

## **City Council Meeting**

March 15, 2021 6:00 p.m.

By Remote Electronic Participation

Cadillac Municipal Complex 200 N. Lake St. Cadillac, MI 49601



March 15, 2021 City Council Meeting Agenda 6 p.m. 200 N. Lake St. – Cadillac, MI 49601 Meeting held by remote electronic participation.

#### We trust and assume goodness in intentions

CALL TO ORDER ROLL CALL

I. APPROVAL OF AGENDA

#### II. PUBLIC COMMENTS

This opportunity for public comment provides the public with a chance to make a statement regarding any subject matter. Public comment is not an opportunity to necessarily ask questions or converse with City Staff, Council Members or other meeting attendees. Contact information for Council and staff is available on our website, <a href="www.cadillac-mi.net">www.cadillac-mi.net</a>, or can be obtained by calling (231) 775-0181. Comment time is limited to 3-minutes, and unused time may not be yielded back or given to someone else to use.

#### III. CONSENT AGENDA

- A. Minutes from the regular meeting held on March 1, 2021. Support Document III-A
- B. Minutes from the closed session held on March 1, 2021.

#### IV. COMMUNITY SPOTLIGHT

A. Legislative update provided by Rep. Michele Hoitenga.

#### V. COMMUNICATIONS

- A. Back to the Bricks <u>Support Document V-A</u>
- B. Downtown Sidewalk Café Support Document V-B

#### Cadillac City Council Agenda

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> C. Joint Fire Department Training Exercise Support Document V-C

#### VI. APPOINTMENTS

A. Recommendation regarding reappointment to the Construction Board of Appeals. Support Document VI-A

#### VII. CITY MANAGER'S REPORT

- A. Recommendation regarding 2021-2022 Road Salt. Support Document VII-A
- B. Bids and recommendation regarding purchase of Aqua Disk Cloths. Support Document VII-B
- C. Recommendation regarding addition of BS&A Building Department Module. Support Document VII-C
- D. COVID-19 Update

#### VIII. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt Resolution to Approve Second Amendment to Protective Covenants and Restrictions for the James E. Potvin Industrial Park.

<u>Support Document VIII-A</u>

#### IX. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Downtown Development Authority Support Document IX-A

#### X. PUBLIC COMMENTS

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#### XI. GOOD OF THE ORDER

#### XII. ADJOURNMENT

#### **Cadillac City Council Agenda**

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#### Core Values (R.I.T.E.)

Respect
Integrity
Trust
Excellence

#### **Guiding Behaviors**

We support each other in serving our community
We communicate openly, honestly, respectfully, and directly
We are fully present
We are all accountable
We trust and assume goodness in intentions
We are continuous learners

## CITY COUNCIL MEETING MINUTES March 1, 2021

Meeting held by remote electronic participation.

200 N. Lake St. - Cadillac, Michigan 49601

#### **CALL TO ORDER**

Mayor Filkins called the City Council meeting to order at approximately 6:00 pm.

#### ROLL CALL

Council Present: Schippers, Elenbaas, Engels, King, Mayor Filkins

Council Member Schippers stated she is attending the meeting virtually in the City of Cadillac.

Council Member Elenbaas stated he is attending the meeting virtually in the City of Cadillac.

Council Member Engels stated he is attending the meeting virtually in the City of Cadillac.

Council Member King stated he is attending the meeting virtually in the City of Cadillac.

Mayor Filkins stated she is attending the meeting virtually in the City of Cadillac.

Council Absent: None

Staff Present: Peccia, Roberts, Ottjepka, Dietlin, Wallace, Coy, Homier, Wasson

#### APPROVAL OF AGENDA

#### 2021-035 Approve agenda as amended.

Motion was made by Elenbaas and supported by Schippers to approve the agenda as amended to add a Closed Session to discuss a confidential written legal opinion pursuant to Section 8(h) of the Open Meetings Act.

Motion unanimously approved.

#### **PUBLIC COMMENTS**

There were no public comments.

#### 2021-036 Approve consent agenda as presented.

Motion was made by Elenbaas and supported by Engels to approve the consent agenda as presented.

Motion unanimously approved.

#### **PUBLIC HEARINGS**

A. Public hearing to consider adoption of Ordinance to Approve Sale of Real Property (Within James E. Potvin Industrial Park).

Peccia noted Council previously approved the land exchange with Consumers Energy. He stated this was done to provide the opportunity for Spencer Plastics to purchase Lot 2 to allow them to move forward with their building expansion project. He noted the proposed ordinance would allow for the sale of the property to Spencer Plastics. He stated the City will retain 90% of the net sale proceeds and 10% of the net sale proceeds will be paid to the Cadillac Industrial Fund. He noted the selling price of Lot 2 is \$14,540.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

#### 2021-037 Adopt Ordinance 2021-03.

Motion was made by Schippers and supported by Elenbaas to approve the Resolution to Adopt Ordinance to Approve the Sale of Real Property (Within James E. Potvin Industrial Park).

Motion unanimously approved.

B. Public hearing to consider adoption of Ordinance Amending the City's Zoning Ordinance Regarding Uses Permitted in Business Districts.

Peccia noted the proposed ordinance is part of the process for the City to become a Redevelopment Ready Community through the State of Michigan.

John Wallace, Community Development Director, stated the proposed ordinance amendment would allow residential dwelling units on upper floors in the B-1, B-2, and B-3 zoning districts without the need to apply for a special use permit. He noted it would also allow residential dwelling units "by right" on the first floor in the B-3 districts as long as it is outside of the Downtown Development Authority District.

Peccia noted there was some concern expressed by Council regarding group shelters being permitted in these commercial districts. He stated Council does have the ability to remove that particular use from the proposed ordinance amendment.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

King noted group shelters are included in Section 46-374 (3) and Section 46-397 (5). He stated it was discussed in the past the downtown district would not be an area that we would want group shelters to be located.

Engels asked if by removing group shelters from those sections would that mean they could not even go through the special use permit process.

King stated that is correct.

Schippers asked for the reasoning for removing group shelters from the proposed ordinance amendment.

King stated when the Council previously considered a shelter overlay zone in the downtown area, it was discussed that the businesses were already stressed with some of the problems downtown. He noted New Hope Shelter has a development project in progress.

#### 2021-038 Adopt Ordinance 2021-04.

Motion was made by King and supported by Elenbaas to approve the Resolution to Adopt an Ordinance Amending the City's Zoning Ordinance Regarding Uses Permitted in Business Districts as amended to remove group shelters in Section 46-374 and Section 46-397.

Motion unanimously approved.

C. Public hearing to consider adoption of Ordinance Regarding Issuance of Water Supply System Revenue Bonds (Junior Lien), Series 2021.

Peccia stated the Notice of Intent to issue the bonds was approved by Council in December 2020. He noted all costs incurred for the project design, engineering, and construction of the new wellfield are reimbursable from the bond proceeds.

Mayor Filkins opened the public hearing.

Jereme Olson stated he is not familiar with this and asked for more information.

Peccia stated the public hearing is open regarding the issuance of bonds to construct the new wellfield off 44 Road. He noted the process is legally required for the City to issue the debt for engineering, construction, and all related activities for the project. He noted this is an opportunity for members of the public to state their position on the project itself or the issuance of the debt.

Jereme Olson asked about the status of the current well.

Mayor Filkins explained the public comment period is a time for members of the public to express their thoughts to the Council but it is not an opportunity for discussion.

Jereme Olson stated he believes the wellfield would be of good use if it is properly done.

Mayor Filkins closed the public hearing.

Elenbaas noted it was previously explained the new wellfield will last approximately fifty (50) years so it is a wise investment.

Engels asked for information about closing down of the wellfield in the Industrial Park,

repurposing of the land, and the philosophy regarding two (2) separate wellfield locations.

Jeff Dietlin, Director of Utilities, noted six (6) wells were installed in the old wellfield in the 1960s. He stated it was centered around the industrial basin of Cadillac. He noted over the years there was some contamination released around the wellfield, but it did not infiltrate the wells. He stated when the City wanted to install additional wells in that location, the DEQ did not believe it was a wise decision due to the known contamination in the area. He noted new wells were installed on the Crosby Road site. He stated it was decided that when the City abandons the wellfield on Eighth Street, we would move the additional wells to a different area to ensure there was no possibly of contamination affecting the entire water supply. He noted when the new wellfield is constructed on 44 Road everything will be removed from the Eighth Street location and, at that point, the City will determine what to do with the land.

#### 2021-039 Adopt Ordinance 2021-05.

Motion was made by Elenbaas and supported by Engels to approve the Resolution to Adopt Ordinance Regarding Issuance of Water Supply System Revenue Bonds (Junior Lien), Series 2021.

Motion unanimously approved.

#### **APPOINTMENTS**

A. Recommendation regarding reappointment to the Board of Review.

Schippers noted Barb Johns has served on the Board of Review since 1998.

