

City Council Meeting

December 19, 2022 6:00 p.m.

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



December 19, 2022 City Council Meeting Agenda 6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

We are fully present

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

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

III. CONSENT AGENDA

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

A. Minutes from the regular meeting held on December 5, 2022 Support Document III-A

IV. **COMMUNITY SPOTLIGHT**

A. Recognition of Boards/Commissions Volunteers

2021 Service		
Awards		
Chris Crawley	Downtown Development Authority	5 Years
Steven Barnes	Downtown Development Authority	5 Years
Chris Huckle	Downtown Development Authority	15 Years
Mike Dolack	Cadillac Housing Commission	15 Years
Kevin Fent	Planning Commission	20 Years
Jim Blackburn	Civil Service Commission	25 Years
2022 Service		
Awards		
Michelle Carder	Courthouse Hill Historic District	5 Years
John Iehl	Courthouse Hill Historic District	5 Years
Joseph Baumann	Planning Commission	5 Years
Karl Holder	Cadillac-Wexford Airport Authority	5 Years
Brian Warner	Brownfield Redevelopment Authority	5 Years
Stephen King	City Council - Fourth Ward Rep.	5 Years
Charles LaBar	Maple Hill Cemetery Board	10 Years
Gwen Dubravec	Courthouse Hill Historic District	10 Years
Judy Coffey	Cadillac Housing Commission	15 Years
Regan O'Neill	Brownfield Redevelopment Authority	25 Years

B. Recognition of Police Auxiliary Program Members

Police Auxiliary Service Awards		
*Martin Dahlstrom Jr.	Auxiliary Police	12 Years
Jason Behl	Auxiliary Police	24 Years
Rickey Benson	Auxiliary Police	9 Years
Bradley Hall	Auxiliary Police	16 Years
Richard Langton	Auxiliary Police	20 Years
Joseph Latoski	Auxiliary Police	9 Years
Todd Mangan	Auxiliary Police	18 Years
Donald Ruhf	Auxiliary Police	9 Years
Jeffrey Spence	Auxiliary Police	9 Years
Gwen Johnson	Mounted Auxiliary Police	21 Years
James Ray	Mounted Auxiliary Police	23 Years

^{*}Passed Away February 23, 2022

Cadillac City Council Agenda

December 19, 2022 Page 3

V. CITY MANAGER'S REPORT

A. Calendar Year 2023 Council Meeting Schedule. Support Document V-A

B. Recommendation regarding Engine 2 Repair. Support Document V-B

C. Agreement with CAPS regarding Chestnut Street Water Main Project. Support Document V-C

VI. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Ordinance to Amend City Zoning Ordinance to Impose Minimum Distance Between Certain Marihuana Businesses.

Support Document VI-A

VII. INTRODUCTION OF ORDINANCES

A. Adopt resolution to introduce Ordinance to Approve Granting of an Easement to Consumers Energy Company for Electric Facilities and set a public hearing for January 17, 2023.

Support Document VII-A

VIII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Downtown Development Authority Support Document VIII-A

IX. 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.

X. GOOD OF THE ORDER

XI. ADJOURNMENT

Cadillac City Council Agenda

December 19, 2022 Page 4

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

Respect
Integrity
Trust
Excellence

Guiding Behaviors

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

CITY COUNCIL MEETING MINUTES

December 5, 2022

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present: Elenbaas, Schippers, Engels, Mayor Filkins

Council Absent: King

Staff Present: Peccia, Roberts, Wallace, Dietlin, Genovich (via Zoom), Lanning

APPROVAL OF AGENDA

2022-205 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

Don Koshmider mentioned two books.

CONSENT AGENDA

2022-206 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

A. Public hearing to consider adoption of Ordinance to Amend the City of Cadillac Zoning Ordinance to Impose Minimum Distance Between Certain Marihuana Businesses.

Peccia noted the City originally authorized two recreational (adult-use) retail marihuana licenses along with two medical retail marihuana licenses. He stated the marihuana ordinances have been amended over time to make our environment more friendly for those looking to open marihuana businesses within the City. He noted the City did issue two adult-use and two medical licenses. He stated the adult-use establishments are operating but the medical marihuana facilities have not opened. He noted one of the companies that was issued a medical marihuana license, WL Green, has requested the City consider another amendment to the ordinances that would allow for a medical licensee to also be able to get an adult-use license.

Peccia stated the first public hearing is pertaining to the Zoning Ordinance and it creates a buffer zone of over 2,000 ft. between retail-type uses. He noted it makes it difficult for there to be any additional retail-type of use within our downtown space given the locations of the facilities the retail license holders currently have planned.

Peccia noted the second part is removing the cap on the ability to issue adult-use retail licenses and medical retail licenses. He stated if the zoning amendments are approved and the caps are removed it would make it difficult for there to be these types of uses occurring all over town.

John Wallace, Community Development Director, presented a map titled Minimum Spacing Between Marihuana Retail Stores (see attachment).

City Attorney Genovich stated the proposed zoning changes would not require any current businesses to move it just sets the buffer for additional licensees that come in. She noted with the removal of the cap there would be no competitive process and applications would then be accepted on an on-going basis. She stated they would still have to go through the City's site plan and special land use processes ensuring that the proposed business meets all the City's requirements.

Mayor Filkins opened the public hearing.

Jeffrey Schroder, attorney representing WL Green Ventures, stated they were approved for a medical marihuana provisioning center at 919-929 N. Mitchell Street. He noted they support the proposed ordinances and stated the market for medical marihuana has almost disappeared. He noted his client is committed to maintaining medical marihuana at this location as well because there are people in the community that do have medical cards and medical needs for it.

Mayor Filkins closed the public hearing.

Engels stated he appreciates the work of the Planning Commission. He noted if he were going to consider this type of zoning change the separation would need to be 8,000-10,000 feet. He stated he does not plan to support the next two proposed ordinances related to removing the caps. He noted he believes if the City does decide to allow more shops in the future, then he doesn't want to restrict them. He stated he believes the zoning conversation is a conversation for a different time. He noted he believes the situation should be dealt with by someone planning on increasing the number of licenses.

Schippers stated she feels the same way about the next two proposed ordinances. She noted she believes that if all of a sudden the caps that communities have in place disappear then having to scramble to create zoning does put the community at risk. She stated she was in favor of doing the zoning piece to make sure we don't end up with marihuana alley.

Elenbaas stated he believes the zoning could be changed in the future if needed. He noted he does not support removing the caps on the number of licenses.

Mayor Filkins stated approving the change to the zoning ordinance does not approve the other two proposed ordinances. She noted it simply puts the zoning in place for the future.

