

**EMPIRE VILLAGE COUNCIL REGULAR MEETING**  
**Empire Township Hall - 10088 Front Street**  
**June 27, 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 - 06/08/2023 Work Session
- 2) Approve June Bills totaling \$\_\_\_\_\_.
- 3) Approve Water Quality Educational Flyer

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

**G. REVIEW OF FINANCIAL STATEMENTS**

**H. COMMUNICATIONS**

**I. DEPARTMENT HEAD REPORTS**

**J. COUNCIL MEMBER / COMMITTEE REPORTS**

**K. OLD BUSINESS**

- 1) Well House VFD's (Rademacher)
- 2) Progress of Asset Mapping Candidates (Palmer)
- 3) Street Light Removal Recommendation - Philip Street and Michigan Street (Bacon)
- 4) Rules of Procedure 3.2 (Palmer)
- 5) Resolution No. 5 of 2023 Designating Employee Retirement Plan Trustees (Palmer)
- 6) Consumers Energy Franchise Renewal (Bacon)
- 7) Purchasing Policy (Dye)
- 8) Short -Term Rentals (Dye)

**L. NEW BUSINESS**

- 1) New Neighborhood Street Closure Request
- 2) Village Streetlights – Purpose and Procedures - FYI (Bacon)
- 3) Request to Submit Consumer's Energy Tree Grant (Bacon, Dye)
- 4) Score Board Removal and Yield to Pedestrian Signs for Shalda Park (Dye)
- 5) Special Village Council Committee Village Office Options (Bacon)

**M. PUBLIC COMMENT**

**N. COUNCIL MEMBER COMMENT**

**O. ADJOURNMENT**

## **JUNE 8, 2023 – EMPIRE VILLAGE COUNCIL WORK SESSION MEETING**

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 and Clerk Smith were present.

**CHANGES/ADDITIONS TO AGENDA** – Palmer added Appointment of Disaster Preparedness Task Force under New Business.

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

**PUBLIC COMMENTS ON AGENDA ITEMS** – Mary Sharry commented on the cost of streetlight pole removal.

**COMMUNICATIONS** – None.

**DEPARTMENT HEAD REPORTS** – Bacon noted the minutes for the RAP Grant Committee and asked what to do with information received on a new backhoe loader from Friend. It was noted that it was not included in the current budget and Friend should be present for questions from Council at a future work session.

**COUNCIL MEMBER/COMMITTEE REPORTS** – Dye reported on construction progress at Shalda Park and that newly planted trees are now being watered. Rademacher reviewed the minutes of the Wastewater Update Task Force. Bacon reported that the Planning Commission has appointed a special committee to look at the Sign Ordinance, they will be looking at the Recreation Plan, and Acton is following up on the MEDC requirements. Palmer would like to add update to the Master Plan to the next work session.

## **OLD BUSINESS**

**APPROVE MINUTES OF 5-23-23 – Motion by Dye, support by Walton to approve the corrected minutes to include the noted changes to original minutes. Upon a voice vote, MOTION PASSED.**

**WATER QUALITY EDUCATION FLYER** – Costs for a flyer and letter in envelope were submitted. The effectiveness of each type of mailer were discussed. There was consensus to place this on the next Regular Meeting Consent Agenda.

**WELL HOUSE VFDs** – Rademacher reviewed the 3 quotes submitted and the differences in the components described were discussed. It was noted that this was not an EGLE requirement and proof of any resulting cost savings have not been received. Warranties, brand, and sizing of components were discussed. There was consensus to place the issue on the Regular meeting agenda when Friend could answer questions.

**CONSUMERS ENERGY STREETLIGHT REMOVAL** – Bacon reviewed the quotes for pole removal vs light fixture removal. Chase asked if there was a policy for this in the future. There was discussion of the 40% energy charge if the light is shut off for 6 months. The Sheriff, the Fire Dept. and the DPW are contacted and each issues a report on whether public safety is impacted by street light removal. There was discussion of placing shields, dimming lights, or

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using a different type of bulb. Applications including type of request (shielding, brightness, removal) and input from neighbors should be included in a process. Information will be available for the Regular meeting agenda.

**RULES PROCEDURE** – Palmer noted the color-coded document that she had provided at the last meeting, but it was not included in the packet. Discussion began at 3.1 Recording Responsibilities and clarification between section 3.2 Minutes was noted. Palmer noted that 3.2 will be discussed at the Regular meeting. Bacon requested that the color-coded document be included in the next packet.

**RAP 2.0 SUBGRANT COMMITTEE UPDATE** – Webb noted that the committee thoroughly reviewed the request and subgrant opportunity over 4 meetings. Their discussions included MEDC representatives and grants they might qualify for. The committee concluded that at this time the Village should pass on this opportunity based on the short time frame available for acquisition of a property appraisal, planning for possible uses, and the requirement for a signed purchase agreement. His entire report is included in the meeting packet file in the office as notes from Council. There was a discussion of appointing a committee or task force at the Regular meeting to continue to look at the issue.

**PURCHASING POLICY** – Dye reviewed the documentation she had provided. Discussion included stating rationale and reasons for not accepting the lowest bid and the amounts set that require Supervisor or Council approval and quotes. There was consensus this be placed on the Regular meeting agenda.

**SHORT TERM RENTALS** – Dye reviewed the documentation provided and recommended a committee be formed to update the 2020 report. It was noted that the “knowns” in that report have not changed, and the Village of Empire is unlike other villages in the county and the problems they have encountered. Dye will research how many short-term rentals there are in the Village today. Results will be discussed at the Regular meeting.

**Motion by Rademacher, support by Dye to extend the meeting until 9:30 p.m. Upon a voice vote, MOTION PASSED.**

**APPOINTMENT OF DISASTER PREPAREDNESS SUBCOMMITTEE** – Palmer appointed Dye, Rademacher and Walton. **Motion by Bacon, support by Webb to approve the appointments. Upon a voice vote, MOTION PASSED.**

## **NEW BUSINESS**

**Motion by Bacon, supported by Webb to address the Mass Gathering Ordinance Implementation as the next item. Upon a voice vote, MOTION PASSED.**

**MASS GATHERING ORDINANCE IMPLEMENTATION ISSUES** – Bacon reviewed the documentation she had provided and her 3 recommendations. It was noted that the Asparagus Festival was a big success and because it was so popular there were parking issues. These should be addressed as there are public safety concerns. There was discussion of allowing a waiver of fees. There was consensus that a legal opinion is needed for review of the current ordinance and inclusion of ordinance language that would allow for a fee waiver.

**RESOLUTION DESIGNATING EMPLOYEE RETIREMENT PLAN TRUSTEE** – Palmer reviewed the resolution. Village President and President Pro-tempore are typically designated as signatories. This will be added to the Regular meeting agenda.

**CONSUMERS ENERGY FRANCHISE RENEWAL** – Bacon reviewed the documentation provided. There was consensus this be placed on the Regular meeting agenda to rescind the current Ordinance #66 and replace with the proposed franchise agreement.

**ASSET MAP TASK FORCE** – There was discussion of adding a notice and application for this Task Force to the website. The office will make this happen.

**PUBLIC COMMENT** – Paul Skinner commented on the changes to the local economy and aging population over the last 20 years, the need for long-term rentals and the parking situation at the Asparagus Festival.

**COUNCIL MEMBER COMMENT** – Webb felt this was a good meeting.

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

Derith Smith Empire Village Clerk

*These are draft minutes for approval at the June 27, 2023, Regular Council meeting.*

# CASH BALANCE BY FUND - MAY 2023

	GF - 101	MSF - 202	LSF - 203	DSF - 301	WF - 591	EQF - 661	MF - 715
<b>HUNTINGTON</b>							
BEGINNING BALANCE	\$ -	\$ -	\$ -	\$ -	\$ 39,811.97	\$ -	\$ -
RECEIPTS	\$ -	\$ -	\$ -	\$ -	\$ 6,516.46	\$ -	\$ -
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ (69.11)	\$ -	\$ -
ENDING BALANCE	\$ -	\$ -	\$ -	\$ -	\$ 46,259.32	\$ -	\$ -
<b>SWEEP</b>							
BEGINNING BALANCE	\$ 227,306.41	\$ 145,162.42	\$ 162,399.54	\$ -	\$ 200,766.11	\$ 201,708.67	\$ 4,074.72
RECEIPTS	\$ 221.54	\$ 141.48	\$ 158.28	\$ -	\$ 195.67	\$ 196.60	\$ 3.97
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING BALANCE	\$ 227,527.95	\$ 145,303.90	\$ 162,557.82	\$ -	\$ 200,961.78	\$ 201,905.27	\$ 4,078.69
<b>STATE SAVINGS</b>							
BEGINNING BALANCE	\$ 217,048.84	\$ 49,564.58	\$ 45,926.97	\$ 20,143.75	\$ 44,782.66	\$ 21,932.99	\$ 729.69
RECEIPTS	\$ 1,630.12	\$ 33,486.81	\$ 4,721.70	\$ 2.14	\$ 4.75	\$ 6,425.57	\$ 0.07
DISPERSALS	\$ (143,657.48)	\$ (780.05)	\$ (547.28)	\$ (16,239.54)	\$ (22,892.20)	\$ (2,825.24)	\$ -
ENDING BALANCE	\$ 75,021.48	\$ 82,271.34	\$ 50,101.39	\$ 3,906.35	\$ 21,895.21	\$ 25,533.32	\$ 729.76
<b>FIRST NATIONAL - CD</b>							
BEGINNING BALANCE	\$ 258,689.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RECEIPTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DISPERSALS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING BALANCE	\$ 258,689.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	<b>GF - 101</b>	<b>MSF - 202</b>	<b>LSF - 203</b>	<b>DSF - 301</b>	<b>WF - 591</b>	<b>EQF - 661</b>	<b>MF - 715</b>
CASH BALANCE - TREASURER	\$ 561,238.49	\$ 227,575.24	\$ 212,659.21	\$ 3,906.35	\$ 269,116.31	\$ 227,438.59	\$ 4,808.45
CASH BALANCE - CLERK	\$ 561,238.49	\$ 227,575.24	\$ 212,659.21	\$ 3,906.35	\$ 269,116.31	\$ 227,438.59	\$ 4,808.45
DIFFERENCE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>SWEEP ENDING BALANCE</b>							
TREASURER	\$ 942,335.41		TREASURER	\$ 259,458.85		TREASURER	\$ 1,506,742.64
CLERK	\$ 942,335.41		CLERK	\$ 259,458.85		CLERK	\$ 1,506,742.64
DIFFERENCE	\$ -		DIFFERENCE	\$ -			
REC. BANK STATEMENT BALANCE	\$ 942,335.41	REC. BANK STATEMENT BALANCE	\$ 259,458.85				

