

## **City Council Meeting**

April 19, 2021 6:00 p.m.

By Remote Electronic Participation

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



April 19, 2021 City Council Meeting Agenda 6 p.m. 200 N. Lake St. – Cadillac, MI 49601 Meeting held by remote electronic participation.

#### We support each other in serving our community

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, <a href="www.cadillac-mi.net">www.cadillac-mi.net</a>, or can be obtained by calling (231) 775-0181. Comment time is limited to 3-minutes, and unused time may not be yielded back or given to someone else to use.

#### III. CONSENT AGENDA

All items listed on the consent agenda are considered routine and will be enacted by one motion with roll call vote. There will be no separate discussion of these items unless a Council Member so requests it, in which event the items will be removed from the consent agenda and discussed separately.

- A. Minutes from the work session held on April 5, 2021. Support Document III-A
- B. Minutes from the regular meeting held on April 5, 2021. Support Document III-B

#### IV. PROCLAMATION

A. Arbor Day
Support Document IV-A

#### V. PUBLIC HEARINGS

- A. Public hearing to consider approval of the Fiscal Year 2022-2027 Capital Improvement Program.
- B. Public hearing to discuss the 2021/2022 Annual Operating Budget.

#### VI. CITY MANAGER'S REPORT

A. COVID-19 Update

#### VII. INTRODUCTION OF ORDINANCES

- A. Adopt resolution to introduce Ordinance Declaring Local State of Emergency Due to COVID-19 Pandemic and set a public hearing for May 3, 2021.

  <u>Support Document VII-A</u>
- B. Adopt resolution to introduce Ordinance to Approve Transfer of Real Property (White Pine Area) and to Accept a Water Utilities Easement and set a public hearing for May 17, 2021.

  Support Document VII-B

#### VIII. 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, <a href="www.cadillac-mi.net">www.cadillac-mi.net</a>, 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.

- IX. GOOD OF THE ORDER
- X. ADJOURNMENT

#### **Cadillac City Council Agenda**

April 19, 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 Special Meeting
Work Session Minutes
April 5, 2021
Meeting held by remote electronic participation.

#### CALL TO ORDER

Mayor Filkins opened the meeting at 4:17 pm.

#### ROLL CALL

Council Present: Schippers, King, Engels, Mayor Filkins

Council Member Schippers stated she 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. Council Member King 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.

Absent: Council Member: Elenbaas

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

#### APPROVAL OF AGENDA

#### 2021-064 Approve agenda as presented.

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

Motion unanimously approved.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **CONSENT AGENDA**

#### 2021-065 Approve consent agenda as presented.

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

Motion unanimously approved.

## DISCUSSION AND REVIEW OF THE DRAFT FY2022 ANNUAL OPERATING BUDGET

City Manager Peccia thanked City Council for their continued support and engagement in this process. He advised that the City has strong fiscal stability which is a result of diligent planning and the collaborative leadership between Council and staff. He thanked Owen Roberts, Director of Finance, and the other departments heads for their time spent preparing the draft budget.

Owen Roberts, Director of Finance, briefly discussed the budget process and the budget calendar. He stated the Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to the City of Cadillac for its annual budget for the fiscal year beginning July 1, 2020. He noted the City has received this award for thirty-seven (37) consecutive years.

Roberts reviewed Page 56 of the draft FY2022 Annual Operating Budget which lists the Funds of the City. He stated the chart lists a couple of categories that show a significant use of fund balance. He noted this is not a concern because in the current fiscal year (August 2020) we issued bonds and those bonds show up as revenue in governmental accounting. He stated we will have \$4 million in revenue and we are going to spend that money over the next few fiscal years.

King noted the chart (Page 56) shows a deficit, but it is not really a deficit because it reflects bond spending.

Roberts stated that is correct. He noted in governmental fund accounting if you take out loans it shows up as revenue for that year. He noted the chart (Page 56) shows the Major Street Fund, Local Street Fund, and the Downtown Infrastructure Project Fund reflect approximately \$2.5 million of spending on street and public infrastructure projects.

Roberts summarized the highlights of the draft Fiscal Year 2022 Annual Operating Budget (see attachment).

King stated we are very strong in our funding for the fire and police pensions. He asked if we have considered rolling back that tax now that we are strongly funded and if that would give us flexibility to either increase our MERS obligation or reduce the water and sewer rate increases.

Roberts stated we cannot utilize the fire and police millage to offset anything related to water or sewer.

King stated his question was not that we utilize any funds from the fire and police pension millage but rather if we could decrease the burden on the citizens by lowering that millage to help reduce the burden of water and sewer rate increases.

Roberts stated that would need to be a policy discussion and certainly an appropriate discussion for the Retirement Board.

Roberts stated the Pandemic Response Plan was adopted as part of the FY2021 budget. He noted the financial impact of the pandemic has not been as dire as was initially feared. He explained that one of the main actions we took was to freeze capital spending in the General Fund and in the Water and Sewer Fund. He noted we will be recommending that we unfreeze some of those items/projects as part of the regular meeting.

King stated when we utilized reserves for the fire engine, are we now adding back into those reserves based on the money that is now available.

Roberts stated that is correct. He noted we had planned to reduce reserves by \$600,000 to cover the cost of the truck. He stated carrying over the two (2) years where the truck was actually built, bought, and paid for our reserves are going to increase even as a net over those two (2) years. He noted we have added to reserves even with purchasing a \$600,000 truck with cash.

