lease Purchaser will lease the property and elects to pay tax based on rental receipts. Enter sales tax license or use tax registration number _____
2. ☐ For Resale at Retail. Enter Sales Tax License Number _____
3. ☐ Direct Pay - Authorized to pay use tax on qualified transactions directly to Michigan Treasury under account number: _____

The following exemptions DO NOT require the purchaser to provide a number:

4. ☐ Agricultural Production. Enter percentage _____ %
5. ☐ Government Entity (U.S. or its instrumentalities, State of Michigan or its political subdivisions), Nonprofit School, Nonprofit Hospital, Church or House of Religious Worship (circle type of organization)
6. ☐ Contractor (provide Michigan Sales and Use Tax Contractor Eligibility Statement (Form 3520))
7. ☒ For Resale at Wholesale.
8. ☐ Industrial Processing. Enter percentage _____ %
9. ☐ Nonprofit Internal Revenue Code Section 501(c)(3), 501(c)(4), or 501(c)(19) Exempt Organization
10. ☐ Nonprofit Organization with an authorized letter issued by Michigan Department of Treasury prior to July 17, 1998 (sales tax) or June 13, 1994 (use tax).
11. ☐ Rolling Stock purchased by an Interstate Motor Carrier.
12. ☐ Other (explain): _____

SECTION 4: CERTIFICATION

I declare, under penalty of perjury, that the information on this certificate is true, that I have consulted the statutes, administrative rules and other sources of law applicable to my exemption, and that I have exercised reasonable care in assuring that my claim of exemption is valid under Michigan law. In the event this claim is disallowed, I accept full responsibility for the payment of tax, penalty and any accrued interest, including, if necessary, reimbursement to the vendor for tax and accrued interest.

Business Name Associated Constructors, LLC		Type of Business (see codes on page 2) 03
Business Address P O Box 970		City, State, ZIP Code Marquette, MI 49855
Business Telephone Number (include area code) (906) 226-6504		Name (Print or Type) Gayla Salani
Signature 	Title Bookkeeper	Date Signed 05/02/2024



MIDWAY INDUSTRIAL PARK • P.O. BOX 970
MARQUETTE, MICHIGAN 49855
(906) 226-6504

NORTHERN MICHIGAN BANK & TRUST
MARQUETTE, MICHIGAN 49855

74-114
911

963.

EQUAL OPPORTUNITY EMPLOYER
VOID AFTER 60 DAYS

Pay: *****Eleven thousand eight hundred fifty-four dollars and no cents

DATE

CHECK NO

AMOUNT

April 5, 2024

96322 \$*****11,854.00

PAY
TO THE
ORDER
OF

Great Lakes Recreation Co.
P O Box 295
Zeeland, MI 49464

[Signature]
AUTHORIZED SIGNATURE
2 SIGNATURES REQUIRED OVER \$8,000

⑈096322⑈

>072413104< 20240419
West Michigan Community Bank
Drawer/Trans: 03050/0010
BIN: 887553100000038

<0072413104> 3050 10 04/19/24

ENDORSE CHECK HERE
X
For Deposit Only
Great Lakes Recreation Co
DBA: Boyce, Herpin, Pinyon
DO NOT SIGN/WRITELINE BELOW THIS LINE FOR FINANCIAL INSTITUTION USE ONLY

☐ CHECK HERE IF MOBILE DEPOSIT

Great Lakes Recreation Co., LLC

PO Box 295
Zeeland, MI 49464 US
(616) 499-7400
accounting@girec.com

96322

PLAYON
HOLDINGS

Great Lakes
recreation

Boyce.
recreation

North East
recreation

Estimate

Associated Constructors LLC
14 Industrial Park Dr.
Negaunee, MI 49866
United States

City of Marquette
Parks & Recreation Department
401 E Fair Avenue
Marquette, MI 49855
Contact: Brian Lindberg 906-361-4823
Call 24hrs prior to delivery

4289
03/11/2024
03/29/2024

Steve Sharda

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Equipment - Tikes	Little Tikes - Quiet Grove (Post Color SAND 903097SND)	1	10,329.00	10,329.00T
Freight	Freight	1	1,525.00	1,525.00T

11,854.00

~~711.24~~

~~\$12,565.24~~

Steve Sharda
3.11.2024

Gayla S

From: Gayla S
Sent: Tuesday, April 9, 2024 8:07 AM
To: Nathan Chamberlin
Subject: RE: [External]RE: Kids Cove QTN-13552

Great, thank you so much!

From: Nathan Chamberlin <nathanc@midstatesrecreation.com>
Sent: Tuesday, April 9, 2024 7:51 AM
To: Gayla S <gaylas@acmqt.com>
Subject: RE: [External]RE: Kids Cove QTN-13552

Good morning,

The 2nd payment has been received and the order is being placed today. Thanks.

From: Gayla S <gaylas@acmqt.com>
Sent: Monday, April 8, 2024 12:08 PM
To: Nathan Chamberlin <nathanc@midstatesrecreation.com>
Subject: RE: [External]RE: Kids Cove QTN-13552

Nathan,

Just initiated the 2nd pmt.

Gayla

From: Nathan Chamberlin <nathanc@midstatesrecreation.com>
Sent: Monday, April 8, 2024 9:11 AM
To: AC Office <acoffice@acmqt.com>
Cc: Stephanie Achevich <stephaniea@midstatesrecreation.com>
Subject: RE: [External]RE: Kids Cove QTN-13552

You don't often get email from nathanc@midstatesrecreation.com. [Learn why this is important](#)

Hi Gayla,

We have received the first \$50,000.00 ACH payment. Once the remainder is sent and received, I can place the order.
(Remainder \$161,365.39)

Thank you,
Nathan

From: AC Office <acoffice@acmqt.com>
Sent: Friday, April 5, 2024 1:40 PM
To: Nathan Chamberlin <nathanc@midstatesrecreation.com>
Subject: RE: [External]RE: Kids Cove QTN-13552

MIDSTATES

RECREATION

Design. Build. Play.

1279 Hazelton-Etna Road SW
Pataskala, Ohio 43062

614-855-3790 • info@midstatesrecreation.com

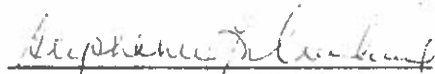
ACH Payment Information

Bank Name:	Park National Bank
Bank Address:	50 Third Street Newark, OH 43055
Routing/ABA:	044101305
Account Number:	1050106286298
Name on Account:	Michigan Play Grounds LLC dba Midstates Recreation
Address:	1279 Hazelton Etna Rd SW Pataskala, OH 43062
Contact Name:	Stephanie Achevich, Controller
Phone Number:	(614) 855-3790 x 103

This information can also be used to send Wire Payments; however ACH is our preferred method of payment.

Please call to confirm banking information prior to sending first payment.

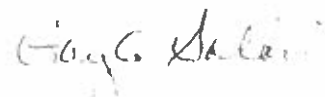
Please send an email with remittance information to
AR@MidstatesRecreation.com
when sending an electronic payment. Thank you!


Stephanie Achevich, Controller

1/1/24
Date

418.24

please send \$1279 to above
account - check from
Associated Builders & Contractors





1279 Hazelton-Etna Road SW
Pataskala, Ohio 43062
614-855-3790 • info@midstatesrecreation.com

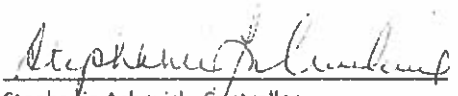
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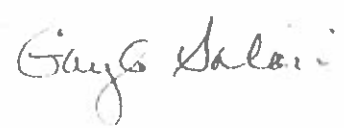
Please call to confirm banking information prior to sending first payment.

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AR@MidstatesRecreation.com
when sending an electronic payment. Thank you!


Stephanie Achevich, Controller

1/1/24
Date

please send \$50,000⁰⁰ to above
account drawn from
Associated Constructors



Michigan Sales and Use Tax Certificate of Exemption

DO NOT send to the Department of Treasury. Certificate must be retained in the seller's records. This certificate is invalid unless all four sections are completed by the purchaser.

