

EMPIRE VILLAGE COUNCIL REGULAR MEETING
Empire Township Hall - 10088 Front Street
April 25, 2023 @ 7 PM

AGENDA

- A. CALL REGULAR MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
- B. ROLL CALL**
- C. CHANGES OR ADDITIONS TO THE AGENDA**
- D. ADOPTION OF THE AGENDA**
- E. PUBLIC COMMENT ON AGENDA ITEMS**
- F. CONSENT AGENDA**

- 1) Approve minutes - 04/13/2023 Work Session
- 2) Approve April Bills totaling \$_____.

Please Note: Any item can be removed from the consent agenda by any council member.

- G. REVIEW OF FINANCIAL STATEMENTS**
- H. COMMUNICATIONS**
- I. DEPARTMENT HEAD REPORTS**
- J. COUNCIL MEMBER / COMMITTEE REPORTS**
- K. OLD BUSINESS**

- 1) Consider Motion to Approve of the Purchase of a New Parking Meter for Empire Beach (Dye)
- 2) Consider Motion to Rescind Septic Inspections at Time of Sale Ordinance No. 137 (Rademacher)
- 3) Consider Motion to Approve Proposals for the Wilco Drainage Improvement Project (Bacon)
- 4) Consider Motion to Allocate Village ARPA Funds to the Wilco Drainage Improvement Project (Palmer)
- 5) Wastewater Update Task Force (Palmer)
 - a. Consider Rescinding 2022 Motion Regarding Removal of Wastewater Study from the CIP for 5 Years (Bacon)
 - b. Consider Approving Amendments to the Original Charge
 - c. Consider Approving Amendment of Residents, Property Owners and Businesses
- 6) Appointment of Wastewater Update Task Force Members (Palmer)

- L. NEW BUSINESS**
- M. PUBLIC COMMENT**
- N. COUNCIL MEMBER COMMENT**
- O. ADJOURNMENT**

April 13, 2023 – EMPIRE VILLAGE COUNCIL WORK SESSION

The meeting was called to order at the Glen Lake Community Library and the Pledge of Allegiance was led by Palmer at 7:00 p.m. Upon a roll call, Council members Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb were present. Clerk Smith was also present.

PUBLIC HEARING

PUBLIC HIGHWAYS, STREETS, ALLEYS, RIGHT-OF-WAY MAINTENANCE AND SNOW REMOVAL (ORD. NO. 147) –No comments.

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE (ORD. NO. 152) – No comments.

Public Hearing was closed at 7:04 p.m.

CHANGES/ADDITIONS TO AGENDA – Approval of the 3-28-23 minutes was added after Public Comments on Agenda Items. Seasonal DPW worker, pumping and removal of outhouse at Shalda Park, and communication with office were added under New Business.

ADOPTION OF AGENDA - Motion by Webb, support by Walton to approve the agenda as amended. Upon a voice vote, MOTION PASSED.

PUBLIC COMMENTS ON AGENDA ITEMS – Mary Sharry commented on Garlic Mustard.

APPROVAL OF 3-28-23 Minutes – Motion by Dye, support by Walton to approve the minutes OF 3-28-23. Upon a voice vote, MOTION PASSED.

COMMUNICATIONS – An email from Inie Hacker regarding Beach ambassadors was read aloud. An email from Mary Sharry regarding the turnoff of a streetlight was read aloud. An email from Robert Foulkes regarding Senior Housing was read aloud. An email from Dave Taghon about the history of Shalda Park was read aloud. A letter from Marc Oberschulte regarding the Wastewater update Task Force was read aloud.

DEPARTMENT HEAD REPORTS – Palmer noted construction progress at Shalda Park and the BP station. She proposed sending the Foulkes letter to the Planning Commission.

COUNCIL MEMBER/COMMITTEE REPORTS – Reports from the Water Committee and Parks Committee were received and reviewed. Street Committee requested holding a meeting to address Union St. and several small items. The Council agreed by consensus to approve the Streets Committee meet to address these issues.

OLD BUSINESS

APPROVAL OF ORDINANCE 147, 152 AND SNOWPLOW POLICY - Motion by Dye, support by Rademacher to approve ORD. NO. 152. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED. Motion by Dye, support by Rademacher to approve ORD. NO. 147. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED. Motion by Webb, support by Dye to approve the Snowplow Policy. Upon a voice vote, MOTION PASSED.

COMMUNITY ENGAGEMENT – Suggested topics were good governance and role of government, a vision statement, polling meeting attendees, public installation of artwork, community cleanup and assistance for the elderly, community survey, community newsletter, Conversation with Council, standardize agenda template and include action expected on each topic. There was consensus that a focus for community engagement is needed. This will be discussed at a future work session.

DISCUSSION OF CHARGE AND TASK FORCE SELECTION PROCESS FOR THE WASTEWATER UPDATE TASK FORCE – Discussion included: clearly defined charges for the task force are needed, whether an environmental or a business need exists, financial risk to community, an affordability index, and an estimated cost for scope of work within 2 months of committee establishment. There was consensus to rescind the motion of January 13, 2022, regarding a Wastewater Study and amend the motion of January 24, 2023, regarding the scope of work for the Wastewater Update Task Force by adding to the next regular meeting agenda for action.

NEW BUSINESS

GARLIC MUSTARD DUMPSTER – **Motion by Bacon, support by Rademacher to approve the rental of a dumpster for garlic mustard disposal for May and June.** Initial cost will be \$525 with reimbursement from NW MI Invasive Species Network of \$200 (Net cost \$325). **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

RULES OF PROCEDURE REVIEW – Palmer passed out a sheet of changes regarding minutes. There was discussion of whether the agenda item was to discuss a plan for updating the ROP or to discuss suggested changes from each council member. Palmer indicated that the discussion was to begin reviewing the Rule of Procedure and suggested changes. Palmer suggested council members be prepared to discuss suggested changes at the May Work Session.

NOTIFY ATTORNEY REGARDING THE REQUEST FROM THE NEW NEIGHBORHOOD PHASE 4 RESIDENTS – Documentation was reviewed, and copies of any agreements missing from the Village file will be copied for Village records. Palmer will request a letter from Attorney Figura confirming the Village acceptance of the Phase 4 streets and alleys.

SEPTIC INSPECTIONS AT TIME OF SALE OR TRANSFER OF PROPERTY ORD. NO. 137 – County Ordinance was reviewed and there was consensus to add to the regular meeting agenda for a vote to rescind Village Ordinance No. 137.

APPROVAL FOR ORDERING A NEW PAY MACHINE FOR BEACH PARK – There was consensus that this would be added to the regular meeting agenda for a vote.

PURCHASING POLICY UPDATE – Discussion will be added to next work session.

Motion by Rademacher, support by Dye to continue the meeting past 9:00 p.m. Upon a voice vote, MOTION PASSED.

REVIEW OF WILCO ROAD DRAINAGE IMPROVEMENT PROJECT PROPOSAL – Discussion included whether the County Road Commission, Empire Township, National Park

Service, and the County would participate as meetings have been held with all. Project would qualify for AARPA funds. Bids for engineering and runoff/drainage plans from Gosling Czubak and Grobbel Environmental were reviewed. Village AARPA funds received would cover all but 3-4K of these costs. There was consensus to schedule for a vote at the regular meeting.

VILLAGE EMAIL ADDRESSES FOR PLANNING COMMISSIONERS – There was consensus to provide Village emails to the 2 Planning Commissioners that have requested such. Smith will set up and forward to Commissioners Ellibee and Stepanek.

SHALDA PARK RULES – Discussion will be scheduled for next work session.

