

**EMPIRE VILLAGE COUNCIL REGULAR MEETING**  
**Empire Township Hall - 10088 Front Street**  
**May 23, 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 - 05/11/2023 Work Session
- 2) Approve May Bills totaling \$\_\_\_\_\_.
- 3) Approve Bidding Services for Lambkin Lane/Florence Street Crushing and Paving Project
- 4) Approve Trailer Purchase
- 5) Approve South Bar Lake Summer Monitoring Program

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

**G. REVIEW OF FINANCIAL STATEMENTS**

**H. COMMUNICATIONS**

**I. PRESENTATIONS**

- 1) Steve Christensen, Drain Commissioner - [South Bar Lake Drainage District](#)

**J. DEPARTMENT HEAD REPORTS**

**K. COUNCIL MEMBER / COMMITTEE REPORTS**

**L. OLD BUSINESS**

- 1) Purchasing Policy (Dye)
- 2) Porta Potties (Dye)
- 3) Consumer Energy Correspondence (Bacon)
- 4) Approval of Audit Fee (Palmer)
- 5) FEMA Intergovernmental Agreement for Approval (Palmer)

**M. NEW BUSINESS**

- 1) Special Committee of the Council – Disaster Preparedness (Bacon)
- 2) EACC – Anchor Day Street Closing (Dye)
- 3) Potential Village Subgrant Opportunity (Palmer)
- 4) Correspondence w/ Mel Laracey (Bacon)

**N. PUBLIC COMMENT**

**O. COUNCIL MEMBER COMMENT**

**P. ADJOURNMENT**

## **May 11, 2023 – EMPIRE VILLAGE COUNCIL WORK SESSION**

The 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 were present.

**CHANGES/ADDITIONS TO AGENDA** – Approval of 4-13-23 was added after Communications on agenda. Ordering of port-a-potties was added under New Business

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

**PUBLIC COMMENTS ON AGENDA ITEMS** – Mary Sharry commented on possible removal of a streetlight near her home. Martha Acton commented on behavior of audience members at Council meetings.

**APPROVAL OF 4-13-23 Minutes – Motion by Dye, support by Walton to approve the minutes of 4-13-23. Upon a voice vote, MOTION PASSED.**

**COMMUNICATIONS** – An email from State Representative Coffia was read aloud.

**APPROVAL OF MINUTES – Motion by Bacon, supported by Rademacher to approve the 4-13-23 minutes provided per the Rules of Procedure. Upon a voice vote, MOTION PASSED.**

**DEPARTMENT HEAD REPORTS** – Palmer noted her report on meeting with Attorney, accompanied by Walton, regarding 4 issues. Discussion included: why 4 issues, rather than single New Neighborhood request discussed with Council; why the Council consensus on incompatibility of offices was disregarded; discussion with auditor and email from such to be shared with Council; impact of Attorney consultations and comments at meetings and on the street have impacts on Officers and employee. There was unanimous consensus to approve training for Zoning/Planning with application submitted for grant reimbursement of fee.

**COUNCIL MEMBER/COMMITTEE REPORTS** – Reports from the Personnel Committee, Wastewater Update Task Force, and Dye/Walton report on County Emergency Mitigation meeting were received and reviewed.

## **OLD BUSINESS**

**COMMUNITY ENGAGEMENT** – Topics submitted by each Council member and included in packet were discussed. Agenda request form format was reviewed. Overview of topic, questions to be answered and recommendations as headings were agreed as a format by consensus. Use of a projector was discussed. There was consensus that display of just the agenda could be a start. There was consensus to form a Community Engagement Task Force. There was consensus on adopting the Community Engagement Guiding Principle.

**RULES OF PROCEDURE REVIEW** – Council member input regarding pages 1-6 were discussed and synopsis in a color-coded document provided by Palmer. There was as consensus that discussion will continue at the next work session beginning at section 3.2.

*Posted per ONMA*

PURCHASING POLICY – Changes to the existing policy as drafted by Dye were reviewed. Bacon asked that the Clerk check with MI Treasury for any conflicts with their requirements. Once that is completed, there was consensus that the policy be considered for approval at the regular meeting.

SOUTH BAR LAKE ASSOCIATION EDUCATION MATERIALS – Materials provided by Steve Lewis and Trustee Rademacher were reviewed for mailing to Village residents. Costs for mailing were budgeted at \$1K and Rademacher will assemble likely costs for consideration at next meeting.

LAMBKIN LANE/FLORENCE STREET REPAVING PROJECT – Bids for engineering and repaving, as included in the packet, were reviewed. Application for grant was considered, but research by Bacon indicated that the required engineering plan costs are not reimbursable, and the project would likely not be competitive. There was consensus this be placed on the consent agenda for the next meeting.

EQUIPMENT PURCHASE TRAILER – Three vendors were contacted about the type and price of trailers by DPW Superintendent Friend. His recommendation, as included in packet, was reviewed. There was consensus that its purchase be placed on the next meeting consent agenda for approval as the price is within amount budgeted.

## NEW BUSINESS

PERFORMANCE ASSESSMENTS – Palmer reviewed the process described in the Personnel Policy for employees. She requested Council discussion on the development of a process and evaluation document for assessing the Clerk and Treasurer. Bacon distributed a handout including information from MML and documents used previously to remove an officer for neglect of duties. **Motion by Dye, support by Rademacher to continue past 9 p.m. Upon a voice vote with Bacon opposed, MOTION PASSED.** There was discussion of MCL 64.3 that provides the process for removal of an officer for neglect of duties. There were several comments that further review be considered once the attorney opinion is received.

SOUTH BAR LAKE MONITORING – The request to continue this monitoring at the beach was reviewed. There was consensus to place this on the next meeting consent agenda.

AUDIT FEE TO RISE – Palmer reviewed her documentation on a discussion with the auditor. There was a 49% increase and a quote for a 3-year price commitment discussed. Bacon noted that Gabridge completes all the reporting for Act 51 monies, unlike other audits, and she feels this is worth a lot of money. There was consensus this be placed on the next meeting agenda for approval.

FEMA INTERGOVERNMENTAL AGREEMENT – There was consensus that this be placed on the next meeting agenda for approval of the Resolution required for the agreement.

CONSUMER ENERGY STREET LIGHT DIRECTION – Bacon reviewed the documentation and estimated the cost to remove the lights and poles would be \$800-1400 each. Confusion remains over who may turn off or remove the lights and the poles: residents or the Village.

At 9:30 p.m. it was noted that the ROP requires the meeting to end, but allow for public comments.

PORT-A-POTTIES – There was discussion of adding a second one downtown. There was consensus this be added to the next meeting agenda.

PUBLIC COMMENT - Tom Islieb commented on employee reviews. John Lambkin commented on the streetlights.

COUNCIL COMMENTS – Dye noted that the crabapple tree donated by the Shalda family and planted at Shalda Park has broken off and needs to be replaced. Zimmermans will be receiving a shipment in the next month and can replace at 50% of cost or possibly no charge. Rademacher thanked the public for sticking out the entire meeting.

**ADJOURNMENT** at 9:42 p.m.

Derith Smith

Empire Village Clerk

*These are draft minutes for approval at the May 23, 2023, Regular Council meeting.*



## 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

Road Crushing and Paving Project  
Lambkin Lane & Florence Drive  
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 project bidding services for the Lambkin Lane and Florence Drive Crushing and Paving Project.

- Prepare project work maps/exhibits.
- Prepare typical cross sections and details.
- Calculate estimated project quantities.
- Prepare technical specifications and bid documents.
- Advertise and attend bid opening.

### Proposed Fee

The total fee to provide these services is \$ 5,000

### 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 3:55 PM

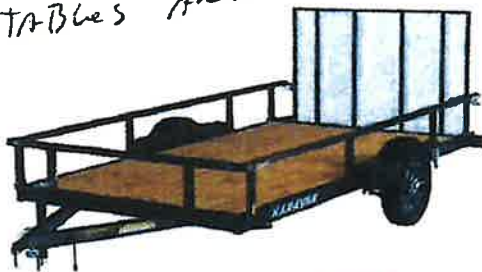
5/23/23

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Carry-On Trailer 1,675



4.5 (203)

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Carry-On Trailer 2,352



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0 (0)

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DK2 6ft x 10ft.

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delivery

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## Product Details

This uniquely designed 6 ft. x 12 ft. Karavan Trailer incorporates a patented front and side rail pivot rail system with lockable latches. The trailer can easily be loaded from either side by simply lowering the rails. The system also allows for longer and wider loads.

## Specifications

Dimensions: H 36, W 96 in, D 12

## Questions & Answers

## Village of Empire Deputy Clerk

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**From:** Sarah U'Ren <suren@gtbay.org>  
**Sent:** Friday, April 28, 2023 3:56 PM  
**To:** deputyclerk@villageofempire.com; 'Derith Smith'  
**Cc:** Eric Johnston  
**Subject:** Summer 2023 Beach Monitoring - add South Bar Lake?

Good afternoon,

I wanted to touch base about our summer beach monitoring program. In the past, the Village of Empire has added on South Bar Lake to our monitoring program for \$1,500. The cost would be payable to SOS Analytical and you would just deal directly with them for payment. Our funding from EGLE would cover the cost for having Empire beach in our program, so that's still free for you.

