



City Council Meeting

May 20, 2024

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



May 20, 2024 City Council Meeting Agenda
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

We are fully present

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

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

III. CONSENT AGENDA

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

- A. Minutes from the regular meeting held on May 6, 2024
Support Document III-A

IV. COMMUNITY SPOTLIGHT

- A. Special Life-Saving Recognition
- B. General Orlando M. Poe Camp 444 – Sons of Union Veterans of the Civil War

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V. FOIA APPEAL

- A. FOIA Appeal received from Mr. William Barnett.
Support Document V-A

VI. CODE ENFORCEMENT

- A. Update regarding Code Enforcement.

VII. PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance 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.
Support Document VII-A
- B. Public hearing to consider adoption of Ordinance to Amend Section 42-374 Chapter 42 of the City Code to Adjust Sewer Rates in the City of Cadillac.
Support Document VII-B
- C. Public hearing to consider adoption of Ordinance Establishing General Appropriations Act for Fiscal Year 2025.
Support Document VII-C

VIII. APPOINTMENTS

- A. Recommendation regarding reappointment to the Cadillac-Wexford Transit Authority.
Support Document VIII-A
- B. Recommendation regarding appointment to the Cadillac-Wexford Airport Authority.
Support Document VIII-B
- C. Recommendation regarding appointment to the Zoning Board of Appeals.
Support Document VIII-C

IX. CITY MANAGER'S REPORT

- A. Bids and recommendation regarding Annual Auditing Services.
Support Document IX-A
- B. Recommendation regarding IT Services.
Support Document IX-B
- C. Recommendation regarding purchase of a Dump Truck.
Support Document IX-C

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X. INTRODUCTION OF ORDINANCES

A. Adopt resolution to introduce Ordinance to Approve Granting of an Easement to Consumers Energy Company for Electric Facilities and set a public hearing for June 17, 2024.

Support Document X-A

B. Adopt resolution to introduce Ordinance to Make Violations of Blight Prevention Provisions Municipal Civil Infractions and set a public hearing for June 3, 2024.

Support Document X-B

XI. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution regarding Local Governmental Unit Approval for Social District Permit for Mi Mezcal Mexican Grill.

Support Document XI-A

XII. 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.

XIII. GOOD OF THE ORDER

XIV. 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 6, 2024

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, King, Mayor Filkins

Council Absent: Engels

Staff Present: Roberts, Dietlin, Homier, Wasson

APPROVAL OF AGENDA

2024-062 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

David Maynard expressed support for the utilities rate increases.

CONSENT AGENDA

2024-063 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance Vacating Certain Streets and Alleys and Reserving a Public Utility Easement in Favor of the City of Cadillac.

Owen Roberts, Director of Finance, noted this is regarding the vacation of streets and alleys by the new jail facility that is owned by Wexford County and reserving a public utility easement in favor of the City of Cadillac.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2024-064 Adopt Ordinance 2024-03.

Motion was made by Schippers and supported by Elenbaas to approve the resolution to adopt Ordinance Vacating Certain Streets and Alleys and Reserving a Public Utility Easement in Favor of the City of Cadillac.

Motion unanimously approved.

COMMUNICATIONS

A. Memorial Day Parade

2024-065 Approve parade route for Memorial Day Parade.

Motion was made by Elenbaas and supported by King to approve the parade route for the Memorial Day Parade on May 27, 2024.

Motion unanimously approved.

B. Back to the Bricks Car Show

2024-066 Approve street closure for Back to the Bricks Car Show.

Motion was made by Elenbaas and supported by Schippers to approve the closure of Mitchell St. from Cass St. to Nelson St. from 12:00 pm to 7:00 pm on June 9, 2024 for the Back to the Bricks Car Show.

Motion unanimously approved.

C. Bandit Run

2024-067 Approve street and parking lot closures for the Bandit Run.

Motion was made by Elenbaas and supported by Schippers to approve the closure of Cass St. from Mitchell St. to Lake St. and the closure of the Cadillac Commons Plaza parking lot from 10:00 am to 2:00 pm on June 10, 2024 for the Bandit Run.

Motion unanimously approved.

D. UpBeat Cadillac

2024-068 Approve street closure for UpBeat Cadillac.

Motion was made by Schippers and supported by Elenbaas to approve the closure of Lake St. from Harris St. to Cass St. from 5:00 pm to 9:00 pm on Thursdays from June 20, 2024 through August 22, 2024 for UpBeat Cadillac.

Motion unanimously approved.

Mayor Filkins requested that we hold UpBeat Cadillac accountable for making sure vehicles are pulled away from the Pavilion and moved to the parking lot once they have been unloaded.

E. Model T International Group

2024-069 Approve street and parking lot closures for the Model T International Group.

Motion was made by Elenbaas and supported by Schippers to approve the street and parking lot closures from 12:00 pm to 6:00 pm on July 15, 2024 as presented for the Model T International Group.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding appointment to the Downtown Development Authority.

2024-070 Approve appointment to the Downtown Development Authority.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Malorie Bosscher to the Downtown Development Authority for a 4-year term to expire on May 6, 2028.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Bids and recommendation regarding Grinder Pump Replacement.

Roberts noted this is regarding a grinder pump replacement for the bathroom facility near the Rotary Performing Arts Pavilion. He stated the recommendation is to install a duplex grinder pump system. He noted three (3) bids were received and the recommendation is to award the replacement to the lowest bid, Franke Septic Services, in the amount of \$25,500.

Mayor Filkins noted the bathrooms are not open yet and there are no porta-potties in that area.

Roberts noted there was vandalism to the porta-potties so they were removed.

Mayor Filkins asked if the porta-potties could be replaced until the bathrooms are opened.

Roberts stated we will work with the vendor on replacing them.

Elenbaas asked if there is an anticipated date when the bathrooms will be opened for the season.

Roberts stated there is no specific date available at this time, but Memorial Day is typically the target date.

2024-071 Award replacement of grinder pump.

Motion was made by Elenbaas and supported by Schippers to award the replacement of the grinder pump in the lakefront bathroom to Franke Septic Services in accordance with their bid.

Motion unanimously approved.

B. Bids and recommendation regarding Ventilation Fans.

Roberts noted this is regarding the purchase of battery-powered ventilation fans for the Cadillac Fire Department. He stated these fans are used to clear smoke at fire scenes. He noted six (6) bids were received and the recommendation is to award the purchase to the lowest compliant bid, W.S. Darley & Co. He stated the lowest bid did not include all of the required equipment.

2024-072 Award purchase of ventilation fans.

Motion was made by Schippers and supported by Elenbaas to award the purchase of ventilation fans to W.S. Darley & Co. in accordance with their bid.

Motion unanimously approved.

INTRODUCTION OF ORDINANCES

- A. Adopt resolution to introduce Ordinance 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 and set a public hearing for May 20, 2024.

Roberts stated the three (3) ordinances are related to the next budget year. He noted the proposed change to the water and sewer rates is 3.5% and a presentation will be provided at the next meeting prior to the public hearing.

2024-073 Set public hearing for Ordinance 2024-04.

Motion was made by Schippers and supported by King to adopt the resolution to introduce Ordinance 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 and set a public hearing for May 20, 2024.

Ayes: Schippers, King, Mayor Filkins

Nays: Elenbaas

Motion carried.

- B. Adopt resolution to introduce Ordinance to Amend Section 42-374 of Chapter 42 of the City Code to Adjust Sewer Rates in the City of Cadillac and set a public hearing for May 20, 2024.

2024-074 Set public hearing for Ordinance 2024-05.

Motion was made by Schippers and supported by King to adopt the resolution to introduce Ordinance to Amend Section 42-374 of Chapter 42 of the City Code to Adjust Sewer Rates in the City of Cadillac and set a public hearing for May 20, 2024.

Ayes: Schippers, King, Mayor Filkins

Nays: Elenbaas

Motion carried.

- C. Adopt resolution to introduce Ordinance Establishing General Appropriations Act for Fiscal Year 2025 and set a public hearing for May 20, 2024.

King stated he is concerned because at the last Planning Commission meeting it was raised publicly by a staff member that we did not have the resources in our budget to enforce our ordinances. He noted that we have had public hearings where we have told the public that we have no problem enforcing our ordinances. He asked what we need to do before the budget is approved to make sure that if we really don't have the resources we need included we address that by increasing the budget if necessary.

Mayor Filkins stated she feels good about the plan.

Roberts stated that has been a regular topic of conversation. He noted there is going to be a work session scheduled in the near future to discuss the plan. He stated the funding was added to the budget for some additional staff resources and that plan begins July 1, 2024. He noted he believes we have a good plan to move forward with the additional resources that were added to the budget.

King asked if that is just the \$24,000 that is in the budget.

Mayor Filkins stated it is, but the City Manager has been working with staff and the way that they are going to manage this is shifting some responsibilities around so while we are hiring a part-time person they are going to be picking up some of the other responsibilities and then one of our staff members is going to become the full-time enforcement officer.

King stated he sent the Manager a text on April 26th when he became aware of this and copied the Mayor. He noted he hasn't heard anything back, so he is glad there is discussion but, as a Council Member, if there has been action discussed and he hasn't heard about it that is another huge concern. He stated he has received calls from numerous people asking what is going on because they were promised at hearings that we did have the money in the budget to enforce plus the ability to do it. He noted we then had a staff member saying he didn't have the time, nor did he have the money available to him to do it.

King reiterated that he contacted the Manager and has not heard back from him. He noted citizens are mad and he is mad. He stated he doesn't understand why the Manager hasn't gotten back to him when there have been discussions going on. He then inquired if Council Members Elenbaas and Schippers were aware of those discussions. Both Council Member Schippers and Council Member Elenbaas indicated they have not been contacted. He stated we cannot operate this way.

Roberts noted for clarification the money added into the budget is not available until July 1, 2024. He stated we are trying to ramp up so when that date comes and we have those funds available we are ready with a plan that we can execute.

King noted during the work session staff was informed that if additional money was needed, Council would commit it at that time. He stated he doesn't want to get to July 1st when we have citizens saying we are still having problems with enforcement, whether it's short-term rentals or blight or whatever it is with only \$24,000 in the enforcement budget and find out we need more. He noted he would rather address it right now.

Mayor Filkins noted she knows staff has been having very productive conversations and she is looking forward to the planned work session because that will be open to public and our enforcement staff and department managers will be there. She stated it will be a great opportunity to understand how we are holding people accountable in the enforcement process.

Mayor Filkins noted it is unfortunate what was said at a Planning Commission meeting and that has been addressed. She stated staff has been working hard to put together a session that will allow everybody to understand that we are planning to take this very seriously and it's not going to be a \$24,000 a year position it's going to be a full-time person.

King stated he would like an update from staff. He noted if the number isn't adequate, he wants it to come before Council and not be last minute when people are stating they are not being served by the City.

Roberts noted the real evaluation for that will come with the efforts beginning July 1st. He stated many of the code enforcement issues are seasonal with blight, weeds, grass, and trash. He noted the message is received and we know that is an area we all want to make sure we are committing adequate time and resources to. He stated he believes what we have planned will be effective and the resources will be adequate.

2024-075 Set public hearing for Ordinance 2024-06 (motion failed).

Motion was made by Schippers and supported by Elenbaas to adopt the resolution to introduce Ordinance Establishing General Appropriations Act for Fiscal Year 2025 and set a public hearing for May 20, 2024.

Ayes: Schippers, Mayor Filkins

Nays: Elenbaas, King

Motion failed.

Roberts asked if there is a discussion we can have now that would get us to a place where we are comfortable having the public hearing on the budget in two weeks.

King noted he believes we have let the citizens down. He stated if the public comments made by that staff member have been dealt with he is not aware of it. He noted it was stated by the staff member that he didn't have the resources to perform his job or the funds there to perform his job. He stated that talking about it tonight without having discussion which is what he wanted to have over the past couple of weeks, he's not sure he is comfortable making a decision for a public hearing that is that important without the information that is necessary.

Roberts stated the public hearing doesn't necessarily need to result in approval of the budget that night so if we are still able to move forward with a public hearing on that night and we have not responded satisfactorily to the concerns regarding this particular issue we could table a vote. He noted we would have between May 21st and May 31st if we need to schedule a special session which we have done in the past. He stated the hope would be that we could get to a point where that vote could take place but if not that would still leave adequate time to attempt to address any concerns and still have the budget at the required timeline of the Charter. He noted if we are not able to set a public hearing tonight his concern would be we would fall outside the second half of May approval because there are notification requirements for a public hearing. He stated if we have that public hearing perhaps then as we work hard to provide a satisfactory response to the enforcement issue then we would still have that period of ten days where we could try and move to a place of approving the budget.

Mayor Filkins stated she is a member of the Planning Commission and she spoke to the City Manager directly after the meeting. She noted when she spoke to Council Member King, she indicated she was very willing to sit down with him and the City Manager to talk about the concerns. She stated she can commit to Council Member King that when the City Managers gets back we will sit down with him and make sure to have a conversation to address those concerns.

Roberts asked Council Member King if he received an email related to this issue on April 26th because he is looking at a response that was provided.