#### 2021-040 Approve reappointment to the Board of Review.

Motion was made by Schippers and supported by Elenbaas to approve the reappointment of Barb Johns to the Board of Review for a 2-year term to expire on March 2, 2023.

Motion unanimously approved.

B. Recommendation regarding reappointment to the Construction Board of Appeals.

#### 2021-041 Approve reappointment to the Construction Board of Appeals.

Motion was made by King and supported by Schippers to approve the reappointment of Randy Norman to the Construction Board of Appeals for a 2-year term to expire on March 2, 2023.

Motion unanimously approved.

#### CITY MANAGER'S REPORT

#### A. Encroachment for ADA ramp.

Peccia noted the lower-level space at 115 N. Mitchell Street is being remolded for use as a recreational marihuana retail store by Fresh Coast Provisioning. He stated the City's marihuana ordinance limits access to this type of retail store to a rear entrance only (an entrance from Mitchell Street is prohibited). He noted the rear entrance had to be

redesigned to be ADA accessible, and adjusting structural issues in the building did not allow for adjusting grades internal to the building. He stated the encroachment was reviewed and approved by Ken Payne, Public Works Operations Manager, Connie Houk, Prein & Newhof, and the Planning Commission. He noted the ramp has already been constructed.

#### 2021-042 Approve encroachment for ADA ramp.

Motion was made by Schippers and supported by Elenbaas to approve the encroachment into Elk Avenue for the ADA ramp for 115 N. Mitchell Street as designed and included in the January 14, 2021 Right-of-Way Construction Permit applied for by ECEK Holdings, LLC and approved by engineering on January 13, 2021.

Motion unanimously approved.

B. Bids and recommendation regarding Police Utility Interceptors.

Peccia noted two (2) bids were received for two (2) new Ford Utility Police Interceptor vehicles.

Elenbaas asked how many years police vehicles normally last.

Peccia stated they normally last approximately six (6) years.

Mayor Filkins asked what happens to the vehicles being taken out of service.

Peccia stated they will either be put up for public auction or they will be reallocated into the fleet for non-police related use.

#### 2021-043 Award purchase of Police Utility Interceptors.

Motion was made by Elenbaas and supported by King to award the purchase of two (2) new Ford Police Utility Interceptors to Signature Ford of Owosso, MI in the amount of \$69,730.

Motion unanimously approved.

C. Agreement for Services Regarding a Certified Income Survey.

Peccia stated this specific type of survey is required to be completed by a certified organization in order to determine if the City can once again become eligible for federal grant dollars through be Community Development Block Grant (CDBG) program. He noted this survey will determine if the City can be placed back on the HUD low-and-moderate income list which would then qualify the City to have access to those federal grant dollars. He stated the City received a proposal from Lake Superior State University (LSSU) which is an institution that is certified by the MEDC to conduct the survey. He noted other certified institutions in the State were contacted, however the City was informed that either they were not currently conducting any in-person surveys or they had not yet responded.

Peccia noted LSSU submitted a proposal in the amount of \$14,731 to conduct the survey. He stated a budget amendment was approved in December 2019 to include an

appropriation of \$30,000 for this survey. He stated it is being recommended to waive competitive bidding for the certified income survey, utilize LSSU to conduct the survey for the amount of \$14,731, and to authorize the City Manager to execute the agreement. He noted subsequent action will be recommended to re-appropriate funds for this contract into the FY2021 budget to cover the survey expense and related cost.

Engels asked if this study can be utilized for anything other than the CDBG grant.

Peccia stated it is specific to the CDBG grant.

Engels asked if the City will be able to rely on this survey if we apply for a block grant 2-3 years from now.

Peccia stated he does not know how often the list is reanalyzed by the state or federal government.

#### 2021-044 Waive competitive bidding regarding Certified Income Survey.

Motion was made by King and supported by Elenbaas to waive competitive bidding for the Certified Income Survey.

Motion unanimously approved.

#### 2021-045 Approve agreement for Certified Income Survey.

Motion was made by Elenbaas and supported by King to authorize the City Manager to execute the agreement with Lake Superior State University to conduct the study for the amount of \$14,731.

Motion unanimously approved.

#### D. COVID-19 Update

Peccia noted information regarding COVID-19 can be found at the District Health Department #10 website at <a href="https://www.dhd10.org">www.dhd10.org</a>.

#### **ADOPTION OF ORDINANCES AND RESOLUTIONS**

A. Adopt Resolution Amending General Appropriations Act for Fiscal Year 2021.

Owen Roberts, Director of Finance, reviewed the proposed budget amendment.

#### 2021-046 Adopt Resolution Amending General Appropriations Act for Fiscal Year 2021.

Motion was made by Engels and supported by Schippers to adopt the Resolution Amending General Appropriations Act for Fiscal Year 2021.

Motion unanimously approved.

#### PUBLIC COMMENTS

There were no public comments.

#### GOOD OF THE ORDER

There were no comments.

#### **CLOSED SESSION**

Adjourn to closed session to discuss a confidential written legal opinion pursuant to Section 8(h) of the Open Meetings Act.

#### 2021-047 Adjourn to closed session.

Motion was made by Elenbaas and supported by King to adjourn to closed session to discuss a confidential written legal opinion pursuant to Section 8(h) of the Open Meetings Act and invite Adam Ottjepka, Director of Public Safety, to attend.

Motion unanimously approved.

#### 2021-048 Return to open session.

Motion was made by Schippers and supported by King to return to open session.

Motion unanimously approved.

#### **ADJOURNMENT**

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk



City Manager\_\_\_\_

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

200 N. Lake Street Cadillac MI 49601 Phone (231) 775-0181 www.cadillac-mi.net

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#### Street & Parking Lot Closure Request Form

Please fill out a separate form for each date Reason for Request BAUK TO the BRICKS PROMO HONG WIDUR Contact Person Ania Wing Contact Email Awing @ Cooklac Hichigan. wm Contact Phone 775-0657 Date: 06/07 / 2021 **Street Closures** Street Name MI+Chell Beginning Location CASS Ending Location BREMER Beginning Time 4:00AMPA Ending Time 2:00AMPM Street Name / HAKKIS Beginning Location Matchell Ending Location Lake Beginning Time 4:00 AM/PM) Ending Time 8:00 AM/PM) Street Name Dee 1 Beginning Location M. + well Ending Location \_\_\_\_ Beginning Time 4: DDAM/RM Ending Time 8: DDAM/RM) Street Name Mason Beginning Location M. + Chall Ending Location Lake Beginning Time : OO AM/RM) Ending Time & : OO AM/RM) Date 0 6 /07 /2021 **Parking Lot Closures** Street Nearest Cross Street Hannis

Beginning Time 4:00 AM/PM Ending Time 8:00 AM/PM Lot Location Commons Street \_\_\_\_ Nearest Cross Street \_\_\_ Lot Location Beginning Time \_\_:\_\_AM/PM Ending Time \_\_:\_\_AM/PM Street \_\_\_\_ Nearest Cross Street \_\_\_ Lot Location Beginning Time : AM/PM Ending Time : AM/PM Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted) I understand and agree to these requirements & understand if these are not met the request will be denied. Print Name Signature \_\_\_\_\_ Date 🧆 🔠 5 1/ 202 i Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied. For Office Use Only Streets \_\_\_\_\_ Date Approved Comments Parks Date Approved Comments Fire Date Approved\_ Comments Police \_\_\_ Date Approved Comments

Date Approved\_

Date Approved

Comments

Comments



200 N. Lake Street Cadillac MI 49601 Phone (231) 775-0181 www.cadillac-mi.net

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## **Street & Parking Lot Closure Request Form**

Please fill out a separate form for each date

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## Latest News on Promo Tour with Back to the Bricks

Back to the Bricks Newsletter Subscribers!!!!!

We are thrilled to announce that all details are solidified, and we are ready to get the wheels moving on this tour!!! Last week the

Promo Tour Participants from 2020 were notified and those that opted to roll their funds over, had first crack at reserving their rooms. It's now your time!!!

Public registration is open and will be limited, so click the link below and register ASAP!

All tour details are below, and once registration closes either due to it filling up or the cut off date of May 1st, we will send more details.

If you read through this email and still have any questions, please reach out to Amber Taylor at <a href="mailto:AmberTaylor@backtothebricks.org">AmberTaylor@backtothebricks.org</a>

Thank you,

Back to the Bricks®

Promo Tour Committee

## 2021 Route and Minor Changes





#### TOUR DETAILS

#### Friday, June 4th

The morning will begin with a "Kick Off" in Flint Township with FREE Coffee, donuts, and fruit for the road. We will have a "Pit Stop" at American Gasser in Shields and continue to run the back roads to Mt. Pleasant for a Downtown Car Event 5-8 pm

#### Saturday, June 5h

Enjoy the scenery, the winding roads, and the beautiful trip to Boyne City for a Car Event at <u>Classic Instruments</u>. This has been a favorite in years past, and we cannot wait to set up and have fun!

