

## **JANUARY 28, 2020 EMPIRE VILLAGE COUNCIL REGULAR MEETING**

The meeting was called to order at the Empire Township Hall and the Pledge of Allegiance was led by President Aylsworth at 7:00 p.m. Council members Rademacher, Davis, Bacon, Stier and Skrocki were present. Clerk Smith, Treasurer Ronkaitis, Planner Grobbel, DPW Superintendent Friend were also present.

**CHANGES/ADDITIONS TO AGENDA** – Aylsworth moved all New Business in front of Old Business. Smith noted that Skrocki had requested the Personnel Committee item be added to the Work Session agenda, so it was removed.

**PUBLIC COMMENTS ON AGENDA ITEMS** – John Collins thanked the Village Council and staff for keeping the outlet open in bad conditions. Chris Frey thanked the Council for the beach remediation, commented on the repair quote at the outlet and echoed Mr. Collins comments.

**CONSENT AGENDA** – Motion by Bacon, supported by Rademacher to approve minutes of Special Meeting of 12-11-19, Regular Meeting of 12-16-19 and Work Session of 1-9-20; and Approve Bills totaling \$169,664.85; and Resolution #1 of 2020 transferring \$1,531.95 in Major to Local Street Funds. A roll call vote yielded unanimous approval. **MOTION PASSED.**

**REVIEW OF FINANCIAL STATEMENTS & TREASURER'S REPORT** – Bacon asked several questions regarding budget including the transfer of 25K from General to Water Fund, cost of software and needed budget amendments.

**COMMUNICATIONS** – Aylsworth read a letter from Karen Baja regarding council vacancies (see attached). Smith read a letter of resignation from Trustee Carpenter (see attached). She passed out copies of such referred to the prepared resolution on the back that the Council could address under the agenda item: PROCEDURE FOR FILLING COUNCIL VACANCIES.

**DEPARTMENT HEAD REPORTS** – DPW Superintendent Friend reported that the lake level over the past year and his predictions, of being in the red in 2020 (see attached report). Friend reported that the lake is 5” over last January and a total of 20” over last year. Predictions are for increased levels for every month in 2020. He reported a basement is currently pumping onto a Village road. Bacon asked that issue be discussed at the next Work Session.

Bacon asked about some items at the beach that Engineer Graf had noted and Friend had some ideas about. Friend suggested the handicap access should fit in the area and some flattened stones were installed as stairs near the volleyball court to the beach. Other areas will need to be addressed after the water levels drop.

Zoning Administrator Grobbel commented on being prepared for changing lake levels. He will be speaking with the EGLE tomorrow on possible funding sources for lake level issues. He has been meeting with landowners on lot splits, proposed residential developments in the Village and issues along Lake Mi Drive. He encouraged the council to seek solutions for flooding basements and streets due to rising ground water table levels. Bacon asked about solutions for ground water table levels. Grobbel commented that owners cannot pump themselves out of a flooded basement and the County Drain commissioner's Office told him that water pumped on the roads is a Village issue.

**COMMITTEE REPORTS** – Stier reported on the Parks Committee meeting in January and there will be further discussion at the Work Session of the budget and Beach Park Ordinance. Skrocki reported on the minutes from the 2 meetings held in January by the Personnel Committee that will be discussed at the Work Session.

## **NEW BUSINESS**

**PROCEDURE FOR FILLING COUNCIL VACANCIES** – Aylsworth recommended **Resolution 2 of 2020, supported by Bacon to approve. Roll Call, Ayes: Rademacher, Davis, Bacon, Stier, Skrocki, Aylsworth. Motion passed unanimously.**

**Motion by Stier, supported by Rademacher to accept applications for 1 week and then hold a special meeting to fill the vacant office.** Davis felt that a week may not be long enough to notify everyone who is interested and feels it should be at least 2 weeks to a month. Rademacher felt it could be addressed at the next regular meeting. Skrocki felt with the budget the Council should not lollygag. There was discussion of how an interview might be conducted. A majority agreed that a public interview was not needed. A letter of interest including qualifications could be accepted. **Roll Call: Ayes: Stier, Aylsworth Nays: Rademacher, Davis, Skrocki, Bacon. Motion defeated 4 Nays to 2 Ayes.**

**Motion by Bacon, supported by Rademacher that the Village Council accept applications and/or letters of interest for the Council Vacancy beginning on Wednesday, 1/29/20 and ending on Wednesday, 2/12/20.** Discussion included how late applications may be accepted. **Roll Call: Ayes: Rademacher, Davis, Skrocki, Stier, Bacon and Aylsworth. Nays: None. Motion passed unanimously.**

**SET PUBLIC HEARING FOR FISCAL YEAR 2020-21 BUDGET-** **Motion by Bacon, supported by Rademacher to set a Public Hearing on the 2020-2021 Budget for 6 p.m. on February 25, 2020 just prior to the Regular Meeting. A Voice vote was unanimous. Motion passed.**

**SOUTH BAR LAKE OUTLET** – Aylsworth reported that Elmer’s has offered to install a single sheet pile along the outlet wall at no charge in return for stockpiling materials on the volleyball area. **Motion by Davis, supported by Rademacher to allow Elmer’s to stockpile materials on the volleyball area for up to 1 month.** Skrocki asked if the installation plan was like one of the 2 quotes received from Elmer’s. Aylsworth said it would be the 4K temporary proposal. **Upon a voice vote, the motion passed unanimously.**