King stated that was the email where he asked the Manager to share his text with Council, which he believes did happen, but he also had a specific request for the Manager to contact him and provide him with an update. He noted that email went through but the request for information has not occurred. He stated he believes this issue is so important and the trust of the public is so important and when we had meetings where we said we had everything we needed then to have the message come that the person we thought was handling it said he didn't have time. He noted he wants to support staff to make sure we have the money in the budget to do it but he wants to know it's been thought about and July 1st is too late to say we are starting the review process when we told everybody we were enforcing all the way back and people are saying they aren't seeing it.

King stated if \$24,000 is not enough he wants the public to know that this Council is going to put the money into enforcement that is needed. He noted we have ordinances and we have to enforce them. He stated the public feels let down at this point.

Mayor Filkins stated in the discussions she has been involved in they do understand that we as a Council have committed if they need this, they need to ask Council and we will make that happen. She noted she believes they are trying to be good stewards of the resources that are entrusted to them by working with the staff we have using that original \$24,000 and still making this happen rather than coming and saying we need \$65,000 and we really don't.

King stated the concern he has of whether \$24,000 is the right number or not is because his understanding from talking to other people that attended the Planning Commission meeting was the message was made clear that specific enforcement hadn't been followed up on for at least two issues totally unrelated to short-term rentals. He noted the explanation that was given to the Planning Commission was because we don't have the resources to enforce. He stated the members of the Planning Commission that talked to him said how can we even do our job if this is what staff is telling us.

Mayor Filkins noted what she found out after that meeting was that it was not an accurate statement and they are going to provide us the information on what had been done so far, what was being handled by the attorneys, and where we were in that enforcement. She stated it is all going to be shared with Council and the public in that meeting but if we need to have a conversation before then, she is committed to that.

King stated he believes we do and it concerns him that he hasn't heard back from the Manager. He noted it worries him to make decisions when he doesn't have information.

Roberts reiterated if we are able to get to a place tonight where we can establish that public hearing, it gives us our best chance of approving the budget within the requirements of the Charter. He noted setting the public hearing and even holding the public hearing doesn't commit to a vote that night but it does allow us to meet the publication requirements.

Mayor Filkins asked Council Member King if we can support the staff by setting the public hearing. She noted as stated by Owen Roberts we don't have to take the vote that night.

King stated minimally if we are going to set a public hearing on that night we would have to have an agenda item before the public hearing for a report on enforcement and the amount for enforcement so that we have the information.

Mayor Filkins asked Council Member King if he wants that in a work session or in the regular Council meeting.

King stated he believes we should have it in the regular Council meeting so the public is able to come, hear it, and address it. He noted he is hoping that this spurs communications with the entire Council that if more money is needed we could ask Owen Roberts to amend the budget or at least have the ability to tell Council what was available in the budget if Council asked to add to that amount for enforcement.

Roberts noted based on our discussions we feel the money is adequate and we will have a good plan to move forward. He stated the message is clear that this is an area where we want to focus and we are committed to that.

Elenbaas stated he wouldn't mind having a work session concerning this for the entire Council.

Mayor Filkins stated we really needed that work session to happen probably before now then everyone would be aware of some of the solutions staff is coming with.

2024-076 Set public hearing for Ordinance 2024-06 (not supported).

Motion was made by Schippers to adopt the resolution to introduce Ordinance Establishing General Appropriations Act for Fiscal Year 2025 and set a public hearing for May 20, 2024.

King asked to amend the motion to say an agenda item will be added prior to that date for staff to provide an enforcement update with specifics on how enforcement will be done and what money is available for enforcement.

2024-077 Set public hearing for Ordinance 2024-06 (as amended).

Motion was made by Schippers and supported by Elenbaas to adopt the resolution to introduce Ordinance Establishing General Appropriations Act for Fiscal Year 2025 and set a public hearing for May 20, 2024 as amended (as stated by Council Member King).

Roberts clarified that the amendment would require an agenda item prior to the public hearing.

Schippers noted it would be great if that information could be sent electronically prior to the meeting.

Motion unanimously approved.

PUBLIC COMMENTS

Andy VanAlst stated he is unclear about who is in charge of zoning enforcement. He recommended pickleball courts be located in a central facility.

Rick Torress recommended the zoning ordinance be amended to impose fines on people that are

continuing to rent their homes where short-term rentals are prohibited.

Joe Porterfield, Wexford County Administrator, thanked staff and City Council for approving the vacations.

Kathy Morin, Executive Director Cadillac Area Visitors Bureau, noted they recently launched an ORV/OHV scenic ride in Wexford County.

Carol Bahorski discussed concerns regarding a lack of transportation after a middle of the night discharge from the hospital.

GOOD OF THE ORDER

Schippers noted the Cadillac Mayor's Youth Council will be hosting the following movies in the park:

- June 14, 2024 – Cars
- July 26, 2024 – The Fox and the Hound
- August 16, 2024 – Zootopia

Schippers noted they are looking for sponsors who are willing to make donations to help cover the cost of the movies. She stated they have some graduating seniors and she invited high school age youth to join the Mayor's Youth Council.

Elenbaas noted if anyone rides a bike and is looking for a trail to ride the Michigan Trail Magazine is a good resource and is available at the Cadillac Area Visitors Bureau.

King invited people to attend the meeting on May 20, 2024 to provide their input and hear about enforcement. He noted he doesn't want citizens to feel they are not being heard and are not receiving service because we are not enforcing our ordinances. He added he also wants citizens to know how to ask for those enforcement services in an easy manner.

Roberts noted the bridge has been completed. He stated the speakers will be installed at the Pavilion this week. He noted Saturday, May 11th is the Household Hazardous Waste Disposal Day and Saturday, May 18th is Parks Clean-up Day.

Jeff Dietlin, Director of Utilities, noted four (4) tires from each City or County resident will be accepted at the Household Hazardous Waste Disposal Day.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra Wasson, City Clerk

From: [REDACTED]
To: [Todd Keway](#)
Subject: Amended FOIA —Five Years back/2021/2022
Date: Sunday, April 14, 2024 9:40:54 PM

Dear Mr. Todd Keway.

I request, by way of the FOIA, the following:

Everything in the city's possession related to testing or testing results from the LDFA for PFAS or MTBE.

All City of Cadillac and/or LDFA communications to and/or from EGLE and/or EPA regarding PFAS and/or MTBE within the last Five years.

Also all records, emails, letters, documents, notes, memos etc pertaining to PFAS or MTBE as to the LDFA or Lakes Cadillac or Mitchell or the Clam River in your possession over that same time period(FIVE years)

All communications back and forth regarding the recent request/denial of testing for PFAS and/or MTBE between EGLE, EPA, LDFA and/or the City of Cadillac.

All minutes of LDFA meetings including the topic of PFAS and/or MTBE within the last ten years.

The positive PFAS test results from 2021 and 2022 from Cadillac's industrial park and or LDFA area. Thank you.

Bill Barnett

[REDACTED]

Cadillac, Mi

From: [FOIA](#)
To: [REDACTED]
Subject: FOIA Extension
Date: Monday, April 22, 2024 3:45:00 PM

Good Afternoon Bill:

Your Freedom of Information Act request sent by email on April 14, 2024, is acknowledged and considered received by the City on April 15, 2024. This letter serves as notice in accordance with §5(2)(d) of the Freedom of Information Act that the City of Cadillac is extending the time to respond to this request by up to 10 business days in order to have adequate time to search for and review documents.

The City will respond to your request by May 6, 2024, by doing one of the following: (1) granting the request, (2) issuing a written notice denying the request, or (3) granting the request in part and issuing a written notice denying the request in part.

Should you have any questions, please feel free to contact me at (231) 775-0181 ext 7341.

Respectfully,

TODD KEWAY
FOIA Coordinator
City of Cadillac
200 North Lake St / Cadillac, MI 49601
P – (231) 775-0181 ext 7341
F – (231) 306-6005
www.cadillac-mi.net

-----Original Message-----

From: [REDACTED]
Sent: Sunday, April 14, 2024 9:41 PM
To: Todd Keway <tkeway@Cadillac-MI.net>
Subject: Amended FOIA —Five Years back/2021/2022

Dear Mr. Todd Keway.

I request, by way of the FOIA, the following:

Everything in the city's possession related to testing or testing results from the LDFA for PFAS or MTBE.

All City of Cadillac and/or LDFA communications to and/or from EGLE and/or EPA regarding PFAS and/or MTBE within the last Five years.

Also all records, emails, letters, documents, notes, memos etc pertaining to PFAS or MTBE as to the LDFA or Lakes Cadillac or Mitchell or the Clam River in your possession over that same time period(FIVE years)

All communications back and forth regarding the recent request/denial of testing for PFAS and/or MTBE between EGLE, EPA, LDFA and/or the City of Cadillac.

All minutes of LDFA meetings including the topic of PFAS and/or MTBE within the last ten years.

The positive PFAS test results from 2021 and 2022 from Cadillac's industrial park and or LDFA area. Thank you.

Bill Barnett
[REDACTED]



Cadillac, Mi



200 North Lake Street • Cadillac, Michigan 49601
231.775.0181 • fax 231.775.8755
www.cadillac-mi.net

April 29, 2024

William Barnett



Cadillac, MI 49601

Dear Mr. Barnett:

Re: Freedom of Information Act

The City of Cadillac received your Freedom of Information Act request. The City has granted your request in part for all non-exempt information. However, the City has also denied your request in part as follows:

Everything in the city's possession related to testing or testing results from the LDFA for PFAS or MTBE.

Pursuant to the FOIA, a requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233(1). The request for "everything in the city's possession" is vague and overbroad. Further, the request did not include a time frame limitation. Thus, you are requesting records for the entire history of the City. Under a similar circumstance, a request for records that span over a vast amount of time has been held to be over broad. *Capitol Information Ass'n v Ann Arbor Police*, 138 Mich App 655; 360 NW2d 262 (1984); OAG, 1978-1979, No. 5500, p 255 (July 23, 1979).

However, to the extent that the City can identify documents, your request is granted in part. Your request is granted in part for non-exempt documents. Your request is denied in part because certain correspondence or portions of correspondence you requested were subject to attorney-client privilege and therefore exempt from disclosure under Section 13(1)(g) of the FOIA. MCL 15.243(1)(g). The records you requested contain confidential communications for the purpose of providing legal advice and are subject to attorney-client privilege. For that reason, the information is exempt from disclosure under Section 13(1)(g) of the FOIA, which exempts information subject to attorney-client privilege. MCL 15.243(1)(g).

All City of Cadillac and/or LDFA communications to and/or from EGLE and/or EPA regarding PFAS and/or MTBE within the last Five years.

Your request is granted.

Also all records, emails, letters, documents, notes, memos etc pertaining to PFAS or MTBE as to the LDFA or Lakes Cadillac or Mitchell or the Clam River in your possession over that same time period (FIVE years).

Pursuant to the FOIA, a requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233(1). The request for "all records" and "etc." is vague and overbroad. Your request is denied to the extent the City cannot determine all the records you are requesting.

However, to the extent that the City can identify documents, your request is granted in part. Your request is granted in part for non-exempt documents. Your request is denied in part because certain correspondence or portions of correspondence you requested were subject to attorney-client privilege and therefore exempt from disclosure under Section 13(1)(g) of the FOIA. MCL 15.243(1)(g). The records you requested contain confidential communications for the purpose of providing legal advice and are subject to attorney-client privilege. For that reason, the information is exempt from disclosure under Section 13(1)(g) of the FOIA, which exempts information subject to attorney-client privilege. MCL 15.243(1)(g).

All communications back and forth regarding the recent request/denial of testing for PFAS and/or MTBE between EGLE, EPA, LDFA and/or the City of Cadillac.

Pursuant to the FOIA, a requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233(1). The request for "all communications" that are "back and forth" and "recent" is vague and overbroad. Your request is denied to the extent the City cannot determine exactly what records you are requesting.

However, to the extent that the City can identify documents, your request is granted in part. Your request is granted in part for non-exempt documents. Your request is denied in part because certain correspondence or portions of correspondence you requested were subject to attorney-client privilege and therefore exempt from disclosure under Section 13(1)(g) of the FOIA. MCL 15.243(1)(g). The records you requested contain confidential communications for the purpose of providing legal advice and are subject to attorney-client privilege. For that reason, the information is exempt from disclosure under Section 13(1)(g) of the FOIA, which exempts information subject to attorney-client privilege. MCL 15.243(1)(g).

All minutes of LDFA meetings including the topic of PFAS and/or MTBE within the last ten years.

Your request is granted.

The positive PFAS test results from 2021 and 2022 from Cadillac's industrial park and or LDFA area.

Your request is granted.

Since your request has been denied in part, you have the right to (1) submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for the reversal of the disclosure denial or (2) seek judicial review of this decision, as stated in Section 10 of the Michigan Freedom of Information Act, MCL 15.240 (see attachment). Further, you have the right to seek attorney fees as provided in Section 10 (see attachment) if the court determines that the City did not comply with this section and orders disclosure of all or part of the public record.

Please be advised that the City of Cadillac's FOIA Policy & Procedures and Written Public Summary are available at www.cadillac-mi.net.

There is no fee for your request and the documents are attached.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Keway".

Todd Keway
FOIA Coordinator

Dated: May 4, 2024

“APPEAL”

I am appealing any and all denials from my recent LDFA-related FOIA request. On April 29, 2024, the City of Cadillac (city) sent a letter denying part of my FOIA requests. I would like the Cadillac City Council (city council) to overturn the denials/exemptions as the same would be in the best interests of the public.

Everything in the city’s possession related to testing or testing results from the LDFA for PFAS or MTBE.

