



## **City Council Meeting**

March 21, 2022

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



March 21, 2022 City Council Meeting Agenda  
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

*We are continuous learners*

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
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](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.

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 March 7, 2022  
Support Document III-A

IV. COMMUNITY SPOTLIGHT

A. First Presbyterian Church – 150<sup>th</sup> Anniversary

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### V. PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons.  
Support Document V-A
- B. Public hearing to consider adoption of Ordinance to Amend Section 40-25 of the City Code Regarding Exhibition Driving.  
Support Document V-B
- C. Public hearing to consider adoption of Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise.  
Support Document V-C
- D. Public hearing to consider adoption of Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation.  
Support Document V-D

### VI. CITY MANAGER'S REPORT

- A. Recommendation regarding Assessing Contract with Wexford County.  
Support Document VI-A
- B. Bids and recommendation regarding construction of Pole Barn.  
Support Document VI-B
- C. Bids and recommendation regarding Well Cleaning.  
Support Document VI-C
- D. Bids and recommendation regarding purchase of Bucket Truck.  
Support Document VI-D
- E. Recommendation regarding 2022-2023 Road Salt.  
Support Document VI-E

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

- A. Cadillac West Corridor Improvement Authority  
Support Document VII-A

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### VIII. PUBLIC COMMENTS

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### IX. GOOD OF THE ORDER

### X. 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

March 7, 2022

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

OATH OF OFFICE

City Clerk administered the Oath of Office to Mayor Carla J. Filkins. Her term will expire on December 31, 2023.

ROLL CALL

Council Present: Schippers, Elenbaas, Engels, Mayor Filkins  
Council Absent: King  
Staff Present: Peccia, Roberts, Wallace, Dietlin, Ottjepka, Homier, Wasson

APPROVAL OF AGENDA

2022-014 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

Bob Durant questioned the necessity of the proposed marihuana ordinance, exhibition driving ordinance, and vehicle noise ordinance. He noted snowmobiles are much louder than motorcycles.

David McMahan noted the noise of a motorcycle is safety aspect. He stated there are many motorcycles in Cadillac and it will impact businesses and will hamper those traveling to and from work if people are unable to ride them in the City.

Jeff Anderson stated he would like see a decibel number included in the proposed noise ordinance, otherwise, it is left up to the discretion of the officer. He also believes the number of times someone can change lanes in a city block or the entire length of the city should be included in the proposed exhibition driving ordinance.

Patrick Bonds noted motorcyclists bring money into the downtown area.

Angel Vallejo, Cadillac Leadership Class, stated this year they are going to help renovate Kysor Fields. He provided an informational sheet on the project.

Scott Jones stated there are cars and motorcycles that are louder than Harley Davidson motorcycles. He questioned why Harley Davidson motorcycles were being singled out.

Linda Durant questioned why some of the proposed ordinances are even necessary. She noted there are already laws in place for many of the items being proposed.

Douglas Smith stated laws regulating vehicle noise are already in place.

### CONSENT AGENDA

2022-015 Approve consent agenda as presented.

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

Motion unanimously approved.

### COMMUNITY SPOTLIGHT

#### A. Republic Services

Matt Biolette, Republic Services Municipal Services Manager, presented a check in the amount of \$5,881 for solid waste services that are going to be located at the proposed White Pine Trailhead.

### COMMUNICATIONS

#### A. Presentation of FY2021 Audit Results by Joe Verlin of Gabridge & Co.

Joe Verlin from Gabridge & Co. presented the results of the independent audit for the fiscal year ended June 30, 2021. Gabridge & Co. issued an “Unmodified” opinion on the financial statements. Verlin indicated that this is the best opinion they can offer on the statements. He added that the City is in sound financial condition and commended the City for continuing to receive the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA).

#### B. Downtown Sidewalk Cafes

2022-016 Approve Downtown Sidewalk Cafes.

Motion was made by Schippers and supported by Elenbaas to approve the request from Clam Lake Beer Company, Hermann’s European Café, Raven Social, and the Roaring 20’s Saloon to have sidewalk cafes in front of their businesses in 2022 subject to the conditions noted.

Motion unanimously approved.

### APPOINTMENTS

#### A. Recommendation regarding appointment to the Election Commission.

2022-017 Approve appointment to the Election Commission.

Motion was made by Elenbaas and supported by Engels to approve the appointment of Mike Coy to the Election Commission for a 4-year term to expire on March 7, 2026.

Motion unanimously approved.

B. Recommendation regarding appointment to the Downtown Development Authority.

2022-018 Approve appointment to the Downtown Development Authority.

Motion was made by Engels and supported by Schippers to approve the appointment of Robert Munger to the Downtown Development Authority for a 4-year term to expire on March 7, 2026.

Motion unanimously approved.

C. Recommendation regarding reappointment to the Downtown Development Authority.

2022-019 Approve reappointment to the Downtown Development Authority.

Motion was made by Schippers and supported by Elenbaas to approve the reappointment of Chris Huckle to the Downtown Development Authority for a 4-year term to expire on March 7, 2026.

Motion unanimously approved.

Mayor Filkins noted Chris Huckle has served on the DDA since 2006.

CITY MANAGER'S REPORT

A. Setting of Budget Related Work Sessions

- Goals & Capital Improvement Program Review on March 21, 2022 at 3:15 p.m.
- Fiscal Year 2023 Budget Review on April 4, 2022 at 4:15 p.m.

2022-020 Set Budget Related Work Sessions.

Motion was made by Schippers and supported by Elenbaas to approve the Fiscal Year 2023 Budget Work Session dates and times as presented.

Motion unanimously approved.

B. Hardship (Poverty) Exemption Policy

Peccia noted the annual Hardship (Poverty) Exemption Policy is required pursuant to Public Act 390. He stated the recommendation is to adopt the updated Hardship (Poverty) Exemption Policy utilizing the 2021 Health and Human Services Poverty guidelines as well as a \$50,000 asset guideline, excluding the primary home.

Engels noted he is on the Board of Review and would like a report on how long the \$50,000 asset guideline has been in place and what asset guideline similar communities are using.

2022-021 Adopt updated Hardship (Poverty) Exemption Policy.

Motion was made by Elenbaas and supported by Engels to adopt the updated Hardship (Poverty) Exemption Policy utilizing the 2021 Health and Human Services Poverty guidelines as well as a \$50,000 asset guideline, excluding the primary home.

Motion unanimously approved.

### C. Concept Plans for Potential Snowmobile Routes

Peccia stated there have been conversations over the past several years regarding snowmobiles being permitted within the City. He noted snowmobiles were previously permitted within the City limits and it is unclear why that practice was eliminated. He stated some of the downtown merchants asked the City to revisit if there is a way to get snowmobiles closer to the downtown area. He noted snowmobiles do have access to the west side of the City. He stated the Community Development Department created potential conceptual routes that would limit exposure to residential areas.

John Wallace, Community Development Director, stated the main goals behind the potential routes were:

- Limit conflict between snowmobiles and walkers
- Limit conflict between snowmobiles and auto traffic
- Limit the length of time snowmobiles would have to run on streets or sidewalks
- Keep snowmobile parking on grass areas
- Keep routes as far away from residential development as possible (due to noise considerations)
- Keep routes on publicly controlled land as much as possible unless there is a willing private development which is willing to except snowmobiles
- A recognition that while Lake Cadillac cannot be considered a formal snowmobile route, there will be people who will use the Lake to access downtown

Wallace displayed and explained maps showing potential snowmobile routes and parking.