SHALDA PARK PUMP & REMOVAL OF outhouse – A boarded up and unused outhouse is located near the proposed paved path. The Conservancy, as property owner, has provided permission to remove and the Health Department has suggested that it be pumped. Both will occur and the contractor will fill it in before constructing the path.

ADVERTISE FOR SEASONAL WORKER - There was consensus that the Personnel Committee advertise for this position as Wayne Taghon will not be returning this summer.

COMMUNICATION WITH OFFICE – Palmer feels there is confusion and wonders who may instruct the office. A point of order was called and meeting was adjourned.

ADJOURNMENT at 9:36 p.m.

Derith Smith

Empire Village Clerk

These are draft minutes for approval at the April 25, 2023, Regular Council meeting.

CASH BALANCE BY FUND - MARCH 2023

	GF - 101	MSF - 202	LSF - 203	DSF - 301	WF - 591	EQF - 661	MF - 715
HUNTINGTON							
BEGINNING BALANCE	\$ -	\$ -	\$ -	\$ -	\$ 76,207.68	\$ -	\$ -
RECEIPTS	\$ -	\$ -	\$ -	\$ -	\$ 1,925.73	\$ -	\$ -
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ (15.75)	\$ -	\$ -
ENDING BALANCE	\$ -	\$ -	\$ -	\$ -	\$ 78,117.66	\$ -	\$ -
SWEEP							
BEGINNING BALANCE	\$ 226,866.49	\$ 144,881.48	\$ 162,085.24	\$ -	\$ 180,416.26	\$ 201,318.28	\$ 4,066.84
RECEIPTS	\$ 221.09	\$ 141.19	\$ 157.96	\$ -	\$ 175.83	\$ 196.20	\$ 3.96
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING BALANCE	\$ 227,087.58	\$ 145,022.67	\$ 162,243.20	\$ -	\$ 180,592.09	\$ 201,514.48	\$ 4,070.80
STATE SAVINGS							
BEGINNING BALANCE	\$ 271,307.61	\$ 47,835.29	\$ 36,374.40	\$ 20,139.17	\$ 18,720.99	\$ 30,745.61	\$ 729.53
RECEIPTS	\$ 30.63	\$ 4,014.42	\$ 8,953.60	\$ 2.27	\$ 101.11	\$ 4,306.57	\$ 0.08
DISPERSALS	\$ (32,046.59)	\$ (2,739.68)	\$ (2,919.49)	\$ -	\$ (9,031.59)	\$ (16,501.26)	\$ -
ENDING BALANCE	\$ 239,291.65	\$ 49,110.03	\$ 42,408.51	\$ 20,141.44	\$ 9,790.51	\$ 18,550.92	\$ 729.61
FIRST NATIONAL - CD							
BEGINNING BALANCE	\$ 258,689.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RECEIPTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING BALANCE	\$ 258,689.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

GF - 101 MSF - 202 LSF - 203 DSF - 301 WF - 591 EQF - 661 MF - 715

CASH BALANCE - TREASURER \$ 725,068.29 \$ 194,132.70 \$ 204,651.71 \$ 20,141.44 \$ 268,500.26 \$ 220,065.40 \$ 4,800.41

CASH BALANCE - CLERK \$ 725,068.29 \$ 194,132.70 \$ 204,651.71 \$ 20,141.44 \$ 268,500.26 \$ 220,065.40 \$ 4,800.41

DIFFERENCE \$ - \$ - \$ - \$ - \$ - \$ - \$ -

SWEEP ENDING BALANCE

TREASURER \$ 920,530.82

CLERK \$ 920,530.82

DIFFERENCE \$ -

REC. BANK STATEMENT BALANCE \$ 920,530.82

SSB ENDING BALANCE

TREASURER \$ 380,022.67

CLERK \$ 380,022.67

DIFFERENCE \$ -

REC. BANK STATEMENT BALANCE \$ 380,022.67

TOTAL CASH ALL FUNDS

TREASURER \$ 1,637,360.21

CLERK \$ 1,637,360.21

A. Decker
4/17/23

CASH SUMMARY BY ACCOUNT FOR VILLAGE OF EMPIRE

FROM 03/01/2023 TO 03/31/2023
 FUND: 101 202 203 301 591 661 715
 CASH AND INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 03/01/2023	Total Debits	Total Credits	Ending Balance 03/31/2023
Fund 101	GENERAL FUND				
003	CERTIFICATE OF DEPOSITS	258,689.06	0.00	0.00	258,689.06
004	STATE SAVINGS CASH	271,307.61	30.63	32,046.59	239,291.65
009	SSB MM SWEEP	226,866.49	221.09	0.00	227,087.58
	GENERAL FUND	756,863.16	251.72	32,046.59	725,068.29
Fund 202	MAJOR STREETS FUND				
004	STATE SAVINGS CASH	47,835.29	4,014.42	2,739.68	49,110.03
009	SSB MM SWEEP	144,881.48	141.19	0.00	145,022.67
	MAJOR STREETS FUND	192,716.77	4,155.61	2,739.68	194,132.70
Fund 203	LOCAL STREETS FUND				
004	STATE SAVINGS CASH	36,374.40	8,953.60	2,919.49	42,408.51
009	SSB MM SWEEP	162,085.24	157.96	0.00	162,243.20
	LOCAL STREETS FUND	198,459.64	9,111.56	2,919.49	204,651.71
Fund 301	DEBT SERVICE FUND				
004	STATE SAVINGS CASH	20,139.17	2.27	0.00	20,141.44
Fund 591	WATER FUND				
001	HUNTINGTON BANK CASH	76,207.68	1,925.73	15.75	78,117.66
004	STATE SAVINGS CASH	18,720.99	101.11	9,031.59	9,790.51
008	RRI ACCOUNT	19,985.87	0.00	0.00	19,985.87
009	SSB MM SWEEP	160,430.39	175.83	0.00	160,606.22
	WATER FUND	275,344.93	2,202.67	9,047.34	268,500.26
Fund 661	EQUIPMENT FUND				
004	STATE SAVINGS CASH	30,745.61	4,306.57	16,501.26	18,550.92
009	SSB MM SWEEP	201,318.28	196.20	0.00	201,514.48
	EQUIPMENT FUND	232,063.89	4,502.77	16,501.26	220,065.40
Fund 715	MEMORIAL FUND				
004	STATE SAVINGS CASH	729.53	0.08	0.00	729.61
009	SSB MM SWEEP	4,066.84	3.96	0.00	4,070.80
	MEMORIAL FUND	4,796.37	4.04	0.00	4,800.41
	TOTAL - ALL FUNDS	1,680,383.93	20,230.64	63,254.36	1,637,360.21

Village of Empire Deputy Clerk

From: mryshry@aol.com
Sent: Thursday, April 20, 2023 2:15 PM
To: clerk@villageofempire.com; deputyclerk@villageofempire.com;
s.palmer@villageofempire.com; m.bacon@villageofempire.com;
l.chase@villageofempire.com; m.dye@villageofempire.com;
t.rademacher@villageofempire.com; m.walton@villageofempire.com;
c.webb@villageofempire.com
Cc: grooters@gmail.com; bildickinson@hotmail.com; douglas.deyoung@cmsenergy.com
Subject: STREET LIGHT TURNOFF REQUEST

Dear Empire Village Council:

In reference to my email of last week, 4/10/23 (see below), it is difficult to understand why, if the offending streetlight were turned off, Consumers Energy would charge a fee of what I understand to be forty percent usage. Even so, forty percent (40%) is less than one hundred percent (100%), so why can't the village follow through on my request? Even if some view this as a temporary "fix," at least the light could be turned off while a satisfactory solution is sought. From what I hear from the village street administrator, what seems a rigmarole of procedures is being reviewed. In the meantime, the invading light stays on all night.

