



## **City Council Meeting**

February 7, 2022

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



February 7, 2022 City Council Meeting Agenda  
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

*We are all accountable*

CALL TO ORDER  
PLEDGE OF ALLEGIANCE

I. OATH OF OFFICE

Council Member Tiyi Schippers (Ward Two)  
Council Member Stephen King (Ward Four)

ROLL CALL

II. APPROVAL OF AGENDA

III. 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](http://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.

IV. 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 December 20, 2021.  
Support Document IV-A

## Cadillac City Council Agenda

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### V. COMMUNITY SPOTLIGHT

- A. Special Recognition – Shop-with-a-Cop Program

### VI. APPOINTMENTS

- A. City Council Member appointments, regular and alternate, to the Board of Review.
- B. Recommendation regarding reappointment to the Planning Commission.  
Support Document VI-B
- C. Recommendation regarding reappointment to the Zoning Board of Appeals.  
Support Document VI-C
- D. Recommendation regarding reappointment to the Zoning Board of Appeals.  
Support Document VI-D

### VII. CITY MANAGER’S REPORT

- A. Residential Façade Grant Program.  
Support Document VII-A
- B. Bids and recommendation regarding Roof Maintenance – Cadillac Municipal Complex.  
Support Document VII-B
- C. Bids and recommendation regarding Roof Replacement – 120 W. Chapin Street (EGLE Building).  
Support Document VII-C
- D. Bids and recommendation regarding Radio Replacement.  
Support Document VII-D
- E. Bids and recommendation regarding Industrial Monitoring Program Update.  
Support Document VII-E
- F. Bids and recommendation regarding Work Trucks.  
Support Document VII-F

### VIII. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt MDOT Performance Resolution for Municipalities.  
Support Document VIII-A

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### **IX. PUBLIC COMMENTS**

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### **X. GOOD OF THE ORDER**

### **XI. ADJOURNMENT**

#### ***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

December 20, 2021

Cadillac City Hall - 200 N. Lake St. - Cadillac, Michigan 49601

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present: Elenbaas, Schippers, Engels, King, Mayor Filkins  
Council Absent: None  
Staff Present: Peccia, Roberts, Ottjepka, Wallace, Dietlin, Homier, Lanning

APPROVAL OF AGENDA

2021-240 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

Randy Lindell discussed some negative comments that were made about one of the candidates prior to the last election.

Linda Missler expressed opposition to Items IV-D and IV-E (marihuana ordinances). She noted the proposed ordinances would allow a possible marihuana growing facility next to neighborhoods. She expressed concern about the odor created by a marihuana growing facility.

Tom Warnock expressed opposition to the proposed marihuana ordinances. He noted growing facilities should not be located in residential areas because of the odor generated.

CONSENT AGENDA

2021-241 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Resolution Approving Brownfield Plan for 423 N. Mitchell Redevelopment.

Peccia noted the first three (3) public hearings are regarding a potential new mixed-use (residential/commercial) project for downtown Cadillac.

Mac McClelland, Brownfield Consultant, presented information about the proposed 423 N. Mitchell Redevelopment Project (see attachment).

Lee Richards stated that he and his wife, Elizabeth, own five (5) properties in Cadillac and four (4) of those properties are fully developed. He noted at the end of last year they purchased the building at 423 N. Mitchell Street along with a building across the road on Bremer Street. He stated they plan to demolish the building on Bremer Street and convert it to a parking lot and refurbish the building on N. Mitchell Street into a mixed-use development. He briefly explained the proposed redevelopment project and noted they plan to begin the project in the spring.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-242 Adopt Resolution Approving Brownfield Plan for 423 N. Mitchell Redevelopment.

Motion was made by King and supported by Schippers to adopt the Resolution Approving Brownfield Plan for 423 N. Mitchell Redevelopment.

Motion unanimously approved.

- B. Public hearing to consider adoption of Resolution Establishing an Obsolete Property Rehabilitation District for 423 N. Mitchell Redevelopment.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-243 Adopt Resolution Establishing an Obsolete Property Rehabilitation District for 423 N. Mitchell Redevelopment.

Motion was made by King and supported by Elenbaas to adopt the Resolution Establishing an Obsolete Property Rehabilitation District for 423 N. Mitchell Redevelopment.

Motion unanimously approved.

- C. Public hearing to consider adoption of Resolution to Approve an Obsolete Property Rehabilitation Exemption Certificate Application for 432 N. Mitchell Redevelopment.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-244 Adopt Resolution to Approve an Obsolete Property Rehabilitation Exemption Certificate Application for 432 N. Mitchell Redevelopment.

