



City Council Meeting

June 7, 2021

6:00 p.m.

By Remote Electronic Participation

Cadillac Municipal Complex

200 N. Lake St.

Cadillac, MI 49601



June 7, 2021 City Council Meeting Agenda
6 p.m. 200 N. Lake St. – Cadillac, MI 49601
Meeting held by remote electronic participation.

We are all accountable

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, www.cadillac-mi.net, 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

All items listed on the consent agenda are considered routine and will be enacted by one motion with roll call vote. There will be no separate discussion of these items unless a Council Member so requests it, in which event the items will be removed from the consent agenda and discussed separately.

- A. Minutes from the regular meeting held on May 17, 2021.
Support Document III-A

IV. COMMUNICATIONS

- A. UpBeat Cadillac
Support Document IV-A

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V. CITY MANAGER'S REPORT

- A. Bids and recommendation regarding Police Patrol Vehicle Emergency Equipment.
Support Document V-A
- B. COVID-19 Update

VI. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution Approving Amendment to Sanitary Sewer Service Agreement with Lake Mitchell Sewer Authority.
Support Document VI-A

VII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Zoning Board of Appeals
Support Document VII-A

VIII. PUBLIC COMMENTS

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IX. GOOD OF THE ORDER

X. CLOSED SESSION

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

XI. ADJOURNMENT

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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

May 17, 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, Homier, Wasson

APPROVAL OF AGENDA

2021-098 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2021-099 Approve consent agenda as amended.

Motion was made by King and supported by Schippers to approve the consent agenda, including the minutes from May 3, 2021, as amended, to correct the purchase price of ferric chloride from \$0.245 per dry pound to \$0.276 per dry pound.

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance to Approve Transfer of Real Property (White Pine Area) and to Confirm Acceptance of a Water Utilities Easement.

Peccia noted the Water Utilities Easement was approved by the City Council at the May 3, 2021 meeting. He stated the proposed land transfer is regarding property located in the new wellfield area.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-100 Adopt Ordinance 2021-08.

Motion was made by Schippers and supported by King to approve the resolution to adopt Ordinance to Approve Transfer of Real Property (White Pine Area) and to Confirm Acceptance of a Water Utilities Easement.

Motion unanimously approved.

- B. Public hearing to consider adoption of Ordinance to Amend Sections 42-201 and 42-202(3) of Chapter 42 of the Cadillac City Code to Adjust Water Rates in the City of Cadillac.

Peccia noted the next three (3) public hearings are interrelated. He thanked City Council and City Staff for their collaborative spirit throughout the budget process.

Owen Roberts, Director of Finance, provided a brief summary of the proposed Water & Sewer User Rates and the proposed Fiscal Year 2022 Budget (see attachment).

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-101 Adopt Ordinance 2021-10.

Motion was made by Schippers and supported by Engels to approve the resolution to adopt Ordinance to Amend Sections 42-201 and 42-202(3) of Chapter 42 of the Cadillac City Code to Adjust Water Rates in the City of Cadillac as presented.

Ayes: Schippers, Engels, King, Mayor Filkins

Nays: Elenbaas

Motion carried.

- C. Public hearing to consider adoption of Ordinance to Amend Section 42-374 of Chapter 42 of the Cadillac City Code to Adjust Sewer Rates in the City of Cadillac.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-102 Adopt Ordinance 2021-11.

Motion was made by Engels and supported by Schippers to approve the resolution to adopt Ordinance to Amend Section 42-374 of Chapter 42 of the Cadillac City Code to Adjust Sewer Rates in the City of Cadillac as presented.

Ayes: Schippers, Engels, King, Mayor Filkins

Nays: Elenbaas

Motion carried.

- D. Public hearing to consider adoption of Ordinance Establishing General Appropriations Act for Fiscal Year 2022.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-103 Adopt Ordinance 2021-09.

Motion was made by Schippers and supported by Engels to approve the resolution to adopt Ordinance Establishing General Appropriations Act for Fiscal Year 2022.