Please address this issue now in whatever manner it takes.

Mary Sharry
10146 Michigan Street
PO Box 95
Empire, MI 49630
231-326-5117
mryshry@aol.com

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

From: mryshry@aol.com
To: clerk@villageofempire.com <clerk@villageofempire.com>; deputyclerk@villageofempire.com <deputyclerk@villageofempire.com>; s.palmer@villageofempire.com <s.palmer@villageofempire.com>; m.bacon@villageofempire.com <m.bacon@villageofempire.com>; l.chase@villageofempire.com <l.chase@villageofempire.com>; m.dye@villageofempire.com <m.dye@villageofempire.com>; t.rademacher@villageofempire.com <t.rademacher@villageofempire.com>; m.walton@villageofempire.com <m.walton@villageofempire.com>; c.webb@villageofempire.com <c.webb@villageofempire.com>
Cc: grooters@gmail.com <grooters@gmail.com>; bildickinson@hotmail.com <bildickinson@hotmail.com>; Douglas.Deyoung@cmsenergy.com <Douglas.Deyoung@cmsenergy.com>
Sent: Mon, Apr 10, 2023 1:52 pm
Subject: STREET LIGHT TURN OFF

Dear Empire Village Council:

Some time ago I contacted Consumers Energy Community Affairs director, Douglas DeYoung, regarding light trespass into my home from the street light in front of my house at 10146 Michigan Street. I was told that to have a street light turned off would require the Empire Village Council to put in a request to Consumers Energy and the turn off would be for a six-month trial period. At that time it seemed a complicated matter, so I did not follow through.

Most recently, my neighbor, Robert Grooters at 10164 Michigan Street, put in a request to Consumers to turn off that same light as its light invades his home as well. Mr. Grooters made several contacts with Consumers who indicated that the problem had been resolved, which it had not, but he eventually found out that every time Consumers came to address a so-called street light issue on Michigan Street they were visiting the street light at 10047 Michigan Street, not the light invading our two respective houses farther down the street.

Council member Maggie Bacon's street administrator report for the March 28 council meeting included an item about turning off two street lights in the village. Council member March Dye asked Ms. Bacon which two lights were to be turned off and was told one was on Michigan Street and one near Johnson Park. I presume the Michigan Street light is the one between Mr. Grooters' and my house.

I phoned the village office on Friday, April 7, and was told the turning off of the street lights was in progress but that it takes a long time because Consumers is slow to do this sort of work and, further, I was told that the village council needs to adopt a Resolution to turn off a street light. I would imagine that if a Resolution is required, then this should be an agenda item placed before the council for a vote, so the wheels to resolve our problem can be put into motion.

I thank you for your attention to this matter and really hope the village council can address what seems to me should be an easy fix.

Sincerely,

Mary Sharry
10146 Michigan Street
PO Box 95
Empire, MI 49630
231 - 326-5117
mryshry@aol.com



Village of Empire
11518 S. LaCore Street | P.O. Box 253
Empire, Michigan 49630-0253

[Village of Empire \(leelanau.gov\)](http://leelanau.gov)

231-326-5353

za@villageofempire.com

STAFF REPORT
March 2023

This report is meant to provide a snapshot of activity, typically for the previous reporting period. The intended distribution channel is from the ZA to the Planning Commission, and then via the Planning Commission liaison to the Village Council. While it will not detail every interaction, it will provide a synopsis of planning and zoning related activity that is taking place.

Land Use Permit (zoning) Activity

PERMIT #	TYPE	ZONE	PARCEL ID #	NAME(last)	NAME(first) - BLDG	SITE ADDRESS / LOCATION
2023-04	RA	G-RES	45-041-824-052-00	Greisiger, Joe		11472 S. Lacore Street
2023-05	RA	PUD	45-041-550-005-00	Evans, James and Kaye		9888 Wilce Street

Legend: ND=New Dwelling RA=Residential Accessory RAD=Residential Addition
(others to be included specific to the Village of Empire)

**** A Land Use Permit application for the expansion (addition of) a nonconforming use / structure was denied. The zoning ordinance is very clear on this matter. When a denial occurs, the appeal / variance process is always discussed with the applicant. ****

Planning and Zoning

Several pages of educational information were included with your packet this month exploring the topic of 'SIGNS'. The ordinance language is from the City of Ann Arbor and was the most concise and up to date that I could locate. While it seems a bit cumbersome, it also appears to follow, and be based on the most recent U.S. Supreme Court ruling.

When comparing our (the Village of Empire) sign ordinance to that of Ann Arbor, you will find that we are certainly the more lenient in matters of 'area' in our residential zoning district(s).

Training Opportunity – <https://www.miplace.org/programs/redevelopment-ready-communities/>

Sincerely,

Robert A. Hall

Robert (Bob) Hall
Village of Empire – Zoning Administrator

Page 1 of 1



Visit our website from your mobile device!

VC 4/25/23

Prepared:	April 16, 2023	Pages: 1
Meeting:	April 25, 2023	Attachments: 1
Subject:	Purchase of New Parking Machine for Beach	Author: March Dye

Overview:

John Friend has requested permission to order the new **LUKE II Pay Station** for the Beach Park. The total price is **\$14,375.00**.
The quote is attached.
This was discussed at the April 13th work session.

Action to be Taken:

A vote on whether to approve ordering the new Luke II Pay Station for a price not to exceed \$14,675.00.

VC 4/25/23



Traffic & Safety Control Systems, Inc.

February 21, 2023

Village of Empire
10115 Front St.
Empire, MI 49630
Mr. John Friend
231-326-5466

Subject: LUKE II Pay Station

Pursuant to your request, Traffic and Safety is pleased to provide the following quotation for (1) Digital Payment Technologies LUKE II Multi Space Meters. Included in the pricing below is shipping, installation, system programming and set-up, 1 year warranty (parts / labor / software).

Equipment List:

(1) DPT LUKE II pay station featuring:

*Credit Card Acceptance, Solar Panel, Wireless Cellular Communication, Coin, and Bill

(1) Set of GREEN Pay Station Keys

(1) Roll Thermal Paper

(1) Verizon or At&t Cellular Modem

Equipment	\$ 13,100.00
Installation / Programming / 12 mo Warranty	\$ 825.00
Shipping	\$ 450.00
TOTAL	\$ 14,375.00

*Add 6% Sales Tax to Equipment, if applicable (\$786.00)

Installation to include the following:

1. Mount all control equipment.
2. Pull necessary control wires and terminate all wires.
3. Final tune-in and checkout of control systems.
4. One-year warranty covering all parts necessary to repair or replace defective parts due to normal wear and tear. Acts of God, vandalism, or misuse is not covered.
5. Training will consist of (4) hours either on the job site or at our shop. All hours in excess of this amount will be invoiced at \$95.00 per hour.

Notes:

1. Others shall bring all power to the equipment locations. It shall be a system that meets NEC standards. This includes all power to the power panels in the booths.
2. Monthly carrier fees are not included - applicable if machine is equipped with a cellular modem. Monthly manufacturer cloud service fees do apply and will be quoted separately.
3. All conduits for power and control wiring shall be provided and installed by others.

48584 Downing • Wixom, MI 48393-3501 • (248) 348-0570 • FAX (248) 348-6505
www.trafficandsafety.com



Traffic & Safety Control Systems, Inc.