SECTION 1: TYPE OF PURCHASE

- ☒ A. One-Time Purchase
Order or Invoice Number: _____
- ☐ B. Blanket Certificate, Recurring Business Relationship
- ☐ C. Blanket Certificate
Expiration Date (maximum of four years): _____

The purchaser hereby claims exemption on the purchase of tangible personal property and selected services made from the vendor listed below. This certifies that this claim is based upon the purchaser's proposed use of the items or services, OR the status of the purchaser.

Vendor's Name and Address

MidStates Recreation, 1279 Hazelton-Etna Road SW, Pataskala, OH 43062

SECTION 2: ITEMS COVERED BY THIS CERTIFICATE

Check one of the following:

1. ☒ All items purchased.
2. ☐ Limited to the following items: _____

SECTION 3: BASIS FOR EXEMPTION CLAIM

Check one of the following:

1. ☐ For Lease. Enter Use Tax Registration Number: _____
2. ☐ For Resale at Retail. Enter Sales Tax License Number: _____

The following exemptions DO NOT require the purchaser to provide a number:

3. ☐ Agricultural Production. Enter percentage: _____ %
4. ☐ Church, Government Entity, Nonprofit School, or Nonprofit Hospital (Circle type of organization): _____
5. ☐ Contractor (must provide *Michigan Sales and Use Tax Contractor Eligibility Statement* (Form 3520))
6. ☒ For Resale at Wholesale.
7. ☐ Industrial Processing. Enter percentage: _____ %
8. ☐ Nonprofit Internal Revenue Code Section 501(c)(3) or 501(c)(4) Exempt Organization (must provide IRS authorized letter with this form)
9. ☐ Nonprofit Organization with an authorized letter issued by the Michigan Department of Treasury prior to June 1994 (must provide copy of letter with this form).
10. ☐ Rolling Stock purchased by an Interstate Motor Carrier.
11. ☐ Other (explain): _____

SECTION 4: CERTIFICATION

I declare, under penalty of perjury, that the information on this certificate is true; that I have consulted the statutes, administrative rules and other sources of law applicable to my exemption, and that I have exercised reasonable care in assuring that my claim of exemption is valid under Michigan law. In the event this claim is disallowed, I accept full responsibility for the payment of tax, penalty and any accrued interest, including, if necessary, reimbursement to the vendor for tax and accrued interest.

Business Name Associated Constructors, LLC		Type of Business (see codes on page 2) 03
Business Address P O Box 970	City, State, ZIP Code Marquette, MI 49855	
Business Telephone Number (include area code) (906) 226-6504	Name (Print or Type) Gayla Salani	
Signature and Title 	Date Signed 03/28/24	



1279 Hazelton-Etna Road SW
Pataskala, OH 43062
614-855-3790
www.midstatesrecreation.com

QUOTATION

Sold To Associated Constructors LLC.
14 Industrial Park Dr
Negunee, MI, 49866
United States

Ship To STORE AT: The David & Thu Brulé YMCA
of Marquette County
1420 Pine St
Marquette, MI, 49855
United States

Date	Quote #	Terms	Rep	Project	Ship Contact
2023-07-19	QTN-13552 Valid Until 03-28-2024	100% Prepaid	Kathryn Jasiewicz	2023 04 Kids Cove Playground - Mi General Contractor - Bids	

Item Code	Description	Qty	Rate	Amount
ZZXX0198	UNITY SWING FRAME	1.0 Unit	\$ 7,935.00	\$ 7,935.00
ZZXX0204	BASKET SWING	1.0 Unit	\$ 2,278.00	\$ 2,278.00
ZZXX0483	COZY COCOON - SPINNING	1.0 Unit	\$ 4,145.00	\$ 4,145.00
ZZXX0148	MOON ROCK	1.0 Unit	\$ 4,772.00	\$ 4,772.00
ZZXX0914	CONE SPINNER DOUBLE DECKER	1.0 Unit	\$ 23,163.00	\$ 23,163.00
BT-1202	Round the Bend Includes: ZZXX0342, ZZXX0343, ZZXX0345 (2)	1.0 Unit	\$ 8,076.00	\$ 8,076.00
ZZXX0366	UNITY DOME	1.0 Unit	\$ 21,654.00	\$ 21,654.00
ZZXX0367	UNITY DOME SENSORY PANELS	1.0 Unit	\$ 5,215.00	\$ 5,215.00
ZZXX0349	UNITY SPINR - W/ 2 ACCESSIBLE SEATS	1.0 Unit	\$ 15,637.00	\$ 15,637.00
FP-515-FTD	FirstPlay Design #3 (Footed)	1.0 Unit	\$ 5,732.00	\$ 5,732.00
ZZXX0081	REVO	1.0 Unit	\$ 11,324.00	\$ 11,324.00
Freight	Playworld Shipping Charges are estimated and are subject to actual shipping charges incurred at time of shipment.	1.0 Unit	\$ 4,267.00	\$ 4,267.00
ARIA-IG-STL	Freenotes Aria In Ground - Steel Post	1.0 Unit	\$ 3,139.00	\$ 3,139.00
TD-IG-N	Freenotes Tuned Drums In Ground	1.0 Unit	\$ 4,349.00	\$ 4,349.00
HRP-IG	Freenotes Harp 11 note anodized aluminum chimes, 2 mallets	1.0 Unit	\$ 5,889.00	\$ 5,889.00
CCH-IG	Freenotes Contrabass Chimes In Ground - Steel Posts	1.0 Unit	\$ 7,679.00	\$ 7,679.00
Freight	Freenotes Shipping Charges are estimated and are subject to actual shipping charges incurred at time of shipment.	1.0 Unit	\$ 1,403.73	\$ 1,403.73



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QUOTATION

Item Code	Description	Qty	Rate	Amount
Berliner	Kids Bounce .01	1.0 Unit	\$ 9,568.00	\$ 9,568.00
Freight	Berliner Shipping Charges are estimated and are subject to actual shipping charges incurred at time of shipment.	1.0 Unit	\$ 3,015.00	\$ 3,015.00
Installation Charges	Installation Charges for Midstates Recreation provided equipment only	1.0 Unit	\$ 79,714.29	\$ 79,714.29
Customer Discount	Customer Discounts	1.0 Unit	\$ -17,589.63	\$ -17,589.63
Subtotal				\$ 211,365.39
Michigan Sales Tax				\$ 0.00
Total				\$ 211,365.39

Quote and installation for Midstates Recreation provided equipment only. This proposal includes prevailing wage.

1. Not responsible for non compliant use zones or layout of competitor equipment
2. Additional charges may apply for excessive debris found in work area.
3. No Site restoration
4. Customer to locate private utilities
5. Spoils stay on-site
6. Assumes use of dumpster provided by Customer/General contractor
7. No safety surfacing included - assumed by others
8. Gravel not included
9. No saw cutting / core drilling
10. No excavation - assumes prepared at time of our arrival by others to proper depths and slope (2% across site for ADA compliancy)
11. No Drainage - assumes drainage by others is installed to avoid footers. See provided Midstates footer plan for equipment footing locations. If drainage is found to be within our footers, not responsible for relocating or fixing drainage location or materials.
12. Permits not included
13. Inspections not included
14. Not responsible for crossing sidewalk or damage to
15. Not responsible for broken or damaged parts on existing equipment (if any/if applicable)
16. Layout and staking by others
17. Assumes level ground existing
18. Assumes access to and use of water on site
19. Customer to accept delivery + store equipment until installation + take equipment to site from storage
20. A tax exempt form is required at time of order placement for tax exempt entities; subject to Midstates review

Acceptance of Proposal

(Please be sure you have read, signed, and initialed and understand the terms and conditions) The items, prices, and conditions listed herein are satisfactory and are hereby accepted.



