



EMPIRE VILLAGE COUNCIL REGULAR MEETING
Empire Township Hall - 10088 W. Front Street
November 9, 2023 @ 7 PM

AGENDA

- A. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
- B. ROLL CALL**
- C. CHANGES OR ADDITIONS TO THE AGENDA**
- D. ADOPTION OF THE AGENDA**
- E. PUBLIC COMMENTS ON AGENDA ITEMS**
- F. CONSENT AGENDA**
 - 1) Approve November Bills totaling \$ _____
- G. REVIEW OF FINANCIAL STATEMENTS**
- H. APPROVE MINUTES – 10/24/2023 Regular Meeting**
- I. COMMUNICATIONS**
 - 1) Michigan Township Participation Plan – Grant Approval
- J. DEPARTMENT HEAD REPORTS**
- K. COUNCIL MEMBER / COMMITTEE REPORTS**
- L. OLD BUSINESS**
 - 1) New Neighborhood Phase IV (Palmer)
 - a. Resolution #11 Streets and Alleys
 - b. Street Dedication and Hold Harmless Agreement
 - 2) Update Rules of Procedure Section 6.7 – 6.11
 - 3) Short Term Rental Committee Report to Council (Dye)
 - 4) Appointment of Planning Commission (Palmer)
- M. NEW BUSINESS**
 - 1) Purchase John Deere Tractor (Bacon)
 - 2) CIP/Priority Discussion (Bacon)
 - 3) Village Service Outsourcing (Bacon)
 - 4) Review Attorney Submissions (Palmer)
 - 5) Review Risk Assessment Document (Palmer)
- N. PUBLIC COMMENT**
- O. COUNCIL MEMBER COMMENT**
- P. ADJOURNMENT**

October 24, 2023 – EMPIRE VILLAGE COUNCIL REGULAR MEETING

The Regular meeting was called to order at the Empire Township Hall and the Pledge of Allegiance was led by Palmer at 7:00 p.m. Upon a roll call, Council members Bacon, Chase, Palmer, Palmer, Walton, and Webb were present. Clerk Smith was present.

CHANGES/ADDITIONS TO AGENDA – Chase added part-time DPW help under New Business. Bacon added Shalda Park under Old Business and Legal Counsel Insurance Company Assignment under New Business. Palmer removed Planning Commission Appointment from New Business.

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

PUBLIC COMMENT ON AGENDA ITEMS – None.

CONSENT AGENDA – Motion by Dye, support by Bacon to approve the Consent Agenda including minutes of the 10/12/2023 Work Session and bills totaling \$22,752.08. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

FINANCIAL REPORTS – Financial reports were received from the Treasurer and Clerk. Totals from each indicate that the general ledger matches the bank statements. There was discussion of an explanation of when Winter Streets Revenue is received at a future work session.

COMMUNICATIONS – None.

PRESENTATION – Palmer presented a Resolution of Appreciation to Carol and John Peterson thanking them for their years of dedication to the monitoring and reporting of water quality at South Bar Lake.

DEPARTMENT HEAD REPORTS – Written reports from DPW Superintendent Friend and Zoning Administrator Hall were received. Friend reviewed several items and answered questions regarding needed repairs for the launch ramp, parts delivered and mowing completed for the ribbon-cutting at Shalda Park. Palmer read a portion of ZA Hall's report regarding an electric charging station at the old schoolhouse property and training opportunities.

COUNCIL MEMBER/COMMITTEE REPORTS – The Short-Term Rental Committee report was read aloud. Dye reported on a recent volunteer effort in creating a path connecting Shalda Park and the adjacent Leelanau Conservancy property. A tulip tree was donated and planted by the sit-up station. Dye also read a report from the Sleeping Bear Gateway Council. Rod Barnes reported on the progress of the Citizens Community Asset Task Force and distributed a preliminary list they have produced.

OLD BUSINESS

FRONT LOADER PURCHASE – Bacon reviewed the documentation on warranties and trade-in options. **Motion by Bacon, support by Rademacher to approve the purchase of the John**

VC 11/9/23

Deere front loader for \$105,150.22. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.

FEASABILITY STUDY FOR NEW/RENOVATED OFFICE SPACE - Motion by Bacon, support by Rademacher to approve contract with Renovare for a total of 70K with 35k out of the current budget to be amended if needed. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.

SHALDA PARK - Motion by Bacon, support by Chase to ratify the decision to have the DPW personnel remove barbed-wire fence located on private property #005-018-014-11 and to file the consent from the property owner with the Clerk along with the minutes of this meeting. This would address an OMA violation and an action contrary to Council motions to have public discussion before action is taken. Upon a voice vote, MOTION PASSED.

NEW BUSINESS

PARKS COMMITTEE REQUESTS – Motion by Dye, support by Walton to have the committee gather information on an increase in fees for Beach Parking, playground equipment for Shalda Park (open ended to take advantage of discounts and deals) and permission to explore the feasibility and the costs involved in building a boardwalk connecting Lions Park to Lake Michigan Beach Park. Discussion included defining the priorities on the CIP, Chase would like the Boardwalk removed, permission for any fee increase be discussed with MI Natural Resources Trust Fund per Bacon, Walton felt planning documents would be needed for potential grants, and Webb felt a discussion of projects was needed before any action was taken. ROLL CALL: Ayes: Dye, Palmer, Walton, Webb. Nays: Bacon, Chase, Rademacher. MOTION PASSED.

DISASTER PREPAREDNESS COMMITTEE EXTENSION – Motion by Walton, support by Rademacher to extend the deadline for this committee to complete their assignment and issue their report until January 2024. Upon voice vote, MOTION PASSED.

PART-TIME HELP FOR DPW - Motion by Chase, support by Bacon to hire temporary part-time assistance for the DPW until the vacant position is filled, not to exceed 5K, at the hourly rate paid to the last DPW Technician. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.

LEGAL COUNSEL INSURANCE COMPANY ASSIGNMENT - Motion by Bacon, support by Rademacher to have the FOIA Coordinator notify the law firm Mika Meyers and Mr. Tim Figura that the Village insurance company, Tokio Marine, will assign their counsel for the Village, the President and the office of the President to represent all 3, unless coverage is rejected, and to ensure that no taxpayer dollars will be spent on outside counsel regarding the FOIA complaint. Upon a voice vote, MOTION PASSED.

Motion by Bacon, support by Rademacher to have the President provide the Council a record of questions submitted to Mr. Figura regarding the FOIA request since its filing and including their dates, per ROP #11. Upon a voice vote, MOTION PASSED.

PUBLIC COMMENT – Jason Miesner, Superintendent of Glen Lake Schools, provided literature and answered questions regarding their millage request.

COUNCIL MEMBER COMMENT – Bacon commented that while it may appear that there is a lot of legal bureaucracy that seems unnecessary to get things done, unlike businesses the act of governing ensures equal opportunity if those laws are consistently followed. While mistakes will be made, those laws ensure the public of equality of opportunity, access, and voice to all.

ADJOURNMENT at 8:22 p.m.

Derith Smith Empire Village Clerk

These are draft minutes for approval at the November 12, 2023, Council meeting.



MICHIGAN TOWNSHIP

PARTICIPATING PLAN

October 30, 2023

John Friend, DPW Superintendent
Village of Empire
11518 S Lacore Rd., PO Box 253
Empire, MI 49630

Re: MTPP Cycle 25 Grant Application

Dear John,

We are excited to inform you that the Michigan Township Participating Plan Board of Directors has approved your grant request in the amount of **\$ 4,000.00**. Please complete and return the attached Risk Reduction Grant Program Agreement to officially accept your grant award. If a signed grant acceptance agreement is not returned by **December 2, 2023** your award will be considered forfeit.

Upon completion of your project, copies of all invoices, photos and evidence of payment for the specific grant purpose must be submitted to the Par Plan to receive reimbursement.

All grant documents may be submitted via email at mtpprrgp@tmhcc.com or by mail to:

Michigan Township Participating Plan
1700 Opdyke Court
Auburn Hills, MI 48326

Please note that all invoices for grant expenditures must be dated after the date of the grant agreement.

The grant project, as specified on the agreement, must be started after and completed within six(6) months from the date of the grant agreement. The program does not allow for completion date extensions. If the grant project is not completed within the six-month time frame as stated above; the grant will be considered forfeited.

Please do not hesitate to contact us should you have any questions regarding the grant process.

Sincerely,

Jennifer Venema
MTPP Administrator

Encl: RRGP Grant Agreement



MICHIGAN TOWNSHIP

PARTICIPATING PLAN

Risk Reduction Grant Program Agreement

Date of Agreement: **October 30, 2023**

Upon application by **Village of Empire** (hereinafter "Grantee") to the Michigan Township Participating Plan Risk Reduction Grant Program (hereinafter "Grantor"), Grantor agrees to fund the following Grant, and Grantee agrees to accept such Grant, in accordance with the terms below and subject to the additional conditions set forth in the grant application attached.

1. GRANT AMOUNT: **\$ 4,000.00**

Please note: Your award amount may differ from your requested amount. Due to the overwhelming success of the Risk Reduction Grant Program, you may have been awarded funding in an amount less than requested so that we may assist as many members as possible in mitigating risk.

2. GRANT TERMS: To be paid upon receipt of bills, invoices, photos and evidence of payment for verification and the specific grant purpose listed below. Invoices for expenditures must be dated after the date of this agreement. The reimbursement will be for actual expenses paid up to the amount awarded.
3. SPECIFIC PURPOSE(S) OF THE GRANT: The Grant shall be used solely for the purposes as outlined below.

Generator

4. PROJECT COMPLETION DEADLINE: The grant project must be completed and the written request for reimbursement must be filed within six (6) months from the date of the grant agreement. That date is **May 1, 2024**. There will be no grant extensions. If the grant project is not completed within the six-month time frame stated above; grants will be considered forfeited.
5. PHOTO/MEDIA PERMISSION: The grantee authorizes grantor to use photographs or videos either taken by grantor or provided by grantee of the project or program and its participants for promotion and/or advertising related to grantor activities.

Executed by or on behalf of Grantor and Grantee as follows:

GRANTOR:

Michigan Township Participating Plan
1700 Opdyke Ct
Auburn Hills, MI 48326

GRANTEE:

Village of Empire
11518 S Lacore Rd., PO Box 253
Empire, MI 49630

Print Name: _____

By:

By: _____

Dated: **October 30, 2023**

Dated: _____

MINUTES

Asset Mapping Task Force

October 30, 2023

Task Force convened at 10:00 AM by Chairman Rodney Barnes

Members present: Rodney Barnes, Trish Baker, Bob Chase, Linda Lewis, and Steve Lewis.

Chairman Rodney reviewed our agenda and handed out Asset Category sheets.

We reviewed the minutes from the October 16th meeting and no corrections were made.

Discussion of the deadline of December 14th to present information to the Council was continued. Assignment of tasks will be set at our next meeting.

