

## **MAY 23, 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, Palmer, Rademacher, Walton, and Webb were present. Trustee Dye and Treasurer Acton were excused. Clerk Smith was also present.

**CHANGES/ADDITIONS TO AGENDA** – Walton removed Purchasing Policy under Old Business. Bacon asked that items under Old and New Business regarding Consumers Energy and Mel Larecy be moved to Correspondence. She also added Beetle Release under New Business. Palmer removed 5-11-23 minutes and Lambkin/Florence paving from Consent Agenda. Presentation was moved up to follow Public Comments on Agenda Items.

**ADOPTION OF AGENDA - Motion by Walton, support by Rademacher to approve the agenda as amended. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**PUBLIC COMMENTS ON AGENDA ITEMS** – John Collins commented on the Drainage District Update and the South Bar Lake Association meeting at Lion's Park *on July 22nd*.

**CONSENT AGENDA – Motion by Bacon, support by Rademacher to approve the Consent Agenda including bills totaling \$126,319.15, approval of trailer purchase, and approval of South Bar Lake Beach monitoring. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**FINANCIAL REPORTS** – Financial reports were received and indicated that the cash bank balances and the general ledger match by fund.

**PRESENTATION** – Steve Christensen, Drain Commissioner – South Bar Lake Drainage District – Christensen reported the existing location, with the addition of a culvert and pump, has been determined to be the most feasible physical and financial location. Engineer Brian Cenci described the physical changes and noted that construction is planned to happen this year. They are planning to finalize the Special Assessments for the winter tax roll this year. The Village portion of the cost would be 10% of the total estimated final cost of approximately ~~400K~~ 375K. Notice of Review will be available for public comment and an appeal process. This will be the next notice mailed to the public.

**COMMUNICATIONS** – Emails from John Collins and Mel Larecy were read aloud by Bacon. Her response to Larecy was also read aloud. Bacon read her email to Council reporting on the progress of streetlight removal by Consumers and an email from Steve Lewis on using beetles for control of purple loosestrife.

**DEPARTMENT HEAD REPORTS** – Palmer reported on letter from Attorney Figura regarding Incompatible Offices and Writings in the Possession of Individual Trustees. DPW and ZA reports were received. Friend described an area adjacent to well house at Shalda Park that may require additional grading, gravel, or asphalt for ADA access. **Motion by Bacon, support by Walton to amend the agenda to add ADA Parking Access under New Business. Upon a voice vote, MOTION PASSED.**

**Motion by Walton, support by Rademacher to amend the agenda to add Consider Waiving Mass Gathering Permit Fee for Asparagus Festival. Upon a voice vote, MOTION PASSED.**

COUNCIL MEMBER/COMMITTEE REPORTS – Wastewater Update Task Force 5/5/23 minutes were received.

## **OLD BUSINESS**

MINUTES OF 5-11-23 APPROVAL – **Motion by Bacon, support by Rademacher to approve the minutes in the packet and posted online (per OMA) with the addition: Under Performance Assessment add “Palmer stressed that the topic was Performance Assessment, it was never a discussion regarding termination.” Upon a voice vote, MOTION PASSED.** Smith asked for clarification whether the Council will follow the law (OMA) or an internal policy (ROP) regarding minutes. Discussion included whether State Law or an internal policy takes precedence; discussion is ongoing regarding the ROP and whether they should be followed until all changes have been approved by attorney and Council rather than changed piecemeal. **Motion by Rademacher, support by Bacon to follow OMA rather than the ROP where there is a conflict regarding minutes. Upon a voice vote, MOTION PASSED with Palmer and Webb opposed.**

APPROVE BID SERVICE FOR LAMBKIN LANE/FLORENCE STREET CRUSHING AND PAVING PROJECT – Palmer asked for clarification of the portion of Florence St. included in the project. **Motion by Bacon, support by Rademacher to approve the proposal from Gosling Czubak for Lambkin Lane/Florence St. crushing and paving project. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

PORTA POTTIES – **Motion by Rademacher, support by Bacon to approve 2 handicap porta potties for 4 months, one at Shalda Park and one downtown. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

APPROVAL OF AUDIT FEE – **Motion by Bacon, support by Rademacher to approve the 3-year contract as proposed: \$10,560, \$10,900, \$11,200. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

FEMA INTERGOVERNMENTAL AGREEMENT APPROVAL – **Motion by Rademacher, support by Webb to approve the agreement with Leelanau County. Upon a voice vote, MOTION PASSED.**

FEE WAIVAL FOR ASPARAGUS FESTIVAL – **Motion by Walton, support by Webb to waive the \$1500 fee for the Chamber of Commerce’s Asparagus Festival.** There was discussion of the 45-day advance notice requirement for the permit application, which would allow time for a fee waiver request to be processed. Discussion also included the increased fee could help offset associated costs such as a possible ambassador or drain cleaning that may be required after such an event. **Motion by Rademacher, support by Bacon to continue until 9:30 p.m. Upon a voice vote, MOTION PASSED.** There was consensus to add other COC festivals to the work session. **ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

## **NEW BUSINESS**

**SPECIAL COMMITTEE OF THE COUNCIL – DISASTER PREPAREDNESS – Motion by Bacon, support by Rademacher to form a Special Committee of Council with the following charge: 1) Create a list of critical village components that could be affected by a natural disaster 2) Create an order of operations for the DPW and Village office in response to an emergency situation affecting Empire’s infrastructure 3) Develop a plan indemnifying individual(s) authorized to act should a disaster occur (natural or manmade) within the Village limits 4) Identify areas of coordination with local agencies. The committee shall have 6 months from the date of inception to complete their work. Upon a voice vote, MOTION PASSED.**

**EACC – ANCHOR DAY STREET CLOSING – Motion by Walton, support by Bacon to accept the street closings as presented. Upon a voice vote, MOTION PASSED.**

**POTENTIAL VILLAGE SUBGRANT OPPORTUNITY – Motion by Palmer, support by Walton to form a Special Committee of Council to work on the potential Subgrant Opportunity (RAP 2.0) with tasks to include: work with Empire Associates to ~~flush~~ flush out the opportunities that exist for the Village, document opportunities available for the Village, prepare estimated costs for each opportunity, create a draft of the grant. Timeline: present opportunities and associated costs for the June 8<sup>th</sup> work session for Council approval and if approved to complete application for the ~~June 23<sup>rd</sup>~~ June 27<sup>th</sup> regular meeting. Dissolution to be 7-1-23. A public hearing to be held between the work session and the regular meeting. Discussion included possible costs of \$250K-1M with grant to match amount. Upon a voice vote, MOTION PASSED. Palmer appointed Bacon, Dye and Webb to the committee. Motion by Walton, support by Rademacher to approve Palmer’s appointments. Upon a voice vote, MOTION PASSED.**

**BEETLE RELEASE FOR CONTROL OF LOOSESTRIFE – Motion by Bacon, support by Rademacher to purchase 3 pods of beetles to be delivered at a cost of \$1155, to reduce the abundance of purple loosestrife in wetland habitats. It was noted that the cost of at least 2 pods was included in the budget. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**ADA PARKING ACCESS - Motion by Rademacher, support by Bacon to approve \$3500 to remove and replace the asphalt between wellhouse and ADA parking at Shalda Park. ROLL CALL: Ayes: Bacon, Chase, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**PUBLIC COMMENT – Mel Larecy commented on the questions in his letter.**

**COUNCIL MEMBER COMMENT – None.**

**ADJOURNMENT** at 9:32 p.m.

Derith Smith Empire Village Clerk

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