



City Council Meeting

October 21, 2024

6:00 p.m.

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



October 21, 2024 City Council Meeting Agenda
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

We trust and assume goodness in intentions

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 October 7, 2024
Support Document III-A

IV. PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance to Add a New Section 46-754 to and Amend Sections 46-526 and 46-745 of the Code of Ordinances.
Support Document IV-A

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- B. Public hearing to consider adoption of Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances.

Support Document IV-B

- C. Public hearing to consider adoption of Resolution Approving Brownfield Plan - North Lake Street Flats.

Support Document IV-C

V. COMMUNICATIONS

- A. Trunk or Treat Food Drive

Support Document V-A

- B. Holiday Market

Support Document V-B

- C. Cadilac Band Boosters

Support Document V-C

- D. Lighted Holiday Garland

Support Document V-D

VI. CITY MANAGER'S REPORT

- A. Recommendation regarding Fire Department Turnout Gear Grant.

Support Document VI-A

- B. Recommendation regarding Sanitary Sewer Repair.

Support Document VI-B

- C. Bids and recommendation regarding The Market at Cadillac Commons Renovations.

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.

VIII. TABLED ITEMS

- A. COLA Update & Request

Support Document VIII-A

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IX. GOOD OF THE ORDER

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

October 7, 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, Mayor Filkins

Council Absent: King

Staff Present: Peccia, Dietlin, Wallace, Howell, Homier (via Zoom), Wasson

APPROVAL OF AGENDA

2024-190 Approve agenda as presented.

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

Motion unanimously approved.

Mayor Filkins noted we have on the agenda the opportunity to set a public hearing for bed and breakfasts in the community. She stated she wanted to clarify that we are talking about bed and breakfasts, we are not talking about VRBOs. She noted we have already addressed VRBOs, and they are being enforced.

PUBLIC COMMENTS

Andy VanAlst noted he is not clear on the difference between bed and breakfasts and short-term rentals.

Andrea Lilly stated it is going to cost approximately \$6,000 to connect to City water. She asked about testing for PFAS.

Pat Ponczek asked about what type of regulations there would be for bed and breakfasts. She noted it can be called bed and breakfast but it is still a short-term rental with breakfast added.

CONSENT AGENDA

2024-191 Approve consent agenda as presented.

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

Motion unanimously approved.

PROCLAMATION

A. Support Your Local Chamber of Commerce Day

Mayor Filkins stated the local Chamber of Commerce is celebrating 125 years. She read a proclamation proclaiming October 16, 2024 as Support Your Local Chamber of Commerce Day.

Bethany Miller, Leadership & Operations Director, stated on October 17th at noon they will be doing a ribbon-cutting ceremony welcoming all community members and businesses to celebrate with them. She noted there will be a reading of the proclamation and it is an opportunity for anyone that is not currently engaged in the Chamber to come and meet them and learn about initiatives and programs they are using to drive business forward.

COMMUNICATIONS

A. Zion Lutheran Church

Peccia noted Zion Lutheran Church is celebrating their 150th year in Cadillac. He stated they were organized officially in 1874. He noted prior to 1904 the services were done in Swedish.

2024-192 Approve sign request for Zion Lutheran Church.

Motion was made by Schippers and supported by Elenbaas to approve the sign request from Zion Lutheran Church for their Fall Craft & Bake Sale on October 18-19, 2024 as presented.

Motion unanimously approved.

B. Toy Town Toy Trot

2024-193 Approve street closure for Toy Town Toy Trot 5k.

Motion was made by Elenbaas and supported by Schippers to approve the closure of Lake St. between Cass St. and Harris St. from 7:00 am to 11:00 am on November 16, 2024 for the Toy Town Toy Trot 5k.

Motion unanimously approved.

C. Cadillac Garden Club

2024-194 Approve display of banner for Cadillac Garden Club.

Motion was made by Elenbaas and supported by Schippers to approve the display of a banner from November 18-25, 2024 for the Cadillac Garden Club Holiday Home Tour,

Motion unanimously approved.

D. Christmas in the Park

2024-195 Approve street and parking closures for Christmas in the Park.

Motion was made by Schippers and supported by Elenbaas to approve the closure of Lake St. between Cass St. and Harris St. from 4:00 pm to 8:00 pm and the closure of the north parking lot of the Cadillac Commons from 3:00 pm to 8:00 pm on November 29, 2024 for Christmas in the Park.

Motion unanimously approved.

E. Domestic Violence Awareness Month

2024-196 Approve purple lights in the downtown area for Domestic Violence Awareness Month.

Motion was made by Elenbaas and supported by Schippers to approve the request from Oasis Family Resource Center to hang purple lights on the light poles in the core downtown area during the month of October for Domestic Violence Awareness Month.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding appointment to the Local Development Finance Authority.

2024-197 Approve appointment to the Local Development Finance Authority.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Matthew Schichtel to the Local Development Finance Authority for a 4-year term to expire on October 7, 2028.

Motion unanimously approved.

B. Recommendation regarding appointment to the Local Development Finance Authority.

2024-198 Approve appointment to the Local Development Finance Authority.

Motion was made by Elenbaas and supported by Engels to approve the appointment of William Tencza to the Local Development Finance Authority for a 4-year term to expire on October 7, 2028.

Motion unanimously approved.

C. Recommendation regarding appointment to the Local Development Finance Authority.

2024-199 Approve appointment to the Local Development Finance Authority.

Motion was made by Elenbaas and supported by Engels to approve the appointment of Richard Torres to the Local Development Finance Authority for a 4-year term to expire on October 7, 2028.

Motion unanimously approved.

D. Recommendation regarding reappointment to the Board of Review.

2024-200 Approve reappointment to the Board of Review.

Motion was made by Engels and supported by Elenbaas to approve the reappointment of Mary Jo O'Hagan to the Board of Review for a 2-year term to expire on November 21, 2026.

Motion unanimously approved.

E. Recommendation regarding reappointment to the Planning Commission.

2024-201 Approve reappointment to the Planning Commission.

Motion was made by Elenbaas and supported by Engels to approve the reappointment of Dale Rice to the Planning Commission for a 3-year term to expire on October 7, 2027.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Striking 2019 Delinquent Personal Property Taxes.

Peccia stated according to Public Act 206 personal property taxes may be written off after being delinquent for five years. He noted there are a total of 37 parcels that are still on the 2019 delinquent personal property tall roll. He stated these parcels are buildings on leased land, primarily decks or sheds on rented mobile home lots. He noted the total amount we are requesting to be written off through this process will be \$2,438.72.

2024-202 Approve striking 2019 Delinquent Personal Property Taxes.

Motion was made by Schippers and supported by Elenbaas to approve striking 2019 Delinquent Personal Property Taxes pursuant to Public Act 206 (Property Tax Act).

Motion unanimously approved.

B. Recommendation Regarding Renewal of an Agreement for Services with the Alliance for Economic Success.

Peccia stated in 2021 the City entered into an agreement with the Alliance for Economic Success (AES) and we are looking at continuing to have them serve as our Economic Development Organization (EDO). He noted AES is serving municipalities within Wexford and Missaukee Counties and they are doing a terrific job. He stated tomorrow is the first annual Development Day which is an all-day experience where we will be travelling around Wexford and Missaukee Counties with potential developers and other interested people.

Peccia stated Niki Schultz, Executive Director, and Jeremy Winkle, Chairman of the Board, are in attendance.

Mayor Filkins noted she has been a member of that board since the City joined the group. She stated it is very beneficial and they are doing some great things.

Jeremy Winkle stated many developers will be touring our community tomorrow. He noted AES is working with community partners to promote Cadillac and the greater surrounding area.

2024-203 Approve contract for services with the Alliance for Economic Success.

Motion was made by Schippers and supported by Elenbaas to approve the Contract for Services with the Alliance for Economic Success.

Motion unanimously approved.

C. COLA Update & Request

Peccia noted all staff members except for him have received annual cost of living adjustments. He stated as he embarks on his 15th anniversary next month, he respectfully and humbly requests Council to make a compensatory modification to his agreement that would minimally

keep him in pace with the department heads and other non-union staff. He noted the language he is proposing is to automatically annually adjust his base minimally by whatever the non-union percentage increase was, effective July 1st. He added for this year, he is requesting that it is retroactive to May 20th, which was when he traditionally would have received an adjustment.

Peccia stated two other non-compensatory requests that he is asking Council to consider are:

- Update language regarding the review from “shall” to “may” annually
- Include language that would require a four-fifths vote to terminate his agreement

Peccia noted the recommendation is to direct the City Attorney to make the revisions accordingly, and authorize the Mayor to execute an amendment to the agreement.

Elenbaas asked if he missed the memo that said we aren’t doing an evaluation this year.

Mayor Filkins stated each year when we step through this process, historically Cadillac has made Council’s work in evaluating our City Manager very public. She noted when we were speaking with representatives of the Michigan Municipal League (MML) during the recent conference, she asked peers about that process and how uncomfortable it is for the Council and the City Manager. She stated she asked how they handle that annual discussion and received some really good feedback.

Elenbaas stated when you don’t let the public in there is a lack of transparency and you lose trust. He noted if we are going to do this he would rather have a full Council.

Mayor Filkins stated she respects that concern but the only request is that the City Manager receives what everyone else in this organization has received which is a 3.5% increase.

Mayor Filkins noted we didn’t talk about the evaluation process. She stated she is very open to having that discussion and it should occur when everyone is present.

Elenbaas stated this a pretty big vote and he would like all of the Council present when it involves voting on a raise for the City Manager.

Schippers stated she doesn’t think a cost-of-living increase is a raise.

Elenbaas stated when he worked for the City, a cost-of-living increase was called a raise.

2024-204 Table COLA Update & Request.

Motion was made by Elenbaas and supported by Engels to table the City Manager’s raise until the next meeting when Council Member King returns.

Engels stated our evaluations have basically been the same for the past 2-3 years. He noted he hasn’t been asking questions about the evaluation and he didn’t think there was any mystery of how it was going to go. He stated he will likely end up supporting this but he does believe Council Member King should be present.

Motion unanimously approved.

Schippers noted every year we talk about how we want to do the evaluation and we have never gotten close to mastering it. She stated the input she heard at the MML conference was that there are a variety of options. She noted she would like Council to try to come up with something that isn't so combative. She stated the purpose of an evaluation is to help with growth. She does like that Council is having a conversation as a group but she would like Council to discuss the evaluation process.

INTRODUCTION OF ORDINANCES

- A. Adopt resolution to introduce Ordinance to Add a New Section 46-754 to and Amend Sections 46-526 and 46-745 of the Code of Ordinances and set a public hearing for October 21, 2024.

Peccia stated this item is regarding amending our Zoning Code that will allow us to be able to regulate the use of land in the City for utility-scale battery energy storage systems. He noted the request is to set a public hearing for October 21, 2024. He stated we are doing this so we don't lose local control to the State of Michigan.

2024-205 Set public hearing for Ordinance 2024-12.

Motion was made by Schippers and supported by Engels to approve the resolution to introduce Ordinance to Add a New Section 46-754 to and Amend Sections 46-526 and 46-745 of the Code of Ordinances and set a public hearing for October 21, 2024.

Ayes: Schippers, Engels, Mayor Filkins

Nays: Elenbaas

Motion carried.

Engels asked Council Member Elenbaas if he has a reason for opposing this.

Elenbaas stated the whole idea is unacceptable to him.

Engels stated he did watch the Planning Commission meeting and there were questions about this so he would like to have a presentation at the next meeting. He noted the State of Michigan is giving us the option to regulate this if we put that language in place.

Peccia stated otherwise we lose the ability to regulate this type of use.

- B. Adopt resolution to introduce Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances and set a public hearing for October 21, 2024.

Peccia stated this item is about amending our Zoning Code regarding bed and breakfast. He read how we are proposing to define bed and breakfast as recommended by the Planning Commission:

Bed and breakfast means a single-family dwelling unit in which up to eight rooms are available for rent to transient tenants, for fewer than 15 days, during which time the

innkeeper resides in the dwelling unit. The term bed and breakfast is also known as a “tourist home”.

Peccia stated the amendment of Section 46-186 also includes a new subsection 7 which would be titled Bed and Breakfast that would be added to the current list of six others special land uses that are already permitted within the Residential Multifamily 1 & 2 zoning districts.

Peccia noted these uses are not allowed by right which means even if you are in the Residential Multifamily 1 or 2 zoning districts and the use you want to do on your property is one of the seven (7) uses, you still have to go to the Planning Commission and get a special use permit approved, specifically because those uses have been identified as needing a higher level of scrutiny. He stated part of the analysis in terms of whatever that particular use might be is if the location is appropriate within that zone.

Peccia stated the request is to set the public hearing for October 21, 2024.

Engels stated he has stayed in a lot of Airbnbs and a few bed and breakfasts and he has never been confused about which is which. He noted technically we define a bed and breakfast as a place in which the innkeeper resides in the dwelling unit and we are regulating them so people can only stay there for 15 days. He stated he knows there are concerns about whether these are going to cause problems. He noted he has a call into Ludington that has a nice RM-1 zone stretch along Ludington Avenue which has more than a couple bed and breakfasts and he believes they also have Airbnbs. He stated he is looking for a community comparison as to what the struggles are with bed and breakfasts vs what the struggles are with the Airbnbs and how the community deals with them.

Engels noted RM-1 doesn't look like the neighborhoods that we have been fighting to protect. He stated the actual bed and breakfast that is going to request the special use permit if this is passed is located about 2 blocks from him. He noted he believes it is a perfect location for that use and it wouldn't destroy the integrity of the neighborhood.

Peccia noted the key is that it is not a blanket approval but rather on a case-by-case basis. He stated by having the tool in the Zoning Code it allows the Planning Commission to be able to work through it.

Elenbaas asked if enforcement has been figured out yet.

Peccia noted it would be enforced by the Community Development Department.

2024-206 Set public hearing for Ordinance 2024-13.

Motion was made by Schippers and supported by Elenbaas to approve the resolution to introduce Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances and set a public hearing for October 21, 2024.

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution regarding North Lake Street Flats Brownfield Plan and set a public

hearing for October 21, 2024.

Peccia stated the request is to set a public hearing for October 21, 2024 regarding the North Lake Street Flats Brownfield Plan. He noted there will be approximately 48 new units constructed about a block north of the City Municipal Building. He stated the Brownfield Authority has already approved the draft Brownfield Plan that is being proposed for the redevelopment of that property. He noted this a new tool made available by the State of Michigan to try to encourage residential development.

2024-207 Set public hearing for North Lake Street Flats Brownfield Plan.

Motion was made by Schippers and supported by Engels to adopt the resolution regarding North Lake Street Flats Brownfield Plan and set a public hearing for October 21, 2024.

Motion unanimously approved.

PUBLIC COMMENTS

Audrey Wood asked if there are any plans to hold a town hall regarding PFAS as was discussed at the last meeting.

GOOD OF THE ORDER

Peccia stated he wanted to apologize to the resident that came forward about the cost estimate. He noted he had no idea when she was at the last meeting that her property was in a water district where there is a special assessment attached to it which is why it is closer to \$6,000 vs. \$3,000. He stated if she is interested in connecting, she should contact a private contractor just to verify our rough estimate of \$3,000. He noted the district fees to connect is approximately \$2,270.

Peccia noted regarding a town hall on PFAS, the LDFA is in the process of bringing on board a company named Warner Norcross & Judd, that has specific environmental attorneys who are experts on PFAS among other things. He stated we anticipate having them on board later this fall. He noted he believes we will be in a position before the end of the calendar year but possibly early into the new year to have them come and provide an explanation as to where everything is at. He stated the issue is that there is a lot of moving pieces and there are a lot of things that are being tested. He noted the amount of PFAS that the LDFA is injecting into the water source, which is the Clam River, are trillions of parts well below the threshold which is 170 ppt.

Jeff Dietlin, Director of Utilities, stated we are below 4 ppt.

Peccia noted 4 ppt is the drinking water level.

Peccia stated we do have PFAS and will always have PFAS. He noted the federal and state governments can continue to adjust the thresholds but right now we are incredibly below where it becomes a problem.

Dietlin stated we have no PFAS in the City of Cadillac drinking water.

Peccia noted the total aggregate discharge from the cleanup wells within the LDFA area going into the Clam River is below the level in which the government says is safe for drinking water.

