



City Council Meeting

September 16, 2024

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



September 16, 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 September 3, 2024
Support Document III-A

B. Minutes from the closed session held on September 3, 2024

IV. COMMUNICATIONS

A. Downtown Trick or Treat
Support Document IV-A

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B. Friends of the Library
Support Document IV-B

C. Steam Railroading Institute
Support Document IV-C

V. APPOINTMENTS

A. Recommendation regarding reappointment to the City of Cadillac/Clam Lake Joint Planning Commission.
Support Document V-A

B. Recommendation regarding reappointment to the City of Cadillac/Clam Lake Joint Planning Commission.
Support Document V-B

C. Recommendation regarding reappointment to the Cadillac West Corridor Improvement Authority.
Support Document V-C

D. Recommendation regarding reappointment to the Cadillac West Corridor Improvement Authority.
Support Document V-D

E. Recommendation regarding reappointment to the Cadillac West Corridor Improvement Authority.
Support Document V-E

VI. CITY MANAGER'S REPORT

A. Recommendation regarding short-term rental enforcement.

B. Recommendation regarding Blight Elimination Grant Management Contract.
Support Document VI-B

VII. 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.

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VIII. GOOD OF THE ORDER

IX. CLOSED SESSION

Adjourn to closed session to consider material exempt from discussion or disclosure by statute under MCL 15.268 (h), specifically identified as an attorney-client privileged written legal opinion.

X. 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

September 3, 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, Engels, King, Mayor Filkins

Council Absent: None

Staff Present: Peccia, Roberts, Ottjepka, Dietlin, Genovich (via Zoom), Wasson

APPROVAL OF AGENDA

2024-164 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

Bill Barnett stated a resident who lives on 8th Street is still drinking well water. He commented on the recent LDFA meeting and his recent FOIA request.

CONSENT AGENDA

2024-165 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance to Amend Section 26-104 and Section 26-109 of the Code of Ordinances.

Peccia stated this deals with the process for securing a dock and it has been reviewed by our legal counsel. He noted we want to increase safety and create a more orderly process. He stated docking will still be open to all members of the public based on availability and receipt of a docking permit. He noted the docking permit and subsequent registration process will be managed by the North Boulevard Marina Association.

Dan McKeown, North Boulevard Marina Association, read a document regarding the proposed Dock Ordinance Change (see attachment).

Mayor Filkins opened the public hearing.

Thomas Thorington expressed support for the proposed ordinance. He noted safety should be the number one priority. He stated having consistent members enhances safety and provides a sense of community.

Audrey VanAlst expressed support for the requested changes due to safety concerns.

Mayor Filkins closed the public hearing.

2024-166 Adopt Ordinance 2024-11.

Motion was made by King and supported by Elenbaas to approve the resolution to adopt Ordinance to Amend Section 26-104 and Section 26-109 of the Code of Ordinances.

Motion unanimously approved.

COMMUNICATIONS

A. Cadillac Fire Department – Child Safety Expo

2024-167 Approve street and parking lot closures for Child Safety Expo.

Motion was made by Schippers and supported by Elenbaas to approve the closure of Lake St. at the parking lot entrance on both sides of the municipal building from 3:00 pm to 7:00 pm and the closure of the south and east parking lots of the municipal building from 7:00 am to 7:00 pm on September 11, 2024 for the Cadillac Fire Department Child Safety Expo.

Motion unanimously approved.

B. Cadillac Philharmonic Club

2024-168 Approve display of banner for Cadillac Philharmonic Club.

Motion was made by Elenbaas and supported by Schippers to approve the display of a banner from September 30, 2024 to October 7, 2024 for the Cadillac Philharmonic Club.

Motion unanimously approved.

C. CAPS Homecoming Parade

2024-169 Approve parade route for CAPS Homecoming Parade.

Motion was made by Elenbaas and supported by Engels to approve the parade route on October 4, 2024 for the CAPS Homecoming Parade.

Motion unanimously approved.

APPOINTMENTS

- A. Recommendation regarding appointment to the Downtown Development Authority.

2024-170 Approve appointment to the Downtown Development Authority.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Heather Goodman to the Downtown Development Authority for a 4-year term to expire on September 3, 2028.

