

**CITY OF MENOMINEE, MICHIGAN
MENOMINEE CITY COUNCIL
AGENDA FOR MONDAY, APRIL 17, 2023
HELD AT CITY HALL - 2511 10th STREET – 6 p.m.**

A) CALL THE MEETING TO ORDER.

B) PLEDGE OF ALLEGIANCE TO THE FLAG.

C) ROLL CALL.

D) APPROVAL OF MEETING AGENDA.

E) MINUTES OF PREVIOUS MEETINGS.

- 1) Regular meeting of March 20, 2023.

F) COMMUNICATIONS.

G) PUBLIC HEARINGS.

H) 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.

I) REPORTS OF OFFICERS.

- 1) Mayor Stegeman's Board of Appeals appointment of Marianne Mannisto, replacing Steve Gromala, with her term to expire October 15, 2024 and reappointment of Brian Nutter to the Planning Commission with his term to expire October 7, 2025.
- 2) City Manager's report.

J) REPORTS OF BOARDS, COMMISSIONS, AND STANDING COMMITTEES.

- 1) The Finance Committee regarding 4th of July Fireworks Event.
- 2) The Finance Committee regarding Application for IFT Exemption Certificate.

K) MISCELLANEOUS.

National Poppy Day, May 26, 2023.

L) MOTIONS AND RESOLUTIONS.

M) 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.

N) ADJOURN.

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.



**CITY OF MENOMINEE, MICHIGAN
REGULAR COUNCIL PROCEEDINGS
MARCH 20, 2023**

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held on Monday March 20, 2023 in the Municipal Complex Council Chambers.

The Honorable Jean Stegeman called the meeting to order at 6:00 p.m. and led the pledge of allegiance to the flag.

PRESENT: Council Members DeDamos, Dulak, Jones, Klitzke, Marineau, Nutter, Plemel, Robinson and Mayor Stegeman

ABSENT: None

PRESENT: 9 ABSENT: 0

A motion was made by Council Member Marineau and seconded by Council Member DeDamos to exclude all action items due to a violation of the Open Meetings Act. Then reschedule a meeting with proper notification on a mutually agreeable day.

AYES: Council Members Marineau, DeDamos and Mayor Stegeman

NAYS: Council Members Nutter, Plemel, Robinson, Dulak, Jones and Klitzke

This motion failed.

A motion was made by Council Member Plemel and seconded by Council Member Nutter to amend the agenda to add as item 3 under Resolutions, A Resolution Expressing City Council's Desire to Enact an Ordinance Amending the Marihuana Establishments Ordinance Section XX.02(B) to Authorize a Total of Seven (7) Marihuana Retailer Establishments.

AYES: Council Members Plemel, Nutter, Dulak, Jones, Klitzke

NAYS: Council Members Robinson, DeDamos, Marineau and Mayor Stegeman

This motion was carried.

A motion was made by Council Member DeDamos and seconded by Council Member Marineau to approve the minutes of the regular meeting of February 21, 2023 as presented. 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.

Comments were heard by Lori Paitl and Adam Michaud.

A motion was made by Council Member Robinson and seconded by Council Member Marineau to close public comment. This motion was carried unanimously.

REPORTS OF OFFICERS:

Mayor Stegeman submitted, for confirmation, the reappointments of Rick Estebo to the Harbor & Industrial Commission with his term to expire December 21, 2024, Mitch Hubert with his term to expire December 21, 2026 and Sue Mars with her term to expire August 2, 2024.

A motion was made by Council Member Jones and seconded by Council Member Nutter to confirm the reappointments. This motion was carried unanimously.

COMMITTEE REPORT:

At a March 15, 2023 meeting, the Finance Committee discussed the need for audit services for fiscal years ending June 30, 2023, June 30, 2024 and June 30, 2025 and they recommend to City Council that Council approve the City Manager and Clerk/Treasurer's request to waive the bid process and approve the three-year audit contract extension with Gabridge and Company at a cost not to exceed \$27,000, \$28,000 and \$29,000 with an additional \$4,000 fee for any year a single audit is required.

FINANCE COMMITTEE

A motion was made by Council Member Jones and seconded by Council Member Dulak to adopt the recommendation. This motion was carried unanimously.

COMMITTEE REPORT:

At a March 15, 2023 meeting, the Finance Committee discussed the need for cleaning services for the City Hall Complex and they recommended to City Council that Council approve the Cleaning Services be placed out for an RFP from qualified vendors.

FINANCE COMMITTEE

A motion was made by Council Member Marineau and seconded by Council Member Jones to adopt the recommendation. This motion was carried unanimously.

COMMITTEE REPORT:

At a March 15, 2023 meeting, the Finance Committee discussed the Menominee County Public Safety Communication Lease Agreement for 12 portable 800 MHz pagers for the Fire Department personnel and they recommended to City Council that Council accept the Menominee County 800 MHz Agreement and authorize the Mayor and City Manager to execute said documents.

FINANCE COMMITTEE

A motion was made by Council Member Marineau and seconded by Council Member Jones to adopt the recommendation. This motion was carried unanimously.