#### Sunday, June 6th

Relax and enjoy some "Free Time." Explore and enjoy the area before the Downtown Car Event in the afternoon.

#### Monday, June 7th

Monday morning we will tour and explore the <u>Hagerty Garage</u>, in Traverse City, which has been published in multiple newspapers and magazines for their collection. The afternoon will be a fun Downtown Car Event in Cadillac from 5-8 pm.

#### Tuesday, June 8th

We begin our last full day with a "Pit Stop" in Baldwin. We encourage everyone to enjoy the sights and tour Muskegon beach. Head back to the Downtown Muskegon Car Event on Western Avenue from 5-8 pm. We then welcome you to attend the "Long Haul Awards" in the evening, location to be announced later.

#### Wednesday, June 9th

Happy "Last Day" enjoy a FREE Coffee and Donut stop at Sundance Buick GMC in St. Johns on the way back home. This is an optional stop, but one we know everyone will enjoy!

## Register NOW

Re: Downtown Sidewalk Café's

#### **Introduction**

Lake Cadillac Restaurant Group, LLC, the new ownership group of Hermann's European Café, Table 212 a Wine Bar, and OPA's Butcher Shop is asking for approval to place sidewalk cafés in front of their downtown Cadillac restaurants in 2021. Staff has the site plans showing the placement of the tables, chairs, and barrier. There is adequate room for pedestrian traffic meeting the 60 inches of clearance required in the ordinance.

The Michigan Liquor Control Commission Licensing Unit is requiring an "approval for the applicant" to continue the processing of the alcohol license including "Outdoor Service Area".

Staff has reviewed the request and supports the program subject to the following condition:

- 1) The Cadillac City Code of Ordinance that relates to sidewalk cafes in Section 46-395 is followed which includes a requirement for a site plan and proof of insurance.
- 2) Businesses with a sidewalk café on Mitchell Street/Business US-131 are also required to have the needed sidewalk café permit through the State of Michigan.

#### **Requested Council Action**

Council is asked to approve the request of Lake Cadillac Restaurant Group, LLC to allow for placement of table and chairs for use as a sidewalk café for the year 2021. A new request will be required in 2022.

## Hermann's European Café

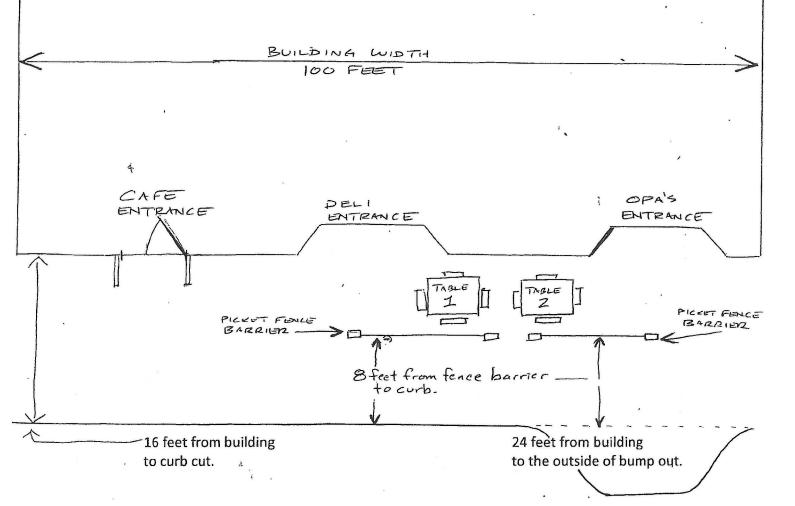
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#### APPROVED

REVIEWED FOR COMPLIANCE WITH CADILLAC ZONING ORDINANCE

Make Coy Zoning adm, Zone B-2 CADILLAC ZONING DETARTMENT

1-6-2021



214 N. Mitchell Street

Re: Road Closure Request - Joint Fire Department Training Exercise

The Cadillac Fire Department is requesting the authorization to close a portion of Chapin St. for a joint training exercise with Haring and Cherry Grove Fire Departments at the former G & D building.

Pursuant to approval, the training exercise is scheduled for March 16<sup>th</sup> and March 30<sup>th</sup> from approximately 7 p.m. to 9 p.m. and would affect east Chapin Street from Mitchell Street to the first alley off the 100 block. This street closure will allow for access to the nearest fire hydrant (SE corner of Mitchell and Chapin), parking for fire apparatus and increased safety for participating fire personnel. Traffic on Mitchell Street would not be affected.

For reference, the former G and D Party Store building is vacant and scheduled for demolition. Neighboring business in the Cobbs & Mitchell Building have been contacted and have advised that this proposed closure would not be an inconvenience to their operations.

#### **Recommended Action**

Approve the street closure as presented to accommodate the joint training exercise on March 16<sup>th</sup> and March 30<sup>th</sup>.

#### **COUNCIL COMMUNICATION**

Re: Reappointment of Connie Houk to a Two-Year Term on the Construction Board of Appeals

Connie Houk has expressed interest in continuing her service on the Construction Board of Appeals for another two-year term. She was originally appointed in 2015.

#### **Recommended Council Action:**

Motion to reappoint Connie Houk to a two-year term on the Construction Board of Appeals, which will end on 3/16/2023.

*Re:* 2021/2022 Road Salt

For many years, the City of Cadillac has participated with the State of Michigan's Delivering Extended Agreements Locally (MiDEAL) program to competitively bid road salt. Cadillac joins the State and nearly 100 other agencies in utilizing this bidding process to achieve cost savings through the economies of scale inherent in the process.

Orders for road salt are placed in the spring of each year. The State's contract is finalized by late summer, and early shipments typically arrive in late fall. Based on seasonal requirements, the City expects to need approximately 1,700 tons of road salt to cover the entire winter. Depending on the final bid award, annual costs are expected to total about \$125,000 (~\$75/ton).

#### **Recommended Action**

Because of the economies of scale achieved through the process, it is recommended that Council, pursuant to Section 2-299 and 2-312 of the City Code, authorize the City to participate in the MiDEAL competitive bidding process and approve the commitment to purchase up to 1,700 tons of seasonal road salt through the resulting State of Michigan contract at the unit cost bid approved by the State of Michigan. Funds are available in the Stores and Garage Fund for this purchase. Actual costs of usage are charged to appropriate activities within the Major and Local Street Funds and several other City activities based upon actual usage throughout the winter.

Re: Aqua Disk Cloth Purchase

The FY2021 budget for the Water and Sewer Fund includes an appropriation of \$30,000 for replacing parts on the aqua disk equipment used in the water treatment process. This purchase was **not** frozen as part of the Pandemic Response Plan. The purpose of this equipment is to filter wastewater before it is discharged into the Clam River. Competitive bids were solicited, and the following bid was received:

Vendor	Bid
<b>Aqua–Aerobic Systems, Inc.</b> Loves Park, Illinois	\$28,687

#### **Recommended Action**

It is recommended that the purchase of aqua disk equipment be awarded to Aqua–Aerobics Systems, Inc. in the amount of \$28,687. Funds for this project are available in the Water and Sewer Fund.

RE: Addition of BS&A Building Department Module

#### History

In 2016, City Council approved a proposal from BS&A Software to fully migrate to their integrated software for all the City's financial, payroll, HR, and utility billing operations. The City was already using BS&A for tax billing and collections and special assessment tracking. This migration provided significant opportunities for efficiency improvements based on full integration between all modules. At the time, it was mentioned that the City would further analyze several additional modules from the company in the future, with the Building Inspection (now 'Building Department') module being one of those modules. The original communication is provided as a reference.

#### **Current Opportunity**

The Community Development staff is now very eager to modernize several operations and leverage technology to improve customer service, enhance staff efficiency, and formalize internal procedures using logical electronic workflows. The Building Department module ("the Module") offers the opportunity to accomplish these goals.

#### **Improve Customer Service**

The Module offers an online platform which is extremely beneficial to both contractors and staff. This platform enables online permit applications as well as payment of permit fees, neither of which are currently available. Contractors offered unsolicited feedback, based on experience with BS&A in other communities, that the program is user friendly, saving all their information in the program for easy submission and faster turnaround times for permits. Several local contractors were contacted during the current evaluation process and affirmed that they would take immediate advantage of an online application and payment process. This process will reduce the time between permit application and issuance, and is a significant opportunity to enhance customer service in this area.

#### **Enhance Staff Efficiency**

The Module will enable online inspection scheduling and payment of renewal fees for the rental housing program which will yield a considerable savings in mailing costs, paper, and staff time. Historically, the rental housing program has taken up about half the time of a full-time employee. The Module should cut this 20-hour block of time by 5 to 10 hours per week. This time can then be reallocated to the many other planning and zoning required activities within the Community Development Department.

