

# **City Council Meeting**

December 21, 2020 6:00 p.m.

By Remote Electronic Participation

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



December 21, 2020 City Council Meeting Agenda 6 p.m. 200 N. Lake St. – Cadillac, MI 49601 Meeting held by remote electronic participation.

#### We are continuous learners

CALL TO ORDER ROLL CALL

- I. APPROVAL OF AGENDA
- II. PUBLIC COMMENTS

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

#### III. CONSENT AGENDA

A. Minutes from the regular meeting held on December 7, 2020. Support Document III-A

#### IV. APPOINTMENTS

A. Recommendation regarding reappointment to the Historic Districts Commission. Support Document IV-A

#### V. CITY MANAGER'S REPORT

- A. Calendar Year 2021 Council Meeting Schedule. Support Document V-A
- B. Clam Lake Township Fire and Emergency Services Agreement. Support Document V-B
- C. COVID-19 Update

#### VI. INTRODUCTION OF ORDINANCES

- A Adopt resolution to introduce Ordinance to Amend Section 12-94 of the City Code Regarding Duration of the Cadillac Castle Service Charge in Lieu of Taxes and set a public hearing for January 19, 2021.

  Support Document VI-A
- B. Adopt resolution to introduce Ordinance to Approve Exchange of Real Property (Within James E. Potvin Industrial Park) and set a public hearing for January 19, 2021.

Support Document VI-B

#### VII. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution Authorizing Notice of Intent Re Act 94 Requirements and Declaration of Intent to Reimburse (Water System Improvements). Support Document VII-A
- B. Adopt Resolution Amending General Appropriations Act for Fiscal Year 2021. Support Document VII-B

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

A. Downtown Development Authority Support Document VIII-A

#### IX. PUBLIC COMMENTS

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

#### X. TABLED ITEMS

- A. Resolution to Appoint City Manager as Emergency Management Coordinator.
- B. Resolution Declaring Local State of Emergency Due to COVID-19 Pandemic.
- XI. GOOD OF THE ORDER
- XII. ADJOURNMENT

# **Cadillac City Council Agenda**

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

Respect
Integrity
Trust
Excellence

# **Guiding Behaviors**

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

# CITY COUNCIL MEETING MINUTES

December 7, 2020

Meeting held by remote electronic participation.

200 N. Lake St. - Cadillac, Michigan 49601

#### CALL TO ORDER

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

#### ROLL CALL

Council Present:

Schippers, Elenbaas, Engels, Mayor Filkins

Council Member Schippers stated she is attending the meeting virtually in the City of Cadillac. Council Member Elenbaas stated he is attending the meeting virtually in the City of Cadillac. Council Member Engels stated he is attending the meeting virtually in the City of Cadillac. Mayor Filkins stated she is attending the meeting virtually in the City of Cadillac.

Council Absent:

King

Staff Present:

Peccia, Roberts, Ottjepka, Wallace, Dietlin, Payne, Coy, Homier, Wasson

#### APPROVAL OF AGENDA

Mayor Filkins suggested the agenda be amended to move Items VII-A and VII-B after the Consent Agenda.

Peccia stated it is also being recommended to amend the agenda to add a Resolution Amending Resolution No. 2019-3340.

#### 2020-187 Approve agenda as amended.

Motion was made by Engels and supported by Schippers to approve the agenda as amended to add a Resolution Amending Resolution No. 2019-3340 under Adoption of Ordinances and Resolutions and to move Items VII-A and VII-B after the Consent Agenda.

Motion unanimously approved.

#### PUBLIC COMMENTS

Konrad Isch expressed concerns regarding the proposed Resolution Declaring a Local State of Emergency Due to COVID-19 Pandemic and noted that Wexford County already has an Emergency Manager.

Judy Coffey expressed support for the appointment of Troy Knight to the Cadillac Housing Commission.

Julie Theobald noted that Wexford County already has an Emergency Manager and expressed concerns regarding the proposed Resolution to Appoint City Manager as Emergency Management Coordinator.

Kaycie Ramsey expressed concerns regarding the proposed Resolution Declaring a Local State of Emergency Due to COVID-19 Pandemic.

Matt Reinertson expressed concerns regarding the proposed Resolution Declaring a Local State of Emergency Due to COVID-19 Pandemic and the proposed Resolution to Appoint City Manager as Emergency Management Coordinator.

Roger Wotila stated he understands the stated intent of the proposed resolutions but is concerned about potential unintended consequences. He noted Cynthia Wotila provided written comments regarding the proposed resolutions for the public record (see attached).

#### 2020-188 Approve consent agenda as presented.

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

Motion unanimously approved.

#### ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution to Appoint City Manager as Emergency Management Coordinator.
- B. Adopt Resolution Declaring Local State of Emergency Due to COVID-19 Pandemic.

City Attorney Homier stated he understands the concerns that have been expressed but he does not believe the emergency management act would allow the extensive authority that people are concerned about such as the authority to shutter businesses or usurp orders issued by MDHHS under the Public Health Code, nor is that the purpose. He noted the State Legislature made amendments to the Open Meetings Act (OMA) under PA 228 of 2020 which allows public bodies to continue to hold meetings remotely through December 31, 2020 for any reason. He stated pursuant to the amendments, on January 1, 2021 a public body may only hold meetings remotely for stated purposes: (1) a medical condition prevents the attendance of a member of a public body; (2) for military personnel; and (3) because of a state or local emergency or disaster. He noted the local emergency must be a declared state of emergency.

Homier stated under the current MDHHS Order which expires on December 20, 2020, indoor gatherings of individuals at non-residential venues is prohibited which means that in-person meetings cannot be held at this time. He noted there is pending proposed legislation that would again amend the OMA which would extend the ability of public bodies to hold electronic meetings through March 31, 2020. He stated if the State Legislature passes those amendments to the OMA then a declaration of a local state of emergency may not be necessary.

Homier stated in order for the City to declare a local state of emergency it must first appoint an emergency management coordinator under Section 9 of the Emergency Management Act. He explained that once that appointment is made there are certain powers and authority under Section 10 of the Emergency Management Act but they are not as extensive as people may believe. He noted the Emergency Management Act is to coordinate response among the providers of emergency services. He stated the recent

public health advisory issued by District #10 Health Department on November 23, 2020 advises and provides guidance on how to stay safe but it does not constitute a local health order prohibiting any sort of conduct or indoor gatherings.

Homier noted there are competing interests between the MDHHS Order which prohibits inperson gatherings at any non-residential venues and the OMA, which after January 1, 2021, is going to limit the ability of public bodies to meet electronically. He stated depending on what happens with the State Legislature the City could be in a position where a local state of emergency may not be necessary, or we could be in a position that in order to fulfill our obligation with the OMA a local state of emergency will be necessary so the public bodies can continue to hold meetings electronically.

Homier stated Wexford County does have an Emergency Management Coordinator and we learned today there may be some prior agreement between the County and the City. He noted another option would be to appoint the County as the emergency management coordinator for the City.