COMMITTEE REPORT:

At a March 15, 2023 meeting, the Finance Committee recommended to City Council that Council accept Coleman Engineering Company's proposal in the amount not to exceed \$9500.00 for a LiDAR Topographic Survey to be used for future civil design work on the 80 acres located on 56th Avenue.

FINANCE COMMITTEE

A motion was made by Council Member Jones and seconded by Council Member Marineau to adopt the recommendation. This motion was carried unanimously.

COMMITTEE REPORT:

At a March 15, 2023 meeting, the Judicial and Legislative/Personnel and Labor Committee discussed the Head Cashier and Assistant Cashier revised job titles and job descriptions and they recommended to City Council that Council approve the revised job titles of Lead Billing Clerk and Assistant Billing Clerk along with their revised job descriptions. Subject to City Counsel's (Attorney Cellelo) approval.

JUDICIAL AND LEGISLATIVE/PERSONNEL AND LABOR COMMITTEE

A motion was made by Council Member Jones and seconded by Council Member Marineau to adopt the recommendation. This motion was carried unanimously.

COMMITTEE REPORT:

At a March 15, 2023 meeting, the Judicial and Legislative/Personnel and Labor Committee discussed staffing needs in the Police Department, and they recommended to City Council that Council approve the sponsoring of Police Recruit, David Lueskow to the Police Academy and authorize the City Manager to execute the necessary documents.

JUDICIAL AND LEGISLATIVE/PERSONNEL AND LABOR COMMITTEE

A motion was made by Council Member Robinson and seconded by Council Member Dulak to adopt the recommendation. This motion was carried unanimously.

MOTIONS AND RESOLUTIONS:

At a March 15, 2023 meeting, the Finance Committee discussed the resolution for the City bank account signatures along with Morgan Stanley's Authorized Persons and Enabling Resolutions form and they recommended to City Council that Council adopt the Resolution 2023-004 along with Authorized Persons and Enabling Resolutions.

RESOLUTION: 2023-004

BE IT RESOLVED, that Kathleen A. Brofka, City Clerk/Treasurer, be and is hereby designated a depository of this city and the funds so deposited may be withdrawn upon a check, draft, note or order of the City.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said accounts be signed by two (2) of the following as specified:

TWO SIGNATURES REQUIRED

Bank: STEPHENSON NATIONAL BANK AND TRUST

Accounts: General Fund, City of Menominee Insurance Escrow, Solid Waste Disposal Fund, Downtown Development Fund, MSHDA Rehab, 2013 UTGO, Spies Library 2012 Debt, River Park Campground, River Park, Waste Water Treatment Utility Board, Sewer Receiving Fund, Sewer Junior Lien Bond & Interest Redemption, Sewer SRF 2022, M35 Wastewater Construct Project 2013, Sewer 2010 Junior Lien Bond Reserve, Sewer 2010 Repair Replacement & Improvement, Water Treatment Utility Board, Water Receiving Fund, Water SRF 2022, Water 2010 Junior Lien Bond Reserve, Water Junior Lien Bond & Interest Redemption, Water 2010 Repair, Replacement & Improvement and Marina Management.

Bank: FIRST NATIONAL BANK & TRUST COMPANY OF IRON MOUNTAIN

Accounts: Current Tax Fund, Police/Fire Retirement, City Waterfront Festival, Section 125 Fund, Pooled Cash Fund, Spies Field, ACH Trust Account, Spies Public Library, Canine Fund, Board of Cemetery Trustees, North Pier Light Fund, City County/County Invest, Library Klar Bequest, Spies Library Petty Cash, Recreation Klar Bequest, UYGO Bonds Road Improvement, Cemetery PCF and Flower Fund.

Bank: NICOLET NATIONAL BANK

Accounts: City of Menominee Revolving Loan Fund

Bank: PNC BANK

Accounts: City of Menominee, MI (Waste Water Fund)

Bank: WELLS FARGO

Accounts: Cemetery Board of Trustees, City of Menominee – Lloyd Mausoleum Fund and Credit Card

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NAME:

Jean Stegeman
Brett Botbyl
Kathleen A. Brofka
Angie M. Chevalier

TITLE:

Mayor
City Manager
City Clerk/Treasurer
Head Cashier

Whose signatures shall be duly certified to said bank, and that checks, notes or orders so drawn against said bank shall be void unless so signed.

BE IT FURTHER RESOLVED, that said bank is hereby directed and authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders, or any of such person in their individual capacities or not, whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the City Clerk, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said bank.

IN WITNESS WHEREOF, I have hereunto affixed my name as Kathleen A. Brofka, City Clerk/Treasurer and have caused the corporate seal of said city to be hereunto affixed this ____ day of _____, 2023.

Kathleen A. Brofka, City Clerk/Treasurer

A motion was made by Council Member Jones and seconded by Council Member Marineau to adopt the Resolution and the Morgan Stanley's Authorized Persons and Enabling Resolutions form. This motion was carried unanimously.