Engels stated he watched the Planning Commission meeting and spent time reviewing the map. He noted it is difficult to have the debate without looking at a few different options.

Peccia stated the current ordinance already restricts marihuana retail shops in the core downtown. He noted they cannot be located on Mitchell Street between North and South Streets on the ground level.

City Attorney Genovich stated it does not make sense to allow a use and then impose zoning that does not allow that use. She noted she is not aware of any legislation pending that would prohibit caps at the municipal level. She stated Council could approve zoning changes and not approve lifting the caps.

Peccia noted the zoning consideration does create a more restrictive and conservative environment for the entire program.

Engels asked if we could put this specific ordinance off until next time, look at various setbacks on a map, and then make a decision without starting the process over.

City Attorney Genovich stated discussing a change to the buffers is still within the scope of the nature of this amendment. She noted it could also be referred back to the Planning Commission to consider different buffers.

Engels stated he is agreeable to either referring it back to the Planning Commission or holding another discussion at the next meeting.

Schippers asked if the 2,284 feet was designed so our existing retailers are not out of compliance.

Peccia stated the existing businesses would be grandfathered in and believes they do fall within that buffering zone. He added it would preclude the opportunity for any additional businesses to open up on the east side of town other than one on the south end of town off of Paluster Street which is clearly outside of the downtown zone. He stated there potentially could be one and possibly two businesses permitted on the west end of town.

Engels asked if the 2,284 feet is half the distance between the existing two recreational licensees.

Wallace stated the two bubbles on the southern part of the City are touching and that is where that number came from. He noted a much larger bubble would probably not be needed because of the districts in which they are permitted. He stated a relatively modest expansion of the 2,284 feet could eliminate additional businesses on Mitchell Street but possibly allow a business on the west side.

Engels asked if the distance between Lume and Dunegrass is about 4,200-4,400 feet.

Wallace stated if you double the 2,284 feet that's roughly what we are talking about.

Engels stated the row of buildings on the north end is eligible because that is where we have our medical licenses.

Wallace stated there are bubbles on the map on the northern end for the two medical licenses that were given. He noted they are already severely overlapping so there would be nothing in that area.

Engels asked if recreational-use licenses were uncapped, the bubble would have to be the distance between Dunegrass and the edge of town.

Wallace stated it depends on what happens with the two medical licenses that were given. He noted if they are given the ability to do both medical and recreational then the distances would have to work off of those locations as well.

Peccia stated Council can amend and consider the ordinance or ask staff to create another map and bring it back to the next meeting.

Schippers stated she would like it brought back at the next meeting. She noted a court case can instantly change the world and believes we should have safety valves in place.

Mayor Filkins stated it sounds like we want to bring it back at the next meeting and have staff prepare the different bubble maps for consideration.

Peccia stated since the City has already issued two medical licenses for shops on the north end there will need to be a few different bubble maps prepared.

B. Public hearing to consider adoption of Ordinance to Amend Section 10-2 of the Cadillac City Code Relating to Recreational Marihuana Establishments.

Peccia stated the next two public hearings are regarding the removal of the licensing caps for both for the recreational (adult-use) retail-type establishments and the medical retail-type facilities.

Mayor Filkins opened the public hearing.

Michael Dowdell, Vice President of Lume, stated they currently have a retail business in the City. He noted they had to go through a rigorous competition for the initial license. He stated they developed the site at a cost of over \$2.5 million with the understanding there would be only two stores in Cadillac. He noted, in his opinion, Cadillac cannot support more than two recreational marihuana stores and he strongly encourages the City to keep the ordinance the way it is.

Don Koshmider stated he had a medical marihuana provisioning center in the Cadillac area for three years and had a number of problems. He stated big companies are putting smaller companies out of business.

Mayor Filkins closed the public hearing.

2022-207 Not adopt Ordinance Relating to Recreational Marihuana Establishments.

Motion was made by Elenbaas and supported by Engels not to approve the resolution to adopt Ordinance to Amend Section 10-2 of the Cadillac City Code Relating to Recreational Marihuana Establishments.

Motion unanimously approved.

C. Public hearing to consider adoption of Ordinance to Amend Section 10-3 of the Cadillac City Code Relating to Medical Marihuana Facilities.

Mayor Filkins opened the public hearing.

Don Koshmider stated with the regulations and new laws the capitalization requirements alone would crush "mom and pop" from having a business.

Mayor Filkins closed the public hearing.

2022-208 Not adopt Ordinance Relating to Medical Marihuana Facilities.

Motion was made by Schippers and supported by Elenbaas to deny the resolution to adopt Ordinance to Amend Section 10-3 of the Cadillac City Code Relating to Medical Marihuana Facilities.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Bids and recommendation regarding Household Hazardous Waste removal.

Peccia stated the recommendation is to award the contract for Household Hazardous Waste Collection Services to the low bidder, Environmental Recycling Group. He noted they have been the City's vendor for this service for several years and have provided great service. He stated Wexford County has expressed their interest in continuing to share in the cost so that it can remain open to all county residents.

2022-209 Award contract for Household Hazardous Waste Collection Services.

Motion was made by Schippers and supported by Elenbaas to award the contract for Household Hazardous Waste Collection Services to Environmental Recycling Group of Livonia, Michigan through December 31, 2025 in accordance with the bid.

Motion unanimously approved.

B. Bids and recommendation regarding Water and Sewer Rate Study.

Peccia noted during the FY2023 budget process there was discussion regarding a comprehensive water and sewer rate study. He stated the purpose of this study is to obtain additional empirical data on the system that helps us arrive at what water and sewer rates should be to ensure we provide enough resources to our infrastructure. He noted the recommendation is to award the contract for a comprehensive water and sewer rate study to

Municipal Analytics in accordance with their proposal, including the subscription to Waterworth software.

Owen Roberts, Director of Finance, stated this is not a rate comparison study. He noted it is a comprehensive review of our water and sewer system, billing, our fund, our reserves, and our capital plan. He stated using the software will result in a comprehensive set of deliverables for Council and Staff as we go through the budget process.

2022-210 Award contract for Water and Sewer Rate Study.

Motion was made by Engels and supported by Schippers to award the contract for a comprehensive water and sewer rate study to Municipal Analytics in accordance with their proposal, including the subscription to Waterworth software.