The public health, safety, and general welfare responsibilities of the city council require the city staff to disclose all PFAS communications of every nature in the city’s possession. Even partial exemptions should not be permitted to stand. Please share all information (including all that was denied) with each council member so they can review what is being withheld from the public. Additionally, I would specifically like to know when the city was first notified that PFAS was found in the industrial park groundwater and when the city was notified that PFAS was related to LDFA operations. All communications that included the word PFAS in the body or title of any communication is an easy search. Concerns of PFAS have been known since 1998 and increased awareness began in 2013. Searches should have covered those time periods. The LDFA has been in operation during those years. The communications from or to attorneys should be provided in full so that the full and complete truth of this public health concern can be made known to the public. Not disclosing those documents would lead one to believe that the city, or someone who the city is protecting, has some legal liability for the way this circumstance came about or was handled. *I did receive the 2021 positive test results for PFAS in the industrial park, but did not receive the 2022 PFAS test results that two EGLE representatives told me exist. These 2022 tests confirm and verify the 2021 tests. Please provide the 2022 PFAS lab test results in their entirety via this FOIA appeal and consider them as the most significant part of this appeal.*

Also all records, emails, letters, documents, notes, memos, etc., pertaining to PFAS or MTBE as to the LDFA or Lakes Cadillac or Mitchell or the Clam River in your possession over that same time period (FIVE years).

All communications back and forth regarding the recent request/denial of testing for PFAS and/or MTBE between EGLE, EPA, LDFA and/or the City of Cadillac.

The city has provided minimal information in this regard. Nothing was provided from or to Tetra Tech, for example, or any other testing companies. Also, I have received nothing that I could determine “how or why” MTBE has been included in the PFAS concern. I am appealing only the missing PFAS documents in your possession. I waive an appeal on the MTBE test results. Please do a simple word search for PFAS and provide the results. I would like to receive recordings of all LDFA meetings in the past five years which would’ve fallen under the “records” category.

One example of what I see missing, is the recent test data that shows Lakes Cadillac and Mitchell and the Clam River all have PFAS toxins present in the surface waters. Surely the city has documents as to this alarming concern. I am looking for notifications, source information and the approach needed to put an end to the pollution source from further destroying our natural resources. As in all these denials, the city appears to be hiding valuable information related to the pollution of our industrial park area. Please discontinue concealing your politically sensitive information related to this topic by putting it in your attorney-client communications only. Certainly you have communications with elected officials from the city related to these topics that you should be sharing, such as when the city council was notified of the toxin's presence under the industrial park.

The public should have this information. You have done nothing to correct what you have known is a problem with the LDFA area, at least since 2021, or possibly before that time, as it relates to the several PFAS chemicals that are probably migrating northwest or are definitely being released into the city's air and into the Clam River. Please disclose everything that you have. You have a duty to protect the health, safety and general welfare of every Cadillac citizen and our neighboring citizens who breathes the emitted air and that are on private or commercial wells. Recently, a city staff member announced at a city council meeting that regulators wished to use the LDFA wells to investigate PFAS and MTBE issues. At that time, your representative **failed to inform the city council and the general public that the city has known that PFAS was found to be present in the industrial park groundwater from at least the year 2021.**

This information was not provided in conjunction with the recent city council meeting revelation that the city was denying either the department of EGLE or the EPA from testing for PFAS (and MTBE) through the LDFA system. This looks terrible.

The critical reasons supporting why (further) testing was requested (by the EPA and/or EGLE) must have been deliberately omitted by your staff member and curiously withheld from the public. This staff omission leads me to distrust the city's response to my FOIA. A few weeks ago, two employees from EGLE indicated to me that PFAS was picked up on lab tests from industrial park wells near the LDFA properties as far back as in 2021 and 2022. Why are we only hearing this now? Citizens shouldn't have to rely on state officials to find out why the city was asked to allow the testing of city wells. The city's awareness of PFAS findings has not been transparent and is just another trust setback for the city. Why wasn't this disclosed three years ago? Why weren't the testing "requests" back then brought forward? Or the results? All we are told now is that the city has turned down (additional) testing through the LDFA well system. When was that voted on? Was a quorum of the LDFA present? We are told that it would "gum up the works" or that the LDFA was set up for a different poison/chemical clean-up. Both answers are not credible. I'm sure this comes down to putting money ahead of the public's health and our local environment. This is a sad commentary for this city's history. My FOIA was filed to learn the answers to these questions. Please don't tell me that the answers are only contained in confidential attorney-client communications.

The data from 2021 shows that PFAS was found in multiple well tests in the industrial park. Those test results were regrettably kept secret by the city from the general public for unknown

reasons. Please release the documents that explain this. The city needs to repair this breach of trust and needs to open up on all the information related to this issue. It's time to clear the air. This makes me wonder, what else are you hiding?

I'm sure it's embarrassing and upsetting that PFAS is still being found in the LDFA area, almost thirty years after 2.4 million gallons, daily, has been pumped out of that region, filtered into an imperfect airborne scrubber system and then dumped in a similar manner into the Clam River. I recognize that the system wasn't designed to scrub PFAS from the toxic water and I am very concerned that PFAS has been emitted into the air and directly into the Clam River for almost thirty years. This may explain why Lake Cadillac has a higher PFAS level than Lake Mitchell. It may also explain why PFAS has been found via the Clam River, as far away as in Haring Township on John R Street, 13th Street and at the Career Tech Center. Can you imagine how high the PFAS levels must have been in 1996 when the LDFA system began this well-intended clean-up operation? Do you have any test results from 1998 to 2021 that show the PFAS levels?

Please share the entire document history of this PFAS disaster and hopefully, the documents that show what you intend to do to correct it.

Please address and grant this Appeal at your next regularly-scheduled city council meeting.

Thank you.



WILLIAM BARNETT

[REDACTED]
Cadillac, MI 49601
[REDACTED]

Email: [REDACTED]

From: [FOIA](#)
To: [Bill Barnett](#)
Subject: RE: FOIA appeal
Date: Monday, May 6, 2024 11:52:00 AM
Attachments: [Courtesy Notice of Appeal 5.6.24.pdf](#)

Good Morning Bill –

Please find attached notice acknowledging your appeal and its timetable to be heard.

Thanks,

Todd

From: Bill Barnett [REDACTED]
Sent: Sunday, May 5, 2024 12:00 AM
To: Todd Keway <tkeway@Cadillac-MI.net>
Subject: FOIA appeal



200 North Lake Street • Cadillac, Michigan 49601
231.775.0181 • fax 231.775.8755
www.cadillac-mi.net

May 6, 2024

Bill Barnett

[REDACTED]
Cadillac, MI 49601

Dear Mr. Barnett:

Re: Freedom of Information Act
Appeal – Courtesy Notice

The City of Cadillac ("City") is in receipt of your Freedom of Information Act ("FOIA") appeal dated May 5, 2024. In Cadillac, the City Council hears and considers FOIA appeals. Pursuant to Section 10 of the FOIA, the City Council is not considered to have received a written appeal until the first regularly scheduled meeting of Council following submission of the written appeal. MCL 15.240. Thus, the City will consider your appeal "received" on May 6, 2024, and will consider the appeals at its May 20, 2024, regular meeting. The meeting will be held at 6:00 p.m. at the City Council Chambers, 200 N. Lake St., Cadillac, 49601.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Keway", is written over a horizontal line.

Todd Keway
FOIA Coordinator

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. 2024-xxxx

**RESOLUTION ADOPTING
ORDINANCE TO AMEND SECTIONS 42-201 AND 42-202(3) OF CHAPTER
42 OF THE CADILLAC CITY CODE TO INCREASE WATER RATES IN THE
CITY OF CADILLAC 3.5%.**

At a regular 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 20th day of May, 2024, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: _____

ABSENT: COUNCIL MEMBER: _____

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

WHEREAS, the City has established a water supply system for the residents and businesses of the City;

WHEREAS, the City charges for the use of the water system for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, and operation of the system;

WHEREAS, Section 42-183(e)(3) of the Cadillac City Code provides that City staff or designated parties shall periodically review the charges, rates, fees, rules, and regulations of

the water supply system and report the results of the review to the City Council with respective recommendations for any adjustments;

WHEREAS, pursuant to Article 16, Section 16.3 of the City Charter, the City may fix just and reasonable water rates and other charges from time to time as may be deemed advisable;

WHEREAS, the City staff has reviewed the water supply system rates and has recommended a rate increase of 3.5%;

WHEREAS, the City wishes to consider increasing rates for the water supply system by 3.5%; and

WHEREAS, the City held a public hearing on the proposed ordinance increasing the rates (the "Ordinance") on May 20, 2024; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to adopt the Ordinance.

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

1. Ordinance No. 2024-04, Ordinance to Amend Sections 42-201 and 42-202(3) of Chapter 42 of the Cadillac City Code to Increase Water Rates in the City of Cadillac 3.5% (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within seven (7) days.

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: COUNCIL MEMBERS: _____

NAYS: COUNCIL MEMBERS: _____

STATE OF MICHIGAN)
)ss
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2024-XXXX, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2024.

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. 2024-xx

**AN ORDINANCE TO AMEND SECTIONS 42-201 AND 42-202(3) OF
CHAPTER 42 OF THE CADILLAC CITY CODE TO INCREASE WATER RATES
IN THE CITY OF CADILLAC 3.5%.**

THE CITY OF CADILLAC ORDAINS:Section 1.

The City hereby amends Section 42-201 of the Cadillac City Code, entitled "Service rates," which shall read as follows:

The rates for water service furnished by the city water supply system shall be as follows:

(1) *Monthly service charges.*

Meter Size (in inches)	Charge (per month)
5/8	\$9.15
3/4	\$13.46
1	\$22.42
1 1/2	\$44.93
2	\$71.66
3	\$156.94
4	\$269.06
6	\$560.59
8	\$807.23

(2) *Commodity charge.*

Volume (100 cubic-foot unit)	Per Month (per unit)
0 to 600 cu. ft.	\$1.91
601 to 10,000 cu. ft.	\$1.63
10,001 to 100,000 cu. ft.	\$1.45
100,001 to 250,000 cu. ft.	\$1.26
250,001 and above	\$1.11

Section 2.

The City hereby amends Section 42-202(3) of the Cadillac City Code, which shall read as follows:

The rates for providing fire protection sprinklers shall be as follows:

Line Size (in inches)	Charges (per month)
$\frac{3}{4}$	\$3.27
1	\$5.60
1 $\frac{1}{2}$	\$11.12
2	\$17.95
3	\$38.96
4	\$67.02
6	\$139.85
8	\$201.51
10	\$324.58
12	\$481.11

Section 3.

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

Section 4.

This Ordinance shall take effect July 1, 2024.

Approved this 20th day of May, 2024.

Sandra Wasson, City Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that Ordinance No. 2024-xx was published in the Cadillac News on the _____ day of _____, 2024.

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

RESOLUTION NO. 2024-xxxx

**RESOLUTION ADOPTING
ORDINANCE TO AMEND SECTION 42-374 OF CHAPTER 42 OF THE CITY
CODE TO INCREASE SEWER RATES IN THE CITY OF CADILLAC 3.5%.**

At a regular 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 20th day of May, 2024, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: _____

ABSENT: COUNCIL MEMBERS: _____

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

WHEREAS, the City has established a sewer supply system for the residents and businesses of the City;

WHEREAS, the City charges for the use of the sewer system for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, and operation of the system;

WHEREAS, Section 42-238(d)(3) of the Cadillac City Code provides that City staff or designated parties shall periodically review the charges, rates, fees, rules, and regulations of the sewage disposal system and report the results of the review to the City Council with respective recommendations for any adjustments;

WHEREAS, pursuant to Article 16, Section 16.3 of the City Charter, the City may fix just and reasonable sewer rates and other charges from time to time as may be deemed advisable;

WHEREAS, the City staff has reviewed the sewer supply system rates and has recommended a rate increase of 3.5%; and

WHEREAS, the City wishes to consider increasing rates for the sewer supply system by 3.5%; and

WHEREAS, the City held a public hearing on the proposed ordinance increasing the rates (the "Ordinance") on May 20, 2024; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to adopt the Ordinance.

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

1. Ordinance No. 2024-05, Ordinance to Amend Section 42-374 of Chapter 42 of the City Code to Increase Sewer Rates in the City of Cadillac 3.5% (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within seven (7) days.
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: COUNCIL MEMBERS: _____

NAYS: COUNCIL MEMBERS: _____

STATE OF MICHIGAN)
)ss
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2024-xxxx, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2024.

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. 2024-XX**AN ORDINANCE TO AMEND SECTION 42-374 OF CHAPTER 42 OF THE CITY CODE TO INCREASE SEWER RATES IN THE CITY OF CADILLAC 3.5%.****THE CITY OF CADILLAC ORDAINS:**Section 1.

The City hereby amends Section 42-374 of the Cadillac City Code, entitled "Monthly wastewater user service charges," which shall read as follows:

No free service shall be furnished by the system to the city or to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(1) *Metered users.*

a. *Base Rate.* The base rate for metered users is as follows:

Meter Size (in inches)	Service Charge (per month)
5/8	\$13.29
3/4	\$19.99
1	\$33.26
1 1/2	\$66.52
2	\$106.47
3	\$233.08
4	\$399.31
6	\$832.06
8	\$1,198.12

b. *Commodity charges.* A charge of \$3.08 per 100 cubic feet of metered water used will be charged each month.