The following resolution was presented:

**RESOLUTION #2023-005
Election Resolution**

WHEREAS, a Special Election is scheduled to be held in all four wards of City of Menominee on Tuesday, May 2, 2023; and

WHEREAS, the polling place will be open from 7 a.m. to 8 p.m., Local Time, on said day; and

WHEREAS, that the Election Board shall consist of up to two (2) chairpersons and up to six (6) inspectors for each ward and that the rate of pay be \$15.00 per hour for the chairperson and \$14.00 per hour for inspectors; and

WHEREAS, the Absent Voter Counting Board shall consist of up to two (2) chairpersons and up to

six (6) inspectors for all four wards and that the rate of pay be \$15.00 per hour for the chairperson and \$14.00 per hour for inspectors; and

WHEREAS, that all election personnel shall be paid their hourly rate (including travel time) or a \$20 minimum for attending required election training;

NOW, THEREFORE, BE IT RESOLVED, the following location is designated as the polling place for all four wards in the City of Menominee for the Special Election to be held Tuesday, May 2, 2023:

Menominee High School
2101-18th Street

A motion was made by Council Member Jones and seconded by Council Member Nutter to adopt this resolution. This motion was carried unanimously.

The following resolution was presented:

A RESOLUTION EXPRESSING CITY COUNCIL'S DESIRE TO ENACT AN ORDINANCE AMENDING THE MARIHUANA ESTABLISHMENTS ORDINANCE SECTION XX.02(8) TO AUTHORIZE A TOTAL OF SEVEN (7) MARIHUANA RETAILER ESTABLISHMENTS

WHEREAS the City Council enacted a Marihuana Establishments Ordinance that limited the number of marihuana retailer establishments in the City of Menominee to two (2); and

WHEREAS due to overwhelming demand for the two (2) marihuana retailer establishment licenses, the City of Menominee obtained more applications from qualified applicants than licenses; and

WHEREAS the City's Marihuana Establishments Ordinance and application process, as well as whether the ordinance and process complies with the MRTMA, MCL 333.27951 et seq, are currently the subject of ongoing litigation that has not been resolved on the merits. Thus, the City Council acknowledges that it is not appropriate to award additional license(s) under that process or in reliance on that process, because the court may ultimately determine that such process did violate MRTMA; and

WHEREAS due to the ongoing litigation, the City Council acknowledges that it is not appropriate to award additional license(s) under that process or in reliance on that process. Instead, the City Council hereby expresses its desire to resolve all pending litigation with certainty by globally settling with all plaintiffs to the litigation and award licenses to each party thereto.

WHEREAS nothing in this resolution prohibits the City Council from amending its Marihuana Establishments Ordinances or policies in the future.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby expresses its desire to initiate the required process toward consideration of an ordinance amending the Marihuana Establishments Ordinance, Section XX.02(8) to authorize a total of seven (7) marihuana retailer

establishments, and to award the additional five (5) licenses to Attitude Wellness, LLC d/b/a Lume, Highwire Farms, LLC, O.I. Holdings, LLC, Rocky North, LLC d/b/a Green Pharm U.P., and NU Group, LLC, if or when the ongoing litigation has been resolved and/or disposed of entirely on the merits.

CERTIFICATION

I, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Menominee City Council of the City of Menominee, County of Menominee, State of Michigan, at their ___ meeting and recorded in the official liber of the Menominee City Council of the City of Menominee, County of Menominee, State of Michigan.

Dated: _____
(SEAL)

Kathleen A. Brofka
City Clerk Treasurer

A motion was made by Council Member Plemel and a second was made by Council Member Jones to adopt this resolution.

AYES: Council Members Plemel, Jones, Klitzke, Nutter, Robinson, Dulak

NAYS: Council Members DeDamos, Marineau and Mayor Stegeman

This motion was carried.

PUBLIC COMMENT:

Mayor Stegeman opened the public comment session.

Comments were heard by Casey Hoffman, Gail Wright, Ann Dahlman, Jim LaMalfa, Carol Ross, Pat Johnson, Peggy Ponta, Keith Akins, Marcia LaCanne, Katie Howerson, Jennifer Nykanen, Mary Kaye Donovan, Larry LaCanne, Cassidy McCarthur, Glen Kinderman, Blair Nelson, Scott McCarthur, Adam Michaud and Zack Demler.

A motion was made by Council Member Plemel and seconded by Council Member DeDamos to close public comment. This motion was carried unanimously.

ADJOURN:

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


Kathleen A. Brofka



City of Menominee City Council Agenda Item

TITLE: 4th of July Fireworks

Requesting Agency: Administration

Meeting Date: April 17, 2023

Contact: Brett Botbyl, City Manager

Public Hearing: N/A

Phone: 906-863-1747

Advertising Date: N/A

Council District:

Attachments:

PURPOSE:

To discuss and seek approval to move forward in holding a fireworks event for the 4th of July.

BACKGROUND:

Due to the inability to hold the Waterfront Festival this year, a group of volunteers have come forward to see if a 4th of July fireworks event could be held. Councilmember Nutter has advised that she will raise funding to pay for the Firework event.

BUDGET IMPACT:

The fireworks will be paid through donations. Sponsors will be found for entertainment if desired. Costs may be incurred for additional insurance and porta potties.

STAFF RECOMMENDATION / ACTION REQUESTED:

To approve the 4th of July fireworks event and authorize the City Manager to execute the necessary documents and/or permits.

