

City Council Meeting

September 4, 2018 6:00 p.m.

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



September 4, 2018 City Council Meeting Agenda 6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

We communicate openly, honestly, respectfully, and directly

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

- I. APPROVAL OF AGENDA
- II. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

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 August 20, 2018. Support Document III-A
- B. Minutes from the closed session held on August 20, 2018.

IV. PUBLIC HEARINGS

A. Public hearing to consider adoption of Ordinance Amending Chapter 42, Article II, Division 6 of the Cadillac City Code Regarding Institutional Controls for Kysor Industrial Corporation/Northernaire Plating Company. <u>Support Document IV-A</u>

V. COMMUNICATIONS

A. Homecoming Parade Support Document V-A

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- B. Child Safety Expo Support Document V-B
- C. Fall Color Train
 Support Document V-C
- D. Mayor's Youth Council Movie Night Support Document V-D

VI. APPOINTMENTS

A. Recommendation regarding appointment to the Downtown Development Authority. <u>Support Document VI-A</u>

VII. CITY MANAGER'S REPORT

A. Recommendation regarding Certified Grant Administrator for grant administration services related to Community Development Block Grant.
Support Document VII-A

VIII. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution to introduce Non-Discrimination Ordinance and set a public hearing for September 17, 2018.

Support Document VIII-A

IX. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution to approve the MDNR - Michigan Natural Resources Trust Fund Development Project Agreement for the Cadillac Trailhead Project. <u>Support Document IX-A</u>

X. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Zoning Board of Appeals Support Document X-A
- B. Historic Districts Commission Support Document X-B
- C. Downtown Development Authority <u>Support Document X-C</u>
- D. Planning Commission Support Document X-D

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XI. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

XII. GOOD OF THE ORDER

XIII. CLOSED SESSION

Adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township and to consider the purchase or lease of real property.

XIV. ADJOURNMENT

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

Respect
Integrity
Trust
Excellence

Guiding Behaviors

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

CITY COUNCIL MEETING MINUTES

6:00 PM – August 20, 2018 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: Spoelman, Schippers, Engels, King, Mayor Filkins

Council Absent: None

Staff Present: Peccia, Dietlin, Roberts, Eller, Osborn, Ottjepka, Homier, Wasson

APPROVAL OF AGENDA

2018-160 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

Mike Dolack asked if Council would consider reinstating the Pledge to the Michigan State Flag.

Judy Coffey thanked everyone for their support and assistance for the Call to All Festival. She noted a couple of local churches donated a total of \$415 to help offset some of the expenses incurred by the City.

CONSENT AGENDA

2018-161 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

A. Public hearing to consider adoption of Ordinance to Amend Section 12-84 of the City Code Regarding Duration of the Maple Hill Apartments Service Charge in Lieu of Taxes.

Peccia noted at the prior meeting a similar provision of Code was established for the Cadillac Castle project. He stated the proposed ordinance would amend Section 12-84 of City Code to extend the duration of the Service Charge in Lieu of Taxes from eighteen (18) months to

thirty-six (36) months.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2018-162 - Adopt Ordinance 2018-09.

Motion was made by Schippers and supported by Engels to approve the resolution to adopt Ordinance to Amend Section 12-84 of the City Code Regarding Duration of the Maple Hill Apartments Service Charge in Lieu of Taxes.

Motion unanimously approved.

COMMUNICATIONS

A. Festival of Races

2018-163 Approve street and parking closures for Festival of Races.

Motion was made by Spoelman and supported by King to approve the closure of Lake St. from Chapin St. to Pine St. from 7:30 am to 12:00 pm on September 1, 2018 and the closure of the lakeside parking lot from 4:00 pm on August 31, 2018 to 12:00 pm on September 1, 2018 for the Festival of Races.

Motion unanimously approved.

B. Fall Color Tour

2018-164 Approve directional signs for Fall Color Tour.

Motion was made by Spoelman and supported by Schippers to approve the placement of four (4) directional signs for the Fall Color Tour subject to the conditions noted.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding appointment to the Cadillac Housing Commission.

2018-165 Approve appointment to the Cadillac Housing Commission.

Motion was made by Schippers and supported by King to approve the appointment of Gloria Frost to the Cadillac Housing Commission for a partial term to expire on July 19, 2019.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Introduction and Oath of Office - Adam Ottjepka, Director of Public Safety.

Peccia noted Fire Captain Fred Osborn has been serving in a leadership role since January 2015 and Police Captain Eric Eller has been serving in a leadership role since September 2017. He thanked both Captains for their efforts and dedication to the community.

Peccia introduced the new Director of Public Safety Adam Ottjepka and his family. He provided a brief summary of Adam's training and work experience. He also briefly described the selection process.

The City Clerk administered the Police Officer Oath of Office.

Peccia noted the Police Officer Oath of Office is required by the Michigan Commission on Law Enforcement Standards (MCOLES).

Adam Ottjepka stated it is a privilege and an honor to be appointed as the Director of Public Safety for the citizens of Cadillac. He stated he would work hard and strive to meet the expectations. He noted that without the support of his family he wouldn't have met the challenges of his career. He thanked the City for this opportunity.

B. Update regarding Non-Discrimination Ordinance.

Peccia noted that at the last meeting, a draft ordinance was provided and discussion ensued regarding how best to proceed with possible implementation of a non-discrimination ordinance. He stated a request was made for staff to collect data from other municipalities that have adopted this type of ordinance. He noted staff contacted all forty-three (43) municipalities that had been identified as having this type of ordinance. He stated most of the municipalities did not respond and many others advised that a Freedom of Information Act (FOIA) request would need to be submitted to obtain the requested information.

Peccia stated the chart included in the packet provides some data with respect to the number of annual complaints received and very limited financial data regarding the cost of enforcement. He noted most of the municipalities that responded reported zero or very few complaints.

Peccia stated this meeting provides another opportunity for the City Council to continue the discussion. He noted if Council decides to proceed with an ordinance it would need to be introduced at a subsequent meeting during which a public hearing would be scheduled for the following meeting. He stated if Council decides to move in a different direction, such as changing something regarding the resolution that is already on file, it would not require a public hearing.

Schippers asked if he had contacted the City of Holland to find out why they had voted not to adopt this type of ordinance.

Peccia stated it did not move forward for political reasons.

Schippers stated she would like to move forward with an ordinance.

King noted the data provided shows there have been very few complaints in the

municipalities that have this type of ordinance. He asked if the City of Cadillac has had an issue with complaints of this nature that would require the adoption of an ordinance. He noted we want to ensure the community sends the message that "we are a community for all" which is why he supports renewing the resolution every year. He noted that while there are no criminal aspects to the proposed ordinance there are obligations to refer complaints to state and federal agencies that already cover those types of complaints. He added the City might take on the obligation to file a civil injunction which then would commit financial resources of the City on something that the state and federal government are already geared to handle.

Schippers stated local redundancy is necessary in certain situations such as speed limits. She noted there are state regulated speed limits but there are also local speed limits which are enforced by the City. She noted posting and enforcement of speed limits is a safety issue and she views the adoption of this type of ordinance as a safety issue for the people of Cadillac.

Schippers noted that just because there haven't been complaints at the Police Department does not mean that there haven't been issues. She stated she has heard complaints both in her capacity as a Council Member and in her capacity as a leader of Cadillac United. She stated there has been rising volatility and issues with hate and violence. She noted the State of Michigan ranks second in the nation for hate crimes. She added Cadillac has had a reputation for being a place of intolerance. She stated Cadillac United was formed to stand up against the rise and recruitment of young people by white supremacists and hate groups. She noted she believes the City needs to have the rule of law involved because she feels intolerance is spreading.

Engels stated he likes that the proposed ordinance does not call for the creation of a separate commission and that the main mechanism seems to be referrals of complaints to state or federal agencies for review. He noted there may not be state or federal agencies to refer complaints related to Gender Expression, Gender Identity, and possibly Sexual Orientation. He stated it is important to hear comments from members of the public at a public hearing so he would support moving it forward.

Spoelman noted she agrees with moving it forward. She commented that she has heard that people that live in the southern part of the state don't necessarily feel comfortable in some of the northern communities because there is more racism. She stated she wants people to feel welcome in our community.

Mayor Filkins stated she appreciates all of the comments from the Council Members. She noted that she agrees that this should be brought to a public hearing. She stated she believes an ordinance makes a much stronger statement to the community that we care.

Peccia noted the ordinance would be introduced at the meeting on Tuesday, September 4, 2018 and the public hearing would be held on Monday, September 17, 2018.

King requested additional cost and liability information.

Peccia stated he is not confident he will be able to acquire any additional information from the various municipalities.

Mayor Filkins suggested FOIA requests could be submitted for the information.

City Attorney Homier stated he doesn't believe it adds any more cost or liability risk than any other ordinance. He noted he does not expect that the City will receive a large number of complaints on an annual basis.

Engels noted duplexes are listed under the section entitled Exceptions. He stated in Cadillac there are some houses that are divided into three (3) or four (4) separate residences. He asked if the proposed ordinance would also apply to those homes when the owner resides in one of the housing accommodations.

Homier stated the exception would not apply to any dwelling three (3) units and above. He noted the exception only applies to not more than two (2) units.

Homier asked Council Member Engels if he wants the exception to apply to more than duplexes.

Engels stated he does because there are houses in the City that are divided into more than two (2) sections.

Spoelman asked Council Member Engels why he would want that exception to exist because it could allow for discrimination.

Engels stated it is similar to the other exceptions because when a person owns and lives in the home they have a right to be discriminatory.

Spoelman stated that if it is owner-occupied that would be different.

Engels stated that owner-occupied is what he was referring to and believes it would be keeping with the intent of the ordinance. He added that an immediate family member of the owner living in the residence would then also be covered under the exception.

King stated the proposed ordinance is available on the City's website.

Peccia explained that the proposed ordinance can be found at www.cadillac-mi.net under the tab entitled Agendas & Packets.

C. Bids and recommendation regarding purchase of Police Interceptor.

Peccia noted two (2) bids were received and it is being recommended to award the purchase to Signature Ford of Owasso, Michigan in the amount of \$25,872.

2018-166 Award purchase of Police Interceptor.

Motion was made by Schippers and supported by Spoelman to award the purchase of a new Police Interceptor to Signature Ford of Owasso, Michigan in the amount of \$25,872.

Motion unanimously approved.

D. Bids and recommendation regarding purchase of Snow Maintenance Equipment and Radius Dump Spreader Reinstall for Plow Truck.

Peccia noted one (1) bid was received from Truck and Trailer Specialties of Boyne Falls, Michigan in the amount of \$66,506.12. He stated this project will utilize the existing dump body from the plow truck that is being replaced. He added that re-use of the dump body will save approximately \$30,000 when compared to purchasing a new one.

2018-167 Award purchase of Snow Maintenance Equipment.

Motion was made by Spoelman and supported by Schippers to award the purchase of Snow Maintenance Equipment for a plow truck to Truck and Trailer Specialties of Boyne Falls, Michigan in the amount of \$66,506.12.

Motion unanimously approved.

E. Bids and recommendation regarding purchase of Diesel Powered Air Compressor.

Peccia noted six (6) bids were received. He stated the lowest bid is not a local company and does not have a local presence to do any repair or warranty work. He noted the second lowest bid is from a local company and has a repair/maintenance shop in Williamsburg. He noted they are also supplying a 90-lb. pneumatic break hammer that the other company would require the City to purchase separately. He added that the value of this hammer is nearly \$900 and the difference between the two (2) bids is \$940.

Peccia stated it is being recommended to award the purchase to the second lowest bidder, AIS Construction Equipment, in the amount of \$22,400.

2018-168 Award purchase of Diesel Powered Air Compressor.

Motion was made by King and supported by Schippers to award the purchase of a Diesel Powered Air Compressor to AIS Construction Equipment of Williamsburg, Michigan in the amount of \$22,400.

Motion unanimously approved.

F. Bids and recommendation regarding purchase of 9" Aeration Diffuser Heads.

Peccia noted six (6) bids were received. He stated the fine air diffusers at the Cadillac Waster Water Plant were originally supplied by Sanitaire Corporation which was acquired by Xylem Corporation. He noted Kennedy Industries is the local representative for Xylem equipment. He stated plant staff is recommending that the City stay with the original supplier so that the new equipment will function properly.

Jeff Dietlin, Director of Utilities, stated they are converting from a ceramic diffuser to a plastic diffuser. He noted that because of this transition they would prefer to stay with the original manufacturer in order to establish a new baseline.

Peccia stated it is being recommended to award the purchase to Kennedy Industries in the amount of \$15,615. He noted the lowest bid received was \$11,055 but for the reasons stated staff would prefer to remain with the original supplier.

Spoelman stated it is a \$4,500 difference in price.