*000847*  
6/8/23

CASH SUMMARY BY ACCOUNT FOR VILLAGE OF EMPIRE

FROM 05/01/2023 TO 05/31/2023  
 FUND: 101 202 203 301 591 661 715  
 CASH AND INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 05/01/2023	Total Debits	Total Credits	Ending Balance 05/31/2023
Fund 101	GENERAL FUND				
003	CERTIFICATE OF DEPOSITS	258,689.06	0.00	0.00	258,689.06
004	STATE SAVINGS CASH	217,048.84	1,851.66	143,879.02	75,021.48
009	SSB MM SWEEP	227,306.41	221.54	0.00	227,527.95
	GENERAL FUND	703,044.31	2,073.20	143,879.02	561,238.49
Fund 202	MAJOR STREETS FUND				
004	STATE SAVINGS CASH	49,564.58	33,628.29	921.53	82,271.34
009	SSB MM SWEEP	145,162.42	141.48	0.00	145,303.90
	MAJOR STREETS FUND	194,727.00	33,769.77	921.53	227,575.24
Fund 203	LOCAL STREETS FUND				
004	STATE SAVINGS CASH	45,926.97	4,879.98	705.56	50,101.39
009	SSB MM SWEEP	162,399.54	158.28	0.00	162,557.82
	LOCAL STREETS FUND	208,326.51	5,038.26	705.56	212,659.21
Fund 301	DEBT SERVICE FUND				
004	STATE SAVINGS CASH	20,143.75	2.14	16,239.54	3,906.35
Fund 591	WATER FUND				
001	HUNTINGTON BANK CASH	39,811.97	6,719.49	272.14	46,259.32
004	STATE SAVINGS CASH	44,782.66	200.42	23,087.87	21,895.21
008	RRI ACCOUNT	19,985.87	0.00	0.00	19,985.87
009	SSB MM SWEEP	180,780.24	195.67	0.00	180,975.91
	WATER FUND	285,360.74	7,115.58	23,360.01	269,116.31
Fund 661	EQUIPMENT FUND				
004	STATE SAVINGS CASH	21,932.99	6,622.17	3,021.84	25,533.32
009	SSB MM SWEEP	201,708.67	196.60	0.00	201,905.27
	EQUIPMENT FUND	223,641.66	6,818.77	3,021.84	227,438.59
Fund 715	MEMORIAL FUND				
004	STATE SAVINGS CASH	729.69	4.04	3.97	729.76
009	SSB MM SWEEP	4,074.72	3.97	0.00	4,078.69
	MEMORIAL FUND	4,804.41	8.01	3.97	4,808.45
	TOTAL - ALL FUNDS	1,640,048.38	54,825.73	188,131.47	1,506,742.64

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Prepared: June 1, 2023

Pages: 1

Meeting: June 8, 2023 *JUNE 27, 2023*

Attachments: 1

Subject: South Bar Lake educational material cost

Author: Tom Rademacher

**Overview:**

Cost of purchasing South Bar Lake educational material. The attachment shows the approximate cost of educational material to be sent out. Steve Lewis and myself will collate all materials to be sent out, so there will be no cost for staff to do this.

### Estimates for Water Quality Educational Flyers

Sent out as Flyer		Sent out in Envelope	
GL Assoc. Flyers	\$400.00	GL Assoc. Flyers	\$400.00
Stamps	\$252.00	Stamps	\$252.00
Circle Stickers	\$25.00	Circle Stickers	\$0.00
Envelopes	\$0.00	Envelopes	\$68.00
Labels to Cover GLA Name	\$56.00	Labels to Cover GLA Name	\$56.00
Recipient Address Labels	\$15.00	Recipient Address Labels	\$15.00
Insert	<u>\$24.00</u>	Insert	<u>\$24.00</u>
Total	<u><u>\$772.00</u></u>	Total	<u><u>\$815.00</u></u>

\*\*\* I may be able to print village logo with return address and recipient address directly onto the envelopes.



## Village of Empire Deputy Clerk

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**From:** Sue Palmer <s.palmer@villageofempire.com>  
**Sent:** Tuesday, June 20, 2023 2:29 PM  
**To:** Alacia Acton  
**Subject:** Fwd: On the Subject of Engagement  
**Attachments:** On the Subject of EngagementV4.docx

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

From: Stephen Stepanek <s.stepanek@villageofempire.com>  
To: "s.palmer@villageofempire.com" <s.palmer@villageofempire.com>, "m.walton@villageofempire.com" <m.walton@villageofempire.com>, "t.rademacher@villageofempire.com" <t.rademacher@villageofempire.com>, "l.chase@villageofempire.com" <l.chase@villageofempire.com>, "c.webb@villageofempire.com" <c.webb@villageofempire.com>, "m.dye@villageofempire.com" <m.dye@villageofempire.com>, "m.bacon@villageofempire.com" <m.bacon@villageofempire.com>  
Date: 06/12/2023 10:06 AM  
Subject: On the Subject of Engagement

All,

I consider each and every one of you my friend. You've given Jeanette and me a very warm welcome to Empire and made us feel a part of this wonderful community.

It pains me to write this. I've sat on it for over a week debating whether to share it with all of you for fear of damaging the friendships we share with all of you.

I'm choosing to do so now in the spirit of a loyal friend and concerned citizen. The thoughts and suggestions are not entirely my own - they reflect the thinking of several of us "newbies".

The intent is to coach, not criticize.

Regards,

Steve Stepanek  
11521 Crescent Drive  
Empire, Michigan

VC 6/27/23

## A Resident's Point-of View Regarding Engagement

V4

Village Council member conduct during the most recent the last Village Council meeting prompts this note.

### Background

The Village Council is exploring various engagement strategies to:

- Promote resident understanding of how the Village Council Operates.
- Ensure effective communication of Council issues, actions, and outcomes.
- Evoke active resident participation in Village government.

### Discussion

The basic requirement of any engagement initiative is *to be engaging*. This means that the Village Council is seen by residents as proactive in addressing meaningful issues and opportunities in the day-to-day management of the Village as well as meeting the expectations and needs of a changing resident population.

### Observations

Recent Council meetings have been anything but engaging. Frequent and prolonged sniping between members over minor procedural rules have turned off several new and formerly enthusiastic residents to future participation in Village government. It's a bad look.

Watching Council members using public meetings to air personal dislikes thinly veiled as "procedural issues" is embarrassing to watch. This behavior should be equally embarrassing for those on Council. One wonders if this behavior is to avoid action on bigger issues.

### How to be Engaging

Start dealing with the big issues facing the Village.

- Get on with developing a workable strategy to fund a community waste-water system. Stop the drumbeat of "doesn't need", "can't afford" and show the residents how it can be accomplished. It's about promoting responsible growth – growth that would benefit every resident and ensure a future as a vibrant Village. Let's take a fresh look at what it would take from a proforma basis and determine how we can get this done.
- Take the initiative to reach out to and partner with food companies, distributors, and entrepreneurs to get a food market in the Village. Let's get a fresh, shared understanding of the hard numbers on a proforma basis. With these in hand let's determine how these numbers can be achieved.

- Develop a vacant building ordinance (or enforce any that may exist) to motivate vacant building owners to either develop or sell buildings to those that can do something with them. Explore grant funding that can help vacant building owners develop existing property. Several large buildings in the Village have remained vacant for years contributing to the look of a village in decline. This is not a good look for a community dependent upon tourism.
- Develop an ordinance that requires Village property owners to maintain existing structures. Peeling paint, missing trim, and open animal access has been noted on several structures in the village. If the owner of the structure is unable to fund repairs on his/her own, organize residents and/or local contractors and organizations to remedy issues.
- Develop and execute a strategy to annex the lakefront properties to boost Village tax revenue.
- Get an independent, professional finance executive to conduct a lease/buy analysis prior to any acquisition of capital equipment. The Village can do a lot to maximize cash flow and free funds for high priority projects.
- Get over the expressed fear of “becoming like Glen Arbor”. Empire will never be a Glen Arbor, but we can be a vibrant, diverse, active, progressive small rural town that’s more than a beach.
- Consider modification of the meeting agenda to include an explicit review of progress on Council initiatives associated with issues and opportunities facing the village. Doing so provides the two-fold benefit of focusing the Council on accountability for progress and evoking belief among residents that the Council is acting substantively on their behalf.
- Initiate annual 360° Performance Reviews for Village Council members. A 360° performance review is a process for gathering feedback about a member’s performance, strengths, and skills from their fellow council members. In addition to input from the member’s supervisors (the public), peers and direct reports, there is also a self-review component to a 360° evaluation. The purpose of gathering a 360° review feedback is to help evaluate the strengths of members, discover what possible improvements need to be made and determine whether the member’s role can expand to take on additional responsibilities.

This review is not intended to “fire” anyone – in fact elected officials can only be removed through a recall vote or loss at the time of re-election. It is intended to keep council member behavior “between the white lines”. Threat of public censure should keep behaviors focused on doing the work of the Village.

Implementing such a program will go a long way to focus members on what matters to residents and limit public display of interpersonal conflicts and other misdeeds in opposition to Village governance.

Want to be engaging?

Be relevant. Avoid the public display of personal animosity disguised as “procedural issues”. Demonstrate a capacity to not simply to govern, but to lead the Village to a vibrant and sustainable future. Encourage lively debate on issues and opportunities facing the village. Be accountable to the residents and importantly, one another. Manage the small stuff well. Don’t shy away from getting the big stuff done.

Do that and you’ll have a vibrant, diverse community actively engaged and committed to moving Empire forward.

From: Dan and Jeanne Ernst ([greenwoodshouse@yahoo.com](mailto:greenwoodshouse@yahoo.com); [foresterdan@yahoo.com](mailto:foresterdan@yahoo.com))

Subject: Non-functioning Street Lights

Date: June 16, 2023

To: Village of Empire and Sue Palmer, Village Council President  
[s.palmer@villageofempire.com](mailto:s.palmer@villageofempire.com)

We wish to voice concern about non-functioning street lights in the Empire New Neighborhood (NN) where we live. There are 7 street lights in the NN, and 4 of them (60%) are not working and have not for some time including some where stop signs are located which could pose a safety hazard. We believe if a street light is present, it should be functioning as intended.

