

**CITY OF MENOMINEE, MICHIGAN
MENOMINEE CITY COUNCIL
AGENDA FOR Monday April 15, 2024
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 Council Meeting minutes from March 18, 2024.

F) COMMUNICATIONS.

- 1) Harbor Drive Project.
- 2) Marijuana Communication-Attorney Celello.

G) PUBLIC HEARING.

- 1) Ordinance 2024-001-Declaring a moratorium on signs.
- 2) International Fire Code Ordinance-2021 Edition.
- 3) Resolution 2024-006-FEMA Floodplain Management.

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 Hoffman re-appoints as follows:
Marion Enstrom to the Downtown Development Authority, with her term to expire on January 25, 2028; and
Jane Raygo to the Board of Cemetery Trustees with her term to expire on May 2, 2027; and
Bill St. Martin to the Henes Park Board of Commissioners with his term to expire on September 9 2030; and
Julie Flores to the Historic District Commission with her term to expire on May 11, 2027; and
Sandy Kuber to the Historic District Commission with her term to expire on May 11, 2027; and
Mary Oswald to the Historic District Commission with her term to expire on May 11, 2027; and
Paul Haupt to the Library Board of Trustees with his term to expire on May 1, 2029; and
James Callow to the Water and Wastewater Utility Board with his term to expire on May 1, 2029.
- 1) City Manager's Report.

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

- 1) The Judicial and Legislative\Personnel and Labor Committee on Ordinance 2024-001-Declaring a 6-month moratorium on signs in the City of Menominee.
- 2) The Judicial and Legislative\Personnel and Labor Committee on the International Fire Code Ordinance.
- 3) The Judicial and Legislative\Personnel and Labor Committee on Resolution 2024-006 FEMA Floodplain Management.
- 4) The Finance Committee on the closing the Defined Benefit Division #11 for Teamsters MERS plan.

- 5) Water & Wastewater Utility Board on Infrastructure Alternatives, Inc. contract extension.
- 6) Water & Wastewater Utility Board on DWAM Bid Award.

K) MOTIONS AND RESOLUTIONS.

- 1) Add a Council Member's Comments to Council agendas after the second public comment.
- 2) Resolution 2024-008-Adopting a Final Amended Project Planning Document for Water System Improvement.
- 3) Police Department starting wage pay grade.
- 4) Police recruit sponsorship.
- 5) Adopting the Assessor's Policy.
- 6) 4th of July Contract.
- 7) Resolution for Charitable Gaming License for Menominee Hoops Club, Inc.

L) MISCELLANEOUS.

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.

The City of Menominee is an Equal Opportunity Provider and Employer



**CITY OF MENOMINEE, MICHIGAN
REGULAR COUNCIL PROCEEDINGS
March 18, 2024**

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held on Monday March 18, 2024 in the Municipal Complex Council Chambers.

The honorable Mayor Casey Hoffman called the meeting to order at 6:00 p.m. and led the pledge of allegiance to the flag.

PRESENT: Council Members DeDamos, Dulak, Fifarek, Haupt, Marineau, Plemel, Robinson, and Mayor Hoffman

ABSENT: Council Member Jones

PRESENT: 8 ABSENT: 1

A motion was made by Council Member Robinson and seconded by Council Member Fifarek to excuse Council Member Jones from the meeting. This motion was carried unanimously.

A motion was made by Council Member Robinson and seconded by Council Member Plemel to approve the agenda dated March 15, 2024. This motion was carried unanimously.

A motion was made by Council Member Dulak and seconded by Council Member Fifarek to approve the minutes from the Regular Council meeting held on February 20, 2024. This motion was carried unanimously.

COMMUNICATIONS:

- 1) Mayor Hoffman spoke on Summer 2024 events and activities that included a Fourth of July Celebration, Farmer's Markets on Thursday evenings in the Spies Public Library parking lot, and expand if needed, while keeping the Saturday Farmer's Markets, and a Waterfront Festival/Activities in the future.

PUBLIC HEARING:

Resolution 2024-004-Commercial Rehabilitation District No. 2.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Robinson to close the public hearing. This motion was carried unanimously.

PUBLIC COMMENT:

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

Correspondence was received from Jackie Nutter.

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Reference: Submitted Public Comment for Menominee City Council Meeting on March 18, 2024 at City Hall - 6:00p.m.

Dear Mr. Mayor and the Menominee City Council,
I cannot attend tonight's meeting, but I wanted to take the time to thank you all for your support in coordinating the Fourth of July in 2023, and (hopefully) this year's Fourth.

I have begun planning the details of this event and can happily say that I already have the goal of the minimum six food vendors I was striving for. Last year was a huge learning experience, and I received plenty of wonderful feedback that I am already using in coordinating this year's event.

Sponsorship outreach is already underway, and details as far as times, pricing, vendors, advertisements, is in the works. I plan to have the advertisements go up about mid-May, though I will advertise the broad details of the event (times, hints of what's to come) by the second week of April. I am working on setting up at least four volunteer meetings to work with the individuals who reached out last year wanting to help with this year's festivities.

My focus is to work with local businesses to help reach this fundraising goal, as well as executing my outlined plan to bring several non-profits into the fold to give them a platform for their cause(s).

One of these ideas has already been put into motion, as all food vendors have agreed to not sell water as to give the non-profits that I'm communicating with an opportunity to raise money during this time- limited event.

If anyone has any questions about the event, please send them my way! I look forward to updating everyone in the weeks and months to come. Again, thank you for the opportunity!

Sincerely, Jackie Nutter

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

REPORTS OF OFFICERS.

Mayor Hoffman gave his "State of the City" address:

My fellow citizens,

Our charter declares that, from time to time, the Mayor of Menominee shall give to the voters and City Council information about the state of our city.
For 141 years. Our leaders have fulfilled this duty during times of prosperity and peace, and they have done so in moments of strife and struggle.

I address you tonight at time when the future of Menominee requires decisive action. The choices before this government will test the convictions of our character and the strength of our City. Menominee presently anticipates a half-million-dollar revenue shortfall because of a

shrinking tax base. To be clear, this is one of the largest revenue shortfalls in the history of the City of Menominee. This comes at a time when the Spies Public Library is using charitable donations to keep the lights on. And the Library needs a new roof that experts say will cost four hundred and ninety thousand dollars.

We additionally face a precarious situation in retaining Menominee's police officers. The *highest* paid and *most* experienced police officers in the City of Menominee are making twenty-nine dollars and seventy-five cents per hour, and the *starting* salary for police officers in the City of *Marinette* is thirty-one dollars per hour, to do materially the same job with the same people. That's a problem, folks. We must do better or risk losing some of Menominee's finest public servants to competing police departments.

There are no easy choices. In order to bring in additional revenue, last year a majority of the City Council chose to unshackle Menominee's marijuana market, and it is *working*. The Michigan Treasury Department has announced that that City of Menominee will receive two hundred and ninety five thousand dollars in marijuana dollars to offset our revenue shortfall, and because of the City Council's bold actions Menominee *County* will *also* receive a two hundred and ninety-five thousand dollar check. Larry Phelps, you're welcome. Marijuana taxation does not solve all our budgetary problems, and it doesn't pretend to, but the funding brings us dramatically closer to a balanced budget at a time when we desperately need the money.

One number seems to quantify the story of Menominee better than most: Seventy-nine. That is the number of students poised to graduate from Menominee High School in 2024. For comparison, Marinette High School will graduate one hundred and forty-two students in 2024. We have a brain drain problem in Menominee. Talented young people are getting their degrees at Menominee High School and moving away and if we are going to attract more young families to Menominee. We must stretch the boundaries of the possible through hard work resolve and a pioneering spirit. That has *always* been Menominee's way.

So, let's start transforming Menominee from functional into formidable.

Tonight, I am announcing the return of major summer tourism activities in the City of Menominee. Ms. Jackie Nutter has agreed to help run an Independence Day Jubilee in celebration of America's 248th Birthday at Memorial Marina Park this upcoming July 4, 2024. This free and family- friendly event will feature live music, food vendors, children's games and, you betcha, fireworks.

Additionally, every Thursday this Summer in Menominee, starting on May 30th and ending on August 15th. That is twelve Thursdays this Summer Menominee will host a Waterfront Farmers Market lead by the Downtown Business Association and the Menominee Historic Farmers Market Association. This Waterfront Market will start at the Spies Public Library and as it grows expand into Memorial Marina Park. Dock your boat and stroll down Menominee's historic district where vendors greet you with organic produce, local art, food trucks, and live entertainment every Thursday.

My sincere hope is that this weekly event will have explosive vendor growth until it becomes the Waterfront *Festival* and *Parade* we so fondly love and remember. In 2026, America will celebrate its 250th birthday. I can think of no better time for the Waterfront Festival and Parade to make a formal and patriotic comeback.

It is time to restart the Mayor's youth council, which was last implemented under Mayor Laurie Stupak. Meetings for the Mayor's Youth Council are open to any high school students from Menominee, or any surrounding communities who are interested in learning more about government and leadership. The Mayor's Youth Council will meet at 6:30PM at City Hall on the first Monday in April, June, August, October, and December 2024.

Additionally, I am starting a new organization - the Mayor's Interfaith Council - composed of church leaders in and outside of Menominee. Our churches are immeasurable sources of good - and they should be working together. The Mayor's Interfaith Council will help facilitate this and will meet at 6:30PM at City Hall on the first Monday in May, July, September, and November 2024.

My fellow citizens. I want M&M games back in Menominee. That requires that we knock down the crumbling concrete bleachers at Walton Blesch Field and replace them with affordable metal bleachers. Accomplishing this task will cost approximately seven hundred and fifty thousand dollars making this project the largest public-private initiative in the history of the Menominee Area Public Schools. Tonight I have been given special permission to share with you that the Walton Beisch Stadium Legacy Foundation has raised *half* of the seven hundred and fifty thousand dollars needed for the bleachers. I am encouraging every resident of the Twin Cities to donate whatever you can afford to this worthy initiative by visiting bleschstadium.org or dropping off a donation at the Stephenson National Bank and Trust in Menominee. Together, we can get those bleachers up by football season 2024. God bless Coach Dave Mathieu, Jr. for his involvement in this effort.

And that is just the tip of the iceberg. Menominee's nonprofits are hard at work building a children's museum on first street, assuming management the Walton-Blesch Theater so it can be used for another generation, revitalizing Menominee's outdoor track and field program and in a number of weeks, Menominee High School will award hundreds of thousands of dollars in scholarships to the class of 2024. At City Hall we have reprioritized expanding our tax base, creating more housing, and *listening* as central tenants of our government.

It might be easy for some to look at Menominee, with an outside perspective, and think that we are in many ways Unremarkable, and to that I say you are right. It is Unremarkable for Menominee to invest in our kids with a children's museum or theater renovation, it is Unremarkable for Menominee to give away hundreds of thousands of dollars in academic scholarships and it is Unremarkable for Menominee to raise \$400,000 for the sake of keeping our football traditions alive. And that, my friends, is truly, truly remarkable.