Motion was made by King and supported by Schippers to adopt the Resolution to Approve an Obsolete Property Rehabilitation Exemption Certificate Application for 432 N. Mitchell Redevelopment.

Motion unanimously approved.

D. Public hearing to consider adoption of Ordinance to Amend Section 46-752 of the Cadillac City Code Relating to Recreational Marihuana Establishments.

Peccia stated the next two (2) public hearings are regarding consideration of recommendations from the Planning Commission pertaining to both the recreational marihuana ordinance and the medical marihuana ordinance. He noted approximately 2-3 years ago the City Council made a policy determination to get involved within the marihuana industry in terms of providing regulatory code to accommodate various uses. He stated the ordinances were put in place and have been amended from time to time to accommodate how things have changed over time.

Peccia noted the restrictive code that is currently in place does not create the environment that would allow for the industrial type uses to actually happen. He stated regardless of the type of industrial facility there is no further restriction in place other than it has to be located in an industrial zone. He noted the Planning Commission did state that a marihuana growing operation should not be adjacent to a school property. He stated City Council already went through a public process and amended the regulatory provisions of the Code to allow for there to be no restriction on licensing. He noted in order for these growing facilities to function there needs to be layering of different licensing in place to accommodate that use.

Peccia stated regarding odors being emanated from a growing operation, he noted he toured the facility in Evart on two (2) different occasions. He stated the first time he toured the facility he didn't notice any odors emanating outside the facility. He noted the second time he toured the facility he was joined by members of City Council, Planning Commission, and Cadillac Industrial Fund. He stated on that tour he did notice some odors emanating outside the facility. He noted he asked the Plant Manager about it and was told that approximately every 9-weeks when they go to harvest the odors are stronger and he also noted the facility did have one of the doors open.

Peccia noted we currently have industries that emanate noise, smell, and traffic. He stated marihuana growing facilities will bring in good paying jobs. He noted Mike Hamner, President of the Cadillac Industrial Fund, was present on the tour and is in attendance.

Mike Hamner stated he supports the proposed ordinances. He noted Cadillac is a unique area and much of our definition is done by the industries we have in town which includes 4,000 industrial jobs. He stated since the 1950s the main purpose of the Cadillac Industrial Fund has been to retain or attract industry.

Mayor Filkins opened the public hearing.

Linda Missler stated that we do want jobs but do not want a facility like that next to our neighborhoods. She noted there are empty buildings and other areas for this type of operation.

Tom Warnock expressed support for building a facility to bring in jobs but it should not be located next to a residential area. He stated there is other property available for this type of facility. He noted people will move if this type of facility is built near a residential area and property values will plummet.

Randy Lindell stated a grow facility should not be located near the school. He questioned why Council is moving so fast on marijuana licensing when they originally indicated they would move slowly because it is new to the community.

Mayor Filkins closed the public hearing.

Elenbaas stated the area near the solar garden is zoned Light Industrial (I-1) so a factory could be built in that location. He noted it should be a factory that has to abide by emission control standards but the marijuana business has no emission control standards. He noted the operation in Evert does not have air scrubbers to clean the air leaving the facility. He mentioned in Anchorage they had a 1000 ft. buffer between growing facilities and residential areas and even with that spacing there were complaints. He read news headlines from various states regarding the odors generated by growing facilities. He stated we have three (3) industrial parks to construct a growing operation so it does not need to be located near a residential area. He noted he supports bringing in jobs but allowing a growing operation near a residential area is a mistake.

King stated he thought long and hard about this because he respects people, their neighborhoods and their homes. He stated he also respects when we are dealing with businesses and industries we have to do it in a level-handed fashion. He noted we do not want industry that could be located in an area where other businesses are located to be blocked due to a simple fear. He stated the technology is very advanced. He noted we are not dealing with open-field agriculture but instead we are dealing with very high-tech facilities that bring high-tech jobs. He stated there are a number of industries directly adjacent to the former Mitchell-Bentley plant. He noted the odors from various industries come across Lake Cadillac to his home.

King noted he does not want us not to do something just out of blind fear of something we don't know which is why he is glad Council had the opportunity to see some of the technology related to these processes. He stated to address the comment that was made about moving too fast, one of the biggest complaints about government is that it entrenches itself by putting ordinances in place and then not adapting. He noted it is critical that our ordinances are living documents that we adapt and change. He stated if a change is made to an ordinance and it turns out not to be a change for the better there are opportunities to tweak the ordinance. He noted the Mitchell-Bentley property was very blighted so to have the opportunity, whether it is an enclosed marijuana growing facility or another manufacturing plant, they both have to have equal opportunity in zoning.

