

**ALPENA CITY COUNCIL MEETING**

**March 15, 2021 – 6:00 p.m.**

**AGENDA**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval and Modification of the Agenda.
4. Approve Minutes –Regular and Closed Sessions of March 01, 2021 and Special Session of February 17, 2021.
5. Citizens Appearing Before Council on Agenda and Non-Agenda Items (Citizens Shall be Allowed a Maximum of Five (5) Minutes Each to Address Their Concerns. This is the Only Time During a Council Meeting that Citizens are Allowed to Address the Council).
6. Public Hearing.
7. Consent Agenda.
  - A. Bills to be Allowed, in the Amount of \$358,960.72.
  - B. Budget Amendment Request to Increase the Capital Outlay to Account for the Purchase of a Tabulator in the amount of \$6,148.
  - C. Budget Amendment Request to Increase the Capital Outlay to Account for the Additional Security Upgrades in the Clerk's Office in the amount of \$3,602.90.
  - D. Council Reappointment of Steve Wilson to the Harbor Advisory Committee for a Three-Year Term Expiring on April 1, 2024.
8. Presentations.
9. Announcements.
10. Mayoral Proclamation.
11. Report of Officers.
12. Communications and Petitions.

Thunder Bay Arts Council Informational Report and Budget Request – Tim Kuehnlein.
13. Unfinished Business.
14. New Business.
  - A. SUEZ Contract Compensation Adjustment – Rich Sullenger, City Engineer.
  - B. Lift Station Telemetry Proposal Recommendation – Rich Sullenger, City Engineer.
  - C. Bay View Park Restroom Facilities – Rich Sullenger, City Engineer.
  - D. Culligan Plaza Recreation Passport Grant – Stephen Shultz, Assistant City Engineer.
  - E. Contract with the Charter Township of Alpena for Fire and Medical Services.

F. 2021 Fireworks Contract – Bill Forbush, Fire Chief.

G. Workshop to Review Ordinance 20-454, Medical Marihuana Facilities.

H. First Reading of Revised Ordinance 21-457, Medical Marihuana Facilities – Bill Pfeifer, City Attorney.

15. Adjourn.

Rich Sullenger  
Acting City Manager

## **COUNCIL PROCEEDINGS**

**March 01, 2021**

The Municipal Council of the City of Alpena met in regular session via video conference on the above date and was called to order at 6:00 p.m. by the Mayor.

Present: Mayor Waligora, Mayor Pro Tem Johnson, Councilmembers Nowak, Hess, and Mitchell.

Absent: None.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **APPROVAL OF AGENDA**

Moved by Councilmember Nowak, seconded by Mayor Pro Tem Johnson, to approve the agenda.

Motion carried 5-0.

### **MODIFICATION TO THE AGENDA**

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Nowak, to add a budget amendment request for a police patrol vehicle to the consent agenda as item 7F.

Motion carried 5-0.

### **MINUTES**

The minutes of the regular and closed sessions of February 15, 2021 were approved as printed.

### **CONSENT AGENDA**

Moved by Councilmember Nowak, seconded by Mayor Pro Tem Johnson, that the following Consent Agenda item be approved:

- A. Bills Allowed – in the Amount of \$131,472.64 be Allowed and the Mayor and City Clerk Authorized to Sign Warrant in Payment of Same.
- B. Industrial Facilities Exemption 2020 Monitoring Reports.
- C. Council appointment of Jason Luther and Jeremy Winterstein to the Harbor Advisory Committee for a three-year term expiring on March 1, 2024.
- D. Bowfishing Tournament – Memo from Bill Pfeifer, City Attorney.
- E. Budget amendment request for police in-car cameras.
- F. Budget amendment request for a police patrol vehicle.

Motion carried 5-0.

### **RECYCLING GRANT AGREEMENT**

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Nowak, to

approve the recycling grant and authorize the Mayor and City Clerk to execute the contract.

Motion carried 5-0.

#### **WATER RECYCLING PLANT EXTERIOR LIGHTS**

The following bids were opened on February 22, 2021 for the replacement of the exterior lights at the Water Recycling Plant:

Omega Electric	\$6,994.00
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Thunder Bay Electric	\$9,905.35
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Moved by Councilmember Mitchell, seconded by Mayor Pro Tem Johnson, to award the contract for Water Recycling Plant exterior lights to Omega Electric in the amount of \$6,994.

Motion carried 5-0.

#### **REVIEW OF ORDINANCE NO. 20-454 FOR MEDICAL MARIHUANA**

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hess, to direct the City Attorney to draft an ordinance to remove the cap on the number of provisioning centers allowed from two to unlimited.

Motion carried 3-2 with votes as follows:

Ayes: Hess, Johnson and Waligora.

Nays: Mitchell and Nowak.

#### **RECESS**

The Municipal Council recessed at 6:55 p.m.

#### **RECONVENE IN CLOSED SESSION**

Moved by Councilmember Nowak, seconded by Mayor Pro Tem Johnson, to reconvene in closed session at 6:59 p.m. to discuss an update regarding proposed litigation with the Alpena Prototype Biorefinery, LLC, American Process, Inc., and GranBio, LLC.

Motion carried 5-0.

#### **RECONVENE IN OPEN SESSION**

On motion of Mayor Pro Tem Johnson, seconded by Councilmember Nowak, the Municipal Council reconvened in open session at 7:17 p.m.



**ADJOURN**

On motion of Councilmember Nowak, seconded by Mayor Pro Tem Johnson, the  
Municipal Council adjourned at 7:19 p.m.

Matthew Waligora  
Mayor

ATTEST:

Anna Soik  
City Clerk

**COUNCIL PROCEEDINGS****February 17, 2021**

The Municipal Council of the City of Alpena met in regular session via video conference on the above date and was called to order at 5:32 p.m. by the Mayor.

Present: Mayor Waligora\*, Mayor Pro Tem Johnson, Councilmembers Nowak, Hess, and Mitchell.

Absent: None.

\*Mayor Waligora exited the meeting at 6:28 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**2022 – 2027 CAPITAL IMPROVEMENT PLAN**

The Municipal Council and the Planning Commission met to hear the Capital Improvement Plan for 2022 – 2027. All department heads presented their reports to the Planning Commission and City Council and answered questions.

Moved by Councilmember Nowak, seconded by Councilmember Mitchell, to approve the 2022 – 2027 Capital Improvement Plan as presented.

Motion carried 5-0.

On motion of Councilmember Nowak, seconded by Councilmember Mitchell, the Municipal Council adjourned at 6:38 p.m.

Matthew J. Waligora  
Mayor

ATTEST:

Leilan Bruning  
Deputy City Clerk

## INVOICE REGISTER

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EXP CHECK RUN DATES 03/16/2021 - 03/16/2021

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OPEN - CHECK TYPE: PAPER CHECK

7.A.

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
ADAM DAVID	031021	TRAVEL ADVANCE - POLICE	210.00
ADRIENNE THOMPSON	011621	MEAL REIMB - EMS	105.64
AETNA	AP21-0125C	AMBULANCE REFUND	416.19
AGT BATTERY SUPPLY	92327A	MAINT - FIRE/EMS	69.19
AIRGAS USA LLC	9110278308	SUPPLIES - EMS DISP	31.05
ALPENA COUNTY TREASURER	030121	IT CONTRACTED SVCS 03/21	8,118.00
ALPENA DIESEL SERVICE	67648	VEH MAINT - DPW	77.16
ALPENA DIESEL SERVICE	67956	VEH MAINT - DPW	278.64
ALPENA DIESEL SERVICE	67986	VEH MAINT - DPW	25.83
ALPENA DIESEL SERVICE	67948	VEH MAINT - DPW	532.30
ALPENA DIESEL SERVICE	67988	VEH MAINT - DPW	293.28
ALPENA POWER COMPANY	031621	ELECTRIC	39,391.44
ALPENA SUPPLY CO	S100311596.001	VEH MAINT - DPW	4.00
ALPENA WILBERT BURIAL VAULT COMPANY	030121	MAINT - CEMETERY	700.00
AMAZON CAPITAL SERVICES INC	1M7V-JNLH-NPVK	UNIFORMS/SUPP - FIRE/EMS	151.79
AMAZON CAPITAL SERVICES INC	1JWN-9PJK-6173	SUPPLIES - IT	95.95
ANDREW WILLIAMS	022721	MEAL REIMB - EMS	41.12
AXON ENTERPRISE INC	SI-1716431	SUPPLIES - POLICE	225.00
BALL TIRE & GAS INC	191046	VEH MAINT - FIRE/EMS	787.16
BALL TIRE & GAS INC	191064	VEH MAINT - DPW	504.77
BALL TIRE & GAS INC	191110	VEH MAINT - DPW	26.60
BALL TIRE & GAS INC	191146	VEH MAINT - FIRE/EMS	587.36
BALL TIRE & GAS INC	191150	VEH MAINT - DPW	157.38
BALL TIRE & GAS INC	191309	VEH MAINT - DPW	201.65
BALL TIRE & GAS INC	191468	VEH MAINT - DPW	73.54
BALL TIRE & GAS INC	191469	VEH MAINT - POLICE	20.00
BALL TIRE & GAS INC	191508	VEH MAINT #36	832.69
BEAVERS AUTOMOTIVE & RADIATOR	29450	VEH MAINT - DPW	39.95
BEAVERS AUTOMOTIVE & RADIATOR	29524	VEH MAINT - POLICE	79.90
BELL EQUIPMENT COMPANY	0180165	VEH MAINT - DPW	147.34
BILLY VOGT	022821	MILEAGE 02/21	44.52
BOUND TREE MEDICAL LLC	83958281	SUPPLIES - EMS DISP	378.75
BP	59731784	GAS/FUEL - FIRE/EMS/EQ	9,237.95
BRUCE TILLINGER	022821	MECHANICAL INSP SVCS 02/21	2,216.00
BRUCE TILLINGER	022821A	PLUMBING INSP SVCS 02/21	1,130.00
CARQUEST AUTO PARTS	426550	SUPPLIES - FIRE/EMS	34.63
CARQUEST AUTO PARTS	426579	VEH MAINT - DPW	(20.98)
CARQUEST AUTO PARTS	426568	VEH MAINT #21	18.01
CARQUEST AUTO PARTS	426569	VEH MAINT - FIRE/EMS	2.97
CARQUEST AUTO PARTS	426573	VEH MAINT - FIRE/EMS	3.11
CARQUEST AUTO PARTS	426722	VEH MAINT - DPW	187.67
CARQUEST AUTO PARTS	426771	VEH MAINT #65	51.95
CARQUEST AUTO PARTS	426887	VEH MAINT #55	3.84
CARQUEST AUTO PARTS	427020	VEH MAINT - FIRE/EMS	26.13
CARQUEST AUTO PARTS	427075	VEH MAINT #82	5.89
CARQUEST AUTO PARTS	427076	VEH MAINT - DPW	17.67
CARQUEST AUTO PARTS	427133	VEH MAINT - DPW	417.51
CARQUEST AUTO PARTS	427230	VEH MAINT - EQUIP	15.41
CARQUEST AUTO PARTS	427236	VEH MAINT - DPW	89.96
CARQUEST AUTO PARTS	427252	VEH MAINT #16	55.66
CARQUEST AUTO PARTS	427451	VEH MAINT - DPW	62.50
CARQUEST AUTO PARTS	427596	VEH MAINT - DPW	70.62
CARQUEST AUTO PARTS	427768	VEH MAINT #45	3.21
CARQUEST AUTO PARTS	427844	VEH MAINT #45	23.53
CARQUEST AUTO PARTS	427856	VEH MAINT - FIRE EQ	35.11
CARQUEST AUTO PARTS	427859	VEH MAINT - FIRE/EMS	625.48
CARQUEST AUTO PARTS	427865	VEH MAINT - FIRE/EMS	70.66
CARQUEST AUTO PARTS	427868	VEH MAINT #42	2.56
CARQUEST AUTO PARTS	427986	VEH MAINT - DPW	(427.21)
CARQUEST AUTO PARTS	427945	VEH MAINT - DPW	59.86
CARQUEST AUTO PARTS	428023	VEH MAINT - FIRE/EMS	13.61
CARQUEST AUTO PARTS	428032	VEH MAINT - FIRE/EMS	8.19
CARQUEST AUTO PARTS	428081	VEH MAINT - FIRE/EMS	16.96
CARQUEST AUTO PARTS	428088	VEH MAINT - FIRE/EMS	0.97
CARQUEST AUTO PARTS	428123	VEH MAINT - DPW	4.22
CARQUEST AUTO PARTS	428205	VEH MAINT - DPW	7.73
CERTA SITE LLC	8774692	EXT MAINT - FIRE/EMS	74.00
CHARTER COMMUNICATIONS	0591 03/21	FAX LINE - CITY HALL	99.98
CHARTER COMMUNICATIONS	5434 03/21	FAX LINE - PUBLIC SAFETY	49.99
CHARTER COMMUNICATIONS	2978 03/21	WATER TWR INTERNET SIGNALS	596.88
CHASE BEAUVAIS	030521	TRAVEL ADVANCE - POLICE	210.00
CITY OF ALPENA	213-001 0221	SEW/WATER - MCRAE PK	102.36