COMMITTEE RECOMMENDATION / ACTION:

At an April 13, 2023 meeting, the Finance Committee recommends to City Council that Council approve the 4th of July event and authorize the City Manager to execute the necessary documents and/or permits.



City of Menominee
City Council
Agenda Item

TITLE: FF 4800 LLC/Market Development LLC

Requesting Agency: Executive

Meeting Date: April 17, 2023

Contact: Nikki
Linder

Public Hearing: NA

Phone: 863-1759

Advertising Date: NA

Council District: Citywide

Attachments: Application for IFT Certificate Transfer

PURPOSE:

To give notice and present an IFT exemption application for review and verification. Request the Committee make a recommendation pertaining to this application at the next available City Council agenda for consideration.

BACKGROUND:

On April 4th, 2023, Barbara Brown, a representative for Market Development LLC submitted an Industrial Facilities Tax Exemption application. Market Development purchased Great Lakes Food from FF 4800 LLC on 12/09/22. Currently, there is an exemption on this parcel for a 39,625 square foot addition and a 5,188 square foot office addition completed in 2014. The exemption is set to expire 12/30/25. Market Development LLC is applying to transfer Certificate # 2013-024 and retain this exemption. The company has added 25 employees since the original application and has therefore established compliance with the certificate.

BUDGET IMPACT:

The taxes for a new IFT facility are computed by multiplying approximately one half of the tax rate times the taxable value.

Due to a transfer of ownership, an uncapping will take place and the taxable value will increase for 2023 resulting in an increase in revenue.

For a capped IFT parcel the taxes would be roughly \$34,013.

For the uncapped IFT parcel the taxes would be roughly \$53,552 and it would be double that without IFT.

STAFF RECOMMENDATION / ACTION REQUESTED:

After review, it is requested the Finance Committee decide as to approve or disapprove the application for IFT Exemption and recommend that City Council complete a resolution for approval or denial of the exemption for Market Development LLC.

Agenda Item: _____

COMMITTEE RECOMMENDATION / ACTION REQUESTED:

At an April 13, 2023 meeting, the Finance Committee recommends to City Council that Council respectfully deny the application for the transfer of the Industrial Facilities Tax exemption for the following reason. Pursuant to the IFE Agreement, item #5, the Company shall submit to the City Assessor, for the term of the Industrial Facilities Exemption Certificate, an annual status report recapping activity for the abated project as of December 31, of each year. No status report has been received this past year or in prior years.

Agenda Item:_____

RECEIVED
3/27/23

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the completed application and the required attachments with the clerk of the local government unit. If you have any questions regarding the completion of this form, call 517-335-7491.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Kathleen A. Bryson</i>	Date Received by Local Unit 3/27/2023
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Market Development LLC		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 4222	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1230 48th Avenue		1d. City/Township/Village (indicate which) City of Menominee	1e. County Menominee
2. Type of Approval Requested <input type="checkbox"/> New (Sec. 2(5)) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Research and Development (Sec. 2(10)) <input checked="" type="checkbox"/> Transfer <input type="checkbox"/> Rehabilitation (Sec. 3(6)) <input type="checkbox"/> Increase/Amendment		3a. School District where facility is located Menominee Area Public Schools 3b. School Code 55100	
4. Amount of years requested for exemption (1-12 Years) Remainder of 12 years from initial abatement			

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

FROM THE 2012 ORIGINAL APPLICATION: This facility serves grocery items to independent grocers in Wisconsin, Michigan and Illinois with a 250,000 square foot warehouse in Menominee, Michigan. This application is for the construction of a 5,188 S/F office and 39,625 S/F of freezer/cooler space.

NOTE: The real estate and personal property were purchased by Market Development, LLC on December 12, 2022.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	1,821,870.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	1,821,870.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	06/01/2012	04/30/2013	<input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements			<input type="checkbox"/> Owned <input type="checkbox"/> Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

9. No. of existing jobs at this facility that will be retained as a result of this project. 10. No. of new jobs at this facility expected to create within 2 years of completion.

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	
b. TV of Personal Property (excluding inventory)	
c. Total TV	

12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit)
01/20/1975

12c. Is this application for a speculative building (Sec. 3(8))?
☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

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 are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, 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 Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Kenneth W. Vermeulen	13b. Telephone Number (616) 649-1952	13c. Fax Number (616) 649-1899	13d. E-mail Address kvermeulen@honigman.com
14a. Name of Contact Person Dan Merrill, Manager-RE	14b. Telephone Number (616) 878-8851	14c. Fax Number <i>none</i>	14d. E-mail Address dan.merrill@spartannash.com
▶ 15a. Name of Company Officer (No Authorized Agents) William Jacobs, Treasurer			
15b. Signature of Company Officer (No Authorized Agents) <i>William Jacobs</i>		15c. Fax Number <i>none</i>	15d. Date
▶ 15e. Mailing Address (Street, City, State, ZIP Code) P.O. Box 8700, 850 76th St SW, Grand Rapids, MI 49518		15f. Telephone Number (616) 878-2042	15g. E-mail Address bill.jacobs@spartannash.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.		
16c. School Code		
17. Name of Local Government Body		▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time, and that any leases show sufficient tax liability.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

For faster service, email the completed application and additional required documentation to PTE@michigan.gov.