Elenbaas stated they will be venting the facility outside with no scrubbers or filtration. He noted the odors generated in his area are not as bad as they were when he was young due to EPA standards. He stated he is not aware of any standards for growing marihuana.

Peccia stated Council Member may be correct regarding what the State may or may not require. However, the manner in which the City established the Code dictating these uses it would require these uses to get a special use permit before they are allowed to open

Elenbaas asked if those laws are in place concerning marihuana.

Peccia stated for a marihuana-based business to open in Cadillac, whether it is a grower or a retail store, they still have to go through a special use permit process. He added as part of that process we can administratively require air scrubbers and other such filtration type devices to mitigate odors.

City Attorney Homier read the existing Ordinance Section 46-752 subsection 7 which states:

*Marihuana establishments must control and eliminate odor as follows:*

- a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.*
- b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.*
- c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.*
- d. Negative air pressure must be maintained inside the building.*
- e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.*
- f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.*

Elenbaas stated he believes this applies to a retail facility not a growing facility.

Schippers stated “establishment” would pertain to any type of marihuana facility. She noted when we discussed this we did talk about odor and how we do not want that in the community.

Homier noted Section 10-2-01(h) of the current Ordinance states:

*Marihuana establishment means a marihuana grower, marihuana safety compliance establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by LARA under the MRTMA.*

Elenbaas asked who is going to handle any complaints that are received.

Peccia stated it would be a combination of City staff like we do today.

Elenbaas stated there are openings in the industrial parks so there is no reason to put it next to a residential neighborhood.

Schippers noted this is not a rezoning. She stated we are making it compliant with other industries. She noted she believes our Code has more stringent requirements because we were so concerned about odors. She stated with the special use permit process these things will have to be in place before they are allowed to build.

Elenbaas stated there will be odor and it should not be anywhere near a residential area when we have industrial parks with empty spaces.

Peccia noted the City is not choosing one location over another. He stated there are several industrial parks within the industrial zone. He noted this does not create a new zoning layer and does not preclude anything within the zoning layers. He stated the former Mitchell-Bentley property is an attractive location due to the number of acres available.

Engels asked for a brief review of the special use permit process.

Peccia stated regardless of what license classification, as a part of that approval the license is given on a conditional basis, the State of Michigan still has to approve it. He noted the special use permit has to be approved in terms of the overall site plan and all of the specifications regarding what it going to be built. He stated he doesn't disagree with Council Member Elenbaas, there will be odors coming from this facility like there are from any industrial facility.

Schippers noted she wanted to address the comments about school age children going by the facility and being supplied with marihuana by their friends that work in the plant. She stated with the type of security like there is at the facility in Evart there is no way anyone is going to be handing marihuana out through the back door.

2021-245 Adopt Ordinance 2021-17.

Motion was made by King and supported by Engels to approve the resolution to adopt Ordinance to Amend Section 46-752 of the Cadillac City Code Relating to Recreational Marihuana Establishments.

Ayes: Schippers, Engels, King, Mayor Filkins

Nays: Elenbaas

Motion carried.

- E. Public hearing to consider adoption of Ordinance to Amend Section 46-753 of the Cadillac City Code Relating to Medical Marihuana Facilities.

Mayor Filkins opened the public hearing.

Randy Lindell expressed concern about this type of facility being located near the high school and youth of our community. He mentioned the increase in drugs and crime in the community.

Mayor Filkins closed the public hearing.

Elenbaas asked about the buffer zone.

Peccia noted the Planning Commission recommended removal of the buffer with the addition of the provision of making it not permissible adjacent to a school facility.

Elenbaas stated in everything he has read there is always a buffer zone and it is there for a purpose.

2021-246 Adopt Ordinance 2021-18.

Motion was made by King and supported by Engels to approve the resolution to adopt Ordinance to Amend Section 46-753 of the Cadillac City Code Relating to Medical Marihuana Facilities.

Ayes: Schippers, Engels, King, Mayor Filkins

Nays: Elenbaas

Motion carried.

- F. Public hearing to consider adoption of Resolution to Approve Amendment to Development and Tax Increment Financing Plan for the Harry Vanderjagt Industrial Park.

Peccia stated this is related to the Local Development Finance Authority (L DFA) with the need to extend the TIF Plan for 2-years. He noted once the City has better information from the EPA regarding the eventual turn down clock for the wells in that area we will need to reamend the TIF Plan for the period of time accordingly. He stated this TIF allows for the continuation of the L DFA to clean the groundwater. He noted the extension of the TIF Plan does not have any impact on any of the industries in the area.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-247 Adopt Resolution to Approve Amendment to Development and Tax Increment Financing Plan for the Harry Vanderjagt Industrial Park.