Dietlin noted since they are converting from ceramic to plastic they would prefer to utilize the same supplier to minimize any issues that may arise.

Spoelman asked why the City didn't just waive competitive bidding if the preference was to stay with the original supplier.

Owen Roberts, Director of Finance, stated the City is very committed to not waiving competitive bidding unless absolutely necessary. He noted the bids were analyzed and they felt confident the equipment from Kennedy Industries would function properly from the onset. He explained the price difference was within a range they felt comfortable recommending that they utilize the original manufacturer due to the reasons stated.

Schippers stated with the technical nature of some of this equipment it is best to trust our professionals.

2018-169 Award purchase of Aeration Diffuser Heads.

Motion was made by Schippers and supported by Engels to award the purchase of Aeration Diffuser Heads (plastic) to Kennedy Industries of Wixom, Michigan in the amount of \$15,615.

Motion unanimously approved.

G. Public Comments related to Notice of Intent to Apply to USDA Rural Development for financing.

Peccia stated as part of applying for low-interest financing through the United States Department of Agriculture-Rural Development (USDA-RD) office for the final phase of the well field relocation project, we need to provide this opportunity to invite the public to make any comments. He noted the recommended action is to invite and hear any public comments related to the application. Once all relevant comments have been heard and recorded, it is recommended that the City Council approve the submittal of an application to the USDA-RD for loan financing for the Well Field Relocation Phase II water system infrastructure improvement project. He noted Larry Fox from C2AE, the consultant on the project, is attendance should there be any questions.

Mayor Filkins invited public comments related to the application.

There were no public comments.

Spoelman stated she did see the public notice in the paper.

2018-170 Approve submittal of application to USDA-RD.

Motion was made by Spoelman and supported by Schippers to approve the submittal of an application to the USDA-RD for loan financing for the Well Field Relocation Phase II Water System Infrastructure Improvement Project.

Motion unanimously approved.

H. Designate primary representative and alternate to attend the Michigan Municipal League Annual Convention.

Peccia noted the Michigan Municipal League (MML) Annual Convention will be held in Grand Rapids in September 2018. He stated the MML requested that as a part of a public board meeting we designate the delegate and the alternate to attend and vote accordingly at the Annual Meeting which is held during the Annual Convention.

2018-171 Designate primary representative and alternate to attend MML Annual Meeting. Motion was made by Schippers and supported by King to designate Mayor Filkins as the primary representative and Council Member Engels as the alternate to attend the Michigan Municipal League Annual Meeting as the voting delegate.

Motion unanimously approved.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution to introduce Ordinance Amending Chapter 42, Article II, Division 6 of the Cadillac City Code Regarding Institutional Controls for Kysor Industrial Corporation/Northernaire Plating Company and set a public hearing for September 4, 2018.

Peccia stated the City has been informed by the Environmental Protection Agency that we need to amend the ordinance to require that anyone within a certain geographic area of that facility is on the municipal water system and not on private wells.

Dietlin stated the current Code left the option to waive connection to the municipal water system.

Mayor Filkins asked how many businesses or residences are not currently on the municipal water system.

Dietlin stated he believes all have converted to the municipal water system but will have his staff verify that this has occurred. He noted any remaining businesses/residences will be switched to the municipal water system at no cost to the owners.

2018-172 Introduce Ordinance 2018-10 and set public hearing.

Motion was made by King and supported by Spoelman to adopt the resolution to introduce Ordinance Amending Chapter 42 Article II, Division 6 of the Cadillac City Code Regarding Institutional Controls for Kysor Industrial Corporation/Northernaire Plating Company and set a public hearing for September 4, 2018.

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution approving changes to the Standard Lighting Contract with Consumers Energy.

Peccia stated Consumers Energy will install a single Cobrahead style light at the intersection of Crosby Road and Lincoln Street.

<u>2018-173 Approve changes to the Standard Lighting Contract with Consumers Energy.</u>
Motion was made by Schippers and supported by Engels to adopt the resolution approving changes to the Standard Lighting Contract with Consumers Energy.

Motion unanimously approved.

B. Adopt the Resolution for Local Government Approval for a Liquor License for the Rayen.

Peccia stated this item is regarding a redevelopment liquor license for the Raven BBQ, LLC. He noted a letter was received from Charles Freiberg from Raven BBQ, LLC requesting the consideration of their application for a Class C liquor license, a redevelopment liquor license for their establishment.

Peccia stated that adoption of this resolution is only one part of the process required for obtaining a redevelopment liquor license and he briefly described the process.

<u>2018-174</u> Adopt the Resolution for Local Government Approval for a Liquor License for the Raven. Motion was made by Schippers and supported by Spoelman to adopt the Resolution for Local Government Approval for a Liquor License for the Raven.

Motion unanimously approved.

PUBLIC COMMENTS

There were no public comments.

GOOD OF THE ORDER

Peccia stated that MDOT has highly encouraged the City to apply for a safety grant for the purpose of installing a roundabout at the intersection of Crosby Road and M-55. He noted local agencies are in support of this initiative. The Wexford County Road Commission has provided a letter of support along with a promise of \$25,000 to help offset some of the costs. He stated that should the grant be awarded construction would begin in the spring of 2019.

Peccia stated the Alliance for Economic Success (AES) coupled with Networks Northwest had a breakout meeting regarding the M-115 Corridor Study that was conducted. He noted hardcopies were provided to the Council. He stated once he has obtained an electronic copy it will be posted on the City's website and will make it known through social media that it is available. He briefly described the contents of the report. He stated AES is partnering with Michigan State University to host a meeting for the discussion of ideas for "downtown". He noted in this case "downtown" means from Boon Road south through the City Cadillac.

Spoelman welcomed the new Public Safety Director and his family to the community. She thanked the Civil Service Commission and everyone else who assisted in the search process.

Schippers stated the Mayor's Youth Council is hosting a movie night sponsored by Foster Swift on August 24, 2018. She noted they will be showing the movie Wonder. She stated the Band Boosters will be selling refreshments during the movie. She encouraged young people who live, work, or attend school in the City Cadillac to consider joining the Mayor's Youth Council.

CLOSED SESSION

Adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township and to consider the purchase or lease of real property.

2018-175 Adjourn to closed session.

Motion was made by Engels and supported by Schippers to adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, *TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township* and to consider the purchase or lease of real property; invite Jeff Dietlin, Director of Utilities.

Motion unanimously approved.

2018-176 Return to open session.

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

Motion unanimously approved.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Robert J. Engels Stephen King

RESOLUTION NO. 2018-____

RESOLUTION ADOPTING

ORDINANCE AMENDING CHAPTER 42, ARTICLE II, DIVISION 6 OF THE CADILLAC CITY CODE REGARDING INSTITUTIONAL CONTROLS FOR KYSOR INDUSTRIAL CORPORATION/NORTHERNAIRE PLATING COMPANY

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 4th day of September, 2018, at 6:00 p.m.

PRESENT:	
ABSENT:	
The following preamble and resolution was offered by	and
seconded by	

WHEREAS, pursuant to the Natural Resources and Environmental Protection Act, Act 451 of 1994 (the "Act"), the City of Cadillac adopted an Ordinance to regulate and restrict groundwater use at the site commonly known as the Kysor Industrial Corporation/Northernaire Plating Company site; and

WHEREAS, the City wishes to consider an ordinance updating these regulations per guidance from the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality to provide more robust institutional controls for restricting groundwater use; and

City of Cadillac Resolution No. 2018-___ Page 2 of 3

WHEREAS, on September 4, 2018, the City conducted a public hearing to consider an ordinance amending Chapter 42, Article II, Division 6 of the Cadillac City Code updating these regulations accordingly; and

WHEREAS, following the public hearing, the City has determined it is in the best interests of the health, safety and welfare of City residents to adopt the proposed ordinance.

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

- 1. Ordinance No. 2018-____, Ordinance Amending Chapter 42, Article II, Division 6 of the Cadillac City Code Regarding Institutional Controls for Kysor Industrial Corporation/Northernaire Plating Company (the "Ordinance," attached as Exhibit A) is hereby adopted.
 - 2. The Ordinance shall be filed with the City Clerk.
- 3. The City Clerk is directed to publish a Notice of Adoption within seven (7) days after its adoption.
- 4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

City of Cadillac Resolution No. 2018 Page 3 of 3	
YEAS:	
	e City of Cadillac, hereby certify this to be a true and 018, duly adopted at a meeting of the City Council 018.
	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 Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

ORDINANCE NO. 2018-____

ORDINANCE AMENDING CHAPTER 42, ARTICLE II, DIVISION 6 OF THE CADILLAC CITY CODE REGARDING INSTITUTIONAL CONTROLS FOR KYSOR INDUSTRIAL CORPORATION/NORTHERNAIRE PLATING COMPANY

THE CITY OF CADILLAC ORDAINS:

Section 1. Amendment of Chapter 42, Article II, Division 6

Chapter 42, Article II, Division 6 of the City Code entitled "Institutional Controls for Kysor Industrial Corporation/Northernaire Plating Company" is hereby amended to incorporate additional institutional controls on the Kysor Site restricting groundwater use to prevent exposures and identify the site as Unrestricted Use/Unrestricted Exposure. The section, as amended, shall read in its entirety as follows:

Sec. 42-164. - Purpose.

(a) The purpose of this division is for protecting the public health, welfare and the environment, and for implementing the remedial action plan at the site commonly known as the Kysor Industrial Corporation/Northernaire Plating Company Superfund Site.

Sec. 42-165. – Definitions.

- (a) *Contaminated Groundwater* means groundwater in which there is present concentrations of materials that exceed drinking water criteria under the Safe Drinking Water Act, 1976 PA 399, as amended, or the residential drinking water criteria established by the MDEQ in the operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 *et seq.*).
- (b) *Domestic Use* means the use of water by humans for drinking, cooking, food preparation and other food-related services, cleaning, washing, bathing and similar household-type water uses in any dwelling, or in any building in which commercial/business, governmental/public or industrial activities are conducted. The term does not include

- water used solely for closed-loop heat pumps, non-contact cooling, production and/or processing purposes of commercial or industrial enterprises.
- (c) *Irrigation use* means the use of water for lawn, garden or landscaping irrigation on a residential parcel of land. The term does not include water used for commercial, agricultural, or farm irrigation, except as specifically directed by the MDEQ.
- (d) *MDEQ* means the Michigan Department of Environmental Quality or its successor agency.
- (e) *Person* means any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- (f) *Restricted Zone* means an area or areas described within Section 42-166 of this Ordinance for which the prohibition of Wells and the use of groundwater applies and includes parcels of lands that are legally described in the map attached as **Exhibit A**.
- (g) *Well* means an opening in the surface of the earth for the purpose of removing fresh water through non-mechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA"), the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC § 9601 *et seq.*, the Resource Conservation and Recovery Act, 42 USC § 6901 *et seq.*, and other applicable laws.

Sec. 42-166. – Restricted Zone.

The following described area(s) in the City shall be Restricted Zone(s) under this Division. Additional Restricted Zones may be added by amending this Ordinance.

- (a) All land located in Township 22 North, Range 9 West, City of Cadillac, Wexford County, Michigan, described as follows:
 - (1) The East Quarter (E¹/₄) of the Northwest Quarter (NW¹/₄) of Section 32.
 - (2) The Northeast Quarter (NE¹/₄) of Section 32.
 - (3) The North Half ($N\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32.
 - (4) The Southwest Quarter (SW½) of Section 33 lying North and West of the Tuscola-Saginaw Bay Railroad.
 - (5) The Northwest Quarter (NW¹/₄) of Section 33, except the following: South of Gunn Street and Seventh Street which is East of the Ann Arbor Railroad; the property lying

East of the Pennsylvania Central Railroad; and also commencing as the Point of Beginning at the Southwest corner of Block 179 of the Improvement Board Addition; thence North to the Northwest corner of Block 188; thence East along the North line of Block 188 to the Northwest corner of Block 189; thence East along the North block line, 220 feet; thence South 71 feet; thence East 107.43 feet; thence North 71 feet; thence East 212.83 feet; thence South 16°2'30" East, 331.74 feet; thence South 3°28'30" East, 246.56 feet to the West right-of-way line of the Ann Arbor Railroad; thence Southwesterly along the West right-of-way line of the Ann Arbor Railroad to the Southeast corner of Block 177; thence West along the South line of Block 177 to the centerline of Third Avenue; thence North on the centerline of Third Avenue to the South line of Block 179 and Block 178, if extended; thence West to the Point of Beginning of the Improvement Board Addition, City of Cadillac, Wexford County, Michigan.

Hereafter referred to as the Kysor Industrial Corporation/Northernaire Plating Company Site (the "Site").

Sec. 42-167. – Prohibition.

