

**CITY OF MENOMINEE, MICHIGAN  
MENOMINEE CITY COUNCIL AGENDA FOR  
JANUARY 18, 2021 at 6:00 P.M.  
COUNCIL CHAMBERS – 2511 10<sup>th</sup> STREET  
AND ELECTRONICALLY AS A ZOOM MEETING**

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**A) CALL THE MEETING TO ORDER.**

**B) ROLL CALL.**

**C) APPROVAL OF MEETING AGENDA.**

**D) MINUTES OF PREVIOUS MEETINGS.**

- 1) Regular meeting of December 21, 2020.

**E) COMMUNICATIONS.**

**F) PUBLIC HEARINGS.**

**G) PUBLIC COMMENT.**

- 1) This public comment session is intended for statements, not debate, limited to three minutes per person *on agenda items only*. Please be prepared to state your name and address before speaking.

**H) REPORTS OF OFFICERS.**

- 1) City Manager's report.

**I) REPORTS OF BOARDS, COMMISSIONS, AND STANDING COMMITTEES.**

**J) MISCELLANEOUS.**

**K) MOTIONS AND RESOLUTIONS.**

- 1) Resolution regarding the Recreation Master Plan.
- 2) Marihuana establishments zoning ordinance.

**L) PUBLIC COMMENT.**

- 1) This public comment session is *not limited to agenda items*. It is intended for statements, not debate, limited to three minutes per person. Please be prepared to state your name and address before speaking.

**M) ADJOURN.**

**Electronic Remote Access Information:**

**Call in # 312-626-6799      Enter Meeting ID: 823 2900 1473 Press #**

Requests from individuals with disabilities who need special accommodations to participate in this meeting or hearing should be made to the City Clerk's Office at 1-906-863-2656 with as much advanced notice prior to the meeting as possible.

The City of Menominee is an Equal Opportunity Provider and Employer



**CITY OF MENOMINEE, MICHIGAN  
REGULAR COUNCIL PROCEEDINGS  
DECEMBER 21, 2020**

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A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held on Monday, December 21, 2020 electronically.

The Honorable Jean Stegeman called the meeting to order at 6:00 p.m.

**PRESENT:** Council Members Fifarek (remotely), Jones (remotely), Klitzke, Nelson (remotely), Nutter (remotely), Plemel (remotely), Pohlmann (remotely), and Robinson (remotely); Mayor Stegeman (remotely)

**ABSENT:** None

**PRESENT: 9            ABSENT: 0**

A motion was made by Council Member Plemel and seconded by Council Member Nelson to approve the agenda for the meeting dated December 18, 2020. This motion was carried unanimously.

A motion was made by Council Member Jones and seconded by Council Member Plemel to approve the minutes of the regular meeting of October 19, 2020 as presented. This motion was carried unanimously.

**PUBLIC HEARINGS:**

Mayor Stegeman opened the public hearing called for the purpose of hearing citizen comments on the proposed Five-year Recreation Plan.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Nelson to close the public hearing.

**AYES:** Plemel, Nelson, Nutter, Pohlmann, Robinson, Fifarek, Jones, Klitzke, and Stegeman  
**NAYS:** None

This motion was carried unanimously.

Mayor Stegeman then opened the public hearing called for the purpose of hearing citizen comments on the proposed Marihuana Establishments Zoning Ordinance.

Oral comments were heard from Stosh Wasnik and Logan Stauber, and written comments were received from Robert Schick.

A motion was made by Council Member Plemel and seconded by Council Member Nelson to close the public hearing.

**AYES:** Plemel, Nelson, Nutter, Pohlmann, Robinson, Fifarek, Jones, Klitzke, and Stegeman  
**NAYS:** None

This motion was carried unanimously.

**PUBLIC COMMENT:**

Mayor Stegeman opened the public comment session that was called for the purpose of hearing citizen comments on agenda items only.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Fifarek to close public comment.

AYES: Plemel, Fifarek, Jones, Klitzke, Nelson, Nutter, Pohlmann, Robinson, and Stegeman

NAYS: None

This motion was carried unanimously.

**REPORTS OF OFFICERS:**

Mayor Stegeman submitted the following reappointments for confirmation:

- a) Donna Marineau, Mark Palmquist, and Kris Rusch to the Board of Review with their terms to expire December 31, 2022;
- b) Joe Fournier and Jeff Jones to the Condemnation Board with their terms to expire September 20, 2023;
- c) Scott Black and Don Nerat to the Construction Board of Appeals with their terms to expire February 2, 2023;
- d) Julie King to the Downtown Development Authority with her term to expire January 25, 2024;
- e) Carol Kramer to the Planning Commission with her term to expire October 7, 2023; and
- f) Clarence Beaudou to the Water and Wastewater Utility Board with his term to expire May 1, 2025.

A motion was made by Council Member Plemel and seconded by Council Member Nelson to confirm the reappointments.

AYES: Plemel, Nelson, Nutter, Pohlmann, Robinson, Fifarek, Jones, Klitzke, and Stegeman

NAYS: None

This motion was carried unanimously.

A report was heard from City Manager Graff.

**BOARD RECOMMENDATION:**

At a December 10, 2020 meeting, the Water and Wastewater Utility Board discussed repairs needed at the Water Treatment Plant and they recommended to City Council that Council approve the award of the Floc and Sedimentation Basin Repair contract to Terrazzo Creations & Renewal (TCR) as the low bidder in the amount of \$59,637.00 and to authorize staff to execute the necessary documents.

A motion was made by Council Member Plemel and seconded by Council Member Robinson to adopt the recommendation.

AYES: Plemel, Robinson, Fifarek, Jones, Klitzke, Nelson, Nutter, Pohlmann, and Stegeman  
NAYS: None

This motion was carried unanimously.

**BOARD RECOMMENDATION:**

At a December 10, 2020 meeting, the Water and Wastewater Utility Board discussed leachate disposal and treatment at the Wastewater Treatment Plant and they recommended to City Council that Council approve the Leachate Disposal and Treatment Agreement with Waste Management for a term beginning January 1, 2021 and authorize the City Manager to execute such.

WATER AND WASTEWATER UTILITY BOARD

A motion was made by Council Member Plemel and seconded by Council Member Nelson to adopt the recommendation.

AYES: Plemel, Nelson, Nutter, Pohlmann, Robinson, Fifarek, Jones, Klitzke, and Stegeman  
NAYS: None

This motion was carried unanimously.

**BOARD RECOMMENDATION:**

At a December 10, 2020 meeting, the Water and Wastewater Utility Board discussed the Raw Water Supply Resiliency Plan prepared by Lockwood, Andrews and Newnam, Inc. dated September 13, 2020 and they recommended to City Council that Council adopt the plan.

WATER AND WASTEWATER UTILITY BOARD

A motion was made by Council Member Plemel and seconded by Council Member Nelson to adopt the recommendation.

AYES: Plemel, Nelson, Fifarek, Jones, Klitzke, Nutter, Pohlmann, Robinson, and Stegeman  
NAYS: None

This motion was carried unanimously.

**BOARD RECOMMENDATION:**

At a December 10, 2020 meeting, the Water and Wastewater Utility Board discussed the need to issue revenue bonds for upcoming water and sewer projects and they recommended to City Council that Council adopt the Resolutions authorizing publication of Notices of Intent to issue revenue bonds (Sewage Disposal and Water Supply System Improvements).

WATER AND WASTEWATER UTILITY BOARD

A motion was made by Council Member Plemel and seconded by Council Member Fifarek to receive the recommendation.

AYES: Plemel, Fifarek, Jones, Klitzke, Nelson, Nutter, Pohlmann, Robinson, and Stegeman  
NAYS: None

This motion was carried unanimously.

**COMMITTEE REPORT:**

At a December 17, 2020 meeting, the Finance Committee discussed the 2020 AMAR (Audit of Minimum Assessing Requirements) and the need to act on the mandate of a County Designated Assessor prior to December 31, 2020, and they forwarded the results of the 2020 AMAR and recommended to City Council that Council approve the proposed County Designated Assessor Agreement with Margaret Schroud and authorize the City Manager and City Clerk/Treasurer to execute such.

FINANCE COMMITTEE

A motion was made by Council Member Plemel and seconded by Council Member Nelson to adopt the recommendation.

AYES: Plemel, Nelson, Nutter, Pohlmann, Robinson, Fifarek, Jones, Klitzke, and Stegeman  
NAYS: None

This motion was carried unanimously.

**COMMITTEE REPORT:**

At a December 17, 2020 meeting, the Finance Committee discussed the Municipal Employees Retirement System (MERS) revised policies and procedures for the MERS Defined Benefit Plan and the need for each municipality to update each of their divisions Adoption Agreement Addendum prior to January 1, 2021, and they recommended to City Council that Council authorize the City Manager and Clerk Treasurer to execute the documents with MERS for its five divisions (Division 10 Nonunion Employees, Division 11 Union Employees, Division 12 Department Heads, Division 13 New Hires [after 11/1/17], and Division 14 Housing Commission).

FINANCE COMMITTEE

A motion was made by Council Member Nelson and seconded by Council Member Fifarek to adopt the recommendation.

AYES: Nelson, Fifarek, Jones, Klitzke, Nutter, Plemel, Pohlmann, Robinson, and Stegeman  
NAYS: None

This motion was carried unanimously.

**COMMITTEE REPORT:**

At a December 17, 2020 meeting, the Judicial and Legislative/Personnel and Labor Committee discussed staffing needs, and they recommended to City Council that Council confirm the appointment of Blair Nelson to the Spies Public Library Director position, under the customary probationary period with an effective date of February 1, 2021, an annual salary of \$57,000 along with a \$4,000 reimbursement for relocation expenses and a \$1,500 increase on August 1, 2021 and \$1,500 increase on February 1, 2022, and that this employee shall be given five (5) years of service credit for vacation purposes only which is fifteen (15) vacation days that are accrued immediately and annually on the anniversary date of employment and that five days of vacation may be used within the first six (6) months of employment.

**JUDICIAL AND LEGISLATIVE/PERSONNEL AND LABOR COMMITTEE**

A motion was made by Council Member Plemel and seconded by Council Member Fifarek to adopt the recommendation.

AYES: Plemel, Fifarek, Jones, Klitzke, Nelson, Nutter, Pohlmann, Robinson, and Stegeman  
NAYS: None

This motion was carried unanimously.

**COMMITTEE REPORT:**

At a December 9, 2020 meeting, the Parks and Recreation/Buildings and Grounds Committee adopted the following "Resolution by the City of Menominee Parks and Recreation/Buildings and Grounds Committee recommending the Draft City of Menominee Five-Year Recreation Plan to the Menominee City Council for Final Adoption" and recommended to City Council that Council approve the 5-Year Recreation Plan prepared by CUPPAD as presented, and hold a public hearing for the comment on the plan on December 21, 2020.

**RESOLUTION BY THE CITY OF MENOMINEE  
PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE  
RECOMMENDING THE DRAFT CITY OF MENOMINEE FIVE-YEAR RECREATION PLAN  
TO THE MENOMINEE CITY COUNCIL FOR FINAL ADOPTION**

*WHEREAS*, the City of Menominee Recreation Department has undertaken a planning process to determine the recreation needs and desires of its residents during a five-year period covering the years 2021 through 2025; and

*WHEREAS*, the City of Menominee Recreation Department began the process of developing a Draft Five-year Recreation Plan in accordance with the most recent guidelines developed by the Department of Natural Resources and made available to local communities; and

*WHEREAS*, residents of the City of Menominee were provided with a well-advertised opportunity during the development of the draft plan to express opinions, ask questions, and discuss all aspects of the recreation plan; and

WHEREAS, after reviewing the Draft City of Menominee Five-Year Recreation Plan and allowing over 30 days for the public to provide opinions, ask questions and discuss the draft recreation plan, the City of Menominee Recreation Department recommends and supports approving the Draft City of Menominee Five-Year Recreation Plan; and

WHEREAS, the Menominee City Council will conduct a public hearing on December 21, 2020 to provide a final opportunity for all residents of the City to express opinions, and ask questions before plan adoption;

NOW THEREFORE BE IT RESOLVED, the City of Menominee Parks and Recreation/Building and Grounds Committee motions to recommend the Draft City of Menominee Five-Year Recreation Plan to the City Council for a public hearing, and future adoption of the Draft City of Menominee Five-Year Recreation Plan.

#### PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE

A motion was made by Council Member Nelson and seconded by Council Member Nutter to adopt the recommendation.

The motion made by Council Member Nelson and seconded by Council Member Nutter was amended to receive the recommendation.

AYES: Nelson, Nutter, Plemel, Pohlmann, Robinson, Fifarek, Jones, Klitzke, and Stegeman  
NAYS: None

This motion was carried unanimously.

#### **COMMITTEE REPORT:**

At a December 9, 2020 meeting, the Parks and Recreation/Buildings and Grounds Committee discussed the need for shoreline protection and they recommended to City Council that Council accept Barley Excavating's bid in the amount of \$36,418.97 to install rip rap at the south side of the marina and northeast of the Zelm building (Victory Beach) contingent upon the Marina Management Group paying at least 50% of the cost, and to authorize the City Manager and City Clerk/Treasurer to sign necessary documents.

#### PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE

A motion was made by Council Member Plemel and seconded by Council Member Nelson to adopt the recommendation.

AYES: Plemel, Nelson, Nutter, Pohlmann, Robinson, Fifarek, Jones, Klitzke, and Stegeman  
NAYS: None

This motion was carried unanimously.

#### **COMMITTEE REPORT:**

At a December 9, 2020 meeting, the Parks and Recreation/Buildings and Grounds Committee discussed the condition of equipment at parks throughout the city and they recommended to City

Council that Council approve the removal of the existing wooden structure at Water Tower Park due to the structure being a liability.

**PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE**

A motion was made by Council Member Nelson and seconded by Council Member Robinson to adopt the recommendation.

AYES: Nelson, Robinson, Fifarek, Jones, Klitzke, Nutter, Plemel, Pohlmann, and Stegeman

NAYS: None

This motion was carried unanimously.

**MOTIONS AND RESOLUTIONS:**

The first item under motions and resolutions was the following meeting schedule for 2021:

MONTH	MONDAY 6 pm CITY COUNCIL	THURSDAY 4 pm WWUB	TUESDAY 11 am CEMETERY BOARD	TUESDAY 4:15 pm PLANNING COMMISSION
January	18 <sup>th</sup>	14 <sup>th</sup>	12 <sup>th</sup>	12 <sup>th</sup>
February	16 <sup>th</sup> Tues	11 <sup>th</sup>	9 <sup>th</sup>	9 <sup>th</sup>
March	15 <sup>th</sup>	11 <sup>th</sup>	9 <sup>th</sup>	9 <sup>th</sup>
April	19 <sup>th</sup>	8 <sup>th</sup>	13 <sup>th</sup>	13 <sup>th</sup>
May	17 <sup>th</sup>	13 <sup>th</sup>	11 <sup>th</sup>	11 <sup>th</sup>
June	21 <sup>st</sup>	10 <sup>th</sup>	8 <sup>th</sup>	8 <sup>th</sup>
July	19 <sup>th</sup>	8 <sup>th</sup>	13 <sup>th</sup>	13 <sup>th</sup>
August	16 <sup>th</sup>	12 <sup>th</sup>	10 <sup>th</sup>	10 <sup>th</sup>
September	20 <sup>th</sup>	9 <sup>th</sup>	14 <sup>th</sup>	14 <sup>th</sup>
October	18 <sup>th</sup>	14 <sup>th</sup>	12 <sup>th</sup>	12 <sup>th</sup>
November	15 <sup>th</sup>	10 <sup>th</sup>	9 <sup>th</sup>	9 <sup>th</sup>
December	20 <sup>th</sup>	9 <sup>th</sup>	14 <sup>th</sup>	14 <sup>th</sup>



A motion was made by Council Member Plemel and seconded by Council Member Nelson to approve the meeting schedule.

AYES: Plemel, Nelson, Fifarek, Jones, Klitzke, Nutter, Pohlmann, Robinson, and Stegeman  
NAYS: None

This motion was carried unanimously.

A motion was made by Council Member Nelson and seconded by Council Member Plemel to award the contract for demolition of the fire damaged home at 511-13<sup>th</sup> Avenue to M&M Trucking in the amount of \$16,250 and proceed with the demolition after receiving the signed agreement from Brandon Buckman.

AYES: Nelson, Plemel, Pohlmann, Robinson, Fifarek, Jones, Klitzke, Nutter, and Stegeman  
NAYS: None

This motion was carried unanimously.

The next item presented for consideration was the Marihuana Establishments Zoning Ordinance.

A motion was made by Council Member Plemel and seconded by Council Member Fifarek to adopt the ordinance.

A motion was then made by Council Member Pohlmann and seconded by Council Member Plemel to refer the proposed ordinance back to the Planning Commission.

The motion made by Council Member Pohlmann and seconded by Council Member Plemel was amended to refer the proposed ordinance to the Judicial and Legislative/Personnel and Labor Committee.

AYES: Pohlmann, Plemel, Robinson, Fifarek, Jones, Klitzke, Nelson, Nutter, and Stegeman  
NAYS: None

This motion was carried unanimously.

The following resolution was presented for consideration next:

RESOLUTION AUTHORIZING PUBLICATION OF  
NOTICE OF INTENT TO ISSUE REVENUE BONDS  
(WATER SUPPLY SYSTEM IMPROVEMENTS)

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City of Menominee  
County of Menominee, State of Michigan

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Minutes of a regular meeting of the City Council of the City of Menominee, County of Menominee, State of Michigan, held on the 21st day of December, 2020 at 6:00 p.m. prevailing Central Time.

PRESENT: Members Fifarek (remotely), Jones (remotely), Klitzke, Nelson (remotely), Nutter (remotely), Plemel (remotely), Pohlmann (remotely), Robinson (remotely), and Stegeman (remotely)

ABSENT: None

The following preamble and resolution were offered by Member Jones and supported by Member Nelson:

WHEREAS, the City of Menominee, County of Menominee, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), in one or more series, in the aggregate principal amount of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) (the "Bonds"), for the purpose of paying all or part of the cost of acquiring, constructing and equipping improvements to the City's water supply system, including the replacement of water mains, water service lines, valves and hydrants, together with related improvements, structures, equipment and appurtenances (collectively, the "Project"); and

WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy that financial assistance to accomplish the acquisition and construction of the Project is available through the Drinking Water State Revolving Fund ("DWSRF") loan program administered by the Michigan Finance Authority (the "MFA"), pursuant to which the MFA would purchase the Bonds from the City; and

WHEREAS, the City has made application for participation in the DWSRF loan program; and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, the City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Eagle Herald*, a newspaper of general circulation in the City. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form attached to this resolution as Appendix A.

2. The City Council hereby determines that the form of notice of intent to issue the Bonds attached hereto as Appendix A and the manner of publication directed is the method best calculated to give notice to the electors of the City of the City's intent to issue the Bonds, the maximum principal amount of the Bonds, the purpose of the Bonds, the source of payment of the Bonds and the right of referendum relating thereto.

3. The City makes the following declarations for the purpose of complying with the reimbursement rules of U.S. Treasury Regulation Section 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself with the proceeds of the Bonds for costs of the Project that were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (b) The maximum principal amount of Bonds expected to be issued for the Project is \$3,500,000.
- (c) The expenditures described above are "capital expenditures" as defined in Treasury Regulation § 1.150-1(b), which are any costs of a type that are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members Jones, Nelson, Klitzke, Nutter, Plemel, Pohlmann, Robinson, Fifarek, and Stegeman

NAYS: None

RESOLUTION DECLARED ADOPTED.

#### APPENDIX A

#### NOTICE TO ELECTORS OF THE CITY OF MENOMINEE, COUNTY OF MENOMINEE, MICHIGAN OF INTENT TO ISSUE REVENUE BONDS AND THE RIGHT OF REFERENDUM RELATING THERETO (WATER SUPPLY SYSTEM IMPROVEMENTS)

PLEASE TAKE NOTICE that the City of Menominee, County of Menominee, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series, in an aggregate principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) (the "Bonds"), for the purpose of paying all or part of the cost of acquiring, constructing and equipping improvements to the City's water supply system (the "System"), including the replacement of water mains, water service lines, valves and hydrants, together with related improvements, structures, equipment and appurtenances.

### SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAYABLE from the revenues received by the City from the operation of the System. Said revenues will consist of rates and charges that may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the Bonds and to pay other obligations of the System.

The City expects that the Bonds will be sold to the Michigan Finance Authority in connection with the Michigan Department of Environment, Great Lakes and Energy Drinking Water State Revolving Fund loan program, in which case the Bonds sold to the Michigan Finance Authority may also be payable as described below.

### ADDITIONAL SOURCES OF PAYMENT FOR BONDS SOLD TO MICHIGAN FINANCE AUTHORITY

IN THE EVENT THAT THE BONDS ARE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE FOR THE PAYMENT OF THE BONDS MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE OF MICHIGAN AND RETURNED OR TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may enter into an agreement providing for the payment of taxes, which taxes are collected by the State of Michigan and returned to the City as provided by law, to the Michigan Finance Authority or a trustee, and such funds may be pledged for the payment of the Bonds.

IN THE EVENT THAT THE BONDS ARE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE ITS LIMITED TAX FULL FAITH AND CREDIT AS SECURITY FOR THE BONDS, IN WHICH EVENT DEBT SERVICE ON THE BONDS SHALL BE PAYABLE EITHER FROM REVENUES OF THE SYSTEM OR FROM AD VALOREM TAXES THAT MAY BE LEVIED ON ALL TAXABLE PROPERTY IN THE CITY, SUBJECT, HOWEVER, TO APPLICABLE CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS.

### BOND DETAILS

The Bonds will be payable in annual installments not to exceed forty (40) in number and will bear interest at the rate or rates to be determined at a public or private sale, but in no event to exceed five percent (5%) per annum on the balance of the Bonds from time to time remaining unpaid.

### RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS OF THE CITY UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, SUCH BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended.

Kathleen Brofka, City Clerk  
City of Menominee

The following resolution was considered next:

RESOLUTION AUTHORIZING PUBLICATION OF  
NOTICE OF INTENT TO ISSUE REVENUE BONDS  
(SEWAGE DISPOSAL SYSTEM IMPROVEMENTS)

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City of Menominee  
County of Menominee, State of Michigan

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Minutes of a regular meeting of the City Council of the City of Menominee, County of Menominee, State of Michigan, held on the 21st day of December, 2020 at 6:00 p.m. prevailing Central Time.

PRESENT: Members Fifarek (remotely), Jones (remotely), Klitzke, Nelson (remotely), Nutter (remotely), Plemel (remotely), Pohlmann (remotely), Robinson (remotely), and Stegeman (remotely)

ABSENT: None

The following preamble and resolution were offered by Member Jones and supported by Member Nelson:

WHEREAS, the City of Menominee, County of Menominee, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), in one or more series, in the aggregate principal amount of not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000) (the "Bonds"), for the purpose of paying all or part of the cost of acquiring, constructing and equipping improvements to the City's sewage disposal system, including the replacement of sanitary sewer mains, valves and manholes, together with related improvements, structures, equipment and appurtenances (collectively, the "Project"); and

WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy that financial assistance to accomplish the acquisition and construction of the Project is available through the Clean Water State Revolving Fund ("CWSRF") loan program administered by the Michigan Finance Authority (the "MFA"), pursuant to which the MFA would purchase the Bonds from the City; and

WHEREAS, the City has made application for participation in the CWSRF loan program; and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, the City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Eagle Herald*, a newspaper of general circulation in the City. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form attached to this resolution as Appendix A.

2. The City Council hereby determines that the form of notice of intent to issue the Bonds attached hereto as Appendix A and the manner of publication directed is the method best calculated to give notice to the electors of the City of the City's intent to issue the Bonds, the maximum principal amount of the Bonds, the purpose of the Bonds, the source of payment of the Bonds and the right of referendum relating thereto.

3. The City makes the following declarations for the purpose of complying with the reimbursement rules of U.S. Treasury Regulation Section 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself with the proceeds of the Bonds for costs of the Project that were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (b) The maximum principal amount of Bonds expected to be issued for the Project is \$2,100,000.
- (c) The expenditures described above are "capital expenditures" as defined in Treasury Regulation § 1.150-1(b), which are any costs of a type that are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members Jones, Nelson, Fifarek, Klitzke, Nutter, Plemel, Pohlmann, Robinson, and Stegeman

NAYS: None

RESOLUTION DECLARED ADOPTED.

APPENDIX A

NOTICE TO ELECTORS OF THE  
CITY OF MENOMINEE, COUNTY OF MENOMINEE, MICHIGAN  
OF INTENT TO ISSUE REVENUE BONDS  
AND THE RIGHT OF REFERENDUM RELATING THERETO  
(SEWAGE DISPOSAL SYSTEM IMPROVEMENTS)

PLEASE TAKE NOTICE that the City of Menominee, County of Menominee, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series, in an aggregate principal amount not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000) (the "Bonds"), for the purpose of paying all or part of the cost of acquiring, constructing and equipping improvements to the City's sewage disposal system (the "System"), including the replacement of sanitary sewer mains, valves and manholes, together with related improvements, structures, equipment and appurtenances.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAYABLE from the revenues received by the City from the operation of the System. Said revenues will consist of rates and charges that may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the Bonds and to pay other obligations of the System.

The City expects that the Bonds will be sold to the Michigan Finance Authority in connection with the Michigan Department of Environment, Great Lakes and Energy Clean Water State Revolving Fund loan program, in which case the Bonds sold to the Michigan Finance Authority may also be payable as described below.

ADDITIONAL SOURCES OF PAYMENT FOR BONDS  
SOLD TO MICHIGAN FINANCE AUTHORITY

IN THE EVENT THAT THE BONDS ARE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE FOR THE PAYMENT OF THE BONDS MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE OF MICHIGAN AND RETURNED OR TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may enter into an agreement providing for the payment of taxes, which taxes are collected by the State of Michigan and returned to the City as provided by law, to the Michigan Finance Authority or a trustee, and such funds may be pledged for the payment of the Bonds.

IN THE EVENT THAT THE BONDS ARE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE ITS LIMITED TAX FULL FAITH AND CREDIT AS SECURITY FOR THE BONDS, IN WHICH EVENT DEBT SERVICE ON THE BONDS SHALL BE PAYABLE EITHER FROM REVENUES OF THE SYSTEM OR FROM AD VALOREM TAXES THAT MAY BE LEVIED ON ALL TAXABLE PROPERTY IN THE CITY, SUBJECT, HOWEVER, TO APPLICABLE CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS.

BOND DETAILS

The Bonds will be payable in annual installments not to exceed forty (40) in number and will bear interest at the rate or rates to be determined at a public or private sale, but in no event to exceed five percent (5%) per annum on the balance of the Bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS OF THE CITY UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, SUCH BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended.

Kathleen Brofka, City Clerk  
City of Menominee

PUBLIC COMMENT:

Mayor Stegeman opened the public comment session.

Comments were heard from Logan Stauber and Ross Wolfe.

A motion was made by Council Member Plemel and seconded by Council Member Nelson to close public comment.

AYES: Plemel, Nelson, Fifarek, Jones, Klitzke, Nutter, Pohlmann, Robinson, and Stegeman

NAYS: None

This motion was carried unanimously.

Attorney Michael Celello addressed compliance with the Open Meetings Act.

ADJOURN:

A motion was made by Council Member Plemel and seconded by Council Member Nelson to adjourn the meeting. This motion was carried unanimously.

  
Susan K. Johnson

/skj



**Resolution #2021-001**  
**CITY OF MENOMINEE**  
**FIVE-YEAR PARKS AND RECREATION PLAN**  
**RESOLUTION OF ADOPTION**

WHEREAS, the City of Menominee Council has reviewed the *City of Menominee Five-Year Parks and Recreation Plan, 2020-2025*, which recognizes various City needs; and

WHEREAS, the City of Menominee Council has accepted the new development schedule that proposes a variety of improvements including but not limited to upgrades to the River Park Campground, Water Tower Park improvements, Reindl West End Park recreational play equipment upgrades, and Duby Park facility use improvements along with upgrades to the recreational play equipment and parking; and

WHEREAS, a five-year recreation plan is required to be eligible to apply for recreation grants administered by the Michigan Department of Natural Resources; and

WHEREAS, the City of Menominee Council held a public meeting on December 21, 2020 to accept public comment regarding the *City of Menominee Five-Year Parks and Recreation Plan, 2020-2025*; and

WHEREAS, during a public meeting, the City of Menominee Council voted to adopt the *City of Menominee Five-Year Parks and Recreation Plan, 2020-2025*;

NOW, THEREFORE IT BE RESOLVED, that the City of Menominee Council adopts the *City of Menominee Five-Year Parks and Recreation Plan, 2020-2025* as its official recreation planning document.

MARIHUANA ESTABLISHMENTS ZONING ORDINANCE

ORDINANCE NO.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF MENOMINEE TO ALLOW FOR VARIOUS TYPES OF LICENSED MARIHUANA ESTABLISHMENTS AS USES PERMITTED BY RIGHT AND USES PERMITTED BY SPECIAL USE PERMITS WITHIN CERTAIN ZONING DISTRICTS IN THE CITY, AND TO ESTABLISH STANDARDS AND REQUIREMENTS FOR THE APPROVAL AND OPERATION OF SUCH ESTABLISHMENTS AS AUTHORIZED PURSUANT TO ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF MENOMINEE AND THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT; AND TO AMEND CERTAIN PROVISIONS OF THE SPECIAL LAND USE APPROVAL PROCESS FOR MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES.

THE CITY OF MENOMINEE ORDAINS THAT:

Section 109-1 of the Menominee City Code is hereby amended to amend and add the following definitions:

MARIHUANA means that term as defined in: the Public Health Code, MCL 333.1101, et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.; the Michigan Medical Marihuana Act, MCL 333.26421, et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.; and the Marihuana Tracking Act, MCL 333.27901, et seq.

MARIHUANA ACCESSORIES mean that term as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.26421, et seq.

MARIHUANA CONCENTRATE means that term as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.26421, et seq.

MARIHUANA ESTABLISHMENT means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27901, et seq., and under the City of Menominee's Marihuana Establishments Ordinance, including a marihuana grower establishment, marihuana safety compliance facility establishment, marihuana processor establishment, , marihuana retailer establishment, marihuana secure transporter establishment, or any other marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs under the Michigan Regulation and Taxation of Marihuana Act and by the City of Menominee under the City's Marihuana Establishments Ordinance.

MARIHUANA ESTABLISHMENT LICENSEE means a person or legal entity holding a state operating license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27901, et seq., and a license issued by the City of Menominee pursuant to its Marihuana Establishments Ordinance.

MARIHUANA FACILITY means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act , MCL 333.27101, et seq., and under the City of Menominee's Medical Marihuana Facilities Ordinance, including a marihuana grower facility, marihuana processor facility, marihuana provisioning center facility, marihuana secure transporter facility, or marihuana

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safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421, et seq.

**MARIHUANA FACILITY LICENSEE** means a person or legal entity holding a state operating license issued under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq, and a license issued by the City of Menominee pursuant to its Medical Marihuana Facilities Ordinance.

**MARIHUANA GROWER ESTABLISHMENT** means a marihuana establishment licensee licensed under the City’s Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq., that is a commercial entity located in this state that cultivates marihuana and sells or otherwise transfers marihuana to marihuana establishments pursuant to the Ordinance and the Act.

**MARIHUANA GROWER FACILITY** means a marihuana facility licensee licensed under the City’s Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

**MARIHUANA-INFUSED PRODUCT** means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana and other ingredients as defined in Section 3(j) of the Michigan Regulation and Taxation of Marihuana Act and in Section 102(l) of the Michigan Medical Marihuana Facilities Licensing Act. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

**MARIHUANA MICROBUSINESS** means a marihuana establishment licensee licensed under the City’s Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility establishment, but not to other marihuana establishments.

**MARIHUANA OUTDOOR PRODUCTION** means growing marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including, but not limited to, electrical lighting sources.

**MARIHUANA PROCESSOR ESTABLISHMENT** means a marihuana establishment licensee licensed under the City’s Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

**MARIHUANA PROCESSOR FACILITY** means a marihuana facility licensee licensed under the City’s Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a marihuana provisioning center.

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**MARIHUANA PROVISIONING CENTER** means a marihuana facility licensee licensed under the City's Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, et seq., is not a provisioning center for purposes of this chapter.

**MARIHUANA RETAILER** means a marihuana establishment licensee licensed under the City's Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

**MARIHUANA SAFETY COMPLIANCE FACILITY** means a marihuana facility licensee licensed under the City's Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**MARIHUANA SAFETY COMPLIANCE FACILITY ESTABLISHMENT** means a marihuana establishment licensee licensed under the City's Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to test marihuana, including certification for potency and the presence of contaminants.

**MARIHUANA SECURE TRANSPORTER ESTABLISHMENT** means a marihuana establishment licensee licensed under the City's Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

**MARIHUANA SECURE TRANSPORTER FACILITY** means a marihuana facility licensee licensed under the City's Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

**SECURITY PLAN** means a plan for preventing unauthorized access to, or theft and pilferage from, a marihuana facility, approved for operation in the City of Menominee.

Section 109-189 of the Menominee City Code is hereby amended to add subsection (c), providing as follows:

(c) In addition to the requirements provided for in subsections (a) and (b) above, site plans submitted for a marihuana facility under the City's Medical Marihuana Facilities Ordinance or a marihuana establishment under the City's Marihuana Establishments Ordinance must meet the following minimum requirements:

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**(a) For all marihuana facilities and marihuana establishments:**

- i. Maintain a minimum 300-foot setback from all school, day care, child care, and playground properties. "Playground properties" means that area owned, leased, rented and/or operated by the City, where the City has established, installed or provided recreational facilities, including, by way of description, but not limitation, swings, slides, water fountains, teeter totters, jungle gyms and sand boxes. A playground may or may not be fenced in. "Playground properties" does not include that area used for baseball diamonds, soccer fields, football fields, etc., unless those properties are owned or occupied by any school.
- ii. Except for marihuana provisioning centers or marihuana retailers, a six (6) foot tall perimeter fence, though fencing requirements may be included as part of the special use permit requirements for marihuana provisioning centers or marihuana retailers where they are located on property adjacent to residential property or where it is otherwise deemed appropriate due to the location of the property.
- iii. A satisfactory exterior lighting system.
- iv. A satisfactory building security system.
- v. A satisfactory on-site security guard program.
- vi. An off-site official contact list.
- vii. Established hours of operation.
- viii. Appropriate signage. No pictures or drawings depicting marihuana or any marihuana paraphernalia shall appear on the outside of the premises, or shall be visible from outside the premises. The words "marihuana," "cannabis" and any words used or intended to be used to convey the presence of marihuana shall not appear on the outside of the premises per state law. Marihuana products must not be marketed or advertised to minors aged 17 years or younger. Any signage targeting minors are prohibited.
- ix. A plan for facility inspection by the City, which shall include no less than an annual comprehensive fire and security inspection.
- x. A security plan approved by the State of Michigan or City Police Department.
- xi. All waste and by-products must be securely stored in a locked and enclosed space.
- xii. Co-location and stacking of marihuana facility or marihuana establishment licenses as permitted by applicable ordinance and state law, shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in this Chapter.

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xiii. Such other conditions as may be suitable for the particular license, or facility to be operated by the marihuana facility or marihuana establishment licensee.

xiv. No outdoor grow facilities or establishments will be allowed

(b) For a marihuana grower facility or marihuana grower establishment, in addition to all other applicable requirements:

i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.

ii. For a facility using artificial light for night time growing periods, a plan satisfactorily demonstrating that the marihuana facility or marihuana establishment licensee can contain all artificial light within the interior space of the facility.

(c) For a marihuana processor facility or a marihuana processor establishment, in addition to all other applicable requirements:

i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.

ii. No marihuana shall be manufactured or processed in any manner that would create excessive noise beyond the interior of the structure if occupants of adjoining structures or properties may be disturbed by said noise.

iii. For a facility using artificial light for night time operations, a plan satisfactorily demonstrating that the marihuana facility licensee can contain all artificial light within the interior space of the facility.

(d) For a marihuana provisioning center or a marihuana retailer, in addition to all other applicable requirements:

i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated. This Ordinance shall take effect ten (10) days after publication, as provided by City Charter.

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Section 109-332. – C-1, General Business District, of the Menominee City Code is hereby amended to provide as follows:

- (a) *Scope, intent and purpose.* The provisions of this section apply to the C-1 district. The general business district encompasses the majority of the City's commercial districts and is intended to include a broad range of enterprises from the small commercial establishments and professional offices to neighborhood shopping centers to strict commercial development to shopping centers and malls. Parcels included in this district should be situated on either arterial or collector streets and be developed as not to harm adjoining residential areas. Small scaled uses are permitted by right while larger developments require a special use permit.
- (1) *Uses permitted by right.*
  - a. Retail greenhouses and nurseries.
  - b. Veterinary hospitals.
  - c. Automobile parts and tires.
  - d. Convenience retail.
  - e. General retail.
  - f. Medical services.
  - g. Banks and other financial institutions.
  - h. Miscellaneous business service establishments.
  - i. Funeral homes.
  - j. Laundromats and dry cleaners.
  - k. Motels and hotels.
  - l. Office establishments.
  - m. Indoor theaters.
  - n. Pool halls, video arcades, bowling alleys, dance halls and similar uses.
  - o. Restaurants and taverns.
  - p. Rapid printing establishments.
  - q. Child care/day care center.

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- r. Public (federal, state and local) buildings and structures.
- s. Marihuana provisioning center.
- t. Marihuana Retailer

**Section 109-333. – C-2, Waterfront and Central Business District**

- (3) *Uses with special use permit.* Uses permitted by the issuance of a special use permit upon compliance with the provisions of article VI of this chapter:
  - a. Marihuana Provisioning Center.
  - b. Marihuana Retailer.

**Section 109-334. – M-1, Industry District, of the Menominee City Code is hereby amended to provide as follows:**

- (a) *Scope, intent and purpose.* The provisions of this section apply to the M-1 district. It is the intent of this district to provide for a variety of industrial uses characterized by relatively low traffic generation and the absence of objectionable external affects. Such areas are intended to have existing utilities and be free of incompatible uses and designed and developed so as not to harm adjoining conforming uses.
- (1) *Uses permitted by right.*
  - a. Building materials, farm implements or garden supplies for retail sales (with outdoor storage).
  - b. Jobbing and machine shops.
  - c. Manufacturing plants.
  - d. Publishing houses.
  - e. Truck and rail terminals.
  - f. Warehousing.
  - g. Millwork plants.
  - h. Automobile parts and tires.
  - i. Marihuana Grower Establishment.
  - j. Marihuana Grower Facility.
  - k. Marihuana Processor Establishment.



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- I. Marihuana Processor Facility.
  - m. Marihuana Safety Compliance Facility.
  - n. Marihuana Safety Compliance Establishment.
  - o. Marihuana Secure Transporter Establishment.
  - p. Marihuana Secure Transporter Facility.
- (3) *Uses with special use permit.* Uses permitted by the issuance of a special use permit upon compliance with the provisions of article VI of this chapter:
- a. Marihuana Provisioning Center.
  - b. Marihuana Retailer.

Section 109-335. – M-2, Industrial Park District, of the Menominee City Code is hereby amended to provide as follows:

- (3) *Uses with special use permit.* Uses permitted by the issuance of a special use permit upon compliance with the provisions of article VI of this chapter:
- a. Marihuana Provisioning Center.
  - b. Marihuana Retailer.

Section 109-390 of the Menominee City Code is hereby amended to add subsection (4), providing as follows:

(4) A marihuana grower establishment, marihuana grower facility, marihuana processor establishment, marihuana processor facility, marihuana provisioning center, marihuana retailer, marihuana secure transporter establishment, marihuana secure transporter facility, marihuana safety compliance facility establishment, and marihuana safety compliance facility, in accordance with the provisions of state law and applicable City ordinance, may be permitted through the issuance of a special use permit pursuant to this section in a district where such facility is allowed as a special land use, provided that:

- (a) At the time of the application for a special use permit the applicant must have submitted a completed application to the City for a medical marihuana facility license under the City's Medical Marihuana Facilities Ordinance or for a license under the City's Marihuana Establishments Ordinance and have paid the required application fee in full, must have provided proof that the applicant has applied for and received prequalification from the State of Michigan for a state operating license under either the Michigan Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act, and must be at all times in compliance with the laws of the State of Michigan, applicable City ordinance, and all applicable rules promulgated by the State of Michigan.

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- (b) The marihuana facility or marihuana establishment must be licensed by the City and by the State of Michigan prior to commencing operation, and must be at all times in compliance with the laws of the State of Michigan, applicable City ordinance, and all applicable rules promulgated by the State of Michigan.
- (c) The City may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, the City's Medical Marihuana Facilities Ordinance, the City's Marihuana Establishments Ordinance, or the terms of the special use permit and approved site plan are not met.
- (d) A marihuana facility, marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sale of marihuana, may not be permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this ordinance.