Peccia noted we want to understand where it is coming from because there are a number of wells. He stated the LDFA agreed that we are going to test up to 5 water cleanup wells to see if any of them contain PFAS. He noted if they test positive there might not necessarily be anything we can do because the aggregate when it gets combined with all of the other water that gets discharged is still well below where the governments says is a problem.

Peccia stated the LDFA at the last couple of meetings discussed having additional consultation come on board to work with the environmental attorney that we already have with us.

Mayor Filkins stated she is glad the LDFA agreed upon having this additional resource come on board because it is a complicated conversation and is very frightening to people who don't know the answers.

Peccia stated for people who are on private wells and not our municipal water system, we don't know what their water contains.

Schippers stated when they first moved here their street was paved and the infrastructure was improved and they saw an assessment which she then learned would need to be paid over time. She noted the City drinking water has zero PFAS and we have residents who are not on the system. She asked if it is possible to spread that assessment over many years. She stated she knows there are some private plumbing costs that we can't pay for but can we spread the City's fees out so that it is not a huge hit.

Peccia stated we would need legal to review it. He noted he is not certain how the district was put in place but his assumption is that it was probably put in place by ordinance so it might require an amendment to the ordinance. He stated when do special assessments for street repaving or other infrastructure we are allowed to go up to a certain number of years where the special assessment is on the property itself.

Mayor Filkins noted it makes her wonder about the knowledge that local real estate agents have in regards to those properties that are still on wells and when a potential buyer is going to purchase a home in that area is there any conversation with the property owner about what it would take to upgrade to City services.

Dietlin stated Ms. Lilly had asked if the EPA had done any testing in that area. He noted the State of Michigan did testing in 2020 or 2021 but the EPA has not done any testing since that time. He stated we are going to test 5 of our cleanup production wells. He noted the State of Michigan MPART (Michigan PFAS Action Response Team) is going to test 20 homes in the North Park area to see if any contamination got outside of our cleanup area.

Dietlin noted he has a meeting with MPART and the EPA this Thursday about putting together an evening town hall meeting in the future.

Schippers stated she knows how frustrating it is to have the time frame be so long for things like this. She noted things take time to move things in government because there is a process that is sometimes painfully slow. She stated she has learned that sometimes that length of time is a good thing because in that slow process so much more information can be garnered and learned and you have an opportunity to listen to so many more people to get other ideas. She noted she went from being super frustrated on how slow the process is to mostly grateful for the time it takes to get these things done so we can pull in the whole community and find out all of the things we need in order to make good decisions.

Mayor Filkins stated in support of the comments made by Council Member Schippers, she recently heard statement that said “facts are our friends”. She noted there is a lot of information that goes out on social media about PFAS and other things and how do we know what is truly a fact and what isn’t. She stated by taking this journey, those facts are going to be our friend as we move forward making certain that everyone is safe.

Elenbaas stated he recently had a tour of the post office with Chris Lamphere and Richard Schultz. He noted at the end they had a brief discussion about the sesquicentennial which is less than 3-years away. He stated eventually we need to form a committee and he would like to be involved. He added Richard Schultz would also like to be involved. He noted it will bring the community together.

Mayor Filkins noted we need to find somebody to lead it and make sure all of the different groups that want to be part of planning process are involved.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

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
Robert Engels
Stephen King
Bryan Elenbaas

RESOLUTION NO. 2024-_____

**RESOLUTION TO ADOPT ORDINANCE NO. 2024-_____,
AN ORDINANCE TO ADD A NEW SECTION 46-754 TO AND AMEND SECTIONS 46-
526 AND 46-745 OF THE CODE OF ORDINANCES, CITY OF CADILLAC, MICHIGAN.**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held
in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac,
Michigan, on _____, 2024, at _____ p.m.

PRESENT: _____

ABSENT: _____

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

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

WHEREAS, the City City desires to amend the City's Zoning Ordinance to regulate the
use of land in the City for utility-scale battery energy storage systems;

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

WHEREAS, the Planning Commission voted to recommend the adoption of the proposed
amendments; and

WHEREAS, the City Council introduced the proposed amendments at a meeting on
_____, 2024; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments on _____, 2024; and

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

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

1. The City adopts Ordinance No. 2024-____, An Ordinance to Add a New Section 46-754 to and Amend Sections 46-526 and 46-745 of the Code of Ordinances, City of Cadillac, Michigan (the "Ordinance"), attached as **Exhibit A**.

2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk is directed to publish a Notice of Adoption within 7 days after its adoption. The Notice 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)
)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-____, duly adopted at a meeting of the City Council held on the ____ day of _____, 2024.

Sandra Wasson, Cadillac City Clerk

CITY OF CADILLAC
ORDINANCE NO. 2024-____
AN ORDINANCE TO ADD A NEW SECTION 46-754 TO AND AMEND SECTIONS 46-526 AND 46-745 OF THE CODE OF ORDINANCES, CITY OF CADILLAC, MICHIGAN.

The City of Cadillac ordains:

Section 1. **Short Title.**

This Ordinance may be referred and cited to as the “Utility-Scale Battery Energy Storage System Ordinance.”

Section 2. **Purpose.**

The purpose of this Ordinance is to regulate the use of land within the City for utility-scale battery energy storage systems, to retain local control over energy storage system zoning regulations to the extent permissible under Public Act 233 of 2023, and to promote the public health, safety, and welfare of City residents.

Section 3. **Addition of new Section 46-754 to the City Zoning Ordinance.**

A new Section 46-754 is added to Article VI of the City Zoning Ordinance and reads in its entirety as follows:

Sec. 46-754. - Utility-scale battery energy storage systems.

(1) Definitions.

- (a) “Battery management system” means an electronic regulator that manages a utility-scale battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.
- (b) “Utility-scale battery energy storage facilities” means one or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a utility-scale battery energy storage system with a battery management system.
- (c) “Utility-scale battery energy storage system” means a physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

(2) General provisions. All utility-scale battery energy storage systems are subject to the following requirements:

- (a) All utility-scale battery energy storage systems must conform to the provisions of this city zoning ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”
 - (b) The city may enforce any remedy or enforcement, including but not limited to the removal of any utility-scale battery energy storage system pursuant to the city zoning ordinance or as otherwise authorized by law if the utility-scale battery energy storage system does not comply with this section 46-754.
 - (c) Utility-scale battery energy storage systems are permitted as a special land use only in the General Industrial, I-2 District.
- (3) *Application requirements.* Utility-scale battery energy storage systems require authorization from the planning commission pursuant to Article VI of the city zoning ordinance. In addition to the requirements of Article VI, applicants for special land use authorization for utility-scale battery energy storage systems must provide the planning commission with all of the following:
 - (a) *Fee.* Application fee in an amount set by resolution of city council.
 - (b) *Escrow.* A deposit for an escrow account in an amount set by resolution or fee schedule approved by city council. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the city attorney, city planner, and city engineer, as well as any reports or studies which the city anticipates will be required during the review and/or approval process for the application. At any point during the review process, the city may require that the applicant place additional monies into escrow with the city if the existing escrowed funds on account with the city will be insufficient, in the determination of the city, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the city to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the city will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.
 - (c) *Location Listing.* A list of all parcel numbers that will be used by the utility-scale battery energy storage system; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

- (d) *Operations Agreement*. An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- (e) *Photos*. Current photographs, videos, and topography maps of the subject property.
- (f) *Conceptual Plan*. A conceptual plan that consists of a graphical computer-generated depiction of how the utility-scale battery energy storage system will appear from all directions.
- (g) *Site Plan*. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the utility-scale battery energy storage system will be connected to the power grid.
- (h) *Agreement with Utility*. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed utility-scale battery energy storage system.
- (i) *Maintenance Plan*. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the city's review and approval.
- (j) *Decommissioning Plan*. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the utility-scale battery energy storage system, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the utility-scale battery energy storage system and restore the subject parcels, which is subject to the city's review and approval.
- (k) *Financial Security*. Financial security that meets the requirements of this section, which is subject to the city's review and approval.
- (l) *Complaint Resolution Plan*. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the utility-scale battery energy storage system, which is subject to the city's review and approval.
- (m) *Hazardous Waste Plan*. A plan for managing any hazardous waste, which is subject to the city's review and approval.
- (n) *Emergency Response Plan*. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and

analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant shall identify its plan for providing those resources. The emergency plan shall include identification of potential hazards to adjacent properties, public roadways, and to the community in general that may be created, as well as plans for immediate cleanup, long-term monitoring, and continued mitigation efforts following an emergency.

- (o) *Fire Protection Plan.* A fire protection plan, which identifies the fire risks associated with the utility-scale battery energy storage system; describes the fire suppression system that will be implemented, including the manufacturer of the fire suppression system, its operations, and its capacity to extinguish fires; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a “fire watch”); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
- (p) *Fire Training and Equipment.* A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies at the utility-scale battery energy storage system site. The training plan must include, at a minimum, annual emergency response training for local firefighters and other local emergency personnel at the site of the utility-scale battery energy storage system.
- (q) *Transportation Plan.* A transportation plan for construction and operation phases, including any applicable agreements with the county road commission and Michigan department of transportation, which is subject to the city’s review and approval.
- (r) *Indemnification.* An attestation that the applicant will indemnify and hold the city harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the utility-scale battery energy storage system, which is subject to the city’s review and approval.
- (s) *Environmental Regulation Compliance.* Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.); Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the city.

- (t) *Proof of Insurance.* Proof of the owner/operator's required insurance.
 - (u) *Code Compliance.* Compliance with the Michigan Uniform Building Code and National Electric Safety Code. Construction of utility-scale battery energy storage facilities shall comply with the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies as a condition of any special land use authorization under this section.
 - (v) *Additional Information.* Any additional information or documentation requested by the planning commission, city council, or other city representative.
- (4) *Site plan requirements.* In addition to the site plan requirements of section 46-29, site plans for special land use authorization for utility-scale battery energy storage systems must include all of the following:
- (a) *Proposed Locations.* Location of all proposed structures and buildings, including equipment, transformers, and substations, on the subject parcel.
 - (b) *Existing Locations.* Location of all existing structures or buildings on the subject parcel and location of all existing structures or buildings on adjacent parcels within 1,000 feet of the property lines of the subject parcel.
 - (c) *Depictions.* Depiction of all setbacks, property lines, fences, signs, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
 - (d) *Connection.* Indication of how and where the system will be connected to the power grid.
 - (e) *Land Clearing.* Plan for any land clearing and grading required for the installation and operation of the system.
 - (f) *Construction Schedule.* Anticipated construction schedule and completion date. As a condition of any special land use or site plan approval, hours of construction shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. with no construction on Saturday, Sunday, or any federally recognized holiday.
 - (g) *Sound Study.* Sound modeling study including sound isolines extending from the sound sources to the property lines.
 - (h) *Additional Studies.* Any additional studies requested by the planning commission, including but not limited to the following:
 - 1. *Environmental Analysis.* An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, removal of trees, wetlands

and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

2. *Stormwater Study.* An analysis by a third-party qualified professional studying the proposed layout of the utility-scale battery energy storage system and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
 3. *Glare Study.* If the utility-scale battery energy storage system includes solar panels, then an analysis by a third-party qualified professional to determine if glare from the solar panels will be visible from nearby airports, air strips, residences, and roadways may be required. The analysis will consider the changing position of the sun throughout the day and year and its influences on the solar panels.
- (i) *Conceptual Layout Plan.* Applicants shall submit a conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan shall consist of a map and summary of the proposed development or land use, indicating the lands to be included, a brief description of the proposed project, a timeline for the proposed project, and any other information applicant deems necessary to provide the planning commission with a general overview and layout of the proposed project. The conceptual layout plan shall be reviewed by the planning commission to allow for discussion and feedback to the applicant.
 - (j) *Approvals from Other Agencies.* Final site plan approval may be granted only after the applicant receives all required federal, state, and local approvals, including any applicable approval by the state historic preservation office. Applicant shall provide copies of all review letters, final approved plans, and reports issued by any other governing agencies to the city.
 - (k) *Topographical Grades.* The site plan must show the existing topographical grades in two-foot intervals and conditions of all participating property at the time of application.
 - (l) *Soil Test.* A baseline soil test including cation exchange capacity (CEC) shall be provided to the city prior to any construction.
 - (m) *Dust Control.* A written description of how the applicant will address dust control during construction. Such plan shall, at a minimum, consist of water applications at least three times per day unless it has rained in the preceding three hours of the planned application.

(5) *System and location requirements.* In addition to the requirements applicable to the General Industrial, I-2 District, utility-scale battery energy storage systems must meet or exceed all of the following:

- (a) *Lighting.* Lighting of the utility-scale battery energy storage system is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the utility-scale battery energy storage system. The utility-scale battery energy storage system must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads. Flashing or intermittent lights are prohibited.
- (b) *Security Fencing.* Security fencing must be installed around all electrical equipment related to the utility-scale battery energy storage system. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the utility-scale battery energy storage system.
- (c) *Noise.* All noise measurements are to be instantaneous and shall not be averaged. The noise generated by a utility-scale battery energy storage system must not exceed the following limits, as measured at the property line of any adjacent parcel:
 - 1. 40 dBA Lmax between the hours of 7:00 a.m. and 9:00 p.m.
 - 2. 35 dBA Lmax between the hours of 9:00 p.m. and 7:00 a.m.
 - 3. The owner/operator of the utility-scale battery energy storage system shall annually provide for a sound analysis or modeling, conducted by an auditory expert chosen by the city, at the expense of the applicant.
- (d) *Underground Transmission.* All power transmission or other lines, wires, or conduits from a utility-scale battery energy storage system to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
- (e) *Drain Tile Inspections.* The utility-scale battery energy storage system must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every two years by means of robotic camera, with the first inspection occurring before the utility-scale battery energy storage system is in operation. The applicant or operator must submit proof of the inspection to the city. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the city. The city is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

(f) *Fire Protection.*

1. Before any construction of the utility-scale battery energy storage system begins, the city's fire department (or fire department with which the city contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the city's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the city of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the utility-scale battery energy storage system must implement. The fire chief's decision may be appealed to city council, and city council will hear the appeal at an open meeting. City council may affirm, reverse, or modify the fire chief's determination. City council's decision is final, subject to any appellate rights available under applicable law.
2. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection 1.
3. The utility-scale battery energy storage system must comply with the fire protection plan as approved by the fire chief (or as approved by city council in the event of an appeal).

(g) *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The city shall be listed as an additional insured on each policy.

(h) *Permits.* All required county, state, and federal permits must be obtained before the utility-scale battery energy storage system begins operating. A building permit is required for construction of a utility-scale battery energy storage system, regardless of whether the applicant or operator is otherwise exempt under state law.

(i) *Decommissioning.* If a utility-scale battery energy storage system is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the city and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the building official and full restoration of the site to the satisfaction of the zoning administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a utility-scale battery energy

storage system that is never fully completed or operational if construction has been halted for a period of one (1) year.

- (j) *Financial Security.* To ensure proper decommissioning of a utility-scale battery energy storage system upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the city. The operator and the city will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
 - (k) *Extraordinary Events.* If the utility-scale battery energy storage system experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the city within 24 hours.
 - (l) *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - 1. Current proof of insurance;
 - 2. Verification of financial security; and
 - 3. A summary of all complaints, complaint resolutions, and extraordinary events.
 - (m) *Inspections.* The city may inspect a utility-scale battery energy storage system at any time by providing 24 hours advance notice to the applicant or operator.
 - (n) *Transferability.* Special use authorization for a utility-scale battery energy storage system is transferable to a new owner. The new owner must register its name and business address with the city and must comply with this section and all approvals and conditions issued by the city.
 - (o) *Remedies.* If an applicant or operator fails to comply with this section, the city may pursue any remedy or enforcement, including but not limited to the removal of any utility-scale battery energy storage system pursuant to this section or as otherwise authorized by law. Additionally, the city may pursue any legal or equitable action to abate a violation and recover any and all costs, including the city's actual attorney fees and costs
- (6) *Utility-scale battery energy storage systems under PA 233.*

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to utility-scale battery energy storage systems with a nameplate

capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours of more.

To the extent these provisions conflict with the provisions in subsections 46-754 (1)–(5), these provisions control as to such utility-scale battery energy storage systems. This subsection 46-754(6) does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to utility-scale battery energy storage systems with a nameplate capacity of less than 50 megawatts and an energy discharge capability of less than 200 megawatt hours. All provisions of subsections 46-754(1)–(5) that do not conflict with this subsection 46-754(6) remain in full force and effect.