4. All concrete islands and/or mounting pads shall be provided and installed by others. This includes concrete filled protective barrier posts.
5. Others shall do site preparation according to layout drawings supplied by Traffic & Safety if applicable.
6. Terms are 50% down upon order. 50% due on project completion. Net 10 days, F.O.B. Wixom, MI, 6% sales tax will be added if applicable. A 1-1/2% per month finance charge will be added to all invoices older than 30 days.
7. Training is specifically noted and included in the cost of installation. All additional hours will be invoiced as a separate item.
8. Monthly cloud services fees (IRIS) is estimated at \$55.00 per month per pay station.

Please let me know if I may be of further service to you. I look forward to hearing from you in the near future.

Tom Neff
Traffic and Safety
248-756-7027

Signature

Date

*I, the above signee, authorize Traffic and Safety to proceed with the above quote. I agree to all terms and costs listed.

Prepared:	April 18, 2023	Pages: 1
Meeting:	April 25, 2023	Attachments:
Subject:	Move to Rescind Ordinance #137 – Septic Point of Sale	
Author:	Tom Rademacher	

Overview:

The Council approved (at the April 13, 2023, Work Session) to include Ordinance #137 in the Regular meeting for action. The Work Session Packet (available in Council packets or on the Village Website) contains supporting documentation for the Village Ordinance and the County Ordinance.

1. Leelanau County has implemented a Septic Inspection Ordinance that provides provisions to protect public health to prevent or minimize degradation of ground water or surface water by improper or malfunctioning sewage disposal systems or water well systems through the regulation of transfer of a property or premises. With this new County Ordinance, the Village of Empire no longer needs to have its own Septic Point of Sale Ordinance.

Action to be Taken:

1. Motion to rescind Ordinance #137 – Septic Point of Sale

Section 5.2

PERMIT REVOCATION PROCEDURE

The revocation of a permit shall be taken pursuant to notice to the permit holder by the mailing of the notice of revocation via first class mail to the permit holder at the mailing address of the permit holder as provided in the application for the permit or by personal service on the permit holder. The Health Officer may, but is not required to post the notice of revocation on the premises. When the permit has been issued to more than one (1) person, then service by first class mail or personal service may be to any person named in the permit.

The notice of revocation shall contain the reasons for the revocation and notice that the permit holder has the right to request a meeting with the Health Officer. The request for the meeting shall be in writing and shall be made within thirty (30) days of the date of the mailing of the notice of revocation. After the meeting, the Health Officer may continue the revocation, rescind the revocation or impose such conditions of the reinstatement of the permit as are necessary to require compliance with this Code. If the permit holder is not satisfied with the decision of the Health Officer after the meeting, then the permit holder may appeal the Health Officer's decision to the Board of Appeals. A meeting with the Health Officer, as described in this section is a mandatory prerequisite for the Board of Health's Appeal Board to have jurisdiction to hear an appeal related to the notice of revocation.



CHAPTER VI – TIME OF TRANSFER EVALUATION OF ON-SITE WATER AND SEWAGE DISPOSAL SYSTEMS

Section 6.1

PURPOSE

The purpose of Chapter VI and its provisions is to protect public health and to prevent or minimize degradation of ground water or surface water by improper or malfunctioning sewage disposal systems or water well systems through the regulation of the transfer of the property or premises.

Section 6.2

EVALUATION

- a. Except as provided in subsection 6.2(b) below, an owner of premises or a dwelling shall not sell, convey, assign nor transfer ownership of, or exclusive rights in, any dwelling and/or habitable building or premises unless and until the owner or the owner's designated agent has requested a Health Officer to evaluate the existing on-site water well system and/or the existing on-site sewage disposal system and unless and until such evaluation by the Health Officer has been conducted and the results thereof have been reduced to

writing and furnished to any prospective purchaser or transferee and the seller or transferor as part of the said transaction on a form established by the Health Department.

- b. The following are exempt from the requirement for the evaluation of an existing on-site sewage disposal system and/or water well, excluding water quality compliance sampling for on-site water wells with no water quality standard results for samples collected by the Health Department and analyzed by a State of Michigan certified laboratory within six (6) months prior to the proposed transfer:
 1. A transfer of premises that has had an on-site sewage disposal system and/or water well installed and approved by the Health Department within thirty-six (36) months prior to the proposed transfer pursuant to a permit issued by the Health Department for the on-site sewage disposal system and/or water well.
 2. A transfer of premises where written evidence exists that the on-site sewage disposal system and/or water well on the premises has been inspected by a Health Officer as required by these regulations within thirty-six (36) months prior to the proposed transfer and has been found to be in compliance with this Code.

Section 6.3

EVALUATION DETERMINATION

The evaluation shall consist of a determination that the sewage disposal system and/or water well system are in substantial conformance with the standards of this Code. In making this determination, the following criteria shall be considered:

- a. Vertical isolation distance between the high ground-water table and the point of sewage discharge;
- b. Isolation distance from surface waters or wetlands, as defined by federal or state law and this Code;
- c. Isolation distance between water well and sewage system;
- d. The on-site conditions of the property, including but not limited to soil types, groundwater elevation, flow and direction;
- e. Whether the sewage system meets the construction and design criteria (size and capacity) as required by federal or state law and this Code;
- f. Lot size and useable area for on-site sewage disposal;
- g. Operational condition of existing sewage system and/or water well;
- h. Whether the water well meets the construction standards as defined by state law and this Code;
- i. Compliance with bacteria and nitrate water quality standards as a minimum with other water quality parameters as required by the health department.

Section 6.4

INSPECTION NOTIFICATION

If, upon notice of transfer and inspection, it is determined that there is not substantial conformance or that there is an endangerment of water well systems, groundwater or surface water or public health, then the septic system or water supply shall be subject to enforcement as provided in the Code. The Health Officer shall provide a copy of such written determination to the owner and/or purchaser or transferee of the property within thirty (30) days from the date that the inspection of the premises is completed and all relevant information to make the determination has been received by the Health Department.

Section 6.5

CORRECTIVE ACTION

- a. Upon receipt by an owner, purchaser or transferee of written notice, as set forth in Section 6.4, the owner, purchaser or transferee shall, within thirty (30) days, submit a proposed corrective action that will remediate, abate or prevent any such substantial nonconformance or endangerment. The Health Department shall review the proposed corrective action. All necessary corrective action shall be completed within one hundred twenty (120) days of Health Department approval. Upon approval by the Health Department of the completed corrective action, the system shall be deemed to be in substantial conformance with this Code.
- b. Before the completion or closing of any real estate transaction for the transfer of premises having a system provided for in Section 6.4, the owner, purchaser or transferee shall notify the Health Department that the premises and its sewage system and/or water well either: (1) are in substantial conformance with this Code as defined in Section 6.3; or (2) submit to the Health Department proof of the following: (a) written contract to cause the sewage system and/or water well to be brought into conformance; (b) deposit of a surety or performance bond or cash guaranteeing performance of such contract in an amount equal to one and one-half times the estimated cost provided for in such contract; (c) covenant that the performance called for by such contract shall be completed within one hundred and fifty (150) days of transfer of the premises.

Section 6.6

ENFORCEMENT

In the event that the Health Officer is not notified as required by Section 6.5, or in the event an owner, transferee or purchaser does not comply with the requirements of Section 6.5, then it shall be deemed to be a violation of this Code and subject to enforcement and penalties as specified herein. The Health Officer or his/her duly authorized representative may also record an Affidavit Concerning Status of Sewage Disposal System and/or Water Well with the Register of Deeds office in the County where the premises are located setting

forth the fact that it may not be in substantial conformance with this Code as defined in Section 6.3.

Section 6.7 DETERMINATION HEARINGS AND APPEALS

Any owner, transferee, purchaser or person aggrieved by the determination required by this Chapter, shall have the right to a hearing and appeal as provided in Chapter IX of this Code.

