



VILLAGE OF SUTTONS BAY
REMOTE Access Village Council Meeting
420 N. Front Street, Suttons Bay, MI 49682
REGULAR MEETING
Tuesday January 18, 2022 5:30 p.m.
Agenda

Due to continuing concerns about COVID-19 transmission, there will also be a Zoom link (which can be found on our website at www.suttonsbayvillage.org) for remote attendance for those members of the public wishing to participate. Members of the public participating in person will be required to wear a mask.

1. Regular Meeting Called to Order
2. Roll Call
3. Consent Agenda
 - a. Approval of Minutes -December 20, 2021
 - b. Payment of Invoices
 - c. 2021 Planning Commission Report
4. Agenda Approval
5. Public Comment / Communication and Reports (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
 - a. Report VSB 2022-06 MDOT Annual Performance Resolution
 - b. Managers Contract
 - c. DDA Appointment(s)
8. Special Committee Reports/Staff Reports (Verbal)
9. Good of the Order (Council Member **Comments**)
10. Public Comment (please limit to no more than three (3) minutes)
11. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email suttonsbay@suttonsbayvillage.org as soon as possible.

Village of Suttons Bay is inviting you to a scheduled Zoom meeting.

Topic: Village Council Meeting

Time: **TUESDAY** Jan 18, 2022 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81040401229?pwd=ektLd0E3ZWJHQTBGYk9ObkV0dW43QT09>

Meeting ID: 810 4040 1229

Passcode: 447730

One tap mobile

+19294362866,,81040401229#,,,,*447730# US (New York)

+13017158592,,81040401229#,,,,*447730# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 810 4040 1229

Passcode: 447730

Find your local number: <https://us02web.zoom.us/u/kdDqIRmFuH>



VILLAGE OF SUTTONS BAY
VILLAGE COUNCIL REMOTE MEETING
MINUTES OF DECEMBER 20, 2021

The meeting was called to order at 5:30 p.m., by President Lutke.

Present: Bahle, Case, Christensen, Long, Lutke, Smith and Suppes
Staff present: DeVol, Fay, Larrea and Petroskey

Consent Agenda

Case moved, Smith seconded, CARRIED, to approve the Consent Agenda as presented, with an affirmative unanimous roll call vote. The Village Council meeting minutes of December 7, 2021, are approved. The payment of invoices is approved. Ayes: 7, No: 0.

Approval of Agenda

Lutke moved, Bahle seconded, CARRIED, to add Agenda Items 7 F. Manager bonus, 7 G. Manager Salary, and 7 H. 2021 Budget Amendment, with an affirmative unanimous roll call vote. Ayes: 7, No: 0.

Lutke moved, Suppes seconded, CARRIED, to approve the agenda as amended, with an affirmative unanimous roll call vote. Ayes: 7, No: 0.

Report VSB-2021-64 Amendment to South Gateway District

Suppes moved, Case seconded, CARRIED, that Amendment No. Z-2021-03 of Ordinance No. 5 of 2018 to amend the south gateway (SG) architectural standards as described in report VSB—2021-64 and being made a part of this motion, be approved, with an affirmative unanimous roll call vote. Ayes: 7, No: 0.

Report VSB-2021-65 Annual meeting dates

Smith moved, Christensen seconded, CARRIED, that the meeting schedule as attached to Report VSB-2021-65 and being made a part of this motion be adopted, with an affirmative unanimous roll call vote. 2022 Village Council regular meetings will be held on the 3rd Monday of the month, at 5:30 p.m., apart from January and February being held one day later due to Holidays. Ayes: 7, No: 0.

Village Council appointments

Case moved, Smith seconded, CARRIED, to appoint the following individuals to the relative Boards and Committees, with an affirmative unanimous roll call vote. Ayes: 7, No: 0.

- Village Council President Pro-Tem: Colleen Christensen
- General Service, Administrative and Utility Committees: Unchanged, same as 2021
- DDA: Erik Bahle for a term ending 2024
- ZBA: Karl Bahle as Village Council ex-officio
Frank Smith as Planning Commission ex-officio

- Planning Commission:
 - Jared Pontius for a term ending 2024
 - Frank Smith for a term ending 2024
 - Steve Feringa for a term ending 2022
 - Roger Suppes as Village Council ex-officio

Certificate of Appreciations

Bahle moved, Christensen seconded, CARRIED, to approve the Resolutions as presented for Judy Tucker and By the Bay Garden Club, with an affirmative unanimous roll call vote.
Ayes: 7, No: 0.

State of Emergency ends December 31, 2021

Larrea stated the State of Emergency ends on December 31, 2021, and at this time there is not an extension to continue remote meetings.