Ayes: Schippers, Engels, King, Mayor Filkins

Nays: Elenbaas

Motion carried.

APPOINTMENTS

- A. Recommendation regarding reappointment to the Brownfield Redevelopment Authority.

2021-104 Approve reappointment to the Brownfield Redevelopment Authority.

Motion was made by Schippers and supported by Engels to approve the reappointment of Marcus Peccia to the Brownfield Redevelopment Authority for a 3-year term to expire on May 19, 2024.

Motion unanimously approved.

- B. Recommendation regarding reappointment to the Corridor Improvement Authority/Cadillac West Resort Area.

2021-105 Approve reappointment to the Corridor Improvement Authority/Cadillac West Resort Area.

Motion was made by Elenbaas and supported by Engels to approve the reappointment of Robert LeVand to the Corridor Improvement Authority/Cadillac West Resort Area for a 4-year term to expire on June 3, 2025.

Motion unanimously approved.

CITY MANAGER’S REPORT

A. COVID-19 Update

Peccia noted information regarding COVID-19 can be found on the District Health Department #10 website at www.dhd10.org.

MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Cadillac West Corridor Improvement Authority

PUBLIC COMMENTS

There were no public comments.

GOOD OF THE ORDER

Peccia thanked everyone involved in the Park’s Clean-Up Day and the Household Hazardous Waste Disposal Day.

Schippers noted the next meeting of the Mayor’s Youth Council is scheduled for 4:00 pm on June 9, 2021. She noted they plan to determine which activities they will be participating in throughout the summer and moving forward.

Elenbaas thanked everyone who assisted him after his recent bicycle accident.

Mayor Filkins stated she has been hearing positive comments regarding the construction work on Evert Street.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk



Water and Sewer User Rates

Public Hearing
May 17, 2021

1

Proposed Rate Adjustment (5%): + \$2.41 per
mo/\$28.92 per year (total water and sewer)

