



City Council Meeting

February 1, 2021

6:00 p.m.

By Remote Electronic Participation

Cadillac Municipal Complex

200 N. Lake St.

Cadillac, MI 49601



February 1, 2021 City Council Meeting Agenda
6 p.m. 200 N. Lake St. – Cadillac, MI 49601
Meeting held by remote electronic participation.

We communicate openly, honestly, respectfully, and directly

CALL TO ORDER
ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

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

III. CONSENT AGENDA

- A. Minutes from the regular meeting held on January 19, 2021.
Support Document III-A

IV. PROCLAMATION

- A. Cadillac Vikings Football Team

V. FOIA APPEAL

VI. COMMUNICATIONS

- A. Ice Fishing Competition
Support Document VI-A

- B. Presentation of FY2020 Audit Results by Joe Verlin of Gabridge & Co.

Cadillac City Council Agenda

February 1, 2021

Page 2

VII. APPOINTMENTS

- A. Recommendation regarding reappointment to the Board of Review.
Support Document VII-A
- B. Recommendation regarding reappointment to the Cadillac-Wexford Airport Authority.
Support Document VII-B

VIII. CITY MANAGER'S REPORT

- A. COVID-19 Update

IX. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution to Tentatively Award Two (2) Construction Contracts for Water System Improvements.
Support Document IX-A
- B. Adopt Resolution to Approve Amendment to Restated Amended Agreement to Establish Joint Cadillac-Wexford County Airport Authority.
Support Document IX-B

X. PUBLIC COMMENTS

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

XI. GOOD OF THE ORDER

XII. ADJOURNMENT

Cadillac City Council Agenda

February 1, 2021

Page 3

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

January 19, 2021

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 (joined meeting at 6:01 after roll call)

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

Council Member King stated he is attending the meeting virtually in the City of Cadillac.

APPROVAL OF AGENDA

2021-001 Approve agenda as amended.

Motion was made by Schippers and supported by Engels to approve the agenda as amended to move City Manager's Report Item A after the Consent Agenda and to add a FOIA Appeal after the Public Hearings.

Motion unanimously approved.

PUBLIC COMMENTS

Konrad Isch thanked the City Council for opening discussion on time allotment for public comments during public hearings and expressed the need for citizen involvement in local government.

Randy Lindell expressed opposition to the Cadillac Castle project and termination of the Municipal Services Agreement.

2021-002 Approve consent agenda as presented.

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

Motion unanimously approved.

DISCUSSION ON TIME ALLOTMENT FOR PUBLIC COMMENTS DURING PUBLIC HEARINGS

Mayor Filkins proposed the time for public comments during public hearings be increased from three (3) minutes to six (6) minutes. She stated members of the public can also provide documentation to the Council prior to the meetings.

Schippers asked if this proposal would apply to all public comment sections or just for public comments during public hearings.

Mayor Filkins stated it would only apply to public comments during public hearings.

Schippers stated she supports this proposal. She noted when there are public hearings some people have more to say regarding the issue being addressed.

Engels stated he supports this proposal.

2021-003 Increase time for public comments during public hearings.

Motion was made by King and supported by Schippers to increase the time for public comments during public hearings from three (3) minutes to six (6) minutes.

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance to Amend Section 12-94 of the City Code Regarding Duration of the Cadillac Castle Service Charge in Lieu of Taxes.

Peccia stated the proposed amendment would change the duration of the Ordinance's effect from thirty-six (36) months to forty-eight (48) months.

Mayor Filkins opened the public hearing.

Konrad Isch expressed concerns about the Cadillac Castle project.

Prior to the meeting, Mr. Isch provided written comments for this meeting and from previous meetings for the public record (see attachment).

Randy Lindell expressed opposition to the Cadillac Castle project.

Phil Seybert, Owner of P.S. Equities, stated they are preparing to submit their fourth application to MSHDA. He noted part of the reason for submitting another application is that for some time, MSHDA has been considering modifying their qualified allocation plan. He stated as part of the changes that were made, they did create a rural set-aside in their qualified allocation plan which set-aside roughly 12.5% of the tax credit allocation to the State of Michigan for projects located in rural communities, just like Cadillac. He noted it should provide a much better opportunity to compete in the tax credit round because they will designate the rural category and not necessarily competing against larger cities.

Seybert stated there is a new market study in process and there is still a very strong demand for affordable senior housing in Cadillac. He noted the application is due on February 1, 2021 and they expect to hear on the allocations in May or June 2021. He stated if they receive an allocation, they are planning to break ground later this year and will be ready for initial occupancy in late 2023. He noted the request is to extend the PILOT another twelve (12) months which provides them with the opportunity to secure additional points on their application.

Mayor Filkins closed the public hearing.

King stated he had phone conversations with Mr. Isch and respects his opinion. He noted several residents and business owners have expressed positive comments about the improvements made to the south end of town. He added they also made comments that the Cadillac Castle project would go along with the developments that have already been made and would help increase property values, put seniors close to the hospital, grocery stores, and other businesses.

Elenbaas asked for clarification on the term “low-income housing”. He noted he thought the project was partially income based and also included market value units.

Peccia stated the project is approximately 37-38 units with 80% low income based for seniors fifty-five (55) years and older and 20% of the units will be at market rate.

Seybert stated the State of Michigan receives low-income housing tax credits from the federal government and there is competition for these credits through the qualified allocation plan. He stated if they receive an allocation of credits, they sell those credits which creates the equity to buy down the mortgage so they can have affordable rents. He noted there are thirty-seven (37) planned units which includes seven (7) one-bedroom units and thirty (30) two-bedroom units. He explained the various rents associated with the low income and market rate units. He noted the whole idea is to have an integration of income levels in the project.

Schippers stated this is senior housing development. She asked if the senior housing project in Clare brought more drugs and crime to the area.

Seybert stated he is not aware of that occurring. He added the development creates pedestrian traffic, shoppers, and brings people downtown.

2021-004 Adopt Ordinance 2021-01.

Motion was made by King and supported by Elenbaas to approve the resolution to adopt Ordinance to Amend Section 12-94 of the City Code Regarding Duration of the Cadillac Castle Service Charge in Lieu of Taxes.

Motion unanimously approved.

- B. Public hearing to consider adoption of Ordinance to Approve Exchange of Real Property (Within James E. Potvin Industrial Park).

Peccia explained a map (attached) showing the proposed land exchange with Consumers Energy. He noted this project was recommended and approved by the Cadillac Industrial Fund and the Planning Commission.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2021-005 Adopt Ordinance 2021-02.

Motion was made by Schippers and supported by King to approve the resolution to adopt Ordinance to Approve Exchange of Real Property (Within James E. Potvin Industrial Park).

Motion unanimously approved.

FOIA APPEAL

City Attorney Seurnyck stated the City received a FOIA requesting video and audio of the booking area and examination records. She noted the City responded to the requestor that the City does not have those records. She stated the requestor sent a similar request to Wexford County. She noted the response from Wexford County seemed to indicate to the requestor that the City had those records. She stated the City did not have those records until the requestor himself sent a copy to the City. She noted it is not a public record of the City and at the time of the request the City did not have the requested records. She added the recommendation is to deny the FOIA appeal.

Motion was made by King and supported by Elenbaas to follow the advice of counsel and deny the FOIA appeal for the reasons stated.

Terrell Bodary displayed and discussed some emails regarding the FOIA request. He stated he would like to withdraw the appeal filed for his initial FOIA request.

Seurnyck stated the second FOIA appeal submitted by Mr. Bodary will be addressed at a subsequent meeting.

King stated he is withdrawing his motion to allow the Mayor to let the appellant withdraw the appeal.

COMMUNICATIONS

A. Friends of the Library

2021-006 Approve sign request from Friends of the Library.

Motion was made by Schippers and supported by King to approve the sign request from the Friends of the Library as presented.

Motion unanimously approved.

B. Downtown Sidewalk Cafes

2021-007 Approve Downtown Sidewalk Cafes.

Motion was made by King and supported by Elenbaas to approve the request from Clam Lake Beer Company, Hermann's European Café, and the Raven Social to have sidewalk cafes in front of their businesses in 2021 subject to the conditions noted.

Motion unanimously approved.

C. Clam Lake Beer Company

Peccia noted they are planning to utilize one (1) parking space.

2021-008 Approve pop up dining tents for the Clam Lake Beer Company.

Motion was made by King and supported by Schippers to approve the request from the Clam Lake Beer Company to place pop up dining tents in the Splash Pad area from January 19, 2021 through March 31, 2021 along with the request regarding the parking area.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding reappointment to the Cemetery Board.

2021-009 Approve reappointment to the Cemetery Board.

Motion was made by Schippers and supported by King to approve the reappointment of Bryan Elenbaas to the Cemetery Board for a 3-year term to expire on January 19, 2024.

Motion unanimously approved.

B. Recommendation regarding reappointment to the Cemetery Board.

2021-010 Approve reappointment to the Cemetery Board.

Motion was made by Elenbaas and supported by Engels to approve the reappointment of Thomas Olmsted to the Cemetery Board for a 3-year term to expire on January 19, 2024.

Motion unanimously approved.

C. Recommendation regarding reappointment to the Planning Commission.

2021-011 Approve reappointment to the Planning Commission.

Motion was made by Engels and supported by Elenbaas to approve the reappointment of David Bunce to the Planning Commission for a 3-year term to expire on January 19, 2024.

Motion unanimously approved.

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

2021-012 Approve City Council Member appointments, regular and alternate, to the Board of Review.
Motion was made by Engels and support by Elenbaas to appoint Engels as the regular member and Schippers as the alternate member to the Board of Review for a 1-year term to expire on January 19, 2022.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Cadillac Housing Commission compensation change request.

Peccia noted the ordinance that established the Cadillac Housing Commission (CHC) requires the City to approve these types of requests. He stated funding of the CHC does not come from City funds. He stated the resolution approved by the CHC provides for a 10% pay increase for the Executive Director and a 3% wage increase for all other employees except the recent new hire.

2021-013 Approve Cadillac Housing Commission compensation change request.

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

Motion unanimously approved.

B. Hardship (Poverty) Exemption Policy.

Peccia stated the City in accordance with Public Act 390 is required to annually adopt a policy. He stated the Audit of Minimum Assessing Requirements (AMAR) requires the local unit to set an actual dollar amount for assets with the exemption of the primary residence. He noted we have included language in this policy to set the amount of \$50,000 as the asset amount not to exceed, excluding the value of the primary home.

2021-014 Adopt updated Hardship (Poverty) Exemption Policy.

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

Motion unanimously approved.

C. COVID-19 Update

Peccia noted information regarding COVID-19 can be found at the District Health Department #10 website at www.dhd10.org. He noted there is a link and a phone number available for seniors age sixty-five (65) years and older to sign up for the vaccine waiting list.

Peccia stated the State Health Department orders continue to prohibit in-person meetings and it is still uncertain as to when that restriction will be lifted. He noted even when the restriction is lifted there may still be some social distancing requirements that remain which will cause some logistical issues with holding City Council meetings in the Council

Chambers due to the size of the facility. He noted CAPS is not currently allowing outside groups to utilize their facilities. He noted he is reviewing other potential meeting locations within the City limits. He stated the current Open Meetings Act does allow for electronic meetings through the end of March.

Peccia noted we had planned to hold an in-person meeting on the Trailhead Project but have been unable to do so due to the restrictions. He stated in order to move the project forward, Prein & Newhof is planning to provide a presentation on the project possibly at the next meeting. He noted information will be provided to all interested parties prior to the meeting.

INTRODUCTION OF ORDINANCES

- A. Adopt Resolution to Introduce Ordinance to Approve Sale of Real Property (within the James E. Potvin Industrial Park) to Spencer Plastics and Set a Public Hearing for March 1, 2021.

Peccia noted earlier in the meeting Council approved the exchange of property with Consumers Energy. He stated once Lot 2 is formally under the City's control, Spencer Plastics is looking at utilizing Lot 2 to help them accommodate their immediate needs of expanding their business. He noted the City has received a proposal from Spencer Plastics in the amount of \$14,540 for Lot 2. He stated the Cadillac Industrial Fund supports this proposal and the Planning Commission will be considering it at an upcoming meeting. He noted the request is to set the public hearing for March 1, 2021.

2021-015 Set public hearing for Ordinance 2021-03.

Motion was made by Schippers and supported by King to adopt the Resolution to Introduce Ordinance to Approve Sale of Real Property (within the James E. Potvin Industrial Park) to Spencer Plastics and Set a Public Hearing for March 1, 2021.

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution to Terminate Municipal Services Agreement with Cadillac Castle.

Peccia stated 20% of the units in Cadillac Castle will be classified as market rate. He noted the market rate units are required to have the full ad valorem tax rate charged and collected by the City. He stated this essentially nullifies the need for there to be a side Municipal Services Agreement (MSA) in addition to the collection of those taxes as well as the Payment in Lieu of Taxes (PILOT). He noted if the MSA remained in place it would likely make the project financially unfeasible to build.

2021-016 Adopt Resolution to Terminate Municipal Services Agreement with Cadillac Castle.

Motion was made by Engels and supported by King to adopt the Resolution to Terminate Municipal Services Agreement with Cadillac Castle.

Motion unanimously approved.

- B. Adopt Resolution to Appoint Wexford County Emergency Management Coordinator as Emergency Management Coordinator.

Peccia noted this will formalize the relationship of the City utilizing the Wexford County Emergency Management Coordinator as the City's Emergency Management Coordinator.

2021-017 Adopt Resolution to Appoint Wexford County Emergency Management Coordinator as Emergency Management Coordinator.

Motion was made by Schippers and supported by King to adopt the Resolution to Appoint Wexford County Emergency Management Coordinator as Emergency Management Coordinator for the City.

Motion unanimously approved.

PUBLIC COMMENTS

Randy Lindell expressed opposition to the termination of the Municipal Services Agreement with Cadillac Castle. He expressed concerns about a comment made regarding a FOIA request, snow removal in the City, and use of the Splash Pad area by Clam Lake Beer Company.