Brainstorming of assets started and took up the rest of the meeting. Chairman Rodney will take the Asset Sheets and clean them up.

The next meeting will be on Monday, November 6th at 10 AM at the Glen Lake Community Library.

The meeting was adjourned at 11:15 AM

Respectfully submitted.

Bob Chase

VC @ 11/9/23

Meeting:	November 9, 2023
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Subject:	New Neighborhood Phase IV
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Author:	Sue Palmer
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Overview:

The New Neighborhood Phase IV has requested that the Village of Empire take over the maintainable of the streets and lighting. Per the PUD requirements the Phase IV has met a 30% occupancy level. The Village Engineer, Street Administrator and President have signed the Review of Streets documents. The next step is to sign the Village to adopt the Resolution of Street and Alleys accepting the dedication of the Streets. Lastly the Street Dedication and Hold Harmless Agreement can be signed.

Action to be Taken:

Request Council adopt the Resolution of Streets and Alleys.

VILLAGE OF EMPIRE
RESOLUTION NO. 11 of 2023

RESOLUTION ACCEPTING DEDICATION OF ROADS AND ALLEY IN
THE NEW NEIGHBORHOOD TO THE PUBLIC

WHEREAS, Quercus Alba, L.L.C. ("Proprietor") has caused certain lands in the Village to be surveyed, divided and platted as the New Neighborhood, a planned unit development ("PUD"); and

WHEREAS, the Village and the Proprietor entered into that certain PUD Agreement dated August 19, 2002, which agreement set forth the terms, conditions, rights and obligations of the Village and the Proprietor with respect to the Village's approval of the PUD; and

WHEREAS, the PUD Agreement provided that the Proprietor would be permitted to develop the New Neighborhood in five phases; and

WHEREAS, the streets and alleys in Phase 4 of the New Neighborhood have been completed and homes have been constructed on 30% of the lots in Phase 4; and

WHEREAS, THE PUD Agreement provided that the Proprietor would create nonprofit corporations composed of lot owners within the New Neighborhood which would be property owner associations; and

WHEREAS, the proprietor has created New Neighborhood Property Owners Association #4, a Michigan nonprofit corporation; and

WHEREAS, the PUD Agreement provides, at paragraph (P-8), that the maintenance, including snow and ice removal, of the road and alley rights of way within the New Neighborhood would be the responsibility of the Association until such time as the Village accepts jurisdiction over same; and

WHEREAS, the Proprietor and the Association have asked the Village to accept jurisdiction over the streets and alleys in Phase 4 of the New Neighborhood; and

WHEREAS, on March 20, 2007, the Empire village council adopted a resolution of intent to accept title to and the dedication of the streets and alleys in the New Neighborhood upon the review and approval of said streets and alleys by the village engineer, the village street administrator and the village president, and also upon execution of a hold harmless agreement by which the Village would be held harmless and indemnified for any work and materials required to repair any damage to the streets, alleys, sidewalks, utilities, or any other infrastructure within the rights of way that may be damaged as a result of construction during any of the Phases of the PUD, or other damages resulting therefrom; and

WHEREAS, the Empire Village and the proprietor reached resolution in a Consent Judgment dated November 25, 2009 stating that the Village shall accept as public when the "Construction of said streets in a phase has been completed in accordance with the engineering standards set

forth in that certain set of drawing prepared by Plaintiff's engineer identified as "New Neighborhood, A Platted Subdivision, Streets and Alleys Ph1-PhV, Empire Michigan, prepared for Quercus Alba, L.L.C. by Gourdie-Fraser Engineers, dated November 13, 2009", the complete original set of which is on file with the Village of Empire, and which drawing reflect the construction standards required by the report which was attached to the Mediation Settlement between the parties dated September 9, 2009; and construction of homes on thirty percent (30%) of lots within that phase has been completed. Also upon execution of a hold harmless agreement by which the Village would be held harmless and indemnified for any work and materials required to repair any damage to any streets, alleys, sidewalks, utilities, or any other infrastructure within the right of way that may be damaged as a result of construction during any of the Phases of the PUD, or other damages resulting there from; and

WHEREAS, the roads and alleys in the New Neighborhood Phase 4 have been reviewed and approved by the village engineer, the village street administrator, and the village president; and the proprietor agrees to replace any of the street trees at no expense to the Village, if they are deemed unhealthy as of May 1, 2024.

WHEREAS, the Proprietor and the Association have entered into a Dedication and Hold Harmless Agreement with the Village pursuant to which the Proprietor and the Association have agreed to hold harmless and indemnify the Village for the full cost of any work performed and materials required to repair any damage to any of the streets, alleys, sidewalks, utilities, or any other infrastructure within the rights of way in Phase 4 of the New Neighborhood that may be damaged as a result of construction during any current or subsequent Phases of the New Neighborhood, which construction is performed by, or at the direction of, the Proprietor, the Association or any lot owner in the New Neighborhood, and any other damages that may result there from, except to the extent such damage is caused solely by the Village or those acting on the Village's behalf;

NOW, THEREFORE, BE IT RESOLVED that the Village of Empire hereby accepts the dedication to the public of the following roads and alleys in the New Neighborhood, Alley 5 south of Michigan Street (Michigan Street is referenced on the Plat as Michigan Avenue), Alley 6, Ontario Street from South Street to Alley 6, and Pokagon Street from Alley 6 to South Street, all as described in the Plat of the New Neighborhood recorded at Liber 687 Page 73 of Plats, Leelanau County Register of Deeds.

BE IT FURTHER RESOLVED that this resolution becomes effective only upon receipt by the village, of the signed satisfactory reviews from the village president, the village engineer and the village street administrator, and a fully executed copy of the dedication and hold harmless agreement.

Adoption of the foregoing resolution was moved by Councilmember, _____, and seconded by Councilmember _____.

Voting for:

Voting Against:

The Village President declared the resolution adopted.

Sue Palmer
Village of Empire President

CERTIFICATION

I, Derith A. Smith, Clerk, hereby certify that the foregoing is a true copy and original copy of Resolution No. ____ of 2023, which was adopted by Village Council for the Village of Empire at a regular meeting held on _____, 2023, which was held in accordance with the Open Meetings Act of the State of Michigan.

Derith A. Smith, Village Clerk

STREET DEDICATION
and
HOLD HARMLESS AGREEMENT

THIS AGREEMENT is made this ___ day of _____, 2023 by and between the Village of Empire, a Michigan municipal corporation, whose address is 11518 LaCore Street, PO Box 253, Empire, Michigan 49630 ("Village"), Quercus Alba, LLC, a Michigan limited liability company, whose address is 11950 S. LaCore Street, PO Box 414, Empire, Michigan 49630 ("Proprietor"), New Neighborhood Property Owners Association #4, a Michigan nonprofit corporation, whose address is 11950 S. LaCore Street, PO Box 414, Empire, Michigan 49630 ("Association").

WHEREAS, the Proprietor has caused certain lands in the Village to be surveyed, divided and platted as the New Neighborhood, a planned unit development ("PUD"); and

WHEREAS, the Village and the Proprietor entered into that certain PUD Agreement dated August 19, 2002, which agreement set forth the terms, conditions, rights and obligations of the Village and the Proprietor with respect to the Village's approval of the PUD; and

WHEREAS, the PUD Agreement provided that the Proprietor would be permitted to develop the New Neighborhood in five phases; and

WHEREAS, the PUD Agreement provided that the Proprietor would create nonprofit corporations composed of lot owners within the New Neighborhood which would be property owner associations; and

WHEREAS, the proprietor has created New Neighborhood Property Owners Association #4, a Michigan nonprofit corporation ("Association"),

WHEREAS, the PUD Agreement provides, at paragraph (P-8), that the maintenance, including snow and ice removal, of the road and alley rights of way within the New Neighborhood would be the responsibility of the Association until such time as the Village accepts jurisdiction over same; and

WHEREAS, the Proprietor and the Association have asked the Village to accept jurisdiction over the streets and alleys in Phase 4 of the New Neighborhood; and

WHEREAS, on March 20, 2007, the Empire village council adopted a resolution of intent to accept title to and the dedication of the streets and alleys in Phase 1 and Phase 2 of the New Neighborhood upon the review and approval of said streets and alleys by the village engineer, the village street administrator and the village president, and also upon execution of a hold harmless agreement by which the Village would be held harmless and indemnified for any work and materials required to repair any damage to the streets, alleys, sidewalks, utilities, or any other infrastructure within the rights of way that may be

damaged as a result of construction during any of the Phases of the PUD, or other damages resulting therefrom; and

WHEREAS, on November 25, 2009, a Consent Judgment was issued by the 86th District Court in case No. 09-0462-GC pursuant to which the Village agreed to accept dedication of the streets and alleys in Phases 3, 4 and 5 of the New neighborhood when homes were constructed on 30% of the lots in said phase; and

WHEREAS, on November 17, 2010, the Empire village council adopted a resolution of intent to accept title to and the dedication of the streets and alleys in Phase 3 of the New Neighborhood upon the review and approval of said streets and alleys by the village engineer, the village street administrator and the village president, and also upon execution of a hold harmless agreement by which the Village would be held harmless and indemnified for any work and materials required to repair any damage to the streets, alleys, sidewalks, utilities, or any other infrastructure within the rights of way that may be damaged as a result of construction during any of the Phases of the PUD, or other damages resulting therefrom; and

WHEREAS, The Village accepted the dedication of the streets and alleys in Phase 4 by resolution number ____ on the ____ day of _____, 2023.

WHEREAS, homes have been constructed on 30% of the lots in Phase 4;

NOW, THEREFORE, the parties hereto, acting by and through their duly authorized representatives HEREBY AGREE AS FOLLOWS:

1. As set forth in the Proprietor's Certificate in the plat for the New Neighborhood, recorded at Liber 687, Page 73 of Plats, Leelanau County Register of Deeds ("Plat"), the Proprietor dedicates to the Village for the use of the public those roads and alleys described in the Plat as Alley 5 south of Michigan Street (Michigan Street is referenced on the Plat as Michigan Avenue), Alley 6, Ontario Street from South Street to Alley 6, and Pokagon Street from Alley 6 to South Street, and the Association likewise agrees to the dedication of said roads and alleys described in the Plat to the use of the public; and

2. The Proprietor and the Associations hereby agree to jointly and severally indemnify and hold the Village harmless for the full cost of any work performed and materials required to repair any damage to any of the streets, alleys, sidewalks, utilities, or any other infrastructure within the rights of way in Phase 4 of the New Neighborhood, the dedication of which rights of way is being accepted by the Village, that may be damaged as a result of construction during Phases 1, 2 and 3 or any of the subsequent Phases of the New Neighborhood, which construction is performed by, or at the direction of, the Proprietor, any of the Associations or any lot owner in the New Neighborhood, and any other damages that may result therefrom, except to the extent such damage is caused solely by the Village or those acting on the Village's behalf, by paying the full cost of such work performed and materials required to repair any damage within thirty (30) days from the date demand for same is made by the Village.