Are you interested in doing that again this year? It's basically the same program as last year which was once/week on Wednesdays for 13 weeks (June 14-Sept 6), with notifications on Thursdays. Eric from the health department will notify you of results, and then we at TWC would handle uploading the results to the state's website.

If you are interested again, I believe you had SOS Analytical invoice you for the cost all up front at once. Let us know if you'd like that again as well.

Thanks,  
Sarah

Sarah U'Ren  
The Watershed Center Grand Traverse Bay  
Program Director  
13170 S. West Bay Shore Drive, Suite 102  
Traverse City, MI 49684  
Office: 231.935.1514 x2  
Direct: 231.299.0095  
[www.gtbay.org](http://www.gtbay.org)

User: DSMITH  
DB: Empire

PERIOD ENDING 04/30/2023

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 04/30/2023	ACTIVITY FOR MONTH 04/30/2023	AVAILABLE BALANCE	% BDGT USED
Fund 101 - GENERAL FUND						
Dept 000						
101-000-403	REAL PROPERTY TAX	450,000.00	0.00	0.00	450,000.00	0.00
101-000-404	PERS PROP TAX	5,000.00	0.00	0.00	5,000.00	0.00
101-000-476	LICENSES & PERMITS	5,000.00	0.00	0.00	5,000.00	0.00
101-000-528	FEDERAL GRANT - ARPA NEU FUNDS	0.00	0.00	0.00	0.00	0.00
101-000-546	GRANT FUNDING	150,000.00	0.00	0.00	150,000.00	0.00
101-000-574	STATE SHARED REV	40,000.00	0.00	0.00	40,000.00	0.00
101-000-655	FINES & FORFEITS	5,000.00	0.00	0.00	5,000.00	0.00
101-000-664	INVEST INTEREST	251.72	251.72	0.00	4,748.28	5.03
101-000-670	MISC INCOME	2,000.00	0.00	0.00	2,000.00	0.00
101-000-671	PARKING PASS	150.00	0.00	0.00	150.00	0.00
101-000-672	BEACH PARKING	34,000.00	0.00	0.00	34,000.00	0.00
101-000-674	PRIVATE CONTRIBUTIONS & DONATIONS	0.00	0.00	0.00	0.00	0.00
101-000-691	FUND BALANCE CONTRIBUTION	130,000.00	0.00	0.00	130,000.00	0.00
101-000-693	REFUNDS & REBATES	0.00	0.00	0.00	0.00	0.00
Net - Dept 000		826,150.00	251.72	0.00	825,898.28	
Dept 100 - COUNCIL						
101-100-702	WAGES - COUNCIL	13,000.00	2,180.00	1,090.00	10,820.00	16.77
101-100-715	PR TAX EXP - COUNCIL	950.00	166.77	83.38	783.23	17.55
101-100-910	PROF DEVELOPMENT	2,000.00	700.00	700.00	1,300.00	35.00
Net - Dept 100 - COUNCIL		(15,950.00)	(3,046.77)	(1,873.38)	(12,903.23)	
Dept 215 - CLERK						
101-215-702	WAGES - CLERK	19,500.00	2,644.58	1,322.29	16,855.42	13.56
101-215-703	WAGES - DEPUTY CLERK	32,400.00	3,966.85	1,289.82	28,433.15	12.24
101-215-715	PR TAX EXP - CLERK	4,000.00	505.76	199.82	3,494.24	12.64
101-215-726	SUPPLIES	25.00	0.00	0.00	25.00	0.00
101-215-840	INSURANCE	4,000.00	472.00	236.00	3,528.00	11.80
101-215-874	RETIREMENT	1,800.00	198.33	64.49	1,601.67	11.02
Net - Dept 215 - CLERK		(61,725.00)	(7,787.52)	(3,112.42)	(53,937.48)	
Dept 253 - TREASURER						
101-253-702	WAGES - TREASURER	9,700.00	1,118.43	372.81	8,581.57	11.53
101-253-715	PR TAX EXP - TREASURER	750.00	85.57	28.52	664.43	11.41
101-253-726	SUPPLIES	500.00	0.00	0.00	500.00	0.00
101-253-730	POSTAGE	300.00	126.00	0.00	174.00	42.00
101-253-860	TRANSPORTATION	50.00	0.00	0.00	50.00	0.00
Net - Dept 253 - TREASURER		(11,300.00)	(1,330.00)	(401.33)	(9,970.00)	
Dept 262 - ELECTIONS						
101-262-705	ELECTION WORKERS	100.00	0.00	0.00	100.00	0.00
101-262-726	SUPPLIES	0.00	0.00	0.00	0.00	0.00
Net - Dept 262 - ELECTIONS		(100.00)	0.00	0.00	(100.00)	
Dept 265 - ADMINISTRATION						
101-265-702	WAGES - ADMINISTRATION MAINTENANCE	30,000.00	3,551.98	1,297.38	26,448.02	11.84

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 04/30/2023	ACTIVITY FOR MONTH 04/30/2023	AVAILABLE BALANCE	% BDGT USED
Fund 101 - GENERAL FUND						
101-265-707	BRUSH PILE WAGES	5,000.00	0.00	0.00	5,000.00	0.00
101-265-715	PR TAX EXP - ADMINISTRATION	3,000.00	271.71	99.23	2,728.29	9.06
101-265-726	SUPPLIES	2,000.00	210.43	46.68	1,789.57	10.52
101-265-730	POSTAGE	300.00	63.00	0.00	237.00	21.00
101-265-800	PROFESSIONAL SERVICES	20,300.00	6,000.00	0.00	14,300.00	29.56
101-265-801	AUDIT FEES	5,000.00	0.00	0.00	5,000.00	0.00
101-265-810	CONTRACTED SERVICES - OUTLET	0.00	0.00	0.00	0.00	0.00
101-265-821	ENGINEERING FEES	0.00	0.00	0.00	0.00	0.00
101-265-826	LEGAL FEES	3,000.00	0.00	0.00	3,000.00	0.00
101-265-840	INSURANCE	18,000.00	9,481.00	745.00	8,519.00	52.67
101-265-853	TELEPHONE	400.00	39.99	39.99	360.01	10.00
101-265-854	CABLE INTERNET	1,200.00	219.97	89.99	980.03	18.33
101-265-874	RETIREMENT	1,800.00	92.38	34.32	1,707.62	5.13
101-265-880	BEAUTIFICATION	2,000.00	0.00	0.00	2,000.00	0.00
101-265-900	PRINT & PUB	1,000.00	126.20	126.20	873.80	12.62
101-265-919	WASTE DISPOSAL	1,000.00	0.00	0.00	1,000.00	0.00
101-265-921	ELECTRICITY	2,000.00	289.63	136.14	1,710.37	14.48
101-265-923	HEAT	0.00	0.00	0.00	0.00	0.00
101-265-930	REPAIRS & MAINTENANCE	8,000.00	50.49	50.49	7,949.51	0.63
101-265-931	STORM SEWER CLEANOUT	4,200.00	0.00	0.00	4,200.00	0.00
101-265-933	SOFTWARE MAINTENANCE/SUPPORT	4,000.00	447.00	447.00	3,553.00	11.18
101-265-956	DUES & MISC	600.00	0.00	0.00	600.00	0.00
101-265-957	BANK CHARGES	200.00	20.00	0.00	180.00	10.00
101-265-965	CONTR TO OTHER FUNDS	25,000.00	0.00	0.00	25,000.00	0.00
101-265-966	GF CONTR - AIRPORT	750.00	0.00	0.00	750.00	0.00
101-265-967	PARKING AT LION'S PARK	500.00	0.00	0.00	500.00	0.00
101-265-970	CAPITAL OUTLAY - OFFICE ADDITION	25,000.00	0.00	0.00	25,000.00	0.00
101-265-971	SPECIAL PROJECTS - WILCO RD	39,000.00	0.00	0.00	39,000.00	0.00
101-265-978	EQUIPMENT RENTAL	18,000.00	499.14	148.68	17,500.86	2.77
101-265-979	BRUSH PILE - EQUIPMENT RENTAL	8,000.00	0.00	0.00	8,000.00	0.00
101-265-984	SOFTWARE	0.00	0.00	0.00	0.00	0.00
Net - Dept 265 - ADMINISTRATION		(229,250.00)	(21,362.92)	(3,261.10)	(207,887.08)	
Dept 444 - SIDEWALKS						
101-444-930	REPAIRS & MAINTENANCE	17,000.00	0.00	0.00	17,000.00	0.00
101-444-970	CAPITAL OUTLAY SIDEWALKS	0.00	0.00	0.00	0.00	0.00
Net - Dept 444 - SIDEWALKS		(17,000.00)	0.00	0.00	(17,000.00)	
Dept 446 - ALLEYS						
101-446-930	REPAIRS & MAINTENANCE	0.00	0.00	0.00	0.00	0.00
101-446-970	CAPITAL OUTLAY - ALLEYS	29,000.00	0.00	0.00	29,000.00	0.00
Net - Dept 446 - ALLEYS		(29,000.00)	0.00	0.00	(29,000.00)	
Dept 448 - STREET LIGHTING						
101-448-921	STREET LIGHTING	10,000.00	1,606.66	787.55	8,393.34	16.07
Net - Dept 448 - STREET LIGHTING		(10,000.00)	(1,606.66)	(787.55)	(8,393.34)	
Dept 536 - WASTEWATER UPDATE TASK FORCE						
101-536-815	CONTRACTED SERVICES	20,000.00	0.00	0.00	20,000.00	0.00