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution Amending General Appropriations Act for Fiscal Year 2025.

Owen Roberts, Director of Finance, noted the budget amendment is to cover additional required treatment of Lake Cadillac. He noted in the most recent survey we were required to treat 86.45 acres which was higher than expected for the second treatment of the summer. He stated we want to make sure we build into the budget sufficient funds to cover the recommended treatment and to have sufficient funds to treat again in the spring.

Schippers noted there was nice article in the paper today. She stated as a small city we are so lucky to have a responsible local paper.

Elenbaas asked the amount of the additional cost.

Roberts noted we are adding about \$70,000 to the budget. He stated any money transferred into that fund remains restricted for use on treatment of the lake.

2024-171 Adopt Resolution Amending General Appropriations Act for Fiscal Year 2025.

Motion was made by Schippers and supported by Elenbaas to adopt the Resolution Amending General Appropriations Act for Fiscal Year 2025 as presented.

Motion unanimously approved.

PUBLIC COMMENTS

Bill Barnett requested LDFA meetings be changed to 6:00 pm so citizens can attend and to have the meetings videotaped. He noted Mr. Warner was a good addition to the LDFA. He expressed concern about the lack of transparency.

GOOD OF THE ORDER

King asked if we knew when we would be broadcasting live.

Peccia stated he just learned that we are broadcasting live now through the CCTV website at www.cctv-cadillac.org. He noted there is also a link to that website on the City's Home Page which is www.Cadillac-mi.net. He stated he doesn't know how long it will take before we are broadcasting again on the Chater channel.

Peccia stated there is a section of Code regarding road end docking that we are reviewing. He noted this would be areas outside of the North Boulevard Marina Association. He explained that over the last decade the State changed the rules for road end docking. He noted we do have a program, but we have had very limited use with it. He stated people have expressed that they don't really want people docking at their road ends. He noted we will likely be bringing a recommendation to Council to amend the ordinance to remove that as an option.

Peccia noted he met with Brian Warner and asked him to consider joining the LDFA. He stated Mr. Warner is an expert in all things environment related and we are very lucky to have him on the board. He noted the LDFA was briefed on some test results at the recent meeting in open session. He stated this afternoon he sent City Council and the LDFA a summary of that briefing. He noted 170 parts per trillion (ppt) is the danger zone for putting PFAS into any surface water location like the Clam River and we are at 5 ppt. He stated the reporting threshold is 12 ppt.

Peccia noted if we put PFAS into a well that someone is then drinking water from then it is 4 ppt. He stated to his knowledge we are not putting PFAS into someone's well. He noted we don't know exactly where it is coming from or how long it has been there. He stated when the LDFA started there was a program that allowed people to come onto the City system and that program is still in place. He noted we are in the process of working on correspondence to the 2-3 people that still have their own private wells to get them onto the City's municipal system.

Peccia stated the test results are part of the FOIA request but the request also involved a lot of other information so it has not yet been released because it is still being compiled.

Schippers asked if there is a huge expense for the homeowner to get onto the municipal water system.

Peccia stated it could be and that is something we are looking at in terms of how best to do it.

Elenbaas asked how many years ago these thresholds for PFAS were set.

Jeff Dietlin, Director of Utilities, stated the threshold of 4 ppt was set this past July. He noted 6 years ago PFAS wasn't being talked about. He stated it is a new emerging contaminant.

Elenbaas stated his concern is if we are at 4 ppt now and we finally realize how bad it is will the threshold be lowered.

Dietlin stated the EPA wants the drinking water threshold to be zero. He noted to have it go through the treatment plant and then go into a body of water that may be used as drinking water later on it can be 170 ppt to be discharged to that because there is a dilution factor. He stated anything above 66 ppt they don't want used as a drinking water source.

Mayor Filkins asked if anything has to be updated regarding the purview of the LDFA. She noted when it was formed, PFAS wasn't something that was under their purview and asked if it should be updated.

Peccia noted the only reason the LDFA is even looking at this is because they are going through the exercise with the US EPA to get approval to turn off the testing of one of the wells for contaminants that the LDFA was established to monitor, test, and clean. He stated the US EPA wants to be able to check the box that PFAS is not an issue.