#### **Improve Internal Procedures and Workflows**

The Module will also significantly improve Planning, Zoning and Building Department workflows. It will help ensure that defined work processes are followed and that cases are not approved out of their proper sequence. It will help formalize several processes with an electronic

BS&A Building Department Module March 15, 2021

workflow versus the current paper and mail model. As an example, traditionally when a special use permit is issued, the applicant is sent an approval letter which contains the conditions of the approval. With the new module an actual permit could be issued which includes these conditions (i.e., final utility approval, review of final drainage plan, required site plan alterations etc.). The Module would help track applications and the timing and performance of specific required activities related to zoning variances, planning commission approvals, and zoning administrator and engineering related approvals such as fences, accessory buildings, right-of-way permits, and soil erosion permits.

The module will also assist in tracking grants and grant requirements. For example, the Redevelopment Ready Communities program requires the City to report on the timeliness of review processes and track development meetings. The Module will do this by tracking all development review processes and time frames and automate the filing of reports.

#### **Cost Summary**

The proposal from BS&A is included with this communication. Costs are summarized below:

Module/Service	Final Proposal	
One-Time Costs:	ФО.505	
Software Licensing	\$8,525	
Online Setup	3,115	
Data Conversion/Setup	3,000	
Project Management	4,500	
Implementation, Training and Travel	<u>10,000</u>	
Total	\$29,140	
Annual Maintenance	\$2,730	

#### **Recommended Action**

Because of the justifications detailed in this communication, it is recommended that City Council approve the addition of the Building Department module to the original purchase of BS&A software and authorize the City Manager to execute the agreement with BS&A for the addition. Funds are available in the Information Technology Fund.

Re: Software Replacement Proposal

On February 15, 2016 the City Council authorized City staff to enter into negotiations with New World Systems and BS&A Software with the goal of entering into a long-term arrangement with one of the two companies to upgrade the City's general ledger, financial management, and utility billing software. The primary driver behind the project is to add additional functionality to the programs in order to implement electronic payments – credit and debit cards, e-checks, etc. – for all City accounts and services.

The City has subsequently met with both of these companies. The following communication to City Council summarizes the proposals from each company, and will conclude with the recommendation from City staff.

#### **New World Systems**

The City has utilized New World Systems for all financial operations **except** the billing and collection of property taxes and special assessments since 2004. The City initially approached New World about the additional modules and services about a year ago. Due to the cost of the necessary upgrades that were originally presented, the proposal was rejected at that time. New World has subsequently modified the proposal on two occasions, most recently within the last couple of weeks. Proposals were as follows:

Module/Service	Initial	Second	Final
	Proposal	Proposal	Proposal
One-Time Costs: Software Licensing Travel/Training Total	\$32,921	\$18,591	\$14,400
	<u>20,960</u>	<u>14,800</u>	6,000
	<b>\$53,881</b>	<b>\$33,391</b>	<b>\$20,000</b>
Annual Maintenance	\$33,030	\$32,714	\$24,871

The final proposal from New World was for a hosted solution which would eliminate the need for the City to maintain any server infrastructure to utilize the system.

#### **BS&A Software**

The City has used BS&A software for tax billing and special assessment tracking since 2003. This is the same software used by the Wexford County Equalization Department, and being on the same platform for tax enables the City to seamlessly exchange data between the City and the County. In addition, BS&A is the software vendor for a majority of Michigan municipalities that bill property taxes, proving that they are the premier provider of this software in the State. Because of the current lack of seamless integration with the City being on two separate systems, City cashiers process receipts for taxes in BS&A, but process receipts for all other services and accounts in New World Systems. This results in inefficiencies in the collection process and

Software Recommendation February 29, 2016

added complexity in the daily receipt balancing and deposit process and for monthly bank reconciliations as well. Full system integration would eliminate most of this inefficiency.

BS&A submitted a proposal that included the following costs:

Module/Service	Final Proposal	
One-Time Costs: Software Licensing Project Management Data Conversion/Setup Implementation, Training and Travel Total	\$50,425 12,250 29,165 <u>39,710</u> <b>\$131,550</b>	
Annual Maintenance	\$11,065	

#### Financial Analysis of Proposals

Until New World Systems provided their final proposal, the payback of the investment in BS&A was only about 4 years. However, with the additional cost savings offered by New World Systems, the payback period is extended to about 8 years, based on the annual maintenance costs of BS&A being 56% lower than those of New World Systems. Since current systems have been in place for twelve years, it shows that a longer term financial analysis of the proposals is appropriate in this case. There is certainly a larger cash outlay up front for BS&A, but the Information Technology Fund has the cash on hand to make the purchase in order to achieve longer term cost savings. It is important to also note that the proposal from BS&A includes a more extensive Human Resources module than what the City currently has, which represents about \$9,500 of the costs listed above.

#### **Other Information**

While the financial analysis of the proposals doesn't greatly differentiate the two companies, at least over the first 8 years, there are some other significant differences in the proposals. First, as mentioned New World Systems is leveraging their recent sale to Tyler Technologies to offer the City a hosted solution, which means essentially the City's operating software and data would be hosted on their data servers, thereby eliminating the need to invest in and maintain the hardware and software required by server purchases. However, the City's server infrastructure is just 4 years old and can handle the BS&A server requirements within the current configuration. No additional server upgrade would be needed at this time to implement BS&A.

One of the most significant factors in the analysis of the proposals is that transitioning the City's operations to BS&A would put all of the City's significant financial operations within one operating environment. This would result in direct and real-time integration among all modules, thereby eliminating several manual processes that must be completed on a regular basis in the current environment. City staff feels that all else aside, the gains to process improvement and

Software Recommendation February 29, 2016

efficiencies operating within one software platform, along with the increased HR functions, makes transitioning to BS&A the most desirable option.

Additionally, the lower long-term cost structure of BS&A would enable the City to consider purchasing and implementing a couple of other modules in the future that are currently operated in different environments. Fixed Asset tracking, Cemetery management, and Building Inspections are a couple of examples that will be analyzed.

Finally, BS&A has a partnership in place with at least one electronic payments company that provides the type of direct integration that the City is seeking in order to begin accepting credit card and e-check payments for City services. The setup and implementation of credit card acceptance – both for online payments and for point-of-sale (i.e. counter) transactions – could be far simpler by leveraging this existing and tested partnership.

#### **Recommended Action**

Because of the reasons detailed above, it is recommended that the City Council approve the contract with BS&A Software from Bath, MI for \$131,550 to implement the proposed software solutions in accordance with their proposal. Funds are available to cover the costs of this contract in the Information Technology Fund.

# Proposal for Software and Services, Presented to... City of Cadillac, Wexford County MI March 8, 2021

Quoted by: Steve Rennell



Thank you for the opportunity to quote our software and services.

At BS&A, we are focused on delivering unparalleled service, solutions, support, and customer satisfaction. You'll see this in our literature, but it's not just a marketing strategy... it's a mindset deeply embedded in our DNA. Our goal is to provide such remarkable customer service that our customers feel compelled to remark about it.

We are extremely proud of the many long-term customer relationships we have built. Our success is directly correlated with putting the customer first and consistently choosing to **listen**. Delivering unparalleled customer service is the foundation of our company.

#### **Cost Summary**

Applications and Annual Service Fee prices based on an approximate parcel count of 5,224 and a population of 10,497. Software is licensed for use only by municipality identified on the cover page. If used for additional entities or agencies, please contact BS&A for appropriate pricing. Prices subject to change if the actual count is significantly different than the estimated count.

#### **Applications**

Community Development		
Building Department .NET		\$8,525
BS&A Online		
Community Development		\$3,115
Permit Application Feature - Enables contractors and the general public to submit permit applications online	•	
(A fee of \$2/application is accumulated and billed to the municipality).		
		*
	Subtotal	\$11,64

#### **Data Conversions/Database Setup**

Database Setup:

Building Department (per database) \$3,000

#### **Project Management and Implementation Planning**

#### Services include:

- Analyzing customer processes to ensure all critical components are addressed.
- Creating and managing the project schedule in accordance with the customer's existing processes and needs.
- Planning and scheduling training around any planned process changes included in the project plan.
- Modifying the project schedule as needed to accommodate any changes to the scope and requirements of the project that are discovered.
- Providing a central contact between the customer's project leaders, developers, trainers, IT staff, conversion staff, and other resources required throughout the transition period.
- Installing the software and providing IT consultation for network, server, and workstation configuration and requirements.
- Reviewing and addressing the specifications for needed customizations to meet customer needs (when applicable).