King asked if the City is in line to receive any federal COVID relief funds.

Roberts stated early indications are that the City will receive approximately \$1 million.

Peccia noted it was indicated the initial payment will be received within 90 days of when it is signed into law with the remaining amount to be received by the end of calendar year. He stated until we know the exact amount the City will receive and the terms related to what the funds can or cannot be used for, we are trying not to get ahead of ourselves.

King stated the money would come in as General Fund money and then we can figure out how it would be appropriately spent.

Peccia stated that is correct. He noted we have discussed the possibility of holding a special work session to discuss ideas or concepts for what the money should be spent on once we have more information.

Mayor Filkins thanked Owen Roberts and all of the managers for developing the budget. She stated bringing the budget forward at a number of meetings allows people to see it and to ask questions.

Peccia reminded everyone that the budget is a living document which can be amended if deemed necessary.

#### **ADJOURNMENT**

Mayor Filkins adjourned the meeting at 5:24 pm.

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

#### City of Cadillac

FY2022 Annual Operating Budget Work Session April 5, 2021

#### **BUDGET SUMMARY**

#### **Total Revenue and Spending**

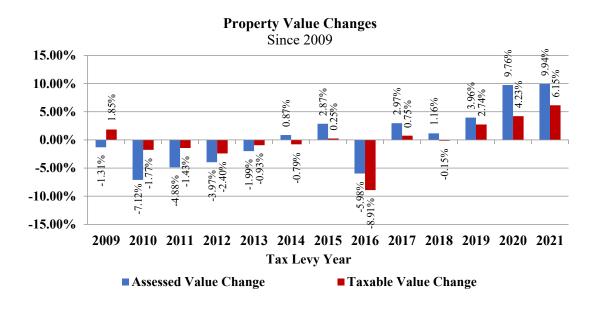
The proposed FY2022 budget recommends the following:

Total Revenue	20,289,300
Total Expenditures	23,083,000
Results	(2,793,700)

The use of reserves on hand is nearly all related to street construction projects in the Major and Local Street Funds and the Downtown Infrastructure Fund.

#### **Current Tax Roll Projections**

The local real estate market continues to see a flurry of activity, which has resulted in positive changes to the City tax roll. It is expected that the 2021 tax roll will increase about 6% from 2020. A summary of tax roll changes since 2009 is presented below:



2021 will be the third consecutive year of overall taxable value growth, however total tax revenues have been restricted by the impacts of the Headlee Amendment, which is discussed below.

#### **Headlee Rollback**

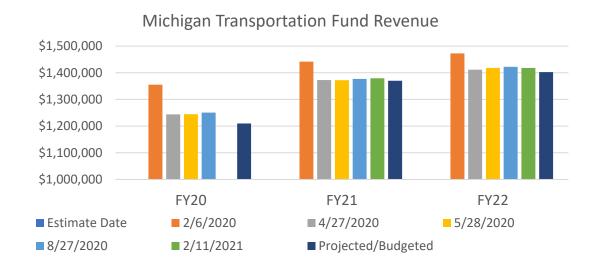
For the third time in the last four years, the City's main operating millage will be rolled back because of restrictions on tax revenue growth pursuant to the Headlee amendment. This year's millage rate is expected to be 13.6589, down from 13.7774 last year. As in prior years, the busy real estate market resulted in a number of Proposal A "uncappings" of taxable value on City parcels and this is the primary cause of the rollback.

#### **State Shared Revenue**

The State of Michigan has provided regular updates on projections for state shared revenue for the upcoming fiscal year. For FY2021 the City had projected a loss of \$115,000 from this source based on the impacts of the pandemic. However, projections from February 2021 now show that these revenues will be favorable to budget by about \$11,000. Proposed revenues for FY2022 reflect February projections from the State of Michigan.

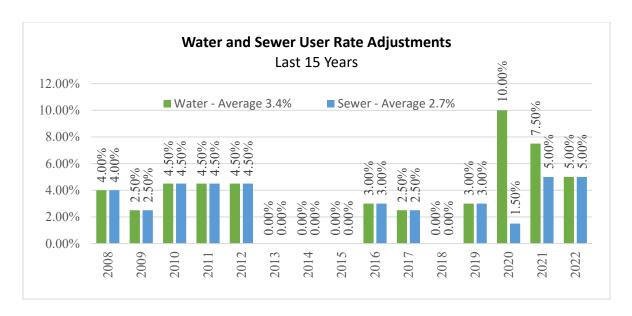
#### **Michigan Transportation Funds (Act 51)**

The chart below shows the revenue received and projections for revenue to come from the State of Michigan pursuant to Act 51. The chart highlights the changes in projections made over the last 14 months through the pandemic. The most recent projections for the remainder of the current fiscal year and for FY2022 are shown below in the green bar and confirm that the proposed budget should be attainable for this important revenue source. The total expected revenue projected by the State is \$1,417,841 and the City's budget anticipates revenues of \$1,402,500 which is split between the Major Street Fund (\$1,025,000) and the Local Street Fund (\$377,500).