Engels stated it is his understanding that the LDFA is funded at different levels based on the responsible properties in the industrial park. He stated if PFAS were to come under the purview of the LDFA it would have to change its funding mechanism which was structured based on the responsible parties.

King stated the LDFA was created based on an agreement with the state and federal government for a superfund site. He noted there was this pollution and a deal was struck with the government to create the LDFA as part of the resolution of this superfund site and this is what we are going to do to clean it up. He stated the LDFA is bound by the agreement because it was a superfund site.

Engels asked if there are any plans to record more of the City meetings. He noted there are several groups that meet and the meetings are not recorded. He stated we record the Historic Districts Commission, Planning Commission, City Council, and Zoning Board of Appeals.

Peccia noted the Downtown Development Authority and the Local Development Finance Authority meet during the day because the members of those boards want to meet at that time.

Engels stated if we are reaching a certain threshold of interest in the boards that are meeting during the day the only way for some people to see them is for us to record them and post them.

Schippers reminded everyone that school has started so stop for school buses and watch for kids. She encouraged high school age youth to join the Cadillac Mayor's Youth Council. She noted the group focuses on issues and events related to youth in the community to increase the quality of life while learning how city government works. She stated the meetings are short and the activities are engaging.

Elenbaas noted he attended the recent LDFA meeting and Mr. Warner is very impressive. He stated there is football game on Friday which is the first home game for the Vikings. He noted a former teammate, Tom Gilbert, and seven (7) other athletes are being inducted into the Wall of Fame. He encouraged everyone to attend the game.

CLOSED SESSION

Adjourn to closed session for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement and to consider material exempt from discussion or disclosure by statute under MCL 15.268 (h), specifically identified as an attorney-client privileged written legal opinion.

2024-172 Adjourn to closed session.

Motion was made by Schippers and supported by Engels to adjourn to closed session for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement and to consider material exempt from discussion or disclosure by statute under MCL 15.268 (h), specifically identified as an attorney-client privileged written legal opinion; invite Owen Roberts, Director of Finance, and Adam Ottjepka, Director of Public Safety.

Motion unanimously approved.

2024-173 – Return to open session.

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

Motion unanimously approved.

Peccia stated it would be appropriate to consider a motion that would approve the Tentative Settlement Agreement between the City of Cadillac and the International Association of Fire Fighters (IAFF) Local #704, effective July 1, 2024 through June 30, 2027.

2024-174 Approve IAFF Agreement.

Motion was made by King and supported by Schippers to approve that agreement as presented.

Motion unanimously approved.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra Wasson, City Clerk

Public Hearing
Dock Ordinance Change
9/3/2024

Good Evening Mayor, council members, and city management. I'm Dan McKeown and I've been the face and voice of the North Blvd Marina Assoc. for 19 years now.

Our board of directors has been discussing our system of operating the claiming process and the inherent safety issues that go along with it. We decided that we can no longer ignore the problem and need to change our ways before we have a serious incident that could affect the NBMA and the City of Cadillac.

Members of the council and city management should all have been given the document titled "Safety Issues Regarding Amending City Ordinance Sec 26-109 Kenwood Park. In the document we spell out the reasons for requesting the change. The original ordinance was written well at the time and it was required to be done by the consent agreement. The original was written with good intentions and in a manner that most closely duplicated how dock spaces were claimed before the lawsuit.

The wording about first come first serve is the major roadblock that keeps us from making the changes needed to deem the claiming process "Safe".

Some interesting facts for your edification. From 2008 until now we still have 14 original space owners. From 2014 until now we have 21 of the same space owners. In 2023 and 2024 we had 37 returning owners and placed 3 new people in both years. As you can see, we do have turnover and have never had a dock war.

I want to thank Marcus the city manager, Bryan our council representative, Carla our Mayor and Courney Agrusa the city attorney for their support and assistance in this process.

I want to recognize members of our current board of directors. Mike Wallenstein, David Cosgrove, Art Kornacki and Eric Allen. Also Nick Ruppel who has been an alternate and will become our new voice and face of the NBMA.



