

EMPIRE VILLAGE COUNCIL REGULAR MEETING  
Empire Township Hall - 10088 W. Front Street  
November 14, 2024 @ 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 minutes – 10/22/2024 Regular Meeting
  - 2) Approve November Bills totaling \$\_\_\_\_\_
- G. REVIEW OF FINANCIAL STATEMENTS
- H. COMMUNICATIONS
- I. DEPARTMENT HEAD REPORTS
- J. COUNCIL MEMBER / COMMITTEE REPORTS
- K. OLD BUSINESS
  - 1) CIP (Bacon)
- L. NEW BUSINESS
  - 1) Dog Waste Bag Dispensers (Dye)
  - 2) Cement Pad Quote for Changing Room at Beach (Dye)
  - 3) Window Shades for New Office (Chase)
  - 4) Clerk Appointment
  - 5) Treasurer Appointment
- M. PUBLIC COMMENT
- N. COUNCIL MEMBER COMMENT
- O. ADJOURNMENT

## **October 22, 2024 – EMPIRE VILLAGE COUNCIL REGULAR MEETING**

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

**CHANGES/ADDITIONS TO AGENDA** – Walton added Personnel Policy Bereavement under New Business. Bacon added Campaign Signs under New Business.

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

**PUBLIC COMMENTS ON AGENDA ITEMS** – Teresa Howes commented on several campaign signs being removed repeatedly and the process for notifying Appointed Officers of the end of their terms. Bob Scott also commented on the several signs being repeatedly removed.

**CONSENT AGENDA – Motion by Dye, support by Walton to approve the Consent Agenda including the 10/10/24 Work Session minutes; bills totaling \$27,060.77 and the Clerk, Treasurer, and DPW Working Superintendent job descriptions. ROLL CALL: Ayes: Bacon, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**FINANCIAL REPORTS** – The Revenue and Expenditure report thru September was received.

**COMMUNICATIONS** – Sleeping Bear Marathon organizer solicited input on this year's event.

**DEPARTMENT HEAD REPORTS** – DPW and ZA reports were received and included in the packet. It was noted that Fall Cleanup is scheduled for 11/5 & 6 and paper bags are encouraged. The quarterly water usage report was reviewed. Palmer reported it appears the bear is back in town and several potential projects were suggested by Renovare for future grant applications; prep for the 2025-26 Budget should begin by the Nov. meeting; and Attorney Fowler expects to complete his review and drafting of the Short-term Rental Ordinances for the Dec. or Jan. Council meeting; and the Non-Renewal of the Clerk and Treasurer appointments per Ordinances 133 and 134. Bacon asked several questions regarding the terms of Clerk and Treasurer and the letter received by both. Palmer replied that it was her decision and she had conferred with Attorney Figura, who had approved the letter sent to both Officers.

**COUNCIL MEMBER/COMMITTEE REPORTS** – Rademacher reported on the Water Committee. Walton reported on Personnel Committee meeting. Chase reported on the new office file cabinets and counter top that will be picked up by Village staff when they are ready.

## **OLD BUSINESS**

**PLANNING COMMISSION APPOINTMENT** – Palmer reviewed the discussions the Council prioritized for this position. She appointed Karen Baja and asked for a motion of approval. **Motion by Walton, support by Dye to approve the appointment of Karen Baja to the Planning Commission for the remainder of a term ending 2/28/26. Upon a voice vote, MOTION PASSED.**

**EXTENSION OF WASTEWATER UPDATE- Motion by Rademacher, support by Webb to extend the Wastewater Task Force thru January 2025. Upon a voice vote, MOTION PASSED.**

## **NEW BUSINESS**

**MDARD GRANT OPPORTUNITIES** – Palmer recommended several possibilities Renovare has suggested there may be time to complete for application. Bacon thought there may be some items that have emerged from the Master Plan. There was discussion of setting up a DDA for economic development. The costs, required dollar match, and timing for completed plans for several options were discussed. It was noted that while time consuming, the work with Renovare and the Master Plan process has better informed the council on identifying priorities. There was consensus that the Council could put together plans for submittal in the next round of these grants.

**PERSONNEL POLICY UPDATE TO BEREAVEMENT** – Walton reviewed the wording recommendation. Questions remain on the interpretation for administration of the policy. Smith will ask the HR group of the Village’s risk management insurance for possible wording.

**CAMPAIGN SIGNS** – Bacon reported that campaign signs have been removed from their location and thrown in the alley. She noted that removing signs is a serious offense that may include a \$500 fine and up to 90 days in jail.

**PUBLIC COMMENT** – Teresa Howes asked when the positions of Clerk and Treasurer will be advertised and that the public should be allowed to attend any interviews. She does not want to be blindsided by nominations of individuals that are not highly qualified. Martha Acton asked why the Clerk and Treasurer would be fired when they are doing so well at their jobs and why Palmer had conversations with the attorney before discussions with the Council.

