City of Marquette, MI

Meeting Agenda
City Commission

Monday, August 30, 2021
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

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

Presentation(s)

1. Board of Zoning Appeals, by Chair Jermey Ottaway

Public Hearing(s)

2. Rezoning of a Portion of 2700 Lakeshore Boulevard - Roll Call Vote
3. Rezoning of a Portion of 213 S. Front Street - Roll Call Vote
4. Rezoning of 301 W. Baraga Avenue - Roll Call Vote

5. Consent Agenda

- **5.a.** Approve the minutes of the August 23, 2021 Commission work session
- **5.b.** Approve the minutes of the August 25, 2021 special Commission meeting
- **5.c.** Approve the total bills payable in the amount of $4,556,109.01
- **5.d.** Application for License to Use City Property Adjacent to 417 W. Michigan Street
- **5.e.** Consent to Grade Easement - MDOT South US-41/M-28 Project
- **5.f.** Hurley Basketball Court Paving
- **5.g.** KBIC Funding for the U.P. Children's Museum
- **5.h.** KBIC Funding for the YMCA
- **5.i.** Marquette Area Blues Fest - Special Event Permit
- **5.j.** Sault Ste. Marie Tribe of Chippewa Indians Funding for the U.P. Children's Museum
- **5.k.** Sault Ste. Marie Tribe of Chippewa Indians Funding for the YMCA
- **5.l.** Vango's Inc. - Concession Lease Agreement

Unfinished Business

6. Sale of City Property, 213 S. Front St. - Roll Call Vote

New Business

7. Lobbyist Contract

8. Delegate - Michigan Municipal League Convention

9. City Manager and City Attorney Performance Evaluation Process

10. Supervisors' Labor Agreement

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.

Agenda Date: 8/30/2021

Public Hearing(s)
Rezoning of a Portion of 2700 Lakeshore Boulevard - Roll Call Vote

BACKGROUND:

The Planning Commission held a public hearing on July 20, 2021 for the consideration of a request for rezoning of a portion of the property located at 2700 Lakeshore Boulevard. This property is the beach received by the City of Marquette from WE Energies.

The property is currently zoned Industrial/Manufacturing (IM) and is recommended to be rezoned Conservation and Recreation (CR). The City is requesting this rezoning to match the adjoining public lakeshore and to fit the intended future use of the property, which will be entirely for public enjoyment.

After conducting a public hearing the following motion was made:

It was moved by E. Brooks, seconded by A. Andres, and carried 4-0, that after conducting a public hearing and review of the application and Staff Report for 05-REZ-07-21, 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 05-REZ-07-21 as presented.
Yes: W. Premeau, E. Brooks, A. Andres, M. Larson
No: None

Under procedures in accordance with section 54.1405 of the Land Development Code, the Planning Commission is offering the recommended amendments to the City Commission for final approval. A hearing must be scheduled in accordance with section 54.1406 of the Land Development Code. Tonight's hearing was scheduled at the August 8, 2021 regular City Commission meeting.

FISCAL EFFECT:

None.

RECOMMENDATION:

Following the Public Hearing, adopt Ordinance 699, rezoning the referenced portion of 2700 Lakeshore Boulevard as recommended by the Planning Commission, and direct the Mayor and City Clerk to sign the Ordinance.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- PC Case 05-REZ-07-2021_072021 agenda materials
- Ordinance 699

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: July 6, 2021
SUBJECT: **05-REZ-07-21 – portion of 2700 Lakeshore Blvd. (PIN: portion of 0510130)**

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone a portion of 2700 Lakeshore Blvd that is zoned **Industrial/Manufacturing (IM)** to be zoned **Conservation and Recreation (CR)**. The Wisconsin Electric Power Company quit-claimed this property to the City of Marquette on June 4, 2021. The city would like this rezoned so it can be a part of their conservation and recreation parcels that are adjacent to Lake Superior.

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 is appropriate and meets Section 54.1405 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 05-REZ-07-21, 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) 05-REZ-07-21 (as presented / for the following reasons / with the following conditions).*

STAFF FILE REPORT/ANALYSIS

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

Case #: 05-REZ-07-21

Date: July 8, 2021

Project/Application: Rezoning request from **Industrial/Manufacturing (IM)** to be zoned **Conservation and Recreation (CR)**.

Location: A portion of 2700 Lakeshore Blvd

Parcel ID: A portion of 0510130

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Year Built: This portion of the land only has a parking lot.

Current Zoning: Industrial/Manufacturing (IM)

Surrounding Zoning:
North: CR – Conservation and Recreation
South: M- Municipal
East: Lake Superior
West: IM – Industrial/Manufacturing

Zoning Districts and Standards:

Current Zoning

Section 54.317 IM, Industrial/Manufacturing District

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

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Food Production, Minor • Gasoline Service Stations • Indoor Recreation • Manufacturing, Light • Office, Medical • Office, Professional • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment	• Accessory Use, Non-Single Family Residential Lots • Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Microbusiness – Heavy Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Processor – Heavy Manufacturing

• Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Warehousing • Wholesale Trade Establishment • Wholesaling Operations • Wireless Telecommunications Facilities	• Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Manufacturing, Heavy • Pet Boarding Facility • Retail Business, Outdoor Permanent • Storage, Bulk
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

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

54.403 Footnotes to Schedule of Regulations

(N) Modified Height and Setback Requirements in the IM District. The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in *Section 54.402* and *Article 6* are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in *Section 54.402*.

(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.

(R) 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.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

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

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

Figure 50 - Required Buffer and Greenbelt Specifications:

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

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

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

Proposed Zoning

Section 54.318 CR, Conservation and Recreation District

(A) Intent
The intent of the CR district is to preserve the character of land in the city which have outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; to preserve open areas for forestry, agriculture and recreation; and to control the construction of structures along the shoreline of Lake Superior. One of the purposes of the CR district is to have an appropriate zoning district for municipal parks that meet these objectives.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Natural Resource Extraction Operations • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Port Facilities and Docks • Recreational Use, Land Intensive • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	None	*Front Yard (ft.)*	15
Min. Lot Width (ft.)	None	*Side Yard (one) (ft.)*	50
Max. Impervious Surface Coverage (%)	*(R)*	*Side Yard (total of 2) (ft.)*	100
Max. Building Height of Primary Building (ft.) (O)	36.5	*Rear Yard (ft.)*	20 *(P)*
Max. Building Height of Accessory Building	18		
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

(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.

(P) Increased Rear Yard Setbacks for Lots in the CR District. Lots in the CR district must have a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.

(R) 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.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

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

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

Figure 50 - Required Buffer and Greenbelt Specifications:

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

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, July 20, 2021.

(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 July 20, 2021.

(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.

Conditions have changed since this is no longer a privately owned parcel. The Wisconsin Electric Power Company quit-claimed this property to the City of Marquette on June 4, 2021. Most of the City-owned land that is adjacent to the Lake Superior and used as a public area is zoned Conservation and Recreation.

(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.

This portion of Lakeshore Boulevard is classified as "Scenic Corridor" per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are high.

(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.

There was no error in the Zoning Ordinance, however, conditions have changed since this is no longer a privately owned parcel. The Wisconsin Electric Power Company quit-claimed this property to the City of Marquette on June 4, 2021.

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

The proposal will not result in exclusionary zoning.

(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 zoning is the same as the surrounding zoning to the north and southwest of the site. This portion of the parcel has an existing parking lot with two driveways.

(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 north and southwest of the site.

(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.

Since most of the zoning districts in this area along the lakeshore is CR, the proposed zoning district is more appropriate than another zoning district.

(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.

It is the plan of the City to have it be used as conservation and recreation which the proposed rezoning is the only appropriate zoning district.

(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 proposed rezoning is the same as the existing zoning district of the adjacent parcel to the north.

(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.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

This section is not applicable, as this is not a rezoning with conditions request.

Additional Comments:

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

Legal Description for this portion of the property:

A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as:

Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way

line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

Attachments:

1. Rezoning Application
2. Quit-Claim deed to the City of Marquette
3. Area Map
4. Block Map
5. Area Zoning Map
6. Future Land Use Map from the Master Plan
7. Proposed Zoning Map from the Master Plan
8. Photos of the site
9. Publication Notice
10. *Rezoning Information for Planning Commissions* document
11. *Spot Zoning Considerations*

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

CITY OF MARQUETTE
REZONING APPLICATION

CITY STAFF USE

Parcel ID#: portion of 0510130 File #: 05-REZ-07-21 Date: 6-22-21

Hearing Date: 7-20-21 Application Deadline (including all support material): 6-22-21

FEE $540 Receipt #:_____ Check #:_____ Received by and date: N/A City

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:

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

Please review the attached excerpts from the Land Development Code

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: City of Marquette

Address: 300 West Baraga Ave

City, State, Zip: Marquette, MI 49855

Phone #: 906-225-8104

Email: shobbins@marquettemi.gov

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

APPLICANT/OWNERS REPRESENTATIVE

Name: Sean Hobbins

Address: 300 West Baraga Ave

City, State, Zip: Marquette, MI 49855

Phone #: 906-225-8104

Email: shobbins@marquettemi.gov

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

PROPERTY INFORMATION

Location (Street Address): 2700 Lakeshore Blvd Property Identification Number: 0510130

Size of property (frontage / depth / sq. ft. or acres): A portion of 2700 Lakeshore Blvd - see legal desc.

Current Zoning District: IM Proposed Zoning District: CR

Surrounding Zoning Districts: North CR East N/A South M West IM

Legal Description: Attached

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.

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 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 is 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 members to inspect the site.

Property Owner Signature: _____ Date: 6/17/21

Legal Description for Proposed Rezoning:

A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as:

Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

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.

(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.

(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.

(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.

(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.

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

(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.

(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.

(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.

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

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(F) Protest Petition of Amendment. An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:

(1) Petition Submittal Requirements. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:

(a) The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(2) Vote. If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the City Commission.

(G) Referendum. Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the City Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such

conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

(1) Conditional Rezoning Agreement. The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:

(a) A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.

(b) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.

(c) Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

(d) The date upon which the rezoning with conditions becomes void, as specified in *Section 54.1405(H)(3)*, below. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.

(e) Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in *Section 54.1405(H)(3)*, below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

(f) Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

(g) A legal description of the property affected by the rezoning with conditions.

(h) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.

(i) Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

(j) A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Commission in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.

(2) Amendment to Conditional Rezoning Agreement. A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.

(3) Period of Approval. Unless extended by the City Commission for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

(a) Expiration or Extension. In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the Zoning Administrator before the two (2) year time limit expires. The landowner must provide to the City Commission good cause as to why the extension should be granted. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.

(b) Effect of Expiration. If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:

(i) The property owner may seek a new rezoning of the property; and/or

(ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

(4) Zoning Map. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be "CBD Central Business District with CR Conditional Rezoning," with a Zoning Map designation of "CBD CR."

(5) Review and Approval Process. An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in *Section 54.1405(C)*, with the exception that the conditional rezoning agreement shall be

executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions.

(6) Recordation of a Conditional Rezoning Agreement. A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.

g' city clerk

8079946
Tx:4049677
6/15/2021 2:45:00 PM

2021R-07806
CARLA A L'HUILLIER
REGISTER OF DEEDS
MARQUETTE COUNTY, MI
RECEIVED ON
06/15/2021 02:45 PM
RECORDED ON
06/15/2021 02:53 PM
PAGES: 3

QUIT CLAIM DEED

The Grantor, Wisconsin Electric Power Company, a Wisconsin corporation, of 231 W. Michigan Street, Milwaukee, WI 53203, quit-claims to the Grantee, the City of Marquette, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, all of its interest in the following parcel of land located in the City of Marquette, County of Marquette, and State of Michigan described as follows:

A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as:

Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

Subject, however, to any and all rights, reservations, restrictions, conditions, and easements appearing in the recorded chain of title.

for the sum of NO ACTUAL CONSIDERATION. MCL 207.505(a) 207.526(a)

THE GRANTOR QUIT-CLAIMS THE PROPERTY TO THE GRANTEE ON AN 'AS IS, WHERE IS' BASIS, WITH GRANTEE ACKNOWLEDGING THAT THE GRANTOR OPERATED THE PRESQUE ISLE POWER PLANT ON LANDS ADJACENT TO THE PROPERTY.

Grantor hereby reserves unto itself, its successor and assigns (as owners of the adjacent property) an appurtenant easement on the property hereby conveyed for the continued use, repair, replacement and enjoyment of the existing underground intake and discharge pipes together with any related facilities associated with Grantor's easement recorded in Liber 85MR, Pages 375-381 and assigned to Grantor in Liber 122, Page 94.

As a material inducement for Grantor to convey the property to Grantee, Grantee for itself, its successors, and assigns, forever releases and covenants not to sue Grantor, its successors and assigns, with respect to any and all losses, expenses, costs, claims (whether at law, contract or equity), liabilities, causes of action, or matters concerning, arising out of or related to any and all environmental, health or safety conditions of the property and/or the presence or suspected presence of hazardous substances or materials, or the presence of coal or ash, thereon or thereunder, regardless of whether such environmental, health or safety conditions of the property or presence or suspected presence of hazardous substances or materials is known or unknown.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to make No divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Neither the legal description nor a title search of the subject premises has been provided by the drafter. Further, the drafter does not warrant compliance under the Michigan Land Division Act.

[Signature on Following Page]

Dated this 4TH day of June, 2021.

Wisconsin Electric Power Company

By: Tonya M Peters
Its: manager of Property management

State of WISCONSIN }
} SS.
County of MILWAUKEE }

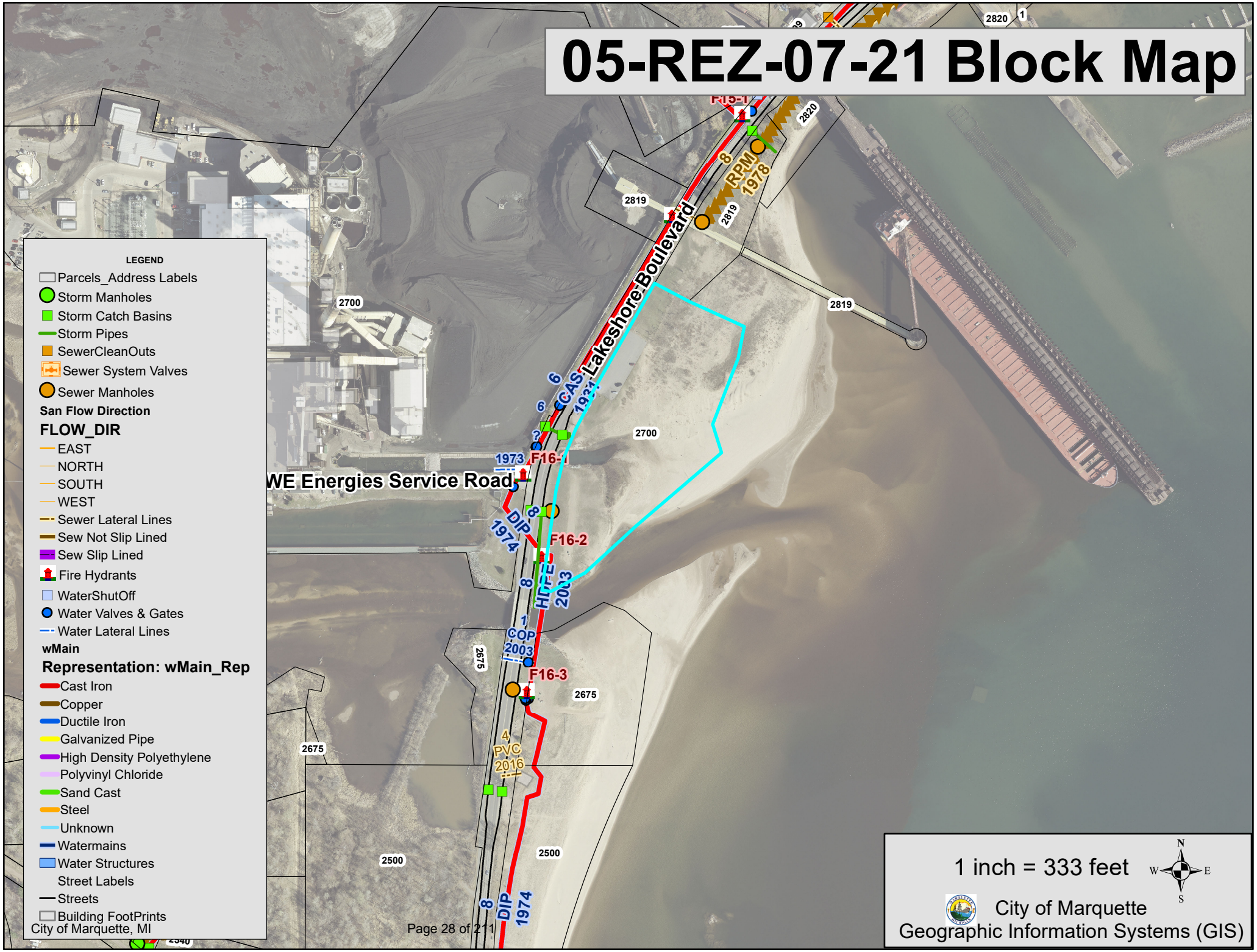
The foregoing instrument was acknowledged before me this 4TH day of JUNE, 2021, by TONYA PETERS, the MANAGER of PROPERTY MGT. of Wisconsin Electric Power Company.

ROBERT J. BOKOWSKI JR NOTARY PUBLIC STATE OF WISCONSIN

Robert J. Bokowski JR, Notary Public
MILWAUKEE County, State of WISCONSIN
My commission expires: 11-16-2024
Acting in MILWAUKEE County

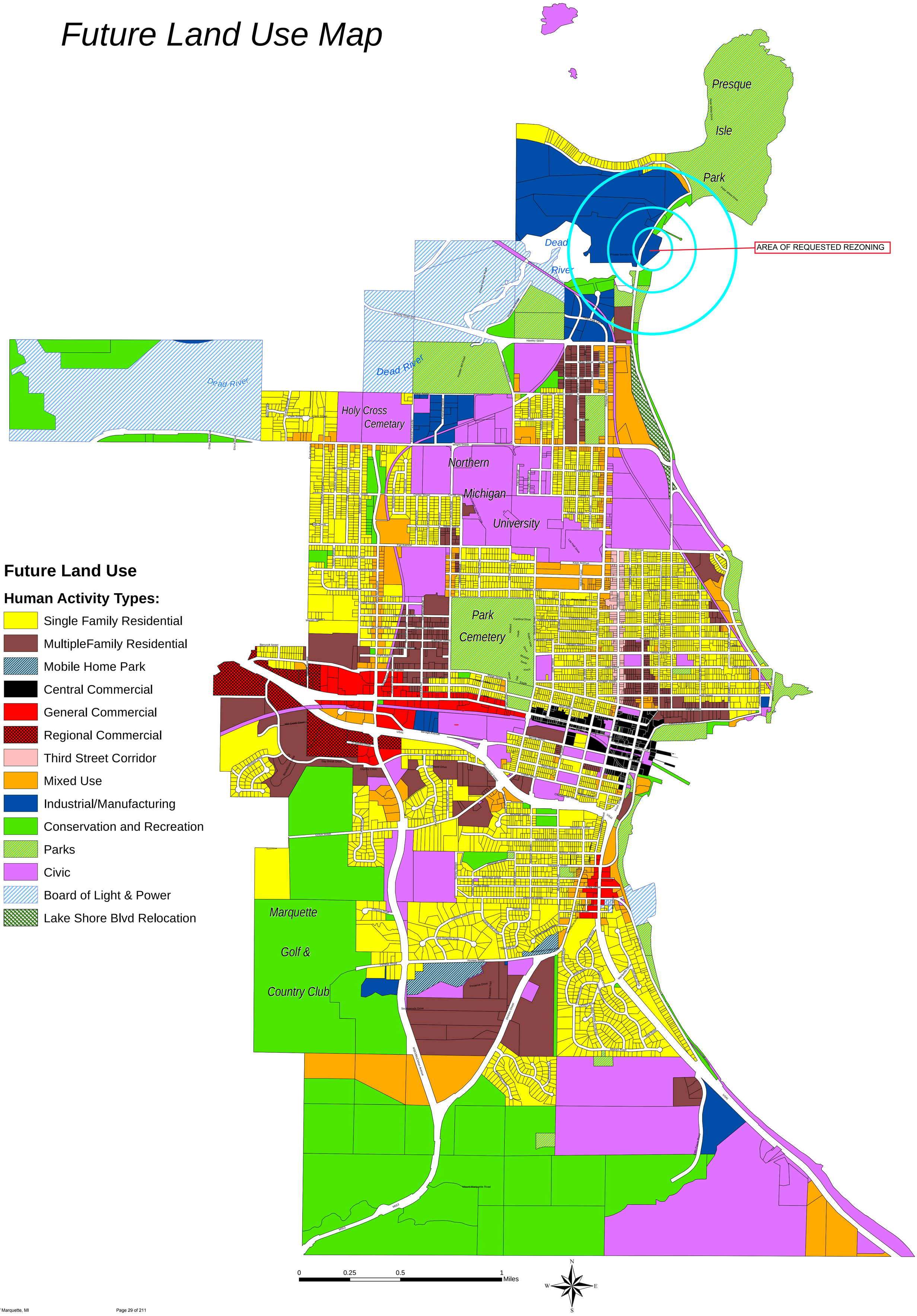
Drafted by:
Suzanne C. Larsen (P57017)
KENDRICKS, BORDEAU, KEEFE,
SEAVOY & LARSEN, P.C.
128 West Spring Street
Marquette, MI 49855
(906) 226-2543


05-REZ-07-21 Area Map
LEGEND
Parcels_Address Labels
Contours2FT
Street Labels
Streets
Building FootPrints
City of Marquette, MI
1 inch = 417 feet
N
W
E
S
City of Marquette
Geographic Information Systems (GIS)


05-REZ-07-21 Block Map
LEGEND
Parcels_Address Labels
Storm Manholes
Storm Catch Basins
Storm Pipes
SewerCleanOuts
Sewer System Valves
Sewer Manholes
San Flow Direction
FLOW_DIR
EAST
NORTH
SOUTH
WEST
Sewer Lateral Lines
Sew Not Slip Lined
Sew Slip Lined
Fire Hydrants
WaterShutOff
Water Valves & Gates
Water Lateral Lines
wMain
Representation: wMain_Rep
Cast Iron
Copper
Ductile Iron
Galvanized Pipe
High Density Polyethylene
Polyvinyl Chloride
Sand Cast
Steel
Unknown
Watermains
Water Structures
Street Labels
Streets
Building FootPrints
City of Marquette, MI
Lakeshore Boulevard
WE Energies Service Road
F15-1
F16-1
F16-2
F16-3
RPM 1978
CAS 1931
DIP 1974
HDPE 2003
COP 2003
PVC 2016
2820
2819
2700
2675
2500
1 inch = 333 feet
N
W
E
S
City of Marquette
Geographic Information Systems (GIS)

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



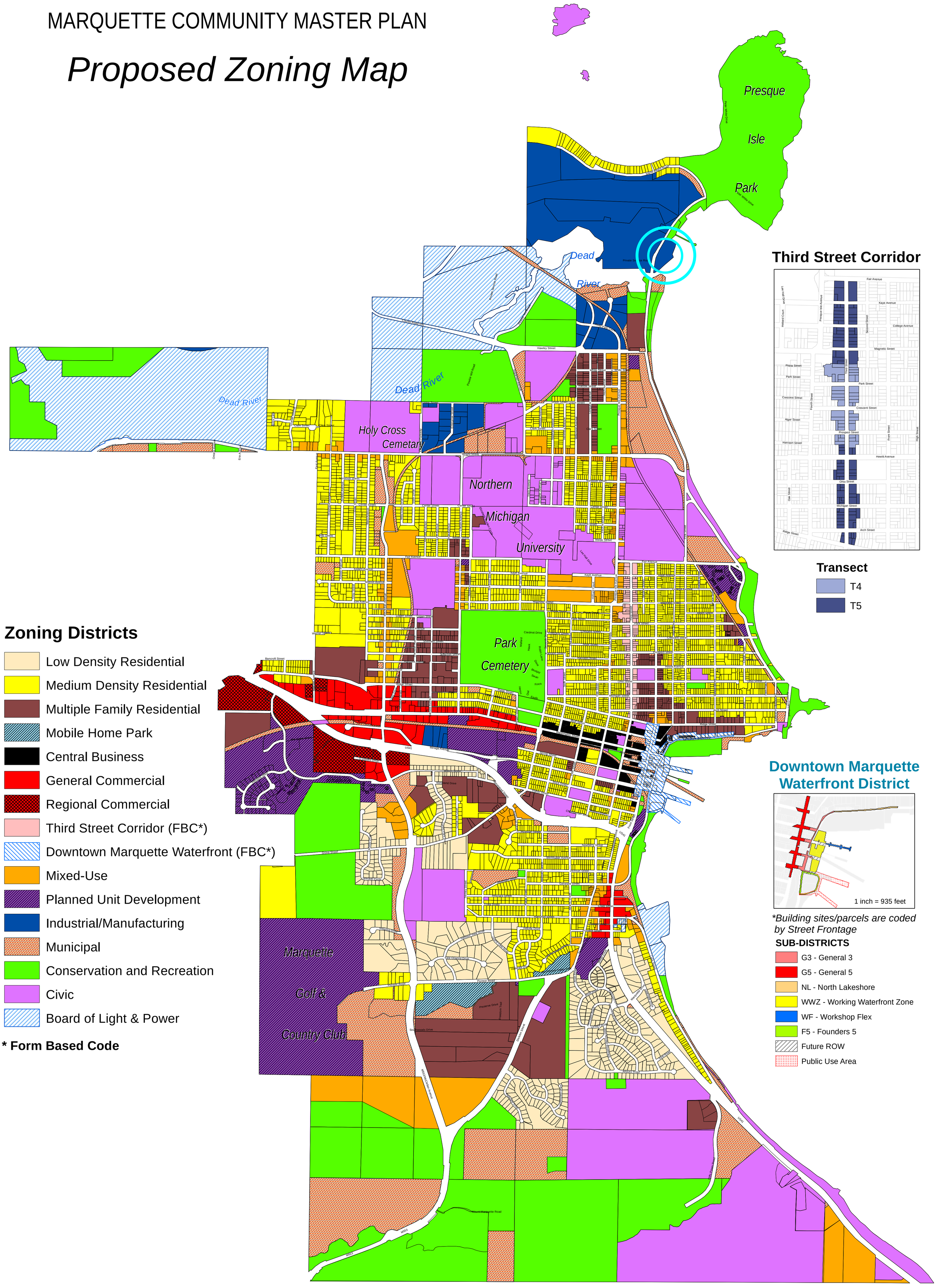
Future Land Use

Human Activity Types:

- Single Family Residential
- MultipleFamily Residential
- Mobile Home Park
- Central Commercial
- General Commercial
- Regional Commercial
- Third Street Corridor
- Mixed Use
- Industrial/Manufacturing
- Conservation and Recreation
- Parks
- Civic
- Board of Light & Power
- Lake Shore Blvd Relocation

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**

Downtown Marquette Waterfront District

1 inch = 935 feet

**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

0 0.25 0.5 1 Miles

N W E S


06/22/2021 09:01


06/22/2021 09:01


06/22/2021 09:01


06/22/2021 09:01

Local

Highlen's work can be found at Zero Degrees Art Gallery in Marquette, Open Wings Pottery and Gallery in Munising, Art in Abundance in Grand Marais Township, Michigan, and by contacting Highlen directly. In addition, the artist plans to participate in the Outback Art Fair in Marquette this summer, as well as the plein air painting competition in Grand Marais, Minnesota, this fall.

The artwork was installed on May 19 and will be on display through July 6.

Travel Marquette is open from 9 a.m. to 5 p.m. weekdays, visitors are invited to view Highlen's paintings that reflect the world of Marquette through her eyes and the stroke of her brush.

Negaunee City band to perform

NEGAUNEE – The Negaunee City Band plays its first concert of the 2021 season at 7:30 p.m. Wednesday at the Outdoor Performing Arts Center at the east end of Iron Street.

The band invites the public to this free concert, the first they have performed since the end of the 2019 summer season. The concert celebrates the Independence Day holiday with patriotic songs from throughout the country's history.

Director Brandon Nelson has chosen to begin the concert with Carmen Dragon's arrangement of "America the Beautiful." The program features four marches: "Americans We" by Fillmore, "Emblem of Unity" by Richards, and two Sousa marches, "The Liberty Bell" and "The Glory of the Yankee Navy."

Also, "American Sketches" by Pierre LaPlante includes "The Erie Canal" and "Shoo Fly." "Irving Berlin's Songs for America" includes "This Is the Army, Mr. Jones," and "God Bless America." A final medley is "The Blue and the Gray," which has strains of many familiar tunes, such as "Marching through Georgia," "The Yellow Rose of Texas," "Dixie" and "Battle Hymn of the Republic."

Following the custom of past years, the concert will conclude with "Just a Closer Walk with Thee."

There is some seating available at the venue, but attendees may wish to bring their own chairs. This is the first of six Wednesday evening concerts, with the final one scheduled for Aug. 11.



- 3:10 p.m., property-damage accident, U.S. 41 near South Lake Street
- 3:31 p.m., weapons other, U.S. 41 near South Lake Street
- 3:33 p.m., hit-and-run property-damage accident, Fisher Street
- 3:34 p.m., hit-and-run property-damage accident in parking lot, no suspects, 100 block South Street
- 3:45 p.m., boat driver had throttle "wide open" in the harbor, complainant just wanted it noted, driver gone on arrival, Peter White Drive
- 4:18 p.m., assistance, North Fourth Street
- 4:55 p.m., property inspection, East Fair and Pine streets
- 5:03 p.m., property-damage accident, McClellan Avenue near West Washington Street
- 5:15 p.m., property inspection, 500 block North Lakeshore Boulevard
- 5:40 p.m., harassment complaint, Whetstone Road
- 5:52 p.m., traffic enforcement, 1.5 hours, U.S. 41 South
- 5:59 p.m., property check, 200 block North Lakeshore Boulevard
- 6:06 p.m., caller reports a disorderly subject running in

Lakeshore Boulevard

- 11:23 p.m., four property

Parkway

PUBLIC HEARING NOTICE
MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing on the following matters at their regular meeting scheduled for 6:00 P.M. on Tuesday, **July 20, 2021:**

06-SUP-07-21 – 501 S. Lake Street (PIN: 0020040): Pensco Trust Co Custodian and Marquette Brewing Cooperative are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, and a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use to be located at 501 S. Lake St.

07-SUP-07-21 – 505 N. Lakeshore Blvd. (PIN: 0171900): Lakeshore Depot L3C and Lakeshore Park of Marquette Inc. are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use, and a Special Land Use Permit for Light Manufacturing for beverage and food production that would include alcoholic and nonalcoholic beverages and to prepare and sell food products to be located at the parcel address of 505 N. Lakeshore Blvd. and the Lakeshore Depot address is 560 Fern Place.

05-REZ-07-21 – portion of 2700 Lakeshore Blvd. (PIN: portion of 0510130): The City of Marquette is requesting to rezone a portion of 2700 Lakeshore Blvd that is zoned Industrial/Manufacturing (IM) to be zoned Conservation and Recreation (CR). Legal Description of the property: A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as: Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

06-REZ-07-21 – portion of 213 S. Front St. (PIN: portion of 0151030): City of Marquette is requesting to rezone the portion of 213 S. Front Street that is zoned Municipal (M) to be zoned Central Business District (CBD).

The public hearing for these requests will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, **July 20, 2021.** 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@marquettemi.gov. Written submissions will be accepted until 12:00 p.m. on July 20, 2021.

Materials submitted by the applicant and the Land Development Code language pertaining to the request are 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 submitted by the applicant e-mailed to you by e-mailing alanders@marquettemi.gov. You can also view the Land Development Code on our website at www.marquettemi.gov. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers - Zoning Official
alanders@marquettemi.gov
225-8383

Rezoning

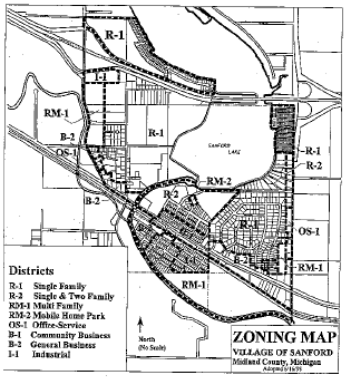
- The main question that must be answered when considering a rezoning is: *"Is that an appropriate location for that zone?"*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific 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.

20

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.

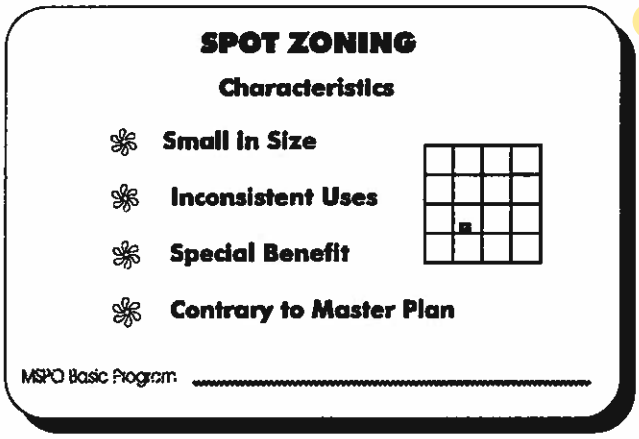
Result

- 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.



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 is 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

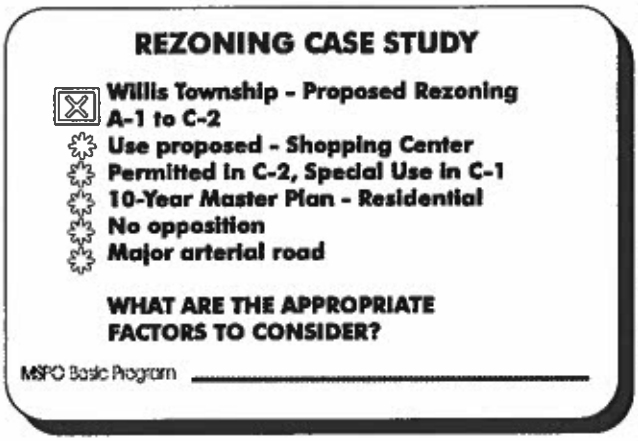
The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, 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

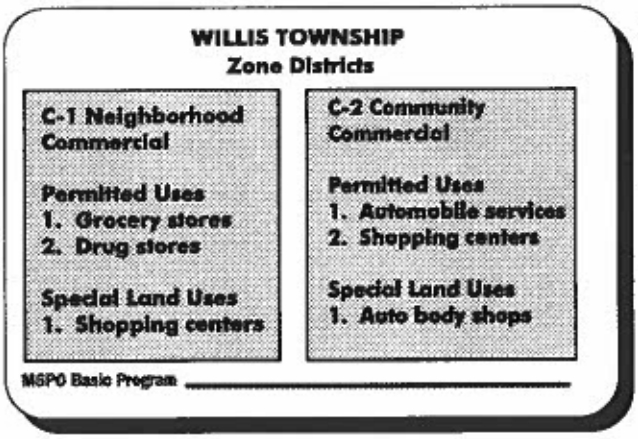
The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may 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

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.



