



City Council Meeting

June 5, 2023

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



June 5, 2023 City Council Meeting Agenda
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

We communicate openly, honestly, respectfully, and directly.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

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 May 15, 2023

Support Document III-A

B. Minutes from the closed session held on May 15, 2023

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IV. COMMUNICATIONS

A. Call to All Family Festival
Support Document IV-A

B. Testing for Tacos
Support Document IV-B

V. APPOINTMENTS

A. Recommendation regarding appointment to the Wexford Airport Authority
Support Document V-A

VI. CITY MANAGER'S REPORT

A. Cadillac Police Department K9 Farewell and Introduction

B. Striking 2018 Delinquent Personal Property Taxes
Support Document VI-A

VII. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution 2023-3501 regarding Obsolete Property Rehabilitation District Establishment for the Cooley School Redevelopment and set a public hearing for June 19, 2023.
Support Document VII-A

B. Adopt resolution 2023-3502 regarding Obsolete Property Rehabilitation Act Application for the Cooley School Redevelopment and set a public hearing for June 19, 2023.
Support Document VII-B

C. Adopt resolution 2023-3503 to introduce Ordinance 2023-06 Authorizing Sale of Real Property (Portion of 326 Haynes Street) and set a public hearing for June 19, 2023.
Support Document VII-C

D. Adopt resolution 2023-3505 to introduce Ordinance 2023-07 to amend City Zoning Map (Cooley School property) and set a public hearing for June 19, 2023.
Support Document VII-D

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VIII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. CADILLAC PLANNING COMMISSION

Support Document VIII-A

IX. PUBLIC COMMENTS

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X. GOOD OF THE ORDER

XI. CLOSED SESSION

Adjourn to closed session for strategy and negotiation sessions connected with the negotiation Of a collective bargaining agreement.

XII. ADJOURNMENT

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

Respect

Integrity

Trust

Excellence

Guiding Behaviors

We support each other in serving our community

We communicate openly, honestly, respectfully, and directly

We are fully present

We are all accountable

We trust and assume goodness in intentions

We are continuous learners

CITY COUNCIL MEETING MINUTES

May 15, 2023

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, Lanning, Dietlin, Gabis

APPROVAL OF AGENDA

2023-084 Approve agenda as amended.

Motion was made by Schippers and supported by Elenbaas to approve the agenda as amended to add a recommendation regarding bird control at the marketplace under City Manager's Report (Item VII-C)

Motion unanimously approved.

PUBLIC COMMENTS

Dan Glen addressed council regarding cars speeding down Mitchell St. Glen requested to have the gravel road graded at the dog park and mentioned homeless people living at the dog park.

CONSENT AGENDA

2023-085 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance 2023-03 to Amend Section 42-201 and 42-202(3) of Chapter 42 of the City Code to Adjust Water Rates in the City of Cadillac.

Owen Roberts, Director of Finance presented information regarding the proposed Water and Sewer Rates (See Attachment)

Mayor Filkins opened the public hearing.

Bob Walters addressed council inquiring about the service fee of “RTS” (readiness to serve) on his bill. He stated that he is not in favor of a rate increase.

Kelly McCann asked the council to consider a lesser rate increase.

Duncan Klusmann thanked the council for service to the city. Klusmann spoke in support of the rate increase.

Mayor Filkins closed the public hearing.

Motion was made by Elenbaas to approve the resolution 2023-3499 to adopt Ordinance 2023-03 to amend section 42-201 and 42-202(3) of Chapter 42 of the City code to Adjust Water Rates in the City of Cadillac 3%.

No Support for Motion.

2023-086 Adopt Ordinance 2023-03.

Motion was made by Schippers and supported by Engels to approve the resolution 2023-3499 to adopt Ordinance 2023-03 to amend section 42-201 and 42-202(3) of Chapter 42 of the City code to Adjust Water Rates in the City of Cadillac 5%.

AYES: Schippers, Engels, Mayor Filkins

NAYS: Elenbaas

Motion carried.

- B. Public hearing to consider adoption of Ordinance 2023-04 to Amend Section 42-374 of Chapter 42 of the City Code to Adjust Sewer Rates in the City of Cadillac.

Mayor Filkins opened the public hearing.

Kelly McCann suggested to the council to raise rates 3% every year instead of one big rate increase.

Rick Torres stated he is not in favor of raising rates.

Duncan Klusmann spoke in favor of the rate increase based on information provided.

Mayor Filkins closed the public hearing.

2023-087 Adopt Ordinance 2023-04.

Motion was made by Schippers and supported by Engels to approve the resolution 2023-3498 to adopt Ordinance 2023-04 to amend section 42-374 of Chapter 42 of the City code to Adjust Sewer Rates in the City of Cadillac 5%.

AYES: Schippers, Engels, Mayor Filkins

NAYS: Elenbaas

Motion carried.

C. Public hearing to consider adoption of Ordinance 2023-05 Establishing General Appropriations Act for Fiscal Year 2024.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2023-088 Adopt Ordinance 2023-05.

Motion was made by Schippers and supported by Engels to approve the resolution 2023-3500 to adopt Ordinance 2023-05 Establishing General Appropriations Act for Fiscal Year 2024.

Motion unanimously approved.

COMMUNICATIONS

A. Wexford County Veteran Services

2023-089 Approve Display of Banner for Northwest Michigan Military Veteran Expo.

Motion was made by Schippers and supported by Elenbaas to approve the display of a banner from July 24-31, 2023 for the Wexford County Veteran Services.

Motion unanimously approved.

B. Memorial Day Parade

2023-090 Approve Memorial Day Parade.

Motion was made by Elenbaas and supported by Schippers to approve the parade route for the Memorial Day Parade on May 29, 2023.

Motion unanimously approved.

C. Festival of the Arts

2023-091 Approve Street Closure; Display of Banner; Serving of Alcoholic Beverages for Festival of the Arts.

Motion was made by Elenbaas and supported by Engels to approve the display of a banner from July 17-24, 2023; the requested street closures from July 20-22, 2023 and serving of alcoholic beverages from 5:30 p.m. to 9:00 p.m. on July 21, 2023 for the Festival of the Arts.

Motion unanimously approved.

D. After 26

2023-092 Approve Street Closure for After 26.

Motion was made by Elenbaas and supported by Engels to approve the requested street closure on July 29, 2023 for the After 26 Music Festival.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding appointment to the Cadillac Housing Commission.

2023-093 Approve Appointment to the Cadillac Housing Commission.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Gary VanHouten to the Cadillac Housing Commission for a 5-year term to expire on May 15, 2028.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Recommendation Regarding Sanitary Sewer Patches.

2023-094 Award Bid for Sanitary Sewer Patches.

Motion was made by Schippers and supported by Engels to award sanitary sewer main patches project to Plummer's Environmental Services in accordance with their bid.

Motion unanimously approved.

B. Recommendation Regarding Sewer Main Root Control.

2023-095 Award Bid for Sewer Main Root Control.

Motion was made by Schippers and supported by Elenbaas to award the sewer main root control contract to Duke's Root Control, Inc. for FY 2023 and the subsequent three fiscal years subject to availability of annual appropriations and satisfactory performance of work.

Motion was unanimously approved.

C. Recommendation regarding Bird Control at the Marketplace.

2023-096 Waive Competitive Bidding Regarding Bird Control at the Marketplace.

Motion was made by Schippers and supported by Elenbaas to waive competitive bidding for bird netting at the Marketplace.

Motion unanimously approved.

2023-097 Approve Michigan Wildlife Solutions Proposal.

Motion was made by Schippers and supported by Elenbaas to authorize Michigan Wildlife Solutions to work as proposed at the Marketplace at a total proposed cost of \$12,686.25.

Motion unanimously approved.

PUBLIC COMMENTS

Paul Derby addressed the council regarding the condition of sidewalks. Specifically, the sidewalks North of Cass St. stating potentially they are not ADA compliant.

GOOD OF THE ORDER

Schippers noted the upcoming Cadillac Youth Council meeting. She referenced the upcoming City Park Clean-up will be this Saturday, May 20, 2023, from 9:00 a.m. – 12:00 p.m.

Peccia noted that the sidewalks in the downtown area are being evaluated and bricks replaced.

CLOSED SESSION

Adjourn to closed session for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement.

2023-098 Adjourn to closed session.

Motion was made by Schippers and supported by Elenbaas to adjourn to closed session for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement and invite Owen Roberts, Finance Director to join.

Motion unanimously approved.

2023-099 Return to open session.

Motion was made by Engels and supported by Elenbaas to return to open session.

Motion unanimously approved.

2023-100 Ratify Bargaining Agreement.

Motion was made by Schippers and supported by Elenbaas to ratify the collective bargaining agreement with the Fraternal Order of Police Labor Council and the City of Cadillac.

Motion unanimously approved.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Keri Lanning, Deputy Clerk



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

Today's Date 5/4/23

City Received Date



Banner Request Form

BY: _____

Monday Banner Start Date 8/7/23

Monday Banner End Date 8/14/23

(Banners are installed and removed on Mondays unless it is a Holiday, then it will be the following day)

(Banners may only be requested for one week at a time per form)

Reason for Banner Call To All Family Festival
Organization Revera Center Contact Person William Markham
Contact Phone [REDACTED] Contact Email [REDACTED]

City of Cadillac & State of Michigan Guidelines:

- ☒ Banner requested date is a minimum of 2 months prior to display date requested.
- ☒ Banner picture or a design proof is **attached with this request form** or it will not be approved.
- ☒ The City reserves the right to determine when the banner is hung during inclement weather.
- ☒ The City is not responsible for any damages to the banner.
- ☒ Banner requested is for a reasonable and public purpose.
- ☒ Banner does not display any legend or symbol which may be construed to advertise, promote the sale of, or publicize any merchandise or commodity, or be political in nature.
- ☒ The legend may contain the name of the sponsor paying for the banner if such is not an obvious advertising of and promotion of the sale of the sponsor's goods or services.
- ☒ The lettering of the sponsor's name or a logo does not exceed three inches if on a single line or two-inches if on more than one line.
- ☒ Banner does not contain an address or directions to location.
- ☒ Banner meets all the design specifications on the back of this form.
- ☒ The banner will be delivered to City Garage a minimum of **1 week before** banner is to be displayed.
- ☒ City Garage is located at 1001 6th Street and hours. Call Street Supervisor at (231)920-7800 to schedule time.
- ☒ Banner will be picked up within **1 week after** being displayed; if it is not picked up, the banner will be disposed of.

