



City Council Meeting

February 18, 2025 - 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

I. ACCEPTANCE OF RESIGNATION OF MAYOR CARLA J. FILKINS

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, 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 item(s) will be removed from the consent agenda and discussed separately.

IV.A. Minutes From The Special Meeting Held On February 3, 2025

Documents:

[SPECIAL MEETING MINUTES 2.3.25.PDF](#)

IV.B. Minutes From The Closed Session Held On February 3, 2025

IV.C. Minutes From The Regular Meeting Held On February 3, 2025

Documents:

[FEBRUARY 3, 2025 CITY COUNCIL MINUTES.PDF](#)

V. COMMUNITY SPOTLIGHT

V.A. Citizens Advisory Committee

VI. PUBLIC HEARINGS

VI.A. Public Hearing - Vacate Portion Of W. Nelson Street

Public hearing to consider adoption of Ordinance Vacating a Portion of West Nelson Street and Reserving a Public Utility Easement in Favor of the City of Cadillac.

Documents:

[RESOLUTION TO ADOPT ORDINANCE VACATING A PORTION OF WEST NELSON.2024.CITY OF CADILLAC\(200964158.1\).PDF](#)
[ORDINANCE VACATING A PORTION OF WEST NELSON.2024.CITY OF CADILLAC \(MER RL\)\(200964401.2\).PDF](#)

VII. COMMUNICATIONS

VII.A. Lighting Request - Child Protection Council

Documents:

[CAP MONTH COMM.PDF](#)

VIII. APPOINTMENTS

VIII.A. Recommendation Regarding Reappointment To The Construction Board Of Appeals (Houk).

Documents:

[COUNCIL COMMUNICATION - REAPPOINTMENT TO CONSTRUCTION BOARD OF APPEALS \(HOUK\).PDF](#)

VIII.B. Recommendation Regarding Reappointment To The Construction Board Of Appeals (Saari)..

Documents:

[COUNCIL COMMUNICATION - REAPPOINTMENT TO CONSTRUCTION BOARD OF APPEALS \(SAARI\).PDF](#)

IX. CITY MANAGER'S REPORT

IX.A. Hardship (Poverty) Exemption Policy

Documents:

[COUNCIL COMMUNICATION - HARDSHIP \(POVERTY\) EXEMPTION POLICY REVISION 2025.PDF](#)
[2025 CADILLAC POVERTY POLICY \(ACCESSIBLE\).PDF](#)

IX.B. Out-Of-State Travel Request (Utilities Complimentary Pump Training)

Documents:

[COUNCIL COMMUNICATION - OUT OF STATE TRAVEL REQUEST \(UTILITIES PUMP TRAINING 2025\).PDF](#)

IX.C. Informational Update Regarding Pine Street Rezoning Request

Documents:

[LETTER REGARDING 128 E. PINE STREET.PDF](#)
[128 E PINE ST LITIGATION.PDF](#)

IX.D. Recommendation Regarding Purchase Of Vehicle For Police Department.

Documents:

[COUNCIL COMMUNICATION - POLICE ADMINISTRATIVE VEHICLE
2025.PDF](#)

IX.E. Setting Of Budget Related Work Sessions

- Goals & Capital Improvement Program Review on March 17, 2025 at 4:15 p.m.
- Fiscal Year 2026 Budget Review on April 7, 2025 at 4:15 p.m.

IX.F. PFAS Update

X. PUBLIC COMMENTS

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XI. GOOD OF THE ORDER

XII. ADJOURNMENT

CITY COUNCIL MEETING MINUTES

Special Meeting
February 3, 2025 4:00 pm

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

CALL TO ORDER

Mayor Filkins called the meeting to order at approximately 4:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

APPROVAL OF AGENDA

Schippers noted there was some discussion in the previous meeting about changing the agenda to move the final Public Comments after Good of the Order because there were still some questions from the public. She noted it was not intended to be that way moving forward. She stated because we are not allowed to interact during public comments, if we don't have an opportunity after the final Public Comments to address the issues that have been brought up then it leaves everything hanging. She requested an amendment to the agenda to move Good of the Order after the final Public Comments as has been done in the past.

King stated Council is going to talk about the evaluation of the City Manager in Closed Session. He noted if we are going to take any action today, he believes it should be added to the agenda so the public knows whether we plan on coming back and taking any action.

Mayor Filkins noted that's normally what we do when we do the evaluation after we come back into open session.

King suggested the addition of Potential Action on Evaluation be added after the Closed Session.

2025-001 Approve agenda as amended.

Motion was made by Schippers and supported by Engels to approve the agenda as amended.

Motion unanimously approved.

PUBLIC COMMENTS

Konrad Isch expressed concerns about the performance of the City Manager.

Bill Barnett asked why CCTV wasn't recording the meeting. He asked that Council not go into closed session because the public wants to know what Council is saying about the City Manager. He asked why Council would move forward with the evaluation without Council Member Elenbaas because all five members should be present.

Brad Marine stated he has seen a lot of progress so it's important to recognize some of the good that Council and the City Manager have done. He noted it is Council's job to develop a professional development plan for the City Manager to allow him to succeed.

Art Stevens talked about the Charter and the potential violations regarding changes to the City Manager's contract.

Andy VanAlst commented on the City Manager's contract, short-term rentals, a potential ordinance requiring people to hook up to City water, and holding Council and the City Manager accountable.

Rick Torres expressed concerns about the proposed rezoning ordinance and the performance of the City Manager.

Mary Galvanek stated she was asked by two members of the public to speak on their behalf about concerns regarding a potential ordinance requiring people to hook up to City water at their expense and about recall papers. She noted she has had a terrible time with the Cadillac Farmers Market that is due to the treatment of our current City Manager.

Pat Ponczek expressed concerns about short-term rentals.

Alicia Hose expressed concerns about a potential ordinance requiring people to hook up to City water at the owner's expense.

Cindy Kanitz expressed concerns about the performance of the City Manager.

Pollyanna Torres noted police have been called to the home on Pine Street.

CLOSED SESSION

Adjourn to closed session pursuant to MCL 15.268(1)(a) to consider a periodic personnel evaluation of the city manager at his request.

Schippers noted we have done written evaluations. She stated we compiled the data and then we meet which is exactly the same process as we did last time so there is nothing different happening.

2025-002 Adjourn to closed session.

Motion was made by Schippers and supported by Engels to go to closed session to discuss the evaluations that we wrote and do our group evaluation of the City Manager.

Ayes: Engels, Schippers, Mayor Filkins

Nays: King

Motion carried.

2025-003 Return to open session.

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

Motion unanimously approved.

POTENTIAL ACTION ON EVALUATION

2025-004 Postpone any potential action on the City Manager's evaluation.

Motion was made by King and supported by Engels to postpone any potential action on the City Manager's evaluation today to allow us to get additional information both from the citizens and from our business community.

Motion unanimously approved.

PUBLIC COMMENTS

Konrad Isch expressed concerns no one is listening to the citizens of Cadillac. He discussed recent failures and errors in judgment.

Brad Marine expressed concerns about a potential ordinance requiring people to hook up to City water at the owner's expense. He suggested developing a citizens advisory committee to get feedback from the citizens.

Bill Barnett stated he is upset that Council went into closed session without Council Member Elenbaas. He noted he hopes Council will listen to the input from the public.

Art Stevens stated it is important that a special meeting is scheduled at a time that works for all Council Members.

Ruthann French commended the Council on the work that they're doing and Marcus Peccia on the professionalism that he brings to the job as well as the City staff that he works closely with on very tenuous and difficult issues.

Jim Stiver stated he is upset that the City hasn't helped in the development of Marathon Drive and expressed concerns about PFAS.

GOOD OF THE ORDER

King stated he believes we had decided before that all meetings should be on CCTV.

2025-005 Ensure all Council meetings are on CCTV.

Motion was made by King and supported by Schippers that we ensure all meetings are on CCTV.

Motion unanimously approved.

King encouraged everyone to keep being involved. He noted we want feedback and asked people to send it to Council in writing and to be as specific as possible.

King stated both PFAS and the water ordinance are serious issues and have to be addressed as a community. He noted PFAS is a national issue and we want to work for solutions so people have clean drinking water. He stated it's not the City of Cadillac poisoning anybody. He noted the system water does not have PFAS but there is PFAS throughout the State of Michigan and throughout all 50 states. He stated he wants to work as a community to correct the problem in a solution-based, open and transparent manner.

Schippers noted we have decided that May will be the evaluation month moving forward. She stated we will do this one and then do another one this May and then the following May so everyone knows what is going on.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra Wasson, City Clerk

CITY COUNCIL MEETING MINUTES

February 3, 2025

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: Schippers, Engels, King, Mayor Filkins

Council Absent: Elenbaas

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

APPROVAL OF AGENDA

2025-006 Approve agenda as amended.

Motion was made by Schippers and supported by Engels to approve the agenda as amended to move Good of the Order after the second Public Comments.

Motion unanimously approved.

PUBLIC COMMENTS

Pat Ponczek expressed concerns about short-term rentals. She stated a bed and breakfast is one kind of short-term rental.

Andy VanAlst discussed the case file against the owners of 128 E. Pine Street. He noted they are now requesting the property be rezoned.

Rick Torres stated public servants should be upfront, honest, and fair with the public.

Paula Meyers noted the anger and hatred thrown back at our elected City officials and members of the public is not unacceptable.

Sam Knopp noted the voices of the absent do not count.

Bill Barnett expressed concerns about PFAS and asked Council to appoint a Citizens Advisory Committee to work on a solution.

Cindy Kanitz expressed opposition to the potential ordinance requiring residents to hook up to City water at their own expense.

Carla Moore questioned how many other people have cancer from PFAS and don't even know it.

Art Stevens expressed concerns about PFAS and lack of communication.

Mary Galvanek stated we have a health crisis. She discussed some of the ways the Clean Water Advocates of Cadillac is helping the community.

Don Oyler expressed concerns regarding PFAS. He questioned the rezoning of 128 E. Pine Street.

Sherry Elenbaas expressed concerns regarding PFAS.

CONSENT AGENDA

2025-007 Approve consent agenda as presented.

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

Motion unanimously approved.

COMMUNICATIONS

A. Downtown Sidewalk Cafés

2025-008 Approve Downtown Sidewalk Cafés.

Motion was made by Schippers and supported by King to approve the request of Clam-Torch RMPL, LLC, DBA Clam Lake Beer Company; Raven BBQ, LLC, DBA Raven Social; Feister Enterprises, Inc., DBA Roaring 20's Saloon; Roasted Café, LLC and Mi Mezcal Mexican Grill, LLC, to have sidewalk cafés in front of their businesses in 2025 subject to the conditions listed.

Motion unanimously approved.

B. Friends of the Library

2025-009 Approve sign request from Friends of the Library.

Motion was made by Schippers and supported by Engels to approve the temporary sign request from Friends of the Library as presented and to authorize staff to approve changes in dates if requested.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding reappointment to the Zoning Board of Appeals.

2025-010 Approve reappointment to the Zoning Board of Appeals.

Motion was made by Engels and supported by Schippers to approve the reappointment of Shari Ault to the Zoning Board of Appeals for a 3-year term to expire on February 3, 2028.

Motion unanimously approved.

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

2025-011 Approve reappointment to the Zoning Board of Appeals.

Motion was made by Engels and supported by Schippers to approve the reappointment of Louis Nichols to the Zoning Board of Appeals for a 3-year term to expire on February 3, 2028.

Motion unanimously approved.

C. Recommendation regarding reappointment to the Planning Commission.

2025-012 Approve reappointment to the Planning Commission.

Motion was made by Engels and supported by Schippers to approve the reappointment of John Putvin to the Planning Commission for a 3-year term to expire on February 3, 2028.

Motion unanimously approved.

D. Recommendation regarding appointment to the Cadillac-Wexford Airport Authority.

2025-013 Approve appointment to the Cadillac-Wexford Airport Authority.

Motion was made by Engels and supported by Schippers to approve the appointment of Adam Nelson to the Cadillac-Wexford Airport Authority for a 2-year term to expire on February 3, 2027.

Motion unanimously approved.

E. Recommendation regarding appointment to the Local Development Finance Authority.

2025-014 Approve appointment to the Local Development Finance Authority.

Motion was made by Mayor Filkins and supported by Engels to approve the appointment of Mike Solomon to the Local Development Finance Authority for a 4-year term to expire on February 3, 2029.

Motion unanimously approved.

F. City Council Member appointments, regular and alternate, to the Board of Review.

2025-015 Approve City Council Member appointments, regular and alternate, to the Board of Review.

Motion was made by King and supported by Engels to appoint Council Member Engels as the regular member and Council Member Schippers as the alternate member to the Board of Review for a 1-year term to expire on February 3, 2026.

Motion unanimously approved.

Mayor Filkins noted we couldn't do the work that we do in the City without the volunteers that sit on our boards and commissions and she thanked all of the volunteers that serve.

CITY MANAGER'S REPORT

A. Cadillac Housing Commission compensation change request.

Peccia noted these dollars do not come from the City's coffers but rather come from their own funding sources. He stated their request this year is for a 4% annual cost of living pay adjustment for all Housing Commission employees.

2025-016 Approve compensation request from the Cadillac Housing Commission.

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

Motion unanimously approved.

B. Bids and recommendation regarding Countertop Water Systems.

Peccia noted three (3) bids were received for the purchase of two Countertop Deionized/RO Water Systems for the laboratory located at the Cadillac Wastewater Treatment Plant. He stated these systems provide purified water for use in laboratory tests. He noted the recommendation to award the purchase to Serv-A-Pure in the amount of \$16,493.10.

2025-017 Award purchase of Countertop Water Systems.

Motion was made by Schippers and supported by Engels to award the purchase of two Countertop Deionized/RO Water Systems to Serv-A-Pure in the amount of \$16,493.10.

Motion unanimously approved.

C. Out-of-State Travel Request.

Peccia noted the Community Development Coordinator is requesting to attend the Main Street Now Conference in Philadelphia, Pennsylvania. He stated the City is a Select Level member of the Michigan Main Street Program and is working with the Downtown Development Authority (DDA) to implement the program in Cadillac. He noted Danielle, in her position with the Community Development Department, is our primary liaison to this new program and we feel that there's some strong value for her to attend the conference.