# INVOICE REGISTER

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EXP CHECK RUN DATES 03/16/2021 - 03/16/2021

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OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
CITY OF ALPENA	214-001 0221	SEW/WATER - MCRAE CONC STND	36.66
CITY OF ALPENA	4524-001 0221	SEW/WATER - LONG LK COLD STORAGE	62.94
CITY OF ALPENA	6432-001 0221	SEW/WATER - LONG LK AVE	666.90
CITY OF ALPENA	10354-001 0221	SEW/WATER - TRAILHEAD	89.22
COMPASS MINERALS	777280	STORES - ROAD SALT	29,283.42
COMPASS MINERALS	778316	STORES - ROAD SALT	18,269.56
CONTROL SOLUTIONS INC	15030	BLDG SECURITY IMPROVEMENTS - CITY HAL	297.50
DE LAGE LANDEN FINANCIAL SERVICES	71625517	COPIER LEASE 04/21 - DDA	56.55
DEAN ARBOUR FORD LINCOLN MERCURY	31647	VEH MAINT - POLICE	52.44
DEAN ARBOUR FORD LINCOLN MERCURY	31653	VEH MAINT - FIRE/EMS	184.09
DEAN ARBOUR FORD LINCOLN MERCURY	31660	VEH MAINT - FIRE/EMS	220.52
DEAN ARBOUR FORD LINCOLN MERCURY	31661	VEH MAINT - POLICE	499.15
DEAN ARBOUR FORD LINCOLN MERCURY	31672	VEH MAINT - POLICE	138.76
DEAN ARBOUR FORD LINCOLN MERCURY	31690	VEH MAINT - POLICE	321.65
DEAN ARBOUR FORD LINCOLN MERCURY	31710	VEH MAINT - POLICE	1,574.09
DIGITAL HIGHWAY INC	EXECUIN35765	SUPPLIES - FIRE/EMS	301.78
DONALD GOSSELIN	031621	SAFETY SHOE/WORK APPAREL ALLOW - PW	240.46
DOUGLASS SAFETY SYSTEMS LLC	IN1550840	AIR COMPRESSOR MAINT - FIRE/EMS	1,075.00
DOUGLASS SAFETY SYSTEMS LLC	IN1553093	AIR COMPRESSOR MAINT - FIRE/EMS	1,175.00
DOUGLASS SAFETY SYSTEMS LLC	IN1554111	AIR COMPRESSOR MAINT - FIRE/EMS	1,115.00
DTE ENERGY	031621	GAS	2,345.28
EAGLE SUPPLY CO	117668	SUPPLIES - FIRE/EMS	293.08
FASTENAL COMPANY	MIALP181404	VEH MAINT - DPW	55.04
FASTENAL COMPANY	MIALP181463	VEH MAINT - DPW	32.55
FITZPATRICK'S HARDWARE	5301496	SUPPLIES - PARKS	396.96
FITZPATRICK'S HARDWARE	5302118	SUPPLIES - FIRE/EMS	17.84
FITZPATRICK'S HARDWARE	5304716	SUPPLIES - FIRE/EMS	3.98
FRANCIS ROSINSKI	022821	ELECTRICAL INSP SVCS 02/21	3,470.00
FREESE HYDRAULICS & EQUIP REPAIR	38626	VEH MAINT - DPW	191.40
FREESE HYDRAULICS & EQUIP REPAIR	38626	VEH MAINT - DPW	191.40
FRONTIER	4175 03/21	TELEPHONE - FIRE/EMS	40.70
FRONTIER	5445 03/21	TELEPHONE - FIRE/EMS	79.21
FRONTIER	7204 03/21	ELEVATOR TELEPHONE - CITY HALL	58.32
FRONTIER	7430 03/21	ELEVATOR TELEPHONE - PUBLIC SAFETY	58.32
FRONTIER	9535 03/21	ALARM PHONE LINES - SEWER	1,206.70
GALLS LLC	017745699	UNIFORMS - FIRE/EMS	138.99
GIAMARCO MULLINS & HORTON PC	32	ATTY FEES - PUBLIC WORKS	175.50
GREENWAY	022821	DUMPSTER CHARGES 02/21	563.00
HALLS SERV-ALL	022821	RENTAL FEE - PARKS	35.00
HOME DEPOT CREDIT SERVICES	4062766	SUPPLIES - FIRE/EMS	48.12
HOME DEPOT CREDIT SERVICES	4062792	SUPPLIES - PUBLIC WORKS	349.00
HOME DEPOT CREDIT SERVICES	4072896	SUPPLIES - FIRE/EMS	247.48
HOME DEPOT CREDIT SERVICES	4112648	SUPPLIES - FIRE/EMS	(23.74)
INK AND TONER ALTERNATIVE	21-4830	SUPPLIES - IT	54.99
INTERSTATE BATTERY SYSTEM INC	23423758	VEH MAINT - DPW	124.50
INTERSTATE BATTERY SYSTEM INC	23423757	VEH MAINT - DPW	110.50
LAKESHORE PLUMBING, HEATING &	44763	MAINT - PUBLIC WORKS	1,628.00
LARRY SANDERSON	960343	SNOW REMOVAL - DDA	820.00
MCDONALD AUTO SUPPLY INC	946370	VEH MAINT - FIRE/EMS	11.68
MERIDIAN CONTRACTING SERVICES LLC	2216	BLDG SECURITY IMPROVEMENTS - DH/PW/S	7,311.42
MFSIA	030121	2021 MEMBERSHIP DUES - FIRE/EMS	85.00
MICHAEL KIELISZEWSKI	022821	MILEAGE 02/21	119.84
MICHAEL MANCHESTER	092420	MEAL REIMB - EMS	15.00
MICHIGAN CAT	PD11914066	VEH MAINT #65	141.56
MICHIGAN ELECTION RESOURCES	13993	ELECTION SUPP - CLERK/TREAS	141.31
MICHIGAN STATE POLICE	551-575575	SOR REGISTRATION - POLICE	300.00
MID MICHIGAN MEDICAL CENTER-ALPENA	503	SUPPLIES - EMS DISP	280.00
MILLER OFFICE MACHINES	AR13700	SUPPLIES - DDA	38.68
MILLER OFFICE MACHINES	AR14204	COPIER MAINT - CH/PSF	362.23
MILLER OFFICE MACHINES	AR14316	SUPPLIES - DDA	17.09
MML WORKERS COMP FUND	10293205	WORKERS COMP - QTR PAYMENT	25,579.00
NORTHERN CLEANING & MAINTENANCE	030121	MAINT - DDA	60.00
OFFICE DEPOT	17543487	SUPPLIES - CITY HALL	797.96
OFFICE DEPOT	17543518	SUPPLIES - PUBLIC SAFETY	135.88
OVERHEAD DOOR CO OF ALPENA INC	59952	MAINT - PUBLIC WORKS	641.00
PENGUIN MANAGEMENT, INC.	64001	DISPATCHING SYSTEM - FIRE/EMS	834.00
PRESQUE ISLE ELECTRIC & GAS CO	81166373 0221	ELECTRIC - AIR BASE	29.03
PRIORITY ONE EMERGENCY	70072282	UNIFORMS - FIRE/EMS	141.99
PRIORITY ONE EMERGENCY	70072460	UNIFORMS - FIRE/EMS	232.47
PRIORITY ONE EMERGENCY	70072495	UNIFORMS - PUBLIC SAFETY	9.00
PRIORITY ONE EMERGENCY	70071337	UNIFORMS - FIRE/EMS	154.98
PROPANE PLUS INC	155540	PROPANE - CEMETERY	543.38

## INVOICE REGISTER

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EXP CHECK RUN DATES 03/16/2021 - 03/16/2021

