

July 28, 2020

EMPIRE VILLAGE COUNCIL REGULAR MEETING

The meeting was called to order at 7:00 p.m. by President Aylsworth who led the Pledge of Allegiance. This meeting was conducted virtually due to health concerns surrounding COVID-19 under the Governor of Michigan's Order 2020-154. Upon a Roll Call, in attendance were Trustees Skrocki, Bacon, Chase, Avis, Davis and Rademacher. Treasurer Ronkaitis, Clerk Smith, DPW Superintendent Friend and Zoning Administrator Grobbel were also present.

AGENDA APPROVAL – Bacon added PASER Road Study under New Business #3. Aylsworth added Steps at the Beach under New Business #4. **Motion by Bacon supported by Avis to approve the amended agenda. ROLL CALL: Ayes: Unanimous. MOTION PASSED.**

PUBLIC COMMENTS ON AGENDA ITEMS – Sue Palmer pointed out an error in the CIP and read the correction *in the executive summary that project costs range between \$500 and \$6 million*. Bob Scott commented on the costs of a sewer study and thought the residents had spoken on that. He also wondered about CIP item to purchase property on S. Bar Lake, the cost of the ball fields, additional beach restoration and where the money would come from. Steve Lewis read a letter regarding the CIP improvements, millage, and costs of proposed Drainage District (attached).

CONSENT AGENDA – Avis requested the 6-23-20 minutes be removed for discussion. **Motion by Bacon, supported by Rademacher to approve Work Session Meeting minutes of 7-9-20, and Bills totaling \$13,652.65. ROLL CALL: Ayes: Avis, Skrocki, Rademacher, Bacon, Davis, Chase and Aylsworth. MOTION PASSED. Motion by Avis, supported by Bacon to approve the minutes of 6-23-20.** There was discussion of the notes added to the minutes and whether they were read word for word. Aylsworth noted that a Bacon memo was not included as part of the minutes he approved. Bacon stated that she had read her notes at the meeting and they were discussed. There was consensus that the topic should be added to the Work Session. **ROLL CALL: Ayes: Avis, Bacon, Skrocki, Chase, Rademacher, Davis. Nays: Aylsworth. MOTION PASSED.**

REVIEW OF FINANCIAL STATEMENTS – Treasurer Ronkaitis reviewed her reports and updated the Council on the new ICS sweep account she has opened at State Savings in place of several CD and Money Market accounts at other banks.

PRESENTATIONS – Carey Ford – Village at M-22 Future Development Plan. She was joined by Jacob Mikowski who reviewed the written report on the status of the permit with EGLE and the plans for each phase of the development. Bacon asked about the linear foot length of the new road as that will be added to Village Street inventory for computation and receipt of State Revenue. Mikowski stated the road is 265' and terminates in a hammerhead that is 50' x 100'. The ownership of the unbuildable wetlands has yet to be determined, but the developer plans to be responsible for the draw down. Aylsworth commented on a recent meeting of South Bar Lake residents where the following concerns were expressed: the valve cannot be closed, who would manage the flow and the time it may take to shut down the valve if the lake is causing flooding. Mikowski said the intent was to restore the natural flow to the north and not to contribute to the flow that make impact properties on the way to Lake Michigan. Avis clarified the draw down pipe dimensions as 2" and then 6". He also asked about the group septic location and the status of the permitting process for such.

PUBLIC COMMENT ON PRESENTATION – Steve Lewis expressed the concerns of S. Bar Lake residents regarding the shut off valve if the outlet becomes plugged. Grobbel clarified that there would be no shut off after the draw down is completed in approximately 3 months. There was continued concern about a heavy rain occurring during this draw down period if the outlet becomes plugged. Grobbel stated that once EGLE issues a permit, any problems can be communicated to them. He emphasized that it is designed as a slow drawdown. Davis asked when the draw down would commence. Mikowski stated late summer into fall.

COMMUNICATIONS – Aylsworth read a letter from Lea Ann Sterling regarding the proposed permit for Storm Hill properties on Lake Michigan.

DEPARTMENT HEAD REPORTS – DPW Superintendent Friend offered to answer any questions. Skrocki asked if he will be available to answer questions about the beach stairs later on the agenda and he agreed.

Zoning Administrator Grobbel reviewed his report submitted through July and reported on several additions regarding the Sleeping Bear Marathon in October and Hill Climb in September. He also reported on a water discharge system installed on Salisbury St. today. Davis asked if he has been in the office as he has been unable to leave a message on his answering machine. Grobbel responded that he is not currently holding office hours, it is a busy time of year and to please try again as the machine was cleared today. Avis asked about responsibility and liability for mass gatherings. Grobbel responded that the State relies on local agencies for enforcement of Public Health mandates. He suggested looking for guidance via the Governor’s office.

COMMITTEE REPORTS – None.

OLD BUSINESS

STORM HILL PERMIT FOR LAKE MICHIGAN PROPOSED SEAWALL AND RIPRAP- Grobbel described the permit issued for the Kaufmann property for a wall/revetment to be installed at the base of the bluff. Davis asked what the questions the Council is being asked to address tonight. Friend said the end of Niagara St. has deteriorated, the rip rap has failed, and a tree is about to be lost. Bacon asked for Engineer Graf’s input. He felt rip rap is appropriate and the end of the street repair/enhancement would be a benefit to the Village. Skrocki stated she had spoken to several residents of Storm Hill. There may be some legal issues involving the deeds in this area and there are objections to the “heavy armor” that is proposed to be installed when other options may be available. Avis commented that the Village could help neighbors and improve the Village street. Graf and Grobbel both agreed that additional rip rap is needed, in response to Davis’s question. Graf stated that the benefit of adding rip rap to the Village street end would far any potential impact of this project on the Village beach. Davis asked if this would be scheduled after the tourist season. Grobbel stated Kauffman is ready to start tomorrow but is willing to wait if it can be coordinated with the larger project. It may need to be done with 2 approvals. Avis asked if a written agreement could be drawn up to protect the Village interests. Aylsworth asked if a bond is necessary. Graf agreed that a written agreement is best for everyone and suggested a bond or letter of credit to protect any Village infrastructure. Grobbel noted that similar activities are currently taking place and are likely to increase in the next several years. There was discussion of the permission for rocks stored on Village property during a recent project. Skrocki wondered if the bluff may need to be cut back. Grobbel said the contractor plans to install a ramp of ties and