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Pataskala, OH 43062
614-855-3790
www.midstatesrecreation.com

QUOTATION

Signature (Approval) [Signature]
Printed Name Gayle Sullivan
Title Bookkeeper
Date 3.28.2024

TERMS AND CONDITIONS

QUOTE CONDITIONS AND ACCEPTANCE:

This quote is only valid for 30 days.

*** GS (Pls Initial) It is the Buyer's responsibility to verify quantities and description of items quoted. Once your order has been placed, any changes including additions, deletions, or color changes, could result in price increases, additional fees and could cause delays.

EXCLUSIONS : Unless specified, this quote excludes all of the following but not limited to:

Required Permits/Inspections, Background Checks, Davis Bacon, Prevailing Wage or Certified Payroll
Performance/Payment Bonds
Site Restoration
Site work, saw cutting/core drilling, and landscaping.
Removal of existing equipment
Unloading; Receiving of inventory or equipment; Storage of equipment.
Equipment assembly and/or installation
Safety surfacing; Borders or drainage requirements
Landscaping Repairs DUE to poor access or in climatic weather

FREIGHT AND DELIVERY: (if applicable)

Shipping is FOB Origin (means the buyer accepts the title of the goods at the shipment point and assumes all risk once the seller ships the product). All equipment will arrive unassembled.

*** GS (Pls Initial) Buyer is responsible to meet and provide adequate personnel/equipment to unload truck
A Check List, detailing all items shipped, will be included with the shipment. Unless taking delivery is specifically included in quote.

Buyer is responsible for ensuring the Sales Order Breakdown and Item Numbers on all boxes and pieces match the Check List.

*** GS (Pls Initial) Shortages or damages must be noted on the driver's delivery receipt. Shortages or damages not noted become the buyers financial responsibility.

Please notify Midstates Recreation immediately of any damages.

Shortages and Concealed Damage must be reported to Midstates Recreation within 10 days of delivery.

A reconsignment fee will be charged for any changes made to delivery address after order has been placed.

TAXES:

All orders are subject to applicable sales tax unless a tax exemption form is on file at the time the order is placed.

PAYMENT TERMS:

An approved Credit Application is required for new customers or customers that haven't been active in the last 18 months. Terms are check with order, or 50% down payment with approved credit (terms do vary based on references). Balance of product & freight will be invoiced upon shipment, due Net 10 days. 100 % prepayment required on



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QUOTATION

Replacement Parts. A 3% charge will be added to all credit card orders over \$ 3,000.

RESTOCKING: Items canceled, returned or refused will be subject to a minimum 25% restocking fee. All return freight charges are the responsibility of the Buyer.

MAINTENANCE/WARRANTY:

Manufacturer's standard product warranties apply and cover equipment replacement and freight costs only; labor is not included.

Midstates Recreation offers no additional warranties.

Maintenance of the equipment and safety surfacing is the responsibility of the customer.

Any unauthorized alterations or modifications to the equipment (including layout) will void your warranty.

INSTALLATION: (if applicable)

Customer must locate all underground private utilities before your scheduled installation a third-party private utility service can be provided at an additional cost if necessary. Additional charges may apply if obstruction(s) are encountered beneath the surface. Not responsible for damaged/broken parts on existing playground equipment. Not responsible for crossing sidewalks.

Acceptance of Terms & Conditions

Acceptance of this proposal, made by an authorized agent of your company, indicates agreement to the above terms and conditions.

Steve Jahn
Customer Signature
Updated:

George Salas Backman
Printed Name and Title

3.28.24
Date



MIDWAY INDUSTRIAL PARK • P.O. BOX 970
MARQUETTE, MICHIGAN 49855
(908) 228-6504

NORTHERN MICHIGAN BANK & TRUST
MARQUETTE, MICHIGAN 49855

76-114
911

96196

EQUAL OPPORTUNITY EMPLOYER
VOID AFTER 60 DAYS

Pay: *****Nine thousand forty-eight dollars and 16 cents

DATE

CHECK NO.

AMOUNT

February 22, 2024

96196 \$*****9,048.16

PAY
TO THE
ORDER
OF

Victor Stanley
2103 Brickhouse Road
Dunkirk, MD 20754

[Signature]
AUTHORIZED SIGNATURE
2 SIGNATURES REQUIRED OVER \$5,000

⑈096196⑈

⑈

202402280900240130000900004

DO NOT SIGN WRITE BELOW THIS LINE - FOR FINANCIAL INSTITUTION USE ONLY

☐ CHECK HERE IF ROYAL DEPOSIT

Pay to the Order of
Fifth Third Bank
For Deposit Only 7362755287
PlayCore Wisconsin, Inc.

X

Victor Stanley

ASSOCIATED CONSTRUCTORS, LLC
MARQUETTE, MICHIGAN 49855

96196

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
2-15-24	so57831	receptacles	9048.16		9048.16
CHECK DATE	2-22-24	CHECK NUMBER	96196	TOTALS	9048.16

550876-1



SALES ORDER

Please read it carefully and immediately report any discrepancies

Sales Order No: SO57831
Revision Number: 0
Sales Order Date: 02/15/24

Bill To:

Associated Constructors
Gayla salani
14 Industrial Park
Negaunee, MI 49866

Customer PO No:

Customer No: C028552
Phone No: 906-226-6505
Terms: Prepayment
Associate: Rebecca Day
Distributor: Victor Stanley, LLC.

Contact: Brian Lindberg
Contact Phone No: 906-361-4823

Project Name: KID'S COVE INCLUSIVE PARK

Project Location State: MI

Ship To:

Pick up VSI
Brian Lindberg
2103 Brickhouse rd
Dunkirk, MD 20754

Sell To:

Associated Constructors
Brian Lindberg
14 Industrial Park
Negaunee, MI 49866

Ship Via:

Contract Carrier
Ship Freight: Prepaid
Shipping Method: FOB Factory
Estimated Lead Time: Allow 12 to 14 (weeks)
for Production of your order.

This Order is valid for 7 days.

To be valid, this Signed Sales Order with a completed credit application (if applicable) must be returned within this time frame.

QTY	Model No.	Description	Unit Cost	Total Price
		Bronze		
		Walnut Recycled Plastic Slats		
		Latch		
		Lid Decal		
		per Approved Layout #RL92		
		Side Plate Decal		
		per Approved Layout #RN-40		
		w/ decals		
2	REN-36SDSD-ER	Stella of Sunne 36-Gallon Side-Door Side-Deposit Litter	2,134.00	4,268.00
		REN-36SDSD-ER Components		
		Standard Side Openings		
		Solid Convex Lid		
		Black Plastic Liner		
		Bronze		
		Walnut Recycled Plastic Slats		
		Latch		
		Lid Decal		
		per Approved Layout #RL93		
		Side Plate Decal		
		per Approved Layout #RN-10		

Many Victor Stanley, Inc. products are covered by patents, including but not limited to the following:
USA Patents: 4,436,421 S; 4,441,542 S; 4,452,700 S; 4,458,186 S; 4,449,962 S; 4,483,39 S; 4,487,177 S; 4,487,537 S; 4,487,538 S; 4,484,298 S; 4,479,156 S; 4,478,454 S; 4,417,053 S; 4,336,944 B1; 4,385,231 S; 5,660,807 S; 5,791,047 S; 5,386,012 S; 5,376,937 S; 5,343,615 S; 5,376,371 S; 5,384,512 S; 5,521,263 S; 5,512,830 S; 5,526,805 S; 5,565,791 S; 5,562,199 S; 5,576,782 S; 5,578,694 S; 5,565,220 S; 5,573,760 S; 5,573,768 S; 5,551,921 S; 5,545,108 S; 5,546,144 S; 5,549,694 S; 5,576,783 S; 5,569,173 S; 5,568,178 S; 5,568,189 S; 5,569,277 S; 5,569,439 S; 5,562,093 S; 5,561,987 S; 5,565,915 S; 5,565,916 S; 5,560,570 S; 5,561,770 S; 5,562,321 S; 5,568,271 S; 5,565,973 S; 5,561,823 S; 5,567,229 S; 5,568,933 S; 5,568,062 S; 5,562,235 S
Canada: 698,101; 963,40; 961,69; 981,03; 981,08; 1,109,53; 1,109,54; 1,171,81; 1,267,11; 1,267,23; 1,267,23; 1,307,14; 1,307,17; 1,305,17; 1,305,18; 1,305,19; 1,305,20; 1,305,21; 1,305,22; 1,305,23; 1,307,15; 1,307,16; Canada Patent: 1,841,348; Mexican Reg. Nos. 011,111; 78,182
E.C. Reg. Nos. 000475579-0001; 000503267-0001; 000782638-0001; 000861404
Other Patents: Pending