3. Upon the failure of the Proprietor and/or any of the Associations to pay the full cost of such work performed and materials required to repair any damage within thirty (30) days from the date demand for same is made by the Village, the Village may, in addition to any other remedy available to it in law or equity, may place said amount on the tax bill of any property owned by the Proprietor and/or any of the Associations in the New Neighborhood and the Village shall have, and may record, a lien on such property owned by the Proprietor and/or the Associations in the New Neighborhood until such time as such sum, together with interest at the statutory judgment rate, is paid in full.

4. In consideration of the foregoing indemnification and hold harmless agreement, the Village agrees that, upon the review and approval of the village engineer, the village street administrator and the village president, it will adopt a resolution accepting the dedication of Alley 5 south of Michigan Street (Michigan Street is referenced on the Plat as Michigan Avenue), Alley 6, Ontario Street from South Street to Alley 6, and Pokagon Street from Alley 6 to South Street.

5. Any notices required to be given by this agreement shall be given by personal delivery to one of the signatories listed below, or their then current counterparts, or by first class mail addressed to the party at the address listed in the first paragraph of this agreement.

6. This agreement shall be binding on the parties hereto, their heirs, successors and assigns.

THIS AGREEMENT was executed by the parties to be effective as of the date set forth in the first paragraph above.

VILLAGE OF EMPIRE

Sue Palmer, Village President

Dated: November __, 2023

QUERCUS ALBA, L.L.C.

Robert Foulkes, Manager

Dated: November __, 2023

New Neighborhood Property Owners Association #4

Robert Foulkes, President

Dated: November __, 2023

Meeting:	November 9, 2023
Subject:	Update the Rules of Procedure
Author:	Sue Palmer

Overview:

Council will continue reviewing the Rules of Procedure as follows:
Section 6.7 through 6.11.

Action Requested

Council to Provide updates for the following Rules of Procedure document.

6.7 Agenda and Meeting Material Distribution

Agendas and meeting materials shall be distributed to Council, electronically or in person, and posted no later than the Friday preceding the Regular Meeting and no later than the Monday preceding the Work Session meeting. All materials shall be dated. Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date they were changed.

6.8 Special Meeting Agenda

The agenda of a Special Meeting will consist only of the matters so stated in the notice of the meeting.

6.9 Chair

The President shall moderate and chair all meetings of Council. In the absence of the President, the President Pro Tempore shall assume the duties of the Chair. If both the President and President Pro Tempore are absent, the longest serving member of Council will assume the role of Chair.

6.10 Quorum

Four members of the Council shall constitute a quorum for the transaction of business at all Council meetings. In the absence of a quorum, a lesser number may adjourn a meeting to a later time or date, providing appropriate public notice.

6.11 Attendance at Council Meetings

Election to the Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the Village. Attendance at Council meetings is critical to fulfilling this responsibility.

No member of the Council may be absent from a Regular or Work Session meeting without first notifying the Village Office, President or Clerk. Members who are unable to attend a Special Meeting shall inform the person planning the meeting, so it can be ensured that a quorum will be present at the meeting.

Sue's notes for discussion:

6.7 Agenda/e-Packet Distribution

All Agenda/e-Packet materials shall be dated and distributed to Council members by email, website or available to be picked up in the office. Deadlines for such material shall be as follows:

- Regular Meeting – No later than the Friday prior to the Tuesday meeting.
- Work Session Meeting – No later than the Monday prior to the Thursday meeting

Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date they were changed.

6.8 Special Meeting Agenda

The agenda of a Special Meeting will consist only of the matters so stated in the notice of the meeting.

6.9 Presiding Officer

The President shall be the Presiding Officer and is responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. In the absence of the President, the President Pro Tempore shall assume the duties of the Presiding Officer. If both the President and President Pro Tempore are absent, the longest serving member of Council shall preside.

6.10 Quorum

Four members of the Council shall constitute a quorum for the transaction of business at all Council meetings. In the absence of a quorum, a lesser number may adjourn a meeting to a later time or date, providing appropriate public notice.

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Sue Palmer
11/9/23 Regular Meeting

REPORT OF THE SHORT-TERM-RENTAL COMMITTEE OF COUNCIL

Members: March Dye, Meg Walton and Linda Chase
November 9, 2023

OVERVIEW:

In general, a short-term rental (STR) refers to an activity in which one party, the “host”, agrees to rent out all or part of a home to another party, the “guest”, on a temporary basis - usually for less than 30 days.

There are only 4 known properties in the Village where the owner lives in the home and rents an attached apartment. Two are long term rentals and two are STRs. The rest of the STRs are whole houses or apartments above businesses.

The Short-Term Rental Committee of Council finds that short-term rentals of dwelling units in the Village provide value to our community. However, the increase of seasonal units, the decrease in year-round units and the increase in STRs reinforce the fact that Empire is increasingly a tourist destination and a seasonal community. These facts affect our housing supply for year-round residents, our labor force, the residential character of our neighborhoods and the welfare of our community.

This Committee was charged with the following tasks:

1. Review and update the knowns from the last Short-Term Rental (STR) Study (2/4/2020).

2. Research the following questions:

a. What is the problem that needs to be solved? What are the problems Empire is experiencing because of seasonal rentals? Provide evidence that demonstrates a correlation between unavailable housing stock or long-term rentals existing because of a large seasonal rental market.

b. Does the Village of Empire benefit from having seasonal rentals? Is there evidence of that benefit?

3. Identify Ordinance options for the village Council to consider for addressing the actual issue. What impact does each option have on the Village operations (staffing and enforcement) and budget.

4. Schedule a Special Council meeting where this information and data is shared with time for a public hearing.

a. All presentation materials must be posted allowing members of the public to review the information at least 5 days prior to the meeting.

b. The purpose of the public hearing will be to solicit input from members of the public about the need for a seasonal rental ordinance in the Village and if so, which option seems to be the best one for the Village.

REVIEW AND UPDATE THE KNOWN FROM THE LAST STUDY

Knowns from the 2019 study

Inventory of Housing Units

1. 49 STR
2. 18 Long Term Rentals (LTR)
3. 161 Year Round Residents
4. 115 Seasonal Residents

The general behavior of STR guests is acceptable with very few problems.

Empire offers a unique market to the vacationer. Empire is a vacation destination.

Empire has significant opportunities and challenges.

The population of Empire is aging. As homes in the village are left unoccupied it may cause families(trusts) to defray the cost of maintenance and taxes and turn the homes into STR or LTRs.

The Master Plan has information concerning the current housing inventory along with other important data points.

The Committee believes the Village's current infrastructure may challenge at the very least and possibly inhibit future development of buildable lots.

Explosion of Internet marketing sites for STR have made it an easier and more attractive endeavor.

Investment vs. Expense.

Insurance - Most insurance companies require a separate policy for STRs.

Townships and Villages within Leelanau County are developing STR policies on an as needed basis.

Results of 2023 Committee

63 STR Increase of 14

22 LTR Increase of 4

147 Year Round Decrease of 14

131 Seasonal Increase of 16

This Committee agrees that this is still the situation.

This Committee agrees.

Empire is landlocked by the National Park and future development of STRs would be concentrated within the Village boundaries. This is still true.

This is a possibility but we have no data on whether this is happening. There has been an increase in new built homes.

That information is out of date. It does note on page 47 -"It's important for the Village to continue its informed monitoring of the impact of seasonal rentals on the Village and its resources."

We agree as far as business's are concerned with wastewater but have no opinion concerning housing lots.

We agree.

We feel this is not our concern.

Still True.

Yes. More have passed ordinances since the last committee met.

Within Leelanau County, the Village has a variety of Ordinances to review and consider. The Committee identified several different variations of ordinances and regulations. A chart is provided.

The public is very interested in this topic although few attended the meetings. Also the media is interested.

An ordinance could provide a stream of revenue for the Village.

Several companies are in the business of managing and enforcing STR ordinances. The committee believes this is excessive.

"The Rub" between property rights and what is the common good.

The Committee agrees that summer residents may have a detrimental effect on the local economy as compared to a STR. We feel that summer resident homes are vacant up to 75% of the year and may not generate a proportionate amount of cash for the local economy. We feel that home upkeep is far more progressive in a STR vs. LTR or owner occupied homes.

Do STRs interrupt the need for long-term rentals in the Village? The committee is not sure.

Yes

This Committee created a new chart with updated information.

We agree that the public is interested. We had 9 and 12 members of the public show up for the first two meetings. Then it leveled off.

We don't feel that this is the purpose of the ordinance. Fees should only be used to cover the costs of managing an ordinance.

This Committee feels it is worth looking at the costs in order to lighten the load on our Village staff.

Still true.

This Committee disagrees. Many summer residents pay very high property taxes which contributes to the running of the Village. They also participate in local events and organizations which STRs do not.

This is subjective and no real way of proving it.

If there were fewer STR would there be more LTR? We're not sure either.

TOTAL INVENTORY OF OF HOUSING UNITS IN THE VILLAGE OF EMPIRE

STREET	YEAR- ROUND OWNER OCCUPIED	SEASONAL OWNER OCCUPIED	LONG TERM RENTAL	SHORT- TERM RENTAL	UNDER CONSTR.	VACANT LOTS
Pitch Apple	5	2				2
Applewood	3					1
Wilco	1					
Lake St.	9	5	2	6		2
Front St.	6	8	3	7		
LaRue		1				
Wilce St.	8	8	1	9		3
Washington	1	2	1	2		9
Aylsworth	7	7	1	1		8
Wood	3	2				1
Michigan St.	2	5	18	2		2
M-22	4	3	2	3		7
Niagara	9	7	3	8		2
Union	5	3		1		3
Salisbury		1		3		
Reynolds	2	2	1	1	1	1
Phillip	1	3				
Lambkin Ln	1	3				
LaCore	15	10	7	5		5
Florence	3	3				1
Fisher	2					
Park St.		1				
Zelmer	2			1		2
Lake MI.Dr.	8	16		5		
Storm Hill	5	15				3
Ontario St.	4	2		1	1	6

TOTAL INVENTORY OF OF HOUSING UNITS IN THE VILLAGE OF EMPIRE

South St.	4	1		1	1	1
W.Michigan	3	1				3
Pokagon		3		1		1
Erie	5	1	1	2		4
W. Wilce	7	4		1		
W.Front Bennett	2	1		1		2
Sunset	5	3		1		
Ottawa	4	2			2	4
Crescent	3	2		1	5	6
Sleepy Valley Dr	1					3
W Filby Tr.						3
S. Roen Rd.	4	1			1	14
Village Court	3	3				6

	YEAR ROUND OWNER OCCUPIED	SEASONAL OWNER OCCUPIED	LONG TERM RENTAL	SHORT TERM RENTAL	UNDER CONSTR.	VACANT
TOTALS: 2023	147	131	22	63	12	107
Totals from 2019	161	115	18	49		
	-14	+16	+4	+14		

Note: 2 of the STR are on properties occupied year round by owners.
 5 of the STR are in 3 commercial properties with business's on main floor.
 2 of the STR are on the same residential property.
 2 of the LTR are on the same commercial property.
 1 of the LTR is on a property occupied year round by owner.
 1 of the LTR is on a property occupied seasonally by owner.
 There are also two motels and one bed and breakfast with a rental cottage.