- (2) *Unmetered users (flat rate).* Unmetered users will be charged according to the following rate schedule:

- a. Room charge: Count living, dining, bedrooms and kitchens. **DO NOT COUNT** bathrooms, halls, storage closets. This charge includes lavatories, dishwashing, laundry, and all other domestic uses except bathtubs, showers and toilets.

Rooms	Per Month
1 to 3 rooms, inclusive	\$11.51
4 to 6 rooms, inclusive	\$12.89
7 to 8 rooms, inclusive	\$15.21
Each additional room	\$2.12

- b. For each additional bathtub or shower, add \$5.51 per month.
- c. For each additional toilet, add \$6.06 per month.

- (3) *Surcharges.* Additional charges will be in accordance with the following schedule:

Parameter	Parameter Surcharge (per month-per pound)	Base Concentration (in mg/L)
Suspended Solids	\$0.45	215
Biochemical oxygen demand	\$0.65	185
Phosphorus	\$4.31	10
Nitrogen	\$10.07	20
Total organic carbon	\$3.62	600
Chemical oxygen demand	\$1.55	600
Total chlorides	\$0.81	600

- (4) *Unmetered users with private water systems.* The monthly wastewater user service charges for those homes, businesses and other customers who do not have city water available, and are using a private water supply system shall be as follows:

- a. All commercial, industrial, and institutional accounts shall have a water meter installed. The meter shall be installed under the direction of the city utilities department. The cost of installation shall be borne by the owner. The cost of replacement shall be borne by the utilities department.

- b. All residential customers shall be given the option of having a water meter installed as provided for above, or the residential customer shall be billed a flat rate sewer charge equal to the average billing as determined on an annual basis.
- c. The average monthly residential sewer bill, as of July 1, 2024, is a charge of \$34.78.

(5) *Watering adjustment basis.*

- a. For all residential users, charges for sewer for the months of May, June, July, August and September shall be computed for each account based on the average metered water consumption for the base period of the preceding October, November, December January and February. If no previous base history is available, a citywide residential average will be used.
- b. For all other users, a separate meter may be purchased and installed at owner's expense, which will be utilized for watering only with the billing to reflect that amount.

Section 2.

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

Section 3.

This Ordinance shall take effect July 1, 2024.

Approved this 20th day of May, 2024.

Sandra Wasson, City Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that Ordinance No. 2024-xx was published in the Cadillac News on the _____ day of _____, 2024.

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

RESOLUTION NO. 2024-xxxx

**RESOLUTION TO ADOPT ORDINANCE ESTABLISHING GENERAL
APPROPRIATIONS ACT FOR FISCAL YEAR 2025**

At a regular 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 20th day of May, 2024, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: _____

ABSENT: COUNCIL MEMBERS: _____

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

WHEREAS, the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, requires the City Council of the City of Cadillac to pass a general appropriations act for all funds, except trust or agency, internal service, enterprise, debt service or capital project funds for which the City Council may pass a special appropriation act; and

WHEREAS, Section 10.3 of the Charter of the City of Cadillac (the "Charter") requires a public hearing be held in the second half of the month of April on the proposed budget before final adoption; that notice of the public hearing be published at least ten (10) days in advance of the hearing; and that the complete proposed budget be on file for public inspection during office hours at the office of the City Clerk for a period of not less than (10) days prior to such public hearing; and

WHEREAS, on April 5, 2024 a notice of hearing was published as required by Section 10.3 of the Charter and a public hearing on the proposed budget for Fiscal Year 2025 was held on April 15, 2024; and

WHEREAS, Section 10.4 of the Charter requires the City Council to adopt a budget by ordinance between the 10th day of May and the last day of May of each year appropriating the money needed for municipal purposes during the next fiscal year and provide for a levy of the amount necessary to be raised by taxes upon real and personal property; and

WHEREAS, Section 5.2 of the Charter requires each proposed ordinance be introduced in written or printed form, identified by a short title containing a preamble stating its purpose and, following introduction of the proposed ordinance, requires the City Clerk to publish a summary of the proposed ordinance in a local newspaper of general circulation in the City of Cadillac (the "City") and make copies of the proposed ordinance available for examination at the office of the City Clerk and provide copies at a reasonable charge; and

WHEREAS, the City held a public hearing on the proposed ordinance on May 20, 2024; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to adopt the proposed ordinance and budget.

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

1. Ordinance No. 2024-06, Ordinance Establishing General Appropriations Act for Fiscal Year 2025 (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within seven (7) days.

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: COUNCIL MEMBERS: _____

NAYS: COUNCIL MEMBERS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2024-xxxx, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2024.

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. 2024-xx ORDINANCE ESTABLISHING GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2025

THE CITY OF CADILLAC ORDAINS:

Section 1, Title.

This Ordinance shall be known as the City of Cadillac General Appropriations Act for Fiscal Year 2025.

Section 2, Public Hearing on the Budget.

Pursuant to MCL 141.412 and Section 10.3 of the City Charter, notice of a public hearing on the proposed budget was published in a newspaper of general circulation on April 5, 2024, and a public hearing on the proposed budget was held on April 15, 2024.

Section 3, Expenditures.

The City hereby appropriates the expenditures for the fiscal year commencing July 1, 2024 and ending June 30, 2025 on a departmental and activity total basis as follows:

General Fund Expenditures

Legislative	\$66,200
Office of the City Manager	365,900
Financial Services	455,900
City Clerk/Treasurer Department	390,500
Election Services	41,000
Assessing Services	146,900
Legal Services	200,000
City Complex	423,100
Police Department	2,741,300
Fire Department	1,784,200
Public Works	1,249,600
Culture and Recreation	393,200
Economic Development and Assistance	443,200
Intergovernmental	99,200
Other	395,000
Total Expenditures	\$9,195,200

Section 4, Estimated Revenues.

The City estimates that revenues for the fiscal year commencing July 1, 2024 and ending June 30, 2025 will be as follows:

General Fund	
Taxes	\$4,977,500
Licenses & Permits	131,000
Intergovernmental	2,443,500
Charges for Services	1,233,000
Fines & Forfeits	9,000
Miscellaneous	20,000
Interest and Rents	103,500
Total Revenues	\$8,917,500

Section 5, Budgets.

The City hereby approves budgets for the fiscal year commencing July 1, 2024 and ending June 30, 2025 for the following funds in the amounts set forth below:

	<u>Revenues</u>	<u>Expenses</u>
Governmental Funds		
Major Street Fund	\$1,453,000	\$1,551,700
Local Street Fund	1,085,000	1,342,400
Cemetery Operating Fund	166,000	162,500
Cadillac Development Fund	12,500	73,500
Building Inspection Fund	70,000	70,000
Naval Reserve Center Fund	33,000	33,000
Lake Treatment Fund	50,000	50,000
H.L. Green Operating Fund	500	0
2016 General Obligation Capital Improvement Bond	164,000	164,000
2020 General Obligation Capital Improvement Bond	317,000	317,000
Industrial Park Fund	5,000	50,500
Special Assessment Capital Projects Fund	3,000	25,500
Downtown Infrastructure Project	0	455,000
The Market at Cadillac Commons Fund	825,000	825,000
Consumers Energy Prosperity Grant	195,000	195,000
Cemetery Perpetual Care Fund	25,000	15,500
Capital Projects Fund	1,000	0

	<u>Revenues</u>	<u>Expenses</u>
Proprietary Funds		
Auto Parking Fund	\$102,500	\$102,500
Water & Sewer Fund	5,331,000	5,328,600
Capital		747,500
Principal Payments		930,000
Building Authority Operating Fund	195,000	163,000
Central Stores & Municipal Garage Fund	820,000	820,000
Capital		355,000
Principal Payments		50,000
Information Technology Fund	294,200	293,300
Capital		120,000
Self-Insurance Fund	1,897,000	1,897,000
Employee Safety Fund	12,000	12,000
Pension Trust Fund		
Police & Fire Retirement System	1,145,000	1,145,000
Component Units		
Local Development Finance Authority Operating Fund	284,800	284,800
Local Development Finance Authority Utility Fund	18,500	15,300
Local Development Finance Authority Capital Projects Fund	178,000	342,500
Downtown Development Authority Operating Fund	39,500	39,500
Downtown Development Authority Capital Projects Fund	172,000	170,800
Brownfield Redevelopment Authority Operating Fund	125,500	125,500

Section 6, Millage Levies.

(a) The City will levy a tax of 13.3397 mills for the period of July 1, 2024 through June 30, 2025, on all real and personal taxable property in the City, according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City and is levied pursuant to Section 20.6, Article 20 of the City Charter. The maximum authorized levy according to the City Charter is 15.00 mills.

(b) The City further levies a tax of 2.60 mills for the period of July 1, 2024 through June 30, 2025, on all real and personal taxable property in the City, according to the valuation of the same. This tax is levied for the purpose of defraying the cost of supporting the retirement plan for personnel of the police and fire departments of the City pursuant to the provisions of Public Act 345 of 1937, as amended, as approved by a vote of the citizens of the City on November 8, 1977.

(c) The City further levies a tax of 1.8081 mills for the period of July 1, 2024 through June 30, 2025, on all real and personal taxable property in the City, according to the valuation of the same in a district known as the Downtown Development District. This tax is levied for the purpose of defraying the cost of the Downtown Development Authority.

Section 7, Adoption of Budget by Reference.

The general fund budget of the City is hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 6 of this Act.

Section 8, Transfer Within Appropriation Centers.

The City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout this budget. All transfers between appropriations may be made only by further resolution of the City Council pursuant to Section 10.5 of the City Charter and Section 19(2) of the provisions of the Michigan Uniform Accounting and Budget Act.

Section 9, Appropriations by Resolution.

The City Council may, by resolution, make additional appropriations during the 2023 Fiscal Year for unanticipated expenditures required of the City, but such expenditures shall not exceed the amount by which actual and anticipated revenues of the fiscal year are exceeding the revenues as estimated in the budget unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

Section 10, Effective Date.

This Ordinance shall take effect on July 1, 2024.

Approved this 20th day of May, 2024.

Sandra Wasson, Clerk

Carla J. Filkins, Mayor

May 20, 2024

COUNCIL COMMUNICATION

Re: Reappointment of Michael Hayes to a Two-Year Term on the Cadillac-Wexford Transit Authority.

Michael Hayes has expressed his interest in being reappointed to serve on the Cadillac-Wexford Transit Authority for a two-year term. He has been a member of the board since 2018.

Requested Council Action:

Motion to reappoint Michael Hayes to the Cadillac-Wexford Transit Authority, which will expire on 6/05/2026.

May 20, 2024

COUNCIL COMMUNICATION

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

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

Requested Council Action:

Motion to appoint Randy Boike to a two-year term on the Cadillac-Wexford Airport Authority which will expire on 05/20/2026.

MAY 13 2024



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 | |
| ☐ Downtown Development Authority | ☐ Other _____ |

Please print or type:

Name Randy Boike Address [REDACTED]

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

E-mail [REDACTED] Date available for appointment 6/01/2024

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.

Lincoln Twp Fire Board, Osceola County

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.

Emergency Management Director, Wexford County

Wexford County Sheriff Office, Special Deputy

Commercial Airline Pilot (Captain), Boeing 717, MD-88, DC 9-10, Boeing Test Pilot

Federal Law Enforcement, FAM-DHS

Ohio State University

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?

Passion for public service. Currently a hanger tenant with a single engine aircraft (+20yrs) at KCAD. Our airport is a significant asset to our community and deserves solid leadership and direction.

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.

Have a hangar at airport currently

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.

See above Employment and Education

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

Signature Randy Boike

Date 5/13/2024

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.

May 20, 2024

COUNCIL COMMUNICATION

Re: Appointment of Kelly Hutchinson to a Three-Year Term on the Zoning Board of Appeals.

Kelly Hutchinson has expressed her interest in serving as a member of the Zoning Board of Appeals for a three-year term.

Requested Council Action:

Motion to appoint Kelly Hutchinson to a three-year term on the Zoning Board of Appeals, which will end on 5/20/2027.

MAY 10 2024



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 | |
| ☐ Downtown Development Authority | ☐ Other _____ |

Please print or type:

Name Kelly Hutchison

Address

[REDACTED ADDRESS]

Telephone: Home [REDACTED]

Business/cell [REDACTED]

E-mail [REDACTED]

Date available for appointment _____

gmail.com

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.

None

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.

High School diploma, attended Lake Superior State University.
Have been a licensed real estate agent and currently
I am a landlord. I have worked with Anthony Wolfe and
Pam Kliffman both as a landlord on ordinance violations.
I am familiar with Cadillac's ordinances and have
appeared before the board several times.

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?

I am getting to an age where it is time I gave back to my community. I feel the Zoning Board of Appeals is a good place to start since I have a little familiarity with the ordinances which should make it easier to learn about what being on the Board entails.

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.

I have lived in Cadillac for nearly 30 years and I am very interested in seeing our City grow in a positive way. We have an extreme shortage of rental housing at the moment and I have experience as a landlord that I feel could be an asset to this Board. I have a basic understanding of Cadillac's ordinances. While I do not want to see our City become dense like San Francisco, it does need to grow and in a positive way that still maintains our character while allowing more people to live here.

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

Signature



Date

5-10-2024

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.