An additional submission option is to mail the completed application and required documents to:

Michigan Department of Treasury
State Tax Commission
PO Box 30471
Lansing, MI 48909

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

Instruction for Completing Form 1012, Industrial Facilities Tax Exemption (IFT) Application

The completed original application form 1012 and all required attachments, **MUST** be filed with the clerk of the local unit of government where the facility is or will be located. Complete applications must be received by the State Tax Commission by October 31 to ensure processing and certification for the following tax year. Applications received after the October 31 deadline will be processed as expeditiously as possible.

Please note that attachments listed on the application in number 16a are to be retained by the local unit of government, and attachments listed in number 16b are to be included with the application when forwarding to the State Tax Commission (STC).

(Before commencement of a project the local unit of government must establish a district, or the applicant must request in writing a district be established, in order to qualify for an IFT abatement. Applications and attachments must be received by the local unit of government **within six months of commencement of project.**)

The following information is required on separate documents attached to form 1012 by the applicant and provided to the local unit of government (city, township or village). (Providing an accurate school district where the facility is located is vital.)

1. Legal description of the real property on which the facility is or will be located. Also provide property identification number if available.
2. Personal Property Requirements: Complete list of new machinery, equipment, furniture and fixtures which will be used in the facility. The list should include description, **beginning date of installation** or expected installation by **month/day/year**, and costs or expected costs (see sample). Detail listing of machinery and equipment **must match amount shown** on question 6b of the application. Personal property applications must have attached a certified statement/affidavit as proof of the beginning date of installation (see sample).
3. Real Property Requirements: Proof of date the construction started (groundbreaking). Applicant must include one of the following if the project has already begun; building permit, footings inspection report, or certified statement/affidavit from contractor indicating exact date of commencement.
4. Complete copy of lease agreement as executed, if applicable, verifying lessee (applicant) has direct ad

valorem real and/or personal property tax liability.

The applicant must have real and/or personal property tax liability to qualify for an IFT abatement on leased property. If applying for a real property tax exemption on leased property, the lease must run the full length of time the abatement is granted by the local unit of government. Tax liability for leased property should be determined before sending to the STC.

The following information is required of the local unit of government: [Please note that only items 2, 4, 5, 6, & 7 below are forwarded to the State Tax Commission with the application, along with items 2 & 3 from above. The original is required by the STC. The remaining items are to be retained at the local unit of government for future reference. **(The local unit must verify that the school district listed on all IFT applications is correct.)**]

1. A copy of the notice to the general public and the certified notice to the property owners concerning the establishment of the district.
2. Certified copy of the resolution establishing the Industrial Development District (IDD) or Plant Rehabilitation District (PRD), which includes a legal description of the district (see sample). If the district was not established prior to the commencement of construction, the local unit shall include a certified copy or date stamped copy of the written request to establish the district.
3. Copy of the notice and the certified letters to the taxing authorities regarding the hearing to approve the application.
4. Certified copy of the resolution approving the application. The resolution must include the number of years the local unit is granting the abatement and the statement "the granting of the Industrial Facilities Exemption Certificate shall not have the effect of substantially impeding the operation of (governmental unit), or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in (governmental unit – see sample).
5. Letter of Agreement (signed by the local unit of government and the applicant per P.A. 334 of 1993 (see sample)).
6. Affidavit of Fees (signed by the local unit of government and the applicant), (Bulletin 3, January 16, 1998). This statement may be

incorporated into the Letter of Agreement (see sample).

7. Treasury Form 3222 (if applicable - *Fiscal Statement for Tax Abatement Request.*)

The following information is required for rehabilitation applications in addition to the above requirements:

1. A listing of existing machinery, equipment, furniture and fixtures which will be replaced or renovated. This listing should include description, beginning date of installation or expected installation by month/day/year, and costs or expected costs.
2. A rehabilitation application must include a statement from the Assessor showing the taxable valuation of the plant rehabilitation district, separately stated for real property (EXCLUDING LAND) and personal property. Attach a statement from the assessor indicating the obsolescence of the property being rehabilitated.

The following information is required for speculative building applications in addition to the above requirements:

1. A certified copy of the resolution to establish a speculative building.
2. A statement of non-occupancy from the owner and the assessor.

Please refer to the following Web site for P.A. 198 of 1974: www.legislature.mi.gov/. For more information and Frequently Asked Questions, visit www.michigan.gov/propertytaxexemptions.