PERIOD ENDING 04/30/2023

GL NUMBER	DESCRIPTION	2023-24	YTD BALANCE 04/30/2023	ACTIVITY FOR MONTH 04/30/2023	AVAILABLE	% BDGT USED
		AMENDED BUDGET			BALANCE	
Fund 101 - GENERAL FUND						
Net - Dept 536 - WASTEWATER UPDATE TASK FORCE		(20,000.00)	0.00	0.00	(20,000.00)	
Dept 721 - PLANNING COMMISSION						
101-721-701	WAGES - PLANNING COMMISSION	4,300.00	660.00	275.00	3,640.00	15.35
101-721-702	WAGES - PLANNING SECY	1,100.00	0.00	0.00	1,100.00	0.00
101-721-715	PR TAX EXP - COMM PLANNING	400.00	50.52	21.05	349.48	12.63
101-721-726	SUPPLIES	100.00	219.46	165.00	(119.46)	219.46
101-721-730	POSTAGE	100.00	0.00	0.00	100.00	0.00
101-721-821	PROFESSIONAL	6,000.00	0.00	0.00	6,000.00	0.00
101-721-826	LEGAL FEES	1,500.00	0.00	0.00	1,500.00	0.00
101-721-860	TRANSPORTATION	0.00	0.00	0.00	0.00	0.00
101-721-900	PRINT & PUB	500.00	100.71	0.00	399.29	20.14
101-721-950	SEMINARS	500.00	0.00	0.00	500.00	0.00
101-721-955	DUES & MISC	100.00	0.00	0.00	100.00	0.00
Net - Dept 721 - PLANNING COMMISSION		(1,030.69)	(461.05)	(461.05)	(13,569.31)	
Dept 722 - ZONING COMMISSION						
101-722-701	WAGES - BOARD OF APPEALS	400.00	0.00	0.00	400.00	0.00
101-722-702	WAGES - ZONING ADMIN	8,750.00	1,009.62	336.54	7,740.38	11.54
101-722-715	PR TAX EXP - ZONING	700.00	77.24	25.75	622.76	11.03
101-722-726	SUPPLIES	0.00	0.00	0.00	0.00	0.00
101-722-826	LEGAL FEES	200.00	0.00	0.00	200.00	0.00
101-722-900	PRINT & PUB	100.00	0.00	0.00	100.00	0.00
Net - Dept 722 - ZONING COMMISSION		(10,150.00)	(1,086.86)	(362.29)	(9,063.14)	
Dept 751 - PARKS						
101-751-702	WAGES - PARK MAINT	27,000.00	2,786.33	996.09	24,213.67	10.32
101-751-703	WAGES - AMBASSADOR	7,500.00	0.00	0.00	7,500.00	0.00
101-751-704	WAGES - PARKS CLERK	4,000.00	480.86	240.43	3,519.14	12.02
101-751-715	PR TAX EXP - PARK	3,000.00	249.96	94.60	2,750.04	8.33
101-751-726	SUPPLIES	3,500.00	0.00	0.00	3,500.00	0.00
101-751-840	INSURANCE	3,500.00	530.00	265.00	2,970.00	15.14
101-751-853	TELEPHONE	0.00	0.00	0.00	0.00	0.00
101-751-874	RETIREMENT	1,400.00	65.62	25.24	1,334.38	4.69
101-751-919	WASTE DISPOSAL	1,800.00	0.00	0.00	1,800.00	0.00
101-751-930	REPAIRS & MAINTENANCE	23,000.00	- 5,638.12	5,638.12	17,361.88	24.51
101-751-958	CREDIT CARD FEES	2,500.00	0.00	0.00	2,500.00	0.00
101-751-970	CAPITAL OUTLAY	291,000.00	3,710.00	3,710.00	287,290.00	1.27
101-751-978	EQUIPMENT RENTAL	19,000.00	- 2,791.27	1,109.63	16,208.73	14.69
Net - Dept 751 - PARKS		(387,200.00)	(16,252.16)	(12,079.11)	(370,947.84)	
Fund 101 - GENERAL FUND:						
TOTAL REVENUES		826,150.00	251.72	0.00	825,898.28	0.03
TOTAL EXPENDITURES		806,275.00	53,503.58	22,338.23	752,771.42	6.64
NET OF REVENUES & EXPENDITURES		19,875.00	(53,251.86)	(22,338.23)	73,126.86	267.93

2-BA Certification

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF EMPIRE  
PERIOD ENDING 04/30/2023

DB: Empire	GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 04/30/2023	ACTIVITY FOR MONTH 04/30/2023	% BDDT USED	
						AVAILABLE	BALANCE

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 04/30/2023	ACTIVITY FOR MONTH 04/30/2023	AVAILABLE BALANCE	% BDT USED
Fund 202 - MAJOR STREETS FUND						
Revenues						
202-000-574	STATE SHARED REV	41,000.00	3,866.05	0.00	37,133.95	9.43
202-000-575	STATE WINTER REV	6,500.00	4,151.98	0.00	2,348.02	63.88
202-000-583	CO ROAD MILLAGE	27,000.00	0.00	0.00	27,000.00	0.00
202-000-664	INVEST INTEREST	400.00	146.59	0.00	253.41	36.65
202-000-691	FUND BALANCE CONTRIBUTION	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES						
		74,900.00	8,164.62	0.00	66,735.38	10.90
Expenditures						
202-000-801	AUDIT FEES	325.00	0.00	0.00	325.00	0.00
202-000-930	REPAIRS & MAINTENANCE	5,000.00	0.00	0.00	5,000.00	0.00
202-215-702	WAGES - MAJOR STREETS CLERK	1,500.00	240.40	120.20	1,259.60	16.03
202-215-715	PR TAX EXP - CLERK	100.00	18.38	9.19	81.62	18.38
202-463-702	WAGES - ROUTINE MAINTENANCE	6,000.00	299.42	274.18	5,700.58	4.99
202-463-715	PR TAX EXP - ROUTINE MAINTENANCE	500.00	22.91	20.98	477.09	4.58
202-463-726	SUPPLIES	1,000.00	0.00	0.00	1,000.00	0.00
202-463-726	TRAFFIC CON - ROUTINE	200.00	0.00	0.00	200.00	0.00
202-463-787	ENGINEERING FEES	3,000.00	0.00	0.00	3,000.00	0.00
202-463-821	INSURANCE	1,700.00	0.00	32.00	586.00	65.53
202-463-874	RETIREMENT	250.00	4.29	3.03	245.71	1.72
202-463-978	EQUIPMENT RENTAL	5,500.00	356.30	326.06	5,143.70	6.48
202-478-702	WAGES - WINTER MAINTENANCE	5,000.00	633.38	60.58	4,366.62	12.67
202-478-715	PR TAX EXP - WINTER MAINTENANCE	400.00	48.45	4.64	351.55	12.11
202-478-726	SUPPLIES	4,000.00	0.00	0.00	4,000.00	0.00
202-478-840	INSURANCE	800.00	64.00	32.00	736.00	8.00
202-478-874	RETIREMENT	250.00	15.64	3.03	234.36	6.26
202-478-978	EQUIPMENT RENTAL	8,000.00	808.40	0.00	7,191.60	10.11
202-901-970	CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00
202-965-999	50% TRF TO LOC ST	26,000.00	4,009.01	0.00	21,990.99	15.42
TOTAL EXPENDITURES						
		69,525.00	7,634.58	885.89	61,890.42	10.98
Fund 202 - MAJOR STREETS FUND:						
TOTAL REVENUES						
		74,900.00	8,164.62	0.00	66,735.38	10.90
TOTAL EXPENDITURES						
		69,525.00	7,634.58	885.89	61,890.42	10.98
NET OF REVENUES & EXPENDITURES						
		5,375.00	530.04	(885.89)	4,844.96	9.86
Fund 203 - LOCAL STREETS FUND						
Revenues						
203-000-546	STATE GRANTS - STREETS	0.00	0.00	0.00	0.00	0.00
203-000-574	STATE SHARED REV	28,000.00	2,717.43	0.00	25,282.57	9.71
203-000-575	STATE WINTER REV	6,000.00	2,223.05	0.00	3,776.95	37.05
203-000-664	INVEST INTEREST	350.00	162.07	0.00	187.93	46.31
203-000-677	50% TRF FR MAJ ST	26,000.00	4,009.01	0.00	21,990.99	15.42
203-000-691	FUND BALANCE CONTRIBUTION	40,000.00	0.00	0.00	40,000.00	0.00
203-000-692	CONTRIBUTION FROM OTHER FUNDS	25,000.00	0.00	0.00	25,000.00	0.00
TOTAL REVENUES						
		125,350.00	9,111.56	0.00	116,238.44	7.27
Expenditures						
203-000-801	AUDIT FEES	450.00	0.00	0.00	450.00	0.00

