

**EMPIRE VILLAGE COUNCIL WORK SESSION
SEPTEMBER 14, 2023 @ 7 PM
Empire Township Hall - 10088 W. Front Street**

AGENDA

A. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. CHANGES OR ADDITIONS TO THE AGENDA

D. ADOPTION OF THE AGENDA

E. PUBLIC COMMENTS ON AGENDA ITEMS

F. COMMUNICATIONS

G. DEPARTMENT HEAD REPORTS

H. COUNCIL MEMBER / COMMITTEE REPORTS

I. OLD BUSINESS

- 1) Approve August 22, 2023, Regular Meeting Minutes
- 2) Approve August 31, 2023, Special Meeting Minutes
- 3) Rules for Sign at Shalda Park (Dye)
- 4) Request for Proposal for Village Attorney Services (Rademacher)
- 5) Short Term Rental Committee Extension (Dye)
- 6) Shalda Park Fence (Palmer)
- 7) Update Purchasing Policy for Rebates (Palmer)
- 8) Rules of Procedure 5-6.1.3
- 9) Consumers Energy Resolution No. 8 of 2023

J. NEW BUSINESS

- 1) County Recycling Program (Palmer)
- 2) Connector Trail from Shalda Park to Leelanau Conservancy (Dye)
- 3) Legal Files and Choice of Counsel (Palmer)
- 4) End of Beach Signs (Dye)
- 5) Trunk or Treat Street Closures (Dye)

K. PUBLIC COMMENT

L. COUNCIL MEMBER COMMENT

M. ADJOURNMENT

dpw@villageofempire.com

From: Vail, Amy (EGLE) <VailA@michigan.gov>
Sent: Tuesday, September 5, 2023 11:25 AM
To: Vail, Amy (EGLE)
Cc: Wade, Jamie (EGLE); Weir, Robert (EGLE); Quillan, Taylor (EGLE); Lemmer, Kevin (EGLE); Pauquette, Carey (EGLE)
Subject: FW: Free well water testing now available for Michigan residents

If you have any friends or family who are on a private residential well and want to get their water tested for free, the State of Michigan has allocated \$5M funding to pay for the testing. They pay for shipping and the lab costs.

Thanks,
 Amy

From: MI Dept. of Environment, Great Lakes, and Energy <EGLE@govsubscriptions.michigan.gov>
Sent: Tuesday, September 5, 2023 11:12 AM
To: Vail, Amy (EGLE) <VailA@michigan.gov>
Subject: Free well water testing now available for Michigan residents

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FOR IMMEDIATE RELEASE

Sept. 5, 2023

EGLE Media Office, EGLE-Assist@Michigan.gov, 517-284-9278

Sara Pearson, Supervisor, Source Water Unit, PearsonS@Michigan.gov, 517-420-3219

Free well water testing now available for Michigan residents

The Department of Environment, Great Lakes, and Energy (EGLE) is excited to announce a special program to help Michigan families know the quality of their well water. EGLE and

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local health departments (LHD) are working together to ensure that safe drinking water is a priority for Michigan families.

Last year, the Michigan Legislature appropriated \$5 million to provide free well water testing for Michigan residents who rely on a household or private well for their drinking water. Water from private wells may sometimes not be safe to drink. EGLE and the LHDs want to help families know if their water is safe to drink, and this free well water testing will help get them that answer.

Most wells get checked when they are first built; however, EGLE and the LHDs know that water wells should be checked more frequently as water quality may change over time. This testing can determine if there have been any water quality changes to your well that could be harmful to those who drink and use that well water.

Many different substances may be found in well water that could be harmful and may cause illness, including bacteria; nitrates; and some metals, such as arsenic. Residents who test through this free program will have the assistance of the LHD to help determine next steps if test results show a problem with their well water quality.

If you have a private well and you want to know if your water is safe to drink, here is what you can do:

- Talk to your LHD. They can tell you if there is anything special you need to know about the water in your area.
- Go to the EGLE website gov/EGLEPrivateWells. Here, you can add your information to ask for a water test. You will also learn more about how to collect a water sample to send to the laboratory.
- Don't worry if you are not sure what the laboratory results mean – your LHD will help you understand the results and will guide you on next steps, if necessary.

This free testing program is your first step in knowing if the water you drink from your private well is safe, and steps to take if an issue is found.

To stay up to date on other EGLE news follow us at Michigan.gov/MIEnvironment.

###



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August 22, 2023 – EMPIRE VILLAGE COUNCIL REGULAR MEETING

The Regular meeting was called to order at the Empire Township Hall 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 was absent, Treasurer Acton, and Clerk Smith were present.

PUBLIC HEARING – MASS GATHERING ORDINANCE NO. 119

No comments were received. Closed at 7:05 p.m.

CHANGES/ADDITIONS TO AGENDA – Dye added Shalda Park Interpretive Sign language under Old Business. Walton asked that Presentation be moved to after Public Comments and New Generator for Water Wells be added under New Business.

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

PRESENTATION – Leelanau County Undersheriff Kiessel reported on Deputy coverage throughout the county. He noted that both Suttons Bay and Northport have contracts with the County for police services in their villages.

PUBLIC COMMENTS ON PRESENTATION – None.

CONSENT AGENDA – Motion by Dye, support by Bacon too approve the Consent Agenda including minutes of the 8/10/2023 Work Session and bills totaling \$174,898.57. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton. Absent: Webb. Nays: None. MOTION PASSED.

FINANCIAL REPORTS – Financial reports were received and indicated that the Treasurer's Cash Balance by Fund report and the Clerk's General Ledger Cash Summary match by fund.

COMMUNICATIONS – An email from Rodney and Louann Barnes regarding the recycling site was received and read aloud by Palmer.

DEPARTMENT HEAD REPORTS – Report from DPW Superintendent Friend was received and read aloud. Dye noted an email from Steve Stepanek regarding a broken door on port-a-john at Shalda. Bacon asked and Palmer responded regarding an apology from Terry Bacon that was received. He did not request that it be read aloud. Palmer reported on her meeting with a Township property owner regarding barbed wire fence adjacent to Shalda Park and on Lake St. property with renovation debris as a nuisance. Friend provided information on the recycling site and said he would look for Menard rebates.