City Received Date

Please fill out a separate form for each date

Contact Phone 231-775-0657 Contact Email marci@cadillacmichigan.com

Print Name Marci Hensley Signature Marci Hensley Date 1 / 11 / 2024

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

For Office Use Only

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



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

Today's Date 01/02/2024

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Banner Request Form

Monday Banner Start Date 10 / 21 / 2024

Monday Banner End Date 10 / 28 / 2024

(Banners are installed and removed on Mondays unless it is a Holiday, then it will be the following day)
(Banners may only be requested for one week at a time per form)

Reason for Banner National Friends of the Library Week

Organization Friends of the Cadillac Wexford Public Library

Contact Person [REDACTED]

Contact [REDACTED]

Contact Email [REDACTED]

City of Cadillac & State of Michigan Guidelines:

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

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

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

Print Name Vicki Long

Signature Vicki Long

Date 01 / 02 / 2024

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

For Office Use Only

Streets _____

Date Approved _____

Comments _____

City Manager _____

Date Approved _____

Comments _____

State of Michigan _____

Date Approved _____

Comments _____

City Council _____

Date Approved _____

Comments _____

1

- Length 30'- 60'



PHOTO: FRIENDS OF THE CADILLAC LIBRARY BANNER





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

Today's Date 5 August 2024

City Received Date

RECEIVED CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request Street closure for Steam Railroading Institute fall color excursion

Contact Person Bob Mathews

Contact Phone [REDACTED] Contact Email [REDACTED]

Date: 26 and 27 October 2024

Street Closures

Street Name Lake St Beginning Location Cass St Ending Location Pine St

Beginning Time 10 AM Ending Time 6 PM

See diagram on back

Street Name _____ Beginning Location _____ Ending Location _____

Beginning Time _____ Ending Time _____

Street Name _____ Beginning Location _____ Ending Location _____

Beginning Time _____ Ending Time _____

Street Name _____ Beginning Location _____ Ending Location _____

Beginning Time _____ Ending Time _____

Date _____

Parking Lot Closures

Lot Location _____ Street _____ Nearest Cross Street _____

Beginning Time _____ Ending Time _____

Lot Location _____ Street _____ Nearest Cross Street _____

Beginning Time _____ Ending Time _____

Lot Location _____ Street _____ Nearest Cross Street _____

Beginning Time _____ Ending Time _____

Water will be needed from the hydrant on the corner of Cass & Pine for the locomotive. Not sure which one until locomotive is serviced.

Form must be mailed or delivered to the above address or emailed to: mvandermeulen@cadillac-mi.net

(No Faxes accepted)