Except as provided in Section 42-168, no person shall install or utilize, or allow, permit or provide for the installation or utilization of a Well in any Restricted Zone. Any existing Well at the time of the enactment of a Restricted Zone within the Restricted Zone shall be plugged/abandoned at the expense of an applicant for that particular Restricted Zone and as provided for in this Ordinance in accordance with applicable laws, regulations and ordinances, unless such existing Well falls within one of the exceptions provided in Section 42-168. Except as provided in Section 42-168, no person shall use any groundwater from a Restricted Zone.

Sec. 42-168. – Exceptions.

A person may install or utilize, or allow, permit or provide for the installation or utilization of a Well in any Restricted Zone if any of the following exceptions apply and the requirements of the exceptions are complied with. The party proposing an exception to the Well prohibition shall conduct all appropriate inquiry and prepare a due care analysis pursuant to Part 201 of NREPA:

- (a) *Proof of No Influence*. If the MDEQ determines based on information provided to it by the person seeking an exception (1) that the use of a Well in the Restricted Zone will not exacerbate existing groundwater contamination, and (2) that the water from the proposed Well will not be affected by Contaminated Groundwater, the Well may be so used. The party proposing the exception shall deliver proof/notice of those determinations to the City prior to Well operation..
- (b) *Groundwater Monitoring/Remediation*. A Well may be used for groundwater monitoring and/or remediation as part of a response activity approved by the MDEQ or the United

States Environmental Protection Agency (EPA). The party proposing the exception shall deliver proof of the MDEQ or EPA approval to the City prior to Well operation.

- (c) *Construction Dewatering*. A Well may be used for construction dewatering upon approval by the MDEQ if the following conditions are satisfied:
 - (1) The use of the dewatering Well will not result in unacceptable exposure to Contaminated Groundwater, possible cross-contamination between saturated zones, or exacerbation of Contaminated Groundwater as defined in Part 201 of NREPA; and
 - (2) The water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, and orders and directives of any governmental entity or agency of competent jurisdiction.

Any exposure, cross-contamination, or exacerbation caused by the use of the Well under this exception shall be the responsibility of the person operating the dewatering Well as provided in Part 201 of NREPA.

The party proposing the exception shall deliver proof/notice of MDEQ approval to the City prior to Well operation.

- (d) *Processing Activities*. If the MDEQ determines that the use of a Well for non-contact heating, cooling, production, or processing involved in industrial, commercial or residential activities will not cause migration or exacerbation of Contaminated Groundwater, such use of the Well under terms and conditions specified by the MDEQ will be allowed. All information necessary for the MDEQ determination described in this subsection shall be provided by the person seeking this exception. Upon MDEQ approval, the party proposing the exception shall deliver proof/notice of those MDEQ determinations to the City prior to Well operation.
- (e) *Public Emergencies*. A Well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

Sec. 42-169. – Enforcement.

The City Manager, or his/her designee, shall be the official having the authority to enforce this Ordinance. After the Effective Date of this Ordinance, the enforcement official shall contact all owners of Restricted Zone parcels, which appear to have Wells prohibited under this Ordinance, giving written notice of the need to cease using such Wells and of the need for (1) establishment of a Domestic Use and/or Irrigation Use water source by connecting to the City water system or (2) obtaining approval or acknowledgment of an exception under Section 42-168. The owner of a Restricted Zone parcel shall comply with the provisions of this Ordinance with regard to the provision of Domestic or Irrigation Use water within sixty (60) days from the date of such

notice. Any existing Well in violation of this Ordinance shall be plugged or abandoned in conformance with applicable legal requirements. Where, upon information available to the enforcement official, it is suspected that a Well is being used within the Restricted Zone in violation of this Ordinance, the enforcement official may inspect the Restricted Zone and serve appropriate notice and order of such violation requiring that action be taken promptly by the owner to bring the Restricted Zone in compliance. If the owner fails to act in accordance with such order, the enforcement official may seek remedies and penalties as provided in this Ordinance including, but not limited to, suspension or revocation of a previously granted exception.

Sec. 42-170. – Penalties.

Any person who violates any provision of this Ordinance shall be liable for a municipal civil infraction under Section 38-135 of the City's Code. In addition, the City may also seek an order from a court of appropriate jurisdiction requiring compliance with this Ordinance and may seek costs and attorney fees associated with such enforcement action. Any violation of this Ordinance is a public nuisance, subject to abatement, and any Well in violation of this Ordinance shall be immediately taken out of service and lawfully abandoned in compliance with applicable legal requirements. A court of competent jurisdiction may order any person violating any provision of this Ordinance to properly and lawfully remove or abandon a Well. Sec. 42-171. – Administrative Liability.

No officer, agent or employee of the City or member of the City Council shall render himself or herself personally liable for any damage which may occur to any person as a result of any act or decision performed in the discharge of his or her duties pursuant to this Ordinance.

Sec. 42-172. – Notice of Amendments/Repeal.

The MDEQ, an applicant, an owner, or any other interested party may request to add parcels or delete parcels from a Restricted Zone or to establish an additional Restricted Zone or to otherwise amend or repeal this Ordinance and shall provide thirty (30) days' advance notice to the MDEQ, including the reasons supporting such request. The City, upon thirty (30) days' advance notice to the MDEQ, EPA and any applicant, may also take action to amend or repeal this Ordinance as it deems appropriate. The City shall also notify the MDEQ, EPA and any applicant that this Ordinance may lapse at least thirty (30) days prior to the Ordinance being allowed to lapse.

Section 2. Validity and Severability.

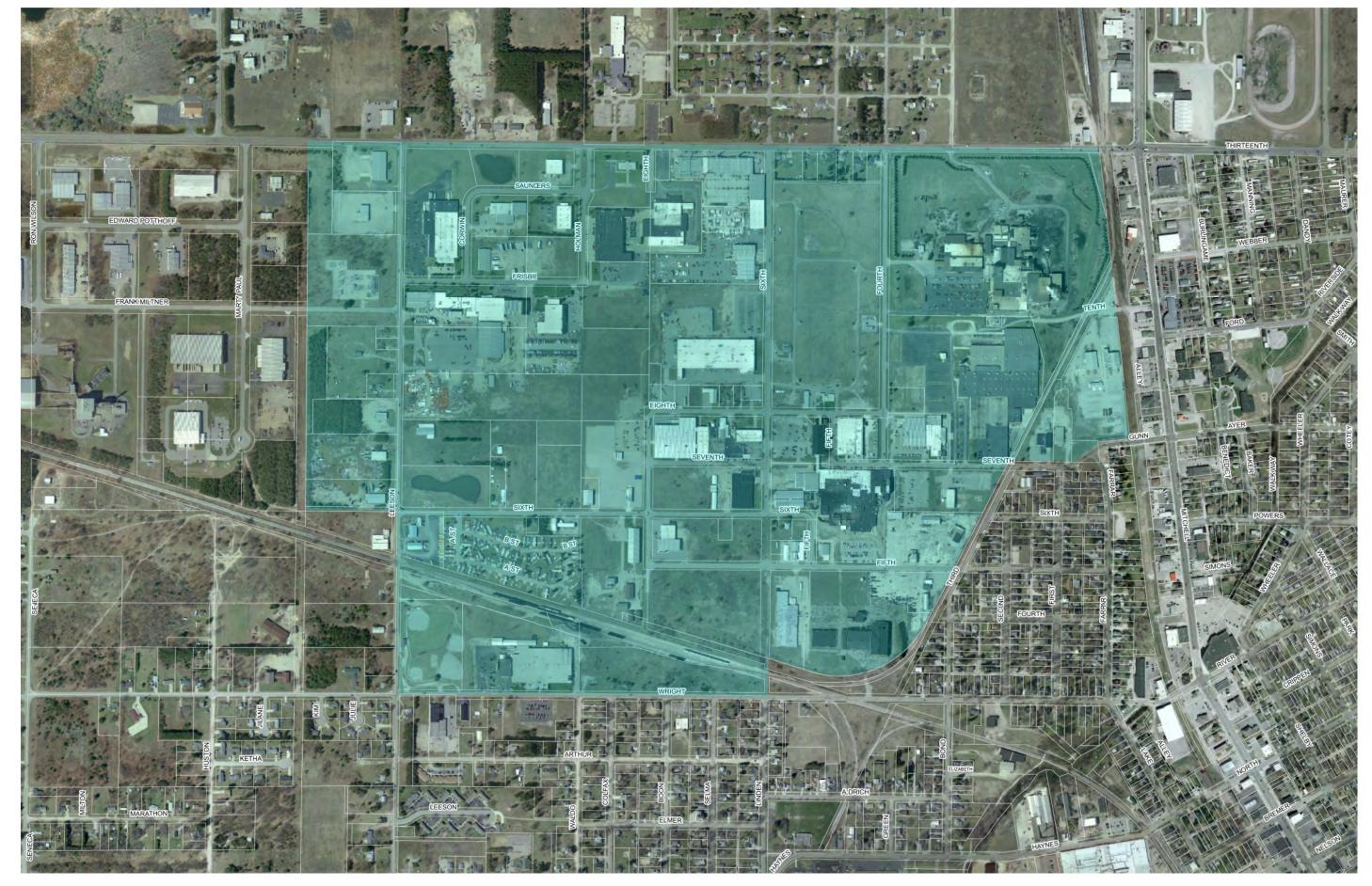
Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. 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 4. Effective Date

This Ordinance sha	all take effect twenty	(20) days after its adoption.
Approved this	day of	, 2018.
Sandra Wasson, C	Clerk	Carla Filkins, Mayor
of Ordinance No.	•	ty of Cadillac, Michigan, do hereby certify that a summary published in the Cadillac News on the day or
, –		
		Sandra Wasson, City Clerk



DATE: 8/16/18

CITY OF CADILLAC EXHIBIT A

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Stephen King Robert J. Engels

NOTICE OF ADOPTION

On September 4, 2018 the City Council of the City of Cadillac adopted Ordinance No. 2018-___, Ordinance Amending Chapter 42, Article II, Division 6 of the Cadillac City Code Regarding Institutional Controls for Kysor Industrial Corporation/Northernaire Plating Company. A true copy of the Ordinance is available for inspection at the offices of the City of Cadillac, located at 200 North Lake Street, Cadillac, Michigan, 49601. Inspections may take place during normal business hours. Members of the public may obtain a copy of the Ordinance for a reasonable charge. The following is a summary of the ordinance:

ORDINANCE AMENDING CHAPTER 42, ARTICLE II, DIVISION 6 OF THE CADILLAC CITY CODE REGARDING INSTITUTIONAL CONTROLS FOR KYSOR INDUSTRIAL CORPORATION/NORTHERNAIRE PLATING COMPANY

Section 1 of the ordinance amends Chapter 42, Article II, Division 6 of the City Code entitled "Institutional Controls for Kysor Industrial Corporation/Northernaire Plating Company" to incorporate additional institutional controls on the Kysor Site restricting groundwater use to prevent exposures and identify the site as Unrestricted Use/Unrestricted Exposure.

Section 2 provides that any section or subsection not expressly amended by the Ordinance shall remain in full force and effect. Should any portion of the Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 3 provides that all other ordinances inconsistent with the provisions of the Ordinance are hereby repealed only to the extent necessary to give the Ordinance full force and effect.

Section 4 provides the effective date of the ordinance.