COUNCIL MEMBER/COMMITTEE REPORTS – Minutes of 8/15/23 meeting of the Short-Term Rental Committee and the 8-3-23 meeting of the Wastewater Task Force were received and reviewed. There was a consensus that the New Neighborhood be included in a new study. Council was asked if they would support an economic study for 3-7K. There was consensus that if the Task Force stays in the budget they may recommend how to spend the monies.

OLD BUSINESS

ADOPT MASS GATHERING ORDINANCE NO. 119 – Motion by Dye, support by Rademacher to move Ordinance NO. 119 to the next Work Session. Upon a voice vote, MOTION PASSED.

APPROVE SHALDA PARK RULES SIGN – Motion by Dye, support by Walton to move this to the Work Session. Acton will contact Disability Network for suggestions. Upon a voice vote, MOTION PASSED.

APPROVE RESOLUTION NO.6 OF 2023 – Motion by Dye, support by Rademacher to approve Resolution NO. 6 of 2023. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Absent: Webb. Nays: None. MOTION PASSED.

REVIEW/APPROVE A REVIEW OF THE EMPIRE HILL CLIMB APPLICATION – Motion by Bacon, support by Rademacher to close 1 side of the following streets to parking in order to maintain emergency vehicle access: a) W side Lake St. from white house next to parking lot to Michigan St. b) N side Michigan St. west of M22 to Lake St. c) W side of Union St. from Michigan to Front St. There was discussion of consulting with the County Emergency Coordinator. It was noted that there was no indication in the application that these concerns would be addressed. These were the issues with the Asparagus Festival and why the Street Administrator made this suggestion. Motion and second were rescinded.

APPROVE SATURDAY SHARING WITH COUNCIL – Motion by Bacon, support by Rademacher to provide the attorney all the information about both the Coffee with Council before a meeting and the Saturday Sharing with Council and advise if either can be held legally and how. There was discussion of the rules and preferences for Coffee with Council before a meeting or Saturday Sharing with Council. The legal differences such as a quorum of council being present at one and not the other. Upon a voice vote, MOTION PASSED.

APPROVE POSTING FOR COMMUNITY ENGAGEMENT TASK FORCE APPLICATIONS – Motion by Bacon, support by Chase to create a Community Asset Mapping Task Force with the following charge: create a list by Dec. 1, 2023, of Village assets using the attached documentation. Upon a voice vote, MOTION PASSED. Motion by Bacon, support by Walton to allow the initial membership of this Task Force not be limited to a specific number; if a limit becomes necessary the membership should reflect diverse backgrounds/areas and reflect the economic diversity of the village. Upon a voice vote, MOTION PASSED. Motion by Bacon, support by Dye to post page 2 of the documentation on the Home page of the Village website. Upon a voice vote, MOTION PASSED.

APPROVE STREETLIGHT GENERAL INFORMATION FOR COUNCIL – Motion by Bacon, support by Rademacher to approve the Policy for Council regarding Streetlights. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, W:alton. Nays: None. Absent: Webb. MOTION PASSED.

APPROVE POSTING STREET LIGHT INFORMATION FOR WEBSITE – Motion by Bacon, support by Dye to approve posting the information included in documentation on the Village website. Upon a voice vote, MOTION APPROVED.

SHALDA PARK INTERPRETIVE SIGN – Motion by Dye, support by Rademacher to approve the wording included in Handout for the sign. Upon a voice vote, MOTION PASSED.

NEW BUSINESS

VILLAGE OFFICE PROFESSIONAL SERVICES PROPOSAL – Motion by Bacon, support by Palmer to approve professional feasibility study finalized by Renovare as Handout.

Motion by Rademacher, support by Dye to continue meeting until 9:30 p.m. Upon a voice vote with Bacon opposed, MOTION PASSED.

ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Absent: Webb. Nays: None. MOTION PASSED.

MICHIGAN TOWNSHIP PAR PLAN RISK REDUCTION GRANT – Motion by Rademacher, support by Bacon to approve Resolution NO. 7 of 2023. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Absent: Webb. Nays: None. MOTION PASSED.

APPROVE MML 2023 CONVENTION FOR PRESIDENT – Motion by Bacon, support by Dye to approve registration for President Palmer at this conference at a cost of \$595. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Absent: Webb. Nays: None. MOTION PASSED.

GENERATOR PURCHASE – Motion by Rademacher, support by Walton to approve the \$60, 523.00 quote from Isenhardt Electric LLC for a propane generator. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Absent: Webb. Nays: None. MOTION PASSED.

PUBLIC COMMENT – Rod Barnes commented on traffic control at Shalda Park path.

COUNCIL MEMBER COMMENT – Bacon commented on a consent agenda, discussion of financial reports and Robert's Rules of Order.

ADJOURNMENT at 9:20 p.m.

Derith Smith Empire Village Clerk

These are draft minutes for approval at the September 14, 2023, Council meeting.

Date:	Sept. 7, 2023	Pages: 2
Meeting Date:	Sept. 14, 2023	Work Session
Subject:	Rules Sign for Shalda Park	Author: March Dye

OVERVIEW:

The Parks Committee was asked to come up with a rules sign for Shalda Park. We did and there were questions asked at the last meeting concerning wordage for use of the trail. We were advised to have Alacia check with the Disability Network of Traverse City. As of the moment she has not been able to reach them. She hopefully will have reached them before the meeting.

RECOMENDATIONS:

Follow the recommendations of the Disability Network when we have them.

ACTION TO BE TAKEN:

Approve the sign so that it can be ordered by the DPW. Funds to come out of Parks Repairs and Maintenance - not the grant.

WELCOME TO SHALDA PARK

No Motor Vehicles or Golf Carts on Walking Path

Pedestrians Have Right-of-Way

No Overnight Parking

No Excessive Noise or Loud Music

No Fireworks

Pets Must Be Leashed

Please Pick Up After Pets

No Littering

Quiet Time Between 11:00pm and 8:00am

ENJOY YOUR VISIT



(The logo would have to be added after the sign is made in the form of a sticker to be applied to the sign)

Author: Tom Rademacher

Action to be taken:
Send inquiries to other local law firms that are experienced in dealing with municipalities.