SALES ORDER

Please read it carefully and immediately report any discrepancies

Sales Order No: SO57831
Revision Number: 0
Sales Order Date: 02/15/24

Bill To:

Associated Constructors
Gayla Salani
14 Industrial Park
Negaunee, MI 49866

Customer PO No:

Customer No: C028552
Phone No: 906-226-6505
Terms: Prepayment
Associate: Rebecca Day
Distributor: Victor Stanley, LLC

Contact: Brian Lindberg
Contact Phone No: 906-361-4823

Project Name: KID'S COVE INCLUSIVE PARK

Project Location State: MI

Ship To:

Pick up VSI
Brian Lindberg
2103 Brickhouse rd
Dunkirk, MD 20754

Sell To:

Associated Constructors
Brian Lindberg
14 Industrial Park
Negaunee MI 49866

Ship Via: Contract Carrier
Ship Freight: Prepaid
Shipping Method: FOB Factory
Estimated Lead Time: Allow 12 to 14 (weeks)
for Production of your order.

This Order is valid for 7 days.

To be valid, this Signed Sales Order with a completed credit application (if applicable) must be returned within this time frame

Comments:

- * Orders are released into production upon receipt of signed sales/purchase order, credit determination and (where applicable) deposit, payment bond, etc.
- * All products must be permanently affixed to the ground. Consult your local codes for regulations. Anchor bolts NOT provided.
- * Common Carrier unloading is the responsibility of the receiver.
- * While the vast majority of our components satisfy Buy America requirements, we must know if there are Buy America requirements before the order is placed.
- * In order to validate our generous warranty, we require the exact name of the project and the exact location at which these products will be installed.
- * It is the buyer's sole responsibility to inspect shipments at the time of delivery; any damage, loss, or shortage must be noted on the signed Proof of Delivery and reported to Victor Stanley within seven (7) days.
- * This order is valid for shipment within normal production time. No deferred shipping dates are accepted without prior written approval.
- * Signed Sales Order with a completed credit application (if applicable) must be returned within 7 days to be valid.
- * Victor Stanley reserves the right to charge storage fees beginning on the 7th day after first notification of payment being due.
- * Benches, other seating and tables ship partially unassembled unless otherwise stated by Victor Stanley, LLC.
- * Victor Stanley uses common carriers. Any additional service or re-consignment charges added during shipment will be the sole responsibility of the Buyer.
- * These comments are intended to be part of the terms and conditions of this sales order.

QTY	Model No.	Description	Unit Cost	Total Price
2	REN-36SDSD-ER	Stella of Sunne 36-Gallon Side-Door Side-Deposit Litter	2,134.00	4,268.00
		REN-36SDSD-ER Components		
		Standard Side Openings		
		Solid Convex Lid		
		Black Plastic Liner		

Many Victor Stanley, Inc. products are covered by patents including but not limited to the following:
USA Patents: 4,659,421; 5,041,193; 5,045,790; 5,450,186; 5,445,862; 5,445,863; 5,445,864; 5,445,865; 5,445,866; 5,445,867; 5,445,868; 5,445,869; 5,445,870; 5,445,871; 5,445,872; 5,445,873; 5,445,874; 5,445,875; 5,445,876; 5,445,877; 5,445,878; 5,445,879; 5,445,880; 5,445,881; 5,445,882; 5,445,883; 5,445,884; 5,445,885; 5,445,886; 5,445,887; 5,445,888; 5,445,889; 5,445,890; 5,445,891; 5,445,892; 5,445,893; 5,445,894; 5,445,895; 5,445,896; 5,445,897; 5,445,898; 5,445,899; 5,445,900; 5,445,901; 5,445,902; 5,445,903; 5,445,904; 5,445,905; 5,445,906; 5,445,907; 5,445,908; 5,445,909; 5,445,910; 5,445,911; 5,445,912; 5,445,913; 5,445,914; 5,445,915; 5,445,916; 5,445,917; 5,445,918; 5,445,919; 5,445,920; 5,445,921; 5,445,922; 5,445,923; 5,445,924; 5,445,925; 5,445,926; 5,445,927; 5,445,928; 5,445,929; 5,445,930; 5,445,931; 5,445,932; 5,445,933; 5,445,934; 5,445,935; 5,445,936; 5,445,937; 5,445,938; 5,445,939; 5,445,940; 5,445,941; 5,445,942; 5,445,943; 5,445,944; 5,445,945; 5,445,946; 5,445,947; 5,445,948; 5,445,949; 5,445,950; 5,445,951; 5,445,952; 5,445,953; 5,445,954; 5,445,955; 5,445,956; 5,445,957; 5,445,958; 5,445,959; 5,445,960; 5,445,961; 5,445,962; 5,445,963; 5,445,964; 5,445,965; 5,445,966; 5,445,967; 5,445,968; 5,445,969; 5,445,970; 5,445,971; 5,445,972; 5,445,973; 5,445,974; 5,445,975; 5,445,976; 5,445,977; 5,445,978; 5,445,979; 5,445,980; 5,445,981; 5,445,982; 5,445,983; 5,445,984; 5,445,985; 5,445,986; 5,445,987; 5,445,988; 5,445,989; 5,445,990; 5,445,991; 5,445,992; 5,445,993; 5,445,994; 5,445,995; 5,445,996; 5,445,997; 5,445,998; 5,445,999; 5,446,000; 5,446,001; 5,446,002; 5,446,003; 5,446,004; 5,446,005; 5,446,006; 5,446,007; 5,446,008; 5,446,009; 5,446,010; 5,446,011; 5,446,012; 5,446,013; 5,446,014; 5,446,015; 5,446,016; 5,446,017; 5,446,018; 5,446,019; 5,446,020; 5,446,021; 5,446,022; 5,446,023; 5,446,024; 5,446,025; 5,446,026; 5,446,027; 5,446,028; 5,446,029; 5,446,030; 5,446,031; 5,446,032; 5,446,033; 5,446,034; 5,446,035; 5,446,036; 5,446,037; 5,446,038; 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SALES ORDER

Please read it carefully and immediately report any discrepancies

Sales Order No: SO57831
Revision Number: 0
Sales Order Date: 02/15/24

Bill To:

Associated Constructors
Gayla salani
14 Industrial Park
Negaunee, MI 49866

Customer PO No:

Customer No: C028552
Phone No: 906-226-6505
Terms: Prepayment
Associate: Rebecca Day
Distributor: Victor Stanley, LLC.

Contact: Brian Lindberg
Contact Phone No: 906-361-4823

Project Name: KID'S COVE INCLUSIVE PARK
Project Location State: MI

Ship To:

Pick up VSI
Brian Lindberg
2103 Brickhouse rd
Dunkirk, MD 20754

Sell To:

Associated Constructors
Brian Lindberg
14 Industrial Park
Negaunee, MI 49866

Ship Via: Contract Carrier
Ship Freight: Prepaid
Shipping Method: FOB Factory
Estimated Lead Time: Allow 12 to 14 (weeks)
for Production of your order.

This Order is valid for 7 days.
To be valid, this Signed Sales Order with a
completed credit application (if applicable) must be
returned within this time frame.