#### Water and Sewer User Charges

Based on data provided by outside consultants as part of the financial analysis for the issuance of debt for the well field project, water and sewer user charges need to be raised to continue to provide adequate funding for operations and capital investment. The current recommendation is to increase both water and sewer rates by 5%. A history of rate increases for the last 15 years is presented below:



With the current recommended increase included, rate increases for the last 15 years have averaged 3.4% for water and 2.7% for sewer. The City's rates continue to compare very favorably in the region based on an independent rate survey. The 2021 version of the survey was just released by Gosling Czubak Engineering Sciences, Inc. The survey was based on nearly 60 communities in Cadillac's general region – the northern lower and eastern upper peninsulas of the state. The survey reported that the typical monthly water bill was \$32.05, and the typical monthly sewer bill was \$41.70 for a total of \$73.75 per month. By contrast, the typical monthly water bill in Cadillac is just \$17.59, and the typical monthly sewer bill in Cadillac is \$27.13 per month for a total of \$44.72 which is \$29.03 – or 39% - below the typical bill reported in the study.

Cadillac's typical bill was <u>6<sup>th</sup> lowest</u> out of 47 water system respondents to the survey, and <u>11<sup>th</sup> lowest</u> out of 48 sewer system respondents. In the prior survey, Cadillac was 10<sup>th</sup> lowest and 11<sup>th</sup> lowest, respectively.

#### **Employment/Cost-of-Living Adjustments (COLA)**

The total organization-wide full-time employee count will be reduced from 74 to 73. This reduction was achieved with the transfer of a full-time administrative employee from the Utilities department to an open position in the Treasurer's office. The reduction was primarily because of additional costs resulting from the use of debt funding to complete the final phase of the well field relocation project. It is expected that this will be a temporary reduction, with the position in Utilities hopefully being restored within 24-36 months.

Pursuant to collective bargaining agreements and recommendations of the City Manager, all full-time employees will receive a COLA ranging from 2.5-3.0%.

#### **Capital Budget**

The proposed budget includes about \$14 million in appropriations for capital investment, highlighted by the following:

- <u>Water and Sewer Fund:</u> \$9.8 million in Water and Sewer Infrastructure (\$9 million is well field project)
- <u>Major and Local Street Funds:</u> \$2.7 million in Street construction utilizing bond proceeds from 2020

- General Fund: Staff Car (\$27,000), Police Patrol Vehicle (\$45,000), Police BolaWraps (\$17,000), Playground Equipment (\$25,000), Riding Mower (\$7,500), Lakefront Lighting (\$10,000).
- <u>Stores and Garage Fund:</u> Two service trucks (\$60,000), Riding Mower (\$7,500), 1-Ton Dump Truck (\$55,000).
- <u>Information Technology Fund:</u> IT Infrastructure (\$20,000), Wireless Infrastructure (\$50,000). City is now on Merit fiber network, so wireless project should move forward.
- <u>Trailhead at Cadillac Commons Fund:</u> Appropriations for the Trailhead project are in the proposed budget. However, appropriations for local matching funds are not included and will have to either be addressed now or as an amendment in the future once bids are received.

#### Other Budgetary Highlights:

- Budget provides for a transfer of \$30,000 from the General Fund to the Lake Treatment Fund for treatment costs during the year.
- General Fund reserves improved at the end of the prior fiscal year by \$322,000. It is projected that these reserves will increase once again at the end of FY21.
- FY2021 Pandemic Response Plan update

#### **Next Steps**

- Budget is available at the Cadillac Municipal Complex, as well as online on the City's website. Public comment and input invited.
- Budget Public Hearing on April 19, 2021.
- Introduce General Appropriations Act ordinance on May 3, 2021.
- Consider adoption of General Appropriations Act ordinance on May 17, 2021.
- Budget takes effect July 1, 2021.

### CITY COUNCIL MEETING MINUTES April 5, 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, King, Mayor Filkins

Council Member Schippers stated she is attending the meeting virtually in the City of Cadillac. Council Member King 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: Elenbaas, Engels

Staff Present: Peccia, Roberts, Ottjepka, Dietlin, Wallace, Coy, Genovich, Wasson

#### APPROVAL OF AGENDA

#### 2021-066 Approve agenda as presented.

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

Motion unanimously approved.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **COMMUNITY SPOTLIGHT**

#### A. Mobile Medical Response

Jason MacDonald, VP of Operations, noted Munson Healthcare recently became a minority owner of Mobile Medical Response and Mobile Medical Response has assumed operations for the area that North Flight EMS had traditionally covered. He noted they are a non-profit healthcare and public safety organization that was established in 1994. He stated they cover 17 counties across the State of Michigan and he provided information on their current accreditations. He briefly discussed staffing and noted Paul Owens agreed to stay on with Mobile Medical Response.

Paul Owens stated they are currently working on staffing and noted it is a very difficult market in the trade industry, including EMS workers and paramedics.

#### FOIA APPEAL

City Attorney Genovich explained a FOIA appeal was received from Mr. Bodary relating to the fee that was charged. She stated the issue raised in the appeal is the maximum amount the City is permitted to charge under the FOIA for contracted labor. She noted there is a part of the FOIA statute that provides that total labor costs calculated under this section of FOIA for contracted labor costs must not exceed an amount equal to 6 times the state minimum hourly wage determined under the minimum wage law. She added labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more with all partial time increments rounded down. She stated that means if Foster Swift reviews something to redact, the FOIA requestor will not be charged their hourly rate it will be maxed at 6 times the minimum wage.

