

City of Marquette, MI



Meeting Agenda City Commission

**Tuesday, October 12, 2021
6:00 PM
Commission Chambers**

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

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

Presentation(s)

1. Presentation of MEDC Redevelopment Ready Communities (RRC) Certification, by Christopher Germain, AICP, EDFP | Senior RRC Planner
2. Downtown Development Authority, by Executive Director Becky Finco

Public Hearing(s)

3. Establishment of an Obsolete Property Rehabilitation Act District
4. Obsolete Property Rehabilitation Exemption Certificate
5. **Consent Agenda - Roll Call Vote**

- 5.a. Approve the minutes of the September 27, 2021 regular Commission meeting
- 5.b. Approve the total bills payable in the amount of \$8,295,523.21
- 5.c. Audit Contract for Fiscal Years 2021 through 2023
- 5.d. EDA Build Back Better Grant Resolution- Roll Call Vote
- 5.e. Hockey Mutineers of Marquette - Ice Use Agreement
- 5.f. Hockey Mutineers of Marquette - Lease Agreement
- 5.g. Novatime Software Solution
- 5.h. Proclamation- Land Acknowledgement
- 5.i. Tub Grinding Services

New Business

6. City Attorney Services
7. Marquette County Intergovernmental Housing Task Force Resolution - Roll Call Vote

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

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

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

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Public Hearing(s)

Establishment of 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 hearing was scheduled during the Commission's September 27 regular meeting. This item should be considered tonight in conjunction with the public hearing to review the exemption application from Buffalo Dragon Investments.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Following the public hearing, approve the establishment of an Obsolete Property Rehabilitation District at 136 West Washington Street, and direct the Mayor and Clerk to sign the resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ PA 146 of 2000
- ▣ 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: 10/12/2021

Public Hearing(s)

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 established OPRA districts - 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.

As this property is located in the Marquette Downtown Development Authority's tax-increment financing district, any increases in future tax revenue would go primarily to the DDA. During the August meeting, the DDA board of directors voted to support this proposal.

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 hearing was scheduled during the Commission's September 27 regular meeting. This item can only be considered tonight in conjunction with the public hearing to consider the establishment of an OPRA district at 136 West Washington Street.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Following the public hearing, grant a three-year Obsolete Property Rehabilitation Act Exemption Certificate for 136 West Washington Street, and direct the Mayor and Clerk to sign the resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Exemption Certificate Resolution
- ▣ OPRA Application
- ▣ Aug. 12 DDA minutes
- ▣ Assessor's Statement
- ▣ Project background



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

WHEREAS, the certificate will only be extended beyond three (3) years by Commission action and with consent of the Marquette Downtown Development Authority Board of Directors, and such extension will be considered only due to unforeseen construction delays or to a situation wherein the financial solvency of the commercial enterprise cannot be comfortably maintained without a continuation of the exemption; 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

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.



MARQUETTE DOWNTOWN DEVELOPMENT AUTHORITY
Meeting Minutes for August 12, 2021

Call to Order: A Meeting of the Marquette Downtown Development Authority (MDDA) Board of Directors was held on Thursday August 12, 2021 at the Marquette Commons. The Meeting was called to order by Chairperson J. Ottaway at 8:02 a.m. with Directors R. Caron, N. Durley-Rust, J. Johnson, K. Kovacs, E. Kucharczyk, and M. Weinrick in attendance.

A motion was made to excuse the absence of M. Morrison by E. Kucharczyk and seconded by K. Kovacs. Motion carried.

There were no additions to the agenda and a motion to approve this agenda was made by J. Johnson and seconded by E. Kucharczyk. Motion carried.

Public Comment: None

Consent Agenda: It was moved by K. Kovacs and seconded by J. Johnson to approve the Consent Agenda which includes the minutes from the July meeting and the 7/29/21 special meeting minutes, bills for approval for the period of 7/2/21-8/6/21, and financial reports as of 7/31/21. Motion carried.

American Welding & Gas Inc	34.75	Marquette County Ambassadors	225.00
AT & T	400.20	Marquette County Office of the Treasurer	8,097.04
AT&T Mobility	154.02	Marquette Maple Company	123.00
Authorize.net	20.00	Marquette Wallpaper & Paint	126.85
Bad Seed Hot Sauce	8.00	Midway Rentals	381.61
Beauchamp Plumbing & Heating	398.08	Mighty Soil Farm	627.00
Bergy Bread	108.00	Miller Canfield Paddock & Stone PLC	14,500.00
Blue Cross Blue Shield	909.82	Mining Journal	170.84
Board of Light & Power	2,062.72	Misery Bay Coffee	10.00
Borealis Baking Company	109.00	My North Media	1,125.00
C. Pesola LLC	1,700.00	Nagelkirk Landscapes	12,010.90
Capital One Commercial	2,679.08	New Dalton Farm	52.00
Card Connect	59.38	North Country Disposal	235.00
Cardmember Service	3,103.11	Northern Sky Orchard	38.00
Carquest	30.83	Northland Lawn Sport & Equipment	1,102.54
Case Country Farm	221.00	Norway Springs Inc.	17.90
Champion Glass & Countertops Inc	411.46	Office Depot	150.13
Charter Communications	346.79	OK Rental /OK Industrial	90.94
City of Marquette	1,685.63	Olson's Lawnscape LLC	267.50
College Laundry & Rental	155.30	Pride Printing	898.00
Compudyne	75.00	Seeds and Spores Family Farm	1,396.00
Curran & Company	520.00	Shady Grove Farm	13.00
Dalco	169.90	Sherwin Williams	59.29

Davin's Chocolates	24.00	Shiitake Mushroom Co.	167.00
Doozers	18.00	Signs Now	721.50
Ever Yielding Acres	414.00	Simply Agriculture	36.00
Fastenal	167.96	Superior Culture	91.00
Freshwind Farms	350.00	Superior Line Striping	3,830.00
Full Plate Farm	26.00	Tonella Farms	341.00
GEI Consultants	3,143.47	Traffic & Safety Control Systems Inc	22,279.00
Grandma's Garden	13.00	Treasa's Treasures	253.00
Great North Woods Teas & Herbs	4.00	Ty's Ty-ni Kitchen	9.00
Guindon Farms	223.00	Uncle Chucks Funny Farm	14.00
Heartland Services	1,979.71	UP North Roast	150.00
IPS Group	2,702.70	Xerox Corporation	265.07
Lamar Advertising	375.00	Yoopers Country Farms	74.00
LeAnne Larson	31.55	July Payroll	30,987.83
Little Parsley Farm	271.00		

New Business: Presentation-The Honorable Distillery: Anne White and Scott Anderson, of Buffalo Dragon Investments, LLC, have purchased the old Nordic Theater/Book World Building in hopes of turning it into a new business: The Honorable Distillery. This is a \$2.5 million project that would utilize about 20 construction jobs and create at least 6 new full-time jobs once opened. The expected open date would be May 2022. A. White is asking for MDDA support in requesting either a Commercial Rehab Exemption or Obsolete Property Rehabilitation Act tax abatement which would freeze the taxable value of the property for three years so they wouldn't be operating with a negative cash flow during the first few years of operation. She expects her SBA loan will be about \$1.8 million. The City Commission will still have to vote on this project to move forward but the current request is for MDDA support. Paperwork needs to be completed by Oct. 31. R. Finco mentioned that she has been working with A. White for two years on this project and that A. White has worked with the Michigan Economic Development Corporation to fulfill their requirements for grant consideration. General discussion amongst directors was positive and supportive. E. Kucharczyk made a motion for the MDDA to support A. White's efforts in requesting either OPRA or the Commercial Rehab Exemption, whichever would apply best to her project, for the three-year tax deferral. Seconded by J. Johnson. Motion carried.

Support Request for Ore Dock BotEco Center: The Friends of Ore Dock BotEco Center have requested a letter of support from the MDDA to move forward with phase 1 of their project. There is potential for this project to impact parking in the Lakeshore Blvd. lot and the group needs to be cognizant of the current deed in place on the property near there. The city has supported this project although with no financial or staff labor backing at this point. A motion to approve the letter of support that mimics the current level of support from the City of Marquette was made by M. Weinrick and seconded by E. Kucharczyk. J. Johnson was opposed. Motion carried.

Committee Reports:

Parking Committee: A meeting is set for Wednesday August 25 at 8:00 AM to start the discussion of the public parking deck associated with The Vault Project. Brownfield representatives and Braveworks Development will also be in attendance.

Farmers Market Committee: A meeting needs to be set to discuss the potential online market and the late season market.

Executive Committee: Friendly reminder that the committee needs to meet to discuss R. Finco's annual review which needs to be completed by October 1, 2021.

Directors Report: R. Finco reported that our newest director, Ryan Stern, will be in attendance at the next meeting. Jen Tucker from MEDC is available to give a presentation on Brownfield and how it interacts with the DDA which will hopefully be included in the October meeting. R. Finco also reported that the MDDA will be supporting the annual dinner for the Marquette Community Foundation in the amount of \$600 for a table of four. The Bluff St. Ramp project is moving forward with a likely start date of August 25, 2021 with completion slated for October. Also all new MDDA signs have been painted and are awaiting Cook Sign to finish the job. Blueberry Festival was a success this year with hopes of changing the event a little for future years. All MDDA events are still on track to be held including Music on Third and Classic Cars on Third. A current staffing update included the search for a new maintenance coordinator and a new office assistant.

Public Comment: None.

Board Member Comment: J. Johnson noted that he would be interested in looking into permanent Christmas decorations rather than the usual wreath baskets. He also noted multiple light poles on Third St. look very rough and need to be repainted or replaced.

With no further business the meeting was adjourned at 9:23 a.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Nichole Durley-Rust". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Nichole Durley-Rust, Secretary

AFFIDAVIT OF MILES ANDERSON

STATE OF MICHIGAN)
 ss)
COUNTY OF MARQUETTE)

The undersigned, being first duly sworn, deposes and says:

1. I am a Level IV assessor for the City of Marquette.
2. In my capacity as the City Assessor, I have physically inspected the building located at 136 W. Washington Street, Parcel #0150710 on September 08, 2021 and have found this property to be functionally obsolete, in accordance with PA 146 of 2000 as amended, MCL 125.2781 based on its current condition as of September 08, 2021.
3. The building was constructed in the 1936 according to public records and remodeled in 1995.
4. The building is a downtown brick structure with approximately 5,550 square feet per floor. During an inspection on September 08, 2021, the ground floor had been gutted to the exterior walls. The ceiling height varies from approximately 15 ft on the North to 29 feet in the middle. The floors are uneven as the building was a prior movie theater. The heating, plumbing and electrical systems all need to be replaced and updated. The building exterior and foundation are sound and solid.
5. Based on my knowledge of the property and the type of work needed to make the building viable in the current market, it is my opinion as a certified level IV Assessor that the building meets the definition of "functionally obsolete" as defined in the Obsolete Properties Rehabilitation Act, 2000, PA 146, MCL 125.2782 and the Brownfield Redevelopment Financing Act, 1996, PA 381, MCL 125.2652.
6. I have personal knowledge of the facts set forth above and can competently testify if called as a witness.