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VENDOR	INVOICE #	DESCRIPTION	AMOUNT
PROPANE PLUS INC	156496	PROPANE - TRAILHEAD	340.95
R & B FABRICATIONS INC	210794	SUPPLIES - FIRE/EMS	209.88
RAPID RESULTS	12033	DRUG SCREEN - PUBLIC WORKS	160.00
ROWLEYS WHOLESale	1200316-00	VEH MAINT - DPW	23.18
ROWLEYS WHOLESale	1209548-00	SUPPLIES - EQUIP	386.00
ROWLEYS WHOLESale	1212493-00	SUPPLIES - EQUIP	(9.65)
ROWLEYS WHOLESale	1216049-00	SUPPLIES - EQUIP	77.90
ROWLEYS WHOLESale	1216050-00	VEH MAINT - DPW	75.60
SOUTHERN COMPUTER WAREHOUSE	673548	SUPPLIES - IT	318.80
STANDARD ELECTRIC CO	4035521-01	MAINT - LIGHTS	225.57
STANDARD ELECTRIC CO	4035604-00	MAINT - BOAT HARBOR	29.72
STANDARD ELECTRIC CO	4035940-00	MAINT - LIGHTS	17.12
STANDARD ELECTRIC CO	4035951-00	MAINT - LIGHTS	45.92
STANDARD ELECTRIC CO	4035973-00	MAINT - LIGHTS	42.04
STANDARD ELECTRIC CO	4036158-00	MAINT - LIGHTS	42.04
STANDARD ELECTRIC CO	4036220-00	MAINT - LIGHTS	42.04
STRALEY LAMP & KRAENZLEIN PC	32840	MONTHLY FEE 01/21	6,075.00
STRYKER SALES CORP	03265967	CARDIAC MONITOR MAINT - FIRE/EMS	316.00
STRYKER SALES CORP	03267669	CARDIAC MONITOR MAINT - FIRE/EMS	316.00
STRYKER SALES CORP	03280976	CARDIAC MONITOR MAINT - FIRE/EMS	316.00
STRYKER SALES CORP	03281005	CARDIAC MONITOR MAINT - FIRE/EMS	2,136.00
STRYKER SALES CORP	03292079	CARDIAC MONITOR MAINT - FIRE/EMS	316.00
SUEZ WATER ENVIRONMENTAL SERVICES	202142282	CONT OPERATIONS 02/21	127,550.44
SUEZ WATER ENVIRONMENTAL SERVICES	202142357	CONT OPERATIONS 02/21	25,278.65
SUPERIOR FABRICATING INC	15435	SUPPLIES - FIRE/EMS	1,708.00
SUPERIOR IMAGE CLEANING	030121	CITY CUSTODIAL SERVICES	2,740.16
TELNET WORLDWIDE	216768	TELEPHONE	349.54
TERMINAL SUPPLY CO	21967-00	VEH MAINT - DPW	159.62
THE ALPENA NEWS	DC1107 02/21	PUBLISHING/ADVERTISING	690.70
THE ALPENA NEWS	LC1107 02/21	PUBLISHING/ADVERTISING	88.15
THE MACOMB GROUP INC	6137623	WATER PRODUCTION PLANT FILTERS	3,750.00
THE UPS STORE 5054	030421	SHIPPING FEES	40.06
THOMPSONS LINEN SERVICE	70483 02/21	RUGS/UNIFORMS/SUPP-CH/CEM/PSF/PW/PK:	651.49
THUNDER BAY ELECTRIC INC	229629	CONTRACTUAL SERVICE	97.64
THUNDER BAY ELECTRIC INC	229651	MAINT - LIGHTS	865.61
THUNDER BAY ELECTRIC INC	229667	MAINT - CITY HALL	379.50
TRUE NORTH RADIO NETWORK	21020265	ADVERTISING - DDA	300.00
VISA/ELAN FINANCIAL SERVICES	1790 03/21	TRAVEL EXPENSE - POLICE	448.63
VISA/ELAN FINANCIAL SERVICES	3610 03/21	SUPP/PROMO/UTIL - DDA	300.05
VISA/ELAN FINANCIAL SERVICES	5087 03/21	LOG-IN - MGR	15.89
VISA/ELAN FINANCIAL SERVICES	6116 03/21	UNIF/SUPP/MAINT/FOOD/SERV/VEH TRACKE	1,434.28
WAL-MART	015627	SUPPLIES - CH/PW	32.70
WEINKAUF PLUMBING & HEATING INC	12197	MAINT - PUBLIC SAFETY BLDG	1,896.25
WEX BANK	70593572	GAS/FUEL-POL/FIRE/EMS/EQ/SUEZ	1,449.02
WITMER PUBLIC SAFETY GROUP	E2050011.001	SUPPLIES - FIRE/EMS	208.77
WOLVERINE POWER SYSTEMS	0205737-IN	MAINT - FIRE/EMS	815.37

Total:

358,960.72

# BUDGET AMENDMENT REQUEST

7.B.

FUND: 101 - General Fund  
 DEPARTMENT: 170 - General  
 PROJECT: \_\_\_\_\_

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
101-170-970.000	Capital Outlay	0	\$6,148	\$6,148

## Justification for Budget Amendment

\_\_\_\_\_  
 Took advantage of a cost-share program through the Bureau of Elections for an additional tabulator. With the expected  
 \_\_\_\_\_  
 increase in voter turnout for the November 2020 election, Anna Soik made the decision to move forward with the  
 \_\_\_\_\_  
 purchase as there was a short deadline to apply. This amount will be taken from fund balance.  
 \_\_\_\_\_

## Michigan Uniform Accounting and Budget Act:

\*\* Requires budget amendments before any expenditures exceed the budget.

\*\* The City Manager and City Clerk/Treasurer/Finance Director are authorized by the Municipal Council to make budgetary transfers within the departments established through this budget. All transfers between departments or funds or from fund balance may be made only by further action of the Municipal Council.

Department Head \_\_\_\_\_ Date \_\_\_\_\_

*Anna Soik* 3/8/21

Clerk/Treasurer \_\_\_\_\_ Date \_\_\_\_\_

*[Signature]* 3/8/2021

City Manager \_\_\_\_\_ Date \_\_\_\_\_

City Council \_\_\_\_\_ Date \_\_\_\_\_

# BUDGET AMENDMENT REQUEST

FUND: General Fund

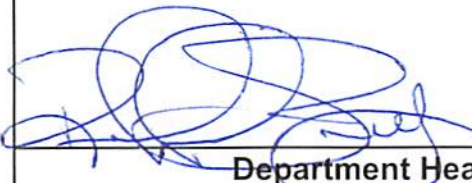
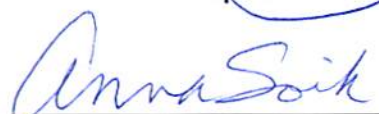
DEPARTMENT: General


7.C.

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
101-170-970-000	Capital outlay	\$29,443.00	\$3,602.90	\$33,045.90
				\$0.00
Fund Balance	General Fund Balance		(\$3,602.90)	(\$3,602.90)
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

## Justification for Budget Amendment

Additional work for the security upgrades for the clerk's office

  
 Department Head      Date 3-5-2021  
  
 Clerk-Treasurer      Date 3/5/21

  
 City Manager      Date 3-5-2021  
 City Council      Date

7.D.

3/15/2021

	NAME	BOARD	TERM	New Ex. Date	APPT AUTH
Reappoint	Steve Wilson	Harbor Advisory Committee	3	4/1/2024	City Council






# Memorandum



Date: March 8, 2021

To: Mayor and City Council Members

Copy: Rachel Smolinski, City Manager  
Anna Soik, City Clerk/Treasurer/Finance Director

From: Rich Sullenger, City Engineer 

Subject: Suez Contract Compensation Adjustment

Per our contract with SUEZ, for operation of the water and sewer utility, they can request a contract modification when new regulations result in increased cost to the utility and their operational costs. This is the case with the language added to our National Pollution Elimination Discharge System, NPDES, permit. EGLE has added language requiring the utility to develop and implement a pollutant minimization and source elimination program for PFOS-PFOA. The cost increase to the utility for the testing needed will add approximately \$4,400.

Based on the attached memorandum from Mike Glowinski, Utility Manager from SUEZ, it is my recommendation, as City Engineer, that City Council approve the requested to increase SUEZ' Operation and Maintenance Budget by \$4,400.





Alpena Water/Wastewater Utility  
210 Harbor Drive  
Alpena, MI 49707

P 989 354 4891  
F 989 354 8472  
Michael.glowinski@  
suez.com

## MEMO

Date: March 4, 2021

To: Rich Sullenger

From: Mike Glowinski

Subject: Water Recycling Plant Budget Increase

In 2019 EGLE added language to the Alpena Water Recycling Plant (WRP) National Pollutant Elimination System (NPDES) Permit that has increased annual analytical costs. The language required the development and implementation of a Pollutant Minimization and Source Evaluation Program for PFOS-PFOA. The plan requires semi-annual analysis of all 28 PFAS parameters from four locations at a cost of \$2,200 each sampling interval. The sample locations are the WRP influent and effluent, the Alpena CRTS and the abandoned tannery on Johnson Street.

The contract between the City and Suez allows for adjustments to the annual O&M budget allotment when new regulations result in an increase in expenses. We would like to request a \$4,400 increase in the WRP O&M Budget to cover this increase analytical cost. The increase will raise the WRP annual O&M Budget from \$89,500 to \$93,900. Please let us know if you need additional information




# Memorandum

Date: March 8, 2021

To: Mayor and City Council Members

Copy: Rachel Smolinski, City Manager  
Anna Soik, City Clerk/Treasurer/Finance Director

From: Rich Sullenger, City Engineer 

Subject: Lift Station Telemetry Proposal Recommendation

On March 1, 2021, the City received and opened proposals for the Lift Station Telemetry Project. This project will install remote monitoring and limited control of the Lift Station systems in fourteen existing lift stations within the City controlled collection system. Currently, six of these stations have no working monitoring system, and the other seven stations have analog phone monitoring equipment which is failing and cannot be replaced in kind once it fails. This analog system also has a yearly cost of over \$7,100.

Bid documents were sent to 8 (eight) firms, plan rooms and posted on the City's Website with 6 (six) proposals received as listed below:

	Base Bid	Alternate 1	Alternate 2	Alternate 3	Alternate 4	
	Monitoring Alarms	Yearly Contract Monitoring	Add VEGA Level Sensors	Add PLC Pump Controls	Install New Pump Controls	Base w/ Alt 1-3
Thunder Bay Electric	\$67,045.00	\$7,560.00	\$13,370.00	\$38,542.00	\$366,156.00	\$126,517.00
Tempest Enterprises		\$0.00				\$149,151.76
Perceptive Controls	\$144,200.00	\$0.00	\$7,600.00		\$791,791.00	\$151,800.00
Jett Pump and Valve	\$141,911.22	\$6,363.64	\$154,197.82			\$296,109.04
J Ranck Electric	\$303,950.00	\$7,560.00	\$41,103.00	\$81,915.00	\$463,225.00	\$426,968.00
Wood PLC	\$390,656.85	\$1,850.00	\$14,291.76	\$130,353.86		\$535,302.47

Most of the companies preformed a comprehensive site walkthrough and had a very thorough understanding of the scope of work requested. It was during these meetings that multiple companies suggested the original scope of work to be altered to include prices for upgrading the existing level controllers and rudimentary operational controls.

Suez, the facilities operators, have a worldwide purchasing discount for one of the components, a VEGA level sensor. Using Suez to purchase these sensors will result in a significant cost savings for the project. For this reason, we requested prices for the alternate with the City supplying the level control sensor. Suez's cost for the sensors totals \$7,411.34.

Staff evaluated the proposals and called for clarifications from several vendors. As part of the reviews, staff also considered the ongoing system cost for the project. While Thunder Bay Electric is the lowest proposed cost, their yearly monitoring cost is more than we are currently paying. The second lowest proposal from Tempest Enterprises has no annual cost associated with the system. At the current rate proposed by Thunder Bay Electric for monitoring, the City could recover the price difference between the two proposals over the next three to four years. Staff was in contact with Tim at Thunder Bay Electric to explain the situation and he understood our rationale for not recommending their proposal.

The proposed Tempest system builds on the City's existing system installed by their company as part of the Water Production Plant SCADA project in 2020. The new telemetry system will utilize the existing radio system at the Water Production Plant to relay information from the lift stations to the Water Recycling Plant. To date, the operators at the Water Production Plant have had no issues with the system.

During their site visit, Tempest noted a few of the controller boxes were deficient. There are also a couple of the starters which should be changed due to their current age and condition. Prices for these items were included as optional additions to their proposed prices. We anticipate no more than six stations needing this additional work and should not exceed \$14,293.20. The base bid total of \$149,151.76, plus this additional \$14,293.20 work will bring their contract total to \$163,444.96.

Funding has been established in the Sewer Fund across both this and next fiscal year in the amount totaling \$175,000.

It is my recommendation, as City Engineer, that the Lift Station Telemetry project be awarded in accordance with the attached proposal to Tempest Enterprises, LLC for the cost not to exceed the amount of \$163,444.96. I also recommend City Council authorize Suez to procure the VEGA Level Sensors per their discounted pricing totaling \$7,411.34.