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VC 8/10/2023

Request for Proposal

Village Attorney Services

Village of Empire

Proposal Information:

The Village of Empire [Village] (population of less than 400) is governed under the General Law Village Act (Act 3 of 1895). The Village Council consists of seven (7) elected members. The President serves at the head of the Council. The Village government also includes a seven (7) member Planning Commission governed by the Michigan Planning and Enabling Act (Act 33 of 2008). The Village is requesting proposals from attorney's or law firms for village attorney services in the Village of Empire. The Village anticipates that submitted proposals will identify a lead Attorney that works on all Village matters, or one attorney that works solely on civil matters and another that solely works on criminal matters.

Submission Information:

Sealed proposals will be received by the Village Clerk on or before Thursday, February 23rd, 2023 at 2:00 pm. The envelope should be clearly marked "Village Attorney Proposal" to prevent any errors in opening. Proposals will be publicly opened at that time and evaluated by the Village Council at a later time.

All correspondence regarding this RFP should be addressed to:

Village of Empire Clerk
PO Box 253
11518 S LaCore St
Empire, MI 49630-0253

Scope of Services

Village Attorney shall perform the following duties:

- Act as legal advisor to the Council, Clerk, Treasurer, and Planning Commissioners
- Prepare legal opinions for the Village Council or Planning Commission, plus legal research related thereto.
- Prepare or review all ordinances, regulations, contracts, bonds and other instruments as may be required or requested by the Council or the Planning Commission, and provide a legal opinion thereof.
- Prepare and deliver educational programs including but not limited to the Open Meetings Act and Freedom of Information Act.
- Attend meetings of the Village Council or Planning Commission and Board of Appeals meetings when requested.
- Advise the Council relative to hiring outside attorneys.
- Represent or provide a referral to the Village in cases before County, State and Federal courts and other tribunals, including the Tax Commission. These matters may include code violation enforcement actions, income prosecution and all civil suits filed by or against the Village.

- Perform other such duties as prescribed by the General Law Village Act or the Village Council.

Estimated Workload and Support Services

The Village does not guarantee a set workload or billable hours. The Village expects to be charged for services rendered (no retainer), unless a separate agreement for a special project is arranged.

RFP Information

Provide background information on your firm to include at least the following:

- Office location(s)
- Provide information about your firm's specific municipal experience that demonstrates your ability to act as the Village Attorney
- Provide a list of recent or current municipal clients and how they are chartered (General Law Village, Home Rule, City, etc.)
- Provide information about your firm's knowledge of and/or work with Planning Commissions and the Michigan Planning and Enabling Act.
- The RFP submitted shall become part of the Village's bid records and will be available for public review.
- The Village of Empire will not be liable for any costs incurred by any firm in responding to this RFP.
- Provide any other information you consider to of value in evaluating your firm's qualifications.

Cost Proposal

Provide the hourly rate to be charged to perform legal services authorized by the Village Council. Indicate any anticipated cost reimbursement expenses that may be charged to the Village.

Evaluation and Selection

- Firms who submit proposals may be requested to make an oral presentation to the Village Council.
- The Village Council will evaluate each proposal in regards to the ability of the firm to provide the Village of Empire with quality legal services in a cost effective, efficient and timely manner.
- The Village of Empire reserves the right to reject any or all proposals and to waive any irregularities in a proposal and to award a contract that, in the judgement of the Village Council is in the best interest of the Village without regard to cost.

Date:	Sept. 7, 2023	Pages: 1
Meeting Date:	Sept. 14, 2023	Work Session
Subject:	Extension of ending date of Short Term Rental Committee	Author: March Dye

Overview:

The ending date of the Short-Term Rental Special Committee of Council is October 12, 2023 (three months from inception). The request is to extend the term of the Special Committee for one more month. One of our members will be gone for two weeks in September and another will be gone the first week of October. As the charge now stands we would need to have the presentation materials ready by October 5th for review by the public for a Public Hearing on October 12th. It may be possible to do this but we would like to have the option of extending the time limit.

Recommendation:

Extend the ending date of the Short-Term Rental Special Committee of Council to November 9, 2023.

Meeting:	September 14, 2023
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Subject:	Shalda Park Fence
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Author:	Sue Palmer
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Overview:

The fence at Shalda Park is a safety issue. At our last meeting we talked about the possibility of placing signs near the property border, send a letter to the homeowner or putting up some type of barrier.

Action Requested

Request Council determine what would be the best option for the Village of Empire.

Meeting:	September 14, 2023
Subject:	Update the Purchase Policy for Rebates
Author:	Sue Palmer

Overview:

Our Purchase Policy does not address how Village personnel should handle purchases that have rebates assigned to them.

Action Requested

Request Council talk about what language should be used to cover any purchase that contains a rebate.

Example:

We purchase an item for \$400 at Menards. Menards has an 11% rebate attached to the sale. The rebate form and the receipt for the purchase will be turned into the Clerk for filing.

Suggested language – add #6 as follows:

6) Any purchase made that contains a rebate should be handled by the Clerk. All receipts will be turned in with any rebate forms as soon as possible.

VILLAGE OF EMPIRE PURCHASING POLICY

The purpose of this Purchasing Policy is to encourage the efficient purchasing of appropriate goods or services at appropriate prices.

- Purchases under \$500.00 require only Department Head or Supervisor's approval accompanied by a receipt for the purchase.
- Purchases of budgeted items, from \$501.00 to \$1,000.00 require at least one quote, Supervisor's approval, and the Village President to sign off.
- Purchases of budgeted items, over \$1,001.00 to \$10,000.00 require two quotes and Council approval. *Exceptions may be made for sole-source procurements.*
- Purchases of budgeted items over \$10,001.00 require at least two quotes and Council approval. In extenuating circumstances, Council may wave the second quote by majority vote. Council may request sealed bids.