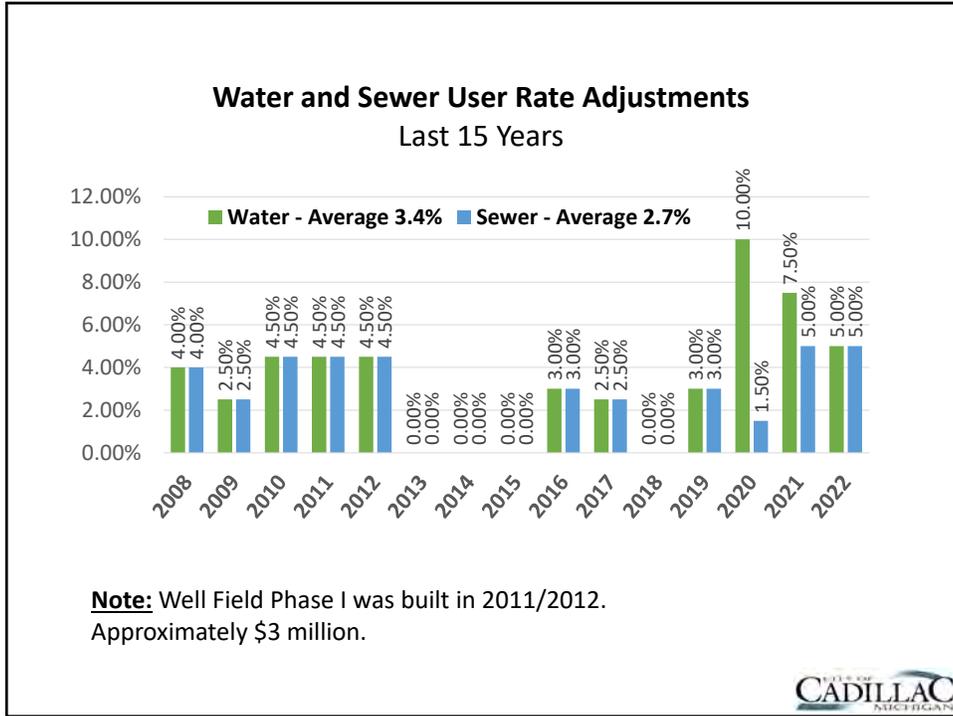


- **Water and Sewer User Charges**

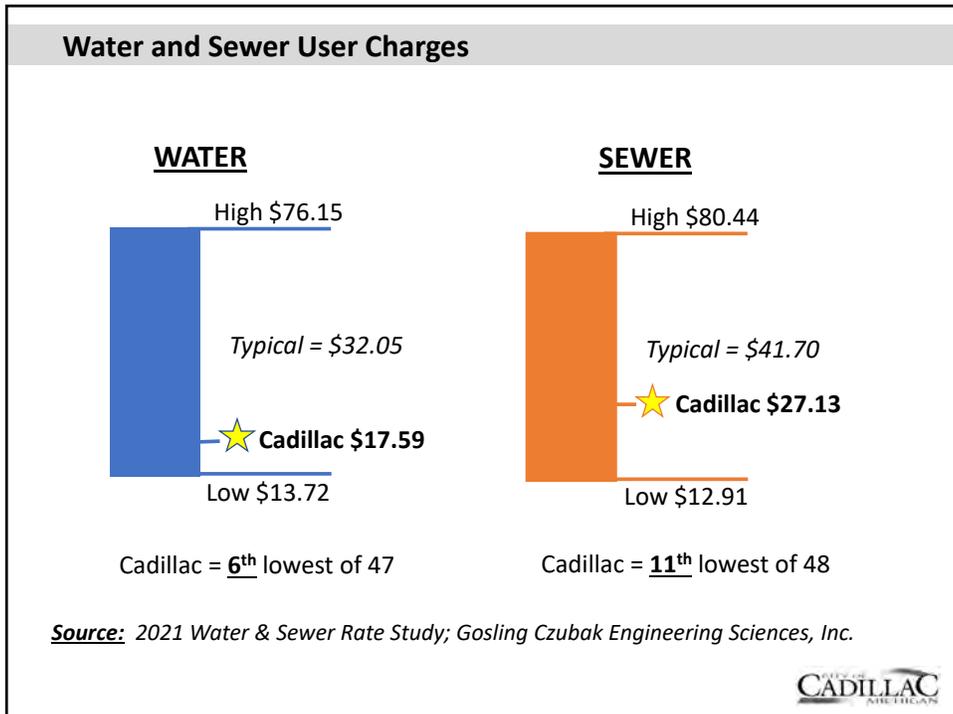
- Justification:
 - Well Field: debt service on \$9.7 million DWRP loan
 - Ongoing capital investment
- Average Monthly Bill ↑ ~\$2.41
- Sewer: ↑ \$1.47/month
- Water: ↑ \$0.94/month
- *Based on average residential customer (5200 gallons per month)*



2



3



4

Independent Cash Flow/Rate Analysis

- Need to maintain adequate reserves
- Fund \$450,000 additional annual debt service for new well field
- Continue to fund ongoing capital investment with cash on hand
- Identified need for user charge adjustment:

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
Baker Tilly	5.00%	9.50%	3.00%	3.00%	3.00%	3.00%
Baird	N/A	4.41%	8.36%	2.03%	2.28%	2.28%

- Slight timing differences based on when debt issued/project bid and approved



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Ongoing Capital Investment

Since 2010 (Cash Only – Does not include bond-financed Well Field Phase I Project)

	Water	Sewer	Total
Infrastructure	\$2,465,972	\$1,479,929	\$3,945,901
Equipment, Building, etc.	909,323	\$1,175,746	\$2,085,069
Total	\$3,375,295	\$2,655,675	\$6,030,970



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Public Process of Adopting Annual Budget

Public Meetings

- ✓ Goals/Capital Work Session 3/21/2021
- ✓ Work Session 4/5/2021
- ✓ Public Hearing 4/19/2021
- ✓ Introduce General Appropriations Ordinance 5/3/2021
- Public Hearing/Adopt General Appropriations Act Ordinance 5/17/2021