Miles Anderson
Assessor, City of Marquette

Subscribe and sworn to before me this 08th day of September 2021



Notary Public

Marquette County, Michigan

My commission expires August 14, 2022

LISA M. McGUIRE
Notary public, Marquette County, Michigan
My commission expires August 14, 2022

GENERAL DESCRIPTION OF THE FACILITY

The building was originally constructed by Peter White in the late 1800s and served as a store and later as his law office. It was originally a two-story brick building consisting of approximately 2,500 sq. ft. At one point it housed the Peter White public library where he provided access to thousands of books to the people of Marquette free of charge. Beginning in 1935 work began on a building expansion (approx. 4,000 sq. ft. were added to the north) and remodel to house the Nordic Theater until the mid-1990s. Most recently, the building housed Book World - Marquette, offering a selection of books, magazines, toys, trading cards, games, and tobacco products. The doors on the Book World closed in January 2018 where the facility remained vacant until our acquisition in September 2019. Photos of the building are provided in Attachment A.

DESCRIPTION OF THE REHABILITATED FACILITY'S PROPOSED USE

Following restoration/rehabilitation the building will be leased to a distilling company that possesses the proper federal, state and local permits for the purpose of manufacture and sales of distilled spirits (vodka, whiskey, brandy, etc.). Additionally, the renovation will provide space for private gatherings and will afford the opportunity for locals and vacationers to tour the distilling operation.

DESCRIPTION OF THE GENERAL NATURE AND EXTENT OF THE REHABILITATION TO BE UNDERTAKEN

Perhaps the most important aspect of the renovation is the desire to restore the historic character of the building during operation as the Nordic Theater. As such, the renovations done to turn it into the Book World will be undone and many of the features of the Nordic will be reconstructed including the former ticket booth and the marquee. Additionally, the original theater ceiling, which was a progressively advanced design feature at the time it was constructed remains largely intact. The existing false ceiling will be removed to expose the beauty of the old ceiling and it will be refurbished, as necessary. A tasting area will be constructed in the area of the former concession stand and the second floor of the original building, which was rendered non-functional during the Book World tenure, will be renovated and re-opened for use for small gatherings. To support the distilling operation, the electrical, gas and mechanical (HVAC, water, sewer) systems will all be upgraded and reconfigured to meet the needs of the operation. Utilities previously disconnected will be restored to the second floor as well. Finally, to support the supply of materials (grain for mashing, casks for aging, etc.,) and removal of waste products (stillage), a prefabricated metal lift and mezzanine will be erected inside, and a new entry door will be created on the north end at the existing upper street level. Renderings of the completed renovation are provided in Attachment B.

DESCRIPTIVE LIST OF THE FIXED BUILDING EQUIPMENT THAT WILL BE PART OF THE REHABILITATED FACILITY

- The exterior of the structure as it exists today will remain
- A prefabricated metal mezzanine and lift structure will be added as a fixed asset
- The original theater ceiling will be repaired and will remain

- A new marquis resembling the old theater marquis will be added to the front of the structure
- New HVAC equipment will be added to the roof
- New water heater will be added

TIME SCHEDULE FOR UNDERTAKING AND COMPLETING THE FACILITY'S REHABILITATION

The schedule for the renovation is provided in Attachment C.

STATEMENT OF THE ECONOMIC ADVANTAGES EXPECTED FROM THE EXEMPTION

The primary advantage of the exemption will allow for a reduction in annual operating expenses, which assists in increasing the economic viability of the renovation, which in turn provides greater assurance to sources of financing that the project will be a success. Additionally, the savings in funds that would have been used to pay property tax can be directly passed through to the tenant in the form of reduced rent, allowing the tenant to invest more in the production of distilled spirits. This provides for additional direct and indirect local economic benefits. Direct benefits include:

- job creation - approx. 6 full time positions will be required to run the distillery
- construction jobs - a crew of approx. 20 will be required to complete the 8 month renovation
- increased tax revenue from the sales of distilled spirits

Indirect benefits include:

- use of locally supplied goods and services which provides additional revenue for those suppliers
- an increase in tourism as craft distilleries are increasingly becoming tourist destinations as word spreads about the unique location and/or products the distillery produces

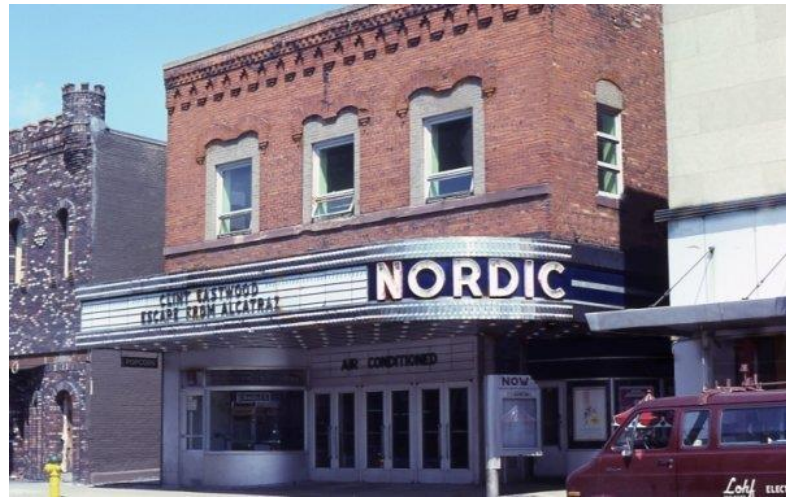
LEGAL DESCRIPTION OF THE FACILITY

The East 37 feet of the West 38 ½ feet of Lot Number 8, AND, an undivided ½ interest in the following: The East 8 ½ feet of Lot Number 7, the West 1 ½ feet of Lot Number 8, and the West 8 feet of the East 58 feet of Lot Number 8, all in Block Number 12, in the Thirty-Six Acre Plat, according to the Plat thereof as recorded in Liber B of Deeds, Page 3, now in Liber 12 of Plats, Page 1 B, Marquette County Records.

Attachment A



Peter White Building – circa 1890

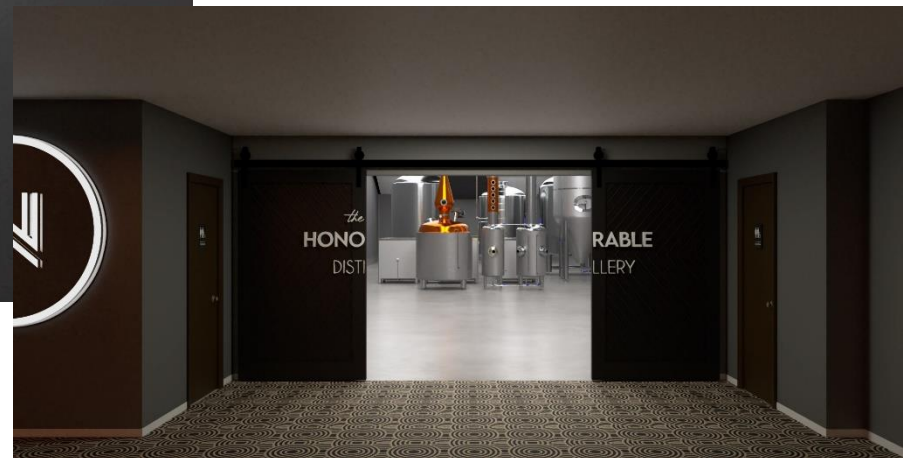


Nordic Theater – circa 1980

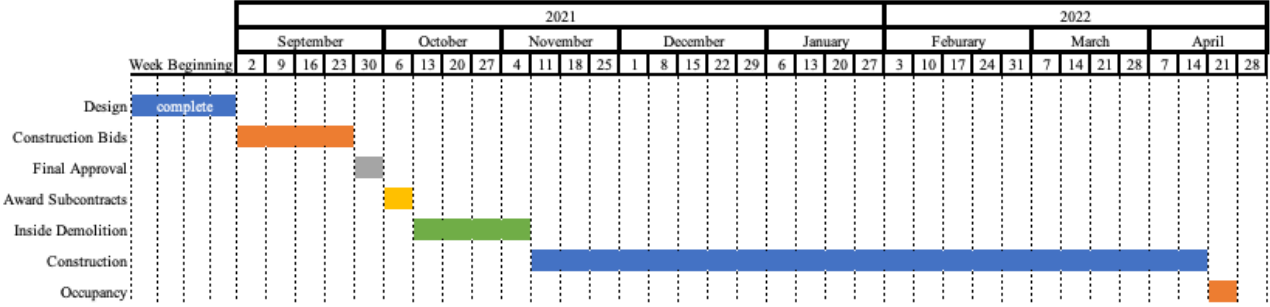


Book World - circa 2018

Attachment B



Attachment C



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Consent Agenda - Roll Call Vote

Approve the minutes of the September 27, 2021 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Minutes 9/27/21



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, September 27, 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 as presented, seconded by Commissioner Cody Mayer and Carried Unanimously.

Announcements

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

There were no public comments.

Public Hearing(s)

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

Margaret Brumm spoke during the Public Comment portion of the Public Hearing. She asked a few questions regarding the upcoming FY 22 budget.

Commissioner Jessica Hanley moved to Approve the FY 22 Budget and General Appropriation Act, seconded by Commissioner Fred Stonehouse. Discussion ensued.

Commissioner Bonsall opened the discussion by addressing the fee schedule, and acknowledge a citizen's concern about the price of a Block Party permit. He turned to staff for clarification on the fee.

Commissioner Bonsall then offered an amendment to the original motion, to reduce the non community event street closure fee on page 31, from \$250 to \$100. This motion was seconded by Hill, and discussion proceeded on the amended motion.

Through discussion, there was a general agreement to schedule future time to further evaluate the cost of these permits, as these neighborhood events are specific to City residents and provide a strong sense of community. The City Manager explained that the fee schedule can be amended through a Resolution,

which allows the City Commission to take time to review Block Parties at a later date.

Following discussion, the amended motion was withdrawn and discussion resumed on the original motion with a focus on road projects and utility rates.

Eventually, the Commission voted on the original motion, to approve the FY 22 Budget and General Appropriation Act. The motion Carried Unanimously by Roll Call Vote.

2. Consent Agenda

Commissioner Fred Stonehouse moved to Approve the consent agenda as written, seconded by Commissioner Cody Mayer and Carried Unanimously.

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

Commissioner Jessica Hanley moved to Approve the budget adjustments for Fiscal Year 2021, and authorize the Chief Financial Officer to make the necessary adjustments to balance the budget, seconded by Commissioner Cody Mayer and Carried Unanimously.

