

October 27, 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 2020-75. Upon a Roll Call, in attendance were Trustees Skrocki, Bacon, Chase, Davis and Rademacher. Treasurer Ronkaitis and Clerk Smith were also present.

AGENDA APPROVAL – Motion by Bacon, supported by Rademacher to approve the amended agenda as presented. ROLL CALL: Ayes: Unanimous. MOTION PASSED.

PUBLIC COMMENTS ON AGENDA ITEMS – Sue Palmer thanked Grobbel for water quality testing report. She also commented on the proposed Short-Term Rental Ordinance and recent work of the Planning Commission.

CONSENT AGENDA – Motion by Bacon, supported by Rademacher to approve Work Session minutes of 9-10-20, Regular Meeting minutes of 9-22-20, Work Session Minutes of 10-08-20 and Bills totaling \$15,750.11. ROLL CALL: Ayes: Skrocki, Rademacher, Bacon, Davis, Chase and Aylsworth. MOTION PASSED.

REVIEW OF FINANCIAL STATEMENTS & TREASURER'S REPORT – Reports were received and Ronkaitis commented that delinquent taxes were twice last years. Chase asked if the \$1500 donation received from Cherry Republic was designated for playground equipment at the Don Deering Memorial Playground. It was designated on the receipt and in the financial books accordingly.

PRESENTATIONS

SOUTH BAR LAKE WATER QUALITY TESTING UPDATE - Grobbel reported on the 2 rounds of additional testing. The detailed test report is attached. There was discussion of the high e-coli content as being wildlife sourced rather than human according to the DNA.

PUBLIC COMMENT ON PRESENTATION – John Collins thanked the Council for budgeting for the additional testing.

COMMUNICATIONS – None.

DEPARTMENT HEAD REPORTS – Friend reported there was one negative test in the latest water system testing. After the required additional testing it was determined it was a dirty sample. He also reported that there is a new test required for PFAS on all 4 wells annually. Salt and sand for the upcoming winter has been delivered. Additional rock is needed for covering the sandbags at the beach as the direction of the winds has changed. Bacon asked for additional explanation of the drain replacement on Front St. Friend stated there was some confusion as the original quote was from a company that had been taken over. They also discovered that the top of the drains had been constructed of wood that had rotted and collapsed. Bacon asked whether a motion was needed to obtain bids addressing the sandbag situation. Aylsworth felt engineered plans will be needed to accommodate a new ramp as well. He feels sheet pile and cement will also be needed to butt up to the existing wall. Bacon asked if a motion was needed to have Graf do some engineering. Aylsworth will contact Graf for a quote and call a special meeting if needed to protect

this important asset. Friend said with the winds changing, the sandbags are not likely to hold up. Bacon asked if there may be 2 situations to be addressed (sandbags and ramp) and wondered if separate quotes were needed. Grobbel asked if the pond at M22 was still scheduled to be drawn down. Friend said they no longer planned to do that. Grobbel asked about PFAS testing and Friend said the Village stated 1 test had been completed with no PFAS evident and a 2nd test will be conducted.

Grobbel reported that there have been few permits issued in October. He is working on several zoning issues that happened without permits.

COMMITTEE REPORTS

Bacon reported on the recent Street Committee meeting. She, Friend and Graf had also met and reviewed streets and signs. She feels the Village should look seriously at petitioning MDOT for speed limit reductions for traffic entering the Village from the south on M22. Graf pointed out that the traffic calming items that have been installed may enhance that request. She will have some costs available for the budgeting process.

DRAINAGE DISTRICT UPDATE – Aylsworth stated the Drain Commissioner appointed a 3-member Board of Determination. He delivered a 15-18-minute presentation from the Village. Public comment was received, and the District was then approved. Aylsworth did speak with Township Supervisor Noonan and both have received many comments. Aylsworth stated that he will be directing all questions to Drain Commissioner Christenson as it is now in their hands. The scope of work will be the next step and quotes will be received. He stated additional comment and questions will be received by the proposed District and everyone will have the opportunity to object to any assessments. Bacon thanked Aylsworth for doing the presentation and those who assisted. Aylsworth felt he had simply presented the information assembled by John Collins and Chris Webb. Collins said that Grobbel had provided useful information and the South Bar Lake Association had also presented a letter to the Board of Determination. He thanked the Village Council for their efforts in contributing to the process of forming this proposed District.