Budget available for public review and input

- ✓ City Clerk's Office
- ✓ www.cadillac-mi.net/FY2022Budget



7

Budget Hearing Required by City Charter

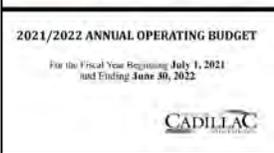
Required by Charter

- Budget to City Council '...On or before the first day of April in each year...' (**Section 10.2**)
- Public Hearing – public hearing in '...the second half of the month of April...' (**Section 10.3**)
- ➔ • Budget Adoption - 'Not before the 10th day of May, nor later than the last day in May each year...' (**Section 10.4**)
 - Note:** per Section 5.6(b)(5), appropriating funds requires the affirmative vote of four or more members of the Council.
- Budget Amendments – Budget ordinance grants authority to amend the budget, when necessary, by resolution



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FY2022 Budget Summary



Total Revenue – All Funds:	\$20,289,300
Total Spending – All Funds:	<u>\$23,083,000</u>
Revenue under spending:	(\$2,793,700)

Highlights:

- Protection of Reserves
- \$2.5 million infrastructure; including some preliminary/temporary work on North Blvd.
- Recreation
- Investment in people (COLA); total count down by 1



June 7, 2021

COUNCIL COMMUNICATION

Re: Event organizer from Upbeat Cadillac is asking for a fee waiver for their event starting June 24, 2021.

The following application references all of the current fees for the use of the Rotary Performing Arts Pavilion at Cadillac Commons. The fees were instituted following the latest renovation of the facility a few years ago, in an effort to offset in part, some of the City's operational expenses in maintaining the facility and providing support to accommodate events.

Based on Upbeat Cadillac's 10-performance schedule, and based on the non-profit reoccurring tier, the requested fee is \$15 per occurrence, totaling \$150 for the entire series. The event organizer has requested a waiver of the fee due to hardship, claiming that the event loses money annually due to musician fees and expenses.

Recommended Action:

Maintain the required fee unless further consideration justifies a waiver.

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

Today's Date 3/19/2021



City Received Date



Request Planning Guide

This form must be completed and return to the City 60 days before an event. Additionally a representative for the event must meet with City Event Team to verify all details for the event before going to City Council for approval. Failure to comply will result in a denial of your event. Please call (231) 775-0181 x 120 if you have questions.

Applicant Name (Print) Tom Scully Contact Address 1265 W 36th St Baldwin MI

Contact Email [Redacted]

Sponsoring Organization UpBEAT CADILLAC Private Non-Profit

Purpose of Event FREE Live Entertainment Approx # of Attendees 100 - 200

Beginning Date: 6/24/2021 Ending Date: 8/26/2021 Reoccurring: Consecutive Thursdays YES NO
 1st Day 6/24 Set-up 4:30 AM/PM Start 7: AM/PM End 9:15 AM/PM Clean-up 9:45 AM/PM
 2nd Day 7/1 Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM
 3rd Day 7/8 Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM
 4th Day 7/15 Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM
7/22 8/5 8/19
7/29 8/12 8/26

Please answer the following questions:

- YES NO Will you be requesting permission to close any streets or parking lots?
- YES NO Will you be requesting permission to display any off site signage?
- YES NO Will you be requesting permission to display a banner over Mitchell Street?
- YES NO Will you be requesting permission to reserve any of the City of Cadillac facilities?

Please Circle
 Market at Cadillac Commons Rotary Pavilion City Park Cadillac Commons Plaza

- YES NO Will you be requesting permission to have a parade?
- YES NO Will you be requesting permission to hold any races?
- YES NO Will you be requesting permission to serve alcoholic beverages?
- YES NO Will your event include use of generators, food trucks, grills, fireworks display, or a tent/membrane structure?

If you answered YES to any of the above questions, additional form(s) must be completed for each one. All forms must be completely filled out and all information provided before requests will be brought to City Council for approval.