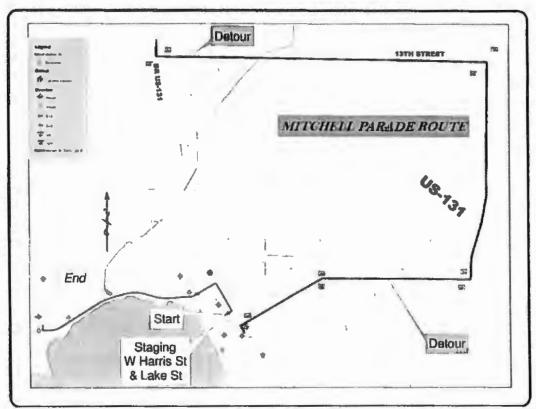
CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

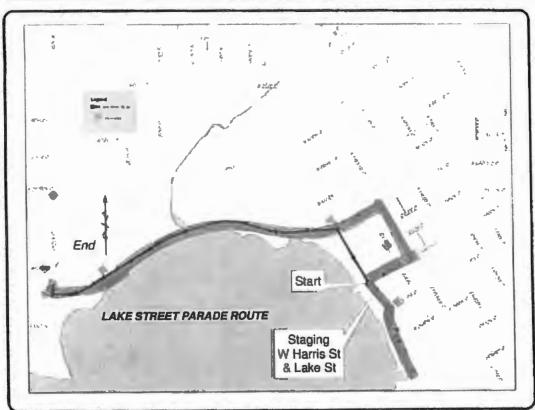
By: Sandra Wasson, City Clerk Cadillac Municipal Complex 200 N. Lake Street Cadillac, Michigan 49601 Telephone No: (231) 775-0181



Today's Date _	07/31/18	
City Received I	Date	

200 N. Lake Street	City Received Date	
Cadillac MI 49601	1	
Phone (231) 775-0181		
www.cadillac-mi.net		
Parade	e Request Form	
Name of Parade Cadillac High	School Homecoming Parade	
Purpose of Parade Homccoming	0	
Requesting Organization Cadillac High	n School	
Contact Person(s) Meagan Hobic		
Contact Person(s) INTEGRAL FIDOR		
	meagan. hobletecadillac. K	
Date of Parade 09 /23/18	Approx. number of participating groups 40	
Requested Route Make Street Mitchell Street	Staging Time 3:30 AM/M	
Starting Time 5:00 AM PM	Ending Time Lo: 60 AM PM	
 Parade requests must be turned in a minimum of Only one (1) parade is allowed per month Parades are only allowed on Holiday mornings, Parades must use one of the designated routes Lake Street Parade Route is preferred so closure Mitchell Street Parade Route is only granted un established, annual parade with 40+ participation Form must be mailed or delivered to the above add	Saturday mornings, or Weekday evenings. (See back side for the two (2) route options) e of US-131 can be avoided der special circumstances. The parade must be a well ng groups. ress or emailed to: javila@cadillac-mi.net (No Faxes accepted) derstand if these are not met the request will be denied.	
Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.		
Streets Date Appro	oved Comments	
	oved Comments	
Fire Date Appro	ovedComments	
Police Date Appro	oved Comments	
Risk Management Date Appro	oved Comments	
	ovedComments	
	oved Comments	
City Council Date Appre	ovedComments	





- Homecoming Parade Route



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

Today's Date	Today's Date	8/20/2018
--------------	--------------	-----------

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date Reason for Request Child Safety Expo Contact Person ___ Chris Koontz Contact Phone 231-775-3114 Contact Email (Koontz @ Cadillac-minet Date: 09 / 1/ / 2018 **Street Closures** Street Name N. Lake Beginning Location w pine/drestrut Ending Location Huntington Bunk Beginning Time 1:00 AM/PM Ending Time 8:00 AM/PM Beginning Location _____ Ending Location _____ Street Name Beginning Time __: __AM/PM Ending Time __: __AM/PM Street Name_____ Beginning Location_____ Ending Location____ Beginning Time __: __AM/PM Ending Time __: _ AM/PM Beginning Location _____ Ending Location ____ Street Name Beginning Time __: __AM/PM Ending Time __: __AM/PM Date 69 / 11 / 2018 **Parking Lot Closures** Lot Location South Lat Street Nearest Cross Street Lake St. Between FD + Harris St. Beginning Time 1:00 AM/PM Ending Time 8:00 AM/PM Street_____Nearest Cross Street___ Lot Location Beginning Time : AM/PM Ending Time : AM/PM Street ____ Nearest Cross Street ___ Lot Location____ Beginning Time __: __AM/PM Ending Time __: __AM/PM Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted) I understand and agree to these requirements & understand if these are not met the request will be denied. Koontz Signature_ Print Name Date 08 /20 / 2018 Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied. For Office Use Only

Date Approved_____

Date Approved____

Date Approved

Date Approved

Date Approved____

Date Approved

Police

Streets

Parks _____

Fire

City Manager_____City Council

Comments_____

Comments_____

Comments

Comments

Comments



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

Today's Date _	10 August

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date			
Reaso	on for Request Pa	ssenger safety for Steam Railroading Institute fall color excursion	
		30t Mathews	
Conta	det i eison		
		Contact Email_	
	Date: 10 / 13 / 2	Street Closures	
	Street Name La	keBeginning Location Cass Ending Location Pine/Chestaut	
		Beginning Time 11:00 AM/PM Ending Time 5:00 AM/PM	
,	Street Name	Beginning Location Ending Location	
		Beginning Time:AM/PM	
	Street Name	Beginning Location Ending Location	
		Beginning Time:AM/PM Ending Time:AM/PM	
	Street Name	Beginning Location Ending Location	
		Beginning Time:AM/PM	
	Date/	/ Parking Lot Closures	
	Lot Location	Street Nearest Cross Street	
		Beginning Time:AM/PM Ending Time:AM/PM	
	Lot Location	Street Nearest Cross Street	
		Beginning Time:AM/PM Ending Time:AM/PM	
Lot Location Street Nearest Cross Street			
	Lot Location	Beginning Time:AM/PM Ending Time:AM/PM	
Form	n must be mailed or d	delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)	
l und	lerstand and agree to	these requirements & understand if these are not met the request will be denied.	
Print Name Bob Mathews Signature Bob Mathews Date 8/10/2018			
Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.			
For Office Use Only			
Stree	ets	Date Approved Comments	
Park	s	Date Approved Comments	
Fire		Date Approved Comments	
	:e		
	Manager		
City	Council	Date Approved Comments	



200 N. Lake Street Cadillac MI 49601 Phone (231) 775-0181 www.cadillac-mi.net Today's Date 8-24-2018

MUST BE OFFICIALLY CAUGAZES ZONS

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date			
Reas	on for Request <u>Cadil</u>	lac Mayor's Youth Council Movie Night in the Park	
Cont	act Person Cindy	Tomeszewski	
		Contact Email_ Ctomaszewskie cadillac-mi, net	4
	Date: 9/15/201	8 Street Closures	
		St. Beginning Location Cass Ending Location Harris	
	Street Name_tune	Beginning Time 7:30 AM/PM Ending Time 11:00 AM/PM	
	Street Name	Beginning Location Ending Location	
	Street Name	Beginning Time:AM/PM Ending Time:AM/PM	
	Street Name		
		Beginning Time:AM/PM Ending Time:AM/PM	
	Street Name	Beginning Location Ending Location	
		Beginning Time:AM/PM Ending Time:AM/PM	
	Date//_	Parking Lot Closures	
	Lot Location	StreetNearest Cross Street	
		Beginning Time :AM/PM Ending Time:AM/PM	
	Lot Location	StreetNearest Cross Street	
		Beginning Time :AM/PM Ending Time:AM/PM	
	Lot Location	StreetNearest Cross Street	
	Lot Location	Beginning Time:AM/PM Ending Time:AM/PM	
Form	must be mailed or deliv	vered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accept	ted)
		ese requirements & understand if these are not met the request will be denied.	,,,
Print	Name Cindy long	Stewski Signature Afonusiensh Date 8/24	118
	,	\bigcirc	
Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.			
****	******	For Office Use Only	++++
Stree	ets	** /	
	s		
Fire		Date Approved Comments	
1116			
Polic	e	Date Approved Comments	
Polic City I	e Manager Council	Date Approved Comments Date Approved Comments	

Undited in a

COUNCIL COMMUNICATION

Re: Appointment to Downtown Development Authority – Brian Kelsey

Brian Kelsey has indicated his interest in being appointed to serve on the Downtown Development Authority. Brian Kelsey would be replacing Dave Gaunt who resigned last month and continuing his term until 6/16/2019.

It is recommended that Brian Kelsey be appointed to the Downtown Development Authority as a member until the term expires on 6/16/2019.



Application for Appointment to Standing and Special Committees, Boards & Commissions

The information provided on this form is for the use of the Cadillac City Council in its deliberation to fill vacancies on standing and special committees, boards and commissions. Applications may be submitted at any time and will be kept on file for a period of one (1) year. In most cases, you must be a resident of the City of Cadillac to serve on its committees, boards and commissions. Exceptions include the DDA, CBOA, LDFA, Clam River Greenway Committee and Brownfield Redevelopment Authority. Applicants may be required to interview with the City Manager for appointment consideration.

To which committee, board or commission are you se	eking appointment? Please check all that apply.	
☐ Airport Authority	☑ Downtown Development Authority	
☐ Board of Review	Economic Development Corporation	
☐ Brownfield Redevelopment Authority	☐ Elected Officials Compensation Commission	
☐ Cadillac Area Council for the Arts	☐ Election Commission	
☐ Cadillac-Wexford Transit Authority	Housing Commission	
Cadillac West Corridor Improvement Authority	Local Development Finance Authority	
☐ Cemetery Board	☐ Planning Commission	
☐ Civil Service Commission	☐ Retirement Board to Administer Act 345	
☐ Clam River Greenway Committee ☐ Historic Districts Commission	☐ Zoning Board of Appeals	
☐ Diggins Hill Tennis Court Fundraising Committee	☐ Construction Board of Appeals	
2 Biggins IIII Telinis Court I dilutusing Committee	□ Other	
Please print or type:		
Name BRIAN KELSEY Address		
Telephone: Home	Business/cell	
mail	Date available for appointment8/15/18	

Please complete the following. You may use additional sheets as needed.



List boards, commissions, committees or community service organizations that you are currently serving or have served upon, offices held, and in what municipality or county.

YMCA BOARD - 2017 TO PRESENT CADILLAC LEADERSHIP - 2016 SPLASH PAD!!

Employment and Education

List any employment experience or education that, in your opinion, best qualifies you for this appointment. List job titles, duties (current and past), level of education and any certificates or degrees you have obtained.

EMPLOYMENT:

CHEMICAL BANK - BANKING CENTER MANAGER - 2014 TO PRESENT BAKER COLLEGE OF CADILLAC - 2009 - 2014

ADJUNCT TEACHING ECONOMICS, FINANCE, AND MANAGEMENT

EDUCATION:

BAKER COLLEGE FOR GRADUATE STUDIES

MASTERS DEGREE - FINANCE

BAKER COLLEGE OF CADILLAC

BACHELOR DEGREE - BUSINESS LEADERSHIP

Have you ever worked for the City of Cadillac? \square Yes \square No If yes, please list dates and names of departments.

Why do you have interest in serving on this board/commission/committee?

BEING BORN AND RAISED IN CADILLAC AND NOW HOLDING A POSITION OF SOME INFLUENCE IN TOWN I HAVE AN INTEREST IN USING MY EDUCATION AND KNOWLEDGE TO BENEFIT MY HOMETOWN.

Personal Rules of law and ethics prohibit appointees from participating in and voting on matters in which they may have a direct or indirect financial interest. Are you aware of any potential conflicts of interest? ☐ Yes ☑ No			
If yes, please indicate potential conflicts.			
Are you aware of the time commitment necessary to you seek appointment, and will you have such time?	serve on the committee, board and/or commission to which ☐ Yes ☐ No		
Please provide information about specific training, you as an appointee to the position you seek.	education, experience or interests you possess that qualify		
EDUCATION AND WORK EXPERIENCE GAI IN FINANCE AND BUSINESS LEADERSHIP	NED IN THE FINANCE SECTOR AS WELL AS FORMAL EDUCATION		
•			
I hereby certify that the preceding information is com-	rect to the best of my knowledge.		
Signature — — — — — — — — — — — — — — — — — — —	Date 8/15/18		
You are invited to attach additional pages, enclose a copy of your résumé or submit supplemental information that you feel may assist in the evaluation of your application.			
	Marcus Peccia, City Manager City of Cadillac 200 N. Lake St. Cadillac MI 49601		

Thank you for giving us the opportunity to consider you for appointment.

COUNCIL COMMUNICATION

Re: Non-Discrimination Ordinance

At the City Council's last meeting in August, a draft ordinance was provided and discussion ensued regarding how best to proceed. Ultimately, it was determined to move forward with the setting of a public hearing for the regularly scheduled Council meeting on September 17, and therefore the following resolution sets the public hearing accordingly.

Recommended Action:

Adopt the resolution to introduce Non-Discrimination Ordinance and set a public hearing for September 17, 2018.

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Robert J. Engels Stephen King

RESOLUTION NO. 2018-____

RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR NON-DISCRIMINATION ORDINANCE

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 4th day of September, 2018, at 6:00 p.m.

PRESENT:	
ABSENT:	
The following preamble and resolution was offered by	and
seconded by .	

WHEREAS, the City wishes to consider an ordinance to add a section to the City Code entitled "Human Relations" that would provide for regulations preventing discrimination within the City regarding employment, housing, public accommodations and public services on the basis of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight; and

WHEREAS, Section 5.2 of the City Charter requires the City to hold a public hearing prior to final adoption of said ordinance and publish notice once at least five (5) days prior to the public hearing.

City of Cadillac Resolution No. 2018-___ Page 2 of 3

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

- Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No.
 Non-Discrimination Ordinance (the "Ordinance," attached as Exhibit A).
- 2. A public hearing regarding the Ordinance shall be held on the 17th day of September, 2018, 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 in a newspaper of general circulation in the City of Cadillac, 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 in 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.

