

City of Marquette, MI



Meeting Agenda City Commission

**Monday, September 27, 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.

Public Hearing(s)

1. Budget and General Appropriations Act - FY 2022 - Roll Call Vote
2. **Consent Agenda**
 - 2.a. Approve the minutes of the September 13, 2021 regular Commission meeting
 - 2.b. Approve the minutes of the September 13, 2021 Commission closed session
 - 2.c. Approve the total bills payable in the amount of \$652,476.65
 - 2.d. 2021 Fire Prevention Week Proclamation
 - 2.e. Noquemanon Trails Network - Office and Storage Lease Agreement
 - 2.f. Schedule a Public Hearing to Consider Establishing an Obsolete Property Rehabilitation Act District
 - 2.g. Schedule a Public Hearing to Consider an Obsolete Property Rehabilitation Exemption Certificate
 - 2.h. Water Treatment Chemicals

Unfinished Business

3. Budget Adjustment - Fiscal Year End 2021

New Business

4. Letter of Support – Recycling Partnership Residential Curbside Recycling Cart Grant
5. City Manager Evaluation
6. City Attorney Evaluation
7. Lakeshore Boulevard Coastal Restoration Professional Services Contract

8. Request to Waive the Minimum Size for Planned Unit Development

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

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

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

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Public Hearing(s)

Budget and General Appropriations Act - FY 2022 - Roll Call Vote

BACKGROUND:

The City Commission held budget hearings on August 25, and September 8. Tonight, a Public Hearing is scheduled to receive public comment on the proposed Fiscal Year 2022 Budget. Following this input, the Commission should consider any changes it wishes to make to the budget.

FISCAL EFFECT:

A budget, balanced through the use of fund balance, has been presented.

RECOMMENDATION:

Adopt the Fiscal Year 2022 Budget and General Appropriations Act.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ FY 2022 General Appropriations Act

CITY OF MARQUETTE
GENERAL APPROPRIATIONS ACT
September 27, 2021
For the Fiscal Period Beginning October 1, 2021
and Ending September 30, 2022

WHEREAS, Public Act 621 of 1978 of the State of Michigan and Chapter 7 of the City Charter require City Commission adoption of a Budget Plan for the forthcoming Fiscal Year; and

WHEREAS, a Tentative Budget for Fiscal Year 2022 was prepared and submitted by the City Manager to the City Commission on August 25, 2021; and

WHEREAS, the City Commission has reviewed and revised the Tentative Budget through a series of work sessions, special meetings, and public hearings, and has caused the formulation of a Proposed Budget; and

WHEREAS, a Public Hearing on the Proposed Budget was duly called, publicized, and held on September 27, 2021.

NOW, THEREFORE, BE IT RESOLVED, that this Commission hereby makes and adopts the following estimates of all revenues and all expenditures of the several funds of the City for the Fiscal Year beginning October 1, 2021, and for the payment of interest and indebtedness to fall due during the year for the following functions and purposes respectively:

GENERAL FUND

Revenues:	\$22,866,450
Expenditures:	\$22,866,450

MAJOR STREET AND TRUNKLINE FUND

Revenues:	\$ 4,390,780
Expenditures:	\$ 4,390,780

LOCAL STREET FUND

Revenues:	\$ 2,523,390
Expenditures:	\$ 2,523,390

PUBLIC ART FUND

Revenues:	\$ 76,000
Expenditures:	\$ 76,000

SANITATION FUND

Revenues:	\$ 2,287,280
Expenditures:	\$ 2,287,280

BROWNFIELD FUNDS

Revenues:	\$ 5,760,150
Expenditures:	\$ 5,760,150

LOCAL DEVELOPMENT FINANCE AUTHORITY FUND

Revenues:	\$ 1,244,970
Expenditures:	\$ 1,244,970

PUBLIC EDUCATION GOVERNMENT FUND

Revenues:	\$ 21,000
Expenditures:	\$ 21,000

DRUG FORFEITURE FUND

Revenues:	\$ 14,500
Expenditures:	\$ 14,500

ROAD MAINTENANCE FUND

Revenues:	\$ 500,000
Expenditures:	\$ 500,000

ROAD SAFETY FUND

Revenues:	\$ 200,000
Expenditures:	\$ 200,000

CRIMINAL JUSTICE TRAINING FUND

Revenues:	\$ 3,600
Expenditures:	\$ 3,600

SENIOR SERVICES FUND

Revenues:	\$ 914,420
Expenditures:	\$ 914,420

DEBT SERVICE FUNDS

Revenues:	\$ 2,781,040
Expenditures:	\$ 2,781,040

TOURIST PARK FUND

Revenues:	\$ 419,470
Expenditures:	\$ 419,470

LIGHTHOUSE PARK FUND

Revenues:	\$ 81,860
Expenditures:	\$ 81,860

FUEL SYSTEM FUND

Revenues:	\$ 440,220
Expenditures:	\$ 440,220

STORM WATER UTILITY FUND

Revenues:	\$ 1,996,000
Expenditures:	\$ 1,996,000

MARQUETTE AREA WASTEWATER TREATMENT FACILITY FUND

Revenues:	\$ 4,406,760
Expenditures:	\$ 4,406,760

WATER FUND

Revenues:	\$ 5,719,000
Expenditures:	\$ 5,719,000

SEWER FUND

Revenues:	\$ 8,073,390
Expenditures:	\$ 8,073,390

PRESQUE ISLE MARINA FUND

Revenues:	\$ 359,700
Expenditures:	\$ 359,700

CINDER POND MARINA FUND

Revenues:	\$ 331,550
Expenditures:	\$ 331,550

LAKEVIEW ARENA FUND

Revenues:	\$ 1,292,960
Expenditures:	\$ 1,292,960

TECHNOLOGY SERVICES FUND

Revenues:	\$ 1,179,920
Expenditures:	\$ 1,179,920

MUNICIPAL SERVICE CENTER FUND

Revenues:	\$ 1,422,270
Expenditures:	\$ 1,422,270

MOTOR VEHICLE EQUIPMENT FUND

Revenues:	\$ 3,224,530
Expenditures:	\$ 3,224,530

ENERGY ENHANCEMENTS FUND

Revenues:	\$ 2,387,460
Expenditures:	\$ 2,387,460

PETER WHITE PUBLIC LIBRARY

Revenues:	\$ 2,091,810
Expenditures:	\$ 2,091,810

DOWNTOWN DEVELOPMENT AUTHORITY

Revenues:	\$ 1,570,766
Expenditures:	\$ 1,570,766

BE IT FURTHER RESOLVED, that this Commission has estimated the revenue which will be forthcoming during Fiscal Year 2022 and has determined the amount necessary to balance the General Fund Budget to be the sum of \$9,040,740; and has determined the amount necessary to balance the Peter White Public Library Budget to be the sum of \$939,490; and has determined the amount necessary to balance the Senior Services Fund Budget to be the sum of \$229,850; and

BE IT FURTHER RESOLVED, that in accordance with the Public Notification provisions of Act 5 of 1982 of the State of Michigan, the sum of \$9,040,740 is hereby fixed as the amount to be raised by Real and Personal Taxes for the 2022 Fiscal Year for the General Fund (a millage rate of 14.9225 mills); the sum of \$329,760 is hereby fixed as the amount to be raised by Real and Personal Taxes for the 2022 Fiscal Year for the 2017 Library Improvement Debt Fund (a millage rate of 0.4710 mills); the sum of \$939,490 is hereby fixed as the amount to be raised by Real and Personal Property Taxes for the 2022 Fiscal Year for the Peter White Public Library (a millage rate of 1.4913 mills); the sum of \$229,850 is hereby fixed as the amount to be raised by Real and Personal Property Taxes for the 2022 Fiscal Year for the Senior Services Fund (a millage rate of 0.3460 mills); and the sum of \$57,529 is hereby fixed as the amount to be raised from an operational millage for the 2022 Fiscal Year for the Downtown Development Authority (a millage of 1.8579 mills); and

BE IT FURTHER RESOLVED that all transfers between appropriations to the various functions may be made only by further action of the Commission, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

Jennifer A. Smith, Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Consent Agenda

Approve the minutes of the September 13, 2021 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ September 13 minutes



Meeting Minutes City Commission

Monday, September 13, 2021
6:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

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

Approval of the Agenda

Commissioner Sally Davis moved to Approve the agenda, with Item 3 moved to the very end of the meeting, following comments from the public and the commission, seconded by Mayor Pro Tem Jenn Hill 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.

Heather Holdwick spoke about issues in her neighborhood, which has changed significantly since she moved there. She said the location of services nearby, specifically the homeless shelter, have led to unwelcome interactions and to her feeling unsafe while walking in her neighborhood.

Bob Frak spoke in opposition to the rezoning proposal on tonight's agenda.

John Fee, Communications Director for the Catholic Diocese of Marquette, spoke about the rezoning proposal, which he said would simply change the zoning to a designation that will match the current use of the space.

Jim Dowling spoke in opposition to the rezoning, saying that he thinks this was a bad proposal by the church and that the public opinion has been clear.

1. Consent Agenda

Commissioner Evan Bonsall moved to Approve the Consent Agenda as presented, seconded by Commissioner Jessica Hanley and Carried Unanimously.

1.a. Approve the minutes of the September 8, 2021 special Commission meeting

1.b. Approve the total bills payable in the amount of \$4,916,304.00

1.c. Founders Landing Pile Reuse Design and Construction Oversight Contract Change Order

1.d. Noquemanon Trails Network - Office and Storage Lease Agreement

1.e. Proclamation - Constitution Week

1.f. Schedule a Public Hearing for the FY 2022 Budget

Unfinished Business

2. Rezoning of 301 W. Baraga Avenue - Roll Call Vote

Commissioner Fred Stonehouse moved to suspend the rules for discussion, seconded by Commissioner Jessica Hanley and Carried Unanimously.

City Manager Karen Kovacs provided a brief overview of this rezoning proposal, and Commission discussion ensued.

Commissioners discussed the impact of a property remaining in nonconforming status and asked questions of Community Development Director Dennis Stachewicz. Deliberation focused largely on whether it was more appropriate to rezone the land into a designation that met with its current use or to deny the rezoning recommendation, allowing the current activity to continue as a nonconforming use.

Commissioner Evan Bonsall moved to Approve the adoption of Ordinance 701, rezoning 301 W. Baraga Avenue as recommended by the Planning Commission, and direct the Mayor and City Clerk to sign the Ordinance, seconded by Commissioner Cody Mayer and Carried by Roll Call Vote .

The motion carried 5-2, with Commissioners Stonehouse and Davis voting against it.

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

Heather Holdwick continued her previous comments, regarding her neighborhood. She said the police and other agencies are doing their best, but that neighborhoods are important and something should be done.

Comments from the Commission

Mayor Pro Tem Hill spoke about the importance of providing community support for recovery programs and especially for youth-centered programs. She said Covid has impacted the funding for these programs and made a call for regional approaches. She commended the Art Awards recipients and urged residents to get vaccinated if they are not.

Commissioner Mayer had no comments.

Commissioner Stonehouse said he was shocked to hear someone say they felt unsafe in their own neighborhood and that the City must do everything it can to correct issues like this.

Commissioner Bonsall thanked the resident for sharing her concerns about her neighborhood and said he was troubled. He said homelessness is a serious national problem and that there is a need for a long-term solution, though there are no easy fixes. Commissioner Bonsall said the story illustrates the fact that the Room at the Inn shelter is the first step in a much more comprehensive solution.

Commissioner Davis thanked Ms. Holdwick for her comments.

Commissioner Hanley had no comments.

Mayor Smith also thanked Ms. Holdwick and said it was impactful to hear her story. She said the administration is attempting to work toward a solution on issues like these.

Comments from the City Manager

City Manager Karen Kovacs said staff is working with Room at the Inn to encourage support on these issues. She said the Police Department is attending RATI meetings and that she will keep the Commission up-to-date. Ms. Kovacs also congratulated the Art Award winners.

3. Pursuant to MCL 15.268(c) for strategy session with regard to the negotiation of collective bargaining agreements.

Commissioner Jessica Hanley moved to Authorize entering closed session, pursuant to MCL 15.268(c), in order to discuss strategy for the negotiation of collective bargaining agreements, seconded by Commissioner Cody Mayer and Carried Unanimously.

The City Commission entered closed session at 7:05 p.m. and re-entered open session at 7:27 p.m.

Adjournment

Mayor Smith adjourned the meeting at 7:28 p.m.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

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City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Consent Agenda

Approve the minutes of the September 13, 2021 Commission closed session

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Consent Agenda

2021 Fire Prevention Week Proclamation

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 2021 Fire Prevention Proclamation



Fire Prevention Week – October 3-9, 2021 Proclamation

WHEREAS, the city of Marquette, Michigan is committed to ensuring the safety and security of all those living in and visiting our state; and,

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and,

WHEREAS, home fires killed more than 2,770 people in the United States in 2019, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 339,500 home fires; and,

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as two minutes to escape safely; and,

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and,

WHEREAS, Marquette's residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and,

WHEREAS, Marquette's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and,

WHEREAS, Marquette's residents will make sure their smoke and CO alarms meet the needs of all their family members, including those with sensory or physical disabilities; and,

WHEREAS, Marquette's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and,

WHEREAS, Marquette's residents are responsive to public education measures and are better able to take personal steps to increase their safety from fire, especially in their homes; and,

WHEREAS, the 2021 Fire Prevention Week™ theme, "Learn the Sounds of Fire Safety™," effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.

THEREFORE, I Jennifer A. Smith, Mayor of Marquette, do hereby proclaim October 3–9, 2021, as Fire Prevention Week throughout this city, and I urge all the people of Marquette to "Learn the Sounds of Fire Safety" for Fire Prevention Week 2021, and to support the many public safety activities and efforts of Marquette's fire and emergency services.

Jennifer A. Smith, Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Consent Agenda

Noquemanon Trails Network - Office and Storage Lease Agreement

BACKGROUND:

The Noquemanon Trails Network Council (NTN) has a lease agreement for office and storage space at Lakeview Arena. Staff worked with the City Attorney and NTN to draft a standard lease agreement which includes all relevant terms and conditions. The monthly lease payment will be \$463.50. The term of the lease is one year.

First read of this item was on the September 13, 2021 regular meeting.

FISCAL EFFECT:

The Lakeview Arena fund will receive \$5,562 in revenue for FY 2022.

RECOMMENDATION:

Approve the lease agreement with Noquemanon Trails Network Council for office space at Lakeview Arena, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▢ Lease, Exhibit A and 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, MI 49855, hereinafter "LESSOR", and **NOQUEMANON TRAILS NETWORK COUNCIL**, a Michigan corporation, of 401 E. Fair Street, Marquette, MI 49855, hereinafter "LESSEE".

Recitals

- A. Lessor is the owner and operator of Lakeview Arena at 401 E. Fair Avenue, Marquette, Michigan.
- B. Lessee desires to lease and Lessor is willing to lease to Lessee office space and storage space as shown in Exhibit "A" located in Lakeview Arena's Russell Arena 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 space as shown in Exhibit "A" within the Russell Arena.
- 1.2 Lessor agrees to develop architectural and engineering plans for any and all renovations/remodeling required to meet the specific needs of Lessee for Lessee's intended uses. Lessee shall be responsible for constructing all renovations as developed by Lessor, and Lessee shall obtain Lessor's written approval of all such plans and specifications prior to beginning any construction activity.

2. Term of Lease

- 2.1 The term of this lease shall begin on October 1, 2021 and end September 30, 2022.

3. Rent

- 3.1 Office Space: Annual rental amount for office space shall be Twelve and 00/100 Dollars (\$12.00) per square foot (432 square feet). Lessee shall pay Four Hundred Thirty-Two and 00/100 Dollars (\$432.00) monthly. Lessee shall be responsible for its telephone and internet service.
- 3.2 Storage Space: Annual rent storage space shall be Six and 00/100 Dollars (\$6.00) per square foot (63 square feet). Lessee shall pay Thirty-One and 50/100 Dollars (\$31.50) monthly.
- 3.3 All rental payments are due in advance, on the first day of each month of this lease.
- 3.4 Rental amount contained herein is subject to increases based on increases in the City fee schedule as approved by the City Commission, not to exceed twenty percent (20%) of the previous year's rental rate. Lessee will be notified of any increase in the monthly rental amount no later than 30 days prior to the date the rental increase will begin.

3.5 Lessee shall be entitled to the use of common wash rooms and concessions.

4. Use of Leasehold Premises

4.1 Lessee shall use the leasehold premises only for office and storage, as applicable, 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 Arena or any part of it (ordinary wear and tear excepted);
- d) interfere with normal operations of the Arena's heating, air conditioning, ventilating, plumbing, or other mechanical or electrical systems;
- e) constitute a public or private nuisance;
- f) interfere with other Arena uses;
- g) alter the appearance of the Arena exterior or any portion of the interior other than in the leasehold without prior written approval of the Lessor;
- h) place merchandise, materials, supplies, signs, or other things of any kind on the sidewalks or other common areas without City Staff approval;
- i) permit refuse to accumulate in or around leasehold; and,
- j) obstruct entry ways.

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 hallways, public restrooms, entrance ways, public parking, sidewalks, and surrounding area, subject, however, to rules and regulations of Lessor regulating the use of same and displays, rules providing for safety and maintenance, and changes in the layout of common areas.

6. Maintenance and Repair

6.1 Lessee shall be responsible for all janitorial and cleaning and all repairs of any nature of the Premises.

6.2 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.

- 6.3 Lessee must obtain written consent of Lessor for all signage used by Lessee in the Premises and adjoining premises. All signage approved by Lessor shall be maintained in good condition and repair.
- 6.4 Lessor reserves the right to make any repairs or alterations that it deems necessary and desirable to the common areas.

7. Insurance and Indemnity

- 7.1 Lessee shall not permit any activity on the Premises which would invalidate or be in conflict with Lessor's fire, boiler, sprinkler, water damage, and extended coverage insurance policies covering the Arena and contents therein.
- 7.2 Lessee shall not permit any activity on the Premises which would cause Lessor's rate for the insurance described herein to be increased.
- 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 or the common areas of the Arena by Lessee, its employees, agents, invitees, and licensees. The amount of the insurance shall be not less than One Million (\$1,000,000.00) Dollars per occurrence for accident, bodily injury, or death and not less than Five Hundred Thousand (\$500,000.00) Dollars for property damage. Lessee shall at all times 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 licensees, the damage shall be repaired by Lessor and at Lessor's expense. If the Premises or the Arena is substantially damaged (herein defined as fifty (50%) percent or more of the cost of replacement), Lessor may elect either to repair or rebuild the Premises or the Arena, 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, Lessee in a timely manner shall 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 or sublet the Premises or any part thereof without the express prior written consent of the Lessor.
- 9.2 In no event shall a sublease be allowed that would jeopardize the tax-exempt status of the Arena or any portion thereof.
- 9.3 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.
- 10.2 Lessor may close the building which is the subject of this Lease Agreement, in whole or in part, at any time during the leasehold period. In such event, the parties understand and agree that the Lessor is not responsible to reimburse the Lessee for any construction costs paid by Lessee to improve the leasehold space.
- 10.3 Lessee acknowledges that the use of the Premises is shared with Lessor, and that Lessor, and its assigns, agents and employees may enter the space at any time without prior notice to Lessee.

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 the observance or performance of any term or covenant 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 pay rent when due; if the Lessee fails to perform any other obligations under this agreement within thirty (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 the 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 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 This agreement shall be binding on the parties and inure to the benefit of the Lessor and Lessee and their respective successors and assigns.
- 15.2 This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 15.3 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.

- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 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

CITY OF MARQUETTE

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney

NOQUEMANON TRAILS NETWORK COUNCIL


By: LORI L. HAUSWIRTH
Its: EXECUTIVE DIRECTOR





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/25/2020

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
Marsh & McLennan Agency LLC
15561 Railroad Street
Suite 201
Hayward WI 54843

CONTACT

NAME:

PHONE
(A/C, No, Ext):

FAX
(A/C, No):

E-MAIL
ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Everest National Insurance Company

10120

INSURER B :

INSURER C :

INSURER D :

INSURER E :

INSURER F :

INSURED
Noquemanon Trails Network Council
PO Box 746
Marquette MI 49855

NOQUETRAIL

COVERAGES

CERTIFICATE NUMBER: 941152468

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	AGGL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:		SI8GL01714201	11/1/2020	11/1/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$		SI8EX01455201	11/1/2020	11/1/2021	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$ PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A				

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

The City of Marquette, its officers and employees are Additional Insured on a primary and non-contributory basis as required by written contract or agreement limited to the General Liability coverage.

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

Scott Chapin

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**PRIMARY / NONCONTRIBUTORY – FOR NAMED
ADDITIONAL INSURED**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE
Name of Person or Organization: THE CITY OF MARQUETTE, ITS OFFICERS AND EMPLOYEES 300 W. BARAGA AVENUE MARQUETTE, MI 49855

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement)

The following is added to **Section IV – Commercial General Liability Conditions**:

1. If insurance similar to this insurance is held by the person or organization named above that is an additional insured on this policy, this insurance is primary to that other insurance only if that other insurance lists the person or organization as a named insured. We shall not seek contribution from that other insurance for amounts payable under this insurance performed for that person or organization under a written agreement. However, this insurance is excess over any other valid and collectible insurance, whether primary, excess, contingent or on any other basis, in which the person or organization named above is not listed as a named insured of that other insurance.
2. However, the provisions of this endorsement do not apply to the person or organization named above unless you had a specific written agreement with that person or organization requiring that:
 - a. This insurance be primary insurance; and
 - b. They be an additional insured on this policy; and
 - c. The written agreement must be signed prior to the date that your operations for that person or organization commenced.

The insurance afforded by this endorsement shall only include the insurance required by the terms of the written agreement but only to the extent that the person or organization named above is covered within the terms of this Coverage Part. The Limits of Insurance shall be the lesser of the Limits of Insurance required by the written agreement between the parties or the Limits of Insurance provided by this Coverage Part.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Consent Agenda

Schedule a Public Hearing to Consider Establishing an Obsolete Property Rehabilitation Act District

BACKGROUND:

This summer, representatives from Buffalo Dragon Investments, LLC approached City staff to discuss the possibility of requesting an Obsolete Property Rehabilitation Act (OPRA) exemption certificate for their recently purchased property at 136 West Washington Street. The guidelines for establishing OPRA districts and processing OPRA exemption certificates are detailed in Michigan Public Act 146 of 2000.

Under this Act, local government units may only grant exemption certificates to properties within an established OPRA district. Prior to establishing a district, the local government unit must first conduct a public hearing.

This item would schedule the required public hearing, and should be considered tonight in conjunction with the recommendation to schedule a separate public hearing, during which the City Commission can consider the exemption application from Buffalo Dragon Investments.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Schedule a public hearing for the October 12, 2021 City Commission meeting to consider the establishment of an Obsolete Property Rehabilitation District at 136 West Washington Street.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ PA 146 of 2000
- ▣ Draft Resolution - OPRA District

OBSOLETE PROPERTY REHABILITATION ACT

Act 146 of 2000

AN ACT to provide for the establishment of obsolete property rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local government officials; and to provide penalties.

History: 2000, Act 146, Imd. Eff. June 6, 2000.

The People of the State of Michigan enact:

125.2781 Short title.

Sec. 1. This act shall be known and may be cited as the "obsolete property rehabilitation act".

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2782 Definitions.

Sec. 2. As used in this act:

(a) "Commercial housing property" means that portion of real property not occupied by an owner of that real property that is classified as residential real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, is a multiple-unit dwelling, or is a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial housing property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to a multiple-unit dwelling or dwelling unit in a multiple-purpose structure, used for residential purposes.

(b) "Commercial property" means land improvements classified by law for general ad valorem tax purposes as real property including buildings and improvements assessable as real property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, the primary purpose and use of which is the operation of a commercial business enterprise. Commercial property shall also include facilities related to a commercial business enterprise under the same ownership at that location, including, but not limited to, office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Commercial property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to the operation of a commercial business enterprise or a multiple-unit dwelling or a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial property does not include any of the following:

(i) Land.

(ii) Property of a public utility.

(c) "Commission" means the state tax commission created by 1927 PA 360, MCL 209.101 to 209.107.

(d) "Department" means the department of treasury.

(e) "Facility", except as otherwise provided in this act, means a building or group of contiguous buildings.

(f) "Functionally obsolete" means that term as defined in section 2 of the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2652.

(g) "Obsolete properties tax" means the specific tax levied under this act.

(h) "Obsolete property" means commercial property or commercial housing property, that is 1 or more of the following:

(i) Blighted, as that term is defined in section 2 of the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2652.

(ii) A facility as that term is defined under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(iii) Functionally obsolete.

(i) "Obsolete property rehabilitation district" means an area of a qualified local governmental unit established as provided in section 3. Only those properties within the district meeting the definition of "obsolete property" are eligible for an exemption certificate issued pursuant to section 6.

(j) "Obsolete property rehabilitation exemption certificate" or "certificate" means the certificate issued pursuant to section 6.

(k) "Qualified local governmental unit" means 1 or more of the following:

(i) A city with a median family income of 150% or less of the statewide median family income as reported in the 1990 federal decennial census that meets 1 or more of the following criteria:

(A) Contains or has within its borders an eligible distressed area as that term is defined in section 11(u)(ii)

and (iii) of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(B) Is contiguous to a city with a population of 500,000 or more.

(C) Has a population of 10,000 or more that is located outside of an urbanized area as delineated by the United States bureau of the census.

(D) Is the central city of a metropolitan area designated by the United States office of management and budget.

(E) Has a population of 100,000 or more that is located in a county with a population of 2,000,000 or more according to the 1990 federal decennial census.

(ii) A township with a median family income of 150% or less of the statewide median family income as reported in the 1990 federal decennial census that meets 1 or more of the following criteria:

(A) Is contiguous to a city with a population of 500,000 or more.

(B) All of the following:

(I) Contains or has within its borders an eligible distressed area as that term is defined in section 11(u)(ii) of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(II) Has a population of 10,000 or more.

(iii) A village with a population of 500 or more as reported in the 1990 federal decennial census located in an area designated as a rural enterprise community before 1998 under title XIII of the omnibus budget reconciliation act of 1993, Public Law 103-66, 107 Stat. 416.

(iv) A city that meets all of the following criteria:

(A) Has a population of more than 20,000 or less than 5,000 and is located in a county with a population of 2,000,000 or more according to the 1990 federal decennial census.

(B) As of January 1, 2000, has an overall increase in the state equalized valuation of real and personal property of less than 65% of the statewide average increase since 1972 as determined for the designation of eligible distressed areas under section 11(u)(ii)(B) of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(l) "Rehabilitation" means changes to obsolete property other than replacement that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. Rehabilitation includes major renovation and modification including, but not necessarily limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, adding additional stories to a facility or adding additional space on the same floor level not to exceed 100% of the existing floor space on that floor level, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the obsolete property to an economically efficient condition. Rehabilitation shall not include improvements aggregating less than 10% of the true cash value of the property at commencement of the rehabilitation of the obsolete property.

(m) "Rehabilitated facility" means a commercial property or commercial housing property that has undergone rehabilitation or is in the process of being rehabilitated, including rehabilitation that changes the intended use of the building. A rehabilitated facility does not include property that is to be used as a professional sports stadium. A rehabilitated facility does not include property that is to be used as a casino. As used in this subdivision, "casino" means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226.

(n) "Taxable value" means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

History: 2000, Act 146, Imd. Eff. June 6, 2000;—Am. 2006, Act 70, Imd. Eff. Mar. 20, 2006.

125.2783 Obsolete property rehabilitation districts; creation; conditions; filing written request; notice and hearing; finding and determination.

Sec. 3. (1) A qualified local governmental unit, by resolution of its legislative body, may establish 1 or more obsolete property rehabilitation districts that may consist of 1 or more parcels or tracts of land or a portion of a parcel or tract of land, if at the time the resolution is adopted, the parcel or tract of land or portion of a parcel or tract of land within the district is either of the following:

(a) Obsolete property in an area characterized by obsolete commercial property or commercial housing property.

(b) Commercial property that is obsolete property that was owned by a qualified local governmental unit on the effective date of this act, and subsequently conveyed to a private owner.

(2) The legislative body of a qualified local governmental unit may establish an obsolete property

rehabilitation district on its own initiative or upon a written request filed by the owner or owners of property comprising at least 50% of all taxable value of the property located within a proposed obsolete property rehabilitation district. The written request must be filed with the clerk of the qualified local governmental unit.

(3) Before adopting a resolution establishing an obsolete property rehabilitation district, the legislative body shall give written notice by certified mail to the owners of all real property within the proposed obsolete property rehabilitation district and shall afford an opportunity for a hearing on the establishment of the obsolete property rehabilitation district at which any of those owners and any other resident or taxpayer of the qualified local governmental unit may appear and be heard. The legislative body shall give public notice of the hearing not less than 10 days or more than 30 days before the date of the hearing.

(4) The legislative body of the qualified local governmental unit, in its resolution establishing an obsolete property rehabilitation district, shall set forth a finding and determination that the district meets the requirements set forth in subsection (1).

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2784 Obsolete property rehabilitation exemption certificate; application; filing; contents; hearing; determination of taxable value.

Sec. 4. (1) If an obsolete property rehabilitation district is established under section 3, the owner of obsolete property may file an application for an obsolete property rehabilitation exemption certificate with the clerk of the qualified local governmental unit that established the obsolete property rehabilitation district. The application shall be filed in the manner and form prescribed by the commission. The application shall contain or be accompanied by a general description of the obsolete facility and a general description of the proposed use of the rehabilitated facility, the general nature and extent of the rehabilitation to be undertaken, a descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, a time schedule for undertaking and completing the rehabilitation of the facility, a statement of the economic advantages expected from the exemption, including the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment, and information relating to the requirements in section 8.

(2) Upon receipt of an application for an obsolete property rehabilitation exemption certificate, the clerk of the qualified local governmental unit shall notify in writing the assessor of the local tax collecting unit in which the obsolete facility is located, and the legislative body of each taxing unit that levies ad valorem property taxes in the qualified local governmental unit in which the obsolete facility is located. Before acting upon the application, the legislative body of the qualified local governmental unit shall hold a public hearing on the application and give public notice to the applicant, the assessor, a representative of the affected taxing units, and the general public. The hearing on each application shall be held separately from the hearing on the establishment of the obsolete property rehabilitation district.

(3) Upon receipt of an application for an obsolete property rehabilitation exemption certificate for a facility located on property that was owned by a qualified local governmental unit on the effective date of this act, and subsequently conveyed to a private owner, the clerk of the qualified local governmental unit, in addition to the other requirements of this section, shall request the assessor of the local tax collecting unit in which the facility is located to determine the taxable value of the property. This determination shall be made prior to the hearing on the application for an obsolete property rehabilitation exemption certificate held pursuant to subsection (2).

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2785 Approval or disapproval of resolution; forward copies.

Sec. 5. The legislative body of the qualified local governmental unit, not more than 60 days after receipt of the application by the clerk, shall by resolution either approve or disapprove the application for an obsolete property rehabilitation exemption certificate in accordance with section 8 and the other provisions of this act. The clerk shall retain the original of the application and resolution. If approved, the clerk shall forward a copy of the application and resolution to the commission. If disapproved, the reasons shall be set forth in writing in the resolution, and the clerk shall send, by certified mail, a copy of the resolution to the applicant and to the assessor. A resolution is not effective unless approved by the commission as provided in section 6.

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2786 Approval or disapproval of resolution by commission; certificate; issuance; form; contents; effective date; filing; maintenance of record of certificates; copy; discovery of error or mistake in application; amended application; failure to forward approved

application; duties of commission.

Sec. 6. (1) Not more than 60 days after receipt of a copy of the application and resolution adopted under section 5, the commission shall approve or disapprove the resolution.

(2) Following approval of the application by the legislative body of the qualified local governmental unit and the commission, the commission shall issue to the applicant an obsolete property rehabilitation exemption certificate in the form the commission determines, which shall contain all of the following:

(a) A legal description of the real property on which the obsolete facility is located.

(b) A statement that unless revoked as provided in this act the certificate shall remain in force for the period stated in the certificate.

(c) A statement of the taxable value of the obsolete property, separately stated for real and personal property, for the tax year immediately preceding the effective date of the certificate after deducting the taxable value of the land and personal property other than personal property assessed pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14.

(d) A statement of the period of time authorized by the legislative body of the qualified local governmental unit within which the rehabilitation shall be completed.

(e) If the period of time authorized by the legislative body of the qualified local governmental unit pursuant to subdivision (d) is less than 12 years, the exemption certificate shall contain the factors, criteria, and objectives, as determined by the resolution of the qualified local governmental unit, necessary for extending the period of time, if any.

(3) Except as otherwise provided in this section, the effective date of the certificate is the December 31 immediately following the date of issuance of the certificate.

(4) The commission shall file with the clerk of the qualified local governmental unit a copy of the obsolete property rehabilitation exemption certificate, and the commission shall maintain a record of all certificates filed. The commission shall also send, by certified mail, a copy of the obsolete property rehabilitation exemption certificate to the applicant and the assessor of the local tax collecting unit in which the obsolete property is located.

(5) Notwithstanding any other provision of this act, if a qualified local governmental unit passed a resolution approving an application for an obsolete property rehabilitation exemption certificate on November 5, 2008 for a rehabilitated facility located in an obsolete property rehabilitation district established on January 29, 2003 with rehabilitation commencing on July 24, 2007, the effective date of the certificate shall be December 31, 2008.

(6) If an error or mistake in an application for an obsolete property rehabilitation exemption certificate is discovered after the legislative body of the qualified local governmental unit has approved the application or after the commission has issued a certificate for the application, an applicant may submit an amended application in the same manner as an original application under section 4 that corrects the error or mistake. Pursuant to sections 5 and 6, the legislative body of the qualified local governmental unit and the commission may approve or deny the amended application. If the commission previously issued a certificate for the original application and approves an amended application under this subsection, the commission shall issue an amended certificate for the amended application pursuant to section 6 with the same effective date as the original certificate.

(7) If the clerk of the qualified local governmental unit failed to forward an application that was approved by the legislative body of the qualified local governmental unit before October 1 of that year to the commission before October 1 but filed the application before March 30 of the immediately succeeding year and the commission approves the application, notwithstanding any other provision of this act, the certificate shall be considered to be issued on December 31 in the year in which the qualified local governmental unit approved the application.

(8) Beginning October 1, 2013, the commission shall do all of the following for each obsolete property rehabilitation exemption certificate approved or disapproved by the commission under subsection (6) or (7):

(a) Notify the office of the member of the house of representatives of this state and the office of the senator of this state, who represent the geographic area in which the property covered by the application for a certificate is located, that an application for a certificate has been approved or disapproved under subsection (6) or (7).

(b) Publish on its website a copy of the certificate if approved, or a copy of the denial notice if disapproved, under subsection (6) or (7) and whatever additional information the commission considers appropriate regarding the application.

History: 2000, Act 146, Imd. Eff. June 6, 2000;—Am. 2010, Act 137, Imd. Eff. Aug. 4, 2010;—Am. 2011, Act 272, Imd. Eff. Dec. 19, 2011;—Am. 2013, Act 115, Imd. Eff. Sept. 24, 2013.

125.2787 Issuance of certificate; tax exemption; time period; limitation; commencement; extension; review.

Sec. 7. (1) A rehabilitated facility for which an obsolete property rehabilitation exemption certificate is in effect, but not the land on which the rehabilitated facility is located, or personal property other than personal property assessed pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, for the period on and after the effective date of the certificate and continuing so long as the obsolete property rehabilitation exemption certificate is in force, is exempt from ad valorem property taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(2) Unless earlier revoked as provided in section 12, an obsolete property rehabilitation exemption certificate shall remain in force and effect for a period to be determined by the legislative body of the qualified local governmental unit. The certificate may be issued for a period of at least 1 year, but not to exceed 12 years. If the number of years determined is less than 12, the certificate may be subject to review by the legislative body of the qualified local governmental unit and the certificate may be extended. The total amount of time determined for the certificate including any extensions shall not exceed 12 years after the completion of the rehabilitated facility. The certificate shall commence with its effective date and end on the December 31 immediately following the last day of the number of years determined. The date of issuance of a certificate of occupancy, if required by appropriate authority, shall be the date of completion of the rehabilitated facility.

(3) If the number of years determined by the legislative body of the qualified local governmental unit for the period a certificate remains in force is less than 12 years, the review of the certificate for the purpose of determining an extension shall be based upon factors, criteria, and objectives that shall be placed in writing, determined and approved at the time the certificate is approved by resolution of the legislative body of the qualified local governmental unit and sent, by certified mail, to the applicant, the assessor of the local tax collecting unit in which the obsolete property is located, and the commission.

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2788 Taxable value of property proposed to be exempt; application; limitation; separate finding by legislative body of qualified local governmental unit; statement; requirements for approval of application; effective date of certificate.

Sec. 8. (1) If the taxable value of the property proposed to be exempt pursuant to an application under consideration, considered together with the aggregate taxable value of property exempt under certificates previously granted and currently in force under this act or under 1974 PA 198, MCL 207.551 to 207.572, exceeds 5% of the taxable value of the qualified local governmental unit, the legislative body of the qualified local governmental unit shall make a separate finding and shall include a statement in its resolution approving the application that exceeding that amount shall not have the effect of substantially impeding the operation of the qualified local governmental unit or impairing the financial soundness of an affected taxing unit.

(2) The legislative body of the qualified local governmental unit shall not approve an application for an obsolete property exemption certificate unless the applicant complies with all of the following requirements:

(a) Except as otherwise provided in subsection (3), the commencement of the rehabilitation of the facility does not occur before the establishment of the obsolete property rehabilitation district.

(b) The application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of this act and that shall be situated within an obsolete property rehabilitation district established in a qualified local governmental unit eligible under this act to establish such a district.

(c) Completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated.

(d) The applicant states, in writing, that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

(e) The applicant is not delinquent in the payment of any taxes related to the facility.

(3) The legislative body of a qualified local governmental unit may approve an application for an obsolete property exemption certificate if the commencement of the rehabilitation of the facility occurs before the establishment of the obsolete property rehabilitation district and if 1 or more of the following are met:

(a) All of the following are met:

(i) The building permit for the rehabilitation of the facility was obtained in October 2002.

(ii) The obsolete property rehabilitation district was created in April 2002.

(iii) The rehabilitation of the facility included adding additional stories to the facility.

- (b) All of the following are met:
 - (i) Emergency or temporary repairs or improvements were made before the establishment of the obsolete property rehabilitation district.
 - (ii) The obsolete property rehabilitation district was created in January 2006.
 - (iii) The facility is located in a city with a population of more than 20,500 and less than 27,000 and is located in a county with a population of more than 95,000 and less than 105,000.
- (c) All of the following are met:
 - (i) Roof repairs or improvements were completed in March 2006 before the establishment of the obsolete property rehabilitation district.
 - (ii) The obsolete property rehabilitation district was created in April 2006.
 - (iii) The application was submitted to the qualified local governmental unit in April 2006.
 - (iv) The facility is located in a city with a population of more than 10,800 and less than 11,100 and is located in a county with a population of more than 39,000 and less than 42,000.
- (d) All of the following are met:
 - (i) The building permit for the rehabilitation of the facility was obtained in September 2010.
 - (ii) The obsolete property rehabilitation district was created in October 2012.
 - (iii) The rehabilitation of the facility included renovation of the entire interior building structure and mold removal.
- (e) All of the following are met:
 - (i) Roof repairs or improvements began before the establishment of the obsolete property rehabilitation district.
 - (ii) The application for the facility was submitted to the qualified local governmental unit in January 2010.
 - (iii) The qualified local governmental unit established the district in June 2010 and approved the certificate in October 2010.
 - (iv) The facility is located in a city with a population of more than 600,000 and is located in a county with a population of more than 1,800,000, according to the most recent decennial census.
- (4) Notwithstanding any other provisions of this act, for any certificate issued as a result of the enactment of the amendatory act that added subsection (3)(a), (b), and (c), the effective date of the certificate shall be December 31, 2006.
- (5) Notwithstanding any other provisions of this act, for any certificate issued as a result of the enactment of the amendatory act that added subsection (3)(d), the effective date of the certificate shall be December 31, 2011.
- (6) Notwithstanding any other provisions of this act, for any certificate issued as a result of the enactment of the amendatory act that added subsection (3)(e), the effective date of the certificate shall be December 31, 2010.