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name William Markham Signature [Signature] Date 5/4/23

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

For Office Use Only

Streets _____	Date Approved _____	Comments _____
City Manager _____	Date Approved _____	Comments _____
State of Michigan _____	Date Approved _____	Comments _____
City Council _____	Date Approved _____	Comments _____

CALL TO ALL FAMILY FESTIVAL

2nd weekend of August - City Park

FaceBook / Call to All - Cadillac, MI



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

Today's Date 5/4/23

City Received Date



Request Planning Guide

This form must be completed and return to the City at least 60 days before a HIGH IMPACT event. Additionally a representative for the event must meet with City Event Team to verify all details for the event before going to City Council for approval. Failure to comply will result in a denial of your event. Please call (231) 775-0181 x 7342 if you have questions.

Applicant Name (Print) William Markham Contact Address [REDACTED]

Contact Phone(s) [REDACTED] Contact Email [REDACTED]

Sponsoring Organization Reunion Center ☐ Private ☒ Non-Profit

Purpose of Event Call To All Family Festival Approx # of Attendees 500

Beginning Date:	<u>8/11/23</u>	Ending Date:	<u>8/13/23</u>	Reoccurring:	YES	NO			
1st Day	<u>8/11/23</u>	Set-up	<u>1:00</u> AM/PM	Start	<u>6:00</u> AM/PM	End	<u>9:30</u> AM/PM	Clean-up	<u>10:00</u> AM/PM
2nd Day	<u>8/12/23</u>	Set-up	<u>1:00</u> AM/PM	Start	<u>3:00</u> AM/PM	End	<u>9:30</u> AM/PM	Clean-up	<u>10:00</u> AM/PM
3rd Day	<u>8/13/23</u>	Set-up	<u>8:00</u> AM/PM	Start	<u>9:00</u> AM/PM	End	<u>9:30</u> AM/PM	Clean-up	<u>10:00</u> AM/PM
4th Day		Set-up	___ AM/PM	Start	___ AM/PM	End	___ AM/PM	Clean-up	___ AM/PM

Please answer the following questions:

YES ☒ NO ___ Will you be requesting permission to close any streets or parking lots?
YES ___ NO ___ Will you be requesting permission to display any off site signage?
YES ☒ NO ___ Will you be requesting permission to display a banner over Mitchell Street?
YES ☒ NO ___ Will you be requesting permission to reserve any of the City of Cadillac facilities?

Please Circle

Market at Cadillac Commons

Rotary Pavilion

City Park

Cadillac Commons Plaza

YES ___ NO ☒ Will you be requesting permission to have a parade?
YES ___ NO ☒ Will you be requesting permission to hold any races?
YES ___ NO ☒ Will you be requesting permission to serve alcoholic beverages?
YES ☒ NO ___ Will your event include use of generators, food trucks, grills, fireworks display, or a tent/membrane structure?

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

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

All events require liability insurance: Required Min. general aggregate amount of \$1,000,000, naming the City of Cadillac as Certificate Holder and as additionally insured

Today's Date 5/4/23

City Received Date



All City Parks Request Form

Reason for Request Call To All Family Festival
Organization Reverend Center Contact Person William Markham
Contact Phone [REDACTED] Contact Email [REDACTED]
Date 5/11-13/2023 Times

City Parks

Please Check One

- ☐ Downtown "Fountain" City Park
- ☒ Cadillac Commons Plaza
- ☐ Sound Garden
- ☐ The Bridge
- ☐ Naval Reserve Flower Open Space
- ☐ Tree Zoo Gazebo

City of Cadillac Guidelines:

Please read the following and initial to acknowledge your understanding

- ☒ All Parks are for public use.
- ☒ The Plaza nor the City Park in Cadillac Commons will have its general use, as an open space or park without organized activity, restricted to no more than two consecutive weekends.
- ☒ The City does not provide any porta potty's, tents, tables, chairs, rugs, extension cords etc
- ☒ The fountain may not be operating due to equipment breakdowns or weather conditions such as wind.
- ☒ I understand and agree to these requirements and understand if these are not met the request will be denied.
- ☒ Not all parks have space for tents, chairs etc.
- ☒ No digging, staking, or any other ground disturbing activity shall be performed except as authorized in the Permit and upon prior notification from the Operations Manager for DPW.
- ☒ No trucks or other motor vehicles are allowed in City parks except in designated parking lots or except those conveying specialized equipment for the Event, or otherwise allowed as stated in the Permit.
- ☒ Applicants shall provide a detailed site plan depicting facility location, if any, to be used or installed during the Event.

Permit Fee Schedule

Permits are required for reservations at the following facilities:

- The Market at Cadillac Commons
- The Rotary Performing Arts Pavilion at Cadillac Commons
 - City Park at Cadillac Commons
 - The Plaza at Cadillac Commons

Permit Fees:

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

Reoccurring Events: Events that occur a minimum of once a week, for four consecutive weeks. Two examples include a summer concert series and farmers' market. **Reoccurring events are not permissible in The Plaza or City Park at Cadillac Commons.**

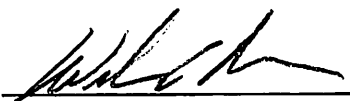
- Daily Rate of \$25:
- Non-Profit Daily Rate of \$15

Permit fees may be adjusted annually by 5% or the Michigan Consumer Price Index, whichever the greater.

All events require liability insurance.

Form can be emailed to javila@cadillac-mi.net or mailed to 200 N. Lake St. Cadillac, MI 49601

Signature



Date

5 / 4 / 23



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

Today's Date 5/4/23

City Received Date



BY:

The Market at the Cadillac Commons Reservation Form

Please Submit 60-days Prior to Event Date
for **HIGH IMPACT EVENTS**

Event CALL TO ALL FAMILY FESTIVAL

Please Circle:

Electricity/Lights Heat

Usage Rules:

1. Profanity and offensive language is strictly prohibited.
2. Noise must be limited to levels that do not disturb the peace, and must be lowered at the City's request.
3. No decorations, props, or appurtenances shall be used or placed in a manner that will cause damage to the Market, grounds (including trees), or surrounding areas. The use of nails, tacks, staples, etc. is strictly prohibited, along with the use of stakes in the ground.
4. Any signage or decorations must be removed immediately following any event.
5. The sale of food and non-alcoholic beverages may require an additional license. (Code of Ordinances-Chapter 28)
6. The consumption or sale of alcoholic beverages requires approval of City Council. (Code of Ordinances-Chapter 26)
7. Damage to public properties or the City's cost incurred in cleanup and repair shall be the responsibility of the Applicant and the Permit Holder. Payment of any such assessment shall be due within thirty (30) days of notice of such cost or assessment.

Reservation Fees:

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

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

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

Market Hours 7:00 AM through 11:00 PM

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

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

Signature [Signature] Total Fees Required: _____ Total Fees Paid: _____ Date ____/____/____

Today's Date

5/4/23

City Received Date



BY:

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request

Call To All Family Festival

Contact Person

William Markham

Contact Phone

Contact Email

Date: 8/11/23

Street Closures

Street Name Lake Beginning Location Harris Ending Location Cass

8/12/23

Beginning Time 6:00 AM/PM Ending Time 10:00 AM/PM

Street Name Lake Beginning Location Harris Ending Location Cass

8/13/23

Beginning Time 2:00 AM/PM Ending Time 10:00 AM/PM

Street Name Lake Beginning Location Harris Ending Location Cass

Beginning Time 8:00 AM/PM Ending Time 10:00 AM/PM

Street Name Beginning Location Ending Location

Beginning Time AM/PM Ending Time AM/PM

Date / /

Parking Lot Closures

Lot Location Street Nearest Cross Street
Beginning Time AM/PM Ending Time AM/PM

Lot Location Street Nearest Cross Street
Beginning Time AM/PM Ending Time AM/PM

Lot Location Street Nearest Cross Street
Beginning Time AM/PM Ending Time AM/PM

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name

William Markham

Signature

[Signature]

Date

5/4/23

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

(For Office Use Only)

Streets	Date Approved	Comments
Parks	Date Approved	Comments
Fire	Date Approved	Comments
Police	Date Approved	Comments
City Manager	Date Approved	Comments
City Council	Date Approved	Comments



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

Today's Date 5/15/2023

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request "Testing for Tacos" event. (HIV testing inside DHD10 mobile unit)

Contact Person Lacey Morris

Contact Phone [REDACTED] Contact Email [REDACTED]

Date: <u> </u> / <u> </u> / <u> </u>		Street Closures	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	

Date <u>6</u> / <u>27</u> / <u>2023</u>		Parking Lot Closures	
Lot Location <u>Shay Locomotive parking spaces</u>	Street <u>Cass</u>	Nearest Cross Street <u> </u>	
	Beginning Time <u>10:00</u> <u>AM</u> /PM	Ending Time <u>2:00</u> <u>AM</u> /PM	
Lot Location <u> </u>	Street <u> </u>	Nearest Cross Street <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Lot Location <u> </u>	Street <u> </u>	Nearest Cross Street <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Signature Lacey Morris Date 5 / 15 / 2023

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

For Office Use Only

Streets <u> </u>	Date Approved <u> </u>	Comments <u> </u>
Parks <u> </u>	Date Approved <u> </u>	Comments <u> </u>
Fire <u> </u>	Date Approved <u> </u>	Comments <u> </u>
Police <u> </u>	Date Approved <u> </u>	Comments <u> </u>
City Manager <u> </u>	Date Approved <u> </u>	Comments <u> </u>
City Council <u> </u>	Date Approved <u> </u>	Comments <u> </u>

June 5, 2023

COUNCIL COMMUNICATION

Re: Appointment of Jennifer Smeltzer to a Two-Year Term on the Cadillac-Wexford Airport Authority

Jennifer Smeltzer has expressed interest in serving on the Cadillac-Wexford Airport Authority for a two-year term.