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Spark Grant Resolution Authorizing Submittal of Grant Application

Peccia noted this grant is very similar to a Michigan Economic Development Corporation (MEDC) grant that the City applied for in the spring to fund various projects within the City. He stated the City was unsuccessful in obtaining that grant. He noted the State has created a program through the DNR called the Spark Grant. He stated this resolution will authorize the submittal of a Spark Grant Application titled "Cadillac Commons Enhancements" for enhancements to the Cadillac Commons which include a fishing pier and dock, a walkway/bridge, overhead doors on The Market, a picnic shelter, and a playground. He noted the application is for \$850,000 with a local commitment of \$100,000 (10%) for a total project cost of \$950,000.

Mayor Filkins stated everything we have accomplished with the Cadillac Commons is because we have supported investing in ourselves. She noted, in her opinion, if we are awarded the grant and have the opportunity to bring \$850,000 into our community to do these projects by paying \$100,000 then we should do it.

Engels stated if we receive this grant, it will be one of the biggest successes we have had in a long string of successes.

Elenbaas stated he was not aware this was coming before Council until he received the packet. He noted there is no guarantee that it will be only \$100,000 due to cost overruns and he is unclear what amount will be coming from the various funds (General Fund, Community Development, or American Rescue Plan Act). He stated he believes it should be tabled for further discussion.

Mayor Filkins noted back in April when staff was working on a grant opportunity, Council approved \$200,000 if we received that grant. She stated we challenge the staff to look for grant opportunities.

Elenbaas stated his point is that he was not aware this was coming and feels it needs further discussion.

Peccia stated Council is being asked to support the grant application that also signifies support for providing the local match. He noted that should the City be successful in receiving this grant and depending on timing we would need to amend the budget to receive the \$850,000 as well as appropriate the \$100,000 match. He stated if the timing of receiving the grant funds aligns with the normal budget process, then it would be part of the FY2024 budget.

Schippers stated we did not receive the previous grant, but we are continuing to seek grant opportunities for those projects.

Mayor Filkins stated we should be very proud of the collaborative spirit within the community over the past decade.

2022-211 Authorize submittal of Spark Grant Application.

Motion was made by Schippers and supported by Engels to adopt the Resolution Authorizing the Submittal of a Grant Application to the Spark Grant – Cadillac Commons Enhancements.

Ayes: Schippers, Engels, Mayor Filkins

Nays: Elenbaas

Motion carried.

MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Planning Commission

PUBLIC COMMENTS

There were no public comments.

GOOD OF THE ORDER

Elenbaas mentioned there was a brief discussion about the upcoming sesquicentennial and noted we need to start getting people involved in the planning process.

Schippers noted the lights in the downtown area look beautiful.

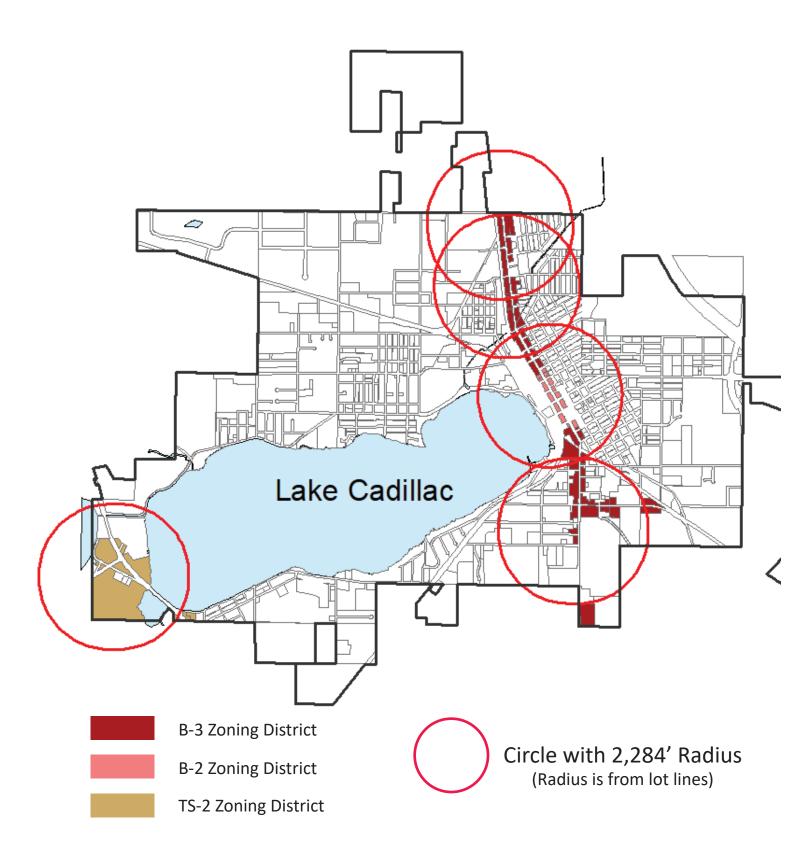
<u>ADJOURNMENT</u>

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

Minimum Spacing Between Marihuana Retail Stores



Re: Calendar Year 2023 Council Meeting Schedule

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

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

Recommended Action

It is recommended that the 2023 City Council Meeting Schedule be approved as follows:

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

- January Schedule one regular meeting for the third Tuesday, January 17, 2023. Due to Christmas, New Years, and Martin Luther King Jr. holidays, City Offices are closed December 23, 26, and 30, 2022, and January 2 and 16, 2023 respectively. Additionally, it is common for staff to take vacation and/or personal time off during this timeframe.
- February Schedule the second meeting for the third Tuesday, February 21, 2023. Due to the City Offices being closed for Presidents' Day on Monday, February 20, 2023.
- July Schedule one regular meeting for the third Monday, July 17, 2023. Due to Independence Day on Tuesday in the first week of the month, it is common for staff to take vacation and/or personal time off during this timeframe.
- September Schedule the first meeting of the month for Tuesday, September 5, 2023. Due to City Offices being closed on Monday, September 4, 2023 for Labor Day.
- November Schedule one regular meeting for the third Monday, November 20, 2023. Due to the City General Election scheduled for Tuesday, November 7, 2023.

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

Re: Engine 2 Repair

One of the frontline fire engines of the Cadillac Fire Department sustained some damage when responding to a recent fire call. The damage was primarily cosmetic but needs to be repaired as soon as possible. Because of the unique nature of fire apparatus repair, a sealed bid was impractical, but two quotes were received for the repair.

Vendor	Quote
Allied Fire Sales and Service Spring Lake, MI	\$9,662.43
Alexis Alexis, IL	\$9,802.00

This repair is most likely eligible to be submitted to the City's insurance carrier for coverage.

Recommended Action

It is recommended that the competitive bidding be waived, and the repair of Engine 2 be authorized with Allied Fire Sales & Service in accordance with their quote. Funds are available in the General Fund.