PERIOD ENDING 04/30/2023

GL NUMBER	DESCRIPTION	2023-24	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT
		AMENDED BUDGET	04/30/2023	MONTH 04/30/2023	BALANCE	USED
Fund 203 - LOCAL STREETS FUND						
Expenditures						
203-000-821	ENGINEERING	5,000.00	0.00	0.00	5,000.00	0.00
203-000-826	LEGAL FEES	0.00	0.00	0.00	0.00	0.00
203-000-860	TRANSPORTATION	0.00	0.00	0.00	0.00	0.00
203-000-930	REPAIRS & MAINTENANCE	7,000.00	0.00	0.00	7,000.00	0.00
203-215-702	WAGES - LOCAL STREETS CLERK	1,500.00	240.40	120.20	1,259.60	16.03
203-215-715	PR TAX EXP - CLERK	100.00	18.38	9.19	81.62	18.38
203-463-702	WAGES - ROUTINE MAINTENANCE	3,500.00	283.10	283.10	3,216.90	8.09
203-463-715	PR TAX EXP - ROUTINE MAINTENANCE	300.00	21.66	21.66	278.34	7.22
203-463-726	SUPPLIES	1,000.00	0.00	0.00	1,000.00	0.00
203-463-787	TRAFFIC CON - ROUTINE	250.00	0.00	0.00	250.00	0.00
203-463-821	ENGINEERING FEES	5,000.00	0.00	0.00	5,000.00	0.00
203-463-840	INSURANCE	2,100.00	1,114.00	32.00	986.00	53.05
203-463-874	RETIREMENT	250.00	4.54	4.54	245.46	1.82
203-463-978	EQUIPMENT RENTAL	5,500.00	447.00	315.44	5,053.00	8.13
203-478-702	WAGES - WINTER MAINTENANCE	5,200.00	663.66	90.86	4,536.34	12.76
203-478-715	PR TAX EXP - WINTER MAINTENANCE	500.00	50.78	6.95	449.22	10.16
203-478-726	SUPPLIES	4,500.00	0.00	0.00	4,500.00	0.00
203-478-840	INSURANCE	1,200.00	64.00	32.00	1,136.00	5.33
203-478-874	RETIREMENT	250.00	17.16	4.54	232.84	6.86
203-478-978	EQUIPMENT RENTAL	7,000.00	915.29	0.00	6,084.71	13.08
203-901-970	CAPITAL OUTLAY- UNION ST	70,000.00	0.00	0.00	70,000.00	0.00
TOTAL EXPENDITURES		120,600.00	3,839.97	920.48	116,760.03	3.18
Fund 203 - LOCAL STREETS FUND:						
TOTAL REVENUES		125,350.00	9,111.56	0.00	116,238.44	7.27
TOTAL EXPENDITURES		120,600.00	3,839.97	920.48	116,760.03	3.18
NET OF REVENUES & EXPENDITURES		4,750.00	5,271.59	(920.48)	(521.59)	110.98
Fund 591 - WATER FUND						
Revenues						
591-000-626	SERVICE INSTALLATION	15,000.00	0.00	0.00	15,000.00	0.00
591-000-642	WATER SALES	155,000.00	28,609.77	0.00	126,390.23	18.46
591-000-655	LATE PAYMENT FEES	2,000.00	(25.00)	(25.00)	2,025.00	(1.25)
591-000-664	INVEST INTEREST	400.00	197.69	0.00	202.31	49.42
591-000-665	FIRE SUPPRESSION LEASE	800.00	0.00	0.00	800.00	0.00
591-000-670	MISC INCOME	200.00	0.00	0.00	200.00	0.00
591-000-691	FUND BALANCE CONTRIBUTION	140,000.00	0.00	0.00	140,000.00	0.00
TOTAL REVENUES		313,400.00	28,782.46	(25.00)	284,617.54	9.18
Expenditures						
591-215-702	WAGES - WATER CLERK	2,200.00	0.00	0.00	2,200.00	0.00
591-215-703	WAGES - WATER ADMIN	11,000.00	1,375.07	544.57	9,624.93	12.50
591-215-715	PR TAX EXP - CLERK	1,000.00	105.21	41.67	894.79	10.52
591-215-874	RETIREMENT	450.00	49.53	17.61	400.47	11.01
591-556-702	WAGES - WATER MAINTENANCE	19,450.00	1,854.66	433.38	17,595.34	9.54
591-556-715	PR TAX EXP - WATER	1,500.00	141.87	33.15	1,358.13	9.46
591-556-726	SUPPLIES	2,500.00	(99.00)	0.00	2,599.00	(3.96)
591-556-730	POSTAGE	600.00	240.00	0.00	360.00	40.00
591-556-800	PROFESSIONAL SERVICES	800.00	0.00	0.00	800.00	0.00
591-556-801	AUDIT FEES	800.00	0.00	0.00	800.00	0.00

## REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF EMPIRE

PERIOD ENDING 04/30/2023

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 04/30/2023	ACTIVITY FOR MONTH 04/30/2023	AVAILABLE BALANCE	% BDGT USED
Fund 591 - WATER FUND						
Expenditures						
591-556-804	LABS & TESTING	1,000.00	1,198.75	0.00	(198.75)	119.88
591-556-821	ENGINEERING FEES	5,000.00	0.00	0.00	5,000.00	0.00
591-556-840	INSURANCE	4,000.00	2,646.18	78.09	1,353.82	66.15
591-556-853	TELEPHONE	1,600.00	234.83	105.16	1,365.17	14.68
591-556-874	RETIREMENT	800.00	58.57	13.13	741.43	7.32
591-556-921	ELECTRICITY	12,000.00	974.66	462.47	11,025.34	8.12
591-556-923	HEAT	3,600.00	1,062.82	481.74	2,537.18	29.52
591-556-930	REPAIRS & MAINTENANCE	56,000.00	95.95	95.95	55,904.05	0.17
591-556-933	SOFTWARE MAINTENANCE/SUPPORT	1,000.00	900.00	0.00	100.00	90.00
591-556-938	METER HOSTING & SOFTWARE	1,400.00	20.47	0.00	1,379.53	1.46
591-556-956	DUES & MISC	2,600.00	14.90	0.00	2,585.10	0.57
591-556-957	BANK CHARGES	400.00	15.75	0.00	384.25	3.94
591-556-959	DEPRECIATION	40,000.00	0.00	0.00	40,000.00	0.00
591-556-970	CAPITAL OUTLAY	110,000.00	1,100.74	1,100.74	108,899.26	1.00
591-556-978	EQUIPMENT RENTAL	6,000.00	488.01	102.50	5,511.99	8.13
591-556-991	DEBT PRINCIPLE/BOND RESERVE	18,000.00	0.00	0.00	18,000.00	0.00
591-556-995	DEBT INTEREST	8,800.00	0.00	0.00	8,800.00	0.00
TOTAL EXPENDITURES		312,500.00	12,478.97	3,510.16	300,021.03	3.99
Fund 591 - WATER FUND:						
TOTAL REVENUES		313,400.00	28,782.46	(25.00)	284,617.54	9.18
TOTAL EXPENDITURES		312,500.00	12,478.97	3,510.16	300,021.03	3.99
NET OF REVENUES & EXPENDITURES		900.00	16,303.49	(3,535.16)	(15,403.49)	1,811.50
Fund 661 - EQUIPMENT FUND						
Revenues						
661-000-664	INVEST INTEREST	1,200.00	199.67	0.00	1,000.33	16.64
661-000-668	EQUIPMENT RENTAL	70,000.00	6,305.41	2,002.31	63,694.59	9.01
661-000-670	MISC INCOME	0.00	0.00	0.00	0.00	0.00
661-000-691	FUND BALANCE CONTRIBUTION	75,000.00	0.00	0.00	75,000.00	0.00
TOTAL REVENUES		146,200.00	6,505.08	2,002.31	139,694.92	4.45
Fund 661 - EQUIPMENT FUND:						
Expenditures						
661-000-968	DEPRECIATION EXPENSE	0.00	0.00	0.00	0.00	0.00
661-215-702	WAGES - EQUIPMENT CLERK	5,200.00	817.44	408.72	4,382.56	15.72
661-215-715	PR TAX EXP - CLERK	400.00	62.54	31.27	337.46	15.64
661-557-702	WAGES - EQUIPMENT MAINTENANCE	13,000.00	1,406.13	390.65	11,593.87	10.82
661-557-715	PR TAX EXP - EQUIPMENT	1,000.00	107.58	29.89	892.42	10.76
661-557-726	SUPPLIES	2,000.00	674.60	0.00	1,325.40	33.73
661-557-751	FUEL & OIL	12,000.00	0.00	0.00	12,000.00	0.00
661-557-801	AUDIT FEES	600.00	0.00	0.00	600.00	0.00
661-557-840	INSURANCE	16,000.00	14,206.00	265.00	1,794.00	88.79
661-557-874	RETIREMENT	600.00	44.68	13.13	555.32	7.45
661-557-923	HEAT	0.00	0.00	0.00	0.00	0.00
661-557-925	WATER	250.00	0.00	0.00	250.00	0.00
661-557-930	REPAIRS & MAINTENANCE	14,000.00	436.13	18.63	13,563.87	3.12
661-557-957	BANK CHARGES	0.00	0.00	0.00	0.00	0.00
661-557-965	CONTR TO OTHER FUNDS	0.00	0.00	0.00	0.00	0.00
661-557-970	CAPITAL OUTLAY	79,000.00	0.00	0.00	79,000.00	0.00