*\* The maps presented were included in the City Council Packet which is available on the City's website.*

Schippers stated she has heard from many people regarding potential snowmobile routes in the City. She noted we are discussing bringing snowmobiles into the downtown area at the same time we are discussing noise which seems counterintuitive. She stated all of the routes were designed to minimize distance from residential areas, but some people will be still be affected. She noted she understands that allowing snowmobiles could increase business in the downtown area, but the downtown area appears to be doing well since the recovery from the pandemic.

Elenbaas thanked John Wallace for the effort put into developing the proposed routes. He stated he does not see a way of doing this the right way. He noted there had to be a variety of good reasons why snowmobiles were banned in the past.

Mayor Filkins stated she really wanted this to happen for the downtown merchants. She noted she also heard from many people on this topic. She stated people expressed concerns about noise and potential damage to the infrastructure. She noted we need to make this decision based on the people who live in the City of Cadillac and not necessarily on the snowmobilers coming up here and wanting to get to the restaurants in the downtown area.



She stated we always do everything we can to support our downtown businesses but in this instance we can support the businesses in Cadillac West.

Mayor Filkins stated she appreciates all of the work put into developing the potential snowmobile routes but based on the feedback received from the citizens of Cadillac she does not believe it is the right thing to do at this time.

Peccia noted several years ago the City had a pilot program where City Council designated the parking area on the west side of Lake Street near the Rotary Performing Arts Pavilion as a snowmobile lot. He stated it was predicated on a volunteer group creating an appropriate pass through for snowmobilers to get off the lake and into that lot. He noted the program failed for a variety of reasons.

Mayor Filkins noted many people were not comfortable leaving their expensive machines on the lakefront unsupervised.

Mayor Filkins asked for a consensus from the Council and it was determined that no further action would be taken on this item.

#### D. Consideration of Award for Legal Services

Peccia noted Foster, Swift, Collins & Smith has served as legal counsel for the City since 2010 without any adjustment to their rates for services. He stated in accordance with a recent directive from City Council, a request for proposals (RFP) was issued for full-service law firms. He noted the RFP sought firms that have municipal practice experience as well as practice sections and/or multiple attorneys that cover a wide variety of specialty areas including general counsel services, environmental law services, labor and employment services, tax tribunal services, and bond and financial services.

Peccia noted five (5) proposals were received and the recommendation is to continue using Foster Swift for legal services in accordance with their proposal and engagement letter retroactive to March 1, 2022.

#### 2022-022 Approve continued utilization of Foster Swift for Legal Services.

Motion was made by Schippers and supported by Elenbaas to continue using Foster Swift for legal services in accordance with their proposal and engagement letter retroactive to March 1, 2022.

Motion unanimously approved.

#### E. Recommendation regarding purchase of Valve

Peccia stated while reviewing the plans to decommission the 8<sup>th</sup> Street Wellfield for the Phase II Wellfield Relocation Project, it was determined that the City needs to purchase and install a 20" valve in the existing line to avoid shutting off water to the industries in that area. He noted the City received various quotations and the recommendation is to waive competitive bidding and award the purchase of an East Jordan Iron Works Flowmaster 20" valve to Michigan Pipe and Valve in the amount of \$15,498. He noted it was the lowest quotation of the four (4) that were received.

2022-023 Waive competitive bidding regarding purchase of 20” valve.

Motion was made by Elenbaas and supported by Schippers to waive competitive bidding regarding purchase of 20” valve.

Motion unanimously approved.

2022-024 Award purchase of 20” valve.

Motion was made by Elenbaas and supported by Schippers to award the purchase of an East Jordan Iron Works Flowmaster 20” valve to Michigan Pipe and Valve in the amount of \$15,498.

Motion unanimously approved.

INTRODUCTION OF ORDINANCES

- A. Adopt resolution to introduce Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons and set a public hearing for March 21, 2022.

Peccia noted the next four (4) proposed ordinances are somewhat related. He stated Council is being asked to set the public hearings for March 21, 2022. He noted City staff developed a document entitled “Frequently Asked Questions Regarding Pending Code Updates” that is available on the City’s website and the City’s Facebook page.

Peccia stated the proposed ordinances are regarding Noisy or Riotous Persons; Exhibition Driving; Motor Vehicle Noise; and Marihuana Odor Mitigation. He noted the proposed ordinances are being brought forward as a result of complaints that have been received by the City regarding these various issues. He stated there are some Codes in place that deal with some of these issues but not entirely.

Noisy or Riotous Persons - Peccia stated the proposed ordinance lists activities that could be occurring in someone’s home such as: prostitution, gambling, illegal sale or use of intoxicating liquor or controlled substances; or any other illegal activity. He noted currently police are able to cite tenants living in the home but not the property owners. He stated approximately 50% of single-family homes in the City are rental properties. He noted there are issues that the Police Department encounters where they are not getting compliance. He stated being able to cite property owners and not just tenants is another tool the Police Department could utilize to gain compliance.

Motor Vehicle Noise - Peccia stated the current Code regarding noise references radios, TVs, phonographs, musical instruments, or music of any type coming from homes or other dwellings but does not refer specifically to noise coming from motor vehicles.

Exhibition Driving – Peccia stated currently tickets can be issued for careless or reckless driving. He noted the proposed ordinance would provide another tool for the Police Department to utilize at their discretion. He stated citing someone under the proposed ordinance rather than under careless or reckless driving would reduce the financial burden to the violator as well as the number of points assessed against their license.

Marihuana Odor – Peccia stated a complaint was received regarding marihuana odor emanating through a shared wall without there being any effort made to ventilate. He noted we already have Code governing marihuana odors for industrial growing operations. He stated the current Code does not include language to address marihuana odor mitigation for individuals.

Peccia noted the City is not recommending the banning of motorcycles, classic cars, and muscle cars or prohibiting people from cruising around town. He stated the City may cite anyone if noise from their vehicle exceeds what the State of Michigan currently allows (MCL 257.707), which varies by vehicle weight. He noted the City would need to acquire decibel readers for the police vehicles. He stated the proposed ordinance changes are designed to address intentional acts such as music from a motor vehicle that is loud enough to vibrate adjacent windows, revving of engines, and blowing diesel exhaust. He noted the proposed changes would provide the Police Department with additional tools to get the job done.

Mayor Filkins noted there were several people who voiced concerns during public comments and some of the comments were not accurate. She asked Adam Ottjepka, Director of Public Safety, to address some of the concerns that were expressed.

Adam Ottjepka, Director of Public Safety, stated he believes some comments on social media were not entirely correct and briefly commented on some of the concerns that were expressed. He noted the Police Department receives complaints and the proposed ordinances were designed to address some of those types of complaints.

Schippers clarified the proposed marihuana ordinance does not state that people cannot grow their own marihuana plants according to the law but just that they have to control the odor if it affects their neighbors.

Ottjepka noted a complaint was received from a business owner about marihuana odor permeating from a residence next door.

Elenbaas asked if the City had a field olfactometer and who would be responsible for using it.