\$4,500



#### **Implementation and Training**

- \$1,000/day
- Days quoted are estimates; you are billed for actual days used

#### Services include:

- Setting up users and user security rights for each application
- Performing final process and procedure review
- Configuring custom settings in each application to fit the needs of the customer
- Setting up application integration and workflow methods
- Onsite verification of converted data for balancing and auditing purposes
- Training and Go-Live

Software Setup	Days:	1		\$1,000
Community Development Applications	Days:	9		\$9,000
	Total:	10	Subtotal	\$10,000



#### **Cost Totals**

Not including Annual Service Fees

Travel Expenses	\$3,005
Total Proposed	\$29,140
Implementation and Training	\$10,000
Project Management and Implementation Planning	\$4,500
Data Conversions/Database Setup	\$3,000
Applications	\$11,640

## **Payment Schedule**

1st Payment: \$7,500 to be invoiced upon execution of this agreement.

2<sup>nd</sup> Payment: **\$11,640** to be invoiced at start of training.

3<sup>rd</sup> Payment: \$13,005 to be invoiced upon completion of training.



#### **Annual Service Fees**

Unlimited support during your first year with the program is included in your purchase price. Thereafter, Service Fees are billed annually. After two (2) years, BS&A Software reserves the right to increase the Annual Service Fee by no more than the yearly Consumers Price Index for All Urban Consumers U.S. city average (CPI-U).

Community Development	
Building Department .NET	\$1,705
BS&A Online	
Community Development	\$1,025
Total Annual Service Fees	\$2,730



#### **Additional Information**

#### **Program Customization**

BS&A strives to provide a flexible solution that can be tailored to each municipality's needs. However, in some cases, custom work may be required. Typical examples include:

- ` custom payment import/lock box import
- custom OCR scan-line
- custom journal export to an outside accounting system
- ` custom reports

If you require any custom work, please let us know so that we can better understand the scope of your request and include that in a separate proposal.

#### Additional Training - Building Department Report Designer

Most of our Building Department customers heavily use our Report Designer, which is included free with the program. Report Designer Training is not included in the training quoted on this proposal and is highly recommended. You may attend a class at our office in Bath Township, or we can train at your location. Report Designer Training is typically completed in one day.

Please check the option you are interested in. Report Designer Training will be scheduled after successful implementation and training of your Building Department software.

	Classroom	training,	\$205/person	/day
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On-site training (unlimited attendees), \$1,000/day, travel not inclu
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#### **BS&A Online**

#### **Connection Requirements**

BS&A Online requires a high-speed internet connection (cable modem or DSL).

#### **Payment Processing Requirements**

Acceptance of online payments requires a contract with one of BS&A's approved Online Credit Card Processing companies. Please visit <a href="https://www.bsasoftware.com/solutions/bsaonline/public-records-search/">https://www.bsasoftware.com/solutions/bsaonline/public-records-search/</a> for information.



#### **Acceptance**

#### Signature constitutes...

- 1. An order for products and services as quoted
  - Quoted prices do not include Program Customization, training beyond the estimated number of days, or recommended Bank Reconciliation Consultation
- 2. Agreement with the proposed Annual Service Fees
- 3. Acceptance of BS&A's hardware recommendations required to efficiently run the .NET applications

Signature	Date
Signature	Date

**BS&A PLEDGE.** We offer a one-year, risk-reversal pledge on our software. If, up to a year after installation, you are not happy with our software and service, you can return our software for a full refund.

#### Returning Accepted Proposal to BS&A

Please return the entire proposal, with signature/date (this page) and contact information (next page) filled out, by any of these methods:

Mail: BS&A Software

14965 Abbey Lane Bath, MI 48808

Fax: (517) 641-8960

Email: srennell@bsasoftware.com

Once your proposal is received, a BS&A representative will contact you to begin the scheduling process.



#### **Contact Information**

If any mailing addresses are PO Boxes, please also provide a Street Address for UPS/Overnight mail.

If additional contacts need to be submitted, please make a copy of this page.

Ke	y Contact f	for Impl	lementation and	Proje	ect Manag	jement
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Name	Title
Phone/Fax	Email
Mailing Address	
City, State, Zip	
IT Contact	
Name	Title
Phone/Fax	Email
Mailing Address	
City State 7in	



#### City Council

200 North Lake Street Cadillac, Michigan 49601 Phone (231) 775-0181 Fax (231) 775-8755



Mayor Carla J. Filkins

Mayor Pro-Tem Tiyi Schippers

Councilmembers Stephen King Robert J. Engels Bryan Elenbaas

#### RESOLUTION NO. 2021-\_\_\_\_

## RESOLUTION TO APPROVE SECOND AMENDMENT TO PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE JAMES E. POTVIN INDUSTRIAL PARK

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, conducted electronically on the 15<sup>TH</sup> day of March, 2021, at 6:00 p.m.

PRESENT:		
ABSENT:		
The following pre	amble and resolution was offered by	and
seconded by		
WHEREAS, the Cit	ty of Cadillac ("City") is authorized by statute to l	buy, own and sell
real property (MCL 117.4	e); and	

WHEREAS, the City currently owns real property described as that part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: Lot 1 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds.

City of Cadillac Resolution No. 2021-\_\_\_ Page 2 of 12

WHEREAS, the James E. Potvin Industrial Park is subject to certain Protective Covenants and Restrictions recorded with a First Amendment to Protective Covenants and Restrictions for the James E. Potvin Industrial Park (the "First Amendment") on April 18,

2019 with the Wexford County Register of Deeds in Liber 684, Page 2575 (Exhibit 1); and

WHEREAS, the City wishes to ratify the First Amendment and approve the attached Second Amendment to the Protective Covenants and Restrictions for the James E. Potvin Industrial Park (Exhibit 2).

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County, Michigan, resolves as follows:

- 1. The City hereby ratifies the First Amendment and approves the Second Amendment to the Protective Covenants and Restrictions for the James E. Potvin Industrial Park.
- 2. The Mayor and the City Clerk are authorized to execute the Second Amendment (in a form similar to the attachment) and any and all related documents as may be necessary or appropriate.
- 3. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS:	
NAYS:	

City of Cadillac Resolution No. 2021 Page 3 of 12
STATE OF MICHIGAN ) COUNTY OF WEXFORD )
I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2021, duly adopted at a meeting of the City Counci held on the 15 <sup>th</sup> day of March, 2021.

Sandra Wasson City Clerk City of Cadillac Resolution No. 2021-\_\_\_ Page 4 of 12

#### EXHIBIT 1

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# PROTECTIVE COVENANTS AND RESTRICTIONS JAMES E. POTVIN INDUSTRIAL PARK CADILLAC, MICHIGAN

### James E. Potvin Industrial Park Covenants Index

1.	Permitted Uses of Property
1A.	Uses of 13th Street
2.	Commencement of Construction
3.	Required Conditions
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5.	Division of Lot
6.	Performance Standard
7.	Maintenance of Property5
8.	Enforcement of Restrictions
9.	Invalidation
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# AMENDMENT TO AND RESTATEMENT OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR JAMES E. POTVIN INDUSTRIAL PARK

KNOW ALL MEN BY THESE PRESENTS, That the undersigned being the owners of more than three-fourths (3/4) of the acreage in the James E. Potvin Industrial Park, together with the Cadillac Planning Board (formerly, Cadillac Planning Commission) and the Cadillac Industrial Fund, Inc., have approved the Protective Covenants and Restrictions as recorded in the office of the Register of Deeds, Wexford County, Michigan as follows:

#### 1. PERMITTED USES OF PROPERTY:

The property herein conveyed shall be used only for industrial, manufacturing, wholesale, trade schools, municipal, warehousing, distribution or research center purposes. The property shall not be used for residential purposes, except those required on the plant premises for watchman or police purposes. The retail sale of any merchandise or services is prohibited, unless approved by the Cadillac Planning Board. No business or use of property shall be permitted unless first approved by the Cadillac Planning Board and the Cadillac Industrial Fund, Inc.

The retail sale of food, beverages and other such convenience items to occupants and employees is permitted so long as these items are not offered for sale to the general public.

- A. <u>USES OF 13<sup>th</sup> STREET:</u>
   Lots abutting 13<sup>th</sup> Street shall not ingress or egress to and from 13<sup>th</sup> Street except over original platted roads.
- B. Temporary structures are prohibited unless first approved by the Planning Board.

#### 2. <u>COMMENCEMENT OF CONSTRUCTION:</u>

The Purchaser of any property in the Industrial Park shall commence construction within one (1) year after the date of purchase of property and complete construction substantially in accordance with plans and specifications as approved by the Planning Board within eighteen (18) months from the date of said purchase. Time extensions for unusual circumstances may be granted by the Cadillac Planning Board.

Failure to comply with these provisions shall give the City of Cadillac the right to

repurchase the property at a price agreed upon between the parties, but in no event to exceed the purchase price, plus the amount of any outstanding mortgages or other encumbrances against the property, if any, or the cost of improvements expended by the owner, whichever is greater.