PERIOD ENDING 04/30/2023

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 04/30/2023	ACTIVITY FOR MONTH 04/30/2023	AVAILABLE BALANCE	% BDGT USED
Fund 661 - EQUIPMENT FUND						
Expenditures		144,050.00	17,755.10	1,157.29	126,294.90	12.33
TOTAL EXPENDITURES						
Fund 661 - EQUIPMENT FUND:						
TOTAL REVENUES		146,200.00	6,505.08	2,002.31	139,694.92	4.45
TOTAL EXPENDITURES		144,050.00	17,755.10	1,157.29	126,294.90	12.33
NET OF REVENUES & EXPENDITURES		2,150.00	(11,250.02)	845.02	13,400.02	523.26
TOTAL REVENUES - ALL FUNDS						
TOTAL EXPENDITURES - ALL FUNDS		659,850.00	52,563.72	1,977.31	607,286.28	7.97
NET OF REVENUES & EXPENDITURES		646,675.00	41,708.62	6,473.82	604,966.38	6.45
		13,175.00	10,855.10	(4,496.51)	2,319.90	82.39

**CASH BALANCE BY FUND - APRIL 2023**

	GF -101	MSF - 202	LSF - 203	DSF - 301	WF - 591	EQF - 661	MF - 715
<b>HUNTINGTON</b>							
BEGINNING BALANCE	\$ -	\$ -	\$ -	\$ -	\$ 78,117.66	\$ -	\$ -
RECEIPTS	\$ -	\$ -	\$ -	\$ -	\$ 21,704.31	\$ -	\$ -
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ (60,010.00)	\$ -	\$ -
ENDING BALANCE	\$ -	\$ -	\$ -	\$ -	\$ 39,811.97	\$ -	\$ -
<b>SWEEP</b>							
BEGINNING BALANCE	\$ 227,087.58	\$ 145,022.67	\$ 162,243.20		\$ 180,592.09	\$ 201,514.48	\$ 4,070.80
RECEIPTS	\$ 218.83	\$ 139.75	\$ 156.34	\$ -	\$ 60,174.02	\$ 194.19	\$ 3.92
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ (40,000.00)	\$ -	\$ -
ENDING BALANCE	\$ 227,306.41	\$ 145,162.42	\$ 162,399.54	\$ -	\$ 200,766.11	\$ 201,708.67	\$ 4,074.72
<b>STATE SAVINGS</b>							
BEGINNING BALANCE	\$ 239,291.65	\$ 49,110.03	\$ 42,408.51	\$ 20,141.44	\$ 9,790.51	\$ 18,550.92	\$ 729.61
RECEIPTS	\$ 8,294.50	\$ 2,093.67	\$ 5,028.22	\$ 2.31	\$ 40,001.13	\$ 5,162.21	\$ 0.08
DISPERSALS	\$ (30,387.32)	\$ (1,639.12)	\$ (1,509.76)	\$ -	\$ (5,008.98)	\$ (1,780.14)	\$ -
UNRECONCILED AMOUNT	\$ (149.99)						
ENDING BALANCE	\$ 217,048.84	\$ 49,564.58	\$ 45,926.97	\$ 20,143.75	\$ 44,782.66	\$ 21,932.99	\$ 729.69
<b>FIRST NATIONAL - CD</b>							
BEGINNING BALANCE	\$ 258,689.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RECEIPTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING BALANCE	\$ 258,689.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>CASH BALANCE - TREASURER</b>	\$ 703,044.31	\$ 194,727.00	\$ 208,326.51	\$ 20,143.75	\$ 285,360.74	\$ 223,641.66	\$ 4,804.41
<b>CASH BALANCE - CLERK</b>	\$ 703,044.31	\$ 194,727.00	\$ 208,326.51	\$ 20,143.75	\$ 285,360.74	\$ 223,641.66	\$ 4,804.41
<b>DIFFERENCE</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>SWEEP ENDING BALANCE</b>							
TREASURER	\$ 941,417.87			\$ 400,129.48			\$ 1,640,048.38
CLERK	\$ 941,417.87			\$ 400,129.48			\$ 1,640,048.38
<b>DIFFERENCE</b>	\$ -			\$ -			
<b>REC. BANK STATEMENT BALANCE</b>	\$ 941,417.87			\$ 400,129.48			
<b>TOTAL CASH ALL FUNDS</b>							
TREASURER							\$ 1,640,048.38
CLERK							\$ 1,640,048.38

## CASH SUMMARY BY ACCOUNT FOR VILLAGE OF EMPIRE

FROM 04/01/2023 TO 04/30/2023

FUND: 101 202 203 301 591 661 715

## CASH AND INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 04/01/2023	Total Debits	Total Credits	Ending Balance 04/30/2023
Fund 101	GENERAL FUND				
003	CERTIFICATE OF DEPOSITS	258,689.06	0.00	0.00	258,689.06
004	STATE SAVINGS CASH	239,291.65	8,444.49	30,687.30	217,048.84
009	SSB MM SWEEP	227,087.58	218.83	0.00	227,306.41
	GENERAL FUND	725,068.29	8,663.32	30,687.30	703,044.31
Fund 202	MAJOR STREETS FUND				
004	STATE SAVINGS CASH	49,110.03	2,093.67	1,639.12	49,564.58
009	SSB MM SWEEP	145,022.67	139.75	0.00	145,162.42
	MAJOR STREETS FUND	194,132.70	2,233.42	1,639.12	194,727.00
Fund 203	LOCAL STREETS FUND				
004	STATE SAVINGS CASH	42,408.51	5,028.22	1,509.76	45,926.97
009	SSB MM SWEEP	162,243.20	156.34	0.00	162,399.54
	LOCAL STREETS FUND	204,651.71	5,184.56	1,509.76	208,326.51
Fund 301	DEBT SERVICE FUND				
004	STATE SAVINGS CASH	20,141.44	2.31	0.00	20,143.75
Fund 591	WATER FUND				
001	HUNTINGTON BANK CASH	78,117.66	21,777.90	60,083.59	39,811.97
004	STATE SAVINGS CASH	9,790.51	40,001.13	5,008.98	44,782.66
008	RRI ACCOUNT	19,985.87	0.00	0.00	19,985.87
009	SSB MM SWEEP	160,606.22	60,174.02	40,000.00	180,780.24
	WATER FUND	268,500.26	121,953.05	105,092.57	285,360.74
Fund 661	EQUIPMENT FUND				
004	STATE SAVINGS CASH	18,550.92	5,162.21	1,780.14	21,932.99
009	SSB MM SWEEP	201,514.48	194.19	0.00	201,708.67
	EQUIPMENT FUND	220,065.40	5,356.40	1,780.14	223,641.66
Fund 715	MEMORIAL FUND				
004	STATE SAVINGS CASH	729.61	0.08	0.00	729.69
009	SSB MM SWEEP	4,070.80	3.92	0.00	4,074.72
	MEMORIAL FUND	4,800.41	4.00	0.00	4,804.41
	TOTAL - ALL FUNDS	1,637,360.21	143,397.06	140,708.89	1,640,048.38

From: John Collins

May 16, 2023

To: Deputy Clerk, Village of Empire

Subject: Potential Village Subgrant Opportunity

Empire Associates is planning to submit a RAP 2.0 Grant Application on June 30, 2023. The Village supported our previous grant application for RAP 1.0 which was unsuccessful.

The RAP 2.0 Grant request will include an improved and refocused renovation of the Historic Barn/Livery Stable located at Lake and Niagara. Also included will be initial development of a wastewater treatment site and potentially initial infrastructure for the overall property at the end of Front St.

RAP grants provide up to 50% funding for approved items. There is an opportunity for the Village to submit a subgrant application supporting related Village goals. Although the timeframe is short, it is doable, and we wanted to make the Village aware of this opportunity.

Please include this as a discussion item under new business at the May Village Council meeting.

Thanks,

John Collins  
Empire Associates

## FIGURA LAW

EMPIRE COMMERCE CENTER  
11470 S. LEE LANAU HWY., STE 105  
PO BOX 447  
EMPIRE, MICHIGAN 49630

TELEPHONE: (231) 326-2072

TIMOTHY J. FIGURA,\*  
tfigura@figuralaw.com

**\*\*Also admitted in Pennsylvania**

Of Counsel to Simen, Figura & Parker, PLC  
Flint, Michigan

RICHARD J. FIGURA\*\*  
rfigura@figuralaw.com

\* Outstanding Municipal Attorney Award  
Michigan Association of Municipal Attorneys

May 15, 2023

Sue Palmer, Empire Village President and  
Village Council Members  
P.O. Box 253  
11518 S. Lacore Street  
Empire, MI 49630-0253

(sent via electronic mail: [s.palmer@villageofempire.com](mailto:s.palmer@villageofempire.com))

RE: Incompatible Offices and Writings in the Possession of Individual Trustees

Dear President Palmer and Council Members,

President Palmer has requested that I address the following two questions.

**May a deputy clerk also serve as appointed Treasurer for the same public body?**

Holding certain offices together may result in a violation of the Michigan Incompatible Offices Act (MIOA), which provides that "a public officer or public employee shall not hold 2 or more incompatible offices at the same time".