May 20, 2024

Council Communication

Re: Professional Financial and Compliance Auditing Services

The City is required to have an annual independent audit of financial statements, and recently sought proposals to provide these services. Attachment A that follows this communication summarizes the four proposals that were received.

As a point of information, the ‘Single Audit’ referenced in the charts is a required compliance audit that the City must undergo if more than \$750,000 in federal funds are expended in any given fiscal year. While the City typically does not meet this threshold, current grant activity makes it likely that a Single Audit will be necessary in one or more of the upcoming years.

The City has worked with Gabridge & Co. for the last ten years. The firm has provided excellent service each year. The average cost for Gabridge is slightly higher than the lowest proposal. However, the low proposal for a single audit, if needed, only included one federal program. It is anticipated that a single audit will be needed in FY2025 and will include at least two federal grant programs. This additional program would increase the second-low bid by an unknown amount. Coupled with the positive relationship that City staff has enjoyed with the current firm for a number of years, it is more advantageous for the City to remain with the current auditing firm.

Recommended Action

It is recommended that a 5-year contract for professional financial and compliance auditing services be awarded to Gabridge and Co. in accordance with their proposal. Funds are available across several funds and activities within the City’s financial structure.

City of Cadillac

Comparison of Audit Proposals
May 20, 2024

Attachment A

FIVE-YEAR PROPOSAL

	<i>Gabridge & Company</i>	<i>Andrews, Hooper Pavlik, PLC</i>	<i>Rehmann</i>	<i>Maner Costerisan</i>
Financial Audit				
2024	\$37,000	\$35,000	\$56,600	\$47,500
2025	38,000	36,750	59,400	50,000
2026	39,000	38,500	62,400	52,500
2027	40,000	40,250	65,500	55,000
2028	41,000	42,000	68,800	57,500
Total Audit Fees	\$195,000	\$192,500	\$312,700	\$262,500
<i>Average Annual Costs</i>	<i>\$39,000</i>	<i>\$38,500</i>	<i>\$62,540</i>	<i>\$52,500</i>
Single Audit				
2024	\$6,000	\$5,000	\$9,500	\$5,000
2025	\$6,000	5,200	10,000	5,250
2026	\$6,000	5,400	10,500	5,500
2027	\$6,500	5,600	11,000	5,750
2028	\$6,500	5,800	11,600	6,000
Total Single Audit Fees	\$31,000	\$27,000	\$52,600	\$27,500
Total 5-Year Audit Costs	\$226,000	\$219,500	\$365,300	\$290,000

*Maner Costerisan and AHP add language regarding single audit; additional costs if more than one major program.

*Maner Costeisan adds F-65 Reporting fees each year, not included on City proposal page; p.23.

*Rehmann assists with preparing F-65; but to be filed by City personnel.

*Gabridge notes out-of-pocket expenses for travel may be charged, estimated at \$500; p.5.

May 20, 2024

Council Communication

Re: Information Technology (IT) Managed Services Contract

The City of Cadillac has utilized a contractual provider for IT-related services since 2009. The current contract with VC3 (formerly IT Right of Bath, MI) expires on June 30, 2024, but the original RFP included an option to extend for an additional 3-year term. The recommendation from 2019 showing the proposals that were received at the time is included with this communication.

VC3 has provided services to the City of Cadillac since 2012 and the City has been satisfied with the services provided and the low-cost solution they offered. The agreement includes comprehensive network management, desktop computer support, on- and off-site backup services for redundant data protection as well as the core day-to-day IT service needs of the City.

In addition, VC3 has offered that at the end of the 3-year extension, the contract may automatically renew each year with an inflationary adjustment of the greater of the CPI increase or 4%.

Contract costs related to the extension are as follows:

	Current	FY2025	FY2026	FY2027
Annual	\$39,000.00	\$50,016.72	\$60,433.44	\$70,850.40
Monthly	\$3,250.00	\$4,168.06	\$5,036.12	\$5,904.20

These renewal costs are still well below other proposals received in 2019.

Recommended Action

Based on the service history provided by VC3, the comprehensive IT management services provided by the agreement, and the value of services provided at the costs proposed, it is recommended that the contract for Information Technology Managed Services with VC3 be extended in accordance with their proposal. Funds are available in the Information Technology Fund to cover the costs of the contract.

June 3, 2019

Council Communication

Re: Information Technology (IT) Managed Services Contract

The City of Cadillac has utilized a contractual provider for IT-related services since 2009. The current contract with IT Right of Bath, MI expires on June 30, 2019. As such, the City recently released a Request for Proposals for a new 5-year agreement with an option to extend for one (1) additional 5-year term. The City received the following proposals:

Vendor	Year 1 Proposal
Allpro Technology LLC Lake City, MI	\$114,341
Global Solutions Group, Inc. Oak Park, MI	(*) \$24,660
Object Technology Solutions, Inc. Overland Park, KS	(**) \$354/hour
IT Right, Inc. Bath, MI	\$36,000
Creek Enterprise, Inc. Eagan, MN	\$208,080
Miracle Software Systems, Inc. Novi, MI	\$103,500
Netsmart Plus - Applied Imaging Grand Rapids, MI	\$110,399

* Bid on security component only; no other support services included.

** City specified an annual contractual amount, not an hourly bid.

IT Right has provided services to the City of Cadillac since 2012 and the City has been very pleased with their services.

Recommended Action

Because of the high quality of services received in the last seven (7) years and based on their proposal being the lowest cost proposal, it is recommended that the contract for Information Technology Managed Services be awarded to IT Right of Bath, MI in accordance with their proposal. Funds are available in the Information Technology Fund to cover the costs of the contract.



VC3 Manage + Backups

City of Cadillac, MI

200 N Lake St
Cadillac, Michigan 49601
United States

Owen Roberts

oroberts@cadillac-mi.net
2317797333

Reference: 20240325-123837061

Quote created: March 25, 2024

Quote expires: April 24, 2024

VC3 (Michigan Branch)

5815 East Clark Rd.
Suite G
Bath, MI 48808
United States

Prepared by: Randy Allen

Senior Account Executive
randy.allen@vc3.com
+15177981509

Products & Services

PRODUCTS & SERVICES	QUANTITY	UNIT PRICE	PRICE
VC3 Manage - Full User 24x7x365 Remote & Onsite Support: Users, Servers, Network Foundational Protection Components: EDR Including 24x7x365 SOC, M365 Protection & Backups Proactive Monitoring, Maintenance & Patching: Workstations, Servers, Network Strategic IT Planning: Alignment with IT Best Practices, IT Budgeting, Technology Roadmap M365 License Management Vendor Co-Ordination Hardware, Software, Domain and License Procurement / Renewals	45	\$80.00 / month	\$3,600.00 / month for 3 years
VC3 Manage - Shared User 24x7x365 Remote & Onsite Support: Users using a shared workstation. Foundational Protection Components: EDR Including 24x7x365 SOC, M365 Protection & Backups Proactive Monitoring, Maintenance & Patching: Shared Workstations.	21	\$50.00 / month	\$1,050.00 / month for 3 years
VC3 Manage - Email Only User Support for email only users includes troubleshooting send/ receive issues and access issue to email platform. M365 & Email Protection & Backups Included	5	\$25.00 / month	\$125.00 / month for 3 years
Data Recovery - Server Backup	7	\$32.00 / month	\$224.00 / month for 3 years

PRODUCTS & SERVICES	QUANTITY	UNIT PRICE	PRICE
Data Recovery - Cloud Storage (Per GB)	18,104	\$0.05 / month	\$905.20 / month for 3 years

SUMMARY

Monthly subtotal that we need to reach by 2026 is **\$5,904.20**.

Comments

Client agrees to 3 year (36 month) **stagger plan** for the price change as follows:

Current spend is \$3,300 monthly.

April 1 2024 - March 31st 2025: +\$868.06 = **\$4168.06 Monthly**

April 1 2025 - March 31st 2026: +\$868.06 = **\$5036.12 Monthly**

April 1 2026 - March 31st 2027: +\$868.08 = **\$5904.20 Monthly**

* On the calculation for Backup space needed we take 4X the current space to calculate the needed storage space in the cloud. Presently we are backing up 4,526 GB across 7 servers.

Order Governed by the Master Agreement

This Order is subject to and governed by Company’s Master Agreement in effect on the date this Order is entered into between Company and Client. The Master Agreement is available at <https://www.vc3.com/terms-of-service/> and is incorporated in full into and made a part of this Order by this reference. The Client may also request a copy of the Master Agreement by submitting an email request to betterit@vc3.com identifying the Client and the applicable Orders. Company’s entering into this Order is conditioned on Client’s agreement to the Master Agreement, and by entering into this Order with Company, Client accepts and agrees to the Master Agreement.

Deliverables & Services

Discovery & Deployment

Setup the Client System for management and provide training to help the Client get the most out of the services. This includes:

1. Deployment of all services listed above.
2. Full documentation and inventory of your network
3. Best-practice configuration of the network for monitoring and management
4. Orientation and training for your staff
5. MacOS Note: If Client is utilizing Mac OS, Company will provide documentation to end users on how to install Company's monitoring and management platform. MacOS does not allow a remote deployment of standard Company tools. Should Mac OS users require onsite assistance to install VC3's monitoring and management platform, support will be provided on a Time and Materials basis at the rates detailed within Client Master Agreement.
6. Implement performance monitoring of client's network prior to and during implementation.

24x7 Monitoring and Incident Response Services

1. Provide 24X7 Incident response services for all included user, server, and network devices.
2. Provide phone, remote and onsite support to authorized users for all included devices.
3. Track all incidents through an ITIL (Information Technology Infrastructure Library) based Service Desk system. All requests will be prioritized and processed per the 'Priority' guidelines listed in Addendum A.
4. Provide 24x7 collection of performance data for the client's included server and network devices per Company's best practices.
5. Utilize industry best practices for remote access, control, and management of all devices.
6. Patching: Deploy, manage, and monitor the installation of approved service packs, security updates and firmware updates as deemed necessary on all applicable devices. Some devices such as tablets and cell phones may not be compatible with included patching methodologies.
7. Resolution of monitoring alerts.
8. Resolution of performance issues.
9. Resolution of availability issues.
10. Resolution of end-user reported problems.
11. Routine additions, deletions, and changes to included devices and users.

Foundational Protection

1. Deploy Endpoint Detection and Response (EDR) to all workstations and servers with Company RMM deployed.

2. Monitor workstations and servers with EDR installed via 24x7x365 partner SOC.
3. Deploy M365 Monitoring and Backup Solutions to Client M365 Tenant.
4. Continually monitor M365 tenancy.
5. Backup M365 (SharePoint, OneDrive, Teams & Exchange Online) 3 times a day.
6. Configure infinite retention on M365 backups.
7. Respond to incidents and service requests. All requests will be prioritized and processed per the 'Priority' guidelines listed in Addendum A.

Application Support

1. Provide support for client licensed 3rd party applications. If it is determined from the initial discovery and/or from third-party application vendors that an application requires additional servers, licensing or support resources, additional monthly costs may be required before the application can be supported.
2. Microsoft Applications:
 - a. Includes Microsoft Office and Office 365 core applications. This is limited to Microsoft Access, Excel, OneDrive for Business, OneNote, Outlook, PowerPoint, SharePoint, Teams and Word.
 - b. Application installs, synchronization issues, permission management and general troubleshooting are all within scope for these applications. Microsoft Applications

Strategic IT Planning

Provide the client with a named Strategic resource to assist Client with the following:

1. **Budgeting:** Work with the client to develop an annual technology budget for recurring expense items and new capital requirements in alignment with organizational goals.
2. **Strategic Planning:** Recommend technology solutions as well as provide roadmaps that support key business processes in order to help the client leverage technology appropriately. The Company will work with the client as part of the annual planning process to understand the current business drivers and goals and make recommendations targeted toward maximizing the effectiveness of the client's technology investment.
3. **Analyze IT Health data:** Perform a periodic analysis of the data collected by Company's monitoring systems to proactively resolve issues and assess potential risks within the environment. The Company will make this analysis available to key stakeholders and provide direction on business decisions regarding the level of investment.

IT Asset Administration

1. Hardware and software asset and warranty expiration tracking
2. Domain name expiration tracking
3. Hardware and software purchase specification
4. Web portal access for ticket creation and management

5. Maintaining network documentation and secure password storage
6. Interfacing with vendors such as internet service providers (ISPs)

Procurement

1. Server, Networking, and Power equipment.
2. Desktops, laptops, tablets.
3. Peripherals, including Printers.
4. Software, including subscription-based services.
5. Domain names and security certificates.

Managed Backups

1. Installation and Configuration:

- a. Install backup agents and initialize backups on all protected servers within the Client's environment.
- b. Perform an initial seed of the Client's backup data and will load that data into the cloud.
- c. Configure the cloud backups such that backups are performed per the backup retention schedule determined during implementation.
- d. Configure the backup monitoring to alert VC3 of backup failures.
- e. Perform an initial backup of all systems and will confirm that backups are performing as expected.

2. Backup Management:

- a. Monitor and maintain backups for the servers protected.
- b. Perform periodic updates to the backup software such as patches, and updates.
- c. Provide replacement components for failures that occur as a result of internal equipment defects or end of life for Company provided hardware. This does not include physical damage to the equipment due to abuse or environmental factors (for example, fire, hurricane or flood damage).