Peccia stated it would be a police function and utilization of the device would be initiated when a complaint was received.

City Attorney Homier referenced the proposed ordinance which states:

An odor is per se objectionable if either of the following conditions are present:

- a. Odor detectable in the ambient air is greater than a 7/1 dilution threshold (D/T) for two samples or observations not less than 15 minutes apart within a one-hour period measured by a field olfactometer device beyond the boundaries of the property.
- b. The City receives three or more formal complaints from individuals or entities within a 24-hour period and the complaints are related to a single

odor source. Formal complaints filed by members of the same household will be considered one complaint.

Homier noted the amendment would require individuals who cultivate marihuana plants to take reasonable actions for odor mitigation such as:

- a. Use of activated carbon and charcoal filters;
- b. Use of air purifiers or air filters;
- c. Use of industrial odor-control system;
- d. Use of a bio-filtration system; and
- e. Other common industry methods for odor mitigation

Engels asked if the complaints coming in are about people smoking marihuana or growing marihuana.

Ottjepka stated it was a combination of both coming from that specific complaint.

Engels asked if we have a rate of occurrence regarding complaints about grow operations or smokers next door.

Peccia stated he is not aware of any complaints from residential areas. He noted the complaint received was from someone in a mixed-use building in the central business district. He stated the individuals in the residential space were legally growing and smoking marihuana but without having any system in place to prevent the odor from seeping into the commercial space next door. He noted without anything included in the City Code to address this issue there is no action that can be taken by the City.

Engels referenced the proposed ordinance regarding Motor Vehicle Noise, specifically Section 16-144 which states:

- (9) *Radio and musical instruments.* The playing of any radio, television set, phonograph, **music** or any musical instrument **including, but not limited to, from a motor vehicle**, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

Engels asked if we are trying to enforce noise complaints received during the day or do we focus on complaints received from 11:00 p.m. to 7:00 a.m.

Ottjepka stated the noise ordinance allows for complaints to be addressed outside of the stated hours. He noted the proposed amendment would add the statement “including, but not limited to, from a motor vehicle”. He stated this amendment would allow the Police Department to not only cite people in a residence that are disturbing the peace but also individuals driving a vehicle that are disturbing the peace.

Engels asked if most of our enforcement occurs during the night or does it occur during the middle of the day.

Ottjepka stated most enforcement occurs at night for loud parties but we do receive complaints during the day.

Engels asked if people are complaining about loud radios in vehicles separate from loud exhaust noise. He also asked if those complaints are occurring in the middle of the day as well.

Ottjepka stated complaints about loud music are received during the day and during the night.

Peccia stated the current ordinance does not restrict enforcement outside of the hours between 11:00 p.m. and 7:00 a.m.

Engels stated many of the complaints he hears are regarding loud trucks, not motorcycles. He referenced the proposed ordinance regarding Exhibition Driving, specifically #6 which states, "The emission of any unreasonably loud, raucous, disturbing or unnecessary noise from the engine or exhaust system of any motor vehicle."

Ottjepka stated careless driving is 3 points, reckless driving is 6 points, and exhibition driving is 2 points.

Engels noted the proposed ordinance provides a tool to reduce the financial burden to the violator as well as the number of points assessed against their license.

Ottjepka noted we are having issues in the downtown area such as loud music coming from vehicles, fishtailing, and swerving in and out of traffic. He stated depending on the officer and the seriousness of the violation they could issue a citation for careless or reckless driving. He noted the proposed ordinance amendment would provide the officers with an additional tool to issue a citation for exhibition driving, which is less than a careless or reckless driving citation.

Engels noted #6 includes the word "unnecessary" so not in the course of normal operation. He asked if people own vehicles that are too loud to be on the road or does this only refer to unnecessary actions.

Ottjepka stated the Michigan Motor Vehicle Code requires that mufflers are intact and are in proper working order.

Peccia stated the City is not looking to restrict motorcycles, muscle cars, classic cars, antique vehicles, or anything that is lawfully registered and licensed in the State of Michigan to be driven on public roadways. He noted it would apply to a motorist who is driving something that is modified and is not lawful. He stated it would also apply to a motorist who is doing something to cause attention to create a complaint.

Mayor Filkins encouraged members of the public who have concerns or questions to reach out to City staff to have a discussion before the next meeting.

Engels stated he is prepared to hold public hearings on the proposed ordinances. He noted there was some misleading information posted online before the City was able to make the

intent of the proposed ordinances available to the public. He stated a second round of feedback from the public is important.

2022-025 Set public hearing for Ordinance 2022-01.

Motion was made by Schippers and supported by Engels to adopt the resolution to introduce Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons and set a public hearing for March 21, 2022.

Ayes: Schippers, Engels, Mayor Filkins

Nays: Elenbaas

Motion carried.

- B. Adopt resolution to introduce Ordinance to Amend Section 40-25 of the City Code Regarding Exhibition Driving and set a public hearing for March 21, 2022.

2022-026 Set public hearing for Ordinance 2022-02.

Motion was made by Schippers and supported by Engels to adopt the resolution to introduce Ordinance to Amend Section 40-25 of the City Code Regarding Exhibition Driving and set a public hearing for March 21, 2022.

Ayes: Schippers, Engels, Mayor Filkins

Nays: Elenbaas

Motion carried.

- C. Adopt resolution to introduce Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise and set a public hearing for March 21, 2022.

2022-027 Set public hearing for Ordinance 2022-03.

Motion was made by Schippers and supported by Engels to adopt the resolution to introduce Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise and set a public hearing for March 21, 2022.

Ayes: Schippers, Engels, Mayor Filkins

Nays: Elenbaas

Motion carried.

- D. Adopt resolution to introduce Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation and set a public hearing for March 21, 2022.

2022-028 Set public hearing for Ordinance 2022-04.

Motion was made by Elenbaas and supported by Engels to adopt the resolution to introduce Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation and set a public hearing for March 21, 2022.

Motion unanimously approved.

- E. Adopt resolution to introduce Ordinance to Authorize Sale of Real Property (Portion of 514 Wright Street) and set a public hearing for April 4, 2022.

Peccia noted 514 Wright Street is the former Mitchell-Bentley property. He stated in February of 2020, the City and the Cadillac Industrial Fund officially entered into an agreement that allows for the conveyance of that property to the Cadillac Industrial Fund. He noted the process does require that the conveyance of the property also occur by ordinance.

Elenbaas read Section 2 of the proposed ordinance which states “The Mayor and City Clerk are hereby authorized to execute any and all documents and to take any and all actions necessary or appropriate to close upon the sale of the Real Property to the Fund or its designee, for a sale price of 10% of the net proceeds from a subsequent sale of the Real Property by the Fund.”

Elenbaas asked if this is the piece of property where the marihuana growing facility will be located.

Peccia stated it has been discussed but there is nothing definite at this time so it could be any type of development.

Elenbaas asked for clarification of the statement “10% of the net proceeds from a subsequent sale”.

Peccia stated subsequent sale refers to the sale of the property that would occur after the property has been transferred to the Cadillac Industrial Fund. He noted the Cadillac Industrial Fund would be responsible for selling the property and the City would receive 10% of the sale price. He stated the City did not pay to obtain the property. He noted this property was defaulted on and the City received it after it failed to sell as part of a salvage auction held by Wexford County. He stated the agreement that was approved in 2020 identified and listed the terms of the sale which is the reference to the 10% amount to the City.