IFE AGREEMENT

Per P.A. 334 of 1993

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE–LETTER OF AGREEMENT

This agreement between Market Development LLC and City of Menominee is for the purpose of fulfilling the requirements of P.A. 198, as amended, in P.A. 224, Section 22. In consideration of approval of this exemption certificate, the Market Development LLC understands that through its investment of \$1,821,870, and the City of Menominee, by its investment of the IFE, are mutually investing in and benefiting from this economic development project, and, furthermore, agree to the following:

1. Company acknowledges that as a prerequisite to obtaining an Industrial Facilities Exemption Certificate ("tax abatement") that Company has made certain material representations to the City in its application for an Industrial Facilities Exemption Certificate dated _____, _____, upon which the City has justifiably relied, and upon which the City will continue to rely, and based upon which the Company will receive certain monetary benefits, tax abatements, to which it otherwise would not be entitled.
2. Company further acknowledges that the receipt of an Industrial Facilities Exemption Certificate is also based upon the material representations made by the Company in its application for an Industrial Facilities Exemption Certificate. Further, that all representations made therein are true and correct to the best of the company's information, knowledge, and belief and that the representations include the history of the Company, the present status of the Company and the future duties and obligations to be performed by the Company.
3. In consideration of the receipt of an Industrial Facilities Exemption Certificate, it is expressly agreed by the Company that should any of the material representations of Company be erroneous or should Company fail to substantially perform any future promises, duties, or obligations, the same shall be deemed to constitute a breach of this Agreement and the City may petition the State Tax Commission to revoke the Industrial Facilities Exemption Certificate.
4. Company agrees to comply with all relevant local rules, regulations, codes, and ordinances within the City of Menominee during the entire period for which the Industrial Facilities Exemption Certificate was granted. Under this provision the Company agrees to comply at all its facilities in the City of Menominee with all construction, building and zoning codes in effect during the entire period for which the Industrial Facilities Exemption Certificate was granted. Failure to comply shall constitute grounds for revocation of the Industrial Facilities Exemption Certificate.
5. Company shall submit to the City Assessor, for the term of the Industrial Facilities Exemption Certificate, an annual status report recapping activity for the abated project as of December 31, of each year. The report will be due no later than February 20 of each subsequent year. It will indicate actual moneys expended as of each annual report date, total project actual costs by year of completion and actual number of jobs created or retained as of December 31, of each year of the project. If, as of any annual report date during the life of the project, there is a variation of more than ten percent (10%) in the estimated employment levels or expended moneys from what was set forth in the application, the Company must include an explanation for this variation in the annual status report.
6. Company further agrees that it shall pay all taxes and assessments on the regular ad valorem tax roll, real and personal, hereupon levied on said premises or any equipment or personal property thereon before any penalty for non-payment attaches thereto, beginning with the next tax billing and continuing throughout the term of the Industrial Facilities Exemption Certificate. Failure to pay all such taxes as

provided above shall be deemed to constitute a breach of this Agreement and City may petition the State Tax Commission to revoke the Industrial Facilities Exemption Certificate and/or may otherwise proceed in accordance with the remedies provided by statute. If, at any time during the effective term of the exemption certificate, a participant in the program appeals to the Michigan Tax Tribunal disputing the "taxable value" of the property subject to the tax abatement, the City of Menominee may petition the State Tax Commission to revoke the Industrial Facilities Exemption Certificate.

7. Company represents that it intends to remain within the City of Menominee during the entire period for which the Industrial Facilities Exemption Certificate has been approved. Under this provision the Company agrees to maintain buildings, equipment and employment related to the new project as represented by the Company in its application for an Industrial Facilities Exemption Certificate. Company also represents that it intends to maintain overall building, equipment and employment at the level as represented by the Company in its application for an Industrial Facilities Exemption Certificate. Failure to remain within the limits of the City of Menominee or failure to implement and maintain buildings, equipment and employment related to the new project shall be deemed to constitute a breach of this Agreement and City may petition the State Tax Commission to revoke the Industrial Facilities Exemption Certificate. Company acknowledges that failure to remain within the City of Menominee during the entire period for which the Industrial Facilities Exemption Certificate was granted shall constitute grounds for immediate revocation of the Industrial Facilities Exemption Certificate and the denial of the City's consent to the granting of an Industrial Facilities Exemption Certificate in a governmental unit to which the Company has relocated or employment has been transferred from the City. Company may present to the City Commission those compelling circumstances, which could allow the City Council, in its sole discretion, to approve such transfer.

8. This Agreement shall become effective upon the issuance of a Certificate in compliance with the Application for an Industrial Facilities Exemption Certificate by the Michigan State Tax Commission and shall be null and void and of no force or effect whatsoever, if the Michigan State Tax Commission fails to issue such a Certificate. This Agreement shall be null and void upon expiration of the Industrial Facilities Exemption Certificate.

This agreement is assignable and transferable by either party with advance written consent. The agreement may only be altered upon mutual consent of both parties.

Company Official	Date
Local Government Official	Date



APPLICATION PACKET FOR INDUSTRIAL FACILITIES TAX EXEMPTION (IFT) CERTIFICATE

APPLICANTS TAKE NOTICE OF THE FOLLOWING:

All applications must contain all the pages from this application packet, including the checklist.

If your application is incomplete, it will not be accepted by the Clerk's office.