CHAPTER VII – HOUSING

Section 7.1 COMPLAINTS CONCERNING PUBLIC HEALTH NUISANCES

All complaints concerning alleged public health nuisances shall be submitted to the Health Officer. Such complaints shall include specific details regarding the situation, including the nature and location of the alleged nuisance condition, the date and time of the occurrence, the person responsible, the names of the witnesses, and the name and address of the complainant. The Health Officer may require such complaints to be submitted in writing and signed.

Section 7.2 VACATION ORDER

Whenever it is determined by the Health Officer that a dwelling is unfit for human habitation, the Health Officer may issue an order requiring all persons living in the dwelling to vacate it within not fewer than 10 days nor more than 30 days. The order shall mention the specific reasons upon which such determination is based. The Health Officer may post a notice on such premises declaring that they are unfit for habitation, and it shall be unlawful for any person to move into, reside in, or offer for rent, lease, or transfer, a dwelling which has been declared by the Health Officer to be unfit for human habitation until such dwelling has been brought within the requirements of this Code. After the dwelling has been vacated, it must be secured against unauthorized entry by the property owner. It shall be unlawful for any person to remove, deface, or destroy any posted notice declaring the premises unfit for human habitation.

Section 7.3 PUBLIC HEALTH NUISANCE

Whenever a sewage disposal facility or part thereof, a water supply or part thereof, or a dwelling is in violation of the Code or otherwise is determined unfit for human habitation, then such dwelling, structure, excavation, alteration,

**VILLAGE OF EMPIRE
ORDINANCE NO. 137**

AN ORDINANCE REQUIRING SEPTIC INSPECTIONS AT TIME OF SALE OR TRANSFER OF PROPERTY

WHEREAS, the Village of Empire desires to promote the health and safety of the residents, visitors, and other community members by preventing failing or poorly maintained onsite sewage disposal systems (OSDS); and

WHEREAS, the Village of Empire desires to protect water quality and promote a quality environment in the wetlands, streams, lakes and beaches by reducing contaminated runoff from a failed or poorly maintained OSDS; and

WHEREAS, the Village of Empire desires to ensure that OSDS are properly operated, routinely inspected and maintained; and

WHEREAS, such OSDS are under the jurisdiction of the Benzie-Leelanau District Health Department (BLDHD); and

WHEREAS, the Village of Empire shall require an inspection of all OSDS at the time a property is sold or title transferred; and

NOW, THEREFORE, THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

"Community Septic System" – A septic system designed to meet the Michigan Department of Environment, Great Lakes and Energy (EGLE) requirements.

"Failure" or "Failed System" may include the following:

- the backup of septic effluent into a structure;
- the discharge of septic effluent onto the ground surface;
- septic effluent flow into or the connection of an OSDS to a storm drain;
- liquid level in the septic tank is above the top of the outlet pipe;
- the structural defect of a septic tank which is likely to impair its proper operation;
- the discharge of septic effluent from an OSDS into any body of water
- insufficient isolation from groundwater per BLDHD standards; or
- discharge through a drywell regardless of its operation state.

"NAWT" – National Association of Wastewater Technicians

"On-site Sewage Disposal System" or "OSDS" means sewage treatment and disposal facilities as that term is defined by the BLDHD in its Environmental Health Regulations and as those regulations may be amended in the future; but shall not mean any community wastewater treatment system serving more than one parcel which is subject to regulation pursuant to Part 31 of Michigan's Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, and the rules promulgated thereunder, being Part 22, Groundwater Quality, of the Michigan Administrative Code; nor systems issued a National Pollution Discharge Elimination System (NPDES) permit pursuant to Part 31 and/or the federal Clean Water Act.

"Owner" means any person who has fee simple or equitable title to any premises.

"Person" means any individual, firm, partnership, party, corporation, company, society, association, or other legal entity.

"Premises" means any tract of land, or portion thereof, or combination of tracts of land under single or common ownership, operation, or control, which contains (a) any type of structure that is, was, or will be occupied or inhabited either permanently or transiently, and (b) which is served by an OSDS.

Section 2. Inspection Required at Point of Sale or Title Transfer.

There shall be no sale, title transfer or conveyance of a premises until the following conditions are met:

1. The owner has requested the BLDHD or a licensed NAWT certified technician to evaluate any existing OSDS; or BLDHD has provided a written waiver of such evaluation.
2. The owner has furnished the results of such evaluation in writing to any prospective purchaser or transferee of the premises or the building on the premises. The evaluation shall bear the signature of acknowledgement from both buyer/transferee and seller and a copy shall be filed with the Village and BLDHD.
 - a.) The owner shall notify the Village of Empire within 14 days of a signed sales agreement or title transfer.
 - b.) The seller files an evaluation report by BLDHD or NAWT and,
 - c.) The BLDHD determines, based upon such report, that the OSDS is acceptable, or any necessary remediation is completed, or assured and accepted.
3. If, as a result of the inspection, the OSDS is found by BLDHD or NAWT, to be a failed or failing system via the required inspection, the inspector and/or the owner of the premises or building on the premises, shall provide those findings to the BLDHD and the purchaser or transferee of the premises or the building within 72 hours. The following requirement shall be met:

- a) A written contract providing for the OSDS to be brought into conformance with the provisions of any regulations required by the BLDHD by a date acceptable to the BLDHD or within one hundred and fifty (150) days from the date title to the premises or the building is transferred.
- b) If, after reviewing the inspection, the BLDHD determines that the OSDS is a failed or failing system, then the property owner shall be subject to enforcement as provided in the Ordinance as per BLDHD regulations.

Section 3. Exemptions.

Notwithstanding the provisions of Section 2, above, in the event of a sale, conveyance, assignment or transfer ownership of, or exclusive rights in a premises or an occupied building on the premises, any OSDS on said premises is not subject to a required inspection at the time of point of sale in the following instances:

1. The purchaser provides a notarized letter committing to remove the structure and related OSDS entirely within two-hundred and seventy (270) days of the letter's date. Such letter to also expressly (a) consent to the BLDHD inspecting the OSDS (if it is not removed), at the convenience of the BLDHD, after the stated time; and (b) acknowledge that a failure to remove the OSDS within that time will constitute a violation, by the purchaser, of the Ordinance.
2. The system has passed an inspection by the BLDHD or a NAWT Certified Technician within the previous one (1) year.
3. A Community Septic System has passed an inspection by the BLDHD or a State of Michigan Certified Community Sanitary System Operator within the previous three (3) years.

Section 4. Evaluation Standards.

It is the intent of this Ordinance to ensure that all OSDS are working properly. In that regard, the evaluation shall consist of a determination that the sewage disposal system conforms with the standards of the BLDHD and its requirements. In making this determination, the following criteria shall be considered:

1. The vertical isolation distance between the high groundwater table and the point of septic effluent discharge;
2. Soils indicate a seasonal high-water table or inadequate soil conditions within the zone between the ground surface and saturation or the water table.
3. The isolation distance from surface waters or wetlands, as defined by federal or state law or regulations;

4. The isolation distance between a water well and the sewage disposal system;
5. The on-site conditions of the property, including, but not limited to, soil types, groundwater elevation; and
6. The operational condition of the existing OSDS.

Section 5. Duty of Owner regarding Documentation.

The owner of the premises or the owner of the building on the premises shall provide the BLDHD and the Village of Empire all information relative to the required point of sale OSDS inspection.

Section 6. Authorized Local Officials.

The Village Zoning Administrator and/or the designee are hereby authorized to enforce this ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance and notify BLDHD of such infraction.

Section 7. Repeal of Prior Ordinances.

Ordinance No. 137 and any other ordinance of the Village of Empire which conflicts with the provisions of this ordinance are hereby repealed.