Peccia stated the City is looking at hiring a Main Street Program Coordinator and that job opening has been posted.

King asked if this is the same conference we spent \$5,000 or almost \$6,000 on about a year ago for two employees to attend.

Peccia stated it is a different convention but the same topic.

King asked if we currently have a listing that we want to bring on another staff member for downtown.

Peccia stated a requirement of this program does require a specific Main Street Program Coordinator that would ultimately be a self-type funded position through the programs that they facilitate a year or two down the road.

King stated he is concerned because he has heard from a lot of the owners of downtown businesses that they are not hearing from the City and they don't feel the City is helping them. He noted we see more vacancies downtown and he's not sure he wants to approve spending money for a staff member to go out when he hasn't seen the results of the first time when we spent over \$5,000. He stated he isn't hearing that there was more outreach to business owners since that time.

Mayor Filkins noted she believes when Danielle travelled the last time somebody from the DDA or Visitors Bureau also went and there was a lot of information gathered and they felt it was a good conference. She stated she thinks it's important to invest in our employees to give them the education they need to support the programs.

King stated he believes it was Mr. Wallace and Danielle that attended last time and he is hearing that the businesses still aren't getting outreach from the City. He noted he is in favor of education but if you're not interacting with the business owners he thinks we are putting the cart before the horse.

Engels stated he thinks we are developing an employee. He noted he believes this is a good opportunity for Danielle and will help us do the things mentioned by Council Member King.

2025-018 Approve out-of-state travel request.

Motion was made by Engels and supported by Schippers to approve the out-of-state travel request for the Community Development Coordinator as presented.

Ayes: Schippers, Engels, Mayor Filkins

Nays: King

Motion carried.

D. PFAS Update

Peccia stated there's a lot of context out there regarding PFAS in our environment, and a lot of concerns within the community about what our level of engagement is or isn't. He noted he thinks there's some confusion in regard to what the City is doing, whether it's under our generic label, City of Cadillac or the LDFA. He stated there is a lot of conversation about what was or wasn't said a half a dozen years or so ago. He noted the Superfund documents and the charge of the LDFA and all of its testing has to do with trichloroethylene (TCE) as well as hexavalent chrome and not PFAS.

Peccia stated skipping ahead to where we are now, he can absolutely say nothing is being hidden and there is no conspiracy to not share with the public or to share with the City Council where things are at. He noted we have created on our website essentially a depository of information titled PFAS Resources that will link people to the latest information as soon as we get it from the State of Michigan Department of PFAS Action Response, or MPART. He stated it shows where they're seeing PFAS being detected in private wells throughout the City and the greater Cadillac area. He noted the information on that site also includes a newly released Frequently Asked Questions document by the State of Michigan which talks about what to do if you have it, what does it mean, and how to get help and resources. He stated, in addition, we have information on that site as to how people can get help from us in terms of access to drinking water. He noted our Utilities Department will be doing deliveries of water to those that are within the study areas should they request it.

Peccia stated we are getting ready to bid out an infrastructure project to bring a water main down Marathon Drive. He noted it's important for everyone to understand that the local unit of government doesn't design or develop our neighborhoods. He stated we have design standards and development standards, and he does not know what those design or

development standards were when Marathon Drive was developed. He noted if a developer comes to the City today to develop an area that is otherwise not developed, as a part of our administrative site plan review, we would say you need to have paved roads, sidewalks, lighting, and water and sewer infrastructure under the ground that would be at your cost and that we would then assume maintenance responsibility and ownership of when it's done.

Peccia noted based on the studies that the State of Michigan has conducted there is PFAS detected in the area of Marathon Drive. He stated some of that detection is above what the State has identified as their safe drinking water threshold and some of that detection is below. He noted regardless of wherever anybody is in terms of that detection, the State does allow people to go and get a filter at the State's cost as well as replacement filters. He stated that won't necessarily be a long-term solution versus being able to connect to public infrastructure. He noted as we look at that long-term fix for public infrastructure, one of the things that he wanted to make sure of is that he has support from the City Council regarding those anticipated costs.

Peccia stated we have the ability to use leftover federal COVID dollars or ARPA dollars from the American Rescue Plan to be able to fund what could be approximately a \$300,000 project to bring infrastructure to Marathon Drive. He noted he doesn't need a firm commitment tonight because the bid is not out yet but will be very soon. He stated that estimated cost would not only be the cost of putting the main infrastructure in the ground, but we also believe that would cover the cost of the connections to the individual homes.

Peccia stated this issue isn't just in the City of Cadillac but is also outside of our borders. He noted we have no authority to force or do anything to anyone outside of our corporate jurisdiction. He stated we have reached out to our corporate neighbors to the north and advised that we do have a water main along Seneca. He noted we'd be willing to explore, if they're willing to do so, an extension of that main at the township's cost. He stated it would ultimately be a policy decision of the City Council in terms of whether or not any type of land transfer agreement would be required. He stated looking at how the City has not required such an agreement in the past when it comes to environmental issues and thinking about the methodology in place that we provide sewage treatment for the area around Lake Mitchell or the Lake Mitchell Sewer Authority, he thinks it's probably a pretty fair assumption that we would simply be willing to extend the infrastructure at their cost and have an intergovernmental agreement in place. He noted that would allow their residents to access the water and it would be metered just like anybody else. He stated they would pay the same rates that we charge our own folks.

Peccia noted the draft water connection ordinance that was in the public packet a couple of weeks ago and is still in the public packet tonight, was put there for the purpose of starting the conversation and we are not asking for a public hearing to be set on the ordinance. He stated there has been a conversation with this body over several years about whether we should look at having an ordinance in place that requires people to connect to our infrastructure if our infrastructure is available. He noted there are a number of policy level questions regarding this and the draft ordinance is simply included to start getting some feedback from Council and the public.

King noted PFAS is an extremely important issue. He stated the City of Cadillac wants to take action in relation to issues with well water, in relation to PFAS but it's going to have to

be looked at whether it's in the industrial area with the LDFA versus the other private wells. He noted we have a potential ordinance that we want public feedback on. He stated he and other Council Members have received emails from two different groups. He noted one group is testing their wells, they have no PFAS and they want to know if there is a way for them to keep their wells. He stated the other group have wells within the City that contain PFAS and we have to figure out how to put in the infrastructure for them in a manner that's fair to all. He noted the key point is we know it's critical and the important message is that people know we are addressing it.

Mayor Filkins stated we need to see it collectively so that we know how many people we have on wells, where our infrastructure is today, where's the opportunity for infrastructure to go in and what's the expectation if the infrastructure does go in. She noted she would rather look at it holistically, understand what the options are and have conversation on all of the options.

Peccia stated we know where people live that are private wells and whether or not those people have access to our public utility. He noted there is a concentration of people on Marathon Drive that have PFAS detected in their private wells and they do not have access to the public utility. He stated we are having engineering documents prepared for bidding purposes to have infrastructure built on Marathon Drive. He noted many of the people that are on private wells have access today to connect to City water.

Mayor Filkins noted she would like to see a thorough summary which includes what the options are for each of those areas.

King stated the information gathered should be shared with the public to get their feedback.

Engels stated the earlier we can introduce tools, get them out there, and start to think about them, then the earlier we can start to put in pieces of the puzzle and get feedback. He noted when we have our next PFAS update, which he hopes will occur at every meeting, he would like to see the private wells on a map divided up into several groups including the group that is next to the water main, the group that doesn't have a water main but needs it, and the group that will never get hooked up to City water because they are testing clean. He stated once we see that map we can put together a holistic strategy.

Peccia stated he wants to make sure that Council is supportive of us bidding out Marathon Drive.

Jeff Dietlin, Director of Utilities, noted regarding Marathon Drive we did receive the State permit and already have it engineered so we can bid it out and get the cost quickly. Mayor Filkins asked about the options for the people on Marathon Drive.

Peccia noted City Council will need to have policy discussions.

Dietlin provided information summarizing critical municipal operations (see attachment). He stated we have tested 8th Street, 44 Road, and Crosby Road and every test we have ever done has come back non-detect for PFAS. He noted our municipal water is PFAS-free.

Peccia noted that he and the City Attorney recently had a conversation with a colleague of his regarding an opportunity to reserve a spot in a nationwide class action PFAS lawsuit.

City Attorney Homier noted there is a class action lawsuit that involves multiple defendants. He stated he is working with cities across Michigan on their PFAS contamination. He noted the phase one claimants were drinking water contamination which the City does not have. He stated Cadillac is in the category of the phase two claimants. He noted there may be some funding opportunities based on those class actions. He stated it's nationwide so there are a lot of claims, there is scoring involved, and then a distribution of assets.

Peccia noted we are exploring some additional outside funding grants that some other Michigan communities have been successful in getting.

Peccia asked City Attorney Homier to provide further clarification regarding the draft connection ordinance.

Homier noted they have drafted a multitude of these ordinances over time for their clients. He stated it's based on the public health code that has a mandatory connection provision for connections to public wastewater systems. He noted the draft ordinance included in the packet mirrors the public health code on the wastewater facilities because generally they go hand in hand. He stated you don't want to put in infrastructure and then not have people connect to it because it's one of the ways in which you fund those projects. He noted funding for utilities is derived from user fees, grant opportunities, or low interest loans. He stated this ordinance is a starting point for one of those options which is mandatory connection. He noted you are not required to have this ordinance nor are you required to make it mandatory in the way that the draft is done. He stated there are a number of policy decisions that Council can make.

Engels asked if all of our biosolids are applied as fertilizer.

Dietlin stated that all of it is and we pay to truck it to farmer's fields. He noted we apply it as a Class B biosolid which has slope and property line restrictions even though it is Class A which gives us that extra insurance. He stated if we didn't distribute it we would need about a 3% increase in rates to take it to the landfill.

INTRODUCTION OF ORDINANCES

- A. Resolution to introduce Ordinance Amending the City Zoning Map Re: 128 E. Pine Street and set a public hearing for February 18, 2025.

Peccia noted the owners of the 128 E. Pine Street property asked for forgiveness versus permission and continued to operate their facility as a short-term rental until we filed suit. He stated the property is located in an OS district not in a residential district. He noted it has been said publicly by both the Planning Commission and the City Council that the specific location of the property would be suitable to be used as a short-term rental, however, the rules weren't followed. He stated the owners of the property stated they wanted to go through the process again and that process starts with the Planning Commission. He noted the Planning Commission held a hearing and approved moving it forward to City Council with a recommendation in the affirmative.

Mayor Filkins noted she is a member of the Planning Commission and the very same questions that we heard tonight were also asked by the Planning Commission. She stated based on the presentation that was done she thinks it's good for it to come back before Council and before the public so that they can have all of the information received by the Planning Commission so it can be considered.

Peccia stated that knowing there is a lot of conversation about this we have placed all of the information that the Planning Commission received on the City's website under News & Announcements.

King noted he is concerned that there was such bad behavior and we spent money to enforce this ordinance. He stated they ignored that ordinance, he hears what people are saying, and he thinks we just need to let this issue die. He stated he would not be in favor of moving it forward.

Engels noted he won't entertain short-term rentals in our neighborhoods, but this isn't in our neighborhoods. He stated this house is zoned between OS and B-2 so he did give it a lot of consideration but he can't get comfortable with this after what we've been through. He noted the Planning Commission does a fantastic job and he respects the work they do, the questions they put forward, and the thought they put in. He stated he doesn't think he is going to vote to move it to a public hearing.

Schippers stated she feels the same way. She noted perhaps if it was a different owner at some point to bring it forward because she thinks it would be a good location.

Mayor Filkins asked how we communicate that back to the Planning Commission.

Homier stated typically you have an application at the Planning Commission level saying I'd like to rezone my property. He noted the Planning Commission's role is to make a recommendation to the City Council and the Council's role then is to make a decision. He stated your process is a little different only because before you can adopt an ordinance you have to have the introduction, public hearing and then consideration. He noted his recommendation would be to set the public hearing so that you can decide whatever it is you're going to decide and specify the reasons for that decision.

King stated he thinks it's our job to say whether or not we'll adopt it and set it for public hearing.

Motion was made by King that we do not move forward with the public hearing on this application.

Engels asked if we can decline the request before we have a public hearing and just not move forward with the public hearing.

Homier stated the problem is that it is hanging out there not as a denial but as we're not going to move it forward on a public hearing.

Schippers stated she would rather have a public hearing and deny it.

Homier noted there are specific standards that you have to meet when you're looking at whether or not to rezone property.

King stated he thinks we can kill it by denying it right now.

Engels stated if we are going to do the plan that Mike suggested then we can vote to table it.

Mayor Filkins stated she is concerned that the last time we took a very different stance than the Planning Commission. She noted there are nine (9) people on the Planning Commission and if we keep squashing things without giving it due process so everyone has the chance to see what the Planning Commission saw and everyone can have their opinion.

King stated we've read the package of information and heard feedback from the public. He noted he doesn't feel a need to go farther with it and doesn't think it's an offense to the Planning Commission.

Homier stated he would want Council to postpone it, not set it, so that you actually have a document in front of you stating the reasons for that denial.

2025-019 Postpone item until next meeting.

Motion was made by Schippers and supported by Engels to postpone this until the next meeting where everything is spelled out.

Ayes: Schippers, Engels, Mayor Filkins

Nays: King

Motion carried.

ADOPTION OR ORDINANCES AND RESOLUTIONS

A. Resolution Adopting City and CAPS Community Recreation Plan.

Peccia noted Council already approved the Recreation Plan last July but the Michigan Department of Natural Resources is requesting it be reapproved on their resolution format.

2025-020 Approve Resolution Adopting City and CAPS Community Recreation Plan.

Motion was made by Schippers and supported by Engels to approve the Resolution Adopting City and CAPS Community Recreation Plan.

Motion unanimously approved.