Menominee prevails when we choose to move forward as one city, one people, one council, e pluribus unum... out of many... one. Together, we will stand united for the ideals we share, the values we cherish, and the city

that we love. I can't think of anything more "Menominee" than that. For this reason, I have never been more hopeful about the state of our city.
Thank you. God bless you. And may God bless the City of Menominee.

Mayor Hoffman re-appoints Cheryl Haupt to the Downtown Development Authority, with her term to expire on January 25, 2028.

A motion was made by Council Member Robinson and seconded by Council Member Dulak to approve the re-appointment. This motion was carried unanimously.

The City Manager's Report was heard.

COMMITTEE RECOMMENDATION:

At a February 7, 2024 meeting, the Public Safety\Public Works Committee discussed the request from Tom Everard, dba Dexter's, to close a portion of 8th Street from 10th Avenue north approximately 123' to have added space with outdoor seating beginning June 1st through October 1st, and they recommend to City Council that Council approve the request.

PUBLIC SAFETY\PUBLIC WORKS

A motion was made by Council Member Robinson and seconded by Council Member Fifarek to approve the request. This motion was carried unanimously.

BOARD RECOMMENDATION:

At a March 6, 2024 meeting, the Library Board of Trustees discussed the selection of Green Bay Glass Center's RFP for Glass Door Paneling/Door for the Teen Room, and they recommend to City Council that Council approve and award this project.

LIBRARY BOARD OF TRUSTEES

A motion was made by Council Member Robinson and seconded by Council Member Marineau to approve and award this project. This motion was carried unanimously.

BOARD RECOMMENDATION:

At a March 14, 2024 meeting, the Water & Wastewater Utility Board discussed Change Order #12 to the Menominee State Revolving Water & Sewer Utility Board Project, CWSRF Project 5732-01 & DWRP 7513-01 contract with Barley Trucking and Excavating, Inc. and they recommend to City Council that Council approve Change Order #12 increasing the amount by \$65,234.97 and authorize staff to execute the change order.

A motion was made by Council Member Plemel and seconded by Council Member Haupt to approve Change Order #12 and authorize staff to execute the change order. This motion was carried unanimously.

BOARD RECOMMENDATION:

At a March 14, 2024 meeting, The Water & Wastewater Utility Board discussed the purchase of a Water Plant Generator, to replace the old one, in the amount of \$93,886.10 and Valley Mechanical in the amount of \$19,346.00 for additional charges and they recommend to City Council that Council approve the award to Fabick Cat and Valley Mechanical.

WATER & WASTEWATER UTILITY BOARD

A motion by Council Member Marineau and seconded by Council Member Robinson to approve the purchase of a Water Plant Generator, waive the bid process, and declare the old generator as surplus. This motion was carried unanimously.

MOTIONS AND RESOLUTIONS:

The following motion for the 4th of July Fireworks event was presented:

A motion was made by Council Member Marineau and seconded by Council Member Robinson to contract with Ms. Jackie Nutter for the amount of \$1500.00 to organize all aspects of the 4th of July event to be held at the downtown marina/bandshell area with the expectation of soliciting donations to cover the \$25,000.00 cost of this event. This motion was carried.

MOTIONS AND RESOLUTIONS:

The following Resolution was presented:

**RESOLUTION #2024-004
Resolution to establish a
COMMERCIAL REHABILITATION DISTRICT 2**

Minutes of a regular meeting of the City Council of the City of Menominee, County of Menominee, State of Michigan, held on March 18th, 2024 at City Hall 2511 10th Street, Menominee at 6pm.

PRESENT: DeDamos, Dulak, Fifarek, Haupt, Marineau, Plemel, Robinson, Mayor Hoffman

ABSENT: Jones

The following preamble and resolution were offered by Council Member Robinson, and supported by Council Member Haupt.

Resolution 2024-004 Establishing Commercial Rehabilitation District 2 for the City of Menominee.

WHEREAS, pursuant to PA 210 of 2005, the City of Menominee has the authority to establish "Commercial Rehabilitation Districts" within 13th Street & 38th Avenue, Menominee, Michigan at request of a commercial business enterprise; and

WHEREAS, the City of Menominee has filed a written request with the clerk of the City of Menominee requesting the establishment of the Commercial Rehabilitation District for an area in the vicinity of 13th Street located in the City of Menominee hereinafter described; and

WHEREAS, the City of Menominee determined that the district meets the requirements set forth in sections 2(b) and 3 of PA 210 of 2005; and

WHEREAS, written notice has been given by certified mail to the county and all owners of real property located within the proposed district as required by section 3(3) of PA 210 of 2005; and

WHEREAS, on Monday March 18th, 2024 at 6pm a public hearing was held and all residents and taxpayers of the City of Menominee, Michigan were afforded an opportunity to be heard thereon; and

WHEREAS, the City of Menominee deems it to be in the public interest of the City of Menominee to establish the Commercial Rehabilitation District 2 as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Menominee that the following described parcels of land situated in the City of Menominee, County of Menominee, and State of Michigan, to wit:

The legal description of the properties located on 13th Street is as follows:

Stephenson & Kirby's 1st Add:

Lot 9 Block 13, Lot 6 Block 14, Part of Lot 3, Block 4 & Block 5. Lot 1 Block 5, & Lots 4-7 Block 6

Ingalls Addition:

Lot 2 Block 1, Lot 10-12 Block 1, The S1/2 Lot 13 Block 1, The S 33' of Lot 6 & S 30' of Lots 7&8 Block 5,

The E5' of n 62' of Lot 7 & N 62' of Lot 8 Block 5, The N 60' of the W 120' of Lot 3 Block 6 & the W 120' of Lot 4 Block 6, The W 120' of Lot 1 Block 7, The W 120' of the N 60' of Lot 4 Block 7, The N ½ of Lots 1&2 Block 8, Lots 7&8 Block 8

Kirby & Carpenter Cos 2nd Addition:

Lot 6-8 & N1/2 of Lot 9

Stephenson's Subdivision:

Part of Lots 1 & 3; Com at SW Corner of Lot 1; Th E 109.6'; TH N 50'; TH W 109.6'; TH S to POB. The S 76.5' of Lot 2. Lots 4-6, Lots 12-18

Stephenson's 3rd Addition:

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Blocks 1&2, Lots 2-5 Block 13, Lot 2 Block 14

Assessors Plat #2:

Lots 3-7, 11, & 12

Coleman Lumber Cos 1st Addition:

Lots 8-9 Block 8

Augustus Spies 1st Addition:

Lots 1 & 3 Block 3, Lot 8 Block 4, Lots 1-2 Block 5, Lot 7 Block 5, Lot 8 Block 6

August Spies 3rd Addition:

Lots 1 & 2 Block 7

Assessors Plat #5:

The S 42' of Lots 1 & 2, Lots 8-9

Assessors Plat #7:

Lot A

AYES: Robinson, Haupt, Marineau, Plemel, DeDamos, Dulak, Fifarek, Mayor Hoffman

NAYS:

RESOLUTION DECLARED ADOPTED.

Kathleen Brofka City Clerk/Treasurer

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City of Menominee, County of Menominee, State of Michigan at a Regular Council meeting held on Monday March 18, 2024 at 6pm.

*Note: If the district is established by the governing body's own initiatives, please indicate the purpose of establishing the district and the economic advantages to the community.

A motion was made by Council Member Robinson and seconded by Council Member Haupt to adopt Resolution 2024-004. This motion was carried unanimously.

MOTIONS AND RESOLUTIONS:

The following Resolution was presented:

CITY OF MENOMINEE

**RESOLUTION 2024-007 OF SUPPORT FOR A BALLOT PROPOSAL FOR A
COUNTYWIDE ROAD MILLAGE**

At a meeting of the Menominee City Council, of the City of Menominee, Menominee County, Michigan, held in said City of Menominee *on March 18, 2024*, at 6p.m.

PRESENT: DeDamos, Dulak, Fifarek, Haupt, Marineau, Plemel, Robinson, Mayor Hoffman

ABSENT: Jones

WHEREAS, the City of Menominee is aware of the deteriorating road and street system throughout Menominee County; and

WHEREAS, the Michigan Transportation Fund is expected to significantly decline due to loss of gas tax revenue; and

WHEREAS, the lack of adequate state and federal road funding for local road agencies has been a major cause of the deterioration of the Menominee County Road and Street system; and

WHEREAS, the City of Menominee expends most of the funds available for operations, resulting in insufficient funding for repairs;

NOW, THEREFORE, BE IT RESOLVED that the City of Menominee supports the request of the Menominee County Road Commission to place a millage proposal for one and one-half (1.500) mill for five (5) years or six (6) years on the August 2024 ballot, for the purpose of providing funds for maintaining and repairing County roads and streets within the unincorporated areas of Menominee County along with City and Village streets within the Cities and Villages of Menominee, Stephenson, Powers, Carney, and Daggett.

The revenues derived from the tax levy will be disbursed to the Menominee County Road Commission, the City of Menominee, the City of Stephenson, the Village of Powers, the Village of Carney and the Village of Daggett in accordance with State law. The Cities of Menominee and Stephenson, and the Villages of Powers, Carney, and Daggett, will retain the revenues collected from this countywide road millage equal to the amount of revenue collected within that city's/village's limit. The Menominee County Road Commission will receive an amount of the revenue collected from this countywide road millage equal to the amount of revenue collected from the unincorporated areas of Menominee County.

It is estimated that the revenue generated on this proposal will be \$1,420,442.15 in the first year of the levy.

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YEAS: Robinson, Haupt, Marineau, Plemel, Dulak, Fifarek, Mayor Hoffman

NAYS: DeDamos

CITY COUNCIL – CITY OF MENOMINEE, MI

I, the undersigned, being duly qualified Clerk of the City of Menominee do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the City of Menominee at a regular meeting held on March 18, 2024.

Kathleen Brofka Clerk, City of Menominee

PUBLIC COMMENT:

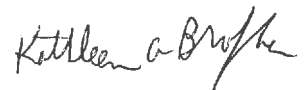
Mayor Hoffman opened the public comment session that was called for the purpose of hearing citizen comments.

Comments were heard by: Paul Haupt, Library Board, Darrin Kudwa, Menominee County Sheriff Candidate.

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

ADJOURNMENT:

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



Kathleen Brofka

PUBLIC HEARING

CITY OF MENOMINEE ORDINANCE 2024-001

The City Council of the City of Menominee will hold a public hearing at 6 o'clock p.m. on Monday, April 15, 2024 in the Municipal Complex Council Chambers, 2511 10th Street, Menominee, MI 49858. The purpose of the public hearing is to allow citizens to comment on adopting the ordinance as follows:

ORDINANCE 2024-001-DECLARING A MORATORIUM UNTIL MIDNIGHT OCTOBER 15, 2024, UNLESS EARLIER TERMINATED BY ORDINANCE OF THE MENOMINEE CITY COUNCIL.