Homier noted the proposed resolution contains the declaration of a local state of emergency as well as Council's consent to extend it until January 31, 2021 to provide enough time for City Council to continue to meet electronically. He stated if the State Legislature amends the OMA then the state of emergency could be terminated if it is no longer necessary for that purpose.

Mayor Filkins stated there are options and there is another meeting this month, so we do not have to act on these resolutions at this time. She noted the State Legislature should be voting on the amendments to the OMA within the next two (2) weeks which, if passed, would extend the ability of public bodies to hold electronic meetings until March 31, 2021. She stated she would also like to review any agreement that may exist between the City and Wexford County before moving these resolutions forward. She noted she understands the concerns expressed by the members of the public. She stated the intended purpose of these resolutions was to allow the City to continue to conduct business as usual.

Elenbaas stated he received calls from people expressing concerns about the proposed resolutions and suggested tabling both resolutions until the next meeting.

Schippers stated she also received calls from people expressing concerns about the proposed resolutions. She suggested tabling both resolutions until the next meeting and encouraged everyone to support local businesses.

Engels stated he supports tabling both resolutions until the next meeting.

<u>2020-189 Table Resolutions regarding Emergency Management Coordinator and Local State of</u> Emergency.

Motion was made by Schippers and supported by Elenbaas to table the resolutions regarding Emergency Management Coordinator and Local State of Emergency.

Motion unanimously approved.

#### **PUBLIC HEARINGS**

A. Public hearing to consider adoption of Ordinance Amending the City's Zoning Ordinance Regarding Pedestrian Sidewalks and Bike Parking.

Peccia stated the City is very close to completing the Redevelopment Ready Communities (RRC) certification process with the State of Michigan.

John Wallace, Community Development Director, stated the principal reason for this ordinance amendment is to complete our Redevelopment Ready Communities (RRC) certification process with the State of Michigan. He noted, in addition, there are 10 references in our master plan which address improving walkability, adding sidewalks, and improving bicycle infrastructure.

Wallace stated Evaluation Criteria 2.1.5 requires that a zoning ordinance include standards to improve non-motorized transportation. Such standards may involve bicycle parking, traffic calming, pedestrian scale lighting, and other public realm standards. He stated bicycle parking and sidewalks were selected because they offered the most impact and were the least burdensome on developers. He noted the new bicycle parking requirement has the potential to save a developer money as there is an auto parking credit for providing bicycle parking and this may lead to reduced paying.

Wallace stated the ordinance amendment would require sidewalks on the public rights-of-way for the business and would also require private sidewalks on a private property to connect the principal entrance to the public sidewalk system. He noted in three of our most recently submitted and approved site plan reviews (Lume Marihuana Retail, Microbrewery, and the Krist Oil convenience store/gas station) the developer has submitted a site plan which met the newly proposed sidewalk standard, and in one case met the new bicycle standards as well.

Elenbaas asked for a brief explanation of the reason for requiring bicycle racks.

Wallace stated it improves the effectiveness of transportation within the City and offers the opportunity to not be totally dependent on automobiles.

Elenbaas asked if we need to do this to qualify for grants.

Wallace stated becoming RRC certified is an essential step in maintaining grant eligibility with the Michigan Economic Development Corporation (MEDC).

Mayor Filkins opened the public hearing.

Konrad Isch questioned how putting in bicycle racks in place of parking spaces will help residents in his 3-unit rental property.

Mayor Filkins closed the public hearing.

Wallace stated for multi-family complexes, the objective is to start being less dependent on automobiles.

Schippers noted the primary purpose is to be eligible for grants. She stated being a walkable city has been in our plan for a number of years. She noted the ordinance is designed to increase property values and to increase the possibility to access grant and development money because we are trying to be a forward-thinking community.

Engels asked for further explanation on the section of the ordinance which states: Multiple-Family Dwellings (Three or more Units) the Bicycle Parking Requirement is one space per each 10 dwelling units evenly spaced among the apartment buildings.

Wallace stated that would be the requirement and it would be a very minimal investment at that level. He noted if a larger development takes advantage of the automobile parking credit, they could easily cover the cost of the bicycle parking.

#### 2020-190 Adopt Ordinance 2020-11.

Motion was made by Elenbaas and supported by Schippers to approve the resolution to adopt Ordinance Amending the City's Zoning Ordinance Regarding Pedestrian Sidewalks and Bike Parking.

Motion unanimously approved.

#### APPOINTMENTS

A. Recommendation regarding appointment to the Cadillac Housing Commission.

# 2020-191 Approve appointment to the Cadillac Housing Commission.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Troy Knight to the Cadillac Housing Commission for a 5-year term to expire on December 7, 2025.

Motion unanimously approved.

#### CITY MANAGER'S REPORT

A. Recommendation regarding Loan Facilitation Agent and Credit Assessment for Drinking Water Revolving Fund Loan.

Peccia stated as part of the City's loan process to secure funding through the Drinking Water Revolving Fund loan program from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for Phase II of the well field relocation project, the City needs to engage a Loan Facilitation Agent as well as have a thorough credit assessment performed by a rating agency.

Peccia noted Warren Creamer from RW Baird in Traverse City, Michigan served as the City's financial advisor or loan facilitation agent for the City's prior loan through EGLE and has advised the City on several other issues through the years. He stated based on the history of using RW Baird for this professional service, it is being recommended to utilize the firm again for this loan.

Peccia stated it is recommended that the City Council waive competitive bidding and authorize the engagement of RW Baird as Loan Facilitation Agent for \$19,500 and Standard and Poor's for a required Credit Assessment with an estimated fee of \$16,875. He noted proceeds from the DWRF loan will be available to fund these services.

Elenbaas asked for an explanation of what services are provided by a Loan Facilitation Agent.

Owen Roberts, Director of Finance, stated the Loan Facilitation Agent Engagement Letter included in the Council packet lists the services provided. He noted as part of the application process, the City is required to have four (4) professional services: Engineer, Financial Advisor, Credit Assessment, and Legal. He noted the City reached out to EGLE staff for examples of typical fees charged for similar loans in their programs and those fees are included in the Council Communication.

<u>2020-192</u> Waive competitive bidding regarding Loan Facilitation Agent and Credit Assessment. Motion was made by Elenbaas and supported by Engels to waive competitive bidding regarding Loan Facilitation Agent and Credit Assessment for Drinking Water Revolving Fund Loan.

Motion unanimously approved.

# 2020-193 Authorize Loan Facilitation Agent and Credit Assessment.

Motion was made by Elenbaas and supported by Engels to authorize the engagement of RW Baird as Loan Facilitation Agent for \$19,500 and Standard and Poor's for a required Credit Assessment with an estimated fee of \$16,875.

Motion unanimously approved.

B. Recommendation regarding Easement for Water Transmission Line.

Peccia stated in order to accommodate the installation of a new water transmission line ("main") as it relates to the 44<sup>th</sup> Street Well Field Project, the City needs the White Pine Village Development to grant an easement. He noted after discussing the overall project with representatives from White Pine Village, they are willing to grant the City an easement in exchange for the City reimbursing them for their costs in preparing the necessary documentation that includes review from Fannie Mae, their lender and legal.