Note:

- 1) Separating the work of vendors into smaller invoices is a violation of the dollar threshold rules.
- 2) Purchases to be reimbursed from grants are subject to the requirements of the grant.
- 3) It shall be the job of the Department Head/Requester to provide comparable quotes.
- 4) If the lowest bid is not accepted the rationale and reasons for acceptance of a higher bid must be presented to Council for final decision and consideration.
- 5) In an emergency situation, Council may approve non-budgeted procurements. Examples: unforeseen development of dangerous conditions which may vitally affect the safety, health, property or welfare of the public; a breakdown of essential machinery or equipment requiring immediate replacement.

6) Any purchase made that contains a rebate should be handled by the Clerk. All receipts will be turned in with any rebate forms as soon as possible

Approved: 06/27/2023

Meeting: September 14, 2023

Subject: Update the Rules of Procedure

Author: Sue Palmer

Overview:

Council will continue reviewing the Rules of Procedure as follows:

Section 5. **Public Hearings**

Section 6. **Conduct of Meeting**

6.1 **Agenda, Agenda Documentation formWork Session, Regular or Special Meetings**

6.1.1, 6.1.2, 6.1.3

Action Requested

Council review and make decisions for these sections.

5. Public Hearings-Process

The Chair begins each Public Hearing by calling the meeting to order, taking the roll and explaining the purpose of the hearing and the rules of public conduct. Following the briefing, the Chair opens the hearing to receive written and oral comments. Section 6.14 applies to the length of each person's comments and rules regarding written comment.

After all persons have had the opportunity to speak, the Chair shall call the hearing adjourned. No action may be taken by the Council during a public hearing, but the matter may be placed on the Regular Meeting agenda or Special Meeting notice for possible action.

6. Conduct of Meeting

6.1 Agenda, Agenda Documentation for Work Session, Regular or Special Meetings

~~Only the~~The Village President and the Council ~~Members~~ may introduce ~~an~~ agenda items for inclusion in the Agenda. *Is this really part of setting the agenda? → and vote on matters brought for action¹.* Upon review of the requests submitted, the Village President sets the agenda.

The President shall have the authority:

- i. to request additional documentation for agenda items,
- ii. to move items to future meetings to ensure smooth, productive meetings and,
- iii. may opt to deny an agenda item coming before the Council that has been decided upon within the previous 6 months.

The Council shall have the ability to overrule the President's decision about the agenda during the ~~meeting~~ discussion ~~of~~ ~~under~~ Changes and Additions to the Agenda by majority vote of the council.

The President, in consultation with Council Members, Department Heads or ~~the~~ Village Office Personnel, shall ensure the wording for each agenda item provides a clear description of expected discussion and/or action, so the public is aware of the issue being discussed and what action the Council may take during that discussion *Do we have to add the new format we are considering?*

6.1.1 Agenda Documentation

All Council members shall submit a standardized form (see attached) as part of their request for agenda items. The form provides information about the issue for the Council and the public.

- a. What the issue, question or problem is related to the topic
- b. Provide a brief overview of research or history completed by the Council member making the request.
- c. Possible actions the Council. Any consider related to the topic.

¹ MML GLVA Handbook Section 2; Chapter 6 (<https://www.mml.org/resources/publications/ebooks/glv.htm>)

6.1.2 Amending Approved Agenda

After an agenda has been adopted by the Council, no change can be made except by a two-thirds vote of the members present or unanimous consent.

6.1.3 Presentations

Presentations may be added to a Work Session or Regular Meeting if approved by council at a prior meeting. Presentations shall follow the communications agenda and be followed by public comment on presentations to allow the public to respond to the presentation. Presenters and those providing public comment are expected to address their remarks to the meeting Chair.

Date:	Sept. 7, 2023	Pages: 1
Meeting Date:	Sept. 14, 2023	Work Session
Subject:	Extension of ending date of Short Term Rental Committee	Author: March Dye

Overview:

The ending date of the Short-Term Rental Special Committee of Council is October 12, 2023 (three months from inception). The request is to extend the term of the Special Committee for one more month. One of our members will be gone for two weeks in September and another will be gone the first week of October. As the charge now stands we would need to have the presentation materials ready by October 5th for review by the public for a Public Hearing on October 12th. It may be possible to do this but we would like to have the option of extending the time limit.

Recommendation:

Extend the ending date of the Short-Term Rental Special Committee of Council to November 9, 2023.

Meeting:	September 14, 2023
Subject:	Consumers Energy Resolution #8
Author:	Sue Palmer

Overview:

Consumers Energy is requiring another resolution to make changes to lighting on Michigan Street.

Action Requested

Council to agree to this Resolution and put in the Regular meeting on September 26, 2023.



A CMS Energy Company

CEM Support Center

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., Lansing, MI 48906-4754

August 25, 2023

NOTIFICATION #:
1067089595

VILLAGE OF EMPIRE
PO BOX 253
EMPIRE, MI 49630-0253

REFERENCE: MICHIGAN ST, EMPIRE

Dear Valued Customer,

Thank you for contacting Consumers Energy for your energy needs. Please note the Notification Number above and include it on any correspondence you send. Please note the Account Number, located above the Account Name on your invoice, when submitting payment.

Enclosed for approval and signature is the original Authorization for Change and Resolution covering the replacement and/or installation of streetlight(s). You are responsible for the final restoration.

The estimated cost for your energy request is as follows:

Non Refundable Agreement for Installation of Electric Facilities:

Winter Construction Costs:

Installation Charge:

Additional Costs

Total Estimated Cost:

Less Prepayment Received:

Total Estimated Cost Due:

\$	-
\$	-
\$	8.00
\$	8.00
\$	-
\$	8.00

Please sign and return the original Authorization for Change and Resolution in the enclosed self-addressed envelope or email to: POBoxCEServiceRequest@cmsenergy.com. Payment in full is required before the installation can be scheduled for construction.