B. Resolution to Enter into an Agreement with Mercantile Bank to Obtain Credit, City of Cadillac, Michigan.

Peccia noted we had discussed switching over to Mercantile Bank for credit card servicing. He stated we are using Mercantile Bank for other banking needs as well and this consolidation would be beneficial.

2025-021 Adopt Resolution to Enter into an Agreement with Mercantile Bank to Obtain Credit.
Motion was made by Engels and supported by Schippers to adopt the Resolution to Enter into an Agreement with Mercantile Bank to Obtain Credit, City of Cadillac, Michigan.

Motion unanimously approved.

PUBLIC COMMENTS

Pat Ponczek expressed opposition to rezoning 128 E. Pine Street.

Brad Marine asked about the formation of a Citizens Advisory Committee to work on a solution.

Sarah Glidewell noted she is one of the owners of 128 E. Pine Street. She requested an opportunity to be heard regarding having the property rezoned to B-2.

Bill Barnett expressed concerns about PFAS and requested transparency.

Sam Knopp read a portion of the Open Meetings Act regarding closed sessions. He also commented on biosolids.

Andy VanAlst noted the City has come a long way on zoning enforcement regarding short-term rentals. He expressed opposition to rezoning 128 E. Pine Street.

Mary Galvanek talked about biosolids, PFAS, and testing of wells.

Rick Torres expressed opposition to rezoning 128 E. Pine Street.

Linda Durant stated even if 128 E. Pine Street is rezoned B-2 it doesn't automatically make it a short-term rental.

Ethan Glidewell noted he is one of the owners of 128 E. Pine Street. He stated all they are asking for is that the property be rezoned to B-2.

Joseph Theobald expressed concerns about contaminated water.

GOOD OF THE ORDER

King stated we need to talk directly to the citizens and get feedback. He noted the water issue is a serious issue and it's a national issue. He stated we will talk to members of the public, listen to them and work on a solution with them.

King noted in relation to written input on the evaluation process, good or bad, put it in writing and get it to us. He stated, if possible, include all members of Council in your feedback.

King noted he has talked to the Mayor about adding to our agenda, when we have issues like this, a second public comment section that would be a question and answer with Council so that we can answer your questions.

Schippers stated she believes a Citizens Advisory Committee is a good idea, but she thinks it should be at the County level because it's not just a City problem. She noted we have reached out to Haring Township offering municipal water services and we have not heard back from them.

Schippers stated she wanted to address those members of the public that are upset with her saying that she represents more people than are in this room. She noted someone said that the absent do not count. She asked if that means that people who are unable to attend in person do not count. She noted people talk to her in her neighborhood, at the grocery store, at events and they also call her about issues. She stated she loves that people attend the meetings and she loves the passion but she also wants everyone to understand that she has to represent everyone including those who can't attend the meetings or are too anxious to speak during public comments. She noted all she was trying to convey was that she hears from more than just the people who attend the meetings and so she has to weigh everything.

Schippers stated it's not easy to feel your pain and see your fear. She noted there's a lot of misinformation out there and there's a lot of accusations being made that do not solve anything. She stated there were credible, specific threats and this is what happens when we raise the temperature and when we start accusing people of being dishonorable and hiding things. She noted she has never in her life covered something up or hidden it. She stated as long as she is on Council she will represent all of the citizens of Cadillac including those who do not attend the meetings.

Engels stated we need to encourage all residents to get their wells tested as fast as they can so we can continue to pinpoint any large sources and begin to understand how we can clean up. He noted we need to continue working with EGLE, MPART, and the EPA. He stated the quicker we can understand the problem, the sooner we can get started on long-term solutions. He noted he is pleased to hear that we're developing the plan to expand infrastructure. He stated if we don't plan, we won't be ready when the resources become available, and we might not even be ready to apply for the resources we need without those plans.

Engels stated he is glad the LDFA meetings are being recorded and posted. He thanked Matt Schichtel for agreeing to be the Chair and Mike Solomon for agreeing to serve on that board.

Engels noted the issue of environmental contamination has been affecting our friends and families in Cadillac for decades and should not be minimized. He stated he has been a vocal supporter of the City moving the wells out of the industrial park and putting the new wellfields in two different locations. He noted people deserve access to clean drinking water. He stated it's always been his mission to use City tax dollars and resources to clean up the mess, some of which has been left by prior generations, and to protect and manage our natural resources.

Engels noted several people tonight have mentioned dirty politics in the City of Cadillac. He stated he doesn't think the PFAS issue should be a political football to kick back and forth. He noted someone in our community called Ice Mountain on December 19th and asked them if they wanted to be a hero to the local community. He stated the person who called Ice Mountain said they were a member of the media and asked them if they wanted to be a hero and then asked them not to work with the City in providing clean drinking water to its residents. He noted, thankfully, Ice Mountain didn't listen and he thanked them for supplying us with water.

Engels noted he doesn't see this problem as the City of Cadillac versus its people. He stated we're here fighting together against decades of pollution and poisoning and trying to continue the work to clean up the toxic chemicals that past generations left behind.

Engels stated he did learn a little bit more about the tests that we missed. He noted he believes there were 3-4 years of quarterly tests that we missed. He stated he thinks people need to know what the test results were before and after that time period. He noted he believes if you can show people that the trend line didn't change that would mean that we didn't fail to detect a problem because of a lack of testing.

Engels noted it would be nice to have a small-scale program where we did test some of our wells that are in the City but not in the area of concern. He stated the heat maps are only as good as the data that's on them. He noted even if we did 10-20 houses he thinks it would go a long way towards making our data set complete.

Schippers noted she was listening to Morning Edition on Interlochen Public Radio and one of the reporters was praising the Cadillac News for their reporting on PFAS in the community which is helping people become informed on what the City is doing, what the community can look to, and what the other organizations are doing. She stated the reporter lives in Traverse City, but he's found that information from Cadillac News very useful in his own education. She thanked Chris Lamphere and the Cadillac News. She noted we are one of a few small communities that have our own newspaper so she encouraged people to subscribe to the Cadillac News.

Mayor Filkins thanked everyone in attendance and also thanked those that have been here over the last couple of years continuing to share their thoughts. She noted an advisory committee is a fantastic idea. She stated it is the perfect outlet for the community to sit down and talk together, not just in City but the County as well. She noted she would welcome the opportunity to have some conversations rather than just yelling at each other on social media or simply having a one-way conversation during the meetings.

Mayor Filkins stated we don't all have to agree but we don't have to yell at one another, instead we can be solution oriented. She noted it's not just the Cadillac News but it's a group of people working together to identify this very important issue. She stated we're not the only community with this issue but she thinks we're out in front of it because of all of you. She noted while some may feel like we didn't react in a timely manner, we're working on that and we're working with the different agencies.

Mayor Filkins noted she was the person that received the first death threat a week ago. She stated our community is so much better than that. She noted there are a lot of things that we can't change at the national level but we can make a difference right here in our own community and the only way we are going to that is together.

Mayor Filkins noted it was very frightening and some felt like it didn't happen or maybe it's that they're trying to hide information from the public. She stated it felt awful and even though she couldn't share that with the public at the time, we need to do better as a community because she would never want that to happen to anyone in our community or anyone in this room. She noted we have to protect one another, we have to care about one another and we need to make it happen in our community.

Mayor Filkins asked everyone to stop being angry with one another. She noted we all went through COVID and that was something none of us planned for and now we have PFAS. She stated she has a 2010 report letting the City of Cadillac know that there were elevated PFAS levels and she wasn't the Mayor in 2010 but she is now. She noted she isn't pointing fingers at anybody because we've got to do this together.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra Wasson, City Clerk

DRAFT



There is a lot of discussion in the community about drinking water safety and various other environmental related issues related to public utilities including the City Water and Waste Water Treatment Plants and the Local Development Finance Authority. The City of Cadillac takes these matters seriously and wants to ensure the public understands the actions the City takes on a daily basis to protect the public health, safety and welfare of its residents. We have developed this packet of information to summarize the operations of these critical municipal operations. Some Key points would include the information below.

Utilities Department Operational Highlights & PFAS

The following facts highlight the primary operations of the City's Utilities Department and the PFAS issue.

PFAS and the City's Water Facilities, Waste Water Facilities, and LDFA

- The City of Cadillac has tested non-detect in all its drinking water wells for all PFAS since the first test in 2018. Water wells are tested annually.
- Wastewater is tested three times annually, and the last three samples show PFAS levels at lower than the State water standards. Discharge from the WWTP is not considered drinking water.
- Biosolids are EQ Class A Biosolids. To retain this designation Biosolids are tested four times annually and must be below 20 ug/kg. PFOS is 1.5 ug/kg and PFAS is 2.3 ug/kg
- The Discharge from the LDFA is below the proposed EPA drinking water standard, which is below the standard otherwise allowed, since the discharge from the LDFA is not considered drinking water.

LDFA Groundwater Cleanup Plant Facts

- Operational in 1996
- Locally funded and special laws passed by the State to establish facility to clean-up a superfund site of Volatile Organic Compounds (VOC) and Hexavalent Chrome
- This system has air stripping towers and activated carbon to remove the contaminants, in addition to a Soil Vapor Extraction (SVE) Cleanup system
 - The SVE system accomplished its goal and was shut down in 2016

LDFA Groundwater Cleanup Plant Facts Continued

- Since Startup about 37,000 pounds of VOCs has been removed from groundwater
- Currently working with the EPA to determine how close the LDFA is to reaching its clean-up goals. Hexavalent chrome cleanup criteria have been, or is very close to have been met.
- PFAS is not a contaminant part of the LDFA's groundwater cleanup program, and the City is not the party responsible for any groundwater contamination. The City is fully engaged in the issue, and is collaborating with the U.S. Environmental Protection Agency, the State's Department of Environment, Great Lakes and Energy, and the Michigan PFAS Action Response Team, which is the specific agency responsible for running the local areas of study and getting resources to people in need. Additional information is available at: <https://www.cadillac-mi.net/493/PFAS-Resources>

Water System Facts

- Cadillac first water plant took water directly from Lake Cadillac
- Lake water was only crudely filtered. Various organic matter could be found in the water
- First water mains were wooden, and the system had communal spigots on various street corners
- The first modern water plant was built on Eight Street in 1963. This well field was operational until 2022
- Cadillacs water plant is a D-2, S-1 plant. This designation means we have the second highest limited treatment system and the highest distribution system types in Michigan.
- In 2012 a second well field was created off of Crosby Road, and half of our systems' wells came from this location
- 2022 Second phase of well field relocation was completed. The other half of wells were moved to 44 Road, including the Water Operations Center
- It is important to note that either of the two new wellfields can supply all of Cadillacs daily water needs. This redundancy of source water ensures extra safety for the water customers of Cadillac.
- City won the Best Tasting Water in Michigan Award in 2018
- City placed in the top five in the Nation for best tasting water in 2018
- Maintain 76-miles of water main and a one-million-gallon water tank
- 6 well houses that can produce 1,000 gallons of water each minute per well

WWTP Facts

Cadillac Has treated sewage for over one-hundred years. In 1908 the first plant was built that consisted of five filter beds that used slag for filter media.

In 1923 a new plant was built. This facility used a septic tank with a capacity of 444,312 gallons, a 5600 sq. ft sludge bed and contact filter with 118,272 cu. ft. of slag filter. In 1939 5 ½ acres of sand filters were added.

In 1962 a new “Activated Sludge Treatment Plant” was built. With expansions in 1975, 1989 and 1996, and significant upgrades in 2003 and 2007, our current plant was established.

Today’s WWTP is a Class A, advanced tertiary treatment plant. The treatment process is comprised of several state-of-the-art technologies that include:

- Grit removal
- Primary and secondary treatments (activated sludge*)
- Rotating biological contactors (RBCs) that remove ammonia and other nitrogenous compounds using biological processes that can be summarized:
 - Wastewater flows through tanks with rotating shafts that have discs covered in microorganisms
 - The microorganisms consume ammonia and other pollutants in wastewater
 - The microorganisms grow on the discs until they are sloughed off by the rotating discs
 - The sloughed solids settle in a clarifier before being recycled or removed
- Cloth media filtration and Ultraviolet (UV) Disinfection
- Finished, treated product (effluent) is discharged into the Clam River which is designated as a cold-water trout stream several miles from our discharge location
- WWTP produces clean water, methane gas and EQ Class A biosolids
- Cadillac is one of approximately four plants in Michigan with this level of biosolid certification
- Cadillac has approximately 63- miles of sewer main
- The system has 14 lift stations.

WTTP Facts Continued

*All solids are removed from the primary tanks to the anaerobic digester. From the primary digester solids are transferred to a secondary covered digester which is not heated. This tank is used for solids separation and supernatant withdrawal. Solids from this tank are pumped to one of two storage tanks, and the City contracts with a sludge application firm for solids injection on farmlands. This Biosolid product is designated as Exceptional Quality (EQ) Class A Biosolids. Cadillac is one of five plants in Michigan that produces Biosolids of this quality.

Acronyms

EGLE- (Department) Environment Great Lakes & Energy (Michigan Agency)

EPA- Environmental Protection Agency (Federal Agency)

LDFA- Local Development Finance Authority (City of Cadillac)

WTTP- Waste Water Treatment Plant (City of Cadillac)

City Council

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



Mayor

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Robert J. Engels
Stephen King
Bryan Elenbaas

RESOLUTION NO. 2025-____

**RESOLUTION TO ADOPT ORDINANCE NO. 2025-____,
ORDINANCE VACATING A PORTION OF WEST NELSON STREETS AND
RESERVING A PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF CADILLAC**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the 18th day of February, 2025, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the City of Cadillac ("City") is authorized by statute to control its streets, alleys and public ways, and has the authority to vacate such streets, alleys, and public ways (MCL 117.4h; *Detroit Edison Co v City of Detroit*, 208 Mich App 26, 33; 527 NW2d 9 (1994));
and

WHEREAS, the Charter of the City of Cadillac provides that the City may, by ordinance and upon the affirmative vote of four or more members of the Council, "vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof" (Charter, Sec. 5.6); and

WHEREAS, the Charter further provides that before final adoption of such an ordinance, the Council shall hold a public hearing and shall publish notice once at least twenty (20) days and again ten (10) days prior to the public hearing; and

WHEREAS, the City of Cadillac owns an interest in a portion of West Nelson Street (the "Street") described on Exhibit A to the proposed ordinance; and

WHEREAS, the City introduced an ordinance vacating the Street and authorizing the Mayor and/or the City Clerk to execute any and all documents necessary to give effect to the vacation of the Street, and to reserve a public utility easement; and

WHEREAS, the City published notice of the public hearing once at least twenty days before the public hearing and again at least 10 days before the public hearing and held a public hearing on February 18, 2025; and

WHEREAS, the City has determined that adopting the proposed ordinance vacating the Street and reserving to itself a public utility easement is in the best interest of the public health, safety, and welfare.