**COUNCIL MEMBER COMMENT** – Chase asked about the Mika/Meyer invoice regarding STRs and if any information was available. Dye feels there is a misinterpretation of the letter regarding the Clerk and Treasurer jobs and doesn’t feel anyone was fired. There was discussion of why the Council had not received or reviewed the letter. Bacon understands why the letter may be interpreted as a firing and that Palmer had made it clear that it was completely her decision. Smith noted, and Palmer confirmed, that there was no discussion or decision to post or advertise the positions of Clerk and Treasurer. Palmer stated that most issues she has taken to the attorney have been previously discussed with the Council. She stated that she had heard from the Personnel Committee that the Clerk was not interested in continuing in the position. Bacon asked if anyone had asked the Clerk. There were no replies. Palmer stated she was pleased with the performance of the Clerk and Treasurer and felt it was her duty to notify them of the Ordinance requirements.

**ADJOURNMENT** at 8:12 p.m.

Derith Smith Empire Village Clerk

*These are draft minutes for approval at the November 14, 2024, Council meeting.*







	A	B	C	D	E	F	G	H	I
44	<b>Wastewater System</b>								
45	Illustration only. The <b>assumption</b> is the Village would not be responsible for any costs, the wastewater system would pay for itself through a user fee								
46	<b>Operation and Maintenance - Village</b> responsible, but should be paid via user fee. This shows the cost each year of maintenance. This does not include loan payment that would also be charged to user. <b>Based on 71 REU's</b>				\$ 135,000	\$ 135,000	\$ 135,000	\$ 135,000	Charged back to users, if all hooked up
47	<b>Loan</b> - Took the lowest yearly costs. This figure would be offset by the user fee, however, this is the least amount the Village would be responsible for paying each year - regardless of user fee collection.				\$ 42,279	\$ 42,279	\$ 42,279	\$ 42,279	Charged back to users, if all hooked up
48									
49	<b>Yearly cost</b>				\$ 177,279	\$ 177,279	\$ 177,279	\$ 177,279	Actual cost to the village will vary depending on the number of hook-up are active.

MINUTES  
Park Committee  
November 4,2024 3:30pm

The committee consisting of March Dye, Tom Rademacher and Chris Webb met at the Lake Michigan Beach at 3:30 pm.

We looked at four areas where people access the beach. Two were easily accessible and two were accessible by climbing down rocks. The first was at the South end - easily accessible. The second was from playground down to beach - this was the hardest to climb down. The third was at north end of wall in middle parking lot. This was very easy - no rocks sticking out. The fourth was at the south end of third parking lot. This involved climbing down rocks but was easily done by all of us. (The area by the boat launch is also easily accessible). We were in concurrence that conditions could change over the winter and that we will look at it again in spring. Perhaps a few rocks could be moved at that time.

We discussed the fire pits. We thought it would be beneficial to have two fire pits at the top area of beach where people currently build their own pits with the rocks from the retaining wall. This is by the "Keyhole" parking lot or the southernmost lot. We also thought that four new fire pits for the beach be made a priority.

We then went to the DPW office to discuss things further. Pictures and prices for the fire pits from Cadillac Culvert were discussed. We agreed that the medium size of 42"x30"x18" would be best. These weigh approximately 1100 pounds so they would not be able to be moved. We need to ask John if the loader would be able to handle this weight on the beach. These fire pits have cement rings around them. The price is \$265 per ring. We agreed that this would be a CIP item if council approves.

We discussed having John order at least two Dog Waste Bag dispensers for Shalda Park. All agreed that this was a very good idea and preferred the metal over the plastic. They would be placed next to trash cans. The cost is \$126.54 each from Chewey.com. They come with mounting hardware and 2 rolls of 200 count bags. This could come out of Repairs and Maintenance this year if approved by council.

We discussed items on the CIP for the parks. The only two things on it are Parking at Shalda Park and a Pavilion over the ADA Picnic area. We agreed that the Pavilion is a good idea since there is no shade there which may contribute to it not being used. We don't know if the amount allotted (\$15,000) is on tract so we need to get a quote.

We then went to Shalda Park to discuss parking options. It was agreed that wooden parking curbs placed in the open area on the left at the edge of the open field would be the best place for directing people to park. There is \$10,000 in the CIP for this project but we feel \$5000 is plenty.

Meeting was over at 4:30. Respectfully submitted by March Dye



## Village Council Documentation

Date: November 5, 2024	Regular Meeting
Meeting Date: November 14, 2024	
Topic: Dog Waste Bag Dispensers	Author: Parks Committee

**Overview:** As discussed at the Parks Meeting on November 4th it was agreed that two dog waste bag dispensers would be a good idea for placement in Shalda Park. The price is \$126.54 per dispenser. They come with mounting hardware and 2 rolls of 200-count bags. The posts would be extra. Six foot metal posts are approximately \$25 each.