History: 2000, Act 146, Imd. Eff. June 6, 2000;—Am. 2006, Act 667, Imd. Eff. Jan. 10, 2007;—Am. 2008, Act 504, Imd. Eff. Jan. 13, 2009;—Am. 2013, Act 265, Eff. Mar. 14, 2014.

125.2789 Value and taxable value of property; annual determination.

Sec. 9. The assessor of each qualified local governmental unit in which there is a rehabilitated facility with respect to which 1 or more obsolete property rehabilitation exemption certificates have been issued and are in force shall determine annually as of December 31 the value and taxable value, both for real and personal property, of each rehabilitated facility separately, having the benefit of a certificate and upon receipt of notice of the filing of an application for the issuance of a certificate, shall determine and furnish to the local legislative body the value and the taxable value of the property to which the application pertains and other information as may be necessary to permit the local legislative body to make the determinations required by section 8(2).

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2790 Obsolete properties tax; amount; collection, disbursement, and assessment; payment; copy of disbursement amount; form; property located in renaissance zone; exemption of rehabilitated facility of qualified start-up business from tax collection; resolution; "qualified start-up business" defined.

Sec. 10. (1) There is levied upon every owner of a rehabilitated facility to which an obsolete property rehabilitation exemption certificate is issued a specific tax to be known as the obsolete properties tax.

(2) The amount of the obsolete properties tax, in each year, shall be determined by adding the results of both of the following calculations:

(a) Multiplying the total mills levied as ad valorem taxes for that year by all taxing units within which the

rehabilitated facility is located by the taxable value of the real and personal property of the obsolete property on the December 31 immediately preceding the effective date of the obsolete property rehabilitation exemption certificate after deducting the taxable valuation of the land and of personal property other than personal property assessed pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, for the tax year immediately preceding the effective date of the obsolete property rehabilitation exemption certificate.

(b) Multiplying the mills levied for school operating purposes for that year under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, and the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, by the taxable value of the real and personal property of the rehabilitated facility, after deducting all of the following:

(i) The taxable value of the land and of the personal property other than personal property assessed pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14.

(ii) The taxable value used to calculate the tax under subdivision (a).

(3) The obsolete properties tax shall be collected, disbursed, and assessed in accordance with this act.

(4) The obsolete properties tax is an annual tax, payable at the same times, in the same installments, and to the same officer or officers as taxes imposed under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, are payable. Except as otherwise provided in this section, the officer or officers shall disburse the obsolete properties tax payments received by the officer or officers each year to and among this state, cities, school districts, counties, and authorities, at the same times and in the same proportions as required by law for the disbursement of taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(5) For intermediate school districts receiving state aid under sections 56, 62, and 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, of the amount of obsolete property tax that would otherwise be disbursed to an intermediate school district, all or a portion, to be determined on the basis of the tax rates being utilized to compute the amount of state aid, shall be paid to the state treasury to the credit of the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(6) The amount of obsolete property tax described in subsection (2)(a) that would otherwise be disbursed to a local school district for school operating purposes, and all of the amount described in subsection (2)(b), shall be paid instead to the state treasury and credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(7) The officer or officers shall send a copy of the amount of disbursement made to each unit under this section to the commission on a form provided by the commission.

(8) A rehabilitated facility located in a renaissance zone under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, is exempt from the obsolete properties tax levied under this act to the extent and for the duration provided pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, except for that portion of the obsolete properties tax attributable to a special assessment or a tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff. The obsolete properties tax calculated under this subsection shall be disbursed proportionately to the taxing unit or units that levied the special assessment or the tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff.

(9) Upon application for an exemption under this subsection by a qualified start-up business, the governing body of a local tax collecting unit may adopt a resolution to exempt a rehabilitated facility of a qualified start-up business from the collection of the obsolete properties tax levied under this act in the same manner and under the same terms and conditions as provided for the exemption in section 7hh of the general property tax act, 1893 PA 206, MCL 211.7hh. The clerk of the local tax collecting unit shall notify in writing the assessor of the local tax collecting unit and the legislative body of each taxing unit that levies ad valorem property taxes in the local tax collecting unit. Before acting on the resolution, the governing body of the local tax collecting unit shall afford the assessor and a representative of the affected taxing units an opportunity for a hearing. If a resolution authorizing the exemption is adopted in the same manner as provided in section 7hh of the general property tax act, 1893 PA 206, MCL 211.7hh, the rehabilitated facility owned or operated by a qualified start-up business is exempt from the obsolete properties tax levied under this act, except for that portion of the obsolete properties tax attributable to a special assessment or a tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff, for the year in which the resolution is adopted. A qualified start-up business is not eligible for an exemption under this subsection for more than 5 years. A qualified start-up business may receive the exemption under this subsection in nonconsecutive years. The obsolete properties tax calculated under this subsection shall be disbursed proportionately to the taxing unit or units that levied the special assessment or the tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff. As used in this subsection, "qualified start-up business" means that term as defined in section 31a of the single business tax act, 1975 PA 228, MCL 208.31a, or in section 415 of the

Michigan business tax act, 2007 PA 36, MCL 208.1415.

History: 2000, Act 146, Imd. Eff. June 6, 2000;—Am. 2004, Act 251, Imd. Eff. July 23, 2004;—Am. 2007, Act 193, Imd. Eff. Dec. 21, 2007.

125.2791 Lien; proceedings.

Sec. 11. The amount of the tax applicable to real property, until paid, is a lien upon the real property to which the certificate is applicable. Proceedings upon the lien as provided by law for the foreclosure in the circuit court of mortgage liens upon real property may commence only upon the filing by the appropriate collecting officer of a certificate of nonpayment of the obsolete properties tax applicable to real property, together with an affidavit of proof of service of the certificate of nonpayment upon the owner of the facility by certified mail, with the register of deeds of the county in which the property is situated.

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2792 Revocation of certificate; findings; request for revocation or reinstatement of certificate.

Sec. 12. (1) The legislative body of the qualified local governmental unit may, by resolution, revoke the obsolete property rehabilitation exemption certificate of a facility if it finds that the completion of rehabilitation of the facility has not occurred within the time authorized by the legislative body in the exemption certificate or a duly authorized extension of that time, or that the holder of the obsolete property exemption certificate has not proceeded in good faith with the operation of the rehabilitated facility in a manner consistent with the purposes of this act and in the absence of circumstances that are beyond the control of the holder of the exemption certificate.

(2) Upon receipt of a request by certified mail to the legislative body of the qualified local governmental unit by the holder of an obsolete property rehabilitation exemption certificate requesting revocation of the certificate, the legislative body of the qualified local governmental unit may, by resolution, revoke the certificate.

(3) Upon the written request of the holder of a revoked obsolete property rehabilitation exemption certificate to the legislative body of the qualified local governmental unit and the commission or upon the application of a subsequent owner to the legislative body of the qualified local governmental unit to transfer the revoked obsolete property rehabilitation exemption certificate to a subsequent owner, and the submission to the commission of a resolution of concurrence by the legislative body of the qualified local governmental unit in which the facility is located, and if the facility continues to qualify under this act, the commission may reinstate a revoked obsolete property rehabilitation exemption certificate for the holder or a subsequent owner that has applied for the transfer.

History: 2000, Act 146, Imd. Eff. June 6, 2000;—Am. 2018, Act 251, Imd. Eff. June 28, 2018.

125.2793 Transfer and assignment of certificate.

Sec. 13. An obsolete property rehabilitation exemption certificate may be transferred and assigned by the holder of the certificate to a new owner of the rehabilitated facility if the qualified local governmental unit approves the transfer after application by the new owner.

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2794 Report to commission.

Sec. 14. Not later than October 15 each year, each qualified local governmental unit granting an obsolete property rehabilitation exemption shall report to the commission on the status of each exemption. The report must include the current value of the property to which the exemption pertains, the value on which the obsolete property rehabilitation tax is based, a current estimate of the number of jobs retained or created by the exemption, and a current estimate of the number of new residents occupying commercial housing property units covered by the exemption.

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2795 Report to legislative committees.

Sec. 15. (1) The department annually shall prepare and submit to the committees of the house of representatives and senate responsible for tax policy and economic development issues a report on the utilization of obsolete property rehabilitation districts, based on the information filed with the commission.

(2) After this act has been in effect for 3 years, the department shall prepare and submit to the committees of the house of representatives and senate responsible for tax policy and economic development issues an economic analysis of the costs and benefits of this act in the 3 qualified local governmental units in which it has been most heavily utilized.

History: 2000, Act 146, Imd. Eff. June 6, 2000.

125.2796 Exemption after December 31, 2026.

Sec. 16. A new exemption shall not be granted under this act after December 31, 2026, but an exemption then in effect shall continue until the expiration of the exemption certificate.

History: 2000, Act 146, Imd. Eff. June 6, 2000;—Am. 2010, Act 137, Imd. Eff. Aug. 4, 2010;—Am. 2016, Act 222, Imd. Eff. June 23, 2016.

125.2797 Exclusions; limitation.

Sec. 17. (1) Within 60 days after the granting of an obsolete property rehabilitation exemption certificate under section 6 for a rehabilitated facility, the state treasurer may, for a period not to exceed 6 years, exclude up to 1/2 of the number of mills levied for school operating purposes under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, and under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, from the specific tax calculation on the facility under section 10(2)(b) if the state treasurer determines that reducing the number of mills used to calculate the specific tax under section 10(2)(b) is necessary to reduce unemployment, promote economic growth, and increase capital investment in qualified local governmental units.

(2) The state treasurer shall not grant more than 25 exclusions under this section each year.

History: 2000, Act 146, Imd. Eff. June 6, 2000.



Resolution

Establishing an Obsolete Property Rehabilitation Act District for the property at 136 West Washington Street

WHEREAS, pursuant to Public Act 146 of 2000, the City of Marquette has the authority to establish Obsolete Property Rehabilitation Act (OPRA) Districts within the City of Marquette; and

WHEREAS, on September 27, 2021, the City Commission scheduled a public hearing for October 12, 2021, to receive comments on the establishment of an OPRA District for the property located at 136 West Washington Street (0150710), legally described as *The 36 acre plat the E 37' of the W 38.5' of Lot 8, Block 12, and an undiv 1/2 int in the E 8.5' of Lot 7, an undiv 1/2 int in the W 1.5' of Lot 8, and an undiv 1/2 int in the W 8' of the E 58' of Lot 8, Block 12.*; and

WHEREAS, the Marquette City Commission sets forth a finding and determination that the district meets the requirements set forth in Section 3(1) of the Public Act 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement on October 1, 2021 The Mining Journal; and

WHEREAS, on October 12, 2021, a public hearing was held and all residents and taxpayers of the City were afforded an opportunity to be heard thereon and after due consideration, the City Commission deems it to be in the public interest of the City of Marquette to establish the 136 West Washington Street OPRA District as proposed;

NOW, THEREFORE, BE IT RESOLVED that the Marquette City Commission does hereby establish the above-described parcel of land, located at 136 West Washington Street, City of Marquette, Marquette County, and State of Michigan, as an Obsolete Property Rehabilitation District pursuant to the provisions of Public Act 146 of 2000, to be known as the 136 West Washington Street OPRA District.

This resolution will take immediate effect.

Duly adopted by the Marquette City Commission on October 12, 2021.

Jennifer A. Smith, Mayor

Certified to be a true copy on October 12, 2021.

Kyle Whitney, City Clerk

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Consent Agenda

Schedule a Public Hearing to Consider an Obsolete Property Rehabilitation Exemption Certificate

BACKGROUND:

This summer, representatives from Buffalo Dragon Investments, LLC approached City staff to discuss the possibility of requesting an Obsolete Property Rehabilitation Act (OPRA) exemption certificate for their recently purchased property at 136 West Washington Street.

The guidelines for establishing OPRA districts and processing OPRA exemption certificates are detailed in Michigan Public Act 146 of 2000. Under this Act, local government units may grant tax exemption certificates to properties within an established OPRA district - such exemptions may have terms of up to 12 years.

The principals of Buffalo Dragon Investments, LLC have indicated that they plan a \$2.6 million rehabilitation on the parcel, ultimately leading to the restoration of the property to an economically efficient condition and culminating in the opening of The Honorable Distillery. Including construction employment, the project is estimated to create 26 jobs.

The applicant has requested a three-year exemption under PA 146 of 2000. This three-year window will begin on Dec. 31, 2021. Granting of this exemption application would mean that local property taxes on the parcel would be effectively frozen at current levels during the next three years.

The applicant has also requested that the Michigan State Tax Commission consider reducing the school operating and state education tax levies by 50 percent during the term of the exemption.

Under the requirements in the Act, a certificate may only be granted for a property located within an OPRA district, and may only be acted upon following a public hearing.

This item would schedule the required public hearing, and should be considered tonight in conjunction with the recommendation to schedule a separate public hearing, during which the City Commission can consider the establishment of an OPRA district at 136 West Washington Street.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Schedule a public hearing for the October 12, 2021 City Commission meeting to consider an Obsolete Property Rehabilitation Act Exemption Certificate for 136 West Washington Street.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ OPRA Application
- ▣ Certificate Resolution Draft

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

Applicant (Company) Name (applicant must be the OWNER of the facility) Buffalo Dragon Investments, LLC								
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code) 12816 Saddle Way, Knoxville, TN 37922								
Location of obsolete facility (No. and street, City, State, ZIP Code) 136 W. Washington St., Marquette, MI, 49855								
City, Township, Village (indicate which) Marquette		County Marquette						
Date of Commencement of Rehabilitation (mm/dd/yyyy)	Planned date of Completion of Rehabilitation (mm/dd/yyyy)	School District where facility is located (include school code) Marquette (52170)						
Estimated Cost of Rehabilitation \$2,600,000.00	Number of years exemption requested 3	Attach Legal description of Obsolete Property on separate sheet						
Expected project likelihood (check all that apply): <table border="0"><tr><td>☒ Increase Commercial activity</td><td>☐ Retain employment</td><td>☒ Revitalize urban areas</td></tr><tr><td>☒ Create employment</td><td>☐ Prevent a loss of employment</td><td>☐ Increase number of residents in the community in which the facility is situated</td></tr></table> Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment <u>26</u>			☒ Increase Commercial activity	☐ Retain employment	☒ Revitalize urban areas	☒ Create employment	☐ Prevent a loss of employment	☐ Increase number of residents in the community in which the facility is situated
☒ Increase Commercial activity	☐ Retain employment	☒ Revitalize urban areas						
☒ Create employment	☐ Prevent a loss of employment	☐ Increase number of residents in the community in which the facility is situated						
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. ☒								

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) Anne M. White	Telephone Number (505) 412-0998	Fax Number
Mailing Address 12816 Saddle Way, Knoxville, TN 37922		Email Address annewhite@swcp.com
Signature of Company Officer (no authorized agents) 		Title Managing Director

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature	Date application received
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FOR STATE TAX COMMISSION USE

Application Number	Date Received	LUCI Code
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LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date: _____		
☐ Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
☐ Denied		
Date District Established	LUCI Code	School Code

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

A statement that the local unit is a Qualified Local Governmental Unit. A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000. A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit. A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years. A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing. A statement that the applicant is not delinquent in any taxes related to the facility. If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit. A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.	A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000. A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District. A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district. A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in. A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000. A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.
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PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

Taxable Value	State Equalized Value (SEV)
Building(s)	
Name of Governmental Unit	Date of Action on application Date of Statement of Obsolescence

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Clerk's Mailing Address	City	State	ZIP Code
	Telephone Number	Fax Number	Email Address

Mail completed application and attachments to: Michigan Department of Treasury
 State Tax Commission
 P.O. Box 30471
 Lansing, Michigan 48909-7971

If you have any questions, call 517- 335-7491.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.



Resolution

Approving the Application for an Obsolete Property Rehabilitation Exemption Certificate for 136 West Washington Street for three (3) years

WHEREAS, pursuant to P.A. 146 of 2000, the City of Marquette is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation (OPRA) Districts; and

WHEREAS, the City of Marquette legally established the 136 West Washington Street OPRA District following a public hearing held on October 12, 2021; and

WHEREAS, an OPRA Exemption Certificate application submitted by Buffalo Dragon Investments, LLC for the obsolete property (as defined in Section 2(h) of P.A. 146 of 2000) located at 136 West Washington Street was approved at a public hearing held on October 12, 2021, as required by Section 4(2) of P.A. 146 of 2000; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and Under P.A. 198 of 1974 (IFTs) does not exceed five percent (5%) of the total taxable value of the City of Marquette; and

WHEREAS, Buffalo Dragon Investments, LLC is not delinquent in any taxes related to the facility; and

WHEREAS, the application was approved for a three (3) year certificate which will be for a time period not exceeding twelve (12) years and will not be eligible for an extension; and

WHEREAS, Buffalo Dragon Investments, LLC has provided answers to all required questions under the application instructions to the City of Marquette; and

WHEREAS, the City of Marquette requires that rehabilitation of the facility shall be completed by December 31, 2022; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before October 12, 2021; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and is situated within an OPRA District established in the City of Marquette; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to increase commercial activity and create employment in the City of Marquette; and

WHEREAS, the rehabilitation includes improvements aggregating ten (10) percent or more of the true cash value of the property at commencement of the rehabilitation as provided by Section 2(l) of P.A. 146 of 2000;

NOW, THEREFORE, BE IT RESOLVED that the Marquette City Commission does hereby grant an OPRA Exemption for the real property, excluding land, located in the 136 West Washington Street OPRA District

at 136 West Washington Street for a period of three (3) years, beginning December 31, 2021, and ending December 30, 2024, pursuant to the provisions of P.A. 146 of 2000, as amended.

This resolution will take immediate effect.

Duly adopted by the Marquette City Commission on October 12, 2021.

Jennifer A. Smith, Mayor

Certified to be a true copy on October 12, 2021.

Kyle Whitney, City Clerk

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Consent Agenda **Water Treatment Chemicals**

BACKGROUND:

The Marquette Area Wastewater Treatment Facility and Water Filtration Plant annually solicit bids for water treatment chemicals. Seven suppliers responded this year. The attached bid tabulation includes delivered prices for chemicals meeting specifications.

Pencco - San Felipe, TX

Hydrofluosillicic Acid 23.0% to 26.0% - \$0.254 / lb.

USALCO - Baltimore, MD

Sodium Aluminate, Technical Grade 38% - \$538.60 / wet ton

Alexander Chemical Corp. - Peru, IL

Sodium Hydroxide, 50%, Bulk Delivery - \$3.05 / gallon

Hawkins - Superior, WI

Sodium Hypochlorite 12% minimum, Bulk Delivery - \$1.78 / gallon

PVS Technologies - Detroit, MI

Sodium Bisulfite, 38% minimum, Bulk Delivery - \$0.20 / lb.

FISCAL EFFECT:

Funds are included in the FY 2022 Water and Wastewater Budgets for these chemicals.