Elenbaas stated it is a huge mistake to put a grow facility in a residential neighborhood.

Peccia noted the property is zoned industrial not residential and at this time there is no use identified for the site.

2022-029 Set public hearing for Ordinance 2022-05.

Motion was made by Engels and supported by Schippers to adopt the resolution to introduce Ordinance to Authorize Sale of Real Property (Portion of 514 Wright Street) and set a public hearing for April 4, 2022.

Ayes: Schippers, Engels, Mayor Filkins

Nays: Elenbaas

Motion carried.

- F. Adopt resolution to introduce Ordinance Amending the City Zoning Map and set a public hearing for April 4, 2022.

Peccia stated this item involves rezoning a portion of the Don's Auto Clinic property so the entire property has the same zoning classification. He noted the rezoning application was approved by the Planning Commission.

2022-030 Set public hearing for Ordinance 2022-06.

Motion was made by Elenbaas and supported by Schippers to adopt the resolution to introduce Ordinance Amending the City Zoning Map and set a public hearing for April 4, 2022.

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution for Local Government Approval for a DDA Liquor License for G&D Liquor Store.

Peccia stated this would allow for G&D to obtain a Community Development Liquor License from the State of Michigan that would allow them to serve alcohol inside their facility. He noted it is our understanding they are looking at having restaurant type service and potential event space in their facility.

2022-031 Adopt Resolution regarding DDA Liquor License for G&D Liquor Store.

Motion was made by Schippers and supported by Elenbaas to adopt the Resolution for Local Government Approval for a DDA Liquor License for G&D Liquor Store.

Motion unanimously approved.

MINUTES AND REPORTS OF BOARD AND COMMISSIONS

- A. Downtown Development Authority
- B. Planning Commission

PUBLIC COMMENTS

David McMahon commended City Council for their attempt to find routes for snowmobiles into the City. He noted there are a number of communities that allow snowmobiles and it is sad for a City that promotes itself as a four season community to not have snowmobile access to a major portion of the community.

Amanda Phillips thanked City Council for tabling the snowmobile discussion. She noted she lives on Granite Street and has had issues with snowmobile noise and property damage. She thanked City Council for clarifying the intent of the proposed ordinances but asked that the verbiage be considered carefully so they are clearly stated for the public. She commented on enforcement of the proposed noise and marihuana odor ordinances.

Rosemarie McConnell asked how to access the audit results and the proposed ordinances.



Bob Durant expressed concerns about citing homeowners for the actions of renters. He noted property owners have to go through the court system to evict tenants. He stated the verbiage of the ordinance is very important.

### GOOD OF THE ORDER

Elenbaas thanked members of the public for providing their opinions. He noted he hopes that rates will not be raised this year due to the additional funds available in the Water and Sewer Fund.

Schippers thanked Adam Ottjepka, Director of Public Safety, for clarifying the proposed ordinances. She encouraged members of the public to reach out to City staff when they have questions or concerns. She thanked Owen Roberts, Director of Finance, for doing a great job with the finances of the City. She noted at the start of the pandemic everyone was afraid of what was going to happen to the financial position of the City. She stated Owen's "masterful management" of City finances is a real testament to our current position.

Roberts stated he appreciates the comment but he cannot take all of the credit because it is a team effort.

Engels noted the City welcomes car shows and bike shows. He stated this community is a friend of motorcycles and classic cars so he is unsure where anyone would get the opposite impression.

Peccia stated the intent behind all of the proposed Code Enforcement related ordinances have nothing to do with banning motorcycles or cars. He noted all of the information is available on the city's website at [www.cadillac-mi.net](http://www.cadillac-mi.net). He explained the full Council packet can be found on the website under City Council Agendas. He noted the Frequently Asked Questions document is included in the packet and is available in the News & Announcement section on the City's main website page and there is also a link to the document on the City's Facebook page. He stated the Comprehensive Financial Report (Audit) is available on the website in the Financial Reporting section under Finance Department.

Engels stated a member of the public can also send an email to the City and someone will provide a link to the documents.

Mayor Filkins stated there was some great discussion and she is grateful to all of the members of the public who attended the meeting. She noted social media can be beneficial but it can also cause people to become emotional about topics when they do not have all of the correct information. She encouraged members of the public to reach out to a Council Member or a member of City staff if they want to talk through a topic. She noted she appreciated every phone call, email, and conversation she had over the past several weeks regarding snowmobiles. She stated she really wanted to see snowmobiles downtown but it is important for City Council to represent the citizens of Cadillac.

### ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

March 21, 2022

## **Council Communication**

*Re: Amendments to Code Enforcement Related Ordinances*

Noisy or riotous persons; noise (from motor vehicles); exhibition driving; and marihuana odors are matters the City Police Department are responsible to manage. Through verbal feedback received over time from residents, business owners and elected and appointed officials, it has become clear that regulations that govern those matters need to be updated in order for our Police Officers to be able to take proper enforcement action that will create a safer and less disruptive environment for residents, businesses and visitors in our City. Note, reference to MCL 257.707c is included under the proposed Exhibition Driving ordinance under items #4 and #6.

The following pages summarize the proposed ordinances in a frequently asked questions style format. Copies of the ordinances along with the related documentation are also included after the summary.

### **Recommended Action**

- Consider adoption of Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons.  
Support Document V-A
- Consider adoption of Ordinance to Amend Section 40-5 of the City Code Regarding Exhibition Driving.  
Support Document V-B
- Consider adoption of Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise.  
Support Document V-C
- Consider adoption of Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation.  
Support Document V-D

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## Frequently Asked Questions Regarding Pending Code Updates

### *Noisy or Riotous Persons; Exhibition Driving; Motor Vehicle Noise; and Marihuana Odor Mitigation*

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On March 7, 2022 during the City Council's regularly scheduled 6 PM meeting, the Council will be introduced to four ordinances that amend the City's Code. The legislative action for City Council to consider on March 7<sup>th</sup>, is to set the four Public Hearings for the pending Code amendments for the Council's regularly scheduled 6 PM meeting on March 21<sup>st</sup>. On March 21<sup>st</sup>, during any of the Public Hearings scheduled for that agenda, anyone from the public has an opportunity to provide comments to the City Council, however it is not a discussion with City Council.

At the close of any Public Hearing, City Council may further discuss the proposal, approve the proposal, amend and then approve the proposal, remand the item to another board if appropriate, or take no action.

