

**MAY 26TH, 2020      EMPIRE VILLAGE COUNCIL SPECIAL MEETING**

The meeting was called to order at 6:00 p.m. by President Aylsworth who led the Pledge of Allegiance. This special meeting was conducted virtually using Zoom due to health concerns surrounding COVID-19 under the Governor of Michigan's Executive Order 2020-75. In attendance were Trustees Skrocki, Bacon, Davis, Avis, Chase and Rademacher. Treasurer Ronkaitis, Clerk Smith, Drain Commissioner Christensen and Zoning Administrator Grobbel were also present.

**PUBLIC COMMENT ON AGENDA ITEMS** - John Collins expressed appreciation for the discussion with the Drain Commissioner. Steve Louis commented on the outlet having been open for a week and seems to have dropped 12 inches. Chris Frey commented on the equilibrium levels between Lake Michigan and South Bar Lake in the approaching season.

**A. DRAIN COMMISSIONER – STEVE CHRISTENSEN** - Christensen described his role as beginning after the first 2 steps of receiving both an application and petition. He would then advertise, gain the required easements (depending on engineered location of drain). He then described the process and purpose of a Board of Determination, whose decision would be published. Engineered design would then be drawn.

He described, as an aside, the ability to add to established drainage districts. Skrocki asked if the ballpark total price might be about \$250K. There was discussion about whether this might be

Bacon asked if there a benefit to drawing up a preliminary plan before making an application. Christensen was not certain that this process would be available with a municipal application. Dan Davis asked if Empire's district would be separate from those described by Christensen who answered yes. Davis asked if the Township could back out, but the Village could not. Christensen talked about backing out in several other districts that were created by property owner petitions, rather than municipal application. Christensen felt Censi may need to answer this. Avis wondered if there were up-front costs and how they might be allocated. Christensen said he is budgeted some County monies to create a tentative district. After the Board of Determination issues a determination, then costs are charged to the District. Avis asked about the method for assessing the special assessment. Brian Censi joined the meeting at 6:45 pm. He answered that the special assessment would be charged on the most convenient tax bill. Likely the Township Winter bill. Chris Frey questioned the at-large assessments and how these might be distributed over the period of the assessment. (e.g. 150K total = 1/3 to each the Township and Village) In this case Village residents may be paying double the costs as residents of both municipalities. Cenci described the typical at-large assessments for municipalities as 25%, MDOT as 10%. Frey asked about Cenci's experience with drains into the Great Lakes. Cenci described his personal and his firm's extensive experience with such. Avis asked about the 2 pots of monies (e.g. at-large and the property owners). Christensen described how the assessments will be available for the public to review. He leans on Brian to do this equitably not unlike a Board of Review. Censi described the equation used to determine assessments. Bacon asked if trying to avert a clearing of the outlet, that something may need to be relocated. Cenci agreed that was what he said. He

has located drains in boat launches and this may be considered in this case. Davis asked if a break wall may be needed and felt that may increase the cost. Cenci felt they may be talking about different types of break walls. Bacon described her understanding as once the District is established, all costs are spread to the participants. Censi agreed and further explained that the District becomes a legal entity. John Collins asked how the alternatives for location of the drain are determined. How is the Village involved in that decision? Cenci answered that the Drain Commissioner describes the scope and then receives public input from municipalities and property owners on decisions or choices to be made. He referred to this as a "scope" meeting that is held to keep all parties informed. Collins asked about the possible ongoing costs of maintenance as being performed by the Village and billed to the Drain Commissioner. Frey asked if Cenci would have a conflict of interest if the Village contracted with him to do a preliminary study. Censi said no and estimated such cost at \$2500 to 3K. Steve Louis questioned if the current lake levels might create a continued backflow into South Bar Lake. Cenci said these are difficult to determine. Lewis asked if Cenci had ever used pumps in any projects. Cenci said these are a last resort and they try to use gravity. They have used them in rare circumstances where outlets are not available at a lower level. Philip Suse asked about potential grant funding through Coastal Zone Management. Cenci does not know anything about this grant but has worked with some Transportation grants through MDOT. He stated that Drainage Districts are rarely involved with grants as there are not many available for stormwater issues.