RECOMMENDATION:

Award the chemical bids for FY 2022 to the successful bidders meeting specifications.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ Bid Tabulation

BID TABULATION
BP 21-07 "Water and Wastewater Treatment Chemicals"
2:00 p.m., September 14, 2021

	I. Hydrofluosilicic Acid	II. Sodium Bisulfite	III. Water Softener Salt	IV. Sodium Hydroxide 50%	V. Sodium Aluminate	VI. Sodium Hypochlorite
COMPANY NAME	Bulk / lb.	Bulk / lb.	Per lb.	Bulk / gal.	Wet ton	Bulk / gal.
<i>Univar USA Inc. Cincinnati, OH</i>	.275					
<i>Rowell Chemical Hinsdale, IL</i>				3.27		2.99
<i>USALCO Baltimore, MD</i>					538.60	
<i>Pencoco San Felipe, TX</i>	.254					
<i>Hawkins Superior, WI</i>	.454	.51		3.66		1.78
<i>PVS Technologies Inc Detroit, MI</i>		.20				
<i>Alexander Chemical Corp. Peru, IL</i>				3.05		

Chemical Cost Tracking								
Chemical	Application*	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Sodium Hypochlorite, \$/gal	WW	\$0.94	\$0.99	\$1.10	\$1.20	\$1.200	\$1.05	\$1.78
Sodium Aluminate, \$/wet ton	WW	\$450.00	\$437.08	\$451.80	\$477.00	\$477.000	\$478.00	\$538.60
Sodium Bisulfite, \$/lb	WW	\$0.11	\$0.11	\$0.12	\$0.129	\$0.135	\$0.128	\$0.20
Sodium Hydroxide, \$/gal	W	\$1.79	\$1.90	\$2.39	\$2.54	\$2.350	\$2.04	\$3.05
Solar Salt, \$/lb	W	No Bid	0.14	\$0.18	\$0.171	\$0.171	\$0.132	
Fluoride, \$/lb	W	\$0.14	\$0.22	\$0.20	\$0.1947	\$0.210	\$0.21	\$0.254
	*WW - Wastewater Treatment							
	W - Water Treatment							

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

Unfinished Business

Budget Adjustment - Fiscal Year End 2021

BACKGROUND:

In order to stay in compliance with State and Local laws and regulations, the City should complete each fiscal year with a budget in which actual expenditure amounts do not exceed budgeted amounts. The attached schedules show the activities for which the City budgeted for in Fiscal Year 2021.

FISCAL EFFECT:

Approval of the adjustments will help ensure the City stays in compliance with budgetary rules and regulations.

RECOMMENDATION:

Approve the budget adjustments for Fiscal Year 2021, and authorize the Chief Financial Officer to make the necessary adjustments to balance the budget.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ FY'21 Budget Adjusts to Projected Amounts

BUDGET REPORT FOR CITY OF MARQUETTE

GL NUMBER	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	2020-21 PROJECTED ACTIVITY	FY'21 Proposed Budget Amendment
Fund 227 - SANITATION				
TOTAL ESTIMATED REVENUES	2,055,100	2,055,100	2,232,440	177,340
TOTAL APPROPRIATIONS	2,055,100	2,055,100	2,232,440	177,340
Fund 250 - LOCAL DEVELOPMENT FINANCE AUTHORITY FUND				
TOTAL ESTIMATED REVENUES	1,001,780	1,001,780	1,050,780	49,000
TOTAL APPROPRIATIONS	1,001,780	1,001,780	1,050,780	49,000
Fund 263 - CABLE TV FRANCHISE (PEG) FUND				
TOTAL ESTIMATED REVENUES	21,100	21,100	21,110	10
TOTAL APPROPRIATIONS	21,100	21,100	21,110	10
Fund 508 - TOURIST PARK				
TOTAL ESTIMATED REVENUES	412,040	412,040	413,500	1,460
TOTAL APPROPRIATIONS	412,040	412,040	413,500	1,460
Fund 510 - LIGHTHOUSE PARK FUND				
TOTAL ESTIMATED REVENUES	50,120	50,120	115,630	65,510
TOTAL APPROPRIATIONS	50,120	50,120	115,630	65,510
Fund 590 - MQT AREA WASTEWATER TREATMENT				
TOTAL ESTIMATED REVENUES	3,794,130	3,794,130	3,945,610	151,480
TOTAL APPROPRIATIONS	3,794,130	3,794,130	3,945,610	151,480
Fund 591 - WATER FUND				
TOTAL ESTIMATED REVENUES	5,344,080	5,344,080	5,423,430	79,350
TOTAL APPROPRIATIONS	5,344,080	5,344,080	5,423,430	79,350
Fund 594 - MARINA FUND-PRESQUE ISLE				
TOTAL ESTIMATED REVENUES	199,300	199,300	272,590	73,290
TOTAL APPROPRIATIONS	199,300	199,300	272,590	73,290
Fund 666 - ENERGY ENHANCEMENTS				
TOTAL ESTIMATED REVENUES	1,173,830	1,173,830	2,356,980	1,183,150
TOTAL APPROPRIATIONS	1,173,830	1,173,830	2,356,980	1,183,150

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

New Business

Letter of Support – Recycling Partnership Residential Curbside Recycling Cart Grant

BACKGROUND:

The City of Marquette has been committed to the advancement of recycling in our community. Over 30 years ago recycling was introduced to the community using the small green bins. The City has an opportunity to enhance our curbside collection of recyclables through the implementation of recycling carts at either no cost or negligible cost to the City residents through two complimentary grants. If awarded the Michigan Department of Environment, Great Lakes and Energy (EGLE) – Recycling Infrastructure grant and the Recycling Partnership – Residential Curbside Recycling Cart grant the City will be able accomplish that goal.

The timing is right for making this move now that the Marquette County Solid Waste Management Authority (MCSWMA) has made the switch to single stream recycling and their new materials recovery facility is online. The MCSWMA has the capacity and will be more efficient with added participation. We believe that placing the recycling carts in all single family homes along with a robust effort to educate our residents will help increase the quality and quantity of recycling. We also believe the carts will help eliminate the blowing litter associated with the open top bin currently used.

FISCAL EFFECT:

This grant from the Recycling Partnership is complementary to the EGLE – Recycling Infrastructure grant. The grants are expected to cover the full amount to purchase, implement and educate residents as part of the program. The contracts for the grants will come back to the City Commission for approval at a later date. Any amount not covered will be disclosed at that time.

RECOMMENDATION:

Authorize the Mayor to sign a letter of support for the Recycling Partnership Grant.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Letter of Support



September 27, 2021

Dear Recycling Partnership,

The City of Marquette is committed to the advancement of recycling in our community by enhancing our curbside collection of recyclables through the implementation of recycling carts at either no cost or negligible cost to the City residents. If awarded the Michigan Department of Environment, Great Lakes and Energy – Recycling Infrastructure grant and the Recycling Partnership – Residential Curbside Recycling Cart grant the City will accomplish that goal.

The timing is right for making this move now that the Marquette County Solid Waste Management Authority (MCSWMA) has made the switch to single stream recycling and having their new materials recovery facility online. The MCSWMA has the capacity and will be more efficient with added participation. We believe that placing the recycling carts in all single family homes along with a robust effort to educate our residents will help increase the quality and quantity of recycling. We also believe the carts will help eliminate the blowing litter associated with the open top bin currently used.

Thank you for this opportunity.

Sincerely,

Jennifer A. Smith
Mayor of the City of Marquette

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

New Business **City Manager Evaluation**

BACKGROUND:

The City Charter requires an annual performance evaluation of the City Manager. At the Aug. 30th regular meeting, the City Commission directed the Mayor to appoint three Commissioners to an evaluation subcommittee. The subcommittee consisted of Mayor Smith, Commissioner Hanley and Commissioner Stonehouse. All Commissioners provided feedback regarding the Manager's performance so far in her limited tenure in the position as well as goals for her first year as required by her employment contract.

Recently, the subcommittee met to review the submitted feedback on the City Manager's performance, as well as her compensation and first year goals.

The overall evaluation was very positive. The Manager is successfully meeting all City Charter requirements for her position and the City Commissioners rated her highly in many performance categories that have been observed in the three months she's been with the City of Marquette. The subcommittee recommends no salary increase at this time because of budgetary constraints imposed on the City by the current economy.

FISCAL EFFECT:

The City Manager's salary of \$125,000 per year is included in the FY '22 budget.

RECOMMENDATION:

Approve the City Manager's annual performance evaluation and direct the evaluation subcommittee to meet with the City Manager to review Commission feedback, as well as goals for the coming year.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

New Business **City Attorney Evaluation**

BACKGROUND:

The City Charter requires an annual performance evaluation of the City Attorney. At the Aug. 30th regular meeting, the City Commission directed the Mayor to appoint three Commissioners to an evaluation subcommittee. The subcommittee consisted of Mayor Smith, Commissioner Hanley and Commissioner Stonehouse. All Commissioners provided feedback regarding the City Attorney's performance so far in her limited tenure in the position as well as goals for the upcoming year, similar to the City Manager.

Recently, the subcommittee met to review the submitted feedback on the City Attorney's performance, as well as her first year goals.

The overall evaluation was very positive. The City Attorney is successfully meeting all City Charter requirements for her position. No increase in compensation was considered because the Attorney is paid on a retainer basis and the amount of her compensation for legal services is approved as part of the annual budget process.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Approve the City Attorney's annual performance evaluation, and direct the evaluation subcommittee to meet with the City Attorney to review Commission feedback, as well as goals for the coming year.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

New Business

Lakeshore Boulevard Coastal Restoration Professional Services Contract

BACKGROUND:

The City of Marquette received grant funding from the Michigan Department of Environment, Great Lakes and Energy (EGLE) through the Michigan Coastal Management Program for the design and construction of the southern portion of the Lakeshore Boulevard restoration project. This portion of the project is being broken out of the larger Lakeshore project since the grant requires the work be completed by March 31, 2022. This work is mainly comprised of habitat restoration. RES is currently part of a design team working for the City of Marquette in partnership with Superior Watershed Partnership on habitat restoration on the rest of the Lakeshore Boulevard project to the north of the area. They are familiar with the project area and best suited to complete the required design work.

FISCAL EFFECT:

Sufficient funds for this project as recommended are available through the EGLE Michigan Coastal Management Program grant.

RECOMMENDATION:

Approve the selection of RES, of West Dundee, Illinois for professional services related to the Michigan Coastal Management Program project area at Lakeshore Boulevard in the amount of \$9,600, and authorize the Mayor and Clerk to sign the contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ RES Proposal
- ▣ Professional Services Contract
- ▣ Insurance



120 W Main Street
West Dundee, IL 60118

Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, TX 77401
Main: 713.520.5400

September 22, 2021

Mik Kilpela
City Engineer
City of Marquette
1100 Wright St.
Marquette, MI 49855

Dear Mik:

Thank you for the opportunity to provide this proposal for ecological and design consulting services for the MCMP area of the Marquette Shoreline Restoration project. For your review, below is our understanding of your request for services.

We are confident you will find that RES provides exceptional expertise, service, and value. We look forward to beginning work with you on this project. Please call with any questions regarding this proposal and supporting documents.

Thank you,

Mark O'Leary, Principal Ecologist, Client Solutions Manager
moleary@res.us | 608.897.8641



Project Understanding

Work includes preparing Construction Documents for the MCMP area of the Marquette Shoreline Restoration project outlined in Figure 1, below.

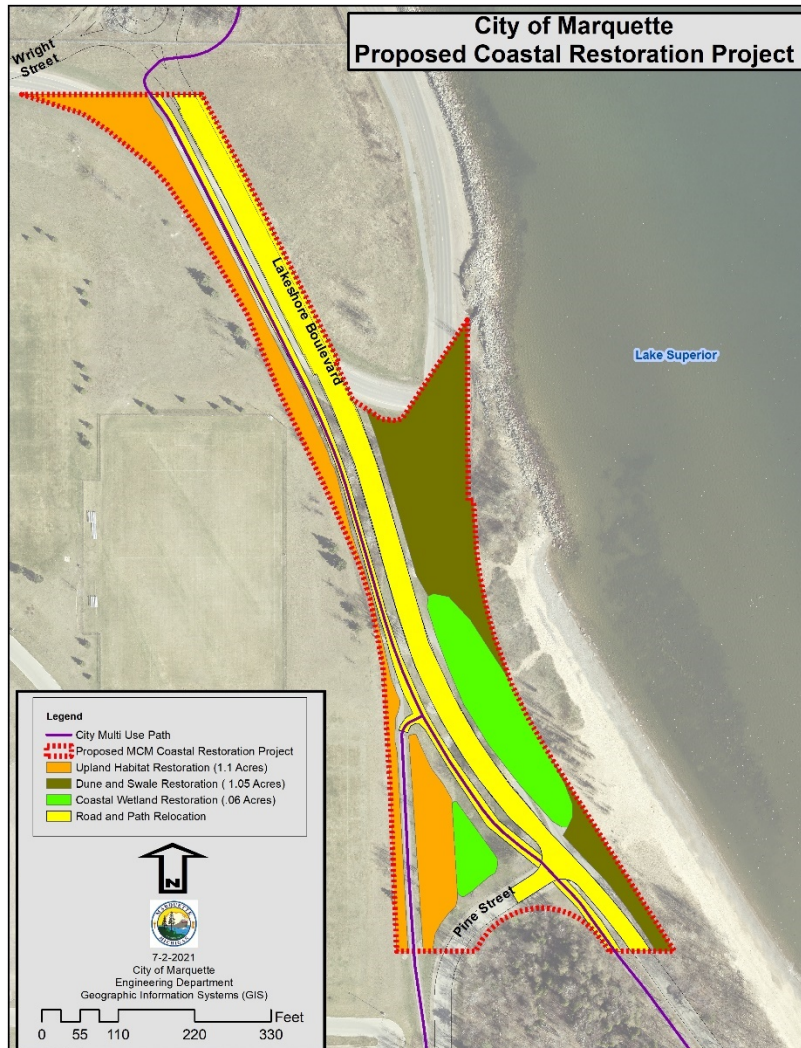


Figure 1 Project area

In addition, we understand:

- Construction documents will be based on the diagram in Figure 1 and current final design plans for the Marquette Shoreline Restoration project dated 7/21/2021.
- Base information of roadway, trail and utility layout is based on design files provided by the City of Marquette and observation of aerial imagery by RES.
- Existing topography of the site based on the lidar data provided by GEI completed December 2020.
- Dune restoration specifications to be provided by Baird.
- SWP will handle hiring a contractor to complete the work.
- The total construction budget is \$140,000.

Description of Work

Task 1 – Revise Marquette Shoreline Final Design Documents

- RES will remove all site improvements within the MCMP boundary from the current final design documents including layout, grading, soils, landscape, and erosion control elements.



- RES will update quantities and the opinion of probable construction cost (OPCC) to reflect plan changes.

Task 2 – Construction Documents

- RES will prepare construction documents for the MCMP area. Anticipated sheets include:
 - Existing Conditions Plan
 - Layout and Grading Plan
 - Landscape Plan
 - Erosion Control Plan
 - Site and Landscape Details
- RES will prepare specifications and special provisions for project elements.
- RES will prepare an OPCC and modify the plan if needed to meet the project budget.

Schedule

The Project Team is prepared to execute and complete services outlined in this proposal as determined with the Client.

Additional Services

Scope and fees described here are based on the shoreline, pedestrian paths and grading and landscape design direction remaining unchanged from the Preliminary Design documents. If significant features are added or removed from the project due to direction from SWP, the City, comments during the permitting process or budgetary reasons, RES will send a proposal for additional services.

Billing Information

The Client shall compensate RES for the services described above for a lump sum fee broken down as follows:

Task 1 – Revise Marquette Shoreline Final Design Documents:	\$2,800
Task 2 – Construction Documents:	\$6,800
Total:	\$9,600

Reimbursable expenses are included in the fee.

In the event the parties enter into a contract, the terms of that contract will preside.

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT, made this 22nd of September, 2021 between the City of Marquette, hereinafter called the "City" and RES Great Lakes, LLC d/b/a Applied Ecological Services, a ~~Michigan~~ limited liability company, hereinafter called "Consultant".
Wisconsin

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

Article 1

Project Name

The name of the Project shall be Marquette Shoreline Restoration MCMP Area.

Article 2

Scope of the Work

Consultant shall furnish all the material, services, supplies, tools, equipment, labor and other engineering services necessary to perform work as described in the Consultant's proposal to the City of Marquette dated 9/22/2021 (attached as Exhibit A).

Article 3

Time of Completion

The completion date of this project is November 2021.

Article 4

Terms and Conditions

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

ACCESS TO SITE:

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

on behalf of City. Consultant shall take reasonable measures and precautions to minimize damage to each site and any improvements located thereon as the result of its work and the use of its equipment and shall reasonably restore the site to its prior condition.

FEE:

Services and reimbursable costs will be billed on a monthly basis as per the proposal requirements, but the total amount to be paid by City for such services and costs shall not exceed \$9,600 _____.

BILLINGS/PAYMENTS:

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

INDEMNITY:

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

FORCE MAJEURE:

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

INSURANCE:

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

A. General Clauses

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

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

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

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

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

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

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

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

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

B. Workers' Compensation

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

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

C. Automobile Liability

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

D. Commercial General Liability

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

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

E. Professional Liability

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

F. Property Coverage - Valuable Papers

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

INDEPENDENT CONSULTANT:

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

SEVERABILITY/SECTION HEADINGS/SURVIVAL/WAIVER:

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

OWNERSHIP OF DOCUMENTS:

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

APPLICABLE LAWS:

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

PURCHASING AGENT DESIGNATION AND AUTHORITY:

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

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

Signed this _____ day of _____, 2021.

OWNER

CITY OF MARQUETTE, OWNER

Witness

Jennifer A. Smith, Mayor

Witness

Kyle L. Whitney, Clerk

CONSULTANT



Stacey Libra, RES

Witness

 _____

By: Lucas Lilly

Its: General Manager, Midwest

Address: 33 N. Dearborn St. Suite 300, Chicago, IL 60602

Telephone #: 217-979-2415

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)
03/05/2021

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 Aon Risk Insurance Services West, Inc. Denver CO Office 1900 16th Street, Suite 1000 Denver CO 80202 USA	CONTACT NAME: PHONE (A/C. No. Ext): (303) 758-7688 FAX (A/C. No.): (303) 758-9458 E-MAIL ADDRESS:														
INSURED RES Great Lakes, LLC 17921 W Smith Road Brodhead WI 53520-9355 USA	<table><tr><td>INSURER(S) AFFORDING COVERAGE</td><td>NAIC #</td></tr><tr><td>INSURER A: Scottsdale Ins Company</td><td>41297</td></tr><tr><td>INSURER B: Zurich American Ins Co</td><td>16535</td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Scottsdale Ins Company	41297	INSURER B: Zurich American Ins Co	16535	INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES **CERTIFICATE NUMBER:** 570086291211 **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.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS												
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:			VR50004958	12/31/2020	10/01/2021	<table><tr><td>EACH OCCURRENCE</td><td>\$1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$350,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$10,000</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$2,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$2,000,000</td></tr></table>	EACH OCCURRENCE	\$1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$350,000	MED EXP (Any one person)	\$10,000	PERSONAL & ADV INJURY	\$1,000,000	GENERAL AGGREGATE	\$2,000,000	PRODUCTS - COMP/OP AGG	\$2,000,000
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PRODUCTS - COMP/OP AGG	\$2,000,000																		
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			BAP 8633906-00	02/01/2021	10/01/2021	<table><tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$1,000,000</td></tr><tr><td>BODILY INJURY (Per person)</td><td></td></tr><tr><td>BODILY INJURY (Per accident)</td><td></td></tr><tr><td>PROPERTY DAMAGE (Per accident)</td><td></td></tr></table>	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000	BODILY INJURY (Per person)		BODILY INJURY (Per accident)		PROPERTY DAMAGE (Per accident)					
COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000																		
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A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION			VES0003252	12/31/2020	10/01/2021	<table><tr><td>EACH OCCURRENCE</td><td>\$5,000,000</td></tr><tr><td>AGGREGATE</td><td>\$5,000,000</td></tr></table>	EACH OCCURRENCE	\$5,000,000	AGGREGATE	\$5,000,000								
EACH OCCURRENCE	\$5,000,000																		
AGGREGATE	\$5,000,000																		
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below ☐ Y ☒ N N/A			WC863390700	02/01/2021	10/01/2021	<table><tr><td>☒ PER STATUTE ☐ OTH</td><td></td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$1,000,000</td></tr><tr><td>E.L. DISEASE-EA EMPLOYEE</td><td>\$1,000,000</td></tr><tr><td>E.L. DISEASE-POLICY LIMIT</td><td>\$1,000,000</td></tr></table>	☒ PER STATUTE ☐ OTH		E.L. EACH ACCIDENT	\$1,000,000	E.L. DISEASE-EA EMPLOYEE	\$1,000,000	E.L. DISEASE-POLICY LIMIT	\$1,000,000				
☒ PER STATUTE ☐ OTH																			
E.L. EACH ACCIDENT	\$1,000,000																		
E.L. DISEASE-EA EMPLOYEE	\$1,000,000																		
E.L. DISEASE-POLICY LIMIT	\$1,000,000																		
A	Env Contr Poll			VR50004958 Prof/Poll - Claims Made	12/31/2020	10/01/2021	<table><tr><td>Aggregate Limit</td><td>\$2,000,000</td></tr><tr><td>Ea Claim / Cvg</td><td>\$1,000,000</td></tr><tr><td>Deductible</td><td>\$25,000</td></tr></table>	Aggregate Limit	\$2,000,000	Ea Claim / Cvg	\$1,000,000	Deductible	\$25,000						
Aggregate Limit	\$2,000,000																		
Ea Claim / Cvg	\$1,000,000																		
Deductible	\$25,000																		

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

Evidence of Insurance.