Peccia noted the estimated expense for the professional services is between ten to fifteen thousand dollars. Additionally, the White Pine Village Development has requested that a small portion of our property be exchanged or vacated as part of us acquiring the easement. He noted that due to the requirement for the installation of our water main, and because the granting of the requested property to the White Pine Village Development may ultimately reduce our liability given the overlap with their sidewalk, it is recommended that the City proceed.

Peccia stated the recommended action is to authorize the City to reimburse the White Pine Village Development for their costs as estimated for the City to acquire the easement and proceed with the steps necessary to transfer the desired property to the Development. He noted funds are available in the Water and Sewer Fund.

### 2020-194 Authorize process regarding Easement for Water Transmission Line.

Motion was made by Schippers and supported by Engels to authorize the City to reimburse the White Pine Village Development for their costs as estimated for the City to acquire the easement and proceed with the steps necessary to transfer the desired property to the Development.

Motion unanimously approved.

#### C. Emergency repair of sewer main on Granite Street.

Peccia noted the City had to remedy the situation of a private sewer main on Granite Street on an emergency basis. He stated the homeowner on Granite Street was experiencing some problems with their sewer. He noted when they contacted the City, it was initially diagnosed as a problem in the private sewer line. However, upon further examination it was determined that the City's line went through the private line and therefore was the cause of the sewer issue. He stated since this part of Granite Street is still under the Michigan Department of Transportation (MDOT) control the repair had to follow MDOT regulations for rerouting of traffic and guidelines for the actual repair which added additional cost to the project. He noted the quote the homeowner had for this work was \$22,500 and the repair was completed on November 20, 2020.

Peccia noted there is no Council action required at this time, but a budget amendment will be required in the future to accommodate this unforeseen expense.

#### D. COVID-19 Update

Peccia noted information regarding COVID-19 can be found at the District Health Department #10 website at <a href="www.dhd10.org">www.dhd10.org</a>. He stated the current MDHHS Order regarding restrictions was extended until December 20, 2020.

# ADOPTION OF ORDINANCES AND RESOLUTIONS

## A. Adopt Resolution Amending Resolution No. 2019-3340.

Peccia noted on October 21, 2019, the City Council approved an application for a commercial rehabilitation certificate for the Lake Cadillac Resort, formerly known as the Sands Resort. He stated the City has been advised by the Michigan Department of Treasury that Resolution No. 2019-3340 omitted the statement "the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(k) of Public Act 210 of 2005". He stated it is being recommended to adopt the Resolution Amending Resolution No. 2019-3340.

Roberts noted that the 10% requirement is included in the Act, but this specific language is not part of the resolution required by the Act and so was not necessarily something that was missed in the prior resolution. However, the State is now requiring this statement to be included with the resolution and that is the purpose of the amendment.

### 2020-195 Adopt Resolution Amending Resolution No. 2019-3340.

Motion was made by Elenbaas and supported by Engels to adopt the resolution Amending Resolution No. 2019-3340.

Motion unanimously approved.

## MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Zoning Board of Appeals
- B. Planning Commission

#### PUBLIC COMMENTS

Konrad Isch commented on bicycle parking requirements, waiving of competitive bidding, and sewer lines.

#### GOOD OF THE ORDER

Peccia stated Jeff Dietlin, Director of Utilities, will reach out to Konrad Isch regarding the sewer lines on Aspen Street.

Elenbaas stated the lights placed on the trees look very nice.

Schippers stated purchasing gift certificates is another way to support local businesses. She asked if there is any website or list available regarding which local businesses offer gift cards or curbside service.

Mayor Filkins stated the Cadillac Area Visitors Bureau does have that information available.

### **ADJOURNMENT**

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

# Cadillac City Council Meety Dec. 7, 2020

Written Comments regarding Agenda Items VII A & B:

- A. Resolution to Appoint City Manager as Emergency Management Coordinator. Support Document VII-A
- B. Resolution Declaring Local State of Emergency Due to COVID-19 Pandemic. Support Document VII-B
- 1. For purposes of meeting remotely under the amended Open Meetings Act, the current District 10 Health Department declarations are sufficient and no separate declaration is needed.
- 2. The proposed resolutions are authorized by the Emergency Management Act and are contingent on a declaration of emergency by the Governor. Pursuant to In re Certified Questions, the Michigan Supreme Court declared all Executive Orders subsequent to April 30, 2020 null and void. Therefore, there is no existing emergency under which the City can invoke the declaration of emergency powers pursuant to the EMA.
- 3. Although the communication from the City Attorney indicates the purpose of the declaration is to allow continued remote meetings under the amended Open Meetings Act, no such limitation exists in the proposed resolution. In fact, as it stands the resolution allows the City Manager to exercise "all authority conferred by the Emergency Management Act" which far exceeds holding remote meetings.
- 4. Notwithstanding the above limitations, the statute specifically limits the duration of local emergencies to 7 days, therefore the resolution, if allowed, must terminate on December 14, 2020.
- 5. The legislature is currently considering amending the Open Meetings Act to allow remote meetings without reason until March, 2021, so this action is premature.

12/7/2020

Respectfully submitted,

Cynxua Wotila

# **COUNCIL COMMUNICATION**

Re: Reappointment of Anne Engels to a Three-Year Term on the Cadillac Historic Districts Commission

Anne Engels has expressed interest in continuing her service on the Cadillac Historic Districts Commission for a three-year term. Anne has been on the Cadillac Historic Districts Commission since 2015.

#### **Recommended Council Action:**

Motion to reappoint Anne Engels to a three-year term on the Cadillac Historic Districts Commission, which will end on 12/31/2023.

#### **Council Communication**

Re: Calendar Year 2021 Council Meeting Schedule

Pursuant to Article 3, Section 3.2 of the City Charter, the City Council shall meet at least one time per month on a regular day and hour to be established by the City Council.

In the past, the City Council has set its regular meeting schedule for two meetings per month that are held on the first and third Mondays at 6:00 p.m., unless the meeting day falls on or near a holiday or is the day before an election. In those instances when there is a conflict, the City Council has traditionally set its annual schedule in a manner to avoid the conflict by either not scheduling two regular meetings in that specific month, and/or by scheduling the meeting on an alternative day. Note, regardless of whether two regular meetings are scheduled monthly, or if in some months only one regular meeting is scheduled, the Council may call a special meeting anytime.

#### **Recommended Action**

It is recommended that the 2021 City Council Meeting Schedule be approved as follows:

Regular Council Meetings will be monthly on the first and third Mondays starting at 6:00 p.m. except for the following months-

- January Schedule one regular meeting for the third Tuesday, January 19, 2021. Due to
  Christmas, New Years, and Martin Luther King Jr. holidays, City Offices are closed December 24,
  25, and 31, 2020, and January 1, and 18, 2021 respectively. Additionally, it is common for staff to
  take vacation and/or personal time off during this timeframe.
- July Schedule one regular meeting for the third Monday, July 19, 2021. Due to the proximity of Independence Day in the first week of the month, it is common for staff to take vacation and/or personal time off during this timeframe, even though the holiday is not on Monday.
- September Schedule the first meeting of the month for Tuesday, September 7, 2021. Due to City Offices being closed on September 6, 2021 for Labor Day.
- November Schedule one regular meeting for the third Monday, November 15, 2021. Due to the City General Election scheduled for Tuesday, November 2, 2021.