QTY	Model No.	Description w/ decals	Unit Cost	Total Price
1	PICKUPVSI	Pick-Up Dunkirk		

Many Victor Stanley, Inc. products are covered by patents including but not limited to the following:
USA Patents D456,411 S; D461,632 S; D462,700 S; D460,186 S; D445,262 S; D453,549 S;
D467,177 S; D487,531 S; D487,538 S; D464,258 S; D478,166 S; D478,164 S; D417,063
6,336,944 B1; D385,231 S; 6,880,907 S; 7,911,047 S; 6,308,012 S; 6,378,995 S; D363,615 S; 6,376,371
D384,512 S; 6,521,743 S; D632,620 S; 6,528,805 S; 6,685,792 S; 6,582,160 S; 6,678,780 S;
6,679,694 S; 6,585,220 S; 6,573,708 S; 6,570,789 S; 6,551,921 S; 6,535,209 S; 6,586,144 S;
6,747,664 S; 6,746,743 S; 6,681,173 S; 6,681,188 S; D463,898 S; 6,740,727 S; 6,749,484 S;
6,842,023 S; 6,881,047 S; 6,885,915 S; 6,896,918 S; 6,560,570 S; 6,601,770 S; 6,802,221 S;
6,808,171 S; 6,985,673 S; 6,861,823 S; 6,807,226 S; 6,809,823 S; 6,988,062 S; 6,821,295 S;
Canada D286,101 S; 6,634,061 S; 6,615,981 S; 6,610,810 S; 6,610,811 S; 6,610,812 S; 6,610,813 S;
1,265,233 S; 1,267,14 S; 1,267,17 S; 1,265,17 S; 1,265,18 S; 1,265,20 S; 1,265,21 S; 1,265,22 S; 1,265,23 S;
1,267,15 S; 1,267,16 S; Canada Patent 2,184,548; Mexican Reg. Des. 071,111; 78,187
EC Reg. Des. 003475575-0001, 000603287-0001, 000762838-0001; 000961404
Other Patents: Pending

Sub-Total: 8,536.00
Total Sales Tax: 512.16
Payment: 0.00
Balance Due: 9,048.16

All figures are in US Dollars
Page 3

Customer Signature:

Peter J O'Donoghue

Please Print Title:

owner

Please Print Name:

Peter J O'Donoghue

Date:

2/16/24

By signing you also agree to our Standard Terms of Production as describe on proceeding pages



MIDWAY INDUSTRIAL PARK • P.O. BOX 970
MARQUETTE, MICHIGAN 49855
(906) 226-6504

NORTHERN MICHIGAN BANK & TRUST
MARQUETTE, MICHIGAN 49855

26-118
911

96331

EQUAL OPPORTUNITY EMPLOYER
VOID AFTER 60 DAYS

Pay: *****Twenty-five thousand five hundred eighty-three dollars and 81 cents

DATE
April 5, 2024

CHECK NO. AMOUNT
96331 \$*****25,583.81

PAY
TO THE
ORDER
OF

We Build Fun
P O Box 29
Allen, TX 75013

AUTHORIZED SIGNATURE

2 SIGNATURES REQUIRED OVER \$5,000

⑈096331⑈

For Remote Deposit
WeBuildFun, Inc
46797
Texas Republic Bank
111924538

FOR DEPOSIT ONLY
DO NOT WRITE IN THESE SPACES
MICROFILM RECORDS



96331

CUSTOMER INFORMATION

Customer: GC's Bidding
Contact:
Contact Info:
Project Name: Mattson Park - Kid's Cove Inclusive Playground
Site Address: 300 West Baraga Ave, Marquette, MI 49855
End User: City of Marquette
Ship To:

CONSULTANT
Tara Orlovski (816) 890-4371

QUOTE
45-23008_Marquette_KidsCove_PG
Quote Date 1/15/2024 Valid Until 2/14/2024
Est. Delivery: 20+ Weeks Est. Install

Thank you for the opportunity!

ITEM	DESCRIPTION	QTY	EACH	TOTAL
As Specified				
MIRACLE	4534 MM Grand Gallery	1	\$17,547.08	\$17,547.08
	4535 MM Momentum Corridor	1	\$9,263.82	\$9,263.82
DISCOUNT	Miracle equipment discount	1	-\$2,681.09	-\$2,681.09
FREIGHT	Shipping of Miracle equipment	1	\$1,454.00	\$1,454.00

TAX Estimated Sales Tax (please provide tax exemption certificate to remove sales tax) 8.00% \$1,447.79
Final Prices Subject to State and Local Sales Tax and Use Tax Rate

AS SPECIFIED TOTAL \$27,031.80

ITEM	DESCRIPTION	QTY	EACH	TOTAL
Alternates				
MIRACLE	2014BN Accelerator Swing - Birds Nest ~ Similar to Playworld Unity Basket	1	\$9,733.50	\$9,733.50
	3064 Cyclo Cone Plus Climber ~ Equal to Playworld Double Decker Cone Spinner	1	\$23,857.89	\$23,857.89
	MR0930 3.5" Arch Swing	1	\$2,738.77	\$2,738.77
	MR0932 3.5" Arch Swing Add A Bay	2	\$1,643.88	\$3,287.76
	2840 Slash Proof Belt Seat w/ Chain (8' TR)	6	\$156.56	\$939.36
DISCOUNT	Miracle equipment discount	1	-\$4,055.73	-\$4,055.73
FREIGHT	Shipping of Miracle equipment	1	\$1,454.00	\$1,454.00

TAX Estimated Sales Tax (please provide tax exemption certificate to remove sales tax) 8.00% \$2,100.09
Final Prices Subject to State and Local Sales Tax and Use Tax Rate

ALTERNATE TOTAL \$40,145.64

Make Payable to: webuildfun, Inc PO Box 29, Allen, TX 75013
Payment Terms: 50% Down with remainder due upon completion of project.

Price assumes all site work, drainage away from play area, & border to be provided by "other" at no cost to webuildfun

* All drainage within the playground border and away from the play area to be done by "other" unless noted above. * Price assumes border by "other" unless noted above.

* No site restoration is included unless noted above. * Additionally, no bond or special insurance coverages are included unless noted above.

Pricing may not be guaranteed beyond 30 days. We are attempting to hold pricing when possible, but due to material and labor costs, price increases have unfortunately become unavoidable. We value our customers and appreciate your understanding during these unprecedented times. All finalized contracts and/or purchase orders must be accompanied by a valid quote within 30 days of issue. Please request a quote when beyond the 30 days.

Approval Signature

4-16-24
Date

23-493 WBF
PO Number

Send completed quote and purchase order to: tara@webuildfun.com

Price assumes all site work, drainage away from play area & border to be provided by "other" at no cost to webuildfun unless specified otherwise in the quote above. This includes site prep, grade work, drainage, construction fencing, concrete borders and site restoration. All additional services can be quoted upon request. webuildfun, inc. warrants the labor for replacement parts for 1 year, if webuildfun, inc provided the original installation. In the event rock is encountered, additional charges may be assessed. It is the responsibility of the owner to obtain permit(s) unless specified above. It is the responsibility of the owner to locate all underground utility lines. webuildfun, inc will assist with this by requesting a line locate from Miss Dig, at the owner's request. webuildfun, inc will make every reasonable effort to respect all marked utility lines, and will repair damage(s) caused by webuildfun, inc to marked utilities. webuildfun, inc will not be responsible for damage to unmarked utilities. Prices are guaranteed for 30 days from the date listed on quote.

PLEASE RETURN ALL PAGES OF THIS QUOTE UPON ORDERING

**CUSTOMER INFORMATION**

Customer: **GC's Bidding**
Contact:
Contact Info:
Project Name: **Mattson Park - Kid's Cove Inclusive Playground**
Site Address: **300 West Baraga Ave, Marquette, MI 49855**
End User: **City of Marquette**
Ship To:

Please provide the following information:

Project Name: **Mattson Park - Kid's Cove Inclusive Playground**

Est Project Start Date: Sept 23

Bond Required _____

Est Project Completion Date: Sept 24

Contract Required _____

Add'l Details: _____

CONSULTANT

Tara Orlovski (616) 890-4371

QUOTE

45-23008_Marquette_KidsCove_PG

Quote Date: **1/15/2024** Valid Until: **2/14/2024**

Est. Delivery: **20+ Weeks** Est. Install:

Thank you for the opportunity!