CERTIFICATE HOLDER

CANCELLATION

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570086291211

Certificate No :



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 9/27/2021

New Business

Request to Waive the Minimum Size for Planned Unit Development

BACKGROUND:

The Marquette County Land Bank Authority and Innovalab Development Group submitted an application for Concept approval of a proposed Planned Unit Development (PUD) consisting of two duplex townhouse buildings at 1025 Osprey Court, and also requested that a waiver to establish the PUD on a parcel that is less than two acres in size. This site was originally approved as a portion of the Hawk's Ridge PUD, with a building on the site with up to 12 dwelling units being approved, but that phase of the project was not developed and the PUD approval expired more than a decade ago.

On September 7, 2021, the Planning Commission held a Public Hearing to consider the PUD qualification application and a waiver request for the minimum size for a PUD. The Planning Commission found the proposal met enough criteria for eligibility to establish a PUD, and recommended that the waiver be approved:

It was moved by S. Mittlefehldt, seconded by M. Dunn, and carried 4-1 that after conducting a public hearing, and reviewing of the applicant's concept submittal and request for consideration of project qualifications documents and the STAFF FILE REPORT/ANALYSIS for 01-PUD-09-21, the Planning Commission recommends that the City Commission waives the PUD size requirements.

FISCAL EFFECT:

None.

RECOMMENDATION:

Concur with the Planning Commission and waive the two-acre minimum size requirement for the 1025 Osprey Court Planned Unit Development proposal.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ PC Minutes

▢ 01-PUD-09-21 Concept and Waiver Combined

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
September 07, 2021**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, September 7th, 2021, in the Commission Chambers at City Hall.

ROLL CALL

Present: W. Premeau, M. Dunn, S. Mittlefehldt, A. Andres, Vice-Chair M. Larson

Absent: E. Brooks, Chair J. Cardillo (excused).

AGENDA

It was moved by A. Andres, seconded by M. Dunn, and carried 5-0 to approve the agenda.

MINUTES

The minutes of July 20th were approved by consensus.

CONFLICT OF INTEREST

No certain or potential conflicts were stated.

PUBLIC HEARINGS

A. 01-PUD-09-21 – 1025 Osprey Court (PIN: 0514370)

Zoning Official A. Landers stated that the Marquette County Land Bank Authority and Innovalab Development Group are seeking concept approval of a proposed Planned Unit Development (PUD) consisting of two duplex townhouse buildings on the site. She also stated that the public hearing is to determine if criteria for PUD qualifications in Section 54.323 of the Marquette City Land Development Code are met, and to review a request to waive the requirement for the PUD parcel to be at least two acres in size. She also stated that agenda package contained the staff report, which included the amendment to the PUD application. She stated that the package also contained the letter from Innovalab and a letter from the Marquette County Land Bank Authority, submittal site and proposed concept plan. A. Landers clarified that two duplex townhomes were shown in the plan and also pointed out the elevation drawing and any staff comments and responses to staff comments were also in the package. A. Landers pointed out the area map with the parcel outlined in blue. She stated that while viewing the map, she would provide background information on the proposal. She stated that the whole area was originally planned as one development and was subsequently broken down into phases. She stated that in 2005, an amendment was requested to the final development plan, and they were proposing to have three-unit buildings. They were in the end approved for two 12-unit buildings, demonstrating before the attendees on the map the exact location. A. Landers explained that only one 12-unit building was actually completed. She stated that the previous year the Land Bank Authority split the remaining parcel out and that now this is the parcel that the developers are proposing to do a smaller development of the two duplex townhomes, instead of a one 12-unit building. She pointed to the existing zoning map. She stated that one piece of correspondence that was submitted prior the agenda being proposed, and that there were three additional pieces of correspondence which were received on the same day of this hearing. She read each of the three items of correspondence, each one opposed to the proposal, and they were received from the property owners of 1015 Osprey Court #9; 1071 Merlin Lane; and 15 Fairway Drive and 16 Fairway Drive.

M. Larson asked if there were any questions from staff.

M. Dunn inquired if the zoning requirements still apply. He reiterated that the current zoning is still PUD, even though there's no PUD agreement. Mr. Dunn rephrased his question, asking again if the current zoning requirements still apply and if everything that applied to a PUD would still apply to this property.

A. Landers stated that the previous PUD request for the portion of land in question had expired. She further explained that the City of Marquette still needed to take action in order to remove it from the PUD classification. She stated that the City did not take that action because the Marquette County Land Bank Authority stated that they were applying for PUD. A. Landers stated that even if it were being proposed to

construct the original proposal, nevertheless the current PUD classification is still expired. She stated that if the developers wanted to go through PUD, they would need to go through the process which they were going through now.

M. Dunn acknowledged A. Landers response and followed up with an additional question in which he asked what would happen if the parcel was not approved for a PUD zoning classification, what would happen to the underlying zoning in that area.

A. Landers explained that the City of Marquette would need to take action in that case to have it match the Master Plan use.

M. Dunn inquired if the Master Plan also stated that this area was zoned PUD.

A. Landers stated that no, under the Master Plan it would be zoned according to future use, such as multi-family.

M. Dunn acknowledged the answer and then asked if four units under multi-family fit on this parcel.

A. Landers explained there were multiple restrictions under multi-family and that she would not be able to answer the question because she did not have the information.

City Planner and Zoning Administrator stated that the County had been trying for some time to get this property back onto the tax rolls and found a modular developer who can do it at a reasonable price.

S. Mittlefehldt stated she had a similar question, after reading the staff report. She stated that is sounded like the whole area was a PUD and was part of the development that was mentioned. She asked if there had previously been a situation like this one. She noted that she thought there might have been an agreement between the Land Bank and the developer which would leave the impression that this small parcel would also be classified as PUD along with the rest of the larger development.

A. Landers stated that the normal process is that a party would have to ask for a waiver if the property was 2-acres or less. She stated that the code allows for the waiver, but it was necessary to first go to the Planning Commission and the City Commission, that's where a recommendation would be made and then the city would make the ultimate decision on it.

S. Mittlefehldt inquired if A. Landers could tell the attendees of any precedent where such a waiver had been granted.

A. Landers stated that the size requirement was a new item in the code and previously there was not a size requirement.

M. Larson clarified that the new code had been in effect since 2019 when the new standard was brought into PUDs in an attempt to create PUDs which are larger in size, to bring the PUDs classification more in line with its original purpose of preventing the necessity of going through many variances to make it work.

A. Landers clarified that there were indeed several PUDs in the City that were less than two acres.

M. Larson emphasized that there were several PUDs in the city which were less than two acres and that the property under discussion was a perfect example of why the exception rule exists. He reiterated that the original property was a PUD and would have been a much higher density development if it had been successful.

M. Dunn inquired if there was a way that the PUD agreement could be brought to match the surrounding PUD agreements. He expressed that he'd seen neighborhoods that were considered all one neighborhood but due to different HOA's assigned during the different phases of development, there final result was very conflicting.

A. Landers explained there were legal issues and that was the reason that the 12-unit building got separated from the rest of the development. It was all under one master deed but then it got separated out and then parceled out.

M. Dunn asked if this PUD gets approved that the parcel would be its own separate thing.

A. Landers explained that if approved, it would have its own master deed. M. Dunn acknowledged the response.

M. Larson inquired if the condos in question would be free market and not government subsidized.

A. Landers clarified that the condos would be available for sale and would not be rentals, unless the owners of a particular condo wished to lease out their property.

M. Larson asked about the surrounding properties being the same status, and A. Landers stated that they were condos also, not apartments. He then asked if there were any other questions for staff. M. Larson then asked if anybody was present to speak on behalf of the applicants, and no one came forward to speak for the applicants and no applicants were present.

M. Larson opened the public hearing and asked if anyone wanted to speak.

Ms. Linda Hansen, of 1015 Osprey Ct. inquired if the hearing was being recorded and it was acknowledged by the Chairman that the hearing was indeed being recorded. Ms. Hansen stated that she would have two comments. The first comment was regarding the Land Development Code Section 54.323, Subsection F, Subitem 3. She stated that this subsection of the code forbade a development to add service or facility loads beyond those in the master plan. She stated that it was her belief that this section referred to the utilities which would be going to the site. She requested that the commission consider whether the proposed development would put an undue burden on public utilities. Ms. Hansen then mentioned Subsection H, Subitem 3. She stated that if the development was approved that she would request at the appropriate part in the construction process that the commission would require some sort of performance guarantee for the construction of the building according to Subsection H, Subitem 3 of the Land Development Code. She stated that the reason that prompts her to make such a request is because of the layout of the parcel, which has very sandy earth and a steep slope on either side of the property. She expressed concern that it would be very easy for construction contractors to have an earth work mishap or destabilize one of the slopes, or otherwise have adverse events which could be expensive and unforeseen. She also mentioned the fact that the road passing the proposed construction was the only ingress and egress from her condominium unit. She felt concerned that if there were any issues with the development running into problems and not being completed, the residents of the condominium complex might be stuck with impaired access, and particularly concerning was access to emergency services and similar public services. She reiterated her request for the Commission to review the situation regarding the utilities and to also consider a financial instrument or some kind of performance guarantee. .

Ms. Pat Finkbeiner of 1061 Merlin Ln., and the President of the Hawks Ridge Homeowners Association, stated that she believed that A. Landers did not receive the letter from the Hawks Ridge HOA in the past week. She asked for permission to read a copy of this letter before the Commission members. A. Landers stated that the Commission members had not received a copy of this letter and offered her apologies. Ms. Finkbeiner related the contents of the letter, which expressed concerns regarding the affect the proposed development would have on the surrounding property values, negative effect on the private roads which lead to and from the properties on Osprey Ct. and Merlin Ln., also stating that if the proposed project went forward, it would add cost to the HOA's budget. Ms. Finkbeiner also stated that the HOA members expressed concerns over the additional burden placed on the public utility infrastructure, affecting the already existing developments nearby. She asked that these concerns be considered by the Commission before they approve the proposed waiver.

Mr. Brad Arnsparger, of 1051 Merlin Ln. and member of Hawks Ridge Owners Association emphasized the concerns over the affect on surrounding property values and the devaluation of this location to prospective buyers. He related that two of the properties in Hawks Ridge were about to be sold, one having a value of

\$385,000 another one at almost \$400,000. He said that building \$200,000 to \$220,000 townhouse units nearby which definitely do not match the aesthetics of either Hawks Ridge on Merlin Ln., or the Lofts on Osprey Ct. is very concerning to everyone concerned financially. Mr. Arnsparger also expressed concerns over the common road and that the two roads of Merlin Ln. and Osprey Ct. were well maintained by both the respective condominium associations. He expressed worries over the unknown factors that putting a private property in this place between the two developments would have if the new property was not able to contribute to the maintenance of the roads in case of unforeseen events like road failure, et cetera. He mentioned easements and stated that he did not know of any existing easements. Mr. Arnsparger thanked all of the members of the community, public and private, for their cooperation and stated that he would like to propose a solution to the problem. He stated that the parcel of land could handle another development matching the Hawks Ridge development without creating any problems. He asked that the Commission members please consider such an option and presented architectural drawings, originals used during the Hawks Ridge development which would be provided free of charge to the concerned parties if they should choose to build an identical development on this parcel of land. He emphasized that this solution would save the City of Marquette money, even after the appropriate updates were made. He suggested that aesthetically it would match and blend with the surrounding area. Mr. Arnsparger stated that his proposed solution would generate revenue for the city and that for \$400,000 of investment on building cost, the city would reap about \$1.2 million. He entered into the record his personal phone number 906-869-7439. He asked for any questions that anyone present might have, and he said he would answer on behalf of the Hawks Ridge Owners Association. M. Larson thanked Mr. Arnsparger.

Mr. Bob Gartner, of 1015 Osprey Ct. expressed his belief that since this proposed development was a smaller unit and adjacent to a ravine, that the critical issue is drainage. He said that an incorrect design could destabilize the entire parcel and the entire piece of land could possibly shift and slide down towards the ravine. He emphasized that this issue should be investigated thoroughly to ensure that it is stable enough for any type of development and noted the possibility of erosion and other unforeseen problems. He stated he would like to see the preliminary drawings when available but stated that this scenario should be considered before any decision was made.

M. Larson closed the public hearing and asked if any members wished to suspend the rules for discussion or to make a motion.

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

S. Mittlefehldt stated that both the staff members and members of the public had expressed concerns regarding the utilities. She stated there were some questions and because the applicant was not present to give more details regarding what the utility issues were, she inquired of A. Landers whether she was familiar with any information provided by Mr. Cambensy [the consulting engineer].

M. Dunn stated that we could go over the utility issues, but that a plan had not been provided yet and that the Commission members were only discussing the project at the concept level.

S. Mittlefehldt affirmed she thought this would be a fundamental issue, but M. Dunn reiterated that this is not the decision that was currently on the table to be made in this hearing.

D. Stensaas explained that once site plans were provided and input was received from the engineering and public works department, that such concerns that were expressed in this session could be further clarified.

S. Mittlefehldt asked for confirmation that the engineering and public works department would be solving the easement and private road concerns in the future.

A. Landers confirmed that the information would be provided during the preliminary site inspection as well as the rest of the concerns which had been raised previously during the hearing and would be answered if this proposal goes past the concept stage.

M. Larson thanked the staff and the public for their comments and emphasized they take everyone's

concerns seriously. He stated that he was unsure at this early stage in the process if there was any action that could be taken directly regarding the final design. D. Stensaas explained that what an owner builds on their own property was not ultimately the decision of others. He sympathized with the contributors that though he agreed it is desirable to make the design harmonious with the surrounding neighborhood, that options were limited if the issue at hand was not specifically delineated in the zoning code. He pointed out that he did hear a couple of things that were of interest to him, and that he thought that these issues would be something for the City Commission or perhaps the Planning Commission. D. Stensaas said that he was wondering if any bond was put up regarding possible damage to the road during the construction. He asked if this would be something that would be looked at further down the road.

M. Larson went over the guidelines for obtaining a PUD zoning classification. He said the first requirement was 'to permanently preserve an open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.' He stated that that is not being presented and that he would agree that this was not an applicable objective which was being met.

W. Premeau asked for clarification of why that the proposed development did not meet the criteria.

M. Larson requested confirmation that W. Premeau believed that by having 50 percent of the parcel remaining open that the criteria would be met. W. Premeau confirmed that this was indeed his opinion.

M. Dunn stated that he also was also of the same opinion on the open space and it appeared there was 80 percent of the open space remaining. He emphasized that once the development was placed, nothing else would ever be constructed on the back hillside in the future.

S. Mittlefehldt requested a point of clarification from staff. She asked regarding a communication from the applicant that the stated objective was not applicable. She asked if they did not want the Commission members to consider the possibility that the objective could possibly be met.

A. Landers related that in the applicant's letter, they only stated criteria that the applicant felt they did meet.

S. Mittlefehldt asked for clarification that the applicant did not feel that they met the criteria being discussed.

A. Landers emphasized that in the master deed it would have to be stated and confirmed that the remaining open space could never be developed in the future.

S. Mittlefehldt wished to confirm that staff should only be considering the criteria that the applicant listed for consideration.

D. Stensaas stated that the Commission members could go about it that way and reiterated that the applicant would need to be at least three of the criteria. He informed the staff that the applicant had identified what had been listed as number B in the list provided by the applicant.

S. Mittlefehldt confirmed that also numbers C and H were identified.

M. Larson confirmed the numbers, B, C, F and H. He related that A didn't necessarily meet the criteria, but they did have number C, which is the criteria to 'dedicate or set aside open space areas in perpetuity'. He inquired if S. Mittlefehldt was in agreement with this view and she agreed that functionally number C did the same thing as number A. M. Larson went on to relate the content of criteria number B, 'to permanently establish land use patterns that are compatible or that will protect existing or planned uses.' M. Larson pointed out that the applicant had stated that he intends to continue the original PUD objective with townhomes on this parcel, surrounded by the previous PUD townhomes and apartments that were originally included in this property.

M. Dunn stated that he agreed with the applicant about number B. He stated that he felt that it was most likely that this piece of property would at some point in the future be developed into something and expressed his opinion that utilizing the parcel for residential use would be the best way to protect the other

existing residential uses. M. Dunn expressed this was preferential to have the area rezoned as commercial. S. Mittlefehldt expressed her agreement with this viewpoint.

D. Stensaas read number C, 'to accept the dedication of or to set aside open space areas in perpetuity.' He explained that several objectives were contained therein such as preserving nature features and open spaces. He stated that the proposed development would 50 percent developed upon completion, and that the sloped portion of the property would remain behind the proposed building and that several of the objectives would be met. He went on to say that one portion of the property which is current graveled would be landscaped and/or sodded hence furthering compliance to the desired effect. .

M. Dunn stated that he agreed that number C met the proposed criteria.

M. Larson disagreed with the proposed project meeting the criteria for number C. After a request for clarification, he stated he did not see how landscaping or sodding the parcel would keep the natural environment which is already there. M. Larson clarified that there would be a change from gravel to sod.

M. Dunn related that he while he understood how the proposal could be construed as compliance with number C, he was concerned that there was a lot of potential damage to the sloped area during construction and that during the process, the criteria for number C could be violated.

S. Mittlefehldt brought up that this issue had been mentioned before and that this is a challenging area due to the slope to the ravine. She said that she understood this was probably not to be discussed before the plan was presented to the commissioners, but that she did feel that the site has unusual topography and environmental characteristics and that it is possible that when put into practice there could be challenges and that she'd like to present the potential problems that could arise more strongly to the applicants.

D. Stensaas stated that the plan, once presented, must account for all drainage eventualities such as erosion and the handling of storm water before the plan could be approved. He mentioned other sites where the challenges were met successfully.

M. Larson read number D, 'to provide alternate uses for parcel that can provide transition buffers to residential areas.' He then mentioned the fact that the applicant did not list this as one of their met criteria. S. Stensaas read number E, 'to guarantee provision of public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from an impact of a proposed use; alleviate an existing or potential problem relating to public facilities.' He stated that the proposed development did not meet these criteria and was not applicable to this site. D. Stensaas then read the criteria for number F, 'to promote the goals and objectives of the community master plan.' He stated that the parcel being zones PUD would be consistent with these criteria.

M. Dunn expressed his view that due to significant housing needs, and despite of the current volatile market, and that the 'public good' portion of number F was significant to him and stood out as relevant.

M. Larson stated that providing housing that was unaffordable may not be improving the public good.

D. Stensaas explained that the criteria in number F was fairly broad and that the community master plan makes recommendations in several areas. He stated that a variety of types of housing was one of the stipulations of the said master plan. He then asked the option of Commissioner Premeau. W. Premeau stated that he agreed.