The non-functioning street lights are located at the following intersections:

1. Corner of Pokagon and Michigan Street (outage reported Dec. 2022, Feb 2023, April 2023, May 2023)
2. Corner of Erie and Michigan Street (outage reported April 2023, May 2023)
3. Corner of Wilce and Erie Street
4. Corner of Erie and alley behind Erie Street

When we first noticed this problem during the winter months of 2022-2023, we contacted the village office verbally to Village office personnel and were told that the issue would be reported. The street lights on the corners of Pokagon and Michigan and the corner of Erie and Michigan remain non-functional today. We are providing this written notification because repeated verbal notifications over the last 6 months have not resolved the outages.

Please look into these concerns. We look forward to hearing from you and/or the Village administration and a timely resolution.

We have attached pictures of the non-functioning street lights taken night of June 14, 2023.

You may reply to us at the email addresses and/or call us at 317-695-0068.

Sincerely,

Dan and Jeanne Ernst  
11914 Ontario Street  
Empire, Michigan

and

Dan and Jeanne Ernst  
P. O. Box 122  
Westfield, IN. 46074

VC 6/27/23

## Village of Empire Deputy Clerk

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**From:** Derith Smith <clerk@villageofempire.com>  
**Sent:** Tuesday, June 20, 2023 11:55 PM  
**To:** Alacia Acton  
**Subject:** Fwd: Re: Lights

Communication for packet please.

*Derith A. Smith*  
Empire Village Clerk  
11518 S LaCore St., PO Box 253  
Empire, MI 49630  
231-326-5466

**PLEASE NOTE: All correspondence to and from this address is subject to the Michigan Freedom of Information Act (FOIA) and may be disclosed to third parties.**

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

From: Maggie Bacon <m.bacon@villageofempire.com>  
To: Carol Vanderberg <carolvanderberg@gmail.com>, Derith Smith <clerk@villageofempire.com>  
Date: 06/06/2023 5:38 PM  
Subject: Re: Lights

Hi Carol!

Thank you for reaching out! I will call and ask them to put up a shield. Don't be surprised if to look out your window at some point in the next week and see me looking at the pole and light! I have to give them some numbers to help them locate the correct light.

I have heard, by the way, that there may be a time (soon) where the Village may be able to dim lights! But, in the meantime, I'll call about the shield.

Maggie

On 06/06/2023 2:56 PM Carol Vanderberg <carolvanderberg@gmail.com> wrote:

Hi Maggie,

I read at the kiosk that you will be talking about street lights.

When Consumers put in the LED bulbs, maybe more than a couple of years ago, I emailed them about the brightness shining through my living room all the way to the back. I asked them to address dimming it somehow and never did hear from them. I don't notice it so much when the leaves are on the trees, but otherwise it is quite a harsh light.

I understand that the two lights to be discussed are not in front of my home, but I wonder if there is any dimming or shielding that could be done and what that would look like?

I guess I'm asking you because it's still kind of bothering me and I know that I sent at least 2 emails to Consumers.

Thanks for listening.

> > ----- Original Message -----

> > From: Todd Avis <[tavis@leelanauedgroup.com](mailto:tavis@leelanauedgroup.com)>

> > To: Maggie Bacon <[m.bacon@villageofempire.com](mailto:m.bacon@villageofempire.com)>

> > Date: 06/17/2023 6:00 PM

> > Subject: Screenshot 2023-06-17 at 5.58.17 PM

> >

> >

> > Hello.

> > Traffic, traffic, traffic! At one point I thought I remember you investigating this Google route. Did anything come of it? We just had 4 diesel pusher rvs come through the neighborhood.

> > Anything you can do to help?

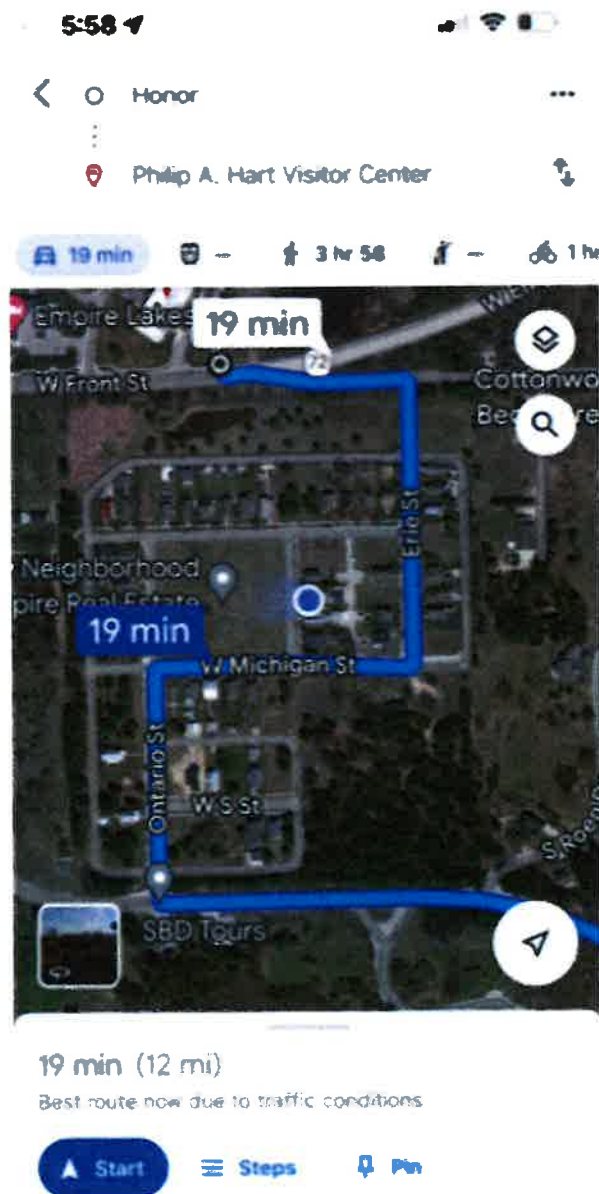
> > Todd Avis

> >

> >

> >

> > Sent from my iPhone



VC 6/27/23



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

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

231-326-5353

[za@villageofempire.com](mailto:za@villageofempire.com)

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**STAFF REPORT**  
**May 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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**Office Activity:**

- Initial Land Division 'proposal' – met with property owners' agent – no fee tendered – no action taken
- Working on update to sign ordinance for incorporation into zoning ordinance
- Verifying new signage for Blarney Castle Oil Company – 'new building façade and canopy'
- Continuous communication with Mass Gathering applicants' re: Sleeping Bear Marathon / Michigan Outback Relay – Leelanau County Emergency Management
- Miscellaneous inquiries regarding residential accessory building placement
- Inquiry regarding commercial expansion in Gateway Corridor

**Land Use Permit (zoning) Activity**

PERMIT #	TYPE	ZONE	PARCEL ID #	NAME(last)	NAME(first)	- BLDG	SITE ADDRESS / LOCATION
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**Legend:** ND=New Dwelling RA=Residential Accessory RAD=Residential ADdition  
(others to be included specific to the Village of Empire)

**Planning and Zoning -**

**Training Opportunity** – (discount rate through September 1<sup>st</sup>?) – possible reimbursement through your municipal insurance provider: Zoning Board of Appeals Certificate course (six modules / online) Search: MSUE, Zoning Board of Appeals Certificate in your favorite search engine.

Sincerely,

Robert (Bob) Hall  
Village of Empire – Zoning Administrator



VC 6/27/23



Dpw report june 2023

Been a busy month with everything going on in town gas station, shalda park , miss dig tickets, new houses in M22 all requiring some attention. The beach, boat ramp and others

Removed old and installed new split rail fence around playground , looks nice .. boat ramp due to location of creek has needed a little more attention then usual but manageable . the lack of south winds are not doing us any favors this year. Started replacing bollards at the south end , and moving old ones to southwest corning and roping off the area of sand there to discourage parking in that area , the blocks will be removed as time permits ... Installed the new swing set at kids swim area also 😊

Helped beautification committee with planter boxes and mulch , linda as always did a great job organizing and getting the job done .

Finally managed to get 3 quotes on VFDS.. will start again on separate quotes for generator , should be easier there are more companies that do that . opens my bid options up .

Talked with Craig Brown Leelanau county road commission , he said its looking like early mid July for tar and chipping of union , he will give us a heads up so we can notify residents , he does not expect it to take long, ryan and I will fill the minor potholes before they come so it will be good to go .

Been extremely dry, ryan and I started the month watering trees twice a week, took almost 3 hours every time, we switched gears , and now all of the trees are irrigated , takes only 10 mins to drive to each valve and water them 3 times a week now . the pine trees at brush pile we put on 24/7 drip from the artesian well located there.

Shalda park is coming along great ajs is doing a good job , and ryan and I are cleaning up the area between the pines and the brush pile, ajs has agreed at no cost to berm the remaining top soil the length of the tree line and that area will be brought back to grass. So it should look cleaner and more organized from now on. Speaking of brush the pile, we have been unable to burn due to the dryness pile is growing but will be managed as soon as we get sufficient rain.

Front street and union got stripped. .. will need some signage at shalda to prevent ( inform ) people from driving on trail, been watching from home no one yet..

AGAIN...

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

As always any questions ryan and I are always available

John

VC 6/27/23

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Prepared: June 1, 2023

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Meeting: June 8, 2023

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**June 27, 2023**

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Subject: Bids for the VFD's for the Generator

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Author: Sue Palmer

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**Overview:**

Council approved a budget for purchasing the backup generator and VFD's for Wells 2 and 3. It has been very difficult finding companies to provide bids for both so we are breaking out the purchase by VFD's. John will get bids on the generator once the VFD's are installed. Attached are the VFD Bids

**Action to be Taken:**

1. Review and discuss the options available provided to the Village.

~~For May 11, 2023 Work Session~~



6-19-23

Village of Empire  
11518 S Lacore St  
Empire, MI, 49630

Quotation for electrical work at wellhouses as follows:

Well House #~~2~~ <sup>4</sup> 3

- 1) Supply install qty 2 Allen Bradley Powerflex 240 v VFD 10 hp 42 amp.
- 2) Integrate with existing controls and chemical pump

Well houses ~~1~~ & ~~4~~

- 1) Replace starters with Allen Bradley Powerflex VFD
  - a) Qty 1 240/208 v 25 hp 80 amp
  - b) Qty 1 240/208 v 7.5 hp 28 amp
- 2) Integrate with existing controls.