Should other elections be scheduled, a recommendation would come forward accordingly requesting the meeting prior be cancelled. Otherwise, as previously noted, all other regularly scheduled Council Meetings would be on the first and third Mondays of every month starting at 6 p.m. aside from the exceptions listed above or any special meetings that are called as needed.

#### AGREEMENT

WITNESS THIS AGREEMENT made between the City of Cadillac, hereinafter referred to as City, and the Township of Clam Lake, hereinafter referred to as Township,

WHEREAS, the parties are presently operating under an Agreement wherein the City is furnishing fire protection to the Township, which Agreement expires at midnight on December 31, 2020; and

WHEREAS, the parties wish to amend and replace the existing Agreement with a new Agreement;

NOW, THEREFORE, It is Agreed as Follows:

- 1. This Agreement shall take effect at 12:01 AM on January 1, 2021 and shall expire at midnight on
  - a. December 31, 2024;
  - b. or in ninety (90) days by written notice of termination to the City by the Township;
  - c. or by thirty (30) days written notice of termination to the Township by the City, but such termination pursuant to this paragraph 1(c) shall only be for reasons of nonpayment of the required quarterly contract payments to the City by the Township pursuant to paragraph 3 hereof.
  - d. Or as of December 31, 2024 this agreement shall renew for an additional Four (4) year term expiring at 12:01 AM on December 31, 2028, unless either party to this agreement notifies the other party in writing no later than May 1, 2024 of its intent to terminate the Agreement on December 31, 2024.

This Agreement supersedes and replaces all prior fire protection Agreements between the parties.

- 2. The City agrees to provide not less than two (2) firefighters to respond to any call for which the Fire Department is trained that may come in from the Township. The City shall, as necessary, call additional firefighters to respond to the Township as Fire Department policies dictate. The City shall call other fire departments with which the City has a mutual aid agreement if the situation warrants. The City agrees that it will respond in the aforesaid manner to the best of its ability. In the event the City is unable to furnish such services because of lack of available manpower and/or equipment, no liability shall result to the City.
- 3. During the term of this Agreement, the Township shall pay to the City each year an amount equal to two (2) mills (subject to any annual rollback required by the Headlee Amendment. If the Headlee formula is overridden by a vote of the registered voters in Clam Lake Township, the full two mill levy will be reinstituted.) times the taxable value of all real and personal property within the township (hereinafter the "taxable value") as specified herein, plus one (1) mill times the Industrial Facilities Tax Exemptions (IFTs) and Commercial Facilities Tax Exemptions (CFTs) of the Township as determined during each year of this Agreement (hereinafter the "fire protection payment). During the first year of this Agreement the taxable value specified herein shall equal the 2012 total township taxable value). The fire protection payment shall be made in four (4) equal

quarterly payments beginning on or before July 1 and continuing thereafter on or before October 1 of that same year and on or before January 1, and April 1 of the succeeding year.

- 4. As a result of Clam Lake Township's adoption of the International Fire Prevention Code, the City's Fire Marshal or representative shall act on behalf of the Township for fire inspection of all new commercial and industrial construction and all existing commercial and industrial businesses in the enforcement of the International Fire Code.
- 5. As the City may have access to the Township's personnel information and access to personal health information protected by HIPAA and other federal and state privacy laws, the City shall take appropriate steps to protect that information from disclosure as required by those laws.
- 6. The City shall, to the extent allowed by law, defend, indemnify, and hold harmless the Township for any and all liability, causes of actions and damages, loss or expense incurred by the Township arising out of the gross negligence or willful misconduct of the City's fire operations, including any loss or damage or expenses incurred in the operation of fire apparatus or other equipment belonging to the City and the costs and materials used in connection with any call for assistance. The City does not waive governmental immunity by entering into this Agreement, and specifically retains immunity and all defenses available to the City pursuant to MCL 691.1407 or any other state law.
- 7. The City agrees it will assume full responsibility for injuries to persons or property or deaths resulting from the City's gross negligence or willful misconduct in the operation of any fire or emergency apparatus or other equipment while answering any such fire or emergency calls and will obtain liability insurance thereof in the amount of \$1,000,000. The City shall further provide the Township with a Certificate of Insurance evidencing the existence of such insurance. Such Certificate shall name the Township as an additional insured. Such Certificate shall also provide for thirty (30) days' prior written notice to the Township or the cancellation or failure to renew such policy.
- Residents of Clam Lake Township who meet the requirements for part-time firefighters shall be
  permitted to join the Cadillac Fire Department and shall receive the same pay and benefits as all
  other part-time firefighters. Such positions to be filled as vacancies allow.

## 9. Meeting attendance:

The City of Cadillac's Public Safety Director, Fire Chief, and or appropriate designee will attend Clam Lake Township Board Meetings once per quarter. The purpose of the meeting attendance is to communicate with the Clam Lake Township Board and citizens of Clam Lake Township regarding fire protection issues and current events.

IN WITNESS WHEREOF, the parties to this Agreement have set their hands and seals by the duly constituted and authorized representatives.

Approved by the Clam Lake Tov	enship Board on the 14 <sup>th</sup> day	of December, 2	2020.
	TOWNSHIP OF CLAN By:	M LAKE	
	Steven Kitler Its Supervisor	511	2
Approved by the City Council of the	City of Cadillac on the	day of	, 2020.
	CITY OF CADILLAC By:		
	Carla J. Filkins		
	Its Mayor		

### **City Council**

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



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers Robert J. Engels Stephen King Bryan Elenbaas

#### RESOLUTION NO. 2020-\_\_\_\_

# RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR ORDINANCE TO AMEND SECTION 12-94 OF THE CITY CODE REGARDING DURATION OF THE CADILLAC CASTLE SERVICE CHARGE IN LIEU OF TAXES

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held electronically on the 21st day of December, 2020, at 6:00 p.m.

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

WHEREAS, pursuant to the State Housing Development Authority Act of 1966, PA 346, as amended, MCL 125.1401 *et seq*) (the "Act"), the City of Cadillac adopted an Ordinance No. 2018-08 to provide for a service charge in lieu of taxes for dwelling units for low to moderate income elderly persons identified as Cadillac Castle; and

WHEREAS, the City wishes to consider an ordinance amending Ordinance No. 2018-08 to change the duration of the Ordinance's effect from thirty-six (36) months to fortyeight (48) months; and City of Cadillac Resolution No. 2020-\_\_\_ Page 2 of 3

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.