Motion was made by Elenbaas and supported by Engels to adopt Resolution to Approve Amendment to Development and Tax Increment Financing Plan for the Harry Vanderjagt Industrial Park.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Cadillac Housing Commission compensation change request

Peccia noted the ordinance that established the Cadillac Housing Commission (CHC) requires the City to approve these types of requests. He stated funding of the CHC does not come from City funds. He briefly explained the requested compensation changes and noted the recommendation is to approve the compensation change request as presented.

2021-248 Approve compensation change request from the CHC.

Motion was made by Schippers and supported by Elenbaas to approve the compensation change request from the Cadillac Housing Commission as presented.

Motion unanimously approved.

B. Calendar Year 2022 Council Meeting Schedule

Peccia stated the proposed Calendar Year 2022 Council Meeting Schedule is very similar to what has been approved in the past. He noted the only significant change is the addition of the Presidents' Day Holiday in February.

2021-249 Approve Calendar Year 2022 Council Meeting Schedule.

Motion was made by Schippers and supported by Engels to approve the Calendar Year 2022 Council Meeting Schedule as presented.

Motion unanimously approved.

C. Emergency Digester Cleaning

Peccia noted a major issue was discovered during the routing cleaning of the digester at the Wastewater Plant. He stated due to this issue the cost of the cleaning was \$20,375 instead of the estimated \$5,000. He noted he is required by Code to report this emergency expenditure to Council.

#### D. Updated Foster Swift Engagement Letter

Peccia noted Foster Swift has been providing legal services to the City for approximately eleven (11) years. He stated there has not been any rate adjustment or COLA adjustment to that agreement since its inception. He noted Council is being asked to consider the addition of an adjustment multiplier to our agreement. He stated the adjustment multiplier would be to add a 3% adjustment or CPI whichever is higher. He noted per our Code, waiver of competitive bidding for professional services requires a unanimous vote by all Council Members present. He stated the secondary action would be to approve the agreement. He noted if the waiver of competitive bidding is not approved then the City would issue a public bid for those services.

Homier stated Foster Swift has kept the rates stagnant for eleven (11) years but with inflation and the cost of doing business it is time to increase rates accordingly.

King stated he believes Attorney Homier and his firm have done a wonderful job. He noted as part of our fiduciary duty not bidding it out after eleven (11) years is not the way to proceed. He stated after eleven (11) years it is our requirement to the citizens that it should go out for bid.

Schippers asked since the fees are already public what impact would this have on competitive bidding.

King stated firms that do this type of work could ask for increases at any point during the process year-to-year. He noted he is confident Foster Swift will submit a bid that is very competitive.

Engels stated he has been very happy with Foster Swift but eleven (11) years is a long time.

#### 2021-250 Issue bid for professional legal services.

Motion was made by King and supported by Engels to have City staff bid out for professional legal services pursuant to Section 2-299(d) so the Council has the ability to review bids.

Motion unanimously approved.

#### MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Planning Commission

B. Historic Districts Commission

#### PUBLIC COMMENTS

There were no public comments.

GOOD OF THE ORDER

Schippers noted the Mayor’s Youth Council had three (3) potential new members attend the last meeting. She stated they have worked on updating the by-laws and updating the application process to make it more accessible. She noted they are hoping to induct new members at the January meeting.

Elenbaas stated he has never heard of any grow facility that does not have a buffer zone. He noted he is disappointed that the growing operation will not be located in one of the industrial parks instead of near the Solar Garden.

Mayor Filkins wished everyone a Merry Christmas. She thanked Council, City staff, and City Attorney Homier for all of the great work that has happened over the last year. She noted every year we’ve been here and had the opportunity for the final meeting of the year it is a privilege to see the good things that go on by the work of the staff and this Council.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

DRAFT

## 423 N. MITCHELL REDEVELOPMENT



Brownfield Redevelopment (Act 381, PA 1996)  
Obsolete Property Rehabilitation (Act 146, PA 2000)

**Cadillac City Council**

December 20, 2021

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## OUTLINE

- Project Overview
- Brownfield Redevelopment
- Obsolete Property Rehabilitation
  - OPRA District
  - OPRA Application
- Process and Approvals

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## PROJECT OVERVIEW

- Downtown Cadillac – N. Mitchell and Bremer



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## PROJECT OVERVIEW

- Downtown Cadillac – N. Mitchell and Bremer
- 423 N. Mitchell and Bremer Property



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## PROJECT OVERVIEW

- Former Speed's Automotive
- Built in the early 1900's
- Functionally Obsolete
- Approximately 14,000 square feet, two stories with basement



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## PROJECT OVERVIEW

- Former Speed's Automotive
- Built in the early 1900's
- Functionally Obsolete
- Approximately 14,000 square feet, two stories with basement
- Developers: Lee Richards/Elizabeth Schnettner
- Adaptive Reuse – Mixed Use
- 14 Apartments totaling ~9,000 square feet
- Commercial/Restaurant ~5,000 square feet
- New Electrical, Plumbing, HVAC, Walls, Doors, Entrances, Windows/Exterior Refurbishment
- Total Investment ~ \$3,000,000

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## CHALLENGES

- Significant Abatement/Demolition
- Cost of Renovation
- Rent will not meet construction and operating costs
- Project would not proceed without economic development incentives.