Re: Agreement with CAPS regarding Chestnut Street Water Main Project

On October 17, 2022, the City Council awarded the contract for the Chestnut Street Water Main Improvements Project to CJ's Excavating for \$192,996.75. A copy of the communication from this approval is attached. At the time of the award, the City was optimistic that the Cadillac Area Public Schools would share in the costs of this project because of the mutual benefit to both parties. The CAPS board recently approved an agreement to pay 50% of the costs of the project.

Recommended Action

It is recommended that City council approve the contract with the Cadillac Area Public Schools for Chestnut Street Water Project cost sharing.

AGREEMENT BETWEEN AND CITY OF CADILLAC AND CADILLAC AREA PUBLIC SCHOOLS FOR CHESTNUT STREET WATER PROJECT COST SHARING

This Agreement for Chestnut Street Water Project Cost Sharing ("Agreement") is entered into as of the date of the last signature below ("Effective Date"), by and between the City of Cadillac ("City"), a Michigan municipal corporation, whose address is 200 N. Lake Street, Cadillac, MI 49601, and Cadillac Area Public Schools ("CAPS"), a Michigan general powers school district organized and operating pursuant to the Michigan Revised School Code, MCL 380.1, et seq., whose address is 421 South Mitchell Street, Cadillac, MI 49601.

- **WHEREAS**, the City owns and operates a public water supply system ("System") that services the City of Cadillac;
- **WHEREAS,** CAPS owns property located at 400 Linden Street, Cadillac, Michigan 49601, which is commonly known as Cadillac High School (the "Property");
- WHEREAS, a System water supply line currently runs under the Stadium and due to the age of that line, there is a potential for damage to the Stadium in the future resulting from the line;
- **WHEREAS,** CAPS requested the City to reroute that line to protect CAPS's investment in a new football field and track by avoiding such potential future damage;
- WHEREAS, the City determined that to reroute that line, it would also need to make modifications to other portions of the System;
- WHEREAS, the City is amenable to modifying the System, including rerouting the water supply line that runs under the Stadium, provided CAPS pays a portion of the cost of doing so:
 - WHEREAS, CAPS is amenable to paying a portion of the cost to modify the System;
- **WHEREAS**, accordingly, the City has approved a public improvement project for the System in and around Chestnut Street ("Project");
- **WHEREAS,** the Project involves abandoning of the water supply line that currently runs under the Stadium and the installation of a new water supply line on the Property ("New Service Line");
- **WHEREAS,** the City, through its competitive bidding process, has secured a bid for the portion of the Project that does not include the installation of the New Service Line in the amount of One Hundred Fifty-two Thousand Eighty-one dollars and Sixty-Six cents (\$152,081.66) (the "Project Primary Cost");

WHEREAS, the City, through its competitive bidding process, has secured a bid for the portion of the Project that includes the installation of the New Service Line in the amount of Forty Thousand Nine Hundred Fifteen dollars and Nine cents (\$40,915.09) (the "New Service Line Cost"); and

WHEREAS, the City and CAPS wish to enter into an agreement to equally share the Project Primary Cost and the New Service Line Cost.

NOW, THEREFORE, in consideration of the mutual promises and obligations contained herein, the City and CAPS agree to the following terms and conditions:

1. Except as otherwise provided herein, the City shall complete the Project in accordance with the approved plans and specifications of the Project, which include the abandoning of the entire water supply line that is under the Stadium and the installation of the New Service Line. Within 5 calendar days of the Effective Date, the City shall provide CAPS with a copy of those approved plans and specifications. The City shall ensure that the Project is completed no later than 1 year from the Effective Date.

The City shall have exclusive authority to engage one or more contractors for the completion of the Project, including the installation of the New Service Line. CAPS shall not be a party to those contracts, nor a third-party beneficiary to those contracts. The authority to ultimately choose contractors, negotiate contractual terms, and engage with contractors pursuant to those contracts, shall be within the sole authority and responsibility of the City.

The City shall ensure that (1) the Project does not unreasonably disturb school operations on the Property, and (2) following Project completion, the Property is restored to substantially the same condition that existed prior to Project commencement, unless otherwise approved by CAPS in writing.

2. Within 10 days of the Effective Date, CAPS will order a title commitment for the Property. If that title commitment reflects a recorded City Property interest related to the water supply line that is currently under the Stadium, then the City shall release that interest in its entirety within 10 calendar days of Project completion.

Moreover, if that title commitment does not already contain a recorded City Property interest that grants the City the right to construct the New Service Line in the City's desired location and to access Property areas needed for the Project, then CAPS and the City shall work in good faith to enter into an easement agreement on mutually agreed upon terms that grants an easement to the City for (1) construction and maintenance of the New Service Line, and (2) access for the construction of the New Service Line and the removal of the water supply line that runs under the Football Field.

3. CAPS hereby agrees to reimburse the City Seventy-six Thousand Forty dollars and Eighty-Three cents (\$76,040.83), which is half of the Project Primary Cost. CAPS shall

- make the above payment to the City within sixty (60) days of Project completion. The City shall notify CAPS in writing within 10 days of Project completion.
- 4. CAPS hereby agrees to reimburse the City Twenty Thousand Four Hundred Fifty-Seven dollars and Five cents (\$20,457.05), which is half of the New Service Line Cost. CAPS shall make the above payment to the City within sixty (60) days of Project completion.
- 5. If the City determines at any time that it is not in the best interests of the City to complete the Project, for reasons either within or outside of its control, the City shall have no further obligation whatsoever to CAPS under this Agreement, except that the City shall at the City's sole cost restore any Property altered by the Project to substantially the same property condition that existed prior to Project commencement.
- 6. The City shall retain sole ownership of the facilities constructed pursuant to the Project, including the New Service Line.
- 7. The City shall ensure that each City employee, each contractor used by the City for the Project, and each employee of such contractor complies with all applicable laws and CAPS policies while on the Property.
- 8. Notices pursuant to this Agreement shall be provided by certified mail, return receipt requested, as follows: to the then acting City Manager of the City at the City address identified above, with carbon copy provided in the same manner to the then acting Director of Finance of the City; to the then acting Superintendent of CAPS at the CAPS address identified above, with carbon copy provided in the same manner to the Chief Financial Officer of CAPS. Notices shall be effective upon receipt.
- 9. All rights and remedies of the parties under this Agreement, whether or not exercisable only on default, shall be cumulative and in addition to any other remedy permitted by law or in equity, including any remedy pursuant to statute or ordinance. Any right or remedy may be exercised by either party from time to time, and no delay by either party in the exercise of any right or remedy shall operate as a waiver thereof, and no single or partial exercise of any right or remedy shall preclude other or further exercise thereof or the exercise of any other right or remedy, except to the extent otherwise provided by law.
- 10. The validity, interpretation, and enforcement of this Agreement shall be governed by the laws of the State of Michigan.
- 11. This Agreement may be amended only by a writing signed by the City and CAPS.
- 12. This Agreement constitutes the complete agreement between the City and CAPS regarding the subject of this Agreement, and all prior discussions, agreements, and understandings, whether oral or written, are hereby merged into this Agreement.