- 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?

ORDINANCE #699
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 54 – ZONING, BY CHANGING THE ZONING DESIGNATION OF A PORTION OF THE PROPERTY 2700 LAKESHORE BLVD.

The City of Marquette Ordains:

SECTION 1. Zoning Designation.
The zoning of a portion of property located at 2700 Lakeshore Boulevard (PIN: portion of 0510130) is hereby changed from Industrial/Manufacturing (IM) to Conservation and Recreation (CR).

Legal Description of the property: A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as: Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

SECTION 2. Map Revision.
This change shall be shown on the Marquette City Zoning Map.

SECTION 3. Effective Date.
This ordinance shall take effect ten days after adoption but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

Agenda Date: 8/30/2021

Public Hearing(s)
Rezoning of a Portion of 213 S. Front Street - Roll Call Vote

BACKGROUND:

The Planning Commission (PC) held a public hearing on July 20, 2021 for the consideration of a request for rezoning of a portion of property located at 213 S. Front Street. The sale of this property is currently being negotiated by the City Manager to Ore Dock Real Estate, LLC, in coordination with the Ore Dock Brewing Company, LLC, as approved by the City Commission at the regular meeting held on April 26, 2021. The property is a former railroad grade and is mostly vacant except for a licensed ADA entrance/exit platform and ramp utilized as a rear egress from Ore Dock Brewing Company, LLC and an abutment located next to the building at 214 S. Front Street. According to the letter of intent and discussions with Ore Dock Real Estate, LLC, they are planning to "develop the premises into an urban beer garden, utilizing a placemaking philosophy to transform this underutilized space into a community asset".

The property is currently zoned Municipal and will be rezoned to Central Business District (CBD) to fit the intended commercial use of the property.

After conducting a public hearing the following motion was made:

It was moved by E. Brooks, seconded by A. Andres, and carried 4-0, that after conducting a public hearing and review of the application and Staff Report for 06-REZ-07-21, 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 06-REZ-07-21 as presented.

Yes: W. Premeau, E. Brooks, A. Andres, M. Larson
No: none

Under procedures in accordance with section 54.1405 of the Land Development Code, the Planning Commission is offering the recommended amendments to the City Commission for final approval. A hearing must be scheduled in accordance with section 54.1406 of the Land Development Code. This hearing was scheduled at the August 8, 2021 regular City Commission meeting.

The rezoning of this parcel will be contingent on the sale of the parcel to Ore Dock Real Estate, LLC and that item will be considered by the City Commission at this meeting, in conjunction with the rezoning request. The rezoning request should only be approved if the property sale is also approved.

FISCAL EFFECT:

None.

RECOMMENDATION:

Following the Public Hearing, adopt Ordinance 700, rezoning the portion of 213 S. Front Street as recommended by the Planning Commission, and direct the Mayor and City Clerk to sign the Ordinance.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- 06-REZ-07-21
- Ordinance 700

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: July 6, 2021
SUBJECT: **06-REZ-07-21 – portion of 213 S. Front St. (PIN: portion of 0151030)**

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the portion of 213 S. Front Street that is zoned **Municipal (M)** to be zoned **Central Business District (CBD)**.

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 is appropriate and meets Section 54.1405 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 06-REZ-07-21, 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) 06-REZ-07-21 (as presented / for the following reasons / with the following conditions).*

STAFF FILE REPORT/ANALYSIS

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

Case #: 06-REZ-07-21

Date: July 8, 2021

Project/Application: Rezoning request from Municipal (M) to Central Business District (CBD).

Location: Portion of 213 S. Front Street

Parcel ID: Portion of 0151030

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Current Zoning: M – Municipal for this portion

Surrounding Zoning:
North: CBD – Central Business District
South: CBD – Central Business District
East: MDW G5– Marquette Form Based Code District General 5
West: CBD – Central Business District

Zoning Districts and Standards:

Current Zoning for this Portion of the Property

Section 54.315 M, Municipal District

(A) Intent
The intent of the Municipal district is to permit flexible development and approval standards for properties used by the City of Marquette. Because this district applies to City-owned properties, the permitted uses are specific to City use or use generally permitted on City property.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recycling Collection and Transfer Stations • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	None	*Front Yard (ft.)*	None
Min. Lot Width (ft.)	None	*Side Yard (one) (ft.)*	None
Max. Impervious Surface Coverage (%)	*(R)*	*Side Yard (total of 2) (ft.)*	None
Max. Building Height of Primary Building (ft.) (O)	None	*Rear Yard (ft.)*	None
Max. Building Height of Accessory Building	None		
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

(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.
(R) City of Marquette Design and Construction Standards. Refer to the City of Marquette Design and Construction Standards for limits on impervious surfaces.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

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

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

Figure 50 - Required Buffer and Greenbelt Specifications:

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

Proposed Zoning for this portion of the Property

Section 54.312 CBD, Central Business District

(A) Intent
The CBD is the historic hub of city commerce and intended to provide suitable regulations for the business-oriented core area of the city which serves both local and regional markets such as offices, retail or wholesale sales or service, light manufacturing, and mixed uses that include residential.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Dwelling, Live/Work • 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 • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	• Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Child Care Center or Day Care Center • Domestic Violence Abuse Shelter • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Gasoline Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Food and Beverage Service • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	None	*Front Yard (ft.)*	0
Min. Lot Width (ft.)	None	*Side Yard (one) (ft.)*	5 *(H)*
Max. Impervious Surface Coverage (%)	*(R)*	*Side Yard (total of 2) (ft.)*	10 *(H)*
Max. Building Height of Primary Building (ft.) (O)	60	*Rear Yard (ft.)*	10 *(I)*
Max. Building Height of Accessory Building	18		
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

(H) 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.

(I) 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.
(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.
(R) City of Marquette Design and Construction Standards. Refer to the City of Marquette Design and Construction Standards for limits on impervious surfaces.

Section 54.1003 Landscaping Design Requirements

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Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
CBD	15 (b)	15 (b)	N.A.	N.A.	N.A.	N.A.	N.A.	10 (a)

(a) Within this buffer area, one (1) tree per 30 linear feet is required.
(b) Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

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, July 20, 2021.

(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 July 20, 2021.

(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.

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.

(4) 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.

Conditions have changed since the Master Plan was adopted. The City of Marquette is tentatively selling this property to an adjacent property owner, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

(5) 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".

(6) 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.

This portion of Front Street is classified as an “urban minor arterial” per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are moderate.

(7) 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.

(8) 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.

The City of Marquette is tentatively selling this property to an adjacent property owner, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

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

The proposal will not result in exclusionary zoning, due to being the same as surrounding parcels to the north, west, and south of the site.

(10) 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.

(11) 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 zoning is compatible with surrounding uses and zoning.

(12) 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 north, west, and south of the site.

(13) 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.

Since the surrounding zoning districts to the north, west, and south are CBD, and it is within the downtown development district, the proposed zoning district is more appropriate than another zoning district.

(14) 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.

The rezoning is not being requested for a specific use, except that if the zoning district remained Municipal than the only allowable uses would be for public use. The City of Marquette is tentatively selling this property to an adjacent property owner, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

(15) 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 proposed zoning will not be creating an isolated or incompatible zone due to the surrounding zoning districts to the north, west, and south are CBD, and it is within the downtown development district.

(D) 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 this section will be met.

Additional Comments: The Planning Commission should consider the request, and the information provided in this analysis, hold a public hearing, and then provide a recommendation to the City Commission.

Attachments:

1. Rezoning Application with map attachment
2. Area Map
3. Block Map
4. Area Zoning Map
5. Future Land Use Map from the Community Master Plan (CMP)
6. Proposed Zoning Map, CMP
7. Photos of the site
8. Publication Notice
9. *Rezoning Information for Planning Commissions* document
10. *Spot Zoning Considerations*

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

CITY OF MARQUETTE
REZONING APPLICATION

CITY STAFF USE

Parcel ID#: Portion of 0151030 File #: 06-REZ-07-21 Date: 6-22-21

Hearing Date: 7-20-21 Application Deadline (including all support material): 6-22-21

FEE $540 Receipt #:_____ Check #:_____ Received by and date: N/A City

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:

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

Please review the attached excerpts from the Land Development Code

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: City of Marquette

Address: 300 W Baraga Ave

City, State, Zip: Marquette, MI 4855

Phone #: 906-225-8104

Email: shobbins@marquettemi.gov

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

APPLICANT/OWNERS REPRESENTATIVE

Name: Sean Hobbins

Address: 300 W Baraga Ave

City, State, Zip: Marquette, MI 49855

Phone #: 906-225-8104

Email: shobbins@marquettemi.gov

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

PROPERTY INFORMATION

Location (Street Address): Portion of 213 S Front Property Identification Number: 0151030

Size of property (frontage / depth / sq. ft. or acres): 11,216 sq ft

Current Zoning District: This portion M Proposed Zoning District: This portion CBD

Surrounding Zoning Districts: North CBD/G5 East G5 South CBD/G5 West CBD

Legal Description: See attachments.

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.

SIGNATURE

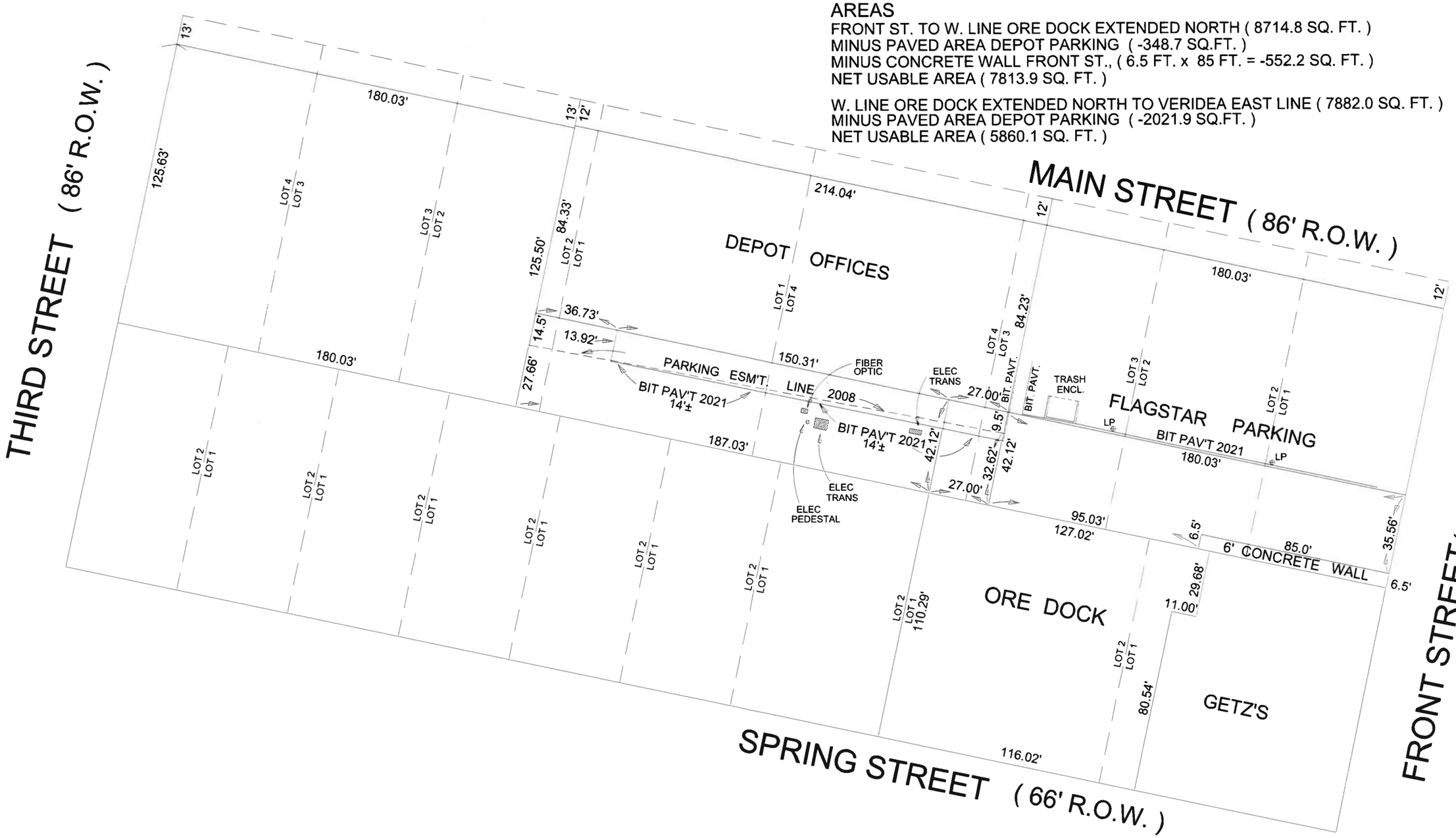
I hereby certify the following:

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 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 is 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 members to inspect the site.

Property Owner Signature: _____ Date: 6-22-21

AREAS
FRONT ST. TO W. LINE ORE DOCK EXTENDED NORTH (8714.8 SQ. FT.)
MINUS PAVED AREA DEPOT PARKING (-348.7 SQ.FT.)
MINUS CONCRETE WALL FRONT ST., (6.5 FT. x 85 FT. = -552.2 SQ. FT.)
NET USABLE AREA (7813.9 SQ. FT.)

W. LINE ORE DOCK EXTENDED NORTH TO VERIDEA EAST LINE (7882.0 SQ. FT.)
MINUS PAVED AREA DEPOT PARKING (-2021.9 SQ.FT.)
NET USABLE AREA (5860.1 SQ. FT.)



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.

(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.

(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.

(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.

(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.

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

(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.

(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.

(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.

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

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(F) Protest Petition of Amendment. An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:

(1) Petition Submittal Requirements. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:

(a) The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(2) Vote. If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the City Commission.

(G) Referendum. Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the City Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such

conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

(1) Conditional Rezoning Agreement. The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:

(a) A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.

(b) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.

(c) Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

(d) The date upon which the rezoning with conditions becomes void, as specified in *Section 54.1405(H)(3)*, below. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.

(e) Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in *Section 54.1405(H)(3)*, below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

(f) Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

(g) A legal description of the property affected by the rezoning with conditions.

(h) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.

(i) Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

(j) A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Commission in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.

(2) Amendment to Conditional Rezoning Agreement. A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.

(3) Period of Approval. Unless extended by the City Commission for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

(a) Expiration or Extension. In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the Zoning Administrator before the two (2) year time limit expires. The landowner must provide to the City Commission good cause as to why the extension should be granted. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.

(b) Effect of Expiration. If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:

(i) The property owner may seek a new rezoning of the property; and/or

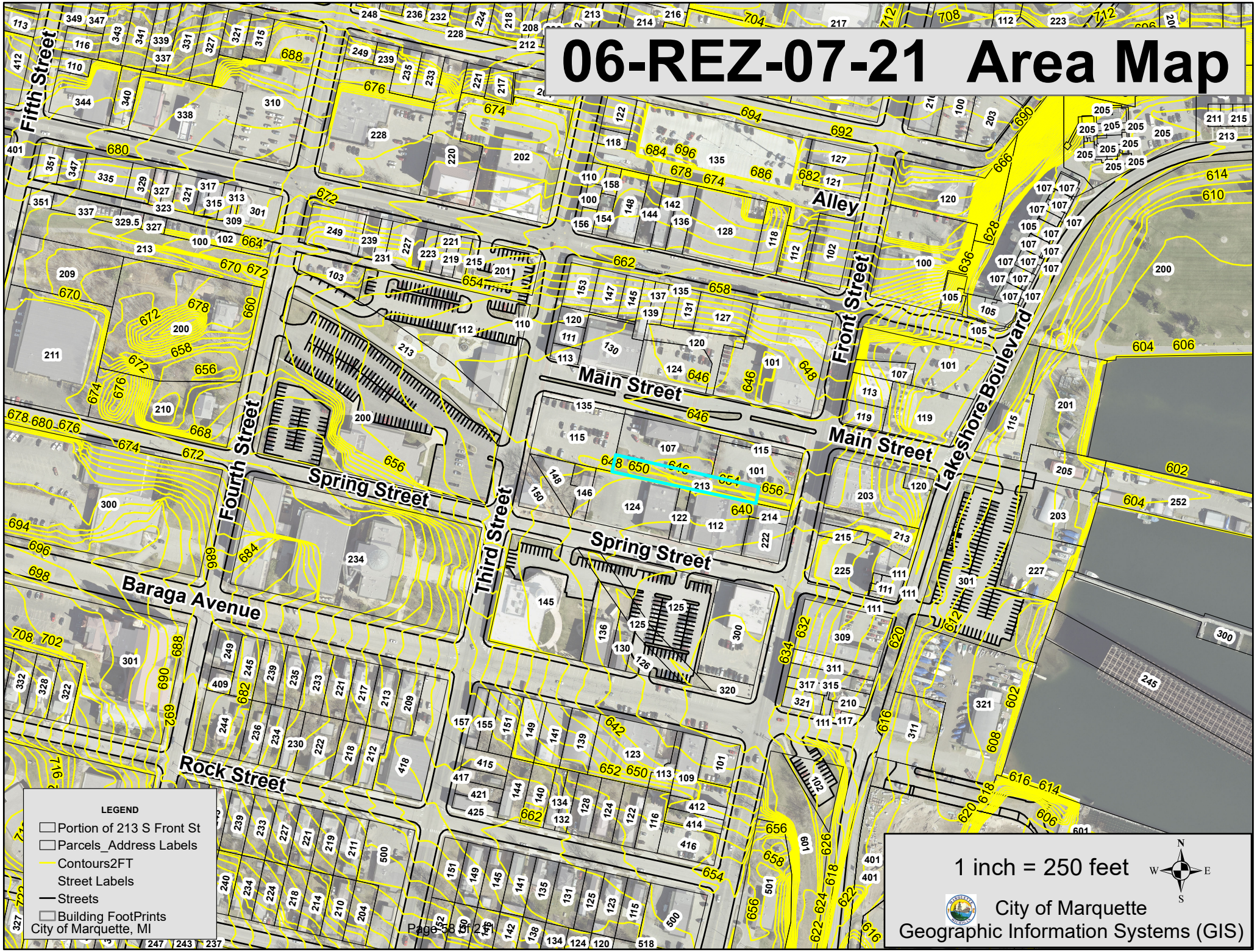
(ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

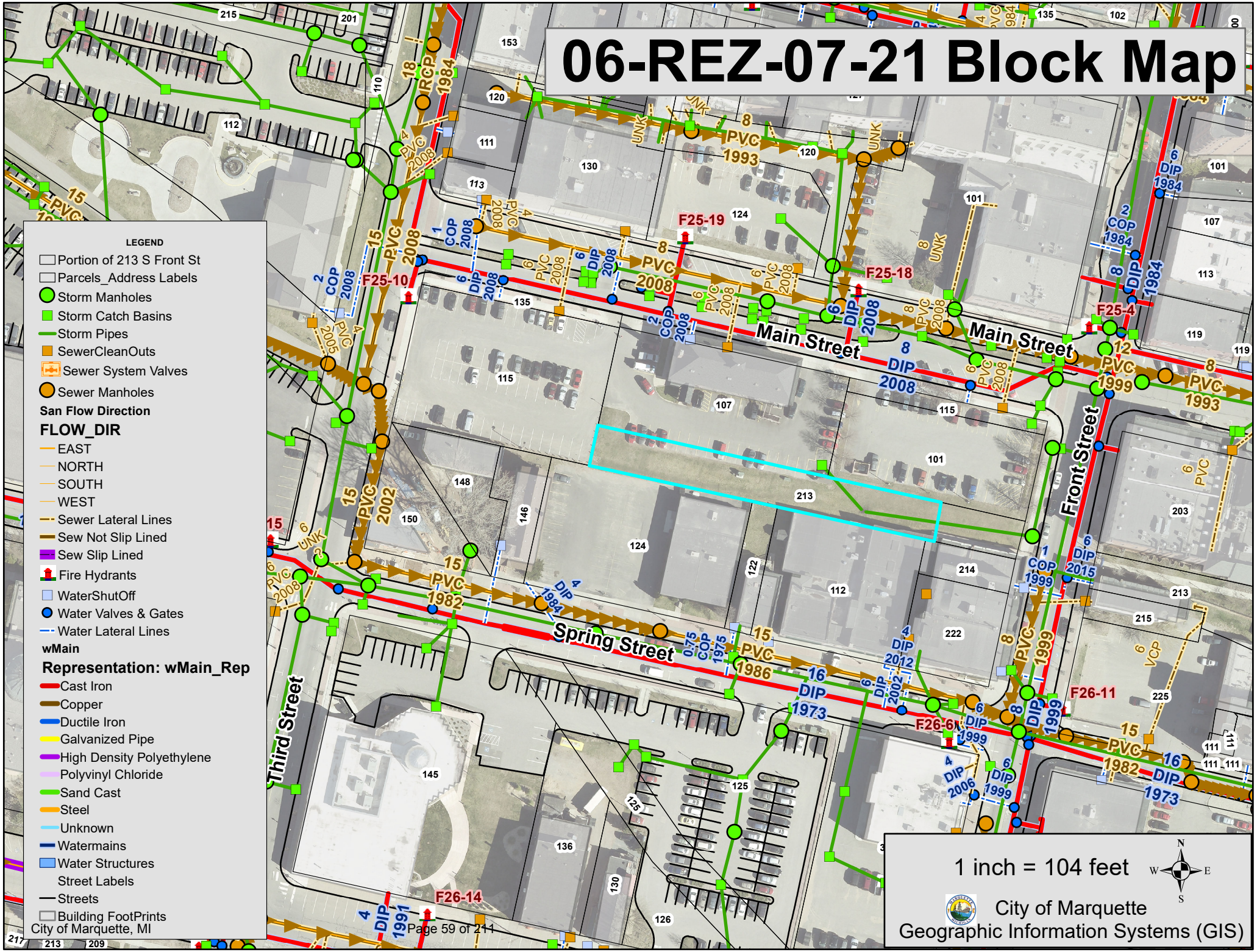
(4) Zoning Map. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be "CBD Central Business District with CR Conditional Rezoning," with a Zoning Map designation of "CBD CR."

(5) Review and Approval Process. An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in *Section 54.1405(C)*, with the exception that the conditional rezoning agreement shall be

executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions.

(6) Recordation of a Conditional Rezoning Agreement. A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.


06-REZ-07-21 Area Map
Fifth Street
Alley
Front Street
Main Street
Lakeshore Boulevard
Fourth Street
Spring Street
Third Street
Baraga Avenue
Rock Street
LEGEND
Portion of 213 S Front St
Parcels_Address Labels
Contours2FT
Street Labels
Streets
Building FootPrints
City of Marquette, MI
1 inch = 250 feet
N
W
E
S
City of Marquette
Geographic Information Systems (GIS)


06-REZ-07-21 Block Map
LEGEND
Portion of 213 S Front St
Parcels_Address Labels
Storm Manholes
Storm Catch Basins
Storm Pipes
SewerCleanOuts
Sewer System Valves
Sewer Manholes
San Flow Direction
FLOW_DIR
EAST
NORTH
SOUTH
WEST
Sewer Lateral Lines
Sew Not Slip Lined
Sew Slip Lined
Fire Hydrants
WaterShutOff
Water Valves & Gates
Water Lateral Lines
wMain
Representation: wMain_Rep
Cast Iron
Copper
Ductile Iron
Galvanized Pipe
High Density Polyethylene
Polyvinyl Chloride
Sand Cast
Steel
Unknown
Watermains
Water Structures
Street Labels
Streets
Building FootPrints
City of Marquette, MI
Main Street
Spring Street
Front Street
Third Street
F25-19
F25-18
F25-10
F25-4
F26-11
F26-6
F26-14
1 inch = 104 feet
N
W
E
S
City of Marquette
Geographic Information Systems (GIS)

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map

Future Land Use

Human Activity Types:

- Single Family Residential
- MultipleFamily Residential
- Mobile Home Park
- Central Commercial
- General Commercial
- Regional Commercial
- Third Street Corridor
- Mixed Use
- Industrial/Manufacturing
- Conservation and Recreation
- Parks
- Civic
- Board of Light & Power
- Lake Shore Blvd Relocation

AREA OF REQUESTED REZONING

0 0.25 0.5 1 Miles

N W E S

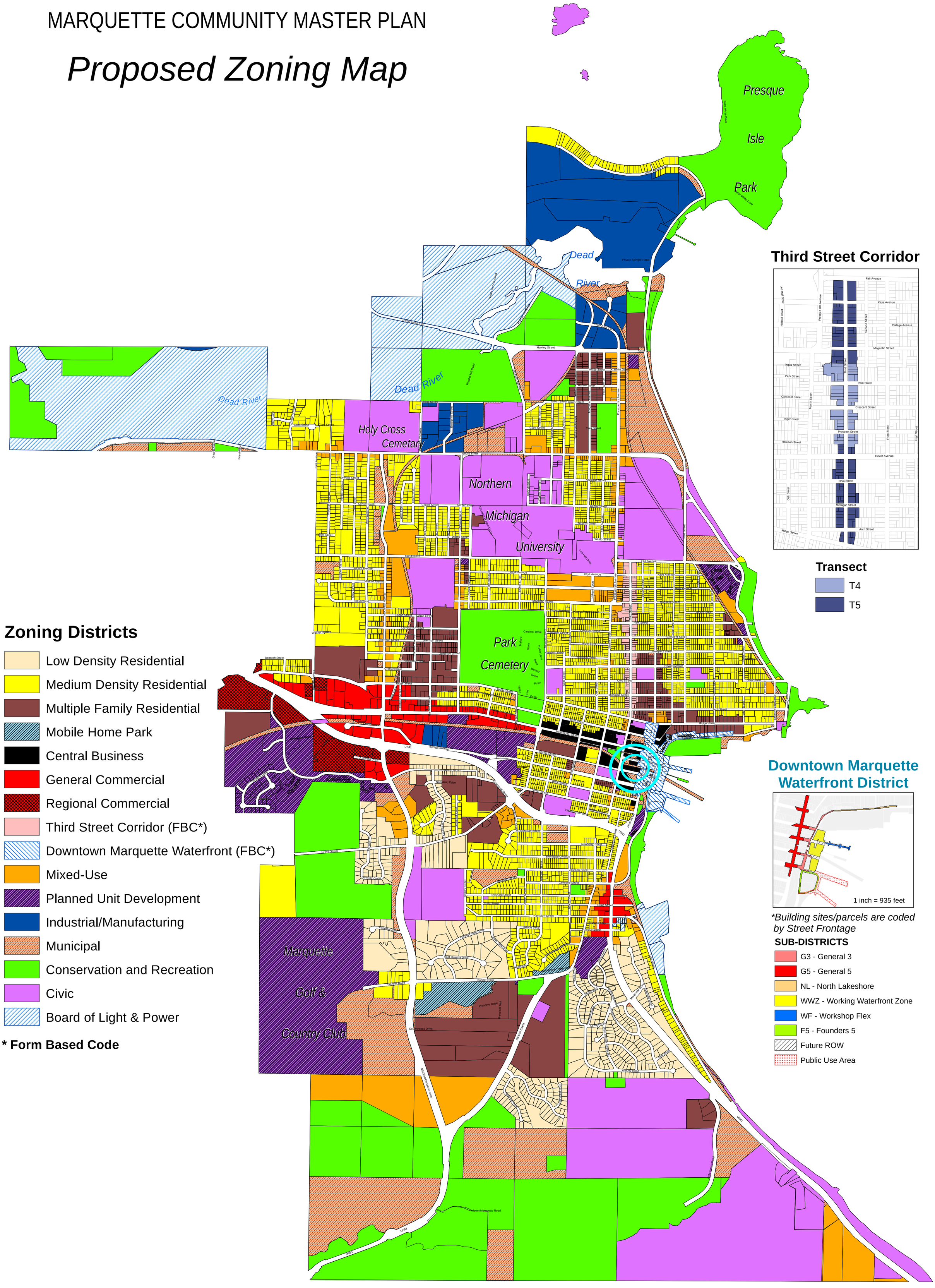
MARQUETTE COMMUNITY MASTER PLAN

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**




06/28/2021 13:58


07/07/2021 14:31


07/07/2021 14:33


07/07/2021 14:30

Local

Highlen's work can be found at Zero Degrees Art Gallery in Marquette, Open Wings Pottery and Gallery in Munising, Art in Abundance in Grand Marais Township, Michigan, and by contacting Highlen directly. In addition, the artist plans to participate in the Outback Art Fair in Marquette this summer, as well as the plein air painting competition in Grand Marais, Minnesota, this fall.

The artwork was installed on May 19 and will be on display through July 6.

Travel Marquette is open from 9 a.m. to 5 p.m. weekdays, visitors are invited to view Highlen's paintings that reflect the world of Marquette through her eyes and the stroke of her brush.

Negaunee City band to perform

NEGAUNEE – The Negaunee City Band plays its first concert of the 2021 season at 7:30 p.m. Wednesday at the Outdoor Performing Arts Center at the east end of Iron Street.

The band invites the public to this free concert, the first they have performed since the end of the 2019 summer season. The concert celebrates the Independence Day holiday with patriotic songs from throughout the country's history.

Director Brandon Nelson has chosen to begin the concert with Carmen Dragon's arrangement of "America the Beautiful." The program features four marches: "Americans We" by Fillmore, "Emblem of Unity" by Richards, and two Sousa marches, "The Liberty Bell" and "The Glory of the Yankee Navy."

Also, "American Sketches" by Pierre LaPlante includes "The Erie Canal" and "Shoo Fly." "Irving Berlin's Songs for America" includes "This Is the Army, Mr. Jones," and "God Bless America." A final medley is "The Blue and the Gray," which has strains of many familiar tunes, such as "Marching through Georgia," "The Yellow Rose of Texas," "Dixie" and "Battle Hymn of the Republic."

Following the custom of past years, the concert will conclude with "Just a Closer Walk with Thee."

There is some seating available at the venue, but attendees may wish to bring their own chairs. This is the first of six Wednesday evening concerts, with the final one scheduled for Aug. 11.



- 3:10 p.m., property-damage accident, U.S. 41 near South Lake Street
- 3:31 p.m., weapons other, U.S. 41 near South Lake Street
- 3:33 p.m., hit-and-run property-damage accident, Fisher Street
- 3:34 p.m., hit-and-run property-damage accident in parking lot, no suspects, 100 block South Street
- 3:45 p.m., boat driver had throttle "wide open" in the harbor, complainant just wanted it noted, driver gone on arrival, Peter White Drive
- 4:18 p.m., assistance, North Fourth Street
- 4:55 p.m., property inspection, East Fair and Pine streets
- 5:03 p.m., property-damage accident, McClellan Avenue near West Washington Street
- 5:15 p.m., property inspection, 500 block North Lakeshore Boulevard
- 5:40 p.m., harassment complaint, Whetstone Road
- 5:52 p.m., traffic enforcement, 1.5 hours, U.S. 41 South
- 5:59 p.m., property check, 200 block North Lakeshore Boulevard
- 6:06 p.m., caller reports a disorderly subject running in

Lakeshore Boulevard

- 11:23 p.m., four property

Parkway

PUBLIC HEARING NOTICE
MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing on the following matters at their regular meeting scheduled for 6:00 P.M. on Tuesday, **July 20, 2021:**

06-SUP-07-21 – 501 S. Lake Street (PIN: 0020040): Pensco Trust Co Custodian and Marquette Brewing Cooperative are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, and a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use to be located at 501 S. Lake St.

07-SUP-07-21 – 505 N. Lakeshore Blvd. (PIN: 0171900): Lakeshore Depot L3C and Lakeshore Park of Marquette Inc. are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use, and a Special Land Use Permit for Light Manufacturing for beverage and food production that would include alcoholic and nonalcoholic beverages and to prepare and sell food products to be located at the parcel address of 505 N. Lakeshore Blvd. and the Lakeshore Depot address is 560 Fern Place.

05-REZ-07-21 – portion of 2700 Lakeshore Blvd. (PIN: portion of 0510130): The City of Marquette is requesting to rezone a portion of 2700 Lakeshore Blvd that is zoned Industrial/Manufacturing (IM) to be zoned Conservation and Recreation (CR). Legal Description of the property: A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as: Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

06-REZ-07-21 – portion of 213 S. Front St. (PIN: portion of 0151030): City of Marquette is requesting to rezone the portion of 213 S. Front Street that is zoned Municipal (M) to be zoned Central Business District (CBD).

The public hearing for these requests will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, **July 20, 2021.** 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@marquettemi.gov. Written submissions will be accepted until 12:00 p.m. on July 20, 2021.

Materials submitted by the applicant and the Land Development Code language pertaining to the request are 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 submitted by the applicant e-mailed to you by e-mailing alanders@marquettemi.gov. You can also view the Land Development Code on our website at www.marquettemi.gov. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers - Zoning Official
alanders@marquettemi.gov
225-8383

Rezoning

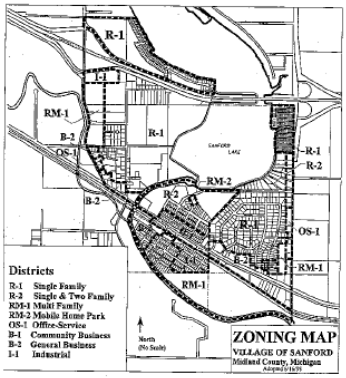
- The main question that must be answered when considering a rezoning is: *"Is that an appropriate location for that zone?"*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific 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.

20

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.

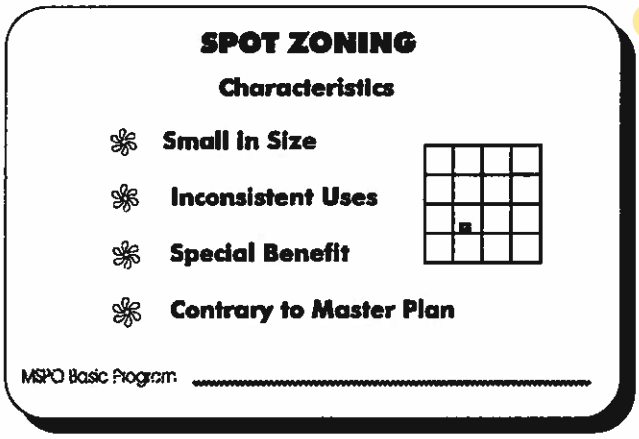
Result

- 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.