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## ECONOMIC DEVELOPMENT INCENTIVES

1. Brownfield TIF  
Reimbursement of  
Abatement/Demolition
2. OPRA Tax Abatement of  
Local Taxes

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## PUBLIC PURPOSE

- Increased Investment/Tax Base
- Redevelop Obsolete Property
- Downtown Housing for “Missing Middle”
- Additional Employment
- Spin off Redevelopment

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## BROWNFIELD REDEVELOPMENT

- Act 381, PA 1996 as amended
- Provides reimbursement of *Eligible Activities* on *Eligible Property* through *Tax Increment Financing (TIF)*
- 423 N. Mitchell qualifies as Eligible Property as functionally obsolete.
- Eligible Activities include asbestos abatement and demolition.
- While local property taxes will be abated under OPRA, increased State taxes generated by investment can be captured for reimbursement

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## BROWNFIELD APPROVAL PROCESS

- Brownfield Plan is prepared
  - Defines Eligible Property, Details Eligible Activities, and Estimates Impact on Taxing Jurisdictions
- Approved by Brownfield Authority
- Interlocal Agreement Approved by DDA
- Notices to Taxing Jurisdictions
- Public Hearing held by City Council
- Approved by City Council
- MEDC/MSF Approves State Tax Capture

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## OBSOLETE PROPERTY REHABILITATION

- Act 146, PA 2000 as amended
- Freezes building taxable value at the level before renovation.
- Local property taxes are abated; State property taxes are based on new assessed value.
- Abatement period is 12 years.
- After 12 years, Local property taxes are based on new assessment

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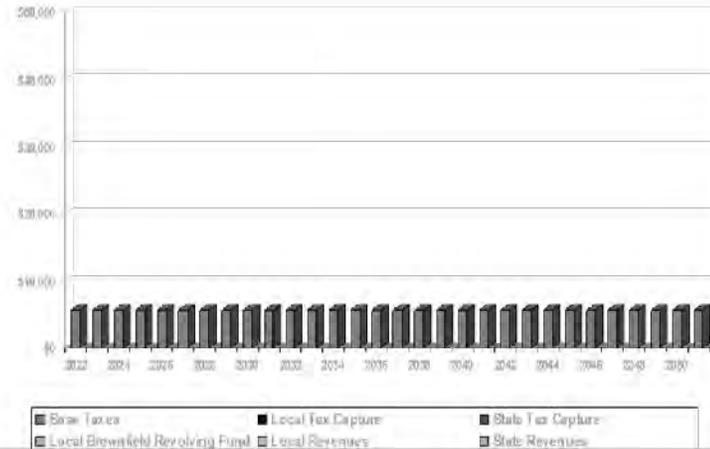


## OPRA APPROVAL PROCESS

- District
  - Request to Establish OPRA District
  - Notices to Property Owners and Assessor
  - City Council Holds Public Hearing
  - City Council Establishes OPRA District
- Application for OPRA Exemption Certificate
  - Application Filed
  - Notices to Taxing Jurisdictions
  - City Council Holds Public Hearing
  - City Council Approves Application
  - State Tax Commission Approves Application

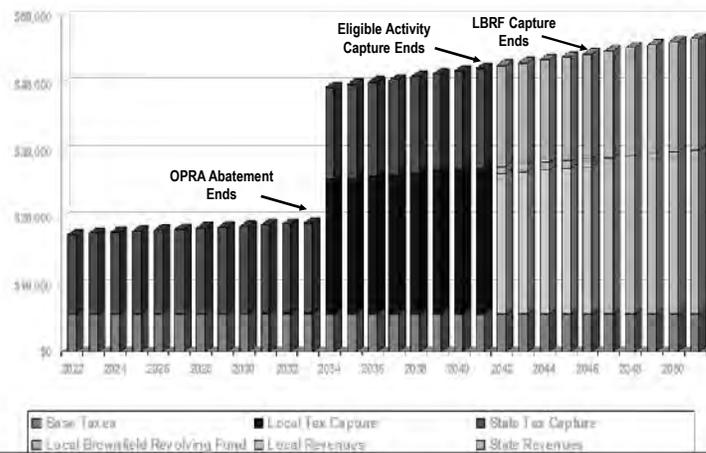
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## BROWNFIELD TAX INCREMENT FINANCING