Village Manager Review

Bahle moved, Cases seconded, CARRIED, to approve a \$4,000 bonus for the Village Manager for the year 2021, with an affirmative unanimous roll call vote. Ayes: 7, No: 0.

Village Manager's Salary

Suppes moved, Case seconded, CARRIED, to approve an increase in the manager's salary to \$80,000 per year, with an affirmative unanimous roll call vote. Ayes: 7, No: 0.

2021 Budget Amendment

Long moved, Christensen seconded, CARRIED, to approve a 2021 budget amendment to accommodate for the \$4,000 Manager's bonus, with an affirmative unanimous roll call vote.
Ayes: 7, No: 0.

Lutke introduced the idea of a longevity performance bonus, approximately \$10,000 over three years, to be paid out in 2024, based on annual Managers review from years, 2022, 2023 and 2024. This would be an amendment to the Manager's contract (current contract expires 2023). A ceiling on the Manager's salary should be considered. The longevity performance bonus discussion will be placed on the Administrative/Personnel committee agenda for further consideration.

Good of the Order

Suppes thanked all Village employees for their hard work in 2021. He further read a couple of quotes applicable to winter. He wished everyone a Merry Christmas and Happy New Year.

Bahle inquired about in-person meeting protocol. Following discussion, it was the consensus of Council to hold in-person meetings with the following protocol:

- Masks are required
- Social distancing as much as the room allows
- Provide hand sanitizer at the door
- Signage re: Symptoms, etc.
- Hybrid approach. Continue to offer remote access to meetings via Zoom.

Long suggested seeking a grant to support video options for future meetings, pandemic or not.

Eric Carlson of the Enterprise stated that per a review by a Leelanau County attorney regarding in person/remote meetings, the public may attend and give comment remotely and are encouraged to do so. He further stated that Board members must appear in person in order to be counted toward a quorum and to vote, however if they appear remotely, they are only allowed to participate in discussions.

Christensen voiced appreciation for resources such as MML and independent consultant Frank Walsh. She believes these resources would be valuable when looking at all Village's employees' compensations and believes it is time to do so, with an emphasis on keeping employees. She further encouraged Council members to get involved in the community a step beyond the Council role.

Regarding the Managers bonus and salary and his leadership, Long made mention of the change on main street and the Marina, navigating through the pandemic, and bringing on DPW Director, Dave Miller. He is grateful for those who choose to serve in the community.

Debby Smith wished everyone Happy Holidays, and echoed Christensen in becoming more involved in other community activities.

Lutke wished everyone a Merry Christmas and a Happy New Year. He encouraged Council members to visit the DPW/WWTP, and any other Village properties. Lutke invited staff, Council members and their families, to a Holiday gathering at Hop Lot, on Monday, January 10th, between 5:00-5:30 p.m.

Public Comment

Eric Carlson stated Suttons Bay Township holds their meetings at the Suttons Bay/Bingham Fire Department in their meeting room to accommodate larger participation. He further stated that the Village Manager and staff have been pretty easy to work with.

Sandy Boone, Village taxpayer, thanked Council and employees and wished everyone a Merry Christmas and Happy New Year.

The meeting adjourned at 6:28 p.m.


Meeting minutes submitted by Shar Fay, Village Clerk.