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

1. Ordinance No. 2025-01, Ordinance Vacating A Portion of West Nelson Street And Reserving a Public Utility Easement in Favor of the City of Cadillac (the "Ordinance"), attached as Exhibit 1, is adopted.

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

3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac within seven (7) days.

4. The Mayor and/or the City Clerk are hereby authorized and directed to execute any and all documents necessary to vacate the Street, to reserve a public utilities easement in the Street, to adjust the legal description of the vacated Street as may be directed by the City Attorney, and to record the Ordinance with the Register of Deeds and to send a copy to the State Treasurer.

5. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.

6. Any and all resolutions that are in conflict with this Resolution are hereby repealed, but only to the extent to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2025-____, duly adopted at a meeting of the City Council held on the ____ day of _____, 2025.

Sandra Wasson
City Clerk

ORDINANCE NO. 2025-____

**ORDINANCE VACATING A PORTION OF WEST NELSON STREET AND
RESERVING A PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF CADILLAC**

THE CITY OF CADILLAC ORDAINS:

Section 1.

Pursuant to MCL 117.4h and the Charter of the City of Cadillac and other applicable authority, the City hereby vacates and abandons a portion of West Nelson Street ("Street") located in the City and legally described on Exhibit A attached hereto, pursuant to MCL 560.257 and any other applicable authority. The City reserves to itself a public utility easement under, over and through the vacated Street for the purpose of constructing, installing, operating, maintaining, replacing and repairing any and all public utilities, including water, sewer, gas, electric, cable, fiber optic, telecommunications and any similar public utilities.

Section 2.

The Mayor and/or the City Clerk are authorized to execute any and all documents necessary to vacate the Street and to reserve a public utility easement in the vacated Street and subject to the direction of the City Attorney to make minor corrections to the legal description of the vacated Street.

Section 3.

The City Clerk is directed, pursuant to Section 20-4(b) of the City Code, within 30 days after the adoption of this Ordinance, to record a certified copy of this Ordinance with the Wexford County Register of Deeds and to send a copy to the State Treasurer.

Section 4.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 5.

This Ordinance shall take effect twenty (20) days after its adoption and publication.

Approved this ____ day of _____, 2025.

Sandra Wasson, Clerk

Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that a summary of Ordinance No. 2025-____ was published in the Cadillac News on the ____ day of _____, 2025.

Sandra Wasson, City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF WEXFORD)

On this ____ day of _____, 2025, before me, a Notary Public, in and for said County, personally appeared _____, Mayor, and Sandra Wasson, City Clerk, on behalf of the City of Cadillac, who executed the foregoing Ordinance and acknowledged that they have executed it on behalf of the City of Cadillac in their capacity as its Mayor and City Clerk, respectively.

_____, Notary Public
County of _____, State of Michigan
My commission expires: _____

Prepared By and Return To:

Scott H. Hogan (P41921)
FOSTER, SWIFT, COLLINS & SMITH, PC
1700 E. Beltline Avenue NE, Suite 200
Grand Rapids, MI 49525
(616) 726-2200

EXHIBIT A
(Portion to be vacated)

Real property in the City of Cadillac, County of Wexford and State of Michigan, and legally described as:

All of the remaining portion of West Nelson Street running Northeasterly from Lake Street.

To: Cadillac City Council

From: Wexford-Missaukee Child Protection Council

Date: February 18, 2025

Our council would like to ask permission for blue lights to be hung in the downtown area during the month of April in recognition of National Child Abuse Prevention Month.

Thank You for your consideration,

Karen Staub, Prevention Coordinator



www.wexfordmissaukeecpc.com

Follow us on Instagram @wexfordmissaukeecpc

February 18, 2025

COUNCIL COMMUNICATION

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

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

Requested Council Action:

Motion to reappoint Connie Boice to a two-year term on the Construction Board of Appeals, which will end on 3/2/2027.

February 18, 2025

COUNCIL COMMUNICATION

Re: Reappointment of John Saari to a Two-Year Term on the Construction Board of Appeals

John Saari has expressed his interest in being reappointed to the Construction Board of Appeals for another two-year term. He was originally appointed in 2015.

Requested Council Action:

Motion to reappoint John Saari to a two-year term on the Construction Board of Appeals, which will end on 3/2/2027.

February 18, 2025

Council Communication

Re: Hardship (Poverty) Exemption Policy

Public Act 390 states that the governing body of the local assessing unit shall determine and make available to the public, the policy and guidelines the local assessing unit uses for granting hardship (poverty) exemptions. Furthermore, MCL 211.7u requires local units to **annually** adopt a policy, including an asset test used to approve or deny poverty exemptions.

The City of Cadillac has adopted and incorporated the federal poverty guidelines established by US Department of Health & Human Services. The revision to our existing policy establishes the 2024 Health and Human Services Poverty guidelines. The Board of Review utilizes these guidelines when a hardship (poverty) application comes before them.

The Audit of Minimum Assessing Requirements (AMAR) requires the local unit to set an actual dollar amount for assets with the exemption of the primary resident. We have included language in this policy to set the amount of \$50,000 as the asset amount not to exceed, excluding the primary home.

Council Action

Adopt the updated Hardship (Poverty) Exemption Policy utilizing the 2024 Health and Human Services Poverty guideline as well as a \$50,000 asset guideline, excluding the primary home.

POLICY: Hardship (Poverty) Exemption

DATED: January 21, 1997

REVISED: February 16, 1998; March 1, 1999; February 6, 2006; May 7, 2007; December 15, 2008; December 11, 2012; November 18, 2013; March 5, 2018; February 18, 2019; January 21, 2020; January 19, 2021, February 22, 2022, February 6, 2023, February 5, 2024, February 18, 2025

PURPOSE: Public Act 390 of 1994 was passed by the Michigan legislature and signed by the Governor on December 29, 1994, and said Public Act makes significant changes to the poverty exemption policy found in 211.70 as amended, of the Michigan Compiled laws. Public Act 390 states that the governing body of the local assessing unit shall annually determine and make available to the public, the policy and guidelines the local assessing unit uses for granting hardship (poverty) exemptions. The City of Cadillac develops a hardship exemption policy of real property for persons who, by reason of poverty, are unable to contribute towards the public charges. MCL 211.7u (1)

POLICY: In order to be eligible for a hardship (poverty) exemption, the claimant must establish or comply with all of the following:

1. Be the owner and occupant of property that is his/her principal residence for the year for which the exemption is requested. If requested by the Board of Review, a copy of the deed, land contract, or other evidence of ownership of the property must be provided. MCL 211.7u (2) (a)+(d)
2. Not own any other real estate and/or recreational vehicles in or out of the State of Michigan.
3. Fully complete the Declaration of Poverty Request for tax relief application, including the asset and income schedule.
4. Hardship exemption may be granted up to a maximum of 50 percent.
5. The exemption is also dependent upon the total household income of the applicant meeting the guidelines established by the City of Cadillac.
 - a. Total household income is defined as money, wages, and salaries before deductions; net receipts from non-farm self-employment, business, professional, enterprise, or partnership after deductions; payments from social security, retirement, unemployment compensation, veteran's payments, public assistance; alimony, child support, military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government pensions, annuity or insurance payments; scholarships, grants, fellowships, assistantships; dividends, interest, rental income, royalties, periodic receipts from estates or trusts, gambling or lottery winnings.
 - b. In compliance with *Ferrero v Walton Township*, 295 Mich App 475: 813 NW2d 368 (2012), when determining "total household income" of the applicant, the City shall not include or consider monies the applicant received from claiming homestead property tax credit.

6. Provide current or preceding year federal and state income tax returns for all persons residing in the principal residence
7. Provide a valid driver's license or other form of identification if requested by the Board of Review. MCL 211.7u (2)(c)
8. Meet the City of Cadillac's income standards for "Poverty Threshold" for the calendar year in question. As its "Poverty Threshold", the City of Cadillac has adopted and incorporated the federal poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services. (under authority of Section 673 of subtitle B of Title VI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, 42 USC 9902)

2024 HHS POVERTY GUIDELINES

Persons in Family/Household	Poverty Guideline
1	\$15,060
2	\$20,440
3	\$25,820
4	\$31,200
5	\$36,580
6	\$41,960
7	\$47,340
8	\$52,720

*Families with more than 8 persons, add \$5,380 for each person.

9. Even if the income guidelines are met, assets shall not exceed \$50,000 with the exception of the Primary home.
10. This policy applies only to individuals and is not for trusts or other types of ownerships such as corporations, limited liability companies, partnerships, associations, and co-owners (the only exception being the individual owner of a life estate).
11. Only the assessed value of the principal residence of an owner of a life estate shall apply, but the incomes of the owner of a life estate and income of all interested persons and household members shall be combined for determination of the poverty threshold. The owner of the life estate must reside and use the property as his or her principal residence.
12. Any tax exemption given to an individual under these guidelines shall be for the one (1) year's taxes. A new application will be required each year an exemption is requested.
13. During the deliberation process, the Board of Review must remain totally objective and ensure that their decisions is in no way arbitrary. The Board of Review must follow this hardship exemption policy and the guidelines set forth within.

14. The City Assessor and the Board of Review shall notify, in writing, all applicants whose application for exemption is being denied. The applicant may appeal the decision by applying to the Michigan Tax Tribunal and filing the appeal in writing prior to June 30th for a March Board of Review action. For July and December Board of Review actions the appeal must be filed with the Tax Tribunal within 30 days of receipt of your answer from the Board of Review. The address is Michigan Tax Tribunal, 611 West Ottawa, PO Box 30232, Lansing, Michigan 48909.
15. The assessor will act as an advisor for the Board of Review. The Board of Review will have the final determination for a hardship exemption. A person who files a claim is not prohibited from also appealing the assessment on the property for which that claim is made before the Board of Review in the same year.
MCL211.7u (6).
16. The application filing for an exemption under this policy shall be filed after January 1, but before the day prior to the last day of the Board of Review.
MCL 211.7U (3)

February 18, 2025

Council Communication

Re: Out of State Travel Request

The City of Cadillac's Travel Expense Reimbursement Policy requires that the City Council consent to any work-related out-of-state travel for City employees.

Rotary Lobe Pump Training – The Water Resources Supervisor has requested to send three employees (Dave Skiff, Chad Marquardt, and Kevin Moomey) to a hands-on, factory pump training taking place April 10-11 in Ravenna, Ohio. The wastewater treatment plant installed a Vogelsang rotary lobe sludge pump last spring and this training is included with the purchase of that pump. This is new technology for plant staff, and it is vital that employees are properly trained in the operation and maintenance of this pump. The training takes place at the Vogelsang factory in Ohio and will allow employees to receive hands-on instruction in the proper maintenance of the pump.

Vogelsang will provide the training free of charge and pay for hotel and food costs during the course. The City will only be responsible for the cost of travel to and from the factory in Ohio, dinner on Wednesday evening, and dinner on Friday evening. The employees will travel to the training together in one city vehicle.

In accordance with the travel policy, the City Manager has reviewed and is recommending approval of this out-of-state travel request. Costs of this training are anticipated to be less than \$500, and the FY2025 budget has adequate appropriations.

Recommended Action

It is recommended that the City Council approve the out-of-state travel request for Dave Skiff, Chad Marquardt, and Kevin Moomey to attend the factory pump training at the Vogelsang factory in Ravenna, Ohio. Funds are available in the Water and Sewer Fund.

**MCCURDY
WOTILA &
PORTEOUS PC**
Attorneys and Counselors

Michael A. Figliomeni
Nathan Piwowarski
Patrick A. Cherry
Alex S. Mallory

David L. Porteous
Cynthia K. Wotila
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Isaac Thomas

Of Counsel
Roger L. Wotila

RECEIVED

FEB 11 2025

February 11, 2025

Sent Via Certified Mail #9589 0710 5270 2021 7539 79 & By Hand-Delivery to:

Sandra Wasson
City Clerk, City of Cadillac
200 N. Lake Street
Cadillac, MI 49601

Re: Rezoning Application by Matthew McCall-Stillman for 128 E. Pine Street, Cadillac, MI

Dear Ms. Wasson:

Please be advised that our office represents Matthew McCall-Stillman and Sarah Glidewell, owners and interested parties in the property located at 128 E. Pine Street. An application for rezoning was filed with the Planning Commission on November 22, 2024. Following a public hearing on December 23, 2024, the Planning Commission recommended that the City Council amend the City Zoning Map to rezone the Parcel to B-2, Central Business District. Pursuant to MCL 125.3401(4), the property owners hereby request a public hearing on the Ordinance Amending the City Zoning Map regarding 128 E. Pine Street.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael A. Figliomeni

MAF/sam

Cc via Email: Attorney Mike Homier
mhomier@fosterswift.com

**MCCURDY
WOTILA &
PORTEOUS PC**
Attorneys and Counselors

Michael A. Figliomeni
Nathan Piwowarski
Patrick A. Cherry
Alex S. Mallory

David L. Porteous
Cynthia K. Wotila
Patricia L. O'Dell
Isaac Thomas

Of Counsel
Roger L. Wotila

RECEIVED

FEB 13 2025

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Hand Delivered to:

Sandra Wasson
City Clerk, City of Cadillac
200 N. Lake Street
Cadillac, MI 49601

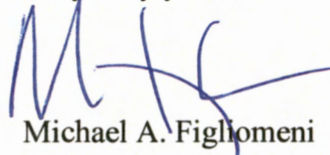
Re: Rezoning of 128 E. Pine Street, Cadillac, MI

Dear Ms. Wasson:

Please see enclosed Public Comments Regarding Rezoning of 128 E. Pine Street and Legal Memorandum in Support regarding 128 E. Pine Street. We ask that this be placed on the record for the City Council Meeting scheduled for February 18, 2025.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael A. Figliomeni

MAF/sam

Cc via Email: Attorney Mike Homier
mhomier@fosterswift.com

Public Comments Regarding Rezoning of 128 E Pine Street and Legal Memorandum in Support: City Council Meeting Scheduled for February 18, 2025

Procedural Background

Matthew McCall-Stillman and Sarah Glidewell filed a Rezoning Application for 128 E. Pine Street on November 22, 2024. Following notice and a Public Hearing on December 23, 2024, the Planning Commission moved to recommend that City Council approve an ordinance to rezone 128 E Pine Street to B-2 Commercial District. The recommendation was initially placed on the agenda for the January 21, 2025, City Council meeting. The January meeting was cancelled, and the item was again placed on the agenda for the February 3, 2025 meeting (Attached Exhibit A). The City website featured a post “Short-Term Rental Rezoning Request” with a link to the full Rezoning Application Packet submitted to the Planning Commission (Attached Exhibit B). Prior to the meeting, Sarah Glidewell had multiple communications with Danielle Timmer and was assured this was NOT a public hearing and the Council would not take action on the Planning Commission’s recommendation. Rather, per the City Charter, the City Council must first introduce the proposed ordinance and schedule a hearing before the matter can be acted upon. Based on this representation, and a plain reading of the City Charter, no presentation was prepared for the February 3, 2025, meeting.