Total all parts, labor, and misc. \$ 32,960.00

Respectfully submitted



Douglas G Rexroat



QUOTATION

Village of Empire  
PO Box 253  
Empire, MI 49630

QUOTE # \_\_\_\_\_ DLC 2023-0609-4

Attn: John Friend

DATE \_\_\_\_\_ June 9, 2023

REFERENCE \_\_\_\_\_ Installation of Four VFD's

**Provide and Install four (4) New VFD's - Franklin X Drives - One for each well:**

Provide (3) three 10 hp 230 Volt VFD's - one each for Wells 1, 2, and 3. (The 10 hp drives are more readily accessible through our supplier due to there versatility and market availability) \$8,803.47

Provide (1) one 25 hp VFD for Well No. 4 \$4,887.11

Misc. parts and wire to complete install for all four VFD's \$1,750.00

Provide (4) New Pressure Transducers - one for each installation. \$1,198.86

Labor, travel and equipment to install program, startup and test all four of the VFD's \$8,420.00

Note: This proposal assumes that we can complete these installations on the same trip. Additional travel and labor will be charged accordingly. We will provide a one year warranty on workmanship. Manufacturer warranty is 3 years.

Due to the volatility of the materials market, this quote is valid for 30 days from date of issue.

**Total: \$25,059.44**

ACCEPTED BY \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

PEERLESS-MIDWEST, INC.

*DC Coulier*

DC Coulier, Project Manager



# Isenhardt Electric LLC

861 Robinwood Ct.  
Traverse City, MI 49686  
P: (231) 486-6600  
F: (231) 735-9787

1207 Maple St.  
Big Rapids, MI 49307  
P: (231) 796-5522  
F: (231) 796-4985

Thursday, December 29, 2022

Village of Empire  
11518 S. LaCore ST.  
Empire, MI 49601  
PO Box 253

Re: **4 FREQ DRIVES**

Attn: John Friend

Thanks for the opportunity to provide a proposal for the above reference project. This information was gathered from our phone call on 12-28-2022. The deducts at the bottom are only applicable if the programming can be done on the same day.

## Included

- Work to be performed during normal business hours. Monday-Friday 7-5.
- Installation and wiring of Allen Bradley drives.
- Programming by certified Allen Bradley technician.

## Excluded

- Fuses or fuse holders.
- Line reactors.
- VFD cable.
- VFD output reactors.
- Patching and painting of floors walls or ceilings.
- Utility fees.

1-7.5 HP drive:	\$	10,704.00
2-10 HP drives:	\$	16,094.00
1-25 HP drive:	\$	13,399.00

**Total: \$ 40,197.00**

Deduct is 2 locations are done at one time: \$ -2,500.00

Deduct if all 3 locations are done at one time: \$ -5,000.00

We appreciate the opportunity to provide this proposal. Please do not hesitate to call with any questions.

Sincerely,

*Adam Erickson*

Isenhardt Electric LLC  
O 231.486.6600  
C 231.735.3958

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Meeting:	June 27, 2023
Subject:	Asset Mapping Plan
Author:	Sue Palmer

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**Overview:**

We have all agreed to request applications for a Community Engagement Task Force. The application is on the website. We need to define what this Community Engagement would/could be. One option discussed Asset Mapping, what does that mean?

**Action to be Taken**

I would like a commitment from all council members to help define the Community Engagement Task Force charge and advertise this for our community to consider applying for.

The timeline for Council input will be at our July Work Session.

OLD 3

Date Prepared:	June 17, 2023	# of Pages: 6
Meeting Date:	June 27, 2023	Meeting Type: Regular Meeting
Subject:	Consumers Energy Light Removal Philips and Reynolds  Consumers Energy Light and Pole Removal – Michigan Street	Author: Maggie Bacon

### Overview:

The Village began the process of requesting the removal of two street lights in the Village. Council members may recall this requires completing a variety of steps including the approval of emergency services providers.

The cost of the removal of the light at Philips and Reynolds has come in at \$551.00. The cost for the removal of the Streetlight on Michigan Street is \$3,044 for the removal of the pole and street light on Michigan Street.

The Village Council requested an explanation of the price difference. The explanation provided by Consumers Energy (see attached) was: The pole is only there to service that specific light, so none of the wires or other equipment going to that pole service anything else. Therefore, all the equipment must be removed, including a span on electric wire, pole, lighting equipment, etc. This is charged at total project cost, so the costs for complete removal are passed to the customer.

Consumers Energy was asked about turning the light off and waiving the 40% fee. Their answer (see attached) was that their tariff agreement with the Michigan Public Service Commission (MPSC) requires the cost at approximately 40% of the full charge with not alternative in place. In addition, the Village will be charged with nominal fee of \$16.00.

### Recommendation:

1. Remove the light from the pole on Philips and Reynolds at a cost of \$551.00.
2. Submit the request to turn off the Michigan Street light for the next 6 months, and renew that request if necessary.
3. Plan for the light and pole removal expense for the 2024-25 budget. The Village will incur that 40% charge, but it is not expected that cost will reach the level of \$3,000 in the next 8 months.

While these are not budgeted items, these are resident requests. In both instances, the light trespass into windows are significant and disruptive.

○ Tanya M. Gilroy <tanya.gilroy@cmsenergy.com>  
To: M.BACON@VILLAGEOFEMPIRE.COM, Derith Smith  
Reply Reply all Forward Delete ☰

📎 2 attachments ▾ View Download

image001.png (15.5 KB) image002.png (10.7 KB)

Good morning Maggie,

The pole the light is on is only there to service that specific light, so none of the wires or other equipment going to that pole service anything else. Because of this, all the equipment must be removed, including a span on electric wire, pole, lighting equipment, etc. This is charged at total project cost, so the costs for complete removal are passed to the customer.

To compare costs, the light removal on Phillips is only the light. This is because the poles/wires/equipment serve other neighboring equipment, so we do not have to remove anything except the light/fixture.

Please let me know if this helps at all?

Thank you,

## RE: Consumers Energy - PHILLIP ST AND REYNOLDS ST, 1067013024

○ Tanya M. Gilroy <tanya.gilroy@cmsenergy.com>  
To: M.BACON@VILLAGEOFEMPIRE.COM, Derith Smith  
Reply Reply all Forward Delete ☰

📎 2 attachments ▸ View Download

Maggie,

We can turn it off, however our tariffs filed with the MPSC do require the cost at the approximate 40 percent charge. We do not have an alternative to those costs currently. Please let me know if you have questions, and how you'd like to proceed.

Thank you,



Tanya Gilroy,

Streetlighting Senior Project Coordinator

Cell #: 616-251-0574 [Tanya.Martin@cmsenergy.com](mailto:Tanya.Martin@cmsenergy.com)

WORKING TO DELIVER THE ENERGY YOU NEED, WHENEVER YOU NEED IT

THAT'S OUR PROMISE TO MICHIGAN!



May 26, 2023

NOTIFICATION #:  
1067013024

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

REFERENCE: PHILLIP ST AND REYNOLDS ST, EMPIRE

Dear Valued Customer,

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

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

The estimated cost for your energy request is as follows:  
Non Refundable Agreement for Installation of Electric Facilities:

Winter Construction Costs:	\$ -
Installation Charge:	\$ 551.00
Additional Costs	
<b>Total Estimated Cost:</b>	<b>\$ 551.00</b>
Less Prepayment Received:	\$ -
<b>Total Estimated Cost Due:</b>	<b>\$ 551.00</b>



## RESOLUTION

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

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

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

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

☐ City   ☐ Village   ☐ Township Clerk

Dated:



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Prepared: June 20, 2023

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Meeting: June 27, 2023

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Subject: Rules of Procedure

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Author: Sue Palmer

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**Overview:**

Council was charged to review the Rules of Procedure and provide input as to any changes needed. We have completed through 3.1. Council will continue working on 3.2.

Council will complete the Rules of Procedure at our July Work Session.

**Action to be Taken**

Council will complete section 3.2 Minutes of our Rules of Procedure.

~~For May 11, 2023 Work Session~~

VC 6/27/23



Sue is Red  
Meg is Purple  
Maggie is Blue  
March is Green  
Tom is Orange

## Empire Village Council Rules of Procedure

Introduction: The General Law Village Act requires the Village to adopt rules of its own proceedings. These Rules of Procedure are a tool to assist and enhance the orderly, cooperative conduct of Village business by the Council. ~~As such~~ The Rules are not intended and shall not be applied as a basis to invalidate good faith action by the Council and/or its members, if such action does not violate the laws of the State of Michigan. The absence of a timely objection that a Rule of Procedure is being violated demonstrates good faith in the action taken.

### 1. Meetings

#### 1.1. Regular and Work Session Meetings

The Regular Meetings of the Council shall be held on the fourth Tuesday and the Work Session meetings shall be held on the second Thursday of each month unless those days are a holiday. ~~Each February, the Council shall approve the Regular and Work Session meeting schedule for the following fiscal year of March 1<sup>st</sup> through February 28<sup>th</sup>, including any exceptions for holidays. Said schedule shall be posted no later than 10 days following the first meeting in March. Duplicate of 2.1~~

#### 1.2. Special Meetings

A Special Meeting is any meeting of the governing body other than those called for in paragraph 1.1. Upon the request of the President or any three members of the Council, the Clerk/Deputy Clerk shall call a Special Meeting. Every Councilmember will be notified, individually, of a Special Meeting being scheduled, and notice of Special Meetings shall be posted at least 18 hours in advance of the meeting. Special Meeting notices shall contain the date, time, place and purpose of the meeting. No official action shall be transacted at any Special Meeting unless the item has been stated in the notice of the meeting.

#### 1.3. Public Hearings

A Public Hearing is a meeting designed specifically to receive input from the public on a single issue. Public Hearings shall be scheduled, and due notice given in accordance with the provisions of the applicable act or ordinance. Public Hearings that are scheduled as part of a Regular Meeting shall follow the procedures outlined in Section 5, Public Hearings ~~Process~~.