Project Total

Purchase Order # 23 493 238

PROJECT DETAILS

SUBMITTER		PROPOSOR	
Company	City Marquette	Company	Associated Constructors
Street Address	401 East Ford Ave	Street Address	P O Box 470
City, State, Zip	Marquette MI 49855	City, State, Zip	Marquette MI 49855
Contact	John Sullivan	Contact	Gregory Solari
Phone # office	906.225.8513	Phone #	906.226.6321
Email	john.sullivan@cityofmarquette.org	Email	gregsolari@associatedconstructors.com

PLEASE RETURN ALL PAGES OF THIS QUOTE UPON ORDERING

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/29/2024

New Business

EGLE LSLR Grant - Professional Services Contract Approval

BACKGROUND:

The City was awarded a \$600,000 grant by the Michigan Department of Environment, Great Lakes and Energy (EGLE) to identify water service line materials at locations throughout the City which are constructed of unknown materials and, based on age, may possibly be made of lead. This work must be completed to meet the Complete Distribution System Material Inventory (CDSMI) requirements of the Michigan Safe Drinking Water Act. The City Commission approved the grant agreement with EGLE at its meeting on May 13, 2024. A request for proposals to complete service line identification in homes and through hydro excavation was advertised and the City received one proposal from Smith Construction, Inc.

FISCAL EFFECT:

None. All contracted expenses will be reimbursed.

RECOMMENDATION:

Approve the Professional Services Contract for Lead Service Line Identification Services with Smith Construction, Inc. for an amount not-to-exceed \$600,000, and authorize the Mayor and Clerk to sign the contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Professional Services Contract
- ▣ Professional Services Proposal
- ▣ RFP

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT, made this _____ between the City of Marquette, hereinafter called the “City” and Smith Construction, Inc. of Marquette a Michigan Corporation with a holding license number 800021195, hereinafter called “Consultant”.

WITNESSETH: That for and in consideration of the payments and Agreements hereinafter mentioned the parties hereby agree as follows:

Article 1

The name of the Project shall be **Lead Service Line Identification Services**.

Article 2

Scope of the Work

Consultant shall furnish all the material, services, supplies, tools, equipment, labor and other engineering services necessary to perform work as described in the Consultant’s proposal to the City of Marquette dated (attached as Exhibit A).

Article 3

Time of Completion

The completion date of this project is December 31, 2024

Article 4

Terms and Conditions

Consultant shall perform the services outlined in this Agreement for the stated fee arrangement.

ACCESS TO SITE:

City will arrange and provide access to each site upon which it will be necessary for Consultant to perform its work unless otherwise stated in the proposal. In the event work is required on any site not owned by the City, City represents and warrants to Consultant that City has obtained all necessary permission and authority, in writing, for Consultant to enter upon the site and conduct its work. City shall, upon request, provide Consultant with evidence of such permission as well as acceptance of the other terms and conditions set forth herein by the owner(s) and tenant(s), if applicable, of such site(s) in a form acceptable to Consultant, which Consultant also agrees to abide by. Any work performed by Consultant with respect to obtaining permission to enter upon and do work on the lands of others, as well as any work performed by Consultant pursuant to this Agreement, shall be deemed as being done on behalf of City. Consultant shall take reasonable measures and precautions to minimize damage to each site and any improvements located thereon as the result of its work and the use of its equipment and shall reasonably restore the site to its prior condition.

FEE:

Services and reimbursable costs will be billed on a monthly basis as per the proposal requirements, but the total amount to be paid by City for such services and costs shall not exceed \$600,000. The consultant will be responsible for monitoring expenses and working with the City to reduce the original scope of work in the RFP so that the total billed does not exceed this amount.

BILLINGS/PAYMENTS:

Consultant shall invoice for services rendered and reimbursable costs incurred on a monthly basis. Each invoice shall be due and payable within sixty (60) days of the date of the invoice. Invoices over sixty (60) days past due may be charged interest on the unpaid balance at the highest lawful rate as allowed under Michigan Law. Consultant may, after ten (10) days' written notice to the City, suspend performance of services until all past due amounts are paid.

INDEMNITY:

Consultant agrees, to the fullest extent permitted by law, to indemnify and hold the City harmless from any damage, liability or cost (including reasonable attorney fees and costs of defense) to the extent caused, in whole or in part, by Consultant's negligent acts, errors or omissions in the performance of professional services under this Agreement and those of consultants, sub-consultants, contractors, sub-contractors, agents, employees or others that contract with the Consultant regarding this contract or anyone for whom Consultant is legally liable.

FORCE MAJEURE:

No failure or delay in performance of this Contract, by either party, shall be deemed to be a breach thereof when such failure or delay is caused by a force majeure event including, but not limited to, any Act of God, strikes, lockouts, wars, acts of terrorism, riots, epidemics, explosions, sabotage, breakage or accident to equipment, the binding order of any court or governmental authority, or any other cause, whether of the kind herein enumerated or otherwise, not within the control of a party. In the event of a dispute between the parties with regard to what constitutes a force majeure event, the City's reasonable determination shall be controlling.

INSURANCE:

Without limiting any of its obligations and liabilities, Consultant, at its own expense, shall purchase and maintain the minimum insurance specified below with companies duly licensed or otherwise approved by the State of Michigan, and with forms reasonably satisfactory to the City. Each insurer shall have a current A.M. Best Company, Inc. rating of not less than A-VII. Use of alternative insurers requires prior approval from the City.

A. General Clauses

1. **Additional Insured.** The insurance coverage, except Workers' Compensation and Professional Liability, required by this Contract, shall name the City, its agents, representatives, directors, officials, and employees, as additional insured, and shall specify that insurance afforded the Consultant shall be primary insurance, and that any self insured retention and/or insurance coverage carried by the City or its employees shall be excess coverage, and not contributory coverage to that provided by the Consultant.

2. **Coverage Term.** All insurance required herein shall be maintained in full force and effect until Services required to be performed under the terms of this Contract are satisfactorily completed and formally accepted; failure to do so may constitute a material breach of this Contract, at the sole discretion of the City.

3. **Primary Coverage.** The Consultant's insurance shall be primary insurance as respects City and any insurance or self insurance maintained by City shall be excess of the Consultant's insurance and shall not contribute to it.

4. **Claim Reporting.** Consultant shall not fail to comply with the claim reporting provisions of the policies or cause any breach of a policy warranty that would affect coverage afforded under the policy to protect City.

5. **Waiver.** The policies for Workers' Compensation and General Liability, shall contain a waiver of transfer rights of recovery (subrogation) against City, its agents, representatives, directors, officers, and employees for any claims arising out of the work of the Consultant.

6. **Deductible/Retention.** The policies may provide coverage which contains deductibles or self-insured retentions. Such deductible or self-insured retentions shall not be applicable with respect to the coverage provided to City under such policies. The Consultant shall be solely responsible for deductible or self-insured retentions and the City may require the Consultant to secure the payment of such deductible or self-insured retentions by a surety bond or an irrevocable and unconditional letter of credit.

7. **Policies and Endorsements.** City reserves the right to request and to receive, within ten (10) working days, information on any or all of the above policies or endorsements.

8. **Certificates of Insurance.** Prior to commencing services under this Contract, Consultant shall furnish City with Certificates of Insurance, or formal endorsements as required by the Contract, issued by Consultant's insurer(s), as evidence that policies providing the required coverages, conditions, and limits required by this Contract are in full force and effect. Such certificate shall identify this Contract by referencing the project name and/or project number and shall provide for not less than thirty (30) days advance written notice by Certified Mail of Cancellation or Termination.