Please review all attached materials carefully and direct inquiries for your request to:

Tanya Gilroy at 616-251-0574

vc 9/14/23

Dear New Electric Customer:

Thank you for your request for electric service. In order to expedite your request and meet your schedule, we have developed the following list of items requiring action by you (Customer Responsibilities). These requirements must be met before we can install your service.

CUSTOMER RESPONSIBILITIES

- 1) Service Location: A copy of our design document may be included in your customer packet. If included, your service entrance equipment should be located at the spot indicated by an "X" as shown on the design document (Form 2804). Install the meter socket 3½ - 5 feet above final grade of this location.
- 2) Meter Socket: Residential metering equipment furnished free of charge, owned and maintained by Consumers Energy includes: meters and one or two position self-contained meter sockets. Contact the company representative assigned to your notification for locations to pick-up the meter socket. For metering installations that require a three or more position self-contained meter socket, the customer will be required to purchase approved meter sockets from a distributor or supplier of their choice.
- 3) Payment: An invoice may be included in your customer packet. If included, the deposit amount on the invoice must be paid prior to installation of your service. Additional charges may apply and will be billed/or a refund issued upon completion of your service installation.
- 4) Site Conditions: The site must be within three (3) inches of final grade before we can install your service. If you have requested an underground service, you will need to clear a 12-foot wide path that is free of building materials, brush, trees, shrubs, etc, along the proposed service route to avoid delays. Our Forestry Department can provide this service for you at an additional charge. For overhead service, nominal line clearing will be provided at no charge. Any extensive line clearing may require additional charges. After your service is installed, we will backfill and place excavated earth over the trench. You are responsible for the final restoration and ensuring that the grading over the trench is at the required level.
- 5) Staking: To avoid damage, you must mark (stake) your existing private underground facilities such as: well, septic systems, sprinkler system, any underground wires, buried LPG tanks, piping, or other unusual buried facilities. These stakes must be apparent when we arrive to install the service. We cannot reimburse you for damage to facilities that are not properly staked. You do not need to stake the utilities' electric, gas or communication lines.
- 6) Mobile Home or Temporary Service: If you requested service to a mobile home or temporary electric service, you will be required to set your own pole or install a pipe for underground service in accordance with Consumers Energy specifications. Contact the Consumers Energy representative assigned to your notification for additional information.
- 7) Construction Repair: If additional line work is required to reach your location due to site conditions or other unusual circumstances, extra charges may be incurred.
- 8) ELECTRICAL INSPECTION: **YOU ARE RESPONSIBLE FOR ENSURING THAT ALL ELECTRICAL PERMITS AND INSPECTIONS ARE OBTAINED BEFORE ANY SERVICE CONNECTIONS CAN BE MADE. WIRINGS MUST COMPLY WITH LOCAL AND STATE ELECTRICAL CODES. NOTE: CAUTION SHOULD BE USED WHEN WORKING INSIDE FUSE PANEL. PANEL MAY BE ENERGIZED AFTER SERVICE IS**
- 9) Additional Charges: Underground services installed during the months of December through April may be subject to an additional charge. Unusual site conditions may also require an additional charge. These charges will be communicated to you in advance of construction.
- 10) Joint Trenching: Discounts for installation of electric and gas service in the same trench (joint trench) are applied in calculating the gas service contribution.
- 11) Usage Rate: Customers are billed at a general service rate while the structure is under construction. If the structure is a home, then the owner of the home, upon receiving a Certificate of Occupancy, should call 1-800-477-5050 to ensure the gas and/or electric rates are changed to an appropriate rate.

Please keep these procedures in a convenient location to review as we proceed with designing your service and constructing the job. If any of the characteristics of the service request are changed and not communicated to us, you may experience delays and/or additional charges.

If you have any questions regarding these requirements please direct inquiries to:

Tanya Gilroy

at 616-251-0574

CEM Support Center

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., Lansing, MI 48906-4754

**PLEASE RETURN THE CHECKED DOCUMENTS BELOW TO CONSUMERS
ENERGY IN THE ENVELOPE PROVIDED****TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:****POBoxCEServiceRequest@cmsenergy.com**

<input type="checkbox"/>	AGREEMENT FOR INSTALLATION (Please return all pages of contracts) (Form 93, Form 94 and Form 95 - 2 Page Document Each) (Form 861, Form 862 and Form 230 - 4 Page Document Each)
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<input checked="" type="checkbox"/>	PAYMENT WITH INVOICE STUB (BOTTOM STUB IS REQUIRED FOR PROCESSING)
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<input type="checkbox"/>	REQUEST FOR ELEVATED CUSTOMER DELIVERY PRESSURE
--------------------------	---

<input type="checkbox"/>	STANDARD LIGHTING CONTRACT (MUST BE CERTIFIED BY CLERK)
--------------------------	--

<input type="checkbox"/>	SIGNED CUSTOMER ATTACHMENT PROGRAM (CAP) CONTRACT (PLEASE ENSURE TO CHECK PAYMENT OPTION ON CONTRACT)
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<input type="checkbox"/>	GO READY FORM (FORM 1250) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <u>POBoxCEServiceRequest@cmsenergy.com</u>
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<input type="checkbox"/>	SITE READY PHOTO(S) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <u>POBoxCEServiceRequest@cmsenergy.com</u>
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<input type="checkbox"/>	OTHER:
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NOTIFICATION REFERENCE NUMBERS

ELECTRIC SERVICE NOTIFICATION:	
GAS SERVICE NOTIFICATION:	
ELECTRIC OH DISTRIBUTION NOTIFICATION:	
ELECTRIC UG DISTRIBUTION NOTIFICATION:	
GAS MAIN NOTIFICATION:	
STREETLIGHT NOTIFICATION:	1067089595



VILLAGE OF EMPIRE
PO BOX 253
EMPIRE MI 49630-0253

Amount Due: **\$8.00**

Please pay by: **September 08, 2023**

Invoice Number	9325411849
PO Number	
PO Date	
Bill Date	08/25/23

Account: 3000 2147 0442

MICHIGAN ST EMPIRE - ELECTRIC UTILITY TEMPORARY CUTBAK - NOTIFICATION NUMBER (s): 1067089595 -

NONENERGY INVOICE

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
Electric Streetlights-Disconnect/Reconne	1.0 EA	\$8.00	\$8.00
TOTAL DUE:			\$8.00
See Page 2 for Payment Options.			
Consumers Energy is regulated by the Michigan Public Service Commission, Lansing, Michigan			

INVOICE QUESTIONS - Contact: Tanya Gilroy -616-251-0574 -

Fold, detach and mail this stub with your check made payable to Consumers Energy. Please write your account number on your check.