- 13. The provisions of the Agreement shall be severable, and if any provision shall be prohibited by law, invalid, or unenforceable in whole or in part for any reason, the remaining provisions shall remain in full force and effect.
- 14. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.
- 15. This Agreement shall not be more strictly construed against, nor shall any ambiguities within this Agreement be resolved against, a party because that party's participation in the drafting of this Agreement.
- 16. Each person signing this Agreement on behalf of their respective party below represents that the person has the authority to execute this Agreement on behalf of that respective party.

CITY OF CADILLAC:

Dated:	By: Carla J. Filkins Its: Mayor
Dated:	By: Sandra Wasson Its: Clerk
STATE OF MICHIGAN COUNTY OF WEXFORD)) ss.
The foregoing instru	ment was acknowledged before me this day of, yor and Sandra Wasson, Clerk, of the City of Cadillac, on behalf of
	Print Name: Notary Public, State of County of My Commission Expires: Acting in the County of

CADILLAC AREA PUBLIC SCHOOLS:

Dated:	By:
	Jennifer Brown
	Its: Superintendent
STATE OF MICHIGAN)) ss.
COUNTY OF WEXFORD)
The foregoing instruction 2022, by Jennifer Brown, CAPS.	nment was acknowledged before me this day of, Superintendent of the Cadillac Area Public Schools, on behalf of
	Print Name:
	Notary Public, State of,
	County of
	My Commission Expires:
	Acting in the County of

18461:00012:6694941-1

RE: Chestnut Street Water Main Improvements

The Cadillac Area Public Schools will soon begin a major project to tear up the high school football field, install a turf surface and new track, and make several other major improvements to the sports complex. The City has a water main that runs underneath the facility, and both organizations agreed that this line should be replaced in order to avoid damage to the current pipe during construction, and to eliminate the risk that future failure of the pipe could cause damage to the new field and track. The City recently opened bids for this project, and the following bids were received:

Contractor	Water Main	CAPS Service Line	Total
CJ's Excavating Cadillac, MI	\$152,081.66	\$40,915.09	\$192,996.75
Salisbury Excavating Tustin, MI	\$199,168.50	\$49,503.00	\$248,671.50

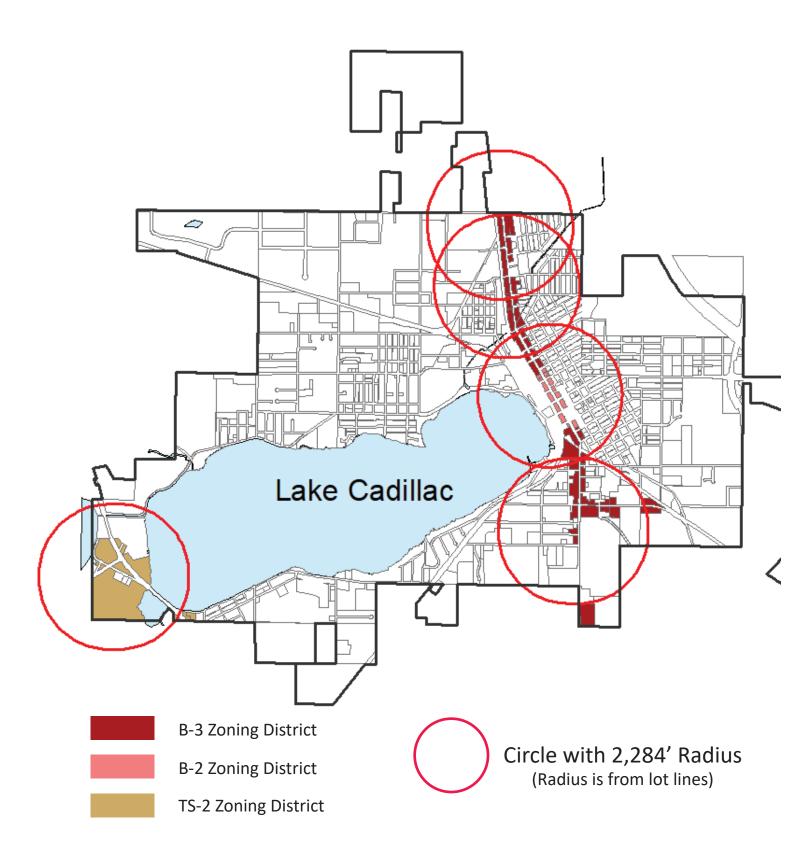
The work includes 935 linear feet of 12" ductile iron water main with open-cut installation and water service to CAPS Building. Because of the mutual benefit to both CAPS and the City's water system, CAPS has been asked to share a portion of the costs of the project. A contract is currently in development for consideration by CAPS.