City of Cadillac Resolution No. 2018 Page 3 of 3	
YEAS:	
	e City of Cadillac, hereby certify this to be a true and 018, duly adopted at a meeting of the City Council 018.
	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 Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

ORDINANCE NO. 2018-_

NON-DISCRIMINATION ORDINANCE

THE CITY OF CADILLAC ORDAINS:

Section 1. PURPOSE

It is the policy of the City of Cadillac to exercise its police power in order to ensure public safety, public health, and a person's general welfare. It is the intent of the City that no individual be denied equal protection of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight.

Section 2. ADDITION OF ARTICLE VII TO CHAPTER 2 OF CITY CODE ENTITLED "HUMAN RELATIONS"

The City hereby adds an Article VII to Chapter 2 of the City Code entitled "Human Relations" which shall read, in its entirety, as follows:

ARTICLE VII. - HUMAN RELATIONS

Sec. 2-397. – Definitions.

As used in this Article, the following words and phrases have the following meanings:

Discrimination or discriminate shall mean without limitation, any act which, because of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight results in the unequal treatment or separation of any person, or denies, prevents, limits, adversely affects the benefit or enjoyment of any person, of employment, ownership, or occupancy of real property, or public accommodations and public services.

Sexual Orientation shall mean, emotional, romantic, and/or sexual attractions, or the absence thereof, to people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

Gender Expression shall be defined as a gender-based appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

Gender Identity shall be defined as an individual's internal sense of their own sex and a defining component of sex.

Sec. 2-398. - Prohibition.

No person, corporation, company, association or other entity shall discriminate against any person or persons within the City regarding employment, housing, public accommodations, and public services on the basis of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight. To the extent that this ordinance confers benefits on any classes protected from discrimination under this ordinance, it shall not be construed to be preempted by state or federal statute.

Sec. 2-399. – Exceptions.

Section 2-398 shall not apply to:

- (a) to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the state under Act No. 8 of the Public Act of 1933, being MCL §§ 436.1—436.58, the Michigan Liquor Control Act, as amended.
- (b) a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion.
- (c) the rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling.
- (d) the rental of housing accommodations for not more than three months by the owner or lessor where it was occupied by him/her and maintained as his/her home

for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

- (e) with respect to age only, the sale, rental or lease of housing accommodations meeting the requirements of federal, state or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.
- (f) with respect to gender only, a private educational institution which now or hereafter provides an education to only persons of one gender.

A governmental exemption shall not apply to any action by a governmental entity or agency where a person's qualification is expressly limited by statute, charter, ordinance or policy as otherwise provided at law.

Sec. 2-400. – Complaint Procedures.

- (a) Any person claiming a violation of this chapter shall file a signed, written complaint with the city manager, or his or her designee, setting forth the details, including names, dates, witnesses and other factual matters relevant to the claim, within 180 days of the incident forming the basis of the complaint.
- (b) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this chapter.
- (c) In the course of investigation, the city manager, or his or her designee, may request a person to produce books, papers, records or other documents which may be relevant to an alleged violation of this chapter. If said person does not comply with such request, the city attorney may apply to the Wexford County Circuit Court for an order requiring production of said materials.
- (d) Within 30 days of a written complaint being filed, the city manager, or his or her designee, shall undertake an investigation of any complaint filed in accordance with this section alleging a violation of this chapter not currently recognized or proscribed by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review. After the completion of an investigation, the city manager, or his or her designee, shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this chapter occurred, the city manager, or his or her designee, shall attempt to resolve the matter by conciliation and persuasion or refer the complaint to the city attorney for prosecution in a court of competent jurisdiction.

- (e) Conciliation agreements: In cases involving alleged violations of this Article, the city manager, or his or her designee, may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination.
- (f) The city attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this chapter, to reverse the effects of such discrimination, or to enforce a conciliation agreement.

Sec. 2-401 - Violations, Fines and Penalties.

Any person in violation of any of the provisions of this Article shall be responsible for a municipal civil infraction, and upon a determination or admission of responsibility shall be subject to a civil fine of not more than \$500.00, costs of prosecution and such other costs, damages, expenses, sanctions, and remedies as authorized by law, including but not limited to, the Revised Judicature Act, and specifically MCL 600.8302, as amended. Each day upon which a violation occurs shall constitute a separate and new violation.

Sec. 2-402 - Private Civil Action.

- (a) To the extent allowed by law, an individual who is the victim of discriminatory action in violation of this chapter may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this Article.
- (b) As used in subsection (a), "damages" means damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees.
- (c) Private actions and remedies under this section shall be in addition to any actions for violations which the City may take.

Sec. 2-403 – Interpretation.

This Non-Discrimination ordinance shall not be read to prohibit or interfere with a person's, or religious institution's, free exercise of religion as protected by the First Amendment to the United States Constitution and Article 1, Section 4, of the Michigan Constitution.

Section 3. SEVERABILITY

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

Section 4. REPEALER

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

Section 5. EFFECTIVE DATE

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

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Stephen King Robert J. Engels

NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on September 17, 2018, at 6:00 p.m., at a Meeting of the City Council, to consider the adoption of Ordinance No. 2018-__, Non-Discrimination Ordinance. 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 any such 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.

NON-DISCRIMINATION ORDINANCE

Section 1 of the proposed ordinance states the purpose of the ordinance.

Section 2 of the proposed ordinance adds an Article VII to Chapter 2 of the City Code entitled "Human Relations" which provides regulations and procedures for the prevention of discrimination in the City including complaint procedures and sanctions.

Section 3 provides that any section or subsection not expressly amended by the Ordinance shall remain in full force and effect. Should any portion of the Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 4 provides that all other ordinances inconsistent with the provisions of the Ordinance are hereby repealed only to the extent necessary to give the Ordinance full force and effect.

Section 5 provides the effective date of the ordinance.

CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk Cadillac Municipal Complex 200 N. Lake Street Cadillac, Michigan 49601 Telephone No: (231) 775-0181

Council Communication

RE: Resolution to Approve Project Agreement with Michigan Department of Natural Resources for Cadillac Trailhead Grant

The Trailhead at Cadillac Commons is the third new community gathering space that is part of Cadillac Commons. When completed it will join The Plaza and The Market at Cadillac Commons, along with the City Park and the Cadillac Rotary Performing Arts Pavilion.

As the conceptual renderings show, the Trailhead project approved by the Michigan Department of Natural Resources (MDNR) includes the extension of the White Pine Trail from South and Lake Streets to the corner of Cass and Lake Streets, in addition to providing the community with a new trailhead that will include various amenities such as parking for both bicycles and automobiles, wayfinding, picnic areas, and a bike repair station.

On March 20, 2017 the City Council approved a Resolution of Support for the White Pine Trail Extension & Trailhead grant as required by the MDNR, which is included in this packet. Now that the grant is awarded, the MDNR requires the City Council to pass a resolution to approve the Development Project Agreement. The agreement stipulates the terms of the grant and reaffirms the City's commitment to the grant and the 30% matching funds.

The MDNR has been a wonderful community partner for many years. Most recently, the Department provided a 50/50 grant for the construction of new restroom facilities at Kenwood Park. This latest collaboration is another example of their incredible commitment and willingness to assist in Cadillac projects.

Recommended Action

It is recommended that the City Council adopt the resolution to approve the Development Project Agreement for the Michigan Natural Resources Trust Fund Project Number TF17-0091 for the Cadillac Trailhead Project.

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers
Tiyi Schippers
Robert Engels
Stephen King

RESOLUTION NO. 2018-XXXX

RESOLUTION TO APPROVE DEVELOPMENT PROJECT AGREEMENT FOR MICHIGAN NATURAL RESOURCES TRUST FUND PROJECT NUMBER: TF17-0091 PROJECT TITLE: CADILLAC TRAILHEAD

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 4th day of September, 2018, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: _	
ABSENT:	

The following resolution was offered by XXXXXX and seconded by XXXXXX:

RESOLVED, that the City of Cadillac, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Cadillac, Michigan does hereby specifically agree, but not by way of limitation, as follows:

- 1. To appropriate all funds necessary to complete the project during the project period and to provide the sum of One Hundred Thirteen Thousand Seven Hundred dollars and Zero Cents (\$113,700.00) to match the grant authorized by the DEPARTMENT.
- 2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.

City of Cadillac Resolution No. 2018-XXXX Page 2 of 2

- 3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
- 4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
- 5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

YEAS: COUNCIL MEMBEI	₹S:		
NAYS:			
NA13			
STATE OF MICHIGAN)		
)		
COUNTY OF WEXFORD	í		
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I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2018-XXXX relative to the Agreement with the Michigan Department of Natural Resources, duly adopted at a regular meeting of the City Council held on the 4th day of September, 2018.

Sandra Wasson Cadillac City Clerk September 5, 2018



Michigan Department of Natural Resources - Grants Management

Michigan Natural Resources Trust Fund Development Project Agreement

Project Number: TF17-0091

Project Title: Cadillac Trailhead

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and the <u>City of Cadillac IN THE COUNTY OF Wexford County</u> ("GRANTEE"). The DEPARTMENT has authority to issue grants to local units of government for the development of public outdoor recreation facilities under Part 19 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended. The GRANTEE has been approved by the Michigan Natural Resources Trust Fund (MNRTF) Board of Trustees (BOARD) to receive a grant. In PA 165 of 2018, the Legislature appropriated funds from the MNRTF to the DEPARTMENT for a grant-in-aid to the GRANTEE. As a precondition to the effectiveness of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments by 08/04/2018.

- 1. The legal description of the project area (APPENDIX A); boundary map of the project area (APPENDIX B); and Recreation Grant application bearing the number **TF17-0091** (APPENDIX C) are by this reference made part of this Agreement. The Agreement together with the referenced appendices constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
- 2. The time period allowed for project completion is **06/05/2018 through 06/30/2020**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to this Agreement.
- 3. This Agreement shall be administered on behalf of the DEPARTMENT through Grants Management. All reports, documents, or actions required of the GRANTEE shall be submitted through the MiRecGrants website unless otherwise instructed by the DEPARTMENT.
- 4. The words "project area" shall mean the land and area described in the attached legal description (APPENDIX A) and shown on the attached boundary map (APPENDIX B).
- 5. The words "project facilities" shall mean the following individual components, as further described in APPENDIX C.

Bench

Bike Rack

Drinking Fountain

Lighting

Landscaping

Paved Parking Lot

Picnic Table

Recycle Bin(s)

Shelter

Michigan Natural Resources Trust Fund Development Project Agreement

Signage
Trail 6' wide or more
Entrance Drive
Utilities
Trash Bin(s)
Arch Structure
Bike repair station
Bike storage locker

- 6. The DEPARTMENT agrees as follows:
 - a. To grant to the GRANTEE a sum of money equal to Seventy (70%) Percent of <u>Three Hundred Seventy Eight Thousand Nine Hundred (\$378,900.00) dollars and Zero Cents</u>, which is the total eligible cost of construction of the project facilities including engineering costs, but in any event not to exceed <u>Two Hundred Sixty Five Thousand Two Hundred (\$265,200.00) dollars and Zero Cents</u>.
 - b. To grant these funds in the form of reimbursements to the GRANTEE for eligible costs and expenses incurred as follows:
 - i. Payments will be made on a reimbursement basis at <u>Seventy (70%) Percent</u> of the eligible expenses incurred by the GRANTEE up to 90% of the maximum reimbursement allowable under the grant.
 - ii. Reimbursement will be made only upon DEPARTMENT review and approval of a complete reimbursement request submitted by the GRANTEE through the MiRecGrants website, including but not limited to copies of invoices, cancelled checks, and/or list of force account time and attendance records.
 - iii. The DEPARTMENT shall conduct an audit of the project's financial records upon approval of the final reimbursement request by DEPARTMENT staff. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for reimbursement.
 - iv. Final payment will be released upon completion of a satisfactory audit by the DEPARTMENT and documentation that the GRANTEE has erected an MNRTF sign in compliance with Section 7(j) of this Agreement.