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

- 2. A virtual public hearing regarding the Ordinance shall be held on the 19th day of January, 2021, at 6:00 p.m.
- 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.

YEAS:			
NAYS:			

City of Cadillac Resolution No. 2020 Page 3 of 3
STATE OF MICHIGAN )
COUNTY OF WEXFORD )
I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2020, duly adopted at a regular meeting of the City Council held on the 21st day of December, 2020.

Sandra Wasson Cadillac City Clerk

#### **City Council**

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



**Mayor** Carla J. Filkins

**Mayor Pro-Tem**Tiyi Schippers

Councilmembers
Robert J. Engels
Stephen King
Bryan Elenbaas

#### **ORDINANCE NO. 2021-01**

# ORDINANCE TO AMEND SECTION 12-94 OF THE CITY CODE REGARDING DURATION OF THE CADILLAC CASTLE SERVICE CHARGE IN LIEU OF TAXES

#### THE CITY OF CADILLAC ORDAINS:

#### **Section 1**

Section 12-94 of the City Code regarding the duration of the Cadillac Castle Service Charge in Lieu of Taxes Ordinance is hereby amended to read, in its entirety, as follows:

#### 12-94. Duration.

This Ordinance shall remain in effect and shall not terminate so long as the Housing Development is supported by a federally or Authority–aided mortgage and remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended; and provided that construction of the Housing Development commences within **forty-eight (48)** months from the effective date of this Ordinance from which this division is derived. Notwithstanding the above, the exemption shall cease for that portion of the project which is not operated consistent with section 12-89 above.

#### Section 2

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

#### **Section 3**

This Ordinance shall take effect 20 days after its adoption
---

Sandra Wasson, City Clerk	
Dated:	_

### **City Council**

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



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers Stephen King Robert J. Engels Bryan Elenbaas

# NOTICE OF ELECTRONIC REGULAR MEETING, PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On December 21, 2020, the City Council of the City of Cadillac introduced Ordinance No. 2021-01, Ordinance to Amend Section 12-94 Of The City Code Regarding Duration Of The Cadillac Castle Service Charge In Lieu Of Taxes.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held on January 19, 2021 at 6:00 p.m., at a Regular Meeting of the City Council. This meeting will only be held electronically pursuant to the Open Meetings Act and the Michigan Department of Health and Human Services (MDHHS) Epidemic Order— Gatherings and Face Mask Order. The purpose of the meeting is to hold the public hearing and consider any business to come before the City Council as permitted by law.

Pursuant to the Open Meetings Act, Act 267 of 1976, and the MDHHS Epidemic Order, the City Council also gives notice of the following:

- 1. Reason for Electronic Meeting. The City Council is holding the meeting by electronic means only because of the gathering restrictions and social distancing requirements set forth in the MDHHS Epidemic Order.
- 2. Procedures. The public may participate in the meeting and may make public comment electronically by video or telephone conference using the following information:

Join Zoom Meeting

Meeting ID: 951 2798 2294 Passcode: 630342

Or by telephone: 646 876 9923

Meeting ID: 951 2798 2294 Passcode: 630342

\*\*To unmute microphone from a cell phone dial \*6 (star 6)
To raise your hand from a cell phone dial \*9 (star 9)

- 3. Contact Information. For those people who desire to contact members of the City Council to provide input or ask questions on the business that will come before the public body at the meeting, please contact Sandra Wasson, City Clerk, at swasson@Cadillac-MI.net prior to the start of the meeting.
- 4. Persons with Disabilities. Persons with disabilities may participate in the meeting through the methods set forth in paragraph 2. Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the City Clerk at (231) 775-0181 within a reasonable time in advance of the meeting.

Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

# ORDINANCE TO AMEND SECTION 12-94 OF THE CITY CODE REGARDING DURATION OF THE CADILLAC CASTLE SERVICE CHARGE IN LIEU OF TAXES

Section 1 of the proposed ordinance amends Section 12-94 of the City Code to change the duration of the service charge in lieu of taxes from thirty-six (36) months to forty-eight (48) months.

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 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

### **City Council**

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



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers Stephen King Robert J. Engels Bryan Elenbaas

#### RESOLUTION NO. 2020-\_\_\_\_

# RESOLUTION TO INTRODUCE ORDINANCE TO APPROVE EXCHANGE OF REAL PROPERTY (WITHIN JAMES E. POTVIN INDUSTRIAL PARK)

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, conducted electronically on the 21st day of December, 2020, at 6:00 p.m.

PRESENT:

ABSENT:
The following preamble and resolution was offered byand
econded by
WHEREAS, the City of Cadillac ("City") is authorized by statute to buy, own and sell
real property (MCL 117.4e); and

WHEREAS, the Charter of the City provides that the City may, by ordinance and upon the affirmative vote of four or more members of the Council, sell or exchange any real estate (Charter Sec. 5.6); and

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

WHEREAS, the City wishes to consider adopting an ordinance that approves the transfer by quit claim deed of real property owned by the City approximately described as that part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: The East 180.00 feet of Lot 1 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds, containing 2.17 acres (the "Portion of Lot 1"), in exchange for which Consumers Energy Company will convey to the City by quit claim deed that part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: Lot 1 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds. Containing 2.58 acres ("Lot 2").

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

- 1. Pursuant to Section 5.2 and 5.6 of the City Charter, the City introduces Ordinance No. 2021-\_\_\_\_, Ordinance to Authorize Exchange of Real Property (within James E. Potvin Industrial Park) (the "Ordinance," attached as Exhibit 1).
- 2. A public hearing regarding the Ordinance shall be held electronically on the  $19^{th}$  day of January, 2021, at 6:00 p.m.
- 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, in accordance with the Charter. The summary and notice of the hearing shall be substantially in the form of Exhibit 2.

City of Cadillac	
Resolution No. 2020	
Page 3 of 3	

- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS:	
NAYS:	
STATE OF MICHIGAN ) COUNTY OF WEXFORD )	
	e City of Cadillac, hereby certify this to be a true and 020, duly adopted at a regular meeting of the City mber, 2020.
	Sandra Wasson City Clerk

#### **ORDINANCE NO. 2021-\_\_\_**

# ORDINANCE TO APPROVE EXCHANGE OF REAL PROPERTY (WITHIN JAMES E. POTVIN INDUSTRIAL PARK)

#### THE CITY OF CADILLAC ORDAINS:

#### Section 1.

Pursuant to MCL 117.4e, the Charter of the City of Cadillac and other applicable authority, the City hereby approves the transfer of real property owned by the City, approximately described as that part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: The East 180.00 feet of Lot 1 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds. Containing 2.17 acres (the "Portion of Lot 1"), in exchange for real property owned by Consumers Energy Company described as that part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: Lot 2 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds. Containing 2.58 acres (the "Lot 2").

#### Section 2.

The Mayor and City Clerk are hereby authorized to execute any and all documents and to take any and all actions necessary or appropriate to close upon the exchange of a Portion of Lot 1 for Lot 2, and to finalize a description of the Portion of Lot 1.