**Motion by Bacon, supported by Stier to have Aylsworth bring an updated drainage district petition to share with council at the March work session.** There was discussion on how soon this discussion should happen. Davis felt there should be a committee to approach the Township before initiating a drainage district. **Motion passed upon a unanimous voice vote.**

**Motion by Bacon, supported by Skrocki to approve Resolution 3 of 2020 whereas the Council is seeking all options to resolve issues at South Bar Lakes a Drainage District to form a Committee of the Council comprised of Aylsworth, Davis and Rademacher, to exist no longer than 7 months, to speak with the Township about a potential Special Assessment District.** There was conversation regarding how to approach the Township. Bacon asked that the committee

be formed, and they decide how to formulate the discussion. **Motion passed upon a unanimous roll call vote.**

**OLD BUSINESS**

FISCAL YEAR 2020-21 BUDGET – The budget was reviewed on a line by line basis and several adjustments were made. These changes were noted and will be included in the updated budget for the February work session. Changes included a net increase in expenditures in the General Fund of \$15,500, \$14,000 revenue increase in Major Street Fund, \$96,000 revenue increase in Local Street Fund, and a \$3,000 revenue increase in the Water Fund.

**Motion by Bacon, supported by Davis to amend the current 2019-20 Budget as follows: 101-253-726 increased to \$700, 101-253-860 increased to \$200, 101-721-821 increased to \$9000, and 101-721-826 increased to \$4300. Motion passed unanimously upon a roll call vote.**

**Motion by Bacon, supported by Davis to leave the general millage rate at 6.3063 and the bond debt rate at .36. A roll call yielded unanimous approval. Motion passed.**

**COMMENTS FROM THE AUDIENCE** – Chris Frey commented on a Drainage District by the County vs the Village and the Township. He feels the Council has misconceptions and needs to better inform themselves. Bob Scott commented that the water flooding a basement and being pumped on the road might be better directed towards the alley as a safety concern. Sam Barr commented on the unanticipated heavy use of certain equipment may lower their planned life. Marie Scott commented on planning down the edge of new pavement to impact drainage.

**BOARD COMMENTS** – Davis commented that his interest in speaking to the Township was based on the Township’s ability to assess both the Village and the Township as one special assessment district.

**ADJOURNMENT** at 9:38 p.m.

Derith Smith, Empire Village Clerk

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

Susan Carpenter  
PO Box 67  
Empire MI 49630

January 20, 2020

Dear Empire Village Council and Empire Residents:

This letter is to confirm my resignation from the Empire Village Council as of January 23, 2020. It is a bittersweet time of change for me. Time has a way of creeping up on us all and because of the many personal changes and challenges of the past few years Phil and I have sold our Empire family home and I am no longer eligible to serve on Village Council.

I would like to express my gratitude to those council members and administrators who served during my time as Village President and Councilmember. It is an important service to our residents and imperative to our future that the Council focus on providing good government through its actions, policies and practices.

Most of all I would like to sincerely thank the Village residents for the opportunity to serve in the positions you elected me to. I have gained so much knowledge, and shared many enlightening and entertaining experiences. My best memories are of packed meetings where I knew the Village would speak it's mind, openly and with candor so we could all share, without fear of reprisal our opinions, and make decisions for the benefit of an entire Village! It is an amazing experience to be a part of a government that is functioning for the people.

Finally, you all know Phil and I have long been a part of this community not only as elected and appointed officials but as part of a Village family. The bonds and friendships we have developed over the years will not be broken by our change of location. Even though circumstances have caused a change in location the Village of Empire is still in our hearts and memories, just as it always was. Thank you for all the many wonderful times and memories.

Most Sincerely,

Sue Carpenter



VC 01/28/2020

**RESOLUTION NO. 2 OF 2020**

**VILLAGE OF EMPIRE**

**RESOLUTION DECLARING A VACANCY IN A VILLAGE OFFICE**

**WHEREAS**, Michigan Statute 62.13 allows a Village Council to declare a vacancy in a village office when an officer resigns and to appoint a successor to serve until the next regular Village election, and

**WHEREAS**, Village Trustee Sue Carpenter has tendered her resignation of the office of Village Trustee effective on January 23, 2020, and which has been accepted by the Village Council, and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Empire that:

1. Village Council Trustee Sue Carpenter's resignation is hereby accepted.
2. A vacancy in the office of Village Council Trustee hereby exists.

Alysworth moved that Resolution No. 02 of 2020, a resolution declaring a vacancy in a Village office when an officer resigns and to appoint a successor to serve until the next regular Village election. 2<sup>nd</sup> by Bacon.

Voting for: 411

Voting against: None

The resolution is declared adopted.



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Wayne R. Aylsworth, Village President

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of Resolution No. 01 of 2020 which was adopted by the Village Council for the Village of Empire at a regular meeting held on January 28<sup>th</sup>, 2020.



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Derith A. Smith, Village Clerk

January 24, 2020

To the Empire Village Council,

I am unable to attend the meeting, but please read this into the minutes under correspondence. Thank you.

There are going to be at least two vacancies on Village Council in the near future. Even though 2020 is an election year there will be several months to be dealt with before the general election. Even though the way the last vacancy was filled was legal, it was at the very least unethical and left a sour taste in many residents' mouths. I am requesting that this time we return to tradition and accept applications after posting the vacancies. The President of Council (the Chief Administrator via law) would review the applications, perhaps with the help of the personnel committee chair, and make recommendations to Council for their vote. This would be the most open, fair and transparent method to filling these positions.

Thank you for your consideration.

*Karen Baya*

VC 1/28/20