## Attachments



# TEMPEST

## ENTERPRISES, L.L.C.

### CONTROLS ENGINEERING

3213 Forest Rd  
Gaylord, MI 49735

Engineers: Brian Theriault / Dan Dowling  
(989) 390-5008 / (989) 370-1454  
Fax: (989) 732-5760

[BrianT@TempestEnterprises.com](mailto:BrianT@TempestEnterprises.com) / [DanD@TempestEnterprises.com](mailto:DanD@TempestEnterprises.com)  
[www.TempestEnterprises.com](http://www.TempestEnterprises.com)

Date: 3/1/2021

Company: City Of Alpena

Project: Waste Water Treatment Lift Station Upgrades

<b>Scope Of Work:</b>	<p>Design and Engineer all components needed to reliably communicate with all 15 existing lift stations. The design shall include new PLC's at all sites to control the pumps, read the current tank level, read all current input signals, and be expandable to add additional analog signals in the future. (Examples: Flow Meters and Pressure Monitors). All lift stations will communicate via radio, on the existing Water Treatment Plant Network, or Fiber if it is installed at their locations. All alarms will be available via call-out and text as determined necessary. All alarms will also be visible via (1) new operator interface to be located at the Waste Water Plant. Tempest shall dismantle and remove all pre-existing equipment during the upgrade.</p> <p>Note:</p> <ol style="list-style-type: none"> <li>1. This quotation assumes all fiber located at the current lift stations is in working order, is terminated to SC receptacles, and can be traced down and utilized. The city shall provide Tempest with a contact who has knowledge of the Fiber network and make them available for tracing required components.</li> <li>2. All lift station hardware and programming is to be prepared to accept Level Transmitters that are to be supplied by others.</li> <li>3. The "As Needed / Optional Upgrade Costs Per Addendum #1" items listed at the bottom of this quotation are based on an "Up To" cost. Hardware was specified based on the largest Lift Station Pump size and an enclosure specified to house all required controls components. Tempest acknowledges based on the multitude of current pump and enclosure sizes, costs will vary depending on the replacement hardware required.</li> </ol>
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Labor Costs			
Item #	Labor Description	Type	Line Item Total
1.0	System Engineering and Design	Per Project	\$ 3,600.00
2.0	AutoCAD Documentation and Updates	Per Project	\$ 2,700.00
3.0	PLC and HMI Programming	Per Project	\$ 14,640.00
4.0	Onsite Installation Support, Commissioning, and Operations Training	Per Project	\$ 27,120.00
5.0	Onsite Commissioning and Testing Of Pre-Existing Networking Devices	Per Project	\$ 4,320.00
6.0	Electrical Contractor Installation	Per Project	\$ 10,625.00
<b>Labor Sub-Total:</b>			<b>\$ 63,005.00</b>

Hardware Costs			
Item #	Hardware Description	Type	Line Item Total
1.0	Lift Station PLC, I/O Modules, Intrinsic Barriers, and Operator Interfaces	Per Project	\$ 38,322.85
2.0	Lift Station Motor Starter Relays and HOA Switches	Per Project	\$ 2,334.75
3.0	Lift Station Panel Components (UPS, Relays, Power Supply, Termination Hardware, Panel Heater)	Per Project	\$ 7,092.46
4.0	Waste Water Treatment Plant Operator Interface, Panel, and Circuit Protection	Per Project	\$ 4,922.95
5.0	All Locations Fiber to Ethernet Convertors and Fiber Networking Components	Per Project	\$ 2,966.01
6.0	Radio Network Components - All Sites Required	Per Project	\$ 30,507.75
<b>Hardware Sub-Total:</b>			<b>\$ 86,146.76</b>

<b>Project Total:</b>			<b>\$ 149,151.76</b>
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As Needed / Optional Upgrade (Up To) Costs Per Addendum #1			
Item #	Description	Type	Line Item Total
1.0	Qty: 1 Replacement Motor Starter with Overloads (up to 20HP) Including Labor	Per Pump	\$ 1,022.20
2.0	Qty: 1 Replacement Controls Enclosure (up to 24" x 24" x 10") Including Labor	Per Site	\$ 1,360.00



# City of Alpena

Bid Name: 2021 City of Alpena Lift Station Telemetry

Bid Open Date: 03/01/2021 @ 2:00 p.m.

Bidder	Addendum	Bid Security	Base Bid	Remarks
JETT Pump & Valve, L.L.C. Waterford, MI	#1	N/A	\$ 141,911.22	Alt #1 1104.13 Controllers
Wood PLC Lansing, MI	#1	N/A	\$ 390,656.85	Alt #1 Controllers
Tempest Enterprises, LLC Gaylord, MI	#1	N/A	\$ 149,151.76	Alt #1 \$1022.20 / Pump Station Controllers \$1360.00 / Pump Station
Thunder Bay Electric, Inc Alpena, MI	#1	N/A	\$ 67045	Alt #1 13370+38542 Controllers \$366.156
J Ranck, Inc Mt Pleasant, MI	#1	N/A	\$ 303950	Alt #1 41103+8195 Controllers 463,225
Perceptive Controls Plainwell, MI	#1	N/A	\$ 144,200	Alt #1 151800 Controllers 264,913

Unofficial – “As-Read” Results – Subject to Verification

Bids Due: February 22, 2021  
Time: 2:00 p.m.

**BID LIST**  
**2021 City of Alpena Lift Station Telemetry**

Kendall Electric  
1240 US 23 North  
Alpena, MI 49707  
Ph: 989-356-3411  
Fax: 989-356-1138  
Greg Springs  
[salesalp@kendallelectric.com](mailto:salesalp@kendallelectric.com)

Omega Electric  
1109 Crittenden Drive  
Alpena, MI 49707  
Ph: 989-358-8243  
[Omegaelectric1@gmail.com](mailto:Omegaelectric1@gmail.com)

Thunder Bay Electric  
1693 M-32 West  
Alpena, MI 49707  
Ph: 989-354-2840  
[vickie@thunderbayelectric.com](mailto:vickie@thunderbayelectric.com)

Tempest Enterprises  
3213 Forest Rd.  
Gaylord, MI 49735  
Ph: 989-390-5008  
[BrianT@TempestEnterprises.com](mailto:BrianT@TempestEnterprises.com)

AE2S/EIM  
Matt Tolan – Project Estimator  
Ph: 989-464-5013  
[Mtolan7698@gmail.com](mailto:Mtolan7698@gmail.com)  
Bruce Caudill – Senior Project Manager  
Ph: 906-287-1173  
[Bruce.Caudill@eimcompany.us](mailto:Bruce.Caudill@eimcompany.us)

FDS Engineering & Electrical Services  
617 N. Stephenson Ave.  
Iron Mountain, MI 49801  
[carl@fds-engineering.com](mailto:carl@fds-engineering.com)  
Ph: 906-239-9221

Control Solutions  
Jeff Kauffman  
Branch Manager-Northern MI  
O: 989-379-2404  
M: 989-255-3139  
[jkauffman@controlyourbuilding.com](mailto:jkauffman@controlyourbuilding.com)  
  
AWC (American Widget Company)  
Cory Lancaster  
122 S. Ripley St.  
Alpena, MI 49707  
Ph: 989-916-5980  
[cory@americanwidget.com](mailto:cory@americanwidget.com)




# Memorandum

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Date: March 10, 2021

To: Mayor and City Council Members

Copy: Rachel Smolinski, City Manager  
Anna Soik, City Clerk/Treasurer/Finance Director

From: Rich Sullenger, City Engineer 

Subject: Bay View Park Restroom Facilities

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The City has been planning on replacing the bathrooms removed on Harbor Drive, with new restroom facilities located in Bay View Park near the bandshell and the Kiddie Park. During the Capital Improvement Plan review by City Council and the Planning Commission, the development of these new facilities was requested to become a priority. To that end, staff has been working on the information necessary to pursue a Michigan Department of Natural Resources Trust Fund Grant to assist in funding this project. MDNR Trust Fund applications are due on April 1, 2021, for potential funding of the project in mid to late 2022.

The project we are proposing is to develop a new restroom facility with adequate capacity to meet the needs of attendees at various events which take place at both the Marina and within Bay View Park. The old restroom on Harbor Drive had limited facilities and was not ADA compliant. With the new facility we will accomplish ADA compliance and be more accessible to event attendees who will now not have to cross a street to access them.

Unfortunately, restroom facilities are not inexpensive to build when we target developing them for long term durability and ease of maintenance. The construction estimate for these new restrooms has been established at \$912,200. If successful with the MDNR Trust Fund Grant, we could obtain up to \$300,000 in funding towards this project. The City would be responsible for the balance of the funding or \$612,200 of which \$391,000 would be in construction related costs and \$221,200 in engineering and contingency funds. The site plan and conceptual drawing of the proposed facilities are attached for information purposes.

If City Council concurs with staff pursuing the project and MDNR Trust Fund money, the attached resolution will need to be adopted. This must be submitted with and as part of the application.