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 is 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

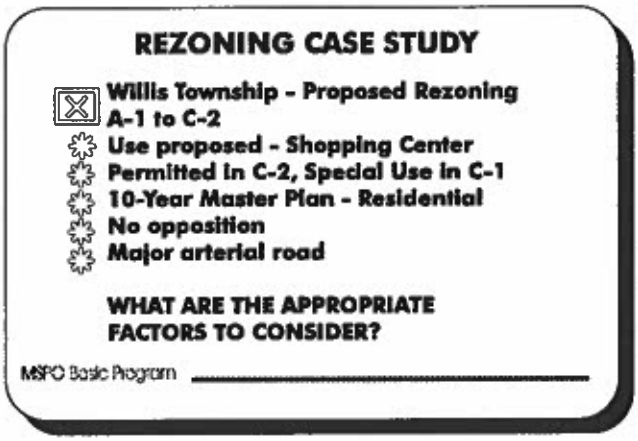
The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, 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

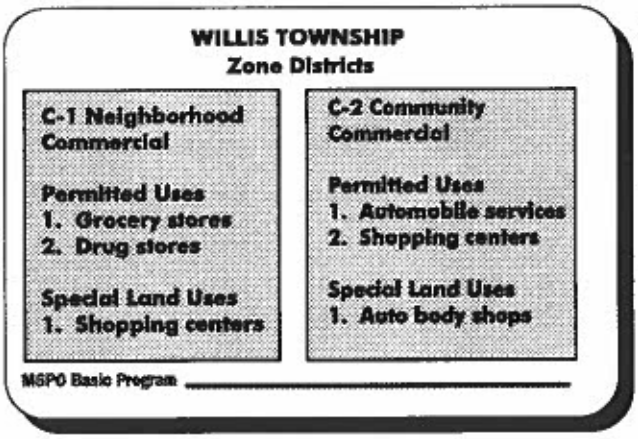
The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may 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

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.



- 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?

ORDINANCE #700
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 54 – ZONING, BY CHANGING THE ZONING DESIGNATION OF A PORTION OFTHE PROPERTY AT 231 S. FRONT ST.

The City of Marquette Ordains:

SECTION 1. Zoning Designation.
The portion of the property located at 213 South Front Street (PIN: portion of 0151030) which is zoned Municipal (M) is hereby changed to Central Business District (CBD).

SECTION 2. Map Revision.
This change shall be shown on the Marquette City Zoning Map.

SECTION 3. Effective Date.
This ordinance shall take effect ten days after adoption but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

Agenda Date: 8/30/2021

Public Hearing(s)
Rezoning of 301 W. Baraga Avenue - Roll Call Vote

BACKGROUND:

The Planning Commission (PC) held a public hearing on July 6, 2021 for the consideration of a request for rezoning of the property at 301 Baraga Ave. from Medium Density Residential (MDR) to Multiple Family Residential (MFR). After conducting a public hearing, the following motion was made:

> *It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 3-2 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, 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 04-REZ-07-21*
>
> *Yes: S. Mittlefehldt, M. Larson, J. Cardillo*
> *No: W. Premeau, E. Brooks*

Under procedures in accordance with section 54.1405 of the Land Development Code, the Planning Commission is offering the recommendation to approve the request to the City Commission for consideration. A hearing should now be conducted in accordance with section 54.1405 of the Land Development Code.

FISCAL EFFECT:

None.

RECOMMENDATION:

Following the Public Hearing, adopt Ordinance 701, rezoning 301 W. Baraga Ave. as recommended by the Planning Commission, and direct the Mayor and City Clerk to sign the Ordinance.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- 04-REZ-07-21 301 W. Baraga Ave.

- Planning Commission Meeting Minutes of 07-06-21
- Ordinance 701

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: July 1, 2021
SUBJECT: **04-REZ-07-21 – 301 W. Baraga Ave. (PIN: 0111650)**

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 301 W. Baraga Avenue which is zoned **Medium Density Residential (MDR)** to be zoned **Multiple Family Residential (MFR)**.

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 is appropriate and meets Section 54.1405 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 04-REZ-07-21, 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) 04-REZ-07-21 (as presented / for the following reasons / with the following conditions).*

STAFF FILE REPORT/ANALYSIS

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

Case #: 04-REZ-07-21

Date: June 30, 2021

Project/Application: Rezoning request from **Medium Density Residential (MDR)** to be zoned **Multiple Family Residential (MFR).**

Location: 301 W. Baraga Avenue

Parcel ID: 0111650

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Year Built: There is no year-built information in Assessing documents.

Current Zoning: MDR – Medium Density Residential

Surrounding Zoning:
North: M – Municipal
South: MDR – Medium Density Residential and C - Civic
East: MDR – Medium Density Residential and MFR – Multiple Family Residential
West: MDR – Medium Density Residential

Zoning Districts and Standards:

Current Zoning

Section 54.308 MDR, Medium Density Residential

(A) Intent
The MDR district is intended to establish and preserve medium density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to the community to preserve and enhance the pedestrian-friendly, compact neighborhood types where homes and buildings are of similar scale and character

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Child or Day Care, Family Home • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home	• Adult Foster Care, Small Group Home • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Hospital Hospitality House • Public or Governmental Building

• Home Occupation • Home Office • Homestays and Vacation Home • Residential Limited Animal Keeping	• Recreational Use, Public • Religious Institution • School, Primary or Secondary • School, University
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.)	4,500 *(C)*	*Front Yard (ft.)*	15 *(A), (B)*
Min. Lot Width (ft.)	37.5 *(D)*	*Side Yard (one) (ft.)*	5 *(K)*
Max. Impervious Surface Coverage (%)	*(Q)*	*Side Yard (total of 2) (ft.)*	13 *(K)*
Max. Building Height of Primary Building (ft.) (O)	31.5	*Rear Yard (ft.)*	20 *(K)*
Max. Building Height of Accessory Building	(K)		
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

(A) Permitted Front Yard Setback Encroachments in the MDR and MFR Districts. In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.

(B) Reduced Minimum Front Yard Setback in the LDR and MDR Districts. If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and in the same zoning district as the subject lot.

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR District, the minimum lot area for a two-family dwelling (duplexes) is:

(1) 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
(2) (2) 9,000 sq. ft. for lots created after the adoption of this Ordinance.

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

(1) 50 feet for lots created prior to the adoption of this Ordinance.
(2) 75 feet for lots created after the adoption of this Ordinance.

(K) 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*.

(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.

(Q) 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

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:

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

Proposed Zoning

Section 54.309 MFR, Multiple Family Residential District

(A) Intent
The MFR district is intended to establish and preserve high density residential neighborhoods that will provide at least the minimum acceptable residential environment. Uses include higher density single-family residential developments and multi-family developments. Because of the range of uses allowed in the MFR district and the unique area that abut the MFR district, developments must be compatible with their adjacent residential and non-residential uses. It is intended that various sizes of residential accommodations, of ownership and rental, shall be provided to meet the need of the community.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Child or Day Care, Family Home • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Two-Family (Duplex) • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home	• Accessory Use, Non-Single Family Residential Lots • Adult Foster Care, Large Group Home • Adult Foster Care, Small Group Home • Bed and Breakfast • Cemetery • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Accessory Unit • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Hospital • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University
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.)	15,000 *(C)*	*Front Yard (ft.)*	15 *(A)*
Min. Lot Width (ft.)	100 *(D)*	*Side Yard (one) (ft.)*	15 *(G)*, *(K)*, *(L)*
Max. Impervious Surface Coverage (%)	*(R)*	*Side Yard (total of 2) (ft.)*	30 *(G)*, *(K)*, *(L)*
Max. Building Height of Primary Building (ft.) (O)	36.5 *(L)*	*Rear Yard (ft.)*	30 *(K)*, *(L)*
Max. Building Height of Accessory Building	*(K)*		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.20		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			

54.403 Footnotes to Schedule of Regulations

(A) Permitted Front Yard Setback Encroachments in the MDR and MFR Districts. In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR and MFR District, the minimum lot area for a two-family dwelling (duplexes) is:
(1) 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
(2) 9,000 sq. ft. for lots created after the adoption of this Ordinance.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR and the MFR District, the minimum lot width for a two-family

dwelling (duplex) is:
(1) 50 feet for lots created prior to the adoption of this Ordinance.
(2) 75 feet for lots created after the adoption of this Ordinance.

(G) Separation Distance of Multiple-Family Structures in the MFR District. In the MFR, Multiple Family Residential District, the minimum distance between any two (2) buildings on the same site shall be one and one-half (1.5) times the average height of the two (2) buildings. For example purposes only, the separation distance between a 36-foot high multiple-family building and a 30-foot high multiple family building shall be 49.5 feet (i.e., 1.5 times 33 feet, which is the average height of the two buildings).

(K) 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.

(L) Height Exceptions and Increased Setbacks for Multiple-Family Dwelling Buildings in the MFR District. For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.

(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.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

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

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

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
MFR	30 (a)	N.A.	N.A.	35	35	35	N.A.	40 (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, July 6, 2021.

(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 July 6, 2021.

(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 *Single Family Residential* on the *Future Land Use Map* of the Community Master Plan and is designated as a *Medium Density Residential zoning* district on the *Proposed Zoning Map*. These designations were adopted with the 2015 amendments to the CMP after careful consideration, and they remained unchanged as of the December 2018 update to the CMP.



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.

These portions of Baraga Ave and Rock Street are classified as “Urban

Local Street" per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are low. This portion of Fourth Street is classified as "Urban Major Collector", 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.

No conditions have changed nor was there an error in the Zoning Ordinance. However, it was unknown to staff, and probably the Planning Commission on the whole, that there were eleven (11) apartments in the building at the corner of Rock/Fourth streets. That many apartments, if being utilized, may constitute a multi-family use situation.

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

The proposal will not result in exclusionary zoning.

(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 be compatible with the adjacent northeast parcels across Fourth Street.

(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

northeast across Fourth Street.

(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.

Since the surrounding zoning to the northeast across Fourth Street is MFR, the proposed zoning district is more appropriate than another zoning district.

(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.

The rezoning is evidently being requested to support a specific, new land use that would utilize the apartments that are in the building at the corner of Rock and Fourth Streets.

(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 proposed zoning is the same as the surrounding zoning to the northeast across Fourth Street.

(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.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and

recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

This section is not applicable, as this is not a rezoning with conditions request.

Additional Comments:

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

Attachments:

1. Rezoning Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Future Land Use Map from the Master Plan
6. Proposed Zoning Map from the Master Plan
7. Photos of the site
8. Publication Notice
9. *Rezoning Information for Planning Commissions* document
10. *Spot Zoning Considerations*
11. Correspondence

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

CITY OF MARQUETTE
REZONING APPLICATION

CITY STAFF USE

Parcel ID#: 0111650 File #: 04-REZ-07-21 Date: 6/7/21

Hearing Date: 7-6-21 Application Deadline (including all support material): 6/8/21

FEE $540 Receipt #: 235313 Check #: 7780 Received by and date: AS 6/7/21

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:

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

Please review the attached excerpts from the Land Development Code

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: CATHOLIC DIOCESE OF MARQUETTE

Address: 300 ROCK STREET

City, State, Zip: MARQUETTE, MI 49855

Phone #: (906) 227-9115

Email: jdoerfler@DIOCESEOFMARQUETTE.ORG

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

APPLICANT/OWNERS REPRESENTATIVE

Name: KYLE RAMBO

Address: 347 ROCK STREET

City, State, Zip: MARQUETTE, MI 49855

Phone #: (906) 227-9116

Email: KRAMBO@CSSUP.ORG

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

PROPERTY INFORMATION

Location (Street Address): 301 W. Baraga Ave Property Identification Number: 0111650

Size of property (frontage / depth / sq. ft. or acres): +/- 2 AC

Current Zoning District: MED. DENSITY RESID. Proposed Zoning District: MFR

Surrounding Zoning Districts: North M East MDR+MFR South CIVIC West MED. DEN. RESID.

Legal Description: Cleveland Iron Mining Company Replat Lots 1 thru 4, the E. 28' of Lot 11, and all of lots 12 thru 20, Block 9

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.

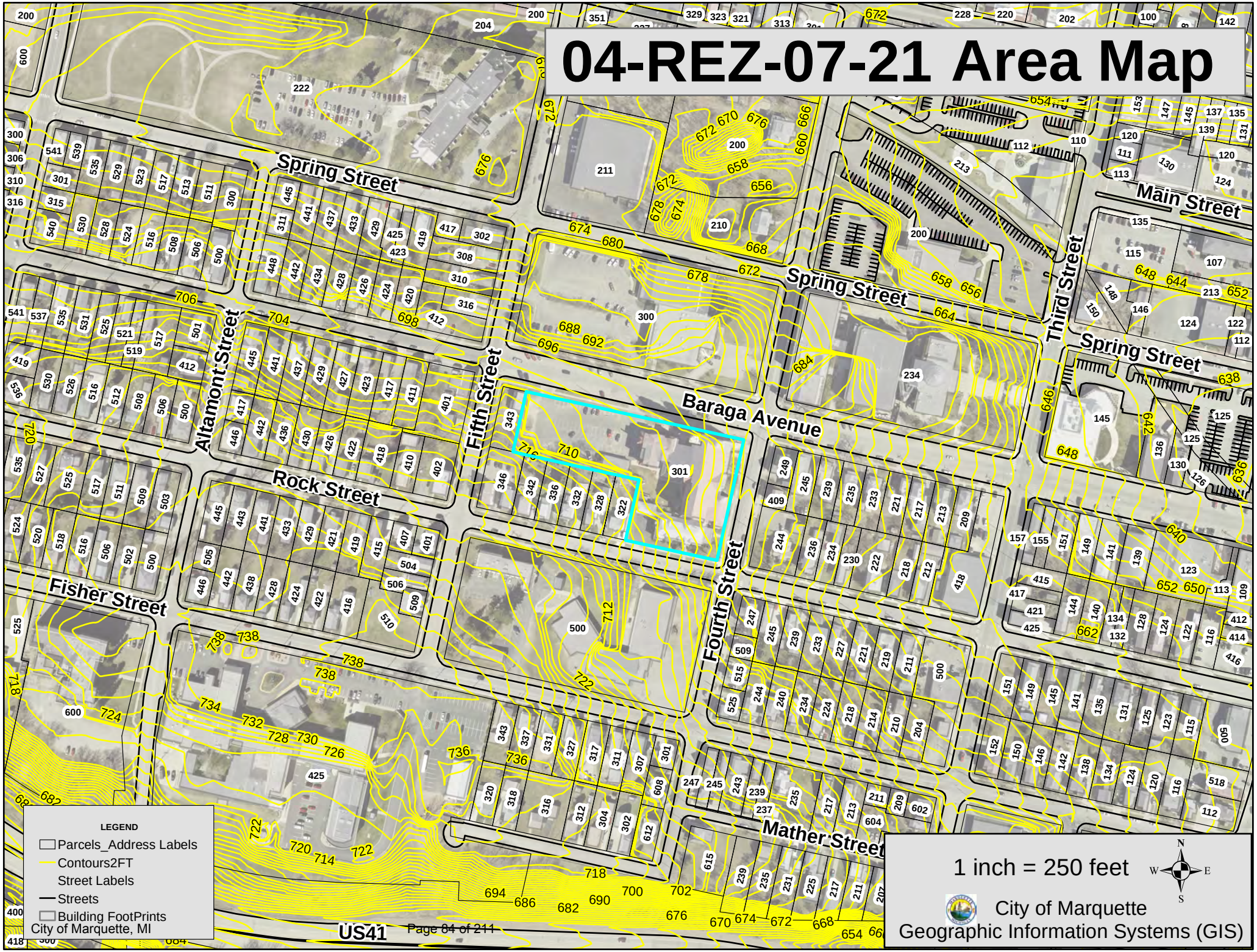
The Marquette City Commission is also required to hold a public hearing and take final action on a rezoning request. This usually takes two City Commission meetings, one to schedule the public hearing and one to hold the public hearing.

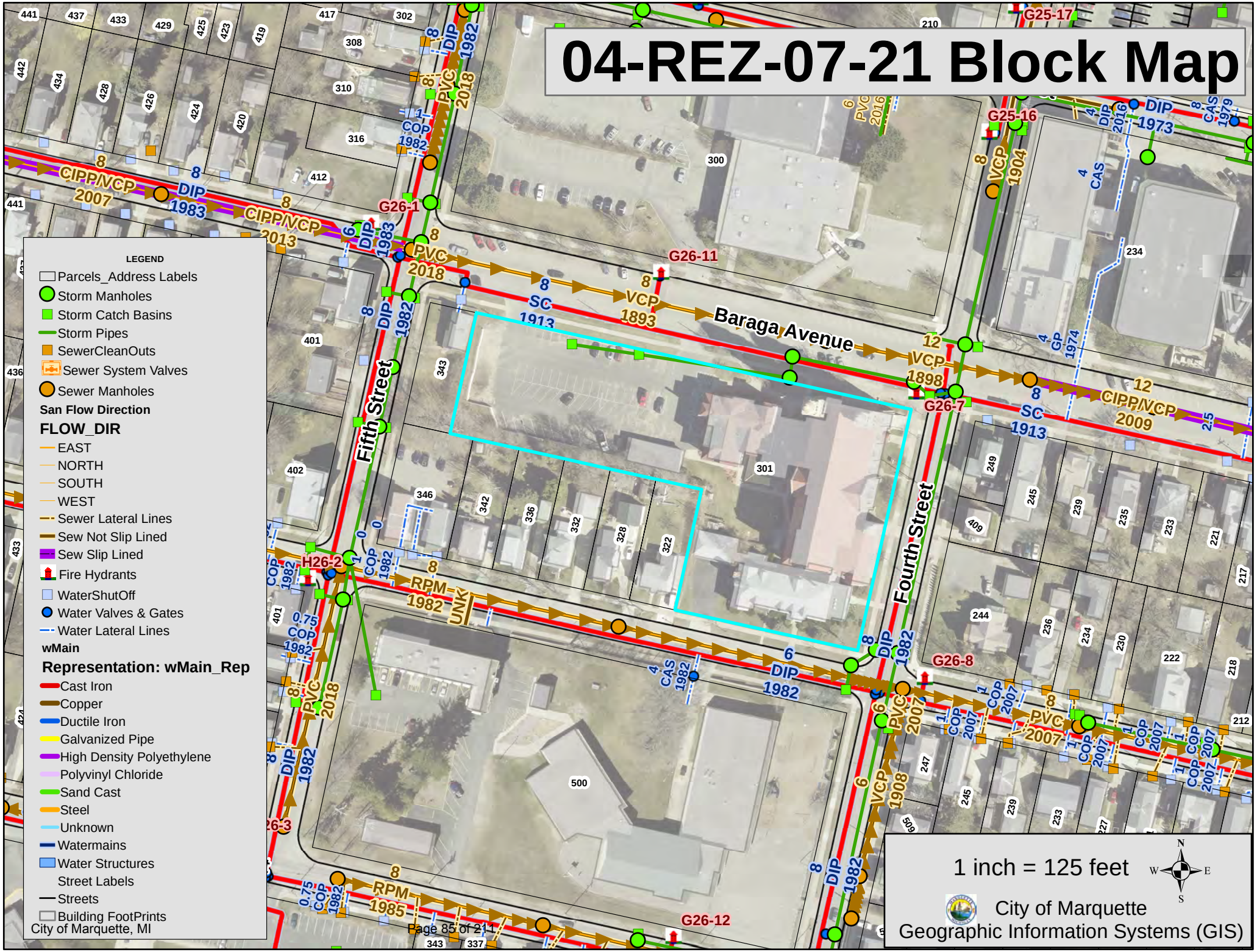
SIGNATURE

I hereby certify the following:

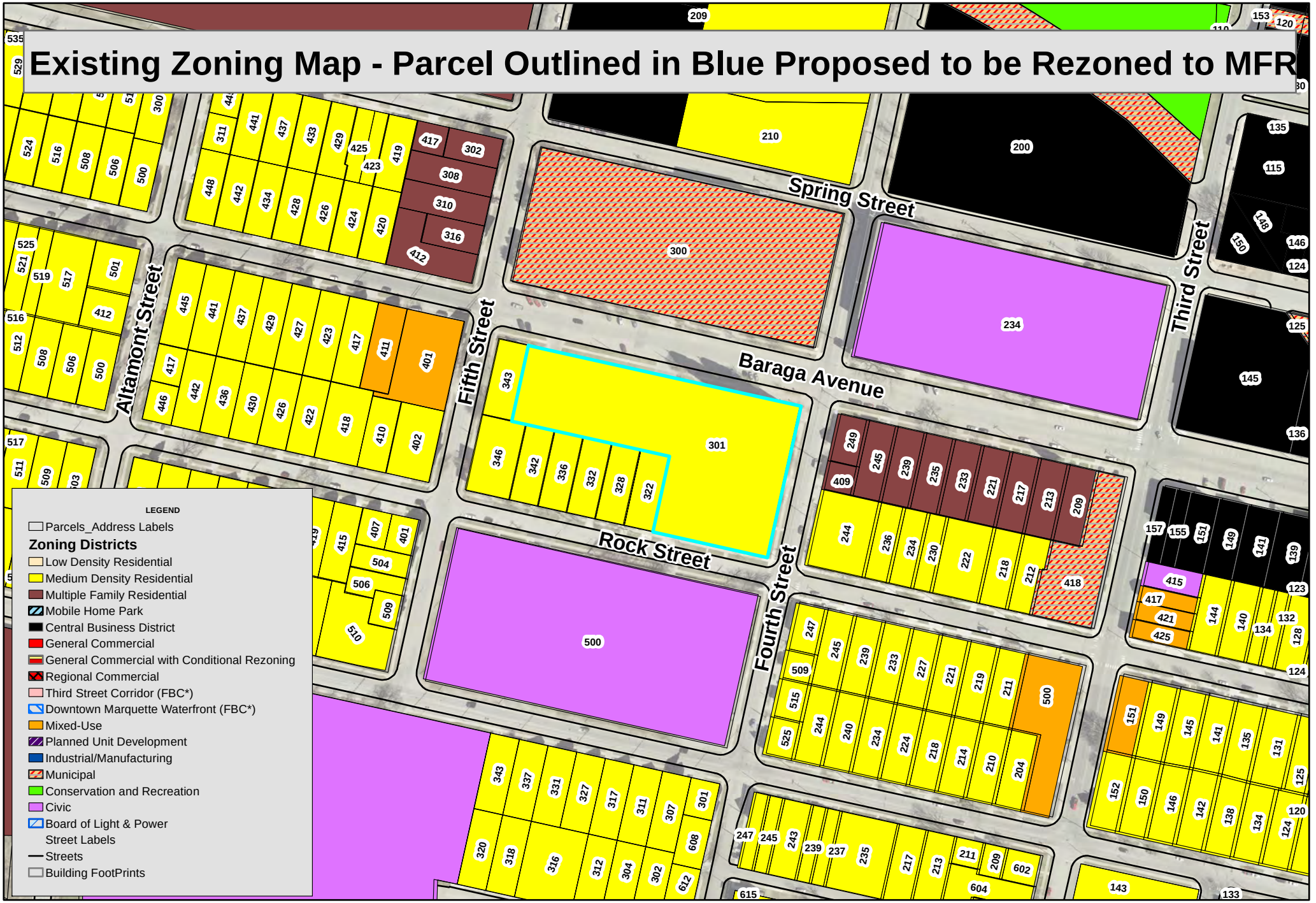
1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the 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 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 is 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 members to inspect the site.

Property Owner Signature: _____ Date: 7 JUNE 2021


04-REZ-07-21 Area Map
Spring Street
Main Street
Third Street
Spring Street
Spring Street
Baraga Avenue
Altamont Street
Fifth Street
Rock Street
Fisher Street
Fourth Street
Mather Street
US41
LEGEND
Parcels_Address Labels
Contours2FT
Street Labels
Streets
Building FootPrints
City of Marquette, MI
1 inch = 250 feet
N
W
E
S
City of Marquette
Geographic Information Systems (GIS)


04-REZ-07-21 Block Map
LEGEND
Parcels_Address Labels
Storm Manholes
Storm Catch Basins
Storm Pipes
SewerCleanOuts
Sewer System Valves
Sewer Manholes
San Flow Direction
FLOW_DIR
EAST
NORTH
SOUTH
WEST
Sewer Lateral Lines
Sew Not Slip Lined
Sew Slip Lined
Fire Hydrants
WaterShutOff
Water Valves & Gates
Water Lateral Lines
wMain
Representation: wMain_Rep
Cast Iron
Copper
Ductile Iron
Galvanized Pipe
High Density Polyethylene
Polyvinyl Chloride
Sand Cast
Steel
Unknown
Watermains
Water Structures
Street Labels
Streets
Building FootPrints
City of Marquette, MI
Baraga Avenue
Fifth Street
Fourth Street
G25-17
G25-16
G26-1
G26-11
G26-7
G26-8
G26-12
H26-2
1 inch = 125 feet
N
W
E
S
City of Marquette
Geographic Information Systems (GIS)

Existing Zoning Map - Parcel Outlined in Blue Proposed to be Rezoned to MFR



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.

N W E S

1 inch = 208 feet

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map

Future Land Use

Human Activity Types:

- Single Family Residential
- MultipleFamily Residential
- Mobile Home Park
- Central Commercial
- General Commercial
- Regional Commercial
- Third Street Corridor
- Mixed Use
- Industrial/Manufacturing
- Conservation and Recreation
- Parks
- Civic
- Board of Light & Power
- Lake Shore Blvd Relocation

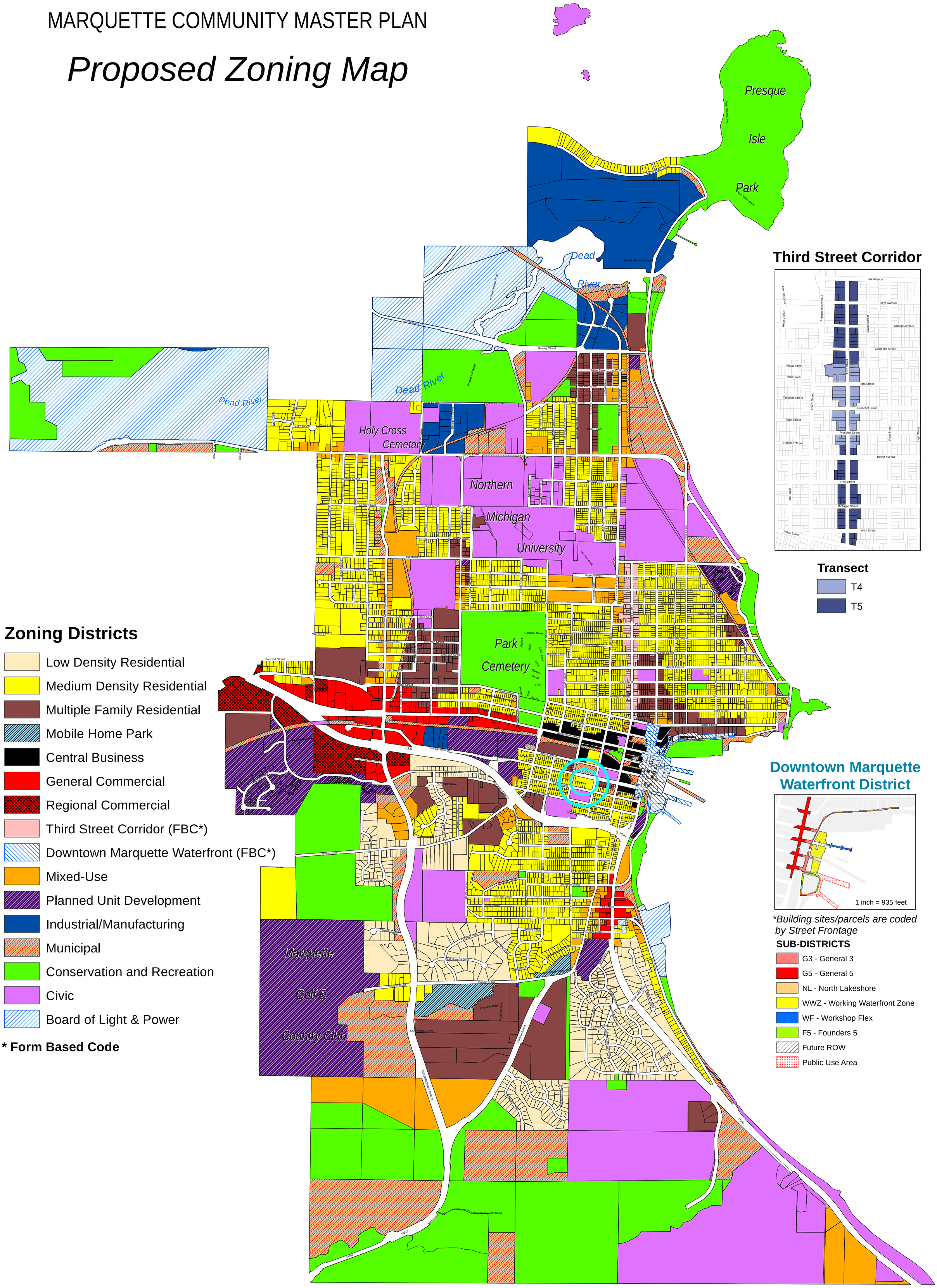
AREA OF REQUESTED REZONING

0 0.25 0.5 1 Miles

N W E S

MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map




06/22/2021 08:15


06/22/2021 08:15


06/22/2021 08:19


06/22/2021 08:15


06/22/2021 08:17


06/22/2021 08:18


06/22/2021 08:16


06/22/2021 08:18


06/22/2021 08:18


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06/22/2021 08:18

Region



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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 on the following matters at their regular meeting scheduled for 6:00 P.M. on Tuesday, **July 6, 2021:**

05-SUP-07-21 – 1917 Enterprise Street (PIN: 0810061): LS Rentals LLC and North Coast Cultivators are seeking a Special Land Use permit for a Marihuana Grower – Class B located at 1917 Enterprise Street. Per the Land Development Code, **"Marihuana Grower – Class B:** *Marihuana Grower – Class B means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.*"

04-REZ-07-21 – 301 W. Baraga Ave. (PIN: 0111650): Catholic Diocese of Marquette and Roman Catholic Church are requesting to rezone the property located at 301 W. Baraga Avenue which is zoned **Medium Density Residential (MDR)** to be zoned **Multiple Family Residential (MFR).**

The public hearing for these requests will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, July 6, 2021. 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@marquettemi.gov.**
Written submissions will be accepted until 12:00 p.m. on July 6, 2021.

Materials submitted by the applicant and the Land Development Code language pertaining to the request are 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 submitted by the applicant e-mailed to you by e-mailing alanders@marquettemi.gov. You can also view the Land Development Code on our website at **www.marquettemi.gov**. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers
Zoning Official
alanders@marquettemi.gov
225-8383

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Marquette City Commission will hold two Public Hearings on the following recommended items:

CONSIDERATION OF REZONING AT 1651 FRONT STREET

03-REZ-06-21 – 1651 S. Front St. (PIN: 0020251): TDK LLC and Tranquility Fields are requesting to rezone the property located at 1651 S. Front Street which is zoned General Commercial with Conditional Rezoning (GC CR) to be zoned General Commercial (GC).

CONSIDERATION OF PUD AMENDMENT REQUEST

01-PUD-05-09-A8 – Amendment to the Picnic Rocks Planned Unit Development located at 1001 Lakeshore Blvd. and 1301-1317 Picnic Rocks Drive (PIN: 0370070, and 1300010 to 1300150): Julie Bowerman, Lakeshore Residences LLC, and Picnic Rocks Pointe Association are seeking approval of an amendment to their previously approved Planned Unit Development (PUD) consisting of 15 residential units in the form of single-family dwellings. They are requesting to revise paragraph 7.6 Codes and Ordinances of the PUD Master Deed. It states that "In addition to the construction requirements in this section, all buildings and other structures must comply with applicable building, mechanical, electrical, and plumbing codes of the applicable jurisdictions in effect when the building or structure is erected." They would like it to read that "In addition to the construction requirements in this section, all buildings and other structures must comply with applicable building, mechanical, electrical, and plumbing codes of the applicable jurisdictions in effect when the building or structure is erected with an exception to permit the existing six-foot high closed construction vinyl fence on Lot #9 to remain in place."

The public hearings will be held in City Commission Chambers at City Hall, 300 West Baraga Avenue at 6:00 p.m. on Monday, July 12, 2021. Any person wishing to comment on the proposed items may do so at that time. Written comments may be submitted to the City Clerk's Office prior to the hearing.

Materials relating to these requests may be viewed at the Community Development Department at the Municipal Service Center weekdays from 7:30 a.m. to 4:30 p.m. However, please call 906-225-8383 to schedule an appointment. You can also request a digital copy of the materials submitted by the applicants by emailing alanders@marquettemi.gov.

If you require assistance to participate in these hearings, please provide advance notice to the office of the City Clerk.

Kyle Whitney
Marquette City Clerk

Volume 135, No. 135

THE MINING Journal
228-2500

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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.

20

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.

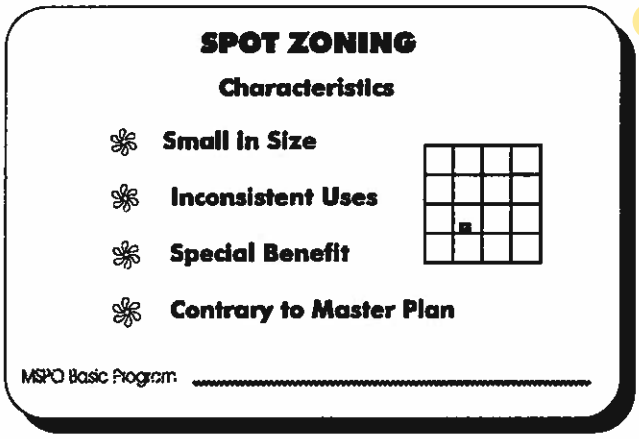
Result

- 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.



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 is 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

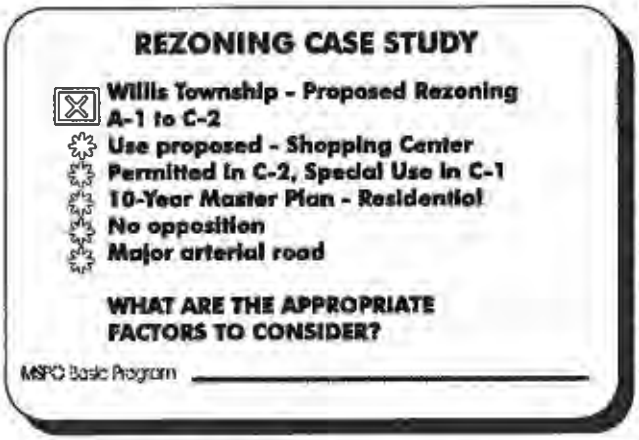
The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, 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

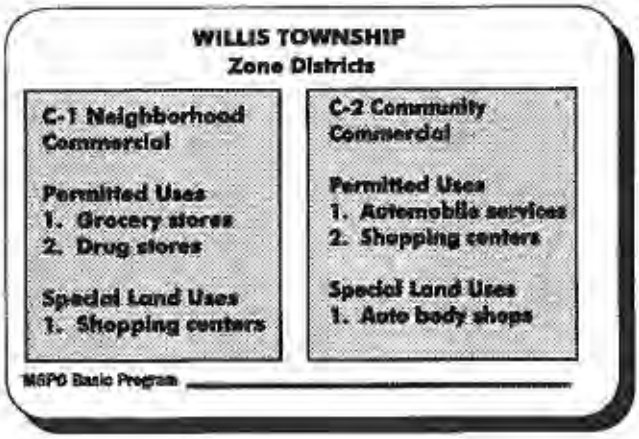
The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may 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

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.



- 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?

RECEIVED
JUN 18 2021
Marquette City
Community Development Office

June 18, 2021

Dear Planning Commission:

It has come to my attention that the Diocese of Marquette has proposed a zoning change to their property that abuts my property. I strongly object to this proposal.

I understand the Diocese of Marquette and Catholic Social Services would like to rezone the Bishop's residence from Medium Density Residential to Multi-Family Residential as they intend to open a Women's Recovery Center/Halfway House.