Incompatible offices are defined as two or more public offices which, when held by a single official, "results in any of the following with respect to those offices held: (i) The subordination of 1 public office to another, (ii) The supervision of 1 public office by another, or (iii) A breach of duty of public office." MCL 15.181(c). Further, the MIOA provides that it does not "[l]imit the authority of the governing body of a city, village, township, or county having a population of less than 40,000 to authorize a public officer or public employee to perform, with or without compensation, other additional services for the unit of local government."

The Michigan Attorney General periodically provides opinions which provide further interpretation of the MIOA. My research indicates that none deal with the specific situation at hand.

**Treasurer and Deputy Clerk Positions**

The duties of a Village treasurer are provided in the General Law Village Act, MCL 64.9. These duties include having custody of and receiving money; accounting of receipts and expenditures; and the collection, accounting, and spending of earmarked funds. Other duties are often designated to the Treasurer by the Village.

VC 5/23/23

The duties of a Village clerk include preservation of documents and records, attendance at Village meetings, preparation of minutes, and serving as general accountant for the Village. Similar to a treasurer, other duties may be designated to the clerk by the Village. The General Law Village Act provides the ability for a Village to appoint a council member or other person to temporarily perform the duties of the clerk, which may be assigned to the deputy clerk.

The position of Deputy Clerk is allowed under The General Law Village Act, MCL 62.2, which allows a Village to appoint additional officers "whose election or appointment is not specifically provided for in this act, as the council considers necessary for the execution of the powers granted by this act." The Deputy Clerk's responsibilities may be delineated in an ordinance or job description. The Deputy Clerk's responsibilities include general assistance with the Clerk's statutory duties. I understand that the position of Deputy Clerk in the Village has traditionally included general administrative duties and staffing at the Village Office.

After review, the positions of Treasurer and Deputy Clerk are compatible offices. Holding both offices/positions does not result in the supervision or subordination of one office to the other, and does not result in a breach of duty of public office. Further, the positions of Treasurer and Deputy Clerk would be allowable under the Village Council's authority to authorize a public officer to perform other additional services for the unit of local government.

**Are personal notes written/kept/carried by Village Council members during meetings public records?**

The Michigan Freedom of Information Act provides the method for a person to "inspect, copy, or receive copies of the requested public record of the public body." MCL 15.233(1). Public records are defined as "writings prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created." MCL 15.232(i). The General Law Village Act includes this requirement as well, providing that: "[a] writing prepared, owned, used, in the possession of, or retained by the council or by the clerk, treasurer, or other officer of the Village in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246." MCL 65.5(4). Michigan Courts have held that a writing in possession of a public body is not a public record until and unless it is used "in the performance of an official function".<sup>1</sup>

---

<sup>1</sup>

"A "writing" includes all means of recording or retaining meaningful content, including handwriting. A writing can become a public record after its creation if possessed by a public body in the performance of an official function, or if used by a public body, regardless of who prepared it. Mere possession of a record by a public body does not, however, render it a public record; a record must be used in the performance of an official function to be a public record." [citations removed]

Hopkins v. Duncan Twp., 294 Mich.App. 401, 812 N.W.2d 27, 39 Media L. Rep. 2513 (Mich. App. 2011)

In the case *Walloon Lake Water System, Inc. v. Melrose Tp.*, 415 N.W.2d 292, 163 Mich.App. 726 (Mich. App. 1987), the Michigan Court of Appeals considered whether a letter written by a member of a public body was subject to disclosure under FOIA. In this case, the letter had been read aloud in its entirety by a member of the public body and was incorporated into the minutes of a public meeting. The Court held that "once the letter was read aloud and incorporated into the minutes of the meeting where the township conducted its business, it became a public record used in the performance of an official function" *id.*

In 2011, the Michigan Court of Appeals considered a similar case in *Hopkins v. Duncan Twp.*, 294 Mich.App. 401. In this case, a FOIA request was submitted asking for the personal notes in the possession of members of a public body during a meeting. A township trustee had routinely written personal notes during meetings which were occasionally referenced by the township trustee to assist with his memory, but were "strictly for his personal use, kept in his personal journal, not shared with other members of the board, and never placed in [township] files..."

The Court in *Hopkins* agreed with the holding in *Walloon Lake*, and found that "where... the content of a document is made part of the minutes of the body's meeting where it conducts its official affairs and the content of the document served as the basis for a decision to refrain from taking official affirmative action, that document must be considered a 'public record,' as defined by the FOIA." The Court in *Hopkins* determined that the notes in question were not public records because they were kept for personal use and were not provided, shared, or distributed to other board members.

In explaining this decision, the Court in *Hopkins* stated:

*We believe that the case most on point is Porter, which concluded that untitled, undated and uncirculated handwritten personal notes were not subject to disclosure under the federal freedom of information act. Notes not considered by other members of the board and retained or disposed of at the discretion of the writer cannot be anything other than personal in nature. Porter also states:*

*Disclosure of such personal documents would invade the privacy of and impede the working habits of individual staff members; it would preclude employees from ever committing any thoughts to writing which the author is unprepared, for whatever reason, to disseminate publicly. Even if the records were 'agency records,' their disclosure would be akin to revealing the opinions, advice, recommendations and detailed mental processes of government officials. Such notes would not be available by discovery in ordinary litigation. [Id.]...*

*Hopkins v. Duncan Twp.*, 294 Mich.App. 401, 812 N.W.2d 27, 39 Media L. Rep. 2513 (Mich. App. 2011)

*Sue Palmer, Empire Village President and  
Village Council Members  
May 15, 2023  
Page 4*


During my preparation of this letter, Village Trustee Maggie Bacon contacted my office with a communication which recounted a specific scenario involving a document which was prepared prior to a meeting by the Village President. The document in question was partially read into the record and was not distributed or otherwise shared with the council by the President.

- (1) A document which is read aloud by a member of the public body during the course of a meeting and incorporated into the minutes becomes a public record used in the performance of an official function.
- (2) Notes that are not read into the record and not used in a township decision are not public records used in performance of an official function.

Michigan Courts have not provided guidance on whether a writing which is partially read into the minutes of a meeting renders the entire document to be a public record. The above rules indicate that use of a document in the performance of an official function requires a voluntary act. Reading a letter aloud into the minutes of a meeting, for example, is a voluntary act which causes the letter to become a public record. A rule requiring that all notes be provided to the council, even those not voluntarily distributed or shared, would preclude members of the council "from ever committing any thoughts to writing which the author is unprepared, for whatever reason, to disseminate publicly". Given the above, current case law indicates that a writing that is partially read into the record of a meeting is a public record only to the extent that it had been disclosed to the public body during the meeting.

Sincerely,

FIGURA LAW

  
Timothy J. Figura  
[tfigura@figuralaw.com](mailto:tfigura@figuralaw.com)

TJF/jab

cc: Derith Smith, Village Clerk (*sent via electronic mail: [clerk@villageofempire.com](mailto:clerk@villageofempire.com)*)  
Alacia Acton,  
Village Deputy Clerk (*sent via electronic mail: [deputyclerk@villageofempire.com](mailto:deputyclerk@villageofempire.com)*)



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

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231-326-5353

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**STAFF REPORT**  
**April 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.*

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Applications have been received for two Mass Gathering Events and are currently being processed:

1. Michigan Outback Relay | Scheduled for: July 16<sup>th</sup>, 2023 | 12:00 pm – 7:00 pm
  2. Sleeping Bera Marathon | Scheduled for: October 7<sup>th</sup>, 2023 | 7:00 am – 2:00 pm
  3. Asparagus Festival | Scheduled / Conducted: June 3<sup>rd</sup>, 2023 | 12:00 (noon) – 7:00 pm
- Working with Blarney Castle to finalize signing and canopy for new gas station / convenience store
  - Working with Village resident on possible land division
  - Working with Village business regarding possible building expansion

**Land Use Permit (zoning) Activity (year to date)**

PERMIT #	TYPE	ZONE	PARCEL ID #	NAME(last)	NAME(first) - BLDG	SITE ADDRESS / LOCATION
2023-01	ND	PUD	45-041-550-059-00	McNutt, Stephen and Sharon	Pathway Homes	9974 W. South Street
2023-02	SIGN	G-RES	45-041-719-011-00	St. Philip Neri	Catholic Church	11411 S. LaCore Street
2023-03	FM-MKT	FSD	45-041-824-009-10	Leelanau Farmers Markets	Baril, Bob	N/A - West Front Street
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
2023-06	TEMP	REC-CON		Quinn, Robert - Benzie Community Band		Niagra Street- S. Bar Lake

**\*Note: Temporary Use Permit granted to Benzie County Band**

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

**Planning and Zoning** – PC working on incorporation of ‘content-neutral’ sign ordinance back into the zoning ordinance.



**Training Opportunity** – the ZA attended Breaking the Zoning Code training in Gaylord on Tuesday, May 9<sup>th</sup> from noon until 4:30. The presenter (Steve Langworthy) is authoring a soon to be released book for MTS (Michigan Townships Association) this fall.

