

January 23, 2024 – 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, Palmer, Palmer, Walton, and Webb were present. Clerk Smith and DPW Superintendent Friend were also present.

CHANGES/ADDITIONS TO AGENDA – Palmer added Resolution No.1 of 2024 regarding New Neighborhood roads under Old Business.

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

PUBLIC COMMENT ON AGENDA – None.

ATTORNEY UPDATE TO COUNCIL- Brad Wierda, attorney appointed by Village insurer Tokio Marine, reviewed the case related to a FOIA request by Terrance Bacon and the actions taken in developing an agreement. Discussion included why the entire council was named, advice of attorney Figura regarding personal notes vs public record, the length of time taken to respond and reach settlement, and opportunities for council to support President. **Motion by Bacon, support by Rademacher to approve the Release and Settlement Agreement for Leelanau County Circuit Court Case No. 23-11106-CZ and authorize the President and Clerk to sign. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

CONSENT AGENDA – Motion by Dye, support by Chase to approve the Consent Agenda including minutes of the 1/11/2023 Regular Meeting and bills totaling \$14,022.47. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.

FINANCIAL REPORTS – Financial reports, including Revenue/Expenditures through December and Cash by Fund, were received from the Treasurer and Clerk. Totals from each indicate that the general ledger and the bank statements agree.

COMMUNICATIONS – Letters from Ron and Ina Hacker (in packet), and Randy Parks (handout) regarding Short-term Rentals were read aloud.

PRESENTATION

ASSET MAPPING TASK FORCE RECOMMENDATIONS – Steve Lewis introduced the report created by the Task Force (included as handout). Linda Lewis reviewed the Asset Based Community Development process. She also described how they will expand the current asset map, learn more about the World Café method, and how the council can assist.

PUBLIC COMMENTS ON PRESENTATION – None.

DEPARTMENT HEAD REPORTS – A written report from Zoning Administrator Hall was received. Friend reported that the snow machine for clearing sidewalks has arrived and the snow-plowing contractor is performing well with few complaints. He has cleared most fire hydrants.

Palmer reported on the section of the Rules of Procedure she has provided input on some sections and asked that council review for the March 8th Work Session.

COUNCIL MEMBER/COMMITTEE REPORTS - Minutes of the 1-16-24 Short-term Rental Committee were reviewed by Dye (handout) and committee will meet tomorrow. Chase reported that the Personnel Committee is recommending a wage increase and a change to the health care insurance agent (handout). **Motion by Chase, support by Dye to approve a change of agents from Burnham & Flowers to Advantage Benefits Group. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.** Meeting with candidate for the DPW Tech position is scheduled for tomorrow. Walton reported the Disaster Preparedness Committee will meet tomorrow.

OLD BUSINESS

ASSET MAPPING TASK FORCE – There was discussion of how this Committee might operate with or without Council oversight moving forward.

CONSIDER TEXTMYGOV SUBSCRIPTION – **Motion by Bacon, support by Rademacher to approve a 3-year contract for TextMyGov at \$2,250/year.** Discussion included how this might work, is it right for the Village at this time, resident participation and cost. **ROLL CALL: Ayes: Bacon, Rademacher. Nays: Chase, Dye, Palmer, Walton, Webb. MOTION DEFEATED.**

DISCUSS AND APPROVE CAPITAL IMPROVEMENT PLAN – **Motion by Rademacher, support by Dye to accept the presented CIP as corrected and amended.** Discussion included corrections to Wastewater system costs and revenues sources, questions regarding costs for alleys, removal of rinse off station, raising amount for Village office complex to 50K, offer from Cherry Republic to pay for parking lot for their employees at Shalda Park, reminder that any item <10K does not belong as it would not be depreciable, SCADA was explained as remote assistance to an alarm that must be addressed with every power failure. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

RESOLUTION NO.1 OF 2024 ACCEPTING DEDICATION OF ROADS AND ALLEYS IN THE NEW NEIGHBORHOOD TO THE PUBLIC – **Motion by Bacon, support by Dye to amend Resolution No.11 of 2023 dedicating the roads in the New Neighborhood with Resolution No. 1 of 2024. Upon a unanimous affirmative vote, MOTION PASSED.**

NEW BUSINESS

COMMITTEE APPOINTMENTS – Palmer appointed Streets Committee – Chair Bacon, Dye, Rademacher; Water-Chair Rademacher, Bacon, Walton; Parks- Chair Dye, Rademacher, Webb; Personnel-Chair Walton, Chase, Webb; Airport Commission – Chase; Street Administrator – Maggie Bacon. **Motion by Bacon, support by Dye to approve the appointments by Palmer to Standing Committees of Council and members. MOTION APPROVED upon a unanimous voice vote. Motion by Bacon, support by Dye to approve the appointment of Wendy Peplinski and Kathy Benner to the Beautification Committee. MOTION PASSED by unanimous voice vote.**

PRESIDENT AND TREASURER PRO TEM - There was discussion of time and work involved in changing signatories on all accounts when the need to chair a meeting or sign vouchers is so

rare. Positions have remained the same for many years unless the council has changed. **Motion by Rademacher, support by Bacon to retain the current President and Treasurer Pro Tem. ROLL CALL: Ayes: Bacon, Chase, Rademacher. Nays: Dye, Palmer, Walton, Webb. MOTION DEFEATED.**

Motion by Dye, support by Webb to appoint Meg Walton as President Pro Tem and Linda Chase as Treasurer Pro Tem. Discussion included the work and time involved in changes, that council experience that may be beneficial, confusion regarding whether this is a Council or President appointment, access to the insurance and retirement plans is public information, the length of elected terms remaining for council members, and the President putting their thumb on the scale by disclosing their preference to other council members before selection. **ROLL CALL: Ayes: Bacon, Dye, Palmer, Rademacher, Walton, Webb. Nays: Chase. MOTION PASSED.**

PUBLIC COMMENT – Carey Ford spoke regarding a boundary adjustment request she has made.

COUNCIL MEMBER COMMENT – Dye commented on required Street Administrator reports per the General Law Village Act. Bacon commented that written Street Administrator reports have never been required by the Village. Chase commented that Bacon has done a great deal of work and should not be singled out, the issue has become so divisive.

ADJOURNMENT at 9:00 p.m.

Derith Smith Empire Village Clerk

These minutes were approved at the February 8, 2023, Council meeting.