TOTAL INVENTORY OF OF HOUSING UNITS IN THE VILLAGE OF EMPIRE

I included the rental cottage as a STR in the count since it was included in 2019. There are approximately 366 residences in the Village including the apartments.

The 2019 study did not include the 18 apartment units on Washington. Therefore, we did not include them in this tally either. It is important to remember that they do exist!

There are three houses under construction at this time which are earmarked for short term rentals.

There are approximately 366 residences in the Village including the apartments (not including the 8 STRs and the 4 LTR noted above or the homes under construction).

WHAT IS THE PROBLEM THAT NEEDS TO BE SOLVED?

As shown in the updated housing stock the number of STRs has increased by 14 (give or take 4) in the 2 1/2 years since the last study was done. The year round population is down and the seasonal population is up.

There have been 25 new homes built since the last study was completed (mostly in the New Neighborhood and the M22 Neighborhood). Fourteen of them are year round, 8 are seasonal and 3 are STRs.

STRs occur primarily in the summer months (June-August), due to the summer resort nature of the community. STRs in the off-season (September-May) are markedly diminished, which may leave many neighborhoods with numerous vacant houses for large parts of the year. The fewer year-round residents the harder it is for our businesses to survive through the off season.

There is no way to determine if STRs are taking away from long-term rentals. In fact the most recent count shows an increase of 4 long-term rentals. However, if there were fewer STRs there would be more housing stock. Every new STR does take away from the *potential* year round or long term rental housing stock.

It is this committee's view that it is in the best interest of the Village to preserve and maintain the residential community character of the Village by limiting the number of STRs allowed in the Village.

DOES THE VILLAGE OF EMPIRE BENEFIT FROM HAVING SEASONAL RENTALS? IS THERE EVIDENCE OF THAT BENEFIT?

STRs can provide a community benefit by providing a number and type of lodging facilities that support commerce in our Village.

They can assist owners of homes by providing revenue that may be used for mortgage, maintenance and upgrades.

A benefit from STRs could be that people who visit and stay in a STR may eventually buy a home here and move here.

It is also important to note here that there have been very few problems with the existing STRs.

IDENTIFY ORDINANCE OPTIONS FOR THE VILLAGE COUNCIL TO CONSIDER FOR ADDRESSING THE ACTUAL ISSUE.

There are two basic approaches to regulating STRs.

1.. Zoning: The benefits of the zoning approach for STRs are that it can be tailored to specific land use districts where the problems with STRs exist. For instance - STRs could be allowed in the Gateway Corridor District and the Front Street District only. The problem with this approach is that it does not allow equal opportunity for people in various areas of town to have STRs. It would also create a greater percentage of STRs in certain neighborhoods thereby decreasing the sense of neighborhood. None of the ordinances we looked at were zoning ordinances. Traverse City has a zoning ordinance. Their population is 15,675. Petoskey (pop. 5,877), Charlevoix (pop.2,348), Suttons Bay Twp. (pop. 2,994) and Harbor Springs (pop.1274) also have this type of ordinance.

2. Police Power Ordinance: The second approach is to adopt a police power ordinance, under a village's general ordinance powers, as set forth in the State of Michigan's General Law Village Act 67.1(z) "To adopt other ordinances and make other regulations for the safety and good government of the village and the general welfare of its inhabitants that are not inconsistent with the general laws of this state."

All of the ordinances we looked at were these types plus Beulah (pop. 304) Boyne City (pop. 3,816), Harbor Springs (pop. 1274), South Haven (pop. 3,964), Arcadia (pop.657), Northport (pop. 507), Bingham Twp. (pop.2558), Elmwood Twp. (pop.4,528), Leelanau Twp.(pop.1,552), and Long Lake Twp.(pop. 9,956).

Items that this Committee feels are important to include in an ordinance are:

- *Registration with a fee.
- *Cap on number of STR
- *Grandfather Clause (allowing all existing STRs to continue operating as long as they meet terms of the ordinance)
- *Proof of operation as a STR
- *Septic System - There must be a record of the septic system filed with the Benzie/Leelanau Health Dept. showing compliance with all County Health Department requirements.
- *Trash regulation
- *Number of people per bedroom - total capacity
- *No camping (motor homes, trailers, tents etc)
- *No special events over a certain number of people.
- *Safety Standards
- *Good Neighbor or Emergency Guide
- *Fines for not complying with ordinance.
- *License non-transferable

Village of Empire Pop. 356-362 1.24 Sq. Mile	City of Frankfort Pop. 1,034 1.4 Square Mile	Village of Suttons Bay Pop. 658 1.3 Sq. Mile	Village of Benzonia Pop. 556 1.1 Sq. Mile	Village of Elk Rapids Pop. 1,438 1.7 Sq. Mile	Lake Twp. Pop. 704 35.1 Sq. Mile	Village of Elberta Pop. 295 .7 Sq. Mile	Onekema Twp. Pop. 1,285 18.4 Sq. Miles
STR Ordinacne	yes	yes	yes	yes	yes	yes	yes
Registration/ Permit Required	yes	yes	yes	yes	yes	yes	yes
Valid For:	3 years	3 years	2 years	1 year	1 year	1 year	1 year
Fees:	\$1000	\$500	\$50 initial reg \$200 bi-annual	\$250 increased to \$500	\$500	Yes	?
Management Company		Granicus \$8,245.80/yr		Granicus			
Renewal App.	yes	yes	yes		yes	yes	yes
Cap	yes - 120	yes - 45	yes - 20	yes - 61 with no new permits	yes - 150	yes - 25	no
Grandfather Clause	no	yes	no	yes	no	no	no
Local Contact	yes	yes	yes	yes	yes	yes	yes
Septic Reg.	no (wastewater)	no (wastewater)	no	no (wastewater)	yes	no (wastewater)	yes
Parking Reg.	yes	yes	yes	yes	yes	yes	yes
No. of people per bedroom	2 per br + 4	2 per br Max of 10	2 per br + 2 per floor	2 per br + 2 per floor Max of 10	2 per br + 2 Max or 12	2 per br + 2 Max of 12	3 per br
No Overnight Outside	yes		yes	yes		yes	yes
Trash	yes	yes	yes	yes	yes	yes	yes

Village of Empire Pop. 356-362 1.24 Sq. Mile	City of Frankfort Pop. 1,034 1.4 Square Mile	Village of Suttons Bay Pop. 658 1.3 Sq. Mile	Village of Benzonia Pop. 556 1.1 Sq. Mile	Village of Elk Rapids Pop. 1,438 1.7 Sq. Mile	Lake Twp. Pop. 704 35.1 Sq. Mile	Village of Elberta Pop. 295 .7 Sq. Mile	Onekema Twp. Pop. 1,285 18.4 Sq. Miles
Limited >14 days Duration exemption			yes	yes			
Proof of Insurance	yes		yes	yes	yes	yes	
Special Events	Not Allowed	Not Allowed	Not Allowed		Not Allowed	Not Allowed	Not Allowed
Good Neighbor or Emergency Guide	yes		yes	yes	yes	yes	
Inspection of STR allowed	yes	yes		yes	yes	yes	
Safety Standard	yes	yes	yes	yes	yes	yes	yes
Fines for Violations	yes \$50-\$500	yes \$500 per day	yes \$500 per day	yes	yes \$50- \$500	yes	yes
Enforcement Officer	Zoning Admin. Police	Village Manager or designee	Code enforce officer	Enforcement officer	Zoning Admin. Sheriff	Code enforce officer	Anyone designated
Proof of Operations as a STR				yes			
Is the STR permit transferable.	no	no	no	Yes but changing to no	no	no	?

WHAT IMPACT DOES EACH OPTION HAVE ON THE VILLAGE OPERATIONS (STAFFING AND ENFORCEMENT) AND BUDGET

At the present time our Village office staff seems to be fully occupied with the jobs they have been assigned.

A licensing or registration fee can be charged to cover the costs. The fees charged by the communities we looked at ranged from \$100 to \$500 per year. The fees could either go to hire someone to oversee the STRs or hire a company such as Granicus or GOVOS to oversee this.

The costs would probably be highest in the first year since that is the time the most new STRs would be registered and everyone in the village would have to be notified. After that it would be mainly renewals.

Either way - it would need to be added to the budget.

The Zoning Administrator would have to enforce this.

CLOSING OBSERVATIONS

The Leelanau County Housing Action Committee (HAC) has as its first goal for 2023 to "Promote the preservation of existing affordable homes and rental units, and limitations on STRs."

Networks Northwest says "Every community has to decide if a STR ordinance is right for them and if now is the right time to enact an ordinance. It is good to keep in mind, however, that communities have found it easier, and less contentious, to enact an ordinance before it becomes a local crisis."

The National League of Cities in their "Short-Term-Rental Regulations: A Guide for Local Governments" states that "it is important to pass regulations early. It is easier to limit the spread of STRs before they have proliferated than to retroactively remove them."

You can also look at page 27 and 47 of the Master Plan for the Village of Empire to see how the issue is addressed in the Master Plan.

Re: Report of the STR Committee of Council

March Dye <m.dye@villageofempire.com>

Good morning, March -

Thank you for sharing this information with me. My comments are limited due to the fact that the 'committee' did such a thorough job - well done!

Having previously worked in Onekama for several years, I do have somewhat of an idea of a community with seasonal activity.

I believe that SEASONAL and STR's are two distinct topics - it's great to recognize SEASONAL housing needs and trends, and to recognize the community impact.

STR's (on the other hand) have been declared by the courts to be a COMMERCIAL use of property and inconsistent with the residential use / character of a neighborhood. Hence, the need for ordinances to help bring the 'use' into character and mitigate negative impacts in an effort to balance the scales.

From a zoning perspective, when I am asked: "are short-term rentals permitted in Empire", my answer must be a resounding NO!

Why? Because STR's are NOT listed as a possible 'use', either by right or special use permit in the zoning ordinance. Also, when STR's are regulated through newly adopted zoning ordinances, you have an enforcement issue with all of those currently existing.

The 'committee' work recognizes the importance of the police power ordinance in being retroactive and providing time for existing STR's to be brought into compliance.

Additionally, thank you for recognizing the available resources that must be budgeted [staff / time / \$\$\$] and made available for administration.