9. **Sub-Consultants/Contractors.** Consultant shall include all sub-consultants and sub-contractors as insured under its policies or shall furnish separate certificates and endorsements for each sub-consultant and sub-contractor.

B. Workers' Compensation

The Consultant shall carry Workers' Compensation and Employer's Liability insurance coverage as required by law and deemed necessary for its own protection.

In case services are subcontracted, the Consultant will require the sub-consultant to provide Workers' Compensation and Employer's Liability to at least the same extent as provided by Consultant.

C. Automobile Liability

Commercial/Business Automobile Liability insurance with a combined single limit for bodily injury and property damages of not less than \$1,000,000 each occurrence regarding any owned, hired, and non-owned vehicles assigned to or used in performance of the Consultant services.

D. Commercial General Liability

Commercial General Liability insurance with a combined single limit of not less than \$1,000,000. The policy shall be primary and include coverage for bodily injury, property damage, personal injury, products, completed operations, and blanket contractual covering, but not limited to, the liability assumed under the indemnification provisions of this Contract.

In the event the general liability insurance policy is written on a "claims made" basis, coverage shall extend for two (2) years past completion and acceptance of the Services as evidenced by annual Certificates of Insurance.

E. Professional Liability

The Consultant retained by the City, to provide the engineering services required by the Contract will maintain Professional Liability insurance covering errors and omissions arising out of the services performed by the Consultant or any person employed by him, with an unimpaired limit of not less than \$1,000,000 each claim. In the event the insurance policy is written on a "Claims made" basis, coverage shall extend for two (2) years past completion and acceptance of Services as evidence by annual Certificates of Insurance.

F. Property Coverage - Valuable Papers

Property coverage on all-risk, replacement cost, agreed amount form with Valuable Papers insurance sufficient to assure the restoration of any documents, memoranda, reports, or other similar data relating to the services of the Consultant used in the completion of this Contract.

INDEPENDENT CONSULTANT:

The relationship between the City and Consultant created under this Agreement is that of principal and independent contractor. Neither the terms of this Agreement nor the performance thereof is intended to directly or indirectly benefit any person or entity not a party hereto and/or such person or entity is not intended to be or shall be construed as being a third-party beneficiary of this Agreement unless specified by name herein or in an Amendment hereto, executed by a Consultant authorized representative.

SEVERABILITY/SECTION HEADINGS/SURVIVAL/WAIVER:

In the event that any provision herein shall be deemed invalid or unenforceable, the other provisions shall remain in full force and effect, and binding upon the parties hereto. The heading or title of a section is provided for convenience and information and shall not serve to alter or affect the provisions included herein. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the City and Consultant shall survive the completion of services and the termination of this Agreement. No waiver, discharge, or renunciation of any claim or right of Consultant arising out of breach of this Agreement by City shall be effective unless in writing signed by Consultant and supported by separate consideration.

OWNERSHIP OF DOCUMENTS:

All documents produced by the Consultant under this Agreement shall remain the property of the City and may be used by the City for any other endeavor without the written consent of the Consultant.

APPLICABLE LAWS:

Unless otherwise specified, the Agreement shall be governed by the laws of the State of Michigan.

PURCHASING AGENT DESIGNATION AND AUTHORITY:

Mikael H. Kilpela is designated as Purchasing Agent of City and is authorized to order minor changes in the work not involving adjustment in the Contract Sum or Time of Completion and not inconsistent with the intent of the Contract Documents. Such changes will be affected by written order signed by the Purchasing Agent and shall be binding on the City and Consultant.

IN WITNESS WHEREOF, the parties have made and executed this Agreement the day and year first above written.

Signed this _____ day of _____, 20__.

OWNER

CITY OF MARQUETTE, OWNER

Witness

Sally Davis, Mayor

Witness

Kyle L. Whitney, Clerk

CONSULTANT

Michael Kilpela

Witness

[Signature]

Witness

[Signature]

By: Wyatt Smith

Its: Vice President

Address: 4090 US 41 W Marquette MI

Telephone #: 906 228 7285

APPROVED AS TO SUBSTANCE:

Karen M. Kovacs
City Manager

APPROVED AS TO FORM:

Suzanne C. Larsen
City Attorney



Owner

City of Marquette

Lead Service Line Identification RFP

Contractor

Smith Construction, Inc.

4090 US 41 W

Marquette, MI 49855

906-228-7285

Smith Construction Contact

- Legal Name: **Smith Construction, Inc.**
- Address: **4090 US 41 W Marquette, MI 49855**
- Office Contact:
 - Phone: **906-228-7285**
 - Email: office@smith49855.net

Capabilities and Experience

Smith Construction, Inc. has been in the utility business for 20+ years performing street reconstructions, Watermain, Sanitary Sewer main, Storm Sewer, Residential water and sewer laterals, emergency repairs, etc. Throughout performing above mentioned work Smith Construction has gained a lot of understanding of different types of material used on water projects and how it can be remediated/identified.

Key personnel and experience are as follows:

- Joel Bader
 - Project Supervisor
 - 20+ Years Utility and Street Construction work
 - OSHA Hazwoper certified
 - Construction Stormwater Certified
- Todd Lajoye
 - Project Supervisor
 - 30+ Years Utility and Street Construction work
 - OSHA Hazwoper certified
- Brock Smith
 - Project Foreman
 - 5+ years Utility and Street Construction

Equipment Readily Available

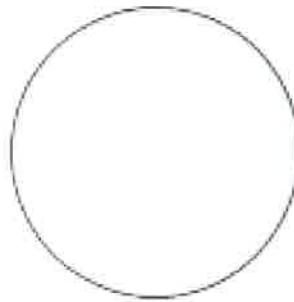
- Excavators (Various sizes ranging from 15,000lbs to 100,000lbs)
- Front End Loaders
- Skid steers
- Vac Trailers
- Dump Trailers
- Street Sweepers
- Tractor Trailer Dump Trucks
- Quad axle Dump Trucks

Work requested under RFP

In general, the work being requested is to identify and record pipe size and material type at the City of Marquette ROW on both sides of the curb stop and in the residential basement/crawl space. This will be performed with potholing method to minimize disturbance at the ROW. Once material size and type is located a project log will be performed at every location to meet the specification.

Work Plan

Initial plan is to get out notifications to all property owners that work will be conducted in/near their home. This will be done with 8.5x11" flyers and door hangers. These will be handed out while going door to door to answer any immediate questions the homeowners might have. All contact information will be listed on said flyers and door hangers. This will allow the homeowners to contact Smith Construction on any questions they may have. Project foreman will schedule in house visits with respect to the homeowners' requests. Scheduling of locations will be done in a way that is the most efficient to prevent long distances between each location.



Lead Service Line Identification Project.

Smith Construction has been contracted by the City of Marquette to determine what type of material your water service is.

To perform this work we will need to access your basement or crawlspace to ID the pipe where it enters your home.

We will also be hydro excavating near the curb stop at the ROW line to ID the pipe at that location.

All disturbed areas will be restored with like kind materials.

Please call 906-228-7285 to schedule an appointment for your interior inspection or if you have any questions.

Smith Construction, Inc
4090 US 41 West



Phone: (906) 228-7285
Fax: (906) 228-4882

RESIDENT NOTIFICATION

February 20, 2024

TO: Residents of STREET NAME
FROM: Smith Construction, Inc.
RE: STREET NAME Lead Service Line Identification

Smith Construction, Inc. will be identifying the material type for water services on your street. To achieve this Smith Construction, Inc. will be accessing the material by potholing in the yard and will need access to the basement/crawlspace to visually inspect the service line.

This work will begin DATE.

Please coordinate with contacts below for basement access. Minor traffic control will be in place throughout the project. The potholing in the yard will take approximately 2hrs per yard and basement visual will be approximately 30 minutes.

If you have any questions, please feel free to contact our office. Smith Construction, Inc thanks you for your patience and understanding throughout this project. Below please find the contact information for Smith Construction, Inc and the City of Marquette.