Section 8. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph, or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

Section 9. Savings Clause.

All proceedings pending and rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 10. Effective Date.

This Ordinance shall take effect upon the later of 30 days after adoption or 30 days after the date of its publication in the manner provided by law.


Section 11. Adoption.

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the 11th day of November 2021.

Section 12. Publication.

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within fifteen (15) days after adoption.


Daniel Davis, President, Village of Empire



Derith Smith, Clerk, Village of Empire

Adoption date: November 11, 2021
Publication date: November 28, 2021
Effective date: November 28, 2021

CERTIFICATION

I, Derith Smith, the Clerk for Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on November 11, 2021. The following members of the Village of Empire Council were present at the meeting: Bacon, Barr, Chase, Davis, Dye, Palmer and Rademacher.

The Ordinance was adopted by the Village of Empire Council with 7 members of the Council voting in favor (Bacon, Barr, Chase, Davis, Dye, Palmer and Rademacher) and 0 voting against. A copy of the Ordinance or a summary thereof was published in the Traverse City Record Eagle on November 28, 2021.


Derith Smith, Clerk, Village of Empire

Prepared:	April 5, 2023	Pages: 8 Total
Meeting:	April 25, 2023	Attachments: Includes 2 Proposals
Subject:	Wilco Road Drainage Planning	Author: Maggie Bacon

Overview:

In January 2022, the Empire Village Council discussed and ultimately submitted a letter to the Leelanau Commissioners a list of potential American Rescue Plan (ARPA) projects for the Village of Empire. As noted in the minutes (reference below) was a "solution for the drainage off Wilco Road. Former Village President, Dan Davis, former Street Administrator, Sam Barr had discussions with County, the County Road Commission, the Township and the National Park Service. All expressed a desire to work with the Village – in varying capacities. In December of 2022, the Street Committee discussed this as part of the budget recommendation process.

WILCO ROAD STORM WATER RUN-OFF – Issues and solutions

Stormwater run-off picks up dirt, bacteria, sediment and other pollutants as it makes its way down the streets of Empire – untreated - and into our infiltrators. In addition, one look at the handmade culvert (created over 10 years ago) in an attempt to divert some water into a vacant lot area by Alysworth and Lake Street is degrading – some might say it has degraded completely. Addressing this issue will be a

multi-year process and it begins with a plan:

- To provide to the County as we ask for their ARPA support,
- To provide to our potential partners County Road Commission, the National Park Service and the Township and,
- To have a "grant ready project" in seeking grant funding opportunities.

RECOMMENDATION

The Village Engineer, Martin Graf, working in coordination with Grobbel Environmental have drafted a single source proposal to survey and design an innovative stormwater control plan for Wilco Road. As the attached proposals indicate, this would be a comprehensive plan using the most current, innovative solutions available. The proposal includes meeting with our various potential partners to make sure the plans meet with guidelines and regulations from all angles.

This was a budgeted item for 2023-2024 with the intent to use the Village ARPA allotment. The quote from our Engineer and Grobbel Environmental exceeds the budgetd amount by approximately \$3,000.

(Excerpt from the January 13, 2022

COUNTY AARPA FUNDING – Dye wondered if anyone would attend the County Commissioners meeting. There was discussion of the items requested by the Village. County, Township and Village participation in a solution for the drainage off Wilco Road was discussed. It was noted that Barr will contact the Road Commission and Davis will contact the Township.)

VC 4/25/23

Wilco Road - Recap

Given our topography (we are in a valley) the issue of storm water run-off has been a consistent challenge for the Village. Water quality and a safe and well-maintained infrastructure is important to our residents. From E.coli testing to infiltrator clean-out to inlet sourcing, the Village government has made water quality a priority.

The issue of storm water run-off and its impact on water quality (not to mention degrading infrastructure) has not been addressed within the sphere of water quality. I would submit it has not been addressed, because it is a big-ticket item that has little marketing value. It is not like a new recreation area or new street. It also requires considerable **planning**.

The Wilco Road project presents the greatest challenge because it requires working with the National Park, Empire Township, the County Road Commission, (hopefully) the County Commissioners and the Empire Chamber of Commerce! We will continue to do nothing without a plan. With a plan, we can more easily apply for grant dollars, to work to obtain County ARPA dollars, to provide information to the National Park and the Chamber of Commerce to get their buy in. You can imagine, if the plan will cost \$40,000 – you can bet the implementation is likely to be well over \$400,000.

As politicians spending that kind of money on something most people will not see is a hard pill to swallow. As representatives of Village residents, who care deeply about water quality, the Village Government is years behind in this type of **planning**. We have the data and physical evidence of need. We have the mandate from our Village residents to remediate known issues. We have the opportunity to take a leadership role in this.

Below is a long, but important example of innovative solutions. This is an excerpt from a much longer document from an Environmental Stewardship Assessment for Sutton's Bay. Chris Grobbel explained to me – in trying to help me answer your questions about innovation – the concept of innovation is about finding softer, more environmentally friendly solutions (think native plants, rain gardens, bio (vegetative) swales) that will gradually absorb sediment and water as it flows down the hill versus hard surface curb cuts and gutters that simply direct water elsewhere. The residents of the Village have, for years, been very clear about what is important to them: natural beauty, small town character – not more asphalt or concrete. In the excerpt below, you will see words and phrases such as “vegetative buffer”, “vegetate detention basins”, “rain garden”, “buffer”.

(Two additional side notes. First, I direct you to the comments about phosphorus-free fertilizers. The Village Council was smart to participate and support South Bar Lake work group on resident education. Second, the Village of Suttons Bay has a sewer system – even with that, their major storm drains have seen excessive bacteria counts.)

Excerpt from the Sutton's Bay Environmental Stewardship Assessment (2012) (<https://www.networksnorthwest.org/userfiles/filemanager/2122/>)

B. Low Impact Development

Twelve rain gardens will be installed in 2013 to keep water safe for swimmers. Three revamped drain systems will stop outflow from storm drain outlets, eliminating bacteria at the Village's two heavily used swimming beaches. By managing runoff from the three largest storm drains in Suttons Bay, the goal of the project is to drastically decrease public health risks at local beaches associated with runoff.

Other green infrastructure techniques being used are underground trenches. These and rain gardens treat runoff by natural absorption rather than directly discharging it to surface water. Underground processes naturally clean runoff. Rain gardens will be planted with attractive native plants that absorb runoff pollutants. Rain gardens will be near:

- Broadway and St. Mary's
- St. Joseph and Madison
- St. Joseph and Adams

Runoff will enter rain gardens and naturally filter in the ground. Any excess water will spill over risers and flow into the storm system inlet, making its way to underground filtration trenches. Underground trenches will be located under sections of Front Street, and in alleys between Broadway and Jefferson streets. There will be 3,612 feet of underground trenches.

This project is being integrated with other park, TART trail and road improvements. Construction begins in early summer 2013 and should conclude by November. The US EPA's Great Lakes Restoration Initiative is providing \$987,000 in grant funding.

C. Stormwater Management Plan

Authored by the Watershed Center (see Stormwater Action Plan)
Stormwater Action Plan Project Summary

In 2010 and 2011 staff from The Watershed Center Grand Traverse Bay (TWC) conducted initial storm- water runoff assessments for three communities in Leelanau County- Greilickville, Suttons Bay, and Northport. The purpose was to help local governments in Leelanau County begin to address pollution stemming from stormwater runoff in their communities to protect water quality and our Up North quality of life.