7. The GRANTEE agrees as follows:

- a. To immediately make available all funds needed to incur all necessary costs required to complete the project and to provide <u>One Hundred Thirteen Thousand Seven Hundred (\$113,700.00)</u> <u>dollars and Zero Cents</u> in local match. This sum represents <u>Thirty(30%) Percent</u> of the total eligible cost of construction including engineering costs. Any cost overruns incurred to complete the project facilities called for by this Agreement shall be the sole responsibility of the GRANTEE.
- b. With the exception of engineering costs as provided for in Section 8, to incur no costs toward completion of the project facilities before execution of this Agreement and before written DEPARTMENT approval of plans, specifications and bid documents.
- c. To complete construction of the project facilities to the satisfaction of the DEPARTMENT and to

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comply with the development project procedures set forth by the DEPARTMENT in completion of the project, including but not limited to the following:

- i. Retain the services of a professional architect, landscape architect, or engineer, registered in the State of Michigan to serve as the GRANTEE'S Prime Professional. The Prime Professional shall prepare the plans, specifications and bid documents for the project and oversee project construction.
- ii. Within 180 days following execution of this Agreement by the GRANTEE and the DEPARTMENT and before soliciting bids or quotes or incurring costs other than costs associated with the development of plans, specifications, or bid documents, provide the DEPARTMENT with plans, specifications, and bid documents for the project facilities, sealed by the GRANTEE'S Prime Professional.
- iii. Upon written DEPARTMENT approval of plans, specifications and bid documents, openly advertise and seek written bids for contracts for purchases or services with a value equal to or greater than \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
- iv. Upon written DEPARTMENT approval of plans, specifications and bid documents, solicit three (3) written quotes for contracts for purchases or services between \$2,500 and \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
- v. Maintain detailed written records of the contracting processes used and to submit these records to the DEPARTMENT upon request.
- vi. Complete construction to all applicable local, state and federal codes, as amended; including the federal Americans with Disabilities Act (ADA) of 2010, as amended; the Persons with Disabilities Civil Rights Act, Act 220 of 1976, as amended; the Playground Equipment Safety Act, P.A. 16 of 1997, as amended; and the Utilization of Public Facilities by Physically Limited Act, P.A. 1 of 1966, as amended; the Elliott-Larsen Civil Rights Acts, Act 453 of 1976, as amended.
- vii. Bury all new telephone and electrical wiring within the project area.
- viii. Correct any deficiencies discovered at the final inspection within 90 days of written notification by the DEPARTMENT. These corrections shall be made at the GRANTEE'S expense and are eligible for reimbursement at the discretion of the DEPARTMENT and only to the degree that the GRANTEE'S prior expenditures made toward completion of the project are less than the grant amount allowed under this Agreement.
- d. To operate the project facilities for a minimum of their useful life as determined by the DEPARTMENT, to regulate the use thereof to the satisfaction of the DEPARTMENT, and to appropriate such monies and/or provide such services as shall be necessary to provide such adequate maintenance.
- e. To provide to the DEPARTMENT for approval, a complete tariff schedule containing all charges to be assessed against the public utilizing the project area and/or any of the facilities constructed thereon, and to provide to the DEPARTMENT for approval, all amendments thereto before the

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effective date of such amendments. Preferential membership or annual permit systems are prohibited on grant assisted sites, except to the extent that differences in admission and other fees may be instituted on the basis of residence. Nonresident fees shall not exceed twice that charged residents. If no resident fees are charged, nonresident fees may not exceed the rate charged residents at other comparable state and local public recreation facilities.

- f. To adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before the effective date thereof.
- g. To separately account for any revenues received from the project area which exceed the demonstrated operating costs and to reserve such surplus revenues for the future maintenance and/or expansion of the GRANTEE'S park and outdoor recreation program.
- h. To furnish the DEPARTMENT, upon request, detailed statements covering the annual operation of the project area and/or project facilities, including income and expenses and such other information the DEPARTMENT might reasonably require.
- i. To maintain the premises in such condition as to comply with all federal, state, and local laws which may be applicable and to make any and all payments required for all taxes, fees, or assessments legally imposed against the project area.
- j. To erect and maintain a sign on the property which designates this project as one having been constructed with the assistance of the MNRTF. The size, color, and design of this sign shall be in accordance with DEPARTMENT specifications.
- k. To conduct a dedication/ribbon-cutting ceremony as soon as possible after the project is completed and the MNRTF sign is erected within the project area. At least 30 days prior to the dedication/ribbon-cutting ceremony, the DEPARTMENT must be notified in writing of the date, time, and location of the dedication/ribbon-cutting ceremony. GRANTEE shall provide notice of ceremony in the local media. Use of the grant program logo and a brief description of the program are strongly encouraged in public recreation brochures produced by the GRANTEE. At the discretion of the DEPARTMENT, the requirement to conduct a dedication/ribbon-cutting ceremony may be waived.
- 8. Only eligible costs and expenses incurred toward completion of the project facilities after execution of the Project Agreement shall be considered for reimbursement under the terms of this Agreement. Eligible engineering costs incurred toward completion of the project facilities beginning January 1, 2018 and throughout the project period are also eligible for reimbursement. Any costs and expenses incurred after the project period shall be the sole responsibility of the GRANTEE.
- 9. To be eligible for reimbursement, the GRANTEE shall comply with the DEPARTMENT requirements. At a minimum, the GRANTEE shall:
 - a. Submit a written progress report every 180 days during the project period.
 - b. Submit complete requests for partial reimbursement when the GRANTEE is eligible to request at least 25 percent of the grant amount and construction contracts have been executed or construction by force account labor has begun.

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- c. Submit a complete request for final reimbursement within 90 days of project completion and no later than <u>09/30/2020</u>. If the GRANTEE fails to submit a complete final request for reimbursement by <u>09/30/2020</u>, the DEPARTMENT may audit the project costs and expenses and make final payment based on documentation on file as of that date or may terminate this Agreement and require full repayment of grant funds by the GRANTEE.
- 10. During the project period, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before adding, deleting or making a significant change to any of the project facilities as proposed. Approval of changes is solely at the discretion of the DEPARTMENT. Furthermore, following project completion, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before implementing a change that significantly alters the project facilities as constructed and/or the project area, including but not limited to discontinuing use of a project facility or making a significant change in the recreational use of the project area. Changes approved by the DEPARTMENT pursuant to this Section may also require prior approval of the BOARD, as determined by the DEPARTMENT.
- 11. All project facilities constructed or purchased by the GRANTEE under this Agreement shall be placed and used at the project area and solely for the purposes specified in APPENDIX C and this Agreement.
- 12. The project area and all facilities provided thereon and the land and water access ways to the project facilities shall be open to the general public at all times on equal and reasonable terms. No individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, height, weight, familial status, marital status, or disability.
- 13. Unless an exemption has been authorized by the DEPARTMENT pursuant to this Section, the GRANTEE hereby represents that it possesses fee simple title, free of all liens and encumbrances, to the project area. The fee simple title acquired shall not be subject to: 1) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or 2) to any reservations or prior conveyance of coal, oil, gas, sand, gravel or other mineral interests. For any portion of the project area that the GRANTEE does not possess in fee simple title, the GRANTEE hereby represents that it has:
 - a. Supplied the DEPARTMENT with an executed copy of the approved lease or easement, and
 - b. Confirmed through appropriate legal review that the terms of the lease or easement are consistent with GRANTEE'S obligations under this Agreement and will not hinder the GRANTEE'S ability to comply with all requirements of this Agreement. In no case shall the lease or easement tenure be less than 20 years from the date of execution of this Agreement.
- 14. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area or project facilities included in this Agreement.
- 15. None of the project area, nor any of the project facilities constructed under this Agreement, shall be wholly or partially conveyed in perpetuity, either in fee, easement or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the lease title, ownership, or right of maintenance or control by the GRANTEE except with the written approval and consent of the DEPARTMENT. The GRANTEE shall regulate the use of the project area to the satisfaction of the DEPARTMENT.

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- 16. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting effect on the supply of outdoor recreation, scenic beauty sites, and recreation facilities beyond the financial contribution alone and permanently commits the project area to Michigan's outdoor recreation estate, therefore:
 - a. The GRANTEE agrees that the project area or any portion thereof will not be converted to other than public outdoor recreation use without prior written approval by the DEPARTMENT and the BOARD and implementation of mitigation approved by the DEPARTMENT and the BOARD, including but not limited to replacement with land of similar recreation usefulness and fair market value.
 - b. Approval of a conversion shall be at the sole discretion of the DEPARTMENT and the BOARD.
 - c. Before completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory public outdoor recreation area.
- 17. Should title to the lands in the project area or any portion thereof be acquired from the GRANTEE by any other entity through exercise of the power of eminent domain, the GRANTEE agrees that the proceeds awarded to the GRANTEE shall be used to replace the lands and project facilities affected with outdoor recreation lands and project facilities of equal or greater fair market value, and of reasonably equivalent usefulness and location. The DEPARTMENT and BOARD shall approve such replacement only upon such conditions as it deems necessary to assure the replacement by GRANTEE of other outdoor recreation properties and project facilities of equal or greater fair market value and of reasonably equivalent usefulness and location. Such replacement land shall be subject to all the provisions of this Agreement.

18. The GRANTEE acknowledges that:

- a. The GRANTEE has examined the project area and has found the property safe for public use or actions will be taken by the GRANTEE before beginning the project to assure safe use of the property by the public, and
- b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area and project facilities, and that responsibility for actions taken to develop, operate, or maintain the property is solely that of the GRANTEE, and
- c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in developing same.
- 19. The GRANTEE assures the DEPARTMENT that the proposed State-assisted action will not have a negative effect on the environment and, therefore, an Environmental Impact Statement is not required.
- 20. The GRANTEE hereby acknowledges that this Agreement does not require the State of Michigan to issue any permit required by law to construct the outdoor recreational project that is the subject of this Agreement. Such permits include, but are not limited to, permits to fill or otherwise occupy a floodplain, and permits required under Parts 301 and 303 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts 451 of 1994, as amended. It is the sole responsibility of the GRANTEE to

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determine what permits are required for the project, secure the needed permits and remain in compliance with such permits.

- 21. Before the DEPARTMENT will approve plans, specifications, or bid documents; or give written approval to the GRANTEE to advertise, seek quotes, or incur costs for this project, the GRANTEE must provide documentation to the DEPARTMENT that indicates either:
 - a. It is reasonable for the GRANTEE to conclude, based on the advice of an environmental consultant, as appropriate, that no portion of the project area is a facility as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended; or
 - b. If any portion of the project area is a facility, documentation that Department of Natural Resources-approved response actions have been or will be taken to make the site safe for its intended use within the project period, and that implementation and long-term maintenance of response actions will not hinder public outdoor recreation use and/or the resource protection values of the project area.
- 22. If the DEPARTMENT determines that, based on contamination, the project area will not be made safe for the planned recreation use within the project period, or another date established by the DEPARTMENT in writing, or if the DEPARTMENT determines that the presence of contamination will reduce the overall usefulness of the property for public recreation and resource protection, the grant may be cancelled by the MNRTF Board with no reimbursement made to the GRANTEE.
- 23. The GRANTEE shall acquire and maintain insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts may hold them liable. Such insurance shall be with companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
- 24. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
- 25. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or any other rights, whether specific or general rights, including appurtenant riparian rights, to and in the project area of any lands connected with or affected by this project.
- 26. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
- 27. Failure by the GRANTEE to comply with any of the provisions of this Agreement shall constitute a

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material breach of this Agreement.

- 28. Upon breach of the Agreement by the GRANTEE the DEPARTMENT, in addition to any other remedy provided by law, may:
 - a. Terminate this Agreement; and/or
 - b. Withhold and/or cancel future payments to the GRANTEE on any or all current recreation grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
 - c. Withhold action on all pending and future grant applications submitted by the GRANTEE under the Michigan Natural Resources Trust Fund and the Land and Water Conservation Fund; and/or
 - d. Require repayment of grant funds already paid to GRANTEE.
 - e. Require specific performance of the Agreement.
- 29. The GRANTEE agrees that the benefit to be derived by the State of Michigan from the full compliance by the GRANTEE with the terms of this Agreement is the preservation, protection and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State of Michigan by way of assistance under the terms of this Agreement. The GRANTEE agrees that after final reimbursement has been made to the GRANTEE, repayment by the GRANTEE of grant funds received would be inadequate compensation to the State for any breach of this Agreement. The GRANTEE further agrees therefore, that the appropriate remedy in the event of a breach by the GRANTEE of this Agreement after final reimbursement has been made shall be the specific performance of this Agreement.
- 30. Prior to the completion of the project facilities, the GRANTEE shall return all grant money if the project area or project facilities are not constructed, operated or used in accordance with this Agreement.
- 31. The GRANTEE agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status or disability that is unrelated to the person's ability to perform the duties of a particular job or position. The GRANTEE further agrees that any subcontract shall contain non-discrimination provisions which are not less stringent than this provision and binding upon any and all subcontractors. A breach of this covenant shall be regarded as a material breach of this Agreement.
- 32. The DEPARTMENT shall terminate and recover grant funds paid if the GRANTEE or any subcontractor, manufacturer, or supplier of the GRANTEE appears in the register compiled by the Michigan Department of Labor and Economic Growth pursuant to Public Act No. 278 of 1980.
- 33. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.
- 34. The rights of the DEPARTMENT under this Agreement shall continue in perpetuity.
- 35. The Agreement may be executed separately by the parties. This Agreement is not effective until:

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a. The GRANTEE has signed the Agreement and returned it together with the necessary attachments within 60 days of the date the Agreement is issued by the DEPARTMENT, and