Attachments



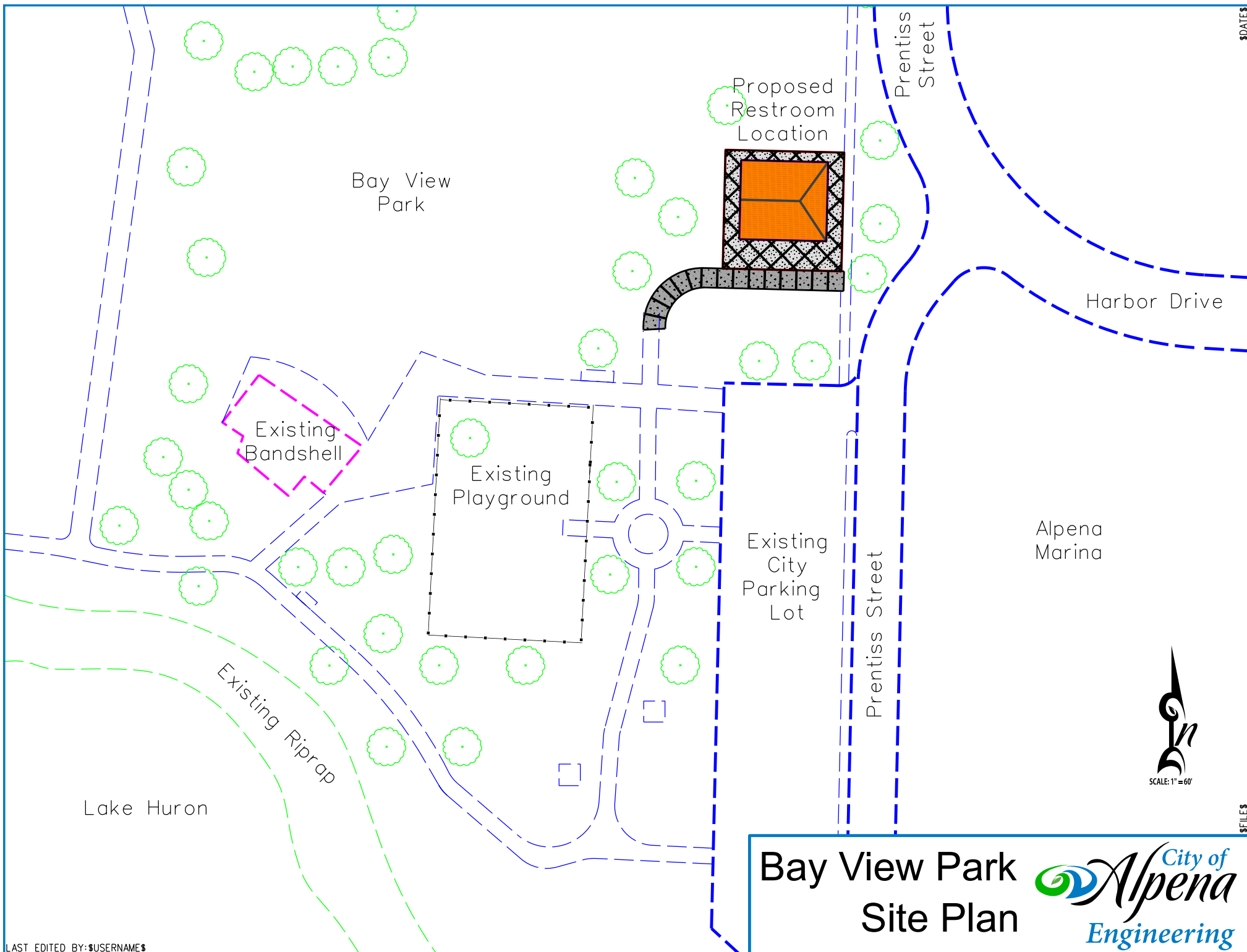


# Bayview Park Restrooms

## Engineer's Opinion of Cost

Restrooms/Pavilion	\$550,000
Sitework/Restoration	\$12,500
Concrete Surface	\$55,000
Lighting	\$10,000
Security Cameras	\$10,000
Benches	\$7,500
Water Tap	\$5,000
Sewer Tap	\$4,000
Electrical Service	\$10,000
Picnic Tables	\$8,000
Pedestal Picnic Tables	\$5,000
Landscaping	\$10,000
Permits	\$4,000
<b>Total</b>	<b>\$691,000</b>
10% Contingencies	\$69,100
<b>Total</b>	<b>\$760,100</b>
Design Engineering	\$83,000
Construction Engineering (10%)	\$69,100
<b>Grand Total</b>	<b>\$912,200</b>









**RESOLUTION 2021-03**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A MDNR TRUST FUND GRANT FOR DEVELOPMENT OF BAY VIEW PARK FACILITIES IMPROVEMENT**

**WHEREAS**, the City of Alpena Municipal Council supports the submission of an application titled “Bay View Park Facilities Improvement” to the MDNR Trust Fund for development of public facilities at Bay View Park; and

**WHEREAS**, the proposed application is supported by the Community’s 5- Year Approved Parks and Recreation Plan; and,

**WHEREAS**, the City of Alpena is hereby making a financial commitment to the project in the amount of \$612,200 matching funds, in cash and/or force account; and,

**NOW THEREFORE, BE IT RESOLVED** that the City of Alpena Municipal Council submission of a MDNR Trust Fund Application for \$300,000, and further resolves to make available its financial obligation amount of \$612,200 (67%) of a total \$912,200 project cost, during the 2022-2023 fiscal year.

\_\_\_\_\_ moved the adoption of the above resolution, seconded by \_\_\_\_\_.

Ayes:

Nays:

Absent:

Resolution declared adopted.

I, Anna Soik, City Clerk of the City of Alpena, **DO HEREBY CERTIFY** that the above is a true copy of a resolution adopted by the Municipal Council at a regular meeting held on March 15, 2021.

Anna Soik  
City Clerk






# Memorandum

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Date: March 10, 2021

To: Mayor and City Council Members

Copy: Rachel Smolinski, City Manager  
Anna Soik, City Clerk/Treasurer/Finance Director

From: Rich Sullenger, City Engineer 

Subject: Culligan Plaza – Recreation Passport Grant

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Some time ago, Cindy Johnson and Doug Pratt adopted Culligan Plaza in an effort to make some improvements, update it, and make it more of a destination for the downtown. It became evident that it needed more than just a facelift and they began to work with local partners including Mike Mahler, who sits on the First Federal Foundation Board. He explained that there may be some funding available through the Foundation. Further discussion with City staff led to the agreement that the entire Plaza needed a full upgrade due to the crumbling bricks, cracked and heaving concrete, leaking irrigation, as well as the dated design. When estimates were assembled, it was determined that additional funding was needed because this had become a capital project.

This project fits well into the Michigan DNR Recreation Passport Grant as eligible projects include public picnic type areas with an emphasis on renovation of existing facilities. The maximum requested amount is \$150,000 with at least a 25% local match, though more is encouraged for a stronger application.

Existing and preliminary design sketches are attached, as well as the proposed estimate. The primary improvement will be removing the stairs and depressed fountain to create a universally accessible area and replace the fountain with a more updated, round design. In addition, the entire concrete surface will be replaced and several park amenities will be added as shown. The total project is estimated at \$294,026.25.

We anticipate asking for \$150,000 from the Passport Grant with the City committing \$50,000 and the additional match funds will come various community partners. The First Federal Foundation, which is still interested in investing in the project, has committed to funding a portion. We are planning a fundraising campaign using Patronicity, where they will match the funds if we raise our targeted amount. We intend to discuss funding options with the Community Foundation for Northeast Michigan. Further, we may investigate selling logo placement on the umbrella tables for local businesses in the downtown. Anne Gentry, DDA Executive Director, has also been in discussions regarding this project, she supports it and believes that the DDA may also be able to offer some funding. We believe

that the combination of some, or all, of these efforts will help us reach the 50% match for the overall project.

Applications are due April 1, 2021 for the Recreation Passport Grant. I recommend, as City Engineer, that City Council pass a resolution and direct staff to prepare and submit the application for the Recreation Passport Grant for the Culligan Plaza Project. As the alternative funding is still not committed, we are requesting that City Council commit the needed match funds of \$144,026.25 at this time to submit the application.

Announcement of awards is expected in November 2021. Upon approval, staff will begin working with the community partners to commit the remaining funding necessary for the match and assemble the application.

Attachments



























# Culligan Plaza Upgrades

## Engineer's Opinion of Cost

Item Code	Description	Units	Quantities	Unit Price	Extension
1500001	Mobilization, Max	LSUM	1	\$15,000.00	\$15,000.00
2020004	Tree, Rem, 6 inch to 18 inch	Ea	6	\$250.00	\$1,500.00
2030011	Dr Structure, Rem	Ea	1	\$500.00	\$500.00
2040010	Conc Barrier, Rem	Ft	225	\$11.00	\$2,475.00
2040045	Masonry and Conc Structure, Rem	Cyd	66	\$90.00	\$5,940.00
2040055	Sidewalk, Rem	Syd	515	\$10.00	\$5,150.00
2040070	Utility Pole, Rem	Ea	4	\$500.00	\$2,000.00
2047050	Bench, Rem	Ea	5	\$500.00	\$2,500.00
2080014	Erosion Control, Filter Bags	Ea	5	\$600.00	\$3,000.00
2090001	Project Cleanup	LSUM	1	\$10,000.00	\$10,000.00
3010002	Subbase, CIP	Cyd	166	\$10.00	\$1,660.00
4027001	Sanitary Sewer Service, SDR 35, 6 inch, Tr Det B2	Ft	60	\$60.00	\$3,600.00
4027001	Sewer, CI A, Sch40 PVC, 8 inch, Tr Det B2	Ft	100	\$75.00	\$7,500.00
4037050	Dr Structure, 24 inch dia, with Cover and Casting, Special	Ea	2	\$2,500.00	\$5,000.00
6027001	Footing, Conc, Reinf, 42 inch x 12 inch	Ft	32	\$50.00	\$1,600.00
6027011	Concrete Surface, Reinf, 8 inch	Syd	23	\$150.00	\$3,450.00
7067051	Fountain and Tree Stand, Adjust	LSUM	1	\$30,000.00	\$30,000.00
8027001	Amenities, Fountain Seat Wall, 36 inch	Ft	60	\$250.00	\$15,000.00
8030046	Sidewalk, Conc, 6 inch	Sft	3650	\$8.00	\$29,200.00
8037010	Sidewalk, Colored Conc, 6 inch, Stamped	Sft	1825	\$16.00	\$29,200.00
8107051	Sign, Remove and Salvage	LSUM	1	\$500.00	\$500.00
8080007	Fence, Protective Construction Barrier	Ft	350	\$8.00	\$2,800.00
8120026	Pedestrian Type II Barricade, Temp	Ea	2	\$125.00	\$250.00
8157050	Park Amenities, Picnic Table w/ Umbrella	Ea	10	\$1,500.00	\$15,000.00
8157050	Park Amenities, Planter Box, Metal, 4 foot x 4 foot	Ea	4	\$2,500.00	\$10,000.00
8197001	Conduit and Wiring	Ft	600	\$8.00	\$4,800.00
8197050	LED Bollard Fixture with Elect Outlet/Charging Port, Pole and Base	Ea	6	\$3,000.00	\$18,000.00
8197050	Electrical and Fountain Control Panel w/ Base and Support	Ea	1	\$10,000.00	\$10,000.00
8197050	Electrical Service for Temporary Event Power	Ea	3	\$3,000.00	\$9,000.00
8237001	Water Service, Copper, 1 1/2 inch, Tr Det G	Ft	110	\$55.00	\$6,050.00
8247051	Contractor Staking	LSUM	1	\$5,000.00	\$5,000.00

Total Construction Cost: \$255,675.00  
 Engineering and Design: \$12,783.75  
 10% Contingencies: \$25,567.50  
 Project Total: \$294,026.25

**RESOLUTION NO. 2021-04**

**RESOLUTION AUTHORIZING SUBMISSION OF A RECREATION PASSPORT  
GRANT APPLICATION FOR THE CULLIGAN PLAZA RECONSTRUCTION  
PROJECT**

**WHEREAS,** Culligan Plaza is identified as a city park in the 2021-2025 City of Alpena Recreation Plan; and

**WHEREAS,** planned improvements to Culligan Plaza are identified in the City's six-year Capital Improvement Plan; and

**WHEREAS,** the City is seeking a Recreation Passport grant from the Michigan Department of Natural Resources in the amount of \$150,000 to assist in financing the Culligan Plaza Reconstruction Project (total estimated project cost is \$294,026); and

**WHEREAS,** the City has provided an opportunity for the public to comment on the proposed project.

**NOW THEREFORE, BE IT RESOLVED,** that the proposed Starlite Beach Improvements II project as specified in the MDNR application will be undertaken if the grant is awarded and the City commits a local match of \$144,026 from the City of Alpena General Fund:

**BE IT FURTHER RESOLVED,** that the application be authorized for submission to the MDNR and the Mayor be directed to sign all necessary documents on behalf of the City Council.

Councilmember \_\_\_\_\_ moved to adopt the above resolution, seconded by Councilmember \_\_\_\_\_.

Ayes:

Nays:

Absent:

Resolution declared adopted.

I, Anna Soik, City Clerk of the City of Alpena, **DO HEREBY CERTIFY** that the above is a true copy of a resolution adopted by the Municipal Council at a regular meeting held March 15, 2021.

Anna Soik  
City Clerk






Alpena Fire Department  
Alpena County EMS  
501 W Chisholm Street  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

14.F.