In the course of the meeting, when the Resolution to Introduce an Ordinance to Rezone 128 E. Pine Street came up, no motion to introduce the ordinance and set a public hearing was made. After discussion regarding the process, the City Attorney advised Council they could postpone the matter until the next meeting to articulate the reasons for Council’s actions on the Planning Commission recommendation.

It is believed the Council intends to act on the Resolution, making a final determination of the Planning Commission’s recommendation on the Application to Amend the Zoning Map without a public hearing as required by the Zoning Enabling Act and the Cadillac City Charter.

Legal Analysis

The process to enact zoning legislation is governed by the Zoning Enabling Act (Act) MCL 125.3101 et seq. Specifically, the Act requires a public hearing before the Planning Commission.

125.3306 Recommendations of zoning commission; submission to legislative body; public hearing; notice; examination of proposed text and maps.
Sec. 306.

- (1) Before submitting its recommendations for a proposed zoning ordinance to the legislative body, the zoning commission *shall* hold at least 1 public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under section 103(1) for the initial adoption of a zoning ordinance or section 202 for any other subsequent zoning text or map amendments.

This public hearing was held on December 23, 2024, in accordance with the Act.

The Act provides further:

125.3401 Public hearing to be held by legislative body; conditions; notice; approval of zoning ordinance and amendments by legislative body; filing; notice of ordinance adoption; notice mailed to airport manager; information to be included in notice; other statutory requirements superseded.

Sec. 401.

- (1) After receiving a zoning ordinance under section 308(1) or an amendment under sections 202 and 308(1), the legislative body may hold a public hearing if it considers it necessary or if otherwise required.
- (2) Notice of a public hearing to be held by the legislative body shall be given in the same manner as required under section 103(1) for the initial adoption of a zoning ordinance or section 202 for any zoning text or map amendments.

Under this section, a public hearing before the legislative body is discretionary, *unless otherwise required*. Here, the City Charter requires a public hearing before the City Council on all Ordinances.

Section 5.2(b) Each proposed ordinance shall be introduced in written or printed form, identified by a short title and contain a preamble stating its purpose...

(c) Following introduction of any ordinance, the City Clerk *shall*, within seven (7) days, publish a summary of the proposed ordinance in a local newspaper of general circulation in the City, together with a notice setting the time and place for a public hearing on the proposed ordinance. The public hearing may not be held sooner than five (5) days after the publication...

In order to consider an ordinance, including an ordinance related to zoning, the Council must comply with the City Charter. In order to comply with the City Charter and the City Zoning Ordinance, the Council must take action on the recommendation of the Planning Commission and the proposed amendment to the Zoning Map recommended by the Planning Commission. To take such action, the proposed ordinance must be introduced and a public hearing scheduled. That is the City mandated procedure for consideration of the adoption of the ordinance. By virtue of Section 5.2 of the City Charter, City Council as the legislative body of Cadillac is required to hold a public hearing pursuant to MCL 125.3401.

As an additional safeguard of the right of any applicant to a public hearing regarding zoning legislation, the Act states in MCL 125.3401(4):

(4) The legislative body *shall* grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the legislative body. A hearing under this subsection is not subject to the requirements

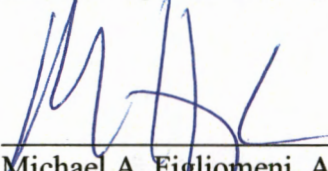
of section 103, except that notice of the hearing shall be given to the interested property owner in the manner required in section 103(3) and (4).

This provision is mandatory under the Act. The property owners requested a hearing by certified mail dated February 11, 2025 and addressed to the City Clerk (Attached Exhibit C). The same request was also hand delivered to the City Clerk. The property owners are entitled to a public hearing as a matter of law.

Conclusion and Relief Requested

For the reasons articulated above, the Applicants request this Council introduce the Ordinance to Rezone 128 E. Pine Street to B-2 and schedule a public hearing in accordance with City Charter 5.2(c) and MCL 125.3401.

Dated: February 13, 2025



Michael A. Figliomeni, Attorney
For: Matthew McCall-Stillman
and Sarah Glidewell

EXHIBIT A



City Council Meeting

February 3, 2025

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



February 3, 2025 City Council Meeting Agenda
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

We are fully present

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, 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 December 16, 2024
Support Document III-A

IV. COMMUNICATIONS

- A. Downtown Sidewalk Cafés
Support Document IV-A
- B. Friends of the Library
Support Document IV-B

Cadillac City Council Agenda

February 3, 2025

Page 2

V. APPOINTMENTS

- A. Recommendation regarding reappointment to the Zoning Board of Appeals.
Support Document V-A
- B. Recommendation regarding reappointment to the Zoning Board of Appeals.
Support Document V-B
- C. Recommendation regarding reappointment to the Planning Commission.
Support Document V-C
- D. Recommendation regarding appointment to the Cadillac-Wexford Airport Authority.
Support Document V-D
- E. Recommendation regarding appointment to the Local Development Finance Authority.
Support Document V-E
- F. City Council Member appointments, regular and alternate, to the Board of Review.

VI. CITY MANAGER'S REPORT

- A. Cadillac Housing Commission compensation change request.
Support Document VI-A
- B. Bids and recommendation regarding Countertop Water Systems.
Support Document VI-B
- C. Out-of-State Travel Request.
Support Document VI-C
- D. PFAS Update
Support Document VI-D

VII. INTRODUCTION OF ORDINANCES

- A. Resolution to introduce Ordinance Amending the City Zoning Map Re: 128 E. Pine Street and set a public hearing for February 18, 2025.
Support Document VII-A

VIII. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Resolution Adopting City and CAPS Community Recreation Plan.
Support Document VIII-A
- B. Resolution to Enter into an Agreement with Mercantile Bank to Obtain Credit, City of Cadillac, Michigan.
Support Document VIII-B

IX. GOOD OF THE ORDER

X. PUBLIC COMMENTS

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

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

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Robert J. Engels
Stephen King

RESOLUTION NO. _____

**RESOLUTION TO INTRODUCE ORDINANCE AMENDING THE CITY ZONING MAP RE: 128
E. PINE STREET AND TO SET A PUBLIC HEARING**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the 3rd day of February, 2025, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, Matthew McCall-Stillman (the "Owner") owns real property in the City of Cadillac located at 128 E. Pine Street and legally described as follows:

Parcel 86-159: The north ½ of Lots 7 and 8, Block 4, and the west 3.40 feet of the North ½ of Lot 9, Block 4, Mitchell's Revised Plat of Clam Lake (Now the City of Cadillac), Section 33, T22N, R9W, City of Cadillac, Wexford County, Michigan;

and whose tax identification number is 10-086-00-159-02 (hereinafter the "Parcel"); and

WHEREAS, the Parcel is currently zoned OS-2, Office Service District; and

WHEREAS, the Owner submitted an application (the "Application") to the City Planning Commission requesting that the Parcel be rezoned to B-2, Central Business District; and

WHEREAS, upon giving notice in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.* ("MZEA"), the City Planning Commission conducted a public hearing regarding rezoning of the Parcel on December 23, 2024; and

WHEREAS, the City Planning Commission has recommended that the City Council amend the City Zoning Map to rezone the Parcel to B-2, Central Business District; and

WHEREAS, the City Council wishes to conduct a public hearing to hear public comments regarding the Application.

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

1. Pursuant to Section 5.2 of the Charter, the City introduces the Ordinance Amending City Zoning Map (the "Ordinance," attached as Exhibit A).
2. A public hearing regarding the Application shall be held on February 18, 2025, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.
3. The City Clerk is directed to publish a summary of the Ordinance once in a newspaper of general circulation in the City, together with a notice setting the time and place for a public hearing on the Ordinance, within seven days. The summary and notice of the hearing shall be substantially the form of Exhibit B.
4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
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. ____, duly adopted at a meeting of the City Council held on the 3rd day of February, 2025.

Sandra Wasson
Cadillac City Clerk

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Robert J. Engels
Stephen King
Bryan Elenbaas

NOTICE OF PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE – REZONING OF 128 E. PINE STREET

On February 3, 2025, the City Council of the City of Cadillac introduced Ordinance No. _____, An Ordinance Amending the City Zoning Map Re: 128 E. Pine Street. Pursuant to Section 5.2 of the City Charter, the City Council shall hold a public hearing on the Ordinance.

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on February 18, 2025, at 6:00 p.m., at a Regular Meeting of the City Council.

The City of Cadillac complies with the Americans with Disabilities Act. If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to the meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY ZONING MAP RE: 128 E. PINE STREET

Section 1 of the proposed ordinance amends City Zoning Map to change the OS-2, Office Service District zoning designation and established use district as shown on the City Zoning Map for the real property located at 128 E. Pine Street and legally described as:

Parcel 86-159: The north ½ of Lots 7 and 8, Block 4, and the west 3.40 feet of the North ½ of Lot 9, Block 4, Mitchell's Revised Plat of Clam Lake (Now the City of Cadillac), Section 33, T22N, R9W, City of Cadillac, Wexford County, Michigan;

to the B-2, Central Business District zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

Section 2 of the proposed ordinance states that 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.

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Robert Engels
Stephen King
Bryan Elenbaas

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY ZONING MAP RE: 128 E. PINE STREET

THE CITY OF CADILLAC ORDAINS:

Section 1.

The City hereby amends the City Zoning Map to change the OS-2, Office Service District zoning designation and established use district as shown on the City Zoning Map for the real property located at 128 E. Pine Street and legally described as:

Parcel 86-159: The north ½ of Lots 7 and 8, Block 4, and the west 3.40 feet of the North ½ of Lot 9, Block 4, Mitchell's Revised Plat of Clam Lake (Now the City of Cadillac), Section 33, T22N, R9W, City of Cadillac, Wexford County, Michigan;

(Tax identification No. 10-086-00-159-02) (the "Parcel")

to the B-2, Central Business District zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

Section 2.

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.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 4.

This Ordinance shall take effect twenty (20) days after its adoption.

Approved this ____ day of _____, 2025

to connect shall also be punishable as a municipal civil infraction. Each day this Section is violated is considered a separate violation.

Section 3. Severability.

If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provision of this Ordinance.

Section 4. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance shall take effect 20 days after its adoption.

Approved this ____ day of _____, 2025.

Sandra Wasson, City Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that a summary of Ordinance No. 2025-____ was published in the Cadillac News on the ____ day of _____, 2025.

Sandra Wasson, City Clerk

EXHIBIT B

City of Cadillac News Flash

Posted on: January 29, 2025

Short-Term Rental Rezoning Request

At the Cadillac City Council meeting on February 3, 2025, the City Council will consider the introduction of an ordinance to rezone the property located at 128 E. Pine Street, Cadillac, from OS-2 (Office Service District) to B-2 (Central Business District). If approved, this would enable the property to be used as a short-term rental if subsequently approved by the Cadillac Planning Commission as part of a special land use permit.

This introduction will set a public hearing for this issue which will be held at the City Council meeting on February 18, 2025 at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.

[View Rezoning Application Packet](#)

← [Previous](#)

[Notice of Public Hearing Cadillac
Planning Commission](#)

[Next](#) ⇒

[Request for Release of Funds](#)

Tools

[RSS](#)

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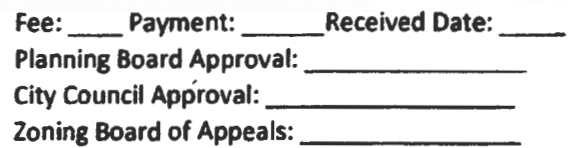
Categories

- [All Categories](#)
- [City of Cadillac News Flash](#)
- [Home Spotlights](#)

Other News in City of Cadillac News Flash

[Notice of Public Hearing Cadillac Planning Commission](#)

Posted on: February 8, 2025



Please select the appropriate Zoning Application you are requesting. The directions for each are listed on the following page.