- (a) *Setbacks.* Utility-scale battery energy storage systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- (b) *Installation.* Utility-scale battery energy storage systems must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.
- (c) *Noise.* Utility-scale battery energy storage systems must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (d) *Lighting.* Utility-scale battery energy storage systems must implement dark sky-friendly lighting solutions.
- (e) *Environmental regulations.* Utility-scale battery energy storage systems must comply with applicable state or federal environmental regulations.
- (f) *Host community agreement.* The utility-scale battery energy storage system applicant shall enter into a host community agreement with the city. The host community agreement shall require that, upon commencement of any operation, the utility-scale battery energy storage facility owner must pay the city \$2,000.00 per megawatt of nameplate capacity located within the city. The payment shall be

used as determined by the city for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the city and the applicant.

Section 4. Amendment of Section 46-526 of the City Zoning Ordinance.

Section 46-526 of the City Zoning Ordinance is amended by the addition of subsection 4, which reads in its entirety as follows:

- (4) Utility-scale battery energy storage systems subject to the conditions set forth in section 46-754 of this chapter.

Section 5. Amendment of Section 46-745 of the City Zoning Ordinance.

Section 46-475 of the City Zoning Ordinance is amended by the addition of “Utility-scale battery energy storage systems, subject to the conditions set forth in section 46-754” as a special use allowed in the General Industrial, I-2 District.

Section 6. Severability and Validity.

If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provision of this Ordinance.

Section 7. Repealer.

Any ordinances or parts of ordinances that conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Section 8. Effective Date.

This Ordinance takes effect 20 days after its adoption.

Approved this ____ day of _____, 2024.

Sandra Wasson, City Clerk

Carla J. Filkins, Mayor

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

Sandra Wasson, City Clerk

**NOTICE OF ADOPTION OF
AN ORDINANCE TO ADD A NEW SECTION 46-754 TO AND AMEND SECTIONS 46-526 AND 46-745 OF THE CODE OF ORDINANCES, CITY OF CADILLAC, MICHIGAN**

NOTICE IS HEREBY GIVEN that the City Council of the City of Cadillac, Wexford County, Michigan, at a meeting on _____, 2024, adopted Ordinance No. 2024-_____, An Ordinance to Add a New Section 46-754 to and Amend Sections 46-526 and 46-745 of the Code of Ordinances, City of Cadillac, Michigan. The ordinance takes effect 20 days after its adoption.

A copy of the Ordinance may be inspected or purchased, for a reasonable charge, during regular business hours at City Hall, 200 Lake Street, Cadillac, Michigan 49601. The following is a summary of the regulatory effect of Ordinance:

Section 1 makes the short title of the Ordinance the “Utility-Scale Battery Energy Storage System Ordinance.”

Section 2 states the purpose of the Ordinance is to regulate the use of land within the City for utility-scale battery energy storage systems while complying with Public Act 233 of 2023 and promoting the public health, safety and welfare.

Section 3 adds a new Section 46-754 to the City’s Code of Ordinances to regulate utility-scale battery energy storage systems by providing definitions, special land use permit application requirements, site plan requirements, and system and location requirements for utility-scale battery energy storage systems and a modification of those requirements for certain utility-scale battery energy storage systems under Public Act 233 of 2023.

Section 4 amends Section 46-526 of the City’s Code of Ordinances to add utility-scale battery energy storage systems as a use permitted, subject to conditions and approval by the planning commission, in General Industrial districts.

Section 5 amends the table in Section 46-745 of the City’s Code of Ordinances to add utility-scale battery energy storage systems as a special land use permitted in General Industrial districts.

Section 6 makes the provisions of the Ordinance severable.

Section 7 repeals any ordinance or parts thereof that conflict with the Ordinance to the extent necessary to give the Ordinance full force and effect.

Section 8 makes the Ordinance effective 20 days after its adoption.

By: Sandra Wasson, City Clerk
200 Lake Street
Cadillac, Michigan 49601
Telephone No: (231) 775-0181
26499:00004:200788484-1

October 21, 2024

Council Communication

Re: Resolution to amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances

Cadillac Planning Commission voted 6-1 at their September 23, 2024, meeting to approve and recommend that council approve the adoption of the amendments to Sections 46-4, 46-186 and 46-216 of the Cadillac City Code of Ordinances. The amendments would include shortening the defined time period for a bed and breakfast from 30 days to 15 days. This amendment also allows for Bed and Breakfast to be allowed in RM-1 and RM-2 zoned districts by Special Land Use Permit. Recognizing that questions may arise concerning such operations in single-family districts, staff did a random survey of the regulations of several Michigan cities to determine their standards governing B&B operations. The review is attached for reference.

Recommended Action

Council is asked to approve the ordinance amendment to Sections 46-4, 46-186, and 46-216 of the Cadillac City Code as presented.

Bed & Breakfast Operations in Single-Family Residential Districts
Random Review of Michigan Cities

City	Population	Permitted Use	Special Land Use	Maximum Guest Rooms	Owner Occupied	Separation Distance (2)	Guest Parking Per Room (3)	Maximum Consecutive Stay (Days)	Maximum Employees (5)	Maximum Room Occupancy (6)
Alpena	10,107		X				1	14		4
Big Rapids	7,969	X		7			1	7		
Cheboygan	4,872	X			X			14		4
Boyne City	3,838		X		X	500 Ft.	1			
Frankfort	1,104	X		4						2
Grand Haven	10,961		X	4	X	600 Ft.		14	3	4
Grayling	1,976		X	6	X		1	14		
Mackinaw City	847	X(1)		8		500 Ft.	1	14		
Manistee	6,281		X		X		1 (4)		3	4
Petoskey	5,838	X		3		500 Ft.		14		
Reed City	2,532		X		X		1			
Rockford	6,183	X 1 Guest Rm.	X 1+ Guest Rms.	3		750 Ft.		30		2 Plus Minor Children

- (1) Subject to site plan review by the Planning Commission and City Council.
(2) Required separation distance between B&B dwellings.
(3) Required parking per guest room. In addition to the required parking for the single-family unit (normally 2 spaces).
(4) Guests parking may be within 200 feet.
(5) In addition to family residing at home.
(6) Typically, 2 occupants for the first 100 square feet plus 1 additional occupant per each additional 30 square feet.

Summary of Findings

The ordinances varied in the level of detail provided. Some were very specific with their regulatory standards while others were subjective, often leaving it to the approving body to render determinations of compliance. None of the ordinances were identical. Based on the survey, the following observations were made:

1. **Commonly Identified Use** –B&B’s operations in single-family zone districts of smaller populated cities was found to be relatively common.
2. **Use Classification** - Cities were almost evenly divided regarding the classification of B&B’s as permitted by right or as a special land use.
3. **Maximum Guest Rooms** - When delineated, the maximum number of permitted guest rooms ranged from 3 to 8 rooms.
4. **Owner Occupancy** - One-half of the ordinances specifically called for B&B’s to be owner-occupied.
5. **Distance Standard** - Five of the cities specified separation distances of 500 to 750 feet between B&B operations.
6. **Parking** - The majority required 1 parking space per guest room. This was in addition to the spaces required for the type of dwelling in which the B&B was located. Typically, 2 spaces.
7. **Maximum Days of Residency** – Generally, guests were limited to 14 days of continual occupancy.
8. **Maximum Employees** – Most ordinances did not cover this standard. For the 2 that did, 3 employees were permitted. The employees were in addition to the family members occupying the home who may be part of the B&B operation.
9. **Maximum Room Occupancy** – Generally, room occupancy was limited to 4 guests.

Additional Observations

In reviewing the B&B regulations of these and other cities, the following standards occasionally surfaced:

1. **Kitchen Facilities in Guest Rooms** - Prohibition of kitchen facilities such as stoves, microwave ovens, and refrigerators in guest rooms.
2. **Common Use of Bathrooms** - Single (common) bathrooms serving multiple guests.
3. **Outdoor Restrictions** - Restricted use of outdoor areas for large gatherings. The primary concern was noise.
4. **Code Compliance** - Compliance with local Building and Fire Safety Codes.

National B&B Statistics

1. Over 30,000 Bed & Breakfasts are currently operating in the United States.
2. The average length of stay is 2 nights.
3. Sixty percent of B&B’s are located in urban areas.
4. B&B’s are most popular among solo travelers, comprising 36% of guests.
5. Sixty-five percent of B&B travelers are female.
6. The majority of B&B guests are aged 35-54.
7. The occupancy rate for B&B throughout the U.S. is 50%.
8. Fifty-eight percent of B&B guests are repeat visitors.

Comparison Snapshot - B&B's and Short-Term Rentals

Factor	B&B	Short-Term Rental
U.S. Operations	30,000 B&B's	2.4 Million Listings
Owner-Occupied	Yes	No
Management	Property Owner	Management Firm
Food Preparation	Owner/Breakfast Only	Renter/All Meals
Gourmet/Customized Meals	Yes	No
Average Length of Stay	2 Nights	5 Nights
Room Occupancy/Use	Bedroom/Bath	Entire Dwelling Unit
Personalized Guest Experiences	Yes	No
Pure Michigan Website Listing	Yes (Michigan B&B's)	No

Sources

1. Worldmetrics – A national data aggregator specializing in statistics and metrics on business and consumer topics.
2. AR Research – Industry Data and Market Research Firm
3. Pure Michigan Website (Michigan Economic Development Corporation)

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Robert Engels
Stephen King
Bryan Elenbaas

RESOLUTION NO. 2024-_____

**RESOLUTION TO ADOPT ORDINANCE NO. 2024-_____,
AN ORDINANCE TO AMEND SECTIONS 46-4, 46-186, AND 46-216 OF THE CODE OF
ORDINANCES, CITY OF CADILLAC, MICHIGAN**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held
in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac,
Michigan, on _____, 2024, at _____ p.m.

PRESENT: _____

ABSENT: _____

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

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

WHEREAS, the City desires to amend the City's Zoning Ordinance regarding the use of
land as a bed and breakfast;

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

WHEREAS, the Planning Commission voted to recommend the adoption of the proposed
amendments; and

WHEREAS, the City Council introduced the proposed amendments at a meeting on
_____, 2024; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments on _____, 2024; and

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

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

1. The City adopts Ordinance No. 2024-____, An Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances, City of Cadillac, Michigan (the "Ordinance"), attached as **Exhibit A**.

2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk is directed to publish a Notice of Adoption within 7 days after its adoption. The Notice 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 ____ day of _____, 2024.

Sandra Wasson, Cadillac City Clerk

EXHIBIT A

CITY OF CADILLAC

ORDINANCE NO. 2024-_____

AN ORDINANCE TO AMEND SECTIONS 46-4, 46-186, AND 46-216 OF THE CODE OF ORDINANCES, CITY OF CADILLAC, MICHIGAN.

The City of Cadillac ordains:

Section 1. Purpose.

The purpose of this Ordinance is to regulate the use of land within the City as a bed and breakfast.

Section 2. Amendment of Section 46-4 of the City Zoning Ordinance.

The definition of “bed and breakfast” contained in Section 46-4 of the City Zoning Ordinance is amended in its entirety to read as follows:

Bed and breakfast means a single-family dwelling unit in which up to eight rooms are available for rent to transient tenants, for fewer than 15 days, during which time the innkeeper resides in the dwelling unit. The term “bed and breakfast” is also known as a “tourist home.”

Section 3. Amendment of Section 46-186 of the City Zoning Ordinance.

Section 46-186 of the City Zoning Ordinance is amended by the addition of a new subsection 7 to read in its entirety as follows:

Sec. 46-186. - Special land uses permitted.

The following uses of land and structures will be allowed, as stipulated in article VI of this chapter, special land uses:

- (1) Recreational activities.
- (2) Offices and/or business in an existing building.
- (3) Office and/or business in a dwelling (mixed use).
- (4) Family shelter.
- (5) Group shelter.
- (6) Combination group/family shelter.
- (7) Bed and breakfast.

Section 4. Amendment of Section 46-216 of the City Zoning Ordinance.

Section 46-216 of the City Zoning Ordinance is amended by the addition of a new subsection 9 to read in its entirety as follows:

Sec. 46-216. - Special land uses permitted.

The following uses of land and structures will be allowed, as stipulated in article VI of this chapter, special land uses:

- (1) Recreational facilities.
- (2) Mobile home parks.
- (3) Office and/or business in an existing building.
- (4) Office and/or business in a dwelling (mixed use).
- (5) Family shelter.
- (6) Group shelter.
- (7) Combination group/family shelter.
- (8) Accessory buildings and uses customarily incident to any of the special land uses in subsections (1) through (7) of this section.
- (9) Bed and breakfast.

Section 5. Severability.

If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provision of this Ordinance.

Section 6. Repealer.

Any ordinances that conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Section 7. Effective Date.

This Ordinance takes effect 20 days after its adoption.

EXHIBIT B

**NOTICE OF ADOPTION OF
AN ORDINANCE TO AMEND SECTIONS 46-4, 46-186, AND 46-216 OF THE CODE OF
ORDINANCES, CITY OF CADILLAC, MICHIGAN**

NOTICE IS HEREBY GIVEN that the City Council of the City of Cadillac, Wexford County, Michigan, at a meeting on _____, 2024, adopted Ordinance No. 2024-_____, An Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances, City of Cadillac, Michigan.

A copy of the Ordinance may be inspected or purchased, for a reasonable charge, during regular business hours at City Hall, 200 Lake Street, Cadillac, Michigan 49601.

The following is a summary of the regulatory effect of Ordinance:

The Ordinance redefines “bed and breakfast” in the City Zoning Ordinance and adds bed and breakfast as a special land use permitted in the RM-1 and RM-2 zoning districts.

The ordinance takes effect 20 days after its adoption.

CITY OF CADILLAC, MICHIGAN

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

October 21, 2024

Council Communication

Re: North Lake Street Flats Workforce Housing Project

Under recent amendments to Act 381, PA 1996 as amended, Michigan's Brownfield Redevelopment Financing Act, a Brownfield Plan is being proposed for the redevelopment of vacant property at 314, 316, 318, 320, and 402 North Lake Street and 135 West Nelson Street to residential use for 48 workforce housing units with target rents for qualified households of 120% of the Area Median Income (AMI) or less developed by North Lake Street Flats, LLC. A public hearing for consideration of the Brownfield Plan was set for October 21, 2024 by the City Council at the October 7, 2024 meeting.

Approval of the Brownfield Plan will provide for the reimbursement of Brownfield Environmental and Housing Development Eligible Activity costs, including environmental due diligence and the gap between development and rent revenues for units for qualified households with income of 120% of the Area Median Income or less.

The Brownfield Plan was presented to and approved by the City of Cadillac Brownfield Redevelopment Authority (CBRA) at their October 1, 2024 meeting. An Interlocal Agreement to provide for capture of DDA taxes under the Brownfield Plan was approved by the CBRA on October 1 and by the City Downtown Development Authority (DDA) on October 2.

Attached is a resolution for consideration by the City Council to approve the North Lake Street Flats Brownfield Plan to support workforce housing in the City of Cadillac.

Recommended Action

Adopt the attached resolution to approve the North Lake Street Flats Brownfield Plan.

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
Bryan Elenbaas
Robert J. Engels
Stephen King

RESOLUTION NO. _____

**Resolution Approving Brownfield Plan
North Lake Street Flats**

At a regular meeting of the Cadillac City Council held at Cadillac City Hall, 200 North Lake Street, Cadillac, Michigan on October 21, 2024 at 6:00 p.m., the following resolution was offered by

Councilperson _____ and supported by

Councilperson _____.

Whereas, the Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended ("Act 381"), authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, historically designated or housing property through tax increment financing of Eligible Activities approved in a Brownfield Plan; and

Whereas, the City Council established the Cadillac Brownfield Redevelopment Authority ("CBRA") under the procedures in Act 381 on December 6, 1996 to facilitate the redevelopment of Brownfields within the City of Cadillac; and,

WHEREAS, a Brownfield Plan has been prepared to support the redevelopment of five parcels along North Lake Street in the middle of the block between West Bremer Street and West Pine Street for 48 residential units for qualified households with income of 120% Area Median Income (AMI) or below; and

WHEREAS, the North Lake Street Flats Brownfield Plan was submitted to the CBRA that: (1) establishes the properties as Eligible Property, (2) outlines Environmental and Housing Development Eligible Activities, and (3) provides for the reimbursement of the Eligible Activity expenses from taxes generated by increased private investment on the Eligible Property; and

WHEREAS, on October 1, 2024, the CBRA reviewed, approved, and recommended approval of the Brownfield Plan to the City Council, finding the Brownfield Plan met the requirements of Act 381 and constitutes a public purpose of workforce housing, increased private investment and economic development, and increased property tax value; and

WHEREAS, an Interlocal Agreement under the Urban Cooperation Act, Act 7, PA 1967 was approved by the CBRA on October 1, 2024 and by the Cadillac Downtown Development Authority on October 2, 2024 that provides for the capture of DDA incremental taxes on the Eligible Property by the CBRA to reimburse Brownfield Eligible Activities.