gravel to allow for equipment and material access. There was continued discussion of when the projects might start, when permission is needed, and how long this access would be utilized. Chase wondered whether a start and completion date should be a part of the approval. Sterling commented on the cost for the first permit that will require a special assessment and 80% approval. **Motion by Bacon supported by Davis to allow the Storm Hill contractor to modify the entrance to the property at the end of Niagara St., not to begin before Sept. 5th and with the stipulation that the property is restored and rip rap installed on Village property.** Davis clarified that the rip rap should be installed beyond the property line. Grobbel suggested that line be determined at the completion of the project as it is shifting. Bacon would prefer that work not begin before Labor Day weekend. **Roll Call: Ayes: Davis, Rademacher, Bacon, Chase, and Aylsworth Nays: Skrocki, Avis. MOTION PASSED.**

ORDINANCE #150 AND FEE SCHEDULE – Motion by Bacon supported by Rademacher to approve the Ordinance #150 and Fee Schedule as discussed at the Work Session. Skrocki noted that she will vote in favor of the motion but will pursue no smoking at the beach in the future. **Roll Call: Ayes: Unanimous. MOTION PASSED.**

THANK YOU, LETTER, FOR POSTAL WORKERS – Avis recommended the Post Office worker be invited to a meeting and the resolution be posted. **Motion by Bacon supported by Rademacher to approve the Resolution as presented as presented by Todd Avis.** Aylsworth suggested the “e” in his name be removed. Chase noted that it was more formal than the simple thank you she had anticipated. Avis responded that he had specifically suggested a formal resolution. **Upon a voice vote, the motion was approved unanimously. MOTION APPROVED.** Avis asked about the next steps in completing this presentation. **Motion by Bacon, supported by Avis that the Resolution be revised as mentioned, that the Village office locate an appropriate frame, and that it be presented to the Post Office by whatever Council members are available on a given day.** **Upon a voice vote, the motion was approved unanimously. MOTION PASSED.**

NEW BUSINESS

NEW NEIGHBORHOOD SPEED CONCERNS – Motion by Bacon supported by Rademacher to refer this request to the Streets committee for a review and recommendation to the Council. There was discussion about who the speeders might be and whether the neighbors could/should identify them. Avis questioned whether the meeting would be publicly noticed, and Bacon responded yes. **Upon a voice vote the motion was approved unanimously. MOTION PASSED.**

CAPITAL IMPROVEMENT PLAN (FY 2021-2026) – Motion by Bacon supported by Avis to acknowledge the receipt of this document and the hard work of the CIP committee and Planning Commission for future Council discussion and action at a future meeting. The hard work and time invested in the plan was acknowledged by Bacon and Aylsworth. It was noted that the Council should invest the same due diligence in the plan. Aylsworth stated that he would like this placed on the Work Session agenda as the priority. Skrocki agreed. **Roll Call: Ayes: Unanimous. MOTION PASSED.** Bacon noted that there will be a Point of Sale for septic systems and two zoning amendments on that agenda and she was concerned that the CIP receive adequate attention on a lengthy agenda. Aylsworth was not too concerned as this has happened many times before.

VILLAGE PASER STUDY – Motion by Bacon supported by Rademacher to authorize Networks Northwest to complete this study not to exceed \$300. Bacon reviewed the notification from the State and requirements for being reimbursed. She noted that Networks Northwest and Superintendent Friend are qualified to complete this study. **Roll Call: Ayes: Unanimous. MOTION PASSED.**

STEPS AT THE BEACH – Motion by Rademacher supported by Avis to install steps at the 2 openings leading down to the beach. There was discussion of how many were needed, if they could be fabricated locally, could the ends be buried in the sand and if they could be bolted and anchored to the wall. Friend explained that the he had provided some information for ideas on what might be needed. The intention would be to remove them as needed in the winter. Davis suggested this could be tabled till the next budget meeting when all the information could be reviewed, and details decided. He questioned how much would be spent. **Roll Call: Ayes: Skrocki, Avis, Chase, Rademacher, Aylsworth. Nays: Bacon and Davis. MOTION PASSED.**

COMMENTS FROM THE AUDIENCE – Meg Walton commented on the speeding taking place all over the Village. She also commented on the abundance of sludge on S. Bar Lake and how the CIP is supported by the Master Plan and other documents. Andrew Clements commented on the letter he sent regarding traffic calming and the installation of speed bumps in his neighborhood. Michael Sherry commented on the permit applications from several property owners in Storm Hill. Lea Ann Sterling also commented on these permits and whether Grobbel was speaking as the Village Zoning Administrator or a private contractor for property owners.

BOARD COMMENTS – Skrocki appreciated Meg Walton’s comments on the CIP and the condition of S. Bar Lake as she is also concerned. Aylsworth began to read from a list of issues he has with Clerk Smith. Bacon asked for a legal opinion before proceeding. There was consensus for such. Avis felt some employee evaluations have not been completed.

ADJOURNMENT at 9:54 p.m.

Derith Smith, Empire Village Clerk

These are draft minutes for approval at the August 25, 2020 Regular Council meeting.