I personally believe that Empire is an excellent location with a demonstrated 'need' for short-term rentals. The question(s) then become (when, where, how many, how much, who -----???) And - how do we best engage the public participation to buy into this in 'their' community.

Thank you,

Bob

On 10/29/2023 1:17 PM March Dye <m.dye@villageofempire.com> wrote:

Hi Bob,

I wondered if you could look this over and see if you have any suggestions for us. We have to have the final version in the office by Thursday morning.

Thank you in advance!

March

Robert (Bob) Hall

Village of Empire

Zoning Administrator

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

231-326-5466

za@villageofempire.com

Village of Empire Documentation

Prepared:	November 2, 2023	Combined VC meeting
Meeting:	November 9, 2023	
Subject:	John Deer Tractor Purchase	Author: Maggie Bacon

Overview:

The FY 2023/24 Budget included an equipment line item for \$75,000 for a sidewalk snow removal machine. Since March, the DPW has been researching options for sidewalk snow removal.

Recommendation:

The DPW recommendation (supported by the Street, Sidewalk and Equipment committee) is to forgo a “single use” piece of equipment. The recommendation is to purchase a second John Deer X738 tractor, with snowblower attachment and heated cab option for a total of \$24,153,89.

This tractor offers the Village more flexibility for “swapping out” attachments between the two machines. This will include both the mower deck and sweeper. The addition of the cab will also provide safer, more controlled air quality option for street and sidewalk sweeping.



JOHN DEERE

Customer:

Quotes are valid for 30 days from the creation date or upon contract expiration, whichever occurs first.

A Purchase Order (PO) or Letter of Intent (LOI) including the below information is required to proceed with this sale. The PO or LOI will be returned if information is missing.

Vendor: Deere & Company

- ☐ 2000 John Deere Run
Cary, NC 27513

- ☐ Signature on all LOIs and POs with a signature line

- ☐ Contract name or number; or JD Quote ID

- ☐ Sold to street address

- ☐ Ship to street address (no PO box)

- ☐ Bill to contact name and phone number

- ☐ Bill to address

- ☐ Bill to email address (required to send the invoice and/or to obtain the tax exemption certificate)

- ☐ Membership number if required by the contract

For any questions, please contact:

Matt Lohone

Hutson, Inc.

5858 Moore Road

Williamsburg, MI 49690

Tel: 231-267-9400

Email: mlohone@hutsoninc.com

Quotes of equipment offered through contracts between Deere & Company, its divisions and subsidiaries (collectively "Deere") and government agencies are subject to audit and access by Deere's Strategic Accounts Business Division to ensure compliance with the terms and conditions of the contracts.



JOHN DEERE

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Hutson, Inc.
5858 Moore Road
Williamsburg, MI 49690
231-267-9400
williamsburg@hutsoninc.com

Quote Summary

Prepared For:

VILLAGE OF EMPIRE
11518 S LACORE RD
EMPIRE, MI 49630
Business: 231-326-5353
dpw@villageofempire.com

Delivering Dealer:

Hutson, Inc.
Matt Lohone
5858 Moore Road
Williamsburg, MI 49690
Phone: 231-267-9400
mlohone@hutsoninc.com

Quote ID: 29531667
Created On: 31 August 2023
Last Modified On: 31 August 2023
Expiration Date: 30 September 2023

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE X738 Signature Series Tractor without mower deck Contract: MI Ag, Grounds, and Roadside 071B7700085 (PG 3W CG 22) Price Effective Date: November 4, 2022	\$ 14,686.53	\$ 12,336.68 X	1 =	\$ 12,336.68
JOHN DEERE ROPS Hard Cab Contract: MI Ag, Grounds, and Roadside 071B7700085 (PG 3W CG 22) Price Effective Date: November 4, 2022	\$ 9,534.39	\$ 8,008.89 X	1 =	\$ 8,008.89
JOHN DEERE 47-in. (119-cm) Quick-Hitch Snow Blower Contract: MI Ag, Grounds, and Roadside 071B7700085 (PG 3W CG 22) Price Effective Date: November 4, 2022	\$ 4,488.00	\$ 3,808.32 X	1 =	\$ 3,808.32
Equipment Total				\$ 24,153.89

* Includes Fees and Non-contract items

Quote Summary

Equipment Total \$ 24,153.89

Trade In
SubTotal **\$ 24,153.89**
Est. Service \$ 0.00
Agreement Tax

Salesperson : X _____

Accepted By : X _____

Confidential



JOHN DEERE

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

Hutson, Inc.
5858 Moore Road
Williamsburg, MI 49690
231-267-9400
williamsburg@hutsoninc.com

Total	\$ 24,153.89
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 24,153.89

Salesperson : X _____

Accepted By : X _____

Confidential



JOHN DEERE

Selling Equipment

Quote Id: 29531667

Customer Name: VILLAGE OF EMPIRE

ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:

Hutson, Inc.
5858 Moore Road
Williamsburg, MI 49690
231-267-9400
williamsburg@hutsoninc.com

JOHN DEERE X738 Signature Series Tractor without mower deck

Hours:

Suggested List *

Stock Number:

\$ 14,686.53

Contract: MI Ag, Grounds, and Roadside 071B7700085 (PG
3W CG 22)

Selling Price *

\$ 12,336.68

Price Effective Date: November 4, 2022

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
5832M	X738 Signature Series Tractor without mower deck	1	\$ 13,809.00	16.00	\$ 2,209.44	\$ 11,599.56	\$ 11,599.56
Standard Options - Per Unit							
001A	United States and Canada	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Dealer Attachments/Non-Contract/Open Market							
BM20779	Rear Click-N-Go weight bracket (X400/X500 HDGTs, X700s, X940s)	1	\$ 208.66	16.00	\$ 33.39	\$ 175.27	\$ 175.27
UC13263	Quik-Tatch Weight, 42 lb (19 kg)	6	\$ 73.83	16.00	\$ 11.81	\$ 372.12	\$ 372.12
TY15958	Tire chains (pair) for 26x12-12 tires	1	\$ 225.89	16.00	\$ 36.14	\$ 189.75	\$ 189.75
Dealer Attachments Total			\$ 877.53		\$ 140.39	\$ 737.14	\$ 737.14
Value Added Services Total			\$ 0.00			\$ 0.00	\$ 0.00
Total Selling Price			\$ 14,686.53		\$ 2,349.83	\$ 12,336.70	\$ 12,336.70

JOHN DEERE ROPS Hard Cab



JOHN DEERE

Selling Equipment

Quote Id: 29531667

Customer Name: VILLAGE OF EMPIRE

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Hutson, Inc.
5858 Moore Road
Williamsburg, MI 49690
231-267-9400
williamsburg@hutsoninc.com

Equipment Notes:

Hours:

Stock Number:

Contract: MI Ag, Grounds, and Roadside 071B7700085 (PG
3W CG 22)

Price Effective Date: November 4, 2022

Suggested List *

\$ 9,534.39

Selling Price *

\$ 8,008.89

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
9356M	ROPS Hard Cab	1	\$ 8,000.00	16.00	\$ 1,280.00	\$ 6,720.00	\$ 6,720.00
Standard Options - Per Unit							
001A	US and Canada	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Dealer Attachments/Non-Contract/Open Market							
BM25094	Heater quick connect kit (X710,X730,X734,X738, X739,X750,X754,X758)	1	\$ 226.84	16.00	\$ 36.29	\$ 190.55	\$ 190.55
BM25033	Heater, Tuck-Away	1	\$ 571.39	16.00	\$ 91.42	\$ 479.97	\$ 479.97
BUC10188	Auxiliary alternator kit (X710, X730, X734, X738, X739)	1	\$ 736.16	16.00	\$ 117.79	\$ 618.37	\$ 618.37
Dealer Attachments Total			\$ 1,534.39		\$ 245.50	\$ 1,288.89	\$ 1,288.89
Total Selling Price			\$ 9,534.39		\$ 1,525.50	\$ 8,008.89	\$ 8,008.89

JOHN DEERE 47-in. (119-cm) Quick-Hitch Snow Blower

Equipment Notes:

Hours:

Stock Number:

Contract: MI Ag, Grounds, and Roadside 071B7700085 (PG
3W CG 22)

Price Effective Date: November 4, 2022

Suggested List *

\$ 4,488.00

Selling Price *

\$ 3,808.32

* Price per item - includes Fees and Non-contract items



JOHN DEERE

Selling Equipment

Quote Id: 29531667

Customer Name: VILLAGE OF EMPIRE

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Hutson, Inc.
5858 Moore Road
Williamsburg, MI 49690
231-267-9400
williamsburg@hutsoninc.com

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
1475M	47-in. (119-cm) Quick-Hitch Snow Blower	1	\$ 2,800.00	16.00	\$ 448.00	\$ 2,352.00	\$ 2,352.00
Standard Options - Per Unit							
001A	US/Canada	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
6838	Snow blower upstop and drive shaft	1	\$ 318.00	16.00	\$ 50.88	\$ 267.12	\$ 267.12
6890	2000-rpm front PTO (4-wheel drive)	1	\$ 399.00	16.00	\$ 63.84	\$ 335.16	\$ 335.16
6940	Front quick-hitch	1	\$ 731.00	16.00	\$ 116.96	\$ 614.04	\$ 614.04
Standard Options Total			\$ 1,448.00		\$ 231.68	\$ 1,216.32	\$ 1,216.32
Dealer Attachments/Non-Contract/Open Market							
OPEN MARKET	AFTERMARKET PARTS for spout control	1	\$ 240.00	0.00	\$ 0.00	\$ 240.00	\$ 240.00
Dealer Attachments Total			\$ 240.00		\$ 0.00	\$ 240.00	\$ 240.00
Total Selling Price			\$ 4,488.00		\$ 679.68	\$ 3,808.32	\$ 3,808.32

Village of Empire Documentation

Prepared:	November 2, 2023	Combined VC meeting
Meeting:	November 9, 2023	
Subject:	Capital Improvement Plan (CIP)	Author: Maggie Bacon

Overview:

In 2015/2016, the Village Council authorized the creation of a formalized Capital Improvement Plan. In 2020, that plan was revised and updated. In 2021, it was formally adopted as part of the requirements for what became the Shalda Park grant. In 2022, the plan was updated with items under \$10,000 removed and placed on a repair and maintenance schedule. At that same time, items were rearranged, dates of possible implementation were tweaked. However, that last update was never approved by the Village Council.

I. As we enter into budget season, a review of the CIP and creating a priority list of goals ought to be part of the process.

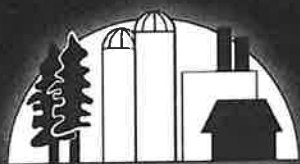
II. At recent Planning Commission meeting, the chair mentioned an earlier discussion with the Village President about possibility of the CIP being returned to the Planning Commission.