I object to this rezoning. The MFR zoning allows for potential special land use as a Women's Recovery Center/Halfway House and also opens up many possible potential future uses including use as a Domestic Violence Shelter, Fraternity/Sorority House, and Rooming House which all pose significant concerns for the nature of the neighborhood in terms of traffic, parking, safety, noise, and property values.

1. Traffic and Parking: Rock St. is fairly narrow and parking on the street in front of the proposed property is restricted by driveway access to Father Marquette School. Thus, once the halfway house driveway is full, workers and visitors would need to park further west on the street, where in fact, there is already crowding from teachers, parents, and the school bus... making it difficult for residents on Rock St. to park on the street when they need to and making it very narrow especially in the winter when there are snowbanks. The proposed rezoning would further crowd parking and increase traffic on a narrow road.

2. Safety and Noise: Many children (including my own) play in this neighborhood, walk to bus stops for public schools, or go to Father Marquette School. The Halfway House would bring in people with addiction and also their visitors. Recovery is often associated with relapse, mental illness, criminal behavior, depression, and anger. These issues would not be maintained within the walls of the building but would be displayed on the street, sidewalk, yard, and driveway. I envision people smoking cigarettes on the sidewalk/driveway next to my house, having domestic disputes, swearing, etc. This will be witnessed by my children and the children of the neighborhood and school. It will not be safe. This is the type of behavior we already witness outside the women's center, the warming center, and even at St. Peter Cathedral when it hosted Room at the Inn. I work for St. Peter Cathedral and I know many parishioners did not feel safe when the Room at the Inn was hosted there, and eventually the Cathedral withdrew from hosting it as the police had to be called for drugs and violence. The current Warming Center/Room at the Inn houses many of the woman that will be potential members of the halfway house. The Cathedral is a historic landmark of Marquette but it cannot maintain itself financially if it loses funding from parishioners who decide to no longer support it because they do not feel the environment is safe. I believe adding a recovery center/halfway house or any of the potential future uses of a multi-family residence rezoning in the neighborhood will make the neighborhood much less safe and will affect the safety of the parishioners of the cathedral as well as the residential neighbors.

Those who relapse at a halfway house would possibly become homeless if they have no family or family is no longer willing to help. The halfway house would bring women from all over the Upper Peninsula to Rock St. Marquette, treating them hoping for success, but if there is failure, they will likely be out on the street, in our residential neighborhood.

4. Zoning Requirements: The proposed halfway house property has no back yard. The building back door leads into the St. Peter Cathedral courtyard which would not be part of the halfway house as it is a place for quiet prayer. The side yard on the west is only a driveway adjacent to my own driveway. This does not seem me to meet the zoning criteria of 30 feet backyard and 15 feet on each side yard.

5. Property values in the neighborhood will inevitably go down if this property becomes a treatment center, thus taxes will go down for the city. Please see the study done by the Journal of Sustainable Real Estate http://www.josre.org/wp-content/uploads/2014/12/9830-63_92.pdf of which I have attached the first page. Property values typically go down 8 to 17% in neighborhoods located near abuse treatment centers.

Overall, I think we need to look at the types of land use that a multi-family residential rezoning would allow and their compatibility with the current neighborhood which includes a church, a school, and residential houses with families. Essentially, the rezoning opens up this area to be used to house large numbers of people in one building, and potentially a halfway house for people with many issues not compatible with families, school children, and church parishioners. I do not believe the city would be looking after the best interests of its citizens by allowing this rezoning.

Sincerely,

Jodi Lanciani
322 Rock St

Enc. Page 1 of “NIMBY” Article

''Not in My Backyard'': The Effect of Substance Abuse Treatment Centers on Property Values

Authors Claire R. La Roche, Bennie D. Waller, and Scott A. Wentland

Abstract Residential treatment centers offer the most intense form of treatment for substance abuse and are often embedded in residential neighborhoods. As a result of the Patient Protection and Affordable Care Act, the number of treatment centers has been forecasted to burgeon. We examine the external effect of residential rehab centers on nearby real estate. As addiction treatment centers are planned, a common response of nearby property owners is ''not in my backyard'' (NIMBY). Using a large MLS dataset from central Virginia, we estimate the impact of substance abuse treatment centers on nearby home prices and liquidity (as measured by time on market). We find that a neighboring treatment center is associated with an 8% reduction in nearby home prices, and that this discount is magnified for treatment centers that specifically treat opiate addiction (as much as 17%).

The primary residence is perhaps the greatest single investment made by an individual and the mantra ''location, location, location'' is an ever-present concern of a prospective buyer. Before purchasing a home, a savvy buyer will frequently research the community and the school system, as well as the crime statistics. When homeowners are made aware of an application for a special use permit for the possibility of an addiction treatment center being located in their neighborhood, initial concern for personal and household safety, followed by the stark realization that home values in their neighborhood may be adversely affected, almost always lead homeowners to the universal response of ''not in my backyard'' (NIMBY). The typical opposition to a proposed substance abuse treatment facility is based on two visceral concerns: an increase in crime risk and a related decrease in property values. The primary purpose of this paper is to examine the latter claim empirically, determining whether there is significant evidence that treatment centers have a negative impact on nearby real estate.

Ex ante, it is not clear that substance abuse treatment centers will adversely impact neighboring real estate, which motivates our empirical examination of this externality. On one hand, there may be a priori reasons to suspect that treatment facilities will not have much of an impact on neighboring real estate. Locating addiction treatment centers in residential areas has become commonplace.

Northern Skies District

927 W. Fair St.
Marquette, MI 49855
906-228-4644
dbyar@michiganumc.org

The Michigan Annual Conference
The United Methodist Church
Rev. Scott A. Harmon, District Superintendent
Diana Byar, Administrative Assistant

Monday, June 14, 2021

Marquette City Planning Commission

RE: Re-zoning of 300 Rock Street (Bishop's Residence)

Dear Planning Commission Members,

I write on behalf of United Methodists across the Upper Peninsula in offering my upmost support for the request of a zoning change to the residence at 300 Rock Street.

It is hard to overstate the positive impact the work of Catholic Social Services of the Upper Peninsula has had in the health of our communities. Addiction, mental health, and recovery issues have long been significant contributors to the fraying stability of individuals and families, and I applaud the vision CSS has cast in their effort to make transformative addiction care available in the Marquette area.

The use of the former Bishop's Residence of the Marquette Diocese is a powerful witness to the care and protection these women will receive on their journey. Inspiring Hope will offer stability and support to these women at a time in which they are most vulnerable, and as a leader in the faith community I encourage us to support these efforts in all the ways we can.

Faithfully,

Rev. Scott Harmon

RECEIVED
JUN 21 2021
Marquette City
Community Development Office

RECEIVED
JUN 23 2021
Marquette City
Community Development Office

June 22, 2021

Dear Zoning Committee:

I am in receipt, and very appreciative, of your notice to rezone the property located at 301 W. Baraga to multi-family residential.

My family resides at 244 Rock Street, (directly across the street from 301 W. Baraga) parishioners of St. Peter Cathedral, and we strongly object to this proposal for a number of reasons.

We have learned that the Catholic Diocese – Catholic Social Services has requested the rezoning to open a women's (with possibly children) addiction recovery house at 301 W. Baraga. The decision was made not long ago to withdraw the Cathedral from the Room at the Inn program due to troubling drug and alcohol behavior, which led to numerous complaints from concerned citizens and visits from the police.

Do you have children or grandchildren? If so, I cannot image you would subject them to lewd conduct, profanity, and exposure to drug abuse, or want them to live across the street from a drug recovery home.

Our driveway meets the Cathedral doors to where Room at the Inn guests congregated. Many were intoxicated, used foul language and were very intimidating as they watched our family come and go. We have three children, and it was very uncomfortable to go outside. It went as far as finding a woman, smoking a cigarette, obviously on drugs of some kind, IN OUR HOUSE! We have since installed a security system and keep all doors locked at all times, even when we are home.

While we understand the need for such programs and helping the homeless, we are compassionate people, but do not agree with this location which most importantly, is directly across the street from an elementary school, and would be the **FIFTH RECOVERY/HOMELESS USE PROPERTY within 3 blocks of 301 W. Baraga, with 616 Fisher Street just being approved for the same thing, this month, per the June 14, 2021 public hearing agenda:**

- **245 W. Baraga – 56 Feet – From legal address of 301 W. Baraga – Harbor House**
- **146 Spring Street – 3 blocks Janzen House**
- **616 Fisher Street – 3 blocks Fisher House**
- **347 Rock Street and 447 W. Washington Street – Room at the Inn**

Enough is enough. Father Marquette's administration is aware of Catholic Social Services intent, however the information, to my knowledge, had not been shared with families who attend Father Marquette, and I find it deceitful, to purposefully withhold information that directly affects its families of the school, who are neighbors in our community.

The request to accommodate the current Bishop, who wants to live at his lake house, is not a compelling reason to add additional adverse consequences into the neighbor's environment, which he no longer has to live in.

Hundreds if not thousands of tourists come to Marquette to visit the historic landmark of St. Peter Cathedral, who expect to arrive at a safe establishment, to enjoy quiet prayer in a safe environment, as do the Cathedral parishioners.

For zoning purposes, this property is connected to the Cathedral through the church's prayer courtyard, therefore has no backyard and the side lot sits feet from 4th Street and the driveway on Rock is adjacent to the neighbor's lot.

Our south side neighborhood has become a desired location in Marquette, with front yard views of Lake Superior and minutes to downtown shops, bike baths and community events. With four similar recovery houses already in the area, I would ask Catholic Social Services to find a more suitable location for their project – no more in our backyard.

As parents, grandparents, homeowners and community members, we take pride in the work we have done to increase our property values that help to further beautify Marquette. Adding **another** homeless/recovery center in this location, increases safety concerns, prohibits children from safe play, as well as noise, violence, policing and parking issues that come with it.

Again, my family strongly opposes the zoning change to multi-family residential, which is not in the best interest of the city, the Cathedral, or its residents.

Respectfully,

A very concerned community member,



Debra DeMattia
244 Rock Street
Marquette, MI 49855

Evangelical Lutheran Church in America

Northern Great Lakes Synod

1029 N. Third Street, Suite A • Marquette, MI 49855

Phone: 906-228-2300 • **Fax:** 906-228-2527 • **Email:** ngls@nglsynod.org

Website: www.nglsynod.org

RECEIVED
JUN 25 2021
Marquette City
Community Development Office

June 22, 2021

The City Planning Commission
Municipal Service Center
1100 Wright St.
Marquette, MI 49855

Dear Marquette City Planning Commission,

Thank you for your careful consideration of the future of the city of Marquette. This small city is beloved by so many and your attention to what will be most beneficial to current and coming citizens is appreciated.

As you consider the needs of the community, I ask that you give your full attention to the request to re-zone 300 Rock Street so that a substance abuse recovery center for women is possible.

As a transplant from St. Paul, Minnesota, I have often noted and lamented the limited social services in our community. As a pastor in the congregation, I had only a very short list where I could refer people for mental health issues and substance abuse. I am grateful to Catholic Social Services and Bishop John Doerfler for seeking to do what they can to provide a much-needed resource. I continue to apply what pressure I can to Lutheran Social Services to do the same. I believe we best attend to the needs of the most vulnerable by partnering together: people of all faiths, local citizens, city officials, and more so that the most vulnerable among us are given the support they need.

Thank you for all that you do to make Marquette a great place to live and work. A Women's Recovery House at 300 Rock Ave in Marquette would only add to the list of resources available in Marquette and the health of those who need the support it would offer. Please give this request your full consideration.

Sincerely,

Rev. Katherine Finegan

Rev. Katherine Finegan

Bishop of the Northern Great Lakes Synod of the Evangelical Lutheran Church in America.

Rev. Katherine A. Finegan
Bishop
kfinegan@nglsynod.org

Rev. Jim Duehring
Assistant to the Bishop
jduehring@nglsynod.org

Heather Oysti
Office Administrator
hoysti@nglsynod.org

Betsy Koski
Bookkeeper/Secretary
bakoski@nglsynod.org

♦ ♦ ♦

Companion Relationships:
Eastern & Coastal Diocese
Evangelical Lutheran Church in Tanzania

Delaware-Maryland Synod
Evangelical Lutheran Church in America

♦ ♦ ♦

Cynthia Halvorson
ELCA Regional Gift Planner
cynthia.halvorson@elca.org

June 29, 2021

Andrea M. Landers
Zoning Official
Community Development Department
1100 Wright Street
Marquette, MI 49855

RE: Rezoning of Property at 301 W. Baraga Avenue / Rock Street to MFR

Ms. Landers and members of the Zoning Committee,

As a resident on the 200 block of Rock Street for over 60 years, I am giving notice that I object to the rezoning of the property located at 301 W. Baraga Avenue (which also includes property on Rock Street) to Multiple Family Residential (MFR).

I am less than 300 feet from the property and have many concerns about the rezoning to MFR along with its intended use of the property as a Recovery Center / Halfway House.

- **Safety and Noise**: The property is located directly across from a school and playground area and is in an already congested neighborhood consisting of elderly and young families.
- **Traffic and Street Parking:** Rock Street is a narrow street with limited, single-sided parking. It becomes congested in that area with school, church and general flow of traffic.
- **Proximity:** We are already in close proximity to other properties being used for Support Centers/Recovery Centers.

Overall, I object to the rezoning of 301 W. Baraga Avenue / Rock Street.

Sincerely,

Lois Ritari

RECEIVED
JUN 29 2021
Marquette City
Community Development Office

Re-Zoning Request for 301 Rock Street

Marquette City Commissioners, The Catholic Diocese of Marquette in partnership with Catholic Social Services of the UP is requesting the re-zoning for the property located at 301 Rock Street. This property has been used for various purposes in the past including the Diocese staff offices. For the past 15 years a portion of the property has served and continues to serve as guest quarters for visiting priests. The intent of this re-zoning request is to transition the main residence on the property to serve as multi-family units. This large main residence which contains eight bedrooms and five bathrooms has been underutilized for the past several years. The attached letters of support help convey the need to re-zone this property in order to fill a serious gap in required community services.

We hope and pray that you will also see the need and consider re-zoning this property which will allow us to better serve Marquette.

God Bless!

Kyle Rambo

Director, Catholic Social Services of the UP

RECEIVED
JUN 30 2021
Marquette City
Community Development Office

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JUN 30 2021
Marquette City
Community Development Office

Catholic Social Services of the Upper Peninsula

INSPIRING HOPE

Executive Summary

Many families in the Upper Peninsula are impacted by drug and alcohol addiction and mental illness. During the Pandemic the employees of Catholic Social Services of the UP remained on the front lines to serve those in need of addiction and mental health treatment. During this period we witnessed the steady increase in addiction behaviors and the severity of mental health symptoms. Our addiction and mental health professionals continued to provide face-to-face services when mental health symptoms or potential relapses from recovery of our clients required it. The demand for our child welfare services also increased in proportion to the increase in substance abuse and mental illness in struggling families. Unfortunately, as demand for these services increased the number of available behavioral health providers decreased. As a result, most days over the past year were simply overwhelming. The employees of CSSUP shared a genuine conviction to continue to serve as a shining light in the darkest days of the Pandemic. We feel truly blessed to have had the opportunity to help so many of our friends, family members and neighbors when they needed us most.

This period also exposed a significant shortage of recovery housing for women. By serving women with addiction and their families we believe we are empowering them and strengthening their communities. Catholic Social Services of the Upper Peninsula (CSSUP) is dedicated at fostering hope and improving lives for those most vulnerable in our community. Women with addictions or mental illness are more likely to have suffered trauma in their life even before becoming involved in drugs and/or alcohol abuse. After prolonged use of substances or untreated mental illness symptoms, they are far more likely to be victims of spousal abuse, domestic violence, rape, and assault than the general population. Women in recovery struggle in all areas – socially, financially, emotionally, psychologically, medically, and spiritually. If they are also trying to raise a family, their challenges are multiplied making them and their families the most vulnerable members of our community family. Our experienced mental health and substance abuse professionals along with the vast network of community partners in the UP, are uniquely qualified to inspire hope and improve lives for this vulnerable population.

This project will help us serve those in need by providing long-term safety and care for our most vulnerable UP families. CSSUP continues to serve as a catalyst to help clients identify possibilities and create new realities – a single point of contact which can corral resources from the larger community to achieve success. CSSUP works with struggling moms and families to set goals, learn new skills, discover strategies for success, and realize the inherent strength that has been hidden. Inspiring Hope will pinpoint specific resources that are appropriate for each family and their situation.

Since 2013, with the establishment of our first men's recovery house in Iron Mountain and later in 2017, in Escanaba with our second men's recovery house, CSSUP has successfully forged strong partnerships with community team members. We leveraged community team resources to help men better support their family and move toward self-sufficiency. Community team members include but are not limited to behavioral health professionals, medical health systems, The NorthCare Network, MiDHHS Child Welfare Services, faith communities, schools, sobriety courts, law enforcement, and employers.

With the growing demand for women's recovery services in the UP these partnerships will grow even stronger through Inspiring Hope. The program will reduce addiction behaviors and mental health symptoms for mothers and greatly improve the opportunity for them to raise their children in a safe, drug free home environment. One of the most significant barriers to reunifying parents with their children struggling with addiction or mental illness is the absence of a safe, drug free home environment. The reunification process depends on the parent remaining sober which requires an entire community support team. Ensuring the mother has a safe, supportive, loving environment to reduce their addiction behaviors and/or manage their mental illness is critical to reuniting parents with children. A dedicated house for women will provide a safe environment for supervised. It also allows the Mom to begin her journey in recovery by reducing addiction behaviors and/or managing her mental illness. Together we can improve lives and inspire hope for the most vulnerable in our UP communities.

God Bless!

Kyle Rambo

Director, Catholic Social Services of the UP

ROOM at the INN

RECEIVED
JUN 30 2021
Marquette City
Community Development Office

To whom it may concern:

I write on behalf of Room at the Inn in support of Catholic Social Services' proposal to renovate the Catholic Diocese facility at 311 W Baraga Ave, in downtown Marquette to provide a Women's Recovery House for Recovery and Mental Health services

We strongly support this effort with the belief that establishing the Recovery House would address the desperate need for more recovery and mental health services. In an effort to fill gaps in service for our community members in need, Room at the Inn supports the end goal- to obtain the zoning permits necessary from The City of Marquette to renovate the unit at 311 Baraga St, Marquette MI into a Women's Recovery Residence.

Thank you for your time and consideration.

Best,

Nicholas Emmendorfer
Executive Director
Room at the Inn

NorthCare Network

1230 Wilson Street
Marquette, Michigan 49855

RECEIVED
JUN 30 2021
Marquette City
Community Development Office

April 21, 2021

Michigan Health Endowment Fund
330 Marshall Street, Ste 201
Lansing, MI 48912

Board of Directors:

Catholic Social Services of the Upper Peninsula has been a valued member of the NorthCare Network SUD provider panel for many years. Under the leadership of Executive Director Kyle Rambo, the agency has been successful with acquiring properties to support the development of much needed recovery housing in Upper Peninsula counties. NorthCare has worked with Kyle and his team to support training and provide funding for the Alpha Omega and Alpha Omega II men's recovery houses in Iron Mountain and Escanaba.

The collaboration with Superior Housing Solutions will allow for strong alignment of recovery support services for the residents. The women's & family project will provide opportunities for mothers and their children to establish strong recovery supports while living in a safe, substance-free setting. There is not currently any recovery housing program in the Upper Peninsula that serves both mother and child. NorthCare will work closely with Catholic Social Services of the Upper Peninsula to assist them with re-certification as a Women's Specialty Provider and looks forward to program development to include on-site childcare, transportation assistance, and consistent recovery support programming.

The Michigan Health Endowment Fund grant will support the program development for this much needed programming. NorthCare will support sustainability for on-going services with its specialty funding allocation for Women and Children providers along with traditional treatment funding.

Sincerely,

Judi Brugman

Judi Brugman
SAPT Director

OSF HEALTHCARE

RECEIVED
JUN 30 2021
Marquette City
Community Development Office

April 16, 2021

Lynda Zeller
Michigan Health Endowment Fund
330 Marshall, Suite 201
Lansing, MI 48912

RE: Inspiring Hope

I am writing on behalf of OSF HealthCare St. Francis Hospital & Medical Group in support of Catholic Social Services of the Upper Peninsula's (CSSUP) Inspiring Hope project. Our organization has partnered with CSSUP for many years in a collaborative care model. Together, we maintain seamless coordination of care for our patients to connect them with area resources to ensure medical and behavioral health services are synchronized and supportive for long-term patient care.

OSF St. Francis Hospital is the sole hospital and emergency department in Delta County. Each year, our emergency department provides care to approximately 17,000 patients. In 2020, 28 patients presented to our emergency department for behavioral health needs, with the majority of these patients experiencing a crisis. In 2020, nearly 20 percent of babies delivered in our OB department were born to mothers using substances. This number does not account for the hundreds more suffering from mental health issues and those in unhealthy relationships.

This data speaks to the need for focus on women's mental health and addiction behaviors. The Inspiring Hope project will provide support to women, pregnant women, children and other at-risk families using approaches that minimize stigma and reduce barriers to care and aim to strengthen existing collaboration within our community. Inspiring Hope will make a positive impact on access to mental health and addiction behavior treatment and recovery support services our patients and community members need. OSF St. Francis Hospital is fully supportive of CSSUP's Inspiring Hope project.

Sincerely,

Dave Lord
President
OSF HealthCare St. Francis Hospital & Medical Group

WOMEN'S Center

1310 S. Front Street
Marquette MI 49855
(906) 225.1346
www.wcmqt.org

RECEIVED
JUN 30 2021
Marquette City
Community Development Office

June 22, 2021

Dear Members of the City of Marquette Planning Commission,

The Women's Center, serving both Alger and Marquette Counties, serves survivors of both domestic and sexual violence. The events that survivors go through are traumatic. Much too often there are co-occurring disorders taking place with that person because of the trauma they have encountered.

Our advocates provide supportive services, active listening, safety planning, assistance with personal protective orders, transportation, housing assistance and much more to help them get back to a life that is sustainable for them. We run an emergency shelter and a 24/7 crisis and support phone line. We recently added therapeutic counseling for both domestic violence and sexual assault clients, which is so needed.

We recognize a desperate need for more long-term residential recovery facilities for women in Marquette County. Presently Great Lakes Recovery Center has a six-bed facility located in Marquette and that is the only long-term residential women's recovery house that we are aware exists in Marquette County for women. It really is an injustice to women because we have so many women who suffer and need help.

If I can be of further assistance, please feel free to reach out to me.

Respectfully,

Beth Casady, MPA
Executive Director

EQUAL OPPORTUNITY EMPLOYER

The Episcopal Diocese of Northern Michigan
131 East Ridge Street
Marquette, Michigan 49855

Office of the Bishop

June 28, 2021

City Planning Commission
Municipal Service Center
1100 Wright Street
Marquette, MI 49855

Dear Marquette City Planning Commission:

I am amazed at the ongoing support of various faith groups when it comes to the vulnerable in our community. I know the Episcopal Diocese of Northern Michigan has and will continue to support the various projects that come our way as we share the Good News of Jesus' love. We are fortunate to be able to support various feeding programs such as Feeding America West Michigan, which has begun distribution here in the Marquette area as well as supporting the homeless in recent years.

As you consider the needs of the community, I hope you will endorse the rezoning request by the Catholic Social Services of the Upper Peninsula and the Roman Catholic Diocese of Marquette for a Women's Recovery House at 300 Rock St. in Marquette. As a former chaplain and board member of Monarch Recovery Center for Women in Muskogee, Oklahoma, I cannot tell you how much this would benefit the community as a resource for women who are on the road to recovery.

I want to take this time to than you for considering this zoning request that will benefit the citizens of Marquette County.

Faithfully,

Rayford Ray

The Rt. Rev. Rayford J. Ray
Bishop, The Episcopal Diocese of Northern Michigan

RECEIVED
JUN 30 2021
Marquette City
Community Development Office

Phone: 906-228-7160 • Toll-free: 800-236-0087 • website: upepiscopal.org

Robert and Lora Frak
332 Rock Street
Marquette, Mi 9855

June 30, 2021

RECEIVED
JUL 01 2021
Marquette City
Community Development Office

Community Development Department
1100 Wright Street
Marquette, Mi 49855

RE: 04-REZ-07-21
301 W. Baraga Ave.

We are writing in opposition of the request by the Diocese of Marquette for a zoning change to the property that sits on Rock Street. Changing the zoning for Multi Family Residential opens the possibility for a Halfway House, Domestic Violence Shelter, Fraternity/Sorority House or rooming house. None of these uses, we feel, are appropriate for a neighborhood of families. Nor for a school which sits directly across the street.

There is currently a parking issue on the 300 block of Rock Street due to Father Marquette Academy. Adding residents and employees would further complicate this issue. My question being, is it required to have enough parking spaces per resident?

The address listed for this property is 301 W. Baraga which is the address for St Peter's Cathedral. This makes for a complicated situation, in our view. The building on Rock Street has no backyard. The side yard on the West is only a driveway. This does not seem to meet the zoning criteria of 30 feet backyard and 15 feet on each side yard.

We are concerned for the decline of our property values for our home which we have lived in, cared for and raised our family in for 34 years. When property values decline so do the assessed value which decreases tax revenue to the city.

If, against our concerns, this property is changed to Multi Family Residential will we have a say in what type of use it becomes? Will the building have to be updated to current code following all fire and disability requirements?

Please perform due diligence when making this decision and consider the concerns of the homeowners.

Thank you,

Robert and Lora Frak

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
July 6, 2021

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, July 6, 2021, in the Commission Chambers at City Hall.

ROLL CALL
Present: W. Premeau, S. Mittlefehldt, Vice-Chair M. Larson, E. Brooks, Chair J. Cardillo
Absent: A. Andres, M. Dunn (excused)

AGENDA

It was moved by M. Larson, seconded by S. Mittlefehldt, and carried 5-0 to approve the agenda.

MINUTES

The minutes of June 1st were approved by consensus, with a correction to be made by staff, as noted by W. Premeau.

CONFLICT OF INTEREST
No certain or potential conflicts were stated.

PUBLIC HEARINGS
A. 05-SUP-07-21 –1917 Enterprise St. (PIN: 0810061)

Zoning Official A. Landers stated that LS Properties, LLC are seeking approval of a Marihuana Grower – Class B Special Land Use Permit. She stated that the Planning Commission has received agenda packets which included the staff report and analysis and showed that on the screen, and she also showed the Special Land Use Permit application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, photos of the site, and the site plans for the proposal. She stated that there were no items of correspondence.

J. Cardillo asked if the applicant wished to speak.

Mr. Matt Treado, of UPEA - the applicants consultant, stated he has worked closely with Andrea through this whole process to make sure that a site was selected that met all the requirements and was indicative of what the city had envisioned for marijuana grow opportunities in Marquette. He stated there were very little changes to the site, basically just meeting the requirements that they need through landscaping requirements and dumpster enclosure. He stated he wanted to address any concerns anyone had.

E. Brooks asked what sort of ventilation was being used. Mr. Ethan Poglese, the property owner, stated it was his understanding they were going to be using a carbon filter on the heating/cooling system that is going to prevent the odor from going out into the neighboring areas.

S. Mittlefehldt stated she was not familiar with the marijuana growing process, but that her understanding with indoor grow operations that there was quite a bit of electrical power required. She stated that she wanted to know if the applicant had to work with Board of Light and Power for any of that. M. Treado stated that they have been coordinating with Sean Seibert with BLP and they have a copy of the plans. He also stated he has a meeting scheduled with him for later this week to discuss the project, and that the BLP did reach out to them, too, in advance just to make sure that the full power requirements necessary around the operation were available.

M. Larson stated his question was around waste water; that it seemed like there was potentially some concern that while it was not indicated that there was going to be any increase, that there could be an increase at some point in time, and he asked if that was foreseeable?

M. Treado stated that it is not, and that Scott [Cambensy, DPW Superintendent] had alluded to testing waste water discharge just to make sure that they were not providing any sort of runoff that was going to be

problematic for the waste water treatment plan. He stated that they are coordinating with BPW to make sure that those requirements are met and that they are monitoring that discharge to make sure it is not something that is harmful.

Jerry Rieckmann, of 607 Menard Street stated that he wanted to know what makes this different from other pot stores in the area. He also stated that he has moral issues with this being approved.

J. Cardillo stated that he would be a grower, so he will only be growing and there would be no retail component of this.

> *It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 5-0 to suspend the rules for discussion.*

S. Mittlefehldt stated that everything they put together was consistent with what the board had put together for the marijuana zoning for growers, the zoning for [marijuana] industrial uses. She stated she did not see anything wrong with the application.

M. Larson stated he agreed. He stated it looked like it met all the requirements.

E. Brooks stated that he saw no issues and that it fits into the Land Development Code well and that it would bring more tax dollars to the city.

J. Cardillo asked if any other members wished to speak, and there was no further discussion.

> *It was moved by M. Larson, seconded by E. Brooks, and carried 5-0 that after review of the site plan set dated June 8, 2021, with supplemental documentation and the STAFF FILE REPORT/ANALYSIS for 05-SUP-07-21, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.628, and hereby approves 05-SUP-07-21 with the following condition - that an amended plan is submitted to meet staff comments.*

B. 04-REZ-07-21 – 301 W. Baraga Ave. (PIN: 0111650)

Zoning Official A. Landers stated that that planning commission is being asked to make a recommendation to the city commission regarding a request to rezone the property located to 301 West Baraga Avenue, which is currently zoned medium density (MDR), to be zoned multiple family residential (MFR). She also stated that the Planning Commission has received agenda packets which included the staff report and analysis and showed that on the screen, and she also showed the rezoning application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, photos of the site, and several items of correspondence, which were shown on the screen. She also stated that two items of correspondence were received after the agenda was posted. She read one letter from W. Pelto.

City Planner-Zoning Administrator D. Stensaas read a letter from M.K. Buckmaster in opposition to the request.

D. Stensaas also stated that he wanted to remind everyone that this is a hearing for a rezoning of the property, not a hearing for any special land use for any purpose, including a halfway house. No matter what the Planning Commission decides, the City Commission will hold a hearing, most likely on August 23rd, which would be the soonest they could consider rezoning the property. At that time, they will consider the Planning Commission's recommendation for the rezoning. He also stated that if the rezoning is approved by the City Commission, the Diocese would need to come back to the Planning Commission and ask for any special land use permits that they wanted.

J. Cardillo asked if the applicant wished to speak.

Mr. Kyle Rambo stated that he is *job title is CEO,* at Catholic Social Services, located at 347 Rock Street.

He stated that he is about 72 yards from the residence that the rezoning request is for, due west and across the street. He also stated that it is a huge piece of property and they are looking at rezoning just the residence, the Bishop residence, not the visitor quarters where the visiting priests typically stay, or the cathedral. He also stated that they are all connected physically as a structure, but that each location has a different purpose. He also stated that he was there on behalf of Bishop John Doerfler, the bishop of the Catholic dieses of Marquette, because the residence - which is an 8-bedroom 5-bathroom enormous facility in impeccable condition - is being completely and totally unutilized by the Diocese of Marquette. He stated that the bishop is aware of that and he is concerned about that and has asked that their board consider rezoning so that they can offer the opportunity to serve the city of Marquette. He also stated that they served over 1500 clients last year alone for substance abuse and mental health issues. He stated he lives, 72 yards away and never had a safety issue, so does not see any potential issues. He also stated that they are not only a nationally-accredited facility, but are state-license for both outpatient and child welfare and recovery homes as well. He stated that it is possible, but does not foresee a safety issues because their operations have always been a success.

S. Mittlefehldt asked if they would be rezoning the property that the church is on as well as the residence; that they'd be rezoning the whole chunk. She also asked where the facility that is already servicing people is. Mr. Rambo stated that visiting priest stay on the east end, the corner of Rock and 4th Street, and that the clinic is on the opposite side, on the west end, and that is where they have served well over 1500 people this year. He stated they typically serve more than that. S. Mittlefehldt asked him to explain what happens there. Mr. Rambo stated that it is an outpatient clinic and they have trained professionals, licensed master social workers that help folks who are struggling with addiction and mental health issues, and illness. He stated that they never closed down a single day this year and in fact they were overwhelmed this year and anticipate that will continue.

S. Mittlefehldt stated she had a question about Mr. Rambo's comment concerning underutilized apartments or spaces in that building already, and that they have been around for decades before there was an original zoning code. She asked him to give the board a sense of the deeper history of that space.

Mr. Rambo stated it served to help visiting priests, so accommodated visiting priests, but that also it was the bishop's residence; and then it was a Diocese office for about 8 years, so the entire staff served out of that facility. He also stated they built a new complex at Harbor Hills, so they were able to move into that complex, and since then it's served as maid quarters as well, so it served quite a few people at one time, but since has been vacant. He also stated that if you don't include the apartments, which are 3 separate apartments with their own chapel and workout gym, it is 8 bedrooms and 5 bathrooms.

J. Cardillo opened the public hearing and asked if anyone wanted to speak.

Mr. Maurice D'Herckens, of 342 Rock St. stated he lives right across from where Mr. Rambo talks about the outpatient services are now. He stated that they do not have much trouble there, but that they have had trouble in the past when he had the Room at the Inn service and they brought the people that were spending time at churches over the weekends for a place to sleep. He also started that on a few occasions there was quite a crowd out there, and at one time he had to call the police to have a guy removed from his front porch that decided he wanted to stay at his house. He stated his question is who is going to be spending the night there in 8 rooms.

J. Cardillo stated that there is no specific proposal of what the use of that property is going to be, so they are considering all of the potential uses that could occur under a multi-family use. She stated that special land uses that would require a separate permit and city staff showed a chart of potential special uses, which would require them to come back before the planning commission with a specific proposal, at which time they would have to meet all the conditions for that use as well. She also stated that the planning commission could apply additional conditions.

Mr. D'Herckens asked if construction would need to be done to the building to protect the people staying there overnight.

Ms. Cardillo stated this was a generic format, so any specific special land use proposals would incorporate

that and at that time, and if they as a commission felt that there were additional things that needed to be put in place that they would. She also stated that in the past they have required certain conditions regarding backyards being enclosed or areas being designated for neighborhood safety, etc., so that would happen at that time. She stated right now we are just talking about this as a generic umbrella of uses that could potentially happen here.

Mr. D'Herckens thanked the board for their time. He also stated that he is not in favor of this and is actually representing his old neighbor who is medically not able to be at the meeting and that he is not in favor of it either.

Mr. Edward Stock, of 2732 Scenic Dr., head of maintenance at the Cathedral, stated that his concern with new zoning on it is that it affects the cathedral itself as well as the neighborhood. He stated that they do house priests now in apartments in the cathedral. He stated his concern was in the future would that open the whole neighborhood up into multifamily where anybody could move in or anybody could own an apartment building. He stated that also the land usage itself, if you were talking about the whole cathedral, there was very little yard space around the cathedral. He stated that there was a garden in the back, and asked if that would be utilized along with the facility when it is rezoned to multifamily, and how that affects the cathedral itself. He also stated there have been problems in the past with security with other facilities that they've had, and had to add extra cameras, extra locks, etc.