Forms can be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net

All events require liability insurance: Required Min. general aggregate amount of \$1,000,000, naming the City of Cadillac as Certificate Holder and as additionally insured

Today's Date 3/19/2021

City Received Date

Cadillac Rotary Performing Arts Pavilion Reservation Request Form

Event UP BEAT CADILLAC 2021 *Please Submit 30-days Prior to Event Date*

Special Requests: Please Circle

Electricity

Water

Wind Screens

Sound System

Movie Screen/Projector System**

**Weather Dependent

Usage Rules

1. Profanity and offensive language is strictly prohibited.
2. Noise must be limited to levels that do not disturb the peace, and must be lowered at the City's request.
3. No decorations, props, or appurtenances shall be used or placed in a manner that will cause damage to the Pavilion, grounds (including trees), or surrounding areas. The use of nails, tacks, staples, etc. is strictly prohibited, along with the use of stakes in the ground.
4. Movies/programs shown at the Pavilion are at the discretion of the City, and proper licensing to show copyrighted material is required. One potential resource is www.swank.com. MPAA ratings of G and PG are appropriate.
5. Any signage or decorations must be removed immediately following any event.
6. No vehicles are permitted on sidewalks or grass. However, the sidewalk immediately south of the pavilion can be utilized for temporary parking for the purpose of drop-off and/or pick-up of equipment only. Parking is prohibited on Lake Street, even if it has been closed for the event.
7. The sale of food and non-alcoholic beverages may require an additional license. (Code of Ordinances-Chapter 28)
8. The consumption or sale of alcoholic beverages requires approval of City Council. (Code of Ordinances-Chapter 26)
9. **Sound System Fees** - \$20 per hour for use of our sound board and sound technician. (MUSICAL PERFORMANCES)

Reservation Fees:

- Daily Rate (4 hours or more) \$100
- Hourly Rate (less than 4 hours) \$55 per hour
- Non-Profit Daily Rate (4 hours or more) \$50
- Non-Profit Hourly Rate (less than 4 hours) \$25 per hour

Reoccurring Events: Events that are a minimum of once a week, for four consecutive weeks or more

- Daily Rate of \$25:
- Non-Profit Daily Rate of \$15

All Fee options require a deposit of \$25 that will be applied to your total cost to hold your date(s), and would only be refunded if event was denied for any reason.

I understand and agree to comply with these rules, and acknowledge that the City reserves the right to change or cancel any event or program that is not in compliance with them.

Signature [Signature]

Form must be mailed/emailed or delivered to Cadillac City Hall 200 N. Lake Street in Cadillac, MI 49601 javila@cadillac-mi.net

Print Name Tim Scully Total Fees Required: _____ Total Fees Paid: _____ Date 3, 19, 2021

26th Annual
"UPBEAT
CADILLAC
2021"

Today's Date 3-26-2021

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

UPBEAT CADILLAC

Reason for Request Live Concerts - 10 weeks consecutive Thurs

Contact Person Tim Scully

Contact Email

Thursday 6/24/21 until Tuesday 8/26/21

Street Closures		
Date: <u>6/24/21</u>	Street Name <u>LAKE</u>	Beginning Location <u>Rotary Pavilion</u> Ending Location _____
	Beginning Time <u>6:00</u> AM/PM	Ending Time <u>9:15</u> AM/PM
Street Name _____	Beginning Location _____	Ending Location _____
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM
Street Name _____	Beginning Location _____	Ending Location _____
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM
Street Name _____	Beginning Location _____	Ending Location _____
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM

Parking Lot Closures		
Date <u>6/24/21</u>	Lot Location _____	Street _____ Nearest Cross Street _____
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM
Lot Location _____	Street _____	Nearest Cross Street _____
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM
Lot Location _____	Street _____	Nearest Cross Street _____
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM

10 consecutive Thursday Nights - UPBEAT CADILLAC

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 Timothy Scully

Signature [Signature]

Date 3/26/2021

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.