New Business

4. Letter of Support – Recycling Partnership Residential Curbside Recycling Cart Grant

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

The City Manager explained the relationship between the two grants. The EGLE

Infrastructure grant will cover about 80% of the proposed project. She explained if the EGLE Infrastructure grant is not awarded, the City would not receive the remaining funding from the Recycling Partnership grant. The goal is to fully fund the project through the utilization of these two grants, and to cover the cost of a recycling cart for all homes with five units or fewer in the City of Marquette.

Commissioners discussed the impact of the Recycling grants and how the implementation of the recycling carts could impact City residents.

If the partnership grants are awarded, residents who already have carts would no longer have a monthly fee for those carts. The City is currently renting the carts and this would give City ownership of the carts; the City would then be responsible for repair and replacement.

About 40% of residents are using carts and this would shift everyone to the cart system. Commissioner Stonehouse voiced concern with the idea of making the cart system mandatory, and said residents should have the ability to choose whether they want to use the cart.

Commissioners asked staff for information on the successes and struggles other communities in our area have experienced with switching to the cart system. Staff also offered an update on the future plans for glass recycling.

Commissioner Sally Davis moved to Approve the submission of the aforementioned grants and authorize the Mayor to sign the letter of support for the Recycling Partnership grant, seconded by Commissioner Cody Mayer and Passed.

The motion passed 6-1, with Commissioner Stonehouse voting no.

5. City Manager Evaluation

Commissioner Fred Stonehouse moved to 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, seconded by Commissioner Jessica Hanley and Carried Unanimously.

6. City Attorney Evaluation

Commissioner Fred Stonehouse moved to 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, seconded by Commissioner Evan Bonsall and Carried Unanimously.

7. Lakeshore Boulevard Coastal Restoration Professional Services Contract

City staff provided a map of the Lakeshore Blvd. property for a better depiction of the project. Staff explained details and timeline of the project.

Commissioner Jessica Hanley moved to 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, seconded by Commissioner Fred Stonehouse and Carried Unanimously.

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

Commissioner Fred Stonehouse moved to Approve to waive the two-acre minimum size requirement for the 1025 Osprey Court Planned Unit Development proposal, seconded by Commissioner Cody Mayer and Carried Unanimously.

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

Dave Allen, director of Innovalab spoke about the plans and price point for the townhouse project at 1025 Osprey Court. He thanked the Commission for their approval.

Comments from the Commission

Commissioner Mayer had no comments.

Commissioner Stonehouse stated he was able to get the Covid-19 booster shot and encouraged others who are eligible to do the same. He also pointed out NMU homecoming is this coming weekend.

Commissioner Bonsall thanked David Allen for his involvement in the Osprey Court project and thanked him for his advisement he gave to the Ad-Hoc housing committee in regards to the work he did in Grand Rapids.

Commissioner Davis also thanked Mr. Allen for his work in our community and stated she will be getting her booster shot. She acknowledged the MML conference that was attended by Mayor Pro Tem Hill and herself.

Commissioner Hanley echoed Commissioner Bonsall and Davis by thanking Mr. Allen on the project and is excited to see where this goes and future collaboration with the City, to grow the workforce housing in Marquette.

Mayor Pro Tem Hill pointed out concern by residents with the construction at Two Marquette Place. She said concerns are that a vital route is being closed, people have limited access to the bike path and alternative routes do not feel safe. She noted that the concerns are being heard.

Mayor Smith thanked the City Manager, Department Heads, and City staff for the effort that was poured into the FY 22 Budget. She also asked for clarification on when customers would see utility rate increases. Staff indicated that the new rates would be reflected on the bills for services begin on October 1, 2021.

Comments from the City Manager

City Manager Karen Kovacs thanked to the Commission for the work that was done for the FY 22 budget. She showed appreciation to the Commission for their willingness to have open conversations, which provided ideas and solutions. She invited the community to the October 2 Fire Prevention parade which will kick off Fire Prevention week.

Lastly she addressed the construction at Two Marquette Place and will be provided more feedback to the Commission soon.

Adjournment

The meeting was adjourned at 7:34 p.m.

Jennifer A. Smith, Mayor

Rachel Quayle, Deputy 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: 10/12/2021

Consent Agenda - Roll Call Vote **Audit Contract for Fiscal Years 2021 through 2023**

BACKGROUND:

The contract for the City's required annual audit is due for renewal. With Anderson, Tackman & Company, PLC being the only local CPA firm able to conduct the City's audit and because this is a professional service that does not require a formal Request for Proposal, City staff has negotiated terms for a three-year contract. The City's Chief Financial Officer and Staff Accountant have concluded the negotiated costs to be appropriate and in line with previous years.

FISCAL EFFECT:

The contract amounts of \$51,000 for FY2021; \$53,500 for FY2022; and \$56,000 for FY2023 will be included in the respective budgets.

RECOMMENDATION:

Approve a three-year contract for annual audit services with Anderson, Tackman & Company, PLC in the amounts of \$51,000 for FY2021; \$53,500 for FY2022; and \$56,000 for FY2023; and authorize the Chief Financial Officer to sign the contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Audit Contract for FY2021 thru FY2023



ANDERSON, TACKMAN & COMPANY, PLC

Certified Public Accountants

"A Regional Firm With Offices In Michigan And Wisconsin"

102 W. Washington St. Suite 109 Marquette, MI 49855 Phone: (906) 225-1166 www.atccpa.com

PARTNERS

Daniel E. Bianchi, CPA

Michael A. Grentz, CPA

William C. Sheltrow, CPA

September 22, 2021

City of Marquette, Michigan
300 West Baraga Avenue
Marquette, Michigan 49855

We would like to represent our qualifications to serve the City of Marquette, Michigan as its independent accountants and business advisors. Anderson, Tackman & Company, PLC is proud of our expanding practice in the governmental and non-profit industries, and our record of active and timely service is your guarantee of our commitment to provide the quality of service you desire.

We are a regional certified public accounting firm with offices in Michigan and Wisconsin. We currently are auditors for numerous Cities across the Michigan. In addition, we have many other municipal and non-profit clients such as Counties, Cities, Villages, Townships, Schools, Authorities, Health Care Organizations, Native American Organizations and other various Non-Profit Organizations.

Providing you with a variety of financial and advisory services based on the most current developments is what we consider to be our primary responsibility. Our professional staff is committed to our client's financial success and we are very proud of our staff and their educational and work experience qualifications. Our professionals are trained in such areas as governmental accounting, non-profit accounting, financial reporting, taxation, compliance, employee benefit consulting, health care reimbursement, and computer information systems. This broad base allows us to compete professionally with many larger firms.

Our audit will be performed in accordance with generally accepted accounting and auditing procedures. Based upon our experience and knowledge of your operations, our fee for the audit inclusive of all out-of-pocket costs will be \$51,000, \$53,500, and \$56,000 for the years ended September 30, 2021, 2022, and 2023. Also, if additional services not listed are required, an additional fee will be determined based on the services provided.

We welcome the opportunity to serve the City of Marquette, Michigan in its professional needs, and would be pleased to meet with you at your convenience to further discuss our qualifications and experience.

Sincerely,

ANDERSON, TACKMAN & COMPANY, PLC

Michael A. Grentz

Michael A. Grentz, CPA
Partner

PROFESSIONAL FEES

Our fees for professional services are based upon our normal hourly rates applied to the expected time necessary to complete the engagement. Our rates are geared to the level of experience of each staff member assigned to the engagement.

Our audit will be performed in accordance with generally accepted accounting and auditing procedures. Based upon our experience and knowledge of your operations, our fee for the audit, is proposed as follows:

For the Year Ended	2021	2022	2023
City of Marquette	\$26,000	\$27,250	\$28,500
Single Audit (if required)	4,000	4,200	4,400
Downtown Development Authority	4,000	4,200	4,400
Peter White Public Library	5,000	5,250	5,500
Marquette City – Fire/Police Pension	4,000	4,200	4,400
Marquette Area Wastewater	4,000	4,200	4,400
Brownfields	4,000	4,200	4,400
Total	\$51,000	\$53,500	\$56,000

% - If any new requirements are implemented during this proposal that require additional time, an additional fee will be determined with you before starting.

The audit fee estimate listed above is based on the activity included in the audited financial statements as of and for the year ended September 30, 2020. The fee estimate is also based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur additional costs.

This proposal is valid for 45 days, from the date on the top of page 1.

RESPONSE:

This letter correctly sets forth the understanding of City of Marquette, Michigan.

Officer signature: _____

Title: _____

Date: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Consent Agenda - Roll Call Vote **EDA Build Back Better Grant Resolution- Roll Call Vote**

BACKGROUND:

The Central Upper Peninsula Planning and Development Regional Commission (CUPPAD) and Innovate Marquette SmartZone are beginning to develop a proposal for an Economic Development Administration (EDA) Build Back Better grant and have requested the participation of the City of Marquette in conceptualizing a component project that could support the creation of a regional Outdoor Recreation Innovation District. The coalition's aim is to develop a holistic approach to growing a globally competitive outdoor recreation economy in Marquette County, beginning with a focus on outdoor recreation mobility and advanced manufacturing. The long-term vision is to leverage the region's unique strengths by developing a high-functioning ecosystem of collaboration in support of an innovative outdoor recreation industry, the growth of which will lead to above average wage jobs in technology, manufacturing, and science while creating a more sustainable and equitable future for the region.

The Build Back Better grant depends on partnerships and requires local coalitions to identify three to eight projects that could lead to progress toward a common vision for industry cluster growth. The concept team has identified a variety of key components that could be important for developing a focused and holistic approach to nurturing this industry. For the Phase I application, these components do not have to be fully developed; they are intended to be conceptual and if selected as one of the 50-60 awardees nationwide, the coalition could receive \$500,000 to further develop the concepts in preparation of a Phase II application.

CUPPAD has requested a letter of support to include in the initial application for the Build Back Better grant.

FISCAL EFFECT:

None.