They would be placed next to existing trash receptacles.

### **Recommended Action to be Taken:**

Give approval for DPW to order two waste bag dispensers and two mounting posts not to exceed the price of \$350.

\$20 eGift card with \$49+ on 1st order\* Use WELCOME

\$20 Chewy eGift Card & free shipping on your first order of \$49+ with code WELCOME\*

7 results for "dogipot"



## Dogipot Aluminum Dog Waste Bag D

By [Dogipot](#)

5.0 1 Ratings 3 Answered Questions

**\$126.54 (-10%)**

~~\$140.00~~

New Customers Only: Spend \$49+, Get \$20 eGift Card + Free Sh  
[WELCOME Shop the Deal](#)

Quantity

1



In Stock

**FREE 1-3 day delivery**



Free 365-day returns [Details](#)

**Add to Cart**

### is Item

prevent the spread of disease and promote a clean  
community with this pet waste bag dispenser.  
The front-loading dispenser stores comes with 2 rolls of  
litter bags to help you get started.  
The front-loading dispenser can be easily mounted in most  
locations where you want to promote pet waste clean-up.  
The front-loading instructions alert pet owners on the dangers  
of pet waste pollution and encourage them to keep your  
outdoor space clean.  
Made from aluminum for weather-resistant durability.

## Village Council Documentation

Date: November 5, 2024

Regular Meeting

Meeting Date: November 14, 2024

Topic: Cement Quote for changing room

### Overview:

Attached is a quote from TD Masonry & Concrete for the pad for the changing room at the beach. This is a 10' x 30' pad 4" thick with 3500 psi concrete with 6x6 welded wire reinforcement . The price quoted is \$4,180.00. The DPW has prepared the site. They will complete construction of the changing room in the spring.

There is \$10,000 earmarked for this project under Capital Outlay in the budget for this year.

**Action to be Taken:** Approve having TD Masonry & Concrete perform the work quoted not to exceed \$4500.

# TD Masonry & Concrete LLC ESTIMATE



TD Masonry & Concrete LLC

Property Owner / Client Information	Contractors Information
<p>Name John Friend, Maggie Bacon</p> <p>Address Village of Empire</p> <p>City, State ZIP</p> <p>Phone m.bacon@villageofempire.com</p> <p>Email <a href="mailto:dpw@villageofempire.com">dpw@villageofempire.com</a></p> <p>Project name Pad at Beach</p> <p>Estimate Date 28-Oct-24</p>	<p>Company <b>TD Masonry &amp; Concrete, LLC</b></p> <p>Name <b>Tom Durga</b></p> <p>Address <b>PO Box 292</b></p> <p>City, State ZIP <b>Kingsley, MI 49646</b></p> <p>Phone <b>(231) 313-4138</b></p> <p>Email <b>TDMasonry.concrete@gmail.com</b></p> <p>Completion date _____</p>

## Scope of Work & Company Proposal & Materials

(TYPE OF JOB) Details of job, materials to be used, etc. ) For The Village of Empire/ John Friend, DPW Superintendent & Maggie Bacon, Street Administrator: **Village of Empire Pad at the beach Prep and pour a 10'x30' pad 4" thick with 3500 psi concrete with 6x6 welded wire reinforcement Total cost for this project as quoted is \$4,180.00**

This project requires a downpayment of 50% and the remainder is due and payable immediately upon completion of the job. We can be contacted at TDurga Masonry & Concrete, LLC, PO Box 292, Kingsley Mi 49649 (231) 313-4138 THANK YOU!

## Not Included

Only the work listed in the "Scope" above are included in this bid. Unless specifically addressed herein, any other work performed is not included in this bid, unless accompanied by an approved change order. This document is a final breakdown of estimated costs and expenses, and constitutes your written estimate unless other arrangements were previously agreed upon in writing.

## RECEIPT FOR PAYMENT RECEIVED

TD Masonry Representative *TD*

In consideration of the agreement above, Payment has been received in the amount of \$ \_\_\_\_\_ as  
 DEPOSIT     FINAL PAYMENT/IN FULL on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

**AMOUNT DUE NOW: \$ \_\_\_\_\_ Please pay from this invoice.**

Tom Durga, DBA TD Masonry & Concrete LLC

Submitted by (Company Representative)

Date October 28, 2024

## Owner Acceptance

By my signature below, I attest that I am the owner of the property described above, (or an authorized agent of the owner and empowered to solicit this bid), have requested TD Masonry & Concrete LLC to provide this service and certify that the scope of work described above accurately reflects those services requested & that I agree to make the required payment(s) according to this contract. If this is a final payment, I am fully satisfied with the services that have been provided.