TWC staff participated in the year-long planning effort for the St. Joseph Avenue and Front Street Corridor Enhancement Projects. Among other things, Village officials were concerned with protecting water quality in Suttons Bay, and as such, TWC's Program Director was invited to sit on the Corridor Development Committee to give input on the plans from a water quality perspective, specifically looking at ways to reduce stormwater inputs. The plans for both the St. Joseph Avenue and Front Street Corridors include many concepts related to Green

Infrastructure and Low Impact Development to reduce stormwater runoff by using bioswales, rain gardens, pervious pavement, and greenbelt buffers. Since TWC's stormwater assessment and the Village's planning efforts were going on at the same time, many ideas in St. Joseph and Front Street Plans are included in the action plan.

The Action Plan identifies major points of runoff entry to the watershed as well as priority sites for improvement. Of specific concern are three major storm drain outlets on Suttons Bay in close proximity to public swimming beaches.

The Action Plan was used as a basis to apply for funding from the MI Department of Environmental Quality and the EPA's Great Lakes Restoration Initiative to improve stormwater management in the village.

Findings/Recommendations

General management

- o Use Phosphorus-free fertilizers on village property (on areas currently being fertilized)
- o Install porous pavement where possible: paver stones, porous concrete
- o Consider, for large parking areas (i.e. marina and school lots), installing infiltration islands to direct runoff

Suttons Bay Yacht Club and Port Sutton

No buffer between grass and beach; Drive down to marina has rock chute at bottom with erosion around it

- o Buffer along shoreline between grass lawn and beach/marina
- o Phosphorus free fertilizers
- o Rain garden at bottom of rock chute
- o Detention basins in upper development area could be converted to rain gardens (ex: Bay Cliff Dr.)

Stream Crossing, M-22 north of M-204

- o MOOT planning job from M-204 north for 3/4 mile in 2013 - look at culvert replacement at same time - recommend open bottom culvert to improve flow and ecosystem
- o Install buffer along creek
- o Small storm drain outlet to creek on east side of M-22, depending on property lines could be directed to small rain garden

North Park Boat Launch

- o Retrofit existing detention basins to bioretention basins or rain gardens, overflow directed to vegetated area before beach/water line
- o Boat ramp converted to pervious surface
- o Vegetative buffer could be improved along bay (functionally and aesthetically)
- o Detention basin along road connecting to Concord St could be converted to bioretention

Front St/Adams Street: Boat trailer parking lot

- o Buffer along grass area in front of parking lot, contour lot to direct runoff to buffer, lot could be paved with pervious pavement or paver stones

Marina

- o Vegetative buffer between drive and boat slips, vegetated parking island in middle w/ pavement slanted in to it

Water Wheel Creek (Suttons Bay Creek?)

Receiving a lot of runoff from road/sidewalk, no buffer

- o Install vegetated buffer along creek at Water Wheel Park, cut off Jefferson Ave at alley before St. Joseph/M-22 and make 'pocket park' (stream buffer and habitat, i.e. lunkers, rocks)-extend across St. Joseph/M-22 and incorporate buffer and stream habitat)

Fire Station/Tendercare

- o Vegetate detention basins

Hansen Grocery Complex

- o Vegetate basins along 4th Street, rain garden by car wash

Major Storm Drains

Grove Street, Madison Street, and Broadway Street - all empty to Bay, near public swimming beaches - excessive bacteria counts have been noted occasionally via weekly testing at South Shore Park excessive algae and aquatic plant growth noted in Suttons Bay

Option 1 Install storm water treatment devices at each outlet

Option 2 Grove Street - bioretention basin; Broadway and Madison drains routed to wetland between marina and coal docks for treatment and filtration

Option 3 Grove Street - bioretention basin; install stormwater filtration system at outlets of Broadway and Madison drains



Grobbel Environmental & Planning Associates
PO Box 58 Lake Leelanau Michigan 49653

February 22, 2023

Village Council, c/o Maggie Bacon
Village of Empire, Street Committee
11518 S. LaCore St.
Empire, MI 49630-0253

RE: Proposal for Stormwater/Sediment Control Planning In Conjunction with Gosling Czubak, Engineering, Wilco Rd., Village of Empire, Leelanau County, Michigan.

Dear Empire Village Council,

Per the request of Maggie Bacon, Streets Committee, Grobbel Environmental & Planning Associates is pleased to provide this proposal for environmental consulting services in conjunction with Martin Graf, P.E., Gosling Czubak Engineering for innovative stormwater control planning for Wilco Road in local, state and federal agency requirements.

This proposal is based on standard rates for contracting the professional services of Grobbel Environmental and Planning Associates, as outlined in Attachment A. This contract shall **not exceed the amount of \$13,300.00**. *If you wish Grobbel Environmental & Planning Associates to undertake this work, please complete the enclosed authorization form and return it with a \$6,500 down-payment/retainer to us via email - also please keep a copy for your files.*

If you have any questions regarding this estimate, please contact me at 231-499-7165 or grobbelenvironmental@gmail.com.

Sincerely,
Grobbel Environmental & Planning Associates

Christopher P. Grobbel, Ph.D.
Sr. Project Manager

cc Martin Graf, PE, Gosling Czubak Engineering

enclosures

VC 4/13/23

ATTACHMENT A

PROPOSAL FOR

**Stormwater/Sediment Control Planning
in Conjunction with Gosling Czubak, Engineering
Wilco Rd., Village of Empire, Leelanau County, Michigan.**

1) Innovative Stormwater Management Planning - Wilco Road -

Work cooperatively/collaboratively with Gosling Czubak Engineering develop, detailed innovative stormwater management plans for Wilco Rd. Liaise with Leelanau County Administrator, Empire Township, Leelanau Road Commission, Village of Empire and National Park Service regarding plan development, easements/maintenance agreement development; provide collaborative innovative stormwater collection, treatment and disposal design; public and governmental agency outreach; site visits; and identification of permit and other agency requirements.

Professional consulting services, equipment & lab costs	\$13,300.00
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GRAND TOTAL (not to exceed)	<u>\$13,300.00</u>
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CONTRACT FOR SERVICES

From: Martin A. Graf, P.E.

Prepared For

Maggie Bacon
Village of Empire
11518 Lacore St
Empire, Michigan 49630

Project Name and Location

Wilco Rd Drainage Improvements
Empire, Michigan 49630

Gosling Czubak Engineering Sciences, Inc. (GCES) and Village of Empire (CLIENT) agree that GCES will perform the professional services described in the Proposed Scope of Work, subject to GCES's Terms and Conditions, attached.

Proposed Scope of Work

Gosling Czubak will provide the professional services described below:

Provide survey and design services for the Wilco Rd Drainage Improvement Project.

- Perform a topographic survey of Wilco Rd/Lake Street from Empire Bluff Trailhead to Michigan St.
- Prepare a base map of the project from the topographic survey.
- Evaluate existing storm water drainage patterns.
- Calculate storm water run-off quantities.
- Prepare conceptual storm water and soil erosion control plan.
- Meet with Village, Road Commission, National Park Representatives, and other project participants.
- Prepare project drawings including a title sheet, site plans, typical sections, and construction details.
- Prepare budgetary construction cost estimate.
- Coordinate work with Grobbel Environmental & Planning

Proposed Fee

The total fee to provide these services is \$ 27,200

Approval

Village of Empire

By: _____

Signature: _____

Title: _____

Date: _____

Gosling Czubak Engineering Sciences, Inc.

Martin A. Graf, P.E.

Principal-in-Charge

Martin A. Graf Mar 21 2023 2:58 PM

Prepared:	April 18, 2023	Pages: 1
Meeting:	April 25, 2023	Attachments:
Subject:	Wastewater Update Task Force	
Author:	Sue Palmer	

Overview:

Discussions regarding the original motion made on January 24, 2023 regarding the Wastewater Update Task Force were discussed. Consensus was to move updates discussed to the April Regular Session.