#### Section 3.

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

#### Section 4.

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

#### Section 5.

City of Cadillac Ordinance No. 2020 Page 2 of 3		
This Ordinance shall take effect twenty	y (20) days after its adoptio	n and publication.
Approved this day of,	2020.	
Sandra Wasson, City Clerk	 Carla J. Filkins, Mayo	 or
I, Sandra Wasson, City Clerk of the summary of Ordinance No. 2020 of, 2020.		
	Sandra Wasson,	City Clerk
STATE OF MICHIGAN ) ) ss. COUNTY OF WEXFORD )		
On this day ofsaid County, personally appeared Carl behalf of the City of Cadillac, who executey have executed it on behalf of the Clerk, respectively.	a J. Filkins, Mayor, and Sand cuted the foregoing Ordinan	dra Wasson, City Clerk, on ce and acknowledged that
		, Notary Public
	County of	, State of Michigan
	My commission	expires:

# Prepared By and Return To:

Scott H. Hogan (P41921) FOSTER, SWIFT, COLLINS & SMITH, PC 1700 E. Beltline Avenue NE, Suite 200 Grand Rapids, MI 49525 (616) 726-2200 City of Cadillac Ordinance No. 2020-\_\_\_\_ Page 3 of 3

#### **CITY REAL PROPERTY**

That part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: The East 180.00 feet of Lot 1 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds. Containing 2.17 acres.

#### **CONSUMERS ENERGY REAL PROPERTY**

That part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: Lot 2 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds. Containing 2.58 acres.

#### NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

The City of Cadillac hereby gives notice of proposed Ordinance No. 2021-\_\_\_\_, Ordinance to Approve Exchange of Real Property (within James E. Potvin Industrial Park).

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held on January 19, 2021, at 6:00 p.m. at a meeting of the City Council. This meeting will only be held electronically pursuant to the Open Meetings Act and the Michigan Department of Health and Human Services (MDHHS) Epidemic Orders.

Pursuant to the Open Meetings Act, Act 267 of 1976, and the MDHHS Epidemic Orders, the City also gives notice of the following:

- 1. Reason for Electronic Meeting. The City is holding the meeting by electronic means only because of the gathering restrictions and social distancing requirements set forth in the MDHHS Epidemic Order in effect at the time of this notice and due to health and safety concerns related to the COVID-19 pandemic.
- 2. Procedures. The public may participate in the meeting and may make public comment electronically by video or telephone conference using the following information:

Join Zoom Meeting

Meeting ID: 951 2798 2294 Passcode: 630342

Or by telephone: 646 876 9923

Meeting ID: 951 2798 2294 Passcode: 630342

\*\*To unmute microphone from a cell phone dial \*6 (star 6)
To raise your hand from a cell phone dial \*9 (star 9)

3. Contact Information. For those who desire to contact members of the City Council to provide input or ask questions on the business that will come before the City Council at the meeting, please contact Sandra Wasson, City Clerk, at <a href="mailto:clerk@cadillac-mi.net">clerk@cadillac-mi.net</a>, prior to the start of the meeting.

4. Persons with Disabilities. Persons with disabilities may participate in the meeting through the methods set forth in paragraph 2. Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the Clerk at 231-775-0181 within a reasonable time in advance of the meeting.

Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

# ORDINANCE TO APPROVE EXCHANGE OF REAL PROPERTY (WITHIN JAMES E. POTVIN INDUSTRIAL PARK)

Section 1 of the proposed ordinance provides that pursuant to MCL 117.4e, the Charter of the City of Cadillac and other applicable authority, the City hereby approves the transfer of real property owned by the City, approximately described as that part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: The East 180.00 feet of Lot 1 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds, containing 2.17 acres (the "Portion of Lot 1"), in exchange for real property owned by Consumers Energy Company described as that part of the NE ¼ of the NE ¼ of Section 31, T22N, R09W, City of Cadillac, Wexford County, Michigan, being described as: Lot 2 of James E. Potvin Industrial Park Subdivision, as recorded in the Wexford County Register of Deeds. Containing 2.58 acres (the "Lot 2").

Section 2 of the proposed ordinance authorizes the Mayor and City Clerk to execute any and all documents and to take any and all actions necessary or appropriate to close upon the exchange of the Portion of Lot 1 for Lot 2, and to finalize a description of the Portion of Lot 1.

Section 3 of the proposed ordinance directs the City Clerk to record a copy of the ordinance with the Wexford County Register of Deeds and to send a copy to the State Treasurer.

Section 4 of the proposed ordinance provides that other ordinances inconsistent with the provisions of the ordinance are repealed but only to the extent necessary to give the ordinance full force and effect.

Section 5 of the proposed ordinance provides that it will take effect 20 days after adoption and publication.

CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

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

## **City Council**

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



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers Stephen King Robert J. Engels Bryan Elenbaas

# RESOLUTION AUTHORIZING NOTICE OF INTENT RE ACT 94 REQUIREMENTS AND DECLARATION OF INTENT TO REIMBURSE (WATER SYSTEM IMPROVEMENTS)

# CITY OF CADILLAC COUNTY OF WEXFORD, STATE OF MICHIGAN

RESOLUTION NO. 2020-\_\_\_\_

At a meeting of the City Council of the City of Cadillac, Wexford County, State Michigan, conducted electronically on the day of December, 2020, at 6:00 p.m.	of
PRESENT:	
ABSENT:	
The following preamble and resolution was offered bya	nd
seconded by	

WHEREAS, the City Council of the City of Cadillac, County of Wexford, State of Michigan (the "City"), intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), in an amount not to exceed Eleven Million Dollars (\$11,000,000) (the "Bonds") in one or more series for the purpose of paying all or part of the cost of acquiring, constructing, installing, repairing and improving certain improvements to the City's water system, including water line construction and replacements, pipes, wells, pumps and related street infrastructure, together with all

necessary interests in land, and all related sites, structures, equipment, appurtenances and attachments thereto (the "Project"); and

WHEREAS, Act 94 provides a means for financing the purchase, acquisition, construction, improvement, enlargement, extension and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of the Bonds, in one or more series, payable from revenues of the water system under Act 94, and other available revenues of the City, for the purpose of financing all or part of the Project represents the most practical means to that end; and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, the City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds; and

WHEREAS, the City already has outstanding revenue bonds related to the water system, and the Bonds may be junior to the outstanding revenue bonds.

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

- 1. The City Clerk is hereby authorized and directed to publish a Notice of Intent to Issue Bonds in the Cadillac News, a newspaper of general circulation in the City.
- 2. The Notice of Intent shall be published as a one-quarter (¼) page display advertisement in substantially the form set forth in Exhibit A hereto and by this reference made a part hereof.

City of Cadillac Resolution No. 2020-\_\_\_ Page 3 of 6

- 3. The City Council determines that the form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the water system's users and the electors residing in the boundaries of the City of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
- 4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
  - (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
  - (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the Bonds from the general or other funds of the City.
  - (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$11,000,000.
- 5. The Mayor, City Manager, City Clerk and Finance Director are authorized and directed to take all steps as necessary or convenient to carry out the purposes of this resolution.