Konrad Isch expressed his disappointment about the decisions made regarding Cadillac Castle. He expressed support for increasing the time allotment for public comments during public hearings, approval of the downtown sidewalk cafes, approval of the pop-up dining area for Clam Lake Beer Company, and approval of the Resolution to Appoint Wexford County Emergency Management Coordinator as Emergency Management Coordinator.

GOOD OF THE ORDER

Elenbaas stated he has gained a better understanding of the need for outside funding for development projects. He congratulated the Cadillac Vikings for making it to the state championship game.

Schippers requested clarification at the beginning of meetings or in the agenda itself that explains why the Council does not address public comments. She noted City staff or Council Members have contacted individuals directly to address any issues or concerns raised during public comments if it is warranted. She stated she has heard from various people that there are several pieces of broken sleds on Diggins Hill. She asked if the City could remove the pile of broken sleds and possibly place a bin for people to put them in for easier removal in the future.

Mayor Filkins congratulated the Cadillac Vikings Football Team. She noted she will be presenting a proclamation to the team.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

Darrell Konrad Isch

828 Aspen St. Cadillac, MI

I would first like to thank the City Council for listening to public comment at the last meeting and opening discussion on Time Allotment for Public Comment during public hearings. In public hearings where there is great ownership interest or an interested party, I believe those people should be given the ability to present their facts, opinions and have a seat at the table so to speak. Those people are after all affected more greatly than most. I have been told this discussion will be moved to a position before the public hearings scheduled tonight. I hope that is the case.

At the last meeting I spoke on the need for citizen involvement in our local government. A previous Cadillac Mayor and Council had identified there was an issue with this subject and created the solution of a second public comment section in the regular meetings. I believe that did help, and I applaud the Mayor and Council for continuing with that. I believe from my contacts in the community that there is now an attitude that no matter what is said in public comment it is rarely followed up on, listened to, or considered.

There have been many meetings I have attended or watched where citizens have spoken questioning things done by the city or the council. Some are not the best orators; some speak off the cuff or have no notes to speak. This does not make them any less of a voice, any less of a citizen, or any less important.

In 2020 I became greatly involved in Stand Up Michigan; let me tell you running Facebook and multi-platform administration for over 386,000 Michiganders who all want a voice is not easy. It turned into 100+ hour weeks for me...all volunteer. I learned many things from this experience, I'd love to share them with you but I would run past my 3 minutes. The largest take away for me was that many people stand in the shadows, many do not vote, many who do vote just trust who they voted for and move on with their lives. Unfortunately that does not help society as a whole. Our government leaders at all levels need public engagement, public opinion, and a true pulse on the people they represent in order to govern effectively.

This principle has broken down. I invite the Mayor, The City Manager, Council, and the citizens to involve themselves in reengagement. It will only be a benefit to the city's outlook and stability.

The opinions and comments I have received involve thanking me for standing up, and that the citizens do not share the vision and path it seems council is perusing. Many citizens are angry about expansion of our small city and the amount of tax dollars assessed, borrowed, and spent to pursue growth that will eventually push them out of the city. Now more than ever we need to support hometown home grown businesses that invest back into our community. Many are suffering, some are getting creative. We should be finding ways to help them before helping outside investors and developers with city resources and tax dollars.

Darrell Konrad Isch

828 Aspen St. Cadillac, MI

I appear before you tonight as the owner of lots 71, 72, 73, 74, 75, the entire vacated alley, 76, 77, 78, 1 and 5 within proper notice zone for the Cadillac Castle Project. I did not receive personal notice of this public hearing for any of my parcels. This has happened before and it resulted in a reschedule of the public hearing. I am aware that there may be an argument that personal notice in this case wasn't necessary.

I submit that on the agenda is a possible change to one of the pillars on which this project has been pitched from the beginning, and as such it in my mind it is a change of the rules during the game so to speak. I have submitted some of my previous statements to council, zoning, and planning for you to view tonight. On the surface, those points are not why we are here however if I was a member of council and the rules of the game were changing I would want to look at the overall picture. I make decisions based on all the facts and in this case, the decisions of zoning, planning and council were predicated on overall knowledge of the plan for the building. This requested change on low-income and market rate tenants may have been a factor in all decisions had it been known.

I have raised many concerns, some of which were used by the developer to change plans. The city should have known about all of these concerns. The city has invested quite a bit of time and resources to aid this developer in pitching this plan. I have attached all my previous written statements to be entered and a copy of the plot map indicating my ownership. I am hoping each of you take the time to read and view mine and all other pertinent documents. Many times I have heard discussion about something being in the packet for council but yet many have not reviewed it or done research or due diligence on the subject. How is one to make a sound decision without completing that?

Regarding my specific concerns over sewer infrastructure I had also provided a potential solution. It was noted, but not incorporated. I would like to point out that all of the most recent major projects the city has been part of have experienced considerable issues due to "unknown" infrastructure issues and variables that were not planned for. This includes the Cadillac Commons project, the Better Bodies project, The Cadillac Lofts project, and scheduled road improvements last year.

I, with intimate knowledge of the infrastructure, vehicle and pedestrian patterns, and the swamp and drainage issues involved in the development of Cadillac Castle as planned have been voicing concern at every turn. This at every turn seems to fall on deaf ears. How much more money does the city wish to spend involving this project and it's unknown consequences and unintended issues?

Thru my conversations with the developer I learned that the current proposed location was not his first choice. I found his actual first choice on South St. very interesting as I agreed.

This South Street location is 1 block down, has better infrastructure for water, sewer, foot and vehicle traffic, and a building such as proposed is more in line with the surrounding structures. I believe the score that the investor is searching for to secure funding would also be improved at this location. That

property is now for sale on the open market and contains a blighted building in the city that has been vacant for years.

I urge the city at this point after bending over backwards for quite some time that you urge the investor to go back to the drawing board and secure an option and plans on this sight. This sight will provide a benefit of improvement to the city, remove blight, provide a better chance of funding approval for the investor and is better in line with the structure he proposes.

When this project reached the approval stage and moved on to the funding stage, I contacted Lansing and was able to voice all my concerns with the project. The committee deciding funding seemed much more interested in my concerns than our own city council. My large ownership and knowledge of the area and infrastructure was appreciated. I for the life of me do not understand why my own city seems to take my concerns less seriously.

I am hoping my knowledge and one voice which if you view all my property ownership as if it was individually owned, is quite a statement; involving 10 households will be given the true weight it deserves.

Darrell Konrad Isch, 828 Aspen St., Cadillac, MI

Good evening:

Let me start by saying I am a majority property owner in this area and I am perplexed by the process of proper notice of public hearings. I received 7 notices of this public hearing September 24th with the Planning Commission. The residents of my rental properties did not receive notice. The previous ZBA meeting was continued due to a notice issue. This was remedied by personally delivering notice to each address, thus the occupant of each address. I was doing research for another issue in Wexford County and stumbled into what seemed to be the law regarding notice which paraphrasing seemed to say that the owner and occupant of each property within the notice radius shall receive notice. I'm confused as it seems the Planning commission noticed one way; the ZBA noticed another but yet neither one covered both; quite a few of these properties noticed are non-owner occupied both residential and commercial. It seems the intent is to notice people affected by the decision but yet neither the Planning Commission nor the ZBA seems to have notified both parties. I guess I'm just asking for clarification.

I have attached a plot map so you can understand my ownership interest in the area. The plot map is highlighted: Blue represents residential rental properties I own, Yellow represents my primary residence and yard, and pink is the proposed development sight.

I am the owner of lots 71, 72, 73, 74, 75, 76, the entire vacated alley, 77, 78, 80, 81, 1, and 5 on the 800 block of Aspen and 200 block of Cottage. As you can see my ownership interest is large and the impact to me, my tenants, my neighborhood, and my income should put heavy weight on my statement.

This ownership represents years of hard work and planning, and also some luck. My primary residence is directly across the street from the proposed parking lot and main drive for this structure. The other lots represent 9 residential rental units I own. These units are my primary source of income.

I purchased my primary residence in 1994 and slowly watched 2 residential structures and one previous commercial structure occupying the proposed development land become condemned and demolished. I have had many years to consider what would be a good use for this vacant property and there are many conforming uses that would be much less desirable to me than this proposed use in what is basically my front yard.

Over the years my neighborhood has been up and down in terms of a desirable location to live. At times we have had drug and crime problems. Currently we are in a school zone due to Cooley school. Between

that designation and my personal rental screening, the area has improved over the years. I am a disabled person of modest means and I feel I have made a positive impact on this area.

Over the years I have watched infrastructure development in the Cadillac area as a whole and more specifically experienced unintended challenges due mainly to unknown variables and unintended consequences.

The main drive for this proposed structure seems to make Aspen St. the main ingress and egress. This will create a significantly higher traffic volume on a street that already has a high traffic volume of cars, pedestrians, and bikes. Aspen St. is consistently utilized as the walking and driving street to avoid Mitchell St. for many people on the south end of town from other complexes on Sunnyside and Pearl Street.

I note that under Section 46-69(4) that the standard is the "requested variance will not unreasonably increase congestion in public streets." An MDOT study is noted for South Mitchell Street and in the explanation it is "anticipated that vehicles leaving the sight wishing to travel south on Mitchell Street will use the Aspen Street driveway and travel north to enter either Granite Street or south to South Street using the traffic lights for safety." I note there has been no study sighted for the current traffic volume on Aspen Street which I believe needs to be assessed. We already have a higher traffic volume than many side streets in the area. We just recently had a two vehicle accident occur directly in front of the proposed drive to this development.

If you have ever been sitting on South St. waiting to turn left on Aspen, you would know drives create a traffic flow problem if not properly planned. There is a drive leading to the Family Fair Plaza that is just to the East of Aspen St. it neither lines up, nor jogs enough. This creates a problem. Over 50% of the time when I attempt my turn onto Aspen St. from South St. heading west, there is a car sitting on South St. with its left turn signal on waiting to get into the Family Fair Drive. That vehicle is invariably sitting directly in my path to turn left onto Aspen. They are staring at me and waiting for me to move so they may complete their turn. I stop just before the drive so they can actually make the turn. Some people don't. Some people must expect that I am going to turn down Aspen taking the opposing traffic's lane on the wrong side of the road so they are comfortable to make the turn. The more traffic that is pushed down Aspen St. by development the worse this problem will get.

Sometimes I have to sit at the end of my driveway for quite some time to wait for an opening in traffic to leave my driveway and travel down Aspen St. It seems that adding a drive which by the finding's own conclusion will be the most utilized drive for a large structure this will do nothing but increase congestion.

The introduction of the Dollar General drive on Aspen has exacerbated these traffic problems. The drive itself was built over a swampy area. This swampy area once extended thru part of the proposed development property. Historically looking back a large amount of the immediate area surrounding this property was originally swamp. It was filled in with lumber discards, trash, debris and ash from the sawmills. Digging done anywhere around this area will reveal a layer of ash, biodegraded debris, misc. trash, very old ash, and sand and clay.

I am not an environmentalist, I am a realist and I am not objecting to this proposed structure based on some impact to the environment. I do however have concerns over infrastructure and construction plans to take the variables of this area into account.

Dollar General's drive was completed twice, the first plan caused significant impact to neighboring properties due to water management and erosion. That included flooding neighboring properties. The current drive of 6+ inch concrete has significant settling cracks and breaks, some have dropped the surface by over 4 inches. The impact in the visual appearance that some of the proposed development land is not swampy naturally provides an unrealistic illusion.

Aspen St. 3 years ago had a large sink hole in front of my 844 Aspen St. it was a significant sink hole and was remedied quickly by the city however; again it goes to my concerns.

Pollard St. is a dirt road with no curb and gutter, no sidewalk, and no sewer service. A property on Pollard was years ago approved to utilize an ejector pump on a 2" sewer line to pump its sewage into the end of the line sewer in front of my house at 884 Aspen. The septic at that residence had failed and sunk and the land was not approvable for a new septic due to the swampy nature. The house was condemned and the people of modest means found that solution. That solution has now impacted my 884 Aspen St. address over the past few winters by backing up into the sewer line a deluge of pumped water which freezes the sewer mainline. This has created a large issue requiring both the city and myself to jet wash a large quantity of ice in order to restore service. In fact it has been necessary to have every one of my properties have the sewer main cleaned with a sewer auger in the past 5 years and some are fairly consistent every year or every other year including ones with newer mains to the road. I have recently learned that the water and sewer junctions for this project are planned to be on the Aspen St. side. Honestly I am appalled and I can think of no reason that a high volume of commercial water and waste should be allowed thru an older and already compromised system when Mitchell St. contains recently replaced water and sewer lines capable of commercial volume. I believe this speaks to the lack of proper infrastructure planning I have seen in this area and not taking the sight specific variables into account.

This section of Aspen St. only has sidewalk on one side of the street. We have a large amount of foot traffic utilizing the middle of the road for that reason. My understanding is that a sidewalk is planned for the East side of the street with this development but I am unclear if that will extend the entire length of the 800 and 900 Blocks of Aspen. The sidewalk currently stops on my 844 property on the West side before reaching Pollard Street and the entire 900 Block has no sidewalk on either side.

Visually, sitting out on my deck right now I can see Mitchell St. and Dairy Queen. I also see a natural landscape of large and small trees and bushes. This creates a pleasant view even in light of the fact that my block is essentially in the downtown commercial district. From the current sight plan and variance request it looks as if carports will be facing my property with a 4 story structure looming directly behind them. I feel it would be more aesthetically desirable to have a tree line of decent height separating what let's face it is almost a skyscraper in Cadillac from the area of older residential houses.

The height and scope of the project is large. I am concerned and honestly do not wish to stare at a 4 story structure basically in my front lawn when I sit on my deck. I am concerned about property values and honestly I do not understand in whose opinion property values in the area will increase by building such a large structure for a large housing and traffic volume. Please note I do not plan to sell, I plan to utilize my rentals as investment income so to me the desirability of tenants to live in my rentals with a small town feel close nit neighborhood while being close to downtown, shopping, and the lake are much more important to me and my ability to make a living than how much my property is worth on the market.