**MOTION BY RADEMACHER, SUPPORTED BY AVIS TO PROCEED WITH PURSUING A DRAINAGE DISTRICT.** Skrocki "would kind of like to see having Brian do a study on what he comes up with for the outlet. That was news hearing the discussion of something that sounded a lot bigger and more expensive than previous discussions. But to do a study at the cost of \$2500 or \$3K seems like a really good idea before we get hooked into something that possibly we can't afford, the residents etc." Aylsworth said "that doesn't mean that we don't have to start a drainage district application and petition. It sounded to him like if the Village decides after that process then we're on the line to pay the engineering fees." He asked Cenci if that was correct. Cenci replied yes. Avis agreed with Skrocki and would like to examine potential annual maintenance costs v the actual capital expense. He would like to see an analysis of whether it is cheaper to continue to trudge along the way we are or pay the annual at-large cost. He would like to fast track this study. Davis wondered about the relocation of the drain to the launch site and if that would deteriorate the swim area. He also expressed concern about a break wall that may not be less than the current maintenance costs. There was further discussion about current costs and a possible revenue stream of being reimbursed for portions of such. Drain Commissioner felt this was a way to move towards a solution. Cenci spoke to the possibility of a solution cost that would be too expensive to move forward. He said that a worst-case scenario would be the Village paying 15% of costs and being reimbursed for 90% of the annual maintenance cost so everyone is paying, not just the Village. Christensen asked Cenci if a vote here amounts to 2 hurdles being crossed, both the application and petition process, and the next thing would be the Board of Determination? Cenci said typically there are 2 processes and the resolution was set up to take

care of both. Christensen said having Brian doing a study does not fit in this scenario. Once this vote happens, the process is going, the Board of Determination will happen if you vote yes. If you give a thumbs up, we have a project. Aylsworth asked that the motion be read. Smith read the motion as stated above and said it was not specific to the resolution. Aylsworth mentioned all members have the application for layout and design and the application resolution in the packet. Davis called a point of order as he felt the motion was to hire Brian's firm. Rademacher said the motion was to proceed with the application. Avis asked if the vote was being called. Aylsworth said if no one has anything else to say about it. Avis asked if the intention were to have a study, they should vote this motion down and press pause. He wondered if that was the Council's understanding. Cenci said if that was the intention then they should vote it down. **ROLL CALL: AYES: RADEMACHER, AVIS, SKROCKI, AYLSWORTH. NAYS: BACON, CHASE, DAVIS. MOTION PASSED.**

**B. SOUTH BAR LAKE OUTLET** – See above.

**C. LOT COMBINATION PARCEL 043-730-003-30 – MOTION BY AVIS, SUPPORTED BY SKROCKI TO APPROVE THE LOT SPLIT WITH ASSURANCE FROM ZONING ADMINISTRATOR GROBBEL THAT ALL PROPERTY NUMBERS ARE CORRECT.** Bacon pointed out that there may be a clerical error included throughout the application and approval that involves the property numbers. Chris Grobbel felt the numbers were correct as they have been verified for the lot combination application prior to his approval. **ROLL CALL: AYES: SKROCKI, AVIS, DAVIS, RADEMACHER, CHASE, BACON & AYLSWORTH. MOTION PASSED.**

**D. THE VILLAGE AT M-22 SEWAGE SYSTEM CO-SIGN DENIAL LETTER - MOTION BY AVIS, SUPPORTED BY SKROCKI TO APPROVE SIGNING THE STATEMENT OF DENIAL OF COMMUNITY SEPTIC SYSTEM.** Grobbel explained there would be no liability assumed by the Village. Bacon asked if this was different from the septic systems at the New Neighborhood. Avis stated this is different as the Village does have an escrow in place for that system. **ROLL CALL: AYES: CHASE, BACON, RADEMACHER, DAVIS, AVIS, SKROCKI AND AYLSWORTH. MOTION PASSED.**

**QUESTIONS/COMMENTS FROM AUDIENCE** – Meg Walton commented on the Village taking advantage of opportunity to include underlying water issues in the Drainage District. Terry Bacon apologized about interrupting earlier.

**BOARD COMMENTS** – Bacon encouraged the Village to work with any residents who are having trouble with audio during Zoom meetings. She further commented on the previous meeting (see comments attached).

**ADJOURNMENT** at 8:15 p.m.

Derith Smith, Empire Village Clerk

*These minutes were approved at the June 11, 2020 Work Session.*

**Attached:** Comment made by Trustee Bacon at the May 26, 2020 Special Meeting:

Trustee Bacon:

Without a doubt, it was not easy to hear the distress in the voices of my neighbors on that Zoom call last week. In reflecting on those statements in the last few days, a couple of questions kept coming to the forefront of my mind?

How does calling a special meeting rise to the level of disgusting, and horrible?

What in the world did calling a special meeting have to do with finger pointing, backstabbing, and being dysfunctional?

What did this special meeting have to do with the Clerk and the President needing marriage counseling?

The phrase the punishment should fit the crime leapt to my mind. In asking those questions, it seems the issue was simply in not following a more proper protocol of ensuring that all Council members were notified of the request. Okay. That was a mistake that should never be made again.

The harsh words of that evening, I have found, are not a reflection of majority of residents in the Village. They, however, are to be taken seriously.

At the same time, to use the words of many residents, “look, I just want to live here in peace, take a walk or drive to watch the sunset or walk along (what is left of our beach) and to have a village council that is working on my behalf. All the other stuff is just a distraction.”

And, finally, in the words of one of my favorite political science professors - “it is important to remember that everyone has a story to tell and your constituents (or in our case, residents) are fully capable of reading between the lines. Do not sell them short – ever.”