June 7, 2021

Council Communication

Re: Purchase and Installation of Police Patrol Vehicle Emergency Equipment

The City recently purchased two new police patrol vehicles and is anticipating delivery of the units soon. As part of the purchase, lights, sirens, radios, and other emergency equipment must be installed in the vehicles prior to deployment into the fleet. The City recently invited bids for this purchase and installation, and the following bids were received:

Vendor	Bid
Pro Comm, Inc. Mt. Pleasant, MI	\$33,410.00
Arrowhead Upfitters Lapeer, MI	\$29,732.00
Cynergy Products Troy, MI	\$29,301.62

The CPD is recommending that the project be awarded to Pro Comm, Inc. from Mt. Pleasant. Comparability between bids is somewhat difficult based on different models and manufacturers and varying types of setups for this kind of equipment. However, the following items are noted that impacted the recommendation:

- There are frequently repair and maintenance issues on this type of equipment. Pro Comm is just over an hour away, while the other companies 2.5-3 hours away.
- Wexford County uses and highly recommends Pro Comm for this service. The County indicates that any reported issues are typically resolved within 2 days.
- Cynergy Products left one line blank and indicated the cost would be ****To Be Determined by Customer**** when clarification was given. This item was a \$750 per vehicle item on other detailed cost proposals and so would raise their price by at least \$1,500.
- Pro Comm was \$700 higher than the other proposals for installation of striping and decals. However, the City will handle the striping and decals from a different local vendor at a cost of just \$150.00.

Based primarily on their reputation, recommendation from Wexford County, and proximity to Cadillac versus other vendors, the CPD is asking City Council to award this project to Pro Comm, Inc.

Recommended Action

It is recommended that the purchase and installation of police patrol vehicle emergency equipment be awarded to Pro Comm, Inc. in accordance with their bid. Funds are available in the General Fund.

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 - xxxx

**RESOLUTION APPROVING AMENDMENT TO SANITARY SEWER
SERVICE AGREEMENT WITH LAKE MITCHELL SEWER
AUTHORITY**

At a regular meeting of the City Council of the City of Cadillac, Wexford County, Michigan, conducted electronically on the 7th day of June, 2021, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the City entered into a Sanitary Sewer Service Agreement (“Agreement”) with Lake Mitchell Sewer Authority (“LMSA”) on September 19, 2017;

WHEREAS, the Authority has requested and the City has agreed to certain amendments to the Agreement as provided for in the First Amendment to Sanitary Sewer Service Agreement (“Amendment”).

WHEREAS, the City has submitted the proposed Amendment to the City Council for review and approval.

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

1. The Amendment attached as Exhibit A is hereby approved.

2. The Mayor and Clerk are authorized and directed to execute the Amendment on behalf of the City of Cadillac.

3. The Mayor and Clerk are authorized to make any further changes to the Amendment in consultation with the City Attorney, provided that such changes are not substantial or materially affect the terms of the Amendment or the Agreement.

4. 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: _____

STATE OF MICHIGAN)
)ss
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-xxxx duly adopted at a regular meeting of the City Council held on the 7th day of June, 2021.

Sandra Wasson
Cadillac City Clerk

Exhibit A:

**FIRST AMENDMENT
TO
SANITARY SEWER SERVICE AGREEMENT
DATED SEPTEMBER 19, 2017
BETWEEN
THE CITY OF CADILLAC
AND
LAKE MITCHELL SEWER AUTHORITY**

This First Amendment (“Amendment”) is entered into on the dates shown below, following approval by each Party’s governing body, and effective on the date the last Party signs (“Effective Date”), by and between the City of Cadillac, a Michigan home rule city (“City”) and the Lake Mitchell Sewer Authority, a Michigan municipal sewer authority, (“Authority”) (each a “Party” and collectively, the “Parties”.)