☒ Rezoning \$200	_____ Zoning Board of Appeals \$150
_____ Planned Unit Development (PUD)	_____ Planning Board Regular Business \$35
_____ Street Vacation \$200	_____ (i.e., Sign Reviews)
_____ Special Land Use \$150	_____ Site Plan Reviews \$85 (Includes 2 reviews
_____ Plat (includes Preliminary & Final) \$200	_____ Additional reviews charged \$50/Hr by Fire Marshall)

Total Acreage .23 M/L Building Dimensions (LxWxH) _____
Construction Type _____ Number of Stories _____
Zone Classification: Present OS-2 Proposed B-2
Present Use of Property Vacant / For Sale
Proposed Use of Property Short Term Rental

1. Sarah Glidewell - [REDACTED] Grand Haven MI 49417 - [REDACTED]
2. _____
3. _____
4. _____

11.22.24

Date 12/2/24

Date _____

Exhibit A

Parcel 86-159: The North 1/2 of Lots 7 and 8, Block 4, and the West 3.40 feet of the North 1/2 of Lot 9, Block 4, Mitchell's Revised Plat of Clam Lake (Now the City of Cadillac), Section 33, T22N, R9W, City of Cadillac, Wexford County, Michigan.

128 PINE STREET

REZONING APPLICATION

Matthew McCall-Stillman submitted an application to rezone property located at 128 Pine Street from OS-2 to B-2, with the applicable fee, in accordance with the City of Cadillac Zoning Ordinance.

The applicant is requesting the property be rezoned to B-2 to allow short-term rentals at the location. The property was purchased for use as a vacation rental before the City had a short-term rental ordinance in place. This property is uniquely suited for this use as it has high quality finishes and amenities for entertainment, including a home theater room and outdoor living space with a pool and hot tub. The neighboring parcels include one residence, the Book Nook (a commercial property zoned B-2), and a parking lot. It is one block away from Mitchell Street, the main commercial corridor in the City.

The applicant submits the proposed rezoning is consistent with the purpose and intent of the City of Cadillac's Zoning Ordinance and Master Plan for the following reasons:

1. The City recently adopted a Short-Term Rental ordinance which recognizes the desirability of allowing such uses in limited areas, including the B-2 zone. The property currently borders on the B-2 district and is a natural extension of that boundary.
2. The Master Plan objectives include "promoting the conversion of single family dwellings into business uses" and building "a strong and energetic downtown that is pedestrian oriented and comprises a range of business uses."
3. The DDA objectives include promoting the economic development and maintaining and improving property values within the district.
4. The property has been improved beyond the standard finishes for housing in the neighborhood. The amenities make it particularly suitable for use as a short-term rental. The yard is surrounded by a high, solid wood fence to reduce noise, the game room is located in the lower level for further noise reduction. There is ample parking in the attached garage and in the extensive driveways.
5. The rental rate for this property is five times the market average for the area and, therefore, allowing a short-term rental use will not negatively impact affordable housing in the area. It has been on the market for several months with no interest from potential buyers as a full-time residence.
6. Downtown Cadillac does not have tourist lodging; therefore short-term rentals provide the best opportunity for tourists and visitors to experience the downtown environment in a pedestrian friendly manner.
7. The rezoning request conforms with the Zoning Ordinance considerations for such amendments in that:
 - a. It is consistent with the Master Plan Zoning objectives noted above.
 - b. It is consistent with adjacent property uses.
 - c. Rezoning this property will increase property values and bring tourists and visitors to the downtown district.

- d. As an operating rental, the owners employed six cleaning staff and two handymen for maintenance and repairs. Additionally, regular contractors for pool service, snow plowing, yard service and delivery are also employed.

With this narrative, the attached letters from local residents and business owners indicate the local support for this rezoning.

200600004033
DENNIS BENSEN
200 E HADSON ST
CADILLAC, MI 49601

Instrument 200600004033 DR 1188 Page 587 1625

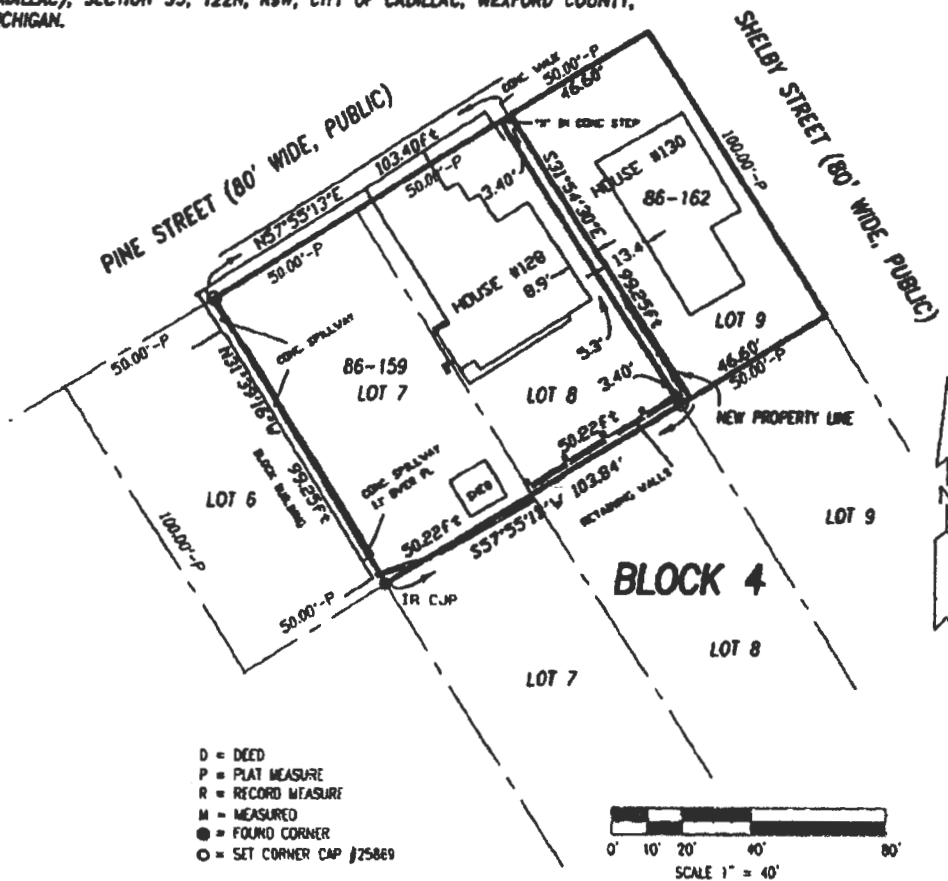
200600004033
Filed for Record in
WEXFORD COUNTY
LORIE L. SORESEN-SMITH
05-16-2006 At 08:44 am.
SURVEY 14.00
DR 1188 587 Page 1625 - 1625

CERTIFICATE OF SURVEY

PARCEL 86-159: THE NORTH 1/2 OF LOTS 7 AND 8, BLOCK 4, AND THE WEST 3.40 FEET OF THE NORTH 1/2 OF LOT 9, BLOCK 4, MITCHELL'S REVISED PLAT OF CLAM LAKE (NOW THE CITY OF CADILLAC), SECTION 33, T22N, R9W, CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN.

PARCEL 86-162 REVISED: NORTH 1/2 OF LOT 9, BLOCK 4, MITCHELL'S REVISED PLAT OF CLAM LAKE (NOW THE CITY OF CADILLAC), SECTION 33, T22N, R9W, CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN. EXCEPT THE WEST 3.40 FEET THEREOF.

TRANSFER PARCEL (EXEMPT): THE WEST 3.40 FEET OF THE NORTH 1/2 OF LOT 9, BLOCK 4, MITCHELL'S REVISED PLAT OF CLAM LAKE (NOW THE CITY OF CADILLAC), SECTION 33, T22N, R9W, CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN.



I hereby certify that I have surveyed and mapped the land plotted and/or described hereon, that the ratio of closure on the unadjusted field observations is at least 1/10000, and that all of the requirements of P. A. 132 of 1970 have been complied with. There are encroachments as shown.

James A. Ray
James A. Ray, PS #25869



REV: MARCH 16, 2006
DATE: JAN 16, 2006

ORDERED BY:
ROBERT LEVAND &
KEN CRIPS

AXIN LAND SURVEYS, INC.

900 E. 46 Road • Cadillac, MI 49601
231-645-8487 FAX: 231-876-1190

SEC. 33, T22N, R9W

DRAWN BY JAR SHEET 1 OF 1

JOB NO. 050808

128 Pine St., zoned OS-2



Prepared By
Community Development
City of Cadillac
Cadillac, MI 49601
234-775-0181



024 8 1216

Feet

Date of Aerials
2021

CITY OF
CADILLAC
MICHIGAN

Note:
This is not a LAND or
BOUNDARY LINE SURVEY
and may not be used for the
construction of any improvements.

1. Erin Kennard

Updated at Sep 14, 2024

Are you in 'avor of 128 E Pine St continuing to operate as a vacation rental'?

Yes

Please explain your reasoning below:

As someone who lives on the same block I have never once had an issue with anyone who has stayed at this Air BnB. They are not loud past decent hours, they don't leave a mess, they are considerate of the space they are paying to use. I watch them go into our little town and shop, eat and enjoy what we have to offer. I am 100% in favor of this address staying an Air BnB. The building next door is a business, the house next door is a rental, the house across the street is a rental, the house kiddie corner is apartments.

As an employee of a downtown business the occupants of this address have been wonderful spending Their money in our town. First hand at Pizza Plus almost every weekend we have gotten over

The top orders that really have helped our business continue to move forward. Down town will not continue to flourish without tourism. It's all that keeps most businesses alive in town.

However, if this address was even one block farther east onto pine street I would understand not wanting to live next to an air bnb. As a resident of this town I understand that each air bnb in city limits should be decided based set criteria and an individual basis. This address in question is less than one full block from downtown and I feel it is an acceptable placement for a short term rental property. We need tourists to survive.

2. Amy Bizzigotti

Updated at Sep 11, 2024

Submission Date

Sep 11, 2024

Name

Amy Bizzigotti

Address

██████████ Cadillac, Mi, 49602

Are you a resident of Cadillac, Michigan

Yes

Are you in favor of 128 E Pine St continuing to operate as a vacation rental?

Yes

Please explain your reasoning below:

I own a small business in downtown Cadillac. During the height of the tourist season, we get many many people from downstate and all over the place vacationing here. I think it's great that there's an Airbnb that would accommodate one huge family or even 2 to 3 families that shared it. It's nice to be able to have a place where you can just walk out the door and walk to downtown Cadillac. It's good for Business. I don't think it's hurting anything. And I think we need more Airbnb's in the downtown Cadillac area so people can enjoy the lake the park the library the shops the restaurants. It's a win-win. Thank you.

3. Allen Garrow

Updated at Sep 10, 2024

Submission Date

Sep 10, 2024

Name

Allen Garrow

Address

██████████ Cadillac, Mi, 49601

Are you a resident of Cadillac, Michigan

Yes

Are you in favor of 128 E Pine St continuing to operate as a vacation rental?

Yes

Please explain your reasoning below:

That location is perfect for tourist! It has brought business to our bike shop and surrounding businesses as well.

Honestly you couldn't have a better place for it!

Mostly mom and pop shops around it. Big fence on the south side gives privacy to rental area... although the place is beautiful it shouldn't have a fence 😊

Site Plan:

**MCCURDY
WOTILA
PORTEOUS PC**
Attorneys and Counselors

Michael A. Egleston
Nathan Prowarski
Patricia A. Cherry
Alex S. Maloney

David L. Porteous
Cynthia F. Wotila
Patricia L. O'Dell

Of Counsel
Roger L. Wotila

Emeritus
David S. McCurdy
1949-2024

November 25, 2024

City of Cadillac
Attention: Danielle Timmer
200 N. Lake Street
Cadillac, MI 49601

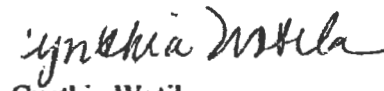
Re: Letters in Support of 128 E. Pine Street Zoning Application

Dear Danielle:

Enclosed please find letters in support of the Pine Street Zoning Application that was submitted to your office on November 22, 2024. Please include the letters with the submission for review by the Planning Commission.

If you have any questions, please do not hesitate to contact me.

Kind Regards,


Cynthia Wotila
Attorney at Law

CW/sam
Enclosures

Dear City Council,

My name is Shiana and I live across the street from 128 E Pine. I have lived here for the entirety of this property being run as a short term rental and am in support of it continuing to operate as a bnb. The owners have been consistent in operating it in a way that isn't disruptive to us as neighbors. The property lends itself well to being run as a vacation rental or venue and isn't built to be a viable option as a long term rental. I do not understand all the considerations you as the city council have to make for this property, but want to express my support in your decision either way. The owners of this property have created jobs and driven business to the shops and restaurants downtown through their property which I think is great for Cadillac. Please consider their request for a rezone so this beautiful property doesn't sit vacant and continues to be maintained well.

Sincerely,

Shiana Smalley

[REDACTED]

Cadillac, MI 49601

Planning Department and Cadillac City Council Members,

I am writing in support of Sarah and the rental they have on Pine street. Anyone who knows the place knows that it's absolutely beautiful and

in such a great location. When I was first made aware of the intentions for this home I was excited for them. I feel this home is hidden gem to the downtown scene. I honestly feel that the location not to mention the pure elegance of that place would be an amazing place for people to come visit Cadillac in class.

On a business note, that location would bring some attention to this end of town not only for us at Einstein Cycles but they would have access to Pizza plus, The Blue Heron, New Image, Apple Valley and Owl eye.

I feel this location needs to be here so it can showcase not just the home itself but the access to downtown, lake area and some really nice shops that sometimes get overlooked at this end of town.

We would all like to be a part of a visitor's story when asked how did you like time in Cadillac Michigan?

Warmest regards

Allen Garrow

Einstein Cycles

[REDACTED]

Cadillac, MI 49601

To whom it may concern in the Planning Department & City Council,

I own a small business in downtown Cadillac. During the height of the tourist season, we get many many people from downstate and all over the place vacationing here. I think it's great that there's an Airbnb that would accommodate one huge family or even 2 to 3 families that shared it. It's nice to be able to have a place where you can just walk out the door and walk to downtown Cadillac. It's good for Business. I don't think it's hurting anything. And I think we need more Airbnb's in the downtown Cadillac area so people can enjoy the lake the park the library the shops the restaurants. It's a win-win. Thank you.