Genovich stated Mr. Bodary makes the argument that 6 times one hour of minimum wage is the total maximum amount that can be charged for that contracted labor. She noted it is their opinion, along with the opinion of the Michigan Municipal League, that it is actually 6 times the minimum hourly wage multiplied by the number of hours that are used to perform the redaction or other contracted services. She stated that is supported by the language of the statute where it refers to those fees being estimated and charged in increments of 15 minutes or more, there is no maximum of sixty (60) minutes.

Genovich stated there are two points in the appeal that do have merit. The first is there was a .1 time entry which is less than 15 minutes that should have been rounded down. The second is that it appears the minimum wage rate used to calculate the fee was based on \$9.65 per hour and it should have been \$9.45 per hour. She noted applying those would result in a reduction of the fee by a total of \$3.17.

Mayor Filkins provided Mr. Bodary with the opportunity to comment on his appeal and noted he is allotted six (6) minutes.

Mr, Bodary referenced the first sentence of his appeal regarding charging everyone \$15 per hour clerical and \$31.52 per hour administrative would not be following the law as it states in V A 1 (b) and 3 (b) in the policy on the City's website. He noted that should also be adjusted to the correct levels. He stated he would like an extra fee reduction for that as well as the time this has taken. He noted he does not believe this is how this law should be working. He stated he believes the City administration could have notified him earlier that identification would have been needed.

Genovich stated based on their review they do not believe any further downward adjustments are warranted or necessary under the statute other than the ones previously identified. She noted the City's FOIA policy was followed and there is no provision for reimbursing a FOIA requestor for their time spent preparing a FOIA appeal.

#### 2021-067 Action regarding FOIA Appeal.

Motion was made by King and supported by Schippers to grant the appeal in part and deny the appeal in part as provided by the City Attorney at the calculation that was placed on the record tonight.

Motion unanimously approved.

#### COMMUNICATIONS

A. Rotary Stride for S.T.R.I.V.E.

#### 2021-068 Approve street closure for Rotary Stride for S.T.R.I.V.E.

Motion was made by Schippers and supported by King to approve the closure of Linden St. between Chestnut St. and Division St. from 8:00 a.m. to 8:45 a.m. on May 31, 2021 for the Rotary Club of Cadillac Stride for S.T.R.I.V.E. 5k.

Motion unanimously approved.

B. Friends of the Library

#### 2021-069 Approve banner for Friends of the Library.

Motion was made by King and supported by Schippers to approve the display of a banner from April 6, 2021 to April 12, 2021 for National Library Week.

Motion unanimously approved.

C. Cadillac Area Public Schools

#### 2021-070 Approve banner for Cadillac Area Public Schools.

Motion was made by Schippers and supported by King to approve the display of a banner from April 19, 2021 to May 3, 2021 for the Cadillac Area Public Schools.

Motion unanimously approved.

#### APPOINTMENTS

A. Recommendation regarding reappointment to the Civil Service Commission.

#### 2021-071 Approve reappointment to the Civil Service Commission.

Motion was made by Schippers and supported by King to approve the reappointment of Jim Blackburn to the Civil Service Commission for a 6-year term to expire on April 16, 2027.

Schippers noted Jim Blackburn has served on the Civil Service Commission since 1996 and thanked him for his service.

Motion unanimously approved.

B. Recommendation regarding appointment to the Board of Review.

#### 2021-072 Approve appointment to the Board of Review.

Motion was made by King and supported by Schippers to approve the appointment of Tracy Mickelson to the Board of Review as an alternate representative (First Ward) for a 2-year term to expire on April 5, 2023.

Motion unanimously approved.

C. Recommendation regarding appointment to the Zoning Board of Appeals.

#### <u>2021-073 Approve appointment to the Zoning Board of Appeals.</u>

Motion was made by Schippers and supported by King to approve the appointment of Benjamin Dean to the Zoning Board of Appeals as an alternate member for a 3-year term to expire on April 5, 2024.

Motion unanimously approved.

#### CITY MANAGER'S REPORT

A. Schedule a public hearing for April 19, 2021 to discuss the 2021/2022 Annual Operating Budget.

<u>2021-074 Schedule public hearing to discuss the 2021/2022 Annual Operating Budget</u>. Motion was made by King and supported by Schippers to schedule a public hearing for April 19, 2021 to discuss the 2021/2022 Annual Operating Budget.

Motion unanimously approved.

B. Schedule a public hearing for April 19, 2021 to consider approval of the Fiscal Year 2022-2027 Capital Improvement Program.

<u>2021-075 Schedule public hearing to consider approval of the FY 2022-2027 CIP.</u>
Motion was made by Schippers and supported by King to schedule a public hearing for April 19, 2021 to consider approval of the Fiscal Year 2022-2027 Capital Improvement Program.

Motion unanimously approved.

#### B. COVID-19 Update

Peccia noted information regarding COVID-19 can be found on the District Health Department #10 website at <a href="https://www.dhd10.org">www.dhd10.org</a>.