Due to these facts I submit that the standard that "The requested variance will not unreasonably diminish or impair established property values within the surrounding area" in my estimation needs to consider current residential rental rates. I feel this large structure and larger traffic volume will cause families to have less desire to rent my units because the street will lack the small town feel and the traffic volume will make families with kids feel unsafe.

Affordable housing is needed in the Cadillac area and a well built and managed structure for housing seniors is honestly a desirable use of this property and may indeed serve to increase the value, cash flow, and desirability of my neighborhood. I would absolutely approve of a smaller scale 2 story say 24 unit structure. Another concern is one of the always possible failures of this business model to work. I think of another local community that approved a VA only housing structure only to find out later that the management company had reached an agreement with the state to house parolees in the facility also. I have no wish or desire to lend my support for a structure that would provide subsidized housing to an "open class" of people in my front yard.

That being said, the standard that "The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city." Is also an issue for me. First, please refer to the way I receive the majority of my income. Secondly, I referred to the fact that I am disabled. My disabilities are psychological and one of them is agoraphobia and anxiety disorder. I have a fear of people and the public. I have created a close knit environment in my neighborhood and my ownership of the housing around me is part of my strategy for coping with my condition. I am aware I cannot control in a large sense something that happens to property that does not belong to me, however it seems the code and ordinances were adopted for a reason. In this case the proposed building does not meet those criteria. I feel granting a special land use permit and multiple variances to allow this structure will indeed affect my health, comfort, and welfare.

I have been told by the City Manager and the developer to visit the Clare Castle building to understand what I will be viewing in my front yard. It is interesting to note that Clare Castle is a 24 unit structure and the other one he refers to is a 30 unit structure. I find it hard to believe that viewing those would allow me to understand a 46 unit structure. To me he has already proven he can build a profitable senior housing facility in the 24 unit range and I believe reducing the number of units would decrease the footprint and the proposed structure could comply with current regulations.

It is also important to note, and please correct me if I am wrong that fundamentally the board is to look at the practical difficulty to the land owner. I appear before you as a land owner and taxpayer in the City. I believe Mr. Seybert holds options and is not a current land owner. If I am correct in that statement, I am the land owner with practical difficulties surrounding this proposal and Mr. Seybert is only a prospective interested party.

I have heard this project helps and complies with the current city plan to “increase density in the downtown business district”. To that I ask why are we trying to increase density? Some of us like living in a small town. I do not wish to live in a mini Traverse City. I was born in New York, New York (Manhattan) and raised until the age of 13 in Chicago. I live here and invest here because it is a small town. I don’t understand the vision and desire to make Cadillac something it is not.

To recap: I believe allowing a variance for height or footprint of the proposed structure will impact the area negatively. I believe allowing a special land use permit for the proposed structure will impact the area negatively.

I therefor as a resident of the city of Cadillac and owner of lots 71, 72, 73, 74, 75, 76, the entire vacated alley, 77, 78, 80, 81, 1, and 5 on the 800 block of Aspen and 200 block of Cottage do object to the request for variances and special land use permit to build the proposed structure.

I request you deny the special land use permit and keep the dialogue open for a more conforming use residential housing structure.

I thank you for considering my comments.

Darrell Konrad Isch, 828 Aspen St., Cadillac, MI

Good evening:

Let me start by saying I am nervous and not the best public speaker, so please forgive me. I would like to pass out a highlighted plot map and a written version of my statement. I tend to be what I think is a decent writer but sometimes I stumble over my own words when I am nervous.

The plot map is highlighted: Blue represents residential rental properties I own, Yellow represents my primary residence and yard, and outlined in pink is the proposed development sight.

I am the owner of lots 71, 72, 73, 74, 75, 76, the entire vacated alley, 77, 78, 80, 81, 1, and 5 on the 800 block of Aspen and 200 block of Cottage. As you can see my ownership interest is large and the impact to myself, my tenants, my neighborhood, and my income should put heavy weight on my statement.

I have a number of concerns. First, as you can see by my ownership, I have a vested interest in the area but yet I was provided no written notice of this public hearing.

This ownership represents years of hard work and planning, and also some luck. My primary residence is directly across the street from the proposed parking lot and main drives for this structure. The other lots represent 9 residential rental units I own. These units are my primary source of income.

I purchased my primary residence in 1994 and slowly watched 2 residential structures and one previous commercial structure occupying the proposed development land become condemned and demolished. I have had many years to consider what would be a good use for this vacant property and there are many conforming uses that would be much less desirable to me than this proposed use in what is basically my front yard.

Over the years my neighborhood has been up and down in terms of a desirable location to live. At times we have had drug and crime problems. Currently we are in a school zone due to Cooley school. Between that designation and my personal rental screening, the area has improved over the years. I am a disabled person of modest means and I feel I have made a positive impact on this area.

Over the years I have watched infrastructure development in the Cadillac area as a whole and more specifically experienced unintended challenges due mainly to unknown variables and unintended consequences.

The main drives for this proposed structure seem to make Aspen St. the main ingress and egress. This will create a significantly higher traffic volume on a street that already has a high traffic volume of cars, pedestrians, and bikes. Aspen is consistently utilized as the walking and driving street to avoid Mitchell St. for many people on the south end of town from other complexes on Sunnyside and Pearl Street.

The introduction of the Dollar General drive on Aspen has exacerbated this problem. The drive itself was built over a swampy area. This swampy area once extended thru part of the proposed development property. Historically looking back a large amount of the immediate area surrounding this property was originally swamp. It was filled in with lumber discards, trash, debris and ash from the sawmills. Digging done anywhere around this area will reveal a layer of ash, biodegraded debris, misc. trash, very old ash, and sand and clay.

I am not an environmentalist, I am a realist and I am not objecting to this proposed structure based on some impact to the environment. I do however have concerns over infrastructure and construction plans to take the variables of this area into account.

Dollar Generals drive was completed twice, the first plan caused significant impact to neighboring properties due to water management and erosion. That included flooding neighboring properties. The current drive of 6+ inch concrete has significant settling cracks and breaks, some have dropped the surface by over 4 inches. The impact in the visual appearance that some of the proposed development land is not swampy naturally provides an unrealistic illusion.

Aspen St. 3 years ago had a large sink hole in front of my 844 Aspen St. it was a significant sink hole and was remedied quickly by the city however; again it goes to my concerns.

Pollard St. is a dirt road with no curb and gutter, no sidewalk, and no sewer service. A property on Pollard was years ago approved to utilize an ejector pump on a 2" sewer line to pump it's sewage into the end of the line sewer in front of my house at 884 Aspen. The septic at that residence had failed and sunk and the land was not approvable for a new septic due to the swampy nature. The house was condemned and the people of modest means found that solution. That solution has now impacted my 884 Aspen St. address over the past few winters by backing up into the sewer line a deluge of pumped water which freezes the sewer mainline. This has created a large issue requiring both the city and myself to jet wash a large quantity of ice in order to restore service. I am sure from the proposed building sight that utilities will be junctioned from the Mitchell St. side, so you ask why that is pertinent? I believe it is pertinent because it speaks to the lack of proper infrastructure planning I have seen in this area and not taking the sight specific variables into account.

This section of Aspen St. only has sidewalk on one side of the street...we have a large amount of foot traffic utilizing the middle of the road for that reason. I would like to see sidewalk on both sides of the street to accommodate this foot traffic if this development was to be approved.

If you have ever been sitting on South St. waiting to turn left on Aspen, you would know drives create a traffic flow problem if not properly planned. There is a drive leading to the Family Fair Plaza that is just to the East of Aspen St. it neither lines up, nor jogs enough. This creates a problem. Over 50% of the time when I attempt my turn onto Aspen St. from South St. heading west, there is a car sitting on South St. with its left turn signal on waiting to get into the Family Fair Drive. That vehicle is invariably sitting directly in my path to turn left onto Aspen. They are staring at me and waiting for me to move so they may complete their turn. I stop just before the drive so they can actually make the turn. Some people don't. Some people must expect that I am going to turn down Aspen taking the opposing traffic's lane on the wrong side of the road so they are comfortable to make the turn. The more traffic that is pushed down Aspen St. by development the worse this problem will get.

Visually, sitting out on my deck right now I can see Mitchell St. and Dairy Queen. I also see a natural landscape of large and small trees and bushes. This creates a pleasant view even in light of the fact that my block is essentially in the downtown commercial district. From the rough sketch of the proposal it looks like there will be a slight greenspace median between Aspen St. and the parking lot. I feel it would be more aesthetically desirable to have a tree line of decent height separating what let's face it is almost a skyscraper in Cadillac from the area of older residential houses.

Affordable housing is needed in the Cadillac area and a well built and managed structure for housing seniors is honestly a desirable use of this property and may indeed serve to increase the value, cash flow, and desirability of my neighborhood. My concern is one of the always possible failures of this business model to work. I think of another local community that approved a VA only housing structure only to find out later that the management company had reached an agreement with the state to house parolees in the facility also. I have no wish or desire to lend my support for a structure that would provide subsidized housing to an "open class" of people in my front yard.

I worked as Night Store Director for Meijer, and was employed by them for 10 years. That is a family owned business that when expanded beyond 1 store took a structure that lacked the ability to sell for 100 years. I am a thinker and planner and my comfort level would be drastically improved if I was to know legally the parameters of residents could not be changed for say a 100 year period. I also listen to my boys who will inherit my rentals and property and say we would appreciate the right of first refusal to purchase the proposed structure if the current owning entity decides to sell. This would ensure continuity of the housing standards for us verses another company changing the rental parameters.

I had a long and fruitful conversation with Marcus Peccia about my concerns. At the end of the conversation I was told he would pass my number to the developer and encourage him to reach out to me. That has not happened and although I was originally encouraged by Marcus's take on the situation and the desire of the developer to enhance the community, I must say I am now discouraged and hoping it was an honest oversight somewhere that I did not receive a phone call.

Darrell Konrad Isch, 828 Aspen St., Cadillac, MI

Good evening:

Let me start by saying I am a majority property owner in this area but yet I received no written notice of this public hearing. I did receive 7 notices of the public hearing on September 24th with the Planning Commission and I plan on attending. I was made aware of this hearing approx. 8 hours after my family and I had made the heart wrenching decision to end our family dog's suffering. The vet appointment is at 5:30 PM today. As this meeting takes place our Alaskan Malamute Jack will be crossing the rainbow bridge. Please understand this issue is very important to me and I would have attended if I had proper notice. I am hoping you can put the appropriate weight on my written statement.

I have attached a plot map so you can understand my ownership interest in the area. The plot map is highlighted: Blue represents residential rental properties I own, Yellow represents my primary residence and yard, and pink is the proposed development sight.

I am the owner of lots 71, 72, 73, 74, 75, 76, the entire vacated alley, 77, 78, 80, 81, 1, and 5 on the 800 block of Aspen and 200 block of Cottage. As you can see my ownership interest is large and the impact to myself, my tenants, my neighborhood, and my income should put heavy weight on my statement.

I have a number of concerns. First, as you can see by my ownership, I have a vested interest in the area but yet I was provided no written notice of this public hearing.

This ownership represents years of hard work and planning, and also some luck. My primary residence is directly across the street from the proposed parking lot and main drive for this structure. The other lots represent 9 residential rental units I own. These units are my primary source of income.

I purchased my primary residence in 1994 and slowly watched 2 residential structures and one previous commercial structure occupying the proposed development land become condemned and demolished. I have had many years to consider what would be a good use for this vacant property and there are many conforming uses that would be much less desirable to me than this proposed use in what is basically my front yard.

Over the years my neighborhood has been up and down in terms of a desirable location to live. At times we have had drug and crime problems. Currently we are in a school zone due to Cooley school. Between

that designation and my personal rental screening, the area has improved over the years. I am a disabled person of modest means and I feel I have made a positive impact on this area.

Over the years I have watched infrastructure development in the Cadillac area as a whole and more specifically experienced unintended challenges due mainly to unknown variables and unintended consequences.

The main drive for this proposed structure seems to make Aspen St. the main ingress and egress. This will create a significantly higher traffic volume on a street that already has a high traffic volume of cars, pedestrians, and bikes. Aspen St. is consistently utilized as the walking and driving street to avoid Mitchell St. for many people on the south end of town from other complexes on Sunnyside and Pearl Street.

I note that under Section 46-69(4) that the standard is the "requested variance will not unreasonably increase congestion in public streets." An MDOT study is noted for South Mitchell Street and in the explanation it is "anticipated that vehicles leaving the sight wishing to travel south on Mitchell Street will use the Aspen Street driveway and travel north to enter either Granite Street or south to South Street using the traffic lights for safety." I note there has been no study sighted for the current traffic volume on Aspen Street which I believe needs to be assessed. We already have a higher traffic volume than many side streets in the area. We just recently had a two vehicle accident occur directly in front of the proposed drive to this development.

If you have ever been sitting on South St. waiting to turn left on Aspen, you would know drives create a traffic flow problem if not properly planned. There is a drive leading to the Family Fair Plaza that is just to the East of Aspen St. it neither lines up, nor jogs enough. This creates a problem. Over 50% of the time when I attempt my turn onto Aspen St. from South St. heading west, there is a car sitting on South St. with its left turn signal on waiting to get into the Family Fair Drive. That vehicle is invariably sitting directly in my path to turn left onto Aspen. They are staring at me and waiting for me to move so they may complete their turn. I stop just before the drive so they can actually make the turn. Some people don't. Some people must expect that I am going to turn down Aspen taking the opposing traffic's lane on the wrong side of the road so they are comfortable to make the turn. The more traffic that is pushed down Aspen St. by development the worse this problem will get.

Sometimes I have to sit at the end of my driveway for quite some time to wait for an opening in traffic to leave my driveway and travel down Aspen St. It seems that adding a drive which by the finding's own conclusion will be the most utilized drive for a large structure this will do nothing but increase congestion.