**Fire/EMS**

To: Honorable Mayor Waligora & Municipal Council  
From: Bill Forbush, Fire Chief   
Date: March 9, 2021  
Re: 4<sup>th</sup> of July Fireworks

Once again it is time to prepare for the Alpena 4<sup>th</sup> of July Fireworks show. As you know, the City holds the DNR and USCG licenses for the event, but all funding is provided by the community through Chamber of Commerce fundraising efforts.

For many years, Wolverine Fireworks of Kawkawlin, Michigan has served as our contractor for the 4<sup>th</sup> of July fireworks show. Their contract expired last year we would like to establish a new 3-year contract with Wolverine under the same terms and pricing without re-bidding.

The reason for this unusual request is that the fireworks operation is quite sophisticated, and we have developed a good working relationship with the onsite pyrotechnics technicians that produce the show. There are a myriad of safety requirements and Wolverine has been very cooperative and compliant with all such regulations and requests. We have used a couple of other vendors in the past, and in both cases suffered accidents and even injuries. Because of the shooting location and crowds expected, public safety is paramount. Any miscalculation or safety lapse could injure or kill hundreds of citizens and expose the City to significant liability.

In that no City funds are used to pay for the fireworks show, the purchasing requirements of Council Policy Statement 18 may not be applicable. We are recommending that Council authorize the attached three-year contract at the same pricing and terms ensuring that the 4<sup>th</sup> of July fireworks proceed on schedule (subject to COVID-19 restrictions in effect at that time).

Thank you for your consideration.







# Wolverine FIREWORKS

205 West Seidlers Rd. • Kawkawlin, MI 48631  
Phone: 989.662.0121 • Fax: 989.662.0122

Display, Inc.

Visit us at [www.wolverinefireworks.com](http://www.wolverinefireworks.com)

## THREE YEAR DISPLAY CONTRACT

To engage the services of Wolverine Fireworks Display, Inc., as vendor and display Operator.

This agreement, between **City of Alpena** hereafter called "Sponsor" and Wolverine Fireworks Display, Inc., 205 W. Seidlers Road, Kawkawlin, MI, 48631, hereafter called "Professional" is made as follows.

In consideration of the mutual covenants and promises as set forth in this agreement, Sponsor and Professional agree as follows:

**A:** Professional agrees to provide Sponsor with the amount, size, and type of fireworks as described in proposal #1 submitted to Sponsor 1/14/21, 2022 and 2023. Proposal will be adjusted each year in accordance with any changes in price of product and/or services.

**B:** Professional agrees to provide Sponsor with labor for 7/4/2021, \_\_\_\_ / \_\_\_\_ / 2022 and \_\_\_\_ / \_\_\_\_ / 2023 fireworks display Alpena City Park.

**C:** Professional agrees that Sponsor will be named as an additional insured on the liability insurance policy of Professional for the display referenced in this agreement. The liability insurance policy of Professional shall have limit of \$10,000,000.00.

**D:** Professional and Sponsor agree that if display is cancelled due to inclement weather, as mutually agreed upon between Professional and Sponsor, Sponsor will be charged fixed costs in the amount of \$4,875.00 per day, and not for unused fireworks package. Inclement weather date \_\_\_\_ / \_\_\_\_ / 2021, \_\_\_\_ / \_\_\_\_ / 2022 and \_\_\_\_ / \_\_\_\_ / 2023.

**E:** Sponsor agrees to pay Professional a deposit of \$ 4,875.00 by the first Monday of May each year.

<b>F:</b>	Fireworks:	\$ 14,820.00	
	Insurance:	\$ 2,340.00	
	Labor:	\$ 2,340.00	
	Total Show Cost:	<u>\$ 19,500.00</u>	
	Less Deposit (See "E"):	\$ (4,875.00)	
	Less Discount (Taken from cost of fireworks):	\$ -	\$1,037.40 Taken in extra fireworks
	Plus Sales Tax:	\$ -	
	Total Balance Due:	<u>\$ 14,625.00</u>	

**G:** Sponsor agrees to pay balance within 10 days after show date or be subject to one and one-half (1 1/2 %) percent, per month, interest, plus all attorney fees and costs incurred by Professional in obtaining a payment on any unpaid balance.



# Wolverine FIREWORKS

205 West Seidlers Rd. • Kawkawlin, MI 48631  
Phone: 989.662.0121 • Fax: 989.662.0122

Display, Inc.

— Visit us at [www.wolverinefireworks.com](http://www.wolverinefireworks.com) —

## THREE YEAR DISPLAY CONTRACT CONTINUED

**H:** Sponsor agrees to procure and furnish a suitable place to display the fireworks in accordance with the NFPA 1123, and to secure all police, fire, and local and state permits, to arrange for any security bonds as required by law in its community. Sponsor agrees to furnish all necessary police and fire protection for the protection of Sponsor, individuals who work in or around the display, for proper crowd control, auto, parking and proper supervision.

**I:** Sponsor agrees to indemnify, hold harmless and defend Professional from and against any and all liability, claims, damages, losses, expenses and costs, including attorney fees, that arise out of the display which is the subject of this agreement, regardless if such liability is due in part to the negligence, fault or breach of warranty on the part of Professional, or is alleged to be due to the negligence, fault, or breach of warranty on the part of Professional, excepting any liability which is due to the sole negligence of Professional.

**J:** Sponsor agrees that Professional may cancel this Contract at any time if in its sole discretion it is unable to obtain satisfactory liability insurance at a cost satisfactory to Professional and, in that event, Sponsor shall remain responsible to Professional for any amounts owed to Professional up to the date of such cancellation.

**K:** Professional agrees that Sponsor will be exempt from contract with no penalty if display is cancelled due to lack of funds before deposit is paid on or before the deposit due date. If display is cancelled by sponsor after deposit is paid but prior to 30 days before the display, Sponsor will forfeit 25% of deposit. If display is cancelled by Sponsor 30 days prior to display or after, Sponsor will forfeit 100% of deposit.

Sponsor \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

Professional Jennifer Campbell \_\_\_\_\_ Date 1/14/21

Witness [Signature] \_\_\_\_\_ Date 1-14-21





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**City of Alpena**  
**7/4/2021**  
**\$19,500.00 Proposal**  
**Include Insurance & Labor**

**Main Body**

120	3"	Lidu Assorted Shells Time Chained 10/1
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**Total**  
**120**

72	4"	Lidu Assorted Shells "B" Time Chained 6/1
72	4"	Lidu Assorted Shells "A" Time Chained 6/1

**Total**  
**144**

36	5"	Gold Pyro Assorted Shells
54	5"	Sunny Assorted Shells
36	5"	Lidu Assorted Shells w/Tails

**Total**  
**126**

60	6"	Lidu Assorted Shells Time Chained 4/1
27	6"	Lidu Assorted Shells "B" w/Tails
27	6"	T-Sky Assorted Shells

**Total**  
**114**

4	8"	Vulcan Assorted Shells
4	8"	Shénma Assorted Shells

**Total**  
**8**



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**Display, Inc.**

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**City of Alpena**

**7/4/2021**

**\$19,500.00 Proposal**

**Include Insurance & Labor**

## **Finale**

2	25 Shot	1.5" Double Break Shells
2	36 Shot	2.5" RWB Peanut Salute
2	25 Shot	3" Mixed Colored Cake
144	3"	Lidu Color and Report Finale Chained 12/1
144	3"	Titanium Salute Finale Chained 12/1
108	4"	US Designer Color and Report Finale Chained 6/1
60	4"	Red, White and Blue Shells Chained 6/1

**ORDINANCE NO. 20-454**

AN ORDINANCE OF THE CITY OF ALPENA, MICHIGAN, AMENDING CHAPTER 18 – BUSINESSES, ARTICLE I. IN GENERAL, Sec. 18-1 PROHIBITION OF MARIHUANA BUSINESSES AND ESTABLISHMENTS WITH THE CITY - BY REPEAL OF SAME AND ADOPTION OF NEW LANGUAGE IN LIEU THEREOF.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, STATE OF MICHIGAN, AS FOLLOWS:

Chapter 18 - Businesses, Article I, Sec. 18-1 is hereby repealed in its entirety and in its place the following provisions are hereby adopted:

**CHAPTER 18. BUSINESSES**

**ARTICLE I. IN GENERAL**

**Sec. 18.1 MEDICAL MARIHUANA FACILITIES**

**1. Purpose, Intent, Relationship to Other Laws and City Liability and Indemnification**

**A. Purpose.**

The purpose of this ordinance is to implement the provisions of the Michigan Medical Marihuana Act, (MCL 333.26421 et seq.), the Michigan Marihuana Facilities Licensing Act (MCL 333.27101 et seq.) and the Marihuana Tracking Act (MCL 333.27901 et seq.), referred to herein as the "Acts", so as to protect the public health, safety, and welfare of the residents and patients of the city by setting forth the manner in which medical marihuana facilities can be operated in the city. Further, the purpose of this Ordinance is to:

1. Provide for a means of cultivation, processing, and distribution of medical marihuana to patients who qualify to obtain, possess, and use marihuana for medical purposes under the Acts;
2. Protect public health and safety through reasonable limitations on medical marihuana facility operations as they relate to noise, air and water quality, neighborhood and patient safety, security for the facility and its personnel, and other health and safety concerns;
3. Protect residential neighborhoods by limiting the location and the concentration of types of medical marihuana facilities to specific areas of the city;
4. Impose fees to defray and recover the cost to the city of the administrative and enforcement costs associated with medical marihuana facilities;
5. Coordinate with laws and regulations that may be enacted by the State addressing medical marihuana; and

6. To restrict the issuance of medical marihuana facility licenses only to individuals and entities that have demonstrated an intent and ability to comply with this Ordinance.

## **B. Legislative Intent.**

This Ordinance authorizes the establishment of medical marihuana facilities within the City of Alpena consistent with the Acts:

1. Medical marihuana cultivation and processing can have an impact on health, safety, and community resources, and this Ordinance is intended to permit medical marihuana cultivation and processing where it will have a minimal impact;
2. The regulations for medical marihuana facilities are not adequate at the State level to address the impacts on the city of the commercialization of medical marihuana, making it appropriate for local regulation of the impact of medical marihuana facilities on communities;
3. Nothing in this Ordinance is intended to promote or condone the distribution, or possession of marihuana in violation of any applicable State law;
4. This Ordinance is to be construed to protect the public over medical marihuana facility interests. Operation of a medical marihuana facility is a revocable privilege and not a right in the city. There is no property right for an individual or facility to engage or obtain a license to engage in medical marihuana as a commercial business in the city.

## **C. Relationship to Federal Law.**

As of the effective date of this Ordinance, marihuana is classified as a Schedule 1 controlled substance under Federal law which makes it unlawful to manufacture, distribute, cultivate, produce, possess dispense or transport marihuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under Federal law.

## **D. Relationship to State Law.**

As of the effective date of this Ordinance, as amended, and except as otherwise provided by the Acts; and this Ordinance, a City of Alpena licensee and its employees and agents who are operating within the scope of a valid State-issued operating license are not subject to criminal or civil prosecution under city ordinances regulating medical marihuana.

Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form, that is not in strict compliance with the Acts, all applicable rules promulgated by the State of Michigan regarding medical marihuana and all local laws, ordinances, rules and policies. Strict compliance with any applicable State law or regulation shall be deemed a requirement for the issuance or renewal of any license issued under this Ordinance, and noncompliance with any applicable State law or local law or regulation shall be grounds for revocation or nonrenewal of any license issued under the terms of this Ordinance.