Sincerely,

*Robert A. Hall*

Robert (Bob) Hall  
Village of Empire – Zoning Administrator



Dpw report May 2023

To start off Ryan did an awesome job of taking care of things while I was on vacation, he got the streets and sidewalks swept, took care of a few small items with gas station demo, the shalda park project with AJs, and in general handled all issues very professionally and to my (our) standards, heard nothing but good things when I returned.

we have almost completed the beach set up for memorial day weekend and the summer at the beach, tables, benches, pay machine, signs, garbage cans, recycle bins and bathrooms cleaned and power washed all ready to go. new pay machine ordered should be in by 4<sup>th</sup> of july.

the light house was completed the crew did a great job, very professional, clean and courteous (I did inform their boss of that also) the extra paint was left for us, so we have paint for touch ups in the future.

Stanz dozer service, relocated the extra rip rap at the south end of the volley ball court covering up the tarp damage from the high water. looks great they did a good job.

Swim docks and fishing docks are in and ready to go. parking lots and sidewalks were swept then big wind storm, yippie!! and swept again 😊

People returning from there winter hiatuses, waters turned back on, we informed them as we turned them on that there will be a charge next year for that service.

Removed the split rail fence around playground, will start to install new one before memorial day weekend, we will leave rope protection up till it is completed. Had to remove a lot of built up sand around the park. still have a lot more to go, as time permits.

Still working on getting 3<sup>rd</sup> quote for VFDs and Generator, not having a lot of luck with contractors. Should have update by meeting.

Spring clean up Tuesday and Wednesday this week, brush pile still growing on a weekly basis 🙄 but keeping up with it.

I'm sure there's more I'm missing .....

As always any questions ryan and I are always available

John

VC 5/23/23

## **MINUTES**

### **Empire Wastewater Task Force Meeting**

**May 5<sup>th</sup>, 2023**

Meeting convened at 1:00 PM, members present: Tom Rademacher, Paul Skinner, Bill Dickinson, Bruce Taggart and John Bruder.

1. First order of business was to appoint a Chairperson for the Task Force, Paul Skinner graciously volunteered to be chairperson. Tom Rademacher offered to be Secretary and take the minutes.
2. It was discussed to contact Gozling Czubek regarding updates and costs for the wastewater study. Tom Rademacher said he would contact Martin Graf to see if he would attend the next Task Force meeting.
3. Paul Skinner discussed some of the previous wastewater study groups he had been involved with. Paul also said he would talk to members of the Chamber of Commerce to see if they would agree to provide a copy of the Chamber's last wastewater study to the Task Force.
4. Discussion on some possible systems for scenarios #2 and #3 from the last wastewater study. Paul Skinner talked about a company called Sludgehammer that installs systems that might be appropriate.
5. Bill Dickinson offered to call Lisa Fought of RCAP to see about having an Affordability Index done for the study.
6. Tom Rademacher will send out Task Force members emails and phone numbers to all members for contact purposes.

#### Comments from audience:

Frank Clements suggested having a representative from Sludgehammer come to a Task Force meeting for a presentation of their products. Frank also suggested possibly having input from other engineers.

Next meeting, Thursday, June 1<sup>st</sup>, at 1:00 PM, at the library.

Respectfully submitted,  
Tom Rademacher

VC 5/23/23

Prepared:	May14, 2023	Pages: 1
Meeting:	May 23, 2023	Regular Meeting
Subject:	Purchasing Policy	Author: March Dye

### Overview:

Council went over this in our last work session meeting on May 3 and came up with the following changes to the previous recommendation.

**Recommendations:** (changes from work session version are in bold and cross-outs)

Purchases under \$200.00 require only Department Head or Supervisor's approval.

Purchases of budgeted items, from \$201.00 to \$1000.00 require Supervisor's approval and Village President to sign off.

Purchases of budgeted items, from \$1001.00 to \$20,000.00 require council approval

Purchases of budgeted items **over** \$20,001.00 ~~to \$50,000.00~~ require a minimum of two bids and council approval. **Council may request sealed bids.**

~~Purchases of budgeted items over \$50,001.00 require at least two sealed bids. 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.~~

### Action to be Taken:

Vote on whether to approve this new version of the Purchasing Policy

VC 5/23/23

Date Prepared:	May 14,2023	Pages: 1
Meeting Date:	May 23,2023	Regular Meeting
Subject:	Porta-Potties	March Dye

**This is time sensitive due to availability of Handicap Porta-Potties.**

#### **Overview:**

\$1300 for porta-potties for downtown and for Shalda Park was included in the budget for this year. Shalda Park needs a handicap pp since it is going next to the ADA picnic tables and ADA exercise equipment.  
It would also be good to have a handicap pp for downtown since there will be only one (for families as well as ADA).

The regular pp cost is \$116.50 per month.

The handicap pp cost is \$217.50 per month.

These quotes are from Williams Bay Pumping with whom the Village already as an account. Prices include once a week cleaning and pumping.

	4 months	3 months
Handicap Porta Potty :	\$870	\$652.50
Regular Porta Potty:	\$466	\$349.50

The total for **two** Handicap PP would be \$1740 for 4 months (\$440 over budget)  
\$1305 for 3 months (\$ 5 over budget)

One Handicap & One Regular: \$1336 for 4 months (\$ 36 over budget)  
\$1002 for 3 months (\$298 under budget)

#### **Questions:**

Which option do we want?

#### **Recommendation:**

Two Handicap PP for 4 months (June through September). Whichever option is chosen I would recommend ordering them as soon as possible since they won't be available for long.

VC 5/23/23

VC 05/23/2023

M. Bacon

May 12, 2023

Greetings all!

I believe there might be some confusion about a recent visit to the Village from some Consumer Energy folks.

Those folks are part of the engineering department who were *gathering information about the pole(s) and lights(s)* in question. As suggested at a recent Village Council meeting, the engineers will be providing the Street Light group at Consumer's Energy with information about possible pole removal and removal of the lights. It appears the suggestion is as expected: Removal of pole and light at Michigan and removal of light only at Philip.

Their appearance was a result of a phone call I made on April 25 for a cost estimate. The process is:

Notification created (for a cost estimate)

Engineering

Estimated billing and contract sent to Village

Approval of billing and contract (Village Council)

Payment and signed contract returned to Consumers

Release for scheduling

Once the estimate and contract arrive, I will request this be on the Village Council agenda again.

Thanks for your patience!

VC 5/23/23

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

From: Kevyn Kozumplik <[KKozumplik@gabridgeco.com](mailto:KKozumplik@gabridgeco.com)>

To: "[s.palmer@villageofempire.com](mailto:s.palmer@villageofempire.com)" <[s.palmer@villageofempire.com](mailto:s.palmer@villageofempire.com)>, Derith Smith  
<[clerk@villageofempire.com](mailto:clerk@villageofempire.com)>

Date: 05/18/2023 12:04 PM

Subject: Village of Empire - Audit

Good afternoon,

I attached two options for the Village to sign regarding the upcoming audit.

The first option, is the attached three year extension offer. If the Village were to sign this at the upcoming board meeting, they would be "locked" in for the next three years under the prices in the letter. \$10,560, \$10,900, and \$11,200.

The second option, is the attached one year engagement letter. If the Village were to sign this at the upcoming board meeting, they would be "locked" in for the 2/28/2023 audit only at a price of \$10,560.

The reason the extension is cost advantageous to the Village, is because it locks in prices before inflation and before any new audit requirements come out that could increase our workload as auditors.

Once the Board has made a decision, please either sign the extension offer and return to me via email or have yourself sign under governance and Derith sign under management on the attached engagement letter and return to me via email.

Once we receive a signed extension or engagement letter, we will get started right away on audit procedures.

Lastly, I wanted to clarify that once we receive all items requested for the audit and responses to our audit samples we will need at least 30 days to finish the audit and provide the Village a draft report. A more conservative estimate on the timeline of receiving a draft would be 45 days after all audit tasks have been addressed by the Village.

Please don't hesitate to reach out in the meantime if you have any questions.

Thank you,

**KEVYN KOZUMPLIK, CPA, CGFM**

**GABRIDGE & COMPANY**

**3940 PENINSULAR DRIVE SE SUITE 200 / GRAND RAPIDS, MI 49546**

**P 810-335-1801**

**F 616-538-2441**

# GABRIDGE & CO

Gabridge & Company, PLC  
13561 S. West Bayshore Drive, Suite 209  
Traverse City, MI 49684  
Tel: 231-642-5656  
Fax: 231-642-5659  
Gabridgeco.com

May 5, 2023

Dear Mrs. Sue Palmer,

We are writing to extend our sincere thanks to the Village of Empire (the "Village") for the opportunity we have had to be of service as the Village's auditors for the past several years. We have enjoyed working with you and your staff. We trust that you feel that the Village has benefited from our professional relationship as well.

We are providing proposed fees for the next three fiscal year audit reports. It has been a pleasure working with you and we would love to have another three years to look forward to with the Village!

Following is a schedule showing the proposed fees:

<u>2/28/2023</u>	<u>2/29/2024</u>	<u>2/28/2025</u>
\$ 10,560	\$ 10,900	\$ 11,200

These fees are based on the presumption that the Village's accounting records will be reasonably adjusted and auditable. Any additional services required to assist the Village in preparing a reasonably adjusted trial balance will be billed at our standard hourly rate.