This application packet was prepared in accordance with Public Act 198 of 1974

Kathy Brofka

City Clerk

Nikki Linder

City Assessor

Checklist of documents required for application
Industrial Facilities Tax Exemption (IFT) Certificate

City of Menominee
2511 10th Street
Menominee, MI 49858

- ☐ Payment of review fee of \$1000.00. Please make check payable to City of Menominee Treasurer.
- ☐ One (1) completed original and 3 copies of the completed IFT Certificate Application Form 1012 as established by the State Tax Commission.
- ☐ A complete list of new machinery, equipment, furniture, and fixtures which will be used in the facility. The list should include description, type, identification, date of (expected) acquisition/installation by month/day/year, and (expected) cost.
- ☐ If construction has already commenced, proof of the date construction started (groundbreaking) such as building permits, footing inspection reports, certified statements, or affidavit from the contractor. Start of construction may not occur more than 6 months before the filing of this application (§207.559(2)(c) of PA 198 of 1974).
- ☐ Verification that the petitioner bears the tax liability for both ad valorem and personal tax for the subject property. You may use the Affidavit of Ownership form, found on page 3.
- ☐ Two (2) copies of Proof of Ownership; Land Contract, Affidavit of Land Contract, Option/Purchase Agreement, Deed, etc.
- ☐ One (1) completed Verification of Recorded Legal Property form, found on page 4. This form must include an accurate legal description showing the specific location of the property within which the proposed exempt use will take place.

APPLICANTS TAKE NOTICE OF THE FOLLOWING:

1. Legal Basis. This application packet was prepared in accordance with Public Act 198 of 1974, as amended. All section references, except where otherwise noted, refer to this act.
2. Submittal Deadline. Submittal of an IFT application MUST be received by the City no later than six (6) months after commencement of the project. The Industrial Development District must be established before an IFT application can be accepted.
3. Attendance Required at Public Hearing. The City of Menominee City Council requires the Petitioner or their Representative to be present at the Public Hearing, otherwise the item will be tabled to another meeting date.

INDUSTRIAL FACILITIES TAX EXEMPTION (IFT) CERTIFICATE REVIEW PROCESS

Step 1: Applicant submits a completed application form as prescribed by the State Tax Commission. Items required include a general description of the facility and its proposed use, the general nature and extent of the proposed restoration, replacement or construction, a descriptive list of equipment that will be part of the facility and a timeline for the project.

Step 2: The Clerk's Office will verify that the property in question is in a previously established IDD. If an IDD has not already been established, the applicant must first request the City Council establish a district as required by law.

Step 3: The Clerk's Office will send a copy of the application to the City Attorney and Finance Committee for review and verification. A copy is also sent to the City Assessor for their files.

Step 4: If approved by the attorney and committee, the item will be placed on the next available City Council agenda for consideration of the application. The City Council will set a Public Hearing date.

Step 5: The item is placed on the next available City Council agenda for a Public Hearing (see MCL 207.555 (2)). Notice of the hearing shall be sent by regular mail to the Assessor and the legislative body of each taxing unit within the district that collects ad valorem taxes (see MCL 207.555(2)). The applicant must be present at the public hearing.

Step 6: The Clerk's Office drafts a Resolution and Abatement Agreement, according to State requirements, for consideration by the Council to either approve or disapprove the application.

Step 7: The Council holds the public hearing and acts on the request. The Council shall, by resolution, state its decision to either approve or disapprove the application. If denied, the reasons shall be set forth in writing in the resolution. If approved, the Council shall set the number of years for which the district will be valid and they will instruct the Clerk to sign the resolution (see MCL 207.556).

Step 8: The Township and the operator of the facility will execute an agreement outlining the conditions and recourses to be upheld during the abatement period.

Step 9: If necessary, Forms T-1044A and/or T-1044, as created by the State Tax Commission, shall be completed. These are necessary if the abated SEV exceeds 5% of the Township's total SEV.

Step 10: If the application is approved, the Clerk shall forward the application, resolution, and other necessary information to the State Tax Commission (see MCL 207.556).

Step 11: After review by the State Tax Commission, they will send the Industrial Facilities Exemption Certificate, or notice that the application was denied, to the city by certified mail (see MCL 207.557(2)).

Step 12: A copy of the Exemption Certificate shall be kept for the file, and another sent to the Assessor's Office for implementation.

AFFIDAVIT OF OWNERSHIP

An Affidavit of Ownership must be filed with all development and variance applications in the City of Menominee. Proof of ownership or interest in the property must be attached (i.e. deed, land contract, option agreement, lease, etc.). This requirement must be fulfilled in order to promptly process your application.

If the applicant is not the fee titleholder of the subject property, he/she is a purchaser according to Land Contract, option, lease etc., it is necessary to establish the fee title holder's intention and desire to have the subject property receive City approval.

(I), (We), _____, the undersigned fee title owner(s) of property hereinafter referenced, acknowledge (my) (our) agreement to permit/allow the property described within the attached application for receive consideration by the City of Menominee.

(I), (We) _____, further authorize as a(n) agent of the property, to process an Application with the City of Menominee on (my) (our) behalf.

(Owner) _____ (Agent) _____

(Owner) _____ (Agent) _____

Parcel Number:

051-_____-_____-_____

STATE OF MICHIGAN

ss.

CITY OF MENOMINEE

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, as his free act and deed.

Notary Public Menominee County,

My Commission Expires: _____

Acting in Menominee County, Michigan

VERIFICATION OF RECORDED LEGAL PROPERTY

PROJECT NAME _____

PERMANENT PARCEL _____ - _____ - _____ - _____.