RECOMMENDATION:

Approve the resolution in support of joining the local coalition to support economic diversification efforts by exploring growth opportunities in the outdoor recreation industry and the application to the U.S. Economic Development Administration's "Build Back Better Regional Challenge", and authorize the Mayor to sign the resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Invitation
- ▣ Resolution



330 W. Terrace St.
Marquette, MI 49855

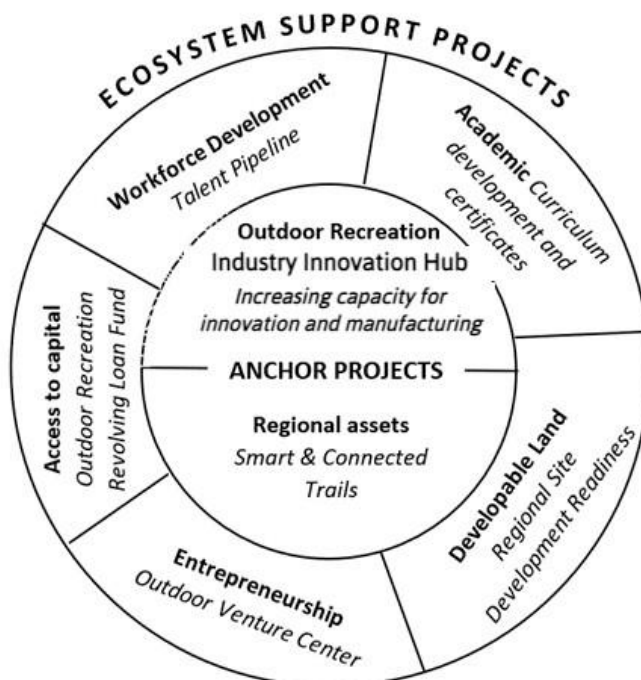
September 27, 2021

Dear Marquette Innovation Ecosystem Partner,

CUPPAD and Innovate Marquette SmartZone are beginning to develop a proposal for an EDA *Build Back Better* grant and we request your assistance in conceptualizing a component project that could support the creation of a regional Outdoor Recreation Innovation District. Our coalition's aim is to develop a holistic approach to growing a globally competitive outdoor recreation economy in Marquette County, beginning with a focus on outdoor recreation mobility and advanced manufacturing. It is our long-term vision to leverage our region's unique strengths by developing a high-functioning ecosystem of collaboration in support of an innovative outdoor recreation industry, the growth of which will lead to above average wage jobs in technology, manufacturing, and science while creating a more sustainable and equitable future for the region. If you support our vision, I hope you will consider participating in this initiative.

The Build Back Better grant depends on partnerships and requires local coalitions to identify three to eight projects that could lead to progress toward a common vision for industry cluster growth. The concept team has identified a variety of key components that could be important for developing a focused and holistic approach to nurturing this industry, but we need your support and expertise to make it a possibility. For the Phase I application, these components do not have to be fully developed; they are intended to be conceptual and if selected as one of the 50-60 awardees nationwide, our coalition could receive \$500,000 to further develop the concepts in preparation of a Phase II application. Approximately half of those coalitions will be approved under Phase II of the program and will receive \$25-75 million to develop those identified projects. This is a major opportunity for our region to leverage our natural strengths and take a big step toward becoming more economically resilient while building a diverse economy.

The graphic to the right illustrates an example of various components that could form the foundation of the Marquette County Outdoor Recreation innovation district. The idea is to bring together the support of our local innovation ecosystem around key anchor projects that would spur new products and ideas. Imagine for a moment, if you had creative control and the necessary resources at your disposal, what could your organization do to support this vision? As a partner on this coalition, we want to understand (1) if you are willing to explore this opportunity with others in the innovation ecosystem, and (2) given the opportunity to plan and conduct the proper background studies, what innovative efforts could be undertaken by your organization in support of this concept?



This is the starting point for our collaborative efforts in support of the outdoor recreation economy. If you have an idea that could support or enhance this, **please respond with a brief one-page description, following the attached criteria and share it with the project concept team no later than, October 8th.** Your response may be emailed to RSOUCY@CUPPAD.ORG. The application for Phase I of the Build Back Better Challenge is due by October 19th, so time is limited. A future project team meeting will be arranged to discuss the interconnectivity of project components and to clarify details before submission, tentatively during the week of October 11th.

Thank you for your attention on this important opportunity.

Sincerely,

Ryan Soucy, AICP
Senior Community and Economic Development Planner
Central U.P. Planning and Development (CUPPAD)

Build Back Better – Project Criteria and Things to Consider

Please provide a brief summary of a conceptual project that could support an innovative and growing outdoor recreation manufacturing industry. It is not essential for individual project components to address each criterion; however, the collection of projects in our submission should, so addressing as many of these elements as possible would lead to a stronger proposal.

1. **Regional Impact** – The extent to which the component project could be responsive to the needs of communities caused by the coronavirus pandemic, including long-term economic recovery, economic diversification, and resilience to future pandemics or other sudden and severe economic dislocations.
2. **Regional Assets** – How the project could leverage existing assets to support the region’s economic competitiveness.
3. **Sustainability** – The project’s sustainability/durability, including the extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, community-based, etc.) and is aligned with and integrated into other public or private investments currently ongoing or planned for the community and region.
4. **Equity** – The extent to which the concept articulates a plan for ensuring that the project’s benefits are shared across all affected communities, both urban and rural. Also, consider possible connections to underrepresented groups including, women, tribal communities, and people of color.
5. **Distress** – Project’s potential ability to address economic distress, including the economic impact of the coronavirus pandemic.
6. **Jobs and Economic Growth** – The project’s anticipated ability to foster wage growth, job placement, job creation or economic growth in the regional economy, including whether the project could create union and well-paying jobs with good benefits.
7. **EDA Investment Priorities** – The extent to which the project aligns with EDA’s Investment Priorities, with preference given to projects that align with multiple investment priorities.
 - a. **Equity:** Economic development planning or implementation projects that advance equity across America through investments that directly benefit traditionally underserved populations and communities.
 - b. **Recovery & Resilience:** Economic development planning or implementation projects that build economic resilience to and long-term recovery from economic shocks, like those experienced by coal and power plant communities, or other communities impacted by the decline of an important industry or a natural disaster, that may benefit from economic diversification-focused resilience.
 - c. **Workforce Development:** Economic development planning or implementation projects that support workforce education and skills training activities directly connected to the hiring and skills needs of businesses and that result in well-paying, quality jobs.
 - d. **Manufacturing:** Economic development planning or implementation projects that encourage job creation, business expansion, technology and capital upgrades, and productivity growth in manufacturing, including efforts that contribute to the competitiveness and growth of domestic suppliers or to the domestic production of innovative, high-value products and production technologies.

- e. **Technology-Based Economic Development:** Economic development planning or implementation projects that foster regional knowledge ecosystems that support entrepreneurs and startups, including the commercialization of new technologies, that create technology-driven businesses and high-skilled, well-paying jobs of the future.
- f. **Environmentally-Sustainable Development:** Economic development planning or implementation projects that help address the climate crisis including through the development and implementation of green products, green processes (including green infrastructure), green places, and green buildings.
- g. **Exports & FDI:** Economic development planning or implementation projects that enhance or build community assets to support growth in US exports or increased foreign direct investment.

It is also important that individual projects relate to and capitalize off one another to generate more value and a greater impact. Once project proposals are gathered, a follow up meeting will be arranged to discuss the interconnectivity of projects and how this result can be explained in a succinct manner to fit within the 5-page narrative.

Anchor Projects

Three core projects are proposed to anchor this innovation district within the region and serve as catalysts for future growth and development. Partners proposing ecosystem support projects are encouraged to consider the opportunity created through these possibilities and propose projects that complement or enhance these projects. They are described below.

Shophouse Park

Shophouse Park (SHP), a mixed-use real estate development and recreational community that will include four live/work buildings or "Shophouses" when fully developed. Shophouse 1, the Venture House will be home to the newly created Michigan Outdoor Venture Center, A statewide resource operated by Innovate Marquette SmartZone to catalyze an Outdoor Industry Innovation District. In addition, the Venture house will host start-ups in residence, a prototyping and a fabrication facility. Venture Capital (VC) companies and funds will also be able to visit and engage with start-ups during acceleration and incubation. Shophouse 2, The Small Business House, will provide a place for 3 small businesses to operate and will provide housing. Shophouse 3, The Hospitality House will provide 3 food and beverage businesses a place to serve customers and house owners or employees. Finally, Shophouse 4, The Innovation House, serves start-ups and attracts corporations to the region to develop and test mobility and outdoor recreation products, while receiving open innovation support and assistance.

Alignment to Criteria:

- Regional impact: economic diversification and resilience
- Regional assets: leverage existing assets
- Sustainability: support from regional stakeholders and alignment with regional planning

Innovation MOVE

The Michigan Outdoor Venture Center, an Innovation Center located in SHP, designed to support start-ups and operating companies in their development and testing of outdoor recreational products and services. The MOVC will function as an outdoor product innovation industry hub with an entrepreneurial incubator and accelerator specifically designed for developing and testing mobility and outdoor recreational products, services, and start-up ventures. This private-public sector collaboration will also include a venture fund focused on product innovations and technologies developed at the Center and in collaboration with industry partners.

Alignment to Criteria:

- Regional impact: economic diversification and resilience (accelerate growth of innovative outdoor recreation small businesses and high-wage jobs)
- Regional assets: leverage existing assets
- Sustainability: support from regional stakeholders and alignment with regional planning
- Equity: increase regional collaboration to strengthen the area's economy i.e., rural-urban connection

Smart and Connected Trails

The region holds thousands of miles of trails, dirt roads, routes and paths which are mainly used by residents and tourists. There is an opportunity to integrate technology and position this as a research and development asset that leverages the best of the rural Upper Peninsula with the design, engineering and manufacturing strengths of the Lower Peninsula. The development of a connected smart trail system would be the first of its kind and would draw international corporations to the area for the development and testing of the next generation of outdoor mobility products.

Alignment to Criteria:

- Regional impact: Supporting economic diversification activities as impending dislocation in the mining industry approaches.
- Equity: Geographically underserved populations and communities
- Regional Assets: Leverage natural assets and trail systems
- EDA priorities: Technology-based economic development, foreign direct investments, environmentally-sustainable development.



Resolution

EDA Build Back Better Grant

WHEREAS, the residents of Marquette County enjoy pristine, robust, and unique recreational options without having to travel outside their local community; and,

WHEREAS, supporting outdoor recreational activities is a priority for the residents of Marquette County; and,

WHEREAS, the City of Marquette has prioritized planning for the protection, promotion, and enhancement of outdoor recreation assets within our current recreation plan; and,

WHEREAS, the City of Marquette has coordinated recreational planning with Marquette County culminating in the 2020-2024 Marquette County Recreation Plan; and,

WHEREAS, the Iron Ore Heritage Trail serves as a regional recreation connection and attraction through Marquette County and is centrally located among the County's vast recreational assets; and,

WHEREAS, the Iron Ore Heritage Trail Authority supports the enhancement of the trail for outdoor recreational activities and with that, the benefits it provides to the community, such as with economic development and talent attraction; and,

WHEREAS, the U.S. Economic Development Administration "Build Back Regional Challenge" is a Federal grant program for regional initiatives to help revitalize local economies through industry cluster-based strategies; and,

WHEREAS, a coalition of economic and community development institutions in Marquette County has been formed to support the growth of jobs, businesses, and innovation in the outdoor recreation economy; and,

WHEREAS, the aforementioned coalition includes: Innovate Marquette SmartZone, Northern Michigan University, InvestUP, Lake Superior Community Partnership, Central U.P. Planning & Development Regional Commission, Michigan Works, and Marquette County; and,

WHEREAS, the coalition would like to submit a project centered on the Iron Ore Heritage Trail Corridor as an outdoor recreation innovation district for the purpose of diversifying economic development opportunities with the intent to develop an Outdoor Recreation District Strategic Action Plan which includes a component on managing sustainable tourism; and,

WHEREAS, the coalition is seeking additional support to apply for a potential first Phase \$500,000.00 grant to develop the plan and further explore the potential of developing key projects throughout the region; and,

WHEREAS, the coalition is also seeking local government support for the submission of the grant application; and,

NOW BE IT RESOLVED, the City of Marquette approves this resolution in support of joining the coalition to support economic diversification efforts by exploring growth opportunities in the outdoor recreation industry and apply to the U.S. Economic Development Administration's "Build Back Better Regional Challenge" with the intent to develop an Outdoor Recreation District Strategic Action Plan focused on creating additional outdoor recreational economic benefits and managing tourism in a sustainable way as it comes to Marquette County.