Mr. Robert Frak, of 332 Rock St., stated one of his concerns is in the outline it looks like the entire property that the church owns is going to be rezoned, which means he can see where they may not necessarily use the parking lot to build something on, to make another structure to do something in the basement of the church; it is not just the corner facility. He stated the amount of parking that there is available through the parking lot, if that is why they are using the [indiscernible], the yard space for people during the day. He stated the school right across the street, the parking there is normally 100% full all summer long. He stated they received no information from the church that describes what they are planning on doing and that this has happened in the past, where they just kind of tried to go through the City and get things done that way, and they do not address the public in the area. He stated it is a matter of the property values and what they moved into. He stated that the fathers of the city with the zoning the way it has been in the past had an idea in mind to keep certain areas separate from the private residences and he stated he sees that changing and the possibility of changing property values. He also stated that no matter what the use was going to be, if this was approved for multi-residence, that he can foresee the need for fencing. He stated that there was only a garden area and the back yard, if they are going to expand something [indiscernible] church and the basement is really gives them [indiscernible] control of all their property if it is allowed to be rezoned as a complete unit.

Ms. Deb DeMattia, of 244 Rock St., stated she lives right across the street from the cathedral. She stated her parking lot was right across from where Room in the Inn was and that she disagrees—that she had a woman smoking a cigarette in her kitchen. She stated she has 3 children and that she had to get security because of the all the issues that happened when they would come and stay for the weekend. She stated that they are compassionate people and that she is understands that this is about rezoning, but she feels like across the street from a school that there are other recovery-type homes very close by. She also stated that the Harbor House is on the other side of her. she stated she has issues with them, they are great, and that she fully supports what they are doing. She also stated they worked together to resolve those issues. She stated they have not had to call the police, but that with Room in the Inn she they did. She stated that she feels like if you had children you would not want to subject them to what happens at these places. She stated that they know what it is going to be. She stated that they have already had to deal with some tough stuff in the neighborhood and she feels like this is the wrong place. She stated she feels like it is a great cause, but that she does not feel it is right for a residential neighborhood.

Ms. Lora Frak, of 332 Rock St., stated that she wanted to clarify, that she sent a letter already and those thoughts are in the letter, but that she wanted to clarify something that Mr. Rambo said when he spoke about the building that is already seeing people that are addicted. She stated that is an office building that is next to the school, so it is on the corner of 5th and Rock and it is an office building that has a back parking lot that sees people by appointment with counselors, whether they are social workers, psychologist, not sure, but that that is a clear difference. She also stated that it is an office building with a lot of other offices

in it and, again, that it is by appointment and not an overnight facility.

Mr. Jerold Rieckmann, the owner of the apartment buildings at 346 and 348 Rock St. - across from the Catholic Social Services building - stated his concern is that he feels there is a lot of congestion on that street and that it would not be proper to have that building multifamily due to the fact that you have the school across the street. He stated that he knows it is going for rezoning tonight, but he is concerned about what would happen in the future to get all these specialized things involved. He also stated that the other thing, if that were to happen, would a letter be sent to all the parents of the students(?) and that they should have an impact on that. He stated that he knows that during rush out at the school Rock St. is busy. He stated that the other thing he is going to make a comment about is that he does not want to see a multifamily because he does not think they need 3rd hot spot in the town like Rooms at the Inn or the orphanage building.

Mr. Robert Frak, of 332 Rock St., stated that this is the start of a process, and he knows that probably once you start here it is kind of a slope downhill as far as once it is approved that it will just keep on moving through. He also stated that he would like to see it possibly just end right here. He also stated that when they were having issues here before, he did have a gentleman trying to enter his home. He stated he stopped him, called the police. He stated he collapsed just 2 houses down from him and they did take him in and he was a part of when they were having Room at the Inn.

Ms. Linda Poole, of 346 Rock St.-Apt. 1, stated her concern was congestion, not enough room, and the school. She stated that you have to time things or else you're just going to be stuck on that street trying to go anywhere south. She stated that changing the zoning is just going to make it worse. She stated she did not know how you could fit any of those things in there without more parking and more people coming and going. She stated it would just be quite a mess. She stated that she thinks it is a slippery slope and that she would prefer that it does not happen, and the church with the parking, they are always in City Hall's parking so that the taxpayers cannot come in. she stated that it takes over the whole area for anything that goes on. She stated that she is opposed because there are too many people in one little area as it is and she does not see how anything, whether it is one or the other, can really get in there and have everything there, so it would be great to stop it here and not have to go on any further.

Mr. Jim Dowling, of 11 Grove Hill Ct., stated he is a parishioner at the cathedral and has been involved with helping Monsignor Stieber with security issues through the years. He stated he is a retired Michigan State police detective sergeant and he particularly wanted to comment on his experience with Room at the Inn, which was hosted for several years at the cathedral. He stated that in his opinion Room at the Inn was hijacked by a criminal element and does suffer from those problems, and he stated they identified those problems at the cathedral, documented the bad behavior that was being introduced into the cathedral, that it was not even debated by the Room at the Inn board of directors or the executive director at the time. He stated it resulted in the cathedral declining participation with Room at the Inn for the last 3 years of the rotating Room at the Inn to the various churches. He stated that they had some particular problems at the cathedral because they were not a typical church. He stated they have a large full-time staff, they have 2, 3, 4 masses a day, etc. He stated they have public performances, concerts, plays to the general public as well as to the faith community. He stated he wanted to make the observation that there is a connection between this issue that Mr. Rambo spoke of, his position as director of Catholic Social Services, there is a connection to Room at the Inn. He stated the director of Room at the Inn, his address is 347 Rock St., 2nd floor of the Catholic Social Services building, and they have a very support relationship. He stated that Catholic Social Services is very supportive of Room at the Inn and the executive director has had his office there. He stated that as far as looking at zoning issues, he wants to recognize the realities of the clientele that they are seeking to serve. He stated that was a great effort, but that he is not sure that this is the right place. He stated to picture the Warming Center on Washington Street being transferred to Rock Street. He stated that is essentially the potential here. He stated it is not just a maybe, it is just a reality. He stated he can go through the characteristics of the individuals that they are seeking to help, and that he just thinks the observation needs to be made that there is the supportive relationship between Catholic Social Services and Room at the Inn. He stated he also wanted to comment about the church, that the parishioners were unaware of this. He stated that Monsignor Stieber was unaware of this. He stated it was not part of the of the effort. He stated that it was not something that the church is pushing or participating in or involved with. He stated that this is coming from the Bishop and Mr. Rambo is an employee of the diocese.

Mr. Ryan Redmond, of 601 W. Baraga St., stated there is a correlation and supportive relationship between Room at the Inn and the Catholic Social Services, and that there is an issue with Room at the Inn. He stated it is not the solution to the problem, and he stated that supportive housing with professionals is. He stated Room at the Inn is not structured. He stated there is no programming. He stated this kind of opportunity would offer all of that. He stated there would be oversight, and person-centered case management, which is not offered at Room at the Inn. He stated that yes there is a supportive relationship, but out of Room at the Inn, these opportunities and chance to correct these problems is birthed and that is what we they are coming with—a solution.

Ms. Mary Buckmaster, of 108 Palms St. and the owner of 401 Rock St., stated she lived at the Rock St. address for 50 years. She stated that her children grew up there and now her son, his wife, and her grandchildren live there. She stated they have had problems with people from Room at the Inn. She stated that her grandchildren are very precious and naïve and they think these people are their friends and that it breaks her heart to think that people won't feel safe if this happens. She asked why the Bishop doesn't live there anymore. She stated this was meant to be the Bishop's home. She stated that she has been a life-long member of the cathedral. She stated her grandmother lived at 328 Rock Street. She stated she was up and down and all around, safe, and that she they all walked to church safe. She stated that she did bring a letter, but that she wanted to come up and tell the board that.

Ms. Judy Lanciani, of 322 Rock St., stated that it was her understanding that to rezone the multifamily residency required a back yard, and she wanted to try to understand if that is part of a special land use, or is that part of the zoning that there has to be a 20-ft backyard to the property.

D. Stensaas stated it is an existing nonconforming use, so what is there does not have to be changed because the zoning changes. He stated the existing footprint to those buildings is not going to be required to be changed.

Ms. Lanciani stated that the multifamily residency zoning when she read through it said there needed to be 15 ft. on each side yard, 15 ft. in the front, and 20 ft. in the back.

D. Stensaas stated that in the zoning district it is in, it probably does not meet the standards for that either.

Ms. Lanciani asked if that applied to this.

D. Stensaas stated that it only applied if they were building a new structure; that new structure would need to meet the requirements, but that if you have an existing structure it is existing nonconforming.

Ms. Lanciani stated that it does not have a backyard. She stated it is confusing because it is attached to the cathedral. She stated the back of the Bishop's residence has a door that leads into a little hallway that leads into the actual cathedral. She stated there is another door that leads out into the courtyard. She stated she works for the cathedral, that she is the secretary and bookkeeper there. She stated that the part that they want to use for the rezoning is right next to her house. She stated that her house and the Bishop's residence driveway and the couple of priest that live there, so her understanding is that just the Bishop's residence wants to be converted for the rezoning. she stated her understanding is that the whole thing needs to be rezoned, but that it is just that one spot that is going to be used. She stated that you are basically breaking up the big property to let it become whatever they want to use it for. She stated there are parking issues as people have talked about. She stated that there is not a yard for people. She stated that there is not a separate private place for those people to be. She stated that they are going to be in the cathedral area, they are going to be basically on the sidewalk of Rock St. because there is no front yard, no side yard, and no backyard. She stated there is no outside place for families or women being treated or whatever they end up using it for. She stated they are going to be using public spaces or cathedral spaces and that concerns her, that parking concerns her. She stated that there are cars up and down, parents, buses, and things like that. She stated she does not know where staff for the residences would park or where the residents themselves or visitors. She stated they cannot use the cathedral parking and the Rock St. parking you can only park on one side of the street. She stated it is narrow, especially in the winter. She stated that she has seen cars crash into poles and plows and things like that. She stated that there have

been no major car accidents, but scrapes because of trying to avoid parked cars already, so it is already congested, and she just would not feel safe. she stated that she thinks there would be issues with the people that are residing there not having a place to go if they can no longer reside there. She stated it is a sober living place and if they are no longer sober, where do they go?

Ms. Linda Bolton, of 348 Rock St., stated her concern is her visitors that visit her around the corner do not have anywhere to park now. She stated there are always people parked on that street, Rock St., in front of the Catholic Services and they have to park halfway down the block and they do not even want to come and visit her because they have nowhere to park. She stated she is also concerned about the school. She stated she went to that school when she was a child and she is concerned with all the school kids being right there in the middle of it all. She stated there are pathways, one walk down, and that she can hear drunks lying on the sidewalk, yelling cuss words that you don't want your kids to hear. She stated that is just one walk down the hill and then is going to have it right across the street from her house; she will have it down the hill on Rock, she will have it across the street, and she is going to have it to the left. She stated she feels like every way she turns there is going to be situations to think about before you let any of your nieces, nephews or kids go outside.

Mr. Maurice D'Herckens, of 342 Rock St. stated why does this have to be here. He stated we are talking about eight units, and at Room at the Inn - which he does not even go downtown anymore because he has been hassled a lot down there - he does not understand how eight units is really going to make a big effect. He stated that what is amazing is you go five blocks from here and you have three square blocks of hospital property and medical buildings that are not being utilized. He stated that he wonders why that is not being brought up about utilizing that area; why is it so important that it is this area and only eight units.

J. Cardillo asked if anyone else would like to speak, and she closed the public hearing.

> *It was moved by S. Mittlefehldt, seconded by E. Brooks, and carried 5-0 to suspend the rules for discussion.*

S. Mittlefehldt stated that there was a lot to think about and thanked everyone who spoke because she really does think it is the best way to make decisions, to be able to hear everyone's perspective and to really try to figure out what to do in a complex situation. She stated that she was curious to hear from staff as it sounded like this building originally essentially served a multifamily purpose and had apartments in it. She stated the planning commission in 2013/2014, who wrote the [current] master plan, who had the proposed zoning maps, was a different set of planning commissioners, so maybe they could go back in time with the zoning and could think about why was this zoned single-family residential, medium density. She stated how did it get zoned to that. She stated essentially it is a multifamily building, it had units in it, so how did it become what it is.

D. Stensaas stated that he thought when the city adopted the first zoning ordinance in 1929, that was a single-family neighborhood. He stated that neighborhood was platted for single-family lots, not sure when, but probably before 1900. He stated he is not sure the date the cathedral was built, but that the standards that were in place then for construction were nothing like today's standards. He stated that there were probably no hearings, no permits, no inspections. He stated the cathedral was built twice as he understands it. He stated this addition that Mr. Rambo mentioned, there was work done 16-ish years ago to expand apartments in that building, and he was not aware that there were 11 apartments in that building. He stated that he too lives on Rock St., not in that part of Rock St., but that he has been by there hundreds of times, and though he is aware that there are apartments there, but had no idea that there were 11 apartments total. He stated he was not here when that reconstruction would have occurred and that Andrea was not here then, so they do not know about that. He stated the planning commission understood that the church used that for auxiliary use and it is an acceptable accessory use to a church to have housing for visiting priests, that's an age-old tradition of churches, so no one had any reason to suspect that this was a multifamily structure previously, but that by any standards, that is a multifamily structure now. He stated this just came to their attention through this request, that this is a multifamily building. He stated if it is going to continue to be used as a multifamily building, it really has to be conforming. He stated it can continue to be used as a nonconforming, the way it has been used, but it is still legally nonconforming as it is and even more legally nonconforming now that they know there is a multifamily building there; as that many units

goes beyond what is typical for a church.

Mr. Dowling stated eight of those are bedrooms in the bishop's residence; there are only three apartments.

A. Landers stated that public testimony was closed, so this is not a group discussion at this point, but that she appreciates his comments earlier.

D. Stensaas stated he is not embellishing, he is repeating what he heard. Mr. Rambo stated yes, three apartments, eight bedrooms, so not 11 apartments.

D. Stensaas stated either way, 11 bedrooms; by anybody's standards, that is a multifamily situation.

J. Cardillo stated she did not know if that was what Commissioner Mittlefehldt was getting at, but that it is sort of provoking the question for her, and that she knows it was kind of addressed in the source material, but is this information coming to light an example of sort of not having a stake in this future land use map or the maps for planning, but now that they have this new information as they sort of look at the spot zoning or where they look at the criteria for doing these rezonings, it sort of asks, she thinks, at some point is this a result of basically a misinterpretation, an error. She stated she is just curious if, as they go through, at a certain point as they look at that does it factor into this.

D. Stensaas stated he kind of leans toward that himself, but it is an open question. He stated it would take the Planning Commission back to 2013/2014 when they were looking at every parcel in the city and trying to decide what the appropriate land uses for those parcels are and then correlate that to the proposed zoning districts that would be implemented, and hundreds of zoning districts were changed in 2019 as a result of that process that occurred in 2013/2014. He stated this parcel may have been changed to multifamily then if the planning commission had known this was an 11 bedroom facility attached to that because really there is almost no standards in the single-family district that changing it to the multifamily district would make vastly different.

Ms. Cardillo was wondering to help in the decision-making process and move forward maybe they should go through and consider the questions. She stated one of the things they have to consider was this a spot zone, which for those folks in the room that may not be familiar with the nuances of zoning and planning, a spot zone is usually when the Planning Commission may sort of get arbitrary capricious decision about one tiny little parcel of land that is totally different from anything around it, and it can be challenged in courts. She stated that one thing they have to do tonight is determine whether or not this is considered spot zoning and so there are questions they have to ask themselves like if the proposed area that is being rezoned is in an appropriate location for not just the halfway house, but everything that is in the category. She stated that they have to as a planning commission say, is this appropriate for those things that are allowed in the multifamily residential zoning or is this so specific to this one spot that that would be spot zoning that could be challenged in courts, so maybe they should move through some of those questions.

S. Mittlefehldt stated do they want to start now with the spot zoning questions.

J. Cardillo stated yes she things that would help and give them a way to move forward, and to reiterate there are four components to it and they have to decide that all four of those are met for it to be spot zoning. She stated if it is spot zoning then they do not want to do it. She stated that he first one is, is it small in size. She stated that she would say it is not small in size; it is a very substantial lot and asked for a consensus on that. There was no disagreement. She stated that it is already pretty much not spot zoning.

J. Cardillo stated that it has multifamily residential right to the east and to the northwest. She stated that in addition to it already having multifamily typology, it is really not a spot zone. She stated right now they have already knocked out two, so they did not need to continue on with the spot zoning because it would not be.

W. Premeau stated he was confused and asked if a church could be built in a residential neighborhood. D. Stensaas stated yes it could be, as a special land use.

W. Premeau stated was this all part of the church; if it was a part of the church activities and part of the

church.

J. Cardillo stated that was kind of what she was trying to get at earlier and that it is a very good question because it is very confusing because it is one lot that will have multiple uses. She stated it will have a church component, it will have this multifamily component.

W. Premeau stated that he thought this use was part of the church.

S. Mittlefehldt stated the weird thing is that the church is non-conforming because it does not have a special land use, so she does not think that is something they need to be concerned about.

J. Cardillo stated that it was a good point and sort of a ball of yard that they are unraveling backward.

S. Mittlefehldt stated that it seems like in 2014 when they did the master plan they should have looked more carefully at this one specific area, but of course when you are doing zoning for an entire city it is easy to gloss over details like that.

E. Brooks stated that he agrees about parking in that area. He stated he lives in South Marquette, not in this particular neighborhood, but drives through that area on a regular basis. He stated that there are parking issues especially when school is in session; that lot is filled. He stated there is a ton of congestion in there. He stated he just does not see how creating this multifamily, how it is going to actually benefit the neighborhood. He stated that he cannot see doing that entire parcel as multifamily because who's to say that maybe some day they could not section out part of that parking lot and that is going to be multifamily, too. He stated that rezoning this entire parcel that they are talking about as multifamily he is 100% against.

J. Cardillo stated that she wanted to point out that whatever future uses, they would have to meet the parking requirements, so they cannot just say they're there and don't need to meet the parking requirements. E. Brooks stated that he understands that, but its just not doing it for me.

M. Larson stated that looking at it from a strictly rezoning portion, right now with the medium-density residential, it could be used as an adult foster care family home, child and day care family home, for food production; special land uses also have adult foster care, child care center, hospital, hospital hospitality house, school, university - and the church could come forth right now and say they would like to have any of those put on there as well – and so as far as congestion and parking, he does not know that necessarily means that much differently from what they already can do. He stated it seems historically it has been used as multifamily for that particular facility. He stated from a strictly rezoning portion of medium density or multifamily, with multifamily directly across the street and to the northwest, it is not out of character. He stated he thinks when the city was doing its complete city rezoning, had this information been there, it would have been rolled in and it would have happened without this portion right here. He stated he thinks it likely was an error back in 2014, just because they did not have all the information at that time.

S. Mittlefehldt stated that she agreed, but that she really empathized with what has been stated today. She stated she shared the concerns about kids' safety and all of the issues that were raised, but that she also thinks that there are voices that were not there that day and that there are a lot of people that need help in the community and that they are people. She stated that when they make decisions, they have to consider those people, too. She stated that it is a complicated decision and that maybe it should go somewhere else, but where?

E. Brooks stated that he does not think this is the proper place for that type of facility. He stated that obviously there is no parking there, and to actually get parking there, they would have to dig up the front of the area. He stated that safety is his biggest concern, you have those children on recess that are right across the street from there. He stated that safety, security, congestion; there are places for a facility like this; you have all that new property where the Beacon House is and the new hospital is; you have the Peninsula Medical Center that is half vacant right now. He stated he did not think it was the proper place to put this and he believes if they go ahead and rezone this it is just going to open up a whole new can of worms. He stated he empathizes with these people, and if he lived on that street, that would be the last thing he would want on that street.

W. Premeau stated that he agrees with Mr. Brooks 100 percent.

M. Larson stated there was not necessarily a proposal before them to weigh a security protocol that they may have in place at some point in time, what their programming is, are there folks on staff, how many people will be housed there; anything they are looking at is conjecture at this point in time from his point of view. He stated they are making a recommendation. He stated the community will still have an opportunity to talk to the City Commission about that rezoning. He stated it does not allow for a halfway house immediately off the bat. He stated they will have to come back at that point in time when there is an actual proposal in front of them to have another hearing whether or not that is an appropriate use of that facility. He stated he thought there were a number of opportunities that are still in place. He stated there is an opportunity for the church, with the Diocese themselves, to have a discussion on whether or not that is an appropriate place with the community that they are in right now.

E. Brooks stated it sounds like they already have, though.

J. Cardillo stated that she has a question for Mr. Rambo, and she asked him to come to the podium. She stated she wanted to understand: This large piece of property that they are rezoning is all under the auspices of the Diocese, so any decisions that are made for a component of that has to be agreed upon; they are not independent pieces functioning separately. She stated her other question is how does the school across the street fit into that decision-making process. She stated if you are functioning as one entity and you have all these different components, it is in your own interest that you do not sort of cannibalize yourself and create a situation where you lose all of your students because you created this other…it would give people a little bit confidence to understand that there is some coordination and unity in how these decisions are getting made.

Mr. Rambo stated there absolutely is. He stated what has not been put out is a public notice to the parishioners and to the community. He stated again a lot of that rested their shoulders before they make that announcement. He read a note from Bishop John: “Safety is one of our top priorities and we very seriously considered this matter as a part of our deliberations. The proposed mission for the house is to serve mothers with children. Children would not reside at the house because the mothers are struggling with addition and the custody of those children depends on how they do with their struggle with addiction. However, the children would be able to visit their mothers at the house daily. Thus, the house must be safe and secure for the children to visit their moms. This is not just our requirement, but it is also the State of Michigan’s requirement and we licensed child welfare workers who understand their requirements; it is critical. It is also critical to the reunification process for these parents with their children. Thus, it means that the house would also be safe and secure for the school across the street and the neighborhood. This is an important outreach to help bring families together. The intent is to emphasize the churches preferential option for the poor and those on the periphery. I see this outreach as communicating symbolically that people on the periphery belong in the heart of the church and the city. Pope Francis has repeatedly stated that our duty is to reach out to the people form the periphery and see this effort as a just one.”

Various members of the board thanked Mr. Rambo.

J. Cardillo stated that was a specific question for the applicant, so the public testimony is closed. She stated that her real question was that it sounds like the school and the parish are…(she was interrupted by many people in the room responding with “no” and other comments). She also stated that this part of the meeting is not open to public comment and asked a member to please sit down after getting up to make a comment. D. Stensaas stated that this part of the meeting is for discussion by the Planning Commission.

E. Brooks stated as far as he could tell the parishioners have not been privy to that information. J. Cardillo stated not the parishioners, she was talking about the school. There were many comments at once from people in the room. S. Mittlefehldt stated it sounds like the parishioners have not been notified because they are waiting to get permission to be able to move forward with it. She stated there are several steps involved.

E. Brooks stated he would like to hear the comment [that a person in the room was attempting to make].

Mr. Jim Dowling stated that just for context, the comment was made about coordination between the church and the school, there is one driving force here and that is Bishop Doerfler, and because he is the boss of the Diocese. He stated the school principal and Mr. Rambo are all employees of Bishop Doerfler, so of course he is going to read Bishop Doerfler's statement, he is going to read what he wrote from Pope Francis, and Pope Francis is Bishop Doerfler's boss. He stated yes this outreach to the marginalized is wonderful, it needs to be done…the question is, is this effort proper as far as the Marquette City Planning and Zoning Division goes. So, as far as coordination, you will get Mr. Rambo and other employees who cannot speak freely; they are employees of Mr. Doerfler, who happens to be the bishop, so that has to be born in mind. He stated there is one person here driving this.

J. Cardillo stated that she understands and they have gone off on a tangent, but she wanted to understand a little bit of the structure of the property, but she wants to get back to the more generalized conversation about rezoning. She stated is there any further discussion on this, or questions. She stated does somebody want to make a motion.

> *It was moved by W. Premeau, seconded by E. Brooks, and not carried 2-3 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, the Planning Commission finds that the proposed rezoning is not consistent with the Community Master Plan and does not meet the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission deny 04-REZ-07-21*
>
> *Yes: W. Premeau, E. Brooks*
> *No: S*. Mittlefehldt, M. Larson, J. Cardillo

J. Cardillo stated that the motion fails, and we can continue discussion, or someone else can make a motion. S. Mittlefehldt stated that she will make a motion.

> *It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 3-2 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, 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 04-REZ-07-21*
>
> *Yes: S*. Mittlefehldt, M. Larson, J. Cardillo
> *No: W. Premeau, E. Brooks*

J. Cardillo stated that the rezoning will go to the City Commission. D. Stensaas stated that the rezoning will go to the City Commission which will happen on August 23rd; that they need to schedule the hearing first. He stated they ultimately make the final decision on rezoning. He stated if they rezone the property, the special land use request would come back to the Planning Commission and that will be noticed in the same way that this hearing was noticed.

CORRESPONDENCE

D. Stensaas stated the County Master Plan has been drafted and could be found on their website. He stated there was a very interesting process that they used, and they were on the verge of holding all kinds of public meetings. He stated they did some, but that they were ramping up to do some bigger public engagement meetings and had some things scheduled, like up at Barrel and Beam they were going to have a night to have people ask questions about the county and what the planning department was doing and give people an opportunity to talk about what they wanted to see happen in the county in the next 20-ish years. He stated that fell apart when COVID hit, but they did a lot of surveying, and they got a lot of survey data back. He stated that they divided the county into 4 geographic regions and they have all the data broken down into regions, which he thought was a pretty good approach. He stated that he will put that back on the agenda for the next meeting because they have a 63-day process, just like we do when we update a plan, and August 4th is the deadline for comments. He stated he went through himself and just found a lot of interesting stuff, but the only thing he felt like he might provide comments on is on their

zoning-related and planning-related stuff, that he felt they got a couple of things a bit wrong. He stated their staff does not do zoning, and he felt there were some things that they did not quite get the way they were presented, so thought he might provide his comments on that. He stated it is a very interesting plan and invited others to provide comments, and as a Planning Commission to issue a memo to the County Planning Commission. He stated everyone can email him their comments before the next meeting if they are not going to be there.

S. Mittlefehldt stated would it make more sense to send comments as a Planning Commission or just as individuals, would it carry a different kind of weight. D. Stensaas stated that he thought a letter from their Planning Commission carries weight since it is a planning document and would be good to see it coming from the Planning Commission. He stated they have done that before where they aggregate comments into a memo from the PC.

COMMISSION AND STAFF COMMENTS

S. Mittlefehldt stated that this volunteer job doesn't much easier.

D. Stensaas stated that please remember that comments are supposed to be addressed to the Chair, and things can get out of hand quickly with a room full of people, and he said it's not his job to run the meeting and there are times when he feels that he needs to say something and that is not by the rules, but the rules don't always work well. S. Mittlefehldt stated that when people are standing up and being aggressive it doesn't serve us to feed that.

ADJOURNMENT
The meeting was adjourned by Chair J. Cardillo at 7:30 p.m.

Prepared by:

David Stensaas
David Stensaas, City Planner and Zoning Administrator
Planning Commission Secretary
nb/ Imedat

ORDINANCE #701
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 54 – ZONING, BY CHANGING THE ZONING DESIGNATION OF THE PROPERTY AT 301 W. BARAGA AVE.

The City of Marquette Ordains:

SECTION 1. Zoning Designation.
The zoning of the property located at 301 W. Baraga Ave. (PIN: 0111650) is hereby changed from Medium Density Residential (MDR) to Multiple Family Residential (MFR).

SECTION 2. Map Revision.
This change shall be shown on the Marquette City Zoning Map.

SECTION 3. Effective Date.
This ordinance shall take effect ten days after adoption but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

Agenda Date: 8/30/2021

Consent Agenda

Approve the minutes of the August 23, 2021 Commission work session

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Aug 23 WS Minutes

City of Marquette, MI
300 West Baraga Ave
Marquette, Michigan 49855

Meeting Agenda
City Commission

WORK SESSION

Monday, August 23, 2021
5:15 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

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

Announcements

Mayor Smith had no announcements.

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

There was no public comment at this point.

1. Budget Overview

City Manager Karen Kovacs, Assistant City Manager Sean Hobbins, City Finance Director Mary Schlicht and City Administrative Services Director Jen LePage presented a high-level budget overview to the Commission.

City Manager Kovacs said that, for several reasons, City expenditures exceed revenues and that the administration has been working to overcome a deficit in the budget for FY21-22. She said this is primarily a revenue issue. To this point, Finance Director Schlicht said City expenditures have increased in recent years at about 3 percent per year, while revenues have increased at a rate of just 0.5 percent per year.

Staff discussed several options for increasing revenue, and then asked Commissioners for some indication as to how much fund balance they would be comfortable operating with for the coming year, as that would set a baseline to build a budget plan from.

Commissioners discussed the pros and cons of various options for generating revenue, and expressed their thoughts on how much fund balance they would be comfortable moving forward with.

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

Margaret Brumm spoke on the difficulties of keeping a board focused on a goal and she said she would be opposed to any impacts to Lakeview Arena.

Adjournment

Mayor Smith adjourned the meeting at 7:15 p.m.

_____ _____

Jennifer A. Smith, Mayor **Kyle Whitney, City Clerk**

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

Agenda Date: 8/30/2021

Consent Agenda

Approve the minutes of the August 25, 2021 special Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Aug. 25 SM Minutes

City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes
City Commission

SPECIAL MEETING MINUTES

Wednesday, August 25, 2021

Special Budget Meeting

Call to Order, Pledge of Allegiance and Roll Call

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

Approval of the Agenda

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

Announcements

Mayor Smith had no announcements.

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

There were no public comments at this point.

1. Consent Agenda

Commissioner Evan Bonsall moved to Approve the Consent Agenda, seconded by Commissioner Sally Davis and Carried Unanimously.

1.a. Approve the minutes of the August 9, 2021 regular Commission meeting.

New Business

2. Budget Overview

City Finance Director Mary Schlicht provided a summary of the various funds in the City's budget, including funds for streets, debt service, Lakeview Arena, marinas, technology services and motor vehicle equipment. Various City department heads joined in during this overview to highlight specific projects or issues in their departments.

Commissioners asked several questions, and ensuing discussion focused on road funding mechanisms, the schedule for street projects, updates on the JCI project, utility rates and the impact debt service payments have on the City budget.

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

Margaret Brumm mentioned the concept of a local cigarette tax and then said there is a big job to do to involve the community in this conversation. She said staff has indicated there have been no property tax increases in several years and that the concept should be explained, as some residents feel their taxes have increased.

Comments from the Commission

City Manager Kovacs asked Commissioners if there were any topics that they would like further future discussion on.

Mayor Smith said she would place Phase II of Lakeshore Boulevard on that list, along with utility rate increases. She also requested a summary/update of the JCI project.

Commissioner Bonsall said he agreed on the Lakeshore and utility rate items. He also said he doesn't yet have a clear idea how the City will close the gap that remains in the budget.

Commissioner Davis said the budget presentation is clearly different than it has been in previous years, but she said that's not a bad thing and that she appreciates all the work being put in by Finance Director Mary Schlicht. She agreed with the topics mentioned by Mayor Smith, and said she would be curious to see how the budget has already been altered, once the deficit became clear.

Commissioner Hanley said she agrees on everything that has been mentioned. She mentioned the College Avenue project, in which a $325,000 grant is being paired with $1.8 million in City funds. City Manager Kovacs said that project is being reviewed presently.

Mayor Pro Tem Hill asked if there would be future conversations regarding the BLP. She discussed utility rate structures.

Commissioner Mayer discussed both Lakeshore Boulevard and College Avenue. He also said he would like to continue the previously mentioned concept of a road millage, as well as bond costs.

Commissioner Stonehouse said he is generally comfortable with the plan being presented. He said utility rates represent a difficult decision, and said that Lakeshore Boulevard represents a major commitment to the community and the City's grant partners and should be completed as presented. He said he would like to look at the concept of a road millage, which would be a longer-term solution.

Comments from the City Manager

City Manager Karen Kovacs thanked the City Commission and said there will be additional budget meetings forthcoming.

Adjournment

Mayor Smith adjourned the meeting at 6:55 p.m.

_____

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.

Agenda Date: 8/25/2021

Video (Admin Use Only)
Special Budget Meeting

BACKGROUND:

Special Budget Meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

Agenda Date: 8/25/2021

Consent Agenda
Approve the minutes of the August 9, 2021 regular Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

Agenda Date: 8/25/2021

New Business
Budget Overview

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

Agenda Date: 8/30/2021

Consent Agenda

Application for License to Use City Property Adjacent to 417 W. Michigan Street

BACKGROUND:

Ms. Jean Battle of 417 W. Michigan St. has submitted an application to use a small portion of the West Michigan Street right-of-way to replace a retaining wall in the front yard, and for the replacement and extension of concrete steps for the home's entrance. The proposed wall would be separated at least 12 inches from the public sidewalk, which would be an improvement over the wall that is currently at the edge of the sidewalk. Details are shown in the attached license application.

All City staff reviewers approved of the request with the stipulation that a minimum of 12 inches of separation remain between the wall from the sidewalk, and the City Attorney has drafted the license. Ms. Battle has signed the license.

FISCAL EFFECT:

The application fee for a License to Use City Property is currently $250 and has been paid.

RECOMMENDATION:

Approve the License to Use City Property, and authorize the Mayor and City Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Application for License_417 W Michigan_06-PRU-08-21
- Grant of License

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

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

Fee $250

CITY STAFF USE

Date Submitted: 7-23-2021 Parcel ID#: 0250110 File #: 06-PRU-08-21

Property Address/Location: 417 W. Michigan St.

Adequate Legal Description Submitted: (Y)/ N Anticipated Hearing Date: 8-09-21

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

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

APPLICANT CONTACT INFORMATION

APPLICANT

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Fax #:_____

Email:_____

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

APPLICANT'S REPRESENTATIVE

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Fax #:_____

Email:_____

****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?

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

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:_____

LEGAL DESCRIPTION

Legal description of the license/easement area:

_____

_____

_____

_____

_____

_____

_____

_____

_____

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: _____

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.