Michigan Natural Resources Trust Fund Development Project Agreement

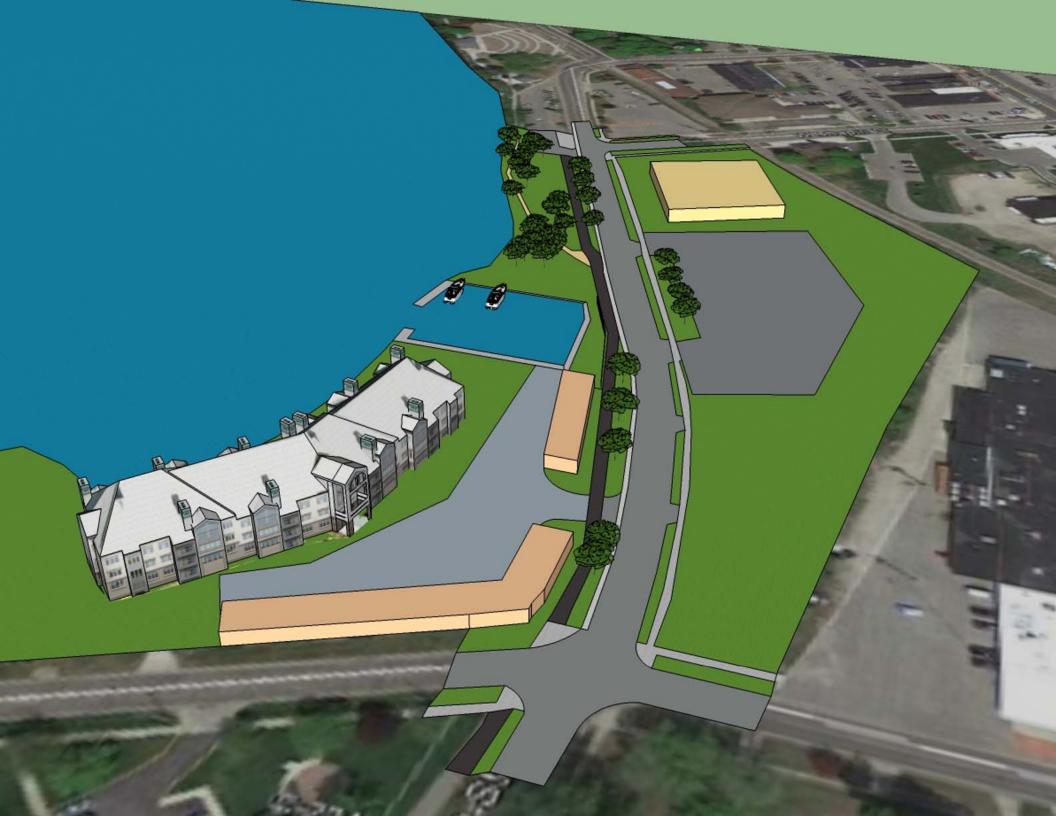
have hereunto set their hands ar	nd seals, on this date.
Approved by resolution (true copy attach	ed) of the, date
meeting of the	
(special or regular)	(name of approving body)
GRANTEE	
<u>SIGNED</u> :	
By:	
Print Name:	
Title:	
Date:	
Grantee's Federal ID# 38-6004541	
MICHIGAN DEPARTMENT OF NATURAL RESC	DURCES AND ENVIRONMENT
<u>SIGNED</u> :	
By: Dan Lord	
Title: Manager, Grants Management	
Date:	

b. The DEPARTMENT has signed the Agreement. IN WITNESS WHEREOF, the parties hereto

SAMPLE RESOLUTION (Development)

	Upon motion made by		, seconded by	, the	
followir	ng Resolution was adopted:				
			, Michigan, does hereby accept t tural Resources, and that the ly agree, but not by way of limitation, a		
1.	To appropriate all funds necessary DEPARTMENT.		roject during the project period and to p) dollars to match the grant authorized		
2.	To maintain satisfactory financia DEPARTMENT for auditing at re		nts, and records to make them available	e to the	
3.	. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.				
4.	To regulate the use of the facility the public on equal and reasona		served under this Agreement to assure	the use thereof by	
5.	To comply with any and all terms portions of this Resolution."	s of said Agreement	including all terms not specifically set fo	orth in the foregoing	
	llowing aye votes were recorded:				
STATE	OF MICHIGAN)				
COUN) ss TY OF)				
			, Michigan, lative to the Agreement with the Michig at a		
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Date









200 North Lake Street • Cadillac, Michigan 49601 231.775.0181• fax 231.775.8755 www.cadillac-mi.net

RESOLUTION OF SUPPORT WHITE PINE TRAIL EXTENSION & TRAILHEAD CITY COUNCIL CADILLAC, MI

WHEREAS, outdoor recreation is critical to the city's quality of life and to the health and welfare of its citizens and guests; and,

WHEREAS, the City of Cadillac has recognized the importance of providing for bicycling facilities by including the White Pine Trail extension and Trailhead in its recreation plan; and,

WHEREAS, the Cadillac Rotary Club has chosen to make the White Pine Trail extension and Trailhead project a focus of their fundraising for this year; and,

WHEREAS, the Downtown Development Authority, Chamber of Commerce, Visitors Bureau, Cadillac Area Community Foundation, local representatives with the Michigan Department of Natural Resources with development help from the National Park Service and the American Society of Landscape Architects prepared a design concept; and,

WHEREAS, the cost of extending the White Pine Trail and constructing a new trailhead in downtown Cadillac near the City Park is estimated at \$378,800.00; and,

WHEREAS, the Michigan Department of Natural Resources provides funding assistance for the development of recreational facilities through the Michigan Natural Resources Trust Fund; and,

WHEREAS, the City of Cadillac requires financial assistance to realize its goal of designing and constructing the White Pine Trailhead.

NOW, THEREFORE, BE IT RESOLVED, the Cadillac City Council hereby approves the filing of a grant application with the Michigan Department of Natural Resources under the Natural Resources Trust Fund in the amount of \$265,160 (70% of total project cost) with the funds to be used for the design and construction of a universally-accessible trailhead and the extension of the non-motorized White Pine Trail in the City of Cadillac; and,

BE IT FURTHER RESOLVED, the Cadillac City Council hereby approves a local match of \$113,640.00 (30% of total project cost) for the White Pine Trail and trailhead project as required by the Natural Resources Trust Fund Grant Program.

This is to certify the above resolution was approved by the Cadillac City Council at a regularly scheduled meeting held March 20, 2017.

By: Mola Wasser

Sandra Wasson

City Clerk, City of Cadillac

Date: <u>March 20, 2017</u>



MEETING MINUTES Cadillac Zoning Board of Appeals 5:30 P.M. February 15, 2018

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on February 15, 2018.

ROLL CALL

MEMBERS PRESENT: Allen, Nichols, Ault, Bontrager, Genzink, Walkley

MEMBER ABSENT: Knight, Paveglio

STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Bontrager to approve the February 15, 2018 agenda. Supported by Walkley. The motion was unanimously approved on a roll call vote.

APPROVE THE DECEMBER 21, 2017 MEETING MINUTES

Motion by Genzink to approve the December 21, 2017 meeting minutes as presented. Support by Bontrager. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy.

PUBLIC HEARINGS

A Variance Application from Cainen Gilde, HeyHun Holdings, LLC for the property located at 838 North Mitchell Street. Mr. Gilde is asking for a building square footage variance to increase the size of the current 9,000 square foot building up to 12,744 square feet. The total square footage of the three lots is 30,900 square feet so the new building will take up between 41 and 42 percent of the total property square footage.

His intent is to purchase an Ace Hardware franchise. He has a purchase agreement for the property that is dependent on both Zoning Board of Appeals and Planning Commission review and approval.

APPLICANT

Cainen Gilde 7197 Jamie Drive McBain, MI 49657

Mr. Gilde attended along with Lorri King, President of Cadillac Title Co.

SITE AND ZONING

The property site is described as; LOT 7, LOTS 8 & 9, LOT & VAC ALLEY W OF LOT 10 BLK 213 CHITTENDEN & WHEELERS ADDITION, CITY OF CADILLAC (Tax Identification Number 10-048-00-010-00, 10-048-00-007-00, 10-048-00-008-00). As noted, the common address is 838 N. Mitchell, Street, Cadillac, MI

Using a power point he showed pictures of the current view from south of the building. Coy also had a concept of the building's appearance and site plan on a board for public viewing.

many nonconforming sized lots in this neighborhood.

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

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

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

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

Finding – The variance request is not anticipated to impact traffic volumes. The most recent MDOT traffic count along North Mitchell Street between River Street and 13th Street is an average of 16,282 vehicles per day.

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

Finding – The requested variance is not anticipated to increase the danger of fire or endanger the public safety. The construction will need to meet all Michigan Commercial Construction Code and Michigan Fire Code requirements before a Certificate of Occupancy will be issued.

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

Finding – The requested variance is not anticipated to unreasonably diminish or impair established property values within the surrounding area. The proposed improvements may increase surrounding property values.

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

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

Variances need to be reviewed according to Section 46-664(j) from the City Code of Ordinances. Specifically Sec. 46-664(j)(3)(d) reads "Before a variance is granted, it must be shown that the alleged hardships or particular peculiar difficulties of the person requesting the variance result from conditions which do not exist generally throughout the city."

Finding – There are many existing nonconformities with setbacks and lot dimensions within the immediate neighborhood and surrounding properties.

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site and a notice of the hearing was placed in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date.

Coy spoke of a conversation he had with the manager of the convenience store immediately south of 838 N. Mitchell Street and the support from the store owner for this project. Also there is a letter of support from the Cadillac Downtown Development Authority and a letter of support from Marcus Peccia, Cadillac City Manager.

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

Nichols opened the meeting for questions.

Mr. Gilde spoke and felt the information given by Coy was accurate. He added that he has spoken with two of the neighbors who both were happy to hear improvements to property in the neighborhood were planned. He specifically talked with property owner to the east about the overgrown vegetation between their properties. He said he will be trimming trees and overgrown bushes which will clean up both properties.

Allen asked if Mr. Gilde is willing to remove the pole sign. Gilde said yes. Allen also asked about where snow will be placed when plowed. Gilde showed the location where snow will be moved to on the site plan.

Nichols added that he felt parking was sufficient and this would be a positive improvement on North Mitchell Street and the neighborhood. Bontrager concurred that this is a welcome improvement and the city needs a hardware store in town.

A question was asked about the construction schedule. Gilde said Orshal Construction will be the contractor and that construction should start in the spring and possibly be completed in late June.

Genzink made a motion to approve the variance request with the condition that the current pole sign along North Mitchell Street be moved or removed and to allow for the current building to be expanded up to 42 percent of the combined three properties square footage. Support by Ault. The motion was unanimously approved on a roll call vote.

ELECTION OF OFFICERS

Walkley made a motion to nominate Louis Nichols as Chairperson and Shari Ault as Vice Chairperson for the year 2018. Support by Bontrager. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENTS - NONE

BOARD MEMBER COMMENTS – NONE

ADJOURN

Chairperson Nichols adjourned the meeting at 5:58.



MEETING MINUTES THE CADILLAC HISTORIC DISTRICTS COMMISSION (HDC) JULY 9, 2018

An official meeting was held on July 9, 2018 at the Cadillac Administrative Offices, 200 N. Lake Street, Cadillac, MI.

Roll Call

The meeting started at 5:02

Commission Members Present: Carder, Birtles, Dubravec, Engels, and Snider

Absent: Iehl

Staff Present: Coy, Wallace

Approval of the July 9, 2018 Meeting Agenda

A motion was made by Dubravec, support by Engels to approve the agenda. It was passed with unanimous support.

Public Comments

None

Approval of the June 11, 2017Meeting Minutes

A motion was made by Engels to approve the June 11, 2017 minutes. Support by Dubravec. Approval of the June 9, 2017 minutes passed with unanimous support.

New Business

a) Work application for the replacement of asphalt shingles on the roof and accessory structure in the rear yard at 455 East Cass Street. 455 East Cass St. is owned by Nathan Johnson. Nathan purchased the home recently. Using the overhead screen Coy showed pictures of the home from the front and rear. The pictures from the alley looking south show an in-ground pool that's not been maintained in years and the accessory structure has a blue tarp covering part of the roof to keep rain out. The accessory building walls are made of particle board. The State of Michigan Historic Survey considers this home a contributing structure adding to the historic integrity of the Courthouse Hill Historic District. It was built in 1908 in the Prairie School architectural style. Mr. Johnson was present for the meeting.

Coy spoke and added that the in-ground pool Mr. Johnson intends to have removed and filled in. Removing an in-ground pool does not require HDC approval. He also plans to repair the accessory structure in the rear yard. He turned the meeting over for questions. Snider asked about the brand of shingle to be used. Johnson said it's a Landmark Certainteed shingle and will have a rolled roof underlay.