RECITALS

- A. The Parties entered into a Sanitary Sewer Service Agreement dated September 19, 2017 (the “Agreement”);
- B. The Authority has requested and the City has agreed to certain amendments to the Agreement, as hereafter set forth;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and in the Agreement, the Parties agree as follows:

- 1. The Agreement is amended by the addition of a new Section 3.8 which reads, in its entirety, as follows:

3.8 City System Shortfalls. In the event the City System reaches its legal discharge limit as established by its NPDES Permit or is otherwise required by MDEQ (now DEGLE) to reduce the quantity of wastewater it treats, and the Authority is not in violation of Section 3.5, then the City shall allocate the shortfall in treatment capacity proportionately among all users of the City System in an amount equivalent to the users’ (including the Authority’s) allocated percentage of the total treatment capacity of the City System.

- 2. Section 7.1 of the Agreement is amended and shall read, in its entirety, as follows (new language underlined):

7.1 Term. City shall provide Services to Authority in accordance with the terms and conditions of this Contract for a period of forty (40) years from the

Effective Date of this Contract (the “Term”) or for as long as any of the Authority’s 2021 Authority System Revenue Bonds remains outstanding, whichever is longer, but excluding any refundings. During the Term, Authority shall deliver all Wastewater Flow originating from within the Service Areas to the Local Sewer System and to the City System. Authority shall not contract with any other entity or municipality to provide Services within the Service Areas during the Term. City shall be entitled to specific performance of the terms and conditions of this Contract in the event of breach by Authority. At the conclusion of the Term, City shall not be obligated to continue to provide any Services to Authority or the Townships. This Contract is effective following approval by the Cadillac City Council and Authority. Not more than two (2) years and no less than one (1) year prior to the end of the Term, Authority may provide written notice to City that it would like to meet and discuss a new contract to continue Services. In the event Authority provides such written notice, City shall meet in good faith with Authority to discuss terms and conditions of a new contract to continue Services, but nothing herein shall obligate either Party to agree to another contract or any particular terms or conditions of such new contract.

3. Section 11.2 of the Agreement is amended and shall read, in its entirety, as follows (new language underlined):

11.2 Assignment. This Contract may be freely assigned by either Party upon the written consent of the other Party, which shall not be unreasonably withheld, provided however, the Authority covenants that as long as there is an outstanding loan balance, the Authority will comply with all present and future regulations of the United States Department of Agriculture Rural Development. The Parties expressly acknowledge and agree this Contract is for Services only and Authority does not have any interest, right or title to any component of or capacity of the City System other than the City’s obligation to render the Services to Authority provided by this Contract.

4. The Agreement is amended by the addition of a new Section 11.3 which reads, in its entirety, as follows:

11.3 Contract Pledge. Authority may pledge this Contract to the United States Department of Agriculture, Rural Development as security for its 2021 Authority Revenue Bonds.

5. Except as expressly altered or modified by this Amendment, the Parties ratify and confirm each and every provision of the Agreement as if it were fully recited verbatim herein.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the dates shown below.

[Signatures on following page. The balance of this page is blank.]

CITY OF CADILLAC
a Michigan municipal corporation

Dated: _____, 2021

By: _____
Carla J. Filkins

Its Mayor

By: _____
Sandra Wasson

Its Clerk

LAKE MITCHELL SEWER AUTHORITY
a municipal authority and public body
corporate

Dated: _____, 2021

By: _____
Robert D. Hilty

Its Chairman

By: _____
Michael J. Boyd

Its Secretary



**MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.**

March 18, 2021 Virtual Meeting on GoToMeeting.com

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on March 18, 2021

ROLL CALL

MEMBERS PRESENT: Nichols, Ault, Paveglio, and Bontrager
Paveglio attended from St. Augustine, Fl
MEMBER ABSENT: Walkley, Knight, and Genzink
STAFF PRESENT: Coy, Wallace

APPROVAL OF MEETING AGENDA

Motion to approve the March 18, 2021 agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE JANUARY 21, 2021 MEETING MINUTES

Motion by Bontrager to approve the January 21, 2021 meeting minutes as presented. Support by Paveglio. The motion was unanimously approved on a roll call vote.