#### **1. What topics are being covered that the pending ordinances to update Cadillac's Code?**

- a. Answer: The proposed Code amendments cover the following:
- Noisy or Riotous Persons (Amends the City's Disorderly Conduct Regulations in Section 22-99 of the City Code)
  - Noise from Motor Vehicles (Amends the City's Noise Regulations in Section 16-144 of the City Code)
  - Exhibition Driving (Amends the City's Uniform Traffic Code Regulations in Section 40-25 of the City Code)
  - Marihuana Odors (Updates the City's Code by adding Section 22-139, Marihuana Odor Mitigation)

#### **2. Noisy or Riotous Persons - What is the background regarding this pending Ordinance?**

- a. Answer: This Code amendment disallows property owners from allowing illegal activity from occurring at their residence. Currently, if a property is not owner-occupied, the City is only able to cite the tenant(s). The proposed amendment specifically proposes that it shall

be unlawful for any person to operate or permit to be operated in any house or place the following, and subsequently allows the City to cite the property owner for:

- Prostitution
- Gambling
- Illegal sale or use of intoxicating liquor or controlled substances
- Any other illegal activity

**3. Motor Vehicle Noise - What is the background regarding this pending Ordinance?**

- a. Answer: This Code amendment proposes the inclusion of motor vehicles within our pre-existing noise ordinance. The Code already in place regarding noise only references radios, TVs, phonographs, musical instruments, or music of any type, coming from homes or other dwellings. By amending the Code to include motor vehicles, this will provide the City with the ability to cite noise violators from noise emitting from motor vehicles. One example of a potential violation would be music coming from a motor vehicle that is loud enough to vibrate adjacent windows in other vehicles, homes or businesses.

**4. Exhibition Driving – What is the background regarding this pending Ordinance?**

- a. Answer: This Code amendment does not ban or prohibit motorcycles, classic vehicles or other licensed vehicles from legally operating within the City. This Code amendment updates the Uniform Traffic Code to add a new civil infraction regarding exhibition driving, which is defined in the proposed amendment by the following acts:
- Rapid acceleration
  - Squealing, peeling or burning of tires
  - Swaying of the motor vehicle from side-to-side, more commonly referred to as “fishtailing”
  - Racing or running of the engine of a motor vehicle at such speed to cause excessive or unusual noise
  - Unnecessary and excessive changing of lanes
  - Emission of any unreasonably loud, raucous, disturbing, or unnecessary noise from the engine or exhaust system of any motor vehicle

Currently, the City may cite anyone if noise from their vehicle exceeds what the State of Michigan currently allows (MCL 257.707), which varies by vehicle weight, and this Code amendment does not change or further restrict anyone from what is already in place.

City Police may currently cite anyone if they are driving carelessly under MCL 257.626(b), typically, if they violate a minimum of two of the above acts. Additionally, City Police may cite anyone for driving recklessly under MCL 257.626(2), typically, if they violate a minimum of three of the above acts; however, by having this additional option available, the City would be able to cite anyone if they violate only one of the above acts.

The option of citing anyone under the proposed Exhibition Driving Code versus citing someone under careless or reckless driving, even though it is likely that more than one act has been committed, reduces the financial burden to the violator as well as the number of points getting assessed against their license. The proposal also gives additional flexibility to the City's Police Department, and under the officer's discretion, provides another option.

## **5. Marijuana Odor – What is the background regarding this pending Ordinance?**

a. Answer: This Code amendment requires odor mitigation for all individuals who cultivate marijuana plants in the City for any purpose. Reasonable action individuals could use, for example purposes, may include the following:

- Use of activated carbon and charcoal filters
- Use of air purifiers or air filters
- Use of industrial odor-control system
- Use of a bio-filtration system
- Other common industry methods for odor mitigation

This Code amendment also prohibits marijuana odors caused by anyone cultivating or using it to where it results in a nuisance to the public or endangers the comfort, health or safety of the public. The proposed code further defines or establishes how an odor is objectionable, should either of the following conditions be met:

- Odor detectable in the ambient air is greater than a 7/1 dilution threshold (D/T) for two samples or observations not less than 15 minutes apart within a one-hour period measured by a field olfactometer device beyond the boundaries of the property.
- The City receives three or more formal complaints from individuals or entities within a 24-hour period, and the complaints are related to a single odor source. Formal complaints filed by members of the same household will be considered one complaint.

Marijuana odors caused by any licensed facility, such as a growing or cultivation facility, are currently covered in a separate section of City Code that requires mitigation control measures.

**City Council**

200 North Lake Street  
Cadillac, Michigan 49601  
Phone (231) 775-0181  
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**Mayor**  
Carla J. Filkins

**Mayor Pro-Tem**  
Tiyi Schippers

**Councilmembers**  
Stephen King  
Robert J. Engels  
Bryan Elenbaas

**RESOLUTION NO. 2022-xxxx**

**RESOLUTION TO ADOPT  
ORDINANCE TO AMEND SECTION 22-99 OF THE CITY CODE REGARDING  
NOISY OR RIOTOUS PERSONS**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the \_\_\_ day of \_\_\_\_, 2022, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: \_\_\_\_\_

ABSENT: COUNCIL MEMBER: \_\_\_\_\_

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City wishes to adopt an amendment to the City’s disorderly conduct regulations in section 22-99 of the City’s Code to add language regulating permitting illegal activity in homes;

WHEREAS, the City wishes to consider an Ordinance amending section 22-99 of the City’s Code accordingly; and

WHEREAS, the City Council held a public hearing on the proposed Ordinance on March 21, 2022; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to adopt the Ordinance.

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

1. Ordinance No. 2022-xx, Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons (the "Ordinance," attached as Exhibit A) is hereby adopted.

2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within seven (7) days.

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: COUNCIL MEMBERS: \_\_\_\_\_

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. 2022-xxxx, duly adopted at a meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Sandra Wasson  
Cadillac City Clerk

**City Council**

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Fax (231) 775-8755



**Mayor**  
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**Mayor Pro-Tem**  
Tiyi Schippers

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Robert J. Engels  
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Bryan Elenbaas

**ORDINANCE NO. 2022-01**

**ORDINANCE TO AMEND SECTION 22-99 OF THE CITY CODE REGARDING  
NOISY OR RIOTOUS PERSONS**

**THE CITY OF CADILLAC ORDAINS:**

**Section 1**

Section 22-99 of the City Code is hereby amended to read as follows:

- (a) It shall be unlawful for any person to permit any noise or riotous persons to assemble in any house owned, occupied or controlled by him, to the annoyance or disturbance of the neighborhood and the public peace.
- (b) **It shall be unlawful for any person to operate or permit to be operated in any house or place the following:**
  - i. prostitution,**
  - ii. gambling,**
  - iii. the illegal sale or use of intoxicating liquor or controlled substances,**
  - iv. any other illegal activity.**
- (c) This section is punishable as a municipal civil infraction.

**Section 2**

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 3**

This Ordinance shall take effect 20 days after its adoption.



---

Sandra Wasson, City Clerk

Dated: \_\_\_\_\_

**City Council**

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Phone (231) 775-0181  
Fax (231) 775-8755



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**Mayor Pro-Tem**  
Tiyi Schippers

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Stephen King  
Robert J. Engels  
Bryan Elenbaas

**RESOLUTION NO. 2022-xxxx**

**RESOLUTION TO ADOPT  
ORDINANCE TO AMEND SECTION 40-25 OF THE CITY CODE REGARDING  
EXHIBITION DRIVING**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the \_\_\_ day of \_\_\_\_, 2022, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: \_\_\_\_\_

ABSENT: COUNCIL MEMBER: \_\_\_\_\_

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City has adopted the Uniform Traffic Code by reference;

WHEREAS, section 40-25 of the City Code incorporates amendments to the Uniform Traffic Code; and

WHEREAS, the City wishes to adopt an amendment to the Uniform Traffic Code to add a paragraph regulating exhibition driving and designating violations as civil infractions; and

WHEREAS, the City wishes to consider an Ordinance amending section 40-25 accordingly; and

WHEREAS, the City Council held a public hearing on the proposed Ordinance on March 21, 2022; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to adopt the Ordinance.