The introduction of the Dollar General drive on Aspen has exacerbated these traffic problems. The drive itself was built over a swampy area. This swampy area once extended thru part of the proposed development property. Historically looking back a large amount of the immediate area surrounding this property was originally swamp. It was filled in with lumber discards, trash, debris and ash from the sawmills. Digging done anywhere around this area will reveal a layer of ash, biodegraded debris, misc. trash, very old ash, and sand and clay.

I am not an environmentalist, I am a realist and I am not objecting to this proposed structure based on some impact to the environment. I do however have concerns over infrastructure and construction plans to take the variables of this area into account.

Dollar General's drive was completed twice, the first plan caused significant impact to neighboring properties due to water management and erosion. That included flooding neighboring properties. The current drive of 6+ inch concrete has significant settling cracks and breaks, some have dropped the surface by over 4 inches. The impact in the visual appearance that some of the proposed development land is not swampy naturally provides an unrealistic illusion.

Aspen St. 3 years ago had a large sink hole in front of my 844 Aspen St. it was a significant sink hole and was remedied quickly by the city however; again it goes to my concerns.

Pollard St. is a dirt road with no curb and gutter, no sidewalk, and no sewer service. A property on Pollard was years ago approved to utilize an ejector pump on a 2" sewer line to pump its sewage into the end of the line sewer in front of my house at 884 Aspen. The septic at that residence had failed and sunk and the land was not approvable for a new septic due to the swampy nature. The house was condemned and the people of modest means found that solution. That solution has now impacted my 884 Aspen St. address over the past few winters by backing up into the sewer line a deluge of pumped water which freezes the sewer mainline. This has created a large issue requiring both the city and myself to jet wash a large quantity of ice in order to restore service. I am sure from the proposed building sight that utilities will be junctioned from the Mitchell St. side, so you ask why that is pertinent? I believe it is pertinent because it speaks to the lack of proper infrastructure planning I have seen in this area and not taking the sight specific variables into account.

This section of Aspen St. only has sidewalk on one side of the street. We have a large amount of foot traffic utilizing the middle of the road for that reason. My understanding is that a sidewalk is planned for the East side of the street with this development but I am unclear if that will extend the entire length of the 800 and 900 Blocks of Aspen. The sidewalk currently stops on my 844 property on the West side before reaching Pollard Street and the entire 900 Block has no sidewalk on either side.

Visually, sitting out on my deck right now I can see Mitchell St. and Dairy Queen. I also see a natural landscape of large and small trees and bushes. This creates a pleasant view even in light of the fact that my block is essentially in the downtown commercial district. From the current sight plan and variance request it looks as if carports will be facing my property with a 4 story structure looming directly behind them. I feel it would be more aesthetically desirable to have a tree line of decent height separating what let's face it is almost a skyscraper in Cadillac from the area of older residential houses.

The height and scope of the project is large. I am concerned and honestly do not wish to stare at a 4 story structure basically in my front lawn when I sit on my deck. I am concerned about property values and honestly I do not understand in whose opinion property values in the area will increase by building such a large structure for a large housing and traffic volume. Please note I do not plan to sell, I plan to utilize my rentals as investment income so to me the desirability of tenants to live in my rentals with a small town feel close nit neighborhood while being close to downtown, shopping, and the lake are much

more important to me and my ability to make a living than how much my property is worth on the market.

Due to these facts I submit that the standard that “The requested variance will not unreasonably diminish or impair established property values within the surrounding area” in my estimation needs to consider current residential rental rates. I feel this large structure and larger traffic volume will cause families to have less desire to rent my units because the street will lack the small town feel and the traffic volume will make families with kids feel unsafe.

Affordable housing is needed in the Cadillac area and a well built and managed structure for housing seniors is honestly a desirable use of this property and may indeed serve to increase the value, cash flow, and desirability of my neighborhood. I would absolutely approve of a smaller scale 2 story say 24 unit structure. Another concern is one of the always possible failures of this business model to work. I think of another local community that approved a VA only housing structure only to find out later that the management company had reached an agreement with the state to house parolees in the facility also. I have no wish or desire to lend my support for a structure that would provide subsidized housing to an “open class” of people in my front yard.

That being said, the standard that “The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.” Is also an issue for me. First, please refer to the way I receive the majority of my income. Secondly, I referred to the fact that I am disabled. My disabilities are psychological and one of them is agoraphobia and anxiety disorder. I have a fear of people and the public. I have created a close knit environment in my neighborhood and my ownership of the housing around me is part of my strategy for coping with my condition. I am aware I cannot control in a large sense something that happens to property that does not belong to me, however it seems the code and ordinances were adopted for a reason. In this case the proposed building does not meet those criteria. I feel granting multiple variances to allow this structure will indeed affect my health, comfort, and welfare.

To recap: I believe allowing a variance for height or footprint of the proposed structure will impact the area negatively.

I therefor as a resident of the city of Cadillac and owner of lots 71, 72, 73, 74, 75, 76, the entire vacated alley, 77, 78, 80, 81, 1, and 5 on the 800 block of Aspen and 200 block of Cottage do object to the request for variances to build the proposed structure.

I request you deny the variance applications and keep the dialogue open for a more conforming use residential housing structure.

I thank you for reading and considering my comments.

Darrell Konrad Isch, 828 Aspen St. , Cadillac, MI

Good evening:

Let me start by saying I am a majority property owner in this area and I am perplexed by the process of proper notice of public hearings. I received 7 notices of the public hearing September 24th with the Planning Commission. The residents of my rental properties did not receive notice. The previous ZBA meeting was continued due to a notice issue. This was remedied by personally delivering notice to each address, thus the occupant of each address. I therefore received notice for my personal residence of this meeting, but for no other property. I question if the other property investors received accurate notice. I was doing research for another issue in Wexford County and stumbled into what seemed to be the law regarding notice which paraphrasing seemed to say that the owner and occupant of each property within the notice radius shall receive notice. I have since found both MCL 125.286 B and the Michigan Zoning Board of Appeals Handbook which clearly state that notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property, AND to the occupants of all structures within 300 feet of the property. I'm confused as it seems the Planning commission noticed one way; the ZBA noticed another but yet neither one covered both; quite a few of these properties noticed are non-owner occupied both residential and commercial. It seems the intent is to notice people affected by the decision but yet neither the Planning Commission nor the ZBA seems to have notified both parties. I have emailed the city manager regarding this issue requesting he receive an opinion from the city attorney. I guess I'm just asking for clarification.

I have attached a plot map so you can understand my ownership interest in the area. The plot map is highlighted: Blue represents residential rental properties I own, Yellow represents my primary residence and yard, and pink is the proposed development sight.

I am the owner of lots 71, 72, 73, 74, 75, 76, the entire vacated alley, 77, 78, 80, 81, 1, and 5 on the 800 block of Aspen and 200 block of Cottage. As you can see my ownership interest is large and the impact to me, my tenants, my neighborhood, and my income should put heavy weight on my statement.

This ownership represents years of hard work and planning, and also some luck. My primary residence is directly across the street from the proposed parking lot and main drive for this structure. The other lots represent 9 residential rental units I own. These units are my primary source of income.

I purchased my primary residence in 1994 and slowly watched 2 residential structures and one previous commercial structure occupying the proposed development land become condemned and demolished. I have had many years to consider what would be a good use for this vacant property and there are many conforming uses that would be much less desirable to me than this proposed use in what is basically my front yard.

Over the years my neighborhood has been up and down in terms of a desirable location to live. At times we have had drug and crime problems. Currently we are in a school zone due to Cooley school. Between that designation and my personal rental screening, the area has improved over the years. I am a disabled person of modest means and I feel I have made a positive impact on this area.

Over the years I have watched infrastructure development in the Cadillac area as a whole and more specifically experienced unintended challenges due mainly to unknown variables and unintended consequences.

The main drive for this proposed structure seems to make Aspen St. the main ingress and egress. This will create a significantly higher traffic volume on a street that already has a high traffic volume of cars, pedestrians, and bikes. Aspen St. is consistently utilized as the walking and driving street to avoid Mitchell St. for many people on the south end of town from other complexes on Sunnyside and Pearl Street.

I note that under Section 46-69(4) that the standard is the "requested variance will not unreasonably increase congestion in public streets." An MDOT study is noted for South Mitchell Street and in the explanation it is "anticipated that vehicles leaving the sight wishing to travel south on Mitchell Street will use the Aspen Street driveway and travel north to enter either Granite Street or south to South Street using the traffic lights for safety." I note there has been no study sighted for the current traffic volume on Aspen Street which I believe needs to be assessed. We already have a higher traffic volume than many side streets in the area. We just recently had a two vehicle accident occur directly in front of the proposed drive to this development.

If you have ever been sitting on South St. waiting to turn left on Aspen, you would know drives create a traffic flow problem if not properly planned. There is a drive leading to the Family Fair Plaza that is just to the East of Aspen St. it neither lines up, nor jogs enough. This creates a problem. Over 50% of the time when I attempt my turn onto Aspen St. from South St. heading west, there is a car sitting on South St. with its left turn signal on waiting to get into the Family Fair Drive. That vehicle is invariably sitting directly in my path to turn left onto Aspen. They are staring at me and waiting for me to move so they may complete their turn. I stop just before the drive so they can actually make the turn. Some people don't. Some people must expect that I am going to turn down Aspen taking the opposing traffic's lane on the wrong side of the road so they are comfortable to make the turn. The more traffic that is pushed down Aspen St. by development the worse this problem will get.

Sometimes I have to sit at the end of my driveway for quite some time to wait for an opening in traffic to leave my driveway and travel down Aspen St. It seems that adding a drive which by the finding's own

conclusion will be the most utilized drive for a large structure this will do nothing but increase congestion.

The introduction of the Dollar General drive on Aspen has exacerbated these traffic problems. The drive itself was built over a swampy area. This swampy area once extended thru part of the proposed development property. Historically looking back a large amount of the immediate area surrounding this property was originally swamp. It was filled in with lumber discards, trash, debris and ash from the sawmills. Digging done anywhere around this area will reveal a layer of ash, biodegraded debris, misc. trash, very old ash, and sand and clay.

I am not an environmentalist, I am a realist and I am not objecting to this proposed structure based on some impact to the environment. I do however have concerns over infrastructure and construction plans to take the variables of this area into account.

Dollar Generals drive was completed twice, the first plan caused significant impact to neighboring properties due to water management and erosion. That included flooding neighboring properties. The current drive of 6+ inch concrete has significant settling cracks and breaks, some have dropped the surface by over 4 inches. The impact in the visual appearance that some of the proposed development land is not swampy naturally provides an unrealistic illusion.

Aspen St. 3 years ago had a large sink hole in front of my 844 Aspen St. it was a significant sink hole and was remedied quickly by the city however; again it goes to my concerns.

Pollard St. is a dirt road with no curb and gutter, no sidewalk, and no sewer service. A property on Pollard was years ago approved to utilize an ejector pump on a 2" sewer line to pump it's sewage into the end of the line sewer in front of my house at 884 Aspen. The septic at that residence had failed and sunk and the land was not approvable for a new septic due to the swampy nature. The house was condemned and the people of modest means found that solution. That solution has now impacted my 884 Aspen St. address over the past few winters by backing up into the sewer line a deluge of pumped water which freezes the sewer mainline. This has created a large issue requiring both the city and myself to jet wash a large quantity of ice in order to restore service. In fact it has been necessary to have every one of my properties have the sewer main cleaned with a sewer auger in the past 5 years and some are fairly consistent every year or every other year including ones with newer mains to the road. I have recently learned that the water and sewer junctions for this project are planned to be on the Aspen St. side. Honestly I am appalled and I can think of no reason that a high volume of commercial water and waste should be allowed thru an older and already compromised system when Mitchell St. Contains recently replaced water and sewer lines capable of commercial volume. I believe this speaks to the lack of proper infrastructure planning I have seen in this area and not taking the sight specific variables into account.

This section of Aspen St. only has sidewalk on one side of the street. We have a large amount of foot traffic utilizing the middle of the road for that reason. My understanding is that a sidewalk is planned for the East side of the street with this development but I am unclear if that will extend the entire length of

the 800 and 900 Blocks of Aspen. The sidewalk currently stops on my 844 property on the West side before reaching Pollard Street and the entire 900 Block has no sidewalk on either side.

Visually, sitting out on my deck right now I can see Mitchell St. and Dairy Queen. I also see a natural landscape of large and small trees and bushes. This creates a pleasant view even in light of the fact that my block is essentially in the downtown commercial district. From the current sight plan and variance request it looks as if carports will be facing my property with a 4 story structure looming directly behind them. I feel it would be more aesthetically desirable to have a tree line of decent height separating what let's face it is almost a skyscraper in Cadillac from the area of older residential houses.

The height and scope of the project is large. I am concerned and honestly do not wish to stare at a 4 story structure basically in my front lawn when I sit on my deck. I am concerned about property values and honestly I do not understand in whose opinion property values in the area will increase by building such a large structure for a large housing and traffic volume. Please note I do not plan to sell, I plan to utilize my rentals as investment income so to me the desirability of tenants to live in my rentals with a small town feel close nit neighborhood while being close to downtown, shopping, and the lake are much more important to me and my ability to make a living than how much my property is worth on the market.

Due to these facts I submit that the standard that "The requested variance will not unreasonably diminish or impair established property values within the surrounding area" in my estimation needs to consider current residential rental rates. I feel this large structure and larger traffic volume will cause families to have less desire to rent my units because the street will lack the small town feel and the traffic volume will make families with kids feel unsafe.

Affordable housing is needed in the Cadillac area and a well built and managed structure for housing seniors is honestly a desirable use of this property and may indeed serve to increase the value, cash flow, and desirability of my neighborhood. I would absolutely approve of a smaller scale 2 story say 24 unit structure. Another concern is one of the always possible failures of this business model to work. I think of another local community that approved a VA only housing structure only to find out later that the management company had reached an agreement with the state to house parolees in the facility also. I have no wish or desire to lend my support for a structure that would provide subsidized housing to an "open class" of people in my front yard.