On the receipt, processing, and approval of any application or requests related to advertising sign/structures including the conversion of any existing advertising sign/structure within the city, and to prevent the construction, alteration, placement, or installment of any such items within the city during the time the moratorium is in effect.

Copies of the proposed ordinance are available for public inspection at the City Clerk's\Treasurer's Office, 2511 10th Street, Menominee, MI 49858 during normal business hours.

BY: Kathleen Brofka, City Clerk\Treasurer

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.

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PUBLIC HEARING

CITY OF MENOMINEE INTERNATIONAL FIRE CODE ORDINANCE.

The City Council of the City of Menominee will hold a public hearing at 6 o'clock p.m. on Monday, April 15, 2024 in the Municipal Complex Council Chambers, 2511 10th Street, Menominee, MI 49858. The purpose of the public hearing is to allow citizens to comment on adopting the ordinance as follows:

INTERNATIONAL FIRE CODE ORDINANCE:

The City of Menominee hereby ordains the 2021 Edition of the International Fire Code including Appendix B, E, F, and L of the 2021 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2021 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which code and standards copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Menominee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Menominee.

Copies of the proposed ordinance are available for public inspection at the City Clerk's\Treasurer's Office, 2511 10th Street, Menominee, MI 49858 during normal business hours.

BY: Kathleen Brofka, City Clerk\Treasurer

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PUBLIC HEARING

CITY OF MENOMINEE RESOLUTION 2024-006

The City Council of the City of Menominee will hold a public hearing at 6 o'clock p.m. on Monday, April 15, 2024 in the Municipal Complex Council Chambers, 2511 10th Street, Menominee, MI 49858. The purpose of the public hearing is to allow citizens to comment on adopting the ordinance as follows:

RESOLUTION 2024-006 FLOODPLAIN MANAGEMENT

An Ordinance Amendment addressing FEMA Floodplain Management Provisions of the State Construction Code. An ordinance to designate an enforcing agency to discharge the responsibility of the City of Menominee located in Menominee County Michigan and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972 as amended.

Copies of the proposed ordinance are available for public inspection at the City Clerk's\Treasurer's Office, 2511 10th Street, Menominee, MI 49858 during normal business hours.

BY: Kathleen Brofka, City Clerk\Treasurer

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.

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COMMITTEE RECOMMENDATION:

At a March 5, 2024 meeting, the Judicial and Legislative\Personnel and Labor Committee discussed Ordinance 2024-001-Declaring a 6-month moratorium on signs in the City of Menominee and they recommend to City Council that Council approve the moratorium.

JUDICIAL AND LEGISLATIVE PERSONNEL AND LABOR COMMITTEE

MOTION BY: _____ SECONDED BY: _____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									



City of Menominee City Council Agenda Item

TITLE: Ordinance Introduction

Requesting Agency: Administration

Meeting Date: April 15, 2024

Contact: Brett Botbyl, City Manager

Public Hearing: N/A

Phone: 906-863-1747

Advertising Date: N/A

Council District:

Attachments:

- 1) FEMA Flood Plain Management Ordinance-Red Line
- 2) **Billboard and Electronic Sign Temporary Ordinance Moratorium**
- 3) International Fire Code Ordinance

PURPOSE:

To introduce the above listed ordinances

BACKGROUND:

Per the City Charter Section 2.12. (b) an ordinance may be introduced by any council member or committee. Upon introduction of any ordinance, the city clerk shall set a public hearing and publish notice thereof and a summary of the proposed ordinance at least seven (7) days in advance of the public hearing. The Clerk shall provide copies of the proposed ordinance to council members and the City Manager and make copies available in the clerk's office for public review. The public hearing may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

FEMA Ordinance Amendment:

An ordinance of the FEMA Floodplain Management Provisions of the State Construction Code. An ordinance to designate an enforcing agency to discharge the responsibility of the City of Menominee located in Menominee County Michigan and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972 as amended.

International Fire Code:

The City of Menominee hereby ordains the 2021 Edition of the International Fire Code including Appendix B, E, F, and L of the 2021 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2021 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which code and standards copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Menominee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Menominee.

Billboard & Sign Moratorium:

An ordinance declaring a moratorium until midnight October 15, 2024, unless earlier terminated by ordinance of the Menominee City Council, on the receipt, processing, and approval of any application or requests related to advertising signs/structures including the conversion of any existing advertising sign/structure within the city, and to prevent the construction, alteration, placement, or installment of any such items within the city during the time the moratorium is in effect.

BUDGET IMPACT:

N/A

STAFF RECOMMENDATION / ACTION REQUESTED:

To respectfully request that the J&L/P&L committee introduce the FEMA Ordinance amendment, International Fire Code, and the Billboard & Sign Moratorium ordinance

COMMITTEE RECOMMENDATION / ACTION:

At a March 5, 2024 meeting, The Judicial and Legislative\Personnel and Labor Committee approves the City Manager to start the process, hold a public hearing for a 6-month moratorium to the sign Ordinance at the April 2024 meeting, and to recommend to City Council that Council approve the change.

ORDINANCE NO. 2024-001

AN ORDINANCE DECLARING A MORATORIUM UNTIL MIDNIGHT OCTOBER 15, 2024, UNLESS EARLIER TERMINATED BY ORDINANCE OF THE MENOMINEE CITY COUNCIL, ON THE RECEIPT, PROCESSING, AND APPROVAL OF ANY APPLICATION OR REQUESTS RELATED TO ADVERTISING SIGNS/STRUCTURES INCLUDING THE CONVERSION OF ANY EXISTING ADVERTISING SIGN/STRUCTURE WITHIN THE CITY, AND TO PREVENT THE CONSTRUCTION, ALTERATION, PLACEMENT OR INSTALLMENT OF ANY SUCH ITEMS WITHIN THE CITY DURING THE TIME THE MORATORIUM IS IN EFFECT.

WHEREAS, the City of Menominee, Michigan, is a Michigan home rule municipality located in Menominee, County, Michigan; and

WHEREAS, the City Council of the City of Menominee is aware of an increased interest in, and concern about, the potential problems to a community, including but not limited to, visual blight, aesthetic concerns, public safety, and the safety of the general traveling public, and distractions for drivers; and

WHEREAS, advertising signs/structures within the city limits are subject to and governed by the City's zoning regulations; and

WHEREAS, the City Council, after due and careful consideration, finds that there remain significant and compelling safety and aesthetic concerns associated with advertising signs/structures situated along streets and highways within the city limits;

WHEREAS, the City Council believes that it is reasonable and necessary to again review municipal ordinances and regulations to provide for a fair and equitable system of regulations relating to advertising signs/structures to protect the property interests of citizens and visitors of the City of Menominee, Michigan; and

WHEREAS, it is important and necessary to preserve the status quo by enacting a moratorium while a review and update of these regulations are being developed and implemented to ensure compatible land uses that do not negatively impact property values or neighborhood character; and

WHEREAS, the City Council further finds that it is in the best interest of the City and the public to enact a moratorium to a date certain to allow for the review and enactment of regulatory changes to the City's ordinances and regulations governing advertising signs/structures within the city limits; and

WHEREAS, the City Council is open to the possibility of terminating the moratorium before the expiration date adopted herein, such as if amendments to the City's ordinances or regulations related to advertising signs/structures are enacted before the moratorium's expiration date.

NOW, THEREFORE,

THE CITY OF MENOMINEE (the "City"), MENOMINEE COUNTY, MICHIGAN, ORDAINS:

Section 1. Intent and Purpose.

The Menominee City Council and the Menominee City Planning Commission believe that the existing regulations contained within the City of Menominee Zoning Ordinance, as amended, which regulates advertising signs/structures, may need to be revised to reflect the current needs and concerns of residents and property owners within the City, as well as to better promote the public health, safety, and welfare. Accordingly, the City Council and the Planning Commission will review those existing regulations in conjunction with the latest information available regarding advertising signs/structures and their impacts to update and consider for adoption of new regulations regarding the same. Before that process being completed, the City Council finds that this temporary moratorium is necessary for and will promote the public health, safety, and welfare of the City of Menominee residents.

Section 2. Definitions.

Advertising signs/structures. "Advertising signs/structures" as used in this ordinance have the meanings as defined in the Menominee Code of Ordinances, Sec. 109-1

Section 3. Moratorium.

A six-month moratorium is hereby imposed regarding the construction, placement, alteration, and installation of any advertising signs/structures anywhere within the City of Menominee, as well as the issuance of any zoning approval, advertising signs/structures permits, zoning permits, or building permits for advertising signs/structures. The six-month period shall begin when the notice of the adoption of this Ordinance has been published as required by the City's charter and shall automatically terminate six months after such notice or sooner if the City Council terminates the same before the expiration of the six months. During the six months, the following shall apply:

- a. No new advertising signs/structures shall be installed, commenced, utilized, or constructed within the City limits and no existing advertising sign/structure shall be replaced, altered, or rebuilt. Furthermore, no existing advertising signs/structures shall be altered or converted.
- b. No zoning application or request for an advertising sign/structure or advertising sign/structure alteration shall be processed by the City or any of its officials or bodies, including, but not limited to, any advertising sign/structure permit application, applicable special land use, variance, rezoning, or other zoning approval, whether any such request is pending or is requested hereafter.

Section 4. Effective Date.

This Ordinance shall be effective immediately upon adoption and publication of the notice of adoption.



City of Menominee City Council Agenda Item

TITLE: Ordinance Introduction

Requesting Agency: Administration

Meeting Date: April 15, 2024

Contact: Brett Botbyl, City Manager

Public Hearing: N/A

Phone: 906-863-1747

Advertising Date: N/A

Council District:

Attachments:

- 1) FEMA Flood Plain Management Ordinance-Red Line
- 2) Billboard and Electronic Sign Temporary Ordinance Moratorium
- 3) International Fire Code Ordinance

PURPOSE:

To introduce the above listed ordinances

BACKGROUND:

Per the City Charter Section 2.12. (b) an ordinance may be introduced by any council member or committee. Upon introduction of any ordinance, the city clerk shall set a public hearing and publish notice thereof and a summary of the proposed ordinance at least seven (7) days in advance of the public hearing. The Clerk shall provide copies of the proposed ordinance to council members and the City Manager and make copies available in the clerk's office for public review. The public hearing may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

FEMA Ordinance Amendment:

An ordinance of the FEMA Floodplain Management Provisions of the State Construction Code. An ordinance to designate an enforcing agency to discharge the responsibility of the City of Menominee located in Menominee County Michigan and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972 as amended.

International Fire Code:

The City of Menominee hereby ordains the 2021 Edition of the International Fire Code including Appendix B, E, F, and L of the 2021 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2021 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which code and standards copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Menominee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Menominee.