WHEREAS, the City Council has determined that the Brownfield Plan meets the requirements of Act 381 and constitutes a public purpose of workforce housing, increased private investment and economic development, and increased property tax value; and

Whereas, a public hearing on the Brownfield Plan has been noticed and held on October 21, 2024 and notices to taxing jurisdictions have been provided in compliance with the requirements of Act 381;

Whereas, the City Council has reviewed the Brownfield Plan and finds, in accordance with the requirements of Section 14 of Act 381 that:

- (a) The Brownfield Plan meets the requirements of Section 13 of Act 381, Brownfield Plan Provisions as described in the Brownfield Plan, consistent with format recommended by the State of Michigan, including a description of the costs intended to be paid with tax increment revenues, a brief summary of Eligible Activities, estimate of captured taxable value and tax increment revenues, method of financing, maximum amount of indebtedness, beginning date and duration of capture, estimate of impact on taxing jurisdictions, legal description of eligible property, estimates of persons residing on the Eligible Property if applicable, and a plan and provisions for relocation of residents, if applicable.;
- (b) The proposed method of financing the costs of Eligible Activities through developer sources is feasible, as described in Section 2.4 of the Brownfield Plan;
- (c) The costs of Eligible Activities proposed are reasonable and necessary to carry out the purposes of Act 381, including complying with environmental due diligence and due care requirements and the cost estimates are based on evaluation from certified professionals, experience in comparable projects, and preliminary discussions with reputable companies, as described in Section 2.2 of the Brownfield Plan; and
- (d) The amount of captured taxable value estimated from the adoption of the Brownfield Plan is reasonable, as calculated in Table 2 of the Brownfield Plan, based on calculations of the tax revenues derived from taxable value increases and millage rates approved and authorized by the taxing jurisdictions on an annualized basis and balances against the outstanding Eligible Activity obligation approved as part of the Brownfield Plan and expenses reviewed and approved by the Cadillac Brownfield Redevelopment Authority; and

Now, Therefore, the City Council of the City of Cadillac, Wexford County, Michigan resolves as follows:

1. Pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of 1996, as amended, being MCL 125.2651, *et seq*, the Cadillac City Council hereby approves the North Lake Street Flats Brownfield Plan in Cadillac.
2. Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid.
3. Any prior resolution, or any part thereof, in conflict with any of the provisions of this Resolution is hereby repealed, but only to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. ____, duly adopted at a regular meeting of the City Council held on the 21st day of October 2024.

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

ACT 381 BROWNFIELD PLAN

NORTH LAKE STREET FLATS

**314, 316, 318, 320 & 402 N. LAKE STREET & 135 W. NELSON STREET
CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN**

September 2024

Prepared by:

**Mac McClelland
Mac Consulting Service, LLC
mactc@charter.net
231.633.6303**

**Approved by City of Cadillac
Brownfield Redevelopment Authority:**

October 1, 2024

Public Hearing:

October 21, 2024

Approved by Cadillac City Council:

October 21, 2024

**Brownfield Plan
North Lake Street Flats
Cadillac, Michigan**

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Project Summary

Gary Pitch, the owner of property located in the City of Cadillac at 314, 316, 318, 320, and 402 North Lake Street and 135 West Nelson Street, has formed North Lake Street Flats LLC and is proposing to redevelop the property into 48 workforce housing units with target rents for qualified households of 120% of the Area Median Income (AMI) or less.

This Brownfield Plan will provide incremental tax revenues to repay certain Eligible Activities, including Baseline Environmental Assessment (BEA) activities and Housing Development Activities, including housing financing gap that are critical to the economic viability of the redevelopment and providing workforce housing.

The property qualifies as Brownfield Eligible Property under the definition of Housing Property in Act 381.

Project Name:	North Lake Street Flats
Project Location:	The Eligible Property is comprised of six parcels in the City of Cadillac on North Lake Street in the middle of the block between West Bremer Street and West Pine Street.
Type of Eligible Property:	Housing Property
Eligible Activities:	Baseline Environmental Assessment Activities, Housing Development Activities

Eligible Activities	Environmental	Housing	TOTAL
ELIGIBLE ACTIVITY SUBTOTAL	\$12,000	\$2,510,000	\$2,522,000
Brownfield Plan Development and Approval	\$3,000	\$20,000	\$23,000
Brownfield Plan Implementation	\$3,000	\$40,000	\$43,000
TOTAL ELIGIBLE ACTIVITY	\$18,000	\$2,570,000	\$2,588,000

Period of Capture:	<i>15 years</i>	Estimated Investment:	\$10,357,000
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BROWNFIELD PLAN

NORTH LAKE STREET FLATS CADILLAC, MICHIGAN

CITY OF CADILLAC BROWNFIELD REDEVELOPMENT AUTHORITY

1.0 INTRODUCTION

Act 381, P.A. 1996, as amended, was enacted to promote the revitalization, redevelopment and reuse of sites identifies as a facility, blighted, functionally obsolete, historic resource or housing property through incentives adopted as part of a Brownfield Plan. The Brownfield Plan outlines the qualifications, costs, impacts, and incentives for the project.

The Brownfield Plan must be approved by the City of Cadillac Brownfield Redevelopment Authority (CBRA) established under Act 381, as amended and the Cadillac City Council. State tax capture requires approval of an Act 381 Work Plan by the Michigan Department of Environment, Great Lakes and Energy (EGLE) for Environmental (“Department Specific”) Eligible Activities and the Michigan State Housing Development Authority (MSHDA) for Housing Development Activities, with exemptions for certain Eligible Activities, including Baseline Environmental Assessment, Due Care Investigation and Planning, and Pre-Demolition Surveys, as well as Asbestos Abatement and Demolition not to exceed \$250,000.

The City of Cadillac established the City of Cadillac Brownfield Redevelopment Authority under the procedures required under Act 381 on December 6, 1996, the first such Authority in the State of Michigan.

This Brownfield Plan is for the redevelopment of the property on North Lake Street in the middle of the block between West Bremer Street and West Pine Street in the City of Cadillac, Wexford County, Michigan, consistent with Act 381. The Brownfield Plan describes the public purpose and qualifying factors for determining the site as an Eligible Property, the Eligible Activities and estimated costs, the impacts of tax increment financing, and other project factors.

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed redevelopment will conduct site preparation and infrastructure activities, and construct two buildings with a total of 48 rental units with rental rates targeted at 120% of the Area Median Income (AMI), based on the [Missing Middle Income and Rent Limits](#), published by MSHDA and adjusted on an annual basis.

The property is zoned B-1 Auxiliary Business District and is governed by the zoning ordinance of the City of Cadillac. A Planned Unit Development (PUD) is anticipated for the proposed development.

The estimated private investment is anticipated at \$10,357,000. The project is located in the City of Cadillac, which is a Qualified Local Governmental Unit (QLGU).

1.2 Eligible Property Information

The Eligible Property includes six parcels, as described below:

Parcel Number	Address	Description	Acreage	Qualifying Status
10-086-00-137-00	314 N Lake Street	S 24 1/2 FT LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.028	Housing Property
10-086-00-138-00	316 N Lake Street	N 39 1/2 FT OF S 64 FT OF LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.045	Housing Property
10-086-00-140-00	318 N Lake Street	S 46 FT OF N 80 FT OF LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.053	Housing Property
10-086-00-139-00	320 N Lake Street	N 34 FT OF N 80 FT OF LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.039	Housing Property
10-086-00-141-00	135 W. Nelson	LOT 8, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.165	Housing Property
10-055-00-001-00	402 N. Lake Street	OTS 1, 2, AND 3, BLOCK 101 CUMMER AND GERRISH ADDITION; ALSO LOT 9 OF BLOCK 3 MITCHELL'S REVISED PLAT CITY OF CADILLAC	0.33	Housing Property
TOTAL			0.66	

1.3 Public Purpose *MCL 125.2664(5):*

The development of the North Lake Street property into a 48-unit apartment complex for moderate income individuals and families will meet a critical community need for affordable and workforce housing and increase property taxes. After the Brownfield obligation is met, the project is estimated to generate property taxes at over **\$288,700** per year.

1.4 Housing Needs and Job Growth Data *MCL 125.2652(o)(ii)*

Housing Need

Housing North, a regional not-for-profit organization focused on housing solutions, issued a 10-county regional [Housing Needs Assessment of Northern Michigan](#), which includes Wexford County. The Wexford County Housing Needs Assessment showed an overall housing gap of 3,756 units, with a gap of 1,360 rental units and a gap of 2,396 for sale units over the period 2022 - 2027. Low-income and workforce (less than or equal to 120% of Area Median Income) housing gap is particularly acute, with a gap of 1,304 rental units and 1,798 for sale units.

The following is a summary conclusion from the Grand Traverse County Housing Needs Assessment:

“The county’s housing market has availability and affordability issues, particularly among housing that serves lower-income households. These housing challenges expose the county to losing residents to surrounding areas, making the community vulnerable to the existing housing stock becoming neglected, discouraging potential employers coming to the area, and creating challenges for local employers to retain and attract workers. There are housing gaps for both rentals and for-sale housing alternatives at a variety of rents and price points. As such, county housing plans should encourage and support the development of a variety of product types at a variety of affordability levels.”

Source: [Housing Needs Assessment Northern Michigan](#), Appendix L Wexford County, Bowen National Research/Housing North, 2023.

Job Growth Data

According to the University of Michigan Department of Economics, Wexford County is projected to see employment gains of 0.6 percent by 2050.

Source: [The Economic and Demographic Outlook for Michigan through 2050](#), Jacob T. Burton, Gabriel M. Ehrlich, Donald R. Grimes, Kyle W. Henson, Daniil Manaenkov, and Michael R. McWilliams University of Michigan

2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE

2.1 Description of Project and Plan Costs *MCL 125.2663(2)(a):*

The project includes the development of 48 workforce housing units. The Brownfield Plan includes EGLE Department Specific and MSHDA Housing Development Eligible Activities:

EGLE Department Specific Eligible Activities include:

- Baseline Environmental Assessment Activities
 - Phase I Environmental Site Assessment
 - Phase II Environmental Site Assessment

MSHDA Housing Development Eligible Activities include:

- Housing Financing Gap

Eligible Activities	Environmental	Housing	TOTAL
ELIGIBLE ACTIVITY SUBTOTAL	\$12,000	\$2,510,000	\$2,522,000
Brownfield Plan Development and Approval	\$3,000	\$20,000	\$23,000
Brownfield Plan Implementation	\$3,000	\$40,000	\$43,000
TOTAL ELIGIBLE ACTIVITY	\$18,000	\$2,570,000	\$2,588,000

Additional detail is provided in Table 1.1: EGLE Environmental Eligible Activities and Table 1.2 MSHDA Housing Development Eligible Activities.

The cost of Eligible Activities included in and authorized by this Brownfield Plan will be reimbursed with incremental applicable local and state tax revenue generated by the increased private investment on the Eligible Property and captured by the CBRA, subject to any limitation and conditions described in this Brownfield Plan and the terms of a Reimbursement Agreement between the Developer and the CBRA. State tax capture requires approval of an Act 381 Work Plan by EGLE for Environmental Eligible Activities and MSHDA for Housing Development Activities, with exemptions for certain Eligible Activities, including Baseline Environmental Assessment, Due Care Investigation and Planning, and Pre-Demolition Surveys, as well as Asbestos Abatement and Demolition not to exceed \$250,000.

The Eligible Activity costs included in this Brownfield Plan are estimated and may increase or decrease depending on the nature and extent of unknown conditions encountered on the Eligible Property or other circumstances. Reimbursement will be based on the actual cost of Eligible Activities approved under this Brownfield Plan and an Act 381 Work Plan if applicable, from available Brownfield Tax Increment Financing (TIF) revenues captured by the Authority and shall be governed by the terms and conditions of the Reimbursement Agreement and Section 2 of Act 381 of 1996, as amended (MCL 125.2652). This Brownfield Plan and the Reimbursement Agreement establish the maximum Eligible Activity cost. Line-item Eligible Activity may be adjusted after the

adoption of this Brownfield Plan with the approval of the Authority, as long as the total maximum Eligible Activity cost is not exceeded.

2.2 Summary of Eligible Activities *MCL 125.2663(2)(b):*

Act 381 provides for the costs of certain Eligible Activities to be reimbursed through tax increment financing. The following is a summary of Eligible Activities:

EGLE Department Specific Eligible Activities

1. *Baseline Environmental Assessment (BEA) Activities:* BEA Activities include a Phase I Environmental Site Assessment (ESAs) and Phase II ESA. Act 381 includes provisions for Baseline Environmental Activities to be conducted prior to the approval of a Brownfield Plan for local tax capture (Section 13b.(9)(b)) and for State tax capture without EGLE approval (Section 13b.(8)(a-b)), as long as included in a subsequent Brownfield Plan.

A. *Phase I ESA:* A Phase I ESA has been conducted for the Eligible Property with ASTM Standard E1527-21 in December 2023. The Phase I ESA includes a review of historical and current information, including regulatory agency files, historical maps, and past uses to evaluate the potential for contamination, a site inspection of both the grounds and the exterior and interior of buildings on the property, and interviews with individuals knowledgeable about the past use of the property to identify any Recognized Environmental Conditions (RECs). The Phase I report identified the following REC:

1. There is a material possibility of a release from the former use and maintenance of a railroad on the Subject Property from 1884 to the early 1960's.

B. *Phase II ESA:* A Phase II Environmental Site Assessment was conducted for the Eligible Property in January 2024 to investigate the REC as part of the environmental due diligence process. Analysis of the soil samples did identify detectable levels of metal constituents, however, the concentrations of all these substances were below EGLE's Generic Residential Cleanup Criteria (GRCC). As a result, the site is not a Part 201 Facility but qualifies as Brownfield Eligible Property as Housing Property.

The following tables estimate the costs for EGLE Department Specific Eligible Activities to be funded by tax increment revenues.

EGLE Department Specific Eligible Activity Cost

<u>Eligible Activities</u>	Estimated Cost
Baseline Environmental Assessment	\$12,000
EGLE Department Specific Eligible Activities Total	\$12,000

MSHDA Housing Development Eligible Activities

MSHDA Housing Development Eligible Activities are included under this Brownfield Plan under the

1. Housing Financing Gap: Act 381 provides for reimbursement from Brownfield TIF revenues of the financing gap between development costs and revenues for housing for qualified households with incomes not more than 120% of the Area Median Income (AMI).

The North Lake Street Flats Brownfield Plan includes the following costs related to the financing gap between development costs and revenues for the 48 residential units for qualified households of not more than 120% AMI requirement under Act 381.

The proposed Housing Financing Gap is less than calculated under the MSHDA Potential Rent Loss calculation, provided in the Appendix.

Housing Development Eligible Activities	Total
Financing Gap between Development and Qualified Income	\$2,510,000
TOTAL	\$2,510,000

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues *MCL 125.2663(2)(c):*

Act 381 defines Initial Taxable Value as taxable value of an Eligible Property identified in and subject to a Brownfield Plan at the time the resolution adding that Eligible Property in the Brownfield Plan is adopted, as shown either by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, if provided by the Brownfield Plan, by the next assessment roll for which equalization will be completed following the date the resolution adding that Eligible Property in the Brownfield Plan is adopted.

The taxable value as of December 31, 2024 is **\$31,621**. As provided in this Brownfield Plan, the Initial Taxable Value Base Year is 2024.

The EGLE Department Specific and MSHDA Housing Development Eligible Activity costs total **\$2,588,000**.

Other expenses for which Brownfield Tax Increment Revenues may be used include Administrative and Operating Costs of the CBRA, Local Brownfield Revolving Fund, and the State Brownfield Redevelopment Fund.