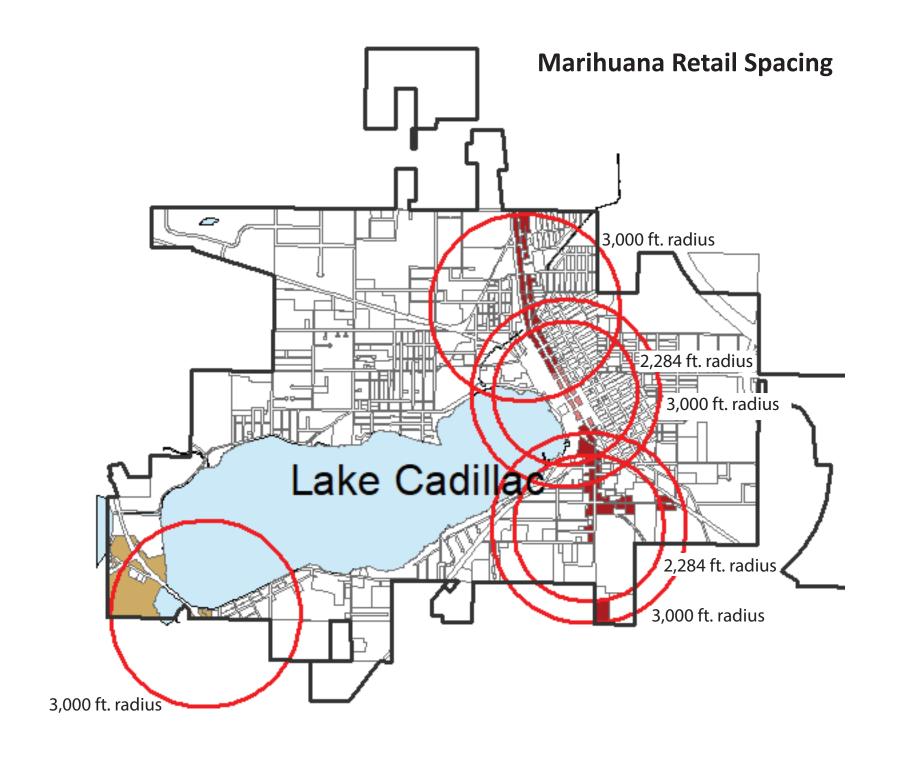
Recommended Action

It is recommended that the contract for the Chestnut Street Water Main Improvements Project be awarded to CJ's Excavating, Inc. for the bid amount of \$192,996.75. In addition, a 5% contingency is requested for City engineer-approved field changes in unit quantity or scope due to unknowns in underground municipal construction, bringing the total recommended award to a total of \$202,646.59. Funds will come from the Water and Sewer Fund, and it is anticipated that CAPS will share in a portion of the costs.

The Engineer's estimate for this project was \$240,000.00.

Minimum Spacing Between Marihuana Retail Stores





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. 2022-____

RESOLUTION ADOPTING AN ORDINANCE TO AMEND CITY ZONING ORDINANCE TO IMPOSE MINIMUM DISTANCE BETWEEN CERTAIN MARIHUANA BUSINESSES

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the 19th day of December, 2022, at 6:00 p.m.

PRESE	NT:							
ABSEN	NT:							
,	The	following	preamble	and	resolution	was	offered	by
			and secon	ided by _				

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.* ("MZEA"), the City has authority to adopt and amend zoning ordinances regulating land use in the City; and

WHEREAS, the City wishes to amend the Zoning Ordinance to provide that medical marihuana provisioning centers and adult-use marihuana retailers cannot be located within 2,284 feet of another provisioning center or retailer; and

WHEREAS, the City Planning Commission held a public hearing on the proposed amendments on October 24, 2022; and

WHEREAS, the City Planning Commission recommended approval of the proposed amendments to the City Council in the form attached as Exhibit A; and

City of Cadillac Resolution No. 2022-___ Page 2 of 3

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments on December 5, 2022; and

WHEREAS, the City Council desires to adopt the proposed amendments.

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

- 1. Ordinance No. _____, Ordinance to Amend the City of Cadillac Zoning Ordinance to Impose Minimum Distance Between Certain Marihuana Businesses (the "Ordinance," attached as Exhibit A), is hereby adopted.
 - 2. The Ordinance shall be filed with the City Clerk.
- 3. The City Clerk is directed to publish a Notice of Adoption within seven (7) days after its adoption.
- 4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS:			
NAYS:			

City of Cadillac Resolution No. 2022 Page 3 of 3	
STATE OF MICHIGAN COUNTY OF WEXFORD)))
•	erk of the City of Cadillac, hereby certify this to be a true and No. 2022, duly adopted at a meeting of the City Council held, 2022.
	Sandra Wasson
	Cadillac City Clerk

ORDINANCE NO.

AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO IMPOSE MINIMUM DISTANCE BETWEEN CERTAIN MARIHUANA BUSINESSES

Section 1. Amendment of Section 46-752(8)

Subsection 8 of Section 46-752, entitled "Adult-Use Marihuana Establishments," is amended as follows:

- 8. The following minimum-distancing regulations apply:
- a. An establishment other than a retailer may not be located within 1,000 feet of a public or private K-12 school or a college or university. A retailer may be located within 1,000 feet of a public or private K-12 school or a college or university, subject to subsections (8)(c) and (d).
- b. A grower, processor, safety compliance establishment, or microbusiness may not be located within 500 feet of any existing one-family dwelling.
- c. A retailer may not be located within 100 feet of any existing one-family dwelling.
- d. A retailer may not be located within 2,284 feet of any other retailer or medical marihuana provisioning center.
- e. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment; provided, however, that for purposes of subsections (c) and (d) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.

Section 2. Amendment of Section 46-753(10)

Subsection 10 of Section 46-753, entitled "Medical Marihuana Facilities," is amended as follows:

- (10) The following minimum-distancing regulations apply:
 - a. A facility may be located within 1,000 feet of a public or private K-12 school or a college or university, subject to subsection (10)(b), and (c), and (d). However, a facility may not be located adjacent to a public or private K-12 school or a college or university.

- b. A grower, processor, or safety compliance facility may not be located within a district zoned exclusively for residential use.
- c. A provisioning center may not be located within a district zoned exclusively for residential use or within 100 feet of any existing one-family dwelling.
- d. A provisioning center may not be located within 2,284 feet of any other provisioning center or adult-use marihuana retailer.
- e. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana facility; provided, however, that for purposes of subsections (c) and (d) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.

Section 3. <u>Publication and Effective Date</u>. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

Section 4. <u>Severability; Repeal of Prior Ordinances</u>. The provisions of this Ordinance are severable. If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provisions of this Ordinance. Any ordinances that conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Council Member(s)

YEAS:

NAYS:	Council Member(s)	
ABSTAIN:	Council Member(s)	
ABSENT:	Council Member(s)	
	<u>CERTIF</u>	<u>ICATION</u>
complete cop	•	ford County, Michigan, I certify this is a true and cadillac City Council at a regular meeting held on
Date:	, 2022	Carla Filkins, Mayor

Date: , 2022	
	Sandra Wasson, City Clerk
Introduced:	, 2022
Adopted:	, 2022
Published:	, 2022
Effective:	, 2022

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. 2023-____

RESOLUTION TO INTRODUCE ORDINANCE TO APPROVE GRANTING OF AN EASEMENT TO CONSUMERS ENERGY COMPANY FOR ELECTRIC FACILITIES AND SET A PUBLIC HEARING FOR JANUARY 17, 2023

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, at the Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan on the 19TH day of December, 2022, 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 and sel
real property (MCL 117.4e); and

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

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

City of Cadillac Resolution No. 2023-___ Page 2 of 3

WHEREAS, the City wishes to consider adopting an ordinance that approves the granting of an easement to Consumers Energy Company ("Consumers") for electric facilities on property at 506 8th Street, Cadillac, Michigan owned by the City and described in the proposed Easement for Electric Facilities between the City and Consumers; and

WHEREAS, the best interests of the City will be served by granting an easement to Consumers in the Easement Area (as defined in the proposed Easement Agreement); and

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

- 1. Pursuant to Section 5.2 and 5.6 of the City Charter, the City introduces Ordinance No. 2023-____, Ordinance to Approve Granting of an Easement to Consumers Energy Company for Electric Facilities (506 8th Street) (the "Ordinance").
- 2. A public hearing regarding the proposed Ordinance shall be held on the 17th day of January 2023, at 6:00 p.m. at the City offices at the Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.
- 3. The City Clerk is directed to publish a summary of the proposed 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 proposed Ordinance, in accordance with the Charter. The summary and notice of the hearing shall be substantially in the form of Exhibit 2.