Smith Construction, Inc
4090 US 41 West
Marquette, MI 49855
(906) 228-7285

City of Marquette
Marquette, MI 49855
906-228-0440

"Superintendent
Contact Information"

City of Marquette – Lead Service Line Identification RFP

Unit price Cost Proposal

Pay Item	Unit Price	Unit	Estimated Quantity	Subtotal
Rate for interior service line identification work	\$ 50.00	Hour	2000	100,000.00
Service Line Excavate and Identify in Turf	\$ 505.00	Each	743	375,215.00
Service Line Excavate and Identify in Concrete/HMA	\$ 835.00	Each	743	620,405.00
Project Administration	\$ 1000.00	Weeks	5	5000.00
Total				1,100,620.00

**THE CITY OF MARQUETTE
REQUEST FOR PROPOSALS
FOR
LEAD SERVICE LINE IDENTIFICATION SERVICES**

Intent

The City of Marquette is requesting proposals to perform water service line identification. The work is being completed to meet the Complete Distribution System Material Inventory (CDSMI) requirements of the Michigan Safe Drinking Water Act and is being funded through a grant by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

The City will provide the existing inventory of water service lines showing where material identification needs to be made. Some properties are missing one or multiple data points (See 1-3 below). The City will also provide property owner names and addresses. Prior to starting work the contractor will export the City's data into EGLE's required format for reporting and will verify which data points are missing.

Service line material identification is to be performed by the contractor at one or more of the three locations:

- 1. The interior portion of the service line up to the first shutoff valve or 18 inches inside the building, whichever is shorter.**

For properties where the interior portion of a water service line material is unknown the contractor shall contact each property owner by mail to request entry for identification. Contact information for the contractor should be included in the letter and scheduling of interior inspections is the responsibility of the contractor. If no response is received, a second letter will be mailed. If this attempt is also unsuccessful the contractor will visit the property in person to attempt to contact the residents and leave a door hanger if no one answers the door. The contractor will make records of all attempts to contact property owners and note if entry is refused. If entry is granted the service line material and size shall be identified and recorded along with a picture of the location identified. All records of attempted contact, refusals, identification made, and pictures shall be provided to the City digitally. All work to contact property owners and identify interior service lines including materials, mailing, labor and equipment will be paid at an hourly rate.

- 2. Curb stop to building, a minimum of 18 inches from the curb stop.**
- 3. Main to curb stop, a minimum of 18 inches from the curb stop.**

For service lines where the material between the curb stop and the main and/or curb stop and the building is unknown the service line shall be hydro excavated to expose the service line. The contractor is responsible for sending advanced notice letters and for leaving a door hanger at least 3 days prior to excavating to alert the resident of the work and provide a contact number if they have questions. Excavation work is to be performed between the hours of 7:00am and 6:00pm Monday-Friday. No holes are to be left open overnight. The contractor is responsible for any pedestrian or vehicular traffic control per the Michigan Manual on Uniform Traffic Control Devices required to safely complete the work.

This work is to be done while minimizing disturbance to sidewalks, driveways, and landscaping. In-kind restoration of all pavements, curbs, sidewalks, driveways, landscaping, lawns, etc. is the responsibility of the contractor and will be included in the unit price. Restoration within the City right of way must conform to City of Marquette standards and specifications. To the fullest extent possible, the contractor shall attempt to place exploration hole within grass or landscaping away from concrete or asphalt. When

exploration must be in concrete or asphalt, the asphalt or concrete removal shall be minimized. Asphalt shall be cut to no greater than 25 square feet. Concrete shall be cut at a joint or as approved by City Engineering staff. All sidewalks must be removed and replaced in full squares. Excavations near trees must be done with the assistance of a qualified professional. No trees in the City right of way may be removed without permission from the City Arborist.

To receive payment the contractor shall provide records of the pipe size, material, and depth. They must also provide three pictures per identification point, one showing the hole with the building in view, one with a measuring rod in the hole to indicate the depth to the pipe, and one zoomed in on the pipe. These should be labeled with the property address and provided to the City digitally. All labor, materials, and equipment to complete the work will be paid per each as “Service Line Excavate and Identify in Turf”, or “Service Line Excavate and Identify in Concrete/HMA”. Payment will be made based quantities and unit prices in the unit cost proposal table. No additional payment will be made unless mutually agreed upon and approved in a contract modification.

Service line material determination shall be made under the supervision of a qualified professional. Below is an example of a method that may be used under the guidance of a professional engineer.

1. A magnet shall be placed near the line. If the magnet attaches to the pipe, it shall be recorded as galvanized steel.
2. If the magnet does not attach to the pipe the pipe shall be scratched using a sharp knife or equal tool to expose clean metal. Copper color shall be considered copper. A soft grey color shall be recorded as lead.

The City will provide, at no cost, a hydrant location to be used as a water source for hydro excavation activities, as well as a dump location for spoils produced.

Progress updates are to be made to the City on a weekly basis and include work completed and the current amount expended.

The City estimates the amount of data missing from the previously listed items of work is as follows

Item #1: 1,072 missing data point
Item #2: 1,485 missing data points
Item #3: 171 missing data points

Submittals

The consultant’s proposals shall be submitted through BidExpress by **4:00 P.M. Tuesday, July 16th, 2024.**

Proposals must contain the following:

- Company legal name, addresses, phone and email address of each office.
- A description of the company’s capabilities and experience completing this type of work including qualifications of key personnel and the equipment to be used.
- Statement of understanding of the work requested.
- A work plan outlining how the contractor proposes to contact property owners and schedule in building inspections, communicate with residents who have questions, and prioritize identification to maximize the number of data points collected with the given budget.
- A completed copy of the attached unit price sheet.

- An example letter to be sent to residents for in-building identification including a contact number they can call with any questions.
- An example door hanger for hydro excavation work.

Proposal Selection

Proposals will be reviewed and evaluated by the City Engineer, Assistant City Engineer, and the Hydrology Engineer. Proposals will be selected based on the above submitted content. A copy of the scoring sheet has been provided for your information.

Additional Requirements

Invoice Deadline: All invoices for work performed should be sent on a month by month basis. The final invoice shall be received by the City of Marquette no later than **December 1, 2024** unless special circumstances dictate and approved by the City Engineer.

By submitting a proposal, the consultant agrees to use the Professional Services Contract as provided by the City of Marquette. Contract is attached for your review with a “Do Not Exceed” cost.

The selected consultant will be required to submit the proof of insurance per the proposed contract to the City of Marquette prior to the award of the construction contract by the City Commission. Insurance will be required for any subcontractors performing work. The selected consultant will also be required to submit a \$50,000 construction warranty bond along with a 2 year warranty letter covering workmanship and materials placed.

This project is subject to all the requirements of the attached grant agreement including the Davis-Bacon Act, 40 U S C 276a, et seq, which requires that prevailing wages and fringe benefits be paid to contractors and subcontractors performing on federally funded projects over \$2,000 for the construction, alteration, repair (including painting and decorating) of public buildings or works. The applicable wage rates are attached.

Payment will be made on a bi-weekly basis after the City has received all required Davis Bacon payroll records. Weekly documentation will be required and payment will be based on the unit cost prices submitted. The overall project cost may not exceed the estimated amount without an approved contract modification.

Interim and Final Reporting:

An interim report must be submitted to the City on the status of all unknown service lines by October 8, 2024. An attempt to identify all the services must be made by this date.

A final report must be submitted to the City by December 31, 2024.

The **interim report** must include the following:

- Summary of findings
- EGLE CDSMI spreadsheet with findings to date

The **final report** must include the following:

- Summary of findings
- EGLE CDSMI spreadsheet with final findings
- A pdf report with required documentation of all work completed
- Digital documentation.

Attachments

1. Unit Price Cost proposal
2. City Professional Services Contract
3. EGLE CDSMI reporting spreadsheet
4. Proposal Scoring Sheet