#### 1.4. Place of Meeting



All Work Session, Regular and Special Meetings of the Council will be held at the Empire Township Hall, 10088 W. Front Street. A majority of the Council may designate a different place for any Work Session, Regular or Special Meeting. Alternatively, the Clerk/Deputy Clerk, with the consent of the President, may change the meeting to another location. As required by law, a notice of the change shall be prominently posted on the door of the Township Hall, at the Village Office, at the Village kiosk next to the Post Office and at the Glen Lake Community Library. ~~As time and technology allow, s~~ Such notice will be posted on the Village website with notification of the posting sent out via the email blast system sent to those who have specifically requested such notification.

#### **1.5. Time of Meetings**

All Work Session and Regular Meetings of the Council will begin at 7:00 p.m., unless the Council, by a majority vote, sets a different starting time. The time of any Special Meeting shall be included in the meeting notice.

#### **1.6. Ending of Meetings**

At Work Session and Regular Meetings of the Council, items of business shall be completed by 9:00 p.m. to allow time for public comment and an adjournment time of 9:30 p.m. At the appointed hour, Council shall immediately adjourn unless the Council, by majority vote, extends the meeting or members of the public are present and wish to speak as part of the public comment section of the agenda.

### **2. Public Notice of Meetings**

#### **2.1 Work Session and Regular Meeting Schedule**

As required by law, the Clerk/Deputy Clerk shall post a notice of Work Session and the Regular Meeting schedule for the fiscal year on the Village website and at the Village of Empire Office. The notice shall indicate the dates, times and places of the Work Session and Regular Meetings scheduled.

~~As time and technology allow~~ ~~As time and technology allow~~ Information about individual meetings will be added to the website. That information may include the agenda, meeting materials and other pertinent documents. Notification of the posting of that information will be sent out via the email blast system to those who have specifically requested such notification.

#### **2.2 Rescheduled Meetings**

As required by law, for a rescheduled Work Session, Regular or Special Meetings of the Council, the Clerk/Deputy Clerk shall post a public notice at least 18 hours before the meeting at the Village of Empire Office, at the Village kiosk next to the Post Office and at the Glen Lake Community Library. The notice shall state the date, time, place and purpose of the meeting.

~~As time and technology allow~~ ~~As time and technology allow~~ Information about rescheduled meetings will be added to the website and sent via email blast to those who have specifically requested to receive such notification.



### 2.3 Emergency Special Meetings

The notice described above in Section 2.2 is not required for an emergency session of Council in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the Village's efforts in responding to the threat.

## 3. Record of Meetings

### 3.1 Recording Responsibility

The Clerk shall attend the council meeting and record all the proceedings and resolutions of the council in accordance with Section 64.5, Public Act 3 of 1895 (referred to as the General Law Village Act) as amended and the Open Meetings Act. In the absence of the clerk, the council may appoint one of its own members or another person to temporarily perform the clerk's duties. (NEW PARAGRAPH from General Law Village Act Handbook page 103)

The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. These are the minutes of the business meetings of the Village Council and may be used as such in a court of law. The minutes shall include all actions of the Council with respect to motions, including the name of the member who made the motion and the member who supported it. This shall include any motions that were withdrawn or not seconded.

~~Highlights of discussions will be included.~~ Highlights of the discussion of motions (regular meeting) and general of agenda items (work sessions) will be included. Points in favor and against a motion (or agenda item) shall be recorded. Council members shall consider this as they speak to the issue at hand (i.e., I am in favor of this or these reasons; I am opposed to this for these reasons). *Council voted to request more details of discussions be included in the meeting.* If the vote is a roll call, the minutes shall show who voted "Yes," "No" or "Abstained".

The Clerk shall not be responsible for maintaining a verbatim report of all the discussion or comments of the Council or members of the public made at Council meetings.

~~In the absence of the Clerk or Deputy Clerk, the Council may appoint one of its own members or another person to temporarily perform this duty.~~ In absence of the Clerk or Deputy Clerk, the Council may appoint one of its own members or another person to temporarily perform this duty.

**3.2 Minutes- Work Session, Regular and Special Meetings** – The ROP descriptions of minutes and process of draft minutes and final minutes and the timeline I found to be very confusing. There must be a simpler way of describing the timeline and days between draft minutes and final minutes. Are hard copies of the approved minutes available at the library?

A Draft (synopsis) of the minutes must be available for public inspection within eight (8) business days following the meeting to which they refer and posted in three (3) public places in the Village; the Village office, the kiosk next to the Post Office and the Glen Lake Community Library.

(Note: From Open Meetings Act - MCL 15.269(1))

Corrections to the Draft (synopsis) must be made no later than the next meeting after the meeting to which the minutes refer and must show both the original entry and the corrections.

*(Note: From Open Meetings Act - MCL 15.269(3))*

Approved minutes, showing corrections shall be posted in place of Draft (synopsis) within five (5) business days following the meeting at which they were Approved by Council.

*This was found on page 103 (4) of the General Law Village Act  
Within 15 days after a meeting of the council, a synopsis or the entirety of the proceedings, including the vote of the members, prepared by the clerk and approved by the president showing the substance of each separate decision of the council shall be posted in 3 public places in the village. They will be at the Kiosk next to the Post Office, the Glen Lake Community Library and the Village website. MCL 65.5 (3)*

Draft ~~of minutes~~ (synopsis) of each Work Session, Regular and Special Meeting shall be prepared by the Clerk, ~~approved by the President~~ ~~approved by the President~~ and posted in three public places in the Village (Village Office, Village kiosk [on Front Street next to the Post Office], and at the Glen Lake Community Library) within 8 business days following the meeting to which they refer. Draft minutes (synopsis) shall be clearly labeled as such.

Council Members shall be notified, via email, when the draft minutes (synopsis) have been posted; a copy of the draft minutes (synopsis) ~~will shall~~ be included in the email notification to Council Members. Council Members shall refer all typographical, grammatical or errors of fact (inaccurate motion, vote, misspelled name) ~~corrections of the draft minutes (synopsis) in writing to the Clerk~~ for review within 48 hours of said posting.

Approved minutes showing any changes made from the draft ~~corrections~~ shall be posted in place of draft minutes (synopsis) on the Village website, ~~and available in hard copy at the Village Office, the Village kiosk (on Front Street next to the Post Office) and the Glen Lake Community Library. within five business days following the meeting at which they were approved by Council.~~ Approved minutes shall be clearly labeled as such.

### **3.3 Communications Correspondence**

All written (physical or electronic) ~~communication correspondence~~ received by the Council or an individual Council Member from a member of the public shall be provided to the Clerk. Acknowledgement of the receipt of each ~~communication correspondence~~, its author and subject shall be announced when discussing "Communications Correspondence" at the Regular Meeting of the Council. The ~~communication correspondence~~ or a summary shall be read at that time, unless waived by the author or if no member of council asks that it be read or summarized.

### **3.4 Public Access to Meeting Materials and Minutes**

All minutes, ~~tape recordings~~, and meeting materials, except for those deemed privileged or confidential, shall be available for public inspection at the Village Office during regular business hours. Council Members shall turn in to the Clerk for proper filing, any personal notes, writings, drawings, etc. when said items are used in a meeting or referred to in a meeting.

All minutes ~~and meeting materials, except for those deemed privileged or confidential~~, shall be available for public inspection at the Village Office during regular business hours. Per the General Law Village Act, 65.5 Section 5 (4) 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. Council Members shall turn in to the Clerk for proper filing ~~, any personal notes, writings, drawings, etc. when said items are used in a meeting or referred to in a meeting.~~ said materials upon the adjournment of the meeting.

### **3.5 Taping Recording of Meetings and Disposition of Tapes**

Council meetings are ~~/audio recorded taped solely for assisting /taped solely for assisting/~~ to assist the Clerk/Deputy Clerk in preparing the minutes of the meetings. ~~Tape~~ Audio recordings are not to be considered the official record of a Council meeting. Members of the public may request a copy of the tape upon completion of DRAFT minutes. The public will be required to provide their own storage device. The tape may ~~and may shall~~ be recycled or disposed of 6 6 3 months after the Council approves the written minutes. ~~Tapes of meetings are considered public records and shall be available to the public upon request. The Village offers no guarantee as to the quality of said recording.~~ Members of the public may request a copy of the audio recording and it should be provided following appropriate FOIA guidelines. ~~Copies of recordings shall be made available to the public upon request.~~

## **4. Closed Meetings**

### **4.1 Purpose and Procedure**

A roll call vote and purpose for calling a closed meeting must be recorded in the minutes of a Work Session, Regular or Special Meeting. Upon a 2/3 roll call vote of the total number of members of the Council (not just the members present), the Council may call a closed meeting for any of the following reasons:

- a. To consider the purchase or lease of real property
- b. To consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council.
- c. To review contents of an application for employment or appointment, but only when the candidate requests confidentiality. However, an interview must be conducted in an open meeting.



- d. To consider material specifically exempt from discussion or disclosure by state or federal statute.

Upon a simple majority roll call vote of the total number of members of Council (not just the members present), the meeting may go into a closed session for the following reasons:

- a. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer or employee, staff member, or individual agent, but only when the named person requests a closed session.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

#### 4.2 Minutes of Closed Meetings

The Clerk/Deputy Clerk shall take a separate set of minutes at the closed session. These minutes and any audiotape *do we tape closed meetings?* of the closed session will be retained by the Clerk, and shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes, the audio tape and any attachments may be destroyed one year and one day after approval of the minutes of the Regular or Special Meetings at which the closed session was approved.

### 5. Public Hearings-Process

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

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

### 6. Conduct of Meeting

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

~~Only the~~The Village President and the Council ~~Members~~ may introduce ~~an~~ agenda items for inclusion in the Agenda. *Is this really part of setting the agenda? → and vote on matters brought for action<sup>3</sup>.* Upon review of the requests submitted, the Village President sets the agenda.

The President shall have the authority:

- i. to request additional documentation for agenda items,

<sup>3</sup>MML GLVA Handbook Section 2, Chapter 6 (<https://www.mml.org/resources/publications/ebooks/glv.htm>)<sup>4</sup>All items may not be included on each agenda. For example, if no Public Hearing is scheduled for a specific meeting, that item will not appear on an agenda.<sup>4</sup>  
For the purposes of the agenda, Department Heads are DPW Superintendent, Zoning Administrator, Street Administrator and Clerk

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

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

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

#### 6.1.1 Amending Approved Agenda

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

#### 6.1.2 Presentations

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

#### 6.2 Regular Meeting Agendas – Deadline for Submission

All Council Members and staff shall submit all agenda ~~items~~ documentation to the Village Office by noon on the Tuesday preceding each Regular Meeting for inclusion on the agenda. This would pertain to any item from the public that may require consideration and/or action by the Village Council. This does not include letters of public comment.