Billboard & Sign Moratorium:

An ordinance declaring a moratorium until midnight October 15, 2024, unless earlier terminated by ordinance of the Menominee City Council, on the receipt, processing, and approval of any application or requests related to advertising signs/structures including the conversion of any existing advertising sign/structure within the city, and to prevent the construction, alteration, placement, or installment of any such items within the city during the time the moratorium is in effect.

BUDGET IMPACT:

N/A

STAFF RECOMMENDATION / ACTION REQUESTED:

To respectfully request that the J&L/P&L committee introduce the FEMA Ordinance amendment, International Fire Code, and the Billboard & Sign Moratorium ordinance

COMMITTEE RECOMMENDATION / ACTION:

At a March 5, 2024 meeting, The Judicial and Legislative\Personnel and Labor Committee approves the City Manager to start the process, hold a public hearing for the adoption of the International Fire Code 2021 at the April 2024 meeting, and to recommend to City Council that Council approve the adoption.

Chapter 103 Buildings and Building Regulations

ARTICLE V. IN GENERAL

Secs. 103-1—103-25. Reserved.

ARTICLE IV. FIRE PREVENTION CODE

DIVISION 1. GENERALLY

Sec. 103-26. Adoption by reference.

A certain document, three copies of which are on file in the office of the City Clerk of the City of Menominee, being marked and designated as the 2021 Edition of the International Fire Code including Appendix B, E, F, and L of the 2021 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2021 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which code and standards copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Menominee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Menominee.

Sec. 103-28 - 28. Reserved

Sec. 103-29. Penalties for violation of article; enforcement; abatement.

- (a) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made under such code, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under such code or any certificate or permit issued under such code, and from which no appeal has been taken, or who shall fail to comply with such an order, as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this section, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$25.00 nor more than \$500.00 and/or by imprisonment for not less than one day nor more than 60 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 103-30. Establishment of limits.

The limits referred to in section 3303.2 of the BOCA National Fire Prevention Code in which the storage of explosives, ammunition or blasting agents is prohibited are hereby established as follows: City of Menominee, State of Michigan.

Sec. 103-31. Saving clause.

Nothing in this article or in the fire prevention code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

Secs. 103-32—103-45. Reserved.

DIVISION 2. FIRE CONTROL MEASURES AND REGULATIONS

Subdivision I. In General

Sec. 103-46. Adoption.

There is hereby adopted by the city the fire control measures and regulations as set forth in this division for the purposes of controlling conditions that could impede or interfere with fire suppression forces.

Sec. 103-47. Penalty for violation of division.

- (a) Any party who shall violate any of the provisions of this division shall be guilty of a misdemeanor, punishable by fine of not less than \$25.00 nor more than \$100.00 or by imprisonment for not less than one day nor more than 90 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any such condition which continues for an additional period of ten days after conviction of the first offense shall be punishable pursuant to the terms of this division as a separate offense.
- (b) The application of any penalty as issued pursuant to subsection (a) of this section shall not be held to prevent the city from obtaining civil relief requiring the abatement of any condition which is in violation of the terms of this division with the costs of such proceeding to be paid by the party in violation of the terms of this division.

Sec. 103-48. Authority at fires and other emergencies.

The fire prevention code official or duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire prevention code official may prohibit any person, vehicle or object from the scene any person, vehicle, or object which may impede or interfere with the operations of the fire department. The fire prevention code official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the fire prevention code official.

Sec. 103-49. Interference with fire department operations.

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of, any fire department emergency vehicle in any way, or to interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any fire department operations.

Sec. 103-50. Compliance with orders of code official.

A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire prevention code official or to interfere with the compliance attempts of another individual.

Sec. 103-51. Vehicles crossing fire hose.

A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the fire prevention code official in command of the operation.

Sec. 103-52. Vehicles following fire apparatus.

It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 300 feet from any fire apparatus traveling in response to a fire alarm, or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

Sec. 103-53. Unlawful boarding or tampering with fire emergency equipment.

A person shall not, without proper authorization from the fire prevention code official in charge of the fire department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether such vehicle is in motion or at rest; sound the siren, horn, bell or other sound-producing device thereon; or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

Sec. 103-54. Damage or injury to fire department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any fire department emergency vehicle at any time, or to injure or attempt to injure or conspire to injure fire department personnel while performing department duties.

Sec. 103-55. Blocking fire hydrants and fire department connections.

- (a) It shall be unlawful to obscure from view, damage, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections, that are located on public or private streets and access lanes, or on private property.
- (b) If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire prevention code official shall proceed to remove the same. Costs incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire prevention code official and with the approval of the chief administrative official. The legal authority of the municipality shall institute appropriate action for the recovery of such costs.

Sec. 103-56. Hydrant use approval.

A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures a permit for such use from the fire prevention code official and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

Sec. 103-57. Public water supply.

The fire prevention code official shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire prevention code official.

Sec. 103-58. Reserved**Sec. 103-59. Maintenance of fire suppression equipment.**

A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the fire prevention code official. Whenever a fire appliance is removed as permitted in this section, it shall be replaced or reinstalled as soon as the purposes for which it was removed have been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire prevention code.

(Ord. of 8-2-93(2), § 5-216)

Sec. 103-60 – 103-75. Reserved.**Subdivision II. Emergency Vehicles****Sec. 103-76. Definition.**

Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the state.

Sec. 103-77. Operation of other vehicles on approach.

Upon the approach of any authorized emergency vehicle giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle shall have passed, unless otherwise directed by the fire prevention code official or a police officer.

Sec. 103-78. Operation.

The driver of any emergency vehicle, as defined in this article, shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulation, except when such vehicle is responding to an emergency call or when responding to, but not upon returning from a fire. Tactical strategies such as, but not restricted to, moveups do not constitute an emergency call. The driver of an emergency vehicle may:

-
- (1) Park or stand irrespective of the provisions of existing traffic regulations.
 - (2) Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operations.
 - (3) Exceed the prima facie speed limit so long as the action does not endanger life or directions.
 - (4) Disregard regulations governing direction of movement or turning in specified directions.
 - (5) The exemptions granted in this section to an emergency vehicle shall apply only when the driver of any such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(Ord. of 8-2-93(2), § 5-211)

Secs. 103-79—103-113. Reserved.



City of Menominee City Council Agenda Item

TITLE: Ordinance Introduction

Requesting Agency: Administration

Meeting Date: April 15, 2024

Contact: Brett Botbyl, City Manager

Public Hearing: N/A

Phone: 906-863-1747

Advertising Date: N/A

Council District:

Attachments:

- 1) FEMA Flood Plain Management Ordinance-Red Line
- 2) Billboard and Electronic Sign Temporary Ordinance Moratorium
- 3) International Fire Code Ordinance

PURPOSE:

To introduce the above listed ordinances

BACKGROUND:

Per the City Charter Section 2.12. (b) an ordinance may be introduced by any council member or committee. Upon introduction of any ordinance, the city clerk shall set a public hearing and publish notice thereof and a summary of the proposed ordinance at least seven (7) days in advance of the public hearing. The Clerk shall provide copies of the proposed ordinance to council members and the City Manager and make copies available in the clerk's office for public review. The public hearing may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

FEMA Ordinance Amendment:

An ordinance of the FEMA Floodplain Management Provisions of the State Construction Code. An ordinance to designate an enforcing agency to discharge the responsibility of the City of Menominee located in Menominee County Michigan and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972 as amended.

International Fire Code:

The City of Menominee hereby ordains the 2021 Edition of the International Fire Code including Appendix B, E, F, and L of the 2021 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2021 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which code and standards copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Menominee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Menominee.

Billboard & Sign Moratorium:

An ordinance declaring a moratorium until midnight October 15, 2024, unless earlier terminated by ordinance of the Menominee City Council, on the receipt, processing, and approval of any application or requests related to advertising signs/structures including the conversion of any existing advertising sign/structure within the city, and to prevent the construction, alteration, placement, or installment of any such items within the city during the time the moratorium is in effect.

BUDGET IMPACT:

N/A

STAFF RECOMMENDATION / ACTION REQUESTED:

To respectfully request that the J&L/P&L committee introduce the FEMA Ordinance amendment, International Fire Code, and the Billboard & Sign Moratorium ordinance

COMMITTEE RECOMMENDATION / ACTION:

At a March 5, 2024 meeting, The Judicial and Legislative\Personnel and Labor Committee approves the City Manager to start the process, hold a public hearing to amend the FEMA Floodplain Ordinance at the April 2024 meeting, and to recommend to City Council that Council approve the amendment to the Ordinance.

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE

Community Name: CITY OF MENOMINEE

County: MENOMINEE, MICHIGAN

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF MENOMINEE LOCATED IN MENOMINEE COUNTY, MICHIGAN, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official for the City of Menominee is hereby designated as the enforcing agency to discharge the responsibility under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Menominee assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting the ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Menominee.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Menominee County, Michigan (All Jurisdictions)" ~~and dated 10/16/2012 effective 07/31/2024~~, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) ~~of 26109C; 07200, 0740D, 0785D, and 0805D dated 10/16/2012 included on index panel, 26109CIND0B effective July 31, 2024~~ are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1') of the Michigan Residential Code.

Section 4. MOST RESTRICTIVE STANDARDS. If another ordinance contains standards inconsistent with the provisions of this ordinance, the most restrictive shall apply.

~~Section 4~~ **Section 5. PUBLICATION.** This ordinance shall take effect after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 15th day of ~~October, 2012~~ April, 2024. This ordinance duly adopted on ~~October 15, 2012~~ April 15, 2024 at a regular meeting of the Menominee City Council and will become effective after legal publication and in accordance with the provisions of the Act governing same.

Kathleen A. Brofka
City Clerk/Treasurer
City of Menominee
Menominee County, Michigan

_____ Date: _____

Brett J. Botbyl
City Manager
City of Menominee
Menominee County, Michigan

_____ Date: _____

I hereby certify that the foregoing resolution was adopted by the Council of the City of Menominee, Michigan, at its Regular Council Meeting held in the City Complex Council Chamber on April 15, 2024.

AYES:

NAYS:

Date: _____

Kathleen Brofka, City Clerk

**FLOODPLAIN MANAGEMENT
RESOLUTION 2024-006 OF THE
CITY OF MENOMINEE, MICHIGAN**

WHEREAS, the City of Menominee desires to continue to participate in the National Flood Insurance Program and comply with all applicable statutory and regulatory requirements for the purpose of significantly reducing hazards to persons, property damage and public expenditures, and to provide for the availability of flood insurance and federal funds or loans.

BE IT RESOLVED THAT:

1. For purposes of this resolution, the following definitions shall apply:

"Base Flood" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency where the boundaries of the areas of special flood hazards have been designated as Zone A.

"Flood Hazard Area" means land which on the basis of available floodplain information is subject to a one-percent or greater chance of flooding in any given year.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Boundary - Floodway Map.