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

1. Ordinance No. 2022-xx, Ordinance to Amend Section 40-25 of the City Code Regarding Exhibition Driving (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within seven (7) days.
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: COUNCIL MEMBERS: \_\_\_\_\_

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. 2022-xxxx, duly adopted at a meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Sandra Wasson  
Cadillac City Clerk

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Bryan Elenbaas

**ORDINANCE NO. 2022-02**

**ORDINANCE TO AMEND SECTION 40-25 OF THE CITY CODE REGARDING  
EXHIBITION DRIVING**

**THE CITY OF CADILLAC ORDAINS:**

**Section 1**

Section 40-25 of the City Code regarding amendments to the Uniform Traffic Code is hereby amended to add a subparagraph (4) to read as follows:

(4) *Rule 1490b.* Exhibition driving; a violation of this rule is a civil infraction.

a. No operator of a motor vehicle shall engage in exhibition driving. The term "exhibition driving" means the driving of a motor vehicle in an unusual manner or out of the usual flow of traffic, whether or not there is anyone present, or consisting of any of the following acts:

1. Rapid acceleration;
2. Squealing, peeling or burning of the tires;
3. The swaying of the motor vehicle from side to side, commonly referred to as "fishtailing";
4. Racing or running of the engine of a motor vehicle at such speed (revolutions per minute) as to cause excessive or unusual noise in excess of the limitations under MCL 257.707c;
5. Unnecessary and excessive changing of lanes;

6. The emission of any unreasonably loud, raucous, disturbing or unnecessary noise from the engine or exhaust system of any motor vehicle in excess of the limitations under MCL 257.707c.

**Section 2**

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 3**

This Ordinance shall take effect 20 days after its adoption.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sandra Wasson, City Clerk

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Bryan Elenbaas

**RESOLUTION NO. 2022-xxxx**

**RESOLUTION TO ADOPT  
ORDINANCE TO AMEND SECTION 16-144 OF THE CITY CODE  
REGARDING MOTOR VEHICLE NOISE**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the \_\_\_ day of \_\_\_\_, 2022, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: \_\_\_\_\_

ABSENT: COUNCIL MEMBER: \_\_\_\_\_

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City wishes to adopt an amendment to the City’s Noise regulations in section 16-144 of the City’s Code to add language regulating the playing of loud music from motor vehicles;

WHEREAS, the City wishes to consider an Ordinance amending section 16-144(9) of the City’s Code accordingly; and

WHEREAS, the City Council held a public hearing on the proposed Ordinance on March 21, 2022; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to adopt the Ordinance.

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

1. Ordinance No. 2022-xx, Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise (the "Ordinance," attached as Exhibit A) is hereby adopted.

2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within seven (7) days.

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: COUNCIL MEMBERS: \_\_\_\_\_

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. 2022-xxxx, duly adopted at a meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Sandra Wasson  
Cadillac City Clerk

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Bryan Elenbaas

**ORDINANCE NO. 2022-03**

**ORDINANCE TO AMEND SECTION 16-144 OF THE CITY CODE REGARDING  
MOTOR VEHICLE NOISE**

**THE CITY OF CADILLAC ORDAINS:**

**Section 1**

Section 16-144 of the City Code is hereby amended to add a subparagraph (9) to read as follows:

*(9) Radio and musical instruments.* The playing of any radio, television set, phonograph, **music** or any musical instrument **including, but not limited to, from a motor vehicle**, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

**Section 2**

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 3**

This Ordinance shall take effect 20 days after its adoption.

\_\_\_\_\_  
Sandra Wasson, City Clerk

Dated: \_\_\_\_\_



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Bryan Elenbaas

**RESOLUTION NO. 2022-xxxx**

**RESOLUTION TO ADOPT  
ORDINANCE TO ADD SECTION 22-139 TO THE CITY CODE REGARDING  
MARIHUANA ODOR MITIGATION**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the \_\_\_ day of \_\_\_\_, 2022, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: \_\_\_\_\_

ABSENT: COUNCIL MEMBER: \_\_\_\_\_

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City wishes to adopt an amendment to the City’s code to add a section 22-139 that would impose odor mitigation requirements for marihuana growers in the City;

WHEREAS, the City wishes to consider an Ordinance addition section 22-139 to the City’s Code accordingly; and

WHEREAS, the City Council held a public hearing on the proposed Ordinance on March 21, 2022; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to adopt the Ordinance.

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

1. Ordinance No. 2022-xx, Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation (the "Ordinance," attached as Exhibit A) is hereby adopted.

2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within seven (7) days.

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: COUNCIL MEMBERS: \_\_\_\_\_

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. 2022-xxxx, duly adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Sandra Wasson  
Cadillac City Clerk

**City Council**

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**ORDINANCE NO. 2022-04**

**ORDINANCE TO ADD SECTION 22-139 TO THE CITY CODE REGARDING  
MARIHUANA ODOR MITIGATION**

**THE CITY OF CADILLAC ORDAINS:**

**Section 1**

A Section 22-139 is hereby added to the City Code to read as follows:

**Sec. 22-139. – Marihuana Odor**

**(a) Odor Mitigation**

1. All individuals who cultivate marihuana plants in the City for any purpose are required to take reasonable action to mitigate odors resulting from or related to the cultivation of marihuana.
2. Reasonable action to mitigate odor resulting from or related to the cultivation of marihuana includes, but is not limited to, the following:
  - a. Use of activated carbon and charcoal filters;
  - b. Use of air purifiers or air filters;
  - c. Use of industrial odor-control system;
  - d. Use of a bio-filtration system; and
  - e. Other common industry methods for odor mitigation.
3. Use of any of the methods of odor mitigation provided under Section 1(B) will not guarantee compliance with the requirements of Section 2(A) or 2 (B).

**(b) Odor Prohibition – Cultivation and Use**

1. Any person who cultivates or uses marihuana for any purpose must not propagate objectionable odors that may cause or result in a nuisance to the public or that endanger the comfort, health, or safety of the public.
2. An odor is per se objectionable if either of the following conditions are present:
  - a. Odor detectable in the ambient air is greater than a 7/1 dilution threshold (D/T) for two samples or observations not less than 15 minutes apart within a one-hour period measured by a field olfactometer device beyond the boundaries of the property.
  - b. The City receives three or more formal complaints from individuals or entities within a 24-hour period and the complaints are related to a single odor source. Formal complaints filed by members of the same household will be considered one complaint.

**(c) Penalty**

1. Any person violating any provisions of this section is subject to a municipal civil infraction. Each day a violation of this section occurs or continues constitutes a separate offense. Enforcement and penalty under this section is cumulative and not exclusive.
2. In addition to the remedies described above, the City also may seek equitable relief, including injunctive relief, from any court of competent jurisdiction.

**Section 2**

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 3**

This Ordinance shall take effect 20 days after its adoption.