Reviewing Department	Recommend Approval	Comments

Planning & Zoning-Community Development

Date Received: _____

Engineering Division of CD

Date Received: _____

Fire

Date Received: _____

DPW

Date Received: _____

Treasurer

Date Received: _____

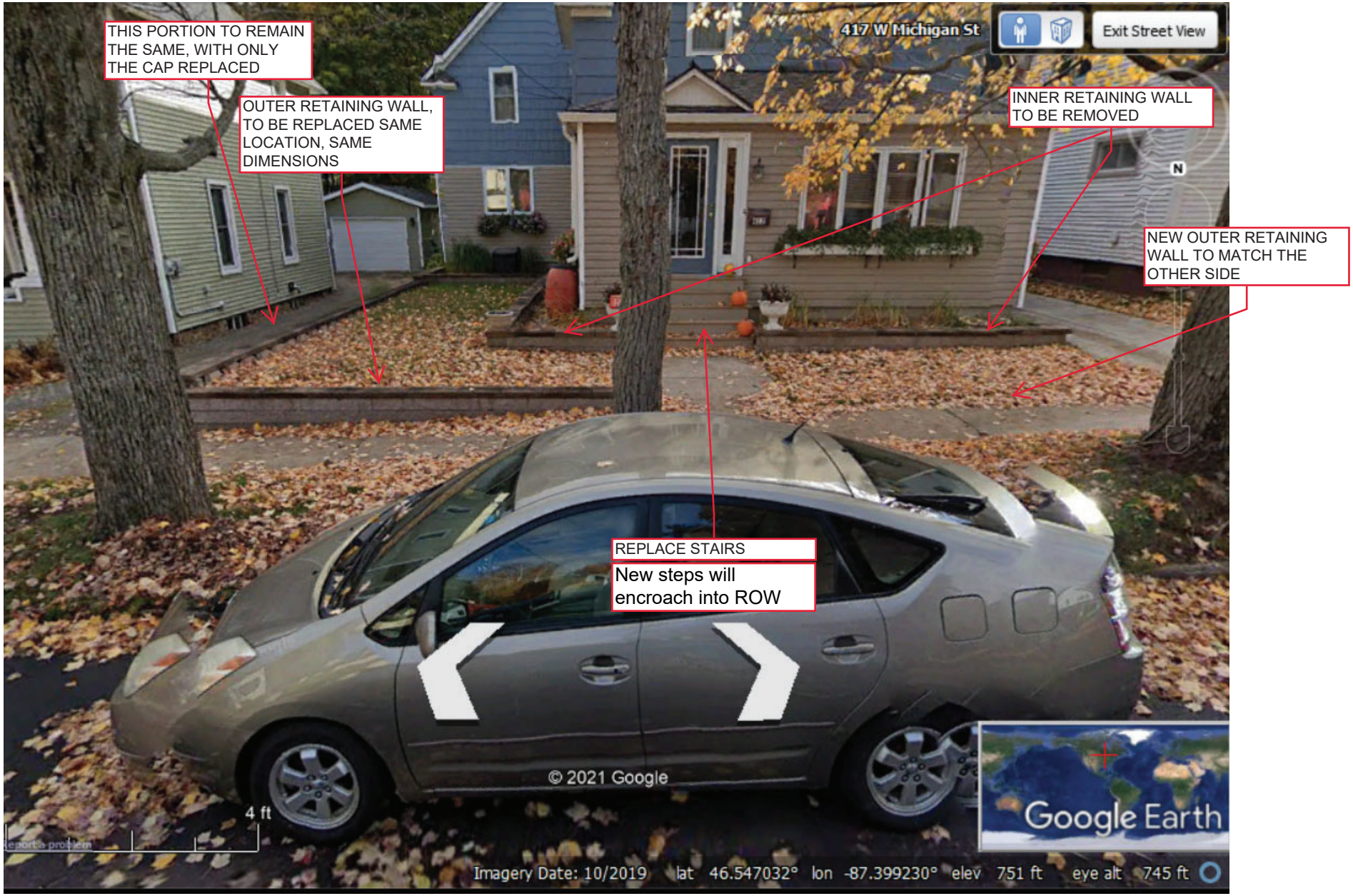
Police

Date Received: _____

Community Services (Parks & Rec.)

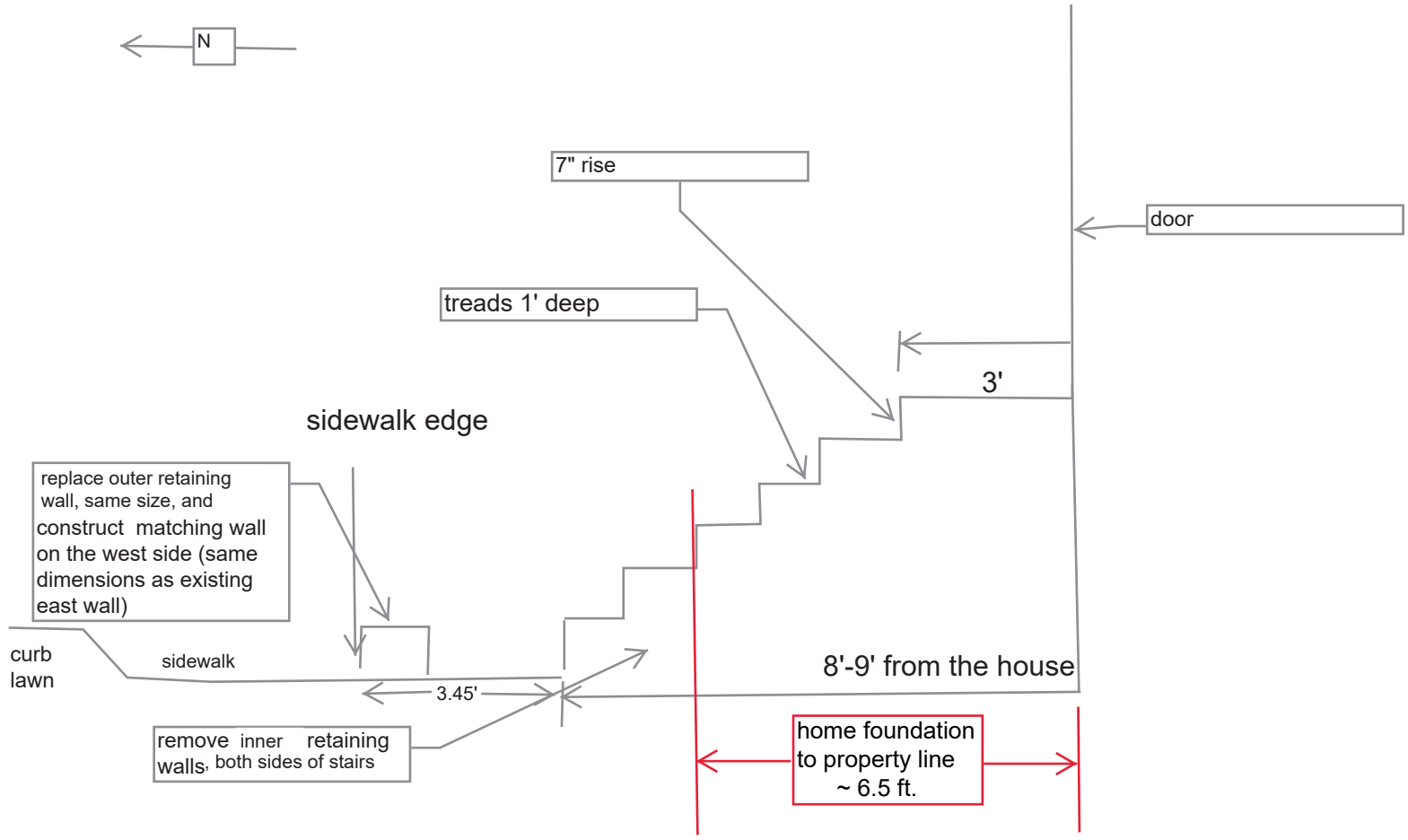
Date Received:_____

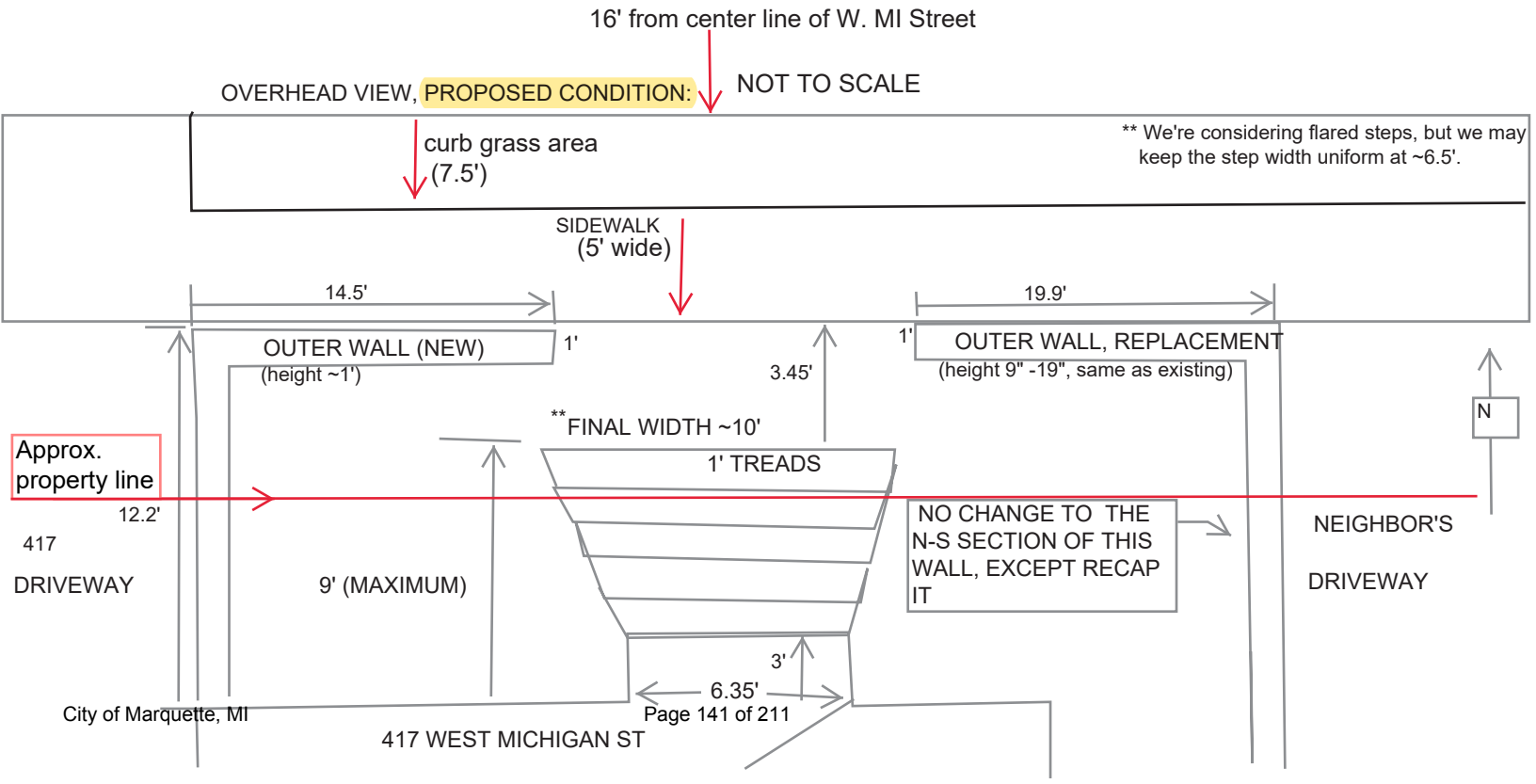
2019 Google Earth Pro aerial photos
Jean Battle
317 West Michigan Street
Marquette MI

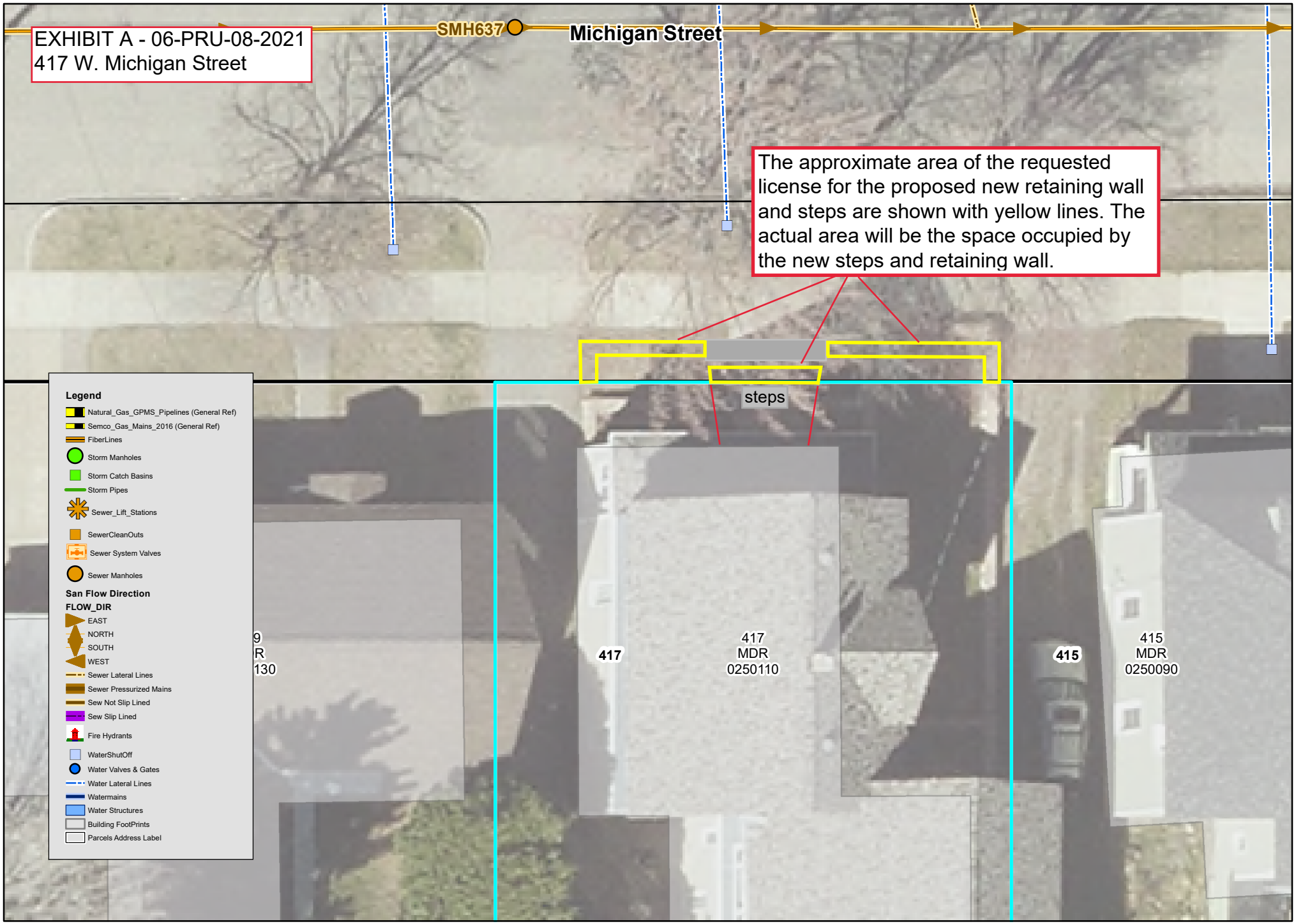


NOT TO SCALE

Side View, Proposed Condition:







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.

GRANT OF LICENSE

THE CITY OF MARQUETTE, a municipal corporation of 300 W. Baraga Ave., Marquette, MI 49855, ("City"), and Jean Battle, of 417 W. Michigan Street, Marquette, MI 49855, ("Battle") licensee, enter into this agreement on _____, 2021, subject to the following conditions:

1. Background. The City owns the West Michigan Street public right of way, in the City of Marquette, and State of Michigan.
   Battle desires to construct steps and a retaining wall ("Steps"), on the real estate and to the specifications set forth in Exhibit A.
2. Grant of the license. In consideration of $250.00, the City grants to Battle the right to construct the Steps on the real estate and to the specifications set forth in Exhibit A.
3. Construction and Maintenance. Battle shall construct, and at all times while this License is in effect, maintain the Steps in good repair. Battle 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, Battle shall be responsible for any removal of, repair to or replacement of the Steps in connection with utility work. Battle 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 public right of way.
5. Reimbursement for damages. Battle shall reimburse the City for any physical damages to the City's public right of way caused by Battle's use on the real estate. Battle, and any successor or assign shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability 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 Battle's use. Battle'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. Battle reserves the right to control the defense and settlement of any claim for which Battle has an obligation to indemnify hereunder.
6. Revocation. This License may be revoked by either party at any time by providing at least 90 days' written notice of termination to the other party. On the termination date, all rights and obligations of the parties shall cease and on or before the termination date, Battle shall remove the Steps from the real estate, at her own expense. Battle shall not be entitled to a reimbursement for any portion of the fee previously paid to the City.
7. Entire Agreement. This Grant of License constitutes the entire agreement between the parties.

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

CITY OF MARQUETTE

_____
By: Jennifer A. Smith
Its: Mayor

_____
By: Kyle Whitney
Its: Clerk

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

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

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

Jean Battle

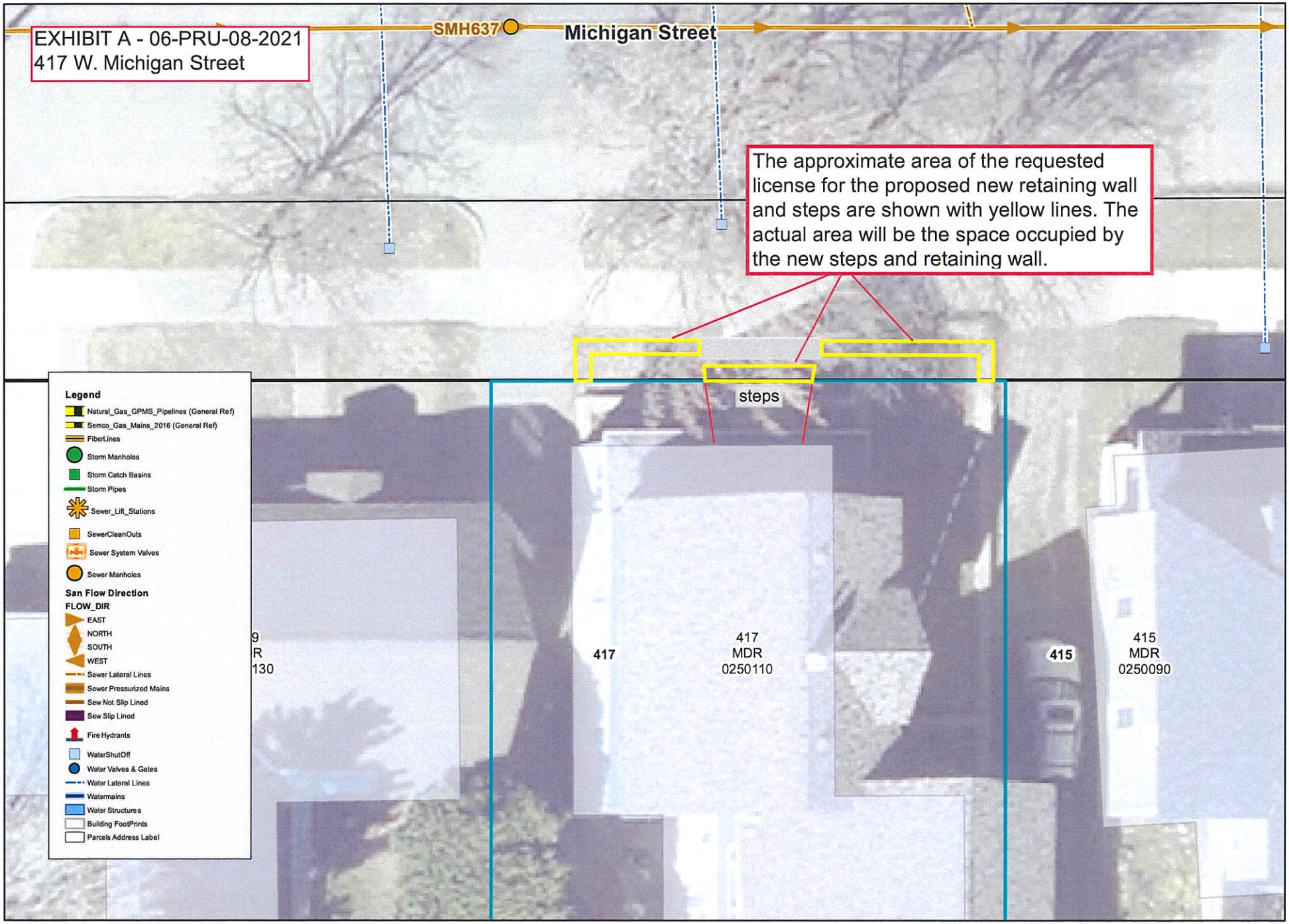
STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Jean Battle
Property Owner

Acknowledged before me in Marquette County, Michigan, on August 23, 2021, by Jean Battle.

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

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



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.

N
W E
S

Agenda Date: 8/30/2021

Consent Agenda
Consent to Grade Easement - MDOT South US-41/M-28 Project

BACKGROUND:

The Michigan Department of Transportation (MDOT) has determined it necessary to seek a grading easement at the intersection of South Lakeshore Boulevard and Front Street (US-41/M-28) in order to complete the construction project next year.

The attached Consent to Grade has been reviewed and approved the City Attorney.

FISCAL EFFECT:

The City will realize a one-time $100 payment for the Consent to Grade.

RECOMMENDATION:

Approve the Consent to Grade and authorize the execution of the necessary documents.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- MDOT Consent to Grade

Michigan Department
Of Transportation
0631 (02/15)

WAIVER OF APPRAISAL

This information is required by the Michigan Department of Transportation in order to waive appraisal rights.

PROPERTY OWNER(S)
CITY OF MARQUETTE

ADDRESS
300 W Baraga

CITY	STATE	ZIP CODE
Marquette	MI	49855

Right(s) to be acquired:

$	Fee – Real Property
$	Permanent Easement
$ 100.00	Consent
$	Cost to Cure
Total Compensation $ 100.00	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been given the opportunity to review the market data used in establishing the just compensation.
- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are waiving my/our right to an appraisal and accept the above referenced just compensation.
- The decision to waive the right of an appraisal was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

(X) OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL [signature]	DATE 8/9/21

CONTROL SECTION	PARCEL	NAME
52042	868	CITY OF MARQUETTE
JOB NUMBER	**FEDERAL ITEM NUMBER**	**FEDERAL PROJECT NUMBER**
131846		

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

July 19, 2021

City of Marquette
300 West Baraga
Marquette, MI 49855

CS 52042, JN 131846, Parcel 868

Dear Property Owner:

The Michigan Department of Transportation (MDOT) has determined it necessary to acquire a portion of your property located at the intersection of South Lakeshore Blvd. and Front St.(US 41)for the US 41 reconstruction project. MDOT is authorized to acquire your property by purchase or condemnation. In accordance with state laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer to purchase your property. A legal description of your property the MDOT must acquire, is set forth in the attached Addendum.

MDOT has reviewed your property as it relates to the needs for the project, had the property appraised by an independent real estate appraiser, and determined the market value to be $100.00 for a consent to grade. MDOT is therefore offering to pay you the full appraised market value for your property, as that term is defined in the Uniform Condemnation Procedures Act (UCPA), MCL 213.51(i).

MDOT's Good Faith Written Offer is based on the enclosed appraisal. The appraisal outlines the items for which you are entitled to be paid and is considered to be a part of the Good Faith Written Offer. This appraisal is based on the facts known at this time, along with the state of the market and condition of the property as of the date of the appraisal. Please review all the materials carefully. If we missed anything that you believe to be significant to the amount of money you should be paid, please let us know in writing. MDOT will review items you identify in your written response and let you know if we will make any changes to its Good Faith Written Offer. We are also available to discuss this offer with you to ensure that you understand all the documentation and we can answer whatever questions you may have related to this Good Faith Written Offer and the Eminent Domain process.

The Good Faith Written Offer we are making is for all property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in the property, you can decide among yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT reserves the right to bring federal or state cost recovery actions against you (the present owners) and/or any other potentially responsible parties relating to any release of hazardous substances on the property. If you have any questions on this provision, please let us know.

If you agree and are willing to accept our offer, please sign and date below and return this letter in the stamped self-addressed envelope provided. Your signature needs to be witnessed by someone and the witness needs to also sign and date this letter.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT on the acquisition of your property. Please note that this offer is valid only until August 16, 2021, after which time MDOT may pursue a condemnation case if we have not reached an agreement. If you have any questions about the project, this Good Faith Written Offer, your rights as a property owner, or any other issues, please contact me at (906)630-9601.

Sincerely,

Steve Douglas
Region Real Estate Agent

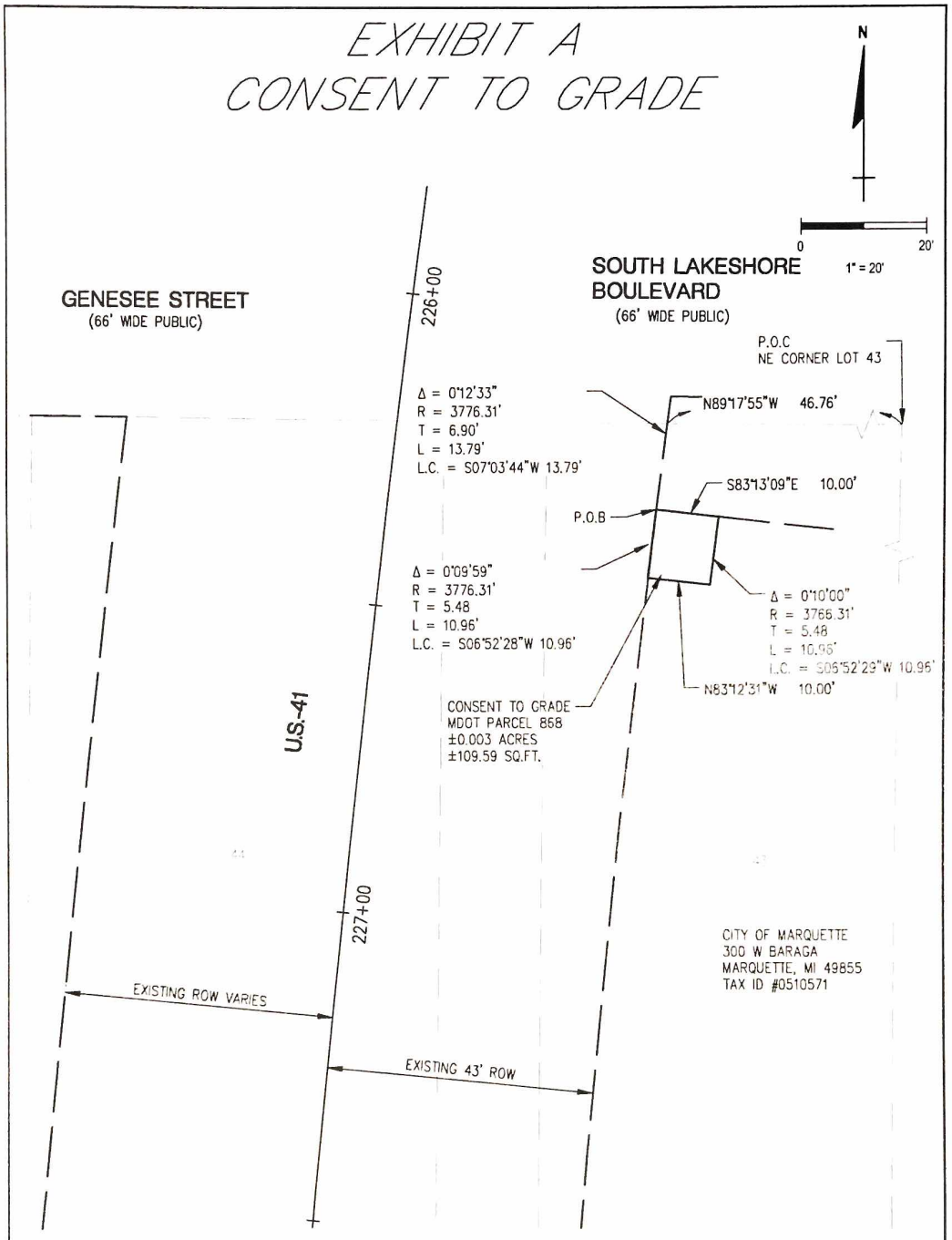
Enclosures
Acceptance of Good Faith Written Offer

We, the undersigned owners, accept the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of $100.00 for the property detailed in the Addendum to MDOT's Good Faith Written Offer letter of July 16, 2021. We also agree to the terms of the Addendum.

Witness:	Date:	Property Owners:	Date:
_____	_____	_____	_____
_____	_____	_____	_____

CONTROL SECTION	JOB NO.	PARCEL	NAME
52042	131846	868	City of Marquette

EXHIBIT A
CONSENT TO GRADE



		FOR: MDOT Michigan Department of Transportation
		CS: 52042 / JN: 131846A
		ROUTE: US-41 / DATE: June 1, 2021
		DRAWN BY: AMM / SHEET 1 OF 2
	Horizontal datum: GRS80, NAD83 (CORS2011) MCS North Zone 2111, Geoid 2012B Average site combined scale factor: 0.999886976 Grid distance/Average combined scale factor = Ground distance	CHECKED BY: SHN
	Steven H. Neumann, P.S. June 1, 2021 LICENSED PROFESSIONAL SURVEYOR MICHIGAN LICENSE NO. 4001038120	PREPARED BY: ROWE Rowe Professional Services Company 540 S. Saginaw St, Suite 200 Flint, MI 48502

EXHIBIT A
CONSENT TO GRADE

PARENT PARCEL LEGAL DESCRIPTION
(AS RECORDED IN 2020R-14759, MARQUETTE COUNTY RECORDS)

Part of Section 23 and Section 26, T48N, R25W, Part of Government Lot 3, and Government Lot 4 of Section 23, and Government Lot 1 of Section 26, and parts of Penny and Vaughn's Addition, parts of Burt and Ely's Addition, parts of John and William Burt's Addition, and parts of Edward's Addition. Commencing at the ¼ Corner common to Section 23 and Section 26, thence N 89° 16' 21" W along the North line of Section 26, 112.85 feet, to a point on the East right of way of US-41, thence S 10° 29' 19" W 298.03 feet to a point at the intersection of the easterly right of way of US-41 and the northerly right of way of Lakeshore Boulevard, being the POINT OF BEGINNING; thence S 89° 11' 16" E along the northerly right of way of Lakeshore Boulevard 26.17 feet, thence N 44° 57' 45" E 454.90 feet along said right of way; thence N 00° 53' 14" W along said right of way 507.85 feet; thence N 09° 36' 01" E along said right of way 137.25 feet; thence N 68° 02' 18" W 83.57 to a point on the easterly right of way of US-41; thence N 21° 57' 42" E along said right of way 230.62 feet; thence S 51° 11' 54" E 94.46 feet to a point on the westerly right of way of Lakeshore Boulevard; thence N 38° 13' 28" E along said right of way 36.41 feet; thence N 40° 59' 33" E along said right of way 178.93 feet; thence N 23° 30' 00" E along said right of way 464.70 feet; thence N 06° 00' 27" E along said right of way 146.87 feet; thence N 83° 59' 33" W 80.77 feet; thence N 23° 46' 08" E 25.44 feet; thence N 12° 28' 24" E 100.00 feet; thence N 01° 09' 48" E 101.98 feet; thence N 09° 19' 41" W 107.70 feet; thence N 77° 31' 36" W 59.92 feet to a point on the easterly right of way of Front Street; thence N 12° 29' 09" E along said right of way 145.89 feet to a point on the South right of way of Baraga Avenue; thence S 77° 36' 40" E along said right of way 26.12 feet; thence S 31° 09' 33" E 193.59 feet to a point on the westerly right of way of Lakeshore Boulevard; thence N 11° 40' 38" E 113.98 feet; thence N 14° 50' 23" E 26.37 feet to a point on the southerly right of way of Baraga Avenue; thence S 77° 36' 40" E along said right of way 66.06 feet; thence N 13° 47' 21" E along the easterly right of way of Lakeshore Boulevard 35.08 feet to a point on the South line of Lot B of the Assessor's Plat of Marquette Bay; thence S 76° 12' 39" E (recorded as S 76° 38' 14" E) along the southerly line of said Plat 253.21 feet to the southeast corner of Lot 7; thence N 20° 46' 25" E 25.00 feet; thence S 70° 34' 25" E 10 feet more or less, to the ordinary high water mark (OHWM) of Lake Superior; thence easterly and southerly along the OHWM of Lake Superior for 3,550 feet more or less; thence S 60° 43' 52" W 128.85 feet; thence S 17° 53' 20" E 185.28 feet to the North right of way of Hampton Street extended; thence S 17° 53' 20" E 440 feet more or less, to the northeasterly right of way of Lake Street; thence northwesterly along said right of way 235 feet more or less; thence N 17° 53' 20" W 206 feet more or less, to the northerly right of way of Hampton Street extended; thence N 17° 53' 20" W 196.12 feet; thence N 15° 50' 45" W 110.31 feet; thence N 44° 05' 23" W 202.19 feet; thence N 00° 33' 01" E 33.85 feet; thence N 89° 26' 53" W 109.0 feet; thence N 00° 18' 55" E 150.77 feet; thence N 89° 22' 07" W 222.62 feet to a point on the easterly right of way of US-41; thence along said right of way N 06° 49' 08" E 185.39 feet to the POINT OF BEGINNING. EXCEPT the following described parcel 3.40 acres more or less in Section 23, T48N, R25W, Commencing at the ¼ Corner common to Section 23 and Section 26; thence S 89° 16' 21" E along the South line of Section 23, 245.56 feet to a point on the East right of way of Lakeshore Boulevard; thence along said right of way, N 01° 39' 17" E 33.97 feet, thence along said right of way, N 00° 53' 14" W 507.85 feet; thence along said right of way, N 09° 36' 01" E 113.22 feet; thence along said right of way, N 20° 05' 17" E 103.01 feet; thence along said right of way, N 30° 32' 25" E 112.84 feet; thence along said right of way, N 40° 59' 33" E 178.93 feet; thence along said right of way, N 23° 30' 00" E 504..38 feet; thence along said right of way, N 06° 00' 27" E 98.19 feet to the POINT OF BEGINNING of the exception; thence along said right of way, N 06° 00' 27" E 327.10 feet; thence along said right of way, N 10° 25' 25" E 148.92 feet; thence along said right of way, N 14° 50' 23" E 1.89 feet; thence S 76° 49' 06" E 310.41 feet; thence S 36° 37' 56" E 105.82 feet; thence S 16° 44' 16" W 227.65 feet; thence S 36° 23' 46" W 40.26 feet; thence West 43.63 feet; thence S 70° 00' 00" W 89 feet; thence S 73° 00' 00" W 90 feet; thence S 82° 00' 00" W 77 feet; thence West 48 feet to the POINT OF BEGINNING of the exception.

City of Marquette Tax ID #: 0510571
Vesting Owner: City of Marquette
300 West Baraga
Marquette, MI 49855

GRADING CONSENT PARCEL DESCRIPTION
MDOT PARCEL 868, CONTROL SECTION 52042, JOB NUMBER 131846A

A parcel of land lying in Government Lot 1 of Section 26, T48N, R25W, City of Marquette, being 10 feet in width adjoining and parallel to the easterly right of way line of US-41, in Lot 43 of the Plat of Penny and Vaughn's Addition to the Village of Marquette, more particularly described as follows: Commencing at the northeast corner of Lot 43 of the Plat of Penny and Vaughn's Addition to the Village of Marquette, thence along the northerly line of said Lot 43, being the southerly right of way line vacated Genesee Street, N 89° 17' 55" W 46.76 feet, to a point in the easterly right of way of US-41; thence along the said easterly right of way line of US-41, 13.79 feet on a curve to the left with a Delta of 00° 12' 33", Radius of 3,776.31 feet, Tangent of 6.90 feet, and Chord Bearing S 07° 03' 44" W 13.79° feet, to the POINT OF BEGINNING; thence along the southerly line of an MDOT Right of Way parcel recorded in document 2013R-09556, Marquette County Records, S 83° 13' 09" E (previously recorded as S 83° 16' 03" E) 10.00 feet, to a point in a line parallel and offset 53.00 feet easterly of the legal alignment of US-41; thence along said offset line, 10.96 feet on a non-tangent curve to the left having a Delta of 00° 10' 00", Radius of 3766.31 feet, Tangent of 5.48 feet, and Chord Bearing S 06° 52' 29" W 10.96 feet; thence along a line radial to the legal alignment of US-41, N 83° 12' 31" W 10.00 feet, to a point in the easterly right of way line of US-41; thence along said easterly right of way line of US-41, 10.96 feet on a non-tangent curve to the right with a Delta of 00° 09' 59", Radius of 3,776.31 feet, Tangent of 5.48 feet, and Chord Bearing N 06° 52' 28" E 10.96° feet, to the POINT OF BEGINNING. Containing 109.59 square feet.