City of Cadillac Resolution No. 2020-\_\_\_ Page 4 of 6

6. The City Council hereby confirms the retention of Foster Swift Collins & Smith PC as bond counsel in connection with the issuance of the Bonds. The fees of bond counsel shall be paid from the proceeds of the sale of the Bonds, or other money legally available therefor.

7	. Any and all resolutions that are in conflict with this Resolution are hereby
repeale	to the extent necessary to give this Resolution full force and effect.
YEAS: _	

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN	
COUNTY OF WEXFORD	

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of a resolution adopted by the City Council of the City of Cadillac, County of Wexford, State of Michigan, at a meeting held electronically on December \_\_\_\_\_, 2020, and that the meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by that Act.

Sandra Wasson City Clerk City of Cadillac Resolution No. 2020-\_\_\_ Page 5 of 6

#### **EXHIBIT A**

NOTICE TO TAXPAYERS AND ELECTORS
OF THE CITY OF CADILLAC, COUNTY OF WEXFORD, STATE OF MICHIGAN AND USERS OF
THE CITY'S WATER SYSTEM OF INTENT TO ISSUE BONDS AND THE RIGHT OF
REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City of Cadillac, County of Wexford, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Eleven Million Dollars (\$11,000,000) in one or more series for the purpose of paying all or part of the cost of acquiring, constructing, installing, repairing and improving certain improvements to the City's water system, including water line construction and replacement, pipes, wells, pumps and related street infrastructure, together with all necessary interests in land, and all related sites, structures, equipment, appurtenances and attachments thereto (the "Project"). The bonds may be junior to revenue bonds previously issued by the City.

#### SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL AND INTEREST OF THE REVENUE BONDS SHALL BE PAYABLE from the revenues received by the City from the operations of the water system, and other lawfully available funds of the City. The revenues will consist of rates and charges that may from time to time be revised to provide sufficient revenues for the expenses of operating and maintaining the water system, to pay the principal of and interest on the revenue bonds and to pay obligations of the water system.

#### **BOND DETAILS**

THE REVENUE BONDS will be payable in annual installments not to exceed forty (40) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on the revenue bonds.

# ADDITIONAL SECURITY FOR BONDS SOLD TO MICHIGAN FINANCE AUTHORITY

BECAUSE THE BONDS WILL BE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE FOR THE PAYMENT OF THE BONDS MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE AND RETURNED OR TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may

City of Cadillac Resolution No. 2020-\_\_\_ Page 6 of 6

enter into an agreement providing for the payment of taxes, which taxes are collected by the State and returned to the City as provided by law, to the Michigan Finance Authority or a trustee, and such funds may be pledged for the payment of the bonds.

BECAUSE THE BONDS WILL BE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE ITS LIMITED TAX FULL FAITH AND CREDIT AS SECURITY FOR THE BONDS, IN WHICH EVENT DEBT SERVICE ON THE BONDS SHALL BE PAYABLE EITHER FROM REVENUES OF THE SYSTEM OR FROM AD VALOREM TAXES THAT MAY BE LEVIED ON ALL TAXABLE PROPERTY IN THE CITY, SUBJECT HOWEVER, TO CONSTITUTIONAL, STATUTORY AND CHARTER TAX LIMITATIONS.

#### RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH VALID PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Sandra Wasson, City Clerk City of Cadillac 200 North Lake Street Cadillac, Michigan 49601

### **City Council**

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

the City; and



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

### RESOLUTION NO. 2020-\_\_\_

# RESOLUTION AMENDING GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2021

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held electronically on the 21st day of December, 2020, at 6:00 p.m.

PRESENT:

ABSENT:
The following preamble and resolution was offered byand seconded by
WHEREAS, the City adopted Ordinance No. 2020-04, Ordinance Adopting General
Appropriations Act for Fiscal Year 2021 ("General Appropriations Ordinance") on May 28,
2020, which approved a general appropriations act for the 2021 fiscal year; and
WHEREAS, Section 10.5 of the City Charter provides that the City Council may make
additional appropriations during the fiscal year for unanticipated expenditures required of

WHEREAS, Section 9 of the General Appropriations Ordinance authorizes the City Council to make such additional appropriations by resolution; and

WHEREAS, the City Council has determined that additional appropriations are required due to unanticipated expenditures;

City of Cad Resolution Page 2 of 2	n No
NC	OW, THEREFORE, the City Council of the City of Cadillac, Wexford County,
Michigan,	resolves as follows:
1.	The general appropriations act for the 2021 fiscal year is hereby amended in
the mann	er set forth in the attached Exhibit A, which is incorporated by reference.
2.	Any and all resolutions that are in conflict with this Resolution are hereby
repealed t	to the extent necessary to give this Resolution full force and effect.
YEAS:	
NAYS:	
STATE OF	F MICHIGAN )
COUNTY	OF WEXFORD )
complete	Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and copy of Resolution No, duly adopted at a regular meeting of the cil held on the 21st day of December, 2020.

Sandra Wasson Cadillac City Clerk City of Cadillac EXHIBIT A

Financial Services Department FY2021 Budget Amendment #2 December 21, 2020

Current	Amended	Increase
Budget	Budget	(Decrease)

#### **GENERAL FUND**

Department: Revenue	\$7,159,600	\$7,396,600	\$237,000
Amended Line Items Detail			
Federal Grants - Other	0	301,000	301,000
Local Community Stabilization Authority	500,000	534,000	34,000
Revenue Sharing - Constitutional	915,000	870,000	(45,000)
Revenue Sharing - Statutory	205,000	172,000	(33,000)
Interest Income	50,000	30,000	(20,000)

**Purpose:** To recognize projected changes to various revenue sources for FY2021. Federal grants are for CARES Act funds received: First Responder Hazard Pay Premium Program (\$33,000); Public Safety Public Health Payroll Reimbursement Program (\$214,694); Coronavirus Relief Local Government Grants Program (\$52,451). LCSA personal property tax reimbursement overage (one more payment expected in May 2021). Revenue sharing adjustments based on current projections (note: \$52,451 was recevied as a replacement payment for August revenue sharing payment; exceeded projected payment by \$18,000). Interest Income down due to market decline.

<b>Department: Police Department</b>	\$2,153,000	\$2,170,000	\$17,000
Amended Line Items Detail			
Salaries and Wages	880,000	895,000	15,000
Employee Benefits	395,000	397,000	2,000

**Purpose:** To appropriate funds to cover hazard pay for law enforcement officers that was fully covered by CARES Act grant funds.

Department: Fire Department	\$1,725,700	\$1,745,700	\$20,000
Amended Line Items Detail			
Salaries and Wages	585,000	603,000	18,000
Employee Benefits	300,000	302,000	2,000

**Purpose:** To appropriate funds to cover hazard pay for fire fighters that was fully covered by CARES Act grant funds.

City of Cadillac EXHIBIT A

Financial Services Department FY2021 Budget Amendment #2 December 21, 2020

	Current Budget	Amended Budget	Increase (Decrease)
Department: Other Financing Uses Amended Line Items Detail	\$130,000	\$150,000	\$20,000
Transfer Out	0	20,000	20,000

**Purpose:** To appropriate funds to transfer out to the Naval Reserve Center Fund to cover the costs of the emergency replacement of the boiler and the hot water heater.