#### 6.3 Regular Meeting Agenda/ Consent Agenda/Regular Meeting Agenda

The Village President may use a consent agenda to allow the Council to act on numerous administrative or non-controversial items at one time. Non-controversial items include approval of minutes, payment of bills, approval of recognition resolutions, etc. Any member of the Council may request an item be removed from the consent agenda and placed on the Regular Meeting agenda for discussion.

An agenda shall be prepared for each Regular council meeting ~~with the following order of business as applicable~~ as follows:

~~Call to Order and Pledge of Allegiance~~ CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

<sup>2</sup>All items may not be included on each agenda. For example, if no Public Hearing is scheduled for a specific meeting, that item will not appear on an agenda. <sup>4</sup>For the purposes of the agenda, Department Heads are DPW Superintendent, Zoning Administrator, Street Administrator and Clerk

~~Taking of the Roll~~ ROLL CALL  
~~Public Hearings~~ PUBLIC HEARINGS  
~~Changes or Additions to the Agenda~~ CHANGES OR ADDITIONS TO THE AGENDA  
~~Adoption of Agenda~~ ADOPTION OF THE AGENDA  
~~Public Comment on Agenda Items~~ PUBLIC COMMENT ON AGENDA ITEMS  
~~Consent Agenda~~ CONSENT AGENDA  
~~Review of Financial Statements~~ REVIEW OF FINANCIAL STATEMENTS  
~~Communications~~ COMMUNICATIONS  
~~Presentations (as approved)~~ PRESENTATION  
~~Public Comment on Presentations~~ PUBLIC COMMENT ON PRESENTATION  
~~Department Head Reports<sup>3</sup>~~ DEPARTMENT HEAD REPORTS  
~~Council Member/Committee Reports~~ COUNCIL MEMBER/COMMITTEE REPORTS  
~~Old Business~~ OLD BUSINESS  
~~New Business~~ NEW BUSINESS  
~~Public Comment~~ PUBLIC COMMENT  
~~Council Members Comment~~ COUNCIL MEMBER COMMENTS  
~~Adjournment~~ ADJOURNMENT

---

<sup>4</sup> For the purposes of the agenda, Department Heads are DPW Superintendent, Zoning Administrator, Street Administrator and Clerk

Sue is Red

Meg is Purple

Maggie is Blue

March is Green

Tom is Orange

**This document incorporates all the changes the Council have discussed and agreed to up to 3.2 Minutes**

## **Empire Village Council Rules of Procedure**

Introduction: The General Law Village Act requires the Village to adopt rules of its own proceedings. These Rules of Procedure are a tool to assist and enhance the orderly, cooperative conduct of Village business by the Council. The Rules are not intended and shall not be applied as a basis to invalidate good faith action by the Council and/or its members, if such action does not violate the laws of the State of Michigan. The absence of a timely objection that a Rule of Procedure is being violated demonstrates good faith in the action taken.

### **1. Meetings**

#### **1.1. Regular and Work Session Meetings**

The Regular Meetings of the Council shall be held on the fourth Tuesday and the Work Session meetings shall be held on the second Thursday of each month unless those days are a holiday. Each February, the Council shall approve the Regular and Work Session meeting schedule for the following fiscal year of March 1<sup>st</sup> through February 28<sup>th</sup>, including any exceptions for holidays. Said schedule shall be posted no later than 10 days following the first meeting in March.

#### **1.2. Special Meetings**

A Special Meeting is any meeting of the governing body other than those called for in paragraph 1.1. Upon the request of the President or any three members of the Council, the Clerk/Deputy Clerk shall call a Special Meeting. Every Councilmember will be notified by email and a phone call of a Special Meeting being scheduled, and notice of Special Meetings shall be posted at least 18 hours in advance of the meeting. Special Meeting notices shall contain the date, time, place and purpose of the meeting. No official action shall be transacted at any Special Meeting unless the item has been stated in the notice of the meeting.

#### **1.3. Public Hearings**

A Public Hearing is a meeting designed specifically to receive input from the public on a single issue. Public Hearings shall be scheduled, and due notice given in accordance with the provisions of the applicable act or ordinance. Public Hearings that are scheduled as part of a Regular Meeting shall follow the procedures outlined in Section 5, Public Hearing Process.

#### **1.4. Place of Meeting**

VL 6/27/23

All Work Session, Regular and Special Meetings of the Council will be held at the Empire Township Hall, 10088 W. Front Street. A majority of the Council may designate a different place for any Work Session, Regular or Special Meeting. Alternatively, the Clerk/Deputy Clerk, with the consent of the President, may change the meeting to another location. As required by law, a notice of the change shall be prominently posted on the door of the Township Hall, at the Village Office, at the Village kiosk next to the Post Office and at the Glen Lake Community Library. As time and technology allow, such notice will be posted on the Village website with notification of the posting sent out via the email blast system sent to those who have specifically requested such notification.

#### **1.5. Time of Meetings**

All Work Session and Regular Meetings of the Council will begin at 7:00 p.m., unless the Council, by a majority vote, sets a different starting time. The time of any Special Meeting shall be included in the meeting notice.

#### **1.6. Ending of Meetings**

At Work Session and Regular Meetings of the Council, items of business shall be completed by 9:00 p.m. to allow time for public comment and an adjournment time of 9:30 p.m. At the appointed hour, Council shall immediately adjourn unless the Council, by majority vote, extends the meeting or members of the public are present and wish to speak as part of the public comment section of the agenda.

### **2. Public Notice of Meetings**

#### **2.1 Work Session and Regular Meeting Schedule**

As required by law, the Clerk/Deputy Clerk shall post a notice of Work Session and the Regular Meeting schedule for the fiscal year at the Village Office. Additionally, it will be posted on the Village website and the Kiosk next to the Post Office. The notice shall indicate the dates, times and places of the Work Session and Regular Meetings scheduled.

As time and technology Information about individual meetings will be added to the website. That information may include the agenda, meeting materials and other pertinent documents. Notification of the posting of that information will be sent out via the email blast system to those who have specifically requested such notification.

#### **2.2 Rescheduled Meetings**

As required by law, for a rescheduled Work Session, Regular or Special Meetings of the Council, the Clerk/Deputy Clerk shall post a public notice at least 18 hours before the meeting at the Village Office. Additionally, it will be posted on the Village website, the Village kiosk next to the Post Office and the Glen Lake Community Library. The notice shall state the date, time, place and purpose of the meeting.

As time and technology allow Information about rescheduled meetings will be added to the website and sent via email blast to those who have specifically requested to receive such notification.

#### **2.3 Emergency Special Meetings**



The notice described above in Section 2.2 is not required for an emergency session of Council in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the Village's efforts in responding to the threat.

### 3. Record of Meetings

#### 3.1 Recording Responsibility

The Clerk shall attend the council meeting and record all the proceedings and resolutions of the council. In the absence of the clerk, the council may appoint one of its own members or another person to temporarily perform the clerk's duties.

The Clerk shall not be responsible for maintaining a verbatim report of all the discussion or comments of the Council or members of the public made at Council meetings.

The Clerk shall not be responsible for maintaining a verbatim report of all the discussion or comments of the Council or members of the public made at Council meetings.

#### 3.2 Minutes- Work Session, Regular, Special and Closed Session Meetings

.....  
The Clerk shall be responsible for maintaining the official record and **minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held.** ~~each meeting of the Council. These are the minutes of the business meetings of the Village Council and may be used as such in a court of law.~~ The minutes shall include all actions of the Council with respect to motions, including the name of the member who made the motion and the member who supported it. This shall include any motions that were withdrawn or not seconded. If the vote is a roll call, the minutes shall show who voted "Yes", "No" or "Abstained". **This should be covered under the minutes.**  
.....

~~Highlights of discussion and points in favor and against a motion or agenda item shall be recorded in a neutral manner. Council members shall consider this as they speak to the issue at~~ **(did we leave this sentence in or delete it hand (i.e., I am in favor of this or these reasons; I am opposed to this for these reasons).**

The Clerk shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. **Highlights of discussion and points in favor and against a motion or agenda item shall be recorded.** The Clerk shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The Clerk shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction. **(FROM 15.269 (1))**

A Draft of the minutes must be available for public inspection within eight (8) business days following the meeting to which they refer. Approved minutes, showing corrections shall be posted in place of Draft within five (5) business days following the meeting at which they were approved by Council. Draft and Approved minutes shall be posted in three (3) public places in the Village: the Village office, the kiosk next to the Post Office and the Glen Lake Community Library. **(FROM 15:269 (3))**

Draft ~~of~~ minutes (~~synopsis~~) of each Work Session, Regular and Special Meeting shall be prepared by the Clerk, ~~approved by the President~~ ~~approved by the President~~ and posted on the website and in three public places in the Village (Village Office, Village kiosk [on Front Street next to the Post Office], and at the Glen Lake Community Library) within 8 business days following the meeting to which they refer. Draft minutes (~~synopsis~~) shall be clearly labeled as such.

Council Members shall be notified, via email, when the draft minutes (~~synopsis~~) have been posted; a copy of the draft minutes (~~synopsis~~) ~~will~~ shall be included in ~~the~~ email notification to Council Members. Council Members shall refer all typographical, grammatical or ~~errors of fact~~ (inaccurate motion, vote, misspelled name) ~~corrections of the draft minutes (synopsis) in writing to the Clerk~~ for review within 48 hours of ~~said~~ posting.

Approved minutes showing ~~any changes made from the draft~~ ~~corrections~~ shall be posted in place of draft minutes (~~synopsis~~) on the Village website, ~~and available in hard copy at the Village Office, the Village kiosk (on Front Street next to the Post Office) and the Glen Lake Community Library. within five business days following the meeting at which they were approved by Council.~~ Approved minutes shall be clearly labeled as such.