CONSUMERS ENERGY
CEM Support Ctr - Lansing RM 122
530 W Willow St
Lansing, MI 48906-4754

PREPAYMENT REQUEST

Account: 3000 2147 0442

Amount Due: **\$8.00**

Please pay by: **September 08, 2023**

Enclosed:

6 330034562535 000000008003 0000 2056 1 300021470442 H

Ways to pay your nonenergy bill:



Same-day payment
ConsumersEnergy.com
Discover® MasterCard®
Visa® or eCheck



Same-day payment
866-329-9593
Discover® MasterCard®
Visa® or eCheck



By mail
Check, money order
Consumers Energy
Payment Center
P.O. Box 740309
Cincinnati, OH 45274-0309



In person
Cash, check, card
or money order
Requires an authorized payment location.
Fee may apply.



DISCONNECT/RECONNECT LIGHTING FOR ENERGY CONSERVATION PURPOSES

Consumers Energy Company is hereby authorized as of 8/17/2023, by the Village
of Empire, to make changes, as listed below, in the lighting system(s) covered by the
existing Standard Lighting Contract between the Company and the Village of
Empire, dated 12/1/2010.

- ☒ Disconnect Lighting for Energy Conservation Purposes as identified in Exhibit A.
☐ Reconnect Lighting as identified in Exhibit A.

The following is agreed upon for energy conservation purposes as provided for on Sheet D-51.00 of the
Company's Electric Rate Book:

1. The luminaires as identified in Exhibit A will be disconnected for a period of six months or more. The charge per luminaire per month, for each disconnected luminaire, shall be 40% of the monthly rate set forth above.
2. However, should any such disconnected luminaire be reconnected at the customer's request after having been disconnected for less than six months, the entire monthly rate shall apply to the period of disconnection.
3. An \$8.00 per luminaire disconnect/reconnect charge shall be made at the time of disconnection except when the estimated disconnect/reconnect cost is significantly higher than \$8.00, the estimated cost per luminaire shall be charged.

Total Cost to Disconnect/Reconnect the Listed Luminaires in Exhibit A is \$ 8

Notification Number _____

Construction Work Order Number _____

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid
Standard Lighting Contract dated _____, shall remain in full force and effect.

By: _____
Its _____

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the ☐ City ☒ Village ☐ Township of Empire, dated 12/1/2010, in accordance with the Authorization for Change in Standard Lighting Contract dated as of _____, heretofore submitted to and considered by this ☐ Commission ☐ Council ☐ Board; and

RESOLVED, further, that the Village Clerk be and are authorized to execute such authorization for change on behalf of the ☐ City ☒ Village ☐ Township.

STATE OF MICHIGAN)
) ss
COUNTY OF _____)

I, _____, Clerk of the ☐ City ☒ Village ☐ Township of Empire do hereby certify that the foregoing resolution was duly adopted by the ☐ Commission ☐ Council ☐ Board of said municipality, at the meeting held on _____.

☐ City ☒ Village ☐ Township Clerk

Dated:

8/17/2010

Meeting:	September 14, 2023
Subject:	Recycling Agreement Renewal
Author:	Sue Palmer

Overview:

The Recycling Agreement with Leelanau County is expiring. They have requested that we update the Agreement from January 1, 2024, through December 31, 2028. The county will pay the Village of Empire \$3,600 payable annually in equal installments on a quarterly basis.

Action Requested

Request Council agree to consensus to approve the Recycling Agreement at our Regular meeting September 26, w 2023.

NB

**AGREEMENT
BETWEEN LEELANAU COUNTY AND**

FOR A COUNTY RECYCLING PROGRAM RECYCLING SITE

This Agreement is entered this ____ day of _____, 2023, between Leelanau County, a municipal corporation and political subdivision of the State of Michigan, with offices located at 8527 East Government Center Drive, Suttons Bay, Michigan 49682 (hereinafter referred to as the "**County**"), and Village of Empire (hereinafter referred to as "**Site Host**"), for the use and operation of a Leelanau County Recycling Program recycling site on the Site Host's property located at end of Fisher Street, Empire MI 49630 (hereinafter referred to as "**Recycling Site**"), to be operated by the County or the Leelanau County Solid Waste Council, a committee of the Leelanau County Board of Commissioners.

1. COUNTY REQUIREMENTS:

- a) **COUNTY MONITORING** - The County, through an independent agreement with a contractor, will provide equipment and staff oversight of the Recycling Site and will be responsible for the use, maintenance, and servicing of the recycling containers. All materials left at the Recycling Site will be removed by County authorized contractors.
- b) **CONTACT** - The Planning and Community Development Office will serve as the contact for this Agreement and can be reached at (231) 256-9812.
- c) **FUNDING** - Any costs associated with the recycling and handling of the material will come from the collection of funds through P.A. 69 of 2005.
- d) **RECYCLING SITE** - Relocation, removal, or moving of the recycling containers will only occur by County authorized contractors.
- e) **INSURANCE** - The County authorized contractors at all times during the life of this Agreement shall maintain insurance that meets the requirements of the Leelanau County Board of Commissioners' Policy, including, but not limited to, Worker's Compensation and Comprehensive General Liability Insurance.
- f) **HOLD HARMLESS** - All liability to third parties, loss or damage as a result of claims, demands, costs, or judgments arising out of activities, such as direct service delivery, to be carried out by the County in the performance of this Agreement shall be the responsibility of the County, and not the responsibility of the Site Host. In the event that liability to third parties, loss, or damage arises as a result of activities conducted jointly by the County and the Site Host in fulfillment of their responsibilities under this Agreement, such liability, loss, or damage shall be borne by the County and the Site Host in relation to each party's responsibilities under these joint activities.
- g) **LICENSING** - The County authorized contractors shall comply with all municipal, county, state and federal laws, regulations, ordinances and specifications. The County authorized contractors shall obtain all required licenses necessary to collect, handle, store, process, transfer, remove, transport or dispose of recyclables within Leelanau County.
- h) **SIGNAGE** - The County will be responsible for providing adequate signage directing Leelanau County residents to the Recycling Site as well as for placing appropriate signage on each recycling container.