OLD BUSINESS

SEASONAL RENTAL ORDINANCE – Aylsworth would like to have legal review of the ordinance. **Motion by Chase, supported by Rademacher to discuss the draft ordinance.** Skrocki asked where the draft ordinance language originated. Chase stated that she compiled the draft using several municipal ordinances and conversations with rental agencies. Since the Village is having few problems now, mostly related to noise, she feels registration may be a place to start. She wondered if both the Noise and the Nuisance Ordinance may need to be updated as well. Aylsworth asked if a limit on the number of rentals or a cost for registration was being proposed. Chase felt that was for the Council to decide. Grobbel asked if this was intended as a police power ordinance rather than a zoning ordinance. He thought the process started with the Short-Term Rental Committee had concluded without clear recommendations for needed action. After previous discussions held by the Council upon receipt of the report from the Short-term Rental Committee, there seemed consensus that a simple registry may be all that is needed at this time. That would be a police power, rather than zoning, ordinance. Aylsworth and Skrocki thought Council members were going to submit their ideas. Only Chase submitted her ideas for a registry and a possible draft ordinance for inclusion in the Council packets. Skrocki confirmed the Season Rental Committee had recommended an Ordinance. **Upon a unanimous voice vote, the**

MOTION PASSED, and discussion was closed. There was consensus that the issue will be placed on the next Work Session agenda.

PLANNING COMMISSION REVISED GUIDELINES – Aylsworth felt this would require legal review. **Motion by Bacon, supported by Rademacher to send the proposed guidelines to Figura for review.** Bacon stated that she had provided a pared-down version as requested at the last meeting. Aylsworth will take it to Figura and have him email his reactions to everyone. **ROLL CALL: Ayes: Unanimous. MOTION PASSED.**

NEW BUSINESS

SOUTH BAR LAKE OUTLET WEEKEND SUPPORT PROCEDURE – **Motion by Bacon, supported by Rademacher to have the SBL Outlet open any time it is closed according to an approved process and criteria to ensure Village staff are properly compensated if they take the responsibility to open it until such time as the Drainage District takes over.** Bacon felt the decisions surrounding this issue should not be placed solely on the DPW and the Council needs a backup plan. The DPW’s responsibilities may be required elsewhere and outside parties may need to be called upon to assist. Aylsworth felt the attorney would need to review this as it places responsibilities on the President. Aylsworth would like to take this document to Figura for review. Davis is in favor of this process until the Drainage District is established and then it should be made null. He feels the Village should be fully compensated for their costs related to this issue if the Drainage District is established. Bacon would like Friend’s input before Figura’s review. Aylsworth will make sure Figura’s comments will be available for the Council’s consideration. **ROLL CALL: Ayes: Unanimous. MOTION PASSED.**

COMMENTS FROM THE AUDIENCE – John Collins thanked the Council for keeping the outlet until a Drainage District is established. Sue Palmer felt a page had been added to the e-packet today and feels the public should be notified.

BOARD COMMENTS – Skrocki asked if both the process and the website info (regarding the Planning Commission) would be included in the legal review. Aylsworth said all would be reviewed. She felt the last portion may be a bit over the top for such a microscopic village when there are people who want to serve. She thanked John Collins and all who contributed to the Drainage District presentation. Aylsworth noted that he has not received any applications for the Treasurer and pointed out that one is needed. Ronkaitis noted that there is only 1 meeting left before her term ends on November 20th.

ADJOURNMENT at 8:18p.m.

Derith Smith, Empire Village Clerk

These minutes were approved at the November 12, 2020 Regular Council meeting.