That being said, the standard that "The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city." Is also an issue for me. First, please refer to the way I receive the majority of my income. Secondly, I referred to the fact that I am disabled. My disabilities are psychological and one of them is agoraphobia and anxiety disorder. I have a fear of people and the public. I have created a close knit environment in my neighborhood and my ownership of the housing around me is part of my strategy for coping with my condition. I am aware I cannot control in a large sense something that happens to property that does not belong to me, however it seems the code and ordinances were adopted for a reason. In this case the proposed building does not

meet those criteria. I feel granting a special land use permit and one or multiple variances to allow this structure will indeed affect my health, comfort, and welfare.

I have been told by the City Manager and the developer to visit the Clare Castle building to understand what I will be viewing in my front yard. It is interesting to note that Clare Castle is a 24 unit structure and the other one he refers to is a 30 unit structure. I find it hard to believe that viewing those would allow me to understand a 46 unit structure. To me he has already proven he can build a profitable senior housing facility in the 24 unit range and I believe reducing the number of units would decrease the footprint and the proposed structure could comply with current regulations.

It is also important to note, and please correct me if I am wrong that fundamentally the board is to look at the practical difficulty to the land owner. I appear before you as a land owner and taxpayer in the City. I believe Mr. Seybert holds options and is not a current land owner. If I am correct in that statement, I am the land owner with practical difficulties surrounding this proposal and Mr. Seybert is only a prospective interested party.

I have heard this project helps and complies with the current city plan to “increase density in the downtown business district”. To that I ask why are we trying to increase density? Some of us like living in a small town. I do not wish to live in a mini Traverse City. I was born in New York, New York (Manhattan) and raised until the age of 13 in Chicago. I live here and invest here because it is a small town. I don’t understand the vision and desire to make Cadillac something it is not.

I have been told that at this meeting we will have heard that Mr. Seybert intends to withdraw his application for two of the three variances. These are the variances surrounding the carport issue. This is interesting, because paraphrasing from the Planning Commission meeting; he stated that yes he could build this without carports; however he has found that seniors very much want their carports. He had built a development without them and ended up going back for approval to put them in so he is no longer building senior complexes without carports. His original application dated 8-14-18 for the Zoning Board of Appeals actually names one of my property addresses (820 Aspen St.). I am hoping this is a clerical error; however I am of the opinion that this is incorrect and he should have to reapply for the appeal. I feel that his change in requests and his previous statements about timeline have created a rush to get this thru. Upon hearing concern from the last ZBA meeting and hearing my concerns at the Planning Commission meeting, I believe Mr. Seybert feels it will be easier to push this thru the board with only one variance request. I am of the firm opinion if you pass the variance for height and he was to build, he would be back before this board for the variances to build carports. This is a rushed process, and in my opinion not properly planned. I feel this is being rushed by both the developer and by the city and I have found in my life that when you rush something this important, critical errors can and do happen.

To recap: I believe allowing a variance for height or footprint of the proposed structure will impact the area negatively. I believe allowing a special land use permit and one or multiple variances for the proposed structure will impact the area negatively.

I therefor as a resident of the city of Cadillac and owner of lots 71, 72, 73, 74, 75, 76, the entire vacated alley, 77, 78, 80, 81, 1, and 5 on the 800 block of Aspen and 200 block of Cottage do object to the request for variances and special land use permit to build the proposed structure.

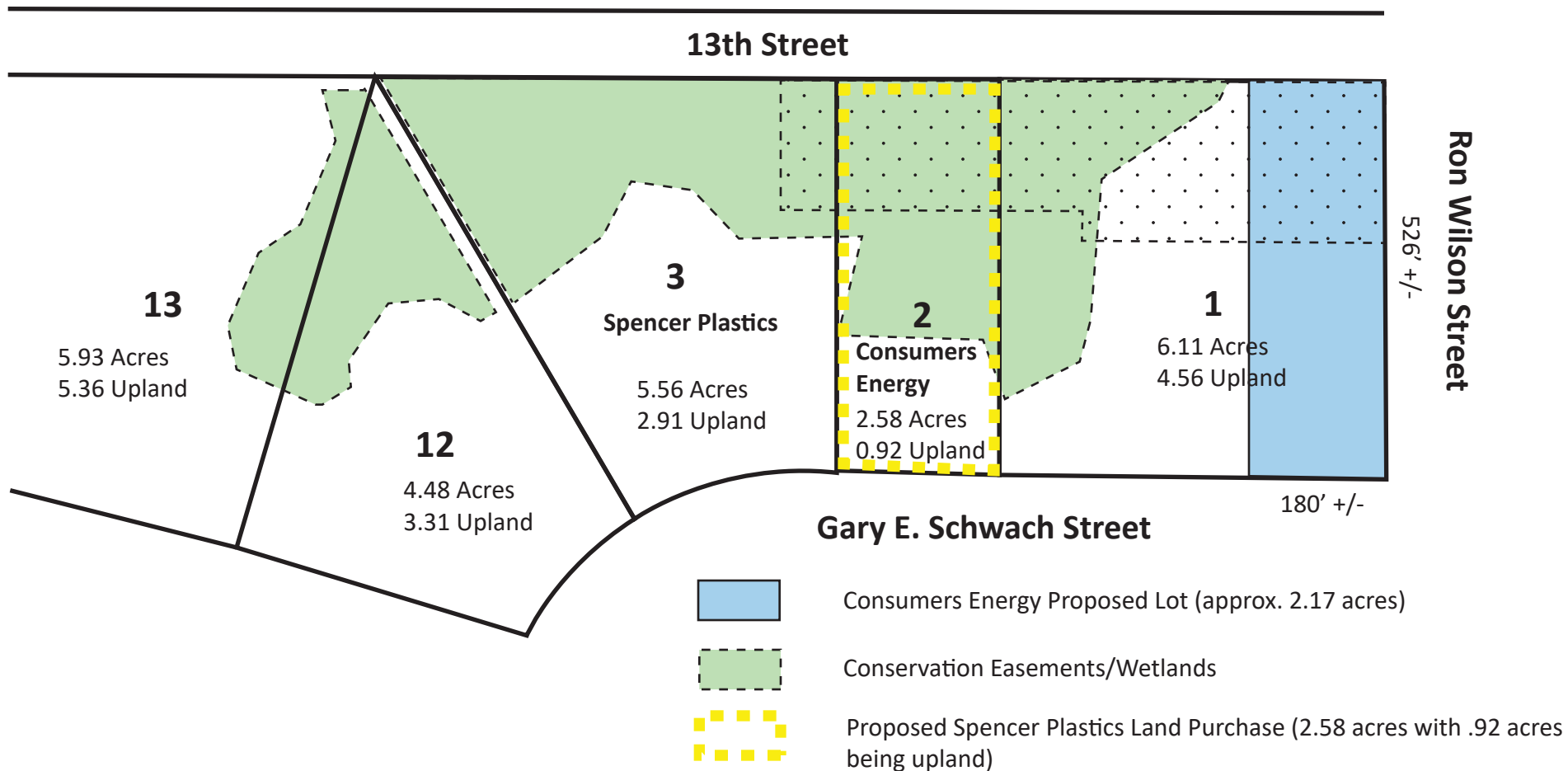
I request you deny the variance or variances and keep the dialogue open for a more conforming use residential housing structure.

I thank you for considering my comments.

Consumers Energy Proposal

Consumers will relinquish Lot 2 (2.58 acres) in exchange for a portion of Lot 1 (2.17 acres)

Consumers will be going from .92 acres of upland on Lot 2 to 1.29 acres of upland on their portion of Lot 1 (in blue)





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

Today's Date 01/14/2021

City Received Date

Request Planning Guide

This form must be completed and return to the City 60 days before an event. Additionally a representative for the event must meet with City Event Team to verify all details for the event before going to City Council for approval. Failure to comply will result in a denial of your event. Please call (231) 775-0181 x 120 if you have questions.

Applicant Name (Print) Thomas Kelly Contact Address

Contact Email

Sponsoring Organization EventSpace LLC ☒ Private ☐ Non-Profit

Purpose of Event Fishing Competition Approx # of Attendees

Beginning Date: 2/13/21 Ending Date: 2/13/21

Reoccurring: YES ☐ NO ☒

1st Day 2/13/21 Set-up 8:00 AM/PM Start 9:00 AM/PM End 4:00 AM/PM Clean-up 5:00 AM/PM

2nd Day Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM

3rd Day Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM

4th Day Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM

Please answer the following questions:

YES ☒ NO Will you be requesting permission to close any streets or parking lots?

YES ☐ NO ☒ Will you be requesting permission to display any off site signage?

YES ☐ NO ☒ Will you be requesting permission to display a banner over Mitchell Street?

YES ☒ NO Will you be requesting permission to reserve any of the City of Cadillac facilities

Please Circle

Market at Cadillac Commons

Rotary Pavilion

City Park

Cadillac Commons Plaza

YES ☐ NO ☒ Will you be requesting permission to have a parade?

YES ☐ NO ☒ Will you be requesting permission to hold any races?

YES ☐ NO ☒ Will you be requesting permission to serve alcoholic beverages?

YES ☒ NO Will your event include use of generators, food trucks, grills, fireworks display, or a tent/membrane structure?

If you answered YES to any of the above questions, additional form(s) must be completed for each one. All forms must be completely filled out and all information provided before requests will be brought to City Council for approval.

Forms can be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net

All events must have liability insurance. Require Min. general liability amount of \$1,000,000, naming the City of Cadillac as Certificate Holder and



200 N. Lake Street
Cadillac, MI 49601
Phone (231) 745-0101
www.cadillac-mi.net

Today's Date 01/14/2021

City Received Date

Cadillac Rotary Performing Arts Pavilion Reservation Request Form

Event: Lake Cadillac Ice Fishing Competition Please Submit 30-days Prior to Event Date

Special Requests: Please Print

Electricity Water Wind Permits Sound System Movie Screen/Projector System**
**Screen Dependent

Rules

1. Profanity and offensive language is strictly prohibited.
2. Noise must be limited to levels that do not disturb the peace, and must be lowered at the City's request.
3. No decorations, lights, or apparatuses that will cause damage to the Pavilion, grounds (including trees), or surrounding areas. The use of nails, tacks, staples, etc. is strictly prohibited, along with the use of stakes in the ground.
4. Moving pictures shown at the Pavilion require a license from the City and proper licensing to show copyrighted material is required. Our potential resource is www.washstate.edu. MPAA ratings are also applicable.
5. Any change or deletion must be made at least 10 days prior to the event.
6. No vehicles are permitted on site. A drop-off and pick-up area immediately south of the pavilion can be utilized for temporary parking for the purpose of drop-off and pick-up of equipment only. Parking is prohibited on Lake Street, even if it has been closed for the event.
7. The sale of food and non-alcoholic beverages is subject to a temporary license. (Code of Ordinances-Chapter 28)
8. The consumption or sale of alcoholic beverages is subject to a temporary license of City Council. (Code of Ordinances-Chapter 26)
9. Sound System Fees - \$20 per hour for use of our sound booth and sound technician. (MUSICAL PERFORMANCES)

Reservation Fees:

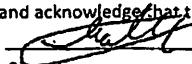
- Daily Rate (4 hours or more) \$100
- Hourly Rate (less than 4 hours) \$55 per hour
- Non-Profit Daily Rate (4 hours or more) \$50
- Non-Profit Hourly Rate (less than 4 hours) \$25 per hour

Reoccurring Events: Events that are a minimum of once a week, for four consecutive weeks or more

- Daily Rate of \$25:
- Non-Profit Daily Rate of \$15

All Fee options require a deposit of \$25 that will be applied to your total cost to hold your date(s), and would only be refunded if event was denied for any reason.

I understand and agree to comply with these rules, and acknowledge that the City reserves the right to change or cancel any event or program that is not in compliance with them.


Signature

Form must be mailed/mailed or delivered to Cadillac City Hall 200 N. Lake Street in Cadillac, MI 49601 javila@cadillac-mi.net

Print Name Thomas Kelly Total Fees Required: \$100 Total Fees Paid: _____ Date 01/14/21



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

Today's Date

01/14/2021

City Received Date

[Redacted box]

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request

Hosting an ice fishing competition

Contact Person

Thomas Kelly

Contact Email

[Redacted box]

Date: <u>1/13/21</u>		
Street Closures		
Street Name _____	Beginning Location _____	Ending Location _____
	Beginning Time ____:____ AM/PM	Ending 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	Ending Time ____:____ AM/PM
Street Name _____	Beginning Location _____	Ending Location _____
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM
Date <u>2/13/21</u>		
Parking Lot Closures		
Lot Location <u>White pine Trail</u>	Street <u>S. Lake</u>	Nearest Cross Street <u>W. Chapin</u>
	Beginning Time <u>9:00</u> AM/PM	Ending Time <u>4:00</u> AM/PM
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

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.

Print Name

Thomas Kelly

Signature

[Handwritten signature]

Date 01/14/2021

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

Juanita Avila

From: [REDACTED]
Sent: Friday, January 15, 2021 11:21 AM
To: Juanita Avila
Subject: Re: Event

Lake Cadillac Ice fishing Competition Run of Show

8:00 AM : 1 Hour Setup

- Vendor & food truck setup at White Pine Trail Parking Lot.
- Registration table and filet station setup at Rotary Pavilion

9:00 AM : Event Begins

- Registration and equipment rental opens
- Auger is available to drill holes for anglers on request for beginner class.

Competition Runs 9:00 to 3:00 PM

3:00 PM : Competition Closes

- Fish are measured / Counted per division
- Last call for filet station services

4:00 PM : Event Closes

- Winner is announced for each division
- Registration table and Filet station takedown
- Vendor and food truck takedown

5:00 PM : All Spaces Cleared

On Wed, Jan 13, 2021 at 4:10 PM Juanita Avila <javila@cadillac-mi.net> wrote:

I am not in office this week but I need your paperwork for council no later then tomorrow. Can you get that to me ASAP?

February 1, 2021

COUNCIL COMMUNICATION

Re: Reappointment of Jim Walker to a Two-Year Term on the Board of Review

Jim Walker has expressed interest in continuing his service on the Board of Review for another two-year term. His current term will expire on 2/22/21 and he was originally appointed in 2019.