## **E. City Liability and Indemnification.**

1. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the city, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility owners, operators, employees, clients or customers for a violation of local, State or Federal laws, rules or regulations.

2. By accepting a license issued pursuant to this Ordinance, all licensees, agree to indemnify, defend and hold harmless the city, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including, but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating facility, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a medical marihuana facility or use of a product cultivated, processed, distributed or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of a claimed violation of the Federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c).

3. By accepting a license issued pursuant to the Ordinance, a licensee agrees to indemnify, defend and hold harmless, the city, its officers, elected officials, employees, and insurers, against all liability, claims, penalties, or demands arising on account any alleged violation of the Federal Controlled Substances Act, 21.U.S.C. § 801 et seq. or Article 7 of the Michigan Public Health Code, MCL 33.7101 et seq.

## **2. Definitions.**

Through this Ordinance, the City of Alpena adopts all definitions contained in any of the State rules, regulations, statutes, administrative code, enacted for the purpose of regulating marihuana facilities.

## **3. Licensing of Medical Marihuana Facilities.**

Number of Permitted Facilities. The maximum number of each type of medical marihuana facility permitted in the city is as follows:

<b>Type of Facility</b>	<b>Number</b>
Grower	Unlimited
Processor	Unlimited
Provisioning Center	2
Safety Compliance Facility	Unlimited
Secure Transporter	Unlimited

1. No medical marihuana facility shall be eligible to be issued a license unless at the time of application for such license, the location of the proposed facility complies with the zoning and separation distances from other uses as set forth in the city zoning ordinance as

required for the specific type of medical marihuana facility for which licensure is being sought;

2. A licensee shall not operate a medical marihuana facility at any place in the city other than the address provided in the application on file with the City Clerk. Specifically, no medical marihuana facilities shall be allowed in the district or area known as the “Downtown Development Authority”, within 1,000 feet from a school or within 250 feet from a place of worship, daycare, addiction treatment center, youth facility (boys and girls club), McRae, Bay View, or Water Tower Parks and shall not be directly adjacent to Starlite Beach Park or Mich-e-ke-wis Park.

3. Any grower issued a license by the city may stack up to three Class C licenses at a single location without requiring any additional city licensing or approval, provided that the exterior of the existing structure where the facility is located will not require expansion. If expansion is required, the licensee must obtain all necessary permits and approval required for such expansion.

4. Provided further that any licensed grower in the city that holds anything less than a state issued Class C license may, at any time, expand the license classification without requiring city approval. By way of example: licensee holding a state issued Class A license may expand at any time to a state issued Class B or C and may further stack up to three Class C licenses as provided above without city approval.

**A. License and Annual Fees Required.**

1. No person shall establish or operate a medical marihuana facility in the city without first having obtained from the city and the State a license for each such facility to be operated. License certificates shall be kept current and publically displayed within the facility. Failure to maintain or display a current license certificate shall be a violation of this Ordinance;

2. An annual, nonrefundable licensing fee to defray the administrative and enforcement costs associated with medical marihuana facilities located in the city of not more than \$5,000 per license or in an amount established by resolution adopted by the City Council or in an amount established by State law;

3. The annual, nonrefundable application/reapplication fee, as determined by the Alpena City Council Resolution from time to time, per license required under this Section shall be due and payable with the application for a license and upon the application for renewal of any such license under this Ordinance;

4. The annual, nonrefundable inspection fee, as determined by Alpena City Council Resolution from time to time, per licensed facility required under this Section shall be due and payable with the application for annual inspection and upon the application for renewal of any such license under this Ordinance;

5. The fees set forth herein shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other Federal, State, or city ordinance, including, by way of example any applicable zoning or building permits;



6. The issuance of any license pursuant to this Ordinance does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law;

7. A separate license shall be required for each facility type (formerly activity) or premise from which a medical marihuana facility is operated.

## **B. Application Requirements/Merit Base Review**

1. A person seeking a license pursuant to the Acts and the provisions of this Ordinance shall submit an application to the city on forms provided by the city. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the city for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of identification.

2. The applicant shall also provide a complete copy of their application for State approval, including, but not limited to:

a. Proof of ownership or authorization to use the property for a medical marihuana facility.

b. A notarized statement from the owner of such property authorizing the use of the property for a medical marihuana facility, if the applicant is not the owner of the proposed licensed premises;

c. A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises.

3. After review by the city departments, all applications will be ranked in accordance with Section C below.

## **C. Merit Review Process**

1. License Quotas. License quotas are permitted to the extent regulated by the Medical Marihuana Licensing Board Rules and Regulations and are subject to change based on any potential rulings made by the Board;

2. Merit Review Process. In order to seek the best candidates for medical marihuana facility licensure for the City of Alpena, the City shall review and score and rank the applicants based upon their objective merits if the number of license applicants exceeds the number of licenses available;

3. Application Window. Following the effective date of this ordinance, there shall be an open application period of forty-five (45) days during which the City shall collect applications for all marihuana facility licenses that are subject to a cap. In the event that more applications

for licenses are submitted during this window than the number of licenses available, those applications would then be reviewed by the staff

a. Factors for Scoring. The assigned City staff shall create a scoring rubric outlining the factors and weight of criteria considered for the scoring of such applications, and shall provide the final rubric for modification and final approval by the majority of the City Council. The scoring criteria shall include factors such as the proposed number of employees who would be working at the site, collocating medical marihuana facility licenses, proposed facility, the total capital investment, whether the applicant has a history of prior building/code violations and whether the applicant has already received pre-approval by the State of Michigan for licensure.

b. Determination of Order. Once the applications are scored, individual applicants shall be notified of the order of their placement, and those within the cap may proceed through the license application process accordingly. Failure to complete the license application process within six (6) months shall result in the denial of the application, and the next best applicant shall be afforded the opportunity to apply. The resulting list of scores shall be used as the order for any waiting list, in the event that, (a) currently existing grandfathered facilities do not pass the State of Michigan's licensure process, (b) other facilities close on their own accord, or close by court order, administrative order, and/or have their license revoked, or (c) the City chooses to raise the license limit for that kind of facility at a future date.

c. Fees. The non-refundable application fee for a medical marihuana facility license is \$1,500 per license or as established by resolution adopted by City Council or in an amount established by State law. The annual fee for a medical marihuana facility license shall be not more than \$5,000 or in an amount established by resolution adopted by City Council or in an amount established by State law. The term of each license shall be one year beginning when the licensee is granted a certificate of occupancy and permit from the building and safety inspections division.

The annual license established pursuant to the above paragraph begins and commences at the time of the receipt of the applicant's certificate of occupancy by the City.

#### **D. Denial of Application and Due Process**

1. The city shall reject any application that does not meet the requirements of the Acts or this Ordinance, or any pertinent provision of any State of Michigan or City of Alpena laws, rules or regulations.

2. In accordance with the Acts, an applicant may be ineligible to receive a license under this Ordinance if any of the following circumstances:

a. The applicant has knowingly submitted an application for license that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information for the application for license.

b. The applicant fails to meet other criteria established by the Acts or other pertinent law and/or obtain a State license.

c. The applicant does not submit proof of Approved for Prequalification with the State of Michigan.

3. Denial of Application; Due Process:

a. Those applicants denied a license based on qualifications, may appeal the decision. The City Council shall hear and decide questions or requests for due process that arise after city staff have reviewed and provided a decision that the applicant wishes to further appeal.

b. The applicant must submit a narrative Request for Due Process that includes detailed information and all supporting documentation for any/all points they wish to have City Council consider.

i. A due process review shall be conducted at a public meeting of the Council and a concurring vote of a majority of the members of the full City Council is necessary to reverse an order, requirement, decision or determination of an administrative official in the interpretation of this Ordinance;

ii. The applicant must be present at the designated Council meeting or forfeits their right to due process;

iii. The decision of the City Council is final.

**E. Issuance of City Medical Marihuana Facility Operating License**

1. Inspection. An occupancy inspection of the proposed medical marihuana facility by the City shall be required prior to the issuance of the City operating license in accordance with the currently adopted Michigan Building Code. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marihuana, and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation.

2. In the event that the medical marihuana facility is granted a license but fails to substantially comply with its original site plan or operates inconsistent with the manner in which it was represented on the licensing application relied upon by the city staff in scoring the application, the City shall revoke the license and the licensee shall be prohibited from operating a medical marihuana facility in the city. The applicant will further be prohibited from applying for a medical marihuana facility license in the future.

3. After verification that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation, the City Clerk shall issue a City medical marihuana facility license whose term shall run concurrent with the State license for the facility.

4. Maintaining a valid medical marihuana facility license issued by the State is a condition for the issuance and maintenance of the City medical marihuana facility operating license issued under this Ordinance and the continued operation of a medical marihuana facility.

5. The City of Alpena will authorize approved medical marihuana facility license(s) to entities in the following order and on the condition that a license and facility location are available in the City per the City's Zoning Ordinance:

a. Paid all licensing fees due to the City of Alpena; and

b. The entity(ies) holds an approved and fully authorized State of Michigan; Department of Licensing and Regulatory Affairs approved Medical Marihuana Facility License to the City Clerk; and

c. An approved certificate of occupancy from the applicable building official; and

d. All medical marihuana facilities shall obtain a State license and all other required permits of licenses related to the operation of the medical marihuana facility, including, without limitation, any development approvals or building permits required by any applicable code or ordinance prior to opening to the public; including but not limited to any approved Building Permits (as required for any construction/deconstruction) by the City of Alpena Official as appropriate. Any such license and required permits shall be acquired within one (1) year from the date of approval by City Council unless that period is extended by mutual agreement of the City Council and licensee.

e. Proof of Insurance. A licensee shall at all time maintain full force and effect for duration of the license, workers compensation as required by State law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least A-.

f. The policy shall name the City of Alpena and its officials and employees as additional insureds to the limits required by this Section. A licensee or its insurance broker shall notify the city of any cancellation or reduction in coverage within seven (7) days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage.

g. Applicant will provide any additional information that the City Clerk, law enforcement, Fire Chief, Public Works Supervisor, Zoning Administrator, Building Official, City Manager and/or City Attorney or their designees reasonably determines to be necessary in connection with the investigation and review of the application.

**F. License Forfeiture.**

In the event that a medical marihuana facility does not commence operations within one (1) year of issuance of a city operating license, the license shall be deemed forfeited; the business may not commence operations, unless extended by a majority vote of the full City Council.

**G. License Renewal.**

1. A valid medical marihuana facility license may be renewed on an annual basis by a renewal application upon a form provided by the city and payment of annual fees.

a. An application to renew a marihuana facility license shall be filed at least ninety (90) days prior to the date of its expiration.

b. In the event that the renewed application is not submitted in accordance with this Section, the city will assess a late fee as fixed by City Council for each day that the renewal application is submitted late.

c. In the event that an application is not received by the date of expiration, an additional late fee shall be assigned by the City Council not **exceed \$2,000**, in addition to the daily late fees outlined herein and annual renewal fee.

d. In the event that an application is not received by the date of expiration, the license will be considered null and void and all operations must immediately cease by Order of law enforcement.

e. A notice of local revocation will be issued to the State of Michigan and the licensee will have to resubmit all documentation, fees, and receive all approvals as a new entity should they wish to reopen their business.

f. Prior to the issuance of a renewed medical marihuana facility license by the city, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Ordinance. The annual, nonrefundable inspection fee, as assigned by the City Council, per licensed facility required under this Section, shall be due and payable with the application for annual inspection and upon the application for renewal of any such license under this Ordinance.