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

Print Name Bob Mathews Signature Bob Mathews Date 5 August 2024

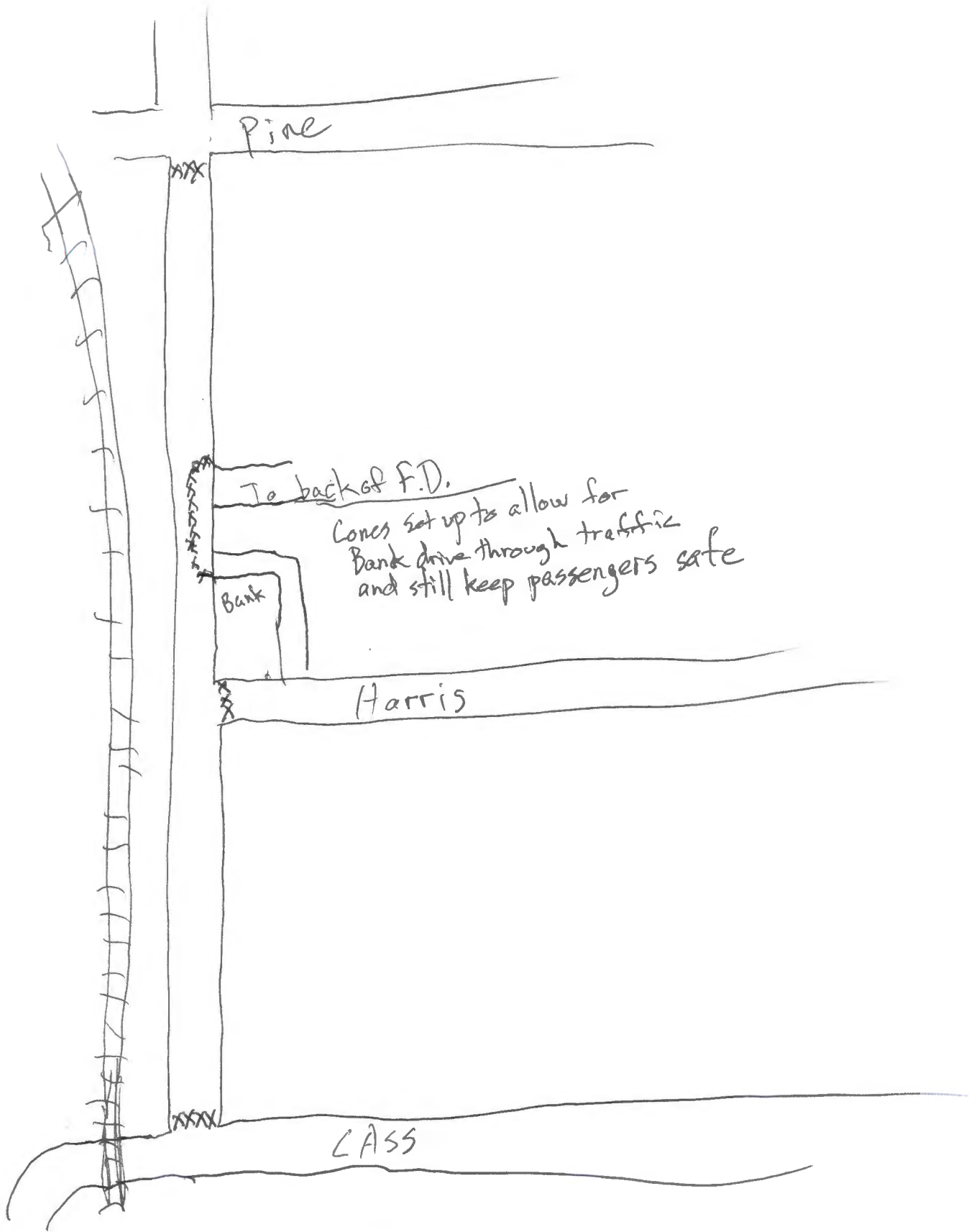
Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

RECEIVED

AUG 11 5 2024

RECEIVED

AUG 12 2024



September 16, 2024

COUNCIL COMMUNICATION

Re: Reappointment of Miranda Grunow to a Three-Year Term on the City of Cadillac/Clam Lake Joint Planning Commission.

Miranda Grunow has expressed her interest in serving on the City of Cadillac/Clam Lake Joint Planning Commission for another three-year term.

Requested Council Action:

Motion to reappoint Miranda Grunow to a three-year term on the City of Cadillac/Clam Lake Joint Planning Commission, which will end on 9/16/2027.

September 16, 2024

COUNCIL COMMUNICATION

Re: Reappointment of Mark Lagerwey to a Three-Year Term on the City of Cadillac/Clam Lake Joint Planning Commission.

Mark Lagerwey has expressed his interest in serving on the City of Cadillac/Clam Lake Joint Planning Commission for another three-year term.

Requested Council Action:

Motion to reappoint Mark Lagerwey to a three-year term on the City of Cadillac/Clam Lake Joint Planning Commission, which will end on 9/16/2027.

September 16, 2024

COUNCIL COMMUNICATION

Re: Reappointment of Jake Walraven to a Four-Year Term on the Cadillac-West Corridor Improvement Authority

Jake Walraven has expressed interest in serving on the Cadillac-West Corridor Improvement Authority for another four-year term.

Requested Council Action:

Motion to reappoint Jake Walraven to a four-year term on the Cadillac-West Corridor Improvement Authority, which will end on 9/21/2028.

September 16, 2024

COUNCIL COMMUNICATION

Re: Reappointment of Justice Walraven to a Four-Year Term on the Cadillac-West Corridor Improvement Authority

Justice Walraven has expressed his interest in serving on the Cadillac-West Corridor Improvement Authority for another four-year term.

Requested Council Action:

Motion to reappoint Justice Walraven to a four-year term on the Cadillac-West Corridor Improvement Authority, which will end on 9/21/2028.