Attached are:

1. Explanation of the CIP (as a planning tool) that includes a sample "report card" and sample "project description". (source: www.uwsp.edu/landcenter)
2. Documentation from Empire Village Council meetings related to the CIP.
3. A draft document (never approved) of project descriptions.
4. Sample 2- page document that represents the start of a what a project description would look like: "common CIP Project features" – project description, graphic details, expected capital outlay (see attached project description from Wisconsin for an excellent sample).

Recommendation:

1. Council review the purpose of a Capital Improvement Plan.
2. A 3-person team of council members be appointed to **expeditiously**: a. review and revise the 2022 (unapproved CIP) for Council adoption making sure to incorporate ad- hoc changes made during 2023, b. review, revise and/or add to the DRAFT descriptions of "big project descriptions" and including a recommended timeline.
3. Set a meeting for formalizing the revised Capital Improvement and to set priorities as part of the budgeting process.
4. Early in 2024, discuss and decide if – in future years – the CIP will be sent back to the Planning Commission. A CIP primer for Planning Commissioners is highly recommended.



Planning Implementation Tools Capital Improvement Plan



Center for Land Use Education

www.uwsp.edu/cnr/landcenter/

September 2008

TOOL DESCRIPTION

A capital improvement plan (CIP) is a community planning and fiscal management tool used to coordinate the location, timing and financing of capital improvements over a multi-year period — usually 4-6 years. Capital improvements refer to major, non-recurring physical expenditures such as land, buildings, public infrastructure and equipment. The CIP includes a description of proposed capital improvement projects ranked by priority, a year-by-year schedule of expected project funding, and an estimate of project costs and financing sources. The CIP is a working document and should be reviewed and updated annually to reflect changing community needs, priorities and funding opportunities.

COMMON USES

Annual Capital Budgeting

Preparation of the CIP and annual budget are closely linked. The first year of the CIP, known as the capital budget, outlines specific projects and appropriates funding for those projects. It is usually adopted in conjunction with the government's annual operating budget. Projects and financing sources outlined for subsequent years are not authorized until the annual budget for those years is legally adopted. The out years serve as a guide for future planning and are subject to further review and modification.

Plan Implementation

The CIP is a powerful tool for implementing a community's comprehensive plan, strategic plan, and other planning documents. Capital investments such as utility extensions, highway improvements, and the purchase of parkland or environmental corridors can have a substantial impact on patterns of growth and development. By providing funding for strategic investments at a given time and location, the CIP helps ensure that development occurs consistent with a community's plans and vision.

Purposes of Capital Improvement Planning:

- ◆ Ensure the timely repair and replacement of aging infrastructure.
- ◆ Provide a level of certainty for residents, businesses and developers regarding the location and timing of public investments.
- ◆ Identify the most economical means of financing capital improvements.
- ◆ Provide an opportunity for public input in the budget and financing process.
- ◆ Eliminate unanticipated, poorly planned, or unnecessary capital expenditures.
- ◆ Eliminate sharp increases in tax rates, user fees and debt levels to cover unexpected capital improvements.
- ◆ Ensure that patterns of growth and development are consistent with the comprehensive plan.
- ◆ Balance desired public improvements with the community's financial resources.



Figure 1: The capital improvement plan is used to identify, prioritize and assign funding to major capital expenditures such as land, buildings, public infrastructure and equipment.

Report Card: Capital Improvement Plan

Cost	Money or staff resources required to implement tool.
B	Once approved, projects recommended in the CIP are funded through the annual capital budget. A variety of funding mechanisms may be used to fund individual projects such as property taxes, user fees, impact fees, special assessments, grants or bonds. The presence of a CIP can help a community to achieve other financial goals such as securing a good credit rating (thus lowering borrowing rates), promoting economic development, avoiding unexpected expenditures, and competing more successfully for state or federal funds. The team assembled to prepare the CIP must be skilled in financial management (i.e. budgeting, cost estimation and forecasting), project management, and public participation.
Public Acceptance	The public's positive or negative perception of the tool.
B	The CIP helps to keep the public informed about future public improvements, thus providing a level of certainty to residents, developers and business owners regarding community vitality, tax burdens, and service costs.
Political Acceptance	Politician's willingness to implement tool.
B	The CIP provides a rational, defensible and analytical approach for scheduling public improvements, thus reducing pressure on politicians to implement projects that are not highly ranked. Politicians that are uncomfortable sharing control with the public or other levels of government may shy away from this tool.
Equity	Fairness to stakeholders regarding who incurs costs and consequences.
A	Ranking projects based on pre-determined, measurable criteria such as number of residents served, geographic area served, or socioeconomic needs can help ensure that public improvements are strategically located where public needs and priorities are greatest.
Administration	Level of complexity to manage, maintain, enforce, and monitor the tool.
B	Developing and implementing a CIP takes a considerable amount of work from local officials, administrative staff and departmental staff, particularly upfront. After the first year, the work becomes more familiar and less demanding. An annual review process and project request forms can make the process run more smoothly.
Scale	The geographic scale at which tool is best implemented.
City, Village, Town, County	Use of the CIP is most common among cities and villages, and growing among counties. Town use is limited but also appropriate.

GRADING EXPLANATION

A - Excellent
B - Above Average

C - Average
D - Below Average

F - Failing

Grades are subjective ratings and should be considered in light of local circumstances.

Figure 2: This excerpt from the Marshfield CIP shows common CIP features such as a project description and justification statement; expected capital, operating and other impacts; detailed funding sources by year; project rank; and graphic details.

WISCONSIN EXAMPLES

Marshfield, WI - Since the 1990s, the City of Marshfield has prepared an annual five-year capital improvement plan with the stated purpose of providing for the timely renewal and extension of the city's physical plant, controlling the city's long-term debt, and coordinating capital development. The CIP serves as a link between the city's comprehensive plan and annual budget process.

Capital Improvement Program
City of Marshfield, Wisconsin

2008 thru 2012

Contact: Ed Englehart
Department: Parks & Recreation
Category: L - Parks
Useful Life: Unassigned
Priority: Level 1

Project Name: Wildwood Station-McMillan Marsh Trail
Project #: PR-L-1647

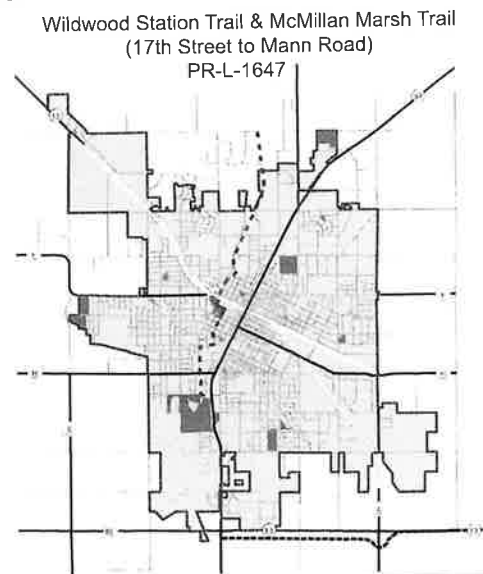
Description: The project would complete a pedestrian/bicycle trail from Wildwood Park on the south to McMillan Avenue near Fig Avenue on the north. This project narrowly missed 80/20 funding by the State of Wisconsin in 2006 and will be resubmitted in the next round of state trail funding allocations in 2008. The project will require acquisition of the former Texas Spur rail corridor from 7th Street south to Wildwood Park and cooperation from the School District of Marshfield for the trail segment on the west boundary of Grant School. A segment of the trail from Depot Street to Cleveland Street will consist of a combination of on road bike lanes and sidewalks. The remainder of the trail is proposed to be 10' asphalt surface.

Justification: This would provide a key connector segment to other existing trails through the center of the trail system plan, including the Veteran's Parkway pedestrian overpass, and would create a connection to the medical complex area, Security Health, and Grant School. This project was suggested by the Friends of the Trails and is supported by staff. Design and R.O.W. acquisition will occur in 2010 and construction in 2011. It will be important to continue to include St. Joseph's Hospital, the Marshfield Clinic and the School District of Marshfield in the planning of the project.

Operational Impact/Other: Increased maintenance cost for mowing, snow removal, and other trail and grounds maintenance.

Expenditures	2008	2009	2010	2011	2012	Total
Design			100,000			100,000
Right of Way			157,000			157,000
Construction				725,000		725,000
Total			257,000	725,000		982,000

Funding Sources	2008	2009	2010	2011	2012	Total
Non-Local Revenue			207,000	580,000		787,000
Operating Funds				25,000		25,000
Room Tax			50,000	120,000		170,000
Total			257,000	725,000		982,000



FOR MORE INFORMATION

Bowyer, Robert A. (1993). Capital Improvement Programs: Linking Budgeting and Planning. American Planning Association, Planning Advisory Service Report 442.
Chandler, Michael. (1996-97). Capital Improvement Programs – Parts I, II and III. Planning Commissioners Journal, Numbers 25, 26 and 27.
Tigue, Patricia. (1996). Capital Improvement Programming: A Guide for Smaller Governments. Government Finance Officers Association.
Vogt, A. John. (2004). Capital Budgeting and Finance: A Guide for Local Governments. International City/County Management Association.

ACKNOWLEDGEMENTS

Document prepared by Rebecca Roberts, 2008. Design and layout by Robert Newby. We gratefully acknowledge the contributions of Anna Haines and Linda Stoll, Center for Land Use Education; Bonnie Curtiss and Keith Strey, City of Marshfield; Alan Probst, Local Government Center; and Rob Burke, UW-Extension, Door County. Figure 1 photos from Bonestroo.com. Figure 2 excerpted from the City of Marshfield Capital Improvement Program, 2008-2011.

Excerpted CIP "timeline"

September 2020 - FY 2021-2026 CIP was Released and updated in 9/2020 (Copy in Village Office)

March 23, 2021 – Minutes. Resolution to adopt CIP was approved. (This was a required action for the DNR Grant)

"CAPITAL IMPROVEMENT PLAN AND RESOLUTION – MOTION BY BACON, SUPPORT FROM RADEMACHER TO APPROVE RESOLUTION 21-6 REGARDING THE CIP. Barr stated that a CIP is a guideline for projects and does not commit to any costs. ROLL CALL: Ayes: Dye, Palmer, Davis, Rademacher, Barr. Bacon, Chase. Nays: None. MOTION PASSED".

August 11, 2022 – Minutes.

CAPITAL IMPROVEMENT PLAN – There was consensus that Davis could contact the attorney to discuss parameters of dealing with Village owned property. The recommendations of the Streets Committee regarding Major & Local Street Funds were reviewed. The Water Committee recommendations were reviewed as part of the Water General Plan recommendations. The Equipment Fund was reviewed. The General Fund was reviewed item by item. There was consensus that the following items be removed:

1. Village Community Center,
2. Acquire & Develop Downtown Parking and Public Restrooms.
3. Sidewalk installations were removed by consensus until a better plan or requests from residents are received.
4. There was consensus that a study should be done to address the drainage issue from Wilco and impacting intersections down Lake St. after heavy rains.
5. Acquiring South Bar Lake frontage was removed by consensus.