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## BROWNFIELD TAX INCREMENT FINANCING



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## KEY CONSIDERATIONS

- Project would not proceed with incentives.
- Current property taxes are \$5,688 per year – will continue to go to taxing jurisdictions.
- Brownfield TIF leveraged local abatement and capture with State tax capture (~\$246,000).
- Schools and ISD are held harmless for Brownfield TIF capture.
- After incentives, project will provide ~\$42,000 per year in property taxes.
- Project renovates a mostly vacant building and provides housing and a new restaurant in downtown.

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## **PUBLIC HEARINGS**

1. Brownfield Plan
2. OPRA District Establishment
3. Application for OPRA Exemption Certificate

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## **CITY COUNCIL ACTION**

1. Resolution to Approve Brownfield Plan
2. Resolution to Establish OPRA District
3. Resolution to Approve Application for OPRA Exemption Certificate

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February 7, 2022

## **COUNCIL COMMUNICATION**

*Re: Reappointment of John Putvin Jr. to a Three-Year Term on the Planning Commission*

John Putvin Jr. has expressed interest in continuing his service on the Planning Commission for another three-year term. He has served an impressive 24 years on the Planning Commission, he was originally appointed in 1998.

### **Recommended Council Action:**

Motion to reappoint John Putvin Jr. to a three-year term on the Planning Commission, which will expire on 2/7/2025.

February 7, 2022

## **COUNCIL COMMUNICATION**

*Re: Reappointment to Zoning Board of Appeals – Shari Ault*

Shari Ault has indicated her interest in being reappointed to serve on the Zoning Board of Appeals. Shari Ault has served on the Zoning Board of Appeals for 18 years, originally appointed in 2004.

### **Recommended Action**

Motion to reappoint Shari Ault to the Zoning Board of Appeals for another 3-year term, expiring on 2/7/2025.

February 7, 2022

## **COUNCIL COMMUNICATION**

*Re: Reappointment to Zoning Board of Appeals – Louis Nichols*

Louis Nichols has indicated his interest in being reappointed to serve on the Zoning Board of Appeals. Louis Nichols has served on the Zoning Board of Appeals since 1992, an impressive 30 years!

### **Recommended Action**

Motion to reappoint Louis Nichols to the Zoning Board of Appeals for another 3-year term, expiring on 2/7/2025.

Date: February 7, 2022

## **Council Communication**

*Re: Façade Matching Grants*

### **Introduction**

The City of Cadillac was the recent recipient of a \$250,000 Neighborhood Revitalization Grant from the Consumers Energy Foundation. A portion of that grant has been set aside for façade improvement matching grants for homeowners in the City of Cadillac. Those homeowners that are at or below the Wexford County median income would be eligible. The Wexford-Osceola Habitat for Humanity wrote a letter of support on behalf of the City for the Consumers Energy Foundation Grant and has now agreed to partner with the City of Cadillac to run the Façade Grant Program.

The proposed Façade Grant Program will grant up to \$2,000 grants to homeowners in the city limits, totaling up to \$20,000 in grants for 2022. Habitat for Humanity has an existing façade program and has the infrastructure and experienced staff available to launch this program quickly. Homeowners must provide at least 50% of the project cost. Homeowners unable to provide a full 50% of the project cost have an option to earn “sweat equity” by volunteering at Habitat for Humanity either on their own project or other Habitat for Humanity project. Habitat for Humanity’s contractor will manage the projects to ensure they are completed up to code, and they will track volunteer hours for “sweat equity.”

### **Requested Council Action**

Request that City Council approve the city’s partnership with Wexford-Osceola Habitat for Humanity to co-manage the Residential Façade Grant Program portion of the Consumers Energy Grant.

## **City of Cadillac and Wexford-Osceola Habitat for Humanity**

### **Façade Program Proposal**

The City of Cadillac and Wexford-Osceola Habitat for Humanity potential Façade Program partnership.

The funds for this program are part of the Consumers Energy Foundation Neighborhood Revitalization Grant which was awarded to the City of Cadillac in 2021. Up to \$20,000.00 has been allocated to mini grants to City of Cadillac homeowners in 2022. Grants of up to \$2,000.00 will be awarded to homeowners for exterior façade improvements. Homeowners must provide at least 50% of the project costs, or if unable to cover those costs can earn “sweat equity” by volunteering with Habitat for Humanity on projects within the City of Cadillac.