Administrative and Operating Costs (Section 13b(7))

Act 381 provides for the capture of Brownfield Tax Increment Revenues for reasonable and actual administrative and operating expenses of the CBRA with local taxes only, and the cost of developing and preparing Brownfield Plans and Act 381 Work Plans with both local and state taxes. The estimated amount of administrative and operating expenses allocated under this Brownfield Plan is \$123,259 and for Brownfield Plan / Act 381 Work Plan Development is \$66,000.

Local Brownfield Revolving Fund ("LBRF") (Section 8; Section 13(2)(m))

The CBRA has established a Local Brownfield Revolving Fund (LBRF). The LBRF will consist of all tax increment revenues authorized to be captured and deposited in the LBRF, as specified in Section 13(5) of Act 381, under this Brownfield Plan and any other plan of the CBRA. The LBRF may also include funds appropriated or otherwise made available from public or private sources.

The amount of tax increment revenue authorized for capture and deposit in the LBRF is currently estimated at \$656,287. All funds, if any, deposited in the LBRF shall be used in accordance with Section 8 of Act 381.

Brownfield Redevelopment Fund (Section 8a; Section 13(2)(m))

The CBRA shall pay to the Department of Treasury at least once annually an amount equal to 50% of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, that are captured under this Plan for up to the first twenty-five (25) years of the duration of capture of tax increment revenues for each eligible property included in this Plan. If the CBRA pays an amount equal to 50% of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, on a parcel of eligible property to the Department of Treasury under Section 13b(14) of Act 381, the percentage of local taxes levied on that parcel and used to reimburse eligible activities for the Project under this Brownfield Plan shall not exceed the percentage of local taxes levied on that parcel that would have been used to reimburse eligible activities for the Project under this Brownfield Plan if the 50% of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, on that parcel were not paid to the Department of Treasury under Section 13b(14) of Act 381. The estimated allocation to the State Brownfield Redevelopment Fund is \$161,313.

The overall investment for the Project is estimated at over *\$10 million*.

Table 2 identifies taxable values for real and personal property, including tax increment revenues for the Eligible Property. In addition, 3 mils are captured and distributed to the State for the State Brownfield Redevelopment Fund for the time period in which State taxes are captured for EGLE Department Specific Eligible Activities. In accordance with Act 381, this share does not affect the State and local ratio. The Brownfield Plan provides for the period of time to reimburse the Eligible Activities or ***fifteen (15) years***, whichever is less.

Redevelopment of the property will begin in Fall 2024, with site preparation activities. The actual tax increment captured will be based on taxable value set through the property assessment process by the local unit of government and equalized by the County and the millage rates set each year by the taxing jurisdictions. The estimated tax increment captured by the Authority is detailed in Table 2.

2.4 Method of Financing and Description of Advances Made by the Municipality

MCL 125.2663(2)(d):

The Eligible Activities are to be financed solely by the Developer. The CBRA will reimburse the Developer for the cost of approved Eligible Activities, but only from tax increment revenues generated and captured from the Eligible Property. No advances have been or shall be made by the City or the CBRA for the costs of Eligible Activities under this Brownfield Plan.

2.5 Maximum Amount of Note or Bond Indebtedness ***MCL 125.2663(2)(e):***

The maximum amount of Eligible Activities is anticipated to be *\$2,588,000*.

2.6 Beginning Date and Duration of Capture ***MCL 125.2663(2)(f):***

The beginning date of capture is 2026. The maximum duration of Brownfield Plan capture is 15 years.

2.7 Estimated Impact of Tax Increment Financing on Tax Revenues of Taxing Jurisdictions ***MCL 125.2663(2)(g):***

Table 2.1 and 2.2 identify annual and total tax revenues projected for capture from the increase in property tax valuations. Individual tax levies within each taxing jurisdiction are also presented on Table 2.1. The taxing jurisdictions will continue to receive their tax allocation for the project once the Brownfield obligation is met and beyond the duration of the Brownfield Plan.

The total tax capture is estimated at \$2,522,000 for Eligible Activities. The Brownfield Plan also includes \$63,000 in Brownfield Plan development, approval and implementation, CBRA Administrative and Operating Costs, estimated at \$123,259 and capture of 50% of the State Education Tax for the State Brownfield Fund as required by Act 381, estimated at \$161,313 for this Brownfield Plan. The Brownfield Plan also provides for deposits into the Local Brownfield Revolving Fund ("LBRF") for during the period of capture, with State tax capture limited to an amount equal to State tax capture for EGLE Department Specific Eligible Activities if available. LBRF deposits from local and state taxes are estimated at \$656,287.

After the Brownfield obligation is met, tax revenues in an amount estimated at \$288,721 per year on into the future.

2.8 Legal Description, Location, and Determination of Eligibility *MCL 125.2663(2)(h):*

Legal Description: The legal description of the Eligible Property follows:

Parcel Number	Address	Description	Acreage	Qualifying Status
10-086-00-137-00	314 N Lake Street	S 24 1/2 FT LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.028	Housing Property
10-086-00-138-00	316 N Lake Street	N 39 1/2 FT OF S 64 FT OF LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.045	Housing Property
10-086-00-140-00	318 N Lake Street	S 46 FT OF N 80 FT OF LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.053	Housing Property
10-086-00-139-00	320 N Lake Street	N 34 FT OF N 80 FT OF LOT 7, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.039	Housing Property
10-086-00-141-00	135 W. Nelson	LOT 8, BLK 3 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC	0.165	Housing Property
10-055-00-001-00	402 N. Lake Street	OTS 1, 2, AND 3, BLOCK 101 CUMMER AND GERRISH ADDITION; ALSO LOT 9 OF BLOCK 3 MITCHELL'S REVISED PLAT CITY OF CADILLAC	0.33	Housing Property
TOTAL			0.66	

Location: The Eligible Property is located on North Lake Street in the middle of the block between West Bremer Street and West Pine Street in the City of Cadillac, Wexford County, Michigan. Figure 1 depicts the location of the Eligible Property and Figure 2 depicts the Eligible Property boundaries.

Eligibility Determination: The property qualifies under the definition of “Housing Property” in Act 381 as property on which 1 or more residential housing units are proposed to be construction.

2.9 Estimate of Number of Persons Residing on Eligible Property *MCL 125.2663(2)(i):*

There are currently no residential dwellings or residences that occupy the Eligible Property.

2.10 Plan for Residential Relocation *MCL 125.2663(2)(j):*

The Eligible Property does not currently contain any residential dwellings; therefore, a plan for residential relocation is not applicable.

2.11 Provision of Costs of Relocation *MCL 125.2663(2)(k):*

The Eligible Property does not currently contain any residential dwellings; therefore, a provision for residential relocation has not been allocated.

2.12 Strategy to Comply with Relocation Assistance Act, 1972 PA 227 *MCL 125.2663(2)(l):*

The Eligible Property does not currently contain any residential dwellings; therefore, relocation is not necessary.

2.13 Other Material Required by the Authority or Governing Body *MCL 125.2663(2)(m):*

None

EXHIBITS

FIGURES

Figure 1.1 Eligible Property Location Map

Figure 1.2 Downtown Site Location

Figure 2.1 Eligible Property Boundary

Figure 3 Eligible Property Preliminary Site Plan

Figure 4 Conceptual Elevations

TABLES

Table 1.1 Department Specific Eligible Activities Costs

Table 1.3 Housing Development Eligible Activities Costs

Table 2.1 – Annual Revenue and Brownfield Capture Estimates

Table 2.2 – Tax Increment Revenue Reimbursement Allocation Table

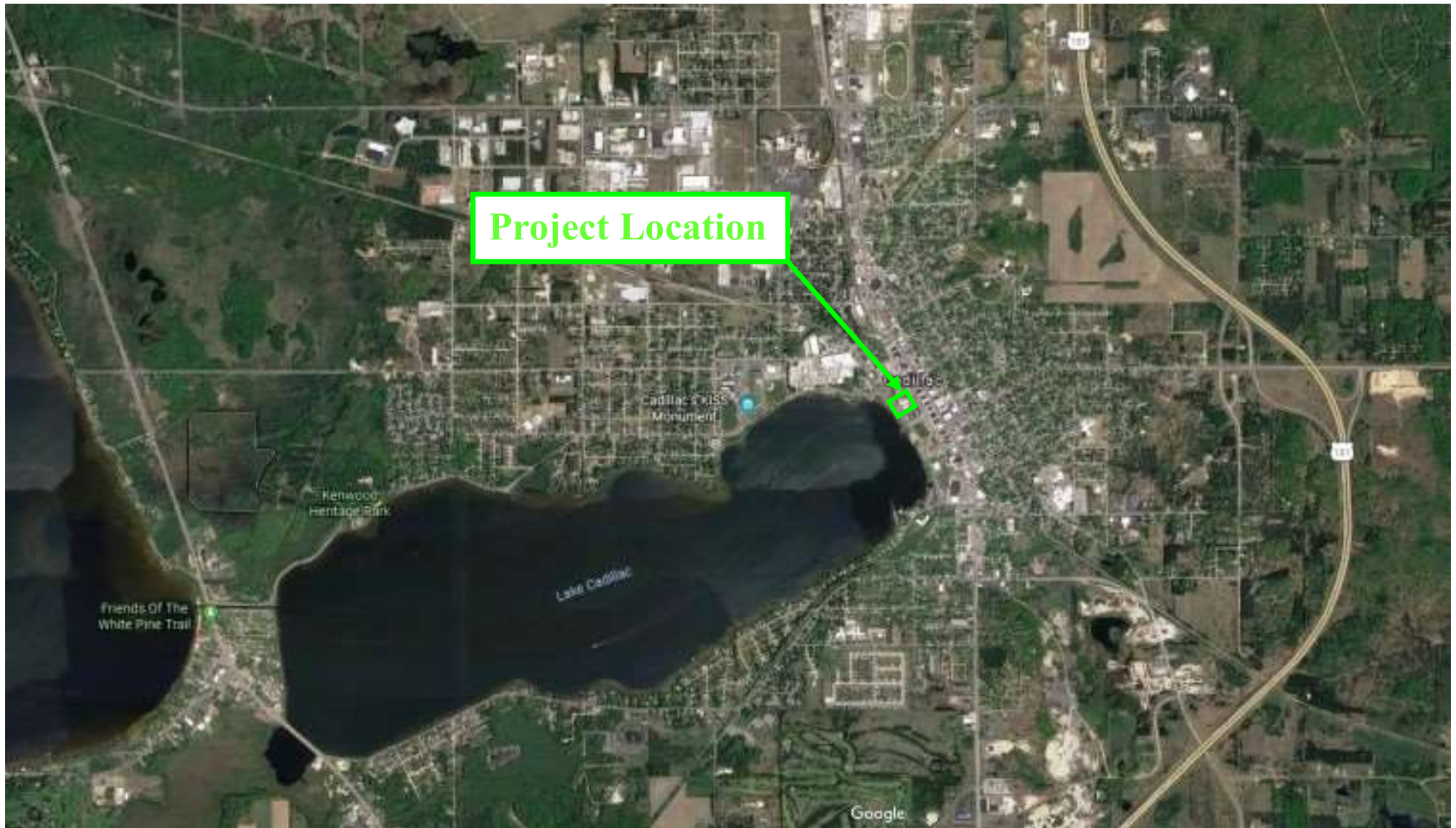
Table 3 – Potential Rent Loss Calculations

ATTACHMENTS

Attachment A – Brownfield Plan Resolutions

Attachment B – Interlocal Agreement

FIGURES



North Lake Street Flats Brownfield Plan	Figure 1.1: Site Location
	Source: Google Earth
Cadillac Brownfield Redevelopment Authority	Date: September 2024



North Lake Street Flats Brownfield Plan	Figure 1.2: Downtown Site Location
	Source: Google Earth
Cadillac Brownfield Redevelopment Authority	Date: September 2024



North Lake Street Flats Brownfield Plan Cadillac Brownfield Redevelopment Authority	Figure 2.1: Eligible Property Parcel Map
	Source: Wexford County GIS
	Date: September 2024





REF.	ABSTRACT	KEYWORDS
1	...	...
2	...	...
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[illegible]

ELEVATIONS & PERSPECTIVES

Job No:	GR230823
Issue:	Concept Design
Issue Date:	December 06, 2023

A2.01

Date: December 2023

Cadillac Brownfield Redevelopment Authority

TABLES

Table 1.1 Environmental Eligible Activities Costs and Schedule

Table 1.3 Housing Development Eligible Activities Costs and Schedule

Table 2.1 – Annual Revenue and Brownfield Capture Estimates

Table 2.2 – Tax Increment Revenue Reimbursement Allocation Table

Table 3 – Potential Rent Loss Calculations

Table 1.1 EGLE Environmental Eligible Activities Costs NORTH LAKE STREET FLATS CITY OF CADILLAC BROWNFIELD REDEVELOPMENT AUTHORITY	
EGLE Environmental Eligible Activities	Cost
Department Specific Activities	
BEA Activities	
Phase I ESA	\$2,000
Phase II ESA	\$10,000
Baseline Environmental Assessment	
<i>Subtotal</i>	\$12,000
Due Care Activities	
<i>Subtotal</i>	\$0
EGLE Eligible Activities Subtotal	\$12,000
Interest (5% for 15 Years)	
Brownfield Plan/Act 381 Work Plan Preparation	\$3,000
Brownfield Plan/Act 381 Work Plan Implementation	\$3,000
EGLE Environmental Eligible Activities Total Costs	\$18,000

Table 1.3 MSHDA Housing Eligible Activities Costs NORTH LAKE STREET FLATS CITY OF CADILLAC BROWNFIELD REDEVELOPMENT AUTHORITY	
MSHDA Housing Eligible Activities	Cost
Qualified Rehabilitation	
<i>Subtotal</i>	\$0
Private Infrastructure Improvements	
<i>Subtotal</i>	\$0
Demolition	
<i>Subtotal</i>	\$0
Site Preparation	
<i>Subtotal</i>	\$0
Property Acquisition/Assistance	\$0
<i>Subtotal</i>	\$0
Private MSHDA Eligible Activities Total	\$0
Financing Gap	
<i>Financing Gap between Development and Qualified Income</i>	\$2,510,000
<i>Subtotal</i>	\$2,510,000
Private MSHDA Eligible Activities Total	\$2,510,000
Brownfield Plan/Act 381 Work Plan Preparation	\$20,000
Brownfield Plan/Act 381 Work Plan Implementation	\$40,000
Public MSF Eligible Activities Total	\$60,000
MSHDA Eligible Activities Total Costs	\$2,570,000

Table 2.1 - Annual Revenue and Brownfield Capture Estimates
North Lake Street Flats
City of Cadillac Brownfield Redevelopment Authority

Percentage Non-Homestead			100.00%																	Local Brownfield TIF Capture Ends	
Estimated Taxable Value (TV) Increase Rate:			2.00%		\$2,192,120.00																
Brownfield Plan Year																					
Brownfield TIF Capture Year																					
Revenue Year			2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040		
*Base Taxable Value			\$	31,621	\$	31,621	\$	31,621	\$	31,621	\$	31,621	\$	31,621	\$	31,621	\$	31,621	\$	31,621	
Annual Value Additions			\$	6,100,000	\$		\$	1,525,000	\$	4,575,000	\$		\$		\$		\$		\$		
Cumulative Value Additions			\$		\$	-	\$	1,525,000	\$	6,130,500	\$	6,253,110	\$	6,378,172	\$	6,505,736	\$	6,635,850	\$	6,768,567	
Estimated New TV			\$	31,621	\$	31,621	\$	794,121	\$	3,096,871	\$	3,158,176	\$	3,220,707	\$	3,284,489	\$	3,349,546	\$	3,415,905	
Incremental Difference (New TV - Base TV)			\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	\$	3,451,969	
			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	
			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	
			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	
			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	
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			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	
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			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	
			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925	\$	3,384,284	
			\$		\$	-	\$	762,500	\$	3,065,250	\$	3,126,555	\$	3,189,086	\$	3,252,868	\$	3,317,925			

Table 2.1 - Annual Revenue and Brownfield Capture Estimates
North Lake Street Flats
City of Cadillac Brownfield Redevelopment Authority

[illegible]

Table 2.2 - Tax Increment Revenue Reimbursement Allocation Table
North Lake Street Flats
City of Cadillac Brownfield Redevelopment Authority