"Floodplain" means any land area susceptible to being inundated by water from any source (see definition of flood).

"Floodway" means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

"Structure" means, for floodplain management purposes, a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

"Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structures. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2. The Building Official shall obtain, review, and reasonably utilize flood elevation data available from federal, state, or other sources pending receipt of data from the Federal Emergency Management Agency shall take precedence over data from other sources.
3. The map(s) entitled Flood Hazard Boundary Map or Flood Insurance Rate Map of the City of Menominee, Menominee County, dated _____ shall be the official map for determination and regulation pursuant to this resolution.
4. The Building Official shall insure that all necessary permits have been issued, including a floodplain permit, approval, or letter of no authority of Act 245, P.A. 1929, As amended by Act 167, P.A. 1968.
5. The Building Official shall review all permit applications to determine whether the proposed building will be reasonably safe from flooding. Where it is determined that the building will be located in an area subject to flooding, the Building Official shall implement the appropriate Flood-Resistant Construction portions of Appendix G of Michigan Building Code or Section R322 of Michigan Residential Code.
6. The Building Official shall maintain a record for new structures or substantial improvements erected in the flood hazard area indicating the actual elevation of the lowest structural member required to be elevated or, as an alternative in nonresidential structures, the elevation to which the structure has been floodproofed.

COMMITTEE RECOMMENDATION:

At an April 10, 2024 meeting, the Finance Committee discussed the MERS Defined Benefit Plan Adoption Agreement and the recommend to City Council that Council authorize the City Manager and Clerk\Treasurer to execute the documents with MERS to close Division #11 and have this division be a part of the blended rates for the City of Menominee.

FINANCE COMMITTEE

MOTION BY:_____ SECONDED BY:_____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: MERS Defined Benefit Plan Adoption Agreement

Requesting Agency:	Administration	Meeting Date:	April 15, 2024
Contact:	Brett Botbyl City Manager Kathy Brofka, Treasurer	Public Hearing:	
Phone:	906-863-1747	Advertising Date:	
Attachments:	MERS Agreement		

PURPOSE: Close the Defined Benefit Division #11 Teamsters. (Union Employees)

BACKGROUND: All full-time employees are eligible for retirement benefits. The original retirement plan for DPW employees was Division 11. In 2018, a new retirement plan was established. The SD Union contract was modified to mirror the Division 13 (New Hires) plan effective 7/1/2019. All newly hired DPW employees after 7/1/19 are included in the new Division 13 retirement plan. The original division 11 plan was never closed. This agreement closes Division 11. It also allows for the closed division 11 to be a part of the blended rates that are used for Divisions 10 (Nonunion Employees, Division 12 (Department Heads) and Division 13 (New Employees).

BUDGET IMPACT: Lower the Division 11 employer rate.

STAFF RECOMMENDATION / ACTION REQUESTED: The City Manager and Clerk is recommending that the Committee recommend to Council to authorize the City Manager and Clerk Treasurer to execute the documents with MERS to close the Division 11 and have this division be a part of the blended rates for the City of Menominee.

COMMITTEE RECOMMENDATION / ACTION:

At an April 10, 2024 Finance meeting, the Finance Committee recommends to City Council that Council authorize the City Manager and Clerk/ Treasurer to execute the documents with MERS to close Division 11 and have this division be a part of the blended rates for the City of Menominee.

Defined Benefit Plan Adoption Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

The Employer, a participating municipality or participating court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

I. Employer Name City of Menominee Municipality #: 5501

If new to MERS, please provide your municipality's fiscal year: _____ through _____.
Month Month

II. Effective Date

Check one:

A. ☐ If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of _____, 20____.

☐ This municipality or division is new to MERS, so vesting credit prior to the **initial** MERS effective date by each eligible employee shall be credited as follows (choose one):

- ☐ All prior service from date of hire
- ☐ Prior service proportional to assets transferred; all service used for vesting
- ☐ Prior service and vesting service proportional to assets transferred
- ☐ No prior service but grant vesting credit
- ☐ No prior service or vesting credit

☐ Link this new division to division number _____ for purposes of determining contributions (Unless otherwise specified, the standard transfer/rehire rules apply)

For divisions that are closing or freezing with or without conversion, the Employer must complete the [Addendum for Plan Freeze, Closure and Conversions](#)

B. ☐ If this is an **amendment** of an existing Adoption Agreement (Defined Benefit division number _____), the effective date shall be the first day of ____/20__ (mm/yy). *Please note:* You only need to mark **changes** to your plan throughout the remainder of this Agreement.

C. ☐ If this is a **temporary benefit** (Defined Benefit division number(s) _____), select one of the following:

- ☐ This is a **temporary Benefit Window** with a duration of 2-6 months. Effective dates are from ____/01/____ through the last day of ____/20__ (mm/yy). Complete provisions as applicable under Section IV of this form.
- ☐ This is a **temporary Lump Sum Buyout Program** for terminated vested participants with a duration of 6-24 months. Effective dates are from ____/01/____ through the last day of ____/20__ (mm/yy). Payout will reflect ____% (1-100%) of the participant's present value of accrued benefit. For example, if 40% is used, the payout will be 40% of the present value of the benefit. This percentage cannot be changed once adopted.

Defined Benefit Plan Adoption Agreement

- D. ☐ If this is to **separate employees from an existing Defined Benefit division** (existing division number(s) _____) into a new division, the effective date shall be the first day of _____, 20____.
- E. ☐ If this is to merge division(s) _____ into division(s) _____, the effective date shall be the first of _____, 20____.
- F. ☒ If this is an amendment to close Defined Benefit division(s) # ¹¹_____, with new hires, rehires, and transfers going into an **existing** Defined Benefit division # ¹³_____, the effective date shall be 04/2024 (month/year).

Note: Closing this Defined Benefit division(s) will change future invoices to a flat dollar amount instead of a percentage of payroll, as provided in your most recent annual actuarial valuation.

(The amount may be adjusted for any benefit modifications that may have taken place since then).

III. Plan Eligibility

Division Title: _____

Only those employees eligible for MERS membership may participate in the MERS Defined Benefit Plan. If an employee classification is **included** in the plan, then employees that meet this definition will receive service credit if they work the required number of hours to meet the service credit qualification defined below. All eligible employees must be reported to MERS. Please describe the specific classifications that are eligible for MERS within this division:

(For example: e.g., Full-time employees, Clerical staff, Union Employees participating in XXXX union)

This Division includes **public safety employees** (this information is used for actuarial purposes only. It does not relate to the additional tax for early distribution): ☐ Yes ☐ No

To further define eligibility (select all that apply):

Employee Classification	Included	Excluded	Not Employed
Temporary Employees: Those who will work for the municipality fewer than _____ months in total	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Part-Time Employees: Those who regularly work fewer than _____ per _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seasonal Employees: Those who are employed for tasks that occur at specific times of the year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voter-Elected Officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appointed Officials: An official appointed to a voter-elected office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contract Employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	
Other 2: _____	<input type="checkbox"/>	<input type="checkbox"/>	

Defined Benefit Plan Adoption Agreement

Probationary Periods (select one):

- ☐ Service will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, the employer will not report or provide service. Service will begin to accrue and contributions must be reported when the Probationary Period ends.

The probationary period will be _____ month(s).

Comments:

- ☐ Service will begin with the employee's date of hire (no Probationary Period). Effective with the date of hire, wages paid and any associated contributions must be submitted to MERS.

IV. Provisions

1. Service Credit Qualification

To clarify how eligible employees earn service credit, please indicate how many hours per month an eligible employee needs to work. For example, if you require 10 eight-hour days, this would be 80 hours per month. If an *hours and days* has been previously defined (like 10 seven-hour days), stating "70 hours" will be required. Employees must meet the definition of Plan Eligibility in order to earn service credit under the plan.

To receive one month of service credit, an employee shall work (or be paid for as if working) _____ hours in a month.

2. Leaves of Absence

Indicate by checking the boxes below, whether the potential for service credit will be allowed if an eligible employee is on one of the following types of leave, regardless of meeting the service credit qualification criteria.

Regardless whether an eligible employee is awarded service credit while on the selected type(s) of leave:

- MERS will skip over these months when determining the FAC amount for benefit calculations.
- Third-party wages **are not** reported for leaves of absence.
- Employers **are not** required to remit employer contributions based on leaves of absence when no wages are paid by the employer.
- For **contributory divisions**, employee contributions are required where service credit is granted and due at the time of monthly wage and contribution reporting. Employers may use the following formula to calculate employee contributions: the employee's current hourly rate (prior to leave), multiplied by service credit qualification (hours) multiplied by employee contribution. For example, if employees' hourly rate is \$20, the division requires 120 hours to obtain service credit, and employee contributions are 5%, the calculation will look like: $\$20/\text{hour} \times 120 \times .05 = \120 in employee contribution for that leave month. Employers may use another internal formula, if they choose and MERS will make note of it.

If an alternative formula is going to be used, please describe that here:

Defined Benefit Plan Adoption Agreement

Type of Leave	Service Credit Granted	Service Credit Excluded
Short-Term Disability	<input type="checkbox"/>	<input type="checkbox"/>
Long-Term Disability	<input type="checkbox"/>	<input type="checkbox"/>
Workers' Compensation	<input type="checkbox"/>	<input type="checkbox"/>
Unpaid Family Medical Leave Act (FMLA)	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____ For example, sick and accident, administrative, educational, sabbatical, etc.	<input type="checkbox"/>	<input type="checkbox"/>
Other 2: _____ Additional leave types as above	<input type="checkbox"/>	<input type="checkbox"/>

Leaves of absence due to military service are governed by the Federal *Uniformed Services Employment and Reemployment Rights Act* of 1994 (USERRA), IRC 414(u), effective January 1, 2007, IRC 401(a)(37). Military reporting requires historical wage and contribution reporting for Defined Benefit as applicable.

3. Definition of Compensation

The Definition of Compensation is used to calculate a participant's final average compensation and is used in determining both employer and employee contributions. Wages paid to employees, calculated using the elected definition, must be reported to MERS.

Select your Definition of Compensation:

- ☐ Base Wages ☐ Box 1 Wages of W-2 ☐ Gross Wages
☐ Custom Definition

Click here to view details of Base, Box 1, and Gross Wages

(To customize your definition, please complete the [Custom Definition of Compensation Addendum](#).)

V. Valuation-Required Provisions

Valuation Date: _____, 20____

1. Review the valuation results

It is recommended that your MERS representative presents and explains the valuation results to your municipality before adopting. Please choose one:

- ☐ Our MERS representative presented and explained the valuation results to the

_____ on _____
(Board, Finance Cmte, etc.) (mm/dd/yyyy)

- ☐ As an authorized representative of this municipality, I _____
(Name)

_____ waive the right for a presentation of the results.
(Title)

This Adoption Agreement will be implemented in conjunction with a current actuarial valuation certified by a MERS actuary that sets contribution rates.