PUBLIC HEARINGS-

1. An amended application from Fresh Coast Provisioning, LLC (Dunegrass Co.) 800 Cottageview Dr., Suite 1080A, Traverse City, MI 49684 for a variance to construct a projecting sign that will extend from the west wall at 115 N. Mitchell Street off Elk Avenue and to be of a total size of 13.05 square feet. The new projection at 42 inches no longer requires a variance. The size will require a variance from the standards allowed in the B-2 Central Business District. The Sign Ordinance in Section 46-664, Schedule B for the B-2 Central Business District reads that for projecting signs over a public right-of-way the size cannot exceed six square feet. Members of the Zoning Board of Appeals were given in their meeting packets a copy of the narrative from Fresh Coast Provisioning explaining their reasons for why approving the amended variance application would be appropriate. In attendance was Tom Amor with Amor Sign located in Manistee, MI, John Kolerivic representing ECEK Holding, LLC in Traverse City, MI, who owns the building at 115 N. Mitchell Street in Cadillac, and Eric Piedmonte with Fresh Coast Provisioning/Dunegrass joined the meeting after it started.

Coy went over the standards for approving a variance in the City Ordinance and the standards in the Michigan Zoning Enabling Act 110 of 2006.

The standard in Section 46-69(2) from the City Code of Ordinances reads, “To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.”

Next Coy went over the standards in Section 46-69(4) of the Cadillac City Code. The standards state that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

Standard – *The variance will not impair an adequate supply of light and air to adjacent property.*

Finding – The requested variance is not anticipated to impair an adequate supply of light and air to adjacent properties.

Standard - *The requested variance will not unreasonably increase congestion in public streets.*

Finding – It is expected that traffic will increase on Elk Avenue but not because of the sign or variance application.

Standard – *The requested variance will not increase the danger of fire or endanger the public safety.*

Finding – The requested variance will not increase the danger of fire or endanger the public safety.

Standard – *The requested variance will not unreasonably diminish or impair established property values within the surrounding area.*

Finding – Staff feels this will not negatively impact neighboring property values. Coy added that the building owner has made significant improvement to both the interior and exterior of the property.

Standard – *The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.*

Finding – The requested variance is not anticipated to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

PUBLIC NOTICES

Coy said that notification of the public hearing on this application was published in the local newspaper and sent via first-class mail to all property owners and residents within 300 feet of the subject site not less than 15 prior to the meeting. Coy added that he contacted the downtown property owner who objected to granting the original variance application to explain the change

made to the sign concept in the amended application. The property owner neither spoke for or against the amended application. One additional property owner contacted Coy for explanation and said they have no objection to the variance request.

Coy finished his presentation with “based on a finding of compliance or non-compliance with the standards of the ordinance, the Board shall approve, approve with conditions, or deny the variance application.” Reasonable conditions may be attached to an approval in-order to achieve compliance with the standards of the ordinance.

Nichols opened the floor up for questions from the ZBA and discussion from the applicant. There was none.

After no further comment.

A motion was made by Bontrager to approve the variance application from Dunegrass, Co. for a projecting sign with the dimensions shown on the concept the applicant provided. Support from Ault. This would allow for an additional 7.875 square feet above the 6 square feet allowed in the ordinance for a projecting sign in the B-2 Central Business District.)

On a roll call vote the motion was denied with a split vote of three for and one against.

- Votes for were Ault, Bontrager, and Nichols
- Votes against were Paveglio

PUBLIC COMMENTS

John Kolerivic representing the property owner asked the reason for the one no vote. It was answered that an undue hardship was not identified.

Eric Piedmonte asked Coy to explain how a vote of three for and one against is considered a denial of the application? Coy explained that the Michigan Zoning Enabling Act of 2006 requires that for an approval, the Zoning Board of Appeals must vote with a majority of the entire seven-member board approving the request.

BOARD MEMBER COMMENTS –

None

ADJOURN

Chairperson Nichols adjourned the meeting at 5:47pm.