Requested Council Action:

Motion to appoint Jennifer Smeltzer to a two-year term on the Cadillac-Wexford Airport Authority which will expire on 06/05/2025.



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

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

To which committee, board or commission are you seeking appointment? Please check all that apply.

- | | |
|--|---|
| ☒ Airport Authority | ☐ Economic Development Corporation |
| ☐ Board of Review | ☐ Elected Officials Compensation Commission |
| ☐ Brownfield Redevelopment Authority | ☐ Election Commission |
| ☐ Cadillac Area Council for the Arts | ☐ Housing Commission |
| ☐ Cadillac-Wexford Transit Authority | ☐ Local Development Finance Authority |
| ☐ Cadillac West Corridor Improvement Authority | ☐ Planning Commission |
| ☐ Cemetery Board | ☐ Retirement Board to Administer Act 345 |
| ☐ Civil Service Commission | ☐ Zoning Board of Appeals |
| ☐ Clam River Greenway Committee | ☐ Construction Board of Appeals |
| ☐ Historic Districts Commission | ☐ City of Cadillac/Clam Lake Joint Planning Commission |
| ☐ Diggins Hill Tennis Court Fundraising Committee | ☐ Other _____ |
| ☐ Downtown Development Authority | |

Please print or type:

Name Jennifer Smeltzer Address [REDACTED]

Telephone: Home [REDACTED] Business/cell [REDACTED]

E-mail [REDACTED] Date available for appointment immediately

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

Community Service

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

Board of Directors for EAA Chapter 234 Grand Traverse Region.. Currently
Chair, Manistee County Board of Canvassers. Currently
President, RWLC Leelanau County. Currently
State Policy Committee - Michigan Farm Bureau. Currently
Progressive Agriculture Day Planning Committee. Manistee, Wexford, Benzie, Mason, Grand Traverse, Leelanau. 2019
LOVE Inc., Board Member Manistee Co. 2000.

Employment and Education

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

Chief of Staff/ Legislative Director - Member office. Michigan State Senate. 2019-2020
Michigan Director, Great Lakes Timber Professionals. 2017-2018
Chief of Staff - Member office. Michigan House of Representatives. 2010 - 2016

Graduate, Michigan State University. East Lansing, MI B.A., Religious Studies/Economics/English. 1986
Graduate, Women's Campaign School at Yale. New Haven, CT 2008
Graduate, Dale Carnegie Course. East Lansing, MI 2015

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

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

During my time in the Michigan Legislature, I was exposed to the importance of GA airports. A valuable asset to the local economy; they create opportunities for sustainable local economic development, are vital to northern Michigan's transportation network, and serve as a catalyst for tourism. They are integral to the overall success of a community/region.

I first became acquainted with the Wexford County Airport Authority through my daughter's involvement with the glider club at the inaugural Wings and Wheels event. Last year, my EAA chapter participated in Wings and Wheels by offering our Young Eagles Free Flights for Kids program and our Pancake Breakfast and Fly-in. Both were successful.

I believe my background coupled with my passion about the vital role of community airports in northern Michigan would make me an excellent candidate to serve on this board.

Personal

Rules of law and ethics prohibit appointees from participating in and voting on matters in which they may have a direct or indirect financial interest. Are you aware of any potential conflicts of interest? ☐ Yes ☒ No

If yes, please indicate potential conflicts.

Are you aware of the time commitment necessary to serve on the committee, board and/or commission to which you seek appointment, and will you have such time? ☒ Yes ☐ No

Please provide information about specific training, education, experience or interests you possess that qualify you as an appointee to the position you seek.

Although I am not a resident of the city of Cadillac, I am seeking this appointment because I believe in the Wexford County Airport and its importance not only to the county - but to our region. Our community colleges, hospitals, agricultural organizations, chambers of commerce, UPS, etc are regional endeavors. In this part of northern Michigan, are all connected.

I hereby certify that the preceding information is correct to the best of my knowledge.

Signature *Jennifer Smeltzer* Date May 10, 2023

You are invited to attach additional pages, enclose a copy of your résumé or submit supplemental information that you feel may assist in the evaluation of your application.

Mail or return your completed application to: Marcus Peccia, City Manager
City of Cadillac
200 N. Lake St.
Cadillac MI 49601

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

June 5, 2023

Council Communication

Re: Striking 2018 Delinquent Personal Property Taxes

According to PA 206 (Property Tax Act) 211.56a, delinquent personal property taxes may be written off after being delinquent for five years. There are a total of 22 parcels still on the 2018 delinquent personal property tax roll. The majority of these parcels are buildings on leased land, primarily decks or sheds on rented mobile home lots.

The City Treasurer's Office has diligently attempted to collect payment on all delinquent personal property taxes. Parcels receive a first notice of delinquency (sent 4/2/19), second notice (sent 7/2/19) and final notice (sent 7/8/20) requesting payment along with payment options. At this point, recovery of the amounts in question is highly unlikely and will cost more to collect than actual revenue collected. The total city revenue written off through this process will be \$249.87 which is an average of \$11.36/parcel.

Recommended Action

It is recommended that City Council approves striking 2018 Delinquent Personal Property Tax pursuant to Public Act 206 (Property Tax Act).

June 5, 2023

Council Communication

Re: Cooley School Redevelopment Project

The Cadillac Area Public Schools have solicited developers to acquire and redevelop the former Cooley School. Pinnacle Construction Group, Inc. of Grand Rapids has submitted a proposal to convert the Cooley School into residential housing.

Because revenues are not adequate to cover the cost of reconstruction of the building, in addition to the level of operating costs, the project will only proceed if economic development tools and incentives available to the City are utilized. This investment for the redevelopment of this property will bring residents to the City, create economic activity for downtown businesses, and provide much needed new housing, providing a significant long-term return for the City.

There are two primary tools proposed for the redevelopment: An Obsolete Property Rehabilitation Act (OPRA) local tax abatement and Brownfield Tax Increment Financing (TIF) reimbursement of Eligible Activities. To initiate the OPRA process, the next step is for Public Hearings to be set and conducted pursuant to requirements under the OPRA Act. The Brownfield TIF process will be initiated subsequently as design development plans become more complete.

Brownfield TIF: Brownfield Tax Increment Financing (TIF) provides for the reimbursement of certain Eligible Activities, such as environmental investigation and response activities, lead and asbestos abatement, full or selective demolition, site preparation and public infrastructure improvements, through the capture of increased incremental taxes generated by additional private investment on Brownfield Eligible Property, with the approval of a Brownfield Plan. The former Cooley School has been determined by the City Assessor as functionally obsolete, qualifying status as Eligible Property for both Brownfield TIF and OPRA.

The Brownfield Plan will be prepared and reviewed by the Cadillac Brownfield Redevelopment Authority, with a public hearing set and held by the City Council and Brownfield Plan approval.

OPRA: The former Cooley School has been determined by the City Assessor as functionally obsolete. As such, the redevelopment project qualifies for an Obsolete Property Rehabilitation Act (OPRA) tax abatement that will freeze the value of the building for local taxes for 12-years. OPRA was used for the redevelopment of the Cobbs-Mitchell building and former Speeds building and is comparable to the Commercial Redevelopment Act and Commercial Rehabilitation Act abatements that have been established and previously used on other projects in the City.

An OPRA district must be established and an OPRA application by the developer must be approved by City Council, and Public Hearings need to be set and held by the City Council for both the establishments of the OPRA District and the OPRA Application. The proposed date for both OPRA Public Hearings is June 19, 2023.

A summary of the Obsolete Property Rehabilitation Act from the Michigan Economic Development Corporation is provided for information.

The following is the proposed schedule for consideration for the Brownfield and OPRA programs:

Action	Entity	Date
Approve Resolutions Establishing Public Hearing for OPRA District and the OPRA application	City Council	June 6
Notices to OPRA District to newspaper, posting and OPRA Property Owners (certified mail for OPRA District) and Notice to Taxing Jurisdictions, Assessor, and newspaper for OPRA Application	Mac	No later than June 9
Hold Public Hearings and OPRA District and OPRA application.	City Council	June 19

Recommended Action

Consider the following two resolutions to set the necessary two Public Hearings:

1. OPRA District

Approve the Resolution to Establish Public Hearing to establish the Obsolete Property Rehabilitation Act District for 221 Granite Street with Parcel Identification Number 10-051-00-125-00 for the Cooley School Redevelopment for the City Council meeting of June 19, 2023

2. OPRA Application

Approve the Resolution to Establish Public Hearing for the Obsolete Property Rehabilitation Act application for 221 Granite Street with Parcel Identification Number 10-051-00-125-00 for the Cooley School Redevelopment for the City Council meeting of June 19, 2023.

OBSOLETE PROPERTY REHABILITATION ACT (OPRA)

The Obsolete Property Rehabilitation Act (OPRA), [Public Act 146 of 2000](#), provides for a tax incentive to encourage the redevelopment of obsolete buildings. A new exemption will not be granted after December 31, 2026, but an exemption then in effect will continue until the certificate expires. The tax incentive is designed to assist in the redevelopment of older buildings in which a facility is contaminated, blighted or functionally obsolete. The goal is to rehabilitate older buildings into vibrant commercial and mixed-use projects.

Note: This document is offered as a general guide only and the legislation should be reviewed by local officials.

WHO IS ELIGIBLE?

OPRA tax abatements may be given for those eligible projects that take place on an obsolete property and result in a commercial or mixed-use building project located in only the [qualified local units of government](#).

HOW DOES IT WORK?