Dated this 12th day of October, 2021.

Jennifer A. Smith
Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Consent Agenda - Roll Call Vote **Hockey Mutineers of Marquette - Ice Use Agreement**

BACKGROUND:

The Hockey Mutineers of Marquette have requested the City Commission consider an Agreement for Use of Lakeview Arena - Ice Use. Staff has worked with the City Attorney and the Hockey Mutineers to draft a standard Use Agreement which provides for the terms and conditions of the request. The agreement allows for two equal payments of \$2,100 upon execution of the agreement and on January 1, 2022 respectively. The Hockey Mutineers of Marquette have requested a total of 21 hours for \$4,200 for the FY 2022 ice season. Any additional hours of ice usage shall be billed at the end of the season.

FISCAL EFFECT:

The Lakeview Arena fund will receive \$4,200 upon approval.

RECOMMENDATION:

Approve the Agreement for Use of Lakeview Arena with Hockey Mutineers of Marquette, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Use Agreement, Exhibit A and Customer Schedule

AGREEMENT FOR USE OF LAKEVIEW ARENA

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 49885 (hereinafter referred to as the "City") and the **HOCKEY MUTINEERS OF MARQUETTE**, a Michigan corporation, of 401 East Fair Avenue, Marquette, MI 49885 (hereinafter referred to as the "User Group").

WHEREAS, the City is the owner and operator of Lakeview Arena at 401 E. Fair Avenue, Marquette, Michigan; and

WHEREAS, the City is willing to lease to User Group space as shown in Exhibit "A" in Lakeview Arena in accordance with the terms and conditions contained herein from October 1, 2021, through March 31, 2022.

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

1. In consideration of two (2) equal payments of \$2,100.00, the User Group shall be entitled to exclusive use of the Lakeview Arena ice sheet specified in Exhibit "A" for the times listed under "Customer Schedule" which includes 21 hours. The City will invoice the User Group on October 1, 2021 and on January 1, 2022, with payment due no later than thirty (30) days after each invoice date. The City shall invoice or issue a refund to reflect all additional, or fewer, hours of ice usage at the end of this agreement.

2. Should the User Group wish to lease its ice time to another responsible group, at the same rate, during the contract period, it may do so upon forty-eight (48) hours minimum notice to the City. Such sub-lease of User Group ice time shall be made and transacted between the parties and not involve the City. The City retains the right to deny such use for cause which shall

not be unreasonably withheld.

3. Food and beverage service operated by the City, or by those persons contracting with the City to provide said services, will be available to others during advertised special events. The City will work with the User Group to coordinate food service.

4. The User Group recognizes that use of Arena facilities must be properly planned. User Group will provide a minimum of forty-eight (48) hours notice to the City in the event of any facility use changes, including cancellation, change of time, or additional use, and will maintain the facilities as they were found prior to their use.

5. The User Group understands and agrees that there is inherent danger and risk of injury to those individuals participating in an observing the User's Group's activities. The User Group expressly agrees to assume the full risk of and responsibility for any and all injuries, accidents, or damages (including death) that may occur as a result of participating in or observing the User's Group's activities except to the extent caused by the City's gross negligence or intentional misconduct, and the User Group releases the City, its officers, directors, agents, representatives, contractors and employees from such liability.

6. The User Group agrees to release, indemnify and hold harmless the City, its officers, directors, agents, representatives, contractors and employees from any and all claims, including attorney fees and costs, that may be brought against it by anyone claiming to have been injured or damaged as a result of the User Group's use of or activities, including but not limited to bodily injury, property damage or other injury or damage that may occur in connection with Hockey Mutineers of Marquette activities, except to the extent caused by the City's gross negligence or intentional misconduct.

7. The User Group shall procure and maintain insurance for the duration of this Agreement against liability claims for injuries to persons or damages to property which may arise

from or in connection with the use of Lakeview Arena and naming the City as an additional insured. The insurance required by this Agreement shall be in amounts acceptable to the City and shall be endorsed to state that coverage shall not be reduced or canceled except after thirty (30) days notice to the City by certified mail, return receipt requested.

8. The occurrence of any of the following shall constitute a default by the User Group:

- a. Abandonment and vacation of Lakeview Arena during the Agreement.
- b. Failure to perform any provision of this Agreement, if the failure to perform is not cured within thirty (30) days after the City provides written notice to the User Group.
- c. Failure to maintain insurance as required by this Agreement, which shall be cause for immediate termination of this Agreement by the City.
- d. The User Group files a petition in bankruptcy or insolvency or for reorganization, or involuntary proceedings are filed against the User Group under applicable bankruptcy laws.
- e. The User Group fails to make any payment when due.

9. In the event of default, the City shall provide the User Group written notice of default. The User Group shall have thirty (30) days after notice is provided to cure said default. No notice shall be deemed a forfeiture or termination of this Agreement unless the City specifies such in the notice. In the event the User Group does not cure the default within the allowed thirty (30) day time period, the City shall have the following remedies, which shall not be exclusive and shall be in addition to any other remedies now or later allowed by law:

- a. The City may elect to continue this Agreement.
- b. The City may terminate the User Group's right to possession of Lakeview Arena at any time, by providing specific written notice to this effect.

c. The City shall be entitled to recover all amounts, including any attorney fees incurred by the City in pursuit of the default.

10. Any notice required under this Agreement shall be in writing and served by prepaid, first class mail to the address listed on the first page of this Agreement, or any other address as either party may provide to the other in writing.

11. No delay or omission in the exercise of any right or remedy of the City on any default by the User Group shall impair such right or remedy or be construed as a waiver of the right to pursue such remedy.

12. Nothing in this lease shall render the City in any way a partner, in joint ventureship with the User Group.

13. Upon the expiration or termination of this Agreement, the User Group shall at its sole expense:

a. Remove all of its goods, effects, and equipment.

b. Surrender the premises to the City.

Any goods, effects or equipment owned by the User Group that is not removed shall be deemed to have been abandoned and shall become the property of the City.

14. By executing this Agreement and taking possession pursuant to the terms contained herein, the User Group acknowledges that Lakeview Arena is in the condition called for by this Agreement.

15. This Agreement contains the entire agreement of the parties with respect to its subject matter. This Agreement may not be modified except by a written document signed by the parties.

16. This Agreement shall bind and benefit the parties and their successors and permitted assigns.

17. This contract is executed in the City of Marquette, State of Michigan, and shall be construed under the laws of the State of Michigan, and the parties agree that any action relating to this contract shall be instituted and prosecuted in the courts of the County of Marquette, State of Michigan, and each party waives the right to change of venue.

CITY OF MARQUETTE

HOCKEY MUTINEERS OF MARQUETTE.

Jennifer A. Smith, Mayor

By: *Joey Enright*
Its: *Board Member*

Kyle Whitney, City Clerk

APPROVED AS TO SUBSTANCE:

Karen M. Kovacs, City Manager

APPROVED AS TO FORM:

Suzanne C. Larsen, City Attorney



Lakeview Arena

300 W. Baraga Ave.
Marquette, MI 49855

Account Schedule Report

Phone: 906-228-0460

Fax: 906-228-0493

Mutineers

Jill Bourdeau

104 Coles Dr Suite D

Phone: 906-235-8101

Email: codyallen248@yahoo.com

Account Schedule - By Date

9/27/2021 - 3/31/2022

Date	Day	Complex	Facility	Event Type	Event Time	Cleanup	Dur.	Rate	Other Chg	Tax
11/5/2021	Fri	LA	Russell Arena	Game	6:30 PM-9:20 PM	9:20 PM-9:30 PM	3/0	200.00	0.00	0.00
11/27/2021	Sat	LA	Russell Arena	Game	6:30 PM-9:20 PM	9:20 PM-9:30 PM	3/0	200.00	0.00	0.00
12/18/2021	Sat	LA	Russell Arena	Game	6:30 PM-9:20 PM	9:20 PM-9:30 PM	3/0	200.00	0.00	0.00
1/8/2022	Sat	LA	Russell Arena	Game	6:30 PM-9:20 PM	9:20 PM-9:30 PM	3/0	200.00	0.00	0.00
1/14/2022	Fri	LA	Russell Arena	Game	6:30 PM-9:20 PM	9:20 PM-9:30 PM	3/0	200.00	0.00	0.00
2/4/2022	Fri	LA	Russell Arena	Game	6:40 PM-9:30 PM	9:30 PM-9:40 PM	3/0	200.00	0.00	0.00
2/12/2022	Sat	LA	Russell Arena	Game	6:30 PM-9:20 PM	9:20 PM-9:30 PM	3/0	200.00	0.00	0.00

21 (hrs) / 0 (min)