## **H. Transfer, Sale, or Purchase of License.**

1. A medical marihuana facility license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marihuana facility license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this Ordinance.
2. Each operating license is exclusive to the licensee and a licensee or any other person must submit an application for licensure with the City Clerk before a license is transferred, sold, or purchased.
3. In compliance with any/all rules issued by the Board regarding the sale, transfer or purchase of existing licenses; any entity that holds a Department issued license may transfer or sell their license to a qualifying applicant.
  - a. Any entity purchasing or receiving a transferred license must submit an application and all associated documentation and all fees;
  - b. The applicant who is receiving the transfer or purchasing the license must have submitted all new application, license and inspection fees and received all local and State approvals, including Approved for Prequalification with the State of Michigan on all applications and associated documentation as well as all inspections as outlined in this Ordinance and the Acts prior to beginning or taking over operations.
4. The attempted transfer, sale, or other conveyance of an interest in a license without prior Board or City approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the city.

## **I. License as Revocable Privilege.**

1. An operating license granted by this Ordinance is a revocable privilege granted by the city and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.
2. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased.
3. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license.
4. Any effort to circumvent the protocol listed in this Ordinance and/or the City of Alpena Zoning Ordinance will result in the immediate denial of application or complete revocation of the City of Alpena issued Medical Marihuana Facilities License.

**J. Nonrenewal, Suspension, or Revocation of License.**

1. The city may, after notice, suspend, revoke or refuse to renew a license for any of the following reasons:

a. The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Ordinance or with any applicable State or local law or regulation;

b. The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the State or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or

c. The medical marihuana facility has been operated in a manner that adversely affects the public health, safety or welfare;

d. The licensee has not submitted all necessary documentation and/or fees to renew their license.

2. Evidence to support a finding under this Section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises or property occupied by the medical marihuana facility, a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marihuana facility, or an ongoing nuisance condition emanating from or caused by the medical marihuana facility or any other concerns raised by city staff and/or other local, State or Federal officials. Criminal conduct shall be limited to the violation of a State law or regulation or city ordinance.

3. Any decision of nonrenewal, suspension or revocation has the right to due process and may be eligible for appeal to the Alpena City Council.

**4. General Requirements & Restrictions.**

All facilities operating within the city shall be subject to the following general requirements and restrictions. To the extent there is a conflict between these requirements and restrictions and the Act, the Act shall prevail.

1. Exterior Signage. Facilities may not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Facilities may not use exterior signage or displays that contain an image of a marihuana leaf or other commonly recognized symbol for marihuana or which utilize any of the following words: marihuana, marijuana, weed, cannabis, blunt, doobie, joint, hooch, hash, or other similar slang term for marihuana or marihuana-related products.

2. Hours of Operation. Provisioning Centers may only operate between the hours of 8:00 A.M. and 9:00 P.M.
3. Indoor Operations/No Drive-Thru Service. All business operations of a facility must occur indoors. Facilities may not provide drive-thru service.
4. Odors. Facilities may not emit noxious odors or fumes, in accordance with the City's Zoning Ordinance regarding Visibility of activities; control of emissions.
5. Artificial Lighting. Any artificial grow lighting must not be visible from neighboring properties, streets, or rights of way.
6. Security. Facilities must have:
  - a. A monitored alarm system (24 hours per day and 7 days a week);
  - b. A safe for all cash, cash equivalents, and marihuana stored in the facility overnight shall be in a room secured by commercial grade security doors;
  - c. Monitored security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled. All security recordings must be maintained for a minimum of forty-five (45) days and provided to law enforcement upon request;
7. Display of Permit. The permit issued by the city and the license issued by the State of Michigan shall be prominently displayed within the facility in a location where it can be easily viewed by the public.
8. Systems. All facilities must have electrical, fire safety, plumbing, filtration and waste disposal systems, which are appropriate and consistent with best industry practices for the business being conducted.

**A. Prohibited Acts**

1. No person under the age of eighteen (18) shall be permitted to enter a facility unless the person has a medical marihuana card and is accompanied by a legal guardian over the age of eighteen (18).
2. No marihuana may be smoked, used, or consumed at any facility.
3. It shall be unlawful for any licensee to permit the consumption of alcohol beverages on the licensed premises.
4. No facility may operate under a temporary certificate of occupancy. Facilities must be in full compliance with all applicable legal requirements in order to operate.



5. It shall be unlawful for any licensee holding a provisioning center license, or for any agent, manager, or employee thereof to:

- a. Sell, give, dispense or otherwise distribute medical marihuana or medical marihuana paraphernalia from any outdoor location;
- b. Sell, give, dispense or otherwise distribute to any patient or primary caregiver who is not a licensee more usable form of medical marihuana (including the useable medical marihuana equivalent of medical marihuana-infused products) within any seven (7) day period of time than they are allowed by the MMMA to possess;
- c. It shall be unlawful for retail medical marihuana establishments to distribute medical marihuana or medical marihuana-infused products to a consumer free of charge;

## **B. Inspection of Licensed Premises**

1. Application for medical marihuana facility license or operation of a medical marihuana facility, or leasing property to a medical marihuana facility, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit law enforcement, or their designee, to conduct routine examinations and inspections of the medical marihuana facility to ensure compliance with this Ordinance or any other applicable law, rule or regulation.

2. During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by law enforcement and any other city departments for the purpose of investigating and determining compliance with the provisions of this Ordinance and any other applicable State and local laws or regulations.

3. For the purposes of this Ordinance, examinations and inspections of medical marihuana facilities and recordings from security cameras in such businesses are part of the routine policy of enforcement of this Ordinance for the purpose of protecting the public safety, individuals operating and using the services of the medical marihuana facilities, and the adjoin properties and neighborhoods.

4. A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a city inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Ordinance, the Acts, or applicable State administrative rules.

**C. Other Laws Remain Applicable.**

To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical marihuana, the additional or stricter regulation shall control the establishment or operation of any medical marihuana facility in the city. Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any license, and noncompliance with any applicable State law or regulation shall be grounds for the revocation or suspension of any license.

**D. Grant of Administrative Authority.**

The City Clerk is granted the power and duty through its official designation to fully and effectively implement and administer the license application process and issuance of Provisional Approval Certificates and Operating Licenses issued by the city under this Ordinance. The City Clerk, after consultation with other city departments, may promulgate such rules as necessary to implement and administer this Ordinance.

**E. Violations and Penalties.**

1. In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Ordinance, any person, including, but not limited to, any licensee, manager or employee of a medical marihuana commercial entity, or any customer of such business, who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor punishable in accordance with this Ordinance unless a different penalty is provided herein.

2. If a facility is operated in violation of the Act or any applicable ordinance, or if the Licensee is found to have submitted false or misleading information in its permit application, the city may revoke the permit for such facility to operate within the city. The city retains the right to alter the number and type of facilities authorized hereunder at any time. Any permit granted hereunder is a revocable privilege granted by the city and is not a property or other legal right.

3. With respect to any facility that is in violation of any requirement or restriction set forth in this Ordinance, the Licensee of a facility, all persons identified pursuant to the Acts, and any on-site manager shall be subject to the following penalties:

a. Any violation shall be a misdemeanor and may be punished by a fine of not more than \$1,500 and/or imprisonment not exceeding ninety (90) days and the violator(s) shall pay all court costs and expenses.

b. The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.

c. In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

**F. Repealer.**

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed as of the effective date of this Ordinance, provided the rights, benefits, duties and obligations imposed by earlier ordinances on individuals and entities proceeding under those earlier ordinances shall be continued in force and effect.

**G. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this Ordinance.

**EFFECTIVE DATE**

THE PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY AFTER BEING ADOPTED BY THE MUNICIPAL COUNCIL AND SHALL BE DULY PUBLISHED WITHIN 10 DAYS OF ADOPTION.

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, MICHIGAN, AT A REGULAR MEETING HELD ON THE \_\_1st\_\_\_\_ DAY OF \_\_June\_\_\_\_ 2020.

\_\_\_\_\_  
Matthew J. Waligora  
Mayor

\_\_\_\_\_  
Anna Soik  
City Clerk/Treasurer/Finance Director

First Presented: May 4, 2020  
Adopted: June 1, 2020  
Published: June 13, 2020

William A. Pfeifer, City Attorney

**ORDINANCE NO. 21-457**

AN ORDINANCE OF THE CITY OF ALPENA, MICHIGAN, AMENDING CHAPTER 18 – BUSINESSES, ARTICLE I. IN GENERAL, Sec. 18-1, MEDICAL MARIHUANA FACILITIES, Paragraph 3. Licensing of Medical Marihuana Facilities

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, STATE OF MICHIGAN, AS FOLLOWS:

CHAPTER 18 – BUSINESSES; ARTICLE I. IN GENERAL; Sec. 18-1, MEDICAL MARIHUANA FACILITIES; Paragraph 3. Licensing of Medical Marihuana Facilities is hereby amended as follows:

**CHAPTER 18. BUSINESSES****ARTICLE I. IN GENERAL****Sec. 18.1 MEDICAL MARIHUANA FACILITIES****3. Licensing of Medical Marihuana Facilities.**

Number of Permitted Facilities. The maximum number of each type of medical marihuana facility permitted in the city is as follows:

<b>Type of Facility</b>	<b>Number</b>
Grower	Unlimited
Processor	Unlimited
Provisioning Center	Unlimited
Safety Compliance Facility	Unlimited
Secure Transporter	Unlimited

1. No medical marihuana facility shall be eligible to be issued a license unless at the time of application for such license, the location of the proposed facility complies with the zoning and separation distances from other uses as set forth in the city zoning ordinance as required for the specific type of medical marihuana facility for which licensure is being sought;

2. A licensee shall not operate a medical marihuana facility at any place in the city other than the address provided in the application on file with the City Clerk. Specifically, no medical marihuana facilities shall be allowed in the district or area known as the “Downtown Development Authority”, within 1,000 feet from a school or within 250 feet from a place of worship, daycare, addiction treatment center, youth facility (boys and girls club), McRae, Bay View, or Water Tower Parks and shall not be directly adjacent to Starlite Beach Park or Mich-e-ke-wis Park.

3. Any grower issued a license by the city may stack up to three Class C licenses at a single location without requiring any additional city licensing or approval, provided that the exterior of the existing structure where the facility is located will not require expansion. If expansion is required, the licensee must obtain all necessary permits and approval required for such expansion.

4. Provided further that any licensed grower in the city that holds anything less than a state issued Class C license may, at any time, expand the license classification without requiring city approval. By way of example: licensee holding a state issued Class A license may expand at any time to a state issued Class B or C and may further stack up to three Class C licenses as provided above without city approval.

### **EFFECTIVE DATE**

THE PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT TEN (10) DAYS AFTER BEING ADOPTED BY THE MUNICIPAL COUNCIL AND DULY PUBLISHED.

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, MICHIGAN, AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

\_\_\_\_\_  
Matthew J. Waligora  
Mayor

\_\_\_\_\_  
Anna Soik  
City Clerk/Treasurer/Finance Director

First Presented: March 15, 2021  
Adopted: \_\_\_\_\_ 2021  
Published: \_\_\_\_\_, 2021

William A. Pfeifer, City Attorney