Best,

Amy Bizzigotti

[REDACTED]

Cadillac, Mi 49601

Dear Members of the Cadillac City Council and Cadillac planning commission,

I am sending this email on behalf of the owners of Orange Cadillac. The short term rental property located behind the Book Nook. I am the owner of Fill The Gap the service based company that employed 18 local women to clean and prepare the property for rentals.

The city's decision to not allow short term rentals in the city of Cadillac impacted my business as well as all of the women who work for Fill The Gap. This property employed 3-5 local women 2 to 3 days a week for 14 to 20 hours each turnover clean.

This was first property that gave me the opportunity to engage my team. An opportunity to prove ourselves five star Cleaners not only in Cadillac but Lake City, Reed City, Evart and Stanwood. On many occasions, I personally purchased gift baskets filled with gifts from local businesses. I heard from several businesses that guests had made purchases at their stores. Some of those included: Chunky Bear, Serendipity, Pizza Plus, Blue Heron, Toy Town, etc.

We served people from all over the country. People coming for funerals, family reunions, those celebrating wedding anniversaries, those gathering to celebrate life or death, family, members, and friends. I requested services from other local businesses to make specialty cakes. I arranged for skiing & snowmobiling. I made arrangements for service providers like electricians, HVAC, pool care, handymen, Cadillac Garage Door to care for this Particular property.

The owners communicated freely with our team to make sure everything was taken care of. When guests had any issues with we were there to help out and solve the problem quickly.

They communicated well with the guests and did their best to assure that they would follow the rules and guidelines that were set up by the property clearly written on the website, in the listing, and in the property. So many families from around the country enjoyed spending 3 to 7 days here. I'm asking you on behalf of all the women that I employed through Fill The Gap to please reconsider allowing Orange Cadillac to open up again as a short-term rental property. The owners truly do not want to sell it. They put so much effort and money into restoring this beautiful home to allow others to enjoy it.

Thank you for your reconsideration.

Connie Schepers

Fill The Gap Personal Assistant Services.

Dear Planning and Zoning Department and Cadillac City Council;

I do not know all of the things that you perhaps need to consider regarding short term rentals, but I have a couple of thoughts regarding the Pine St. property beside the Book Nook.

It is an expensive house and an attractive part of the neighborhood. As a short term rental the owners have a huge incentive to maintain the property at a very high level of quality, which all of us will appreciate and benefit from. I also predict the clientele that it attracts will be downtown shoppers and diners.

Its location literally is next door to a commercial property and in a neighborhood where the other rental property is maintained at a much lower standard. It seems the use that the owners want to put it to will be the most likely way for that house to be a stable influence on the real estate nearby for the long run. That might encourage other people to invest on the street because they will have reason to believe that 128 E Pine will be well taken care of for a long time.

Sincerely Brian Williams

Blue Heron Cafe

[REDACTED]

Dear Planning and Zoning Department and Cadillac City Council,

As someone who lives on the same block I have never once had an issue with anyone who has stayed at this Air BnB. They are not loud past decent hours, they don't leave a mess, they are considerate of the space they are paying to use. I watch them go into our little town and shop, eat and enjoy what we have to offer. I am 100% in favor of this address staying an Air Bnb. The building next door is a business, the house next door is a rental, the house across the street is a rental, the house kiddie corner is apartments.

As an employee of a downtown business the occupants and guests of this address have been wonderful spending their money in our town. First hand at Pizza Plus almost every weekend we have gotten over the top orders that really have helped our business continue to move forward. Downtown will not continue to flourish without tourism. It's all that keeps most businesses alive in town.

However, if this address was even one block farther east onto pine street I would understand not wanting to live next to an air bnb. As a resident of this town I understand that each air bnb in city limits should be decided based set criteria and an individual basis. This address in question is less than one full block from downtown and I feel it is an acceptable placement for a short term rental property. We need tourists to survive.

Sincerely,

Erin Kennard

[REDACTED]

Cadillac, Mi 49601

December 2, 2024

Members of the Cadillac Planning Commission and Cadillac City Council,

On behalf of the Cadillac Downtown Development Authority (DDA), we wish to express our unanimous support for the rezoning of 128 E Pine Street, Cadillac, Michigan, from its current Office Service (OS) designation to a Business District designation. This rezoning is primarily to facilitate the operation of a short-term rental (STR) business at this location.

The property at 128 E Pine is distinctive and does not conform to the typical characteristics of residential homes in the area. Located directly adjacent to an established commercial business to the west and within the DDA district, the size, style, and amenities of this property suggest that it is better suited for the proposed use than for a single-family home or any other alternate use permitted by right within the OS district. While we are mindful of the community's housing needs, it is important to note that this property will never be suitable as workforce or affordable housing.

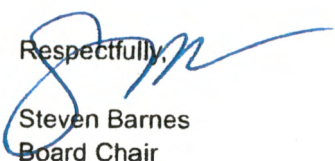
Before the City Council adopted the current STR ordinance, 128 E Pine operated successfully as a short-term rental. During that time, many local businesses within the DDA experienced positive economic impacts from the visitors who stayed at this property. Tourists who rented this property typically had significant disposable income, contributing to the vitality of downtown Cadillac by shopping at local stores, dining at our independently owned restaurants, and enjoying our entertainment venues.

As you know, Cadillac currently lacks hotel or lodging options within the downtown corridor. For several years, the DDA has discussed the need for additional lodging options to support our small businesses, rather than relying solely on larger, nationally based chains in the surrounding townships. While we envision expanding lodging options beyond this one property, we believe that this rezoning represents a positive first step in addressing this gap.

The DDA is committed to transforming the downtown corridor into a vibrant shopping, dining, and entertainment destination. The operation of 128 E Pine as a short-term rental aligns with this vision and will enhance the experience of visitors to Cadillac, while also generating additional revenue for local businesses.

For all these reasons, the DDA board strongly encourages the approval of the rezoning request for 128 E Pine Street. We are confident that this is the best course of action for our community.

Respectfully,



Steven Barnes

Board Chair

Cadillac Downtown Development Authority

December 13, 2024

Community Development Department
200 North Lake Street
Cadillac, MI 49601

Dear Planning and Zoning Department and City Council Members:

I'm writing about the rezoning hearing for the property at 128 E Pine Street. As someone living close by, I want to throw my full support behind this rezoning. I really think this property is a perfect match for the proposed use and will bring great benefits to our community.

I walk and drive by this place quite often, and it's been awesome to see it buzzing with life. Its location, vibe, and size really fit for the proposed use, and I don't see it causing any problems for the neighborhood. Honestly, it's been a good neighbor—no noise or issues on my end!

This rezoning can boost the property's success and help our local businesses, restaurants, and tourism thrive. It just makes sense for the community!

Thanks for considering my thoughts! I truly hope you'll support this rezoning effort.

Sincerely,



Stacy Zirkle

[Redacted address information]



Community Development Department

PLANNING COMMISSION

REZONING REPORT

December 17, 2024

Owner/Applicant

Matthew McCall-Stillman
113 Devillen Avenue
Royal Oak, MI 48073

Applicant Representative: Cynthia Wotila

Application for the Rezoning of Property

The applicant has filed a request for the rezoning of the following described property (subject site) from OS-2 to the B-2 Central Business District.

Parcel 86-159: The north ½ of Lots 7 and 8, Block 4, and the west 3.40 feet of the North ½ of Lot 9, Block 4, Mitchell's Revised Plat of Clam Lake (Now the City of Cadillac), Section 33, T22N, R9W, City of Cadillac, Wexford County, Michigan.

The tax identification number is 10-086-00-159-02. The common address is 128 E. Pine Street and consists of .23 acres. The property is immediately adjacent to the Book Nook on the east side. The present use of the property is vacant/for sale and the proposed use is short-term rental.

The applicant is requesting the property be rezoned to B-2 to allow short-term rentals at the location. The property was purchased for use as a vacation rental before the City had a short-term rental ordinance in place. This property is uniquely suited for this use as it has high quality finishes and amenities for entertainment, including a home theater room and outdoor living space with a pool and hot tub. The neighboring parcels include one residence, the Book Nook (a commercial property zoned B-2), and a parking lot. It is one block away from Mitchell Street, the main commercial corridor in the City.

The applicant submits the proposed rezoning is consistent with the purpose and intent of the City of Cadillac's Zoning Ordinance and Master Plan for the following reasons:

1. The City recently adopted a Short-Term Rental ordinance which recognizes the desirability of allowing such uses in limited areas, including the B-2 zone. The property currently borders on the B-2 district and is a natural extension of that boundary.

2. The Master Plan objectives include "promoting the conversion of single family dwellings into business uses" and building "a strong and energetic downtown that is pedestrian oriented and comprises a range of business uses."
3. The DDA objectives include promoting the economic development and maintaining and improving property values within the district.
4. The property has been improved beyond the standard finishes for housing in the neighborhood. The amenities make it particularly suitable for use as a short-term rental. The yard is surrounded by a high, solid wood fence to reduce noise, the game room is located in the lower level for further noise reduction. There is ample parking in the attached garage and in the extensive driveways.
5. The rental rate for this property is five times the market average for the area and, therefore, allowing a short-term rental use will not negatively impact affordable housing in the area. It has been on the market for several months with no interest from potential buyers as a full-time residence.
7. The rezoning request conforms with the Zoning Ordinance considerations for such amendments in that:
 - a. It is consistent with the Master Plan Zoning objectives noted above.
 - b. It is consistent with adjacent property uses.
 - c. Rezoning this property will increase property values and bring tourists and visitors to the downtown district.
 - d. As an operating rental, the owners employed six cleaning staff and two handymen for maintenance and repairs. Additionally, regular contractors for pool service, snow plowing, yard service and delivery are also employed.

In addition to this narrative, there are attached letters of support from local residents and business owners to indicate the local support for this rezoning. Letters of support are included from:

City of Cadillac Downtown Development Authority
Erin Kennard
Amy Bizzigotti
Allen Garrow (Einstein Cycles)
Shiana Smalley
Connie Schepers (Fill The Gap Personal Assistant Services)
Brian Williams (Blue Heron Café)

Site and Area Character and Zoning

The site contains a single-family home and is located on a block which consists of both commercial and single-family properties (see existing land use map below)



128 E. Pine Street

Existing Land Uses

Land Uses



Subject site for rezoning in red.

The proposed site of the rezoning has commercial or multi-unit residential apartments uses on all side of the property (see graphic above). Out of the entire block you have five commercial buildings, three multi-unit apartment buildings, and two single-family homes.



Duplex unit to the East



Book Nook Retail Shop to the West



4-unit residential apartments to the North



Public Parking Lot to the Northwest of the Site



Current Zoning Districts

The current zoning districts in the area are B-2, OS-2, and RM-1 (see aerial map above). The B-2 district includes one of the two-unit houses on the block. If the subject site is rezoned from OS-2 to B-2 the site will be connected to another B-2 district. The block to the south has the B-2 district extending from Mitchell Street to Shelby.

Staff Analysis

The house at 128 E. Pine Street has been improved beyond the standard quality of housing in this neighborhood (see photo on next page). The house has a built-in swimming pool/deck and fountains on the property. The inside of the home also has many upgrades over a standard house in this neighborhood.



The high quality and amenities found in this home make it particularly suitable to be used as a short-term rental. The house is not well suited to be converted to an apartment building. Although this rezoning would have this property be in a commercial district the existing development on the site and the proposed uses are residential in nature which would limit conflicts with the adjoining residential properties.

Due to the already developed nature of this property the impact of this rezoning will likely be minimal. The zoning district that the property is in currently does allow for a mixture of single-family homes, offices, and personal services. It even allows for multiple-family housing by special use permit. The need for the rezoning resulted from the fact that the OS-2 zoning district did not permit short-term rental units.

Given that downtown Cadillac does not have a hotel, and few if any short-term rental units, short-term rentals are really the only opportunity for tourists to experience the downtown, and they can do so without the need to be driving. For this reason creating more short-term rentals in and near the downtown is a positive thing. I also believe that people staying here on vacation would likely be spending more money per capita than the year-round residents which would be good for downtown businesses.

Rezoning Process

The rezoning of property involves a basic two-step process. Step 1 includes a review, analysis, and recommendation of the request by the Planning Commission. A public hearing is conducted as part of the Step 1. Notice of the public hearing is posted in the Cadillac News and all property owners and residents within 300 feet of the subject site are sent a copy of the hearing notice by first class mail. Property owners and others are given the opportunity to attend the hearing and comment on the application if so desired. The posting and mailings are made at least 15 days prior to the hearing. The posting and mailings also advise the public that anyone wishing to do so may forward written comments regarding the rezoning request to the city to be entered into the public hearing record. Public comments may provide information helpful to the Commission

as they consider a rezoning application. In taking into account public comments the Commission looks for information that is factual and relevant to the request at hand.

Following the public hearing and after adequate deliberation and review of the application and all materials and information, the Planning Commission recommends to the Cadillac City Council approval or denial of the application. The recommendation must include the basis for the Commission's decision.

Step 2 includes a review, analysis, and final decision on the application by the City Council. The Council may affirm or deny the rezoning. Should they wish to do so, the Council may return the application to the Planning Commission for additional analysis and input before issuing a final decision. The Council's decision is final and not subject to appeal to the Cadillac Zoning Board of Appeals.

Rezoning Considerations

When examining a rezoning application the Planning Commission considers the following factors (questions):

- 1) Is the proposed classification compatible with surrounding land uses and zone district classifications?
- 2) Is the proposed rezoning consistent with the City Master Plan? If not or if questionable, does the request represent an appropriate use of the land based on changes and/or other factors that have occurred subsequent to adoption of the plan?
- 3) Are existing public facilities and services capable of accommodating the land uses permitted by the proposed classification?
- 4) Is the proposed classification equal to or more appropriate than the existing zone district classification?
- 5) Does the request meet the criteria required by the zoning ordinance for the intended use?

In addition to the above, the Board may consider other relevant factors.

To assist the Planning Commission, staff reviewed this request relative to the above rezoning considerations. Preliminary findings and opinions are noted below.

- 1) *Is the proposed classification compatible with surrounding land uses and zone district classifications?*

Yes the proposed zoning district is compatible with the surround land uses and zone district classifications. The property immediately adjacent to the site and the property along Mitchell Street has a B-2 zoning classification. The block to the south of the subject block also has B-2 zoning extending from Mitchell Street to Shelby Street.