M. Larson then asked the opinion of S. Mittlefehldt, and she was in agreement that it met the criteria.

A. Andres also agreed that the conditions were met.

M. Larson then went on to read the criteria of Section G, 'to foster the aesthetic appearance of the City through quality building design and site development, the provision of trees and landscaping beyond minimum requirement, the preservation of unique and/or historic sites or structures, and the provision of open space or other desirable features of the site beyond minimum requirements.' He stated that the

applicant provided no response to this section and then asked for comments from the commissioners. No comments from the commissioners being noted, he moved on to Section H, 'to bring about the redevelopment of sites where an orderly change of use or requirements is determined to be desirable.' He clarified that the applicant had stated that the site would likely be unable to be used for anything other than the proposed use and therefore the proposed project would be desirable and quality for this objective.

M. Dunn asked for clarification that the applicant was indeed asserting that the parcel would be unable to be developed for anything other than residential and for the proposed plan.

M. Larson stated that that was how he read it; however, only in terms of the residential requirement and did not interpret this to mean the exact plan put forth by the applicant, and reiterated that the applicant was not present to address the issue.

S. Mittlefehldt stated that she did not agree that the proposed project met the criteria in Section H.

A. Andres related that he did not think the proposed project me the criteria for Section H.

W. Premeau related that he did not know what else you could do with the parcel of land and that he didn't think any of the commissioners would mind if such a development were to be completed and that it met the criteria in Section H. S. Mittlefehldt stated that she agreed and that they would like to see the parcel developed. W. Premeau then restated that the plan had not been submitted, so it was not possible to ensure that the plan would be accepted.

M. Dunn stated he could not make a clear judgement without questioning the applicant and knowing more information about how the project related to the master plan, so he would not be able to give an answer at this time.

M. Larson that looking at items A through H, three qualifying items were confirmed for PUD zoning: being B, C, and F. He asked for a motion to approve the request due to the qualifying conditions.

W. Premeau stated to his knowledge that on a residential parcel the rule used to be in effect that if you met the qualification of meeting the necessary amount of square feet you could build a duplex on a residential parcel. D. Stensaas stated that with a Special Land Use Permit in a medium density residential neighborhood, as long as you met the qualification of 6,000 square feet, it would still be acceptable.

S. Mittlefehldt added that in 50 feet of lot width you could do a duplex, and the applicant is requesting two on the parcel in question.

It was moved by S. Mittlefehldt and seconded by M. Dunn, and carried 4-1 that after conducting a public hearing, and reviewing of the applicant's concept submittal and request for consideration of project qualifications documents and the STAFF FILE REPORT/ANALYSIS for 01-PUD-09-21, the Planning Commission finds that the request meets the following objectives - b, c, f, - and the other criteria of Section 54.323(F) of the Marquette City Land Development Code, and therefore the proposal is eligible for a PUD.

NEW BUSINESS

A. 01-STR-01-21 College Ave. Street Reconstruction Project

City Planner and Zoning Administrator D. Stensaas stated that all the information for this project is in the agenda packet, and we have the City Engineer, Mik Kilpela, here to go over the details.

City Engineer Mik Kilpela stated that this project has not yet been approved by the City Commission yet, but if approved there is \$375,000 of funding available, stating that it might be approved in new year's projects. M. Kilpela stated that the proposal is to upgrade the existing street and bring the street up to modern standards. He emphasized special attention would be placed to upgrading the sewer and drainage systems. M. Kilpela discussed the condition of the roads and bicycle lane and road features that needed to be upgraded and upsized. He demonstrated, by showing a slide, how the driving lanes, turning

lanes, and parking would be reconstructed.

M. Larson asked if the commissioners had any questions for City Engineer M. Kilpela.

S. Mittlefehldt inquired regarding any information or discussion that might have occurred pertaining to the special utility needs which might occur due to the potential redevelopment of the old hospital in this area and other potential developments which could occur in the area.

M. Kilpela answered that consideration had been given to the surrounding population density and if the sanitary sewers needed to be upsized in anticipation of the potential needs of the hospital.

S. Mittlefehldt accepted this response and stated she was glad that preparations had already been made to handle future developments.

M. Larson stated that he had a different question, but along the same line as the previous question. He also asked, due to the fact that the reconstruction of the hospital had not been decided, why was this road chosen when there were plenty of other roads that needed work also.

M. Kilpela explained that the project first been proposed back in 2013 and had been postponed for a number of years. In 2018, the city applied for a Category F funding through the state and the money was received specifically applies to this project. He emphasized that the road was in extremely poor condition and since the renovation project met the criteria for the funding granted, those were the reasons for considering this project above others.

M. Larson agreed it was a good reason.

S. Mittlefehldt related that she felt that the road was visibly unappealing and obviously in need of repair and that the attention was urgently needed to improve this area.

M. Kilpela stated that the Category F funding would only cover a portion of the project, the remaining amount to be covered by the \$375,000 which was mentioned previously.

M. Larson asked if there were any other questions, and none were given.

It was moved by S. Mittlefehldt, seconded by A. Andres, and carried 5-0 that after review of the proposed cross-sections and associated background information for 01-STR-01-21 – the College Ave. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction design as presented.

WORK SESSION

A. TRANSIT PLANNING

D. Stensaas stated that the City Commission approved the MarqTran 2021 - 2021 Strategic Plan, which included an item from Community Development for public transportation planning. He explained that the City Commission was set to approve fixed routes and discussed the pertinent areas of the city where fixed routes were to be planned, including part of the NMU and the hospital campus. D. Stensaas reemphasized that full go ahead had been granted to get action started on this proposal. He stated he had met with the outgoing director and three MarqTran staff members a few months ago and discussed route proposals and that it was frankly discussed why past plans had not worked out. He stated that they discussed ideas for the future which could be mutually agreed upon and that the ample funding was available on the MarqTran side to turn these into actionable ideas.

Mr. Taylor Klipp, one of the City's appointees to the MarqTran board, stated that there had been a director change at MarqTran and that he felt that the organization members will now be willing to experiment a bit more. He stated that the transportation organization has been adding drivers and as the pool of qualified drivers is built up and reemphasized the budget was there in order to carry out plans in accordance with the

new capacity. T. Klipp explained that with the idea of using the available buses and drivers, they were looking at non-dependent routes within the City of Marquette, the cities of Negaunee and Ishpeming and then also some point-to-point commuter routes as well, and that would be the starting point.

M. Dunn inquired as to the definition of a non-dependent route.

Mr. Klipp explained that such a route would be routes where the passenger did require a bus change. He also stated that MarqTran was most likely going to implement a GPS system so that riders would know where buses are, when they're coming and when they're going. He expressed the opinion this would be a good time to work together, knowing that there was going to be a new master plan and that it was important to note that a major problem was the complaints that the vestibules were not large enough. He stated there could also be some changes to the parking arrangements due to the difficulty drivers have been having in turning around.

A. Andres inquired about any plans to change the hours of the operation of the MarqTran buses.

T. Klipp stated that due to the number drivers being hired, it would expand capacity. He explained that one of the obstacles for keeping driving staff was not having regular routes for the drivers to be assigned. T. Klipp stressed that continuity in the planning would be vital, and that efficiency of bus utilization needed to be improved due to some of the current routes only having two or three passengers. He discussed the potential types of new clientele such as citizens and commuters from nearby towns.

S. Mittlefehldt inquired as to how much COVID money was under discussion. She also inquired about what climate actions were being discussed.

T. Klipp explained that almost all of the funding through grants concerns electric busing.

S. Mittlefehldt stated that marketing the ecologically friendly aspects of electric busing would be very popular with students, if marketed correctly. She mentioned the parking problem on campus and that this would be a potential area to bring in new customers.

D. Stensaas stated that when he met with MarqTran they stated that do not need to buy any new buses to make this happen. He stated he got feedback that what was needed was the tweaking of the existing routes, and that inter-city buses should be of a certain appearance or 'wrapping' which would indicate them as such, for example.

T. Klipp stated that with the funding they have, the buses they have and the drivers they have already, and the new leadership who is more willing to experiment with the necessary changes, such as the physical appearance of the buses, that he felt MarqTran could definitely make this happen.

D. Stensaas stated that he believed that MarqTran had recently acquired four new small sized buses.

T. Klipp confirmed this statement as accurate and stated that have buses which are sitting unused, and they were training drivers at the moment.

D. Stensaas stated that despite all of the buses were not currently eco-friendly, the fact of simply having a regular route to key areas would be a big leap forward and the fact that creating new regular routes would help phase out the general public owning gas-powered cars.

T. Klipp mentioned that now it was just a matter of getting students and the public onboard with the idea.

D. Stensaas discussed persuading Northern Michigan University to redesign one of the parking lots to accommodate the turning around of buses.

S. Mittlefehldt stated that she has been appointed to NMU's carbon-neutrality task force and stated that she felt this idea would be in line with the ideals of the task force and this would be a good thing to do and offered to act as a liaison.

D. Stensaas discussed the need, according to his conversations with MarqTran, for there to sheltered stops. He said currently the drivers are used to picking up passengers by the customers hailing the ride. He stated some amount of that is okay, but there is also the need of some shelters in specific locations where the public needs them. He stated it might be problematic to find the public spaces in order to do that, so he expects there to be a necessity to find willing business partners that would allow a shelter to be placed on business property. Also discussed were the vestibules already existing and the fact that they were not large enough. He stressed the need for such organizations to work cooperatively with MarqTran on these types of issues and that hopefully the hospital would be willing, at a minimum, to build a covered shelter outside.

T. Klipp stated that that would be a good place to start, and if they had to begin with painted demarcations without covered shelter in the beginning, that would be okay. He said the big key would be to get a route going and to get passengers on it and then the rest of the issues could be figured out afterwards. He reemphasized MarqTran's willingness to listen to feedback and begin the process immediately and that he felt that there is going to be more expertise and ability for these ideas to be accomplished in the future.

COMMISSION AND STAFF COMMENTS

W. Premeau inquired if there was any survey performed on ridership before the route was put in. He stated that most businesses would determine if the need was there or not before moving ahead.

D. Stensaas stated there were surveys done but he did not have the data sets. He discussed strategies to acquire customers who would regularly utilize public transportation.

S. Mittlefehldt discussed the significance of climate change and reiterated the fact that she was a member of the carbon-neutral task force at NMU.

M. Dunn discussed his own personal experience with owning an eco-friendly electric vehicle. He then stated that he would like to discuss the code requirement for the minimum 12-inch separation of new driveways from the side lot line and explained that this requirement may have caused a bigger problem than it was intended to solve with the new driveway that he recently had paved.

A. Andres stated that transit planning is wonderful, and he would like to be involved, if possible, with the committee.

D. Stensaas stated that he had a few things to touch on briefly. One item is that the Superior Culture business on N. Third St. is generating a lot of complaints and that we may need to take some action on their Special Land Use Permit and stated some of the details and said at the next meeting he would provide some more details. He also stated that he is working on an update to the PC Bylaws and that he would put that update on the next agenda, and that he would also have some of the draft updates to the Land Development Code that he has been working on for the next meeting. He said there is going to be a lot to review in the latest LDC updates, and it would be good to get started on reviewing the material soon.

ADJOURNMENT

The meeting was adjourned by Chair M. Larson at 8:00 p.m.

Prepared by:

David Stensaas

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



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

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: September 1, 2021
SUBJECT: 01-PUD-09-21 –Request for PUD Criteria Qualification and Waiver for Minimum Size for 1025 Osprey Court (PIN: 0514370)

Marquette County Land Bank Authority and Innovalab Development Group are seeking concept approval of a proposed Planned Unit Development (PUD) consisting of two duplex townhouse buildings on the site. The public hearing is to determine if criteria for PUD qualifications in Section 54.323 of the Marquette City Land Development Code is met, and review of a waiver request for a parcel that is less than 2 AC in size.

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

All notices have been sent in accordance with the Land Development Code and State Law.

RECOMMENDED ACTION:

In accordance with the Land Development Code, the Planning Commission should hold a public hearing, review the proposed PUD application materials, and make a determination regarding the proposal's qualification for the PUD option and review a waiver request for a parcel that is less than 2 AC in size.

It is also highly recommended that any motion regarding the PUD request include:

After conducting a public hearing, and reviewing of the applicant's concept submittal and request for consideration of project qualifications documents and the STAFF FILE REPORT/ANALYSIS for 01-PUD-09-21, the Planning Commission finds that the request meets the following objectives (a, b, c, d, e, f, g, h, i, j) and the criteria of Section 54.323(F) of the Marquette City Land Development Code therefore the proposal is eligible for a PUD.

or,

After conducting a public hearing, and reviewing of the applicant's concept submittal and request for consideration of project qualifications documents and the STAFF FILE REPORT/ANALYSIS for 01-PUD-09-21, the Planning Commission does not find that the request meets three or more of the 10 objectives and the criteria of Section 54.323(F) of the Marquette City Land Development Code therefore the proposal is not eligible for a PUD.

NEXT STEP IF PLANNING COMMISSION DETERMINES IT IS ELIGIBLE FOR PUD

After conducting a public hearing, and reviewing of the applicant's concept submittal and request for consideration of project qualifications documents and the STAFF FILE REPORT/ANALYSIS for 01-PUD-09-21, the Planning Commission (recommends / does not recommend) that the City Commission waives the PUD size requirements.



STAFF FILE REPORT/ANALYSIS

Completed by Andrea M. Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

File Number: 01-PUD-09-21

Date: September 1, 2021

Project/Application: Applicants are seeking concept approval of a proposed Planned Unit Development consisting of two duplex townhouse buildings on the site. The hearing is to determine if criteria for qualifications in Section 54.323 of the Marquette City Land Development Code is met, and review of a waiver request for a parcel that is less than 2 AC in size.

Location: 1025 Osprey Court

Parcel ID: 0514370

Parcel Size: 0.9445 Acre

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

Current Zoning: PUD – Planned Unit Development

Surrounding Zoning: North: GC – General Commercial
South: M – Municipal
East: PUD – Planned Unit Development
West: PUD – Planned Unit Development

Zoning District and Standards:

Current Zoning – PUD

The previous PUD request for this portion of land has expired.

This parcel was a split created last year from the parent parcel that contained the Hawk's Ridge PUD. This portion of the previous PUD has expired (which was to be two 12-unit buildings and they only built the one), so they would not be able to apply for an amendment. Therefore, they must start over with this new PUD request.

Please note, the City has not commenced rezoning of this site to its previous zoning classification or a different one supported by the Master Plan as the current property owner had contacted the City to inform them they were going to apply for a PUD.

Proposed Zoning – PUD

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

Section 54.323 PUD, Planned Unit Development District

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

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

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

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

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

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

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at

STAFF FILE REPORT/ANALYSIS

Page 3 of 7

the time of the submittal of Concept and Request for Consideration of Project Qualifications (Section 54.323(G)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

This parcel is less than 2 Acres, so they are applying for a waiver.

(D) Density, Layout, and Bulk.

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

(E) Definitions.

- (1) A "Planned Unit Development" (PUD) is a zoning district that shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Commission, and documented in a contract (PUD Agreement) between the City and site owner/developer. Such plan and contracted development will establish functional use areas and density patterns; will provide a fixed system of streets, public utilities, drainage, and other essential services; and account for similar factors necessary for and incidental to the intended land uses. The Planning Commission may, but is not required to, consider parcels separated by a public street as eligible for inclusion in a PUD.
- (2) A "Pattern Book" is a document prepared by the applicant's design firm that contains specific information on the site master plan, and architectural designs for planned buildings. Information should include specifications on building materials, size, and dimensions, building elevations, and site design elements such as pedestrian walkways, lighting, landscaping, and signage.

(F) Criteria for Qualifications. The PUD option may be permitted anywhere in the City except in the Conservation and Recreation (CR) district. To be considered for the PUD option, it must be demonstrated that all of the following criteria are met:

- (1) Use of this option shall not be for the purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not

STAFF FILE REPORT/ANALYSIS

Page 4 of 7

normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.

The purpose of the proposal would not be to avoid applicable zoning requirements.

- (2) The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

The future land use proposal is Multiple Family Residential (MFR). The range of uses allowed in the MFR district might not be compatible with the adjacent residential and non-residential uses.

- (3) The PUD option may be effectuated only when proposed land use will not materially add service and facility loads beyond those contemplated in the Master Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PUD.

The proposal will not add service and facility loads beyond those contemplated in the Master plan.

- (4) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a Zoning Map amendment or variance.

The proposal is not proposed solely as a means of increasing density or as a substitute for a variance request.

- (5) The Planned Unit Development must substantially meet, as a minimum, three (3) or more of the following objectives. The benefits given to the developer through the flexibility of the PUD must be balanced with the benefits to the City:

- (a) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.

Per the applicant this objective is N/A.

- (b) To permanently establish land use patterns that are compatible or that will protect existing or planned uses.

According to the applicant's narrative, "The intent is to continue the original PUD objective with townhomes on this parcel"

surrounded by the previously zoned PUD townhomes and apartments that originally included this property.”

- (c) To accept dedication or set aside open space areas in perpetuity.

According to the applicant's narrative, “Several objectives refer to preserving natural features and/or open spaces. This parcel will be less than 50% developed when complete leaving the sloped topography behind the proposed building in its natural state, meeting a number of these objectives. In addition, a portion of this parcel that is currently graveled will be landscaped and/or sodded.”

- (d) To provide alternative uses for parcels that can provide transition buffers to residential areas.

Per the applicant this objective is N/A.

- (e) To guarantee provision of a public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities.

Per the applicant this objective is N/A.

- (f) To promote the goals and objectives of the Community Master Plan.

According to the applicant's narrative, “The parcel being zoned PUD would remain consistent with the current Master Plan and qualify the development for this objective.

- (g) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

Per the applicant this objective is N/A.

- (h) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.

According to the applicant's narrative, “The parcel would likely be unable to be developed as anything other than the proposed and therefore the proposed project would be deemed desirable and qualify for this objective.

STAFF FILE REPORT/ANALYSIS

Page 6 of 7

- (i) To bring about redevelopment of sites that have been identified as environmentally distressed or Brownfields.

Per the applicant this objective is N/A.

- (j) To facilitate appropriate development of environmentally sensitive areas.

Per the applicant this objective is N/A.

(G) Submittal of Concept and Request for Consideration of Project Qualifications.

- (1) Any person owning or controlling land in the City may make application for consideration of a PUD. Such application shall be made by submitting a

request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.

- (2) A written and graphic request shall be submitted to the Marquette City Planning Commission through the Community Development Department. The submission shall include information required by Section 54.323(G)(3) below.

- (3) Based on the documentation submitted, and following a public hearing the Planning Commission shall review the applicant's request and make a preliminary determination as to whether or not a parcel qualifies for the PUD option under the provisions of Criteria for Qualifications (Section 54.323(F)). The submittal must include the following:

- (a) Substantiation that the criteria set forth in Criteria for Qualifications (Section 54.323(F)) are or will be met.

TBD by the Planning Commission. Please also see the narrative provided by the applicant.

- (b) A schematic land use plan containing the required information of a preliminary site plan (Section 54.1402(C)) with enough detail to explain the function of open space; the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.

Provided.

- (c) A plan for the protection of natural, cultural, and historic features and preservation of open space, green space, or public access, as applicable.

Provided.

STAFF FILE REPORT/ANALYSIS

Page 7 of 7

(d) The proposed phasing of the project.

There is no mention of phasing of the project.Buffer and Greenbelt Requirements.