A community essentially freezes the existing taxable value on a designated facility for up to 12 years. Additionally, the state treasurer may approve reductions of half of the school operating and state education taxes for a period not to exceed six years for 25 applications annually for rehabilitated facilities. By freezing the taxable value, it provides an incentive for the developer to make significant improvements to a building without increasing the property taxes on the building.

WHAT IS THE PROCESS?

Local government process to designate an Obsolete Property Rehabilitation District (OPRD)

1. The governing body of a qualified local unit of government, by resolution, may designate one or more OPRDs within that local governmental unit. The OPRD may consist of one or more parcels or tracts of land that is characterized by obsolete commercial or obsolete commercial housing property.
2. The qualified local unit of government may establish an OPRD on its own initiative or upon a written request by at least 50 percent of the owners of the property within the proposed OPRD.
3. Written notice of a public hearing is provided by certified mail to all owners of all real property within the proposed district.
4. The governing body holds a public hearing with a public
5. The governing body adopts a resolution establishing the district and the determination that it meets the requirements under the legislation.

Owner/developer process for obtaining an OPRA certificate

1. An owner of an obsolete property within the district files an application for an OPRA certificate with the clerk of the local government that includes the details of the project.
2. Once a completed application is received, the clerk must notify the assessor and each taxing unit that levies property taxes (e.g., county, community college, library, etc.).
3. The governing body holds a public hearing prior to acting on the resolution regarding the certificate.
4. Within 60 days of receipt of application, the local unit of government shall by resolution approve or disapprove the application for the certification for up to 12 years. The public hearings for the district and the exemption certificate may be held on the same day, but with individual public hearings.
5. Once approved locally, the application and resolution must be sent to the State Tax Commission (STC). The STC has 60 days to approve or disapprove the request. To apply for the abatement of school millage, the developer must make note of this on the application form. The STC is responsible for final approval and issuance of all OPRA certificates.

WHY WOULD A COMMUNITY WANT TO OFFER AN OBSOLETE PROPERTY TAX REHABILITATION TAX ABATEMENT?

The OPRA incentive is used to encourage the redevelopment of blighted buildings. In many cases, this could be an abandoned, multi-story industrial building that is now more suited for commercial or residential rental units. To the developer, the advantage is savings on property taxes. The tax incentives essentially freeze the local property taxes for up to 12 years, exempting from local property tax all real property improvements. In addition, the state treasurer has the ability to exempt one-half of the school millage for up to six years on 25 projects per year.

SUPPORTING STATUTE

[PA 146 of 2000: Obsolete Property Rehabilitation Act](#)

CONTACT INFORMATION

For more information, contact the [Community Assistance Team \(CAT\) specialist](#) assigned to your territory or visit www.miplace.org.

City Council

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



Mayor Pro
Carla J. Filkins

Mayor -Tem
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Robert J. Engels
Stephen King

RESOLUTION NO. 2023-3501

RESOLUTION SETTING PUBLIC HEARING FOR OBSOLETE PROPERTY REHABILITATION DISTRICT ESTABLISHMENT FOR THE FORMER COOLEY SCHOOL REDEVELOPMENT

At a regular meeting of the Cadillac City Council held at Cadillac City Hall, 200 North Lake Street, Cadillac, Michigan on June 5, 2023, at 6:00 p.m., the following resolution was offered by

Councilperson _____ and supported by

Councilperson _____.

WHEREAS, the Michigan Obsolete Property Rehabilitation Act, Act 146, P.A. 2000 as amended ("OPRA"), authorizes municipalities to establish "Obsolete Property Rehabilitation Districts" to promote the revitalization, redevelopment, and reuse of contaminated, blighted, or functionally obsolete property through property tax abatements; and

WHEREAS, the City understands that certain property located at 221 Granite Street with the Parcel Identification Number 10-051-00-125-00 ("Cooley School Redevelopment") qualifies as an obsolete property as functionally obsolete and that the future owner intends to undertake various improvements to redevelop the property; and

WHEREAS, the City has determined that the establishment of the Obsolete Property Rehabilitation District for the aforementioned property would encourage redevelopment of the functionally obsolete property; and

WHEREAS, Act 146 requires the governing body to hold a public hearing on the establishment of the OPRA District and provide notice of the public hearing in compliance with the requirements of Act 146; and

WHEREAS, the City Council desires to hold a public hearing to receive comments on the establishment of the OPRA District at its June 19, 2023 regular meeting.

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

1. Pursuant to Act 146, a public hearing for the establishment of the OPRA District for the property located at 211 Granite Street with the Parcel Identification Number 10-051-00-125-00 known as the Cooley School Redevelopment shall be held on June 19, 2023, at 6:00 p.m. in the City Council Chambers, 200 North Lake Street, Cadillac, Michigan.

2. Notice of the public hearing will be provided to all property owners within the District and to the public not less than 10 days prior to the public hearing in accordance with Act 146. The notices shall be in substantially the form of **Exhibit A**.

3. Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid.

4. Any prior resolution, or any part thereof, in conflict with any of the provisions of this Resolution is hereby repealed, but only to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Keri Lanning, Deputy City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2023-3501, duly adopted at a regular meeting of the City Council held on the 5th day of June, 2023.

Keri Lanning, Deputy Clerk
Cadillac Municipal Complex
200 Lake Street
Cadillac, Michigan 49601
Telephone No: (231) 775-0181

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Robert J. Engels
Stephen King

June 2, 2023

Jennifer Brown, Superintendent
Cadillac Area Public Schools
421 South Mitchell Street
Cadillac, Michigan 49601

Jennifer:

As you know, the Cadillac Area Public Schools have petitioned the City of Cadillac to establish an Obsolete Property Rehabilitation District for property located at 221 Granite Street with the Parcel Identification Number 10-051-00-125-00 known as the Cooley School Redevelopment under Act 146, PA 2000 to encourage redevelopment of the functionally obsolete property.

At their Monday, June 5, 2023 meeting, City Council will be considering setting a public for Monday, June 19, 2023 at 6:00 p.m. at the regular meeting to establish the Obsolete Property Rehabilitation District for the Cooley School Redevelopment. The public hearing will take place at the Council Chambers, Cadillac City Hall, 200 North Lake Street, Cadillac, Michigan.

Act 146 requires the City to give written notice by certified mail to the owners of all real property with the proposed Obsolete Property Rehabilitation District shall afford an opportunity for a hearing on the establishment of the obsolete property rehabilitation district at which any of those owners and any other resident or taxpayer of the qualified local governmental unit may appear and be heard.

On behalf of the Cadillac City Council, this letter represents the notice of public hearing on June 19, 2023 at 6:00 p.m. for establishment of the Obsolete Property Rehabilitation District for the Cooley School Redevelopment.

Thank you for your consideration. Please contact me if you have questions or would like additional information.

Sincerely,

A handwritten signature in blue ink that reads "CARLA J. FILKINS".

Carla Filkins, Mayor
City of Cadillac



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Council Chambers, Cadillac, Municipal Complex, 200 Lake Street, Cadillac, Michigan, on June 19, 2023, at 6:00 p.m., at a Regular Meeting of the City Council, to consider the establishment of an Obsolete Property Rehabilitation District for the Cooley School Redevelopment.

The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

By:

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

Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Robert J. Engels
Stephen King

City Council

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



RESOLUTION NO. 2023-3502

RESOLUTION SETTING PUBLIC HEARING FOR OBSOLETE PROPERTY REHABILITATION DISTRICT ESTABLISHMENT FOR THE FORMER COOLEY SCHOOL REDEVELOPMENT

At a regular meeting of the Cadillac City Council held at Cadillac City Hall, 200 North Lake Street, Cadillac, Michigan on June 5, 2023, at 6:00 p.m., the following resolution was offered by

Councilperson _____ and supported by

Councilperson _____.

WHEREAS, Michigan's Obsolete Property Rehabilitation Act, Act 146, P.A. 2000 as amended ("OPRA"), authorizes Qualified Local Governmental Units to establish Obsolete Property Rehabilitation Districts and approve Applications for Obsolete Property Rehabilitation Exemption Certificates to provide financial incentives to redevelop functionally obsolete properties; and

WHEREAS, the City understands that certain property located at 221 Granite Street and adjacent property with the Parcel Identification Number 10-051-00-125-00 ("Cooley School Redevelopment") qualifies as an obsolete property as functionally obsolete and that the future owner intends to undertake various improvements to redevelop the property; and

WHEREAS, the City has determined that the establishment of the Obsolete Property Rehabilitation District for the aforementioned property would encourage redevelopment of the functionally obsolete property and is holding a public hearing on the establishment of the OPRA District at its June 19, 2023 regular meeting; and

WHEREAS, Pinnacle Construction Group, Inc. has requested consideration of an Application for Obsolete Property Rehabilitation Exemption Certificate for the property at 221 Granite Street ("Cooley School Redevelopment")

WHEREAS, Act 146 requires the governing body to hold a public hearing on the consideration of an OPRA Rehabilitation Exemption Certificate application and provide notice of the public hearing in compliance with the requirements of Act 146; and

WHEREAS, the City Council desires to hold a public hearing to receive comments on the establishment of OPRA Rehabilitation Exemption Certificate application at its June 19, 2023 regular meeting.

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

1. Pursuant to Act 146, a public hearing for consideration of an OPRA Rehabilitation Exemption Certificate application by Pinnacle Construction Group, Inc. for the property located at 211

Granite Street with the Parcel Identification Number 10-051-00-125-00 known as the Cooley School Redevelopment shall be held on June 19, 2023, at 6:00 p.m. in the City Council Chambers, 200 North Lake Street, Cadillac, Michigan.

2. Notice of the public hearing will be provided to the applicant, assessor, taxing jurisdictions and to the public in accordance with Act 146. The notices shall be in substantially the form of **Exhibit A**.

3. Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid.

4. Any prior resolution, or any part thereof, in conflict with any of the provisions of this Resolution is hereby repealed, but only to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Keri Lanning, Deputy City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. ____, duly adopted at a regular meeting of the City Council held on the 5th day of June, 2023.