The draft CIP will be updated for continued review at the September Work Session. It was noted that project costs will need to be updated for a final CIP once the priorities have been selected.

September 8, 2023 – Minutes.

CAPITAL IMPROVEMENT PLAN – Items that were less than 10K were removed as they should be classed as repair and maintenance

September 27, 2023 – Minutes.

"CAPITAL IMPROVEMENT PLAN – Bacon reviewed her documentation of the history of the current CIP that is included in the packet. Discussion included tracking repairs and maintenance or saving for large projects. The current budget was reviewed, and some projections of cost were discussed. There was consensus that further work on the CIP needs to be completed."

(This document was shared with 20220-2022 Council, but never adopted)

Capital Improvement Plans¹ – Examples of Project Descriptions General Fund (Not including 2022/23 Projects)

Alley Replacement

Lambkin Lane. Full Replacement (1,275 LF). From M-22 to Niagara. Based on the condition of this alley, the best course of action is a full grind and replace. Estimated Cost: \$50,000. Scheduled for 2024/25.

New Beach Parking Machine. As with any equipment, the parking machine has a limited useful lifespan. In addition, a newer machine may offer service improvements (better solar panel, improved battery, easier to navigate payment options, ability to pay via paypal or venmo, etc.). The current machine has an updated modem and battery back-up. Estimated cost: \$15,000. Scheduled for 2025/26.

DPW Vehicle Entrance. The asphalt has eroded at the north end of the garage, significantly. During heavy rains, water will seep under the doors and “flow” into the garage. Anything left on the floor can be damaged. In replacing asphalt, having an engineer offer drainage improvement solutions will be required. Estimated Cost: \$50,000. Scheduled for 2023/24.

Shalda Park Improvements.

Estimated cost: \$60,000. (This could be done in stages and village could look for donations/named donations – Shalda Park; Huntington Bank Recreation Area!) Once the foot path and shade trees have been installed, planning for additional activity centers will be a logical next step. The goal would be to have a pavilion, picnic tables and grills. In addition, add swings, slides and a swinging bench. Tennis court remediation would need to be included in CIP, but somehow as a maintenance and repair item. (no date)

Village Office

Total Estimated Project Cost: \$540,000 to \$940,000. (More expensive options will require a loan or bond).

Study and Design. The Village Office needs to expand. The Deputy Clerk is a full-time position (previously 32 hour a week position). The Clerk is a part-time in the office position (previously 0 hours in the office). The Zoning Administrator (3 hours per week), Treasurer (average 3 hours per week), Clerk and Deputy Clerk have no space of their own to meet with the public in a private setting. Most Village Council committee meetings must be held in the Village Garage. No elected or appointed officials has a space for meeting members of the public in private. The study will address the needs of highly functional Village Office by provide estimated square footage needed for office spaces, public space, committee meeting space, filing space and materials handling spaces. This study would also include generating a list of potential locations for a new Village Office. May need both an architect AND planner. Based on location selected,

¹ This does not include the recommendation to fix all sidewalks or tar and chip 3 alleys in 2023.

this may be combined with other CIP related projects such as downtown parking, public restrooms, M-22 traffic congestions, etc. Estimated cost: \$40,000 (\$25,000 for planner, \$15,000 for architect).

Property Acquisition. Acquire a physical space for the New Village Office. This may be a vacant lot upon which a new building would be constructed. It could also be an existing building that would, likely need renovation or it could be land currently owned by the Village. Estimated cost: (\$100,000 to \$500,000)

Build or renovate. Implement the architectural drawings from the study, design and acquire phase. Based on location, this may be combined with other CIP related projects such as downtown parking, public restrooms, M-22 parking, etc. Estimated cost: \$400,000.

Storm Water Run-Off

Total Estimated Cost for 1 phase: \$540,000 (Completing the study itself would position the Village for potential grant opportunities but would not be a Capital Improvement on its own).

Study and Implementation. Niagara and Wilco/Lake (but also Front Street and Wilce Street). Water and snow melt flow down from M-22 on all of the core village streets (Niagara, Front and Wilce and, to a lesser degree, Michigan). In addition, significant runoff occurs on Wilco all the way down Lake Street. The Village is looking to reduce the runoff of rainwater or melted snow into streets, lawns, basements and infiltrators. When heavy rainwater hits, ground saturated by water creates excess moisture that runs across the surface to areas of least resistance. This water often carries debris, chemicals, bacteria, eroded soil, and other pollutants, and carries them, potentially, into South Bar Lake. Detaining stormwater and removing pollutants is the primary purpose of stormwater management. The addition of surfaces that are porous and allow rainfall and snowmelt to soak into the soil and gray infrastructure, such as culverts, gutters, storm sewers, conventional piped drainage, and Blue/Green infrastructure that protect, restore, or mimic the natural water cycle, all play a part in stormwater management. Any work along Wilco will require working in concert with Empire Township, Leelanau County Road Commission and the National Lakeshore. Estimated Costs: All streets. Study \$40,000; Phase One Implementation \$500,000.

South Bar Lake and Lake Michigan Beach Improvements

Total Estimated: \$7750,000 to \$1,025,000.

This is a combination of the establishment of a 2nd Pavilion/Amphitheater and Boardwalk from Johnson Park to South Bar Lake and the Lake Michigan Beach Park and the acquisition of land. Part of this project would facilitate the reduction of foot traffic from the overflow parking at Johnson Park to the Lake Michigan Beach by constructing a boardwalk from Johnson Park, through the woods to South Bar Lake where it would continue along the water's edge toward Niagara Street at the Lake Michigan Beach Park. The boardwalk, itself, would also offer users another "trail" opportunity in the Village leading to a beautiful view of South Bar Lake. The 'trail'/boardwalk would end at the open space along Niagara and South Bar Lake. A 2nd Pavilion/Performance area would be constructed on the South End of South Bar Lake for use by a variety of groups for reunions, movies, or band performances.

Study and Design - \$75,000. The significant portion of the study would need to include projected environmental impacts. Developing/adding more structures and utilities along the South Bar Lake shoreline will increase human traffic along a wetland area and will have an impact the eco-system of that area. South Bar Lake Association would need to be included in the discussion as well as EGLE and, possibly, the Corps of Engineers. Much of this work will require permitting from State Agencies such as EGLE.

Property Acquisition - \$150,000 to \$300,000. The plan would require the purchase of property not owned by the Village. It would also require easements or purchase of Johnson Park property (currently operated through the Lions Club on land donated to them). The current discussion does not include creating a second entry/beach space for South Bar Lake (if this project is selected, the creation of that second beach entry is likely to become a future request!). Property Purchase - \$150,000 to \$300,000,

Implementation: Pavilion - \$50,000; Board Walk \$500,000. The study and design phase will drive the specifications for both structures. Electricity will need to be brought to the 2nd Pavilion. Sound technology may need to be considered to reduce the noise levels both along South Bar Lake and Storm Hill - for those movie night or performance occasions.

Sample Only

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Legend:

1. Light Blue Line - Privately Owned
2. Yellow Line - Village Owned
3. Red Box - Privately Owned
4. Black Box - Overflow Summer Beach Parking (Leased)

Village of Empire Documentation

Prepared:	November 2, 2023	Combined VC meeting
Meeting:	November 9, 2023	
Subject:	Village Service Outsourcing	Author: Maggie Bacon

Overview: The departure of the DPW Technician has offered the personnel committee, but of equal importance, the Village Council its first peek into to the changing priorities of workers today. First, this new generation of workers have a unique perspective on careers, how they defining success in life and the workforce. For many, work-life balance is paramount. One should not assume this new generation are not hard workers. In fact, the research show they WANT to work hard and be able to play hard!

Second, the Village of Empire has benefited from recruiting talent at the micro-local level. One might even say; the Village has more than just simply benefited. Unwittingly, we may have become complacent (some might even say complicit) in placing unrealistic expectations on our Department of Public Works. A culture of 24/7 accessibility – rain or shine, highwater or drought, 32” inches of snow or water pipe breaks, regardless of holidays or vacations, the expectation is that a two-person operation can shoulder it all. Worse yet, we have not encouraged or required the creation and maintenance of a back-up or support system.

Third, the work has changed in many ways. Yes, the need to maintain equipment, buildings and parks and operate a water system remain a priority. At the same time, reporting demands to state agencies like EGLE on water issues, tracking and maintaining certifications, obtaining bids and working with contractors on-site, remaining current on high tech equipment maintenance have been added to the workload. In addition, Empire is a community that has a growing with more tech savvy residents expecting its government to offer more, more on demand information systems.

This situation has not happened overnight. It has been gradual – an extra job duty here, a weekend there – it has been years in the making. But, we must stop the cycle. While additional conversations will need to occur regarding proper staffing levels and job descriptions, we must begin to address and test out alternatives in an effort to level out (right size) expectations while not sacrificing services.

It is important, at this point to clarify the term “outsourcing”. Many hear that term and think “loss of jobs, layoffs, or lower pay”. That would not be our definition. Outsourcing is when an organization contracts an outside agency to complete work for their business -thus freeing up staff time for priority projects and building capacity. Outsourcing is considered one of the best strategies a business can employ to keep jobs local. Putting human capital in the right places, doing the right job maximizes productivity. The management of that work stays in-house, the focus on quality stays in-house.

Recommendation:

Pilot for the 2023/2024 winter season the outsourcing of street plowing. Please see the attached proposal for details.

Pilot for the 2023/2024 year the outsourcing of the brush pile removal. Please see the attached proposal for details.



September 26, 2023

TO: Village of Empire
ATTN: Maggie Bacon
PO Box 253
Empire, MI 49630

2023 Brush Pile Cleanup Contract

We are pleased to offer this contract for Shalda Park brush pile cleanup for the Village of Empire. The services offered in this contract are the hauling and dumping of the brush pile to a Village of Empire approved property at the rate below:

- Loader - \$150 per hour
- Dump Truck - \$150 per hour

If any other work is identified associated with the stated above brush pile cleanup, it will need to be discussed with rate agreed upon prior to completion.

Invoicing is completed monthly via QuickBooks.

To accept this contract for brush pile cleanup services please sign below and return to harrigerconstruction@gmail.com. Please don't hesitate to let me know if you have any questions.

Acceptance of Contract, terms to not exceed one (1) year from signature date.

Signature

Printed

Date



TO: Village of Empire
ATTN: Maggie Bacon
PO Box 253
Empire, MI 49630

2023-2024 SNOW REMOVAL CONTRACT

We are pleased to offer this contract for the snow removal service for the Village of Empire.

The agreed upon term of this contract for regular snow removal is the rate of \$1800 per plow.