2. SITE HOST REQUIREMENTS:

- a) **INSURANCE** - The Site Host will maintain adequate liability insurance coverage for itself.
- b) **HOLD HARMLESS** - All liability to third parties, loss or damage as a result of claims, demands, costs, or judgments arising out of activities, such as direct service delivery, to be carried out by the Site Host in the performance of this Agreement shall be the responsibility of the Site Host, and not the responsibility of the County. In the event that liability to third parties, loss, or damage arises as a result of activities conducted jointly by the County and the Site Host in fulfillment of their responsibilities under this Agreement, such liability, loss, or damage shall be borne by the County and the Site Host in relation to each party's responsibilities under these joint activities.
- c) **ACCESS** - The Site Host agrees to work with the County on an on-going basis to provide Leelanau County residents adequate public access to the Recycling Site at all times for the benefit of the County, within the scope of the Site Host's abilities and contractual obligations.
- d) **RECYCLING SITE** - The Site Host will provide for a thirty (30) foot by fifty (50) foot location for placement of the containers, with at least six (6) feet allowance between recycling containers. The Recycling Site will include adequate space for up to nine (9) recycling containers and an open area for the County authorized contractors' vehicles to unload containers. An area directly in front of the containers will be free of obstacles in order to maneuver a transport truck for pickup of recycling materials.
- e) **MAINTENANCE** - The Site Host will provide adequate maintenance of the Recycling Site to allow for safe use of the containers. Relocation, removal or moving of the recycling containers will only occur by County authorized contractors.

3. COMPENSATION:

The County shall pay the Site Host an annual rental payment for services rendered in the total amount of Three Thousand Six Hundred and No/100 Dollars (\$3,600.00), payable in equal installments on a quarterly basis. The County shall not be responsible for any additional costs incurred by the Site Host for repairs or improvements to the Recycling Site. In no event shall the total compensation paid under this Agreement exceed the sum of Eighteen Thousand and No/100 Dollars (\$18,000.00).

4. EFFECTIVE DATE:

This Agreement is effective on January 1, 2024, and shall continue for a term of five (5) years thereafter, through December 31, 2028, unless terminated earlier.

5. TERMINATION:

Each party to this Agreement has the right to terminate this Agreement at any time, with or without cause, during the original term or any extended term by providing ninety (90) days' written notice to the other party. In the event this Agreement is terminated before expiration of the term, the Site Host shall only be entitled to receive rental payments prorated through the effective date of the termination.

6. **AMENDMENTS AND SEVERABILITY:**

Any amendments to this Agreement shall only be valid when they have been reduced to writing and signed by the authorized representatives of the parties. In the event that any provision of this Agreement shall be held to be contrary to law or Ordinance by a court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provision or provisions shall be voided.

7. **COMPLIANCE WITH ALL LAWS, RULES, REGULATIONS AND LICENSING REQUIREMENTS:**

In performing the services to be conducted under this Agreement, the Site Host shall comply with all Federal, State and local laws, ordinances, rules and regulations.

8. **COMPLETE AGREEMENT:** This Agreement and any additional or supplementary documents incorporated herein by specific reference contains all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the parties hereto.

9. **CERTIFICATION OF AUTHORITY TO SIGN AGREEMENT:** The persons signing on behalf of the parties to this Agreement certify by their signatures that they are duly authorized to sign this Agreement on behalf of the party they represent and that this Agreement has been authorized by the party they represent.

LEELANAU COUNTY

By: Ty Wessell, Chairperson
Leelanau County Board of Commissioners

Date

SITE HOST:

By:
Its:

Date

N042

Date Prepared:	Sept. 6, 2023	Pages: 1
Meeting Date:	Sept. 14, 2023	Work Session
Subject:	Connector Trail	Author: March Dye

Overview:

Back in September I met with Becky Hill who is the Director of Natural Areas and Preserves with the Leelanau Conservancy to discuss the sign for Shalda Park. I had used some of the wordage from their sign and wanted to make sure that was OK with them.

I also used the opportunity to approach her about her thoughts on creating a path connecting Shalda Park with the Conservancy.

A footbridge over the creek was in the Recreation Capital Improvement Plan for the years 2016/17 through 2021/22. Spending money on this project at this point is not feasible. However a path would cost us nothing and would be a great community project.

Becky got back to me on August 18th. Not only does the Conservancy feel the trail would be a great idea but they have arranged for a tentative workday event on October 19th from 3-5 pm. They would supply volunteers from the Conservancy and would request that we have volunteers from the Village. Work would include leveling ground and clearing brush.

The trail would start at the South/East corner of Shalda Park about ten feet north from the fence surrounding the storage buildings. All work would be on Conservancy property since it is grass up to the edge of Village property. The trail will follow along the creek and connect with the existing trail which takes off from the recycle bins. It will be a fairly narrow foot trail and not ADA accessible. I don't believe any surfacing materials will be added.

Becky did request that some sort of small sign be placed at the entrance to the trail signifying the connection. I'm not sure if they will supply that.

This is a way to create community engagement, foster working with other agencies and create further recreational opportunities.

Action to be Taken:

Approve the joining of the two areas by a foot trail and sponsor the sign up for Village volunteers to work on the trail.

VC 9/14/23

Meeting:	September 14, 2023
Subject:	Legal Files and Choice of Counsel
Author:	Sue Palmer

Overview:

We have received a letter from Mika Meyer's. Our attorney, Tim Figura has, take a job with this firm effective September 1, 2023. The letter provides options for the village to agree upon

Action Requested

Council to consider a selection from options provided in the attached document.