PUBLIC ROAD(S) FRONTAGE _____

ADDRESS OF PARCEL (if available)

OWNERS NAME _____

ADDRESS OF

OWNER _____

LEGAL DESCRIPTION

(INSERT HERE)

DENYING AN IFE CERTIFICATE TRANSFER

Minutes of a regular meeting of the Council of City of Menominee, held on April 17th, 2023, at City Hall, in Menominee, at 6:00pm.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____ and supported by _____.

Resolution Denying Transfer of Industrial Facilities Exemption Certificate 2013-024 For Market Development LLC

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on January 20th, 1975, this Council by resolution established Industrial Development District No 1; and

WHEREAS, the City of Menominee approved an application from FF 4800 LLC requesting an Industrial Facilities Exemption Certificate 2013-024 for a new industrial facility investment located at 1230 48th Avenue; and

WHEREAS, Market Development LLC has filed an application for a transfer of Industrial Facilities Exemption Certificate 2013-024 with respect to a 5,188 square foot office addition & 39,625 square foot freezer warehouse of a New Facility located within the Industrial Development District No 1; and

WHEREAS, before acting on said application, the City Council held a hearing on April _____, at the City Hall, in _____, at _____, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, Market Development LLC has not met all the requirements for the transfer of Industrial Facilities Exemption Certificate 2013-024; and

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Menominee that:

1. The application from Market Development LLC for a transfer of Industrial Facilities Exemption Certificate 2013-024, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District No 1 to wit: SEC 22 T32N R27W CITY OF MENOMINEE PART OF THE SE1/4 OF THE SE1/4 & THE SW1/4 OF SE1/4: LOTS 1 & 2 CERTIFIED SURVEY 453 be and the same is hereby denied due to _____.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Menominee, County of Menominee, Michigan, at a regular meeting held on _____.

Clerk's Signature

TRANSFERING AN IFE CERTIFICATE

Minutes of a regular meeting of the Council of the City of Menominee, held on April 17th, 2023, at City Hall), in Menominee), at 6:00 p.m.

PRESENT:

ABSENT:

The following preamble and resolution were offered by

And supported by

Resolution Approving Transfer of Industrial
Facilities Exemption Certificate 2013-024 For Market Development LLC

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on January 20, 1975, this Council by resolution established Industrial Development District No 1; and

WHEREAS, the City of Menominee approved an application from FF 4800 LLC requesting an Industrial Facilities Exemption Certificate 2013-024 for a new industrial facility investment located at 1230 48th Avenue; and

WHEREAS, Market Development LLC has filed an application for a transfer of Industrial Facilities Exemption Certificate 2013-024 with respect to a 5,188 square foot office addition & 39,625 square foot freezer warehouse of a New Facility located within the Industrial Development District No 1; and

WHEREAS, the applicant, the Assessor, and a representative of the affected taxing units were given written notice of the transfer application and were offered an opportunity to be heard on said application; and

WHEREAS, Market Development LLC has substantially met all the requirements under Public Act 198 of 1974 for the transfer of Industrial Facilities Exemption Certificate 2013-024; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Menominee, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Menominee that:

1. The City Council finds and determines that the granting of the transfer of an Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, **shall not have the effect of substantially impeding the operation of City of Menominee, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Menominee.**

2. The application from Market Development LLC for a transfer of Industrial Facilities Exemption Certificate 2013-024, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District No 1 to wit: SEC 22 T32N R27W CITY OF MENOMINEE PART OF THE SE1/4 OF THE SE1/4 & THE SW1/4 OF SE1/4: LOTS 1 & 2 CERTIFIED SURVEY 453. be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall remain in force for the remaining years approved under Industrial Facilities Exemption certificate 2013-024 with an end date of (12/30/2025).

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of City of Menominee, County of Menominee, Michigan, at a regular meeting held on _____.

Clerk's Signature

THE AMERICAN LEGION AUXILIARY



MENOMINEE UNIT No. 146

February 27, 2023

**Mayor Jean Stegeman
Menominee City Hall
2511 10th St.
Menominee, Michigan 49858**

Dear Mayor Stegeman:

The National Poppy Day has been designated on May 26th, 2023. Our local American Legion Post 146 Auxiliary would like you to proclaim May 26th, 27th, and 28th, as official Poppy distribution days within the city of Menominee.

At the end of WW1, the American Legion adopted the poppy as a symbol of freedom and the blood sacrificed by troops in wartimes. The use of the poppy symbolical comes from the poem *In Flanders Fields* written by Lt. Col. John McCrae in 1915 after witnessing the death of a friend, a fellow soldier. After the poem was written, a teacher from Georgia named Moina Michaels declared, *We shall Keep the Faith* and wear red poppies in remembrance of our soldiers.

The Poppy, the memorial flower will honor All veterans. We pledge 100% profit to the welfare of Veterans and their families. We would appreciate receiving a written confirmation sent to the American Legion Auxiliary Unit 146. If you have any questions, you can contact me, Lisa Gladue at lisathin1962@gmail.com.

Thank you

**American Legion Auxiliary Unit 146/
Lisa Gladue-Poppy Co-Chairman
818 1st street
Menominee, MI. 49858**