Horizontal datum: GRS80, NAD83 (CORS2011) MCS North Zone 2111, Geoid 2012B
Average site combined scale factor: 0.999886976
Grid distance/Average combined scale factor = Ground distance

Steven H. Neumann, P.S. June 1, 2021
LICENSED PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 4001038120

FOR: MDOT Michigan Department of Transportation

CS: 52042	JN: 131846A
ROUTE: US-41	DATE: June 1, 2021
DRAWN BY: AMM	SHEET 2 OF 3
CHECKED BY: SHN	

PREPARED BY:
ROWE
Rowe Professional Services Company
540 S Saginaw St, Suite 200
Flint, MI 48502

Michigan Department of Transportation
0640C (06/18)

CONSENT TO GRADE

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION

This information required by Act 286, P.A. of 1964, in order to grant Michigan Department of Transportation access to property.

For the sum of $100.00 (One Hundred & 00/100 dollars)

the grantors City of Marquette, whoes address is: 300 West Baraga,

Marquette, MI 49855

grant to the Michigan Department of Transportation, whose address is 425 W. Ottawa, PO. Box 30050, Lansing MI 48909, consent to Grade including, but not limited to, the right to any drainage structure replacement or repair, the right to remove trees, shrubs, and vegetation as necessary in the judgment of the Michigan Department of Transportation and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of Marquette County of Marquette State of Michigan, described as:

See Plan

This consent is effective from 8/10/21.

Signed this _____ day of _____, 20____

X _____
Grantor -
Title -

X _____
Grantor –
Title –

X _____
Grantor -
Title -

X _____
Grantor –
Title –

MDOT reserved its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE		STATIONING
CONTROL SECTION 52042	PARCEL 868, 870, & 872	NAME City of Marquette
JOB NO 131846	FEDERAL ITEM NO	FEDERAL PROJECT

Agenda Date: 8/30/2021

Consent Agenda
Hurley Basketball Court Paving

BACKGROUND:

Within the FY 2021 Public Art budget, the City Commission approved expenditures totaling $26,500 for paving, sealing and striping the Hurley basketball court as part of Project Backboard within the Public Art Fund. City staff put out a request for proposals and received no responses. Staff then sought quotes from companies that could perform all the work and received one from Oberstar for $45,523 and one from Ultra Construction for $70,579.

Based on the received quotes, staff decided to perform much of the work in-house and seek a quote for just the paving portion from the only company thought to be able to fit this size job into their schedule. Superior Paving quoted $12,450, which is lower than the paving portions of the other two fully inclusive quotes.

Once the court is paved, staff will work to get it sealed and striped. The mural will be installed in conjunction with Art Week 2022.

FISCAL EFFECT:

The expenditure is included in the FY 2021 budget.

RECOMMENDATION:

Approve the expenditures of $12,450 for Superior Paving to pave the Hurley basketball court.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Superior Paving Quote

1900 Industrial Parkway • Marquette, MI
Phone (906) 226-1052 • Fax: (906)228-5858 • (wwwsuperiorpavingmqt.com)

A division of Oberstar Inc.

July 15, 2021

To: Ultra Construction
P. O. Box 859
Marquette, MI 49855

RE: Hurley Field Playgrounds

Superior Paving Inc. would like to quote the above referenced project for asphalt paving.

Description	Bid Qty	Unit of Measure	Unit Price	Extended Price
3" HMA LVSP, 58-28 AC	2,400	SFT	$4.75	$11,400.00
2" HMA LVSP, 58-28 AC	100	SFT	$3.50	$350.00
Mobilization	1	EACH	$700.00	$700.00
			TOTAL ESTIMATED COSTS:	**$12,450.00**

Price Includes:
1 mobilization. (Any additional mobs will be $700.00 per move)
3" HMA LVSP Pavement w/58-28 AC in two lifts
2" HMA LVSP Pavement w/58-28 AC in one lift

Price does NOT include:
Bonds, dues or permits
Testing (Plant or Field)
Saw cutting
Removals (Asphalt pavement or concrete)
Gravel or placement of gravel
Fine Grading
Striping & signage
Traffic control
Furnishing & installing monument boxes
Adjusting manholes and drainage structures

Notes
Above prices reflect 2021 construction year pricing.

If you have any questions on this proposal, please call me at the contact information listed above.

Sincerely,
SUPERIOR PAVING, INC

Michael H. Morissette
Estimator
Attachment

Superior Paving, Inc.
ADDITIONAL TERMS AND CONDITIONS OF SALE

Terms of Payment: Terms of payment shall be as outlined on the reverse side hereof and if there are no terms outlined on same the terms of payment shall be net 30 days from date of invoice. A 1.5% per month service charge shall be charged on all outstanding invoices.

Exclusive Limited Warranty: Superior Paving, Inc. warrants that its materials and workmanship shall be free from defects for a period of ninety (90) days. **THIS EXPRESS LIMITED WARRANTY IS IN LIEU OF ANY OTHER WARRANTIES, EXPRESS AND IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER WARRANTY OF QUALITY**

SUPERIOR PAVING INC.'S LIABILITY SHALL BE LIMITED TO REPAIR OR REPLACEMENT OF ANY ASPHALT WHICH IS SHOWN TO BE DEFECTIVE, DUE TO DEFECTS IN MATERIAL OR WORKMANSHIP, WHICH APPEAR DURING THE WARRANTY PERIOD. UNDER NO CIRCUMSTANCE SHALL SUPERIOR PAVING INC. BE LIABLE FOR CONSEQUENTIAL LOSSES OF ANY KIND, INCLUDING, BUT NOT LIMITED TO, LOST PROFITS. UNDER NO CIRCUMSTANCES SHALL THE LIABILITY OF THE CONTRACTOR EXCEED THE PRICE SET FORTH ON THE REVERSE SIDE OF THIS PROPOSAL.

Extras/Change Orders: Any change of the job specifications involving extra costs will be performed only upon submission of a written change order and owner/contractor will be required to pay Superior Paving, Inc. an extra charge over and above the original contract price for the performance of the requested change order. No other agreement between these parties shall be effective, unless the terms of such agreement are in writing and signed by a supervisor of Superior Paving, Inc. It is specifically understood and agreed that no employee of Superior Paving, Inc. other than the general manager, will have authority to modify the terms of this agreement.

Disclaimers

1. **SUPERIOR PAVING, INC**. WILL NOT BE RESPONSIBLE FOR DAMAGE TO PRIVATE UNDERGROUND UTILITIES OR OTHER HIDDEN CONDITIONS IF THE OWNER/CONTRACTOR FAILS TO GIVE **SUPERIOR PAVING, INC**. ADVANCE WRITTEN OR VERBAL NOTICE OF THEIR EXISTENCE AND LOCATION.

2. **SUPERIOR PAVING, INC** RESERVES THE RIGHT TO REFUSE TO CONSTRUCT A PAVEMENT UNLESS MINIMUM GRADES OF 1% ARE ATTAINABLE FOR SURFACE DRAINAGE. IF THE OWNER/CONTRACTOR DIRECTS CONSTRUCTION WITH LESS THAN A MINIMUM GRADE OF 1%, WATERPONDING MAY OCCUR AND NO WARRANTY ATTACHES TO THE WORK AS TO SATISFACTORY SURFACE DRAINAGE.

3. IF THIS CONTRACT DOES NOT REQUIRE **SUPERIOR PAVING, INC**. TO PREPARE THE SUBGRADE, THE FOLLOWING APPLY: NO MATERIALS WILL BE PLACED ON A WET, UNSTABLE OR FROZEN SUBGRADE; A SUITABLE SUBGRADE SHALL BE FURNISHED TO **SUPERIOR PAVING, INC**. AND AS A CONDITION PRECEDENT TO ANY PERFORMANCE OF ANY WORK REQUIRED UNDER THIS AGREEMENT. ALL SUBGRADE MUST BE ROUGH GRADED BY OWNER/CONTRACTOR TO WITHIN +0.1'.

4. WHEN RESURFACING CONCRETE, BRICK OR ASPHALT PAVEMENTS, **SUPERIOR PAVING, INC**. IS NOT RESPONSIBLE FOR THE REPRODUCTION OF CRACKS OR EXPANSION JOINTS WHICH MAY OCCUR

Licenses/Permits: Owners/Contractors, at its sole expense, shall comply with and obtain all necessary licenses and permits under present and future laws, statutes, ordinances, rules, orders or regulations of any governmental body having jurisdiction over the site or the work. The owner/contractor shall bear the cost of any fines or penalties for failure to comply with or obtain the same.

Collection: If any amount due under this contract is not paid when due, and is referred by Superior Paving, Inc. to any attorney for collection (whether or not litigation is commenced), owner/contractor agrees to pay all attorney fees, costs and expenses incurred by Superior Paving, Inc. in connection with collecting that amount.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. Superior Paving, Inc. is authorized by Owner/Contractor to the Work as specified. Payment will be made to Superior Paving, Inc. by Owner/Contractor as outlined. If separate bids or alternate bids are indicated, acknowledge acceptance by initialing those prices which you hereby accept. If it is a price per ton job Superior Paving Inc. will be paid by actual tonnage delivered to job.

Superior Paving Inc. will not be held responsible for liquidated damages unless the proper documentation is provided proving that Superior Paving Inc. failed to complete the work on time that was agreed upon prior to starting the work.
Due to the volatility of market prices, Superior Paving, Inc. reserves the right to modify this proposal if not accepted within 30 days or if the work is not completed by October 15, 2021.

Owner/Contractor: _____ Date: _____

Signature: _____

Job Name: Hurley Field Playgrounds Date of Proposal: July 15, 2021

Agenda Date: 8/30/2021

Consent Agenda
KBIC Funding for the U.P. Children's Museum

BACKGROUND:

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

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

FISCAL EFFECT:

No direct cost to the City.

RECOMMENDATION:

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

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

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

The U. P. Children's Museum

123 West Baraga Avenue, Marquette, Michigan 49855 906-226-3911 fax 906-226-7065 www.upchildrensmuseum.org

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

August 13, 2021

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

Dear Mayor Smith,

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

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

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

Sincerely,

Nheena Weyer Ittner
Director

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

AGREEMENT

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

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

WHEREAS, the City by virtue of MCL 117.4k of the Home Rule Cities Act is authorized to:

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

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

NOW, THEREFORE, the parties agree:

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

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

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

Dated: _____, 2021

_____
By: Karen M. Kovacs
Marquette City Manager

Dated: 8/16, 2021

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

Agenda Date: 8/30/2021

Consent Agenda
KBIC Funding for the YMCA

BACKGROUND:

Recently staff from the David and Thu Brule' YMCA of Marquette County (YMCA) asked the City to serve as the fiscal pass-through agent for funding from the Keweenaw Bay Indian Community (KBIC). They plan to ask the Tribe for $6,000 to assist the YMCA's youth programs for low-to-moderate income families throughout Marquette County. In consideration of the City agreeing to act as a pass-through, the YMCA agrees to dedicate any funds received from the KBIC Tribe to the purposes set forth in the attached agreement prepared by the City Attorney.

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

FISCAL EFFECT:

No direct cost to the City.

RECOMMENDATION:

Approve the request to act as the fiscal intermediary for KBIC funding of $6,000 to assist the YMCA's youth programs for low-to-moderate income families and individuals throughout Marquette County.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- YMCA KBIC Request
- YMCA KBIC Agreement

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

David and Thu Brule' YMCA OF MARQUETTE COUNTY

BOARD OF DIRECTORS

Michele Butler
President

Randell Girard
Vice President

Amanda Knaffla
Past President

Kristen Derocha
Secretary

Brett Baranek

Cedric Calhoun

Dan Carpenter

Kara Damm

Bill Davis

Alfred Hendra

Travis Hongisto

Greg Jones

Joy Lambros Caron

Jason Lee

Carolyn McDonald

Christine Pesola

Dr. Chelsa Ray

Steven Salyer

Amanda Specker

July 29, 2021

Mrs. Karen Kovacs
City of Marquette
300 West Baraga Ave
Marquette, MI 49855

Dear Mrs. Kovacs and City Commission Members,

On behalf of the YMCA of Marquette County, we sincerely appreciate your past support in serving as fiscal agents for previous projects and programming. I am writing to ask that the City of Marquette once again serve as a fiscal agent for our grant request to the Keweenaw Bay Indian Community (KBIC). Our grant proposal is for support toward reduced program costs for low to moderate income youth.

We are requesting $6,000 in funding from the KBIC to support our before and afterschool programs in Marquette County. Each of these YMCA programs is vital in supporting youth development throughout our county.

We appreciate your consideration of this request and look forward to your approval. Should you have any questions, please feel free to contact me at (906) 227-9622 or email at jzdunek@ymcamqt.org.

Sincerely,

Jenna Zdunek

Jenna Zdunek
Chief Executive Officer
jzdunek@ymcamqt.org

YMCA OF MARQUETTE COUNTY
1420 Pine Street, Marquette MI 49855
P 906 227 9622 **F** 906 227 9248
WWW.YMCAMQT.ORG

Tax ID Number: 38-3211419
No goods and services were provided in consideration, in whole or in part, for this gift

AGREEMENT

This Agreement is entered into this _____ day of _____, 2021, between the CITY OF MARQUETTE, a municipal corporation, with offices located at 300 W. Baraga Avenue, Marquette, MI 49855 (hereinafter referred to as the "City"), and the DAVID AND THU BRULE' YMCA of MARQUETTE COUNTY, a Michigan nonprofit corporation, with offices located at 1420 Pine Street, Marquette, MI 49855 (hereinafter referred to as "YMCA");

WHEREAS, the YMCA provides financial assistance to low-to-moderate income youth for before and after school and pre-school programs, which is vital in supporting youth development in our community,

WHEREAS, Marquette City Charter Section 2-14 states: "The city commission shall provide for a public recreation program for the residents of the city;" and

WHEREAS, the Marquette City Commission having determined that the activities of the YMCA are a valid purpose under the Charter and is willing to enter into this Agreement with YMCA for the support of its program, upon certain terms and conditions.

NOW, THEREFORE, the parties agree:

1. That for and in consideration of the payment by the City to the YMCA of the sum of $6,000 from the Keweenaw Bay Indian Community, the YMCA will accept said money from the City to assist the City in carrying out its obligation to provide a public recreation program for its residents.

2. That the parties further understand and agree that the payment of the sum of $6,000 by the City to the YMCA as above-described is contingent upon the prior receipt by the City of the amount from the Keweenaw Bay Indian Community, and that if said payment is not received by the City, the City shall have no obligation to make the payment herein described to the YMCA.

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

Dated: _____

By: Karen M. Kovacs
Marquette City Manager

Dated: 8/9/21

By: Jenna Zdunek
Chief Executive Officer
DAVID AND THU BRULE' YMCA
of MARQUETTE COUNTY

Agenda Date: 8/30/2021

Consent Agenda
Marquette Area Blues Fest - Special Event Permit

BACKGROUND:

Marquette Area Blues Society is requesting the City Commission issue a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Mattson Lower Harbor Park for the Marquette Area Blues Festival. The term of the contract is September 3-5, 2021, September 2-4, 2022, and September 1-3, 2023. Staff has worked with the City Attorney and Marquette Area Blues Society to develop the permit. All fees will increase annually to meet current Commission approved fee schedules.

FISCAL EFFECT:

The Marquette Area Blues Society was approved for Promotional Fund credit totaling $2,300 for the first year of the contract. This will result in minimal revenue to the General Fund from electrical utility charges and reimbursable expenses.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with Marquette Area Blues Society, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Permit and Insurance

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

THIS AGREEMENT, made this _____ day of _____, 2021 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and MARQUETTE AREA BLUES SOCIETY, a Michigan corporation, of 437 McMillan Street, Marquette, Michigan 49855, hereinafter referred to as "PERMITTEE".

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

WITNESSETH:

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

MATTSON LOWER HARBOR PARK

■ (2) Term. The term of this Permit shall be for:
September 3, 2021 from 5:00 p.m. until September 5, 2021 at 10:00 p.m.;
September 2, 2022 from 5:00 p.m. until September 4, 2022 at 10:00 p.m.; and
September 1, 2023 from 5:00 p.m. until September 3, 2023 at 10:00 p.m..

■ (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.

■ (4) Use. PERMITTEE may use and occupy the premises for:

"MARQUETTE AREA BLUES FEST"

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

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

Mattson Park exclusive use day 1	**$775.00**
Mattson Park exclusive use day 2	**$665.00**
Mattson Park exclusive use day 3	**$590.00**
Other charges	**billed separately by DPW**

**PERMITTEE may pickup thirty (30) or more 55 gallon trash drums from the CITY for use during the event and must return the drums to the City no later than 5:00 p.m. the Monday immediately after the event ends.

All user fees will be increased to actual costs on an annual basis based on CITY's standard increases. CITY shall provide notification to PERMITTEE of the increase in fees at least 45 days prior to the event each year. PERMITTEE may terminate this Permit and all rights and obligations of the parties upon providing written notice no later than 30 days prior to the first day of the term each year.

■ (6) Clean-up, Repairs, Maintenance and Damage. PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

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

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

(a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.

(b) the term of the Permit has expired;

(c) PERMITTEE has fully performed the restoration and clean-up of the premises to an "as-is" or better condition as prior to the event; and

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

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

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

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

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

■ (10) Reimbursement of Utility Costs. PERMITTEE shall reimburse the CITY the sum of $300.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.

■ (11) Signs. PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.

■ (12) Insurances. CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARNCE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

■ General Liability

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do

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

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

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

■ Liquor Liability.

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

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

□ Motor Vehicle Liability

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

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

to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

- Food

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

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

- Other insurance.

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

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

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death, to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

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

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

■ (14) Right of Inspection and Access. The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.

■ (15) Compliance With Rules and Regulations. PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.

■ (16) Concessions. PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 10:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:

(a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.

(i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.

(ii) Proof that the fire extinguisher has been serviced within the last year is required.

(iii) The extinguisher shall be tagged with the date and service provider.

(iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

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

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

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

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

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

2021
from 5:00 p.m. until 10:00 p.m. on September 3, 2021;
from 12:00 p.m. (noon) until 10:00 p.m. on September 4, 2021; and
from 12:00 p.m. (noon) until 10:00 p.m. on September 5, 2021.

2022
from 5:00 p.m. until 10:00 p.m. on September 2, 2022;
from 12:00 p.m. (noon) until 10:00 p.m. on September 3, 2022; and
from 12:00 p.m. (noon) until 10:00 p.m. on September 4, 2022.

2023
from 5:00 p.m. until 10:00 p.m. on September 1, 2023;
from 12:00 p.m. (noon) until 10:00 p.m. on September 2, 2023; and
from 12:00 p.m. (noon) until 10:00 p.m. on September 3, 2023.

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

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

■ (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.

■ (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.

■ (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.

■ (21) Parking and Traffic. PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.

■ (22) Health and Sanitation Facilities. PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.

■ (23) Compliance with PERMITTEE'S Representations. PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit

□ (24) Equipment and Services. The CITY agrees to have the following equipment and services available during the term of this Permit:_____.

■ (25) Security. It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.

■ (26) Bleachers, Booths, Fencing and Tents. PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event, except that CITY shall be responsible for booths located within the Arena.

■ (27) Reimbursement of Other Costs. PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.

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

(a) Name and address of the owners of the tent or air supported structure.

(b) Date the fabric was last treated with flame resistant solution.

(c) Trade name of kind of chemical used in treatment.

(d) Name of person or firm treating the material.

(e) Name of testing agency and test standard by which the fabric was treated.

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

■ (29) Fire.

(a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.

(b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.

(c) All seating capacity and room arrangements shall be approved by the Fire Department.

(d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can enter in case of an emergency.

(e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

■ (30) Music. PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance,

purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.

■ (36) Entire Agreement. This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE THE PREMISES.

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

CITY OF MARQUETTE

_____
Jennifer A. Smith, Mayor

_____
Kyle Whitney, City Clerk

MARQUETTE AREA BLUES SOCIETY

Mark Hamari
By: Mark Hamari
Its: PRESIDENT

_____
By:
Its:

Approved as to Substance:

_____
Karen M. Kovacs, City Manager

Approved as to Form:

_____
Suzanne C. Larsen, City Attorney

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 07/15/2021

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

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

PRODUCER VAST 300 South Front Street Marquette MI 49855	**CONTACT NAME:** IBU IBU **PHONE (A/C, No, Ext):** (906) 228-7500 **FAX (A/C, No):** (906) 228-5385 **E-MAIL ADDRESS:** katrinam@vastsolution.com
INSURED Marquette Area Blues Society P.O. Box 5 Marquette MI 49855	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A:** West Bend Mutual 15350 **INSURER B:** **INSURER C:** **INSURER D:** **INSURER E:** **INSURER F:**

COVERAGES **CERTIFICATE NUMBER:** Event Liquor 2021 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	Y		NEWLIQUORBINDER	09/03/2021	09/06/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 500,000 $ $ $ $ 500,000 $
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N ☐ If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					☐ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $

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

CERTIFICATE HOLDER

City of Marquette
300 W Baraga Ave
Marquette MI 49855

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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Agenda Date: 8/30/2021

Consent Agenda
Sault Ste. Marie Tribe of Chippewa Indians Funding for the U.P. Children's Museum

BACKGROUND:

Recently staff from the U.P. Children's Museum asked the City to serve as the fiscal pass-through agent for funding from the Sault Ste. Marie Tribe of Chippewa Indians. They plan to ask the Tribe for $5,000 for museum programs. In consideration of the City agreeing to act as a pass-through, the Museum agrees to dedicate any funds from the Sault Ste. Marie Tribe to the purposes set forth in the attached agreement prepared by the City Attorney.

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

FISCAL EFFECT:

No direct cost to the City.

RECOMMENDATION:

Approve the request to act as the fiscal intermediary for Sault Ste. Marie Tribe funding of $5,000 for U.P. Children's Museum programs.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

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

The U. P. Children's Museum

123 West Baraga Avenue, Marquette, Michigan 49855 906-226-3911 fax 906-226-7065 www.upchildrensmuseum.org

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

August 13, 2021

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

Dear Mayor Smith,

The Upper Peninsula Children's Museum would like to submit a request to the Sault Ste Marie Tribe of Chippewa Indians for its 2% disbursement through the city of Marquette and seeks the Commission's approval of such action.

The Upper Peninsula Children's Museum will be requesting $5,000 to go towards programming / exhibits supplies. A full proposal outlining the Museum and its request will be submitted to the City to pass on to the Sault Tribe or can be passed on to the Tribe directly if desired. If you would like the Museum's most recent financials or 990s I am happy to pass them along.

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

Sincerely,

Nheena Weyer Ittner
Director

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

AGREEMENT

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

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

WHEREAS, the City by virtue of MCL 117.4k of the Home Rule Cities Act is authorized to:

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

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

NOW, THEREFORE, the parties agree:

1. That for and in consideration of the payment by the City to the Museum of the sum of $5,000 from the Sault Ste. Marie Tribe of Chippewa Indians, the Museum will accept said money from the City and dedicate it solely to the use of Museum programs within the City benefiting the general public;

2. That the parties further understand and agree that the payment of the sum of $5,000 by the City to the Museum as above-described is contingent upon the prior receipt by the City of the amount from the Sault Ste. Marie Tribe of Chippewa Indians, and that if said payment is not received by the City, the City shall have no obligation to make the payment herein described to the Museum.

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

Dated: _____, 2021

By: Karen M. Kovacs
Marquette City Manager

Dated: 8/16, 2021

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

Agenda Date: 8/30/2021

Consent Agenda
Sault Ste. Marie Tribe of Chippewa Indians Funding for the YMCA

BACKGROUND:

Recently staff from the David and Thu Brule' YMCA of Marquette County (YMCA) asked the City to serve as the fiscal pass-through agent for funding from the Sault Ste. Marie Tribe of Chippewa Indians. They plan to ask the Tribe for $6,000 to assist the YMCA's youth programs for low-to-moderate income families throughout Marquette County. In consideration of the City agreeing to act as a pass-through, the YMCA agrees to dedicate any funds received from the Sault Ste. Marie Tribe to the purposes set forth in the attached agreement prepared by the City Attorney.

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

FISCAL EFFECT:

No direct cost to the City.

RECOMMENDATION:

Approve the request to act as the fiscal intermediary for Sault Ste. Marie Tribe funding of $6,000 to assist the YMCA's youth programs for low-to-moderate income families throughout Marquette County.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- YMCA Sault Tribe Request
- YMCA Sault Tribe Agreement

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

David and Thu Brule' YMCA OF MARQUETTE COUNTY

BOARD OF DIRECTORS

Michele Butler
President

Randell Girard
Vice President

Amanda Knaffla
Past President

Kristen Derocha
Secretary

Brett Baranek

Cedric Calhoun

Dan Carpenter

Kara Damm

Bill Davis

Alfred Hendra

Travis Hongisto

Greg Jones

Joy Lambros Caron

Jason Lee

Carolyn McDonald

Christine Pesola

Dr. Chelsa Ray

Steven Salyer

Amanda Specker

July 29, 2021

Mrs. Karen Kovacs
City of Marquette
300 West Baraga Ave
Marquette, MI 49855

Dear Mrs. Kovacs and City Commission Members,

On behalf of the YMCA of Marquette County, we sincerely appreciate your past support in serving as fiscal agents for previous projects and programming. I am writing to ask that the City of Marquette once again serve as a fiscal agent for our grant request to the Sault Ste. Marie Tribe of Chippewa Indians (SSMTCI). Our grant proposal is for support toward reduced program costs for low to moderate income youth.

We are requesting $6,000 in funding from the SSMTCI to support our before and afterschool programs in Marquette County. Each of these YMCA programs is vital in supporting youth development throughout our county.

We appreciate your consideration of this request and look forward to your approval. Should you have any questions, please feel free to contact me at (906) 227-9622 or email at jzdunek@ymcamqt.org.

Sincerely,

Jenna Zdunek
Chief Executive Officer
jzdunek@ymcamqt.org

YMCA OF MARQUETTE COUNTY
1420 Pine Street, Marquette MI 49855
P 906 227 9622 **F** 906 227 9248
WWW.YMCAMQT.ORG

Tax ID Number: 38-3211419
No goods and services were provided in consideration, in whole or in part, for this gift

AGREEMENT

This Agreement is entered into this _____ day of _____, 2021, between the CITY OF MARQUETTE, a municipal corporation, with offices located at 300 W. Baraga Avenue, Marquette, MI 49855 (hereinafter referred to as the "City"), and the DAVID AND THU BRULE' YMCA of MARQUETTE COUNTY, a Michigan nonprofit corporation, with offices located at 1420 Pine Street, Marquette, MI 49855 (hereinafter referred to as "YMCA");

WHEREAS, the YMCA provides financial assistance to low-to-moderate income youth for before and after school and pre-school programs, which is vital in supporting youth development in our community,

WHEREAS, Marquette City Charter Section 2-14 states: "The city commission shall provide for a public recreation program for the residents of the city;" and

WHEREAS, the Marquette City Commission having determined that the activities of the YMCA are a valid purpose under the Charter and is willing to enter into this Agreement with YMCA for the support of its program, upon certain terms and conditions.

NOW, THEREFORE, the parties agree:

1. That for and in consideration of the payment by the City to the YMCA of the sum of $6,000 from the Keweenaw Bay Indian Community, the YMCA will accept said money from the City to assist the City in carrying out its obligation to provide a public recreation program for its residents.

2. That the parties further understand and agree that the payment of the sum of $6,000 by the City to the YMCA as above-described is contingent upon the prior receipt by the City of the amount from the Keweenaw Bay Indian Community, and that if said payment is not received by the City, the City shall have no obligation to make the payment herein described to the YMCA.

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

Dated: _____

By: Karen M. Kovacs
Marquette City Manager

Dated: 8/9/21

By: Jenna Zdunek
Chief Executive Officer
DAVID AND THU BRULE' YMCA
of MARQUETTE COUNTY

Agenda Date: 8/30/2021

Consent Agenda
Vango's Inc. - Concession Lease Agreement

BACKGROUND:

Vango's Inc. requests the City Commission consider renewing their lease to provide concession services at Presque Isle Park. Staff has worked with the City Attorney and Vango's to draft a standard lease agreement which provides for the terms and conditions of their proposal. The agreement is a five month lease from May 1 through September 30. The monthly payment during operations shall be $600 including utilities.

The Commission's first read of this item was at their August 9, 2021 regular meeting.

FISCAL EFFECT:

The General Fund will receive $3,000 in revenue for Fiscal Year 2021.

RECOMMENDATION:

Approve the lease agreement with Vango's Inc. for concession space at Presque Isle Park, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Lease and Exhibit A
- Insurance

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ 2021, by and between the **CITY OF MARQUETTE**, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, hereinafter ("Lessor"), and **VANGO'S, INC.**, a Michigan corporation of 927 North Third Street, Marquette, Michigan 49855, hereinafter ("Lessee").

Recitals

A. Lessor is the owner and operator of the concession stand at Presque Isle Park, Marquette, Michigan.

B. Lessee desires to lease and Lessor is willing to lease to Lessee the concession stand, all equipment currently located within the concession stand, and the cooler located in the Moosewood storage area ("Premises") in accordance with the terms and conditions contained herein.

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

1. Leased Premises

1.1 Lessor leases to Lessee the Premises, as shown on Exhibit A.

1.2 Lessee agrees to develop architectural and engineering plans for renovations to the Premises required to meet the specific needs of Lessee for Lessee's intended uses, if needed. Lessee shall be responsible for constructing all renovations as developed by Lessee, and Lessee shall obtain Lessor's written approval of all such plans and specifications prior to beginning any construction activity.

1.3 Lessee agrees that only equipment located within the Premises on the date of this Agreement is part of the Premises, and that Lessee takes said Premises and equipment "as is". Any other equipment needed by Lessee to operate the concessions shall be the sole responsibility of Lessee.

2. Term of Lease

2.1 The term of this lease is May 1, 2021 through September 30, 2021.

3. Rent

3.1 Lessee shall be obligated to pay rent for the Premises, due in advance on the first of each month for the entire term of this lease as established in 2.1, as follows:

Presque Isle concession stand: $600 per month (utilities included)

Rent shall be prorated for any partial month during the term of this lease.

4. Use of Leasehold Premises

4.1 Lessee shall use the Premises only as a concession stand for food and beverages and not for any purpose that would:

a) be deemed hazardous to the public or adjoining premises, including but not necessarily limited to fire, and environmental type hazards;

b) constitute a violation of any public law or requirement;

c) cause damage or injury to the Premises or any part of it (ordinary wear and tear excepted);

d) interfere with normal operations of the Premises' heating, air conditioning, ventilating, plumbing, or other mechanical or electrical systems;

e) constitute a public or private nuisance;

f) alter the appearance of the Premises, except as provided herein, without prior written approval of the Lessor;

g) permit noise or odors to be unreasonably dispelled from the Premises;

h) place merchandise, materials, supplies, signs, or other things of any kind on the sidewalks or other common areas without Lessor approval;

i) permit refuse to accumulate in or around Premises; or

j) obstruct entryways.

4.1 Lessee is solely responsible for obtaining all necessary licenses and permits and otherwise complying with all laws while providing the concessions contemplated by this Agreement.

4.2 Lessee is solely responsible for development of menu items and pricing, for obtaining all supplies and products and for all costs related to its sale of food and beverages.

5. Use of Common Areas by Lessee

5.1 Lessee and its invitees shall have the right in common with Lessor, its invitees, and others to use the public restrooms, public parking, sidewalks, and surrounding area, subject, however, to all rules and regulations regarding the use of those areas.

5.2 Lessee's right to use to Presque Isle - Island Store Pavilion ("Pavilion") is not exclusive. Lessor shall have the right, at all times, to rent the Pavilion to third party users. Lessee shall contact Lessor on a weekly basis in order to determine the dates and times the Pavilion has been rented to a third party user.

6. Maintenance and Repair

6.1 Lessee shall be responsible for all ordinary janitorial and cleaning of the Premises as provided in Attachment 1. Lessor shall provide trash receptacles for Premises and shall maintain those receptacles once per day. Any necessary additional refuse collection shall be the responsibility of the Lessee. Any refuse generated from preparation of goods or services shall be the sole responsibility of Lessee.

6.2 Lessee shall be solely responsible for the maintenance and repair of all equipment located on the Premises.

6.3 Lessee shall be solely responsible for the maintenance and repair of all of Lessee's fixtures, furniture and equipment and keep them in a safe condition and good repair.

6.4 Lessee must obtain written consent of Lessor for all signage used by Lessee on the Premises and adjoining premises. All signage approved by Lessor shall be maintained in good condition and repair.

6.5 Lessor reserves the right to make any repairs or alterations that it deems necessary and desirable to the common areas. Lessee will be notified of any repairs or alterations to the Premises at least 7 days in advance except in emergency situations.

7. Insurance and Indemnity

7.1 Lessee shall not permit any activity on or immediately adjacent to the Premises which would invalidate or be in conflict with Lessor's fire, boiler, sprinkler, water damage, and extended coverage insurance policies covering the Premises and contents therein. Lessor will provide Lessee with a copy of any and all relevant insurance policies.

7.2 Lessee shall not permit any activity on or immediately adjacent to the Premises which would cause Lessor's rate for the insurance described herein to be increased. Lessor will provide Lessee with a list of any such activities.

7.3 Lessee at its sole expense shall be responsible for insuring its own tangible personal property, equipment, and fixtures from loss from fire and other casualty and shall at all times provide Lessor with a certificate evidencing such coverage.

7.4 Lessee at its sole expense shall maintain liability insurance protecting and insuring Lessee and Lessor from all claims for injury or damage to persons or property arising out of the use of the Premises and adjacent areas by Lessee, its employees, agents, invitees, and licensees. The amount of the insurance shall be not less than One Million Dollars ($1,000,000.00) per occurrence for accident, bodily injury, or death and not less than Five Hundred Thousand Dollars ($500,000.00) for property damage. Lessee shall provide Lessor with a copy of said policies with proof of payment of premium thereon. The insurance policies shall bear endorsements to the effect that the insurer agrees to notify Lessor not less than thirty (30) days in advance of any modification or cancellation thereof. Lessor shall be named as an additional insured on all insurance policies required by this lease.