General Fund Summary		Prior Approved	Amended
Revenues		7,159,600	7,396,600
Expenditures		7,361,200	\$7,418,200
Revenues Over (Under) Expenditures	*	(\$201,600)	(\$21,600)

<sup>\*</sup> Final costs of \$203,000 for the fire truck replacement were amended into the FY21 budget. This was originally budgeted in the prior fiscal year. Remove this appropriation and the current budget is \$181,400 in the black.

NAVAL RESERVE CENTER FUND			
Department: Revenue	\$23,000	\$43,000	\$20,000
Amended Line Items Detail			
Transfer In	0	20,000	20,000

**Purpose:** To recognize transfer in from General Fund to cover costs related to emergency replacement of boiler system and water heater.

Department: Administration	\$23,000	\$43,000	\$20,000
Amended Line Items Detail			
Building Maintenance	5,500	25,500	20,000

**Purpose:** To appropriate additional repair and maintenance funds for emergency replacement of boiler system and water heater.

WATER AND SEWER FUND			
<b>Department: Sanitary Sewer</b>	\$143,930	\$166,430	\$22,500
Amended Line Items Detail			
Repairs and Maintenance	25,000	47,500	22,500

Purpose: To appropriate additional funds for emergency repair of sewer line.

#### Minutes

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

Regular Meeting October 28, 2020

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held electronically at 7:30 a.m. on Wednesday, October 28, 2020.

MEMBERS PRESENT: LeVand, Crawley, Swanson, Peccia, Huckle, Coffey, Kelsey, Cinco, Barnes

STAFF PRESENT: Wallace, Payne, Berard (Leadership), Coy, Pluger

**PUBLIC COMMENT**: Jerry Adams

#### Meeting Called to Order by Chair LeVand

#### **MINUTES/REPORTS**

- A. Motion to approve the financial report included in packet. Proposed by Coffey. Supported by Cinco. Motion approved unanimously.
- B. City Manager
  - a. Financial Report Description by Peccia.
    - i. Motion by Cinco to Approve Report
    - ii. Supported by Swanson
    - iii. Approved Unanimously
  - b. General Updates
    - i. Peccia presents description of two laws passed by the Governor recently that has positively impacted local business. Community rehabilitation and revitalization. It allows a developer to be eligible for a significant tax abatement if they meet the criteria. Two local developers are utilizing this.
    - ii. White Pine Trail Head project was reviewed by Council and will be reviewed at the next council meeting to hopefully move forward in the spring.
    - iii. QUESTION: Swanson when city developed logo for the social district it is multiple colors. Can we switch to black and white to make it easier and cheaper?
      - 1. Peccia there is no obligation to print in color
    - iv. QUESTION: LeVand Can the DDA be involved in the Trailhead?
      - 1. Peccia there will be more opportunities to assist and be involved once City Council agrees and passes a resolution
    - v. QUIESTION: LeVand is there a start date for the West Corridor committee?
      - 1. Peccia should be adding one more person so there is no date yet

#### C. Director Report

- a. Cross Walk Update Mitchell Street cross walk The Leadership was willing to do this project. Both this and the Shay Locomotive project were presented to city Council. Council did not support cross walk project due to concerns about plowing.
  - i. Peccia added that the City Council agreed to revisit the issue in the future
- b. Micro-Brewery Update 412 S Mitchell should be opening November 28<sup>th</sup> as a coffee shop right now instead of as a micro-brewery.
- c. Cadillac Lofts Infrastructure Update Connie Houk believes that in about a month the sidewalks/street improvements should be complete.
- d. Marijuana Business Update One business was located within downtown and one south of town. Both were approved for Special Land Use Permit by PC. They will be moving forward, and we will hopefully advance the other two in the next 2-3 months.
- e. G&D has been advertising that they will be opening soon.
- f. Questions:

- i. Discussion followed about how to get the Crosswalk Project moving forward. Peccia assured that it is on the back burner and MDOT needs to be consulted.
- ii. LeVand can we use the money from the Marijuana contributions? Discussion that Fresh Coast offered a \$10k contribution to improve Elk Street/community.

#### **COMMITTEE REPORTS**: - None.

#### **OLD BUSINESS**

- A. Parking Assessment Wallace updates that the parking assessment was presented to them in the packet. Staff is in the process of updating business information and the formula used.
  - a. LeVand Requested that a parking committee meeting be called for January
  - b. LeVand Wants date for when the parking assessment must be presented to the City Council
  - c. Coffey can we get the exact formula for how this is calculated? Wallace explained it depends on several factors parking demand, case studies, size of business, location of spaces to business.
- B. Odd Fellows Façade Loan Update Wallace spoke to Ben Bigelow about the commercial store front. Plans are to complete front of business by end of the year is the hope.
- C. Request for Legal Opinion of Parking Fund/Owning Property for Parking LeVand Requested a legal update about the parking purchases.
  - a. Wallace Requested a specific question to send to the lawyer.
  - b. LeVand if there was an Opportunity to purchase a location, could the parking group do that? Can the parking maintenance fund be used to purchase a location?
    - i. Need to send an update to the entire board once we hear back.
    - ii. Marcus comment typically legal opinions are not shared with the public. This will be a closed topic not for meeting discussion.

#### **NEW BUSINESS - None**

#### **COMMUNICATIONS/OTHER ITEMS**

A. Pluger reminded DDA members that the November/December regular meetings would be combine to one meeting taking place on December 9<sup>th</sup>.

#### **PUBLIC COMMENTS**

- **A.** Jerry Adams shared that in Planning and Zoning News John, Jerry and others co-wrote an article about the City of Cadillac. John also spoke at a recent conference to represent the City of Cadillac. There was a request from the board for a copy of the articles.
- **B.** Steve Barnes How will snow removal be enforced with certain businesses not clearing snow off sidewalks and parking lots? This has been brought up several times and there is no change.
  - a. Peccia advised that the downtown businesses need to call in the businesses that they notice. This starts an automatic enforcement response from the code enforcer at City of Cadillac.
  - b. LeVand there is usually a very slow response from the City of Cadillac and there are consistent problem areas.
  - c. Discussion about how long snow removal and enforcement takes. There is a certain amount of bureaucracy. People must be given a certain amount of time, then the City of Cadillac sends letter and requests/tickets. Payne advised that the grass takes 5 days a new staff member has been added to assist with enforcement, but owners are given time to comply.
  - d. Suggestion to contract out the clearing of the sidewalks and add the cost to their tax bill. Huckle comment that issue is for vacant buildings and suggested sending a letter to the vacant buildings suggesting that they hire snow removal. Peccia requested that board members send a list of contacts that do snow removal to send a letter.