The fees quoted for subsequent years may be subject to renegotiation if changes in the scope of the Village's operations or new professional requirements make our estimate of hours unrealistic. If any such changes occur, we will discuss the reasons with you, and arrive at a new fee arrangement prior to incurring any charges.

These fees are independent of any special projects for which a separate engagement is contracted. We will, of course, continue to be available throughout the year to answer general business questions, and to assist you or your staff with accounting for specific transactions without charge.

Again, we thank you for the continuing opportunity to be of service to the Village, and we look forward to many more years of exceeding your expectations. If you have any questions regarding this extension, or if we can be of assistance to you in any, please do not hesitate to contact us.

Very truly yours,



Joe Verlin, CPA, CGFM  
Gabridge & Company, PLC

VC 5/23/23

This proposal is hereby accepted:

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Signature

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Date



May 2, 2023

To the Village Council and Management

Village of Empire  
11518 S. Lacore Street  
Empire, Michigan 49630

We are pleased to confirm our understanding of the services we are to provide the Village of Empire (the "Village") for the year ended February 28, 2023.

### **Audit Scope and Objectives**

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, and the disclosures, which collectively comprise the basic financial statements of the Village as of and for the year ended February 28, 2023. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Village's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Village's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Schedules

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit

CERTIFIED PUBLIC ACCOUNTANTS

3940 PENINSULAR DR STE 200 / GRAND RAPIDS, MI / 49546 / P 616 538 7100 / WWW.GABRIDGE.CO.COM

conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

The objectives also include reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of your accounting records of the Village and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We have identified the following significant risks of material misstatement as part of our audit planning:

1. Revenue Recognition
2. Separation of Duties

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

#### **Audit Procedures—Internal Control**

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Village's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

## **Other Services**

We will also assist in preparing the financial statements and related notes of the Village in conformity with accounting principles generally accepted in the United States of America based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

## **Responsibilities of Management for the Financial Statements**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by GAAS and *Government Auditing Standards*.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are

immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Village; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Gabridge & Company PLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Michigan Department of Treasury or its designee, a federal agency providing direct or indirect funding, or the U.S.

Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Gabridge & Company, PLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Michigan Department of Treasury. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Joe Verlin, CPA, CGFM is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately May 8, 2023 and to issue our reports no later than August 31, 2023.

Our fee for services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$10,560. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

## **Reporting**

We will issue a written report upon completion of our audit of the Village's financial statements. Our report will be addressed to the village Council of the Village. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and

compliance. The report will also state that the report is not suitable for any other purpose. If during our audit we become aware that the Village is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

We appreciate the opportunity to be of service to the Village and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,



Gabridge & Company, PLC

RESPONSE:

This letter correctly sets forth the understanding of the Village.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Governance signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

7/4

Prepared: May 1, 2023  
Meeting: May 11, 2023 *May 23, 2023*  
Subject: FEMA Intergovernmental Agreement  
Author: Sue Palmer

Pages: 3  
Attachments: 1

**Overview:**

EGLE is not requiring that we update our current Intergovernmental Agreement, however the County is. Our last Intergovernmental Agreement was finalized in August of 2018.

**Action to be Taken:**

Approval by Council to sign an Intergovernmental Agreement. Once approved it will be sent to the County for their signoff. The County will return the fully executed Agreement and forward the same to EGLE and FEMA.

*VC 5/23/23*

**MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL**  
**AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT**  
**FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

**Community A** (*NFIP community:*) **Village of Empire**

**Community/Entity B** (*enforcing agency:*) **Leelanau County Construction Codes Authority**

**WHEREAS**, Community A

(*check the appropriate following box statement*) ☒ currently participates ☐ desires to participate

in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

**WHEREAS**, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.

2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).

4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

**WHEREAS**, the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state

construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

**WHEREAS**, by the action dates of this document or an existing historical agreement dated 8/28/23, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A's political boundaries, and

**WHEREAS**, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

**NOW THEREFORE**, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B's officially designated enforcing agency for the construction code act, Sue Palmer, President, Village of Empire, be directed to administer, apply, and enforce on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
  - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
  - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
    - i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
    - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
    - iii) Appendix G of the current Michigan Building Code.
    - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
  - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
  - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
  - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and

- g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

**FURTHER BE IT RESOLVED**, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein:

**Community A:** Village of Empire

Date Passed: \_\_\_\_\_

Officer Name: Sue Palmer

Title: President, Village of Empire

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name: Derith Smith

Title: Clerk, Village of Empire

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Community/Entity B:** \_\_\_\_\_

Date Passed: \_\_\_\_\_

Officer Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared:	May 15, 2023	Pages: 1
Meeting:	May 23, 2023	Attachments:
Subject:	Special Committee of Council - Disaster Preparedness.	Author: Maggie Bacon

**Overview:**

Trustee Walton and Trustee Dye attended a meeting from the Leelanau County Natural Hazard Mitigation on April 3, 2023. As indicated in the notes provided to Council on May 11, 2023, the suggestion was made to document Empire's preparedness plan in the event that a natural disaster.

**Recommendation:**

Our Rules of Procedure 10.2 allow for the establishment of a special committee of the council by the President or by an approved motion or resolution of the Council.

It is recommended that such a committee be formed 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 man made) within the Village Limits
4. Identify areas of coordination with local agencies.

This special committee shall have 6 months from the date of inception to complete their work.

VC 5/23/23

Date Prepared:	May 15, 2023	Pages: 1
Meeting Date:	May 23, 2023	Regular Meeting
Subject:	Anchor Days Street Closures	Author: March Dye

**Overview:**

The Empire Area Community Center is requesting street closures on Saturday, July 15 for the Anchor Day Parade and Street Dance.

The parade will be starting at noon at Lions park. It will be traveling from Lions Park up Phillip St.; right turn on Union St. through to Front Street. Right turn on Front St. to Lake St.; left on Lake St. to Wilce; left on Wilce to Union. It will go around twice. This should take about an hour and a half.

There will be a concert in front of the Glen Lake Community Library from 8:45 to 11 pm.

**Recommendation For Action:**

EACC is requesting the closure of the parade route from 11:45 to 1:30. Cars will still be able to go through on Niagara St except when the parade is going through.

EACC is also requesting the closure of Front Street from Union to just past the Library from 8:45 to 11pm..

VC 5/23/23

Prepared:	May 16, 2023	Pages:
Meeting:	May 23, 2023	Attachments:
Subject:	Potential Village Subgrant Opportunity	
Author:	Sue Palmer	

**Overview:**

John Collins provided a letter to Council regarding a SubGrant Opportunity for the Village. This item is to address the Communication from John.

**Action to be Taken:**

Council to discuss the Communication and determine if we will be interested

VC 5/23/23

From: John Collins

May 16, 2023

To: Deputy Clerk, Village of Empire

Subject: Potential Village Subgrant Opportunity

Empire Associates is planning to submit a RAP 2.0 Grant Application on June 30, 2023. The Village supported our previous grant application for RAP 1.0 which was unsuccessful.

The RAP 2.0 Grant request will include an improved and refocused renovation of the Historic Barn/Livery Stable located at Lake and Niagara. Also included will be initial development of a wastewater treatment site and potentially initial infrastructure for the overall property at the end of Front St.

RAP grants provide up to 50% funding for approved items. There is an opportunity for the Village to submit a subgrant application supporting related Village goals. Although the timeframe is short, it is doable, and we wanted to make the Village aware of this opportunity.

Please include this as a discussion item under new business at the May Village Council meeting.

Thanks,

John Collins  
Empire Associates

## Fwd: VC mtg agenda item

To Sue Palmer <s.palmer@villageofempire.com> • Maggie Bacon <magbacon@gmail.com> •  
March Dye <marchdye@gmail.com> • Linda Chase <ldc.empire@gmail.com> •  
Tom Rademacher <t.rademacher@villageofempire.com> • Chris Webb <chris@crwmarketing.com> •  
Meg Walton <mbwalton72@gmail.com> Copy John Collins IV <johnpcollins4@gmail.com> •  
Jim Bagaloff <jimbagaloff@aol.com>

Friends, Wanted you to be aware of my request. Sorry for the lack of a personal discussion but we are under a short timeframe.

I am, available at your convenience if you would like to talk about this.

Thanks,

John

Begin forwarded message:

**From:** John Collins <johnpcollins4@gmail.com>  
**Subject:** VC mtg agenda item  
**Date:** May 16, 2023 at 11:52:42 AM EDT  
**To:** Empire Village <deputyclerk@villageofempire.com>  
**Cc:** John Collins IV <johnpcollins4@gmail.com>

Please include the attached item on the May meeting agenda. Please contact me at 312-560-8395 if I can provide any further information.

Thanks,

John

- VC potentialopportunity051623.docx (17 KB)

May 15, 2023

Dear Village President and Council,

I am writing to ask what the plans are for remedying the problem areas that were left at the intersection of Front Street and Union from the resurfacing of Union Street last fall. I am referring to the lack of adequate drainage at the southwest corner, and to the northeast and northwest corners where the pavement was left so narrow that vehicles regularly drive over the unpaved grassy areas when turning or parking.

It would be appreciated if this could be addressed at the next Council meeting.

Thank you,

Mel Laracey  
10068 W. Front Street

vc 5/23/23