Maximum Reimbursement	Proportionality	State & Local Taxes	State Brownfield Fund	LBRF	Local-Only Taxes	Total
State	40.8%	\$ 1,126,156	\$ 161,313	\$ -		\$ 1,287,469
Local	59.2%	\$ 1,634,404	\$ -	\$ 656,287	\$ 123,259	\$ 2,413,950
TOTAL	100.0%	\$ 2,760,560	\$ 161,313	\$ 656,287		\$ 3,701,419
EGLE Environmental		\$ 18,000				
MSF Non-Environmental		\$ -				
MSHDA Housing		\$ 2,570,000				
TOTAL		\$ 2,588,000				

Estimated Total	
Years of Capture:	
Local Eligible Activities	15
State Eligible Activities	16
LBRF	20

Estimated Capture	\$ 2,760,560
Administrative Fees	\$ 123,259
State Revolving Fund	\$ 161,313
LBRF	\$ 656,287
TOTAL	\$ 3,701,419

																		Local
																		Brownfield TIF
																		Capture Ends
Plan Year	1																	2
Capture Year	1																	2
Calendar Year	notes	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
Total State Incremental Revenue		\$ -	\$ -	\$ 18,300	\$ 73,566	\$ 75,037	\$ 76,538	\$ 78,069	\$ 79,630	\$ 81,223	\$ 82,847	\$ 84,504	\$ 86,194	\$ 87,918	\$ 89,677	\$ 91,470	\$ 93,299	\$ 95,165
State Brownfield Revolving Fund (50% of SET)		\$ -	\$ -	\$ 2,288	\$ 9,196	\$ 9,380	\$ 9,567	\$ 9,759	\$ 9,954	\$ 10,153	\$ 10,356	\$ 10,563	\$ 10,774	\$ 10,990	\$ 11,210	\$ 11,434	\$ 11,662	\$ 11,899
Local Brownfield Fund - State	0% \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State TIR Available for Reimbursement		\$ -	\$ -	\$ 16,013	\$ 64,370	\$ 65,658	\$ 66,971	\$ 68,310	\$ 69,676	\$ 71,070	\$ 72,491	\$ 73,941	\$ 75,420	\$ 76,928	\$ 78,467	\$ 80,036	\$ 81,637	\$ 83,270
Total Local Incremental Revenue		\$ -	\$ -	\$ 26,559	\$ 106,767	\$ 108,903	\$ 111,081	\$ 113,302	\$ 115,568	\$ 117,880	\$ 120,237	\$ 122,642	\$ 125,095	\$ 127,597	\$ 130,149	\$ 132,752	\$ 135,407	\$ 138,115
BRA Administrative Fee	5% \$ 123,259	\$ -	\$ -	\$ 1,328	\$ 5,338	\$ 5,445	\$ 5,554	\$ 5,665	\$ 5,778	\$ 5,894	\$ 6,012	\$ 6,132	\$ 6,255	\$ 6,380	\$ 6,507	\$ 6,638	\$ 6,770	\$ 6,906
Local Brownfield Fund - Local	5% \$ 656,287	\$ -	\$ -	\$ 1,328	\$ 5,338	\$ 5,445	\$ 5,554	\$ 5,665	\$ 5,778	\$ 5,894	\$ 6,012	\$ 6,132	\$ 6,255	\$ 6,380	\$ 6,507	\$ 6,638	\$ 6,770	\$ 6,906
Local TIR Available for Reimbursement		\$ -	\$ -	\$ 23,903	\$ 96,091	\$ 98,012	\$ 99,973	\$ 101,972	\$ 104,011	\$ 106,092	\$ 108,214	\$ 110,378	\$ 112,585	\$ 114,837	\$ 117,134	\$ 119,476	\$ 121,866	\$ 124,303
Total State & Local TIR Available		\$ -	\$ -	\$ 39,916	\$ 160,461	\$ 163,670	\$ 166,943	\$ 170,282	\$ 173,688	\$ 177,162	\$ 180,705	\$ 184,319	\$ 188,005	\$ 191,765	\$ 195,601	\$ 199,513	\$ 203,503	\$ 207,573
DEVELOPER	Beginning Balance	\$ 2,525,000	% Allocation	42.4%	97.5%	97.5%	97.5%	97.5%	97.5%	97.5%	97.5%	97.5%	97.5%	98.3%	100.0%	100.0%	100.0%	94.0%
Developer Reimbursement	Phase I			\$ 16,916	\$ 156,373	\$ 159,501	\$ 162,691	\$ 165,945	\$ 169,264	\$ 172,649	\$ 176,102	\$ 179,624	\$ 183,216	\$ 188,505	\$ 195,601	\$ 199,513	\$ 203,503	\$ 195,598
Developer Reimbursement Balance		\$ 2,525,000	\$ 2,525,000	\$ 2,508,084	\$ 2,351,711	\$ 2,192,210	\$ 2,029,519	\$ 1,863,575	\$ 1,694,311	\$ 1,521,662	\$ 1,345,560	\$ 1,165,936	\$ 982,720	\$ 794,215	\$ 598,614	\$ 399,101	\$ 195,598	\$ 0
CBRA	Beginning Balance	\$ 66,000	% Allocation	57.6%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	1.7%	0.0%	0.0%	0.0%	0.0%
CBRA Reimbursement	\$0			\$ 23,000	\$ 4,087	\$ 4,169	\$ 4,253	\$ 4,338	\$ 4,424	\$ 4,513	\$ 4,603	\$ 4,695	\$ 4,789	\$ 3,129	\$ -	\$ -	\$ -	\$ -
CBRA Reimbursement Balance		\$ 2,591,000	\$ 66,000	\$ 43,000	\$ 38,913	\$ 34,743	\$ 30,491	\$ 26,153	\$ 21,729	\$ 17,216	\$ 12,613	\$ 7,918	\$ 3,129	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
EGLE Environmental Costs		\$ 18,000	\$ -	\$ 278	\$ 1,116	\$ 1,138	\$ 1,161	\$ 1,184	\$ 1,208	\$ 1,232	\$ 1,257	\$ 1,282	\$ 1,308	\$ 1,334	\$ 1,360	\$ 1,388	\$ 1,415	\$ 1,259
State Tax Reimbursement	0.70%	\$ 7,343	\$ -	\$ 111	\$ 448	\$ 457	\$ 466	\$ 475	\$ 485	\$ 494	\$ 504	\$ 514	\$ 525	\$ 535	\$ 546	\$ 557	\$ 568	\$ 579
Local Tax Reimbursement	0.70%	\$ 10,657	\$ -	\$ 166	\$ 668	\$ 682	\$ 695	\$ 709	\$ 723	\$ 738	\$ 753	\$ 768	\$ 783	\$ 799	\$ 815	\$ 831	\$ 848	\$ 680
Total EGLE Reimbursement Balance		\$ 18,000	\$ 17,722	\$ 16,606	\$ 15,468	\$ 14,307	\$ 13,123	\$ 11,914	\$ 10,682	\$ 9,425	\$ 8,144	\$ 6,836	\$ 5,502	\$ 4,142	\$ 2,754	\$ 1,339	\$ 80	
State EGLE Balance to Be Reimbursed		\$ 7,343	\$ 7,232	\$ 6,784	\$ 6,327	\$ 5,861	\$ 5,386	\$ 4,902	\$ 4,407	\$ 3,903	\$ 3,389	\$ 2,864	\$ 2,329	\$ 1,784	\$ 1,227	\$ 659	\$ 80	
Local EGLE Balance to Be Reimbursed		\$ 10,657	\$ 10,491	\$ 9,822	\$ 9,141	\$ 8,445	\$ 7,736	\$ 7,013	\$ 6,275	\$ 5,522	\$ 4,755	\$ 3,971	\$ 3,173	\$ 2,358	\$ 1,527	\$ 679	\$ (0)	
MSHDA Housing Development Costs		\$ 2,570,000	\$ -	\$ 39,638	\$ 159,345	\$ 162,532	\$ 165,782	\$ 169,098	\$ 172,480	\$ 175,929	\$ 179,448	\$ 183,037	\$ 186,698	\$ 190,432	\$ 194,240	\$ 198,125	\$ 202,088	\$ 179,706
State Tax Reimbursement	99.30%	\$ 1,048,418	\$ -	\$ 15,901	\$ 63,923	\$ 65,201	\$ 66,505	\$ 67,835	\$ 69,192	\$ 70,576	\$ 71,987	\$ 73,427	\$ 74,895	\$ 76,393	\$ 77,921	\$ 79,480	\$ 81,069	\$ 82,691
Local Tax Reimbursement	99.30%	\$ 1,521,582	\$ -	\$ 23,737	\$ 95,422	\$ 97,331	\$ 99,277	\$ 101,263	\$ 103,288	\$ 105,354	\$ 107,461	\$ 109,610	\$ 111,802	\$ 114,038	\$ 116,319	\$ 118,646	\$ 121,018	\$ 97,016
Total MSHDA Reimbursement Balance		\$ 2,570,000	\$ 2,530,362	\$ 2,371,017	\$ 2,208,486	\$ 2,042,703	\$ 1,873,605	\$ 1,701,126	\$ 1,525,196	\$ 1,345,748	\$ 1,162,711	\$ 976,013	\$ 785,581	\$ 591,341	\$ 393,216	\$ 191,128	\$ 11,422	
State MSHDA Balance to Be Reimbursed		\$ 1,048,418	\$ 1,032,517	\$ 968,594	\$ 903,393	\$ 836,888	\$ 769,053	\$ 699,861	\$ 629,286	\$ 557,299	\$ 483,872	\$ 408,976	\$ 332,583	\$ 254,662	\$ 175,182	\$ 94,113	\$ 11,422	
Local MSHDA Balance to Be Reimbursed		\$ 1,521,582	\$ 1,497,845	\$ 1,402,423	\$ 1,305,092	\$ 1,205,815	\$ 1,104,552	\$ 1,001,264	\$ 895,910	\$ 788,449	\$ 678,839	\$ 567,037	\$ 452,999	\$ 336,680	\$ 218,034	\$ 97,016	\$ (0)	
Local Only Costs	3%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement																		
Total Local Only Reimbursement Balance		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Annual Reimbursement		\$ -	\$ 39,916	\$ 160,461	\$ 163,670	\$ 166,943	\$ 170,282	\$ 173,688	\$ 177,162	\$ 180,705	\$ 184,319	\$ 188,005	\$ 191,765	\$ 195,601	\$ 199,513	\$ 203,503	\$ 180,965	

Footnotes:

Table 2.2 - Tax Increment Revenue Reimbursement Allocation Table
North Lake Street Flats
City of Cadillac Brownfield Redevelopment Authority

	State Brownfield TIF Capture Ends	LBRF Capture Ends														
Plan Year	17	18	19	20	21		22	23	24	25	26	27	28	29	30	31
Capture Year	16	17	18	19	20		21	22	23	24	25	26	27	28	29	30
Calendar Year	2041	2042	2043	2044	2045		2046	2047	2048	2049	2050	2051	2052	2053	2054	2055
Total State Incremental Revenue	\$ 97,069	\$ -	\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State Brownfield Revolving Fund (50% of SET)	\$ 12,134	\$ -	\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Brownfield Fund - State	\$ -	\$ -	\$ -	\$ -	\$ -											
State TIR Available for Reimbursement	\$ 84,935	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Local Incremental Revenue	\$ 140,877	\$ 143,695	\$ 146,569	\$ 149,500	\$ 152,490		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
BRA Administrative Fee	\$ 7,044	\$ 7,185	\$ 7,328	\$ 7,475	\$ 7,624		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Brownfield Fund - Local	\$ 7,044	\$ 136,510	\$ 139,240	\$ 142,025	\$ 144,865		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local TIR Available for Reimbursement	\$ 126,789	\$ -	\$ -	\$ (0)	\$ 0		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total State & Local TIR Available	\$ 211,725						\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DEVELOPER	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Developer Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Developer Reimbursement Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0		\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
CBRA	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%	0.0%	0%	0%	0%	0%	0%	0%	0%	0%
CBRA Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
cCBRA Reimbursement Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0		\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
EGLE Environmental Costs	\$ 80	\$ -	\$ -	\$ (0)	\$ 0		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State Tax Reimbursement	\$ 80	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ (0)	\$ 0		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total EGLE Reimbursement Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0		\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
State EGLE Balance to Be Reimbursed	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0		\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Local EGLE Balance to Be Reimbursed	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)		\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)
MSHDA Housing Development Costs	\$ 11,422	\$ -	\$ -	\$ (0)	\$ 0		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State Tax Reimbursement	\$ 11,422	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ (0)	\$ 0		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total MSHDA Reimbursement Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0		\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
State MSHDA Balance to Be Reimbursed	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0		\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Local MSHDA Balance to Be Reimbursed	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)		\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)
Local Only Costs	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement																
Total Local Only Reimbursement Balance	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Annual Reimbursement	\$ 11,501	\$ -	\$ -	\$ (0)	\$ 0		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Footnotes:

ATTACHMENT A – BROWNFIELD PLAN RESOLUTIONS

**CITY OF CADILLAC BROWNFIELD REDEVELOPMENT AUTHORITY
CADILLAC, MICHIGAN**

**RESOLUTION APPROVING BROWNFIELD PLAN
FOR NORTH LAKE STREET FLATS**

- WHEREAS,** The Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended, authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, historically designated or housing property through tax increment financing of certain Eligible Activities; and
- WHEREAS,** The Cadillac City Council established the Cadillac Brownfield Redevelopment Authority in December 1996 and appointed its members; and
- WHEREAS,** A Brownfield Plan has been prepared and submitted for the North Lake Street Flats in Cadillac that outlines the qualifications, costs, impacts, and incentives for the project for reimbursement from Brownfield Tax Increment Financing revenues with the adoption of the Brownfield Plan; and
- WHEREAS,** The Cadillac Brownfield Redevelopment Authority has reviewed the Brownfield Plan and finds that it meets the requirements of Act 381 and constitutes a public purpose of workforce housing, increased private investment and economic development, and increased property tax value; and
- WHEREAS,** A public hearing on the Brownfield Plan by the Cadillac City Council will be noticed and will be held on October 21, 2024 and notice to taxing jurisdictions will be provided in compliance with the requirements of Act 381;

Moved by _____ and supported by _____

THEREFORE BE IT RESOLVED, that the City of Cadillac Brownfield Redevelopment Authority hereby approves the Brownfield Plan for North Lake Street Flats and recommends approval by the Cadillac City Council.

Yeas:

Nays:

Absent:

I, Marcus Peccia, Chair of the City Cadillac Brownfield Redevelopment Authority, attest that this resolution was adopted on October 1, 2024 at a special meeting of the City of Cadillac Brownfield Redevelopment Authority, Cadillac, Michigan

Date

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
Bryan Elenbaas
Robert J. Engels
Stephen King

RESOLUTION NO. _____

**Resolution Approving Brownfield Plan
North Lake Street Flats**

At a regular meeting of the Cadillac City Council held at Cadillac City Hall, 200 North Lake Street, Cadillac, Michigan on October 21, 2024 at 6:00 p.m., the following resolution was offered by

Councilperson _____ and supported by

Councilperson _____.