Sub Total \$

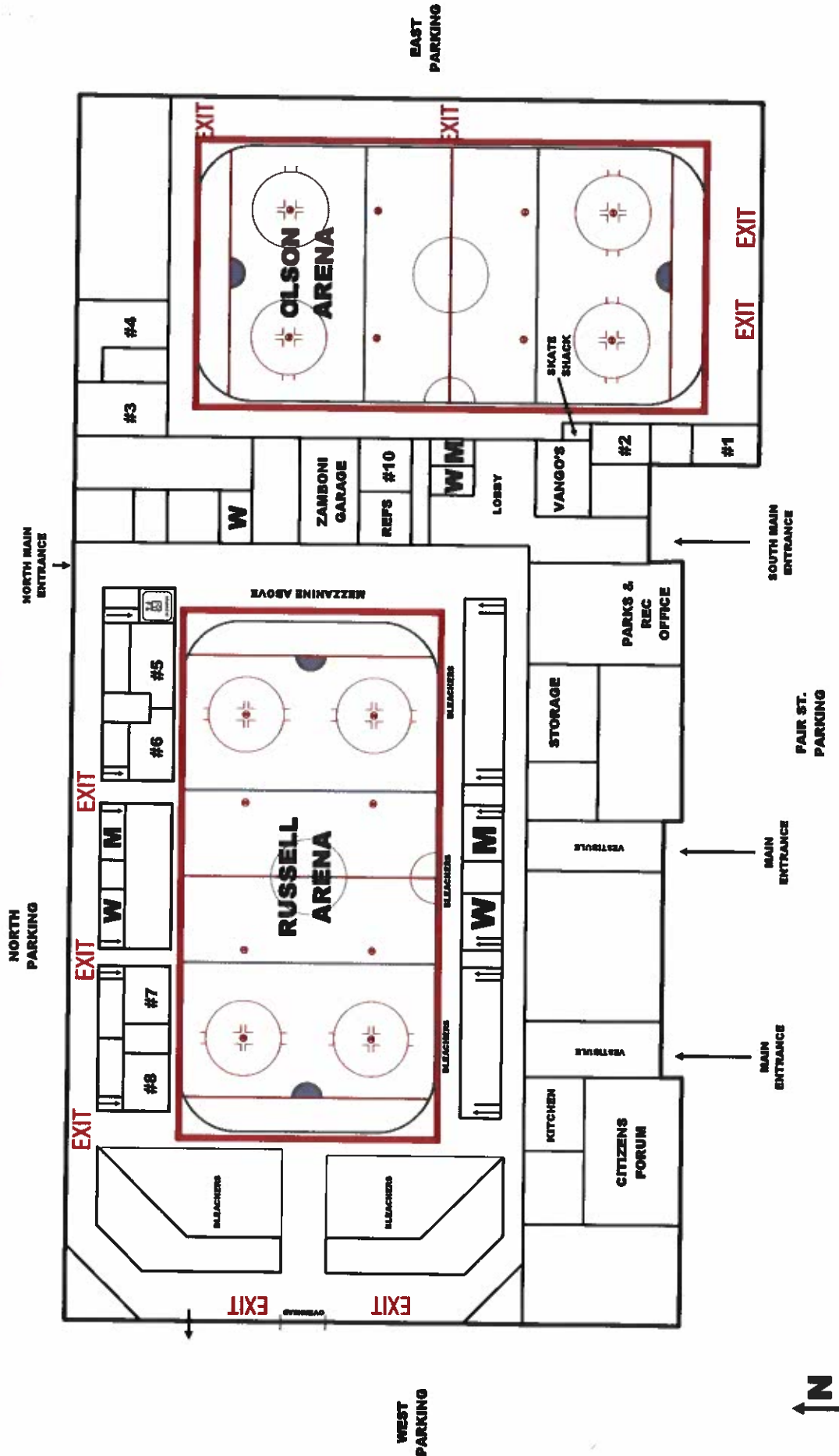
Tax \$

Grand Total \$



LAKEVIEW ARENA

EXHIBIT A



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Consent Agenda - Roll Call Vote
Hockey Mutineers of Marquette - Lease Agreement

BACKGROUND:

Hockey Mutineers of Marquette has requested the City Commission consider leasing locker room space at Lakeview Arena. Staff has worked with the City Attorney and Hockey Mutineers of Marquette to draft a standard Lease Agreement which provides for the terms and conditions of the request. The monthly payment is \$1,078, the first payment of which is due upon execution of this agreement. The term of the lease is five (5) months (October 15, 2021 to March 15, 2022).

FISCAL EFFECT:

The Lakeview Arena fund will receive \$5,390 in revenue for FY 22.

RECOMMENDATION:

Move the Lease Agreement with the Hockey Mutineers of Marquette for locker room space at Lakeview Arena to the next regular meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Lease and Exhibit A

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2021, by and between **THE CITY OF MARQUETTE**, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, hereinafter "LESSOR", and the **HOCKEY MUTINEERS OF MARQUETTE**, a Michigan corporation of 401 E. Fair Avenue, Marquette Michigan 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 from Lessor and Lessor is willing to lease to Lessee space known as the former Marquette Electricians locker room in Lakeview Arena consisting of the coaches' office, locker area, showers and restroom 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:

I – Leased Premises

- 1.1 Lessor leases to Lessee space as known as the former NMU locker room in Lakeview Arena consisting of the coaches' office, locker area, showers and restroom.
- 1.2 Lessee shall develop architectural and engineering plans for renovations required to meet specific needs of Lessee for its intended uses. Lessee shall obtain Lessor's written approval of all such plans and specifications prior to beginning any construction activity.

II – Term of Lease

- 2.1 The term of this lease shall be for a period of five (5) months from October 15, 2021 to March 15, 2021.

III – Rent

- 3.1 Lessee shall pay \$5,390.00 for the entire lease term, the first payment of \$1,078.00 being due October 15, 2021 with subsequent equal payments due the 15th day of each month for the remainder of the lease term. This rent includes rent for the locker room space at \$12.00 per square foot for 974 square feet for 5 months; rent for the coaches office at \$6.00 per square foot for 208 square feet for 5 months.
- 3.2 Lessee shall be responsible for maintaining the Leased Premises.

VI – Maintenance and Repair

- 6.1 Lessee shall be responsible for ordinary janitorial and cleaning services of the Leased Premises.
- 6.2 Lessee shall be responsible for the maintenance and repair of Lessee's fixtures, furniture and equipment, which Lessee has brought to the Leased Premises, or which are peculiar to Lessee's uses. Lessee shall be solely responsible for maintaining said fixtures, furniture and equipment in a safe condition and good repair.
- 6.3 Lessee must obtain written consent of Lessor for all signage used by Lessee in the Leased 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.

VII – Insurance and Indemnity

- 7.1 Lessee shall not permit any activity anywhere within Lakeview Arena or the parking areas adjacent to Lakeview Arena which would invalidate or be in conflict with Lessor's fire, boiler, sprinkler, water damage, and extended coverage insurance policies covering Lakeview Arena and the contents therein.
- 7.2 Lessee shall not permit any activity anywhere within Lakeview Arena or the parking areas adjacent to Lakeview Arena 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 Leased Premises or the common areas of Lakeview Arena by Lessee, its employees, agents, invitees, and licensees. The amount of the insurance shall be not less than One Million Dollars (\$1,000,000.00) per occurrence for accident, bodily injury, or death and not less than Five Hundred Thousand Dollars (\$500,000.00) for property damage. Lessee shall 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.
- 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

XII – 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 for Lessee's account and 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 the term 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.

XIII – Default by Lessee

- 13.1 The occurrence of the following event may, at Lessor's option, be deemed an event of default:
- a) failure to perform Lessee's covenants and agreements contained in this agreement, provided, however, that Lessor has provided Lessee with written notice of the failure and Lessee has failed to promptly commence to cure the default and diligently prosecute the curing of the default which remains uncured for a period of thirty (30) days after written notice from Lessor.
- 13.2 In the event of default by Lessee, Lessor shall have the following remedies:
- a) In the event of the occurrence of an event of default, Lessor shall have the right to give ninety (90) days of written notice of termination to Lessee and on the date specified in said notice, the lease will terminate unless, on or before the date of termination, all arrears of rent and other sums due from Lessee to Lessor and all other events of default have been fully cured.
 - b) Lessor shall have the right to terminate and repossess the Leased Premises without prejudice to other remedies that Lessor may have. Upon receipt of notice of termination, Lessee shall remove itself and any other person occupying the premises.
 - c) Lessor shall have all the rights and remedies of a Lessor as provided by applicable law.
- 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.

XIV – Surrender of Leased Premises 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 at the termination of lease. Upon the expiration or

be deemed served on the earlier of receipt or three (3) working days after the date of mailing.

- 15.8 Each person executing this Lease for a party hereby represents and warrants that he or she has the full power and authority to enter into this Lease on behalf of the party for which he or she signs and to make this lease binding on such party.

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

CITY OF MARQUETTE

HOCKEY MUTNEERS OF MARQUETTE

Jennifer A. Smith, Mayor

By: Joey Enright
Its: Board Member

Kyle Whitney, City Clerk

Approved as to Substance:

Karen M. Kovacs, City Manager

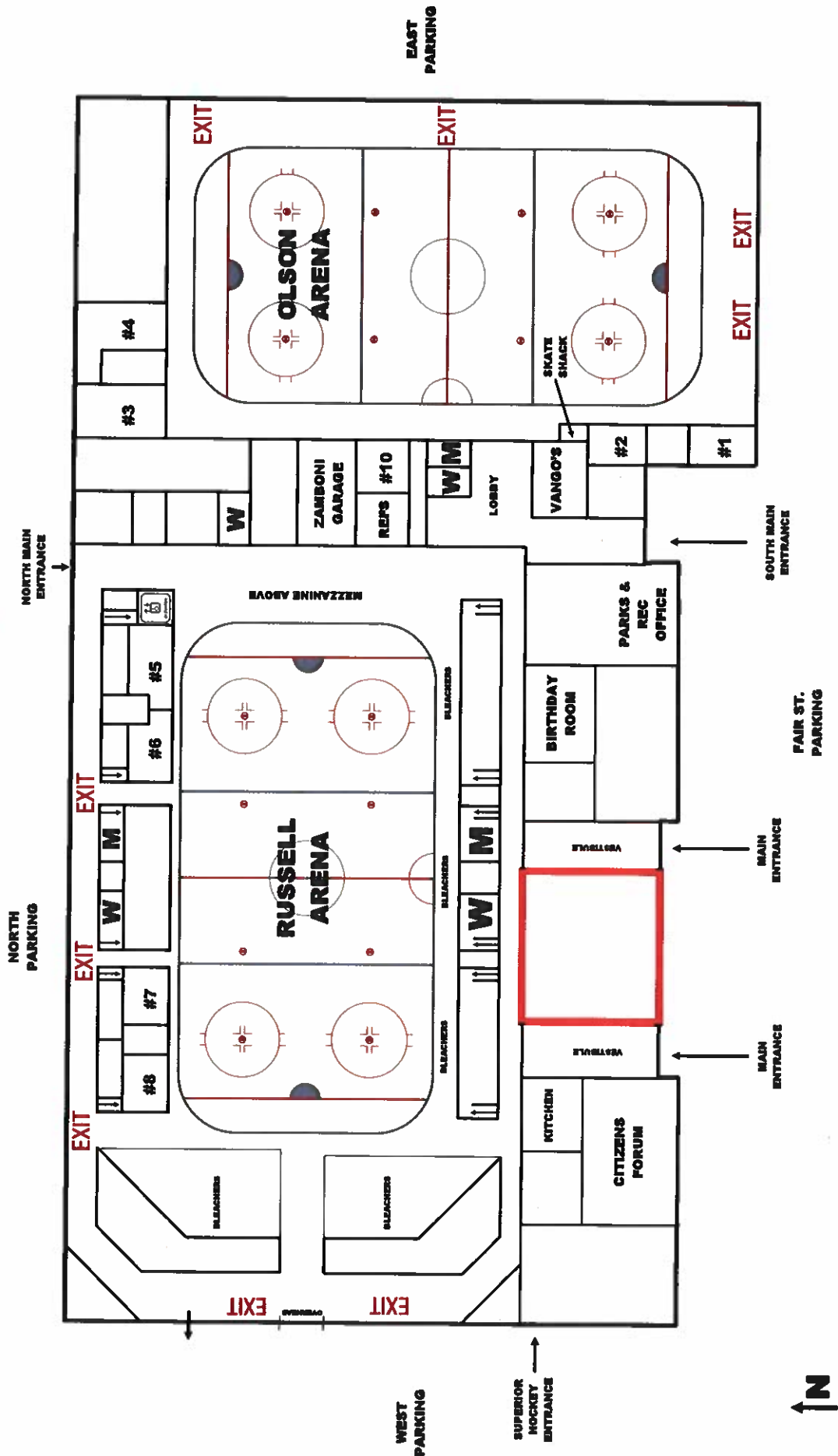
Approved as to Form:

Suzanne C. Larsen, City Attorney



LAKEVIEW ARENA

EXHIBIT A



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Consent Agenda - Roll Call Vote **Novatime Software Solution**

BACKGROUND:

In the last year, the City Fire Department was audited for time, attendance, and payroll records in connection with federal law. Throughout the course of the audit, Human Resources and the Fire Department had to supply various time and attendance records that were cumbersome to provide due to the outdated nature they've historically been kept by utilizing hard copy timesheets and daily logs.

The City currently uses the BS&A software suite for many municipal services including payroll; however, it falls short with timekeeping. A new time and attendance software solution was implemented in the Fire Department to compensate for shortfalls discovered during our audit. A team consisting of the Fire Chief, Director of Administrative Services, Payroll Clerk and IT Manager evaluated software alternatives and determined Novatime to be our preferred vendor due to their 100% guaranteed integration with the BS&A Payroll application. Other companies did not meet all of our criteria.

The Fire Department has successfully implemented the software application and the FY 2022 budget includes funding to move the rest of the City departments to this software solution.

FISCAL EFFECT:

The cost for Novatime for the rest of the City is \$29,093 for year one including the onetime implementation cost of \$6,885. This expense is included in the budget.

RECOMMENDATION:

Approve the purchase of Novatime software with a first-year cost not-to-exceed \$29,093.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Consent Agenda - Roll Call Vote

Proclamation- Land Acknowledgement

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Proclamation



Proclamation Land Acknowledgement

WHEREAS, the City of Marquette recognizes the historic, cultural, and contemporary significance of Indigenous Peoples of the lands that also became known as the Americas; and,

WHEREAS, the City of Marquette would like to specifically recognize the history and present of the lands that are located within its jurisdiction; and,

NOW THEREFORE, the Mayor and City Commission of the City of Marquette proclaims and makes the following land acknowledgement:

Marquette, this city, is located on the ancestral homelands of the Anishinaabe Three Fires Confederacy. Gichi-namebini Ziibing is the traditional name of Marquette.

Marquette, gichi-oodena, ayaa gete-anishinaabewaking Anishinaabe Swi Shkode Aking. Gichi-namebini Ziibing ezhinikaadeg Anishinaabemowining Marquette.

DATED this 12th day of October, 2021.

Jennifer A. Smith, Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

Consent Agenda - Roll Call Vote **Tub Grinding Services**

BACKGROUND:

Annually the City of Marquette Public Works Department collects brush and bulk wood waste from residents and internal operations. The material is stock piled until enough material accumulates and the City brings in a processing company that chips the material into either a usable product for mulching around City trees or a product that will be hauled off site for composting. The City currently has material stored at the Flink Farm requiring processing.

Tub grinders are a high wear piece of equipment that require a large initial investment and a high level of maintenance to keep them operational. Tub grinders can burn in excess of 50 gallons of fuel per hour. This creates a limited market for the equipment and does not lend itself to a good business case for owning the equipment that would be used for approximately one week per year.

City staff was able to secure pricing from MJB Industries, Inc. out of Marinette, Wisconsin. The City has previously used their tub grinding services with satisfaction. The quoted rate is \$500 per hour for operational time and \$125 per hour for travel time. City staff recommend waiving the competitive bidding procedure and entering into a contract at the quoted rates with MJB Industries, Inc. due to the extremely limited availability of this type of equipment.

FISCAL EFFECT:

Sufficient funds are available for this service contract in the solid waste fund.

RECOMMENDATION:

Authorize City staff to enter into a contract with MJB Industries, Inc. of Marinette, Wisconsin in an amount not-to-exceed \$20,000 for tub grinding services at the unit prices quoted, and authorize the Mayor and Clerk to sign the contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Tub Grinding Services Contract
- ▣ Insurance

**CITY OF MARQUETTE
CONSTRUCTION CONTRACT**

PROJECT NAME: Tub Grinding Services

THIS AGREEMENT, made this 12 day of October 2021, between the City of Marquette, a Michigan Municipal Corporation, hereinafter called the "City" of 300 W. Baraga Avenue, Marquette, MI 49855, and MJB Industries, Inc. of Marinette, Wisconsin, a Wisconsin Corporation, hereinafter called "Contractor". WITNESSETH: That for and in consideration of the payments and Agreements hereinafter mentioned, the parties hereby agree as follows:

ARTICLE 1

CONTRACT DOCUMENTS

The "Contract Documents" consist of, but are not necessarily limited to, this Agreement, the Invitation to Bid, Information for Bidders, Bidders Proposal, Addenda, Specifications, Supplemental Specifications, Special Provisions, Construction Drawings, Notice to Proceed, Allowances, Finish Schedules and any additional documentation issued prior to execution of this Agreement and all Change Orders as approved by the City. These Contract Documents represent the entire Agreement and understanding between the parties hereto.

ARTICLE 2

SCOPE OF THE WORK

Contractor will furnish all the materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the project described in the Contract Documents.

ARTICLE 3

MATERIALS, APPLIANCES, and EMPLOYEES

Except as otherwise noted, the Contractor shall provide and pay for all materials, labor, tools and other items necessary to complete the work. Unless otherwise specified, all materials shall be new, and both workmanship and materials shall be of good quality. All workmen shall be skilled in their trades.

ARTICLE 4

TIME OF COMPLETION

The commencement date of this project is October 13, 2021, and the completion date of this project is November 15, 2021.

ARTICLE 5

CONTRACT SUM

The Contractor agrees to perform all of the work described in the Contract Documents and comply with the terms therein for an amount not to exceed \$ 20,000.

ARTICLE 6

PAYMENTS

The City will pay to the Contractor in the manner and at such times as set forth in the Specifications such amounts as required by the Contract documents.

ARTICLE 7

CONTRACTOR'S OBLIGATIONS

All work shall be in accordance to the provisions of the Contract Documents. All systems shall be in good working order.

All work shall be completed in a workmanlike manner and shall comply with all applicable laws.

Contractor shall obtain all necessary permits for the work to be completed under emergency conditions.

Contractor shall remove all construction debris and leave the project in a "broom clean" condition.

Upon satisfactory payment being made for the work performed by Contractor, Contractor shall furnish a full and unconditional Release of Lien for the work for which payment has been made.

Safety and Fire Protection: The Contractor shall be responsible for safety at the construction site. The Contractor will further comply with all applicable laws, rules and regulations of the Michigan Department of State Police, Fire Marshall Division, the State Fire Safety Board, Michigan Occupational Safety and Health Administration, and Local Agencies. Precaution shall be exercised at all times for the protection of persons and of property. The safety provisions of applicable laws, rules, regulations, building and construction codes shall be followed. Safety Hazards shall be guarded in accordance with safety provisions of the Manual of Accident Prevention in Construction published by The Associated General Contractors of America to the extent that such provisions are not in conflict with applicable laws.

ARTICLE 8

CONTRACTOR'S STATUS AS INDEPENDENT ENTITY

The City shall not assume any liability for the Contractor in the performance of the construction project, methods, techniques, sequences or programs in connection with the project since these are solely the Contractor's responsibility.

ARTICLE 9

CHANGE ORDERS AND PAYMENT

A change order is any change to the original plans and/or specifications. All change orders need to be agreed upon between the parties hereto, and address additional costs, time, consideration and dates when the work will begin and be completed. Change orders are not effective unless signed by both parties who shall not unreasonably withhold approval of the same. However, should the Contractor unreasonably refuse to approve a change order reasonably and in good faith submitted by the City, the Director of Public Works shall be empowered to make a final and fair determination as to the necessity for the change order and the fair and equitable cost to the Contractor and shall further be empowered to issue a final payment to the Contractor. Should the Contractor refuse to accept said final payment, the funds may be deposited in an Escrow Account by the City for the benefit of the Contractor.

ARTICLE 10

INSURANCE

The Contractor shall purchase and maintain Workman's Compensation and Liability Insurance coverage as required by law and deemed necessary for its own protection. Said insurance shall be written by an insurance carrier having at least an "A, VII" rating. The Contractor shall further name the City as an additional named insured on all certificates of insurances covering the project. Said insurance shall be in minimum limits of at least \$1,000,000.00 for both general liability and automobile liability. The Contractor shall further maintain such insurance as will protect it from claims under worker's compensation acts and other employee benefits acts, from claims for

damages because of bodily injury, including death, and from claims for damages to property which may arise both out of and from claims for damages to property which may arise both out of and during operations under this contract, whether such operations are by Contractor or by anyone directly or indirectly employed by the Contractor. This insurance shall be written for not less than any limits of liability specified as part of the Contract Documents. Certificates of such insurance shall be filed with the City.

ARTICLE 11

INDEMNIFICATION

To the extent allowed by MCL 691.991, the Contractor hereby agrees to save and indemnify and keep harmless the City against all liability claims and judgments or demands for damages arising from accidents to persons or property occasioned by the Contractor, its agents or employees, and against all claims or demands for damages arising from accidents to the Contractor, its agents or employees, whether occasioned by said Contractor or its employees or by City or its employees or any other person or persons, and the said Contractor will defend any and all suits that may be brought against the City on account of any such accidents and will make good to, and reimburse, the City for any expenditures that said City may make by reason of such accidents; provided, however, that the Contractor shall not be responsible to the City on indemnity for damages caused by or resulting from the City's sole negligence.

ARTICLE 12

CITY'S RIGHT TO TERMINATE THE CONTRACT

Should the Contractor neglect to perform the work properly or fail to perform any provision of the Contract, the City, after seven (7) days' written notice to the

Contractor, and its surety, if any, may, without prejudice to any other remedy the City may have, make good the deficiencies and may deduct the cost thereof from the payment then or thereafter due the Contractor or, at its option, may terminate the Contract and take possession of all materials, tools and appliances and finish the work by such means as it sees fit, and if the unpaid balance of the contract price exceeds the expense of finishing the work, such excess shall be paid to the Contractor, but if such expense exceeds such unpaid balance, the Contractor shall pay the difference to the City.

ARTICLE 13

CONTRACTOR'S RIGHT TO TERMINATE CONTRACT

Should the work be stopped by any public authority for a period of ninety (90) days or more, through no fault of the Contractor, or should the work be stopped through act or neglect of the City for a period of ninety (90) days, then the Contractor, upon seven (7) days' written notice to the City, may stop work or terminate the Contract and recover from the City payment for all work executed and any loss sustained and reasonable profit and damages.

ARTICLE 14

ACCESS TO WORK

The Contractor shall permit and facilitate observation of the work by the City and its agents and public authorities at all times.

ARTICLE 15

ARBITRATION OF DISPUTES

Any disagreement arising out of this contract or from the breach thereof shall be submitted to arbitration, and judgment upon the award rendered may be entered in

the court of the forum, state or federal, having jurisdiction. It is mutually agreed that the decision of the arbitrators shall be a condition precedent to any right of legal action that either party may have against the other. The arbitration shall be held under the Rules of the American Arbitration Association.

ARTICLE 16

WARRANTY

At the completion of this project, Contractor shall execute an instrument to City warranting the project for one (1) year against defects in workmanship or materials utilized. The manufacturer's warranty shall prevail.

At the time of completion, the Contractor shall furnish to the City material containing complete operation and maintenance instructions for all equipment in the project. The Contractor shall also furnish to the City at the time of completion all documents, warranties and guarantees on all equipment and services provided.

The Contractor shall re-execute any work that fails to conform to the requirements of the Contract and that appears during the progress of the work and shall remedy any defects due to faulty workmanship, which appear within a period of one (1) year from the date of completion of the Contract or such longer period of time as may be prescribed by laws or regulations or by the terms of any applicable special guarantee required by the Contract Documents or by any specific provision of the Contract Documents. All equipment and materials will be warranted and guaranteed under the original equipment manufacturer's warranties and guarantees.

The Contractor shall restore any work damaged in fulfilling the terms and conditions of this Article. After such repair or replacement has been satisfactorily completed, the

Contractor's warranty with respect to such work repaired or replaced will be extended for an additional period of one (1) year beyond the warranty period described above. Contractor's obligations under this paragraph are in addition to any other obligation or warranty.

ARTICLE 17

FEDERAL-AID CONTRACTS

During the performance of every contract subject to Title VI of the Civil Rights Act of 1964 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to the Act, the Contractor, for itself, its assignees and successors in interest agrees as follows:

1. **Compliance with Regulations:** The Contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection, retention and treatment of Subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the Contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:**
In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including

procurements of materials or leases of equipment, each potential Subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

4. **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the Contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued

pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event a Contractor becomes involved in, or is threatened with, litigation with a Subcontractor or supplier as a result of such direction, the Contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 18

INTEGRATION

This Agreement represents the entire understanding between the parties hereto and may not be amended, except in writing that is signed by both parties hereto.

ARTICLE 19

BINDING AGREEMENT

This Agreement will bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties.

ARTICLE 20

PURCHASING AGENT DESIGNATION AND AUTHORITY

The Director of Public Works 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 effected by written order signed by the Purchasing Agent and shall be binding on the City and Contractor.

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

Signed this 5th day of October, 2021.

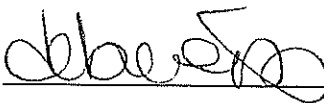
THE CITY OF MARQUETTE

Witness

Jennifer A. Smith, Mayor
City of Marquette

Witness

Kyle Whitney, City Clerk
City of Marquette

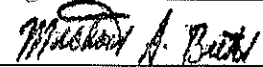

Witness

MTB Industries, Inc.
Contractor Name

By: _____

By: Michael J. Biehl

Its: _____

Its: 

Address: _____

Address: 101923 Flame Rd. Marinette
WI 54143

Telephone#: _____

Telephone#: 715-735-9771

APPROVED AS TO FORM:

APPROVED AS TO SUBSTANCE:

Suzanne C. Larsen
City Attorney

Karen M. Kovacs
City Manager



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
10/06/2021

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 Services Central, Inc. Green Bay WI Office 10700 Research Drive Suite 450 Milwaukee WI 53226 USA	CONTACT NAME:	
	PHONE (A/C. No. Ext): (920) 437-7123	FAX (A/C. No.): (920) 431-6345
INSURED MJB Industries Inc P O Box 628 Marinette WI 54143 USA	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	NAIC #	
	INSURER A: ACUITY, A Mutual Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

Holder Identifier :

COVERAGES**CERTIFICATE NUMBER:** 570089788071**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:			F95146	06/15/2021	06/15/2022	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$250,000
							MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$3,000,000
							PRODUCTS - COMP/OP AGG	\$3,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			F95146	06/15/2021	06/15/2022	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION			F95146	06/15/2021	06/15/2022	EACH OCCURRENCE	\$5,000,000
							AGGREGATE	\$5,000,000
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			F95146	06/15/2021	06/15/2022	☒ PER STATUTE ☐ OTH-ER	
							E.L. EACH ACCIDENT	\$1,000,000
							E.L. DISEASE-EA EMPLOYEE	\$1,000,000
							E.L. DISEASE-POLICY LIMIT	\$1,000,000

Certificate No : 570089788071

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

RE: BRUSH GRINDING. CITY OF MARQUETTE IS INCLUDED AS ADDITIONAL INSURED IN ACCORDANCE WITH THE POLICY PROVISIONS OF THE GENERAL LIABILITY, AUTO AND UMBRELLA POLICIES.

CERTIFICATE HOLDER**CANCELLATION**

CITY OF MARQUETTE 111 WRIGHT STREET MARQUETTE MI 49855 USA	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 <i>Aon Risk Services Central, Inc.</i>

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City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

New Business **City Attorney Services**

BACKGROUND:

City Attorney services have been contracted on retainer through Kendricks, Bordeaux, Keefe, Seavoy & Larsen, P.C. for roughly 16 years. Through the recent budget process, the concept of bringing the current City Attorney on staff was brought up as a means to help cut costs and meet the growing needs of the City for legal services. At this time, staff recommends hiring City Attorney Suzanne Larsen as a City employee in the same manner as the City Manager through an employment contract.

FISCAL EFFECT:

None with this action.

RECOMMENDATION:

Authorize the City Attorney to develop an employment contract for herself and bring it back to the City Commission for final approval.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 10/12/2021

New Business

Marquette County Intergovernmental Housing Task Force Resolution - Roll Call Vote

BACKGROUND:

On behalf of Marquette County, the Lake Superior Community Partnership has invited local governments to participate in intergovernmental discussions on housing solutions. One result of those discussions is the proposed creation of a Marquette County Intergovernmental Housing Task Force that would formalize participation in a collaborative group in order to advance local housing efforts regionally and statewide.

As the State of Michigan looks at expanding the resources and programming available to address housing needs, an organized, collaborative local government approach will position the County and its local governments to take advantage of new opportunities and resources. Further, many housing solutions require alignment and coordination between local units of government; and an intergovernmental task force will enable regular sharing of best practices, new initiatives, and opportunities for collaboration between communities.

As such, participating jurisdictions have proposed the attached resolution for consideration by local elected bodies, in order to formally appoint staff representatives that will bring forward recommendations for consideration at the local level. The City Manager is recommending the appointment of Assistant City Manager Sean Hobbins as the staff representative to this Task Force.

Participation in this Task Force is in alignment with recommendations in the Ad-Hoc Housing Committee Final Report and the 2021-23 City of Marquette Strategic Plan.

FISCAL EFFECT:

None.

RECOMMENDATION:

Approve the resolution supporting the Marquette County Intergovernmental Housing Task Force and appoint Assistant City Manager Sean Hobbins as the representative for the City of Marquette.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▢ LSCP Memo
- ▢ Resolution



501 South Front Street
Marquette, MI 49855
www.marquette.org
1-888-578-6489

(906) 226-6591
FAX (906) 226-2099
lscp@marquette.org



MEMORANDUM

To: Marquette County cities and townships

From: Sarah Lucas, CEO, Lake Superior Community Partnership

Date: September 29, 2021

Subject: Intergovernmental Housing Task Force resolution

On behalf of Marquette County, the Lake Superior Community Partnership has invited local governments to participate in intergovernmental discussions on housing solutions. One result of those discussions is the proposed creation of a Marquette County Intergovernmental Housing Task Force that would formalize participation in a collaborative group in order to advance local housing efforts regionally and statewide. As the State of Michigan looks at expanding the resources and programming available to address housing needs, an organized, collaborative local government approach will position the County and its local governments to take advantage of new opportunities and resources. Further, many housing solutions require alignment and coordination between local units of government; and an intergovernmental task force will enable regular sharing of best practices, new initiatives, and opportunities for collaboration between communities. As such, participating jurisdictions have proposed the attached resolution for consideration by local elected bodies, in order to formally appoint staff representatives that will bring forward recommendations for consideration at the local level.

We appreciate your consideration of the resolution and task force, and look forward to working with communities to identify and implement housing solutions. If you have any questions, or would like to discuss further and/or request a presentation before considering the resolution, please don't hesitate to contact me at slucas@marquette.org or 231-920-2116.



Resolution

Marquette County Intergovernmental Housing Task Force

WHEREAS, the Marquette County Intergovernmental Housing Task Force is a consortium of local governments working together to advocate for state resources, identify regional solutions, leverage funding opportunities, and examine best practices related to housing challenges in Marquette County; and,

WHEREAS, Marquette County must address the full range of housing needs facing all income levels and household types, as documented in the 2020 Marquette County Housing Needs Assessment, including home rehabilitation, new housing development, and redevelopment. These housing needs have County-wide impacts on our economy, workforce, and infrastructure that require intergovernmental collaboration and response; and,

WHEREAS, a lack of resources and programs specific to attainable housing creates additional challenges in meeting the needs of the County's workforce; and,

WHEREAS, solutions may include local, County, regional, or State activities and tools such as zoning updates; development benefit agreements; tax incentives: Land Bank Authority and brownfield redevelopment incentives, consideration of innovative and diverse housing types; community awareness and educational efforts; new funding sources; and innovative partnerships; and,

WHEREAS, new resources and programs must feature local and regional participation and control in order to ensure the flexibility needed to address the unique challenges faced throughout the region; and,

NOW, THEREFORE, be it resolved that the City of Marquette agrees to participate in the Intergovernmental Housing Task Force by assigning Assistant City Manager Sean Hobbins as its representative.

Dated this 12th day of October, 2021.

Jennifer A. Smith
Mayor