900 MONROE AVE NW
GRAND RAPIDS, MI 49503

PHONE (616) 632-8000
FAX (616) 632-8002
MIKAMEYERS.COM

6
New
#3

Richard M. Wilson, Jr.
Daniel R. Kubiak
Scott E. Dwyer
George V. Saylor, III
Elizabeth K. Bransdorfer
James F. Scales
Ross A. Leisman
Neil P. Jansen

Mark E. Nettleton²
Nathaniel R. Wolf
Jennifer A. Puplava
Benjamin A. Zainea
Christopher D. Matthisse
Ronald M. Redick
Kimberly M. Large¹
Nikole L. Canute³

Daniel J. Broxup
Joshua D. Beard
Bradley A. Fowler
Timothy J. Figura⁶
Amber M. Soler
Curtis L. Underwood
Dominic T. Clolinger
Kathryn M. Zoller

Of Counsel
James R. Brown
John M. DeVries
Michael C. Haines
James K. White
Fredric N. Goldberg
John H. Gretzinger
Douglas A. Donnell⁴

William A. Horn⁵
Mark A. Van Allsburg

Also Admitted in
¹ Delaware
² Illinois
³ New York
⁴ Ohio
⁵ Wisconsin
⁶ Pennsylvania

September 1, 2023

Ms. Sue Palmer
President
Village of Empire
P.O. Box 253
Empire, MI 49630

Re: Legal Files and Choice of Counsel

Dear Sue:

I have decided to join the law firm of Mika Meyers PLC, effective September 1, 2023. In doing so, I will close my firm, Figura Law.

By joining Mika Meyers, I will be able to provide expanded services to my clients and tap into the broad expertise of Mika Meyers' legal team. Mika Meyers is a full-service firm with over thirty (30) attorneys who provide legal counsel throughout Michigan to entities and individuals regarding corporate, local government, litigation, energy and natural resources, environmental, employment and labor, employee benefits, estate planning, probate, and family law matters. The firm is headquartered in Grand Rapids, but I will be working in the Manistee office. The firm also has offices in Caledonia and Rockford. I will have some availability to take appointments at the office in Empire in the near term. The Manistee office is located at 414 Water Street, Manistee, Michigan 49660. I will be working with two member attorneys in Manistee, Richard Wilson and George Saylor. Both attorneys have practiced in Manistee for 35 plus years. My assistant in Manistee will be Deborah Bourne. Mika Meyers' website address is www.mikameyers.com, and you can use the following url to obtain directions to the Manistee office (<https://bit.ly/3E9LS0H>).

As a client, you may choose to transfer some or all your legal matters and related files to me at Mika Meyers or you may keep these materials for your records. Whatever your choice, I am committed to serving your best interests as a client, and to making the transition as smooth as possible for you. Please indicate your choice by checking the appropriate box at the end of this letter and returning a copy to me at tfigura@mikameyers.com. For my municipal clients, I ask that you review with your council/board prior to responding.

Ms. Sue Palmer
President
September 1, 2023
Page 2

If you have any questions or concerns, please do not hesitate to contact me by phone or email. Effective September 1, 2023, my new phone number will be 231-723-8333, fax number will be 231-723-3888 and my new email will be tfigura@mikameyers.com. Thank you for your understanding and cooperation.

Sincerely,



Timothy J. Figura

- ☐ I wish to transfer all active legal matters and files to Mika Meyers including an electronic copy of all client files.
- ☐ I wish to transfer only certain matters and related files to Mika Meyers, as follows:
- _____
- _____
- _____
- ☐ I wish to pick up my files.

Date: _____

Village of Empire

By: _____
Sue Palmer

Its: President

Date:	Sept. 8, 2023	Pages: 1
Meeting Date:	Sept. 14, 2023	Work Session
Subject:	End Of Beach Signs	Author: March Dye

Overview:

There are signs on the south and north ends of the Village Lake Michigan Beach property which say "End of Public Beach". A sign was attached under that sign at the south end which was paid for by the Storm Hill residents. This was done when the water was high and the beach had washed out. There was nowhere to put a sign on the Storm Hill property. It should have been removed or Council should have voted to let it remain but it was overlooked until villagers at the north end also wanted to put a sign on the Village sign.

John has removed the private sign from the south end as of 9/8/23.

Action to be Taken:

Decide if the Council wants to allow or not allow private signs to be attached to Village property.

Date Prepared:	August 28, 2023	Pages: 1
Meeting Date:	September 14 ,2023	Work Session
Subject:	Trunk or Treat Road Closure	Author: March Dye

Overview:

The Empire Area Community Center (EACC) is planning on sponsoring the "Third Annual Trunk-or-Treat Festivities" on Tuesday October 31st from 5-7pm. We are asking the Village Council's permission to close Front Street from Union to LaRue from 4:30pm to 7:30pm. This gives people time to set up and take down before and after the event.

Action to be Taken:

Move "The request to close Front Street from Union to LaRue from 4:30 to 7:30pm on October 31, 2023" to the consent agenda for the September 26th Regular Meeting.

TEMPORARY OUTDOOR USE PERMIT/APPLICATION

Required by Empire Village Ordinance #112 of 2008

Applicant Name: EACC (Empire Area Community Center) Date 8/28/23

Address: Empire

Phone #: 231-633-9054 E-mail address: marchdye@gmail.com

Location of Event: Front St. (between Union + La Rue Sts.)

Tax ID 45-041- NA Date of Event: 10-31-23

Property owner/s: Village of Empire

Purpose of Event: Halloween Candy Distribution
Trunk-or-Treat

Type of Event: Community celebration for Halloween.

Hours of Operation: 4:30 - 7:30 Expected Attendance: 200 - 250

Is adequate on-site parking available for anticipated attendance? YES/NO. If no have arrangements been made for overflow parking and where: Parking

is available on the local streets.

Applicate Signature March Dye

Application Fee: \$ Paid By: Please waive for community event

Permit Granted / Denied. If denied, ZA reason for denial:

ZA Signature and Date: