EMPIRE VILLAGE WORK SESSION NOTICE

PLEASE TAKE NOTICE that a meeting of the Empire Village Council scheduled for Thursday, July 9th, 2020 at 7:00 PM will be conducted virtually due to health concerns surrounding COVID-19 under the Governor of Michigan's Executive Order 2020-129.

You may access this meeting in one of two ways:

1. Video Participation

If you want to use your computer, tablet or smartphone to connect to the meeting using video, click on the following link: **https://us02web.zoom.us/j/7563622970.** Please allow your device to download or open Zoom.us. *(You will be using the Internet to connect, not a phone line. You will have both video and audio).*

2. Phone Participation

If you want to call in via telephone (cell or landline) and participate using only audio, please dial: **1-312-626-6799**. When requested, enter the following access code: **756 362 2970**, followed by #. *(This is just like using a traditional phone, neither you nor the host will have any video).* Phone participants may dial *6 to mute/unmute the phone.

*****Both Video and Phone participants should stay on MUTE until it is time to speak*****

All individuals participating remotely will be considered present and will be able to participate in public comment. Written comments may be submitted to deputyclerk@villageofempire.com by 12 PM on July 9th to be read into the meeting. Public comment rules adopted and set forth in the Village Rules of Procedure still apply and comments should be kept to under 3 minutes.

Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Village of Empire Office at: (231) 326-5466, PO Box 253, Empire, MI 49630, or at deputyclerk@villageofempire.com.

EMPIRE VILLAGE COUNCIL WORK SESSION

JULY 9TH, 2020 @ 7 PM

REMOTE / ZOOM

AGENDA

A. PLEDGE OF ALLEGIANCE

B. MOTION OF REQUIRED COUNCIL ACTION(S) ONLY

C. CHANGES/ADDITIONS TO THE AGENDA

D. APPROVAL OF AGENDA

E. PUBLIC COMMENT ON AGENDA ITEMS

F. DEPARTMENT HEAD REPORTS

1) Treasurer Update
2) Personnel Committee Update

G. COMMITTEE ISSUES (PARKS, WATER, ETC.)

H. OLD BUSINESS

1) Legal Opinion of Planning Commission Ordinance #117
2) Beach Parking Procedures
3) Beach Park Ordinance #150 and Fine Schedule
4) Thank You Sign for Post Office Workers
5) Grant Writing Opportunity Update

I. NEW BUSINESS

1) Re-establish Purpose of Work Session
2) Village at M-22 Future Development Plan
3) Septic Inspections at Time of Sales Ordinance #137

QUESTIONS / COMMENTS FROM THE AUDIENCE

BOARD COMMENTS

ADJOURNMENT

06/30/2020

CASH SUMMARY BY ACCOUNT FOR VILLAGE OF EMPIRE
FROM 03/01/2019 TO 02/29/2020
FUND: ALL FUNDS
CASH AND INVESTMENT ACCOUNTS

Account	Description	Beginning 03/01/2019	Debits	Credits	Ending 02/29/2020
Fund 101 GENERAL FUND					
001	HUNTINGTON BANK CASH	0.00	20,427.14	2,367.05	18,060.09
002	HONOR BANK CASH	0.00	176,778.06	47.87	176,730.19
003	CERTIFICATE OF DEPOSITS	0.00	249,474.33	498.83	248,975.50
004	STATE SAVINGS CASH	0.00	503,946.90	512,082.03	(8,135.13)
005	TRAVERSE CITY STATE BANK	0.00	12.09	6.56	5.53
006	M BANK CASH	0.00	24,784.47	500.83	24,283.64
007	SSB TAX	0.00	155,184.47	154,178.10	1,006.37
	GENERAL FUND	0.00	1,130,607.46	669,681.27	460,926.19
Fund 202 MAJOR STREETS FUND					
003	CERTIFICATE OF DEPOSITS	0.00	132,910.34	0.62	132,909.72
004	STATE SAVINGS CASH	0.00	32,238.06	27,721.73	4,516.33
006	M BANK CASH	0.00	916.41	2,657.64	(1,741.23)
	MAJOR STREETS FUND	0.00	166,064.81	30,379.99	135,684.82
Fund 203 LOCAL STREETS FUND					
003	CERTIFICATE OF DEPOSITS	0.00	83,376.55	0.37	83,376.18
004	STATE SAVINGS CASH	0.00	55,809.88	38,861.63	16,948.25
006	M BANK CASH	0.00	2,328.10	586.87	1,741.23
	LOCAL STREETS FUND	0.00	141,514.53	39,448.87	102,065.66

VC 7/9/2020

Fund 301 DEBT SERVICE FUND

004	STATE SAVINGS CASH	0.00	24,172.76	10,506.50	13,666.26

Fund 591 WATER FUND

001	HUNTINGTON BANK CASH	0.00	359,559.47	212,144.29	147,415.18
003	CERTIFICATE OF DEPOSITS	0.00	99,761.79	2,493.18	97,268.61
004	STATE SAVINGS CASH	0.00	188,983.59	251,756.59	(62,773.00)
005	TRAVERSE CITY STATE BANK	0.00	843.29	840.63	2.66
008	RRI ACCOUNT	0.00	33,479.61	17,452.60	16,027.01
	WATER FUND	0.00	682,627.75	484,687.29	197,940.46

Fund 661 EQUIPMENT FUND

001	HUNTINGTON BANK CASH	0.00	22,365.54	49.47	22,316.07
002	HONOR BANK CASH	0.00	30,819.95	0.00	30,819.95
004	STATE SAVINGS CASH	0.00	106,169.37	27,668.97	78,500.40
005	TRAVERSE CITY STATE BANK	0.00	85,682.62	464.27	85,218.35
	EQUIPMENT FUND	0.00	245,037.48	28,182.71	216,854.77

Fund 715

001	HUNTINGTON BANK CASH	0.00	7,127.27	0.00	7,127.27
004	STATE SAVINGS CASH	0.00	1,767.67	0.00	1,767.67
		0.00	8,894.94	0.00	8,894.94
	TOTAL - ALL FUNDS	0.00	2,398,919.73	1,262,886.63	1,136,033.10

Village of Empire

Personnel Committee Meeting Minutes June 30, 2020 7:00 pm

Call to Order: The meeting was called to order at 7:00 pm by Chair Todd Avis. Committee members Davis and Chase in attendance. Approximately 5 residents joined the call. The call was conducted remotely using Zoom.

Changes to Agenda: None

Comments from the Audience: None

Review DPW Job Description

Chase reported she spoke with John Friend earlier in the day and he does not believe an assistant's position at this time is necessary. The committee edited the job description to best fit the current needs of the Village. See attached Seasonal DPW Job description.

Job Description Discussion

As directed by the Village Council, the Personnel Committee will begin reviewing the current job descriptions on file. It was agreed that the Village employees should have an opportunity to review the current Job Descriptions as the first step. From there the Personnel Committee will set up a time to review the edits/changes/suggestions from the employees. The Personnel Committee will request all edits be returned from employees within three weeks of receipt. Avis will manage the distribution of the Job Descriptions to the Village employees and will call a Personnel Committee meeting at a later date.

Comments from the Audience: None

Comments from the Committee Members: None

Adjournment: Avis called for adjournment at approximately 7:35 pm.

VILLAGE OF EMPIRE

JOB DESCRIPTION

SEASONAL DPW WORKER

Appointed by the Village Council

Supervised by: Director of Department of Public Works

CREATED: June 16, 2020

Position Summary: Under the direction of the Director of Department of Public Works (DPW), the Seasonal DPW Worker performs routine outdoor landscape maintenance for Village owned property and rights of way. Using various tools and equipment, the Seasonal DPW Worker cuts, trims, sweeps, blows, rakes and hauls Village landscaping and debris.

Job Functions:

- Perform groundskeeping and lawn maintenance duties.
- Mow lawn either by hand or using a riding lawnmower.
- Cut lawn using hand, power or riding mower and trim and edge around walks, flower beds, curbs, walls, and other stationary objects.
- Sweep walkway of debris.
- Perform other duties as assigned by the DPW Superintendent

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accomodation may be made to enable individuals with disabilities to perform the job.

- Candidate must 18 years old at time of employment
- Possess high school diploma or GRE preferred.
- Skill in using multiple manual and powered lawn and garden equipment.
- Take direction and work independently on a variety of work assignments.

- Ability to adhere to safety policies and wear personal protection equipment as directed.
- Exhibit excellent customer service skills.
- Provide written documentation of work completed to Director of DPW.

Physical Demands and Work Environment

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- While performing the duties of this job, the employee works in an outdoor setting in a variety of weather conditions. The employee must be able to stand, walk, kneel, bend, twist, reach, and climb. The employee communicates in verbal and written means. The noise level in the work area will often be loud and may reach 110 decibels.
- The employee is required to work between 8:00 am and 4:30 pm and is scheduled for work by the Director of DPW based on the Village's needs.
- The employee must lift and or move items of moderate to heavy weight.

deputyclerk@villageofempire.com

From: Dick Figura <rfigura@figuralaw.com>
Sent: Thursday, July 2, 2020 12:11 PM
To: Soni Aylsworth; Derith Smith; Timothy Figura; Jeanne Bredin
Cc: Todd Avis; Maggie Bacon; Linda Chase; Tom Rademache; Beryl Skrocki; deputy clerk
Subject: Re: Request for legal opinion

President Aylsworth and Village Council Members:

This email is in response to the legal opinion requested at the June 23 village council meeting.

The current Planning Commission is presently established by Ordinance 117 adopted in 2008. It provides for 7 members. Changing the members from 7 to 5 can be accomplished simply by an ordinance amendment. The trick, however, is deciding how to get to 5 members. There are some options as follows:

1. Rescind Ordinance 117 in its entirety, thereby ending the terms of all existing PC members and adopt a new ordinance creating a new 5 member PC, establishing new members and terms. This method is not recommended.
2. End the term(s) applicable to any existing vacancy. This makes it simple if the number of vacancies happens to be 2.
3. End the term(s) of those members whose term(s) will expire soonest.
4. End the term(s) of those with the least number of years experience on the PC.
5. End the terms of those with the most years of service on the PC.

Options 2 and 3 are, in my experience, the methods most commonly used. For the sake of simplicity, I would recommend using Option 2 and, if necessary, Option 3.

Another method is to make the change through attrition. That would be a combination of Options 2 and 3 (or just Option 3 if there are no vacancies), but allowing current members in that category to remain until their term expires. Or another vacancy is created.

The ordinance amendment may also require altering the terms of the members so that it will comply with the Michigan Planning Enabling Act which requires 1/3 of the members' three year terms to expire each year.

Rather than prepare an ordinance amendment at this time, I need direction from the council as to which option it prefers if it chooses to reduce the PC membership.

If you would like, I can attend your next meeting to answer any questions, but if you want me to do that I would suggest placing that agenda item at the top of your agenda to minimize my time – and your cost. Another option is to schedule the agenda item at a specific time, and I would show up (in person or on Zoom) at that time.

I trust this answers the council's question. Please advise of your wishes.

Dick

Stay in. Stay safe. And support our heroic health care workers

VCWS 7/9/2020

The Village of Empire
Beach Public Parking
Procedures
June 2020

The following parking procedures are the parking guidelines for the Village of Empire Public Beach and shall include the incorporation of the previously adopted fines for the violation of those rules.

Visitor Parking

1. Hours of paid parking enforcement shall be from 10am to 8 pm.
2. The rate for non-township residents (visitors) is $1.00 per hr.
3. It is the responsibility of visitors to purchase their parking pass (pass), after they have legally parked. Passes should not be purchased before a legal parking space has been located. Beach Ambassadors are **not able to issue a refund**, and **carry no cash**.
4. Display the pass on the windshield or dashboard of vehicle.
5. Motorcycles and mopeds must park in a parking space. If enough space is available, motorcycles and mopeds may share a parking space. The owner of each vehicle is responsible for purchasing a displaying parking pass.
6. Golf Carts must park in a parking space and pay for a parking pass.
7. Vehicles displaying a valid handicapped placard or sticker are not required to purchase a pass. The Village will abide by all Michigan laws regarding the availability and use of handicapped parking spaces.
8. Only one vehicle is permitted per space with the exception of motorcycles or mopeds.
9. In the event of a failure of the parking machine, the Beach Ambassadors will direct visitors to our donation boxes and write them a timed slip to display, until the proper repairs can be made.
10. Beach Ambassadors will allow for a reasonable amount of time (not more than 15 minutes) for visitors to park and purchase a pass.
11. Failure to purchase a pass or to allow the pass to expire, may result in a fine of up to $15.00.
12. The purchase of a pass will not guarantee the visitor a parking space, if they vacate for any reason at any time during their prepaid stay.

VC WS 7/9/2020

The Village of Empire
Resident Beach Public
Parking Procedure
June 2020

The following parking procedures are the parking guidelines for the Village of Empire Public Beach and shall include the incorporation of the previously adopted fines for the violation of those rules.

Village and Township Residents

1. Parcel owners and residents within the Township of Empire (resident) were issued 2 "Resident Stickers" (stickers) when paid parking was instituted at the Empire Beach.

2. New residents are issued 2 stickers per household.

3. Residents may park for free as long as they have a valid sticker issued by the Village Office displayed on the dash or window of their vehicle.

4. Vacation rentals and seasonal renters may receive their stickers from the landlords to be distributed as they so choose.

5. Long-term renters will be asked to show a valid driver's license with a current Empire or Empire Township address.

6. As a service to Village and Township residents, the Village Office has established the following guidelines to ensure the maintenance of a robust resident sticker inventory control system.

    a. **Additional stickers**: 3 additional resident stickers can be purchased ($5.00 each) at the Village Office, with proof of vehicle registration for each vehicle owned by the resident.
    b. **Maximum Household stickers:** Each household is allowed a maximum of 5 stickers, annually.
    c. **New Vehicle purchases:** In the case of the purchase of new vehicle, if some portion of the sticker can be produced, or a picture of the sticker located on the window of the old car is provided a replacement sticker will be provided for free. If no portion of the sticker or a picture of the window cannot be produced, payment of a $5.00 administration fee will be required.
    d. **Broken windshields:** Should a resident experience a broken windshield, if a portion of the sticker, or a picture of the window with a receipt from the repair company can be produced, a replacement will be provided for free. If no portion of the sticker can be produced, payment

of a $5.00 administration fee will be required for a new sticker.

e. Lost stickers may be replaced. A $5.00 administration fee will be required.

7. The Village will review the availability of printed stickers or hanging passes and determine if a color change should be considered for the following year.

8. Resident stickers are not transferable. A parking fine of up to $50.00 will be assessed for any person who cannot provide documentation regarding resident status and is using a resident sticker.

9. Motorcycles and mopeds must park in a parking space. If enough space is available, motorcycles and mopeds may share a parking space. Each vehicle must have its own sticker (and/or parking pass).

10. Golf Carts must park in a parking space and must have its own sticker

11. Vehicles displaying a valid handicapped placard or sticker are not required to purchase a sticker. The Village will abide by all Michigan laws regarding the availability and use of handicapped parking spaces.

12. Only one vehicle is permitted per parking space with the exception of motorcycles or mopeds.

DRAFT

VILLAGE OF EMPIRE
Leelanau County, Michigan

Ordinance No. 150

BEACH PARK ORDINANCE

AN ORDINANCE TO REGULATE AND CONTROL TRAFFIC, OVERNIGHT CAMPING, PARKING, DOMESTIC ANIMALS, NOISE, AND DUMPING OF GARBAGE AND RUBBISH AT THE VILLAGE OF EMPIRE'S LAKE MICHIGAN BEACH PARK TO PROVIDE FOR THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS AND GUESTS, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF EMPIRE HEREBY ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to regulate the use of the park, beach, and recreational areas in the Village of Empire's Lake Michigan Beach Park in order that all residents and their guests may enjoy and make use of the park, beach, parking lots, and recreational areas in a safe manner and to protect the rights of those owning property adjacent to the park.

Section 2. Definitions. As used in this Ordinance,

(a). "Domestic animal" means a dog, cat, reptile, horse, pig, duck, goose, chicken, guinea hen, ferret, or other domesticated animals.

(b). "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

(c). "Park" means the Village of Empire's Lake Michigan Beach Park.

(d). "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

(e). "Rubbish" means non-putrescible solid wastes, including ashes consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, bags, rags, and demolished materials.

(f). "Feces" means a body's solid waste matter.

Section 3. Regulations.

No person shall do any of the following within the park:

(a). Utilize any part of the park, beach, parking lots or recreational areas as an overnight camping or overnight sleeping place.

VCWS 7/9/2020

(b). Willfully bring in and dump, deposit, or leave any household or commercial garbage or rubbish at any area of the park, beach, parking lots or recreational areas.

(c). Allow a domestic animal under his or her control or custody to run at large in any area of the park, beach, parking lots, or recreational areas or leave domestic animal feces on the beach. Such domestic animals shall be restrained at all times by adequate leashes or other means to keep the animal physically restrained.

(d). Take a domestic animal under his or her control or custody to any area of the park in which dogs are prohibited as indicated by posted signs.

(e). Grill, kindle, or build a fire in any area of the park, beach, parking lots, ~~or~~ recreational areas and the beach walls, except in the fire pits provided for such use or in grills or other receptacles specifically designated for such use. Upon leaving such fire, the person last using it shall fully extinguish the fire.

(f). Intentionally make any noise or play any sound producing device between the hours of 11:00 p.m. and 8:00 a.m. which is audible from any adjoining property or from any public highway.

~~(f)~~.(g). The use, discharge or ignition of any fireworks, including consumer fireworks, is prohibited on public property regardless of the day. This includes the Village of Empire Beach Park and Shalda Park. (Village Ordinance 138)

~~(g)~~.(h). Park a motor vehicle, camper, or boat in the designated fire lane or in any other area other than an established or designated parking area.

(i). Park or store any motor vehicle, camper, or boat overnight.

(j). ~~Park or park~~ any vehicle over 22 feet from July 1st through Labor Day.

~~(h)~~.(k). All boat trailers must be parked in designated areas.

~~(i)~~.(l). Ride or drive a motor vehicle at a rate of speed exceeding fifteen (15) miles per hour or operate a motor vehicle without due care and caution within the confines of the park.

~~(j)~~.(m). Ride or drive any motor vehicle within the park, except on the paved park roads or parking areas.

~~(k)~~.(n). Ride vehicles, such as, but not limited to, scooters, motor bikes, skateboards, skates (regular or in-line), on beach walls.

~~(l)~~.(o). Park any motor vehicle, scooter, motor bike, camper, or boat in any designated parking areas without evidence of:

i.) An official residential parking pass affixed to the lower or upper drivers side windshield of the vehicle, (or in the case of multi-family residential ownership, an official residential parking pass affixed to an object permitting

Formatted: Character scale: 100%

Formatted: Character scale: 100%

Formatted: Character scale: 100%

an unobstructed displayed of said pass on the driver's side dashboard), or

ii.) A displayed receipt of paid parking.

~~ii.)~~ (p). Jet Ski's are not permitted in the swim area.

Formatted: Font: Font color: Auto

Formatted: Indent: Left: 0.15", First line: 0.5", No bullets or numbering

Section 4. Penalties.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as provided for in Ordinance No. 107, being the Village of Empire's Municipal Civil Infraction Ordinance, as amended, and as authorized under Chapter 87 of the revised Judicature Act, Act 236 of the Public Act of 1961, as amended [MCL 600.8701, et seq.], and other applicable laws. (See 2020 Fine and Fee Schedule for Beach Ordinance violations)

(a). For a violation of section 3(l), the person shall be fined not less than $15.00;

(b). For a first offense, other than 4(a), the person shall be fined not less than $25.00, nor more than $150.00, plus the costs of prosecution and other sanctions provided by law.

(c). For a second or subsequent offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than $50.00 nor more than $500.00, plus the costs of prosecution and other sanctions provided by law.

Each day this Ordinance is violated shall be considered a separate violation.

Section 5. Enforcement Officers.

Enforcement Officers are as provided in Ordinance no. 107, being the Village of Empire's Municipal Civil Infraction Ordinance, as amended, and as authorized under Chapter 87 of the revised Judicature Act, Act 236 of the Public Act of 1961, as amended [MCL 600.8701, et seq.], and other applicable laws.

Section 6. Nuisance Per Se.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety, and welfare.

Section 7. Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 8. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or

circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

Section 9. Prior Ordinances Repealed.

Ordinance NO. 72, Ordinance NO. 105, Ordinance NO. 106, and Ordinance NO. 123 are hereby repealed in their entirety.

Section 10. Effective Date.

This Ordinance shall become effective thirty (30) days after publication.

The forgoing Ordinance was adopted by the Village Council of the Village of Empire on the 26th day of September, 2017; adoption of the forgoing ordinance was motioned by Teresa Howes, and supported by Susan Carpenter.

Voting for: Teresa Howes, Susan Carpenter, Maggie Bacon, Soni Aylsworth, Dan Davis and Sam Barr

Voting against: Chris Frey

VILLAGE OF EMPIRE

By: _____
Wayne (Soni) Alysworth, Village President

By: _____
Derith Smith, Village Clerk

Date of Approval: September 26, 2017

Date of Publication: October 12, 2017

Revised: July 2020

DRAFT

2020 Fine Schedule – Village Beach Ordinance 150

Ordinance Reference #	Reason	Fine
3a	Overnight camping or sleeping	$150
3b	Dumping garbage or rubbish	$100
3c	Pet without a leash	$ 50
3c	Not "scooping up" pet waste	$ 25
3e	Grill, kindle, fire outside of provided receptacle (including beach walls	$ 25
3f	Violation of noise policy	$ 50
3g	Violation of fireworks ordinance (#130)	$100
3h	Parking in fire lane	$100
3h	Parking in undesignated parking area	$ 50
3i	Park or store motor vehicle, campers or boats overnight	$ 75
3j	Park any vehicle over 22 feet from July 1st – Labor Day	$100
3k	Boat Trailer parked in undersigned parking area	$ 5075
3l	Exceeding the speed limit	See Ordinance Section 4
3m	Driving on beach or off paved roads	$ 50
3n	Using scooters, motor bikes, skateboards, skates (regular or inline) on beach wall	$ 25
3o	Parking in designated parking area with no pass or expired parking pass	$ 15
3p	Jet ski in swim area	$100

Formatted: Not Highlight

Formatted: Not Highlight

VC WS 7/9/20

GovHR USA
GovTEMPS USA

CONTRACT

THE VILLAGE OF EMPIRE, MICHIGAN
and
GovHR USA, LLC

The Village of Empire, Michigan agrees to retain GovHR USA, LLC ("GovHR") to provide certain grant writing services as more fully outlined in the Village's Grant Writing Opportunity Memorandum to Council dated June 1, 2020 ("Memorandum"), a copy of which is attached hereto and made a part hereof. This Agreement shall continue in full force and effect until the work requested in the Scope of Work section of the Memorandum is completed, with the option to extend/renew for one (1) additional year with a new Scope of Work to be mutually agreed upon.

Work Schedule Requirements: Services shall be provided and completed as specified in the Scope of Work section of the Memorandum, subject to any modifications required due to the chosen granting authority's schedule for grant submissions and awards. Any such modifications shall be mutually agreed upon between the Village and the Contractor and documented in writing as an addendum to the Memorandum.

Total Cost: Fees Not to Exceed $2,500, plus reimbursement of reasonable expenses incurred. Contractor will be paid for its services at the rate of $100 per hour and will submit an invoice upon completion of the grant application.

Payment Terms: Invoice is payable withing 30 days of receipt, after which a 2% monthly interest charge will accrue.

ACCEPTED:

THE VILLAGE OF EMPIRE, MICHIGAN

By: _____
Title: _____
Date: _____

GovHR USA, LLC

By: _____
Title: _____
Date: _____

Village of Empire

Grant Writing Kick-off Meeting

Monday, July 6, 2020 10:00 am

The phone conference included: Ryan Cotton, Chris Nelson, Todd Avis

Items Discussed:

1. Introductions
2. Todd reviewed the terms of the assignment:
    a. Conduct a process to prioritize grant application opportunities
    b. Write and submit a grant application for chosen project
3. Stressed the importance of tying the grant application to the Master Plan, Recreation Plan, Transportation Plan, CIP, and Village Budget
4. Ryan outlined Focus Group process
    a. Will produce a Grants Inventory (taking all Village plans and providing possible funding sources for projects)
    b. Conducting a focus group session COUNCIL NEEDS TO HELP HERE DETERMINE HOW TO PROCEED
    c. Would include introductions, brainstorming, and report
    d. Timeframe: Mid-August by Zoom or in person
    e. Timeline of Scope of Work is contingent upon grant application dates and cycle.

Next steps:

1. Todd to report back to Council
2. Todd to review with Council on Focus Group selection and needs.
3. Todd to get to Ryan possible dates.

VC 7/9/20

To: Empire Village Council
From Maggie Bacon
Re: Work Sessions and Regular Meetings
(For July Work Session).

Sometime before 2011, the Village Council started having work sessions prior to the regular meetings scheduled for the 4th Tuesday of the month. Traditionally, November and December meetings are one regular session.

The attached MML document re: work sessions may offer a loftier purpose than what has been true for the Empire Village Council. However, some of the foundational principles can be applied to our work.

When I was elected in November of 2016, I was told work sessions are where the Council has the opportunity to discuss, debate, consider and refine issues or proposals before taking final action at a regular meeting. Work sessions, in my mind, have always been more relaxed in terms of meeting protocol. They have also been a time when the Council members can work toward consensus.

There has been some disagreement between council members regarding making motions and taking action at work sessions. As we have begun having meetings, this might be the time to re-establish the purpose of each meeting. Our meetings, in June, seemed to be the reverse of how we have we usually accomplished our work.[1] I feel certain this happened because of the Spring hiatus due to the Shelter-in-Place Executive Order.

This is not to say, no motions should ever be allowed at a work session. Sometimes, the Council needs to take official action. This is, also, not an indication that discussion, debate, refining and consideration of issues can't be done at a regular meeting.

I recommend the Council re-establish this process so that our residents and fellow Council members have well-defined expectations for each meeting.

I have one additional recommendation for the duration of remote Council meetings. The research on remote communications, such as Zoom, stresses a loss of productivity of participants after 2 hours. I know there is much work we think needs to be done, however, I recommend the agenda be modified for our meetings to allow us to complete our business by 9:00 pm.

---

[1] Example: at our work session, we hired a grant writer and approved the creation of a drainage district. At our regular meeting, a review of the septic point of sale inspections were suggested, Personnel Committee priorities and legal opinion re: Planning Commission size on the agenda.

mb 6/29/20

VCWS 7/9/20

FACT SHEET

michigan municipal league

Work Sessions–Use by Legislative Bodies

Introduction

Work sessions must be posted and fall under the definition of a meeting in the Open Meetings Act (1976 PA 276, MCL 15.261 et seq.). Also, they must be open to the public, except for those issues that by law are permitted to be addressed in closed session, and like all meetings defined under the OMA, minutes must be taken. Several common issues and questions are covered below, and addressed not as "legal" issues but rather as policy or decision-making issues.

When should work sessions be scheduled?

Work sessions can be scheduled at any time. If scheduled immediately prior to regular sessions, items on the agenda are also placed on the work session agenda. If there are any questions on issues, they can be addressed in the work session. If scheduled during the off week, work sessions mean more meetings, more staff preparation, and potentially greater public perception problems if work sessions are not well-attended or televised. If the public isn't aware of work sessions, it may appear that decisions have already been made by the time council acts in a regular meeting.

What purposes do they serve?

Work sessions can be vehicles for addressing major issues more effectively. They can also provide opportunities for members to focus on long-term decisions rather than the day-to-day management issues that confront the municipality. Presumably, they also make regular sessions more productive and shorter. Work sessions can also help members relate better to one another because of the greater informality of such sessions.

What kinds of items should be on the agenda of work sessions?

An alternative approach to duplicating regular meeting agendas is to reserve work sessions for "blue sky" issues or major projects only. Goal-setting, budget review, or major development proposals are examples. If every issue is on both the work and regular session agenda, it may become repetitive.

Must the public be allowed to participate?

Work sessions are intended to provide opportunities for councilmembers to study difficult issues, gather and analyze information, and clarify problems. However, whenever a governing body holds a meeting, it must be posted, there must be minutes taken, and people must have an opportunity to address the governing body under the Open Meetings Act (MCL 15.263). Those in attendance should be made aware of the purpose of the meeting—to study issues, not to take action.

How do you address the public perception problem?

Citizens often aren't aware of, or understand, the difference between work sessions and regular sessions. This can give rise to the perception that the decision process in the regular meeting is rigged beforehand. There are no easy answers to this problem. The best that can be done is to communicate, as much as possible, the process by which council makes decisions. Make it clear that council holds work sessions for difficult issues, that these sessions are open to the public, and that no decision is made except in a regular session.

Adapted from an article by Dr. Joe Ohren, ICARD/Eastern Michigan University

deputyclerk@villageofempire.com

From: John Friend <dpw@villageofempire.com>
Sent: Friday, June 26, 2020 1:46 PM
To: 'Maggie Bacon'; 'Derith Smith'; 'Linda Chase'; 'Beryl Skrocki'; 'Soni Aylsworth'; 'Todd Avis'; 'Tom Rademache'
Subject: RE: Village at M-22/Pond and EGLE permit

To All

Yes I had an pleasant conversation with robin pertaining to the "pond"
First off she wished to apologize sincerely for only including the township with a copy of the permit, we since have received a copy of it.
We discussed the original drawdown, at the time of permit application would have only been about 8 to 10 inches.
I have informed her the pond is possibly 12 inches higher than that now, she agreed it should be reevaluated .
Today TIM AND I took measurements off of permanent location on the pond to keep track of its increase/decrease as time goes on. The permit states that they CANNOT do it until well into the dry season which by my and robins account should be towards the end of august. They cannot proceed at any point without one weeks notice to robin (EGLE)
She stated the original permit stated they where the sole owners of the area (being the old railbed culvert) she has since found out that the property line between conservancy and m22 development goes right through the area in question. Have been rectified recently and conservancy has been informed and included with application (I believe. I know they are in the loop , unsure of how permitting works in that instance) .

Tim and I took the time today to inspect the downstream area , the beaver pond and first beaver dam is still pretty much intact as is the second one lower stream other side of m22 . this all will come into play to slow the water down, unlike what happened in 1987 when the dam was dynamited at 3 am and a 6 foot wall of water came crashing over lacore st into south barr.

Robin has agreed that we need to have an onsite meeting with those involved (need to keep to minimum ((covid19)))
So I am sure she will get with us withing the next month or so on that .

I can say that after talking with her on this , **I am not as concerned** about being able to manage the extra water going to south barr. Do to flow restrictions though railbed and also the natural flow restrictions as it goes its **natural course** downstream.
I have also verified with her (she was unsure) that there is a existing culvert under rail bed that over time has become plugged with sediment. Len and I made several trips out there over my 20 years. To inspect.

Ultimately in my opinion the long term benefit of draining that pond greatly outweighs the short term inconvenience of monitoring south barr which we already do any way....
By that I mean all that water in pond is flowing underground through the village keeping our water table higher as a result, to get to lowest point, being the lake. One great tool I use a lot is google earth please take the time to look at the area and use the time clock in the corner to see older aerial photos and you can see the ground water is continuing to rise all around that area , ie ponds in new neighborhood drainage diches in beaver creek

John

John Friend
Superintendant
Dept. of Public Works
Village Of Empire

VCWS 7/9/20

deputyclerk@villageofempire.com

From:	Bill Crain <crainengineeringllc@gmail.com>
Sent:	Monday, June 29, 2020 10:37 PM
To:	Schmidt, Robyn (EGLE); s.alysworth@villageofempire.com; t.rademacher@villageofempire.com; Maggie Bacon; John Friend; Grobbel Environmental; Derith Smith
Cc:	Tom Nelson; Roger Send; Liptak, Rick (MDOT); schristensen@co.leelanau.mi.us; Village of Empire Clerk (deputyclerk@villageofempire.com); Jake Makowski
Subject:	Re: M-22 Development LLC - WRP021377

Per the request of Robyn Schmidt(EGLE) an onsite meeting is being requested to discuss plans for removal of the existing culvert to aid in the water level concerns on the subject parcel on Land East of the Sunset Subdivision in the Village of Empire that has requested a EGlE permit to remove culvert and replace with open ditch.

The meeting to take place on July 8th, 2020 at 9:30am at the subject site.

Social distancing will be adhered to and masks will be encouraged.

We can meet at the intersection of Cresent Drive and Ottawa Avenue.

If you can not make this meeting please message me. I would assume meeting to last about 1 hour.

Thanks,

Bill Crain
Crain Engineering,LLC
7622 Bott Road
Buckley, MI 49620
Ph: 231-947-7255
Cell: 231-632-4207
crainengineeringllc@gmail.com

On Thu, Jun 25, 2020 at 3:03 PM Schmidt, Robyn (EGLE) <SCHMIDTR1@michigan.gov> wrote:

> Given the many aspects of this project and new concerns raised, EGLE is requesting an on-site meeting with all parties be scheduled. Bill- Would you be able to coordinate a meeting with all parties copied on this email? Thank you.
>
> Robyn Schmidt
>
> Water Resources Division-Cadillac District Office

VC WS 7/9/20

EGLE

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT

Issued To:

Roger Send, M22 Development, LLC
830 E Front Street
Traverse City, MI 49686

Permit No:	WRP021377 v.1
Submission No.:	HNV-YBAJ-YQDK6
Site Name:	45-041-719-001-00 W Empire Hwy-Empire
Issued:	March 11, 2020
Revised:	
Expires:	March 11, 2025

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- ☒ **Part 301, Inland Lakes and Streams**
- ☒ **Part 303, Wetlands Protection**
- ☐ **Part 315, Dam Safety**
- ☐ **Part 31, Water Resources Protection (Floodplain Regulatory Authority)**
- ☐ **Part 323, Shorelands Protection and Management**
- ☐ **Part 325, Great Lakes Submerged Lands**
- ☐ **Part 353, Sand Dunes Protection and Management**

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Remove existing fill from a 30-foot long by 12-foot wide area of railroad grade, then remove the existing culvert and create an open channel on Property Tax ID# 45-041-719-001-00 W Empire Highway, Empire, Michigan. All work shall be done according to the attached plans dated March 11, 2020.

Waterbody Affected:	wetland and unnamed stream
Property Location:	Leelanau County, Empire Township, Town/Range/Section 28N14W19 Property Tax No. 45-041-719-001-00

Authority granted by this permit is subject to the following limitations:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.

VCWS 7/9/20

C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit by sending an email to the EGLE staff person who issued the permit.
J. This permit shall not be assigned or transferred without the written approval of EGLE.
K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. All work shall be completed in accordance with the attached plans dated March 11, 2020.

2. Authority granted by this permit does not waive permit requirements under the Natural Resource and Environmental Protection Act, Part 91 - Soil Erosion and Sedimentation Control at 231-256-9783.

3. The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, or federal approval or authorizations necessary to conduct the activity.

4. Empire Township: Contact Tim Cypher, Zoning Administrator at 231-360-2557 for more information.

5. Notification shall be provided to the Department of Environment, Great Lakes and Energy (EGLE) at least one week prior to commencing the permitted activity. Contact Robyn Schmidt at 231-383-5952 or by e-mail at SCHMIDTR1@michigan.gov

6. No work shall be done in the stream or wetland during periods of above-normal flows or water levels except as necessary to prevent erosion.

7. Prior to the initiation of any permitted construction activities, a "fabric" erosion control fence (straw bales are not acceptable) shall be installed immediately adjacent to the wetland boundary along the entire length of the wetland area within the construction site. This erosion barrier shall be maintained in good working order throughout the duration of the project. Upon project completion, the accumulated materials shall be removed and disposed of at an upland site. The erosion barrier shall then be removed in its entirety and the area restored to its original configuration and cover.

8. During removal or repair of the existing structure, every precaution shall be taken to prevent debris from entering any watercourse or wetland. Any debris reaching the watercourse or wetland during the removal and/or reconstruction of the structure shall be immediately retrieved from the water or wetland. All material shall be disposed of in an acceptable manner consistent with local, state, and federal regulations.

9. If the project, or any portion of the project, is stopped and lies incomplete for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the incomplete work from erosion, including the placement of temporary gravel bag riprap, temporary seed and mulch, or other acceptable temporary protection.

10. This permit does not authorize the drainage of water that supports and maintains the existing wetland types associated with the stream

11. Upon completion of the project, the disturbed areas shall be revegetated and reseeded with species native to Michigan appropriate to the site to prevent erosion.

12. The use of mulch blankets with webbing (plastic, rope) is not authorized to be used as part of this project, in this location to prevent amphibian and reptile mortality.

13. Excess soil materials from the project shall not be deposited in wetlands or surface water without first securing a permit under the Natural Resource and Environmental Protection Act, 1994 PA 451, as amended, Part 303 - Wetlands Protection, or other applicable statute. All excess soil material shall be placed on upland site, mulched, and/or seeded to prevent erosion into waters or wetlands.

14. Construction pads, haul roads, temporary structures, or other structural appurtenances to be placed on or over bottomlands and /or wetlands are not authorized by this permit and shall not be constructed unless authorized by separate permit or permit revision granted in accordance with applicable law.

15. This permit shall be kept posted at the work site in a prominent location at all times for the duration of the project, or until its expiration, and authorizes representatives of the EGLE to enter upon said property in order to inspect project progress.

16. If permittee or any of their agents have questions pertaining to this permit or conditions, they shall contact the undersigned EGLE official for clarification.

17. This permit may be transferred to another person upon written approval of the EGLE. The permittee must submit a written request to the EGLE to transfer the permit to the new owner. The new owner must also submit a written request to accept transfer of the permit. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the EGLE. The EGLE will review the request and if approved, will provide written notification to the new owner.

18. This permit is being issued for the maximum time allowed under Part 301, Inland Lakes and Streams and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, including all permit extensions allowed under the administrative rules R 281.813 and R 281.923. Therefore, no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the EGLE, will be for a five-year period beginning at the date of issuance.

19. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

20. Your agent(s) or contractor(s), if specified in the application, will only be issued an electronic notice of permit. It is the permittee's responsibility to ensure that the agent(s) or contractor(s) have completely read and understand all permit restrictions and conditions; and that a paper copy of the permit and plans is kept available at the site for review by EGLE staff upon request.

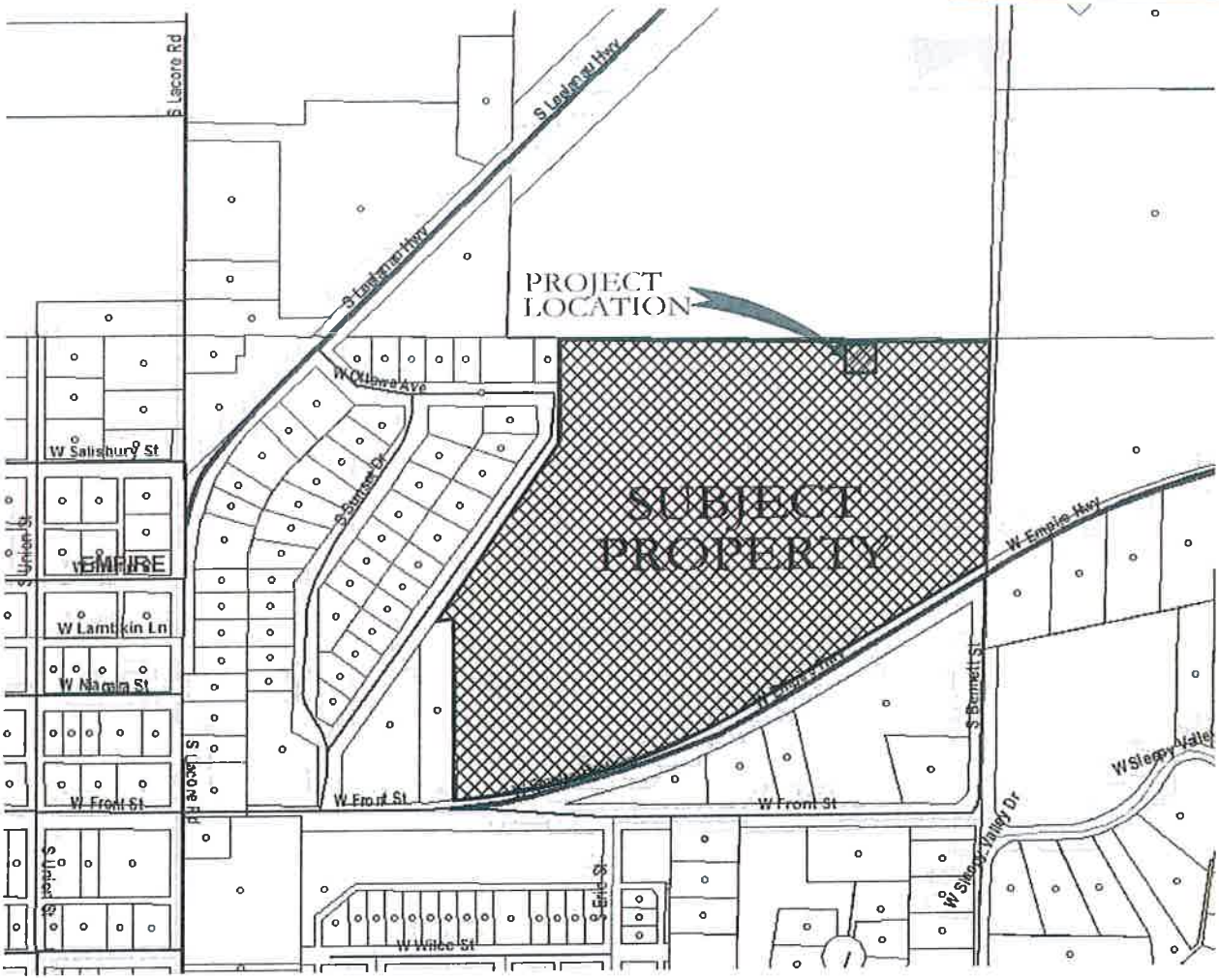
21. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity and/or mitigation plan from the EGLE. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the EGLE prior to being implemented.

Issued By: Robyn L. Schmidt

Robyn Schmidt
Cadillac District Office
Water Resources Division
231-383-5952

cc: Bill Crain, Crain Engineering, Inc.
Empire Township Clerk
Leelanau SESC

WRP021377
6 of 10
3-11-2020



OWNER/APPLICANT:
M22 DEVELOPMENT LLC
830 E FRONT STSTE 204
TRAVERSE CITY, MI 49686

PROPERTY ADDRESS:
W EMPIRE HWY
EMPIRE, MI 49630

PROPERTY NUMBER: 041-719-001-00

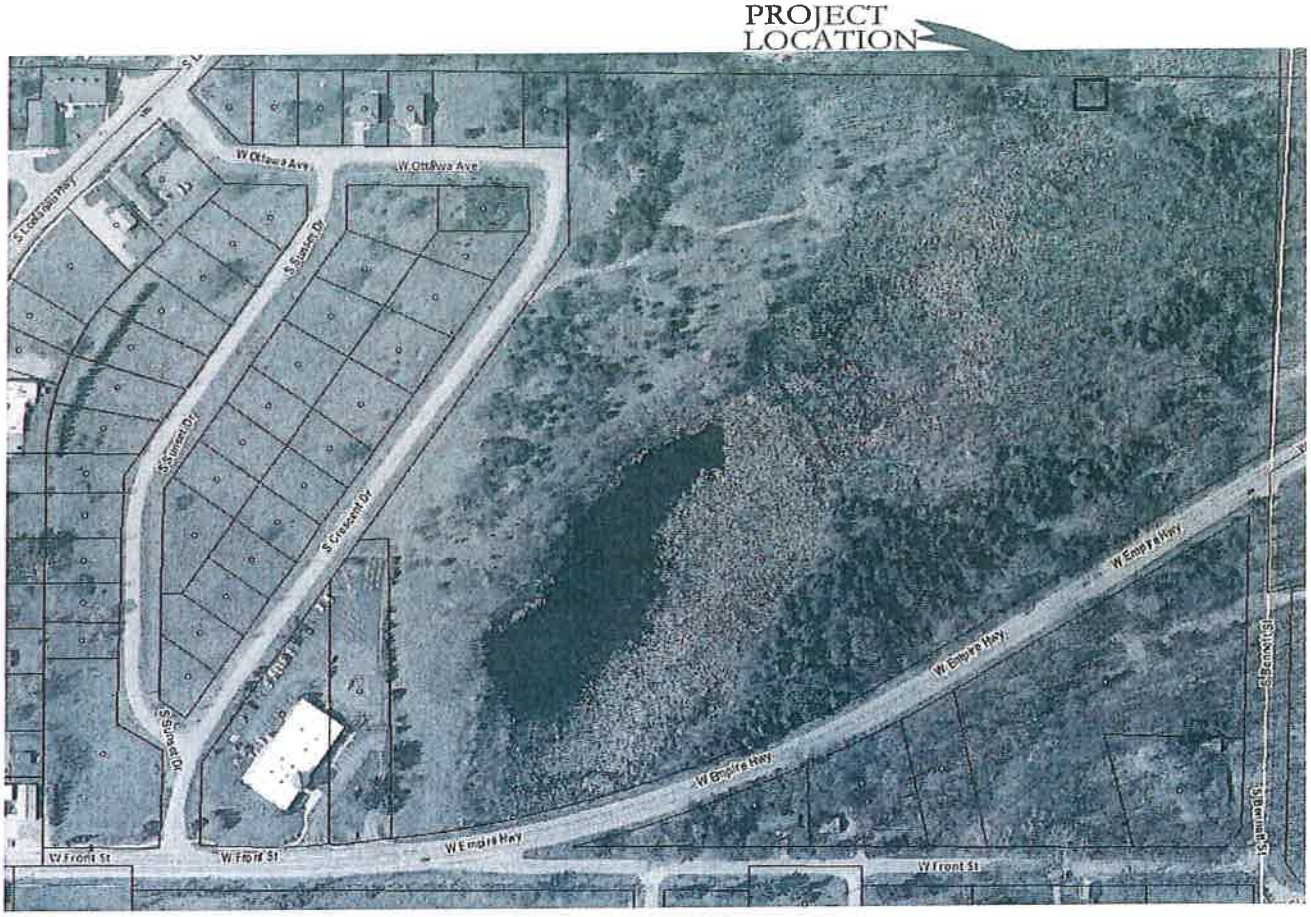
PROPERTY DESCRIPTION:
PT OF N 1/2 OF SW FRL 1/4 SEC 19 N OF C/L EMPIRE HWY (A/K/A HWY M-72) IN THE VILLAGE OF EMPIRE MORE FULLY DESCRIBED AS: BEG ON SD C/L 440.25 FT E OF SW COR OF N 1/2 OF SW FRL 1/4 SD SEC TH N 00 DEG 10' E 175 FT TH N 35 DEG 44' E 1050.30 FT TH N 00 DEG 22'30" E 286.35 FT TO E-W 1/4 LN TH E ON SD 1/4 LN TO NE COR SD SW FRL 1/4 TH S TO SD C/L TH SWLY ALG SD C/L TO POB EXC COM AT INTERSECTION OF EMPIRE HWY & CRESCENT DR OF SUNSET SUBD TH ELY ALG SD C/L OF EMPIRE HWY 250 FT TH N 00 DEG 40' E TO INTERSECTION OF CRESCENT DR TH SWLY ALG CRESCENT DR TO INTERSECTION SUNSET DR TH CONT SLY ALG CRESCENT DR TO POB ALSO EXC COM W 1/4 COR SD SEC TH S 02 DEG 34'50" W 1329.8 FT TH S 88 DEG 50' E 514.37 FT TH N 89 DEG 22'50" E 142.88 FT TH N 00 DEG 40' E 33.05 FT TO POB TH N 00 DEG 40' E 446.30 FT TH N 35 DEG 44' E 51.88 FT TH S 89 DEG 20' E 70.19 FT TH S 00 DEG 40' W 481.08 FT TH S 86 DEG 16'39" W 100.30 FT TO POB SEC 19 T28N R14W 28.95 A M/L

DATE: 12-13-2019
JOB # 143319
SHEET: 1 OF 7

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email:crainengineeringllc@gmail.com

M22 DEVELOPMENT LLC
CULVERT REMOVAL PLAN
SECTION 19 - TOWN 28 NORTH - RANGE 14 WEST
VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN

WRP021377
7 of 10
3-11-2020



LOCATION MAP

DATE: 12-13-2019
JOB # 143319
SHEET: 2 OF 7

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email:crainengineeringllc@gmail.com

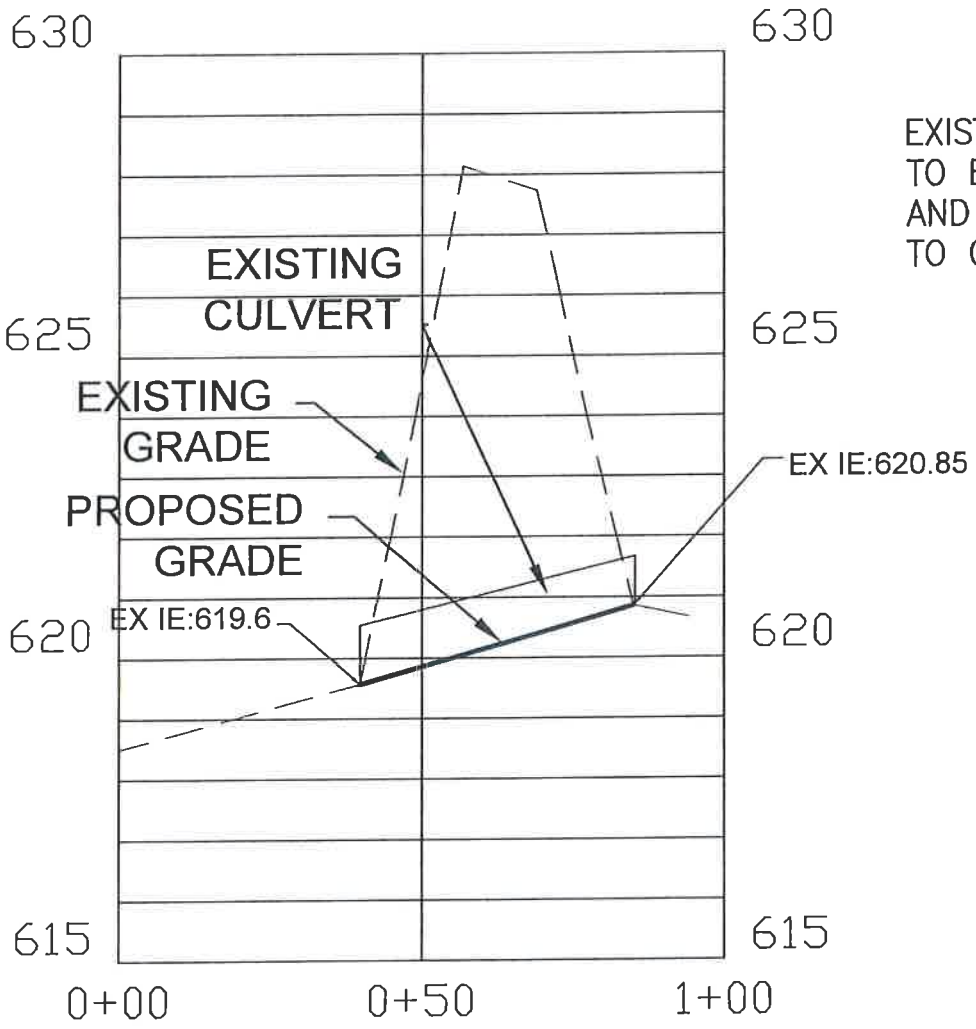
M22 DEVELOPMENT LLC
CULVERT REMOVAL PLAN
SECTION 19 - TOWN 28 NORTH - RANGE 14 WEST
VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN

WATER RESOURCES DIVISION

March 9 2020

CADILLAC DISTRICT

WRP021377
8 of 10
3-11-2020



EXISTING CULVERT TO BE REMOVED AND OPEN DITCH TO CREATE FLOW.

SECTION B-B1

REV2:3-9-2020
REV1:1-9-2020
DATE: 12-13-2019
JOB # 143319
SHEET: 3 OF 7

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email:crainengineeringllc@gmail.com

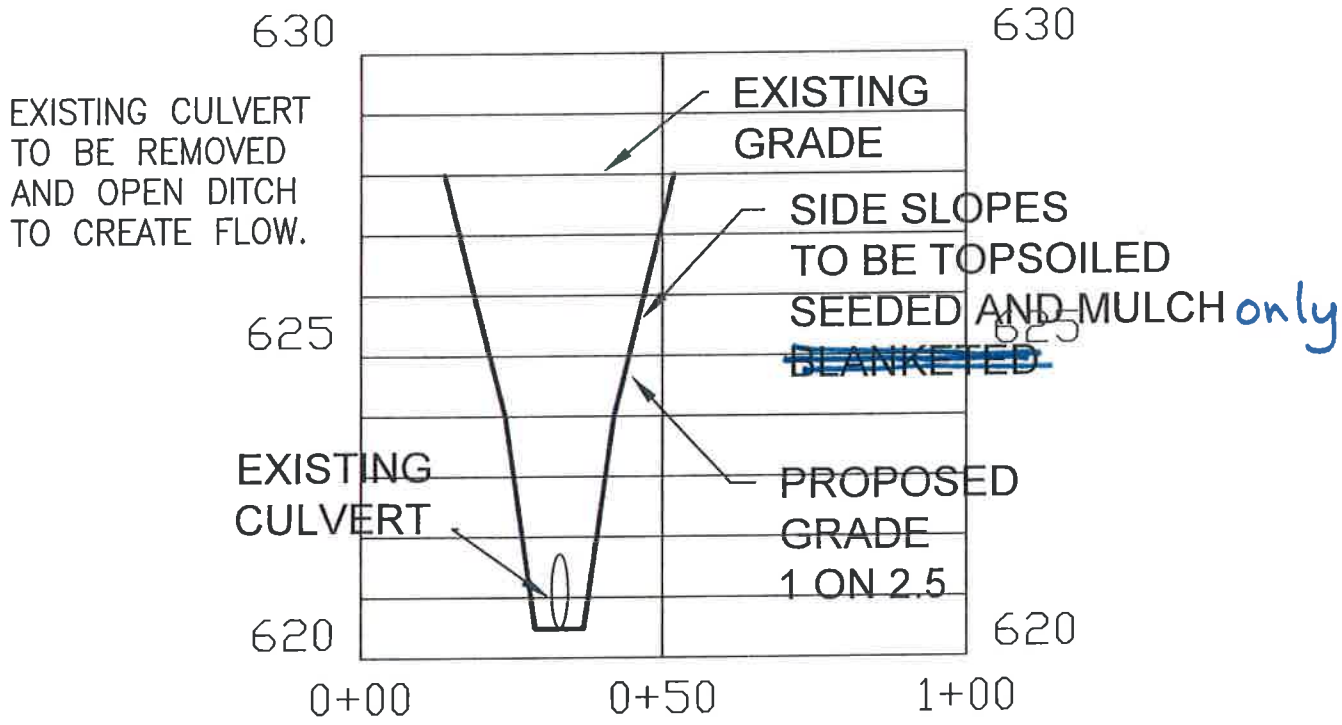
M22 DEVELOPMENT LLC
CULVERT REMOVAL PLAN
SECTION 19 - TOWN 28 NORTH - RANGE 14 WEST
VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN

WATER RESOURCES DIVISION

March 9 2020

CADILLAC DISTRICT

WRP021377
9 of 10
3-11-2020



SECTION A-A

REV2:3-9-2020
REV1:1-9-2020
DATE: 12-13-2019
JOB # 143319
SHEET: 4 OF 7

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email:crainengineeringllc@gmail.com

M22 DEVELOPMENT LLC
CULVERT REMOVAL PLAN
SECTION 19 - TOWN 28 NORTH - RANGE 14 WEST
VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN

WATER RESOURCES DIVISION

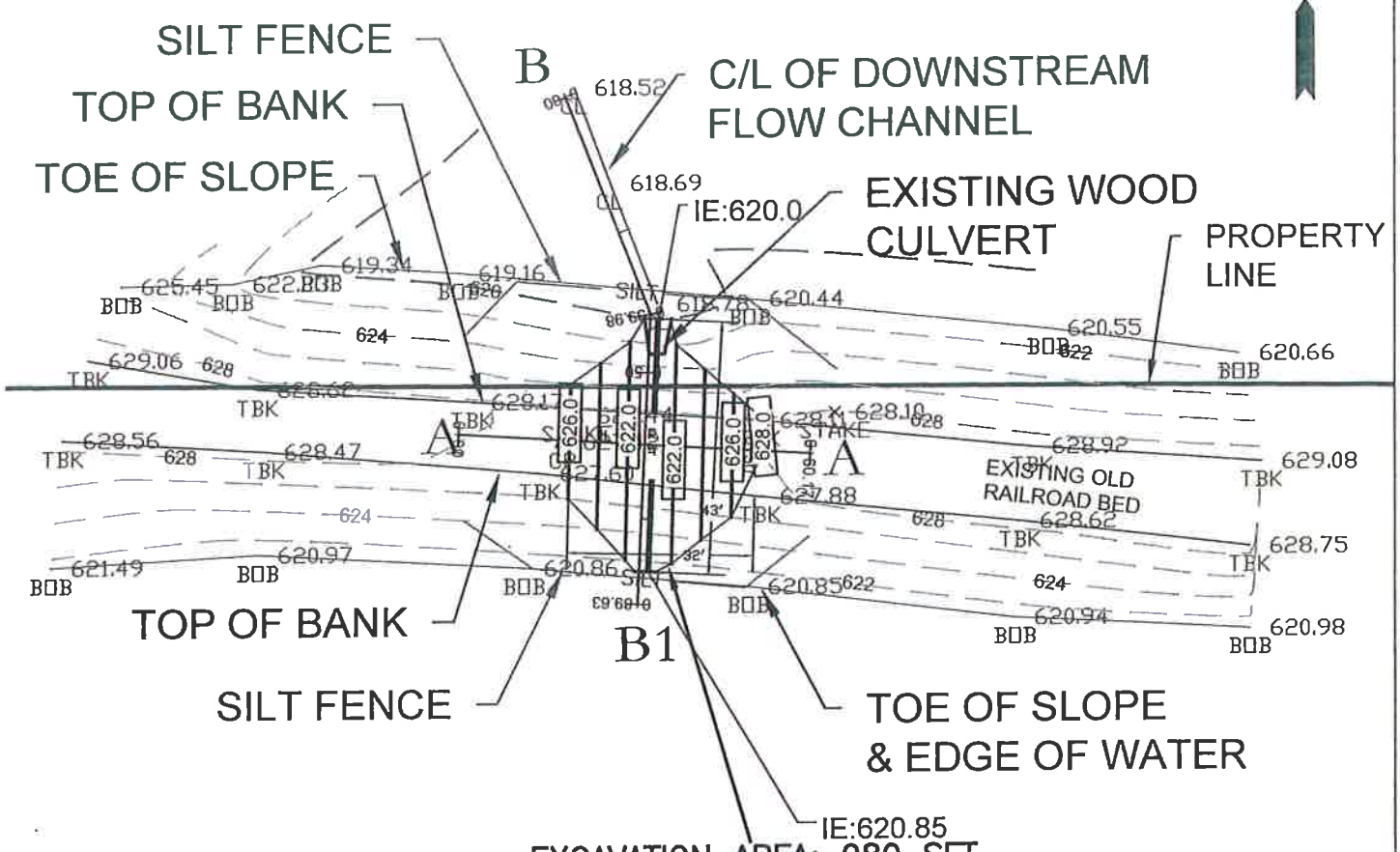
March 9 2020

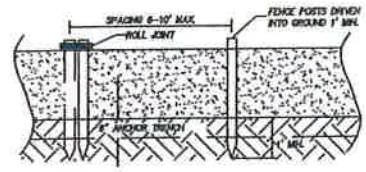
CADILLAC DISTRICT

0 30 60 90

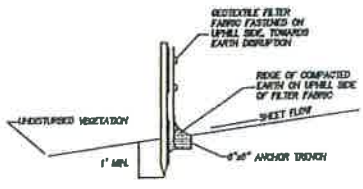
SCALE: 1" = 30 FEET

N





ROLL JOINTS



SILT FENCE

WRP021377
10 of 10
3-11-2020

REV2:3-9-2020
DATE: 12-13-2019
JOB # 143319
SHEET: 5 OF 7

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email:crainengineeringllc@gmail.com

M22 DEVELOPMENT LLC
CULVERT REMOVAL PLAN

SECTION 19 - TOWN 28 NORTH - RANGE 14 WEST
VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN

VILLAGE OF EMPIRE

ORDINANCE NO. 137

AN ORDINANCE REQUIRING SEPTIC INSPECTIONS AT TIME OF SALE

AN ORDINANCE TO REQUIRE AN INSPECTION OF SANITARY SEWAGE DISPOSAL SYSTEMS AT TIME OF SALE OF PROPERTY; TO PROMOTE THE HEALTH AND SAFETY OF THE RESIDENTS, VISITORS, AND OTHER COMMUNITY MEMBERS BY PREVENTING THE SPREAD OF DISEASES ASSOCIATED WITH FAILING ONSITE SEWAGE DISPOSAL SYSTEMS (OSDS) OR SEPTIC SYSTEMS; TO EDUCATE THE PUBLIC ABOUT PROPER SEPTIC SYSTEM OPERATION AND MAINTENANCE; AND TO PROTECT AND PROMOTE A QUALITY ENVIRONMENT IN THE MARSHES, WETLANDS, STREAMS AND BEACHES BY REDUCING CONTAMINATED RUNOFF FROM FAILED OR POORLY MAINTAINED SEPTIC SYSTEMS; AND TO ENSURE THAT OSDS ARE PROPERLY OPERATED, INSPECTED AND ROUTINELY MAINTAINED; AND TO PROVIDE FOR SANCTIONS FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Village of Empire desires to promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with failing onsite sewage disposal systems (OSDS); and

WHEREAS, the Village of Empire desires to protect and promote a quality environment in the marshes, wetlands, streams and beaches by reducing contaminated runoff from failed or poorly maintained septic systems; and

WHEREAS, the Village of Empire desires to ensure that OSDS are properly operated, inspected and routinely maintained; and

WHEREAS, such OSDS are under the jurisdiction of the Benzie-Leelanau District Health Department (DHD); and

WHEREAS, the Village of Empire wants to require an inspection of a sanitary sewage or septic system at the time a property is sold; and

NOW, THEREFORE,

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

"Failure" or "Failed System" includes the following:
- the backup of sewage into a structure;
- the discharge of effluent onto the ground surface;
- the connection of an OSDS to a storm drain;
- liquid level in the septic tank is above the top of the outlet pipe;

VC 6/23/20

- the structural defect of a septic tank which is likely to impair its proper operation; or
- the discharge of sewage from an OSDS into any body of water.

"On-site Sewage Disposal System" or "OSDS" means Sewage Disposal Facilities as that term is defined by the Health Department in its Environmental Health Regulations and as those regulations may be amended in the future; but shall not mean any community wastewater treatment system serving more than one parcel which is subject to regulation pursuant to Part 31 of Act 451 of the Public Acts of 1994, as amended, and the rules promulgated thereunder, being Part 22, Groundwater Quality, of the Michigan Administrative Code; nor systems issued a National Pollution Discharge Elimination System (NPDES) permit pursuant to the federal Clean Water Act.

OSDS" means an On-site Sewage Disposal System.

"Owner" means any Person who has legal or equitable title to any Premises.

"Person" means any individual, firm, partnership, party, corporation, company, society, association, or other legal entity.

"Premises" means any tract of land, or portion thereof, or combination of tracts of land under single or common ownership, operation or control, which contains (a) any type of structure that is, was, or will be occupied or inhabited either permanently or transiently, and (b) which is served by an OSDS.

Section 2. Required Compliance with DHD Requirements.
All sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or relocated upon any premises shall be in compliance with the requirements ~~of~~ established by the Benzie-Leelanau District Health Department (DHD) in effect at the time of such erection, alteration or relocation of such systems. The written approval of such facilities by DHD shall be filed with the application for a Land Use Permit.

Section 3. Inspection Required at Point of Sale.

An owner of a premises on which there is a habitable building or the owner of such building shall not sell, convey, assign or transfer ownership of, or exclusive rights in, said premises or said habitable building until the owner or the agent of the owner has:

A. Requested the DHD or a licensed NAWT certified sanitarian to evaluate any existing on-site sewage disposal system, or provided a written waiver of such evaluation as is provided for below.

B. Furnished the results of such evaluation in writing to any prospective purchaser or transferee of the premises or the building on the premises. The evaluation shall bear the signature of acknowledgement from both buyer and seller, or transferee, and a copy shall be filed with the Village.

C. If, as a result of the inspection, the septic system is found to be failing via the required inspection, the inspector, the owner of the premise or the building on the premises, shall provide those findings to the DHD and the purchaser or transferee of the premises or the building. The following requirements shall be met:

1.) A written contract providing for the on-site sewage system or septic system to be brought into conformance with the provisions of any regulations required by the DHD by a date acceptable to the DHD, but not less than one hundred and fifty (150) days from the date title to the premises or the building is transferred; and

2.) Any surety bond, performance bond or cash bond guaranteeing performance of such contract if required by the DHD, which bond shall be in such amount as determined by the DHD.

Section 4. Exemptions.

Notwithstanding the provisions of Section 2, above, in the event of a sale, conveyance, assignment or transfer ownership of, or exclusive rights in a premises or a habitable building on the premises, any OSDS on said premises is not subject to a required inspection at the time of point of sale in the following instances:

1.) The purchaser provides a notarized letter of intent to remove the structure and related OSDS entirely and bear full responsibility for meeting all code requirements in the future;

2.) The title is changing due to the addition of a spouse; or

3.) The system was constructed within the past three years in a manner fully conforming to code;

4) The system has passed an inspection by the DHD or a NAWT Certified Sanitarian within the previous 12 months.

Section 5. Duty of Owner regarding Documentation.

The owner of the premises or the owner of the building on the premise shall provide the DHD or the Village of Empire whatever information the DHD requires so that the DHD and the Village will be able to maintain a record of each septic system or OSDS installed, inspected, repaired and altered.

Section 6. Authorized Local officials.

The Village Zoning Administrator and the Village Code Enforcement Officer, if there is one, a member of the County Sheriff's department are hereby authorized to enforce this ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance.

Section 7. Repeal of Prior Ordinances.

Ordinance No.135 and any other ordinance of the Village of Empire which is in conflict with the provisions of this ordinance are hereby repealed.

Section 8. Effective Date.

This Ordinance shall take effect upon the later of 21 days after adoption or the date of its publication in the manner provided by law.

At a regular meeting of the Village Council of the Village of Empire held on December 16, 2019, adoption of the foregoing ordinance was moved by Maggie Bacon and supported by Dan Davis.

Voting for: Susan Carpenter, Mae Stier, Maggie Bacon, Dan Davis, Beryl Skrocki, Tom Rademacher, Soni Aylsworth.

Voting against: None

The Village President declared the ordinance adopted.

_____

Wayne R. Aylsworth
Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 137 which was enacted by the Village Council of the Village of Empire at a regular meeting held on December 16, 2019.

_____

Derith A. Smith
Village Clerk

Glen Arbor Township
P.O. Box 276
Glen Arbor, MI 49636

TOWNSHIP OF GLEN ARBOR

ORDINANCE NO. 2-2014

AN ORDINANCE REQUIRING WELL AND SEPTIC INSPECTIONS AT TIME OF SALE

AN ORDINANCE TO REQUIRE AN INSPECTION OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEMS AT TIME OF SALE OF PROPERTY; TO PROMOTE THE HEALTH AND SAFETY OF THE RESIDENTS, VISITORS, AND OTHER COMMUNITY MEMBERS BY PREVENTING THE SPREAD OF DISEASES ASSOCIATED WITH FAILING ONSITE SEWAGE DISPOSAL SYSTEMS (OSDS) OR SEPTIC SYSTEMS; TO EDUCATE THE PUBLIC ABOUT PROPER SEPTIC SYSTEM OPERATION AND MAINTENANCE; AND TO PROMOTE A QUALITY ENVIRONMENT IN THE MARSHES, WETLANDS, STREAMS AND BEACHES BY REDUCING CONTAMINATED RUNOFF FROM FAILED OR POORLY MAINTAINED SEPTIC SYSTEMS; AND TO ENSURE THAT OSDS ARE PROPERLY OPERATED, INSPECTED AND ROUTINELY MAINTAINED; AND TO PROVIDE FOR SANCTIONS FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Township of Glen Arbor desires to promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with contaminated onsite water supply and failing onsite sewage disposal systems (OSDS) or septic systems; and

WHEREAS, the Township of Glen Arbor desires to promote a quality environment in the marshes, wetlands, streams and beaches by reducing contaminated runoff from failed or poorly maintained septic systems; and

WHEREAS, the Township of Glen Arbor desires to ensure that onsite water supply systems and OSDS are properly operated, inspected and routinely maintained; and

WHEREAS, such water supply systems and OSDS are under the jurisdiction of the Benzie-Leelanau District Health Department (DHD); and

WHEREAS, the Township of Glen Arbor wants to require an inspection of a water supply and sanitary sewage or septic system at the time a property is sold; and

WHEREAS, the DHD makes such inspections and also has established conditions under which a waiver of such inspection is possible; and

WHEREAS, at present, a waiver of such inspection might be obtained from the DHD if: 1.) The purchaser provides a notarized letter of intent to remove the residence and related OSDS entirely and bear full responsibility for meeting all code requirements in the future; 2.) The title is changing due to the addition of a spouse; or 3.) The system was constructed within the past five years in a manner fully conforming to code;

NOW, THEREFORE,

THE TOWNSHIP OF GLEN ARBOR ORDAINS:

Section 1. New Construction.

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or relocated upon any premises shall be in compliance with the requirements of the Benzie-Leelanau District Health Department (DHD) in effect at the time of such erection, alteration or relocation. The written approval of such facilities by DHD shall be filed with the application for a Land Use Permit.

Section 2. Existing Well or Onsite Septic Systems.

VC 6/23/20

An owner of any premises, regardless of use or location, on which there is a habitable building or the owner of such building shall not sell, convey, assign or transfer ownership of, or exclusive rights in, said premises or said habitable building until the owner or the agent of the owner has done all of the following:

A. Requested the DHD to evaluate any existing on-site water well and any existing on-site sewage disposal system or to provide a written waiver of such evaluation. Such request shall be made of the DSD and the applicable fees established by the DSD paid for at least thirty (30) days before the anticipated closing date for the property sale or transfer.

B. Furnished the results of such evaluation by the DHD in writing to any prospective purchaser or transferee of the premises or the building on the premises.

C. If it is determined by the DHD that the water well and/or the onsite septic system is not in conformance with the standards established in Section 3, below, the owner of the premise or the building on the premises shall provide to the DHD and the purchaser or transferee of the premises or the building the following;

1.) A written contract providing for the noncompliant water well and/or on-site sewage system or septic system to be brought into conformance by a date acceptable to the DHD, but not more than one hundred and fifty (150) days from the date title to the premises or the building is transferred; and

2.) Any surety bond, performance bond or cash bond guaranteeing performance of such contract if required by the DHD, which bond shall be in such amount as determined by the DHD.

Section 3. Evaluation Standards.

It is not the intent of this ordinance to require that all water and sewage disposal systems be brought up to the same standards that would apply to a new system being installed, but rather to insure that such systems are working properly. In that regard, the evaluation shall consist of a determination that the sewage disposal system and the water well system are in substantial conformance with the standards of the Public Health Code and its regulations. The term "substantial conformance" shall mean that there shall not be more than a minimal likelihood of degradation of ground water or surface water by improper or malfunctioning sewage disposal systems or water supply systems. In making this determination, the following criteria may be considered:

A. The vertical isolation distance between the high ground water table and the point of sewage discharge;

B. The isolation distance from surface waters or wetlands, as defined by federal or state law or regulations;

C. The isolation distance between a water well and the sewage disposal system;

D. The on-site conditions of the property, including, but not limited to, soil types, ground water elevation, flow and direction; and

E. The operational condition of the existing water supply and/or sewage disposal system.

Section 4. Inspection Records.

The owner of the premises or the building on the premises shall provide the DHD whatever information the DHD requires so that the DHD will be able to maintain a record of each water supply and septic system or OSDS installed, inspected, repaired and altered.

Section 5. Exemption.

Except in those cases where the property owner is aware of a failing water supply or septic system which is in violation of the regulations of the DHD, any residential structures for which a new water supply or septic system is constructed after July 1, 2009, are exempt with respect to such newly constructed water supply or septic system from the point of sale inspection requirement imposed by this ordinance for a period of five (5) years from the date of completion of construction of said water supply or septic system

Section 6. Sanctions.

Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to the penalties and sanctions provided for in the Township of Glen Arbor's Municipal Civil Infraction Ordinance.

Section 7. Authorized Local Officials.

The Township Zoning Administrator or the Township Code Enforcement Officer, if there is one, and a member of the County Sheriff's department are hereby authorized to enforce this ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance.

Section 8. Severability.

Each provision of this Ordinance is declared to be separable and severable, and a judicial determination that any such provision is invalid or unenforceable, shall not affect the enforceability of any other article, section, subsection or provision hereof.

Section 9. Effective Date.

This Ordinance shall become effective upon publication in accordance with law.

At a regular meeting of the Board of Trustees of the Township of Glen Arbor held on June 17, 2014, adoption of the foregoing ordinance was moved by Gretzema and supported by Quick.

Voting for: Thompson, Kelly, Gretzema, Quick and Soderholm

Voting against: None

The Township Supervisor declared the ordinance adopted.

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2-2014 which was enacted by the Board of Trustees of the Township of Glen Arbor at a regular meeting held on June 17, 2014.

Bonnie Quick
Township Clerk

EMPIRE TOWNSHIP

ORDINANCE NO. 01-2019

AN ORDINANCE REQUIRING WELL AND SEPTIC INSPECTIONS AT TIME OF SALE OR TITLE TRANSFER

AN ORDINANCE TO REQUIRE AN INSPECTION OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEMS AT TIME OF SALE OR TITLE TRANSFER OF PROPERTY; TO PROMOTE THE HEALTH AND SAFETY OF THE RESIDENTS, VISITORS, AND OTHER COMMUNITY MEMBERS BY PREVENTING THE SPREAD OF DISEASES ASSOCIATED WITH FAILING ONSITE SEWAGE DISPOSAL SYSTEMS (OSDS) OR SEPTIC SYSTEMS; TO EDUCATE THE PUBLIC ABOUT PROPER SEPTIC SYSTEM OPERATION AND MAINTENANCE; AND TO PROMOTE A QUALITY ENVIRONMENT IN THE MARSHES, WETLANDS, STREAMS AND BEACHES BY REDUCING CONTAMINATED RUNOFF FROM FAILED OR POORLY MAINTAINED SEPTIC SYSTEMS; AND TO ENSURE THAT OSDS ARE PROPERLY OPERATED, INSPECTED AND ROUTINELY MAINTAINED; AND TO PROVIDE FOR SANCTIONS FOR VIOLATION OF THIS ORDINANCE.

STATEMENT OF INTENT

It is the goal of Empire Township:

1. To promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with contaminated onsite water supply and failing onsite sewage disposal systems (OSDS) or septic systems; and

2. To promote a quality environment in the marshes, wetlands, streams and beaches by reducing contaminated runoff from failed or poorly maintained septic systems; and

3. To ensure that onsite water supply systems and OSDS are properly operated, inspected and routinely maintained.

To accomplish this goal, Empire Township wants to require an inspection of a water supply and sanitary sewage or septic system at the time a property is sold or title to that property is transferred to another owner.

EMPIRE TOWNSHIP HEREBY ORDAINS:

Section 1. New Construction.

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered, or relocated upon any premises shall be in compliance with the requirements of the Benzie-Leelanau District Health Department (DHD) in effect at the time of such erection, alteration, or relocation. The written approval of such facilities by DHD shall be filed with the application for a Land Use Permit.

VC 6/23/20

Section 2. Existing Well or Onsite Septic Systems.

An owner of any premises, regardless of use or location, on which there is a habitable building, or the owner of such building, shall not sell, convey, assign or transfer ownership of, or exclusive rights in, said premises or said habitable building until the owner or the agent of the owner has done all of the following:

A. Requested the DHD to evaluate any existing on-site water well and any existing on-site sewage disposal system or to provide a written waiver of such evaluation. Such request shall be made of the DHD and the applicable fees established by the DHD paid for at least thirty (30) days before the anticipated closing date for the property sale or transfer.

B. Furnished the results of such evaluation by the DHD in writing to any prospective purchaser or transferee of the premises or the building on the premises.

C. If it is determined by the DHD that the water well and/or the onsite septic system is not in conformance with the standards established in Section 3, below, the owner of the premise or the building on the premises shall provide to the DHD and the purchaser or transferee of the premises or the building the following:

1.) A written contract providing for the noncompliant water well and/or on-site sewage system or septic system to be brought into conformance by a date acceptable to the DHD, but not more than one hundred and fifty (150) days from the date title to the premises or the building is transferred; and

2.) Any surety bond, performance bond, or cash bond guaranteeing performance of such contract, if required by the DHD, which bond shall be in such amount as determined by the DHD.

Section 3. Evaluation Standards.

It is not the intent of this ordinance to require that all water and sewage disposal systems be brought up to the same standards that would apply to a new system being installed, but rather to insure that such systems are working properly. In that regard, the evaluation shall consist of a determination that the sewage disposal system and the water well system are in substantial conformance with the standards of the Public Health Code and its regulations. The term "substantial conformance" shall mean that there shall not be more than a minimal likelihood of degradation of ground water or surface water by improper or malfunctioning sewage disposal systems or water supply systems. In making this determination, the following criteria may be considered:

A. The vertical isolation distance between the high ground water table and the point of sewage discharge;

B. The isolation distance from surface waters or wetlands, as defined by federal or state law or regulations;

C. The isolation distance between a water well and the sewage disposal system;

D. The on-site conditions of the property, including, but not limited to, soil types, ground water elevation, flow and direction; and

E. The operational condition of the existing water supply and/or sewage disposal system.

Section 4. Inspection Records.

The owner of the premises or the building on the premises shall provide the DHD whatever information the DHD requires so that the DHD will be able to maintain a record of each water supply and septic system or OSDS installed, inspected, repaired, and altered.

Section 5. Exemptions.

Nothing in this Ordinance or in Section 2, above, in the event of a sale, conveyance, assignment or transfer of ownership of, or exclusive rights in, a premises or a habitable dwelling on the premises, any OSDS or septic system on said premises is not subject to a required inspection at the time of sale or title transfer in the following instances:

1) The purchaser provides a notarized letter of intent to remove the structure and related OSDS entirely and bear full responsibility for meeting all code requirements in the future;

2) The title is changing due to the addition or deletion of a spouse; or

3) The title is changing but the existing ownership remains unchanged; such as a husband and wife transferring title to a trust in which they are the trustees; or such as a transfer of title to an LLC, partnership, or other legal entity in which the membership is a mirror image of the existing owners; or

4) The system was constructed within the past three (3) years in a manner fully conforming to code; or

5) The system has passed an inspection by the DHD within the previous 12 months; or

6) The system is a community system which is subject to regular, required inspections by the DHD.

Section 6. Sanctions.

Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to the penalties and sanctions provided for in the Empire Township Municipal Civil Infraction Ordinance.

Section 7. Authorized Local Officials.

The Township Zoning Administrator or the Township Code Enforcement Officer, if there is one, and a member of the County Sheriff's Department are hereby authorized to enforce this

ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance.

Section 8. Severability.

Each provision of this Ordinance is declared to be separable and severable, and a judicial determination that any such provision is invalid or unenforceable, shall not affect the enforceability of any other article, section, subsection or provision hereof.

Section 9. Effective Date.

This Ordinance shall become effective 30 days after publication in accordance with law.

At a regular meeting of the Board of Trustees of Empire Township held on August 13, 2019, adoption of the foregoing ordinance was moved by Deegan and supported by Deering.

Voting for: Deering, Neiswonger, Noonan, Price, and Deegan.

Voting against: None.

The Township Supervisor declared the ordinance adopted.

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 01-2019, which was enacted by the Board of Trustees of Empire Township at a regular meeting held on August 13, 2019.

_____

Christine M. Neiswonger
Empire Township Clerk