Awardees will be required to:

- Submit before and after photos of project
- Utilize Habitat’s General Contractor
- Live within the city limits of Cadillac
- Own their home
- Be at or below the median income for Wexford County and be able to demonstrate financial need.
- Be current on insurance and taxes

An application period will be determined and publicized via a City of Cadillac public announcement and other social media avenues. The City of Cadillac and Habitat for Humanity staff will establish a committee to review all applications received. This committee will select the awardees and determine amounts awarded. The Habitat for Humanity project manager will coordinate the projects. Habitat for Humanity will monitor the sweat equity earned by awardees unable to provide 50% of the project costs.

This partnership is very positive for both parties. The Wexford-Osceola Habitat for Humanity has the infrastructure in place to manage the projects and record the sweat equity volunteer hours. The City of Cadillac will be providing the majority of the funds and has the ability to promote the program. The hope is to find a stable funding source to continue this program and partnership for several years.

February 7, 2022

## Council Communication

*Re: Roof Maintenance – Cadillac Municipal Complex*

The roof at the Cadillac Municipal Complex needs maintenance due to several sporadic leaks that continue to arise during the year. Maintenance to the roof was last done 30 years ago in the early 1990s. The roof has held up well and is still in adequate condition for a coating solution instead of having to fully remove and replace the roof. Competitive bids were solicited, and the following bids were received:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alt. #3 – Roof Scan</b>	<b>Total</b>
<b>Cole Incorporated</b> Cadillac, MI	\$189,297	\$3,496	\$192,793
<b>Orshall Construction</b> Cadillac, MI	\$172,500	\$3,800	\$176,300
<b>Kawkawlin Roofing Co.</b> Kawkawlin, MI	\$136,500	\$4,000	\$140,500
<b>Hoekstra Roofing Co.</b> Kalamazoo, MI	\$305,000	\$5,000	\$310,000

As part of the bid process, the City requested pricing to perform a scan of the roof to identify any areas where water may have infiltrated through the surface of the roof and saturated the insulation. DK Design assisted the City with drawings and specifications for the project and their recommendation is included with this communication.

### **Recommended Action**

It is recommended that the contract for roof maintenance at the Cadillac Municipal Complex be awarded to Kawkawlin Roofing Co., including the costs of Alternate 3 for a total contract amount of \$140,500. Funds for this project are available in the General Fund.



January 10, 2022

Mr. Owen Roberts  
Director of Finance, City of Cadillac  
200 North Lake Street  
Cadillac, MI 49601

RE: Municipal Facility, 200 North Lake Street

Dear Mr. Roberts,

On Thursday, December 21, 2021, bids were received and opened for the above referenced project. It is our intent to make our recommendation based on the base bid and Alternate 3 – Roof Scan, given during bid clarification.

The low bidder for this proposal was Kawkawlin Roofing Co. We are familiar with this firm and have successfully completed similar scope projects with Mr. Christopherson.

We recommend therefore, that a contract be awarded to Kawkawlin Roofing Co. in the amount of their base bid plus Alternate #3, as follows:

Base Bid -	\$136,500.00
Alternate 3 -	<u>\$4,000.00</u>
Total	\$140,500.00

With the concurrence of the Board, this office will advise the Contractor of your intent, prepare the appropriate contract and secure the required insurance documents.

I would be happy to answer any questions you may have regarding this recommendation.

Sincerely,

Scott W. Kleinsorge, Architect

February 7, 2022

## Council Communication

*Re: Roof Replacement – 120 W. Chapin Street (EGLE Building)*

The roof at the nearly 30-year-old facility at 120 W. Chapin Street, owned by the City and rented to the State of Michigan, is due to be replaced. Though the roof hasn't experienced catastrophic failure in any areas, the facility has experienced several issues with water and the repair contractor recommended full replacement. Competitive bids were solicited, and the following bids were received:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alt. #2 – Certainteed 5-Star Warranty</b>	<b>Alt. #3 – Winterguard Ice Protection</b>	<b>Total</b>	<b>Alt. #1 – Wood Roof Sheathing</b>
<b>Cole Incorporated</b> Cadillac, MI	\$129,964	\$2,860	\$16,500	\$149,324	\$5.00/sf
<b>Orshall Construction</b> Cadillac, MI	\$139,200	\$5,850	\$9,820	\$154,870	\$2.10/sf

As part of the bid, the City requested pricing to replace any wood roof sheathing that needs to be replaced once the current shingles have been removed, to upgrade the roof warranty to a Certainteed 5-Star Warranty, and to cover the entire surface of the roof with Winterguard ice protection. Alternates 2 and 3 will only be added if the sub-surface is found to be in poorer than expected condition. DK Design assisted the City with drawings and specifications for the project and their recommendation is included with this communication.