Whereas, the Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended ("Act 381"), authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, historically designated or housing property through tax increment financing of Eligible Activities approved in a Brownfield Plan; and

Whereas, the City Council established the Cadillac Brownfield Redevelopment Authority ("CBRA") under the procedures in Act 381 on December 6, 1996 to facilitate the redevelopment of Brownfields within the City of Cadillac; and,

WHEREAS, a Brownfield Plan has been prepared to support the redevelopment of five parcels along North Lake Street in the middle of the block between West Bremer Street and West Pine Street for 48 residential units for qualified households with income of 120% Area Median Income (AMI) or below; and

WHEREAS, the North Lake Street Flats Brownfield Plan was submitted to the CBRA that: (1) establishes the properties as Eligible Property, (2) outlines Environmental and Housing Development Eligible Activities, and (3) provides for the reimbursement of the Eligible Activity expenses from taxes generated by increased private investment on the Eligible Property; and

WHEREAS, on October 1, 2024, the CBRA reviewed, approved, and recommended approval of the Brownfield Plan to the City Council, finding the Brownfield Plan met the requirements of Act 381 and constitutes a public purpose of workforce housing, increased private investment and economic development, and increased property tax value; and

Whereas, the City Council has determined that the Brownfield Plan meets the requirements of Act 381 and constitutes a public purpose of workforce housing, increased private investment and economic development, and increased property tax value; and

Whereas, a public hearing on the Brownfield Plan has been noticed and held on October 21, 2024 and notices to taxing jurisdictions have been provided in compliance with the requirements of Act 381;

Whereas, the City Council has reviewed the Brownfield Plan and finds, in accordance with the requirements of Section 14 of Act 381 that:

- (a) The Brownfield Plan meets the requirements of Section 13 of Act 381, Brownfield Plan Provisions as described in the Brownfield Plan, consistent with format recommended by the State of Michigan, including a description of the costs intended to be paid with tax increment revenues, a brief summary of Eligible Activities, estimate of captured taxable value and tax increment revenues, method of financing, maximum amount of indebtedness, beginning date and duration of capture, estimate of impact on taxing jurisdictions, legal description of eligible property, estimates of persons residing on the Eligible Property if applicable, and a plan and provisions for relocation of residents, if applicable.;
- (b) The proposed method of financing the costs of Eligible Activities through developer sources is feasible, as described in Section 3.2 of the Brownfield Plan;
- (c) The costs of Eligible Activities proposed are reasonable and necessary to carry out the purposes of Act 381, including complying with environmental due diligence and due care requirements and the cost estimates are based on evaluation from certified professionals, experience in comparable projects, and preliminary discussions with reputable companies, as described in Section 2.2 of the Brownfield Plan; and
- (d) The amount of captured taxable value estimated from the adoption of the Brownfield Plan is reasonable, as calculated in Table 2 of the Brownfield Plan, based on calculations of the tax revenues derived from taxable value increases and millage rates approved and authorized by the taxing jurisdictions on an annualized basis and balances against the outstanding Eligible Activity obligation approved as part of the Brownfield Plan and expenses reviewed and approved by the Cadillac Brownfield Redevelopment Authority; and

Now, Therefore, the City Council of the City of Cadillac, Wexford County, Michigan resolves as follows:

1. Pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of 1996, as amended, being MCL 125.2651, *et seq*, the Cadillac City Council hereby approves the North Lake Street Flats Brownfield Plan in Cadillac.

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

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

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. ____, duly adopted at a regular meeting of the City Council held on the 21st day of October 2024.

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

**INTERLOCAL AGREEMENT TO USE LOCAL TAX INCREMENT
REVENUES FOR THE NORTH LAKE STREET FLATS
BROWNFIELD REDEVELOPMENT PROJECT**

WHEREAS, the Urban Cooperation Act, PA7 of 1967, Extra Session (Act 7), provides that a public agency may enter into interlocal agreements with other public agencies to exercise jointly any power, privilege, or authority that the agencies share to in common and that each might exercise separately; and

WHEREAS, Cadillac's Downtown Development Authority ("DDA") was duly established pursuant to PA 197 of 1975 as amended (Act 197); and

WHEREAS, the City of Cadillac Brownfield Redevelopment Authority ("CBRA") was duly established pursuant to PA 381, 1996, as amended (Act 381); and

WHEREAS, the CBRA and DDA are each considered a "public agency" under Act 7; and

WHEREAS, the CBRA has the authority to pay for "Eligible Activities" and capture tax increment revenues generated by the levy of certain taxes via approved Brownfield Plans pursuant to and as described in Act 381; and

WHEREAS, the DDA has the authority to pay certain activities and capture tax increment revenues generated by the levy of certain taxes on the property pursuant to the Cadillac Downtown Development Authority Tax Increment Financing Plan, as amended (the "DDA Plan"), and

WHEREAS, the DDA and the CBRA now wish to enter into this Interlocal Agreement to transfer the DDA tax increment revenues generated by the redevelopment of the property located at 314, 316, 318, 320, and 402 North Lake Street and 135 West Nelson Street in Cadillac, Michigan (Eligible Property) to the CBRA to reimburse the Act 381 "Eligible Activities" pursuant to the North Lake Street Flats Workforce Housing Brownfield Plan ("Brownfield Plan"); and

THEREFORE, the DDA and CBRA agree as follows:

1. **Transfer and Use of Tax Increment Revenues.** Only upon affirmative vote by CBRA and the Cadillac City Council approving the Brownfield Plan, shall the tax increment revenues captured by the DDA generated by the Eligible Property be transferred to the CBRA to reimburse approved Eligible Activities, CBRA administration fees, and deposits into the Local Brownfield Revolving Fund (LBRF).
2. **Limitation to Tax Increment Revenues from Eligible Property.** The DDA shall only transfer to the CBRA the tax increment revenues generated by the Eligible Property to reimburse approved Eligible Activity and other costs in the approved Brownfield Plan, authorized by Act 381, and approved by the CBRA and the Cadillac City Council. Upon conclusion or dissolution of the Brownfield Plan, all tax increment revenues generated by the Eligible Property shall be captured by the DDA as stated in the DDA Plan.

3. **DDA Obligation Subordinate to Existing Bonds.** This DDA's obligation to transfer tax revenues to the CBRA pursuant to this Agreement is subordinate to, and contingent upon the ability of the DDA to capture sufficient tax increment revenues from the captured assessed value of the property in its Downtown District other than the eligible property to pay its annual debt service obligations on bonds and other obligations issued by the DDA pursuant to Act 450. In the event that the DDA does not have sufficient funds from tax increment revenues from the captured assessed values of the property in its Downtown District other than the eligible property to pay its annual debt service on such bonds or other obligations, then the DDA shall not be obligated to transfer tax increment revenues from the eligible property to the CBRA in that year and so long as a shortfall exists, so that the DDA may use the tax increment revenues generated from the eligible property to pay its annual debt service obligations on such bonds. In such instances where the DDA uses tax increment revenues from the eligible property to pay its annual debt service on such bonds or other obligations, it is understood that once these obligations are met the transfer of tax increment revenues from the eligible property will continue until eligible activities are reimbursed.
4. **CBRA as Agent under This Agreement.** The parties designate the CBRA as the agent to receive and disburse all tax increment revenues generated by the eligible properties until such time as all obligations of the approved Plan have been satisfied.
5. **Effective Date.** The Agreement shall commence upon its approval by the legislative bodies of the DDA and CBRA and duly executed by their authorized representatives and filed with the Wexford County Clerk and Secretary of State of the State of Michigan as required by Act 7.
6. **Severability.** To the extent that any provisions contained in this Agreement is deemed enforceable, to the extent possible, the remaining terms shall remain in effect.
7. **Term.** The parties agree that the transfer of tax increment revenue from the eligible property to reimburse eligible activities, CBRA administration fees, and LBRF deposits shall begin once tax increment revenues are collected from the eligible property, which will occur after the official approval of the Plan by the Cadillac City Council. This contract extends until all obligations under this contract are met.

The DDA and CBRA, by their authorized representatives, have executed this Agreement as indicated on the attached signature page:

This agreement was approved by Cadillac Downtown Development Authority. The Chairperson and Secretary were authorized to sign this Agreement on the __ day of ____, 2024 and was signed by the Chairperson and Secretary on the __ day of ____, 2024.

Witnesses

CADILLAC DOWNTOWN
DEVELOPMENT AUTHORITY

Chairperson,

Secretary

Subscribed and sworn to before me on this _____ day of _____, 2024.

Notary Public, Wexford County
My commission expires

This agreement was approved by the Cadillac Brownfield Redevelopment Authority. The Chairperson and Secretary were authorized to sign this agreement on the __ day of ____, 2024 and was signed on the ____ day of ____, 2024.

Witnesses

CADILLAC BROWNFIELD
REDEVELOPMENT AUTHORITY

Chairperson,

Co-Chair,

Subscribed and sworn to me this _____ day of _____, 2024.

Notary Public, Wexford County
My commission expires:



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

Today's Date 10-8-24

City Received Date

RECEIVED
MUST BE OFFICIALLY CITY DATE STAMP
OCT 8 2024

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request Trunk or Treat Food Drive

Contact Person Harri Dumas

Contact Phone [REDACTED] Contact Email [REDACTED]

Date: <u>10/26/24</u>		Street Closures	
Street Name <u>Hemlock</u>	Beginning Location <u>E River</u>	Ending Location <u>Crippen</u>	<u>where meets N. Park</u>
	Beginning Time <u>4:00pm</u>	Ending Time <u>9:00pm</u>	
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 _____	

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 Harri Dumas Signature Harri Dumas Date 10/08/24

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

THE HALLOWEEN HOUSE OF CADILLAC
PRESENTS

2024

halloween

Trunk Or Treat!

TWILIGHT
SCREENING OF:
THE NIGHTMARE
BEFORE
CHRISTMAS!

ADULT AND
KIDS COSTUME
CONTEST!

MUSIC
PROVIDED BY
G.T. VINYL!

VEHICLE
DECORATING
CONTEST!*

*MUST BE HANDING OUT CANDY
TO PARTICIPATE

SPECIAL GUESTS:
THE CHERRYLAND
GHOSTBUSTERS!

SNACKS, PRIZES,
AND SO MUCH
MORE!

3 NON-
PERISHABLE
FOOD ITEMS
PER FAMILY
FOR ENTRY!*

SATURDAY
OCTOBER 26TH
5PM-8PM

**DIGGINS HILL COMMUNITY
PARK IN CADILLAC!**

*PROCEEDS BENEFIT THE CADILLAC COMMUNITY FOOD PANTRY, VETS
SERVING VETS, AND MOVIE SCREENING!



FOR MORE SPOOKY FUN, FIND THE HALLOWEEN HOUSE OF CADILLAC
ON FACEBOOK!

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

Today's Date 9/4/24

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Request Planning Guide

This form must be completed and return to the City at least 60 days before a HIGH IMPACT event. Additionally a representative for the event must meet with City Council on or before 30 days before going to City Council for approval. Failure to comply will result in denial of your event. Please call (231) 775-0181 x 7328 if you have questions.

Applicant Name (Print) (CFM) Mary Golvarek

Contact Address

Contact Phone(s)

Contact Email

Sponsoring Organization Cadillac Farmers Market

Purpose of Event Holiday Market

☒ Private ☐ Non-Profit

Approx # of Attendees 1005 to 10005
about 44 vendors

Beginning Date: 11/30

Ending Date: 12/15

Reoccurring: ☒ YES ☐ NO

1st Day 11/30 Set-up Time 12pm Start 2pm End 6pm Clean-up 7pm

2nd Day 12/1 Set-up Time 12pm Start 2pm End 6pm Clean-up 7pm

3rd Day 12/7 Set-up Time 12pm Start 2pm End 6pm Clean-up 7pm

4th Day 12/8 Set-up Time 12pm Start 2pm End 6pm Clean-up 7pm

12/14 & 12/15

12pm 2pm

6pm 7pm

Please answer the following questions:

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

Please Select

☒ Market at Cadillac Commons ☐ Rotary Pavilion ☐ City Park ☐ Cadillac Commons Plaza

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

Maybe a food truck or two on the side.

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

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

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

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

Today's Date

9/4/24

City Received Date

The Market at the Cadillac Commons Reservation Form

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

Event

CFM Holiday Market

Please Select:



Electricity/Lights



Heat

Requesting use of the North parking lot
just like summer market. Per phone
conversation 10/07/2024

Usage Rules:

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

Reservation Fees:

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

Reoccurring Events:

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

- Daily Rate of \$25:
- Non-Profit Daily Rate of \$15 (Must show proof of status)

Market Hours 7:00 AM through 11:00 PM

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

Form must be mailed/emailed or delivered to Cadillac City Hall, Attention Events Coordinator at

200 N. Lake Street in Cadillac, MI 49601

mvandermeulen@cadillac-mi.net

Signature

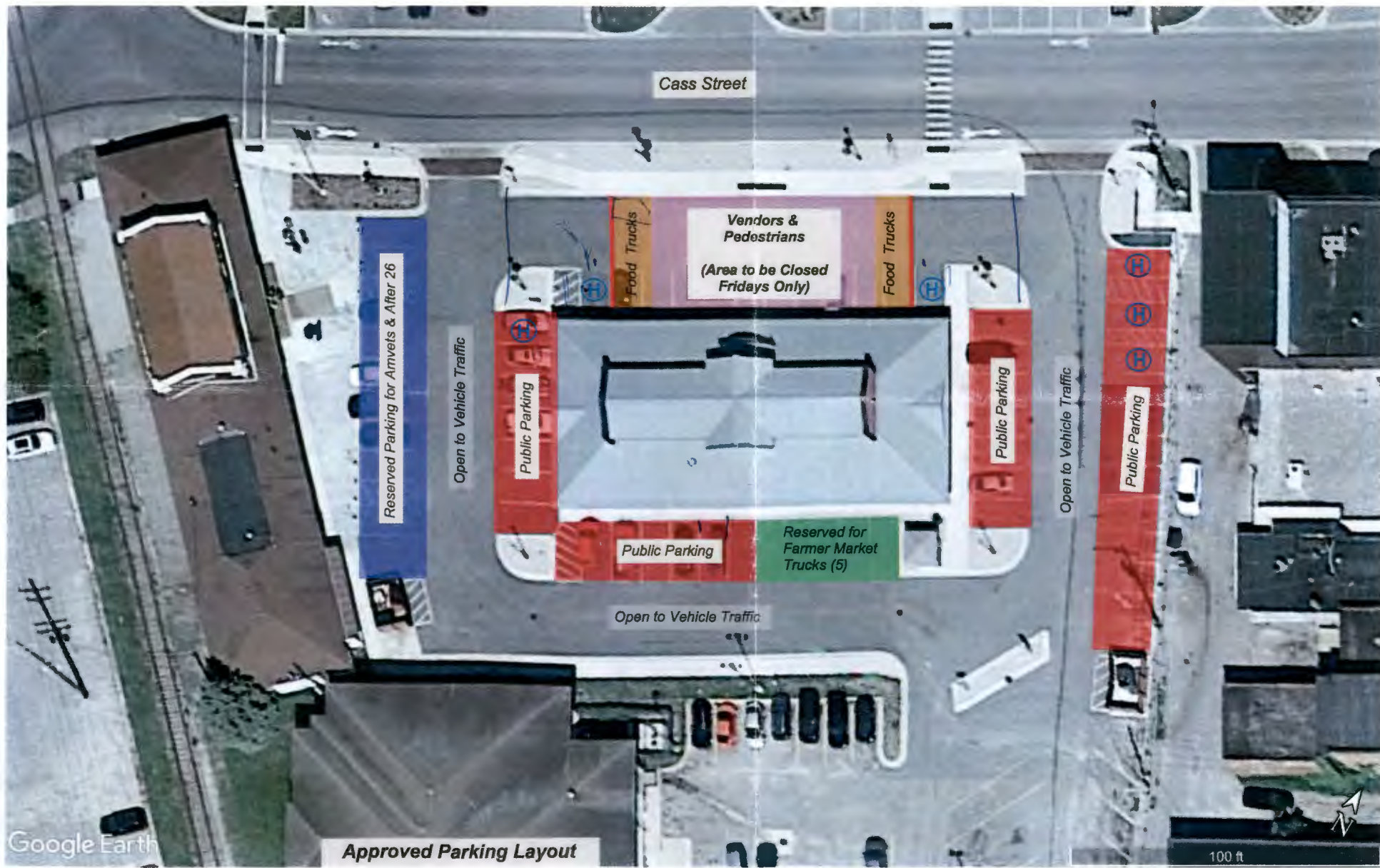
Maya Sand

Total Fees Required:

\$300

Total Fees Paid:

Date





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

Today's Date 10-16-24

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Banner Request Form

Monday Banner Start Date 11/4/24

Monday Banner End Date 11/11/24

(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 Hobby + Craft Show

Organization Cadillac Band Boosters

Contact Person

Contact Phone

Contact Email

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: 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.