City of Cadillac	
Resolution No. 2023	
Page 3 of 3	

- 4. A copy of the proposed 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 repealed to the extent necessary to give this Resolution full force and effect.

YEAS:	
NAYS:	
STATE OF MICHIGAN) COUNTY OF WEXFORD)	
•	e City of Cadillac, hereby certify this to be a true and 023, duly adopted at a meeting of the City Council 2022.
	Sandra Wasson City Clerk

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

ORDINANCE NO. 2023-____

ORDINANCE TO APPROVE GRANTING OF AN EASEMENT TO CONSUMER'S ENERGY COMPANY FOR ELECTRIC FACILITIES (506 8TH STREET PROPERTY)

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 granting of an easement (the "Easement") to Consumers Energy Company for electric facilities on a portion of real property owned by the City as described in the attached Easement for Electric Facilities ("Owner's Land"), in the City of Cadillac, Wexford County, Michigan, in accordance with the terms of the attached Easement Agreement between Consumers Energy Company and the City, which is incorporated by reference. The City's real property is located at 506 8th Street, Cadillac, Michigan and is legally described in the Easement Agreement.

Section 2.

The Mayor and City Clerk are hereby authorized to execute the Easement Agreement (in substantially the form attached) and any and all documents related thereto, and to make such minor changes as may be necessary or appropriate.

Section 3.

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

City of Cadillac Ordinance No. 2023 Page 2 of 7	
Section 4.	
All other ordinances	

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

Section 5.

m1 . O 1.	1 11 · 1 · CC · ·	. (0.0) 1 6		1 1 1
This Ordinance	e shall take effect ty	ventv (20) davs afte	er its adoption and	d publication.

Approved this day of January, 2023.		
Sandra Wasson, City Clerk	Carla J. Filkins, Mayor	<u> </u>
I, Sandra Wasson, City Clerk of the City of summary of Ordinance No. 2023 was pof, 2023.		5
	Sandra Wasson, C	ity Clerk
STATE OF MICHIGAN)) ss. COUNTY OF WEXFORD)		
On this day ofsaid County, personally appeared Carla J. Fil behalf of the City of Cadillac, who executed they have executed it on behalf of the City of Clerk, respectively.	kins, Mayor, and Sandr he foregoing Ordinance	a Wasson, City Clerk, on a and acknowledged that
		, Notary Public
	-	, State of Michigan
	My commission ex	xpires:

City of Cadillac Ordinance No. 2023-___ Page 3 of 7

EASEMENT FOR ELECTRIC FACILITIES

Master Tract# ROW000916073702 SAP# 1062565718 Design# 11399370 Agreement# MI00000064425

CITY OF CADILLAC, a Michigan municipal corporation, whose address is 200 North Lake Street, Cadillac, Michigan 49601 (hereinafter "Owner")

for \$1.00 and other good and valuable consideration [exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201(hereinafter "Consumers")

a permanent easement to enter Owner's land (hereinafter "Owner's Land") located in the City of Cadillac, County of Wexford, and State of Michigan as more particularly described in the attached Exhibit A to construct, operate, maintain, inspect (including aerial patrol), survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities in, on, over, under, across, and through a portion of Owner's Land (hereinafter "Easement Area") as more fully described in the attached Exhibit B, together with any pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors, transformers, electric control circuits and devices, location markers and signs, communication systems, utility lines, protective apparatus and all other equipment, appurtenances, associated fixtures, and facilities, whether above or below grade, useful or incidental to or for the operation or protection thereof, and to conduct such other activities as may be convenient in connection therewith as determined by Consumers for the purpose of transmitting and distributing electricity.

Additional Work Space: In addition to the Easement rights granted herein, Owner further grants to Consumers, during initial construction and installation only, the right to temporarily use such additional work space reasonably required to construct said lines. Said temporary work space shall abut the Easement Area, on either side, as required by construction.

<u>Access:</u> Consumers shall have the right to unimpaired access to said line or lines, and the right of ingress and egress on, over, and through Owner's Land for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the rights granted hereunder.

<u>Trees and Other Vegetation</u> Owner shall not plant any trees within the Easement Area. Consumers shall have the right from time to time hereafter to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation within the Easement Area. Consumers shall have the right from time to time hereafter to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, or other vegetation located outside of the Easement Area which are of such a height or are of such a species whose mature height that in falling directly to the ground could come into contact with or land directly above Consumers' facilities

<u>Buildings/Structures</u>: Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure over, under, or on said Easement Area, whether

City of Cadillac Ordinance No. 2023 Page 4 of 7	
temporary or permanent, natural or man-made, without Estate Department expressly allowing the aforement	ut a prior written agreement executed by Consumers' Real tioned
Ground Elevation: Owner shall not materially alter prior written agreement executed by Consumers Rea	r the ground elevation within the Easement Area without a al Estate Department allowing said alteration.
Exercise of Easement: Consumers' nonuse or limitater use of this Easement to its full extent.	ited use of this Easement shall not preclude Consumers'
	hey are the lawful fee simple owner of the aforesaid lands, and ant, and that they will forever warrant and defend the title thereto
<u>Successors:</u> This Easement shall bind and benefit Ovlicensees, and assigns.	wner's and Consumers' respective heirs, successors, lessees,
	taneously in two or more counterparts, each of which shall be onstitute one and the same instrument. It is not necessary that arty executes at least one counterpart.
Date:	
<u> </u>	Owner: CITY OF CADILLAC, a Michigan municipal corporation
	Observations
	Signature By: Sandra Wasson Its: Clerk
Acr	KNOWLEDGMENT
The foregoing instrument was acknowledged before on by Sandra Wasson, Cler	e me in County, k of the City of Cadillac, a Michigan municipal corporation, on
behalf of the corporation.	2 2 2 2 a m.egairmamoipai corporation, on
	Notary Public
	Print Name