7.5 Lessee will indemnify and hold Lessor harmless from and against all loss, cost, expense and liability whatsoever (including Lessor's cost of defending against the foregoing; such cost to

include attorneys' fees) resulting or occurring by reason of Lessee's construction on, use of, or occupancy of the Premises.

8. Damage by Fire or Other Causes

8.1 If the Premises is partially damaged by fire or other peril without the fault or neglect of Lessee or of its servants, employees, agents, visitors, invitees or licenses, the damage shall be repaired by Lessor at Lessor's expense. If the Premises is substantially damaged (herein defined as fifty percent (50%) or more of the cost of replacement), Lessor may elect either to repair or rebuild the leasehold or the pool building, as the case may be, or to terminate this lease upon giving notice of such election in writing to Lessee within ninety (90) days after the event causing the damage. If Lessor elects to rebuild instead of terminating the lease, Lessor will rebuild something substantially similar to the current Premises, and Lessee shall in a timely manner repair or replace its fixtures, furniture, equipment and improvements to at least the condition of same prior to the damage.

9. Assignment/Subletting

9.1 Lessee shall not assign this Agreement.

9.1 Lessee shall not sublet the Premises or any part thereof without the express prior written consent of the Lessor.

9.3 In no event shall a sublease be allowed that would jeopardize the tax-exempt status of the City.

9.4 Lessor may freely assign its rights and obligations under this Lease Agreement to any third party pursuant to a Purchase and Sale Agreement, Land Contract or similar instrument.

10. Use of Premises by Lessor

10.1 Lessor reserves for itself and its contractors and agents the right to enter the Premises at reasonable times for the purpose of inspecting, maintaining, installation, operation and repair services. This paragraph does not change the parties' obligations with regarding to maintenance and repairs as otherwise set forth herein.

11. Covenant of Quiet Enjoyment

11.1 Lessor warrants and represents that it has full authority to execute this lease for the above term. Lessor covenants that upon Lessee paying the rents and performing its covenants and duties prescribed herein, Lessee may, except as otherwise described herein, have the exclusive and reasonable right to have, hold and enjoy the leasehold.

12. Lessor's Right to Perform Lessee's Obligation

12.1 If Lessee defaults in any term of this lease, Lessor may, without thereby waiving the default, remedy the default at Lessee's expense. If, in connection therewith, Lessor makes any expenditure or incurs any obligation for the payment of money or in instituting, prosecuting, or defending any action or proceeding commenced before or during the term of this lease, or after the expiration or termination of this lease including, but not necessarily limited to, legal

expenses and attorneys' fees, Lessee shall pay to Lessor on demand the sums paid or obligations incurred together with legal fees and costs.

13. Default by Lessee

13.1 If the Lessee fails to perform any other obligations under this agreement within 30 days after receiving written notice of the default from the Lessor; if the Lessee makes any assignment for the benefit of creditors or a receiver is appointed for the Lessee or its property; or if any proceedings are instituted by or against the Lessee for bankruptcy (including reorganization) or under any insolvency laws, the Lessor may terminate this lease, reenter the Premises, and seek to relet the Premises on whatever terms the Lessor thinks advisable. Notwithstanding reentry by the Lessor, the Lessee shall continue to be liable to the Lessor for rent owed under this lease and for any rent deficiency that results from reletting the premises during the term of this lease. Notwithstanding any reletting without termination, the Lessor may at any time elect to terminate this lease for any default by the Lessee by giving the Lessee written notice of the termination.

13.2 In addition to the Lessor's other rights and remedies as stated in this lease, and without waiving any of those rights, if the Lessor deems necessary any repairs that the Lessee is required to make or if the Lessee defaults in the performance of any of its obligations under this lease, the Lessor may make repairs or cure defaults and shall not be responsible to the Lessee for any loss or damage that is caused by that action. The Lessee shall immediately pay to the Lessor, on demand, the Lessor's costs for curing any defaults, as additional rent under this lease.

13.3 The rights and remedies of Lessor shall be cumulative as more particularly provided at law or in equity pursuant to the laws of the State of Michigan.

14. Surrender of Leasehold Upon Termination of Lease

14.1 All renovations and improvements shall be at Lessee's expense and shall be considered fixtures and owned by Lessor upon termination of lease. Upon the expiration or termination of the lease, Lessee shall surrender the Premises in good order and condition, ordinary wear and tear excepted, and shall remove all of its property, fixtures, and equipment from the Premises. In removing its equipment, Lessee shall be solely liable for repairing any and all damages to the Premises. In the event that the Lessee fails to remove its equipment, and Lessor is required to do so, all costs and expenses incurred by Lessor in removing same and restoring the leasehold to useable condition shall be the financial responsibility of the Lessee.

14.2 If upon termination of the lease, Lessee has failed to remove its furniture, equipment, and fixtures, Lessor reserves the right to deem them abandoned and shall have the legal right to dispose of same, and costs incurred in disposing of same shall be the financial responsibility of Lessee.

15. Miscellaneous

15.1 Lessee, at its sole option, may continue with the current security system at the same cost currently charged to Lessor by contacting Range Corporation directly.

15.2 This agreement shall be binding on the parties and inure to the benefit of the Lessor and Lessee and their respective successors and assigns.

15.3 This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

15.4 This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated herein.

15.5 Any modification of this agreement or additional obligations assumed by either party in connection with this agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

15.6 Waiver by Lessor of any breach of any covenant of duty of Lessee under this lease is not a waiver of a breach of any other covenant of duty of Lessee or any subsequent breach of the same covenant or duty.

15.7 The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

15.8 All notices to be given under this lease shall be in writing and mailed, postage prepaid, or by certified or registered mail, return receipt requested, or delivered personally or by courier delivery, or sent by telecopy (immediately followed by one of the preceding methods) to Lessor's address and Lessee's address as above stated or any other place that Lessor or Lessee may designate in a written notice given to the other parties. Notices shall be deemed served on the earlier of receipt or three (3) working days after the date of mailing.

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

LESSOR
CITY OF MARQUETTE

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

LESSEE
VANGO'S, INC.

Michele Butler
By:
Its: President

APPROVED AS TO SUBSTANCE:

Karen Kovacs, City Mgr

APPROVED AS TO FORM:

Suzanne C. Larsen, City Attorney

EXHIBIT A



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/28/2021

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

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

PRODUCER	CONTACT NAME: Adam Ely	
VAST 300 South Front Street Marquette MI 49855	PHONE (A/C, No, Ext): (906) 228-7500	FAX (A/C, No): (906) 228-5385
	E-MAIL ADDRESS: adame@vastsolution.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : HomeOwners Insurance Company	26638
INSURED Vango's Inc. PO Box 398 Marquette MI 49855	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** gl **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			33009694	06/01/2021	06/01/2022	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 1,000,000
							PRODUCTS - COMP/OP AGG	$ 1,000,000
							Liquor Liability	$ 1,000,000
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

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

City of Marquette is additional insured in regards to the general liability.

CERTIFICATE HOLDER

City of Marquette
300 W. Baraga Ave
Marquette MI 49855

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 06/01/2021

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

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

PRODUCER	**CONTACT NAME:** Adam Ely
VAST 300 South Front Street Marquette MI 49855	**PHONE (A/C, No, Ext):** (906) 228-7500 **FAX (A/C, No):** (906) 228-5385 **E-MAIL ADDRESS:** adame@vastsolution.com
INSURED Vango's Inc. PO Box 398 Marquette MI 49855	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A:** HomeOwners Insurance Company — 26638 **INSURER B:** MI Restaurant & Lodging Fund **INSURER C:** **INSURER D:** **INSURER E:** **INSURER F:**

COVERAGES **CERTIFICATE NUMBER:** CL216117943 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			33009694	06/01/2021	06/01/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Liquor Liability	$ 1,000,000 $ 300,000 $ 10,000 $ 1,000,000 $ 1,000,000 $ 1,000,000 $ 1,000,000
A	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY			33009694	06/01/2021	06/01/2022	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
A	[X] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 10,000			4220753500	06/01/2021	06/01/2022	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: Y If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		VANGO1R	01/01/2021	12/31/2021	[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000

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

City of Marquette is additional insured in regards to the general liability which includes coverage for Presque Isle Ice Cream Store.

CERTIFICATE HOLDER

City of Marquette
300 W. Baraga Ave
Marquette MI 49855

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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Agenda Date: 8/30/2021

Unfinished Business
Sale of City Property, 213 S. Front St. - Roll Call Vote

BACKGROUND:

In March 2021, representatives from Ore Dock Real Estate, LLC, in coordination with the Ore Dock Brewing Company, LLC, approached the City Manager's Office with a purchase request for a portion of a parcel of vacant City-owned land located at 213 S. Front Street. The property is a former railroad grade and is mostly vacant, except for a licensed ADA entrance/exit platform and ramp utilized as a rear egress from Ore Dock Brewing Company, LLC, and an abutment located next to the building at 214 S. Front Street. According to the letter of intent and discussions with the Ore Dock Real Estate, LLC, they are planning to "develop the premises into an urban beer garden, utilizing a placemaking philosophy to transform this underutilized space into a community asset". The aforementioned abutment was not initially included in the purchase request, but this has been included following the recent sale of 214 S. Front St. to Ore Dock Real Estate, LLC.

As part of the negotiation process and at the City's request, Ore Dock Real Estate, LLC provided a survey and appraisal of the property. Due to challenges presented by the nature of the current uses of the property for infrastructure and storm water management, the appraisal was split into two parcels (A and B). Parcel A, bordering Front Street, measures approximately 0.2 acres and appraised for $31,000. Parcel B, the remaining portion of the property, measures approximately 0.18 acres and appraised for $12,000. Both appraisals were performed by Appraisal Associates of Marquette.

Neither Parcel A nor B are considered buildable land, due to various easements and existing utility infrastructure that will remain after the sale. Parcel B, especially, would have difficulties related to future usage, due to the utility infrastructure and storm water management considerations on adjacent sites. Accordingly, the City Manager is recommending the sale of Parcel A for 100 % of the appraised value ($31,000) and Parcel B for 80% of the appraised value ($9,600) for a total price of $40,600 for the entire parcel.

FISCAL EFFECT:

Upon the final approval of the sale, the City will receive $40,600 in revenue.

RECOMMENDATION:

Approve the attached Resolution of Sale and Purchase Agreement, and authorize the City Manager to complete the sale of City-owned vacant property located at 213 S. Front St. for a total of $40,600.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Purchase Request
- Parcel Map
- Draft Site Plan
- Preliminary Rendering
- Resolution of Intent to Sell
- Purchase Agreement
- Resolution of Sale

Andrea Pernsteiner
Ore Dock Real Estate
521 E Ohio St
Marquette, MI 49855

March 23, 2021

Sean Hobbins
Assistant City Manager
City of Marquette
300 W Baraga Ave
Marquette, MI 49855

Dear Mr. Hobbins:

Ore Dock Real Estate is pleased to present you with this Letter of Intent for the purchase of the City-owned property adjacent to the building that sits at 112-118 W Spring St and extends east to the Front St right of way, exclusive of property authorized in the "Resolution of Intent to Sell" dated 4/11/2016.

Ore Dock Real Estate, in coordination with Ore Dock Brewing Company, strives to further develop the premises into an urban beer garden, utilizing a placemaking philosophy to transform this underutilized space into a community asset. With the elements of Marquette's Community Master Plan in mind, we have developed preliminary renderings of what this small parcel could become and have included it for your reference.

In a meeting held 10/11/2016 the City Commission authorized the City Manager to direct the sale of property commonly known as a "strip of land approximately 6' wide bordering the North wall of 214 S. Front Street" and previously authorized in the "Resolution of Intent to Sell" dated 4/11/2016. To preserve the intentions of the city and the owners of 214 S. Front St we have removed this portion of the parcel from this Letter of Intent.

We kindly request you bring this request for purchase before the Marquette City Commission for approval in accordance with City Ordinances and Policies. We look forward to working with you through this process and appreciate your consideration.

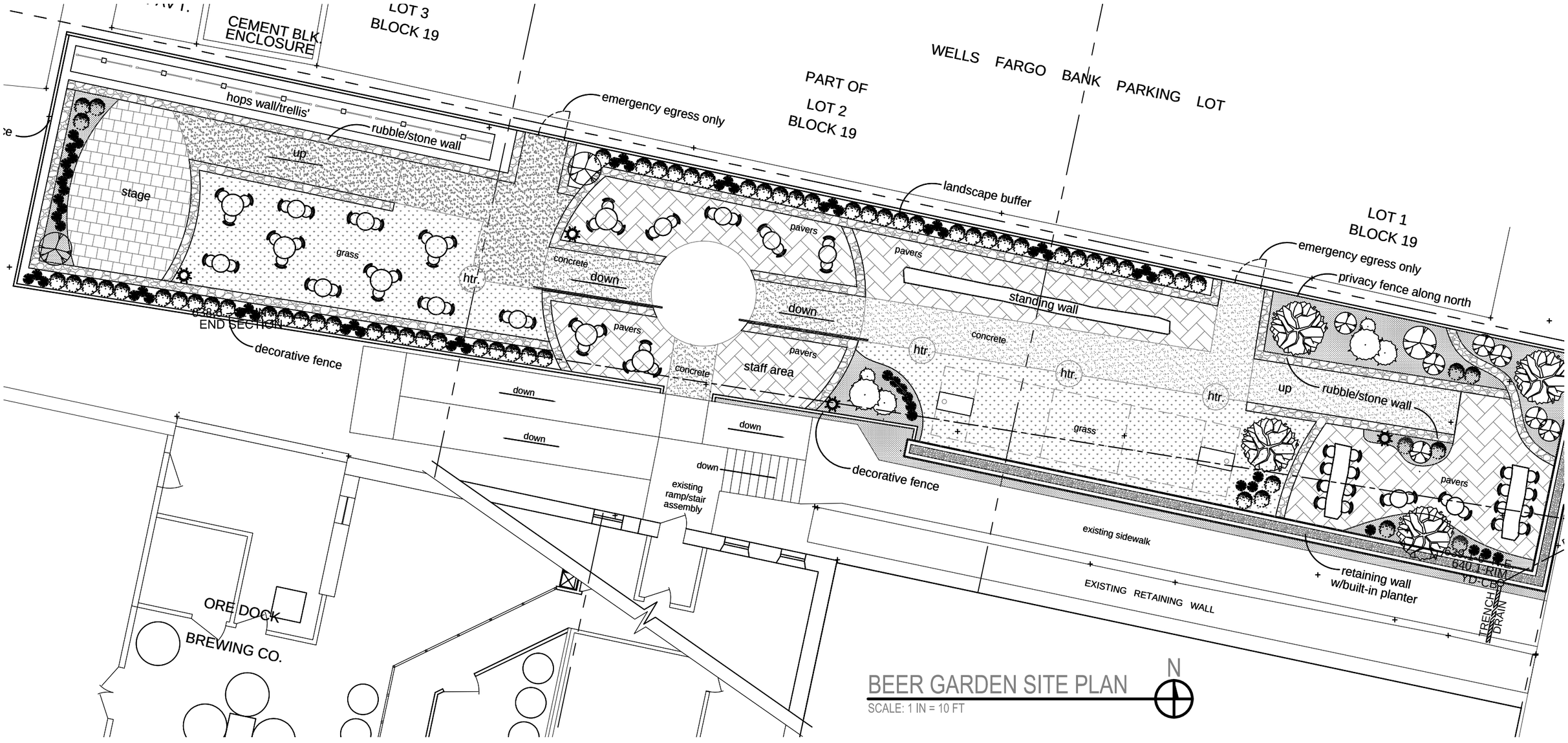
Sincerely,

Andrea Pernsteiner
President, Ore Dock Real Estate


Main Street
Main Street
Third Street
Spring Street
Front Street
135
115
107
101
213
115
148
146
150
124
122
112
214
222
145
125
125
136
300
203
213
215
225
119
112
124
120
101

ORE DOCK BREWING COMPANY

MARQUETTTE, MI



BEER GARDEN SITE PLAN

SCALE: 1 IN = 10 FT

N

IDI integrated designs inc. ARCHITECTURE ENGINEERING CONSULTING

MARQUETTE OFFICE:
1021 W. BARAGA AVENUE
MARQUETTE, MI 49855
PHONE: (906)228-4480 FAX: (906)228-7524

BRIGHTON OFFICE:
8571 W. GRAND RIVER AVE., SUITE 600
BRIGHTON, MI 48816
PHONE: (810)229-2701 FAX: (810)229-6767

DATE: 11-05-13 PROJECT #13-250


Rosewood
Walkway
To 3rd Street
ONE DOCK
SINGLETRACK

Resolution of Intent to Sell

WHEREAS, Ore Dock Real Estate has submitted an offer to purchase real property owned by the City of Marquette (a portion of Parcel 0151030 - "Parcel") as outlined in the attached letter of intent received March 23, 2021; and,

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

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

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

Adopted this 26th Day of April 2021.

Jennifer A. Smith , Mayor

Kyle Whitney, City Clerk

PURCHASE AND SALES AGREEMENT

This Purchase and Sales Agreement ("**Agreement**") is made on _____, 2021, by and between the CITY OF MARQUETTE, a Michigan municipal corporation (the "**City**"), and ORE DOCK REAL ESTATE, LLC., a Michigan Limited Liability Company, of 521 E. Ohio St., Marquette, Michigan 49855 (the "**Purchaser**"), collectively referred to as the "Parties."

A. WHEREAS, the Purchaser desires to purchase land in the City of Marquette, County of Marquette and State of Michigan, to wit:

That part of the abandoned 42-foot wide Railroad right-of-way across part of Lots 1, 2, 3 and 4 of Block 19 and part of Lots 3 and 4 of Block 20 of The 36 Acre Plat in the City of Marquette, County of Marquette & State of Michigan, more particularly described as:

Beginning at the Southeast corner of said Lot 1, Block 19 of The 36 Acre Plat; thence North 78°01'07" West, 180.03 feet (Recorded as North 78°00' West, 180.0 feet) along the Southerly line of Said Lots 1 and 2, and part of Lot 3 of Block 19 of the 36 Acre Plat; thence continuing North 78°01'07" West, 214.04 feet (recorded as North 78°00' West, 214.0 feet) along the Southerly line of said Lots 3 and 4 of Block 19, and said Lot 1 and part of Lot 2 of Block 20 of The 36 Acre Plat; thence North 11°58'07" East, 42.16 feet along the Easterly line of a parcel recorded in 2019R-06619, Marquette County Register of Deeds (recorded as North 12°21'44" East in 2019R-06619), to the Southwest corner of a parcel recorded in 2020R-07047, Marquette County Register of Deeds; thence South 78°00'16" East, 214.04 feet along the Southerly line of said parcel recorded in 2020R-07047, to the Southeast corner thereof (also being the Southwest corner of a parcel recorded in Liber 266 of Deeds, Page 182, Marquette County Register of Deeds); thence continuing South 78°00'16" East, 180.03 feet (recorded as 180.0 feet) along the Southerly line of said parcel recorded in Liber 266 of Deeds, Page 182 to the Southeast corner thereof; thence South 11°57'58" West (recorded as South 12°00' West), 42.07 feet along the Easterly line of said Lot 1, Block 19 of The 36 Acre Plat and the Westerly right-of-way line of Front Street, to the Point of Beginning. Containing 16,596 square feet or 0.381 acre of land. (the "Land")

Subject, however, to any and all rights, restrictions, reservations, easements and conditions appearing in the record chain of title, if any.

Subject to all existing easements and licenses, recorded or unrecorded, for public utilities location within the Land.;

Subject to an easement in favor of the City for utility purposes over and across the above the entirety of the Land. In the event City needs to repair the utility infrastructure, Purchaser will be solely responsible at Purchaser's expense for all removal, repair and/or reconstruction of any building, patio, deck, landscaping or any other items that Purchaser has constructed on the Land.

B. WHEREAS, the City desires to sell the Land to Purchaser; and

C. WHEREAS, the City and the Purchaser wish to establish the terms and conditions under which Purchaser will purchase the Land.

THEREFORE, Purchaser agrees to purchase the Land and the City agrees to sell the Land to the Purchaser on the following terms and conditions:

1. **Description of Property**. The Land is described in paragraph A above.

2. **Closing Date**. Closing shall take place within sixty (60) days after the date of this Agreement.

3. **Purchase Price**. The purchase price ("Purchase Price") for the Land is FOURTY THOUSAND SIX HUNDRED AND 00/100 DOLLARS ($40,600.00).

4. **Earnest Money Deposit**. No later than the Effective Date, Purchaser shall deliver to the City a certified check in the amount of FIVE HUNDRED AND 00/100 DOLLARS ($500.00) as an earnest money deposit ("**Deposit**"). The Deposit shall be applied to the Purchase Price at Closing, with the remainder of the Purchase Price paid by Purchaser to Seller in certified funds at Closing.

5. **Conveyance**. At Closing, the City shall execute a Quitclaim Deed, conveying title to the Land to Purchaser (the "**Deed**").

6. **Title Insurance Commitment and Policy**. Seller shall provide Purchaser with an owner's policy of title insurance regarding the Land from the title company of Seller's choosing no later than 10 days prior to closing. Any existing mortgages or security interests upon the Land shall be paid and discharged by the City prior to or at Closing.

7. **Survey**. Purchaser may, at its sole discretion and expense, obtain a Survey of the Land (the "**Survey**"). The Survey will be certified to Purchaser, the title company (if any), Purchaser's lender (if any), and the City.

8. **As Is**. Purchaser acknowledges that he is purchasing the Land "as is," and that it has had the opportunity to investigate all aspects of the Land prior to purchasing the Land. Furthermore, Purchaser specifically waives any claims under any statutory or common law theory it may have against the City for any environmental contamination or environmental violations that may be located at, on, or under the Land.

9. **Maintenance of the Property and Possession**. Until Closing, the City shall not take any actions or fail to take any actions which would have a material adverse effect upon the Land.

10. **Divisions pursuant to the Land Division Act.** The City does not convey any divisions pursuant to the Land Division Act to Purchaser, and Purchaser shall have no right to divide the land following Closing.

11. **Representations and Warranties**. As of the date of the execution of this Agreement and Closing, the City represents and warrants to Purchaser, to the best of the City's knowledge:

11.1 The City has full power and authority to execute this Agreement and perform its obligations under this Agreement;

11.2 The City is the owner of marketable record title in and to the Land, subject to those matters permitted by this Agreement;

11.3 The Land is not subject to any unrecorded encumbrances, easements, boundary disputes, agreements, or other matters not of record, or not disclosed in the Survey (if any) or not disclosed in any exhibit to this Agreement, except a License with PFN which the city has provided written notice of termination pursuant to its terms;

11.4 The Land is not subject to any claim of lien or special assessments, and no improvements have been made to the Land within one hundred twenty (120) days prior to the date of this Agreement;

11.5 There are no taxes or assessments which are past due or which have become a lien upon the Land;

11.6 The City has received no notices of violation of any law, regulation, or ordinance related to the Land. The City agrees to provide available documents related to the environmental condition of the land to Purchaser upon request.

If prior to Closing, Purchaser shall discover that any of the City's representations and warranties are incorrect, Purchaser, at its option, shall have the right to terminate this Agreement and the Deposit shall be immediately refunded to Purchaser, and the parties shall have no further obligation to each other.

Furthermore, as of the date of the execution of this Agreement and the date of Closing, Purchaser represents and warrants to the City, to the best of Purchaser's knowledge:

11.7 Purchaser has full power and authority to execute this Agreement, and perform its obligations under this Agreement, and has been authorized to enter into this Agreement;

11.8 Purchaser has no notice of any litigation or administrative action which would affect Purchaser's ability to perform its obligations under this Agreement;

11.9 Purchaser is financially capable of undertaking and successfully fulfilling Purchaser's obligations with respect to Closing.

If prior to Closing, the City shall discover that any of the Purchaser's representations and warranties are incorrect, City, at its option, shall have the right to terminate this Agreement and the Deposit shall be retained by the City, and the parties shall have no further obligation to each other.

12. **Notice of Violation**. All notices of violation of any law, statute, ordinance, rule, or regulation of any governmental agency having jurisdiction issued to either party prior to the Closing against or affecting the Land shall be sent to the other party and shall be satisfied or complied with by the offending Party prior to Closing.

13. **Closing Documents**. At the time and place of Closing, the parties shall deliver the following documents:

13.1 The fully-executed Quitclaim Deed conveying the Land to Purchaser;

13.2 Affidavits or other documents required for issuance of Purchaser's title policy (if any); and

13.3 Closing statements documenting the financial details of the transaction.

14. **Adjustments, Prorations and Fees**.

14.1 Because the City is exempt from paying real property taxes on the Land, there will be no proration of taxes.

14.2 All taxes and special assessments affecting the Land for improvements to the Land after the date of Closing shall be the responsibilty of the Purchaser.

14.3 The City shall pay transfer taxes, unless exempt under state law. The City shall pay for the preparation of the Quitclaim Deed and its legal expenses.

14.4 Purchaser shall pay any recording fees and closing costs related to the Closing.

15. **The City's Default**. If the City violates any of the terms and conditions contained within this Agreement, Purchaser shall provide written notice to the City of such violation. If the City fails to cure such violation and close within forty-five (45) business days, it shall be in default of this Agreement ("Default"). In the event the City is in Default, the Purchaser shall be entitled to terminate this Agreement, receive a return of the Deposit, file a legal action for damages and/or specific performance of this Agreement, and any other remedy provided by law.

16. **Purchaser's Default**. If the Purchaser violates any of the terms and conditions contained within this Agreement, City shall provide written notice to the Purchaser of such violation. If the Purchaser fails to cure such violation and close within forty-five (45) business days, it shall be in default of this Agreement ("Default"). In the event the Purchaser is in Default, the City shall be entitled to terminate this Agreement, retain the Deposit, file a legal action for damages and/or specific performance of this Agreement, and any other remedy provided by law.

17. **Real Estate Brokers**. The City and Purchaser represent to each other that there is no broker involved in this transaction.

18. **Condemnation**. If prior to Closing, any authority having the right of eminent domain shall commence legal actions for the temporary or permanent taking or acquiring of any part of the Land, the City shall immediately give written notice to Purchaser, and Purchaser, at its option, shall be entitled to either: (i) terminate this Agreement upon written notice to the City, in which case the Deposit shall be returned to Purchaser, the Agreement shall terminate, and the parties shall have no further obligations to each other; or (ii) proceed to close the transaction and take an assignment of all rights under the condemnation.

19. **Compliance with Laws**. Purchaser shall comply with all applicable laws, ordinances, and regulations of the City and any other governmental entity having jurisdiction over the Land or the Project.

20. **Miscellaneous**.

20.1 Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any way, then all the remaining provisions of the Agreement shall remain in full force and effect to the extent permitted by law.

20.2 Written Notice. All requirements for notice contained in this Agreement shall be deemed to require notice in writing sent to the appropriate party and counsel for the parties at the following addresses by hand delivery or facsimile followed by mail, with service being effective upon delivery or sending.

To the City: Karen Kovacs, Marquette City Manager
300 W. Baraga Avenue
Marquette, MI 49855

With a copy to: Suzanne Larsen, Counsel for the City
Kendricks, Bordeau, Adamini, Chilman & Greenlee, P.C.
128 W. Spring Street
Marquette, MI 49855

To Purchaser:
Ore Dock Real Estate, LLC
c/o Weston and Andrea Pernsteiner
521 E. Ohio Street
Marquette, MI 49855

20.3 Binding Effect. This Agreement shall be binding upon the heirs, legal representatives, successors and assigns of the parties.

20.4 Construction. This Agreement shall be construed in accordance with the laws of the State of Michigan.

20.5 Integration. This Agreement constitutes the entire agreement of the parties with respect to the transaction contemplated herein and supersedes all prior understandings or agreements between the parties. There are no promises, conditions, agreements,

undertakings, warranties or representations, oral or written, express or implied, with respect to the Land other than as set forth in this Agreement. This Agreement may be modified only by a writing signed by all of the parties or their respective successors in interest.

20.6 Time is of the Essence. Time shall be of the essence in this Agreement.

20.7 Survival. The representations, warranties, covenants and agreements of the parties contained in this Agreement shall survive Closing.

20.8 Execution in Counterparts. This Agreement may be executed in counterparts and such counterparts taken together shall be construed as an original.

20.9 Day of Completion. If a day for the performance of an event under this Agreement occurs on a weekend or on a holiday on which normal business is not transacted, the day for performance shall be delayed until the next weekday which is not a weekend or a holiday.

20.10 Effective Date. The Effective Date is the date on which the last of the parties executes this Agreement.

20.11 Waiver of Violation. Failure by a party to object to a violation of the terms of this Agreement shall not be a waiver of any continuing or subsequent violation.

SELLER
CITY OF MARQUETTE

Date:_____

_____
By: Jennifer A. Smith
Its: Mayor

Date:_____

_____
By: Kyle Whitney
Its: Clerk

APPROVED AS TO CONTENT:

_____
By: Karen M. Kovacs, City Manager

PURCHASER
ORE DOCK REAL ESTATE, LLC

By: Andrea Pernsteiner, Manager

Prepared by:
Suzanne C. Larsen
KENDRICKS, BORDEAU, KEEFE,
SEAVOY & LARSEN, P.C.
128 W. Spring Street
Marquette, MI 49855
(906) 226-2543

Resolution Authorizing Sale of Property

WHEREAS, Ore Dock Real Estate has submitted an offer to purchase real property owned by the City of Marquette (a portion of Parcel 0151030 - "Parcel") as outlined in the attached Purchase and Sales Agreement dated August 30, 2021; and,

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

WHEREAS, the City Commission has previously adopted a Resolution of Intent to Sell for the property; and,

WHEREAS, the value of the Parcel has been determined in writing by a State Licensed Real Estate Appraiser; and,

THEREFORE, BE IT RESOLVED, that the City of Marquette hereby authorizes the sale of the subject property.

Adopted this 30th day of August, 2021.

_____

Jennifer A. Smith, Mayor

_____

Kyle Whitney, City Clerk

Agenda Date: 8/30/2021

New Business
Lobbyist Contract

BACKGROUND:

In August 2020, the City of Marquette entered into a two-year agreement with Karoub Associates for lobbying services, at a cost of $3,000 per month.

Per the terms of the agreement, either party can terminate the contract upon 30 days written notice.

Due to budgetary constraints, the City Manager is recommending the immediate termination of this contract.

FISCAL EFFECT:

The City of Marquette will save $3,000 per month by terminating this contract.

RECOMMENDATION:

Terminate the agreement between Karoub Associates and the City of Marquette, and authorize the City Manager to provide written notice of the termination, per the terms of the contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Contract

KAROUB
ASSOCIATES

AGREEMENT BETWEEN KAROUB ASSOCIATES

AND

THE CITY OF MARQUETTE

This Agreement, made and entered into as of the 1st day of September, 2020 by and between KAROUB ASSOCIATES, a Michigan corporation, with its principal office located at 121 West Allegan Street, Lansing, Michigan 48933, and the CITY OF MARQUETTE with its principal office located at 300 West Baraga Avenue, Marquette, Michigan 49855 (hereinafter referred to as "MARQUETTE").

RESPONSIBILITIES OF PARTIES

MARQUETTE does hereby retain KAROUB ASSOCIATES to represent its interests before the Michigan Legislature, Governor's Office, and state governmental agencies. KAROUB ASSOCIATES will be responsible for initiating, monitoring, evaluating, and acting on MARQUETTE'S behalf in its areas of concern. KAROUB ASSOCIATES will also strive to develop an expertise of MARQUETTE's interests and to do all possible to complement and strengthen its public and political image and position. In addition, mutually agreed upon persons or personnel from KAROUB ASSOCIATES shall appear in-person before the Marquette City Commission twice annually at a mutually agreed upon date and time to provide information and updates as to KAROUB ASSOCIATES' activities on behalf of MARQUETTE before state

121 WEST ALLEGAN STREET • LANSING • MI • 48933 • (517) 482-5000 • karoub.com

Scott D. Faustyn • James A. Crawford • Shelly M. Stahl • Tabitha J. Zimny • Matthew T. Breslin
Matthew D. Kurta • James P. Curran • Joseph Palamara • MoReno R. Taylor II • Samuel J. Olsen
COUNSEL TO THE FIRM: A. Gregory Eaton

government. Except for these in-person meetings with the Marquette City Commission, all correspondence between KAROUB ASSOCIATES and MARQUETTE shall be directed through the City Manager.

COMPENSATION

In consideration of such services, MARQUETTE agrees to pay KAROUB ASSOCIATES a service fee of Three Thousand Dollars ($3,000.00) per month, which includes normal expenses, payable the first of each month beginning September 1, 2020. All extraordinary expenses must receive prior approval by MARQUETTE.

TERMS

This Agreement shall be effective from September 1, 2020, to August 31, 2022, and may be terminated upon written notice served within thirty (30) days by either party. Any amendments to this agreement shall be in writing and signed by KAROUB ASSOCIATES and MARQUETTE.

KAROUB ASSOCIATES

By: Matt Kurta
Matt Kurta

Dated: 8/7/20

CITY OF MARQUETTE

By: L. M. Angeli
L. Michael Angeli

Dated: 8/31/20

Agenda Date: 8/30/2021

New Business
Delegate - Michigan Municipal League Convention

BACKGROUND:

Each year the Michigan Municipal League holds a meeting of its members, which includes the election of trustees, voting on policy issues and other business. In accordance with Michigan Municipal League's bylaws, each member municipality is asked to appoint one official voting delegate to represent the municipality at this annual meeting.

The Michigan Municipal League Annual Meeting will take place in Grand Rapids, September 22-24, 2021.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Authorize the Mayor to appoint one City delegate to attend the 2021 Michigan Municipal League annual meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

Agenda Date: 8/30/2021

New Business
City Manager and City Attorney Performance Evaluation Process

BACKGROUND:

The City Charter requires the City Commission to conduct an annual performance review of both the City Manager and the City Attorney.

In past years, the Mayor has appointed three Commissioners to serve on a committee to review and compile the City Manager's and City Attorney's performance evaluations and make a recommendation regarding any adjustment to the Manager's compensation or terms of employment. According to her employment contract, this first evaluation period should be used for the City Commission, together with Ms. Kovacs, to develop goals and objectives for her initial year of employment.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Appoint three Commissioners to serve on a committee to review and compile the City Manager's and City Attorney's performance evaluations and to develop goals and objectives for the City Manager's initial year of employment.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

Agenda Date: 8/30/2021

New Business
Supervisors' Labor Agreement

BACKGROUND:

The City of Marquette has reached a new five-year agreement with the Supervisory Employees' Chapter of AFSCME Local #1825. The bargaining unit has ratified the Agreement. The main issue during negotiations was wages. The parties have agreed to offer a competitive wage and health insurance package.

The City's bargaining team commends the Supervisory unit of AFSCME for their willingness to work with us to negotiate an Agreement that is fair to the employees and the City.

FISCAL EFFECT:

Year 1 FY 22 3% = $16,308.48
Year 2 FY 23 3% = $16,659.20
Year 3 FY 24 3% = $17,360.64
Year 4 FY 25 3% = $17,711.36
Year 5 FY 26 3% = $18,412.80
Total $86,452.48

RECOMMENDATION:

Approve the Supervisory Employees Labor Agreement effective October 1, 2021 through September 30, 2026, and authorize the Mayor and City Clerk to sign the Agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available