Keri Lanning, Deputy Clerk
Cadillac Municipal Complex
200 Lake Street
Cadillac, Michigan 49601
Telephone No: (231) 775-0181

EXHIBIT A

Notice to Taxing Jurisdiction (TAXING JURISDICTION) OPRA Application – Cooley School Redevelopment City of Cadillac June 6, 2023

The Cadillac City Council will hold a public hearing on Monday, June 19, 2023 at 6:00 p.m. in the City Council Chambers located in the Cadillac Municipal Complex at 200 North Lake Street, Cadillac, Michigan in consideration of an Obsolete Property Rehabilitation Act (OPRA) Application for the Cooley School Redevelopment.

This notice is being provided to (taxing jurisdiction) as a taxing jurisdiction that levies taxes in accordance with Act 146, P.A. 2000.

Act 146 provides for freezing existing taxable value for certain qualified properties for which improvements will be made, thereby abating local property taxes for the improvements for a period of up to 12 years. An OPRA District must be established by the Cadillac City Council and an OPRA application for each development in the District must be approved by the Cadillac City Council.

The Cadillac City Council will consider establishing an Obsolete Property Rehabilitation District at their June 19, 2023 meeting for the property noted below.

An Application for Obsolete Property Rehabilitation Exemption Certificate has been received from Pinnacle Construction Group, Inc. for the former Cooley School with Parcel Identification Number 10-051-00-125-00.

With the approval of the Certificate by the Cadillac City Council and the State Tax Commission, the taxable value for the building will be frozen at its current value and improvement will not be subject to local taxes for a proposed period of 12 years.

Please contact Marcus Peccia, City Manager, at 231-775-0181 or mpeccia@cadillac.mi.net if you have questions or would like additional information.

Sent via email on June 6, 2023 to:

(Chief Executive Officer) (title)

(email)



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on June 19, 2023, at 6:00 p.m., at a Regular Meeting of the City Council, to consider the approval of an Obsolete Property Rehabilitation Exemption Certificate for the Cooley School Redevelopment.

The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

By:

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

April 25, 2023

Marcus Peccia, City Manager
City of Cadillac
200 N. Lake Street
Cadillac, MI 49601

RE: Acquisition of Adjacent Property

Dear Mr. Peccia:

Inland Lakes Machine is a production CNC machine shop that has proudly called Cadillac home for the last 78+ years and is in need of the City's assistance as we embark on our plans to expand.

To stay relevant in today's world, Inland Lakes is planning on acquiring additional machinery that will expand our capacities, lead to the need for additional space, and create additional jobs, even as we look at new automation. To accommodate these improvements, expanding our facilities to the west will be necessary and using a strip of city owned land approximately 90' long to accommodate building additions, trucking movements, and parking will be required. The second page shows a graphic indicating the general area.

Inland Lakes would like the City to consider transferring the property for \$1 in exchange for our charitable contribution of \$10,000 to help the City develop the adjacent micropark next to the Clam River Greenway.

Sincerely,



Rich Kuhn, President
Inland Lakes Machine
314 Haynes St.
Cadillac, MI. 49601

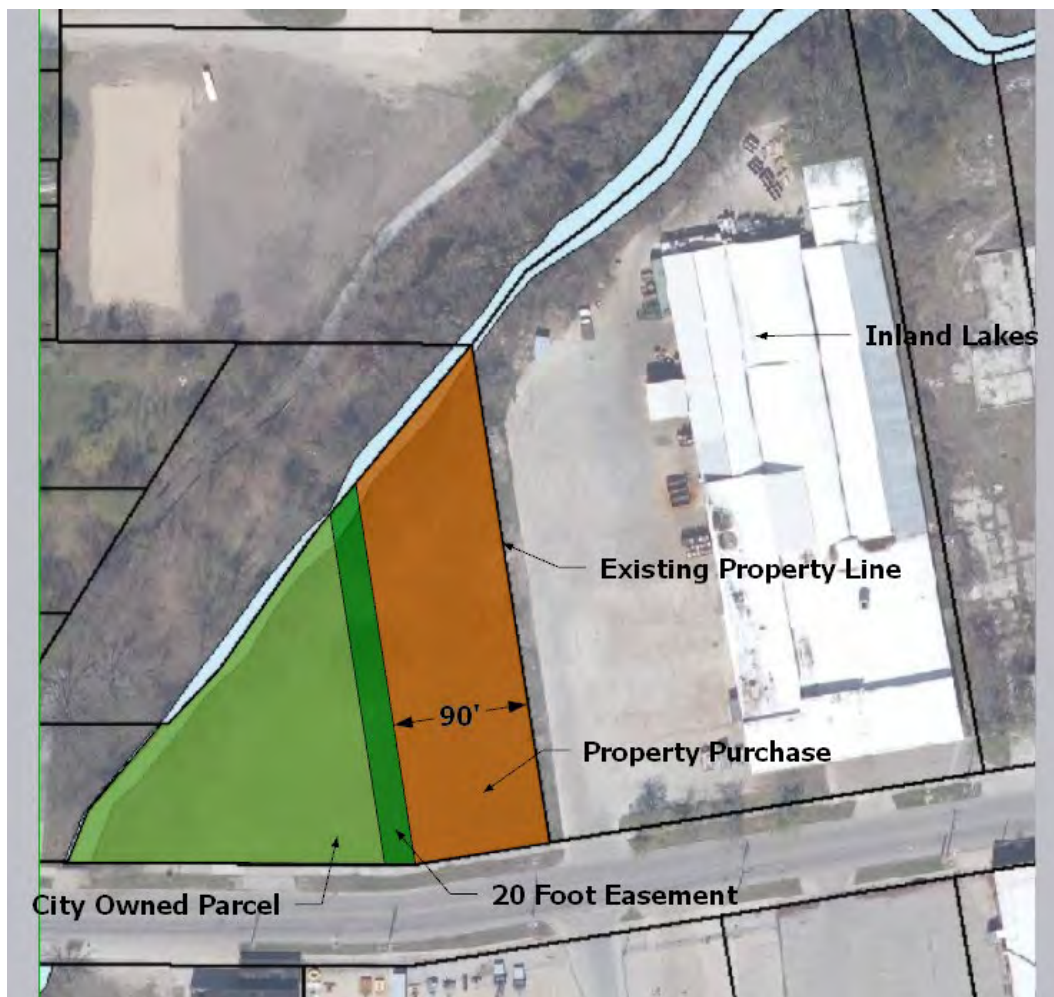
Inland Lakes Property Purchase

To be able to minimally accommodate the previously discussed micropark, and to maximize the amount of property to Inland Lakes, the city is willing to provide a 90 foot wide parcel of property to Inland Lakes. The transfer of that property could be done via land sale or other methods, and the city is eager to see Inland Lakes proposal.

Additionally, the city is also willing to give Inland Lakes a 20 foot easement on city property which can be used for snow storage and could also count as part of required building setback area. The sale/transfer of the property would be contingent upon maintaining a 30 foot setback for pavement area from the Clam Lake River. It should also be recognized that there is a minimum required setback of 50 feet from the Clam Lake River for building purposes.

This correspondence is also being shared with Dean DeKryger, and the next potential steps might be for Inland Lakes and Dean to see how best to utilize the area. Below is just a conceptual rendering.

Thank you!



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. 2023-3503

**RESOLUTION TO INTRODUCE ORDINANCE 2023-06 TO AUTHORIZE
SALE OF REAL PROPERTY
(PORTION OF 326 HAYNES STREET)
AND SET A PUBLIC HEARING FOR JULY 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 5th day of June, 2023, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the City of Cadillac ("City") is authorized by statute to buy, own and sell
real property (MCL 117.4e); and

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

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

WHEREAS, the City wishes to consider adopting an ordinance that approves the sale to Inland Lakes Machine Inc. (the "Buyer") of a portion of real property owned by the City located at 326 Haynes Street, the exact description of which will be determined by agreement of the City and the Buyer (the "Real Property") in the City of Cadillac, Wexford County, Michigan; 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. 2023-06, Ordinance to Authorize Sale of Real Property (Portion of 326 Haynes Street) (the "Ordinance," attached as Exhibit 1) and set a public hearing for 6:00 p.m. on July 17, 2023.

2. A public hearing regarding the Ordinance shall be held on the 17th day of July, 2023, at 6:00 p.m. at the City offices at Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.

3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, 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, Keri Lanning, Deputy Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2023-____, duly adopted at a meeting of the City Council held on the 5th day of June, 2023.

Keri Lanning
Deputy Clerk

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

RESOLUTION NO. 2023-3504

**RESOLUTION TO ADOPT ORDINANCE TO APPROVE
SALE OF REAL PROPERTY
(PORTION OF 326 HAYNES STREET)**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, on the 17th day of July, 2023, at 6:00 p.m. at the Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan 49601.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the City of Cadillac ("City") is authorized by statute to buy, own and sell
real property (MCL 117.4e); and

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

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

WHEREAS, the City wishes to adopt an ordinance that authorizes the sale to Inland Lakes Machine Inc. (the "Buyer") of real property owned by the City located in the City of Cadillac, Wexford County, Michigan and described as a portion of 326 Haynes Street to be determined by agreement of the City and the Buyer (the "Real Property"); and

WHEREAS, the City Clerk twice published 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. A copy of the Ordinance was and is available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge; and

WHEREAS, a public hearing regarding the Ordinance was held on the 17th day of July, 2023, at 6:00 p.m. ; and

WHEREAS, the sale of the Real Property to the Buyer as described in the Ordinance is in the public interest.

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 adopts Ordinance No. 2023-06, Ordinance to Authorize Sale of Real Property (Portion of 326 Haynes Street) (the "Ordinance," attached as Exhibit 1).
2. The Mayor and the City Clerk are authorized to finalize a legal description of the Real Property, to execute any and all documents, and to take any and all actions, as may be necessary or appropriate to close upon the sale of the Real Property for a purchase price

of One Dollar and 00/100 (\$1.00). Buyer will also donate Ten Thousand Dollars and 00/100 (\$10,000) to the City for the development of an adjacent micropark.