If construction is made on less than the total of the lots purchased, the City of Cadillac is hereby given the right to purchase the lots not built on for the original purchase price of the excess property in the event the owner, or its subsequent assignee or successor in title, ever elects to divest itself of the excess property. This provision is intended to prohibit re-sale to any third party.

#### 3. REQUIRED CONDITIONS:

Any building or uses permitted in the James E. Potvin Industrial Park shall comply with the following conditions:

#### A. <u>CONSTRUCTION AND APPEARANCE:</u>

- 1) All buildings constructed on the property shall conform to the requirements specified by the City of Cadillac Building and Zoning, and Property Maintenance Codes in effect at the time of such construction. The exterior material of any wall facing a street and 20 feet of the sidewalls nearest to the front wall must be facebrick, decorative pre-cast panels, decorative metals, stone or equivalent, to provide an attractive façade. Pole building metal siding or plain concrete block would not be allowed except in limited quantity. Planning Board approval is required.
- 2) All building, site, parking and landscape plans and specifications for initial construction, shall be subject to approval by the Cadillac Planning Board, and all similar plans for alterations and additions which affect the exterior of any buildings, or the site shall be consistent with the original approval and in conformance with the City's Zoning Ordinance as determined by the Zoning Administrator.
- 3) All utilities shall be located underground.

#### B. <u>STORAGE</u>:

All goods, equipment, supplies or other materials shall be stored in completely enclosed buildings except raw materials used in the ordinary course of business and

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finished or semi-finished products may be located on the property in accordance with provisions as specified by the City of Cadillac Zoning Ordinance.

#### C. <u>FENCING</u>:

All fencing for screening, security or other purposes shall be attractive in appearance and shall be of all metal industrial type fence of galvanized or non-ferrous material, or decorative masonry wall. The required front yard, and those side yards which abut a public street, shall not be fenced, unless the fence is set back a minimum of five (5) feet from the street right of way line and landscaping is maintained between the street and the fencing.

#### D. <u>LANDSCAPING</u>:

Land areas outside the building lines or surfaced parking areas shall be landscaped and maintained at the expense of the Grantee. Plans for both landscaping and parking areas must be included with the building plans for approval. The requirements of this paragraph shall be complied with prior to the issuance of a certificate of occupancy, except the Cadillac Planning Board shall have the right to waive this in exceptional circumstances subject to satisfactory guaranties of completion being furnished to the Planning Board.

A landscaped greenbelt, complying with Section 5.19 of the City Code, must be installed and maintained in all yards that abut public streets. Yards must be maintained as a lawn and all set aside lands for future expansion must be maintained as a mowed lawn within 25 feet of any public street. Disturbed areas must be restored within six months.

#### E. OFF-STREET LOADING AND UNLOADING:

No loading or unloading shall be permitted on any public or private street or road or any other place except as provided with the following:

Loading and unloading areas shall comply with the requirement of the City of Cadillac Zoning Ordinance except that all industrial buildings must have a minimum of one (1) loading and unloading area. All loading and unloading docks or provisions for handling freight and materials must be located on the side or rear of buildings. In the case of a corner lot, loading or unloading docks or provisions for handing freight and materials shall not be permitted on that side abutting a

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street, unless approved by the Cadillac Planning Board.

#### F. OFF-STREET PARKING:

- 1) No parking shall be permitted on any public or private street or road or any other place than paved parking areas. Each owner shall be required to provide off-street parking for all their employees, customers and visitors.
- 2) Off-street parking shall be provided in accordance with the provisions as specified in the City of Cadillac Zoning Ordinance and all plans for said parking shall be subject to approval by the Planning Board.
- 3) All driveways and parking areas shall be surfaced with concrete or asphalt and shall be constructed with adequate drainage. The requirements of this paragraph shall be completed within one year of issuance of a certificate of occupancy, except the Cadillac Planning Board may temporarily approve stabilized road gravel subject to satisfactory guaranties of completion being furnished to the Planning Board.
- 4) Off-street parking areas shall be used for the parking of passenger vehicles or commercial and other vehicles incidental to the operation conducted on the property. No commercial repair work or any service of any kind on any motor vehicles shall be conducted on such parking areas. Vehicles, including trailers shall not be used for storage longer than thirty (30) days.

#### 4. SIGNS:

Billboard posters and other advertising signs are prohibited except for those signs which provide for direction of traffic or which advertise the property owner's business or product. All signs must comply with the City's Zoning Code and pole signs must not exceed a height of fifteen (15) feet

#### 5. <u>DIVISION OF LOT AND MINIMUM LOT FRONTAGE</u>:

No parcel or lot shall be divided without the approval of the Cadillac Planning Board, the Cadillac Industrial Fund and the Zoning Administrator.

#### 6. <u>PERFORMANCE STANDARD</u>:

No industry or other business shall be established, maintained or permitted on said property which produces objectionable smoke, dust, noise, vibration or waste. Determination of

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whether an industry or business is objectionable for any of the above reasons shall be based on the existing laws and ordinances and the discretion of the Cadillac Planning Board.

#### 7. MAINTENANCE OF PROPERTY:

The owner of said property shall keep the premises, building and improvements in a safe, clean, healthful and attractive condition and shall comply in all respects to all government health and police requirements.

#### 8. ENFORCEMENT OF RESTRICTIONS:

The Grantor herein, its successors and assigns, may enforce these restrictions by restraining order or may prosecute at law or in equity a suit for damages or other remedy which the Grantor, its successors and assigns may have.

#### 9. <u>INVALIDATION</u>:

Invalidation of any of the foregoing conditions, restrictions or covenants by a Court of competent jurisdiction in no way affects any of the other provisions which shall remain in full force and effect.

#### 10. <u>EFFECT AND TERMINATION OF RESTRICTIONS:</u>

These restrictions shall be covenants running with the land and shall be binding upon the Grantee, its heirs, successors and assigns. A copy of these covenants shall be attached to the deed and signed by the owner or corporate officer.

#### 11. <u>AMENDMENT OF RESTRICTIONS:</u>

These restrictions may be amended at any time by the owners of three-fourths (3/4) of the acreage in the Plat upon approval of the Planning Board and Cadillac Industrial Fund, Inc.

APPROVED:	CITY OF CADILLAC, a Michigan Municipality
DATED: <u>May 7, 2001</u>	By: Its Mayor Danice E. Nolson
CADILLAC PLANNING BOARD	CADILLAÇ INDUSTRIAL FUND, INC.
By: James J. Skyper  State of Michigan )  Sss.  COUNTY OF WEXFORD )	By: Whilip N. Potrin
The foregoing instrument was acknowledge.	owledged before me this 8th day of
May ,2001by Ronald J. Blar	nchard and Janice E. Nelson ,
the Mayor and Clerk, respectively, of the Cl	Notary Public, Wexford County, Michigan My Commission Expires: April 29, 2005

CHRISTINE L. BENSON Notary Public, Wexford Co., Michigan My Commission Expires April 29, 2005

Approved by the Cadillac Industrial Fund on May 21, 2002.

Drafted by Citof Cadillac 200 N. Lake Street (adillac, My 4960) L: 684 P: 2575 201900002271

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Lorie L. Sorensen

Register of Deeds - Wexford County, MI

(Legal Description: That part of the Northeast Quarter (NE 1/4), and that part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 31, T22N, R9W, City of Cadillac, Wexford County Michigan, described as beginning at the Northeast (NE) corner of said Section 31; thence along the East section line South 00°00'02" West 669.13 feet; thence parallel to the right-of-way of Edward Pothoff Street extended North 89°21'02" West 249.24 feet; thence parallel to the East section line South 00°00'02" West 483.07 feet; thence parallel to the Ann Arbor Railroad right-of-way North 73°07'50" West 358.48 feet; thence South 16°52'10" West 919.15 feet to the Northerly right-of-way of the Ann Arbor Railroad; thence along said right-of-way North 73°07'50" West 1867.99 feet to the North-South Quarter (NS 1/4) line; thence along the North-South Quarter (NS 1/4) line North 00°05'19" East 71.29 feet to the North 1/8 line; thence along the North 1/8 line North 89°30'57" West 241.95 feet to the Northerly right-of-way of the Ann Arbor Railroad; thence along said right-of-way North 73°07'50" West 1131.90 feet to the West 1/8 line; thence along the West 1/8 line North 00°17'06" East 994.38 feet to the North section line; thence along the North section line South 89°48'28" East 1322.24 feet to the North 1/4 corner; thence continuing along the North section line South 89°48'28" East 2644.49 feet to the Northeast corner of said section and the point of beginning, containing 125.73 acres, more or less.)