Recommended Council Action:

Motion to reappoint Jim Walker to a two-year term on the Board of Review, which will end on 2/22/2023.

February 1, 2021

COUNCIL COMMUNICATION

Re: Reappointment of Jim Clements to the Cadillac-Wexford Airport Authority.

Jim Clements has expressed interest in continuing his service on the Cadillac-Wexford Airport Authority Board for another 2-year term. Jim's term will expire on 2/22/21. He has been a valuable member of the board since 2020.

Recommended Council Action:

Motion to appoint Jim Clements to the Cadillac-Wexford Airport Authority for a 2-year term which will expire on 2/22/23.

February 1, 2021

Council Communication

Re: Well Field Project Construction Contract Awards

The next milestone in the City's process to complete Phase 2 of the well field relocation project is to tentatively award construction contracts. This tentative award is contingent upon final successful financial arrangements through the State of Michigan's Drinking Water Revolving Fund loan program. Final arrangements are in progress and it is expected that these loan funds will be available in the very near future.

The City recently solicited competitive bids for two (2) construction contracts related to the project. Contract 1 is primarily buildings, structures, and infrastructure at the site of the well field. Contract 2 is primarily excavation and installation of piping and water mains. Five (5) bids were received for Contract 1 and seven (7) bids were received for Contract 2. The recommendations for contractor award and a summary of all bids received were provided by the City's project engineer, C2AE. The recommendations and bid summaries from the engineer are provided with this communication.

The funding application that the City submitted included a construction budget of \$8.3 million. The total of the two bids is less than \$7.9 million so the total loan that is drawn by the City can be reduced somewhat from the application.

Recommended Action

It is recommended that the resolution to tentatively award two (2) construction contracts for water system improvements be adopted as presented. In addition, in accordance with the approved project application, it is recommended that a 6% contingency be added to each contract award for field level changes and project requirements. This contingency amount is built into the approved project application through the DWRF. Upon final successful financial arrangements through the DWRF funding, all construction costs will be funded through the loan.

January 25, 2021

City of Cadillac
Mr. Jeff Dietlin, Director of Utilities
200 N. Lake Street
Cadillac, MI 49601

**Re: City of Cadillac – Phase 2 Well Field Improvements
Award Recommendation – Contract 1 – Buildings and Site Improvements**

Dear Jeff:

Five (5) bids for the above project were opened on January 20, 2021; attached is a tabulation of the bids for your information. The low bid was submitted by Gerber Construction of Reed City in the amount of \$6,800,000. The second low bid was submitted by JBS Contracting of Mt. Pleasant in the amount of \$7,608,000. The remaining bids ranged from \$8.09 million to \$8.72 million.

The low bid was approximately 7% below the engineer's estimate of \$7.3 million. The difference between the low bid and the second bid was quite significant at approximately 12%. However, we have contacted Gerber Construction and they have expressed confidence in their bid amount. It is our opinion that the bids reflect the value of the work, and the low bid is well within the project budget.

We have not previously worked with Gerber Construction. However, we have contacted several of their references and have received generally positive responses. This project would appear to be one of the largest projects that Gerber Construction has bonded and completed. However, we have found no reason to disqualify Gerber Construction for the work on this project, and it is therefore our opinion that Gerber Construction is qualified and competent to complete this work.

It is therefore our recommendation that Contract 1 be awarded to Gerber Construction, the lowest responsive, responsible bidder in the amount of \$6,800,000, contingent upon EGLE approval.

Please call if you have any questions.

Very Truly Yours,

C2AE



Larry M. Fox, P.E.
Project Manager

LMF/jll

Enclosures

BID TABULATION

170089

Phase 2 Well Field Development - Contract 1 - Buildings and Site Improvements

City of Cadillac

200 N. Lake Street

Cadillac, MI 49601

Bid Date: 1/20/2021

Gerber Construction
20270 US 10
Reed City, MI 49677

JBS Contracting, Inc.
1680 Gover Parkway
Mt. Pleasant, MI 48858
Address

Spence Brothers
800 Hastings St.
Suite A
Traverse City, MI 49686

Grand Travers
Construction
1714 Northern Star Dr.
Traverse City, MI 49696

J. R. Heineman
1224 N. Niagara St.
Saginaw, MI 48602

Item	Description					
1	Lump Sum Bid Price	\$6,790,000.00	\$7,608,000.00	\$8,083,000.00	\$8,380,000.00	\$8,706,000.00
2	Lump Sum Bid Price for Base Bid (Including Allowances)	\$6,800,000.00	\$7,618,000.00	\$8,093,000.00	\$8,390,000.00	\$8,716,000.00
3	Lump Sum for Cash Allowance	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
	TOTAL BID AMOUNT	\$6,800,000.00	\$7,618,000.00	\$8,093,000.00	\$8,390,000.00	\$8,716,000.00

I certify that this is a true and correct tabulation of the bids received by the City of Cadillac, Cadillac, Michigan on Wednesday, January 20, 2021.



Larry M. Fox, PE

1/20/2021

Date



123 W. Main St. Suite 200
Gaylord, MI 49735
O: 989.732.8131
www.c2ae.com

January 25, 2021

City of Cadillac
Mr. Jeff Dietlin, Director of Utilities
200 N. Lake Street
Cadillac, MI 49601

**Re: City of Cadillac – Phase 2 Well Field Improvements
Award Recommendation – Contract 2 – Water Transmission Mains**

Dear Jeff:

Seven (7) bids for the above project were opened on January 20, 2021; attached is a tabulation of the bids for your information. The low bid was submitted by Team Elmer's of Traverse City in the amount of \$1,060,333.33. The second low bid was submitted by CJ's Excavating of Cadillac in the amount of \$1,099,483.31. The remaining bids ranged from \$1.47 million to \$1.95 million.

The low bid was very close to the engineer's estimate of \$1,000,000, and the difference between the low bid and the second bid was less than \$40,000 (4%). It is our opinion that the bids reflect the value of the work, and the low bid is within the project budget.

We have previously worked with Team Elmer's on several projects, and they have previously completed work for the City of Cadillac. It is our opinion that Team Elmer's is qualified and competent to complete this work.

It is therefore our recommendation that Contract 2 be awarded to Team Elmer's, the lowest responsive, responsible bidder in the amount of \$1,060,333.33, contingent upon EGLE approval.

Please call if you have any questions.

Very Truly Yours,

C2AE

A handwritten signature in black ink that reads 'Larry Fox'.

Larry M. Fox, P.E.
Project Manager

LMF/jll

Enclosures

BID TABULATION

170089

Phase 2 Well Field Development - Contract 2 - Water Transmission Mains

City of Cadillac

200 N. Lake Street

Cadillac, MI 49601

Bid Date: 1/20/2021

Division A - E. 44 Road & White Pine Trail Transmission Main

Item	Description	Unit	Quant.	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total
A1	Mobilization, Max 10%	LSUM	1	\$17,760.93	\$17,760.93	\$5,000.00	\$5,000.00	\$30,000.00	\$30,000.00	\$75,000.00	\$75,000.00	\$99,000.00	\$99,000.00	\$70,000.00	\$70,000.00	\$22,750.00	\$22,750.00
A2	Environmental Mitigation, Erosion and Dust Control	LSUM	1	\$58,940.00	\$58,940.00	\$2,000.00	\$2,000.00	\$6,000.00	\$6,000.00	\$12,500.00	\$12,500.00	\$8,000.00	\$8,000.00	\$6,500.00	\$6,500.00	\$10,000.00	\$10,000.00
A3	Traffic Control and Signage	LSUM	1	\$8,450.00	\$8,450.00	\$2,000.00	\$2,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$72,824.00	\$72,824.00	\$10,000.00	\$10,000.00	\$2,500.00	\$2,500.00
A4	Clearing and Grubbing (per foot of main line water main installed)	LFT	4,225	\$1.63	\$6,886.75	\$7.31	\$30,884.75	\$12.00	\$50,700.00	\$10.00	\$42,250.00	\$18.00	\$76,050.00	\$5.00	\$21,125.00	\$5.35	\$22,603.75
A5	12" Water Main by HDD (HDPE)	LF	80	\$500.00	\$40,000.00	\$215.15	\$17,212.00	\$200.00	\$16,000.00	\$330.00	\$26,400.00	\$300.00	\$24,000.00	\$150.00	\$12,000.00	\$168.00	\$13,440.00
A6	12" Water Main by HDD (HDPE) or Open Cut (HPDE or DI), Contractor Option	LF	200	\$92.87	\$18,574.00	\$139.19	\$27,838.00	\$90.00	\$18,000.00	\$73.00	\$14,600.00	\$110.00	\$22,000.00	\$150.00	\$30,000.00	\$168.00	\$33,600.00
A7	16" Water Main by HDD Only (HDPE)	LF	60	\$806.33	\$48,379.80	\$273.38	\$16,402.80	\$250.00	\$15,000.00	\$465.00	\$27,900.00	\$350.00	\$21,000.00	\$200.00	\$12,000.00	\$171.00	\$10,260.00
A8	16" Water Main by HDD (HDPE) or Open Cut	LF	3,885	\$93.19	\$362,043.15	\$101.87	\$395,764.95	\$145.00	\$563,325.00	\$123.00	\$477,855.00	\$140.00	\$543,900.00	\$200.00	\$777,000.00	\$171.00	\$664,335.00
A9	12" Gate Valve and Box	EA	3	\$2,394.50	\$7,183.50	\$4,497.16	\$13,491.48	\$3,800.00	\$11,400.00	\$3,400.00	\$10,200.00	\$3,200.00	\$9,600.00	\$5,500.00	\$16,500.00	\$13,940.00	\$41,820.00
A10	16" Gate Valve and Box	EA	6	\$6,517.90	\$39,107.40	\$8,794.28	\$52,765.68	\$9,500.00	\$57,000.00	\$8,850.00	\$53,100.00	\$7,300.00	\$43,800.00	\$9,000.00	\$54,000.00	\$25,200.00	\$151,200.00
A11	Foster Adaptors (at valve to fitting connection)	EA	9	\$264.12	\$2,377.08	\$982.13	\$8,839.17	\$2,000.00	\$18,000.00	\$1,050.00	\$9,450.00	\$500.00	\$4,500.00	\$1,500.00	\$13,500.00	\$275.00	\$2,475.00
A12	Hydrant Assembly Complete	EA	5	\$4,440.86	\$22,204.30	\$6,116.44	\$30,582.20	\$5,500.00	\$27,500.00	\$6,600.00	\$33,000.00	\$8,000.00	\$40,000.00	\$8,000.00	\$40,000.00	\$11,000.00	\$55,000.00
A13	Connect to Existing Water Main	EA	3	\$3,191.62	\$9,574.86	\$5,345.57	\$16,036.71	\$10,000.00	\$30,000.00	\$9,500.00	\$28,500.00	\$10,000.00	\$30,000.00	\$9,000.00	\$27,000.00	\$21,110.00	\$63,330.00
A14	Restoration - all types (per foot of main line water main installed)	LF	4,225	\$3.35	\$14,153.75	\$6.70	\$28,307.50	\$5.00	\$21,125.00	\$23.00	\$97,175.00	\$9.50	\$40,137.50	\$8.00	\$33,800.00	\$3.55	\$14,998.75
	Subtotal Division A - Total of All Unit Price Bid Items A1-A14				\$655,635.52		\$647,125.24		\$874,050.00		\$917,930.00		\$1,034,811.50		\$1,123,425.00		\$1,108,312.50

Team Elmer's

3600 Rennie School Road
Traverse City, MI 4969€

CJ's Excavating

8450 E. M-115
Cadillac, MI 49601

B & L Excavation

3312 12th St.
Wayland, MI 49348

The Isabella Corporatic

2201 Commerce Street
Mt. Pleasant, MI 4885€

Malley Constructio

1565 S. Park Place
Mt. Pleasant, MI 4885€

Gustafson HDD, LLC

2299 Holton Whitehall Rd
Whitehall, MI 4946:

Pete's Excavating

5791 S. McVety Rd.
Falmouth, MI 49632

Division B - Crosby Road Transmission Main

Item	Description	Unit	Quant.	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total
B1	Mobilization, Max 10%	LSUM	1	\$7,687.96	\$7,687.96	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$50,000.00	\$50,000.00	\$32,300.00	\$32,300.00	\$48,000.00	\$48,000.00	\$17,250.00	\$17,250.00
B2	Environmental Mitigation, Erosion and Dust Control	LSUM	1	\$7,814.20	\$7,814.20	\$2,796.20	\$2,796.20	\$5,000.00	\$5,000.00	\$8,000.00	\$8,000.00	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
B3	Traffic Control and Signage	LSUM	1	\$2,975.00	\$2,975.00	\$2,000.00	\$2,000.00	\$8,500.00	\$8,500.00	\$27,000.00	\$27,000.00	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00
B4	Clearing and Grubbing (per foot of main line water main stalled)	LF	2,325	\$1.64	\$3,813.00	\$3.77	\$8,765.25	\$12.00	\$27,900.00	\$7.00	\$16,275.00	\$5.00	\$11,625.00	\$5.00	\$11,625.00	\$2.50	\$5,812.50
B5	16" Water Main by HDD (HDPE) or Open Cut (HDPE or DI), Contractor Option	LF	2,325	\$100.84	\$234,453.00	\$108.37	\$251,960.25	\$145.00	\$337,125.00	\$135.00	\$313,875.00	\$120.00	\$279,000.00	\$200.00	\$465,000.00	\$171.00	\$397,575.00
B6	16" Gate Valve and Box	EA	5	\$6,793.50	\$33,967.50	\$8,794.36	\$43,971.80	\$9,500.00	\$47,500.00	\$8,850.00	\$44,250.00	\$7,300.00	\$36,500.00	\$9,000.00	\$45,000.00	\$25,200.00	\$126,000.00
B7	Foster Adaptors (at valve to fitting connection)	EA	5	\$386.64	\$1,933.20	\$820.94	\$4,104.70	\$2,000.00	\$10,000.00	\$1,050.00	\$5,250.00	\$500.00	\$2,500.00	\$1,500.00	\$7,500.00	\$275.00	\$1,375.00
B8	Hydrant Assembly Complete	EA	3	\$4,890.30	\$14,670.90	\$6,345.80	\$19,037.40	\$5,500.00	\$16,500.00	\$6,600.00	\$19,800.00	\$8,000.00	\$24,000.00	\$8,000.00	\$24,000.00	\$11,000.00	\$33,000.00
B9	Connect to Existing Water Main	EA	2	\$2,767.62	\$5,535.24	\$5,190.89	\$10,381.78	\$10,000.00	\$20,000.00	\$9,500.00	\$19,000.00	\$7,000.00	\$14,000.00	\$9,000.00	\$18,000.00	\$20,325.00	\$40,650.00
B10	Restoration - all types (per foot of main line water main installed)	LF	2,325	\$3.35	\$7,788.75	\$5.93	\$13,787.25	\$5.00	\$11,625.00	\$26.00	\$60,450.00	\$9.50	\$22,087.50	\$8.00	\$18,600.00	\$3.55	\$8,253.75
	Subtotal Division B - Total of All Unit Price Items B1-B10				\$320,638.75		\$361,804.63		\$489,150.00		\$563,900.00		\$437,012.50		\$644,725.00		\$637,416.25