3. A copy of the Ordinance is available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.

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: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2023-3504, duly adopted at a regular meeting of the City Council held on the 17th day of July, 2023.

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. 2023-06

**ORDINANCE TO APPROVE SALE OF REAL PROPERTY
(PORTION OF 326 HAYNES STREET)**

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 sale to the Inland Lakes Machine Inc. (the "Buyer") of real property owned by the City located in the City of Cadillac, Wexford County, Michigan and described as a portion of 326 Haynes Street as determined by agreement of the City and the Buyer (the "Real Property"). The description will be attached as Exhibit A when the determination is made. The sale agreement is attached to the resolution of the City Council adopting this Ordinance. The Mayor and the City Clerk in consultation with the City Attorney, are authorized to make non-material alterations to the final sale agreement.

Section 2.

The Mayor and City Clerk are hereby authorized to finalize the legal description of the Real Property, to execute any and all documents and to take any and all actions necessary or appropriate to close upon the sale of the Real Property to the Buyer or its designee for a sale price of One Dollar and 00/100 (\$1.00) and a Ten Thousand Dollar and 00/100 (\$10,000) donation to the City to develop the adjacent micropark.

Section 3.

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

Section 4.

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

Section 5.

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

Approved this 17th day of July, 2023.

Sandra Wasson, City Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that a summary of Ordinance No. 2023-06 was published in the Cadillac News on the ____ day of _____, 2023.

Sandra Wasson, City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF WEXFORD)

On this ____ day of _____, 2023, before me, a Notary Public, in and for said County, personally appeared Carla J. Filkins, Mayor, and Sandra Wasson, City Clerk, on behalf of the City of Cadillac, who executed the foregoing Ordinance and acknowledged that they have executed it on behalf of the City of Cadillac in their capacity as its Mayor and City Clerk, respectively.

_____, 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

AGREEMENT TO BUY AND SELL REAL PROPERTY

THIS AGREEMENT TO BUY AND SELL REAL PROPERTY is executed between the Inland Lakes Machine Inc., a Michigan corporation, of 314 Haynes Street, Cadillac, Michigan 49601 (“Buyer”), and the City of Cadillac, a Michigan municipal corporation, of 200 North Lake Street, Cadillac, Michigan 49601 (“Seller”). The “Effective Date” of this Agreement is the date it is signed by Seller.

RECITALS

Seller is the owner of real property located at 326 Haynes Street, Cadillac, Michigan 49601 (PPN 10-056-00-026-00), in the City of Cadillac, County of Wexford, State of Michigan and legally described on Exhibit A (to be attached after survey and title work are obtained), together with all easements, improvements and appurtenances thereto (“Overall Property”). Buyer wishes to purchase a portion of the Overall Property (the “Real Property”). The Overall Property adjoins real property owned by Buyer.

AGREEMENT

The parties agree as follows:

1. Sale and Purchase. Seller agrees to sell the Real Property to Buyer, and Buyer agrees to purchase the Real Property from Seller, for the Purchase Price and according to the terms and conditions set forth in this Agreement. Buyer will pay to Seller the Purchase Price in immediately available funds at the Closing.

2. Definitions. As used in this Agreement, the following terms are defined as:

(a) Agreement: This Agreement to Buy and Sell Real Property.

(b) Closing: Consummation of the transaction described in this Agreement. The Closing will take place on a day mutually determined by the parties, but not later than 30 days after approval of a land division of the Overall Property (the “Closing Date”), at the office of the Title Insurance Company, or such other place as the parties may agree. “Pre-Closing” means that period from the date of this Agreement to the Closing Date, during which time the parties will work in good faith to satisfy all requirements of this Agreement necessary to transfer the Real Property.

(c) Purchase Price: The Purchase Price shall be One Dollar and 00/100 (\$1.00), payable by certified funds or wire transfer at Closing. Buyer will also donate Ten Thousand Dollars and 00/100 (\$10,000) to Seller to develop the adjacent micropark.

(d) Title Insurance Company: Lighthouse Title Inc. (Cadillac Title).

(e) Permitted Encumbrances. All encumbrances noted on the public record and not objected to by Buyer are Permitted Encumbrances.

3. Title and Survey.

(a) Warranty Deed. At the Closing, Seller will transfer the Real Property to Buyer by warranty deed, subject to the Permitted Encumbrances.

(b) Title Insurance. Within fourteen (14) days of the Effective Date, Seller will obtain a title commitment for an ALTA Owner's title insurance policy from the Title Insurance Company, which will include copies of all recorded documents identified in the title commitment, in the amount of the Purchase Price, covering title to the Real Property on or after the Effective Date, showing Seller as the owner of the Real Property. The title commitment will be subject to standard exceptions unless Buyer provides the survey described below, and will not provide coverage over the Permitted Encumbrances. Buyer shall be responsible for the delivery of any survey required by the Title Insurance Company for the removal of standard exceptions. Any failure to deliver such a survey shall mean that the title insurance policy will be issued with standard exceptions. If the title commitment contains any exception that is not a standard exception and Buyer provides written notice to Seller within ten (10) days after receipt of the title commitment, then Seller shall have the option, but not the obligation, to promptly remove such exception. If Seller elects to not remove such exception (in which event Seller shall notify Buyer in writing within seven (7) days of receipt of Buyer's notice), then Buyer or Seller may terminate this Agreement by written notice to the other within seven (7) days of Seller's written notice of its election not to remove the exception objected to by Buyer. If neither Buyer nor Seller terminate this Agreement, then the parties shall proceed to Closing and such exception shall be treated as a Permitted Encumbrance. If Buyer or Seller terminate this Agreement, the parties will have no further rights or obligations hereunder except as otherwise specifically provided. Buyer will pay the cost of a title insurance policy to be subsequently issued pursuant to the title commitment.

(c) Survey. Seller will promptly provide to buyer a copy of any survey of the Overall Property in Buyer's possession. Buyer may, at its option, obtain a new or updated survey ("Survey") of the Real Property, as appropriate for a land division application. Any defects set forth on the Survey which are not objected to in writing from Buyer to Seller within the Feasibility Period shall be deemed accepted by Buyer and shall be "Permitted Encumbrances". If Seller is unable or unwilling to cure such defects by the Closing Date, then Buyer shall have the rights ascribed to Buyer the same as if Seller fails to cure a title defect.

(d) Buyer and Seller will cooperate to obtain a division of the Overall Property.

4. Contingencies. The obligation of Buyer and Seller to close under this Agreement is contingent upon approval of Seller's City Council. Buyer's obligations under this Agreement are subject to the satisfaction or waiver of each and all of the following conditions:

(a) Feasibility; Inspections and Investigations. Buyer shall complete any inspections and investigations of the Real Property (including without limitation environmental inspections, and of any easements, leases, and/or other encumbrances) and determining at Buyer's reasonable discretion that it is feasible and desirable for Buyer to own and operate the

Real Property in a manner and upon terms and conditions reasonably satisfactory to Buyer, and that Buyer, in its reasonable discretion, is satisfied with the results of its inspections and investigations of the Real Property. Except as provided in Section 3(b) with respect to title matters, Buyer shall have until Closing (the "Feasibility Period") to give Seller written notice of any objections to any material matter involving the Real Property. Seller shall then have five (5) days after receipt of such a written objection to cure the objectionable matter. Seller may, at any time after receipt of a timely objection from Buyer, terminate this Agreement rather than cure the objectionable matter, in which event the Deposit shall be returned to Buyer and the parties shall have no further rights or obligations hereunder except as otherwise specifically stated. If Seller attempts but does not or cannot cure an objectionable matter within such five (5) day period, then Buyer may, at any time before the completion of such cure, provide written notice to Seller terminating this Agreement, the parties shall have no further rights or obligations hereunder except as otherwise specifically stated. The Closing will be extended to accommodate any objections.

(b) Effect of No Notice. If Buyer fails to give Seller timely written notice of an objection to any material matter within the Feasibility Period, then any and all objections of Buyer shall be deemed waived, and the parties shall proceed to Closing.

(c) Land Division/Lot Split. Buyer and Seller will cooperate to obtain the approval of the City of Cadillac to a division of Seller's property to create a separate parcel for the Real Property. Buyer will complete all items necessary to obtain such approval, and Seller will sign any reasonably requested forms. Buyer and Seller have no obligation to close if the land division is not approved.

(d) Governmental Action. Except as specifically set forth herein, Seller has no obligation to take any action, or not take any action, in its role as a governmental entity.

5. Feasibility Period.

(a) Feasibility Period. During the Feasibility Period, Buyer will have full access to the Real Property during normal business hours for purposes of fully inspecting the same.

(i) During the Feasibility Period, Buyer and its employees, agents or contractors may go upon the Real Property for the purpose of making any investigations or inspections which Buyer deems necessary. Buyer shall use reasonable efforts to minimize any disturbance to the Real Property.

(ii) Buyer shall indemnify, defend and hold Seller harmless from and against any and all liens, claims, losses, damages and liabilities arising out of Buyer's (and/or its employees, agents or contractors) entry onto the Real Property prior to Closing. Any damage caused by such entry, inspections, testing or studies shall be promptly repaired by Buyer. The provisions of this Section shall survive the Closing or any termination of this Agreement.

(b) Closing.

(i) Closing Documents. The Closing will take place within thirty (30) days after approval of the land division described above. At the Closing, the following documents will be executed and delivered by and between the parties:

(A) Seller and Buyer will execute and deliver to each other a Closing Statement reflecting the manner in which the Purchase Price is allocated and paid.

(B) Seller will obtain, at Seller's cost, an owner's policy of title insurance in the form contemplated by Section 3(b).

(C) Seller will execute and deliver the warranty deed for the Real Property.

(D) The parties will execute such further documentation as is reasonably necessary to evidence and close the transaction.

(ii) Purchase Price. At the Closing, Buyer shall pay the Purchase Price in immediately available funds, subject to adjustment as provided below.