Dubravec asked if there is rotting under the edge of the eves and will he be able to duplicate the curved look? Johnson said the intent is to not change it. There does not appear to be any damage under the eve's. He added that he can't guarantee there's no damage under the shingles but if so he'll try to have the contractor duplicate the look. Engels added that she feels the curved look is important for the home to maintain its historic look.

It was added that when he's ready to make changes to the accessory structure that he will need to come back before this commission for review of the plan.

A motion was made by Birtles, supported by Snider to allow Mr. Johnson to replace the current asphalt shingles with a similar asphalt shake shingle keeping the architectural lines along the eve that give the roof line its curved look. The motion passed with unanimous support.

Old Business - None

<u>Tabled Items</u> – None

<u>Informational Items</u> –

Commissioner Comments –

Adjourn – The meeting ended at 5:17 pm,

Minutes

Downtown Development Authority (DDA) Business Improvement District (BID) Board

SPECIAL Meeting May 2, 2018

A SPECIAL meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held on Wednesday, May 2, 2018 at 8:00 a.m. in the Municipal Complex Conference Room, 200 N. Lake St., Cadillac, Michigan.

MEMBERS PRESENT: Cinco, Coffey, Crawley, Huckle, LeVand, Peccia

STAFF PRESENT: Wallace, Cornell

GUEST: Mac McClelland, CBRA Consultant, Otwell Mawby, P.C.

CALL TO ORDER Meeting was called to order by Chairman LeVand at 8:00 a.m.

MINUTES/REPORTS

Motion by Coffey, seconded by Cinco to approve the minutes of the April 25, 2018 meeting. Motion passed unanimously.

NEW BUSINESS – Facade grant loan application, Cainen Gilde, 838 N. Mitchell Street.

Wallace presented the cost estimate for improvements from Orshal Construction in the amount of \$64,900.00. Cadillac's façade program covers \$30,000.00 (\$10,000 City and \$20,000 bank). There was discussion on whether to assign the loan to a specific part versus anything in the quote.

Peccia stated that the legislative approval from the DDA would open up our opportunity to complete the paperwork with the bank and property owner. Levand asked if the DDA could approve the loan application but assign a part of the City's \$10,000 portion to something specific if that were deemed necessary at a later date. Peccia said it could. Motion by Huckle to approve the façade grant loan for 838 N. Mitchell Street. Motion seconded by Coffey. Passed unanimously.

Peccia stated that the Michigan Economic Development Corporation announced on behalf of the Michigan Strategic Fund that there is a new façade grant program available called a Façade Restoration Initiative, available specifically for agencies such as DDAs, to apply for grant dollars to fund façade improvements. To be an eligible community you must have an active DDA and have a façade program in place. Grants will be awarded no less than \$50,000 and up to \$500,000. He believes they would like to see a DDA apply on behalf of the community because they have engaged their area and are starting to line up potential projects. If we could put a package together on potential projects to improve facades within Cadillac's DDA area, it is possible that the Michigan Strategic Fund will grant us \$500,000, coupled with local bank involvement and private investment. The fund used by us now to provide the \$10,000 zero interest loans he can leverage to show the Michigan Strategic Fund that we can support the projects. Time is of the essence. The announcement just came out on Monday. Timeline: On 4/26/18 they released the RFP. Questions from potential applicants are due via e-mail by 5/9/18. MEDC will have Q & A's posted on their website on 5/14/18. The application deadline is 5/22/18.

Peccia asked the DDA for a motion of support for staff to make application to this program. Crawley volunteered to speak with downtown property owners about the program and find out who may be interested in improving their façades. Motion by Huckle and seconded by Coffey to authorize the DDA director to pursue and apply to this program. Motion passed unanimously.

Meeting adjourned at 8:40 a.m.



MEETING MINUTES CADILLAC PLANNING COMMISSION April 23, 2018 6:00 P.M.

CALL TO ORDER

Chairman Putvin called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

MEMBERS PRESENT: Bunce, Fent, Filkins, Gregg, Peterson, Putvin. Smith arrived at

6:06 p.m.

STAFF PRESENT: Wallace & Coy

APPROVAL OF AGENDA

Motion by Gregg, supported by Filkins to approve the April 23, 2018 meeting agenda. Motion unanimously was approved.

APPROVAL OF PLANNING COMMISSION MINUTES

Motion by Fent, supported by Gregg to approve the February 26, 2018 meeting minutes. Motion unanimously was approved.

PUBLIC HEARINGS

Public Hearing on the request from Jeremy Eakins for a Special Land Use at 500 N. Mitchell Street as auto and small engine repair.

Wallace reminded the Board that a year ago the Board undertook the same property for a Do-It-Yourself auto repair business. We are now revisiting it because in the approval last year we stated it would not extend to general car repair because of concerns about how the cars were to be handled. The proposed use is auto and small engine repair. There would be no body work or painting of autos. Mr. Eakins would be the only mechanic to start; long term plans would be for no more than one additional mechanic. He may have an administrative assistant and perhaps a shop hand. There are three service bays. He has the approval from the property owner for employee parking in an adjacent lot that he also owns. The client vehicle parking would either be internal to the building or within a fenced in area. City ordinance requires that a privacy fence be constructed between the commercial building and the home at the rear of the building, to screen that home from any kind of outdoor storage. The applicant has agreed to put in a 6'

high privacy fence, which would be enough room to store from four to six cars. There would be no ongoing vehicle storage, no vehicle sales on the lot. Adjacent land uses were identified. The proposed use is in keeping with the surrounding uses. There are several other automotive businesses along Mitchell Street.

He reviewed the standards from the City's zoning ordinance and feels that this requested special land use meets the standards. It is his recommendation that the Planning Commission grant the Special Use Permit to operate an automobile and small engine repair business at 500 North Mitchell Street subject to the following conditions:

- 1. Hours of operation be maintained with a 6:00 am to 6:00 pm time frame.
- 2. That a 6 foot privacy fence be installed behind the building to screen the single family home to the east. The placement of fence to be approved by the zoning administrator.
- 3. That an outdoor client parking area sufficient for a minimum of four cars be provided to the rear of the building.
- 4. That equipment related to small engine repair be stored within the building.
- 5. That the applicant provide a letter from the property owner providing for employee parking on the adjoining parking lot.
- 6. There shall be no ongoing storage of vehicles or equipment outside of the building.
- 7. Client vehicles may not be parked in the adjoining property parking lot.
- 8. Auto repair shall not include auto body work or auto painting.

There was discussion and clarification on the location of the fence and access to and from the site. Wallace said the cars would be brought in from the adjacent bar parking lot into the area behind the building and would exit the same way. Final placement of the fence would be coordinated with the street superintendent. The ordinance requires that the fence be a minimum of 2' off the alley.

Jeremy Eakins addressed the Board. He stated he has many years of experience in auto repair. He is a certified master auto technician through the State of Michigan. He has no issues with staff recommendations.

Putvin opened the Public Hearing. He asked if there was any Public Comment or anyone who wished to speak and there were none.

Putvin closed the Public Hearing.

Putvin asked Board members if they had any concerns. Fent reiterated the recommended term regarding no ongoing storage of vehicles or equipment outside the building.

Motion by Fent to grant a Special Use Permit to operate an automobile and small engine repair business at 500 N. Mitchell Street, subject to conditions 1 through 8 as noted above. Motion seconded by Filkins and passed unanimously.

Public Hearing on the request from Cadillac Lofts for rezoning of the property located east of the 200 block of South Mitchell Street, west of Shelby Street, north of East Chapin Street, and south of East Cass Street from B-2 Central Business to MPUD Mixed Use Planned Unit Development.

City Manager Marcus Peccia commented that he believes we are on the cusp of the most transformational commercial/residential project Cadillac has seen in quite some time. A mixed use development will provide for several thousand new square feet of commercial space in our core downtown area and will provide for much needed additional residential spaces.

Wallace announced that the applicant for the Cadillac Lofts project, Dean DeKryger of DK Design Group, is present to answer any questions. The owner of the property is Cadillac Lofts, LLC. The request is for rezoning of the property, as well as approval of the sketch plan. The Board will be given the opportunity to review a final site plan for the project at a later date. In the past, the Planning Commission was asked to waive the 20 acre minimum requirement and this was waived by both the Planning Commission and City Council.

The formal MPUD site would not include the rear parcel, an OS-2 designation, which does also provide for parking. That site is only proposed to be used for parking and it will have some affiliated parking use connected to the project.

Wallace presented photos of the existing buildings and structures on the site. To aid in meeting parking demand, all structures would be removed by demolition of existing buildings and relocation of the clock tower.

The routing of cars in the area would be changed. The curb cut off of Mitchell Street would be eliminated, as well as the curb cuts on East Cass and East Chapin streets. All of the access would be moved onto Shelby Street.

New construction elements will consist of two L-shaped, 4-story buildings each having a ground floor area of 9,220 square feet. The first floor of each building would be for commercial use. The upper three floors of both buildings would be used for apartment units. There would be a total for both buildings of 72 apartment units with 54 one-bedroom and 18 two-bedroom units. The project is proposed to occur in two phases.

Reasons for seeking the MPUD is that it allows the most flexibility on land uses and allows the ability to vary from current ordinance standards for parking and the difficulty in proving hardship. Nationally and locally we are seeing a trend toward dramatically lowering and, in some instances, removing the minimum parking standard for apartments, particularly in a downtown environment. The developer is proposing more than the minimum required parking spaces.

There would be 88 spaces provided on site Parcel No.1 (the area being rezoned for MPUD). There would be 45 spaces provided on site Parcel No. 2 (parking lot in the OS-2 district). In addition, we can generate 47 spaces immediately adjacent to the project.

It is staff's recommendation that the Planning Commission recommend to the City Council the approval of Cadillac Lofts, LLC rezoning application and sketch plan as presented and that the developer be provided the opportunity to construct Phase 2 without returning to the Planning Commission or City Council if they initiate this phase within 2 years of the start of construction of Phase 1.

Putvin asked how the clock tower got to its present location if the City does not own the property. Peccia stated that the property owner and the City entered into an easement agreement whereby the property owner granted a perpetual easement to the City to allow for the public infrastructure to be on the private party's property in exchange for the City being responsible for maintaining the clock tower area.

Fent asked how long they have to finish the project once they break ground. Wallace said that would be discussed further at the time of final site plan approval. DeKryger added that it is their anticipation that each phase would take a full year to complete.

Board member asked about the G&D party store. DeKryger said they have been in discussion with both Emington Insurance and G&D. Emington can be relocated fairly easily. More time is needed for G&D. They are working on plans to relocate. DeKryger stated that as Phase 1 (north portion) is undertaken, a construction fence will be built. When the grocery store is demolished and the site backfilled, the site would be graveled and there would be access to G&D.

Putvin asked if there is contamination on the site. DeKryger stated there is some contamination where the dry cleaner store was located. The new buildings will have to have a heavier vapor barrier and probably a vapor collection system.

Peterson asked about the open spaces on the north and south side of the parking lot. DeKryger said that currently they are planned to be landscaped and act as green space. As part of the storm drainage they are trying to keep as much water on site as possible so there will be manhole structures that allow the storm water to seep into the ground as much as possible, but also using the green spaces to minimize some of the storm water runoff.

Putvin opened the Public Hearing. He asked if there was any Public Comment or anyone who wished to speak and there were none.

Putvin closed the Public Hearing.

Motion by Smith, seconded by Filkins, that the Planning Commission recommend to the City Council approval of the Cadillac Lofts, LLC MPUD rezoning and sketch plan as presented. It is further recommended that the developer be provided the opportunity to construct Phase 2 without returning to the Planning Commission or City Council if they initiate this phase within 2 years of the start of construction of Phase 1. Motion passed unanimously.

NEW BUSINESS – None.

OLD BUSINESS – None.

BOARD MEMBER COMMENTS - Peccia stated that construction of the Farmer's Market is well underway. It is anticipated to be done this "construction season 2018". The White Pine Trailhead will be located immediately to the west of the Market and After 26 Depot Café and Amvet's facility. There will be new amenities added, such as the clock tower, and possibly a drinking water filling station, wayfinding signage, bike repair station, et cetera. We have been advised through the State of Michigan that our DNR fund application was well received and scored high enough to provide us with 70% of the funding needed. Rotary Club at last year's auction dedicated funds raised to help with the local match. This year's auction is this coming Friday.

Peterson asked about status of Cadillac Junction. The project is set for Court mandated mediation next week. There is a legal injunction in place that allows the City to legally continue to provide water and sewer related utilities to the site but also prevents the developer from doing any more construction on the site, including filling the commercial space that has already been constructed.

COMMUNICATIONS – None.

PUBLIC COMMENTS – None.

OTHER BUSINESS - None.

<u>ADJOURN</u> – There being no additional business, Putvin adjourned the meeting at 7:10 p.m.