---

Sandra Wasson, City Clerk

Dated: \_\_\_\_\_

March 21, 2022

## **Council Communication**

*Re: Intergovernmental Agreement with Wexford County for assessing services*

The City has enjoyed a collaborative relationship with Wexford County for assessing services since the late 1990's, and for a number of years under the leadership of Joe Porterfield, the current Equalization Director. This intergovernmental service agreement continues to stand as a great example of collaboration between the City and County, and was previously recognized and accepted by the State of Michigan as well.

The current contract expires on March 31 and a new contract is needed. The proposed contract is for a 5-year term ending March 31, 2027, with automatic annual renewals beginning April 1, 2027. The contract authorizes annual rate adjustments based on the lesser of the CPI used by the State of Michigan in the capped value formula or 2%.

### **Recommended Action**

It is recommended that the City Council waive competitive bidding and approve the agreement with Wexford County for assessing services.

**ASSESSING CONTRACT BETWEEN**  
**THE CITY OF CADILLAC AND**  
**THE COUNTY OF WEXFORD**

THIS CONTRACT is made effective the 1st day of April, 2022, between the CITY OF CADILLAC, Cadillac, Michigan (City), and the COUNTY OF WEXFORD, acting through the WEXFORD COUNTY EQUALIZATION DEPARTMENT, Wexford County, Michigan (Equalization Department).

**RECITALS**

- A. The City and the Equalization Department explored means of combining services for assessing properties in the City of Cadillac.
- B. The City determined to proceed with having the Equalization Department perform its assessment services to achieve the economies of operation which would result and to maintain a high quality of assessing services.
- C. The Equalization Department is agreeable to continuing to perform assessment duties for the City under the terms set forth in this Agreement.

**AGREEMENT**

As a result, the City and Equalization Department agree as follows:

- 1. **Term of Agreement:** This Agreement shall commence April 1, 2022 and shall continue until March 31, 2027. This term incorporates five (5) assessment years, each of which commences on April 1 and concludes on March 31.
- 2. **Equalization Department Duties:** The Equalization Department will represent the City in all matters concerning assessment administration, including, but not limited to the following:
  - a) **Assessment Roll:** The roll shall be completed and ready for review by Tuesday following the first Monday in March. Assessment notice changes shall be sent to all City property owners regardless of the amount of the increase. Sates data and property cards shall be available for inspection by the City of Cadillac Board of Review.
  - b) **Reports:** All reporting forms shall be completed by the Equalization Department. The Equalization Department shall represent the City in all appeals taken to the Small Claims Division of the Michigan Tax Tribunal and the Equalization Department shall provide additional supporting appraisals to sustain the assessment whenever possible. The City will be responsible for the costs of any appeal taken to the full Michigan Tax Tribunal, and the City shall be responsible for selecting and providing legal counsel, if any, for such Tribunal matters. The

Equalization Department will assist and provide testimony as is needed in any such appeals to the full Michigan Tax Tribunal. The City retains full settlement authority regarding all assessment appeals (to both Small Claims and the full Tax Tribunal).

3. **City Responsibilities:** The City shall be responsible for the following:
  - a) **Board of Review, Secretary, Meeting Place and Legal Notices:** The members of the Board of Review, the secretary for the Board of Review, the meeting place for the Board of Review and all legal notices required as a result of the Open Meetings Act shall be the sole responsibility and expense of the City.
  - b) **Postage Expense:** The City will be responsible for all postage expense for notices of assessment changes, summer and winter tax bills; the Equalization Department will physically mail such notices or bills, so long as the postage expense is paid by the city.
  - c) **License Agreement:** The City shall provide, at its sole expense, a License Agreement for the Equalizer Appraisal System to BSA&A Software.
4. **Computer and Storage:** The parties agree that storage of all assessment data for the City will be stored on the County's computer system. The Equalization Department will provide assessment and tax data updates as needed to the City's computer. The Equalization Department will provide full updates only for the Equalizer Appraisal System and Name and address updates to the Equalizer Tax Administration System.
5. **Fees:** The City shall pay the Equalization Department assessing fees pursuant to the following schedule per entry per year for assessing all real, personal, IFT, CFT, TIFA's and LDFA's located in the City of Cadillac. The fee will be adjusted annually by consumer price index as used in the capped value formula not to exceed 2% in any given year. Should the consumer price index be negative the rate will remain at the prior year amount for that year.

**Year 1 (CPI used for capped value formula: 3.3%; use 2% cap):**

April 1, 2022 - March 31, 2023       $\$18.71 \times 1.02 = \$19.08$

*Subsequent years adjustments based on annual CPI as written above*

In addition, a fee will be charged for Assessment Roll maintenance. The Assessment Roll maintenance fee is currently \$1.30 per parcel. The Assessment Roll maintenance fee is a Wexford County-wide fee and is subject to change with appropriate notice. Payment as provided in this paragraph will be due quarterly each contract year (i.e. July 1, October 1, January 1 and April 1).

6. **Appeals:** The Equalization Department retains the discretion to appeal any individual assessment change by the Cadillac Board of Review.

7. **Authority:** The parties respectively acknowledge that their governing boards (the Cadillac City Council and the Wexford County Board of Commissioners) have approved this Contract and have authorized the City Mayor and the Wexford County Board of Commissioners' Chairman to execute this Agreement where indicated. The Director of the Wexford County Equalization Department has signed this Agreement, indicating the Department's agreement to participate according to the terms of this Contract.
8. **Compliance with Laws.** Both parties shall adhere to all applicable federal, state and local laws, ordinances, rules and regulations which affect this Agreement. In addition, the parties agree to the following provisions:
  - a) The parties shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of this covenant shall be considered as a material breach of the Agreement. MCL 137.1209.
  - b) The parties shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Breach of this covenant may be regarded as a material breach of the Agreement. MCL §37.2209.
9. **Termination:** This Contract may be terminated by either party upon giving written notice of at least 180 days.
10. **Effective Date:** The effective date of this Contract is April 1, 2022.
11. **Merger:** All prior understandings and agreements between the City and the Equalization Department are merged in this Agreement. It completely expresses their full agreement. This Agreement has been entered into after full investigation, neither party relying upon any statements made by anyone else that is not set forth in this Agreement.
12. **Construction:** This Agreement shall be construed according to the laws of the State of Michigan.
13. **Amendment:** This Agreement may not be changed or cancelled except in writing
14. **Auto Renewal:** Unless changes are requested by either party, or unless either party gives written notice pursuant to Paragraph 9 of this Agreement, this contract will automatically renew beginning April 1 of each year with annual adjustments based on the CPI per Paragraph 5 of this agreement.



**Dated:** March 15, 2022

**CITY OF CADILLAC**

**By:** \_\_\_\_\_  
Carla J. Filkins, Mayor

**By:** \_\_\_\_\_  
Sandra Wasson, Clerk

**WEXFORD COUNTY BOARD OF COMMISSIONERS**

**By:** \_\_\_\_\_  
Gary Taylor, Chairman

**WEXFORD COUNTY EQUALIZATION DEPARTMENT**

**By:** \_\_\_\_\_  
Clifford Porterfield, Director

March 21, 2022

## Council Communication

*Re: Pole Barn Construction Project*

The FY2022 budget for the Water and Sewer Fund includes an appropriation for construction of a pole barn to replace the current storage pole building which is over 50 years old and beyond repair. Competitive bids were solicited, and the following bids were received:

<b>Vendor</b>	<b>Bid</b>
<b>The E&amp;L Construction Group</b> Flint, Michigan	\$185,000.00
<b>Smart Comm, LLC</b> Fremont, Michigan	\$48,890.00
<b>Orshal Construction</b> Cadillac, Michigan	\$40,880.00

### **Recommended Action**

It is recommended that the FY2022 Pole Barn project be awarded to Orshal Construction in the amount of \$40,880. Funds for this project are available in the FY2022 budget in the Water and Sewer Fund.