(iii) Closing Costs. At the Closing, the following expenses will be paid and the Purchase Price will be adjusted in accordance with the following provisions:

(A) Buyer will pay all real property taxes and assessments due or payable after Closing.

(B) Seller will pay any Michigan real property transfer tax applicable to this transaction. Buyer will be responsible for all recording fees pertaining to the deed.

(C) Seller and Buyer shall share equally any closing fees charged by the Title Insurance Company.

6. Possession. Seller will tender possession of the Real Property to Buyer at Closing.

7. Warranties and Representations; Covenants; AS-IS Condition.

(a) Warranties and Representations. Seller represents and warrants to Buyer as follows:

(i) Authority. Subject to the approval of Seller's City Council, Seller has the full capacity, right, power and authority to execute, deliver and perform this Agreement and all documents to be executed by Seller, and all required actions and approvals have been taken and obtained. The individuals signing this Agreement and all other documents executed or to be executed on behalf of Seller are and will be authorized to sign on Seller's behalf and to bind Seller.

This Agreement and all documents to be executed by Seller are and will be binding upon and enforceable against Seller.

(b) Buyer's Warranties and Representations. Buyer represents and warrants to Seller as follows:

(i) Authority. Buyer has the full capacity, right, power and authority to execute, deliver and perform this Agreement and all documents to be executed by Buyer, and all required actions and approvals have been taken and obtained. The individuals signing this Agreement and all other documents executed or to be executed on behalf of Buyer are and will be authorized to sign on Buyer's behalf and to bind Buyer. This Agreement and all documents to be executed by Buyer are and will be binding upon and enforceable against Buyer.

(c) Survival of Representations and Warranties. Any and all representations, warranties and agreements made by Buyer or Seller in this Agreement or in any instrument to be furnished pursuant to this Agreement will be true through and will survive the Closing. Each party agrees to notify the other promptly if it becomes aware of any transaction or occurrence prior to the Closing Date which would make any of their agreements, representations or warranties in this Agreement untrue in any material respect.

(d) "AS-IS" "WHERE-IS" Condition of Real Property

(i) BUYER ACKNOWLEDGES AND AGREES THAT IT IS PURCHASING THE REAL PROPERTY "AS-IS" "WHERE-IS" AND "WITH ALL FAULTS" WITHOUT ANY WARRANTIES, REPRESENTATIONS OR GUARANTEES, EITHER EXPRESS OR IMPLIED, OF ANY KIND, NATURE, OR TYPE WHATSOEVER FROM, OR ON BEHALF OF, SELLER. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, BUYER ACKNOWLEDGES AND AGREES THAT SELLER DISCLAIMS ANY AND ALL IMPLIED WARRANTIES CONCERNING THE REAL PROPERTY AND ANY PORTIONS THEREOF INCLUDING, BUT NOT LIMITED TO IMPLIED WARRANTIES OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

(ii) Buyer is relying strictly upon Buyer's due diligence, investigations and inquiries to make the decision to purchase the Real Property and to close. Upon Closing, Buyer will be deemed to have been fully satisfied with the results of its inspections and investigations regarding the Real Property. Seller has no obligation after Closing to cooperate in any approvals or permits or to take or not take any governmental action. Seller specifically disclaims any and all warranties or knowledge regarding the environmental condition regarding the Real Property. Seller advises Buyer to obtain environmental reports and studies regarding the Real Property. Buyer acknowledges that upon Closing, it will be deemed to have full knowledge regarding the Real Property.

8. Default.

(a) By Seller. Upon occurrence of any event of default by Seller, Buyer's sole remedy shall be to terminate this Agreement.

(b) By Buyer. If, after the satisfaction of all contingencies, Buyer refuses to close this transaction, Seller may terminate this Agreement.

9. Miscellaneous.

(a) Assignment. This Agreement may be assigned by Buyer with the written consent of Seller, which consent will not be unreasonably withheld. Buyer's assignee will enjoy the full rights and benefits of this Agreement as if it were Buyer, but Buyer shall remain fully liable hereunder.

(b) Eminent Domain. If, after the execution of this Agreement, but prior to Closing, all or any material portion (in Buyer's reasonable judgment) of the Real Property is taken by exercise of the power of eminent domain or any proceedings are threatened or instituted to effect such a taking, Seller will immediately give Buyer notice of such occurrence, and Buyer may, within fourteen (14) days after receipt of such notice, elect either (i) to terminate this Agreement, in which event the Deposit will be returned to Buyer and all obligations of the parties will cease and this Agreement will have no further force and effect, or (ii) to close the transaction contemplated hereby as scheduled (except that if the Closing Date is sooner than fourteen (14) days following Buyer's receipt of such notice, Closing will be delayed until Buyer makes such election), in which event Seller will assign and/or pay to Buyer at Closing all condemnation awards or other damages collected or claimed with respect to such taking.

(c) Notices. All notices, requests and demands to or upon any party to this Agreement must be in writing and delivered personally or mailed first class, postage prepaid. Notice will be deemed effective on the date postmarked, if by mail, or on the date of delivery, if personally delivered.

(d) Waiver. No provision in this Agreement may be waived except in a writing signed by the waiving party. No oral statements, course of conduct or course of dealing will be deemed a waiver. No waiver by any party of any violation or breach of this Agreement will be deemed or construed to constitute a waiver of any other violation or breach, or as a continuing waiver of any violation or breach.

(e) Binding Effect. This Agreement will be binding upon and inure to the benefit of the parties and their successors and assigns.

(f) Merger and Modification. This constitutes the entire Agreement between the parties and any prior discussions, negotiations and agreements between the parties are merged herein. No amendment or modification of this Agreement will be enforceable except if in writing and signed by the party against whom enforcement is sought.

(g) Governing Law. This Agreement is governed by the laws of the State of Michigan.

(h) Professional Representation. Each of the parties shall pay all of the costs that it incurs incidental to this Agreement and the performance of any related obligations, whether or not the transactions contemplated by this Agreement are consummated. The parties have had a full and fair opportunity to consult with advisors of their choosing regarding this Agreement and the transactions contemplated herein. The parties enter into this Agreement knowledgeably and voluntarily. This Agreement shall be construed in a reasonable manner consistent with good faith and as if the parties had jointly drafted it.

(i) Severability. Any terms of this Agreement that may be found to be contrary to law or otherwise unenforceable will not affect the remaining terms of this Agreement, which will be construed as if the unenforceable terms were absent from this Agreement.

(j) Time of Performance. Time is of the essence of this Agreement.

(k) Execution in Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which when taken together shall constitute one and the same Agreement. The delivery of an executed signature page to this Agreement by facsimile, electronic or telecopy transmission shall constitute due execution and delivery of this Agreement for all purposes.

10. Acknowledgment. By signing this Agreement, the parties acknowledge that they have read this document, they know its contents and they are voluntarily signing it.

(Signatures on Following Page)

BUYER:

INLAND LAKES MACHINE INC.

By: _____
Print Name: _____
Its: _____

SELLER:

CITY OF CADILLAC

By: _____
Print Name: Carla J. Filkins
Its: Mayor

And By: _____
Print Name: Keri Lanning
Its: Deputy 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 Engels
Stephen King
Bryan Elenbaas

RESOLUTION NO. 2023-3505

**RESOLUTION TO INTRODUCE AND SET PUBLIC HEARING FOR
AN ORDINANCE TO AMEND THE CITY ZONING MAP**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the _____ day of _____ 2023, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by
_____ and seconded 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 desires to amend the City's Zoning Ordinance to change the R-2, zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

LOTS 9,10,11 & THE E 10 FT OF THE E 80 FT OF LOT 21 & ENTIRE LOTS 22 & 23 AND 24, BLOCK I COBBS & MITCHELLS SECOND ADD.-COOLEY PLAYGROUND, CITY OF CADILLAC WITH THE EXCEPTION OF THE SOUTHERNLY 190 FEET

(Tax identification No. 10-051-00-125-00) (the "Parcel")

to the RM-1 zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments; and

WHEREAS, the Planning Commission voted to recommend the proposed amendments to the City Council; 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. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2023-07, An Ordinance to Amend The City Zoning Ordinance (the “Ordinance,” attached as Exhibit A).

2. A public hearing regarding the Ordinance shall be held on the 19th day of June 2023, at 6:00 p.m.

3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) 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)

I, Keri Lanning, Deputy City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2023-____, duly adopted at a meeting of the City Council held on the _____ day of _____ 2023.

Keri Lanning
Deputy City Clerk

Exhibit A:

ORDINANCE NO. 2023-07

AN ORDINANCE AMENDING THE CITY ZONING MAP

THE CITY OF CADILLAC ORDAINS:

Section 1.

The City hereby amends the City Zoning Map to change the R-2 zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

LOTS 9,10,11 & THE E 10 FT OF THE E 80 FT OF LOT 21 & ENTIRE LOTS 22 & 23 AND 24, BLOCK I COBBS & MITCHELLS SECOND ADD.-COOLEY PLAYGROUND, CITY OF CADILLAC WITH THE EXCEPTION OF THE SOUTHERNLY 190 FEET

(Tax identification No. 10-051-00-125-00)(the "Parcel")

to the RM-1 zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

Section 2.

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

Section 3.

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

Section 4.

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

Approved this ____ day of _____, 2023.

Exhibit B:

NOTICE OF PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On June 5, 2023, the City Council of the City of Cadillac introduced Ordinance No. 2023-07, An Ordinance Amending the City Zoning Map. Pursuant to Section 5.2 of the City Charter, the City Council shall hold a public hearing on the Ordinance.

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on June 19, 2023, at 6:00 p.m., at a Regular 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 least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

ORDINANCE NO. 2023-07

AN ORDINANCE AMENDING THE CITY ZONING MAP

Section 1 of the proposed ordinance amends City Zoning Map to change the R-2 zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

LOTS 9,10,11 & THE E 10 FT OF THE E 80 FT OF LOT 21 & ENTIRE LOTS 22 & 23 AND 24, BLOCK I COBBS & MITCHELLS SECOND ADD.-COOLEY PLAYGROUND, CITY OF CADILLAC WITH THE EXCEPTION OF THE SOUTHERNLY 190 FEET

(Tax identification No. 10-051-00-125-00)(the "Parcel")

to the RM-1 zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

Section 2 of the proposed ordinance states that should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3 of the proposed ordinance states all other ordinances inconsistent with the provisions of the proposed ordinance are hereby repealed but only to the extent necessary to give the proposed ordinance full force and effect.