Owen Roberts, Director of Finance, noted as was discussed in the Work Session there has been a lot of financial news that is not nearly as bad as what was feared during the initial stages of the pandemic, so we are very comfortable bringing this forward for consideration. He noted the funds are still appropriated but these particular purchases and this spending was frozen until further action was taken by the City Council. He noted at the last meeting, a member of Council requested that we move forward on the Rotary Pavilion Sign due to the condition of the current sign and the opportunity to provide better messaging to the community. He noted as part of that discussion, we reviewed other items that were frozen.

Roberts noted it is being recommended to unfreeze the following:

- City Complex \$27,000 for Staff Car
- Parks \$25,000 Capital Outlay (with the utilization switched to the purchase of a new sign for the Rotary Pavilion)
- Travel and Education 25% of budgets in the General Fund
- Water and Sewer \$28,000 for Service Truck; \$75,000 for LIMS/WIMS Software; \$35,000 Storage Barn; \$25,000 Water Well Inspection

#### 2021-076 Unfreeze spending pursuant to Pandemic Financial Response Plan.

Motion was made by Schippers and supported by King to unfreeze spending pursuant to Pandemic Financial Response Plan as recommended.

Motion unanimously approved.

C. Recommendation regarding Rotary Pavilion Sign Upgrade.

Peccia stated it is being recommended to award the Rotary Pavilion Sign Upgrade Project to Pro Image Design, Inc. in the amount of \$19,992.20.

#### 2021-077 Award Rotary Pavilion Sign Upgrade Project.

Motion was made by Schippers and supported by King to award the Rotary Pavilion Sign Upgrade Project to Pro Image Design, Inc. in the amount of \$19,992.20.

Motion unanimously approved.

#### MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

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

#### PUBLIC COMMENTS

There were no public comments.

#### GOOD OF THE ORDER

Schippers thanked the group of kids for thoroughly cleaning up the debris and trash on Diggins Hill. She stated there were adults supervising the clean-up.

#### ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk



#### ARBOR DAY PROCLAMATION

- WHEREAS, the legislature of this State has adopted an act designating Arbor Day; and
- WHEREAS, it is the purpose of the designation of this day throughout the Nation to encourage the planting of shade and forest trees; to encourage the harvesting of our forest crops by approved conservation methods, and to encourage the protection of our forests from the scourge of devastating fires, insects, and diseases that destroy the beauty and usefulness of our woodlands as well as their wildlife; and
- WHEREAS, through the cooperation of all residents of this City, the beneficial effects of forest tree planting, proper conservation practices in harvesting timber, and the protection from the natural enemies of the forest can be materially increased, and we can pass on an enduring heritage of vital natural resources to succeeding generations; and
- THEREFORE, I, Carla J. Filkins, Mayor of the City of Cadillac, Michigan do hereby proclaim Friday, April 30, 2021 as

#### ARBOR DAY

in Cadillac, and urge everyone able to do so to observe this day by the planting of one or more trees and by participating in one or more programs that the sponsors of Arbor Day may provide.

GIVEN, under my hand and Seal of the City of Cadillac this 19th day of April in the year of our Lord Two Thousand Twenty-One.

Carla J. Filkins, Mayor of the City of Cadillac, Michigan

#### **City Council**

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

PRESENT:



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers
Robert J. Engels
Stephen King
Bryan Elenbaas

#### RESOLUTION NO. 2021-\_\_\_\_

### RESOLUTION INTRODUCING ORDINANCE DECLARING LOCAL STATE OF EMERGENCY DUE TO COVID-19 PANDEMIC

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held electronically on the 19th day of April, 2021, at 6:00 p.m.

ABSENT:	
The following preamble and resolution was offered by	_and
seconded by	
WHEREAS, Michigan is continuing to experience illnesses and deaths due to	the
COVID-19 pandemic; and	
WHEDEAS in Wayford County as of April 12, 2021, state officials have confi	rmad

2,173 cases of COVID-19, 220 suspected cases of COVID-19, and 28 deaths related to COVID-19; and

WHEREAS, pursuant to Section 10 of the Emergency Management Act, Act 390 of 1976, a municipality that has appointed an emergency management coordinator may declare a local state of emergency if circumstances within the municipality indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists; and

WHEREAS, the County Emergency Management Coordinator serves as the City's Emergency Management Coordinator; and

WHEREAS, pursuant to section 3a of the Open Meetings Act, PA 267 of 1976, a public body may host a meeting electronically on or after March 31, 2021 due to a local state of emergency or state of disaster; and

WHEREAS, in order to maintain appropriate social distancing and comply with gathering restrictions set forth in the Michigan Department of Health and Human Services (MDHHS) epidemic orders, the City wishes to consider declaring a local state of emergency in order to continue to conduct meetings electronically; and

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

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

- 1. Pursuant to Section 10 of the Emergency Management Act, MCL 30.410 and Section 5.2 of the City Charter, the City introduces Ordinance No. \_\_\_\_ Ordinance Declaring Local State of Emergency Due to COVID-19 Pandemic.
- 2. A virtual public hearing regarding the Ordinance shall be held on the 3rd day of May, 2021, at 6:00 p.m.
- 3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the