Check Date	Check	Vendor Name	Description	Amount	Status
Bank GEN FIFTH THIRD CHECKING					
12/31/2021	18528 (E)	ADOBE	SOFTWARE UPDATE DEC 2021	15.89	Cleared
12/31/2021	18529 (E)	CHARTER COMMUNICATIONS	ACCT# 8245121220022588 146 S SHORE	137.96	Cleared
12/31/2021	18530 (E)	CHARTER COMMUNICATIONS	ACCT# 8245121220017471 326 FRONT	127.98	Cleared
12/31/2021	18531 (E)	CHARTER COMMUNICATIONS	ACCT# 8245121220019774 420 FRONT	142.97	Cleared
12/31/2021	18532 (E)	FIFTH THIRD BANK	BANK FEES DECEMBER 2021	183.65	Cleared
12/30/2021	45531	AT&T MOBILITY	ACCT#287304252469 DECEMBER 2021	503.34	Open
12/30/2021	45532	MICHIGAN CAT	2-SEAL O RING	8.52	Open
12/30/2021	45533	MR CLEAN	VILLAGE OFFICE CLEANING NOVEMBER	680.00	Open
12/30/2021	45534	DOROTHY PETROSKY	OFFICE SUPPLIES	37.76	Open
12/30/2021	45535	WELLS FARGO FINANCIAL LEASING	CONTR#6030214439000 DEC 2021	72.92	Open
12/31/2021	45536	BRAMER AUTO SUPPLY	WIPER BLADES-LOADER	167.45	Open
12/31/2021	45537	NORTHERN BUILDING SUPPLY, LLC	ACCT#VILL10 DECEMBER 2021	51.95	Open
12/31/2021	45538	LEBLANAU ENTERPRISE	CUST # 2074 DEC 2021 LEGALS	474.60	Open
12/31/2021	45539	BADGER METER INC	602 UNITS BEACON HOSTING DECEMBER 2021	36.12	Open
12/31/2021	45540	SHAR FAY	BAHLE RENTAL REFUND-FAY	100.00	Open
12/31/2021	45541	MICHIGAN CAT	SENSOR TEMP/SEAL	46.45	Open
12/31/2021	45542	STEFFE , TOM & BARB	UB refund for account: BAYC-000898-0025	34.74	Open
12/31/2021	45543	PURE WATER WORKS	5 GAL WATER/DEPOSIT	16.00	Open
12/31/2021	45544	LEBLANAU CITY ROAD COMMISSION	ULEADED/DIESEL THROUGH 12/31/2021	1,628.19	Open
12/31/2021	45545	SOS ANALYTICAL	DECEMBER TESTING	100.00	Open
12/31/2021	45546	VALLEY CITY LINEN	DECEMBER 2021 CHARGES	100.00	Open
12/31/2021	45547	XPRESS LUBE & TIRE SERVICE	2014 TIRES FOR SALT TRUCK	1,553.70	Open
12/30/2021	45548	PHOEBE L DEVOL	REFUND: OYER WH DEF-LO, 3 @ 56.90 -.02	170.68	Open
12/30/2021	45549	SARA KOPRIVA	PLANNING SERVICES DEC 2021	191.25	Open
01/12/2022	45550	BRAMER AUTO SUPPLY	ACCT# 8571 VEHICLE MAINTENANCE	281.59	Open
01/12/2022	45551	CONSUMERS ENERGY	JAN 2022 MULTIPLE ACCT	3,920.72	Open
01/12/2022	45552	CENTURYLINK	ACCT# 300439566 JAN 2022	655.51	Open
01/12/2022	45553	CENTURYLINK	ACCT# 405593377 JAN 2021	224.86	Open
01/12/2022	45554	GRAINGER	ACCT#871012852 EMERG EXIT LIGHT-BAHLES	68.24	Open
01/12/2022	45555	DC COLLECTIVE GROCER	OFFICE SUPPLIES	18.77	Open
01/12/2022	45556	ART'S AUTO AND TRUCK PARTS INC	MOTOR POOL MAINTENANCE	514.23	Open
01/12/2022	45557	DTE ENERGY	ACCT#910022687677 DEC 2021	916.71	Open
01/12/2022	45558	BLADES GROUP	62 BAGS ROCK ASPHALT-50 LB BAG	1,116.00	Open
01/12/2022	45559	STATE OF MICHIGAN	DAVID MILLER-WATEWATER LICENSE RENEWAL	95.00	Open
01/12/2022	45560	GRAND TRAVERSE ENGINEERING	S SHORE DRAINAGE PROJECT	1,080.00	Open
01/12/2022	45561	HURST MECHANICAL	SERV CALL JOB # 23601502	1,988.15	Open
01/12/2022	45562	INTEGRITY SOFTWARE SYSTEMS	SPECTRUM EMAIL ISSUES-DEC 2021	150.00	Open
01/12/2022	45563	MICHIGAN CAT	ACCT# 12464 VACTOR 0-RING	54.97	Open
01/12/2022	45564	OLSON, BZDOK & HOWARD, P.C.	DEC 2021 SERVICES	99.00	Open
01/12/2022	45565	JACOBS ENGINEERING GROUP, INC	CUST#120525 JAN 2022 SERVICES	15,375.81	Open
01/12/2022	45566	PRIORITY HEALTH	GROUP 784340 S001, JANUARY 2022 PREMIUM	7,999.86	Open
01/12/2022	45567	LEBLANAU CITY ROAD COMMISSION	63.63 YDS WINTER MIX @ 25.54 PER YD	1,625.11	Open
01/12/2022	45568	STIVER SWEEP	BAHLE HUT-CHIMNEY CLEAN AND INSPECTION	225.00	Open
01/12/2022	45569	SOS ANALYTICAL	BACTI/COLIFORM MONTHLY TEST DECEMBER 20	100.00	Open
01/12/2022	45570	SONDEE, RACINE & DOREN	SERVICE THROUGH DECEMBER 2021	702.00	Open
01/12/2022	45571	TIME WARNER CABLE	WWTP INTERNET SERVICE JAN 2022	112.97	Open
01/12/2022	45572	VALLEY CITY LINEN	ACCT# 10467 DECEMBER 2021	100.00	Open
01/12/2022	45573	WINDEMULLER	WO# 129013 NORTH PARK ELECTRICAL	2,524.99	Open

GEN TOTALS:

Total of 48 Disbursements:

46,531.61

		VILLAGE OF SUTTONS BAY REPORT VSB -2022-02	
Prepared:	January 2, 2021	Pages:	1 of 2
Meeting:	January 12, 2022 & January 18, 2022	Attachments:	<input type="checkbox"/>
Subject:	PC Annual Report		

Introduction

This 2021 annual Planning Report was prepared pursuant to the requirements of Section 19(2) of the Michigan Planning Enabling Act, which states:

"A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

This report is intended to serve as the Planning Commission’s report to the Village Council, as required above, and will also outline the activities of Staff in the 2021 year.