September 16, 2023

COUNCIL COMMUNICATION

Re: Reappointment of Michael Blackmer to a Four-Year Term on the Cadillac-West Corridor Improvement Authority

Michael has expressed interest in serving on the Cadillac-West Corridor Improvement Authority for another four-year term.

Requested Council Action:

Motion to reappoint Michael Blackmer to a four-year term on the Cadillac-West Corridor Improvement Authority, which will end on 10/05/2028.

September 16, 2024

Council Communication

Re: Blight Elimination Grant Management Contract

The City of Cadillac received a Blight Elimination Program (BEP) Grant in the amount of \$572,067 from the State Land Bank Authority through the Coronavirus State and Local Fiscal Recovery Funds. This grant was for the acquisition of the Western Concrete property from the Cadillac Industrial Fund and the removal of the buildings and site structures to prepare the property for redevelopment.

The implementation of the BEP Grant requires significant administrative and management support to ensure compliance with all federal and state requirements and successful implementation of the project. The grant provides a budget for administration.

Mac McClelland is the Cadillac Brownfield Redevelopment Authority consultant and has provided oversight management of the Mitchell Bentley cleanup project and numerous other Cadillac Brownfield projects. He prepared the BEP grant application on behalf of the City and is providing grant administration and management for other communities in the implementation of their BEP grants.

For these reasons, we are recommending approval of a contract with Mac Consulting Service, LLC for professional services for grant administration and project management services. Attached is a draft contract agreement that includes stipulations in compliance with the Blight Elimination Grant program requirements. The contract is on a time and materials basis with a maximum not-to-exceed amount of \$20,000. The various services to be provided can be found under Section A of the proposed contract. The effective date of the contract has been listed as February 22, 2024, to coincide with the grant contract.

Recommended Action

It is recommended that City Council waive competitive bidding and approve the professional services agreement between the City of Cadillac and Mac Consulting Service, LLC for the grant administration and project management service to implement the State Land Bank Authority Blight Elimination Program Grant.

CITY OF CADILLAC
CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT is made and entered into on the 22nd day of February 2024 by and between the City of Cadillac, hereinafter called "CITY" of 200 N. Lake Street, Cadillac, Michigan 49601, and Mac Consulting Service LLC, 8334 Outer Drive South, Traverse City, Michigan 49684, hereinafter called the "CONSULTANT".

CITY engages the CONSULTANT to perform professional consulting services. hereinafter called "Services", for implementation of the Blight Elimination Program (BEP) Grant with the State Land Bank Authority for the acquisition of the former Western Concrete property at 509 Fifth Street and abatement and demolition of site buildings and site features, hereinafter called the "Project".

SECTION I - SERVICES OF THE CONSULTANT

The CONSULTANT shall perform the following professional services to City standards and in accordance with the degree of care and skill that a registered professional in Michigan would exercise under similar conditions:

- A. CONSULTANT Services shall include, but not be limited to, the following tasks:
 - i. Property Acquisition Assistance: Provide assistance as needed to facilitate the acquisition of the former Western Concrete property from the Cadillac Industrial Fund by the City of Cadillac.
 - ii. Contractor Procurement: Prepare the specifications and bidding documents to procure and contract with a qualified contractor for abatement and demolition of the former Western Concrete buildings and site feature.
 - iii. Contract Management: Provide contract management services to ensure compliance with the abatement and demolition contract and compile documentation.
 - iv. BEP Grant Management: Provide all services necessary to ensure compliance with the BEP Grant Contract, including reporting, documentation, and state and federal regulations
 - v. Correspondence: CONSULTANT shall provide information upon the request of the CITY related to the Project.
 - v. Special Projects: CONSULTANT shall provide related services regarding other Projects as authorized by the CITY.
- B. CONSULTANT has assigned Michael J. McClelland as the Project Manager for this Contract. Prior written approval of CITY is required in the event the CONSULTANT desires to change the Project Manager.

SECTION II - CONSULTANT'S COMPENSATION

- A. The method of payment for this CONTRACT is on a time and materials expended. Total compensation for the services performed shall not exceed \$20,000.00. Any modifications to the compensation amount shall only be effective if agreed to by the CITY.
- B. CITY shall pay the CONSULTANT in installments based upon monthly detailed invoices submitted by the CONSULTANT. Such payments shall be made to the CONSULTANT within thirty (30) days after receipt of the detailed invoice.
- C. CONSULTANT Services will be performed by Mac McClelland, billing \$120.00/hour as set forth in the attached Standard Terms and Conditions.