City of Cadillac Resolution No. 2021 Page 3 of 3
time and place for a public hearing on the Ordinance, within seven days. The summary and
notice of the hearing shall be substantially in the form of Exhibit B.
4. A copy of the Ordinance shall be available for examination at the office of the
City Clerk, and copies may be provided for a reasonable charge.
5. Any and all resolutions that are in conflict with this Resolution are hereby
repealed to the extent necessary to give this Resolution full force and effect.
YEAS:
NAYS:
STATE OF MICHIGAN ) COUNTY OF WEXFORD )
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. 2021, duly adopted at a meeting of the City Council held on the 19th day of April, 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 Robert J. Engels Stephen King Bryan Elenbaas

ORDINANCE NO. 2021-

## ORDINANCE DECLARING LOCAL STATE OF EMERGENCY DUE TO COVID-19 PANDEMIC

#### THE CITY OF CADILLAC ORDAINS:

#### **SECTION 1. Purpose.**

Michigan is continuing to experience illnesses and deaths due to the COVID-19 pandemic. In Wexford County as of April 13, 2021, state officials have confirmed 2,173 cases of COVID-19, 220 suspected cases of COVID-19, and 28 deaths related to COVID-19. In order to maintain appropriate social distancing and comply with gathering restrictions set forth in the Michigan Department of Health and Human Services (MDHHS) epidemic orders, the City finds that it is in the best interest of the public health, safety, and welfare to declare a local state of emergency in order to continue to conduct meetings electronically.

#### **SECTION 2. Authority.**

This Ordinance is promulgated pursuant to the authority set forth in Section 10 of the Emergency Management Act, Act 390 of 1976 and section 3a of the Open Meetings Act, PA 267 of 1976.

#### **SECTION 3. Local State of Emergency and Electronic Meetings.**

A local state of emergency is hereby declared in the City of Cadillac, Wexford County. Pursuant to section 3a of the Open Meetings Act, PA 267 of 1976, meetings of a public body may continue to be held electronically by telephonic or video conferencing to permit the electronic attendance of a member of the public body who resides in the City of Cadillac and to permit the electronic meeting of a public body that usually holds its meetings in the City of Cadillac.

#### **SECTION 4. Effective Date.**

This Ordinance shall take effect upon expiration of Ordinance No. 2021-06, Ordinance Declaring Local State of Emergency Due to Covid-19 Pandemic and shall terminate at 11:59 pm on December 31, 2021.

#### **SECTION 5. Repealer.**

City of Cadillac Ordinance No. 2021-\_\_\_ Page 2 of 2

Any ordinances, parts of ordinances conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

#### **SECTION 6. Severability.**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.



#### **CADILLAC CITY COUNCIL**

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

May 3, 2021 at 6:00 p.m.

## THE MEETING WILL ONLY BE HELD ELECTRONICALLY FOR PUBLIC PARTICIPATION

On April 19, 2021, the City Council introduced Ordinance No. \_\_\_\_ Ordinance Declaring Local State of Emergency due to COVID-19 Pandemic. Notice is hereby given that a Public Hearing on the proposed ordinance will be held at a regular meeting on April 5, 2021 at 6:00 p.m. This meeting will only be held electronically pursuant to the Open Meetings Act. The purpose of the meeting is to consider any business to come before the City Council as permitted by law.

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

- 1. **Reason for Electronic Meeting**. The City Council is holding the meeting by electronic means only (i) because the City is operating under a local state of emergency declared pursuant to law, charter and ordinance, and (ii) because of the gathering restrictions set forth in the MDHHS Epidemic Order and potential spread of COVID-19.
- 2. **Procedures.** The public may participate in the meeting and may make public comment electronically by video or telephone conference using the following information:

**Online Meeting Link:** 

https://zoom.us/j/98855199049

Passcode: 789546

OR, you can dial in using your phone\*\*

United States Toll Free: (888) 475-4499 Meeting Identification: 988 5519 9049 Passcode: 789546

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

3. <u>Contact Information.</u> For those people who desire to contact members of the City Council to provide input or ask questions on the business that will come before the public

body at the meeting, please contact Sandra Wasson, City Clerk, at <a href="mailto:swasson@Cadillac-MI.net">swasson@Cadillac-MI.net</a> prior to the start of the meeting.

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

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

ORDINANCE NO.	
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#### ORDINANCE DECLARING LOCAL STATE OF EMERGENCY **DUE TO COVID-19 PANDEMIC**

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

Section 2 of the proposed ordinance provides the authority for City Council to promulgate the Ordinance.

Section 3 of the proposed ordinance declares a local state of emergency allowing meetings of a public body to continue to be held electronically by telephonic or video conferencing to permit the electronic attendance of a member of the public body who resides in the City of Cadillac and to permit the electronic meeting of a public body that usually holds its meetings in the City of Cadillac.

Section 4 of the proposed ordinance provides its effective date

Section 5 of the proposed ordinance provides any ordinances, parts of ordinances conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 6 of the proposed ordinance provides that all other ordinances inconsistent with the provisions of the proposed ordinance are repealed but only to the extent necessary to give the proposed ordinance full force and effect.

Dated: April , 2021 By: Sandra Wasson, City Clerk Cadillac Municipal Complex

200 Lake Street Cadillac, Michigan 49601

Telephone No: (231) 775-0181

#### **Council Communication**

Re: Transfer of Real Property (White Pine Area) and Accept a Water Utilities Easement

Pursuant to affirmative action taken by the City Council on December 7, 2020, Council is being asked this evening to consider setting the public hearing to adopt a resolution introducing an ordinance that will transfer the property accordingly to the White Pine Village development.