Submitted by (property owner or authorized representative)

Date

Village of Empire - Agenda Documentation

Date: November 07, 2024	Meeting Type: Regular Meeting
Meeting Date: November 14, 2024	
Topic: Shades for New Village Office	Author: Linda Chase

Request:

Not to exceed amount of \$1,000 for 7 shades to help with insulation and glare.

## VILLAGE OF EMPIRE

### Ordinance No. 133

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF THE VILLAGE CLERK

#### THE VILLAGE OF EMPIRE ORDAINS:

##### **Section 1. Establishment of office.**

As authorized by section 1 (3) chapter 11 of the 1895 PA 3, as amended, the village clerk shall be chosen by nomination by the village president and appointment by a majority vote of the village council.

##### **Section 2. Term of office.**

The term of office of the village clerk shall be two years, beginning on November 20 of each even numbered year following the treasurer's appointment and qualification.

##### **Section 3. Compensation.**

The salary and other compensation to be paid to the village clerk for fulfilling his or her duties of office shall be established by resolution of the village council, but such salary shall not be reduced during the term of the village clerk's appointment.

##### **Section 4. Duties.**

The duties of the village clerk shall be those established by law and shall also include those duties assigned to the village clerk by ordinance or resolution of the village council, except that such additionally assigned duties shall be in conflict with, or be in lieu of, the duties imposed on the village clerk by law, or prevent the village clerk from performing the duties imposed upon him or her by law.

##### **Section 5. Effective date.**

This ordinance shall take effect 45 days after the date of its adoption unless a petition signed by not less than ten percent of the registered electors of the village is filed with the village clerk or village office within such 45 days.

If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general village or special village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

##### **Section 6. Existing Term of Village Clerk.**

If this ordinance becomes effective, the current term of the village clerk shall end with the November, 2012 election, and no village clerk shall be elected at said election; provided, however, that said clerk's term shall be extended to such time as a new village clerk is appointed and qualified.

**Section 7. Adoption**

This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the village council.

**Section 8. Publication**

The village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

At a regular meeting of the Village Council of the Village of Empire held on May 22, 2012, adoption of the foregoing ordinance was moved by David Sterling and supported by Sam Barr.

Voting for: Sam Barr, Daniel Davis, David Sterling, Cile Plumstead, Linda Payment and Susan Carpenter

Voting against: Karen Baja

The village president declared the ordinance adopted.

  
\_\_\_\_\_  
Susan A. Carpenter  
Village President

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 133 which was enacted by the Empire Village Council at a regular meeting held on May 22, 2012.

  
\_\_\_\_\_  
Patricia L. Zoyhofski  
Village Clerk

**VILLAGE OF EMPIRE**

**Ordinance No. 134**

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF THE VILLAGE TREASURER

**THE VILLAGE OF EMPIRE ORDAINS:**

**Section 1. Establishment of office.**

As authorized by section 1 (3) chapter 11 of the 1895 PA 3, as amended, the village treasurer shall be chosen by nomination by the village president and appointment by a majority vote of the village council.

**Section 2. Term of office.**

The term of office of the village treasurer shall be two years, beginning November 20 of each even numbered year following the treasurer's appointment and qualification.

**Section 3. Compensation.**

The salary and other compensation to be paid to the village treasurer for fulfilling his or her duties of office shall be established by resolution of the village council, but such salary shall not be reduced during the term of the village treasurer's appointment.

**Section 4. Duties.**

The duties of the village treasurer shall be those established by law and shall also include those duties assigned to the village treasurer by ordinance or resolution of the village council, except that such additionally assigned duties shall not be in conflict with, or be in lieu of, the duties imposed on the village treasurer by law, or prevent the village clerk from performing the duties imposed upon him or her by law..

**Section 5. Effective date.**

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**Section 6. Existing Term of Village Treasurer.**

If this ordinance becomes effective, the current term of the village treasurer shall end with the November, 2012 election, and no village treasurer shall be elected at said election; provided,



however, that said village treasurer's term shall be extended to such time as a new village treasurer is appointed and qualified.

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**Section 8. Publication**

The village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

At a regular meeting of the Village Council of the Village of Empire held on May 22, 2012, adoption of the foregoing ordinance was moved by Sam Barr and supported by Lanny Sterling.

Voting for: Sam Barr, Daniel Davis, David Sterling, Cile Plumstead, Linda Payment and Susan Carpenter


Voting against: Karen Baja

The village president declared the ordinance adopted.

  
\_\_\_\_\_  
Susan A. Carpenter  
Village President

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Patricia L. Zoyhofski  
Village Clerk