SECTION III - THE CITY'S RESPONSIBILITIES

- A. The City Manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the Services shall be directed to the City Manager.
- B. The CITY shall review submittals by the CONSULTANT and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the CONSULTANT'S Services. The CITY will keep the CONSULTANT advised concerning the progress of the CITY's review of the Services. The CONSULTANT agrees that the CITY's inspection, review, acceptance or approval of CONSULTANT'S Services shall not relieve CONSULTANT'S responsibility for errors or omissions of the CONSULTANT.

SECTION IV - TERM & TERMINATION

The CONSULTANT will serve the CITY through the closing of the BEP Grant period which is December 31, 2026, as may be extended by agreement of the State Land Bank Authority. Either party may terminate this CONTRACT for convenience or abandon any portion of the Services which have not been performed by the CONSULTANT, upon fourteen (14) days written notice delivered personally or by certified mail to the addresses listed for each party above.

Immediately after receiving such notice, the CONSULTANT shall discontinue providing any services under this CONTRACT. Within fourteen (14) days after receiving such notice, the CONSULTANT shall prepare and submit the final detailed invoice to CITY.

The CONSULTANT shall deliver to the CITY all drawings, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY.

In the event of such termination or abandonment, the CONSULTANT shall be paid for services performed prior to receipt of said notice of termination including reimbursable expenses then incurred. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered the last of the partially completed items and the final fee has been agreed upon.

In the event this CONTRACT is terminated, the CITY shall have the option of completing the work or entering into a CONTRACT with another party for the completion of the work according to the provisions and agreements herein.

SECTION V – STANDARD TERMS AND CONDITIONS

The Standard Terms and Conditions are attached. Any conflicts or inconsistencies between the specific terms contained herein and the terms in the Standard Terms and Conditions, shall be resolved in favor of this CONTRACT.

SECTION VI – CONSULTANT REPRESENTATION

The CONSULTANT may not represent other parties located within the City of Cadillac or who have projects located within the City of Cadillac, without prior written approval of the City Manager. However, CONSULTANT may not under any circumstances, represent any party within whom the City of Cadillac currently has a contractual relationship or that CONSULTANT reasonably anticipates may have a contractual relationship with the City of Cadillac.

SECTION VII – LIMITATION OF LIABILITY

Both parties agree and acknowledge that in the event the CITY suffers any monetary damage resulting from the negligence of CONSULTANT, CONSULTANT'S liability shall be limited to the extent of CONSULTANT'S professional liability insurance policy, which shall not be for an amount less than \$1,000,000.00 at any time during this CONTRACT.

SECTION VIII - SEVERABILITY/SECTION HEADINGS/SURVIVAL/WAIVER

In the event any provision herein shall be deemed invalid or unenforceable, the other provisions shall remain in full force and effect, and binding upon the parties hereto. The heading or title of a section is provided for convenience and information and shall not serve to alter or affect the provisions included herein. All obligations arising prior to the termination of this CONTRACT and all provisions of this CONTRACT allocating responsibility or liability between the CITY and CONSULTANT shall survive the completion of services and the termination of this CONTRACT.

SECTION IX - APPLICABLE LAWS

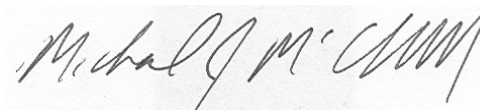
The CONTRACT shall be governed by the laws of the State of Michigan.

The parties hereto have executed this CONTRACT effective the Twenty-second day of February 2024.

CITY OF CADILLAC

By: Carla Filkins, Mayor

CONSULTANT
MAC CONSULTING SERVICE LLC

A handwritten signature in black ink, appearing to read "Michael J. McClelland", is written over a light gray rectangular background.