This service is inclusive of:

- Snow plowing of Village of Empire streets
- Snow plowing of the following sidewalks:
 - South side of Front Street from Joe's Friendly Tavern to Tiffany's Ice Cream
 - North side of Front Street from Post Office to Secret Garden
 - West side Lake Street from corner of Front Street to Post Office entrance

Services outside of regular snow removal included in this contract as they may be necessary for proper snow maintenance of Village of Empire streets are outlined below:

- Snow plowing of drifted areas or plowing (not full regular plow) - \$150.00 per hour
- Removal and hauling away of snow piles - \$150.00 per tractor hour and \$150.00 per dump truck hour (Note: snow would be hauled and dumped to an Empire Village approved property)

Services excluded from this contract:

- Sanding of streets in the Village of Empire
- Snow plowing of sidewalks other than those identified as included in regular snow removal

If any of these excluded services or other work identified associated with snow maintenance stated above are requested, they will need to be discussed with rate agreed upon prior to completion.

Snow removal services are completed at the discretion of Danny (Skip) Harriger. Any questions associated with this can be directed to him for the term of this contract.

Invoicing will be completed monthly via QuickBooks.

To accept this contract for snow removal services please sign below and return to harrigerconstruction@gmail.com . Please don't hesitate to let me know if you have any questions.

Acceptance of Contract, terms to not exceed one (1) year from signature date.

Signature

Printed Name

Date

Village of Empire Deputy Clerk

From: Sue Palmer <s.palmer@villageofempire.com>
Sent: Thursday, November 2, 2023 3:55 PM
To: Alacia Acton; Derith Smith
Subject: One more item to add

Please add under New Business - Review of Risk Assessment Document

The document should be the letter from Mr. Gombos that outlines deficiencies. I will talk to about it more tomorrow.

Thanks.

Sue Palmer
Village of Empire, President
402-201-4242 Cell Phone



October 27, 2023

Derith Smith, Clerk
Village of Empire
P.O. Box 253
Empire, Michigan 49630

Dear Derith Smith:

I would like to thank you for taking the time to meet with Risk Control to discuss the operations of Village of Empire. This action allows the Risk Control Department to assist your organization and its services in identifying existing and potential liability exposures that may be present in day-to-day operations such as yours.

Upon review of the information gathered and discussed during our meeting, please allow me to offer the following comments and recommendations:

- **2023-10-01 - Contracted Services - Contracted Service Agreement(s)**

Core Profile V2 - CONTRACTED SERVICES

All contracts for services should be in the form of a written contract. It is highly recommended that your legal counsel review all contracts for optimal hold-harmless language designed to indemnify your municipality and provide maximum risk exposure mitigation as well as language requesting that certificates of insurance be provided listing your municipality as an additional insured. A sample contracted services agreement has been provided for your reference.

- **2023-10-02 - Property - Documented Roof Inspection Program**

Core Profile V2 - PROPERTY & LIABILITY

Recommend the entity implement a documented roof inspection program conducted by a licensed contractor every 1-2 years for roofs more than 20 years old, and every 5 years for roofs fewer than 20 years old on structures owned by the entity.

- **2023-10-03 - Property - Carbon Monoxide Detectors**

Core Profile V2 - PROPERTY & LIABILITY

Carbon monoxide detectors should be installed in the township hall to provide awareness in cases of carbon monoxide build-up. Detectors should be installed, tested and maintained in accordance with state / local requirements and manufacturer's instructions. This action will help to reduce the potential for physical injury due to excessive carbon monoxide exposure.

- **2023-10-04 - Property - Smoke Detectors**

Core Profile V2 - PROPERTY & LIABILITY

Smoke detectors should be installed in the township hall to provide awareness in cases of smoke or fire. Detectors should be installed, tested and maintained in accordance with state / local requirements and manufacturer's instructions. This action will help to reduce the potential for physical injury or property damage due to a fire.

- **2023-10-05 - Personnel - HRMuni Registration**

Core Profile V2 - PERSONNEL

Enclosed you will find literature for a program entitled HRMuni. The HRMuni program is provided free of charge to policy holders and provides resources such as unlimited HR advise by telephone / email, training for managers and employees, a toll-free employee hotline, and public sector employment law updates just to name a few. In their online knowledge center, you will find sample workplace policies to help guide you in developing an employee handbook for your entity.

- **2023-10-06 - Application - Driving Record Review Policy**

Core Profile V2 - PERSONNEL

Implementing a driving record review policy that addresses the use of municipal vehicles as it pertains to the operations of entity business is recommended. This action will help reduce a potential liability exposure by ensuring that those operating municipal vehicles do not have a history of significant driving violations.

- **2023-10-07 - Personnel - Driving Policy**

Core Profile V2 - PERSONNEL

A driving policy that addresses the rules and requirements for operating a motor vehicle on behalf of your entity should be implemented. This will help reduce potential automobile related liability exposure and provide clear guidance to employees, volunteers and others that operate a motor vehicle on your behalf. A sample policy has been provided for your reference.

- **2023-10-08 - Personnel - Employee Acknowledgement Form**

Core Profile V2 - PERSONNEL

Implementation of a signed employee acknowledgement form should be incorporated into the employee handbook. This form would include a statement that the employee has received the handbook. Once the form is signed and dated, it should then become a part of the employee's personnel file. A new acknowledgement form should be signed every time the employee handbook is updated. Utilizing a signed acknowledgement form will help minimize a liability loss should an employment issue arise. A sample form has been provided for your reference.

- **2023-10-09 - Application - Criminal Background Checks**

Core Profile V2 - APPLICATION PROCESS

A criminal background check should be performed on all prospective employees and volunteers. Criminal background checks may provide critical information regarding a candidate that may not otherwise present itself during the hiring process.

The State of Michigan's iChat program is a free program that assists governmental agencies in performing criminal background checks. Instructions for enrolling in this program are provided for your reference.

- **2023-10-10 - Application - Annual Driving Record Review**

Core Profile V2 - APPLICATION PROCESS

All employees that operate a motor vehicle on behalf of the your entity should be enrolled in an annual driving record review program. This action will keep you apprised of any changes in the status of your employees' driver's licenses and whether there have been any significant driving violations. Information on your states driving record review program is attached for your reference.

- **2023-10-22 - Administration - FOIA Policies And Procedures Publicized, Maintained**

Core Profile V2 - ADMINISTRATION, BOARDS/COMMITTEES

Recommend the village post Freedom of Information Act (FOIA) policies and procedure for public viewing in accordance with the FOIA regulations.

Assign a FOIA coordinator and ensure the coordinator has attended current FOIA coordinator training and updates.

- **2023-10-20 - Park/Playground - Documented Inspection Program**

Parks and Recreation - PARKS & RECREATION

Park and playground equipment inspection program should be implemented. Regular and frequent inspections of parks, playgrounds, and equipment can help reduce a potential physical injury/liability hazard. It is suggested the inspections be performed at least weekly during the peak use season and at least once a month during the off-season. Documenting these inspections is essential. A simple checklist that includes what hazard has been found, the date it was first observed, and the date it was repaired will help in providing a stronger defense posture in claims of possible negligence. A sample checklist has been provided for your reference as well as a weblink to the Public Playground Safety Handbook, which outlines specific playground standards as recommended by the US Consumer Product Safety Commission.

- **2023-10-21 - Park/Playground - Use agreement/liability proof**

Parks and Recreation - PARKS & RECREATION

Recommend the village require a signed use agreement and proof of liability coverage naming the village as additional insured prior to allowing organized leagues to use the baseball fields.

- **2023-10-11 - Above Ground Fuel Storage Tank(s) - Protective Posts**

DPW/Maintenance - FUEL DISPENSING

Protective metal or concrete guard posts should be installed around the above-ground fuel storage tank(s) per NFPA 30 regulations. This will help to prevent possible damage to the tank(s) and a potential fire hazard due to collision with the tank(s).

- **2023-10-12 - Above Ground Fuel Storage Tank(s) - Retention Area**

DPW/Maintenance - FUEL DISPENSING

A secondary retention system should be installed around any single-walled above-ground fuel storage tank(s). This will help alleviate the risk of ground contamination from an unexpected spill or tank rupture.

- **2023-10-13 - Fuel Storage Tank(s) - Documented Emergency Procedures**

DPW/Maintenance - FUEL DISPENSING

It is recommended that emergency procedures be developed for the fuel storage tank(s). Detailed procedures for dealing with leaks, fires and other emergency situations will assist in mitigating further exposures and damage should a situation arise.

- **2023-10-14 - DPW/Maint - Work Activity Log(s)**

DPW/Maintenance - WORK SITE

Employees should maintain weekly written work activity logs of all actions performed. Employee work logs provide documented written proof of completed actions, corrective measures via formal complaints, and inspection records of entity-owned properties and buildings. Documentation is an essential tool in limiting your exposure and providing a stronger defense posture in claims of negligence should the actions of the maintenance department be called into question.

- **2023-10-15 - DPW/Maint - Operations Training**

DPW/Maintenance - WORK SITE

It is recommended that a written record for any job training be maintained. Documentation is essential in reducing potential liability exposure should an employees work practices come into question.

- **2023-10-16 - DPW/Maint - Operational Policies**

DPW/Maintenance - WORK SITE

Implementing operational policies detailing the daily activities employees are required to complete per their job descriptions is recommended. This will help ensure that employees are performing their tasks in the manner established by your organization as well as reducing the risk of injury or damage.

- **2023-10-17 - Vehicles/Equipment - Preventive Maintenance Program**

DPW/Maintenance - VEHICLES & POWER EQUIPMENT

All preventative maintenance performed on entity-owned vehicles and equipment should be documented in detail. This can be done by utilizing a simple itemized checklist. This action will help reduce the potential liability exposure if the department's vehicular maintenance practices come into question.

- **2023-10-18 - Vehicles/Equipment - Preventive Maintenance Program**

DPW/Maintenance - VEHICLES & POWER EQUIPMENT

It is recommended the village have the oil leak on the 2000 DPW Sterling Dump Truck repaired to reduce the potential of additional damage to the engine.

- **2023-10-19 - DPW/Maint - Sidewalk Inspection**

DPW/Maintenance - FORMAL INSPECTION PROGRAMS

A regular sidewalk inspection and repair program should be implemented. Regular and frequent inspections of sidewalks can help reduce a potential physical injury and liability exposure. It is important to document the inspection as well as the repairs. A simple checklist that includes what hazard has been found, the date it was first observed, and the date it was repaired will help in providing a stronger defense posture in claims of possible negligence. Enclosed is a sample format for your entity's review and resource.

In the event you are in need of additional resource material, or assistance regarding this recommendation, please contact the Risk Control Department.

Thank you and we look forward to a continued, good working relationship with you and Village of Empire.

Regards,



Michael Gombos
Risk Control Manager
Michigan Township Participating Plan

Cc: Municipal Underwriters of West MI, Inc.
Andrew Todd, MTPP Underwriter