Administration

Staff was responsible for generating 62 reports in 2021, to the Village Council, Village Planning Commission, DDA, and Parks and Recreation Committee. This number has been consistent of the past two years. Routine tasks also include site visits, dialogue with the development community, reviewing and amending the 2018 Village Zoning Ordinance & Zoning Map, continuing work on the new Parks & Recreation plan, and applying for and administering grants.

Planning Consultant

A Planning Consultant was hired this year to held guide the planning commission. Sara Kopriva, AICP, has worked in local government as a planner and/or zoning administrator for over 15 years. She also used to chair her local planning commission. She is the main staff to the planning commission working on zoning amendment, special use permits, and site plans.

Zoning Administration

Leslie Couturier issued 24 Land Use Permits, participated in the zoning ordinance review and discussions, and continues to enforce the adopted ordinance.

Planning Commission

The Planning Commission meets the second Wednesday of each month and is responsible for reviewing development applications, preparing plans, and advising the Village Council on development matters and zoning amendments. This schedule will continue throughout 2022.

Village Zoning Ordinance

The Village Zoning Ordinance was adopted in 2018; however, the format has proven to be less than user friendly. **Much of 2022 will be spent on reviewing zoning amendments.**

S:\Users\Administration\Reports\2022\Report VSB-2022-02 PC Annual Report.docx

PLANNING COMMISSION & VILLAGE COUNCIL

- A Map amendment to the Bayview PUD area was adopted in February, 2021. Three parcels were erroneously assigned to the PUD and the planning commission corrected this action and they are now New Village Residential.
- An Amendment was made to Article 2-21 Walls and Fences that eliminated the 1-foot setback for fence placement.
- The planning commission, after an extensive walking tour, held a public hearing on an amendment to the South Gateway District Design Standards.
- Discussion began regarding off premise tasting rooms. It was determined that due to requests from interested wineries/distilleries language would be drafted and discussed in January.

Parks & Recreation Plan

Work continued on the Parks and Recreation plan. Mapping was contracted out to Leelanau County Equalization Department. Covid-19 continues to stall work at the Federal level. The 2020 Census numbers remain unavailable. The hope is to have them soon.

Master Plan: The Planning Commission completed review of the Community Survey which results will be used to gather information for the Master Plan.

Zoning Board of Appeals:

No meetings were held in 2021.

Conclusion

2022 should prove to be a very busy and exciting year as we anticipate continued work on the Zoning Ordinance, holding public hearings on the Parks and Rec plan and beginning the process for drafting a new Master Plan.

Discussion will continue on Attainable housing as we work through the Master Plan.


Public Hearings for amendments introduced at the December 2021 PC meeting:

- On-site/Off-site tasting room language,

Future amendments to be introduced include looking at Accessory Dwelling Units, Multi-Family Development, and routine housekeeping.

Planning Commission Recommendation – January 12, 2022

The Planning Commission accepted and forwarded the 2021 Annual Report to the Village Council for acceptance at their January 18, 2022 meeting:

		VILLAGE OF SUTTONS BAY REPORT VSB -2022-06	
Prepared:	January 11, 2022	Pages:	1 of 1
Meeting:	January 18, 2022	Attachments:	<input checked="" type="checkbox"/>
Subject:	Annual M-DOT Resolution		

PURPOSE

To request the adoption of the 2022 MDOT Resolution.

STAFF COMMENT

MDOT has requested adoption of the attached resolution, which states:

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

As a part of the resolution, we are required to designate up to four individuals authorized to apply for permits. I will maintain my authorization as Village Manager, however, Shar has historically been the point person for obtaining these permits and therefore, designated as the primary person for 2022. Dorothy will secure the role in Shar's absence, if needed.

ACTION REQUESTED

MOTION THAT; THE 2022 PERFORMANCE RESOLUTION PROVIDED BY MDOT AND ATTACHED TO REPORT VSB-2022-06 BE ADOPTED.

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY. Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____

(Name of Board, etc.)

of the _____ of _____

(Name of MUNICIPALITY)

(County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

Signed

Title

Print Signed Name