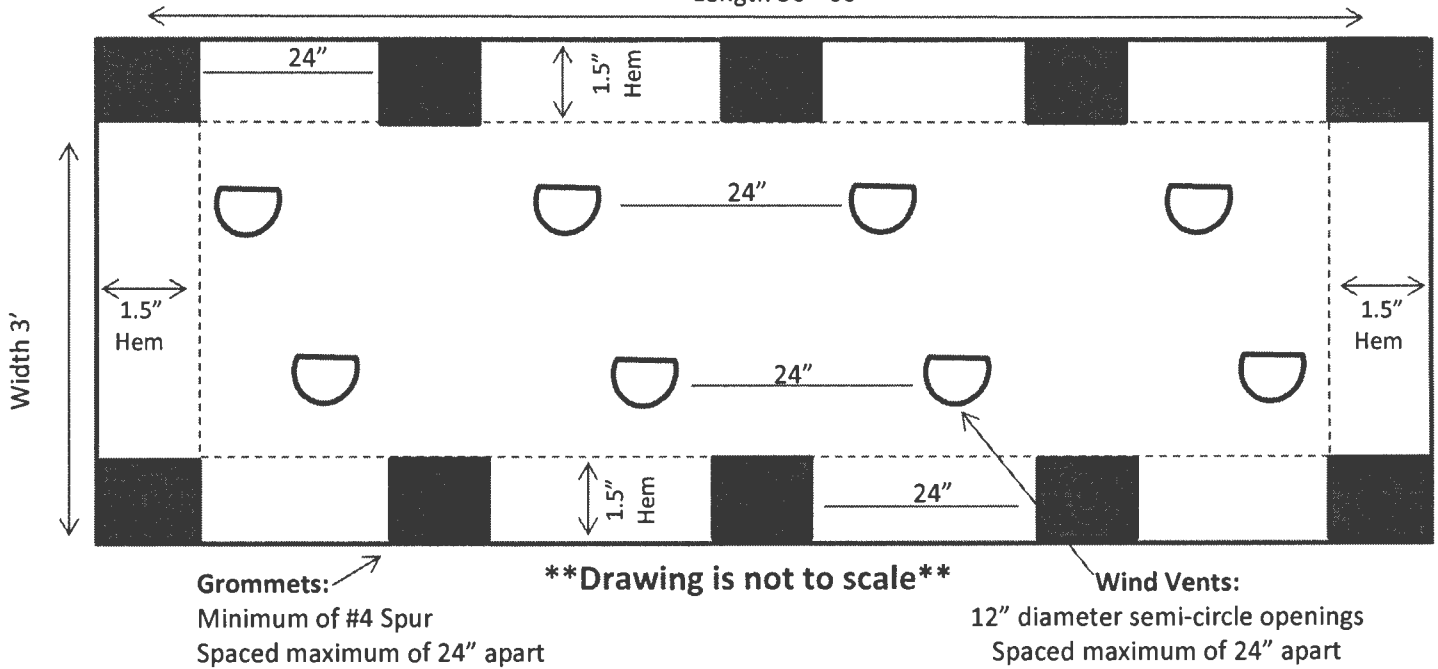
Print Name Anthony J Nelson Signature [Signature] Date 10/16/24

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

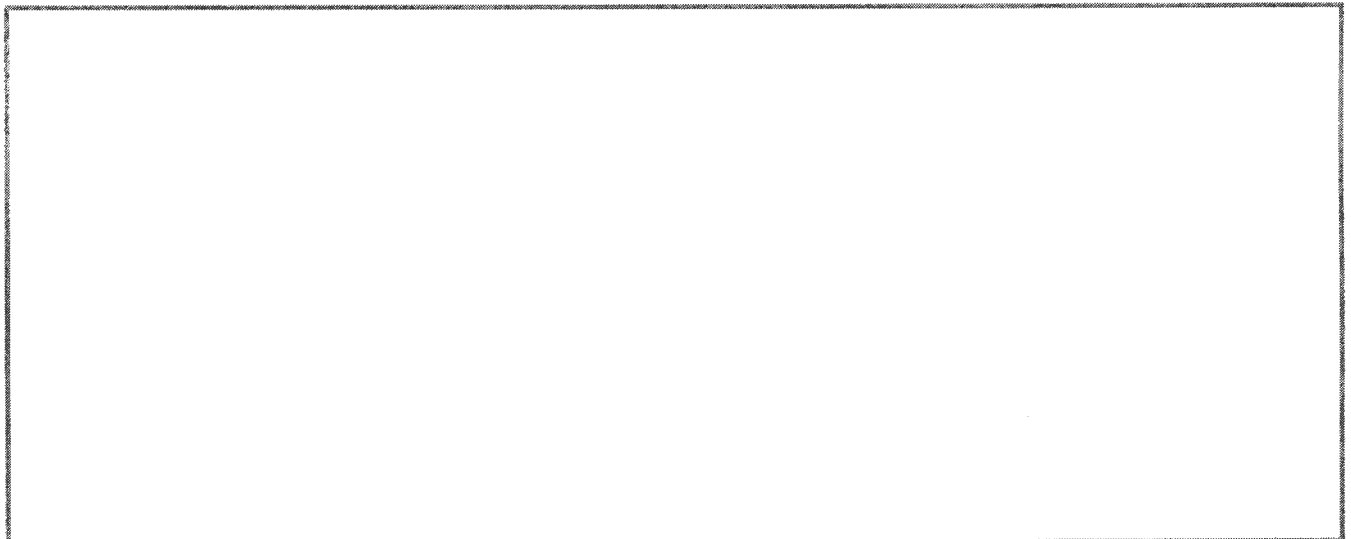
Banner Specifications

- Banner must be made of a minimum of 18 oz. vinyl or of comparable material
- Hem must be 1.5" double folded and stitched on inside & outside
- Grommets must be a minimum of # 4 Spur and not more than 24" apart along top & bottom
- Wind Vents must 12-18" semi-circle openings and not be more than 24" apart

Length 30' - 60'



Attach a photo of the banner or provide a detailed design proof
(Request will not be approved without a proof or picture)



**Cadillac
Band
Boosters**

Hooby & Craft Show
SECOND WEEKEND IN NOVEMBER



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

Today's Date _____

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Banner Request Form

Monday Banner Start Date 11/25/24

Monday Banner End Date 1/3/25

(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 Lighted Holiday Garland

Organization City of Cadillac

Contact Person Ken Payne

Contact Phone 231-920-7800

Contact Email garage@cadillac-mi.net

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.
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(No Faxes accepted)

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

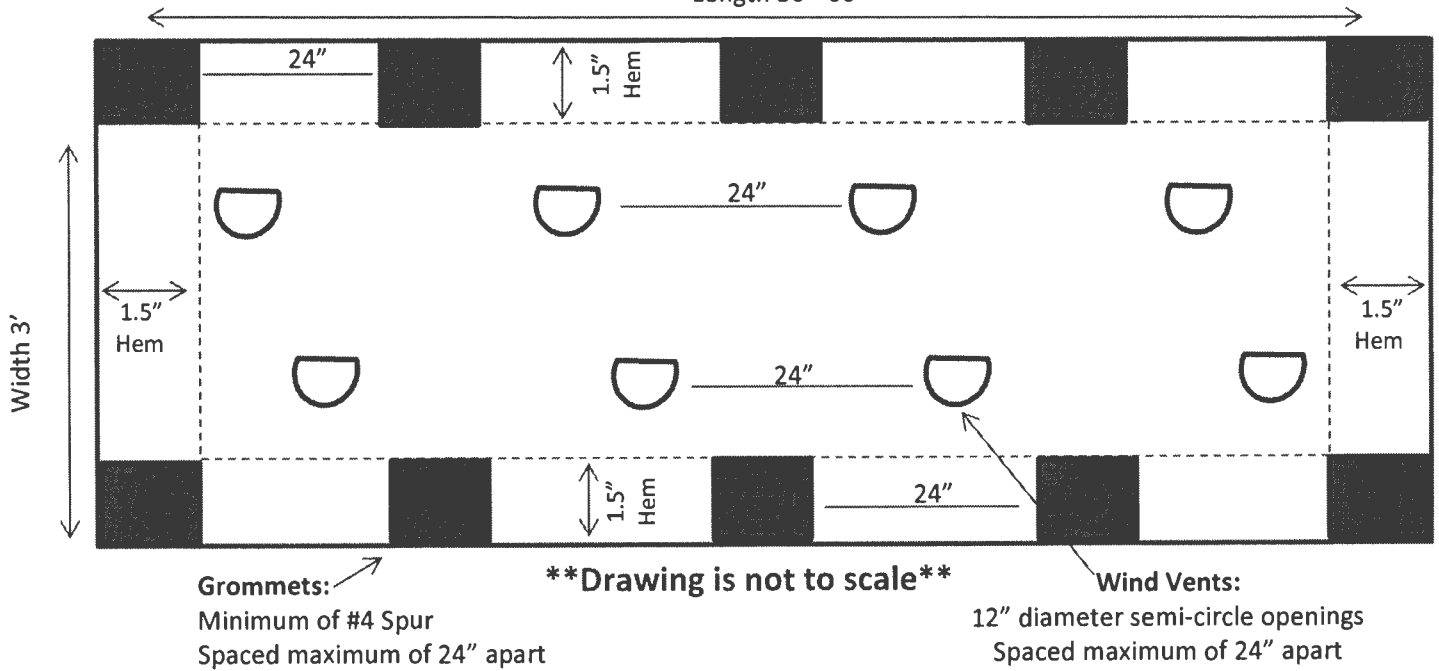
Print Name Ken Payne Signature Ken Payne (by proxy) Date 10/17/24

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

Banner Specifications

- Banner must be made of a minimum of 18 oz. vinyl or of comparable material
- Hem must be 1.5" double folded and stitched on inside & outside
- Grommets must be a minimum of # 4 Spur and not more than 24" apart along top & bottom
- Wind Vents must 12-18" semi-circle openings and not be more than 24" apart

Length 30' - 60'



**Attach a photo of the banner or provide a detailed design proof
(Request will not be approved without a proof or picture)**



October 21, 2024

Council Communication

Re: Fire Department Turnout Gear Grant

The Cadillac Fire Department was recently awarded \$34,827.50 for the purchase of turnout gear through the Michigan Firefighter Turnout Gear Grant Program. The grant provides 100% of the costs to purchase 10 sets of turnout coats, pants, and firefighting boots for full-time members of the department. The Fire Department has developed a specification of turnout gear based upon performance, longevity, and personnel feedback that it has been using for multiple years. Accordingly, the Fire Department seeks to purchase Lion turnout gear in accordance with its specifications from the closest local vendor.

Requested Action

It is requested that Council waive competitive bidding and approve the purchase of 10 sets of firefighter turnout gear from Dinges Fire Company for \$34,827.50.

October 21, 2024

Council Communication

*RE: Sanitary Sewer Repair (707 N. Mitchell Street)
Extra Work - Change Order No 1.*

During installation of the new sanitary manhole that was part of this repair project, the condition of the existing clay sanitary pipe to be connected to was found to be too fragile to make a proper connection. Because of this, the Contractor was directed to remove an additional 30 feet of pipe in order to connect to solid pipe. Additional trenching, backfill, and area of asphalt removal and replacement was required to perform this work.

Contract unit prices were used for the additional quantities of pipe, aggregate, and asphalt. A new contract item for Strong Back Furnco (a fitting for pipe connections) was provided by the Contractor and is within the acceptable unit price range used on previous projects.

The extra approved work performed was \$14,563.69 (see Change Order No. 1) resulting in a final Contract Amount of \$71,893.99. The original project award was for the amount of \$63,000, including a contingency of \$5,669.70.

Recommended Action

It is recommended that City Council approve Change Order #1 to the Sanitary Sewer Repair contract with CJ's Excavating to increase the total approved amount to \$71,893.99.

Change Order

No. 1

Date of Issuance: October 2, 2024

Effective Date: October 2, 2024

Project: Sanitary Sewer Repair (707 N Mitchell St.)	Owner: City of Cadillac	Owner's Contract No.:
Contract:	Engineer: Prein & Newhof	Date of Contract: August 12, 2024
Contractor: CJ's Excavating, Inc.	Contractor's Project No.:	Engineer's Project No.: 2240214

The Contract is modified as follows upon execution of this Change Order:

Description: Increased length (30') of sanitary pipe replacement per Utility Dept.

New item: Sanitary fernco connections. As-built quantity adjustments for asphalt removal/replacement and pipe lengths

Attachments (List documents supporting change):

See Attached Detail Sheet

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 57,330.30

[Increase] [**Decrease**] from previously approved
Change Orders No. _____ to No. _____:

\$ 0.00

Contract Price prior to this Change Order:

\$ 57,330.30

Increase of this Change Order:

\$ 14,563.69

Contract Price incorporating this Change Order:

\$ 71,893.99

CHANGE IN CONTRACT TIMES:

[note changes in Milestones if applicable]

Original Contract Times (days or dates): _____

Substantial Completion (days or dates): _____

Ready for Final Payment (days or dates): _____

[Increase] [**Decrease**] from previously approved Change
Orders No. _____ to No. _____:

Substantial Completion (days or dates): _____

Ready for Final Payment (days or dates): _____

Contract Times prior to this Change Order:

Substantial Completion (days or dates): _____

Ready for Final Payment (days or dates): _____

[Increase] [**Decrease**] of this Change Order:

Substantial Completion (days or dates): _____

Ready for Final Payment (days or dates): _____

Contract Times with all approved Change Orders

Substantial Completion (days or dates): _____

Ready for Final Payment (days or dates): _____

RECOMMENDED:

By: _____
Engineer (if required)

Title: _____

Date: _____

ACCEPTED:

By: _____
Owner (Authorized Signature)

Title: _____

Date: _____

ACCEPTED:

By: _____
Contractor (Authorized Signature)

Title: _____

Date: _____

Approved by Funding Agency (if applicable):

By: _____ Date: _____

Title: _____

EJCDC® C-941, Change Order.

Prepared and published 2013 by the Engineers Joint Contract Documents Committee.

Change Order

For (project): Sanitary Sewer Repair (707 N Mitchell St.)						Change No. 1	
From (Contractor): CJ's Excavating, Inc.						Date: October 2, 2024	
ITEM		VALUE			CHANGE		
Item No.	Description of Change	Quantity Change	Unit	Unit Price	Total Value	Decrease in Contract Price	Increase in Contract Price
1	Strong Back Furnco	2	Ea	\$500.00	\$1,000.00		\$1,000.00
2	HMA Surface, Rem	105	Syd	\$23.50	\$2,467.50		\$2,467.50
5	Sanitary Sewer, Rem	30	Ft	\$12.36	\$370.80		\$370.80
6	Sanitary Sewer, PVC, 12 inch, Tr Det B	30	Ft	\$105.65	\$3,169.50		\$3,169.50
10	Sanitary Sewer, Serv Lead, PVC, 6 inch	-15	Ft	\$146.05	-\$2,190.75	\$2,190.75	
11	Approach, CI I, 6 inch	105	Syd	\$27.62	\$2,900.10		\$2,900.10
12	HMA Approach	21.53	Ton	\$318.00	\$6,846.54		\$6,846.54
Change Totals						\$2,190.75	\$16,754.44
Net Change In Contract Price							\$14,563.69

July 15, 2024

Council Communication

RE: Sanitary Sewer Repair (707 N. Mitchell Street)

On July 9, 2024 the City of Cadillac held a bid opening on the above referenced project. The work includes the following approximate quantities of major items:

140 Lft Sanitary Sewer Replacement
160 Syd Parking Lot Paving (30 Ton HMA)

The following bids were received:

Contractor	Bid
CJ's Excavating, Inc. Cadillac, MI	\$57,330.30
Apex Excavating & Underground, LLC Marion, MI	\$75,060.00
Molon Excavating, Inc. Traverse City, MI	\$82,029.98
Salisbury Excavating, Inc. Tustin, MI	\$104,408.30

Recommended Action

It is recommended that the contract for the Sanitary Sewer Repair (707 N. Mitchell Street) Project be awarded to CJ's Excavating, Inc. for the bid amount of \$57,330.30. In addition, an approximate 10% contingency is requested for City engineer-approved field changes in unit quantity or scope due to unknowns in underground construction, bringing the total recommended award to a total of \$63,000.00.

October 7, 2024

Council Communication

Re: COLA Update & Request

After successful negotiations were completed late summer with the IAFF (Fire Union), all staff members except for the City Manager, have now received (retro regarding IAFF) their annual cost of living adjustments as follows:

- Non-union at 3.5%;
- Police Unions (2) at 4% and 3%;
- Fire at 4%; and
- Steelworkers at 3%.

Respectfully and humbly, as I embark on my 15th anniversary next month, request Council to consider the following compensatory modification that keeps me minimally in pace with my department heads and other non-union staff:

- Update agreement language to automatically annually adjust my base minimally by whatever the non-union percentage increase was, effective July 1. For this year, however, make it retroactive to May 20th, which was when I traditionally would have received an adjustment.

Non-compensatory modifications that I request for consideration:

- Update language regarding the review from “shall” to “may” review annually
- Include language that would require a four-fifths vote to terminate my agreement.

Recommended Action

Consider the approval of the aforementioned requests, direct the City Attorney to make revisions accordingly, and authorize the Mayor to execute an amendment to the agreement.