3. Disaster Recovery Plan

- i. Work with Client to identify and document backup requirements to form a Disaster Recovery Plan. This includes:
- ii. Servers to be backed up.
- iii. Recovery Point Objective (RPO)
- iv. Recovery Time Objective (RTO)
- v. Data Backup Plan
- vi. Automatic Daily Restore Testing.
- vii. Disaster Recovery team
- viii. Requirements of Data Recovery

Exclusions

Items other than those included above are expressly excluded from the Services provided within this Order. The following exclusions and clarifications are intended to clarify the scope of services for this order:

1. Excluded services are those related to functionality upgrades, such as those required to evaluate, specify, purchase, and implement client system or server upgrades such as operating systems, Microsoft Office suite software unless included with a specific Company product, third party software deployments or upgrades, or equipment related to these services whose scope exceeds that defined above. Company will provide these services to the client on a Time & Materials Order basis at the rates outlined in the Master Agreement. If modification or replacement of a hardware device or component is required, client is responsible for all hardware and hardware vendor services costs, excluding Company owned hardware explicitly provided through this Order.
2. Software development, training and project work, including client-owned PC upgrades and non-patch upgrades of software, are not included.
3. When client requests services by Company not explicitly included in this agreement, they are agreeing to invoicing of said services per the terms outlined in the Master Agreement. For all services which incur additional hourly fees, Company will notify the client that these services are outside the scope of this work order and will receive approval from client prior to rendering these additional services.
4. Software and licensing purchased by the client directly from a third-party vendor are not included as a part of services to be supported.
5. Architectural changes, mass deployment, database management, data visualization and business process automation / troubleshooting are considered excluded from this Order.
6. Cybersecurity event or incident response activities or remediation efforts exceeding eight (8) hours of technician, engineer or project management time.
7. Should deficiencies, malware infections, or critical vulnerabilities be discovered during the deployment of services, Company will bring to Client attention and discuss the impact of the deficiencies on Company's ability to provision the Services and provide client with options to correct the deficiencies. Initial remediation hours will be billed outside of this Order unless otherwise explicitly stated in this Order.
8. Company is authorized to obtain any documentation or information regarding any and all accounts at all locations the Client may have with any telecommunications vendor. Company also has the authority to be added as an account contact and speak on behalf of the Client in negotiating services, billing, credits and/or connectivity of this Client's services with the Telecommunications company and/or vendor with the proviso that only the Client has authority to enter into contracts with any vendor or supplier.
9. Throughout the relationship between Company and Client, the Company will also make extensive use of Remote Management software. This software is used across all clients to monitor workstations and servers in real time. Company will also use this software to remotely connect and assist the Client's users when they

have a technological problem if the user has an internet connection. In addition, endpoint protection software, ticketing, and asset management are managed through this software.

Assumptions

1. The Order will not become effective unless and until it is agreed upon and signed by the Client and Company.
2. If Company is providing or managing Client 's Microsoft Licenses, then Client agrees to the Microsoft terms and conditions as stated in the Microsoft Customer Agreement found here: <https://www.microsoft.com/licensing/docs/customeragreement>
3. Company reserves the right, at its discretion, to pass onto the client any changes to obligations, such as terms or pricing imposed on Company by a given vendor, for an offering that is currently resold to the client at any time during the current agreement term.
4. Company will make reasonable efforts to resolve all issues remotely prior to dispatching an engineer onsite. Travel hours incurred will be invoiced according to the Master Agreement.
5. Microsoft NCE licenses and subscriptions run on an annual basis and cannot be terminated nor altered mid-term.
6. If client Microsoft licenses are under a current annual NCE subscription, Company assumes they will migrate to become under Company's management at the point of renewal.
7. The items defined in this Order are designed to enhance the security of the customer environment. There is no guarantee that any security measure will prevent a data breach, infection, or other cyber security incident.

Client Responsibilities

1. Client will provide a primary point of contact for Company to work with on all services provided in this Order.
2. Client is responsible for authorizing access for Company to sites that are owned / controlled by third parties.
3. Client is responsible for proper disposal of client-owned devices.
4. Client will make a best effort to maintain the minimum infrastructure requirements as defined by Company.
5. Client will maintain both hardware and software maintenance agreements with the source Vendor whenever possible to allow for ongoing access to security updates and to provide quick replacement of non-functioning components.
6. Client must assign Company as their Microsoft Partner of record.
7. Client is responsible for procurement and ownership of all licenses, maintenance, and vendor support agreements required for support of their third-party applications, excluding the Microsoft licensing explicitly included in the per seat packages identified in Products & Services section.
8. Third party tool licensing may be required for additional cost.

9. Client will be financially responsible for any remaining or ongoing charges from Microsoft. Microsoft subscriptions can each have their own terms and renewal dates. It is the client's responsibility to engage Company to adjust Microsoft subscription counts and terminations prior to 12 months from the original work order or subsequent change order purchase date.

Invoicing

Company will invoice the Client a pro-rated monthly fee based on any partial month of service plus the first full month of service on the effective services start date. All subsequent service months will be invoiced at the start of the month in which services are to be rendered. Services activated after the first of month may be invoiced on a pro rata basis the following month.

Any taxes related to services purchased or licensed pursuant to this Order shall be paid by Client or Client shall present an exemption certificate acceptable to the taxing authorities. Applicable taxes and freight charges shall be billed as a separate item on the invoice.

After the 3 year staggered plan, unit rates will automatically increase annually on the anniversary of the Effective Services Start Date equivalent to the CPI change for All Urban Consumers or by 4.00%, whichever is higher.

The terms of this Order will automatically renew for an additional term of equivalent length to the current active term unless notice of termination is provided to Company no fewer than 90 calendar days prior to expiration of the current active term.

Company will audit the Client's usage of units on a monthly basis; for each unit found in excess of the amount listed above, Company will increase the monthly fee by the corresponding amount indicated above. Reductions in Units above the minimum threshold will be reflected on the invoice within 30 days of service removal. Additional services may be added at any time during the life of this contract at the unit rates listed above.

Addendum A – Service Desk Priorities

Incidents and Service Requests are triaged and prioritized to effectively resolve the most important issues in a timely manner. Company utilizes the following priorities, criteria and response metrics:

- **Priority 1:**
 - System/device/application down causing work to cease and critical impact to the entire organization, a whole department, or a C-level executive or VIP user; no interim solution available; Client is in danger of or is experiencing a financial loss or the ability to make strategic business decisions is impaired.
 - **24x7 Support:** Priority 1 incidents will be addressed on a 24 hours a day, 7 days a week basis including holidays.
- **Priority 2:**
 - System/device/application down causing work to cease and potential business impact for up to 5 users, a C-level executive, or a VIP user; no interim solution available.
 - **24x7 Support:** Priority 2 incidents will be addressed on a 24 hours a day, 7 days a week basis including holidays.
- **Priority 3:**
 - Level of service degraded causing impact to an individual user; no interim solution available. Operational impact to the organization or a whole department though work continues as a result of implementing an interim solution or use of other system/device/service.
 - **Business Hours Support:** Priority 3 incidents will be addressed during normal business hours Monday-Friday, 8:00am to 5:00pm excluding holidays.
- **Priority 4:**
 - Minor inconvenience to a department or user exists though work continues as a result of implementing an interim solution or use of another system/device/service.
 - **Business Hours Support:** Priority 4 incidents will be addressed during normal business hours Monday-Friday, 8:00am to 5:00pm excluding holidays.
- **Priority 5:**
 - Maintenance tasks, audits, or alignment work that is not requested by the client.
 - **Business Hours Support:** Priority 5 incidents will be addressed during normal business hours Monday-Friday, 8:00am to 5:00pm excluding holidays.

Call Priority	Initial Client Contact Guidelines	Initial Client Contact Percentages
1	1 Hour	90%
2	2 Hours	90%
3	4 Business Hours	90%
4	8 Business Hours	90%
5	N/A	N/A

Addendum B - Maintenance Windows

All work performed within Company's Hosting or Client Infrastructure is a form of maintenance. Such work may or may not result in a disruption of service depending on the scope of the activity.

1. **Scheduled Maintenance:** All planned work performed on Company's Hosting or Client Infrastructure by Company engineers, or staff is defined as "Scheduled Maintenance". During Scheduled Maintenance, some or all of Company's Hosting or Client Infrastructure may be out of service and therefore may not be accessible to users. Regularly Scheduled Maintenance will occur between 2 AM and 6 AM in the local time zone for which the Client Infrastructure being maintained resides. Downtime to perform changes is expected during this window. If Client has a business need to avoid said downtime, they must provide their request via the Company Service Desk ten business days in advance.
 - a. **Notification:** Client will be notified via email should Scheduled Maintenance be required to take place outside of the windows specified above.
2. **Emergency Maintenance:** All work performed in response to a disruption or a threat to the availability of a component of Company's Hosting or Client Infrastructure within the control of Company is defined as "Emergency Maintenance".
 Emergency Maintenance will be conducted based upon the timeframe that the emergency exists. Normal business hours will see an immediate response. For issues that occur during non-business hours, the impact of the event will be evaluated as soon as possible, and appropriate measures taken to return the system to normal availability.
 - a. **Notification:** Client will be notified via email should Emergency Maintenance be necessary. Commercially reasonable efforts will be made to notify Client prior to emergency maintenance. Company reserves the right to complete Emergency Maintenance without prior notification to Client if necessary to mitigate risks posed by the need for Emergency Maintenance in a timely manner.

Signature

Signature

Date

Printed name

Countersignature

Countersignature

Date

Printed name

May 20, 2024

Council Communication

Re: Purchase of a dump truck

The FY2024 budget for the Water and Sewer Fund includes an appropriation of \$123,000 for the replacement of a backhoe. After reviewing the condition of the current backhoe it was determined that this replacement should be deferred until FY2027.

Staff has determined that a dump truck is a more immediate need for the department. This truck will improve the efficiency of debris removal and sand, gravel or topsoil delivery when responding to major maintenance situations in the water and sewer infrastructure systems. The department is requesting that a portion of the appropriation for the backhoe be instead used for the purchase of a used dump truck. Based on the required usage of the truck, purchasing a new one is not practical or necessary. The City recently conducted a broad search for a used dump truck, reviewed a significant number of potential vehicles, and found a truck at a used truck dealership in Kinde, MI that meets the needs of the department. Details of the recommended truck are included with this communication. It is estimated that a comparable new truck would cost in excess of \$200,000.

Recommended Action

It is recommended that competitive bidding is waived, and that the purchase of a dump truck be awarded to E. Glenn Phillips Used Trucks in the amount of \$45,000. Funds are available in the Water and Sewer Fund.

2010 FREIGHTLINER BUSINESS CLASS M2 106

USD **\$45,000**



Truck Location: [5472 Tomlinson Road Kinde, Michigan 48445](#)

Seller Information

E. Glenn Phillips Used Trucks

Contact: Glenn Phillips

Phone: [\(989\) 756-6964](#)

Kinde, Michigan 48445

[Visit Our Website](#)

[\(989\) 756-6964](#)

[Video Chat](#)



[Hide Thumbnails](#)

Description

VERY CLEAN GOOD RUNNING AND DRIVING TRUCK,GOOD TIRES AND BRAKES,CLEAN INTERIOR,STAINLESS BOX,ROCK FLOOR,AIR AND ELICTRIC TO BACK,REAR PINDLE,D.O.T LEGAL

Specifications

Year	2010	Manufacturer	FREIGHTLINER
Model	BUSINESS CLASS M2 106	Mileage	143,443 mi
VIN	1FVAC3BS9ADAT9389	Odometer	Accurate / Verified
Hours	9,678	Condition	Used
DOT	Yes	Operating Condition	Operable
Horsepower	260 HP	Engine Manufacturer	CUMMINS
Engine Model	ISC260	Fuel Type	Diesel
Engine Brake	Yes	Exhaust Type	Single
Exhaust Brake	Yes	Transmission	Automatic
Transmission Manufacturer	ALLISON	Transmission Type	Allison RDS
Number of Speeds	6 Spd	Ratio	5.86
Drive	4x2	Suspension	Spring
Number of Rear Axles	Single	Gross Vehicle Weight Rating	Class 8: 33,001 pounds or greater
Gross Vehicle Weight	46,000 lb	Front Axle Weight	16,000 lb
Rear Axle Weight	30,000 lb	Tires	12R/22.5
Tire % Remaining	75	Wheels	All Steel
Wheelbase	172 in	Body Length	10 ft
Axle Configuration	Set Back Axle	Brake System Type	Drum
Drive Side	Left Hand Drive	A/C	Yes
A/C Condition	Excellent	Seats Upholstery	Vinyl
Composition	Stainless Steel	Dump Type	End
Body Manufacturer	R/S GODWIN	Body Shape	Rectangle
Air Gate	Yes	Wet Kit	Yes
Tarp	Yes	Tarp Type	Electric
Snow Plow	Yes	Fuel Capacity	50 gal
Color	BLUE	Cab	Standard Cab
Cab Style	Conventional		

[Show As Paragraph](#)

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. 2024-_____

**RESOLUTION TO INTRODUCE ORDINANCE TO APPROVE GRANTING OF AN
EASEMENT TO CONSUMERS ENERGY COMPANY FOR ELECTRIC FACILITIES
AND SET A PUBLIC HEARING FOR JUNE 17, 2024**

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 20th day of May, 2024, 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 granting of an easement to Consumers Energy Company (“Consumers”) for electric facilities on property near Wilcox Street, Cadillac, Michigan owned by the City and described in the proposed Easement for Electric Facilities between the City and Consumers; and

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

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

1. Pursuant to Section 5.2 and 5.6 of the City Charter, the City introduces Ordinance No. 2024-____, Ordinance to Approve Granting of an Easement to Consumers Energy Company for Electric Facilities (near Wilcox Street) (the “Ordinance”)(Exhibit 1).
2. A public hearing regarding the proposed Ordinance shall be held on the 17th day of June 2024, at 6:00 p.m. at the City offices at the Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.
3. The City Clerk is directed to publish a summary of the proposed Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the proposed Ordinance, in accordance with the Charter. The summary and notice of the hearing shall be substantially in the form of Exhibit 2.