Division C - Lincoln Street Transmission Main

Item	Description	Unit	Quant.	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total	Cost	Total
C1	Mobilization, Max 10%	LSUM	1	\$6,811.08	\$6,811.08	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$12,000.00	\$12,000.00	\$14,867.00	\$14,867.00	\$13,000.00	\$13,000.00	\$4,700.00	\$4,700.00
C2	Environmental Mitigation, Erosion and Dust Control	LSUM	1	\$4,500.00	\$4,500.00	\$2,592.90	\$2,592.90	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
C3	Traffic Control and Signage	LSUM	1	\$1,975.00	\$1,975.00	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00	\$17,083.00	\$17,083.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00
C4	Clearing and Grubbing (per foot of main line water main installed)	LF	660	\$1.63	\$1,075.80	\$3.33	\$2,197.80	\$12.00	\$7,920.00	\$8.00	\$5,280.00	\$10.00	\$6,600.00	\$5.00	\$3,300.00	\$3.00	\$1,980.00
C5	12" Water Main by HDD (HDPE or Open Cut (HPDE or DI), Contractor Option	LF	660	\$78.84	\$52,034.40	\$82.07	\$54,166.20	\$75.00	\$49,500.00	\$81.00	\$53,460.00	\$100.00	\$66,000.00	\$150.00	\$99,000.00	\$168.00	\$110,880.00
C6	12" Gate Valve and Box	EA	1	\$2,394.50	\$2,394.50	\$3,663.20	\$3,663.20	\$5,000.00	\$5,000.00	\$3,400.00	\$3,400.00	\$3,200.00	\$3,200.00	\$5,500.00	\$5,500.00	\$13,900.00	\$13,900.00
C7	Foster Adaptors (at valve to fitting connection)	EA	1	\$633.48	\$633.48	\$691.68	\$691.68	\$2,000.00	\$2,000.00	\$1,050.00	\$1,050.00	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$275.00	\$275.00
C8	Hydrant Assembly Complete	EA	2	\$4,211.90	\$8,423.80	\$6,008.04	\$12,016.08	\$5,500.00	\$11,000.00	\$6,600.00	\$13,200.00	\$6,500.00	\$13,000.00	\$7,500.00	\$15,000.00	\$11,000.00	\$22,000.00
C9	Connect to Existing Water Main	EA	2	\$2,000.00	\$4,000.00	\$2,544.49	\$5,088.98	\$7,500.00	\$15,000.00	\$8,000.00	\$16,000.00	\$8,000.00	\$16,000.00	\$9,000.00	\$18,000.00	\$21,000.00	\$42,000.00
C10	Restoration - all types (per foot of main line water main installed)	LF	660	\$3.35	\$2,211.00	\$5.51	\$3,636.60	\$5.00	\$3,300.00	\$33.00	\$21,780.00	\$12.00	\$7,920.00	\$8.00	\$5,280.00	\$3.55	\$2,343.00
	Subtotal Division C - Total of All Unit Price Items C1-C10				\$84,059.06		\$90,553.44		\$104,720.00		\$133,670.00		\$148,670.00		\$167,580.00		\$202,578.00

	Total A + B + C - Total of All Unit Price Items				\$1,060,333.33		\$1,099,483.31		\$1,467,920.00		\$1,615,500.00		\$1,620,494.00		\$1,935,730.00		\$1,948,306.75
--	---	--	--	--	----------------	--	----------------	--	----------------	--	----------------	--	----------------	--	----------------	--	----------------

Denotes error and correction of bid.

I certify that this is a true and correct tabulation of the bids received by the City of Cadillac, Cadillac, Michigan on Wednesday, January 20, 2021.



Larry M. Fox, PE

1/20/2021

Date

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. 2021-____

**RESOLUTION TO TENTATIVELY AWARD TWO (2) CONSTRUCTION
CONTRACTS FOR WATER SYSTEM IMPROVEMENTS**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held electronically on the 1st day of February, 2021, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the City of Cadillac wishes to construct improvements to its existing water supply, treatment and distribution system; and

WHEREAS, the water system improvements project formally adopted on June 15, 2020 will be funded through the state of Michigan's Drinking Water Revolving Loan Fund (DWRP) program; and

WHEREAS, the City of Cadillac has sought and received construction bids for the proposed improvements and has received low bids for two separate contracts as follows:

Contract 1 – Building and Site Improvements: in the amount of \$6,800,000.00 from Gerber Construction; and

Contract 2 – Water Transmission Mains: in the amount of \$1,060,333.33 from Team Elmer's; and

WHEREAS, the City's engineer, C2AE, has recommended awarding the contracts to the respective low bidders.

NOW THEREFORE BE IT RESOLVED, that the City of Cadillac tentatively awards the contract for construction of the proposed water system improvements project to Gerber Construction (Contract 1) and Team Elmer's (Contract 2), contingent upon successful financial arrangements with the DWRP.

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

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. _____, duly adopted at a regular meeting of the City Council held on the 1st day of February, 2021.

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
Stephen King
Robert J. Engels
Bryan Elenbaas

RESOLUTION NO. 2021-____

**RESOLUTION TO APPROVE AMENDMENT TO RESTATED AMENDED AGREEMENT TO
ESTABLISH JOINT CADILLAC-WEXFORD COUNTY AIRPORT AUTHORITY**

At a regular meeting of the City Council of the City of Cadillac, Wexford County, Michigan,
held electronically on the ____ day of _____, 2021 at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, Section 134 of the Aeronautics Code of the State of Michigan, Act 327 of
1945 (MCL 259.1a et seq.)(“Act 327”) authorizes two or more political subdivisions of this state
to enter into contracts for the purpose of jointly carrying out the provisions of Act 327; and;

WHEREAS, the City and the County of Wexford entered into the Restated Amended
Agreement to Establish Joint Cadillac-Wexford County Airport Authority (the “Agreement”) for
the purposes of jointly carrying out the provisions of Act 327; and

WHEREAS, the parties to the Agreement wish to amend the Agreement to address the
per diem provided to the Board Members of the Joint Cadillac-Wexford County Airport
Authority; and

WHEREAS, the City has considered the proposed amendment to the Agreement attached at Exhibit A; and

WHEREAS, the City Council for the City of Cadillac has determined it to be in the best interests of the public health, safety and welfare to enter into the proposed Agreement.

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

1. The City Council for the City of Cadillac hereby approves and authorizes the City to enter into the Amendment to the Restated Amended Agreement to Establish Joint Cadillac-Wexford County Airport Authority.

2. 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)
) ss
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 21-____, duly adopted at a regular meeting of the City Council held on the ____ day of ____, 2021.

Sandra Wasson
Cadillac City Clerk

**AMENDMENT TO RESTATED AMENDED AGREEMENT TO ESTABLISH JOINT
CADILLAC-WEXFORD COUNTY AIRPORT AUTHORITY**

This Amendment (the "Amendment") to the Restated Amended Agreement to Establish Joint Cadillac-Wexford County Airport Authority fully executed on February 4, 2002 (the "Agreement") is made this ____ day of _____, 2021, by and between the City of Cadillac (the "City" and the County of Wexford, (the "County") in the County of Wexford, State of Michigan..

WHEREAS, Section 134 of the Aeronautics Code of the State of Michigan, Act 327 of 1945 (MCL 259.1a et seq.)(“Act 327”) authorizes two or more political subdivisions of this state to enter into contracts for the purpose of jointly carrying out the provisions of Act 327; and

WHEREAS, pursuant to that authority and by execution of the Agreement, the City and the County (the "Parties") created the Joint Cadillac-Wexford County Airport Authority and are the only parties to the Agreement; and

WHEREAS, the Parties desire to amend the Agreement to address the per diem received by the Members of the Board of the Cadillac-Wexford County Airport Authority as stated therein.

NOW THEREFORE, the Parties agree as follows:

1. Section 3. Governing Board, of the Agreement shall be amended to read as follows:

3. Governing Board. The Authority shall from and after the effective date of this Agreement (i.e., January 1, 1981), and any amendment thereto, be operated by a seven (7) person board (the "Board"). Four (4) members of said Board are to be appointed by the County and three (3) members are to be appointed by the City. Terms of the Board members so appointed shall be for two (2) years, except that the initial appointments are to be made by the City and County for one (1) and two (2) year terms. As the terms of the aforesaid members expire each year, the City and County shall each make appointments to fill the vacancies. All appointments are to be made by the governing bodies of the City and the County. No more than one (1) member of the Board at any one time shall be a member of the Cadillac City Council or City Administration; and no more than one (1) member of the Board at any one time shall be a member of the Wexford County Board of Commissioners or the Wexford County Administration Office. The existing Board shall continue to operate until the terms of its member expire.

Members of said Board, except City Council member and County Board of Commissioners member shall receive Thirty-five Dollars (\$35.00) per

diem, not to exceed Five Hundred Sixty Dollars (\$560.00) in any one calendar year. The President, Secretary, and Treasurer shall each receive an additional Five Dollars (\$5.00) per diem, not to exceed Six Hundred Forty Dollars (\$640.00) in any one calendar year. County Commissioner or County Administration member(s) and City Council or City Administration member(s) shall not be compensated by the Authority in any manner whatever. Any Board Member may elect not to receive the per diem provided for herein.

The Board shall choose a President, Secretary, and Treasurer and may provide for additional officers. The President, Secretary and the Treasurer shall be elected to serve for one (1) year, and new selections shall be made annually thereafter.

A quorum for the purpose of the transaction of business by said Board shall be four (4) members, and to act on any measure, there must be at least four (4) affirmative votes. The Board shall make annual reports to the County and City governing bodies, and provide the County Board of Commissioners and the City Council with minutes of meetings. The report to the County and City shall be made at least one week prior to the regular October sessions of the Wexford County Board of Commissioners and the Cadillac City Council.

The Board may make rules for the conduct of its meetings as it deems advisable and proper so long as such rules comply with the requirements of the Michigan Open Meetings Act, as amended.

The Board shall hold at least four (4) quarterly meetings each year, but may hold special meetings at the call of the President or any two (2) Board members pursuant to such regulations and rules as the Board may adopt. The effective date for the commencement of the Authority shall be on January 1, 1981, and the first meeting shall be held within thirty (30) days thereof.

The Board may ask the appointing governmental unit to replace a Board member if a member moves from the County, is absent without cause at two (2) consecutive meetings (without giving good reasons for such absence), or if a Board member dies or indicates disinterest in the development and operation of the Airport.

2. Except as specifically set forth above, the Agreement and all of its provisions shall remain in full force and effect, unchanged by this Amendment, and the same are hereby ratified and approved by the parties.

In Witness Whereof, the Parties have executed this Amendment on the day first set forth above, signifying their mutual assent to the provisions of this Amendment.

CITY OF CADILLAC

COUNTY OF WEXFORD

By: _____
Carla Filkins

By: _____
Gary Taylor

Its: Mayor

Its: Chairman

By: _____
Sandra Wasson

By: _____
Alaina M. Nyman

Its: Clerk

Its: Clerk

Cadillac City Council and The Wexford County Board of Commissioners

RE: Per Diem Increase

Ladies and Gentlemen, The Wexford County Airport Authority here by requests the City and the County to consider amending the Joint Cadillac-Wexford County Airport Authority Agreement Section 3 pertaining to scheduled meeting per diems as follows:

Thirty-five Dollars (\$35.00) per diem not to exceed Five Hundred Sixty Dollars (\$560.00) in any one calendar year. Officers: President, Treasurer, and Secretary, are to receive an additional Five Dollars (\$5.00) per diem not to exceed Six Hundred Forty Dollars (\$640.00) in any one calendar year. If a Board Member whom wishes not to receive any per diem, may do so as long as, it is within the legal realm.

This request was voted on and passed unanimously at the October 14, 2020 Board Meeting. (Please see attached)

The Wexford County Airport Authority Board Members humbly ask, that you approve this request.

A handwritten signature in cursive script, appearing to read "Kal Adair", is written in dark ink.

WEXFORD COUNTY AIRPORT AUTHORITY

MINUTES

Meeting of Wednesday October 14, 2020

1. Meeting was called to order by Hill at 6:00 PM
Present: Hill, Clements, King, Mackey, Paul & Holder
Manager Bujalski
Lucinda Rathbun (record minutes)
Ben Townsend, County Representative
2. Introduction of Guests: Bob Johnson
Representatives of Prein & Newhof
3. Public Comment: None
4. Additions or Deletions to the Agenda: Minutes from Special Meeting held 9/24/2020
Minutes not prepared. Tabled next meeting.
5. Approval of September 2020 minutes.

MOTION by Holder to approve September 2020 minutes as written.

Supported by King. All in Favor. Motion carried.

6. Treasurer's Report

Profit & Loss Budget presented. Cares Act funds of \$30,000 to be allocated as \$5,000 to line item 6511.1 Kysor Hangar Maintenance with remainder balance of \$25,000 to other income.