By: Michael J. McClelland
Project Manager

MAC CONSULTING SERVICES, LLC
8334 Outer Drive South
Traverse City, Michigan 49685

STANDARD TERMS AND CONDITIONS EFFECTIVE
JANUARY 2024

I. Fees for Consulting Services

Hourly rates for: Principal \$120.00

II. Equipment Charges

Mileage (IRS rate) Currently \$0.67 per mile

III. Services of Others

On occasion, subcontractors and subconsultants will be used with CITY approval. The cost of such services plus a fifteen percent contract administration fee will be included in the CONSULTANT invoice.

IV. Invoices

Invoices will generally be submitted once a month for services performed during the previous month. Payment will be due within 30 days of invoice date. Interest will be added to accounts in arrears at the rate of 1.5 percent per month.

V. On-Site Services During Project Activities

Should the CONSULTANT services be provided on the job site during project activities, clean-up or other site tasks, it is understood that, in accordance with generally accepted engineering practices, the contractor will be solely and completely responsible for working conditions on the job site, including safety of all persons and property during the performance of the work, and compliance with OSHA regulations, and that these requirements will apply continuously and not be limited to normal working hours. Any monitoring of the contractor's performance conducted by the CONSULTANT'S personnel is not intended to include review of the adequacy of the contractor's safety measures, in, on, or near the site.

It is further understood that field services provided by the CONSULTANT'S personnel will not relieve the contractor of their responsibilities for performing the work in accordance with applicable laws and regulations and with the plans and specifications.

VI. Ownership of Documents

All reports, field data and notes, laboratory test data, calculations, estimates, and other documents which the CONSULTANT prepares, as instruments of service, shall remain the CONSULTANT's property. The CITY agrees that all reports and other work furnished to the CITY or the CITY agents, which are not paid for, will be returned upon demand and will not be used for any purpose whatsoever.

Any documents or reports prepared by the CONSULTANT are intended for the CITY use and benefit and any lenders that might rely on the report and findings whose interests are secured by the property. They are not intended for use by any other third party.

Reports and other materials resulting from the CONSULTANT'S efforts on each project or site are not intended or represented to be suitable for reuse by the CITY or others on extensions or modifications of each project or for any other projects or sites. Reuse of reports or other materials

by the CITY or others on extensions or modifications, of each project or on other sites, without the CONSULTANT'S written permission or adaptation for the specific purpose intended shall be at the user's sole risk, without liability on the CONSULTANT'S part, and the CITY agree to indemnify and hold the CONSULTANT harmless from all claims, damages and expenses, including attorney's fees, arising out of such unauthorized reuse resulting from the release of documents.

VII. Confidentiality

The CONSULTANT will hold confidential all business or technical information obtained or generated in the performance of services under this Agreement. The CONSULTANT will not disclose such information without CITY consent, except to the extent required for: (1) performance of services under this Agreement; (2) compliance with professional standards of conduct regarding immediate and emergency public safety and health concerns; (3) compliance with any court order or governmental directive; and/or (4) protection of Otwell Mawby, P.C. against claims or liabilities arising from the performance of services under this Agreement. The CONSULTANT'S obligations hereunder shall not apply to information in the public domain or lawfully acquired on a non-confidential basis from others.

VIII. Insurance

The CONSULTANT is protected against risks of liability exposure by Comprehensive General Liability Insurance (bodily injury and property damage), Automobile Liability and Professional Liability Insurance. The CONSULTANT will furnish information and certificates at CITY request. The Consultant will not be responsible for any loss, damage or liability arising from CITY negligent acts, errors and omissions, and those by CITY staff, consultants, contractors and agents or from those of any person for whose conduct the CONSULTANT is not legally responsible.

IX. Standard of Care

In performing professional services, the CONSULTANT will use that degree of care and skill ordinarily exercised, under similar circumstances, by members of the profession practicing in the same or similar locality. The standard of care shall exclusively be judged as of the time the services are rendered and not according to later standards. The CONSULTANT makes no express or implied warranty beyond this commitment to conform to this standard.

X. Limitation of Liability

As part of this contractual Agreement, both parties agree, acknowledge, and so contract between themselves that in the event the owner or signatory to this contract suffers any monetary damage resulting from the negligence of Mac Consulting Service LLC., it is specifically agreed that the liability shall be limited to the extent of coverage of Mac Consulting Service LLC professional liability insurance policy.