PROPERTY OWNERS MAIL SIGNED EASEMENT TO: Ashley Johnson #205-1 Consumers Energy company 330 Chestnut Street Prepared By: Miranda Fry 7/21/22 P24-720 Consumers Energy Company 1945 W Parnall Rd Jackson, MI 49201

Acting in _

My Commission Expires:

REGISTER OF DEEDS OFFICE USE ONLY Return recorded instrument to: Carrie J. Main, P24-720

County, __

County

City of Cadillac Ordinance No. 2023 Page 5 of 7	
Cadillac, MI 49601	Consumers Energy Company 1945 W Parnall Rd Jackson, MI 49201
Date:	— Owner: CITY OF CADILLAC, a Michigan municipal corporation
	Signature By: Carla Filkins Its: Mayor
The foregoing instrument was acknowledged befo	CKNOWLEDGMENT ore me in County, r of the City of Cadillac, a Michigan municipal corporation, on behalf
of the corporation.	
	Notary Public
	Print Name County, County Acting in County My Commission Expires:

PROPERTY OWNERS MAIL SIGNED EASEMENT TO: Ashley Johnson #205-1 Consumers Energy company 330 Chestnut Street Cadillac, MI 49601

Prepared By: Miranda Fry 7/21/22 P24-720 Consumers Energy Company 1945 W Parnall Rd Jackson, MI 49201 REGISTER OF DEEDS
OFFICE USE ONLY
Return recorded
instrument to: Carrie J.
Main, P24-720
Consumers Energy
Company 1945 W
Parnall Rd
Jackson, MI 49201

City of Cadillac Ordinance No. 2023-___ Page 6 of 7

EXHIBIT A

Owner's Land

Land situated in the City of Cadillac, County of Wexford, State of Michigan:

Blocks 180, 181, 186, 187, 193, 194, 199, 200, Lots 4 through 9, Block 209, Lots 5 through 12, Block 210 and all vacated streets and alleys within the above described well field-improvement City of Cadillac Subdivision, being part of the Northwest 1/4 of Section 33, Town 22 North, Range 9 West, according to the recorded Plat thereof, Wexford County Records. Subject to an Easement recorded in Uber 368, Page 725, Wexford County Records.

Also known as: 506 8th Street, Cadillac, Michigan 49601

Parcel ID: 10-068-00-085-00

City of Cadillac Ordinance No. 2023-___ Page 7 of 7

EXHIBIT B

Easement Area

The South 14.00 feet of the East 294.00 feet of Owner's Land.

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Tiyi Schippers

Councilmembers Stephen King Robert J. Engels Bryan Elenbaas

NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

The City of Cadillac hereby gives notice of proposed Ordinance No. 2023-01, Ordinance to Approve Granting of an Easement to Consumers Energy Company for Electric Facilities (506 8th Street).

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan, on January 17, 2023 at 6:00 p.m., at a meeting of the City Council. The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at clerk@cadillac-mi.net, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge.

ORDINANCE TO APPROVE GRANTING OF AN EASEMENT TO CONSUMERS ENERGY COMPANY FOR AN ELECTRIC FACILITIES

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 granting of an easement (the "Easement") to Consumers Energy Company for electric facilities on a portion of real property owned by the City located and described in the Easement for Electric Facilities attached to the Ordinance. The subject real property is located at 506 8th Street, Cadillac, Michigan.

Section 2 of the proposed ordinance grants the Mayor and City Clerk authorization to execute the Easement Agreement and all related documents.

Section 3 of the proposed ordinance directs the City Clerk to certify a copy of the ordinance within 30 days of the adoption with the Wexford County Register and send a copy to the State Treasurer.

Section 4 of the proposed ordinance repeals all other ordinances inconsistent with the ordinance but only to the extent necessary to give the ordinance full effect.

Section 5 provides the proposed ordinance shall take effect 20 days after its 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

Minutes

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

Regular Meeting October 26, 2022

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held at 9:30 a.m. on Wednesday, October 26, 2022.

MEMBERS PRESENT: Barnes, Grunow, Crawley, Coffey, Schultz, and Kelsey

STAFF PRESENT: Pluger, Coy, Roberts

APPROVAL OF AGENDA

- Motion to approve the meeting agenda for October 26, 2022 by Crawley. Supported by Coffey.
- Motion approved unanimously.

APPROVAL OF MINUTES

- Motion to approve meeting minutes from September 28, 2022 by Coffey. Supported by Kelsey.
- Motion approved unanimously.

FINANCE REPORT:

- Pluger presented the finance report in lieu of City Manager, who was unable to attend. There were no questions about the finance report.

COMMITTEE REPORTS:

- Streetscape Subcommittee: Banners Sponsorship launched. Pluger explained the applications are out and have been publicized. Two banners have been sponsored and the streetscape subcommittee will be discussing further to get more applicants.

OLD BUSINESS

- Parking Assessment Update: Barnes explained what happened at the City Council meeting with votes not agreeing or approving anything. Schultz asked if this would impact the snow removal and maintenance.
 - o Roberts spoke on behalf of DPW. DPW will continue to maintain parking lots to best of their ability. There are some funds saved in the parking fund that were there to help with future major infrastructure. Roberts gave a recap of the council meeting and the feedback of the City Council. Council requested that there be a revamp and come back a new proposal.
 - Discussion followed about the council meeting and the business members frustrations and reaction to the assessment. The board was in favor of public forums to get opinions and input from businesses and hope to bring this back to council in November for reconsideration.
- Corridor Outreach/Community Forum: Discussion took place on how to set up a public input meeting before the next council meeting to gather feedback from the downtown businesses. The board requested that staff coordinate with the board to schedule a meeting at City Hall after business hours. It was requested that the meeting be November 10th and that this be in conjunction with the regular Town Hall meetings that the Chamber of Commerce and Visitors Bureau already hold.

NEW BUSINESS

- Approve 2022/2023 Fiscal Calendar: Pluger explained this is the calendar created based on the new by-laws passed by the DDA at the previous meeting.
 - o Motion to approve the fiscal calendar by Grunow. Supported by Kelsey.
 - o Motion approved unanimously.

- New By-Laws were distributed in the packets with the updated schedule information approved by council.
- Subcommittee List was distributed in the packet for board records with the updates requested at the previous meeting.

COMMUNICATIONS/OTHER ITEMS None

PUBLIC COMMENTS None

ADJOURNMENT: Meeting Adjourned at 10:32, motion by Grunow, supported by Coffey.