March 21, 2022

## Council Communication

*Re: Water Well Cleaning*

The FY2022 budget for the Water and Sewer Fund includes an appropriation for well cleaning and any related repairs found during cleaning procedure. Competitive bids were solicited, and the following bid was received:

<b>Vendor</b>	<b>Bid</b>
<b>Raymer</b> Marne, Michigan	\$37,000.00

### **Recommended Action**

It is recommended that the FY2022 water well cleaning project be awarded to Raymer in the amount of \$37,000. It is also recommended that if any repairs are required, the Utilities Department should be authorized to spend up to \$5,000 for any necessary repairs. Funds for this project are available in the FY2022 budget in the Water and Sewer Fund.

March 21, 2022

## Council Communication

*Re: Bucket Truck Purchase*

The Department of Public Works has a bucket truck that has reached the end of its useful life and will no longer be safety certified by the annual inspection company. This truck is used frequently in day-to-day DPW operations and is an important part of the maintenance fleet and needs to be replaced. Competitive bids were solicited, and the following bids were received:

<b>Vendor</b>	<b>Bid</b>
<b>Jack Doheny Company</b> Northville, Michigan	\$170,000
<b>Altech Industries</b> Elizabethtown, Kentucky	\$141,887
<b>Truck &amp; Trailer Specialties</b> Boyne Falls, Michigan	\$74,433 (*Did not include cab and chassis which would add \$60,000 to purchase price)

Based on current pricing and the timing of availability of new units which was estimated to be 9 months to over two years, the City evaluated the option of purchasing a preowned unit. This option could save a significant amount of money while still providing the department with a safe, effective unit that will be usable for many years. Several units have been identified and analyzed but because of the nature of used vehicle sales they are not able to be held for Cadillac until such time as full authorization for purchase has been made. Further information on the final recommended unit will be presented at the council meeting but final costs are expected to be below \$100,000.

### **Recommended Action**

It is recommended that the bids for a new bucket truck be rejected, and the purchase of a used bucket truck be awarded per final recommendation based on availability of preowned models on the date of the council meeting. It is also recommended that out of state travel for DPW Operations Manager Ken Payne be approved for travel to inspect the unit, complete the purchase, and drive it back to Cadillac. Funds for this project are available in the Stores and Garage Fund.

March 21, 2021

## **Council Communication**

*Re: 2022/2023 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 over 400 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 up to 2,000 tons of road salt to cover the entire winter. Depending on the final bid award, annual costs are expected to total about \$150,000 (~\$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 2,000 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.

**Minutes**  
**Cadillac West Corridor Improvement Authority (CIA)**  
*Regular Meeting*  
*October 11, 2021*

A regular meeting of the Cadillac West Corridor Improvement Authority (CIA) was held electronically at 3:30 pm on Monday, October 11, 2021.

**MEMBERS PRESENT:** Carla Filkins, Regan O’Neill, Kris O’Neill, Bob LeVand, Shannon Hamner, Justice Walraven, Caitlyn Berard,

**MEMBERS ABSENT:** Mike Blackmer, Jake Walraven

**STAFF PRESENT:** Peccia, Wallace, Genovich, Pluger

**APPROVAL OF AGENDA**

- Hamner asked for a motion to approve the agenda with an added item of a date/time change for the meeting as there is a regular conflict. LeVand also requested adding a new agenda item to the agenda and this was added as a New Business item as well.
- Motion by Filkins to approve the agenda with the two additions, supported by Berard. Approved unanimously.

**MINUTES/REPORTS**

- Hamner requested any amendments to the minutes from the previous meeting. No comments were made.
- Motion to approve the minutes by Regan O’Neill, supported by LeVand. Approved unanimously.

**COMMITTEE REPORTS:**

**OLD BUSINESS**

**NEW BUSINESS**

- Community Planning: Hamner explained that she asked Wallace to give a presentation to the board as many members have not been on a board or developed a plan such as this before. Wallace presented his PowerPoint (attached to these minutes). Wallace explained that the board needs to discuss the items in the PowerPoint, not the details of physicality of the land, but the discuss the image and identity of the district. Wallace encouraged starting with the vision statement and review the one created and make it new for the corridor. There will be a speaker present at the next meeting to explain financial planning and marketing of the corridor, the best ways to make changes that will be good for everyone in the corridor.
  - o K. O’Neill asked what the Alliance for Economic Success? Peccia explained they are and economic entity that does a lot of think tank work. They are supposed to help economically develop the area. They can direct the board as it creates visions for the future. We can utilize their services instead of hiring an outside consultant to do that work.
  - o Peccia spoke about the board being able to emphasis the goals and vision of the board while also being vague enough to utilize funding that could come available in the future. The vision should be loose enough to utilize the tax dollars available to the board in the future, so it’s important not to get too specific.
  - o R. O’Neill: Asked the difference between DDA and CDF. LeVand explained the DDA is part of the city and the others are private organizations. Discussion followed explaining the DDA focuses on beautification and infrastructure of the downtown corridor.
  - o Regan asked if a fund would be available for the West Corridor? Peccia explained this is basically a mirror image of the DDA but the state only allows one official DDA. This is an authority that has the ability to create a legal mechanize and create the TIF for the area. Peccia explained there is Money that was donated to the Corridor when a previous agency

- dissolved.
- Justice Walraven asked what kind of incentives would there be for the ideas in the plan such as tearing down the shell to expand the state park entrance? Peccia explained it would have to be vague because the state has different incentives over time. There would most likely be a multi-agency agreement to get everyone to agree to the same project. The incentives change often and there are lots of avenues through the state. Discussion followed about types of programs that can be done as incentives.
  - Combined End of Year Meeting
    - Date of December 9<sup>th</sup> was set for the combined end of year meeting
    - Motion to approve the combined meeting by Filkins. Supported by Kris O’Neill.
      - Approved unanimously.
  - Date Change for Regular Meeting
    - Discussion followed that there is a potential for a regular conflict with this meeting. Authority decided to move regular meetings to the second Thursday of every month at 3:30 PM.
    - Motion by Filkins. Supported by Regan O’Neill
      - Approved unanimously.
  - Discuss adding Finance Report to regular agenda.
    - LeVand requested that a financial report be presented to the board with every agenda. Discussion followed explaining there is no revenue coming in, but the board has some money in a fund that was donated to it.
      - Motion to add a Financial Report to the Agenda by LeVand. Supported by Filkins.
        - Approved unanimously.

**COMMUNICATIONS/OTHER ITEMS**

**PUBLIC COMMENTS** – None

**ADJOURNMENT:** Meeting Adjourned at 4:45 pm. Motion to adjourn by Regan O’Neill. Supported by LeVand.