Section 4 of the proposed ordinance states that the proposed ordinance shall take effect twenty (20) days after its adoption.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

By: Keri Lanning, Deputy City Clerk
Cadillac Municipal Complex
200 Lake Street
Cadillac, Michigan 49601
Telephone No: (231) 775-0181

26499:00004:7141310-1



Planning Commission
February 27, 2023 Meeting Minutes

Call to Order

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

Roll Call

Planning Commission: Filkins, Putvin, Baumann, Rice, Bosscher, & Fent

Bunce arrived at 6:05 PM

Staff: Wallace, Peccia, Coy, & Leslie Abdoo with Foster Swift who attended remotely

Approval of Agenda for February 27, 2023

- A. Motion to approve the agenda by Filkins. supported by Baumann.
 - a. Motion approved unanimously.

Approval of October 24, 2022, Meeting Minutes

- A. Motion to approve the minutes by Baumann, support by Filkins.
 - a. Motion approved unanimously.

Public Hearings

- A. Request to rezone the property located at 128 E. Pine St. from its current zoning of OS-2 Office Service District to B-2 Central Business District. The applicant Matthew McCaul-Stillman, 113 Devillen, Royal Oak, MI attended the meeting remotely.

Putvin turned the meeting over to Wallace who discussed the staff report he prepared. He explained Mr. Stillman's application which included a narrative and how he wishes to use the home for both his family's vacation usage along with offering the property for short term rental usage. Wallace included information on the surrounding neighboring properties zoning and usage. He also showed photos of 128 E. Pine and neighboring properties on the overhead screens. The B-2 zoning allows for short term rental usage as permitted by right. He added that the city received no written correspondence from the public either for or against this rezoning application.

After Wallace spoke Mr. Stillman spoke and explained his plans for usage of the property for both his family's use and as a short-term rental. He has experience with owning other short-term rental properties in other northern Michigan communities. The home at 128 E. Pine has security cameras in both the front and rear of the property. It also has a monitor installed that records decibel levels of the guests. The home has six bedrooms, three baths, an indoor, outdoor patio and pool which make it an ideal vacation property for family gatherings. He also does not rent the property for periods less than three days.

Putvin opened the meeting for any public comment on this application and there was none. He opened the meeting for commission discussion.

Baumann talked and said he feels rezoning should be a part of a broader public discussion because the issue of zoning is bigger than rezoning one parcel. He added that he feels the proposed use of this property makes sense and that he's not necessarily opposed to the use but would like a broader discussion on this neighborhood that is zoned OS-2.

Wallace added that he didn't feel that decades ago when the current zoning ordinance was written that short term rentals such as Airbnb's were not an issue considered. Peccia added that while we in general are taught to discourage Spot Zoning, he didn't feel this was an example. Mayor Filkins spoke and said that the Michigan Municipal League (MML) encourages communities to streamline their development processes to encourage developers to come invest in our city.

Stillman said that families and friends like to vacation in groups to experience a destination location. He feels that this is part of the attraction for his property at 128 E. Pine Street, which is located close to downtown shopping and dining.

Rice added that many of the homes in this OS-2 district immediately south of 128 E. Pine are currently rental income properties. Bosscher asked Coy a question regarding the downtown B-2 zoning and apartments. Coy answered that they are allowed by right on floors other than street level.

Fent asked Wallace to go over the motion in Wallace's staff report for clarity. Fent made a motion to approve the rezoning application as presented by Wallace, supported by Bunce.

The roll call vote was:

Aye's – Rice, Filkins, Bunce, Bosscher, Fent, and Putvin

Nay's – Baumann

The motion passed.

New Business - None

Old Business - None

Communications – None

Public Comments - none

Other Business – None

Adjourned at 6:51 PM



Planning Commission
May 22, 2023 Meeting Minutes

Call to Order

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

Roll Call

Planning Commission: Bosscher, Bunce, Filkins, Putvin, Fent, Rice, Host
Staff: Wallace, Peccia, Coy

Approval of Agenda for May 22, 2023

- A. Motion to approve the agenda by Filkins. supported by Fent.
 - a. Motion approved unanimously.

Approval of February 27, 2023 Meeting Minutes

- A. Motion to approve the minutes by Fent, support by Putvin.
 - a. Motion approved unanimously.

Public Hearings

- A. Request for a Special Land Use (SLU) to allow for a tattoo parlor at the address of multiple office suites located at 1027-1039 N. Mitchell Street. There are multiple business suites in the building. This is in a B-3 General Business commercial district.

Putvin turned the meeting over to Coy who discussed the staff report he prepared. He also put on the screens an aerial GIS showing the location and surrounding businesses. Tattoo Parlor's are described under the City Ordinance as Adult Businesses and have additional conditions for approval. The only condition the site does not meet is the location rule regarding a 300-foot radius from any residence, dwell place, daycare facility, church, public park, or school. The Planning Commission may waive this requirement. Coy spoke about other tattoo parlor businesses that in the past were within 300 feet of residences. He added that the location on E. River where tattoo parlors were previously located he counted 25 residential homes within 300 feet. Coy also discussed the conditions for approval of a Special Land Use.

Putvin opened the meeting for any public comment on this application. Melissa Hanford the applicant spoke about improvements she has made to the building since she purchased the site five years ago and future improvements including signage she plans to make. She explained that the building has 15-16 available suites. A couple commission members commented that they are aware of tattoo parlors in the city at other locations within the B-3 district. Putvin asked what the hours of operation would be for the tattoo parlor. Hanford answered that depending on appointments the owner may operate on Saturdays and possibly an occasional Sunday.

Rice made a motion to approve a Special Land Use (SLU) for tattoo parlors at the commercial building located at 1027-1039 N. Mitchell Street. Support from Fent. On a roll call vote the motion passed unanimously.

New Business

- A. Property line adjustment, lot split for parcel with Tax ID #10-067-00-013-00 on E. Chapin Street. Putvin turned the meeting over to Coy who discussed the staff report he prepared. The applicant Ron and Kara Pifer who live at 817 E. Chapin Street own the parcel described above which abuts their home parcel. They wish to do a Property Line Adjustment or transfer of 25 feet from the vacant lot which has 252 feet of frontage on E. Chapin Street to the lot with Tax ID# 10-067-00-018-00 which their home sits on. Because these parcels are in a platted neighborhood this is the reason it is being brought before the Planning Commission. This transfer will widen their homestead lot from 75 feet to 100 feet. The applicants were not present. Coy added that he reviewed and approved a similar request two weeks ago and was able to administratively approve it because it was a parcel not in a platted neighborhood. Both parcels will be conforming with the size and width requirements for the R-2 One-family zoning district.

He opened the meeting for commission discussion. Rice commented that similar requests were brought before the commission in the past and that he was in favor. Coy added that at the time an approval is sent to the Wexford County Equalization Department included will the approval for a Combining of Properties application.

Fent made a motion to approve the property line adjustment as presented. Support from Rice. On a roll call vote the motion passed unanimously.

Old Business - Update

The Krist Oil gas station, convenience store located at N. Mitchell Street's display of products on the west side of the building's sidewalk where perpendicular parking is located. On the overhead screens he showed a picture of the violation. He described that when this Planning Commission approved the SLU for Krist Oil a condition was that no display of product in the parking area could be on the sidewalk. The reason was that Krist Oil only wanted to construct a five-foot wide sidewalk. He added that the new J & H Oil gas station and Dollar General convenience store have eight-foot wide sidewalks where the perpendicular parking is located for this reason.

Coy said that along with mailing a letter to Krist Oil regarding the violation of the SLU he has left two messages for their Northern Michigan Operations Manager to call him. The phone messages have not been returned. Fent said he remembers the specific discussion the Planning Commission had prior to approving the SLU and the display of product as a condition if they were to only build a five-foot sidewalk. Coy ended by saying there will be additional follow up with Krist Oil.

Communications

Putvin spoke and asked why the Planning Commission (PC) was not made aware of a letter sent to the owner of 128 E. Pine Street prior to the PC rezoning public meeting and that the owner continued to advertise the property for short-term rental? He only heard about it from the City Council meeting where City Council turned down the request for rezoning. Bunce added that it concerned him also.

Peccia spoke and answered the question. He also spoke about the updated Zoning Ordinance public meeting being held on June 13, 2023 at the new Water Department building on 44 Road. He encouraged the Planning Commission and public to attend. Short term rentals in residential zoned neighborhoods will be addressed.

Public Comments

Melissa Hanford spoke and let the Planning Commission know that she is hopeful to add a pool hall to one of the businesses in her complex. She asked if she would need to come back before this commission for approval. Coy spoke and said in the B-3 District a pool hall would be allowed as a use permitted by right.

*Section 46-458(4) in the TS Service District specifically addresses billiard parlors as a use permitted without the need for a SLU. Section 46-426(1) in the B-3 General Business District under **Uses Permitted** reads that any retail or service establishment principal uses permitted in the TS District is allowed in the B-3 District.*

Troy Baxter spoke and said he does not feel any short-term rental should be allowed in our one-family residential districts. He feels discussions have only talked about restrictions in the R-1 One-Family districts.

He also spoke about the upcoming Special Planning Commission meeting at 2:00pm on May 31st. He felt the timing does not allow person's in the surrounding area who work to attend and questioned why this meeting time was chosen? The answer given was that being a special meeting the timing needed to fit the schedule of the Planning Commission members who could attend. This type of scheduling is not uncommon for Special Meetings and the commission members were given multiple possible meeting dates and times.

Other Business – None

Adjourned at 6:52 PM