Annually, the MERS actuary will conduct an actuarial valuation to determine the employers' contribution rates. Employers are responsible for payment of said contributions at the rate, in the form and at the time that MERS determines.

Defined Benefit Plan Adoption Agreement

2. **Benefit Multiplier** (1%-2.5%, increments of 0.05%) _____ % (max 80% for multipliers over 2.25%)

☐ Check here if multiplier will be effective for existing active members' future service only (Bridged Benefit as of effective date on page 1)

If checked, select one below:

- ☐ Termination Final Average Compensation (calculated over the members entire wage history)
- ☐ Frozen Final Average Compensation (FAC is calculated twice, once for the timeframe that matches the original multiplier, and once for the new multiplier)

3. **Final Average Compensation** (Min 3 yr, increments of 1 yr) _____ years

4. **Vesting** (5 -10 yrs, increments of 1 yr) _____ years

5. **Normal Retirement Age** will be the later of: _____ (any age from 60-70), or the vesting provision selected above (#4).

6. **Required employee contribution** (Increments of 0.01%) _____ %

7. **Unreduced Early Retirement/Service Requirements:**

☐ Age 50 – 54 _____ Service between 25 and 30 years _____

☐ Age 55 – 65 _____ Service between 15 and 30 years _____

☐ Service only (must be any number from 20 – 30 years accrued service): _____

☐ Age + Service Points (total must be from 70 – 90): _____ points

8. **Other**

- ☐ Surviving Spouse will receive 50% of Straight Life benefit without a reduction to the employees' benefit (also known as an RS50)
- ☐ Duty death or disability enhancement (add up to additional 10 years of service credit not to exceed 30 years of service)
- ☐ Deferred Retirement Option Program (DROP) – If selected, complete the following:
- Credited interest rate: _____ % (please select either 0 or 3%)
 - The employer, if selected, will delay a Cost of Living Adjustment (COLA) during the DROP period (skip if not applicable): ☐ Yes ☐ No
 - Credited payment percentage will be: _____ % (enter a number from 1-100% in increments of 1%) throughout the duration of the DROP period.

Defined Benefit Plan Adoption Agreement

☐ Annuity Withdrawal Program (AWP)

Calculation of the actuarial equivalent of the lump sum distribution made under AWP will be done using:

- ☐ Interest rate for employee contributions as determined by the Retirement Board, or
☐ MERS' assumed rate of return as of the date of the distribution.

9. Cost-of-Living Adjustment

<input type="checkbox"/> All current retirees as of effective date <input type="checkbox"/> Retirees who retire between ____/01/____ and ____/01/____	<input type="checkbox"/> Future retirees who retire after effective date
Increase of ____% or \$____ per month	Increase of ____% or \$____ per month
Select one: <input type="checkbox"/> Annual automatic increase <input type="checkbox"/> One-time increase	<input type="checkbox"/> Annual automatic increase
Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> Non-compounding	Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> Non-compounding
Employees must be retired ____ months (6-12 months, increments of 1 month)	Employees must be retired ____ months (6-12 months, increments of 1 month)

- ☐ Check here if the existing COLA will be bridged for active participants as of the effective date selected on this form. Benefits accrued for service after the effective date **will** have no COLA increase applied.

10. Service Credit Purchase Estimates are:

- ☐ Not permitted
☐ Permitted

VI. Appointing MERS as the Plan Administrator

The Employer hereby agrees to the provisions of this *MERS Defined Benefit Plan Adoption Agreement* and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event of any conflict between the MERS Plan Document and the MERS Defined Benefit Plan Adoption Agreement, the provisions of the Plan Document control.

VII. Modification Of The Terms Of The Adoption Agreement

If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.

Defined Benefit Plan Adoption Agreement

VIII. Enforcement

1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired, and prohibits the use of the Employer's required current service funding to finance unfunded accrued liabilities.
2. The Employer agrees that, pursuant to the Michigan Constitution, its obligations to pay required contributions are contractual obligations to its employees and to MERS and may be enforced in a court of competent jurisdiction;
3. In accordance with the Constitution and this Agreement, if at any time the balance standing to the Employer's credit in the reserve for employer contributions and benefit payments is insufficient to pay all service benefits due and payable to the entity's retirees and beneficiaries, the Employer agrees and covenants to promptly remit to MERS the amount of such deficiency as determined by the Retirement Board within thirty (30) days notice of such deficiency.
4. The Employer acknowledges that wage and service reports are due monthly, and the employee contributions (if any) and Employer contributions are due and payable monthly, and must be submitted in accordance with the MERS Enforcement Procedure for Prompt Reporting and Payment, the terms of which are incorporated herein by reference.
5. Should the Employer fail to make its required contribution(s) when due, the retirement benefits due and payable by MERS on behalf of the entity to its retirees and beneficiaries may be suspended until the delinquent payment is received by MERS. MERS may implement any applicable interest charges and penalties pursuant to the MERS Enforcement Procedure for Prompt Reporting and Payment and Plan Document Section 79, and take any appropriate legal action, including but not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. The Employer acknowledges that changes to the Employer's MERS Defined Benefit Plan must be made in accordance with the MERS Plan Document and applicable law, and agrees that MERS will not administer any such changes unless the MERS Plan Document and applicable law permit same, and MERS is capable of administering same.

IX. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved by _____ on
the _____ day of _____, 20____. (Name of Approving Employer)

Authorized signature: _____

Title: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____ Signature: _____
(Authorized MERS Signatory)

BOARD RECOMMENDATION:

At an April 11, 2024 meeting, the Water & Wastewater Utility Board discussed the Infrastructure Alternatives, Inc. contract extension, and they recommend to City Council that Council approve the extension to July 1, 2024.

WATER & WASTEWATER UTILITY BOARD

MOTION BY: _____ SECONDED BY: _____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									

At an April 11, 2024 meeting, the Water & Wastewater Utility Board discussed the Potholing Service Verification Contract award, and they recommend to City Council that Council approve the award to Barley Trucking & Excavating, Inc.

MOTION BY: _____ SECONDED BY: _____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: DWAM Grant – Potholing Service Verification Contract

Requesting Agency:	Water Department	Meeting Date:	April 11, 2024
Contact:	Mike Thorsen	Public Hearing:	NA
Phone:	906-630-1016	Advertising Date:	NA
		Council District:	Citywide
Attachments:	A: Coleman Engineering Letter		

PURPOSE:

Request that the Water and Wastewater Utility Board approve the selection of Barley Trucking & Excavating, Inc. as the low bidder and award them the Potholing Service Verification Contract.

BACKGROUND:

In 2021, on the City's behalf, Coleman Engineering submitted a Drinking Water Asset Management (DWAM) grant application to EGLE. We have received this 100% funded DWAM grant for \$505,010. This grant was accepted by the WWUB and Council. This grant will be used for water updates, GPS data collection, revisions to the City's GIS system, and Distribution System Materials Inventory (DSMI) verification. A large amount of the grant money will be utilized to comply with EGLE's mandatory DSMI verification requirement. EGLE states, "to evaluate the accuracy of potable water service line records and/or predict service line materials, a statistically sound, uniformly random number of service lines should be physically verified." The City of Menominee is required to physically check three hundred and fifty-four (354) water service lines at a minimum of a three-point verification. Hydro Excavation will be utilized to collect two of the three points of verification. We received seven bids from companies to perform the service verification via potholing. Bids ranged from \$244,701.63 to \$597,184.30 with Barley Trucking & Excavating being the low bidder. The engineer's estimated cost for this work was \$299,130.00.

BUDGET IMPACT:

There is no budget impact or costs associated with this DWAM grant. The project costs will be paid for with the DWAM grant.

COMMITTEE RECOMMENDATION / ACTION:

At an April 11, 2024 meeting, the Water & Wastewater Utility Board recommends to City Council that Council approve the award of the Potholing Service Verification Contract to Barley Trucking & Excavating.

STAFF RECOMMENDATION / ACTION REQUESTED:

The Water Department recommends that the Water and Wastewater Utility Board approve the award of the Potholing Service Verification Contract to Barley Trucking & Excavating, Inc and recommend the award to the city council.



COLEMAN ENGINEERING COMPANY

CIVIL ENGINEERING • GEOTECHNICAL ENGINEERING • SURVEYING

635 CIRCLE DRIVE • IRON MOUNTAIN, MI 49801 • PHONE: 906-774-3440

April 5, 2024

Mr. Brett Botbyl, City Manager
City of Menominee
2511 10th Street
Menominee, MI 49858

Re: City of Menominee
Drinking Water Asset Management Project

Mr. Botbyl:

We have reviewed the seven bids received on April 4, 2024, from construction contractors for the above referenced project. We have prepared a bid tabulation (attached) and verified that all of the required forms for bidding were submitted.

The apparent low bid was received from Barley Trucking & Excavating, Inc. in the amount of \$244,701.63 for the work as specified in the contract documents. We have made inquiry as to the references and financial resources of Barley Trucking & Excavating, Inc. They appear to be a responsible bidder. If the City accepts the bid of Barley Trucking & Excavating, Inc., we recommend the award be made in the amount of \$244,701.63.

We have prepared the Notice of Award to Barley Trucking & Excavating, Inc. in anticipation of your award. There are requirements listed on the Notice of Award that Barley Trucking & Excavating, Inc. will need to fulfill prior to completion of the award process. These requirements include providing bonds and insurance certificates.

If you decide to make the award to Barley Trucking & Excavating, Inc., sign the Notice of Award and return it to Coleman Engineering Company. We will distribute the executed document to the Contractor along with other required contractual items. When the contract is complete, we will provide you with a fully executed set of Contract Documents. Please be aware this analysis is not binding on the City and we can change the award as you direct.

Please contact me if you have any questions or require additional information.