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

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

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2024-____, duly adopted at a meeting of the City Council held on the 20th day of May, 2024.

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. 2024-_____

**ORDINANCE TO APPROVE GRANTING OF AN EASEMENT TO
CONSUMER'S ENERGY COMPANY FOR ELECTRIC FACILITIES
(NEAR WILCOX 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 granting of an easement (the "Easement Agreement") to Consumers Energy Company for electric facilities on or near a portion of real property owned by the City as described in the attached Easement for Electric Facilities, in the City of Cadillac, Wexford County, Michigan, in accordance with the terms of the attached Easement Agreement between Consumers Energy Company and the City, which is incorporated by reference. The City's real property is located near Wilcox Street, Cadillac, Michigan and is legally described in the Easement Agreement.

Section 2.

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

Section 3.

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

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 June, 2024.

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. 2024-____ was published in the Cadillac News on the ____ day of _____, 2024.

Sandra Wasson, City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF WEXFORD)

On this ____ day of _____, 2024, 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:
Scott H. Hogan
Foster, Swift, Collins & Smith PC
1700 East Beltline NE, Suite 200
Grand Rapids, Michigan 49525

EASEMENT FOR ELECTRIC FACILITIES

SAP# 1064554826
Design# 11528274
Agreement# MI00000075458

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

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

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

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

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

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

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

Buildings/Structures: Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure over, under, or on said Easement Area, whether temporary or permanent, natural or man-made, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Ground Elevation: Owner shall not materially alter the ground elevation within the Easement Area without a prior written agreement executed by Consumers Real Estate Department allowing said alteration.

Exercise of Easement: Consumers' nonuse or limited use of this Easement shall not preclude Consumers' later use of this Easement to its full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of the aforesaid lands, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Date: _____

Owner: CITY OF CADILLAC, a Michigan municipal corporation

Signature

By: Carla Filkins

Its: Mayor of the City of Cadillac

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, _____,

on _____ by Carla Filkins, Mayor of the City of Cadillac, for the City of Cadillac, a Michigan

Date

municipal corporation, on behalf of the corporation.

Notary Public

Print Name

County, _____

Acting in _____ County

My Commission expires: _____

**PROPERTY OWNERS MAIL
SIGNED EASEMENT TO:**

Kelli Kline
Consumers Energy Company
330 Chestnut St
Cadillac, MI 49601

Prepared By:
Rebecca Hyatt 12/08/23 EP7-464
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201
Revised By: Nicole Corts 4/17/24

**REGISTER OF DEEDS OFFICE USE
ONLY**

Return recorded instrument to:
Carrie J. Main, EP7-464
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

Date: _____

Owner: CITY OF CADILLAC, a Michigan municipal
corporation

Signature

By: Sandra Wasson

Its: Clerk of the City of Cadillac

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, _____,

on _____ by Sandra Wasson, Clerk of the City of Cadillac, for the City of Cadillac, a

Date

Michigan municipal corporation, on behalf of the corporation.

Notary Public

Print Name

County, _____

Acting in _____ County

My Commission expires: _____

**PROPERTY OWNERS MAIL
SIGNED EASEMENT TO:**

Kelli Kline
Consumers Energy Company
330 Chestnut St
Cadillac, MI 49601

Prepared By:
Rebecca Hyatt 12/08/23 EP7-464
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

**REGISTER OF DEEDS OFFICE USE
ONLY**

Return recorded instrument to:
Carrie J. Main, EP7-464
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

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

The West 1/2 of out Lot 17, G A Mitchell's Plat, being part of the Southwest 1/4 of Section 3, Town 21 North, Range 9 West, according to the recorded plat thereof, Wexford County Records.

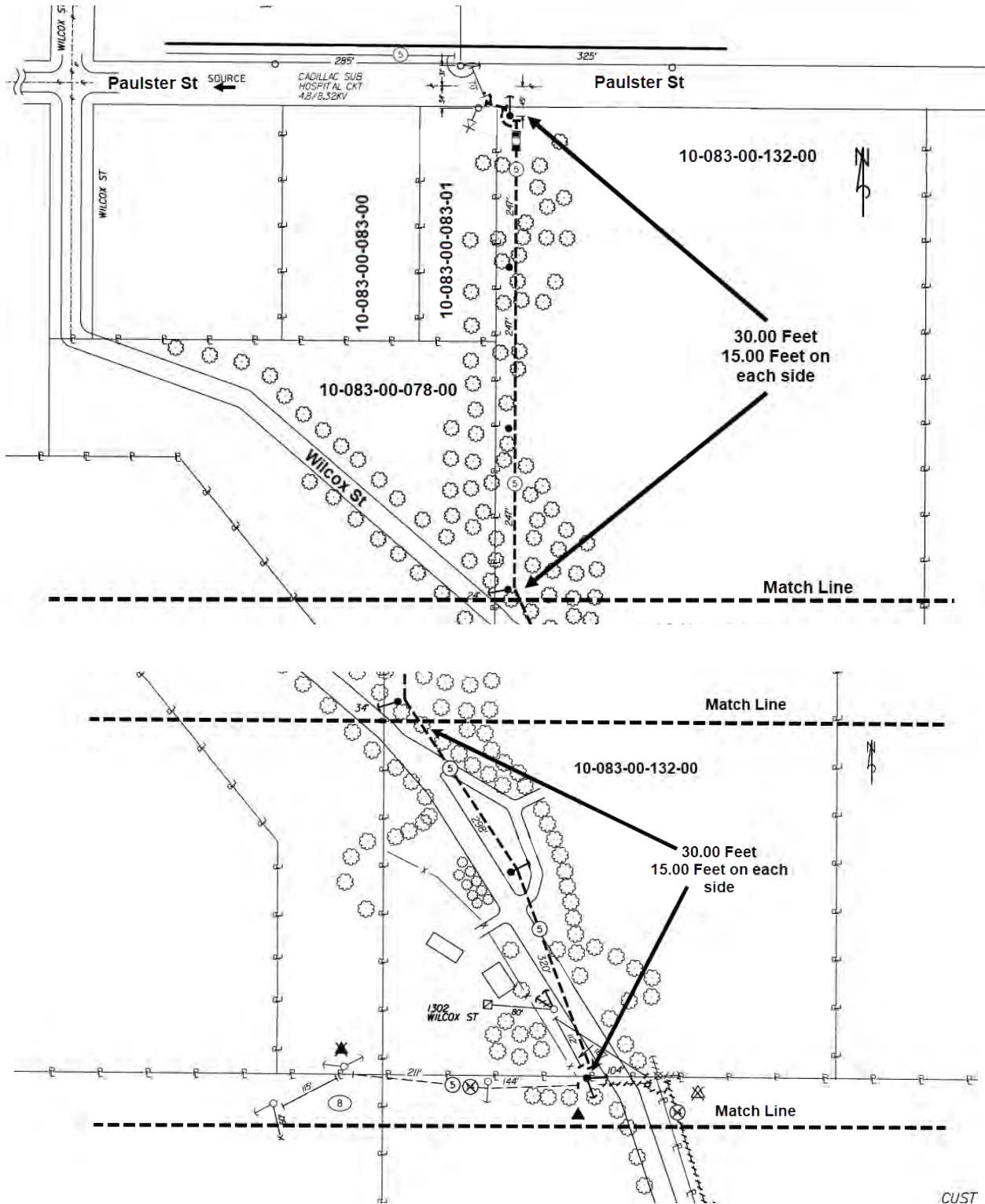
Also known as: 1302 Wilcox Street, Cadillac, Michigan 49601

Parcel ID: 10-083-00-132-00

EXHIBIT B

Easement Area

A 30.00-foot-wide strip of land, being 15.00 feet on each side of the centerline of the line constructed on Owner's Land, the centerline to be located approximately as shown in the attached drawing.



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. 2024-_____

RESOLUTION TO INTRODUCE AN ORDINANCE TO MAKE VIOLATIONS OF BLIGHT PREVENTION PROVISIONS MUNICIPAL CIVIL INFRACTIONS

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 20th day of May, 2024, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the City wishes to make violations of its blight prevention provisions punishable by municipal civil infraction; and

WHEREAS, the City wishes to consider an Ordinance amending Section 16-215 of the City Code to make violations of the City Code's blight prevention provisions a municipal civil infraction.

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. 2024-____, An Ordinance to Make Violations of Blight Prevention Provisions Municipal Civil Infractions (Exhibit A).

2. A public hearing regarding the proposed Ordinance shall be held on the ____ day of _____ 2024, at 6:00 p.m. at the City offices at the Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.

3. The City Clerk is directed to publish a summary of the proposed Ordinance once 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, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2024-____, duly adopted at a meeting of the City Council held on the 20th day of May, 2024.

Sandra Wasson
City Clerk

Exhibit A

ORDINANCE NO. 2024-_____

**AN ORDINANCE TO MAKE VIOLATIONS OF BLIGHT PREVENTION PROVISIONS
MUNICIPAL CIVIL INFRACTIONS**

THE CITY OF CADILLAC ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to make violations of the City's blight prevention provisions municipal civil infractions.

Section 2. Amendment to Section 16-215 of the City Code of Cadillac.

Section 16-215 of the City Code of Cadillac is hereby amended to read as follows:

Violations of the blight prevent provisions contained in sections 16-208 through 16-214 shall be punishable as a municipal civil infraction, and, in addition, action to abate the condition may be taken as herein authorized.

Section 3. Repealer.

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. Effective Date.

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

Exhibit B

NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

The City of Cadillac hereby gives notice of proposed Ordinance No. 2024-____, An Ordinance to Make Violations of Blight Prevention Provisions Municipal Civil Infractions.

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan, on _____, 2024 at ____ p.m., at a meeting of the City Council. The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at clerk@cadillac-mi.net, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge.

**AN ORDINANCE TO MAKE VIOLATIONS OF BLIGHT PREVENTION PROVISIONS
MUNICIPAL CIVIL INFRACTIONS**

Section 1 of the proposed ordinance provides its purpose.

Section 2 of the proposed ordinance amends Section 16-215 of the City Code of Ordinances to make violations of Sections 16-208 through 16-214 municipal civil infractions.

Section 3 of the proposed ordinance repeals all other ordinances inconsistent with the ordinance but only to the extent necessary to give the ordinance full effect.

Section 4 provides the proposed ordinance shall take effect 30 days after its adoption and publication.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

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

May 20, 2024

Council Communication

Re: Cadillac's Downtown Social District Application – Mi Mezcal Mexican Grill LLC

Mi Mezcal Mexican Grill LLC, a new business located within Cadillac's Downtown Social District is requesting to join the district. Currently, there are four other businesses that are a part of the district, Clam Lake Beer Company, Raven Social, Roaring 20's Saloon, and Willow Market & Meats. Identical to the process that the other businesses went through to get their Social District License from the Michigan Liquor Control Commission, the City is first required to approve a resolution, which has been provided by the State of Michigan and must be used when applying to Liquor Control.

Recommended Action

Motion to approve the Local Governmental Unit Resolution of Approval for a Social District Permit for Mi Mezcal Mexican Grill as presented.



Local Governmental Unit Approval For Social District Permit

Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (name of city, township, or village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is _____ by this body for consideration for approval by the
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

City Council

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



Mayor
Carla Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Stephen King
Robert Engels
Bryan Elenbaas

DOWNTOWN CADILLAC SOCIAL DISTRICT PERMIT APPLICATION

Applicant's Name: Cesar A. Umbra

Permanent Address: [REDACTED] 216 W Main St Gaylord MI 49735

E-mail Address: [REDACTED] Phone: [REDACTED]

Driver's License No. [REDACTED]

Date of Birth: [REDACTED]

Are you the: OWNER X CO-OWNER OTHER

CRIMINAL HISTORY

Have you ever been convicted of any crime, felony, misdemeanor, or violation of any municipal, state or federal law? Yes No X

If Yes, please explain:

AUTHORIZATION TO RELEASE: I hereby authorize the release of all criminal history on file at the Michigan State Police Central Records Division that pertains to me. Yes No

Date: 05/10/2024 Signature: [Signature]

(Copy and Submit Additional Pages for Multiple Applicants)

BUSINESS INFORMATION

Name of Business: Mi Mezcal Mexican Grill LLC

Any assumed business names under which you intend to do business? If so, please list:

Mi Mezcal Mexican Grill

Business Phone Number: 231 444 6151

Business Address: 210-214 N Mitchell St Cadillac MI

Nature of business and the goods, wares, merchandise, and/or services for sale or offered (additional pages may be attached):

☒ Food (Please describe: Mexican Food)

☐ Other (Please describe: _____)

Have you ever had a license or permit required by the City of Cadillac or any other state or municipal authority revoked, suspended, or denied in the last three years?