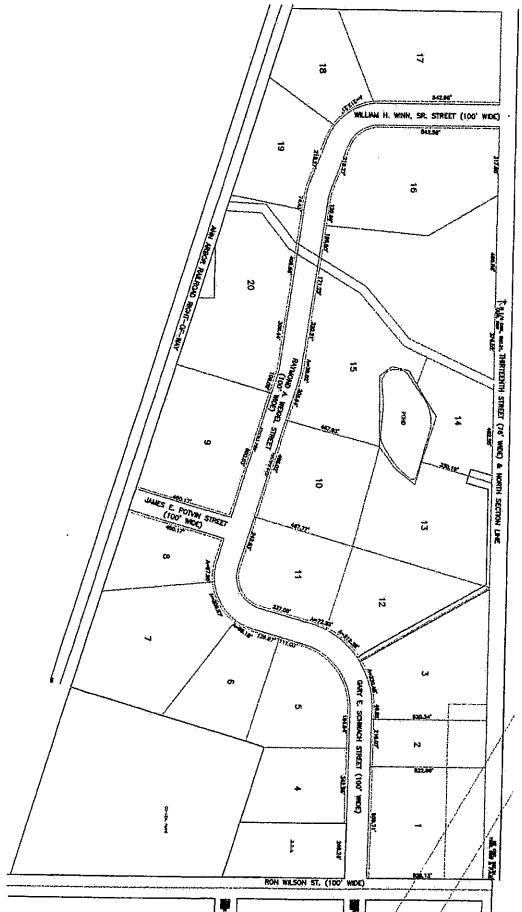
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Lorie L. Sorensen

Register of Deeds - Wexford County, MI

# James Potvin Industrial Park



# FIRST AMENDMENT TO PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE JAMES E. POTVIN INDUSTRIAL PARK

The undersigned being the owner of three fourth (3/4) of the acreage in the James E. Potvin Industrial Park, together with the Cadillac Planning Board and the Cadillac Industrial Fund, Inc., have approved this First Amendment to those certain Protective Covenants and Restrictions for the James E. Potvin Industrial Park dated May 7, 2001 as recorded in Liber 684 at 2575 page \_\_, Wexford County Register of Deeds (the "Covenants").

Section 3. B of the Covenants is deleted in its entirety and the following is inserted in its place:
 B. <u>STORAGE</u>:

All goods, supplies or other materials shall be stored in completely enclosed buildings except raw materials used in the ordinary course of business and finished or semi-finished products may be located on the property provided that all items stored outside must be behind a screening structure, fence, wall or landscaping of not less than six (6) feet but not more than eight (8) feet so as to shield all outdoor items. All screening structures, fences, walls or landscaping shall be maintained in good condition.

2. In all other respects, the Covenants are hereby ratified and shall remain in full force and effect.

Executed at Cadillac, Michigan, on April 17, 2019.

Approved on: April 17, 2019	CITY OF CADILLAC, a Michigan Municipality  By: CARLA FILLIAS  Its Mayor Carla J. Filkins  By: Landa J. Wassen  Its Clerk Sandra L. Wassen
STATE OF MICHIGAN )	
COUNTY OF WEXFORD )	
	Notary Public, Wexford County, Michigan My Commission Expires: 5 - 2 - 20 24  L: 684 P: 2576 201900002272  RST Fee:\$ 30.00 04/18/2019 11:16 AM Page: 2 of 5 Lorie L. Sorensen Register of Deeds - Wexford County, MI

L: 684 P: 2576 201900002272  RST Fee:\$ 30.00 04/18/2019 11:16 RM Page: 3 of 5  Lorie L. Sorensen  Register of Deeds - Wexford County,	
STATE OF MICHIGAN ) )ss. COUNTY OF WEXFORD )	
The foregoing instrument was ackr John Putvin, the Chairman, on behalf of the FRANCES R. WALLBANK NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF WEXFORD MY COMMISSION EXPIRES 05/02/2024 ACTING IN THE COUNTY OF WEXED IN	Frances R. Wallbark Notary Public, Wexford County, Michigan
STATE OF MICHIGAN ) )ss. COUNTY OF WEXFORD )  The foregoing instrument was acknown.	nowledged before me this 17th day of April, 2019 by
Michael Hamner, the President, on behalf FRANCES R. WALLBANK	of the Cadillac Industrial Fund, Inc.  Hances R. Wall bank
NOTARY PUBLIC - STATE OF MICHIGAN	Notary Public, Wexford County, Michigan

COUNTY OF WEXFORD

MY COMMISSION EXPIRES 05/02/2024

ACTING IN THE COUNTY OF WEXFORD

My Commission Expires: 5-2-2024

L: 684 P: 2576 201900002272 RST Fee:\$ 30.00 04/18/2019 11:16 AM Page: 4 of 5 Lorie L. Sorensen Register of Deeds - Wexford County, MI

Approved on: 4-17-2019

Mesick Plastics, L.L.C. a Michigan

limited liability company

By Showed June

Its President

s Spincer

STATE OF MICHIGAN

)ss.

COUNTY OF WEXFORD

On this the 17th day of April, 2019, before me personally appeared Tom Spence the Perident of Mesick Plastics, L.L.C., a Michigan limited liability company who executed the foregoing instrument and acknowledged that he executed the same on behalf of said company.

Howes R. Wallbank
Notary Public, Wexford County, Michigan
My Commission Expires: 5-2-2024

FRANCES R. WALLBANK
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WEXFORD
MY COMMISSION EXPIRES 05/02/2024
ACTING IN THE COUNTY OF Wex Ford

Orafted by City of Cadrillac 200 N. Lake Street (adillac, MZ 49601

L: 684 P: 2576 201900002272 RST Fee:\$ 30.00 04/18/2019 11:16 AM Page: 5 of 5 Register of Deeds - Wexford County, MI Piranha Properties, L.L.C., a Michigan limited liability company By Brian R Blake

Its President Brian & Blake STATE OF MICHIGAN )ss. COUNTY OF WEXFORD On this the 17th day of April, 2019, before me personally appeared Brian R. Blake the President of Piranha Properties, L.L.C., a Michigan limited liability company who executed the foregoing instrument and acknowledged that he executed the same on behalf of said company. FRANCES R. WALLBANK NOTARY PUBLIC - STATE OF MICHIGAN My Commission Expires: 5-2-2024 COUNTY OF WEXFORD MY COMMISSION EXPIRES 05/02/2024 ACTING IN THE COUNTY OF Wex ford Piranha Hose Products, Inc., a Michigan corporation Its President Brian R. Blake STATE OF MICHIGAN )ss. COUNTY OF WEXFORD On this the 17th day of April, 2019, before me personally appeared Brian R. Blake the President of Piranha Hose Products, Inc., a Michigan corporation who executed the foregoing instrument and acknowledged that he executed the same on behalf of said company.

FRANCES R. WALLBANK
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WEXFORD
MY COMMISSION EXPIRES 05/02/2024
ACTING IN THE COUNTY OF Wexford

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-Jnauces R Wallback Notary Public, Wexford County, Michigan

My Commission Expires: 5-2-2024

City of Cadillac Resolution No. 2021-\_\_\_ Page 5 of 12

#### **EXHIBIT 2**

## SECOND AMENDMENT TO PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE JAMES E. POTVIN INDUSTRIAL PARK

The undersigned being the owner of three fourth (3/4) of the acreage in the James E. Potvin Industrial Park, together with the Cadillac Planning Board and the Cadillac Industrial Fund, Inc., have approved this Second Amendment to those certain Protective Covenants and Restrictions for the James E. Potvin Industrial Park dated May 7, 2001 as recorded in Liber 684 at page 2575, Wexford County Register of Deeds, as amended (the "Covenants"). The James E. Potvin Industrial Park is located in the City of Cadillac, County of Wexford, State of Michigan, according to the recorded plat in Liber 8 of Plats, Page 461, Wexford County Records.

- 1. Pursuant to Article 5 of the Covenants, the undersigned hereby amend the Covenants to exempt the East 180 feet of Lot 1 of the Plat of the James E. Potvin Industrial Park from the terms of the Covenants.
- 2. In all other respects, the Covenants are hereby ratified and shall remain in full force and effect.