- 2) *Is the proposed rezoning consistent with the City Master Plan? If not or if questionable, does the request represent an appropriate use of the land based on changes and/or other factors that have occurred subsequent to adoption of the plan?*

Yes the proposed rezoning is consistent with the Master Plan. The Master Plan designates this parcel for Office-Service. The Master Plan describes this district as being a transition area between downtown and residential areas meant for quieter commercial uses that are compatible with residential areas.

- 3) *Are the existing public facilities and services capable of accommodating the land uses permitted by the proposed classification?*

Yes, the public facilities and services are capable of supporting the uses permitted by the proposed rezoning.

- 4) *Is the proposed classification equal to, or more appropriate than, the existing zone district classification?*

Yes the proposed classification is equal to, or more appropriate than the existing zone district classification.

- 5) *Does the request meet the criteria required by the zoning ordinance for the intended use?*

Yes, the request does meet the criteria required by the zoning ordinance for the B-2 District. Actually, because the current development does not meet the zoning requirements of the OS-2 district, this rezoning will actually be removing a dimensional non-conformity.

Staff Observations/Recommendations

I find this rezoning application to place this property into the B-2 District to be equal to or better than its current designation as OS-2. The fact that the site is fully developed with a residential structure and supporting accessory uses will limit its use for the full range of activities that may be permissible in the B-2 District. I believe the proposed use as a short-term rental will be beneficial to the downtown. The City of Cadillac Downtown Development Authority has written a letter of support for this rezoning. Maintaining it as a short-term rental will also help ensure the proper maintenance of the property as it is common for renters to rate the facility online. Given the analysis contained in this report I recommend that the Planning Commission recommend to the City Council that this property at 128 E. Pine Street (parcel number 10-086-00-159-02) be rezoned from the OS-2 Office Service District to the B-2 Central Business District.

Public Hearing Comments

As noted earlier, the application is subject to a public hearing. The Planning Commission shall consider all written and verbal comments to determine the relevancy of the information to the rezoning application.

Several letters of support have been submitted along with this application which are included in your packet. As of the writing of this report no additional letters have been submitted. If we receive additional letters staff will either forward them to you by email, or if they are received toward the end of the deadline they will be placed on your desk for the meeting.

Planning Commission Action

The Planning Commission shall recommend to the Cadillac City Council approval or denial of the rezoning application. The recommendation must be supported by the findings of fact (the record prepared by the Planning Commission such as the staff report, review of public comments, and other factual information applicable to the application).



Planning Commission
December 23, 2024, Meeting Minutes DRAFT

Call to Order

Meeting was called to order at 6:00PM

Roll Call

Planning Commission members present: Rice, Van Pelt, Bunce, Filkins, Putvin, Bosscher, Fent and Host

Staff: Wallace, Timmer & Genovich with Foster Swift

Approval of Agenda for December 23, 2024

- A. Motion to approve the agenda by Filkins, supported by Fent.
 - a. Motion approved unanimously.

Approval of for November 25, 2024, Meeting Minutes

- A. Motion to approve the minutes by Rice, supported by Host.
 - a. Motion approved unanimously.

Public Hearings

- A. Application filed by Brian Goodman to allow for the outdoor display & sales of wood & steel structures at 1125 & 1129 N Mitchell St.
 - a. Timmer presented on the proposed Special Land Use. Timmer gave a description of the properties and their location. Timmer also stated that Goodman owns two other design centers, Cadillac would make the third location.
 - b. The applicant, Brian Goodman, addressed the board. Goodman thanked the board for their time. Goodman stated that he is excited to bring this center to Cadillac and is currently moving his whole family to the area. Goodman stated that currently he will be the only staff member at this location, with hopes to hire more employees later on. Goodman informed the board on the design center practices and how he plans to run the design center in Cadillac. Goodman stated that if the approval of Special Land Use takes place, he will be purchasing the property.
 - c. Putvin opened the public hearing
 - i. Chad Allen, current property owner of 1125 & 1129 N Mitchell St, voiced his support of the special land use. Allen stated that he agreed with the nice buffer the sheds will give the property.
 - ii. Putvin closed the public hearing.
 - iii. Board discussion took place.
 - 1. Fent voiced his support. Fent stated that he believes this addition will make the area look much nicer.
 - 2. Bosscher stated that he feels that this is a much better location and situation than the last Special Land Use that was issued for similar service and revoked.

- a. Motion by Bosscher to approve the special land use permit for Just Wood & Steel Sales & Design Center at 1125 & 1129 N Mitchell St and the proposed site plan as presented subject to compliance with final site plan review. Supported by Rice.
 - i. Motion approved unanimously.
 - B. Application filed by Morgan Babcock to allow for the short-term rental of a residential unit within the building at 108 S Mitchell St.
 - a. Wallace presented on the proposed Special Land Use.
 - b. The applicants, Daniel & Morgan Babcock, addressed the board. Daniel stated that he was born and raised in Cadillac, moved away after graduating and is looking forward to moving back to Cadillac soon. Morgan stated that the unit would be on the second and third floors. Putvin asked if the Babcock's planned on living on site. Morgan stated that they will be living there until the unit is ready to be rented out but will be living locally upon completion. Morgan stated that a property manager will be assigned to the property with a 10-minute turnaround time for any issues that may arise. Van Pelt asked Morgan about the posting and selection of renters. Morgan stated that the rental posting sites screen the renters and that she will be doing so as well. Rice asked about how a noise complaint would be handled. Morgan stated that there will be decibel readers installed in the unit that will notify the owner and property manager, and a response will take place to notify the renters to keep it down.
 - c. Putvin opened the public hearing
 - i. Linda Durant voiced her support for short-term rentals. Durant stated that she hopes that the board approves this use as our town needs it.
 - d. Putvin closed the public hearing
 - e. Board discussion took place.
 - i. Bosscher asked staff what is set in place to handle enforcement. Wallace stated that the approval process of this application is enforceable by the Special Land Use permit. Wallace recommended that the board include in their motion any specific details that the board would like to see for this use. Enforcement action will be at staff level with the option for revocation at the Planning Commission level. Bunce stated that the rental sites have a wide range of standards, and the applicants have provided a great list of standards. Genovich stated that the natural of a Special Land Use is that you adjust the standards for the specific property. Genovich stated that if there were a set of standards for such use it typically wouldn't require a Special Land Use, it would be a use allowed by right. Board discussion took place on the standards that need to be addressed.
 1. Motion by Bosscher to approve the Special Land Use for 108 S Mitchell St to allow for a Short-Term rental with the following conditions.
 - House rules provided by the applicant be a part of this motion.
 - Contact information for the property owners and property manager be supplied in the house rules as well as to staff and law enforcement.
 - An annual review will take place with staff and/or the Planning Commission to confirm compliance with the Special Land Use Conditions. The Planning Commission may add conditions at the annual review to mitigate any issues over the past year.
 - i. Motion supported by Filkins. Motion approved unanimously.

- C. Application filed by Cynthia Wotila on behalf of the owner of the property, Matthew McCall-Stillman, requesting the property, 128 E Pine St, be rezoned from OS-2 to B-2.
- a. Wallace presented on the proposed rezoning
 - b. The applicant, Cindy Wotila, addressed the board. Wotila gave a brief history of the property. Wotila supplied the board and staff with an additional letter of support.
 - c. Sarah Glidewell, one of the property owners, addressed the board. Glidewell stated that she was unaware that the rezoning was not approved. She stated that her business partner, Matthew McCall-Stillman, is the one on the taxes therefore all communication was sent to him and got lost in the mail due to him moving. Glidewell stated that she is very communicative and has been in contact with neighbors and downtown businesses to receive feedback. Glidewell stated that the options for this home that make the most sense to her are not doable in OS-2, B-2 would be more appropriate.
 - d. Putvin opened the public hearing
 - i. Linda Durant voiced her support of rezoning due to the lack of opportunities for the home within the current zoning district.
 - ii. Ethan Glidewell voiced his support for the rezoning and that this house could be used as a short-term rental or a museum. Glidewell stated that the property is truly a piece of art and invited the board to take a tour if they have not already done so.
 - e. Putvin closed public hearing
 - f. Board discussion took place.
 - i. Rice asked for reasoning of the past council denial. Wallace stated that his recollection was that they did not want to treat this as a one off. Wotila shared from the council meeting minutes that the motion stated the denial was due to the future revamping of the zoning ordinance. Wotila also stated that the minutes do not reflect that there was a vote taken, only that the motion was made and supported. Glidewell stated that she also remembered the council saying that they would like to know how the neighbors felt about this use. Glidewell stated that this is why she has put so much work into getting the neighbors and downtown businesses' opinion on the proposed use.
 - ii. Filkins asked Wallace about overlays, spot zoning etc, should this topic arise. Wallace stated that he would disagree with spot zoning due to the surrounding properties being zoned as such.
 - iii. Bosscher asked staff for clarification on the past operations and enforcement action for this property. Genovich summarized the background on the property. Genovich stated that this information does not preclude rezoning. Rezoning should relate to whether this proposed rezoning is consistent with the city's future land use plans and not for the particular use or prior enforcement action.
 - iv. Host voiced her support of the rezoning given the surrounding properties zoning and the characteristics the property has to offer.
 - g. Motion by Fent to approve and recommend that Council approve the rezoning of 128 E Pine St from OS-2 to B-2 based on the staff recommendation and public support.

Supported by Bunce.

 - i. Motion unanimously approved.

Adjourn at 7:55pm

EXHIBIT C

**MCCURDY
WOTILA &
PORTEOUS PC**
Attorneys and Counselors

Michael A. Figliomeni
Nathan Piwowarski
Patrick A. Cherry
Alex S. Mallory

David L. Porteous
Cynthia K. Wotila
Patricia L. O'Dell
Isaac Thomas

Of Counsel
Roger L. Wotila

February 11, 2025

9589 0710 5270 2021 7539 79

Sent Via Certified Mail #9589 0710 5270 2021 7539 79 & By Hand-Delivery to:

Sandra Wasson
City Clerk, City of Cadillac
200 N. Lake Street
Cadillac, MI 49601

Re: Rezoning Application by Matthew McCall-Stillman for 128 E. Pine Street, Cadillac, MI

Dear Ms. Wasson:

Please be advised that our office represents Matthew McCall-Stillman and Sarah Glidewell, owners and interested parties in the property located at 128 E. Pine Street. An application for rezoning was filed with the Planning Commission on November 22, 2024. Following a public hearing on December 23, 2024, the Planning Commission recommended that the City Council amend the City Zoning Map to rezone the Parcel to B-2, Central Business District. Pursuant to MCL 125.3401(4), the property owners hereby request a public hearing on the Ordinance Amending the City Zoning Map regarding 128 E. Pine Street.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael A. Figliomeni

MAF/sam

Cc via Email: Attorney Mike Homier
mhomier@fosterswift.com

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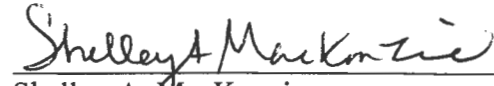
AFFIDAVIT OF HAND DELIVERY

Re: Letter to Sandra Wasson Pertaining to 128 E. Pine Street, Cadillac, MI

Shelley A. MacKenzie states that on February 11, 2025, she hand delivered a letter regarding a Rezoning Application by Matthew McCall-Stillman for 128 E. Pine Street, Cadillac, Michigan, to the following by the following methods:

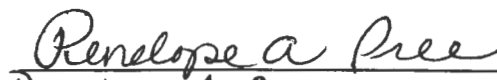
Sandra Wasson
City Clerk, City of Cadillac
200 N. Lake Street
Cadillac, MI 49601

by handing said copy to "Olivia" at the front desk of the City of Cadillac Administrative Offices.


Shelley A. MacKenzie

STATE OF MICHIGAN)
)ss
COUNTY OF WEXFORD)

The foregoing was acknowledged before me this 11th day of February, 2025, by Shelley A. MacKenzie.


Renelope A Pree, Notary Public
State of Michigan, County of Wexford
My commission expires: 12-1-30
Acting in the County of Wexford

February 18, 2025

Council Communication

Re: Police Vehicle Purchase

The Cadillac Police Department is currently down two frontline patrol vehicles due to total loss accidents experienced in the last couple months. Insurance proceeds will reimburse the current value of both cars. This has resulted in the department being in urgent need of replacing these vehicles to restore the full operational fleet to the department.

The department determined that purchasing an administrative vehicle similar to the one assigned to the Public Safety Director was the best option, then subsequently upfitting the department's 2023 Tahoe to the K-9 unit. This is already a police-rated patrol vehicle. A bid was recently released for this upfitting.

The City has utilized the MiDEAL program for nearly all of its vehicle purchases for a number of years. The vehicle purchasing program has changed somewhat over the last few years as inventory and availability has become a significant challenge to meet the vehicle acquisition needs of member agencies. As such, department personnel contacted several dealers on the approved MiDEAL contract list to check on pricing and availability. The following MiDEAL pricing quotes were received, some after multiple attempts to reach the dealerships:

Dealer	Model	Price
Todd Wenzel Buick GMC Grand Rapids, MI	2024 GMC Yukon	\$77,680
Berger Chevrolet Grand Rapids, MI	2025 Chevrolet Tahoe	\$68,147
LaFontaine CDJR Lansing, MI	2025 Jeep Grand Cherokee	\$40,487 + delivery

The department then reached out to local dealers to determine if a comparable vehicle was available with similar or better pricing. Betten Baker Chrysler Dodge Jeep Ram of Cadillac was able to offer a 2025 Jeep Grand Cherokee with the same specifications for \$40,403.

The department is also currently checking on the availability of an additional police patrol vehicle which will be brought back before City Council at an upcoming meeting.

Recommended Action

It is recommended that the City Council reject the MIDEAL bid prices and award the purchase of a 2025 Jeep Grand Cherokee to Betten Baker Chrysler Dodge Jeep Ram in the amount of \$40,403. Funds are available in the General Fund.