Attached for reference is the prior Council Communication from December.

#### **Recommended Action**

Adopt resolution to introduce Ordinance to Approve Transfer of Real Property (White Pine Area) and to Accept a Water Utilities Easement and set a public hearing for May 17, 2021.

#### **Council Communication**

Re: Easement Regarding Water Transmission Line

In order to accommodate the installation of a new water transmission line ("main") as it relates to the 44<sup>th</sup> Street Well Field Project, the City needs the White Pine Village Development to grant an easement.

After discussing the overall project with representatives from White Pine Village, they are willing to grant the City an easement in exchange for the City reimbursing them their costs in preparing the necessary documentation that includes review from Fannie Mae, their lender and legal. The estimated expense for the professional services is between ten to fifteen thousand dollars. Additionally, the White Pine Village Development has requested that a small portion of our property, which is shown on the following map that their sidewalk extends over, be exchanged or vacated as a part of us acquiring the easement.

Due to the requirement for the installation of our water main, and because the granting of the requested property to the White Pine Development may ultimately reduce our liability given the overlap with their sidewalk, it is recommended that the City proceed.

#### **Recommended Action**

Authorize the City to reimburse the White Pine Village Development for their costs as estimated for the City to acquire the easement, and proceed with the steps necessary to transfer the desired property to the Development. Funds are available in the Water and Sewer Fund.





#### **City Council**

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

(Charter Sec. 5.6); and



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

#### RESOLUTION NO. 2021-\_\_\_\_

# RESOLUTION TO INTRODUCE ORDINANCE TO APPROVE TRANSFER OF REAL PROPERTY (WHITE PINE AREA) AND TO ACCEPT A WATER UTILITIES EASEMENT

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, conducted electronically on the 19th day of April, 2021, at 6:00 p.m.

PRESENT:
ABSENT:
The following preamble and resolution was offered byand
seconded by
WHEREAS, the City of Cadillac ("City") is authorized by statute to buy, own, transfer
and sell real property (MCL 117.4e); and
WHEREAS, the Charter of the City provides that the City may, by ordinance and
upon the affirmative vote of four or more members of the Council, transfer any real estate

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

WHEREAS, the City wishes to consider adopting an ordinance that approves the transfer by quit claim deed of real property (the "Property") owned by the City described as that part of the Southeast ¼ of the Southwest ¼ of Section 8, T21N, R9W, City of Cadillac, Wexford County, Michigan described as commencing at the South ¼ corner of said Section 8: thence N 89° 09′ 11″ W 358.99 feet along the South line of said Section 8 to the Southwest corner White Pine Village parcel and the Point of Beginning; thence N 38° 18′ 32″ E 463.97 feet along the West line of White Pine Village: thence N 00° 13′ 34″ W 109.00 feet along the West line of White Pine Village: thence S 32° 45′ 18″ W 562.21 feet to a point on the South line of said Section 8; thence S 89° 09′ 11″ E 17.00 feet along said South line to the Point of Beginning. Containing 0.45 acres of land more or less. Subject to Right of Way for 44 Road and all easements, restrictions and reservations of record, and as recorded (the "Property") in Wexford County; and

WHEREAS, White Pine Village, LLC will grant a water utilities easement to the City for its water system project; and

WHEREAS, the transfer of the Property and the acceptance of the water utilities easement is in the interest of the public health, safety and welfare.

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

City of Cadillac Resolution No. 2021-\_\_\_ Page 3 of 5

1. Pursuant to Section 5.2 and 5.6 of the City Charter, the City introduces Ordinance No. 2021-\_\_\_\_, Ordinance to Authorize Transfer of Real Property (White Pine Area) and To Accept A Water Utilities Easement (the "Ordinance," attached as Exhibit 1).

- 2. A public hearing regarding the Ordinance shall be held electronically on the  $17^{th}$  day of May, 2021, at 6:00 p.m.
- 3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, in accordance with the Charter. The summary and notice of the hearing shall be substantially in the form of Exhibit 2.
- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS:		
NAYS:		
STATE OF MICHIGAN	)	
COUNTY OF WEXFORD	)	

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2021-\_\_\_, duly adopted at a meeting of the City Council held on the 19th day of April, 2021.

Sandra Wasson City Clerk City of Cadillac Resolution No. 2021-\_\_\_ Page 4 of 5

## EXHIBIT 1 (ORDINANCE)

City of Cadillac Resolution No. 2021-\_\_\_ Page 5 of 5

## EXHIBIT 2 (PUBLIC NOTICE)

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

# ORDINANCE TO APPROVE TRANSFER OF REAL PROPERTY (WHITE PINE AREA) AND TO ACCEPT A WATER UTILITIES EASEMENT

#### THE CITY OF CADILLAC ORDAINS:

#### Section 1.

Pursuant to MCL 117.4e, the Charter of the City of Cadillac and other applicable authority, the City hereby approves the transfer of real property owned by the City, described as that part of the Southeast ¼ of the Southwest ¼ of Section 8, T21N, R9W, City of Cadillac, Wexford County, Michigan described as commencing at the South ¼ corner of said Section 8: thence N 89° 09′ 11″ W 358.99 feet along the South line of said Section 8 to the Southwest corner White Pine Village parcel and the Point of Beginning; thence N 38° 18′ 32″ E 463.97 feet along the West line of White Pine Village: thence N 00° 13′ 34″ W 109.00 feet along the West line of White Pine Village: thence S 32° 45′ 18″ W 562.21 feet to a point on the South line of said Section 8; thence S 89° 09′ 11″ E 17.00 feet along said South line to the Point of Beginning. Containing 0.45 acres of land more or less. Subject to Right of Way for 44 Road and all easements, restrictions and reservations of record (the "Property"). The Property will be transferred via a quit claim deed.