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

Attachments:

- Concept Submittal and Request for Consideration of Project Qualifications document
 - o Attachment 1: PUD Application
 - o Attachment 2: Qualifications/Size Waiver Letter
 - o Attachment 3: Letter of Support – Marquette County Land Bank Authority
 - o Attachment 4: Property Zoning and Location Map
 - o Attachment 5: Proposed Concept Site Plan
 - o Attachment 6: Proposed Building Elevation
- Fire and Zoning Staff comments
- Applicant's response to DPW and Engineering Staff comments
- Area Map
- Block Map
- Zoning Map
- Photos of Site
- Correspondence

**CONCEPT SUBMITTAL AND REQUEST FOR
CONSIDERATION OF PROJECT QUALIFICATIONS**

FOR

**PLANNED UNIT DEVELOPMENT (PUD)
1025 OSPREY COURT
PARCEL 0514370**

MARQUETTE, MICHIGAN

Prepared by:



U.P. Engineers & Architects, Inc.
424 South Pine Street
Ishpeming, MI 49849
(906) 485-1011

August 10th, 2021



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CITY OF MARQUETTE
PLANNED UNIT DEVELOPMENT APPLICATION



CITY STAFF USE

Parcel ID#: 0514370 File #: 01-PUD-09-21 Required Narrative Submitted: Y/N
Receipt #: 235389 Check #: 8379 Received by and date: 8-10-21 Am
Concept Plans (12 copies) Submitted: Y/N Hearing Date: 9-7-21 Notice Date: 8-20-21
Preliminary Plan & Pattern Book (12) Submitted: Y/N Hearing Date: _____ Notice Date: _____
Final Site Plan(12) Submitted: Y/N Contract signed: Y/N Meeting Date: _____
Amendment Plan (12) Submitted: Y/N Meeting Date: _____

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

FEE SCHEDULE

- ☒ PUD Criteria Qualification **\$830**
☐ PUD Review (includes Site plan Review) **\$3,960**
PUD Revision – Administrative Minor
☐ Residential (additions, etc.) **\$160**
☐ Commercial structure, ≥ 3 residential units **\$780**
☐ PUD Revision - Major **\$1,920**

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

Please review the attached:

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

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Marquette County Land Bank Authority / Innovalab
Address: 234 W. Baraga
City, State, Zip: Marquette, MI 49855
Phone #: 906-225-8177 / 616-719-7500
Email: agiroux@mqtco.org / davida@innova-lab.org

APPLICANT/OWNER'S REPRESENTATIVE

Name: UP Engineers & Architects, Inc.
Address: 424 S. Pine Street
City, State, Zip: Ishpeming, MI 49849
Phone #: 906-485-1011
Email: hsharland@upea.com

PRE-APPLICATION CONFERENCE

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

PROPERTY INFORMATION

Property Address: 1025 Osprey Court

Property Identification Number: Parcel 0514370

Size of property (frontage / depth / sq. ft. or acres): 0.9445 Acres

Zoning District: None (Former PUD)

Current Land Use: None

Surrounding Zoning Districts:

North - General Commercial

East - Planned Unit Development

South - Municipal

West - Planned Unit Development

Surrounding Land Use:

North - Commercial / Government Office Buildings

East - Residential - Apartment Building

South - None

West - Residential - Townhouses

PLANNED UNIT DEVELOPMENT INFORMATION

Percentage of Land Use by Type

	Residential	Commercial/ Institutional	Industrial	Open Space	Other	Total
# of Acres	.1209	-	-	.8236	-	.9445
% of Total	12.8	-	-	87.2	-	100

Residential Density

Type of Unit	Number of Units	Net Acres	Net Density
Single Family Home	-	-	-
Town Home	4	.9445	4.235
Apartments	-	-	-
Other	-	-	-
Total	4	.9445	4.235

Net Acres - Land development for land use type not including right-of-way

Net Density - Number of Units/Net Acres

VARIANCES FROM ORDINANCE(S)

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

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

- Property has not been re-zoned since expiration of previous zoning classification of Planned Unit Development

- Property is under 2 acre requirement for a Planned Unit Development. Original property was incorporated under a PUD with neighboring parcels and this parcel of the PUD was not developed

at that time and the property has now lost it's PUD zoning status. To develop this property it is requested the 2 acre PUD requirement is waived as the neighboring parcels were developed under a PUD.

REVISIONS TO PUD

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

SIGNATURE

I hereby certify the following:

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

Property Owner Signature: David C. Allen Date: 08/10/2021

Applicant Signature: [Signature] Date: 08/10/2021



InnovaLaB Housing Solutions
6610 Egypt Ridge Road
Rockford, MI 49341
616.719.7500
www.innovalabdevelopment.com

August 10, 2021

City of Marquette
Community Development Department
Municipal Service Center
1100 Wright Street
Marquette, MI 49855

ATTN: Ms. Andrea Landers, City Planning Commission, City Commission

RE: PUD Application & Associated Documents
1025 Osprey Court, Parcel Number 0514371

Dear Ms. Landers,

In cooperation with the Marquette County Land Bank Authority, we are pleased to submit an application to retain Planned Unit Development (PUD) status for the property located at 1025 Osprey Court in the City of Marquette. We understand the property has been zoned PUD, although the current PUD status has expired and the City has not commenced rezoning of this site. The intent for the parcel is to develop two duplex Townhouse buildings as shown in the attached conceptual plan. The current landowner, Marquette County Land Bank Authority has also provided a letter of support for the development of the property. The land ownership would change hands once the Townhomes are livable and sold.

We are requesting that the City consider waiving the property size requirements for a PUD in this case. The current parcel does not meet the two acre minimum requirement with a total area of 0.9445 acre. Prior to the parcel being acquired by the Marquette County Land Bank, it was successfully zoned PUD as a whole with the adjacent parcels which were developed at that time with the exception of this parcel. In order to effectively develop this parcel, land use that is consistent with the neighboring parcels is ideal. The site is also prepared for this use with minor alterations as the site was prepared along with the entirety of the original PUD properties with Osprey Court drive access, utilities, and storm water management.

The following qualification for PUD criteria apply to the development as proposed:

1. *To permanently establish land use patterns that are compatible or that will protect existing or planned uses.* The intent is to continue the original PUD objective with townhomes on this parcel surrounded by the previously zoned PUD townhomes and apartments that originally included this property.
2. *To promote the goals and objectives of the Community Master Plan.* The parcel being zoned PUD would remain consistent with the current Master Plan and qualify the development for this objective.
3. *To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.* The parcel would likely be unable to be developed as anything other than the proposed and therefore the proposed project would be deemed desirable and qualify for this objective.
4. *Dedication of natural features and/or open spaces.* Several objectives refer to preserving natural features and/or open spaces. This parcel will be less than 50% developed when complete leaving the sloped topography behind the proposed building in its natural state, meeting a number of these objectives. In addition, a portion of this parcel that is currently graveled will be landscaped and/or sodded.

Osprey Court PUD Application

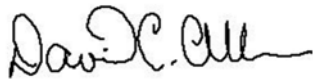
August 10, 2021

Page 2

To summarize, this letter serves two purposes. One is to request a waiver on the requirement for minimum size of a PUD. The second is to present to the City our concept plan and to note that the property located at 1025 Osprey Court meets the criteria for qualification to be zoned as PUD and be developed in our proposed manner.

Should you have any questions or concerns, please feel free to contact myself, our partner Marquette County Land Bank Authority, or our engineer UP Engineers & Architects. Thank you for your consideration on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Allen". The signature is fluid and cursive, with a large initial "D" and "A".

David Allen
President
InnovaLaB Housing Solutions

CC: Anne Giroux, Director, Marquette County Land Bank
Hattie Sharland, P.E., Project Manager, UPEA

Nicholas Benson, Chairperson
Charles Bergdahl, Vice Chairperson
Deborah Pellow, Secretary/Treasurer
Karen Alholm, Member
James Goodman, Member



Anne Giroux, Director
234 W. Baraga Avenue
Marquette, MI 49855
(906)225-8164
fax (906)225-8155

August 9, 2021

Marquette City Planning Commission
Marquette City Commission

RE: Osprey Court Development

The Marquette County Land Bank Authority requests your support as we seek to develop a challenging parcel that we have owned for some time. The Authority acquired the vacant parcel on Osprey Court in 2011 after it had been foreclosed on by the Marquette County Treasurer for nonpayment of taxes. The Authority has significant resources invested in the legal work that was necessary to separate the parcel from the existing condominium association. After going through a request for proposals process, we are happy to have found a developer who will create four living units at this site.

You have received an application for a Planned Unit Development (PUD) from the developer. We ask for approval of the PUD and feel it makes sense from a planning perspective, as it is in line with the original PUD that was approved many years ago. You have also received a request for waiver from the acreage requirements for a PUD. Our hope is that the Commission will be flexible and grant this waiver in order to support new housing units on a site that has been difficult to develop. Approval will ensure that this parcel is productive again, creating tax base for the community after many years being off the tax roll.

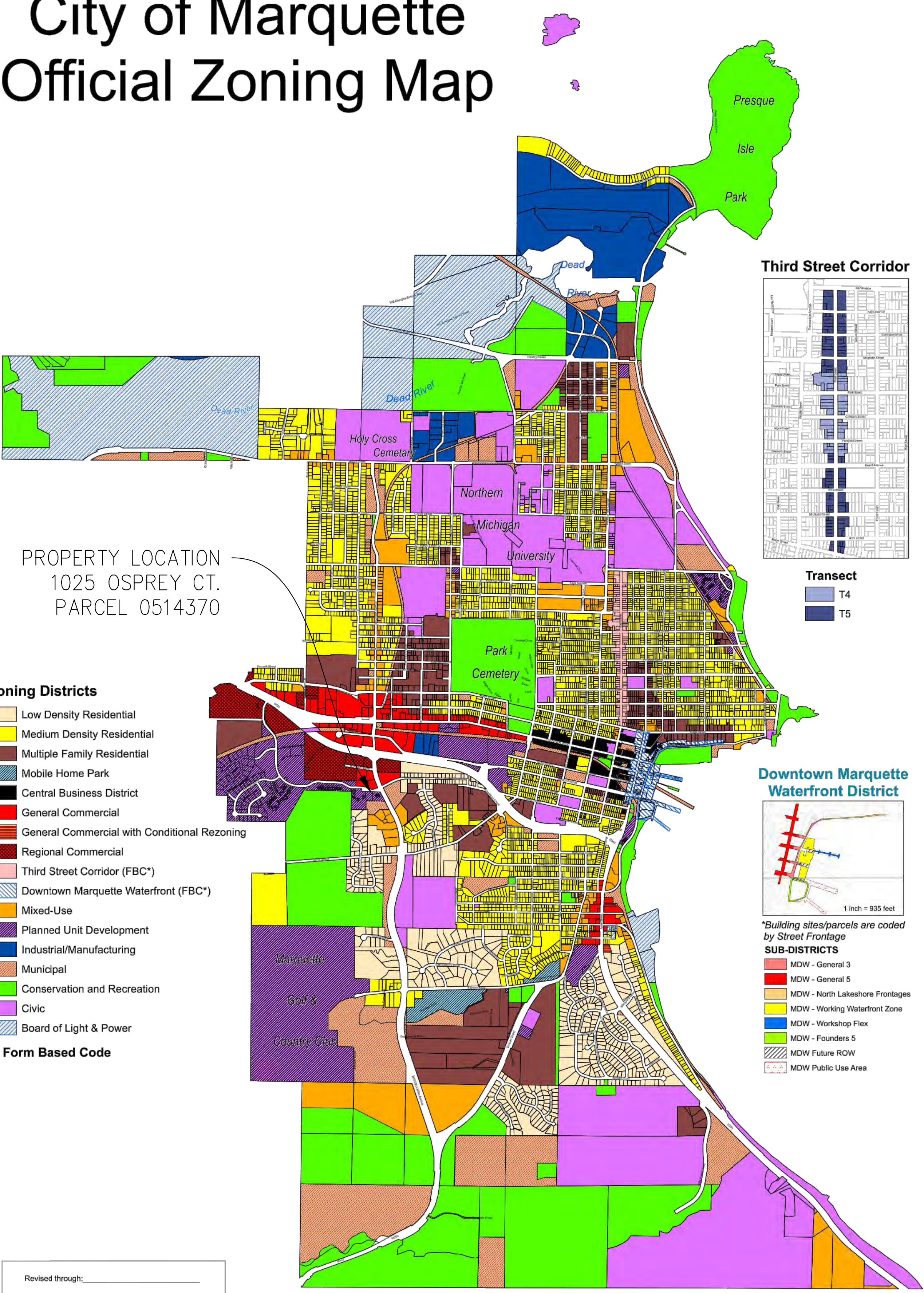
I would be happy to answer any questions regarding the property and can be reached at 906-225-8177.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Giroux".

Anne Giroux

City of Marquette Official Zoning Map

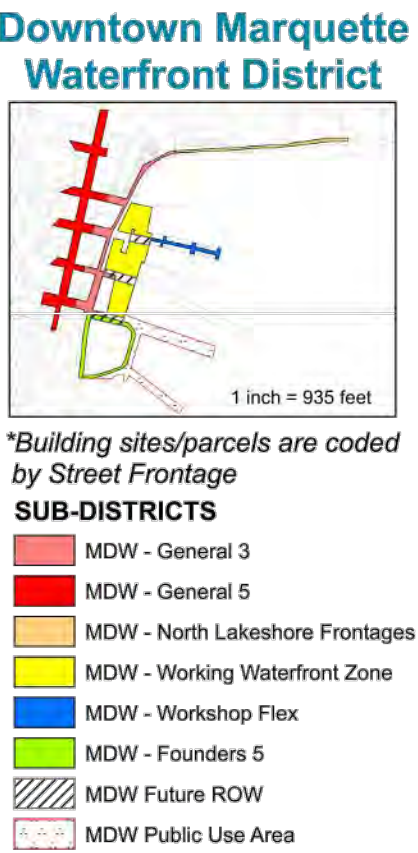
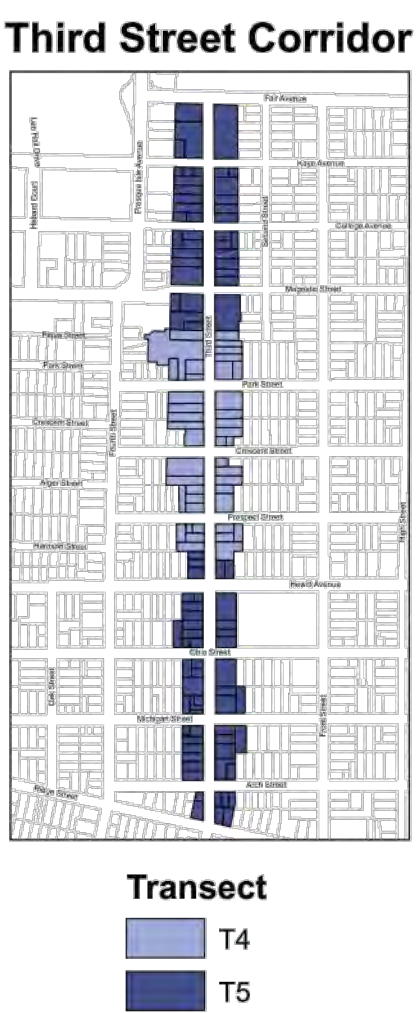


PROPERTY LOCATION
1025 OSPREY CT.
PARCEL 0514370

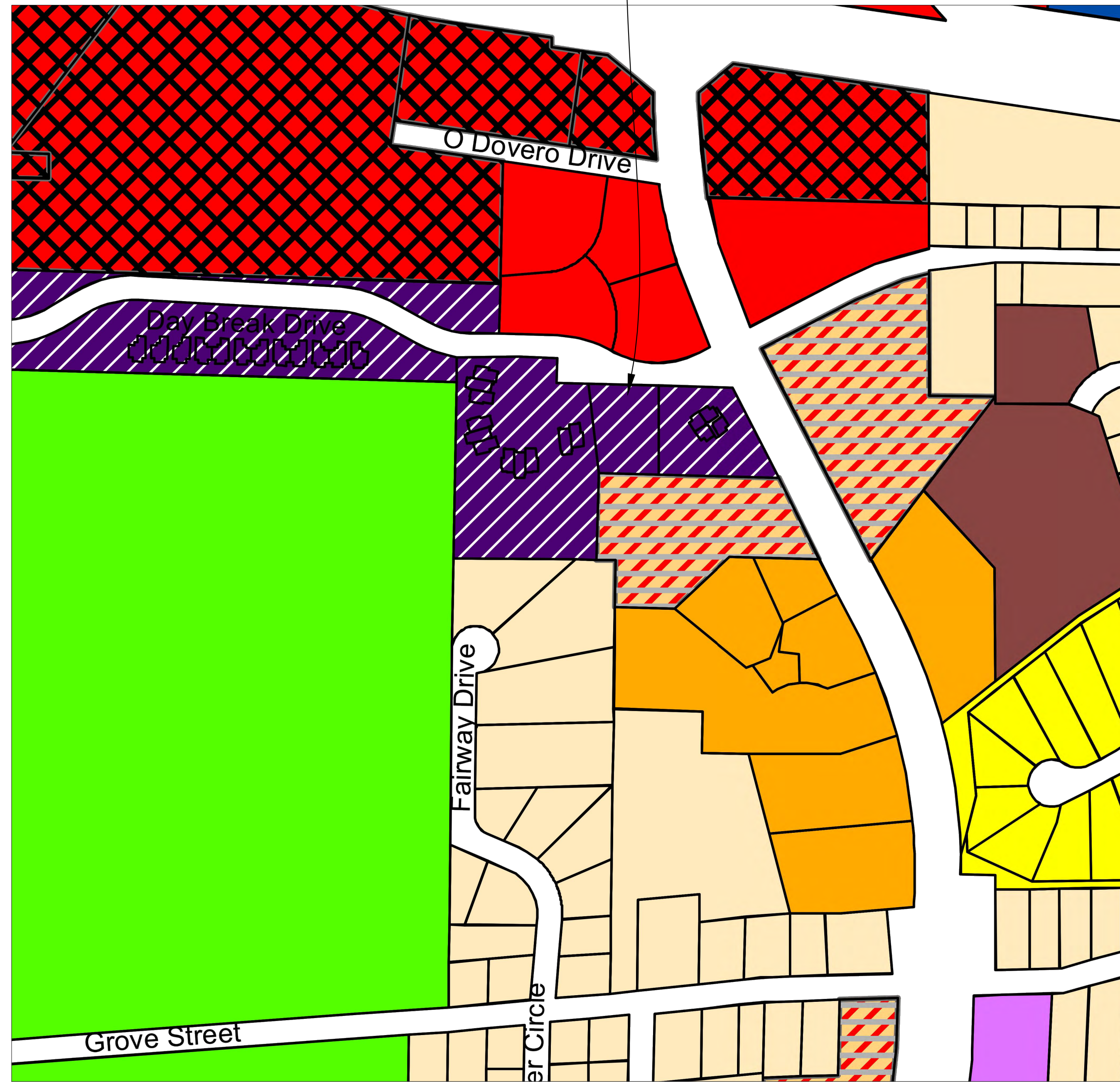
- Zoning Districts**
- Low Density Residential
 - Medium Density Residential
 - Multiple Family Residential
 - Mobile Home Park
 - Central Business District
 - General Commercial
 - General Commercial with Conditional Rezoning
 - Regional Commercial
 - Third Street Corridor (FBC*)
 - Downtown Marquette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

Revised through:

Mayor	Date
City Clerk	Date
Zoning Administrator	Date



PROPERTY LOCATION
NOTE: PREVIOUS PUD
ZONING HAS EXPIRED AND
PROPERTY HAS NOT YET
BEEN GIVEN A ZONING
CLASSIFICATION.