### **Recommended Action**

It is recommended that the contract for the replacement of the roof at 120 W. Chapin Street be awarded to Cole Incorporated, including the costs of Alternates 1-3 for a total contract amount of \$149,324 plus the costs of any required sheathing at the unit replacement cost of \$5.00/sf. Funds for this project are available in the Building Authority Operating Fund.



January 10, 2022

Mr. Owen Roberts  
Director of Finance, City of Cadillac  
200 North Lake Street  
Cadillac, MI 49601

RE: EGLE Facility, 120 W. Chapin Street

Dear Mr. Roberts,

On Thursday, December 21, 2021, bids were received and opened for the above referenced project. It is our intent to make our recommendation based on the base bid given during bid clarification. However, we would like the board to consider Alternates 2 (Certainteed 5 Star Warranty) & 3 (Winterguard entire roof). Upon the removal of the existing roof covering a visual inspection can be made to determine deterioration (if any) of the existing wood sheathing. If the substrate is found to be in good condition, Alternates 2 & 3 would NOT need to be entertained. If the substrate is found to be in poor condition, sheathing would be replaced per the unit pricing giving and Alternates 2 & 3 SHOULD be discussed and implemented.

The low bidder for this proposal was Cole Inc. We are familiar with this firm and have successfully completed projects with Mr. Cole.

We recommend therefore, that a contract be awarded to Cole Inc. in the amount of their base bid, as follows:

Base Bid - \$129,964.00

If substrate deterioration is found, we would recommend the following alternates to the above base bid:

Alternate 2 - \$2,860.00

Alternate 3 - \$16,500.00

With the concurrence of the Board, this office will advise the Contractor of your intent, prepare the appropriate contract and secure the required insurance documents.

I would be happy to answer any questions you may have regarding this recommendation.

Sincerely,

Scott W. Kleinsorge, Architect

February 7, 2022

## Council Communication

*Re: Recommendation Regarding Radio Replacement*

The radio system used in the Utilities and Public Works Departments is obsolete and has become completely nonfunctional. This communication system is very important for the operation of the departments and the system needs to be replaced. As such, competitive bids were recently sought, and the following bids were received:

<b>Vendor</b>	<b>Base Bid</b>
<b>Grand Traverse Mobile Communications</b> Traverse City, MI	\$38,632.18
<b>Tele-Rad Inc.</b> Traverse City, MI	\$41,622.00
<b>Motorola Solutions</b> Chicago, IL	\$69,745.23
<b>AMK Services LLC</b> Fisher, IN	\$32,026.05
<b>ComSource Incorporated</b> Plymouth, MI	<i>*Did not comply with specifications</i>

The lowest compliant bid from AMK Services is for a brand of radios for which it is very difficult to get replacement parts and service. In addition, the recommended vendor, Grand Traverse Mobile Communications, is the vendor that provides service for Wexford County Dispatch. This will ensure seamless support and stability with communications between City departments and the Dispatch center which was a key priority for this replacement project.

### **Recommended Action**

It is recommended that the radio replacement project be awarded to Grand Traverse Mobile Communications in accordance with their bid. In addition, it is recommended that a 5% contingency be added to the award should the City determine that additional equipment is desired as the project is implemented, for a total awarded price of \$40,563.79. Funds for this project are available in the Water and Sewer Fund and the Stores and Garage Fund.

February 7, 2022

## **Council Communication**

*Re: Industrial Monitoring Program Update*

The City was recently informed by the Michigan Department of Environment, Great Lakes and Energy (EGLE) that the Industrial Monitoring Program needed to be updated. This program is used to monitor wastewater discharge from the industries in the City. The City recently released a request for bid for professional services to update the Industrial Monitoring Program. One engineering firm submitted the following bid:

**Fleis & Vandenbrink** (Traverse City, MI) .....\$32,000

Once updated, the program will be codified in the City Code and forwarded to EGLE for their review and approval.

### **Recommended Action**

It is recommended that the contract for updating the Industrial Monitoring Program be awarded to Fleis & Vandenbrink in the amount of \$32,000. Funds are available in the Water and Sewer Fund.

## PERFORMANCE RESOLUTION FOR MUNICIPALITIES

*This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the \_\_\_\_\_  
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

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I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the \_\_\_\_\_  
 (Name of Board, etc.)  
 of the \_\_\_\_\_ of \_\_\_\_\_  
 (Name of MUNICIPALITY) (County)  
 at a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day  
 of \_\_\_\_\_ A.D. \_\_\_\_\_.

\_\_\_\_\_  
*Signed*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Print Signed Name*