Action: Holder to increase bottom line budget to reflect Cares Act Funds.

Line items within Electricity Expenses to be reallocated and adjusted as current percentage breakdown is not correct.

MOTION by Mackey to move \$5,000 out of other income to 6511.1 Kysor Hangar Maintenance.

Supported by Clements. All in Favor. Motion carried.

7. Committee Reports

a. Finance Committee- Discussed Cares Act Money/Electricity Expense and determined there are issues that need to be addressed. Need to make budget cleaner. Manager will have budget ready next month with hopefully December meeting approval.

- b. Personnel Committee- Manager is buying a home in Missaukee County on Seeley Rd; written agreement to be prepared removing the Wexford County requirement and keeping the within 15-minute driving distance

Action Item: Manual to be updated by Personnel Committee

- c. Facilities Committee- held special meeting on 9/24/2020.

8. President's Report-Nothing to Report

9. Manager's Report

Written Report submitted.

Personnel: working on new safety procedures

Facilities: Lighting/telephone system/hangar preventative maintenance/overhead door/Heinen Avionics/hangar usage/Solar Farm all discussed.

Equipment: maintenance/Snowblower/Forklift all addressed.

Operations: Cargo operations extremely busy/reviewing fuel testing and logging procedures

Action item: Facilities Committee to set up meeting soon

10. New Business- None

11. Old Business

- a. Per Diem

City and County were contacted about proposed changes to WCAA Board Member meeting compensation and both in agreeance.

 **MOTION by Holder for Members of said board shall receive \$35.00 per diem, not to exceed \$560.00 in any one calendar year. The Officers (President, Secretary, and Treasurer), are to receive an additional \$5.00 per diem, not to exceed \$640.00 in any one calendar year. If a board member whom wishes not to receive any per diem, may do so, as long as, it is within the legal realm.** 

Supported by King.

Clements Yes

King Yes

Paul Yes

Mackey Yes

Holder Yes

Hill Yes

Motion carried.

Action: Minutes to be forwarded to County for them to make appropriate amendment.

12.. Public Comments

Bob with Prein & Newhof indicated loans are available and possible grant for Fork Lift. He will do more research and connect with Manager.

Ben Townsend, County Representative advised that if one doesn't take per diem be sure to have documentation that that person does not want to take the per diem.

13. Board Member Comments

Clements believes board brought up good things and moving forward. He believes we need to look out for the Manager giving him support. The Board asked him to get more revenue without incurring expenses which he is trying to do and the Board needs to support him.

King stated it was a productive meeting. He knows Airport needs more hangar space. Moving forward with cost estimates so we can get that going is a priority.

Paul advised that the Board needs to look at our future, next year, the following year, etc....and the Board should not put off addressing issues. He knows Manager has a lot of responsibilities and he may need to delegate things or maybe he needs additional staff or assistance.

Mackey agrees with Paul and that Manager is doing a great job. He encourages the Board to set deadlines because we can not keep putting off things. Hangers are key to more income affecting all aspects of the airport. Mackey strongly feels we need to get it done. He believes it was a good meeting and Board and Manager are making great headway.

Holder repeated the need to help out Manager and totally support him. He concurs that Manager is doing a great job. He stated that we need to get things done quicker.

Hill stated it was a good meeting and not everything moves as quickly as we want it to. He too agrees that Manager is doing a great job along with everyone on the Board. Hill encourages Manager to reach out the them if he needs help.

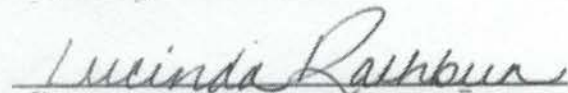
14. Next Meeting date is November 11, 2020.

15. Adjournment

MOTION by Mackey to adjourn at 7:40 PM.

Supported by King. All in Favor. Motion carried.

Prepared by Lucinda Rathbun



Action Items:

**RESTATED AMENDED AGREEMENT TO ESTABLISH
JOINT CADILLAC-WEXFORD COUNTY AIRPORT AUTHORITY**

This agreement is made between the City of Cadillac, Michigan (the "City") and the County of Wexford, Michigan (the "County").

RECITALS

A. There was an agreement in substantially the same form as this agreement which was executed and dated effective January 1, 1981. An executed copy of the Amended Agreement to Establish Joint Cadillac-Wexford County Airport Authority (the "Agreement") can not be located by either Wexford County or the City of Cadillac. As a result, this restated Agreement has been reformatted and prepared for signature. It is the intent that the content of the original Amended Agreement not be changed.

B. There is now operated in Wexford County, Michigan, an airport known as the Wexford County Airport (the "Airport").

C. The Airport serves the Wexford County area and the cost of development and operation would be more equitably distributed by a joint operation between the City and the County.

D. It is made permissible by statute (MCL 259.134) for two or more political subdivisions to join in the operation and control of an airport.

E. The joint operation by the County and City of the Airport would make it possible to participate in more state and federal aid programs, with a result that the Airport would be developed and extended to care for the growing demands made upon it by industry and business.

F. The Airport and its development is of extreme importance to the economic development and continued prosperity of this community and the City, County, and urban and rural areas.

G. An Airport Authority was established in 1970, and amended in 1978, and the parties wish to make an additional amendment and new Agreement by this document.

NOW, THEREFORE, IT IS AGREED as follows:

1. **Establishment of Authority.** To foster and bring about the ends, aims, objects, and purposes, there is hereby established a joint City and County Airport Authority.

2. **Name of Authority.** The Authority is to continue to be known as the Wexford County Airport Authority (the "Authority") and all business and transactions shall hereafter be carried out under its name.

3. **Governing Board.** The Authority shall from and after the effective date of this Agreement (i.e., January 1, 1981), be operated by a seven (7) person board (the "Board"). Four (4) members of said Board are to be appointed by the County and three (3) members are to be appointed by the City. Terms of the Board members so appointed shall be for two (2) years, except that the initial appointments are to be made by the City and County for one (1) and two (2) year terms. As the terms of the aforesaid members expire each year, the City and County shall each make appointments to fill the vacancies. All appointments are to be made by the governing bodies of the City and the County. No more than one (1) member of the Board at any one time shall be a member of the Cadillac City Council or City Administration; and no more than one (1) member of the Board at any one time shall be a member of the Wexford County Board of Commissioners or the Wexford County Administration Office. The existing Board shall continue to operate until the terms of its member expire.

Members of said Board, except City Council member and County Board of Commissioners member shall receive Twenty-five Dollars (\$25.00) per diem, not to exceed Four Hundred Dollars (\$400.00) in any one calendar year, County Commissioner or County Administration member(s) and City Council or City Administration member(s) shall not be compensated by the Authority in any manner whatever.

The Board shall choose a President, Secretary, and Treasurer and may provide for additional officers. The President, Secretary and the Treasurer shall be elected to serve for one (1) year, and new selections shall be made annually thereafter.

A quorum for the purpose of the transaction of business by said Board shall be four (4) members, and to act on any measure, there must be at least four (4) affirmative votes.

The Board shall make annual reports to the County and City governing bodies, and provide the County Board of Commissioners and the City Council with minutes of meetings. The report to the County and City shall be made at least one week prior to the regular October sessions of the Wexford County Board of Commissioners and the Cadillac City Council.

The Board may make rules for the conduct of its meetings as it deems advisable and proper so long as such rules comply with the requirements of the Michigan Open Meetings Act, as amended.

The Board shall hold at least four (4) quarterly meetings each year, but may hold special meetings at the call of the President or any two (2) Board members pursuant to such regulations and rules as the Board may adopt. The effective date for the commencement of the Authority shall be on January 1, 1981, and the first meeting shall be held within thirty (30) days thereof.

The Board may ask the appointing governmental unit to replace a Board member if a member moves from the County, is absent without cause at two (2) consecutive meetings (without giving good reasons for such absence), or if a Board member dies or indicates disinterest in the development and operation of the Airport.

4. **Operational Funds.** The funds for the operation of the Airport shall be apportioned as follows between the City and the County. The County and the City shall annually have their proper officials meet prior to the budget meeting of the County and City to go over the plans of the Authority for the following year, and on the basis of the plans and needs of the Authority and the financial needs and condition of the City and County, decide upon the operating budget of the Authority for the following year. The County agrees to provide sixty percent (60%) of the net operating requirements of the Authority. The City agrees to provide forty percent (40%) of the net operating requirements of the Authority. The proportional support of the Authority by City and County may be reviewed after five (5) years, and shall continue at 60-40 unless either party requests an adjustment thereafter. If any adjustment is requested by either the City or the County, and an agreement cannot be reached, the matter shall be submitted to binding arbitration. In the event of arbitration, each party shall select an arbitrator not connected in any way with the Party selecting the arbitrator, and the two (2) selected arbitrators shall select a third arbitrator. A majority vote of the arbitrators (i.e., two votes) shall be binding.

5. **Airport Lands.** The City will execute and deliver a good and sufficient deed conveying an additional undivided ten percent (10%) interest in the Airport lands to the County. (County now has fifty percent (50%)). Should any of the lands presently controlled by the Authority, or should any which are hereinafter acquired be deemed unnecessary for aeronautics purposes and deemed surplus because they have no use

presently or in the contemplable future as airport lands, then such lands may be leased, sold, traded or conveyed or otherwise disposed of by the Authority subject to approval by the City and County governing bodies.

In the event the Authority established hereunder shall be dissolved or cease to operate, and if the parties are unable to agree on a formula for reversion of land and improvements, then the matter shall be submitted to arbitration in the manner herein set forth.

Any lands obtained hereafter shall continue to be owned by the City and County, the County to own an undivided sixty percent (60%) interest and the City to own an undivided forty percent (40%) interest therein.

6. **Audit of Funds.** An annual audit of funds of the Authority shall be made by some person not connected with the Authority and said audit shall be according to generally accepted accounting principles. The audit shall be made by a Certified Public Accountant and shall be submitted to the governing bodies of the County and the City.

7. **Rules of Airport Operation.** Rules and regulations to protect the life and property of the general public and the persons using the Airport as are deemed necessary shall be made by the Authority. The Authority is hereby given the power and it has the duty to see that such reasonable rules and regulations are promulgated and enforced.

8. **Legal Extent of Authority's Powers.** The Authority shall have the powers given to joint airport authorities under the laws of the State of Michigan and the rules and regulations of the Michigan Board of Aeronautics or any other state or federal commissions or agencies hereinafter created, subject to the limitations made by this Agreement.

9. **Liability of Authority.** Insurance coverage must be obtained by the Board and approved by the City and County. The Authority shall incur no debts or obligations unless budgeted or unless prior approval is obtained from the City and County.

10. **Board Treasurer.** The Treasurer of the Authority shall file a surety bond in favor of the Authority in an amount to be decided by the Board and subject to the Board's approval, the cost thereof to be paid by the Authority.

11. **Prefacing Remarks.** The prefacing remarks first made herein are incorporated and made a part of this Agreement. These statements shall act as a guide if any dispute arises as to the intent, object or purpose of this Agreement.

12. **Federal and State Projects - Authority of Board.** The Board is hereby designated as the agent of the City and County to act for them in applying for federal and state aid airport projects which the Board deems necessary, appropriate and desirable. For such purpose or purposes, the Board is given the power and authority to do all things necessary and proper as the agent of the City and County in connection with the application for federal and state airport projects. The Authority is hereby granted the extended right to borrow for specific capital projects or for the local share required by federal or state grant awards for airport projects with prior City and County review and approval. Should the public laws of the State of Michigan grant jointly operated airports and their operating boards rights and powers, such extension or extensions of power and authority is hereby incorporated, and this Agreement is to be read as though such extended and enlarged powers, rights and authority are included herein.

13. **Ratification of Prior Acts.** The parties hereby ratify the prior existence of the Authority and ratify all Acts made under the Agreement from and after January 1, 1981 as if this Agreement had been signed by the parties since that date. However, the parties

do not ratify any Acts made in violation of any State or Federal law, rule or regulation, or are in violation of this Agreement.

IN WITNESS WHEREOF, the authorized officers pursuant to action of the governing bodies of the City and County have executed this Agreement on this 4th day of February, 2002, as to the City, and on the 3rd day of January, 2002, as to the County.

CITY OF CADILLAC, MICHIGAN

By: Ronald J. Blanchard
Ronald J. Blanchard, Mayor

By: Janice E. Nelson
Janice E. Nelson
City Clerk

COUNTY OF WEXFORD, MICHIGAN

By: Darrell Kelley
Darrell Kelley, Chairman
Wexford County Board
Of Commissioners

By: Elaine Richardson
Elaine Richardson
Wexford County Clerk

APPROVED AS TO FORM
FOR COUNTY OF WEXFORD
COHL, STOKER & TOSKEY, P.C.

By: Robert D. Townsend
Robert D. Townsend

WCAA BOARD MEMBERS

Date: 1/14/21

MEMBER	COMMITTEES	TERM EXP
Bill King 231-884-0431 brk3157@gmail.com 9760 E M-115, Cadillac, MI 46901	*Personnel Chair Finance	12/31/2021
Karl Holder 248-840-0254 kjholder2017@gmail.com 716 Linden, Cadillac, MI 49601	President	8/21/2021
Bill Paul 231-590-5082 bilp622701@gmail.com 8050 Hagstrom Ln, Cadillac, MI 49601	Personnel Facilities	12/31/2021
Keith Hoover 231-577-8358 cbcpastork@gmail.com 211 E. Mesick Ave., Mesick, MI 49668	Finance Facilities	12/31/2022
Jim Clements 919-395-5275 jimcemail@gmail.com 210 Stimson St. Cadillac, MI 49601	*Treasurer Personnel	2/22/2021
Dave Mackey 231-920-0333 roscoe.mackey443@gmail.com 11023 E 44 1/2 Rd. Cadillac, MI 49601	*Facilities Chair Secretary	12/31/2022
Lucinda Rathbun 231-920-1859 l.rathbun@hotmail.com	Recording Secretary	