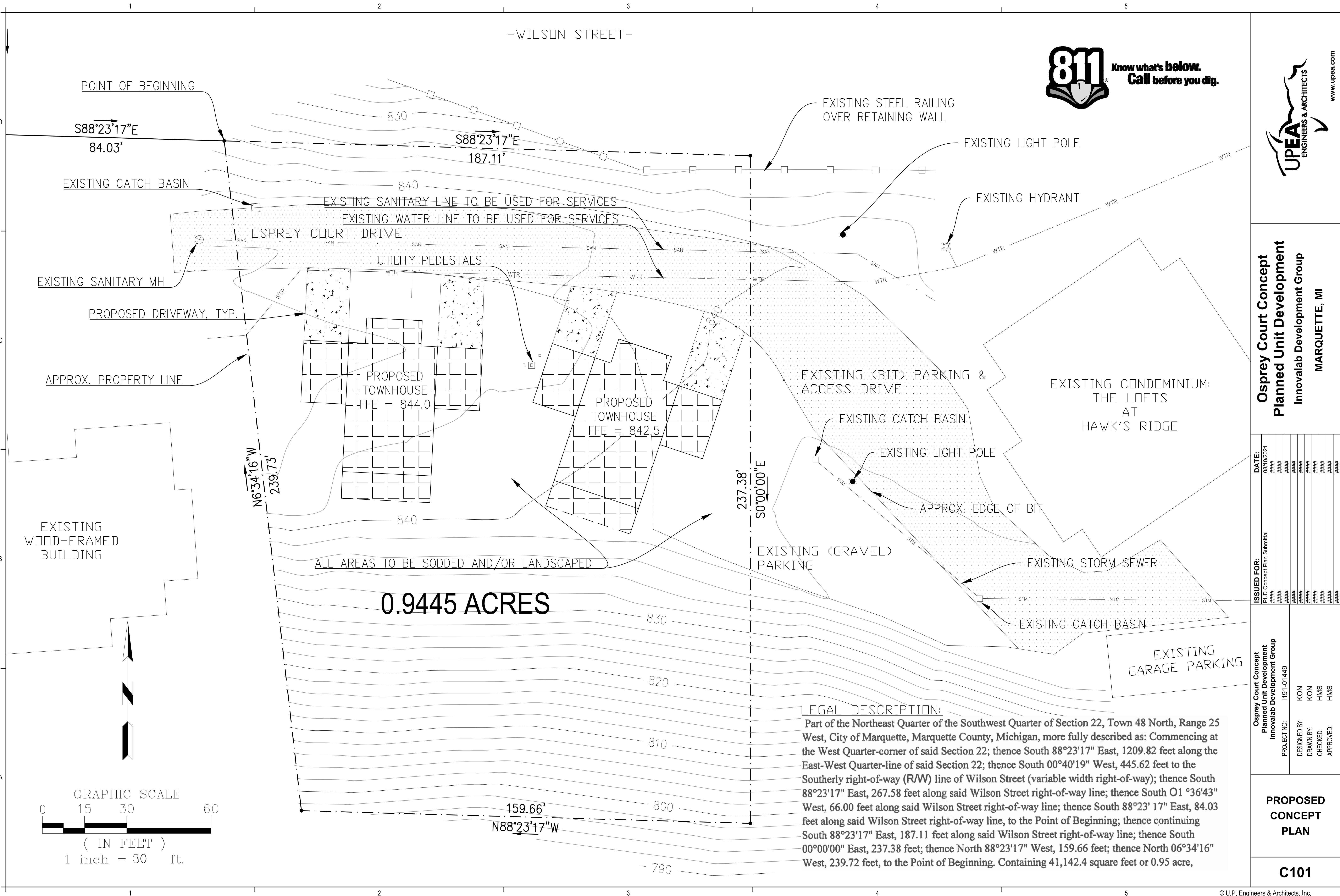
**Osprey Court Concept
Planned Unit Development**
Innovalab Development Group
MARQUETTE, MI

ISSUED FOR:	DATE:
PUD Concept Plan Submittal	08/10/2021
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Osprey Court Concept Planned Unit Development Innovalab Development Group	PROJECT NO: 1191-01449	DESIGNED BY: KON
		DRAWN BY: KON
		CHECKED: HMS
		APPROVED: HMS

**SITE
ZONING
MAP**

C100



www.ypea.com

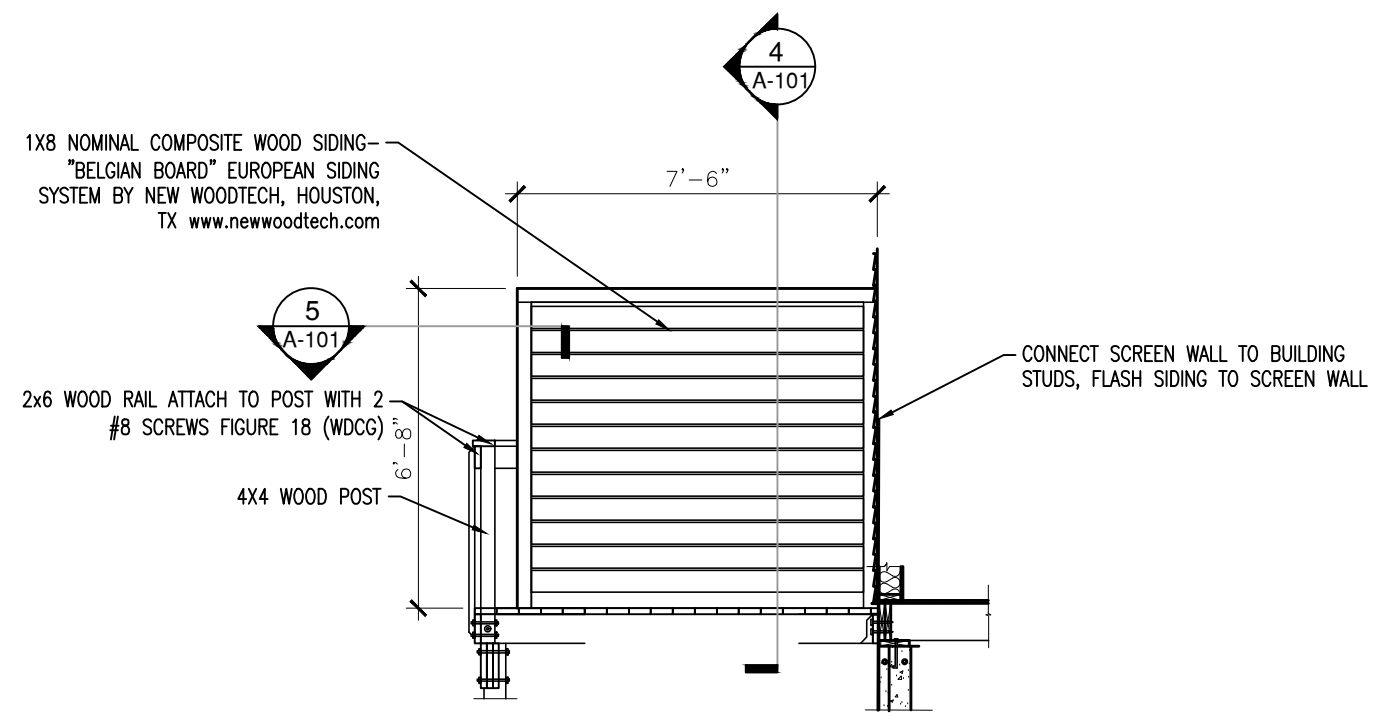
Osprey Court Concept
Planned Unit Development
Innovalab Development Group
MARQUETTE, MI

ISSUED FOR:	DATE:
PLD Concept Plan Submittal	08/10/2021
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Osprey Court Concept Planned Unit Development Innovalab Development Group	PROJECT NO:	DESIGNED BY:	DRAWN BY:	CHECKED:	APPROVED:
	1191-01449	KON	KON	HMS	HMS

PROPOSED CONCEPT PLAN
C101

8/10/2021 10:31 AM
P:\1191-01449 INNOVALAB DEVELOPMENT-OSPREY COURT SITE PLANS\DWG\OSPREY_C101.DWG



2 SCREEN WALL
ELEVATION

0 2' 4' 8'

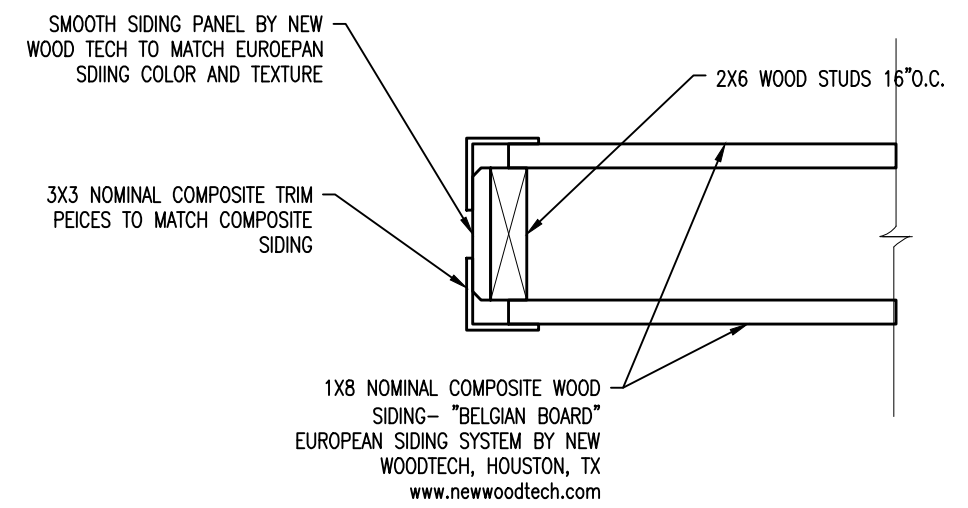
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION

0 2' 4' 8'

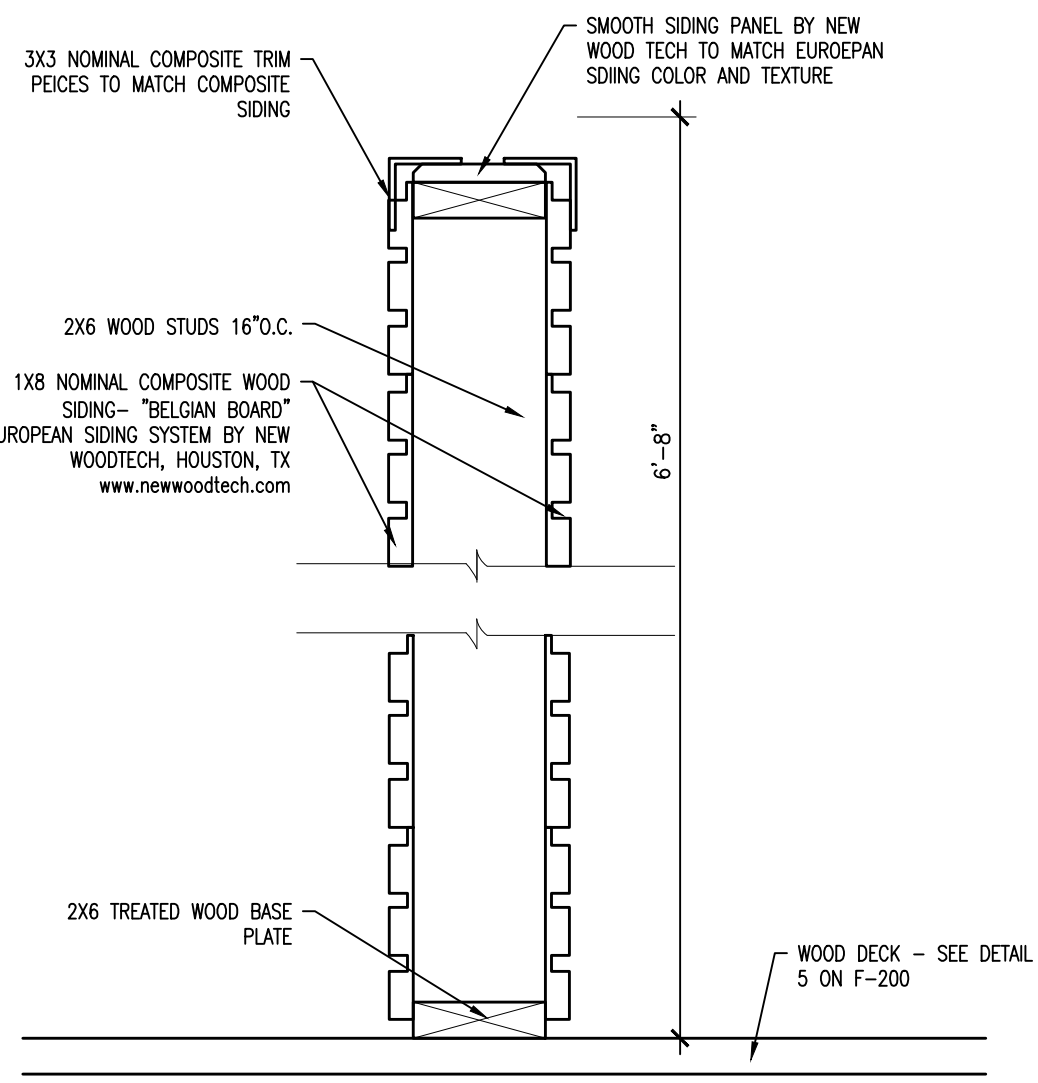
SCALE: 1/4" = 1'-0"



5 SCREEN WALL END

0 3" 6" 1' 2'

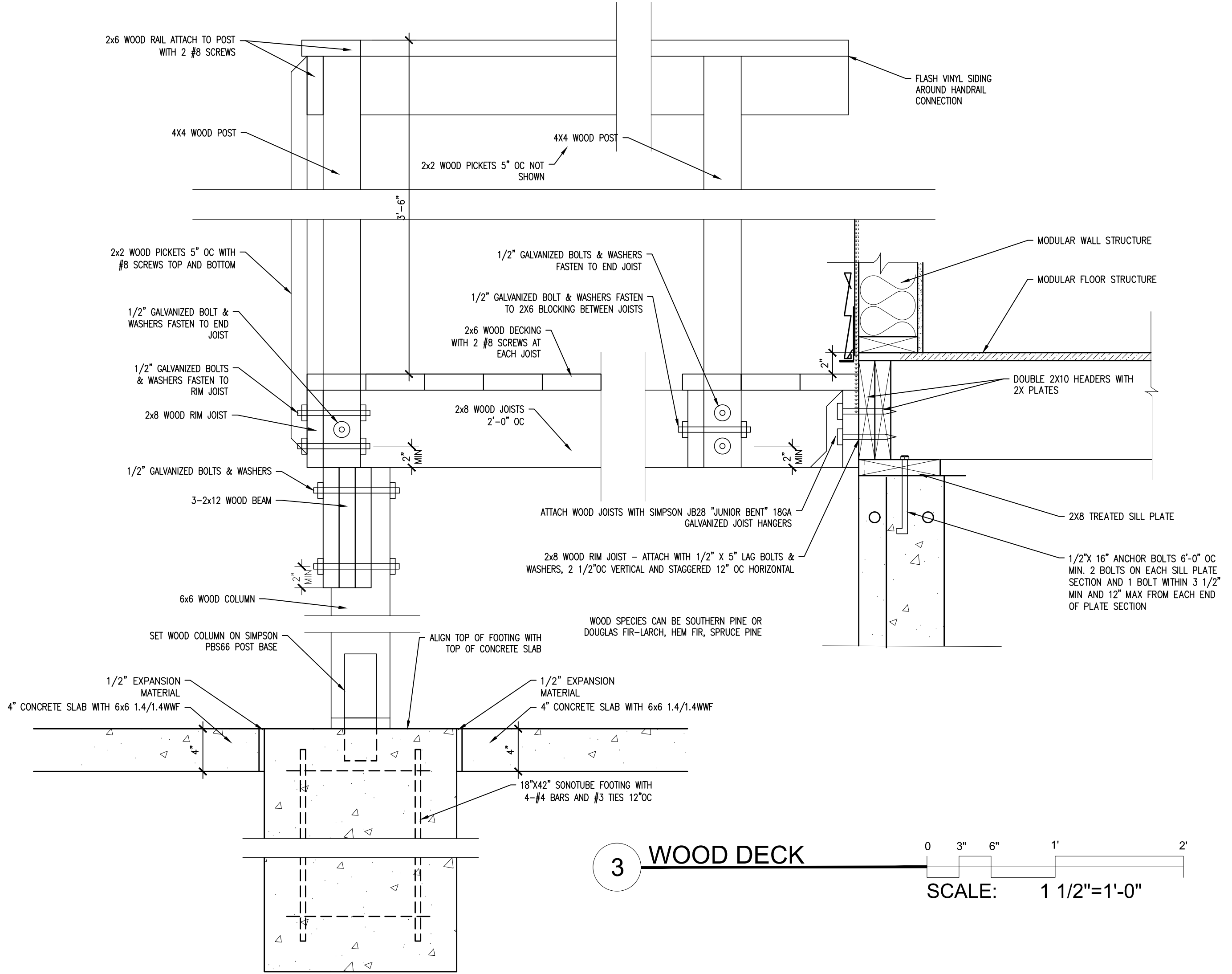
SCALE: 1 1/2"=1'-0"



4 SCREEN WALL

0 3" 6" 1' 2'

SCALE: 1 1/2"=1'-0"



3 WOOD DECK

0 3" 6" 1' 2'

SCALE: 1 1/2"=1'-0"

SHEET TITLE:	DATE:	ISSUED FOR:	DATE:	ISSUED FOR:
FRONT ELEVATION, SCREEN WALL ELEV & DECK SECTION	05/17/21	OWNER REVIEW		
	06/14/21	OWNER REVIEW		
DRAWING NO.				
A-100				

Fire and Zoning Staff Comments

1. Fire Comment:

RE: 01-PUD-09-21 – 1025 Osprey Court (PIN: 0514370)- Concept plan review

Jeffrey Fossitt <jfossitt@marquettemi.gov>

Fri 8/13/2021 7:57 AM

To: Andrea Landers <alanders@marquettemi.gov>

I have no comments

2. Zoning Comment:



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

MEMORANDUM

TO: Hattie Sharland, UPEA
FROM: Andrea Landers, Zoning Official
DATE: August 26, 2021
SUBJECT: Concept Review of 01-PUD-09-21: 1025 Osprey Court

No comments at this time.

Applicant's Response to DPW and Engineering comments

FROM: Hattie Sharland, UPEA
DATE: August 31, 2021
SUBJECT: Concept Review of 01-PUD-09-21: 1025 Osprey Court

1. DPW Comment:

01-PUD-09-21 1025 Osprey Court

Scott Cambensy <scambensy@marquettetmi.gov>

Wed 8/11/2021 2:30 PM

To: Andrea Landers <alanders@marquettetmi.gov>

Andrea,

DPW has no comments at this time. Although, Anne mentioned the parcel was removed from the condominium association in her support letter which does raise some questions about utility easements and Osprey Ct which is a private road.

Scott

Applicant Response: Utility easement information will be reviewed prior to preliminary plan submittal.

2. Engineering Comment:

The following are the plan review comments from the Engineering Division for the documents identified above.

- Per the City Land Development Code (Section 54.803 Storm Water Management) all lots shall retain storm water runoff on-site or detain it so as to allow discharge at a rate that is equal to or less than what left the site prior to redevelopment or new construction. This requirement must be accommodated for in final design.

Respectfully Submitted,
Engineering Department

Applicant Response: Storm water discharge requirements will be reviewed and accommodated in the preliminary plan submittal.

01-PUD-09-21 Area Map

US41

O Dovero Drive

Wilson Street

Day Break Drive

Osprey Court

M53 McClellan Avenue

LEGEND

- Parcels_Address Labels
- Contours2FT
- Street Labels
- Streets
- Building FootPrints
- City of Marquette, MI

1 inch = 250 feet



City of Marquette

Geographic Information Systems (GIS)



01-PUD-09-21 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

1 inch = 125 feet



City of Marquette

Geographic Information Systems (GIS)





Public hearing re: 01-PUD-09-21 - 1025 Osprey Court {PIN: 0514370}

Bryan Hobrow <bryanhobrow@gmail.com>

Thu 8/26/2021 1:19 PM

To: Andrea Landers <alanders@marquette.mi.gov>

Dear Ms. Landers:

We own one of the condos at 1015 Osprey Ct. (#2) in the building at 1015 Osprey Ct. Marquette.

We are in disagreement with the proposed two duplex townj
house buildings within 300 ft. of our property.

We can envision the following problems:

- Serious parking and traffic flow

- If townhouses are not owned there are all kinds of countless disputes
with renters

- During construction there will be a major obstacle of movement thru the
construction area. Not to mention the dirt, dust problems for asthma and
COPD people, which we both are.

Sincerely,

Melvyne Bryan Hobrow
Sandra Hobrow