Sincerely,
COLEMAN ENGINEERING COMPANY

Scott Nowack, P.E.
Project Manager

SN/mb

Attachments

BID TABULATION - City of Menominee
Drinking Water Asset Management
EC-230572

BIBD TABULATION - City of Menominee Drinking Water Asset Management EC-230572				Barley Trucking & Excavating, Inc.		National Industrial Maintenance, Inc.		Waste Recovery Systems		U.P. Environmental Services, Inc.		Duke's Root Control, Inc.		Mid City Corporation of Michigan		M.L. Charter Excavating, Inc.	
Item	Description	Unit	Qty.	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
General																	
1	Mobilization, Max (5%)	LSUM	1	\$ 6,340.22	\$ 6,340.22	\$ 17,200.00	\$ 17,200.00	\$ 18,975.00	\$ 18,975.00	\$ 19,000.00	\$ 19,000.00	\$ 15,000.00	\$ 15,000.00	\$ 25,000.00	\$ 25,000.00	\$ 29,800.00	\$ 29,800.00
2	Pavt, Rem	SYD	23	\$ 14.38	\$ 330.74	\$ 200.00	\$ 4,600.00	\$ 180.00	\$ 4,140.00	\$ 50.00	\$ 1,150.00	\$ 55.00	\$ 1,265.00	\$ 8.00	\$ 184.00	\$ 74.00	\$ 1,702.00
3	Sidewalk, Rem	SYD	333	\$ 10.78	\$ 3,589.74	\$ 50.00	\$ 16,650.00	\$ 180.00	\$ 59,940.00	\$ 15.00	\$ 4,995.00	\$ 40.00	\$ 13,320.00	\$ 6.00	\$ 1,998.00	\$ 74.00	\$ 24,642.00
4	Aggregate Base, 9 inch	SYD	48	\$ 17.65	\$ 811.90	\$ 65.00	\$ 2,990.00	\$ 180.00	\$ 8,280.00	\$ 55.00	\$ 2,530.00	\$ 65.00	\$ 2,990.00	\$ 20.00	\$ 920.00	\$ 81.90	\$ 3,767.40
5	Aggregate Surface Cms, 9 inch	SYD	35	\$ 17.65	\$ 617.75	\$ 65.00	\$ 2,275.00	\$ 180.00	\$ 6,300.00	\$ 69.00	\$ 2,415.00	\$ 65.00	\$ 2,275.00	\$ 20.00	\$ 700.00	\$ 81.90	\$ 2,866.50
6	HMA Surface, Rem	SYD	48	\$ 10.92	\$ 502.32	\$ 250.00	\$ 11,500.00	\$ 180.00	\$ 8,280.00	\$ 59.00	\$ 2,714.00	\$ 65.00	\$ 2,990.00	\$ 7.00	\$ 322.00	\$ 133.90	\$ 6,159.40
7	HMA, 5EL	TON	9	\$ 254.77	\$ 2,292.93	\$ 350.00	\$ 3,150.00	\$ 255.00	\$ 2,295.00	\$ 1,990.00	\$ 17,910.00	\$ 500.00	\$ 4,500.00	\$ 495.00	\$ 4,455.00	\$ 683.00	\$ 6,147.00
8	Driveway, Nonreinf Corn, 6 inch	SYD	23	\$ 72.61	\$ 1,670.03	\$ 234.00	\$ 5,382.00	\$ 180.00	\$ 4,140.00	\$ 169.00	\$ 3,887.00	\$ 400.00	\$ 9,200.00	\$ 120.00	\$ 2,760.00	\$ 110.00	\$ 2,530.00
9	Sidewalk, Conc, 4 inch	SFT	3000	\$ 12.27	\$ 36,810.00	\$ 13.60	\$ 40,800.00	\$ 20.00	\$ 60,000.00	\$ 34.25	\$ 42,750.00	\$ 32.00	\$ 96,000.00	\$ 30.00	\$ 30,000.00	\$ 6.75	\$ 20,250.00
10	Water Service Exploration - Curb Stop Public Side	EA	360	\$ 270.84	\$ 97,502.40	\$ 340.00	\$ 122,400.00	\$ 320.00	\$ 115,200.00	\$ 555.00	\$ 199,800.00	\$ 485.00	\$ 174,600.00	\$ 664.00	\$ 239,040.00	\$ 693.50	\$ 249,660.00
11	Water Service Exploration - Curb Stop Private Side	EA	360	\$ 261.76	\$ 94,233.60	\$ 340.00	\$ 122,400.00	\$ 320.00	\$ 115,200.00	\$ 295.00	\$ 106,200.00	\$ 485.00	\$ 174,600.00	\$ 664.00	\$ 239,040.00	\$ 693.50	\$ 249,660.00
				\$ 244,701.63		\$ 349,347.00		\$ 402,750.00		\$ 403,351.00		\$ 496,740.00		\$ 544,419.00		\$ 557,184.30	

RESOLUTION 2024-008:

Adopting a Final Amended Project Planning Document for Water System Improvements.

MOTION BY: _____ SECONDED BY: _____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									

RESOLUTION 2024-008
ADOPTING A FINAL AMENDED PROJECT PLANNING DOCUMENT
FOR WATER SYSTEM IMPROVEMENTS

WHEREAS, the City of Menominee, Michigan recognizes the need to make improvements to its existing water treatment and distribution system; and

WHEREAS, the City of Menominee, Michigan authorized Coleman Engineering Company to prepare an Amended Project Planning Document, which recommends lead service line replacement in designated areas not previously determined; and

WHEREAS, said Amended Project Planning Document was presented to the City Council at its meeting held on April 15, 2024 at 6 P.M. and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Menominee, Michigan formally adopts said Amended Project Planning Document and agrees to implement the selected alternative (Alternative 3).

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by Brett Botbyl, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Amended Project Planning Document as a step in complying to the State of Michigan for a Drinking Water State Revolving Fund Loan to assist in the implementation of the selected alternative.

Yeas:

Nays:

Abstain:

Absent:

I certify that the above Resolution was adopted by the Menominee City Council on April 15, 2024.

BY: Brett Botbyl; City Manager

Signature

Date

POLICE DEPARTMENT-LETTER OF UNDERSTANDING-PAY STEP INCREASES:

City Manager Botbyl respectfully requests to City Council that Council accept the Letter of Understanding to remove the pay step increases for the Police Department in an effort to increase the starting wage and attempt to recruit police officer candidates and to authorize the execution of said document.

MOTION BY:_____ SECONDED BY:_____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: Police Department-LOU-Pay step increases

Requesting Agency: Administration

Meeting Date: April 2024

Contact: Brett Botbyl, City Manager

Public Hearing: N/A

Phone: 906-863-1747

Advertising Date: N/A

Council District:

Attachments: 1) Letter of Agreement/Understanding

PURPOSE:

To remove the pay step increases for the Police Department in an effort to increase the starting wage and attempt to recruit police officer candidates.

BACKGROUND:

Over the years it has been increasingly difficult to recruit and retain newly hired police officers due to the wage disparity with other police departments.

The Police Department Administration and Police Union have presented a Letter of Agreement to the City that would remove the three-step pay increase for the officers during their first three years at the Police Department after initial hire. This would only leave one pay grade for all police officers. In essence this creates a higher starting wage for new police officers that may assist with recruiting and retention of new officers. Per the current contract effective date of 07/01/2024 the starting wage for a new hired police officer would be \$24.22/hour. The top wage for a police officer would be \$28.25/hour. The Letter of Agreement would stipulate all officers would make the same wage of \$28.25/hour.

Currently there are only two officers that are not at the top pay grade.

BUDGET IMPACT:

All cost will be covered through the Police Department annual budget.

STAFF RECOMMENDATION / ACTION REQUESTED:

City Manager Botbyl recommends accepting the Letter of Agreement and respectfully requests authorization to execute said document.

COMMITTEE RECOMMENDATION / ACTION:

LETTER OF AGREEMENT
Between
CITY OF MENOMINEE
And
GENERAL TEAMSTERS LOCAL UNION NO. 406
MENOMINEE POLICE DEPARTMENT BARGAINING UNIT

RE: PAY SCALE MODIFICATION

WHEREAS, the City of Menominee (hereinafter, "Employer") and General Teamsters Local Union No. 406 (hereinafter, "Union") are subject to a Collective Bargaining Agreement (hereinafter, "Agreement") which expires on June 30, 2025.

WHEREAS, both parties wish to address hourly pay issues surrounding the recruitment of police officers by removing all wage progression steps for the "Patrolperson" job classification.

THEREFORE, the parties agree to replace the existing language in Appendix A with the new language listed in the new Appendix A, below.

TABLE OF ORGANIZATION AND HOURLY WAGE RATES

POLICE DEPARTMENT	RATES EFFECTIVE			
POSITION	<u>7-01-2021</u> BASE	<u>7-01-2022</u> + \$1.00	<u>7-01-2023</u> + 3.00%	<u>7-01-2024</u> + 3.00%
SERGEANTS – Probation Period	\$26.34	\$27.34	\$28.16	\$29.00
SERGEANTS – After 6 Months	\$27.04	\$28.04	\$28.88	\$29.75
PATROLPERSON	\$25.63	\$26.63	\$27.43	\$28.25
SCHOOL LIAISON OFFICER	\$25.63	\$26.63	\$27.43	\$28.25

PAY SCALE RETENTION INCENTIVE:

Employees with ten (10) or more years of service qualify for the pay scale retention incentive. Hourly wages for pay scale retention incentive eligible employees will be calculated using the chart, below;

YEARS OF SERVICE	PAY SCALE RETENTION INCENTIVE
10	Base Wage In Above Pay Table + 1.00%
15	Current Hourly Wage + 1.50%
20	Current Hourly Wage + 2.00 %

The calculation for the Pay Scale Retention Plan Incentive is:

Base Wage x Pay Scale Retention Incentive % + Base Wage = New Hourly Wage

Moving forward from year ten (10), all negotiated annual hourly pay increases and anniversary pay scale retention incentive increases will be calculated and applied using the employees then current and prevailing hourly wage as the base wage in the calculation.

Example:

A non-probationary Sergeant crosses ten (10) years of service on March 1, 2023. The base wage from the chart above would be \$28.04/hour, before application of the PSRI. Using the formula from above to factor the PSRI, the Sergeant's new hourly wage on March 1, 2023, would be \$28.32/hour. On July 1, 2023, the Sergeant should then receive the negotiated annual increase of three percent (3%). Using the new hourly wage of \$28.32/hour as the starting base in the calculation, after applying the three percent (3%) negotiated increase, the Sergeant would then earn \$29.17/hour after July 1, 2023. This process repeats for each negotiated annual increase and anniversary increase of the PSRI.

WHEREBY, all other terms and conditions of the current Agreement remain unchanged and in effect. The parties signify agreement to the above by representative signatures appearing hereon.

CITY OF MENOMINEE:

**GENERAL TEAMSTERS
LOCAL UNION NO. 406**

BY: _____
Brett Botbyl
City Manager

BY: _____
Anthony LaPlant
Business Agent

DATE: _____

DATE: _____

POLICE DEPARTMENT-RECRUIT HIRING:

City Manager Botbyl and Police Chief Hofer respectfully request to City Council that Council approve the hiring process of Police Recruit Tyler Teske.

MOTION BY: _____ SECONDED BY: _____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE:

Requesting Agency: Police

Meeting Date: April 2024

Contact: Chief Justin Hofer

Public Hearing: NA

Phone: 863-5568

Advertising Date: NA

Council District: Citywide

Attachments:

PURPOSE:

To inform and respectfully request that the City Council to approve the hiring process of Police Recruit Tyler Teske.

BACKGROUND:

Since the resignation of Officer Robinette in August of 2023, we have had a vacancy for a patrolman position. We have had the Menominee Police Department's job posting out to several colleges and other internet platforms for police job opportunities. We have had several applicants and interviewed several other applicants with Tyler Teske being one of them being interviewed. Tyler had a good interview and was given a conditional job offer, contingent of the approval and completing the hiring process. With deadlines quickly approaching and some that have past we have moved forward with some of the background and testing so if approved Tyler will be able to enter the Academy on time.