## **15.269 Minutes.**

### **Sec. 9.**

(1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

(3) A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

(4) A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

VC 6/27/23

Prepared:	June 1, 2023
Meeting:	June 8, 2023 - 6/27/23
Subject:	Resolution #10 – Designating Employee Retirement Plan Trustees
Author:	Sue Palmer

**Overview:**

This Resolution #10 of 2021 was last updated on October 26, 2021.

**Action to be Taken:**

Council to update the Resolution #5 of 2023 by assigning new Trustees effective June 22, 2023.

For May 11, 2023 Work Session

**RESOLUTION NO. 05 OF 2023**

**VILLAGE OF EMPIRE**

**RESOLUTION DESIGNATING EMPLOYEE RETIREMENT PLAN TRUSTEES**

**WHEREAS** the Village of Empire has the power to amend the Plan;

**RESOLVED**, by the Council of the Village of Empire that:

1. Effective June 27, 2023, Daniel Davis and Maggie Bacon be removed as trustees of the Village of Empire Employees Retirement Plan.
2. Effective June 27, 2023, \_\_\_\_\_ and \_\_\_\_\_ be added as trustees of the Village of Empire Employees Retirement Plan.

\_\_\_\_\_ moved that Resolution No. 05 of 2023, a resolution designating trustees for the Village of Empire Employee Retirement Plan. 2<sup>nd</sup> by \_\_\_\_\_.

Voting for:

Voting against:

The resolution is declared adopted.

\_\_\_\_\_  
Sue Palmer, Village President

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of Resolution No. 5 of 2023 which was adopted by the Village Council for the Village of Empire at a regular meeting held on June 27th, 2023.

\_\_\_\_\_  
Derith A. Smith, Village Clerk

VC 6/27/23

Date Prepared:	June 1, 2023	# of Pages: 7
Meeting Date:	June 8, 2023	Meeting Type: Work Session
Subject:	Consumers Energy Franchise	Authors: Maggie Bacon

#### **Overview:**

The Consumers Energy Franchise for the Village of Empire expires on October 29, 2023. This Franchise Agreement allows Consumers Energy to provide service to the Village (residents, businesses, governmental units, etc.). Consumers Energy has provided the Village with a new Franchise agreement that would extend the Consumers Energy Franchise with the Village of Empire until 2053.

Attached is Ordinance 66 (the current Franchise Agreement). Also attached is a proposed Franchise Ordinance.

Consumers Energy offered nothing specific in terms of timeline for enactment. Their guidance was:

1. Village Council properly enact the Franchise a few months prior to expiration
2. Provide the enacted Franchise Ordinance to Consumers

If the Village Council wants to continue its relationship with Consumers Energy, the Clerk has recommended replacing Ordinance #66 in its entirety with the new proposed version. The Clerk also recommended such approval no later than the August regular meeting to allow for the required posting and publications deadlines.

#### **Considerations:**

Is there a benefit to looking into Cherryland Electric Cooperative? Several Leelanau County Townships appear to be customers. Is it possible to get more streamlined billing from Consumers? Can Consumers offer the Village service improvements such as the dimmer system being piloted in Northport?

CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF EMPIRE ORDAINS:

SECTION 1. GRANT, TERM. The Village of Empire, Leelanau County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Village of Empire, Leelanau County, Michigan, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when such work was commenced. All towers, masts, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities of the Village.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Village on account of the permission herein granted, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. RATES. Said Grantee shall be entitled to charge the inhabitants of said Village for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village, acting by its Village Council, or by said Grantee.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

SECTION 9. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the township board on November 5, 1963 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Power Company.

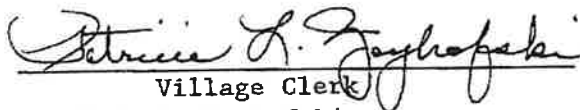


SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Empire, Leelanau County, Michigan, on the 19 day of October, 1993.

  
Village President  
David Taghon

Attest:

  
Village Clerk  
Patricia L. Zoyhofski

Possible Franchise Enactment Schedule  
REVOCABLE ELECTRIC FRANCHISE  
VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN

Must enact Franchise pursuant to rules within your Charter

ORDINANCE NO. \_\_\_\_\_

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF EMPIRE ORDAINS:

SECTION 1. GRANT and TERM. The VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Village on account of the permission herein given, Consumers shall, upon notice, defend the Village and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Village, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Village at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Village and those rules and regulations preempt any term of any ordinance of the Village to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Village including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on \_\_\_\_\_.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sue Palmer, President

Attest:

I, \_\_\_\_\_, Clerk of the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Village Council of the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

\_\_\_\_\_  
Derith Smith, Village Clerk

Dated: \_\_\_\_\_, 20\_\_

Prepared:	June 18,2023	Pages: 2
Meeting:	June 27, 2023	Regular Meeting
Subject:	Purchasing Policy	Author: March Dye

**Overview:**

We went over the purchasing policy again at the June 8th work session and made the changes shown on the next page. The things we took out are crossed out and the items added are underlined. I did add one last item (no. 5) for emergency situations. This can be deleted if not needed.

**Action to be Taken:**

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

## Village of Empire Purchasing Policy

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

- \* Purchases under ~~\$200~~ \$500 require only Department Head or Supervisor's approval accompanied by a receipt for the purchase.
- \* ~~Purchases of non-budgeted items above \$201 require at least one quote and Council approval.~~
- \* Purchases of **budgeted** items, from ~~\$0.00~~ \$501.00 to \$1000.00 require a least one quote, Supervisor's approval and the Village President to sign off.
- \* Purchases of **budgeted** items, ~~over~~ \$1001.00 to \$10,000.00 require two quotes if ~~possible~~ and Council approval. Exceptions may be made for sole-source procurements.
- \* Purchases of **budgeted** items over \$10,001.00 require at least two quotes and Council approval. In extenuating circumstances Council may wave the second quote by majority vote. Council may request sealed bids.

Note:

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

Prepared:	June 19, 2023	Pages:
Meeting: Regular	June 27, 2023	Attachments: 2
Subject:	Short-Term Rentals	Author: March Dye

### Overview:

At our last work session on June 8th I recommended that a committee be formed to update the 2020 report and make suggestions for moving forward. I was asked to find out how many short-term rentals were in the Village at the present time before doing anything else.

I have done that. The list is attached. You will notice that the totals are similar to the 2019 numbers with only 2 more STRs and another 2 expected soon.

The problem is is that 51 STRs in a community of 360 residences is approximately 14% to 15% of our housing stock.

In a study done for the Village of Suttons Bay by Beckett & Raeder they recommended a cap of 25 STRs or 5.5% of the dwelling units in the village. They said at most, the cap of STRs should be set at 45, which would still be the highest cap (as a 9.9% percentage of dwelling units) in the state.

I believe we have them beat with our 14%.  
(9.9% of 360 is 35.6)

Suttons Bay did revise their Short-Term Rental Ordinance in December of 2022. They require registration of STRs and they imposed a cap of 45 STRs with existing STRs grandfathered in.

The previous "Seasonal Housing Committee" did an excellent job in covering pro's and con's of STRs and recommended creating a Short-Term Rental Ordinance and setting a STR Cap while grandfathering in existing rentals. That background work has been done. Now we need to decide whether to follow through with their recommendations.

### Recommendation:

#### Create a Special Committee of Council for 3 months to:

1. Check the two lists (a)Short Term Rentals by Street Number and (b)Total Inventory of Housing Units for accuracy.
2. Research and review STR Ordinances within other similar communities.
3. Create a STR Ordinance for Empire
4. Create a STR Application and a STR Renewal Application
5. Create a cover letter to be sent to all known owners of STRs in the Village informing them of a need to register.

## SHORT TERM RENTALS BY STREET NUMBER

Information compiled for the following list was done by looking online for short-term rentals in Empire (airbnb.com, vrbo.com, [vacationrenter.com](http://vacationrenter.com)), walking the Village talking to people, and looking on windows for the Vacasa signs. There may be more that I didn't find.

<u>Lake St. :</u>					
11940	11914	11908	11857	11781	
11775	11774				
<u>Front St:</u>					
10184	10176	10082 (2)	10046		
<u>Wilce:</u>					
10060	10033	10071	10125	10137	10142
10156	10165	10210			
<u>Washington:</u>					
	10096				
<u>Aylsworth:</u>					
	10050				
<u>Michigan:</u>					
	10202				
<u>M-22:</u>					
	Grocer's Daughter (2)	12016			
<u>Niagara:</u>					
10110	10166	10199	10179	10342	10358 (2)
<u>Union:</u>					
11612	11661				
<u>Salisbury:</u>					
	10135				
<u>LaCore:</u>					
11033	11292	11460			
<u>Zelmer:</u>					
	11211				
<u>Lake Michigan Drive:</u>					
11520	11321	11112			
<u>Ontario St:</u>					
	11914				
<u>South St:</u>					
	9981				
<u>Pokagon:</u>					
	11873				
<u>Erie:</u>					
	11918	11779			
<u>W. Wilce St:</u>					
	9902				
<u>Sunset Drive:</u>					
	11566				

Please help me update this if you know of more or if some of these should not be on this list.



## TOTAL INVENTORY OF HOUSING UNITS IN THE VILLAGE OF EMPIRE

Street	Year Round Owner Occupied	Seasonal Owner Occupied	Long Term Rental	Short Term Rental
Pitch Apple Ln	5	2		
Applewood Ct.	3			
Lake Street	10	6	2	7
Front Street	7	7	1	5
LaRue		1	2	
Wilce St.	8	6	1	9
Washington	3	2		1
Aylsworth	6	7	2	1
Wood	3	2		
Michigan St.	4	4	18	1
M-22	5	1	1	3
Niagara	10	6	3	7
Union	5	2		2
Salisbury		3		1
Reynolds	3	3	1	
Philip	4	1		
Lambkin Lane	1	3		
LaCore	17	11	5	3
Florence	2	4		
Fisher St.	2			
Park St.		1		
Zelmer	2			1
Lake Mi Drive	8	16		3
Ontario St.	4	2		1
South St.	4			1
W. Michigan St	3	1		
Pokagon		3		1

## TOTAL INVENTORY OF HOUSING UNITS IN THE VILLAGE OF EMPIRE

Street	Year Round Owner Occupied	Seasonal Owner Occupied	Long Term Rental	Short Term Rental
Erie	5	1	1	2
W. Wilce St.	7	4		1
W. Front St.	2			
Sunset	8	Don't Know		1
Ottawa	3	2		
Crescent	2	3		
Storm Hill	8	12		

**TOTALS:**                                      **154**                                      **116**                                      **37**                                      **51**

This equals a total of 358 residences. There are 360 residences in the Village per our Township Assessor.