City of Cadillac Resolution No. 2021 Page 7 of 12					
Executed at Cadillac,	Michigan, on _			, 2021.	
Approved on:	_	CITY	OF	CADILLAC, a Michigan	n Municipality
		By:			
			Its		Mayo
		By:	Ψ.		
			Its		Clerk
STATE OF MICHIGAN	)				
COUNTY OF WEXFORD	)ss. )				
	Filkins and Sa	andra V		ged before me thison, the Mayor and Clerk, re	
	·				
				Iotary Public, Wexford Cou	ınty, Michigar
			1/	ny comminasion expires: _	

City of Cadillac Resolution No. 2021 Page 8 of 12		
	Approved on:  CADILLAC PLANNING COMMISSION of known as the Cadillac Planning Board  By:  John Putvin	formerly
	Its Chairman	
STATE OF MICHIGAN ) )ss. COUNTY OF WEXFORD )		
The foregoing instrument was 2021 by, the Commission.	acknowledged before me this Chairman, on behalf of the Cadillac I	day of Planning
	Notary Public, Wexford County, M My Commission Expires:	

City of Cadillac Resolution No. 2021 Page 9 of 12		
		Approved on:
		CADILLAC INDUSTRIAL FUND, INC.
		By Michael Hamner Its President
STATE OF MICHIGAN	)	
COUNTY OF WEXFORD	)ss. )	
		ed before me this day of, of the Cadillac Industrial Fund, Inc.
		Notary Public, Wexford County, Michigan My Commission Expires:

City of Cadillac Resolution No. 2021 Page 10 of 12	
	Approved on:
	Mesick Plastics, L.L.C. a Michigan limited liability company
	Ву
	Its
STATE OF MICHIGAN ) )ss.	
COUNTY OF WEXFORD )	
On this theday of, 2021, befo of Mesick Plastics, L.L.C., a Mich the foregoing instrument and acknowledged that company.	nigan limited liability company who executed
	Notary Public, Wexford County, Michigan My Commission Expires:

City of Cadillac Resolution No. 2021 Page 11 of 12	
	Piranha Properties, L.L.C., a Michigan limited liability company
	Ву
	Its
STATE OF MICHIGAN ) )ss. COUNTY OF WEXFORD )	
On this theday of, 20, 20	21, before me personally appeared Properties, L.L.C., a Michigan limited nent and acknowledged that he executed the
	Notary Public, Wexford County, Michigan My Commission Expires:

City of Cadillac Resolution No. 2021 Page 12 of 12	
	Piranha Hose Products, Inc., a Michigan corporation
	By
	Its
STATE OF MICHIGAN ) )ss. COUNTY OF WEXFORD )	
On this theday of, theof corporation who executed the foregoing instrument on behalf of said company.	2021, before me personally appeared Piranha Hose Products, Inc., a Michigan and acknowledged that he executed the same
	Notary Public, Wexford County, Michigan My Commission Expires:

Prepared by and return to: Scott H. Hogan (P41921) Foster Swift Collins & Smith PC 1700 E. Beltline NE, Suite 200 Grand Rapids, MI 459525 (616) 726-2200

# Minutes (Draft) Downtown Development Authority (DDA) Business Improvement District (BID) Board

Regular Meeting January 27, 2021

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held electronically at 7:30 a.m. on Wednesday, January 27, 2021.

**MEMBERS PRESENT:** Coffey, LeVand, Barnes, Schultz, Swanson, Cinco, Huckle, Kelsey, Crawley **STAFF PRESENT:** Peccia, Wallace, Coy, Payne, Pluger

#### **APPROVAL OF Minutes**

- Motion to approve meeting minutes from December 9<sup>th</sup>, 2020 by Coffey. Supported by Barnes.
- Motion approved unanimously.

#### **CITY MANAGER REPORTS**

- Peccia presented financial report and transmittal information.
  - Q LeVand What are contractual services? Payne stated it was probably for crack sealing in the parking lots
  - Q LeVand is the rent for vehicles? Payne stated yes.
  - o Q LeVand- What are the total revenues and expenditures in parking fund? Where is the balance of money going? Peccia advised him to ask
- Motion to approve the financial report included in packet by Schultz. Supported by Coffey. Motion approved unanimously.
- General Updates:
  - O Update on rules of online meetings everyone must state names and their locations when they call in. More information can be found on DHHS 10 website. Restrictions are loosening this coming Monday however public body meetings are still very limited. City Hall is not big enough to accommodate the restrictions.
  - Working on Northwood Project. A private company owns it and there are some complexities getting it moving, COVID did not help
  - o Recap about changes to the Brownfield Development laws that are being reviewed by state and federal committees.
  - Offer for the Pine and Mitchell shop the antique shop could be bought and redone. The neighbor is also doing renovations.
  - o Meeting with new owner of Herman's
  - Q: LeVand What type of business is Northwoods bringing in? Peccia was not sure, there are many possibilities.

#### **DIRECTOR REPORT**

- Redevelopment Ready Communities Update Planning Commission approved mixed-use by right which will now go to City Council for approval.
- **CDBG Low Income Survey:** With COVID this was paused. Looking to AES to lead this program to begin this. Hoping to meet next week with them to get more information.
- Cadillac Castle Update: Wallace and Coy have been working with Phil Seybert to get the financials compiled to assist him with his funding.
- **Odd Fellows Building (Ben Bigelow):** He has taken down the boards and shows a new updated facade.
- **Economic Development Evaluation (AES):** Lots of activity with the Visitors Bureau and the Downtown Cadillac Association and they are regrouping to figure out how to run this in coordination with AES and the Chamber.
- Cadillac Public and Private Investment Information: Should be sending out an update later

- today to everyone. This goes with the research and compilation of data for Phil Seybert.
- Interview with Mark Schollett with 7&4 News: Wallace was part of an interview with several other cities about the effect of COVID on small towns. Was a positive interview.

#### **COMMITTEE REPORTS**: - None.

#### **OLD BUSINESS**

#### - Parking Assessment Update - Levy not due until March 2022

- A parking count has been completed, land uses recorded, and Wallace will be review with Coy all uses. Will be reviewing amount of parking assigned to each business. Hoping to have firm numbers at the next meeting. Planning to discount basement spaces as they are not consistent usable spaces for each business.
- Q- LeVand Should Parking Committee meet in February? Wallace recommended to meet in March

#### - Request for Legal Opinion of Parking Fund/Owning Property for Parking

- o Foster Swift gave a final answer that it would not be a possibility to use the funds to purchase property.
  - Q- LeVand how did the DDA acquire the lots they already have? Peccia- the City technically owns the lots but the DDA subsidizes them.
  - Q- LeVand if the DDA had money to purchase a lot would they give the money to the City to purchase? Peccia stated he believes so. The money would have to be justified/allowed by the plan depending on where the money came from.
  - Discussion followed about how funds had been used on past projects and the rules that are attached to the parking fund.

#### - DDA Expansion – Future Zoning

- Wallace shared his proposal on changes he is suggesting. There is a possibility of expanding
  with different types of Downtown. People would be part of "core" of "downtown" and
  could be taxed differently depending on where they are. This has not gone to the planning
  commission yet for review.
  - Q- Crawley –Business district being added wouldn't be taxed? Wallace explained
    that decision is up to the proposal. Wallace recommended not taxing as much since
    those places will not get the same amenities/assistance from the DDA such as
    flowers and trash cans.
  - Q- LeVand What are the red on the map? Wallace explained those are commercial.
  - Q- LeVand Will research be done to see what revenue could be if these businesses are moved into the DDA? Wallace stated that he could give Owen a list of properties and get an estimate.
  - LeVand noted a specific location on the map that should be purple. Wallace agreed and stated the map would be updated.
  - Peccia stated he needs to review with Foster Swift about changing the millages per where people are located. Recommended that rates stay the same for everyone.

#### - Recycling Cardboard - Current program \$6 fee

- o Update from Pluger that there is a current program and that Miss Green was not very interested in starting a new program
- Barnes stated ECO friendly aspects makes businesses want to be a part, but the practical side of things makes it difficult.
- o Huckle currently takes things to Miss Green but might utilize the pickup
- LeVand asked if DDA wants to publicize and try to create something. Huckle commented with no interest right now then the DDA should leave it be for now.

#### - Regulations for Overnight Parking

- A paper was sent out with rules about the program. Discussion followed about the City's processes, how to report it and how the City Police respond. There are warning tags placed and eventually they can be towed.
- Snow Removal Letter with Contractors (sent out to property owners and businesses)
  - o LeVand wanted to commend Huckle for taking the lead on this and pushing for it.
  - o Wallace stated the list did go out with suggestions and current rules.
  - Q- LeVand isn't there anything we can do to enforce the people who never shovel? Payne spoke specifically about the location in question and stated they have been doing one location but will do better.

#### **NEW BUSINESS**

- Discussion of street parking on Pine Street and Mitchell (east side)
  - The lots do not meet standards for City Ordinance. Planning to coordinate with Police and Street departments about how to handle this location on Pine with cars sticking out in the street.
  - o Discussion followed about putting up signs, which Payne has. Suggestion that the Parking Committee speak about it further at their next meeting
  - o Q- Schultz are the vehicles considered parked legally? Wallace advised that he believes yes but hopes that police and streets can get together to discuss it.
- Extra lighting has been requested for corner of Pine Street and Mitchell (east side)
  - Wallace has requested extra lighting here because it is dark and difficult in the winter months.
  - o Payne suggested that Bigelow could add lighting on the side of his building. Also, would contact consumers to add additional light.

#### **COMMUNICATIONS/OTHER ITEMS** – None

<u>PUBLIC COMMENTS</u> – None.

**ADJOURNMENT**: Meeting Adjourned