Tyler will be hired as a recruit and attend Northern Michigan University's Police Academy starting on May 7th 2024. The process has started for getting him into the academy due to deadlines. The police department will conduct this hiring process as the same as the most recent hires that attended the police academy. With less applicants applying for the department, it would be the best interest of the city to approve this process so we can move forward and the position can be filled.

NMU Police academy is 16 weeks long, the recruit will get paid a recruit wage until completed. Once the recruit successfully completes the academy, they then will start the field training program with the department and become a patrolman and get paid according to the pay scale. This has been done and approved in the past with the last hire David Lueskow.

Agenda Item: _____

BUDGET IMPACT:

The police academy cost is approximately \$6,100, academy uniforms \$700, \$2,500 for lodging on site. With recruit wage it will cost approximately \$6,700 while attending the academy. The total amount for the 2024 NMU RPA is approximately \$16,000.

There is a MCOLES Public Safety Academy Assistance Grant Program that the department is currently working on. Once the approval of the hiring process we will be able to proceed on moving forward with the grant process. The grant covers all expenses and up to \$4,000 in wages. If the grant is awarded the city would have paid \$2,700. The grant must be submitted 10 days prior to the start of the academy.

No additional funding is needed from the City of Menominee that would affect the current budget

COMMITTEE RECOMMENDATION / ACTION:

STAFF RECOMMENDATION / ACTION REQUESTED:

The City Manager and Police Chief respectfully request the approval of this endeavor.

Agenda Item: _____

APPROVAL OF ASSESSOR ACCESSIBILITY POLICY:

Assessor Linder respectfully requests the approval of the Assessor Accessibility Policy to maintain compliance with the law.

MOTION BY: _____ SECONDED BY: _____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									



City of Menominee
City Council
Agenda Item

TITLE: Approval of Assessor Accessibility Policy

Requesting Agency: Assessor

Meeting Date: April 15th, 2024

Contact: Nikki
Linder

Public Hearing: NA

Phone: 863-1759

Advertising Date: NA

Council District: Citywide

Attachments: Policy

PURPOSE:

To give notice and present the Assessor Accessibility Policy.

BACKGROUND:

Public Act 660 of 2018, was approved by Governor Snyder on December 28th, 2018, and amended the General Property Tax Act to provide statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers.

Pursuant to MCL 211.10g(c) which states that the Office of the Assessor is to be reasonably accessible to taxpayers, the local unit is required to adopt a policy to comply with this requirement.

BUDGET IMPACT:

NA.

STAFF RECOMMENDATION / ACTION REQUESTED:

It is recommended City Council approve the Assessor Accessibility Policy to maintain compliance with the law.

COMMITTEE RECOMMENDATION / ACTION REQUESTED:

Approval/Denial

Agenda Item: _____



City of Menominee

City Hall ▪ 2511 10th Street ▪ Menominee, MI 49858-1995

Phone (906) 863-2656 ▪ FAX (906) 863-3266

City of Menominee

Assessor Accessibility Policy pursuant to PA 660 of 2018

In accordance with The General Property Tax Act 206 1993, MCL 211.10g(c) which states that the Office of the Assessor is to be reasonably accessible to taxpayers, the City of Menominee has adopted this policy to comply with this requirement.

- ❖ The assessing department business hours are:
 - Monday – 9:00 – 2:00
 - Tuesday - 9:00 – 2:00
 - Thursday - 9:00 – 2:00
 - Friday - 9:00 – 2:00

*with the exception of observed holidays
- ❖ All taxpayers may make inquiries to the assessing department using the email, address or telephone number below.
 - Assessor
 - Nikki Linder
2511 10th Street
Menominee, MI 49858
nlinder@menomineemi.gov
Phone: (906)863-1759
 - Assistant Assessor
Jim Weiland
2511 10th Street
Menominee, MI 49858
jweiland@menomineemi.gov
Phone: (906)863-1760
- ❖ The estimated response time to inquiries is less than 7 business days.
- ❖ A taxpayer may arrange a meeting with an Assessing Department employee for the purpose of discussing an inquiry in-person by calling 906-863-1760, or emailing the assessor or assistant at above emails.
- ❖ Taxpayer requests for inspection or production of records maintained by the Assessing Department may be made by calling 906-863-1760 or by emailing the assessor or assistant.
- ❖ A taxpayer may make an informal dispute to the assessor, either in person or in writing before the March meeting of the Board of Review using the above contact information.



City of Menominee City Council Agenda Item

TITLE: 4th of July Fireworks

Requesting Agency: Administration

Meeting Date: April 2024

Contact: Brett Botbyl, City Manager

Public Hearing: N/A

Phone: 906-863-1747

Advertising Date: N/A

Council District:

Attachments: 1) Nutter 4th of July MOU/Contract

PURPOSE:

To approve the 4th of July event MOU/Contract with Jackie Nutter.

BACKGROUND:

At a March 2024 City Council meeting it was determined that the City was going to contract with Jackie Nutter to organize the 4th of July 2024 event. Ms. Nutter was going to receive \$1500.00 for her services and was going to attempt to fundraise approximately \$25,000 for the expense of the event, and to include her fee.

BUDGET IMPACT:

The City will place \$25,000 into the budget for expenses with Ms. Nutter fundraising \$25,000 in revenue for this event.

COMMITTEE RECOMMENDATION / ACTION:

STAFF RECOMMENDATION / ACTION REQUESTED:

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

CITY OF MENOMINEE 4TH OF JULY FESTIVAL

MEMORANDUM OF UNDERSTANDING

This memorandum outlines the agreement between the City of Menominee ("City"), and Jackie Nutter ("Nutter") for the management and event planning of the July 4th, 2024 City of Menominee Fireworks Festival ("Festival").

Labor

The City's Department of Public Works will provide labor for the set-up and clean-up of the Festival. Nutter will communicate with the City Manager to ensure all parties remain on the same page regarding equipment, manpower, etc., that is needed. In addition, the City's Recreation Department will coordinate alongside Nutter regarding special youth activities for the Festival and will help staff the Kids Area for these events, if needed.

Nutter is responsible for reserving the portable toilets for event attendees as well as the fireworks crew.

Security

The City will provide Police and Fire services and will be responsible for security at the Festival. Nutter is responsible for filing the appropriate paperwork with the Coast Guard as well as confirming their services are not needed on location during the event.

Liability

The members of the Fireworks Festival Committee ("Committee") and Nutter will be covered under the City's municipal liability coverage, including special events coverage for fireworks. The cost of the special events coverage will be reflected in the city's General Fund Budget.

Finances

Nutter will be responsible for overseeing the administration of the Festival budget. Nutter shall make every reasonable effort to meet budget revenue projections. The City recognizes that losses due to weather or other unanticipated events are beyond Nutter's control. The City will maintain a reserve account with adequate funding for such contingencies. Nutter will also be responsible for fund raising for the Festival. Nutter will attempt to raise one hundred (100%) percent of the Festival budget through business and industry donations.

The City Treasurer's office is responsible for all bookkeeping and accounting. The City will maintain a special revenue account to receive all donations and other income. The City will pay all budgeted Festival expenses subject to approval by the City Manager and Treasurer. The City maintains its right to observe the financial conduct of the festival.

Customary invoices for all Festival purchases and revenues will be required.

Organization

Nutter will be responsible for recruiting volunteers and establishing the Festival Committee to plan activities, develop the Festival schedule and staff the event. Volunteers will be discouraged from consuming alcoholic beverages while on active volunteering duty. Nutter will be responsible for meeting notices, minutes, fund raising letters, marketing & publicity, and all aspects of Festival management. The City will provide clerical assistance through the City Manager's office for these activities as needed.

Food Vendors

Nutter will be responsible for reserving and coordinating all food vendors for the event – each vendor will complete a form confirming involvement and requirements. The requested booth fee will be collected the day of the event. She will ensure all food vendors are in compliance regarding event permits and licensing.

Entertainment

Nutter will be responsible for booking all music related performances for the Festival. She will work directly with the City and/or any band/group sponsoring the performances to make sure logistics are coordinated. Nutter is also responsible for communicating with the City's Recreation Department to co-coordinate the youth activities during the Festival.

Reporting

Nutter will keep the City Manager informed of all plans and progress with the Festival on a bi-weekly basis and will consult with the Manager regarding all major decisions. Nutter will also present a report to the Menominee City Council concerning the Festival's finances and brief summary of other activities by October 1, 2024.

The City will offer the full support of the bookkeeping and accounting staff in order to achieve this deadline.

Compensation

In consideration of the above Nutter will be paid \$1,500.00 at the close of the Festival. Any gap in fundraising does not affect Nutter's compensation.

Date:

Date:

MENOMINEE HOOPS CLUB, INC. RESOLUTION FOR CHARITABLE GAMING LICENSES:

The following Resolution was presented for approval from the Menominee Hoops Club, Inc. asking that they be recognized as a nonprofit organization operating in the community, for the purpose of obtaining charitable gaming licenses.

MOTION BY: _____ SECONDED BY: _____

	DeDAMOS	DULAK	FIFAREK	HAUPT	JONES	MARINEAU	PLEMEL	ROBINSON	HOFFMAN
AYES									
NAYS									



State of Michigan
Michigan Gaming Control Board
Millionaire Party Licensing
3062 W. Grand Blvd, Suite L-700
Detroit, MI 48202-6062
Phone: (313) 456-4940
Fax: (313) 456-3405
Email: Millionaireparty@michigan.gov
www.michigan.gov/mgcb

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(k)(ii))

At a Regular meeting of the City of Menominee
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD
called to order by Mayor Hoffman on April 15, 2024
DATE
at 6 pm a.m./p.m. the following resolution was offered:
TIME
Moved by _____ and supported by _____

that the request from Menominee Hoops Club, Inc. of Menominee,
NAME OF ORGANIZATION CITY
county of Menominee, asking that they be recognized as a nonprofit
COUNTY
organization operating in the community, for the purpose of obtaining charitable gaming licenses, be
considered for Approval
APPROVAL/DISAPPROVAL

<u>APPROVAL:</u>	Yeas: _____	<u>DISAPPROVAL:</u>	Yeas: _____
	Nays: _____		Nays: _____
	Absent: _____		Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted
by the City of Menominee City Council at a regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
meeting held on April 15, 2024.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK
Kathy Brofka; City Clerk/Treasurer
PRINTED NAME AND TITLE
2511 10th Street, Menominee, MI 49858
ADDRESS

Organization Information: _____
ORGANIZATION'S MAILING ADDRESS, STREET, CITY, ZIP

ORGANIZATION'S PRINCIPAL OFFICER NAME AND TITLE

()
PHONE NUMBER