The totals may be off but they are close.

\*There are 8 unfinished houses in the M22 neighborhood.

\*There are 2 unfinished houses in the New Neighborhood both of which will be short term rentals. When they are finished there will be 53 short-term rentals in the Village.

**Totals from Feb. 2019:**                      **161**                                      **115**                                      **18**                                      **49**

\* I included the apartments on Michigan Street and other long-term rentals. I believe the 2019 study just included the apartments.

## Village of Empire Deputy Clerk

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**From:** Dr. Mark Murrey <mark@markmurrey.com>  
**Sent:** Wednesday, May 10, 2023 8:28 AM  
**To:** deputyclerk@villageofempire.com  
**Subject:** July 4th New Neighborhood Brunch

Good Morning Alacia,

I am contacting you on behalf of the New Neighborhood to request barricades and road closure on Pokagon Street on July 4<sup>th</sup> from 9am-12noon while we have the annual neighborhood brunch. Todd Avis has passed this on to me, so let me know if there are any further actions I should take on your behalf. Thanks for your assistance in this.

Looking forward to being back up north this summer.

Best,

Mark Murrey  
9880 W. Wilce St  
828-268-4370

## **Village of Empire Street Lighting Purpose and Requests for Service**

Streetlights are a service of the Village of Empire in providing for the general health, safety and welfare of the public.

- Street lighting improves safety by allowing pedestrians, bike riders and motorists to see each other.
- Lighting is helpful to minimize vandalism and improve security around business and municipal buildings.
- Driving outside of daylight hours is more dangerous – only a quarter of all travel by car drivers is between the hours of 7pm and 8am, yet this period accounts for 40% of fatal and serious injuries to the same group

The Village of Empire has incorporated dark skies language in its Zoning Ordinance (3.11) to strike a balance between Dark Sky principles and maintaining the flexibility to install lighting as needed for safety, security, and nighttime visibility.

### **Requests for Streetlight Maintenance, Streetlight Removal, or a New Streetlight**

Most streetlights in the Village of Empire are owned and maintained by Consumers Energy. However, the Village of Empire owns and is responsible for maintaining the streetlights in the New Neighborhood and at the Lake Michigan Beach Park. The Department of Public Works is responsible for repairs and maintenance of those lights and light fixtures.

Maintenance requests or concerns will be documented using the [Village Issues or Feedback form](#).

#### **Maintenance requests for the Village owned lights:**

- Contact the Village of Empire Department of Public Works. Email: [dpw@villageofempire.com](mailto:dpw@villageofempire.com). Phone: 231-326- 5353.

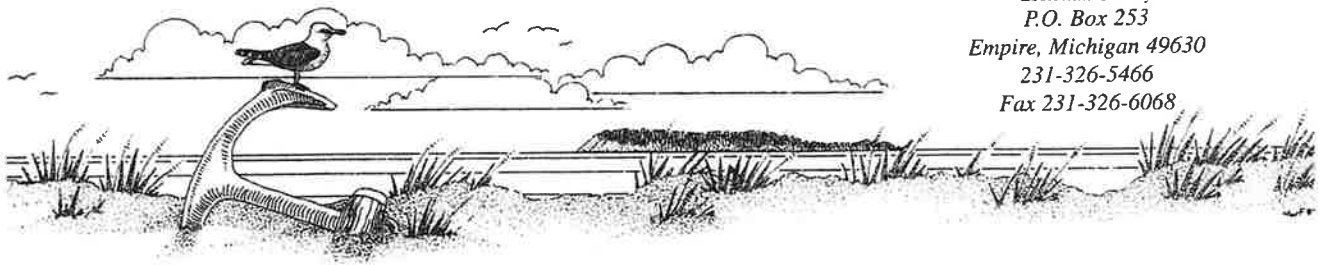
#### **Maintenance requests for Consumers Energy owned lights:**

- Residents may report a light outage or maintenance issue for Consumer Energy owned lights via the web: <https://streetlights.consumersenergy.com>.
- The Village Office can also serve as a liaison between a resident and the energy company, if desired.

#### **For Streetlight Removal or a New Streetlight request:**

- For streetlight removal or a new streetlight, a signed [Village Issues or Feedback form](#) must be completed and submitted to the Village Office. The form will need to include the streetlight and pole number to begin the process. These are located on each streetlight pole.
- The requestor must submit proof of support from neighbors to remove or add a light within 5 days of submitting the signed [Village Issues or Feedback form](#). This can be in the form of letters of support or a signed petition.
- The Village Council will offer an opportunity for the all members of the public to provide public comment during a work session or regular meeting by including a public hearing on “streetlight removal or addition” to a Council meeting.

VC 6/27/23



# Village of Empire

Leelanau County

P.O. Box 253

Empire, Michigan 49630

231-326-5466

Fax 231-326-6068

## VILLAGE ISSUE/FEEDBACK FORM

Please fill out the form below and return it to Village of Empire Office, 11518 S. LaCore Street, PO Box 253, Empire, MI 49630 or email to [deputyclerk@villageofempire.com](mailto:deputyclerk@villageofempire.com). Be sure to include as much detail as possible for the complaint.

Type of Complaint:    ☐ Zoning    ☐ DPW    ☐ Water    ☐ General

### Complainant Information:

### Location of Complaint:

Name of person making complaint:	Name:
Address:	Property Address:
Phone:	Mailing Address:
Email:	Phone:
Signature:	Parcel/Tax ID:

**Problem/Complaint (please give as much information as possible, use back if necessary):**

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### For Office Use Only

Date Rec'd:	Forwarded To:
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**Action Taken:** \_\_\_\_\_

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Department Signature:	Date Closed:
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Date Prepared:	June 19, 2023	# of Pages: 2
Meeting Date:	June 27, 2023	Meeting Type: Regular Meeting
Subject:	Consumers Energy Tree Grant	Authors: March Dye, Maggie Bacon

**Overview:**

As a part of the Union Street project last fall, two large Maples had to be removed. In addition, two Maple trees were removed at the Lake Michigan Beach due to several years of high water. Finally, there are several other locations in the Village where the additional trees may be placed as part of growing and maintaining our urban forest. As identified in our Tree plan, the Village should add to its urban forest as time and resources allow. Consumers Energy has a grant opportunity to help us do just that.

- Max of \$3,000 (\$200 per tree) = as many as 15 trees
- Planting locations must be along public streets or boulevards – accessible to general public
- Selected trees must conform with the Arbor Day Foundation Right Tree Right Place principles and be compatible with any existing overhead or underground utilities

The Village is fortunate to have a number of tree enthusiasts who are willing to step up to help with the Right Tree Right Place principles including March Dye (who also heads up the volunteer tree assessment group).

**Recommendation:**

1. Approve moving forward with the grant application. It will be due one day after the Village Council Work Session.

VC 6/27/23

Welcome to the 2023 tree planting season! We are pleased to announce the **2023 Consumers Energy Forestry Operations Community Street & Boulevard Tree Planting Grant Program**. The Michigan Forestry and Park Association is administering the Grant program on behalf of Consumers Energy. Communities must be within the Consumers Energy Electric service area to be eligible and you are receiving this email because you have participated or expressed interest in the past. Planting locations must be along public streets and boulevards and accessible to the general public. Trees selected shall conform to the Arbor Day Foundation Right Tree Right Place principles and be compatible with any existing overhead or underground utilities.

REMINDER THIS YEAR: For approved projects in 2023 the possible Grant award will be \$200.00 per planted tree to a maximum total of \$3000.00 (15 trees) per single municipality. Please also note six tree species that will not be considered for grant reimbursement due to their invasive nature. This list is in the [Application Information](#) document.

**Application Due Date: July 14, 2023**

If you are interested in applying, please complete the [Application Form](#) and submit by email to Becky Wildenthal at

[cetreeplantinggrants@gmail.com](mailto:cetreeplantinggrants@gmail.com) by July 14, 2023.

There is a [sample](#) application to use as a guide in completing your application correctly, including how to include the required Before and After planting pictures and filling out the tree species list. The application form can be electronically filled out. Otherwise, please fill out by hand and scan back in an email.

Successful reimbursement grant recipients will receive \$200.00 per approved tree planted up to a maximum of \$3000.00 (15 trees) per community. **Projects accepted must be completed and proofs submitted by November 10, 2023.** Please see the [Application Information](#) document for the specific grant terms.

Prepared:	June 18, 2023	Pages: 1
Meeting: Regular	June 27, 2023	
Subject:	Score Board Removal Yield to Pedestrian Signs for Shalda Park	Author: March Dye

**Overview:**

John wants to know if it is OK to remove the scoreboard from the Shalda Park baseball area. The head of the youth baseball league said they do not use it. It is quite close to the new walking trail and is not in good repair.

He also wants to know if he can order four "Yield to Pedestrian" signs for the two areas where the trail crosses the road (one going each way at two areas). These would also serve as markers for where the trail is in the winter when plowing.

Both items would come out of repairs and maintenance for the park.

**Action to be Taken:**

Have a vote, roll call or consensus to have these two things done.

VC 6/27/23



Date: 6/20/2023	Pages: 1
Meeting Date: 6/27/2023	
Subject: Special Village Council Committee Village Office Options	Authors: Chris Webb, March Dye, Maggie Bacon

### Overview

The efforts of the RAP grant committee produced an unintended outcome: researching and planning for a Village Office AND how that planning may impact other properties open for redevelopment in the Village.

### Recommendation:

Create a Special Committee of the Council to consider options for a new Village office. The charge will be:

1. Identify and explore feasibility of property options in the Village to house a new Village Office. (Maybe vacant land or land with a building already existing).
2. Create conceptual development plans for not more than 3 options. This may include working with the Planning Commission, outside planners and/or architect and developers.
3. Provide estimated costs for options and funding opportunities beyond the Village Fund Balance.
4. Committee will complete its work by December 2023.

Note: The Village Council included \$20,000 for the Village Office in their 2023/2024 Budget. The Village Council must approve all expenditures.

\*\*Special Committee of the Council may be established for a specific period of time by an approved motion or resolution of the Council or by the President. The task of the committee must be specified along with a date of dissolution.\*\*

VC 6/27/23