Yes _____ No X If yes, please explain:

Proposed Days of Business/Hours of Operation for alcohol sales to be consumed in the Downtown

Social Zone: MON - SUN 11:00 am - 11:00 pm

Please describe the nature and character of any proposed advertising for the business:

Mexican Food and cocktails Margaritas

PROCESS, REQUIRED ATTACHMENTS & SUBMITTALS

Process:

1. Upon completion of the City's application and submittal of all required attachments and submittals, the Cadillac City Council must publicly consider a resolution that certifies that your business meets the State's qualifications for operating in a Social District.
2. An official copy of the Resolution, if approved by the City Council, will be provided within five (5) business days following the public meeting where it was approved, since the application to the Michigan Liquor Control Commission will require a copy of Cadillac's Resolution.
3. After submitting your application to the Michigan Liquor Control Commission, the Commission will provide notice to the applicant approving or not approving the application. Once notice is provided that the Application to the Commission has been approved, that notification must be provided to the City before final approval and issuance of a City of Cadillac Social District Permit.

Required Attachments & Submittals:

The following items must be submitted prior to the City Council considering a Resolution certifying your business is qualified to participate in this program:

1. Completed Downtown Cadillac Social District Permit Application
2. A copy of a valid current state sales tax license, or if exempt, a copy of a current exemption certificate, if required for goods sold.
3. A health card or its equivalent issued by either the county health department or other regulatory agency if food is to be sold.
4. A copy of the applicant's liquor license issued pursuant to 1998 PA 58 (Michigan Liquor Control Code, MCL 4361101 et seq.)
5. A copy of the completed Michigan Liquor Control Commission Application for a Social

District Permit (See Attachment A). Applications may also be found online at https://www.michigan.gov/documents/lara/LCC208_695497_7.pdf

6. A copy of Commercial General Liability Insurance or equivalent for your business, listing the City as being additionally insured.
7. A description and visual depiction of each container it intends to use in the Downtown Social District. The containers must not be glass, and must depict all of the following:
 - a. The trade name or logo or some other mark that is unique to the Applicant.
 - b. The City adopted Downtown Social Zone Logo. (See Attachment B)
 - c. The container has a liquid capacity that does not exceed 16-ounces.
8. City of Cadillac Application Fee: \$250

By initialing this paragraph and signing this application, **the Applicant acknowledges all of the following:** that approval of the Applicant's application to the Commission does not constitute approval by the City of the Applicant's request for a social district permit from the City; that final approval by the City of a social district permit shall not be given until the Applicant's application to the Commission is approved; that approval by the Commission does not constitute approval by the City; that approval of a social district permit issued by the City is within the City's discretion notwithstanding any approval by the Commission; that revocation by the Commission of Applicant's social district permit issued by the Commission constitutes automatic revocation of any social district permit issued by the City to the Applicant without appeal as otherwise provided by the Cadillac City Code; that the issuance of a social district permit to the Applicant does not create a vested right in the operation of Applicant's business in a commons area; and that the City may revoke Applicant's social district permit within its discretion at anytime.

Initials CU.

AUTHORIZATION FOR RELEASE AND SIGNATURE

(To be completed by ALL applicants, copy & submit additional pages for multiple applicants)

I HEREBY AUTHORIZE THE RELEASE OF ALL CRIMINAL HISTORY ON FILE AT THE MICHIGAN STATE POLICE CENTRAL RECORDS DIVISION THAT PERTAINS TO ME. I ALSO HEREBY SWEAR THAT ALL STATEMENTS MADE FOR THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I AGREE TO OBSERVE ALL CITY OF CADILLAC, STATE OF MICHIGAN AND FEDERAL LAWS AND ORDINANCES THAT PERTAIN TO THE CONDUCT AND OPERATION OF THIS BUSINESS. I UNDERSTAND THAT UPON APPROVAL OF MY APPLICATION FOR LICENSING, ALL PERSONS LICENSED UNDER CHAPTER 10 OF THE CITY CODE, AND EACH AND EVERY ONE OF THEIR AGENTS OR EMPLOYEES SHALL PROVIDE A PHOTOGRAPH OF HIMSELF OR HERSELF, WHICH SHALL BE AT LEAST A TWO-INCH BY TWO INCH PICTURE SHOWING THE FACE OF THE PERSON IN A FORM SUITABLE FOR ATTACHMENT TO THE LICENSE UPON ITS ISSUANCE. THE LICENSE SHALL THEN BE DISPLAYED IN A PROMINENT LOCATION AT ALL TIMES.

Date: 05/10/2024 Signature: _____

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above the signature line.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC Use Only)

Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: <u>MI Mezcal Mexican Grill LLC</u>		
Address: <u>210-214 N Mitchell St</u>		
City: <u>Cadillac</u>	State: <u>Michigan</u>	Zip Code: <u>49601</u>
Contact Name: <u>Cesar A Umbral</u>	Phone: [REDACTED]	Email: [REDACTED]

Part 2 - Required Documents & Fees

☐ Local Governmental Unit Approval <i>Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)</i>	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036)	TOTAL DUE: \$320.00 Make checks payable to State of Michigan
☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	
Leave Blank - MLCC Use Only	

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

<u>Cesar A. Umbral</u>		<u>05/10/2024</u>
Print Name of Licensee & Title	Signature of Licensee	Date

Please return this completed form and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Fax with Credit Card Authorization to: 517-284-8557



Local Governmental Unit Approval For Social District Permit

Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (name of city, township, or village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is _____ by this body for consideration for approval by the
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC Use Only)

Coronavirus (COVID-19) State-of-Emergency Compliance Certification

Due to the ongoing Coronavirus (COVID-19) state-of-emergency and pursuant to MCL 436.1925(1), which states that the Michigan Liquor Control Code shall be construed to protect the health, safety, and welfare of the citizens of Michigan, all applicants and licensees that have applied for licenses, permits, permissions, or approvals, must complete the Coronavirus (COVID-19) State of Emergency Compliance Certification form prior to the Commission considering the application submitted by the applicant or licensee. Further, in determining whether an applicant may be issued a license or permit the Commission must consider "[t]he effects that the issuance of a license would have on the health, welfare, and safety of the general public", pursuant to administrative rule R 436.1105(2)(j).

Applicant / Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Applicant / Licensee name: <u>Mi Mezcal Mexican Grill LLC</u>		
Licensed Address: <u>210-214 N Mitchell St</u>		
City: <u>Cadillac</u>	State: <u>Michigan</u>	Zip Code: <u>49601</u>
Contact Name: <u>Cesar A Umbra</u>	Phone: [REDACTED]	Email: [REDACTED]

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee.

Compliance with R 436.1003 includes all Executive Orders issued by the Governor, local health department orders, or local ordinances related to the Coronavirus (COVID-19) state-of-emergency. The licensee must comply with all Executive Orders, local health department orders, and local ordinances, including, but not limited to, reduced seating capacity, social distancing, and the wearing of face masks by staff and customers.

Failure by the licensee to comply with R 436.1003 and Executive Orders, local health department order, and local ordinances related to the Coronavirus (COVID-19) state-of-emergency may result in the suspension or revocation of the licensee's liquor license.

- ☐ By checking this box, I attest that the applicant / licensee named above will comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances.
- ☐ By checking this box, I attest that the applicant / licensee named above will comply with all Executive Orders issued by the Governor, local health department orders, and local ordinances related to the Coronavirus (COVID-19) state-of-emergency.
- ☐ By checking this box, I attest and understand that the applicant / licensee named above may have its license suspended or revoked if it fails to comply with all Executive Orders issued by the Governor, local health department orders, and local ordinances related to the Coronavirus (COVID-19) state-of-emergency.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003. The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

owner

Cesar A Umbra

Print Name of Applicant / Licensee & Title

[Signature]
Signature of Applicant / Licensee

05/10/2024
Date

Please submit this completed certification form with the application that you are submitting.

Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Email to: MLCCRecords@michigan.gov
Fax to: 517-763-0059



Sales Tax License

Michigan Department of Treasury
Business Taxpayer Services
P.O. Box 30778
Lansing, MI 48909
www.michigan.gov/taxes

MI MEZCAL MEXICAN GRILL LLC
104 MASON ST
CHARLEVOIX, MI 49720-1375

Notice Date:	May 15, 2024
Account Number:	92-1083950
Letter ID:	10041198254
Contact Us:	517-636-6925

Below is your Sales Tax License. The licensee is required to ensure the sales tax license is displayed or readily available on premises. Treasury will no longer be mailing multiple licenses for businesses with more than one location. To obtain another Sales Tax License and 24/7 access to your business information please visit mto.treasury.michigan.gov.

The account number on the sales tax license is your business Federal Employer Identification Number (FEIN). If you do not have an FEIN, Treasury has assigned you a 9-character account number beginning with "TR".

You must notify the Michigan Department of Treasury of any changes to your business ownership, address or FEIN. To update any existing business information please visit Michigan Treasury Online (MTO) at mto.treasury.michigan.gov.

Note: The expiration date for the sales tax license coincides with the calendar year it is issued for.

CUT ALONG THIS LINE

164 (Rev. 4-19)

STATE OF MICHIGAN

DEPARTMENT OF TREASURY

Sales Tax License

MI MEZCAL MEXICAN GRILL LLC
104 MASON ST
CHARLEVOIX, MI 49720-1375



Account Number: 92-1083950
Expiration Date: December 31, 2024

Issued under authority of P.A. 167 of 1933, as amended.



Expires: 04/30/2025

**Issued To: MI MEZCAL MEXICAN GRILL
214 N MITCHELL ST
CADILLAC MI 49601-1835**

State of Michigan

**Department of Agriculture &
Rural Development
Food and Dairy Division**

SFE-1783-356573

**FOOD SERVICE - FIXED
ESTABLISHMENT**

Display for Public View

Responsible Party and Address:

**MI MEZCAL MEXICAN GRILL LLC
214 N MITCHELL ST
CADILLAC MI 49601-1835**



**Dr. Tim Boring
Director**

Issued by the Michigan Department of Agriculture and Rural Development to operate a Food Service Establishment in accordance with provisions of Act 92, P.A. of 2000, as amended.

This license is not transferrable.

Failure to post in a conspicuous place is a misdemeanor. (See Section 4119)

Notify the Local Health Department before a change of ownership. (See Section 4123)

Direct Inquiries to the District Health Department #10



Department of Licensing
and Regulatory Affairs

STATE OF MICHIGAN - LIQUOR CONTROL COMMISSION

This is to certify that a License is hereby granted to the person(s) named with the stipulation that the licensee is in compliance with Commission Rule R 436.1003, which states that a licensee shall comply with all state and local building, plumbing, zoning sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Issuance of this license by the Michigan Liquor Control Commission does not waive this requirement. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

This License is granted in accordance with the provisions of Act 58 of the Public Acts of 1998 and shall continue in force for the period designated unless suspended, revoked, or declared null and void by the Michigan Liquor Control Commission. Failure to comply with all laws and rules may result in the revocation of this license.

THIS LICENSE SUPERSEDES ANY AND ALL OTHER LICENSES ISSUED PRIOR TO APRIL 16, 2024

BUSINESS ID: 0279547

FILE NUMBER:

MI MEZCAL MEXICAN GRILL, LLC
D/B/A

210-214 N MITCHELL ST,
CHARLEVOIX, MI 49720

WEXFORD COUNTY
G-493
CADILLAC CITY

LICENSE # **LICENSE:**
L-000460218 Specially Designated Merchant

ACT:
N/A

L-000460219 Class C

N/A

TOTAL BARS: 1
DIRECT-CONNECTIONS: 0

OUTDOOR SERVICE AREA:
PASSENGERS:

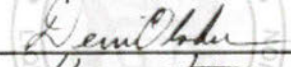
ROOMS:

PERMIT

Sunday Sales (PM):SDM - Mixed Spirit Drink, Sunday Sales (PM):Class C- Spirits & Mixed Spirit Drink, Dance-Entertainment, Sunday Sales (AM)

IN WITNESS WHEREOF,
this License has been duly signed
and sealed by both the Michigan
Liquor Control Commission and the
Licensee(s).

LIQUOR CONTROL COMMISSION


LICENSEE(S) SIGNATURE(S)

LICENSE EFFECTIVE MAY 1, 2024 - EXPIRES APRIL 30, 2025

2024
2025



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/14/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER BKC Insurance Services 220 Water Street Cheboygan MI 49721		CONTACT NAME: Randy Maltby PHONE (A/C, No, Ext): E-MAIL ADDRESS: rmaltby@hilbgroup.com INSURER(S) AFFORDING COVERAGE INSURER A: Auto-Owners Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:		FAX (A/C, No): NAIC # 18988
INSURED MI Mezcal Mexican Grill LLC 210 N Mitchell St Cadillac MI 49601-1835				

COVERAGES **CERTIFICATE NUMBER:** CL244588121 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		33203363	12/02/2023	12/02/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Liquor Liability \$ 1,000,000		
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY								COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$								EACH OCCURRENCE \$ AGGREGATE \$ \$
	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below						Y/N ☐	N/A	A106-637-697

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of Cadillac Michigan 200 N Lake Street Cadillac MI 49601	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Randy Maltby</i>
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214 N. MITCHELL ST
CADILLAC, MI 49601

231.444.6151



DOWNTOWN
SOCIAL ZONE