Action to be Taken:

1. Motion to rescind a prior motion made and approved by the previous Council on January 13, 2022 that removed a Wastewater Study from the CIP for the next 5 years.
2. Motion to amend the Original Motion/Approval for the creation of the Wastewater Update Task Force dated January 24, 2023 as follows:
 - a. Purpose:
 - i. Task force should establish a Scope of Work for this project subject to Council approval.
 - ii. Update on new wastewater treatment systems available for small municipalities
 - iii. Provide 3 plausible scenarios available for the Village of Empire and associated costs.
 - iv. Economic impact Empire might expect from implementing a municipal wastewater system.
 - v. Financing options available for a wastewater system in the Village of Empire.
 - vi. Recommendations of further action
 - b. Date of Dissolution:
 - i. The Wastewater Update Task Force will operate for 1 year from date of acceptance of Amended Motion.
 - c. Number of members:
 - i. The Wastewater Update Task Force will be comprised of five (5) Village residents, property owners and/or businesses.
 - d. Budget not to exceed \$20K
3. No changes to be made in the process defined in our Rules of Procedure where the President will appoint and the Council will approve the members to the Wastewater Update Task Force.


VC 4/25/23

Village Council

At our last meeting, the Council was urged to include in the purpose statement for the Wastewater Report Update the work of the **RCAP** (Rural Community Assistance Partnership) folks in determining costs. Here is a link to their website: <https://www.rcap.org/>. That would include an affordability index – a piece of data that many people might have missed reading in the first report.

Below is the table from the Wastewater Report to refresh everyone's memory. Without this level of detail, the Task Force will not be able to provide the public or the Council with an accurate long-term picture of cost and risk. The affordability index is highlighted in yellow. The notes in BOLD black at the bottom of the table identify what that percentage means in terms of financial risk to the community.

Village of Empire Scenario Comparison with USDA loan w/ 45% Grant

 <div> <div>Rural Community Assistance Program</div> </div>	FINANCING SCENARIOS					
	Project:	Village of Empire - Sewer				
	Scenario 1 317 users	Scenario 1 317 Users	Scenario 2 71 Users	Scenario 2 71 Users	Scenario 3 174 Users	Scenario 3 174 Users
	STEP w/ decentralized	Gravity w/ decentralized	STEP w/ decentralized	Gravity w/ decentralized	STEP w/ decentralized	Gravity w/ decentralized
CUSTOMERS (EDU)	345	345	99	99	202	202
ASSESSMENT UNITS		0	0	0	0	0
TOTAL PROJECT COST	\$ 7,516,985	\$ 6,035,780	\$ 2,170,575	\$ 2,118,994	\$ 4,244,884	\$ 3,051,914
TOTAL ANNUAL OM&R	\$ 209,000	\$ 155,000	\$ 77,000	\$ 83,000	\$ 103,000	\$ 83,000
FINANCING ALTERNATIVES						
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
USDA Grant	\$ 3,382,643	\$ 2,716,101	\$ 976,759	\$ 953,547	\$ 1,910,198	\$ 1,373,361
Local Funds (Cash, Tap Fees, Etc.)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Property Tax Assessment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Bank/Market Rate	20 3.25%	\$ -	\$ -	\$ -	\$ -	\$ -
Clean Water Rev. Fund	20 2.50%	\$ -	\$ -	\$ -	\$ -	\$ -
USDA Rural Development	40 2.63%	\$ 4,134,342	\$ 3,319,679	\$ 1,193,816	\$ 1,165,447	\$ 2,334,686
Total Financing	\$ 7,516,985	\$ 6,035,780	\$ 2,170,575	\$ 2,118,994	\$ 4,244,884	\$ 3,051,914
ANNUAL DEBT						
Annual Bonds/Notes/Bank Loans Payment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Clean Water Rev. Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual USDA Payment	\$ 168,182	\$ 135,042	\$ 48,564	\$ 47,410	\$ 94,974	\$ 68,282
Debt Reserve	\$ 16,818	\$ 13,504	\$ 4,856	\$ 4,741	\$ 9,497	\$ 6,828
ANNUAL DEBT	\$ 185,001	\$ 148,547	\$ 53,420	\$ 52,151	\$ 104,471	\$ 75,111
ANNUAL OM&R	\$ 209,000	\$ 155,000	\$ 77,000	\$ 83,000	\$ 103,000	\$ 83,000
TOTAL COST	\$ 394,001	\$ 303,547	\$ 130,420	\$ 135,151	\$ 207,471	\$ 158,111
Total Future Av. Mo. Cost Per EDU	95.17	73.32	109.78	113.76	85.59	65.23
Affordability Index MHI 49,875	2.29%	1.76%	2.64%	2.74%	2.06%	1.57%
Assessment Amount per EDU	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
O&M Monthly Rate	\$50.48	\$37.44	\$64.81	\$69.87	\$42.49	\$34.24
Total Bonds/Notes/Bank Loans Payback	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total MDEQ Payback	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total USDA Payback	\$ 6,727,297	\$ 5,401,698	\$ 1,942,548	\$ 1,896,386	\$ 3,798,943	\$ 2,731,299

Projects with an affordability Index above 2.0% present a significant financial risk to the community and its citizens. Many funding agencies require community support of at least 1.5% for low interest loan and grant eligibility.
1.5% for \$49,875 MHI = \$62.35

From the Wastewater Report: (wording in bold was for emphasis by this writer)

“The affordability index in the analysis represents the estimated wastewater customer expense as a percentage of, in this case, Empire’s median household income (MHI). The USDA typically uses a 1.5% threshold for grant (vs debt) eligibility and views figures above 2% as a challenging household burden. USDA grants typically max out at 45% of a system’s capital cost.

For Empire, even after 45% USDA grant funding, the affordability indexes remain high per residence EDU.

This wastewater study was limited in cost and the financial analysis in scope. As with almost all wastewater systems, all the cost is applied to the participation base with none to community overall. **The analysis used a 100% participation assumption, municipally owned system approach in the geographies of the three scenarios.**

There are many other service area and participation level scenarios that could be evaluated. There are, for instance, “private-public” system approaches that the DEQ recognizes, and permits. There are different financing options supported by user based participation. They are not municipally owned and potentially can be beneficial to the community. Such systems would involve local review and approval.

Wastewater is not a technical constraint or barrier but a financial and structural challenge which can be met with **sufficient need, demand and community willingness.**”

As stated in January of 2023, if there are more affordable systems, that would be GREAT. If there are many more grant dollars available to offset the cost, that would be even better. At the same time, the affordability index is also considering on-going maintenance and repair – something that grant dollars will not be covering.

It would equally beneficial to investigate the concept of a public-private systems. Before jumping head first into this task force, we might have found reviewing the first study offered us a potential roadmap for this and, possibly future studies.

Maggie Bacon – Regular Meeting April, 2023

Prepared:	April 18, 2023	Pages: 1
Meeting:	April 25, 2023	Attachments:
Subject: Appointment of Wastewater Task Force		
Author:	Sue Palmer	

Overview:

Per the Village of Empire's Rules of Procedure, 10.5 Citizens Task Forces, "members of such committees will be appointed by the Village President subject to approval by a majority vote of the Council."

Applications are being received for consideration to serve on the Wastewater Update Task Force and will be received up until the time of the April Regular Session on April 25, 2023. As such, the President will use best practice as documented in the General Village Law Handbook to determine appointments.

Action to be Taken:

1. President will appoint 5 residents, property owners, and/or business to represent the Village of Empire to carry out the charge approved by the Village Council.

VC 4/25/23