#### Section 2.

The City is authorized to accept and execute a water utilities easement on property owned by White Pine Village, LLC.

#### Section 3.

The Mayor and City Clerk are hereby authorized to execute any and all documents and to take any and all actions necessary or appropriate to close upon the transactions described herein (including a quit claim deed and a water utilities easement in a form approved by the City Attorney).

City of Cadillac
Ordinance No. 2021
Page 2 of 3

#### Section 4.

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

#### Section 5.

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

#### Section 6.

This Ordinance shall take effect twenty (20) days after its adoption and publication.	
Approved this day of, 2021.	
Sandra Wasson, City Clerk	Carla J. Filkins, Mayor
	of Cadillac, Michigan, do hereby certify that a bublished in the Cadillac News on the day
	Sandra Wasson City Clerk

City of Cadillac Ordinance No. 2021 Page 3 of 3	
STATE OF MICHIGAN ) ss.	
COUNTY OF WEXFORD )	
said County, personally appeared Ca behalf of the City of Cadillac, who exe	, 2021, before me, a Notary Public, in and for rla J. Filkins, Mayor, and Sandra Wasson, City Clerk, on ecuted the foregoing Ordinance and acknowledged that e City of Cadillac in their capacity as its Mayor and City
	, Notary Public
	County of, State of Michigan
	My commission expires:

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



#### NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

The City of Cadillac hereby gives notice of proposed Ordinance No. 2021-\_\_\_\_, Ordinance to Approve Transfer of Real Property (White Pine Area) and to Accept A Water Utilities Easement.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held on May 17, 2021, at 6:00 p.m. at a meeting of the City Council. This meeting will only be held electronically pursuant to the Open Meetings.

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

- 1. Reason for Electronic Meeting. The City Council is holding the meeting by electronic means only (i) because the City is operating under a local state of emergency declared pursuant to law, charter and ordinance, and (ii) because of the gathering restrictions set forth in the MDHHS Epidemic Order and potential spread of COVID-19.
- 2. <u>Procedures</u>. The public may participate in the meeting and may make public comment electronically by video or telephone conference using the following information:

Join Zoom Meeting

Meeting ID: 970 3729 9379 Passcode: 111271

Or by telephone: 646 876 9923\*\*

Meeting ID: 970 3729 9379 Passcode: 111271

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

3. Contact Information. For those who desire to contact members of the City Council to provide input or ask questions on the business that will come before the City Council at the

meeting, please contact Sandra Wasson, City Clerk, at <a href="mailto:clerk@cadillac-mi.net">clerk@cadillac-mi.net</a>, prior to the start of the meeting.

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

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

## ORDINANCE TO APPROVE TRANSFER OF REAL PROPERTY (WHITE PINE AREA) AND TO ACCEPT A WATER UTILITIES EASEMENT

Section 1 of the proposed ordinance provides that pursuant to MCL 117.4e, the Charter of the City of Cadillac and other applicable authority, the City approves the transfer to White Pine Village 2, LLC of real property (the "Property") owned by the City, described as:

That part of the Southeast ¼ of the Southwest ¼ of Section 8, T21N, R9W, City of Cadillac, Wexford County, Michigan described as commencing at the South ¼ corner of said Section 8: thence N 89° 09′ 11″ W 358.99 feet along the South line of said Section 8 to the Southwest corner White Pine Village parcel and the Point of Beginning; thence N 38° 18′ 32″ E 463.97 feet along the West line of White Pine Village: thence N 00° 13′ 34″ W 109.00 feet along the West line of White Pine Village: thence S 32° 45′ 18″ W 562.21 feet to a point on the South line of said Section 8; thence S 89° 09′ 11″ E 17.00 feet along said South line to the Point of Beginning. Containing 0.45 acres of land more or less. Subject to Right of Way for 44 Road and all easements, restrictions and reservations of record.

Section 2 of the Ordinance provides that White Pine Village, LLC will grant to the City a water utilities easement for the City's water system project.

Section 3 of the proposed ordinance authorizes the Mayor and the City Clerk to execute a quit claim deed for the transfer of the Property from the City, to execute a water utilities easement to the City, all in a form approved by the City Attorney, and to execute any and all documents and to take any and all actions necessary or appropriate to close upon the transfer of the real estate and the acceptance of the water utilities easement.

Section 4 of the proposed ordinance directs the City Clerk to record a copy of the ordinance with the Wexford County Register of Deeds and to send a copy to the State Treasurer.

Section 5 of the proposed ordinance provides that other ordinances inconsistent with the provisions of the ordinance are repealed but only to the extent necessary to give the ordinance full force and effect.

Section 6 of the proposed ordinance provides that it will take effect 20 days after adoption and publication.

CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

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